

# City of Burlingame

*Design Review, Density Bonus, Approval of Community Benefit Bonuses, and Vesting Tentative Parcel Map for a New 7-story, 298-unit Mixed Use Residential Development*

**Item No. 8c  
Regular Action Item**

**Address:** 30 Ingold Road

**Meeting Date:** October 13, 2020

**Request:** Application for Design Review, Density Bonus, Approval of Community Bonuses, and Vesting Tentative Parcel Map for a new 7-story, 298-unit mixed use residential development.

**Applicant:** SummerHill Apartment Communities, Elaine Breeze

**Property Owner:** SummerHill Apartment Communities

**Architect:** Studio T Square, Chris Lee

**APN:** 025-280-480

**Lot Area:** 3.2 acres (139,218 SF)

**General Plan:** Live/Work

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

**Adjacent Development:** Warehouse, commercial and industrial buildings

**Current Use:** Vector Laboratories

**Proposed Use:** 298-unit mixed use residential development

**Allowable Use:** Mixed use developments are permitted

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

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

On the basis of the evidence provided in the analysis, it was determined the project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines (see attached CEQA Class 32 Infill Exemption prepared by ICF, dated October 2020). Based on City of Burlingame threshold criteria, no additional substantial adverse impacts beyond those discussed in the analysis are anticipated. Because the project meets the criteria for categorically exempt infill development projects, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project. No further review is needed.

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

The City also adopted the North Rollins Road Mixed Use (RRMU) Zone Interim Standards consistent with the vision of the newly adopted General Plan. The purpose of the RRMU Zone is to implement the General Plan Live/Work land use designation by creating and sustaining a new neighborhood of creative live/work units and developments, small-scale support commercial businesses, and other employment uses within easy walking distance to the Millbrae multimodal transit station.

**Project Summary:** The project site is a 3.196 acre parcel located at the northwestern corner of the intersection of Ingold and Rollins Road. The site currently contains a commercial building (approximately 65,250 SF in size), surface parking and landscaping. The proposed application includes demolition of the existing structure, lot split of an approximately half-acre portion at the rear of the lot for a dedicated City Park, and construction of a new 298-unit mixed use residential development with 4,060 SF of commercial/office space on the ground level.

The project is a contiguous development with a total of seven stories (79'-3" building height). The Rollins Road frontage will contain 4,060 SF of commercial/office space, fitness room, and leasing office. The pedestrian plaza and City Park are located along Ingold Road. The ground floor and second floor portions of the building consist mainly of a two-level parking garage. The main lobby, mail room, and WiFi lounge line the perimeter of the parking garage on the ground level fronting Ingold Road. A 23,280 SF podium courtyard is proposed on the third level (above the parking garage). All seven levels will contain residential units, with a 2,140 SF roof deck proposed on the seventh level. The following applications are requested for this project:

- Design Review for construction of a new 7-story, 298-unit mixed use residential development (298 residential units and 4,060 square feet of commercial/office space on ground floor) with at-grade parking on the first two floors (C.S. 25.39.060);
- Density Bonus to allow 75 additional units over the density permitted for Tier 3 developments (C.S. 25.63.020 (a)(1));
- Density Bonus to allow a development incentive/concession to facilitate the provision of affordable housing; request for incentive is to allow 25 parking spaces in tandem configuration (C.S. 25.63.040 (b));
- Approval of community benefits bonuses for Tier 3 projects. The Planning Commission may approve Tier 3 projects if it determines that a project includes at least three community benefits. (Code Section 25.39.030); and
- Vesting Tentative Parcel Map for a Lot Split of portion of Lot A, Book 68 of Parcel Maps, Pages 5-6, for a park offered for dedication to the City.

Parking for the proposed project is provided in an enclosed garage containing two levels of parking. There will be 329 off-street parking spaces for residents, 15 parking spaces for guests, and 14 spaces for the commercial space, for a total of 358 parking spaces (project requires a minimum of 353 parking spaces). Vehicular access into the main garage is provided from both Rollins and Ingold Roads.

The residential units would include 217 one-bedroom and 81 two-bedroom units, with 43 units (14.4%) designated affordable for low income households (80% of San Mateo County's Area Median Income for 55 years). Unit sizes range from 661 to 927 SF for the one-bedroom units and 960 to 1,307 SF for the two-bedroom units, averaging approximately 834 SF across all units. Please refer to the floor plans and unit plans to review configurations proposed for each type of unit.

