

November 18, 2013

City of Brisbane
Revd
11/18/13
Jhuu

To: Brisbane City Council
Raymond C. Miller, W. Clarke Conway, Clifford R. Lentz, and Terry O'Connell

From: Manh Quach
683 S. Mayfair Ave
Daly City, CA 94015
(415) 370 - 9935

Re: 8 Thomas Avenue Design Permit DP-1-13 & Grading Permit EX-1-13 Appeals Process

Dear City Councilors,

My name is Manh Quach and my family and I intend to build a home for ourselves at 8 Thomas Avenue. I am writing to let you know how grateful and relieved we are that our house design was approved for construction by the planning commissioners. It really does mean the world to us to finally be able to move on with the project and be able to build in Brisbane.

During the planning commission meeting on November 14, 2013, all 4 present commissioners, Jameel Munir, Karen Cunningham, TuongVan Do, and Carolyn Parker, *approved* my house's design 4 ayes to 0 nays. We completely understand and agree with the facts and decisions the commission made regarding what the key issues were. We already altered our house's design multiple times in attempts to appease our neighbors. The impact the house will have on the mountain will be minimal at most, if at all. The house follows all current guidelines and regulations set by city code, requiring no variances. We already have a landscaping plan in place that we intend to uphold and maintain in order to appease the requests of the commissioners and also mask much of the house. And most importantly, the true underlying issue at hand involved the matter of the house possibly obstructing private views of some neighbors, which are not legally protected by law as it would infringe on our constitutional rights as a potential homeowner. Ms. Cunningham made it very clear that the plan cannot be denied on the basis of private view obstruction.

The current concerns we have are with the appeals process. We are aware that any opposition will have the right to appeal the approval decision handed down on Thursday, November 14. We were also informed that to appeal, there is a fee. However, we also heard that with the approval of the councilors, that fee can be waived, which troubles us greatly.

We implore you to **not** waive this fee for anyone who would like to appeal the commission's decision. Every new design for the house costs my family about \$50000 just in architectural fees. After that, we would have to re-submit the new plan and have to go through this entire meeting and review process again, which will use up an additional 10-12 months. Every month that goes by waiting for a meeting is a valuable month off of my parents' lives. My parents are on the wrong side of 80 years old and I want them to be able to comfortably live in this house before their time is up.

Right now, we agree with everything the commission has ruled. We find no fault in any statements issued by the commission. Any appeal process, any further meetings and complaints: we can only see as a stall tactic by the opposing party to drain us of our desire and financial ability to build. We believe that if they truly feel they can win an appeal, they will not object in the slightest to paying for it. Every change they demand of us to implement to our design costs us both time and money. It would be unfair if they did not have to shell out a single dollar of their own in this fight.

We have already listened to and tried to implement as many changes as we could. The house is already at its minimum in order to stay true to the design. As our architect, David, mentioned in the meeting, any changes to the house would be an entirely new design. Any lowering of the house into the ground would cause run-off problems. Any lowering of the roof would bring about other issues as well. Also, having David completely redesign the house in this way would again cost us tens of thousands of dollars.

We have listened to our neighbors' requests, including the requests of Beth and Storrs Hoen, two of the opposing party's frontrunners in the planning commission meetings. Prior to the first meeting, Beth and Storrs invited my family, my architect, and me to their house to introduce ourselves and discuss the potential impact of our design. We listened, and we did implement changes such as the removal of the chimney and to work the landscaping to mask the house from their view as much as possible. During the hour or so we spent at Beth and Storrs' home, not *once* did they mention any worry about our design potentially impacting public views of San Bruno Mountain, which they used as their primary argument during the planning commission meetings. The only concern they expressed, over and over, was that our design would block their own private view of the bay.

We refrained from mentioning this story at either of the two meetings because, out of respect for our neighbors, we did not want to make this fight personal. Any appeals going forward are, as Ms. Cunningham has mentioned, either a matter of our house's impacts on **private views** or just someone's **general distaste** for larger houses. If personal preference and private views were to be a determining factor in a design application, it would essentially be the same as saying one family's ability to enjoy a nice view takes priority over an applicant's **constitutional right** to build a home to his/her liking.

Again, we implore you, as the City Council, to continue doing a wonderful job staying impartial and **not** agree to waive the appeal fee. With every passing day and every change demanded of our design, it consumes valuable time and money we just cannot afford to reallocate. If they are going to demand these changes of us, it is only fair that they have to pay for their own ticket to this fight.

Thank you, and if our worries are for naught and either no appeal is filed or the fee was going to be upheld anyway, then we want you to know how much we appreciate you taking the time to hear us out.

Sincerely,



Manh Quach
And the Quach Family

Brisbane Community Development Department
Members of the Brisbane Planning Commission
City Hall, 50 Park Place
Brisbane, CA 94005

Subject: 8 Thomas Avenue
11/14/13 Planning Commission Meeting



Dear Members of the Brisbane Planning Commission:

We are writing this letter to request that the Planning Commission find that the present design does not preserve public views of the San Bruno Mountain State and County Park (SBMSCP).

We appreciate the importance of the decision that the Planning Commission is about to make as this will set a key precedent for the interpretation of this ordinance with regards to the other eleven 5000 square foot homes proposed for Thomas Hill. Because this property is part of the Brisbane Acres, it deserves a thorough design review so that the design nestles into the hillside and becomes a welcoming entry for the Bay and Mountain setting of Brisbane.

This letter is divided into three parts. Section I describes some of the history of the present ordinance and the confusion around the previous ordinance. Section II discusses a new set of photos in which both the elevation and the GPS coordinates are included and the approximate positions of 8 and 88 Thomas are shown. These photos show that the present design does not preserve public views of the SBMSCP and the present design will obstruct much more of the

public views than the 88 Thomas design which - notably - the owners were asked by the Planning Commission on 9/24/09 to modify in order to preserve views of the SBMSCP. This design modification request was made before the present Ridgeline Ordinance was adopted. Section III is a proposal on one method of how to determine the visual impact of the house.

I would also like to apologize for the comments in my previous letter concerning how the proposed design would affect public views of the Bay (part of General Plan Policy 19). This section was copied from a letter of 2005 describing the effect of the previous design by the former owner. Because the effect of the present design is so significant at the intersection Ross and Sierra Point Road, I did not verify the other locations for this new design. I now believe that the design will not significantly affect public views of the Bay from local streets except at the Ross - Sierra Point intersection. As described in the remainder of this letter, the proposed design will however significantly affect public views of the Mountain.

Section I. Confusion around the ridgeline ordinance: the 'double ridgeline' interpretation.

The present and previous Ridgeline ordinances flow from the Policies and Programs of the 1994 General Plan - notably Policy 17 and Policy 19.

Policy 17: Preserve the ridgelines and hilltops in their open state

Program 17a: Prohibit land use changes that would result in development that would break the natural ridgeline.

Program 17b: Adopt hillside development standards that protect against ridgeline development through regulation of the siting of structures, location of access, landscape requirements and other pertinent factors.

Policy 19: In the context of respecting private property rights, make every effort to preserve and enhance public views of the Mountain and Bay.

Program 19a: Identify and map vistas and view corridors of community-wide value to be preserved and enhanced.

Program 19b: Consider amendments to the Zoning Ordinance to provide site plan review to assure that identified vistas and public view corridors remain accessible for public enjoyment. The review should evaluate building placement, height and bulk.

To capture these aspects of the General Plan, a simple one sentence ordinance was previously passed for homes in the Brisbane Acres.

BMC 17.12.040L (previous): Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park.

Seven years ago, when 8 Thomas last came before the Planning Commission and before the present ordinance was passed, there appeared to be a "double ridgeline" interpretation of this ordinance. That is, homes should not be built on ridgelines (the 'first' ridgeline) in Brisbane Acres in such a way that blocked public views of ridgelines (the 'second' ridgeline) of the San Bruno Mountain.

This “double ridgeline” interpretation does not appear in the previous ordinance, nor does it appear Policies 17 and 19 of the General Plan. There may be some support for it in the discussion surrounding the General Plan, but this is not what the City adopted in the General Plan, in the previous Ridgeline Ordinance and in the present Ridgeline Ordinance.

The present code is much more specific about the process and the role of the Planning Commission. It is similarly direct in stating that the proposed design should preserve public views of the San Bruno Mountain State and County Park and not just the ridgelines of the SBMSCP.

BMC 17.12.040 (present) Ridgeline. Development on any site through which a ridgeline runs the planning commission shall find that the building’s placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the community park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community wide value

We ask the Planning Commission to interpret this ordinance as it is written and require that the present design preserve public views of the SBMSCP.

Section II. The present design is in violation of the Ridgeline Ordinance.

We agree with the concern voiced by the Planning Commission and from public commentary that photographs do not capture the complete effect of a proposed design on public views. They can however contribute significantly to the process outlined in the ordinance. Importantly, they can be used to determine one aspect of the ordinance - whether a proposed design will preserve public views of the SBMSCP. They also can be used to flesh in the outlines of a proposed design from story poles that are otherwise difficult to interpret. Photos can be used to show other proposed structures. They are useful tools, but should only be a part of the Planning Commission’s decision process.

In the Planning Commission Meeting of 10 October, it was mentioned that there was some difficulty duplicating both the photos taken by the City Community Development Department and our photos. To make this process simpler, we have taken a new set of photos and included the GPS coordinates and the elevation from which our present photos were taken. We find our photos in general agreement with those of the City. For the elevation, we have chosen what we believe is an ‘average’ viewing height of 5’ 2.4” based on an average 5” distance from eye-level to the top of the head and a male average height of 5’ 10.2” and a female average height of 5’ 4.6”. All photos were taken at this height above the western edge of the bike path along the Bay Trail near the lagoon. Figure 1 of Addendum A shows the locations of the associated photographs along the lagoon.

As with our previous photos, these were taken with a simple Canon PowerShot point-and-shoot camera with a 4x zoom. The photos do not capture the level of detail that the naked eye can see.

