

**1509 El Camino Real**

- ● -

**Letters of Concern Submitted by Public**

**Three-Story, 10-Unit Condominium Project**

**CD/PLG-Ruben Hurin**

**From:** O'Brien, Matthew <Matthew.Obrien@pln.sccgov.org>  
**Sent:** Monday, July 25, 2016 6:01 PM  
**To:** CD/PLG-Ruben Hurin  
**Subject:** 1509 El Camino Real project

**Importance:** High

**RECEIVED**

JUL 25 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Hello Ruben,

I would like to add a couple of comments regarding the 1509 El Camino Real project that will be presented this evening (I will not be able to attend the meeting in person).

1. I live at 1469 Balboa Ave, which is very near the proposed new development. There is an existing acute shortage of street parking which this project will only aggravate. Although the project may comply with the City's parking requirements, those requirements in reality are also not adequate. A tangible example of this is that it is usually not possible for me to place the recycling and garbage bins against a curb face on collection day because every available length of curb is taken by a parked car.

Any resident family that has more vehicles than the assumed Planning Dept. required number will only exacerbate the problem. It is noted that there is an allowance for visitors as well, however those parking places will easily be full much of time, with residents most likely attempting to take those designated visitor spaces with their own additional vehicles. On weekends and events such as the super bowl, visitors to 1509 El Camino Real will certainly be parking in the surrounding vicinity.

Solutions to this on-going problem could include providing a basement level(s) of on-site parking for the new development at 1509 El Camino Real, or initiating a permit only parking program for residents in the vicinity.

2. Although this may be more of an issue of Building Division plan review, sheet A1.3 shows a convergence of the two required exits at the main entry point of the building. If the Burlingame Building Division sees the need to maintain the separation of exits until the public way, the plans should be revised accordingly.

**07.25.16 PC Meeting**  
**Item # 8c**  
**1509 El Camino Real**  
**Page 1 of 16**

*COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT*

**RECEIVED**

JUL 25 2016

CITY OF BURLINGAME  
CDD – PLANNING DIV.

**From:** Mark [<mailto:mhabs@comcast.net>]  
**Sent:** Sunday, July 24, 2016 8:28 PM  
**To:** GRP-Planning Commissioners; CD/PLG-Ruben Hurin;  
CD/PLG-Kevin Gardiner; CD/PLG-Bill Meeker  
**Cc:** GRP-Council  
**Subject:** 1505 El Camino Real Project (proposed) feedback (July 25, 2016)

July 24, 2016

To: Burlingame Planning Commission; City of Burlingame Planning Staff

CC: Burlingame City Council

RE: 1509 El Camino Real Project (proposed) Mitigated Negative Declaration  
Feedback

Dear Sirs and Mesdames:

We acknowledge some of changes the developer has made to the 1509 El Camino Real (“1509 ECR”) plans as positive steps, however many of the core issues that me, my neighbors, and members of the Planning Commission have identified as problematic with the project, continue to be ignored by the final proposed Mitigated Negative Declaration (“MND”). The MND, in my opinion, will not pass muster under the tests and application of CEQA and approval of the document in its current form and approval of the project, as currently proposed without a more comprehensive EIR and logical answers to numerous lingering questions, will be construed as an abuse of discretion.

The reasons have been meticulously documented and comprise of replete record of substantive evidence and fair arguments using neighbor experiences, data gathering, photos, Country records and Burlingame City Ordinance research/analysis, the developer’s own words, comments made at the TSPC, acknowledgement of the traffic/parking and safety issues around Lincoln School, an Economic feasibility/sensitivity analyses of alternative smaller building sizes that would still result in profit for the developer, and prior comments from a smaller scaled

(and lower height) 2007 proposal for 1509 ECR (compared to what is currently proposed) that was deemed un-approvable by the then-sitting Planning Commission.

In addition to the CEQA issues, the latest proposal for 1509 ECR brings up numerous questions on public policy, evidence of deed/title transfer, reasons for rezoning, and the historical intent of Burlingame zoning ordinances that need to be answered to render a comprehensive analysis as it relates to the appropriateness and suitability of development of 1509 ECR and its impact on the human environment.

- **The MND refuses to acknowledge the reasons why a smaller, two-story proposal (which had underground parking) was effectively deemed un-approvable by a sitting Planning Commission.** Many of the 2007 reasons included issues with aesthetics, land use, and the environmental constraints of the property. The developer then withdrew the project, but this doesn't mean that the environmental constraints somehow disappear along with the application. Nothing has changed environmentally to make development on 1509 ECR any more favorable in 2007 than today. **Not acknowledging these reasons and identified constraints from the 2007 application is the fatal flaw of the MND.** At the last Planning Commission meeting, one Commissioner also agreed that the current project as proposed, is too large for the neighborhood and should be downsized and the R-2 designation of the 1509 ECR creek lot may have been there for a reason. Burlingame Ordinance #763 establishes conditions and yard area regulations that are logically congruent with maintaining an R-2 designation for the parcel containing the creek (more on this below).
- **The MND fails to establish the reasons for merging rezoning the R-2 parcel into R-3,** other than the most obvious one of building a larger building, which the MND refuses to acknowledge. The R-2 parcel contains a creek, it is unbuildable, rezoning it to R-3 does not increase density as defined by the City of Burlingame, it is part of the Mills Creek Watershed, which has a public use, and proposed 1509 ECR project would displace some of the lowest available rental property in Burlingame. The current R-3 parcel has 11 units on .35144 acres for a Unit/Acre ratio of 31.03. Combining the R2 and R3 parcel results in 11 units on .4461 acres for a Unit/Acre ratio of 24.66

It appears that the lot merge and R2 rezoning is against the intents and purposes of Burlingame Ordinance #763 Section 1969 Yard Area Regulations (Oct 1, 1962):

*"No yard or other open space maintained about any building for the purpose of complying with the provision of these regulations shall be considered as providing a yard or open space for any other building; No yard or open space maintained on an adjoining lot shall be considered as providing a yard or open space on a lot whereon a building is to be erected".*

Most likely, the R-2 rated parcel retained its designation for a logical reason outside of the developer's assertion of a "recording error" and "lack of foresight by the prior owner." To our knowledge, the section of this Burlingame City Ordinance 763 does not appear to be superseded or replaced by any other ordinance/municipal code and its intent looks to preserve open space and prevent new buildings from taking advantage of adjoining lots' open space to achieve minimum open space requirements.

- **The "Sensitivity Analysis" for the traffic/trip generation study makes no logical sense**, as its conclusion derived from the analysis on a Senior Assisted Living facility near the Trousdale/ECR intersection in a Commercial area with a hospital that is completely inapplicable to 1509 ECR and ends up highlighting how there is really no cogent argument disproving neighbors' testimony, photos, and substantive evidence presenting the traffic, safety and parking problems in and around ECR, Adeline, Balboa, Ray and Lincoln School communicated during both Planning Commission and TSPC hearings. As mentioned in prior letters/testimony, the TSPC acknowledged there was a traffic, safety, and parking issue on the 1400 and 1500 blocks of Balboa and wanted to open a formal hearing, however three commissioners lived within 500 feet of either block and a quorum could not be held.

We do know that after the TSPC meetings we attended in discussing the Traffic/safety/parking issues on Balboa Ave, the City put a mobile speed limit monitor ("Your speed is XX") and numerous speed sensor wires along Balboa Ave where speed limit and car count data was collected. Where is that data? Instead the City relies on a study for Senior Assisted Living facility (with lower numbers of trips) on a different intersection a half mile away in a

commercial and hospital zone, and when you read the study it was taking the *very same ITE* source cited by the last MND, basing it on generic cookie cutter “standards”, so effectively is the same underlying generic data with a different location and development type. Moreover, the Trousdale/ECR intersection is surrounded by large commercial and office areas, a large hospital, has 6 lanes along ECR, 4 along Trousdale and multiple signals (including left turn signals), and serves as the primary access point from Hwy 280 and Mills Estates to the West and California and the Millbrae Intermodal station. How is this in any way comparable to a part of El Camino Real having 2-3 story apartments, duplexes, single family homes across the street, a serene bucolic setting where the Tunnel of Trees begins in earnest, an intersection of Adeline serving a small commercial and mostly residential areas, near a school and park that has acknowledged pedestrian safety issues (STOP sign recently put up on Ray/Balboa intersection), no left turn signals from exiting from 1509 ECR, and increased trips to/from 1509 ECR will directly affect existing schoolchildren crossings?

Somehow, using the same ITE source on trip generation for the Senior Assisted Living facility (1600 Trousdale Environmental report section C-11), in a high traffic commercial area in a busy intersection then extrapolating it applying it to 1509 ECR to prove that 1,200+ trips can be generated with no significant impact on the Trousdale/ECR intersection (which is not the intersection of our concern) and by the same logic, 1509 ECR can theoretically support up to 410 residents with no significant impact on an intersection serving a commercial area is **simply preposterous**. The data on the number of cars and their speeds **that was actually collected around Balboa and Adeline Ave due to concerns brought up by the traffic/safety issues of residents at TSPC should be used**. Some of this data would presumably have been used by the City to put up the “STOP” sign up on Ray and Balboa. The City and hired consultants do not seem to be interested in finding out the truth with local data and a site-specific, intersection specific, traffic study; this does nothing to enhance the safety and well-being of our community. We reiterate the point that a real-world traffic study needs to be performed in an EIR, taking into account the unique location of 1509 ECR and its proximity to R-1 homes, the School, and Ray Park.

At the past Planning Commission meeting, while it was agreed generally by the Planning Commission that the trips generated being lower in a Condo with more bedrooms compared to the current building made little sense (and are

STILL asserted to be lower per unit, in the "sensitivity analysis" using the average number of trips of Senior Assisted Living facility as most of those residents are likely to be less mobile), was contrary to Burlingame's own parking requirements (requiring more parking for Condos vs Apartments thereby why should fewer trips be assumed for condos), one Planning Commissioner said that "we have to rely on some standard" However, the "standard" gave a huge deviation of 1.2-12 daily trips, thus this cannot be used for any statistical accuracy and the "standard" itself warns against applying the same formula to every project, effectively re-affirming what needs to be done under CEQA review: the site-specific impacts need to be properly analyzed in the context of the surrounding neighborhood.

ITE trip generation data was used for both the original 1509 ECR tip generation estimates and the Senior Assisted Living facility (Appendix C-11 in the 1600 Trousdale environmental study); this is the same underlying data from which conclusions are derived. ITE's "apartment" and "condominium" categories are catchalls for developments where the reported studies failed to identify whether the projects were low-rise (LU 221), mid-rise (LU 222), or high-rise (LU 223). (Institute of Transportation Engineers, *Trip Generation Manual* (9<sup>th</sup> Ed. 2012), at p. 332.) The ITE likewise has separate categories of condominiums.

Furthermore, ITE's data dates from the 1960s to the 2000s, and it is drawn from sites throughout the United States and Canada. (*Id.*) For the catchall apartment category, ITE stated a 6.65 *average* rate of trips generated, but the *range* was 1.27 to 12.50. (*Id.* at p. 333.) The ITE attributed the "wide variation" to the "wide variety of units with different sizes, price ranges, locations and ages." (*Id.* at p. 332.) It also acknowledged possible other factors, such as "geographic location and type of adjacent and nearby development." (*Id.*) Commenting on the data, ITE said: "*Many of the studies*

*included in this land use did not indicate the total number of bedrooms. To assist in the future analysis of this land use, it is important that this information be collected and included in trip generation data submissions.”* Discussing LU 210 (single family residences), ITE has acknowledged the correlation between number of vehicles and residents and trip generation rates, as well as the relationship between dwelling size, expense, and distance from the central business district and trip generation rates.

Therefore the **“standards” themselves actually say that to arrive at any reasonable and accurate conclusion, you have to study and incorporate the number of bedrooms for a valid trip generation analysis.** No such work has been attempted despite this being pointed out numerous times in the past and the traffic/safety/parking issues around the school are extremely well documented and have been heard by the Planning Commission, the TSPC, and the administration/teachers of Lincoln school. The inclusion of the Senior Assisted Living project impacts on ECR/Trousdale as an example for deriving any conclusion of traffic/safety impacts 1509 ECR, while using the exact same underlying ITE data, only serve as a distraction from the lack of-site specific data presented for a viable, CEQA-compliant EIR. **This “sensitivity analysis” is effectively useless.**

- **With no adjacent street parking, the 28 parking spaces that number is as a practical matter insufficient. Therefore, as to *impacts*, the MND should consider whether sufficient parking for the future residents of 1509 ECR will be available on site, a subject that the MND continues to avoid. *On-site* parking is inadequate as to the type. Ordinarily, and realistically, the City allows only three *compact* spaces in developments requiring more than 21 parking spaces. (Burlingame Municipal Code § 26.30.070.) This Project would have 14 compact spaces. This is excessive.**

According to the MND, the 11 existing units (nine one-bedrooms and two two-bedrooms) house 26 residents. In other words, the average number of occupants per bedroom is two. The developer himself has stated that 23-25 vehicles currently park on the property. With expensive condos with two- and three-bedroom units, the demographics will entirely shift, yet 28 spaces is somehow deemed sufficient. **This conclusion defies reason. FOUR of the Project’s units would have three bedrooms, and FIVE would have two.** Three-bedroom and two-bedroom units logically draw families and most families in Burlingame have one or two SUVs. A simple survey of surrounding neighborhood and apartment buildings demonstrate that families tend to have

SUVs. It is axiomatic that SUVs need regular-sized parking spaces. As a result, the number of compact spaces (14) is excessive, but the number of normal spaces (14) is insufficient.

