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October 28, 2025

Mayor Stevenson, Vice Mayor Brownrigg, & Burlingame City Councilmembers
Burlingame City Hall
501 Primrose Road
Burlingame, CA 94010

Re: November 3, 2025 Hearing re: Appeal of Denial of Special Encroachment Permit at 1151 Rosedale Avenue, Burlingame, CA

Dear Mayor Stevenson, Vice Mayor Brownrigg, and Burlingame City Councilmembers:

Please accept this letter brief on behalf of the Public Works Director (the "**Director**") and City Staff ("**Staff**") regarding the appeal of the Director's decision on an application for a Special Encroachment Permit at 1151 Rosedale Avenue, Burlingame, CA (the "**Property**"). Based on the following, **the Council should deny this appeal and deny any and all encroachments into the City's right-of-way. In the alternative, the Council should deny the appeal and uphold the Director's decision on the Application.**

INTRODUCTION

This appeal arises from a Special Encroachment Permit application ("**Application**") at the Property, located at the corner of Rosedale Avenue and Westmoor Road. On July 29, 2025, the Director granted the portion of the Application pertaining to the Rosedale Avenue frontage and allowed for placement of two stone pillars in the City's right-of-way; and the Director also denied the Application with respect to the Westmoor Road frontage regarding placement of a solid wooden fence, concrete patio, and other landscaping elements within the City's right-of-way. The Property is owned by Ms. Priya Takiar and Mr. Dhruv Batura (together, the "**Applicants**"), who now appeal the Director's entire decision under Burlingame Municipal Code § 12.10.050.

In 2023, the Applicants obtained an over-the-counter building permit from the City's Building Division to construct a fence and other landscaping improvements at the Property. The Applicants' submitted plans that showed the fence and landscaping improvements **within** the property line. Based on the Applicants' plans and representations showing their improvements on their Property, Staff issued the permit. However, once construction began, the Applicants' fence and improvements were built **beyond** the property line and into the City's right-of-way ("**ROW**") on both the Rosedale Avenue and Westmoor Road frontages —effectively enlarging the Applicants' corner lot by taking City property on both streets. Specifically, the Applicants built a fence and two stone columns in the ROW on the Rosedale side. In the ROW on the Westmoor side, the Applicants built a fence and a concrete patio with adjacent lawn and other greenery.

In 2024, Staff met and exchanged a series of emails with the Applicants to discuss moving the improvements out of the City's ROW and back onto the Property. Staff maintained the utmost professionalism and courtesy during this process but the Applicants refused to comply and expected Staff to turn a blind eye. The City issued a Notice of Violation on February 27, 2025 but instead of pursuing administrative citations and fines, Staff again met with the Applicants to discuss a Special Encroachment Permit application. The Applicants submitted a completed Application in July 2025.

Regarding the Westmoor side of the Property, their Application failed to address the public nuisance and sidewalk access and obstruction issues, and the Applicants' proposal still resulted in a loss of publicly owned property enclosed behind their fence. On the Rosedale side, the Applicants had already

removed the fence out of the City ROW by the time of their Application. Thus, the Applicants submitted their Application for the two stone columns on the Rosedale side.

On July 29, 2025, after a comprehensive evaluation of the Application and other documents, and considering the potential hardship to the Applicants arising from immediately removing the two stone columns, the Director granted the Application for the two stone columns on the Rosedale side for a period of five (5) years and subject to other conditions. The Director also denied the Application pertaining to the landscaping, fencing, concrete patio, and other improvements on the Westmoor side. The Applicants then filed this administrative appeal challenging all aspects of the Director's decision, including the granting of the Application for the two stone columns.

For the reasons set forth below, Staff recommends that **the Council deny this Appeal and deny the Application in its entirety, thus prohibiting any encroachment on Rosedale Avenue and Westmoor Road**. The facts, including but not limited to the physical characteristics and features of the improvements contemplated in the Application, the applicable law under the state Constitution, California Civil Code, and City's municipal code, and the risks of liability and to public safety support the denial of this Appeal and denial of the Application in its entirely. **Alternatively, the Council may decide to deny this Appeal and uphold the Director's decision to deny the Application as to the Westmoor encroachments and grant the Application as to the two stone columns within the Rosedale ROW.**

STATEMENT OF FACTS

The Property & the City's ROW

The Property is a corner lot located at 1151 Rosedale Avenue, at Westmoor Road, in Burlingame, CA. The City owns Rosedale Avenue and Westmoor Road in fee by virtue of dedication from the original subdivider (developer). (See **Exhibit A**, p. 1). The width of the City's ROW over Rosedale Avenue and Westmoor Road are the same: both are 50 feet wide in total, comprised of 11.5 feet on both sides for sidewalk and curb purposes plus 27 feet in between for street pavement/vehicular traffic. (See **Exhibits B & C**.)

Renovations, Additions, and Fence and Landscape Improvements at the Property

In 2021, the previous owner obtained a building permit for renovation and addition to the structure at the Property. (See **Exhibits D and E**, Permit No. B21-0237 and Site Plan.) Then in December 2023, the Applicants purchased and moved to the Property. Shortly thereafter, the Applicants submitted a building permit application for fence and landscaping improvements in their front yard (facing Rosedale Avenue) and their side yard (facing Westmoor Road).

The Applicants' landscape plan submitted with their application showed the fence, patio, and landscaping improvements **within** the property line and not on the City's ROW. (See **Exhibit F**.) The landscape plan was prepared by and bore the stamp of the Applicants' civil engineer, Toaw C. Phan, License No. 92691. (*Id*.) On January 23, 2024, the City issued Permit No. B23-0785 based on the representations in the Applicants' submissions, including the landscape plan showing the improvements entirely within the property line. (See **Exhibit G** – Building Permit No. B23-0785.)

Inspections and Code Enforcement

In April 2024, Staff visited the Property for an inspection and determined that the improvements were constructed over the property line and into the City's ROW. (See **Exhibits H-N** – Photos taken by Public Works Inspector F. Dollard.) Specifically, two stone columns and a fence encroach by 2 feet, 11 inches into the ROW on the Rosedale side. On the Westmoor side, the fence, concrete patio, and landscaping improvements encroach by 5 feet, 7 inches into the ROW. (See **Exhibit O** – aerial photo.)

In addition, the fence includes a hinged door that opens toward the sidewalk, which impedes foot traffic, forces wheelchair users and strollers into the street, and presents the risk of bodily injury and property damage. (See **Exhibit N**.) Also, the fence on the Westmoor side had been built so far into the City's ROW that a City-owned sewer cleanout facility is now inaccessible because it is **behind** the fence. **(Exhibits H and O.)**[1]

Various meetings and emails followed in 2024 and 2025 in which Staff kindly requested the Applicants to realign the fence and relocate the other improvements back within the property line. Throughout this process, Staff maintained professionalism and respect. (See **Exhibits P-T**.) The Applicants, nevertheless, disputed the City's position, blamed Staff for the mistakes in the landscaping plan, and then asked for an exception or deviation from the approved landscape plan. (See **Exhibits P and Q** – Email chain between Applicants and Director S. Murtuza.) The Director explained that the City could not grant a deviation because the improvements were now constructed on public property and prevented access to City-owned facilities and presented a risk of liability to the City. (See **Exhibits R & S** – May 8 and 24, 2024 letters, respectively.) The Director also noted that the City originally approved the Applicants' building permit because their plans showed the landscaping improvements within the property line and the City reasonably relied on the Applicants' plan stamped by the Applicants' licensed civil engineer. (*Id*.) It was the Applicants' landscape plan and measurements therein that were inaccurate and the fault was with their civil engineer, not Staff. The Director further noted that proceeding with completion of the fence and other improvements would result in a code violation and enforcement.

Staff attempted to bring the Applicants into compliance as to the illegally encroaching fence, columns, concrete patio, and other elements. However, the Applicants remained intransigent and on February 27, 2025, the Director sent to the Applicants a Notice of Violation and Order to Abate, citing violations of Burlingame Municipal Code ("BMC") §12.10.020 (See **Exhibit T**.)

Application for Special Encroachment Permit

Further meetings between Staff and the Applicants followed and the Applicants stated their intention to apply for a Special Encroachment Permit under BMC Chapter 12.10. On May 16, 2025, Public Works Inspector Francis Dollard met with the Applicants at the Property to discuss, *inter alia,* the encroaching improvements and the sewer cleanout still located behind the Westmoor fence. By this time, the Applicants had removed the fence on the Rosedale side and thus the only encroaching elements on that side were the two stone columns.

Mr. Dollard provided guidance on how to apply for a Special Encroachment Permit. The Applicants also asked how much clearance (i.e., setback) around the sewer cleanout the City needed to access that facility. Because sewer cleanouts are always located within the public ROW and thus are typically unobstructed, Staff could not provide a good faith estimate on a minimum setback. That is because Staff has no prior frame of reference. Aside from that question, the Applicants had no other inquiries. Staff offered no suggestions on any fence realignment or re-location of any landscaping or patio elements, as it was incumbent on the Applicants to propose a solution to their encroachments.

On June 5, 2025, the Applicants submitted their Application, which attached rudimentary drawings that did not identify the location of the house, fence, concrete patio, sewer cleanout, and other landscaping elements vis-à-vis the property line and the City's ROW. (See **Exhibit U**.) Thus, Staff

[1] A sewer cleanout consists of a pipe and other fixtures in a box recessed into the ground. Sewer cleanouts in the City of Burlingame are owned and maintained by the City. The sewer cleanout acts as an access and connection point between home plumbing and the City's sewer main. Unobstructed and clear access to the sewer cleanout is essential for both routine maintenance and for emergency response by Staff to address potential sewage blockages in the pipeline and to prevent sewage overflow and contamination in both public and private properties, and to prevent potential violations of the California Regional Water Quality Control Board regulations.

deemed the Application incomplete and sent the Applicants a Notice of Incomplete Application on June 20, 2025. (See **Exhibit V**.) On July 11, 2025, the Applicants resubmitted their Application with the required information and an aerial depiction of the Property that showed the house, fence, concrete patio, sewer cleanout, and elements in relation to the property line and the ROW. (See **Exhibit W**.) The Applicants offered two fence realignments for the Westmoor side of the Property: one with a 1-foot setback around the sewer cleanout and another with a 4-foot setback. (*Id*.) In both options, the concrete patio and most of the fence remained unchanged (including the door that opens onto the sidewalk). (*Id*.; **Exhibit N**.)

After careful and diligent review of the resubmitted Application, as well as the active building permit (no. B23-0785) for the landscaping and fence, the Director made the following determinations:

On the Rosedale side of the Property, the Director **GRANTED** the Application with respect to the two stone columns located within the City's ROW for five (5) years and subject to other conditions.

On the Westmoor side, the Director **DENIED** the Application for the following reasons:

1. The fence presents a public nuisance because it prevents public access and usage of the portion of City's ROW located and enclosed behind the fence. Also, the fence included a door that opens outwards toward the sidewalk. When opened, the door obstructs free and clear public passage on the sidewalk and presents the risk of harm to persons and property. Also, the door, when opened, creates a barrier to accessibility to disabled persons traveling on the sidewalk. (See **Exhibit N**.)

2. The fence continued to enclose significant portions of the City's ROW for the Applicants' exclusive, private use and enjoyment to the exclusion of the City and public. If the City were to permit this encroachment, the City would be enlarging the Applicants' lot by making an unlawful gift of public property.

3. The proposed setbacks around the sewer cleanout do not provide the City with sufficient clearance. As such, the City's ability to use, access, and repair the sewer cleanout, as well as use the ROW for equipment staging, are impaired. There also is a risk of damage to the Applicants' fence improvements, patio, and other landscaping elements when the City uses and accesses the sewer cleanout.

(See **Exhibit X**.)

The Applicants appealed the Director's entire decision under BMC § 12.10.050. (See **Exhibit Y**.) Pursuant to BMC § 12.10.060, the Council hears the appeal and its decision is final and conclusive.

Deliberate Additional Encroachments within the City's ROW after the Director's Decision

On October 17, 2025, Public Works Inspector Dollard conducted a visual inspection of the Property and observed newly added landscaping elements within the City's ROW on the Rosedale and Westmoor sides. (See **Exhibits Z-1 to Z-8**.)[2] These new plants, shrubs, and other greenery were not part of the Application, were not in place when Mr. Dollard met with the Applicants on May 16, 2025,

[2] Notably, **Exhibit Z-6** shows that the Westmoor fence encroaches so far into the City's ROW that the fence abuts the water meter and obstructs Staff's free and clear access to the meter. And once the shrubs around water meter grow and mature, they will also cover and obstruct access to the meter.

and are additional unpermitted encroachments. The placement of these new landscaping elements is a deliberate act to flout the City's municipal code and the permit application process, as well as a defiant act in response and contrast to Staff's professionalism.

ANALYSIS IN SUPPORT OF DENYING THIS APPEAL AND THE APPLICATION

This Appeal Should Be Denied Because the Improvements on the Westmoor Side Present a Public Nuisance and Safety Hazard.

The Council should deny this appeal because the fence on the Westmoor side presents a public nuisance and safety hazard. California Civil Code section 3479 and the Burlingame Municipal Code both define a nuisance as anything which is dangerous or injurious to health or safety, or an obstruction to the free use of property, or unlawfully obstructs the free passage of use of any street. (Civ. Code § 3479; BMC § 1.16.010.)

The Applicants' fence on the Westmoor side is a public nuisance because it obstructs the City's use of and access to the City-owned ROW. A significant portion of the ROW on the Westmoor side is now enclosed behind the fence so that the City cannot use or access that area, or make any public improvements therein. Moreover, the door built into the fence obstructs free passage and use of the sidewalk for pedestrians and presents the danger of injury to persons and property. The door also obstructs and prevents safe passage on the sidewalk for people with disabilities, persons with strollers or carts, and anyone carrying large items. For example, a wheelchair or stroller would have to go into the road in order to get around the door. (See **Exhibit N**.) Further, the fence is built above and abuts the water meter and obstructs access to the meter. (See **Exhibit Z-6**.) The fence and door on the Westmoor side are an unlawful and impermissible public nuisance and the Director was correct to deny the Application with regard to those improvements.

This Appeal Should Be Denied; Otherwise, the City Would Be Making an Unlawful Gift of Public Property for the Applicants' Exclusive Use and Enjoyment with No Legitimate Public Purpose.

To allow the fence on the Westmoor side to enclose portions of the City-owned ROW would result in an unlawful and unconstitutional gift of public property. Article XVI, section 6 of the state constitution prohibits public agencies (like the City) from making any gift of public money or thing of value, unless given for a public purpose. (Cal. Const., art. XVI, § 6; see *County of Alameda v. Janssen* (1940) 16 Cal.2d 276, 281; *West Contra Costa Unified Sch. Dist. v. Superior Court* (2024) 103 Cal.App.5th 1243, 1255-56.) Here, a significant portion of the City's ROW on the Westmoor side is enclosed behind the fence for the private use and enjoyment of the Applicants. Also, a significant portion of the ROW is paved over for the Applicants' use as their private patio. That portion of the ROW is valuable public property. If the fence and concrete patio are allowed to encroach onto the ROW, the Applicants' lot would be enlarged and made more valuable to the detriment of the public. There is no legitimate public purpose in gifting that asset and enriching private owners, especially where the Applicants' motivation is to create more usable space in their yard for their own personal benefit.

The Applicants' Proposed Clearance for the Sewer Cleanout Would Expose the City to an Unacceptable Risk of Property Damage and Liability.

The Applicants' alternative setbacks of 1-foot and 4-feet around the sewer cleanout present an unacceptable liability exposure to the City. Sewer cleanouts throughout the City are placed within the City's ROW, which allows for free use and access for maintenance and repair activities without risk of damage to private property. Here, the Applicants propose de minimis setbacks that would not allow Staff open and free access to the City-owned sewer cleanout on Westmoor Road, nor sufficient room for equipment staging. Moreover, the sewer cleanout's proximity to already encroaching landscaping

elements—including but not limited to the fence, patio, underground drip irrigation lines, and newly planted shrubs and greenery—create a risk of damage to those elements when the City performs any work in and around its sewer cleanout. If Staff damages those elements while accessing, performing work on, and/or maintaining the City's sewer cleanout, the Applicants may then file a claim for money and damages against the City. The Director rightly identified these risks as unacceptable exposures to liability for property damage.

Additionally, any obstruction and/or delay in access to the sewer cleanout could result in catastrophic property damage for which the City could be liable. In the event of a backup, Staff must quickly access the sewer cleanout to stop potential or ongoing overflow. If not acted upon immediately—because of an obstruction or inaccessibility due to the encroachments—sewer overflow would cause contamination and damage to the home and adjacent properties. This scenario exposes the City to substantial liability, **which can be avoided by ensuring that the City's sewer cleanout is readily accessible from Westmoor Road, without any obstruction, impediments, or encroachments**. In view of these unacceptable exposures to liability, the Council should deny any encroachments into the City's ROW on Westmoor Road.

