

**Responses to items of December 14, 2015 Planning Commission Meeting  
By 1509 El Camino LLC, Project Sponsor  
May 3, 2016**

**1509 El Camino Real**

- 1. Needs work on details such as unit mix, details of landscaping that could have impacts on neighbors, and landscape screening.**

Since this PC meeting, we have revised the unit count from 10 units to 11 units, thereby replacing the existing 11 residential unit building with an 11 residential building--one is a BMR unit.

An updated landscaping plan now features items that the neighbors discussed and desired:

1. Removing the Bocce ball court and replace with a Vegetable garden.
  2. Rear property line wall shall be a 8ft CMU wall with 2ft trellis above.
- (2) trees and (13) Podocarpus Gracilior bushes (capable height to 18 feet) shall be planted adjacent to the CMU wall to provide screening along the entire width of wall.

- 2. Concern with parking and traffic. Too many compact spaces given numbers of 2 and 3 bedroom units, could result in spillover parking.**

A Memo/Review of Project Changes & Substantial Conformity Analysis to the Negative Declaration performed by FirstCarbon Solutions and dated March 9, 2016 was done to include the findings of a Traffic Analysis with previously and currently proposed project's expected trip generation summary. There was a Sensitivity Analysis to determine a project size that would be required in order to trigger a significant impact. It was determined that this project would need to be at least 410 condominium units to create a significant traffic issue at our location. Therefore it is confirmed that the proposed parking is adequate.

- 3. Why is there a bocce court in the design if nobody wants it? Take bocce court out, change to quiet garden landscaping.**

Updated landscaping plan shows deleted Bocce ball court and replace with a Vegetable garden.

- 4. Desire for 11 units, smaller units, change in landscaping, taller fence.**

Since this PC meeting, we have revised the unit count from 10 units to 11 units, thereby replacing the existing 11 residential unit building with an 11 residential building.

Rear property line wall shall be a 8ft CMU wall with 2ft trellis above.

- (2) trees and (13) Podocarpus Gracilior bushes (capable height to 18 feet) shall be planted adjacent to the CMU wall to provide screening along the entire width of wall.

**RECEIVED**

MAY 17 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

---

Monday, December 14, 2015

7:00 PM

Council Chambers

---

- b. 1509 El Camino Real, zoned R-2 and R-3 - Application for Mitigated Negative Declaration, General Plan Amendment of a portion of the site from Medium Density to Medium High Density Residential, Rezoning of a portion of the site from R-2 to R-3, Condominium Permit and Lot Combination for a new three-story, 10-unit residential condominium with at-grade parking (1509 El Camino LLC, applicant and property owner; Rodrigo Santos, engineer) (205 noticed) Staff Contact: Ruben Hurin

*All Commissioners had visited the property. There were no ex-parte communications to report.*

*Senior Planner Hurin provided an overview of the staff report. Mary Bean of First Carbon attended as environmental consultant.*

*Questions of staff and the environmental consultant:*

- > *Would 55 feet be the maximum height with a special permit? (Hurin: 35 feet is the maximum by right. Anything above 35 feet requires a Conditional Use Permit.)*
- > *Several issues were discussed at the March meeting, but plans have not been revised. Issues were regarding tree screening at the rear of the lot and a sound wall at the rear of the lot, which the applicant seemed willing to include with the project. There was also concern over access to the guest parking.*
- > *Has a portion of a lot been rezoned from R-2 to R-3 in recent years? (Hurin: This is a clean-up for the lot merger. Would not want to approve a project with two different zoning or General Plan classifications. It is a request that comes with the project, not a request to rezone an entire lot for changing the density such as for example from single family to duplex. Cannot recall an instance of rezoning from R-2 to R-3 but this is just for a portion of the site.)*
- > *The traffic counts compare an 11-unit apartment vs 10-unit condo/townhouse with different traffic rates. What is the difference between an apartment and condominium? How can an 11-unit project with all one bedroom units have more traffic compared to a 10-unit building with eight bedrooms? (Bean: The difference between apartment and condominium/townhome is one of rental vs. ownership. ITE trip generation rates are the accepted standard that all consultants use based on survey trip generation patterns. Survey data has shown ownership creates a different type of trip generation, even if there are more bedrooms. Under ownership it has been observed that additional bedrooms in a condo are not used in the same way as an apartment. May be used for an office, or a child who gets taken to school rather than a roommate. The data is based on observations across the country and is the accepted standard.)*
- > *What happens if all of the units get rented? (Bean: Can take different assumptions to the analysis. The traffic engineer for this environmental analysis took the accepted industry standard approach. Tries to avoid one-off analyses rather than what is consistently accepted.)*
- > *Should a building of all one-bedroom units have the same trip generation rates as one with three bedrooms? (Bean: No, but the number of trips involved would not be enough to generate a significant difference on traffic impacts on local intersections or traffic hazards with turning movements.)*
- > *When a project is so completely different from the norm can another analysis be done that does not follow the accepted standards, but instead looks at similar types of similarly unusual buildings? For example a student housing complex. Why wasn't this done here since the unit makeup here is so very different? (Bean: The analysis reflects the professional opinion of the traffic engineer to approach the difference between a rental apartment and an ownership condominium. An option could be to do a sensitivity analysis to determine how many trips would need to be generated to create a significant*

impact at a given intersection.)

> The City's parking requirements are based on bedroom count and by extension occupancy, but the traffic analysis does not reflect that. (Bean: The analysis is based on observations of use of ownership vs. rental of units. The project has provided more parking than is required.)(Hurin: The code has a higher parking requirement for condominiums than apartments. The existing apartments are nonconforming with the amount of parking. The project will provide more parking than what is provided now.)

> The project is not large but the wastewater data seems old, citing 2009 data. Can there be more current data? (Bean: Yes, can get more current data when the application goes to the Council.)

> What is the clientele in this project? What size cars will they be driving? There are compact spaces. (Bean: The applicant may be able to speak to what type of buyer is being sought. Parking is not a CEQA issue, it is a city municipal code issue. Applicants need to be treated consistently, so if there is interest in creating a different parking standard need to be sure to apply it consistently across all development projects. There needs to be a consistent standard.)

> Obligation of environmental analysis is to see if there are any impacts that rise to a level of significance as defined by CEQA, not by some other criteria. (Bean: The Level of Service on surrounding streets and intersections is acceptable, so even if someone takes issue with the methodology of the trip generation rates the point would be how many more trips would have to be generated to create an impact where the Level of Service would be unacceptable.)

Chair DeMartini opened the public hearing.

Pat Fellows represented the applicant:

Commission questions/comments:

> Why were suggested design changes not incorporated into plan? Landscape screening at rear, guest access of visitor spaces, location of guest spaces. (Fellows: Is prepared to provide the fencing and screening up to what City will approve. Can't have a wall taller than what the City would approve. Will have a garage entry pedestal for visitors, and visitor spaces will be clearly marked.)

> Why 14 compact spaces? (Fellows: Had developed 1226 El Camino Real, most have smaller cars. There are always spaces in the garage. 3 bedroom units typically have one bedroom used for guests and one for a study.)

> How many cars are currently parked on the property? (Fellows: 25 on average. Would not expect the garage to be fully occupied.)

> Anticipating families or empty nesters? (Fellows: Usually just two or three people in the units, so will have fewer cars.)

> Why is the affordable unit on the second floor? Would it be possible to extend length of affordability? (Fellows: Would not be prepared to extend the length of affordability. If something was given back could consider it - give and take.)

> What is the justification for the lot combination? (Fellows: Two property taxes, and one land-locked lot with no access. City did not want to have two zoning designations. The creek lot was originally part of the adjacent parcel to the north on Albermarle, but it was split off.)

> The affordable unit does not match the unit mix of the project. 60% of the units have three bedrooms in this project. Has this been revisited? (Fellows: Could consider a two-bedroom. The rent formula is complex. Larger units have higher rents by the formula so require higher incomes.)

> The Housing Element applicable at time of application required there be no fewer units than being replaced. (Fellows: Could provide 11 units. May change parking count.)

> Is there sewer and water capacity for the project? (Fellows: Yes, has already confirmed this with the City.)

> Would existing tenants be given the first preference to return? (Fellows: Yes they are good tenants.)

Public comments:

Ann Wallach spoke on this item:

> Adjacent to many Ray Park homes.

- > Will have 10 new neighbors with outdoor play areas that can be used day and night.
- > Garden at back replaced with bocci ball court. Will cause noise, poses a serious threat to neighbors' enjoyment of property.
- > Bocci ball court has been ignored by the environmental review.

Mark Haberecht, 1505 Balboa Avenue, spoke on this item:

- > Existing units serve low- and moderate-income individuals. Some of the lowest rents in Burlingame.
- > Expects families with children to live in the new project given the size of the units. Does not expect bocci ball and putting green to appeal to children.
- > Families with children will not use transit. At a minimum, all families will have a full-sized vehicle, most likely SUVs.
- > Does not make sense to rezone a parcel with a creek to a higher density when the building will have fewer residents.
- > ITE has caveats for the use of its data.
- > Parking and traffic issues currently exist on Balboa Avenue.

Patricia Gray, 1616 Adeline Drive, spoke on this item:

- > The 11 existing units are homes for people of moderate means.
- > Developer may or may not provide affordable unit depending on whether receiving an incentive.
- > Majority of project would have three bedrooms. If there were more one bedroom or studio apartments would not have as many school children.
- > Unjust to evict people to make room for people of greater wealth. Shortage of housing for people of moderate means.
- > Property owner should be able to make good profit on the buildings as they are now.
- > Concern with creek damage and ground stability.

Pat Giorni spoke on this item:

- > Requested surity bond for trees, but Neg Dec notes it is not a City requirement.
- > Does not have assurances that the bunya bunya tree will survive. Replacement not guaranteed to be a bunya bunya tree, or at the same location.
- > Precedent for security bonds at 1537 and 1543 Drake Avenue. Should use same language.

Adam Ward, 1512 Abermarle Drive, spoke on this item:

- > Newly arrived to neighborhood.
- > Concern with rezoning precedent, environmental impact on creek, proximity to school and Lincoln Elementary.
- > Does not believe any other project has this combination of circumstances.

Nina Weil, 1520 Balboa Avenue, spoke on this item:

- > If developer would agree to have taller wall and screening why would it be an issue to the City? Would like it considered and incorporated into the plans.
- > Why is developer convinced the wastewater capacity is acceptable?
- > Wants remeasurement of noise at 1226 Balboa to see if there is an impact. Currently there is a high level of noise and new HVAC units will elevate noise at peak hours of 7:00 a.m. and 5:30 p.m.

Pat Fellows spoke on this item:

- > Is only one of four owners of the creek. Needs the other three to participate in clean-up, is amenable to clean-up.

Questions of the applicant:

> *Can there be restrictions on outdoor activities? (Fellows: Can eliminate bocci ball court. Can put in a herb garden for residents of the building.)*

*Chair DeMartini closed the public hearing.*

*Commission discussion:*

> *Concerned with the number of hypotheticals in the discussion such as condos being rented out; needs to follow the accepted science and industry-standard methodology for the environmental review. Needs to be analyzed with logic.*

> *Property should not be required to de-intensify because of situations beyond the project.*

> *Needs work on details such as unit mix, details of landscaping that could have impacts on neighbors, and landscape screening.*

> *Creek parcel does not have a required frontage. Rezoning is warranted, as the creek parcel cannot stand alone as its own parcel.*

> *R-2 zoning may have been intended to provide a buffer between R-3 and R-1.*

> *Concern with parking and traffic. Too many compact spaces given numbers of 2 and 3 bedroom units, could result in spillover parking.*

> *Needs to use the industry-accepted standards for evaluating traffic and parking. Otherwise will be using subjective measures made each time, and nobody would know what standards would apply to a project.*

> *Project exceeds parking standard. People will use compact spaces since they will want to park near their units.*

> *Planning Commission does not have the authority to go above and beyond the code for parking.*

> *Does not accept the report that estimates lower trip generation than existing. However differences in trips is not significant.*

> *Why is there a bocci court in the design if nobody wants it? Take bocci court out, change to quiet garden landscaping.*

> *Housing Element is specific that there cannot be a loss of units.*

> *Traffic engineer could run a sensitivity analysis to determine where an impact that would be significant to CEQA would be.*

> *Believes R-2 designation was a mistake, not a grand plan.*

> *26 people living on the property now. Has not heard that the existing people are noisy.*

> *There is not design review purview on this application. Criteria is whether there are impacts to the neighborhood.*

> *Is no net loss of units a requirement? (Gardiner: It was a Housing Element program at the time the application was submitted. It was a program but not adopted as a regulation.)*

> *Desire for 11 units, smaller units, change in landscaping, taller fence.*

**Chair DeMartini made a motion, seconded by Commissioner Bandrapalli, to continue the item. The motion carried by the following vote:**

**Aye:** 6 - DeMartini, Loftis, Gum, Sargent, Terrones, and Bandrapalli

**Absent:** 1 - Gaul



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

---

Monday, April 27, 2015

7:00 PM

Council Chambers

---

- a. 1509 El Camino Real, zoned R-2 and R-3 - Environmental Scoping for a new three-story, 10-unit residential condominium with at-grade parking (1509 El Camino LLC, applicant and property owner; Rodrigo Santos, engineer) (130 noticed) Staff Contact: Ruben Hurin

*All Commissioners had visited the project site.*

*Questions of staff:*

> *Previous letters from Department of Transportation, and Department of Fish & Wildlife. Will there be new letters? (Hurin: Yes, the revised document will be recirculated to the respective agencies for comment.)*

*Chair DeMartini opened the public hearing.*

*Public comments:*

*Mark Haberecht spoke on this item:*

- > *CEQA checklist establishes conditions under which an EIR needs to be performed.*
- > *Potential wildlife per Department of Fish & Wildlife letter dated February 21, 2013.*
- > *Cumulatively considerable. Future probable projects such as development of Adeline Market, traffic around the school, possibility other R-2 properties would want to seek higher-density uses.*
- > *Traffic and safety of surrounding streets. Needs a real world parking study.*
- > *Privacy, aesthetics and sense of well-being of single family and duplex neighbors.*

*Samantha Macphail, 1516 Balboa Avenue, spoke on this item:*

- > *Lives directly behind proposed building.*
- > *Concern of sewer. Previously submitted letter is not in the staff packet.*
- > *Outdated sewer system, concern for biological hazards from a failure of sewer.*
- > *Expects 150% increase in effluent from project.*
- > *Review city services ability to provide sewer system that is able to meet demands*

*Patricia Gray, 1616 Adeline Drive, spoke on this item:*

- > *Make up of the City is becoming richer.*
- > *Cost is significantly higher, pricing out people. Existing apartments are affordable, tenants will be displaced. Should have an economic mix of people in the city.*

*Nina Weil, 1520 Balboa Avenue, spoke on this item:*

- > *Lives directly behind project.*
- > *Mass and density overbuilt for the project. Does not preserve feeling of the neighborhood as set out in the Housing Element.*
- > *Not appropriate transition. Needs screening, wants to see screening of trees behind project to create*

barrier rather than looking at a mass wall.

- > Concerned about trees during construction, ensure that trees on and around the property are preserved.
- > Concerned about noise - wants a sound wall built before construction starts. Screen noise from El Camino Real and the project.
- > Concerned with lighting in the back that will impact neighbors.

Ann Wallach spoke on this item:

- > Concerns about creek bank going back to 2007.
- > Public Works, Fish & Wildlife and Army Corps have taken note of neighbor comments.
- > Repair and fortification of creek bank should be completed before work with heavy grading and construction equipment is begun.
- > Noise from 10 families moving in, with lots of inducements to enjoy the outdoors. Socializing areas should be limited to the front portions of the property. Original plan had a zen garden in the back but it has been lost in most recent revisions. Barbecue with counter with seating. Wants arrangements for large groups to be placed closer to front of property.
- > Large area under the grove of trees on the other side of the property would be wonderful for enjoying the out of doors, less windy than next to creek.

Pat Giorni, 1445 Balboa Avenue, spoke on this item:

- > Tree report in packet states arborist cannot detect every condition that can lead to the structural failure of a tree. Remedial treatments cannot be guaranteed.
- > By ordinance the tree canopy in Burlingame is regarded as infrastructure.
- > Health and Safety considerations should include a mechanical engineering study to assess the danger of the lean. Pruning when cones form is a mitigation. Instance of cone damaging roof did not disclose prior condition of the roof.
- > Requests surety bond for \$100,000 for 5 years after the completion of the project. Precedent was set on a project in the 1500 block of Drake Avenue.
- > Environmental scoping - assuming it is for a mitigated neg dec, not an EIR. Will there be 28 days to review the document rather than 4 days?

(Hurin: Once the environmental document is completed, everyone who has spoken and/or written letters will be notified that it is available. There will be a 30 day review period. It has not yet been determined whether it will be a mitigated neg dec or an EIR; the consultant will be working on revising the document to reflect the current project, and if an issue emerged that rose to the level of an EIR it would need to be discussed.)

Chair DeMartini closed the public hearing.

Commissioner comments:

- > Clarify on the tree removal issue. There was some confusion which trees were being removed.
- > If project is being reviewed by Department of Fish & Wildlife it will make comments on the creek bank. The environmental consultant needs to be in the loop with the repair that will be required. Creek bank repair scope is not well defined, should be coordinated with Public Works to define potential impacts.
- > Wastewater sewer line capacity should be evaluated to ensure it can accommodate 150% increase in sewage.
- > Page 52 in the mitigated neg dec mentions 6 feet from top of bank, but letter from Fish & Wildlife says the amount should increase.
- > Stats in project description need to be updated.
- > Previous document said banks of the creek were not accessible due to fencing, hopefully someone can do a survey.
- > Enclosed secured bicycle storage was proposed previously, not just within garage.

- > *Displacement of housing - needs to define what displacement is. Existing units are affordable, those households will not be able to afford the new units so will be displaced.*
- > *School impact needs to consider fewer units but more bedrooms. Previously based on phone interviews, but would like a contact name for the school district to discuss their future enrollment and capacity analysis.*
- > *Water demand figures need to be updated.*
- > *Wastewater numbers need to be updated.*
- > *Wastewater needs to be looked at more carefully, not just in terms of the wastewater treatment plant. There is a more local concern here - could the project trigger local mitigation improvements to the local sewer at that location?*
- > *Traffic study - previously anticipated a net negative impact on traffic, but needs to be understood better. Refers to some studies and benchmarks that were used to come up with the numbers.*
- > *Environmental consultant should explain concept of cumulative effects.*

*This is a study item so there is no action.*

**Responses to items of March 23, 2015 Planning Commission Meeting  
By 1509 El Camino LLC, Project Sponsor  
May 3, 2016**

- 1. Foam trim is discouraged. Foam with an epoxy-based coating that is substantive and looks like simulated stone is preferred.**  
We will be using a decorative foam trim with a 1/2 inch thick limestone coating that will simulate stone finishes.
- 2. Notes on plans needing fixing: Note 13; existing wall at creek to remain note; scallop termination on the walls unclear.**  
We have added a note to indicate that the existing wall at creek is to remain.
- 3. Garage entry is a hole in the wall. Perhaps a timber header or keystone.**  
There is a trim around the garage door opening shown on the architectural elevation plans, it isn't added on the color rendering, we intend to accent the trim.
- 4. Awnings should have a darker/contrasting color.**  
Awnings have been made darker to provide contrast to building.
- 5. Address rear wall and landscape screening.**  
Rear property line wall shall be a 8ft CMU wall with 2ft trellis above.  
(2) trees and (13) Podocarpus Gracilior bushes (capable height to 18 feet) shall be planted adjacent to the CMU wall to provide screening along the entire width of wall.
- 6. Identify which trees are being removed.**  
An 18-inch diameter Deodar Cedar tree, located at the southeast corner of the lot would be removed for construction of the building.
- 7. Identify how existing tenants enter and exit the site versus proposed.**  
Existing residents drive in a single driveway curb cut and exit through the same. Proposed will be a right turn only exiting, left and right turn entry.
- 8. Address how this rezoning would or would not result in other future rezoning? Unique conditions here, was addressed in previous application.**  
The rezoning is to correct a previous error in the General Plan and as such it is a unique occurrence.
- 9. Appears path going from trash bins to driveway is very narrow - make sure they will be able to fit. Where will 10-12 trash bins go?**  
We have provided between 3 to 6 feet on walkway to access the trash room. There are a maximum of 10 bins to be in the room.
- 10. Clarity on how to remedy building new condos by displacing affordable housing? Versus reduction in numbers of housing units/reduction in housing stock.**  
Since this PC meeting, we have revised the unit count from 10 units to 11 units, thereby replacing the existing 11 residential unit building with an 11 residential building. We will provide (1) Below market rate unit.

**RECEIVED**

MAY 17 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

---

Monday, March 23, 2015

7:00 PM

Council Chambers

---

- b. 1509 El Camino Real, zoned R-2 and R-3 - Application for Mitigated Negative Declaration, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium with at-grade parking (1509 El Camino LLC, applicant and property owner; Rodrigo Santos, engineer) (130 noticed) Staff Contact: Ruben Hurin

**Attachments:** [1509 El Camino Real - Staff Report](#)  
[1509 El Camino Real - Attachments](#)  
[1509 El Camino Real - Public Comments for Previous 15-Unit Project](#)  
[1509 El Camino Real - 03.23.15 - recd after 1](#)

*Commissioner Gum spoke to one of the tenants in the existing apartment building. Commissioner Bandrapalli spoke with a neighbor.*

*Ex-Parte Communications: None.*

*Visits to Property: All had visited the property.*

*Planning Manager Gardiner provided a brief overview of the staff report.*

*Questions of Staff:*

- > *Who is responsible for shoring up the creek? (Gardiner: The property owner, since the creek runs through their private property.)*
- > *What is implied in a change from Medium Density to Medium-High Density? (Gardiner: Those are two different General Plan land use designations. Medium Density generally aligns with R-2 and Medium-High aligns with R-3 zoning. The land use change should be considered first, then the zoning amended accordingly.)*
- > *What is the difference between R-2 and R-3? (Gardiner: R-2 is a "duplex" or "two-family" zoning, R-3 is the next higher classification but not the highest.)*
- > *Will this come back as a Design Review item? (Gardiner: No, the application was submitted prior to the City adopting design review requirements for multifamily projects. There could be some overlap in the environmental review, particularly aesthetics.)*
- > *Where in the plans does it show what part of the site is R-2 and R-3? (Gardiner: The aerial shows the two parcels. The R-2 parcel is the parcel with the creek.)*

*Patrick Fellows represented the applicant:*

- > *Wants to change land use and zoning of the creek lot to be the same as the adjacent lot. The lot extends to the center of the creek.*
- > *There are existing trees at the back of the lot screening the view from the rear neighbors, but there is a break in the trees. Would like to coordinate with staff to arrange screening of the break, such as a taller fence or trees.*
- > *Most neighboring buildings on El Camino Real are 3 stories. Height of proposal has been reduced*

so it is also 3 stories.

- > Arborist will be retained through the project to ensure trees are maintained.
- > HVAC has been moved from the back to the front of the building.
- > Has increased the amount of parking, including 5 visitor parkings plus the delivery space.

Commission questions/comments:

- > What percentage of the total is R-2? (Fellows: About 4,300 out of 19,800 sq ft.)
- > How is guest parking accessed? (Fellows: Would probably have an intercom pedestal for visitors to call up and be buzzed in.)
- > Is there enough space for the delivery vehicle to be parked and still have vehicles pass? (Fellows: Yes.)
- > Why is the affordable unit the smallest? 60% of the units have 3 bedrooms. (Fellows: Originally there were 15 units in the proposal. It has been scaled back. Trying to make the project work economically.)
- > Where will solar panels be installed? (Fellows: Back part of roof.)
- > Are all trees being saved? L-1 says no trees being removed, but staff report mentions a tree being removed. (Fellows: Not sure, will check.)
- > Will people be allowed to make a left from driveway? It is a busy roadway. (Fellows: Will propose a right-turn only sign.)
- > Is there a reason for the height of the tower? (Fellows: In original design of the building the tower was the "moniker" of the building. Would look plain without it. It is at the front of the building.)
- > References to previous reports includes a repair plan by Cavanaugh Engineering. Is there intent to have the creek repaired? (Fellows: Yes. Is mandatory to fix the creek as a condition of approval. Has requested to Public Works that it be part of construction of this project, rather than a separate project.)
- > Landscaping plan calls for a new 6-foot wood fence, but sounds like there is consideration of a taller fence or wall. (Fellows: Wants to work with neighbors to determine what is desired and can be approved.)
- > Are the existing acacias referenced in the staff report on the property or the rear alley? (Fellows: Believes they are in the rear alley.)
- > Will there be additional screening in the back? (Fellows: Is open to what the neighbors would want to see.)
- > Where would the synthetic turf be located? (Fellows: The bocce ball court.) Oyster shells is preferable for bocce ball.
- > Foam trim is discouraged. Foam with an epoxy-based coating that is substantive and looks like simulated stone preferred.
- > Notes on plans needing fixing: Note 13; existing wall at creek to remain note; scallop termination on the walls unclear.
- > Garage entry is a hole in the wall. Perhaps a timber header or keystone.
- > Awnings should have a darker/contrasting color.
- > Concern with impact of school traffic on neighboring streets. Students cross at Adeline to get to Lincoln. (Fellows: Project will have one parking space for every bedroom.)
- > Will there be bike parking? (Fellows: Yes, a hanger on the front of each stall.)
- > Tower seems too tall, does not seem necessary to be so tall. (Fellows: If it is shorter it will change the character.)

Public comments:

Anne Wallach spoke on this item:

- > Concern with condition of creek, as mentioned by Commissioner Terrones
- > 2013 California Department of Fish & Wildlife letter citing high biological value and physical functions provided by riparian areas such as Mills Creek. Letter cited concerns of constructing a recreation area within the riparian habitat (i.e., the bocce court). Non-native vegetation would out-compete native riparian growth.
- > This stretch of the creek has been neglected for years.

- > Cord rails were used to assess the soil structure of the building site. Deepest drill extended 14'-6" but applicant says foundation piers will extend 24 feet and rest on bedrock. Unclear what soil or rock is at 24-foot depth. Is depth of drill test sufficient for assessing ground stability?
- > Creekside location, alluvial soils deserve special attention.
- > Appreciates applicant engaging with neighbors.

Samantha McPhail, 1516 Balboa Avenue, spoke on this item:

- > Lives directly behind subject property.
- > Concern with capacity of City sewer system to accommodate increased demand.
- > Existing building has 44 sewer units (sink, toilet etc connections). Proposed building will probably have 100 sewer units.
- > Neighborhood sewer system had been broken down, with frequent inundations in basement and yard. New pipes were installed and have had no problems since.
- > 1509 El Camino Real effluent would flow into lateral between the properties. Inquire whether City can ensure the sewer system can accommodate increased demand.
- > Concerned about riparian environment. Mills Creek needs repair, flows into the Bay and wildlife conservation estuary.

Patricia Gray, 1616 Adeline Drive, spoke on this item:

- > Sewer problem is extreme. Has sewage in the basement on a regular basis.
- > Parking and traffic problems. Can't cross double-yellow line, so if the tenants want to go north they will turn on Adeline and circle back on Balboa. There is a school and a park and a turn. Narrow street, very dangerous.
- > Not enough parking in the neighborhood. Does not believe compact spaces will fit the cars.
- > People are doubling up, more cars.
- > People park cars and take cab to airport.
- > Girls' Softball League on Saturday afternoons takes up parking.

Mark Haberecht, 1505 Balboa Avenue, spoke on this item:

- > Meetings with applicant have been very productive. Good first step in making the project workable.
- > Per letter, insufficient time for the public at large to view the plans. Legal interpretation of California Health & Safety Code for making plans available online is erroneous. Will be contacting City Council on this matter.
- > Creek is important, shocked it has not been addressed years earlier. Believes it is a liability issue.
- > Addition of parking spaces relative to requirements does not acknowledge does not acknowledge the traffic and parking issues at the park and school. Has shared concerns with Traffic, Safety and Parking Commission.
- > Developer needs to be give back to community - speed limit sign, flashing reflectors, stop sign at Balboa/Ray, sponsor parking permit program for the neighborhood.
- > Rear of building needs attention - massing and articulation. Screening trees are proposed but needs to do more, perhaps bring top corner back more.
- > Boccei ball/putting green will be a problem for California Department of Fish & Wildlife.

Andrew Stenzel, 1518 Albermarle Way, spoke on this item:

- > Lives on the north side of the project.
- > Concerns with the size of the lot, height, closeness of windows and patios to their property.
- > Granting of an upzone will result in more requests.
- > Is working on repairs to retaining walls. A section is culverted, hopes the rest will not look like that, wants trees and bushes to provide screening for benefit of both properties.

