

**Item No. 8b**  
**Regular Action Item**



**PROJECT LOCATION**  
1128-1132 Douglas Avenue



**PROJECT LOCATION**  
524 Oak Grove Avenue

# City of Burlingame

Public Hearing and Action on Final EIR and Proposed Project for Development of a New 27-Unit Multi-Family Residential Project

Item No. 8b

Regular Action Item

**Address:** 1128-1132 Douglas Avenue and 524 Oak Grove Avenue

**Meeting Date:** April 24, 2017

**Request:** Certification of Final Environmental Impact Report (FEIR) for development of a new 27-unit multi-family residential project. Applications include Design Review, Conditional Use Permit for building height, Front Setback Landscape Variance, Parking Variance for driveway width, and Tentative Parcel Map for Lot Combination to merge two existing parcels for construction of a new five-story, 27-unit apartment building with at-grade and below-grade parking.

The project also includes applications for Design Review and Front Setback Variance to demolish the existing house at 524 Oak Grove Avenue and replace it with an existing house to be moved from 1128 Douglas Avenue; the project includes a first and second story addition to the house moved from Douglas Avenue and construction of a new detached garage.

**Current Use:** 1128 Douglas Ave: Single family dwelling and 4-unit apartment building  
1132 Douglas Ave: Single family dwelling

524 Oak Grove Ave: Single family dwelling

**Proposed Use:** 27-unit residential apartment building at 1128-1132 Douglas Avenue  
Relocate front portion of existing single family dwelling at 1128 Douglas Avenue to 524 Oak Grove Avenue; remodel and add onto existing house to be moved.

**Allowable Use:** Multifamily, duplex, and single family residential uses at 1128-1132 Douglas Avenue  
Single family residential uses at 524 Oak Grove Avenue

## 1128-1132 Douglas Avenue:

**Applicant and Architect:** Dreiling Terrones Architecture Inc.

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

**Property Owner:** Zers Development Inc.

**Lot Area:** 15,492 SF (combined lots)

**General Plan:** High Density Residential

**Zoning:** R-4

Burlingame Downtown Specific Plan (R-4 Base District)

## 524 Oak Grove Avenue:

**Applicant and Architect:** Dreiling Terrones Architecture, Inc.

**APN:** 029-083-010

**Property Owner:** Zers Douglas LLC

**Lot Area:** 8,788 SF

**General Plan:** Low Density Residential

**Zoning:** R-1

**Summary of Project Changes:** On February 13, 2017, the Planning Commission held a public hearing on the proposed project and Final EIR. Based on comments and questions from the Planning Commission and public, the Commission voted to continue action on the application until additional information was provided by the applicant and staff (see attached February 13, 2017 Planning Commission Minutes).

The Planning Commission expressed a concern with outdated information being used to support the proposed project, specifically information related to the vacancy rate/displacement, school enrollment, water supply, and traffic/transportation. Panorama, the environmental consultant managed by the City to prepare the EIR, provided responses to these concerns and additional data in a Memorandum dated April 17, 2017 (attached). With the information provided in the Memorandum, no additional significant impacts were identified.

A neighborhood meeting was held on April 5, 2017 at the Burlingame Public Library, Lane Community Room. The applicant submitted a copy of the meeting notice, photograph of posted sign on the site, and sign in sheet (see attached).

Since the February 13, 2017 Planning Commission meeting, several changes were made to the proposed multi-family residential project at 1128-1132 Douglas Avenue to address concerns and comments expressed by the Planning Commission and public. There were no changes made to the single family dwelling project at 524 Oak Grove Avenue. Please refer to the applicant's response letter, dated April 18, 2017, for a detailed

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summary of the changes made to the project and responses to the Planning Commissions concerns and comments. The following is a summary of the significant changes made to the project:

1. *Eliminated Variance for Front Setback:* The front corner of the building was pushed back 1'-7" on all floors to comply with the required front setback (18'-5" previously proposed, 20'-0" currently proposed where 19'-11" is the minimum required based on the block average) (see revised sheets A1.0 and A2.2 through A2.4).
2. *Added Front Circular Driveway:* In response to the neighbors' concerns regarding potential impacts to street/parking congestion, a new 10'-6" wide circular driveway was added at the front of the site between the two previously proposed driveway curb cuts (see revised sheets A1.0 and L1.1). Several existing apartments/condominiums in the vicinity contain circular driveways. The circular driveway would be available for delivery vehicles and temporary parking for residents or guests.
3. *Request for Variance for Front Setback Landscape:* Previously, 60.1% (1,174 SF) landscaping within the front setback area was proposed where 60% (1,171 SF) is the minimum required. However, with the addition of the circular driveway at the front of the site, the landscape area within the minimum required front setback area has been reduced to 40%. Therefore, the applicant is requesting consideration of a Variance for front setback landscaping in order to accommodate the circular driveway (see attached Variance Application and revised sheets A1.0 and L1.1).
4. *Retained Existing Trees in Rear Yard:* A slight adjustment has been made to the configuration of the below-grade garage and stairway to the garage so that the existing 21.2-inch diameter Cottonwood tree and two non-protected size trees at the rear of the site can be retained (see revised sheets A1.0d, A1.0, A2.1, and L1.1). The effort to retain these existing trees was in response to neighbors' request to maintain the existing screening between the properties. Staff would note that although these trees will be required to be protected during construction, their ability to survive is not guaranteed.
5. *Added Bicycle Storage/Parking:* Bicycle parking for 28 bicycles is provided in a secured room located in the garage (next to the electrical room) (see revised sheet A2.1).

Below is a summary of previous changes made to the project to address concerns and comments expressed by the Planning Commission and public at the October 11, 2016 public hearing on the Draft EIR (see attached October 11, 2016 Planning Commission Minutes). Please also refer to the applicant's response letter, dated February 6, 2017, for a detailed summary of the changes.

1. The fifth floor along the front façade has been stepped back 10 feet. This area has been converted to balconies for the units at the front of the building (Units 502 and 503). Please refer to the revised Fifth Floor Plan (sheet A2.4), Roof Plan (sheet A3.0), and Building Elevations (sheets A4.1 and A4.2). The applicant notes that a revised rendering will be available at the public hearing.
2. The total number of units was reduced from 29 to 27, which consists of the changes to the unit type listed below. Please refer to the revised floor plans (sheets A2.2 through A2.4).
  - 1-bedroom units reduced from 18 to 14
  - 2-bedroom units increased from 7 to 9
  - Studio units (3) and 3-bedroom units (1) remained the same.
3. The reduction in the total number of units (from 29 to 27) and change in unit type reduced the overall parking requirement from 34 to 33 parking spaces. Although an area for on-site deliveries is not required for apartment buildings and there is no guest parking required on-site for properties located

within the Downtown Specific Plan area, the extra parking space located within the at-grade parking area at the rear of the site has been designated as a guest/delivery parking space. The applicant notes that the guest/delivery parking space is intended to be short term parking (such as 10 minutes) for small truck deliveries, quick visits, or pick-up and drop-off of residence by visitors.

4. The windows throughout the building have been inset into the walls by five inches to give them more depth. Please refer to the Window Detail on sheet A4.1. The applicant notes that the intent is that the deep recesses would be reminiscent of traditional buildings and avoid the look of apartment buildings built in the 1970's and 1980's.

### **Project Description (1128-1132 Douglas Avenue)**

The property at 1128 Douglas Avenue currently contains a two-story single family dwelling at the front of the site and a two-story four-unit apartment building at the rear of the site. The property at 1132 Douglas Avenue currently contains a two-story single family dwelling at the front of the site and a detached one-car garage at the rear of the site. 1128 and 1132 Douglas Avenue are two independent lots owned by the same property owner. The site is surrounded by single family and multifamily residential buildings.

The applicant is proposing construction of a new, five-story, 27-unit residential apartment building with at-grade and below-grade parking at 1128-1132 Douglas Avenue, zoned R-4. The proposed project includes demolishing the existing house and detached garage at 1132 Douglas Avenue and demolishing the existing four-unit apartment building at 1128 Douglas Avenue. The rear portion of the existing single family dwelling at 1128 Douglas Avenue is also proposed to be demolished, however the front half of the house is proposed to be relocated to 524 Oak Grove Avenue. This includes a first and second story addition to the house moved from 1128 Douglas Avenue and construction of a new detached garage. The following applications are requested for this project:

- Design Review for construction of a new five-story, 27-unit apartment building with at-grade and below-grade parking (C.S. 25.29.045 and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (56'-10" proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height; 75'-0" is the maximum allowed) (C.S. 25.29.060);
- Front Setback Landscape Variance (40% front setback landscaping proposed where 60% is the minimum required) (C.S. 25.29.100);
- Parking Variance for driveway width (9'-0" width proposed for the driveway along the north property line where 12'-0" is the minimum required) (C.S. 25.70.025 (b) (2)); and
- Tentative Parcel Map for Lot Combination to combine 52 feet of portion of Lot 3, Block 5 (1128 Douglas Avenue) and 50 feet of Lot 3, Block 5 (1132 Douglas Avenue), Burlingame Land Company Map No 2.

The proposed apartment building would contain 27 apartment units in five floors with 12 at-grade parking spaces at the rear of the lot and 22 parking spaces in an underground garage. The project includes 3 studio units, 14 one-bedroom units, 9 two-bedroom units and 1 three-bedroom unit. The average unit size proposed is 950 SF (1,250 SF average maximum unit size permitted). Staff would note that apartment projects are not required to provide common open space or private open spaces, as is required for condominium developments. However, common spaces for residents and visitors, including an enclosed entry, lobby, community room and fitness room are provided on the ground floor. In addition, balconies are provided for some of the units located at the front corners of the building and along the front of the building on the fifth floor.

**Historical Significance:** In 2008, 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). Carey & Co. determined that 23 structures within the Plan Area appeared to be eligible for the CRHR or the NRHP. 1128 and 1132 Douglas Avenue are included on this list.

Historic Resource Evaluations (Evaluation) were prepared for 1128 & 1132 Douglas Avenue by Page & Turnbull, Inc., dated May 14, 2013. The results of the evaluation concluded that 1128 Douglas Avenue is eligible for individual listing on the California Register of Historical Resources under Criterion 1 (Events) for its association with early settlement patterns in the town of Burlingame. 1128 Douglas Avenue is also eligible for individual listing on the California Register of Historical Resources under Criterion 2 (Persons) due to its association with James R. and Jessie N. Murphy.