Where possible, we have tried to include an outline of the proposed house at 88 Thomas. In Figure 2, we describe how we incorporated 88 Thomas into the photographs. Without a complete set of story poles for this structure, this is a difficult process and we certainly could have made mistakes. We based our sketches on the three remaining story poles for 88 Thomas and the City's Planning Commission Agenda Report of 12/11/09. Two of the remaining story poles (Poles 2 and 4) allow the City's image of the East View of 88 Thomas to be scaled and placed in the photos. Where only one of the story poles is visible (Views A and B), we mimicked the size and location of the design from photos which show all Story Poles (Views C, D, E and F).

It is important to mention that the modified design of 88 Thomas was approved under the previous ordinance and does not completely preserve public views of the SBMSCP. However, it still has a smaller effect of public views than the present design for 8 Thomas.

Walking from View A to View F, the proposed design of 8 Thomas will block significant portions of the San Bruno Mountain State and County Park. Views A and B (Figures 3 and 4) show that the present design of 8 Thomas blocks views of SBMSCP near the fire trail that runs from the quarry road to the ridge. The effect of 8 Thomas will be much larger than that of the existing apartment building. Views C, D and E (Figures 5, 6 and 7) show that the design of the 8 Thomas extends significantly above the apartment building and blocks public views of the upper portion of the SBMSCP. Indeed in View E, it covers the ridgeline that is visible above the apartment building. In View F, it blocks the uppermost peak of the SBMSCP. The distance from View A to View F is greater than the distance of two football fields.

Section III. A proposal for one method to determine the impact of this design

A personal view of the visual effect of the proposed design would be an important method to weigh the information from photos and the community. The present story poles work well for photographs because it is possible to form the envelope of the house using the tops of the poles. However, they do not work well when looking at the proposed design with the naked eye. The story poles are nearly invisible from the Bay Trail and it is difficult to determine the shape of the roof line.

To use the naked eye to evaluate the proposed design, we suggest that the tops of the story poles be connected by red tape or netting. This method is used in other cities to evaluate the envelope of proposed houses. It should then be possible to determine the extent that public views are disrupted by the present design.

In this evaluation, we ask the City and Planning commission to consider that any decision made for the present home will also apply to any other house that is built along a ridgeline in the Brisbane Acres.

Conclusions

The images clearly show that the present design does not preserve views the the San Bruno Mountain State and County Park. The negative effect of the proposed house is substantially larger than the existing apartment building and it blocks public views from a large 700 ft section of the Bay Trail. We believe that an exquisite house with expansive views of the Bay can be built on this property, but the owner should design a home that agrees with the Ridgeline Ordinance and nestles into the existing hillside.

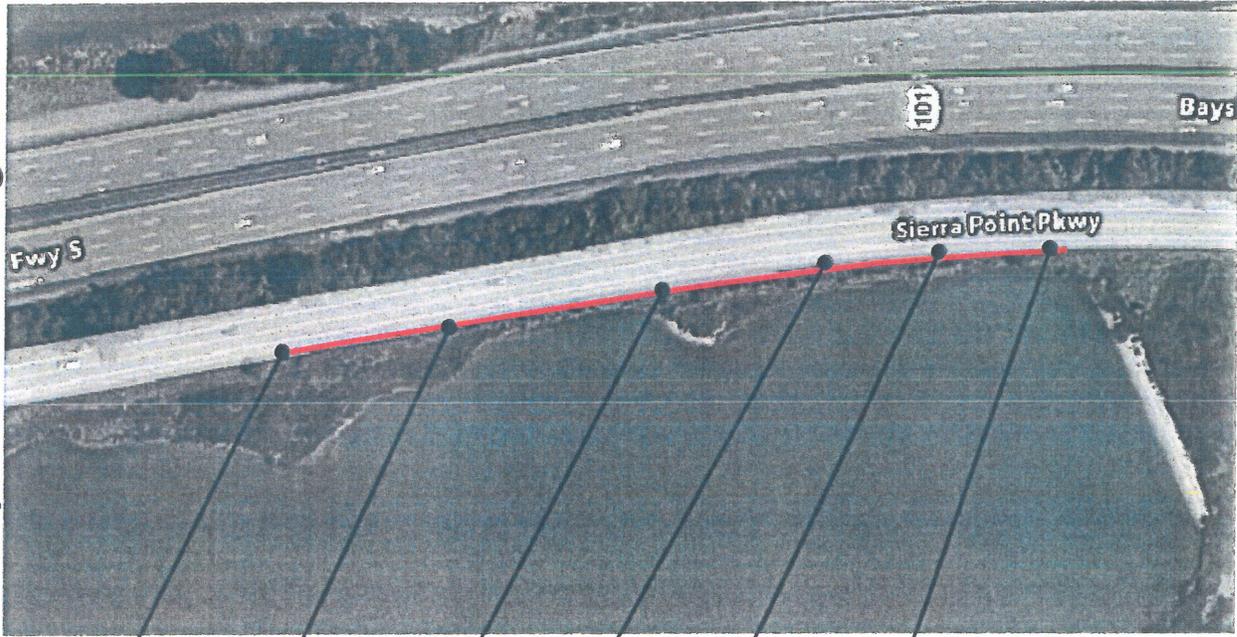
Thank you for your time in reading this request,

Yours,

Storrs Hoen and Beth Grossman

Figure 1. Map of Locations

Bay Trail near Lagoon



A
(37.68036,-122.389235)

B
(37.679935,-122.38913)

C
(37.67939,-122.38901)

D
(37.678982,-122.388945)

E
(37.678692,-122.38891)

F
(37.678432,-122.388925)

<http://www.oocities.org/drchengalva/GPSDistance.html> calculates 708 feet between B and I

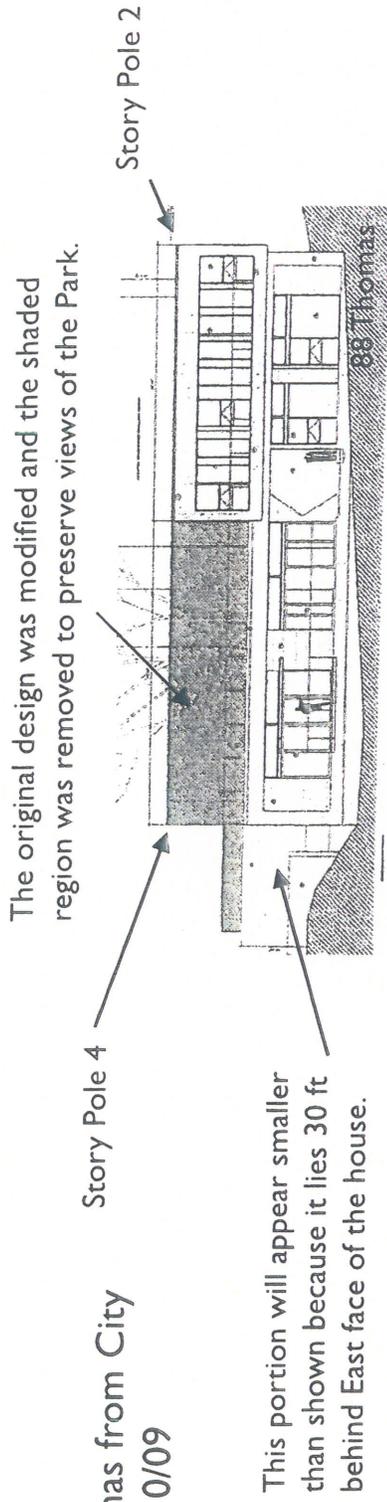
More than two football fields.

average height of US male: 5' 10.2
 average height of US female: 5' 4.1
 average distance from eyes to top of head: 5"
 set camera lens height at 5' 2.4"

Figure 4. How we put 88 Thomas in the photos

Step A.

Use East View of 88 Thomas from City Agenda Report from 12/10/09



Step B.

Locate Story Poles 2 and 4 in photo



Step C.

Scale 88 Thomas image, rough out shaded region and place according to the locations of Story Poles 2 and 4.

Possible Errors:

- Is Story Pole 2 correctly identified?
- Portion to the left of Story Pole 4 will appear smaller than shown because it is 30 ft behind East face of house



Figure 3. View A - 5' 2.4" above Bay Trail, GPS Location (37.68036,-122.389235)



Figure 4. View B - 5' 2.4" above Bay Trail, GF's Location (37.679935,-122.38913)



Figure 5. View C - 5' 2.4" above Bay Trail, GPS Location (37.67939,-122.38901)