The MND attempts to evade the common sense issue of whether the compact spaces will be usable. However, well-established case law gives equal (if not superior) weight to neighborhood experiences, photos, records, and even eye witness accounts (because the neighbors do know the neighborhood better than anyone). Neighbor experiences, observations and photos, qualify as substantive evidence. Our observations, as well as photos submitted with prior comments, substantiate the observation that Burlingame families tend to have larger, *not* compact, vehicles.

Using using the developer's own words (estimation of 23-25 cars for 12 bedrooms currently), adjusting for the number of bedrooms from the new project, there would be ~45-50 cars needing to park for 28 spaces, and one cannot park along ECR, so the only viable option is to park along Adeline and Balboa. The parking difficulty issues have been well documented and just this weekend, I was able to snap some photos of two people being dropped off from the airport in a cab on Balboa Ave only to enter their truck, which has been parked for several days, pack their luggage back into the truck and drive away (photos attached at end of document).

Case law within San Mateo County (Hoover School litigation in Burlingame) has made clear that **Parking is a CEQA issue** and thus needs to be addressed in a in analyzing environmental impacts. **To evade the actual potential impact issue of parking, the City relies on its inclusionary zoning incentive.** City Staff also fails to establish that the local affordable housing incentive does or could excuse its compliance with CEQA. In reality, eligibility for the inclusionary zoning and impact for CEQA purposes are *distinct* inquiries. **City Staff's continued reliance on affordable housing incentives to justify the Project's parking constraints relative to resident needs is improper.**

- **Cumulative Impacts:** The MND dismisses the notion that there are any cumulative impacts to be analyzed, and responded to my earlier comments

stating that development of the Adeline Market Plaza was “speculative”. In the last Planning Commission meeting on the emerging Envision Burlingame General Plan review, the Adeline Market plaza was affirmed by the City/Consultants as a potential area of future development (as it was in prior Housing Elements), with one Commissioner saying that 1 and potentially 2 developers are interested in the old gas station property, and the Planning Commission went with the City’s recommendations that not only should the Adeline Market Plaza retain its commercial use, but should also be a mixed use property, which paradoxically was referred to by another commissioner as further development but not necessarily “increasing intensity”. I attended that meeting and publicly cross-referenced my comments with the record of 1509 ECR and reiterate my stance that an EIR must include potential cumulative impacts. Because there is no current application for the redevelopment of Adeline market doesn’t mean that a cumulative impact issue doesn’t exist. **As mentioned numerous times before, any existence of a potential cumulative impact automatically requires the preparation of an EIR as a mandatory finding of significance.**

- **The California Department of Fish and Wildlife** has not responded to the latest proposal for 1509 ECR. I find this to be surprising given the last proposal of 1509 ECR and several written correspondences with the CADF&W appeared to be that they were quite concerned with the original proposal. We need to ascertain that they have in fact received and examined the latest proposal. Did they provide any correspondence acknowledging the receipt of the revised MND? Moreover, a Streamed Alteration Agreement should be a condition to approval for the project rather than after approval.

- **Inadequate Evidence as to the Reasons for Lot-Merge**

Pat Giorni spent 18 hours at the County Records office in Redwood City and I have spent approximately 6 hours Burlingame City Vault of ordinances to establish the documentary title transfer and reasons why the creek parcel

may have been rated R-2. We have been unable to find any documentary evidence corroborating the 1965 Title transfer as asserted by the developer. From the application the developer states (boldface emphasis mine):

***“In 1965 a deed was signed by the then owner of Lot 3 and Lot 4 deeding 1/2 of the creek land to lot 4. I suspect that the map split was recorded but never brought to the City for their review, however, the Burlingame Master Plan, which was adopted in 1969, shows no such division of Lot 3. Obviously the planner who worked on the General Plan at the time saw Lot 3 as being whole and naturally zoned it the same as the Rest of Ray Cloud. The portion of Lot 3 has no street frontage and because it is a part of the creek, I suspect no commercial value and also I suspect could not be separately sold because the lot split has never been accepted by the City; therefore, as it now stands now in limbo and therefore it should be merged with Lot 4 and thereby receive the zoning. The effect of the merger will not create any physical change to the portion of Lot 3 as it is a creek bed and not build-able on in any way. The request for the merger and rezoning is to clear up a problem that was created by the previous owner’s lack of foresight in not making the City aware of the lot split back in 1965”***

These comments demonstrate a lot of speculation and assumptions on the part of the developer, and the MND should not rely simply on his version, **but rather make an honest effort at examining other common sense/likely explanations for the reason why the parcel kept its R-2 designation.**

I concur with Pat Giorni’s opinion, in a letter to the Planning Commission dated Feb 17, 2016, that further analysis needs to be done to establish the reasons why the parcel designation R-2 remained unchanged and provide a logical reason to re-zone beyond the developer’s assumptions. The documentary title transfer that the developer says exists in the application (and told us exists in private meetings) should easily be produced for the Planning Commission and public to see. While the timing of the lot split according to the developer makes sense (1965); **we have not been able to find the actual deed establishing the transfer of the R2 lot, thus the reasoning for proposing the lot merge and re-zoning is currently insufficient and requires more analysis/explanation.**

- **The Creek Still has a Public Use:** As both a CEQA and a broader public policy question, why would it make sense to add square footage that the

developer himself admits is unbuildable to the lot size for purposes of calculating density. **Despite the City's vacating of the Creek easement in 1961, Mills Creek remains a part of the Mills Creek Watershed and as such still has a public use and is treated as such by California Regulatory Authorities (CADF&W).**

- **Impacts on Lincoln School traffic/safety/parking:** The MND and Staff Report refers to the impact of the 1509 ECR on the school population, but we have not challenged this point. The school is crowded, will likely be the largest elementary school in BSD after district lines are re-drawn post the Hoover Elementary school opening, its population is expected to increase and as such, there will be more traffic and safety issues as more children will be walking to school. Doubling the number of vehicles under the current 1509 ECR proposal will only serve to exacerbate the parking shortage, school traffic, and safety issues as there will be more residents that have insufficient parking and that parking and trip generation will be occurring along Balboa and Adeline. With the northbound left turn from 1509 ECR northbound to El Camino Real effectively unusable and unsafe at school drop-off/pickup hours, park activity hours, and rush-hour traffic as well as insufficient parking at the property itself, residents of the property will be making a series of right turns from El Camino to Adeline, to Balboa, to Ray and then a left on El Camino, going against the school traffic flow and interacting with 5 school crossing points. 1509 ECR residents going south or north who are unable to park on the property would also face at least 2 school crossing points.
- **Screening Trees:** A welcome addition to the landscaping are the Fern Pine screening trees, however they are slow growers (there are some in the Wallachs' yard and can testify to their personal, local experience with the trees) and fairly water intensive compared to the rest of the landscaping (per landscape plan). I would suggest faster growing and more drought-resistant cypress trees.
- **A new Soils Study should be performed:** The MND and Burlingame Public Works Department notes that "resolving erosion issues" on private property is the responsibility of the property owner. Furthermore, they noted that the City does not have jurisdiction over Mills Creek and any repair work within a creek

bank must be approved and permitted through the California Department of Fish and Wildlife (CDFW). Given that we have identified a recent sinkhole, when several years ago we have warned about subsidence under drought conditions (all documented within the record of 1509 ECR), a new soils study should be done with deeper boring and the cause of the sinkhole should be determined. The Staff Report incorrectly implies that erosion was my only concern (my concern was the cause of the sinkhole, one of which could potentially be erosion). Is it erosion, is it subsidence, is it something else? Is it something that can pose a danger to current or future residents, during construction of a new building, or after the construction of a greater load-bearing structure? Seems like fairly obvious/common sense questions to be answered in an EIR with an updated soils study.

- **Broader Implications:** The lengths at which the MND takes to come to dubious conclusions based on insufficient evidence as well as numerous process/public disclosure issues well documented in the past is rather troublesome from a public policy standpoint and reflective of pro-development biases. I know this sentiment is shared by many residents of Burlingame in my own personal interactions in gathering the original “400 signatures” on the first iteration of the 1509 ECR project and on many subsequent projects in Burlingame. Also, the City appears to place heavy reliance on outside consultants and repeated references to “the Consultants' conclusions” conveys a tone that the responsibility for CEQA and public policy compliance rests with these hired consultants and not the City. Ultimate ownership of these documents and their conclusions really belong with the City. I hope much more rigorous, best-efforts, and truth-seeking analysis will be conducted during the EIR of the Burlingame General Plan revisions. Trying to cut corners with wishful assumptions and easy, inexpensive forms of “cut and paste” generic data gathering and applying it to the unique landscape and design of Burlingame rather than relying on local residents, neighbor experiences, substantive evidence, fair arguments, and the City or local School districts’ own local data invites further scrutiny on the City of Burlingame’s seriousness in conducting objective analyses to improve the quality of life for its residents.

I am also calling on the City Council and Planning Commission to conduct an assessment on the various consultants the City hires and consider only hiring those who have a good track record of credibility and providing

all the data and information/analysis for projects that have resulted in actual wins for *both* the community at large and developers in a way that is based on common sense, logical principles, and improves the quality of life for all Burlingame residents.

**Sincerely,**

**/s/ Mark Haberecht**

**Mark Haberecht  
1505 Balboa Ave  
Burlingame, CA 94010**

**Attachments: Burlingame City Ordinance #763 highlighted sections, Pictures of Off-Airport parking on Balboa Ave**

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

AN ORDINANCE AMENDING DIVISIONS 10, 11 AND 12, ARTICLE 50, PART X OF THE BURLINGAME ORDINANCE CODE REGULATING SET BACK LINES, LOT GENERACY, SIDS AND REAR YARDS, AND AUTOMOBILE PARKING SPACES

The City Council of the City of Burlingame does ordain as follows:

SECTION 1. Division 10, Article 50, Part X, of the Burlingame Ordinance Code is hereby amended to read and provide as follows:

"DIVISION 10 SETBACK LINES

Section 1921 General Provisions

Except as provided in this Division, no building shall be erected nearer the street lines, or adjacent lot lines, than the distance therefrom provided by setback lines heretofore or hereafter established.

Section 1922 Setback Established by Map

Whenever a setback in any block is delineated on the subdivision map thereof, as approved by the Planning Commission and the City Council, and recorded in the Office of the County Recorder, the setback shown on such subdivision map shall be applicable, notwithstanding any provisions to the contrary herein contained.

The Planning Commission may require, as a condition to acceptance of a tentative or final subdivision map, the delineation of setback lines in accordance with the provisions of this Article.

Section 1923 Minimum Setbacks in R Districts

In the event that no building has been erected in a block, the setback line shall be established in accordance with the procedure provided in this Division, but in no case shall the front setback of any proposed building in an R District be less than fifteen (15) feet from the front property line.

Section 1924 Average Setback

The following shall apply to all R Districts:

- a. All buildings hereafter located, erected or rebuilt must be set back not less than fifteen (15) feet from the front property line on which such buildings front.
- b. Where lots comprising forty percent (40%) or more of all the frontage on the same side of the street and within the same block are developed with buildings varying in setback, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than thirty (30) feet be required.

- 1 -

- b. Fireplace chimneys may project into the side yard to a distance not to exceed two (2) feet, provided that there shall be a minimum distance of two feet six inches (2'6") between the chimney and the side lot line.
- c. Cornice or eave projections may extend into the side yard area but may not extend a greater distance than 50% of such required side yard.
- d. A detached garage or other permitted one-story accessory building located within the rear 30% of the lot may be built to the rear or side lot lines, disregarding the requirements of this Division. This exception shall not be construed to allow additional coverage or to permit construction over or upon easements deeded or dedicated for other purposes.
- e. Where fire escapes are required by law as an additional means of egress, suspended metal fire escapes may be constructed in the side yard area but not to exceed three (3) feet in width. Such fire escapes shall be so constructed as to leave a clear area of at least seven (7) feet between the ground and the lowest point of the fire escape.

Section 1969 Yard Area Regulations

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed in this code.

No yard or other open space maintained about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building.

No yard or open space maintained on an adjoining lot shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

Section 1970 Yards for Churches and Public Buildings

In all R Districts, no building shall be erected, enlarged or used as a public building, church, library, museum or other similar use, either governmental or private, permitted under the use regulations of this Code, unless such structure or use is located at least ten (10) feet from the lot or boundary line of adjoining property in an R District."

SECTION 3. Division 12, Article 50, Part X, of the Burlingame Ordinance Code is hereby amended to read and provide as follows:

"DIVISION 12 AUTOMOBILE PARKING SPACE

Section 1971 Provision of Parking Space

At the time of erection of any building or structure, or at the time any building or structure is enlarged or increased in capacity, there shall be provided off-street parking space with adequate and proper provision for ingress and egress by standard size automobiles.

