



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, December 10, 2018

7:00 PM

Council Chambers

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- b. 1245 Cabrillo Avenue, zoned R-1 - Application for Amendment to Design Review for changes to a previously approved first and second story addition to an existing single family dwelling and new detached garage. This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (a). (Eric and Jennifer Lai, applicants and property owners; Chu Design Associates Inc., designer) (113 noticed) Staff Contact: Ruben Hurin

*Commissioner Kelly was recused from this item as he lives within 500 feet of the subject property.*

*All Commissioners had visited the project site. Commissioner Comaroto indicated that she had met with the adjacent neighbor to the south. Commissioner Sargent indicated that he had also met with the adjacent neighbor to the south and the applicant.*

*Planning Manager Hurin provided an overview of the staff report.*

- > *Understand that the applicant was directed to stop work on the nonconforming wall. Was a stop work order issued for the entire project? (Hurin: The Building Division issued a partial stop work order for the nonconforming wall along the left side of the house; applicant was allowed to work on the remaining portion of the house at their own risk.)*
- > *On existing walls that are located within the required setback, how much of the wall can be removed before it needs to conform to current code setback requirements? (Hurin: The foundation and framing needs to be kept; the exterior siding and drywall may be removed.)*
- > *It appears that the framing between foundation and lower floor on a portion of a nonconforming wall at the front of the house has been replaced, so it that considered to be a wall replacement and therefore subject to current code requirements? (Hurin: Planning and Building Division staff would need to review the details of what has been replaced in order to determine if it is considered to be a new wall.)*

*James Chu, represented the applicant, along with Eric Lai, property owner.*

### *Commission Questions/Comments:*

- > *You are proposing to comply with the required side setback of four feet along the left side property line and to maintain the existing plate height by changing the roof pitch to accommodate the narrower house width, correct? (Chu: Correct.)*
- > *The cripple wall along the living room at the front of the house has been replaced. The floor framing in this area is rotted as well and the window header will need to be replaced. It appears that most of the living room wall will need to be replaced. (Chu: The original purpose of preserving the existing wall was to retain the existing nonconforming front setback; could reframe the wall to make the house better.)*
- > *Who is maintaining responsible control over the work site and its current condition? (Chu: The contractor is the person responsible over the work site. Designer has not been hired to oversee the project during construction.) Is the contractor present tonight? (Chu: No.)*
- > *Would like to note that there are several conditions of approval that require milestones to be verified both by the surveyor and architect, so there are multiple people involved.*
- > *At various points during construction, certain verifications are required. Concerned that property*

owners don't do this for a living, so they are at the mercy of the contractor and professionals completing the construction. Concerned that the contractor has made a gaffe like this and still expected that they will maintain control. (Chu: One of the conditions of approval includes that prior to the framing inspection, a professional needs to inspect the construction to make sure that the architectural elements are built according to the approved plan and that the project is in compliance with FAR. In this case, everything happened during the demolition stage, prior to requiring any sort of verification.)

> Moving forward, what gives us the confidence that whatever gets approved will be built? Not feeling confident about that right now. (Chu: Contractor is a local developer who has lived in Burlingame for many years and has built several new homes in Burlingame. However, he may not have had experience with a remodel/addition project as detailed as this, requiring existing nonconforming walls to be retained.)

> Is contractor licensed? (Chu: Yes.) (Lai: Asked contractor to attend the meeting tonight, but he did not come.)

> When originally approved project, quite a bit of the house was going to remain. There were a lot of pre-existing conditions, including the setbacks and plate heights which were in place but not being specifically reviewed. Can't see us approving a nearly 10-foot plate height on a raised floor. Have you looked at lowering the plate height to 9 feet? (Chu: Yes, we can consider doing that if it would help us get an approval.)

> On the proposed Left Elevation, there is a window well towards the rear of the house with a shoulder on the Rear Elevation, so it may force the end window in a bit. Shoulder on long, tall gable along left side will be fine because it will help dormers settle into the roof. But will be limited with gabled dormer towards the front of the house along the left side with how much roof you have cutting into just below the sill. May want to think about reducing the height of the windows, making them smaller, so you have enough roof to cut into the bottom dormer and bring up the bottom edge up a bit. (Chu: Yes, will consider doing that.)

> Did you see letter from Sally Brown and Philip Ross regarding stabilizing the creek at the rear of the lot for construction of the garage? (Chu: Yes, we made some changes to the foundation of the garage, instead of a spread footing will be using a pier and grade beam foundation to disturb less of the soil in the area. There is also erosion control in place.)

> Will there be a soils report submitted? Who would validate the stabilization of the creek? (Lai: Hired Precision Engineering to prepare the soils report.) (Hurin: The Engineering Division is reviewing this issue and will contact the applicant if any additional measures are required.)

#### Public Comments:

Frank and Robin Knifsend, 1243 Cabrillo Avenue: Appreciate modifications made, but the changes are small and don't directly address key concerns about the massing and scale of the project. From our view the house is massive and is built to the maximum allowed criteria. One of the biggest issues we have is that we don't trust the plans, there are many inconsistencies. The path they took to get to this point was making misleading statements directly to us, as well as in the planning process, about keeping the existing structure. 85% or more of the existing structure is gone and down to the subfloor, that's a pretty big accident that took place of several weeks. There are a lot of call-outs on the plans and labeled existing on the proposed structure, and would content that not one element on the back 80% of the house is to the original existing floor heights, ceiling heights, and plate heights. On proposed building elevations, indicated plate height lines don't match to what is drawn. Took them at their word, see the proposed plans with many references to existing conditions, used the existing structure as a story board for the plans that they were going to build. Now see what has actually been framed, measured wall myself and determined that it was built one foot taller than approved. Concerned with what the plans do and don't shown, questionable communication from the applicant, and what the contractor has done up to this point. Don't have a lot of confidence going forward that we're not going have this massive structure next to us.

Gene Bordegaray, neighbor across the street: Realize there have been some mitigations measures to try to get the project back into conformance. However, in looking at the proposed plan, the massing of the wall adjacent to the left side neighbor is huge, measuring 25 feet tall and 50 feet long and only 4 feet away from the fence. Can't really appreciate how that will look because there is nothing to show us that right now. Suggest installing story poles and netting to show massing along left side property line to give a

*better sense of how intrusive that wall will be from their side of the property line.*

*Bill Howell, 1424 Benito Avenue: When we remodeled house, our contractor made us to stick to the rules. This is an intimidating process, but there is a fundamental trust that when plans are approved, one expects that the house will be built as shown on the approved plans; most people abide by that rule. Was at neighbor's house and saw the wall near the fence, doesn't feel natural because it's so high relative to the driveway.*

*Chair Gaul closed the public hearing.*

*Commission Discussion:*

- > Glad to be reviewing these revisions and not the revisions previously proposed. Also glad to see that the intent is to comply with the side setback.*
- > What is before us now is simply an amendment to design review. However, there some revisions that could possible occur, but also additional information needs to be shown and corrected on the plans so that we know what we're approving.*
- > Moving forward, as standard procedure there will need to be certification of the framing provided by a professional confirming that what has been built is consistent with the approved plans.*
- > House is approximately 5 feet above adjacent grade and is similar to other houses nearby. Houses to the right and left are elevated above grade. So project would benefit from reducing the plate height to 9 feet.*
- > Would like to see exactly what plate height we are being asked to consider for the dormers on the second floor, because we have an indication on the drawings that say 8'-1" but it says "existing top plate", however if that top plate no longer exists it doesn't matter. Need to clarify plate of dormers on second floor; needs to be corrected and made accurate so that everyone knows what were are reviewing and approving as the project moves forward.*
- > Not prepared at this point to move forward with an approval, but am accepting of the general intent of the changes proposed along the left side of the house to bring it into compliance with setback requirements.*
- > Concerned with the way the dormers are treated on the second floor along left side in that it creates another tall, flat surface; caused by window wells to make windows taller. Suggest that the roof slope run up to hit the wall and windows be made smaller. It would appear to be a much smaller wall if the vertical surface stopped at a certain point, the roof sloped away, and the windows were in a small wall that was pushed way back on the roof. As proposed, the window wells that are cut out are exposing a tall wall on top of another tall wall. Dormers along left side of house need to be rethought to reduce the apparent height of the wall.*
- > Agree with most comments made. However, not convinced that the design of the dormers need to be rethought if they are in compliance with code requirements.*
- > Provide at least one section to understand what is happening on the second floor.*
- > Correct drafting error for plate height shown at family room, shown at 9'-0" but building elevations still show it at 9'-10".*
- > Nonconforming front wall also needs to be addressed since the required front setback is several feet further back.*
- > Left side elevation is tall and flat, so would like to see some articulation there.*
- > Concerned about front wall; Planning and Building Divisions should review how much has been done to the wall; may need to apply for a Variance to retain it.*
- > Would be helpful to have the contractor frame an 8 foot section of wall with a 9 foot plate height to give the Commission and neighbors a visual of what is being proposed.*
- > Disappointed that this house got this far away from the original house.*

**Commissioner Sargent made a motion, seconded by Commissioner Terrones, to continue the application with the following direction:**

- > Request that staff investigate the front wall and determine whether a variance or change is**

required.

- > Reduce plate height to 9 feet.
- > Provide additional details on the plans as requested during the discussion.
- > Provide building section through the dormers to provide a clear understanding of the massing in this area.

**Commission Discussion:**

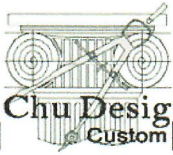
- > Would like to reiterate concern of apparent height of the dormer wall due to the window wells. It might be fine to cut a section through there, but would like applicant to really consider refining the dormers.

**The motion carried by the following vote:**

**Aye:** 6 - Sargent, Loftis, Comaroto, Gaul, Terrones, and Tse

**Recused:** 1 - Kelly





Chu Design Associates Inc.  
Custom Home Design & Engineering

December 18, 2018

City of Burlingame  
Planning Commission  
501 Primrose Rd  
Burlingame, CA 94010

RECEIVED

DEC 19 2018

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Re: New residence at  
1245 Cabrillo Ave  
Burlingame, CA 94010

Dear Planning Commissioner:

We have made the following changes per your request/comments:

1. First floor ceiling/plate height is now 9'-0" for entire house.
2. Second floor plate height is 8'-1", except bathroom #2 which is 8'-2".
3. Windows at left side of master bedroom has been reduced to accommodate more roof and less wall.
4. Overall roof pitch has been redesigned to accommodate more consistent plate height at 2nd floor.
5. Sections thru dormer are provided.

As to the front living room wall, the framer/contractor has confirmed there were 3 cripple studs replaced, therefore we believed this would qualify as an existing wall without a variance application.

Thank you for your time in reviewing the revised plan, we will be happy to answer any question at the meeting.

Sincerely,

*James Chu*

James Chu  
Chu Design











COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT

January 10, 2019

RECEIVED AFTER  
Agenda Item 8f  
1245 Cabrillo Avenue  
01.14.19 PC Meeting

Dear Planning Commissioners:

I'd like to respond to my neighbor's letter dated on January 8, 2019. We are trying our best to address their concerns. Following the design review comments from the planning commissioners, we are rebuilding the entire left side of the house, modifying the second story to reduce massing and lowering the first floor plate height to 9 foot. The first and second story extension toward the rear of the property complies with all zoning requirements. The existing elevated floor matches the pattern of similar homes in the neighborhood.

The current redesign conforms to all zoning requirements. Please keep these changes in your consideration and approve the current proposal and allow us to move forward with the project.

Respectfully,

Eric and Jennifer Lai

X Eric Lai

RECEIVED

JAN 10 2019

CITY OF BURLINGAME  
CDD-PLANNING DIV.





# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, February 12, 2018

7:00 PM

Council Chambers

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- c. 1245 Cabrillo Avenue, zoned R-1 - Application for Design Review and Special Permit for building height for a first and second story addition to an existing single family dwelling and new detached garage. The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15301 (e)(1) of the CEQA Guidelines. (Chu Design Associates Inc., applicant and designer; Eric and Jennifer Lai, property owners) (58 noticed) Staff Contact: Ruben Hurin

*All Commissioners had visited the property. There were no ex-parte communications to report. Commissioner Kelly was recused from the discussion as he resides within 500-feet of the property; he left the dais and the chambers.*

*Community Development Director Meeker provided an overview of the staff report.*

*Questions of Staff:*

*There were no questions of staff.*

*Chair Gum opened the public hearing.*

*James Chu represented the applicant.*

*Commission Questions/Comments:*

- > *With respect to the left elevation, second floor; the master bedroom and master bath appear co-planar on the floor plan, but not on the elevation. (Chu: is cutting a well into the roof plan.)*
- > *Noted that the well would only be under the two tall windows.*
- > *Need to prepare a roof plan that more accurately shows the detail of the roof well on the left elevation.*

*Public Comments:*

*There were no public comments.*

*Chair Gum closed the public hearing.*

*Commission Discussion:*

- > *Is a nice project. Appreciates that the applicant is retaining the existing siding. The revisions are nicely done.*
- > *Need an FYI to finalize the roof plan on the left elevation, second story.*
- > *Well articulated project.*

**Commissioner Loftis made a motion, seconded by Commissioner Sargent, to approve as the application with the added condition that a revised roof plan shall be submitted as an FYI. Chair Gum called for a voice vote, and the motion carried by the following vote:**

**Aye:** 8 - Gum, Gum, Gaul, Gaul, Terrones, Sargent, Loftis, and Comaroto

**Recused:** 1 - Kelly



COMMUNITY DEVELOPMENT DEPARTMENT • 501 PRIMROSE ROAD • BURLINGAME, CA 94010  
p: 650.558.7250 • f: 650.696.3790 • www.burlingame.org

## APPLICATION TO THE PLANNING COMMISSION

Type of application:

☒ Design Review      ☐ Variance      ☐ Parcel #: 026-171-050  
☐ Conditional Use Permit      ☐ Special Permit      ☐ Zoning / Other: \_\_\_\_\_

PROJECT ADDRESS: 1245 CABRILLO AVE.

