

# City of Burlingame

## Design Review Amendment

Item No. 8a  
Regular Action Item

**Address:** 4 La Mesa Court

**Meeting Date:** August 26, 2019

**Request:** Application for Design Review Amendment for changes to windows and exterior materials of a previously approved new single family dwelling.

**Applicant and Property Owner:** Four La Mesa LLC

**APN:** 027-022-550

**Designer:** Tim Raduenz, Form + One

**Lot Area:** 16,227 SF

**General Plan:** Low Density Residential

**Zoning:** R-1

**CEQA Status:** The project was covered by Mitigated Negative Declaration 570-P.

**History and Request for Design Review Amendment:** An application for Mitigated Negative Declaration, Design Review, Hillside Area Construction Permit and Special Permit for attached garage for construction of a new, two and one-half story single family dwelling at 4 La Mesa Court, zoned R-1, was approved on May 27, 2014 (see attached May 27, 2014 Planning Commission Minutes). An application for a One Year Extension was approved on June 8, 2015. A building permit was issued in October of 2015, which has included several building permit extensions since then. The house is currently under construction.

The applicant is requesting approval of the changes summarized below (see also the attached letter from the project architect, dated June 27, 2019, for an explanation of the changes requested). The Planning Commission reviewed these changes as an FYI item on July 22, 2019, but did not accept them since there was a written request from a member of the public concerning enlargement and additions of windows. Please refer to the attached email submitted by Ray and Barbara Forrest, dated July 19, 2019.

The property owner notes in his email, dated August 20, 2019, that he recently met with Mr. and Mrs. Forrest (6 La Mesa Court) to explain the proposed changes to the windows along the left side of the house. The owner also met with the property owners at 2 La Mesa Court.

### Front Elevation:

- Remove vertical muntins on two large windows
- Remove horizontal muntins on front door sidelite and simplified front door design
- Remove window in kitchen
- Reduce height of garage door
- Change exterior materials on portions of facade (see Proposed Front Elevation)

### Right Side Elevation:

- Enlarge kitchen window, from 2'-0" x 8'-0" to 3'-0" x 8'-0"
- Remove narrow window in master bathroom
- Change exterior materials on portions of facade (see Proposed Right Side Elevation)

### Left Side Elevation:

- Add awning function to a portion of three fixed windows
- Remove narrow window in Bedroom #3
- Enlarge window in Bedroom #3, from 1'-0" x 5'-0" to 2'-6" x 5'-0"
- Change exterior materials on portions of facade (see Proposed Left Side Elevation)

### Rear Elevation:

- Change portions of façade from smooth metal panel to stone so that it is consistent with rest of façade (see Proposed Rear Elevation)

The applicant submitted plans showing the originally approved and proposed plans, date stamped July 16, 2019, with the changes called out. Other than the changes detailed in the applicant's letter and revised plans, there are no other changes proposed to the design of the house.

**Description of Previously Approved Project:** The previously approved project includes construction of a new two and one-half story single family dwelling and attached garage at 4 La Mesa Court, zoned R-1. La Mesa Court is a private roadway which is maintained through a private agreement amongst the property owners on La Mesa Court and the City of Burlingame.

The house and attached garage has a total floor area of 5,325 SF (0.33 FAR) where 6,293 SF (0.39 FAR) is the maximum allowed (including covered porch and chimney exemptions). Planning staff would note that 630 SF of the floor area includes a crawl space which exceeds 6'-0" in height (230 SF) and the covered pool area (395 SF). The project is 968 SF below the maximum allowed FAR and is therefore within 14% of the maximum allowed FAR.

The project includes an attached single-car garage (11'-0" x 20'-0" clear interior dimensions) which provides one code-compliant covered parking space for the proposed four-bedroom house; one uncovered parking space (9' x 20') is provided in the driveway (two off-street parking spaces required, one of which must be covered).

The following applications were approved for this project on May 27, 2014:

- Mitigated Negative Declaration, a determination that with mitigation measures there are no significant environmental effects as a result of this project;
- Design Review for a new, two and one-half story single family dwelling and attached garage (CS 25.57.010 (a) (1) (4) (6));
- Hillside Area Construction Permit for a new, two and one-half story single family dwelling and attached garage (CS 25.61.020); and
- Special Permit for a new attached single-car garage (CS 25.26.035 (a)).

