



PROJECT LOCATION
2721 Martinez Drive

City of Burlingame

Design Review and Hillside Area Construction Permit

Item No. 8c
Regular Action Item

Address: 2721 Martinez Drive

Meeting Date: January 28, 2019

Request: Application for Design Review and Hillside Area Construction Permit for a first and second story addition to an existing single family dwelling.

Applicant and Architect: Xie Guan, Xie Associates

APN: 025-023-040

Property Owner: Lin Yun Ping

Lot Area: 10,015 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 15301 (e)(1) of the CEQA Guidelines, which states that additions to existing structures are exempt from environmental review, provided the addition will not result in an increase of more than 50% of the floor area of the structures before the addition.

Project Description: The site is located on a sloping lot, which slopes upward from front to rear by seven feet and upward from left to right by ten feet. The existing two-story house with an attached two-car garage contains 3,484 SF of floor area and has three bedrooms. The applicant is proposing a first and second story addition to the main dwelling which would increase the total floor area to 3,998 SF (0.40 FAR), where 4,305 SF (0.43 FAR) is the maximum allowed. The project is 307 SF below the maximum allowable floor area.

The subject property is located in the Hillside Area and Code Section 25.61.020 of the Burlingame Municipal Code states that no new structure or any addition to all or a portion of an existing structure shall be constructed within the affected area without a Hillside Area Construction Permit.

Staff notes that the application previously included the addition of a new attached accessory dwelling unit on the lower floor of the main dwelling (behind the attached garage). Since the design review study meeting, the property owner has decided not to build an accessory dwelling unit and has withdrawn his application. Instead, the area behind the attached garage will contain a family room, bedroom and bathroom.

With this application, the number of bedrooms will increase from three to five. Three off-street parking spaces, two of which must be covered, are required for this project. The existing attached garage provides two covered parking spaces (18'-4" wide x 22'-3" deep clear interior dimensions provided where 18'-0" x 18'-0" is the minimum required for an existing garage) and one uncovered parking space (9' x 18' as measured to the inner edge of the sidewalk) is provided in the driveway. All other Zoning Code requirements have been met. The applicant requests the following applications:

- Design Review for a first and second story addition (C.S. 25.57.010 (a) (2)); and
- Hillside Area Construction Permit (C.S. 25.61.020).

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2721 Martinez Drive**Lot Area:** 10,015 SF**Plans date stamped:** January 7, 2019

	EXISTING	PROPOSED	ALLOWED/REQ'D
SETBACKS			
Front (1st flr): (2nd flr):	14'-11" ¹ 14'-11" ¹	no change no change	15'-6" (block average) 20'-0"
Side (left): (right):	7'-8" 12'-0"	7'-8" 7'-0"	7'-0" 7'-0"
Rear (1st flr): (2nd flr):	43'-6" 60'-6"	35'-4" 45'-4" to deck	15'-0" 20'-0"
Lot Coverage:	2905 SF 29%	3716 SF 37.1%	4006 SF 40%
FAR:	3484 SF 0.35 FAR	3998 SF 0.40 FAR	4305 SF ¹ 0.43 FAR
# of bedrooms:	3	5	---
Off-Street Parking:	2 covered (18'-4" x 22'-3") 1 uncovered (9' x 18')	no change	2 covered (18' x 20') 1 uncovered (9' x 18')
Building Height:	24'-10"	24'-10"	30'-0"
DH Envelope:	---	complies	CS 25.26.075

¹ Existing nonconforming front setback.² $(0.32 \times 10,015 \text{ SF}) + 1100 \text{ SF} = 4,305 \text{ SF}$ (0.43 FAR).**Staff Comments:** None.

Design Review Study Meeting: At the Planning Commission Design Review Study meeting on August 27, 2018, the Commission had several comments and concerns with the project and referred the application to a design review consultant (see attached August 27, 2018 Planning Commission Minutes). Please refer to the attached meeting minutes for a complete list of concerns expressed by the Planning Commission.

The applicant submitted a response letter, date stamped January 17, 2019, and revised plans, date stamped January 7, 2019, to address the Planning Commission's comments and concerns. A discussion of the analysis of the revised project and recommendation by the design review consultant is provided in the next section.

The Commission directed that story poles be installed because of the sloping site and context of the neighborhood. Story poles were installed as directed (see attached story pole certification and story pole plan).