The RRMU Interim Zoning includes “tiered” development standards requiring community benefits to be included in projects in order to achieve the highest residential densities and building heights. The applicant has elected to develop consistent with “Tier 3” development standards, which is the highest tier. Projects using Tier 3 standards shall provide at least three community benefits (see Community Benefits section in staff report for additional information). Planning staff has determined that the proposed project complies with the Tier 3 development standards.

For a more detailed description of the proposed project, please refer to the attached “Project Description”, submittal letter dated September 30, 2020 submitted by the applicant.

**Design Review Study Meeting:** At the Planning Commission Design Review Study meeting on April 27, 2020, the Commission made several suggestions for the project applicant to consider and voted to place this item on the Regular Action Calendar (see attached April 27, 2020 Planning Commission Minutes). Overall, the Commission was in support of the proposed project. The following is a summary of the Commission’s comments:

- Revisit the garage opening along Rollins Road – see how it may be visually reduced with some architectural detail; make it pedestrian scale and not a sudden gap that someone has to cross over;
- Revisit driveway entrance along Ingold Road – visually reduce the scale of the 35’ gap so that it is pedestrian friendly; follow the rhythm from the WiFi Lounge and the Redwood Plaza;
- Green space is in short supply in this area; would like more presence of green space;
- Drill down on and provide more detail on the Redwood Plaza because it is one of the community benefits; make it a really nice amenity along Ingold Road;
- As more cars become electric, consider expanding EV parking spaces for communal use;
- Very industrial surroundings, lots of dark spots at night; concerned about safety and how this can be addressed;
- Nicely thought out and well organized project that creates its own place; permeability of building and green space flow nicely together;
- Project will have a huge impact on the future development of the area; big enough critical mass for others to follow and tie into;
- Great addition to our community, everything was really clear and easy to go through; and
- Creates its own energy in that location that is going to add ‘eyes on the street’.

In a response letter dated September 30, 2020, the applicant provided detailed responses to the Commission’s comments and a summary of the changes that have been made to the project since the design review study meeting (see attachments). The applicant also submitted revised plans, dated May 27, 2020 and date stamped September 30, 2020, a materials board and sample of the proposed window, at the request of the Commission.

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

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

Materials proposed for the exterior of the building include a mix of stucco, metal panels, metal siding, and porcelain tiles. Railings materials at balconies include glass, wire mesh, steel pickets and perforated metal panels. The proposed materials are presented on sheet A5.1. Vinyl windows (Endurance Series by VPI Quality Windows) are proposed for the project. Information and specifications for the proposed VPI vinyl windows are presented on sheet A5.2.

To better help visualize the proposed project, perspectives of the proposed project are provided on sheets A0.6 through A0.7A. For additional information with respect to the proposed design approach, please refer to the Project Description submitted by the applicant (attached).

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

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

- Affordable Housing – Section 4.1.a - The project qualifies for and intends to utilize a density bonus in compliance with the City's affordable housing incentives by including 43 below-market rate units, 14.4% of the total project. These units will be for affordable Low Income Households (80% of San Mateo County's Area Median Income (AMI)) for 55 years.

- Public Plaza Beyond Minimum – Section 4.c - The project includes an approximately 3,470 square foot publically accessible plaza, well in excess of the 2,250 square foot minimum.
- Publically Accessible Park Space - Section 4.j – The project includes a 17,785 SF publically accessible park and the preservation of six existing mature Coast Redwood trees. The developer would construct the park and deed it to the City upon completion of the project.

As noted above, this application includes dedication of the publically accessible park space to the City, which is consistent with the 2020 Parks Master Plan's goal of adding a City park in the Rollins Road Area. The developer would construct the Public Park at its expense as part of the project; after the park is dedicated to the City, the City would own, operate and maintain the park. Currently, the project is located on a single parcel. In order to dedicate the park to the City, the property would need to be subdivided into two parcels via a subdivision map. Both the subdivision map and offer of park dedication would be reviewed by the City Council.

**Landscaping:** Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1 through L7). The RRMU interim standards require that for Tier 3 projects, 20% of the site be landscaped. The project proposes 29% site landscaping and therefore complies with the site landscaping requirements. Landscaping is provided throughout the site, including in the areas between the building and property lines, within the pedestrian plaza, courtyards above the garage, and within the public park area.

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 35 landscape trees are required on site. A total of 82 new landscape trees are proposed (53 on the ground level and 29 on the podium and roof levels).

