

## City of Burlingame

*Mitigated Negative Declaration, Design Review, Lot Merger, Condominium Permit and Conditional Use Permit for a Proposed 10-Unit Condominium Building*

**Address:** 1491-1493 Oak Grove Avenue

**Meeting Date:** August 22, 2016

**Request:** Design Review for an application for Environmental Review, Lot Merger, Condominium Permit, Design Review and Conditional Use Permit for building height for a new five-story, 10-unit residential condominium with below-grade parking.

**Applicant:** Mark Haesloop, CHS Development Group

**APN:** 029-132-180 and -190

**Property Owner:** Chi-Hsin Shao, Sheil Patel, Chi Hwa Shao c/o CHSDG **Lot Area:** 8,771 SF (combined lots)

**General Plan:** Medium-High Density Residential

**Zoning:** R-3

Burlingame Downtown Specific Plan (R-3 Base District)

**CEQA Status:** The proposed project is covered by Mitigated Negative Declaration 592-P, attached.

**Current Use:** 1491 Oak Grove Avenue: Single family dwelling

1493 Oak Grove Avenue: Single family dwelling

**Proposed Use:** 10-unit condominium building

**Allowable Use:** Multifamily, duplex, and single family residential

**Adjacent Development:** Multifamily, Single Family Residential and Elementary School

**June 22, 2015 Environmental Scoping and Design Review Meeting:** This project first appeared before the Planning Commission on June 22, 2015 for environmental scoping and design review study. The Planning Commission had several comments and concerns regarding this project (see attached June 22, 2015 Planning Commission Minutes). In summary, the concerns and comments included:

- Parking;
- Impact on schools;
- Architectural style and scale; appears boxy and massive;
- Neighborhood consistency;
- Overall building height;
- Add life and pedestrian activity to the first floor of the project;
- Provide rendering; and
- Encourage the applicant to conduct community meetings to learn of the neighborhood's concerns.

The applicant submitted a response letter, revised plans and renderings date stamped March 4, 2016, to respond to the Planning Commission's comments. The most significant change to the plans included the reduction in the the number of overall units from 11 to 10, reduction to the size of the top (5<sup>th</sup>) floor, and installation of a wall trellis along the right side elevation.

**March 28, 2016 Design Review Study Meeting (#2):** The applicant revised their plans in response to the comments received at the Environmental Scoping and Design Review Study meeting on June 22, 2015 and returned to the Planning Commission on March 28, 2016 for a second Design Review Study meeting. A summary of the Planning Commission comments from the second design review study meeting is provided below:

- Smaller building would be a better fit with the character of the neighborhood;
- Building has a more industrial feel, especially stairwell element;
- Cannot support the building height;
- As a concept, no problem with the height, but given this location height could be a bit much for area;
- Makes more sense to have standard sized stalls;
- This neighborhood as a whole has a parking issue; cannot be solved by an individual project;
- Design is boxy and massive; should be brought down in scale; could support 4-story building;
- Stepping back of the fifth floor helps to reduce the scale.

The applicant submitted a response letter, dated August 8, 2016, and plans and renderings date stamped July 8, 2016, to respond to the Planning Commission's comments. The most recent round of changes includes:

- Removing transparent metal lattice covering over front stairwell (tower) and replacing it with solid wood composite material;
- Stairwell cladding now terminates at 4th floor to help diminish apparent height from the street;
- Stone veneer center element has been brought to the ground (previous version was from 2<sup>nd</sup> - 4<sup>th</sup> floors - now 1<sup>st</sup> - 3<sup>rd</sup> floors);
- Stone veneer around windows changed to reduce tall mid-story appearance of window placement from previous versions;
- Windows are recessed behind stone with metal sun shades;
- Stucco on 4<sup>th</sup> floor changed to dark stucco to reduce apparent height;
- Metal trellis added to 4<sup>th</sup> floor to help reduce scale; and
- Front decks on west side are clad in horizontal composite wood material to match stair tower.

Since the last scoping and design review study meeting in June 2015, the applicant held two community outreach meetings. The first meeting was held on December 8, 2015 at the neighboring condominium building at 1499 Oak Grove Avenue and the second meeting was held at the Burlingame Recreation Center on February 22, 2016.

