



PROJECT LOCATION
1520 Cypress Avenue

City of Burlingame

Negative Declaration, Design Review, Side Setback Variance, Special Permit and Conditional Use Permits

**Item No. 8d
Action Item**

Address: 1520 Cypress Avenue

Meeting Date: April 27, 2015

Request: Application for Negative Declaration, Design Review, Side Setback Variance and Special Permit for declining height envelope for a first and second story addition to an existing single family dwelling and Conditional Use Permits to add a cabana and toilet to an existing detached garage.

Applicant and Architect: Dreiling Terrones Architecture, Inc.

APN: 028-294-090

Property Owners: Jeffrey Hessekiel

Lot Area: 7,506 SF

General Plan: Low Density Residential

Zoning: R-1

Background: The subject property is located within the Burlingame Park No. 2 subdivision. Based upon documents that were submitted to the Planning Division by a Burlingame property owner in 2009, it was indicated that the entire Burlingame Park No. 2, Burlingame Park No. 3, Burlingame Heights, and Glenwood Park subdivisions may have historical characteristics that would indicate that properties within this area could be potentially eligible for listing on the National or California Register of Historical Places. Therefore, for any property located within these subdivisions, a Historic Resource Evaluation must be prepared prior to any significant development project being proposed to assess whether the existing structure(s) could be potentially eligible for listing on the National or California Register of Historical Places.

A Historic Resource Evaluation was prepared for this property by Page & Turnbull, Inc., dated January 16, 2015 (see attached). The results of the evaluation concluded that 1520 Cypress Avenue does not appear to be individually eligible for listing in the National or California Registers of Historical Resources under any criteria.

Because there was a potential impact on historic resources, an Initial Study was prepared for the project. Based on the analysis by Page and Turnbull, it was determined that there would be no adverse environmental impacts, and a Negative Declaration has been prepared (see attached ND-582-P).

The purpose of the present review is to hold a public hearing and evaluate that this conclusion, based on the initial study, facts in the Negative Declaration, public comments and testimony received at the hearing, and Planning Commission observation and experience, are consistent with the finding of no significant environmental impact.

Project Description: The existing two-story house with a detached garage contains 2,275 SF (0.30 FAR) of floor area and has three bedrooms. The applicant is proposing a 742 SF first floor addition and a 630 SF second floor addition at the rear of the house. The applicant is requesting approval of a Side Setback Variance for the first floor addition along the right side property line, as well as a Special Permit for declining height envelope for the second floor addition along the right side property line. The required applications are listed on page 2 of the staff report. With the proposed additions to the house and accessory structure, the floor area on site will increase to 3,765 SF (0.50 FAR) where 3,902 SF (0.52) FAR is the maximum allowed. The proposed project is 137 SF below the maximum allowed FAR and is therefore within 3% of the maximum allowed FAR.

This application also includes converting a portion of the existing garage to a cabana with a small bathroom, which also includes expanding its size by 118 SF. The applicant is requesting approval of two Conditional Use Permits for a cabana exceeding 120 SF in area (260 SF proposed) and for a toilet in an accessory structure. The required applications are listed on page 2 of the staff report.

With the proposed addition, the number of bedrooms will increase from three to four. Planning staff would note that the office on the main floor does not qualify as a bedroom since the opening in the wall between the office and family room is 50% open. Two parking spaces, one of which must be covered, are required on site. The existing detached oversized one-garage provides one covered parking space (17'-7" wide x 18'-0" clear interior dimensions where 18' x 18' is the minimum acceptable for an existing two-car garage). With this application, a portion of the garage will be converted to a cabana, however 10'-0" x 18'-0" clear interior dimensions will be provided as required for the covered parking space. One uncovered space (9' x 20') is provided in the driveway. Planning staff would note that the existing 7'-8" wide driveway is existing nonconforming (9'-6" minimum width required under current code). However, a Variance for driveway width is not required since the driveway width is not being altered with the proposed additions. All other Zoning Code requirements have been met.

The applicant is requesting the following applications:

- Negative Declaration, a determination that there are no significant environmental effects as a result of this project;
- Design Review for a first and second story addition to an existing single-family dwelling (CS 25.57.010 (a) (2));
- Side Setback Variance for a first floor addition along the right side property line (3'-3" proposed where 4'-0" is the minimum required) (CS 25.26.072 (c) (1));
- Special Permit for declining height envelope along the right side property line (66 SF, 2'-9" x 24'-0" of the building extends beyond the declining height envelope) (CS 25.26.075 (a));
- Conditional Use Permit for a cabana exceeding 120 SF in area (260 SF proposed) (CS 25.60.010 (n)); and
- Conditional Use Permit for a toilet in an accessory structure (CS 25.60.010 (j)).

This space intentionally left blank.

