



# STAFF REPORT

AGENDA NO:

MEETING DATE: September 6, 2016

**To: Honorable Mayor and City Council**

**Date: September 6, 2016**

**From: William Meeker, Community Development Director – (650) 558-7255**

**Subject: Public Hearing to Consider Introduction of an Ordinance Rezoning Property from Two-Family Residential (R-2) to Multi-Family Residential (R-3) and Consideration of a General Plan Amendment to Designate Property from Medium Density Residential to Medium-High Density Residential; a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); a Condominium Permit; a Fence Exception; a Tentative Condominium Map; and a Tentative and Final Parcel Map for a Lot Combination for a proposed Eleven (11) Unit Residential Condominium Development to be Located at 1509 El Camino Real**

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## **RECOMMENDATION**

The City Council should:

1. Introduce the following ordinance by title only, waiving further reading: “An Ordinance of the City Council of the City of Burlingame Amending the City’s Zoning Map by Rezoning a Portion of Lot 3, Block 1, Lying Southeasterly of the Center Line of the Creek, Ray Park Subdivision, from Two-Family Residential (R-2) to Multi-Family Residential (R-3)”.
2. Conduct a public hearing and consider all public testimony related to the Ordinance; a General Plan Amendment to designate property from Medium Density Residential to Medium-High Density Residential; a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); a Condominium Permit; a Fence Exception; a Tentative Condominium Map; and a Tentative and Final Parcel Map for a Lot Combination for a proposed eleven (11) unit residential condominium development.
3. Following conclusion of the public hearing, provide direction to staff regarding any desired changes to the Ordinance and related project entitlements.
4. Direct staff to place adoption of the proposed Ordinance and resolutions memorializing the City Council’s action related to all project entitlements on the September 19, 2016 regular meeting agenda of the City Council.

## **BACKGROUND**

**Project Description:** The applicant is proposing to demolish an existing 11-unit apartment development and construct a new three-story, 11-unit residential condominium development at 1509 El Camino Real. Including covered parking areas, the existing apartment complex includes 9,321 square feet of building area (based on San Mateo County Assessor's Appraisal Report); the proposed condominium development includes 28,564 square feet of building area. The project consists of merging the two lots that constitute the project site, including the main parcel at 1509 El Camino Real, zoned R-3 (77% of project site) and the adjacent creek lot, zoned R-2 (23% of project site). Applications to rezone a portion of the property from Two-Family Residential (R-2) to Multi-Family Residential (R-3), and a General Plan Amendment to designate the property proposed for rezoning from Medium Density Residential to Medium-High Density Residential are being requested as a part of the proposed lot merger.

Off-street parking for 27 vehicles is provided at-grade in an enclosed garage (area for service vehicle parking is provided in the semi-circular driveway). The existing apartment complex contains a total of 12 designated parking spaces.

At the time this project was submitted, it was subject to Inclusionary Zoning regulations which require that an affordable unit be included with any residential projects with four or more units (10-year term). The 11-unit proposal requires one affordable unit. The applicant designated Unit 201, a one-bedroom unit on the second floor, as the affordable unit. Based on the moderate income level (120% of area median income for San Mateo County), the income limit for a one-bedroom unit (based on a household of 2 persons) is \$103,400. The developer has indicated that the affordable unit will be for rent.

### *Application Elements:*

- **Rezoning:** Required to change the zoning of a portion of the site from Two-Family Residential (R-2) to Multi-Family Residential (R-3).
- **General Plan Amendment:** Required to change the designation of a portion of the site from Medium Density to Medium High Density Residential.
- **Mitigated Negative Declaration:** A determination that with mitigation measures there will be no significant environmental effects as a result of this project.
- **Condominium Permit:** Required for construction of the new three-story, 11-unit residential condominium.
- **Fence Exception:** Required for construction of a 10 foot tall fence along the rear property line (8 feet solid + 2 feet of lattice).
- **Tentative Condominium Map:** Required to establish the 11 residential condominium units.
- **Tentative and Final Parcel Map:** Required to merge two parcels that constitute the development site.

A copy of the July 25, 2016 Planning Commission staff report is attached and provides a full discussion and analysis of the proposed project, including conditions of approval recommended by the Planning Commission on July 25, 2016.

This project was initially submitted in July 2007 as a 10-unit residential condominium, but was later withdrawn by the applicant. In June 2011, the same applicant submitted an application for a 15-unit condominium, which has since been reduced to 11 units. Letters of concern submitted by the public for the previously proposed 15-unit condominium are included as attachments to this report to provide additional historical background.

### **Planning Commission Action:**

On July 25, 2016, the Planning Commission reviewed the proposed project, including the Rezoning and General Plan Amendment. The Commission voted 6-0-0-1 to recommend approval of the applicant's requests for a Rezoning, General Plan Amendment, Mitigated Negative Declaration, Condominium Permit, Fence Exception, Tentative Condominium Map, and Tentative and Final Parcel Map. Since the City Council is the final decision-making body regarding the request for Rezoning and General Plan Amendment, the Planning Commission's action was in the form of a recommendation to the City Council.