Pat Giorni spoke on this item:

- > Better iteration of project compared to version shown at neighborhood meeting in January.
- > Has no way to substantiate submitted proposal is the same as that shown in January.
- > Timely release of reports is inadequate. Inability to obtain architectural blueprints is inexcusable and unacceptable. Project should have had a sign posted in front of property.
- > Lot line merger should not be used to provide a larger footprint than was discussed in the January neighborhood meeting.
- > Remaining tree grove must be completely preserved and given protection during construction, with possible exceptions of trees #120 and #125 in 2011 Osterling report.
- > Lean on tree is no worse than 3 out of 5 eucalyptus on El Camino Real. Requests mechanical engineering study on lean of tree to determine its safety.
- > Require applicant to post a \$100,000 surety bond on tree preservation and survival for 5 years. Precedent on 1500 block of Drake Avenue.
- > Who will certify before the first framing construction? Does not see professional attribution on the plans.

Chair Bandrapalli closed the public hearing.

*Commission discussion:*

- > Council has given direction to ensure there is not a reduction in the numbers of units. 11 existing units will be replaced with 10 new units with this project. Should receive a response.
- > Should have a condition that the arborist be retained through construction of the project.
- > Address rear wall and landscape screening.
- > Needs a condition from Public Works regarding the creek repair.
- > Environmental analysis should address sewer and utility impacts.
- > Identify which trees are being removed.
- > Identify how existing tenants enter and exit the site versus proposed.
- > Address how this rezoning would or would not result in other future rezoning? Unique conditions here, was addressed in previous application.
- > Clarify height request - to which part of the building is going to 44'-6" versus the tower.
- > Tree protection should include an inspection regime, so that trees are maintained through the life of the project.
- > How has the tree bond worked out on Drake? (Gardiner: Can research precedent.)
- > Appears path going from trash bins to driveway is very narrow - make sure they will be able to fit. Where will 10-12 trash bins go?
- > Clarity on how to remedy building new condos by displacing affordable housing? Versus reduction in numbers of housing units/reduction in housing stock.
- > How can condition of existing creek be addressed? Can there be fines? (Kane: Will initiate a code inquiry. Other overlapping regulatory agencies have superior fine mechanisms. Can be a challenge to determine responsibility if there are numerous properties involved. Those with information to submit can contact staff for follow-up.)

This item will return for environmental scoping at a subsequent meeting once the environmental consultant has been retained.

RECEIVED

1509 El Camino LLC

DATE: March 10, 2015

MAR 12 2015

TO: Buringame Planning Commission

CITY OF BURLINGAME  
CDD-PLANNING DIV.

PROJECT: 1509 El Camino Real

APN: 026-011-010 & 025-228-130

SUBJECT: Changes made to project since original design submittal.

---

We first submitted our application in June 2011, and in July 2012 there was a Scoping Meeting. A Study Meeting was held in January 2013, at that time there was substantial neighborhood opposition and it was the Commission's recommendation that we work with the neighbors to resolve their concerns.

Neighborhood concerns were as follows:

1. **Building as proposed at 4 stories was not in keeping with the predominate one to 2 story structures to the north and west.**

Action taken was to remove one floor off our building and reduce it to 3 floors. By doing so we've reduced our total units to 10 from the proposed 15 units.

2. **Retain the grove of trees to the southeast of our property.**

Action taken was we hired Ralph Osterling Consultants to advise us on the setbacks our foundations needed to be in order to protect the trees and root structure and it is on their advice that you see the foundation layout as it now exists. FYI, the tree consultants have agreed to be retained as the consultants in charge of the tree protection supervision going forward through the construction if the Commission wishes them to. That report and contract is in your packet. The result to provide this request meant a large portion of the front southeast side of the original design was removed to allow for the trees to remain.

3. **There were concerns that the proposed 15 unit building was open at the rear of the garage (on grade) to facilitate 2 car parking spaces in the rear yard. Also that the air-conditioning units were at the rear on the roof. Screening trees were requested at the rear property line.**

Action taken: The back wall of the garage was closed and all car spaces were relocated to the interior of the garage. The air-conditioning units from the back of the roof to the front of the roof. Screening trees are proposed for the rear property line.

**In addition and separate from the above, we (the developer) propose the following:**

1. Adding an electric vehicle (EV) charging station.
2. Storage rooms for all units.
3. Bicycle racks for all units.
4. Photovoltaic array on roof.
5. Car parking required is 25 cars, 28 provided. Guest spaces required are 2, we are providing 5.

**5. 1509 EL CAMINO REAL, ZONED R-2 AND R-3 – APPLICATION FOR MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONING OF A PORTION OF THE SITE FROM R-2 TO R-3, CONDOMINIUM PERMIT AND CONDITIONAL USE PERMIT FOR BUILDING HEIGHT FOR CONSTRUCTION OF A NEW, FOUR-STORY, 15-UNIT RESIDENTIAL CONDOMINIUM WITH AT-GRADE PARKING (1509 EL CAMINO LLC, APPLICANT AND PROPERTY OWNER; MOORE VISTICA ARCHITECTS, ARCHITECT) STAFF CONTACT: RUBEN HURIN**

---

Reference staff report dated January 28, 2013, with attachments. Community Development Director Meeker briefly presented the project description.

Questions of staff:

- None.

Chair Gaul opened the public comment period.

Pat and Sheri Fellowes, Burlingame; represented the applicant.

- Noted that the story poles would be difficult to provide.
- Provided an overview of the visual simulations of the project; could provide story poles in areas visible from Balboa Avenue and Albemarle Avenue.
- Could use scaffold in certain areas in lieu of story poles.

Commission comments:

- Believes story poles will still be needed in the interest of the neighbors
- Still a bit concerned about the scale of the project; but would like to see story poles along the rear where possible. Probably not as necessary along the front of the property.
- Story poles will be an opportunity to view the potential impacts from other positions.
- Will be one of the taller buildings along El Camino Real and need to provide sufficient time for public review.
- Encouraged installing story poles as quickly as possible given that the public comment period on the draft Mitigated Negative Declaration is currently open.

Public comments:

James MacKay, Burlingame; Allen Menicucci, Burlingame; Samantha O’Neal, Burlingame; Michael and Sumita Fleming, Burlingame; Kim Rosales, Burlingame; Mark Haberecht, Burlingame; Emil Anderson, Burlingame; Paul Wallach, Burlingame; Ann Wallach, Burlingame; Patricia Gray, Burlingame; and Ellis Rose, Burlingame; spoke:

- Resident at the building that is being removed. Where can he voice his concerns about displacement of the existing residents? (Guinan – there is no City ordinance requiring relocation assistance. Referred the speaker to one of the County housing agencies.)
- With respect to the simulation from Albemarle, the building will be about 15-feet higher than the trees.
- What will prevent others in the area from requesting a rezoning to R-3 as well.
- Has lived on the street for 48-years.
- The proposed building doesn’t belong in the area.
- Is in the process of buying one of the duplexes in the area, may consider requesting a rezoning.
- Heard a rumor that the applicant has approached the owner of Adeline Market for redevelopment.

- Lives in the first home present on Balboa Avenue. Likes Burlingame because of the trees, but it is changing.
- Feels the removal of the trees from the property is a betrayal of the trust that she had in the City. Feels disregarded as a resident.
- The building will be much taller than it appears in the simulations.
- Feels that story poles on the front will be needed as well so that people driving down El Camino Real can see what the future of Burlingame will be.
- Doesn't feel that the Commission has any respect for the history of the City.
- There are huge concerns for parking in the neighborhood; strongly opposed.
- Will have a full view of the structure from the side of their property and from their rear yard; will impact the neighborhood.
- The majority of the cars parking in their neighborhood come from apartments in the area and from Adeline Market.
- The building is pretty, but too tall.
- The number of units will make a difference.
- Encouraged providing story poles from all sides.
- Individuals from sporting events at the parks park in the neighborhood.
- Will also increase traffic congestion on El Camino and on Balboa Avenue at peak times.
- Feels the scale of the building is out of character with the City.
- There are issues with sewage in the area; feels that the project will exacerbate the problem.
- Schools in the area are increasing enrollment; this will only add to the congestion to traffic and parking in the area.
- Noise from the top of the building will impact the neighbors.
- Views will be impacted.
- The design is beautiful, but it is too large.
- Project will only increase traffic congestion.
- Feels that the story poles are required in this case.
- Referred back to the Commission's prior consideration of the project in 2007; what conditions have changed since that time to warrant a taller, larger project with Spanish architecture.
- Has reviewed the City's design guidelines; doesn't feel that the project is consistent with them.
- The project is taller than anything around it and draws attention to itself.
- This is a gateway to the City.
- Projects should achieve a human scale consistent with the neighborhood.
- The outdoor space will adversely impact residents and will impact neighborhood property values.
- The prior project was withdrawn; this project is larger and more impactful. Doesn't appear that the project has changed significantly since that time.
- The community questions the developer's motivations related to the project.
- Will set a bad precedent if approved.
- (Commissioner – do most people in the neighborhood park in their driveways?) Has observed residents intentionally park a vehicle on the street to reserve space for trash hauling.
- In agreement with all previous speakers.
- When their home on Balboa Avenue was purchased, there was no overnight parking allowed.
- Lots of congestion during peak hours due to activities at the schools and parks.
- Was very impressed with the level of analysis of the project.
- Not very green to remove the existing living units for the new project.
- Construction will create air and water pollution.
- Concerned about removal of trees at the southeast corner of the property.
- Will create visual pollution.
- Referenced the soils/hydrology report. Noted that the study only went down 15-feet to sandy soil and clay; where will the solid ground be for the piers.

- The study noted that the retaining wall on the creek is adequate. Noted a section of the retaining wall that is suspended in mid-air, what is supporting it.
- A San Mateo County poll recently asked about their vision of communities in the future; all of these studies take into account scientific facts, but not emotional facts.
- Parking is not adequate for the size of the units.
- The scale of the building is out of character with the area; the building will look like a wall.
- Concerned about noise from the project; the study assessed impacts from four similar-sized units on another of the applicant's projects. Doesn't feel that this is an adequate comparison when assessing the impacts upon the neighbors.
- Has been a great transition in the population of Burlingame over the years; there are few places for low-income individuals to live in Burlingame.
- Parking is heavily impacted in the area.
- Traffic on Balboa Avenue is impacted.
- Concerned about removal of the trees on the site.
- In this time of climate change, global warming should be a consideration; deforestation is a contributory factor.
- Feels that there should be more notice of changes in the zoning of an area.
- Feels that the project is being snuck through the back door.

There were no other comments from the floor and the public hearing was closed.

Additional Commission comments:

- Clarified that there will need to be a written response to all comments included in the response to the public comments regarding the environmental analysis.
- Was on the Commission when the prior project was considered in 2007; there are still concerns, feels the story poles should be erected.
- Wishes to see responses to traffic and parking comments.
- Feels that story poles are needed.
- Feels the building is attractive.
- Suggested providing a list of similar height buildings in the City as points of comparison.
- Provide left and right scaffolding with ribbon across the rear.
- Very concerned about the traffic.
- Not certain the scale fits in with the neighborhood.
- Requested that environmental consultant and traffic engineer come to action hearing.
- The community needs to determine which neighborhood the project lies in; Balboa or El Camino?
- Must look at the impact that the apartments have on the neighborhood.
- Noted that there is a different traffic impact attributable to condominiums versus rental units.
- Noted that only four more units are being added; though the project is more massive. What are the differences in impacts attributable to an incremental increase in the number of units on the property?
- Is there an interest in pursuing the development of an El Camino specific plan? (Meeker – no.)

*No action was required. This item concluded at 8:42 p.m.*

6. **1509 EL CAMINO REAL, ZONED R-2 AND R-3 – ENVIRONMENTAL SCOPING FOR AN APPLICATION FOR ENVIRONMENTAL REVIEW, GENERAL PLAN AMENDMENT, REZONING OF A PORTION OF THE SITE FROM R-2 TO R-3, CONDOMINIUM PERMIT AND CONDITIONAL USE PERMIT FOR BUILDING HEIGHT FOR CONSTRUCTION OF A NEW, FOUR-STORY, 15-UNIT RESIDENTIAL CONDOMINIUM WITH AT-GRADE PARKING (1509 EL CAMINO LLC, APPLICANT AND PROPERTY OWNER; MOORE VISTICA ARCHITECTS, ARCHITECT) PROJECT PLANER: RUBEN HURIN**

Reference staff report dated July 9, 2012, with attachments. Community Development Director Meeker briefly presented the project description.

Questions of staff:

- Asked how occupancy of the inclusionary housing units is monitored? (Meeker – indicated that the City has a third-party agency that is responsible for selecting tenants based upon applicable criteria and leasing/selling properties. Such properties are preserved as affordable units for 10-years.)
- Will the State Department of Fish and Game review the project given its proximity to the creek? (Meeker – this will be reviewed as part of the environmental analysis for the project.)
- Asked if the tree removal issue has been resolved? (Meeker – indicated that the permit has been issued by the City.)

Chair Gaul opened the public comment period.

Patrick Fellowes, 1008 Laurel Street; represented the applicant.

Commission comments:

- The project came forward previously; is the Commission reviewing the item de novo? (Meeker – yes, it is a completely different project.)

Public comments:

Cheryl Anderson and Emil Anderson, 1521 Balboa Avenue; Patricia Gray, 1616 Adeline Drive; Pat Giorni, 1445 Balboa Avenue; Kim Abbott, 1480 Highway Road; Mark Haberecht, 1505 Balboa Avenue; Allen Menicucci, 1529 Albemarle Way; Helen Dobson, 155 Jackson Street, San Francisco; Nina Wheel, 1520 Balboa Avenue; Paul Wallach, 1524 Balboa Way; Gordon Goettsche, 1524 Albemarle Way; Ann Wallach, 1524 Balboa Way; Miriam Hale, represented her aunt who resides at 1512 Adeline Drive; Samantha MacPhail, 1516 Balboa Avenue; Yan Ma, 1512 Balboa Avenue; Pat Johnson, 1518 Albemarle Way; spoke:

- The project is too big for the area (too much square footage).
- Concerned that the tree matter has been decided.
- Concerned that there will be no buffer between the condominium building and the single-family residences on Balboa Avenue.
- Concerned about parking impacts.
- Concerned about impacts upon the waterway.
- Concerned about the additional density in the area.
- Was turned down previously; this larger project will not fit into the area.
- If she were to be improving her property she would look at the neighborhood character.
- There are two to three trees on the alley that should be pruned.
- Feels the trees should not be removed; they should remain as a buffer.
- More and more people work from their apartments; this impacts the privacy of neighboring properties.

- If the project is approved she will be looking at the back of the condominium project.
- Concerned about capacity of the sewer and water systems – her property is at the high point at the end of the system. Has had a lot of trouble with the sewer system; has frequently backed up into her basement.
- Concerned about the height of the building; the roofs and towers will only add to the apparent height of the building.
- Concerned about the affordable housing aspect of the project; where can low-income and middle-class people live?
- Lives in a construction zone; there have been a lot of small homes that have been sold and then removed to accommodate larger and larger homes for people with a lot of money. Not enough housing for people who are not very rich.
- Street parking is a concern given the proximity to Ray Park; particularly during girls' softball. The additional people living within the condominium project will only exacerbate the problem.
- Who is the property owner; when it is an LLC who else is a part of the ownership?
- Where is the property line going to be once the properties are combined; at the center of the creek or at the northern creek bank? Where will the setback be measured from?
- What is the possibility in the future that the creek will be covered in the future?
- Whatever happens; when the properties are combined there should be a condition of approval that the creek remains uncovered.
- When did it become a priority to develop projects over the preservation of trees? Wonders what is happening when the Buna Buna tree (which is in good condition) can be removed – it is historical and is a heritage tree? Why is this any different from the discussions we have with CalTrans regarding protecting the trees along El Camino Real?
- There is precedent about possibly saving the tree and possibly some of the Cedars – referenced a property on Drake Avenue where the developer was required to post a tree-protection bond to preserve Redwood trees on the property.
- With respect to the zoning and general plan amendments and the conditional use permit request; the project discussion indicates that the project complies with development policies. Why is the project taller than any other building present in the area? Other projects running down to Broadway are three-stories and built to 35-feet or less.
- Is this project visually what the City wants to see in the area?
- What is the actual setback of the existing building – feels that the project is closer to the street than other projects in the area.
- Feels the design is elegant but is too big for the property.
- The trees should not be removed for the project.
- The presence of trees in the area contributes to the elegant appearance of El Camino Real.
- The height is inappropriate for the area.
- Access to the property will be dangerous – the only way into and out of the property is a right-turn into and out of the property southbound. Will impact the neighborhood with circulating traffic.
- Lives in the next block beyond the development site. Parking will be negatively impacted by the project. Objects to people parking in front of her house.
- Parking at his property at 530 El Camino Real is not sufficient; there will not be enough parking for residents of the project.
- Concerned about non-residents of her neighborhood parking in front of her property.
- The creek looks terrible; curious what the current property owner will be doing with the creek.
- Disagreed with Commissioner's contention that the City's parking standards are proven to be sufficient.
- There is already a significant parking problem in the area.
- Not certain that the expectation that parking for two cars is realistic.
- Why can't the parking be provided below ground; this would also lower the height of the building.
- Encouraged a "real-world" parking study for the project.

- Concerned about the proposed rezoning of the portion of the property from R-2 to R-3; why wouldn't a person with an R-2 lot apply for a rezoning on Albemarle to increase the density? If this occurred, it would destroy the area.
- The proposed building will be an eyesore; it belongs in a larger city.
- Owns a property on Albemarle – objects to the proposed rezoning.
- Requested a “zoning variance” in 1967 for a second unit, but was denied. Feels the rezoning will encourage others to make similar requests.
- Concerned about soil quality in the area. Hired a soils engineer to evaluate foundation damage on her property.
- The creek is not very stable; feels the project will increase the instability.
- Feels that the project will impact the roots of existing trees in the area.
- The project doesn't fit in the neighborhood.
- Why is a new project being considered now five years after the prior project? Recalls that the Commission asked the developer previously to consider scaling the project down to respect the adjacent neighborhood.
- The project is 50% larger than the prior proposal; the developer has totally ignored the prior direction of the Planning Commission.
- Opposed to the proposed rezoning.
- Feels that the noise factor from the project will be of concern and will impact her residence.
- Lighting will impact the residents.
- Concerned that the Acacia tree at the rear of her lot will be adversely impacted.
- Concerned about the capacity of sewers in the area.
- Not suitable for the area.
- Referenced a drawing reflecting the retaining wall in the area; in 1993 a 60-foot segment of the creek wall collapsed and had to be re-supported. It rises no greater than four-feet above the water level.
- Will the building be safe unless a geologic study is performed regarding the retaining wall impacts.
- Would appreciate receiving notice more than ten days in advance.
- Concerned about chemicals being released in the area during demolition.
- Concerned about activities on the rooftop deck.
- Concerned about traffic in the vicinity of the project.
- Encouraged the Planning Commission to walk the area and assess the impact of the scale of the project upon nearby residents.
- Encouraged the applicant to reduce the scale of the project.
- Showed a graphic that represents how the project would look when set in context with the adjacent neighborhood.
- Knows that the State has required all cities to look at the provision of housing units; this project would only increase the supply by four units.
- Two of the parking spaces provided on the site are for guests; not enough.
- Concerned about the increase in the number of new fixtures that will be draining into the sewer system.
- Her sewer flows to the rear of her property; wants to ensure that her sewer is protected during construction; also wants to ensure that access to her sewer remains available.
- Agrees with objections to the rezoning.
- Asked the people at the adjacent market what they thought of the project; amazed that they did not know anything about the project. Noted that the market owner did not want the project to block the view of the commercial center. Seems strange that notice was not provided to the market owner.
- Concerned about sewer impacts.
- Surprised that the tree permit has already been permitted. The trees are important to her well being.
- The project will increase the population on the site by 50%. Concerned about the rooftop open space.

- Burlingame is beautiful because of its trees and architecture.
- Building more condominiums in Burlingame is a bad thing for Burlingame.
- Would prefer something of a much smaller scale.
- Worried about the integrity of the creek.
- Concerned about quality of life impacts.
- Worried about water table impacts.
- Concerned about privacy impacts upon her adjacent property. There would be no screening between the condominium and her property. Wants screening to protect privacy.
- Concerned about light and noise impacts, particularly noise from air-conditioning units.
- The garage will increase noise and lighting impacts.
- Objects to changing the neighborhood.
- Burlingame could lose its appeal to families with children.
- The developers gain should not be the neighbors' loss.
- Is a delightful neighborhood; removing the trees will impact the area.
- Concerned about impacts upon trees on the other side of the creek.
- Was present for the flooding when the retaining wall was installed.

Additional Commission comments:

- Noted that a note from the City Arborist indicates that the tree removal permit will be held until a project is approved by the Commission.

Additional applicant comments by property owners Pat Fellowes and Sherry Chou:

- The building steps down in height from the tower element.
- Noted that the step back of the building from the creek will ensure that trees on the north side of the creek will not be impacted.
- The A/C units are on the rooftop, behind the mansard roof and will not impact the residents – will be assessed by an acoustical engineer.
- Are connecting to a box-culvert in the street for storm water purposes.
- Note that his building at 1226 El Camino Real also has a rooftop deck – has not had problems with the deck at that location.
- Indicated that there is a note in the packet from the adjacent market owner not objecting to the project.
- Confirmed that the neighbor has an easement for her sewer line that will remain.
- Trees on that property are 60 to 70-feet tall.
- The building is setback from the creek and will be built on piers.
- The building itself will be built upon the main lot – back in 1945 half of the creek was given to this property, but the zoning was not made consistent; are correcting this discrepancy now.
- With respect to subterranean parking; are able to leave more yard area and will not flood adjacent properties – vehicles are parked in a smaller space.
- The property line is in the middle of the creek – nothing can ever be built on the creek.
- There will be no Section 8 housing on the property.
- If improvements are needed to the sewer lines; then they will be required to do so.
- The only 55-foot section of the building is the tower element. The architect felt that the proportions of the building would be off if it is not provided. The majority of the building is only 46-feet in height.
- The prior project wasn't approved; just chose not to redesign the project at that time and withdrew the application.
- There is plenty of parking provided.
- The only trees being removed are the trees on the left-hand side of the project. The trees will not be removed until a project is approved.

- Heard the same “too big for the area” comments with the prior project. Is the project appropriate for El Camino Real? It is not a Balboa Avenue project.

There were no other comments from the floor and the public hearing was closed.

Further Commission comments:

- Requested clarification regarding the tree removal permit. (Fellowes/Chou – only for the trees at the front of the property; nothing is being removed from the rear of the property. No work is being done in the creek. Have cleaned up the area and eliminated debris that has been an eyesore. Will take measures to preserve and protect trees that are not subject to the tree-removal permit. Are aware of the flooding issues in the area; but the City has required compliance with State storm water measures to mitigate storm water impacts. Have designed the project to comply with applicable standards. The building at 1226 El Camino Real was the first to have rooftop open space – normal open space in the rear yard is typically not too useable – have received compliments regarding the deck area.)
- Asked if the other project has an outdoor kitchen? (Chou – yes it does. Have rules in place to regulate tenant behavior. Intend to build this project in a similar manner. Have provided a variety of units within the project.)
- How is the roof deck oriented? (Fellowes/Chou – is oriented towards El Camino Real; is not the entire roof.) Was the other project similarly built? (Fellowes/Chou – yes; there have been no complaints received. Residents cannot look down into adjacent yards.)
- Feels that the trees along the alley provide screening for the neighborhood.
- Provide detailed descriptions of the trees that are provided along the alley, on the property? How tall do they grow? Have a visual impact study prepared to assess impacts; perhaps even erecting story poles to adequately impact neighborhood impacts.
- Doesn't see any other area that could appropriately be changed from R-2 to R-3; a unique condition exists in this instance that is being corrected. Provide a better description of why this type of rezoning is not likely to apply in other instances.
- Should be an analysis of sound impacts from the rooftop garden and equipment.
- Provide a more detailed description regarding the restrictions on the use of the rooftop garden.
- Assess sewer impacts.
- Want to be certain that the retaining wall remains secure adjacent to the creek so that the outdoor area remains useable. Look closely at this design.
- Require that story poles be installed to assist in an assessment of the effectiveness of the existing trees in screening the property from the adjacent low-density neighborhood. (Meeker – confirmed that this is within the purview of the Commission) Provide the rear, the north and the sides. Fellowes – Could be problematic.)
- Noted that the three Black Acacias will not be removed as they are not on the property.
- Provide an analysis of the potential parking impacts of the project. Look at existing parking supply versus new project's supply; take into account comparative unit sizes as well.
- Look at potential impacts upon the intersection of Adeline/El Camino and Oxford/Cambridge.
- Is a handsome building. Wants to see details regarding the window installations to review insets, etcetera.

*No action is required by the Planning Commission; direction was provided to the applicant, staff and environmental consultant as outlined in the public hearing discussion. This item concluded at 9:22 p.m.*

10. **1509 EL CAMINO REAL, ZONED R-2 AND R-3 – ENVIRONMENTAL SCOPING FOR AN APPLICATION FOR ENVIRONMENTAL REVIEW, GENERAL PLAN AMENDMENT, REZONING OF A PORTION OF THE SITE FROM R-2 TO R-3, CONDOMINIUM PERMIT, VARIANCE FOR TWO BUILDINGS ON ONE LOT AND FRONT SETBACK VARIANCE FOR A NEW, THREE-STORY 10-UNIT RESIDENTIAL CONDOMINIUM PROJECT (1509 EL CAMINO LLC, APPLICANT AND PROPERTY OWNER; AND KIRK MILLER AFFILIATES, ARCHITECT) (48 NOTICED) PROJECT PLANER: RUBEN HURIN**
- 

Planner Strohmeier briefly presented the project description. There were no questions of staff.

Chair Deal opened the public comment period at 8:34 p.m.

Patrick Fellowes, 1008 Laurel Street, San Carlos, represented the applicant. He indicated he is willing to provide rooftop open space and make changes to rear-yard to make it more useable, based upon Commission comments in the prior case. He noted that Fish and Game didn't want the trees in the creek to be touched. Preservation of the trees on the front of the site would require removal of units.

Commission comments:

- Concern that the landscape plan doesn't address the creek. The creek is an amenity that should be enhanced.
- Concerned regarding removal of fir trees on lot. The City of Burlingame values trees. The existing trees should remain.
- Perhaps increase the height of the building at certain locations to compensate for the loss of units to preserve trees.
- Landscape plan to show all of the trees in the creek and how the creek will enhance the living situation of the people.
- Consult with the City Arborist regarding landscaping.
- Tree maintenance should be addressed as part of the project.
- Like the way the building has been designed to preserve individuality of units.

Public comments:

Ann and Paul Wallach 1524 Balboa Way, Burlingame; Nina Weil, 1520 Balboa Avenue, Burlingame; John Gottsche (owner of 1524-26 Albermarle Way), 1457 El Arroyo Road, Hillsborough; and Pat Giorni, 1445 Balboa Avenue, Burlingame; provided testimony, commenting as follows: the Wallachs and Ms. Weil wanted to be certain the Commission considered the comments contained in their letters of July 16, 2007 and July 17, 2007, respectively; expressed concern regarding the proposed rezoning; opposed to more density along El Camino Real towards Ray Drive; concern regarding loss of privacy; protect sewer line within sewer easement during construction; have arborist review construction impacts on trees; Balboa Avenue is too narrow, impacted with traffic and parking; provide more trees to screen the property; lighting impacts from new project; concern about the project being overbuilt for the lot; lower the height of the building; protect creek and trees during construction, and control dust; the area has a high water table, sump pumps will be pumping continuously from parking area; should provide one parking space per bedroom.

Mr. Fellowes clarified that the rezoning is simply to make zoning consistent with remainder of property (doesn't even have frontage); it is an anomaly that needs to be cleared up. Parking is not being changed much from what currently exists. City's "Best Management Practices" (BMPs) for construction projects will address demolition and construction concerns.

There were no other comments from the floor and the public comment period was closed at 9:16 p.m.

Additional Commission comments:

- The project is not workable, even though some elements are elegant.
- Concern about driveway ingress and egress, given that driveway submerges; there could be potential conflicts between vehicles entering and exiting the garage at the same time. The driveway is too narrow.
- If the project moves forward, rear two units need to be reduced to two-stories; the design should respect transitions to adjacent neighborhoods. Additional work needs to be done on the massing.
- The project presents a rather pedestrian approach to Spanish architecture; the design will look "tatty" eventually; Spanish Architecture does not lend itself to a 3-story building.
- Retain some portion of the existing trees on the site; tree preservation is a community value.
- The site can be identified by the existing trees; the new project should retain the same atmosphere on the site that currently exists.
- The interior street is a step in the right direction; additional work needs to be done with massing.
- A visual simulation is required.
- A shade and shadow analysis is not necessarily needed.
- Poor choice of building materials.
- Applicant needs to address neighbor concerns (particular the Wallach's) and Chief Building Official's comments.
- Require a condition protecting the neighboring property's sewer line.
- Maximizing the developer's profit is not a reason for the Commission to approve a project.