The Council Should Deny the Application for the Two Stone Columns on the Rosedale Side.

Although the Director granted the Application with respect to the two stone columns on the Rosedale Side for a period of five years, the Applicants have appealed that decision. As such, Staff requests that the Council deny the encroachment for the two stone columns. Doing so is within the Council's prerogative in this appeal and warranted in view of the Applicants' misrepresentations in their landscaping plans, persistent refusal to accept the City's authority over public property, and treatment of Staff despite the City's consistent professionalism and courtesy.

REBUTTAL OF ANTICIPATED ARGUMENTS FROM THE APPLICANTS

Staff anticipates the following arguments from the Applicants; however, these arguments do not rebut the legal and factual grounds for denial nor offer any reasonable basis for a Special Encroachment Permit.

The Applicants Require the Current Fence Alignment and Patio to Create a Safe Play Area for Their Child(ren): Staff is sympathetic to every family's desire to create a safe play area for their children in and around their home. Nevertheless, realigning the fence and relocating the patio and other landscaping elements within the property line and creating a safe play area for the Applicants' child(ren) are not mutually exclusive. The City is not demanding that there be no fence or patio at all. It is entirely possible, reasonable, and feasible for the fence, patio, and plants to be moved back onto the Property and out of the City's ROW without reducing safety and security. The net result is simply a smaller but enclosed yard that is on the Applicants' Property, while also providing Staff with the necessary clearance and access to the City's sewer cleanout. In fact, Staff initially approved a building permit for a fence on the Westmoor side based on the representation that the fence was located on the Property and not in the City's ROW.

The Applicants Believe They Are Being Unfairly Targeted: The Applicants might complain that they are being singled out and unfairly treated. Not so. The Applicants' landscaping plans stamped by their own civil engineer clearly showed the fence, patio, and landscaping elements within the property line. The City subsequently discovered the encroachments based on an inspection pursuant to an open permit. And once Staff discovered that the improvements were built on the public ROW and not in accordance with the submitted plans, Staff provided the Applicants with multiple opportunities to realign the fence and relocate the patio and landscaping elements before engaging in any Code Enforcement activities. Staff also had multiple meetings with the Applicants and provided guidance on the process to apply for a Special Encroachment Permit. Clearly, Staff was even-handed and patient

with the Applicants. The fact that the Application was denied as to the Westmoor side after a good faith and thorough review is no indicia of bad faith or unequal treatment by the City.

The Applicants might also argue that other neighbors maintain encroachments onto City-owned property. Even if true, the validity of any encroachments by other residents is not part of this appeal. Staff may, in its discretion, conduct Code Enforcement activities with respect to other encroachments in due course.

Relocating the Fence, Patio, and Landscaping Would Come at Great Cost: The Applicants might argue that taking the fence down and rebuilding it, as well as reducing the size of the concrete patio and relocating the landscaping elements, would cause significant and undue expense. This is a dubious argument, especially since Staff informed the Applicants of the encroaching improvements before all of the construction was completed; yet, the Applicants proceeded with completing the fence, patio and other improvements anyway. In fact, the Applicants have recently added new shrubs and greenery within the City's ROW after their Application was denied. If anything, this bold act shows that the Applicants are less concerned about costs than making a defiant statement.

CONCLUSION

Based on the foregoing facts, discussion, and analysis, **the Council should deny this appeal and deny the Application in its entirety**. In the plans and specifications submitted with the building permit application, the fence, patio, stone columns, and other landscaping improvements appeared within the Property, yet the Applicants later constructed those elements in City's ROW.

The Westmoor side fence presents a public nuisance because it prevents use and access of public property and the fence's door impedes safe passage along the sidewalk. Furthermore, allowing the fence, patio, and other landscaping elements to remain in place would require the City to make an unlawful gift of public property for the private use, enjoyment, and enrichment of the Applicants. And under the 1-foot and 4-foot setback alternatives, the City would still bear an unreasonable and unacceptable risk of damage to the Applicants' private property.

Moreover, the Council can and should deny any encroachment on the Rosedale side in view of the Applicants' bad faith and defiance against Staff.

Alternatively, the Council may deny this appeal by upholding the Director's decision to deny the Application with respect to the improvements on the Westmoor side and to grant with respect to the two stone columns on the Rosedale side.

Respectfully submitted,

JARVIS FAY LLP

Edward K. Low
Special Counsel

EXHIBIT A

BURLINGAME VILLAGE

BURLINGAME, CALIFORNIA

SCALE: 1"=100' DECEMBER 1940

JAMES AND WATERS
Civil Engineers
Burlingame and Palo Alto

I, Basil W. Waters, Jr, do hereby certify that I am a registered civil engineer of the State of California; that the within final map consisting of two sheets, and the survey therefor were made under my direction; that said survey, as shown upon said map, is true and complete and was made during the months of October and November, 1940; that the monuments as shown thus ◉ on said final map are of the character and occupy the positions indicated thereon, and said monuments are sufficient to enable the survey to be retraced; and that the bearing of California Drive as shown on that certain map entitled "Map of Burlingame Gate Burlingame San Mateo County California" and recorded in Book 11 of Maps at pages 64 and 65, Records of San Mateo County, was taken as the basis of bearings shown upon said within map.

Dated December 6 1940

Basil W. Waters Jr
Registered Civil Engineer
Certificate No. 2959

The undersigned hereby certify that they are the owners of the land subdivided as shown on this map; that they are the only parties having any record title interest in said land; and that they hereby consent to the preparation and recordation of this map.

The undersigned further certify that they do hereby offer for dedication for public use all streets, avenues, drives, roads, lanes and paths within said subdivision as shown, designated and named upon this map and do also offer for dedication for public use those certain easements for public utilities as shown by dotted lines and designated "P.U.E." (Public Utility Easement), as shown on this map, and do also offer for dedication for public use those certain easements for underground cable only as shown by dotted lines and designated "U.G.E." (Underground Cable Easement), as shown on this map.

Thomas J. Culligan Jr.
Thomas J. Culligan, Jr.

Kathleen F. Culligan
Kathleen F. Culligan, his wife } as owners.

CORPORATION OF AMERICA, a corporation, as Trustee

by James A. Wainwright Vice President

by E.J. Guisto Asst. Secretary

CENTRAL BANK, a corporation, as Beneficiary

by E.C. Petersen Vice President

by H.W. Sanders Asst. Secretary

STATE OF CALIFORNIA } s.s.
COUNTY OF SAN MATEO }

On this 9th day of December, 1940, before me Herman L. Maier a Notary Public in and for the County of San Mateo, State of California, residing therein, duly commissioned and sworn, personally appeared Thomas J. Culligan, Jr. and Kathleen F. Culligan, his wife, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Herman L. Maier
Notary Public in and for the County of San Mateo, State of California.

My Commission Expires June 28-1944

STATE OF CALIFORNIA } s.s.
COUNTY OF ALAMEDA }

On this 6th day of December 1940, before me Bessie E. Cotton a Notary Public in and for said County of Alameda State of California, residing therein, duly commissioned and sworn, personally appeared James A. Wainwright known to me to be the Vice President and E.J. Guisto known to me to be the Asst. Secretary of the Corporation of America, the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of the corporation named therein and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Bessie E. Cotton
Notary Public in and for the County of Alameda. State of California.

My Commission Expires April 18, 1941

STATE OF CALIFORNIA } s.s.
COUNTY OF ALAMEDA }

On this 6th day of December 1940, before me Bessie E. Cotton a Notary Public in and for said County of Alameda State of California, residing therein, duly commissioned and sworn, personally appeared E.C. Petersen known to me to be the Vice President, and H.W. Sanders known to me to be the Asst. Secretary of the Central Bank, the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of the corporation named therein and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Bessie E. Cotton
Notary Public in and for the County of Alameda. State of California.

My Commission Expires April 18, 1941

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

Dated Dec. 17th 1940

C.A. Snelle
City Engineer of Burlingame.

a tentative copy of
This is to Certify that the within map was presented to the Planning Commission of the City of Burlingame at its regular meeting held on the 31st day of October, 1940, and duly approved by said Commission.

Burlingame City Planning Commission

by Chas. Macdonald Secretary

Dated Dec 17 1940.

I, Grace Hoey, City Clerk and ex-officio clerk of the City Council of the City of Burlingame do hereby certify that the City Council of the City of Burlingame, State of California, by a resolution adopted at a regular meeting of said council, duly convened and held on the 16th day of December, 1940 did approve the within map entitled "Burlingame Village" Burlingame California," and did accept in behalf of the public all streets, avenues, drives, roads, lanes, paths, public utility easements and underground cable easements as offered for dedication to public use.

Dated December 17, 1940.

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

FILE NO. 7859E

Accepted for record and recorded in Volume 23 of Official Maps at pages 31 and 32, in the office of the County Recorder of the County of San Mateo, State of California, this 18th day of December 1940 at 11:20 A.M.

T. Rice
County Recorder of the County of San Mateo.

EL CAMINO REAL

City of Burlingame Boundary

THOMAS J. CULLIGAN JR.

THOMAS J. CULLIGAN JR.

WESTMOOR ROAD

MEADOW LANE

EASTMOOR ROAD

CALIFORNIA DRIVE

ROSEDALE AVE.

HAMILTON LANE

CLOVELLY LANE

KILLARNEY LANE

DUFFERIN AVE.

MILLS ESTATE INC.

BURLINGAME GATE

CITY OF BURLINGAME
1.8856 ACRES.

MARKET STREET RAILWAY CO. RIGHT OF WAY

SUBDIVISION BOUNDARY

Existing Iron Pipe Mon.

Note:
◎ Indicates monuments consisting of 2" iron pipe.

BURLINGAME VILLAGE

BURLINGAME, CALIFORNIA

SCALE: 1"= 100' DECEMBER 1940

JAMES AND WATERS
Civil Engineers
Burlingame and Palo Alto

Sheet 2 of 2 Sheets

EXHIBIT B

STREET Rosedale Avenue Major ___ Secdr ✓

Limits: From El Camino Real To California Dr. Lgth 730 '.

Base: Type Hard Red Rock Av.Depth 5 "

Surface: Type Armor Coat Av.Depth 1/2 "

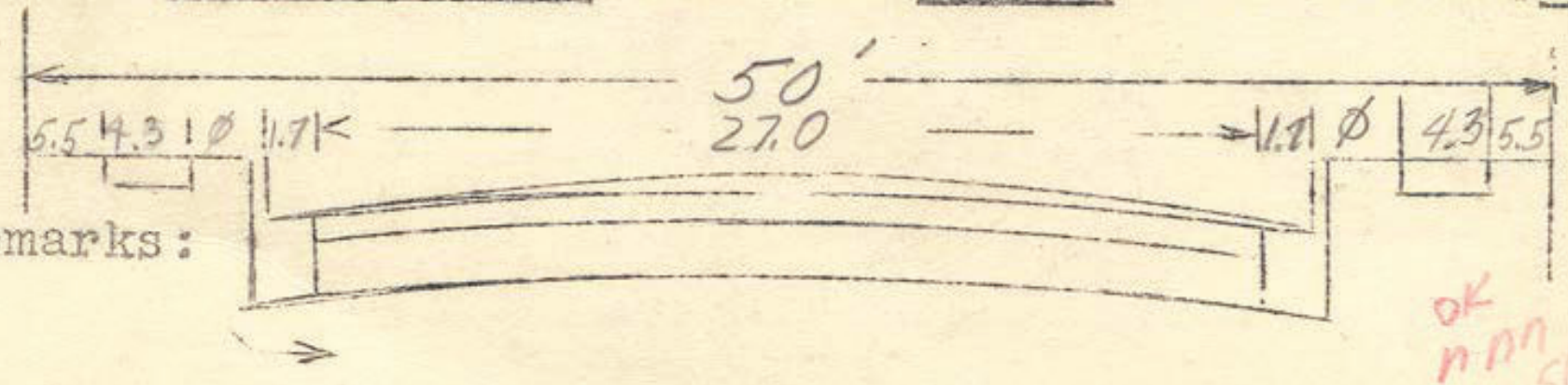
Reconst: Date _____ Contractor _____

Job _____ MCS ___ Fld Bk No. ___ Dwg. Nos _____

Limits: From _____ To _____ Lght _____ '

Surfacing: Type _____ Av. Dpth _____ "

Cost: $_____ Per Ton$_____ Per Sq.Yd.$_____



Remarks:

OK
nnn
1-56

8/54
DW

EXHIBIT C

STREET Westmoor Road Major ___ Secdr. ___

Limits: From Rosedale To Eastmoor Lgth 900± '

Base: Type Asphalt Concrete Av.Depth 3½ "

Surface: Type Asphalt Concrete Av.Depth 1½ "

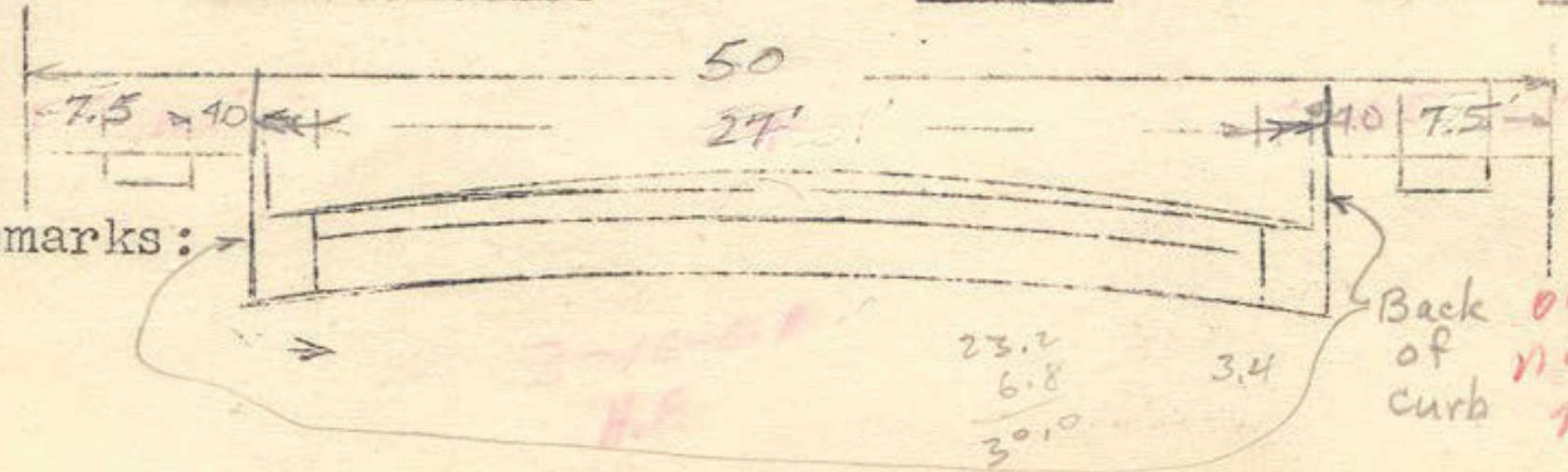
Reconst: Date _____ Contractor _____

Job ____ MCS ____ Fld Bk No. ___ Dwg. Nos _____

Limits: From _____ To _____ Lght _____ '

Surfacing: Type _____ Av. Dpth _____ "

Cost: $ _____ Per Ton $ _____ Per Sq.Yd. $ _____



Remarks:

EXHIBIT D

501 PRIMROSE ROAD, BURLINGAME, CA 94010

CITY OF BURLINGAME

BUILDING PERMIT

PERMIT NO.	**B21-0237**			DATE	08/11/2025
NUMBER	1151	STREET	ROSEDALE AVE	APN	025243010
APPLICANT	SAPPHIRE HUEY			PHONE	(415)971-8684
STREET ADDRESS	1151 ROSEDALE AVE				
CITY	BURLINGAME	STATE	CA	ZIP	94010
NAME OF OWNER	Huey Sapphire J			PHONE	(415)971-8684
CONTRACTOR	HONG'S GENERAL CONSTRUCTION IN			PHONE	(415)308-6373
ADDRESS	2463 17TH AVE				
CITY	SAN FRANCISCO	STATE	CA	ZIP	94116
ARCHITECT				LICENSE	
ADDRESS		CITY		STATE	ZIP
ENGINEER	SUNG ENGINEERING INC			LICENSE	
ADDRESS	29300 KAHOUTEK WAY SUITE 190	CITY	UNION CITY	STATE	CA ZIP 94587

WORK DESCRIPTION: ADD AND REMODEL, NEW HOUSE

PLEASE BE ADVISED THAT YOU ARE RESPONSIBLE FOR THE FOLLOWING:

Schedule inspections: A minimum 24 hours advance notice is required.

