

November 9, 2015
Burlingame Planning Commission
cc: Burlingame City Council

Re: Revised Initial Study and Mitigated Negative Declaration
[Proposed] Residential Condominiums at 1509 El Camino Real
City of Burlingame, San Mateo County, California

Dear Sirs/Mesdames,

Below are:

- a. My comments on the October 7, 2015 Revised Initial Study and Mitigated Negative Declaration [Proposed] Residential Condominiums at 1509 El Camino Real City of Burlingame, San Mateo County, California (the "RIS/MND" for the "proposed project" or "the project");
- b. Photo renderings of the project made by the developer/the City showing the view of the proposed project from the backyard of 1512 Balboa Avenue, Burlingame;
- c. Photos of a sinkhole developing at 1509 El Camino Real; and
- d. Photos of the traffic situation at Lincoln School/Ray Park during school drop-off hours.

I have reviewed the latest RIS/MND on the project and, unfortunately few of public and expert agency concerns brought about through verbal and written commentary subsequent to the 2011 proposal have been incorporated into this document, which is a surprising outcome to me. **The current RIS/MND has some of the same kind of wishful assumptions as the January 12, 2012 Initial Study and Mitigated Negative Declaration, that circulated in 2013.** Most of the data to support the new RIS/MND is old/ outdated, deficient and cut-and-paste from the 2013 MND and fails to satisfy the basic substantive evidence test.

Expert agency guidance from the California Department of Fish and Wildlife ("CADF&W"), as well as concerned neighbors' written comments and verbal testimony (including my own), provided a detailed blueprint for the developer to follow in amending the project proposal, and for the City and its hired consultants to follow in analyzing the revised project plans. Many of the glaring deficiencies in the January 2012 IS/MND re-appear in the new RIS/MND contains many of the glaring deficiencies that existed in the prior one. The developer – and by extension the City – has given little or no weight to the issues raised in prior Planning Commission reviews of proposals for the site, the CADF&W comments about the site (February 21, 2013 letter), the developer's own words about the site at a 2007 Planning Commission meeting on a prior project proposed for the property, and the public record as a whole, all of which I incorporate herein by reference.

The reduced building height (and slightly reduced footprint to save most of the trees) does not excuse the City from conducting a full and proper CEQA review on many issues that have little to do with the

building size. Cookie-cutter, cut-and-paste approaches to environmental analysis that seem to work for so many cities will not work for this highly environmentally constrained site that contains a wildlife and creek habitat, abuts a creek, duplexes, 1 -1.5 story homes, a Commercial Plaza that is old and will be redeveloped, and is next to a school that has exploded in enrollment and a Park that is now used more because of development in the surrounding neighborhoods. Traffic and parking issues in and around the area have gotten worse (fully known by the TSPC commissioners) – but with the RIS/MND, the City has produced a document that still fails to address the real parking, safety and traffic impacts to the neighborhood and the school.

The RIS/MND fails to reflect the primary goals of CEQA and the reason why environmental documents (EIRs) are prepared. While a complex law that is tough to navigate and presents a challenge for planners and decision makers alike, there are a few key points to be made about application of the law by virtue of its statutory provisions as well as case law/precedent:

CEQA requires that *a project's significant environmental impacts be revealed, and reduced to the extent feasible*. The courts have held that there must be a factual showing that the mitigation measures or project alternatives would create a hardship sufficiently severe to render it impossible to continue with the project.

To require the preparation of an EIR, one only needs to make only make a “fair argument” that there may be a significant environmental impact, even though a contrary conclusion may be possible. (CEQA Guidelines¹ §15064(g)(1); *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.) CEQA sets a “low threshold” for preparation of an EIR. (*No Oil Inc. v. City of Los Angeles* (1974)13 Cal.3d 68, 84.)

If the EIR identifies a significant impact of a proposed project, the project cannot be approved until all feasible “mitigation measures” or “project alternatives” which could “eliminate or substantially lessen” the identified significant impacts have been adopted.

The EIR must examine the project’s “cumulative impacts,” meaning the impacts of the project added to those of past, present, and reasonably foreseeable future projects. (Public Resource Code, §21083(b), CEQA Guidelines §§15065(c), 15130, 15355.). The RIS/MND only lists other multi-family buildings along El Camino as “cumulatively considerable” **It is known that the Adeline Market Plaza was listed prior Housing Element reports as a property that may potentially be developed and therefore development along El Camino and Adeline needs to be addressed as a whole especially given potential cumulative impacts.** An EIR should address the potential cumulative impact of building 1509 ECR and the potential effects on development of Adeline Market and its impact on traffic, population, and the human environment.

Adoption of the RIS/MND in its current form and with proposed mitigation strategies would not pass muster under CEQA. Fair argument and reasonable person standards were well established and articulated in concerns brought up by several neighbors, the 2007 Planning Commission, the developer’s own 2007 application, the 2013 CA DF&W letter, on the environmental constraints posed by the

¹ “CEQA Guidelines” refers to California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387.**Error! Main Document Only.**

property. While the latest iteration of the project addresses some of those concerns, further mitigation must be considered given the substantive evidence and fair argument standards for numerous environmental issues have been met, and it is well-established that a smaller project would still be feasible and profitable for the developer. Perhaps the developer made a less-than-optimal investment decision in the purchase of 1509 El Camino Real. **There is no reason to shift the cost or consequence of that decision to the neighbors, school population, Burlingame residents (users of Ray Park), or to ignore the natural (and deteriorating) state of the adjacent creek/riparian environment.**

De Novo Project vs De Facto Environmental Conditions

While this most recent proposal project is considered a substantial revision of the 2012 project, neither the environmental conditions of the property nor potential impacts to the human environment have not changed in any way making development on this highly environmentally contained more favorable since 2007 (when a smaller project compared to the one proposed now was deemed un-approvable). In fact, the school population of Lincoln and Ray Park activities have only increased, thereby increasing potential impacts to traffic, safety, noise, and the like.

In addition, even though it is smaller than the project proposed in 2012, **the proposed project is still larger than the project proposed in 2007, which the then-sitting Planning Commission deemed effectively un-approvable.** Proposing something that effectively gets shot down, then proposing a larger building that generates more opposition, and returning to a building that is smaller than the last, but still larger than the original proposal, cannot credibly be viewed as any sort of “concession” by the developer. Members of the community who bear the real impacts of such projects **are looking at the totality of all proposals from 2007-onwards** (which is the reasonable way to look at this).

These are the most problematic areas I see with the RIS/MND:

I. The RIS/MND Fails, As Mandatory Findings of Significance Are Required.

Under the CEQA Guidelines:

- (a) A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:
 - (1) The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.
 - (2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

- (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

(CEQA Guidelines, § 15065(a).)

The RIS/MND evades well-established issues that if appropriately documented and analyzed would require mandatory findings of significance and in turn, a full EIR. The RIS/MND does not appear to seriously incorporate written or verbal testimony from the public *or* the CADF&W. I explicitly laid these issues out in my April 26, 2015 written comments, stating:

- 1) The CEQA checklist at the very end has a section entitled Mandatory Findings of Significance. If any of the categories are met, this means an EIR must be drafted to reveal the potentially environmentally significant issues, potential mitigants, and project alternatives. Given the community has done a significant amount of research, a Focused EIR may be more appropriate.

Mandatory Findings of Significance (my response to each category italicized)

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Yes, this has been addressed by the California Department of Fish and Wildlife Letter in 2013 as potentially significant environmental issues (degrade environment quality, reduce habitat, threaten to eliminate plant community).

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Yes, given the duplexes across Mills Creek are zoned R2, they may seek R3 zoning if 1509 El Camino gets built on the basis of achieving increased land utilization (notwithstanding the fact that creeks cannot be built upon). Also the Adeline Market Plaza and former Gas Station property have been identified in prior housing elements as a potential development areas. The owners of the Plaza in the future will likely use the height/massing/density/parking of 1509 ECR to argue for a larger more density-intensive redevelopment which will also likely have environmental effects (aesthetics, traffic, parking, environmental, etc). Finally the student population of Lincoln School has increased since 2007 (and 2012 for that matter), Ray Park activities have increased, there is

now on-site after-school daycare (Champions, previously this was held at First Presbyterian) and in practice there would be an effective doubling of vehicles needing parking at 1509 El Camino. An EIR must take into consideration the impact on traffic/safety on the school and Ray Park which is already well-established as having problems (TSPC committee tried to hear the issue in 2014, but could not reach a quorum due to 3 members living within the 1400-1500 blocks of Balboa). Finally an EIR should require a new soils study based upon USGS Survey information (2010-2011) that was not taken into consideration in 2007 soils study (relied upon by the developer for subsequent applications), showing a high liquefaction susceptibility in a San Andreas Shaking Scenario (refer to prior comments on this, including USGS hazard shaking maps).

Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes, traffic and safety around Lincoln School of schoolchildren, creek wall failure (Wallach Creek Flooding Video 1524 Balboa Wy), need for proper creek wall reinforcement to support a greater load.

Subsequently developed information substantiates that a full EIR is mandatory, as:

- 1) New neighbors at property across Mills Creek performed work on the creek bed without prior City approval, pouring concrete down the bank *and into the a storm drain* in an apparent attempt to “shore up” the creek bank. However, as illustrated by photos the Wallachs submitted to the Department of Public Works, this appears to have blocked the creek flow.
 - 2) A sink-hole has developed next to the creek. Several earlier commentators addressed the issue of soils subsidence (or “shrinking”) in drought conditions; this concern appears to now have materialized. An EIR should require a new soils study to understand exactly what is occurring with the continued erosion and appearance of a new sink hole.
- II. The RIS/MND continues to ignore prior (2007) Environmentally Significant Conditions raised by the 2007 Planning Commission, members of the Community, and Developer Himself (2007 Application).**

While this most recent proposal project is considered a substantial revision of the 2012 project, neither environmental conditions on the property nor potential impacts to the human environment have changed in any way that would make development more favorable now than it would have been in 2007. In fact, the school population of Lincoln and Ray Park activities have only increased, thereby increasing potential impacts to traffic, safety, noise, and the like. **The 2007 proposal, deemed un-approvable at the time by the sitting Planning Commission, was smaller in size, and lower in height than this 2015 proposal.**

- In the 2007 application, the Developer’s justification for design at the time actually acknowledged some of the environmental issues and circumstances we are raising today that were ignored in the 2012 and current (2015) project.

- The environmental circumstances haven't changed and still exist today vs. 2007.
- 2007 concerns and environmentally significant factors (per PC transcripts) were included in the 2011 staff report; they should also be included/addressed in the even more important Environmental Report.
- Transcripts from 2007 application establish prior Planning Commission environmental concerns on a smaller proposed project with respect to (direct quotes from Planning Commissioners):

1. Trees: *"Burlingame values trees - trees should remain"*

2 Aesthetics: *"If project moves forward, rear two units need to be reduced to two stories; design should respect transitions to adjacent neighborhoods."*

3 Aesthetics: *"Additional work needs to be done on massing."*

4 Aesthetics: *"Spanish architecture doesn't lend itself to a 3 story building".*

5 Environmental/Neighborhood Concerns: *"Applicant needs to address neighbors concerns."*

6 CEQA and Feasibility: *"Maximizing developer's profit is not a reason for the Commission to approve a project."*

- Most of the reasons in applying for re-zoning in 2012 and 2015 by the developer were cut-and-paste from the prior applications, **with the exception of anything relating to appropriateness of aesthetics, size/scale, and fitting with neighborhood.** From the 2007 Application as written by the developer, he actually acknowledged the environmental constraints of his own property. This should be addressed by the Environmental Document:

1 *"One single building would be overbearing in mass and bulk, as there are mostly smaller buildings within the subject property."*

2 *"Project would be in keeping with the character of smaller structures rather than one large one"*

3 *"2-Level Townhouse style with center open court is compatible design that is sensitive with surrounding properties' scale)."*

4 *"Center Court allows light and air through/along the front and rear of the units and creates an open pleasing entry to visitors."*

5 *"One driveway going down to underground garage, hereby mitigating the commercial look of the design"*

6 *"Large amounts of landscape"*

7 *“Feel that trellises (at front of property) give the best residential feel for the last impact on the surroundings”*

8 (Trellises) *“provide a way to soften hardscape of the building and add an esthetic and pleasing element with climbing vines to the frontage”*

9 *“Placement of trellises to be in front of the building rather than on the same plane of structure or beyond makes for a more attractive view”.*

III. The RIS/MND Discussion on Traffic and Parking is Insufficient and Ignores all Substantive Evidence Submitted by the Public and Acknowledged by TSPC.

