

## City of Burlingame

*Mitigated Negative Declaration, General Plan Amendment, Rezoning, Design Review, Conditional Use Permit, Density Bonus, and Vesting Tentative Map for lot merger 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 13, 2020

**Request:** Application for Mitigated Negative Declaration, 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:** Retail, personal service, offices, financial institutions, food establishments.

**Background:** The proposed project was submitted on September 14, 2018 and first appeared before the Planning Commission for Environmental Scoping and Design Review Study on January 28, 2019.

Because the project was submitted in September of 2018 and deemed complete prior to the January 7, 2019 adoption of the General Plan Update, the proposed project is being considered under the previous General Plan, not the General Plan Update. This specifically impacts the General Plan Amendment being requested for the land use designation change from Commercial to High Density Residential, which would allow 51-plus dwelling units per acre, with no limit on density. Under the General Plan Update, the subject property would continue to have a General Commercial land use designation with a Multi-Family Residential Overlay, which would allow 8.0 - 80 dwelling units per acre (86 dwelling units maximum allowed on this lot).

**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 the property to the south of the restaurant which has a parking lot with a tennis court located above it. 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 residential apartment building. The new parcel would have approximately 394 feet of street frontage along Rollins Road and an average depth of 114 feet. The project would include five parking spaces at street level (within the building) and one level of below grade parking where 195 off-street parking spaces would be provided; 175 of the spaces would be provided in mechanical lifts, 6 in tandem, 4 standard, 6 electric vehicle (EV) and 4 accessible spaces (ADA). 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 ground floor would include leasing and management offices, a lobby, mail room, package room, and a meeting room. These would be concentrated along the northern frontage; the garage entrance would be

located adjacent to these uses. The ground floor would also include eleven (11) dwelling units, four (4) of which would have direct entrances with stoops and stairs fronting on Rollins Road. The remaining units would be accessed from an interior corridor. The south end of the ground floor would include an interior loading space along with the trash room.

The new apartment development would contain 35 studio units, 74 one-bedroom units, 38 two-bedroom units and 3 three-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 unit size is 840 SF with studio units ranging from 491 SF– 655 SF, one-bedroom units ranging 728 SF - 1,010 SF, two-bedroom units ranging from 1,043 SF – 1,456 SF and the three-bedroom units would be 1,499 SF. The total gross floor area of the building would be approximately 194,000 SF, though the R-4 zoning district does not limit 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 development.

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 (see discussion on page 4). Similar requests were granted for the Summerhill project just south of the project site at 1008-1028 Carolan Avenue, and the public parking garage project on Lot N in the Burlingame Avenue downtown area.

Because the application 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 in a development 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 tandem spaces, 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 - Change in land use designation from 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 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.

**Design Review Study Meeting:** This application was reviewed by the Planning Commission for Environmental Scoping and Design Review Study on January 28, 2019.

The Commission's comments and suggestions are summarized below; please refer to the attached January 28, 2019 minutes for detailed comments:

- Use is probably where the site is heading anyways, but have trouble with all the exceptions being requested;
- Concerned with the height; scale down to fit with buildings in the area;
- Need to see traffic study;
- Would be helpful to see a shade and shadow study;
- Can't find arguments against the rezoning, but expects there will be a large contrast with the surroundings;
- Would like to see a dedicated space for bikes and bike lockers;
- Would not have an issue with the height if there was more green space. Would like to see more relief somewhere else on the ground so it does not feel right on the street;
- Looks like it is busting at the seams;
- Nicely designed complex, and a lot of thought has been put into how to utilize the spaces on the different levels, but concerned with reduced front setback on such a busy street, there is no buffer zone between the sidewalk and the stoops;
- Concerned with the Rollins Road frontage;
- In favor of the project in terms of the massing, style, and concessions being requested because they are in step with other provisions in the code, such as the density bonus and BMR units;
- Good location for more housing, but 140 units per acre seems very high compared to new General Plan designation of 80 units per acre;
- BMR units in the Moderate category are not as affordable as one would expect-rents will be very high, not sure how cutting back would hurt the project; and
- If the lot was bigger it would make sense to bring it down in scale and spread it out more, but since the lot is small and the development is being maximized it makes it feel like it is too much for the lot.