Inspections are done Monday thru Friday 9 a.m. to noon and 1 p.m. to 4 p.m. please remember this may not guarantee you next day inspection. Inspections are on a first call basis and there are a given number of inspections allocated for each day.

Work not completed at the time of inspection will be assessed a reinspection fee.

Ensure that the job site is maintained in a safe condition and that all OSHA regulations are adhered to.

Maintain all erosion control methods as required by Public Works City Code Chapter 15.14 (Grading). Requires Stormwater Pollution Prevention Program (Control methods).

Ensure that your adult representative is at the job site to provide assistance and answer any questions regarding the project for all inspections.

Maintain all construction documents (approved plans, permit card) in a legible condition and ensure that they are at the job site for inspection.

Provide any and all equipment (ladders, lights, etc.) necessary to complete the inspection.

Installation instructions must be on site for rough mechanical and final inspections.

PRIOR TO FINAL INSPECTION

□ Illuminated street address at front of building" visibility and legibility per BMC 18.08.015

□ When the permit valuation of a Group R Occupancy exceeds $1,000, smoke detectors and carbon monoxide detectors shall be installed.

PERMIT VALUATION	$860,000.00
PERMIT FEES	
BUILDING	$26,698.16
ELECTRICAL	$161.81
PLUMBING	$191.23
MECHANICAL	$161.81
MICROFILM	$421.51
SEISMIC	$111.80
OTHER	$235.50
TOTAL	$27,981.82

NOTE:

THIS PERMIT DOES NOT INCLUDE ANY CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY. ANY CONSTRUCTION IN THIS AREA REQUIRES A SEPARATE PUBLIC WORKS PERMIT.

EXPIRATION DATE

ISSUED DATE 09/20/2021

PERMIT NUMBER B21-0237

INSPECTION REQUEST
buildinginspections@burlingame.org
or (650) 558-7260

1151 ROSEDALE AVE

B21-0237

INSPECTION RECORD

FOUNDATIONS	DATE	INSPECTOR	ROUGHS	DATE	INSPECTOR	WALL APPLICATIONS	DATE	INSPECTOR
Steel & Forms			Wood Framing			Fire-Rated Drywall		
Slab			Light GA Steel Framing			Flashing / Siding		
Anchor Bolts			Structural Steel			Exterior Lath		
Piers			Rough Electrical			Insulation		
Electrical Ground			Rough Plumbing			Water Proofing		
Foundation Survey			Rough Mechanical			Above T-Bar Grid		
POUR NO CONCRETE UNTIL ABOVE HAS BEEN SIGNED			Green Building					
			COVER NO WORK UNTIL ABOVE HAS BEEN SIGNED			**ROOFING**		
UNDERGROUND						Roof Sheathing / Deck		
Electrical Conduit			**ELECTRICAL**			In-Progress Final		
Water Piping			Main Service					
Gas Piping			Sub-Panel			**POOL / SPA**		
Sewer Lateral			Temp Power Pole			Pre-Gunite		
Backwater Valve			Wiring / Conduit			Barrier Requirements		
Site Drainage			Photvoltaic			Pre-Deck		
			EV Charger					
FOUNDATION SURVEY MUST BE RECEIVED PRIOR TO UNDERFLOOR INSPECTION			**PLUMBING**			**FIRE DEPARTMENT**		
			Water Piping			Fire Sprinkler - Rough		
UNDERFLOOR			Drain, Waste, and Vent			Fire Sprinkler - Final		
Framing			Gas Piping					
Electrical			Gas Test					
Plumbing			Shower Pan			**METER RELEASE**		
Mechanical Ducts						Electrical Tag #		
Ventilation			**MECHANICAL**			Gas Tag #		
Insulation			Furnace					
COVER NO WORK UNTIL ABOVE HAS BEEN SIGNED			Air Conditioning					
			Ducts			**FINALS**		
RIDGE HEIGHT SURVEY MUST BE RECEIVED BEFORE ROOF PLY INSP.			Hood / Fan			ENG Dept □		
			Fire Damper Framing			Water Dept □		
SHEAR WALLS						County Health □		
Roof Ply / Diaphragm			Water Heater			Parks Dept □		
Exterior Shear			MISCELLANEOUS			PLNG Dept □		
Hold Downs			Window Egress			Fire Dept □		
Interior Shear			Smoke Detectors/CO			Green BLDG □		
Architect Letter			Illuminated Street Address			Reach Code □		

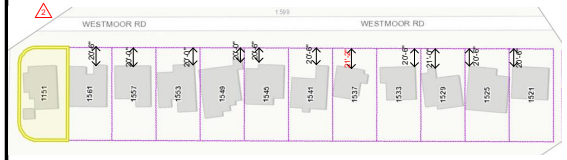
CERTIFICATE OF OCCUPANCY when signed off for "BUILDING FINAL" by an authorized City Building Inspector this form becomes the Certificate of Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy of a building or structure or portion thereof shall be made. until the Building official has issued a Certificate of Occupancy. Issuance shall not be construed as approval of violation of the provisions of the building code or of other ordinances of the City of Burlingame or laws of the State of California.

BUILDING FINAL _____ DATE _____

EXHIBIT E

"Construction Hours"
Weekdays: 8:00 a.m. – 7:00 p.m.
Saturdays: 9:00 a.m. – 6:00 p.m.
Sundays and Holidays: No Work Allowed
(See City of Burlingame Municipal Code, Section 18.07.110 for details.)
Construction hours in the City Public right-of-way are limited to weekdays and non-City Holidays between 8:00 a.m. and 5:00 p.m.

2 CONSTRUCTION HOURS
SCALE: 1" = 1'-0"



3 AVERAGE FRONT SETBACK

20'-6"
20'-0"
20'-0"
20'-0"
20'-6"
20'-6"
20'-6"
21'-10"
20'-6"
20'-6"
20'-6"
220'-4" divided by 11 equal 20'-5" average front setback

SHEET INDEX

SCOPE OF WORK

-ADDITION TO FIRST FLOOR
-NEW DRIVEWAY AND CONC. WALKWAY AT NEW DETACHED GARAGE
-REMOVE EXISTING DRIVEWAY. PROVIDE NEW LANDSCAPING MATCH EXISTING
-NEW EXTERIOR STEPS TO EXISTING FRONT PORCH
-NEW ROOF OVER EXISTING FRONT PORCH
-REMOVE EXISTING FIREPLACE PROVIDE NEW GAS FIREPLACE
-NEW ONE CAR GARAGE AND ONE OPEN PARKING
-NEW KITCHEN
-NEW BATH AND POWDER ROOM AT FIRST FLOOR
-NEW SECOND FLOOR
-NEW INTERIOR STAIRS
-REPLACEMENT OF ALL CURB. GUTTER, DRIVEWAY AND SIDEWALK FRONTING SITE, PLUG ALL EXISTING SANITARY SEWER LATERAL CONNECTIONS AND INSTALL NEW 4" LATERAL, ALL WATER LINE CONNECTIONS TO CITY WATER MAINS FOR SERVICES OR FIRE LINE ARE TO BE INSTALLED PER CITY STANDARD PROCEDURES AND SPECIFICATIONS, ANY OTHER INDERGROUND UTILITY WORK WITHIN CITY RIGHT-OF-WAY
-GRADING PERMIT, IF REQUIRED,WILL BE OBTAINED FROM DEPARTMENT OF PUBLIC WORKS

PROJECT DATA

APN: 025243010

ZONING: R1

TYPE OF CONSTRUCTION: VB

OCCUPANCIY: R3/U

LOT SIZE: 5,594 SQ. FT.

SQUARE FOOTAGE:

EXISTING SQ. FT. = 1,242.75 SQ. FT.

PROPOSED:

	EXISTING	PROPOSED	TOTAL
FIRST FLOOR	987.0	491.3	1,478.3
SECOND FLOOR	0	980.17	980.17
TOTAL			2458.47 S.F.
GARAGE (DETACHED)			223 S.F.
TOTAL			2681.47 S.F.

F.A.R.: 32% + 900 SQ. FT.
5,594 X .32 = 1,790.08
900
400 (for detached garage)
3,098.08 MAX. ALLOWED

COVERAGE: 40%
5,594 x .40 = 2,2376 S.F.

EXISTING COVERAGE =

	EXISTING	PROPOSED	TOTAL
RESIDENCE =	987 S.F.	491.3	1,478.3 S.F.
(E) GARAGE=	-255.57		
(N) ONE CAR GARAGE		223	223 S.F.
COVERED PORCH = 150 S.F.		44.33	194.33
(N) BACK PORCH			21
STORAGE =	-100 S.F.		
TOTAL	1,493 S.F.		1,916.63 S.F.

MAX. HEIGHT = 30' OR 2 1/2 STORIES

GENERAL NOTES

· All work shall comply with applicable codes and trade standards which govern each phase of work, including, but not limited to:
2019 California Residential Code (CRC),
2019 California Building Code
2019 California Plumbing Code (CPC),
2019 California Mechanical Code (CMC),
2019 California Electrical Code (CEC),
2019 California Energy Code,
2019 California Green Building Standards
2019 California Fire Code (CFC) and all other applicable Municiple and Town ordinances and regulations.

· The contractor shall carefully inspect all excavation work for compliance to requirements of the prevailing building code. Should any conditions appear questionable due to excessive dampness, granular composition, sluffing, softness or other defect, the contractor shall contact the engineer or designer.

· All information pertaining to the site shall be, and shall remain, the owner's responsibility. This information shall include legal description, deed restrictions, easements, site survey, topographic survey, position of existing improvements, soils report and all related data. Theses documents have been prepared on the information available to the designer.

· It is the responsibility of the contractor and all subcontractors to check and verify all dimensions and conditions indicated on these drawings and make known any discrepancies prior to commencing their work.

· These drawings are intended for use in a negotiated construction contract and, therefore, may not specifically detail or specify materials and/or manufacturers. The contractor shall provide all samples and/or cuts as required to assist owner or his agent in making material selections.

· No guarantee for quality of construction is implied or intended by the architectural documents and the contractor shall assume full responsibility for any or all construction deficiencies.

· The developer and/or general contractor shall hold harmless, indemnify and defend the Architect from any action initiated by the initial owner or any subsequent owners for construction deficiencies, modifications or such conditions which may be beyond the control of the Architect.

· All dimensions shown take precedence over scaled dimensions.

· Contractor shall coordinate with owner prior to ordering any fixtures, equipment, cabinetry, etc. for owner's approval.

· Sheet metal contractor shall provide owner with heating duct & register location prior to installation for owner's approval.

· All dimensions to face of stud unless otherwise noted.

· Electrical contractor to verify with owner type and locations of all electrical fixtures, outlets, switches and subpanels prior to installation.

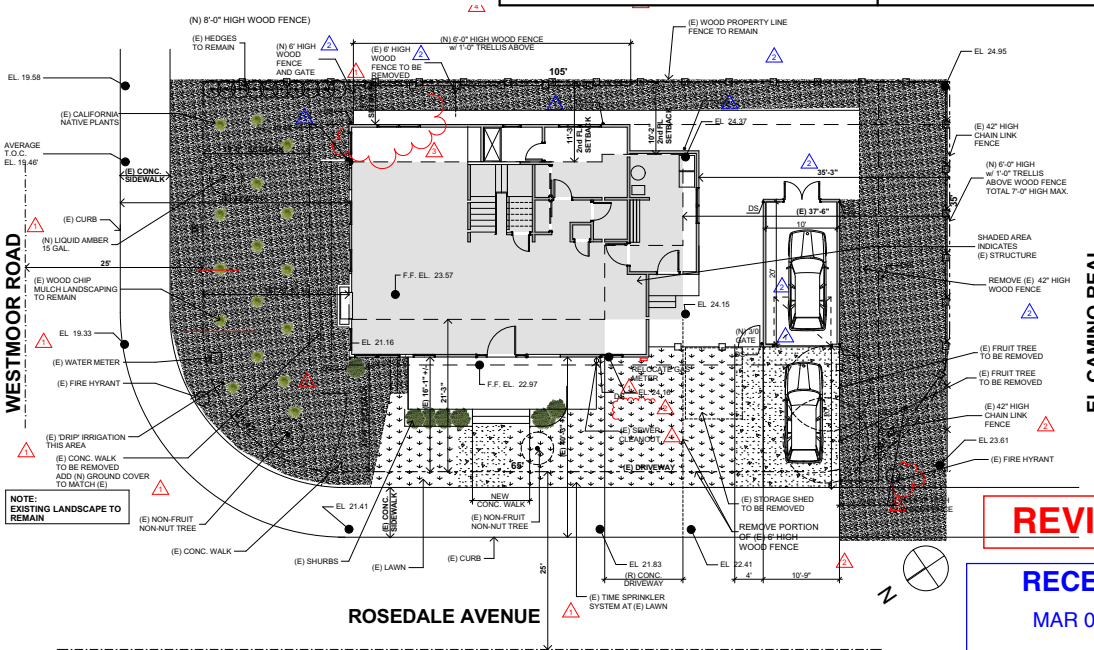
· Plumbing contractor to verify with owner type and locations of all plumbing fixtures, faucets, etc. prior to installation.

- General contractor shall contact the City of Los Altos regarding the requirements for the construction waste management plan.

- Acknowledge that this project will be considered a New Building because, according to the City of Burlingame Municipal code, "when additions, alterations or repairs within any twelve-month period exceed fifty percent of the current replacement value of an existing building or structure, as determined by the building official, such building or structure shall be made in its entirety to conform with the requirements for new buildings or structures." This building must comply with the 2019 California Building Code for new structures. BMC 18.07.020. **Note: that at the time of the building permit submittal, you will need to submit an erosion control plan and stipulate on the drawing the removal and replacement of sidewalk, curb, gutter, sewer lateral, and water line to the Public Works Department.**

- **Acknowledge that due to the extensive nature of this construction project the Certificate of Occupancy will be rescinded once construction begins. A new Certificate of Occupancy will be issued after the project has been final. No occupancy of the building is to occur until a new Certificate of Occupancy has been issued.**

- Acknowledge that when you submit your plans to the Building Division for plan review, that a completed Supplemental Demolition Permit Application will be provided. **NOTE: The Demolition Permit will not be issued until a Building Permit is issued for the project.**



1 SITE PLAN
SCALE: 1/8" = 1'-0"

REVISED

RECEIVED
MAR 01 2021
CITY OF BURLINGAME
CDD-PLANNING DIVISION

WH DRAFTING AND DESIGN
924 JUDAH STREET
SAN RANCISCO, CA.
warren9250@yahoo.com
(415) 531-1878

OWNER:
SAPPHIRE HUEY
1151 ROSEDALE AVENUE
BURLINGAME, CA.

ADDITION/ ALTERATION FOR:

TRANS RESIDENCE
1151 ROSEDALE AVE.
BURLINGAME, CA.

