



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Tuesday, October 15, 2024

7:00 PM

Council Chambers/Online

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### 1. CALL TO ORDER - 7:00 p.m. - Council Chambers/Online

*The meeting was called to order at 7:01 p.m. Staff in attendance: Planning Manager Ruben Hurin, Senior Planner Erika Lewit, and Assistant City Attorney Scott Spansail.*

### 2. ROLL CALL

**Present** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent** 1 - Pfaff

### 3. REQUEST FOR AB 2449 REMOTE PARTICIPATION

*There were no requests.*

### 4. APPROVAL OF MINUTES

#### a. Draft September 23, 2024 Planning Commission Meeting Minutes

**Commissioner Comaroto made a motion, seconded by Commissioner Tse, to approve the meeting minutes. The motion carried by the following vote:**

**Aye:** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

### 5. APPROVAL OF AGENDA

*Staff requested that Item 10a - 1033 Cortez Avenue be heard prior to the Regular Action Items, and that Item 7a - Discussion of Home Occupation Permit Regulation be moved to the last item on the agenda. The Commission granted the request.*

### 6. PUBLIC COMMENTS, NON-AGENDA

*There were no public comments on non-agenda items.*

### 7. STUDY ITEMS

#### a. Discussion of Home Occupation Permits Regulations (BMC Chapter 25.72). Staff Contact: Neda Zayer

**Attachments:** [Staff Report](#)

*Community Development Director Neda Zayer provided an overview of the staff report.*

*Chair Lowenthal opened the public hearing.*

*Public Comments:*

*> There were no public comments.*

*Chair Lowenthal closed the public hearing.*

*Commission Discussion/Direction:*

*> We should not punish the home occupation business if a day care is allowed to have more children who may be playing at the backyard. At the same time, I'm not sure I want a basketball team next to me. I can appreciate what the neighbors are saying, but how do we be fair to how things happen in our neighborhoods?*

*> I think there is a distinction between indoors and outdoors. Six kids playing indoors is no problem; six kids playing basketball outdoors until 8:30 pm might be a problem. If we modify this, should we be making a distinction between indoor and outdoor?*

*> Zayer: Currently, the regulations do not distinguish between the indoor or outdoor activities. That is one way to group the activities than allow for different regulations for indoor use versus outdoor. Under the existing regulations, you are allowed to have a maximum of three students at one time regardless of if it is an indoor or outdoor activity.*

*> Spansail: Even tutoring indoors would be considered like that as well.*

*> My kids participated in activities that were conducted in a home. In their sewing class, there were at least six students in the home quietly sewing. The piano teacher taught from the home, and she occasionally had recitals where a dozen kids would come to listen to a some of the students play. I can see how there would be a need for flexibility for larger numbers depending on what activity it is.*

*> What is happening now is that our community does have people who specialize in things, and they create their homes to bring kids in and teach them because we don't have a lot of the old activities back in schools. These wonderful people in our community have allowed that. I would hate to discourage people from teaching how to knit and how to do all these wonderful things for kids. I'm a big sports advocate. If you want to play basketball outside, go get your energy, go play and hang out.*

*> My kids attend this basketball camp, specifically what we are talking about, so I've been used to it for the last three years dropping off and picking them up. The parking issue, parents are there literally three minutes dropping their child off and another three minutes picking them up. It is not 5-on-5 basketball. It's not even a game. It is literally coaching instructions, if you ever witness it, there is hardly any noise. There's a coach talking to kids. They are doing passing, shooting drills, dribbling drills and the noise is limited. They do not operate past 6:30 pm that is the last class. He doesn't sell merchandise. The storage is behind the garage. The building appearance looks like a house. There is a fence, and you can't even tell there is a basketball court. The person lives there. He also does boxing in his garage, it is fantastic. They are some of the best coaches you'll meet.*

*> It would be a tragedy to be limited to just three because so many kids will be stuck not being able to have basketball tutoring and that is essentially what it is. It will limit the huge amount of people who I know will utilize this specific home occupation. I am a huge proponent of this to be increased to 8-10 kids. I see the benefit throughout the community of increasing the number of kids allowed. Never once have I heard anything negative about it, that's why I asked what the merit of the actual complaint is.*

*> I disagree. In an R-1 neighborhood, I don't want 10 people playing basketball next to me. That is not a*

residential use. They should rent a place and have the business there, like a gym or a public basketball court.

> I see no issues for indoor uses having 8-10 kids, that seems totally reasonable. To be clear, it specifies that it uses indoors unless they can only be conducted outdoors like swimming and basketball, so I have no issue with that. I can see a rationale for it being lower than 8-10 kids for outdoors like basketball or swimming, but I do think three is a little bit low for that.

> We could introduce a sound component. Number of people can contribute to decibels, but if there is a way where we can provide guidance that the goal is to keep it to a certain level of noise, which that is the inconvenience. I don't care if you are playing basketball next door, I only care that you are louder than my dog.

> Spansail: We do have an existing excessive noise ordinance in place based on the district they are in.

> Zayer: 60-65 is the decibel level and they measure it at the edge of the property line. It just becomes a matter of enforcement. It becomes a very nuanced thing to regulate. My recommendation would be not to tie it to noise and say, "all standards within the city are going to apply" and that includes noise standards. The regulations already do have discretion to allow the Community Development Director to add any other pertinent conditions of approval to the Home Occupation Permit. It's going to be impossible for us to think of every single scenario where someone might generate a business, but if we have a general comfort level of a number and should something come in that may be doing 10 or 6 outside given that particular use might seem excessive given that circumstance, we can put additional conditions in that. If we say 90% of the businesses that will come in or operate perfectly fine with this many students, I say let's shoot for the 90% and on a case-by-case basis we can address unique circumstances that might need a little bit more regulation.

> The challenge is that this is not specific to piano or basketball. Somebody can open a food business, with whatever number we decide on, let's say 10 employees. They can have 10 employees paid at their house making food, having UPS trucks come and pickup the food. This is generally applicable. It is not one guy having a basketball camp. That is where the complaint stemmed from. If we update this from 3 to 10, that means my neighbor can open a business at his house with 10 people.

> Spansail: To that point, there is a realistic possibility that accountants, tax preparers and similar can have 10 employees come into a home business that way. Restaurants are pretty heavily regulated. A law firm can essentially operate from their house. Certainly, there are other uses outside of sports. We are interested to hear what the commission believes should there be a differentiation between the indoors and outdoors, the parking considerations. Part of it already says, "customer visits shall be limited to daily visits typically associated with residential properties." Part of that is supposed to be guided towards having it consistent with residential use. You are not having 10 people show up for one hour switching up 10 people for the next hour. Those are some of the things we'd like to hear from the commission.

> It does list excluded operations. Does this specifically have to be a for-profit entity? (Zayer: It is a Home Occupation Permit, so it is to conduct business. This would be in exchange for monetary payment.)

Spansail: They have to have a business license that is contingent upon getting a Home Occupation Permit.

> Zayer: In the regulations, as it is written now, it is very specific that you shall not have more than three. There is no ability for the Community Development Director to make any interpretation or adjustment because the code is very clear. We can write the language a little more loosely, which is always an option, and make it more as guidelines for different things that allow for a little more discretion on the case-by-case basis.

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- > *It says here there are inspections, that is part of it anyway, that the Director can request for an inspection whenever they want. What if we have it at three and you ask for exceptions to have more than three, then there is an immediate requirement for inspection to see what you are doing and what is there. Maybe the inspector at that time can make the determination if it is appropriate. We do have a way to move forward with certain businesses, but then some as we have excluded here, will get shut down after the inspection.*
  - > *Zayer: We can. If we still believe that the baseline three is the appropriate number, we can modify the language, so it allows for flexibility to make some discretion. If we believe that the baseline three is low in general, we can adjust that with the same flexibility. If we think we should distinguish between indoor and outdoor activities, we can make that as well. The clearer we can be to give any director who's in the seat some general guidance with enough wiggle room for some discretion would be my recommendation. If the commission thinks the baseline three is good, we can just finesse the language and if we think that should be bumped a little, we should explore that.*
  - > *As a starting point, we should distinguish between indoor and outdoor and then go from there.*
  - > *We can also provide a lit of examples and guidelines.*
  - > *Zayer: If someone comes with a situation where we do an inspection, what it allows is for the ability to place a condition to manage that unique circumstance. We can start with the indoor/outdoor distinction. What is a good number that Planning Commission thinks is a good starting base?*
  - > *Spansail: You can also do a tiered approach. It can be like a by-right, you can have this many and with the approval of certain conditions by the Community Development Director you can have a maximum number too. If you'd rather do a minimum or maximum there is flexibility.*
  - > *Can we keep it the way it is with the three participants and then grant greater authority to apply for a specific conditional use in which that person would say, "I'm going to have my five-person yoga camp in the back" and we say that sounds fine.*
  - > *Spansail: Right now, it is purely complaint-based. Typically, the one who is going out responding to the people who are told that they are violating their Home Occupation permit does an inspection gives them a chance to fix the citation. A lot of times what our code enforcement officer is doing is going out there educating about the Home Occupation permit process and that person will get a Home Occupation Permit and generally comply. The bigger issues we have are the people who are doing this without the permits, and we don't want to discourage them from getting it. That is part of the reason why we are here to talk about what is the reasonable number to allow. Then the next level of are they violating it, that is lesser but also harder to enforce.*
  - > *Lewit: The Home Occupation Permit process in most cases take about 10 minutes. You don't have to come to the city. As a staff member, I can say that complaints about home occupations that exist rarely come up and when they do, they are for items like this, outdoor instruction typically.*
  - > *Suggests keeping the language we have in place but expand the director's role in being able to approve specific home business applications with certain requirements. If having five or six people to do something there feels like it will not impact the rest of the neighborhood, then it gets approved.*
  - > *We may not capture the businesses who don't have a home occupation business license, because maybe for them three is not worth getting the license for. We should encourage people to be able to apply for this home occupation business license if it meets their needs rather than scaring people away with the small number three limit.*
  - > *Yes, I agree that three just seems very low.*