This item concluded at 9:25 p.m.



## APPLICATION TO THE PLANNING COMMISSION

**Type of application:**

- Design Review       Variance       Parcel #: 026-011-010 & 025-228-130  
 Conditional Use Permit       Special Permit       Zoning / Other: \_\_\_\_\_

**PROJECT ADDRESS:** 1509 El Camino Real Burlingame, CA 94010

**APPLICANT**      project contact person   
 Payor of DSR deposit/handling fee   
 OK to send electronic copies of documents

Name: Sherrie Chow  
 Address: 1008 Laurel Street  
 City/State/Zip: San Carlos, CA 94070  
 Phone: (415) 602-6396  
 Fax: (650) 298-9974  
 E-mail: pfellowes@sbcglobal.net

**PROPERTY OWNER**      project contact person   
 Payor of DSR deposit/handling fee   
 OK to send electronic copies of documents

Name: Pat Fellows  
 Name: 1509 El Camino LLC  
 Address: 1008 Laurel Street  
 City/State/Zip: San Carlos, CA 94070  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**ARCHITECT/DESIGNER**      project contact person   
 Payor of DSR deposit/handling fee   
 OK to send electronic copies of documents

Name: PPA Development Inc.  
 Address: 1008 Laurel Street  
 City/State/Zip: San Carlos, CA 94070  
 Phone: Sherrie (415) 602-6396  
 Fax: (650) 298-9974  
 E-mail: pfellowes@sbcglobal.net  
 ★ Burlingame Business License #: 23520

**RECEIVED**

JUL 16 2014

CITY OF BURLINGAME  
 CDD-PLANNING DIV.

**PROJECT DESCRIPTION:** New 10 unit residential condominiums

**AFFADAVIT/SIGNATURE:** I hereby certify under penalty of perjury that the information given herein is true and correct to the best of my knowledge and belief.

Applicant's signature: Sherrie Chow      Date: 7/16/2014

I am aware of the proposed application and hereby authorize the above applicant to submit this application to the Planning Commission.

Property owner's signature: Pat Fellows      Date: 7/16/2014  
for 1509 El Camino LLC      Date submitted: 7-16-14

★ Verification that the project architect/designer has a valid Burlingame business license will be required by the Finance Department at the time application fees are paid.

CITY OF BURLINGAME  
**REQUEST FOR GENERAL PLAN AMENDMENT AND REZONING OF A LOT FROM R-2 TO R-3**

**RECEIVED**

**Project Address:**

1509 El Camino Real Burlingame, CA 94010

**PARCEL #1** (Lot 4 of Block 51) APN#026-011-010

**PARCEL #2** (Lot 3 of Block 1) APN#025-228-130 / Request to rezone from R-2 to R-3

SEP 14 2011

CITY OF BURLINGAME  
CDD-PLANNING DIV.

1. In accordance with the Burlingame General Plan's Land Use Element-Policies and Action: The Policy L (B) encourages in instances where higher intensity uses and adjoining lower intensity uses exist, there should be medium high density residential uses and on frontage along most of El Camino Real.

This project is designed to be in accordance with the Burlingame General Plan and Zoning Ordinance's land use section, which encourages multi-unit development in 2-3 story level structures, and in some cases higher buildings where appropriate. The project has frontage along the El Camino Real.

2. The existing site consists of 2 separate lots, one being very narrow, with no structures, and contains portions of Mills Creek and the larger lot contains 11 apartment units. A request in a separate application made to DPW to create a lot merger is a part of the building permit. The smaller parcel is about 25% of the size of the larger parcel and about 1/5 of the parcels combined. Since the larger parcel (Lot 4) currently is zoned R3 and has all the improvements on it, the addition and merger of the smaller parcel would not adversely impact the surrounding conditions. In addition, the new construction would not be built on the area of the smaller lot due to the proximity to the Mills Creek and its physical natural grade.
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.



ERWY

DR

MAGNOLIA AVE

(P) CALIFORNIA

RD

DR

DR

15009  
EL CAMINO

DR

QUESADA

EL

WY

RAY

DR

DR

CAMINO

REAL

BERNAL

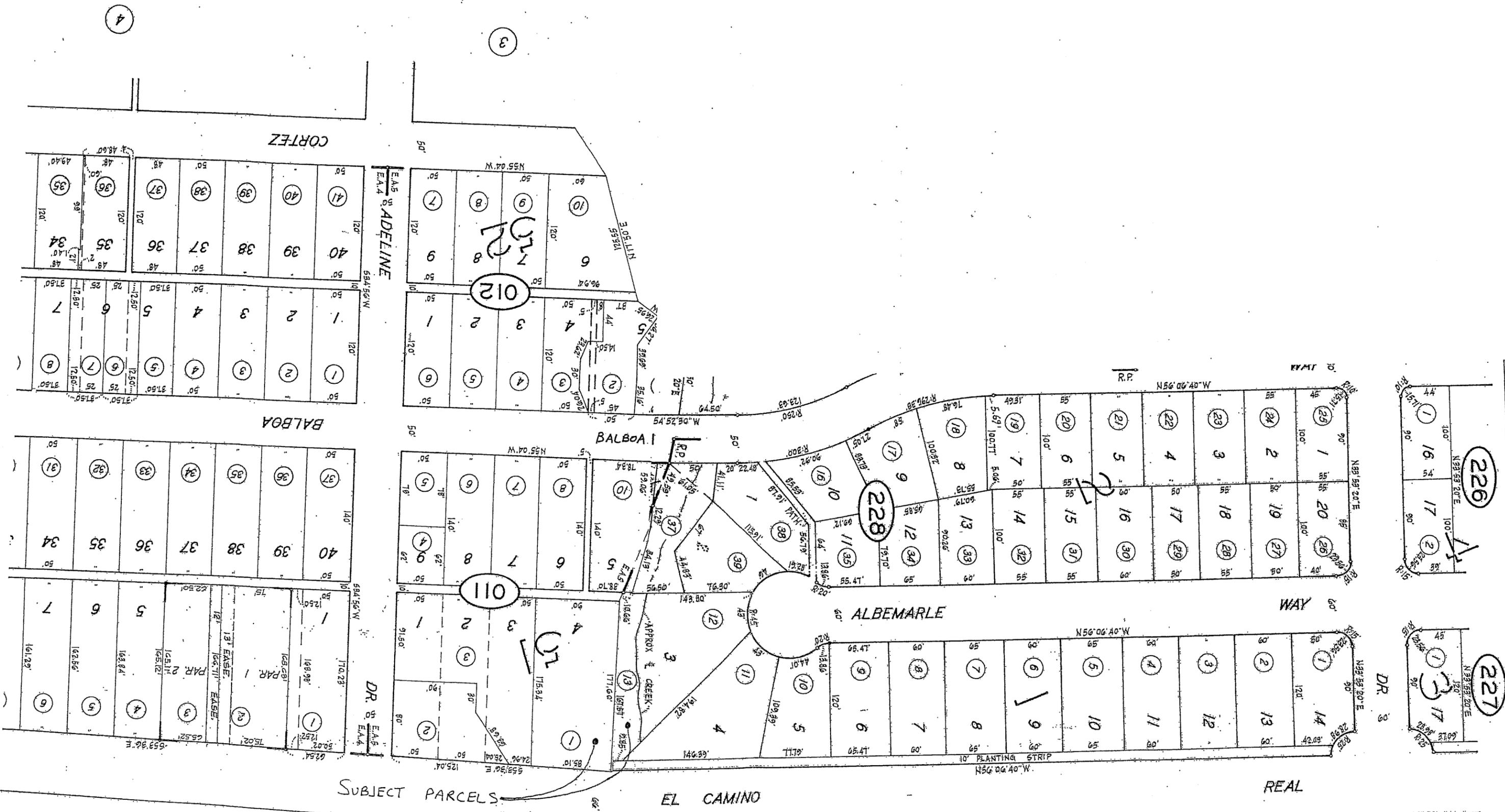
HILLSIDE

DR

APR 16 2007

CITY OF BURLINGAME  
PLANNING DEPT

DWG



SUBJECT PARCELS

EL CAMINO

REAL



**CITY OF BURLINGAME  
FENCE EXCEPTION APPLICATION**

**RECEIVED**

MAY 17 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.

In order to approve an application for a fence exception, the Planning Commission is required to make findings (Code Section 25.78.050). Please answer the following questions as they apply to your property and application request to show how the findings can be made. A letter may also be submitted if you need additional space or if you wish to provide additional information for the Planning Commission to consider in their review of your application. Please write neatly in ink or type.

**a. Describe the exceptional or extraordinary circumstances or conditions applicable to your property which do not apply to other properties in this area.**

The proposed fence at the rear property was requested by the neighbor directly behind our property to provide her more privacy. She also met with Ruben Hurin and the City Arborist to discuss the matter and came up with the plan we have now. It is her desire to have the fence as an 8ft CMU wall with a stucco application along with a 2ft wood trellis above--for a total of 10ft in height. In addition to this fence, the rear property line area will include existing and new trees, and numerous shrubs to provide screening of the new building. As such, this fence proposal is fully supported and requested by the surrounding neighbors.

**b. Explain why the application request will not create a public hazard and will not be detrimental to public health, safety and general welfare.**

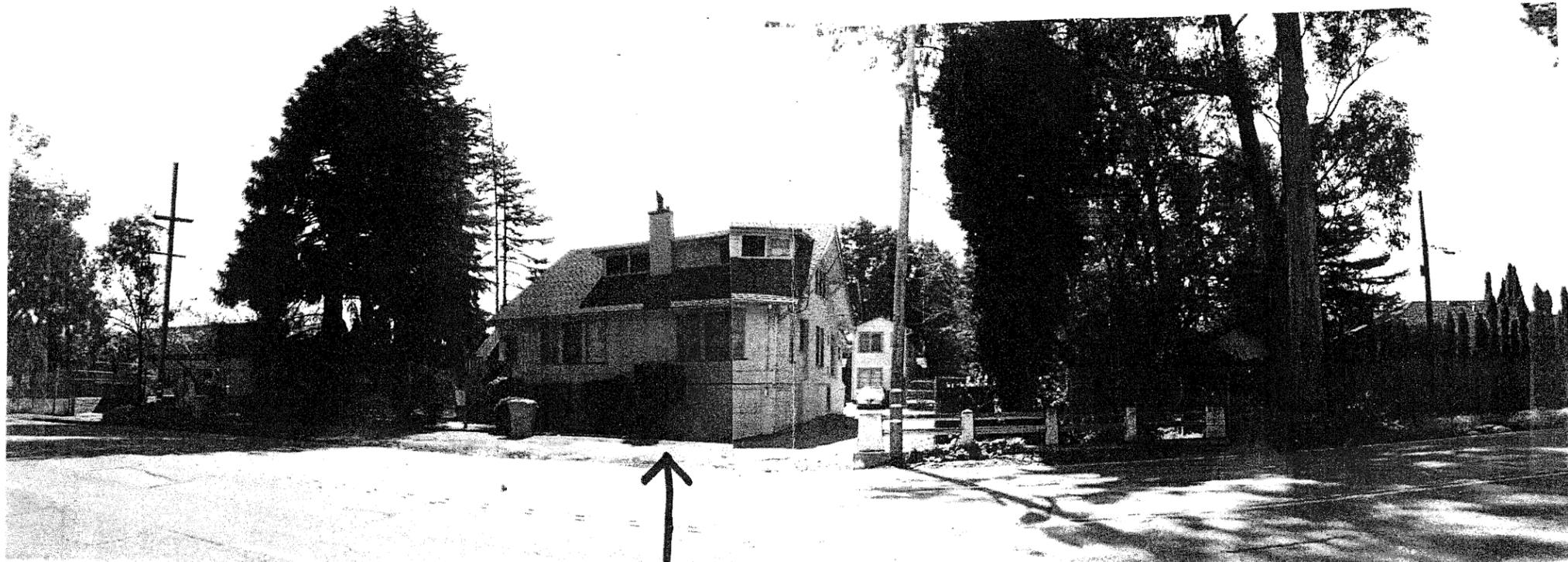
Since the fence is located at the rear property line which abuts to the rear yards of the property owners on Balboa Street, it is not visible to the public nor facing a street. No house or public parks, open spaces are within the immediate position of this fence so it does not create a public hazard, nuisance, or safety issue.

**c. Explain why the granting of the application will not materially damage neighboring properties.**

The neighbor is supporting this and it is her expressed request to have this fence in order to provide maximum screening between properties. Since there is no neighboring housing structure within the fence, no shadowing or loss of light, air, ventilation is comprised.

**d. Discuss why the regulations cause unnecessary hardship for the property owner.**

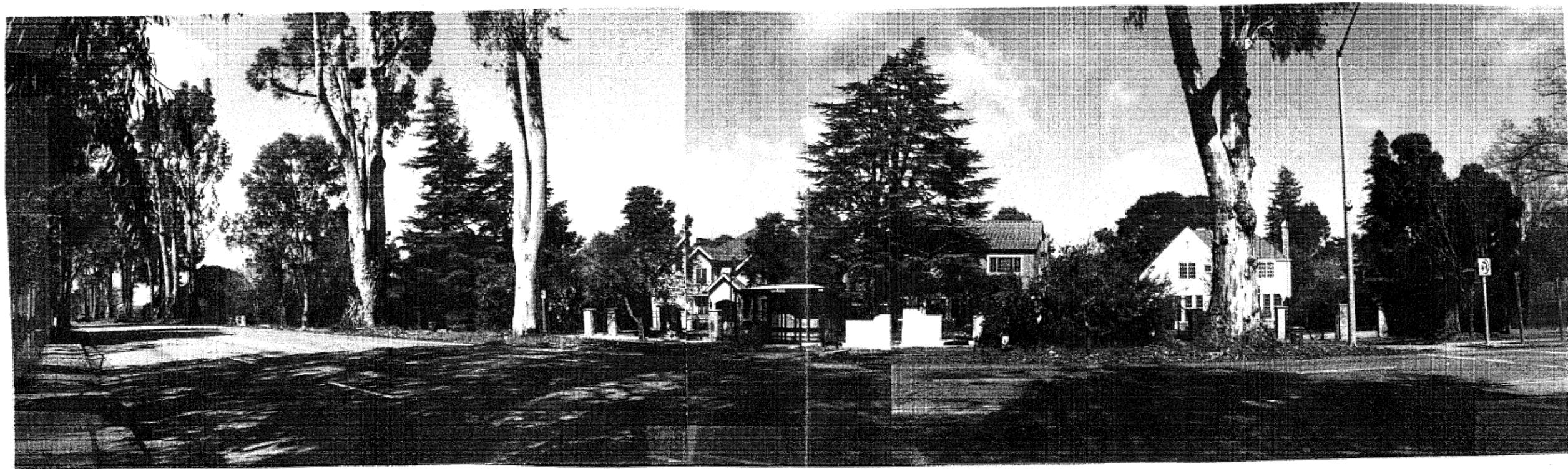
The fence height was brought up as an issue at both Project Sponsor & Neighbors meetings and Planning Commission hearings. The neighbors felt that the allowable 6ft height would not be adequate. Since this was a privacy sensitivity item, it was requested to work toward a resolution between the parties. As such, there are no objecting parties and all consent to having the fence at 10ft.



SOUTH

NORTH

↑  
1509 EL CAMINO REAL  
(SUBJECT PROPERTY)

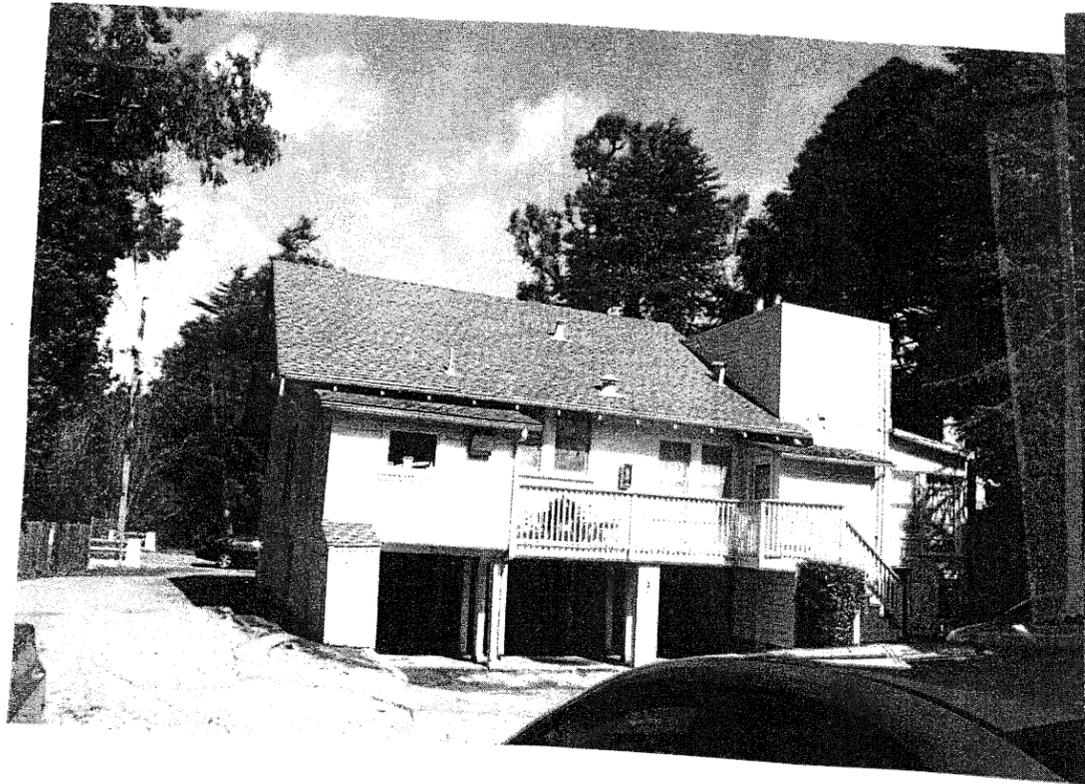


NORTH

OPPOSITE BLOCK OF PROJECT SITE  
EL CAMINO REAL

SOUTH

FRONT BLDG



REAR BLDGS ON LOT



1509 El Camino (pano view)  
at the rear of lot



Adjacent commercial lot to the south

RECEIVED

JUN 10 1981

CITY OF EUNICAVE  
COMPLAINTS DIV

**1509 El Camino Real**

**- ● -**

**Tree Assessments & Protected Tree Removal Permit**

# City of Burlingame - Parks & Recreation Dept.



850 Burlingame Ave., Burlingame, CA 94010  
phone: (650) 558-7330 • fax: (650) 696-7216



## MEMORANDUM

**To:** Ruben Hurin – Senior Planner  
**From:** Bob Disco – Park Supervisor/City Arborist  
**Date:** 7/14/2016  
**Re:** 1509 El Camino Arborist letter

---

The letter from Ralph Osterling regarding the condition of the trees and the impact on the roots due to the proposed construction appears to be accurate.

In his report, Mr. Osterling indicated that, in his opinion, the foundation will not impact any of the roots, from each tree, by more than 25 percent.

25 percent an acceptable number, anything more would have a negative effect on the trees.

I would also add that the trees on this property should be protected, maintained and watered after installation of the foundation, and, during the entire construction phase of this project.

# Ralph Osterling Consultants, Inc.

1650 Borel Place, Suite 204  
San Mateo, CA 94402-3508



RALPH OSTERLING  
CONSULTANTS, INC.  
PHONE (650) 573-8733  
1650 BOREL PLACE, SUITE 204  
SAN MATEO, CA 94402

June 30, 2016

Mr. Patrick Fellowes  
1008 Laurel Ave  
San Carlos, CA 94070

Via email: pfellowes@sbcglobal.net

RE: 1509 El Camino, Burlingame

Dear Mr. Fellowes:

The following is in response to the City's request for clarification on anticipated root impacts due to construction of this project. Each of the trees scheduled to remain are near to the setback limit or clearly within the setback. These trees are all in relatively poor condition with limited crown spread.

Based on distance to the proposed structure, I estimate the root impacts to be as follows:

Tree	common name	distance to structure	root impact
120	deodar	6 feet on one side	20%
121	bunya-bunya	15 feet	none
122	deodar	8 feet on one side	10%
123	deodar	6 feet	25%
124	deodar	9 feet	10%
125	remove		
127	elm	8 feet	10% on creek bank
128	elm	9 feet	10% on creek bank

It is my professional opinion that with the minimal root impacts, all of these trees will survive and continue to grow. Should you or others have questions or comments, please contact me at your convenience.

Respectfully,

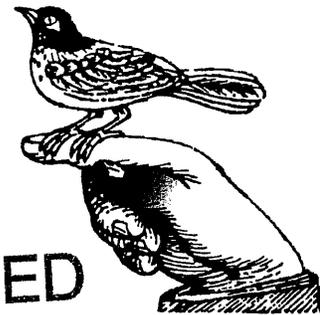
Ralph Osterling, President, ACF, CLFA  
Registered Professional Forester #38  
State of California



RSO:js

# Ralph Osterling Consultants, Inc.

1650 Borel Place, Suite 204  
San Mateo, CA 94402-3508



## Tree Protection Plan

RECEIVED

MAY 17 2016

CITY OF BURLINGAME  
CDD-PLANNING DIV.

RALPH OSTERLING  
CONSULTANTS, INC.  
PHONE (650) 573-8733  
1650 BOREL PLACE, SUITE 204  
SAN MATEO, CA 94402

RE: 1509 El Camino, Burlingame

### General Tree Protection Measures and Construction Procedures

1. The Tree Protection Plan should be included as a detail on the final site plan used for construction.
2. A Certified Arborist, Registered Consulting Arborist or Registered Professional Forester should be retained to act as the Project Arborist to monitor any construction activities that may impact the health of trees at the site.
3. Prior to the start of grading and construction, all trees within the construction area that are to be retained, should be checked for equipment clearance and professionally pruned in accordance with the current ANSI A300 pruning standards.
4. Prior to the start of demolition and construction activities, temporary protective fencing consisting of chain link fencing six (6) feet high and attached to 2 inch diameter metal posts spaced no more than 10 feet apart should be placed 3 feet from the face of each tree. The fencing is not to be moved or taken down for any reason without first consulting with the Project Arborist and confirmed in writing. The foundation distances shown on the revised plan dated January 15, 2016 provide for more than 3 feet clearance and the foundations will not negatively impact the existing trees to remain.
5. The area within the fencing is the Tree Protection Zone (TPZ).
6. Prior to the start of grading and construction, a minimum six (6) inch layer of clean wood chips is to be installed and maintained in heavy traffic areas (both vehicular and pedestrian) to reduce soil compaction as specified below.
7. **No vehicle or equipment parking is allowed within the dripline or TPZ of any protected tree.** In addition all construction materials, equipment, supplies, chemicals, paints and other articles are to be stored outside of the dripline of the trees.

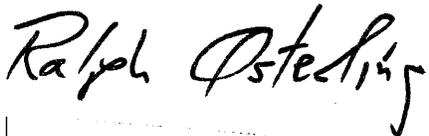
**Tree Protection Plan**  
**RE: 1509 El Camino, Burlingame**  
April 11, 2016  
Page 2

8. Supplemental watering to be provided on an "as need" to be determined by the Project Arborist.

### **Specifications**

Final grading plans will be necessary to establish Tree Protection Zones (TPZ) for protected trees. With the completion of staking clearing limits, the Project Arborist will confirm the TPZ if different from the dripline described above.

Respectfully,



Ralph Osterling, President, ACF, CLFA  
Registered Professional Forester #38  
State of California



RSO:js

# Ralph Osterling Consultants, Inc.

1650 Borel Place, Suite 204  
San Mateo, CA 94402-3508



October 30, 2014

--VIA EMAIL--

Stephanie O'Rourke, Landscape Architect  
1345 Howard Ave #203  
Burlingame, California 94010

Mr. Patrick Fellowes  
1008 Laurel Avenue  
San Carlos, CA 94070

RE: 1509 El Camino Real, Burlingame

Dear Stephanie:

This letter is an update to our Tree Assessment Report dated February 22, 2011.  
In my professional opinion:

1. Trees 120, 122, 123, 124, 125, 126, 129, 130 and 131 should all be removed because of crown defects and overall poor to very poor conditions.
2. Tree 121, Banya-Banya, albeit it good condition, should be removed also for safety reasons. The leaves as they fall are sharp and dangerous, plus the spiny fruits may weigh up to 15 pounds and fall without warning.
3. Trees 127 and 128 are elms growing on the creek bank. These are in fair condition and may remain.

Please consider the above in your landscape design. I recommend Mr. Fellowes go to the City and request permission to remove the Banya-Banya. Should you or others have questions, please contact me at your convenience

Respectfully,

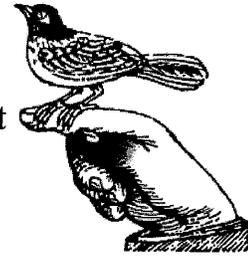
Ralph Osterling, President, ACF, CLFA  
Registered Professional Forester #38  
State of California

RSO:js



# *Ralph Osterling Consultants*

**Natural & Urban Resources Management**



22 February 2011

Mr. Patrick Fellowes  
1008 Laurel Avenue  
San Carlos, CA 94070

Re: 1509 El Camino Real, LLC  
Tree Assessment Report

Dear Mr. Fellowes:

At your request, Ralph Osterling Consultants, Inc. (ROC) has completed the following tree assessment report for the subject property, 1509 El Camino Real located in the City of Burlingame, California. The purpose of this Tree Assessment Report was to determine whether the assessed trees located within or adjacent to the footprint of the proposed structure would be possible to preserve. In addition, those trees with trunk circumferences of 48 inches (15.3 inches diameter) or greater are protected by the tree ordinance for the City of Burlingame (CITY) and are so indicated in Table 2 of this report.

## **Observations and Discussion**

On 17 February 2011, ROC visited the subject property and affixed blue numerical tags to 12 trees that were assessed. (Refer to Table 2.) Of the 12 assessed trees seven were located within or adjacent to the footprint of the proposed structure and five were located outside of the existing fence. ROC was informed that these five trees; two elms (127 & 128) and three acacias (129, 130 & 131) will not be disturbed during construction. (Refer to the Tree Location Map.)

For the purposes of this report, the seven trees located within the footprint of the proposed structure will be the subjects of discussion. The seven trees are: deodar cedar (120, 122, 123, 124 & 125); bunya-bunya (121) and Spanish fir (126). Only the Spanish fir (126) with a trunk diameter of 6.9 inches is not protected by the City's tree ordinance. (Refer to the Tree Location Map.)

The deodar cedars were observed to be in poor to very poor overall condition. The bunya-bunya was observed to be in overall good condition. Refer to Table 1, Evaluation Factors for Determining Overall Tree Condition and Table 2, Tree Assessment Chart, for the individual assessments of these trees.

## **Conclusions**

The close plantings (within 10 feet) of the deodar cedars have resulted in suppressed foliar growth and trunk contortion. The dense broad canopy of the bunya-bunya has contributed to the suppressed growth displayed by the trees.

**1650 Borel Place, Suite 204 ▪ San Mateo, CA 94402**  
**(650) 573-8733 ▪ Fax (650) 345-7890 ▪ email: walt@ralphosterling.com**

1509 El Camino Real, LLC  
22 February 2011

Based on the site plan provided to ROC by the client, the location of the protected trees 120 through 125 within or adjacent to the proposed structure prevents their preservation. Performing the necessary excavation, grading and related construction activities in the presence of these trees presents a hazardous situation.

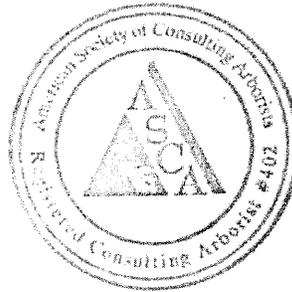
ROC therefore recommends that the trees be removed prior to the commencement of construction activities for reasons of safety.

Should you require additional information kindly contact our office at your earliest convenience.