A total of 13 street trees, seven along Ingold Road and six along Rollins Road, are proposed to be planted as part of this project.

The applicant has provided a Tree Report, prepared by HortScience/Bartlett Consulting and dated December 5, 2019. The report notes that there are a total of 88 trees within the project site, 25 of which are protected size. The report notes that 62 of the existing trees are in poor and fair condition. Based on the assessment and review of the proposed plans, HortScience/Bartlett Consulting recommends removing 74 existing trees (17 of which are protected size) and preserving 14 trees (eight of which are protected size). The City Arborist notes that a Protected Tree Removal Permit has been approved to remove the protected-size trees and that the Permit would only be issued upon approval of the proposed project.

**Off-Street Parking:** Parking requirements are based on the number of bedrooms proposed per unit for the residential portion of the project and a parking ratio of 1:300 SF for the ground floor commercial space (assumes office use). The RRMU zoning district regulations provide reduced residential parking standards given its proximity to the Millbrae multimodal transit station. In the RRMU District, the minimum parking requirement is 1 space for each studio or one-bedroom unit, 1.5 spaces for each two-bedroom unit, and 2 spaces for each unit containing 3 or more bedrooms; no guest parking is required.

The proposed project includes 217 one-bedroom units and 81 two-bedroom units, and therefore requires a total of 339 spaces for the residential use. Based on the office ratio of 1:300 SF, 14 parking spaces are required for the 4,060 SF ground floor office use. Therefore, a total of 353 parking spaces are required for the proposed mixed use project. The project is in compliance with off-street parking requirements by providing 358 parking spaces. 15% (or 54) of the parking stalls will be prepared for electric vehicle charging equipment (5%, or 18 stalls minimum required).

Parking is provided in an above-grade, two-level parking garage located behind residential units, amenity spaces and the commercial space fronting Rollins Road. Vehicular access into the main garage is provided from both Rollins and Ingold Roads.

Bicycle parking is provided in secured rooms on the ground floor within the building (149 bicycles) and throughout the site (15 bicycles).

On the basis of the evidence provided in the CEQA Class 32 Infill Exemption, the project would not have a significant effect on the environment with regards to impacts on nearby intersections, roadway segments, access and circulation at the project site, bicycle and pedestrian facilities, and transit facilities.

**Transportation Demand Management (TDM):** TDM measures will be implemented as a part of the project to reduce the number of single-occupant vehicle trips generated by the project. A TDM plan has been prepared for the project and includes design features, programs, and services that promote sustainable modes of transportation. Proposed TDM measures, as described in greater detail in Chapter 8 of the Transportation Impact Analysis (attached), include the following:

- Resources that encourage alternative modes of transportation, such as schedules and route maps.
- Bicycle facilities, including secure bicycle storage, a bicycle repair station, and a charging stations for electric bicycles.
- Pedestrian facilities, including sidewalk frontage improvements, a new crosswalk, and Americans with Disabilities Act-compliant ramps along Rollins Road and Ingold Road, as well as recreation facilities.
- On-site Transportation Coordinator.
- Information and promotions, including an online kiosk, information packets for new residents, and a Commute Assistance Center.
- Facilitate carpool and vanpool programs, including on-site ride-matching assistance and carpool/vanpool incentives.
- Wi-Fi and fiber optic wiring to facilitate telecommuting.
- On-site amenities, including a residential fitness center, Wi-Fi lounge, and charging station for electric vehicles.
- TDM administration, monitoring, and reporting.

Condition of approval #8 has been added which requires that the TDM plan be implemented as part of the project.

**Density Bonus/Below Market Rate (BMR) Units:** This application includes a request to utilize the Density Bonus Ordinance, consistent with the provisions set forth in Government Code Sections 65915 through 65919, which is the State Density Bonus Law. The proposed project includes 43 of the total units as low-income units. In San Mateo County the “Low Income” category is defined as households with an income that is 80% of “Area Median Income” (AMI). The 2020 San Mateo County AMI is \$121,800 for a single-person household, \$139,200 for a two-person household, \$156,600 for a three-person household, and \$174,000 for a four-person household.