The results of the evaluation for 1132 Douglas Avenue concluded that it is not eligible for individual listing on the California Register of Historical Resources under any criteria.

**Design Review:** Design Review is required for the proposed project and is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Materials proposed for the exterior of the building include stucco, horizontal wood and concrete siding. The balconies consist of wood railings and wood base trim. Aluminum windows and doors would be used throughout the building and would be inset five inches, with powder coated steel awnings above some of the windows throughout the building. Concrete columns are proposed on the ground floor at the front and rear of the building. The front entry of the building consists of an aluminum storefront window and door system. A decorative concrete shear wall is proposed to the left of the front entry.

The overall height of the building, as measured to the top of the parapet, is proposed at 56'-10" above average top of curb level where 75'-0" is the maximum allowed. An application for a Conditional Use Permit is being requested since the building exceeds 35'-0" in height. The Zoning Code allows 5% of the roof area, for such items as enclosed elevator shafts, stairways and other equipment, to project not more than 10'-0" above the top of parapet. The elevator shaft and enclosed stairways to the roof level are exempt from the overall building height since they project 8'-0" above the top of parapet and take up less than 5% of the roof area.

**Off-Street Parking:** Based on the number of bedrooms per unit proposed for this project, the Zoning Code requires a total of 33 off-street parking spaces for the residents of the units (1 space for each studio and one-bedroom unit, 1.5 spaces for each two-bedroom unit and 2 spaces for each unit containing three or more bedrooms). The project includes 12 at-grade parking spaces at the rear of the lot and 22 below-grade parking spaces in an underground garage, for a total of 34 off-street parking spaces. Although an area for on-site deliveries is not required for apartment buildings and there is no guest parking required on-site for properties located within the Downtown Specific Plan area, one parking space located within the at-grade parking area at the rear of the site has been designated as a guest/delivery parking space. In addition, a 10'-6" wide circular driveway is proposed at the front of the site.

Access to the below-grade parking spaces would be via a 14'-0" wide driveway located at the south end of the lot. Access to the at-grade parking spaces at the rear of the lot would be via a 9'-0" wide driveway located at the north end of the lot. There is an 8'-0" wide ingress/egress easement located along the north side property line; an extra 1'-0" is provided for the driveway width for a total of 9'-0". However, the applicant is requesting approval of a Parking Variance for the proposed driveway width along the north side property line (9'-0" proposed where 12'-0" is the minimum required).

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The Zoning Code requires that parking spaces be a minimum of 9'-0" wide x 20'-0" deep. 20 of the 34 parking spaces comply with this requirement. 12 of the remaining 14 parking spaces measure 8'-6" wide x 20'-0" deep (code currently allows 8'-6" x 18'-0" for commercial and industrial uses and 8'-0" x 17'-0" for compact spaces), and two spaces measure 9'-0" wide x 17'-0" deep. However, as a policy the Downtown Specific Plan encourages "creative approaches" to providing on-site parking. The proposed reduced parking space width and length meets the intent of the Downtown Specific Plan policy, and therefore a Parking Variance for parking space dimension is not required.

**Landscaping:** Proposed landscaping throughout the site is shown on the Landscape and Irrigation Plans (sheets L1.1 and L1.2). Previously, 60.1% (1,174 SF) landscaping within the front setback area was proposed where 60% (1,171 SF) is the minimum required. However, with the addition of the circular driveway at the front of the site, the landscaping within the front setback has been reduced to 40%. Therefore, the applicant is requesting consideration of a Variance for front setback landscaping.

An arborist report, dated August 8, 2014, was prepared by Mayne Tree Expert Company, which evaluates the existing trees on the site greater than 12 inches in diameter and provides tree protection specifications (see attached). Several smaller trees are also proposed to be removed; however they were not evaluated since they do not qualify as a protected size tree.

The proposed project includes removing three protected size trees, including a 20-inch diameter Chinese Tallow tree at the front of the site, an 18.1-inch diameter Liquid Amber tree along the right side property line, and a 16.3-inch diameter Apple tree along the left side property line. A tree removal permit to remove these trees was issued by the Parks Division in January 2015 contingent upon 1) the building and landscape plans being approved by the City (building permit issued for construction) and 2) that the trees would fall within the footprint of the proposed project. Several other trees on the project site are also proposed to be removed; however they are not of a protected size.

Since the February 13, 2017 Planning Commission meeting, a slight adjustment has been made to the configuration of the below-grade garage and stairway to the garage so that the existing 21.2-inch diameter Cottonwood tree and two non-protected size trees at the rear of the site can be retained.

The existing Redwood tree (39-inch diameter) and Coast Live Oak tree (27.6-inch diameter), located at the front left corner of the lot, will remain and will need to be protected during construction as outlined in Mayne Tree Company's arborist report. In addition, the City Arborist notes in his memo dated December 4, 2014 that the Tree Protection Zone must be in place and confirmed by the City Arborist prior to construction and that the excavation around these trees may only be done by hand and instructed by an independent arborist report.

There are four street trees in front of the subject property, including three small Purple Leaf Plums and an 18-inch diameter Sycamore Maple tree. The three Purple Leaf Plum trees will need to be removed during construction, but will be replaced with three new street trees after construction, with a species recommended by the City Arborist. The existing Sycamore Maple tree will remain and will be protected during construction.

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 trees for every 2000 SF of lot coverage. Based on the proposed project, a total of eight landscape trees are required on site. The proposed landscape plan for the project complies with the on-site reforestation requirements. There will be a total of ten trees on site, including an existing Redwood tree and Coast Live Oak tree at the front corner of the lot, an existing Cottonwood tree at the rear of the site, and seven new 24-inch box size trees. The new trees include four Magnolia "Yellow Bird" trees at the rear of the site, two Japanese Maple trees at the front, left corner of the site, and a Western Redbud tree at the front of the site.

**1128-1132 Douglas Avenue**

**Lot Area:** 15,492 SF

**Plans date stamped:** April 14, 2017

	<b>PROPOSED</b>	<b>ALLOWED/REQUIRED</b>
<b>Front (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	20'-0" 20'-0" 20'-0" 20'-0" 20'-5" to 31'-3" to balconies 29' to 40' to building	19'-11" (block average)
<b>Left Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	7'-0" to concrete shear wall 11'-0" 11'-0" 11'-0" 11'-0"	7'-0" 8'-0" 9'-0" 10'-0" 11'-0"
<b>Right Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	11'-0" 11'-0" 11'-0" 11'-0" 11'-0"	7'-0" 8'-0" 9'-0" 10'-0" 11'-0"
<b>Rear (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b> <b>(5<sup>th</sup> flr):</b>	20'-5" 20'-0" 20'-0" 20'-0" 20'-0"	20'-0" 20'-0" 20'-0" 20'-0" 20'-0"
<b>Lot Coverage:</b>	7722 SF 49.8%	7746 SF 50%
<b>Building Height:</b>	56'-10" <sup>1</sup>	75'-0" maximum/CUP required to exceed 35'-0"
<b>Off-Street Parking:</b>	34 spaces 80% covered	33 spaces 80% must be covered  No guest parking or delivery space required
<b>Driveway Width:</b>	9'-0" for driveway along north side property line <sup>2</sup>	12'-0" required
<b>Front Setback Landscaping:</b>	40% <sup>3</sup> 774 SF	60% 1171 SF

<sup>1</sup> Conditional Use Permit for building height (56'-10" proposed where a Conditional Use Permit is required if the building exceeds 35'-0" in height; 75'-0" is the maximum allowed).

<sup>2</sup> Parking Variance for driveway width (9'-0" width proposed for the driveway along the north property line where 12'-0" is the minimum required).

<sup>3</sup> Front Setback Landscape Variance (40% front setback landscaping proposed where 60% is the minimum required).

**Affordable (Below-Market Rate) Units:** The City's previous Inclusionary Housing Ordinance has been replaced by a Density Bonus Ordinance consistent with State Law. The Density Bonus Ordinance is discretionary, and projects are not obligated to provide affordable units unless they seek to utilize development standard incentives offered by the ordinance. The applicant has not chosen to apply any of the development standard incentives offered by the Density Bonus Ordinance and therefore is not providing any affordable units as part of the project.

### **Project Description (524 Oak Grove Avenue)**

The subject property is located at the corner of Oak Grove Avenue and Marin Drive. For setback purposes, the shorter frontage along Marin Drive is considered to be the lot front. The proposed project includes demolishing the existing two-story house, attached garage and detached shed on the site located at 524 Oak Grove Avenue. Rather than building a new house on the property, the applicant is proposing to move the existing house currently located at 1128 Douglas Avenue onto this site as part of a concurrent application to build a new 27-unit apartment building at 1128-1132 Douglas Avenue. This application includes a first and second story addition to the house moved from Douglas Avenue and construction of a new detached garage at 524 Oak Grove Avenue. Planning staff would note that compliance with the R-1 District development regulations is based on a new house being proposed on the lot. The applicant is requesting the following applications:

- Design Review to demolish the existing house at 524 Oak Grove Avenue and replace it with an existing house to be moved from 1128 Douglas Avenue; the project includes a first and second story addition to the house moved from Douglas Avenue and construction of a new detached garage (C.S. 25.57.010 (a) (1)); and
- Front Setback Variance to the second floor of the house (18'-0" proposed where 20'-0" is the minimum required) (C.S. 25.26.072 (a) (b) (3)).

The existing two story house currently located at 1128 Douglas Avenue contains 2,676 SF of floor area (includes a 100 SF covered porch exemption). In conjunction with moving the house to 524 Oak Grove Avenue, the applicant is proposing a remodel and addition to the existing house, which includes demolishing approximately one-half of the rear of the house (669 SF of the first floor and 524 SF of the second floor) (see Demolition Floor Plan on sheet A2.1d). With the proposed first and second floor addition at the rear of the house and a new one-car detached garage, the floor area will increase to 4,013 SF (0.45 FAR) where the zoning code allows a maximum of 4,037 SF (0.46 FAR). The proposed project is 24 SF below the maximum allowed FAR.