- > I am laxer with 10 students than the actual business of 10 working people who will be occupying the home. I agree, we should raise the number, but not sure what the magic number is. Six would be reasonable but there should be an option for an exception.
- > If we put a fixed number in the regulation, they will say by right they are allowed to have that number. If you leave it at three or take the number out entirely and put it fully to the discretion of the Community Development Director, then it is whatever is signed on.
- > Zayer: A range or a minimum/maximum is okay. It can also be just raising the base number and crafting it with the city attorneys so there is some ability for some discretion. It would be a discretion to lower the number than to raise the number.
- > Spansail: Being able to add conditions based on the type of activity that is there. If it basketball and we are getting noise complaints, we can make sure that we put the right conditions that it is not too loud during certain hours of the day so they are not playing basketball from 9-10 pm or something like that.
- > If you know that you are doing an outdoor activity, knowing that you should throw in the noise and time clauses, that would probably be a good thing to put at approval because you can say, you've read it. Whereas if it is another law somewhere else, they are not reading it, and they will not pay attention to it until they get a complaint.
- > We probably would have more of these outside functions during the summer. Kids will be going in the mornings and afternoons until early evenings. Once it gets dark everybody goes home. And during winter, the kids have their own functions at school, and it gets dark early at 6 pm.
- > Spansail: It sounds like six is a comfortable number at any time. Is there any maximum for a day?
- > Right now, it doesn't have any regulations for a maximum number of students per day. I suggest that we don't touch that and if things come up later, we can look at that. There are so many different ways that can go for so many different reasons. That can be a variance or a condition of approval.
- > To add for consideration when it comes up, I am more lenient looking at this just because to me the idea of one-person in a household being able to earn extra income using that household sounds like a really great way to stay in that household and not be forced out from some other measures. Personally, that accounts for me thinking if they are inside doing piano recitals, 10, 12 or however many that is appropriate.
- > I still feel that the student aspect for me is important. It is not the same as a business with actual people working. There has to be some discretion beyond six, something in there that allows the director to approve a certain number at a time and it is fine if we are not getting any complaints. But if we do start getting complaints, we may restrict it down to six.
- > Zayer: In the revision, I'd probably remove the word "student" and just put "client" or "customer" because I don't want to distinguish between kids or adults. It is whoever the customer is, you are allowed to have this many customers at any given time. We can explore some language. Having a baseline of six for outdoors and ten for indoors, let's see what type of language we can draft around that.
- > It's like educational versus non-educational; educational can be very broad. Yes, a student is a customer, but I don't see students the same as any other businesses that come to mind. There needs to be a little bit of difference there and not necessarily putting all businesses in one bucket.
- > Spansail: This is still an open study item. The commission don't need to come to a complete conclusion tonight. You are certainly welcome to if there is a consensus among everyone. We've learned a

*lot and gotten a lot of feedback. We've had discussions about indoor/outdoor and it sounds like there is a greater capacity to have more people for an indoor activity than outdoor. Six looks like the number of people for outdoors that most are comfortable with as a by-right number. When we do amend this, this will be an ordinance because we are amending our code. This will come back before you in an ordinance format. That time, we would need the commission to come to an agreement and give us your feedback. Right now, we can take as specific a feedback as you'd like, we are open for more.*

*> I feel like one complaint can penalize everyone who has been doing it all these years. I don't want to penalize the community.*

*> Zayer: Recognizing that it has been working, I don't want to overhaul the regulations either. Just balancing the needs, the complaint and the fact that we've had occupation permits going through smoothly and it hasn't been an issue.*

*> Outreach is important for this discussion.*

## 8. CONSENT CALENDAR

- a. 1908 Devereux Drive, zoned R-1 - Application for Design Review for a new, two-story single-unit dwelling and detached garage. This project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15303 (a) of the CEQA Guidelines.(Richard Terrones, Dreiling Terrones Architecture, applicant and architect; Michelle and Marty Galvin, property owners) (54 noticed) Staff Contact: Fazia Ali

Attachments: [Staff Report](#)

[Attachments](#)

[Plans](#)

Commissioner Schmid made a motion, seconded by Commissioner Comaroto, to approve the Consent Calendar. The motion carried by the following vote:

**Aye:** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

## 9. REGULAR ACTION ITEMS

- a. 1317 Paloma Avenue, zoned R-1 - Application for Amendment to Design Review for as-built changes to a previously approved new, two-story single-unit dwelling and detached garage. This project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15303 (a) of the CEQA Guidelines.(Ardalan Djalali, applicant and designer; Behzad Hadjian, property owner) (68 noticed) Staff Contact: Fazia Ali

Attachments: [Staff Report](#)

[Attachments](#)

[Plans](#)

*All Commissioners have visited the project site. Commissioner Comaroto was recused from this item because she owns property within 500 feet of the subject property. Senior Planner Lewit provided an*

overview of the staff report.

Chair Lowenthal opened the public hearing.

Behzad Hadjian, property owner, represented the applicant and answered questions regarding the application.

Public Comments:

> There were no public comments.

Chair Lowenthal closed the public hearing.

Commission Discussion/Direction:

> I can see the justification for the electric fireplace. I'm never a fan of the faux shutters. The house looks okay as-built, but it is different from what was approved; it is an issue without justification. The house immediately to the right is very nicely detailed; it has brackets and bricks. In a side-by-side comparison, what's been omitted in this house is more noticeable.

> It feels like it was stripped. I'm not passionate about any one of the items omitted, but where we are going, it has nothing. I'm not supportive of just taking them all out. It could be done differently. There are a lot of opportunities there. If they want to explore those changes, that is fine, but I'm not in agreement with just stripping them all out. The shutters may not work, but they add a balance of positive/negative space to it. I'm not a huge fan of the truss element in the gables, but without the trusses it looks dead. I'm not supportive of this without a better study of how to make it cohesive because it looks like it became cheap. When you look at the photos of the adjoining neighbors, they all do have details and scale to them.

> It seems to me that they come to the end of the project and just decided not to add in all the details that add character to the house. The house is built, it is functional, it has a roof and all that, but all the aesthetic items have been stripped away. I am also fine with the stone cladding at the fireplace, with the shutters being removed especially because they are not even sized appropriately to match the windows. The deep overhang at the gable ends is calling for something. It was originally intended to have these truss details; it is now missing. Something needs to go there. The ones at the columns can easily be added. I see a hybrid. I am okay to give up a couple of things but some of the decorative elements need to come back in. The house looks fine, but it was not intended to look this way.

> I agree with my fellow commissioners. The knee braces will fit perfectly in that spot. It is just that all of the details have been removed all at once. Some of them can go back.

> It seems like you are at the end of the build and the market is not as hot as it was. There is an opportunity here to get the house in the market and sell it fast. The problem is that I hear a lot of "well, this does not have value" but when you take away all these non-values, you don't add value to the house. I like the fireplace, it adds a little bit of texture, but you are not going to see much of it. You don't need to have the shutters. Adding some molding, knee braces, or whatever it may be, something needs to be proposed other than what is being presented today.

**Commissioner Schmid made a motion, seconded by Commissioner Tse, to continue the application. The motion carried by the following vote:**

**Aye:** 5 - Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

**Recused:** 1 - Comaroto

- b. 1128 Lincoln Avenue, zoned R-1- Application for Design Review for a new, two-story single-unit dwelling and detached garage. This project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15303 (a) of the CEQA Guidelines. (Jesse Geurse, Geurse Conceptual Designs, Inc., designer; Kimberly Wickam, property owner) (68 noticed) Staff Contact: Brittany Xiao

**Attachments:** [Staff Report](#)

[Attachments](#)

[Plans](#)

*All Commissioners have visited the project site. Commissioner Comaroto was recused from this item since she owns property within 500 feet of the subject property. Senior Planner Lewit provided an overview of the staff report.*

*Chair Lowenthal opened the public hearing.*

*Jesse Geurse, designer, represented the applicant and answered questions regarding the application.*

*Public Comments:*

*> There were no public comments.*

*Chair Lowenthal closed the public hearing.*

*Commission Discussion/Direction:*

*> The roof slopes on Lincoln Avenue side can be a little steeper to add a little more prominence to that side.*

*> I can understand the very beautiful door that the applicant has selected for the house. Consider surrounding it with thin glass; narrow sidelights on both sides and a clerestory up above, so the door seems like it is floating. It can really draw some drama in this area since the light will come out. This is a nice deep foyer entry and the view all the way back to the dining room can be pretty.*

*> I like the house as is. I appreciate the comments on the foyer but will defer to the applicant's vision. I will be okay with approving this project.*

*> I agree on raising the pitch of the roofs along Lincoln Avenue, more so on the upper level. Suggests aligning it with the pitch on the entry. The lower roof may not have to be that steep and the same as above because the windows are different.*

*> This house has a lovely design with some minor tweaks to suggest; I can see this going forward.*

*> I agree that this is a great design. Suggest decreasing the overhang and the depth of the eave on the smaller roof along Lincoln Avenue. It will have a better effect if it is shortened since it is a smaller roof on a smaller form. It may complement that elevation really well in the same way the second story will when the roof slope is steeper.*

**Commissioner Shores made a motion, seconded by Commissioner Tse, to approve the application with the following added condition:**



> that the roof pitch of the roof above the second floor window facing Lincoln Avenue shall be increased to align with the roof pitch at the entry; and that the depth of the eave on the lower roof facing Lincoln Avenue shall be reduced in depth so that it is lesser than the main roof.

The motion carried by the following vote:

**Aye:** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

- c. 19 El Quanito Way, zoned R-1 - Application for Design Review and Hillside Area Construction Permit for a first and second floor addition to an existing single-unit dwelling. This project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15301 (e)(1) of the CEQA Guidelines. (Tim Raduenz, Form One Design, applicant and designer; Angelique and Chris Rypinski, property owners) (29 noticed) Staff Contact: 'Amelia Kolokihakaufisi

**Attachments:** [Staff Report](#)

[Attachments](#)

[Plans](#)

*All Commissioners have visited the project site. Vice-Chair Horan noted that he exchanged text messages with the neighbor at 15 El Quanito Way to set up a site visit which was unsuccessful. Senior Planner Lewit provided an overview of the staff report.*

*Chair Lowenthal opened the public hearing.*

*Tim Raduenz, designer, represented the applicant and answered questions regarding the application.*

*Public Comments:*

> *Ammiel Kamon, 15 El Quanito Way: Commissioner Horan, I apologize for the missed connections. I tried to reach you last week. Same with Commissioner Tse, thank you for reaching out. I have two points and an ask. In the prior discussion, the conversation is centered around what is protected view and living spaces were identified. I took a photograph today to show a picture of the space of this one large living areas; it is a combination of living space, gaming area and dining area. There are large windows facing that way. It is elevated versus the homes down below. Absent a 30-foot ladder, you cannot see what we see. I would like for the commissioners to come in and see what we see and like what the applicant has stated, we would also like to put the matter in your hands. We live in the hills. We give up walkability, we are not proximate to downtown, and our kids can't even walk down to the local schools because there are no contiguous sidewalks all the way through, it is not safe, and we have to drive them. We do all that but as a benefit we get a little bit of quiet, a little less traffic and we have the views. I was driving by Hillside Drive and thinking of what the message is, because every house at any given time is subject to their lower neighbor building up and taking away the views. That is the frustration from the community perspective. If you are inclined to approve this project, I would respectfully ask you to at least consider an in-person visit on Thursday or Friday.*

> *Reg Lormon, attorney for Ammiel Kamon: If I catch the tenor of what is going on, there is a recognizable distant view towards the bay that exists at Mr. Kamon's property, whether there are some shrubs in it, it is observable. I was out there today, and the story poles will prevent the view. Pursuant to the Burlingame Municipal Code Section 25.20.040, it talks about being sensitive in the design of distant views and to take that into consideration subsection B states that "Hillside development shall be designed to preserve existing distant views." He has an existing distant view observable from his primary living*

areas. That needs to be fit into whatever grand plan is ultimately decided upon by the commission. This does not intend to prevent people from building, it is just to accommodate what the code provides. Because if we allowed something other than preserving the view, it is taking away something that is otherwise stated in the City's Municipal Code.

> Chris Rypinski, 19 El Quanito Way: I would like to add a few things. I spent a lot of time understanding our neighbor's perspective and as requested by the commission has installed the story poles. With the permission of our next-door neighbor, we also took pictures from their roof to really see the perspective of our neighbor's view from that side. We really believed that side view is not a guaranteed view because it depends on the tree growth on our property and adjacent properties. The main view, which will remain unobstructed, is overlooking the canyon where all the homes are in El Quanito Way. We are hoping that all these information will help the commission reach the best decision. Thank you for your time.