Consistent with the State Density Bonus Law and the City’s Density Bonus ordinance, the applicant proposes to provide forty-three (43) below-market rate units for Low Income households making 80% of San Mateo County’s AMI in order to obtain a density bonus of 33.63%, or 75 additional units, over the density permitted for Tier 3 developments. The calculation of the density bonus is as follows:

- The total lot size of the project is 3.196 acres. As a Tier 3 project, the RRMU Zone allows for a maximum density of 70 DU/acre, which would permit a total of 223.72 units prior to the application of a density bonus (3.196 acres x 70 du/ac = 223.72 units).

- The applicant seeks a density bonus of 33.63% to allow for a total of 298 units.

223 units + 75 units = 298 units

75 units ÷ 223 units = 33.63%

- According to the Density Bonus Ordinance, Code Section 25.63.020 (a)(1), the City shall grant a twenty (20) percent density bonus when an applicant for a development of five (5) or more dwelling units seeks and agrees to construct at least ten (10) percent of the total dwelling units of the development as restricted affordable units affordable to Lower Income Households. For each one (1) percent increase in the percentage of restricted lower income units, a development will receive an additional one and one-half (1.5) percent density bonus up to thirty-five (35) percent of the maximum residential density. To qualify for a density bonus of 33.63%, the applicant is proposing to designate 19.28% of the units (43 units) as below-market rate units for Low Income Households making 80% of San Mateo County's AMI.

Percentage of Low Income Units: 43 units ÷ 223 units = 19.28%

Percentage of Low Income Units greater than 10%: 19.28% – 10% = 9.28%

Density Bonus Units Permitted: 20% + (9.28% × 1.5) = 33.92%

As noted in the Community Benefits discussion, the affordable units would be restricted for 55 years (see conditions of approval #2 through #7).

**Density Bonus Incentives and Concessions - Affordable (Below-Market Rate) Units:** Code Section 25.63.040 (b) allows one development incentive for projects with 10% of the total units offered to those that qualify as low income earners. 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 14.4% of the total units (43) as low income units. The applicant is requesting the following:

- **Tandem Parking Configuration:** Consistent with state density bonus law, C.S. 25.63.040 (b) allows one concession for projects with 10% of the units offered as BMR units for low income levels. The applicant is requesting that 25 parking spaces be allowed to be provided in tandem configuration.

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

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

Development fees for projects in the North Burlingame/Rollins Road Specific Plan are subject to a fee of \$0.63 per square foot for a multifamily use. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset for the existing development. The fees are calculated based on the fee schedule in effect at the time the building permit is issued.

The purpose of North Burlingame/Rollins Road Development Fee is to provide funding for future construction, improvement, and enhancement of public arterials and access in the area. Such improvements are necessary to safeguard and improve the life, health, property, and public welfare of the area served, and of all persons occupying the properties in the area.

Based on the proposed 298-unit mixed-use development, the required fee for this development project is \$214,675.65. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit for the project; the second half of the payment will be required before the final framing inspection.

**Residential Linkage Fees**

The City Council adopted Residential Linkage Fees on April 1, 2019. The proposed project is subject to the fees based on the formula set forth in Code Section 25.82 which sets the fees based on the dwelling units per acre, with different rates for prevailing wage and non-prevailing wage for labor used for the construction of the project. However, because the project would include at least 10% of the units as low income BMR units, as per C.S. 25.82.070(a), the fee is not required as the units would be provided on-site. The code states that if a project mitigates affordable housing impacts through the construction of affordable units on site with a guarantee of affordability for a period of 55 years, then the impacts of residential development on the need for affordable housing shall be deemed mitigated. The applicant is proposing 14.4% of the residential units as low income BMR units, therefore the Planning Commission may approve the provision of affordable units on site, consistent with the requirements set forth in subsection (b), as part of the review of the project, which would eliminate the requirement to pay the Residential Linkage Fee as 43 (14.4%) low income BMR units would be provided on-site.

**Public Facilities Impact Fees**

The purpose of public facilities impact fees is to provide funding for necessary maintenance and improvements created by development projects. Public facilities impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use.

Based on the proposed 298-unit mixed-use development, the required public facilities impact fees for this development project total \$1,169,546 (includes a credit of \$151,190 for the existing light industrial use on-site). Payment will be required prior to final inspection.

The following table provides a summary of the project’s compliance with the RRMU Zone Interim Standards. For more information and details on development requirements, please refer to the attached RRMU Zone Interim Standards.