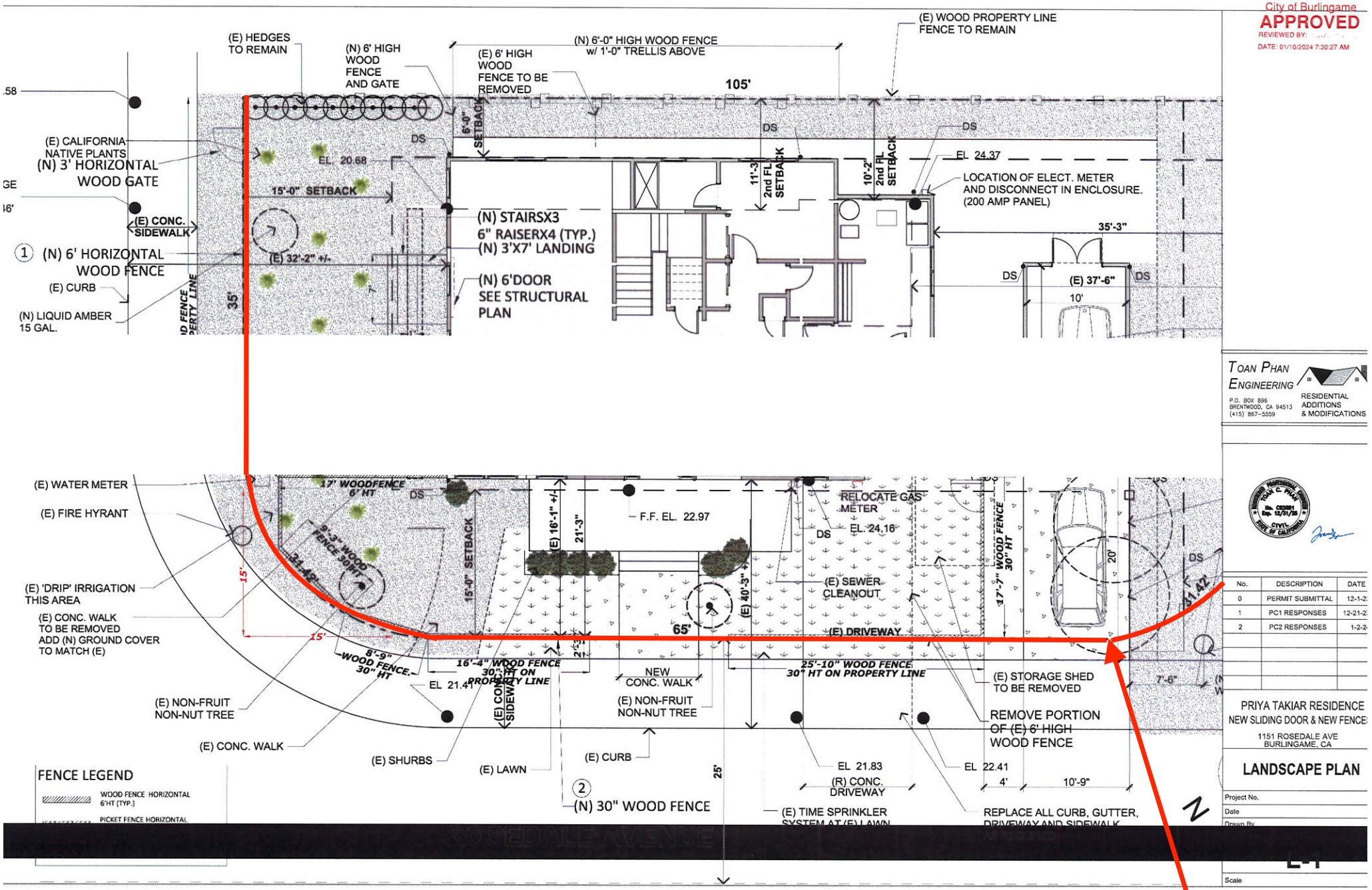
MARK	DATE	DESCRIPTION
	2-2-2020	PLANNING SUBMITTAL
	2-9-2021	CITY DESIGN CONSULTANT APPROVED SET
2	8-20-2020	PLANNING RESPONSE
1	6-29-2020	PLANNING RESPONSE

PROJECT NO: TRANS BURLINGAME
MODEL FILE: revised for design review 5A.pln
COPYRIGHT:
SHEET TITLE
SITE PLAN

A

C:\Users\tk\Desktop\henry III burlingame\comments from planning commision\APPRVD DESIGN\revised for design review 5A.pln

EXHIBIT F



City of Burlingame
APPROVED
REVIEWED BY:
DATE: 01/10/2024 7:30:27 AM

TOAN PHAN ENGINEERING
P.O. BOX 896
BRENTWOOD, CA 94513
(415) 867-5559

RESIDENTIAL ADDITIONS & MODIFICATIONS

TOAN C. PHAN No. C82891 Exp. 12/31/25 CIVIL STATE OF CALIFORNIA

No.	DESCRIPTION	DATE
0	PERMIT SUBMITTAL	12-1-2
1	PC1 RESPONSES	12-21-2
2	PC2 RESPONSES	1-2-2

PRIYA TAKIAR RESIDENCE
NEW SLIDING DOOR & NEW FENCE
1151 ROSEDALE AVE
BURLINGAME, CA

LANDSCAPE PLAN

Project No.
Date
Drawn By
Scale

L-1

Property Line

EXHIBIT G

501 PRIMROSE ROAD, BURLINGAME, CA 94010

CITY OF BURLINGAME

BUILDING PERMIT

PERMIT NO.	**B23-0785**			DATE	01/23/2024
NUMBER	1151	STREET	ROSEDALE AVE	APN	025243010
APPLICANT	HONG'S GENERAL CONSTRUCTION IN			PHONE	(415)308-6373
STREET ADDRESS	2463 17TH AVE				
CITY	SAN FRANCISCO		STATE CA	ZIP	94116
NAME OF OWNER	HUEY SAPPHIRE J TRAN NIEM CAM			PHONE	(510)677-7462
CONTRACTOR	HONG'S GENERAL CONSTRUCTION IN			PHONE	(415)308-6373
ADDRESS	2463 17TH AVE				
CITY	SAN FRANCISCO		STATE CA	ZIP	94116
ARCHITECT	TOAW C PHAN			LICENSE	
ADDRESS	PO BOX 896	CITY BRENTWOOD		STATE CA	ZIP 94513
ENGINEER				LICENSE	
ADDRESS		CITY		STATE	ZIP

WORK DESCRIPTION: NEW LANDING, STAIR AND SLIDING DOOR @ SIDE YARD

PLEASE BE ADVISED THAT YOU ARE RESPONSIBLE FOR THE FOLLOWING:

Schedule inspections: A minimum 24 hours advance notice is required.

Inspections are done Monday thru Friday 9 a.m. to noon and 1 p.m. to 4 p.m. please remember this may not guarantee you next day inspection. Inspections are on a first call basis and there are a given number of inspections allocated for each day.

Work not completed at the time of inspection will be assessed a reinspection fee.

Ensure that the job site is maintained in a safe condition and that all OSHA regulations are adhered to.

Maintain all erosion control methods as required by Public Works City Code Chapter 15.14 (Grading). Requires Stormwater Pollution Prevention Program (Control methods).

Ensure that your adult representative is at the job site to provide assistance and answer any questions regarding the project for all inspections.

Maintain all construction documents (approved plans, permit card) in a legible condition and ensure that they are at the job site for inspection.

Provide any and all equipment (ladders, lights, etc.) necessary to complete the inspection.

Installation instructions must be on site for rough mechanical and final inspections.

PRIOR TO FINAL INSPECTION

□ Illuminated street address at front of building" visibility and legibility per BMC 18.08.015

□ When the permit valuation of a Group R Occupancy exceeds $1,000, smoke detectors and carbon monoxide detectors shall be installed.

PERMIT VALUATION	$45,000.00
PERMIT FEES	
BUILDING	$1,857.90
ELECTRICAL	$63.00
PLUMBING	$0.00
MECHANICAL	$0.00
MICROFILM	$47.55
SEISMIC	$5.85
OTHER	$0.00
TOTAL	$1,974.30

NOTE:

THIS PERMIT DOES NOT INCLUDE ANY CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY. ANY CONSTRUCTION IN THIS AREA REQUIRES A SEPARATE PUBLIC WORKS PERMIT.

EXPIRATION DATE	01/09/2025
ISSUED DATE	01/10/2024
PERMIT NUMBER	**B23-0785**

INSPECTION REQUEST
buildinginspections@burlingame.org
or (650) 558-7260

1151 ROSEDALE AVE

B23-0785

INSPECTION RECORD

FOUNDATIONS	DATE	INSPECTOR
Steel & Forms		
Slab		
Anchor Bolts		
Piers		
Electrical Ground		
Foundation Survey		
POUR NO CONCRETE UNTIL ABOVE HAS BEEN SIGNED		
UNDERGROUND		
Electrical Conduit		
Water Piping		
Gas Piping		
Sewer Lateral		
Backwater Valve		
Site Drainage		
FOUNDATION SURVEY MUST BE RECEIVED PRIOR TO UNDERFLOOR INSPECTION		
UNDERFLOOR		
Framing		
Electrical		
Plumbing		
Mechanical Ducts		
Ventilation		
Insulation		
COVER NO WORK UNTIL ABOVE HAS BEEN SIGNED		
RIDGE HEIGHT SURVEY MUST BE RECEIVED BEFORE ROOF PLY INSP.		
SHEAR WALLS		
Roof Ply / Diaphragm		
Exterior Shear		
Hold Downs		
Interior Shear		
Architect Letter		

ROUGHS	DATE	INSPECTOR
Wood Framing		
Light GA Steel Framing		
Structural Steel		
Rough Electrical		
Rough Plumbing		
Rough Mechanical		
Green Building		
COVER NO WORK UNTIL ABOVE HAS BEEN SIGNED		
ELECTRICAL		
Main Service		
Sub-Panel		
Temp Power Pole		
Wiring / Conduit		
Photvoltaic		
EV Charger		
PLUMBING		
Water Piping		
Drain, Waste, and Vent		
Gas Piping		
Gas Test		
Shower Pan		
MECHANICAL		
Furnace		
Air Conditioning		
Ducts		
Hood / Fan		
Fire Damper Framing		
Water Heater		
MISCELLANEOUS		
Window Egress		
Smoke Detectors/CO		
Illuminated Street Address		

WALL APPLICATIONS	DATE	INSPECTOR
Fire-Rated Drywall		
Flashing / Siding		
Exterior Lath		
Insulation		
Water Proofing		
Above T-Bar Grid		
ROOFING		
Roof Sheathing / Deck		
In-Progress Final		
POOL / SPA		
Pre-Gunite		
Barrier Requirements		
Pre-Deck		
FIRE DEPARTMENT		
Fire Sprinkler - Rough		
Fire Sprinkler - Final		
METER RELEASE		
Electrical Tag #		
Gas Tag #		
FINALS		
ENG Dept □		
Water Dept □		
County Health □		
Parks Dept □		
PLNG Dept □		
Fire Dept □		
Green BLDG □		
Reach Code □		

CERTIFICATE OF OCCUPANCY when signed off for "BUILDING FINAL" by an authorized City Building Inspector this form becomes the Certificate of Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy of a building or structure or portion thereof shall be made. until the Building official has issued a Certificate of Occupancy. Issuance shall not be construed as approval of violation of the provisions of the building code or of other ordinances of the City of Burlingame or laws of the State of California.

BUILDING FINAL _____ DATE _____

EXHIBIT H


City-owned sewer clean out facility.

EXHIBIT I

EXHIBIT J

EXHIBIT K


ROSEDALE AV
WESTMOOR RD

EXHIBIT L

EXHIBIT M

EXHIBIT N


CA EXEMPT
1535092

EXHIBIT O

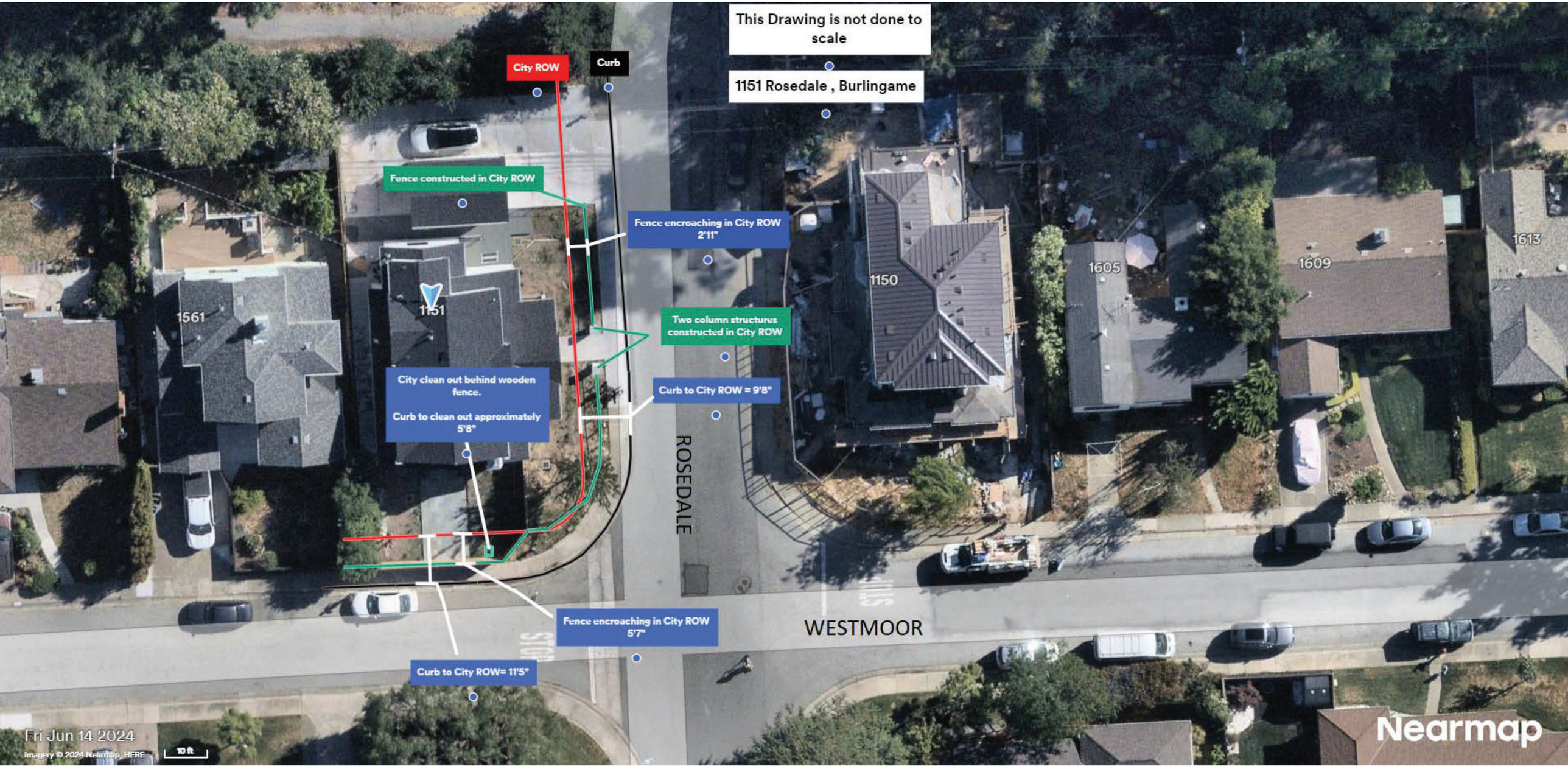

This Drawing is not done to scale
1151 Rosedale , Burlingame
City ROW
Curb
Fence constructed in City ROW
Fence encroaching in City ROW 2'11"
Two column structures constructed in City ROW
Curb to City ROW = 9'8"
City clean out behind wooden fence.
Curb to clean out approximately 5'8"
Fence encroaching in City ROW 5'7"
Curb to City ROW= 11'5"
1561
1151
1150
1605
1609
1613
ROSEDALE
WESTMOOR
Fri Jun 14 2024
Imagery © 2024 Nearmap, HERE
10 ft
Nearmap

EXHIBIT P

RE: 1151 Rosedale Ave (Burlingame Village)

PW/ENG-Syed Murtuza <smurtuza@burlingame.org>

Thu 5/9/2024 12:53 PM

To:Priya Takiar <priyatakiar@gmail.com>
Cc:Dhruv Batura <dhruvbatura@gmail.com>

1 attachments (211 KB)

1151 Rosedale - Response RE Fence Constructed in ROW - 5.9.2024.pdf;

Good Afternoon, Priya, and Dhruv,

It was such a pleasure meeting you both and your beautiful son Shaan. I truly enjoyed our conversation and getting to know your family, and understanding your immediate concerns regarding the fence. After our meeting, I had the opportunity to review this matter thoroughly with our City Attorney's office. Unfortunately, despite my best efforts, the City will not be able to grant you an exception or deviance from the approved building permit. I understand how disappointing this news must be, and I sincerely apologize for not being able to provide a more favorable outcome in this situation. For your reference, I have attached a formal response letter outlining the details and rationale behind this decision. If you have any further questions or concerns, please do not hesitate to reach out to me directly.

I wish you and your family all the best moving forward.

Syed

Syed Murtuza, P.E.
Public Works Director
501 Primrose Road | Burlingame, CA 94010
Tel. (650) 558-7230| smurtuza@burlingame.org

From: Priya Takiar <priyatakiar@gmail.com>
Sent: Sunday, May 5, 2024 9:23 PM
To: PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
Cc: Dhruv Batura <dhruvbatura@gmail.com>
Subject: Re: 1151 Rosedale Ave (Burlingame Village)

Hi Syed,

Thank you so much for meeting with us this week - I know you normally may not get involved in these cases so we really appreciate it!

I just wanted to reiterate that we have no intention of claiming any land that belongs to the city as our own - we find ourselves in an extremely unfortunate situation having been misled by the sellers and previous drawings when we bought this house. We are really hoping that you understand our unique situation. We are happy to take the fence down if we ever move - it is mainly for Shaan to have some protected space to play given it's a busy corner next to El Camino and a through street from California to El Camino.

