

City of Burlingame

Environmental Review, General Plan Amendment, Rezoning, Design Review, Conditional Use Permit, Density Bonus, and Vesting Tentative and Final Map for a New 6-story, 150-unit Residential Apartment Development

Address: 1095 Rollins Road
(Includes restaurant and tennis court site immediately adjacent)

Meeting Date: January 28, 2019

Request: Application for Environmental Review, General Plan Amendment, Rezoning, Design Review, Conditional Use Permit, Density Bonus, and Vesting Tentative and Final Map for a new 6-story, 150-unit residential apartment building.

Applicant: The Hanover Company, Scott Youdall

Property Owner: SA Properties Company L.P., William Sherman Russell

Architect: BDE Architects – Johnathan Ennis

APN: 026-231-250 & 026-231-260

Lot Area: 1.075 acres (46,827 SF)

General Plan: Shopping and Commercial

Zoning: C-1 (Commercial)

Adjacent Development: Gas station/City pump station/Multifamily residential

Current Use: Restaurant/Parking below tennis courts

Proposed Use: 150-unit residential apartment development.

Allowable Use: C-1 – Retail, personal service, offices, financial institutions, food establishments

Environmental Review: Environmental review is required for this project because the project exceeds four residential units (150 units proposed) and includes a request for a General Plan Amendment and Rezoning, and therefore does not qualify for an exemption from CEQA (California Environmental Quality Act). As a part of preparing the Initial Study for the environmental document for this project, staff is requesting that the Planning Commission comment on any potential environmental effects which it feels should be investigated. The standard list of items investigated in an Initial Study is attached for reference. These potential environmental effects which will be considered in the CEQA document include:

- | | |
|-----------------------------------|---------------------------------|
| • Aesthetics | • Mineral Resources |
| • Agriculture | • Noise |
| • Air Quality | • Population and Housing |
| • Biological Resources | • Public Services |
| • Cultural Resources | • Recreation |
| • Energy | • Transportation |
| • Geology and Soils | • Tribal Cultural Resources |
| • Greenhouse Gas Emissions | • Utilities and Service Systems |
| • Hazards and Hazardous Materials | • Wildfire |
| • Hydrology and Water Quality | • Cumulative Impacts |
| • Land Use and Planning | |

The issues identified by the Commission will be incorporated into the environmental documents for the project. The type of CEQA document will be finalized during the environmental review process.

Project Summary: The project site is located adjacent to Highway 101 on Rollins Road, south of Cadillac Way and north of Toyon Drive. The site is composed of two separate parcels, including a restaurant at 1095 Rollins Road (Fattoria e Mare), and a parking lot with a tennis court located above it on the property to the south. Both of the parcels are currently zoned C-1. The site is surrounded by a gasoline station directly north, a City pump station directly south, Rollins Road and Highway 101 directly east and multifamily residential (Northpark Apartments) directly west, at the rear.

The proposed project includes merging the two parcels to create a new 46,827 square foot (SF) site, demolishing all of the existing structures on the parcels and constructing a new, 6-story 150-unit apartment development. The new parcel would be wide but narrow, with an approximately 394-foot street frontage along Rollins Road and an average depth of approximately 114 feet. The project would include one level of partially below grade (podium) parking where 192 off-street parking spaces would be provided; 178 of the spaces would be provided in mechanical lifts. The parking would be accessed from a two-way driveway on the northern portion of the Rollins Road frontage. The development would be 6 stories, with an overall height of 74 feet (measured above average top of curb).

The new apartment development would contain 35 studio units, 74 one-bedroom units, and 41 two-bedroom units. The project includes 10% of the units (15 units) offered at below market rate (BMR) to moderate income households, therefore the applicant is seeking a density bonus. The average size for studio units would range from 500 SF–580 SF, one-bedroom units would range from 727 SF–929 SF, and two-bedroom units would range from 1,032 SF–1,376 SF. The total gross floor area would be approximately 195,000 SF, though the R-4 zoning district does not regulate floor area ratio.

The two existing parcels that compose the project site are currently zoned C-1 with a prior General Plan designation of Shopping and Commercial. Multi-family residential uses are not allowed in the C-1 zoning district, so the application includes a request for a General Plan Amendment and rezoning to change the site to a high density residential land use designation with R-4 zoning. Design review is required for new multi-family developments.