**30 Ingold Road**

**Lot Area:** 3.2 acres (139,218 SF)

**Plans date stamped:** September 30, 2020

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Density - Residential Units:</b>	93.125 du/ac <sup>1</sup> 298 units	70 du/ac 223 units
<b>Density - Commercial Space:</b>	0.03 FAR (4,060 SF)	1.0 FAR (139,218 SF)
<b>Building Height:</b>	7 stories 79'-3"	7 stories 80'-0"

<sup>1</sup> Consistent with the State Density Bonus Law and the City’s Density Bonus ordinance, the applicant proposes to provide forty-three (43) below-market rate units for Low Income households to obtain a density bonus of 33.63%, or 75 additional units, over the density permitted for Tier 3 developments.

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**30 Ingold Road**

**Lot Area:** 3.2 acres (139,218 SF)

**Plans date stamped:** September 30, 2020

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b>Setbacks</b>		
<i>Front (Ingold Rd):</i>	15'-0"	0'-0" to 15'-0"
<i>Side (Interior):</i>	15'-0"	10'-0"
<i>Side (Rollins Rd):</i>	15'-0"	10'-0"
<i>Rear:</i>	20'-0"	20'-0"
<b>Lot Coverage:</b>	49.89% 69,438 SF	60% 83,531 SF
<b>Open Space per Unit:</b>	25,420 SF (common) 3,470 SF (plaza) 17,785 SF (City park) <u>13,448 SF (private)</u> 60,123 SF / 298 units = 202 SF per unit	125 SF per unit = 37,250 SF may be private, common or both
<b>Landscape Coverage:</b>	29% of site 37,551 SF	20% of site 27,844 SF
<b>Pedestrian Plaza/Public Space:</b>	3,470 SF pedestrian plaza 17,785 SF public open space	1,500 SF
<b>Mid-Block Plaza:</b>	30' x 116' 73% open to sky	15' x 15' 50% open to sky
<b>Number of Parking Spaces:</b>	358 spaces	<b>Residential:</b> 217 1-bdr units x 1.0 = 217 <u>81 2-bdr units x 1.5 = 122</u> 339  <b>Commercial:</b> 4,060 SF @ 1 space/300 SF = 14  <b>Total Spaces Required = 353</b>
<b>Parking Stall Dimensions:</b>	8'-6" x 17'-0"	8'-6" x 17'-0"
<b>Aisle Dimensions:</b>	24'-0"	24'-0" for 90-degree parking

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**30 Ingold Road**

**Lot Area:** 3.2 acres (139,218 SF)

**Plans date stamped:** September 30, 2020

	<b>Proposed</b>	<b>Tier 3 Projects Maximum Allowed/ Minimum Required</b>
<b><i>Driveway Width:</i></b>	20'-0" (Rollins Rd) 20'-0" (Ingold Rd)	Parking areas with more than 30 vehicle spaces shall have two 12'-0" wide driveways or one 18'-0" wide driveway
<b><i>Bicycle Parking:</i></b>	149 resident (in building) 15 guest (outdoor)	149 resident (0.5 spaces/unit) 15 guest (0.05 spaces/unit)
<b><i>Electric Vehicle Charging Stalls:</i></b>	54 spaces (15% of all spaces)	18 spaces (5% of all spaces)

**Staff Comments:** The applicant held an informational neighborhood meeting on November 19, 2019 (see attached meeting invitation). Property owners within 500 feet of the project site, as well as additional owners located just outside of the radius, were invited. The applicant provided an overview of the proposed project and was available to answer questions about the project.

The applicant also presented the design and landscaping concept of the publicly accessible park to the Parks Commission on May 21, 2020. The Commission’s general consensus of the project was positive in regards to the sustainability aspect of landscaping, and the grass open area and the games area.

See attached memos from the Building, Public Works/Engineering, Fire, Parks and Stormwater Divisions.

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

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

- (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

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

- That the project supports the pattern of diverse architectural styles that characterize the city's industrial area with articulated massing, an articulated storefront and awnings on the ground floor, and articulated walls and repetitive fenestration on the upper floors; the project contains a blend of commercial and residential design features with an overall modern, industrial design theme, and embraces the street and the pedestrian realm;
- That the project respects and promotes pedestrian activity by placing the commercial space on the ground floor and fronting Rollins Road to maximize commercial use of the street frontage and placing the publicly accessible pedestrian plaza adjacent to the street frontage along Ingold Road; that the parking for the project does not dominate the street frontage because the garage is located behind the ground floor building façade;
- That on this visually prominent site, the building is characterized by a single modern, industrial architectural style and its design fits the site and is compatible with the surrounding development by exhibiting thoughtful well-articulated massing, character and pedestrian scale;
- That the building is compatible with the mass, bulk, scale, and existing materials of existing development in that the exterior building materials include a mix of include a mix of stucco, metal panels, metal siding, and porcelain tiles; and
- That site features such as fencing, landscaping, and pedestrian circulation to be provided in the publicly accessible pedestrian plaza, paseo and park will enrich the existing opportunities of the neighborhood.

