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MAR - 8 2013

Thursday, February 28, 2013 3:03 PM

Subject: Planning Comm mtg tonight

Comm. Dev. Dept. Brisbane

Good evening Planning Commission Members:

Please do not change the existing grading ordinance in a manner that would make the remodel permit application process more restrictive to our citizens.

I feel the ordinances are already too restrictive and serve to discourage the average homeowner from remodeling or fixing up their homes. We need to encourage Brisbane homeowners to fix up their properties and not make it more restrictive, expensive, or complicated.

When homeowners fix up their property in can be a great thing, the byproduct of which can result in many positive outcomes. It provides for nicer more attractive homes that suit our needs and helps strengthen and build our community through gentrification. Home improvement makes life safer for everyone. It fixes potentially dangerous electrical problems, it adds fire sprinklers, removes toxins like lead and asbestos, fixes broken sewer lines (from adding infiltration to the sewer system and raising our water rates), adds back flow devices to prevent contamination to our water system; implements more green building techniques like saving energy; alleviates parking on the streets by adding garages and parking facilities, also widens streets. It also creates work for local businesses and contractors. In general home improvement increases real estate values which enriches our community and also widens the property tax base (as improved homes are reassessed at higher values); and increases property tax revenues for our local schools.

Home improvement, makes owners more invested in the community and thus more committed to Brisbane's success.

Values are going up quickly and homeowners will begin to think about fixing up their homes again soon. Many of us need larger homes and more parking. Some of us have a lot of children, or have to house our parents, grandparents, or nanny, or maybe just need an office- and it's not fair for us to move away to get it.

We should encourage improvement of our neighborhoods; there are many advantages that far outweigh any potential risks. The current zoning ordinances are very restrictive and additional regulation will only serve to be a costly burden for all involved and a deterrent to much needed improvement and gentrification of the community.

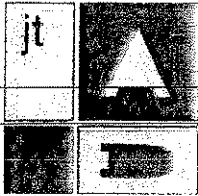
Sincerely,
Joel Diaz
7 San Diego Ct.,
Brisbane CA 94005

Better Homes & Gardens Real Estate
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Top Producers List BHG - 2010 and 2011
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FEB 27 2013

Comm. Dev. Dept. Brisbane



LETTER OF CONCERN (GRADING PROPOSAL)

February 27, 2013

Planning Commission
50 Park Place
Brisbane, CA 94005

RE: Letter in response to proposal for Amendment to Grading Ordinance (Section 17.32.110)

To the Planning Commission,

I realize that any proposal by the planning commission is intended for the good of the community and any proposed changes are being considered to improve the quality of life for the residents of Brisbane. So as an architect that has worked with several of the city's residents, I want to give my reasons for reconsidering the proposed changes to the grading ordinance as a design professional.

Out of more than a dozen projects in Brisbane that my office has designed and submitted, I recall maybe one project that required less than 5 cubic yards of soil removal for the work, and that project scope was all within the existing building envelope of the client's property. I would argue that more than half of the residential properties in the city, especially with the districts proposed, would be affected by this proposal on smaller projects that do not warrant this added review and public hearing. In my experience with the city staff, I have found that the planning and building officials have given more than adequate reviews of each project involving grading which includes the city engineer on all pertinent projects. The staff have always kept the best interests of the owner and the immediate neighborhood in mind with their review process in my opinion.

To put in perspective with a few examples, a remodel project involving replacing a front entry staircase that is not to code on an upslope lot, a minor landscaping and terracing job to stabilize a hillside yard, or a proposal to add a carport on any hillside lot, upslope or downslope, would easily require 5 cu yards of soil removal to complete the work. Ordinances are already in place to require homeowners to widen the road at their address for any new construction or certain size addition. With this proposal, many of the requirements in place to improve site access and infrastructure for the city via local residents would require another stage of review and could potentially be rejected even if all other code requirements and zoning ordinances are addressed. All these examples would be an added burden for the city staff on top of the larger developments that really should be scheduled for review by the Planning Commission with the current statutes in place.

