



CITY OF SAN MATEO

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330 W. 20th Avenue
San Mateo CA 94403
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Agenda Report

Agenda Number: 12

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: Community Development Department
MEETING DATE: February 7, 2022

SUBJECT:

4 West Santa Inez Avenue Condominiums – Reconsideration of Project Denial

RECOMMENDATION:

Adopt a Resolution to vacate the February 5, 2018 City Council action denying the proposed condominium project located at 4 West Santa Inez Avenue, and approve a:

1. Site Plan and Architectural Review for a new 15,322 square-foot, four-story 10-unit residential condominium building with an underground parking garage with an automated parking lift system;
2. Site Development Planning Application for the removal of 22 trees over six-inches in diameter;
3. Vesting Tentative Map to merge two existing parcels into one 10,763 square-foot parcel and create ten (10) residential condominium units with associated common space per the listed Findings and Conditions of Approval; and
4. Determination that the project qualifies for a Categorical Exemption from further environmental review under the California Environmental Quality Act (CEQA) Categorical Exemption, CEQA Class 32 Section 15332, "In-Fill Development Projects" based on the Findings and Conditions of Approval.

BACKGROUND:

History and Legal Background

This project was originally submitted in 2015 and includes a Planning Application (PA-2015-104) for a 10-unit multi-family condominium building at 4 W. Santa Inez Avenue and 1 Engle Road. At the August 8, 2017, Planning Commission meeting, staff recommended approval of the project based on positive findings for the Site Plan and Architectural Review (SPAR) and other required entitlements, which are detailed further in this report.

The item was continued to the September 26, 2017, Planning Commission meeting in which the Commission voted to deny the project based on concerns regarding the following:

- Mass and bulk of the proposed building
- Not in character or harmonious with the surrounding neighborhood
- Out of scale with the immediately adjacent single-family residences

The item was then continued to the October 10, 2017, Planning Commission meeting to adopt findings to deny the project. Following the denial, the applicant appealed the Planning Commission's decision to the City Council. On February 5, 2018, the City Council voted to deny the appeal and uphold the Planning Commission's decision to deny the application.

City Council Reconsideration

Following the decision by the City Council, the applicant filed a petition for writ of administrative mandamus to overturn the City's decision. The applicant prevailed at the Court of Appeal. In a published decision, the Court of Appeal directed the Superior Court to issue a writ requiring the City to reconsider its decision. On December 16, 2021, the Superior Court

of California issued a writ stating that within 60-days, the City must vacate the City Council's 2018 decision to uphold the Planning Commission's denial of the project and reconsider the challenge to the decision of the Planning Commission. February 14, 2022, marks the end of this 60-day deadline to vacate the decision and reconsider the application.

The project under consideration at this time remains substantially unchanged from the project that was considered by the City Council in 2018. As the project includes a Vesting Tentative Map, the project is vested to City ordinances, policies, and standards that were in effect when the application was deemed complete in 2017. Reports and studies that were provided in 2017 are attached with this report for informational purposes.

Project Background

Site and Project Description

The project site consists of two parcels developed with non-historic one-story single-family residences (see the historical evaluation in [Attachment 2](#)) and is located adjacent to N. El Camino Real to the east, two single-family properties to the west, W. Santa Inez Avenue to the south, and Engle Road to the north.

The applicant has proposed the demolition of the two existing single-family residences and the removal of twenty-two (22) trees to construct a new four-story, 10-unit, condominium building. The proposal includes 15,322 square-feet of total floor area; a building height of 46.75-feet; and a subterranean parking garage with a mechanical puzzle lift parking system, a bike room, electrical rooms and a recycling and trash room. Sidewalk improvements along El Camino Real, Engle Road, and W. Santa Inez that comply with the City's Pedestrian Master Plan are proposed. Project Plans are included in [Attachment 3](#).

Code and Policy Conformance

General Plan and Zoning Code

The project site has a General Plan Land Use designation of High-Density Multi-family. A list of applicable General Plan policies and the project's conformance to these policies is included in [Attachment 1](#).

The project site is zoned R4 (Multi-family High Density). The project complies with all objective floor area ratio (FAR), setback, and building height standards, as well as the number of required parking spaces, as illustrated in the factual data sheet included in [Attachment 4](#). The project exceeds required off-street vehicle parking by two (2) spaces and long-term bicycle parking by five (5) spaces.

Off-Street Parking

The project provides twenty-three (23) off-street parking spaces in a proposed underground parking garage accessible from W. Santa Inez Avenue. The garage includes four (4) standard resident parking stalls and a 17-stall puzzle lift mechanical parking system within a gated area of the garage. Two (2) stalls, including an accessible vehicle stall, are located outside of the gated area. The vendor for the originally proposed puzzle lift system by CityLift has gone out of business and the applicant is currently selecting a new vendor.

The application includes a Vesting Tentative Map (VTM). The VTM confers a vested right to conform with the City's ordinances, policies, and standards that were in effect once the map application was deemed complete, as opposed to the standards currently in effect. However, the applicant can voluntarily elect to comply with current standards and policies. Staff has added a condition of approval requiring any proposed mechanical parking system conform with the City's "Standard Drawings and Specifications" for off-street parking in effect in 2017 or the City's newly adopted "Standard Drawings and Specification" that include standards for automated and mechanical parking systems with greater flexibility for vehicle bay dimensions and minimum clearance height.

