

City of Burlingame
Lot Line Adjustment and Variances

Item No. 8a
Regular Action Item

Address: 230 and 234 Victoria Road

Meeting Date: September 12, 2022

Request: Application for Lot Line Adjustment, Lot Frontage, and Lot Width Variances for 234 Victoria Road, and Floor Area Ratio Variance for the Existing Single-Unit Dwelling at 230 Victoria Road.

Applicant and Architect: Ted Catlin, Dreiling Terrones Architects

APN: 029-265-170

Property Owners: Joshua Einhorn and Melissa Nemer

General Plan: Low Density Residential

Zoning: R-1

Existing Site Area:

12,046 SF total (100' frontage, two equal lots, Lot 23 and Lot 24)

6,023 SF each lot (50' frontage)

Proposed Lots with Lot Line Adjustment:

Lot 23 = 7,017 SF (58.25' lot frontage)

Lot 24 = 5,029 SF (41.75' lot frontage)

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15305 (A)(1) of the CEQA Guidelines, which exempts from environmental review minor lot line adjustments, side yard and setback variances not resulting in the creation of a new parcel.

Project Description: The subject property is an interior site consisting of two existing lots of equal size (6,023 SF each); Lot 23 at 230 Victoria Road and Lot 24 at 234 Victoria Road (see attached proposed plans and Assessor's Parcel Map). The existing site is nearly flat and there are no protected-size trees on the property. The applicant does not propose any demolition or changes to any of the existing structures on the site.

The right side of the existing site contains a two-story single-unit dwelling (230 Victoria Road) with an attached two-car garage and driveway. The majority of the dwelling at 230 Victoria Road is located on Lot 23, however a portion of the left side of the dwelling extends across the shared property line between Lots 23 and 24. This condition merges the two lots into a single site.

The left side of the existing site contains a two-story single-unit dwelling (234 Victoria Road) with an attached single-car garage and a driveway along the left side of the lot. The dwelling at 234 Victoria Road is set back at the rear of Lot 24 and is located entirely within the boundaries of that existing lot. There is a tax record for both dwelling units on the property and therefore the two single-unit dwellings on a single parcel and the siting of 230 Victoria Road across the shared property line are existing and nonconforming conditions.

The applicant is requesting a lot line adjustment to move the shared property line west by 8.25 feet so that the footprint of the existing house at 230 Victoria Road would be located entirely within the boundaries of the proposed Lot 23. The proposed lot line adjustment would increase the lot size of Lot 23 from 6,023 SF to 7,017 SF and would increase the street frontage from 50 feet to 58.25 feet. The proposed lot line adjustment would decrease the lot size of Lot 24 from 6,023 SF to 5,020 SF and would decrease the street frontage from 50 feet to 41.75 feet. The proposed lot sizes meet the minimum lot size of 5,000 SF.

The applicant is requesting a two Variances to the Lot Development Standards (C.S. 25.10.090) for the proposed Lot 24. A Lot Frontage Variance is required for the proposed Lot 24 frontage (41.75 feet lot frontage proposed where a minimum lot frontage of 50 feet is required). In addition, a Lot Width Variance is required for the proposed Lot 24 (41.75 feet lot width proposed where a minimum average lot width of 50 feet is required).

The existing site (Lots 23 and 24 combined) is nonconforming in floor area ratio (calculated using the total floor

area of both structures divided by the site size of 12,046 SF) (0.46 FAR existing where 0.41 FAR is the maximum allowed). With the proposed new lot sizes, the existing dwelling at 234 Victoria Road would be under the maximum allowable floor area ratio (0.21 FAR proposed where 0.54 FAR is the maximum allowed). However for 234 Victoria Road, the applicant is requesting a Floor Area Ratio Variance for the existing single-unit dwelling (0.64 FAR proposed where 0.48 FAR is the maximum allowed).

This application does not include any changes to the existing structures on the site and is not subject to Design Review. The proposed project meets all other zoning code requirements or does not intensify an existing, nonconforming conditions. The applicant is requesting the following applications:

- Lot Frontage Variance for proposed Lot 24, 234 Victoria Road (41.75 feet lot frontage proposed where a minimum lot frontage of 50 feet is required) (C.S. 25.10.090(A));
- Lot Width Variance for proposed Lot 24, 234 Victoria Road (41.75 feet lot width proposed where a minimum average lot width of 50 feet is required) (C.S. 25.10.090(B)); and
- Floor Area Ratio Variance for proposed Lot 23, 230 Victoria Road (0.64 FAR/ 4,448 SF proposed where 0.48 FAR/ 3,345 SF is the maximum allowed) (C.S. 25.10.030 and -060).

230 Victoria Road – Lot 23

Lot Area: 7,017 SF (proposed)

Plans date stamped: July 29, 2022

	Existing Site With Combined Lots	Allowed/ Required Existing With Combined Lots	Proposed For Existing Dwelling	Allowed/ Required with Proposed Lot Line Adjustment
Front (1st flr): (2nd flr):	15'-3" 15'-3" ¹	15'-0" 20'-0"	No change No change	15'-0" 20'-0"
Side (left): (right):	47'-11" 3'-9" ¹	7'-0" 7'-0"	6'-1½ " No change	6'-0" 6'-0"
Rear (1st flr): (2nd flr):	32'-2" 57'-2"	15'-0" 20'-0"	No change No change	No change No change
Lot Coverage:	3,213 SF 27%	4,814 SF 40%	2,548 SF 36%	2,807 SF 40%
Floor Area Ratio:	5,521 SF 0.46 FAR ²	4,955 SF 0.41 FAR ³	4,448 SF 0.64 FAR ⁴	3,345 SF 0.48 FAR ⁵

¹ Existing nonconforming second story front setback and right side setback.

