

# City of Burlingame

*Design Review, Density Bonus, and Approval of Community Benefit Bonuses for a New 5-story, 420-unit Multi-Unit Residential Development*

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

**Address:** 1855-1881 Rollins Road

**Meeting Date:** September 26, 2022

**Request:** Application for Design Review, Density Bonus, and Approval of Community Bonuses for a new 5-story, 420-unit multi-unit residential development.

**Applicant:** Scott Youdall, The Hanover Company

**Architect:** Jon Ennis, BDE Architecture

**Property Owners:** E&S Property LLC, ANRM Holdings LLC (1855 Rollins Road) SJ Amoroso Properties (1881 Rollins Road), Union Pacific Railroad Company

**APNs:** 025-166-230 and 025-166-240 (no APN assigned to the UPRR parcel because it is a utility)

**Existing Parcel Areas:**

87,162 SF / 2.0 acres (1855 Rollins Rd)

122,296 SF / 2.81 acres (1881 Rollins Rd)

9,339 SF / 0.214 acres (Union Pacific Railroad parcel)

**Proposed Parcel Area:** 5.023 acres (218,797 SF)

**Project Development Site:** 4.993 acres (217,495 SF)

**General Plan:** Innovation Industrial (II)

**Zoning:** RRMU (North Rollins Road Mixed Use)

**Adjacent Development:** Commercial industrial, storage, commercial recreation, vehicle storage and dispatch

**Current Uses:** Commercial industrial

**Proposed Uses:** Multi-Unit residential

**Allowable Uses:** Multi-Unit residential and mixed use, restaurants, retail, commercial services, research and development laboratories

**Note:** This application was submitted prior to January 5, 2022, the effective date of the new Zoning Ordinance, and therefore was reviewed under the previous Zoning Code in effect at that time.

**Environmental Review:** Environmental review of this project is required by the California Environmental Quality Act (CEQA). Based on the proposed project, it is anticipated that the project qualifies for an exemption under CEQA Guidelines Section 15332, as a Class 32 urban infill development. Section 15332 of the CEQA Guidelines is intended to promote in-fill development within urbanized areas. This class consists of in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in significant impacts on endangered, rare, or threatened species, traffic, noise, air quality, water quality, utilities, and public services. Application of this exemption, as all categorical exemptions, is limited by the exceptions described in Section 15300.2 of the CEQA Guidelines. Section 15332 states:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

On the basis of the evidence provided in the analysis, it was determined the project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines (see attached CEQA Class 32 Infill Exemption prepared by Circlepoint, dated September 21, 2022). Based on City of Burlingame threshold criteria, no additional substantial adverse impacts beyond those discussed in the analysis are anticipated. Because the project meets the criteria for categorically exempt infill development projects, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project. No further review is needed.

**Project Summary:** The project site is comprised of three existing parcels, including two with street frontage at 1855 Rollins Road and 1881 Rollins Road, and a third interior parcel with no street frontage that is an abandoned Union Pacific Railroad (UPRR) spur (see sheet VTM-2.0). With the proposed application, the three parcels would be merged to create a 5.023 parcel and a 0.03 acre area of the new parcel (located on the railroad spur) would be fenced off and not developed (see sheet VTM-3.0). The remaining 4.993-acres of the new parcel comprises the project development site.

The project development site would have frontages on both Rollins Road and Broderick Road. Rollins Road abuts the east side of the site and is considered the front of the parcel. To the north (right side) of the project development site is a drainage right-of-way for El Portal Creek and the City boundary between Burlingame and Millbrae runs down the middle of the paved drainage culvert, parallel to the right side property line of the subject site. The west side (rear of the site) is a curved property line that abuts the Caltrain railroad tracks and an industrial building at 40 Broderick Road. The south side (left side) of the site fronts on Broderick Road.

The parcels with frontage on Rollins Road currently contain three industrial buildings and the UPRR parcel is vacant. The applicant proposes to demolish all existing structures, merge the three parcels, fence off a 1,302 SF area of the UPRR parcel that will not be developed, and on the remaining project development site to build a new five-story, 420-unit multi-unit residential development with 545 parking spaces located primarily in an attached garage at the rear of the site. The proposed height of the building is 64'-0". The project includes three public plazas, one at the north end, one mid-block along Rollins Road, and one at the south end of the site.

A total of three courtyards are proposed at the interior of the main residential building, along with loggias that connect the courtyard spaces. There are additional open spaces located at the rear, right side of the site and along the Broderick Road frontage. Common space amenities, such as a lobby and mailroom, lounge and workspace areas, and a fitness room, are proposed adjacent to the main entrance and the main public plaza (Plaza A) on Rollins Road.

There are a total of 545 parking spaces proposed for the project. Parking for the residents is located in an attached garage at the rear of the residential building with five levels of enclosed parking and a roof deck, totaling 539 off-street parking spaces. There are an additional six surface parking spaces located near the lobby entrance at the front of the site that are intended for guests and deliveries. Vehicular access into the garage is provided from both Rollins Road and Broderick Road.

The proposed mix of residential units would include 50 studio units (12% of total units), 233 one-bedroom units (56%), 119 two-bedroom units (28%), and 18 three-bedroom units (4%). Of the 420 units, 35 units (10%) would be designated affordable for low income households (80% of San Mateo County's Area Median Income for 55 years). Unit sizes range from approximately 545 SF to 1,550 SF. The affordable unit types will be designated at the time of the building permit application and must reflect the mix of unit types proposed for the overall project.

The applicant has elected to develop consistent with “Tier 3” development standards, which is the highest tier. Projects using Tier 3 standards must provide at least three community benefits (see Community Benefits section in staff report for additional information). Planning staff has determined that the proposed project complies with the Tier 3 development standards.