**Project Summary:** The applicant is proposing to demolish two existing single family dwellings, located side by side on two separate lots at 1491 and 1493 Oak Grove Avenue, then merge the two parcels into one single parcel and construct a new, five-story, 10-unit residential condominium building.

The proposed condominium building will have 10 units and will be 5-stories, with a below-grade parking garage, a lobby community room and at-grade parking on ground level, and four stories of condominium units above. The overall proposed height is 54'-11". There will be five at-grade parking spaces located behind the lobby, with a dedicated driveway entrance to these spaces located along the left side of the property. There will be 12 parking spaces provided in a below-grade garage that will be accessed from a separate driveway, along the right side property line.

The project includes six 2-bedroom units, three 1-bedroom units, and one 3-bedroom unit, for a total of 10 condominium units. The average unit size proposed is 1,055 SF (1,250 SF average maximum unit size permitted). Condominium projects are required to provide 100 SF of common open space per unit and a minimum of 75 SF of private open space per unit. The proposed project meets these requirements with approximately 1,620 SF of common open space in the rear yard and a minimum of 75 SF of private open space per unit with private balconies.

Planning staff identified that the following applications will be required for this project:

- Design Review for construction of a new five-story, 10-unit condominium building with below-grade parking (C.S. 25.28.045 and Chapter 5 of the Downtown Specific Plan);
- Lot Merger (Tentative and Final Parcel Map) to combine 1491 Oak Grove Avenue (APN 029-100-040) and 1493 Oak Grove Avenue (APN 029-100-050) into one 8,771 SF parcel;
- Conditional Use Permit for building height (54'-11" proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height; 55'-0" is the maximum allowed) (C.S. 25.28.060); and
- Condominium Permit (Tentative Condominium Map) required for construction of new condominium building (C.S. 26.30.020).

**Design Review:** The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.3 (pages 5-17 through 5-21) provides design guidelines specifically for residential areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas. Materials proposed for the exterior of the building include stucco, stone veneer, composite wood slats, metal panels and metal trellises. The overall height of the building is proposed at 54'-11" above average top of curb level where 55'-0" is the maximum allowed (with approval of a Conditional Use Permit). On sheet A3.3, two visual simulations are provided with the existing trees in place and with the trees removed (to allow a clearer view of the proposed building).

**General Plan and Zoning:** The Burlingame General Plan designates the subject properties as Medium-High Density residential with 21-50 dwelling units per acre. The proposal of 10 units is 49.6 units per acre and is consistent with the General Plan land use designation. In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. The subject property is located within the boundaries of the R-3 Base District planning area for the Downtown Specific Plan. The R-3 Base designation includes the area on the north side of Downtown, in the area is bounded by Oak Grove Avenue to its north; the railroad tracks to its east; El Camino Real to its west and portions of land to the south of Floribunda Avenue. This area is designated for medium-high density residential (R-3) uses. The zoning is also R-3.

As part of the Downtown Specific Plan preparation, the City of Burlingame engaged Carey & Co. to complete an inventory of historic resources for the Downtown Specific Plan Area. The purpose of this inventory was to identify properties that would qualify as historic resources for the City of Burlingame and appeared eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). While both of the existing single-family dwellings were constructed in 1925 and are over 50 years in age, Carey & Co. determined that neither of the existing structures was eligible for the California or National Register.

**Off-Street Parking/Traffic:** The code requires 14 parking spaces for the residents of the units;

- 1 space for each one-bedroom unit;
- 1.5 spaces for each two-bedroom unit; and
- 2 spaces for each three-bedroom unit.

In addition, the code requires an area for on-site deliveries, for a total of 15 parking spaces. There is no guest parking required on-site for properties located within the Downtown Specific Plan area. Combined the at-grade and below-grade garages provide a total of 17 parking spaces; this includes 4 resident and 1 service vehicle parking space in the at-grade garage, and 12 resident spaces the below grade garage. These garages are not connected and access to the below-grade garage would be from the driveway located on the west (or right) side of the property and the at-grade spaces would be access by way of a driveway at the east (or left) side of the property. No on-site guest parking is required for properties located within the Downtown Specific Plan area.