In addition, the vesting tentative and final map to merge the two parcels is being requested with a waiver to the R-4 front and rear setback requirements. Code Section 25.29.050(f) states that projects are subject to the development requirements of the R-4 zoning regulations and the provisions of the Subdivision Map Act of the State of California, however; as part of the their consideration for approval of the map the Planning Commission and the City Council may approve or accept any such tentative or final map wherein one or more lots or parcels of land do not conform to all of the provisions of the R-4 zoning regulations only when the Planning Commission and the City Council find that by reason of exceptional or extraordinary circumstances the approval or acceptance of such maps will not adversely affect the comprehensive zoning plan of the city. In this case, the applicant is requesting relief from compliance with the required front and rear setbacks. Similar requests were granted for the Summerhill project nearby at 1008-1028 Carolan Avenue, and the public parking garage project on Lot N in the Burlingame Avenue downtown area.

Because the application also includes 10%, or 15 of the units, being offered as BMR units for moderate incomes, the project is entitled to a density bonus. Consistent with the provisions set forth in Government Code Section 65915 through 65919, including BMR units entitles projects to a by right parking incentive (reduction) as well as a request for one concession (for 10% moderate income units) and a waiver/modification to the development standards. This project includes a by right parking incentive that reduces the number of parking spaces required for multi-family, a development concession for relief of the parking standards by proposing the use of required parking in the form of parking stackers and a request for a waiver/modification to the development standards for lot coverage.

The following applications are requested for this project:

- General Plan Amendment - Shopping and Commercial to High-Density Residential;
- Rezoning - Commercial (C-1) to High Density Residential (R-4);
- Design Review for construction of a new 6-story, 150-unit apartment building (C.S. 25.29.045 (R-4);

- Conditional Use Permit for building height (74'-0" proposed where any building exceeding 35'-0" requires a Conditional Use Permit; 75'-0" maximum allowed) (C.S. 25.29.060);
- Vesting tentative and final map to merge two parcels (includes public access easement for sidewalk on Rollins Road) (C.S. 25.29.050(f))
 - Front and rear setbacks do not conform with R-4 standards (seeking exception); and
- Density Bonus
 - C.S. 25.63.040(a) – by right parking incentive (allows for reduced parking requirement)
 - C.S. 25.63.040(c) – Development Concession – use of parking stackers
 - C.S. 25.63.050 – Waiver/Modification of Development Standard – lot coverage.

Design Review: The purpose of this design review study meeting is to provide initial comments on design elements as they relate to the proposed project (criteria include compatibility with the existing character of the neighborhood, respect the mass and fine scale of adjacent buildings even when using differing architectural styles, maintain the tradition of architectural diversity, but with human scale regardless of the architectural style used and incorporate quality materials and thoughtful design which will last into the future).

The materials proposed for the exterior of the building include stucco, fiber cement panels, manufactured wood siding, stone veneer, vinyl windows, metal and glass railings, metal awnings, and fiber cement siding. The majority of the open space and recreation areas would be in the form of roof decks/courtyard areas with one large courtyard/roof deck above the garage (podium) with access from the second floor. The remaining three roof decks would be located on the sixth floor of the development.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1.1 through L2.5). The R-4 zoning regulations require 60% of the front setback to be landscaped. The project includes 60% (2,367 SF) landscaping within the front setback and therefore the project complies with the R-4 front landscaping requirements.

The applicant has provided an arborist report for the two parcels that would make up the project site. The report notes that there are no protected sized trees on the subject property that would be removed as a part of the project, however there are seven protected sized trees that are located off-site, but adjacent to the project site that could have their canopies and roots impacted by the proposed construction. Therefore, tree protection measures are recommended.

In accordance with the City's requirements, each lot developed with a multi-family residential use is required to provide a minimum of one 24-inch box-sized, non-fruit tree for every 2,000 SF of lot coverage. Based on the proposed project, a total of 15 landscape trees are required on site. The proposed landscape plan includes the planting of 88 new trees, ranging in size from 15-gallon to 36-inch box size. Given that 75.8% of the site would be covered, the majority of the trees proposed are located in the courtyard area above the garage and on the roof top decks, and therefore would be provided in large containers and not in the ground. There are however 13 new street trees (Columbia London Plane) proposed to be installed within the public right-of-way along Rollins Road (in the ground-not in containers). In addition, there are some trees and shrubs proposed within the side setbacks.

Building Height: The application includes a request for a Conditional Use Permit for a building height of 74'-0" above average top of curb, where the R-4 zoning regulations (C.S. 25.29.060) require a Conditional Use Permit for any building which exceeds 35'-0" in height (75'-0" maximum building height allowed).