For a more detailed description of the proposed project, please refer to the attached Letter of Explanation submitted by the applicant, dated September 12, 2022. The following applications are requested for this project:

- Design Review for construction of a new 5-story, 420-unit multi-unit residential development (C.S. 25.39.060);
- Density Bonus to allow 70 additional units over the density permitted for Tier 3 developments (C.S. 25.63.020 (a)(1));
- Density Bonus to allow an incentive to facilitate the provision of affordable housing for the development to provide less than the required minimum of open space per living unit (123 SF per unit proposed, where 125 SF per unit is the minimum required);
- Density Bonus to allow a waiver/modification to development standards to facilitate the provision of affordable housing; request for waiver to the minimum landscape coverage standard (15.9% proposed, where 20% is the maximum allowed); and
- Approval of community benefits bonuses for Tier 3 projects. The Planning Commission may approve Tier 3 projects if it determines that a project includes at least three community benefits. (C.S. 25.39.030).

**Design Review Study Meeting:** At the Planning Commission Design Review Study meeting on March 14, 2022 the Commission had several suggestions for the project applicant to consider (see attached March 14, 2022 Planning Commission Minutes). Overall, the Commission was in support of the proposed project. The following is a summary of the Commission’s comments:

- Look for more opportunities for the public to be drawn to these plazas, such as retail or some other interactive use to draw in foot traffic;
- Could the culvert be used to enhance the landscaping;
- Green space is in short supply in this area; would like more presence of green space;
- As you drive South on Rollins from Millbrae into Burlingame, there is a potential graphic or texture opportunity to engage the entry of the project at your main plaza; something large and vertical that would give a sense of arrival and create a gateway into Burlingame;
- This is a very long block and something more could be done to the corners to add variety or to the balconies in the middle to break up the monotony of so many units;
- Consider moving the pool up several levels so that it has more sun throughout the day;
- The project is below the maximum height. Is there a reason the project can’t have more height variations to create visual interest? Perhaps shorter buildings at the Rollins Road frontage and increases in height as you approach the garage; and

- Generally a well-designed project in general; exactly what we want to see as a catalyst to further residential development in this zoning district.

In a response letter dated September 12, 2022, the applicant provided detailed responses to the Commission's comments and a summary of the changes that have been made to the project since the Design Review Study Meeting (see attachments). The applicant also submitted revised plans, including renderings, dated September 12, 2022.

**Design Review:** Design Review is required for all new development and is subject to the design standards and objective design criteria pursuant to Code Section 25.39.040. The criteria for design review in mixed-use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- 1) Support of the pattern of diverse architectural styles that characterize the city's commercial, industrial and mixed use areas; and
- 2) Respect and promotion of pedestrian activity by placement of buildings to maximize commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not dominate street frontages; and
- 3) On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development; and
- 4) Compatibility of the architecture with the mass, bulk, scale, and existing materials of existing development and compatibility with transitions where changes in land use occur nearby; and
- 5) Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure, restores or retains existing or significant original architectural features, and is compatible in mass and bulk with other structures in the immediate area; and
- 6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

Exterior materials proposed for the project include stucco, Allura siding, fiber cement siding, tile, glass railings, ACM panel, painted concrete, vinyl windows and doors for the residential units, and an aluminum storefront for the lobby and amenity spaces at the main building entrance (located off Plaza A).

Exterior materials are shown on sheet AP3.10 and AP3.11 of the plans dated September 12, 2022. To better help visualize the proposed project, renderings of the proposed project are provided on sheets AP3.00 and AP3.01.

**General Plan and North Rollins Road Mixed Use (RRMU) Zone:** In January 2019, the City adopted a new General Plan and certified the Environmental Impact Report (EIR). The new General Plan includes a Live/Work designation in the northerly one-third of the Rollins Road corridor, corresponding to an approximate ½ mile distance from the Millbrae BART/Caltrain Intermodal Station.

The North Rollins Road Mixed Use (RRMU) Zone implements the General Plan Live/Work land use designation by creating and sustaining a new neighborhood of creative live/work units and stand-alone residential developments, small-scale support commercial businesses, and other employment uses within easy walking distance to the Millbrae multimodal transit station.

The RRMU zoning and the General Plan were approved by C/CAG's Airport Land Use Committee (ALUCP). The proposed project meets height limits in for the Zoning district and therefore no additional review by the ALUCP is required for this project.

**Community Benefits:** To provide an incentive for development, and in partnership with the City to provide community benefits that would not otherwise be created, the Planning Commission may grant increased FAR, density, and/or height in return for provision of specific community benefits, if doing so is in the City's interest and will help implement the General Plan and further, if these benefits cannot be realized without granting increased FAR, height, and/or density. The RRMU Zoning Standards includes "tiered" development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights.

