

City of Burlingame
Commercial Design Review and Parking Variance

Item No. 8e Regular Action Item
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Address: 1204 El Camino Real

Meeting Date: October 12, 2021

Request: Application for Commercial Design Review for exterior facade changes to an existing commercial building and Parking Variance for a change in use from an automobile repair shop to retail.

Applicant and Architect: Suheil Shatara, Shatara Architecture Inc.

APN: 026-096-180

Property Owner: 1480 Broadway Property LLC

Lot Area: 5,350 SF

General Plan: Broadway Mixed Use

Zoning: C-1, Broadway Commercial Area

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15301 - Existing facilities, Class 1(a) of the CEQA Guidelines, which states that interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances are exempt from environmental review.

Project Summary: The existing two-story building at 1204 El Camino Real is currently being used as an automobile service shop on the ground floor and offices on the second floor. With this application, the applicant is proposing interior and exterior building improvements to change the use of the building to a retail clothing store and hair sal (retail and personal service use). The C-1 District Regulations state that retail and personal service uses are permitted (Code Section 25.30.020). The existing two-story building measures 6,501 SF. With this application, a mezzanine level would be added within the rear of the building, increasing the floor area from 6,501 SF to 7,183 SF. The following applications are required:

- Commercial Design Review for exterior facade changes to an existing commercial building (C.S. 25.30.045 and 25.57.010 (c) (4)); and
- Parking Variance for not fulfilling the amount of parking require on-site (8 additional spaces required based on intensification of use from automobile repair shop and office to retail, personal services, and office (Code Sections 25.70.010 (b) and 25.70.040).

Commercial Design Review: The proposed project is subject to Commercial Design Review since more than 50% of the facade is being altered. The facade of the existing building contains roll up doors, stucco siding, and wood-framed windows. At the front of the building, the existing roll up doors would be removed and a new aluminum storefront system, including new entry doors, would be added. There is an existing nonconforming front setback of 7'-10", where a minimum of 20'-0" is required. Since the project is not proposing any changes to the existing, nonconforming front setback, a Front Setback Variance is not required.

The proposed front elevation consists of a new aluminum storefront system, existing stucco, and existing windows with wood trim on the second floor. There are no proposed changes to the second floor facade.

Off-Street Parking: The existing building is nonconforming in parking since it has no on-site parking spaces. The parking demand for the previous automobile repair shop use (4,791 SF) and office use (1,210 SF) office is 12 parking spaces (based on 1:300 SF ratio for office and 1:800 SF ratio for automobile shop). The parking demand for the proposed retail and personal service use (5,561 SF) and office use (1,622 SF) is 20 parking spaces (based on 1:300 SF ratio for office and 1:400 SF ratio for retail). The difference between the existing and proposed parking demand is eight (8) parking spaces. Since there is no existing or proposed parking on-site, the applicant is requesting a Parking Variance for the difference in parking spaces not provided on site.

Planning staff would note that within the Broadway Commercial Area, there are four meters parking lots, one long-term parking lot, and metered street parking that provide parking for customers and employees for businesses in the area (public parking lots located within five blocks of the site).

1204 El Camino Real

Plans date stamped: September 20, 2021

	Existing	Proposed	Allowed/Req'd
Use:	Auto Repair Shop 4,791 SF	Retail and Personal Service 5,561 SF	Retail, Personal Service, and Office are permitted uses (C.S. 25.30.020)
	Office 1,710 SF	Office 1,710 SF	
Off-Street Parking:	<u>no spaces provided</u> 4,791 SF auto service 1:800 SF = 6 spaces 1,710 SF office <u>1:300 SF = 6 spaces</u> 12 spaces total	<u>no spaces provided</u> 5,561 SF retail/personal service 1:400 SF = 14 spaces 1,622 SF office <u>1:300 SF = 6 spaces</u> 20 spaces total	8 spaces required for intensification of use (difference between existing and proposed parking demand is 8 spaces)

Staff Comments: Planning staff would note that a letter of concern was submitted by Darrell Mathis (see attached email dated September 27, 2021).

Design Review Study Meeting: At the Planning Commission Design Review Study meeting on June 14 2021, the Commission discussed the proposed project and voted to place this item on the Regular Action calendar when all of the required information has been submitted (see the attached June 14, 2021 Planning Commission Minutes). Please refer to the attached meeting minutes for a detailed discussion/direction provided by the Commission.

Below is summary of the comments/direction expressed by the Commission and responses provided by the applicant. The applicant provided a response letter, dated September 1, 2021, and revised plans, date stamped September 20, 2021.