Site Plan and Architectural Review (Municipal Code Section 27.08.030)

The project requires a Site Plan and Architectural Review (SPAR) for the proposed site and building improvements. As part of this review, Larry Cannon of Cannon Design Group, the City's third-party design review consultant, reviewed the project for consistency with the City's Multi-family Design Guidelines and General Plan Design Element. Pursuant to the Court of Appeal decision, the City is limited to imposing only objective design standards. Because the Court of Appeal ruled that

the upper story stepback requirement in the City's Multi-family Design Guidelines was not an objective design standard, it cannot be applied.

The proposed architectural style blends both traditional and craftsman elements with vertical board and batten siding, stucco, and sloping composition shingle roof. All elevations are articulated with details such as balconies, wall plane variations, and a top floor stepback contributing to the articulation of the structure. The top/fourth floor is built within the roof of the structure to minimize mass and bulk while variations in roof forms create a transition from the surrounding multi-family structures to the south and east and single-family residential structures to the north and west. Balconies located on the north and south facades of the structure (away from the adjacent single-family residences) along with landscaping provide a buffer from the adjacent single-family residences minimize privacy impacts.

During staff review of the project in 2017, Mr. Cannon made recommendations to refine the building design. Though the applicant made some changes in response to Mr. Cannon's review, the applicant has declined to implement the following recommended design modifications:

- Elimination of the trellises on the top floor balconies
- Changing the column design to provide a more horizontal emphasis
- Differentiating the column and balcony color

Because those design recommendations are not "objective standards," the state Housing Accountability Act precludes the City from mandating those design changes. For informational purposes, photo renderings of the proposed project are included in [Attachment 5](#) and Mr. Cannon's design review letter, along with final design recommendations, is included in [Attachment 6](#).

Site Development Planning Application (Municipal Code Section 23.40)

A Site Development Planning Application (SDPA) is required for the proposed removal of twenty-two (22) trees with a diameter of six-inches or larger to accommodate the proposed development. The applicant has proposed to plant 16 new 24-inch box trees and 12 36-inch box trees on the property, including Crepe Myrtle, Gingko Biloba, Red Norway Maple, and Vine Maple. An additional 12 36-inch box street trees (four along each street frontage) will be placed along Engle Road, El Camino Real, and W. Santa Inez. The remainder of the required planting will be satisfied by paying the in-lieu fee, as required per the conditions of approval.

Parcel Merger and Vesting Tentative Map (VTM) (Municipal Code Chapter 26)

The proposed parcel merger to create one 10,763 square-foot parcel and the Vesting Tentative Map are in conformance with Chapter 26 (Subdivisions) of the San Mateo Municipal Code and the policies, ordinances, and standards in effect when the application was deemed complete in 2017.

Housing Accountability Act

Government Code Section 65589.5 outlines application review limitations for projects subject to the Housing Accountability Act (HAA). Since this development project consists of residential units only, it is subject to the HAA, which limits a local agency's ability to deny, reduce the density of, or render housing development projects infeasible if objective standards are met. The upper story stepback requirement from the City's Multi-family Design Guidelines is not an objective standard. Additionally, the local agency may only deny or reduce the density if certain findings pertaining to adverse impacts to codified, objective public health or safety standards are made.

PUBLIC COMMENTS:

Public comments received are included in [Attachment 14](#). No new public comments were submitted to City Staff as of the time that this report was published. Public comments received after publishing of this report will be forwarded to the City Council for review and consideration at the Public Hearing.

BUDGET IMPACT:

The proposed project is a private development that would not impact City funding.

ENVIRONMENTAL DETERMINATION:

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant Class 32, Section 15332, as an “In-Fill Development Project,” because the site is located within an urban setting on a site less than five-acres in size, contains no value as habitat for endangered, rare or threatened species; would continue to be served by all utilities and public services and is consistent with all applicable General Plan Policies and Zoning Code regulations. Furthermore, as conditioned, the project would not result in significant impacts related to traffic,¹ noise, and air or water quality.

NOTICE PROVIDED

In accordance with Government Code section 65090, notice of this public hearing was published in the Examiner newspaper at least ten days before this City Council meeting. In accordance with Government Code Section 65091 and the City’s Municipal Code noticing requirements, this public hearing was noticed to the following parties more than ten days in advance of this City Council meeting:

- Property owners, residential tenants and business tenants within 1,000 feet of the project site;
- The City’s “900 List”, which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in citywide planning projects;
- The City’s Planning “Notify Me” email list; and,
- The interested parties list, which includes interested individuals who contacted the City and requested to be added to the project notification list.

ATTACHMENTS

Att 1 – Proposed Resolution and Conditions of Approval

Att 2 – Historic Evaluation

Att 3 – Project Plans

Att 4 – Factual Data Sheet

Att 5 – Larry Cannon Design Review Memo

Att 6 – Photo Renderings

Att 7 – Previous Meeting Minutes

Att 8 – Arborist Report

Att 9 – Hexagon Traffic Impact Analysis

Att 10 – Hexagon Parking Analysis

Att 11 – Watry Parking Memo

Att 12 – Climate Action Plan (CAP) Consistency Checklist

Att 13 – Noise Study

Att 14 – Public Comments

STAFF CONTACT

Laura Richstone, Associate Planner

lrichstone@cityofsanmateo.org

(650) 522-7205

¹ With regard to traffic, staff conducted a “level of service” analysis and has also reviewed the project against the City’s Transportation Impact Analysis Guidelines, which were adopted in response to SB 743 which requires that traffic impacts be analyzed based on “vehicle miles traveled.” Per the Guidelines, the project is a “small project” generating less than 110 daily trips (54) and is therefore presumed to cause a less than significant traffic impact and is exempt from further “vehicle miles traveled” analysis.