



**PROJECT LOCATION**  
12 Vista Lane

# City of Burlingame

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

<b>Item No. 8c Action Item</b>
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**Address:** 12 Vista Lane

**Meeting Date:** April 27, 2015

**Request:** Application for Design Review, Hillside Area Construction Permit and Special Permits for declining height envelope and attached garage for a new, two-story single family dwelling with an attached two-car garage.

**Applicant and Designer:** Dreiling Terrones Architecture, Inc.

**APN:** 027-093-320

**Property Owner:** Jiangnang Zhang

**Lot Area:** 10,537 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), 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, up to three single-family residences maybe constructed or converted under this exemption.

**History:** At its meeting of February 16, 2010, the City Council approved an application for Tentative and Final Parcel Map for a lot split, Negative Declaration and Variance for lot frontage for creation of two lots with 55-foot wide street frontage where 60 feet of street frontage is required at 12 Vista Lane, located within a single family residential (R-1) zone (see attached Resolution No. 14-2010).

At its meeting on January 24, 2011, the Planning Commission approved an application for Design Review, Hillside Area Construction Permit and Special Permit for attached garage for a new, two story single family dwelling with an attached garage on a vacant parcel at 8 Vista Lane (adjacent to 12 Vista Lane). The building permit for construction of the house was finaled on July 27, 2012.

The proposed project was originally scheduled to be reviewed by the Planning Commission as a design review study item on August 11, 2014. However, based on concerns expressed by a neighboring property owner regarding grading and retaining walls installed at the rear of the site without a building permit, the item was pulled from the agenda until the applicant could address these issues.

The properties at 8 and 12 Vista Lane have been owned by the same property owner for several years. It appears that during construction of the project at 8 Vista Lane (adjacent parcel), soil from 8 Vista Lane was deposited on the vacant parcel at 12 Vista Lane, which raised the grade on the parcel by approximately 1 to 10 feet towards the rear of the property. The original grade is shown on the survey prepared by MacLeod and Associates and the current grade is shown on the survey prepared by Dylan Gonsalves. These surveys are located at the end of the plan set. At the same time, two retaining walls along the rear of 8 Vista Lane were extended across the rear of 12 Vista Lane. There were no permits issued for either the grading or for the two retaining walls. In reviewing the proposed project, the Planning Commission should not consider the raised grade or the retaining walls across the rear of the property as existing conditions. Since August 2014, the project has been revised to reflect the lower original grade.

The Community Development Department determined that while this application is being processed, the applicant does not need to return the site to its original condition by removing the soil and retaining walls. However depending on the outcome of this application, the applicant will be required to either return the site to its original condition or obtain the necessary permits for any grading or retaining walls to remain.

**Summary:** The following description is based on the original grade of the site, as shown on the Vesting Tentative and Final Parcel Map, prepared by MacLeod and Associates, dated July 6, 2007. The existing vacant lot at 12 Vista Lane measures 10,537 SF in area. The lot is located within the City of Burlingame boundaries but is surrounded by properties located in San Mateo County (unincorporated land). Based on an average of the property corners, the lot slopes downward approximately 24 feet from front to rear (13% slope). At the front of the property, the lot has a cross-slope of approximately seven feet. Due to the downward slope on the subject property, the house will appear to be single-story as viewed from Vista Lane. However, at the rear of the lot the house will be two stories in height.

The applicant is proposing to build a new, two-story single family dwelling and attached two-car garage. The proposed house and attached garage will have a total floor area of 4,242 SF (0.40 FAR) where 4,472 SF (0.42 FAR) is the maximum allowed. The project was reduced by 131 SF (39 SF on the lower level and 92 SF on the upper level along the left side of the house) since the design review study meeting on March 9, 2015. The proposed project is 230 SF below the maximum allowed FAR and is therefore within 5% of the maximum allowed FAR.

The applicant is requesting a Special Permit for declining height envelope for the proposed attached garage and house along the left side property line; 115 SF (2'-5" x 50'-0" minus recess) along the left side of the structure extends beyond the declining height envelope. Planning staff would note that since the design review study meeting on March 9, 2015, the house along the left side property line was set back an additional 1'-10". As a result, the encroachment into the declining height envelope has been reduced from 207 SF (4'-3" x 50'-0" minus recess) to 115 SF (2'-5" x 50'-0" minus recess). On sheet A4.4 of the revised plans date stamped April 17, 2015, the applicant provides diagrams to show how the encroachment into the declining height envelope was reduced.