Respectfully,



Walter Fujii  
Staff Arborist  
ASCA Registered Consulting Arborist® No. 402  
ISA Certified Arborist No. WE2257 A



Attachments: Table 1 Evaluation Factors for Determining Overall Tree Condition  
Table 2 Tree Assessment Chart  
Tree Location Map  
Certification of Performance  
Terms and Conditions

**Table 1**  
 Evaluation Factors for Determining  
 Overall Tree Condition

**Structure**

- 1-Very Poor Trunk has large pockets of decay, is weakly bifurcated or has a severe lean. Limbs or branches are poorly attached or dead. Possible hazard.
- 2-Poor Limbs or branches are poorly attached or developed. Canopy is not symmetrical. Trunk has a lean.
- 3-Fair Trunk, limb and branch development though flawed is typical of this species
- 4-Good Trunk is well developed with well-attached limbs and branches have some flaws but hardly visible.
- 5-Very Good In addition to attributes of a good rating, the tree exhibits a well-developed root flare and a balanced canopy.

**Health**

- 1-Very Poor Tree displays severe dieback of branches, canopy is extremely sparse. May exhibit extensive pathogen infestation. Or tree is dead.
- 2-Poor Tree displays some dieback of branches, foliar canopy is sparse, little to no signs of new growth or vigor. Possible pathogen infestation.
- 3-Fair Tree is developing in a manner typical to others in the area. Canopy is full.
- 4-Good New growth is vigorous as evidenced by stem elongation and color. Canopy is dense.
- 5-Very Good In addition to attributes of a good rating, tree is displaying extremely vigorous growth and trunk displays a pattern of vigor cracks or lines.

**Overall**

- 0-DEAD Tree has no green foliage and no green in sampled twigs.
- 1-Very Poor Tree is in severe decline or dead.
- 2-Poor Tree is in decline or lacks vigor.
- 3-Fair Tree is typical of species in the area.
- 4-Good Tree is vigorous with few visible flaws.
- 5-Very Good Tree is extremely vigorous.

**Table 2**  
Tree Assessment Chart  
**1509 El Camino Real, LLC**  
Burlingame, California

Line No.	Tag No.	Common Name	Botanical	Trunk Diameter <sup>1</sup>	Adjusted Trunk Diameter <sup>2</sup>	Structure	Health	Overall Condition <sup>3</sup>	Protected Tree <sup>4</sup>	Comment
1	120	deodar cedar	<i>Cedrus deodara</i>	20	20	2	3	Poor	Yes	Bifurcated trunk, one sided canopy, suppressed growth
2	121	bunya-bunya	<i>Araucaria bidwillii</i>	42	42	3	5	Good	Yes	Vigorous growth, good form, trunk lean
3	122	deodar cedar	<i>Cedrus deodara</i>	18.5	19	2	2	Poor	Yes	Suppressed growth, sparse canopy, stunted growth
4	123	deodar cedar	<i>Cedrus deodara</i>	17.5	18	2	2	Poor	Yes	Suppressed growth, sparse canopy, stunted growth
5	124	deodar cedar	<i>Cedrus deodara</i>	17.6	18	1	1	Very Poor	Yes	Sparse canopy, bifurcated trunk, one sided canopy
6	125	deodar cedar	<i>Cedrus deodara</i>	17.3	17	1	1	Very Poor	Yes	Sparse canopy, bifurcated trunk, stunted growth
7	126	Spanish fir	<i>Abies pinsapo</i>	6.9	7	2	3	Poor	No	Trunk lean, suppressed growth, trunk wounds
8	127	elm	<i>Ulmus spp.</i>	12 €	12	1	3	Fair	No	Tree is covered by dense growth of ivy preventing accurate measurement by a diameter tape. Assessment of this deciduous tree's health was speculative
9	128	elm	<i>Ulmus spp.</i>	22 €	22	1	3	Fair	Yes	Tree is covered by dense growth of ivy preventing accurate measurement by a diameter tape. Assessment of this deciduous tree's health was speculative
10	129	black acacia	<i>Acacia melanoxylon</i>	23.6.27.5	52	1	4	Very Poor	Yes	Multistem trunk, dense growth, trunk lean

**Table 2**  
Tree Assessment Chart  
**1509 El Camino Real, LLC**  
Burlingame, California

Line No.	Tag No.	Common Name	Botanical	Trunk Diameter <sup>1</sup>	Adjusted Trunk Diameter <sup>2</sup>	Structure	Health	Overall Condition <sup>3</sup>	Protected Tree <sup>4</sup>	Comment
11	130	black acacia	<i>Acacia melanoxylon</i>	15.1	15	2	4	Poor	Yes	Bifurcated trunk, dense growth, imbedded bark indicative of a poor stem attachment
12	131	black acacia	<i>Acacia melanoxylon</i>	6.1	6	2	3	Poor	No	Tree was topped, growth suppressed, root collar covered

- 1/ Trunk Diameter: Measured at 54 inches above the existing grade with a diameter tape.
- 2/ Adjusted Trunk Diameter: Diameters were rounded to whole numbers. Multi-stem trunk diameters were added together.
- 3/ Overall Condition: Please refer to Table 2a for an explanation of terms.
- 4/ Protected Tree is defined by the City of Burlingame as "Any tree with a circumference of 48 inches or more when measured 54 inches above the natural grade." (54 inches in circumference is equal to 15.3 inches in diameter)
- € Symbol indicates that where an obstruction prevented an accurate trunk measurement; e.g. ivy, poison oak, hardscape, etc. Estimated measurement was used.

Moore / Vistica Architects  
 1000 S. Bascom Ave. #7  
 San Jose, CA 95128

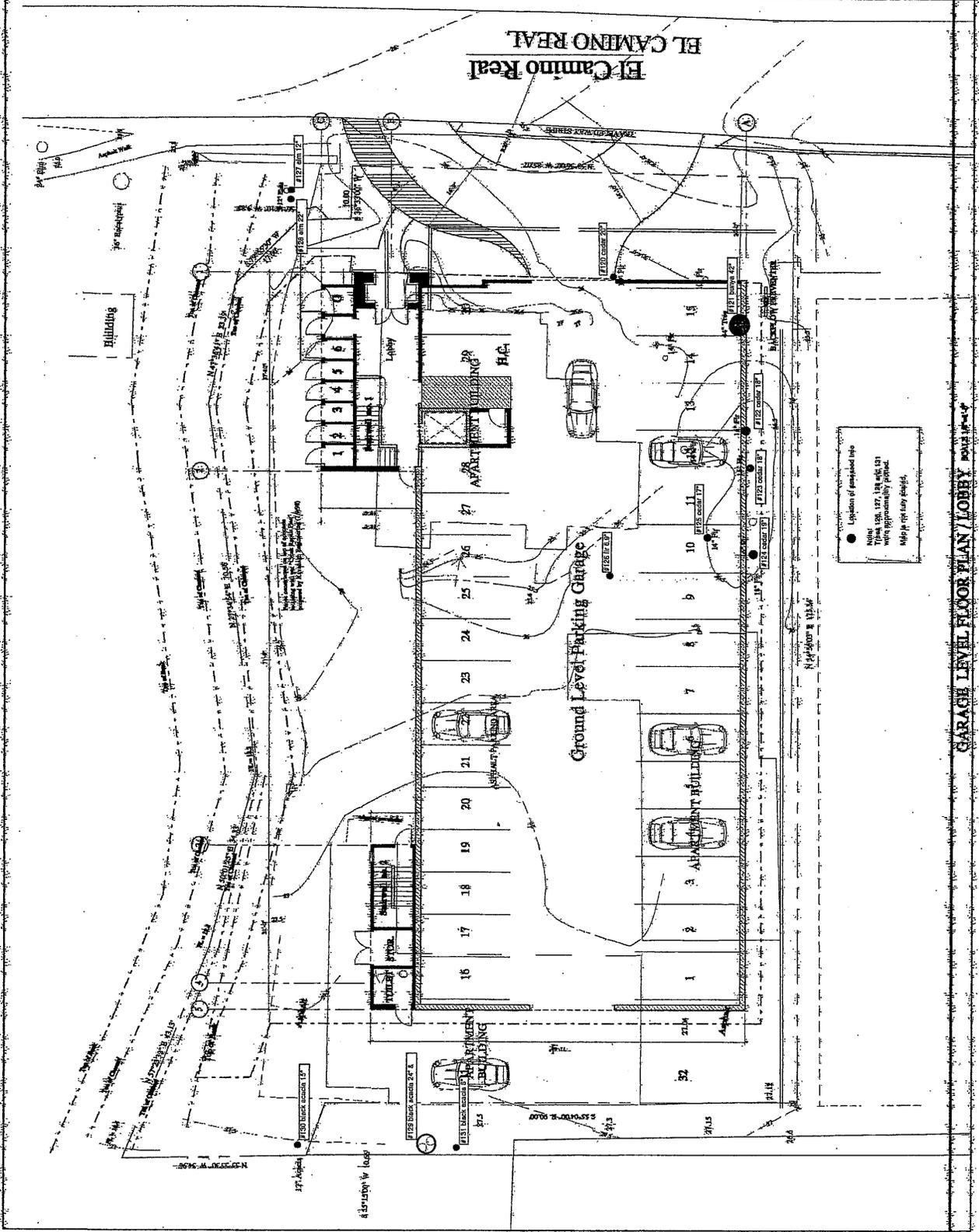
Tree Location Map

Proposed Residences at  
 1509 El Camino Real  
 Burlingame, Ca. 94010

Owners  
 1509 El Camino Real, LLC  
 Burlingame, Ca. 94010  
 1008 Laurel Avenue  
 San Carlos, Ca. 94070

1509 EL CAMINO REAL  
 BURLINGAME, CALIFORNIA 94010  
 (Project Name) (Project No.)  
 (Scale) (Date)

11



Location of suspended info  
 Note: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25  
 with appropriate symbol  
 Note: in right hand panels.

GARAGE LEVEL FLOOR PLAN / LOBBY

EL CAMINO REAL  
 EL CAMINO REAL

## Certification of Performance

That I have personally inspected the tree(s) and /or property referred to in this report and have stated my findings accurately. The extent of the evaluation and appraisal is stated in the attached report and the Terms and Conditions;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved;

That the analysis opinions and conclusions stated herein are my own and are based on current scientific procedures and facts;

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment the attainment of stipulated results or the occurrence of any subsequent events;

That my analysis opinions and conclusion were developed and this report has been prepared according to commonly accepted Arboricultural practices;

I further certify that I am a Registered Consulting Arborist® by the American Society of Consulting Arborists (ASCA) and a Certified Arborist by the International Society of Arboriculture (ISA).

### Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees and recommend measures to enhance the beauty and health of trees and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or to seek additional advice.

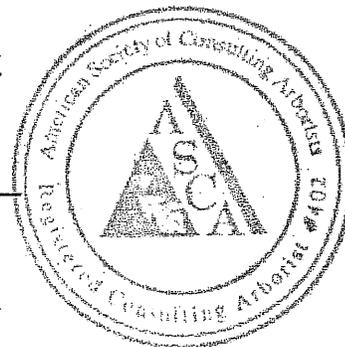
Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Certain conditions are often hidden within trees or below the ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances or for a specific period of time. Likewise remedial treatments cannot be guaranteed.

Trees can be managed but they cannot be controlled.  
To live near trees is to accept some degree of risk.

Signed:

Walter Fuji  
Walter Fuji

Date: 2/22/11



**Ralph Osterling Consultants, Inc.**  
**TERMS AND CONDITIONS**

The following terms and conditions apply to all oral and written reports and correspondence pertaining to the consultations, inspections and activities of Ralph Osterling Consultants, Inc. hereinafter referred to as "ROC".

1. Any legal description provided to the consultant is assumed to be correct. No responsibility is assumed for matters legal in character nor is any opinion rendered as to the quality of any title.
2. It is assumed that any property referred to in any report or in conjunction with any services performed by ROC, is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations, and that any titles and ownership to any property are assumed to be good and marketable. Any existing liens and encumbrances have been disregarded.
3. Possession of this report or a copy thereof does not imply any right of publication or use for any purpose, without the express permission of the consultant and the client to whom the report was issued. Loss, removal or alteration of any part of a report invalidates the entire appraisal/evaluation.
4. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. ROC and the consultant assume no liability for the failure of trees or parts of trees, either inspected or otherwise. The consultant assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
5. No tree described in this report was climbed, unless otherwise stated. We cannot take responsibility for any defects, which could only have been discovered by climbing. A full roots collar inspection, consisting of excavating the soil around the tree to uncover the root collar and major buttress roots was not performed unless otherwise stated. We cannot take responsibility for any root defects, which could only have been discovered by such an inspection.
6. The consultant shall not be required to provide further documentation, give testimony, be deposed, or attend court by reason of this appraisal/report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by the consultant or in the fee schedules or contract.
7. ROC offers no guarantees or warranties, either expressed or implied, as to the suitability of the information contained in the reports for any purpose. It remains the responsibility of the client to determine applicability to his/her particular case.
8. Any report and the values, observations, and recommendations expressed therein represent the professional opinion of the consultants, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.
9. Any photographs, diagrams, graphs, sketches, or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphs material or the work produce of any other persons is intended solely for the purpose of clarification and ease of reference. Inclusion of said information does not constitute a representation by ROC or the consultant as to the sufficiency or accuracy of that information.
10. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.
11. Payment terms are net payable upon receipt of invoice. All balances due beyond 30 days of invoice date will be charged a service fee of 1.5 percent per month (18.0% APR). All checks returned for insufficient funds or any other reason will be subject to a \$25.00 service fee. Advance payment of fees may be required in some cases.

## City of Burlingame

### Parks & Recreation Department

850 Burlingame Avenue, Burlingame, California 94010-2899  
Parks Division Telephone 650.558.7330  
Fax: 650.696.7216 \* Email: GBorba@Burlingame.org

February 21, 2013

Mr. Pat Fellowes  
1008 Laurel Street  
San Carlos, CA 94070

***RE: REQUEST FOR REMOVAL OF SIX PROTECTED SIZED TREES (5 DEODAR CEDAR TREES AND 1 BUNYA-BUNYA TREE) @ 1509 EL CAMINO REAL - BURLINGAME***

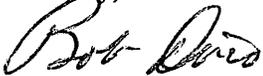
It has recently been brought to our attention that the abovementioned trees which you have applied to the City for a removal permit, are situated on an R-3 zoned parcel. My initial determination as stated in my letter to you dated May 11, 2011, was based on the redevelopment of properties located in R-1 Zones as addressed in the Urban Reforestation ordinance, section 11.06.060(c), which provides for issuance of a tree removal permit where trees are located within the footprint of a proposed project. This section, however, applied to projects which are ONLY in R-1 zones. It does not apply to projects located in other zoning districts of the City.

Accordingly, based on this information, and after further review with the City Attorney, the Protected Tree Removal permit placed on hold in our office is hereby rescinded as it was issued in error. Your reapplication for the tree removal request will be required.

For your convenience, I have enclosed a Protected Tree Removal application, and a copy of the Urban Reforestation ordinance. Please complete the application and return to our office in the envelope provided. You may also submit documentation supporting the request for removal based on health and structure of the trees, and/or based on the proposed development of the property.

Our office may be contacted at (650) 558-7330 if you should have any questions.

Sincerely,



Bob Disco  
Parks Supervisor/City Arborist

bd/kh

CC: Gus Guinan, City Attorney  
William Meeker, Community Development Director

Enclosures: Protected Tree Removal Permit Application &  
Urban Reforestation and Tree Protection Ordinance  
Letter dated May 11, 2011

**City of Burlingame**  
**Parks & Recreation Department**

850 Burlingame Avenue, Burlingame, California 94010-2899

Parks Division Telephone (650) 558-7330

Fax: (650) 696-7216 \* Email: [parks@burlingame.org](mailto:parks@burlingame.org)

May 11, 2011

Mr. Pat Fellowes  
1008 Laurel Street  
San Carlos, CA 94070

**RE: REQUEST FOR REMOVAL OF SIX PROTECTED SIZED TREES (5 DEODAR CEDAR TREES  
AND 1 BUNYA-BUNYA TREE @ 1509 EL CAMINO REAL - BURLINGAME**

I reviewed your request for the removal of the above mentioned trees on the property at the above address. Subject to the provisions and in accordance with Burlingame Municipal Code chapter 11.06, I intend to issue a permit to remove the 6 protected sized trees, once the building and landscape plans have been approved and permits for construction have been issued:

- 1) The six protected sized trees will fall within the footprint of the proposed project.
- 2) Though the trees were listed in the independent arborist report to be in "poor or very poor" condition, none of these trees pose an immediate hazard.
- 3) *Six 24-inch box size landscape trees* (no fruit or nut trees) will be required as replacement trees as defined in Section 11.06.090 and should be included on the landscape plan submitted for the project.

*If you are in agreement with these conditions, please sign the enclosed permit and return in the self addressed envelope by May 25, 2011.* The permit will be held in our office until the conditions as stated are met.

Adjacent property owner(s) as the addresses listed below are also receiving notification of this decision. Appeals to this decision or any of its conditions or findings, must be filed in writing to our office by *May 25, 2011* provided in Section 11.06.080 of the *Urban Reforestation and Tree Protection Ordinance (Burlingame Municipal Code Chapter 11.06)*.

Our office may be contacted at (650) 558-7330 if you should have any questions.

Sincerely,



Bob Disco  
Parks Supervisor

bd/kh

CC: Property Owner  
1516 Balboa Avenue  
Burlingame, CA 94010

Property Owner  
1520 Balboa Avenue  
Burlingame, CA 94010

Property Owner  
1518 Albemarle Way  
Burlingame, CA 94010

**1509 El Camino Real**

- ● -

**Written Comments on Revised Initial Study/Mitigated Negative  
Declaration for Proposed Three-Story, 10-Unit Condominium Project**

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVE  
SAN FRANCISCO, CA 94102  
(415) 703-3722



October 20, 2015

Ruben Hurin  
City of Burlingame  
501 Primrose Rd  
Burlingame, CA 94010  
[rhurin@burlingame.org](mailto:rhurin@burlingame.org)  
(650) 558-7256

RECEIVED

OCT 20 2015

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Re: Notice of Completion  
Residential Condominiums at 1509 El Camino Real  
SCH # 2015102023

Mr. Hurin:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The project is located near the Broadway, Burlingame (CPUC No. 105E-15.20, DOT No. 754879V) at-grade highway-rail crossing. Broadway provides access between El Camino Real and Highway 101 and experiences a very high traffic count. Caltrain operates 92 passenger trains and Union Pacific Railroad operates 4 freight trains per day at a maximum speed of 79 miles per hour over the crossing. The Broadway, Burlingame crossing is incredibly complex due to the following conditions:

- Location between two signalized intersections;
- Very high vehicle traffic;
- High train counts and speeds;
- Proximity to the Caltrain station.

The Commission is aware of the City's future plan to grade separate the rail crossing. The Commission recommends the City condition all development projects to contribute funding towards grade separating the Broadway highway-rail crossing.

If you have any questions in this matter, please contact me at (415) 703-3722,  
[felix.ko@cpuc.ca.gov](mailto:felix.ko@cpuc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Felix Ko', with a stylized flourish at the end.

Felix Ko, P.E.  
Acting Senior Utilities Engineer  
Rail Crossings and Engineering Branch  
Safety and Enforcement Division

C: State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 711



*Serious Drought.  
Help save water!*

November 9, 2015

SM082283  
SM-82-15.1  
SCH#2015102023

Mr. Ruben Hurin  
Community Development Department  
City of Burlingame  
501 Primrose Lane  
Burlingame, CA 94010

Dear Mr. Hurin:

**1509 EL CAMINO REAL PROJECT – REVISED MITIGATED NEGATIVE  
DECLARATION**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 1509 El Camino Real project. The following comments are based on the Revised Mitigated Negative Declaration (RMND).

***Cultural Resources***

1. There is a known prehistoric site within the state right-of-way (ROW) near this project. Should project-related ground disturbing activities take place as part of this project within the state ROW and there is an inadvertent archaeological or burial discovery, in compliance with California Environmental Quality Act, Public Resource Code 5024.5, and the Caltrans Standard Environmental Reference (SER) Volume 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>), all construction within 50 feet of the find shall cease. The Caltrans Office of Cultural Resource Studies (OCRS), District 4, shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to, dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.
2. The Howard-Ralston Eucalyptus Tree Row (P-41-002191) is an historic property within the Caltrans ROW that will be encroached upon during project construction. Caltrans OCRS requests at least one Accolade Elm tree be planted in the Caltrans ROW in line with the tree row to enhance the resource in a location where previous trees have been removed. It appears there is space enough in the ROW 10-feet south of the proposed driveway to still permit visual allowance for those exiting the driveway.

**RECEIVED**

NOV 17 2015

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Mr. Ruben Hurin/City of Burlingame

November 9, 2015

Page 2

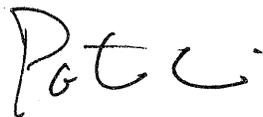
3. The Native American Heritage Commission (NAHC) was recently overloaded with requests relating to the implementation of Assembly Bill 52. They should be re-contacted for this project as they have now caught up. They have requested that Sacred Land Searches be requested by email; not telephone or fax. The list of interested parties that the NAHC provides should also be contacted.

***Encroachment Permit***

Please be advised that work that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating state ROW, must be submitted to: Mr. David Salladay, Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please feel free to call or email Sandra Finegan at (510) 622-1644 or [sandra.finegan@dot.ca.gov](mailto:sandra.finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
 P. O. BOX 23660  
 OAKLAND, CA 94623-0660  
 PHONE (510) 286-6053  
 FAX (510) 286-5559  
 TTY 711



*Serious Drought.  
 Help save water!*

RECEIVED

November 9, 2015

NOV 9 2015

SM082283

SM-82-15.1

SCH#2015102023

CITY OF BURLINGAME  
 CDD-PLANNING DIV.

Mr. Ruben Hurin  
 Community Development Department  
 City of Burlingame  
 501 Primrose Lane  
 Burlingame, CA 94010

Dear Mr. Hurin:

**1509 EL CAMINO REAL PROJECT – REVISED MITIGATED NEGATIVE  
 DECLARATION**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 1509 El Camino Real project. The following comments are based on the Revised Mitigated Negative Declaration (RMND).

***Cultural Resources***

1. There is a known prehistoric site within the state right-of-way (ROW) near this project. Should project-related ground disturbing activities take place as part of this project within the state ROW and there is an inadvertent archaeological or burial discovery, in compliance with California Environmental Quality Act, Public Resource Code 5024.5, and the Caltrans Standard Environmental Reference (SER) Volume 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>), all construction within 50 feet of the find shall cease. The Caltrans Office of Cultural Resource Studies (OCRS), District 4, shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to, dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.
2. The Howard-Ralston Eucalyptus Tree Row (P-41-002191) is an historic property within the Caltrans ROW that will be encroached upon during project construction. Caltrans OCRS requests at least one Accolade Elm tree be planted in the Caltrans ROW in line with the tree row to enhance the resource in a location where previous trees have been removed. It appears there is space enough in the ROW 10-feet south of the proposed driveway to still permit visual allowance for those exiting the driveway.

Mr. Ruben Hurin/City of Burlingame  
November 9, 2015  
Page 2

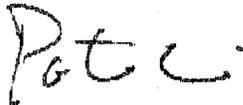
3. The Native American Heritage Commission (NAHC) was recently overloaded with requests relating to the implementation of Assembly Bill 52. They should be re-contacted for this project as they have now caught up. They have requested that Sacred Land Searches be requested by email; not telephone or fax. The list of interested parties that the NAHC provides should also be contacted.

***Encroachment Permit***

Please be advised that work that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating state ROW, must be submitted to: Mr. David Salladay, Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please feel free to call or email Sandra Finegan at (510) 622-1644 or [sandra.finegan@dot.ca.gov](mailto:sandra.finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse

RECEIVED

October 21, 2015

OCT 21 2015

Dear Mr. Hurin,

CITY OF BURLINGAME  
CDD-PLANNING DIV.

This letter is sent to address the Revised Initial Study and Mitigated Negative Declaration Residential Condominiums at 1509 El Camino Real, City of Burlingame, San Mateo County, California released October 7, 2015. It is my initial request that all mitigation measures outlined in SECTION 3: SUMMARY OF MITIGATION MEASURES, pages 123 through 135 be specifically called out and incorporated into the Conditions of Approval if this project goes forward.

Further, notwithstanding the above SUMMARY, the following mitigations should be added into the Conditions of Approval for the following reasons if this project goes forward:

- **MM AES-1** Prior to submittal of plans to the Building Division, the project sponsor shall ensure that building construction plans show exterior lighting and window treatments on the condominium building that are designed to minimize glare and light spillover to adjacent properties.  
The City shall ensure that final design plans include downward directed light fixtures that are low-mounted to reduce light trespass onto adjacent properties. The final design plans shall also include glazing window treatments to minimize the intensity of daylight glare produced by the condominium building.
  - ✓ DEFINE GLAZING AS A PERMANENT TREATMENT THAT IS NOT A TEMPORARY OR REMOVABLE FILM OR OTHER TREATMENT APPLIED TO WINDOW GLASS;
  - ✓ NO LIGHTING SHOULD BE ADDED TO THE BOCCO COURT OR ANY OTHER RECREATIONAL FACILITY THAT MAY BE ADDED BETWEEN THE REAR (WESTERN) FENCELINE AND THE BUILDING TO INSURE THAT NOISE IS REDUCED AT SUNSET.
  - ✓

Biological Mitigation Measures that must be added to the conditions of Approval include:

- **MM BIO-5**
  - ✓ THAT A SURETY BOND IN THE AMOUNT OF \$100,000 BE REQUIRED THAT NO PROTECTED TREE WITH THE EXCEPTION OF THE SANCTIONED REMOVAL OF ONE DEODOR CEDAR BE IMPACTED IN ANY WAY FOR THE DURATION OF CONSTRUCTION AND FOR 5 YEARS FOLLOWING PROJECT COMPLETION.
- **MM BIO-6**
  - ✓ THAT ANY BEE COLONIES THAT RESULT FROM A YEARLY NEIGHBORHOOD SWARM (GENERALLY ON THE SHOULDERS OF AND INCLUDING THE MONTH OF APRIL) BE PROTECTED SO LONG AS THEY ARE NOT JUDGED A THREAT IN LOCATING ON ANY STRUCTURES OR BELOW 8 FEET IN ANY TREE ON THE PROPERTY OR ALONG THE PUBLIC RIGHT OF WAY EUCALYPTUS GROVE

A sinkhole on the property that was not addressed in **MM HYD-1, 2**, page 127, nor in the **Utilities and Service Systems**, pages 113-117, must have mitigation added to the Conditions of Approval

- MM USS-1
  - ✓ THAT THE CITY ENGINEER DETERMINE CAUSE OF THE SINKHOLE WHETHER BY STORM WATER RUNOFF OR SLUMPING AND/OR BREAKAGE OF THE MAIN SEWER PIPELINE;
  - ✓ THAT THE CITY ENGINEER DETERMINE REPAIR COST OBLIGATIONS;
  - ✓ THAT ALL REPAIR IS COMPLETED BEFORE ANY COMMENCEMENT OF CONSTRUCTION.

In the Summary of project changes, page 2, as well as in other places in the document it is noted that screening trees may be added to the rear fence line. All screening trees should be evergreen, such as Bay Laurel or Leland Cypress.

Bicycle parking is mentioned on pages 3-4, and 77. In addition to the bicycle racks to be provided, protected bicycle parking should be included inside the garage or in some other secured location.

Regards,

Pat Giorni  
1445 Balboa  
Burlingame, Ca

## CD/PLG-Hurin, Ruben

---

**From:** Mark Haberecht <mhab@comcast.net>  
**Sent:** Friday, October 16, 2015 4:20 PM  
**To:** CD/PLG-Gardiner, Kevin; CD/PLG-Hurin, Ruben; CD/PLG-Meeker, William; PW/ENG-Murtuza, Syed; ATTY-Kane, Kathleen; PLG Comm-Nirmala Bandrapalli; PLG Comm-Jeff DeMartini; PLG Comm-Michael Gaul; PLG Comm-Peter Gum; PLG Comm-William Loftis; PLG Comm-Rich Sargent; PLG Comm-Richard Terrones  
**Cc:** GRP-Council  
**Subject:** 1509 El Camino Real Urgent Attention Required

To Public Works, Planning Commission, City of Burlingame Planning, City Attorney

Dear Sirs/Mesdames:

It has come to my attention from several neighbors and one resident at the property that a sink-hole has developed on the side of the property near the Mills creek bank. One of my neighbors took photos and I also examined it and took photos and while I'm not an expert in this matters, I believe there could be a public safety issue requiring immediate independent inspection. The last soils study submitted by the developer is quite dated and we may not fully understand what exactly is going on at the property after several years of drought, no creek bed maintenance, and evidence presented at prior hearings of the 1509 El Camino Real of the increasingly prevalent (global) issue of soils subsistence in drought conditions.