**Findings for Vesting Tentative Parcel Map for Lot Split of Portion of Parcel A:** In order to recommend approval of a vesting tentative parcel map, the Planning Commission must find that the proposed parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development.

**Suggested Findings for Vesting Tentative Parcel Map:**

- That the proposed vesting tentative parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act, and that the site is physically suited for the proposed type and density of development in that it provides a mixed-use development in an area identified as suitable for such use in the Zoning Code and General Plan, provides vehicular and pedestrian circulation to serve the project, and is consistent with required development standards.

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**Planning Commission Action:** The Planning Commission should conduct a public hearing on the application and consider public testimony and the analysis contained within the staff report. Affirmative action should be taken separately by resolution and include findings supporting the Planning Commission's decision. The reasons for any action should be stated clearly for the record.

1. Design Review, Density Bonus and Community Benefit Bonuses.
2. Vesting Tentative Parcel Map for a Lot Split of portion of Lot A for a park offered for dedication to the City (recommendation for approval by City Council).

At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division dated May 27, 2020 and date stamped September 30, 2020, sheets A0.0 through A6.5, L1 through L7, C1.0 through C7.0, VTM 1.0 through VTM 3.0, INT1 and INT2, SL1 through SL3, PM1 and PM2;
2. that the project shall include forty-three (43) affordable units to households of "Low Income" category, as defined as earning a maximum of 80% of the San Mateo County Area Median Income; the City Manager shall be authorized to execute an agreement with the applicant and the applicant shall enter into an agreement for the administration of the renting or leasing of the affordable units at least 120 days before the final inspection;
3. that the required affordable dwelling units shall be constructed concurrently with market-rate units;
4. that the forty-three (43) low income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of fifty-five (55) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program);
5. that the forty-three (43) 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;
6. 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;

7. that the above noted regulatory agreement regarding the forty-three (43) 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;
8. the project shall include the Transportation Demand Management Measures as proposed in the Transportation Impact Analysis, prepared by Hexagon Transportation Consultants, Inc., dated April 9, 2020;
9. that the Public Park, as depicted on Sheets A0.4, L1, L2, C-3.0, and VTM-3.0, shall be built by the applicant and shall be dedicated to the City of Burlingame; the Public Park shall be maintained by the City of Burlingame;
10. that the applicant shall enter into an agreement(s) with the City as may be necessary to effect the dedication of the Public Park to the City and for the applicant's construction of the Public Park as depicted on Sheets A0.4, L1, L2, C-3.0, and VTM-3.0; 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 City Manager;
11. that the residents of new live/work, mixed-use, and stand-alone residential development projects, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment, that the noise levels may be higher than in a strictly residential area, and that there may be odors associated with commercial and industrial uses. The covenants, conditions, and restrictions of any development with a residential use shall require that prospective residents acknowledge the receipt of the written noise notification. Such written noise notification shall be provided in residential leases. Signatures shall confirm receipt and understanding of this information;
12. that the public plaza shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
13. that the public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;
14. that prior to issuance of a building permit for construction of the project, the project construction plans shall be modified to include a cover sheet listing all conditions of approval adopted by the Planning Commission, or City Council on appeal; which shall remain a part of all sets of approved plans throughout the construction process. Compliance with all conditions of approval is required; the conditions of approval shall not be modified or changed without the approval of the Planning Commission, or City Council on appeal;
15. that any changes to the size or envelope of the building, building materials, exterior finishes, windows, architectural features, roof height or pitch, and amount or type of hardscape materials shall be subject to Planning Division or Planning Commission review (FYI or amendment to be determined by Planning staff);
16. that the maximum elevation at the top of the roof ridge shall not exceed elevation 88.74' as measured from the average elevation at the top of the curb (9.53'), and that the top of each floor and final roof ridge shall be surveyed by a licensed surveyor and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. Should any framing exceed the stated elevation it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;

