

City of Burlingame

*Design Review, Hillside Area Construction Permit,
Special Permit, and Variance*

**Item No. 8a
Regular Action Item**

Address: 1549 Los Montes Drive

Meeting Date: October 12, 2021

Request: Application for Design Review and Hillside Area Construction Permit for a new, two-story single family dwelling, and Special Permit and Front Setback Variance for an attached garage.

Applicant and Architect: Erik Chan, Bay 9 Architects

APN: 027-014-060

Property Owner: Thomas Lo

Lot Area: 8,294 SF

General Plan: Low Density Residential

Zoning: R-1

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15303 (a) of the CEQA Guidelines, which states that construction of a limited number of new, small facilities or structures, including one single-family residence, or a second dwelling unit in a residential zone, is exempt from environmental review. In urbanized areas, this exemption may be applied to the construction or conversion of up to three (3) single-family residences as part of a project.

History: This project was initially reviewed by the Planning Commission on November 9, 2020 (see attached November 9, 2020 Planning Commission Minutes). At that time, the Commission referred the application to a design review consultant, noting several concerns with the design and exterior materials. The property owner then decided to hire a new architect for the project. The redesigned project was not reviewed by a design review consultant.

Project Description: The subject property is an interior lot. The applicant is proposing to demolish an existing one-story single family dwelling and detached garage to build a new, two-story single family dwelling and attached garage. The proposed house will have a total floor area of 3,731 SF (0.45 FAR) where 3,754 SF (0.45 FAR) is the maximum allowed.

The new single family dwelling will contain six bedrooms. Three parking spaces, two of which must be covered, are required on-site. Two covered parking spaces are provided in the attached garage (20' x 20' clear interior dimensions); one uncovered parking space (9' x 20') is provided in the driveway. Therefore, the project is in compliance with off-street parking requirements.

The applicant is also requesting a Special Permit and Front Setback Variance for the proposed two-car attached garage (27'-0" front setback proposed where 35'-0" is the minimum required for a two-car garage with one double-wide door).

The subject property is located in the Hillside Area and Code Section 25.61.020 of the Burlingame Municipal Code states that no new structure or any addition to all or a portion of an existing structure shall be constructed within the affected area without a Hillside Area Construction Permit. In addition, it states that review by the Planning Commission shall be based upon the obstruction by the construction of the existing distant views of nearby properties. Emphasis shall be given to the obstruction of distant views from habitable areas within a dwelling unit.

The applicant is requesting the following applications:

- Design Review for a new, two-story single family dwelling and attached garage (C.S. 25.57.010 (a) (1));
- Hillside Area Construction Permit for a new, two-story single family dwelling (C.S. 25.61.020);
- Special Permit for an attached garage (C.S. 25.26.035 (a)); and
- Front Setback Variance for an attached garage (27'-0" front setback proposed where 35'-0" is the minimum required) (C.S. 25.26.072 (2)(B)).

1549 Los Montes Drive

Lot Area: 8,294 SF

Plans date stamped: September 30, 2021

	PROPOSED	ALLOWED/REQUIRED
SETBACKS		
Front (1st flr): (2nd flr): (attached garage):	26'-7" 26'-7" 27'-0" ¹	26'-7" (block average) 26'-7" (block average) 35'-0"
Side (left): (right):	7'-6" 11'-9"	7'-0" 7'-0"
Rear (1st flr): (2nd flr):	24'-6" 57'-8"	15'-0" 20'-0"
Lot Coverage:	2,693 SF 32.5%	3,318 SF 40%
FAR:	3,731 SF 0.45 FAR	3,754 SF ² 0.45 FAR
# of bedrooms:	6	---
Off-Street Parking:	2 covered (20' x 20' clear interior) 1 uncovered (9' x 20')	2 covered (20' x 20' clear interior) 1 uncovered (9' x 20')
Building Height:	29'-0"	30'-0"
DH Envelope:	complies	C.S. 25.26.075

¹ Front Setback Variance required to attached garage).

² (0.32 x 8,294 SF) + 1,100 SF= 3,754 SF (0.45 FAR)

Summary of Proposed Exterior Materials:

- **Windows and Doors:** Fleetwood aluminum, dark bronze finish
- **Siding:** stucco, horizontal stone
- **Roof:** built-up roofing, gray gravel finish
- **Other:** glass guardrail

Staff Comments: None.

Design Review Study Meeting: At the Planning Commission Design Review Study meeting on August 23, 2021, the Commission had several comments and suggestions regarding this project and voted to place this item on the Regular Action Calendar when all information has been submitted and reviewed by the Planning Division (see attached August 23, 2021 Planning Commission Minutes).

The following is a summary of the Commission's comments/suggestions from the Design Review Study meeting:

- Story poles required to be installed;
- Revise Variance findings;

- Reduce the size of the deck and provide privacy screening or planting;
- Remove access to the deck from stairs;
- Reconsider placement of Western Redbud tree at the front;
- Clarify drafting details, 3D rendering needs to be consistent with the plans; and
- Show how downspouts/drainage will be incorporated into the roof.

The applicant submitted a response letter (see attachments), dated September 30, 2021, and revised plans, date stamped September 30, 2021, to address the Planning Commission's comments.

