

City of Burlingame

Design Review Amendment

Item No. 8f
Regular Action Item

Address: 1245 Cabrillo Avenue

Meeting Date: January 14, 2019

Request: Application 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.

Applicant and Designer: Chu Design Associates

APN: 026-171-050

Property Owners: Eric and Jennifer Lai

Lot Area: 6,119 SF

General Plan: Low Density Residential

Zoning: R-1

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

History and Amendment to Design Review: An 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 at 1245 Cabrillo Avenue, zoned R-1, was approved by the Planning Commission on February 12, 2018 (see attached February 12, 2018 Planning Commission Meeting Minutes). An FYI for clarifications to the left side dormer was reviewed and accepted by the Planning Commission on March 12, 2018.

A building permit was issued in July 2018 and construction began shortly thereafter. During the demolition phase, most of the first floor walls and entire second floor was demolished, which exceeded the amount of walls shown to be removed on the previously approved plans. Several existing nonconforming walls on the first and second floors which were shown to remain were removed, including the nonconforming first floor walls along the left side of the house (2'-3½", 1'-6" and 2'-8" existing side setbacks to the porch and main dwelling, where 4'-0" is required) and the second floor wall at the front of the house (19'-7" existing front setback where 20'-0" is required).

With this application, the applicant is proposing to build the first floor foundation and walls 4'-0" from the left side property to comply with minimum side setback requirement of 4'-0". In addition, the second floor wall at the front of the house has been set back 20'-0" to comply with minimum second floor setback requirement of 20'-0". Therefore, variances are not required.

In addition, because the entire existing second floor was demolished, the existing nonconforming building height of 30'-2" became void. However, with the revised project the second floor addition complies with building height requirements (29'-2" building height proposed where 30'-0" is the maximum allowed). The revised project eliminates the previously required Special Permit for building height for the addition.

Additional changes include reducing the size of the windows in the kitchen and dining room along the Left Elevation, reducing the plate height from 9'-10" to 9'-0", increasing the size of the dining room and increasing the size of the deck at the rear of the house. The applicant submitted the originally approved and proposed plans, date stamped December 18, 2018, to show the changes to the previously approved design review project.

A stop work notice was issued by the Building Division on October 24, 2018, and was applicable to the areas affected by the nonconforming walls in question (along left side of property). The notice allows construction to proceed on other areas of the project at the property owner's own risk.

December 10, 2018 Regular Action Meeting: At the Planning Commission Regular Action meeting on December 10, 2018, the Commission had several suggestions and requests for additional information and therefore voted to continue the application (see attached December 10, 2018 Planning Commission Minutes).

The applicant submitted a response letter and revised plans, date stamped December 18, 2018, to address the Commission's comments. Please refer to the copy of the December 10, 2018, Planning Commission minutes included in the staff report for the list of Planning Commission comments. Listed below are the suggestions and requests for information from the Commission and a summary of responses by the applicant or staff.

1. Request that staff investigate the front wall and determine whether a variance or change is required.

- In his response letter dated December 18, 2018, the applicant notes that the contractor confirmed that only three cripple studs on the living room wall have been replaced. The applicant further clarified that a portion of the plate, between the cripple wall and floor beam along the left side of the living room wall, has also been replaced, but was done by a previous owner to address dry rot issues.

Based on the work completed on this wall to date and factoring in a new header for the living room window, Building and Planning Division staff reviewed the wall and determined that it would consider it to be an existing wall. Therefore, a Front Setback Variance is not required to retain the existing nonconforming wall, nor is the wall required to be relocated to comply with current code setback requirements.

2. Reduce plate height to 9 feet.

- The plate height on the ground floor has been reduced from 9'-10" to 9'-0" (see revised building elevations, sheets A.4 through A.7, date stamped December 18, 2018). As a result, the overall building height reduced from 30'-0" to 29'-2".

3. Provide additional details on the plans as requested during the discussion.

- The applicant has submitted revised the plans to address the comments and suggestions made by the Commission (see revised plans date stamped December 19, 2018).

4. Provide building section through the dormers to provide a clear understanding of the massing in this area.

- Two building sections were provided through the gable and shed dormers along the left side of the house (see revised sheet A.5, date stamped December 18, 2018).

5. 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.

- In his response letter dated December 18, 2018, the applicant notes that the "overall roof pitch has been redesigned to accommodate a more consistent plate height at the 2nd floor". The height of the dormer wall along the left side of the house was reduced by increasing the roof pitch from 2½:12 to 3:12, reducing the size of the windows in the master bedroom, and eliminating the window well under these windows (see revised Proposed Left Elevation on sheet A.5, date stamped December 19, 2018). This also allowed more of the lower roof to slope up into the side of the dormer.

The Commission also noted that 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. The applicant indicated that a mock-up of the wall will be installed by the Friday prior to the Planning Commission meeting.