The RIS/MND does not provide for an adequate parking study and the impacts of parking on the adjacent streets (primarily Balboa). Using the developer’s own estimate of the number of cars on the existing property (23-25 in the 2007 testimony), adjusting for the increased number of bedrooms, there would now be a need to park 40-50 vehicles. Those vehicles will likely spill onto Balboa and Adeline.

Exacerbating that insufficiency, half of the 28 parking spaces would be for compact vehicles. **This is unrealistic in a building with two 1-bedroom units, two 2-bedroom units, and six 3-bedroom units. The larger units will logically draw families, and logically, larger vehicles.** Although the plan nominally supplies the minimum number of parking spaces, **the number of compact spaces is excessive.** The developer’s reliance on City inclusion zoning incentives does not excuse the City from adequately analyzing the issue, and the zoning incentive has nothing to do with *mitigation* of obvious impacts. The inclusion of so many compact spaces raises an issue of whether the parking will be sufficient for this project’s needs and this issue is completely ignored by the RIS/MND.

The RIS/MND also makes no mention of the increased school population, increased traffic and safety issues, and the increased park activities. The RIS/MND relies on the number of bedrooms, rather than the nature of the proposed units (six new three-bedrooms) in assuming there would be no impacts. The assumption “that the number school–age children residing at the project site would be reduced or, conservatively, stay the same” (RIS/MND at p. 106) is frivolous.

The RIS/MND does not acknowledge that an increased number of cars parking at 1509 El Camino Real, in order to North on El Camino Real, cannot safely make a left turn on El Camino Real, and the easiest route would be to execute a series of right turns (R->@El Camino Real; R->@Adeline; R->@Balboa; R->@Ray; L<-@El Camino Real). **In this process, the vehicles exiting 1509 El Camino would be going against the school and Burlingame enforced flow of traffic during drop-off and pick up** (where traffic only allowed to travel east on Devereux and south on Balboa), and would expose the **vehicles to 5 school crossing intersections.**

Traffic and Parking concerns around Adeline, Balboa Ave, are widely known by members of the TSPC. In fact, in 2013, the TSPC had agreed to hear the issue from concerned neighbors on the 1400 and 1500 blocks of Balboa (as all acknowledged it was an issue) but a quorum could not be reached as 3 of the TSPC commissioners lived within 500 feet of the 1400 and 1500 Blocks of Balboa. The fact that the TSPC acknowledged there is a problem with traffic, parking and safety around Lincoln School and Ray Park, **serves as expert opinion for purposes of CEQA in determining potential significant impacts.**

IV. Parking is a CEQA issue; the RIS/MND Does Not Acknowledge This Despite Local Case Law.

Parking as a CEQA issue has been established by case law in Burlingame itself by a San Mateo County judge in a ruling (*Friends for Responsible Development vs. Burlingame School District*).

To quote Judge Marie Weiner (Superior Court of San Mateo County): “we disagree with the broad statement made in SFUDP [Reference to another Case] that parking shortage is merely a social inconvenience and can never constitute a primary physical impact on the environment. As Taxpayers [Case] notes, cars and other vehicles are physical objects that occupy space when driven and when parked. Therefore, whenever vehicles are driven or parked, they naturally must have some impact on the physical environment. The fact that a vehicle's impact may be only temporary (e.g., only so long as the vehicle remains parked) does not preclude it from having a physical impact on the environment around it. Therefore, as a general rule, we believe CEQA considers a project's impact on parking of vehicles to be a physical impact that could constitute a significant effect on the environment...” “...Although the Guidelines apparently do not specifically list parking as one of the potential impacts that must be addressed. Rather they provide a same list of these impacts of projects that are most common and should be addressed by lead agencies. [Citation.] The Guidelines expressly advise: Substantial evidence of potential impacts that are not listed on this form must also be considered. [Citation.] Furthermore, the guidelines include a section on transportation and traffic, which issues presumably include parking issues, even though parking is not expressly listed. [Citation.] ...” “...In regard to issues of parking and traffic resulting from a proposed project, the agency and the Court are entitled to rely upon common sense. *LucasValley*, 233 Cal.App.3d 130, 154 fn. 11....”

“In regard to traffic and parking issues, relevant personal observations by residents in the area are evidence to be considered by the public agency. *Leonoff*, at pp. 1351-1352; *OroFino*, 225Cal.App.3d atp. 883. In order to forecast the increase in traffic resulting from opening an elementary school at the Project, the Traffic Study relied upon (i) a national survey, (ii) vehicular rates from San Diego, and (iii) vehicular rates based upon one K-8 private school in another county. (12 AR 185:6085.) No existing schools in San Mateo County were used to develop traffic forecasts for the Project—not even schools in the geographic area.”

“Deference cannot be given to findings of the public agency (that mitigation measures are effective) where those findings "are not supported by substantial evidence or defy common sense." *Gray v. County of Madera* (2008) 167 Cal. App Ath 1009, 1116.”

[End of Quotations; boldface emphasis added.]

Traffic and Parking issues exist with regard to the 1509 El Camino Project, but the RIS/MND only relies on generic traffic/trip generation statistics, no traffic study was conducted in Burlingame or the area, absence of addressing this project's impact on Lincoln School, Ray Park Traffic/Parking, Park/Neighborhood Parking and Traffic, and the RIS/MND suggests a decrease in trip generation despite the number of bedrooms more than doubling. The RIS/MND conclusions and lack of addressing the impacts that increasing the number of bedrooms from 12 to 24, reducing regular parking spaces in favor of compact ones (despite more families more likely to live there and hence would have larger vehicles),

traffic safety around the School, Ray Park, and adjacent street **all defies common sense, application of a reasonable person standard, the substantive evidence provided by neighbors including personal experience, the knowledge of the parking and traffic affected area of Balboa by the TSPC.**

V. Trees.

The new RIS/MND acknowledges that the developer only plans to remove one of the seven protected trees, and that it must obtain a tree removal permit, but fails to assess the project impacts on the trees to be left in place. More specifically, there is no discussion of how excavation could affect root systems. Appendix B is unchanged from the January 23, 2013 IS/MND, and the re-inclusion of that outdated material (much of which concerns the void tree removal permit) **signals a failure to fully consider this issue adequately.** Rather, there is a citation to the Municipal Code's fencing and reforestation requirements. **This does not appear to be a good faith effort at proposing proper mitigation.**

VI. Biological Resources –Fish & Wildlife n Riparian Environment.

The Developer is still proposing installing a putting green and bocce court, which defies the recommendations of the CDFW letter (for natural landscaping and preserving the Riparian Environment) and will only serve to increase noise and reduce privacy to adjacent neighbors.

The current RIS/MND fails to address many critical issues raised by the 2013 CADF&W letter, as they still exist even with reducing the project by one story and making the building footprint slightly smaller.

- Per 2013 CA Fish & Wildlife (CDF&W) letter: *Construction in riparian zone would reduce overall habitat value of the stream zone, reduce overall habitat value of stream zone, decrease biological integrity and function of riparian corridor, impact long-term viability of riparian corridor and stream habitat, which in turn may impact aquatic and terrestrial species.*
- *Development can increase sedimentation and pollution into Mills Creek (CDFW).*
- *Loss of trees can increase solar radiation, reduce prey base and potentially modify the nutrients that establish food chain (CDFW).*
- *Non-native vegetation planted by new property owners could become established and potentially-out-compete riparian vegetation (CDFW).*
- *CDFW recommends stream setback to be increased to minimize impacts on stream, riparian habitat, and fish and wildlife resources that utilize those habitats.*

Here, the developer continues to propose to build very close to the stream bank. Whereas the September 4, 2012 Geotechnical Response (RIS/MND Appendix D) assumed the building would be at least 20 feet from the creek bank, now the developer proposes to develop “3 to 17 feet from the top-of-bank” (RIS/MND at p. 4), and “shared recreation space abutting the creek would be landscaped with trees and small plantings and would include a wood arbor, barbeque and counter, fire pit, bocce court with synthetic turf, and permeable paver walkways and patios” (*id.* at p. 21.) Despite CDF&W's clear articulation of this issue, the RIS/MND fails to consider the impacts of construction or recreational use of the property within the riparian zone.

VI. The RIS/MND Does Not Address Whether Impacts Will Be Mitigated To the Extent Feasible, Nor Does It Consider Project Alternatives.

One must remember the main requirement of CEQA: to reduce significant impacts to the maximum extent feasible. Developer feasibility is a critical issue that needs to be analyzed fully when discussing mitigation strategies. In order to establish meaningful discussions on what is feasible in terms of development from both the community and developer's perspective, I have prepared an economic valuation analysis of potential property development incorporating information from local multi-family builders, estimated construction costs from 1226 El Camino Real (Burlingame Permit Archives) and other multifamily properties (City of Burlingame Building Permit Database), and local real estate agents, to arrive at estimated multi-family all-in construction costs (at contractor level) of approximately \$300 per finished square foot (this includes unfinished garage space and parts of the structure, e.g. outdoor balconies). I have also accessed the MLS to ascertain recent comparable sales and asking prices for new condo construction in Burlingame (which are actually in the midst of rising substantially) on a per finished square foot basis, which is assumed to be approximately \$700 for newer construction. Our analysis also includes an alternative opportunity cost NOI (Net Operating Income) and Capitalization Rate (Cap Rate) approach used by the Institutional Investment Community for Commercial Real Estate and Multifamily Real Estate Investment Trusts (REITs).

The following analysis establishes my belief that the property may be developed profitably even with a 50% reduction in total square footage (from the 2012 proposal, or another 25%-30% from the 2015 proposal); with profitability being defined as unlevered Return on Investment (ROI), and resulting in a final sale valuation greater than the point of theoretical "indifference" (i.e., keep renting out property as is) using the NOI approach, which values the existing property at \$3.7MM vs. the \$6.56MM value achieved at 9,300 square feet of living space). With unleveraged return on initial investment of ~33-50% (if leverage were used, the return on equity would be even greater), we believe that a significantly downsized project can still earn a very profitable return on investment.

Alternative #1 Develop and Sell Condos

Development Economics	Square Foot Reduction (%)					
	Initial (2012) Proposal	-20%	-30%	-40%	-50%	-60%
Total Finished Living Square Footage	23,247	18,598	16,273	13,948	11,624	9,299
Fair Market Value Per Sq. Ft.	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700
Total Fair Market Value	\$ 16,272,800	\$ 13,018,320	\$ 11,391,030	\$ 9,763,740	\$ 8,136,450	\$ 6,509,160
All-in (Living/Garage/Public Area) Construction Cost Per Sq.	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300
Total Construction Cost	\$ 6,974,100	\$ 5,579,280	\$ 4,881,870	\$ 4,184,480	\$ 3,487,050	\$ 2,789,640
Total Land Cost	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000
Total Unlevered Cost	\$ 9,074,100	\$ 7,679,280	\$ 6,981,870	\$ 6,284,480	\$ 5,587,050	\$ 4,889,640
Unlevered Profit	\$ 7,198,800	\$ 5,339,040	\$ 4,409,160	\$ 3,479,260	\$ 2,549,400	\$ 1,619,520
Unlevered Total Return on Investment	79%	70%	63%	55%	46%	33%

Alternative # 2 - Continue as Income Producing Property

Fair Market Rent Per Month	\$	1,400
# of units		11
Total Rent per Month	\$	15,400
Per Year (x 12)	\$	184,800
Maintenance Cost/Year (6% per annum)	\$	(11,088)
Property Taxes	\$	(23,730)
Annual Net Operating Income (NOI)	\$	149,982
Capitalization Rate*		5.000%
Current Fair Market Value	\$	3,698,000

* Assumes 80% LTV @ 4.25% (Prime + 1%) Required Return on Equity of 8%

We have several developers on the Planning Commission, some of whom have experience with multi-family housing and know the profitability and costs quite well. I have spoken to two developers (who are not members of the PC) privately, from which I derived my financial analyses. When using leverage (construction loan + mortgage), the return on investment (equity) is quite favorable. In short, the building size can be further reduced and this can still be rendered a feasible project that can return in excess of not doing anything to the property. **In 2007 a smaller proposal, with two buildings (more buildings have more corners and are more expensive) and underground parking (adds about \$1MM to the total cost of project this size) was deemed feasible.**

VII. Land Use & Planning: Re-Zoning of R2 Lot Containing a Creek to R3 and Merging the Two Parcels (R2 and R3) Into One R3 Lot.