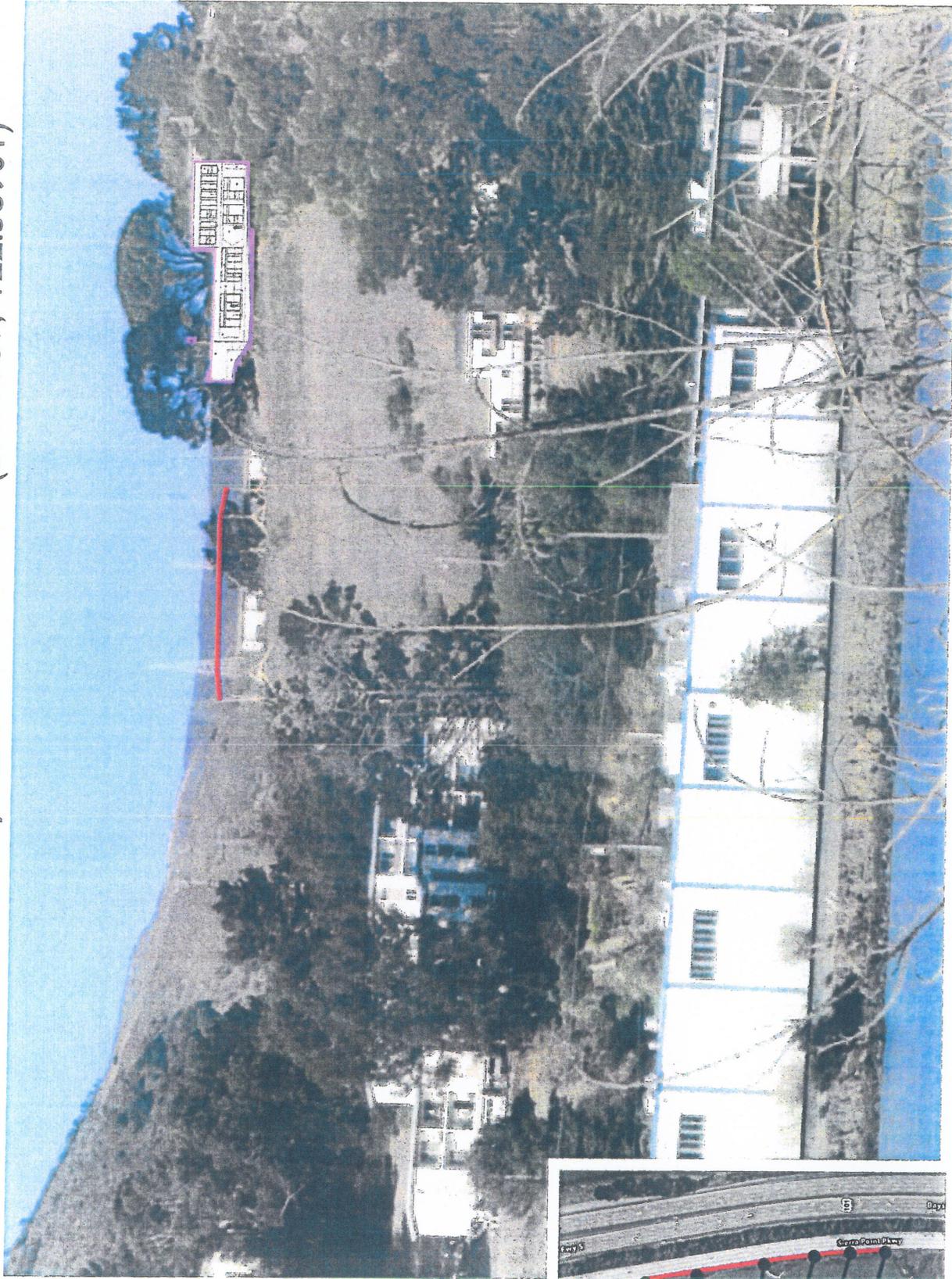


Figure o. View D - 5' 2.4" above Bay Trail, Gr's Location (37.678982,-122.388945)



G.1.77

Figure 7. View E - 5' 2.4" above Bay Trail, GPS Location (37.678692, -122.38891)

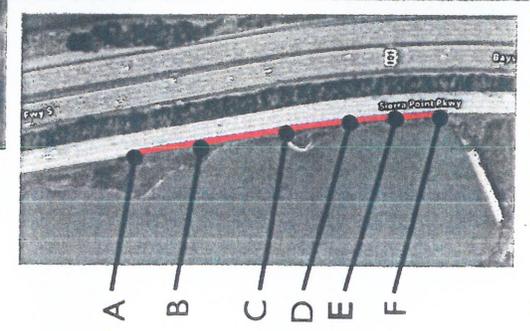


Figure 8. View F - 5' 2.4" above Bay Trail, Gr's Location (37.678432,-122.388925)



From: Beth Grossman [mailto:beth@bethgrossman.com]
Sent: Thursday, November 14, 2013 4:47 PM
To: Spediacci, Sheri
Subject: Letter regarding Thomas Hill

Dear Sheri,

I just received this email from a concerned citizen Rachel Ennis. She sent it to me because she didn't have a City email. I am forwarding it to you and hope you can get it to the Planning Commission for the record.

Thanks,
Beth

Hello Beth,

I am unfortunately unable to attend this evening due to a work commitment. However, if it would help, feel free to enter this email into any public comment or notes section where it may be helpful. I wish you the best of luck in asking the Planning Commission to uphold the height regulations.

Dear Planning Commission,

This is in regard to the Thomas Hill proposed new building and how the size and construction of this may impact the current residents.

While we live a bit farther up the hill, I am concerned too about this building and what it will do to traffic and parking on a narrow dead end street. Parking is an issue now, with modern families having more than one car and these older apartments only having one space per unit. Will this be addressed in the floor plan, ensuring that adequate off street parking is provided for the proposed size of the building? Will there be construction vehicles blocking access to my home as the building progresses and or will current street parking be blocked to accommodate this need.

One of the reasons we live on Thomas is for the views, as well as reasonable rents in an increasingly more expensive area. Most of the apartments are quite small but having just to look out our windows and see the beauty of our town make living in them feel much more spacious. Many of these apartments are occupied by families, and as such, we are concerned about anything that will impact our children. Having a home that towers over the existing buildings, and possibly blocking natural light, this is a concern.

While we are not home-owners, I hope that the Committee will take our needs as apartment dwellers into consideration as much as those of the builders. We choose Brisbane for a multitude of reasons, not the least of which is the natural beauty that surrounds us. Please don't allow that to be taken away.

Thank you,
Rachel Ennis
Thomas Avenue resident

From: "Grace, Peter"

Date: November 14, 2013 at 12:57:31 PM PST

Subject: Uphold the Ridge Ordinance

To whom it may concern:

Please uphold the Ridge Ordinance. The current Thomas proposal will clearly sit on the ridge line as seen from the Bay Trail and will block the view up to San Bruno Mountain State and County Park. Upholding the Ridge Ordinance will set an important precedent.

Peter Grace and Constance Veilleux
95 Kings Road

Brisbane, 14 November 2013.

To the members of the Brisbane Planning Commission

Re: 8 Thomas Avenue; Design Permit DP-1-13

The endeavor to evaluate the visual impact of a construction project on public views is inherently a subjective matter. In the case at hand, the applicant's *legal and buildable* lot is situated on a ridge line as per BMC_section 17.12.040.L. This does not violate anything: it merely *triggers* the application of a portion of the bylaws that govern our City. Namely: "the planning commission shall find that the building's placement, height, bulk and landscaping **will preserve those public views of the San Bruno Mountain State and County Park as seen from the community park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value.**" *Emphasis not in BMC code.*

One topic of considerable discussion during the planning commission's meeting of 10 October 2013 pertains to the photographic representation of the visual impact of the proposed structure on those public views. Senior Planner Johnson, as well as Brisbane residents Grossman and Hoen offered photographs taken at various points alongside the lagoon trail, in an effort to share the visual impact of the proposed structure at 8 Thomas street.

Commissioner Cuningham did note that the photographs as presented did not do justice to the visual impact of the proposed structure that would be experienced by a human standing on the trail, observing the view with *the naked eye*. She herself took some photographs, which I understand will be made available at some point.

I believe that all parties who provided photographs had a common intent: to support the discussion inherent to the process of reaching a decision in the matter at hand.

I would like to offer, below, the method I used to photographically represent the visual impact of the proposed structure. I would contend that any photograph is by nature a mere facsimile of the reality of what it means to look at the awesome sight that is San Bruno Mountain when viewed from across the lagoon or the shoreline trails, but I think that by following the following guidelines, one can approach a *fair and representative* photographic record of the in situ experience.

- The total Field of View for the human naked eye(s) (FOV) affords simultaneous visual perception in an area of about $160^{\circ} \times 175^{\circ}$.¹ The stereoscopic portion of the field of view where both eyes are seeing is about 90° .
- By using a DSLR camera, adjusted the magnification factor of the lens such that an object viewed by the naked eye appeared to be the same size as when viewed from the DSLR's optical view finder.
- Understanding that a single photograph cannot capture the field of view of 175° , multiple photographs were taken to cover at least 175° in "width". These multiple snapshots were then be "stitched" together to approach the panoramic "single view" experience of the naked eye.
-

This approach offers an important aspect that, respectfully, was lacking in the photographic documents offered during the meeting of 10 October, namely a relative sense of scale of what proportion of the *total* view the proposed project of 8 Thomas has an impact on.

The Google Earth included below illustrates the location of a few points from which I took photographs. A tight group of points, located on the property at 8 Thomas, mark the location of each of the story poles erected by the applicant as per BMC 17.12.040.L.1.

Pt 1 is the point at which any portion of the proposed structure comes into view when traveling along the lagoon trail, on the west side of the road, in a southerly direction. In other words, north of that point, the structure can simply not be seen from the lagoon trail.

Pts 2 through 5 indicate where various pictures were taken, with the proposed structure visible to the naked eye.

Pts 7 through 9 indicate points from which pictures were taken along the shoreline.

Points AAA and BBB mark the southern and northern points, respectively, between which the proposed structure's outline would be in front of San Bruno Mountain State and County park. Outside of those two points, the proposed structure does not block the park.

For each one of the points 1 through 9, I have produced a composite picture assembled from the cylindrical projection of all the pictures taken from the same point. This offers a wide field of view approximating the maximum naked eye field of view of a human being looking towards the proposed structure.

¹ Wandell, B. (1995). "Foundations of Vision." Sinauer, Sunderland, MA as cited in Neurobiology of Attention. (2005). Eds. Laurent Itti, Geraint Rees, and John K., Tsotos. Chapter 102, Elder, J.H. et al. Elsevier, Inc.

These composite pictures are best experienced on a computer with the ability to zoom in/out on a large screen. They each offer a good view of what portion of the naked eye field of view is occupied by the proposed structure *in relation* to the other visual elements such as San Bruno Mountain State and County park.

These photographs are available for anyone to see at:

<https://www.dropbox.com/sh/u8kue1d013kfy6v/OR0VuQfFlr>

Note that it is best to download the pictures and then view them with a photo preview program such as preview (mac OS) or Windows Photo Viewer (Windows)

The test to be applied by the Planning Commission is a subjective one: “the planning commission shall find that the building's placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the community park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value”.

From the community park, the views of the mountain are un-affected by the proposed structure as it is not visible.

From the shoreline, the views presented by photographs taken at points 7,8 and 9 show that the new proposed structure would not obstruct San Bruno Mountain significantly more than the apartment building located to the west of the site. Also, the photographs show that when taken in total, with particular respect paid to the naked eye field of view, there is a great portion of the total view occupied by San Bruno mountain with no encumbrance caused by the proposed structure. In other words, the visual impact is minor.

From the Bay Trail along the Brisbane Lagoon, we can see views where the proposed structure would partially obstruct some part of the naked eye view of San Bruno Mountain; it must be noted that the obstruction is incremental to the obstruction from the apartment building located to the west of the proposed structure, and that in relation to the total unencumbered views of San Bruno mountain, the total obstruction is minimal.