### APPLICANT

Name: CHU DESIGN ASSOCIATES  
Address: 55 W. 43RD AVE.  
City/State/Zip: SAN MATEO, CA 94403  
Phone: 650-345-9286 x104  
E-mail: james@chudesign.com

### PROPERTY OWNER

Name: ERIC & JENNIFER LAI  
Address: 1245 CABRILLO AVE.  
City/State/Zip: BURLINGAME, CA  
Phone: \_\_\_\_\_  
E-mail: jenericlai@yahoo.com

### ARCHITECT/DESIGNER

Name: JAMES CHU  
Address: 55 W. 43RD AVE.  
City/State/Zip: SAN MATEO, CA 94403  
Phone: 650-345-9286 x104  
E-mail: james@chudesign.com

Burlingame Business License #: 22684

### Authorization to Reproduce Project Plans:

I hereby grant the City of Burlingame the authority to reproduce upon request and/or post plans submitted with this application on the City's website as part of the Planning approval process and waive any claims against the City arising out of or related to such action. JC (Initials of Architect/Designer)

PROJECT DESCRIPTION: EXISTING RESIDENCE ADDITION & REMODEL W/ DETACHED 1-CAR GARAGE

AFFIDAVIT/SIGNATURE: I hereby certify under penalty of perjury that the information given herein is true and correct to the best of my knowledge and belief.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

I am aware of the proposed application and hereby authorize the above applicant to submit this application to the Planning Commission.

Property owner's signature: Eric Lai Date: 4/13/17

Date submitted: 4.17.17





November 30, 2018

City of Burlingame  
Planning Commission  
501 Primrose Rd  
Burlingame, CA 94010

RECEIVED

NOV 30 2018

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Re: 1<sup>st</sup> & 2<sup>nd</sup> story addition/remodel at  
1245 Cabrillo Ave  
Burlingame, CA 94010

Dear Planning Commissioner:

The above reference project was approved earlier this year with non-conforming left side setback. But during construction the contractor accidentally removed more than 50% of existing walls which triggered the variance application. After more discussion and reviewed a letter from our adjacent neighbor, the owner has decided to completely rebuild the left side of the proposed to comply with 4 feet minimum setback. Here is the summary of the proposed changes:

1. Rebuild entire left side of the proposed project at first floor to comply with 4 feet minimum setback.
2. Reduce the size of window in both kitchen and dining room. This will minimize the privacy concern.
3. Reduce the plate height at dining room to 9 feet.
4. Added couple more downspouts along the left side, to prevent rain water over flow to left side neighbor.

Thank you for your time in reviewing the revised plan, we will be happy to answer any question at the meeting.

Sincerely,

*James Chu*

James Chu  
Chu Design

Dear Commissioners:

Upon review of the Dec. 19, 2018 date stamped design package for 1245 Cabrillo, we ask that you do not approve this project design revision without further changes.

We share the goal of the owners and neighborhood of wanting to get this project completed quickly. We appreciate the design changes respecting the left side setback, and lowering the 1st Floor Ceiling to 9'. While most proposed modifications in this revision are improvements, the design still requires changes to deal with the height, length, and mass issues that were raised in the Dec. 10 Planning Commission meeting. In addition, the revisions do not fully incorporate the suggestions that Commissioners provided to reduce mass and improve what is a new house design.

We ask that some important remaining issues be addressed by the following changes to the design before approval:

1. Do not Allow the proposed additional 2'8" wall extension (1st Floor Left Rear)
  - a. This bigger wall eliminates the last open "airspace" on shared property line - See Exhibit 1 and our letter dated Dec. 4, 2018.
  - b. A wall increase aggravates the large monolithic vertical wall of ~ 51 feet x 12-14 feet high
2. Reduce the impact of the Large 2nd Floor Gable Dormer (Bedroom 3)
  - a. Reduce each window dimension to 48"h x 30"w from 60" x 42" and Raise window sill height to 36" from ~18". Significantly reduces exposed vertical wall with smaller well, more sloped roof lip. Improves furniture flexibility also.
  - b. Lower Gable peak by 1-2 feet by lowering vaulted ceiling from ~11' to 10', which would match Stair gable dormer on right side. Or use a shed dormer by orienting ceiling vault other direction.
    - i. This still satisfies egress requirements; use casement windows that appear "double hung"
    - ii. Reduces mass of ~29' high dormer with ~10.5' x 11.75' vertical wall.
    - iii. Echoes value of improvements to Mstr Bedroom shed dormer's increased sloped roof and "smaller" (still ~30"x30") windows which minimize perceived mass.
3. Reduce Big Bedroom 1 windows and change layout
  - a. Reduce ~60" h x 48" w window size to 48"h x 30"w to be similar to proposed Kitchen windows, with ~32-36" sill height.
  - b. Move attached bathroom from front of house (which has a ~60" x 48" front window?) to be adjacent to kitchen wall and use smaller Clerestory window. Bathroom would also benefit from more privacy.
    - i. This still satisfies egress requirements; or use a french door to porch
4. Move Kitchen windows
  - a. Raise window sill height to 48" to minimize direct view onto our yard, or move sink to island and reduce windows to clerestory
5. Visually Break up Large Monolithic 1st Floor left wall, ~51' run of straight wall & roof
  - a. Articulate/break wall at junction of Bedroom 1 and Kitchen to rear of house by moving this wall section back 18 in, and increasing 2nd Floor roof pitch
    - i. This replicates articulation of Original House, between Front and Rear sections, "breaking" long wall and roof run into 2 sections. See Exhibit 2

6. Lower Overall House Height and Mass
  - a. Proposed 2nd floor has 8'1" top plates, but every bedroom has ~11'+ vaulted ceilings.
    - i. High vaulted ceilings are driving up roof height aggravating mass issues we outlined in our submission for the Dec 10 Planning Meeting.
    - ii. Even with all changes proposed in this revision, house height only shrank 11 inches.
  - b. Reduce ceiling vault heights to 10'
  - c. Lower foundation wood cripple walls 2 feet
    - i. Reduces overall building height and height of 1st Floor vertical wall, while increasing privacy by increasing Fence coverage of windows.
    - ii. Rear Foundation walls are new, and raised original floor height by 1-2'. They could have chosen to lower front of house to rear floor height instead of raising rear floor, given extent of demolition.
  - d. Lower roof peak - Reduce Roof peak by 2 feet
    - i. Lowers overall building height
    - ii. Could still have 2nd Floor 10' vaulted ceilings; current dormers would maintain room floor dimensions.

Further we would still ask the following:

1. Once the Plan is approved that there is 100% Compliance during construction. There should and can be no changes to these approved plans without prior approval. Before final approval of completed project, there should be no rash of FYI or Variance requests to "true" up project because of more mistakes or errors.
  - a. That plans be made accurate, free of critical omissions and any misleading statements. See Exhibit 2A of our letter Dated Dec. 4, 2018 for items we've identified, and not all of which have been corrected in this revision.
2. That elevation/heights and setbacks be explicitly indicated (some are missing/implied) for all 1st and 2nd Floor top plates, roof eaves and peaks, and that required surveyor confirmation be expanded from just roof peak height to include these before final permit approval at completion of project.
3. Licensed Surveyor to set stakes/marks, etc and to verify setbacks, heights, etc. If new design kills or removes willow tree next to our garage, then a verified vertical story pole be set so new construction heights can be quickly verified during construction.
4. Proper Steps to mitigate future land and creek erosion due to the removal of the carriage house, and wooden retaining wall under it, to maintain proper flow in heavy rains to avoid flooding.
  - a. Our neighborhood understands that it is not the Planning Commission's responsibility, but this appears to be the only venue for public input on how the design of the garage and Creek Bank plan will impact the Creek.

We appreciate your time and consideration and welcome you to view this project from our driveway. Please do not hesitate to contact us should you have any questions.

Respectfully yours,

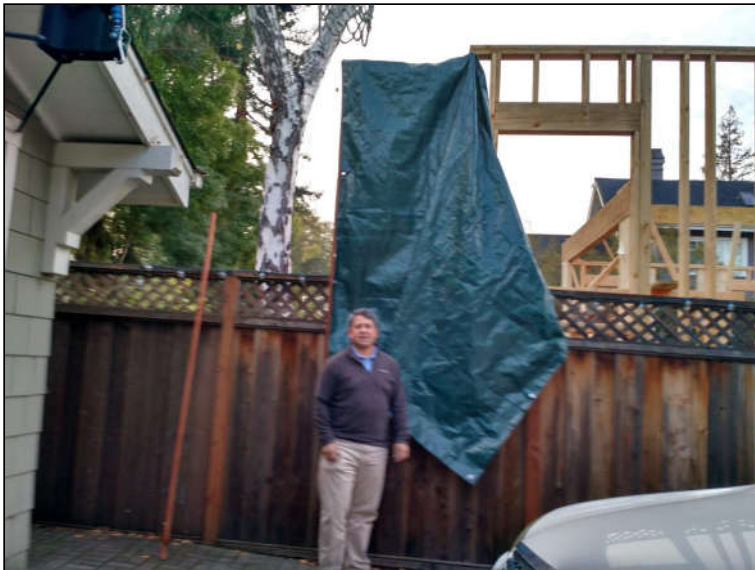
Robin and Frank Knifsend

**Exhibit 1: Left Rear Photos**  
**Current vs Proposed 2.8' Wall Extension**  
**Poles and Tarp at proposed 9' 1st Floor Plate Height**

**Currently**



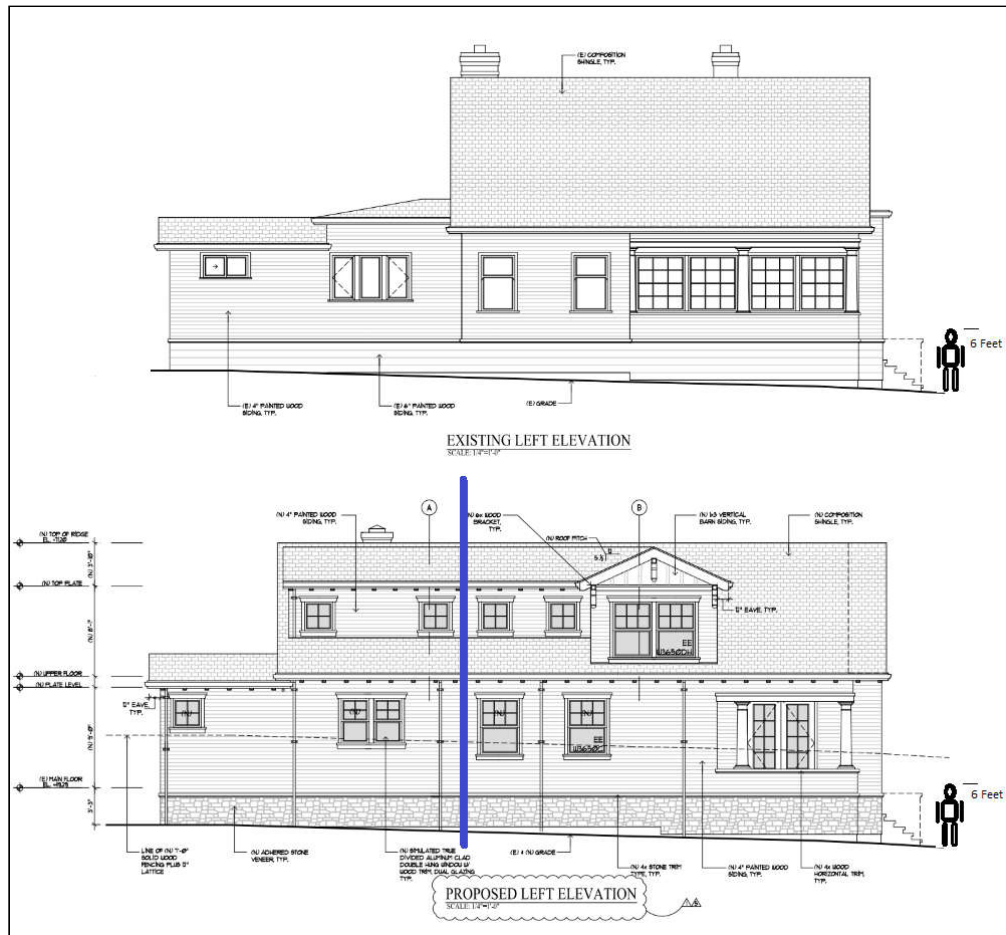
**1st Floor Wall Proposed in this Design**



Note: Current wall/window stud is not to edge (short) of current foundation. Poles set at proposed (Jan 14) location and height.

## Articulate Long Run of Wall & Roof

Proposed: ~51' x 12-14' Vertical Rectangle (1st Floor excluding Porch)  
Originally: House had more open Porch (> 50% of main house section), ~4 "sections" to 1st Floor wall, and stepped down in rear to minimize mass and visual impact.



At Blue Line, if 1st Floor left rear wall was moved in 18", and roof pitch steepened to new plate, it would break long run into 2 sections, similar to how original house used differing roof heights and an 18" inset between peaked roof main house and middle addition to break up long run originally. 1st Floor Roof Eve is ~13' above grade at this point.

