

# City of Burlingame

*Environmental Review, Lot Merger, Design Review, Conditional Use Permit  
for Multifamily Residential, Variance for Rooftop Projections and Density Bonus  
Incentive for a New 138-Unit Apartment Development*

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

**Meeting Date:** July 10, 2017

**Request:** Application for Environmental Review, Lot Merger, Design Review, Conditional Use Permit for Multi Family Residential, Variance for Rooftop Projections and Density Bonus Incentive for a New 138-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:** 138-unit residential apartment development.

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

**Environmental Review:** Environmental review is required for this project because the project exceeds four residential units (138 units proposed), and therefore does not qualify for an exemption from CEQA (California Environmental Quality Act). As a part of preparing the Initial Study for the environmental document for this project, staff is requesting that the Planning Commission comment on any potential environmental effects which it feels should be investigated. The standard list of items investigated in an Initial Study is attached for reference. These potential environmental effects which will be considered in the CEQA document include:

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Cumulative Impacts

The issues identified by the Commission will be incorporated into the environmental documents for the project. At this time, the type of CEQA document will be finalized during the environmental review process.

**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 138-unit apartment development. There would be two-levels of below grade parking that would provide a total of 190 spaces. The below grade parking would be accessed from a two-way driveway along Myrtle Road. The proposed development would have two wings, one along Bayswater Avenue and one along Myrtle Road, which would be connected. The development would be 4-stories (43'-8") plus a roof top deck above.

The new apartment development would contain 43 studio units, 55 one-bedroom units, 39 two-bedroom units and one three-bedroom unit. Studio units would range from 519 SF – 678 SF, one-bedrooms would range from 705-830 SF, two-bedrooms would range from 1,050 SF – 1,067 SF, and the three-bedroom unit would be 1,372 SF. The total gross floor area would be approximately 104,727 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 759 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, 138-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));
- Variance for Rooftop Projections (7.7% of roof top area will project above top of parapet where 5% is the maximum allowed C.S. 25.08); and
- Density Bonus Incentive (C.S. 25.63.0401(a) and (C.S. 25.63.040(c)(1)).

**Design Review:** The purpose of this design review study meeting is to provide initial 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, cement fiber siding (vertical), wood-like plastic composite siding (horizontal), metal canopies, and metal roofing. Vinyl windows with bronzed or white color are proposed throughout the building. The main entrance to the building lobby and leasing office would consist of an aluminum storefront window and door system at the corner of Myrtle Avenue and Bayswater. There would be two courtyard areas within the development accessed through the lobby with landscaping, water features and a spa.

**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 178 off-street parking spaces where 190 below-grade parking spaces in a two-level below grade garage are proposed. There would be 178 standard spaces provided (96 on the lower level/82 on the upper level) with 6 tandem spaces provided on each level for a total of 190 on-site spaces (+12 above code requirement). 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 twelve tandem spaces meet the dimensional requirement and while they are not independently accessible, they are proposed in addition to the required 178 spaces and do not require a variance.

The proposed project would provide storage space to accommodate 48 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 L1.1 through L3.1). 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 84.1% (630 SF) landscaping within the front setback for the R-3 portion of the project and 91.2% (1,020 SF) landscaping within the front setback of the MMU portion.

The applicant notes that given the depth and size of the subterranean garage structure the existing trees would not be retained as the excavation would damage their roots. The applicant looked at trying to keep three of the redwoods on the southeast edge but they would conflict with the required fire department turning radius for their ladders. The large pepper tree at 124 Myrtle Road would also impede the required emergency vehicular access path and would also be impacted by the subterranean garage excavation.

There would be a total of nine protected size trees proposed for removal including: 2 Brazilian pepper trees, 4 coast redwoods, 1 coast live oak, 1 privet and 1 silver birch. Tree removal permits to remove these trees will be required by the Parks Division contingent upon 1) the building and landscape plans being approved by the City (building permit issued for construction) and 2) that the trees would fall within the footprint of the proposed project. Seven other trees on the project site are also proposed to be removed; however, they are not of a protected size.

There are two street trees in front of the subject property that would be retained. The proposal includes the installation of two, 36-inch Ginkgo Biloba trees that would be installed within the public right of way, in addition to the on-site landscaping proposed.

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. The proposed landscape plan proposes the planting of 19 new trees, which will comply with the replanting requirements for the proposed tree removal and with the reforestation requirements. 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.