The applicant submitted a response letter and revised plans, date stamped December 4, 2019, to address the Commission's January 28, 2019 comments. The following changes have been made to the project in response to the Commission's comments; all other comments are addressed in the applicant's response letter attached.

- Ground floor units revised so external stairs are minimized and stoop patios recessed to maximize landscaping within the front setback along Rollins Road;
- Dedicated and secured bicycle storage room is provided and shown on the plans to accommodate up to 96 bicycles in the basement;

- Entire building footprint has been moved back 1-foot towards the rear, away from Rollins Road to provide additional relief along Rollins Road; increasing the front setback by 1 foot;
- Softscape in the front setback has increased from 60.4% to 64.5%;
- Front landscape plan now includes three levels of trees (Spartan Junipers/Ice Blue Yellowwood/Coral Bark Japanese Maples/Columbia Sycamores) to create a layered effect and to help soften the Rollins Road frontage;
- Applicant prepared a shadow study with findings of no significant shadow impacts on adjacent private properties;
- On-site parking increased by 3 spaces from 192 to 195 spaces (now 6 tandem and 175 stacker spaces).

Please refer to the applicant's response letter for more details on the changes made to the project since the scoping/study meeting on January 28, 2019.

**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 64.5% (2,755 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, prepared by Hort Science-Barlett Consulting, dated November 21, 2018, 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 76.8% of the site would be covered by the building footprint, 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, the Rollins Road frontage would include Spartan Junipers, Iceblue Yellowwood, Coral Bark Japanese Maples and shrubs all proposed within the setbacks that would create a layered effect and provide a softening of the Rollins Road facade.

**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 Parcel Map for the Lot Merger for the project proposes to establish a front setback as close as 10'-0" to the front property line along Rollins Road, where a minimum of 15'-0" or the block average is required. The proposed rear setback line is as close as 4'-1" to the rear property line, where a minimum of 15'-0" and



20'-0" 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 2019 corresponded to up to \$114,900 for a single-person household or \$164,150 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 bedroom	1.5/unit (163.5 spaces)	1/unit (109 spaces)
2 bedroom units	38	2/unit (76 spaces)	2/unit (76 spaces)
3 or more bedrooms	3	2.5/unit (7.5 spaces)	2/unit (6 spaces)
4 or more bedrooms	0	2.5/unit	2.5/unit
<b>TOTAL</b>	150 units	247 spaces	191 spaces

The required parking for a 150-unit apartment development in the R-4 zone would be 247 spaces, but with the By Right Parking Incentive the required parking is reduced to 191 spaces. There are 195 spaces proposed on-site, comprised of four accessible spaces, four standard spaces, six electric vehicle spaces and six tandem spaces, with the remaining 175 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 (within the building), which would be accessed directly from Rollins Road. There is no guest parking required on-site for apartment buildings.

- **Development Concession**

**Parking Stackers/Tandem Parking:** 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, and instead is proposing to provide six tandem spaces and to use parking stackers for 175 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 proposal includes 10% of the units to be offered 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 not 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 where the code now states: "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 6,998 SF 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, while extending more than 30 inches above grade (trigger for including in lot coverage) is not being included in the lot coverage calculation for the site; however, the two roof decks located on the 6<sup>th</sup> floor are counted in the total lot coverage. The proposed lot coverage is 61.9% (29,006 SF) where 50% (23,413 SF) is the maximum lot coverage allowed in the R-4 zoning district. The entire footprint covers 76.8% (or 36,044 SF of the 46,827 SF site).