Chair Lowenthal closed the public hearing.

*Commission Discussion/Direction:*

> Suggests looking at turning the roof 90 degrees so that the slope is the same as the current one at the front.

> At the last meeting when this project first came to us, I tried to visit the neighbor's home to see if there was any potential view blockage of the distant bay views, but due to schedule conflicts there was no opportunity to visit the house before this meeting. What I was able to see from the side of the house is one predominant window facing the bay. It is a large window with sidelights. It definitely looks like a feature window directed towards the bay. Just from his description that it is his main living space, I haven't been able to visualize that. Standing nearby and perched as close as I can get to see where the story pole area is, it appears that the view they currently enjoy is fully blocked. I would have to validate that by seeing it in the home, but we can't do that until later this week, so I don't really know how to decide tonight without getting that validated.

> I went to the house and climbed to get my head as close to that window as possible. It does appear that the distant view is blocked. I would need to go into the house as well to confirm that.

> I visited the site and agree with my fellow commissioners that unless we can go inside, I don't know how we can move forward. Let us assume that the view is blocked, then it is up to the applicant on what they want to do because they can't build this. Then my concern is that having knowledge of the house on the downslope from that property, which is the same house where my husband grew up in, the amount of erosion of that hillside and the amount of work that the city had to do back in the 80's with that retaining wall because it went down into canyon and all the work that had to be done. What are the implications if the applicants wanted to build? How are they planning to mitigate the erosion on this hillside by building it out so they can get the space that they want? I know it is not in our purview but those are some of my concerns. I know we don't like people to build closer to the front setbacks, but maybe this is one of those cases where we get a little lenient to the applicant to give them the space that they want within the house, so they don't have to deal with the erosion. I don't know and I am speculating that there are hillside and land issues back there. But it is important to get access to the house next door to be certain it is what we assume it is, then it is up to the applicant how they want to move forward.

> I appreciate the applicant's effort to preserve most of the home and not just knock it down. Because it is in a unique spot, there is not a lot of places to build out. My fellow commissioner's idea about the front is interesting. Thinking about the back, it destroys their ground floor layout, and they'd end up tearing down everything. The layout will not turn out to be good and then they will not have a flat space behind that. I feel for them on that. I believe the majority of the view on those lots is the canyon view. The true hillside is going down towards Canyon Drive and it is not going towards the bay. One interesting point

made by the applicant is that it is not a guaranteed view out towards the bay because there are a lot of trees. It is a small window that you can see the bay, whether it be from their property or on the street where there is no house. With tree growth, that view is gone too. I'm hesitant but it will be an interesting question whether or not there are different opportunities in bringing the house forward instead of up, but that will require some study on the designer's part whether or not the city will entertain that kind of variance.

> Short of a full redesign, I agree with my fellow commissioner that trying to keep the existing house is a great thing as opposed to tearing it down. Unless you go with a very modern aesthetic and have a flat roof without any pitch, it may still block some of the views.

> In addition, you have to redesign the whole ground floor to do a split-level. We've already seen that in order to make a two-story modern home not go up.

> We are handcuffing the options here by only focusing on the view. The question for the neighborhood is do you want to see a new construction on this site, which is going to be a lot more invasive, potentially causing erosion issues for the whole neighborhood or is a small view something that we'll be able to deal with?

> Again, we can't make that determination until we see it from inside the neighbor's home.

> I don't know who makes the determination, the City or the applicant, but who takes care of that land that comes down the canyon? Is it the part of the Public Works Department that works with the property owners? I don't know if the city can investigate as well. (Spansail: We can certainly have staff look into it.)

> In my experience as a builder, you end up with many agencies involved. There's a lot that goes into it. Building on a hillside is extremely challenging and expensive. You can only do it for part of the year. So, you end up with a drawn-out project. Is that better than some of these other options? I don't know if that is better for the neighborhood or not.

> I recognize both party's interest in this. I can appreciate the view blockage concern from the neighbor uphill, but I also appreciate that it restricts the landowner from doing anything. I don't know that our decision should completely punish one or the other. It's looking for the best possible option.

> What was mentioned is also true for the whole hillside overlay area. Everybody knows they can't add a second story if you're going to block anyone's view, that's the rule, not just to this street but a whole area of Burlingame. I'm in the hills, I understand that respect and challenge for homeowners. It is something you accept by buying a home on the hills.

> I will be open to a front addition, more so than any other situation because there is such a restriction here and it affects multiple parties. I suppose they can propose it to staff and then it will be brought back to us for a variance. (Hurin: Correct. We will bring it back to the commission if a variance is requested. Certainly, it is something that can be considered as mitigation for hardship on this property.)

> It is certainly considered a hardship.

> In order to make this a little fruitful for the applicant, a lot of those houses that are close to the front property line now is not like we are asking for a big setback. Could we give them a latitude to come up within a few feet of the sidewalk? It's not going to be a hazard issue; it's just going to be a lack of front yard. Knowing you are on the hillside, maybe that is an acceptable thing. (Hurin: The block average is 20'-0" and they are proposing the structure to be set back at the front by 24'-11". So, they have 4'-11" to play with to come up within the average and then beyond that will be considered a variance.)

> If they come forward beyond 20'-0" is that in our purview to accept or is there a blockage that you are

leveled to keep them from doing that? (Hurin: No, it will just be the variance request. There are no other requirements that says you cannot go past a certain point. It is up to the commission to consider what they are proposing, if it makes sense for the neighborhood or if it is mitigating another issue on the site.)

> It will be a waste if they exert the effort and then have the Fire Department say they can't do that because they must be within the minimum distance. If there is nothing that prevents them from presenting it, then I would love to give them the opportunity to consider that and how it may impact their home.

> There are no sidewalks there, it's not like people are walking on the street. It is a pretty quiet cul-de-sac. You are not going to El Quanito unless you live there.

> Hurin: An additional item that staff wanted to provide clarification on, as you visit the neighbor's house and looking at the view from his indoor space, there was the issue of primary indoor living area. We wanted to clarify that primary indoor areas do not include kitchens, bathrooms or bedrooms. Living rooms and dining rooms are shown in parenthesis in the code, and that is to provide examples of primary indoor living areas; it is not limited to just those two types of rooms.)

> What if it is a library or dining room? (Hurin: We would considered those living areas.)

> Again, I would recommend that this portion of the code gets amended because the way it is written is confusing. (Spansail: That is certainly something staff is currently doing. In the interim, it will probably be the Community Development Director who can make an interpretation. For now, it is in the commission's purview. The Planning Commission can interpret the code as well. Right now, staff's guidance is that bathrooms, bedrooms and kitchen will not be included as living areas. The others, we will leave to the commission's discretion until we present you with the directions.)

> If we continue this project, it's up to the applicant to decide if one of our suggestions of trying the front expansion is a viable option or whether we are going to rule on the addition as drawn. If that is the intention, then we need to get in the neighbor's home to try and determine what that is. If the applicant will consider changing into a single-level addition to the front, that has a wholly different impact to the eventual question that will be asked.

Chair Lowenthal re-opened the public hearing.

> Raduenz: I would like all the commissioners to visit the neighbor's home. That is the whole point. It is a V-shaped view of the bay. We can see it from the pictures, and I'd like for you to see it in person. I will look at doing a single-story addition towards the front, but preferably not to go past the existing bedroom on the left. The owners and I will discuss if the alternative is workable.)

> Consider bringing the front door forward.

> Raduenz: Yes, we will try to fill in the u-shaped area. We have to make it look good with the existing garage at the 30-degree angle. Again, that view is what we are getting. The neighbor between us does not have that view either. He can build up and get the same view, if not better. I know that is not the answer. I've worked in the Town of Hillsborough, and they do not have a view ordinance. We are currently working on a small addition there and the neighbor is adamant, but the commission said we are not blocking the view. We would like you to look at it. We have some time since we are not building during the winter. Take your time in making a good decision. In the meantime, we will study the single-story addition and get back with the planning staff.)

> Given the circumstances, this is not one of those things that we would be stuck on the average setback of the street because it is a unique condition and have an opportunity to resolve two problems, not just one.

Chair Lowenthal closed the public hearing.

**Commissioner Comaroto made a motion, seconded by Commissioner Schmid, to continue the application. The motion carried by the following vote:**

**Aye:** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

- d. 223 Anita Road, zoned R-3 - Application for Side Setback Variance and Parking Variance for a first floor addition to an existing single-unit dwelling located on a multi-unit lot. This project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15301(e)(1) of the CEQA Guidelines. (Hector Santizo, Planning & Design Studio, applicant and designer; Fanny Fang, property Owner) (50 noticed) Staff Contact: 'Amelia Kolokihakaufisi

**Attachments:** [Staff Report](#)

[Attachments](#)

[Plans](#)

*All Commissioners have visited the project site. Senior Planner Lewit provided an overview of the staff report.*

*Chair Lowenthal opened the public hearing.*

*Hector Santizo, designer, represented the applicant and answered questions regarding the application.*

*Public Comments:*

*> There were no public comments.*

*Chair Lowenthal closed the public hearing.*

*Commission Discussion/Direction:*

*> I like the changes because it eliminated all the items that I did not like about it the first time. The addition works well and integrates with what is existing. I have no concerns about the carport. The effort to improve speaks well of this project and I don't see any reason to stop it.*

*> Suggests extending the permeable pavers to go all the way to the front. It feels like a mix and match of different materials. It will be more cohesive if all those pavers are extended all the way to the front where the grass is. We have three different types of materials going on there. Using one or at least two materials will make it more uniform.*

*> I agree. Not sure if it was an attempt in hitting the minimum requirement for permeable because there is a patch of it in front of the carriage house. (Lewit: I would like to remind the Commission that this is no longer a design review application, but only a variance request. So, the only thing in question is the side setback variance for the garage.)*

**Commissioner Schmid made a motion, seconded by Commissioner Tse, to approve the application. The motion carried by the following vote:**

**Aye:** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

- e. 2750 and 2300 Adeline Drive, zoned R-1 - Application for Amendment to Conditional Use Permit, Commercial Design Review, Hillside Area Construction Permit, and Variance for building height for a new gymnasium and outdoor swimming pool on the Mercy High School property. The project is Categorically Exempt pursuant to State CEQA Guidelines Section 15314. (Mercy High School and Sisters of Mercy, applicants and property owners; DevCon Construction, Inc., architect) (334 noticed) Staff Contact: Erika Lewit

**Attachments:** [Staff Report](#)

[Attachments 1](#)

[Attachments 2](#)

[CEQA Class 14 Categorical Exemption Report](#)

[Plans](#)

*All Commissioners have visited the project site. Commissioner Lowenthal was recused from this item because he lives within 500 feet of the subject property. Senior Planner Lewit provided an overview of the staff report.*

*Acting Chair Horan opened the public hearing.*

*Natalie Cirigliano Brosnan, Head of School Mercy High School, represented the applicant and answered questions regarding the application.*