The developer has elected to develop consistent with Tier 3 development standards. The Planning Commission may approve Tier 3 projects if it determines that the project includes at least three community benefits; at least one of the community benefits must be an affordable and workforce housing objective. The developer is proposing to provide the following three community benefits (where a minimum of three are required):

- Affordable Housing – Section 4.1.a - The project qualifies for and intends to utilize a density bonus in compliance with the City's affordable housing incentives by including 35 below-market rate units, 10% of the base number of units allowed and 8.3% of the total project. These units will be for affordable Low Income Households (80% of San Mateo County's Area Median Income (AMI)) for 55 years.
- Public Plaza Beyond Minimum – Section 4.c - The project includes an approximately 3,824 square-foot publicly accessible plaza (Plaza A). To be considered a community benefit, the plaza must be 50% larger than the minimum required (or a minimum of 2,250 SF).
- Mode Split - Transportation Demand Management (TDM) Plan - Section 4.h – A TDM Plan must provide for a permanent mobility mode shift towards alternative transportation of up to twenty-five (25) percent for building occupants through a TDM Plan. A TDM Plan, dated July 22, 2022, was prepared for this project by Hexagon Transportation Consultants (see attached). The TDM Plan would include measures such as participation in Commute.org programs, providing bicycle facilities (secure bicycle storage, back racks), providing pedestrian facilities (sidewalk frontage improvements and accessible-disabled ramps), employing a transportation coordinator, providing information and promotions for residents, assistance with on-site ride matching and carpools, providing on-site amenities to reduce trips (fitness center, work lounge, pool, and charging stations), unbundled parking (parking management), and high-bandwidth internet connection to encourage telecommuting. The measures listed in the TDM Plan have been developed to meet the 25 percent trip reduction requirement needed to provide a community benefit.

**Landscaping:** Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L-1.1.0 through L-6.1.0). The RRMU zoning standards require that for Tier 3 projects, 20% of the site be landscaped. Landscaping is provided throughout the site, including in the areas between the building and property lines and within the interior courtyards. The project proposes 15.9% site landscaping where a minimum of 20% of the project development site is required. The applicant has made application for a Density Bonus Waiver to this development standard (see the September 12, 2022 Letter of Explanation for a discussion of the waiver application).

In accordance with the City's requirements, each lot developed with a multi-unit residential use is required to provide a minimum of one 24-inch box-size, non-fruit tree for every 2,000 SF of lot coverage. Based on the proposed project, a total of 64 landscape trees are required on site. A total of 76 new landscape trees are

proposed on-site and 22 street trees (Australian Willow, 36-inch box size) are proposed in the right-of-ways along Rollins Road and Broderick Road.

**Plaza and Paseo Requirements:** Where the total lot area of a development is 50,000 SF or greater (project development site is 217,495 SF), the project is required to provide a pedestrian plaza or other public open space that is at least 1,500 SF in area, is at least 30 feet in dimension in any direction, and that includes at least one focal element. The project proposes Plaza A at the northeast corner of the site (facing Rollins Road) that meets the plaza minimum requirements with a total size of 3,824 SF, a public art focal point, four seat walls, a trash receptacle, and four bike stands. The project also includes an additional, non-required plaza (Plaza B) at the southeast corner of the site (at the intersection of Broderick Road and Rollins Road). Plaza B is 2,777 SF in area with a public art focal point, two seat walls, and four bike stands.

Where blocks are longer than 400 feet (subject site block is over 700 feet in length) and where a development has more than 300 feet of frontage (subject site has 440 feet of frontage on Rollins Road), a midblock paseo, plaza, or pedestrian pathway must be provided perpendicular to the block face and must be at least 15 feet x 15 feet in dimension. The project proposes a third plaza (Plaza C) to meet this midblock plaza requirement. Plaza C is located along the Rollins Road frontage at a secondary entry to the residential portion of the building. Plaza C is 1,003 SF (17' x 46') with one seat wall and three bike racks.

The three proposed plazas are shown on the Landscape Plan and on the Plaza Enlargement Plans (sheets L-1.1.1 and L-1.1.2). Each plaza will be paved with matching pavers that are distinct from the sidewalk material and are required to have visible signage stating they are open to the public every day of the year.

**Open Space Requirements:** RRMU zoning standards require that the project provide 125 SF of open space for each residential unit. Areas that can count towards the open space requirement include private open spaces (e.g., patios or balconies) that are a minimum of 5' x 8' in dimension, common open spaces (e.g., yards, dog parks, courtyards), and public open spaces (e.g., plazas or paseos), including up to 50% of the square footage of required plazas. The project proposes 123 SF of open space per unit (51,693 SF total) where a minimum of 125 SF of open space per unit (52,500 SF total) is required. The applicant has made application for a Density Bonus Incentive to provide less than the required minimum of open space per unit (see the September 12, 2022 Letter of Explanation for a discussion of the incentive application).

The project proposes all three types of open space and the totals are shown on sheet AP0.30. Private open space calculations are shown on sheet AP0.31. Not all of the proposed units have private open space as part of their floor plan and for those units that do include a patio or balcony, only some floor plans meet the minimum required 5' x 8' private open space dimensions to allow them to be counted towards the open space requirement. A total of 12,759 SF of private open space in the form of balconies that meet the minimum dimensions counts towards the required open space minimum.

The common open space proposed for the project totals 34,449 SF and includes the following spaces that are located at the exterior of the building: Open Spaces A and B along Broderick Road and Open Space C at the northwest corner of the site that includes a dog run. The following common open spaces are located at the interior of the building: Courtyards A, B, and C and Loggias A and B that connect the three courtyards. The courtyards and loggias include various amenities such as pools, cabanas, outdoor lounges, BBQ grills, banquet and bar seating areas, shuffleboard courts, ping pong tables, televisions, and water features (refer to sheet L-1.1.0 for full amenities for each common open space).

The project also proposes 4,485 SF of public open space that can be counted towards the open space requirement. The public open spaces that are eligible include 50% of Plaza A and Plaza C and all the square footage for Plaza B.

**Off-Street Parking:** Parking requirements are based on the number of bedrooms proposed per unit. Zoning Code Section 25.39.050 of the RRMU zoning district provides reduced residential parking standards given its proximity to the Millbrae multimodal transit station. In the RRMU District, the minimum parking requirement is 1 space for each studio or one-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each unit containing 3 or more bedrooms; no guest parking is required.