The proposed attached two-car garage will contain two, single-wide doors and will be set back 25'-0" from the front property line. The attached garage provides two covered parking spaces for the proposed five-bedroom house; one uncovered parking space (9' x 20') is provided in the driveway. The office room on the lower floor qualifies as a bedroom since it is enclosed, measures 70 SF and contains a window. Three parking spaces, one of which must be covered, are required for a five-bedroom house. All other Zoning Code requirements have been met. The applicant is requesting the following:

- 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 and attached garage (C.S. 25.61.020);
- Special Permit for declining height envelope along the left side property line (115 SF, 2'-5" x 50'-0" of the building extends beyond the declining height envelope) (CS 25.26.075 (a); and
- Special Permit for attached garage (C.S. 25.26.035 (a)).

An arborist report prepared by Mayne Tree Expert Company, Inc., dated April 30, 2014, was submitted with the initial application. The report evaluates the condition of the existing trees on the property and provides tree protection guidelines. There are three trees on the site, all of which are Coast Live Oaks. Two of the trees, which are not protected size, are proposed to be removed. The tree to remain (identified as Tree #1 in the report), is a four-stem Coast Live Oak located in the middle of the property. The report notes that "the 4 stems of this tree lean away from the center at their main attachment" and that "there is a moderate amount of interior deadwood in the canopy and excess end weight on the lateral limbs." The report recommends routine maintenance, which should include root crown excavation, deadwood removal, and end weight reduction. With this application, the applicant

is proposing to remove two of the stems located closer to the proposed house. The report notes that “the removal of the 2 southeast-leaning stems and the pruning of the stem to the southwest should increase circulation to the remaining canopy and potentially increase its vigor.” The report concludes that the remaining portion of the tree should survive with minimal stress.

Subsequently, the adjacent property owner at 16 Vista Lane, Mr. Arthur J. Thomas, expressed a concern regarding impacts from the proposed construction to Tree #1, and hired Walter Levison, a certified arborist, to prepare an arborist report (see attached arborist report, dated September 18, 2014). Mr. Levison concludes that “the subject tree is a native coast live oak in good overall condition which will be severely impacted by proposed site work at 12 Vista Lane, if the site plan is built out as proposed on the sheet reviewed by WLCA.” In addition, he notes that “construction as currently proposed will likely cause premature decline of the tree, and a decline in health and structure over time”.

The City’s Park Supervisor/City Arborist reviewed both arborist reports. In his Tree Evaluation, dated September 30, 2014 (see attached), the City Arborist discusses the findings in both reports and notes that both reports are reasonable. In the Tree Evaluation, the City Arborist notes that he “would also consider a third arborist report to evaluate this tree with respect to the Mayne and Levison reports, and with regards to future landscape and foundation installation.”

Based on that direction, the applicant submitted a third arborist report, prepared by Kielty Arborist Services, dated January 29, 2015 (see attached). The Kielty report concludes that “the tree will survive the trimming and the construction but will be slightly misshapen. The new building will shade the trunk helping to prevent sun scald on the exposed trunks. The tree should be inspected by an arborist regularly and maintained as needed. Powdery mildew and decay at the base are always a concern when heavier than normal trimming is carried out on a coast live oak.” The City Arborist reviewed and accepted Kielty’s arborist report and had no further comments.

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**12 Vista Lane**

Lot Area: 10,537 SF

Plans Date Stamped: April 17, 2015

	<b>PREVIOUS (2.13.15 plans)</b>	<b>CURRENT (4.17.15 plans)</b>	<b>ALLOWED/REQ'D</b>
<b>SETBACKS</b>			
<b>Front (1st flr):</b>	22'-6" to solar shade	no change	15'-0"
<b>(2nd flr):</b>	39'-6" to balcony	no change	20'-0"
<b>(garage):</b>	25'-0" <sup>1</sup>	no change	25'-0" (side by side)
<b>Side (right):</b>	6'-0"	no change	6'-0"
<b>(left):</b>	6'-0"	7'-10"	6'-0"
<b>Rear (1st flr):</b>	71'-0" to wing wall	no change	15'-0"
<b>(2nd flr):</b>	15'-6" to balcony pool wall 77'-6" to balcony	no change	20'-0"
<b>Lot Coverage:</b>	3887 SF 36.8%	3795 SF 36%	4,215 SF 40%
<b>FAR:</b>	4373 SF 0.41 FAR	4242 SF 0.40 FAR	4472 SF 0.42 FAR <sup>2</sup>
<b># of bedrooms:</b>	5	no change	---
<b>Off-Street Parking:</b>	2 covered (20'-0" x 20'-0") 1 uncovered (9'-0" x 20'-0")	no change	2 covered (20'-0" x 20'-0") 1 uncovered (9'-0" x 20'-0")
<b>Height:</b>	9'-4"	8'-10"	30'-0"
<b>DH Envelope:</b>	structure extends 207 SF beyond DHE along left side <sup>3</sup>	structure extends 115 SF beyond DHE along left side <sup>3</sup>	CS 25.26.075