Front and Rear Setbacks - Vesting Tentative and Final Parcel Map: The proposed building deviates from the required front and rear setbacks of the R-4 district, as outlined in Section 25.29 (R-4 District Regulations). However, the R-4 district regulations include a provision (Section 25.29.050(f)) that allows the Planning

Commission and the City Council, in the consideration and acceptance of any tentative or final map submitted pursuant to the provisions of the Subdivision Map Act, to approve or accept any such tentative or final map wherein one or more lots or parcels of land do not conform to all of the provisions of Chapter 25.34, when the Planning Commission and the City Council find that by reason of exceptional or extraordinary circumstances the approval or acceptance of such maps will not adversely affect the comprehensive zoning plan of the city.

The Tentative and Final Parcel Map for the Lot Merger for the project proposes to establish a front setback as close as 7'-2" to the front property line along Rollins Road, where a minimum of 15' or the block average is required. The proposed rear setback line is as close as 5'-0" to the rear property line, where a minimum of 15' and 20' are required under the R-4 zoning regulations. The applicant is requesting consideration and acceptance of their map with modifications to the required front and rear setback provisions under R-4 zoning criteria. The Planning Commission and City Council would need to determine that the proposal would be not adversely affect the comprehensive zoning plan of the city, and incorporate the appropriate findings into their actions on the Tentative and Final Parcel Map and the project.

Density Bonus, Below Market Rate (BMR) Units: 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. C.S. 25.63.40 allows development concessions and incentives where affordable units are offered, with more incentives offered when lower income and a higher percentage of BMR units are provided. The 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 project includes 10% of the total units (15) as moderate-income units. In San Mateo County the "Moderate Income" category is defined as households earning between 81%-120% of the San Mateo County Area Median Income (AMI), which in 2018 corresponded to up to \$99,450 for a single-person household or \$142,100 for a family of four.

▪ **By Right Parking Incentive**

Off-Street Parking: Parking requirements are based on the number of bedrooms proposed per unit, as set forth in C.S. 25.70.032. When a project includes BMR units, C.S. 25.63.040(a) provides By Right Parking Incentives upon request by the applicant for developments that are eligible for an affordable housing density bonus as provided in C.S. 25.63 (Density Bonus) which is consistent with Government Code Section 65915(p). With this provision, the applicable minimum parking standard is 1 space for each studio or one-bedroom unit, and 2 spaces for each two- or three-bedroom unit. A comparison of the required vs. reduced parking rate is provided in the table below:

	# of units proposed	C.S. 25.70 – Off-Street Parking Requirements	C.S. 25.63.040 By Right Parking Incentive
Studio & 1-bedroom units	35- studio 74 -1 bdrm	1.5 spaces (163.5 sp)	1 space (109 sp)
2 bedroom units	41 -2 bdrm	2 spaces (82 sp)	2 spaces (82 sp)
3 or more bedrooms	0	2.5 spaces	2 spaces
4 or more bedrooms	0	2.5 spaces	2.5 spaces
TOTAL	150 units	246 spaces	191 spaces

The required parking for a 150-unit apartment development in the R-4 zone would be 246 spaces, but with the By Right Parking Incentive the required parking is reduced to 191 spaces. There are 192 spaces proposed on-site, with five accessible spaces, nine standard spaces with the remaining 178 spaces provided in the form of mechanical parking lifts. An area for on-site deliveries is not required for apartment buildings, however one off-street loading space is proposed on the south end of the property, which would be accessed directly from Rollins Road. There is no guest parking required on-site for apartment buildings.

- **Development Concession**

Parking Stackers: In addition to the By Right Parking Incentive, consistent with state density bonus law, C.S. 25.63.040(c) allows one additional incentive or concession for projects with 10% of the units offered as BMR units for moderate income levels. The applicant is requesting a concession for relief of the requirement to provide independently accessible parking spaces, but instead is proposing to use parking stackers for 178 of the required spaces. The applicant is planning to use City Lift, 4-high stackers which generally accommodate a range of vehicles sizes including mini-vans, mid-sized SUVs and sedans.