The Commission expressed a concern with size of second floor roof deck that overlooks the neighboring property, noting that it is larger than typically allowed (usually limited to 100 SF or so). The Commission commented that they have been somewhat more permissive when the deck is off more private spaces, like a master bedroom, as opposed to this one which is off a dining room, and therefore could lead to potential noisy activities that overlooks the neighbor. In working with the design review consultant, the usable size of the deck has been reduced from 271 SF to 129 SF by incorporating a built-in bench and planter box with 6'-0" tall privacy

screening (hedge/shrub) (see revised Landscape Plan and Proposed Second Floor Plan, date stamped January 7, 2019). A condition of approval has been added which requires that the bench, planter box, landscape screening and irrigation be installed and maintained.

Lastly, the Commission also requested that before this project comes back for action, the staff report include language from State law explaining that every community within the State is required to allow for ADUs in R-1 districts, and that it doesn't constitute rezoning. Although this project no longer includes an ADU, staff provides the following explanation for the benefit of the Commission and neighbors:

On September 27, 2016 Governor Jerry Brown signed AB 2299 and SB 1069 into law. The legislation amends Government Code Section 65852.2, regulations for accessory dwelling units (previously referred to as "Secondary Dwelling Units" in the Burlingame Municipal Code). The amendments are intended to streamline housing production in the face of the State's ongoing housing crisis by making it easier for property owners to create a second unit associated with a single family dwelling, which are largely located within the R-1 Zoning District. This is not considered a rezoning since the use is permitted on a property which contains a single family dwelling. Under the legislation such units are now to be referred to an "Accessory Dwelling Units" or "ADUs". The revisions to State Law became effective on January 1, 2017. The City of Burlingame adopted revisions to its Zoning Code regulations creating consistency with State law on February 6, 2017.

On September 29, 2017 Governor Brown signed additional legislation that provides clarification for the creation of ADUs; these include SB 229 and AB 494. The bills became effective January 1, 2018 and are intended to help clarify and improve various provisions of the law to promote the development of ADUs.

Analysis and Recommendation by Design Reviewer: The design review consultant met with the project architect and property owners over several meetings to discuss the Planning Commission's concerns with the project and reviewed revised plans. Please refer to the attached design reviewer's analysis and recommendation, dated December 27, 2018, for a detailed list of the changes made to the project and an analysis of how the revisions are consistent with the design guidelines.

The design reviewer notes that with the revisions made to the project, it is her opinion that "the revised design meets the requirements of the design guidelines." Based on the design review analysis of the project, the design reviewer recommends approval of the project as proposed.

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 hip roofs, a front porch with a gable roof, composition shingle roofing, proportional plate heights, stucco siding, horizontal wood siding on a portion of the addition, and aluminum clad wood windows with 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.

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

Suggested Findings for Hillside Area Construction Permit: That the site is located on a sloping lot, which slopes upward from front to rear by seven feet and upward from left to right by ten feet, with the properties to the north and west located several feet above the subject property, and therefore will not be impacted by the proposed new construction; that the two-story portion of house is located along the lowest portion of the site therefore would minimize any impacts on long distant views; and that roof ridge on the proposed addition matches the roof ridge height of the existing house. For these reasons the project does not obstruct distant views from habitable areas with nearby dwelling units and therefore the project may be found to be compatible with hillside area construction permit criteria.

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 revised plans submitted to the Planning Division date stamped January 7, 2019, sheets A1.0 through A4.0;
2. that the wood bench, built-in planter, landscape screening and irrigation on the deck off the dining room shall be installed and maintained as shown on the Landscape Plan and Proposed Second Floor Plan;
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 first or second floors, or garage, which would include adding or enlarging a dormer(s), shall require an amendment to this permit;
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 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;
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. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height to the Building Division; and
14. that prior to final inspection, Planning Division staff will inspect and note compliance of the architectural details (trim materials, window type, etc.) to verify that the project has been built according to the approved Planning and Building plans.

Ruben Hurin
Planning Manager

- c. Xie Guan, Xie Associates, applicant and architect
Lin Yun Ping, property owner

Attachments:

August 27, 2018 Planning Commission Minutes
Applicant's Response Letter, date stamped January 17, 2019
Design Review Analysis, dated December 27, 2018
Story Pole Certification, dated January 11, 2019
Story Pole Plan, date stamped December 17, 2018
Application to the Planning Commission
Letter of Explanation submitted by the applicant, date stamped January 12, 2018
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed January 18, 2019
Area Map