

City of Burlingame

*Environmental Review, Lot Merger, Design Review, Conditional Use Permit
for Multifamily Residential, and Density Bonus Incentive for a New 128-Unit Apartment Development*

Address: 920 Bayswater Avenue (main project address)
(Includes 908 Bayswater Avenue, 108-124 Myrtle Road)

Meeting Date: November 13, 2017

Request: Application for Environmental Review, Lot Merger, Design Review, Conditional Use Permit for Multi Family Residential, and Density Bonus Incentive for a New 128-Unit Apartment Development with two levels of below-grade parking.

Applicant: Fore Property Company, Mark Pilarczyk

Property Owner: Multiple Property Owners - 7 parcels (Baird/Hower/Ohlund/Mortensen)

Architect: Withee Malcolm Architects, LLP- Dirk Thelen

APN: 029-235-160, 170, 180, 190, 200, 210, 220)

Lot Area: 1.26 acres

General Plan: Myrtle Road Mixed Use Area/ Anita Road Residential Area

(53,012 SF combined lots)

Zoning: MMU (Myrtle Mixed Use) / R-3 (Anita Road Overlay)

Adjacent Development: Auto sales, Auto storage, Multifamily and Single Family Residential

Current Use: 920 Bayswater Avenue: Auto Repair / 908 Bayswater Avenue: Single Family Dwelling / 108 Myrtle Road: Apartments / 112 Myrtle Road: Auto storage/ 116 Myrtle Road: Apartments/ 120 & 124 Myrtle Road: Single Family Dwelling

Proposed Use: 128-unit residential apartment development.

Allowable Use: MMU- retail, personal service, office, service commercial
R-3 - Multifamily, duplex, and single family residential uses.

July 10, 2017 Environmental Scoping and Design Review Study Meeting: On July 10, 2017 an environmental scoping meeting and design review study meeting was held for the proposed project. This was the first review of the project by the Planning Commission. There were several public comments at the public hearing and over 40 letters were received with a variety of concerns. The Planning Commission also had several comments and concerns; the minutes from the July 10, 2017 Planning Commission meeting are attached for reference. A brief summary, focusing on the design comments, is provided below:

- Design is not consistent/compatible with the neighborhood, too massive need to break it into smaller sizes;
- Project feels like it is bursting at the seams; is maxed-out, too massive and not broken up well; too modern; could achieve this style in more traditional ways;
- Need a "graceful" transition between the two areas of the town, not just a small setback;
- Courtyards should be redesigned to try to save some of the existing trees, particularly along perimeter of the buildings; Would like to see more landscaping and add more around the outside to make it more pedestrian-oriented; A lot of the trees on the site could be saved;
- No argument for the variance; can't make required variance findings, reduce the height of the building to stay within limits; variance request is because the project is too large;
- Sheer number of units is too large; the parking is sufficient for the number of units though; units will still not be affordable;
- Rooftop deck needs to be oriented more toward the street and away from the adjacent residential area;
- Do not like the proposed vinyl windows and wood-like plastic cladding.

In response to the Planning Commission and public comments at the July 10, 2017 Environmental Scoping and Design Review Study meeting the applicant reached out to a core group of residents, which reside in the Lyon Hoag neighborhood, to discuss their concerns about the project. There were several meetings that were

held in July and August and after considering both the public and Commission comments the applicant worked with their architect to redesign the proposed apartment development. The proposed design and building mass and bulk have substantially changed from the original proposal. In addition the unit count was reduced by 10 from 138 units (140 units in the original submittal) to 128 units; there are still 13 units proposed to be affordable (moderate income at 120% AMI). Please see the applicant's letter which details the changes made to the project, along with the revised plans and renderings date stamped October 10, 2017, in response to the Planning Commission's and public comments from the July 10 design review study and environmental scoping meeting. The major changes to the proposed project are summarized below:

- Ten (10) units removed, 138-units proposed originally, reduced to 128-units currently proposed;
- Complete redesign of building architecture from modern industrial design to craftsman/bungalow style;
- Massing broken up with setbacks and offsets- appears as 3 different structures;
- 8 existing trees on-site will be retained;
- Roof deck size and location revised; reduced from 6,300 SF to 4,000 SF and location was shifted west (toward Myrtle Road);
- Fourth (4th) floor removed from Bayswater/R-3 portion resulting in building height being lowered by 4'-8" for Bayswater/R-3 portion from 43'-8" to 39' tall; and
- Variance for Rooftop Projections Eliminated, all rooftop projections are under the allowable 5% (of rooftop area)

Please refer to the applicant's letter (attached), date stamped November 8, 2017, and the revised (redesigned) plans date stamped October 10, 2017, for a detailed overview of the changes made to the project since the Planning Commission's last review on July 10, 2017. The project analysis and description below is based on the redesigned project (drawings dated October 10, 2017).

Environmental Review: In addition to reviewing the proposed design, the meeting on July 10, 2017 was also an Environmental Scoping meeting where staff was requesting that the Planning Commission comment on any potential environmental effects which it feels should be investigated and considered in the CEQA document. Those issues identified by the Commission will be incorporated into the environmental documents for the project. Given that the project has been redesigned, staff is bringing the revised project forward for a second Design Review Study meeting prior to proceeding with environmental review so that the project description/design can be further established before any technical studies and analysis are prepared.

Project Summary: The project site is located at the northeast corner of Bayswater Avenue and Myrtle Road. The site is composed for 7 separate parcels, including 908 and 920 Bayswater Avenue and 108 -124 Myrtle Road. The largest of the 7 parcels, 920 Bayswater Avenue, is located on the corner of Myrtle Road and Bayswater Avenue and currently contains an automobile repair garage, while 908 Bayswater Avenue, 124 and 127 Myrtle Road all contain single family dwellings, and 108 and 116 Myrtle Road contain apartment buildings. All of the parcels, except for 908 Bayswater Avenue, are located in the MMU (Myrtle Road Mixed Use) zoning district where 908 Bayswater Avenue is zoned R-3, with the Anita Road Residential Overlay. All of the properties are located within the boundaries of the Downtown Specific Plan. The site is surrounded by a variety of uses including, auto storage, auto sales, multifamily residential, and single family residential.

The proposed project includes merging the 7 parcels, demolishing all of the existing structures on all of the parcels and constructing a new, 4-story 128-unit apartment development. There would be two-levels of below grade parking that would provide a total of 179 spaces. The below grade parking would be accessed from a two-way driveway along Myrtle Road. The proposed development would be broken up with setbacks and building breaks to reduce the massing along the street and to provide spacing between the main buildings so that they appears as 3 separate structures.

The R-3 zoned portion, along Bayswater Avenue, has a smaller, three (3) story building with slightly different architectural details so that it provides a transition to the adjacent neighborhood to the east. The main portion

of the development would be 4-stories (44'-8") plus a roof top deck above, the building location the R-3 portion (along Bayswater Ave) would be 3-stories (39').

The new apartment development would contain 29 studio units, 54 one-bedroom units, 3 one-bedroom units with a den, 36 two-bedroom units and six three-bedroom units. Studio units would range from 519 SF – 530 SF, one-bedrooms would range from 705-833 SF, two-bedrooms would range from 897 SF – 1,249 SF, and the three-bedroom unit would range from 1,310 SF – 1,376 SF. The total gross floor area would be approximately 131,615 SF, though neither zoning district (MMU/R-3) regulates floor area ratio.

