

PROJECT LOCATION
812 and 816 Linden Avenue



City of Burlingame

Conditional Use Permit, Design Review, and Special Permit

Item No. 8a
Regular Action Item

Address: 812 and 816 Linden Avenue

Meeting Date: August 26, 2019

Request: Application for a Conditional Use Permit for Re-emerging Lots, Design Review and Special Permit for attached garage for construction of one new, two-story single family dwelling and attached garage at 812 Linden Avenue.

Applicant and Designer: Tim Raduenz, Form + One Design

APN: 029-032-160

Property Owner: Greg Gambrioli

Zoning: R-1

Lot Area: 5,910 SF (812 Linden Avenue, Lot 22)
5,910 SF (816 Linden Avenue, Lot 21)

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15303 (a) of the CEQA Guidelines, 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, this exemption may be applied to the construction or conversion of up to three (3) single-family residences as part of a project.

Current Use: Two existing lots: Lot 21 (816 Linden Avenue) with one single family dwelling and detached accessory structure and Lot 22 (812 Linden Avenue) is vacant; one detached structure straddles the property line between the two existing lots.

Proposed Use: Existing single family dwelling and detached accessory structure at 816 Linden Avenue will remain and a new single family dwelling with an attached garage is proposed at 812 Linden Avenue.

Site Description: The site on Linden Avenue is a single, 11,820 SF parcel that consists of two legally subdivided lots that are parallelograms. Lot 22 is located on the right side of the parcel and will be assigned the address of 812 Linden Avenue. Lot 21 is on the left side of the parcel and has the address of 816 Linden Avenue. The existing, two-story single family dwelling is on Lot 21 (816 Linden Avenue) and Lot 22 (812 Linden Avenue) is vacant and has been developed and used as a fenced yard for the single family dwelling at 816 Linden Avenue.

There is an existing detached structure at the rear, left side of Lot 21 (816 Linden Avenue) that was built as a garage, but appears to have been converted to living space; there is no record of permits for the conversion of this detached garage to living space. The site also contains a detached shed built at the rear of the parcel that spans the side property line between the two lots.

The site is accessed from an existing curb cut on Lot 22 (812 Linden Avenue). The driveway to the former detached garage on Lot 21 runs down the left side of Lot 22 and moves on to Lot 21 approximately 30 feet from the front property line.

The applicant has provided a Certified Arborist Report, dated April 18, 2019 and printed on sheet AR of the plans. There are a total of two protected size trees on the parcel, both located on Lot 21 (812 Linden Avenue). The trees are Palms and the applicant proposes to remove both trees. The City Arborist has indicated that Protected Tree Removal Permits will be issued for removal because the species is not native to the region.

Project Summary: The applicant is proposing to demolish the existing detached accessory structure that straddles the shared side property line and to build a new, two-story single family dwelling and attached garage on Lot 22 (812 Linden Avenue). The existing two-story single family dwelling and detached accessory structure on Lot 21 (816 Linden Avenue) will remain and only minor work is proposed to the structures on this lot as part of the proposed application.

Code Section 25.26.030(e) requires a Conditional Use Permit application for the demolition of a residential structure or an accessory structure thereto, which structure is built over or across two (2) or more legally subdivided lots, and the construction of a structure upon one or more of said lots. The applicant has submitted the required Conditional Use Permit form for the demolition of the existing detached workshop at the rear of the parcel that straddles the side property line between the existing lots.

812 Linden Avenue (Lot 22): The applicant is proposing a new, two-story single family dwelling and attached garage on this vacant lot. The proposed house will total 2,940 SF (0.497 FAR) where 2,991 SF (0.51 FAR) is the maximum allowed. The proposed project is 51 SF below the maximum allowed FAR.

There will be a total of four bedrooms in the proposed main dwelling. A total of two on-site parking spaces are required, one of which must be covered. The attached garage provides one covered parking spaces (10' x 20') and an uncovered parking space (9' x 20') is provided in the driveway leading to the garage. The applicant is requesting a Special Permit for an attached garage and has submitted a Special Permit application providing the reasons an attached garage is compatible with the architecture of the house and with the neighborhood.

To access the attached garage, the applicant is proposing to remove one street tree in the planter strip that abuts Linden Avenue and to add a new curb cut leading to a driveway at the right side of Lot 22 (812 Linden Avenue). A Tree Work Permit will be required for removal of the street tree.