The zoning code requires multi-family garage spaces to be 9'-0" wide by 20'-0" in length, or 8'-6" wide by 17'-0" for compact spaces. The applicant is proposing to provide a total of 17 on-site parking spaces, 16 spaces for the condominium units and 1 service vehicle space. In this project all of the on-site parking proposed would be universal sized parking spaces, which are 8'-6" wide x 18'-0" long. While the Burlingame Municipal Code does not include standards for universal sized parking stalls in the base residential districts, it allows 8'-6" x 18' spaces in commercial districts as well as in residential projects within the North Burlingame/Rollins Road Specific Plan area. Furthermore, as a policy the Downtown Specific Plan encourages "creative approaches" to providing on-site parking, as noted in the Plan excerpts below.

- Policy P-2.1 - Explore creative parking solutions including parking pricing strategies.

- Section 3.6: "...the Specific Plan establishes policies that recognize the unique nature of parking in a compact, transit-accessible downtown such as reduced parking ratios for residential uses, as well as creative ways of providing on-site parking such as tandem parking, parking lifts, and shared parking."

The applicant is proposing parking spaces that would measure 8'-6" x 18'-0", which are referred to as "universal spaces". This dimension is consistent with the dimensions allowed for commercial projects and for residential projects in the North Burlingame/Rollins Road Specific Plan area. While these spaces are slightly smaller than the code standard of 9' x 20', they are larger than a "compact" space 8' x 17'. As these spaces are consistent with the Downtown Specific Plan policies referenced above and have precedent in other projects within the City, the applicant may utilize this dimension without requesting a variance or exception.

The proposed project results in a net gain of eight residential units on the site. Based on *the Institute of Traffic Engineer's (ITE) Trip Generation 9th Edition*, the daily trip generation rate is 7.83 trips/unit; with eight condominium units resulting in 62 daily vehicle trips. Of these trips there would be only six peak hour trips during the morning and afternoon peak hour, respectively.

The Congestion Management Program (CMP) for San Mateo County (managed by C/CAG) requires a traffic impact analysis when a project would result in 100 or more peak hour trips. The project, would generate approximately six a.m. and six p.m. peak hour trips, therefore does not require a detailed traffic impact analysis to show conformity to the CMP. The CEQA document determined that the proposed project would not generate a substantial amount of new vehicle trips that would exceed the capacity of the street system serving the site, nor would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

**Conditional Use Permit Request for Height:** The R-3 District regulations state that no building shall exceed a height of 4-stories or 55-feet. A conditional use permit is required for any building that exceeds thirty-five (35) feet in height. The proposed height, measured to the top of the parapet, will be 54'-11" (from average top of curb). In order to grant approval of a Conditional Use Permit the following findings must be made by the Planning Commission:

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

**Common and Private Open Space:** There is a total of 1,620 SF (162 SF/unit) of common open space proposed for the condominium project proposed in the rear yard where 1,000 SF (100 SF/unit) is required. Of the required common open space, a minimum of 50% must be soft landscaping (500 SF); approximately 1,000 SF of the provided common open space in the rear is proposed to be softscape and therefore is in compliance. The code requires 75 SF of private open space with the ground floor units having a minimum dimension of 10'-0" and the above ground floor units having a minimum dimension of 3'-6" for the open space. The private open space requirement is met with private open spaces ranging between 82 SF to 175 SF per unit provided in the form of balconies. The applicant is proposing 51.5% (645 SF) landscaping in the front yard where 50% (626 SF) is the minimum required. The project meets all other zoning code and condominium permit requirements.

**Landscaping:** There are a number of trees currently growing on the subject properties, including acacia, birch and willow trees. Most of the existing trees have not been maintained and are in poor condition. There is a 30-inch diameter Red Oak tree located in the planter strip in front of 1493 Oak Grove. This tree will remain and

specific tree protection measures are recommended in the March 31, 2015 tree survey/report prepared by Kiely Arborist Services, LLC. The tree protection plan is incorporated into the mitigation measures in the Mitigated Negative Declaration. All of the mitigation measures are also included as conditions of approval. In addition, the tree protection plan applies to two off-site trees located on the properties abutting at the rear that have canopies that extend over the rear property line.