Code section 25.34.030 requires a Conditional Use Permit for multifamily residential uses, with an average maximum unit size of one thousand two hundred fifty (1,250) square feet; the average unit size for the proposed development is 853 SF. Staff would note that apartment projects are not required to provide common open space or private open spaces, as is required for condominium developments. However, common spaces for residents and visitors, including an enclosed entry, lobby, community room and fitness room would be provided on the ground floor. In addition, some units would have decks or balconies provided for open space. The following applications are requested for this project:

- Design Review for construction of a new four-story, 128-unit apartment building with below-grade parking (C.S. 25.28.045 (R-3 portion), C.S. 25.34.045 (MMU portion) and Chapter 5 of the Downtown Specific Plan);
- Lot Combination (7 parcels into 1) (C.S. 26.04);
- Conditional Use Permit for Multifamily Residential in the Myrtle Road Mixed Use (MMU) Zone (C.S. 25.34.030(a)); and
- Density Bonus Incentive (C.S. 25.63.0401(a) and (C.S. 25.63.040(c)(1)).

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

The proposed project is subject to Chapter 5 of the Downtown Specific Plan (Design & Character). Section 5.2 (pages 5-2 through 5-16) provides design guidelines specifically for mixed-use areas within the Downtown Specific Plan area. Section 5.2.2.4 (page 5-7) specifically provides guidance on the Myrtle Road Mixed Use Area; more general design guidelines that apply to all areas of the downtown are also provided in this chapter. The last 50 feet of the site along Bayswater Avenue is zoned R-3 and is part of the Anita Road Residential overlay therefore the multifamily residential design guidelines would also apply to this project given the split zoning. Because this is a 100% residential project, the Design standards for residential areas are generally most applicable in this case and can be found in Section 5.3 (pages 5-17 through 5-21) of the Downtown Specific Plan. Section 5.4 provides additional design standards for all areas of downtown that would also apply to this project, such as transitions to lower-scale residential areas (pages 5-22 and 5-23). These applicable sections of the Design and Character chapters of the Downtown Specific Plan have been attached for reference.

The materials proposed for the exterior of the building include stucco, horizontal cement fiber siding, wood balcony railings, wood trellises and a shingle roof. Colored vinyl windows with simulated divided lites are proposed throughout the building and the applicant will be providing a window sample at the study meeting. There would be two courtyard areas within the development with landscaping, fire features, barbeque area and bocce court. In addition there would be a 4,000 SF roof deck space that would provide common recreational

open space that would include a fireplace, fire feature, mounted television, barbeque area, landscaping and seating areas with a shade structure.

Off-Street Parking: Parking requirements are based on the number of bedrooms proposed per unit. Zoning Code Section 25.70.032 provides reduced residential parking standards specific to properties located within the boundaries of the Downtown Specific Plan. In the Myrtle Road Mixed Use Area the minimum parking requirement is 1 space for each studio unit, 1.5 spaces for each one-bedroom unit, and 2 spaces for each unit with two or more bedrooms. However 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 parking minimum parking standard is 1 space for each studio unit or one-bedroom unit, and 2 spaces for each two-or three-bedroom unit.

The project requires a total of 170 off-street parking spaces where 179 below-grade parking spaces in a two-level below grade garage are proposed. There would be 91 spaces on the lower level and 88 on the upper level. An area for on-site deliveries is not required for apartment buildings and there is no guest parking required on-site for properties located within the Downtown Specific Plan area. Access to the below-grade parking spaces would be along the Myrtle Road frontage from a 24'-0" wide driveway (12' each direction). The Zoning Code parking space dimensions for multifamily are a minimum of 9'-0" wide x 20'-0" deep; all of the required spaces proposed comply with the dimensional requirement. The proposed project would provide storage space to accommodate 36 bicycles within the upper level of the below grade parking. This is not currently required under the zoning code but is recommended in Chapter 7.4.3 (page 7-11) of Downtown Specific Plan.

Landscaping: Proposed landscaping throughout the site is shown on the Landscape Plans (sheets L1 through L5). The R-3 zoning regulations require 60% of the front setback to be landscaped and the MMU regulations require that 10% of the front setback to be landscaped. The project includes 60% (452 SF) landscaping within the front setback for the R-3 portion of the project and 88.9% (994 SF) landscaping within the front setback of the MMU portion.