Dear Commissioners:

Our apologies for the length of our overall response, which we tried to make as complete as possible. Here is a summary of the issues at stake in this project.

What is wrong with this project and why all Variances should be denied, and project sent back for Design Review:

- Pre-existing non-conforming design made worse. Taller, Longer, Higher, More Massive
- Historical structure was not preserved and protected; Now a New Construction Project
  - Almost entirely removed, therefore existing non-conforming use no longer exists
  - Demo'ed to sub-floor. Opportunity to fix all issues with Design and plan inaccuracies
- Moving the Left wall 18 inches away from the property line does not significantly address the issues highlighted below, nor correct the many inconsistencies and inaccuracies found on the submitted Design Plan.

What specifically is worse now:

- **Taller** - 1st floor walls are 2.5 to 3.5 feet higher. **Longer** - 1st Floor is 11 feet longer (removal of front sunroom glass + extended rear addition), 2nd Floor is extended 15 feet. **Massive** - Straight, vertical, monolithic 1st floor wall and roofline plus 2nd floor additions all massed at rear. No "open" air space from our garage to front setback
- The windows at rear, facing our property are bigger and higher than pre-existing ones.
- Floors and ceilings are raised to highest point (1st floor 5' main floor, 9'10 ceilings, 2nd floor 9' master bedrm) throughout house; high elevation on top of 3.5-5' Foundation
- Every mass reducing feature has been removed - lower floors, lower ceilings, varying roof lines, largely glass walls in front of house.

Why weren't these issues raised earlier during Design Review:

- Misleading Communication and assertions - the owner promised previous owner, us, and other neighbors repeatedly they were going to preserve and update existing house.
  - Simply add dormers and update rear addition
- We were trying to be good neighbors and not create unnecessary burdens as they worked on "existing" house.
- Misleading, inaccurate plans presented to Design Review process:
  - Did not accurately reflect true extent of demolition. Bad drawings, Bad numbers.
  - Inaccurate, Missing and Misleading Call Outs for Existing & New walls, ceiling heights, and floor heights. House had multiple, differing floor and ceiling heights, which are not shown. New Design uses (E)xisting everywhere; Not True.
  - As Built now, is physically even higher than plans showed.
- The neighbors would have raised very different issues about conformance, scale, massing, and privacy, during Design Review if we had know truth of this project.

Why can't property owner and neighbors work out a compromise:

- Concerns ignored - We discussed our concerns with the owners prior to their design, during, and most recently in response to actual demolition, and raising of new framing.
- Suggestions rebuffed - we spent 1.5 hours with owners discussing potential ways to mitigate scale, mass, and privacy issues.



- We told them frosted windows, higher fences, minor adjustments to window sills, and the fact "they were not tall" (their words) were not substantial responses.
- Goodwill and Trust Exhausted - The owners, designer, and builder have exhausted us.
  - Builder repeatedly failed to honor requests to clean up nail, glass, framing, and roof debris in our driveway, or give us warning when they will work above our cars.
  - Every "accidental error" makes Max Design more extreme. As Built exceeds plans.
  - Lack of sincere back and forth discussion with Owners; any and all plan modifications have only come after planning process submittals and feedback

What are we asking for:

- No Variances. Project sent back to Design Review
- Revised, completely Accurate, Clear, and Verifiable Plans. NO more "accidental errors"
- Project treated as New Construction. Design in keeping with Neighborhood and Community character spirit and rules.
  - Improved Scale, Mass, Privacy
  - Objective, verifiable standards applied: 12 Foot Declining Envelope, 4 Foot Set Back, etc.
  - No Monolithic, vertical walls on our shared property line that run from our Garage to the Front of 1245 leaving No "open" air space above fence.
  - Use of Clerestory Windows onto our private backyard space. Windows placed and sized to provide for privacy for both sets of current and future homeowners
  - 9 foot ceilings maximum, and only if it results in a "good" design on the outside w.r.t. Mass, Scale, Height, Privacy; Otherwise, reduce 3' wooden cripple walls on top of cement foundation to Lower House
  - NO tall fence to hide excessively tall walls.
- Licensed Surveyor to set stakes/marks, etc and to verify setbacks, heights, etc. If new design kills or removes willow tree next to our garage, then a verified vertical story pole to be set so new construction can be verified.
- Proper Steps to mitigate the land erosion due to the removal of the carriage house, and wooden retaining wall under it, to maintain proper flow in heavy rains to avoid flooding
- 100% Compliance with all applicable rules and standards, and Approved Plans.

While the above seems extensive, all of the framing above the subfloor onsite today was installed in 2 days, including work done 1 day after Stop Work was issued on Left side.

Every neighbor that adjoins this property, as well as many neighbors on our block or in the Burlingame community (38 families) have signed a petition highlighting the issues with this project, and are asking that it be brought into full compliance with the spirit and rules of the planning process and fit into the character of Burlingame neighborhoods.

We appreciate your time and consideration and welcome you to view this project from our driveway. Please do not hesitate to contact us should you have any questions.

Respectfully yours,

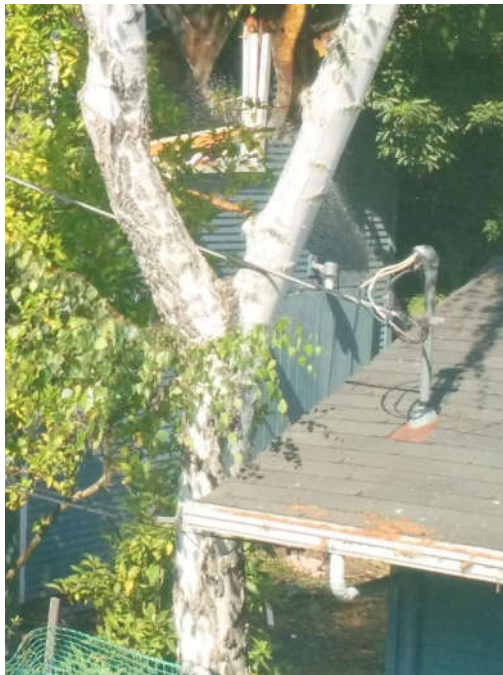
Robin and Frank Knifsend

**Item 1: Left Rear Photos Before & After  
See Top Plate and Roof relative to "Y" in Tree.**

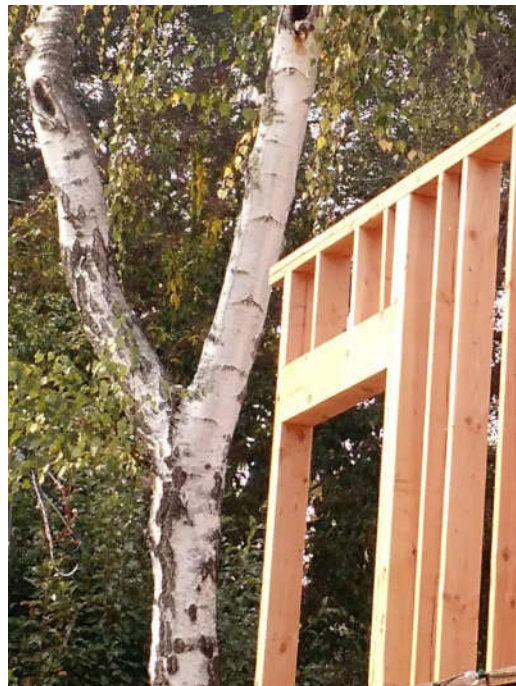
**Before (Photo taken Aug. 16, 2018)**



**Before**



**NOW**



**Vs.**

Note: New Wall is 3 1/2 feet taller than before, as measured. Plan says 2 1/2 feet taller



## Item 2: Left Wall Photos Before & After

### See Intersection of Top Plates at stub of existing cantilever wall

1. Old wall ~4-6" below, New wall is now ~8" above, so ~1 ft taller
2. This is also the situation at Front Left corner.
3. Entire 60' left wall is taller than BOTH Existing AND Approved claimed 9'10" top plate height, which was measured at front living room ceiling.

### Left Rear & Front



Left Rear - old wall intersects 4-6" LOWER than cantilever top plate



Left Rear - new wall taller

Left Front - this new wall also is taller

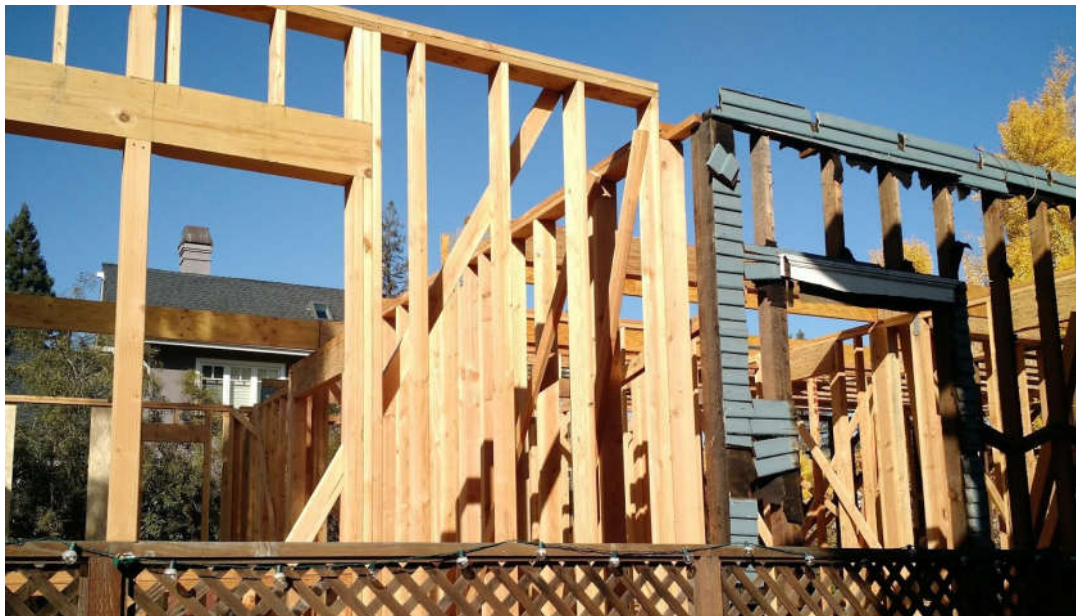
Note: In bottom right photo, the Top Plate on right side lines up with claimed 9'10" top plate in Living Room Ceiling that was indicated as "Existing".

## Item 2 (continued)

**Tops of original windows align; bottom sills below privacy fence  
New windows are higher (above old window), both at top and sill**



**Before**



**NOW**



## Item 2 (continued)

### Example: As Built Front & Rear Left Wall Exceeds Plans

As Built New Rear Wall:  $10.725\text{ft} = \sim 10'\text{-}9''$  As Built vs.  $9'\text{-}10''$  on Plans



Existing Cantilever Wall -  $10.1\text{ft} = \sim 10'\text{-}1''$

New Front Left Wall =  $10'\text{-}1'' + 8'' = 10'\text{-}9''$  As Built

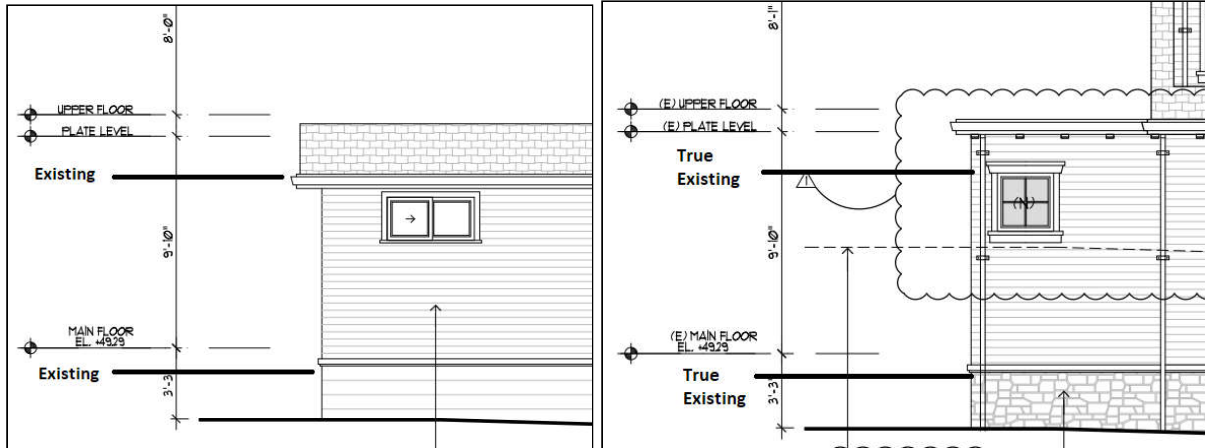


Rebuilt Left Side Walls all exceed Plan Call Out Heights of  $9'\text{-}10''$  by nearly 1 foot extra

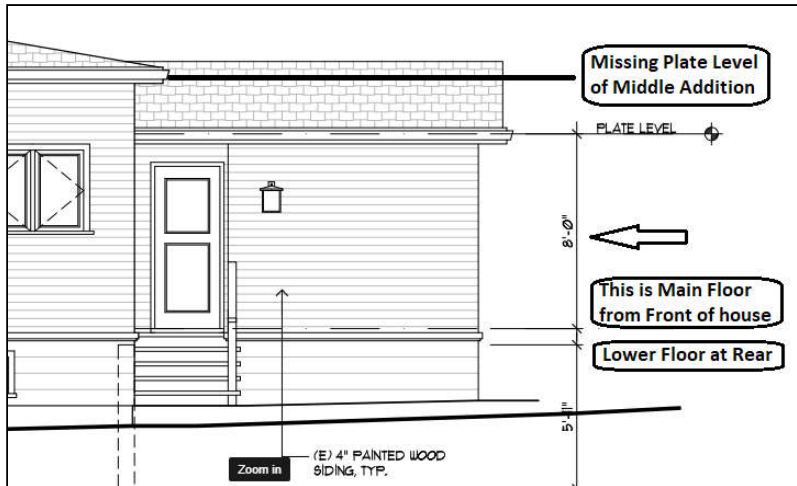
### Item 3: Example of Missing / Inaccurate Labels on Plans

See Exhibit A2 for a more comprehensive list of inaccurate, misleading items on plan

Below from Jan 4 Rev. Missing "Existing" Floor is 2'-7" as shown on Survey, and "Existing" Top Plate is 8'-0" as shown below



This is from Jan 4 Rev, Original Existing Rear Elevation A6



Note:

1. Right Elevation calls out 8' plate at Rearmost addition. Still missing middle addition plate height.
2. Right Elevation Floor heights missing, and incorrectly labeled. Incorrectly suggests Main Floor height was existing Floor level at rearmost edition. The Rear threshold height is on Survey and shows it is 8-10" lower than indicated "Main Floor" height.
3. Left Elevations Missing all of that information, and claims "Existing" are Plate and Floor levels Living Room in front of house. This house had multiple differing floor heights especially along Left and Rear of structure.