When any building is remodeled, reconstructed or changed in use by the addition of dwelling units, gross floor area, seating capacity, or other intensified use, such additional garage or parking facilities as may

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court or courts of jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of this City hereby declares that it would have adopted this Ordinance and each section, subsection, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions may be declared invalid or unconstitutional.

SECTION 5. REPEALS

All ordinances and all sections or parts of sections of this Code in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. PUBLICATION

This Ordinance shall be published as required by law.

*Joe A. Lorenz, P.P.S.*  
MAYOR

I, Herbert K. White, City Clerk, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the 16th day of July, 1962, and adopted thereafter at a regular meeting of the City Council held on the 1st day of October, 1962, by the following vote:

Ayes: Councilmen: Crosby - Martin - Morgan

Noes: Councilmen: None

Absent Councilmen: None

Abstaining Councilmen: Johnson - Lorenz *Herbert K. White*

Herbert K. White - City Clerk

## Off-Airport Parking Balboa Ave July 23, 2016







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

February 29, 2016  
Planning Commission  
Burlingame, CA.

**RECEIVED**

FEB 29 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Ms. Bandrapalli and Gentlemen:

Re: Proposed Project: 1509 El Camino Real

In addition to all the concerns which have been raised about this project, there are hidden costs to neighbors which have not been addressed. The obvious one is the potential for decreased property values caused by intrusive views and reduced privacy.

In our own case, another issue is already costing us. This is because the only thing which will protect us from windows on not one, but two walls of this project, is a very large black acacia tree on our property. If or when that tree goes, the privacy we currently enjoy in our bedroom, bathroom, sitting room, garden and deck will be gone. It will require purchasing adequate screening for windows, which will have to remain closed most of the day. There will be no easy recourse for the outside areas.

Looking forward, we have decided to take measures which hopefully will guarantee the continued health of our black acacia. Recently we engaged an arborist to assess the tree. He found it healthy, but it is of the variety which evidently is notorious for sudden failure. Upon his recommendations, on May 5, J.P. McClenahan will selectively prune the tree to insure its continued health, and cable together its three large trunks. This treatment is costing us \$2350.00.

I might add that several other neighbors will be facing a similarly changed situation. Until now the current low slung buildings on the property have never been an issue. But because most of us are in our 60's, 70's and beyond, we no doubt will be gone before Mr. Fellowes' young trees will be large enough to replace the ambiance and privacy lost.

1509 El Camino Real has proved to be an especially quirky piece of property. I suspect Mr. Fellowes and his partners, seeing profit to be made, had no idea of how anomalous it is. In talking about it, Mr. Fellowes chooses to align it with buildings south of Adeline Drive, a half block away. It would be more realistic to compare it to the buildings on its own block, which are, without exception, much

smaller and lower structures. I think the unusual number of concerns and level of resistance this project has garnered should be a good indication of how unsuitable is the current plan for this location.

Thank you for your consideration of our comments.

Sincerely yours,

Ann and Paul Wallach

**CD/PLG-Hurin, Ruben**

---

**From:** Paul Wallach <paulrossw@att.net>  
**Sent:** Wednesday, February 24, 2016 6:40 PM  
**To:** CD/PLG-Hurin, Ruben  
**Subject:** Message for Planning commission regarding 1509 ECR

Dear Ruben,

Please forward the letter below to the Planning Commissioners.

Ladies and Gentlemen:

The reason a small piece of land containing Mill's Creek, adjacent to 1509 El Camino Real, was listed as R2 is to stop the R3 development of the properties north of Mill's Creek.

The stretch of of El Camino Real between Adeline Drive and the Mills Peninsula Hospital is the ONLY segment of this boulevard that does not have large apartments and condominium buildings dominating the skyline.

Please do not change this piece of R2 land to R3. It will only open additional requests for R3 properties and spoil the last stretch of El Camino Real.

Paul Ross Wallach  
1524 Balboa Way, Burlingame

**RECEIVED**

FEB 24 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.

RECEIVED

February 17, 2016

FEB 17 2016

De Chair DeMartini and Commissioners,

CITY OF BURLINGAME  
CDD-PLANNING DIV.

The issue of the lot merge of parcels R3 - 026-011-010, and R2 - 025-228-130 to bring consistency to the overall 1509 El Camino Real parcel as an R3 property has not undergone the scrutiny nor due diligence necessary in a complete title search to determine the reasoning behind the past issuance and the current continuation of an R2 designation; and has complicated the project by adding approximately 3000 square feet to its entirety that could be, now or in future, used to increase the building footprint or add additional structures unless a condition or a Resolution is drafted and recorded to prohibit any use other than passive landscaping of that R2 - 025-228-130 square footage.

Below is Fellowes' declaration from Application packet, pdf page 14 of the July 9, 2012 Environmental scoping packet

3. The following information provides exceptional or extraordinary circumstances or conditions applicable to this property only and not to other properties in the same class or district.

In 1965, a deed was signed by the then owner of Lot 3 and Lot 4 deeding 1/2 of the creek land to Lot 4. I suspect that the map split was recorded but never brought to the City for their review; however, the Burlingame Master Plan, which was adopted in 1969, shows no such division of Lot 3. Obviously the planner who worked on the General Plan at that time saw Lot 3 as being whole and naturally zoned it the same as the rest of Ray Cloud (see attached General Plan Map). The portion of Lot 3 has no street frontage and because it is part of a creek, I suspect no commercial value and also I suspect could not be separately sold because the lot split has never been accepted by the City; therefore, as it now stands the portion is now in limbo, therefore it should be merged with Lot 4 and thereby receive the same zoning. The effect of the merger will not create any physical change to the portion of Lot 3 as it is a creek bed and not build-able on in any way. The request for the merger and rezoning is to clear up a problem that was created by the previous owner's lack of foresight in not making the City aware of the lot split back in 1965. I might mention that we paid a considerable sum of money to repair the creek's south side headwall back in 1996, a repair that was permitted by and mandated by the City of Burlingame and the State Fish and Game Agency.

This somewhat fanciful but disingenuous explanation would make it an easy decision for City Council the merge except for the following reasons:

- August 4, 1911 Mills Estate owned the "water course" and delineated the property between itself and Burlingame's Lot 4 (026-011-010) as N 36" 33"E. 177.6". (Attachment 1)
- The March, 1941 map of Ray Park, adopted by the City of Burlingame, clearly shows no ownership of the creek, when the City Council annexed Ray Park on April 7, 1941 and assumed the creek as an easement. Lot 4 property continues to be surveyed at N 36" 33 E. (Attachment 1)
- Resolution 53-61 memorializes the vacation of the creek easement in 1961. (Attachment 2)

- Somewhere between 1961 and March 1963 the vacated land became Parcel 13 (025-228-130) and moved to Albert Belsvik, 1518 Albemarle, 025-228-128. Then it moved to Giusto Buttignol, 1509 ECR, 026-011-010. (Attachment 3)
  - It appears obvious that the reason that the creek parcel has an 025 APN and an R2 zoning designation is because it was originally vacated to Belsvik, later changing hands to Buttignol. At this point, there is never an indication of a center of the creek boundary.
- There is further indication that when Parcel 13 (025-228-130) was acquired by Giusto Buttignol the property line of 1509 ECR (026-011-010) changed to N 36” 44 E to reflect that he now had ownership from Top of Bank on either side of the creek. (Attachments 4 & 5)
  -
- There is no indication when the present boundary line between 025-228-130 and 026-011-010 shifted to center of creek, but does appear that the shift occurred after 1971. (Attachments 4 & 5)
  - Both properties indicate that the boundary line shifted to center of creek no later than 1985. (Attachment 6)
  - This statement from former 1518 Albemarle owner, Helen Johnson who purchased 025-228-128 from her husband’s uncle, Albert Belsvik:
    - When we bought the duplex on Albemarle in 1965, we were told that our property line extended to the other side of the creek. It wasn't until later that we found out that it didn't and had been deeded (for whatever reason, probably money) to the owner of the property Fellows now owns. (Attachment 6)
  - Again, it appears obvious that either the City of Burlingame or the Recorder’s Office initiated the centerline creek boundary after Parcel 13, 025-228-130, changed ownership prior to 1971. Conjecturing that there may have been an earlier failure of the property owner to record the sale of Parcel 13 is plausible only if the City and the Recorder also failed, years later, to file revised legal descriptions on the Grant Deeds.
  - Scrutiny of Secured Tax records would indicate when the creek centerline was established because a legal description is provided on each tax statement. (Attachments 7 & 8)
- The following, copied from Fellowes’ declaration above:
  - I might mention that we paid a considerable sum of money to repair the creek’s south side headwall back in 1996, a repair that was permitted by and mandated by the City of Burlingame and the State Fish and Game Agency.
  - Mr. Fellowes did not own the property in 1996. (Attachment 9)
  - The repair was not undertaken until 1999. (Attachment 10)

In conclusion, what on surface may appear to be a case of a single, serendipitous Recorder oversight and which if not fully researched and corrected, could now and in future cascade into further unintended consequences. A full and complete investigation, including a title search for 1509 ECR (026-011-010) and 1518 Albemarle (025-228-128) as well as Parcel 13 (025-228-130), and a search through Secured Tax Records from 1961 to 1985, should be undertaken by the City of Burlingame and/or the present 1509

ECR property owners to serve to document the questions raised and correct any initial error.

Sincerely,

/ss/ Pat Giorni  
1445 Balboa Avenue  
Burlingame, Ca 94010  
650-347-8418

# RAY PARK BURLINGAME CALIFORNIA

L. B. HAINLINE  
Civil Engineer

March, 1941

Scale of Map: 1"=100'

The undersigned, Milton S. Ray and Rose Carolyn Ray, his wife, being the only parties having any record title interest in the land subdivided as shown on this map hereby consent to the preparation and recording of this map and state that all Ways, Drives, Courts and Avenues shown, designated and named on this map are intended for and are hereby offered for dedication for public use as public streets; that the "Paths" shown hereon are intended for and hereby offered for dedication to public use as pedestrian pathways and for the purpose of installing underground Water Pipes, Gas Pipes, Electrical and Telephone Conduits; that the "Public Utilities Easements" (P.U.E.) shown hereon are intended and hereby offered for dedication for the use and purpose of installation of public utilities only; that the strips of land designated hereon as "Planting Strip" are intended and are hereby offered for dedication for the purpose of planting and maintaining Shrubs, Trees or Flowers, and for the erection of Public Utility power poles along the center-line thereof; that those certain Drainage Easements designated hereon are intended and are hereby offered for dedication for the perpetual maintenance of culverts, conduits, drainage or for the construction and maintenance of culverts, conduits, storm sewers or other drainage structures; that those certain sewer easements designated hereon are intended and hereby offered for dedication to public use for the construction and maintenance of sanitary or storm sewers.

Dated April 5, 1941

Milton S. Ray  
Rose Carolyn Ray, his wife.

STATE OF CALIFORNIA,  
City and County of San Francisco

On this 5th day of March 1941, before me, Flora Nell, a Notary Public in and for the City and County of San Francisco, California, residing therein, duly commissioned and sworn, personally appeared Milton S. Ray, and Rose Carolyn Ray, his wife, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same in WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires

May 5, 1941

Flora Nell  
Notary Public in and for the  
City and County of San Francisco  
State of California

I, Grace Hoey, City Clerk and ex-officio clerk of the City Council of the City of Burlingame, do hereby certify that the City Council of the City of Burlingame, State of California, by a resolution adopted at a regular meeting of said council, duly convened and held on the 7th day of April, 1941, did approve the within map entitled "RAY PARK, BURLINGAME CALIFORNIA", and did accept on behalf of the public all Ways, Drives, Courts, Avenues, Paths, Public Utilities Easements, Planting Strips, Drainage Easements and Sewer Easements, as offered for dedication to public use.

Dated April 7, 1941.

Grace Hoey  
City Clerk and ex-officio clerk of the  
City Council of the City of Burlingame.

This is to certify that a tentative copy of the within map was presented to the Planning Commission of the City of Burlingame at its regular meeting held on the 8th day of April, 1941, and duly approved by said commission.

Burlingame City Planning Commission.

Dated April 8, 1941.  
by Char McCreath, Secretary.

I, C. H. Toscallo, City Engineer of the City of Burlingame, State of California, hereby certify that I have examined the within map and find it to be substantially the same as the tentative map, that all provisions of the law have been complied with and that the map is technically correct.

Dated April 7, 1941.

C. H. Toscallo  
City Engineer of the City of Burlingame.

I, L. B. Hainline, a registered Civil Engineer of the State of California, hereby certify that the within final map consisting of four (4) sheets was made to a full, true and correct survey made by me on the ground during the months of January and February 1941; that the monuments shown hereon, but consisting of 2" iron pipes set flush with ground, filled with cement and centered with a copper nail, will be placed on the ground in the positions indicated here on, not distant from and at right angles to the curve point adjacent, and are sufficient to enable the survey to be retraced.

Dated April 7, 1941.