There were no existing trees to be retained as part of the original proposal due to the excavation required for the subterranean garage. However the project was revised with the footprints modified to allow the retention of eight (8) of the existing trees. The portion (arm) of the subterranean garage structure along Bayswater Avenue that extends below the R-3 lot has been reduced so that that excavation of the garage does not damage the roots of the existing trees in this area. With the redesigned proposal there will be eight (8) existing trees retained; including the redwood trees at the rear of 908 Bayswater Avenue and the pepper tree in front of 124 Myrtle Road.

In accordance with the City's requirements, each lot developed with a multifamily residential use is required to provide a minimum of one 24-inch box-size minimum non-fruit trees for every 2,000 SF of lot coverage. Based on the proposed project, a total of 18 landscape trees are required on site. There are 16 trees existing on-site. The redesigned project allows the retention of eight (8) of those trees. The landscape plan proposes the planting of 18 new trees, which is in compliance with the replanting requirements for the proposed tree removal and with the reforestation requirements. The proposal includes the installation of street trees as well, with three (3) new Ginkgo Boloba trees along Bayswater and ten (10) new Crimson Spire Oak street trees along Myrtle. There is landscaping provided in the courtyard areas as well as in containers on the roof top deck, and around the perimeter of the site.

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Lot Area: 5,000 SF - R-3

48,012 SF MMU, combined 55,012 SF (combined)

Plans date stamped: October 10, 2017**PROPOSED PROJECT – ENTIRE SITE (53,012 SF)**

Land Use:	128 apartment units ^{1 & 2}	Multifamily residential - permitted use in R-3 zone C.S. 25.28.020(B). Multifamily residential - Conditional Uses in MMU zone per C.S. 25.34.030(a)
Building Height:	44'-8" ²	45'-0" maximum/ CUP required to exceed 35'-0"
Rooftop Projections:	4.6% (1,484 SF)	5% (1,602 SF)
Off-Street Parking:	179 Total 91 spaces on the lower level 88 spaces on upper level	Studio – 1 sp x 29 = 29 1 bdrm – 1 sp x 57 = 57 2 bdrm – 2 spaces x 36 = 72 <u>3bdrm – 2 spaces x 6 = 12</u> Total = 170 spaces (based on CS 25.63.040(a) – density bonus)
Driveway Width:	2 - 12'-0" driveways	Parking areas more than 30 vehicle spaces - two 12'-0" wide driveways or one 18' driveway

R-3 PORTION ALONG BAYSWATER AVENUE (APPRX. 5,000SF)

	PROPOSED	ALLOWED/REQUIRED
Front (1st flr): (2nd flr): (3rd flr):	15'-0" (all floors)*	15' or block average whichever is greater
Left Side (1st flr): (2nd flr): (3rd flr):	0* 0* 0*	N/A because parcels will be merged- zoning is still split R-3 and MMU
Right Side (1st flr): (2nd flr): (3rd flr):	9'-6" 9'-6" 9'-6"	5'-0" 6'-0" 7'-0"
Rear (1st flr): (2nd flr): (3rd flr):	20'-0" 20'-0" 20'-0"	20'-0" 20'-0" 20'-0"

Lot Coverage:	2,395 SF 47.9%	2,500 SF 50%
Front Setback Landscaping:	452 SF 60%	452 SF 60%
MMU PORTION (48,012 SF)		
	PROPOSED	ALLOWED/REQUIRED
Front:	10'-0" to deck (all floors)	10'
Left Side (1st flr): (2nd flr): (3rd flr): (4th flr):	2'-0" 2'-0" 2'-0" 2'-0"	None required
Right Side (1st flr): (2nd flr): (3rd flr): (4th flr):	9'-6" 9'-6" 9'-6" 10'-3"	7'-0" 8'-0" 9'-0" 10'-0" Abuts residential therefore must comply with R-3 standards (C.S. 25.28.075) per C.S. 25.34.060(d)
Rear (1st flr): (2nd flr): (3rd flr): (4th flr):	20'-0" 20'-0" 20'-0" 20'-0"	20'-0" 20'-0" 20'-0" 20'-0"
Lot Coverage:	32,045 SF 65.6 %	36,009 SF 75%
Front Setback Landscaping:	994 SF 88.9%	112 SF 10% of front setback

