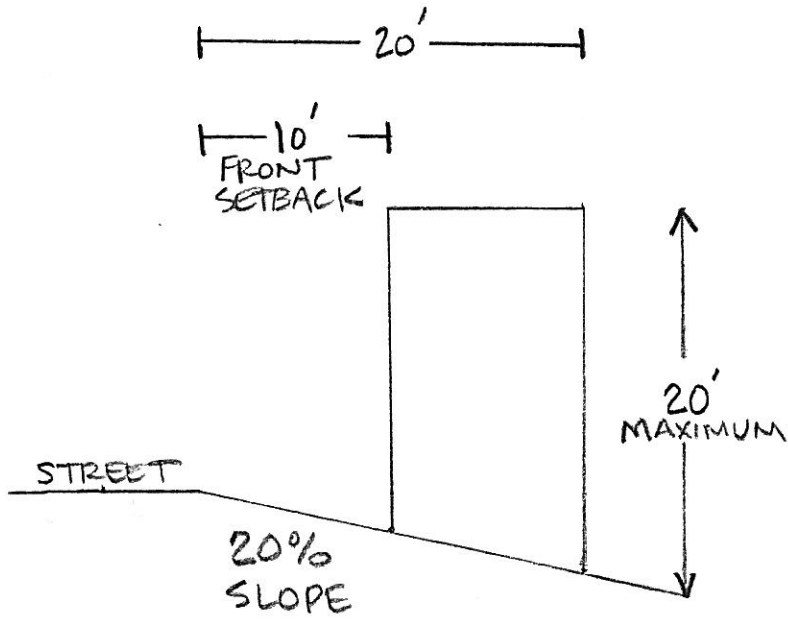
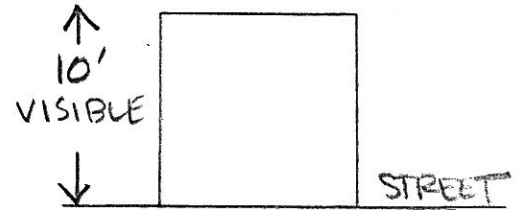
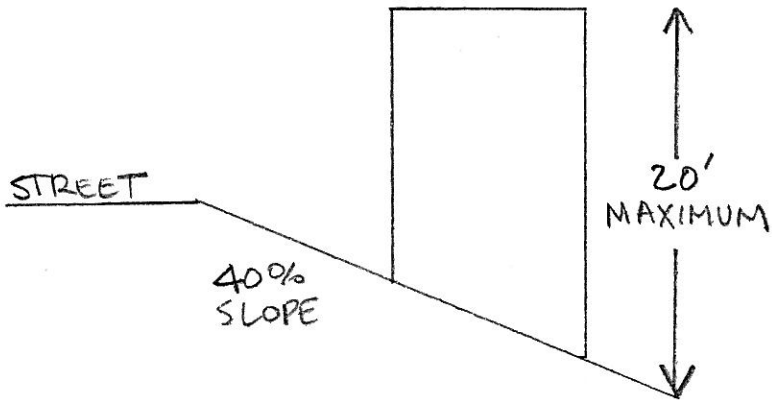
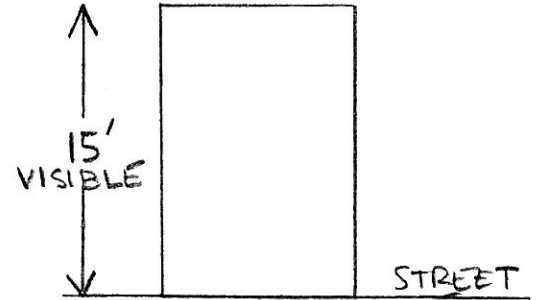


SIDE VIEW



STREET VIEW



City of Brisbane
Open Space Plan

Figure 4
Brisbane Acres
**Butterfly Habitat/
Ridgelines**

Note: location of parcels on aerial photo is approximate
Areas shown between numbered parcels are not road easements or right-of-ways, but are private unrecorded parcels

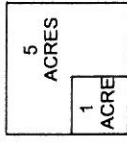
Developed parcels
(wider outline)



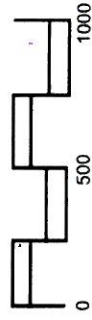
Prominent ridgelines
(white dashed line)



Documented butterfly
habitat (lighter shaded
areas)



Scale in Feet



I.1.18.