**Off-Street Parking:** Two parking spaces, one of which must be covered, are required on site for the proposed four bedroom house. The applicant is proposing to build a new detached one-car garage (12'-10" x 23'-5" clear interior dimensions); one uncovered parking space is provided in the driveway. The driveway and detached garage would be accessed off Marin Drive. The existing curb cut and driveway apron along Oak Grove Avenue will be removed.

**Landscaping:** The subject property contains a total of nine existing trees, six of which are of protected size (measuring 20.9 to 52 inches in diameter). This application includes removing three of the protected size trees, including two Olive trees (17.8 and 19.3-inch diameter), an 18.5-inch diameter Spanish Fir Tree and four non-protected size trees. A Protected Tree Permit will be required from the Parks Division for removal of the protected size trees.

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There are three street trees along the subject property frontage, including two Stone Pine trees along Marin Drive (60.4 and 54.3 inches in diameter) and an Olive tree along Oak Grove Avenue (14 inches in diameter). Both Stone Pine trees will remain; the Olive tree will be removed. In his memo dated June 19, 2014, the City Arborist notes that the existing Olive tree has poor structure and may be removed as part of this project.

An arborist report, dated August 11, 2014, was prepared by Mayne Tree Expert Company, which evaluates several trees on the site as well as the street trees located within the City's planter strip and provides tree protection specifications (see attached). The City Arborist/Park Supervisor reviewed and accepted the report, noting in his memo that "Tree Protection must be in place during all phases of construction" and that the applicant must "follow independent arborist report for care and maintenance of all trees on site."

**524 Oak Grove Avenue**

**Lot Area:** 8,788 SF

**Plans Date Stamped:** December 22, 2014

	<b>PROPOSED</b>	<b>ALLOWED/REQ'D</b>
<b>SETBACKS</b>		
<b>Front (1<sup>st</sup> flr):</b>	18' to house (15' to overhang)	15'-0" <sup>1</sup>
<b>(2<sup>nd</sup> flr):</b>	18'-0" <sup>2</sup>	20'-0" <sup>1</sup>
<b>Side (interior):</b>	12'-7"	7'-0"
<b>(exterior – 1<sup>st</sup> flr):</b>	10'-0" to house (7'-6" to overhang)	7'-6"
<b>(exterior – 2<sup>nd</sup> flr):</b>	> 12'-0" average	12'-0" average
<b>Rear (1<sup>st</sup> flr):</b>	71'-0" to porch	15'-0"
<b>(2<sup>nd</sup> flr):</b>	77'-0"	20'-0"
<b>Lot Coverage:</b>	2448 SF 27.8%	3515 SF 40%
<b>FAR:</b>	4013 SF 0.45 FAR	4037 SF <sup>3</sup> 0.38 FAR
<b># of bedrooms:</b>	4	---
<b>Off-Street Parking:</b>	1 covered (12'-10" x 23'-5") 1 uncovered (9'-0" x 20'-0")	1 covered (10'-0" x 20'-0") 1 uncovered (10'-0" x 20'-0")
<b>Building Height:</b>	26'-8"	30'-0"
<b>DH Envelope:</b>	complies	CS 25.26.075

<sup>1</sup> Since the block average calculation excludes corner lots and the highest and lowest front setbacks, there are no parcels remaining on the block to serve as the basis for the block average. Therefore, the minimum required front setbacks to the first and second floors are 15'-0" and 20'-0", respectively.

<sup>2</sup> Front Setback Variance to the second floor of the house (18'-0" proposed where 20'-0" is the minimum required).

<sup>3</sup> (0.32 x 8788 SF) + 900 SF + 324 SF = 4037 SF (0.46 FAR)

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**Public Facilities Impact Fee (1128-1132 Douglas Avenue Project):** The purpose of 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.

Based on the proposed 27-unit multiple family residential development and providing a credit of \$33,222.00 for the existing six residential units which will be removed, the required public facilities impact fee for this development project is \$116,277.00 (see table below). One-half of the public facilities impact fees payment (\$58,138.50) will be required prior to issuance of a building permit; and the second half of the payment will be required before the final framing inspection.

Service Area	Proposed Multifamily Project 27 Units (fee based on per dwelling unit)	Existing Multifamily Units 6 Units (fee based on per dwelling unit)
General Facilities & Equipment	\$1636 x 27 = \$44,172	\$1636 x 6 = \$9,816
Libraries	\$1415 x 27 = \$38,205	\$1415 x 6 = \$8,490
Police	\$259 x 27 = \$6,993	\$259 x 6 = \$1,554
Parks and Recreation	\$350 x 27 = \$9,450	\$350 x 6 = \$2,100
Streets and Traffic	\$1105 x 27 = \$29,835	\$1105 x 6 = \$6,630
Fire	\$381 x 27 = \$10,287	\$381 x 6 = \$2,286
Storm Drainage	\$391 x 27 = \$10,557	\$391 x 6 = \$2,346
Subtotal	\$149,499.00	\$33,222.00
Total	\$149,499.00 - \$33,222.00 (credit for existing 6-unit residential) <b>\$116,277.00</b>	

**Staff Comments from City Departments:** The application has been reviewed by the Building, Parks, Engineering, Fire, and Stormwater Comments. Comment sheets from each are included in the attachments to this staff report. Planning staff would note that letters of concern and support for the project, comments on the Draft EIR, and comments on the Notice of Preparation are included as attachments to the staff report.

**March 23, 2015 Design Review Study Meeting and May 11, 2015 Environmental Scoping Meeting:** On March 23, 2015, the Planning Commission held a Design Review Study Meeting for the proposed projects at 1128-1132 Douglas Avenue and 524 Oak Grove Avenue, and made comments on the project (see attached March 23, 2015 Planning Commission Minutes). On May 11, 2015, the Planning Commission held an Environmental Review Scoping Meeting to identify potential environmental issues to be studied in the Environmental Impact Report (EIR) (see attached May 11, 2015 Planning Commission Minutes).

**Draft Environmental Impact Report (EIR):** On September 6, 2016, the Draft EIR for the proposed development at 1128-1132 Douglas Avenue and 524 Oak Grove Avenue was released for public review. The 45-day Public Comment period ended on October 20, 2016. On October 11, 2016, the Planning Commission held a public hearing to obtain comments on the Draft Environmental Impact Report. Comments were received on the Draft EIR both in writing and at the Planning Commission hearing. A Response to Comments

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document (Final EIR) has been prepared and was released on February 3, 2017. This document includes and responds to all the written comments and those made at the October 11, 2016 Planning Commission hearing. Together, the Draft EIR and the Response to Comments document comprise the Final EIR for the project.

**Draft EIR – Summary of Potential Significant Impacts and Mitigation Measures:** The Draft EIR analyzes the impacts of the proposed development at 1128-1132 Douglas Avenue and 524 Oak Grove Avenue. The table on the following pages (taken from the Draft EIR) provides a brief summary of the potential significant environmental impacts of the project identified and discussed within the text of the EIR, and the mitigation measures proposed to avoid or reduce those impacts. The issues identified in the Draft EIR as having potential significant impacts are:

- Aesthetics (compatibility with City's design guidelines and exterior lighting)
- Air Quality (construction emissions and air pollutants)
- Biological Resources (bats and tree protection)
- Cultural Resources (compatible cladding for historic house)
- Geology and Soils (construction of apartment)
- Hazards and Hazardous Waste (hazardous spill prevention during construction)
- Hydrology and Water Quality (impacts to water quality during construction)
- Land Use and Planning (driveway design and safety)
- Noise (construction and interior noise, and house relocation)
- Transportation and Traffic (construction management and driveway safety)
- Utilities and Service Systems (relocating house)

It should be noted that all of the above identified potential significant impacts can be reduced to less than significant levels through implementation of the mitigation measures identified in the table on the following pages.

Impact	Mitigation Measures
<b>Aesthetics</b>	
<b>Impact Aesthetics-1:</b> Would the proposed project have a substantial adverse effect on a scenic vista?	<b>MM AES-1:</b> The applicant shall submit revised plans for the proposed building at 1128-1132 Douglas Avenue to the City of Burlingame for design review. The Planning Commission as the responsible body for design review shall review the proposed project for compatibility with the City's guidelines for a residential apartment building in the Downtown Specific Plan R-4 Base District.
<b>Impact Aesthetics-3:</b> Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?	
<b>Less Than Significant Impact with Mitigation Incorporated</b>	
<b>Impact Aesthetics-4:</b> Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<b>MM AES-2:</b> Prior to issuance of a building permit, a detailed Exterior Lighting Plan shall be provided to the City of Burlingame for design review. The lighting plan shall utilize the following standards: <ol style="list-style-type: none"><li>a) Control stray light through use of low-brightness fixtures with optical controls.</li><li>b) Fully block all exterior light sources from off-site views.</li></ol>
<b>Less Than Significant Impact with Mitigation Incorporated</b>	

Impact	Mitigation Measures
	<ul style="list-style-type: none"> <li>c) Do not permit any uplighting from any outdoor light fixture.</li> <li>c) Employ on-demand exterior lighting systems where feasible. Area lighting and security lighting shall be controlled by the use of timed switches and/or motion detectors.</li> <li>e) Use tinted windows in all buildings to reduce glare from interior lights.</li> </ul> <p><b>MM AES-3:</b> Flat, non-reflective paint or integrated coloring shall be used in all exterior building materials throughout the project.</p>
<b>Air Quality</b>	
<p><b>Impact Air-3:</b> Expose sensitive receptors to substantial pollutant concentrations—<i>Construction</i></p> <p><b>Impact Air-4:</b> Conflict with or obstruct implementation of the applicable air quality plan—<i>Construction</i></p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM AIR-1: Construction Equipment Emissions Reduction</b></p> <p>The construction contractor shall implement the BAAQMD <i>Enhanced Exhaust Emissions Reduction Measures for Project Construction Equipment</i> measure that requires project off-road equipment greater than 25 horsepower (hp) that operates for more than 20 total hours over the entire duration of construction activities to meet the following requirements:</p> <ul style="list-style-type: none"> <li>▪ All backhoes engines shall meet CARB Tier 4 off-road emission standards.</li> <li>▪ All other equipment engines shall meet or exceed CARB Tier 3 off-road emission standards or be retrofitted with a CARB Level 2 diesel particulate filter (DPF).</li> </ul>
<p><b>Impact Air-3:</b> Expose sensitive receptors to substantial pollutant concentrations—<i>Operation</i></p> <p><b>Impact Air-4:</b> Conflict with or obstruct implementation of the applicable air quality plan—<i>Operation</i></p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM AIR-2: Air Filtration</b></p> <p>A standard house heating, ventilation, and air conditioning (HVAC) system with a permanent filter of a minimum efficiency reporting value (MERV) of 13 or greater shall be installed at the relocated residence at 524 Oak Grove Avenue. The MERV13 filter shall provide one air exchange per hour if the air source is outside/unfiltered air or four air exchanges per hour if the air source is inside/recirculated air to provide an 80 percent or greater reduction of outdoor fine particulate matter (including DPM).</p>