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**4 La Mesa Court****Lot Area:** 16,227 SF

	<b>Previously Approved</b>	<b>Allowed/Required</b>
<b>SETBACKS</b>		
<b>Front (1st flr):</b>	20'-9"	20'-9" (block average)
<b>(2nd flr):</b>	n/a	20'-9" (block average)
<b>(attached garage):</b>	25'-0" (average)	25'-0"
<b>Side (left):</b>	18'-0" (9'-0" to terrace)	7'-0"
<b>(right):</b>	12'-10"	7'-0"
<b>Rear (Upper):</b>	75'-0" (63' to balcony)	15'-0"
<b>(Middle/Lower):</b>	63'-0" (39' to terrace)	20'-0"
<b>Lot Coverage:</b>	4246 SF 26.1%	40% is 6491 SF, however the lot coverage cannot exceed 6293 SF since this is the maximum allowed FAR (see below)
<b>FAR:</b>	5325 SF 0.33 FAR	6293 SF <sup>1</sup> 0.39 FAR
<b># of bedrooms:</b>	4	---
<b>Off-Street Parking:</b>	1 covered (11' x 20') 4 uncovered (9' x 20')	1 covered (10' x 20') 1 uncovered (9' x 20')
<b>Building Height:</b>	10'-2" from average top of curb	20'-0" for lots that slope downward more than 25%
<b>DH Envelope:</b>	complies	CS 25.26.075
<b>HACP:</b>	requires HACP <sup>2</sup>	CS 25.61.020

<sup>1</sup> (0.32 x 16,227 SF) + 1,100 SF = 6293 SF (0.39 FAR)

<sup>2</sup> Hillside Area Construction Permit required for proposed new, two and one-half story single family dwelling and attached garage.

**Staff Comments:** None.

**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 Amendment:** That the proposed changes to the windows and exterior materials of the single family dwelling are consistent with the previously approved architectural style, mass and bulk of the structure, featuring a variety of siding materials (limestone, wood board and batten and metal panels), articulated exterior walls, aluminum windows and doors, aluminum overhangs, and flat roofs. 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 July 16, 2019, sheets T1.0, AR1, and A2.0 through A9.2 and date stamped May 21, 2014, sheets T1.0, GN, GP, SP, C-2, Boundary and Topographic Survey, A1.0 through A5.0, L1.0, L2.0, FAR and Tree; and that prior to issuance of a building permit the Landscape Plans shall be revised to show six, 24-inch box Catalina Cherry trees (*Prunus ilicifolia*) in place of the Grecian Laurel trees (*Laurus nobilis*) located along the left side property line; and that the glazing along the rear of the house shall be anti-reflective;
2. that all existing trees to remain, as shown on the Landscape Plan (sheet L1.0, date stamped May 21, 2014), shall not be removed or damaged, and the applicant shall have an arborist's report prepared which documents how each tree on the site should be protected during construction; this report shall be reviewed and approved by the City Arborist and the contractor shall call for the Arborist to inspect the protection measures installed before a building permit shall be issued;
3. that if any existing tree on the site dies within five years of the final inspection of the project, it shall be replaced with a new, 36-inch box tree with a species determined to be appropriate by the City Arborist; new trees shall be replaced in the same location unless it is determined by the City Arborist that the location should be adjusted based on the site conditions;
4. that the applicant shall submit a detailed foundation report for approval by the Building Division and City Arborist to establish the bounds of the pier and grade beam foundation prior to the issuance of a building permit for construction on the site; if at any time during the construction the pier locations must be altered to accommodate a tree root, the structural changes must be approved by the Building Division prior to the time any such root is cut or damaged;
5. that a certified arborist shall be on site during any grading or digging activities that take place within the designated tree protection zones, including the digging of the pier holes for the pier and grade beam foundation and digging for removal or installation of any utilities;
6. 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);
7. that any changes to the size or envelope of the lower, middle and upper floors, or garage, which would include adding or enlarging a dormer(s), shall require an amendment to this permit;
8. that the conditions of the Building Division's December 9, November 15 and August 28, 2013 memos, the Fire Division's December 19, November 25 and September 9, 2013 memos, the Engineering Division's September 25, 2013 memo, the Parks Division's December 5, November 18 and September 6, 2013 memos and the Stormwater Division's November 18 and September 4, 2013 memos shall be met;
9. 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;

10. that demolition for 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;
11. 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;
12. 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;
13. 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;
14. 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:**

15. 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;
16. 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;
17. 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;
18. 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;
19. 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;

**Mitigation Measures from Initial Study**

**Aesthetics**

20. The project sponsor shall be subject to the design review process to evaluate the aesthetics of the construction of a single family dwelling in the R-1 Zoning District;

21. The project sponsor shall be subject to a hillside area construction permit to evaluate the obstruction by the construction of the existing distant views of nearby properties, with emphasis given to the obstruction of distant views from habitable areas within a dwelling unit;
22. The landscaping shall be provided on the site as shown on the plans approved by the Planning Commission. All landscaping shall be installed prior to scheduling the final building inspection;

### **Air Quality**

23. During construction, the project sponsor shall ensure implementation of the following mitigation measures during project construction, in accordance with BAAQMD standard mitigation requirements:
  - a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry sweeping is prohibited.
  - d) All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - e) All roadways, driveways, sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - f) Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - h) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