In the end, this question is a matter of subjectivity; by any other measure than an absolute interdiction of any obstruction of any view of San Bruno mountain, the subjective evaluation of the planning commission *must* take into account the portion of the naked eye field of view NOT affected at all by the proposed structure. This unaffected portion is far more visually present in the total view than any structure built within the applicable allowable maxima of height, width, coverage, etc.. ever could.

I respectfully submit that the planning commission has all the information it needs to render a decision, and offer but one resident's opinion in the matter: the applicant's project should be conditionally approved to go forward pursuant to the recommendation of City Staff.

With kind regards,

Luc Bouchard
Brisbane resident



Johnson, Kenneth

From: Spediacci, Sheri
Sent: Wednesday, November 13, 2013 7:38 PM
To: Johnson, Kenneth
Subject: Fwd: 8 Thomas Avenue

Sent from my iPad

Begin forwarded message:

From: Diane Van Stralen <diane4468@gmail.com>
Date: November 13, 2013 at 7:15:32 PM PST
To: "Spediacci, Sheri" <sheris@ci.brisbane.ca.us>
Subject: **8 Thomas Avenue**

Dear Planning Commissioners,

Just to reiterate the important points from the last email I sent regarding the Thomas Hill Development, please do not set precedence by allowing the current plans to go forward and honor the ridge ordinance.

Thank you,

Diane Van Stralen
29 Glen Park Way

From: David Carroll [mailto:David.Carroll@sfdph.org]

Sent: Wednesday, November 13, 2013 5:26 PM

To: Spediacci, Sheri

Subject: 8 Thomas Avenue; 14nov13 Planning Commission Meeting

Dear Members of the Brisbane Planning Commission,

The issue of honesty was brought up at the last meeting regarding the plans for 8 Thomas Avenue. The overwhelming majority of attendees were against the plans as they stand now, but were willing to consider a compromise if their concerns were addressed. Honesty is subject to perspective. What is honest to you isn't necessarily honest to me. We have laws that govern us and they are subject to interpretation. I'm against the current plans for many reasons, but the only one that holds water is that it blocks views of the San Bruno Mountain State Park ridgeline.

As long as San Bruno Mountain is a State Park, no one can build on it's dramatic east-west ridgeline which dominates the view south from San Francisco. Brisbane simply is San Bruno Mountain. We respect and nurture each other. What about the other ridgelines that can complement or block the view of the mountain? The question is whether the view of the ridgeline is worth preserving from certain vantage points, different than ones that one commissioner said were underwater. The story poles show that the structure in question blocks these views.

This will set a precedent for future building in Brisbane and what lies below the ultimate ridgeline, if it is to attempt harmony or be an eyesore. At the last meeting it was mentioned by one of the commissioners that there are thirteen 4500 plus square foot homes in Brisbane. I'm sure you will correct me if I'm wrong, but they don't seem to be in my face as I drive, walk, or bicycle in and out of town. Most of the homes I see look like bungalows that would barely cover 1000 square feet, with the exception of those in the distance nestled in the slopes of the mountain.

Now as for my honest feelings, should the interests of community-active citizens who've spent ten, twenty, thirty, or more years here be dismissed in favor of someone who thinks they want to live here, someone who has never felt or heard the windgusts that sound like a train roaring through the eucalyptus trees, or had to deal with a flooded groundfloor when the rains saturate the mountain. Of course not, unless there is a law to support them.

Finally, life is tragic, and I commend the owner for wanting to build a monument to his parents, but should you bend the rules for that? I'm a resident of Brisbane because of the unfortunate, untimely death of my partner's landlord. He had bought his dreamhouse, but his plans to add-on to the existing structure didn't conform to existing codes and he was turned down. End of story, no one is happy about how it turned out, but we feel like we have been given his gift as the mountain is all our gift.

Thank you for your attention and your commitment in considering the laws as well as those who you represent now and in the future in making this important decision.

Alissa Perrucci and David Carroll
812/818 Sierra Point Road

From: "Kerekes, Steven" <steven.kerekes@sbcglobal.net>

Date: November 13, 2013 at 10:09:48 PM PST

To: "Spediacci, Sheri" <sheris@ci.brisbane.ca.us>

Subject: **Ridgeline Ordinance Thomes Ridge**

Dear Commissioners

I have been A resident of Brisbane for 40 years. I think the one thing that saddens me the most about Brisbane is the lack of enforcement on ordinances and rules that have already been decided.

It feels like I must maintain vigilance to make sure that city Council, planning Department and Police Department enforce the laws that are already on the books and have been lawfully pasted.

About the Thomas Hill development I thought this was already decided awhile ago. Brisbane has already lost much of the small town feel with the construction along the ridge that Mr Deaz built. Before that the development the five-story homes built on Tulare are a eyesore and out of proportion with the rest of the homes in the area.

To many of my neighbors we feel betrayed when we turn our back and take our eye off the ball and wake up to some large home being already approved and built. With Jobs, families and the general grind of life we entrust your panel to enforce the laws that are already on the books.

I am not anti-growth or anti-property ownership but feel that someone has to draw a line in the sand and say that's enough.

I'm sure whoever bought the property from the previous owners knew of the restrictions on that area.

I applaud all of the members on the planning commission.

I understand that many times it is a thankless job.

Please take the long view of what is best for the character of Brisbane.

Sincerely
Steven Kerekes
103 Ross Way

Johnson, Kenneth

From: anke_ente@yahoo.com
Sent: Wednesday, November 13, 2013 11:03 AM
To: Johnson, Kenneth; Planning Commissioners
Cc: Grossman, Beth
Subject: ridgeline Thomas Street

please uphold the ridgeline ordinance now in place.

thanks for your consideration and your many hours of volunteer work

Anke

From: David Carroll [mailto:David.Carroll@sfdph.org]

Sent: Wednesday, November 13, 2013 5:26 PM

To: Spediacci, Sheri

Subject: 8 Thomas Avenue; 14nov13 Planning Commission Meeting

Dear Members of the Brisbane Planning Commission,

The issue of honesty was brought up at the last meeting regarding the plans for 8 Thomas Avenue. The overwhelming majority of attendees were against the plans as they stand now, but were willing to consider a compromise if their concerns were addressed. Honesty is subject to perspective. What is honest to you isn't necessarily honest to me. We have laws that govern us and they are subject to interpretation. I'm against the current plans for many reasons, but the only one that holds water is that it blocks views of the San Bruno Mountain State Park ridgeline.

As long as San Bruno Mountain is a State Park, no one can build on it's dramatic east-west ridgeline which dominates the view south from San Francisco. Brisbane simply is San Bruno Mountain. We respect and nuture each other. What about the other ridgelines that can complement or block the view of the mountain? The question is whether the view of the ridgeline is worth preserving from certain vantage points, different than ones that one commissioner said were underwater. The story poles show that the structure in question blocks these views.

This will set a precedent for future building in Brisbane and what lies below the ultimate ridgeline, if it is to attempt harmony or be an eyesore. At the last meeting it was mentioned by one of the commissioners that there are thirteen 4500 plus square foot homes in Brisbane. I'm sure you will correct me if I'm wrong, but they don't seem to be in my face as I drive, walk, or bicycle in and out of town. Most of the homes I see look like bungalows that would barely cover 1000 square feet, with the exception of those in the distance nestled in the slopes of the mountain.

Now as for my honest feelings, should the interests of community-active citizens who've spent ten, twenty, thirty, or more years here be dismissed in favor of someone who thinks they want to live here, someone who has never felt or heard the windgusts that sound like a train roaring through the eucalyptus trees, or had to deal with a flooded groundfloor when the rains saturate the mountain. Of course not, unless there is a law to support them.

Finally, life is tragic, and I commend the owner for wanting to build a monument to his parents, but should you bend the rules for that? I'm a resident of Brisbane because of the unfortunate, untimely death of my partner's landlord. He had bought his dreamhouse, but his plans to add-on to the existing structure didn't conform to existing codes and he was turned down. End of story, no one is happy about how it turned out, but we feel like we have been given his gift as the mountain is all our gift.

Thank you for your attention and your commitment in considering the laws as well as those who you represent now and in the future in making this important decision.

Alissa Perrucci and David Carroll
812/818 Sierra Point Road

Johnson, Kenneth

From: Spediacci, Sheri
Sent: Thursday, October 10, 2013 4:50 PM
To: Johnson, Kenneth
Subject: Fwd: Ridgeline Ordinance

Sent from my iPhone

Begin forwarded message:

From: Danielle Kellstedt <kellstedts@comcast.net>
Date: October 10, 2013, 3:51:30 PM PDT
To: "Spediacci, Sheri" <sheris@ci.brisbane.ca.us>
Subject: **Ridgeline Ordinance**

Hi,

As Brisbane residents we would like the planning commission to enforce the Ridgeline Ordinance 17.42.020L made to protect the views of San Bruno Mountain.

Thank you,

Danielle and Scott Kellstedt
516 Alvarado street

Brisbane Community Development Department
Members of the Brisbane Planning Commission
City Hall, 50 Park Place
Brisbane, CA 94005

Subject:

8 Thomas Avenue

10/10/13 Planning Commission Meeting

I'am writing this letter to request that the Planning Commission **ask the Applicant to significantly modify the design for the proposed house** at 8 Thomas Avenue. The present design does not preserve public views of the San Bruno Mountain State and County Park (SBMSCP).

This decision will set an important precedent for the interpretation of this ordinance with regards to the other eleven 5000 square foot homes proposed for Thomas Hill. Because this property is part of the Brisbane Acres, it deserves a thorough design review so that the design nestles into the hillside and becomes a welcoming entry for the Bay and Mountain setting of Brisbane.

Danny Ames

690 Sierra Pt Rd.

Brisbane Ca

415 467-2392



San Bruno Mountain Watch • PO Box 53, Brisbane, CA 94005
www.mountainwatch.org • sanbruno@mountainwatch.org • 415-467-6631
SBMW is a non-profit 501c3 corporation

RECEIVED

OCT 10 2013

Comm. Dev. Dept. Brisbane

Brisbane Planning Commission

RE: Design Permit DP-1-13 for 8 Thomas Ave.

