

CITY OF BURLINGAME

**PLANNING COMMISSION RESOLUTION 2025-____
APPROVING MAJOR DESIGN REVIEW AND SPECIAL PERMIT FOR
728 NEWHALL ROAD
PROJECT NO. DSR25-0009**

WHEREAS, an application has been made by Behrooz Nemati, on behalf of Property Owner, 728 Newhall Rd LLC, for Major Design Review and Special Permit for plate height for a new, two-story, single-unit dwelling and detached garage in the R-1 (Low Density Residential) zoning district., APN: 028-142-310; and

WHEREAS, on September 8, 2025, the Planning Commission of the City of Burlingame held a duly noticed public hearing at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing; and

WHEREAS, on September 8, 2025, the Planning Commission of the City of Burlingame reviewed and considered a Categorical Exemption under Section 15303 (a) for the Project; and

NOW, THEREFORE, the Planning Commission of the City of Burlingame does here by resolve, find, determine and order as follows:

SECTION 1: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (a) of the CEQA Guidelines, which states 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 may be constructed or converted under this exemption.

SECTION 2: City of Burlingame Municipal Code (BMC) authorizes the Planning Commission to grant Major Design Review and Special Permit upon making certain findings. The Planning Commission finds the following:

MAJOR DESIGN REVIEW FINDINGS (BMC SECTION 25.68.060.H.)

1. *The project is consistent with the General Plan and is in compliance with all applicable provisions of Title 25, all applicable design guidelines, all other City ordinances and regulations, and the standards established in BMC Section 25.68.060 (C).*

The project is consistent with the General Plan designation of Low Density Residential and is in compliance with all applicable provisions of Title 25; the proposed two-story, single-unit dwelling is consistent with the design guidelines in that the mass and bulk of the proposed structure is in scale with the lot and in relation to neighboring properties and that the project proposes traditional elements such as a covered front porch, hip and gable roofs, articulated massing, and proportional fenestration throughout, making the project compatible with the character of the neighborhood.

2. *The project will be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development.*

The project will be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development as shown on the proposed plans.

3. *Required Finding: The project is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.*

The project is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property because the project complies with setback, lot coverage, floor area ratio, building height, and declining height envelope requirements.

SPECIAL PERMIT FINDINGS (BMC SECTION 25.78.020)

1. *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 well-defined character of the street and neighborhood;*

The blend of mass, scale, and dominant structural characteristics of the proposed dwelling are consistent with the existing structure's design and with the well-defined character of the street and neighborhood in that the articulated massing of the dwelling follows the natural slope of the lot, the impact of the 10'-0" first floor plate height on the neighborhood character is reduced given that there are existing two-story dwellings on either side of the project, and that the massing is balanced with a second floor plate height of 8'-0".

2. *The variety of roof line, façade, exterior finish materials, and elevations of the proposed new structure or addition are consistent with the existing structure, street, and neighborhood;*

The variety of roof line, façade, exterior finish materials, and elevations of the proposed new structure are consistent with the street, and neighborhood in that the project's design incorporates materials and transitional styling that is common throughout the older and new homes in the neighborhood and that the proposed smooth stucco, gable/hips, covered front porch and articulated massing align with the existing neighboring structures.

3. *The proposed project is consistent with the residential design guidelines adopted by the City; and*

The proposed project is consistent with the residential design guidelines adopted by the City in that while the architectural style is modern, the proposed single-unit dwelling is complimentary to the context of the other homes on the block in that it contains traditional elements, such as a covered front porch, hip and gable roofs, articulated massing, and proportional fenestration throughout. The proposed design will be integrated into the neighborhood with the use of quality materials and architectural elements, including a combination of smooth stucco (with and without control joints) and composite (simulated oak) exterior siding and high quality aluminum windows.

4. *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 that the mitigation for the removal that is proposed is consistent with established City policies and practices.*

Six trees are proposed to be removed, two of which are protected and located near or with the footprint of the attached accessory dwelling unit. A Protected Tree Removal Permit will be required for the removal of any protected tree. Three new 24-inch box trees would be planted on-site and therefore comply with the Urban Reforestation and Tree Protection ordinance requirements.

SECTION 3: The Planning Commission of the City of Burlingame after conducting the public hearing **HEREBY APPROVES** DSR25-0009 subject to the following conditions:

CONDITIONS OF APPROVAL

1. that the project shall be built as shown on the plans submitted to the Planning Division and date stamped August 5, 2025, sheets A0.0 through L-3;
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;
3. that any changes to the size or envelope of the first floor, 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;
5. 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;
6. 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;
7. 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;
8. 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;
9. 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:

10. 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;

11. 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;
12. 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;
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.

SECTION 4: The Major Design Review and Special Permit approval shall be subject to revocation if the applicant fails to comply with the conditions listed herein at any time. If, at any time, the Community Development Director or Planning Commission determine that there has been or may be a violation of the findings or conditions of this approval, or of the Zoning Regulations, a public hearing may be held before the Planning Commission to review this approval pursuant to Zoning Regulation Section 25.88.050. At said hearing, the Planning Commission may add conditions, or recommend enforcement actions, or revoke the approval entirely, as necessary to ensure compliance with the Zoning Regulations, and to provide for the health, safety, and general welfare of the community.

PASSED AND ADOPTED this 8th day of September 2025.

Chairperson

I, _____, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 8th day of September 2025 by the following vote:

Secretary

Exhibits:

Exhibit A - Project Plans dated August 5, 2025

DSR25-0009
PC/09/08/2025
Page 4