### Item 3 (continued)

Floor Height of Existing SunRoom = 46", or 3'-10", This information is Missing from Plans



Floor of Living Room "Main Floor" Called Out on Plans is 8-10" Higher than Floor of Left Wall



Floor of Cantilevered Bump Out steps up, then stepped down to 2'-7" Surveyed Height at Rear Threshold



## Item 4: Inaccurate Demolition Plans

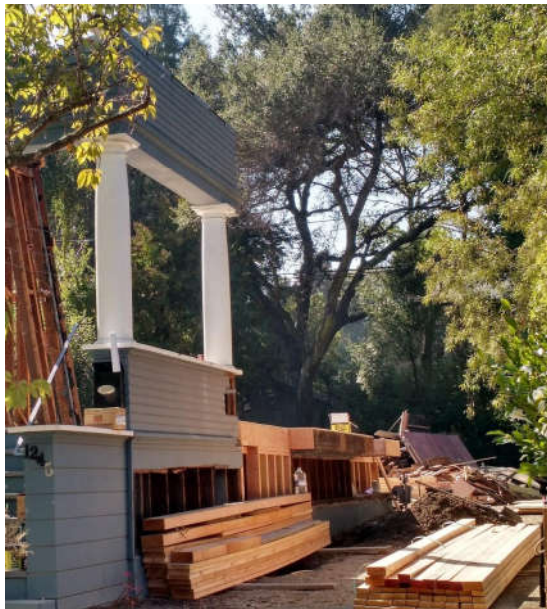
Even current Revised Demolition Plan submitted for this Variance Application is inaccurate.

1. Entire "Existing" Right wall is gone except for open column porch
2. Entire "Existing" Left wall is gone except for cantilever stub wall
3. Entire Rear of Structure is gone
4. All Interior walls are gone, with exception of rear living room wall
5. Including second floor demolition, there is likely less than 16% remaining; see calculation in Exhibit C

Changing Design to deal with Mass, Scale, Height, Nearness to Property line, and Privacy is not an "unnecessary hardship" since basically the entire structure is gone. Now is the time to improve Design.



Gone - Entire Rear of House & all interior walls



Gone - Existing Right Wall



Gone - Existing Left Wall, front & rear

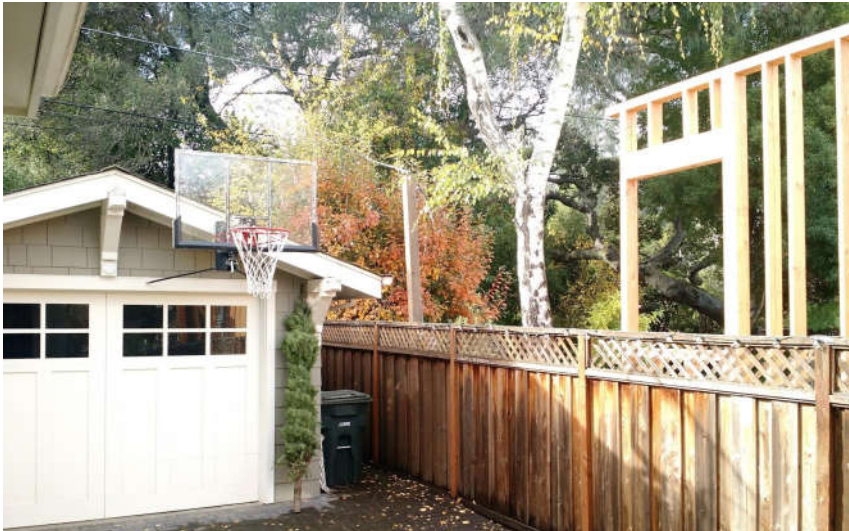


## **Item 5: Impact to our Property & Loss of Property Value**

### **Relative Height of Structures**



1245 1st floor top plate is 3-4 feet higher than our 2nd Story floor, and even higher than roof of our garage.



Their first floor top plate alone is higher than our garage. When we did our remodel, we had to lower the roof 2-3 feet of this existing garage, building >> so it would not "impact" 1245 view <<

### Scale & Mass of new >first floor< wall alone



Fence is a '6+1' but about 6'5"



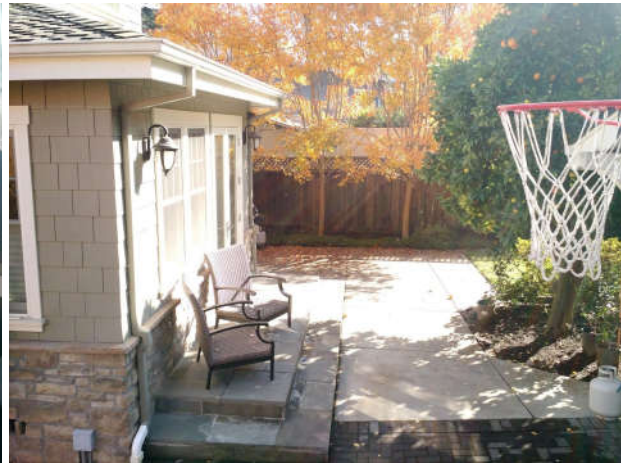
Standing at elevation of new floor

### Impact to use of our Private Space

View from standing at elevation of their first floor



Complete view into our backyard



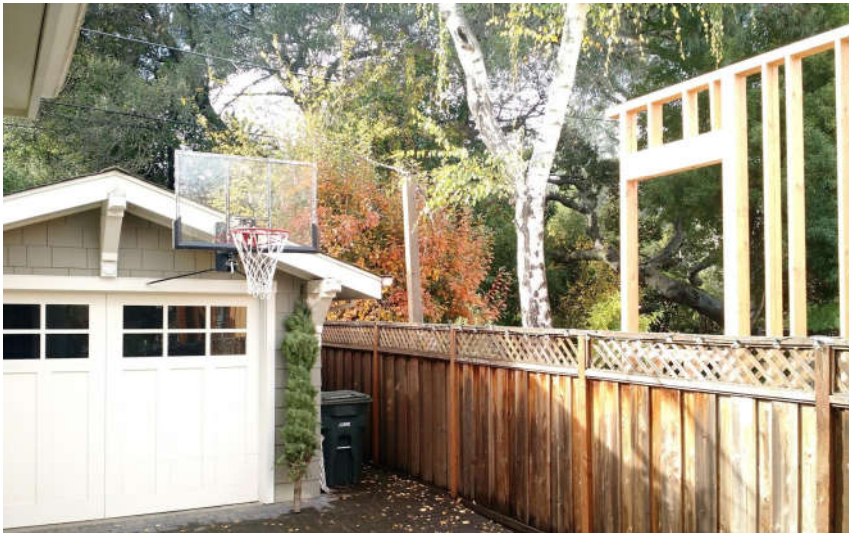
They are eye level with our house roof, garage roof & basketball hoop.



### Impact to Our Property (continued)



All of the windows on their first floor will look through tops of our windows. Similarly, all of the windows on their second floor will look through tops of windows into our bedrooms.



With Nov 29 Rev, they propose extending this wall even further to Tree, and 2nd Story Floor will start just above "paired" 2x4 to right of window opening, creating a continuous, monolithic wall along entire fence line from our garage to the front of their house, with no "open" sun & sky gaps. See Left Elevation, Sheet A5 Nov 29 Rev.

December 4, 2018

Dear Commissioners:

In regards to the Application for Amendment to Design Review for changes to a previously approved first and second story addition to an existing single family dwelling and new detached garage at 1245 Cabrillo Avenue, we respectfully request you deny the variance and revisit the review of the previously approved design under the grounds that the existing structure was nearly all demolished and the written and verbal information provided during this process has been deceptively misleading resulting in even worse non-conforming elements getting approved in the plans under false pretenses.

We ask that you come out to this property, view this new ("existing") structure, and ask yourself is this what should be the outcome of a collaborative planning process that follows the spirit and rules of Burlingame? More pointedly, would you want to live next to that tall structure just feet from your property line with attendant size, mass, scaling, and privacy issues?

This project has a negative impact on the use of our home, it decreases our property value and has a negative impact on the overall neighborhood. We have lived in this neighborhood for 20 years, built good relationships with all of our neighbors, are raising a family here and hope to enjoy many more decades here. What they are building next door really negatively impacts that (see Exhibit F).

We believe the switch and bait gaming of the planning process was intentional to minimize attention to the changes desired for this historical property and avoid pushback from neighbors to bring the non-conforming elements into standards. We and all of our neighbors were denied the ability to appropriately comment in the planning review process since this project was not honestly presented as to the scope of demolition and the relevant details of the existing structure clearly labeled.

We, and our neighbors, would have approached the original Design Review hearing very differently, if we had not been misled by the owners and incomplete labels presented on the drawings (see Exhibit A). The owners promised the previous owners to preserve and update the existing 1906 structure. They told us and other neighbors they were adding dormers and updating the rear addition. The plans submitted with demo plans and existing walls labeled further reinforced everyone's view on what this project entailed. (see Exhibit B) Further we were told that the existing non-conforming structure and elements could not be changed by us or the owners, or they would no longer be existing non-conforming. Everyone relied on these drawings and those communications to inform and direct their input to the planning process.

We believed that the existing structure would remain, including the height, windows size/placement, and roof pitch, and used the existing structure as a storyboard.

If we had known the amount of demolition that would take place, as well as the removal of existing non-conforming elements, we would have asked for conformity to the rules and keeping within the character of Burlingame(see Exhibit D).

Even now with these revised Plans, the demolition plan shown is WRONG. It shows walls remaining that have already been removed. It says 69.4% is removed when the truth is 84%+ is already gone. (see Exhibit C) The truth is that this entire house was leveled down to sub-floor joists and only a few framing stubs were left to try to grandfather a few non-conforming elements: front and side setback, 30ft+ overall building height, 10ft+ front room ceiling height, 3-4ft high foundation cripple walls. They did not try to preserve this historic 1906 house, they only preserved a few of its worst elements.

Now, the argument of rebuilding "the existing structure" is being used to make previously non-conforming aspects worse to increase the height of walls and expand windows. The old additions at the back of the house stepped down floor and ceiling heights, which reduced massing and scale on the part of both of our properties that have sun and sky space. Now the walls that are being built are 2.5-3.5 feet higher and completely dominate the little open space along our shared property line. We are to going to have a 2 story monolithic structure along almost the entire shared property line. This structure is NOT even being re-built to the same scale and size as the pre-existing structure.

When we did our project, we sought out all of our neighbors to get their concerns and review of what we planned on doing. The owners of the 1245 property have never proactively discussed or showed their plans to us or any of our neighbors and after our attempts at trying to share our concerns and come up with reasonable solutions, we find that the owners are not willing to engage in substantive discussion and truly listen to people's concerns. At this point, any goodwill that we have has been exhausted (see Exhibit E). Although it is likely the owners of the 1245 property will claim they made some changes to appease us, they do not address the real problems of scale, mass and privacy.

Now that the majority of the house has been demolished, we request that the entire plan be revisited to reduce the massing and scale of this project, the non-conforming walls be required to come into compliance with setback rules and provide appropriate privacy. All of the first floor framing that is currently in place was put up in 2 days; this is the time to address these issues. At this point, many things could and should be done to reduce the massing and scale of this project and provide appropriate privacy to both ourselves and the current and future residents of the 1245 property. We outline several suggestions in Exhibit D.

If the rules and spirit around existing structures are there to encourage the preservation value and maintenance of historical nature of our community, this 1906 house was completely leveled maintaining only the "value" of being too high off the ground, too close to the property lines, and having very tall first floor ceiling heights. None of which would be allowed in a new construction project in our neighborhood today, and therefore, given the state of demolition, this project should be evaluated as a new build construction.

Further, as all of us who have been through a remodel project have had to follow the rules and make design concessions, it seems only fair that these rules and considerations should apply to the 1245 project. In fact, allowing a project like this will certainly set a bad precedent and will destroy the very "character of Burlingame" that the planning commission has tried to preserve. We encourage you to come out and view what they built so far and ask yourself if this is what our community desires to be the outcome of the Planning Review process, and if you would like this home in your neighborhood or would like to live right next door to it.

Finally, in Exhibit G is a Petition from 38 of our Burlingame neighbors who share in our concern about this project; this includes >Every< neighbor who adjoins this property or directly views this property as well as the vast majority of our block, and many other community members who have seen this project.