Dear Planning Commissioners,

San Bruno Mountain Watch wishes to register opposition to granting a variance to Brisbane's Ridgeline Ordinance BMC 17.12.040L for 8 Thomas Ave. We think the building as planned will obstruct views of the mountain from a portion of the Bay Trail. Preserving views of San Bruno Mountain from public places is important to us because we are interested in increasing positive public awareness of the mountain. If the public sees that people around the mountain care about it, they are more likely to care about preserving it.

The property owner has options for meeting the requirements of the ordinance, while still building a beautiful spacious home in a prime location.

The community of Brisbane has the right to preserve and further shape the atmosphere and quality of life in Brisbane that they find attractive and comfortable. The Ridgeline Ordinance is a legal tool for helping do this. Please preserve the integrity of the ordinance.

Sincerely,

Ken McIntire
Executive Director
San Bruno Mountain Watch

Sent via email: Thu 10/10/2013 3:35 PM

To: Planning Commission

CC: Ken McIntire

Re: Comments about 8 Thomas Avenue: for your meeting of Oct 10

Dear Planning Commission,

I am unable to attend your meeting tonight, Oct 10, 2013. Please record this message into your files of public comment about Design Permit DP-1-13 for 8 Thomas Avenue.

I had commented on the previous attempt by this builder / owner about 3 years ago. I supported then and continue to support now, that the sightlines rules must be followed exactly.

Please do not grant to this project any leniency in either the sightline rules or any other normal building code rule that applies.

I feel overall that this project is too large and will present a "McMansion" appearance to a venerable gateway corridor into Brisbane.

I ask the Commission also to consider the burden of vehicular traffic on the stretch of San Bruno Avenue between Santa Clara Street and Thomas Avenue. If the "McMansion" occupants use, say 3 vehicles, in keeping up with a 5,000+ sq ft lifestyle, they could contribute 6 to 15 trips per day on this roadway. From my experience at the Tulare Street intersection in the past few months, that additional traffic would bring about a tipping point and greatly increase the chances of a significant collision. The risks are especially acute at the times of student drop-off and pick-up at BES. So many of these kids are in their parents vehicles!

I thank you for your attention to my concerns. I support a strict adherence to all building permit rules and strongly prefer some downsizing of the design for 8 Thomas Avenue.

Sincerely,

--

David S. Crampton
164 Tulare St,
Brisbane
home phone: 415 468 8623

Brisbane Community Development Department
Members of the Brisbane Planning Commission
City Hall, 50 Park Place
Brisbane, CA 94005

Subject: 8 Thomas Avenue
10/10/13 Planning Commission Meeting



Dear Members of the Brisbane Planning Commission:

We are writing this letter to request that the Planning Commission ask the Applicant to significantly modify the design for the proposed house at 8 Thomas Avenue. The present design does not preserve public views of the San Bruno Mountain State and County Park (SBMSCP).

This decision will set an important precedent for the interpretation of this ordinance with regards to the other eleven 5000 square foot homes proposed for Thomas Hill. Because this property is part of the Brisbane Acres, it deserves a thorough design review so that the design nestles into the hillside and becomes a welcoming entry for the Bay and Mountain setting of Brisbane.

The remainder of this letter is divided into three parts: Section I describes why the present design for the house on 8 Thomas Ave is in violation of the Ridgeline Ordinance, BMC 17.12.040L. Section II describes how this situation differs from that of the previous owner, Nelson Cheung, and Section III describes possible design modifications that would mitigate the disruption of the public view corridor.

Section I. The present design for 8 Thomas Ave is in violation of BMC 17.12.040L.

Brisbane Municipal Code 17.12.040L applies to homes in the Brisbane Acres Residential District and places the requirement that “the planning commission shall find that the building’s placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the community park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value.”

The Addendum, pages A1-A10 shows photos of the story poles of the proposed design along a 700 foot section of the Bay Trail along the Lagoon. The photos were taken approximately every 70 feet along the Bay Trail. For greater than the length of two football fields, the proposed design more than doubles the effective height of the apartment building in blocking views of the SBMCP.

View A was taken approximately 100ft further south than the City’s L1800 photo. It clearly shows that the proposed design blocks views of the SBMCP near the fire road and dwarfs the effect of the existing apartment building. Walking further south along the Bay Trail (images B, C, and D) the proposed design continues to block large sections of the Park and nearly extends to the ridgeline of the Park itself. In image E, approximately 100ft further south than the City’s L2400 photo, the proposed design not only blocks the view of an upper portion of the SBMCP, it extends through the ridgeline of the Park. In images F, G, H and I, it extends well past the apartment building and blocks the upper ridgeline of the Park.

These images were taken with a simple Canon PowerShot with 4X zoom.

From these pictures, the proposed design manifestly does not ‘preserve views of the SBMSCP.’ Here we have shown that along a 700ft length of the Bay Trail views are not preserved and it more than doubles the effect from the neighboring structures. The proposed design clearly does not have minimal effect. The purpose of the recently adopted code is ensure that the Bay and Mountain setting of Brisbane is not compromised by the sum of several houses built along our ridgelines.

We should also note that views are ‘not preserved’ from a substantial section of the Bay Trail at the Marina. Even from these locations, the proposed design extends over the apartment building. However, the impact is relatively minor compared to the impact from the Bay Trail near the Lagoon.

As one final consideration, while not codified in the Municipal Code, the 1994 General Plan states the following:

Policy 19: In the context of respecting private property rights, make every effort to preserve and enhance public views of the Mountain and Bay.

The present design will significantly degrade public view corridors to the Bay of many streets within Brisbane; notably, San Bruno Ave near Annis Road, Sierra Point Road near Glen Park and Ross Avenue; Humboldt Road near Glen Park, Kings Road, San Mateo Lane, and Trinity Road;

Kings Road near Trinity Road, San Mateo Lane and Humboldt Road. These roads all provide public pathways for drivers and walkers and comprise some of the Mountain and Bay atmosphere of Brisbane.

Section II. How the present situation differs from that of the previous owner.

Seven years ago, a design permit was issued to the previous owner, Nelson Cheung, that allowed him to build a house that would block public view corridors of the San Bruno Mountain State and County Park. This compromise was reached because of several considerations. The Planning Commission, the Applicant and the Community Development Department were not initially aware that BMC 17.12.040L applied to this property. The municipal code consisted only of a single sentence that had multiple interpretations. Members of the Planning Commission, the City and the public often had differing opinions on how the ordinance should be applied. There was disagreement whether a ridgeline ran through this property. At that point in time, in light of all of these uncertainties, a compromise seemed the best path to balance the rights of the owner with the rights of the community. To prevent the City from being embroiled a similar process, the City Council amended and adopted a more precise Ridgeline Ordinance that would apply to all future developments.

This present situation differs significantly from that of the previous owner. First, the design permit of the previous owner has lapsed. Second, the new owner has been clearly notified by the City that the property lies in Brisbane Acres and must satisfy the Ridgeline Ordinance. Third, the ordinance has been substantially clarified to call out which properties are affected and not affected by the ordinance. The Ordinance outlines the design review process and lists that the placement, height and bulk of the design may be altered. Fourth, and most importantly, because the previous design permit has lapsed, the decision the Planning Commission makes will become the precedent by which other designs will be evaluated.

Section III. Possible design modifications to mitigate the disruption of public view corridors

8 Thomas sits at a prominent entryway to Brisbane. Any house built on this site will have exquisite views of the Bay, Mt. Diablo and the East Bay. It should be designed in a way that is appropriate for the setting and preserves public view corridors. We believe this site is more appropriate for a smaller home that nestles into the northern edge of the property and steps down the hillside, maintaining the flow of the ridge. In contrast, the present design does not preserve views of the SBMSCP over a substantial length of the Bay Trail. It would be a fairly simple process to take pictures from the Bay Trail and determine how to build a house that preserves views of the Park.

There are a number of ways the applicant could modify the design to meet the Ridgeline Ordinance requirements. We believe that the upper floor currently consists of vaulted ceilings (13ft in the center of vault) and the lower floor has 9 ft ceilings. The upper vaulted ceilings could be reduced significantly to minimize the height of the overall house. The peaked rooflines

could be aligned East to West and not North to South to again reduce the perceived height from the Bay Trail. The design could be stepped down the hillside and six foot crawl spaces under the upper floor could be reduced. The grading of the foundation could be increased to drop the house height. These changes would have a significant effect in reducing the impact of the house on views such as those shown in Views E, F, G, H and I.

The negative effect of the present design on public views is also largely due to its bulk. Though it is hard to make a 5000 square foot house appear 'small', the present design is made especially large because it includes a two story 650 square foot enclosed atrium. Amazingly, this atrium comprised of 1,300 square feet is considered neither in the lot coverage nor in the square foot measurement of the house. By including a atrium, the outside bulk of the house is substantially increased. If this atrium were removed, the design could have less impact on public views such as those shown in Views A, B, C and D. Finally, the landscaping should not include any trees that at maturity would exceed the height of the house.

