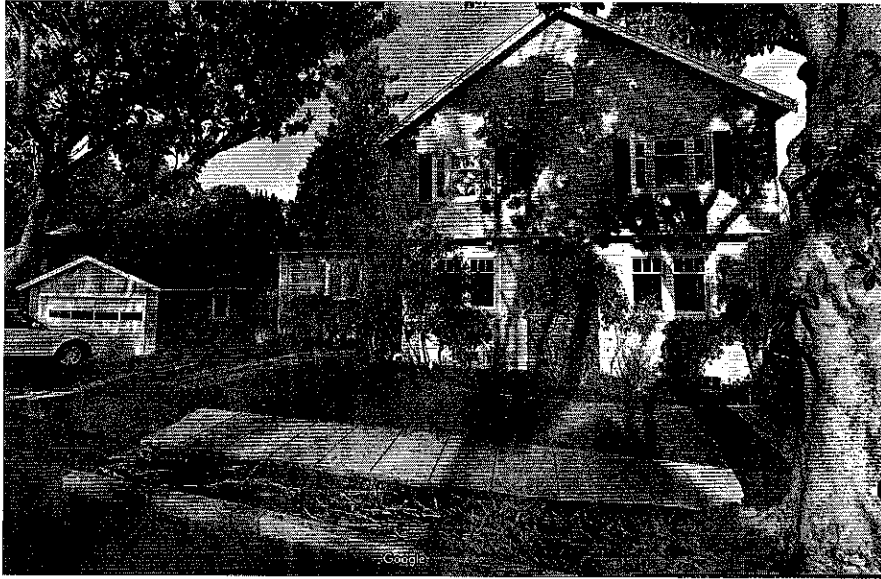


**PROJECT LOCATION**  
1268 Cortez Avenue



**City of Burlingame**  
*Design Review and Special Permit*

**Item No. 8c**  
**Regular Action Item**

**Address:** 1268 Cortez Avenue

**Meeting Date:** February 11, 2019

**Request:** Application for Design Review for a new, two-story single family dwelling and Special Permit for an attached garage.

**Applicant and Architect:** Eric Nyhus, Nyhus Design Group

**APN:** 026-152-100

**Property Owners:** GLAD Trust

**Lot Area:** 12,389 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.

**Project History:**

- October 9, 2018 Planning Commission meeting- project scheduled for Design Review Study; project was referred to Regular Action.
- October 22, 2018 Planning Commission meeting- revised project scheduled for Regular Action; the Planning Commission voted on the project to Deny Without Prejudice; Planning Commissioners provided direction that any revisions of the project should show an attached garage that is single story or that has a second floor tucked within a roof form that starts at the first floor roof line.
- January 14, 2019 Planning Commission meeting - project scheduled for Regular Action with revisions showing a single story garage. Project Continued at the request of the applicant so that additional revisions could be made to the plans.
- February 11, 2019 Planning Commission meeting - project scheduled for Regular Action. The project has revisions showing a single story garage and a change to the roof pitch and to the second story plate height and second story window heights.

**Current Proposal for Action on February 11, 2019, Meeting:** The architect submitted revised plans date stamped December 12, 2018 (sheets A001 through A203) and date stamped January 15, 2019 (sheets A204 through A304). The following revisions were made to the project plans last reviewed by the Planning Commission on October 22, 2019:

1. The proposed new attached garage has been reduced from a two stories to a single story structure and;
2. The windows on the second floor of the main dwelling are in the same location, however, their length has been increased by one (1) foot, from 4'-6" to 5'-6"; to accommodate this change, the following revisions have also been made to the design of the main dwelling:
  - a. the second floor plate height of the main dwelling has been increased by eight (8) inches; and
  - b. the pitch of the roof for the main dwelling has been reduced slightly from 4 1/2 :12 to 4:12 (the overall roof ridge height remains the same).

**October 22, 2018 Action Meeting (Project Denied Without Prejudice):** At the Planning Commission action meeting on October 22, 2018, the Commission expressed a concern that there were no changes made to the design of the garage since the design review study meeting. The Commission noted that the proposed two-story

garage, set forward on the lot, overwhelms the neighborhood and the frontage. The Commission suggested again that the garage be designed as a single story or have true dormers that spring from the single story roof, in order to reduce the massing on the lot. The Commission voted to deny the application without prejudice (see attached October 22, 2018 Planning Commission Minutes). A denial without prejudice allows the applicant to resubmit a project for review by the Planning Commission as long as revisions were made to the project to address the Commission's concerns.

**October 9, 2018 Design Review Study Meeting:** At the Planning Commission Design Review Study meeting on October 9, 2018, the Commission had several suggestions for reducing the mass of the proposed garage and voted to place this item on the regular action calendar (see attached October 9, 2018 Planning Commission Meeting Minutes).

The applicant submitted a response letter dated October 16, 2018 and revised plans date stamped October 12, 2018, in response to the Planning Commission's comments. At that time, the proposed attached garage remained a two-story structure, but was set back an additional two feet from the front property line.

**Project Description:** The subject property is an interior lot and measures 100 feet wide. The lot slopes downward approximately 10 feet from the front to the rear property line and Easton Creek runs along the left side and rear of the property. The applicant proposes to demolish the existing two-story house and the detached garage that is located at the front, left side of the lot.

The proposed new two-story dwelling and attached garage will have 5,061SF (0.409 FAR) where 5,065 SF (0.41 FAR) is the maximum allowed (including front-facing covered porch exemptions). There will be a total of six bedrooms in the proposed main dwelling. A total of three on-site parking spaces are required, two of which must be covered. The attached garage (20' x 20') provides two covered parking spaces and the uncovered parking space is provided in the driveway leading to the garage.