**Lot Area:** 46,827 SF -

**Plans date stamped:** December 4, 2019

	PROPOSED	ALLOWED/REQUIRED
<b>Land Use:</b>	150 apartment units <sup>1 &amp; 2</sup>	Multifamily residential - permitted use in R-4 zone C.S, 25.29.020(b)
<b>Building Height:</b>	74'-0" <sup>3</sup> (top of parapet)	75'-0" maximum/ CUP required to exceed 35'-0"
<b>Rooftop Projections:</b>	4% of roof area	5% of roof area
<b>Number of Parking Spaces:</b>	195 off-street parking spaces 175 spaces in stackers <sup>4</sup> 6 tandem spaces <sup>4</sup> 4 EV spaces 2 EV & ADA spaces 4 ADA spaces 4 standard spaces	35, studio units x 1 = 35 74, 1-bdrm units x 1 = 74 38, 2-bdrm units x 2 = 76 <u>3, 3-bdrm units x 2 = 6</u> 191 spaces  Total = 191 spaces required
<b>Aisle Width/ Clear Back-up Space:</b>	23'-7"	24'-0" for 90-degree parking OR all spaces can be exited in three maneuvers or less

<b>Parking Space Dimensions:</b>	9' X 20' (4-standard spaces) 6'-2 3/4" X 16'-5" (51 medium stacker spaces) <sup>4</sup> 6'-2 3/4" X 17'- 3/4" (66 med/long stacker spaces) <sup>4</sup> 6'-6 3/4" X 17'- 3/4" (44 large stacker spaces) <sup>4</sup> 6'-10 1/2" X 17'- 3/4" (14 Xlarge stacker spaces) <sup>4</sup>	Standard spaces = 9' x 20'
<b>Covered Spaces:</b>	195 spaces (100% covered)	153 spaces (80% must be covered)
<b>Driveway Width:</b>	20'-0"	Parking areas with more than 30 vehicle spaces shall have two (2) twelve (12) foot wide driveways or one eighteen (18) foot wide driveway
<b>Bicycle Parking:</b>	96 bicycle parking spaces inside building	No requirement (previous General Plan)
<b>Electric Vehicle Charging Stalls:</b>	6 spaces (3.1% of all spaces)	No requirement (previous General Plan)
<b>Front (1<sup>st</sup> flr):</b>	10'-0" <sup>5</sup>	15'-0" or block average
<b>(2<sup>nd</sup> flr):</b>	9'-0" (to bay window) <sup>5</sup>	15'-0" or block average
<b>(3<sup>rd</sup> flr):</b>	8'-6" <sup>5</sup>	15'-0" or block average
<b>(4<sup>th</sup> flr):</b>	8'-6" <sup>5</sup>	15'-0" or block average
<b>(5<sup>th</sup> flr):</b>	8'-6" <sup>5</sup>	15'-0" or block average
<b>(6<sup>th</sup> flr):</b>	10'-0" <sup>5</sup>	15'-0" or block average
<b>Right Side (1<sup>st</sup> flr):</b>	21'-4"	7'-0"
<b>(2<sup>nd</sup> flr):</b>	19'-9"	8'-0"
<b>(3<sup>rd</sup> flr):</b>	19'-9"	9'-0"
<b>(4<sup>th</sup> flr):</b>	19'-9"	10'-0"
<b>(5<sup>th</sup> flr):</b>	19'-9"	11'-0"
<b>(6<sup>th</sup> flr):</b>	19'-9"	12'-0"
<b>Left Side (front portion)</b>		
<b>(1<sup>st</sup> flr):</b>	20'-3"	7'-0"
<b>(2<sup>nd</sup> flr):</b>	18'-2"	8'-0"
<b>(3<sup>rd</sup> flr):</b>	17'-2" (to bay window)	9'-0"
<b>(4<sup>th</sup> flr):</b>	17'-2" (to bay window)	10'-0"
<b>(5<sup>th</sup> flr):</b>	17'-2" (to bay window)	11'-0"
<b>(6<sup>th</sup> flr):</b>	17'-2" (to bay window)	12'-0"