The applicant is proposing the removal of 12 trees on-site, 4 of which are protected. A protected tree is defined in the Burlingame Municipal Code as any tree with circumference of 48-inches or more (or diameter of 15 inches or more) when measured at 54-inches above natural grade. The tree survey supports removal of these trees given their condition and lack of maintenance. Proposed landscaping throughout the site is shown on the landscape plans (sheets L1.1, L2.1 and L3.1). In accordance with the City's requirements, each lot developed with a multifamily residential use is required to provide a minimum of one 24-inch box-size (minimum) non-fruit tree for every 2,000 SF of lot coverage. Based on the proposed project, a total of five landscape trees are required on site. The proposed landscape plan for the project complies with the on-site reforestation requirements with a total of 9 new landscape trees proposed: three, 24-inch box Smoke Trees (*Cotinus coggyria*) to be planted in the front of the building and six, 24-inch box Portugal Laurel trees (*Prunus lusitanica* "Standard") are proposed in the rear yard.

**1491-1493 Oak Grove Avenue**

**Lot Area: 8,771 SF**

**Plans date stamped: July 8, 2016**

	<b>ORIGINAL PROPOSAL 6/12/15 PLANS</b>	<b>REVISED PROPOSAL 8/8/16 PLANS</b>	<b>ALLOWED/REQUIRED</b>
<b>Front (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>d</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	17'-7"	17'-7"	17'-0" (block average)
<b>Left Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>d</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	8'-0" 8'-0" 8'-0" 8'-0" 9'-0"	8'-0" 8'-0" 8'-0" 8'-0" 9'-0"	5'-0" 6'-0" 7'-0" 8'-0" 9'-0"
<b>Right Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>d</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	10'-4" 8'-1" 8'-1" 8'-1" 8'-1"	10'-4" 8'-1" 8'-1" 8'-1" 9'-1"	5'-0" 6'-0" 7'-0" 8'-0" 9'-0"
<b>Rear (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>d</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	20'-0 ½ " 20'-0 ½ " 20'-0 ½ " 20'-0 ½ " 20'-0 ½ "	20'-0 ½ " 20'-0 ½ " 20'-0 ½ " 20'-0 ½ " 20'-0 ½ "	20'-0" 20'-0" 20'-0" 20'-0" 20'-0"

	<b>ORIGINAL PROPOSAL 6/12/15 PLANS</b>	<b>REVISED PROPOSAL 8/8/16 PLANS</b>	<b>ALLOWED/REQUIRED</b>
<b>Lot Coverage</b>	4,316 SF 49.2%	4,359 SF 49.7%	4,385 SF 50%
<b>Building Height:</b>	55'-0" <sup>1</sup>	54'-11" <sup>1</sup>	55'-0" max/CUP required to exceed 35'-0"
<b>Off-Street Parking:</b>	16 spaces- condo units <u>1 space- service vehicle</u> 17 spaces (8 compact spaces)	16 spaces- condo units <u>1 space- service vehicle</u> 17 spaces <sup>2</sup>	6 (2-bdr units) x 1.5 = 9 3 (1-bdr units) x 1 = 3 1(3-bdr unit) x 2 = 2 <u>Service Vehicle = 1</u> Total = 15 spaces  No guest parking space required
<b>Driveway Width:</b>	12'-0" for both driveways	12'-0" for both driveways	12'-0" required
<b>Front Setback Landscaping:</b>	51.5% 645 SF	51.5% 645 SF	50% 626 SF

<sup>1</sup> Conditional Use Permit for building height (54'-11" proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height; 55'-0" is the maximum allowed) (C.S. 25.28.060).

<sup>2</sup> 50% of required parking is allowed to be compact as an incentive for providing an affordable unit (C.S.

**Staff Comments:** See attached comments from the Chief Building Division, Parks Division, Engineering Division, Stormwater Division and Fire Division.

**Public Facilities Impact Fee:** The purpose of the Public Facilities Impact fee is to provide funding for necessary maintenance and improvements created by development projects. Public Facilities Impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project.

New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use. For residential projects, fees and fee credits are determined based on total number of dwelling units. Since this project consists of demolishing two dwelling units and replacing them with a new 10-unit residential condominium building, payment of the Public Facilities Impact fee is based upon the net increase of eight dwelling units and totals \$44,296.00.

**Mitigated Negative Declaration:** Since the project includes construction of more than four units (10 units proposed), the project is subject to the requirements of the California Environmental Quality Act (CEQA). The Planning Commission held an environmental scoping session along with a design review study meeting for this project on June 22, 2015. An Initial Study was prepared by David J. Powers & Associates, Inc. The Mitigated Negative Declaration (MND) was circulated for public review on July 6, 2016. The 20-day review period ended on July 26, 2016 and there were no comments received during the review period.