1. **Should revise the Variance Application to include stronger findings for the Parking Variance.**
 - The applicant submitted a revised Variance Application (see attached).
2. **The landscape plan needs to be addressed in a very aggressive fashion; should include some landscape features in front of the building that would help prevent customers wanting to park on the sidewalk in front of the building. Would like to see a response from Caltrans that this is indeed what they would approve.**
 - The Site Plan has been revised to include landscape features in front of the building. They include several above ground metal planter boxes and troughs, located adjacent to the building, perpendicular to the building (on the building ends), and along the front property line (see sheets A1.0.1, A2.2, and A3.1). In addition, in ground landscaping is proposed between the sidewalk and curb (see additional information below). Combined, these features would deter customers from parking on the sidewalk in front of the building. Condition of approval #3 has been added requiring that the landscaping be irrigated and maintained in good order.

- As noted above, in ground landscaping is proposed between the sidewalk and curb. Please refer to the separate plan set provided by the applicant (Sheets 1-3), which has been submitted along with the encroachment permit required by the Department of Transportation (DOT). Proposed landscaping in the planter strip includes small plants, perennials and ornamental grasses (see Sheet 3 for details). In addition, the existing sidewalk and driveway apron (which stretches across the majority of the frontage) is proposed to be replaced with a new sidewalk, curb and gutter.

The applicant notes that he's had several preliminary discussions with the DOT about this proposal, and based on those discussions has submitted plans for their review. The DOT is currently reviewing the encroachment permit application submittal (including plans) for final approval. Conditional of approval #2 has been added requiring that the encroachment permit be obtained prior to issuance of a building permit for the project.

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 use (retail and personal service) and providing a credit for the existing use (automobile repair shop), the required public facilities impact fee for this development project is **\$7,659.81**. 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: The criteria for Commercial Design Review as established in Ordinance No. 1652 adopted by the Council on April 16, 2001 are outlined as follows:

1. Support of the pattern of diverse architectural styles that characterize the city's commercial areas;
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;
3. On visually prominent and gateway sites, whether the design fits the site and is compatible with the surrounding development;
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;
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 structure in the immediate area;
6. Provision of site features such as fencing, landscaping, and pedestrian circulation that enriches the existing opportunities of the commercial neighborhood.

Suggested Findings for Commercial Design Review: That the new aluminum storefront system and entry doors are consistent with the pattern of diverse architectural styles that characterize the city's Broadway Commercial Area; that the proposed storefront promotes pedestrian activity by allowing views directly into the business; and that the proposed storefront improvements are consistent with the architectural style and mass and bulk with other structures in the Broadway Commercial Area. Therefore, the project may be found to be compatible with the requirements of the City's five design review criteria.

Required Findings for a 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.

Suggested Variance Findings: That the proposed use, with a maximum of 10 persons on site at any one time, is not a significant increase in employees and customers than the existing automobile repair business and office uses; that the close proximity to the public transit bus routes along the El Camino Real corridor provide alternative transportation options to driving and therefore help to mitigate the intensification of eight parking spaces; that the proposed retail clothing store and hair salon and the requested Parking Variance at 1204 El Camino Real will not be detrimental or injurious to surrounding properties or improvements in the vicinity since there are four metered parking lots, one long-term parking lot, and metered street parking that provide parking for customers and employees for businesses within the Broadway Commercial area; and that granting the Parking Variance would prevent unreasonable property loss or unnecessary hardship by not requiring a portion of the existing building to be demolished to provide on-site parking. For these reasons, the proposed project may be found to be compatible with the Variance criteria.

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. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. 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 date stamped September 20, 2021, sheets A0.0 through A3.1;
- 2. that prior to issuance of a building permit, the applicant shall apply for and obtain an encroachment permit from the Department of Transportation for any work proposed in the state right-of-way; that documentation with exhibits showing detailed project construction plans including work on the sidewalk, curb and planter strip, shall be submitted to the Department of Transportation for review and approval of an encroachment permit;
- 3. that the landscaping, located in the planter boxes and troughs on private property and in the planter strip within the state right-of-way, shall be irrigated and maintained in good order;

4. that prior to issuance of a building permit, the project applicant shall pay the Public Impact Fees in the amount of \$7,659.81 in full, payable to the City of Burlingame and submitted to the Planning Division;
5. that any changes to the size or envelope of the building, which would include changing or adding exterior walls or parapet walls, shall require an amendment to this permit;
6. that any changes to 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);
7. 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;
8. 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;
9. 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;
10. that the applicant shall comply with Ordinance 1503, the City of Burlingame Storm Water Management and Discharge Control Ordinance;
11. 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:

12. 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 Department; and
13. 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.

Ruben Hurin
Planning Manager

- c. Suheil Shatara, Shatara Architecture, Inc., applicant and architect
1480 Broadway Properties LLC, property owner

Attachments:

Response Letter, dated September 1, 2021
June 14, 2021 Planning Commission Minutes
Email submitted by Darrell Mathis, dated September 27, 2021
Application to the Planning Commission
Variance Application (revised)
Commercial Application
Planning Commission Resolution (proposed)
Notice of Public Hearing – Mailed October 1, 2021
Area Map

Separate Attachments:

Plans Submitted to Department of Transportation for Encroachment Permit, Sheets 1-3