<b>Left Side (rear- offset portion)</b>		
(1 <sup>st</sup> flr):	10'-0"	7'-0"
(2 <sup>nd</sup> flr):	14'-5"	8'-0"
(3 <sup>rd</sup> flr):	14'-5"	9'-0"
(4 <sup>th</sup> flr):	14'-5"	10'-0"
(5 <sup>th</sup> flr):	14'-5"	11'-0"
(6 <sup>th</sup> flr):	14'-5"	12'-0"
<b>Rear (long-northern portion)</b>		
(1 <sup>st</sup> flr):	4'-1" <sup>5</sup>	15'-0"
(2 <sup>nd</sup> flr):	4'-1" <sup>5</sup>	15'-0"
(3 <sup>rd</sup> flr):	4'-1" <sup>5</sup>	20'-0"
(4 <sup>th</sup> flr):	4'-1" <sup>5</sup>	20'-0"
(5 <sup>th</sup> flr):	4'-1" <sup>5</sup>	20'-0"
(6 <sup>th</sup> flr):	4'-1" <sup>5</sup>	20'-0"
<b>Rear (short-southern portion)</b>		
(1 <sup>st</sup> flr):	16'-0"	15'-0"
(2 <sup>nd</sup> flr):	11'-10" <sup>5</sup> (to bay window)	15'-0"
(3 <sup>rd</sup> flr):	11'-10" <sup>5</sup> (to bay window)	20'-0"
(4 <sup>th</sup> flr):	11'-10" <sup>5</sup> (to bay window)	20'-0"
(5 <sup>th</sup> flr):	11'-10" <sup>5</sup> (to bay window)	20'-0"
(6 <sup>th</sup> flr):	14'-0" <sup>5</sup>	20'-0"
<b>Lot Coverage:</b>	29,006 SF – 61.9% <sup>5</sup> (does not count courtyard over podium parking)  (lot coverage with all improvements >30" = 36,004 SF (76.8%))	23,413 SF 50%
<b>Front Setback Landscaping:</b>	2,755 SF 64.5%	2,559 SF 60%

<sup>1</sup> Request for General Plan Amendment - Shopping and Commercial to High-Density Residential.

<sup>2</sup> Rezoning - Commercial (C-1) to High Density Residential (R-4).

<sup>3</sup> 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).

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

<sup>5</sup> Waiver/Modification of Development Standard requested for lot coverage (C.S. 25.63.050) (does not count courtyard over podium parking; does include two roof decks on 6<sup>th</sup> floor in lot coverage total).



**Environmental Review:** On January 28, 2019 the Planning Commission held an Environmental Scoping meeting where staff requested the Planning Commission to provide comments on any potential environmental effects to be considered in the CEQA document. An Initial Study/Mitigated Negative Declaration (IS/MND) for the project was prepared and determined that there were no environmental impacts that were identified that could not be mitigated to less than significant levels.

The 30-day public review period occurred from October 25, 2019 to November 25, 2019 and one comment letter was received. This letter was from the Department of Toxic Substance Control (DTSC). ENGEO, the applicant's consultant, reviewed the DTSC comments and prepared a memo dated December 20, 2019 to address these comments. In addition, the applicant requested clarification on the wording of one of the air quality mitigation measures. A response to these comments has been prepared for these two items, which are included as part of the administrative record and are attached.

Based on the environmental analysis, it was determined that the proposed project would have no adverse environmental impacts on the environment in the areas of agriculture and forestry services, energy, greenhouse gas emissions, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic and utilities and service systems. Although the environmental analysis did find that the project could have a significant effect in the areas of aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, noise, and tribal cultural resources, mitigations measures were identified to reduce adverse impacts to acceptable level.

While most of the potentially significant impacts were typical for larger multifamily projects, specific to this project were the air quality, cultural resources and hazards and hazardous materials impacts. The air quality impacts are related to the proximity of the site and proposed residential units to Highway 101, therefore the mitigations required would address any potential impacts to less than significant for the future residents.