The RIS/MND provides an insufficient reason as to why R2 parcel containing a creek needs to be merged with an R3 parcel. The only seemingly logical reason to build a larger building and to sell more valuable 2 and 3-bedroom condos. The R2 lot contains a creek and is logically unbuildable.

- Density (defined by zoning ordinance purposes) by number of units is declining. Current R3 parcel has 11 units on .35144 Acres for a Unit/Acre ratio of 31.035. Combining R2 and R3 parcel results in 10 units on .4461 acres, for a Unit/Acre ratio of 22.41. Is it logical to up-zone an R2 parcel to R3 when overall project density (defined by zoning ordinance) is declining? The number of bedrooms is increasing, but this does not seem to be addressed by Burlingame Zoning Ordinances.
- R2 to R3 zoning may induce domino effect of further developments—i.e. developer wants to build larger building, so gets rezoned (cumulative impact to Adeline Market Plaza and Duplexes across the Creek)
- The City need to more fully examine the reasons why a lot counting a creek is rated R2 versus R3 (title analysis and history of Burlingame zoning required). It would logically follow that the R2 portion is R2 because there is a creek on the parcel. There should be demonstrable evidence that the R2 zoning of the creek parcel was an error, as the developer alleges (i.e. was never recorded).

- Burlingame's own Housing Element report has an appendix referencing a working group which has identified Adeline Market as a potential mixed-use residential and commercial redevelopment. Any potential cumulative effects of development (which would make developing this property 'easier' through precedence) should be considered in an EIR.

VIII. Rooftop Common Area.

The RIS/MND still refers at page 98 to a rooftop common area, which we were not in favor of, was taken out and is not contained in the plans. Again, is yet another an indication of cut-and-paste mentality by the City's hired consultants.

IX. Congruence of Construction Scheduling vs. Completion of Wildlife Studies.

Some of the mitigation measures and new conditions raise a question of when construction realistically can go forward relative to wildlife studies, construction moratoria for nesting, etc. This is more of a practical matter.

X. Aesthetics.

The 1500 block of and longer stretch heading south on El Camino pas the hospital is fundamentally and introduction to a residential neighborhoods (Ray Park, Easton Addition, and Burlingame Village neighborhood) Lincoln School, Ray Park, and the "tunnel of trees". It is a bucolic setting defined by trees and 1-2 story structures (pictures in MND itself establish this). Currently, the existing 1509 El Camino property cannot be seen from the Easton, Ray Park, and Burlingame Village neighborhoods and is properly scaled for being next to a creek, wildlife habitat, a grove of trees, and completely directly abutted by one story buildings in an R1 neighborhood. The neighbors on the Balboa side abutting the property would have significant privacy degraded due to the 2-story differential of their houses compared to this project. From the rear, the building, for lack of better terminology, looks like a box, painted bright beige (stucco), with very little articulation, and is more reminiscent of a smaller version of large multi-family buildings around downtown Burlingame, Broadway, or Millbrae. Across the street, are two-story single family homes and across Adeline is a low slung 2-2.5 story apartment building in subdued gray tones, and just south of 1509 El Camino Real is a one-story market plaza.

- In 2007 Application, developer himself states that a 2 story design is right for the neighborhood. In the 2011 Application, this commentary was completely absent in wake of asking for a conditional use permit to build 2-3 stories higher.
- Planning Commissioners have acknowledged that property is part of 3 neighborhoods: ECR, Balboa/Adeline, and Albemarle.
- CEQA guidelines require that any negative impact on "aesthetics" is deemed a "significant environmental impact" *per se*.
- Attached photos from the 1512 Balboa side show a negative aesthetic impact. While this new proposal is better than four stories, it still significantly infringes on privacy.
- The renderings in the RIS/MND, only show the most favorable angles (despite this being pointed out the last time).

- Size/mass of building coupled with the violation of privacy by having units look into the backyard of reduces the comfort of the neighborhood by detracting a sense of ownership and control residents have over their environment.

XI. Proposed Conditions for Approval.

I believe the following steps need to be taken in order to render this project workable from an environmental, aesthetic, safety, and neighborhood perspective.

- 1) **The failing creek bank must be repaired.** This is simply a matter of safety for the 1509 El Camino residents as well as the surrounding neighbors. The Wallachs at 1524 Balboa have sent the City of Burlingame footage of a flood that nearly damaged their property and have provided several pictures, and raised problems with the head of Public Works, who agreed with the assessment of the failing bank wall. Now, a sinkhole has developed. (Appendix 2.) The CDF&W, as the expert agency, and the developer's own environmental consultant (in 2007) also recommended repair of the bank.
- 2) The 2013 CDF&W letter recommended that **natural landscaping and vegetation be used to reduce runoff into the creek and to help sustain the riparian habitat. A putting green and bocce court hardly qualify as natural/native landscaping.** Given this and the concerns surrounding noise, **these should be removed** and perhaps a community garden (growing vegetables/herbs) put in its place. This also raises the question of what demographic being served by this proposed condo? When one thinks of 3-bedroom units, one thinks of families/children and are putting greens and bocce courts geared toward family friendly activities?
- 3) **Screening trees should be provided** to in the rear and south side of the property to better provide privacy to neighbors and break up the massing. I have included renderings performed by the Developer/the City (Appendix 1). Also, the developer mentions that he will provide screening trees but they do not appear on the plans. The trees chosen should be tall and of relatively fast growth.
- 4) **The rear third story units need either to be set back more, or other significant changes to the massing/improving articulation is needed.** This building appears to the neighbors and the neighborhood as a 'box' and literally looks straight down into the yard/windows of one of the neighbors (renderings provided as Appendix 1). Given the insufficient parking issues, I'm in favor of reducing the setback of the third story in the rear.
- 5) **Increase the amount of effective parking relative to building size:** Too many compact spaces for too few 1 and 2 bedroom units. The 3 bedroom units will mostly require larger spaces (SUVs) because families will likely live there. Potential solutions include: reducing the number of units on the 3rd story (for greater setback from the rear), converting more units to two bedroom, converting more parking from compact to full size or combination thereof. The

most realistic solution that would address most issues is a reduced building size on the 3rd story, but again these need to be analyzed fully.

- 6) This proposal is effectively a de novo proposal and given all neighbor concerns, this should go **through Design Review** to address design issues as well as receive valuable input from the Planning Commission.
- 7) The developer should also contribute something for the **public safety of Lincoln School and Ray park**, specifically: (a) speed limit sign on Balboa at the Way/Ave School Crossing (Your Speed is XXX); (b) flashing reflector crosswalk at the School Crossing; (c) possibly, a stop sign on Ray and Balboa for those traveling down Ray toward El Camino; (d) costs of “permitted parking” program for the City of Burlingame to mitigate impacts on residents of additional parking demand; (e) a study on reducing the speed limit on the adjacent block of Balboa Avenue to 20 mph (25 mph for residential areas is a *prima facie* law, it can be lowered when appropriate). (See Appendix 3 (school day traffic on Balboa Avenue; park use).)
- 8) I think this needs to be a high quality **“Burlingame Building” in the rear just as much as the front, with articulation, offset massing, additional detail, enhanced foliage (screening trees or trellises)**. If Spanish architecture is to be maintained (not ideal in my opinion), I **highly recommend the use of “reclaimed” terra cotta mission barrel tiles**. It has been used on some homes and really helps conceal the newness of buildings and helps attenuate the massing (there is a home on Poppy Drive which is a great example of this). Other forms of architecture including brick/stone in more earthy tones may be more appropriate to help reduce the bright beige box-like nature of the building from the rear and sides (the part that affects neighbors the most).
- 9) **We need an “all clear” from the CDF&W** that the building is at a suitable distance away from the creek, that the creek bank has repaired, there is native landscaping, and satisfaction of all issues raised by the CDF&W report in 2013.
- 10) **Insertion of Adequate Sound Wall per neighbor requests**(not addressed in RIS/MND and not apparent from plans in RIS/MND).
- 11) **The Building Department should require a soils study** to bore down to the point of the piers (not done in prior study), to require a sufficiently foundation, due to the proximity to the creek, as this is a high damage probability liquefaction zone (per FEMA maps, San Andreas Shaking scenario, information that was provided subsequent to the soils study done in 2007). Also, the development of a sinkhole on the property, in addition to prior comments from the public on the issue of soils subsistence in drought conditions, essentially requires that what is going on with the soil needs to be fully understood.
- 12) **Adoption of Mitigation Measures Proposed by other residents** (Refer to Letters of Pat Giorni, Ann and Paul Wallach, Samantha MacPhail, and Nina Weil), which includes the posting of a surety bond (\$100,000 recommended amount) for the remaining protected trees.

Thank you for your consideration,

/s/ Mark Haberecht

Mark Haberecht
1505 Balboa Ave,
Burlingame, CA 94010

**** This correspondence is hereby incorporated in the official public record for the proposed project at 1509 El Camino Real and its successors and assigns****

Appendix I: Photos Renderings. Screening trees would improve the loss of privacy at 1512 Balboa



Appendix II: Sinkhole developing at 1509 El Camino Real



Opening of void at ground level



Appendix 3: Traffic during Lincoln pick-up and Ray Park Activities

Vehicle going against traffic flow rules



Ray Park Parking/Traffic Situation



A Hn Rubin Hurin

to supplement emailed materials

- ① DF & W Letter To wallachs
- ② pictures attached to text

12.14.15 PC Meeting
 Received After Attachment
 8b - 1509 El Camino Real
 26 pages

On 12/14/15, Suzanne DeLeon <suzanne.deleon@wildlife.ca.gov> wrote:

From: Suzanne DeLeon <Suzanne.DeLeon@wildlife.ca.gov>
 Subject: Re: Streambed Alteration
 To: "Ann Wallach" <annmoss@calnet>
 Date: Friday, March 8, 2013, 4:46PM

Fello,

Thank you for the information. I am the Environmental Scientist for San Mateo County and review projects for compliance with our Streambed Alteration Agreements. Unfortunately your pictures did not come through with the email so I wasn't able to see them. There seems to be two issues here: 1. the material going into the creek from behind the retaining wall and 2. the potential repair of the retaining wall. It wasn't clear if the applicant proposed #2 on the application to the City. And if they didn't, then that could be why they stated no work would occur in the creek.

The Applicant should address the issue of the undercutting of the retaining wall. Sedimentation into the creek resulting from a failed development can be a violation of the Fish and Game Code. Any work that occurs on the bed, bank or channel of the creek needs to be reviewed by CDFW and the applicant should notify the CDFW with a Notice of Lake and Streambed Alteration Agreement. Once CDFW reviews the Notice then we can make the determination if a Streambed Alteration Agreement is required. Usually, the cities and counties I work with tell the Applicant to contact CDFW if work will be conducted anywhere near a creek, however, I have not received any such communication for this site.

Please contact me if you have any other questions. Thank you,
 Suzanne

Suzanne DeLeon
 Environmental Scientist
 Bay Delta Region
 7329 Silverado Trail
 Napa, CA 94558
suzanne.deleon@wildlife.ca.gov

Begin forwarded message:

From: Mark <mhabs@comcast.net>
Subject: Fwd: All our Parking/Traffic comments
Date: December 13, 2015 at 5:11:27 PM PST
To: Mark Haberecht <mhabs@comcast.net>

Begin forwarded message:

From: Mark <mhabs@comcast.net>
Subject: All our Parking/Traffic comments
Date: December 13, 2015 at 5:10:00 PM PST
To: Barbara Lyons <blyonslaw@gmail.com>

Hi Barbara, I think this constitutes the bulk of our letters about traffic/parking to the TSPC and Planning Commission

Haberecht Letter to TSPC

Begin forwarded message:

From: mhabs@comcast.net
Subject: Balboa Avenue Parking, Traffic, and Safety issues follow-up letter
Date: September 12, 2013 at 2:18:18 PM PDT
To: tspc@burlingame.org

Dear Traffic, Safety & Parking Commissioners:

Thank you for taking into consideration my parking, traffic, and safety concerns in the neighborhood stated in my letter dated August 19, 2013.

I saw the Parking Commission Agenda for 9/12/2013 and I would like to clarify two items:

- 1) The parking issues are at the 1500 block of Balboa Ave and Balboa Way (I incorrectly stated 1500 and 1600 blocks in my letter)
- 2) My name is Mark Haberecht, not Mark Habs as was indicated on the Agenda.