L. B. Hainline  
Registered Civil Engineer - No. 34.

FILE NO. 17872-E

Accepted for record and recorded in Volume 23 of Official Map at pages 45, 46, 47 and 48, in the office of the County Recorder of the County of San Mateo, State of California, this 8th day of April, 1941 at 11:35 A.M.

J. J. [Signature]  
County Recorder of the County of San Mateo

# ESTATE OF D.O. MILLS

STATE OF CALIFORNIA

San Mateo } ss  
 County of San Mateo }  
 I, the undersigned, being of legal age, sound mind and memory, do hereby certify that the within mentioned addition, and acknowledged to me that he or she is the person who executed the same, and year in this certificate first above written.

MA

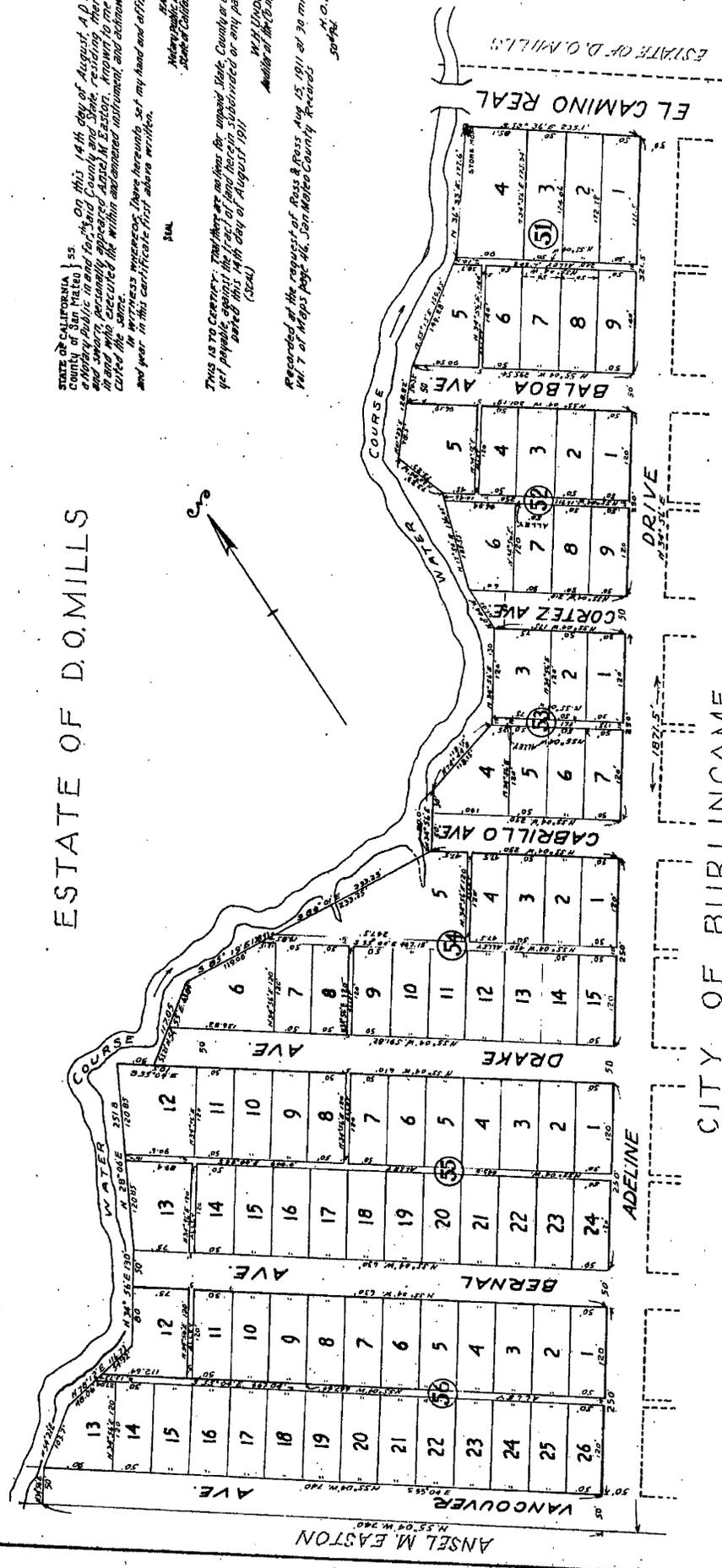
PAUL C. ROSS  
 Mayor, City of San Mateo, County of San Mateo,  
 State of California.

THIS IS TO CERTIFY that there are no liens for unpaid State, County or other taxes, except taxes yet payable against the tract of land herein subdivided or any part thereof, as of the date of August 1911.

W.F. UNDERHILL,  
 Auditor of the City of San Mateo.

Recorded at the request of Paul C. Ross Aug 15 1911 at 30 min past 3 o'clock P.M. in Vol. 7 of Maps Page 46, San Mateo County Records  
 H.O. HEINER, Recorder.

4846



THIS IS TO CERTIFY that the undersigned is the owner of the tract or subdivision of land shown on this Map as EASTON ADDITION TO BURLINGAME, Number 5, and is the only person whose consent is necessary to pass a clear title to said land and to the making of this map and who executed the within mentioned addition, and acknowledged to me that he or she is the person who executed the same, and year in this certificate first above written.

That the undersigned is a public officer of the County of San Mateo, State of California, and does hereby dedicate to public use the following streets, shown on this map, to-wit: BALBOA AVENUE, CORTAZ AVENUE, CABRILLO AVENUE, DRANE AVENUE, BERNAL AVENUE, and VANCOVER AVENUE.

That the alleys designated on this map and marked "ALLEYS" are hereby expressly reserved from this 14th day of August 1911.

Witness my hand and seal of the City of Burlingame, California, this 14th day of August 1911.

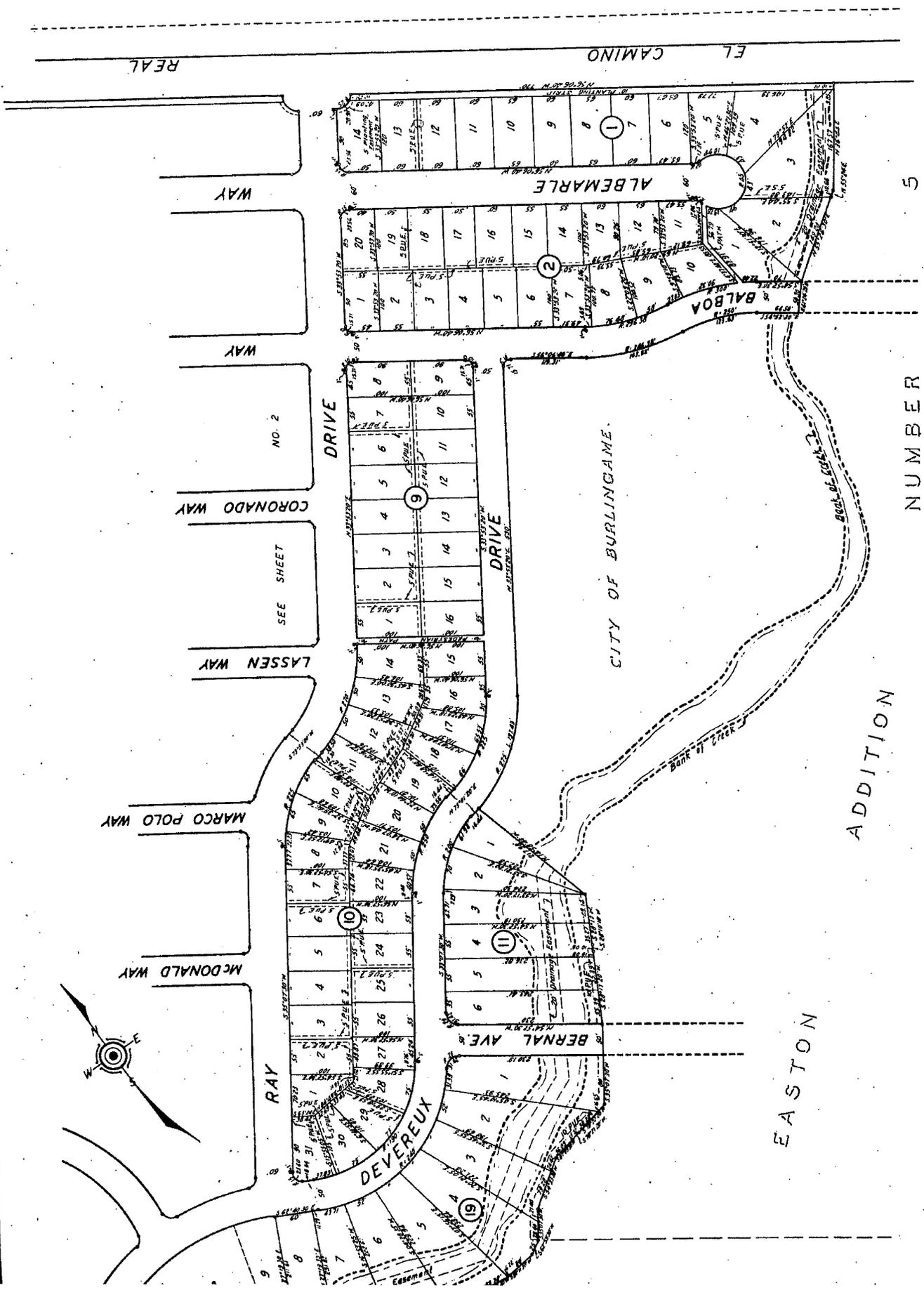
ANSEL M. EASTON

BALBOA AVENUE, CORTAZ AVENUE, CABRILLO AVENUE, DRANE AVENUE, BERNAL AVENUE, and VANCOVER AVENUE, as shown on this map, are hereby accepted by the Board of Supervisors of the County of San Mateo, State of California, on behalf of the State of California, to public use in accordance with the provisions of the Act of the State Board adopted this 14th day of August 1911.

Attest: Jas. H. Gray,  
 Clerk of the Board of Supervisors,  
 by Attachment Study Clerk.

MAP  
 OF  
 EASTON ADDITION  
 TO  
 BURLINGAME, Number 5,  
 F.W. WAGGONER, C.E.  
 SCALE 1" = 100'

I hereby certify this to be a true and correct copy of an original map recorded in Map Book 7 at page 45



NUMBER

5

ADDITION

RAY PARK  
 BURLINGAME, CALIF.  
 SHEET NO. 4 OF 4 SHEETS

RESOLUTION NO. 53-61

ORDERING THE VACATION OF A CERTAIN DRAINAGE EASEMENT IN AND ON LOTS 1 AND 2, BLOCK 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED "RAY PARK, BURLINGAME, CALIF".

RESOLVED, by the City Council of the City of Burlingame, California:

WHEREAS, the drainage easement hereinafter particularly described has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years next preceding the date of this resolution; and

WHEREAS, said easement has not been used continuously or ever; or at all since the date of its dedication or acquisition, on or about April 16, 1941; and

WHEREAS, the public interest and convenience requires the vacation and abandonment of said easement; and

WHEREAS, after hearing the evidence, the City Council finds that said easement is not necessary for present or prospective public use;

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to the provisions of Section 50443 of the Government Code that said drainage easement as it is hereinafter particularly described be, and it is, hereby vacated and abandoned.

Said easement is particularly described as that certain 20 foot drainage easement lying within Lots 1 and 2, Block 1, as shown on that certain map entitled "RAY PARK, BURLINGAME, CALIF" which map was filed in the office of the Recorder of the County of San Mateo, State of California, on April 16, 1941, in Volume 23 of Maps at Pages 45, 46, 47 and 48.

