

**04.27.15 PC Meeting**  
**Item #6a**  
**1509 El Camino Real**  
**Page 1 of 3**

*COMMUNICATION RECEIVED  
AFTER PREPARATION  
OF STAFF REPORT*

**RECEIVED**

APR 27 2015  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

March 23, 2015

Dear Planning Commissioners,

Living outside the 500 foot noticing circumference for the 1509 El Camino Real development project I am at a disadvantage in responding in a manner timely to provide written comment to be included in the Staff Report for the March 23, 2015 public hearing because I had to wait for that Staff Report to be made available when the agenda was published and released on March 20. With only two business days before the meeting I am hard pressed to submit cogent and complete comment that will be considered by the Planning Commission tonight at its first initial hearing because this letter will most likely be given to you tonight, leaving little time to read and digest my commentary, if it's read at all. However, I do understand that it will be included in the next Staff report, but at a time uncertain. Although I will be present to give verbal public comment tonight, I know that I will be unable to cover all salient points in this letter given that verbal comment is now restricted to a maximum of three minutes.

I am also at a disadvantage because I am unable to get either a paper or electronic copy of the architectural plans to bolster my argument. I understand that I am now limited to viewing those plans only in the Planning Department office. Therefore, I must use plans date stamped February 16, 2012 which may no longer be accurate.

Because those architectural plans are the "contract" between the City and the Applicant that are not only recorded with the County but also the basis for the Conditions of Approval, to wit, "that the project shall be built as shown on the plans submitted to the Planning Division date stamped..." they are public record which should be released to the public. The onus of liability for reproduction should not be placed upon a public agency or municipality if an architect or property owner or any other applicant chooses to submit plans for public hearing and consideration. It should be up to the architect or property owner or any other applicant to pursue any perceived damages resulting from reproduction for public distribution from any offenders using those plans for monetary or other gain except the public agency or municipality.

I also want to point out that no "lawn sign" was posted on the property giving notice of either the proposed project or its hearing date. I do not remember if the notice is restricted to only R-1 properties although it is my recollection that posting is not required for Commercial projects. Perhaps if posting is not required for R-2, R-3, and R-4 properties, you might consider their inclusion in the Ordinance to add transparency in proposed project consideration. After all, the entire neighborhood has an interest in all residential development.

At this time I hold in abeyance any argument that can be made in regard to the tentative joining of parcels APN: 026-011-010 & 025-228-130 until such time as I view the current architectural plans submission for the proposed project to assure myself that the claim of reduction of the building footprint from earlier submissions made by the Applicant to a neighbors meeting on January 13, 2015 can be substantiated. However, I will at this time dispute the imagined scenario of the applicant's claim of why the issue of parcel joining may have been simply a case of falling through the cracks. After extensive research of County and City records, the "facts" are not as simple as the Applicant presents them. Not wanting to muddy the waters at this time, I will say that the only real economic advantage that should come out of the lot merger should be that if the Applicant chooses to sell his constructed and completed development

**04.27.15 PC Meeting  
Item #6a  
1509 El Camino Real  
Page 2 of 3**

project sometime in future he not be penalized with trying to off-load the “pig in the poke” property (025-228-130) he was forced to purchase in order to acquire the larger parcel (026-011-010). So long as I am assured that the added square footage that comes with the lot merger is not used to construct a larger footprint, I have no cause to bring dispute.

My primary focus is the preservation of the grove of trees in the southeast portion of the property that includes the Bunya -Bunya tree. Given the constraint of not having access to the site plan or the landscaping plan while composing my written comment at this time, I can only offer the following:

This is what the grove looked like in 2007...



...before an arborist’s report was obtained February 22, 2011 which stated that the close plantings (within 10 feet) of the deodar cedars have resulted in the suppressed foliar growth and trunk contortion. The dense broad canopy of the bunya-bunya has contributed to the suppressed growth of the trees.”

“Based on the site plan provided...the protection of the protected trees 120 through 127 within or adjacent to the proposed structure prevents their preservation.”

Sometime after the issuance of that report, six trees not designated protected were removed before the neighbor meeting with the Applicant on April 18, 2013 and the grove looked and continues to like this:



With the current outside Arborist's report, October 30, 2014, the recommendation is that all trees assessed in 2011 with the exception of two elms be removed despite Bob Disco, City Arborist's January 27, 2015 notation that "no protected size tree scheduled for removal".

It is my request that all existing trees in the grove, and especially the Bunya-Bunya, are given the protection needed for preservation with the possible exceptions of Trees # 120 the designated Spanish Fir, and #125, a Blue Tag protected Deodar Fir if it is determined that they impact the assumed smaller building footprint which only viewing of the current proposal will determine. I will add that even though no longer on the tree list for the City, the Acacias should also remain to provide existing screening because any new plantings will take years to provide what is already in place.

As a further request, the Commission should act to require the Applicant as a Condition of Approval to post a surety bond in the amount of \$100,000.00 to guarantee that all the remaining grove trees are surviving 5 years after the project has been constructed and completed. Precedent was set for this action on the 1500 block of Drake Avenue.

Thank you for your consideration.

Regards,

Pat Giorni

----- Balboa, Burlingame