The proposed project requires a total of 498 spaces for the mix of residential units, where 545 parking spaces are provided. A total of 539 parking spaces are proposed in the attached parking garage (including EV and ADA spaces) and six additional spaces are provided in a surface parking area near the lobby and amenity areas at the north end of the site. The project exceeds the number of required parking spaces by 47 parking spaces.

Bicycle parking is provided in secured rooms on each floor within the building (210 bicycle stalls provided where 210 stalls are required) and there are visitor bicycle stalls located in stands in each of three plazas (11 stands and 22 total bicycle stalls where 21 stalls are required).

Zoning Code standards require a minimum of 5% Electric Vehicle (EV) parking stalls. This Burlingame Reach Code standard exceeds the zoning code minimum with a requirement of one EV parking stall for every residential unit. The proposed project meets the Reach Code standard with a total of 420 proposed EV parking stalls where 420 EV parking stalls are required.

**Transportation Demand Management:** A Transportation Demand Management (TDM) Plan, dated July 12, 2022, was prepared by Hexagon Transportation Consultants. TDM measures will be implemented as a part of the project to reduce the number of single-occupant vehicle trips generated by the project. The TDM plan includes design features, programs, and services that promote sustainable modes of transportation. Condition of approvals #9 - #13 have been added which require implementation and monitoring of the TDM Plan for the project. Proposed TDM measures, as described in greater detail in the TDM Plan, include the following:

- Participation by the project in Commute.org's programs.
- Bicycle facilities, including secure bicycle storage on each floor, bicycle parking in each exterior public plaza, and free Bike Buddy matching.
- Pedestrian facilities, including sidewalk frontage improvements and Americans with Disabilities Act-compliant ramps along Rollins Road and Broderick Road.
- On-site Transportation Coordinator to monitor TDM metrics for reporting and to disseminate TDM information.
- Information and promotions, including an online kiosk and welcome brochure information packet for new residents.
- Facilitate carpool and vanpool programs, including on-site ride-matching assistance and carpool/vanpool incentives.
- Wi-Fi and high bandwidth internet to facilitate telecommuting.
- On-site amenities, including a residential fitness center, work lounge, pool, and 420 EV parking spaces site.
- Unbundled parking – parking management.
- TDM administration, monitoring, and reporting.

The TDM Plan notes that "Trips that would be generated by the proposed project were estimated using trip rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition* for "Multifamily Housing (Mid- Rise)" (Land Use 221). Before TDM reductions, the proposed project is estimated to generate a total of 1,995 daily trips with 134 trips during the AM peak hour and 122 trips during the PM peak hour.

In order to meet the 25 percent reduction requirement, at least 34 AM peak hour and 30 PM peak hour trips would need to be eliminated through implementation of the various TDM measures. Stated conversely, the project would be required to generate no more than 100 AM peak hour trips and 92 PM peak hour trips.”

The measures listed in this plan have been developed to meet the 25 percent trip reduction requirement needed to provide a community benefit. Based on the proposed TDM measures for this project, a 39.5% trip reduction can be achieved.

**Density Bonus Affordable (Below Market Rate) Units and Incentives/Waivers:** This application includes a request to utilize the Density Bonus Ordinance, consistent with the provisions set forth in Government Code Sections 65915 through 65919, which is the State Density Bonus Law. The proposed project includes 35 of the total units as low-income units. In San Mateo County the “Low Income” category is defined as households with an income that is 80% of “Area Median Income” (AMI). The San Mateo County 2022 Median Income is \$166,000 (four-person household). For reference, the 2022 San Mateo County AMI for low income is \$104,400 for a single-person household, \$119,300 for a two-person household, \$134,200 for a three-person household, and \$149,100 for a four-person household.

Consistent with the State Density Bonus Law and the City’s Density Bonus ordinance, the applicant proposes to provide thirty-five (35) below-market rate units for Low Income households making 80% of San Mateo County’s AMI in order to obtain a density bonus of 20%, or 70 additional units, over the density permitted for Tier 3 developments (density permitted is 350 units). The calculation of the density bonus is as follows:

- The total lot size of the project is 4.993 acres. As a Tier 3 project, the RRMU Zone allows for a maximum density of 70 DU/acre, which would permit a total of 350 units prior to the application of a density bonus (4.993 acres × 70 du/ac = 350 units).
- The applicant seeks a density bonus of 20% to allow for a total of 420 units.
- 350 units + 70 units = 420 units (70 units ÷ 350 units = 20%)

According to the Density Bonus Ordinance, Code Section 25.63.020 (a)(1) (see attached), the City shall grant a twenty (20) percent density bonus when an applicant for a development of five (5) or more dwelling units seeks and agrees to construct at least ten (10) percent of the total dwelling units of the development as restricted affordable units affordable to Lower Income Households. To qualify for a density bonus of 20%, the applicant is proposing to designate 10% of the units (thirty-five units) as below-market rate units for Low Income Households making 80% of San Mateo County’s AMI. The City’s Density Bonus ordinance requires restricting units for 55 years (Condition #4 addresses this restriction).

The applicant is requesting the following incentive to facilitate the provision of affordable housing for the development and the following waiver to a development standard:

- **Open Space per Unit Minimum Standard:** The project proposes 123 SF open space per unit where a total of 125 SF per unit is required. Refer to the Letter of Explanation from the applicant, dated September 12, 2022, for details of the proposed Incentive.
- **Landscape Coverage Minimum Standard:** The project proposes a total of 15.9% landscape coverage where a total of 60% landscape coverage is required. Refer to the Letter of Explanation from the applicant, dated September 12, 2022, for justifications for the requested Waiver.