- **Waiver/Modification of Development Standard**

Lot Coverage: The project is proposing to include 10% of the units as BMR units for moderate income levels and therefore state law (C.S. 25.63.050) provides the opportunity for an applicant to also apply for a waiver or modification of development standards that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by this chapter. The developer must demonstrate that development standards that are requested to be waived or modified will have the effect of physically precluding the construction of a development meeting the criteria of subsection (a) of Section 25.63.020 at the densities or with the concessions or incentives permitted by this chapter.

The R-4 zoning district standards allow a maximum lot coverage of 50%. The applicant is seeking a waiver for lot coverage and requesting that the roof deck areas that serve as open space be counted as open space and be applied towards the lot coverage calculation. In the past, for multifamily developments staff has excluded podium areas that are developed as usable open space from lot coverage. Staff notes that this is addressed in the new interim zoning adopted for the North Rollins Road and North Burlingame Mixed Use districts the code will now state: "Lot coverage may be increased if additional useable common open space equivalent to the additional lot coverage (in square feet) is provided on a podium-level landscaped courtyard or plaza".

The proposed project has a 6,899 square-foot courtyard that would be located above the portion of the garage (on the podium) that projects approximately 15 feet above adjacent grade at the rear of the property. Consistent with past interpretations, this area is not being included in the lot coverage calculation for the site; however, the three roof decks located on the 6th floor are counted in the total lot coverage. The proposed lot coverage is 60.5% (28,359 SF) where 50% (23,413 SF) is the maximum lot coverage allowed in the R-4 zoning district. The entire footprint covers 75.8% (or 35,440 SF of the 46,827 SF site).

Lot Area: 46,827 SF - R-4

Plans date stamped: January 4, 2019

PROPOSED PROJECT		
	PROPOSED	ALLOWED/REQUIRED
Land Use:	150 apartment units ^{1 & 2}	Multifamily residential - permitted use in R-4 zone C.S. 25.29.020(b)
Building Height:	74'-0" ³	75'-0" maximum/ CUP required to exceed 35'-0"
Rooftop Projections:	2.3% of roof area (533 SF)	5% of roof area (1,136 SF)

	PROPOSED	ALLOWED/REQUIRED
Number of Parking Spaces:	192 off-street parking spaces (178 spaces in stackers ⁴ ; 9 standard spaces; 5 ADA spaces)	35, studio units x 1 = 35 74, 1-bdr units x 1 = 74 <u>41, 2-bdr units x 2 = 82</u> Total = 191 spaces
Clear Back-up Space:	24'-0"	24'-0" or all spaces can be exited in three maneuvers or less
Parking Space Dimensions:	9' X 20' (standard spaces) 8'-6" X 18' ⁴ (stacker spaces)	Standard spaces = 9' x 20'
Covered Spaces:	192 spaces (100% covered)	153 spaces (80% must be covered)
Driveway Width:	20'	Parking areas with more than 30 vehicle spaces shall have two (2) twelve (12) foot wide driveways or one eighteen (18) foot wide driveway
Front (1st flr):	9'-0" ⁵	15'-0" or block average
(2nd flr):	8'-0" (to bay window) ⁵	15'-0" or block average
(3rd flr):	7'-2" ⁵	15'-0" or block average
(4th flr):	7'-2" ⁵	15'-0" or block average
(5th flr):	7'-2" ⁵	15'-0" or block average
(6th flr):	10'-0" ⁵	15'-0" or block average
Right Side (1st flr):	22'-0"	7'-0"
(2nd flr):	22'-0"	8'-0"
(3rd flr):	20'-0"	9'-0"
(4th flr):	20'-0"	10'-0"
(5th flr):	20'-0"	11'-0"
(6th flr):	20'-0"	12'-0"
Left Side (front portion)		
(1st flr):	20'-0"	7'-0"
(2nd flr):	20'-0"	8'-0"
(3rd flr):	18'-0"	9'-0"
(4th flr):	18'-0"	10'-0"
(5th flr):	18'-0"	11'-0"
(6th flr):	18'-0"	12'-0"
Left Side (rear- offset portion)		
(1st flr):	10'-0"	7'-0"
(2nd flr):	14'-5"	8'-0"
(3rd flr):	14'-5"	9'-0"
(4th flr):	14'-5"	10'-0"