Based on the Initial Study, an MND has been prepared for review by the Planning Commission. As presented the MND identified issues that were "less than significant with mitigation incorporated" in the areas of air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, and noise. Based upon the mitigation measures identified in the Initial Study, it has been determined that the proposed project can be addressed by a Mitigated Negative Declaration since the Initial Study did not identify adverse impacts which could not be reduced to acceptable levels by mitigation (please refer to the attached Initial Study/Mitigated Negative Declaration No. 592-P).

The purpose of the present review is to hold a public hearing and evaluate that this conclusion, based on the Initial Study, facts in the Mitigated Negative Declaration, public comments and testimony received at the hearing, and Planning Commission observation and experience, are consistent with the finding of no significant environmental impact. The mitigation measures in the Initial Study have been incorporated into the recommended conditions of approval (see conditions in italics) and a Mitigation Monitoring and Reporting Program is also included as an attachment.

**Required Findings for a Mitigated Negative Declaration:** For CEQA requirements the Planning Commission must review and approve the Mitigated Negative Declaration, finding that on the basis of the Initial Study and any comments received in writing or at the public hearing that there is no substantial evidence that the project will have a significant (negative) effect on the environment.

**Suggested Findings for Mitigated Negative Declaration:** In accordance with CEQA Guidelines Section 15183, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts on the environment in the areas of aesthetics, agriculture and forestry services, greenhouse gas emissions, hazards and hazardous materials, land use, mineral resources, population/housing, public services, recreation, transportation/traffic and utilities and service systems. Although the environmental analysis did find that the project could have a significant effect in the areas of air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, and noise and mandatory findings of significance, mitigations measures were identified to reduce adverse impacts to acceptable levels. Therefore, based on the Initial Study there will be no significant environmental effects as a result of this project.

**Criteria for Permitting a Residential Condominium:** The following condominium standards shall apply to all land and structures proposed as a part of a condominium project and shall be evaluated and processed pursuant to the procedural requirements set forth for conditional use permits in Title 25 of this code. No condominium project or portion thereof shall be approved or conditionally approved in whole or in part unless the Planning Commission, or City Council upon appeal or review, has reviewed the following on the basis of their effect on:

- (a) Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare;
- (b) The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and
- (c) Conformity with the general plan and density permitted by zoning regulations.

**Suggested Findings for Condominium Permit:**

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 10-unit residential

condominium project is scaled to be compatible with existing multifamily buildings in the area; the property is located one parcel east of El Camino Real and the proposed project blends with the pattern of development; the site is within the boundaries of the Downtown Specific Plan and the proposed development is consistent with the anticipated development under that Plan;

- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that with the mitigations designed into the project and the Initial Study/Mitigated Negative Declaration has found there will be no significant impacts; and
- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides residential units consistent with the applicable general plan and zoning designations.

**Tentative and Final Parcel Map for Lot Combination and Tentative Condominium Map:** The project includes merging two parcels (APN#029-100-050/1491 Oak Grove Avenue & APN# 029-100-040/1493 Oak Grove Ave). This will require approval of a Tentative and Final Parcel Map for the lot merger. In addition, a Tentative Condominium Map is required for the subdivision of the 10-units into condominiums. The technical documents involved with these maps are submitted to and reviewed by the Public Works Engineering Division. These applications are reviewed together by the Planning Commission; however, the Commission's action on the map applications should be in the form of a recommendation to the City Council.

**Findings for Tentative and Final Map and Tentative Condominium Map to merge to existing parcels:** In order to approve a tentative and final parcel map and tentative condominium map, the Commission and Council must find that the proposed tentative condominium map and parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development.

**Suggested Findings for Tentative Condominium Map and Tentative and Final Parcel Map for Lot Combination:** That the proposed tentative and final parcel map and tentative condominium map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan, the Downtown Specific Plan and consistent with the provisions of the Subdivision Map Act; that the site is physically suited for the proposed type and density of development in that it provides residential uses in an area identified as suitable for such use in the Burlingame General Plan and Downtown Specific Plan (R-3 base district); that the project provides ample vehicular and pedestrian circulation to serve the project, and is consistent with required development standards including setbacks, lot coverage, open space and parking; therefore the project may be found to be compatible with the criteria listed above.