For larger single family projects where less than 250 cu yards would be removed, this proposed change is also unnecessary in my opinion. I think we all know there are many, many places above the flatlands that require road improvements with any new construction or extensive remodel of homes (over 50 yrs old in most cases). On one of my office's most recent projects at 200 Annis Road, the new home and road widening has not only raised the quality of life for my client who are young parents with two children, but it has raised the quality of life for the immediate neighborhood with a better road giving safer access to everyone in the area. With all the other requirements in place for preserving certain plant species and preserving watershed areas nearby, the development for their new home preserved the existing habitat in the area and also increased the stability of the existing topography. I'm not sure my clients at 200 Annis Road would have continued with their project if they thought this added step were required.

In summary, I can see the following possible outcomes if this grading amendment were enacted:

- Fewer projects by existing residents would be submitted and more homes that may need improvements due to age or sub-standard conditions, including areas requiring frontage & road improvements, would be neglected.
- Projects intending to add or extend off-street parking for existing properties would be put-off or neglected; hence, keeping more cars on the road in areas not really wide enough for parking.
- Landscape projects by local residents intended to remove semi-urban blight or overgrowth would be avoided due to added costs and inconvenience.
- Middle-class citizens & families that would consider moving to Brisbane, may consider other locations with this added uncertainty for any property they consider buying. (Potentially, the residential population would become more skewed to higher income brackets and take out more of the middle-class and their families.)
- Greater emphasis on corporate entities building in the city for residential developments and potentially losing the small town feel because the single private property owner struggles to justify the added cost and time to build or buy and renovate any property.

LETTER OF CONCERN (GRADING PROPOSAL)

Again, I do realize this grading amendment is intended to improve the quality of work on any city property requiring grading, but I think the actual outcome may cause the quality of the existing conditions in the city, especially in the hillside lots, to further decline due to neglect. In my opinion, the current grading ordinance along with all the other ordinances and building codes for the city are sufficient for maintaining the high standards the Planning Commission had intended with this amendment.

Sincerely,



Jim Trotter, Architect
jt Architecture+Design
Principal/Owner
CA Lic. #C26179

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FEB 27 2013

Comm. Dev. Dept. Brisbane

February 27, 2013

To: Planning Commission

Per the information about grading thresholds in the staff report, <http://www.brisbaneca.org/sites/default/files/GradingFeb28Rpt.pdf> I would like to voice my opinion as a resident and homeowner in Brisbane that the commission should not increase the regulatory burden. I am in agreement with staff in their recommendations.

Thank you

C.J. MacDonald
236 Klamath St

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FEB 27 2013

February 27, 2013

Comm. Dev. Dept. Brisbane

To: Planning Commission
From: Joel Diaz
Email address: jdgeneral@yahoo.com

Re: Planning Commission Mtg. 2/28/13, "Changing Grading Ordinance"

Please do not change the existing grading ordinance. It is difficult enough for home owners to remodel and fix up their homes. Our community should be encouraged to do so not discouraged through additional regulation, fees and delays. This will ultimately hamper the improvement of our community. Home ownership and home improvement help strengthen and build community through a variety of ways.

Home values are going up and people are going to start improving their properties again. This is not the time to discourage that or make it more difficult to do so.

The results of this submission may be viewed at:
<http://brisbaneca.org/node/179/submission/412>

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FEB 28 2013

Comm. Dev. Dept. Brisbane

February 28, 2013

Dear Brisbane Planning Commission,

We heard the planning commission is considering lowering the 250 cu yd threshold to require public hearings with the planning commission. This change seems to make it more difficult for Brisbane homeowners to improve their property. We do NOT support this idea, and would prefer more incentives for making improvements. Please forward this message to any meetings related to this subject.