We understand the risk related to the sewage cap and it does sound like one of the main hazards - would the city be willing to meet us halfway if we moved the fence in partially so at least the sewage cap is outside the fence? Again, we are ok taking on any of the liability that is involved in this if it gives Shaan a proper and protected place to play on the side of the house. For the front yard, given we would be the ones likely to maintain it anyways (even if half of the space is the city's) I am hoping we could also somehow find something that works for both parties.

Thank you and we are looking forward to hearing from you!

Best,
Priya and Dhruv

On Wed, May 1, 2024 at 9:03 PM PW/ENG-Syed Murtuza <smurtuza@burlingame.org> wrote:

> Hello Priya,
>
> I apologize for the delayed response to your email. I'm sorry to hear that you need to fly back from New York for tomorrow's meeting. I've been reviewing your project files, including approved permit drawings, right-of-way details, City sewer clean-out maintenance access issues, and relevant City policies. I look forward to discussing these with you at our meeting, along with any additional information you might have.
>
> Thank you.
>
> Best regards,
>
> Syed
>
> **Syed Murtuza, P.E.**
> Public Works Director
> 501 Primrose Road | Burlingame, CA 94010
> Tel. (650) 558-7230| smurtuza@burlingame.org
>
>
> ---
>
> **From:** Priya Takiar <priyatakiar@gmail.com>
> **Sent:** Tuesday, April 30, 2024 2:01 PM
> **To:** PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
> **Cc:** Dhruv Batura <dhruvbatura@gmail.com>
> **Subject:** Re: 1151 Rosedale Ave (Burlingame Village)
>
>
>
> Hi Syed,
>
> Just wanted to follow up on this and any initial thoughts you have here. We contacted Stephanie and she was able to schedule a meeting for us to come and meet with you this Thursday - I'll be flying back from a work trip in NY early for it! Looking forward to it.

Thank you!
Priya

On Fri, Apr 26, 2024 at 12:48 PM Priya Takiar <priyatakiar@gmail.com> wrote:

> Hi Syed,
>
> We met with Francis and team yesterday, and it sounds like the city is not willing to work with us on this. We are extremely disappointed to hear that and would like to discuss this with you in person as soon as possible.
>
> Just to refresh how we got here - we moved to this residence last December in hopes of building our family here over the long term. The only reason we were willing to buy this house given it is on an extremely busy through street was because we believed we could build a small side yard for our son and a fence around the perimeter. Our disclosures said nothing about the city owning such a huge portion of our lot and the only utility easement specified was on the other side of our house. I hope you can understand there was no ill-intent here and this whole situation has been a HUGE shock to us.
>
> Given we went through the full permitting process and have now completed the installation of our fences already (we've spent almost $80k already on this project) we are not ok with having to move it or take it down. We do not feel like the city is working with us at all here and this doesn't feel right for a few reasons:
>
> - We built these fences for the safety of our son. It is surely a worse outcome if all of this makes it more likely that he can run into a heavily trafficked street that we live on. Our whole goal was to create a safe space for him outside - not allowing us to have this and/or forcing us to use the front area is in my opinion more dangerous. As a family friendly city, this seems wrong.
>   - As another anecdote, because our house is on such a busy street, a random stranger just sat on our porch the other day because we don't have the proper gate in yet to protect our front entrance. This is NOT safe.
> - While I understand there are liability issues, there is clearly a way the city can work around this. I know other houses have been grandfathered in, but it doesn't change the fact that the liability still exists on their lots too. As we mentioned, we are happy to work through the liability issues and take this on if needed. In terms of liability, I also don't see how a few feet can make such a huge difference here. It feels like the city is just choosing not to work with us here.
> - If the liability issue was such a huge deal, we believe the city should have flagged this during the permitting process. At this point, we have built the fences, concrete, etc and have spent $80k already on this. Had we known about these issues upfront, we would not have gone down this route, let alone even purchased this house. But we are in this current situation and I am hoping as a resident yourself, you can understand the time and monetary implications here too (we are two hard-working individuals who waited many years until we could afford to grow our family here -- this is not a negligible cost).
> - With the right-of-way measurements Francis showed us today, it allows for almost no front yard space and very little side yard space. It would essentially mean that if we wanted to have a fence out front, it would be basically up against our patio... this just doesn't seem / sound / or even look sensible.
>
> Again, we are willing to work with the city here - whatever is needed in terms of making this work. We are happy to sign liability waivers, reroute anything necessary under the ground, etc. We are really hoping that we can stay in this house and make it work - honestly, we don't see a future here if we can't, especially as our family grows. We feel it is too dangerous otherwise given it is a through street.

We are hoping this doesn't have to escalate further and to meet with you directly asap to talk this through in person.

Thank you very much,
Dhruv and Priya

On Fri, Apr 19, 2024 at 9:08 AM PW/ENG-Syed Murtuza <smurtuza@burlingame.org> wrote:

> Hello Mr. Batura,
>
> First and foremost, I want to welcome you to the City of Burlingame. Thank you for writing to me sharing your concerns regarding your recent fence installation and conflict with City right-of-way. I will review this matter with staff, and get back to you.
>
> Best regards,
>
> Syed

Syed Murtuza, P.E.
Public Works Director
501 Primrose Road | Burlingame, CA 94010
Tel. (650) 558-7230| smurtuza@burlingame.org
Please consider the environment before printing this email.
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From: Dhruv Batura <dhruvbatura@gmail.com>
Sent: Thursday, April 18, 2024 10:58 PM
To: PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
Cc: Priya Takiar <priyatakiar@gmail.com>
Subject: 1151 Rosedale Ave (Burlingame Village)

Dear Mr. Murtuza,

My name is Dhruv Batura, and my wife Priya and our 16mo old son purchased a home and moved from San Francisco to Burlingame Village last Dec, at 1151 Rosedale Ave.

We love our new neighborhood and we were so excited to start our family here. However, we have recently run into some unexpected issues, and were hoping to get your guidance:

When we moved here in December, we submitted a permit to the city for building a sideyard at our house for our son, since the lot currently has no outdoor space. The permit included approvals for fencing for the sideyard and around the perimeter of the house. This was really important to us for the safety of our son, given Rosedale Avenue is heavily trafficked during the day - it was also the only reason we felt comfortable buying the corner house in a busy area. In January, we got the approval and began the construction (which is almost complete). I've attached the permit.

Last week, Mr. Francis Dollard and Mr. Mike Brown visited us at our home saying that we were in the right of way of the city and we were not allowed to build our fencing where we did. This was a huge shock to us given we went through all the appropriate approvals and our fencing has already been built. Furthermore, we ensured that our fencing is in the same placement as our neighbors relative to the sidewalk. We have no record of any public utility easement on our disclosures except for on the El Camino side of our house (which we are well aware of and have planned around - see attached).

I am reaching out to you for your support in this situation - we believe we went through all of the appropriate procedures, and we view the changes to our home as very important for the safety of our son, given the busy roads around the house. However, we want to also do right by the community and city, so I am sincerely hopeful there is a way we can work through the requirements for the city.

I would be very grateful for a few minutes of your time to discuss the situation, either over the phone, or in person at your office or at our home. Please let me know, and thank you in advance.

Sincerely,
Dhruv

--
Priya Takiar
priyatakiar@gmail.com
(510) 677-7462

--
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EXHIBIT Q

RE: 1151 Rosedale Ave (Burlingame Village)

PW/ENG-Syed Murtuza <smurtuza@burlingame.org>

Tue 5/21/2024 4:46 PM

To:Priya Takiar <priyatakiar@gmail.com>
Cc:Dhruv Batura <dhruvbatura@gmail.com>

Hello Priya,

Thank you for your follow-up email regarding the situation with your fence construction. I understand that this has been a challenging and difficult experience for you, and I appreciate you taking the time to communicate your concerns. Please allow me to provide some clarification on the matter. The City approved the plans for your fence based on the information provided by your licensed Civil Engineer as part of the Building Permit Plan Check submittal. It is standard policy for the City to process plans submitted by licensed professionals as part of the building permit approval process and to verify compliance during inspections. In your case, your licensed Civil Engineer indicated on the building permit plans that the proposed private fence would be built on the property line. However, during the field inspection, our staff discovered that not only was the property line shown on the plan incorrect, but the constructed fence was also located within the Public Right-of-Way. This unfortunate situation arose directly from the incorrect representation of the property line by your Civil Engineer/Architect, and your contractor subsequently constructing the fence on the City's Right-of-Way. I understand the inconvenience this has caused, and value your cooperation, and look forward to resolving this matter soon.
Best regards,
Syed

Syed Murtuza, P.E.
Public Works Director
501 Primrose Road | Burlingame, CA 94010
Tel. (650) 558-7230| smurtuza@burlingame.org

From: Priya Takiar <priyatakiar@gmail.com>
Sent: Tuesday, May 14, 2024 5:04 PM
To: PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
Cc: Dhruv Batura <dhruvbatura@gmail.com>
Subject: Re: 1151 Rosedale Ave (Burlingame Village)

Hi Syed,

Thank you for your note and follow up on this. While I understand the city's perspective, in looking at the diagram that was submitted, it shows that the fence would be 20ft 6in from the side of the house and 16ft 1in from the front of the house (i.e. 2ft 3in in from the side walk). I have attached the diagram that was part of the application and circled it. While I have come to understand now that this is not where the property line is, this is the diagram that was submitted and was initially approved by the city. I do not think we should be at fault here - in my opinion, the city should have caught and flagged this to your department when it was submitted in the first place before we spent $80,000 on building this. Please understand that if this had been flagged upfront, we would not be in this situation. I am sorry but we cannot incur the cost of taking this down unless the city is willing to pay. I understand that needing to access the sewage cleanout is a real hazard and we may be able to move it in a bit at no cost after

discussing with our fence contractors, but the rest we will take on the liability for (just as our neighbors are doing). I truly hope you can understand our situation here and the financial implications.

Thank you,
Priya

On Thu, May 9, 2024 at 12:53 PM PW/ENG-Syed Murtuza <smurtuza@burlingame.org> wrote:

> Good Afternoon, Priya, and Dhruv,
>
> It was such a pleasure meeting you both and your beautiful son Shaan. I truly enjoyed our conversation and getting to know your family, and understanding your immediate concerns regarding the fence. After our meeting, I had the opportunity to review this matter thoroughly with our City Attorney's office. Unfortunately, despite my best efforts, the City will not be able to grant you an exception or deviance from the approved building permit. I understand how disappointing this news must be, and I sincerely apologize for not being able to provide a more favorable outcome in this situation. For your reference, I have attached a formal response letter outlining the details and rationale behind this decision. If you have any further questions or concerns, please do not hesitate to reach out to me directly.
>
> I wish you and your family all the best moving forward.
>
> Syed
>
> **Syed Murtuza, P.E.**
> Public Works Director
> 501 Primrose Road | Burlingame, CA 94010
> Tel. (650) 558-7230| smurtuza@burlingame.org
> Please consider the environment before printing this email.
> *Sign up for weekly eNews.*
>
> ---
>
> **From:** Priya Takiar <priyatakiar@gmail.com>
> **Sent:** Sunday, May 5, 2024 9:23 PM
> **To:** PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
> **Cc:** Dhruv Batura <dhruvbatura@gmail.com>
> **Subject:** Re: 1151 Rosedale Ave (Burlingame Village)
>
> Hi Syed,
>
> Thank you so much for meeting with us this week - I know you normally may not get involved in these cases so we really appreciate it!
>
> I just wanted to reiterate that we have no intention of claiming any land that belongs to the city as our own - we find ourselves in an extremely unfortunate situation having been misled by the sellers and previous drawings when we bought this house. We are really hoping that you understand our unique situation. We are happy to take the fence down if we ever move - it is mainly for Shaan to have some protected space to play given it's a busy corner next to El Camino and a through street from California to El Camino.
>
> We understand the risk related to the sewage cap and it does sound like one of the main hazards - would the city be willing to meet us halfway if we moved the fence in partially so at least the sewage cap is outside the fence? Again, we are ok taking on any of the liability that

is involved in this if it gives Shaan a proper and protected place to play on the side of the house. For the front yard, given we would be the ones likely to maintain it anyways (even if half of the space is the city's) I am hoping we could also somehow find something that works for both parties.

Thank you and we are looking forward to hearing from you!

Best,
Priya and Dhruv

On Wed, May 1, 2024 at 9:03 PM PW/ENG-Syed Murtuza <smurtuza@burlingame.org> wrote:

> Hello Priya,
>
> I apologize for the delayed response to your email. I'm sorry to hear that you need to fly back from New York for tomorrow's meeting. I've been reviewing your project files, including approved permit drawings, right-of-way details, City sewer clean-out maintenance access issues, and relevant City policies. I look forward to discussing these with you at our meeting, along with any additional information you might have.
>
> Thank you.
>
> Best regards,
>
> Syed
>
> **Syed Murtuza, P.E.**
> Public Works Director
> 501 Primrose Road | Burlingame, CA 94010
> Tel. (650) 558-7230| smurtuza@burlingame.org
>
>
> ---
>
> **From:** Priya Takiar <priyatakiar@gmail.com>
> **Sent:** Tuesday, April 30, 2024 2:01 PM
> **To:** PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
> **Cc:** Dhruv Batura <dhruvbatura@gmail.com>
> **Subject:** Re: 1151 Rosedale Ave (Burlingame Village)
>
>
>
> Hi Syed,
>
> Just wanted to follow up on this and any initial thoughts you have here. We contacted Stephanie and she was able to schedule a meeting for us to come and meet with you this Thursday - I'll be flying back from a work trip in NY early for it! Looking forward to it.
>
> Thank you!
> Priya
>
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Just to refresh how we got here - we moved to this residence last December in hopes of building our family here over the long term. The only reason we were willing to buy this house given it is on an extremely busy through street was because we believed we could build a small side yard for our son and a fence around the perimeter. Our disclosures said nothing about the city owning such a huge portion of our lot and the only utility easement specified was on the other side of our house. I hope you can understand there was no ill-intent here and this whole situation has been a HUGE shock to us.

Given we went through the full permitting process and have now completed the installation of our fences already (we've spent almost $80k already on this project) we are not ok with having to move it or take it down. We do not feel like the city is working with us at all here and this doesn't feel right for a few reasons:

- We built these fences for the safety of our son. It is surely a worse outcome if all of this makes it more likely that he can run into a heavily trafficked street that we live on. Our whole goal was to create a safe space for him outside - not allowing us to have this and/or forcing us to use the front area is in my opinion more dangerous. As a family friendly city, this seems wrong.
    - As another anecdote, because our house is on such a busy street, a random stranger just sat on our porch the other day because we don't have the proper gate in yet to protect our front entrance. This is NOT safe.
- While I understand there are liability issues, there is clearly a way the city can work around this. I know other houses have been grandfathered in, but it doesn't change the fact that the liability still exists on their lots too. As we mentioned, we are happy to work through the liability issues and take this on if needed. In terms of liability, I also don't see how a few feet can make such a huge difference here. It feels like the city is just choosing not to work with us here.
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We are hoping this doesn't have to escalate further and to meet with you directly asap to talk this through in person.

Thank you very much,
Dhruv and Priya

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> Hello Mr. Batura,
>
> First and foremost, I want to welcome you to the City of Burlingame. Thank you for writing to me sharing your concerns regarding your recent fence installation and conflict with City right-of-way. I will review this matter with staff, and get back to you.
>
> Best regards,
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> Syed

Syed Murtuza, P.E.
Public Works Director
501 Primrose Road | Burlingame, CA 94010
Tel. (650) 558-7230| smurtuza@burlingame.org
Please consider the environment before printing this email.
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From: Dhruv Batura <dhruvbatura@gmail.com>
Sent: Thursday, April 18, 2024 10:58 PM
To: PW/ENG-Syed Murtuza <smurtuza@burlingame.org>
Cc: Priya Takiar <priyatakiar@gmail.com>
Subject: 1151 Rosedale Ave (Burlingame Village)

Dear Mr. Murtuza,

My name is Dhruv Batura, and my wife Priya and our 16mo old son purchased a home and moved from San Francisco to Burlingame Village last Dec, at 1151 Rosedale Ave.

We love our new neighborhood and we were so excited to start our family here. However, we have recently run into some unexpected issues, and were hoping to get your guidance:

When we moved here in December, we submitted a permit to the city for building a sideyard at our house for our son, since the lot currently has no outdoor space. The permit included approvals for fencing for the sideyard and around the perimeter of the house. This was really important to us for the safety of our son, given Rosedale Avenue is heavily trafficked during the day - it was also the only reason we felt comfortable buying the corner house in a busy area. In January, we got the approval and began the construction (which is almost complete). I've attached the permit.

Last week, Mr. Francis Dollard and Mr. Mike Brown visited us at our home saying that we were in the right of way of the city and we were not allowed to build our fencing where we did. This was a huge shock to us given we went through all the appropriate approvals and our fencing has already been built. Furthermore, we ensured that our fencing is in the same placement as our neighbors relative to the sidewalk. We have no record of any public utility easement on our disclosures except for on the El Camino side of our house (which we are well aware of and have planned around - see attached).