**Findings for Multiple-Family Residential Design Review:** The criteria for multiple family residential design review is detailed in Code Section 25.57.030(f) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- (1) Compatibility with the existing character of the neighborhood;
- (2) Respect the mass and fine scale of adjacent buildings even when using differing architectural styles;
- (3) Maintain the tradition of architectural diversity, but with human scale regardless of the architectural style used; and
- (4) Incorporate quality materials and thoughtful design which will last into the future.

In addition, the Planning Commission should look at conformity with Chapter 5 of the Downtown Specific Plan (Design & Character); specifically Section 5.3 (pages 5-17 through 5-21) provides design guidelines for residential areas within the Downtown Specific Plan area. Section 5.4 (pages 5-22 through 5-27) provides more general design guidelines that apply to all areas of the downtown, including residential areas.

**Findings for a Conditional Use Permit:** In order to grant a Conditional Use Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.52.020, a-c):

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

**Suggest Conditional Use Permit Findings:** That because the top (5<sup>th</sup>) floor is stepped back 30-feet from the face of the building it is a less prominent element of the front building façade and given the proximity of the project site to other buildings that exceed 35-feet in height along El Camino Real and in the Downtown area it will serve as a transitional development between the higher density, larger scale projects in the Downtown Area and the duplexes and single family homes located north of Downtown and will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience; and that the height of the proposed building is consistent and compatible with other multi-family developments in the area that exceed 35-feet in height and therefore will be located and conducted in a manner in accord with the Burlingame General Plan and the purposes of this title, the project may be found to be compatible with the requirements for a Conditional Use Permit.

**Planning Commission Action:** The Planning Commission should hold a public hearing. Affirmative action on the following items should be taken separately by resolution including the conditions representing mitigation for the Mitigated Negative Declaration (in italics below) and any conditions from the staff report and/or that the commissioners may add. The reasons for any action should be clearly stated.

1. Mitigated Negative Declaration.
2. Design Review, Condominium Permit and Conditional Use Permit.
3. Tentative Condominium Map and Tentative and Final Parcel Map for Lot Merger.

Please note that the conditions below include mitigation measures taken from the Mitigated Negative Declaration (shown in italics). If the Commission determines that these conditions do not adequately address any potential significant impacts on the environment, then an Environmental Impact Report would need to be prepared for this project. The mitigations will be placed on the building permit as well as recorded with the property and constitute the mitigation monitoring plan for this project. At the public hearing, the following mitigation measures and conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped July 8, 2016, sheets A0.0 through A5.3., Boundary and Topographic Survey, and L1.1 through L3.1;

2. that during construction, the applicant shall provide fencing (with a fabric screen or mesh) around the project site to ensure that all construction equipment, materials and debris is kept on site;
3. that prior to issuance of a building permit for the project, the applicant shall pay the first half of the Public Facilities Impact fee in the amount of \$22,148.00 made payable to the City of Burlingame and submitted to the Planning Department;
4. that prior to scheduling the final framing inspection for the condominium building, the applicant shall pay the second half of the Public Facilities Impact fee in the amount of \$22,148.00, made payable to the City of Burlingame and submitted to the Planning Department;
5. that a Protected Tree Removal Permit shall be required from the Parks Division for removal of any tree on the property with a circumference of 48 inches or larger when measured fifty-four (54) inches above natural grade;
6. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application;
7. that the existing Red oak tree located within the planter strip in front of 1493 Oak Grove Avenue shall not be removed and shall be protected during all phases of construction; plans to be submitted for the building permit shall be corrected and shall note "existing tree to remain";
8. that tree protection measures shall be established and maintained throughout the entire length of the project as specified in the Tree Protection Plan in Kiely Arborists Services LLC tree report dated in the March 31, 2015;
9. that the maximum elevation at the top of the roof ridge shall not exceed elevation 85.335' as measured from the average elevation at the top of the curb along Oak Grove Avenue (30.40') for a maximum height of 55'-0", and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. The garage (basement) floor finished floor elevation shall be elevation 21.33'; first (ground) floor finished floor shall be elevation 31.00'; second floor finished floor shall be elevation 41.50'; third floor finished floor shall be elevation 52.00'; fourth floor finished floor shall be elevation 62.50'; fifth floor finished floor shall be elevation 73.00'. Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;
10. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review;
11. that the conditions of the Building Division memos dated March 85, 2016; April 10, 2015; and November 20, 2014; the Parks Division memos dated March 15, 2016; December 2, 2014; the Engineering Division memos dated March 10, 2016; April 220, 2015; November 24, 2014; the Fire Division memos dated November 24, 2014; and the Stormwater Division memos dated March 16, 2016; April 16, 2015; December 11, 2104 shall be met;
12. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;