The following table provides a summary of the project’s compliance with the RRMU Zone Standards:

**1855-1881 Rollins Road**

**Project Development Site:** 4.993 acres (217,495 SF)

**Plans date stamped:** September 12, 2022

	<b>Previous Plans (dated 3/7/2022)</b>	<b>Tier 3 Projects Maximum / Minimum for 4.81 acres (previous parcel size)</b>	<b>Proposed Plans (dated 9/12/2022)</b>	<b>Tier 3 Projects Maximum / Minimum for 4.993 acres</b>
<b>Density - Residential Units:</b>	84.2 du/ac <sup>1</sup> 405 units	70 du/ac 337 units	84.1 du/ac <sup>2</sup> 420 units	70 du/ac 350 units
<b>Building Height:</b>	5 stories 61'-11"	5 stories 80'-0"	No change 64'-0"	5 stories 80'-0"
<b>Setbacks - Front (Rollins Rd): Side (Interior): Side (Broderick Rd): Rear:</b>	15'-0" 27'-2" 17'-0" 10'-0" <sup>3</sup>	0'-0" to 15'-0" 10'-0" 10'-0" 20'-0"	No change 26'-7" 13'-8" 29'-8"	0'-0" to 15'-0" 10'-0" 10'-0" 20'-0"
<b>Lot Coverage:</b>	61.1% <sup>4</sup> 127,991 SF	60% 125,675 SF	59.4% 129,153 SF	60% 130,497 SF
<b>Open Space per Unit:</b>	42,291 SF (common) 4,250 SF (plaza) <u>7,000 SF (private)</u> 53,541 SF / 405 units = 132 SF per unit	125 SF per unit = 50,625 SF may be private, common or both	34,449 SF (common) 4,485 SF (plaza) <u>12,759 SF (private)</u> 61,693 SF / 420 units = 123 SF per unit <sup>5</sup>	125 SF per unit = 52,500 SF may be private, common or both
<b>Landscape Coverage:</b>	20.2% of site 42,235 SF	20% of site 41,892 SF	15.9% of site 34,516 SF <sup>6</sup>	20% of site 43,499 SF

<sup>1</sup> Consistent with the State Density Bonus Law and the City’s Density Bonus ordinance, the applicant previously proposed to provide thirty-four (34) below-market rate units for Low Income households to obtain a density bonus of 20.2%, or 68 additional units, over the density permitted for Tier 3 developments.

<sup>2</sup> For the revised project, consistent with the State Density Bonus Law and the City’s Density Bonus ordinance, the applicant proposes to provide thirty-five (35) below-market rate units for Low Income households to obtain a density bonus of 20%, or 70 additional units, over the density permitted for Tier 3 developments.

<sup>3</sup> Density bonus waiver/modification previously requested for rear setback standard.

<sup>4</sup> Density bonus waiver/modification previously requested for lot coverage standard.

<sup>5</sup> For the revised project a density bonus incentive is proposed for the standard minimum for open space per unit.

<sup>6</sup> For the revised project a density bonus is requested to the landscape coverage standard.

**1855-1881 Rollins Road**

**Project Development Site:** 4.993 acres (217,495 SF)

**Plans date stamped:** September 12, 2022

	<b>Previous Plans (dated 3/7/2022)</b>	<b>Tier 3 Projects Maximum / Minimum for 4.81 acres (previous parcel size)</b>	<b>Proposed Plans (dated 9/12/2022)</b>	<b>Tier 3 Projects Maximum / Minimum for 4.993 acres</b>
<b><i>Pedestrian Plaza/ Public Space:</i></b>	3,824 SF (Plaza A)  2,777 SF (Plaza B)	One required plaza (minimum of 1,500 SF /minimum of 30' in every direction)	3,824 SF (Plaza A)  2,072 SF (Plaza B)	One required plaza (minimum of 1,500 SF /minimum of 30' in every direction)
<b><i>Mid-Block Plaza:</i></b>	532 SF  Plaza C 100% open to sky	15' x 15' 50% open to sky	1002 SF  Plaza C 100% open to sky	15' x 15' 50% open to sky
<b><i>Number of Parking Spaces:</i></b>	544 spaces	25 studio units x 1.0 = 25 233 1-bdr units x 1.0 = 233 129 2-bdr units x 1.5 = 194 18 3-bdr units x 2.0 = 36  Total Spaces Required = 488	545 spaces	50 studio units x 1.0 = 50 233 1-bdr units x 1.0 = 233 119 2-bdr units x 1.5 = 179 18 3-bdr units x 2.0 = 36  Total Spaces Required = 498
<b><i>Parking Stall Dimensions:</i></b>	8'-6" x 18'-0" (standard)	8'-6" x 17'-0"	No change	8'-6" x 17'-0"
<b><i>Aisle Dimensions:</i></b>	24'-0"	24'-0" for 90-degree parking	No change	24'-0" for 90-degree parking
<b><i>Driveway Width:</i></b>	20'-0" (Rollins Rd)  20'-3" (Broderick Rd)	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway	No change	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway
<b><i>Bicycle Parking:</i></b>	203 resident (in building)  20 guest (outdoor)	203 resident (0.5 spaces/unit)  20 guest (0.05 spaces/unit)	210 resident (in building)  22 guest (outdoor)	210 resident (0.5 spaces/unit)  21 guest (0.05 spaces/unit)
<b><i>Electric Vehicle Charging:</i></b>	42 spaces (7.7% of all spaces)	27 spaces (5% of all spaces)	420 spaces (77% of all spaces)	420 spaces (one space for each unit Reach Code standard)

**Staff Comments:** At the time of the Action hearing date on September 26, 2022 the Vesting Tentative Parcel Map application associated with the Planning entitlements for this project has not been approved by the Public Works Division. The Vesting Tentative Parcel Map will return for a public hearing as a Consent Calendar item on a future Planning Commission hearing date so that the Commission may take action to recommend the map to the City Council for final action.