1520 Cypress Avenue

Lot Area: 7,506 SF

Plans Date Stamped: March 25, 2015

	EXISTING	PROPOSED	ALLOWED/REQUIRED
SETBACKS			
Front (1st flr):	24'-4"	no change	15'-0" or block average
(2nd flr):	24'-4"	no change	20'-0" or block average
Side (right):	3'-3" ¹	3'-3" ²	4'-0"
(left):	7'-8"	15'-2"	4'-0"
Rear (1st flr):	100'-2"	76'-2"	15'-0"
(2nd flr):	100'-2"	76'-2"	20'-0"
Lot Coverage:	1323 SF 17.6%	2183 SF 29%	3002 SF ³ 40%
FAR:	2275 SF 0.30 FAR	3765 SF 0.50 FAR	3902 SF 0.52 FAR
# of bedrooms:	3	4	---
Off-Street Parking:	1 covered (17'-7" x 18'-0") 1 uncovered (9'-0" x 20'-0")	1 covered (10'-0" x 18'-0") 1 uncovered (9'-0" x 20'-0")	1 covered (9'-0" x 18'-0" for existing) 1 uncovered (9'-0" x 20'-0")
Building Height:	27'-6"	27'-6" to addition	30'-0"
DH Envelope:	non-conforming ⁴	special permit required ⁵ (66 SF extends beyond DHE along right side)	CS 25.26.075
Accessory Structure Use:	detached garage	portion of garage converted to a 260 SF cabana with a toilet ^{6,7}	CUP required for cabana exceeding 120 SF and toilet in an accessory structure

¹ Existing nonconforming right side setback to first and second floors (3'-0" existing where 4'-0" is the minimum required).

² Side Setback Variance to the first floor addition along the right side property line (3'-3" proposed where 4'-0" is the minimum required).

³ (0.32 x 7506 SF) + 1100 SF + 400 SF = 3902 SF (0.52 FAR)

⁴ The existing two-story house is nonconforming in declining height envelope along the right side property line.

⁵ Special Permit for declining height envelope along the right side property line (66 SF, 2'-9" x 24'-0" of the building extends beyond the declining height envelope).

⁶ Conditional Use Permit for a cabana exceeding 120 SF in area (260 SF proposed).

⁷ Conditional Use Permit for a toilet in an accessory structure.

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

Design Review Study Meeting: At the Planning Commission Environmental Scoping and Design Review Study meeting on March 23, 2015, the Commission expressed a concern with the proposed addition along the right side property line and suggested that the applicant consider providing relief on both floors in order to add more light and air space. The Commission placed the item on the regular action calendar when the plans had been revised as directed (see attached March 23, 2015 Planning Commission Minutes).

The applicant submitted a response letter and revised plans, dated March 25, 2015, to address the Commission's suggestions and comments. Please refer to the applicant's letter for a detailed list of changes made to the project.

Planning staff would note that the revision to the second floor addition along the right side property, which includes setting the second floor wall back an additional 1'-0", eliminated the previous request for a Side Setback Variance for the second floor addition (second floor addition is now set back 4'-3" from the right side property line where 4'-0" is the minimum required). In addition, the encroachment into the declining height envelope was reduced from 90 SF (3'-9" x 24'-0" extension beyond the declining height envelope) to 66 SF (2'-9" x 24'-0" extension beyond the declining height envelope).

Negative Declaration: Because there was a potential impact on historic resources, the proposed project is subject to the requirements of the California Environmental Quality Act. The Planning Commission held an environmental scoping session for this project on March 23, 2015. An Initial Study was prepared by the Planning Division staff. It has been determined that the proposed project can be covered by a Negative Declaration since the initial study did not identify any adverse impacts from the proposed construction of the second story addition (please refer to the attached Negative Declaration No. 582-P). The Negative Declaration was circulated for 20 days for public review. The 20-day review period ended on April 20, 2015; no comments were submitted on the Negative Declaration.

Required Findings for a Negative Declaration: For CEQA requirements the Planning Commission must review and approve the Negative Declaration, finding that on the basis of the Initial Study and any comments received in writing or at the public hearing that there is no substantial evidence that the project will have a significant (negative) effect on the environment.

Suggested Findings for Negative Declaration: In accordance with CEQA Guidelines Section 15183, the environmental analysis in the Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. Based on the environmental analysis, no project-specific significant effects peculiar to the project or its site were identified. Therefore, it was determined that the proposed project would have no adverse environmental impacts on the environment in the areas of aesthetics, agriculture and forestry services, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic and utilities/service systems.

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

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

Suggested Findings for Design Review: That the architectural style, mass and bulk of the structure, featuring simulated true divided lite aluminum clad wood windows, window shutters, sloping roofs with gable ends, varied second floor walls along the sides and rear of the house, consistent plate heights, stucco siding and asphalt shingle roofing is compatible with the existing character of the neighborhood; that retaining the existing detached garage is consistent with the parking and garage patterns in the neighborhood; that the windows and architectural elements of the proposed structure are placed so that the structure respects the interface with the structures on adjacent properties; and that the proposed landscape plan incorporates plants, hedges and trees at locations so that they help to provide privacy and compatible with the existing neighborhood, the project may be found to be compatible with the requirements of the City's five design review criteria.