17. that the project shall be constructed in accordance with the December 19, 2019 “Request for Alternate Materials or Methods of Construction” agreement between SummerHill Apartment Communities and Central County Fire Department;
18. that the conditions of the Building Division’s June 21, 2020 memo, the Public Works-Engineering Division’s June 15, 2020 memo, the Fire Division’s June 20, 2020 memo, the Parks Division’s June 22, 2020 memo, and the Stormwater Division’s January 24, 2020 memo related to building permit submittal shall be met;
19. 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;
20. that prior to issuance of a building permit for the project, the project applicant shall pay the first half of the North Burlingame/Rollins Road Development Fee in the amount of \$107,337.82, made payable to the City of Burlingame and submitted to the Planning Division;
21. that prior to scheduling the final framing inspection, the project applicant shall pay the second half of the North Burlingame/Rollins Road Development Fee in the amount of \$107,337.82, made payable to the City of Burlingame and submitted to the Planning Division;
22. that prior to issuance of the final inspection of the project, the applicant shall pay the public facilities impact fee in the amount of \$1,169,546.00, made payable to the City of Burlingame and submitted to the Planning Division;
23. 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, prior to installation of any public safety communications equipment, if it is deemed necessary;
24. that the project shall comply with the SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP), specifically in accordance with Safety Compatibility Policy SP-2 pertaining to land uses; and that any future tenants of the commercial and office space comply with the Safety Compatibility Criteria for Safety Zone 3 as contained in Table IV-2 of the SFO ALUCP; this table defines uses to avoid and uses that are incompatible, summarized as follows:

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

- Biosafety Level 3 and 4 facilities – which include medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 of the SFO ALUCP for additional detail
- Children’s schools - Public and private schools serving preschool through grade 12, excluding commercial services

- Large child day care centers - Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.
- Hospitals, nursing homes
- Stadiums, arenas

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

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

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

**“Notice of Airport in Vicinity**

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

26. that the project applicant shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
27. that any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater (as mapped in the Airport Land Use Compatibility Plan) shall include the grant of an aviation easement to the City and County of San Francisco prior to issuance of a building permit(s) for any proposed buildings or structures, consistent with Airport Land Use Compatibility Plan Policy NP-3 Grant of Aviation Easement;
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 unless applicant produces evidence, to

the satisfaction of the Community Development Director, that special circumstances exist that warrant early demolition, in accordance with the provisions of the Burlingame Municipal Code Chapter 18.07.065;

30. 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;
31. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
32. 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;
33. that the applicant shall prepare a construction staging and traffic control plan for the duration of construction for review and acceptance by the City Engineer prior to the issuance of a building permit; the construction staging plan shall include construction equipment parking, construction employee parking, timing and duration of various phases of construction and construction operations hours; the staging plan shall address public safety and shall ensure that worker's vehicles and construction equipment shall not be parked in public parking areas with exceptions for construction parking along street frontages;
34. 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.

35. that the applicant shall submit a Construction Noise Control Plan. This plan would include measures such as:
  - Using smaller equipment with lower horsepower or reducing the hourly utilization rate of equipment used on the site to reduce noise levels at 50 feet to the allowable level.
  - Locating construction equipment as far as feasible from noise-sensitive uses.
  - Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation.
  - Prohibiting gasoline or diesel engines from having unmuffled exhaust systems.
  - Not idling inactive construction equipment for prolonged periods (i.e., more than 5 minutes).
  - Using “quiet” gasoline-powered compressors or electrically powered compressors and electric rather than gasoline- or diesel-powered forklifts for small lifting.
36. that the applicant shall submit an erosion and sedimentation control plan describing BMPs (Best Management Practices) to be used to prevent soil, dirt and debris from entering the storm drain system; the plan shall include a site plan showing the property lines, existing and proposed topography and slope; areas to be disturbed, locations of cut/fill and soil storage/disposal areas; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourse or sensitive areas on-site or immediately downstream of a project; and designated construction access routes, staging areas and washout areas;
37. 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;
38. that all runoff created during construction and future discharge from the site shall be required to meet National Pollution Discharge Elimination System (NPDES) standards;
39. 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;
40. 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;
41. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
42. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove any existing protected size trees and that the project shall comply with the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application;
43. that if there are any existing trees on adjacent properties abutting the project site that are determined to remain, the applicant shall have an arborist's report prepared which documents how the trees should be protected during construction; this report shall be reviewed and approved by the City Arborist and the contractor shall call for the City Arborist to inspect the protection measures installed before a building permit shall be issued;