Since school has begun, my concerns with parking and safety in the neighborhood has only intensified given the enrollment increase at Lincoln and the traffic/parking issues intensifying. This letter is a more

comprehensive review of the key parking, traffic and safety issues along the 1500 Block of Balboa (and perpendicular streets), pictures I've taken of various parking and traffic problems, and a summary of recent public commentary provided by City of Burlingame during the CEQA comment period for the last proposed 1509 El Camino project.

I request that the City of Burlingame perform a neighborhood traffic and parking study and examine ways to mitigate increasing parking problems along the 1500 block of Balboa Ave/way including Permitted Parking as one of the mitigants to parking, traffic and safety issues. Heavily utilized parking also affects traffic flows which are also problematic in the area (especially in interfering with the Lincoln flow of traffic) and also present safety issues (cars trying to pass by each other), challenges to garbage can collection, and safety of children not seeing oncoming cars due to over-parked areas.

This request is based upon the following:

1) **My own experiences with parking problems**, including being parked in my driveway, trucks that aren't part of the neighborhood, and numerous complaint to the Burlingame PD about long-term overnight parking. There seems to be much more city official attention and enforcement in Burlingame Park (which has permitted parking) vs the northern part off of El Camino. A prime example of this was when our driveway was blocked by a violating car, the parking enforcement officer took over 45 mins to get to our house, and I understand why, because he was driving one of the Burlingame parking "golf carts" across El Camino to get to us and through the Easton Neighborhood along Balboa.

I also began to take pictures of the parking problem and violations that occur on a daily basis (and my neighbors can attest to many many more examples) and Burlingame PD records will also indicate numerous complaints. Please find the following pictures that exemplify the kinds of things we see every day: a) Station wagon blocking access to our driveway, Burlingame parking had to be contacted; b) Truck covered in Graffiti that was partially parked in fire zone; c) our vehicle blocked in by truck in front of it.

pp. 4-10 pictures repeated
in latter part of
document.

Traffic On Adelina going west toward El Camino



2) Traffic congestion coming down Adeline crossing

Cortez/Adeline. Due to school letting out, the Balboa and Cortez intersections are also highly congested. Below, find picture of traffic just beyond Cortez, which is bumper to bumper passing Balboa until El Camino

3) Ray Park Activities have increased: Ray Park activities go on for approximately 9 months of the year beginning in February and running through the 2nd week of November (Girls Softball, summer Camp, Fall Ball Soccer, After-School Burlingame Community Enrichment programs(after-school for K-5). During this timeframe activities run Monday-Friday from 3-5 pm and Saturdays from 9am-5pm, with some events on Sundays

4) Any further multi-family development El Camino Real is only going to increase parking/ traffic and safety issues. While the recently proposed 1509 ECR development, on which several neighbors have commented upon publicly, is being put on hold pending further developer revisions, any increases in the density and changes in the demographics residents at the property is likely going to increase traffic in the area and conflict with Lincoln school traffic patterns and subject children to more vehicles over 6 school crossings. Any development along on the 1509 El Camino Real property will be subject to CEQA review, which includes a review of fair arguments brought up by neighbors on parking, traffic and other safety concerns .

5) Neighborhood comments from multiple residents acknowledge the exiting parking and safety challenges. I have forwarded to you the response to the proposed Mitigated Negative Declaration on the 1509 Project from the public documents provided by the City of Burlingame and the following are comments as pertain to the existing parking situation.

Konrad & Christina Habelt, 1509 Balboa (Feb 17, 2013): ...*"My experience of living on Balboa Ave for a dozen years is that we experience lots of overflow parking, both from Adeline Plaza employees as well as current El Camino apartments/condos with insufficient parking garages."*

Carole Hall Gilmore (Feb 16, 2013): *"To increase traffic in the already crowded area of Adeline and El Camino by adding multiple family dwellings.....is unacceptable."*

William Cerna and Donna Lema-Cerna, 1457 Balboa (Feb 19, 2013) *"Parking is already inadequate and a big problem in the area with an always busy park and school in very close proximity"*.

Gabriel Dalporto, 1453 Balboa (Feb 16, 2013): *"The intersection of El Camino and Adeline is already highly congested"....Balboa is already tightly packed with cars from the other apartment complexes."*

Nina Weil, 1520 Balboa (Feb 12, 2013): "We are already considerably impacted by the multiple school traffic and Lincoln school parking, Ray Park traffic and parking as well as El Camino residents using Balboa Ave for off-street parking. I have an extremely difficult time getting in and out of my driveway during school drop off and pick-up hours and when there are activities at Ray Park nine months of the year."

Donald Mitchell and Yan Ma, 1512 Balboa (Feb 20, 2013). "Today, parking along Balboa Avenue is not always readily available to residents in front of their homes. This is particularly burdensome on trash and recycling days when we cannot put our cans out in the street and must leave them on the curb or sidewalk."

Samantha and Archibald MacPhail, 1516 Balboa (Feb 20, 2013)
Numerous excerpts:

"I personally know several people who have had serious problems with accidents at both Adeline and ECR and well as at Ray Drive and ECR.... Parking in the area of the proposed buildings is severely limited and has been an issue for a long time":

"Already our streets are grossly inadequate to the needs of the local residents for parking. People living in the apartments nearby find it a good place to put their cars when they do not have a parking space of their own. Often such space is reduced by their need to store bikes or belongings in the allotted parking spaces and they cannot find another place to store things. So their cars are "stored" on the street.."

"People working in or visiting the Adeline Market complex also use our street for parking"

"Some people find it convenient to park their car on Balboa or Albermarle and take a cab to the airport."

"When Ray Park....hosts sporting events and other activities, which occur 8-9 months of the year, parking is impossible at times as is simply navigating through the crowded street.."

"The Easton Addition also is home to the Easton Branch Library. The market increase in students locally is followed by the increase in drivers as well as pedestrians, whose ease of movement and safety need to be considered, as do the needs of the residents for access to the streets for their own use. It is especially intense in the morning and after school and during the evening rush hour".

"Pedestrians and bicyclists are exposed to very dense traffic, especially in front of the entrance to Ray Park, used for access to the school. The street in front of the park is wider than the older part of Balboa....as it passes in front of the park, creating a blind spot. People driving south on Balboa often speed they come down Balboa Way in front of the park and are surprised then they drive around the curve and are confronted with the narrower street of Balboa Ave in front of them."

"Balboa Ave is made more narrow by the many cars parked on it...as its dimensions were decided when the original Easton Addition was developed versus Balboa Way, part of the more recent development of Ray Park which is much wider. This has resulted in many near misses and the death recently of a large dog which was on a leash but managed to slip out between two cars..."

"I am confronted daily with the risk that one takes on leaving the driveway here."

"People coming from Adeline often drive very fast when they come around the corner and pose additional risk."

"Accompanying these inbuilt risk factors is the heavy use of Balboa as a throughway for the many drivers who don't want to be delayed by the light at Adeline and ECR and the heavier traffic of El Camino. Balboa is a tempting target, lying within a short block of ECR and parallel to it. This includes many commercial vehicles as well as people living in the general neighborhood. The use of Balboa in lieu of ECR and for parking continues south of Adeline as well and poses problems for those residents also".

6) Speeding is far too prevalent on Balboa. I recommend a radar speed test be performed to provide evidence of how fast cars are really going on Balboa.

7) Other congested neighborhoods, such as Burlingame Park have permitted parking. Given the record of parking and traffic problems, there is no reason why permitted parking can't help reduce the number of vehicles and improve trash collecting, child safety, enter/egress of driveways.

8) Accident and liability risk management and mitigation: In unfortunate event of someone being harmed due to a preventable traffic accident caused whole or in part, with the parking, safety, and traffic issues discussed above, not acting upon concerns raised by the public could expose the City of Burlingame to litigation, particularly if nothing was done to address citizen concerns on the traffic, safety, and parking concerns brought forth by neighbors. As a father of two young children, I feel very strongly about their safety on Balboa Ave.

Thank you for your time and consideration,

Mark Haberecht
1505 Balboa Ave

Wallach Letter to Parks & Rec

Begin forwarded message:

From: Ann Wallach <annrossw@att.net>
Subject: Re: Ray Park
Date: June 24, 2015 at 9:46:00 AM PDT

To: "PARKS/REC-Barry, Tim" <tbarry@burlingame.org>, "PARKS/REC-Glomstad, Margaret" <mglomstad@burlingame.org>, "TSPC@Burlingame.org" <tspc@burlingame.org>
Cc: "MGR- Goldman, Lisa" <lgoldman@burlingame.org>, "COUNCIL-Nagel, Terry" <tnagel@burlingame.org>, "COUNCIL-Ortiz, Ricardo" <rortiz@burlingame.org>
Reply-To: Ann Wallach <annrossw@att.net>

Dear Mr. Barry

Thank you for your swift reply to my concerns regarding last week end's tournament. I do understand that there are complications involved in staging such a large event, and appreciate the measures taken already to mitigate the negative impacts on our neighborhood. It is ironic, perhaps, that this year seemed even more disruptive than in the past. On a positive note, I did notice that, at least in the case of our driveway, there were no egregious auto overlaps, as has been the case in the past.

My concerns come down to two: Somehow ensuring that local folks will feel comfortable using the park during this weekend, especially those who don't have their own garden to enjoy when weather cooperates so beautifully, and lessening the traffic impact. Your plans for the future sound good. I very much like that neighborhood notice will be reinstated, and that specific drop off and pick up places for the girls will be provided.

Three days is a pretty long period for this level of neighborhood disruption. In terms of traffic, Balboa is already among the more heavily trafficked streets in the city. Might there not be a way to provide ample parking off site for the soft ball families, with provision for local families to be able to park near their homes? Restrict traffic to one way flow for the duration to eliminate the numerous turnaround attempts? Free hot dogs? (just joking..).

Anyway, I do appreciate your interest and response to my comments. I would welcome a continuing dialog as time goes by, and as the next tournament approaches.

Ann Wallach

On Tuesday, June 23, 2015 4:23 PM, "PARKS/REC-Barry, Tim" <tbarry@burlingame.org> wrote:

Good Afternoon Mrs. Wallach,

Thank you so much for your e-mail regarding your concerns about the 24th annual Billie Sue Father's Day Girls Fastpitch that was held over the weekend at Ray Park, Franklin Field and Taylor Field in Millbrae. This all volunteer memorial tournament is the pinnacle of the Burlingame Girls Softball season where teams from all over the Bay Area including Oakland, Santa Clara, Pleasanton, Sunnyvale, Benicia, Belmont, Millbrae and Foster City participate.

We truly understand and are empathetic about the negative impact that tournament had on you, your neighbors and the surrounding Ray Park neighborhood. Over the 24 years of the tournament the Burlingame Girls Softball board continually works to lessen the impact to the neighbors of Ray Park. This year on all flyers, posters, banners and website material the BGS board stressed to all teams, manager's and players the following:

- Be respectful of the neighbors around the Ray Park neighborhood
- Show good sportsmanship at all times
- Observe all parking signs
- Don't block driveways

In planning for this year tournament Burlingame Girls Softball and City staff made the following changes:

- A purposeful reduction of six teams in the division that plays at Ray Park which led to twelve fewer games over the weekend
- Scheduling of games every two hours to reduce the number of teams arriving and leaving for games simultaneously
- Recreation Staff on-site during the tournament to make sure driveways were not blocked and people followed park rules
- Burlingame Police alerted of the event and made periodic patrols of Ray Park and the surrounding neighborhood

City Staff and the Burlingame Girls Softball board are always willing to explore new ways to reduce the impact to the Ray Park neighborhood. I would welcome the opportunity to discuss with you possible ways to alleviate some of the congestions of this tournament.

In my early brainstorming concerning next year I have several possible new resolutions to implement next year:

- Burlingame Girls Softball will be required to notice neighbors 300 feet from the park of the upcoming tournament and provide a complete game schedule.
- Develop an official, safe drop-off location for parents to unload players and equipment to mitigate traffic congestion.

- Develop a traffic plan with the Burlingame Police Department to increase traffic flow.
- Schedule Parks and Recreation staff to be on-site during the entire tournament.

I look forward to hearing from you and would welcome the opportunity to meet you at the park to discuss additional options to reduce the traffic congestion during the Billie Sue Tournament.

Tim Barry
Recreation Supervisor
City of Burlingame Parks and Recreation Department
850 Burlingame Ave
Burlingame, CA 94010
650-558-7315(office)
650-558-7319(field condition line)
650-696-7216(fax)

From: PARKS/REC-Glomstad, Margaret
Sent: Tuesday, June 23, 2015 9:14 AM
To: 'Ann Wallach'; TSPC@Burlingame.org
Cc: PARKS/REC-Barry, Tim; MGR- Goldman, Lisa
Subject: RE: Ray Park

Good Morning Mrs. Wallach,

I am sorry for the inconvenience you experienced over the weekend. Supervisor Tim Barry (copied) is looking into the problems you raised in your email below and will provide options to alleviate them for future tournaments. He will be contacting you to get additional information.