As part of the CEQA document preparation, a cultural records search was conducted through the California Historical Resources Information System (CHRIS). The results show that a shellmound may be located on or around the project site. A shellmound is a form of midden that may consist of human-made mounds of earth and organic matter built up by Native Americans over thousands of years. These midden include domestic waste such as mounds of oyster, mussel or snail shells and may also contain burial sites and artifacts such as ceramics and/or tools. Shellmounds were common around the San Francisco Bay Shoreline, however exact locations are not well documented. Given that the Burlingame Bayfront is fill material, historic records indicate that the bay shoreline was formally located near the project site. Therefore, the mitigation measures require a qualified archeologist to conduct a field study of the subject property prior to demolition or any other ground disturbance.

Because the Phase II site assessment notes the cobalt and diesel concentrations on the site exceed environmental screening levels, a mitigation has been included requiring proper handling, storing and sampling of any soils removed from the site to eliminate potential health and safety risks to the construction workers and the public. The Initial Study/Mitigated Negative Declaration (ND-604P) is attached for reference. The mitigation measures in the Initial Study/ Mitigated Negative Declaration have been incorporated into the recommended conditions of approval (in italics).

**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 did 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 limit on density. 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 has a land use designation of High Density Residential with R-4 zoning. That property is 11.09 acres with 510 apartments at a density of 46 dwelling unit per acre. The Summerhill project under construction just south of the subject property is zoned C-2 with a residential overlay, it is 3.87 acres and will provide 268 units at 69 dwelling units per acre (based on apartment portion of project).

**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 150-unit multifamily apartment development, the required public facilities impact fees for this development project total \$784,110.20 (includes a credit of \$46,439.80 for the existing restaurant (commercial) use on-site). Payment will be required prior to final inspection.

**Residential Linkage Fees:** The City Council adopted Residential Linkage Fees on April 1, 2019. This code section exempts applications under review by the Planning Commission or Community Development Department that had been deemed complete at the time of adoption of the residential impact fees. Therefore, the residential linkage fees do not apply to this project as it was deemed complete prior to City Council adoption in April 2019.

However, even if the project was not deemed complete prior to the adoption of the residential linkage fees, because the project would include 10% of the units as moderate 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 afford 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.

**Design Review:** 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 roof decks would be located on the sixth floor of the development.

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.

**Suggested Findings for Design Review:** 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.

**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.

**Suggested Findings for Conditional Use Permit for Building Height:** 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 4-stories tall located immediate adjacent to the west and the Summerhill multifamily project currently under construction to the south, at 5-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.

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

**Suggested Findings for Mitigated Negative Declaration:** In accordance with CEQA Guidelines Section 15183, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental



analysis, it was determined that the proposed project would have no adverse environmental impacts on the environment in the areas of agriculture and forestry services, energy, greenhouse gas emissions, land use/planning, mineral resources, population/housing, public services, recreation, transportation/traffic and utilities and service systems. Although the environmental analysis did find that the project could have a significant effect in the areas of aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, noise, and tribal cultural resources, mitigations measures were identified to reduce adverse impacts to acceptable levels. Therefore, based on the Initial Study there will be no significant environmental effects as a result of this project.

**Findings for a General Plan Amendment:** In acting on the request for a general plan amendment for the change in land use designation from of a portion of the site from Commercial to High Density Residential, the Planning Commissioners should state the reasons why they feel such action is appropriate. The commissioners must state why the changes are consistent with the policies of the General Plan and in particular the Land Use Element of the General Plan.

**Suggested Findings for a General Plan Amendment:** That the project includes a change in land use designation from Commercial to a High Density Residential land use designation; that the change in land use designation is consistent with the adjacent high density land use designation for the abutting property to the west and to the south and will not alter the land use patterns in the area; that the City of Burlingame General Plan indicates that areas designated as High Density Residential typically contain 51-plus units per acre which supports the proposed project at 140 dwelling units per acre. Therefore, the General Plan Amendment may be found to be consistent with the policies of the Land Use Element of the General Plan.