816 Linden Avenue (Lot 21): There is an existing two-story single family dwelling on the lot. A covered porch with post supports was added to the front and right side of the original dwelling and according to San Mateo County Assessor's Office appraisal records, has been in place since at least 1932. This covered porch has supports that are approximately six inches from the submerged right side property line.

With the requested Conditional Use Permit and proposed removal of the shed that spans the shared side property line for Lots 21 and 22, this property line will re-emerge. The side setback to the existing porch supports for house at 816 Linden Avenue will be non-conforming (6 inches where 4'-0" is required). With the re-emerging lot line there would also be no way to access parking in a detached garage on Lot 21 (816 Linden Avenue); this is due to the fact that the side setback from the right side property line to the porch does not leave the required 9'-6" width for a driveway and because there is no curb cut in front of 816 Linden Avenue.

As part of the proposed project, the applicant has submitted plans to show that a portion of the existing covered porch and a bay window at 816 Linden Avenue will be demolished, and a new curb cut and driveway are proposed at the right side of Lot 21. The applicant also proposes to convert the existing detached structure at the rear of the Lot 21 back to a garage with an operational garage door in order to provide on-site covered parking for the existing four bedroom house. With the proposed changes, the parking requirement for the existing house will meet code requirements for one covered space and one uncovered space, and the non-conforming side setback to the house will be eliminated. All other Zoning Code requirements have been met.

The applicant is requesting the following applications:

- Conditional Use Permit for two re-emerging lots (C.S.25.26.030 (e));
- Design Review for one new, two-story single family dwelling and attached garage (CS 25.57.010); and
- Special Permit for an attached garage (C.S. 25.26.035(a)).

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812 Linden Avenue (Lot 22)**Lot Area: 5,910 SF****Plans date stamped: August 16, 2019**

	PREVIOUS PLANS	CURRENTLY PROPOSED	ALLOWED/ REQUIRED
SETBACKS			
Front (1st flr):	27'-0"	17'-0"	15'-0"
(2nd flr):	32'-3"	23'-2"	20'-0"
To Attached Garage	35'-6"	25'-0"	25'-0" (to a single car garage)
Side (left):	4'-2"	No change	4'-0"
(right):	4'-0"	No change	4'-0"
Rear (1st flr):	36'-5"	No change	15'-0"
(2nd flr):	39'-0"	No change	20'-0"
Lot Coverage:	1,962 SF 33%	No change No change	2,364 SF 40%
FAR:	2,940 SF 0.497 FAR	No change No change	2,991 SF ¹ 0.51 FAR
# of bedrooms:	4	No change	---
Off-Street Parking:	1 covered, attached ² (10' x 20') 1 uncovered (9' x 20')	No change	1 covered (10' x 20') 1 uncovered (9' x 20')
Building Height:	29'-1"	No change	30'-0"
Declining Height Envelope:	complies	No change	CS 25.26.075(b)(2) window enclosure exception applies

¹ (0.32 x 5,910 SF) + 1,100 SF = 2,991 SF (0.51 FAR)² Proposed attached garage requires a Special Permit.**Summary of Proposed Exterior Materials:**

- **Windows:** wood windows with simulated true divided lites; wood trim.
- **Doors:** wood doors and wood garage door.
- **Siding:** Windsor one four-inch exposure siding with mitered corners on first floor and cedar shingle on second floor.
- **Roof:** diamond-shaped asphalt shingles.
- **Other:** brick chimney with clay flue and brick foundation façade with cedar water table.

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816 Linden Avenue (Lot 21)**Lot Area: 5,910 SF****Plans date stamped: June 11, 2019**