Required Findings for Variance: In order to grant a variance the Planning Commission must find that the following conditions exist on the property (Code Section 25.54.020 a-d):

- (a) there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the same district;
- (b) the granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship;
- (c) the granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience; and
- (d) that the use of the property will be compatible with the aesthetics, mass, bulk and character of existing and potential uses of properties in the general vicinity.

Suggested Variance Findings (Side Setback on First Floor): That the location of the proposed first floor addition along the right side property line is at the rear of the existing house so that it will not alter the character of the neighborhood and will not have a detrimental impact on the character of the adjacent properties; that the original house was built with a 3'-3" right side setback that does not meet current code requirements and that the proposed wall will be a 24'-0" extension of an existing wall; that the construction will meet the requirements of the California Building and Fire Codes, 2013 Edition as amended by the City of Burlingame, and therefore will not be detrimental to public health, safety, or welfare; and that the proposed addition complies with lot coverage, floor area ratio and height requirements and therefore is compatible with the aesthetics, mass and character of the property and of adjacent properties and the neighborhood; therefore the proposed project may be found to be compatible with the Variance criteria.

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

- (a) The blend of mass, scale and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the existing street and neighborhood;
- (b) the variety of roof line, facade, exterior finish materials and elevations of the proposed new structure or addition are consistent with the existing structure, street and neighborhood;
- (c) the proposed project is consistent with the residential design guidelines adopted by the city; and
- (d) removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the city's reforestation requirements, and the mitigation for the removal that is proposed is appropriate.

Suggested Special Permit Findings (Declining Height Envelope): That the proposed second floor addition along the right side property line extends 2'-9" into the declining height envelope and is located behind an existing second floor which encroaches 3'-9" into the declining height envelope, the encroachment is consistent with the design, helps to limit the massing of the addition along the right side of the property and that the portion of the wall which extends into the declining height envelope is broken up by three windows evenly distributed along the wall, the project may be found to be compatible with the special permit criteria.

Findings for a Conditional Use Permit: In order to grant a Conditional Use Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.52.020, a-c):

- (a) The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience;
- (b) The proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;
- (c) The planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

Suggested Findings for a Conditional Use Permit (Cabana Exceeding 120 SF and Toilet in Accessory Structure): That the 260 SF cabana, containing a small bathroom with a toilet and sink, will not be detrimental or injurious to property or improvements in the vicinity as it consists of converting of a portion of the existing detached garage and adding 118 SF to the garage and that the addition is located towards the center of the rear yard (away from neighboring properties); that the cabana and small bathroom is a residential use compatible with the use of an existing pool in the rear yard and therefore is consistent with the land use designation in the General Plan; and that the addition to the existing detached garage will be constructed to aesthetically match the existing house and therefore will be compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.

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 and within the Negative Declaration. Affirmative action on the following items should be taken separately by resolution including conditions from the staff report and/or that the commissioners may add. The reasons for any action should be clearly stated.

1. Negative Declaration.
2. Design Review, Side Setback Variance, Special Permit and Conditional Use Permits.

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 March 25, 2015, sheets A0.0 through A5.1, L1.1, GP1 and BMP1.1;
2. that if the accessory structure is demolished or the envelope changed at a later date the Conditional Use Permits, as well as any other exceptions to the code granted here, will become void;
3. 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);

4. 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;
5. that the conditions of the Building Division's March 9, 2015 and January 1, 2015 memos, the Parks Division's March 9, 2015 and January 27, 2015 memos, the Engineering Division's March 13, 2015 and January 23, 2015 memos, the Fire Division's January 26, 2015 memo and the Stormwater Division's January 22, 2015 memo shall be met;
6. 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;
7. 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;
8. 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;
9. 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;
10. 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;
11. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, 2013 Edition, as amended by the City of Burlingame;

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

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; and
14. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans.

Attachments:

Response Letter submitted by the applicant, dated March 25, 2015
March 23, 2015 Planning Commission Minutes
Explanation Letter submitted by the applicant, dated March 16, 2015
Application to the Planning Commission
Variance Application
Special Permit Application
Conditional Use Permit Applications
Western Window Systems Manufacture Brochure
Photographs of Neighborhood
Staff Comments
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed April 17, 2015
Aerial Photo

Separate Attachments:

Negative Declaration and Initial Study (ND-582-P), dated April 1, 2015
Historical Resource Evaluation conducted by Page & Turnbull, Inc., dated January 16, 2015

Ruben Hurin
Senior Planner

c. Dreiling Terrones Architecture, Inc., applicant and architect