I appreciate you taking the time to contact me with your concerns.

Margaret Glomstad
Parks and Recreation Director
City of Burlingame
(650) 558-7307

[Sign up for eNews](#)

From: Ann Wallach [<mailto:annrossw@att.net>]
Sent: Monday, June 22, 2015 2:25 PM
To: PARKS/REC-Glomstad, Margaret; TSPC@Burlingame.org
Subject: Ray Park

With all due respect:

Thirty years ago we were well aware that the home Paul and I chose was on a street which included Ray Park. We expected that the park would draw people to our street. We were also aware that little girls' softball games took place here, and of the additional episodic car and pedestrian traffic generated by nearby schools. However, over the years, more and more numerous and more elaborate events have been scheduled to take place in the park. Last weekend was three days of utter madness.

The girls' softball games used to be an enjoyable pastime for everyone. We liked to walk over, get a hotdog (?!!), and watch the little girls play ball, everyone having a good time. It was neighborly. Now the size, number and tenor of these events have become a major imposition on the neighborhood. To the strangers who come here now and use the park and streets during these events, we neighbors are simply "them." We are merely the people whose neighborhood they speed through, whose landscaping they trammel, whose yards collect their leavings.

Yesterday, on Fathers' Day, in order to visit with their neighborhood dads, families were forced to park a block or more away (how was it on *your* street?), as other people took over the area for the third day in a row. Other dads had to fight the crowds just to take their kids to the playground. And forget the tenants of ECR apartments who might have planned to use the park for their own Dad's celebrations. Scheduling of this event on this auspicious day clearly took precedence over consideration for anyone else. We weren't even alerted.

Even more serious, the traffic was just plain dangerous. For three days it was mayhem as people dropped off, picked up, double parked, waited, circled, tried to squeeze into too small spaces, and zoomed into driveways to turn around. In their haste to nab that rare open spot, it appeared that the last thing on drivers' minds was safety. The sheer numbers meant common courtesy and attentiveness went out the window. On Saturday it culminated in a crash that sent at least one person to hospital. What if, at that particular moment, instead of a stopped vehicle, it had been a child who had the impertinence to get in someone's hurried way? This small neighborhood can't handle the kind of traffic and congestion that this event generated. Under ordinary circumstances it is dangerous enough for its many pedestrians because of the large numbers of people who use Balboa to bypass the signals on ECR. You know who you are.

So, my question to you is this: How much more are the narrow streets around Ray Park expected to handle? Forget police presence, and forget letters home. They've been tried before. They work for about a minute. Events such as Billy Sue have grown way too large for this neighborhood. The small parking area allotted to the park and the limited street parking were never intended to handle the size and comings and goings of such crowds. Burlingame can't be that hard up for every last penny from park revenue, that the safety and peace of mind of its citizens should be put into such jeopardy. How else could you describe what occurred this past weekend? Seriously?

Reasonable and equitable use of the park on weekends, and the safety of pedestrians at all times need to be brought back into focus.

Ann Wallach

MacPhail Letter to TSPC (Oct 8, 2013)

I was talking with a man who lives at Balboa and Hillside who had the same concerns re traffic and parking that we on the 1500 block of Balboa do. He would also like to have permit parking. They also get a lot of apartment and airport parking. He commented on the red curbs at the corners there and said they do help in keeping the traffic moving safely.

Re: Balboa and Ray: I had been thinking that one of the reasons people cut the corner when they turn left onto Balboa heading west from Ray is that often there is a car parked right at that corner, and there is no room for their car to stay in the correct lane. They are forced into oncoming traffic heading north on Balboa. I would think that painting that corner (the SW) red might provide more room for such turns. I feel strongly that there should be a four way stop at Ray and Balboa, with yellow crosswalks, as this is a heavily traveled corner with both pedestrian and vehicular traffic, including bicycles. As we have commented before - Balboa serves as a by-pass street for people who don't want to get entangled at Adeline and ECR, and thus there is considerably more traffic here than on most of the neighboring streets. Delivery trucks as well as extremely large construction vehicles often use our street - and so do the paramedics who come to the aid of our neighbors. And of course, we welcome the fire dept personnel, as they are some of the cities true heroes.

Also - at ECR and Ray: You can't always ascertain when it is safe to turn left onto ECR from Ray and Rosedale on the other side. People get anxious and take risks in "stealing" a left hand turn going north on ECR. I

think part of this is confusion because the corners are so severely off-set. And often there are so many cars heading west onto Ray that drivers get impatient, thinking they will not be able to make any left hand turn at all. Four way left hand turn signals at that corner would make a lot of sense, as they would sort out priorities for each direction and aid in keeping the flow of traffic on ECR going north and south as well as east and west on Rosedale-Ray.

Thanks you for your consideration.

Samantha MacPhail 1516 Balboa Ave, Burlingame, CA 650-342-0350

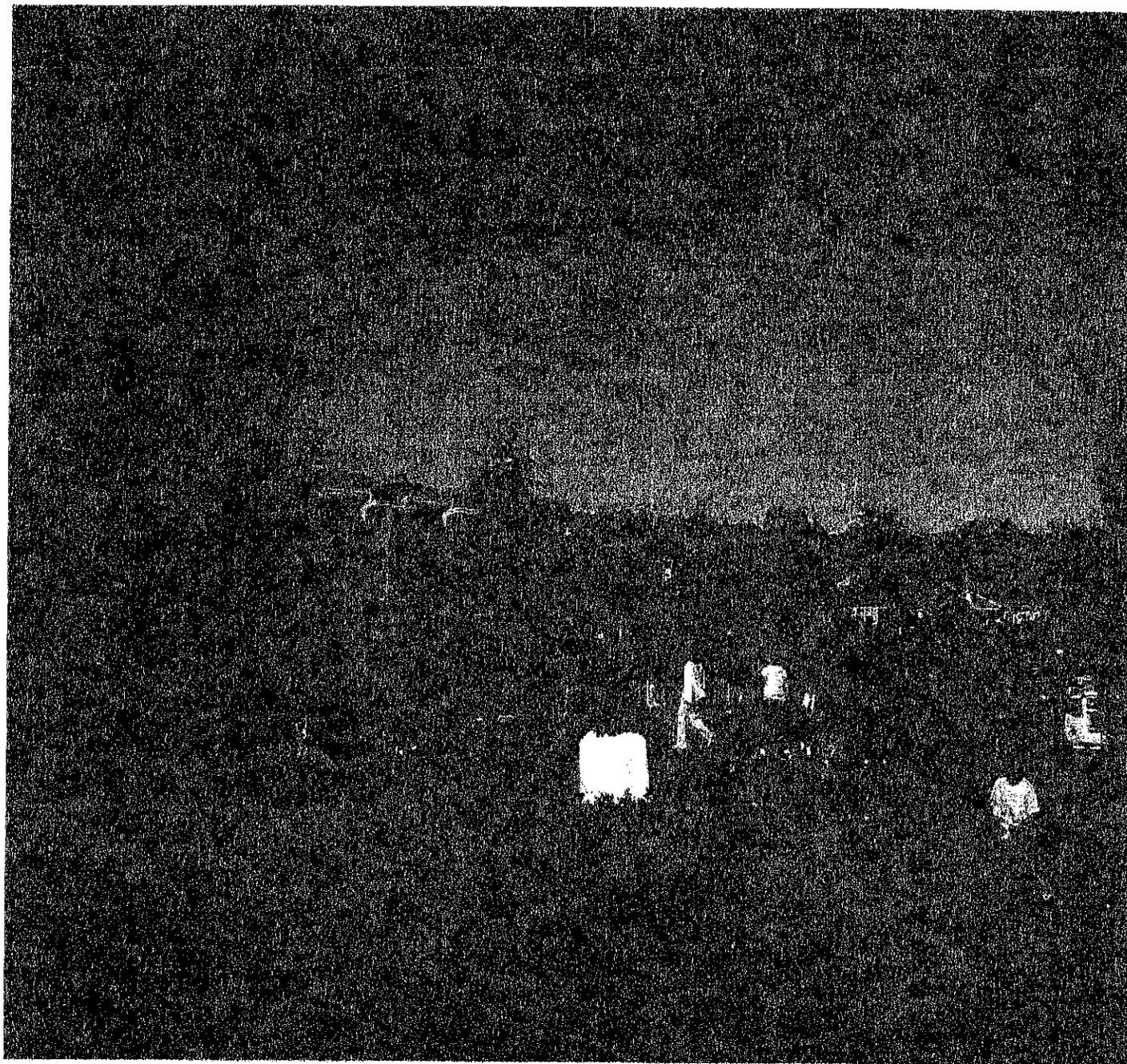
Begin forwarded message:

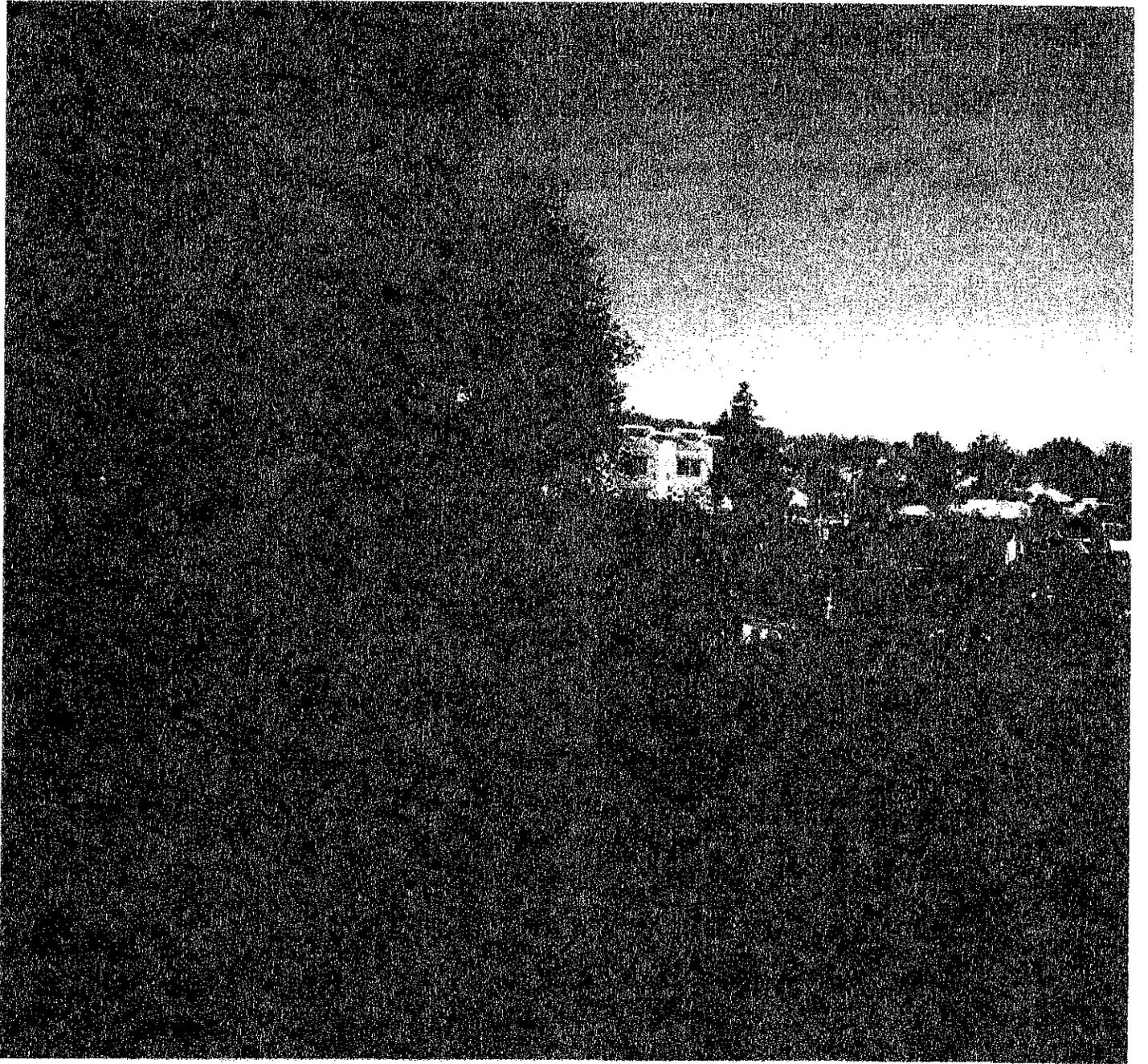
From: "TSPC@Burlingame.org" <tspc@burlingame.org>