Lastly, although the revised plans do not address our concerns, we have noted ongoing discrepancies on every revision of these plans - Jan 4, Oct 25, Nov 29. Some examples are noted below.

- Missing and misleading Floor and Top plate heights. See Exhibit A1
- Many, many inconsistencies, missing, and misleading Call Outs and information. See Exhibit A2
- Inaccurate Demolition Plan. See Exhibit C

We appreciate your time and consideration and we welcome you to come talk to us and view their project from our driveway. Please do not hesitate to contact us should you have any questions.

Respectfully yours,

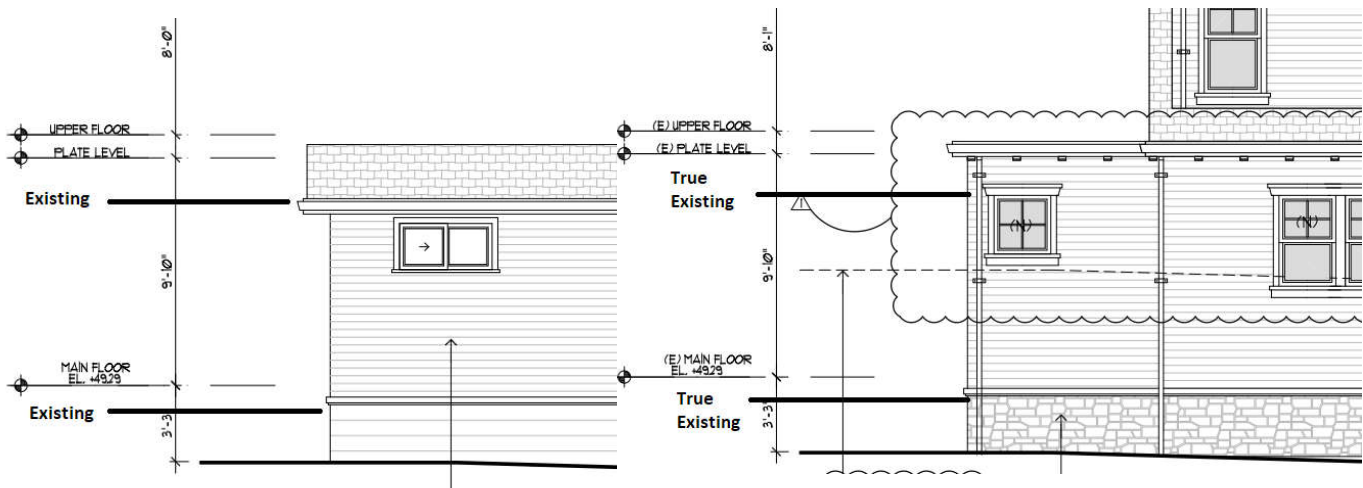
Robin and Frank Knifsend

## **Exhibit A1**

### **Deceptive Labeling on Drawings Submitted in January 2018 for approval**

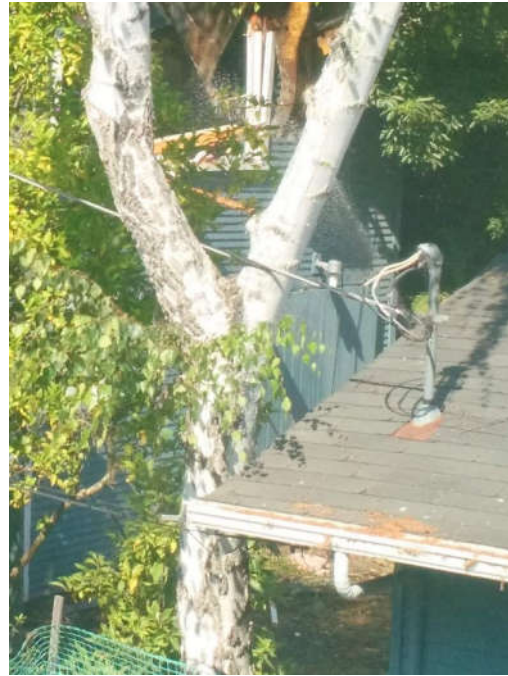
As we are not in the home building trade, it is not reasonable to assume that we would be able to catch the items that are mismarked or left off of the plans as follows:

1. What is supposed to be an existing wall is 2.5-3.5 feet higher and now is 6-7 feet above the top of our privacy fence, where the top plate used to be 3-4 feet above fence.
2. The design and plans did not clearly and accurately reflect the floor and ceiling heights of the existing structure.
  - a. The existing structure had 3 different sections to it; evident on the side elevations of existing structure.
  - b. From the front of the house to the back, there were several different floor heights as well as top plate heights.
3. The plans that were submitted and "approved" show the "existing" designation in the incorrect spot.
  - a. This existing designation is applicable to the front living room of the house only
  - b. It is not the existing height of the back of the house next to which the words are located.
4. The windows which are staying on the existing walls are actually being raised up and are substantially bigger.
  - a. In fact, the entire scale of the house is massive but it is not evident in the drawings as everything looks proportional when you are told that everything is existing,
  - b. One comes to the conclusion that everything is the same since we are told wall height is existing, but it is now taller, so everything is bigger.
  - c. Original structure had lower windows that did not clear the fence and appropriate clerestory windows on a lower floor height that provided some privacy to us in our backyard.
5. The drawings also do not call out the change to existing floor heights.
  - a. The Survey for the Property show Rear Threshold at addition is 8-10" LOWER than Front Threshold (Living Room / "Main Floor")





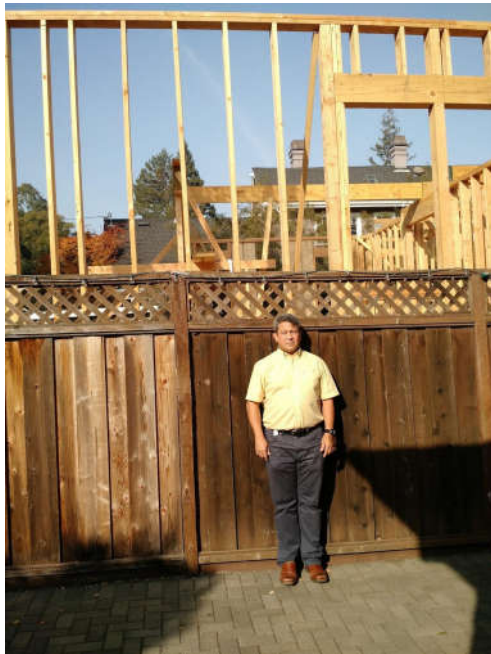
**Before**



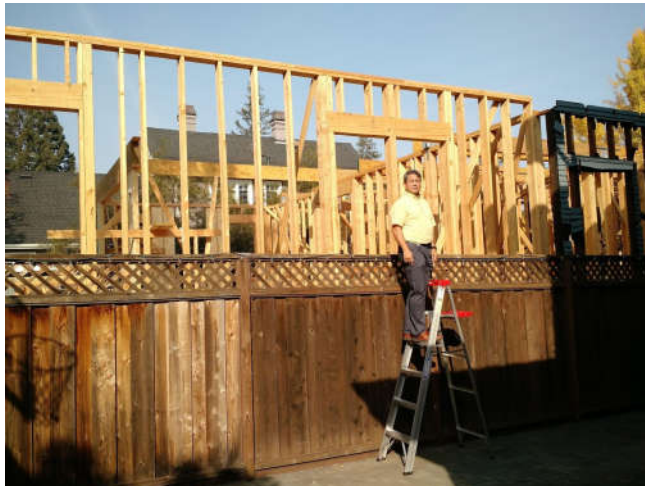
**NOW**



**"Existing Wall" is now around 3.5 feet higher. Fence is approximately "6+1", actually shorter.**



**Standing at elevation of new floor**



**Exhibit A2**  
**Inconsistent, Inaccurate, Misleading,**  
**and Omitted Key Details**  
**Across all Revisions of Submitted Plans (including current)**

1. Fence - Sheets A.2, A.5 Nov 29 Rev
  - a. Call Out - 7' solid fencing + 12" lattice
  - b. Designer has been informed multiple times that this is not allowed and should be removed from Design
2. Demolition, Sheets A.2.1 & A.2.2, A.4, A.6, Jan 4, Oct 25, and Nov 29 Rev.
  - a. Removal Calculations are both WRONG and nonsensical. Is NOT 69.4%. Should be 83-84%, only 16-17% remaining.
  - b. It appears that they didn't include any wall length that had a window set in that wall...so got a 144' perimeter wall length for a house that is ~62 feet long and ~38 feet wide, with 2 floors.
  - c. Correct Calculation is:
    - i. Building is ~62 feet in length, ~38 feet in width, so total perimeter walls are ~200 feet (by just guestimating) for 1st Floor
      1. We actually added up and measured every wall segment on Sheet A.2.1 and calculated ~196 feet for 1st Floor
    - ii. 2nd Floor Wall calculation makes NO sense. Should be ~26'-8"
      1. 13'-4" front wall + 13'-4" rear wall = 26'-8" 2nd floor perimeter walls
      2. Does NOT include Wall lengths under roof, but not adjacent to bedrooms, so Under reports these walls
    - iii. Claimed remaining walls are 144-109 = 35 feet. That is WRONG. See Sheet A.2.1
      1. front wall = 4-8 + 10-10 + 4-8 = 20'-2"
      2. Right wall = 15'-2"
      3. Left wall = ~2'-6"
        - a. The "Sunroom" was completely enclosed with exterior walls and windows, and was used as a bedroom by previous owner. This is already demolished down to a ~ 3 feet high stub wall
      4. So Remaining walls = 37'-10"
    - iv. Removal calculation is correctly:  $(196' + 26'-8" - 37'-10") / (196 + 26'-8") = 83.0\%$  Removed.
      1. Using claimed 35' remaining of 1st floor, that would be 84.2% demolished.
3. Rearmost Addition - Sheet A.6, A.5
  - a. 9'-0" Ceiling height Call Out for rearmost addition, does not match 9'-10" Top Plate height Call Out
  - b. Use of "Ceiling Height" vs "Top Plate"
  - c. (E)xisting measurement Call Outs are inaccurate missing, or misleadingly labeled. See Jan 4. 2018 Sheets A.5 Left Elevation and A.6 Rear Elevation, and Nov 29 Rev.



- i. Wrong, Existing Elevation, Sheet A.5 - (E)xisting ceiling height of this addition is 8'-0"
  - ii. Wrong, Existing Elevation - (E)xisting Main Floor is called out and implied to be at height of front Living Room (front threshold). The Survey shows that the Rear threshold doorway entering this addition is 8-10" LOWER than called out "main floor" height
  - iii. Missing, Existing Elevation- Claimed (E)xisting Main Floor of 3'-9" is not correct for Rear Addition.
    - 1. The Addition Floor height has a reference line, but it is NOT labeled. It is LOWER than labeled "Main Floor" height by about 8" to 12" lower.
    - 2. "Main Floor" is referencing floor of Living Room at front of house.
  - iv. Missing, Existing Elevation - no Call Out for Top Plate of Middle Rear Addition
  - v. Wrong, Proposed Elevation - On new design elevation, everything references (E)xisting floor and ceiling heights, and implies that the new construction conforms to Original/Existing heights. All of new design is Higher than Original heights
- 4. Second Floor Master Bedroom and Side Additions - Sheet A.4 A.5, A.6, A.7
  - a. The top plate of the Master Bedroom is HIGHER than the claimed 2nd Floor (E)xisting Top Plate Height of 8'-1"
  - b. (E)xisting measurement Call Outs are inaccurate missing, or misleadingly labeled. See Jan 4. 2018 and Nov 29 rev Elevations
    - i. Missing, Proposed Elevations - There is NO Labeled Call Out for Ceiling or Top Plate Height of Master Bedroom.
      - 1. Extend Reference Line Call Out of (E)xisting Top Plate 8'-1" and it is higher
    - ii. Missing, Proposed Elevations - There is NO Labeled Call Out for Ceiling or Top Plate Height of Leftside Peaked Dormer
      - 1. Extend Reference Line Call Out of (E)xisting Top Plate 8'-1" and it is higher
    - iii. Missing, Proposed Elevations - There is NO Labeled Call Out for Ceiling or Top Plate Height of Rightside Peaked Dormers (stairs, mstr bath, etc)
      - 1. Extend Reference Line Call Out of (E)xisting Top Plate 8'-1" and it is higher
- 5. Left Elevation, Rearmost and Middle Additions - Sheet A.5
  - a. 9'10" Top Plate height call out for rear addition. Not 9' "Ceiling" as on A.6. Further, inconsistency in use of "Top Plate" vs "Ceiling" text. If not the same, what is height difference?
  - b. (E)xisting measurement Call Outs are inaccurate missing, or misleadingly labeled. See Jan 4. 2018 Sheet A.6 Rear Elevation and Nov 29 Rev.
    - i. Missing, Existing & Proposed Elevation - True (E)xisting Floor Height, ~2'-3" to 2'-7", of rearmost addition
    - ii. Missing, Existing & Proposed Elevation - True (E)xisting Ceiling Height, 8'-0" of rearmost addition
    - iii. Missing, Existing & Proposed Elevation - True (E)xisting Floor and Ceiling Heights of middle addition (i.e. addition behind peaked roof house, but in front of rearmost addition).