*Public Comments:*

*> Mary Kircher: I am a native San Franciscan raised in San Mateo and currently living in the Town of Hillsborough. I am a proud alumna of Mercy High School Burlingame, class of '78. I'm honored to be chairwoman of the board of directors of Mercy High School. I am the mother of two adult sons and one daughter. My husband of 36 years, Matt, is a Burlingame Panther from the class of '79. Matt and his brother Steve, also a Panther from the class of '71, excelled in high school sports, specifically in football and basketball. They achieved their goals because they were given all the opportunities to excel in high school athletics. They worked out in Burlingame High School's weight room, ran drills on their basketball courts, and competed at a very high level of league games and tournaments in Burlingame's gym, often times until curfew at 10pm. Most high schools in middle schools have the luxury of a school gym which comes with home court advantage and school pride. Most of these schools are situated in lovely, quiet residential neighborhoods and co-exists with their neighbors in a respectful environment. Mercy High School continues to fight for something that is already the norm for all the schools in this area. We have never had home court advantage on our campus. Mercy High School has never had the luxury of a gym on the school property. Often times we find ourselves scrambling to find a practice court, sometimes, as far as Woodside. This is not fair to these young women who deserve the same opportunities as the students in our neighborhood schools regardless of whether it is private or public education. Fifty-five years ago, my husband had more opportunities than these young female athletes have today. Mercy High School has existed for over 100 years at the same location where it stands today. An all-girl education is one of the most valuable gifts a young woman can receive. It is my hope that the city of Burlingame realizes the historical treasure they have in this educational institution. Our girls go on to be leaders in their community, just as I have. I stand before you tonight asking you to recognize the importance of raising strong women and giving them equal opportunities to excel in athletics, education and to forge ahead to become leaders in society. I am confident that you will agree that Mercy High Schools needs to build a gym with the same rules that apply to all our neighborhood schools.*

*> Gayle Miller-Janton: My husband and I lived on Hale Drive since 1991. We are two streets away from Adeline Drive and a five-minute walk to Mercy High School. You've clarified the second point about the*

Mercy High School athletic center should be used solely for Mercy High School related events. My key comment is about the fact that our neighborhood settles down and is quiet by 8pm. I know this because I walk the neighborhood every single night after dinner. I believe it is important that the 8:30pm end time curfew is established and enforced for these sports events. Having said that, a later end time exception can be included for certain occasional athletic championships like we have talked about before.

> Carolina (last name not provided): I am a Mercy High School alumna. I graduated in 2017, and I am one of the strong young women that we keep talking about. I played water polo and was an MVP. I'm on a master's level water polo team. My team actually won gold in the London games last year. This is impacting me directly because it is the trajectory of my entire life. I want to speak to you about my experiences and as a swimmer, we often have to go to Serra High School, Notre Dame High School and elsewhere. We couldn't use our pool that much although I would have loved to. When I looked into this, I saw that the CDC said that one-third of students experience mental health problems. When you look at it for women, it is 57% of female high school students have mental health problems. One of the best ways to mitigate these problems is by a team sports. Team sports actually reduce drug use in teenagers. They have stress-reduction, physical health improvement, social support, self-esteem boost. 10pm may seem to be late for those that live there, but the State of California agrees with me because they allow teenagers to drive until 11pm. So, we are allowing the students to get off at 10pm and ample time to get home under California law. We are only asking for 7 to 10 days a year. That is only about a week a year, that is 1.92% of the year. That gives you 358 other days to go to bed as early as you'd like. But if you'd consider this a part of charity to your local community to give the students 2% of your night times, because those are some of the best memories of my entire life. Nighttime games, if anybody is familiar with the hit movie Remember the Titans, it would have not been as impactful if it was a noon game on a Sunday. As for Mercy High School as a school, they are right, it is one of the very few female schools. Not only that, the amount of people that can attend the school is very limited. It is difficult to get into Mercy High School resource-wise, education-wise and scholarship-wise. If you cut out the sports portion of it, you are losing a lot of students. As Ms. C has said, 70% of students play sports. That is 70% of a 500-student body and these are from several generations, the school has been there since 1931. Unfortunately, School noise is part of living within a school neighborhood. It's part of a community. I am super happy to hear the cheers, the laughter and the good memories that students are having. I'd much rather that than have them elsewhere getting into trouble. I really think that we should support our girls. Girls' sports are up and coming. It is a little bit too late, but that is okay, we are making it. If you could be so generous, I humbly ask you, it's 2% of the time. Your mail gets lost 3% of the time, by the way. The very low numbers just for some very good memories.

> Sienna (last name not provided): I am a sophomore in Mercy High School, and I want to deliver a message that we want to keep our gym until 10pm because we want to keep our athletic activity. As a student athlete here at Mercy High School, I know how our students are passionate about sports, and I know how important it is to practice. Opening our gym until 10pm will definitely support our athletes to pursue their passion as it extends practice hours. Not only me, but our Mercy students understand how the noise and traffic disturb the neighbors around us. However, our school has a high expectation for us and to behave. Our students also have our pride of being respectful to people around us. We will make sure our noise and the traffic does not create a conflict between us and our neighborhoods. As the schools around us can use their gyms until 10pm, we think we deserve to have our gym open until 10pm. We really desire to be a competitive team to compete with other schools around us and this change will help us a lot. Thank you for listening. Our Mercy students support both the students and the neighborhood, so we want the best decision to be made for both.

> Lynn Israelit, 1560 Columbus Avenue: I live near Mercy High School, and I have spoken before you at the June meeting when we have discussed this project. In general, I am very supportive of this facility and this project, but I do think there are still concerns which needs to be addressed prior to approval. I do not mean to imply that an end time of 8:30pm for nighttime activities has anything to do at all with equity. The reason that Mercy High School is in a different situation than any other bay area or peninsula high school in the county is that Mercy is a private school that is in the middle of a densely residential neighborhood

with quiet narrow streets. This is completely different than all the other high schools that are on major 4-lane roads; they are on El Camino Real – Sequoia High School, Delaware St. – San Mateo High School, Carolan – Burlingame High School, Alameda de Las Pulgas – Junipero Serra High School, Murchison Drive – Mills High School, Ralston Avenue – Belmont High School. It is just a very different situation for Mercy High School where it is located because it historically was a home before it became a school and that has to be taken into account. The impact on neighbors with noise and traffic on evenings, if it should occur every night until 10pm and 11pm on Fridays and Saturdays will really affect the life of the neighborhood and the people who live around the school. While we are very much in support of this facility, it is a different situation, and the needs of the neighborhood also have to be heard. It is not as heartwarming as hearing young girls saying what they are striving for, I understand that, but I also think that the neighborhood has to be taken into account. Lastly, my second concern can be addressed very easily. Using the two smaller Mercy High School gates on Hoover Avenue has been suggested that construction workers, instead of parking off Adeline Drive will now be parking at the Eucalyptus lot, I have no problem with that, I live right by it. I do think having 30-40 cars trying to exit those small gates will be unsafe and unwise situation. Both of them have blind intersections, there are near accidents with both vehicles and pedestrians all the time. I respectfully request that these 30-40 construction worker vehicles enter where there is a 4-way stop sign at the wider and safer gate at Alvarado Avenue and Adeline Drive. Thank you very much for your time and I appreciate what you do.

> Gabriella Magoolaghan: I am currently a senior at Mercy High School. I have been a part of this community since freshman year, and I am extremely proud to be a part of this sisterhood. As someone who has participated in sports my whole life, this year being my final lap at Mercy High School, it will be remiss if I didn't take the time to advocate for the gym. I'm constantly surrounded by such talented athletes, from players committed to volleyball, basketball, tennis, water polo and track just to name a few. Don't all these dedicated athletes deserve to have a place to use and rely on? There is a deep need for a gym in our community. As the transportation to and from the surrounding areas as well as limited time slots for sports is extremely frustrating, especially when I see other schools having better facilities in use. I have a brother who goes to a fellow all-boys school, Serra High School and never once have I heard a complaint about a late gym time. I only hear the best about Serra's sports, athletics, games and gymnasiums. It is disheartening when I pick up my brother late at night as it is clear that throughout my years at Mercy High School, I have never gotten the same opportunities to train equally. Why are women in sports not taken seriously? Women across the globe are stuck constantly having to contend with battles in the realm of sports even as professional athletes. We deserve respect and a place to enjoy bettering our mindset, our sports skills and our physical health. Other schools across the country are able to have access to a gym until the wee hours and it should be no different for our school. As someone who is leaving for college next fall, I know the importance of giving future students the chance to train until 10pm to help them with their endeavors in sports. I know that I would have loved the chance to have a gym as it would have improved my endurance and enjoyment. I'm fully aware that our community members deserve a quiet neighborhood, and we aim to stay alert to any noise or traffic concerns that people may have. I am sure that we can adapt and come into an agreement, but I need to stress the importance of a gym in students' lives. High school is a place where students are meant to sharpen their skills in preparation. Not allowing a gym to function until 10pm is stripping us of the ability to perform our best. One of the biggest takes take-aways myself and I have from high school is our love and passion for sports. We hope that you help us blossom instead of disregarding our request. We ask that you all help us by being flexible and understanding, as staff like Dr. CB worked hard to uplift us and support the women in our community. She has been fighting for us and our futures and we would appreciate you doing the same. As someone who has been on junior varsity tennis for two years, varsity for two years as well as managing the team this year, it will be a great help to have all these facilities available.

> Robert Yorio, 2325 Adeline Drive: My wife and I live almost right across from where the proposed gym is situated. Given that all of our children, who are now adults, all played high school athletics a ten o' clock termination time is both reasonable and appropriate for Mercy High School and the student athletes that go there. It is a quiet neighborhood, but I think we can manage ten o' clock.



> Michael Brownrigg: Thank you to all the commissioners for all your work. I speak here today as a near-30-year neighbor of Mercy High School. I want to thank the commission and the head of school Ms. Brosnan for some of the conditions that were included. Making sure that construction workers park on site is really big. I appreciate that concession. The idea of staggered drop off is terrific if we can take the school up on it. Listening to friends and neighbors and as a resident there, I can say that traffic has always been the issue. The gym is not so much a factor in the traffic as it is an opportunity for us all to collectively revisit how we manage traffic. There is a significant impact on the neighborhood from Mercy High School and the neighbors feel it. At the same time there's appreciation for Mercy High School from the neighborhood. Most of us walk on its grounds, we appreciate having a big treescape and open space. It is really a relationship of balance that we are trying to maintain. You know it's been an impact because the city had to put in speed bumps on Alvarado Avenue and Adeline Drive, that wasn't because the neighbors were speeding but because people are trying to get to school in a hurry. That's part of the balance in this kind of a relationship. If we can look at conditions that will further improve reducing traffic, we set a condition at 7% of kids ought to come in by shuttle, that is a minimum. Why not have a goal for a higher number? It doesn't have to be a requirement. I would encourage Mercy High School leadership to think about if you are going to allow a kid to park, maybe that child should have a carpool, have at least one other student who is going to school in that car reducing the single vehicle trips. As a dogwalker, there is a trail that circumnavigates Mercy High School property, which many people appreciate. I can't tell from the design of the new gym whether it eliminates the trail around what currently are the tennis courts. If it's possible to maintain the trail in a revised landscape plan, that would be a plus for neighbors too.