¹ Conditional Use Permit required for multifamily residential in the MMU zone, 138-units proposed, C.S. 25.34.030(a).

² Exercising C.S. 25.63.040 (c)(1) *Development concessions and incentives*, which allows a height up to forty-six (46) feet without a Conditional Use Permit.

Staff Comments: See attached comments from the Building, Parks, Engineering, Fire and Stormwater Divisions. Staff notes that the Fire Code regulations could not be met for all parts of the building for the required 150' fire hose full, therefore staff (including Fire, Building and Planning) met with the applicant to agree on an Alternate Means of Protection that would comply with the Fire code, but would also not compromise Building or Planning regulations. The applicant has tentatively agreed to the terms/mitigations discussed with staff and will be required to make an application with the Central County Fire Department for review and approval of an Alternate Means of Protection; this will be a condition of approval.

Affordable (Below-Market Rate) Units: The City's previous Inclusionary Housing Ordinance has been replaced by a Density Bonus Ordinance consistent with State Law. 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 concession and incentives

where affordable units are offered. In accordance with State law (Government Code Section 65915(p)), the project is entitled to a by right parking incentive, which allows reduced parking rates with studio- and one-bedroom units to provide 1 on-site parking space and two- to three-bedroom units to provide 2 on-site parking spaces. In addition, C.S. 25.63.040(c)(1) allows 1 incentive for projects with 10% of the total units offered to those that qualify as moderate-income earners. "Moderate Income" is defined as persons and families whose income does not exceed 120 percent of area median income, adjusted for family size (C.S. 25.63.015(i), referencing Health and Safety Code Section 50093). The 2017 San Mateo County Area Median Income (AMI) is \$115,300 (based on a household of four); the corresponding "Moderate Income" figures are up to \$96,850 for a single household, \$110,700 for a two-person household, \$124,500 for a three-person household, and \$138,350 for a four-person household.

The applicant is proposing to include 10% (13) of the units to be affordable offered at no more than 120% AMI and therefore under C.S. 25.63 the project is eligible for a concession received in the form of additional height without the granting of a Conditional Use Permit (C.S. 25.63.040(c)(1)). Together with the reduced parking requirements (C.S. 25.63.040(a)), the concession would theoretically allow the project to reach a higher density than what would have been able to under the regular development standards.

Building Height- Incentive: The project application includes a request for a density bonus incentive for height. This incentive states that where a Conditional Use Permit is required for buildings or structures more than thirty-five (35) feet in height, a height up to forty-six (46) feet may be allowed without a Conditional Use Permit. The overall height of the majority of the building, as measured to the top of the ridge, is 44'-8" above average top of curb level. The portion of the proposed structure located in the R-3 zone measures 39' from average top of curb. The project includes a request for a density bonus incentive per C.S. 25.63.040(c)(1) which allows a height up to forty-six (46) feet without a Conditional Use Permit in zoning districts where a Conditional Use Permit is required for buildings or structures more than thirty-five (35) feet in height. Both the R-3 (Anita Road Overlay) zone and the MMU zone have a height limit of 35' by right with a maximum height allowance of forty-five (45) feet with approval of a Conditional Use Permit (CUP), however with the incentive the proposed height at 44'-8" would not require approval of a CUP application for height.