**Findings for a Rezoning:** In acting on the request to rezone a portion of the lot from C-1 (commercial) to R-4 (multi-family residential), the Planning Commission should state the reasons why they feel such action is appropriate and consistent with the intent of the General Plan and Zoning Ordinance.

Code Section 25.04.010 states that the zoning plan is established for the following purposes: to promote public health, safety and welfare; preserve a wholesome serviceable and attractive community which increases the safety and security of home life; promote harmonious character and economy among property, building construction and civic services; establish regulations to limit the location, uses, height, bulk, lot coverage, street setback, yard sizes and occupancy of building structures and land; encourage remodeling of existing residential structures; preserve residential neighborhood character of single family structures and accessory structures and provide for the best general civic use to protect the common rights and interests of all.

**Suggested Findings for a Rezoning:** That the project includes rezoning the two parcels that make up the project site, Assessor's Parcel 026-231-250 and 026-231-260 from the C-1 (commercial) zone to the R-4 (multi-family residential) zone, which would be consistent with the adjacent R-4 zoning immediately to the west; that the City of Burlingame Zoning code indicates that multi-family residential uses are a permitted use within the multi-family residential (R-4) zone; and that the proposed project conforms to all development regulations for the multi-family residential (R-4) zone except as otherwise noted herein with concessions and waivers to development standards that are requested as part of the density bonus with the inclusion of 10% of the units offered as moderate BMR units. Therefore, the rezoning may be found to be consistent with the intent of the General Plan and Zoning Ordinance.

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



1. Mitigated Negative Declaration
2. General Plan Amendment
3. Rezone
4. Design Review
5. Conditional Use Permit
6. Tentative Parcel Map
7. Design Bonus
  - a. By Right Parking Incentive (allows for reduced parking requirement)
  - b. Development Concession – use of parking stackers and tandem parking
  - c. C.S. 25.63.050 – Waiver/Modification of Development Standard – lot coverage

Since the City Council is the final decision-making body regarding the request for General Plan Amendment and Rezoning, the Planning Commission's action should be in the form of a recommendation to the City Council, since the entire application will be forwarded to the City Council for consideration.

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

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped 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 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);
4. 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;
5. 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;

6. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
7. 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);
8. 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;
9. 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;
10. 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;
11. 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;
12. that the conditions of the Building Division's December 4, 2019 memo, the Stormwater Division's November 27, 2019 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;
13. 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;
14. 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.”;

15. 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 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;
16. 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;
17. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
18. 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;
19. 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.

20. 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;
21. 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;
22. 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;
23. 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;
24. 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;
25. 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;
26. 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;
27. 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;
28. 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;
29. 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;



30. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
31. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, as amended by the City of Burlingame;
32. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
33. 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:**

34. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
35. 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;
36. 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;
37. 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;
38. 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**

39. *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 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**

40. 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;
- 41a. 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
- 41b. 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.
  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**

42. 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**

43. 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 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;

44. *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**

45. *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;*
46. *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**

47. *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;*
48. *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;*
49. *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;*
50. *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;*

### **Noise**

51. *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.*

Catherine Keylon  
Senior Planner

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

Attachments:

Applicant's Updated Project Narrative and Plan Revisions Summary (responses to 1/28/19 PC mtg), dated January 7, 2020

January 28, 2019 Planning Commission Minutes

Application to the Planning Commission

Letter of Authorization from Property Owner

Applicant's Project Description- Request for General Plan Amendment, Rezoning 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

Environmental Information Form

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

Equity Residential, letter of supported, dated January 6, 2020

Staff Comments

Proposed Rezoning - Parcel Map of Subject Properties

Proposed Resolutions

Notice of Public Hearing – Mailed January 3, 2020

Area Map

Separate Attachments:

Initial Study/Mitigated Negative Declaration, dated October 25, 2019

Exhibit B – Mitigation, Monitoring and Reporting Program (MMRP), dated January 2020

Exhibit C – 1095 Rollins Road Apartments Errata Memorandum, dated January 3, 2020

Exhibit D – Response to Comments Memorandum, dated January 3, 2020