### **Development / Impact Fees:**

#### *North Burlingame/ Rollins Road Development Fee*

Development fees for projects in the North Burlingame/Rollins Road Specific Plan are subject to a fee of \$0.66 per SF for multi-unit residential uses and \$0.83 per SF for other uses. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset for the existing development. The North Burlingame/Rollins Road Development fee is estimated to be \$430,924 (includes a credit for the existing uses located on the property). The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued, with half of the fees required at permit issuance and half due prior to the framing inspection.

#### *Residential Linkage Fees*

The City Council adopted Residential Linkage Fees on April 1, 2019. The proposed project is subject to the fees based on the formula set forth in Code Section 25.82 which sets the fees based on the dwelling units per acre, with different rates for prevailing wage and non-prevailing wage for labor used for the construction of the project. However, because the project would include at least 10% of the units as low income BMR units, as per C.S. 25.82.070(a), the fee is not required as the units would be provided on-site. The code states that if a project mitigates affordable housing impacts through the construction of affordable units on site with a guarantee of affordability for a period of 55 years, then the impacts of residential development on the need for affordable housing shall be deemed mitigated. The applicant is proposing 10% of the residential units as low income BMR units, therefore the Planning Commission may approve the provision of affordable units on site, consistent with the requirements set forth in subsection (b), as part of the review of the project, which would eliminate the requirement to pay the Residential Linkage Fee as 35 (10%) low income BMR units would be provided on-site.

#### *Public Facilities Impact Fees*

The purpose of public facilities impact fees 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 420-unit mixed-use development, the required public facilities impact fees for this development project are estimated to be \$1,647,807.00 (includes a credit of \$213,633.00 for the existing light industrial and office uses on-site). The final fee amount will be calculated based on the fee schedule in effect at the time the building permit is issued. Payment will be required prior to final inspection.

**Design Review Criteria:** The criteria for design review in mixed-use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed by the Planning Commission for the following considerations:

- (1) Support of the pattern of diverse architectural styles that characterize the city's commercial, industrial and mixed use areas; and

- (2) Respect and promotion of pedestrian activity by placement of buildings to maximize commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not dominate street frontages; and
- (3) On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development; and
- (4) Compatibility of the architecture with the mass, bulk, scale, and existing materials of existing development and compatibility with transitions where changes in land use occur nearby; and
- (5) Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure, restores or retains existing or significant original architectural features, and is compatible in mass and bulk with other structures in the immediate area; and
- (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

**Suggested Findings for Design Review:** The project may be found to be compatible with the requirements of the City's criteria for design review based on the following:

- That the project supports the pattern of diverse architectural styles that characterize the city's industrial area with articulated massing, an articulated main entry on the ground floor, and articulated walls and repetitive fenestration on the upper floors; the project contains residential design features with a blend of industrial materials in an overall contemporary design that embraces the street and the pedestrian realm;
- That the project respects and promotes pedestrian activity by placing the lobby and tenant amenity spaces on the ground floor and fronting Rollins Road and by designing these spaces with a connection to the sidewalk and main plaza by featuring large windows at this façade; that the project encourages pedestrian activity by placing the three publicly accessible pedestrian plazas adjacent to the street frontages along Rollins and Broderick Roads and by providing a dog park at the rear of the site that can be accessed from both main streets; and that the parking for the project does not dominate the street frontage because the garage is located behind the residential building;
- That on this visually prominent site the building is being highlighted with a vertical emphasis and enhanced building-focused lighting at the exterior corners to announce the gateway site;
- That the project is characterized by a single contemporary, industrial architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful well-articulated massing, character and pedestrian scale;
- That the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include a mix of include a mix of stucco, fiber siding, metal siding, tiles, and glass railings; and
- That site features such as landscaping and seating in the plazas and paseo, as well as streetscape improvements that will enrich the existing opportunities of the neighborhood and encourage additional pedestrian connectivity.

**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. Affirmative action should be taken separately by resolution and include findings for Design Review, Density Bonus with waivers and Community Benefits supporting the Planning Commission's decision. The reasons for any action should be stated clearly for the record.

1. Design Review, Density Bonus and Approval of Community Benefit Bonuses.

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped September 12, 2022, sheets AP0.0 through AP4.01, L1.1.0 through L6.1.0, C1.0 through C8.1, and Draft VTM1.0 through VTM 3.0; including a total of 11 exterior bicycle racks (parking for 22 bicycles);
2. that the applicant shall apply for a Vesting Tentative Parcel Map with for processing as required by the the Public Works Department, Engineering Division;;
3. that the project shall include thirty-five (35) affordable units to households of "Low Income" category, as defined as earning a maximum of 80% of the San Mateo County Area Median Income; the City Manager shall be authorized to execute an agreement with the applicant and the applicant shall enter into an agreement for the administration of the renting or leasing of the affordable units at least 120 days before the final inspection;
4. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
5. that the thirty-five (35) low income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program);
6. that the thirty-five (35) restricted affordable units shall be built on-site and be dispersed within the development. The number of bedrooms of the restricted affordable units shall be equivalent to the bedroom mix and average sizes of the non-restricted units in the development; except that the applicant may include a higher proportion of restricted affordable units with more bedrooms. The design and construction of the affordable dwelling units shall be consistent with the design, unit layout, and construction of the total project development in terms of appearance, exterior construction materials, and unit layout;
7. that the applicant shall enter into a regulatory agreement with the City; the terms of this agreement shall be approved as to form by the City Attorney's Office, and reviewed and revised as appropriate by the reviewing City official; this agreement will be a form provided by the City, and will include the following terms:
  - (a) The affordability of very low, lower, and moderate income housing shall be assured in a manner consistent with Government Code Section 65915(c)(1);
  - (b) An equity sharing agreement pursuant to Government Code Section 65915(c)(2);
  - (c) The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units;
  - (d) A description of any bonuses and incentives, if any, provided by the City; and
  - (e) Any other terms as required to ensure implementation and compliance with this section, and the applicable sections of the density bonus law;

