

**04.27.15 PC Meeting  
Item #6a  
1509 El Camino Real  
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APR 27 2015  
CITY OF BURLINGAME  
CDD – PLANNING DIV.

**From:** Mark [mailto:-----]  
**Sent:** Sunday, April 26, 2015 9:23 PM  
**To:** GRP-Planning Commissioners; CD/PLG-Hurin, Ruben; CD/PLG-Meeker, William; CD/PLG-Gardiner, Kevin  
**Cc:** GRP-Council  
**Subject:** April 26 Meeting Comments RE: 1509 El Camino Real

April 26, 2015  
Burlingame Planning Commission  
RE: 1509 El Camino Real

Dear Sirs and Mesdames,

Please find my additional comments/observations from the March 23rd 2015 Planning Commission meeting and the Staff Report for the April 26, 2015 meeting:

1) It is unclear as to what environmental study is being required by the sponsoring agency (City of Burlingame). This is the Sponsoring Agency's responsibility. The CEQA checklist at the very end has a section entitled Mandatory Findings of Significance. If any of the categories are met, this means an EIR must be drafted to reveal the potentially environmentally significant issues, potential mitigants, and project alternatives. Given the community has done a significant amount of research, a Focused EIR may be more appropriate.

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

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

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

**Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are**

**considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

*Yes, given the duplexes across Mills Creek are zoned R2, they may seek R3 zoning if 1509 El Camino gets built on the basis of achieving increased land utilization (notwithstanding the fact that creeks cannot be built upon). Also the Adeline Market Plaza and former Gas Station property have been identified in prior housing elements as a potential development areas. The owners of the Plaza in the future will likely use the height/massing/density/parking of 1509 ECR to argue for a larger more density-intensive redevelopment which will also likely have environmental effects (aesthetics, traffic, parking, environmental, etc). Finally the student population of Lincoln School has increased since 2007 (and 2011 for that matter), Ray Park activities have increased, there is now on-site after-school daycare (Champions, previously this was held at First Presbyterian) and in practice there would be a doubling of vehicles at 1509 under the current proposal. An EIR must take into consideration the impact on traffic/safety on the school and Ray Park which is already well-established as having problems (TSPC committee tried to hear the issue in 2014, but could not reach a quorum due to 3 members living within the 1400-1500 blocks of Balboa). Finally an EIR should require a new soils study based upon USGS Survey information (2010-2011) that was not taken into consideration in 2007 soils study (relied upon by the developer for subsequent applications), showing a high liquefaction susceptibility in a San Andreas Shaking Scenario (refer to prior comments on this, including USGS hazard shaking maps).*

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

*Yes, traffic and safety around Lincoln School of schoolchildren, also light and privacy (windows looking into yard of 1512 Balboa), creek wall failure (Wallach Creek Flooding Video 1524 Balboa Wy), need for proper creek wall reinforcement to support a greater load.*

2) During the March 23 2015, Planning Commission meeting, one of the Commissions said something to the effect that he felt that City Council was giving direction to the Planning Commission that there should be no reduction in housing units despite 1509 El Camino having a reduction of one unit (but many more bedrooms compared to the current property). While I understand that the Burlingame Housing Element states that a goal of Burlingame is to not have an overall housing unit decline, the application of CEQA is site-specific. Automatically saying that *every* project should not have a reduction in the number of housing units is not congruent with CEQA nor with the spirit of the Housing Element workshops I attended and Housing Element Adoption (City Council) meetings, where on the record, City staff and City Council members have clearly stated and emphasized that the Housing Element is not a "housing quota" document (actually inserted some language saying that the ABAG Regional Housing Allocation

Needs were suspect based on population projections of Burlingame that didn't make sense in light of zero population growth in 3+ decades) and that *each* property's potential development needs to be evaluated individually and on its own merits. In short, stating that every property must increase the number of units is subject to legal challenge, particularly when a project is subject to the provisions of CEQA.

3) Ms. Pat Giorni in the March 23, 2015 PC meeting, suggested the use of a Surety Bond to protect the Bunya Bunya and the surrounding grove of trees. We have seen nothing but a bad fact pattern of the developer's stewardship of his existing property, what has arisen over the years are potential liability issues (failing creek bank wall), the creek is full of debris (was brought up by the 2007 Planning Commission and nothing has been done since and has been verified by Public Works in recent visits), the developer cut down every non-protected tree on the side of the Bunya-Bunya *subsequent* to his 2007 application (photo verification in the 2007 and 2011 applications), and the building itself looks to be in a state of neglect and disrepair. A Surety Bond will help ensure tree protection for a period of time (recommend 5 years) and as mentioned at the 3/25/2015 meeting, has been used in precedent effectively.

4) The plans that I examined at March 23rd meeting had no authorship, i.e. it was unknown from reading the plans who authored them (the developer said it was his wife). I believe another member of the public also mentioned this. If they are not copyrighted, then why are they not available for public distribution? Is it not a requirement (stated within Burlingame's own building application) that the plans must clearly state who the author is? If not and are not copyrighted, then why are they still not available online? Moreover, the section of the California Safety Code that City Attorney Kane cites only applies to existing permits, it says nothing about proposed plans. This is a misinterpretation and/or mis-application of the statute specifically cited by Ms. Kane and to my knowledge, I'm not aware of City Council addressing this issue. Not only is it relevant for 1509 El Camino Real, but really for *all* public discourse on *all* projects in Burlingame. I would encourage the City Council to request a re-examination of this interpretation/application. More public dissemination of information in the digital age is better, particularly as it relates to public policy and project affecting the public at large.

These comments as well as my prior comments relating to the current or future proposed development of 1509 El Camino Real, Burlingame Ca 94010 (or its successors) are herein incorporated by reference.

Thank you for your time.

Respectfully submitted,  
Mark Haberecht  
----- Balboa