Biological Resources	
<p><b>Impact Biology-1:</b> Would the proposed project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM BIO-1: Pre-construction Bat Surveys</b> The applicant shall implement the following measures during demolition of structures and tree removal or tree pruning.</p> <p><b>Structures.</b> Before demolition of existing structures, a qualified bat specialist shall conduct a day time search for potential roosting habitat and evening emergence surveys to determine if the structure is being used as a roost. Biologists conducting surveys for roost sites shall use naked eye, binoculars, and a high power spotlight to inspect buildings features that could house bats. The surfaces of the structure and the ground around the structure shall be surveyed for bat signs, such as guano, staining, and prey remains. Evening (i.e., dusk) emergence surveys shall consist of at least one bat specialist positioned at different vantage points from the structure, watching for emerging bats from a half hour before sunset to 1 to 2 hours after sunset for a minimum of 2 nights within the season that construction will be taking place. Night vision goggles or full spectrum acoustic detectors should be used during emergence surveys to assist in species identification. All emergence surveys shall be conducted during favorable weather conditions (i.e., calm nights with temperatures conducive to bat activity [55° F and above] and no precipitation predicted). If roosting, special-status bats are present, measures developed by the bat specialist shall be implemented, as needed. Measures to protect the bats may include postponing demolition until after the May 1st through October 1st roosting period. Measures may include monitoring roosting to determine if the roost site is a maternal roost by either a visual inspection of the roost bat pups, or monitoring the roost after the adults leave for the night and listening for bat pups. Eviction of a maternal roost cannot occur because bat pups are not mature enough to leave the roost. If a roost is determined not to be a maternal roost, eviction of bats shall be conducted using bat exclusion techniques developed by Bat Conservation International and in consultation with CDFW that allow the bats to exit the roosting site, but prevent re-entry to the site. This work shall be completed by a BCI-recommended exclusion professional. The exclusion of bats shall be timed and carried out concurrently with any scheduled bird exclusion activities. Each roost lost (if any) shall be replaced in consultation with the CDFW and may include construction and installation of BCI-approved bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement shall be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed</p>

	<p>that bats are not present in the original roost site, the structures may be removed or sealed.</p> <p><b>Tree Removal.</b> A qualified bat specialist shall examine trees to be removed or trimmed for suitable bat roosting habitat. High quality habitat features (large tree cavities, basal hollows, loose or peeling bark, larger snags, etc.) shall be identified and the area around these features searched for bats and bat sign (guano, culled insect parts, staining, etc.). The qualified bat specialist shall conduct evening visual emergence surveys of the source habitat feature, from a half hour before sunset to 1 to 2 hours after sunset for a minimum of two nights within the season that construction will be taking place. If it is found that roosting, special-status bats are present, measures developed by the bat specialist shall be implemented, as needed.</p>
<b>Impact Biology-5:</b> Would the proposed project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  <b>Less Than Significant Impact with Mitigation Incorporated</b>	<p><b>MM BIO-2: Tree Protection Measures</b> Tree protection specifications were developed by Mayne Tree Expert Company Inc. for the protected trees surveyed at the Douglas Avenue and Oak Grove Avenue project sites. The applicant shall implement the following tree protection measures developed by Mayne Tree Expert Company Inc. and approved by the Arborist for protected trees. The Mayne Tree Expert Company Inc. reports shall be included on the demolition and construction plans of the project.</p> <p><b>Mulching.</b> A 6-inch layer of coarse mulch woodchips shall be placed beneath the dripline of protected trees. Mulch is to be kept 12 inches from the trunk.</p> <p><b>Protective Barrier.</b> A protective barrier or 6-foot chain link fence shall be installed around the dripline of protected trees. The fencing can be moved within the dripline if authorized by the Project Arborist or the City Arborist, but no closer than 2 feet from the trunk of any tree. Fence posts shall be 1.5 inches in diameter and are to be driven 2 feet into the ground. The distance between posts shall not be more than 10 feet. This enclosed area is the Tree Protection Zone (TPZ). Moveable barriers or chain link fencing secured to cement blocks can be substituted for "fixed" fencing if the Project Arborist and City Arborist agree that the fencing would have to be moved to accommodate certain phases of construction. The applicant may not move the fence without authorization from the Project Arborist or City Arborist.</p> <p><b>Construction Restrictions.</b> During construction, the following restrictions shall be implemented:</p> <ul style="list-style-type: none"><li>▪ Runoff or spillage of damaging materials to the area below any tree canopy shall not be allowed</li></ul>

	<ul style="list-style-type: none"><li>▪ Storing materials, stockpiling soils, or parking/driving vehicles within the TPZ is not allowed</li><li>▪ Cutting, breaking, skinning, or bruising roots, branches, or trunks of protected trees is prohibited without first obtaining authorization from the City Arborist</li><li>▪ Fires shall not be allowed under and adjacent to trees</li><li>▪ Discharging exhaust into foliage shall be prohibited</li><li>▪ Securing cables, chains, or ropes to trees or shrubs is prohibited</li><li>▪ Trenching, digging, or excavating within the dripline of the TPZ of trees is prohibited without first obtaining authorization from the City Arborist</li><li>▪ Applying soils sterilants under pavement near existing trees is prohibited</li><li>▪ Machine trenching is prohibited within the driplines of trees, only excavation by hand or compressed air is allowed</li></ul> <p><b>Avoiding injury to roots.</b> When a ditching machine, which is being used outside of the dripline of trees, encounters roots smaller than 2 inches, the wall of the trench adjacent to the street shall be hand trimmed, making clear, clean cuts through the roots. All damaged, torn, and cut roots shall be given a clean cut to remove ragged edges, which promote decay. Trenches shall be filled within 24 hours, but, where, this is not possible, the side of the trench adjacent to the trees shall be shaded with four layers of dampened, untreated burlap, wetted as frequently as necessary to keep the burlap wet. Roots 2 inches or larger, when encountered, shall be reported immediately to the Project Arborist, who will decide whether the applicant may cut the roots as mentioned above or shall excavate by hand or with compressed air under the root. The root is to be protected with dampened burlap. In addition, the top 2 feet of the foundation closest to trees shall be air spaded or hand dug under supervision of a licensed arborist to locate and evaluate any significant roots prior to mechanical excavation. The licensed arborist shall be required to submit a report to the City regarding the findings of the excavation and recommend any additional actions needed to protect the roots to preserve the health and structure of both the redwood and oak trees.</p>
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	<p><b>Routing pipes.</b> To avoid conflict with routes, pipes shall be routed outside of an area, ten times the diameter of a protected tree. In addition, where it is not possible to reroute pipes or trenches, the applicant shall bore beneath the dripline of the tree. The boring shall take place not less than 3 feet below the surface of the soil in order to avoid encountering feeder roots.</p> <p><b>Reporting.</b> Any damage due to construction activities shall be reported to the Project Arborist or City Arborist within 6 hours. If a protected tree is damaged, the applicant shall follow any remedial actions deemed necessary by the City Arborist, such as planting additional trees, consistent with Chapter 11.06.090.</p>
<b>Cultural Resources</b>	
<p><b>Impact Cultural-1:</b> Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM CUL-1: Compatible Cladding for Historic House</b>          New construction on the relocated historic house shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, to protect the integrity of the property and its environment consistent with the Secretary of Interior's standards for rehabilitation. The choice of materials shall be submitted to the City for approval as part of the design review process.</p>
<b>Geology and Soils</b>	
<p><b>Impact Geology-3:</b> Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p><b>Impact Geology-4:</b> Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM GEO-1: Implementation of Geotechnical Recommendations</b>          The Applicant and their contractors shall implement the measures outlined and recommended in the Geotechnical Investigation Report Chapters 5 through 10 for the proposed construction at 1128-1132 Douglas Avenue.</p>
<b>Hazards and Hazardous Materials</b>	
<p><b>Impact Hazards-1:</b> Would the proposed project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM HAZ-1: Preparation of a Site-specific Spill Prevention, Control and Countermeasure Plan</b>          The applicant shall prepare a site-specific Spill Prevention, Control, and Countermeasure (SPCC) Plan that will identify spill prevention and response measures and Best Management Practices (BMPs). The plan will emphasize site specific physical conditions to improve hazard prevention (e.g., identification of flow paths to nearest drains) and reduce effects of accidental spills if they occur. The Applicant shall designate a</p>

	<p>representative to ensure that all hazardous materials and safety plans are followed throughout the construction period. BMPs identified in SPCC Plan shall be implemented during project construction to minimize the risk of an accidental release and to provide the necessary information for emergency response. A copy of the project SPCC shall be submitted to the City for approval at least 30 days prior to construction. All construction personnel shall be required to attend SPCC training prior to conducting any work on the project site.</p>
<p><b>Impact Hazards-2:</b> Would the proposed project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM HAZ-1: Preparation of a Site-specific Spill Prevention, Control and Countermeasure Plan</b></p> <p><b>MM HAZ-2: Soils Test</b>                      Prior to construction, the applicant shall evaluate shallow soils at the structure locations for the possible presence of lead and pesticides. If lead or pesticides are found within the tested soils, the applicant shall dispose of the soils, consistent with federal, state and local laws regarding disposal of hazardous materials.</p>
<p><b>Impact Hazards-3:</b> Would the proposed project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM HAZ-1: Prepare and Implement a Site-specific Spill Prevention, Control and Countermeasure Plan</b></p> <p><b>MM AIR-1: Construction Equipment</b></p>
<p><b>Impact Hazards-7:</b> Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM HAZ-3: Project-specific Emergency Access Plan</b>                      The Applicant shall develop and implement a Project specific Emergency Access Plan. The applicant shall submit the plan to the City and all emergency services within the city, including the fire department and police department, at least 30 days prior to construction. The Emergency Access Plan shall require provisions for the:</p> <ul style="list-style-type: none"> <li>a. Implementation of standard safety practices, including installation of appropriate barriers between work zones and transportation facilities, placement of appropriate signage, and use of traffic control devices.</li> <li>b. Use of flaggers and/or signage to guide vehicles through or around construction zones using proper techniques for construction activities, including staging yard entrance and exit.</li> <li>c. Traffic detours for any road or lane closures with appropriate signage marking the detours.</li> <li>d. Timing of worker commutes and material deliveries to avoid peak commuting hours.</li> </ul>

