

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
RECOMMENDING APPROVAL OF APPLICATIONS FOR A DESIGN REVIEW,
CONDITIONAL USE PERMIT, AND DENSITY BONUS FOR A NEW SIX-STORY, 150-UNIT
RESIDENTIAL APARTMENT DEVELOPMENT LOCATED AT 1095 ROLLINS ROAD
(ASSESSOR PARCEL NOS: 026-231-250 AND 026-231-260)**

THE CITY COUNCIL OF THE CITY OF BURLINGAME hereby finds as follows:

Section 1. On September 14, 2018, The Hanover Company filed an application with the City of Burlingame Community Development Department – Planning Division requesting approval of the following requests:

- General Plan Amendment to change the land use designation from Shopping and Commercial to High-Density Residential;
- Rezoning from Commercial (C-1) to High Density Residential (R-4);
- Design Review for construction of a new six-story, 150-unit residential 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 map to merge two parcels (includes public access easement for sidewalk on Rollins Road) (C.S. 25.29.050(f)) for the combination of Parcel 3 .327 Ac Mol Parcel Map Vol 13/18 and Parcel 2 .748 Ac Mol Parcel Map Vol 13/18
 - 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 and tandem parking
 - C.S. 25.63.050 – Waiver/Modification of Development Standard – lot coverage; and

Section 2. On January 28, 2019, the Planning Commission conducted a duly noticed public hearing (environmental scoping session and design review study meeting) to review a 150-unit apartment development project and to identify subjects to be analyzed in the project Initial Study/Mitigated Negative Declaration (IS/MND). At that time, direction was provided to the applicant regarding issues to be addressed in the project IS/MND; and

An IS/MND was prepared to analyze project impacts; said IS/MND was circulated for public review and comment commencing on October 25, 2019 and concluding on November 25, 2019; and

Section 3. Following a duly noticed public hearing on February 3, 2020 and consideration of all information contained in the staff report regarding the project, all written

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correspondence, and all public comments received at the public hearings, the City Council considered the Planning Commission's January 13, 2020 recommendation in support of the approval of the entitlement application for design review, conditional use permit, and density bonus, for a lot merger for a new six-story, 150-unit residential apartment development located at 1095 Rollins Road and the City Council recommends approval of the proposed project based on the following findings regarding the project entitlements:

Design Review Findings:

The proposed project is compatible with the requirements of the City's four multifamily residential design review criteria in that the proposed 150-unit apartment development has been designed with articulated massing, an articulated aluminum storefront for the office and lobby, with awnings on the ground floor, and articulated walls and repetitive fenestration on the upper floors; that the project contains stoops for several units along Rollins Road to provide a street and pedestrian interface; that the proposed project is six stories and has been massed to fit the project site which is visually prominent and serves as a buffer between Highway 101 and the adjacent multi-family complex; that the project has been designed with only one entrance to the 195 off-street parking spaces that are primarily located below grade so that it does not dominate the street frontage; that the proposed materials and architectural features on the building include stucco, fiber cement panels, manufactured wood siding, stone veneer, vinyl windows, metal and glass railings, metal awnings, and fiber cement siding that complement and blend with the surrounding developments; and that the project includes streetscape improvements along Rollins Road that provide a variety of trees that create a layered appearance to help soften the façade. For the reasons above the project may be found to be compatible with the requirements of the City's four multifamily residential design review criteria.

Conditional Use Permit Findings

The proposed project may be found to be compatible with the requirements of the City's three Conditional Use Permit criteria in that the proposed project 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, in that the multifamily use is consistent with the multifamily residential uses in the neighborhood; that the proposed use will be located and conducted in a manner in accord with the Burlingame General Plan and the purposes of this title, in that it provides a residential use on a property determined to be suitable for such use in the Zoning Code and Burlingame General Plan (with approval of the request General Plan Amendment and Rezoning); and that the project with a proposed building height of 74'-0" to top of parapet would act as a buffer between Highway 101 and the neighborhood and is generally compatible with the surrounding structures in mass and scale with Northpark Apartments at four stories tall located immediately adjacent to the west and the Summerhill multifamily project currently under construction to the south, at five stories. For the reasons above the project may be found to be compatible with the requirements of the City's three Conditional Use Permit criteria.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGAME THAT the applications for Design Review, Conditional Use Permit, and Density Bonus are granted, subject to the following conditions:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped December 4, 2019, sheets AP0.0 through AP0.70, sheets C1.01 through C8.04, sheets AP1.0 through AP8.0 and sheets L1.0 through L2.5;
2. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the City Council; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
3. that staff has the discretion to reconcile any conflicting conditions of approval so long as these changes do not result in substantial changes to the project design or violate zoning development standards;
4. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
5. that prior scheduling the final inspection, the applicant shall pay the public facilities impact fee in the amount of \$784,110.20, made payable to the City of Burlingame and submitted to the Planning Division;
6. that the project shall include fifteen (15) affordable units for a 55-year term; 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;
7. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
8. that the fifteen (15) moderate 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);
9. that the fifteen (15) 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;
10. 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