Conclusions

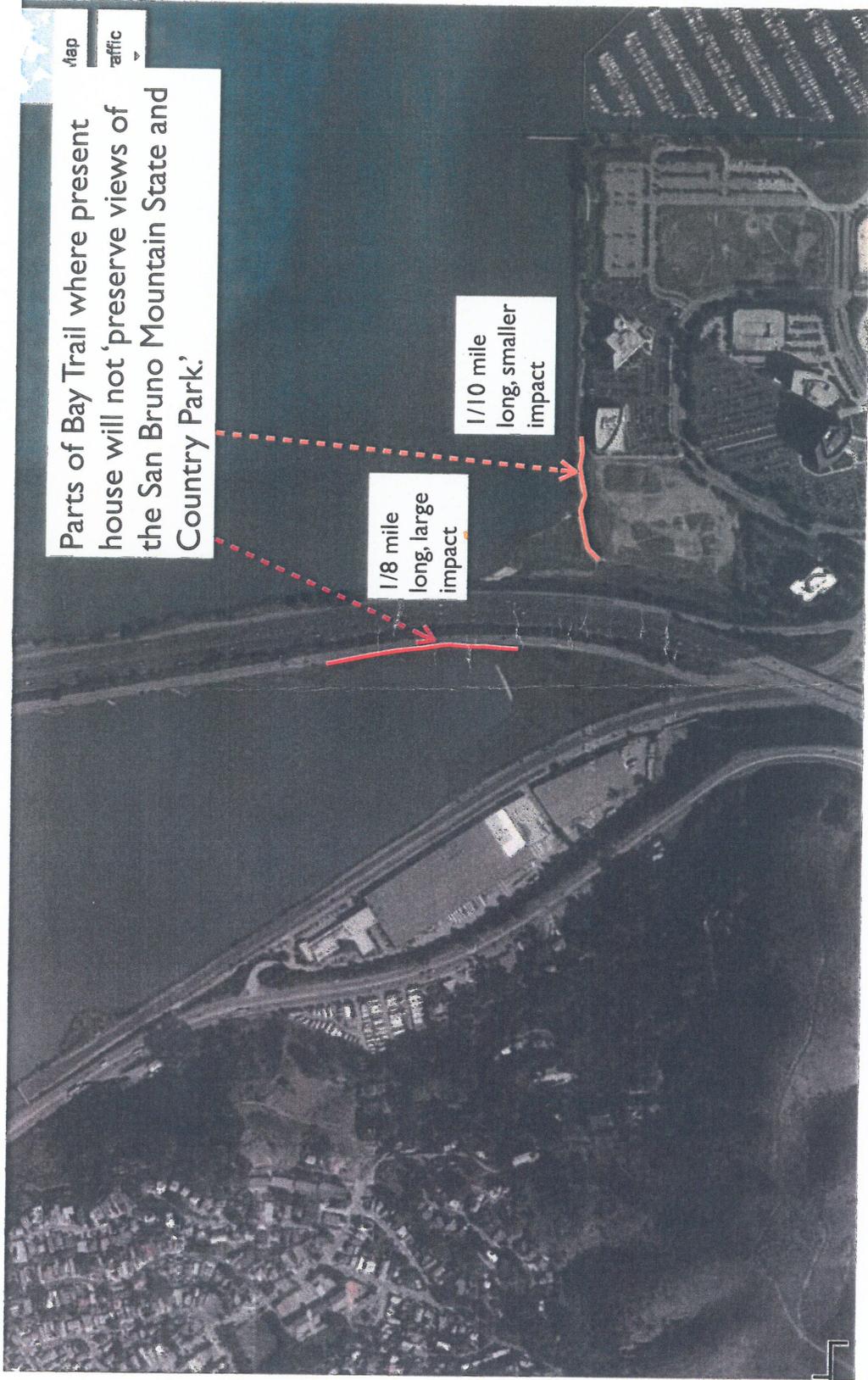
The images clearly show that the present design does not preserve views the the San Bruno Mountain State and County Park. The negative effect of the proposed house is substantially larger than the existing apartment building and it blocks public views from a large 700 ft section of the Bay Trail. We believe that an exquisite house with expansive views of the Bay can be built on this property, but the owner should design a home that agrees with the Ridgeline Ordinance and nestles into the existing hillside.

Thank you for your time in reading this request,

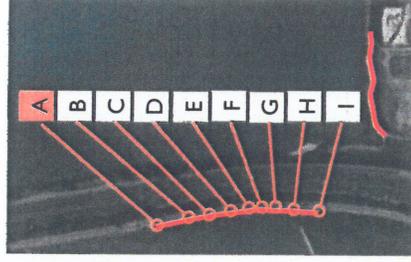
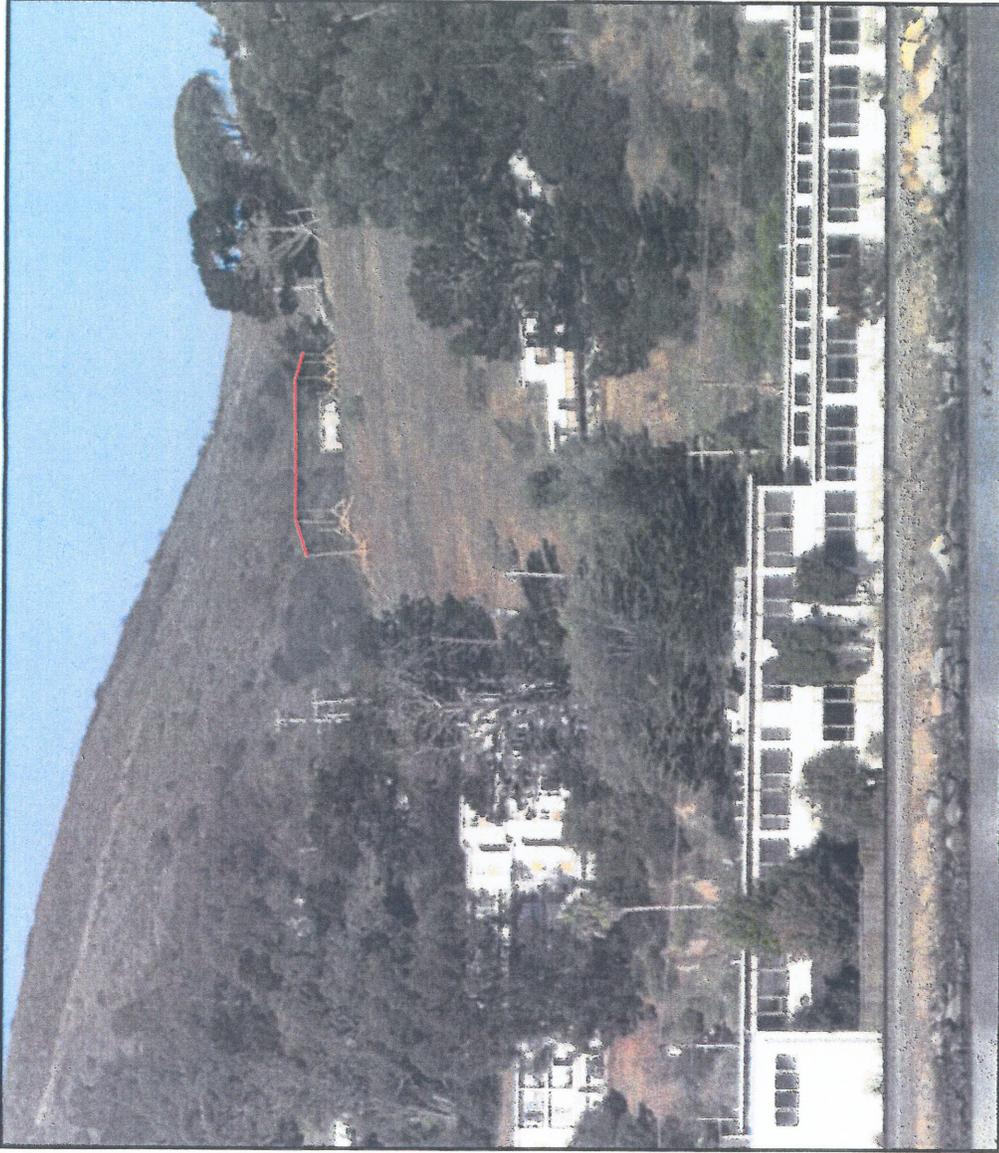
Yours,

Storrs Hoen and Beth Grossman

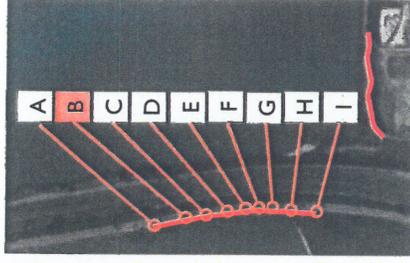
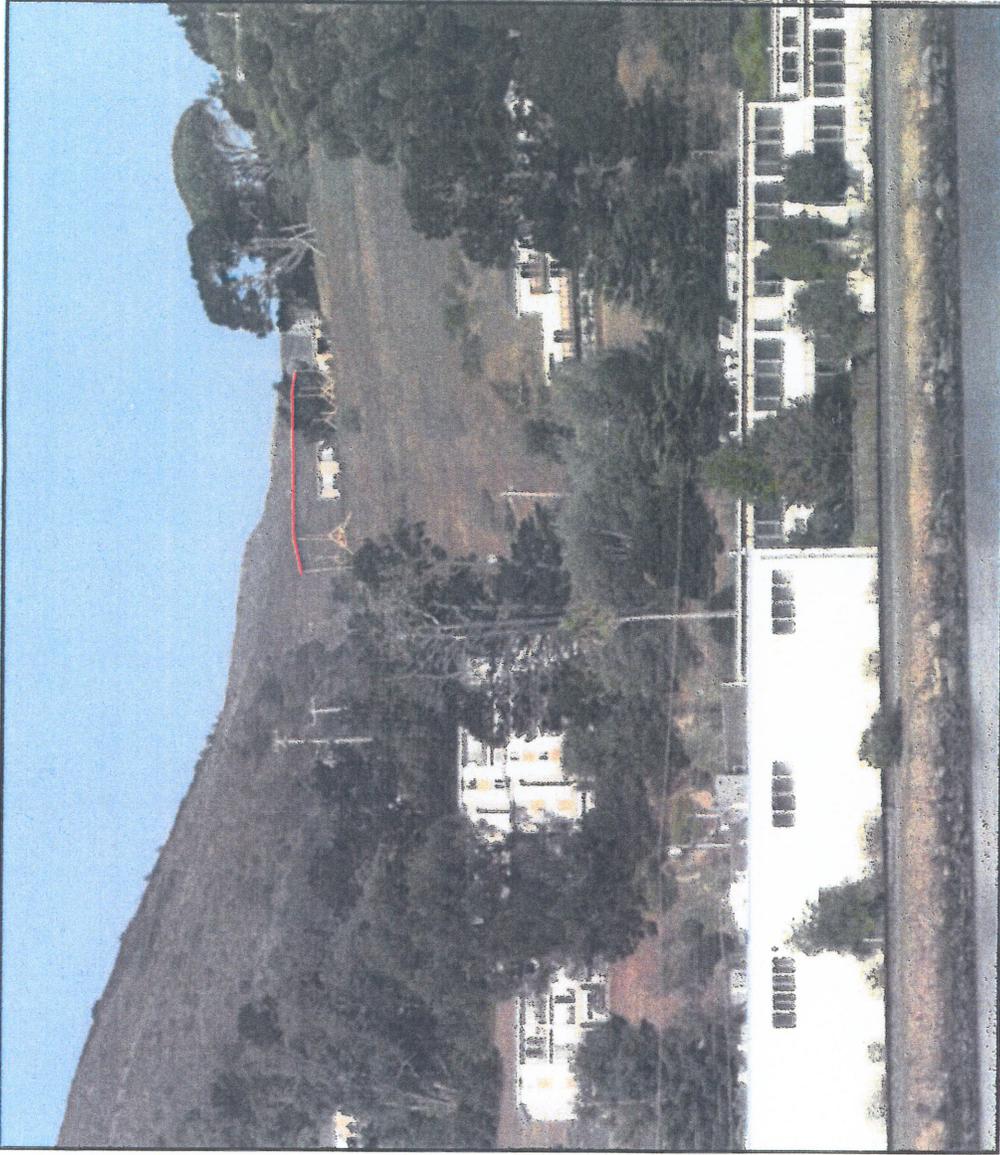
Views are affected over considerable lengths of the Bay Trail