**Lot Area:** 5,000 SF - R-3

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

**Plans date stamped:** June 21, 2017

<b>PROPOSED PROJECT – ENTIRE SITE (53,012 SF)</b>		
<b>Land Use:</b>	138 apartment units <sup>1 &amp; 2</sup>	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)
<b>Building Height:</b>	43'-8" <sup>2</sup>	45'-0" maximum/ CUP required to exceed 35'-0"
<b>Rooftop Projections:</b>	7.7% <sup>3</sup> (2,526 SF)	5% (1,628 SF)
<b>Off-Street Parking:</b>	190 Total  102 spaces on the lower level (96 std & 6 tandem) 88 spaces on upper level (82 std & 6 tandem)	Studio – 1 sp x 43 = 43 1 bdrm – 1 sp x 55 = 55 2 bdrm – 2 spaces x 39 = 78 <u>3bdrm – 2 spaces x 1 = 2</u> Total = 178 spaces (based on CS 25.63.040(a) – density bonus)
<b>Driveway Width:</b>	2 - 12'-0" driveways	Parking areas more than 30 vehicle spaces - two 12'-0" wide driveways or one 18' driveway

<b>R-3 PORTION ALONG BAYSWATER AVENUE (APPRX. 5,000SF)</b>		
	<b>PROPOSED</b>	<b>ALLOWED/REQUIRED</b>
<b>Front (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	15'-1" (all floors)*	15' or block average whichever is greater
<b>Left Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	0* 0* 0* 0*	N/A because parcels will be merged- zoning is still split R-3 and MMU
<b>Right Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	9'-0" 9'-0" 9'-0" 17'-0" to wall (14'-0" to deck)	5'-0" 6'-0" 7'-0" 8'-0"
<b>Rear (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	20'-5" 20'-5" 20'-5" 20'-5"	20'-0" 20'-0" 20'-0" 20'-0"
<b>Lot Coverage:</b>	2,475 SF 49.5%	2,500 SF 50%
<b>Front Setback Landscaping:</b>	630 SF 84.1%	749 SF 60%
<b>MMU PORTION (48,012 SF)</b>		
	<b>PROPOSED</b>	<b>ALLOWED/REQUIRED</b>
<b>Front:</b>	10'-0" to deck (all floors)	10'
<b>Left Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	2'-0" 2'-0" 2'-0" 2'-0"	None required
<b>Right Side (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	10'-0" 10'-0" 10'-0" 10'-0"	None required
<b>Rear (1<sup>st</sup> flr):</b> <b>(2<sup>nd</sup> flr):</b> <b>(3<sup>rd</sup> flr):</b> <b>(4<sup>th</sup> flr):</b>	20'-0" 20'-0" 20'-0" 20'-0"	20'-0" 20'-0" 20'-0" 20'-0"

<b>Lot Coverage:</b>	32,566 SF 67.8%	36,009 SF 75%
<b>Front Setback Landscaping:</b>	1,020 SF 91.2%	112 SF 10%

- <sup>1</sup> Conditional Use Permit required for multifamily residential in the MMU zone, 138-units proposed, C.S. 25.34.030(a).
- <sup>2</sup> 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.
- <sup>3</sup> Variance for rooftop projections (7.7% of roof top area will project above top of parapet where 5% is the maximum allowed C.S. 25.08).

**Staff Comments:** See attached comments from the Building, Parks, Engineering, Fire and Stormwater Divisions.

**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 building, as measured to the top of the parapet, is 43'-8" above average top of curb level. The portion of the proposed structure located in the R-3 zone and the MMU zone both measure 43'-8" 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 43'-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.

Based on the proposed 138-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 \$643,294.49. 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.

**Required Findings for Variance:** In order to grant a Variance, the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 a-d):

- (a) there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) the granting of the application 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; and
- (d) that the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

#### **Planning Commission Action:**

**1. Environmental Scoping:** As the first discussion item, the Planning Commission should review and take public comment on the proposed project and the areas of potential environmental effects as listed in the staff report. The Commission should add any additional effects of the project that it believes should be addressed in the CEQA document. The areas of investigation for environmental evaluation as defined by CEQA are listed in the attached Initial Study Checklist for your reference.

**2. Design Review Study:** As the second discussion item, the Commission should comment on the 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.

Because a CEQA document is being prepared for this project, 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:

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  
Variance Application – Rooftop Projections  
Applicant's Neighborhood Outreach and Project Revisions letter, dated June 20, 2017  
Project Renderings  
Environmental Information Form  
CEQA Initial Study Checklist (reference only)  
Downtown Specific Plan Applicable Design Guidelines (reference only)  
Neighborhood Letters- Various  
Staff Comments  
Notice of Public Hearing – Mailed June 30, 2017  
Aerial Photo