	<ul style="list-style-type: none"> <li>e. Timing of lane and road closures.</li> <li>f. Plans for construction worker parking and transportation to work sites.</li> <li>g. Methods for keeping roadways clean.</li> <li>h. Storage of all equipment and materials in designated work areas in a manner that minimizes traffic obstructions and maximizes traffic sign visibility.</li> <li>i. Limiting vehicles to safe speed levels according to posted speed limits, road conditions, and weather conditions.</li> <li>j. Coordination with public transit providers.</li> <li>k. Repair of asphalt and other road damage (e.g., curb and gutter damage, rutting in unpaved roads) caused by construction vehicles.</li> <li>l. Detours for cyclists and pedestrians when bike lanes or sidewalks must be closed.</li> </ul> <p>The Emergency Access Plan must at a minimum comply with the requirements of the City and must be submitted to the City for approval prior to commencing construction activities.</p>
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### Hydrology and Water Quality

<b>Impact Hydrology-1:</b> Would the proposed project violate any water quality standards or waste discharge requirements?  <b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>MM HYDRO-1: Stormwater Pollution Prevention Best Management Practices</b>  The applicant will implement the following best management practices during construction of the proposed project: <ul style="list-style-type: none"> <li>▪ Preserve existing vegetation where feasible</li> <li>▪ Limit disturbance to the work site</li> <li>▪ Install silt fences around the perimeter of the project site</li> </ul> <b>MM HAZ-1: Prepare and Implement a Site-specific Spill Prevention, Control and Countermeasure Plan</b>
<b>Impact Hydrology-6:</b> Would the proposed project otherwise substantially degrade water quality?  <b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>MM HAZ-1: Preparation of a Site-specific Spill Prevention, Control and Countermeasure Plan</b>

<b>Land Use and Planning</b>	
<b>Impact Land Use-2:</b> Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<b>MM TRAFFIC-2: Driveway Safety Enhancements</b> (see Impact Transportation 4, below)
<b>Less Than Significant Impact with Mitigation Incorporated</b>	
<b>Noise</b>	
<b>Impact Noise-1:</b> Would the proposed project expose persons to, or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<b>MM NOISE-1: Prepare a Relocation Plan and Obtain Approval from the City for Historic House Relocation Outside of Permitted Construction Hours</b>
<b>Less Than Significant Impact with Mitigation Incorporated</b>	<p>The Applicant shall prepare a Relocation Plan and obtain approval from the City under Municipal Code Section 18.07.110 for historic house relocation. The Relocation Plan shall include:</p> <ul style="list-style-type: none"> <li>1. Exact procedure for cutting and dismantling the historic house, and loading on trucks</li> <li>2. Specific routes for movement of the historic house from its existing location to 524 Oak Grove Avenue</li> <li>3. Exact procedure for setting the house in its new location</li> <li>4. Estimated duration for the various activities involved in the cutting, dismantling, loading, and setting of the house</li> <li>5. Coordination procedures with utilities, Caltrain, and appropriate City Departments</li> <li>6. Advance Notice to residents at each project site and along the route regarding the start and duration of power interruption</li> <li>7. Measures to reduce impacts of power outage on residents such as:                     <ul style="list-style-type: none"> <li>a. Power interruption phasing to reduce amount of time houses are affected</li> <li>b. Offering affected parties dry ice for freezers and refrigerators</li> <li>c. Offering generators for life support equipment</li> <li>d. Security lighting</li> </ul> </li> </ul>

	<p>Approval from the City for relocating the historic house outside of permitted construction hours would be contingent on abiding by all the best management practices required under Condition of Approval 19, and the measures included in the Noise Management Plan for the project.</p> <p><b>MM NOISE-2: Compliance with Title 24</b> Prior to issuance of a building permit, a qualified acoustical consultant shall review the final building plans to calculate expected interior noise levels. The building permit shall not be issued until the qualified acoustical consultant has reviewed the acoustical test report of all sound rated windows and doors and confirmed that the proposed building treatments will adequately reduce interior noise levels to 45 dBA or below.</p>
<b>Impact Noise-4:</b> Would the proposed project result in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  <b>Less Than Significant Impact with Mitigation Incorporated</b>	<p><b>MM NOISE-1: Prepare a Relocation Plan and Obtain Approval from the City for Historic House Relocation Outside of Permitted Construction Hours</b></p> <p><b>MM NOISE-3: Noise Management Plan</b> The applicant shall prepare a noise management plan that includes:</p> <ul style="list-style-type: none"><li>a. Identified routes for movement of construction-related vehicles and equipment developed in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.</li><li>b. A designated "Community Liaison" for construction activities. The Community Liaison would be responsible for responding to any local complaints regarding construction noise and vibration. The Community Liaison would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.</li><li>c. Sending advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the phone number for the disturbance coordinator. A notice with the name and phone number of the Community Liaison shall be posted at the project site.</li></ul> <p>In the event that construction noise complaints are not resolved by scheduling, the applicant shall install temporary sound absorption barriers, such as noise control blankets, in addition to the standard noise barriers around the construction site required under Condition of Approval 19, best management practices. These additional barriers would be specifically designed for</p>

	<p>exterior use and would reduce the noise level beyond the fence line by at least 3 dBA.</p> <p>If noise complaints continue, the applicant shall install a temporary sound absorption barrier that would reduce the noise level beyond the fence line an additional 2 dBA, for a total noise reduction of 5 dBA beyond the fence line.</p>
<b>Transportation and Traffic</b>	
<p><b>Impact Transportation-1:</b> Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM TRAFFIC-1: Construction Management Plan</b></p> <p>The project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:</p> <ul style="list-style-type: none"> <li>a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;</li> <li>b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;</li> <li>c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;</li> <li>d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.;</li> <li>e. A construction parking plan to provide worker parking off site and generally off neighborhood streets, with shuttles or other transportation as needed to transport workers to the site; and</li> <li>f. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.</li> </ul>

<p><b>Impact Transportation-4:</b> Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM TRAFFIC-2: Driveway Safety Enhancements</b>          The project applicant and its construction contractor(s) shall implement the following safety enhancements:</p> <ul style="list-style-type: none"> <li>a. Flashing light sensors shall be placed within the project parking garage and rear surface parking areas to alert motorists outbound from the project parking areas that vehicles are inbound from Douglas Avenue (these could be video or loop detected);</li> <li>b. Signs shall be placed at the proposed project's Douglas Avenue entrances that indicate: "Caution—Watch For Outbound Vehicles"; and</li> <li>c. The project design shall be modified to allow for 12-foot access on the eastern-most driveway, except as necessary to avoid impact to the two significant trees. Toward the rear of the lot, that would require either loss of landscaping, further setback for the building (at least on the first floor), and/or loss of a parking space.</li> </ul>
<p><b>Impact Transportation-5:</b> Would the project result in inadequate emergency access?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM HAZ-3: Project-specific Emergency Access Plan</b></p>
<b>Transportation and Traffic</b>	
<p><b>Impact Utilities-8:</b> Would the proposed project impact residents through shutoff of electrical utilities?</p> <p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>MM NOISE-1: Prepare a Relocation Plan and Obtain Approval from the City for Historic House Relocation Outside of Permitted Construction Hours</b></p>

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Final EIR (FEIR) was subject to the following notices and public reviews:

Planning Commission Scoping Session for Environmental Impact Report	May 11, 2015
Notice of Preparation to Office of Planning and Research for SCH #2015062033	June 15, 2015
Notice of Availability and Completion of Draft EIR	September 6, 2016
Public Comment Hearing on Draft EIR	October 11, 2016
End of 45-day review period for Draft EIR	October 20, 2016
Response to Comments document (Final EIR) made available to public	February 3, 2017

**Final EIR – Response to Comments Document:** The environmental consultant has prepared the Final EIR for the project (refer to attached *Douglas Avenue Multi-Family Residential Development Project, dated February 2016*), which consists of responses to the comments received during the comment period, and revisions to the text of the Draft EIR based on the comments received. Together, the Draft EIR and the Response to Comments document comprise the Final EIR for the project. The Final EIR prepared for the

proposed project contains a detailed summary of the comments received during the comment period and the responses to these comments.

The Final EIR for this project discloses that there are no significant unavoidable effects caused by this proposed project. The evaluation in the report of the potentially significant effects identified in the initial study and in public comments identifies mitigation measures to reduce the effects of the items of concern to levels consistent with community standards. The Final EIR is an informational document to be used in the planning and decision-making process. Its purpose is to disclose information on the environmental topics listed in CEQA for decisions makers and the public to use. It is not the purpose of a Final EIR to recommend approval or denial of a project. CEQA requires decision makers to balance the benefits of a proposed project against the environmental disclosures in the report. Because it is a disclosure, or informational document, the requirement for certification is that the report be found to be an adequate disclosure in the judgment of the Planning Commission.

### **REQUIRED FINDINGS**

*Some of the actions associated with the project have specific findings associated with them. These findings are explained below.*

**Certification of EIR:** The lead agency is required to certify that the Environmental Impact Report has been completed in compliance with CEQA Guidelines, that the Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project. The lead agency must also independently review and analyze the EIR and find that the report reflects the independent judgment of the lead agency.