I intend to provide further comments on the proposed adoption of a RIS/MND for the entirety of the document, but due to potential near-term (prior to rainfall) safety and liability issues I feel the need to bring this matter to Public Works' attention immediately. Hopefully this is a minor issue.

Attached are two photos, the left was taken by my neighbor and the right was taken by me.

Please include these comments as part of the record of the proposed project at 1509 El Camino Real and its successors and assigns.

Thank you,  
Mark Haberecht  
1505 Balboa Ave



Opening of void at ground level



RECEIVED

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

NOV - 9 2015

CITY OF BURLINGAME  
CDD-PLANNING DIV.

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

Dear Sirs/Mesdames,

Below are:

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

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

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

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

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

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

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

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

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

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

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

---

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

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

### **De Novo Project vs De Facto Environmental Conditions**

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

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

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

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

Under the CEQA Guidelines:

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

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

(CEQA Guidelines, § 15065(a).)

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

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

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

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

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

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

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

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

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

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

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

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

**II. The RIS/MND continues to ignore prior (2007) Environmentally Significant Conditions raised by the 2007 Planning Commission, members of the Community, and Developer Himself (2007 Application).**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 *"Large amounts of landscape"*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[End of Quotations; boldface emphasis added.]

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

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

## V. Trees.

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

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

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

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

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

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

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

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

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

**Alternative #1 Develop and Sell Condos**

Development Economics	Square Foot Reduction (%)						
	Initial (2012) Proposal	-20%	-30%	-40%	-50%	-60%	
Total Finished Living Square Footage	23,247	18,598	16,273	13,945	11,624	9,299	
Fair Market Value Per Sq. Ft.	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	
<b>Total Fair Market Value</b>	<b>\$ 16,272,900</b>	<b>\$ 13,018,320</b>	<b>\$ 11,391,030</b>	<b>\$ 9,763,740</b>	<b>\$ 8,136,450</b>	<b>\$ 6,509,160</b>	
All-in (Living/Garage/Public Area) Construction Cost Per Sq.	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	\$ 300	
Total Construction Cost	\$ 6,974,100	\$ 5,579,280	\$ 4,881,870	\$ 4,184,460	\$ 3,487,050	\$ 2,789,640	
Total Land Cost	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	
Total Unlevered Cost	\$ 9,074,100	\$ 7,679,280	\$ 6,981,870	\$ 6,284,460	\$ 5,587,050	\$ 4,889,640	
<b>Unlevered Profit</b>	<b>\$ 7,198,800</b>	<b>\$ 5,339,040</b>	<b>\$ 4,409,160</b>	<b>\$ 3,479,280</b>	<b>\$ 2,549,400</b>	<b>\$ 1,619,520</b>	
<b>Unlevered Total Return on Investment</b>	<b>79%</b>	<b>70%</b>	<b>63%</b>	<b>55%</b>	<b>46%</b>	<b>33%</b>	

**Alternative # 2 - Continue as Income Producing Property**

Fair Market Rent Per Month	\$	1,400
# of units		11
Total Rent per Month	\$	15,400
Per Year (x 12)	\$	184,800
Maintenance Cost/Year (6% per annum)	\$	(11,088)
Property Taxes	\$	(23,730)
Annual Net Operating Income (NOI)	\$	149,982
Capitalization Rate*		5.000%
<b>Current Fair Market Value</b>	<b>\$</b>	<b>3,696,000</b>

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

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

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

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

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

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

### **VIII. Rooftop Common Area.**

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

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

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

### **X. Aesthetics.**

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

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

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

## **XI. Proposed Conditions for Approval.**

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

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

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

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

Thank you for your consideration,

/s/ Mark Haberecht

Mark Haberecht  
1505 Balboa Ave,  
Burlingame, CA 94010

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

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



Appendix II: Sinkhole developing at 1509 El Camino Real



Opening of void at ground level



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

Vehicle going against traffic flow rules



Ray Park Parking/Traffic Situation



**CD/PLG-Hurin, Ruben**

---

**From:** sammacphail@yahoo.com  
**Sent:** Wednesday, October 28, 2015 10:07 AM  
**To:** CD/PLG-Hurin, Ruben; Samantha MacPhail  
**Subject:** Proposed project for 1509 El Camino Real

**RECEIVED**

OCT 28 2015

CITY OF BURLINGAME  
CDD-PLANNING DIV.

I am writing in response to the latest evaluation of the planned project for 1509 El Camino Real. I am in agreement with the public concern which has been expressed in regard to this project. This building will be built on a piece of ground that has some vulnerabilities that may pose some severe problems in future. There is the problem of Mills Creek, which borders the property. In some other municipalities, creeks are under the management of the civic government, but in Burlingame, this is not the case. At this juncture, the creek is in very poor condition, with problems resulting from lack of coordinated stewardship, problems which have been brought to the city's attention in past comments made re this project. New at this time is the recent collapse of a portion of the creek wall. It will be interesting to see what this winter's weather, predicted to be potentially severe, may bring to this environment. I think greater scrutiny would be a wise move on the part of the city.

Our house has experienced flooding in the past, and also inundations in the basement of effluent due to a broken and never repaired lateral sewer on the north boundary of the house. This line intersects with the main line running between the two properties. Over the many years we have lived here, we have complained to the city without remedy. It was with the remediation that Joe Cotchett arranged that this was finally addressed, only a few years ago. I have lived in this house since 1969, when my youngest daughter started kindergarten across the street. The ambiance of this neighborhood attracted our family to this home. My question, then, is, can the city afford this kind of care for its infrastructure? The environment is under duress all over the world, and I believe that we must do our best to take as good care of it as possible.

My husband and I have expressed our concerns about the impact a large building at this site would pose for our privacy, as we are directly behind this lot. We are gratified to know that the developers have acknowledged some of these concerns, and have made some modifications to mitigate some of the impact of the building. We still want to reiterate our thoughts about the potential for such a large project to disrupt the environment, both in regard to our privacy and to the well-being of the wildlife that currently inhabits this space.

Attention needs to be paid to maximizing the design such that noise and light are kept to the minimum and privacy is maintained for the neighboring family homes which currently occupy this environment, which is shared by the Lincoln School and Ray Park.

Thank you very much for your attention to our concerns. Samantha MacPhail 1516 Balboa Ave Burlingame

**Don Mitchell & Yan Ma**  
1512 Balboa Avenue  
Burlingame, CA 94010  
donaldsmitchell@yahoo.com

RECEIVED

NOV - 9 2015

November 7, 2015

CITY OF BURLINGAME  
CDC-PLANNING DIV.

**To: Burlingame Planning Commission**

**Re: Revised Initial Mitigated Negative Declaration 1509 El Camino Real**

Dear Commissioners,

We are writing this letter to express concerns with the Revised Initial Mitigated Negative Declaration for the development of 1509 El Camino Real, Burlingame. Please note the following areas of concern.

Page 21, Section 1.4.1 and Page 29 c - The increased height incentive should be denied. It will have a strong negative visual effect on the neighborhood and surrounding homes and the current landscaping would not suffice to block the view. The back (southwest) of the property runs along a set of single-family homes and the increased height is out of character for its immediate surroundings, including the single story commercial building adjacent to the property.

Page 28 #1 d), Page 30 d), and Page 57 - We would like to see a requirement to insure that lighting from the building does not affect the neighboring properties. Currently no light from the property spills over into our property. In addition, we would like to see a requirement that any daytime glare from windows or external fixtures is minimized. Page 57, when discussing nighttime lighting says the new lighting would be similar to the existing lighting. The new building will be much taller and thus provide more opportunities for lighting to affect neighboring single family homes.

Page 98 Noise - We disagree with the assessment that less noise would be generated because of the reduction in units. Overall this is a much larger building with HVAC on the roof and multiple stories for sound to come from. Section d (page 98) states the nearest residential use is 54 feet from the site. However, the single family homes and backyards directly behind the property are much closer than that and this proposed development will negatively affect the use of the backyards for those properties.

For aesthetics, the exhibit 7 landscaping plan does not show sufficient landscaping to protect the privacy and view of the single family homes behind the property. In particular, no trees are shown along the southern edge of the property to screen the properties that view the new building from a south western angle. It's incorrect to assume that screening trees are not needed along the southern edge or southwest corner since a commercial building exists to the south. The commercial building is one story in height, does not operate at night, and the proposed building will be viewable by neighbors to the south and west. Ideally the backflow preventer that is shown in Exhibit 7 would be moved or situated in a spot that would allow for screening trees in that location.

Sincerely,

Donald Mitchell & Yan Ma

1512 Balboa Avenue

Burlingame, CA 94010

RECEIVED

October 15, 2015  
Burlingame Planning Commission  
Ladies and Gentlemen:

OCT 19 2015

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Re: Revised Initial Mitigated Negative Declaration  
1509 El Camino Real, Burlingame

The mitigations described in the subject document are insufficient, for the following reasons:

Mills Creek Retaining Wall

Section 1.4.4 refers to the failing Mills Creek retaining wall on this property. However, there is no specificity to the manner in which, or at what juncture, repairs will be made. Direction from Planning on this issue is important because at least one ten foot section of the retaining wall has no support or footing, and material from above and behind the wall has been flowing into the creek. The situation has been made direr due to the fact that a large void has opened in the ground directly above and behind the failing section of the retaining wall. The surface has been collapsing. I have attached images of the retaining wall and of the surface sink hole adjacent to the bank.

Further sections in the RIMND (pp. 96-97) evaluate the potential for vibration within 25 feet of heavy equipment movement during demolition and construction. This is especially important to note since according to plans, some work will occur within three feet of top of bank.

*Mitigation: As a Condition of Approval, that all work to repair or replace the retaining wall and the adjacent top of bank shall be completed before start of any grading, demolition or construction.*

I would add that in 2007-2008 the San Mateo Countywide Water Pollution Prevention Program (flowstobay.org) conducted an inspection of bayside creeks in San Mateo County. Structure and environmental issues were evaluated. The grade they assigned to Burlingame creeks averaged between 77 and 92 points out of a possible 160 points. If this were an academic grade, Burlingame creeks would fail. Creeks in other towns fared much better. Is it not time for us to respect and protect these natural resources? Ensuring the integrity of this short section of Mills Creek would be a good place to start.

## Sewer

1. Manhole #C4-21033, located in the alley behind 1509 El Camino Real, is notorious for causing sewage back up problems for the neighborhood. It is of serious concern that the potential for 500 gallons of the garage holding tank sludge and rainwater, as well as the added effluence from numerous additional fixtures inside the new building, will wreak further havoc.

*Mitigation: As a Condition of Approval, that the City Engineer evaluate the capacity of Manhole #C4-21033 and its outflow, and any requirements for added capacity be added to plans.*

2. Sewer laterals serving Balboa and Cortez Avenues and Adeline Drive are located in the easement and alley behind 1509 ECR and are serviced by Manhole #C4-21033. There is concern about damage to these laterals during construction activities, or during any replacement or repair of the 1509 ECR lateral.

*Mitigation: As a Condition of Approval that a surety bond of \$20,000. be posted for the duration of construction and six months thereafter to pay for repairs to any construction-caused damage. I would suggest that video of such laterals be conducted prior to and upon completion of all construction activity and be made part of the public record.*

## Light and Noise

1. Several outdoor socializing/recreation areas are identified on the plans. These have the potential to add further nighttime noise and light to the neighborhood. Many bedrooms are within thirty feet of 1509 ECR.

*Mitigation: As a Condition of Approval, and as an after dark noise and light abatement measure, that no extra illumination be provided to the areas of the bocce court, barbeque area or any other area designated for socializing or recreation.*

2. The developer has indicated that he intends to retain interest in several units in the property. He has heard neighborhood concerns about the potential for added noise and light.

*Mitigation: As a Condition of Approval, that a permanent 24-hour emergency hotline be provided by the developer to neighbors within 30 feet of his property.*

I would welcome Commission comment on these issues. Thank you.

Ann Wallach, 1524 Balboa Way, Burlingame

Att: 2





Opening of void at ground level

RECEIVED

OCTOBER 30, 2015

OCT 30 2015

Burlingame Planning Commission

CITY OF BURLINGAME  
CDD-PLANNING DIV.

Ladies and Gentlemen:

Re: Proposed Project 1509 El Camino Real  
Revised Initial Mitigated Negative Declaration

1. My neighbors and I are concerned about the potential for additional after dark light and noise spilling onto our properties from the proposed new development at 1509 El Camino Real.

Aside from ambient traffic and airport noise, the surrounding neighborhood has come to expect the kind of nighttime peace and quiet enjoyed by other residential areas in the city. However, the plans for 1509 ECR development follow the current practice of providing outdoor areas for residents of multi-unit properties to socialize. I ask that the Commission require, as a *condition of approval*, that any new lighting generated by these plans be limited to the minimum required for the nighttime safety of 1509 ECR residents. In other words, that any new socializing areas receive no illumination beyond what would provide for safe passage through the area. This would include the barbeque area, bocce court, putting green and most especially the rooftop area. This would ensure the continued nighttime dark, peace and quiet that neighbors rightfully expect, as well as ensure that the nocturnal habits of local wildlife would not be altered.

Given the current climate for providing for residents' socializing needs, an indoor socializing area would have been an attractive addition to these plans.

2. I also ask that the location of all existing sewer laterals in the easement behind 1509 ECR be located, and that measures such as temporary fencing, be taken prior to demolition and construction to ensure their integrity.

I would appreciate Commission comments.

Thank you.

Paul Wallach

Nina Weil  
1520 Balboa Avenue  
Burlingame, CA 94010  
650-255-2761; [nina@ninaweil.com](mailto:nina@ninaweil.com)

October 17, 2015

RECEIVED

TO: Burlingame Planning Commission

OCT 21 2015

RE: Revised Initial Mitigated Negative Declaration  
1509 El Camino Real, Burlingame

CITY OF BURLINGAME  
CDD-PLANNING DIV.

I appreciate the changes the developers have made responding to concerns of neighbors expressed at study meeting January 28, 2013 and meetings attended by developers and neighbors.

I am writing this letter to address continued concerns I have regarding the Revised Initial Mitigated Negative Declaration.

Please note the following areas that I request further consideration prior to approval of plans:

**Aesthetics**- Page 30: "as seen in the visuals, the mature landscaping along Mills Creek and along the rear of the building, effectively shield the mass of the structure from surrounding residential neighborhoods." I differ with this conclusion, and respectfully disagree with the accuracy of the visuals provided.

PGE frequently trims the black Acacia trees in the alley at the rear of the property which eliminates privacy and screening. My neighbors at 1512 Balboa Avenue have very limited screening with current proposed landscape plans.

The developer has stated numerous times that he is willing to provide screening with trees across the rear of the property.

Table 1: Summary of Projects, Foot note 2 states: "Screening trees have also been proposed for the rear property line". However Landscape Plan – Exhibit 7 shows only four trees across the entire rear property.

**Mitigation: As a Condition of Approval the addition of sufficient fast growing, evergreen trees such as Bay Laurel or Leland Cypress on the landscape plans to provide screening across the entire rear of the property for full screening and to mitigate the disparity in heights.**

**12. Noise- Page 30:** a) Exposure of persons to a generation of noise in excess of standards established in general plan or noise ordinance.

Noise Measurements were taken in 2012. The measurements on the roof of 1226 El Camino Real were taken with the microphone facing west and taken in the early afternoon. The reading on site was also taken in the early afternoon.

I suggest a reading taken with microphones placed on the west side of El Camino on the roof of a 3<sup>rd</sup> floor building in the vicinity of the site location, with microphones placed facing East at either 7:30am or 5:30pm would be a much more accurate reading, as it would capture HVAC units, as well as train noise, traffic noise from the El Camino and highway 101 and potentially be in excess of allowable noise levels.

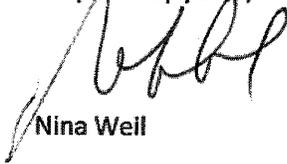
**Mitigation: As a Condition of Approval that a Sound Wall be installed along the Back of the Property to mitigate excess noise (which if studied at peak traffic hours would very possibly exceed maximum allowable). And that the Sound Wall be installed prior to demolition and construction.**

**Lighting:** Please note that I concur with comments submitted by Pat Giorni and Ann Wallach regarding lighting, rear window treatment and noise.

I am also somewhat confused that the plans note Moore Vistica Architects, 2015. I do not believe this to be accurate.

Thank you for your consideration,

Respettfully yours,



Nina Weil

## CD/PLG-Hurin, Ruben

---

**From:** Mark <mhabs@comcast.net>  
**Sent:** Wednesday, November 04, 2015 4:36 PM  
**To:** CD/PLG-Meeker, William  
**Cc:** ATTY-Kane, Kathleen; GRP-Council; GRP-Planning Commissioners; CD/PLG-Hurin, Ruben  
**Subject:** 1509 El Camino Real

Dear Mr. Meeker

As a technical matter, the City of Burlingame has not provided an adequate comment period on the said project and the RIS/MND, as the last day for commentary is Saturday, November 7<sup>th</sup>, a day when the City Offices are closed. Due to the weekend, the last day for commentary should be Monday November 9<sup>th</sup>. Per the provisions of CEQA, I request that comments need to be accepted until the close of City Offices on Monday, November 9, 2015.

Please include this correspondence in the record for the proposed project at 1509 El Camino Real and its successors and assigns.

Thank you,

Mark Haberecht  
1505 Balboa Ave  
Burlingame CA, 94010

**1509 El Camino Real**

**- ● -**

**Staff Comments**

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

## Project Comments

**To:**

<input type="radio"/> City Engineer (650) 558-7230	<input type="radio"/> Recycling Specialist (650) 558-7271
<input checked="" type="radio"/> Chief Building Official (650) 558-7260	<input type="radio"/> Fire Marshal (650) 558-7600
<input type="radio"/> City Arborist (650) 558-7254	<input type="radio"/> NPDES Coordinator (650) 342-3727
	<input type="radio"/> City Attorney

**From:** Planning Staff

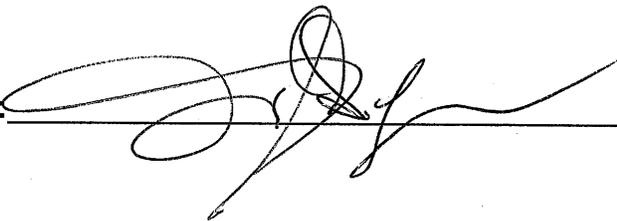
**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

**Staff Review:**

When plans are submitted for Building Code compliance plan check clearly indicate on the plans a level landing on each side of all required entrances and exits.

Permeable pavers installed along all paths of travel must meet all 2013 CBC accessibility requirements.

All conditions of approval as stated in all previous reviews of the project will apply to this project.

Reviewed by:  Date: 2-5-2015

## Project Comments

**To:**

<input type="radio"/> City Engineer (650) 558-7230	<input type="radio"/> Recycling Specialist (650) 558-7271
<input checked="" type="radio"/> Chief Building Official (650) 558-7260	<input type="radio"/> Fire Marshal (650) 558-7600
<input type="radio"/> City Arborist (650) 558-7254	<input type="radio"/> NPDES Coordinator (650) 342-3727
	<input type="radio"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Re-Check Comments:

25. On your plans provide a table that includes the following:
- a. Occupancy group for each area of the building
  - b. Type of construction
  - c. Allowable area
  - d. Proposed area
  - e. Allowable height
  - f. Proposed height
  - g. Proposed fire separation distances
  - h. Exterior wall and opening protection
    - i. Allowable
    - ii. Proposed
  - i. Indicate a fire sprinklered building

***On Sheet A0.1 revise the occupancy Group for the garage to S-2. Note: There is no S-3 occupancy Group in the 2013 CBC.***

***On Sheet A0.1 revise the construction Type for the condominiums to 5-A.***

26. Specify on the plans the location of all required accessible signage. Include references to separate sheets on the plans which provide details and graphically illustrates the accessible signage requirements.

***Information not found on the plans.***

29. Specify on the plans the location of all proposed electric vehicle charging stations.

*In light of impending Code regulations that will require a greater percentage of on-site parking to be serviced by electric vehicle charging stations the developer is encouraged to install site infrastructure that can service at least 3% of the total on-site parking.*

*Please review the attached State of California "PEVs: Universal Charging Access" Draft regulations.*

***It would be prudent to provide the infrastructure to add an EV charging station, at a later date, at the accessible parking space.***

30. Specify a level landing, slope, and cross slope on each side of the door at all required entrances and exits.

***Information not found on the plans.***

38. Specify that there will be a clear maneuvering space adjacent to each tub that is at least 30" X 48" measured from the drain end of the tub. CBC 1134A.5

***"Where two or more bathrooms are provided within the same dwelling unit and a bathtub is installed to comply with Option 2, Item 6 in one bathroom and a shower stall is provided in a subsequent bathroom, both the bathtub selected to comply with Option 2, Item 6 and at least one shower stall within the dwelling unit shall meet all the applicable accessibility requirements provided in Section 1134A." CBC 1134A.2, Option 2. #6***

***Revise the plans to show that the Units B, C, and D are provided with accessible bathtubs that comply with CBC 1134A.5.***

39. Specify on the plans that all kitchens will provide a minimum clear width of 48". CBC 1133A2.1

***U shaped kitchens with a stove at the base of the U must provide a minimum 60" clear width. CBC 1133A2.1 #1. Revise the plans to include this clear aisle width.***

41. Specify on the plans that all dwelling unit interior doors will comply with CBC 1132A5.2. Note: Many doors within the unit appear to have only 12" of strike side clearance.

**Doors are shown on the plans that have only 12" strike side clearance. In addition, some Exit doors are shown with strike side clearances on the push side of less than 18". Revise the plans to show Code compliance.**

43. The second exit from the garage appears to terminate at the rear of the property. Provide an exit plan which shows accessible path of travel from the exit to the public right of way per 2013 CBC 1007.2. NOTE: The second exit cannot terminate at the "Public Alley." This exit discharge must traverse an accessible route from the exit to the sidewalk on El Camino Real.

**The turf pavers cannot be installed so that there are abrupt changes in level no more than 1/2". Revise the plans to show an accessible path of travel that complies with CBC 1113A.1.**

45. Specify on the plans that accessible paths of travel in excess of 200 feet must be a minimum of 60" in width. CBC 1110A.4

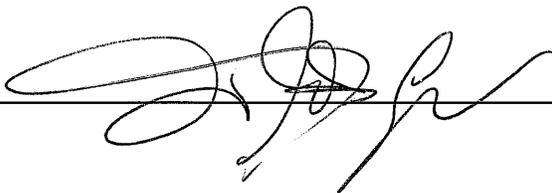
**Revise the plans to show that the accessible path of travel from the rear exit of the garage to the public right of way on El Camino Real is at least 60" in width.**

48. Remove references to the ADA that are found on the plans. Replace this term with "Accessible", "ACC", or "D.A."

**References to the "ADA" and "Handicap" were found on the plans. Please remove and replace.**

**NOTE: A written response to the items noted here and plans that specifically address items 25, 26, 29, 30, 38, 39, 41, 43, 45, and 48 must be re-submitted before this project can move forward for Planning Commission action.**

Reviewed by:



Date: 12-5-2014

## Project Comments

**To:**

<input type="radio"/> City Engineer (650) 558-7230	<input type="radio"/> Recycling Specialist (650) 558-7271
<input checked="" type="radio"/> Chief Building Official (650) 558-7260	<input type="radio"/> Fire Marshal (650) 558-7600
<input type="radio"/> City Arborist (650) 558-7254	<input type="radio"/> NPDES Coordinator (650) 342-3727
	<input type="radio"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Staff Review:

- ① Plans must be wet-stamped and signed by a licensed architect. 1997 Uniform Administrative Code §302.2 and §302.3.
- ② On the plans specify that this project will comply with the 2013 California Building Code, 2013 California Residential Code (where applicable), 2013 California Mechanical Code, 2013 California Electrical Code, and 2013 California Plumbing Code, including all amendments as adopted in Ordinance 1889. Note: If the Planning Commission has not approved the project prior to 5:00 p.m. on December 31, 2013 then this project must comply with the 2013 California Building Codes.
- ③ Specify on the plans that this project will comply with the 2013 California Energy Efficiency Standards.  
Go to <http://www.energy.ca.gov/title24/2013standards/> for publications and details.
- 4) Provide two completed copies of the attached *Mandatory Measures* with the submittal of your plans for Building Code compliance plan check. In addition, replicate this completed document on the plans. Note: On the Checklist you must provide a reference that indicates the page of the plans on which each Measure can be found.
- 5) Indicate on the plans that the cool roof will comply with Cool Roof requirements of the 2013 California Energy Code. 2013 CEC §110.8. The 2013 Residential and Non-Residential Compliance Manuals are available on line at <http://www.energy.ca.gov/title24/2013standards/>

- 6) Place the following information on the first page of the plans:

**“Construction Hours”**

**Weekdays: 7:00 a.m. – 7:00 p.m.**

**Saturdays: 9:00 a.m. – 6:00 p.m.**

**Sundays and Holidays: 10:00 a.m. – 6:00 p.m.**

**(See City of Burlingame Municipal Code, Section 13.04.100 for details.)**

- 7) On the first page of the plans specify the following: “Any hidden conditions that require work to be performed beyond the scope of the building permit issued for these plans may require further City approvals including review by the Planning Commission.” The building owner, project designer, and/or contractor must submit a Revision to the City for any work not graphically illustrated on the Job Copy of the plans prior to performing the work.
- 8) Anyone who is doing business in the City must have a current City of Burlingame business license.
- 9) Provide a fully dimensioned site plan which shows the true property boundaries, the location of all structures on the property, existing driveways, and on-site parking.
- 10) Note: Any revisions to the plans approved by the Building Division must be submitted to, and approved by, the Building Division *prior to the implementation of any work not specifically shown on the plans*. Significant delays can occur if changes made in the field, without City approval, necessitate further review by City departments or the Planning Commission. Inspections cannot be scheduled and will not be performed for work that is not shown on the Approved plans.
- 11) **A new Certificate of Occupancy will be issued after the project has been finalized. No occupancy of the building is to occur until a new Certificate of Occupancy has been issued.**
- 12) Provide a complete demolition plan that includes a legend and indicates existing walls and features to remain, existing walls and features to be demolished, and new walls and features.
- NOTE: A condition of this project approval is that the Demolition Permit will not be issued and, and no work can begin (including the removal of any building components), until a Building Permit has been issued for the project. The property owner is responsible for assuring that no work is authorized or performed.**
- 13) When you submit your plans to the Building Division for plan review provide a completed Supplemental Demolition Permit Application. **NOTE: The Demolition Permit will not be issued until a Building Permit is issued for the project.**
- 14) Show the distances from all exterior walls to property lines or to assumed property lines
- 15) Show the dimensions to adjacent structures.
- 16) Obtain a survey of the property lines.
- 17) On the plans specify if the rooftop will be used as a common use or public use space. If common use or public use is proposed detail all features to be installed on the roof for those purposes.
- 18) Rooms that could be used for sleeping purposes must have at least one window or door that complies with the egress requirements. ***Specify the location and the net clear opening height and width of all required egress windows on the elevation drawings.*** 2013 California Residential Code (CRC) §R310.

19) Indicate on the plans that, at the time of Building Permit application, plans and engineering will be submitted for shoring as required by 2013 CBC, Chapter 31 regarding the protection of adjacent property and as required by OSHA. On the plans, indicate that the following will be addressed:

- a. The walls of the proposed basement shall be properly shored, prior to construction activity. This excavation may need temporary shoring. A competent contractor shall be consulted for recommendations and design of shoring scheme for the excavation. The recommended design type of shoring shall be approved by the engineer of record or soils engineer prior to usage.
- b. All appropriate guidelines of OSHA shall be incorporated into the shoring design by the contractor. Where space permits, temporary construction slopes may be utilized in lieu of shoring. Maximum allowable vertical cut for the subject project will be five (5) feet. Beyond that horizontal benches of 5 feet wide will be required. Temporary shores shall not exceed 1 to 1 (horizontal to vertical). In some areas due to high moisture content / water table, flatter slopes will be required which will be recommended by the soils engineer in the field.
- c. If shoring is required, specify on the plans the licensed design professional that has sole responsibility to design and provide adequate shoring, bracing, formwork, etc. as required for the protection of life and property during construction of the building.
- d. Shoring and bracing shall remain in place until floors, roof, and wall sheathing have been entirely constructed.
- e. Shoring plans shall be wet-stamped and signed by the engineer-of-record and submitted to the city for review prior to construction. If applicable, include surcharge loads from adjacent structures that are within the zone of influence (45 degree wedge up the slope from the base of the retaining wall) and / or driveway surcharge loads.