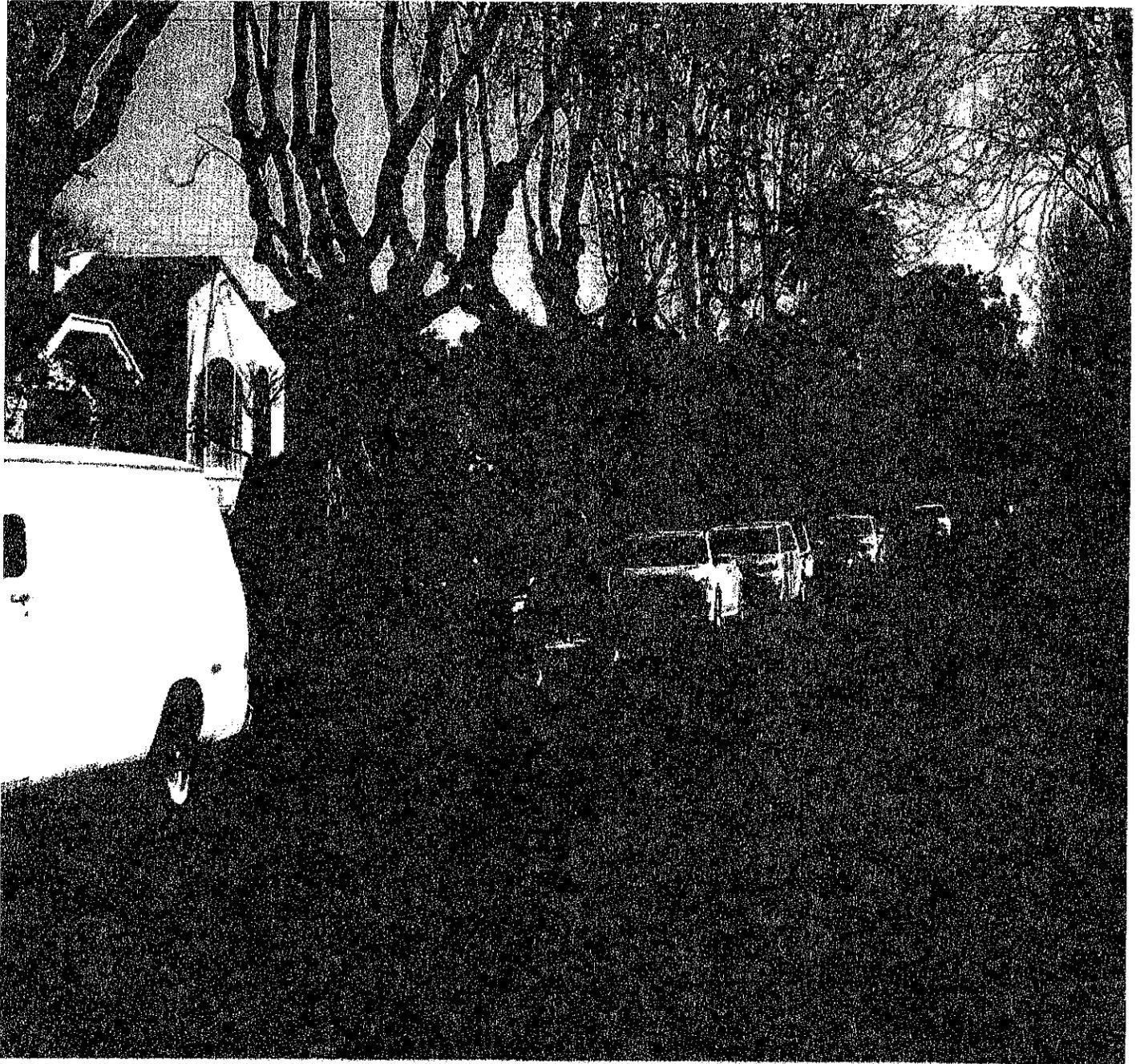
Date: September 8, 2013, 11:21:56 AM PDT

Subject: FW: Traffic safety issues

ANNROSSW@ATT.NET











Wallach Letter to TSPC

Begin forwarded message:

Dear Commissioners

I have no idea how many city blocks exist in Burlingame. However, with few exceptions, and the commercial areas, little consideration appears to have been given to the fact that not all blocks are used in similar manner. This is

dangerous, and also shortchanges citizens on certain blocks in terms of expected services.

I live on the 1500 block of Balboa Avenue. It has myriad features which distinguish it from most other blocks in the city, which impact quality of life and safety on our street:

- o Lincoln School pedestrian and vehicular traffic
- o BIS students heading home or to Adeline Market for a snack
- o Ray Park and children's playground pedestrian and vehicular traffic
- o Girls' softball parking, pedestrian and vehicular traffic
- o Extensive day and night overflow parking from El Camino Real apartments and condominiums
- o Long term parking by out of town individuals looking to save airport taxicab fares. This is getting to be more prevalent as word appears to have gotten around that this is a smart, safe and economical thing to do.
- o Resistance by local residents to use garages and driveways for their vehicles
- o Use of Balboa, which parallels El Camino, to avoid traffic signals, especially the longer Adeline Avenue signal. Much of this traffic travels fast. As an example, a while ago a dog - on its leash - stepped out between two cars preparatory to crossing Balboa with its owner, and was hit by a car in front of Ray Park. Although I did not see the incident itself, I know the car had to be speeding because the dog, a German shepherd, was ripped out of its collar and thrown 50 feet to land at my curb. I heard the impact and its screams. It died there. It turned out the driver was non-local, and late for work.

For there to be serious injury or worse, all it would take is a momentary lapse of attentiveness on the part of a child or adult, because when not impeded by all the activities which take place on this street, most traffic speeds through.

Some Wednesdays, all the parked cars make it difficult to find a place to put out trash cans, except in front of our driveways. Then as we leave home in the morning, we have to first move the cans, back out the car, and look for our own place to park while we replace the cans.

Somewhere in our tax bills, we are charged for by-weekly street sweeping. However, many of us either have to clean up our own gutters or just live with the dirt and debris. The street sweeper cannot get to the mess because of all the overnight parking. This is particularly bad during winter storms, when gutters and drains become clogged with leaves. Rainwater sheets across the street and onto our property. I have lost count of the number of times my

neighbors and I have gone out in the middle of a storm to release the clogs.

I respectfully request that the Commission take up this topic and begin to put in place remedies for these issues. For example:

- o Traffic calming features beyond signs (which so many people ignore)
- o Overnight parking restrictions which would give priority to citizens who actually live on the block
- o Street sweeping restrictions to ensure that our gutters are cleaned
- o Coordination with neighborhood schools and girls' softball league to encourage car-pooling by families. (Also reminders to practice simple consideration, patience and civility).

Thank you for your attention.

Ann and Paul Wallach
1524 Balboa Avenue
Burlingame

From: Mark <mhabs@comcast.net>

Subject: Parking Problems on Balboa Ave - TSPC agenda request

Date: August 19, 2013 10:16:10 PM PDT

To: tspc@burlingame.org

Dear Members of the Burlingame Traffic/Safety & Parking Commission:

I would like to request to have Balboa Ave parking and traffic problems and concerns on the 1500 - 1600 Block of Balboa Ave and Balboa Way put on the agenda for discussion at the next available TSPC meeting. This request is being made in light of increasing illegal long-term overnight parking by transients, expansion of Ray Park sports and recreation activities, increasing Lincoln School enrollment, multi-family overflow parking from ECR apartments, difficulties in finding space for trash receptacles, and a proposed project on 1509 El Camino Real which will likely exacerbate parking issues and potentially force increased traffic to cross 6 school crossings in lieu of left turns exiting the property heading north on El Camino Real. These parking issues have been raised with respect to the proposed project at 1509 El Camino Real as potentially significant environmental impacts identified per CEQA legal tests; the project is subject to review by the Planning Commission and is under consideration for various

revisions by the developer to address several community concerns, including parking. Notwithstanding potential revisions to the 1509 ECR project, which will likely result in a scaled down proposal, the Balboa parking situation is already terrible, needs to be rectified as it currently stands (regardless of any additional development along ECR), and any further development in the area will likely worsen the situation. Attached please find the feedback concerning the 1509 El Camino Real project submitted to the City of Burlingame, which contains several letters/pictures documenting the numerous parking problems that already exist and are likely to be exacerbated with any further neighborhood development.

Among the discussion items at the TSPC meeting would include

- 1) Community concerns on parking/safety of existing situation brought to light in public comment period during CEQA review with respect to 1509 ECR.
- 2) Potential traffic/parking studies performed by the City of Burlingame/Consultants with respect to further anticipated revisions to 1509 ECR and/or further neighborhood development.
- 3) Congruence of neighborhood development, traffic alternations and associated impact on designated school traffic patterns and recreational usage.
- 4) Proposed solutions, including reinstating permitted parking, improving safety with additional school signs, traffic calming features, etc.

Thank you for your consideration,

Mark Haberecht
1505 Balboa Ave,
mhabs@comcast.net

Jan 28, 2013 Letter to PC (pg 1-2)

Subject: 1509 El Camino Real Project Proposal Feedback - Burlingame Planning Commission
1/28/2013 From: Mark <mhabs@comcast.net>
To: rhurin@burlingame.org, michaelwgaul@gmail.com, tim@tiraauran.com, rt@cssanf.com, planningcommissioners@burlingame.org, sandrayie@gmail.com, achou@burlingame.org

Cc:

To the Planning Commission members, Ruben Hurin, Burlingame Traffic Engineer

I am providing feedback for the proposed re-zoning associated with the 1509 El Camino Real condo project. I am addressing the following:

- 1) The parking situation on Balboa Ave in the transition neighborhood of Easton, Ray Park, and Lincoln School
- 2) Proposals from the July 9, 2012 meeting by the Planning Commission for the project that have not taken place (no story poles).

3) How the concerns raised by the Planning Commission in July 2007 for a smaller project on 1509 El Camino no longer appear to be concerns for the current Project.

4) How the current proposed project does not conform to the Architectural Guidelines and suggestions on the City of Burlingame's website for Residential and Commercial property.

1) As I brought up during the July 9, 2012 Planning Commission meeting on the proposed project, there is unanimous agreement in the neighborhood that the parking situation on Balboa needs to be rectified.

The proposed project, while technically in conformity with the rules governing parking spaces for multiple dwelling units, does not take into account the special circumstances of Balboa Ave, where a greater demand for street parking and more traffic will be untenable. The special circumstances are as follows: a) Girl's Softball/Fall Ball creates very high demand for parking on weekends/Fall Ball week nights;

b) Lincoln School administration recognizes there is a severe traffic/parking problem, don't think they would view this project favorably (their feedback should be solicited); c) There is parking from Adeline Market (several of proprietors park on Balboa and Adeline); d) the apartments on El Camino only have one assigned space per unit hence there is significant overflow onto Balboa; e) Balboa/Adeline is one of the busiest residential intersections in all of Burlingame (including pedestrians, bikes, automobiles);

f) The proximity to Bart/key bus lines/ taxi locations results in long-term overnight parking for those who don't want to pay Bart station fares. Actually several neighbors have witnessed cars parking and drivers hopping on with their luggage onto cabs and buses headed for the airport.