13. that the 'service vehicle stall' shall be marked on the service parking space and designated on the final map and plans, this stall shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the service vehicle stall shall always be accessible for parking and not be separately enclosed or used for resident storage;
14. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the service vehicle stall shall be reserved for service vehicles or guests only and shall not be used by condominium residents;
15. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
16. that the developer shall provide to the initial purchaser of each unit and to the board of directors of the condominium association, an owner purchaser manual which shall contain the name and address of all contractors who performed work on the project, copies of all warranties or guarantees of appliances and fixtures and the estimated life expectancy of all depreciable component parts of the property, including but not limited to the roof, painting, common area carpets, drapes and furniture;
17. that the trash receptacles, furnaces, and water heaters shall be shown in a legal compartment outside the required parking and landscaping and in conformance with zoning and California Building and Fire Code requirements before a building permit is issued;
18. that any security gate system across the driveway shall be installed a minimum 20'-0' back from the front property line;
19. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the City Engineer;
20. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
21. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;
22. that methods and procedures such as sediment basins or traps, silt fences, straw bale dikes, storm drain inlet protection such as soil blanket or mats, and covers for soil stock piles to stabilize denuded areas shall be installed to maintain temporary erosion controls and sediment control continuously until permanent erosion controls have been established;
23. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
24. that if construction is done during the wet season (October 15 through April 15), that prior to October 15 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent

- seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;
25. that common landscape areas shall be designed to reduce excess irrigation run-off, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides;
  26. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
  27. that this project shall comply with Ordinance 1845, the City of Burlingame Water Conservation in Landscaping Regulations, and complete landscape and irrigation plans shall be provided at the time of building permit application;
  28. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
  29. that all new utility connections to serve the site, and which are affected by the development, shall be installed to meet current code standards and local capacities of the collection and distribution systems shall be increased at the developer's expense if necessary;
  30. that all utilities to this site shall be installed underground. Any transformers needed for this site shall be installed underground or behind the front setback on this site;
  31. that sewer laterals from the site to the public sewer main shall be checked and shall be replaced to city standards as required by the development;
  32. that all abandoned utilities and hookups shall be removed;
  33. that all drainage (including water from the below grade parking garage) on site shall be required to be collected and pumped to the street as determined by the Public Works Department;
  34. that demolition of the existing structures and any grading or earth moving on the site shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
  35. that the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station prior to the final inspection for building permit;
  36. that all construction shall abide by the construction hours established in the Municipal Code;
  37. that the applicant shall comply with Ordinance 1645, the City of Burlingame Recycling and Waste Reduction Ordinance, and shall submit a waste reduction plan and recycling deposit for demolition and new construction, before receiving a demolition permit;
  38. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance; and
  39. that the project shall be required to comply with all the standards of the California Building and Fire Codes, in effect at time of building permit issuance, as amended by the City of Burlingame.

**The following four (4) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:**

40. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
41. that prior to scheduling the framing inspection, the project architect, engineer or other licensed professional shall provide architectural certification that the architectural details such as window locations and bays are built as shown on the approved plans; if there is no licensed professional involved in the project, the property owner or contractor shall provide the certification under penalty of perjury. Certifications shall be submitted to the Building Department;
42. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division;
43. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

**Mitigation Measures from Initial Study**

44. *During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:*
  - *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
  - *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
  - *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
  - *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
  - *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
  - *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
  - *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*
  - *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