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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;
11. that the above noted regulatory agreement regarding the fifteen (15) 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;
12. that the project shall be constructed in accordance with the December 24, 2018 "Request for Alternate Materials or Methods of Construction" agreement between The Hanover Company and Central County Fire Department;
13. that the conditions of the Building Division's December 4, 2019 memo, the Stormwater Division's November 27, 2018 memo, the Park's Division's November 30, 2018 memo, and the Public-Works Engineering Division's December 5, 2018 memo related to the building permit submittal shall be met;
14. prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA, and provide to the City of Burlingame an FAA determination of no hazard to air navigation;
15. that all new development 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. 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.";
16. that if the City determines that the structure interferes with City communications in the City, the property owner shall permit public safety communications equipment and a wireless access point for City communications to be located on the structure in a location to be agreed upon by the City and the property owner. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location

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for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition;

17. 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;
18. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
19. 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 the street frontages of the project site;
20. 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.
21. 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;

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22. 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;
23. 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;
24. 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;
25. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
26. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
27. 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;
28. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees on the subject property 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 and the street trees will be protected during construction as required by the City Arborist;
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;
31. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;

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32. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
33. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
34. 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;

The following five (5) conditions shall be met during the Building Inspection process prior to the inspections noted in each condition:

35. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
36. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation (0'-5") of the new structure(s) and the various surveys shall be accepted by the Building Division;
37. 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;
38. 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;
39. that the maximum elevation to the top roof shall not exceed elevation 82.6', as measured from the average elevation at the top of the curb along Rollins Road (8.36') for a maximum height not to exceed 74' to the top of the parapet; the top of each floor and final roof ridge shall be surveyed by a licensed surveyor who shall provide certification of that height to the Building Division; Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;

Mitigation Measures from Initial Study

Aesthetics

40. *The project developer shall install low-profile, low-intensity lighting directed downward to minimize light and glare. Exterior lighting shall be low mounted, downward casting, and shielded. In general, the light footprint shall not extend beyond the periphery the property. Implementation of exterior lighting fixtures on all buildings shall also comply with the standard California Building Code (Title 24, Building Energy Efficiency Standards) to reduce the lateral spreading of light to surrounding uses, consistent with City Municipal Code 18.16.030 that requires that all new exterior lighting for residential developments be designed and located so that the cone of light and/or glare from the light element is kept entirely on the property or below the top of any fence, edge or wall. In addition, lighting*

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fixtures would not be located more than nine feet above adjacent grade or required landing; walls or portions of walls would not be floodlit; and only shielded light fixtures which focus light downward would be used, except for illuminated street numbers required by the fire department;

Air Quality

41. *The project applicant shall require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of diesel particulate matter. Project construction equipment shall be equipped with at least one of the following requirements:*
1. *Mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:*
 - *Engines meeting US Environmental Protection Agency particulate matter emissions standards for Tier 4 engines or equivalent;*
 - *Use of alternatively-fueled equipment (i.e., non-diesel) would meet this requirement; or*
 - *Other measures may include the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to a less-than-significant level.*
 2. *All diesel-powered off-road equipment larger than 25 horsepower must apply diesel particulate filters that reduce diesel particulate matter emissions by at least 95 percent;*
- 42a. *Option A*
A location specific health risk assessment (HRA) shall be prepared by a qualified air quality specialist in accordance with the most recent Bay Area Air Quality Management District guidelines for modeling local risks and hazards. If the HRA indicates that the project would expose sensitive receptors to an unacceptable health risk from the project's proximity to U.S. 101 and Caltrain or if the cumulative health risk exceeds applicable thresholds, then mitigation (such as incorporating HVAC systems with high efficiency DPFs or MERV-13 filters into the ventilation design, weatherproofing windows and doors, installation of passive electrostatic filtering systems, and adoption of a maintenance plan for the HVAC and air filtration systems) that reduces health risk below standards recommended by the Bay Area Air Quality Management District shall be incorporated into the development prior to permit issuance; OR
- 42b. *Option B*
The applicant shall submit to the City a ventilation proposal prepared by a licensed design professional for the residences that describes the ventilation design and how that design will (a) filter outside air entering the building through its HVAC system with an efficiency of at least 90 percent, and (b) ensure all dwelling units would be below the excess cancer risk level of 10 in 1 million established by the BAAQMD. The specific means by which these performance standards are achieved will be determined by the applicant; however, it is assumed that installation of Minimum Efficiency Reporting Value 13 filters with a Dust Spot Efficiency rating of 89 to 90 percent and an arrestance rate of over 98 percent will be required. Additional measures used to meet the aforementioned performance standards could include, but would not be limited to the following:
1. *For units that would use operable windows or other sources of infiltration of ambient air, the development should install a heating ventilation and cooling (HVAC) system that includes high efficiency particulate filters.*