20) Indicate on the plans that an OSHA permit will be obtained for the shoring\* at the excavation in the basement per CAL / OSHA requirements. See the Cal / OSHA handbook at: [http://www.ca-osh.com/pdfpubs/osh\\_a\\_userguide.pdf](http://www.ca-osh.com/pdfpubs/osh_a_userguide.pdf)

\* Construction Safety Orders : Chapter 4, Subchapter 4, Article 6 , Section 1541.1.

21) Indicate on the plans that a Grading Permit, if required, will be obtained from the Department of Public Works.

22) Provide guardrails at all landings. NOTE: All landings more than 30" in height at any point are considered in calculating the allowable lot coverage. Consult the Planning Department for details if your project entails landings more than 30" in height.

23) Provide handrails at all stairs where there are four or more risers. 2013 CBC §1009.

24) Provide lighting at all exterior landings.

25) On your plans provide a table that includes the following:

- a. Occupancy group for each area of the building
- b. Type of construction
- c. Allowable area
- d. Proposed area
- e. Allowable height
- f. Proposed height
- g. Proposed fire separation distances
- h. Exterior wall and opening protection
- i. Allowable

ii. Proposed

- i. Indicate a fire sprinklered building
- 26 Specify on the plans the location of all required accessible signage. Include references to separate sheets on the plans which provide details and graphically illustrates the accessible signage requirements.
- 27 Specify an accessible path of travel from all required exits to the public right of way.
- 28 Specify the path of travel from on-site parking to the main entrance of the building.
- 29 Specify on the plans the location of all proposed electric vehicle charging stations.

*In light of impending Code regulations that will require a greater percentage of on-site parking to be serviced by electric vehicle charging stations the developer is encouraged to install site infrastructure that can service at least 3% of the total on-site parking.*

*Please review the attached State of California "PEVs: Universal Charging Access" Draft regulations.*

- 30 Specify a level landing, slope, and cross slope on each side of the door at all required entrances and exits.
- 31 Provide complete dimensioned details for accessible bathrooms
- 32 Provide complete, dimensioned details for accessible parking
- 33 Provide details on the plans which show that the building elevator complies with all accessible standards. 2013 CBC §11B-407.
- 34 On the first page of the plans clearly state that all paths of travel and common use spaces will be accessible and all living units will be adaptable.
- 35 Provide details which show that the maneuvering clearances for the bathrooms in each unit are accessible CBC 1127A2.2 #1. (The space under the lavatory can be used but the maneuvering clearance and are allowed to encroach into the knee and toe clearances.)
- 36 Provide details which show that the water closet in each unit complies with CBC1134A.7 #1;
- 37 Specify whether CBC 1134A.2 option #1 or option #2 will be used for the bathrooms.
- 38 Specify that there will be a clear maneuvering space adjacent to each tub that is at least 30" X 48" measured from the drain end of the tub. CBC 1134A.5
- 39 Specify on the plans that all kitchens will provide a minimum clear width of 48". CBC 1133A2.1
- 40 On the plans provide dimensions which show that each laundry room will provide sufficient maneuvering space for a person using a wheelchair or other mobility aid to enter, use the fixtures, and exit.
- 41 Specify on the plans that all dwelling unit interior doors will comply with CBC 1132A5.2. Note: Many doors within the unit appear to have only 12" of strike side clearance.
- 42 Provide the interior dimensions for the elevator.
- 43 The second exit from the garage appears to terminate at the rear of the property. Provide an exit plan which shows accessible path of travel from the exit to the public right of way per 2013 CBC 1007.2. NOTE: The second exit cannot

terminate at the "Public Alley." This exit discharge must traverse an accessible route from the exit to the sidewalk on El Camino Real.

44) The exit discharge from "Stair #2" appears to re-enter the building and then exit the building through the Lobby. This exit discharge cannot re-enter the building. This exit discharge must also traverse an accessible route from the exit to the sidewalk on El Camino Real.

45) Specify on the plans that accessible paths of travel in excess of 200 feet must be a minimum of 60" in width. CBC 1110A.4

46) Private decks and exterior balconies must be accessible and therefore must be 60" in the shortest dimension to allow for a person in a wheelchair to turn around and exit the deck or balcony in the forward direction. Revise the plans to show that the decks /balconies on the southeast corner at floors 2 and 3 are at least 60" in the shortest dimension. UFAS §4.34.2 and §4.2.3

47) Please Note: Architects are advised to specify construction dimensions for accessible features that are below the maximum and above the minimum dimension required as construction tolerances generally do not apply to accessible features. See the *California Access Compliance Manual – Interpretive Regulation 11B-8*.

48) Remove references to the ADA that are found on the plans. Replace this term with "Accessible", "ACC", or "D.A."

49) Provide a complete exit plan showing the paths of travel from all exits, along an accessible route, to the public right of way.

50) Exterior exit balconies, stairways, and ramps shall be located at least ten (10) feet from adjacent lot lines and from other buildings on the same lot unless adjacent building exterior walls and openings are protected in accordance with Section 705 based on fire separation distance. 2013 CBC §1026.5.

NOTE: The balconies at the southeast corner at floors 2 and 3 (as noted in item #46, above) cannot be constructed within ten feet of the property line.

51) Provide a clear, 44" wide access aisle to all required exits in the parking area.

52) Specify the total number of parking spaces on site.

53) The accessible parking shown in the basement must comply with the accessibility requirements of the 2013 CBC. Specifically:

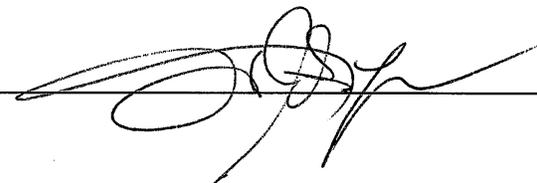
a. All entrances to and vertical clearances within the parking structure must have a minimum vertical clearance of 8' 2" where required for accessibility to accessible parking spaces.

b. At least one of these spaces must be comply with the accessible parking requirements including loading / unloading access aisle and signage. See 2013 CBC §1109A.5 – Unassigned and Visitor Parking Spaces.

54) Sewer connection fees must be paid prior to issuing the building permit.

**NOTE: A written response to the items noted here and plans that specifically address items 1, 2, 3, 9, 14, 15, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, and 52 must be re-submitted before this project can move forward for Planning Commission action.**

Reviewed by:



Date: 9-5-2014

## Project Comments

To:                   0 City Engineer  
                          (650) 558-7230

                          0 Chief Building Official  
                          (650) 558-7260

                          X City Arborist  
                          (650) 558-7254

                          0 Recycling Specialist  
                          (650) 558-7271

                          0 Fire Marshal  
                          (650) 558-7600

                          0 NPDES Coordinator  
                          (650) 342-3727

                          0 City Attorney

From:                Planning Staff

Subject:            Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at 1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130

### Staff Review:

1. No protected size tree scheduled for removal during project.
2. Tree protection note on plans for Bunya Bunya tree.
- ③ Protect all other trees on site during all phases of construction. - add note on plans.
- ④ Replace 3 new 24" box Magnolia's on ECR with 3 24" box Princeton Elms.
- ⑤ Water Conservation in Landscape Ordinance checklist required (attached)

Reviewed by: **BD**

Date: **1/27/15**

## Project Comments

**To:**

<b>0</b> City Engineer (650) 558-7230	<b>0</b> Recycling Specialist (650) 558-7271
<b>0</b> Chief Building Official (650) 558-7260	<b>0</b> Fire Marshal (650) 558-7600
<b>X</b> City Arborist (650) 558-7254	<b>0</b> NPDES Coordinator (650) 342-3727
	<b>0</b> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Staff Review:

- ① A Landscape Plan was not provided in the plan set. Please provide a complete Landscape Plan containing the following:
  - Tree Protection
  - Proposed tree removals
  - Plant legend
- ② Provide arborist report for proposed project.
3. Irrigation Plan will be required at time of Building Permit submittal.

**Reviewed by: B Disco**

**Date: 8/29/14**

## Project Comments

**To:**

<input type="checkbox"/> City Engineer (650) 558-7230	<input type="checkbox"/> Recycling Specialist (650) 558-7271
<input type="checkbox"/> Chief Building Official (650) 558-7260	<input checked="" type="checkbox"/> Fire Department (650) 558-7600
<input type="checkbox"/> City Arborist (650) 558-7254	<input type="checkbox"/> NPDES Coordinator (650) 342-3727
	<input type="checkbox"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Staff Review:

1. Occupancy use classification for garage is S-2, not S-3 as indicated.
2. The fire sprinkler system shall be electronically monitored for fire flow and control valves consistent with the Burlingame Municipal Code. A separate permit shall be obtained from the Central County Fire Department prior to installation.
3. Elevator car shall be sized to accommodate an ambulance stretcher of 24" x 84".

*1/22/2015: All comments/requirements addressed + satisfied.*

*-J. Parente*

Christine Reed

8/29/14

## Project Comments

**To:**

<input type="radio"/> City Engineer (650) 558-7230	<input type="radio"/> Recycling Specialist (650) 558-7271
<input type="radio"/> Chief Building Official (650) 558-7260	<input checked="" type="radio"/> Fire Department (650) 558-7600
<input type="radio"/> City Arborist (650) 558-7254	<input type="radio"/> NPDES Coordinator (650) 342-3727
	<input type="radio"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Staff Review:

1. Occupancy use classification for garage is S-2, not S-3 as indicated.
2. The fire sprinkler system shall be electronically monitored for fire flow and control valves consistent with the Burlingame Municipal Code. A separate permit shall be obtained from the Central County Fire Department prior to installation.
3. Elevator car shall be sized to accommodate an ambulance stretcher of 24" x 84".

Christine Reed 8/29/14

## Project Comments

**To:**

<input checked="" type="checkbox"/> City Engineer (650) 558-7230	<input type="checkbox"/> Recycling Specialist (650) 558-7271
<input type="checkbox"/> Chief Building Official (650) 558-7260	<input type="checkbox"/> Fire Marshal (650) 558-7600
<input type="checkbox"/> City Arborist (650) 558-7254	<input type="checkbox"/> NPDES Coordinator (650) 342-3727
	<input type="checkbox"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

**Staff Review:**

Previous comments from 11/17/2011 still apply.

**Reviewed by: V V**

**Date: 9/12/2014**

## Project Comments

**Date:** September 20, 2011

**To:**

<input checked="" type="checkbox"/> City Engineer (650) 558-7230	<input type="checkbox"/> Recycling Specialist (650) 558-7271
<input type="checkbox"/> Chief Building Official (650) 558-7260	<input type="checkbox"/> Fire Marshal (650) 558-7600
<input type="checkbox"/> City Arborist (650) 558-7254	<input type="checkbox"/> NPDES Coordinator (650) 342-3727
	<input type="checkbox"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3, Condominium Permit and Variance for building height for construction of a new four-story, 15-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

**Staff Review:**

Responses to previous comments are acceptable at this time. Applicant is advised to contact the California Department of Transportation (Caltrans) regarding the proposed fronting improvements. Applicant will be required to provide an encroachment permit from Caltrans prior to Building permit issuance.

The storm water plan details, such as the pipe sizing, inlet dimensions, will be required prior to the Building permit issuance. Water calculations and sanitary sewer analysis will also be required prior to Building permit issuance.

**Reviewed by:** V V

**Date:** 11/17/2011

## Project Comments

**Date:** June 20, 2011

**To:**

<input checked="" type="checkbox"/> City Engineer (650) 558-7230	<input type="checkbox"/> Recycling Specialist (650) 558-7271
<input type="checkbox"/> Chief Building Official (650) 558-7260	<input type="checkbox"/> Fire Marshal (650) 558-7600
<input type="checkbox"/> City Arborist (650) 558-7254	<input type="checkbox"/> NPDES Coordinator (650) 342-3727
	<input type="checkbox"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3, Condominium Permit and Variance for building height for construction of a new four-story, 15-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

**Staff Review:** June 20, 2011

1. See attached.

**Reviewed by:** V V

**Date:** 7/08/2011

MEMORANDUM

TO: COMMUNITY DEVELOPMENT DEPARTMENT

FROM: PUBLIC WORKS DEPARTMENT

DATE: JULY 8, 2011

RE: (STUDY) CONDOMINIUM PERMIT FOR 15 UNITS, TENTATIVE CONDOMINIUM MAP AND TENTATIVE AND FINAL PARCEL MAP FOR LOT COMBINATION PURPOSE - RESUBDIVISION OF PORTION OF LOT 3, BLOCK 1, MAP OF RAY PARK SUBDIVISION AND LOT 4, BLOCK 51, MAP OF EASTON ADDITION NO. 5 SUBDIVISION - 1509 EL CAMINO REAL

Comments for the development are as follows;

1. Show proposed drainage system and indicate that all roof and site drainage to go towards El Camino Real or the storm drain system. Show drainage design including route of piping from drainage inlets and direction of flow.
2. Since proposed development is adjacent to the creek, the hundred year storm limit line shall be delineated on the project plans. In addition, hydrologic and hydraulic calculations by a licensed engineer shall be submitted to confirm this limit line. Provide copy of the "Creebank Repair Plan" by Kavanagh Engineering as indicated on sheet C1 to City. Any work in close proximity to the creek will require written approval and permit from the Department of Fish and Game and the Regional Water Quality Control Board.
3. State Department of Transportation (Caltrans) does not always approve pumping storm drainage back up into El Camino Real unless it already drains there. Confirm prior to issuance of any Building Permit that the proposed drainage system meets with their approval.
4. A sanitary sewer analysis for the project is required to show the projected flows generated by the project and the existing capacity of the sewer system to which the projected will be connected. The analysis should include the peak flows of the project as well as the existing peak flows in the sewer system. The existing pipe shall also be videotaped to evaluate the existing condition and identified any section in need of repair.
5. All utilities to this site must be installed underground. Any transformers needed for this site must be installed underground or behind the front setback on this site.
6. Indicate that new sidewalk, driveway, curb and gutter fronting this site shall be designed by a civil engineer, approved by the City Engineer, and installed by this development.

7. All irrigation systems and planting shall follow City's water conservation guidelines.
8. All fire system work shall conform to the City's current procedures for underground water systems. The Water Department shall be contacted at (650) 558-7670 to confirm water meter sizes. The development shall submit calculations to show the amount of water required. If the existing system is inadequate, the development shall, at its costs, install the appropriate size water lines as required by the City Engineer.
9. All on site catch basins and drainage inlets shall be stencilled. All catch basins shall be protected during construction so no debris will be dumped into them. The City will provide a stencil.
10. Sewer backwater protection certification is required. Contact Public Works – Engineering Division at (650) 558-7230 for additional information.
11. Show at-grade parking slab elevations. Maximum slope in any parking space is 5%. Show drainage pattern.
12. Individual unit climate controls as well as separate shutoffs for gas, electric and water are required.
13. A lot combination map shall be filed prior to issuance of the Building Permit. A condominium map application also needs to be submitted along with the lot combination map application.
14. The CCR's for this map must be approved by the City Attorney and conform to all approval conditions and City Codes.

\_\_\_\_\_  
Name

## Project Comments

**To:**

<input type="radio"/> City Engineer (650) 558-7230	<input type="radio"/> Recycling Specialist (650) 558-7271
<input type="radio"/> Chief Building Official (650) 558-7260	<input type="radio"/> Fire Marshal (650) 558-7600
<input type="radio"/> City Arborist (650) 558-7254	<input checked="" type="radio"/> NPDES Coordinator (650) 342-3727
	<input type="radio"/> City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Staff Review:

1. Project proponent submitted a completed stormwater checklist and verified applicability of C.3.i requirements (s). Proponent submitted and proposed several site design measures to comply with the C.3.i.
2. Previous comments shall be addressed during the building permit issuance.

Please contact Kiley Kinnon, Stormwater Coordinator, for assistance at:  
(650) 342-3727.

**Reviewed by: KJK/EJ**

**Date: 01/21/15**

# Stormwater Checklist for Small Projects

Municipal Regional Stormwater Permit (MRP)  
Order No. R2-2009-0074 ; Order No. R2-2011-0083  
NPDES No. CAS612008

**City of Burlingame**  
**Office of Environmental Compliance**  
**1103 Airport Blvd., Burlingame, CA 94010**  
**650.342.3727/office**  
**650.342.3712/fax**

Complete this form for individual single family home projects of any size, other projects that create and/or replace less than 10,000 square feet of impervious surface, and projects in the following categories that create and/or replace less than 5,000 square feet of impervious surface: restaurants, retail gasoline outlets, auto service facilities<sup>1</sup>, and parking lots (stand-alone or part of another use).

### A. Project Information

A.1 Project Name: New Condominiums

A.2 Project Address: 1509 El Camino Real

A.3 Project APN: \_\_\_\_\_

### B. Select Appropriate Site Design Measures

B.1 Does the project create and/or replace 2,500 square feet or more of impervious surface<sup>2</sup>?  Yes  No

- If yes, and the project will receive final discretionary approval on or after December 1, 2012, the project must include one of Site Design Measures a through f.<sup>3</sup> Fact sheets regarding site design measures a through f may be downloaded at [http://www.flowstobay.org/bs\\_new\\_development.php#flyers](http://www.flowstobay.org/bs_new_development.php#flyers).
- If no, or the project will receive final discretionary approval before December 1, 2012, the project is encouraged to implement site design measures<sup>4</sup>, which may be required at municipality discretion. Consult with municipal staff about requirements for your project.

B.2 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-3	b. Direct roof runoff onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-2	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-2	e. Construct sidewalks, walkways, and/or patios with permeable surfaces
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-2	f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces
<input type="checkbox"/>	<input checked="" type="checkbox"/>		g. Minimize land disturbance and impervious surface (especially parking lots).
<input type="checkbox"/>	<input checked="" type="checkbox"/>		h. Maximize permeability by clustering development and preserving open space.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		i. Use micro-detention, including distributed landscape-based detention.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		k. Self-treating area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>		l. Self-retaining area (see Section 4.3 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>		m. Plant or preserve interceptor trees (Section 4.1, C.3 Technical Guidance)

<sup>1</sup> See Standard Industrial Classification (SIC) codes 2010.

<sup>2</sup> Complete the C.3/C.6 Development Review Checklist if the project is not an individual single family home, and it creates and/or replaces 10,000 square feet or more of impervious surface; or if it is a restaurant, retail gasoline outlet, auto service facility, or parking lot project that creates and/or replaces 5,000 square feet or more of impervious surface.

<sup>3</sup> See MRP Provision C.3.i.

<sup>4</sup> See MRP Provision C.3.a.i.(6).

Stormwater Checklist for Small Projects

C. Select appropriate source controls (Encouraged for all projects; may be required at municipal discretion. Consult municipal staff.<sup>5</sup>)

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		
Yes	No			Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Storm Drain	<ul style="list-style-type: none"> <li>Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floor Drains	<ul style="list-style-type: none"> <li>Plumb interior floor drains to sanitary sewer [or prohibit].</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking garage	<ul style="list-style-type: none"> <li>Plumb interior parking garage floor drains to sanitary sewer.<sup>6</sup></li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-3
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> <li>Retain existing vegetation as practicable.</li> <li>Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects.</li> <li>Minimize use of pesticides and quick-release fertilizers.</li> <li>Use efficient irrigation system; design to minimize runoff.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	<ul style="list-style-type: none"> <li>Provide connection to the sanitary sewer to facilitate draining.<sup>6</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	<p>Provide sink or other area for equipment cleaning, which is:</p> <ul style="list-style-type: none"> <li>Connected to a grease interceptor prior to sanitary sewer discharge.<sup>6</sup></li> <li>Large enough for the largest mat or piece of equipment to be cleaned.</li> <li>Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> <li>Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff.</li> <li>Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.<sup>6</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities <sup>7</sup>	<ul style="list-style-type: none"> <li>Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer.<sup>6</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> <li>Cover the area or design to avoid pollutant contact with stormwater runoff.</li> <li>Locate area only on paved and contained areas.</li> <li>Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer<sup>6</sup>, and contain by berms or similar.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> <li>Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer<sup>6</sup>, and sign as a designated wash area.</li> <li>Commercial car wash facilities shall discharge to the sanitary sewer.<sup>6</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> <li>Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas.</li> <li>No floor drains unless pretreated prior to discharge to the sanitary sewer.<sup>6</sup></li> <li>Connect containers or sinks used for parts cleaning to the sanitary sewer.<sup>6</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> <li>Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break.</li> <li>Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> <li>Cover and/or grade to minimize run-on to and runoff from the loading area.</li> <li>Position downspouts to direct stormwater away from the loading area.</li> <li>Drain water from loading dock areas to the sanitary sewer.<sup>6</sup></li> <li>Install door skirts between the trailers and the building.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire Sprinklers	<ul style="list-style-type: none"> <li>Design for discharge of fire sprinkler test water to landscape or sanitary sewer<sup>9</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> <li>Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.<sup>6</sup></li> <li>Roof drains shall drain to unpaved area where practicable.</li> <li>Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer<sup>6</sup>.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	<ul style="list-style-type: none"> <li>Drain rinse water to landscaping, discharge to sanitary sewer<sup>6</sup>, or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>5</sup> See MRP Provision C.3.a.i.(7)

<sup>6</sup> Any connection to the sanitary sewer system is subject to sanitary district approval.

<sup>7</sup> Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities

Stormwater Checklist for Small Projects

D. Implement construction Best Management Practices (BMPs) (Required for all projects.)

Yes  No

D.1 Is the site a "High Priority Site"? (Municipal staff will make this determination, if the answer is yes, the project will be referred to construction site inspection staff for monthly stormwater inspections during the wet season, October 1 through April 30.)

- "High Priority Sites" are sites that require a grading permit, are adjacent to a creek, or are otherwise high priority for stormwater protection during construction per MRP Provision C.6.e.ii(2).

D.2 All projects require appropriate stormwater BMPs during construction, indicate which BMPs are included in the project, below.

Yes	No	Best Management Practice (BMP)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the San Mateo Countywide Water Pollution Prevention Program's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> <li>• Construction, operation and maintenance of erosion and sediment controls, include inspection frequency;</li> <li>• Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material;</li> <li>• Specifications for vegetative cover &amp; mulch, include methods and schedules for planting and fertilization;</li> <li>• Provisions for temporary and/or permanent irrigation.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Divert on-site runoff around exposed areas, divert off-site runoff around the site (e.g., swales and dikes).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

Name of applicant completing the form: Alan Rice

Signature: [Signature] Date: 1-6-15

E. Comments (for municipal staff use only):

OK - CHECKLIST REVIEWED BY KILY KINNON AND  
EVA JUSTIMBASTE ON 01/21/14.

F. NOTES (for municipal staff use only):

Section A Notes: \_\_\_\_\_  
 Section B Notes: \_\_\_\_\_  
 Section C Notes: \_\_\_\_\_  
 Section D Notes: \_\_\_\_\_

## Project Comments

**To:**

0 City Engineer (650) 558-7230	0 Recycling Specialist (650) 558-7271
0 Chief Building Official (650) 558-7260	0 Fire Marshal (650) 558-7600
0 City Arborist (650) 558-7254	0 NPDES Coordinator (650) 342-3727
	0 City Attorney

**From:** Planning Staff

**Subject:** Request for application for Environmental Review, General Plan Amendment, Rezoning of a portion of the site from R-2 to R-3 and Condominium Permit for construction of a new three-story, 10-unit residential condominium at **1509 El Camino Real, zoned R-2 and R-3, APN: 026-011-010 and 025-228-130**

### Staff Review:

- 1 This project may need to comply with the Low Impact Development (LID) requirements under the Municipal Regional Permit (MRP), C.3 Provisions, which became effective on December 1, 2011. Please complete and sign the attached C.3 Regulated Projects Checklist to determine if the project creates and/or replaces more than 10,000 sq.ft. of impervious surface. This Checklist and other information is available at: [http://flowstobay.org/bs\\_new\\_development.php](http://flowstobay.org/bs_new_development.php).
- 2 Stormwater requirements are required to be implemented at stand-alone single family home projects that create and/or replace 2,500 sq.ft. or more of impervious surface. These requirements are in addition to any City requirements. To determine if this project is subject to those requirements complete and return the attached "Stormwater Checklist for Small Projects." For additional information about these requirements please refer to the attached flyer "New Stormwater Control Requirements Effective 12/1/12" and by visiting the San Mateo County Stormwater Pollution Prevention Program (SMCWPPP) website at: <http://flowstobay.org/newdevelopment>

3) Any construction project in the City, regardless of size, shall comply with the City's NPDES (stormwater) permit to prevent stormwater pollution from construction activities. Project proponent shall ensure all contractors implement appropriate and effective BMPs during all phases of construction, including demolition. When submitting plans for a building permit include a list of construction BMPs as project notes on a separate full size plan sheet, preferably 2' x 3' or larger. Electronic file is available for download at:

<http://flowstobay.org/construction>

4) Best Management Practices (BMPs) requirements apply on any projects using architectural copper. To learn what these requirements are, see attached flyer "Requirements for Architectural Copper." Electronic file is available for download at:

<http://flowstobay.org/newdevelopment>

For assistance please contact Eva J. at 650-342-3727

Reviewed by: SD *SO*

Date: 8/27/14

**C.3 Regulated Projects Checklist**  
 Municipal Regional Stormwater Permit (MRP)  
 Stormwater Controls for Development Projects

**CITY OF BURLINGAME - OFFICE OF ENVIRONMENTAL COMPLIANCE**  
 1103 AIRPORT BLVD  
 650-342-3727  
 FAX 650-342-3712

**I. Applicability of C.3 and C.6 Stormwater Requirements**

I.A. Enter Project Data (For "C.3 Regulated Projects," data will be reported in the municipality's stormwater Annual Report.)

I.A.1 Project Name: New Condominiums

I.A.2 Project Address (include cross street): 1509 E Camino Real

I.A.3 Project APN: \_\_\_\_\_ I.A.4 Project Watershed: \_\_\_\_\_

I.A.5 Applicant Name: \_\_\_\_\_

I.A.6 Applicant Address: \_\_\_\_\_

I.A.7 Applicant Phone: \_\_\_\_\_ Applicant Email Address: \_\_\_\_\_

I.A.8 Development type: (check all that apply)  
 Residential  Commercial  Industrial  Mixed-Use  Street/Road  Other, specify:  
 'Redevelopment' as defined by MRP: creating, adding and/or replacing Exterior existing impervious surface on a site where past development has occurred<sup>1</sup>  
 'Special land use categories' as defined by MRP: (1) auto service facilities<sup>2</sup>, (2) retail gasoline outlets, (3) restaurants<sup>2</sup>, (4) uncovered parking area (stand-alone or part of a larger project)

I.A.9 Project Description<sup>3</sup>: (Also note and past or future phases of the project.)  
New condominiums, walks, driveway, and associated flatwash

I.A.10 Total Area of Site: 0.45 acres  
 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area: 0.37 acres.

**I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b?**

I.B.1 Enter the amount of impervious surface<sup>4</sup> created and/or replaced by the project (if the total amount is 5,000 sq.ft. or more):

*Table of Impervious and Pervious Surfaces*

Type of Impervious Surface	a	b	c	d
	Pre-Project Impervious Surface (sq.ft.)	Existing Impervious Surface to be Replaced <sup>6</sup> (sq.ft.)	New Impervious Surface to be Created <sup>6</sup> (sq.ft.)	Post-project landscaping (sq.ft.), if applicable
Roof area(s) – excluding any portion of the roof that is vegetated ("green roof")	5344	3770	790	N/A
Impervious <sup>4</sup> sidewalks, patios, paths, driveways	9346	5,253	25	
Impervious <sup>4</sup> uncovered parking <sup>5</sup>				
Streets (public)				
Streets (private)				
Totals:	1,4690	9,023	815	
Area of Existing Impervious Surface NOT replaced			N/A	
Total New Impervious Surface (sum of totals for columns b and c):		9,023	815	

<sup>1</sup> Roadway projects that replace existing impervious surface are subject to C.3 requirements only if one or more lanes of travel are added.  
<sup>2</sup> See Standard Industrial Classification (SIC) codes [here](#)  
<sup>3</sup> Project description examples: 5-story office building, industrial warehouse, residential with five 4-story buildings for 200 condominiums, etc.  
<sup>4</sup> Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.  
<sup>5</sup> Uncovered parking includes top level of a parking structure.  
<sup>6</sup> "Replace" means to install new impervious surface where existing impervious surface is removed. "Construct" means to install new impervious surface where there is currently no impervious surface.