**CEQA Findings:** CEQA Code Section 15091 requires that should an agency choose to approve a project for which an EIR has been certified which identifies one or more significant effects of the project, the agency shall make one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. These findings would need to be supported by substantial evidence in the record. In the case of this project, there are no significant effects identified for the project which cannot be reduced to less than significant levels through implementation of the mitigation measures identified above. Therefore, the CEQA findings listed in Code Section 15091 do not apply to this project. In addition, since no significant and unavoidable impacts have been identified, a Statement of Overriding Considerations is not required.

**Findings for Multiple- Family Residential Design Review (1128-1132 Douglas Avenue):** 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 Design Review (524 Oak Grove Avenue):** The criteria for design review as established in Ordinance No. 1591 adopted by the Council on April 20, 1998 are outlined as follows:

1. Compatibility of the architectural style with that of the existing character of the neighborhood;
2. Respect for the parking and garage patterns in the neighborhood;
3. Architectural style and mass and bulk of structure;
4. Interface of the proposed structure with the structures on adjacent properties; and
5. Landscaping and its proportion to mass and bulk of structural components.

**Findings for Conditional Use Permit for Building Height (1128-1132 Douglas Avenue):** In order to grant a Conditional Use Permit for building height for 56'-10", where buildings over 35' tall (up to 75') require a conditional use permit, the Planning Commission must find that the following conditions exist on the property (Code Sections 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.

**Findings for Front Setback Landscape and Parking Variances (1128-1132 Douglas Avenue and 524 Oak Grove Ave):** In order to grant Variances for Front Setback Landscape and a Parking Variance for driveway width at 1128-1132 Douglas Avenue, and Variance for Front Setback at 524 Oak Grove Avenue, the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 a-d):

- (a) there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) the granting of the application 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
- (d) that the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

**Findings for Tentative Parcel Map to Merge Two Existing Parcels (1128-1132 Douglas Avenue):** In order to approve a tentative parcel map, the Planning Commission and City Council must find that the proposed 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.

**PLANNING COMMISSION ACTION:**

The Planning Commission should conduct a public hearing on the application and consider public testimony and the analysis contained within the staff report and within the Environmental Impact Report prepared for the project. Affirmative action should be taken separately by resolution and include findings for the certification of the Final EIR and CEQA findings, including the conditions representing mitigation measures taken from the Environmental Impact Report (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 for the record.

1. Certification of Environmental Impact Report
2. Design Review, Conditional Use Permit for building height, Front Setback Landscape Variance, and Parking Variance for driveway width at **1128-1132 Douglas Avenue**
3. Tentative Parcel Map for Lot Combination at **1128-1132 Douglas Avenue**
4. Design Review and Front Setback Variance at **524 Oak Grove Avenue**

**Conditions of Approval for 1128-1132 Douglas Avenue:**

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped April 14, 2017, sheets A0.0 through A5.1, C1, AR1.0, L1.1, L1.2, and GP-1;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that the maximum elevation to the top of the parapet and roof shall not exceed elevation 80.96' and 77.71', respectively, as measured from the average elevation at the top of the curb along Douglas Avenue (24.20') for a maximum height of 56'-10" to the top of the parapet; the garage floor finished floor elevation shall be elevation 13.30'; 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. 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;
4. 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 (FYI or amendment to be determined by Planning staff);
5. 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 \$58,138.50, made payable to the City of Burlingame and submitted to the Planning Division;
6. that prior to scheduling the final framing inspection, the applicant shall pay the second half of the public facilities impact fee in the amount of \$58,138.50, made payable to the City of Burlingame and submitted to the Planning Division;

7. that the guest/delivery parking stall shall be marked and designated on the plans, this stall shall not be assigned to any unit and shall always be accessible for parking and not be used for resident storage;
8. that if a security gate system across the driveway is installed in the future, the gate shall be installed a minimum 20'-0" back from the front property line; the security gate system shall include an intercom system connected to each dwelling which allows residents to communicate with guests and to provide guest access to the parking area by pushing a button inside their units;
9. 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;
10. 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;
11. that all construction shall abide by the construction hours established in the municipal code;
12. 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;
13. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
14. 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;
15. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 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;
16. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application;
17. 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;
18. 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 and the street trees will be protected during construction as required by the City Arborist;
19. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;

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20. that the project shall comply with the Construction and Demolition Debris Recycling Ordinance which requires affected demolition, new construction and alteration projects to submit a Waste Reduction plan and meet recycling requirements; any partial or full demolition of a structure, interior or exterior, shall require a demolition permit;
21. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a building permit has been issued and such site work shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
22. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
23. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2016 Edition, as amended by the City of Burlingame;
24. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance:

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

25. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
26. 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 Division;
27. 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;
28. 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 Environmental Impact Report:***

***Aesthetics***

29. ***MM AES-1: Design Review of the Proposed Project:*** *The applicant shall submit revised plans for the proposed building at 1128-1132 Douglas Avenue to the City of Burlingame for design review. The Planning Commission as the responsible body for design review shall review the proposed project for compatibility with the City's guidelines for a residential apartment building in the Downtown Specific Plan R-4 Base District.*
30. ***MM AES-2: Exterior Lighting Plan:*** *Prior to issuance of a building permit, a detailed Exterior Lighting Plan shall be provided. The lighting plan shall utilize the following standards:*
  - a) *Control stray light through use of low-brightness fixtures with optical controls.*

- b) Fully block all exterior light sources from off-site views.
  - c) Do not permit any uplighting from any outdoor light fixture.
  - d) Employ on-demand exterior lighting systems where feasible. Area lighting and security lighting shall be controlled by the use of timed switches and/or motion detectors.
  - e) Use tinted windows in all buildings to reduce glare from interior lights.
31. **MM AES-3: Use of Non-reflective Exterior Paint:** Flat, non-reflective paint or integrated coloring shall be used in all exterior building materials throughout the project.

### Air Quality

32. **MM AIR-1: Construction Equipment Emissions Reduction:** The construction contractor shall implement the BAAQMD Enhanced Exhaust Emissions Reduction Measures for Project Construction Equipment measure that requires project off-road equipment greater than 25 horsepower (hp) that operates for more than 20 total hours over the entire duration of construction activities to meet the following requirements:
- a) All backhoes engines shall meet CARB Tier 4 off-road emission standards.
  - b) All other equipment engines shall meet or exceed CARB Tier 3 off-road emission standards or be retrofitted with a CARB Level 2 diesel particulate filter (DPF).
33. **MM AIR-2: Air Filtration:** A standard house heating, ventilation, and air conditioning (HVAC) system with a permanent filter of a minimum efficiency reporting value (MERV) of 13 or greater shall be installed at the relocated residence at 524 Oak Grove Avenue. The MERV13 filter shall provide one air exchange per hour if the air source is outside/unfiltered air or four air exchanges per hour if the air source is inside/recirculated air to provide an 80 percent or greater reduction of outdoor fine particulate matter (including DPM).

### Biological Resources

34. **MM BIO-1: Pre-construction Bat Surveys** The applicant shall implement the following measures during demolition of structures and tree removal or tree pruning.

**Structures.** Before demolition of existing structures, a qualified bat specialist shall conduct a day time search for potential roosting habitat and evening emergence surveys to determine if the structure is being used as a roost. Biologists conducting surveys for roost sites shall use naked eye, binoculars, and a high power spotlight to inspect buildings features that could house bats. The surfaces of the structure and the ground around the structure shall be surveyed for bat signs, such as guano, staining, and prey remains. Evening (i.e., dusk) emergence surveys shall consist of at least one bat specialist positioned at different vantage points from the structure, watching for emerging bats from a half hour before sunset to 1 to 2 hours after sunset for a minimum of 2 nights within the season that construction will be taking place. Night vision goggles or full spectrum acoustic detectors should be used during emergence surveys to assist in species identification. All emergence surveys shall be conducted during favorable weather conditions (i.e., calm nights with temperatures conducive to bat activity [55° F and above] and no precipitation predicted). If roosting, special-status bats are present, measures developed by the bat specialist shall be implemented, as needed. Measures to protect the bats may include postponing demolition until after the May 1st through October 1st roosting period. Measures may

include monitoring roosting to determine if the roost site is a maternal roost by either a visual inspection of the roost bat pups, or monitoring the roost after the adults leave for the night and listening for bat pups. Eviction of a maternal roost cannot occur because bat pups are not mature enough to leave the roost. If a roost is determined not to be a maternal roost, eviction of bats shall be conducted using bat exclusion techniques developed by Bat Conservation International and in consultation with CDFW that allow the bats to exit the roosting site, but prevent re-entry to the site. This work shall be completed by a BCI-recommended exclusion professional. The exclusion of bats shall be timed and carried out concurrently with any scheduled bird exclusion activities. Each roost lost (if any) shall be replaced in consultation with the CDFW and may include construction and installation of BCI-approved bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement shall be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.

**Tree Removal.** A qualified bat specialist shall examine trees to be removed or trimmed for suitable bat roosting habitat. High quality habitat features (large tree cavities, basal hollows, loose or peeling bark, larger snags, etc.) shall be identified and the area around these features searched for bats and bat sign (guano, culling insect parts, staining, etc.). The qualified bat specialist shall conduct evening visual emergence surveys of the source habitat feature, from a half hour before sunset to 1 to 2 hours after sunset for a minimum of two nights within the season that construction will be taking place. If it is found that roosting, special-status bats are present, measures developed by the bat specialist shall be implemented, as needed.

35. **MM BIO-2: Tree Protection Measures:** Tree protection specifications were developed by Mayne Tree Expert Company Inc. for the protected trees surveyed at the Douglas Avenue and Oak Grove Avenue project sites. The applicant shall implement the following tree protection measures developed by Mayne Tree Expert Company Inc. and approved by the Arborist for protected trees. The Mayne Tree Expert Company Inc. reports shall be included on the demolition and construction plans of the project.

**Mulching.** A 6-inch layer of coarse mulch woodchips shall be placed beneath the dripline of protected trees. Mulch is to be kept 12 inches from the trunk.