	PROPOSED	ALLOWED/REQUIRED
Left Side (rear- offset portion) Continued:		
(5 th flr):	14'-5"	11'-0"
(6 th flr):	14'-5"	12'-0"
Rear (long-northern portion)		
(1 st flr):	5'-0" ⁵	15'-0"
(2 nd flr):	5'-0" ⁵	15'-0"
(3 rd flr):	5'-0" ⁵	20'-0"
(4 th flr):	5'-0" ⁵	20'-0"
(5 th flr):	5'-0" ⁵	20'-0"
(6 th flr):	5'-0" ⁵	20'-0"
Rear (short-southern portion)		
(1 st flr):	16'-0"	15'-0"
(2 nd flr):	12'-0" ⁵	15'-0"
(3 rd flr):	12'-0" ⁵	20'-0"
(4 th flr):	12'-0" ⁵	20'-0"
(5 th flr):	12'-0" ⁵	20'-0"
(6 th flr):	14'-0" ⁵	20'-0"
Lot Coverage:	28,359 SF – 60.5% ⁵ (does not count courtyard over podium parking) (lot coverage with all improvements >30" = 35,540 SF (75.8%))	23,413 SF 50%
Front Setback Landscaping:	630 SF 84.1%	749 SF 60%

¹ Request for General Plan Amendment - Shopping and Commercial to High-Density Residential.

² Rezoning - Commercial (C-1) to High Density Residential (R-4).

³ Conditional Use Permit for building height - 74'-0" proposed where a Conditional Use Permit is required for any building which exceeds 35'-0"; 75'-0" maximum building height allowed (C.S. 25.29.060).

⁴ Exercising C.S. 25.63.040(c) *Development concessions and incentives*, which the applicant is requesting the use of parking stackers.

⁵ Waiver/Modification of Development Standard requested for lot coverage (C.S. 25.63.050) (does not count courtyard over podium parking).

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

General Plan and Zoning: The prior Burlingame General Plan designated this site for Shopping and Commercial Use, with a C-1 zoning designation, which allows retail uses, personal services, hotels and food establishments. Multi-family residential uses would not be allowed under the zoning and previous General Plan designation.

The application for this project was submitted on September 14, 2018 and the application was deemed complete on January 11, 2019. The General Plan Update was adopted by the City Council on January 7, 2019, and does not become effective until February 7, 2019. Therefore, this application is being reviewed under the previous General Plan.

The application includes a request for a General Plan Amendment and Rezoning. The General Plan Amendment would change the land use designation from Shopping and Commercial to High Density Residential, which allows 51 plus dwelling units per acre, with no density cap. The rezoning request is from C-1 (commercial zoning) to R-4 which allows multi-family residential uses. The proposed project with 150 apartment units would be 140 dwelling units per acre. The abutting Northpark Apartments immediately west of the project site have a land use designation of High Density Residential with R-4 zoning.

Public Facilities Impact Fee: 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 150-unit multifamily dwelling apartment development, the required public facilities impact fees for this development project are estimated to be \$830,550.00. This however does not include a credit for the existing restaurant (commercial) use on-site as the baseline data was not provided at this time to determine the credit. Once the information is provided, staff will recalculate the required public facilities impact fees. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit issuance; the second half of the payment will be required before the final framing inspection.

Design Review Criteria: A design review application in multifamily residential (R-3 and R-4) Districts shall be reviewed by the Planning Commission for the following considerations (Code Section 25.57.030 f, 1-4):

- (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.

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

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;

- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Planning Commission Action:

1. **Environmental Scoping:** As the first discussion item, the Planning Commission should review and take public comment on the proposed project and the areas of potential environmental effects as listed in the staff report. The Commission should add any additional effects of the project that it believes should be addressed in the CEQA document. The areas of investigation for environmental evaluation as defined by CEQA are listed in the attached Initial Study Checklist for your reference.
2. **Design Review Study:** As the second discussion item, the Commission should comment on the design of the project as required by Chapter 25.57 of the Zoning Ordinance Design Review.

Because a CEQA document is being prepared for this project, it is important that any changes to the building envelope be made early enough in the process so that any changes are reflected in the environmental review.

Catherine Keylon, Senior Planner

- c. The Hanover Company, applicant
SA Properties Company, LP, property owner

Attachments:

Application to the Planning Commission

Letter of Authorization from Property Owner

Applicant's Project Description and Density Bonus with following requests, dated November 14, 2018

- By Right Parking Reduction
- Concession for use of parking stackers
- Waiver for lot coverage

Conditional Use Permit Application-Height

Tree Inventory Report, Hort Science-Barlett Consulting, November 21, 2018

Environmental Information Form

CEQA Initial Study Checklist (reference only)

Staff Comments

Notice of Public Hearing – Mailed January 18, 2019

Area Map