> Public comment sent via email by Candi Griffin, 1536 Vancouver Ave: Dear Members of the Burlingame Planning Commission, I am writing to express my concerns as a resident of 1536 Vancouver Avenue regarding the proposed project at Mercy. While I understand the need for development, I am deeply worried about the potential increase in traffic on Adeline Drive and the safety implications for our neighborhood. As someone who has lived in this area for many years, I have personally witnessed the dangers of crossing Adeline from Vancouver. Approximately 15 years ago, my daughter was hit by a vehicle while crossing Adeline. She was unable to see the car approaching from the direction of Adeline due to the curve in the road on Adeline before Vancouver. The car was moving at a high speed, and the collision almost pushed her into a tree. Thankfully, she wasn't hurt but the incident left a lasting impact on us. This intersection has been the site of numerous near-miss accidents over the years. The curve and the speed of vehicles traveling down Adeline make it difficult for drivers and pedestrians to see oncoming traffic, and I am concerned that additional vehicles from the new project will only worsen this dangerous situation. I respectfully request that you conduct an assessment of this intersection and consider the safety concerns of residents like myself when evaluating the impact of this project. Ensuring proper traffic control measures are in place and potentially reconfiguring the intersection would go a long way in protecting the safety of everyone who lives in and travels through this area. Possibly adding 4 way stop signs. Thank you for your time and attention to this matter. I look forward to your response and hope that the safety of our neighborhood will be prioritized in the planning process.

> Public comment sent via email by Robert Smith: This is in support of the proposed plan for the Mercy HS gym with the provisions requested by the Concerned Burlingame Residents neighbor group.

> Public comment sent via email by Ling-yee and Jeb Gibney, 1473 Alvarado Avenue: We have previously sent comments with regard to this meeting as an addendum to the gymnasium issue. Traffic flow on Alvarado from Mercy High School is hazardous to one's health, with threatening parents who refuse to yield. This comment concerns the Mercy High School Gym Project: 1. Ending time for activities must be by 8.30 p.m. It cannot be 10 p.m. on weeknights and 11 p.m. on weekends. No exceptions. The traffic and noise caused by events ending at 10 p.m. would negatively impact the surrounding residential neighborhoods. Jeb and I are already in fear of our lives and do not leave the house between 7.30 to 8 a.m. and 2.30 to 3 p.m. What a way to live in Burlingame. 2. Mercy cannot rent out the gym for private events. A "no rentals" limitation must be included in the CUP for this to be binding. Please consider our comments.

> Public comment sent via email by Sue Fuller, 2210 Poppy Drive: I am unable to attend the meeting scheduled for October 15, due to our daughter's long-term illness. I would like to comment on a few items, however. It will be important for workers to enter Mercy at the 4 way stop sign gate located at Adeline and Alvarado, when construction begins, as this is the safest way to enter and exit the property. Increasing traffic at the other gates-both of which are on Hoover-is unsafe and unsuited for that kind of increased traffic. The Hoover gates should not be used as entrances or exits during other events for the same safety reasons. With regard to Mercy renting out the gym for private events, I would request that a No Rentals limitation be included in the CUP in order for it to be binding. Lastly, the ending time for activities at the gym needs to be 8:30 pm, as is the case with other Catholic schools in the league with Mercy. Traffic and noise caused by a later end time would most certainly negatively impact the neighborhood.

> Public comment sent via email by Minji Lee, Hoover Avenue: While I generally support the high school gym project, I have concerns about the proposed plan regarding increased traffic and the potential dangers that may arise from it. As a mother of two children under five, who love playing outdoors—including on Hoover Ave, such as riding their bikes—I worry about the hazards associated with construction traffic passing through the Adeline/Hoover and Hoover/Columbus gates. These gates are already small with poor visibility, and increased traffic at these points is concerning to me. I hope the Burlingame Planning Commission will consider the safety hazards associated with this proposal and route the construction traffic to Adeline and Alvarado, where there is a four-way stop. Thank you for your attention to this matter.

> Public comment sent via email by Ray Kilroy: We are the Kilroy's who have lived on Columbus for 45 years. We have always enjoyed living on a quiet and peaceful street which are now fearing might be ending. As you know, Columbus Avenue has parking on both sides of the street, and it is nearly impossible for two cars to simultaneously pass each other. Our street has evolved over the years and now there are many young families on the block whose young children happily play with each other in the streets. I am fearful if you allow the construction workers to enter the Eucalyptus lot from Columbus it is only a disaster waiting to happen. If a child is injured or another collision occurs, it will be as a result of your decisions. Columbus also has a blind curve and over the years I have witnessed several near collisions. You need to restrict access to the Eucalyptus lot through the Mercy property and not on Columbus or Hoover. I am also concerned that there appears to be no limit on the number of activities that can occur after 8:30 PM in the gym. Neighbors have been here a long time, and they do not deserve to be impacted by noise and traffic congestion. I also support that a no rental clause be binding on the gym. The gym should be used exclusively for Mercy and not for an outside vendor.

> Public comment sent via email by Marsha Lee: These are my continuing concerns: 1) The surrounding neighborhood access roads and on-site roads are narrow, do not connect, and since the proposal for the School Gym/Center has identified the Sisters of Mercy parking to be used for overflow parking, this project should include a circulation plan for the entire 40 acres. This is why the General Plan originally called for a Master Plan for "any proposed reuse / repurposing of the Sisters of Mercy campus (including Sisters Residences, Mercy Center, and Mercy High School) to accommodate its continuing mission, while ensuring that any new land uses and development scenarios integrate well with the surrounding residential development and preserve the overall character of the campus as a community asset". However, the city decided the gym / pool / student center project was not a reuse or repurposing. As a land use planner for over 40 years, I find this processing interesting to say the least. 2) For the new Emergency Access Road – add "limited to emergency access only, gated, with no pedestrian or vehicular access" to Site Plan and CUP. This is too tempting for pedestrian access to the gym. 3) The Lighting Plan appears to show several floodlights and 10' poles along the path at greens edge. Please make sure that lighting does not shine into the neighborhood. 4) Drainage/Stormwater runoff – Storm runoff from Mercy already affects Benito Avenue properties. Staff report mentions "recording of drainage easements" but how will additional drainage and stormwater be handled on site? I can't determine this from the Plans. 5) There is insufficient on-site parking for the proposed new gym/pool/student center's numerous events. We request that an additional parking area be identified on an Overall (40 acres) Site Plan map and identified in the CUP in the event there is overflow parking. 6) No exception from the 8:30 PM ending time.

7) There is already a huge traffic issue at the Alvarado gate, so please do not create more problems on other adjacent streets including Benito, Poppy, Adeline, and Hoover/Columbus. An overall Circulation Plan is needed for the total 40 acres Mercy Property. Thank you for your attention to the seriousness of the potential impact to our beautiful neighborhood. I look forward to a following Planning Commission hearing that addresses these issues.

> Public comment sent via email by Shirin Coleman: As a Burlingame resident for 37 years, I advocate for the following regarding Mercy High School's expansion project: 1) Set a curfew cutoff of 8:30 pm for weeknight activities. This matches up with current Catholic high school schedules in Mercy 's league. We need to keep in mind the residential neighborhood where Mercy is located; a 10 pm curfew is too late. 2) On special occasions an exception can be made to the 8:30 pm curfew to 9 pm for specific and limited dates such as Christmas at Kohl, Open House, Back to School and championship games. The exception is not to become the norm. 3) Specify that construction workers only use the main entrance and exit at the upper gates of Adeline and Alvarado. The lower entrances on Adeline at Hoover/Columbus and Hoover/Columbus/Marion Oaks are not suitable for handling that volume of traffic. 4) protect the wooded nature of the landscape. Protect the trees and seek expertise beyond the architectural firm such as from the Burlingame Historical Society. Additionally, I completely support the valuable points, considerations and recommendations made by fellow resident Sally Morgan who is a knowledgeable expert with years of professional experience in protecting historic buildings, lawns and structures. She understands the finer points and ramifications of decisions made for historic properties such as Mercy, CEQA process and pitfalls. Of note, during a prior Burlingame Planning Commission meeting discussing the Mercy CEQA and exemptions, my take was that the tenor from some council members leaned towards quick acceptance and leading the charge to please Mercy High School, setting the direction for the Commission to follow. I ask for your discernment and wise consideration of meeting the needs of residents who care about this community and make it home. Expansion, development and greater density (cars, buildings, people, lights, noise) is not always desirable as we rarely go back to reclaiming what we had: land, quiet, calm, space.

> Public comment sent via email by Brian Lee: I am concerned about the following items which pertain to the planned Mercy Gym and Activity Center. For the record, our home on Benito Avenue was built in 1951. We love the Easton Addition and the character of the neighborhood and would like to preserve its wonderful, peaceful feeling. For the record, I am a 46-year veteran in the real estate business. My concerns are as follows: 1) There is not enough on-site parking for the proposed new gym/pool/student center events. We request that an additional parking area be noted and identified in the event there is a future overflow parking problem from these events into the neighborhood. Student and activity parking currently at Mercy are of concern to most of the homeowners in the area. We need an anticipated overflow parking area to be identified on an overall (40 acres) site plan map and identified in the CUP when there is a need for overflow parking on the Mercy property. 2) Increased drainage from the new structure needs to be handled on-site and not allowed to run off onto the adjacent streets. Benito Avenue properties are already negatively affected by Mercy runoff during storms. 3) The new Emergency Access Road located on Adeline Drive east of Benito Avenue at the Poppy Drive intersection (and planned to be a full road width) needs to be limited to emergency access only, gated, with no pedestrian or vehicular access, and shall be included in the Conditional Use Permit (CUP). We are concerned that people attending events at the gymnasium/activity center will park on the neighborhood streets and walk up adjacent to this Emergency Access Road to the events. Please include the wording No Pedestrian or General Vehicular Access on all plans and aerials and secure this area when the project is completed to alleviate any pedestrian access. We received an email dated June 10, 2024 from Natalie Brosnan, Head of School, Mercy High School wrote: "the new access point/short roadway aligned with Poppy Drive will act as an Emergency Vehicle Apparatus access road". We request that it is clearly stated in the CUP that this access will be limited to emergency access only, gated, with no pedestrian, vehicular or staff access. This is to ensure student / visitors will not park in the neighborhood and access this road to the gym/activity center and pool areas. 4) 8:30 PM shall be the ending time for activities. We believe that there should not be any exceptions from the 8:30 PM ending time for activities. Note: If the ending time is 8:30 PM, the event will have traffic and noise on the premises and surrounding area for at least 1 hour

following the stated ending time. This is a first-class residential neighborhood and the families that reside in this neighborhood pay property taxes. Thank you in advance for your consideration in the above matters.