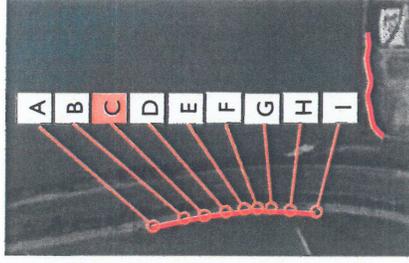
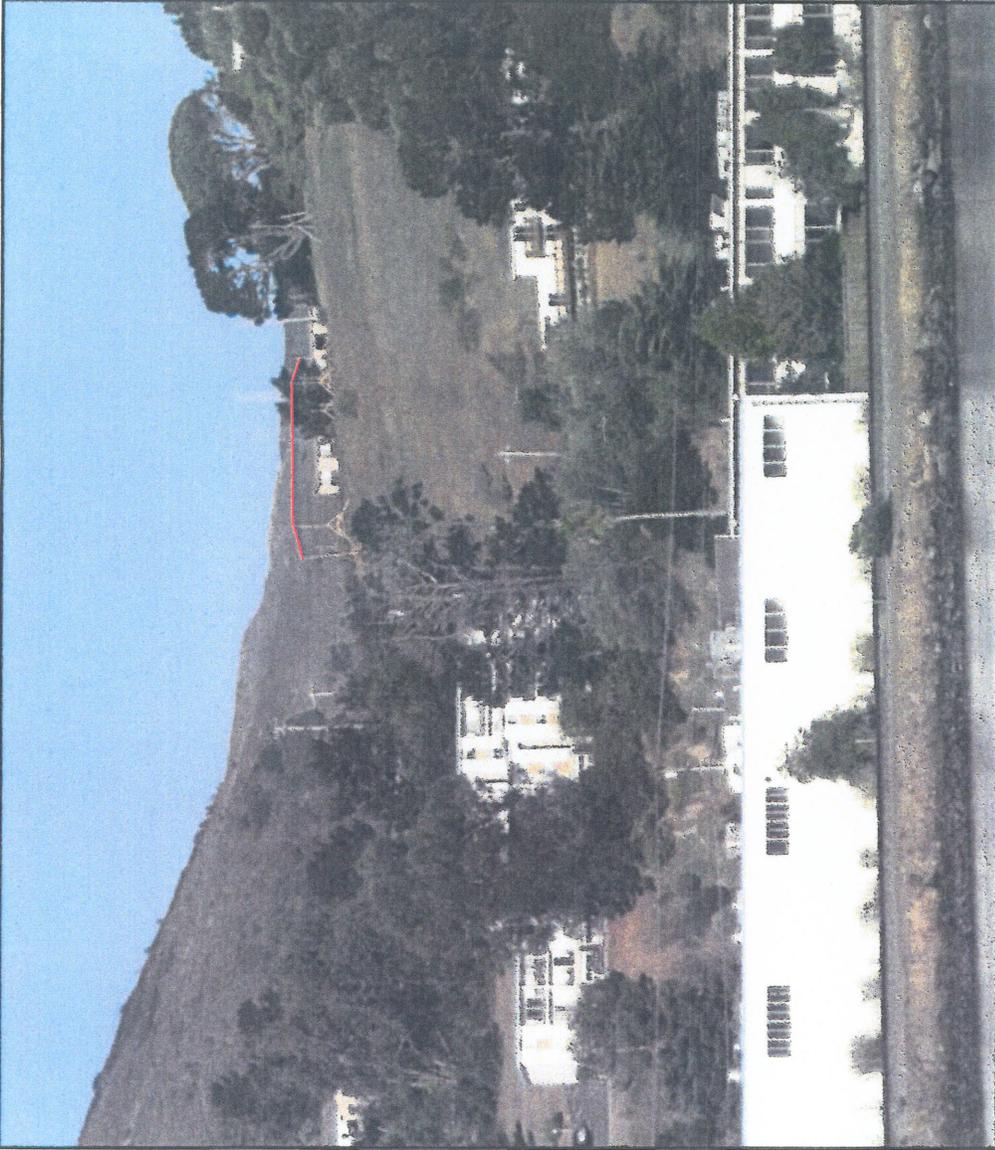
Views from Bay Trail along Lagoon - View A



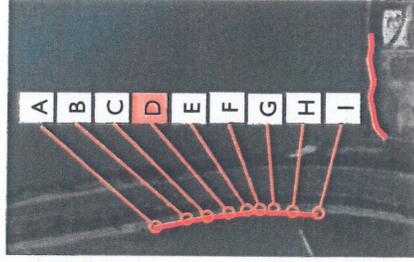
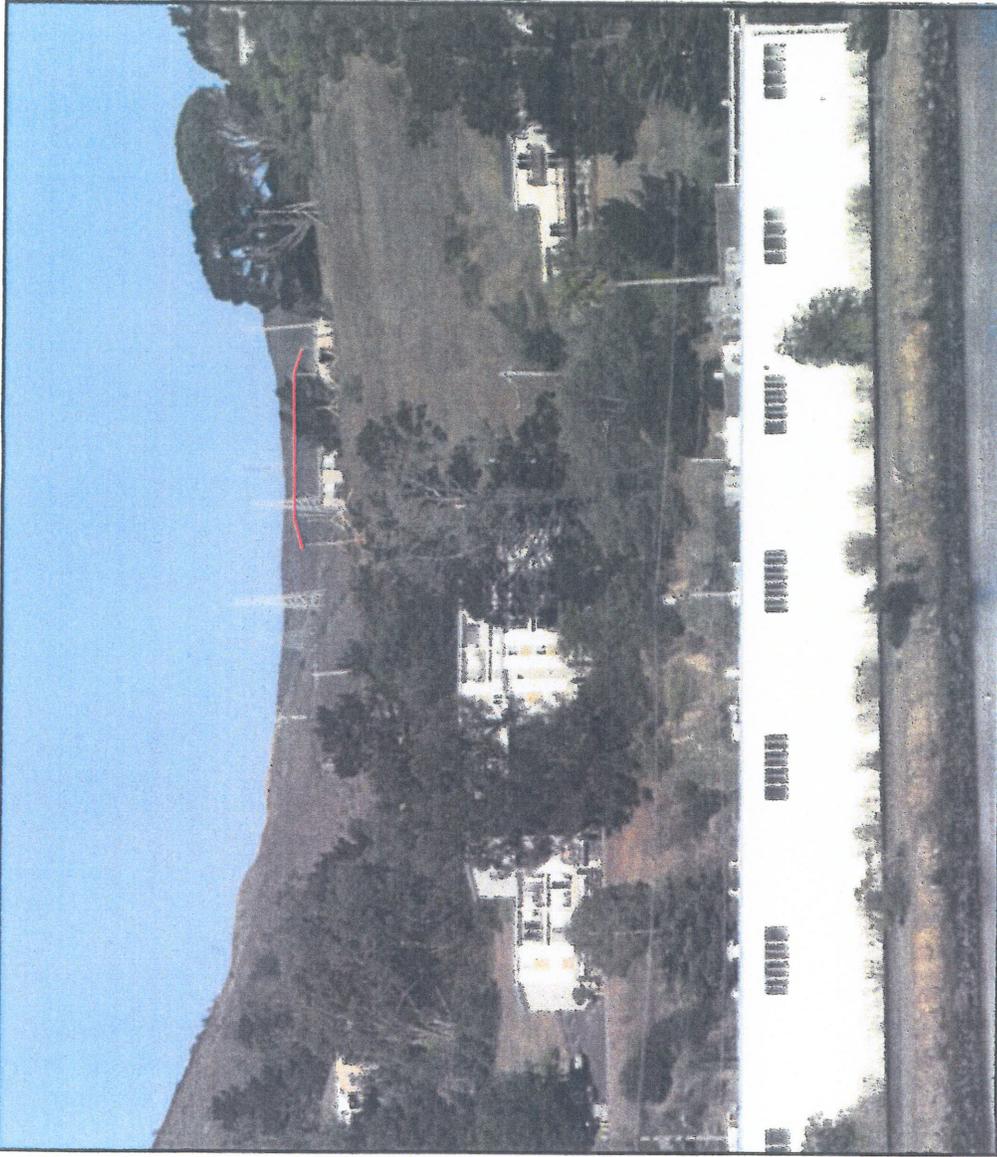
Views from Bay Trail along Lagoon - View B