Thanks, Chris & Vanessa Wyers

Chris Wyers
chriswyers@sbcglobal.net
415.715.0222

Johnson, Kenneth

From: Alina Zavodnik [azavodnik001@yahoo.com]

Sent: Thursday, February 28, 2013 8:59 AM

To: <jtrotter@jtad.net>

Cc: Johnson, Kenneth; <mgconstructionservices@gmail.com>; <jtrotter@jtad.net>

Subject: Re: Letter of Concern: Grading Proposal

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FEB 28 2013

Comm. Dev. Dept. Brisbane

Thanks Jim.

Ken,

This a significant change that would impact many, fairly minor projects that we had in mind in the upcoming years for our property. I question the intent of this proposal as this negatively impacts the future of minor projects by adding unnecessary time/costs to already stressful and demanding process.

My husband and i will try to make it to the meeting tonight but if I am not able to make babysitting arrangements please consider our voice against this proposal.

Best,

Alina Zavodnik

Sent from my iPhone

On Feb 27, 2013, at 6:27 PM, "Jim Trotter" <jtrotter@jtad.net> wrote:

Hi Ken,

Here is my letter. I've also asked Alina and Alex Zavodnik to consider attending or writing their own letter as well since I think they represent well the resident I have in mind in my letter for the hearing. I also mentioned their property in my letter and I noticed their property was listed for grading permits in Part I that you showed me.

Hope this helps,
regards, Jim

Jim Trotter, Principal
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design for life

<BrisbaneCommissionMtg(022813-jtad-letter).pdf>

RECEIVED

FEB 28 2013

Date: February 28, 2013

To: Planning Commission

Comm. Dev. Dept. Brisbane

Regarding: Grading Ordinance

I completely agree with what Bonnie has stated here. No need to say the same thing twice. Please let it be known that I concur.

Many thanks,

Elisa Primm
415.613.6601
elisaprimm@gmail.com

Sent from phone.

On Feb 28, 2013, at 2:42 PM, bonnie boswell <bonnboswell@yahoo.com> wrote:

Hi Ken,

Please read into the record at the meeting tonight:

Please do not change the grading ordinance to make it more difficult and costly to remodel homes. We do not want to discourage our neighbors from making changes to their homes, adding parking, or fixing up their homes.

I notice a beautiful thing happening once one home on a block gets remodeled, it seems that all the home owners nearby start a project of their own!

We do not want to discourage or delay our neighbors from remodeling their homes. Not only will it increase the value of the home, it will increase the value of the neighborhood and the community as a whole!

Also, remodeling a home can make our homes safer, alleviate parking problems, and potentially increase property tax, (and help with the schools).

Please do not change the grading ordinance in a manner that would complicate the permit process and further discourage home owners from fixing up their homes!

Sincerely,

Bonnie Boswell

Realtor Better Homes and Gardens Real Estate -JFF

415-595-5883 cell

DRE #: 01906999

www.bonnieboswell.com

Partner with Joel Diaz - Top Producer's List BHG, 2010 and 2011!

*Membership Coordinator of the MOB www.mothersofbrisbane.com

Thank you and have a great day!

TO: Brisbane Planning Commission
FROM : Dana Dillworth
RE: Grading Ordinance Revisions RZ-1-13
January 22, 2013

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JAN 24 2013

Comm. Dev. Dept. Brisbane

The staff report makes it sound like, since this was a “collaborative effort between the City staff and Mountain Watch,” that all issues are resolved and this is approved by Mountain Watch. This is not the case. There are some issues that are not within the purview of Mountain Watch. The agenda report fails to mention that this collaboration is the result of a lawsuit because the previous ordinance was not adequate to mitigate certain environmental issues. Because the City Engineer is not qualified for responding to environmental issues, some of the authority given to a civil engineer in this ordinance may still have environmental impacts and there should be mention of the CEQA checklist, prior to the City Engineer being able to issue a permit. When the City Engineer is given the power to require or not require certain components of the process, you deny due process to the Public, (Public’s right to know, notification procedures) and you circumvent CEQA.

There is no reasoning why grading permits aren’t standard throughout the city or what the requirements are for Southeast Bayshore (east of Bayshore upslope of the Lagoon,) Northeast Bayshore (Industrial Way Properties,) Beatty and the Baylands, Sierra Point and Crocker Park. All these areas are either adjacent to lands managed by the HCP, owned/managed by Universal Paragon, or, like Crocker Park, have upslope areas, which might require fully engineered grading.