6. Basement & Kitchen, Right Elevation - Sheets A.6 and A.7
  - a. Claimed (E)xisting Basement height of 5'-11" w.r.t. Original floor height of Kitchen. New Design has higher Basement Ceiling
  - b. (E)xisting measurement Call Outs are inaccurate missing, or misleadingly labeled. See Jan 4. 2018 Sheets A.6 and A.7 Rear and Right Elevations and Nov 29 Rev
    - i. Missing, Existing and Proposed Elevation - the (E)xisting Floor Height of the Kitchen is NOT Labeled, NOR is reference line for height of Basement
      1. If you trace claimed (E)xisting Main Floor height 5'-6" Call Out back of house, you will see that it is about 8-12" HIGHER than Kitchen Floor Height
      2. In New design, the floor of Kitchen is raised to claimed (E)xisting
    - ii. Missing, Proposed Elevation - Ceiling Height of Basement. Since Kitchen Floor has been raised 8-12" than likely Basement Height is 6'-7" to 6'-11"
    - iii. Missing, Proposed Elevation Rear - Floor and Height of Basement
  - c. Basement NOT subject to FAR, Lot Coverage, or any other City Rules because they claim and have shown it to be "not improved" on Plans
    - i. It is claimed that this entire basement space will ONLY be accessible from exterior hatch, and will be UNIMPROVED, therefore not included in FAR, Lot Coverage, or subject to any rules regarding basements with ceilings higher than 6', and extending more than 3' above grade.
    - ii. We have been informed by Planning Department that if at ANY time (construction, Sale of Property, etc), this basement space is "Improved" (such as interior accessway, permanent stairs, part of Conditioned house environment, etc) then it would be in Violation and should be reported to Code Enforcement.
7. Left Elevation, SunRoom - Sheets A.2.1, A.5
  - a. The SunRoom was Originally completely enclosed by perimeter walls and windows. Sheet A.2.1 implies that it was an open porch, and not part of Existing perimeter wall structure of house. Also, this doesn't appear to be included in Designer provided Removal Calculations (shown inaccurate above)
  - b. (E)xisting measurement Call Outs are inaccurate missing, or misleadingly labeled. See Jan 4. 2018 Sheet A.5 Left Elevation and Nov 29 Rev
    - i. Missing, Existing & Proposed Elevation - True (E)xisting Floor Height of Sunroom. Measured at 3'-10" (Dec. 2, 2018, photos), and about 8-9" LOWER than Living Room Floor Height, which is being used as Called Out "Main Floor" height
    - ii. Missing, Existing & Proposed Elevation - True (E)xisting ceiling Height of Sunroom, not shown. However, this top plate was likely at same level as cantilevered wall section that is still remaining.
8. Front Elevation, SunRoom, Sheet A4
  - a. SunRoom Floor and Top Plate have been raised and are HIGHER
  - b. (E)xisting measurement Call Outs are inaccurate missing, or misleadingly labeled. See Jan 4. 2018 Sheet A.6 Rear Elevation and Nov 29
    - i. Missing, Existing & Proposed Elevation - True (E)xisting Floor Height of Sunroom. Measured at 3'-10" (Dec. 2, 2018, photos), and 8-9" LOWER than Living Room Floor Height, which is being used as Labeled "Main Floor" height

- ii. Missing, Existing & Proposed Elevation - True (E)xisting ceiling Height of Sunroom.
- 9. Creek and Garage, Sheet A8 (Jan 4 rev, Garage), Survey (located in Jan 4 Rev Plan bundle), Landscape Plan
  - a. The Survey and Plan are inaccurate
    - i. The Survey was conducted Oct 20, 2017, before the large storms we had in Jan, 2018 that eroded the bank 1-2 feet (and caused tree shown 'existing' in back left of property to fall into creek.
    - ii. Further - demolition of Original, Existing carriage house further removed the wooden retaining wall under the structure and also caused further collapse of Creek Bank.
    - iii. It is likely that rear of Garage is at, or over, the current edge of Creek Bank line

## **Exhibit B**

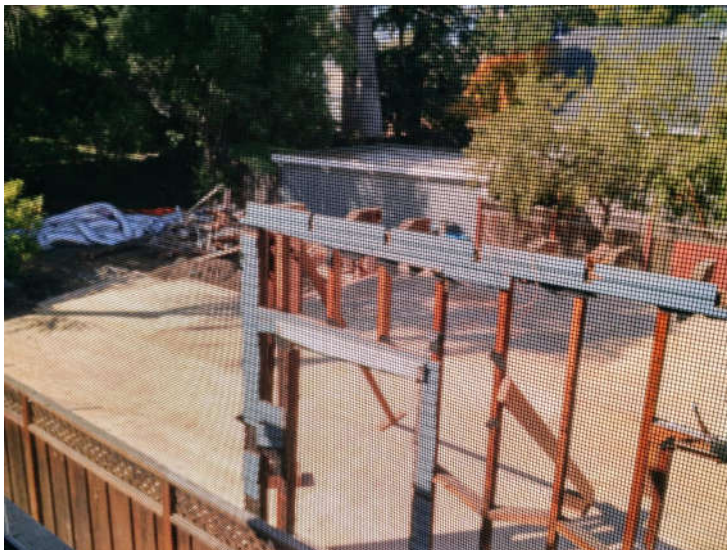
### **Conversations that misled us to Original Design Review**

1. The owners told the previous owner, us, and other neighbors they were preserving the current house and updating it.
  - a. The previous owner actually passed on many offers over the years by developers who made it known they were going to tear down the house, and was told during this sale the plan was to preserve the historic house.
2. They told us that they were merely adding onto an existing structure.
  - a. We were repeatedly told that this was a remodel where some dormers were being added, and the addition at the back being updated.
3. In preparing for the design review in January, we had to go to the City and pull the plans despite asking the owners repeatedly if they would share their plans.
  - a. Even with these revised plans, we were not shown them prior to submittal. Although we did view a version with essentially the same elements during a 1.5 hour long discussion, where we again outlined our substantial privacy, massing, and scale issues, and suggested potential compromises.
4. When viewing the plans for the January Design Review, we were told the new plans used existing non-conforming walls, and shown the existing height label on the elevation drawings.
  - a. However, these drawings did not accurately label the differing floor and top plate heights across the existing structure.
  - b. Most specifically, the floor and top plate height for the front living room was used for the entire first floor structure and labeled "(E)xisting"
5. Further, the demolition plans suggested that majority of the existing structure, walls, roof was being kept, with the movement of interior walls was majority of demolition.
6. The owners told us specifically that the wall adjoining our property would remain the existing wall.
  - a. Even after we saw the new framing, they continued to tell us that they are just rebuilding the existing wall, even though it is 2-3 feet taller.
7. We have since learned that it is not typical to keep an existing structural wall and add a 2-3 feet cripple wall above that, so the removal and rebuilding of the existing non-conforming wall was already implied, even though we did not understand that. But that further shows those walls should never have been labeled "existing"
8. Also, after raising all of the issues included in this document to the owners prior to Nov 26, they pulled and resubmitted revised plans, which they did not communicate in any manner with us.



**Exhibit C**  
**Incorrect Original Demolition Plan**  
**Inaccurate Removal Calculations Still on Revised Plans**  
**This is a NEW House**

1. The revised (Nov 29 Rev) Demolition Plans are still Inaccurate. See Calculations and Photo Below.
  - a. More than 84% of this house was demolished
  - b. That is a kind calculation, not fully counting second floor
2. The January Demo plan for first and second floor led us to believe that majority of structure - exterior walls, roof, etc would remain, and only dormers added, addition updated, and interior walls moved.
3. The structure was effectively taken all the way down to the subfloor joist platform with the exception of a couple of stub walls to maintain the extreme closeness to the side property, front setback and height of the front room.
  - a. Almost the entirety of the first floor is down to joists.
4. The "Existing" House is Gone. This is a New house and should be treated as a New House project and not a limited Remodel with additions.
  - a. What they are Proposing is Worse than Original, Existing structure, and is Taller and Wider with way more MASS.
  - b. Now is the time to deal with mass, scale, height, and privacy issues
5. Jan 4 Rev Demolition Plans claimed less than 50% exterior wall removal primarily at right rear and showed 2nd Floor remaining with just interior wall changes, thereby creating impression majority of structure was remaining, with just new additions and interior wall changes.



Nothing left except sub floor joists and "stub" walls

**Exhibit C (continued)**  
**Correct Removal / Demolition Calculation**

1. Removal Calculation is Inaccurate.
2. It appears that they didn't include any wall length that had a window set in that wall...so are claiming a 144' perimeter wall length for a house that is ~62 feet long and ~38 feet wide, with 2 floors.
3. We went through Sheet A.2.a and actually added up and measured every wall segment on Sheet A.2.1 and calculated ~196 feet for 1st Floor and ~26'-8" for 2nd Floor
  - a. We didn't include 2nd Floor Wall length that was under roof, but not directly connected to a bedroom, so a very conservative calculation
  - b. The Remaining walls shown on plan are: 37'-10"
4. Correct Calculation is:
  - a. Removal calculation is correctly:  $(196' + 26'-8" - 37'-10") / (196 + 26'-8") = \sim 83.0\%$  Removed.

1st Floor Walls	195.75		
2nd Floor Walls	26.67		
Segment Length - "feet" part	Segment Length - "inch" part	Width or Length House Segment	From "Labeled" Drawing or "Measured" off Drawing
4.00	8.00	W	
10.00	10.00	W	
4.00	8.00	W	
15.00	2.00	L	
7.00	6.00	L	
1.00	4.00	W	
3.00	8.00	W	
3.00	8.00	W	
3.00	4.00	L	
7.00	6.00	L	Measured
3.00	4.00	L	
1.00	2.00	W in	
5.00	11.00	L	
3.00	6.00	L	Measured
2.00	2.00	L	
5.00	3.00	W in	
3.00	6.00	W in	Measured
0.00	5.00	W in	
3.00	6.00	W in	Measured
8.00	4.00	W in	
3.00	6.00	L	Measured

10.00	3.00	L	
0.00	8.00	W in	
2.00	6.00	W in	Measured
1.00	8.00	W in	
5.00	6.00	W in	Measured
2.00	10.00	W in	
1.00	9.00	L	
0.00	8.00	L	
0.00	7.00	L	
3.00	6.00	L	Measured
7.00	7.00	L	
6.00	0.00	L	Measured
4.00	9.00	L	
1.00	2.00	W out	
1.00	9.00	L	
2.00	9.00	L	Measured
0.00	6.00	L	
4.00	4.00	L	
0.00	6.00	L	
2.00	9.00	L	Measured
2.00	0.00	L	
2.00	7.00	L	
3.00	9.00	W in	Measure
7.00	6.00	L	
3.00	2.00	L	
3.00	0.00	L	
2.00	9.00	L	Measured
6.00	1.00	L	
172.00	285.00		
1st floor walls	195.75		
13.00	4.00	front	Drawn + Measured
13	4	rear	Drawn + Measured
26.00	8.00		
2nd floor walls	26.67		

**Exhibit D**  
**Rules and /"Keeping within the character of Burlingame" We Request Compliance**

1. Large scale of house and mass right on property line not consistent the neighborhood spirit of Burlingame.
2. No Variances. Project sent back to Design Review to fix both Design issues and misleading, missing, wrong, and inaccurate items on Plans.
3. Revised, completely Accurate, Clear, and Verifiable Plans. NO more "accidental errors"
4. Project evaluated and treated as New Construction. Typical Planning Review, Evaluation, and Expectations for a New Build Construction. Design in keeping with Neighborhood and Community character spirit and rules.
  - a. Improved Scale, Mass, Privacy
  - b. Objective, verifiable standards applied: 12 Foot Declining Envelope, 4 Foot Set Back, etc. Example: the existing wall that was added to is now 14 feet plus, even though Plans only showed 13 feet.
  - c. No Monolithic, vertical walls on our shared property line that run from our Garage to the Front of 1245 leaving No "open" air space above fence.
  - d. Use of Clerestory Windows onto our private backyard space. Windows placed and sized to provide for privacy for both sets of current and future homeowners
  - e. 9 foot ceilings maximum, and only if it results in a "good" design on the outside w.r.t. Mass, Scale, Height, Privacy; Otherwise, reduce 3' wooden cripple walls on top of cement foundation to Lower House
  - f. NO tall fence to hide excessively tall walls.
5. Licensed Surveyor to set stakes/marks, etc and to verify setbacks, heights, etc. If new design kills or removes willow tree next to our garage, then a verified vertical story pole to be set so new construction can be verified.
6. Proper Steps to mitigate the land erosion due to the removal of the carriage house, and wooden retaining wall under it, to maintain proper flow in heavy rains to avoid flooding
7. 100% Compliance with all applicable rules and standards, and built exactly to Approved Plans.