Lastly, during its discussion the Commission asked about the stabilization of the creek at the rear of the lot. The Engineering Division notes that it is their understanding that the embankments have been stabilized since the demolition of the existing garage. The inspector for this project will assure that the required measures are implemented accordingly to prevent embankment erosion into the creek. The Engineering Division will continue to work with the applicant if there is any deterioration of the embankment during the construction of the project.

Project Description: The existing two-story house and two-story detached accessory structure contained 2,793 SF (0.46 FAR) of floor area. The applicant is proposing to demolish the existing accessory structure, build a new detached garage, replace and add onto the first floor of the house and build a new second floor. The proposed project will increase the total floor area to 3,336 SF (0.54 FAR), where 3,378 SF (0.55 FAR) is the maximum allowed. The project is 42 SF below the maximum allowable floor area and is therefore within 1% of the maximum allowed FAR.

The existing house had four bedrooms and there is no change in the number of bedrooms with this project. Two parking spaces, one of which must be covered, are required on-site. One covered parking space is provided in the new detached garage (10' x 20' clear interior dimensions); one uncovered parking space (9' x 20') is provided in the driveway.

1245 Cabrillo Avenue

Lot Area: 6,119 SF

Plans date stamped: December 18, 2018

	EXISTING	PREVIOUSLY APPROVED	CURRENTLY PROPOSED	ALLOWED/REQ'D
SETBACKS				
Front (1st flr): (2nd flr):	17'-1" ¹ 19'-7" ¹	no change no change	no change 20'-0"	18'-9" (block average) 20'-0"
Side (left): (right):	2'-3½" to porch ¹ 1'-6", 2'-8" to house ¹ 10'-6"	no change 11'-3" to addition	4'-0" to porch 4'-0" to house no change	4'-0" 4'-0"
Rear (1st flr): (2nd flr):	39'-0" 65'-0"	40'-7" 49'-7"	38'-1" no change	15'-0" 20'-0"
Lot Coverage:	2498 SF 40.8%	2426 SF 39.6%	2442 SF 39.9%	2447 SF 40%
FAR:	2793 SF 0.46 FAR	3368 SF 0.55 FAR	3336 SF 0.54 FAR	3378 SF 0.54 FAR
# of bedrooms:	4	4	no change	---
Off-Street Parking:	1 covered 1 uncovered	1 covered (10' x 20') 1 uncovered (9' x 20')	no change	1 covered (10' x 20') 1 uncovered (9' x 20')
Building Height:	30'-2"	30'-2" ²	29'-2"	30'-0"
DH Envelope:	complies	complies	complies	C.S. 25.26.075

¹ Existing nonconforming front setback (1st and 2nd floors) and left side setback.

² Special Permit previously approved for overall building height (30'-2" existing and proposed where between 30'-0" and 36'-0" is allowed with a Special Permit).

Staff Comments: Frank Knifsend, the adjacent neighbor at 1243 Cabrillo Avenue, submitted letters and exhibits dated January 8, 2019 and December 4, 2018 expressing concerns with the proposed project. Emails concerning the project were also received from Gene Bordegaray (emails dated January 4, 2019 and December 9, 2018), Sally Brown and Philip Ross (dated November 30, 2018), Peter Gum (dated November 21, 2018), and Julie Carlson (dated November 26, 2018).

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

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

Suggested Findings for Design Review: That the architectural style, mass and bulk of the addition (featuring a combination of gable and shed roofs, composition shingle roofing, reduced and proportional plate heights, horizontal siding on the house and board and batten siding on the gable ends, adhered stone veneer base, and aluminum clad wood windows (with simulated true divided lites and wood trim) is compatible with the existing house and character of the neighborhood and that the windows and architectural elements of the proposed structure are placed so that the structure respects the interface with the structures on adjacent properties, therefore the project may be found to be compatible with the requirements of the City's five design review criteria.

Planning Commission Action:

The Planning Commission should conduct a public hearing on the application, and consider public testimony and the analysis contained within the staff report. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped 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;

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.

Ruben Hurin
Planning Manager

- c. Chu Design Associates, applicant and designer
Eric and Jennifer Lai, property owners

Attachments:

December 10, 2018 Planning Commission Minutes
Applicant's Response Letter, dated December 18, 2018
February 12, 2018 Planning Commission Minutes
Application to the Planning Commission (from original application)
Applicant's Explanation Letter, dated November 30, 2018
Letters and exhibits submitted by Frank Knifsend, dated January 8, 2019 and December 4, 2018
Emails submitted by Gene Bordegaray, dated January 4, 2019 and December 9, 2018
Email submitted by Sally Brown and Philip Ross, dated November 30, 2018
Email submitted by Peter Gum, dated November 21, 2018
Email submitted by Julie Carlson, dated November 26, 2018
Staff Comments
Planning Commission Resolutions (Proposed)
Notice of Public Hearing – Mailed January 4, 2019
Area Map