I am reaching out to you for your support in this situation - we believe we went through all of the appropriate procedures, and we view the changes to our home as very important for the safety of our son, given the busy roads around the house. However, we want to also do right by the community and city, so I am sincerely hopeful there is a way we can work through the requirements for the city.

I would be very grateful for a few minutes of your time to discuss the situation, either over the phone, or in person at your office or at our home. Please let me know, and thank you in advance.

Sincerely,
Dhruv

--
Priya Takiar
priyatakiar@gmail.com
(510) 677-7462

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EXHIBIT R

The City of Burlingame

PUBLIC WORKS ENGINEERING DIVISION
501 PRIMROSE ROAD, 2ND FLOOR
BURLINGAME, CA 94010
TEL: (650) 558-7230
FAX: (650) 685-9310
www.burlingame.org

PUBLIC WORKS CORPORATION YARD
1361 N. CAROLAN AVENUE
BURLINGAME, CA 94010
Tel: (650) 558-7670
FAX: (650) 696-1598

May 8, 2024

Dhruv Batura and Priya Takiar
1151 Rosedale Avenue
Burlingame, CA 94010

Re: Fence Constructed in the Public Right-of-Way

Dear Mr. Batura and Ms. Takiar,

Thank you for taking the time to meet with City staff on May 2, 2024, to discuss the private fence encroachment in the City right-of-way. We understand the urgency of obtaining a resolution on this matter and appreciate your cooperation.

Building Permit Compliance
After consulting with the City Attorney's office, we would like to inform you that the City can only approve what is shown on the approved building permit, B23-0785. This permit indicates that the construction of the fence should be on the property line within the private property. Any deviation from the approved building permit would constitute a violation and prevent the permit from being finalized.

Access and Liability Concerns
Additionally, the newly constructed fence prevents the City from accessing the area for maintenance purposes and presents a liability concern. To address these issues, we kindly request that you remove or relocate the fence and columns that are encroaching beyond the property line. This action will allow the City to conduct a final inspection and ensure compliance with the approved building permit.

Neighboring Fences
Regarding the existing neighboring fences you referenced, City staff will confirm their locations and reach out to the respective property owner(s) accordingly.

We appreciate your understanding and cooperation in resolving this matter promptly. Please do not hesitate to contact us if you have any further questions or concerns.

Sincerely,

Syed Murtuza
Public Works Director

c: Scott Spansail, Assistant City Attorney
Art Morimoto, Assistant Public Works Director
Francis Dollard, Public Works Inspector
Martin Quan, Senior Civil Engineer

EXHIBIT S

The City of Burlingame

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Tel: (650) 558-7670
FAX: (650) 696-1598

May 24, 2024

Dhruv Batura and Priya Takiar
1151 Rosedale Avenue
Burlingame, CA 94010

Re: Fence Constructed in the Public Right-of-Way

Dear Mr. Batura and Ms. Takiar,

We appreciate your email response on May 22, but disagree with your position. The approved building permit (B23-0785) shows no work to be performed in the public right-of-way. The Public Works Department became involved after the fact, and because the private fence was built beyond the property line and encroached upon the public right-of-way. The City is unable to verify all aspects of a construction project in real-time, and therefore relies heavily on the information provided by the licensed professional stamp drawings. Confirmation of this information is conducted during field inspections to confirm what was constructed is accurate. When a City inspector identifies construction that is not per plan or there is inaccurate information provided on the approved plans, as is the case here, the City will ask the applicant to correct the issue or submit a revision to the plans to the Building Department for review. For these reasons, the City cannot approve your building permit until the fence/columns are removed or relocated as it encroaches 2'-11" into the public right-of-way on Rosedale and 5'-7" on Westmore.

Proceeding with the construction of the fence/columns would be a code violation and may result in additional enforcement, including (but not limited to) code enforcement action or removal of the encroaching structure(s) at the owner's cost.

Sincerely,

Syed Murtuza
Public Works Director

c: Scott Spansail, Assistant City Attorney
Francis Dollard, Public Works Inspector
Martin Quan, Senior Civil Engineer

EXHIBIT T

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NOTICE OF VIOLATION AND ORDER TO ABATE

VIA REGULAR AND CERTIFIED MAIL, PROPERTY POSTED

February 27, 2025

Dhruv Batura and Priya Takair
1151 Rosedale Avenue
Burlingame, CA 94010

SUBJECT: Notice of Violation of Burlingame Municipal Code and Order to Abate: 1151 Rosedale Avenue, Burlingame CA ("Property")

Dear Property Owner:

The Property has been identified by the City of Burlingame to be in violation of Burlingame Municipal Code ("BMC") Section 12.10.020 because the unpermitted fences (including posts and/or columns) on the Property are located within the public right-of-way which runs from the existing curb to the property line. The fences and columns encroach the public right-of-way on both Rosedale Avenue and Westmore Road.

NOTICE IS HEREBY GIVEN that the Property is in violation of BMC Section 12.10.020 prohibiting fences in the public right-of-way without an encroachment permit.

On Thursday April 25, 2024, City staff met with you and your contractors/designers. At that meeting, staff explained that the front and side fences and the front columns had been constructed within the City's public right-of-way in violation of both BMC Section 12.10.020 and the approved building permit B23-0785, and that such columns and fencing must be moved. Staff had a second meeting with you on May 2, 2024 where City staff provided the same advice.

City staff further sent two letters (dated May 8, 2024, and May 24, 2024) requesting removal or relocation of the fences and columns. The May 24, 2024 letter specifically stated that the City may initiate a code enforcement action and/or ultimately remove the fences and columns at your cost. City staff further met with your landscape contractor on January 9, 2025, and provided him with the right-of-way locations, as well as spoke with you on the phone that same day to reiterate the request to remove or relocate the fences and columns. To date, neither fence nor the columns have been removed or relocated. This Notice of Violation and Order to Abate hereby initiates the City's code enforcement action.

YOU ARE HEREBY ORDERED to correct the violation by taking the following actions ***within 7 days of the date of this Notice***:

> Immediately remove or relocate the fences (including posts, columns, and all structures) such that they are outside of the public right-of-way in accordance with the approved building permit B23-0785.

IMPORTANT: Failure to comply or inaction may result in the City of Burlingame taking further and immediate enforcement actions to secure compliance which may include fines (pursuant to BMC Chapter 1.12), and/or nuisance and abatement proceedings pursuant to BMC Section 1.12.040, and/or any other legal rights and remedies afforded to the City. Please be advised that violation of BMC Section 12.10.020 is punishable by a fine of $100 for the first violation, $200 for the second violation within a 12-month period, and a fine of $500 for any additional violations within a 12-month period. (BMC Section 1.12.010.) And each day the fences are in their current location is a separate violation. (BMC Section 1.12.020.)

Thank you for seriously considering this matter. If you have any questions regarding this letter, please do not hesitate to contact the Public Works Department at 650-558-7230. Please refer to this letter when calling.

Sincerely,

Syed Murtuza
Public Works Director

c: Michael Guina, City Attorney
Rachel Norwitt, Code Enforcement Officer

EXHIBIT U

Attn: Francis Dollard

Permit Application for
1151 Rosedale Ave

Thank you,
Dhruv Batura &
Priya Takiar

City of Burlingame

SPECIAL ENCROACHMENT PERMIT APPLICATION

Purpose of this application is for constructing permanent and non-permanent fixtures within the City's right-of-way. The application and plans shall be reviewed by the Engineering Division, who will also perform field investigation and inspections. **Attach plans or drawings to show the dimensions, locations, and heights of the encroachment.** If application is approved, Engineering Staff will finalize the permit and file it with the County of San Mateo for recording (For Permanent Encroachments Only). When work is ready to be inspected, please call (650)-558-7230.

DATE RECEIVED: _____

Site Information for Proposed Encroachment

Street Address: 1151 Rosedale Avenue APN: 025-243-010

Lot No.: 23 Block No.: 4 Subdivision: Burlingame Village

Describe Encroachment (Attach additional pages if applicable): See diagrams. Fence and concrete on Westmoor side of house, 2 pillars on Rosedale front of house.

Purpose of Request: See explanation attached.

Business Information

Business Name: _____ Contact On-Site: _____

Manager: _____ Phone: _____

Applicant Information

Applicant Name: Dhruv Batura and Priya Takiar Phone: 5106777462

Address: 1151 Rosedale Avenue City, State, Zip: Burlingame, CA, 94010

Owner Information

Owner Name: Dhruv Batura and Priya Takiar Phone: 5106777462

Address: 1151 Rosedale Avenue City, State, Zip: Burlingame, CA, 94010

Priya Takiar
Signature of Property Owner/Business Owner

6/6/25
Date

FOR CITY USE ONLY

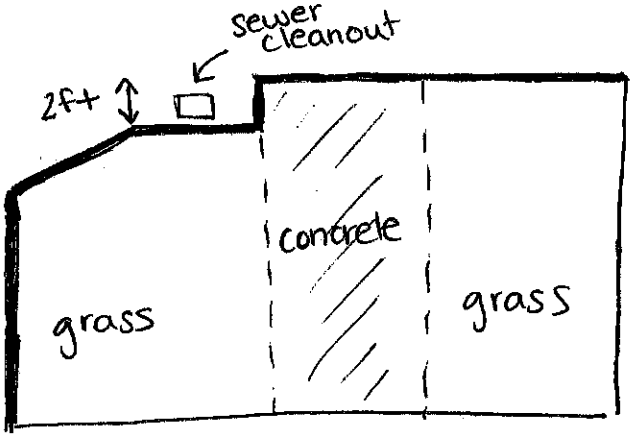
ACTION
Permit: ☐ Approved ☐ Denied
City Official: _____
Date: _____

FEES & DEPOSITS
Security Bond (refundable): $_____
Permanent: $_____
Non-Permanent: $_____
Subsurface Shoring System: $_____
Total Fees Paid: $_____

Westmoor Side

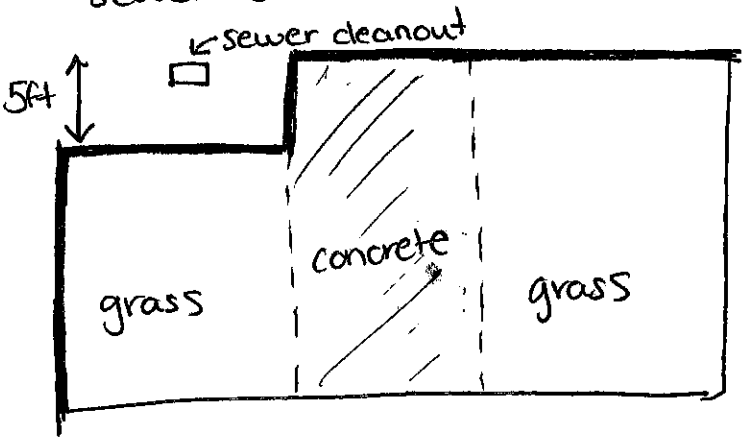
Option #1

Move part of fence to allow room for sewer cleanout



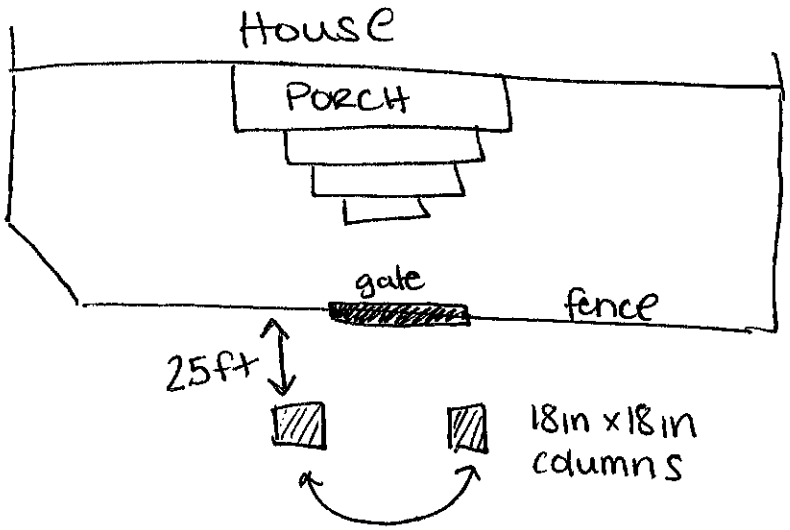
Option #2

Move larger part of fence to allow more room for sewer cleanout



Rosedale Side

- 2 concrete columns w/ mailbox



To: City of Burlingame

In late 2023, we purchased our current residence (1151 Rosedale Ave) with the understanding that we would be able to create a side yard for our young son. None of the documentation received from the previous owners, contractors, title company and city indicated that the planned fences for the yard would be an issue. Accordingly, we applied for a permit which was approved after we moved in, and we started construction on a fence along Westmoor, and a shorter fence along Rosedale.

Shortly after the fence on Westmoor was complete, we were informed by the Department of Public Works that we were encroaching on the city's right of way. This was a huge shock to us since we believed we were operating with all of the appropriate approvals. We had just moved into the neighborhood, feeling extremely excited to be part of this community, and stretched beyond our budget to purchase this house hoping to build our family here.

Since the Rosedale fence was only partially complete, we went ahead and paid the extra money to relocate it out of the City's right of way. The existing fence on Westmoor is visually congruent with our neighbors and is in keeping with the neighborhood. Relocating the fence on the Westmoor side and two stone columns on the Rosedale side is not trivial and extremely expensive given the concrete involved. We understand there is a sewer cleanout along Westmoor to which the city needs access. In order to facilitate this access, we have worked with our contractor to develop two options to make adjustments to the fence without needing to tear out concrete. These are both still expensive, but we remain hopeful that the city will be agreeable to these, and consider them for review and approval for the special encroachment permit. We understand there are considerations for the city such as insurance and liability and are willing to take on whatever is needed there.

Thank you for your consideration.

EXHIBIT V

The City of Burlingame

PUBLIC WORKS ENGINEERING
DIVISION
501 PRIMROSE ROAD, 2ND FLOOR
BURLINGAME, CA 94010
TEL: (650) 558-7230
FAX: (650) 685-9310
www.burlingame.org

PUBLIC WORKS CORPORATION
YARD
1361 N. CAROLAN AVENUE
BURLINGAME, CA 94010
Tel: (650) 558-7670
FAX: (650) 696-1598

VIA REGULAR AND CERTIFIED MAIL, RECEIPT REQUESTED

June 20, 2025

Dhruv Batura and Priya Takiar
1151 Rosedale Avenue
Burlingame, CA 94010

Re: **INCOMPLETE** Application for Special Encroachment Permit
1151 Rosedale Avenue, Burlingame, California

Dear Property Owners:

The City is in receipt of your Special Encroachment Permit Application ("Application") for your property located at 1151 Rosedale Avenue, Burlingame, California ("Property"). City staff has reviewed your Application and determined it to be incomplete because the two options presented for the fence realignment on the Westmoor Avenue side of the Property do not depict the proposed realignments in relation to the property line. The drawing of the two concrete columns on the Rosedale Avenue side of the Property also does not show the property line.

In order for City staff to evaluate and make a determination on your Application, please resubmit your Application with drawings that show your proposed fence realignment and the property line on the Westmore Avenue side, and a drawing that shows the two columns in relation to the property line on the Rosedale Avenue side. You may use the information in the City's street cards previously provided to you to ascertain the locations of the property

line and the City's right-of-way, or alternatively, you may obtain a survey of your property vis-à-vis the City's right-of-way.

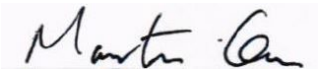
If you elect to use the information from the City's street cards, your resubmission is due within fourteen (14) calendar days of this letter.

If you elect to obtain a survey, please contact Francis Dollard in the Public Works Department at (650) 558-7288 or fdollard@burlingame.org within the next fourteen (14) calendar days to confirm (i) that you have retained a surveyor and (ii) the name of the surveyor. Your resubmission will then be due thirty (30) calendar days after the date you contact Mr. Dollard. **PLEASE BE ADVISED THAT ANY SURVEY WILL BE YOUR OWN COST AND EXPENSE**.

Failure to timely resubmit a complete Application will result in a denial. The City reserves its right to seek its legal remedies to abate any unpermitted encroachment.

Thank you for your attention to this matter.

Sincerely,



Martin Quan
City of Burlingame, Senior Civil Engineer

cc: Dan Siegel (via email – dks@jsmf.com)

EXHIBIT W

ATTN: FRANCIS DOLLARD

ENCROACHMENT PERMIT APPLICATION

Thank you for your feedback on the application and request for additional details and measurements. We have added them into the proposal. Please let us know if there is anything missing and we promptly provide.