44. that the applicant shall coordinate with the City of Burlingame Parks Division regarding the installation of the street trees along Ingold Road and Rollins Road;
45. that this project shall comply with Ordinance No. 1477, Exterior Illumination Ordinance;
46. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, in effect at the time of building permit submittal, as amended by the City of Burlingame;

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

47. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
48. 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;
49. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division;
50. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans;

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

51. **HP-3.12.** The Project sponsor shall ensure implementation of the following BMPs during Project construction, in accordance with the BAAQMD's standard requirements:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping shall be prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks that are to be paved shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
  - Idling times shall be minimized, either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- A publicly visible sign with the name and telephone number of the person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
52. **CS-4.7: Airport and Heliport Noise.** Monitor noise impacts from aircraft operations at San Francisco International Airport and Mills-Peninsula Medical Center, and implement applicable noise abatement policies and procedures as outlined in the Airport Noise Ordinance and Airport Land Use Compatibility Plan;
  53. **CS-4.8: Airport Noise Evaluation and Mitigation.** Require project applicants to evaluate potential airport noise impacts if the project is located within the 60 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan). All projects shall be required to mitigate impacts to comply with the interior and exterior noise standards established by the Airport Land Use Compatibility Plan;
  54. **CS-4.9: Airport Disclosure Notices.** Require that all new development comply with real estate disclosure requirements of State law, which requires that the presence of all existing and planned airports within two miles to be disclosed in any sale or lease of property;
  55. **HP-5.2: Migratory Birds.** Identify and protect habitats that contribute to the healthy propagation of migratory birds, including trees and natural corridors that serve as stopovers and nesting places. Avoid construction activities that involve tree removal between March and June, unless a bird survey has been conducted to determine that the tree is unused during the breeding season by avian species protected under California Fish and Game Codes 3503, 3503.5, and 3511;
  56. **HP-5.5: Protection and Expansion of Tree Resources.** Continue to preserve and protect valuable native trees and introduce species that contribute to the urban forest but allow for the gradual replacement of trees for ongoing natural renewal. Consider replacement with native species. Use zoning and building requirements to ensure that existing trees are integrated into new developments;
  57. **HP-5.6: Tree Preservation Ordinance.** Continue to adhere to the Burlingame Tree Preservation Ordinance (Burlingame Municipal Code Title 11); ensure the preservation of protected trees, as designated by the ordinance; and continue to be acknowledged by the Arbor Day Foundation as a Tree City USA;
  58. **HP-5.7: Urban Forest Management Plan.** Continue to update and use the Burlingame Urban Forest Management Plan, which integrates environmental, economic, political, historical, and social values for the community for guidance on BMPs related to tree planting, removal, and maintenance, including onsite protection of extant trees and street trees during projects;
  59. **HP-5.14: Compliance with Environmental Laws.** Ensure that all projects affecting resources of regional concern satisfy regional, state, and federal laws; and
  60. **Paleontological Assessment.** In areas containing middle to late Pleistocene-era sediments where it is unknown if paleontological resources exist, prior to grading an assessment shall be made by a qualified paleontological professional to establish the need for paleontological monitoring. Should paleontological monitoring be required after recommendation by the professional paleontologist and approval by the Community Development Director, paleontological monitoring shall be implemented.

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

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

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

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

'Amelia Kolokihakaufisi  
Associate Planner

c. SummerHill Apartment Communities, Elaine Breeze, applicant

Attachments:

April 27, 2020 Planning Commission Minutes  
Applicant's Response Letter, dated September 30, 2020  
Project Description, dated September 30, 2020  
Chapter 8 of the Transportation Impact Analysis - Proposed TDM Measures  
Application to the Planning Commission  
Letter Describing Compliance with Tier 3 Requirements and Request for Density Bonus,  
dated January 21, 2020  
SB 330 Letter from SheppardMullin, dated March 11, 2020  
Information Neighborhood Meeting Invitation  
Tree Report, HortScience/Barlett Consulting, dated December 5, 2019  
Staff Comments  
Planning Commission Resolution (Proposed)  
Notice of Public Hearing – Mailed October 2, 2020  
Area Map

Submitted Separately:

CEQA Class 32 Infill Exemption prepared by ICF, dated October 2020

Memorandum from the Public Works Department – Engineering Division, Tentative Parcel Map for Lot Split,  
dated September 30, 2020