**Protective Barrier.** A protective barrier or 6-foot chain link fence shall be installed around the dripline of protected trees. The fencing can be moved within the dripline if authorized by the Project Arborist or the City Arborist, but no closer than 2 feet from the trunk of any tree. Fence posts shall be 1.5 inches in diameter and are to be driven 2 feet into the ground. The distance between posts shall not be more than 10 feet. This enclosed area is the Tree Protection Zone (TPZ). Moveable barriers or chain link fencing secured to cement blocks can be substituted for "fixed" fencing if the Project Arborist and City Arborist agree that the fencing would have to be moved to accommodate certain phases of construction. The applicant may not move the fence without authorization from the Project Arborist or City Arborist.

**Construction Restrictions.** During construction, the following restrictions shall be implemented:

- a) Runoff or spillage of damaging materials to the area below any tree canopy shall not be allowed.
- b) Storing materials, stockpiling soils, or parking/driving vehicles within the TPZ is not allowed.
- c) Cutting, breaking, skinning, or bruising roots, branches, or trunks of protected trees is prohibited without first obtaining authorization from the City Arborist.

- d) Fires shall not be allowed under and adjacent to trees.
- e) Discharging exhaust into foliage shall be prohibited.
- f) Securing cables, chains, or ropes to trees or shrubs is prohibited.
- g) Trenching, digging, or excavating within the dripline of the TPZ of trees is prohibited without first obtaining authorization from the City Arborist.
- h) Applying soils sterilants under pavement near existing trees is prohibited.
- i) Machine trenching is prohibited within the driplines of trees, only excavation by hand or compressed air is allowed.

**Avoiding injury to roots.** When a ditching machine, which is being used outside of the dripline of trees, encounters roots smaller than 2 inches, the wall of the trench adjacent to the street shall be hand trimmed, making clear, clean cuts through the roots. All damaged, torn, and cut roots shall be given a clean cut to remove ragged edges, which promote decay. Trenches shall be filled within 24 hours, but, where, this is not possible, the side of the trench adjacent to the trees shall be shaded with four layers of dampened, untreated burlap, wetted as frequently as necessary to keep the burlap wet. Roots 2 inches or larger, when encountered, shall be reported immediately to the Project Arborist, who will decide whether the applicant may cut the roots as mentioned above or shall excavate by hand or with compressed air under the root. The root is to be protected with dampened burlap. In addition, the top 2 feet of the foundation closest to trees shall be air spaded or hand dug under supervision of a licensed arborist to locate and evaluate any significant roots prior to mechanical excavation. The licensed arborist shall be required to submit a report to the City regarding the findings of the excavation and recommend any additional actions needed to protect the roots to preserve the health and structure of both the redwood and oak trees.

**Routing pipes.** To avoid conflict with routes, pipes shall be routed outside of an area, ten times the diameter of a protected tree. In addition, where it is not possible to reroute pipes or trenches, the applicant shall bore beneath the dripline of the tree. The boring shall take place not less than 3 feet below the surface of the soil in order to avoid encountering feeder roots.

**Reporting.** Any damage due to construction activities shall be reported to the Project Arborist or City Arborist within 6 hours. If a protected tree is damaged, the applicant shall follow any remedial actions deemed necessary by the City Arborist, such as planting additional trees, consistent with Chapter 11.06.090.

## Cultural Resources

36. **MM CUL-1: Compatible Cladding for Historic House:** New construction on the relocated historic house shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, to protect the integrity of the property and its environment consistent with the Secretary of Interior's standards for rehabilitation. The choice of materials shall be submitted to the City for approval as part of the design review process.

## **Geology and Soils**

37. **MM GEO-1: Implementation of Geotechnical Recommendations:** The Applicant and their contractors shall implement the measures outlined and recommended in the Geotechnical Investigation Report Chapters 5 through 10 for the proposed construction at 1128-1132 Douglas Avenue.

## **Hazards and Hazardous Materials**

38. **MM HAZ-1: Preparation of a Site-specific Spill Prevention, Control and Countermeasure Plan:** The applicant shall prepare a site-specific Spill Prevention, Control, and Countermeasure (SPCC) Plan that will identify spill prevention and response measures and Best Management Practices (BMPs). The plan will emphasize site specific physical conditions to improve hazard prevention (e.g., identification of flow paths to nearest drains) and reduce effects of accidental spills if they occur. The Applicant shall designate a representative to ensure that all hazardous materials and safety plans are followed throughout the construction period. BMPs identified in SPCC Plan shall be implemented during project construction to minimize the risk of an accidental release and to provide the necessary information for emergency response. A copy of the project SPCC shall be submitted to the City for approval at least 30 days prior to construction. All construction personnel shall be required to attend SPCC training prior to conducting any work on the project site.
39. **MM HAZ-2: Soils Test:** Prior to construction, the applicant shall evaluate shallow soils at the structure locations for the possible presence of lead and pesticides. If lead or pesticides are found within the tested soils, the applicant shall dispose of the soils, consistent with federal, state and local laws regarding disposal of hazardous materials.

## **Hydrology and Water Quality**

40. **MM HAZ-3: Project-specific Emergency Access Plan:** The Applicant shall develop and implement a Project specific Emergency Access Plan. The applicant shall submit the plan to the City and all emergency services within the city, including the fire department and police department, at least 30 days prior to construction. The Emergency Access Plan shall require provisions for the:
- a) Implementation of standard safety practices, including installation of appropriate barriers between work zones and transportation facilities, placement of appropriate signage, and use of traffic control devices.
  - b) Use of flaggers and/or signage to guide vehicles through or around construction zones using proper techniques for construction activities, including staging yard entrance and exit.
  - c) Traffic detours for any road or lane closures with appropriate signage marking the detours.
  - d) Timing of worker commutes and material deliveries to avoid peak commuting hours.
  - e) Timing of lane and road closures.
  - f) Plans for construction worker parking and transportation to work sites.
  - g) Methods for keeping roadways clean.
  - h) Storage of all equipment and materials in designated work areas in a manner that minimizes traffic obstructions and maximizes traffic sign visibility.

- i) Limiting vehicles to safe speed levels according to posted speed limits, road conditions, and weather conditions.
- j) Coordination with public transit providers.
- k) Repair of asphalt and other road damage (e.g., curb and gutter damage, rutting in unpaved roads) caused by construction vehicles.
- l) Detours for cyclists and pedestrians when bike lanes or sidewalks must be closed.

*The Emergency Access Plan must at a minimum comply with the requirements of the City and must be submitted to the City for approval prior to commencing construction activities.*

### **Hydrology and Water Quality**

41. **MM HYDRO-1: Stormwater Pollution Prevention Best Management Practices:** The applicant will implement the following best management practices during construction of the proposed project:
- a) Preserve existing vegetation where feasible.
  - b) Limit disturbance to the work site.
  - c) Install silt fences around the perimeter of the project site.

### **Noise**

42. **MM NOISE-1: Prepare a Relocation Plan and Obtain Approval from the City for Historic House Relocation Outside of Permitted Construction Hours:** The Applicant shall prepare a Relocation Plan and obtain approval from the City under Municipal Code Section 18.07.110 for historic house relocation. The Relocation Plan shall include:
1. Exact procedure for cutting and dismantling the historic house, and loading on trucks.
  2. Specific routes for movement of the historic house from its existing location to 524 Oak Grove Avenue.
  3. Exact procedure for setting the house in its new location.
  4. Estimated duration for the various activities involved in the cutting, dismantling, loading, and setting of the House.
  5. Coordination procedures with utilities, Caltrain, and appropriate City Departments.
  6. Advance Notice to residents at each project site and along the route regarding the start and duration of power interruption.
  7. Measures to reduce impacts of power outage on residents such as:
    - a. Power interruption phasing to reduce amount of time houses are affected.

- b. Offering affected parties dry ice for freezers and refrigerators
- c. Offering generators for life support equipment.
- d. Security lighting.

*Approval from the City for relocating the historic house outside of permitted construction hours would be contingent on abiding by all the best management practices required under Condition of Approval 19, and the measures included in the Noise Management Plan for the project.*

43. **MM NOISE-2: Compliance with Title 24:** Prior to issuance of a building permit, a qualified acoustical consultant shall review the final building plans to calculate expected interior noise levels. The building permit shall not be issued until the qualified acoustical consultant has reviewed the acoustical test report of all sound rated windows and doors and confirmed that the proposed building treatments will adequately reduce interior noise levels to 45 dBA or below.

44. **MM NOISE-3: Noise Management Plan:** The applicant shall prepare a noise management plan that includes:

- a. Identified routes for movement of construction-related vehicles and equipment developed in conjunction with the Burlingame Community Development Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.
- b. A designated “Community Liaison” for construction activities. The Community Liaison would be responsible for responding to any local complaints regarding construction noise and vibration. The Community Liaison would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.
- c. Sending advance notice to neighborhood residents within 50 feet of the project site regarding the construction schedule and including the phone number for the disturbance coordinator. A notice with the name and phone number of the Community Liaison shall be posted at the project site.

*In the event that construction noise complaints are not resolved by scheduling, the applicant shall install temporary sound absorption barriers, such as noise control blankets, in addition to the standard noise barriers around the construction site required under Condition of Approval 19, best management practices. These additional barriers would be specifically designed for exterior use and would reduce the noise level beyond the fence line by at least 3 dBA.*

*If noise complaints continue, the applicant shall install a temporary sound absorption barrier that would reduce the noise level beyond the fence line an additional 2 dBA, for a total noise reduction of 5 dBA beyond the fence line.*

### **Transportation and Traffic**

45. **MM TRAFFIC-1: Construction Management Plan:** The project applicant and its construction contractor(s) shall develop a construction management plan for review and approval by the City of Burlingame. The plan must include at least the following items and requirements to reduce, to the maximum extent feasible, traffic and parking congestion during construction:

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- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
  - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
  - c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
  - d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.;
  - e. A construction parking plan to provide worker parking off site and generally off neighborhood streets, with shuttles or other transportation as needed to transport workers to the site; and
  - f. Designation of a readily available contact person for construction activities who would be responsible for responding to any local complaints regarding traffic or parking. This coordinator would determine the cause of the complaint and, where necessary, would implement reasonable measures to correct the problem.
46. **MM TRAFFIC-2: Driveway Safety Enhancements:** The project applicant and its construction contractor(s) shall implement the following safety enhancements:
- a. Flashing light sensors shall be placed within the project parking garage and rear surface parking areas to alert motorists outbound from the project parking areas that vehicles are inbound from Douglas Avenue (these could be video or loop detected);
  - b. Signs shall be placed at the proposed project's Douglas Avenue entrances that indicate: "Caution—Watch For Outbound Vehicles"; and
  - c. The project design shall be modified to allow for 12-foot access on the eastern-most driveway, except as necessary to avoid impact to the two significant trees. Toward the rear of the lot, that would require either loss of landscaping, further setback for the building (at least on the first floor), and/or loss of a parking space.