45. The applicant shall implement the following GHG reduction measures during construction activities.
- Alternative-Fueled (e.g., biodiesel, electric) construction vehicles/ equipment shall make up at least 15 percent of the fleet;
  - Local building materials of at least 10 percent; and
  - Recycle at least 50 percent of construction waste or demolition materials.
46. The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 90 percent reduction in PM<sub>2.5</sub> exhaust emissions. One feasible plan to achieve this reduction would include the following:
- All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.
47. In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:
- Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (March 15 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.
  - If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.
  - The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development, prior to the issuance of a grading permit or demolition permit.
48. Tree Protection Plan. Tree protection zones shall be established and maintained throughout the entire length of the project. Fencing for the protection zones shall be a six-foot tall metal chain link type supported by two-inch metal poles pounded into the ground by no less than two feet. The support poles shall be spaced no more than 10 feet apart on center. The location for the protection fencing shall be as close to the dripline as possible but still allow room for construction to safely continue. Signs shall be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment shall be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the drip line of protected trees, where foot traffic is expected to be heavy, shall be mulched with four to six inches of chipper chips. The following tree protection distances shall be carried out for protected trees on site:
- Fencing for Tree #1 (red oak) should be placed at a minimum distance at the edge of the curb and sidewalk and extend to 10 feet where possible.
  - Trenching for irrigation, electrical, drainage or any other reason shall be hand dug when beneath the drip lines of protected trees. Hand digging and carefully laying pipes below

or beside protected roots will dramatically reduce root loss of desired trees thus reducing trauma to the entire tree. Trenches shall be backfilled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time shall also be covered with layers of burlap or straw wattle and kept moist. Plywood over the top of the trench will also help protect exposed roots below.

- Normal irrigation shall be maintained throughout the entire length of the project. The imported trees on this site will require irrigation during the warm season months. Some irrigation may be required during the winter months depending on the seasonal rainfall. During the summer months, the trees on this site shall receive heavy flood type irrigation twice a month. During the fall and winter, once a month should suffice. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption.

49. *Unique Paleontological and/or Geologic Features and Reporting.* Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.
50. *Undiscovered Archaeological Resources.* If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.
51. *Human Remains.* If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were

discovered.

52. *Report of Archaeological Resources.* If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City's Planning Manager prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
53. *For development under the Downtown Specific Plan,* projects with subgrade structures require that the project sponsor prepare a Geotechnical Study identifying the depth to the seasonal high water table at the project site. No permanent groundwater dewatering would be allowed in the Downtown Specific Plan Area. Instead, all residential uses must be elevated to above the seasonal high water table and all areas for non-residential uses shall be floodproofed and anchored, in accordance with floodplain development requirements, to the design depth as recommended by geotechnical engineer. Final design shall be prepared by a qualified professional engineer and approved by the Burlingame Department of Public Works prior to receiving a building permit.
54. *To combat seasonal expansive soil movements,* it is necessary to utilize a foundation system which derives its support from the deeper, more stable soils. As the proposed basement will extend below the entire structure, it will serve as a "deep foundation." Where the structure is not above the basement, piers should be used.
55. *The Project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:*
  - *Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:*
    - *Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;*
    - *Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;*
    - *Locate stationary equipment to minimize noise impacts on the community;*
    - *Minimize backing movements of equipment;*
  - *Use quiet construction equipment whenever possible;*
  - *Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible;*
  - *Prohibit unnecessary idling of internal combustion engines; and*
  - *Select routes for movement of construction-related vehicles and equipment in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.*
  - *The project sponsor shall designate a "disturbance coordinator" for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.*

- *The construction contractor shall send advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site.*

Catherine Barber  
Senior Planner

- c. Mark Haesloop,- CHS Development Group, applicant  
Chi-Hsin Shao, Sheil Patel and Chi Hwa Shao c/o CHSDG, property owners  
Toby Levy, Levy Design Partners, Inc., architect

Attachments:

Applicant's Response Letter, dated August 8, 2016,  
Design Review Study Meeting Minutes, March 28, 2016  
Environmental Scoping and Design Review Study Meeting Minutes, June 22, 2015  
Applicant's Responses Letter, date stamped March 4, 2016  
Application to the Planning Commission  
Project Description, submitted by the applicant  
Conditional Use Permit Application  
Environmental Information Form, submitted by the applicant  
Staff Comments  
Neighbor Letters of Concern  
Planning Commission Resolutions (Proposed)  
Notice of Public Hearing – Mailed August 12, 2016  
Aerial Photo

Separate Attachment:

Mitigated Negative Declaration and Initial Study (ND-592-P), dated July 6, 2016  
Mitigation Monitoring and Reporting Program, dated August 2016