**I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b? (continued)**

	Yes	No	NA
I.B.2 In Item I.B.1, does the Total New Impervious Surface equal 10,000 sq.ft. or more? <i>If YES, skip to Item I.B.5 and check "Yes." If NO, continue to Item I.B.3.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.3 Does the Item I.B.1 Total New Impervious Surface equal 5,000 sq.ft. or more, but less than 10,000 sq.ft.? <i>If YES, continue to Item I.B.4. If NO, skip to Item I.B.5 and check "No."</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.4 Is the project a "Special Land Use Category" per Item I.A.8? For uncovered parking, check YES only if there is 5,000 sq.ft or more uncovered parking. <i>If NO, go to Item I.B.5 and check "No." If YES, go to Item I.B.5 and check "Yes."</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.5 Is the project a C.3 Regulated Project? <i>If YES, skip to Item I.B.6; if NO, continue to Item I.C.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I.B.6 Does the total amount of Replaced impervious surface equal 50 percent or more of the Pre-Project Impervious Surface? <i>If YES, site design, source control and treatment requirements apply to the whole site; if NO, these requirements apply only to the impervious surface created and/or replaced.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**I.C. Projects that are NOT C.3 Regulated Projects**

If you answered NO to Item I.B.5, or the project creates/replaces less than 5,000 sq. ft. of impervious surface, then the project is NOT a C.3 Regulated Project, and stormwater treatment is not required, BUT the municipality may determine that source controls and site design measures are required. Skip to Section II.

**I.D. Projects that ARE C.3 Regulated Projects**

If you answered YES to Item I.B.5, then the project is a C.3 Regulated Project. The project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required; refer to Section II to make this determination. If final discretionary approval was granted on or after **DECEMBER 1, 2011**, Low Impact Development (LID) requirements apply, except for "Special Projects." See Section II.

**I.E. Identify C.6 Construction-Phase Stormwater Requirements**

	Yes	No
I.E.1 Does the project disturb 1.0 acre (43,560 sq.ft.) or more of land? (See Item I.A.10). <i>If Yes, obtain coverage under the state's Construction General Permit at <a href="https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp">https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp</a>. Submit to the municipality a copy of your Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) before a grading or building permit is issued.</i>	<input type="checkbox"/>	<input type="checkbox"/>
I.E.2 Is the site as a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make this determination.)	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ "High Priority Sites" are sites that require a grading permit, are adjacent to a creek, or are otherwise high priority for stormwater protection during construction (see MRP Provision C.6.e.ii(2))</li> </ul>		

NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II to identify appropriate construction BMPs.

NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to either question in Section E, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30).

## II. Implementation of Stormwater Requirements

II.A. Complete the appropriate sections for the project. For non-C.3 Regulated Projects, Sections II.B, II.C, and II.D apply. For C.3 Regulated Projects, all sections of Section II apply.

II.B. Select Appropriate Site Design Measures (Required for C.3 Regulated Projects; all other projects are encouraged to implement site design measures, which may be required at municipality discretion. Starting December 1, 2012, projects that create and/or replace 2,500 – 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, must include one of Site Design Measures a through f.<sup>7</sup> Consult with municipal staff about requirements for your project.)

II.B.1 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-3	b. Direct roof runoff onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-2	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-2	e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-2	f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		g. Minimize land disturbance and impervious surface (especially parking lots).
<input type="checkbox"/>	<input checked="" type="checkbox"/>		h. Maximize permeability by clustering development and preserving open space.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		i. Use micro-detention, including distributed landscape-based detention.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input checked="" type="checkbox"/>		k. Self-treating area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>		l. Self-retaining area (see Section 4.3 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>		m. Plant or preserve interceptor trees (Section 4.1, C.3 Technical Guidance)

<sup>7</sup> See MRP Provision C.3.a.i(6) for non-C.3 Regulated Projects, C.3.c.i(2)(a) for Regulated Projects, C.3.i for projects that create/replace 2,500 to 10,000 sq.ft. of impervious surface and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface.

II.C. Select appropriate source controls (Applies to C.3 Regulated Projects; encouraged for other projects. Consult municipal staff.<sup>8</sup>)

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		
Yes	No			Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floor Drains	Plumb interior floor drains to sanitary sewer <sup>9</sup> [or prohibit].	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking garage	Plumb interior parking garage floor drains to sanitary sewer. <sup>3</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C-3
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> <li>▪ Retain existing vegetation as practicable.</li> <li>▪ Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects.</li> <li>▪ Minimize use of pesticides and quick-release fertilizers.</li> <li>▪ Use efficient irrigation system; design to minimize runoff.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. <sup>3</sup>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: <ul style="list-style-type: none"> <li>▪ Connected to a grease interceptor prior to sanitary sewer discharge.<sup>3</sup></li> <li>▪ Large enough for the largest mat or piece of equipment to be cleaned.</li> <li>▪ Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> <li>▪ Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff.</li> <li>▪ Connect any drains in or beneath dumpsters, compactors,<sup>3</sup> and tallow bin areas serving food service facilities to the sanitary sewer.<sup>3</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities <sup>10</sup>	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. <sup>3</sup>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> <li>▪ Cover the area or design to avoid pollutant contact with stormwater runoff.</li> <li>▪ Locate area only on paved and contained areas.</li> <li>▪ Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer<sup>8</sup>, and contain by berms or similar.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> <li>▪ Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer<sup>3</sup>, and sign as a designated wash area.</li> <li>▪ Commercial car wash facilities shall discharge to the sanitary sewer.<sup>3</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> <li>▪ Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas.</li> <li>▪ No floor drains unless pretreated prior to discharge to the sanitary sewer.<sup>3</sup></li> <li>▪ Connect containers or sinks used for parts cleaning to the sanitary sewer.<sup>3</sup></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> <li>▪ Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break.</li> <li>▪ Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> <li>▪ Cover and/or grade to minimize run-on to and runoff from the loading area.</li> <li>▪ Position downspouts to direct stormwater away from the loading area.</li> <li>▪ Drain water from loading dock areas to the sanitary sewer.<sup>3</sup></li> <li>▪ Install door skirts between the trailers and the building.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. <sup>3</sup>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> <li>▪ Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.<sup>3</sup></li> <li>▪ Roof drains shall drain to unpaved area where practicable.</li> <li>▪ Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer<sup>3</sup>.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	Drain rinse water to landscaping, discharge to sanitary sewer <sup>3</sup> , or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>8</sup> See MRP Provision C.3.a.i(7) for non-C.3 Regulated Projects and Provision C.3.c.i(1) for C.3 Regulated Projects.

<sup>9</sup> Any connection to the sanitary sewer system is subject to sanitary district approval.

<sup>10</sup> Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

**II.D. Implement construction Best Management Practices (BMPs) (Applies to all projects).**

Yes	No	Best Management Practice (BMP)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the San Mateo Countywide Water Pollution Prevention Program's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> <li>▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency;</li> <li>▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material;</li> <li>▪ Specifications for vegetative cover &amp; mulch, include methods and schedules for planting and fertilization;</li> <li>▪ Provisions for temporary and/or permanent irrigation.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

**PROJECTS THAT ARE NOT C.3 REGULATED PROJECTS STOP HERE!**

**II.E. Feasibility/Infeasibility of Infiltration and Rainwater Harvesting/Use (Applies to C.3 Regulated Projects ONLY)**

Except for some Special Projects, C.3 Regulated Projects must include low impact development (LID) treatment measures. LID treatment measures are rainwater harvesting, infiltration, evapotranspiration, and biotreatment (i.e., landscape-based treatment with special soils). Biotreatment is allowed ONLY if it is infeasible to treat the amount of runoff specified in Provision C.3.d with rainwater harvesting, infiltration, and evapotranspiration.

	Yes	No	N/A
<b>II.E.1 Is this project a "Special Project"?</b> (See Appendix J of the C.3 Technical Guidance for criteria.)			
➤ If No, continue to Item II.E.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If Yes, or if there is potential that the project MAY be a Special Project, complete the Special Projects Worksheet.			
<b>II.E.2 Infiltration Potential.</b> Based on site-specific soil report <sup>11</sup> , do site soils either:			
a. Have a saturated hydraulic conductivity (Ksat) <u>less</u> than 1.6 inches/hour, or, if the Ksat rate is not available,			
b. Consist of Type C or D soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
➤ If Yes, continue to II.E.3.			
➤ If No, complete the Infiltration Feasibility Worksheet. If infiltration of the C.3.d amount of runoff is found to be feasible, skip to II.E.8; if infiltration is found to be infeasible, continue to II.E.3.			

<sup>11</sup> If no site-specific soil report is available, refer to soil hydraulic conductivity maps in C.3 Technical Guidance Appendix I.

- II.E.3 Recycled Water.** Check the box if the project is installing and using a recycled water plumbing system for non-potable water use.
- The project is installing a recycled water plumbing system, and the installation of a second non-potable water system for harvested rainwater is impractical, and considered infeasible due to cost considerations.
- If you checked this box, there is no need for further evaluation of rainwater harvesting. Skip to II.E.9.
- II.E.4 Potential Rainwater Capture Area**
- a. Refer to the Table of Impervious and Pervious Surfaces in the C.3 and C.6 Data Collection Form, and enter the total square footage of impervious surface that will be replaced and/or created by the project. \_\_\_\_\_ Sq. ft.
- b. If I.B.6 indicates that 50% or more of the existing impervious surface will be replaced with new impervious surface, then add any existing impervious surface that will remain in place to the amount in II.E.4.a. \_\_\_\_\_ Sq. ft.
- c. Convert the amount in Item II.E.4.b from square feet to acres (divide by 43,560). If II.E.4.b is not applicable, convert the amount in II.E.4.a from square feet to acres. This is the project's Potential Rainwater Capture Area, in acres. \_\_\_\_\_ Acres
- II.E.5 Landscape Irrigation: Feasibility of Rainwater Harvesting and Use**
- a. Enter area of onsite landscaping. \_\_\_\_\_ Acres
- b. Multiply the Potential Rainwater Capture Area (the amount in II.E.4.c) times 3.2. \_\_\_\_\_ Acres
- c. Is the amount in II.E.5.a (onsite landscaping) LESS than the amount in II.E.5.b (the product of 3.2 times the size of the Potential Rainwater Capture Area)<sup>12</sup>?  Yes  No
- If Yes, continue.
- If No, it may be possible to meet the treatment requirements by directing runoff from impervious areas to self-retaining areas (see Section 4.3 of the C.3 Technical Guidance). If not, refer to Table 11 and the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for irrigation. Skip to II.E.7.
- II.E.6 Indoor Non-Potable Uses: Feasibility of Rainwater Harvesting and Use** (check the box for the applicable project type, then fill in the requested information and answer the question).<sup>13</sup>
- a. Residential Project
- i. Number of dwelling units (total post-project): \_\_\_\_\_ Units
- ii. Divide the amount in (i) by Potential Rainwater Capture Area (II.E.4.c): \_\_\_\_\_ Du/ac
- iii. Is the amount in (ii) LESS than 124?  Yes  No
- b. Commercial Project
- i. Floor area (total interior post-project square footage): \_\_\_\_\_ Sq.ft.
- ii. Divide the amount in (i) by Potential Rainwater Capture Area (II.E.4.c): \_\_\_\_\_ Sq.ft./ac
- iii. Is the amount in (ii) LESS than 84,000?  Yes  No
- c. School Project
- i. Floor area (total interior post-project square footage): \_\_\_\_\_ Sq.ft.
- ii. Divide the amount in (i) by Potential Rainwater Capture Area (II.E.4.c): \_\_\_\_\_ Sq.ft./ac
- iii. Is the amount in (ii) LESS than 27,000?  Yes  No

<sup>12</sup> Landscape areas must be contiguous and within the same Drainage Management Area to irrigate with harvested rainwater via gravity flow.

<sup>13</sup> Rainwater harvested for indoor use is typically used for toilet/urinal flushing, industrial processes, or other non-potable uses.

**II.E.6 Indoor Non-Potable Uses: Feasibility of Rainwater Harvesting and Use (continued)**

- d. Industrial Project
- i. Estimated demand for non-potable water (gallons/day): \_\_\_\_\_ Gal.
- ii. Is the amount in (i) LESS than 2,900?  Yes  No
- e. Mixed-Use Residential/Commercial Project<sup>14</sup>
- |   | Residential | Commercial     |
|---|-------------|----------------|
| i. Number of residential dwelling units and commercial floor area:  | _____ Units | _____ Sq.ft.   |
| ii. Percentage of total interior post-project floor area serving each activity:                                       | _____ %     | _____ %        |
| iii. Prorated Potential Rainwater Capture Area per activity (multiply amount in II.E.4.c by the percentages in [ii]): | _____ Acres | _____ Acres    |
| iv. Prorated project demand per impervious area (divide the amounts in [i] by the amounts in [iii]):                  | _____ Du/ac | _____ Sq.ft/ac |
- v. Is the amount in (iv) in the residential column less than 124, AND is the amount in the commercial column less than 84,000?  Yes  No

- If you checked "Yes" for the above question for the applicable project type, rainwater harvesting for indoor use is considered infeasible, unless the project includes one or more buildings that each have an individual roof area of 10,000 sq. ft. or more, in which case further analysis is needed. Complete Sections II.E.5 and II.E.6 of this form for each such building, then continue to II.E.7.
- If you checked "No" for the question applicable to the type of project, rainwater harvesting for indoor use may be feasible. Complete the Rainwater Harvesting Feasibility Worksheet, and then continue to II.E.7.

**II.E.7 Identify and Attach Additional Feasibility Analyses**

If further analysis is conducted based on results in II.E.1, II.E.2, II.E.5, or II.E.6, indicate the analysis that is conducted and attach the applicable form or other documentation (check all that apply):

- Special Projects Worksheet (if required in II.E.1)
- Infiltration Feasibility Worksheet (if required in II.E.2)
- Rainwater Harvesting and Use Feasibility Worksheet (if required in II.E.5 or II.E.6), completed for:
- The entire project
- Individual building(s), if applicable, describe: \_\_\_\_\_
- Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report (if required in II.E.5).
- Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report (if required in II.E.6.d).

**II.E.8 Finding of Infiltration Feasibility/Infeasibility**

Infiltration of the C.3.d amount of runoff is infeasible if any of the following conditions apply (check all that apply):

- The "Yes" box was checked for Item II.E.2.
- Completion of the Infiltration Feasibility Worksheet resulted in a finding that infiltration of the C.3.d amount of runoff is infeasible.
- Based on the above evaluation, infiltration of the C.3.d amount of runoff is (check one):
- Infeasible       Feasible

<sup>14</sup> For a mixed-use project involving activities other than residential and commercial activities, follow the steps for residential/commercial mixed-use projects. Prorate the Potential Rainwater Capture Area for each activity based on the percentage of the project serving each activity.

**II.E.9 Finding of Rainwater Harvesting and Use Feasibility/Infeasibility**

Harvesting and use of the C.3.d amount of runoff is infeasible if any of the following apply (check all that apply):

- The project will have a recycled water system for non-potable use (II.E.3).
- Only the "Yes" boxes were checked for Items II.E.5 and II.E.6.
- Completion of the Rainwater Harvesting and Use Feasibility Worksheet resulted in a finding that harvesting and use of the C.3.d amount of runoff is infeasible.
- Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report, resulted in a finding of infeasibility.
- Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report, resulted in a finding of infeasibility.
  - *Based on the above evaluation, harvesting and using the C.3.d amount of runoff is (check one):*
    - Infeasible       Feasible

**II.E.10. Use of Biotreatment**

If findings of infeasibility are made in both II.E.8 (Infiltration) and II.E.9 (Rainwater Harvesting and Use), then the applicant may use appropriately designed bioretention facilities for compliance with C.3 treatment requirements.

➤ *Applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow.*

**II.F. Stormwater Treatment Measures (Applies to C.3 Regulated Projects)**

**II.F.1** Check the applicable box and indicate the treatment measures to be included in the project.

Yes	No											
<input type="checkbox"/>	<input type="checkbox"/>	Is the project a <b>Special Project</b> ? If yes, consult with municipal staff about the need to prepare a discussion of the feasibility and infeasibility of 100% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method <sup>15</sup> , and percentage of the amount of runoff specified in Provision C.3.d that is treated:  <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>Non-LID Treatment</u></td> <td style="border: none;"><u>Hydraulic sizing method<sup>15</sup></u></td> <td style="border: none;"><u>% of C.3.d amount of runoff treated</u></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Media filter</td> <td></td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Tree well filter</td> <td></td> <td></td> </tr> </table>	<u>Non-LID Treatment</u>	<u>Hydraulic sizing method<sup>15</sup></u>	<u>% of C.3.d amount of runoff treated</u>	<input type="checkbox"/> Media filter			<input type="checkbox"/> Tree well filter			
<u>Non-LID Treatment</u>	<u>Hydraulic sizing method<sup>15</sup></u>	<u>% of C.3.d amount of runoff treated</u>										
<input type="checkbox"/> Media filter												
<input type="checkbox"/> Tree well filter												
<input type="checkbox"/>	<input type="checkbox"/>	Is it <b>infeasible</b> to treat the C.3.d amount of runoff using either infiltration or rainwater harvesting/use (see II.E.8 and II.E.9)? If yes, indicate the biotreatment measures to be used, and the hydraulic sizing method:  <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>Biotreatment Measures</u></td> <td style="border: none;"><u>Hydraulic sizing method<sup>15</sup></u></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Bioretention area</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Flow-through planter</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other (specify): _____</td> <td></td> </tr> </table>	<u>Biotreatment Measures</u>	<u>Hydraulic sizing method<sup>15</sup></u>	<input type="checkbox"/> Bioretention area		<input type="checkbox"/> Flow-through planter		<input type="checkbox"/> Other (specify): _____			
<u>Biotreatment Measures</u>	<u>Hydraulic sizing method<sup>15</sup></u>											
<input type="checkbox"/> Bioretention area												
<input type="checkbox"/> Flow-through planter												
<input type="checkbox"/> Other (specify): _____												
<input type="checkbox"/>	<input type="checkbox"/>	Is it <b>feasible</b> to treat the C.3.d amount of runoff using either infiltration or rainwater harvesting/use (see II.E.8 and II.E.9)? If yes, indicate the non-biotreatment LID measures to be used, and hydraulic sizing method:  <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><u>LID Treatment Measure (non-biotreatment)</u></td> <td style="border: none;"><u>Hydraulic sizing method<sup>15</sup></u></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Rainwater harvesting and use</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Bioinfiltration<sup>16</sup></td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Infiltration trench</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Other (specify): _____</td> <td></td> </tr> </table>	<u>LID Treatment Measure (non-biotreatment)</u>	<u>Hydraulic sizing method<sup>15</sup></u>	<input type="checkbox"/> Rainwater harvesting and use		<input type="checkbox"/> Bioinfiltration <sup>16</sup>		<input type="checkbox"/> Infiltration trench		<input type="checkbox"/> Other (specify): _____	
<u>LID Treatment Measure (non-biotreatment)</u>	<u>Hydraulic sizing method<sup>15</sup></u>											
<input type="checkbox"/> Rainwater harvesting and use												
<input type="checkbox"/> Bioinfiltration <sup>16</sup>												
<input type="checkbox"/> Infiltration trench												
<input type="checkbox"/> Other (specify): _____												

**II.F.2 Alternative Certification (to be completed by municipal staff):** Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

Yes       No      Name of Reviewer \_\_\_\_\_

<sup>15</sup> Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used. Volume based approaches: 1(a) Urban Runoff Quality Management approach, or 1(b) 80% capture approach (recommended volume-based approach). Flow-based approaches: 2(a) 10% of 50-year peak flow approach, 2(b) Percentile rainfall intensity approach, or 2(c) 0.2-Inch-per-hour intensity approach (recommended flow-based approach). If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

<sup>16</sup> See Section 6.1 of the C.3 Technical Guidance for conditions in which bioretention areas provide bioinfiltration.

**II.G. Is the project a Hydromodification Management<sup>17</sup> (HM) Project?** (Complete this section for C.3 Regulated Projects)

- II.G.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious surface? (Refer to Item I.B.1.)
  - Yes. Continue to Item II.G.2.
  - No. Skip to Item II.G.5 and check "No."
- II.G.2 Is the total impervious area increased over the pre-project condition? (Refer to Item I.B.1.)
  - Yes. Continue to Item II.G.3.
  - No. The project is NOT required to incorporate HM measures. Skip to Item II.G.5 and check "No."
- II.G.3 Is the site located in an HM Control Area per the HM Control Areas map (Appendix H of the C.3 Technical Guidance)?
  - Yes. Skip to Item G.5 and check "Yes."
  - No. Attach map, indicating project location. Skip to Item G.5 and check "No."
  - Further analysis required. Continue to Item G.4.
- II.G.4 Has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?
  - Yes. Attach signed statement by qualified professional. Go to Item G.5 and check "No."
  - No. Go to Item G.5 and check "Yes."
- II.G.5 Is the project a Hydromodification Management Project?
  - Yes. The project is subject to HM requirements in Provision C.3.g of the Municipal Regional Stormwater Permit.
  - No. The project is EXEMPT from HM requirements.

➤ If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See [www.bayareahydrology.com](http://www.bayareahydrology.com). Guidance is provided in Chapter 7 of the C.3 Technical Guidance.

Name of applicant completing the form: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**II.H. Confirm Operations and Maintenance (O&M) Submittals (for municipal staff use only):**

- II.H.1 Stormwater Treatment Measure and/HM Control Owner or Operator's Information:
  - Name: \_\_\_\_\_
  - Address: \_\_\_\_\_
  - Phone: \_\_\_\_\_ Email: \_\_\_\_\_

➤ Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.

The following questions apply to C.3 Regulated Projects and Hydromodification Management Projects.

	Yes	No	N/A
II.H.1 Was maintenance plan submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II.H.2 Was maintenance plan approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II.H.3 Was maintenance agreement submitted? (Date executed: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

➤ Attach the executed maintenance agreement as an appendix to this checklist.

<sup>17</sup> Hydromodification is the modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding. Hydromodification management control measures are designed to reduce these effects.

III. Incorporate HM Controls (if required)

Are the applicable items in Plans?

Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soils report or other site-specific document showing soil types at all parts of site
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.

IV. Annual Operations and Maintenance (O&M) Submittals (for municipal staff use only):

For C.3 Regulated Projects and Hydromodification Management Projects, indicate the dates on which the Applicant submitted annual reports for project O&M: \_\_\_\_\_

V. Comments (for municipal staff use only):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

VI. NOTES (for municipal staff use only):

Section I Notes: \_\_\_\_\_  
 Section II Notes: \_\_\_\_\_  
 Section III Notes: \_\_\_\_\_  
 Section IV Notes: \_\_\_\_\_  
 Section V Notes: \_\_\_\_\_

VII. Project Close-Out (for municipal staff use only):

	Yes	No	NA
VII.1 Were final Conditions of Approval met?	<input type="checkbox"/>	<input type="checkbox"/>	
VII.2 Was initial inspection of the completed treatment/HM measure(s) conducted? (Date of inspection: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VII.3 Was maintenance plan submitted? (Date executed: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VII.4 Was project information provided to staff responsible for O&M verification inspections? (Date provided to inspection staff: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VII. Project Close-Out (Continued -- for municipal staff use only):**

Name of staff confirming project is closed out: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of O&M staff receiving information: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendices**

Appendix A: O&M Agreement

Appendix B: O&M Annual Report Form



SAN MATEO COUNTYWIDE

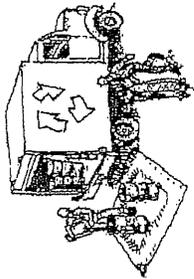
# Water Pollution Prevention Program

Clean Water. Healthy Community.

# Construction Best Management Practices (BMPs)

Construction projects are required to implement the stormwater best management practices (BMP) on this page, as they apply to your project, all year long.

## Materials & Waste Management



### Non-Hazardous Materials

- Berm and cover stockpiles of sand, dirt or other construction material with logs when rain is forecast or if not actively being used within 14 days.
- Use (but don't overuse) reclaimed water for dust control.

### Hazardous Materials

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel oil and antifreeze) in accordance with city, county, state and federal regulations.
- Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- Arrange for appropriate disposal of all hazardous wastes.

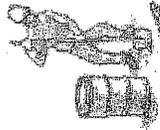
### Waste Management

- Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.
- Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site.
- Clean or replace portable toilets, and inspect them frequently for leaks and spills.
- Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gypsum, pipe, etc.)
- Dispose of liquid residues from paints, thinners, solvents, glue, and cleaning fluids as hazardous waste.

### Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down areas to clean up tracking.

## Equipment Management & Spill Control



### Maintenance and Parking

- Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- Perform major maintenance, repair, jobs, and vehicle and equipment washing off site.
- If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and cover a drip pan big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
- Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, steam cleaning equipment, etc.

### Spill Prevention and Control

- Keep spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- Clean up spills or leaks immediately and dispose of cleanup materials properly.
- Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- Sweep up spilled dry materials immediately. Do not try to wash them away with water or hazy fluid.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: 1) Dial 911 or your local emergency response number. 2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7530 (24 hours).

## Earthwork & Contaminated Soils



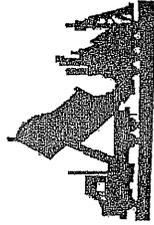
### Erosion Control

- Schedule grading and excavation work for dry weather only.
- Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber mats) until vegetation is established.
- Seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.

### Sediment Control

- Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, fiber rolls, berms, etc.
- Prevent sediment from migrating offsite by installing and maintaining sediment controls, such as fiber rolls, silt fences, or sediment basins.
- Keep excavated soil on the site where it will not collect into the street.
- Transfer excavated materials to dump trucks on the site, not in the street.
- Contaminated Soils
  - If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board:
    - Unusual soil conditions, discoloration, or odor.
    - Abandoned underground tanks.
    - Abandoned wells
    - Buried barrels, debris, or trash.

## Paving/Asphalt Work

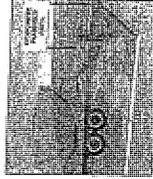


- Avoid paving and seal coating in wet weather, or when rain is forecast before fresh pavement will have time to cure.
- Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- Collect and recycle or appropriately dispose of excess substrate gravel or sand. Do NOT sweep or wash it into gutters.
- Do not use water to wash down fresh asphalt concrete pavement.

### Sawcutting & Asphalt/Concrete Removal

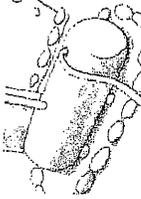
- Completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and dispose of all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner).
- If sawcut slurry enters a catch basin, clean it up immediately.

## Concrete, Grout & Mortar Application



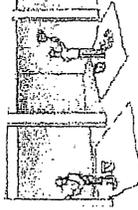
- Store concrete, grout and mortar under cover, on pallets and away from drainage areas. These materials must never reach a storm drain.
- Wash out concrete equipment/mixers in a contained area, so there is no discharge into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as garbage.
- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal offsite.

## De-watering



- Effectively manage all run-on, all runoff within the site, and all runoff/leak discharges from the site. Divert run-on water from offsite away from all disturbed areas or otherwise ensure compliance.
- When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine whether testing is required and how to interpret results. Contaminated groundwater must be treated or landfilled off-site for proper disposal.

## Painting & Paint Removal



- Painting cleanup
  - Never clean brushes or cans, paint containers into a street, gutter, storm drain, or surface waters.
  - For water-based paints, paint out brushes to the extent possible. Rinse to the painting sever once you have gained permission from the local wastewater treatment authority. Never pour paint down a drain.
  - For oil-based paints, paint out brushes to the extent possible, and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of residue and unusable thinners/solvents as hazardous waste.
- Chemical paint stripping residue and chips and dust from marine paints or paints containing lead or tributyltin must be disposed of as hazardous waste.
- Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.

## Landscape Materials



- Contain stockpiled landscaping materials by storing them under tarps when they are not actively being used.
- Stack erodible landscape material on pallets. Cover or store these materials when they are not actively being used or applied.
- Discontinue application of any erodible landscape material within 3 days before a forecast rain event or during wet weather.

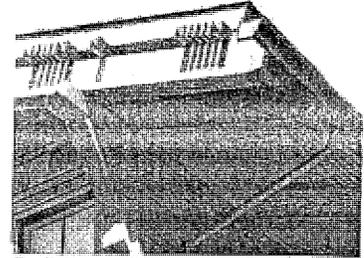
Storm drain polluters may be liable for fines of up to \$10,000 per day!

## Requirements for Architectural Copper

Protect water quality during installation, cleaning, treating, and washing!

### Copper from Buildings May Harm Aquatic Life

Copper can harm aquatic life in San Francisco Bay. Water that comes into contact with architectural copper may contribute to impacts, especially during installation, cleaning, treating, or washing. Patination solutions that are used to obtain the desired shade of green or brown typically contain acids. After treatment, when the copper is rinsed to remove these acids, the rinse water is a source of pollutants. Municipalities prohibit discharges to the storm drain of water used in the installation, cleaning, treating and washing of architectural copper.