**Conditions of Approval for 524 Oak Grove Avenue:**

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped December 22, 2014, sheets A0.0 through A5.1, AR1.0, L1.1, L1.2, and GP1;
2. that any changes to building materials, exterior finishes, windows, architectural features, roof height or pitch, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
3. that any changes to the size or envelope of the first or second floors, or garage, which would include adding or enlarging a dormer(s), shall require an amendment to this permit;

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4. that any recycling containers, debris boxes or dumpsters for the construction project shall be placed upon the private property, if feasible, as determined by the Community Development Director;
5. that demolition or removal of the existing structures and any grading or earth moving on the site shall not occur until a building permit has been issued and such site work shall be required to comply with all the regulations of the Bay Area Air Quality Management District;
6. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
7. that all air ducts, plumbing vents, and flues shall be combined, where possible, to a single termination and installed on the portions of the roof not visible from the street; and that these venting details shall be included and approved in the construction plans before a Building permit is issued;
8. that the project shall comply with the Construction and Demolition Debris Recycling Ordinance which requires affected demolition, new construction and alteration projects to submit a Waste Reduction plan and meet recycling requirements; any partial or full demolition of a structure, interior or exterior, shall require a demolition permit;
9. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2013 Edition, as amended by the City of Burlingame;

**THE FOLLOWING CONDITIONS SHALL BE MET DURING THE BUILDING INSPECTION PROCESS  
PRIOR TO THE INSPECTIONS NOTED IN EACH CONDITION:**

10. that prior to scheduling the framing inspection the applicant shall provide a certification by the project architect or residential designer, or another architect or residential design professional, that demonstrates that the project falls at or below the maximum approved floor area ratio for the property;
11. prior to scheduling the framing inspection the project architect or residential designer, or another architect or residential design professional, shall provide an architectural certification that the architectural details shown in the approved design which should be evident at framing, such as window locations and bays, are built as shown on the approved plans; architectural certification documenting framing compliance with approved design shall be submitted to the Building Division before the final framing inspection shall be scheduled;
12. 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; and
13. 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 Environmental Impact Report**

### **Air Quality**

14. **MM AIR-2: Air Filtration:** A standard house heating, ventilation, and air conditioning (HVAC) system with a permanent filter of a minimum efficiency reporting value (MERV) of 13 or greater shall be installed at the relocated residence at 524 Oak Grove Avenue. The MERV13 filter shall provide one air exchange per hour if the air source is outside/unfiltered air or four air exchanges per hour if the air source is inside/recirculated air to provide an 80 percent or greater reduction of outdoor fine particulate matter (including DPM).

### **Biological Resources**

15. **MM BIO-2: Tree Protection Measures:** Tree protection specifications were developed by Mayne Tree Expert Company Inc. for the protected trees surveyed at the Douglas Avenue and Oak Grove Avenue project sites. The applicant shall implement the following tree protection measures developed by Mayne Tree Expert Company Inc. and approved by the Arborist for protected trees. The Mayne Tree Expert Company Inc. reports shall be included on the demolition and construction plans of the project.

**Mulching.** A 6-inch layer of coarse mulch woodchips shall be placed beneath the dripline of protected trees. Mulch is to be kept 12 inches from the trunk.

**Protective Barrier.** A protective barrier or 6-foot chain link fence shall be installed around the dripline of protected trees. The fencing can be moved within the dripline if authorized by the Project Arborist or the City Arborist, but no closer than 2 feet from the trunk of any tree. Fence posts shall be 1.5 inches in diameter and are to be driven 2 feet into the ground. The distance between posts shall not be more than 10 feet. This enclosed area is the Tree Protection Zone (TPZ). Moveable barriers or chain link fencing secured to cement blocks can be substituted for "fixed" fencing if the Project Arborist and City Arborist agree that the fencing would have to be moved to accommodate certain phases of construction. The applicant may not move the fence without authorization from the Project Arborist or City Arborist.

**Construction Restrictions.** During construction, the following restrictions shall be implemented:

- a) Runoff or spillage of damaging materials to the area below any tree canopy shall not be allowed.
- b) Storing materials, stockpiling soils, or parking/driving vehicles within the TPZ is not allowed.
- c) Cutting, breaking, skinning, or bruising roots, branches, or trunks of protected trees is prohibited without first obtaining authorization from the City Arborist.
- d) Fires shall not be allowed under and adjacent to trees.
- e) Discharging exhaust into foliage shall be prohibited.
- f) Securing cables, chains, or ropes to trees or shrubs is prohibited.
- g) Trenching, digging, or excavating within the dripline of the TPZ of trees is prohibited without first obtaining authorization from the City Arborist.
- h) Applying soils sterilants under pavement near existing trees is prohibited.

- i) Machine trenching is prohibited within the driplines of trees, only excavation by hand or compressed air is allowed.

**Avoiding injury to roots.** When a ditching machine, which is being used outside of the dripline of trees, encounters roots smaller than 2 inches, the wall of the trench adjacent to the street shall be hand trimmed, making clear, clean cuts through the roots. All damaged, torn, and cut roots shall be given a clean cut to remove ragged edges, which promote decay. Trenches shall be filled within 24 hours, but, where, this is not possible, the side of the trench adjacent to the trees shall be shaded with four layers of dampened, untreated burlap, wetted as frequently as necessary to keep the burlap wet. Roots 2 inches or larger, when encountered, shall be reported immediately to the Project Arborist, who will decide whether the applicant may cut the roots as mentioned above or shall excavate by hand or with compressed air under the root. The root is to be protected with dampened burlap. In addition, the top 2 feet of the foundation closest to trees shall be air spaded or hand dug under supervision of a licensed arborist to locate and evaluate any significant roots prior to mechanical excavation. The licensed arborist shall be required to submit a report to the City regarding the findings of the excavation and recommend any additional actions needed to protect the roots to preserve the health and structure of both the redwood and oak trees.

**Routing pipes.** To avoid conflict with routes, pipes shall be routed outside of an area, ten times the diameter of a protected tree. In addition, where it is not possible to reroute pipes or trenches, the applicant shall bore beneath the dripline of the tree. The boring shall take place not less than 3 feet below the surface of the soil in order to avoid encountering feeder roots.

**Reporting.** Any damage due to construction activities shall be reported to the Project Arborist or City Arborist within 6 hours. If a protected tree is damaged, the applicant shall follow any remedial actions deemed necessary by the City Arborist, such as planting additional trees, consistent with Chapter 11.06.090.

## Cultural Resources

16. **MM CUL-1: Compatible Cladding for Historic House:** New construction on the relocated historic house shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, to protect the integrity of the property and its environment consistent with the Secretary of Interior's standards for rehabilitation. The choice of materials shall be submitted to the City for approval as part of the design review process.

## Noise

17. **MM NOISE-1: Prepare a Relocation Plan and Obtain Approval from the City for Historic House Relocation Outside of Permitted Construction Hours:** The Applicant shall prepare a Relocation Plan and obtain approval from the City under Municipal Code Section 18.07.110 for historic house relocation. The Relocation Plan shall include:
  1. Exact procedure for cutting and dismantling the historic house, and loading on trucks.
  2. Specific routes for movement of the historic house from its existing location to 524 Oak Grove Avenue.
  3. Exact procedure for setting the house in its new location.

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4. *Estimated duration for the various activities involved in the cutting, dismantling, loading, and setting of the House.*
5. *Coordination procedures with utilities, Caltrain, and appropriate City Departments.*
6. *Advance Notice to residents at each project site and along the route regarding the start and duration of power interruption.*
7. *Measures to reduce impacts of power outage on residents such as:*
  - a. *Power interruption phasing to reduce amount of time houses are affected.*
  - b. *Offering affected parties dry ice for freezers and refrigerators*
  - c. *Offering generators for life support equipment.*
  - d. *Security lighting.*

*Approval from the City for relocating the historic house outside of permitted construction hours would be contingent on abiding by all the best management practices required under Condition of Approval 19, and the measures included in the Noise Management Plan for the project.*

Ruben Hurin  
Senior Planner

c. Dreiling Terrones Architecture Inc., applicant and architect  
Zers Douglas LLC, property owner

Attachments:

February 13, 2017 Planning Commission Minutes  
Memorandum Prepared by Panorama, dated April 17, 2017  
Applicant's Response Letter (February 13, 2017 PC Meeting), dated April 18, 2017  
Neighborhood Meeting Information, submitted by the applicant  
Variance Application for Front Setback Landscaping  
October 11, 2016 Planning Commission Minutes  
Applicant's Response Letter (October 11, 2016 PC Meeting), dated February 6, 2017  
May 11, 2015 Planning Commission Minutes  
March 23, 2015 Planning Commission Minutes  
Project Application Documents for 1128-1132 Douglas Avenue  
Project Application Documents for 524 Oak Grove Avenue  
Written Comments Submitted by Public for 1128-1132 Douglas Avenue  
Comments Submitted by Agencies and Public on Draft EIR  
Comments Submitted by Agencies and Public on Notice of Preparation of Draft EIR  
Planning Commission Resolutions (Proposed)  
Notice of Availability of Draft EIR and Notice of Completion of DEIR – Mailed & Published February 6, 2015  
Notice of Public Hearing – Mailed April 14, 2017  
Aerial Photos

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Submitted Separately:

Historical Resource Evaluation for 1128 Douglas Avenue, prepared by Page & Turnbull, Inc., dated  
May 14, 2013

Historical Resource Evaluation for 1132 Douglas Avenue, prepared by Page & Turnbull, Inc., dated  
May 15, 2013

Final Environmental Impact Report – Douglas Avenue Multi-Family Residential Development Project, dated  
February 2017 (SCH# 2015062033)

Draft Environmental Impact Report – Douglas Avenue Multi-Family Residential Development Project, dated  
August 2016 (SCH# 2015062033)