## **Exhibit E**

### **Neighborhood Goodwill Exhausted**

1. When we first heard the Lai's were going to undergo a remodel, we asked them to speak to us in advance because we had some issues with the existing structure; the debris from their gutters falls into our driveway; their adjacent wall was really close to the property line; and the impact of their project on the creek was a concern. We also suggested that they speak to other neighbors. The owners of 1245 Cabrillo never proactively discussed or showed their plans to us or any of the other neighbors. We have had to go down to the City Planning Department to pull their published plans every single time.
2. As the original review of their plans was approaching, they discouraged us from raising any issues by telling us that they are keeping the existing house with some dormers were being added and the addition at the back being updated.
3. Despite having had conversations about our concerns and expressing interest in their project, the owners act surprised that we had concerns and use the excuse that they didn't know.
4. We explicitly raised the following issues with the owners:
  - a. House is too close to the property line and fence, ranging from 1.5 - 2 feet instead of required 4 foot setback. We are especially concerned about the cantilevered wall section.
  - b. The wall is too high and dominating. It is now over 14 feet tall, and being right next to property line exaggerates that. Lower the first floor ceiling to 9 feet.
  - c. There are now many very large windows that are situated on a higher floor height that are directly overlooking our yard, and located within required setback. This is both a severe privacy issue, as well as the scale is all wrong. Makes it look we are on display. Change the kitchen and dining room windows to clearstory windows. We highlighted that we did that along the entire South side of our house to provide privacy to our neighbors at 1241 Cabrillo Avenue.
  - d. Roof, gutters and property line. Everything slides off their roof onto our cars and driveway. Making the house taller just makes this roof situation worse and increases likelihood that everything ends up on our side of the fence. Plus the roof overhang and gutters are on property line.
5. Besides multiple emails and discussions, we sat down with one of the owners for 1 ½ hours to go over these issues, and try to come up with ways to mitigate the scale, massing and privacy issues. We did not get a substantive response other than the following:
  - a. We will plant a tree between the house and the fence (24" space, little light)
  - b. They would remove the farthest back window entirely, so blank 14' wall
  - c. The owners claimed that they are not tall so they would not look into our house.
  - d. They recommended frosted windows.
  - e. They recommended raising the fence.
  - f. They recommended going from a pitched roof to a flat roof.
  - g. On multiple occasions we stated that the solutions were not viable, were "quick fixes" which could easily be changed, or would not work with the aesthetics of the house.
6. Further, on multiple occasions we have complained to the owners about the builder:

- a. Dropping a roof section onto the fence and breaking it
  - b. Dropping multiple windows onto our driveway and failing to clean up all glass shards and splinters
  - c. Dropping and leaving framing sections with nails pointed up on our driveway on several different days.
  - d. Leaving a demo'ed 12-16 sections of the house wall leaning on the fence and over our property near vehicles.
7. Then when it was determined that a variance would be needed due to non-compliance with the Set Back on the left side, the owners said they would address our concerns. However, they submitted plans to the City without talking to us and made no effort to get our feedback on their suggested solutions. The Plan Revision submitted on Oct 25 which did not address our concerns in any meaningful or significant way, was essentially all of the items in (5) above that we had told them that we did not find satisfactory, and ignored all suggestions that we had made.
8. On the day of the planned Planning Hearing, Nov 29, they pulled their application stating they wanted further address our issues. We still did not receive any further communication with them.
9. On Nov 29, they submitted another Revision. While they significantly made the change to conform with the 4' Set Back, they actually made the Left Side walls even TALLER than they had previously been, and extended the addition a further 3' along the fenceline, effectively closing off any "open" air space above the fence for the entire run of our shared property line from our garage to the front of their structure.. Substantially, this move to 4' Setback, is only moving 18 inches away.
  - a. We can only interpret this move as an attempt to avoid the need for a Variance to the 4' Set Back requirement, while in no way substantively addressing our expressed concerns about Mass, Scale, Height, and Privacy, but actually making the situation WORSE in all these cases.

## **Exhibit F**

### **Negative Impact of 1245 Project**

1. This Project is a clear attempt to build to Maximum limits of FAR, Lot Coverage, Set Back, and Height.
  - a. It makes little to no accommodation for our use and enjoyment of our property or the needs of other neighbors.
  - b. This house is already 4-5' above Grade because of its foundation with high wooden cripple walls. They have then raised all floors to the highest elevated spot, and then topped it with very high ceilings (impacting 2nd floor elevation). This increase mass and scale, and has a significant impact to the use of our house and yard areas, with resulting loss of privacy.
  - c. It also takes into little account any unique challenges of this property such as the Creek running through it. By removing the existing carriage house, they actually significantly reduced their usable area of their Lot. Now they are maxing the House and Garage leaving little open space on the Lot.
2. The massing and scale of this project is out of the character of the neighborhood and lot size. The house at 1249 Cabrillo is also very tall, however, it sits on a lot and a half and it is separated from neighboring houses by 2 driveways on the left side, and 2 side yards on the right side.
3. The 1245 Cabrillo project is a hugely non-conforming house that is so tall that it dwarfs our house, exacerbated by extremely tall first floor ceiling heights (vs. higher than typical 9 feet). The extremely tall first floor wall is taller than our garage, 7-8 feet above fence and extends 3-4 feet above our second story floor. This non-conforming wall is unattractive and dominating and it is yet to be topped with a second story, which has a master bedroom with 9' + ceilings. When we remodeled our house, the roof height of our garage was required to be lowered so it wouldn't dominate the 1245 neighbor's yard. Their first floor is now significantly taller than our garage.
4. The non-conforming wall that is adjacent to our property is only set back from 1.5 - 2.5 feet. On the non-conforming wall, there is a bumpout that reduced the setback to 1.5 feet. This likely would put their gutters/downspouts over our property line. Therefore, this huge unattractive and dominating wall sits right next to our property line.
  - a. With Latest Revision they are proposing moving the wall to 4' Set Back, which is only 18 inches further away from Property Line. All of our concerns about Scale, Mass, Privacy remain.
5. The minimal setback from our adjacent property line creates an extreme loss of privacy with no ability for either party to put in screening foliage because of the minimal setback as was proposed by the 1245 Cabrillo owner. A higher fence does not address the issue since they are still so high above ground they will look over fences. All of the fences on our block are 5 feet + 1 foot privacy. A higher fence just reinforces the big wall and is not an acceptable solution as proposed in their plans.
6. The size of the windows and the placement of the windows creates an extreme loss of privacy. The raised floors and the corresponding raised and bigger windows create stadium viewing into our house.

**Exhibit G**  
**Petition to Bring Project into Compliance and Character of Neighborhood**

As part of the Burlingame community, we are concerned that the project at 1245 Cabrillo did not retain the existing, historical structure of the house as it was described on the approved plans submitted to the Planning Commission. Further, we are concerned that variances were avoided and height restrictions exceeded all predicated on the retention of the existing structure. Further, details such as the 14 ft envelope, and use of 5-6 ft windows create an unattractive, excessively large and obtrusive house.

Given that the building was effectively demolished down to the 1st floor joists except for a couple of "stub" walls , we ask that the project's scale, massing, and nearness to property lines be reconsidered, and measures taken to reduce its impact to the neighborhood and neighbors.

Bret Bottarini	1225 Cabrillo Avenue	75% of the non-conforming walls are removed. The new walls should conform to current city regulations. The house already sits too close to the property line. The homeowner, designer, and builder knowingly broke the rules.
Robert and Gretchen Cody	1240 Drake Ave.	We are particularly concerned about the destruction of the creek bank behind this property due to removal of buttressing walls that were part of the garage structure that was taken down. We feel that heavy winter rainfall will surely cause further erosion, stoppage and overflow onto our adjoining properties.
Stanley Parker	1801 Ray Dr, Burlingame	I lived within the setback and height requirements for our project - they are good for Burlingame. This builder should do the same.
Melissa Macko	1257 Cabrillo Ave	This construction project is not adhering to the plans and altering sections of the house that require variances. As a neighbor "down the creek" I am also concerned about the impact their project has had on the drainage channel behind their house. Their property is situated at the 90 degree bend in the Easton Creek.
Jon Gilmour	1001 Balboa Ave	This project is out of line with the neighborhood and the owners are ignoring the approved plans.
Jennifer Callahan	1321 Balboa Ave., Burlingame	Awhile back we did a big remodel to our home, obtained permits, and worked within Burlingame codes and guidelines. While there were other



		things we wanted to do, we followed the rules. If you let this mega mansion be built on this standard size lot, it will hurt the character of our neighborhood. More important, you will further what seems to be a trend among some builders: break the code, build different from the plans, and say sorry later. Preserve your department's integrity and our neighborhood's charm.
Don Clark	1128 Vancouver Avenue	This design is crazy. Not what burlingame is about.
joel and margaret steinberg	1224 Cabrillo Ave	We fully agree with the issues raised by the Knifsend's
William and Esther Hou	1424 Benito Ave, Burlingame, CA 93010	Renovations should stay within the "spirit" of zoning guidelines. It would be a very bad precedent to allow for additional exceptions beyond what was originally approved. I am surprised to see this home's southern exterior wall within two feet (or less) of the fence and property line, creating the appearance of a cantilevered room over the fence and an invasion of privacy for both homes. Routine homeowner maintenance would also appear to be impossible without utilizing the Knifsend's driveway. Please have the homeowner and contractor comply with approved plans. Deviations should not be further allowed without prior review and approval. Thank you. Bill and Esther Hou
Sue Kaufman	1132 Vancouver Ave, Burlingame	I would be very concerned and rather distraught if that was being built next door to my home. There should be thoughtful, respectful, and reasonable development going on in our beautiful neighborhood.
Stephen Chan	1355 Drake Ave	As someone who lived next door to, and through, a similar tear down rebuild project, I support more cooperative and constructive discussions prior to planning commission approvals. Existing neighbors' concerns should be heard and considered, and more effort should be made to minimize inconveniences and annoyances of having to live just a few feet away from a lengthy construction site.
kerry fitzpatrick	1348 bernal ave	too big for property- too close to property lines
Vitas Viskanta	1704 Sanchez Avenue	Burlingame has dealt with bait and switch development before - please have the project

		follow the rules.
John Kannasto	1245 Cortez Ave, Burlingame	Shocked that they tore down historic 1906 house and carriage house. Now that it's gone, build something that fits with current neighborhood.
Frank & Robin Knifsend	1243 Cabrillo Ave.	This property has challenges given house placement and height. "Additions" make no effort to be a good neighbor or mitigate its massing, scale, or nearness to property line - actually it aggravates all of these issues. They have sought no input from any neighbor, nor cared about the impact of tearing down this property after promising previous owner they would preserve it. They're "rebuilding" existing walls 3 feet higher than original.
Hans and Sigrid Geiger	1237 Cabrillo Ave.	
Sally Brown & Philip Ross	1248 Drake Avenue	
Arlene Gallegos	1720 Sherman Avenue	
Joyce & Gary Walter	1244 Cabrillo Ave	We support Frank and Robin Knifsend on their concerns regarding work being done at 1245 Cabrillo Ave, Burlingame
Eric Ranta and Euni Kown	1232 Cabrillo Ave	
Paul & Ani Safavi	1240 Cabrillo Avenue	
Gene and Gloria Bordegaray	1236 Cabrillo Ave.	
John and Gail Diserens	1249 Cabrillo Avenue	
Jennifer Sullivan	1356 Bernal	
Cathleen Pearson and Paul Nelson	2004 Easton Drive	
Jamie Cheng	1316 Drake Avenue	
Julie Carlson	2105 Roosevelt Avenue	
Matthew Potter	1205 Bernal Ave.	
Andrew Haskell	1125 Cabrillo Ave	
Christina Habelt	1531 Columbus Ave, Burlingame	

Domonique Moraga	1916 Devereux dr	
Grace McMahon	1901 Hillside Dr	
Gail & Anthony Mosse	1915 Carmelita Avenue	
Amy Grenier	1575 Newlands AVE.	
Leslie Holzman	1441 Drake Ave	
David and Wendi Upchurch	1212 Cabrillo Avenue	
John Fish	1221 Cabrillo Ave	
Will Evans	1324 Cortez Ave, Burlingame	

## CD/PLG-Ruben Hurin

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**From:** Gene Bordegaray <genebordegaray1@att.net>  
**Sent:** Friday, January 4, 2019 1:07 PM  
**To:** GRP-Planning Commissioners  
**Cc:** Frank Knifsend  
**Subject:** Construction at 1245 Cabrillo Ave.

Dear Commissioners,

I attended the Planning Commission meeting on 12-10-18 at which the subject construction project was discussed. One of the Commissioners promoted the idea of the contractor constructing a "mock-up" wall on the upper level on the southern side of the building at a plate height of 9 feet. This was suggested to the Commission so that the Commissioners and the concerned property owners could see first hand the massiveness of the proposed construction. I do not believe that the motion that the Commission approved, included the Commissioner's suggestion to construct the "mock-up" wall. I feel that the "mock-up" wall would be very beneficial to all concerned and should become part of the Commission's recommendations.

Thank You,

Gene Bordegaray



**12.10.18 PC Meeting**  
**Item 8b**  
**1245 Cabrillo Avenue**  
**Page 1 of 1**

*COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT*

**RECEIVED**  
DEC 10 2018  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

From: Gene Bordegaray [<mailto:genebordegaray1@att.net>]  
Sent: Sunday, December 9, 2018 11:46 PM  
To: GRP-Planning Commissioners <[PlanningCommissioners@burlingame.org](mailto:PlanningCommissioners@burlingame.org)>  
Cc: Frank Knifsend <[fknifsend@gmail.com](mailto:fknifsend@gmail.com)>  
Subject: 1245 Cabrillo Ave.

Dear Commissioners,

I live across the street from the proposed project at 1245 Cabrillo Ave. (reference the agenda item b. on your "Regular Action Items" for the meeting on Dec. 10, 2018).

Although the proposed changes to the original approved plans make an effort to mitigate the intrusive mass of the building, there still exists an objectionable, towering structure that stands only a few feet away from the left side property line. This massive wall that is approximately 50 feet long and 25 feet tall has a severe negative impact on the adjacent property (1243 Cabrillo Ave.).

Before this project is allowed to proceed, I think it would be in the Planning Department's best interest, along with the best interest of the property owners, to construct a "story pole" structure which would show the actual height of the proposed structure at its proposed location. Once the story pole structure is constructed, the planning commissioners should visit the site to view for themselves the massiveness of the proposed structure.

The commissioners should evaluate the appropriateness of this construction as if it were being build 4 feet from their own property.

