



STAFF REPORT

AGENDA NO:

MEETING DATE: September 21, 2020

To: Honorable Mayor and City Council

Date: September 21, 2020

From: Kevin Gardiner, Community Development Director – (650) 558-7253
Ruben Hurin, Planning Manager – (650) 558-7256
Kathleen Kane, City Attorney – (650) 558-7204

Subject: Public Hearing to Consider Introduction of an Ordinance Amending the Zoning Code (Donnelly Avenue Commercial District) and Consideration of an Amendment to the Downtown Specific Plan (Donnelly Avenue Area) to Allow Multifamily Residential Uses Above the First Floor on Properties Located North of Donnelly Avenue that have Sole Frontage on Donnelly Avenue; Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); Design Review, Conditional Use Permit for Building Height; Condominium Permit; and Lot Combination for a Proposed Fourteen (14) Unit Mixed Use Commercial/Residential Development to be Located at 1214-1220 Donnelly Avenue

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 Title 25 (Zoning Code) - Section 25.36.020 of the Burlingame Municipal Code to allow multifamily residential uses above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue as a permitted use in the Donnelly Avenue Commercial (DAC) District”.
2. Conduct a public hearing and consider all public testimony related to the Ordinance; an Amendment to the Downtown Specific Plan to allow multifamily residential uses above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue; Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); Design Review; Conditional Use Permit for Building Height; Condominium Permit; and Lot Combination for a new fourteen (14) unit mixed use commercial/residential 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 October 5, 2020 regular meeting agenda of the City Council.

BACKGROUND

Project Description: An application has been submitted for construction of a new three-story mixed use commercial/residential development at 1214-1220 Donnelly Avenue. The project site is zoned DAC (Donnelly Avenue Commercial) and is located on the north side of Donnelly Avenue, between Lorton Avenue and Primrose Road. The project consists of 4,704 SF of commercial use on the ground floor and 14 residential condominium units on the second and third floors. Parking for 23 vehicles will be provided in an enclosed garage located behind the commercial space.

Application Elements:

- **Mitigated Negative Declaration:** A determination that with mitigation measures there will be no significant environmental effects as a result of this project;
- **Amendment to the Donnelly Avenue Commercial (DAC) District and Downtown Specific Plan (Donnelly Avenue Area)** to allow multifamily residential uses above the first floor on properties located on the north side of Donnelly Avenue that have sole frontage on Donnelly Avenue;
- **Design Review** for construction of a new three-story, mixed use commercial/residential building with at-grade parking (C.S. 25.36.045, 25.57.010 (c)(1) and Chapter 5 of the Downtown Specific Plan);
- **Conditional Use Permit for building height** (43'-10" to top of parapet and 54'-3" to top of stairway enclosure proposed, where a Conditional Use Permit is required for any building exceed 35'-0"; 55'-0" maximum building height allowed) (C.S. 25.36.055);
- **Condominium Permit** for 14 residential condominium units (each unit to be privately owned) (C.S. 26.30.020); and
- **Lot Combination** to combine three existing lots (1214, 1218, and 1220 Donnelly Avenue) into one lot.

A copy of the August 10, 2020 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 August 10, 2020.

DISCUSSION

Currently, the Donnelly Avenue Area within the Downtown Specific Plan (see attached Map of Planning Areas) and the Donnelly Avenue Commercial (DAC) zoning regulations do not permit residential uses of any type. With this application, the applicant is requesting that the City Council consider amending the Donnelly Avenue Commercial (DAC) District zoning regulations and the

Downtown Specific Plan (Donnelly Avenue Area) to allow multifamily residential uses above the first floor only on those properties within the DAC zone that lie north of Donnelly Avenue that have sole frontage on Donnelly Avenue (see attached Figure 1). This would include the project site (three lots), two public parking lots, and one lot east of the project site. The rationale for this rather limited amendment is that the Donnelly Avenue-facing properties are adjacent to multifamily residential land uses to the rear on the north side of that block (facing Bellevue Avenue), and as such would be compatible with the adjacent residential uses.