8. that the above noted regulatory agreement regarding the thirty-five (35) restricted affordable units shall be binding on all future owners and successors in interest; the agreement required by this Zoning Code Section 25.63.080 is hereby a condition of all development approvals and shall be fully executed and recorded prior to the issuance of any building or construction permit for the proposed project;
9. the project shall include the Transportation Demand Management Measures as proposed in the Transportation Impact Analysis, prepared by Hexagon Transportation Consultants, Inc., dated July 22, 2022;
10. that a TDM annual report shall be prepared by a qualified, independent consultant and paid for by the owner and submitted to the City of Burlingame annually; with the initial, or baseline, commute survey report to be conducted and submitted one (1) year after the granting of a certificate of occupancy for 75 percent or more of the project and annually after that;
11. that the TDM annual report shall provide information about the level of alternative mode-uses and in the event a 25 percent reduction in peak-hour vehicle trips and reduction in overall parking demand is not met, the report shall explain how and why the goal has not been reached; in such a circumstance the annual report shall identify a work plan, to be approved by the City of Burlingame, which describes additional or alternative measures for implementation that would be necessary to enhance the TDM program to attain the TDM goal of 25 percent mode split;
12. that the City may consider whether the owner has made a good faith effort to meet the TDM goals and may allow the owner a six-month "grace period" to implement additional TDM measures to achieve the 25 percent vehicle trip reduction;
13. that prior to the issuance of building permits, a covenant agreement shall be recorded office with the San Mateo County Assessor and Recorder's Office to provide constructive notice to all future owners of the property of any ongoing programmatic requirements that discloses the required Transportation Demand Management (TDM) provisions and any conditions of approval related herein to compliance and reporting for the TDM;
14. that the residents of new live/work, mixed-use, and stand-alone residential development projects, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment, that the noise levels may be higher than in a strictly residential area, and that there may be odors associated with commercial and industrial uses. The covenants, conditions, and restrictions of any development with a residential use shall require that prospective residents acknowledge the receipt of the written noise notification. Such written noise notification shall be provided in residential leases. Signatures shall confirm receipt and understanding of this information;
15. that the public plazas shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
16. that the public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;
17. 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;

18. that any changes to the size or envelope of the building, 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);
19. that the maximum elevation at the top of the roof ridge shall not exceed 64 feet from the average elevation at reference top of the curb (9.32') or as alternately shown on the plan building elevations shall not exceed an elevation 62'-2" as measured from the average elevation at the top of the curb (-1'-9 1/2"), and that the top of each floor and final roof ridge shall be surveyed by a licensed surveyor 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 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;
20. that the conditions of the, the Fire Division's August 3, 2022 memo, the Parks Division's November 23, 2022 memo, and the Stormwater Division's August 1, 2022 memo the Public Works-Engineering Division's August 29, 2022 memo, including provisions on the plans to address comment #13 for a sea wall at the north end of the site and to address comment #14 for a gate and maintenance easement for the drainage canal, and shall be met;
21. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;
22. that prior to issuance of a building permit for the project, the project applicant shall pay the first half of the North Burlingame/Rollins Road Development Fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
23. that prior to scheduling the final framing inspection, the project applicant shall pay the second half of the North Burlingame/Rollins Road Development Fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
24. that prior to issuance of the final inspection of the project, the applicant shall pay the Public Facilities Impact Fee (final fee amount to be calculated based on the fee schedule in effect at the time the building permit is issued), made payable to the City of Burlingame and submitted to the Planning Division;
25. that the project shall comply with the SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP), specifically in accordance with Safety Compatibility Policy SP-2 pertaining to land uses; and that any future tenants of the commercial and office space comply with the Safety Compatibility Criteria for Safety Zone 3 as contained in Table IV-2 of the SFO ALUCP; this table defines uses to avoid and uses that are incompatible, summarized as follows:

Incompatible Uses - Use is not compatible in the indicated zones and cannot be permitted:

- Biosafety Level 3 and 4 facilities – which include medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 of the SFO ALUCP for additional detail
- Children’s schools - Public and private schools serving preschool through grade 12, excluding commercial services
- Large child day care centers - Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.
- Hospitals, nursing homes
- Stadiums, arenas

Avoidable Uses – Uses that are not fully compatible and should not be permitted unless no feasible alternative is available as follows:

- Biosafety Level 3 and 4 facilities – Hazardous use other than Biosafety Level 3 and 4 facilities – which include medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 of the SFO ALUCP for additional detail.
- Critical public utilities - Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.