> Public comment sent via email by Andrew Hall: I am submitting these public comments regarding the Conditional Use Permit for the Mercy High School Gym Project. On June 13, I expressed support for this project but asked the Commission to require the proponent, Mercy, to take steps to prevent additional traffic from entering its campus through the Hoover Ave entrances during the construction and operation of the new facility. Since that time, the proponent has modified its plans to relocate construction parking to the Eucalyptus Lot, located just inside the rear Hoover entrance. While I appreciate Mercy's attempt to accommodate other neighbors by relocating the construction parking further from Adeline Dr, this change only heightens the concerns I expressed in my June 13 message, which center on the safety of nearby residents. In that message, I shared the following information with the Commission: The entrance at the intersection of Hoover Ave and Adeline Dr is already treacherous, as drivers turning from Hoover onto Adeline cannot see oncoming traffic on Adeline without inching out into the driving lane for traffic traveling south from Adeline into Mercy campus through this entrance. It becomes trickier when pedestrians are present, which is often the case. Its saving grace is that, at present, few cars enter and exit the Mercy campus through this gate. The rear entrance at the intersection of Hoover Ave and Columbus Ave also presents challenges for drivers and pedestrians. The turn from Hoover Ave into the campus is a nearly blind one. (A priest in a hurry sped within feet of my toddler son one morning. I don't believe he ever saw him as he whipped around the corner.) Use of this entrance also invites additional traffic onto Columbus Ave, which narrows to a single lane when cars are parked on both sides and has a 90-plus degree turn with minimal visibility before it reaches the rear gate. Most drivers navigate these hazards at appropriate speeds, but others do not. These entrances -- and, in the case of the rear entrance, the route often used to reach it -- have not been designed for even the current amount of traffic they receive, and any additional traffic will increase the risk of vehicle on vehicle or, worse, vehicle on pedestrian accidents. The main entrance to the campus, in contrast, is located at a much more straightforward four-way stop, and approaching traffic is effectively calmed by the recently installed speed humps. With these concerns being made even more acute following the relocation of the construction parking, I respectfully reiterate my request that the Commission tailor its approval such that it will not result in additional traffic entering the Mercy campus through the Hoover Ave entrances, and particularly the rear gate, during both the construction and operation of the new facilities. I believe this could be accomplished by having the CUP require the school to direct all traffic to the main entrance. Finally, I am submitting an additional request for the Commission's approval to restrict Mercy from paving the Eucalyptus Lot, which is currently unpaved. The neighbors already suffer from runoff from the Mercy campus during heavy rains, and expanding the area covered by an impervious material would almost certainly worsen those conditions. At minimum, the effects should be studied prior to an approval. If Mercy is concerned about heavy use of the Eucalyptus Lot while it remains unpaved, it could direct construction parking to the Lake Lot and the Forest Lot on most days. These lots almost always have dozens of open spots. Thank you for taking into consideration how this project will impact the neighboring community.

> Public comment sent via email by Bridget Merçay: As a parent of a student at Mercy High School, I wanted to send a message asking for support that our school be treated as any other school would be. A school gym is essential to school programming, and it is my experience as a parent of a Mercy athlete and fan at other schools, that a 10PM end time is typical for gym usage. Ensuring the same gym hours as every other school, both independent and public, would allow us to have enough time for the kids to use it properly. Our water polo teams, volleyball, basketball, tennis, flag football, cheer, and swim teams need the time to practice, have community, and give a place for the neighborhood to attend events. Burlingame High School, Aragon, and many others in the area are also in neighborhoods. Their usage is not limited to blocking girls from practicing at 8:30pm. I do not think Mercy should be either. I can't help but wonder if there were boys at our school if this would even be a conversation. Thank you for your time and consideration.

> Public comment sent via email by Isla Gower: I am writing to state my opinion on Mercy High School

being able to utilize our gym past 8:00 PM. One of my favorite parts of being a student at Mercy is the opportunities each student is given to learn about themselves and improve themselves in all aspects of their lives. I have played sports for almost all my life, and I believe that they can be life changing experiences for anyone. By not allowing us to extend the hours we are allowed to use the gym students can miss out on the opportunity to grow and improve. I know how important it is to residents in the area that it is calm and quiet late hours, but I also know that some students I have talked to say that being able to have access to a gym on our campus would encourage them to try out for a sports team and maybe discover a passion they never knew they had. I believe that it is important, especially for an all-girls school to be able to give their students the opportunity to grow through sports, especially in a world where women are often undervalued, or excluded in sports. Thank you so much for your time and consideration.

> Public comment sent via email by Siena Mundell: I am a Mercy student and am concerned with our rights to accessibility to our soon to be gym. I by no means want to underscore the opinions of the neighboring houses to Mercy High School but rather seek an alliance. I believe we should respect their requests and not be a disturbance. But I truly believe we should be allowed access until 10 pm given that many Mercy students have to already travel outside of Mercy to be able to play the sport they enjoy. Mercy as a whole appreciates your understanding and openness to hearing our ideas.

> Public comment sent via email by Lily McGuire: As a student of Mercy Burlingame, we deserve to be able to keep the gym open till 10 o'clock. All sports deserve the opportunity to use the gym space, even if that means our practices end at 10. As a former member of the basketball team, prior to the building of the gym, we had to drive to CSM every night to practice. This long commute from my house and sometimes I would get home at 9:45 at nighttime. Closing the gym at 8:30 takes slot times away from sports and could force girls to make those long commutes again even with the gym. Also, it is unreasonable to ask the school to close the gym past 10 as renting out our gym could be another source of revenue for our school. We are an all-girls small catholic school and sometimes struggle financially. We don't get government funding and need every source of income we can get. To close the gym at 8:30 takes needed money away from the girls at mercy and our education. Another point I want to make is that, If the residents in the neighborhood around us are worried about noise late at night, why did they move next to a high school? It is unfair for us girls to be penalized because the residents around us (who knew they were moving next to a high school) are worried about noise. I know that may come off as harsh, but it's a point to make.

> Public comment sent via email by Aoibhe Kiely: I am a senior at Mercy Burlingame, along with a varsity cheerleader and captain. As a cheerleader we practice at Rebels Elite in South San Francisco. This is an average 25-minute drive and the use of a gym on campus would be so beneficial to us as parents would no longer have to take off work to come pick up their cheerleader and drive to Rebels Elite. It truly is an inconvenience to travel so far to practice and the use of Mercy's gym till 10:00 could be so helpful especially because the cheer team is not the only sport that must drive as volleyball uses Serra and Basketball uses College of San Mateo. I understand noise is a concern for neighbors which is contributing to the early close time of the gym and sports are in fact noisy. However, by closing a gym before 10 pm, doesn't allow all sports to get full use of a gym as closing at 8:30 only allows for around 5 hours of practice for all sports as practice would probably start around 3. Mercy has a variety of sports that need a gym such as basketball and volleyball which have multiple teams such as freshman, junior varsity, and varsity. On average, practices are 2 hours, closure at 8:30 will unfortunately not be enough times for these sports which is why a 10 pm end time would be beneficial. Our brother school Serra High School and sister school Notre Dame Belmont have gyms located in residential areas and an end time later in the evening. I feel that there is an inequity for Mercy as so many other schools around in the Bay Area have more access to their gyms late at night. I feel as though a closure time of 10 pm wouldn't do Mercy students justice as there is some inconveniences already for athletes, so having more time to practice is a way to make our balance between being student-athletes easier. I know I won't get to use the new gym as I graduate in June, but having to travel to practice these last 4 years has been a struggle to find rides and use of the gym for all athletes until 10 would be greatly helpful to future Mercy athletes.

> Public comment sent via email by Kexin Lee: I am writing to ask for Mercy High School's gym hours to be extended until 10PM, just like the other schools in Burlingame and those we compete with. Having this extra time in the gym would allow us to manage our practices, games, and give us the opportunity to prepare effectively for upcoming games better without having the sense of being rushed. I recognize that there may be concerns about the noise and traffic in the neighborhood, but I want to assure you that Mercy High School takes these concerns seriously. We have guidelines in place to ensure that students are mindful of their surroundings, and we are committed to keeping the noise to a minimum during the evening. All athletes, including female athletes, deserve equal access to the facilities that are available to students at other schools. Allowing us to use the gym until 10PM would help make things more fair, as well as allowing us to ensure that we have the same opportunities to succeed in both sports and academics as other students in the area. Thank you for your consideration. We hope to find a solution that works for both Mercy High School and the community we are proud to be a part of.

> Public comment sent via email by Carolyn Quilici: Dear Burlingame Planning Commission and Mrs. Colson, I am writing to ask that Mercy High School be allowed to keep our gym open until 10 PM, just like other high schools in Burlingame and the private and public high schools we compete against. I understand that some neighbors are concerned about noise and traffic. Well, I am a neighbor as well as a parent, and I want to let you know that the students and parents are aware of these concerns. Mercy High School has strict rules about how students should behave, especially when it comes to being respectful to their neighbors. We are committed to following those rules and keeping the noise down during practices and games, and we will do our best to make sure the extra traffic doesn't cause any issues for the families living near our school. Our girls deserve the same access to their facilities as the students at our peninsula counterparts - many of which are also nestled into existing neighborhoods. And let me just point out, if there were boys at our school, I'm not sure that the gym closing time would even be scrutinized. I hope the planning commission doesn't discount our right to extended hours because we are a school for girls. Thank you for considering our request.

> Public comment sent via email by MJ Adamcyk: Dear Burlingame Planning Commission, As a Mercy girl and a community member of Burlingame, I am writing to ask that you please allow Mercy High School to be allowed to keep our gym open until 10pm. As a student enrolled at Mercy, I find it unfair that we as a school are not allowed to extend our gym hours. As a student at Mercy, I can attest to the positive impact that having a gym on Mercy grounds could make. Closing the gym at 8:30pm prevents our school from being able to host home games as some games run until as late as 10pm. Closing the gym at 8:30pm will result in a less than ideal representation of our school in further sporting events. From my understanding of what the administrators have shared, the neighbors of our school are concerned about the noise and traffic that could happen. As I can understand where they're coming from, I'd like to point out that schools in similar communities around Burlingame are allowed to keep their gyms open until 10pm. BHS's gym stays open, so does BIS's. I used to go to BIS and I have friends that go to BHS. I've been to their games well past the time of 8:30pm. I'd like to point out the fact that these schools are co-ed. As a female I question if it were a co-ed school would we be asked to close our gates earlier as well? If we had boys on campus, would we be asked to pack up and leave earlier as well? As student athletes, Mercy girls deserve the right to train just as much as any other team might. I'd like to ask the Burlingame Planning Commission to help support women's education and allow our school to continue promoting the betterment and growth of women in men dominated fields. Whether it be on the field or in the classroom, the addition of the gym on school grounds will greatly benefit this school. I'd like to ask you to just consider what good could come from this decision. The growth that would be possible. For your daughters, for the women of this community, for the future of women's sports. Thank you for considering my request for the Mercy gym's hours. The Mercy athletes appreciate the support our school has gotten so far. I once again implore you to consider our request.

> Public comment sent via email by Melina Antonio: Dear Burlingame Planning Commission, I am writing to ask that Mercy High School be allowed to keep our gym open until 10 PM. Most, if not all the schools we compete against are allowed to play until then. As a student-athlete at Mercy, extending our gym hours would allow us to have enough time for practices, games, and activities without being

rushed, and it would help us be more prepared to compete. It would also encourage students to start to play a new sport if we had a new gym that would be open. I understand that some neighbors are concerned about noise and traffic, and I can see why they may be. However, if we were allowed to keep the gym open just an hour and a half later, we would create guidelines so that we are not too loud. We are already committed to the rules and would make sure they are clear to all student athletes. We care about our neighbor's concerns, and we will be sure to make sure we don't disrupt them. I believe that we deserve the same access to facilities as the students at other schools. This change would allow us to train just like other athletes in our own area. I know that the volleyball team and the basketball team have to commute to Serra and CSM for their practices and some games. Letting us use our gym until 10 PM will give us something of our own and would clear up traffic at the end of school day as well. This would present us the same access to succeed both in sports and in school as any other school. We just want the same opportunities a co-ed or an all-boys school has. We are very thankful that we get to be a part of the wonderful Burlingame community. Thank you for considering my request.