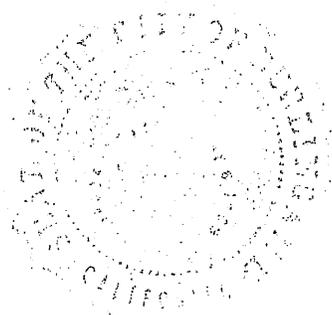
*Andrew C. Burns*

OCT 16, 1961

I, Herbert K. White, City Clerk, do hereby certify that the foregoing resolution was introduced at a regular meeting of the City Council held on the 16th day of October, 1961, and adopted thereafter by the following vote:

Ayes: Councilmen: Byrd-Johnson-Lorenz-Martin-Morgan  
Noes: Councilmen: None  
Absent Councilmen: None

Herbert K. White  
Herbert K. White - City Clerk



STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO } ss.  
HERBERT K. WHITE, City Clerk of the City of Burlingame, San Diego County, California, and ex-officio Clerk of the City Council thereof, do hereby certify that the above and foregoing is a full, true and correct copy of

Resolution 53-61

entered in the minutes of said council.  
In Witness Whereof, I have hereunto set my hand and the seal of said City this 17th day of Jan, 1961  
HERBERT K. WHITE, City Clerk  
Herbert K. White

31793U

RECORDED AT REQUEST OF

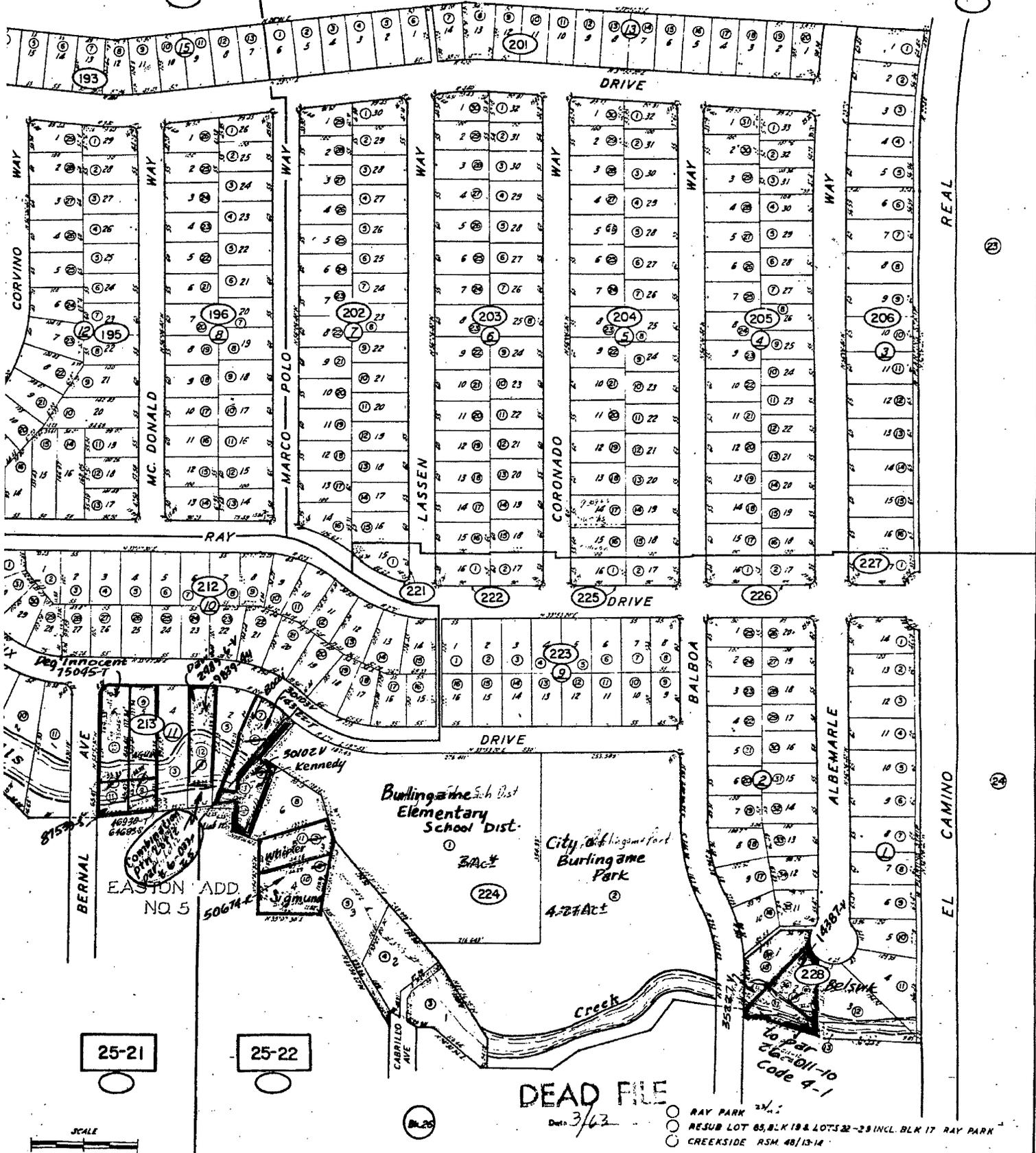
City of Burlingame

25-25B

Code 4-2

25-19

25-20



DEAD FILE

Date 3/63

- RAY PARK
- RESUB LOT 65, BLK 19 & LOTS 22-29 INCL. BLK 17 RAY PARK
- CREEKSIDE RSM. 48/13-14

NOTE—Assessor's Block Numbers Shown in Ellipses,  
 Assessor's Parcel Numbers Shown in Circles.

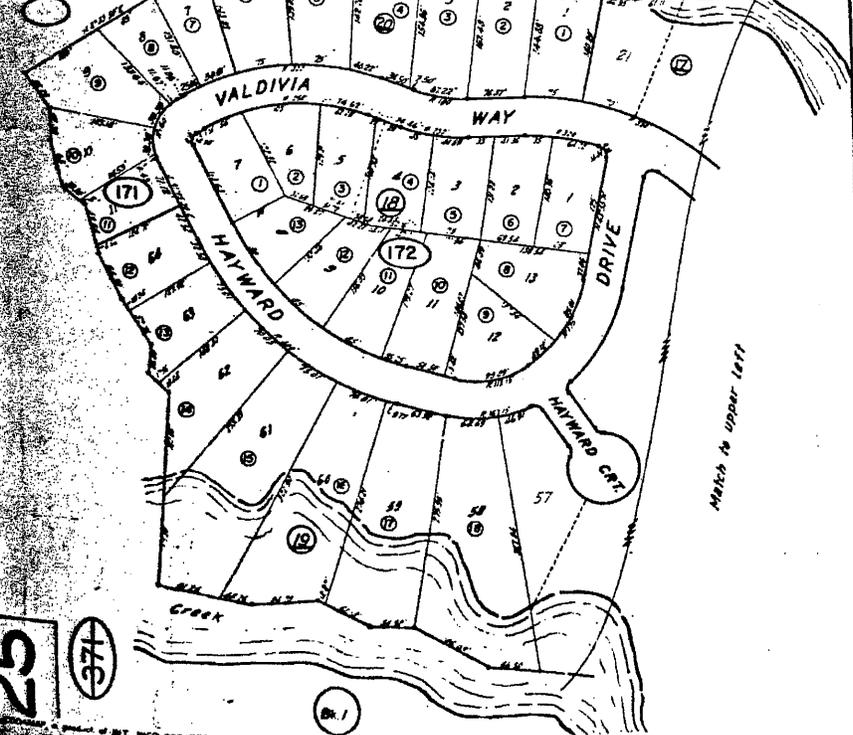
BURLINGAME SCH. DIST.



25-18



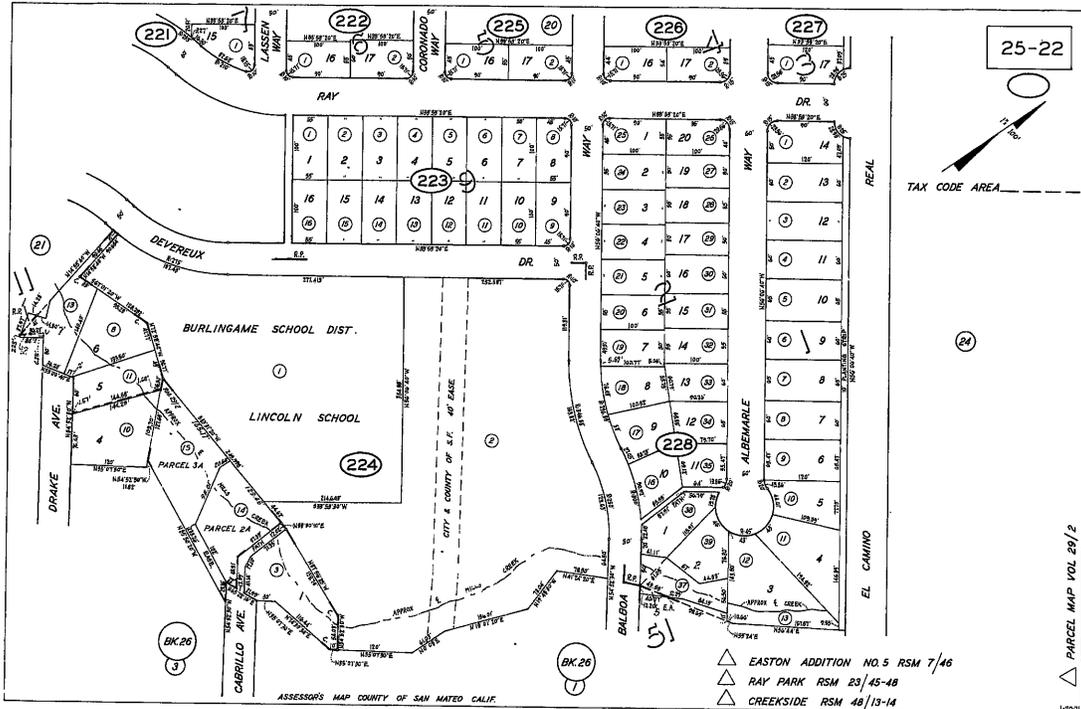
25-17



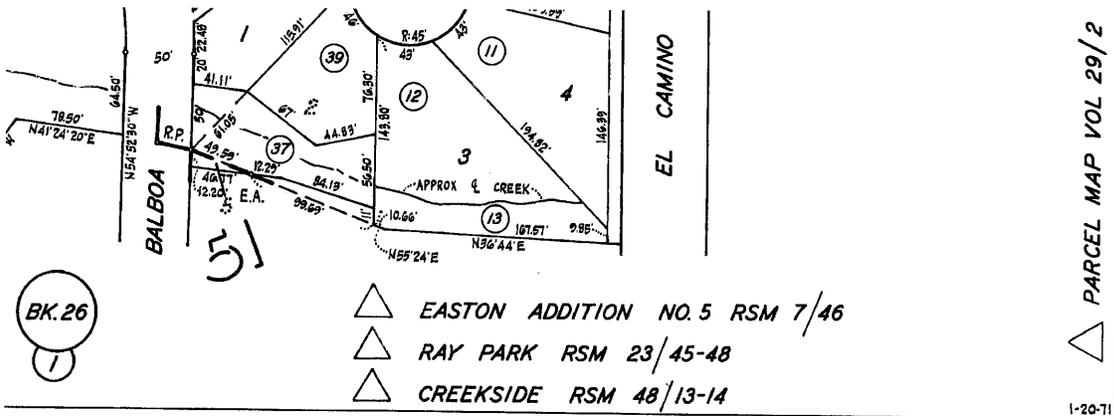
25

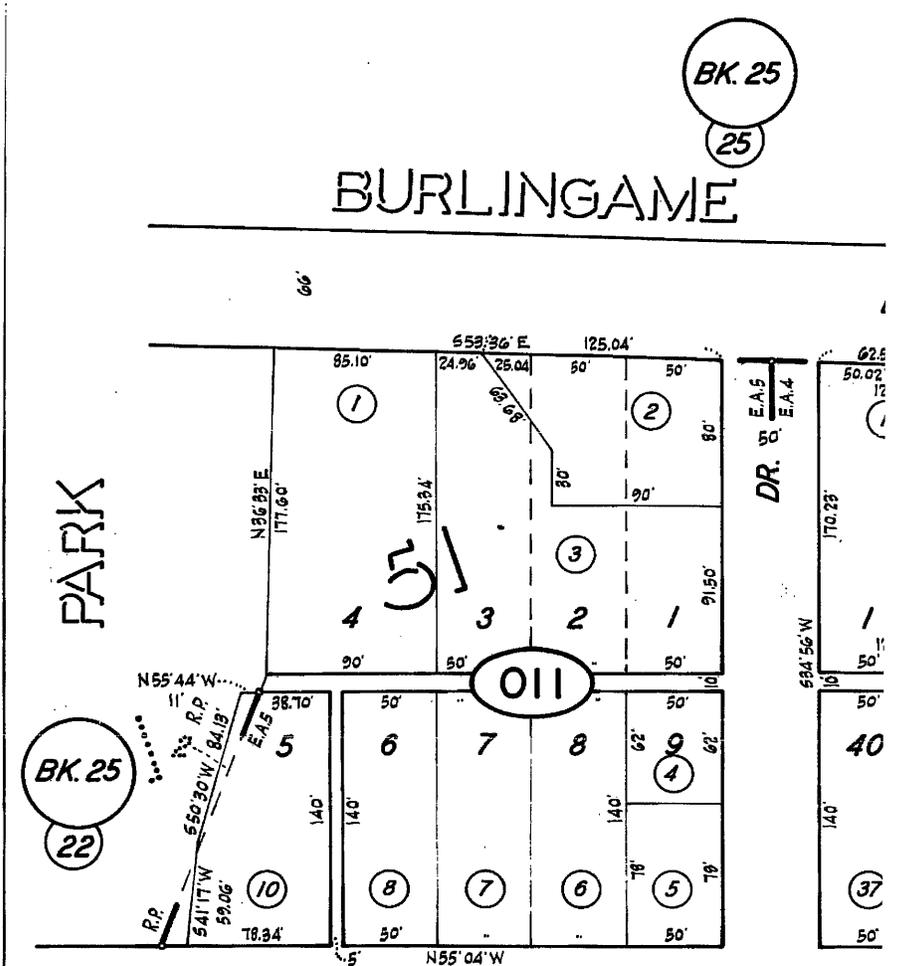
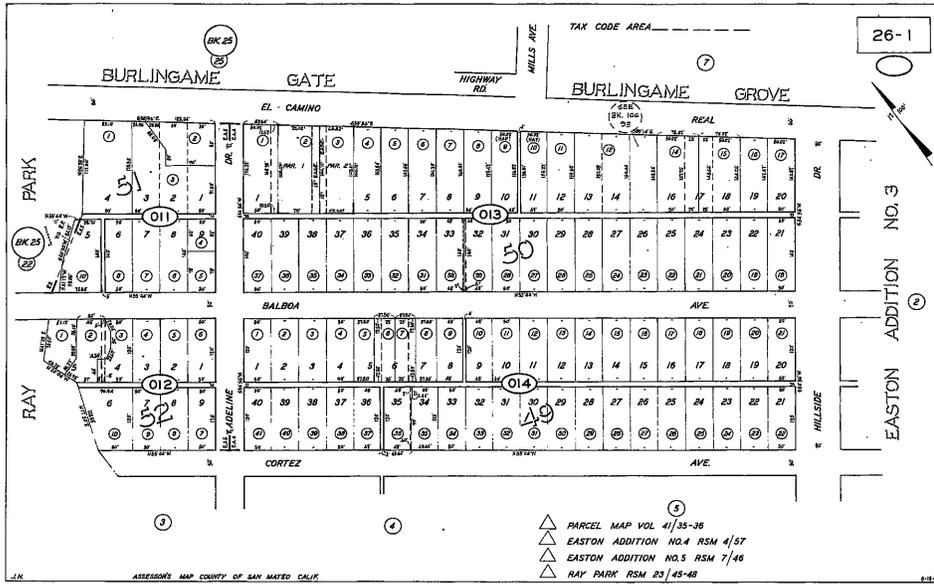


PROPERTY OF THE U.S. GOVERNMENT



Dated 1/20/1971





1985

California Secured Assessment System - Easy Access, Inc.