26. that the applicant shall be required to comply with the real estate disclosure requirements of State law and General Plan as outlined in Policy IP-1 of the SFO ALUCP and that the following statement must be included in the notice of intention to offer the property for sale or lease:

**“Notice of Airport in Vicinity**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase or lease and determine whether they are acceptable to you.”;

27. that the project applicant shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
28. that any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater (as mapped in the Airport Land Use Compatibility Plan) shall include the grant of an aviation easement to the City and County of San Francisco prior to issuance of a building permit(s) for any proposed buildings or structures, consistent with Airport Land Use Compatibility Plan Policy NP-3 Grant of Aviation Easement;
29. 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;
30. 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 unless applicant produces evidence, to the satisfaction of the Community Development Director, that special circumstances exist that warrant early demolition, in accordance with the provisions of the Burlingame Municipal Code Chapter 18.07.065;
  31. that the applicant or contractor shall ensure that a Soils Management Plan to address the appropriate handling, storing, and sampling of any soil to be removed from the subject property shall be submitted to the applicable regulatory agency for approval and monitoring;
  32. 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;
  33. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
  34. 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;
  35. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along street frontages;
  36. that 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:
    - 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; and
  - e. 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.
37. that the applicant shall submit a Construction Noise Control Plan. This plan would include measures such as:
- Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment used on the site to reduce noise levels at 50 feet to the allowable level.
  - Locating construction equipment as far as feasible from noise-sensitive uses.
  - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
  - Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
  - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).
  - Using “quiet” gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.
38. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;
39. 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;
40. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
41. 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;
42. 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;
43. 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;
44. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;

45. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application;
46. that if there are any existing trees on adjacent properties abutting the project site that are determined to remain, the applicant shall have an arborist's report prepared which documents how the trees should be protected during construction; this report shall be reviewed and approved by the City Arborist and the contractor shall call for the City Arborist to inspect the protection measures installed before a building permit shall be issued;
47. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the installation of the street trees along Broderick Road and Rollins Road;
48. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
49. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, in effect at the time of building permit submittal, 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:***

50. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
51. 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;
52. 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;
53. 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;

***The following conditions of approval are from applicable policies of the 2040 General Plan or the Environmental Impact Report prepared for the 2040 General Plan:***

54. **HP-3.12.** The Project sponsor shall ensure implementation of the following BMPs during Project construction, in accordance with the BAAQMD's standard requirements:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping shall be prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
  - Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
55. **CS-4.7: Airport and Heliport Noise.** Monitor noise impacts from aircraft operations at San Francisco International Airport and Mills-Peninsula Medical Center, and implement applicable noise abatement policies and procedures as outlined in the Airport Noise Ordinance and Airport Land Use Compatibility Plan;
56. **CS-4.8: Airport Noise Evaluation and Mitigation.** Require project applicants to evaluate potential airport noise impacts if the project is located within the 60 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
57. **CS-4.9: Airport Disclosure Notices.** Require that all new development comply with real estate disclosure requirements of State law, which requires that the presence of all existing and planned airports within two miles to be disclosed in any sale or lease of property;
58. **HP-5.2: Migratory Birds.** Identify and protect habitats that contribute to the healthy propagation of migratory birds, including trees and natural corridors that serve as stopovers and nesting places. Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Codes 3503, 3503.5, and 3511;
59. **HP-5.5: Protection and Expansion of Tree Resources.** Continue to preserve and protect valuable native trees and introduce species that contribute to the urban forest but allow for the gradual replacement of trees for ongoing natural renewal. Consider replacement with native species. Use zoning and building requirements to ensure that existing trees are integrated into new developments;
60. **HP-5.6: Tree Preservation Ordinance.** Continue to adhere to the Burlingame Tree Preservation Ordinance (Burlingame Municipal Code Title 11); ensure the preservation of protected trees, as designated by the ordinance; and continue to be acknowledged by the Arbor Day Foundation as a Tree City USA;
61. **HP-5.7: Urban Forest Management Plan.** Continue to update and use the Burlingame Urban Forest Management Plan, which integrates environmental, economic, political, historical, and social values for the community for guidance on BMPs related to tree planting, removal, and maintenance, including onsite protection of extant trees and street trees during projects;

62. **HP-5.14: Compliance with Environmental Laws.** Ensure that all projects affecting resources of regional concern satisfy regional, state, and federal laws; and
63. **Paleontological Assessment.** In areas containing middle to late Pleistocene-era sediments where it is unknown if paleontological resources exist, prior to grading an assessment shall be made by a qualified paleontological professional to establish the need for paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.

**Paleontological Monitoring.** A project that requires grading plans and is located in an area of known fossil occurrence or that has been demonstrated to have fossils present in a paleontological field survey or other appropriate assessment shall have all grading monitored by trained paleontological crews working under the direction of a qualified professional, so that fossils exposed during grading can be recovered and preserved.

Should any potentially unique fossils be encountered during development activities, work shall be halted immediately within 50 feet of the discovery, the City of Burlingame Planning Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.

**Paleontological Recovery, Identification, and Curation.** The City and a project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of paleontological resources.

**Paleontological Findings.** Qualified paleontological personnel shall prepare a report of findings (with an itemized appendix of specimens) subsequent to implementation of paleontological recovery, identification, and curation. A preliminary report shall be submitted, subject to approval by the Community Development Director before granting of building permits, and a final report shall be submitted, subject to approval by the Community Development Director before granting of occupancy permits.

Erika Lewit  
Senior Planner

c. The Hanover Company, Scott Youdall, applicant

Attachments:

March 14, 2021 Planning Commission Minutes  
Applicant's Response Letter, dated September 12, 2022  
July 22, 2022 Transportation Demand Management Plan by Hexagon Transportation Consultants  
Applications to the Planning Commission  
SB330 Letter of Completeness, dated October 29, 2021  
Staff Comments  
Planning Commission Resolution (Proposed)  
Notice of Public Hearing – Mailed September 16, 2022

Area Map

Submitted Separately:

CEQA Class 32 Infill Exemption prepared by Circlepoint, dated September 21, 2022

RRMU Zoning District Regulations effective project submittal date of October 1, 2021

Density Bonus Title 25 Zoning effective project submittal date of October 1, 2021