Staff would note that multifamily residential uses are permitted by right in the Bayswater Mixed Use (BMU), Howard Mixed Use (HMU), and California Drive Auto Row (CAR) Districts, and with a Conditional Use Permit in the Myrtle Mixed Use (MMU) District. The proposed code amendment language is consistent with these other downtown districts, except that it would allow multifamily residential use above the first floor in order to maintain the importance of keeping a commercial presence on the ground floor.

Planning Commission Action: On August 10, 2020, the Planning Commission reviewed the proposed project, including the amendment to the Donnelly Avenue Commercial (DAC) District and Downtown Specific Plan (Donnelly Avenue Area). The Commission voted 6-0-0-1 to recommend approval of the applicant's requests for a Mitigated Negative Declaration, Amendment to the Donnelly Avenue Commercial (DAC) District and Downtown Specific Plan (Donnelly Avenue Area), Design Review, Conditional Use Permit, Condominium Permit, and Lot Combination. Since the City Council is the final decision-making body regarding the request to amend the Donnelly Avenue Commercial (DAC) District and Downtown Specific Plan (Donnelly Avenue Area), the Planning Commission's action was in the form of a recommendation to the City Council.

In its discussion, the Planning Commission asked the architect and developer to consider relocating the landscape planters back to the rear edge of the common open space (located on the podium level) to provide an additional buffer to the properties behind the project. The Commission noted that this change could be reviewed at the staff level.

City Council Action: In reviewing the Planning Commission recommendations and making a determination on the requested action, the City Council should consider the following findings regarding the project entitlements:

Amendment to the Downtown Specific Plan and Donnelly Avenue Commercial District: In acting on the request to amend the Downtown Specific Plan and DAC District zoning regulations to allow residential use above the first floor, only on those properties within the DAC zone that lie north of Donnelly Avenue that have sole frontage on Donnelly Avenue, the City Council should consider consistency with the policies of the General Plan, in particular the Land Use Element of the Downtown Specific Plan, and the DAC Zoning District.

In making its findings, the Council may choose to consider:

- Consistency with Downtown Specific Plan Policy LU-6.1, which encourages allowing housing in the Howard Avenue area as well as on the periphery of Downtown; and
- Consistency with Downtown Specific Plan Goal/Policy LU-3 that it ensures a sensitive

transition between the existing abutting residential areas and the downtown area.

Design Review Criteria: The criteria for design review in mixed use districts is detailed in Code Section 25.57.030 (g) and requires the proposed project to be reviewed for the following considerations:

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

Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit for building height, the City Council 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 the Zoning Ordinance;
- (c) The Planning Commission (or in this instance, City Council) 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.

Criteria for Permitting a Condominium: The following condominium standards shall apply to all land and structures proposed as part of a condominium project and shall be evaluated and processed pursuant to the procedural requirements set forth for conditional use permits in Title 25 of the Burlingame Municipal Code. No condominium project or portion thereof shall be approved or conditionally approved in whole or in part unless the planning commission, or city council upon appeal or review, has reviewed the following on the basis of their effect on:

- (a) Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare;
- (b) The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources; and
- (c) Conformity with the general plan and density permitted by zoning regulations.

FISCAL IMPACT

None.

Exhibits:

- Ordinance – Amending Title 25 (Zoning Code) – Code Section 25.36.020 of the Burlingame Municipal Code, Donnelly Avenue Commercial (DAC) Zoning District
- Map of Planning Areas in Downtown Specific Plan
- Figure 1: Map of Properties Included in Proposed Downtown Specific Plan Amendment
- Resolution - Amendment to Downtown Specific Plan (Donnelly Avenue Area)
- Resolution – CEQA
- Resolution – Project Entitlements
- Planning Commission Minutes – August 10, 2020
- Planning Commission Staff Report – August 10, 2020
- Initial Study/Mitigated Negative Declaration (IS/MND)
- Mitigation, Monitoring and Reporting Program (MMRP)
- Project Materials
- Project Plans