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2. *For units that would limit infiltration through non-operable windows, a suitable ventilation system should include filtration specifications equivalent to or better than the following: (1) American Society of Heating, Refrigerating and Air- Conditioning Engineers Minimum Efficiency Reporting Value 13 supply air filters, (2) greater than or equal to one air exchanges per hour of fresh outside filtered air, (3) greater than or equal to four air exchanges per hour recirculation, and (4) less than or equal to 0.25 air exchanges per hour in unfiltered infiltration. These types of filtration methods are capable of removing approximately 90 percent of the DPM emissions from air introduced into the HVAC system.*
3. *Windows and doors should be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years. Weatherproof should be maintained and replaced by the property owner, as necessary, to ensure functionality for the lifetime of the project.*
4. *Where appropriate, install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., 1 mile per hour)*
5. *Ensure an ongoing maintenance plan for the HVAC and filtration systems. Manufacturers of these types of filters recommend that they be replaced after two to three months of use.*

The applicant should inform occupants regarding the proper use of any installed air filtration system;

Biological Resources

43. *If construction activities commence during the nesting/breeding season of native bird species potentially nesting near the site (typically February 1 through August 31 in the project region), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within two weeks prior to the commencement of construction activities. If active nests are found in areas that could be directly affected by construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The avoidance buffer size shall be 300 feet for raptor species and 150 feet for all other bird species. The size of the buffer zones and types of construction activities restricted within buffers will be determined by a qualified biologist by taking into account factors such as the following:*
 - a. *Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;*
 - b. *Distance and amount of vegetation or other screening between the construction site and the nest; and*
 - c. *Sensitivity of individual nesting species and behaviors of the nesting birds;*

Cultural Resources

44. *Prior to demolition or other ground disturbance, a qualified archaeologist will conduct further archival and field study to identify archaeological resources that may show no*

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indication on the surface, including a good faith effort to identify whether the shellmound indicated by the California Historical Resources Information System search is present on the project site. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of buried archaeological resources. If an archaeological resource is identified, the archaeologist will provide site-specific recommendations.

In the event archaeological resources are encountered during construction, work will be halted within 100 feet of the discovered materials and workers will avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations;

45. *In the event that human remains are discovered during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The county coroner shall be informed to evaluate the nature of the remains. If the remains are determined to be of Native American origin, the Lead Agency shall work with the Native American Heritage Commission and the applicant to develop an agreement for treating or disposing of the human remains;*

Geology and Soils

46. *Project design and construction shall adhere to Title 18, Chapter 18.28 of the City Municipal Code, and demonstrate compliance with all design standards applicable to the California Building Code Zone 4 would ensure maximum practicable protection available to users of the buildings and associated infrastructure;*
47. *A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact;*

Hazards and Hazardous Materials

48. *The contractor shall comply with Title 8, California Code of Regulations/Occupational Safety and Health Administration requirements that cover construction work where an employee may be exposed to lead. This includes the proper removal and disposal of peeling paint, and appropriate sampling of painted building surfaces for lead prior to disturbance of the paint and disposal of the paint or painted materials;*
49. *The applicant shall contract a Certified Asbestos Consultant to conduct an asbestos survey prior to disturbing potential asbestos containing building materials and shall follow the Consultant's recommendations for proper handling and disposal of asbestos containing materials;*
50. *The contractor shall ensure the appropriate handling, storing, and sampling of any soil to be removed from the subject property to eliminate potential health and safety risks to the public, including construction workers;*
51. *Workers handling demolition and renovation activities at the project site will be trained in the safe handling and disposal of any containments with which they are handling or disposing of on the project site;*

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Noise

52. *The following mufflers and sound enclosures shall be utilized during project construction to reduce noise levels from individual pieces of construction equipment;*
- Generators and air compressors shall be surrounded by acoustic shielding and/or sound enclosures capable of reducing noise by at least 6 decibels (dB) using the A-weighted sound pressure level (dBA);*
 - An industrial grade muffler or muffler of similar capacity capable of reducing engine noise by at least 10 dBA shall be installed on excavators, dozers, tractors, loaders, backhoes, graders, and bore/drill rigs; and*
 - An industrial grade muffler or muffler of similar capacity capable of reducing engine noise by at least 15 dBA shall be installed on concrete/industrial saws.*

Emily Beach, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing resolution was adopted at a regular meeting of the City Council held on the 3rd day of February, 2020 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Meaghan Hassel-Shearer, City Clerk