> Public comment sent via email by Molly Tresmontan: Dear Burlingame Planning Commission, as a student of Mercy High School, I want to send a message to support our school. A school gym is essential to our school, and as an athlete and fan/supporter of sports games, a 10PM end time is extremely normal for gym usage. This ending time would allow us to have enough time for practices, games, and activities without being rushed. This extra practice time would help us be more prepared to compete as well. Our administration shared that neighbors are concerned about noise and traffic, and as a student at Mercy I want our school to have a positive relationship with the neighbors. But we as a school really want a gym; and we really need a gym. Mercy girls are known for their blue plaid but also their kindness they spread throughout the community. We are all respectful, and we are aware of what behavior is expected of us. When we leave events, we don't stick around or make a lot of noise. We are all respectful of our community and we all intend to take care of our gym and community with being quiet and respecting our neighbors. We are grateful to be part of the Burlingame community, and we would ensure the noise would be limited. We are all committed to following those rules and keeping the noise down during late practices. I also want you to consider the fact that our school does not have boys so it may seem to the community that girls don't even need a gym to practice sports. It seems people always advocate for boys and sports, but what about us Mercy girls? Girls deserve the same access to a gym as boys and girls who go to co-ed schools. Please let us use a gym until 10PM it is normal for other schools so why shouldn't we have it too? Please let us train and compete just like other athletes in the Bay Area. This would give us equal opportunities to other schools both in sports and in school. Thank you for reading my letter. Mercy wants to support our school and the neighborhood, and we hope this can happen.

> Public comment sent via email by Julianna Umanson: Dear Burlingame Planning Commission, I am writing, because I would like to ask for support in keeping our gym open until 10pm. As a fellow, student, athlete, and fan, 10p.m is the usual time for athletic games and practices to end. This time makes sure that we have enough time for all the practices and events and make sure that we are ready to compete at our fullest potential. I completely understand the neighbor's concerns considering the noise and traffic and here at Mercy we would love to have a peaceful relationship with the community and fellow neighbors. A gym is an amazing new addition to Mercy. There has been so much hard work put in to make sure we could have one and that goal is close to being achieved. I want our gym to be able to be used at its fullest potential. Mercy girls know what is expected of them and their behaviors and will do their best to implement that. I think that every school should have the same opportunities regarding their Athletics trainings and games no matter the school. We are an all-girls school, but I am not sure that a school that included boys would also have this same restriction. Yes, we are girls, but we are capable of doing the same things as boys do and we should the same opportunities that they have. Please trust in our desire to support a peaceful relationship with the fellow neighborhood and Mercy. Thank you for reading my letter, I hope you take it into consideration when making the decision.

> Public comment sent via email by Leah Huang: I am a dedicated student athlete at Mercy Burlingame High School. I'm writing in the hopes that we would be allowed to keep our gym open until 10pm and just like the other schools in Burlingame with whom we compete. As a determined student athlete at Mercy,

allowing us to keep our gym open will significantly enhance our ability to practice and prepare for games and competitions, ultimately helping us perform against other schools. By gaining the necessary extra time, our student athletes will feel more confident in competing with schools whose gyms remain open until 10pm. If our gym were to close at 8:30pm, it puts our students at a disadvantage as we were not given the opportunity to practice the extra hour 30 minutes every other student athlete is provided with. This extended practice time is crucial to team development or overall performances of athletes who represent Mercy. I understand the concern of our neighbors that there may be traffic and too much noise, but I want to let you know that we are all aware of these concerns. Mercy High School has strict rules about how we the students should properly behave especially when it comes to being respectful to our neighbors. We are committed to following those rules by maintaining a steady noise level and we will do our best to make sure no extra traffic causes any issues for families living near our school. Female athletes deserve the same access to facilities as students at other schools. Allowing us to keep our long-anticipated gym open until 10pm will make things more fair. This crucial change will allow us to train just as other athletes in the area would while also giving us the same opportunities to succeed in both sports and school. Thank you so much for considering my request. The students at Mercy want to support our school and the neighborhood. We hope to do this in a way that works for everyone.

> Public comment sent via email by Angelique Antelo: I am writing to express the importance of keeping our youth engaged and the need for extending gym hours at Mercy High School until 10 PM, similar to other schools in our area. As a mother of student-athlete and a Mercy Alum, I believe that providing more opportunities for practices and activities is crucial not only for their athletic development but also for their overall growth as responsible members of the community. Keeping kids busy with organized activities, particularly sports, helps foster discipline, teamwork, and leadership skills. These are vital traits that contribute to our future success, both academically and personally. However, without adequate access to facilities like the gym, they miss out on opportunities to hone these skills effectively. I understand that there are concerns from neighbors regarding noise and traffic. I want to assure you that Mercy High School is and has always been committed to being respectful and considerate in the community. They follow strict guidelines regarding behavior and will ensure that late practices do not disrupt the peace of the neighborhood. It's essential to find a balance that allows students to train effectively while maintaining positive relationships with those living nearby. Furthermore, it is important to highlight the need for equitable access to facilities for all students, regardless of gender. Extending the gym hours aligns with the principle of fairness, allowing girls at Mercy the same opportunities as their male counterparts in neighboring schools. They deserve to train and compete under the same conditions as other athletes in our community. Thank you for considering this request to extend Mercy's gym hours. By investing in the future of Mercy students, you are helping grow athletes and individuals, while also strengthening the community. I am confident you will make the right decision by being fair and equitable in this matter.

> Public comment sent via email by Dalilah Sanchez: Here are my reasons on why Mercy High School should be eligible for construction of a new Gym/Athletic Center.

> Public comment sent via email by Katie Lindell: I am writing in support of the agenda item being discussed tonight during the city planning meeting pertaining to Mercy High School gym construction and curfew times. I am a Burlingame resident and understand the concern for noise and traffic. As a resident of Burlingame for 45 years and an educator for the past 20 years, I am aware of the increase in our schools' population across all schools. We have more traffic than we have ever had in the past. Yet that is a sign of the wonderful city we have developed and secured for our residents to live in. Part of keeping our community thriving and a wonderful place to live, is supporting the schools that we have in our community. This includes an all-female school which has been in existence since prior to many of our residents. How can we best support Mercy HS to thrive and compete among other high schools in the bay area?! My sons go to the elementary school nearby and have a gym at their elementary school which I know from attending and planning events has a curfew of 10pm. Most of the schools in the city have gyms at their disposal and all have a curfew time for events of 10pm! Why would we put a limitation on this for the only all-female school in the area? This is confusing and quite frankly a politically charged



decision which I believe Burlingame would want to steer clear of. The students at Mercy deserve the same access to their own school facilities that we grant to all of our elementary schools, our middle schools, and high schools that we have in our city! This is not only a growth for the students at Mercy but for our city and community as a whole! We want to be seen as a city which promotes and strengthens our schools through equitable decision making and planning for our young thriving families. Thank you for considering our school and the growth that we see for the future.

> Public comment sent via email by Daizie and Delvin: I am reaching out to respectfully request that Mercy High School be permitted to operate our gym hours until 10 PM, in line with other schools in Burlingame and those we compete against. As a parent of a student-athlete at Mercy, having additional time for practices, games, and other activities would allow us to train and participate without feeling rushed, and it would help us compete at our best. Currently, coed schools and schools with boys' teams in our area have access to gym facilities past 8 PM, which allows them the flexibility to train as needed. Extending our gym hours would help ensure that female athletes at Mercy have equitable access to the same training opportunities. This would not only support us in developing our skills but would also contribute to a more level playing field in school athletics and build community. I'm aware that some of our neighbors have expressed concerns about noise and traffic. I want to assure you that we understand and respect these concerns. Mercy High School has clear guidelines about behavior, and we are committed to follow these rules, especially to minimize noise during evening practices. We are also mindful of traffic and will do our best to ensure that any additional cars don't disrupt the lives of nearby families. Thank you very much for considering this request. Mercy families are dedicated to supporting both our school and the neighborhood, and we hope to find a solution that works well for everyone.

> Public comment sent via email by Sarah Wiley: I am writing today in support of Mercy High School Burlingame's request to use its (hopefully soon to be built) gym until 10:00 pm, as is the standard for other high schools in the area. Mercy Burlingame is an outstanding organization, committed to educating young women and to helping them build courage and confidence so that they can become future leaders in society. Sports are a proven pathway to confidence and leadership (not to mention health and overall wellbeing), and the young women of Mercy deserve the same opportunities that other high school students in the Bay Area have to practice and have evening games on their own campus in their own facility. Right now, Mercy students have to travel for every game and every practice, which increases the burdens on them and their families as well as creating barriers for those student athletes whose parents cannot easily transport them to and from other facilities....and they never really have home-court advantage. While I recognize that some neighbors are concerned about use of the gym in the later hours of the evening, I believe that Mercy (as evidenced in emails we regularly receive from the school) is highly aware of the potential impact that the school and school activities have on its neighbors and is very proactive and strict about enforcing the rules in place to prevent disruptions. I also know that every Mercy girl who will now be able to attend practice or a game on her own campus will be appreciative of the opportunity to practice and compete at her own school like almost every other student athlete in the city, county and in the Bay Area. I hope that you will consider questions of equity, the advantages of maximizing girls' participation in sports, and the impact that logistics can have on that participation as you make your decision about the Mercy High School gym.

> Public comment sent via email by Sarah Murphy: Thank you for all the work you are doing to work with Mercy towards building our new gym. We are very much looking forward to having a large enough indoor space to gather the school and hold sporting and rally events. I'm writing to support a 10:00pm end time for events in the gym. School events come in a wide variety of shapes and sizes, and while many would clearly be done by 8:30 any restriction to that end time would mean there would be events we could not host - say tournaments or extended training. While I understand the neighbors' concerns about noise and traffic, I would like to point out that our girls are very aware of these issues and do their best to be quiet and limit the noise. I also wonder if this were a mixed or boys' school what the comparison would be. I know that in general, our girls are much quieter and more careful than boys of their age. I hope we can work with our neighbors in a respectful way, and that you can approve a 10:00pm end time for the use of our new gym.

> Public comment sent via email by Ami Antonio: Thank you so much for considering and helping to support our student-athlete at Mercy High School. My daughter was so excited to attend Mercy--as an avid student and athlete, she was excited to get to excel at both in a supportive environment in a wonderful location. I'm writing to ask that you support the gym project which will benefit our student-athletes so much. I also ask that you consider allowing the girls to have the same opportunities as other high schools--including all boys schools--in having the gym being open until 10 p.m. I've been so touched by how respectful the student body is at Mercy--it's one of the reasons we chose to send our daughter there. Please consider supporting their continued growth through the ability to access a gym on campus.

> Public comment sent via email by Sienna: Being a Mercy High School student, I want to deliver a message that we want to keep our gym until 10 PM because we want to keep up our athletic activity. As a student athlete here at Mercy, I know how our students are passionate about sport, and I know how it is important to practice. Opening our gym until 10PM will definitely support our athletes to pursue their passion as it extends practice hours. Not only me but our Mercy students understand how the noise and traffic disturb the neighbor around us. However, our school has a high expectation for us to behave and our students also have a pride of being respectful to people around us. We will make sure our noise and the traffic does not create a conflict between us and our neighbors. As the schools around us can use their gym by 10pm, we think we also deserve our gym to be open until 10pm. We really desire to be a competitive team to compete with other schools around us, and this change will help us. Thank you for reading my letter and our Mercy students support both students and the neighborhood, so we want the decision to be best for both.