In its discussion, the Planning Commission noted that the title of the property to be rezoned from R-2 to R-3 (creek lot) should be reviewed and confirmed. The Department of Public Works – Engineering Division and City Attorney reviewed preliminary title reports for 1509 El Camino Real, the creek lot, and the property on the north side of the creek (1518 Albemarle Way) and confirmed that the applicant, 1509 El Camino LLC, owns both properties that will be merged to make up the project site.

The City Council may consider the following findings regarding the project entitlements:

#### Rezoning Findings:

- *The rezoning is appropriate and consistent with the intent of the General Plan and Zoning Ordinance* in that the project includes rezoning of a portion of the property from Two-Family Residential (R-2) to Multi-Family Residential (R-3). The area to be rezoned constitutes only 23% of the total development site; this parcel along is undevelopable since it is primarily occupied by a creek – the entire development has been placed on the portion of the development site that is already zoned Multi-Family Residential (R-3). Rezoning this property will bring the entire site into one zoning designation and is consistent with the proposed Medium High Density Residential general plan designation. The City of Burlingame Zoning Ordinance indicates that multi-family residential uses are a permitted use within the multi-family residential (R-3) zone and that the proposed project conforms to all development regulations for the multi-family residential (R-3) zone.

#### General Plan Amendment Findings:

- *The change is consistent with the policies of the General Plan and in particular the Land Use Element of the General Plan* in that the project includes a change in land use designation for the portion of the property which is not developable and contains a creek (Assessor's Parcel 025-228-130) from the Medium Density Residential to the Medium High Density Residential land use designation, which will bring the entire site into one general plan designation. The change in land use designation will not alter the land use patterns in the area; the City of Burlingame General Plan indicates that areas designated as Medium High Density Residential typically contain 21 to 50 units per acre and that

Medium High Density land use designations along El Camino Real provide a transition between higher intensity uses and adjoining lower intensity uses. The parcel upon which the development is placed is already zoned Multi-Family Residential (R-3). The parcel to be rezoned and combined with the larger parcel constitutes only 23% of the total development site and is unbuildable as a separate parcel as it is occupied primarily by a creek. The proposed development density of 24.6 units per acre is at the low end of the density range permitted by the R-3 zoning.

#### Condominium Permit Findings:

- The proposed condominium project *represents sound community planning; the economic, ecological, social and aesthetic qualities of the community;* and will not negatively impact *public health, safety and general welfare* in that the 11-unit residential condominium project is scaled to be compatible with existing multifamily buildings along El Camino Real. The project features ample landscaping with water-conserving features and design, provides safe pedestrian access along the street frontage, and provides a variety of dwelling types suitable to a range of households;
- The project will not create an adverse *impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that the proposed development represents a one-to-one replacement of dwelling units on the property. Additionally, the mitigations designed into the project as outlined in Initial Study/Mitigated Negative Declaration will ensure that there will be no significant impacts following mitigation; and
- The project is in *conformity with the general plan and density permitted by zoning regulations*, in that the project provides residential units consistent with the applicable general plan and zoning designations.

#### Fence Exception Findings:

- *That there are exceptional circumstances*, in that the fence height is a request put forward by an adjacent property owner after engagement with the applicant and would be located adjacent to a 10'-0" wide right-of-way at the rear of the property;
- *That there is no public hazard*, in that the wall will be required to obtain a Building Permit and will be evaluated for structural integrity accordingly. The proposed fence will not impede or otherwise negatively impact circulations systems in the area;
- *That neighboring properties will not be materially damaged*, in that the wall will be located 10'-0" away from the property line of adjacent properties to the rear and will utilize a pier and grade beam foundation to minimize disruption to adjoining properties during construction; and
- *That the regulations cause unnecessary hardship upon the petitioner*, in that the regulations would not otherwise permit construction of the privacy wall of such height between the two adjacent land uses of significantly differing intensity. The wall is intended to protect the privacy of the adjacent single-family residences lying west of the project site.

Tentative Condominium Map and Tentative and Final Parcel Map Findings:

- *The proposed tentative condominium map and tentative and final parcel map, together with the provisions for its design and improvement, are consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act; and the site is physically suited for the proposed type and density of development in that it provides residential use in an area identified as suitable for such use in the Burlingame General Plan Housing Element; that the project provides ample vehicular and pedestrian circulation to serve the project, and is consistent with required development standards including setbacks, lot coverage and building height. Further, the proposed development is consistent with the existing development pattern for properties fronting on El Camino Real.*

**FISCAL IMPACT**

None.

## Exhibits:

- Ordinance (Rezoning)
- Map Showing Area to be Rezoned
- July 25, 2016 Planning Commission Minutes
- July 25, 2016 Planning Commission Staff Report
- July 25, 2016 Planning Commission Staff Report Attachments
- Environmental Consultant Evaluation of Revised Project
- Mitigated Negative Declaration Response to Comments (Final)
- Mitigated Negative Declaration and Appendices
- Mitigation Monitoring and Reporting Program
- Letters of Opposition Part 1
- Letters of Opposition Part 2
- Letters of Opposition Part 3
- Letters of Opposition Part 4
- Public Works Department Memorandum Re: Map Requests
- Project Plans