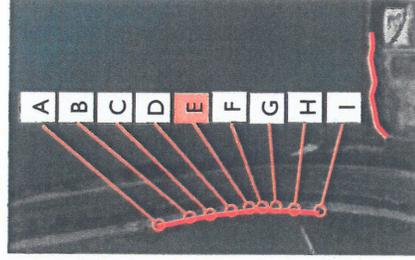
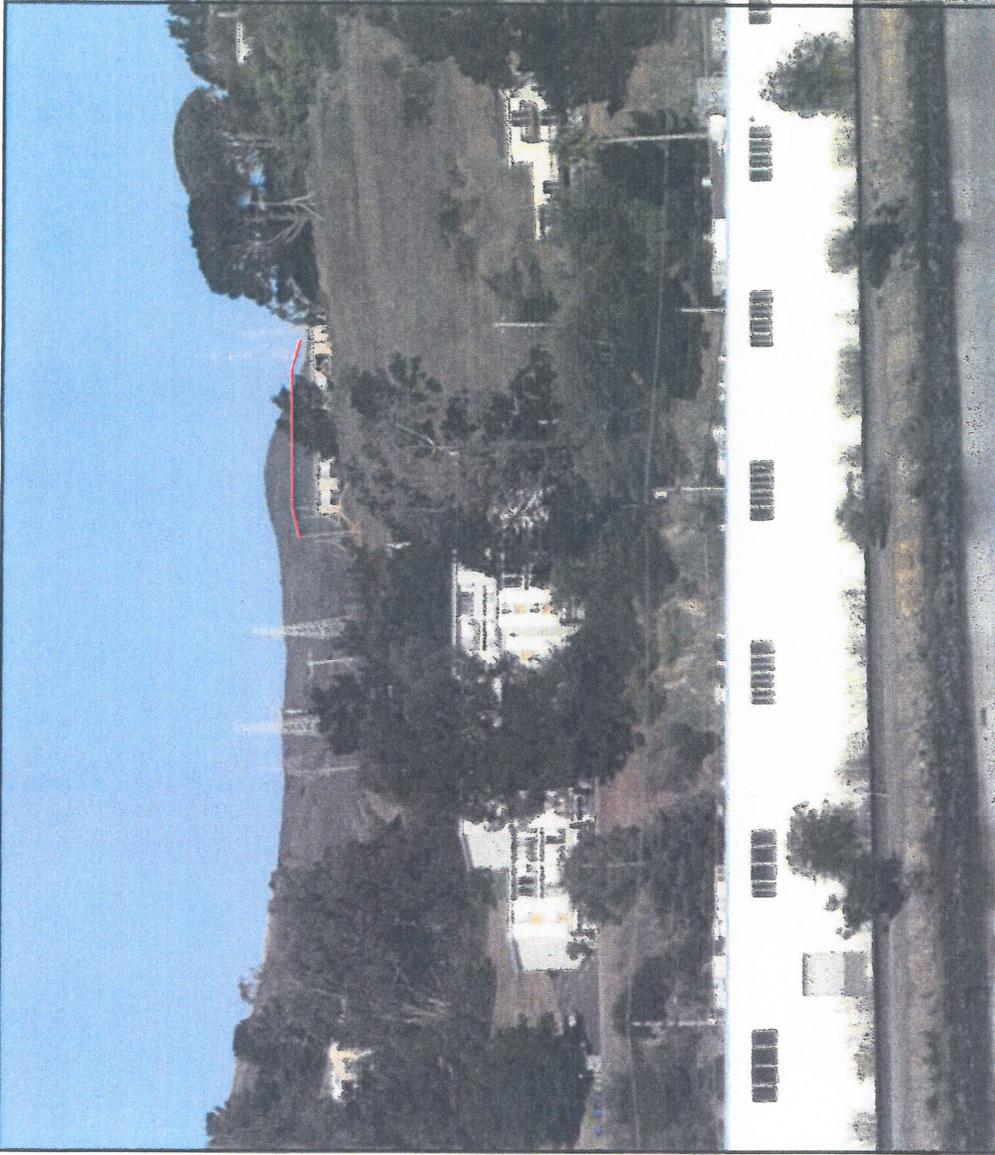
Views from Bay Trail along Lagoon - View C



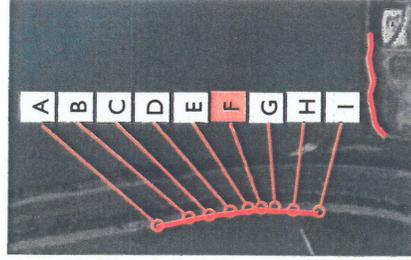
Views from Bay Trail along Lagoon - View D



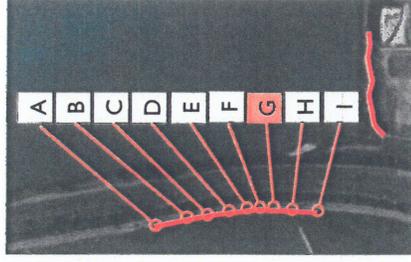
Views from Bay Trail along Lagoon - View E



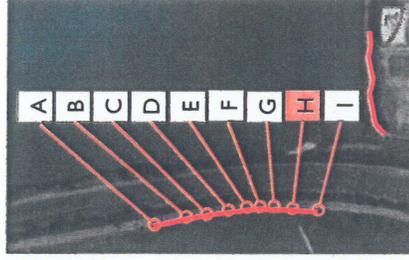
Views from Bay Trail along Lagoon - View F



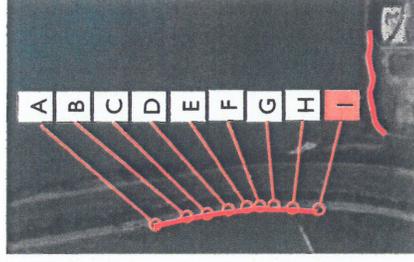
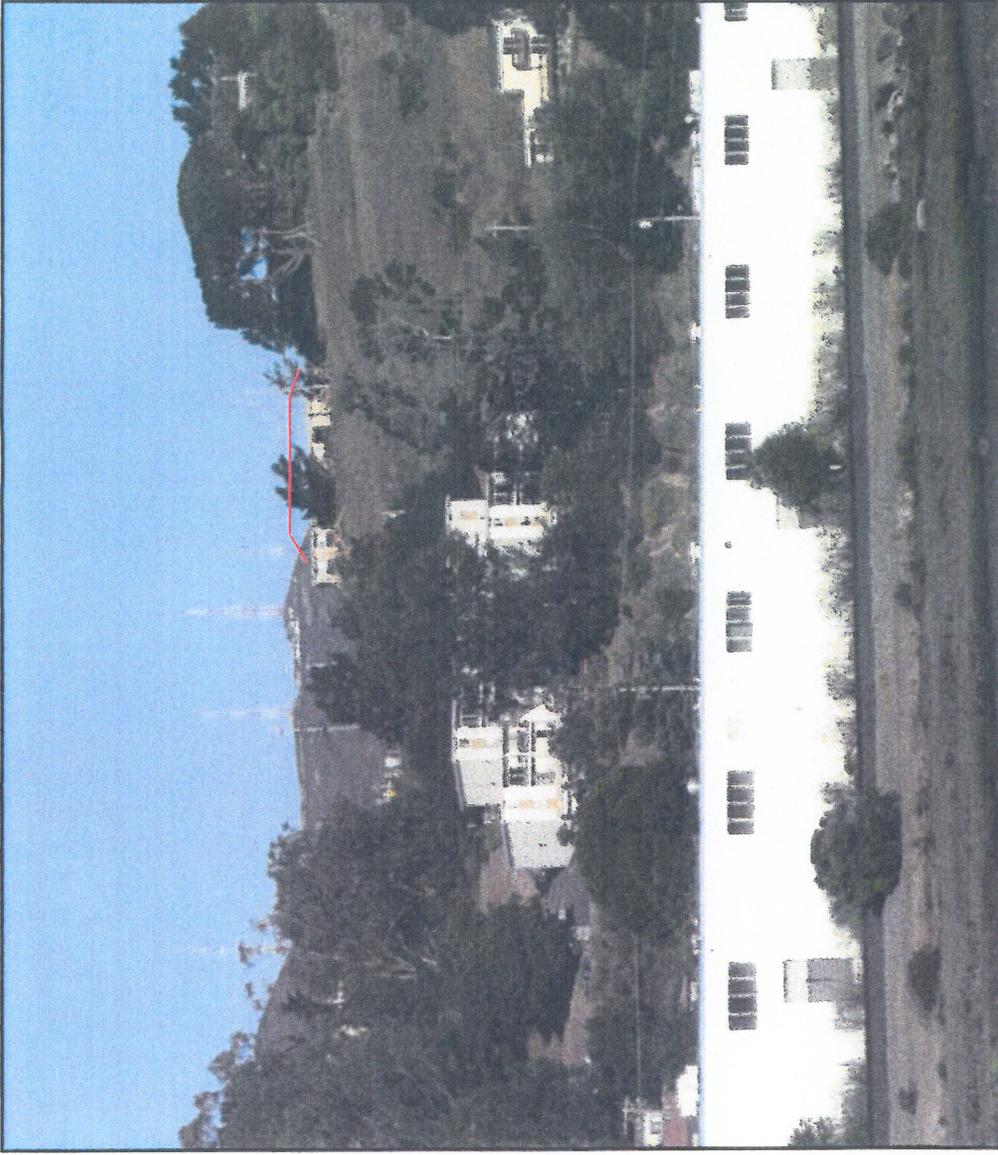
Views from Bay Trail along Lagoon - View G



Views from Bay Trail along Lagoon - View H



Views from Bay Trail along Lagoon - View I



To: Planning Commission via Sheri Spediacci, City Clerk

Sent: Saturday, October 05, 2013 2:03 PM

Subject: Planning Commission - Thomas letter

From: Al & Claudette Molina
253 Tulare
Brisbane, CA. 94005

To: City of Brisbane
Attn: Planning Commission

We are unable to attend the "application for permits" for this house on THOMAS HILL that will be heard at a Planning Commission meeting on Thursday, October 10th at 7:30PM.

We want you to know how my family and neighbors feel about protecting the natural beauty of Brisbane and the related views that make it a great place to live.....! (For the record)

Please enforce the Ridgeline Ordinance 17.42.020L for all Brisbane Acres properties which protects the majestic views of San Bruno Mountain County Park from the Bay Trail. This is an important precedent that this property sets for the other 11 proposed properties on Thomas Hill.

Homeowners and residents,

Al & Claudette Molina

Al Molina
253 Tulare
Brisbane, Ca. 94005
415-467-9388