> Public comment sent via email by Sally Morgan: I am a retired environmental planner, focused primarily on archaeology and historic preservation in the context of CEQA compliance. I have been a Burlingame resident since 1976. I walk regularly on the paths on the Sisters of Mercy property, and I truly appreciate having public access to the oak woodlands and wildlife habitat there. I have reviewed the most recent project description and plans; the staff report and the historical resource impact analysis. I found the latter to be thorough and comprehensive. However, there are a few points that warrant further consideration: 1) The proposed pathway along the boundary between the Kohl Mansion lawn and the adjacent woodland (identified as ADA access in the current description) would be constructed within the historic property boundaries. Through removal of large oaks and other large trees along the woodland boundary, it would directly impact the oak woodland, which is defined in the historical impact analysis as a character- defining feature of the historic property. If a pathway along this area is essential to the project, please consider whether it might be possible to avoid at least some of the larger trees by making the path curve around them. Note, also, that this proposed ADA access is substantially longer than the pedestrian route to the new facility from the Grasili Rd parking. Alternatively, please consider the feasibility of an ADA ramp or lift to the building from the Grasili Rd parking in lieu of a new pedestrian path through the historic property. This not only would spare 15 trees, but also would provide more equitable ADA access. 2) I am also concerned about the indirect impact of the project on the historic setting of the Kohl Mansion, due to the large scale and close adjacency of the new building. While the new footprint would not be much greater than that of the existing swimming pool/ tennis courts, the height and mass of the new facility would be substantially greater. Any reduction in height would help to reduce the visual effect on the historic property. 3) Finally, I am concerned about the removal of a substantial number of trees, including oaks, for construction of new parking along Grasili Rd. I have observed a number of nesting raptors on the Sisters of Mercy property in each of the last three seasons, including broods of Great Horned owls and Cooper's hawks. With the aging of the larger, older oak trees on the property and recent death and removal of a number of these and other large trees, tree preservation for bird habitat has become all the more important. Given the large number of trees to be removed for the proposed Grasili Rd parking, please consider reducing new parking. If the ADA access path must be constructed on the proposed route, perhaps it would be feasible to use this as the primary pedestrian access route for the proposed building, and the existing upper parking lot as the primary parking for the facility. This lot, which presumably would provide ADA parking under the current proposal, is essentially unused in the afternoons and weekday evenings, the primary times for events in the new building. The existing parking along Grasili

*Rd could then serve for loading and unloading as needed, and a large number of trees could be spared.  
Thank you for your consideration of these concerns.*

*> Public comment sent via email by Heather Bauer: I am writing to ask that Mercy High School be allowed to keep our gym open until 10 PM, just like other schools in Burlingame and the schools we compete against. As a student-athlete at Mercy, extending our gym hours would allow us to have enough time for practices, games, and activities without being rushed, and it would help us be more prepared to compete. I understand that some neighbors are concerned about noise and traffic, and I want to let you know that the students are aware of these concerns. Mercy High School has strict rules about how student*

**Commissioner Schmid made a motion, seconded by Commissioner Tse, to approve the application. The motion carried by the following vote:**

**Aye:** 5 - Comaroto, Horan, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

**Recused:** 1 - Lowenthal

## **10. DESIGN REVIEW STUDY ITEMS**

- a.** 1033 Cortez Avenue, zoned R-1 - Application for Design Review for a new, two-story single-unit dwelling and detached garage and Special Permit for Side Setback for a new detached garage. (Elaine Lee, Elaine Lee Design, applicant and architect; Raymond Wong, property owner) (52 noticed) Staff Contact: 'Amelia Kolokihakaufisi

**Attachments:** [Staff Report](#)

[Attachments](#)

[Plans](#)

*All Commissioners have visited the project site. Planning Manager Hurin provided an overview of the staff report.*

*Elaine Lee, designer, represented the applicant and answered questions regarding the application.*

*Chair Lowenthal opened the public hearing.*

*Public Comments:*

*> Public comment sent via email by Christopher Wenisch, 1037 Cortez Avenue: I'm the adjacent neighbor on the right-side elevation located at 1037 Cortez Avenue. I have not met Raymond Wong, property owner and spec builder in the community, but I understand that he is related to Peter, the current occupant of 1033 Cortez, who has been a respectful and friendly neighbor since he has occupied the property after its purchase in 2023. The architect and applicant, Elaine Lee, also designed the property we purchased at 1037 Cortez. I did not have the opportunity to directly speak with Peter or the owner, Raymond, about these plans, so I provide here my set of comments. My primary purpose is to ensure the preservation of the grade & retaining walls on the northwest side of the property, as well as to review the design plans for the new structures. The NW (right) side abuts my neighboring driveway, my existing ADU building at the rear corner of the property line and will be directly visible from our 13 windows and doors we have facing that direction. My young boys' bedrooms will face the new 2nd story, and we have 5 large windows into their shared bedrooms that will look directly at the new proposed structure. I have reviewed the submitted proposal on my own and provide my unprofessional comments regarding the design for consideration below:*

1. The street-facing facade on the first page of the submitted proposal looks acceptable and I have indicated that to Peter's son, who solicited my review.
2. The rear master picture window (at bath or shower) is larger than the rest of the windows on that side of the plan. I would like to see the planning committee suggest an equal or smaller-sized window be considered for privacy of both residences, especially if this is in view of the shower or bath. We currently have small shower windows (2' x 1') on the south rear-side of our property that directly line up with the proposed window. This proposed window would also be directly viewable from most of our rear yard. (Note: the 2nd floor windows on my residence can be seen on page A1.0 of the build plan).
3. The detached garage is proposed within the side setback. If at all possible, I would like to see the garage (at its proposed height no greater than 13.5') be positioned as far back as possible on the plans/property if it will be within the side setback of our shared property line. Also, please take careful consideration that any drainage is directed away from our ADU foundation and will not impact the existing grade when drawn up.
4. I would like to ensure that there is no planned excavation on the right side of the property and that there remains the requirement to maintain existing grade and retaining walls at the northwest corner. Any excessive disturbance to the grade, may impact my structures on my adjacent lot. An approach to preserve the grade was recommended by the arborist report dated October 31, 2023, revised September 6th, 2024. As long as the retaining walls are in good working order and the careful excavation approach is followed at the direction of an arborist, there appears to be minimal perceived risk.
5. I do have concerns as to whether or not the arborist evaluations will be followed during construction as proposed, especially as it pertains to bullet 4 above. For example, in that same arborist report, tree #3 (on the street side) was recommended to be protected and preserved in the arborist report dated October 31, 2023, revised September 6th, 2024, and is shown as preserved in the build plans, yet the tree is proposed to be removed in the staff report, second to last sentence of paragraph 6 "...one street tree...proposed to be removed due to a poor health rating." I was surprised to see that the tree is already cordoned off to be removed as of today, October 15th. There were clear guidelines in the arborist report to work around the tree including barriers noted in the build plan (see below circled area) and the tree had an acceptable structural rating, form rating, was considered suitable for preservation, and was marked as a Protected Tree. This tree is probably one of the best-looking trees on the block. It provides shade and protection on our property and driveway in the mornings, and it would take 30 years to see a similar size tree grow to replace what is present today. How can I be assured that the arborist recommendations will be followed and that the build plans will be updated and reflective of what is actually taking place on the property?

Chair Lowenthal closed the public hearing.

*Commission Discussion/Direction:*

- > The house is lacking some details. I'd love to see some corbels, knee braces and possibly a vent above the second-floor window. It is lacking in depth. I like to see details of the light fixtures. I don't think we have any lights on the proposed project. I'm not seeing you walk up the front door without having some light fixture there. In my opinion, it needs another go-around to show us more details.
- > I agree with my fellow commissioner particularly on the stucco surfaces more than the siding surfaces. The siding and the trim details around the windows work. On the stucco, with no detail around it, it feels that it is lacking. I agree with either the venting up into the attic, doing an implied header or sill into the stucco. A change of color can also help. We need window details so we can evaluate how that is going to work. Right now, it looks like a flat run in the stucco and it's not going to add a lot of value.
- > There are a lot of gutters shown on the plan, but downspouts are not shown on the elevations, as well as foundations vents or lighting. These things will make things look better because they will add more detail. Since they are missing in this level, you will find out that some of the things you need to do will impact the way this project looks. We would appreciate that they are included at this stage, so we are not all surprised later.

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- > *The whole stucco elevation at the bottom in the rear is not adding much because of the lack of details. The overhang can be good, but it also needs more details to show how it's going to pop out and make it look nicer. It is flat. As much as the shape and scale, I do appreciate the challenges faced with the oak tree at the back and trying to locate the garage to a spot where it will not kill the oak tree, even shifting the house to the left away from the neighbor is probably better than staying in the same location and going up. There's a lot of really good things about this project and there are some things that needs to be done to make it a better project.*
  - > *I agree with my fellow commissioners. The applicant has described the project as a transitional style home. Driving through the neighborhood, there are a lot of homes, particularly on that street there are some nice details, a lot of charm and character. I can recognize a home that wants to be transitional, but on this block, it will be a miss by not adding more details to this home.*
  - > *When I saw the renderings, I thought that the roof over the front living room space was flat. It looks that way from an eye-level perspective, maybe from the sidewalk. Even from a true pedestrian level, that roof looks flat. Consider doing a 3:12 slope instead of the proposed 7:12 roof slope and see if it can help improve the front elevation because it seems disappearing with this relative flatness.*
  - > *I like the scale and massing of the project. I agree with my fellow commissioners about the lack of details. For the neighbor, that side of the house only has five windows, and it sounds like the neighbor has 13, but I do agree that the bathroom window is very large. There's a corner window facing the back that is also large. Consider adjusting the size or frosting that window.*
  - > *I'm usually very supportive of plate heights but I cannot see the justification for one inch on the first floor. It could be at compliance with 9'-0". I don't know if one inch buys you that much. On the second floor, the 8'-1" plate height is in vaulted spaces and the 8'-8" is in the laundry room and that 8'-8" is not necessary either.*
  - > *The project is fundamentally approached from the right direction. I like the form and the massing. The articulation is great. I echo my fellow commissioners' comments about the lack of details. The windows on the second story have some sill that can go well at the first story. Currently, the frame on the first story windows looks like they have been taped and there is no depth to it. The beam at the porch appears to be two beams stacked up. As a transitional style architecture, it is lacking the details of what it is transitioning from. I also appreciate the applicant's efforts in saving the oak tree at the back.*
  - > *Consider changing the size of the columns at the front. See how it may look if it is a bit larger.*

**Commissioner Schmid made a motion, seconded by Commissioner Comaroto, to place the item on the Regular Action Calendar when plans have been revised as directed. The motion carried by the following vote:**

**Aye:** 6 - Comaroto, Horan, Lowenthal, Schmid, Shores, and Tse

**Absent:** 1 - Pfaff

## **11. COMMISSIONER'S REPORTS**

*There were no Commissioner's Reports.*

## **12. DIRECTOR REPORTS**

*There were no reportable actions from the last City Council meeting regarding Planning matters.*

## **13. FUTURE AGENDA ITEMS**

*No Future Agenda Items were suggested.*

#### **14. ADJOURNMENT**

*The meeting was adjourned at 11:43 p.m.*