Thank You,  
Gene Bordegaray

**12.10.18 PC Meeting**  
**Item 8b**  
**1245 Cabrillo Avenue**  
**Page 1 of 1**

*COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT*

**RECEIVED**

DEC 10 2018  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

**From:** Sally [<mailto:sally.brown@sbcglobal.net>]

**Sent:** Friday, November 30, 2018 8:05 AM

**To:** CD/PLG-Ruben Hurin <[RHurin@burlingame.org](mailto:RHurin@burlingame.org)>; PW/ENG-Martin Quan <[mquan@burlingame.org](mailto:mquan@burlingame.org)>

**Cc:** Philip Ross <[philipross@sbcglobal.net](mailto:philipross@sbcglobal.net)>

**Subject:** 1245 Cabrillo Avenue, Burlingame - Construction Project

Dear Ruben & Martin,

My husband and I live at 1248 Drake Avenue (right across the creek from the project at 1245 Cabrillo). We're writing again about this project because a piece of tractor/backhoe drilling equipment was delivered to the property in the past couple of days. I understand that the construction of the main building is currently on hold. Does that hold also apply to the construction of the new garage? If not, we are concerned about such garage construction proceeding without a plan for the stabilization/restoration of the creek bank. We have raised this concern repeatedly - at every stage of the project - and, as far as we are aware, no such plan has been developed let alone approved by the City. We are even more concerned given the careless/unprofessional manner in which the contractor has run the project so far. To re-iterate our concerns:

- We haven't seen the creek bank stabilization/restoration plan yet.
- We don't know what the new creek bank and garage will look like below the grade of the bank, since the plan only shows from ground level up.
- The builder has not been professional so far by, among other things, dropping debris into the creek stream and impacting the creek bank and stream during demolition, particularly of the old garage.
- We have concerns about future flooding due to an un-reinforced bank. The former garage had a wooden retaining wall under the structure that has now been removed during demolition.

Please advise what measures will be/have been taken to make certain any work on the new garage will not negatively impact the creek bank and that a plan to stabilize/restore the creek bank will be in place and enforced by the City.

If you have any questions, please feel free to contact us.

Sincerely,

Sally Brown (650 868-4631) and Philip Ross (650 868-1766)

Sent from my iPad



**11.26.18 PC Meeting**  
**Item 8b**  
**1245 Cabrillo Avenue**  
**Page 1 of 1**

*COMMUNICATION RECEIVED  
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OF STAFF REPORT*

**RECEIVED**  
NOV 21 2018  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

**From:** Peter Gum [<mailto:petergum3@gmail.com>]  
**Sent:** Wednesday, November 21, 2018 12:19 PM  
**To:** CD/PLG-Ruben Hurin <[RHurin@burlingame.org](mailto:RHurin@burlingame.org)>  
**Subject:** 1245 Cabrillo Ave.

Dear Commissioners,

I was involved in the initial review of 1245 Cabrillo Ave. and would like to share my thoughts as you deliberate on this item.

Due to the proximity of the non-compliant left side set back, I was concerned that adjustments to the left walls might exacerbate the non-compliant condition and make the project not approvable. The plans I reviewed and the assurances received from Mr. Chu indicated that the left wall would retain the existing dimension.

The plans I reviewed the other day, with accompanying photographs of the current framing, clearly show that the rebuilt left wall does not match the original wall nor is it consistent with the commentary received from Mr. Chu, and therefore, in my opinion, the current construction should be considered for revision.

If a variance is sought, I'm not sure it would meet the standard of "...extraordinary circumstances...[nor]...unnecessary hardship..." as it is quite common for an owner to desire to extend plate heights, and non-standard plate heights are often scrutinized by the Commission.

Fortunately, construction is not yet complete and reducing the wall height at this time will be less of a burden than doing so when construction is complete.

Thank you for all the hours you put in to your service on the Commission!

Peter

**11.26.18 PC Meeting  
Item 8b  
1245 Cabrillo Avenue  
Page 1 of 1**

*COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT*

**RECEIVED**  
NOV 26 2018  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

**From:** Julie Carlson [<mailto:juliebcarlson@gmail.com>]  
**Sent:** Monday, November 26, 2018 7:07 AM  
**To:** GRP-Planning Commissioners <[PlanningCommissioners@burlingame.org](mailto:PlanningCommissioners@burlingame.org)>  
**Subject:** 1245 Cabrillo Avenue

To Burlingame Planning Commission-

I will not be able to attend the Nov 26th planning meeting as I hoped so I am writing this email to address the property at 1245 Cabrillo. I had a chance to go over to the property and look at it from the neighbors next door and was shocked at what I saw. The house was extremely tall, had huge windows that looked right down onto their property and was with-in the required set back. My friends, the Knifsend's, explained to me that the reason the house was able to be built within the setback was because it was existing.

When I took a look at the plans I saw that the original house had an existing plate height of 8' at the back of the house yet the revised plans do not reflect that existing plate height and show it at the same height as the front of the house.

That is not the non-conforming condition that existed and for the Knifsend's, they are seeing terrible consequences of this oversight. Because this house is so close to the Knifsend's property, the height of this first floor is completely unacceptable and will have a very negative impact on their property.

Since the existing wall was removed, it is no longer considered existing and should now have to comply with the same rules as every other property in Burlingame. If this type of situation is allowed it will set a terrible precedent for the future.

Thank you,

Julie Carlson

2105 Roosevelt Avenue





## *Project Comments – Planning Application*

Project Address: **1245 Cabrillo Avenue, zoned R-1, APN: 026-171-050**  
Description: **Request for Design Review for a first and second floor addition to an existing two-story house.**

From: Martin Quan  
Public Works Engineering

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**Please address the following comments at this time; provide a written response and revised plans with your resubmittal:**

- ~~1. Please be aware that there is a storm drain line that runs through the rear of the property. Please submit a title report for review to determine if an easement is present. We have not received the Title Report for review.~~
- ~~2. Please provide pictures of the existing accessory structure that will be removed. Vegetation is shown to exist over the accessory structure. What improvements will be done once the accessory structure is removed?~~
3. No further comments at this time.

The following comments do not need to be addressed now, but you should be aware of them as they will need to be addressed at time of building permit submittal.

4. Based on the scope of work, this is a "Type I" project that requires a Stormwater Construction Pollution Prevention Permit. This permit is required prior to issuance of a Building Permit. An initial field inspection is required prior to the start of any construction (on private property or in the public right-of-way).
5. Any work in the City right-of-way, such as placement of debris bin in street, work in sidewalk area, public easements, and utility easements, is required to obtain an Encroachment Permit prior to starting work.
6. All water lines connections to city water mains for services or fire line protection are to be installed per city standard procedures and material specifications. Contact the city Water department for connection fees. If required, all fire services and services 2" and over will be installed by builder. All underground fire service connections shall be submitted as separate Underground Fire Service permit for review and approval.
7. The scope of work is substantial. A remove/replace utilities encroachment permit is required to (1) replace all curb, gutter, driveway and sidewalk fronting site, (2) plug all existing sanitary sewer lateral connections and install a new 4" lateral, (3) all water line connections to city water mains for services or fire line are to be installed per city standard procedures and specification, (4) any other underground utility works within city's right-of-way.
8. Please submit an erosion control plan. This plan shall include, but not limited to, delineation of area of work, show primary and secondary erosion control measures, protection of creek or storm drain inlets, perimeter controls, protections for construction access points, and sediment control measures.
9. Because the property abuts a natural creek, please add the following verbiage: Property owner improvements (deck, retaining wall, pool, shed, dwelling foundation, driveway pad, etc.) that are constructed within 25' of the creeks top of bank shall stabilize the surrounding area to prevent erosion due to stormwater discharge from the improvements. In addition, vegetation that may impact the creek must be removed and replaced with stabilized material. Please show all downspouts that are directed to the creek and proposed stabilization measures on the site plan or landscape plan. With the removal of the existing garage over the creek, the expectation is that the applicant shall remove any non-native material along the embankment and

take great care not to disturb the hillside. If erosion is evident after removal of the existing garage, the applicant shall submit and detail a plan of action to shore the embankment.

**Reviewed By:** Martin Quan  
650-558-7245

**Date:** 1/12/18



## *Project Comments – Planning Application*

Project Address: **1245 Cabrillo Avenue, zoned R-1, APN: 026-171-050**  
Description: **Request for Design Review for a first and second floor addition to an existing two-story house.**

From: Bob Disco  
Parks Division

---

**Please address the following comments at this time; provide a written response and revised plans with your resubmittal:**

1. Permit for removal of Port Orford Cedar was denied in December 2016 because the tree was in good condition and there was no effort to explore a means to preserve the tree and eliminate the tripping hazards.

Because improvements are being proposed on the property, the Cedar will be adversely affected by the new construction. The tree will most likely be approved for removal since the demolition and construction of the new garage and patio will damage the roots and cause the tree to decline.

A new Protected Tree Removal Permit is required and attach the proposed improvements and landscape plan for review. The permit will not be approved until the Planning Commission reviews and approved the proposed project.

The following comments do not need to be addressed now, but you should be aware of them as they will need to be addressed at time of building permit submittal.

Reviewed By: BD  
bdisco@burlingame.org

Date: 12.27.17





## *Project Comments – Planning Application*

Project Address: 1245 Cabrillo Avenue, zoned R-1, APN: 026-171-050  
Description: Request for Design Review for a first and second floor addition to an existing two-story house.

From: Bob Disco  
Parks Division

---

Please address the following comments at this time; provide a written response and revised plans with your resubmittal:

1. Permit for removal of Port Orford Cedar was denied in December 2016 because the tree was in good condition and there was no effort to explore a means to preserve the tree and eliminate the tripping hazards.  
The City Arborist cannot approve removal since the tree is in good condition and has good structure. Roots are lifting patio but this tree does not meet the criteria for removal.  
Planning Commission should discuss options for retaining or removing tree.

The following comments do not need to be addressed now, but you should be aware of them as they will need to be addressed at time of building permit submittal.

Reviewed By: BD  
558.7333

Date: 5.2.17



## RESOLUTION APPROVING CATEGORICAL EXEMPTION AND DESIGN REVIEW AMENDMENT

RESOLVED, by the Planning Commission of the City of Burlingame that:

WHEREAS, a Categorical Exemption has been prepared and application has been made for Design Review Amendment for changes to a previously approved first and second story addition to an existing single family dwelling and new detached garage at 1245 Cabrillo Avenue, Zoned R-1, Eric and Jennifer Lai, property owners, APN: 026-171-050;

WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on January 14, 2019, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing;

NOW, THEREFORE, it is RESOLVED and DETERMINED by this Planning Commission that:

1. On the basis of the Initial Study and the documents submitted and reviewed, and comments received and addressed by this Commission, it is hereby found that there is no substantial evidence that the project set forth above will have a significant effect on the environment, and categorical exemption, per CEQA 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, is hereby approved.
2. Said Design Review Amendment is approved subject to the conditions set forth in Exhibit "A" attached hereto. Findings for such Design Review Amendment are set forth in the staff report, minutes, and recording of said meeting.
3. It is further directed that a certified copy of this resolution be recorded in the official records of the County of San Mateo.

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Chairman

I, \_\_\_\_\_, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 14<sup>th</sup> day of January, 2019 by the following vote:

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Secretary

## **EXHIBIT "A"**

Conditions of Approval for Categorical Exemption and Design Review Amendment.

**1245 Cabrillo Avenue**

**Effective January 24, 2019**

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped December 18, 2018, sheets A.1 through A.7;
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 the conditions of the Parks Division's May 2 and December 27, 2017 memos and the Engineering Division's January 12, 2018 memo shall be met;
5. 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;
6. that demolition or 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;
7. 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;
8. 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;
9. 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;
10. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2016 Edition, as amended by the City of Burlingame;

## **EXHIBIT "A"**

Conditions of Approval for Categorical Exemption and Design Review Amendment.

**1245 Cabrillo Avenue**

Effective **January 24, 2019**

Page 2

### **THE FOLLOWING CONDITIONS SHALL BE MET DURING THE BUILDING INSPECTION PROCESS PRIOR TO THE INSPECTIONS NOTED IN EACH CONDITION:**

11. that prior to scheduling the foundation inspection, a licensed surveyor shall locate the property corners and set the building footprint of the addition per the approved plans; this survey shall be accepted by the City Engineer;
12. 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;
13. 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;
14. 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
15. 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.



CITY OF BURLINGAME  
COMMUNITY DEVELOPMENT DEPARTMENT  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010  
PH: (650) 558-7250 • FAX: (650) 696-3790  
www.burlingame.org

**Site: 1245 CABRILLO AVENUE**

The City of Burlingame Planning Commission announces the following public hearing **on MONDAY, JANUARY 14, 2019 at 7:00 P.M.** in the City Hall Council Chambers, 501 Primrose Road, Burlingame, CA:

Application for Amendment to Design Review for changes to a previously approved first and second story addition to an existing single family dwelling and new detached garage at **1245 CABRILLO AVENUE** zoned R-1. APN 026-171-050

**Mailed: January 4, 2019**

**PUBLIC HEARING  
NOTICE**

*(Please refer to other side)*

**City of Burlingame**

A copy of the application and plans for this project may be reviewed prior to the meeting at the Community Development Department at 501 Primrose Road, Burlingame, California.

If you challenge the subject application(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in the notice or in written correspondence delivered to the city at or prior to the public hearing.

Property owners who receive this notice are responsible for informing their tenants about this notice.

For additional information, please call (650) 558-7250. Thank you.

Kevin Gardiner, AICP  
Community Development Director

**PUBLIC HEARING NOTICE**

*(Please refer to other side)*



1245 Cabrillo Ave.  
300' Radius  
APN # 026.171.050