File Edit Functions Help

Real Property Master

APN 025 228 130 Asmnt. Year 1985 001 Roll 1985 0 User Id Last Mod 11/02/1971

Owner Id 0000157851  
 Owner 1 BUTTIGNOL GIUSTO  
 Owner 2  
 Care of  
 Address 728 S GRANT  
 City/Zip SAN MATEO CA 94402  
 Situs

Type ANN 2 Annual VSC CONV 98  
 TRA 004002 VSC Date 11/01/1999  
 District 1 Roll Type S 2  
 NBHD 012C Notice Date  
 Zoning R20000 BC #  
 Use Cd 00 VACANT LAND

Legal Legal Ln 1 PTN OF LOT 3 BLOCK 1 LYING SELY OF CENTER LN OF MILLS  
 Legal Ln 2 CREEK RAY PARK RSM 23/45 46 47 48

Exemption  
 Activity  
 CPI 1.0200000%  
 Base Years

Lst Trn  
 DOR 02/28/1965 Id #  
 DOV  
 Temp

Assessment Values	Land	367	Improvemnt	0	Total Lbl	367
	Temp Land	0	Temp Imprv	0	Total Temp	0
	Root	0	Fixtures	0	Exemptions	0
	Mine/Minrl	0	Peris Prop	0	Taxable	367
						0

Image File Map Page Rec'd Docs Photo Sketch

F2=Mn F4=Sup F5=CL1 F6=Val F7=Pr F8=Nx F9=CL2 F10=VSC F12=Cnc F23=DI F24=Inc 807005

California Secured Assessment System - Easy Access, Inc.

File Edit Functions Help

Real Property Master

APN 025 228 120 Asmnt. Year 1986 001 Roll 1986 0 User Id Last Mod 5/23/1986

Owner Id 0000157850  
 Owner 1 JOHNSON MARVIN & HELEN K  
 Owner 2  
 Care of  
 Address 1518 ALBEMARLE WAY  
 City/Zip BURLINGAME CA 94010 4658  
 Situs 1518 ALBEMARLE WAY BURLINGAME

Type ANN 2 Annual VSC CONV 98  
 TRA 004002 VSC Date 11/01/1999  
 District 0 Roll Type S 2  
 NBHD 104A Notice Date  
 Zoning R20000 BC #  
 Use Cd 02 DUPLEX

Legal Legal Ln 1 PTN OF LOT 3 BLOCK 1 LYING NWLY OF CENT LN OF MILLS  
 Legal Ln 2 CREEK RAY PARK RSM 23/45 46 47 48

Exemption HO Homeowner's 7K  
 Activity  
 CPI 1.0200000%  
 Base Years

Lst Trn  
 DOR 02/28/1966 Id #  
 DOV  
 Temp

Assessment Values	Land	30,780	Improvemnt	62,790	Total Lbl	93,570
	Temp Land	0	Temp Imprv	0	Total Temp	0
	Root	0	Fixtures	0	Exemptions	5,600
	Mine/Minrl	0	Peris Prop	0	Taxable	87,970
						0

Image File Map Page Rec'd Docs Photo Sketch

F2=Mn F4=Sup F5=CL1 F6=Val F7=Pr F8=Nx F9=CL2 F10=VSC F12=Cnc F23=DI F24=Inc 807005

025-228 128 1986

1518 Albemarle 1965 to Helen & Marvin Johnson

Bought from uncle;

ALBERT BELSVIK

House Built 1946

SOLD IN 2013 TO

STENZEL et AL





Welcome Guest

Sunday February 07,  
2016. 11:48:12 AM PST

Tax Home      Secured      Unsecured      E-Billing      New! - Live Chat Support

Secured Property Tax Payment History

Parcel Number : 025-228-130

Roll Year	Payment Date	Payment Type	Inst #	Batch #	Seq #	Penalty Amount	Fee Amount	Tax Amount	Payment Amount	Payment Status
2015	12/08/2015	Cash/Check	1	8010	326	0.00	0.00	830.93	830.93	Paid
2014	04/09/2015	Cash/Check	2	8012	242	0.00	0.00	820.74	820.74	Paid
2014	12/03/2014	Cash/Check	1	8005	71	0.00	0.00	820.74	820.74	Paid
2013	04/09/2014	Cash/Check	2	8011	121	0.00	0.00	822.09	822.09	Paid
2013	12/10/2013	Cash/Check	1	1010	423	0.00	0.00	822.09	822.09	Paid
2012	04/10/2013	Cash/Check	2	8016	73	0.00	0.00	801.18	801.18	Paid
2012	12/07/2012	Cash/Check	1	9013	2264	0.00	0.00	801.18	801.18	Paid
2011	04/10/2012	Cash/Check	2	8007	374	0.00	0.00	749.25	749.25	Paid
2011	12/09/2011	Cash/Check	1	8004	660	0.00	0.00	749.25	749.25	Paid
2010	04/10/2011	Cash/Check	2	1019	84	0.00	0.00	738.84	738.84	Paid
2010	12/10/2010	Cash/Check	1	1026	47	0.00	0.00	738.84	738.84	Paid
2009	04/06/2010	Cash/Check	2	1029	391	0.00	0.00	723.16	723.16	Paid
2009	12/07/2009	Cash/Check	1	1026	214	0.00	0.00	723.16	723.16	Paid
2008	12/10/2008	Cash/Check	2	1036	123	0.00	0.00	644.43	644.43	Paid
2008	12/10/2008	Cash/Check	1	1036	122	0.00	0.00	644.43	644.43	Paid
2007	04/10/2008	Cash/Check	2	1038	61	0.00	0.00	613.20	613.20	Paid
2007	12/10/2007	Cash/Check	1	1022	313	0.00	0.00	613.20	613.20	Paid
2006	04/10/2007	Cash/Check	2	1009	27	0.00	0.00	603.23	603.23	Paid
2006	12/10/2006	Cash/Check	1	1041	45	0.00	0.00	603.23	603.23	Paid
2005	04/10/2006	Cash/Check	2	1044	193	0.00	0.00	589.42	589.42	Paid
2005	12/10/2005	Cash/Check	1	1008	93	0.00	0.00	589.42	589.42	Paid
2004	04/05/2005	Cash/Check	2	1028	19	0.00	0.00	6.05	6.05	Paid
2004	12/10/2004	Cash/Check	1	1059	23	0.00	0.00	6.05	6.05	Paid
2003	12/09/2003	Cash/Check	2	1034	48	0.00	0.00	6.00	6.00	Paid
2003	12/09/2003	Cash/Check	1	1034	47	0.00	0.00	6.00	6.00	Paid

[Back To Detail](#)



Welcome Guest



Sunday February 07,  
2016. 11:52:40 AM PST

[Tax Home](#)

[Secured](#)

[Unsecured](#)

[E-Billing](#)

[New! - Live Chat Support](#)



[Printer Friendly View](#)



TAX BILL PAID

Secured Property Tax			2015	Prior Year Tax Bill Note: Penalties only apply to late payments			
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total
025-228-130	04-002	2003	2003	General Tax	2.63	2.63	\$5.26
<u>Owner Address</u>				Total Special Charges	3.37	3.37	\$6.74
*Name private per CA AB2238				Total Taxes	6.00	6.00	\$12.00
1140 JUDSON ST				Penalty + Cost + Fee	0.00	0.00	\$0.00
BELMONT CA 94002-2843				Total Amount	\$6.00	\$6.00	\$12.00
<u>Property Location</u>				Due Date	Nov 01, 2003	Feb 01, 2004	
				Late After	Dec 10, 2003	Apr 11, 2004	
				<b>PAID DATE</b>	<b>DEC 09, 2003</b>	<b>DEC 09, 2003</b>	
				<u>Detail Special Charges</u>		Phone Contact	Amount
<u>Values</u>				SMC Mosquito Abate Dis		(650) 344-8592	3.74
Land				504 FedCA&NPDES Storm Fee		(650) 363-4100	3.00
<u>Exemptions</u>				<u>Composite Rate</u>	1.0471	Penalty Rate	10.0%
Net value				\$504			
<u>Legal Description</u>				PTN OF LOT 3 BLOCK 1 LYING SELY OF CENTER LN OF MILLS CREEK RAY PARK RSM 23/45 46 47			
Be aware that during peak periods, it may take up to <u>10 days</u> to receive and process your payments.							

Your Taxes Have Been Paid. Thank You.

[Return to Search](#) [Back To List](#)

RECORDING REQUESTED BY  
CHICAGO TITLE COMPANY  
AND WHEN RECORDED MAIL TO

Patrick J. Fellowes and Walter  
F. Renner and Barbara J. Renner

1008 Laurel Street  
San Carlos, CA 94070

2004-178365  
CHICAGO TITLE INSURANCE COMPANY  
08:00am 09/01/04 DE Fee: 30.00  
Count of pages 2 BG  
Recorded in Official Records  
County of San Mateo  
Warren Slocum  
Assessor-County Clerk-Recorder  
\* 2 0 0 4 0 1 7 8 3 6 5 A R \*

Escrow No. 188390 - CQ - 377  
Order No. 188390

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$2,200.00

- unincorporated area  City of Burlingame
- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Mario Buttignol, as to an undivided one-half interest and Victor Buttignol as to an  
undivided one-half interest, as tenants in common

hereby GRANT(S) to  
Patrick J. Fellowes, an unmarried man as to an undivided 50% interest and Walter F.  
Renner and Barbara J. Renner, husband and wife as community property with right of  
survivorship as to an undivided 50% interest, as tenants in common

24  
12

the following described real property in the City of Burlingame  
County of San Mateo, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated August 17, 2004

STATE OF CALIFORNIA  
COUNTY OF San Mateo ) SS.  
On August 18, 2004 before me,  
the undersigned  
a Notary Public in and for said County and State, personally appeared  
Mario Buttignol and Victor Buttignol

Mario Buttignol  
Mario Buttignol  
Victor Buttignol  
Victor Buttignol

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]  
Signature of Notary

11/6/08  
Date My Commission Expires

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City, State & Zip

Page 1

Escrow No. 188390 - CQ

**LEGAL DESCRIPTION EXHIBIT**

CITY OF BURLINGAME

PARCEL ONE:

LOT 4, BLOCK 51, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF EASTON ADDITION TO BURLINGAME NUMBER 5", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON AUGUST 15TH, 1911, IN BOOK 7 OF MAPS, AT PAGE 46.

ASSESSOR'S PARCEL NO. 026-011-010 JOINT PLANT NO. 026-001-011-01A

PARCEL TWO:

THAT PORTION OF LOT 3, BLOCK 1, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED, "RAY PARK, BURLINGAME, CALIFORNIA", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON APRIL 16TH, 1941, IN BOOK 23 OF MAPS, AT PAGES 45 TO 48, INCLUSIVE, LYING SOUTHEASTERLY OF THE CENTER LINE OF THE CREEK, AS SHOWN ON MAP ABOVE MENTIONED.