² Existing nonconforming floor area ratio (0.46 FAR existing where 0.41 FAR is the maximum allowed).

³ (0.32 x 12,046 SF) + 1100 SF = 4,955 SF (0.41 FAR maximum).

⁴ Floor Area Ratio Variance required (0.64 FAR proposed where 0.48 FAR is the maximum allowed).

⁵ (0.32 x 7,017 SF) + 1100 SF = 3,345 SF (0.48 FAR maximum).

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234 Victoria Road – Lot 24**Lot Area:** 5,029 SF (proposed)**Plans date stamped:** July 29, 2022

	Existing Site With Combined Lots	Allowed/ Required Existing Site With Combined Lots	Proposed For Existing Dwelling	Allowed/ Required with Proposed Lot Line Adjustment
Front (1st flr): (2nd flr):	64'-5" 89'-2"	15'-0" 20'-0"	No change No change	15'-0" 20'-0"
Side (left): (right):	2'-2" ¹ 25'-4"	7'-0 7'-0	No change 17'-1"	3'-0 3'-0
Rear (1st flr): (2nd flr):	12'-11" ¹ 12'-11" ¹	15'-0" 20'-0"	No change No change	No change No change
Lot Coverage:	3,213 SF 27%	2,548 SF 36%	662 SF 13%	2,012 SF 40%
Floor Area Ratio:	5,521 SF 0.46 FAR ²	4,955 SF 0.41 FAR ³	1,073 SF 0.21 FAR	2,709 SF 0.54 FAR ⁴

¹ Existing nonconforming left side setback and rear setback to the first and second story.² Existing nonconforming floor area ratio (0.46 FAR existing where 0.41 FAR is the maximum allowed).³ $(0.32 \times 12,046 \text{ SF}) + 1100 \text{ SF} = 4,955 \text{ SF}$ (0.41 FAR maximum).⁴ $(0.32 \times 5,029 \text{ SF}) + 1100 \text{ SF} = 2,709 \text{ SF}$ (0.54 FAR maximum).

Staff Comments: The Planning Division notes that this application was brought directly to the Planning Commission as Regular Action Item since the project involves only a lot line adjustment and no alteration to the existing structures on the site or to existing off-street parking. Should the Planning Commission determine that further review of the project is required, the application can be scheduled for an additional action hearing

Required Findings for a Variance: Any decision to approve a Variance application pursuant to Chapter 25.84 shall be supported by written findings. In making such determination, the following findings shall be made:

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same zoning 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 (Minimum Lot Frontage Variance – 234 Victoria Road, Lot 24): That while the existing frontage for Lot 24 is legally 50 feet wide, the site has been developed so that a portion of the dwelling on Lot 23 extends across the shared side property line and therefore the appearance of lot frontage from the right-of-way for existing conditions on Lot 24 is less than 50 linear feet; that there are a number of lots in the surrounding neighborhood that have frontages that are less than 50 feet; and that a 50-foot lot frontage for Lot 24 could not be retained while also allowing development of either Lot 23 or Lot 24 without demolishing a

portion of the existing dwelling on Lot 23; and that the dwelling on Lot 23 is in good repair and demolition would present a hardship for the existing owners and tenants. For these reasons, the proposed project may be found to be compatible with the Variance criteria.

Suggested Variance Findings (Minimum Average Lot Width Variance – 234 Victoria Road, Lot 23): That while the existing lot width of Lot 24 is legally 50 feet wide, the site has been developed so that a portion of the dwelling on Lot 23 extends across the shared side property line and therefore Lot 24 could not be developed to its full potential without adjusting the lot line to exclude the house on Lot 23; that the shared side property line between the existing lots could only be adjusted with an average width of 50 feet if the lot line were staggered such that it would be compatible with the standard rectangular-shaped lots in the neighborhood; and that an irregular shared side property line drawn to provide an average width of 50 feet would negatively impact existing structures and future development on both Lot 23 and Lot 24. For these reasons, the proposed project may be found to be compatible with the Variance criteria.

Suggested Variance Findings (Floor Area Ratio Variance – 230 Victoria Road, Lot 24): The dwelling was built as part of a larger-sized property and it would present a hardship to demolish the existing structure or portions of the existing structure to bring the site into compliance with current floor area ratio zoning code requirements; and that the envelope of the existing dwelling will not be altered in relation to surrounding properties with the proposed application. 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 applicant shall submit a separate Lot Line Adjustment application to the Public Works Department – Engineering Division;
2. that the Lot Line Adjustment shall be recorded with the property at the San Mateo County Recorders Office and a copy of the recorded document shall be sent to the Engineering Division;
3. that the project shall be built as shown on the plans submitted to the Planning Division and date stamped July 29, 2022, sheets A0.0 through A2.4, including licensed topographic and boundary survey dated April 2022 and Proposed Lot Line Adjustment, sheet SU-1; and
4. that if the floor area ratio on Lot 23, 230 Victoria Road is increased at a later date, the Floor Area Ratio Variance shall become void.

Erika Lewit
Senior Planner

Attachments:

Application to the Planning Commission
Assessor's Parcel Map
Street Frontage Vicinity Map - Provided by the Applicant
Variance Applications (Lot Frontage Lot 24, Minimum Average Lot Width Lot 24, Floor Area Variance Lot 23)
Proposed Legal Descriptions
Planning Commission Resolution (proposed)
Notice of Public Hearing – Mailed September 2, 2022
Area Map