### **Biological Resources**

24. The applicant shall comply with the City's on-site reforestation requirements as approved by the City Arborist'
25. The property owner shall be responsible for implementing and maintaining all tree protection measures as defined in the arborist report prepared by Mayne Tree Expert Company, Inc., dated November 4, 2013. All tree protection measures shall be taken prior to beginning any tree removal activities, grading or construction on the site;
26. All clearing limits, easements, setbacks, sensitive or critical areas, buffer zones trees, and drainage courses are clearly delineated with field markers or fencing installed under the supervision of a licensed arborist and inspected by the City Arborist; and that adjacent properties and undisturbed areas shall be protected from construction impacts with vegetative buffer strips, sediment barriers or filters, dikes or mulching as designed by and installed with the supervision of a licensed arborist to standards approved by the City Arborist;
27. A licensed arborist, hired by the applicant, shall inspect the construction site once a week or more frequently if necessary and certify in writing to the City Arborist and Planning Division that all tree protection measures are in place and requirements are being met;

28. A licensed arborist shall provide a post-construction maintenance program to the property owners with instructions on how to maintain them and identify warning signs of poor tree health; the property owners shall be responsible for the maintenance of the trees for 3 years after construction is finalised by the City;

### **Cultural Resources**

29. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and after notification, the City shall consult with a qualified archaeologist and Native American representative to assess the significance of the find. If any find is determined to be significant (CEQA Guidelines 15064.5[a][3] or as unique archaeological resources per Section 21083.2 of the California Public Resources Code), representatives of the City and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out;
30. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Burlingame;
31. If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity 100 feet of the resources shall be halted and the City of Burlingame and the County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Burlingame shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City of Burlingame, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered;

### **Geology and Soils**

32. The project sponsor shall submit a detailed design level geotechnical investigation to the City of Burlingame Building Division for review and approval. The investigation shall include recommendations to develop foundation and design criteria in accordance with the most recent California Building Code requirements. All foundations and other improvements shall be designed by a licensed professional engineer based on site-specific soil investigations performed by a California Certified Engineering Geologist or Geotechnical Engineer. All recommendations from the engineering report shall be incorporated into the residential development design. The design shall ensure the suitability of the subsurface materials for adequately supporting the proposed structures and include appropriate mitigations to minimize the potential damage due to liquefaction;
33. There shall be no pile driving as part of this project;

34. The foundation for the single family dwelling structure, swimming pool and any pool decking shall be a drilled pier and grade beam design;
35. Grading activities shall be limited to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff;
36. The project shall be required to meet all the requirements, including seismic standards, of the California Building and Fire Codes, 2013 Edition, as amended by the City of Burlingame, for structural stability; and the construction plans and design shall be approved by the Building Division and all necessary permits issued before any grading, tree removal or construction occurs on the site;

### **Hazards and Hazardous Materials**

37. That the applicant shall install fire sprinklers and a fire alarm system monitored by an approved central station as required by the Fire Marshal prior to the final inspection for building permit;
38. That the project shall comply with the following requirements set by the Central County Fire Department:
  - a) All attic spaces created shall be equipped and protected by fire sprinklers.
  - b) The entire house construction shall comply with California Building Code Chapter 7A requirements for buildings in a Wildland Urban Interface.
  - c) The landscaping shall be fire resistive in nature and be in concert with the publication; "Living with Fire in San Mateo County".

### **Hydrology and Water Quality**

39. The project applicant shall prepare and implement a storm water pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:
  - a) A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;
  - b) Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;
  - c) Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;
  - d) Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and
  - e) The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.

### **Noise**

40. The hours for drilling shall be limited to Monday through Saturday from 8:00 a.m. to 4:00 p.m., with no drilling on Sundays or Holidays. The remainder of the construction must abide by the construction hours established in the municipal code, which limits construction hours to 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays and 10:00 a.m. to 6:00 p.m. on Sundays and holidays;



41. To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:
- a) Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).
  - b) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
  - c) Loaded trucks and other vibration-generating equipment shall avoid areas of the project site that are located near existing residential uses to the maximum extent compatible with project construction goals.

### **Transportation/Traffic**

42. No parking shall be allowed along La Mesa Court in order to maintain a 20-foot wide fire access lane for fire apparatus. During construction, construction vehicles and storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited.

Ruben Hurin  
Planning Manager

- c. Four La Mesa LLC, applicant and property owner  
Tim Raduenz, Form + One, designer

### **Attachments:**

Applicant's Letter of Explanation, dated June 27, 2019  
Email Submitted by Alex Pavlovsky, dated August 20, 2019  
Email Submitted by Ray and Barbara Forrest, dated July 19, 2019  
May 27, 2014 Planning Commission Minutes  
Planning Commission Resolutions (Proposed)  
Notice of Public Hearing – Mailed August 16, 2019  
Area Map