<sup>1</sup> Special Permit for an attached garage (C.S. 25.26.035 (a)).

<sup>2</sup> (0.32 x 10,537 SF) + 1,100 SF = 4,472 SF (0.42 FAR)

<sup>3</sup> Special Permit for declining height envelope along the left side property line (115 SF, 2'-5" x 50'-0" of the building extends beyond the declining height envelope).

**Staff Comments:** See attached comments from the Building, Engineering, Parks, Fire and Stormwater Divisions.

**Design Review Study Meeting:** At the Planning Commission Design Review Study meeting on March 9, 2015, the Commission had several comments and concerns with the project and placed the item on the regular action calendar when the plans had been revised as directed (see attached March 9, 2015 Planning Commission Minutes). Please refer to the attached meeting minutes for a complete list of concerns expressed by the Planning Commission.

The applicant submitted a response letter, dated April 8, 2015 and revised plans, dated April 17, 2015, to address the Commission's suggestions and comments. Please refer to the applicant's letter for a detailed list of changes made to the project.

Several revisions to the project were made to address the concerns of the neighbor to the left including 1) increasing the setback along the left side property line an additional 1'-10" (from 6'-0" to 7'-10"), 2) lowering the plate height in the garage from 12'-0" to 9'-0" and on the upper floor of the house from 10'-0" to 9'-6", and 3) reducing the height of the parapet of the house by 0'-6" and the parapet of the garage by 2'-6". As a result, the encroachment into the declining height envelope has been reduced from 207 SF (4'-3" x 50'-0" minus recess) to 115 SF (2'-5" x 50'-0" minus recess). On sheet A4.4 of the revised plans date stamped April 17, 2015, the architect provides diagrams to show how the encroachment into the declining height envelope was reduced. In addition, the overall height of the building, as measured from the average top of curb level, was reduced from 9'-4" to 8'-10", the lot coverage was reduced from 3,887 SF (36.8%) to 3,795 SF (36%) and the floor area ratio was reduced from 4,373 SF (0.41 FAR) to 4,242 SF (0.40 FAR).

Color renderings of the proposed project were included in the revised plan set, date stamped April 17, 2015; they are stapled to the back of the plan set.

The story poles were adjusted to reflect the current changes to the project. A story pole plan was prepared by the project architect (see attached story pole plan, date stamped April 21, 2015). The story pole installation was certified by DMG Engineering, Inc. (see attached certification dated April 21, 2015).

**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 structure, featuring horizontal wood siding on the main floor and board form architectural concrete siding on the lower floor, metal awnings above select windows and above the garage doors, aluminum clad wood windows, varied plate heights, aluminum balcony railings and a flat roof, is compatible with the existing character of the neighborhood; that the proposed attached garage is consistent with the parking and garage patterns in the neighborhood; 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; and that the proposed landscape plan, which includes retaining an existing Coast Live Oak located in the middle of the property and incorporating plants, hedges and trees at locations so that they help to provide privacy, is compatible with the existing neighborhood, 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 proposed single family dwelling structure is designed in such a way that it steps downward with the existing slope on the lot, that the proposed structure measures 8'-10" in height as measured from average top of curb level to the highest point on the roof and that the structure contains a flat roof, 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):

1. 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;
2. 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;
3. the proposed project is consistent with the residential design guidelines adopted by the city; and
4. 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 (Declining Height Envelope):** That because of the downward slope of the lot, the point of departure for the declining height envelope is calculated to be 13'-4" below the finished floor of the main floor of the house therefore causing the proposed structure along the left side property line to extend 2'-5" into the declining height envelope, that the encroachment is consistent with the design and that the portion of the wall which extends into the declining height envelope is broken up by varied plate heights, three windows, a recessed wall and an opening into a balcony, therefore the project may be found to be compatible with the special permit criteria.