Thank you,
Priya Takiar & Dhruv Batura
1151 Rosedale Avenue

City of Burlingame

SPECIAL ENCROACHMENT PERMIT APPLICATION

Purpose of this application is for constructing permanent and non-permanent fixtures within the City's right-of-way. The application and plans shall be reviewed by the Engineering Division, who will also perform field investigation and inspections. **Attach plans or drawings to show the dimensions, locations, and heights of the encroachment.** If application is approved, Engineering Staff will finalize the permit and file it with the County of San Mateo for recording (For Permanent Encroachments Only). When work is ready to be inspected, please call (650)-558-7230.

DATE RECEIVED: _____

Site Information for Proposed Encroachment

Street Address: 1151 Rosedale Avenue APN: 025-243-010

Lot No.: 23 Block No.: 4 Subdivision: Burlingame Village

Describe Encroachment (Attach additional pages if applicable): See diagrams. Fence and concrete on Westmoor side of house, 2 pillars on Rosedale front of house.

Purpose of Request: See explanation attached.

Business Information

Business Name: _____ Contact On-Site: _____

Manager: _____ Phone: _____

Applicant Information

Applicant Name: Dhruv Batura and Priya Takiar Phone: 5106777462

Address: 1151 Rosedale Avenue City, State, Zip: Burlingame, CA, 94010

Owner Information

Owner Name: Dhruv Batura and Priya Takiar Phone: 5106777462

Address: 1151 Rosedale Avenue City, State, Zip: Burlingame, CA, 94010

Signature of Property Owner/Business Owner

11 JUL 2025

Date

FOR CITY USE ONLY

ACTION			FEES & DEPOSITS	
Permit:	☐ Approved	☐ Denied	Security Bond (refundable):	$
			Permanent:	$
City Official:			Non-Permanent:	$
			Subsurface Shoring System:	$
Date:			**Total Fees Paid:**	$

REV: 2/27/20; REF: Chapter 12.10 of Burlingame Municipal Code

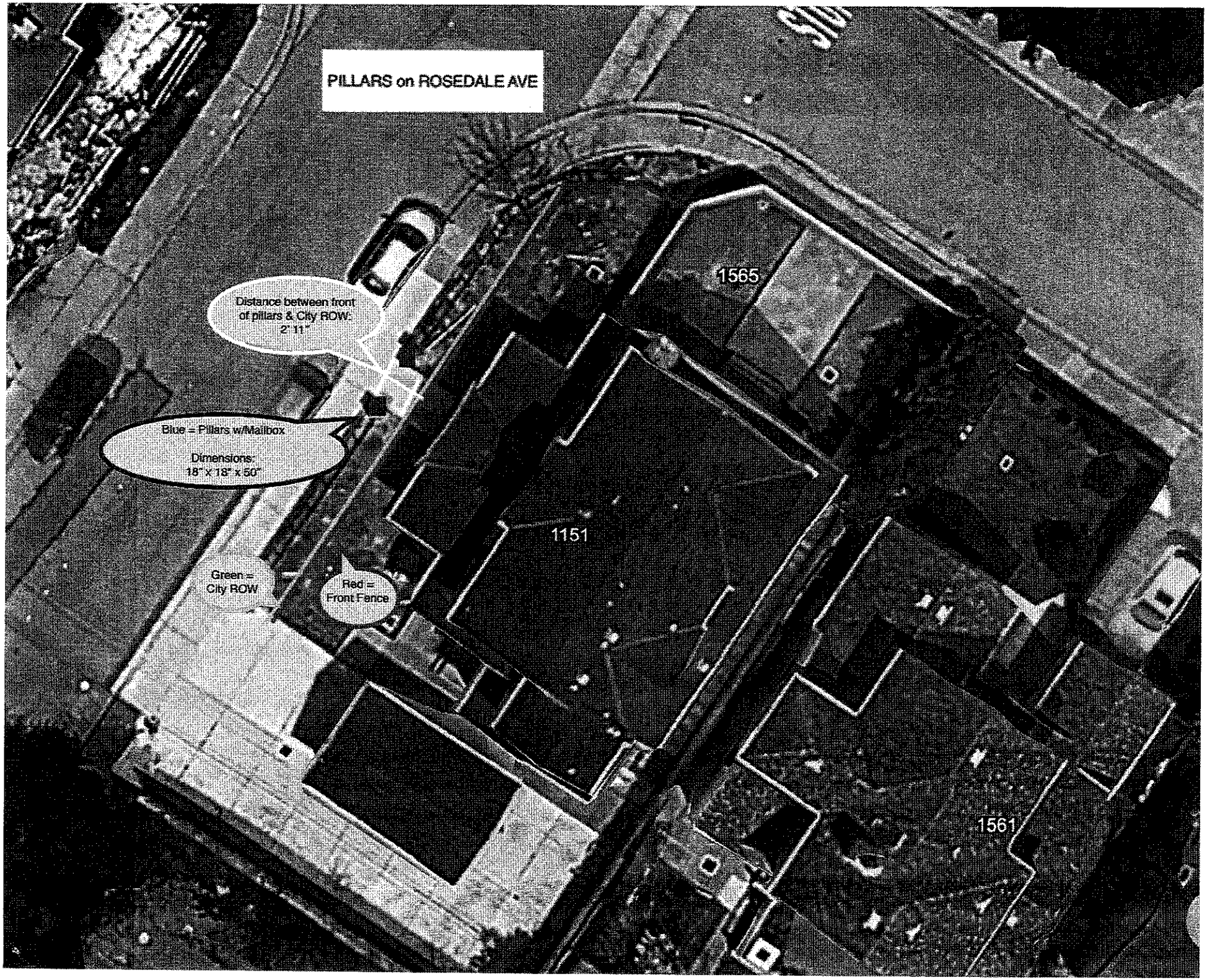
To: City of Burlingame

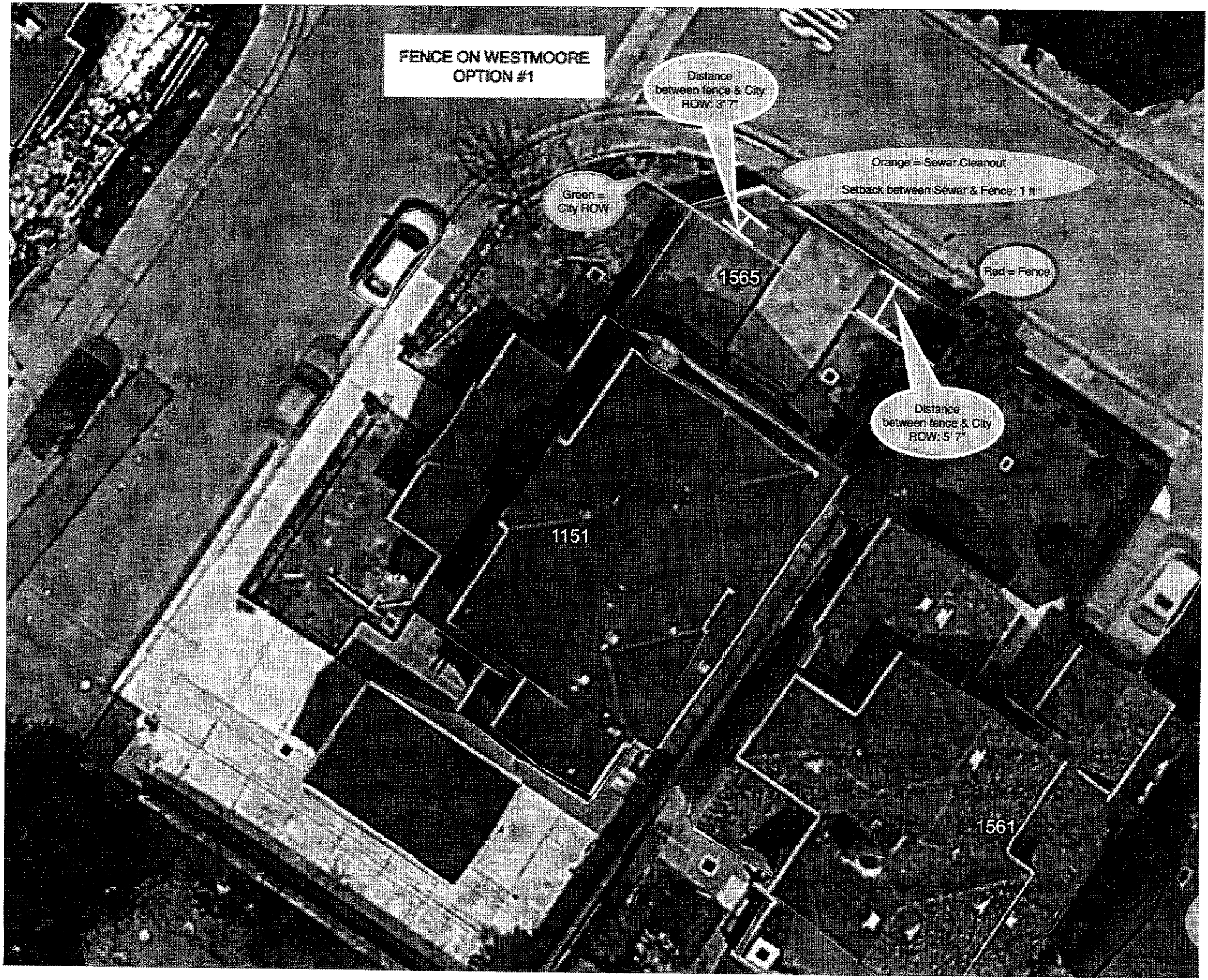
In late 2023, we purchased our current residence (1151 Rosedale Ave) with the understanding that we would be able to create a side yard for our young son. None of the documentation received from the previous owners, contractors, title company and city indicated that the planned fences for the yard would be an issue. Accordingly, we applied for a permit which was approved after we moved in, and we started construction on a fence along Westmoor, and a shorter fence along Rosedale.

Shortly after the fence on Westmoor was complete, we were informed by the Department of Public Works that we were encroaching on the city's right of way. This was a huge shock to us since we believed we were operating with all of the appropriate approvals. We had just moved into the neighborhood, feeling extremely excited to be part of this community, and stretched beyond our budget to purchase this house hoping to build our family here.

Since the Rosedale fence was only partially complete, we went ahead and paid the extra money to relocate it out of the City's right of way. The existing fence on Westmoor is visually congruent with our neighbors and is in keeping with the neighborhood. Relocating the fence on the Westmoor side and two stone columns on the Rosedale side is not trivial and extremely expensive given the concrete involved. We understand there is a sewer cleanout along Westmoor to which the city needs access. In order to facilitate this access, we have worked with our contractor to develop two options to make adjustments to the fence without needing to tear out concrete. These are both still expensive, but we remain hopeful that the city will be agreeable to these, and consider them for review and approval for the special encroachment permit. We understand there are considerations for the city such as insurance and liability and are willing to take on whatever is needed there.

Thank you for your consideration.


PILLARS on ROSEDALE AVE
1565
Distance between front of pillars & City ROW: 2' 11"
Blue = Pillars w/Mailbox
Dimensions: 18" x 18" x 50"
1151
Green = City ROW
Red = Front Fence
1561


FENCE ON WESTMOORE
OPTION #1
Distance
between fence & City
ROW: 3' 7"
Orange = Sewer Cleanout
Setback between Sewer & Fence: 1 ft
Green =
City ROW
1565
Red = Fence
Distance
between fence & City
ROW: 5' 7"
1151
1561

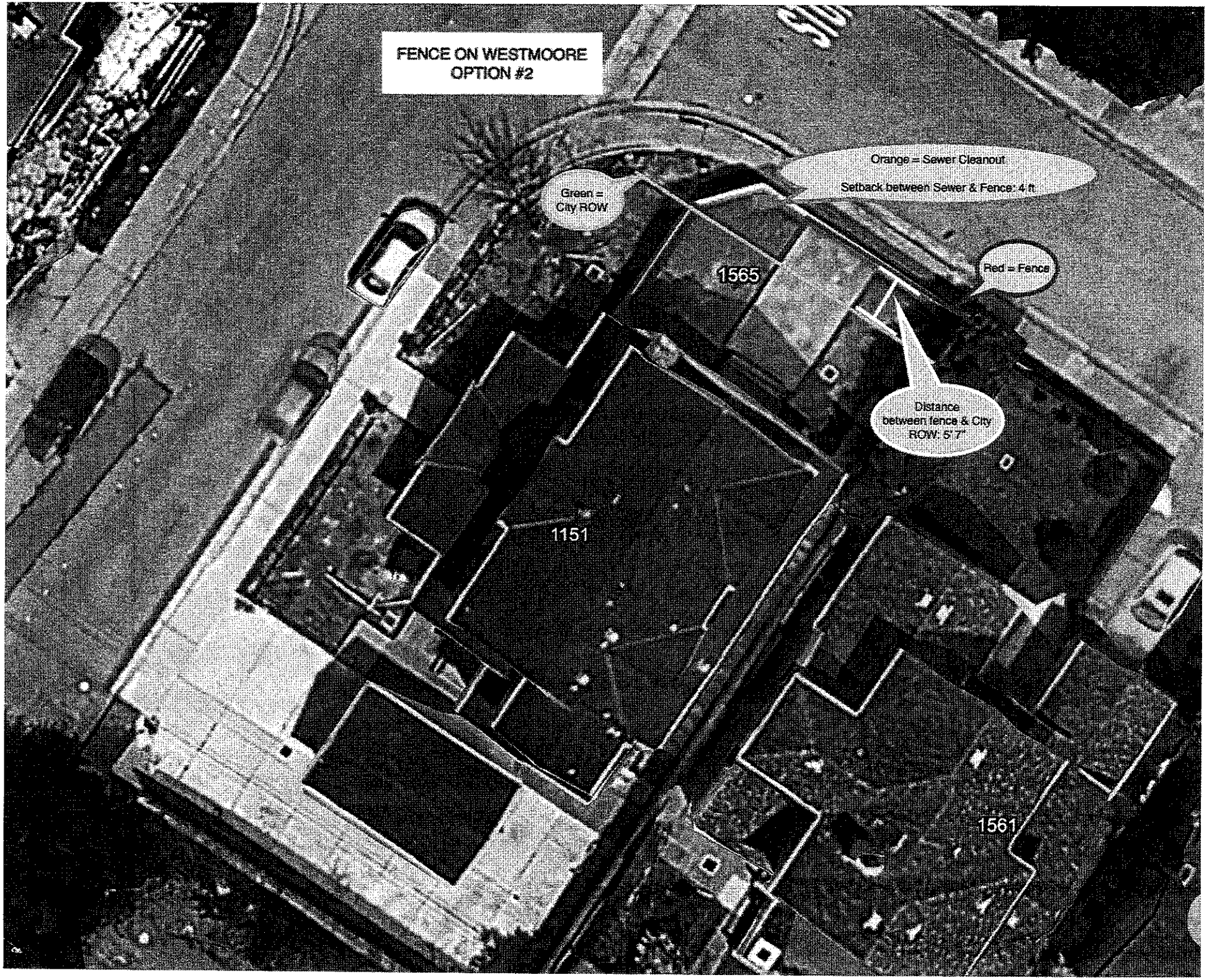

FENCE ON WESTMOORE
OPTION #2
Orange = Sewer Cleanout
Setback between Sewer & Fence: 4 ft
Green =
City ROW
Red = Fence
1565
Distance
between fence & City
ROW: 5' 7"
1151
1561

EXHIBIT X

The City of Burlingame

PUBLIC WORKS ENGINEERING
DIVISION
501 PRIMROSE ROAD, 2ND FLOOR
BURLINGAME, CA 94010
TEL: (650) 558-7230
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YARD
1361 N. CAROLAN AVENUE
BURLINGAME, CA 94010
Tel: (650) 558-7670
FAX: (650) 696-1598

VIA FEDERAL EXPRESS OVERNIGHT

July 29, 2025

Dhruv Batura and Priya Takiar
1151 Rosedale Avenue
Burlingame, California 94010

Re: Application for Special Encroachment Permit
1151 Rosedale Avenue, Burlingame, California

Dear Property Owners:

The City is in receipt of your June 10, 2025 Special Encroachment Permit Application and the July 11, 2025 resubmission of your Special Encroachment Permit Application[1] (together, "Application") for your property located at 1151 Rosedale Avenue, Burlingame, California ("Property").