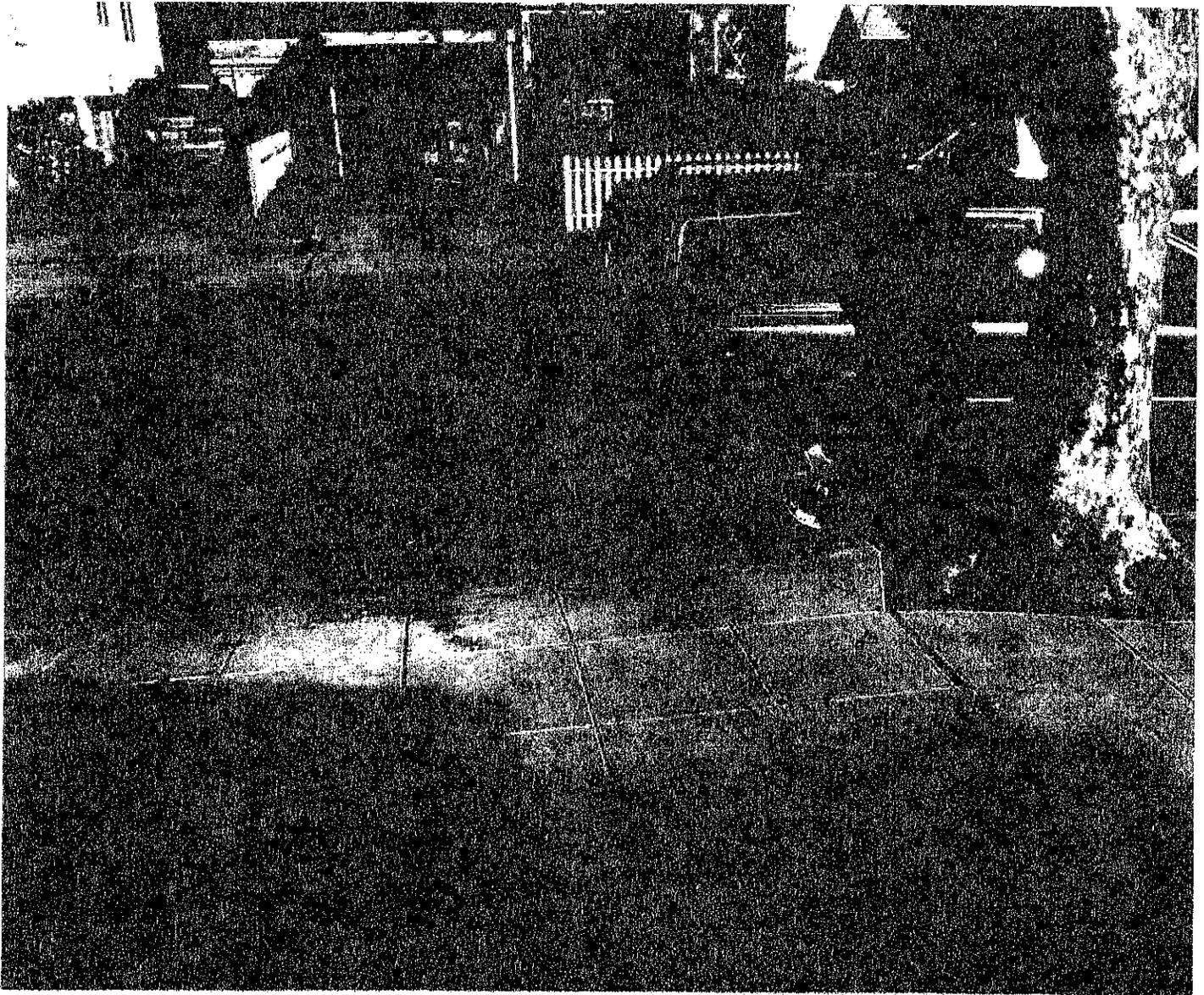
It has been communicated in the past from the property owner and a planning commission that a "similar" condo building was built at 1226 El Camino has been a resounding success with regard to the parking situation in that neighborhood. However, I don't believe that property is subject to most of the conditions #1-6 listed above, i.e. the two cannot be compared and 1509 El Camino faces a neighborhood with special circumstances. I also used to live at 530 El Camino Real (a newer condo which had roughly one space per bedroom), and there was never enough parking. Point being that the developer's own anecdote on his other building may be a unique situation that was not seen in my old building. This info can be verified with on-site property management at 530 El Camino.

I believe one of the potential solutions is to re-introduce permitted overnight parking (used to be the case several years ago), as this neighborhood is more akin to Burlingame Park (which does have permitted parking). There seems to be much more city official attention spent in the middle parts of Burlingame/Burlingame park vs the northern part lining El Camino). A prime example of this was when our driveway was blocked by a violating car, the parking enforcement officer took over 45 mins to get to our house, and I understand why, because he was driving one of the Burlingame parking "golf carts" across El Camino to get to us.

Another way to address it with the proposed project would be a "one space per bedroom" policy. In single family homes that often have 5 bedrooms, there are usually five spaces (2 garage, 3 driveway). Why wouldn't this apply for multi-family units, especially in this special circumstance neighborhood? Do those who own condos typically own fewer cars than those who own houses?

PC Meeting 01.28.13 Agenda Item #5 1509 El Camino Real Five (5) pages

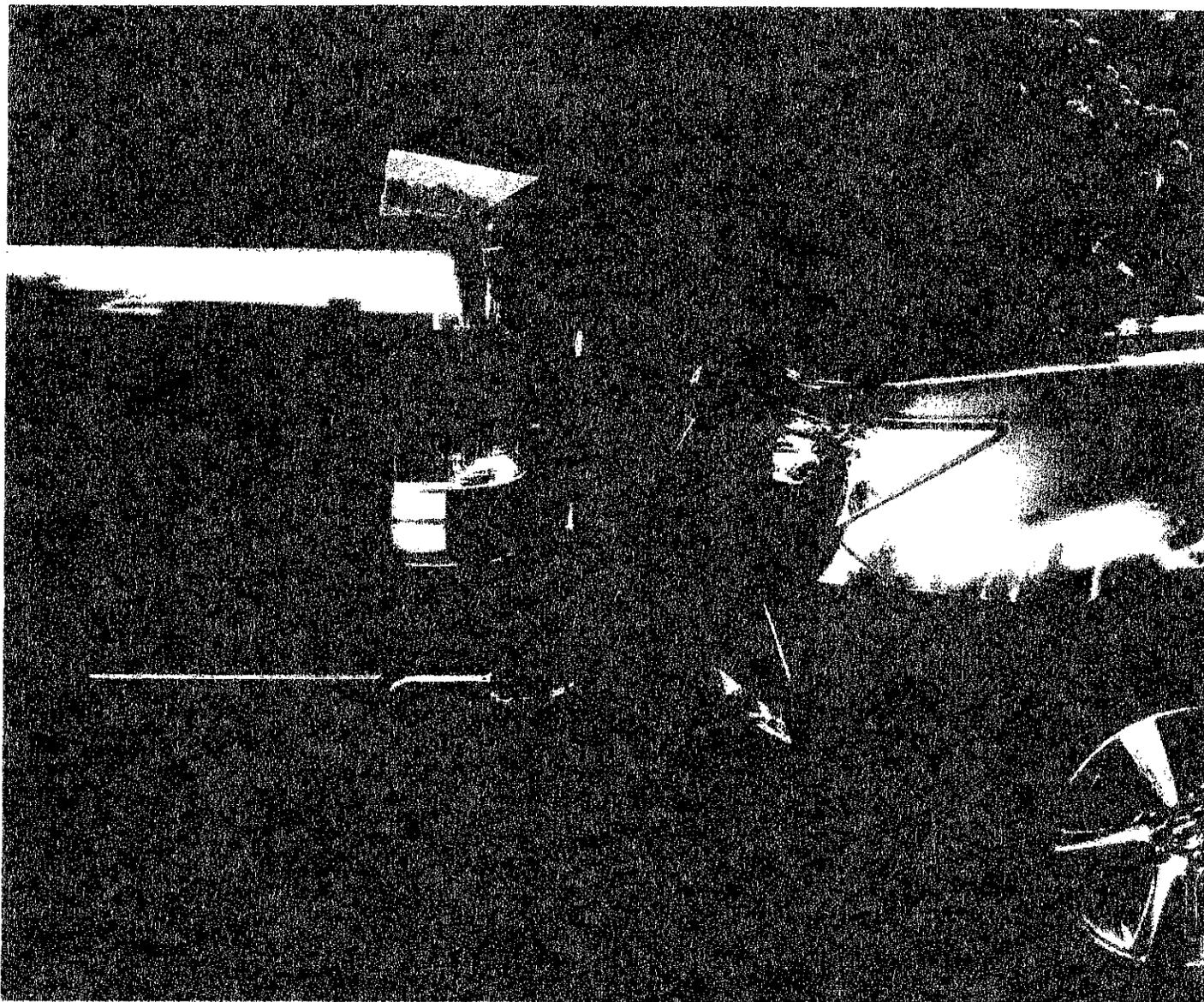
I also began to take pictures of the parking problem and violations that occur on a daily basis (and my neighbors can attest to many many more examples). Please find the following pictures that exemplify the kinds of things we see every day: a) Station wagon blocking access to our driveway, Burlingame parking had to be contacted; b) Truck covered in Graffiti that was partially parked in fire zone; c) our vehicle blocked in by truck in front of it.





Pg 2 of 5





2) Planning Commission Recommendation for Story Poles was not followed. From the July 9 2012 Meeting:

"Require that story poles be installed to assist in an assessment of the effectiveness of the existing trees in screening the property from the adjacent low-density neighborhood. (Mecker - confirmed that this is within the purview of the Commission) Provide the rear, the north and the sides. Fellowes - Could be problematic.)"

--To my and several of my neighbors knowledge, this was not done, or the story poles weren't there long enough. While we recognize the expense involved in mounting story poles, it is an expense that the developer should be willing to bear, as the economic profit of not having to build underground can effectively more than 'pay' for this if project gets developed.

3) In 2007, a smaller project by the same applicant, with underground parking was deemed by several Planning Commission as "unapprovable" on July 23, 2007 and the developer withdrew

Haberecht letter to Planning Commission Feb 2013 (Traffic & Parking pp 52-53)

Alta Ruben Hurin 650-696-3790

code.

Fax # 2 - excerpts from Feb 2013 letter on MND

(2013 paper)

- Fellowes' in correspondence about the tree permit, wrote that "the neighbors" felt the Bunya-Bunya tree cones were a safety issue. In my own discussions with neighbors, it appears that we can identify only one complaint that was made the by the owner Adeline market plaza (a cone fell and damaged a portion of the roof). None of the surrounding neighbors, based on my discussions, believe that the Bunya pine cones are an issue. One neighbor's complaint should not serve as an extrapolation of the beliefs of all neighbors, as is implied by Mr. Fellowes' application for the tree removal permit (use of the plural word "neighbors" in describing complaints about the cones).

- If the Bunya cones are in fact a safety issue, the NMD report should have identified a possible mitigant to falling cones would be to trim the cones much like the City of Burlingame trims tree branches each year (In fact the Bunya cones ones only appear once every few years, so maintenance should not be an issue).

- The Environmental Consultant report states that several of the trees are in "poor to very poor condition". This contradicts the City Arborist's handwritten comments with respect to the permit that in his opinion none of the trees pose an immediate threat. There are also differing conclusions as to the health of the trees: Consultant states many are not healthy, while Arborist says they are.

IV. Transportation/Parking/Traffic

- Absent from the NMD is any acknowledgement of parking difficulties in the area and the potential effects of more street parking due to the project doubling the number of bedrooms (and therefore vehicles). Parking and Traffic issues have been a part of the public discourse for years and brought up in the past by safety commissions for Lincoln School and the July 2012 and January 2013 Planning Commission meetings on the project.

- No mention in the NMD was made about vehicles that may find it difficult to turn left from the property onto El Camino (heading North) and what the alternative/"safer" route would be: right turn from property onto El Camino, Right on Adeline, Right on Balboa, Right on Ray, Left on El Camino (heading north). This subjects the increased number of vehicles on the property to 6 school crossing points (3 with no traffic light) (El Camino/Adeline, Balboa/Adeline, Balboa easement from Albermarle, Balboa/Ray, Ray/El Camino, and El Camino/Ray-left turn to head north). To the extent that any identified pedestrian/school crossing safety issues are not properly acknowledged, addressed, or sufficiently mitigated, this exposes the City of Burlingame to potential liability issues should an unfortunate accident occur. ~~This is why I believe that it is essential that a City of Burlingame Traffic Engineer perform a real world study with realistic factors/assumptions on the true number of trips likely to be generated.~~

- The conclusion of the project generating only of two additional trips during peak am hours and 11 fewer trips during PM hours was generated according to the NMD, by the Traffic Consultant applying a generic fitted curve equation from "Residential Condominium/Townhouse: guide published by the Institute of Transportation Engineers in Trip Generation, 8th edition, 2008". No regional roadway analysis was performed and the traffic study says nothing about the special circumstances of the neighborhood (expanded School number of school crossings, parking difficulties, narrow streets, etc.)

12.14.15 PC Meeting
 Received After Attachment
 8b - 1509 El Camino Real
 6 pages

two cars oftentimes cannot pass each other, space for trash collection requirements on the street, Ray Park activities).