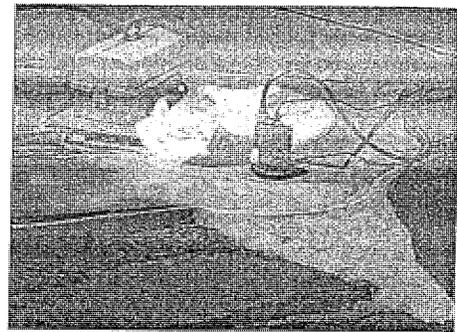
*Building with copper flashing, gutter and drainpipe.*

### Use Best Management Practices (BMPs)

The following Best Management Practices (BMPs) must be implemented to prevent prohibited discharges to storm drains.

#### *During Installation*

- If possible, purchase copper materials that have been pre-patinated at the factory.
- If patination is done on-site, implement one or more of the following BMPs:
  - Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
  - Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
  - Collect the rinse water in a tank and haul off-site for proper disposal.
- Consider coating the copper materials with an impervious coating that prevents further corrosion and runoff. This will also maintain the desired color for a longer time, requiring less maintenance.



*Storm drain inlet is blocked to prevent prohibited discharge. The water must be pumped and disposed of properly.*

#### *During Maintenance*

Implement the following BMPs during routine maintenance activities, such as power washing the roof, re-patination or re-application of impervious coating:

- Block storm drain inlets as needed to prevent runoff from entering storm drains.
- Discharge the wash water to landscaping or to the sanitary sewer (with permission from the local sanitary sewer agency). If this is not an option, haul the wash water off-site for proper disposal.

### Protect the Bay/Ocean and yourself!

If you are responsible for a discharge to the storm drain of non-stormwater generated by installing, cleaning, treating or washing copper architectural features, you are in violation of the municipal stormwater ordinance and may be subject to a fine.

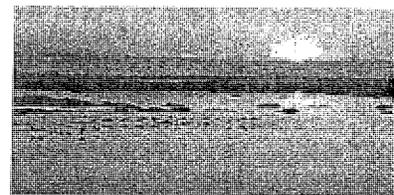


Photo credit: Don Edwards National Wildlife Sanctuary

### Contact Information

The San Mateo Countywide Water Pollution Prevention Program lists municipal stormwater contacts at [www.flowstobay.org](http://www.flowstobay.org) (click on "Business", then "New Development", then "local permitting agency").

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME  
RECOMMENDING A FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE  
APPROVAL OF A REQUEST FOR GENERAL PLAN AMENDMENT, REZONING,  
CONDOMINIUM PERMIT, FENCE EXCEPTION, TENTATIVE CONDOMINIUM MAP, AND  
TENTATIVE AND FINAL PARCEL MAP FOR AN 11-UNIT RESIDENTIAL CONDOMINIUM  
LOCATED AT 1509 EL CAMINO REAL WILL HAVE A SIGNIFICANT EFFECT ON THE  
ENVIRONMENT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
PURSUANT TO ARTICLE 6 OF THE CEQA GUIDELINES**

THE PLANNING COMMISSION OF THE CITY OF BURLINGAME hereby finds as follows:

Section 1. On the basis of the Initial Study and the documents submitted and reviewed, and comments received and addressed by this commission, it is hereby found that there is no substantial evidence that the project set forth above will have a significant effect on the environment, and a Mitigated Negative Declaration, per Mitigated Negative Declaration ND-585-P, is hereby approved.

Section 2. It is further directed that a certified copy of this resolution be recorded in the official records of the County of San Mateo.

\_\_\_\_\_  
Chairman

I, \_\_\_\_\_, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 25<sup>th</sup> day of July, 2016 by the following vote:

\_\_\_\_\_  
Secretary

**RESOLUTION NO.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME  
RECOMMENDING APPROVAL OF APPLICATIONS FOR A GENERAL PLAN  
AMENDMENT, REZONING, CONDOMINIUM PERMIT, FENCE EXCEPTION,  
TENTATIVE CONDOMINIUM MAP AND TENTATIVE AND FINAL PARCEL MAP FOR  
LOT COMBINATION, FOR A NEW 11-UNIT RESIDENTIAL CONDOMINIUM  
DEVELOPMENT ON PROPERTY LOCATED AT 1509 EL CAMINO REAL  
(ASSESSOR PARCEL NOS: 026-011-010 AND 025-228-130)**

WHEREAS, on June 10, 2011, 1509 El Camino LLC filed an application with the City of Burlingame Community Development Department – Planning Division requesting approval of the following requests:

- General Plan Amendment of a portion of the site from Medium Density to Medium High Density Residential;
- Rezoning of a portion of the site from R-2 (duplex residential) to R-3 (multi-family residential);
- A Condominium Permit for construction of a new three-story, 11-unit residential condominium building;
- A Fence Exception to permit a 10 foot tall fence (8 feet solid plus 2 feet of lattice) along the rear property line; and
- Tentative Condominium Map and Tentative and Final Parcel Map to merge two parcels; and

WHEREAS, on July 9, 2012 the Planning Commission conducted a duly noticed public hearing (environmental scoping session) to review a 15-unit residential condominium project and to identify subjects to be analyzed in the project Initial Study/Mitigated Negative Declaration (IS/MND). At that time direction was provided to the applicant for revisions to the project design and comments were received from the Commission and public regarding issues to be addressed in the project IS/MND; and

WHEREAS, an IS/MND was prepared to analyze project impacts; said IS/MND was circulated for public review and comment commencing on January 23, 2013 and concluding on February 21, 2013. During the circulation period, the Planning Commission conducted a duly noticed public hearing on January 28, 2013 that provided the opportunity for the Commission and interest members of the public to provide commentary on the analysis contained within the project IS/MND; and

## RESOLUTION NO.

WHEREAS, because there was a significant amount of concerns expressed by the Planning Commission and public at the January 28, 2013 Planning Commission meeting, the applicants requested that the application be placed on hold so that they could meet with neighbors and revise the project to address the concerns expressed by the neighbors and Planning Commission; and

WHEREAS, on March 23, 2015 the Planning Commission conducted a duly noticed public hearing (study session) to review a revised 10-unit residential condominium project. At that time direction was provided to the applicant for revisions to the project design; and

WHEREAS, on April 27, 2015 the Planning Commission conducted a duly noticed public hearing (environmental scoping session) to review the 10-unit residential condominium project and to identify subjects to be analyzed in the project IS/MND. At that time comments were received from the Commission and public regarding issues to be addressed in the project IS/MND; and

WHEREAS, a Revised Initial Study/Mitigated Negative Declaration (Revised IS/MND) was prepared to analyze project impacts for the 10-unit residential condominium project; said Revised IS/MND was circulated for public review and comment commencing on October 9, 2015 and concluding on November 9, 2015. The Planning Commission conducted a duly noticed public hearing on December 14, 2015 at which time it considered recommending approval of the Revised IS/MND and approval of all project entitlements. At that time further clarification was received from the Commission and public regarding issues addressed in the project IS/MND and direction was provided to the applicant for revisions to the project; and

WHEREAS, since the December 14, 2015 Planning Commission meeting, the number of residential units was increased to 11 units in response to concerns raised by the Planning Commission that there is no net loss of units as specified in the City's Housing Element. A Supplemental Memorandum was prepared to analyze project impacts for the 11-unit residential condominium project, which concluded that 1) the proposed changes are not significant enough to result in additional significant environmental impacts beyond those disclosed in the previous IS/MND and that 2) the revised 11-unit project would not result in any significant additional environmental impacts; and

Following consideration of all information contained in the July 25, 2016 staff report to the Planning Commission regarding the project, all written correspondence, and all public comments received at the public hearing, the Commission recommends approval of the 11-unit multi-family residential condominium development based on the following findings regarding the project entitlements:

## RESOLUTION NO.

### General Plan Amendment Findings:

- *The change is consistent with the policies of the General Plan and in particular the Land Use Element of the General Plan* in that the project includes a change in land use designation for the portion of the property which is not developable and contains a creek (Assessor's Parcel 025-228-130) from the Medium Density Residential to the Medium High Density Residential land use designation, which will bring the entire site into one general plan designation; that the change in land use designation will not alter the land use patterns in the area; that the City of Burlingame General Plan indicates that areas designated as Medium High Density Residential typically contain 21 to 50 units per acre and that Medium High Density land use designations along El Camino Real provide a transition between higher intensity uses and adjoining lower intensity uses; and that the proposed 11 units would represent approximately 24.6 units per acre and, therefore, would be consistent with the Medium High Density land use designation.

### Rezoning Findings:

- *The rezoning is appropriate and consistent with the intent of the General Plan and Zoning Ordinance* in that the project includes rezoning of a portion of the property which is not developable and contains a creek (Assessor's Parcel 025-228-130) from the R-2 (duplex residential) to the R-3 (multi-family residential) zone, which will bring the entire site into one zoning designation and would be consistent with the proposed Medium High Density Residential general plan designation; that the City of Burlingame Zoning code indicates that multi-family residential uses are a permitted use within the multi-family residential (R-3) zone and that the proposed project conforms to all development regulations for the multi-family residential (R-3) zone.

### Condominium Permit Findings:

- *Sound community planning; the economic, ecological, social and aesthetic qualities of the community; and on public health, safety and general welfare* in that the 11-unit residential condominium project is scaled to be compatible with existing multifamily buildings along El Camino Real and the neighboring single family residential dwellings, features ample landscaping with water-conserving features and design, provides safe pedestrian access along the street frontage, and provides a variety of dwelling types suitable to a range of households;
- *The overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking and other community facilities and resources* in that with the mitigations designed into the project the Revised Initial Study/Mitigated Negative Declaration has found there will be no significant impacts; and
- *Conformity with the general plan and density permitted by zoning regulations*, in that the project provides residential units consistent with the applicable general plan and zoning designations.

## RESOLUTION NO.

### Fence Exception Findings:

- *That there are exceptional circumstances*, in that the fence height is a request put forward by an adjacent property owner after engagement with the applicant and would be located adjacent to a 10'-0 wide right-of-way at the rear of the property;
- *That there is no public hazard*, in that the wall will be required to obtain a Building Permit and will be evaluated for structural integrity accordingly;
- *That neighboring properties will not be materially damaged*, in that the wall will be located 10'-0" away from the property line of adjacent properties to the rear and will utilize a pier and grade beam foundation to minimize disruption to adjoining properties; and
- *That the regulations cause unnecessary hardship upon the petitioner*, in that the regulations would not otherwise permit construction of the privacy wall between two land uses (R-1 and R-3).

### Tentative Condominium Map and Tentative and Final Parcel Map Findings:

- *The proposed tentative condominium map and tentative and final parcel map, together with the provisions for its design and improvement, is consistent with the Burlingame General Plan and consistent with the provisions of the Subdivision Map Act; that the site is physically suited for the proposed type and density of development* in that it provides residential use in an area identified as suitable for such use in the Burlingame General Plan Housing Element; that the project provides ample vehicular and pedestrian circulation to serve the project, and is consistent with required development standards including setbacks, lot coverage and building height; therefore the project may be found to be compatible with the criteria listed above.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Burlingame, that the applications for General Plan Amendment, Rezoning, Condominium Permit, Fence Exception, Tentative Condominium Map, and Tentative and Final Parcel Map are hereby granted, subject to the following conditions:

1. that the project shall be built as shown on the plans submitted to the Planning Division date stamped May 17, 2016, sheets A0.1, A1.0, A2.1 through A2.3, A5.1 through A5.3, and L-1 through L-5, and date stamped January 28, 2015, sheets A0.2, A1.1 through A1.3, A3.1 through A4.3, BMP1, MM, C-0, C-2, and C-3;
2. that the project shall include one affordable unit for a 10-year term; the applicant shall enter into an agreement for the administration of the sale, rent or lease of the affordable unit at least 120 days before the final inspection;

## RESOLUTION NO.

3. that the applicant shall apply for an encroachment permit from the Department of Transportation for any work proposed in the state right-of-way; that documentation with exhibits that show detailed project construction plans including work on the driveway and sidewalk, shall be submitted to the Department of Transportation for review and approval of an encroachment permit;
4. that the applicant shall coordinate with the California Department of Transportation and City of Burlingame Parks Division regarding the planting of at least one new Accolade Elm tree either within the Caltrans right-of-way along El Camino Real or near the front property line on the subject property;
5. that if the backflow preventer and fire riser is relocated to another location on the subject property, the applicant shall coordinate with the Parks Division to determine if an additional tree, of a size and species determined to be appropriate to provide screening, can be planted in its place;
6. that all existing trees to remain, as shown on the plans date stamped May 17, 2016 and January 28, 2015, shall not be removed or damaged, and the applicant shall have an arborist's report prepared which documents how each tree on the site should be protected during construction; this report shall be reviewed and approved by the City Arborist and the contractor shall call for the Arborist to inspect the protection measures installed before a building permit shall be issued;
7. that if any existing tree on the site dies within five years of the final inspection of the project, it shall be replaced with a new, 36-inch box tree with a species determined to be appropriate by the City Arborist; new trees shall be replaced in the same location unless it is determined by the City Arborist that the location should be adjusted based on the site conditions;
8. that a Protected Tree Removal Permit shall be required from the City of Burlingame Parks Division to remove the existing 17.3-inch diameter Deodar Cedar tree on the subject property;
9. that that the applicant shall submit a detailed foundation report for approval by the Building Division and City Arborist to establish the bounds of the pier foundation prior to the issuance of a building permit for construction on the site; if at any time during the construction the pier locations must be altered to accommodate a tree root, the structural changes must be approved by the Building Division prior to the time any such root is cut or damaged;
10. that a certified arborist shall be on site during any grading or digging activities that take place within the designated tree protection zones, including the digging of the pier holes for the pier foundation and digging for removal or installation of any utilities;

## RESOLUTION NO.

11. that the 10' tall fence along the rear property line shall be built after demolition of the existing structures on the site and prior to construction of the new development, as shown on the plans date stamped May 17, 2016;
12. that during construction, the applicant shall provide fencing (with a fabric screen or mesh) around the project site to ensure that all construction equipment, materials and debris is kept on site;
13. that the maximum elevation to the top of the entry tower and the mansard roof shall not exceed elevation 69.75' and 60.75', respectively, as measured from the average elevation at the top of the curb along El Camino Real (25.25') for a maximum height of 44'-6" to the top of the entry tower and 35'-6" to the top of the mansard roof; the garage floor finished floor elevation shall be elevation 26.15'; and that the top of each floor and final roof ridge shall be surveyed and approved by the City Engineer as the framing proceeds and prior to final framing and roofing inspections. Should any framing exceed the stated elevation at any point it shall be removed or adjusted so that the final height of the structure with roof shall not exceed the maximum height shown on the approved plans;
14. that any changes to the size or envelope of the building, which would include expanding the footprint or floor area of the structure, replacing or relocating windows or changing the roof height or pitch, shall be subject to Planning Commission review (FYI or amendment to be determined by Planning staff);
15. that the conditions of the Building Division's February 5, 2015, December 5, 2014 and September 5, 2014 memos; the Parks Division's January 27, 2015 and August 29, 2014 memos; the Fire Division's January 22, 2015 and August 29, 2014 memos; the Engineering Division's September 12, 2014, November 17, 2011 and July 8, 2011 memos; the Stormwater Division's January 21, 2015 and August 27, 2014 memos shall be met;
16. that storage of construction materials and equipment on the street or in the public right-of-way shall be prohibited;
17. that 'guest parking stall' shall be marked on four guest parking spaces and designated on the final map and plans, these stalls shall not be assigned to any unit, but shall be owned and maintained by the condominium association, and the guest stalls shall always be accessible for parking and not be separately enclosed or used for resident storage;
18. that the Covenants Conditions and Restrictions (CC&Rs) for the condominium project shall require that the four guest parking stalls shall be reserved for guests only and shall not be used by condominium residents;

## RESOLUTION NO.

19. that the final inspection shall be completed and a certificate of occupancy issued before the close of escrow on the sale of each unit;
20. that the developer shall provide to the initial purchaser of each unit and to the board of directors of the condominium association, an owner purchaser manual which shall contain the name and address of all contractors who performed work on the project, copies of all warranties or guarantees of appliances and fixtures and the estimated life expectancy of all depreciable component parts of the property, including but not limited to the roof, painting, common area carpets, drapes and furniture;
21. that the trash receptacles, furnaces, and water heaters shall be shown in a legal compartment outside the required parking and landscaping and in conformance with zoning and California Building and Fire Code requirements before a building permit is issued;
22. that if a security gate system across the driveway is installed in the future, the gate shall be installed a minimum 20'-0" back from the front property line; the security gate system shall include an intercom system connected to each dwelling which allows residents to communicate with guests and to provide guest access to the parking area by pushing a button inside their units;
23. that prior to scheduling the foundation inspection a licensed surveyor shall locate the property corners, set the building envelope;
24. that prior to underfloor frame inspection the surveyor shall certify the first floor elevation of the new structure(s) and the various surveys shall be accepted by the City Engineer;
25. that prior to scheduling the roof deck inspection, a licensed surveyor shall shoot the height of the roof ridge and provide certification of that height;
26. that construction access routes shall be limited in order to prevent the tracking of dirt onto the public right-of-way, clean off-site paved areas and sidewalks using dry sweeping methods;
27. that if construction is done during the wet season (October 1 through April 30), that prior to October 1 the developer shall implement a winterization program to minimize the potential for erosion and polluted runoff by inspecting, maintaining and cleaning all soil erosion and sediment control prior to, during, and immediately after each storm even; stabilizing disturbed soils throughout temporary or permanent seeding, mulching matting, or tarping; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels and other chemicals;

## RESOLUTION NO.

28. that trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, a self-contained drainage system shall be provided that discharges to an interceptor;
29. that this project shall comply with the state-mandated water conservation program, and a complete Irrigation Water Management and Conservation Plan together with complete landscape and irrigation plans shall be provided at the time of building permit application;
30. that all site catch basins and drainage inlets flowing to the bay shall be stenciled. All catch basins shall be protected during construction to prevent debris from entering;
31. that this proposal shall comply with all the requirements of the Tree Protection and Reforestation Ordinance adopted by the City of Burlingame in 1993 and enforced by the Parks Department; complete landscape and irrigation plans shall be submitted at the time of building permit application and the street trees will be protected during construction as required by the City Arborist;
32. that project approvals shall be conditioned upon installation of an emergency generator to power the sump pump system; and the sump pump shall be redundant in all mechanical and electrical aspects (i.e., dual pumps, controls, level sensors, etc.). Emergency generators shall be housed so that they meet the City's noise requirement;
33. that prior to issuance of a building permit, the applicant shall prepare and submit to the Department of Public Works – Engineering Division a sanitary sewer analysis that assesses the impact of this project to determine if the additional sewage flows can be accommodated by the existing sewer line. If the analysis results in a determination that the existing sewer line requires upgrading, the applicant shall perform the necessary upgrades as determined by the Engineering Division;

### ***Mitigation Measures from Initial Study***

#### ***Aesthetics***

34. *Prior to submittal of plans to the Building Division, the project sponsor shall ensure that building construction plans show exterior lighting and window treatments on the condominium building that are designed to minimize glare and light spillover to adjacent properties.*

*The City shall ensure that final design plans include downward directed light fixtures that are low-mounted to reduce light trespass onto adjacent properties. The final design plans shall also include glazing window treatments to minimize the intensity of daylight glare produced by the condominium building.*

## RESOLUTION NO.

### **Air Quality**

35. *During construction activities, the following air pollution control measures shall be implemented:*
- a. *Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
  - b. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
  - c. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
  - d. *All roadways, driveways, and sidewalks shall be paved as soon as possible.*
  - e. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
  - f. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
  - g. *A publicly visible sign shall be posted with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.*

### **Biological Resources**

36. *To reduce construction related impacts to special-status bat species, a bat survey shall be conducted between March 1 to July 31 by a qualified wildlife biologist within the year of proposed construction start and prior to ground disturbance. If no bat roosts are detected, then no further action is required. If a colony of bats is found roosting on-site, then the following mitigation will be implemented to reduce the potential disturbance:*
- a. *If a female or maternity colony of bats are found on the project site, a wildlife biologist through coordination with CDFW shall determine what physical and timed buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).*

## RESOLUTION NO.

37. *To protect the long-term habitat of Mills Creek, the Applicant shall ensure that the creek is not obstructed and human intrusion into the riparian area is minimized. In compliance with Section 1600 of the California Fish and Game Code, the Applicant shall enter into a Streambed Alteration Agreement prior to conducting any construction activities within the creek corridor (defined by the California Department of Fish and Wildlife) as the top of bank plus the outer edge of the dripline of riparian vegetation) which will identify conditions the Applicant will implement. Conditions shall include but not be limited to the implementation of bank stabilization measures, and/or restoration and revegetation of the stream corridor habitat that has been damaged by project construction.*
  
38. *The Applicant shall obtain a Section 404 Clean Water Act Nationwide Permit from the USACE for impacts to wetlands and waters of the U.S. and comply with the mitigation measures identified in the Hydrology and Water Quality Section to prevent discharge of pollutants to surface waters during construction. This shall include complying with the State's National Pollution Discharge Elimination System General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit) issued by the Regional Water Quality Control Board (RWQCB). The Applicant shall also obtain a 401 Water Quality Certification from the RWQCB. For permanent removal of jurisdictional perennial creek, the Applicant shall require either replacement of affected acreage at a 1:1 ratio (one acre must be created for every acre lost) or payment of in-lieu fees. For the temporary removal of jurisdictional perennial creek, the City shall restore the area to pre-construction conditions. This may require revegetation of the area using native vegetation appropriate for drainages.*
  
39. *The applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:*
  - a. *During the breeding season (Generally February 1 through August 31) a qualified biologist shall survey the project site and large trees within 500 feet and line of sight for nesting raptors and passerine birds not more than 14 days prior to any demolition, construction, or vegetation removal.*
  - b. *If demolition or construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
  - c. *Results of positive surveys will be forwarded to CDFW (as appropriate) and avoidance measures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.*

## RESOLUTION NO.

### **Cultural Resources**

40. *In the event that buried archaeological resources are discovered during construction, ground-disturbing operations shall stop within 100 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further evaluation. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Archeological resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.*
  
41. *In the event a fossil is discovered during construction for the project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The Applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.*
  
42. *In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:*
  1. *There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.*

## RESOLUTION NO.

2. *Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:*
  - a. *The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.*
  - b. *The descendant identified fails to make a recommendation.*
  - c. *The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.*

### **Geology/Soils**

43. *Prior to the issuance of a building permit, the project's plans shall reflect foundations that extend deep enough to penetrate more stable soils. The project applicant shall follow the recommendations of the Geotechnical Investigation, by implementing a pier and grade beam foundation system. Herein, the piers shall penetrate a minimum of 12 feet beneath lowest adjacent grade; have a minimum diameter of 16 inches; be nominally reinforced vertically with a minimum of four No. 4 bars; and be spaced no closer than 4 diameters (center to center). In addition, the actual depth, diameter, reinforcement, and spacing of the piers shall be determined by the structural engineer based upon the design criteria:*
  - a. *A friction value of 500 per square foot (psf) may be assumed to act on that portion of the pier within below 2 feet. Lateral support may be assumed to be developed along the length of the pier below 2 feet, using a passive pressure of 350 per cubic foot (pcf) Equivalent Fluid Weight (EFW). Passive resistance may be assumed to act over 1.5 projected pier diameters. Above 2 feet, no frictional or lateral support may be assumed. These design values may be increased 1/3 for transient loads (i.e., seismic and wind).*
  - b. *The bases of the piers' holes should be clean and firm prior to setting steel and pouring concrete. If more than 6 inches of slough exists at the base of the pier holes after drilling, then the slough should be removed. If less than 6 inches of slough exists, the slough may be tamped to a stiff condition. Piers should not remain open for more than a few days prior to casting concrete. In the event of rain, shallow groundwater, or caving conditions, it may be necessary to pour piers immediately.*

## RESOLUTION NO.

- c. *Because of the presence of groundwater and locally sandy soils, the contractor should be prepared to address pier-hole caving. This may include drill and pour techniques, slurry drilling, or casting the holes. Accumulations of water in the hole is likely to cause side wall collapse and make cleaning the hole difficult. Therefore, holes should not remain open for significant amounts of time.*
- d. *All perimeter piers and piers under load-bearing walls should be connected by concrete grade beams. Perimeter grade beams should penetrate at a minimum of 6 inches below crawlspace grade (unless a perimeter footing drain is installed to intercept water attempting to enter around the perimeter). Interior grade beams do not need to penetrate below grade. All other isolated floor supports must also be pier supported to resist expansive soil uplift, however they do not need to be connected by grade beams.*
- e. *In order to reduce any expansive soil uplift forces on the base of the grade beams, the beams either should have a uniform 3-inch void between their base and the soil, or should be constructed with a knife edge and triangular shaped void in a rectangular trench. The void can be created by the use of prefabricated cardboard material (e.g., K-void, Sure-void, Carton-void), half a sonotube faced concave down, or other methods devised by the contractor and approved by the geotechnical engineer. The use of Styrofoam is not acceptable for creating the void.*
- f. *All improvements connected directly to any pier supported structure, also need to be supported by piers. This includes, but is not limited to: porches, decks, entry stoops and columns, etc. If the designer does not wish to pier support these items, then care must be taken to structurally isolate them (with expansion joints, etc.) from the pier supported structure.*

### **Hydrology/Water Quality**

- 44. *The project applicant shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all construction activities at the project site. At a minimum, the SWPPP shall include the following:*
  - a. *A construction schedule that restricts use of heavy equipment for excavation and grading activities to periods where no rain is forecasted during the wet season (October 1 thru April 30) to reduce erosion associated intense rainfall and surface runoff. The construction schedule shall indicate a timeline for earthmoving activities and stabilization of disturbed soils;*
  - b. *Soil stabilization techniques such as covering stockpiles, hydroseeding, or short-term biodegradable erosion control blankets;*
  - c. *Silt fences, compost berms, wattles or some kind of sediment control measures at downstream storm drain inlets;*

**RESOLUTION NO.**

- d. *Good site management practices to address proper management of construction materials and activities such as but not limited to cement, petroleum products, hazardous materials, litter/rubbish, and soil stockpile; and*
  - e. *The post-construction inspection of all drainage facilities and clearing of drainage structures of debris and sediment.*
45. *The project applicant, before project approval, shall prepare the appropriate documents consistent with San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) and NPDES Provisions C.3 and C.6 requirements for post-construction treatment and control of stormwater runoff from the site. Post-construction treatment measures must be designed, installed and hydraulically sized to treat a specified amount of runoff. Furthermore, the project plan submittals shall identify the owner and maintenance party responsible for the ongoing inspection and maintenance of the post-construction stormwater treatment measure in perpetuity. A maintenance agreement or other maintenance assurance must be submitted and approved by the City prior to the issuance of a final construction inspection.*

**Noise**

46. *All construction equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition to minimize noise created by faulty or poorly maintained engine, drive train, and other components.*
47. *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors and as far as possible from the boundary of sensitive receptors.*
48. *Pursuant to the City of Burlingame Municipal Code, the Applicant shall limit construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday, Saturdays between 9:00 a.m. and 6:00 p.m. and Sundays and holidays between 10:00 a.m. and 6:00 p.m.*

---

Will Loftis, Chair

I, Peter Gum, Secretary of the Burlingame Planning Commission, do hereby certify that the foregoing resolution was adopted at a regular meeting of the Planning Commission held on the 25<sup>th</sup> day of July, 2016 by the following vote:

AYES:

NOES:

ABSENT:

---

Peter Gum, Secretary



CITY OF BURLINGAME  
COMMUNITY DEVELOPMENT DEPARTMENT  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010  
PH: (650) 558-7250 • FAX: (650) 696-3790  
www.burlingame.org

**Site: 1509 EL CAMINO REAL**

The City of Burlingame Planning Commission announces the following public hearing on **MONDAY, JULY 25, 2016 at 7:00 P.M.** in the City Hall Council Chambers, 501 Primrose Road, Burlingame, CA:

Application for Mitigated Negative Declaration, General Plan Amendment, Rezoning, Condominium Permit, Fence Exception, Tentative Condominium Map, and Tentative and Final Parcel Map for Lot Combination for a new three-story, 11-unit residential condominium with at-grade parking at **1509 EL CAMINO REAL** zoned R-2 & R-3. APN 026-011-010

**Mailed: July 15, 2016**

**PUBLIC HEARING  
NOTICE**

*(Please refer to other side)*

**City of Burlingame**

A copy of the application and plans for this project may be reviewed prior to the meeting at the Community Development Department at 501 Primrose Road, Burlingame, California.

If you challenge the subject application(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in the notice or in written correspondence delivered to the city at or prior to the public hearing.

Property owners who receive this notice are responsible for informing their tenants about this notice.

For additional information, please call (650) 558-7250. Thank you.

William Meeker  
Community Development Director

**PUBLIC HEARING NOTICE**

*(Please refer to other side)*

**R-1 & R-3**



**1509 El Camino Real**