	EXISTING	PROPOSED	ALLOWED/ REQUIRED
SETBACKS			
Front (1st flr):	6'-0"	No change	15'-0"
(2nd flr):	18'-0"	No change	20'-0"
Side (left):	4'-0"	No change	4'-0"
(right):	0'-6"	9'-6"	4'-0"
Rear (1st flr):	41'-0"	No change	15'-0"
(2nd flr):	71'-0"	No change	20'-0"
Lot Coverage:	3,018 SF ¹ 51%	2,659 SF ² 45%	2,364 SF 40%
FAR:	3,576 SF ³ 0.70 FAR	3,253 SF ⁴ 0.55 FAR	3,391 SF ⁵ 0.57 FAR
# of bedrooms:	4	No change	---
Off-Street Parking:	0 covered, detached 0 uncovered (existing garage converted to living space)	1 covered, detached ⁶ (10' x 20') 1 uncovered (9' x 20')	1 covered (10' x 20') 1 uncovered (9' x 20')
Height:	Existing height not known	No change	30'-0"
Declining Height Envelope:	Existing compliance not known	No change	---

¹ Existing lot coverage is non-conforming.² Proposed changes to 816 Linden Avenue will reduce the existing, non-conforming lot coverage. Because the project will reduce the non-conformity and will remove less than 50% of the existing walls the dwelling is not considered to be new and a variance is not required for the proposed lot coverage.³ Existing floor area is non-conforming.⁴ Proposed changes to 816 Linden Avenue will bring the floor area ratio into compliance with code requirements.⁵ $(0.32 \times 5,910 \text{ SF}) + 1,100 \text{ SF} + 400 = 3,391 \text{ SF}$ (0.57 FAR).⁶ Proposed changes to 816 Linden Avenue will convert the non-permitted detached living space back to covered parking.**Staff Comments:** None.

Design Review Study Meeting: At the Planning Commission design review study meeting on August 12, 2019, the Commission had several suggestions regarding this project and voted to place this item on the regular action calendar when all information has been submitted and reviewed by the Planning Division (see attached August 12, 2019 Planning Commission Minutes).

The applicant submitted a response letters dated August 14, August 19, and August 22, 2019, and revised plans date stamped August 16, 2019 to address the Planning Commission's comments. Listed below are the Commission's comments and responses by the applicant.

1. Mitered corners for the siding would be more traditional than the proposed corner boards.

- The plans have been revised to show mitered corners.

2. Why is there such a deep front setback when the average for the block is 15 feet? This would allow more room in the backyard and space for a detached garage.

- The plans have been revised to reduce the proposed front setbacks to the first and second floors. The garage remains attached and now meets the minimum front setback requirement for a single-car attached garage of 25'-0".

3. The shingles should be shown as rolled where the roof becomes flat to avoid visible flashing.

- A note has been added to the Roof Plan on Sheet A2.2 to show that the shingles will be rolled so that no flashing is visible.

4. The proposed window well under the front facing gable is wide and takes up the entire face of that second story element. Can this well be reduced in width and still meet egress?

- The well has been reduced from 13 feet to 9 feet.

5. It will be difficult to make the findings for a Special Permit for an attached garage. Attached garages are not the pattern in the neighborhood. Detaching the garage would provide more light and setback for the neighbor to the right who has expressed concerns about close setbacks and sunlight.

- The owner and designer have elected to keep the attached garage design and the Special Permit request. The response letter dated August 19, 2019, and the Neighborhood Photos, date stamped August 22, 2019, detail the reasons the design has not been modified in response to the Commission's comments.

Required 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 Conditional Use Permit Findings: The re-emerging lots meet the minimum street frontage requirements and have a similar configuration and size to other lots in the neighborhood. The proposed residential use on the previously vacant lot at 812 Linden Avenue is consistent with the zoning designation and with the existing uses in the area. For these reasons the project may be found to be compatible with the requirements of the City's Conditional Use Permit criteria.

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 prior to the issuance of a building permit, the applicant shall receive approval for a Protected Tree Removal Permit for the removal of the Palm tree on 812 Linden Avenue and a Tree Work Permit for the removal of the street tree in front of 812 Linden Avenue;
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 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;
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, in effect at time of building permit submittal, 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 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;
12. 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;
13. 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;

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.

Erika Lewit
Senior Planner

Attachments:

Applicant's Response to Commission's comments, dated August 14 and August 19, 2019
Neighborhood Photos, Submitted by the Applicant and date stamped August 22, 2019
August 12, 2019 Planning Commission Minutes
Application to the Planning Commission
Conditional Use Permit Application
Special Permit Application
Letter to surrounding neighbors from the property owner, date stamped June 7, 2019
Finish Board Materials for 812 Linden Avenue, date stamped April 4, 2019
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed August 16, 2019
Area Map