ASSESSOR'S PARCEL NO. 025-228-130 JOINT PLANT NO. 025-022-228-13A

CITY OF BURLINGAME

1509 EL CAMINO REAL

#

PERMIT 9801014

Type of Permit: 927 Minor misc work/repair; not bldg construction or alter

Description of Work:  
CREEK BANK REPAIR

Type of Construction:

Occupancy Group: B

Business: Office/Professional/Medical/Service/Gov

Use Zone: R3

Flood Zone: N

New:

No. Bedrooms Added:

Add:

No. of Stories: 1

Alter:

No. of Units:

Repairs: X

Valuation: \$20,000

Demolish:

Historic: N

Total New Sq.Ft.: 0

Unreinforced Masonry:

Schl Tax New Sq.Ft.: 0

Hillside Prmt Area: Y

Lot Size-Sq.ft:

Bay front Developmnt Area: N

Handicap Access Required:

Prop Line Survey Date:

\*\* F E E S U M M A R Y \*\*

ITEM NAME	CODE	AMOUNT	ITEM NAME	CODE	AMOUNT
Building Permit	85	288.00	Elem School Tax	77	
Electrical Permit	86		Energy PC Fee	73	
Plumbing Permit	87		Access PC Fee	72	
Mechanical Permit	88		Seismic Fee	75	2.00
Plan Check Fee	89	187.20	Miscellaneous	89	97.56
Zoning PC/Sign Fee	84				
Public Works Fee	91				
Microfilm Fee	92	18.00			
Bay Front Dev Fee	93				
Parking Permit Fee	95				
Deposit Trust Amt	96	.00			
Sewer Connect Fee	97				
High School Tax	78				

\*\* GRAND TOTAL: \$592.76  
 AMOUNT PAID:  
 AMOUNT DUE: \$405.56

Creek work



THE CITY OF BURLINGAME

CONSTRUCTION PERMIT # 9801014

EXPIRATION DATE: 10/09/1999
APPLICATION DATE: 7/09/98
Permit Issue Date: 10/08/98

PARCEL NUMBER: 26-011-010
Application Recvd By: EMILY ZARUBA
Permit Issued By: MARY MINDERMAN

JOB ADDRESS 1509 EL CAMINO REAL

PROPERTY OWNER
BUTTIGNOL MARIO TR ET AL
1140 JUDSON ST
BELMONT CA 94002

ARCHITECT/DESIGNER

ENGINEER C20858
KAVANAUGH, CHARLES
BURLINGAME, CA
650-579-1944

CONTRACTOR CALic # 266814
LAZER CONSTRUCTION
1551 ALMADEN RD
SAN JOSE, CA 95125
415-361-0406
BusLic#
WCExpDate
Lic Class: B

TENANT

AS4-BLDGPRMT/06 Rev 5/97

OWNER-BUILDER'S DECLARATION: I hereby affirm that I am exempt from the California Contractor's License Law for the following reason: (Owner to initial the appropriate one of the three items below, and sign.) \* Please note the Workers Compensation Insurance responsibilities. [Business & Professions Code §7001.5: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance also requires the applicant for such permit to file a signed statement that he/she is licensed pursuant to the provisions of the state Contractor's License Law, Chapter 9, commencing with §7000 of Division 3 of the Business & Professions Code, or that he/she is exempt therefrom, and the basis for the alleged exemption. Any violation of §7001.5 by any applicant for a permit subjects this applicant to a civil penalty of not more than five hundred dollars (\$500).]

- I, as OWNER of the property (or my employees, with wages as their sole compensation) will do the work, and the structure is not intended or offered for sale. \* Owner to provide Workers Compensation Insurance. [Business & Professions Code §7044: The Contractor's License Law does not apply to an OWNER of property who builds or improves thereon, and who does such work himself or through his/her own employees, provided that the structure with such improvements is not intended or offered for sale, if, however, the building or improvement is sold within one year of completion, the OWNER-BUILDER will have the burden of proving that he/she did not build or improve for the purpose of sale.]
I, as OWNER of the property, am exclusively contracting with licensed Contractors to construct the project; Each such Contractor must obtain a City Business License. \* Owner is responsible to verify that Contractors have proper Workers Compensation Insurance. [Business & Professions Code §7044: The Contractor's License Law does not apply to an OWNER of property who builds or improves thereon, and who contracts for such work with Contractor(s) licensed pursuant to the Contractor's License Law.]
I am exempt under Business & Professions Code § for the following reason:

Signature: Date:

LICENSED CONTRACTOR'S DECLARATION: I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 [§7000, etc] of Division 3 of the Business & Professions Code, and that my license is in full force and effect. (Enter the following)
Contractor Name: LAZER CONSTRUCTION License # 266814 Class: B Exp Date: 10/09/98

WORKERS COMPENSATION DECLARATION: I hereby affirm under penalty of perjury the following declaration:

- I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers compensation laws of California, and agree that if I should subsequently become subject to the workers compensation provisions of Labor Code §3700, I shall forthwith (immediately) comply with these provisions. \* Failure to comply revokes this permit.
I have and will maintain Workers Compensation Insurance as required by Labor Code §3700 for the work for which this permit is issued:
WC Insurance Carrier: CALENDON INSURANCE Policy # 01K2A963(9) Exp Date: 1/1/99
I have and will maintain a Certificate of Consent to Self-Insure for Workers Compensation as provided for by Labor Code §3700 for the work for which this permit is issued. \* A copy of my Self-Insurance Certificate is provided herewith.

WARNING: Failure to secure and maintain Workers Compensation coverage when required is unlawful, and shall subject the employer to Criminal Penalties and Civil Fines up to \$100,000, in addition to the cost of compensation, damages per Labor Code §3700, interest, and attorney's fees.

Signature: Date: 10/8/98

Construction Lending Agency: Name: Address: None

I UNDERSTAND that all work to be performed under this permit shall be completed within the time limit set forth above (Expiration Date). This permit becomes null and void at the end of the Expiration Date unless all work has been completed and Final Inspection approval has been given and recorded by the City on the project Inspection Record card; unless an extension of time has been specifically applied for by the permittee, in writing, prior to the permit Expiration Date, and approved by the City Building Official. An expired permit shall be replaced with a new permit prior to continuation of work. The new permit will require compliance with applicable codes and laws, and payment of applicable fees, in effect at the time of the new permit application.

I CERTIFY that I have read this application and state that the information given is complete and correct; I agree to comply with all local ordinances and state laws relating to building construction; and I make this statement and agreement under penalty of law. I understand that all work performed under this permit must be inspected by the City and the results of the inspections recorded on the project Inspection Record card, prior to the work being covered or concealed. I hereby authorize representatives of the City to enter upon the subject property for inspection purposes. Requests for inspections shall be made before 5:00 PM, one or two business days prior to need.

Contractor [ ] Agent for Contractor [ ] Owner [ ] Agent for Owner Signature: Date: 10/8/98

**CD/PLG-Hurin, Ruben**

---

**From:** Patricia Gray <pat1936@gmail.com>  
**Sent:** Monday, February 15, 2016 4:13 PM  
**To:** CD/PLG-Hurin, Ruben  
**Subject:** 1509 El Camino Real

I just received my water bill and there are notices of the significant achievements and successes of our city. It states there is a new 2015-2023 Housing element to promote the production of affordable housing.

I have spoken several times before the planning commission AGAINST the planned condo tower at 1509 El Camino Real on the grounds that there is a serious lack of affordable housing in our city. To destroy the few we have, to build more housing for the very wealthy people, is not in keeping with this housing element plan.

Promoting new affordable housing is good, but to demolish such housing is not. There are plenty of reasons that the neighborhood residents have mentioned against this plan. This high end condo tower should not be approved.

Please mention my concerns to the members of the planning commission.

I was unable to get their email addresses. Could you forward this to them?

Sincerely,

Patricia Gray 1616 Adeline Dr. Burlingame.

**RECEIVED**

FEB 15 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.

December 10, 2015

Burlingame Planning Commission

Dear Commissioners, *Jeff De Martini,*

I write in opposition to the planned destruction of the housing units at 1509 El Camino Real. These eleven units are home for people of moderate means. There is a tragic loss of housing for working class people in the bay area. I think the cities are mandated to provide housing for a diverse population, unfortunately Burlingame housing has skyrocketed in price. Hard to find a home that sells for under one million dollars—and these are purchased just so they can be demolished and replaced with higher priced housing.

The proposed high end condo will be required to have one affordable unit IF the applicant requests incentives offered with the inclusionary housing regulations. That means the developer may, or may not, include some 'afordable' housing units. Just what does 'afordable' mean? Can a school teacher, city employee or construction worker buy one of these condos? Do we have any housing for the waiters, janitors and gardeners that work in our city?

The majority of the planned condominiums will have three bedrooms. If the new housing had more one bedroom or studio apartments, we would not have to consider the ability of our school system to educate many more students.

I think it would be unjust to evict people from their homes to make room for people of greater wealth. Where can these evicted people go? These people are the residents of Burlingame. I think they deserve more consideration as present residents than the people wanting to take their place. There is no shortage of housing for people of wealth. There is a SERIOUS shortage of housing for people of moderate means.

The rents on apartments in the bay area are rapidly increasing. I am sure the owners of this property will have a good profit on their investment in the buildings as they are now.

As a nearby resident, I am also concerned about the traffic on Balboa, the parking in the neighborhood and the possible damage to the creek that runs by the property. Also there is some evidence of unstable ground conditions on the property. I note that they are not considering any below ground parking. A heavy large building may be unwise in terms of safety at that location.

Sincerely,

*Patricia Gray*  
Patricia Gray - 1616 Adeline Dr.

RECEIVED

DEC 14 2015

CITY OF BURLINGAME  
ODD-PLANNING DIV.

CITY OF BURLINGAME DEVELOPMENT DEPT.

R2 to r3

Well that includes Albemarle St.? If so then Albemarle st which is r2 can add another addition onto existing or two units. That means more cars driving up and down the 1500 block of Albemarle where children can now play on their bikes and scooters.

Plus it will depreciate my property...

If you want to build something on that lot build some r2 duplexes.

But as far as me, a 45 year resident on this street, Albemarle does not want my street depreciated.

There's something here more than the eye can see!

This is all about real estate money and profit that people who don't even live in this beautiful town, Burlingame have a say in.

I don't believe that in Russian river this would be happening.

Thank you from concerned home owner,

Albemarle way Burlingame California

Allen Menicucci

12.14.15 PC Meeting  
8b - 1509 El Camino Real  
Page 1 of 1

RECEIVED

DEC 14 2015

CITY OF BURLINGAME  
CDD-PLANNING DIV.

**12.14.15 PC Meeting**  
**Item #8b**  
**1509 El Camino Real**  
**Page 1 of 10**

*COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT*

**RECEIVED**

DEC 14 2015  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

**From:** Mark Haberecht [mailto:-----]  
**Sent:** Sunday, December 13, 2015 9:57 PM  
**To:** GRP-Planning Commissioners; CD/PLG-Hurin, Ruben; CD/PLG-Meeker, William; ATTY-Kane, Kathleen  
**Cc:** GRP-Council  
**Subject:** Haberecht Response to MND, 1505 El Camino Real (Part I)

December 13, 2015

To: Burlingame Planning Commission

cc: Burlingame City Council

Dear Sirs and Mesdames:

City Staff's responses to public comments on the proposed IS/MND for the proposed project at 1509 El Camino Real, now purportedly "final", are insufficient in light of the rich public record, established through public testimony and numerous written letters. The MND is not based on substantial evidence, and it defies common sense.

The most obvious of those logical fallacies are:

**Number of Residents:** City Staff take the position that with nearly twice as many bedrooms (24) as the existing apartments (13), the Project will nevertheless have fewer residents (23). City Staff fancifully relies on "the City's person-per-household multiplier of 2.3" for this argument. (City Reply at p. 2-46). **There is no data anywhere to substantiate the facially untenable assumption that only one of the 24 new bedrooms would have two occupants, or alternatively, that multiple units would have vacant bedrooms.** As the City's position on parking and traffic rest on that unsupported conclusion, much of the IS/MND, as well as the rationale for pursuing an MND (vs an EIR) falls apart.

**Why Rezone?** As the IS/MND assumes that there will be fewer residents at the address with the project than without, as a matter of public policy there is no good reason to approve rezoning in the first instance. If site density is decreasing, then why take out the last few remaining low-rent units in Burlingame? Why approve a project that will not further Burlingame's assumption of its fair share of Bay Area population growth? What is the real reason for approving this project?

As the entire RIS/MND presupposes rezoning, anticipated project population logically would seem to be a question that the City and the MND answer first and foremost.

**Trip Generation Calculations:** Key elements of the IS/MND rest on the assumption that despite twice the number of bedrooms, and despite larger square footage, fewer people will live in the new units than presently reside at 1509 El Camino Real. Furthermore, even though a larger number of bedrooms is conducive to family occupancy, the MND fails to consider the Project's impacts during school drop-off and pick-up hours.

City Staff's insistence that the Project will result in fewer trips defies common sense and lacks substantial evidentiary support.

City Staff relies on averages stated in the Institute of Transportation Engineers *Trip Generation Manual*, 8<sup>th</sup> Ed. (2008) to estimate trips in to and out of the proposed development. Consultants Whitlock & Weinberger Transportation, Inc. ("w-trans") also rely on the ITE averages in their July 15, 2015 "Burlingame Condominiums Circulation Assessment" (Exhibit F to the IS/MND).

The ITE averages are not a reliable measure of localized traffic. To begin with, the ITE's "apartment" and "condominium" categories are catchalls for developments where the reported studies failed to identify whether the projects were low-rise (LU 221), mid-rise (LU 222), or high-rise (LU 223). (Institute of Transportation Engineers, *Trip Generation Manual* (9<sup>th</sup> Ed. 2012), at p. 332.) The ITE likewise has separate categories of condominiums.