**Special Permit Findings (Attached Garage):** That the proposed two-car garage is consistent with the garage pattern in the neighborhood, that the attached garage complies with the off-street parking requirement for the project and is located 25'-0" back from the front property line, that the garage contains black anodized frame doors with etched glass and is integrated into the architecture of the house by using horizontal wood siding and a metal awning which is consistent with the rest of the house, and that no existing trees located within the footprint of the garage will be removed, the project is found to be compatible with the special permit criteria listed above.

#### **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 April 17, 2015, sheets A0.0 through A5.2, L1.1, L1.2, AR1.0, AR2.0 and G1.0;
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 first or second floors, or garage, which would include adding or enlarging a dormer(s), shall require an amendment to this permit;
4. that a certified arborist shall be on site during any grading or digging activities that take place within the designated tree protection zones, including the digging of the pier holes for the pier and grade beam foundation and digging for removal or installation of any utilities;

5. that the property owner shall be responsible for implementing and maintaining all tree protection measures and trimming instructions as defined in the arborist report prepared by Kielty Arborist Services, dated January 29, 2015. All tree protection measures shall be taken prior to beginning any tree removal activities, grading or construction on the site;
6. that a licensed arborist, hired by the applicant, shall inspect the construction site once a week or more frequently if necessary and certify in writing to the City Arborist and Planning Division that all tree protection measures are in place and requirements are being met;
7. that a licensed arborist shall provide a post-construction maintenance program to the property owners with instructions on how to maintain the Coast Live Oak tree and identify warning signs of poor tree health; the property owners shall be responsible for the maintenance of the tree for 3 years after construction is finalled by the City;
8. that all clearing limits, easements, setbacks, sensitive or critical areas, buffer zones trees, and drainage courses are clearly delineated with field markers or fencing installed under the supervision of a licensed arborist and inspected by the City Arborist; and that adjacent properties and undisturbed areas shall be protected from construction impacts with vegetative buffer strips, sediment barriers or filters, dikes or mulching as designed by and installed with the supervision of a licensed arborist to standards approved by the City Arborist
9. that the conditions of the Building Division's July 7, 2014 and May 9, 2014 memos, the Parks Division's February 26, 2015, February 3, 2015, July 8, 2014 and May 12, 2014 memos, the Engineering Division's June 19, 2014 memo, the Fire Division's May 12, 2014 memo and the Stormwater Division's May 15, 2014 memo shall be met;
10. 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;
11. 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;
12. 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;
13. 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;
14. 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;
15. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2013 Edition, 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:**

16. 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;
17. 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;
18. 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;
19. 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
20. 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  
Senior Planner

- c. Jacob Furlong, Dreiling Terrones Architecture Inc., applicant  
Jiangnang Zhang, property owner

Attachments:

Applicant's Response Letter, dated April 8, 2015  
March 9, 2015 Planning Commission Minutes  
Story Pole Certification and Plan, date stamped April 21, 2015  
Story Pole Certification and Plan, date stamped March 6, 2015  
Letter submitted by Arthur J. and Eileen A. Thomas, dated March 9, 2015  
Application to the Planning Commission  
Special Permit Forms  
Resolution No. 14-2010 approving the Lot Split at 12 Vista Lane  
Letter from architect to neighbors at 16 Vista Lane, dated August 5, 2014  
Copy of easement document and attachments for vegetation and structure height limitations for owners of 16 Vista Lane on 12 Vista Lane property  
Arborist Report prepared Kieilty Arborist Services, dated January 29, 2015  
Tree Evaluation prepared by Bob Disco, Park Supervisor/City Arborist, dated September 30, 2014  
Arborist Report prepared by Walter Levison, dated September 18, 2014, included with letter submitted by Arthur J. Thomas, dated September 22, 2014  
Arborist Report prepared by Mayne Tree Expert Company, Inc., dated April 30, 2014  
Letter and Attachments from Tatiana Chekasina, dated August 8, 2014  
Email from Arthur J. and Eileen A. Thomas, dated August 8, 2014  
Email from Michelle and Eduardo Menendez, dated August 8, 2014

Attachments:

Staff Comments  
Planning Commission Resolution (Proposed)  
Notice of Public Hearing – Mailed April 17, 2015  
Aerial Photo