General Plan and Zoning: In 2010 the City Council adopted the Burlingame Downtown Specific Plan, which serves as an element of the General Plan. The subject property is located within the boundaries of the planning area for the Downtown Specific Plan, specifically in the Myrtle Road Mixed Use Area and Anita Road Residential Area.

The zoning for the site is split, with the majority of the site located in the Myrtle Road Mixed Use Area and a smaller portion along Bayswater Avenue (approximately 5,000 SF) located within the R-3 zoning district that is part of the Anita Road Residential Overlay. The land use designation under the Downtown Specific Plan is also Myrtle Road Mixed Use Area and Anita Road Residential Area. In the land use chapter of the Downtown Specific Plan, Section 3.3.7 details the Myrtle Road Mixed Use Area as an area that is meant to serve as a buffer between the downtown commercial district and the residential neighborhoods to the east. Development is to be consistent with the existing neighborhood scale of small streets and mix of varied commercial and residential buildings.

The Anita Road Residential Area includes the blocks to the west of Anita Road between Burlingame Avenue and Bayswater Avenue. The land use in this area is medium-density Multifamily Residential, with development to remain consistent with the existing neighborhood scale of small streets, small apartment buildings and single-family homes. The area is meant to serve as a buffer between the downtown commercial district and Myrtle Mixed Use Area to the west, and single-family neighborhood to the east. Special development standards apply to the Anita Road area to establish standards such as setbacks, building heights, and massing standards compatible with the surrounding residential neighborhood.

The Downtown Specific Plan and corresponding zoning do not provide for specific density limits (dwelling units per acre); therefore, a number of bonus units is not applicable. However, because the proposed project includes 10% of the units to be offered to moderate-income households (up to 120% AMI), under C.S. 25.63 the project is eligible for a concession received in the form of additional height (C.S. 25.63.040(c)(1)), as well as the provision for reduced parking (C.S. 25.63.040(a)- as detailed above), which theoretically allow the project to reach a higher density than what would have been able to under the regular development standards.

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

.020 on the proposed 128-unit multifamily dwelling apartment development and providing a credit for the existing commercial building, single family dwellings and multifamily dwelling units, the required public facilities impact fee for this development project is \$587,924.49. One-half of the public facilities impact fees payment will be required prior to issuance of a building permit issuance; the second half of the payment will be required before the final framing inspection.

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

- (1) Compatibility with the existing character of the neighborhood;
- (2) Respect the mass and fine scale of adjacent buildings even when using differing architectural styles;
- (3) Maintain the tradition of architectural diversity, but with human scale regardless of the architectural style used; and
- (4) Incorporate quality materials and thoughtful design which will last into the future.

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

- (a) the proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
- (b) the proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) the Planning Commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.
- (d) removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the city's reforestation requirements, and the mitigation for the removal that is proposed.

Planning Commission Action: Design Review Study - The Commission should comment on the revised design of the project as required by Chapter 25.57 of the Zoning Ordinance, Design Review, and Chapter 5 of the Downtown Specific Area Plan.

Before beginning a CEQA analysis, it is important that any changes to the building envelope be made early enough in the process so that any changes are reflected in the environmental review.

Catherine Keylon, Senior Planner

c. Fore Property Company – Mark Pilarczyk, applicant

Attachments:

July 10, 2017 Design Review Study and Environmental Scoping Meeting Minutes
Applicant's Progress Letter – Summary of Revised Project (Changes), dated November 8, 2017
Application to the Planning Commission
Letter of Authorization from Property Owners
Applicant's Project Description, dated January 30, 2017
Conditional Use Permit Application-Multifamily Residential
Applicant's Neighborhood Outreach and Project Revisions letter, dated June 20, 2017
Downtown Specific Plan Applicable Design Guidelines (reference only)
Neighborhood Letters- Various (Including those received at 7/10/17 Study Mtg on previous design)
Staff Comments
Notice of Public Hearing – Mailed November 3, 2017
Aerial Photo