City Staff has carefully reviewed and considered your Application, as well as the active building permit (B23-0785) for landscaping and fence improvements at the Property, and made the following determinations:

A. **Rosedale Avenue side**: The portion of your Application pertaining to the two (2) stone columns within the City's Right-of-Way on Rosedale Avenue is **GRANTED**, subject to certain terms and conditions to be memorialized in an executed Special Encroachment Permit. A form of the Special Encroachment Permit is enclosed for

[1] We note that your July 11, 2025 resubmission included aerial depictions of your Property with color coded features: Green = City ROW; Orange = City Cleanout; Red = Fence; etc. However, your July 11, 2025 resubmission, including the aerial depictions, were in black & white only. No color copies were attached. City Staff was nevertheless able to interpret the July 11, 2025 resubmission.

your review. This portion of the Application is granted in recognition of the potential difficulty you may encounter in removing the two (2) unpermitted stone column structures located within the City's Right-of-Way. As a result, and as stated in the enclosed Special Encroachment Permit, you are hereby granted a permission to encroach for a period of five (5) years, during which time the stone columns may remain in the City's Right-of-Way. At the end of such five (5) years, the two (2) stone columns must be removed from the public Right-of-Way. The City's determination on this portion of your Application is without prejudice to your submission of a new Special Encroachment Permit Application concerning the two (2) stone columns at the end of the five (5) years, if you so choose.

B. **Westmoor Road side**: The portion of your Application pertaining to the fence improvements, landscaping, concrete patio, and other improvements within the City's Right-of-Way on Westmoor Road is **DENIED** for the following reasons.

1. Public Nuisance. The fence improvements within the City's Right-of-Way on Westmoor Road presents a public nuisance. The fence prevents public access and usage of the City's Right-of-Way enclosed behind the fence. Also, built into the fence is a door that opens out towards the sidewalk along Westmoor Road. This door, when opened, obstructs free and clear public passage along the sidewalk and presents the risk of harm to persons and property. The door, when opened, is also an accessibility barrier to persons with disabilities.

2. Unlawful gift of public property. Options #1 and #2 in your Application propose realignment of the fence improvements on the Westmoor Road side. However, both options show significant portions of the City's Right-of-Way that would remain enclosed for your private use to the exclusion of the public. If the City were to grant your application based on either Option #1 or #2, the City would effectively be giving away valuable public property for your exclusive, private use and enjoyment. This would result in an unlawful gift of public property.

3. Sewer cleanout facility and potential damage to private property. Options #1 and #2 offer to realign the fence improvements to provide a 1-foot or 4-foot setback from the City's sewer cleanout facility, respectively. Under either option, the proposed encroachment adversely impacts City's utilization of the Right-of-Way for the purposes of equipment staging and access when performing maintenance and repairs to the City's sewer cleanout and/or associated infrastructure. The adverse impacts to the City's ability to conduct maintenance and repairs are not acceptable to the City. Additionally, under either option, the City's access and connection to the sewer cleanout facility

pose a potential risk of property damage to the fence improvements, concrete patio, and the Property's underground irrigation lines (if any). That risk of damage is not acceptable to the City.

If you agree with this determination, please execute the attached Special Encroachment Permit and return the **wet-ink originals** to me at the address above. A fully executed, recorded conforming copy will be forwarded to you.

PLEASE BE ADVISED that if you wish to appeal the City's decision on your Application to the Burlingame City Council, you must do so in writing within five (5) days of this letter. (Burlingame Municipal Code § 12.10.050.)

Sincerely,

Syed Murtuza
Director of Public Works
City of Burlingame

cc: Dan Siegel with enclosure (via email – dks@jsmf.com)

Enclosure – Special Encroachment Permit form

RECORDING REQUESTED BY:

CITY OF BURLINGAME
501 PRIMROSE ROAD
BURLINGAME, CA 94010

WHEN RECORDED RETURN TO:

CITY CLERK
CITY OF BURLINGAME
501 PRIMROSE ROAD
BURLINGAME, CA 94010

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

Exempt from Recording Fees pursuant to Government Code section 6103 and 27383
[Recording requested by California municipality]

Assessor's Parcel No. 025-243-010

PUBLIC WORKS SPECIAL ENCROACHMENT PERMIT ("Permit")

August _____, 2025

TO APPLICANT/OWNER: 1151 Rosedale Avenue, Burlingame, CA 94010 (the "Property")

Pursuant to your requests on June 10, and July 11, 2025, and subject to all of the terms, conditions and restrictions set forth herein and attached hereto and Chapter 12.10 of the Burlingame Municipal Code, limited permission is hereby granted for **the placement and maintenance of two (2) stone columns within the City Right-of-Way on Rosedale Avenue** as shown on the attached drawing labeled Exhibit A (the "Nonstandard Improvements"). All work, including, but not limited to the construction, repair, and maintenance of the Nonstandard Improvements (the "Work") shall be performed as shown on the attached drawings labeled Exhibit A approved as part of this Permit. The owner(s) of **1151 Rosedale Avenue, Burlingame, CA 94010** ("OWNER") and their successors in interest shall assume all maintenance responsibility for and any liability, including defense costs and indemnification of the City, arising out of said construction, maintenance, or design for the Nonstandard Improvements, as further described herein.

Location: **1151 Rosedale Avenue, Burlingame, CA 94010 APN: 025-243-010**

General Provisions

1. Definition; Revocability; Expiration. The term "encroachment" is used in this Permit to mean any structure or object of any kind or character which is placed in, under, or over, any portion of the City Right-of-Way or property owned by the City of Burlingame. This Permit is revocable at any time by the City with thirty (30) days advance written notice provided by the City to the OWNER and property owner of record (as reflected in the Assessor's rolls for the County of San Mateo at the time notice is provided hereunder) if: (i) OWNER fails to comply with its maintenance obligations set forth in Paragraph 15 below or (ii) the Nonstandard Improvements conflict in any way with the City's construction of public improvements and/or infrastructure within the City Right-of-Way. This Permit may also be revoked immediately and without any advance written notice if the Nonstandard Improvements at any time present a risk to public health or safety. By accepting this Permit and performing Work as contemplated hereunder, OWNER expressly waives any and all claims and causes of action against the City of Burlingame, its officers or agents, relating to or arising out of the revocation of this Permit in accordance with this provision.

The rights, interests, and privileges granted under this Permit shall expire five (5) years after the execution of this Permit by City. Such expiration is without prejudice to the OWNER's ability to apply for another permit for the encroachment contemplated herein. The OWNER shall remove the two (2) stone columns from within the City Right-of-way on or before the expiration of this Permit term. Failure to comply with this or any of the other provisions of this Permit may result in revocation of this Permit, including but not limited to, enforcement action by the City.

2. Acceptance of Provisions. It is understood and agreed by OWNER that the **placement and maintenance of two (2) stone columns within the City Right-of-Way on Rosedale Avenue** as shown in Exhibit A pursuant to this Permit shall constitute an acceptance of the provisions and conditions of this Permit and Chapter 12.10 of the Burlingame Municipal Code, as it may be amended from time to time. OWNER further agrees that OWNER has read and understands these provisions and Chapter 12.10 of the Burlingame Municipal Code and

agrees that OWNER will observe and conform to the requirements. OWNER accepts this Permit and its conditions on behalf of OWNER and OWNER's heirs, successors, and assigns.

3. No Precedent Established. This Permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency of permitting any certain kind of encroachment within or upon the City Right-of-Way nor does it constitute the granting or conveyance of any franchise or property interest of any kind to OWNER.

4. Notice Prior To Repairs To The Nonstandard Improvements. Before starting Work (including but not limited to any repair or maintenance work), or whenever stated on the face of this Permit, OWNER shall notify, in writing, the Director of Public Works or other designated employee of the City. Such written notice shall be given at least three (3) days in advance of the date Work is to begin.

5. Permit on Premises. A copy of this Permit shall be kept at the Property and must be shown to any representative of the City, or any law enforcement officer on demand.

6. Protection of Traffic. Adequate provision shall be made for the protection of the public pursuant to generally accepted standards, particularly the State of California Standard Specifications as utilized by the City. All Work shall be planned and carried out so that there will be the least possible inconvenience to the public, particularly pedestrian and vehicle traffic. Unless otherwise expressly approved in connection with this Permit by the City, pedestrian and vehicle travel shall not be blocked.

9. Standards of Construction. All Work shall conform to recognized standards of construction and the City's standard drawings, and as shown on the approved project plans in Exhibit A, as applicable.

10. Inspection by City. All the Work shall be done subject to the inspection of, and to the satisfaction of the City.

11. Intentionally Omitted.

12. Liability for Damages. OWNER hereby holds the City, its officers, agents and employees harmless for and shall defend the City, its officers, agents and employees from any and all claims and liability, including any costs of defense and attorney fees, for personal injury

or property damage of any kind which may arise from the granting of this Permit or that may arise in any way out of the placement or use of the encroachments allowed under this Permit.

13. Location Plan. Within thirty (30) days of completion of the Work under this Permit, the OWNER shall furnish a plan to the City showing the actual location of the Nonstandard Improvements in such detail as the City may require.

15. Maintenance. OWNER agrees to exercise reasonable care to maintain properly the Nonstandard Improvements, and to exercise reasonable care in inspecting and immediately repairing and making good any injury to any portion of the right-of-way which occurs as a result of the maintenance of the Nonstandard Improvements, or as a result of Work done under this Permit, including any and all injury to the right-of-way which would not have occurred had such work not been done or such encroachment not placed therein. Maintenance and repair shall include prevention and correction of any damage that may be caused by roots of City trees. If OWNER fails to maintain the Nonstandard Improvements, as determined by the Director of Public Works, and OWNER fails to commence maintenance within thirty (30) days after notice from the Director of Public Works, the City may revoke this Permit as set forth in Paragraph 1 above.

16. Intentionally Omitted.

17. Recording. This Permit shall be recorded by the City Clerk with the County Recorder of the County of San Mateo.

18. Binding. This Permit shall be binding on the heirs, successors, and assigns of the parties hereto.

19. Approved Nonstandard Improvement Drawings. See Exhibit A.

20. Payment of Taxes. The following notice is provided pursuant to California Revenue & Taxation Code § 107.6:

> The Premises are owned by the City and the City is exempt from real property taxes. However, this Permit may create a possessory interest by the permittee subject to property taxation, and the permittee may be subject to the payment of property taxes levied on that interest by the State of California or the County of San Mateo. The permittee shall be

responsible for the payment of any such property taxes.

21. Waiver and Amendment. No failure on the part of the City to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that the City may have under this Permit or any law, nor does waiver of a breach or default under this Permit constitute a continuing waiver of a subsequent breach of the same or any other provision of this Permit.

22. Governing Law. This instrument, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court for the County of San Mateo.

23. Amendment. No modification, waiver, mutual termination, or amendment of this Permit is effective unless made in writing and signed by the City and OWNER or their successor in interest. This Permit constitutes the entire Permit granted to OWNER.

24. Waiver of Civil Code section 1542. OWNER declares that they have been advised by legal counsel of and understands the nature, extent, and import of any releases and waivers in favor of the City contemplated by this Permit, and OWNER expressly waives its rights under Civil Code section 1542, which provides:

> "A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party."

[Balance of page intentionally left blank; signature page follows]

PROPERTY OWNER(S)

By: _____

Priya Takiar
Owner, 1151 Rosedale Avenue,
Burlingame, CA

Dated: _____

By: _____

Dhruv Batura
Owner, 1151 Rosedale Avenue,
Burlingame, CA

Dated: _____

CITY OF BURLINGAME

By _____

Syed Murtuza,
Director of Public Works

Dated: _____

Approved as to form:

_____

Michael Guina, City Attorney

Attest:

_____

Meaghan Hassel-Shearer, City Clerk

Exhibit A
(Plat Drawing)

EXHIBIT A TO SPECIAL ENCROACHMENT PERMIT – 1151 ROSEDALE AVE

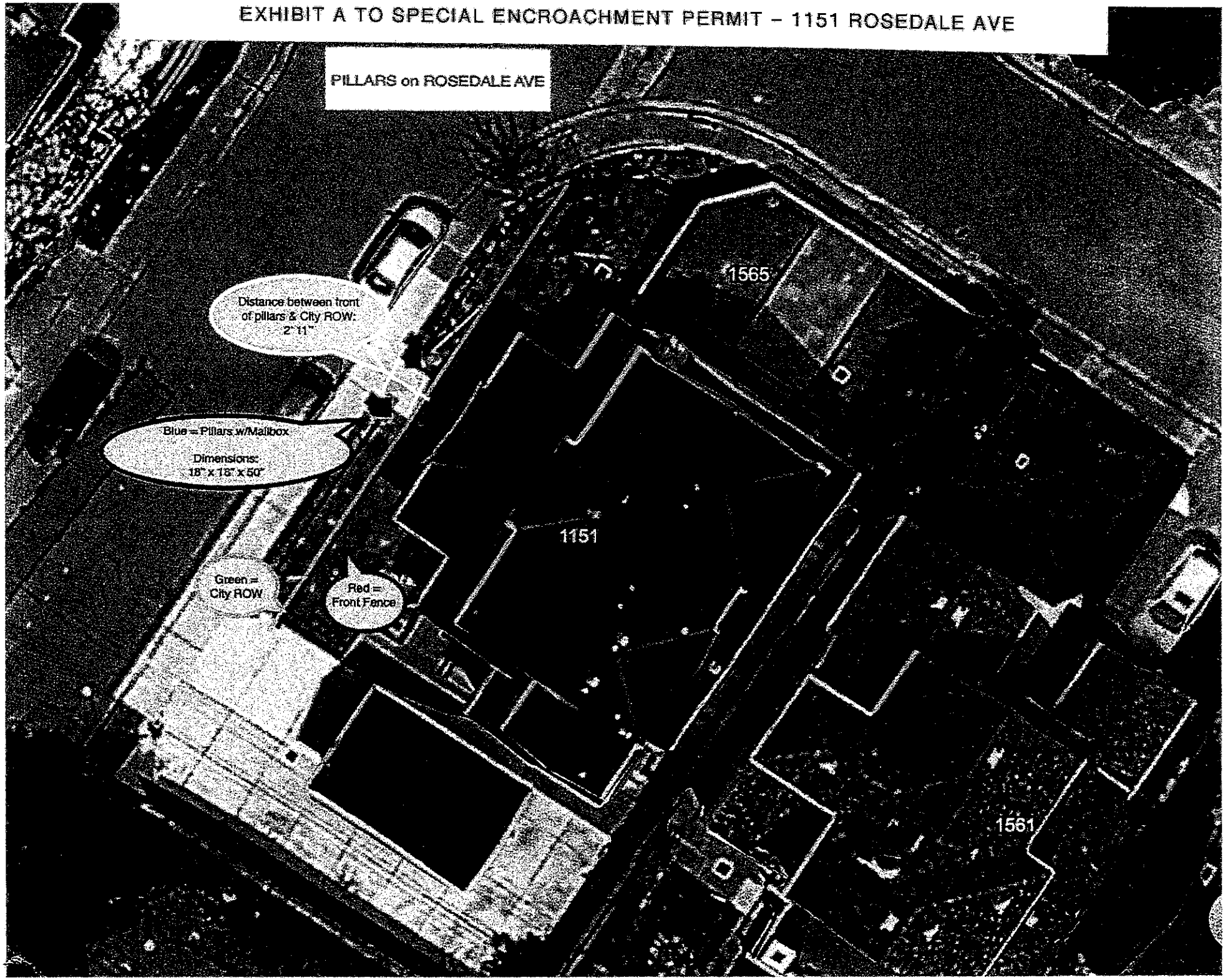

EXHIBIT Y

Ed Low

From: Priya Takiar <priyatakiar@gmail.com>
Sent: Monday, August 4, 2025 9:42 AM
To: Ed Low; PW/ENG-Syed Murtuza; Francis Dollard
Cc: Dan K. Siegel; Dhruv Batura
Subject: 1151 Rosedale - Notice of Appeal

Hello All,

We have received your letter on July 29th, 2025, denying our application for a special encroachment permit for 1151 Rosedale, Burlingame. This is our written notice that we are appealing the denial of our request for both the Rosedale and Westmore sides and reserve all of our rights.

We were not provided with any information regarding requirements of the appeal not did we locate it in the Burlingame Municipal Code. If there are specific requirements, please let us know and where they are located in the City Code.

Please confirm receipt and contact us to discuss the setting of a hearing at City Council and to tell us where we can find the information on the rules and procedures for that hearing.

Thank you very much,
Priya

--
Priya Takiar
priyatakiar@gmail.com
(510) 677-7462

EXHIBIT Z-1


WESTMOOR RD

EXHIBIT Z-2

EXHIBIT Z-3


WATER

EXHIBIT Z-4


ROSEDALE AV
WESTMOOR RD

EXHIBIT Z-5

EXHIBIT Z-6


WATER

EXHIBIT Z-7

EXHIBIT Z-8