- A reasonable person standard applied to the Project would indicate that the traffic study conclusion is fundamentally flawed: The number of bedrooms will be doubled, the number of cars will more than likely double, couples/families will more likely be dual income (vs current modest income profile of existing tenants), more families will likely live in the unit (children require school/activity/doctors trips, etc) and despite all this, conclusion is reached that there would be only 2 trips generated more in the am and fewer 11 trips in the pm vs what is currently assumed.
- Mr. Fellowes in his discussion about existing property parking for the 2007 application, stated there were 23-24 vehicles that parked at the current property, which has a total of 12 bedrooms. This is a ratio of 1.9x-2.0x vehicles per bedroom and 2.2 vehicles per unit. Applying these ratios to the new project, would imply the need for 45 parking spaces based on number of bedrooms (26 bedrooms x 1.9 cars) and 33 spaces based on # of units (15 units x 2.2). Either way, based on what's already been purported by Mr. Fellowes to be representative number of vehicles at the current property when applied to the new property means that there is not enough parking space in the building, which further means that vehicles will be parking on surrounding streets.
- The project as currently proposed has no storage spaces other than the closets contained within each condo unit. Anyone who has lived in a high density condo (including myself) recognizes the need for storage space for large items. If there is no space for such items, it is highly likely that large items, including bikes, will either be on balconies (visual environmental impact), or in garage parking spaces, which means that vehicles would have to park in the already impacted areas of Balboa/Adoline.
- With half of the project parking spaces designated as compact, only 50% of the spots will be able to fit SUVs. Residents who have two SUVs will have to park on the adjacent streets, which are already significantly parking constrained.
- Per neighbor communiqués with the Parks and Recreation Dept, Ray Park activities go on for approximately 9 months of the year beginning in February and running through the 2nd of November (Girls Softball, Summer Camp, Fall Ball, Soccer). During this timeframe, activities run Monday-Friday from 3-5 pm and Saturdays from 9am-5pm, with some events occurring on Sundays. The recreational activities and associated traffic and parking issues in the Ray Park/Easton Addition neighborhood is a significant environmental issue with respect to Parking/Traffic and should have been addressed in the IS/NMD.
- ~~There are no proposed bike storage racks in the proposed project plans. The lack of bicycle storage racks means that the bikes would highly likely be stored on balconies (visual environmental impact) or in parking spaces, thereby increasing the potential for parking on streets parallel and perpendicular to El Camino Real~~

V. Other Factors That May Result in Environmental Impacts:

The following factors identified present partial evidence contrary to some of the conclusions of the IS/NMD and I believe warrant further investigation to ascertain that the factors are not environmentally significant or if environmentally significant, to

Excerpt from Nov 9, 2015 letter RE 2015 proposal

7 "Feel that trellises (at front of property) give the best residential feel for the last impact on the surroundings"

8 (Trellises) "provide a way to soften hardscape of the building and add an esthetic and pleasing element with climbing vines to the frontage"

9 "Placement of trellises to be in front of the building rather than on the same plane of structure or beyond makes for a more attractive view".

III. The RIS/MND Discussion on Traffic and Parking is Insufficient and Ignores all Substantive Evidence Submitted by the Public and Acknowledged by TSPC.

The RIS/MND does not provide for an adequate parking study and the impacts of parking on the adjacent streets (primarily Balboa). Using the developer's own estimate of the number of cars on the existing property (23-25 in the 2007 testimony), adjusting for the increased number of bedrooms, there would now be a need to park 40-50 vehicles. Those vehicles will likely spill onto Balboa and Adeline.

Exacerbating that insufficiency, half of the 28 parking spaces would be for compact vehicles. **This is unrealistic in a building with two 1-bedroom units, two 2-bedroom units, and six 3-bedroom units. The larger units will logically draw families, and logically, larger vehicles.** Although the plan nominally supplies the minimum number of parking spaces, **the number of compact spaces is excessive.** The developer's reliance on City inclusion zoning incentives does not excuse the City from adequately analyzing the issue, and the zoning incentive has nothing to do with *mitigation* of obvious impacts. The inclusion of so many compact spaces raises an issue of whether the parking will be sufficient for this project's needs and this issue is completely ignored by the RIS/MND.

The RIS/MND also makes no mention of the increased school population, increased traffic and safety issues, and the increased park activities. The RIS/MND relies on the number of bedrooms, rather than the nature of the proposed units (six new three-bedrooms) in assuming there would be no impacts. The assumption "that the number school-age children residing at the project site would be reduced or, conservatively, stay the same" (RIS/MND at p. 106) is frivolous.

The RIS/MND does not acknowledge that an increased number of cars parking at 1509 El Camino Real, in order to North on El Camino Real, cannot safely make a left turn on El Camino Real, and the easiest route would be to execute a series of right turns (R->@El Camino Real; R->@Adeline; R->@Balboa; R->@Ray; L<-@El Camino Real). **In this process, the vehicles exiting 1509 El Camino would be going against the school and Burlingame enforced flow of traffic during drop-off and pick up (where traffic only allowed to travel east on Devereux and south on Balboa), and would expose the vehicles to 5 school crossing intersections.**

Traffic and Parking concerns around Adeline, Balboa Ave, are widely known by members of the TSPC. In fact, in 2013, the TSPC had agreed to hear the issue from concerned neighbors on the 1400 and 1500 blocks of Balboa (as all acknowledged it was an issue) but a quorum could not be reached as 3 of the TSPC commissioners lived within 500 feet of the 1400 and 1500 Blocks of Balboa. The fact that the TSPC acknowledged there is a problem with traffic, parking and safety around Lincoln School and Ray Park, **serves as expert opinion for purposes of CEQA in determining potential significant impacts.**

IV. Parking is a CEQA issue; the RIS/MND Does Not Acknowledge This Despite Local Case Law.

Parking as a CEQA issue has been established by case law in Burlingame itself by a San Mateo County judge in a ruling (*Friends for Responsible Development vs. Burlingame School District*).

To quote Judge Marie Weiner (Superior Court of San Mateo County): "we disagree with the broad statement made in SFUDP [Reference to another Case] that parking shortage is merely a social inconvenience and can never constitute a primary physical impact on the environment. As Taxpayers [Case] notes, cars and other vehicles are physical objects that occupy space when driven and when parked. Therefore, whenever vehicles are driven or parked, they naturally must have some impact on the physical environment. The fact that a vehicle's impact may be only temporary (e.g., only so long as the vehicle remains parked) does not preclude it from having a physical impact on the environment around it. Therefore, as a general rule, we believe CEQA considers a project's impact on parking of vehicles to be a physical impact that could constitute a significant effect on the environment..." "...Although the Guidelines apparently do not specifically list parking as one of the potential impacts that must be addressed. Rather they provide a same list of these impacts of projects that are most common and should be addressed by lead agencies. [Citation.] The Guidelines expressly advise: Substantial evidence of potential impacts that are not listed on this form must also be considered. [Citation.] Furthermore, the guidelines include a section on transportation and traffic, which issues presumably include parking issues, even though parking is not expressly listed. [Citation.] ..." "...In regard to issues of parking and traffic resulting from a proposed project, the agency and the Court are entitled to rely upon common sense. *LucasValley*, 233 Cal.App.3d 130, 154 fn. 11..."

"In regard to traffic and parking issues, relevant personal observations by residents in the area are evidence to be considered by the public agency. *Leonoff*, at pp. 1351-1352; *OroFino*, 225Cal.App.3d atp. 883. In order to forecast the increase in traffic resulting from opening an elementary school at the Project, the Traffic Study relied upon (i) a national survey, (ii) vehicular rates from San Diego, and (iii) vehicular rates based upon one K-8 private school in another county. (12 AR 185:6085.) No existing schools in San Mateo County were used to develop traffic forecasts for the Project—not even schools in the geographic area."

"Deference cannot be given to findings of the public agency (that mitigation measures are effective) where those findings "are not supported by substantial evidence or defy common sense." *Gray v County of Madera* (2008) 167 Cal. App Ath 1009, 1116."

[End of Quotations; boldface emphasis added.]

Traffic and Parking issues exist with regard to the 1509 El Camino Project, but the RIS/MND only relies on generic traffic/trip generation statistics, no traffic study was conducted in Burlingame or the area, absence of addressing this project's impact on Lincoln School, Ray Park Traffic/Parking, Park/ Neighborhood Parking and Traffic, and the RIS/MND suggests a decrease in trip generation despite the number of bedrooms more than doubling. The RIS/MND conclusions and lack of addressing the impacts that increasing the number of bedrooms from 12 to 24, reducing regular parking spaces in favor of compact ones (despite more families more likely to live there and hence would have larger vehicles),

traffic safety around the School, Ray Park, and adjacent street **all defies common sense, application of a reasonable person standard, the substantive evidence provided by neighbors including personal experience, the knowledge of the parking and traffic affected area of Balboa by the TSPC.**

V. Trees.

The new RIS/MND acknowledges that the developer only plans to remove one of the seven protected trees, and that it must obtain a tree removal permit, but fails to assess the project impacts on the trees to be left in place. More specifically, there is no discussion of how excavation could affect root systems. Appendix B is unchanged from the January 23, 2013 IS/MND, and the re-inclusion of that outdated material (much of which concerns the void tree removal permit) **signals a failure to fully consider this issue adequately.** Rather, there is a citation to the Municipal Code's fencing and reforestation requirements. **This does not appear to be a good faith effort at proposing proper mitigation.**

VI. Biological Resources –Fish & Wildlife n Riparian Environment.

The Developer is still proposing installing a putting green and bocce court, which defies the recommendations of the CDFW letter (for natural landscaping and preserving the Riparian Environment) and will only serve to increase noise and reduce privacy to adjacent neighbors.

The current RIS/MND fails to address many critical issues raised by the 2013 CADF&W letter, as they still exist even with reducing the project by one story and making the building footprint slightly smaller.

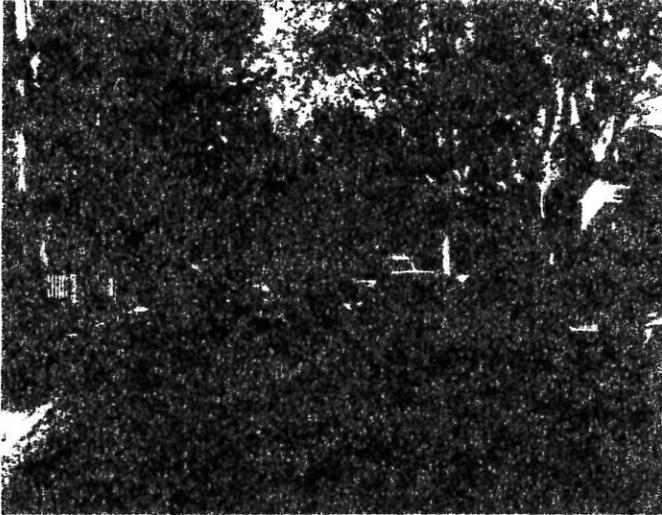
- Per 2013 CA Fish & Wildlife (CDF&W) letter: *Construction in riparian zone would reduce overall habitat value of the stream zone, reduce overall habitat value of stream zone, decrease biological integrity and function of riparian corridor, impact long-term viability of riparian corridor and stream habitat, which in turn may impact aquatic and terrestrial species.*
- *Development can increase sedimentation and pollution into Mills Creek (CDFW).*
- *Loss of trees can increase solar radiation, reduce prey base and potentially modify the nutrients that establish food chain (CDFW).*
- *Non-native vegetation planted by new property owners could become established and potentially-out-compete riparian vegetation (CDFW).*
- *CDFW recommends stream setback to be increased to minimize impacts on stream, riparian habitat, and fish and wildlife resources that utilize those habitats.*

Here, the developer continues to propose to build very close to the stream bank. Whereas the September 4, 2012 Geotechnical Response (RIS/MND Appendix D) assumed the building would be at least 20 feet from the creek bank, now the developer proposes to develop "3 to 17 feet from the top-of-bank" (RIS/MND at p. 4), and "shared recreation space abutting the creek would be landscaped with trees and small plantings and would include a wood arbor, barbeque and counter, fire pit, bocce court with synthetic turf, and permeable paver walkways and patios" (*id.* at p. 21.) Despite CDF&W's clear articulation of this issue, the RIS/MND fails to consider the impacts of construction or recreational use of the property within the riparian zone.

Appendix 3: Traffic during Lincoln pick-up and Ray Park Activities

Nov 9 2015 Letter.

Vehicle going against traffic flow rules



Ray Park Parking/Traffic Situation