There is no mention of complying with the new State laws that look at Global Warming and sea-level rise. Again, grading in areas not mentioned, like along the Lagoon, but could also include the center of town, should be included in the Planning Commission’s purview 17:32:220 and be stronger than just making comments and recommendations to the City Engineer. Recent changes in the Planning Commission regulations made them a legislative body, they have the authority to cease operations if it doesn’t comply with the General Plan and things within their purview but not within the ability of geotechnical specialists.

15:01:040 Definitions

9 – City Engineer – implies that the City Engineer or designated agents are qualified, licensed professionals. They should be, and it should be articulated here. But there are many different engineers (as I have learned by the Water Board) and future employees, or interim employees may not possess the ability to make a qualified judgment. This should be clarified.

13- Clearing and grubbing- doesn't mention how deep "below" the natural ground you mean. Someone could abuse this definition and go 10's of feet below and declare they were just "grubbing."

15:01:050 Precautions imposed by City Engineer

In the report there were mentions of City Engineer/Public Works Director and there may be a time that they are not one and the same. You need to have a provision if this is the case.

15:01:060 Discovery of prehistoric, historic, or unique archeological resources, or human remains.

Please define unique in this context. Shouldn't it be ANY archeological resource? There is also no mention of contacting cultural heritage resource agencies like the Native American Councils when their artifacts are found.

Other conditions that should stop grading (i.e. precautions imposed by the city engineer) but are not mentioned:

- 1.) There is the chance that grading in Brisbane will expose native asbestos rock called serpentine. This should be spelled out as something requiring precaution.
- 2.) Certain water conditions such as artesian effects and springs, which are a Public Resources, require greater acknowledgement than engineering a solution into a nearby waterway. Changing direction of a stream requires different permitting agencies and a City Engineer should not have the burden of making that judgment.

15:01:100 HCP Permission required

HCP notice/permission should also be required of lands that are adjacent to HCP areas, not just lands within the HCP boundary. Coordination of greenways, easements, habitat corridors, water features and the support of protected lands needs to be done before the grading, not after.

CR 15.01.11¹¹⁰ B,3i-- is it just street trees that would require a review by the Planning Commission?

ii- There are also some areas that have Elderberry, Islais Cherry and other trees that are more shrubby and should be protected as resource food for migrating birds and animals.

iii- mention of removal of invasive species and their seed stock should be greater.

CR 15.01.16¹⁶⁰ Application form should include the bonding method.

CR 15.01.18¹⁸⁰ Interim erosion and sediment control plan should also allow the City Engineer to require a dust monitoring system that responds to certain heavy dust conditions on

certain projects. Wind conditions may exacerbate the dust situation. Citizens need records of the site conditions, should there be any claim to the impacts to the town.

There are also laws which state how much Total Dissolved Solids are allowed in the waterways, but there is no mention here.

100 15.01.24²⁴⁰ Security

There should be a provision for 110% of the cost, because sometimes the estimates are low. Also, in the case of DTSC, they will not allow the value of the land to be the security for the project. This is so they don't bolt when unforeseen problems are uncovered. You should have a similar provision based on certain liabilities.

15.01.290 Appeals

This provision should include notice to neighbors and interested public interest groups.

15.01.350 Grading permit, Drainageway alteration

Since there is a Clean Water Act in place, a drainageway alteration should be concurrent with CEQA and other federal laws. A City Engineer should not be able to waive a permit for this condition. Water is a Public Trust Resource the Public has the right to be properly noticed of alterations of THEIR Public resource. This should also include presence of wetland plants and disallow any wetland draining without full Public knowledge.

15.01.470 Fills C) Preparation of the ground:

There should be a provision requiring/ offering the city or non-profit environmental agencies the opportunity to harvest native plants in the removal of vegetation, top soil, etc. This is a resource that shouldn't be squandered.