Design Review Criteria: The criteria for design review as established in Ordinance No. 1591 adopted by the Council on April 20, 1998 are outlined as follows:

1. Compatibility of the architectural style with that of the existing character of the neighborhood;
2. Respect for the parking and garage patterns in the neighborhood;
3. Architectural style and mass and bulk of structure;
4. Interface of the proposed structure with the structures on adjacent properties; and
5. Landscaping and its proportion to mass and bulk of structural components.

Suggested Findings for Design Review: That the architectural style, mass and bulk of the proposed structure (featuring proportional plate heights, aluminum windows and doors, stucco and horizontal stone siding), including the design of the attached garage, is compatible with the character of the neighborhood and that the windows and architectural elements of the proposed structure are placed so that the structure respects the interface with the structures on adjacent properties. For these reasons, the project may be found to be compatible with the requirements of the City's five design review criteria.

Required Findings for Hillside Area Construction Permit: Review of a Hillside Area Construction Permit by the Planning Commission shall be based upon obstruction by construction of the existing distant views of nearby properties. Emphasis shall be given to the obstruction of distant views from habitable areas within a dwelling unit (Code Sec. 25.61.060).

Suggested Findings for Hillside Area Construction Permit: That the site is located on a sloping lot, which slopes upward from front to rear by approximately eight feet along the right side and seven feet along the left side, with the bulk of the second story addition towards the front of the property within the lower slope of the lot, and that the front elevation interfacing with the street still appears as mostly a single story, the surrounding properties will not be impacted by the proposed new construction; that the two-story portion of house is located along the lower portion of the site therefore would minimize any impacts on long distant views. For these reasons, the project does not obstruct distant views from habitable areas with nearby dwelling units and therefore the project may be found to be compatible with hillside area construction permit criteria.

Findings for a Special Permit: In order to grant a Special Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.51.020 a-d):

- (a) The blend of mass, scale and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the existing street and neighborhood;
- (b) The variety of roof line, facade, exterior finish materials and elevations of the proposed new structure or addition are consistent with the existing structure, street and neighborhood;
- (c) The proposed project is consistent with the residential design guidelines adopted by the city; and
- (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 is appropriate.

Suggested Special Permit Findings (Attached Garage): That the proposed attached garage is consistent with the garage pattern in the neighborhood which consists of attached garages and that the proposed design of the garage is integrated well into the proposed structure. For these reasons, the project may be found to be compatible with the design review and special permit criteria listed above.

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.

Suggested Variance Findings: That the proposed attached garage is setback from property line by 27'-0" and is compatible with the front setback block average (26'-7"); that the extraordinary circumstance is that there is a distance of 13'-3" from the street curb to the front property line making the attached garage setback from the street by 40'-3" which exceeds the required setback from front property line of 35'-0"; that the attached garage is situated in the lower level of the house so that the interface with the street is not prominent and the use is therefore compatible with surrounding properties and will not be detrimental to the public health, safety, general welfare or convenience of properties in the general vicinity. For these reasons, the 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 30, 2021, sheets A-1 through A-5.0, L1 and topographic survey plan;
- 2. 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);
- 3. that any changes to the size or envelope of the basement, first or second floors, or garage, which would include adding or enlarging a dormer(s), shall require an amendment to this permit;
- 4. that any recycling containers, debris boxes or dumpsters for the construction project shall be placed upon the private property, if feasible, as determined by the Community Development Director;
- 5. that demolition for 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;
- 6. 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;

7. that all air ducts, plumbing vents, and flues shall be combined, where possible, to a single termination and installed on the portions of the roof not visible from the street; and that these venting details shall be included and approved in the construction plans before a Building permit is issued;
8. 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;
9. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, in effect at 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:

10. that prior to scheduling the framing inspection the applicant shall provide a certification by the project architect or residential designer, or another architect or residential design professional, that demonstrates that the project falls at or below the maximum approved floor area ratio for the property;
11. that prior to scheduling the foundation inspection, a licensed surveyor shall locate the property corners, set the building footprint and certify the first floor elevation of the new structure(s) based on the elevation at the top of the form boards per the approved plans; this survey shall be accepted by the City Engineer;
12. that prior to scheduling the framing inspection the project architect or residential designer, or another architect or residential design professional, shall provide an architectural certification that the architectural details shown in the approved design which should be evident at framing, such as window locations and bays, are built as shown on the approved plans; architectural certification documenting framing compliance with approved design shall be submitted to the Building Division before the final framing inspection shall be scheduled;
13. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division; and
14. 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.

'Amelia Kolokihakaufisi
Associate Planner

- c. Erik Chan, Bay 9 Architects, applicant and architect
Thomas Lo, property owner

Attachments:

August 23, 2021 Planning Commission Minutes
Applicant's Response Letter to Commission, received September 30, 2021
Revised Variance Application, received September 30, 2021

Story Pole Plan

Story Pole Certification Form, dated September 30, 2021

Letter from Neighbor via email, received October 4, 2021

Received After, dated August 23, 2021

November 9, 2020 Planning Commission Minutes

Application to the Planning Commission

Special Permit Application

Variance Application

Letter from Neighbor via email, received August 17, 2021

Planning Commission Resolution (proposed)

Notice of Public Hearing – Mailed October 1, 2021

Area Map