Furthermore, ITE's data dates from the 1960s to the 2000, and it is drawn from sites throughout the United States and Canada. (*Id.*) For the catchall apartment category, ITE stated a 6.65 *average* rate of trips generated, but the *range* was 1.27 to 12.50. (*Id.* at p. 333.) The ITE attributed the "wide variation" to the "wide variety of units with different sizes, price ranges, locations and ages." (*Id.* at p. 332.) It also acknowledged possible other factors, such as "geographic location and type of adjacent and nearby development." (*Id.*) Commenting on the data, ITE said:

***Many of the studies included in this land use did not indicate the total number of bedrooms. To assist in the future analysis of this land use, it is important that this information be collected and included in trip generation data submissions.***

(*Id.* (emphasis in original).) Discussing LU 210 (single family residences), ITE has acknowledged the correlation between number of vehicles and residents and trip generation rates, as well as the relationship between dwelling size, expense, and distance from the central business district and trip generation rates.

**Therefore, the ITE averages lack reliability, especially as to locality-specific demographics and unit sizes (the ITE averages do not include actual results based on unit size e.g. number of bedrooms or square footage). Also they do not take into account potential school drop-off and pick-up hours. Therefore, City Staff has failed to adequately address the prior comments on this insufficiency in the IS/MND.**

**Parking:**

Nominally, the *number* of parking spaces at the Project meets the city minimums (*i.e.*, 1.5 spaces per studio or one-bedroom unit, two spaces per two-bedroom unit, and 2.5 spaces per three-bedroom unit, plus two guest spaces, plus one delivery/service vehicle space). (See Burlingame Municipal Code § 25.70.032.) **However, with no adjacent street parking, that number is as a practical matter insufficient. Therefore, as to *impacts*, the City should consider whether sufficient parking will be available on site.**

*On-site* parking is inadequate as to both number and type. Ordinarily, and realistically, the City allows only three *compact* spaces in developments requiring more than 21 parking spaces. (Burlingame Municipal Code § 26.30.070.) This Project would have 14 compact spaces. This is excessive.

According to City staff, the 11 existing units (nine one-bedrooms and two two-bedrooms) house 26 residents. In other words, the average number of occupants per bedroom is two. The developer himself has stated that 23-25 vehicles currently park on the property. With expensive condos with two- and three- bedroom units, the demographics will entirely shift, yet 28 spaces is somehow deemed sufficient.

**This conclusion defies reason. SIX of the Project's units would have three bedrooms, and two would have two.** Three-bedroom units logically draw families and most families in Burlingame have one or two SUVs. A simple survey of surrounding neighborhood and apartment buildings demonstrate that families tend to have SUVs. It is axiomatic that SUVs need regular-sized parking spaces. As a result, the number of compact spaces (14) is excessive, but the number of normal spaces (14) is insufficient.

City Staff attempts to evades the common sense issue of whether the compact spaces will be usable. However, well-established case law gives equal (if not superior) weight to neighborhood experiences, photos, records, and even eye witness accounts (because the neighbors do know the neighborhood better than anyone). Neighbor experiences and observations qualify as substantive

evidence. Our observations, as well as photos submitted with prior comments, substantiate the observation that Burlingame families tend to have larger, *not* compact, vehicles.

To evade the impact issue, the City relies on its inclusionary zoning incentive. City Staff also fails to establish that the local affordable housing incentive does or could excuse its compliance with CEQA. In reality, eligibility for the inclusionary zoning and impact for CEQA purposes are distinct inquiries. **City Staff's continued reliance on affordable housing incentives to justify the Project's parking constraints relative to resident needs is improper.**

**"Urban Context":**

The MND mischaracterizes the site as being part of an "urban context," but no one looking across the street, to the north, south, would reasonably come to this conclusion. Pictures in the application and the MND itself establish a bucolic, tree-laden environment, with low-slung apartments and single family homes. The property itself abuts one-story homes. This part of the El Camino is very different from the rest of the El Camino Corridor and reasonably cannot be characterized as currently "high density."

**Inadequate Analysis re Impacts to Protected Trees:**

In response to concerns that construction will disrupt root systems of protected trees – thereby effecting the removal to which public commentators objected with respect to the most recent prior version of the proposed project – City Staff respond that they will require an arborist's report before construction begins. That is no response at all. The impacts should be understood at the outset. An arborist's report, identifying those impacts for the first time as the developer prepares to break ground, is not a mitigation measure. **An arborist report should be completed prior to project approval to protect the trees and root systems.**

**"Comment Noted":**

With respect to several neighbor concerns, City Staff simply states, "comment noted." That is a non-response.

**Disregard of Comments from Prior Projects:**

The MND fails to give any weight to any comments from prior projects, including the developer's own words and prior sitting Planning Commissions (2007), that establish environmental conditions. While the project is new, the environmental conditions have not changed in any way to make development on the property more favorable. This is another fatal flaw of the MND.

**Inadequate Consideration of Entire Public Record on the Project:**

The MND cherry-picks certain arguments from the DF&W letter in 2013, yet ignores all of the public commentary prior to the revised IS/MND circulation. I have attached (by reference, I will send out a second email as it is large) numerous correspondences between several neighbors, including myself and the TSPC, the Planning Commission, the Parks and Recreation department about the traffic, safety, and parking situation on Balboa Ave with respect to school pick-up and drop-off and Ray Park activities. As mentioned previously, TSPC acknowledged the issues and wanted to hear the item, but could not reach a quorum (as 3 live within 500 feet of the 1400 and 1500 blocks of Balboa).

**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 (effectively, CEQA compliant).

- 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. Having six 3 bedroom units will logically draw families and are Bocce Ball and Putting considered family activities, or are they activities associated with adults and drinking alcohol (which in turn is a noise issue).** 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.

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) costs of "permitted parking" program for the City of Burlingame to mitigate impacts on residents of additional parking demand; (d) 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). One of the issues raised in the past is a STOP sign at Balboa and Ray and due to our efforts **and acknowledgment of the traffic and safety issues surrounding the school, TSPC recommend a Stop sign**, which is now up!

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 provides 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.

13) Requirement that the **arborist report on the protected trees be performed prior to approval (instead of prior to construction), as the issue is one of impact, not mitigation.**

14) A DF&W streambed alteration agreement should be entered between the Developer and the CDF&W, as required by the CDF&W (Wallach email in part II of this email). The Wallachs have repeatedly asked for this document, but it has not been produced by the City or the Developer.

**The following are my responses to the December 7th City/Consultant response to neighbor (and my) comments on the IS/MND circulated on October 7, 2015 (referred to herein as “The Response”):**

(2-39) Parking requirements per a municipal code do not take into account the special circumstances of the school traffic area. As mentioned in prior testimony (all incorporated by reference) to the TSPC, this body recognizes the traffic and safety issues surrounding Lincoln school. In fact, a stop sign was recently installed on the Corner of Ray and Balboa, in recognition of these issues. All Commissioners knew and recognized, the issues but could not reach a quorum to hear the issue (because 3 commissioners lived within the 1400 and 1500 blocks of Balboa). The fact that it was to be heard means that there is a traffic and safety issue that is insufficiently addressed by the IS/MND and establishes a “fair argument” and “substantive evidence” for CEQA purposes. Municipal codes with minimum requirements, do not supplant CEQA.

(2-39, 2-40, 2-41) Collision history is referred to by The Response for El Camino Real, however my last response as well as prior letters (incorporated by reference) also issued the safety on Ray, Balboa, and Adeline (see TSPC comments above). The collision history in the IS/MND is five years old. No collision history was included for Balboa, and I have personally witnessed one rear-end collision in the past few months, as well the damage of other cars due to the narrow streets of cars getting by each other. Per CEQA and established by case law, neighbor experience is considered substantive evidence and given the same if not superior weight. The Response's assertion that no evidence has been provided is an easily challengeable point in the absence of data as well as numerous photos, testimony by neighbors, and the TSPC hearings around the issue (and have been incorporated by reference in my November 9, 2015 letter).

(2-40, 2-41) The Response states that all "feasible mitigation has been incorporated" for mitigation without defining what is or is not feasible and then later disregards my economic analysis as having no relevance to CEQA (which is clearly used to establish feasibility...i.e. developer can downsize the project and still make a high profit). The MND does not provide Without providing a sufficiently superior definition of feasibility let alone any definition and is an unsupported statement.

(2-39, 2-42) The ResponseThe mandatory findings of significance not being triggered is not supported by evidence of sufficient Mitigation and effectively ignores my comments, neighbor testimony, letters, the TSPC meeting, all incorporated by reference on this project. Just providing some mitigation in some areas does not mean that all feasible alternatives have been fully analyzed including no project. Clearly in the areas of Parking, Soils, Riparian Habitat, Aesthetics, Traffic/Safety the project does not have sufficient mitigation and fair arguments have been presented by several neighbors in all these areas.

(2-43) Rhe response states that duplexes across Mills Creek may seek R3 applications is "speculative". The reason I brought it up to begin with is ***because this actually happened*** . It is my understanding that this has already occurred with an application of a duplex by Ms. Helen Johnson, then owner of 1519 Albermarle, which was denied. The historical record establishes this as a possibility. Potential cumulative impacts, past, present and future, need to be addressed.

(2-44) The response states that photos were not submitted on concrete in the creek. My comments referred to a blocked drain pipe (not debris in the creek) and suggests that because photos weren't part of this response, that it doesn't exist. Well the clogged drain pipe does exist, and has been determined to be an issue by Public Works and CADF&W and some of the concrete was chiseled away by the CADF&W, but there is still substantial blockage. The Wallachs have submitted numerous pictures to the City on this issue.

(2-46) The 40-50 parking spaces that would likely be needed are deemed by the Response to be "speculative". Actually, this was derived by an educated estimate of the developer's own comments that "currently 23-25 cars park at the property". If you double the number of bedrooms, there will be more cars that need to be parked, which is further reinforced by the demographic shift from low income renters to expensive condominiums. Again this defies reasonable person standards and common sense. The Response itself fails to state why 28 spaces

is adequate other than its a few more required by municipal code. My own educated extrapolation can be argued is superior to the “noise study” at 1226 ECR (a property owned by the developer himself, begging the question of whether this is a truly objective analysis).

(2-46) The Response states that the mix of vehicles is conjecture and unsupported by factual evidence. The response again refers to city guidelines, without addressing the realities of the situation. Also the conclusion defies reasonable person standards and common sense.

(2-46) The assertion that the number of schoolchildren at the site would decrease or at worst stay the same is again unsupported and defies common sense and reasonable person standards. The nature of the units (six 3-bedroom units) will logically attract more families.

(2-48) The Response states that the number of trips generated is in line with broad conclusions that again are not site specific vis-à-vis what was there before and what will be going up. Because a developer’s consultant says something, does not deem it to be correct, particularly if applied to a specific site where we have far more knowledge of the demographics, neighborhood, traffic and safety issues than this association. Any sort of “standard industry practice” again is not site specific and cannot be deemed as compliance for the purposes of CEQA, especially where (as here), the claimed “standard industry practice” disregards statistical infirmities noted in the very industry reference materials (the ITE handbook) on which the consultant relies.

(2-49) The Response states that a bocce court and a putting green would not affect the riparian habitat because there is asphalt there. The CDF&W letter states that due to larger building size that natural landscaping and vegetation should be maintained to preserve and enhance this habitat. This had nothing to do with existing asphalt but about how the riparian habitat would be affected by a larger building. This is a stretch argument.

(2-49, 2-50). The Response states that the proposed plants are non-invasive but still does not address the CFD&W letter stating that natural vegetation should be used.

(2-50) The Response states that a consideration of alternatives need not be considered due to the document appropriate being an MND. Sufficient arguments were present to require an EIR, thus with the proper required document, these impacts should be addressed.

(2-50) The Response states that “purely economic considerations are not within the purview of CEQA.” As I stated clearly, the economic considerations were made to define feasibility. The IS/MND nor the Response provides any alternative definition of feasibility despite repeatedly using the phrase “feasible mitigation measures” Again using a word with unsupported analysis cannot stand for CEQA compliance.

(2-51) The Response states that the purpose of the rezone is to provide one single zoning district and a unified set of regulations for the project. Again, if density is decreasing then why approve the re-zoning?

(2-52) The Response states that prior versions of the project are not considered, yet the developer’s own words with regard to appropriateness for the neighborhood describe

environmental conditions. In this application, the developer chooses to not repeat these same reasons for the application as it would not be favorable to him. The developer's description of the environment are absolutely relevant for CEQA purposes and in reality are rather incriminating.

(2-53) The Response again refers to the "urban context" of El Camino Real. The photos of the section of El Camino themselves establish a bucolic setting with low slung 2.5 story apartments, single family homes, and trees. These photos themselves in the application and MND themselves refute the "urban context" assertion.

(Will attach all public commentary relating to traffic, parking, schools etc in Part II)

Preparing a full or focused EIR would have revealed all the project's significant impacts. As the document stands, it is subject challenge under the provisions of CEQA (established by the entire record of Public commentary on the said project).

Sincerely,

/s/ Mark Haberecht  
Mark Haberecht  
----- 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\*\***