The proposed garage does not share a wall with the main dwelling, but is connected by a breezeway and therefore is considered to be an attached garage. The applicant is requesting a Special Permit for an attached garage and has submitted a Special Permit application to review the reasons an attached garage is compatible with the architecture of the house and with the neighborhood. The existing slope on the lot and presence of the creek would make it difficult to design a detached garage that is located in the rear of the property and that would meet current Zoning Code and Fish and Wildlife regulations. There are no improvements proposed beyond the top of creek bank. All other Zoning Code requirements have been met.

The applicant is requesting the following applications:

- Design Review for a new single family dwelling (CS 25.57.010(a)(1)) and attached garage (CS 25.57.010(a)(6)); and
- Special Permit for an attached garage (CS 25.26.035(a)).

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1268 Cortez Avenue

Lot Area: 12,389 SF

Plans date stamped: December 12, 2018 and January 15, 2019

	PLANS STAMPED 10.12.18	REVISED PLANS STAMPED 12.12.18 and 01.15.19	ALLOWED/ REQUIRED
<b>SETBACKS</b>			
<b>Front (1st flr):</b>	15'-10"	No change	15'-10" is the block average
<b>(2nd flr):</b>	20'-0"	No change	20'-0"
<b>Attached Garage:</b>	25'-10"	28'-0"	25'-0"
<b>Side (left):</b>	9'-1"	7'-7"	7'-0"
<b>(right):</b>	8'-4"	No change	7'-0"
<b>Rear (1st flr):</b>	52'-2" (to deck)	48'-2"	15'-0"
<b>(2nd flr):</b>	59'-2"	55'-2"	20'-0"
<b>Lot Coverage:</b>	3,196 SF	3,211 SF	4,956 SF
	26%	26%	40%
<b>FAR:</b>	4,694 SF	5,061 SF	5,065 SF <sup>1</sup>
	0.38 FAR	0.409 FAR	0.41 FAR
<b># of bedrooms:</b>	6	No change	---
<b>Off-Street Parking:</b>	2 covered (20' x 20') 1 uncovered (9' x 20')	No change	2 covered (20' x 20') 1 uncovered (9' x 20')
<b>Height:</b>	30'-0"	No change	30'-0"
<b>Garage:</b>	Special Permit for attached garage <sup>2</sup>	Special Permit for attached garage <sup>2</sup>	CS 25.26.035(a)
<b>Garage Ridge Height:</b>	21'-8"	15'-4"	N/A
<b>Garage Eave Height:</b>	16'-6"	10'-11"	N/A

<sup>1</sup> (0.32 x 12,389 SF) + 1,100 SF = 5,065 SF (0.41 FAR)

<sup>2</sup> Special Permit requested for an attached garage.

**Staff Comments:** Staff would note that the October 12, 2018 plans showed a second floor over the garage that was considered attic area, accessible only by a pulldown ladder, and that because of this limited accessibility the area was not counted in floor area. The revised December 12, 2018 plans include increased dimensions in the

main house and therefore, although the revised garage footprint has decreased, the overall project floor area has increased slightly (though the project is still under the maximum allowable floor area).

**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.

**Findings for Design Review:** The proposed new house is a similar architectural style to the house it will replace, as well as being consistent with the traditional character of the existing neighborhood. The design of the proposed dwelling is balanced, with the left and right wings of the structure being set back from the face of the main dwelling to reduce the overall mass and bulk. That the subject property is wider than a typical Burlingame lot and can accommodate the proposed Colonial style architecture that features massing variations such as a covered front porch, two bay windows, second floor dormers, and reduced ridge heights at the right and left sides of the house and for the single story garage. The project includes all fiberglass windows with simulated true divided lites in a double hung configuration that is compatible with the Colonial design of the home and includes materials such as wood shutters and 7-inch Hardie Board siding that are consistent with other homes in the neighborhood. For these reasons the project may be found to be compatible with the requirements of the City's five design review 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.

**Special Permit Findings:** That because the subject property slopes down from the street and a creek runs along the left and rear of the property, a detached garage cannot be located in there rear 30% of the lot. That the existing neighborhood is a mix of attached and detached garages, but that the four existing houses adjacent to and across the street from the proposed house have attached garages. That the features of the proposed attached garage, including a 8-foot setback from the face of the main dwelling and two garage doors, function to minimize the prominence of the garage in relation to the main dwelling. For these reasons the project may be found to be compatible with the special 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 project shall be built as shown on the plans submitted to the Planning Division date stamped December 12, 2018 (sheets A001 through A203) and date stamped January 15, 2019 (sheets A204 through A304), and Boundary and Topographic Survey dated April 12, 2017;
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 first or second floors, or garage, which would include adding or enlarging a dormer(s), shall require an amendment to this permit;
4. 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; 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;
5. 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;
6. 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;
7. 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;
8. 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:**

9. 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;
10. that prior to scheduling the foundation inspection, a licensed surveyor shall locate the property corners, set the building footprint and certify the first floor elevation of the new structure(s) based on the elevation at the top of the form boards per the approved plans; this survey shall be accepted by the City Engineer;
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 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
13. 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.

Erika Lewit  
Senior Planner

c. Eric Nyhus, Nyhus Design Group

Attachments:

Architect's letter, dated January 14, 2019  
October 9 and October 22, 2018 Planning Commission Minutes  
Received After Neighbor Letters (3), date stamped October 22, 2018  
Property Owner's Letter, dated October 17, 2018  
Application to the Planning Commission  
Special Permit Application  
Planning Commission Resolution (Proposed)  
Notice of Public Hearing – Mailed February 1, 2019  
Area Map