**GENERAL PLAN POLICIES & PROGRAMS
RIDGELINE PROTECTION/PROPERTY RIGHTS**

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.

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

Policy 83: Maintain the visual beauty of the Mountain, the ridgelines, hilltops, wildlife and plant habitat including the Brisbane Acres.

Policy 6: Set clear and definitive standards for all rules and regulations.

Policy 16: Acknowledge the mountain setting and the proximity to the Bay as central factors in forming the physical character of the City.

Program 16a: In making land use decisions, consider the proximity of open space on San Bruno Mountain and public views of and access to the Bay as issues to be addressed.

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

Program 19b: Consider amendments to the Zoning Ordinance to provide for 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.

Policy 4: Acknowledge the fundamental rights of citizens to freely act and to use their own property, except to the extent government rules or regulations are necessary for the public health and safety and for protection of the environment.

Policy 5: Use the least intrusive rules and regulations consistent with overall governmental needs and State and Federal law.

Policy 20: Retain diversity of development and individual expression in residential and commercial development, especially in Central Brisbane.

Central Brisbane Subarea Policy 253: Encourage diversity and individual expression in residential and commercial construction.

Housing Element Program H.H.2.a Work with responsible agencies to protect identified environmentally sensitive areas, including, but not limited to, wetlands, riparian habitat, critical wildlife habitat, geologically hazardous areas, areas subject to flooding, visually prominent or sensitive areas, and electric transmission line corridors.

Brisbane Acres Subarea Policy 245:
Grading and excavation should be minimized and exposed retaining walls avoided. Landforms should retain the natural topographic character of the Mountain.

Policy 22: Provide clear performance standards in the Municipal Code for the physical character of all land use developments on private property.

Program 22e: Establish clear and defined performance standards in the Zoning Ordinance for buildings and signs visible from the hillsides of Central Brisbane. Standards should address light and glare, the treatment of roofs and the screening of mechanical equipment.

Program 22f: Consider amendments to the Zoning Ordinance to establish standards for protecting the character of the existing residential Central Brisbane subarea, including attention to scale, juxtapositions, views, natural topography and ecological protection.

Southwest Bayshore Subarea Program 238c: Require visual impact analysis for all construction on steep slopes.

Central Brisbane Subarea Program 255b: Study regulatory approaches to view and solar protection while protecting foliage and tree cover.

*Quarry Subarea Program 275a:
Environmental review for all specific
plans shall include a visual impact
analysis which shall include an
evaluation of the impacts of building
heights, including the impact of views
of the development from Central
Brisbane and the Northeast Ridge.*

**Northwest Bayshore Subarea Policy
310.1: Environmental review for all
specific plans shall include a visual
impact analysis which shall include
an evaluation of the impacts of
building heights, including the
impact of the proposal on view
corridors.**

*Baylands Subarea Program 330a:
Environmental review for all Specific
Plans shall include a visual impact
analysis which shall include an
evaluation of the impacts of building
heights, including the impact of the
proposal on view corridors.*

From: Beth Grossman [beth@bethgrossman.com]
 Sent: Tuesday, February 08, 2011 9:48 PM
 To: Tune, Tim; Storrs Hoen
 Cc: Johnson, Kenneth; Swiecki, John
 Subject: Re: Ridgeline interpretations
 Hi Tim -

Thanks for copying me in this discussion. I think the incorporation of Figure 4 of the Open Space Plan would significantly clarify the definition of "ridgeline" and make it much easier for all parties to understand what constitutes a "ridgeline" within Brisbane. Certainly it would have made all of our discussions much more straightforward.

However, I am quite concerned with the proposed new language of the Municipal Code. While the original language is quite clear, "Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park," the new language is needlessly vague, "the Planning Commission must find that the building's placement, height and bulk will minimize impacts to public views of the San Bruno Mountain State and County Park." Instead of "preserving views," this new language instructs the Planning Commission to "minimize impacts to public views." While it would be quite clear that a view would not be preserved, it is much less clear whether the impact to public views will be minimized. Could a 35 ft house with a rectangular footprint be built directly on top of a ridgeline, if the house were rotated so the narrower width of the footprint were oriented toward the Bay Trail? Certainly this would "minimize" the impact.

What I propose is that the original language be kept and augmented by the better definition of ridgeline with a clearer description of the requirements of story poles and the process that the Planning Commission will undertake. My changes in blue:

L. Ridgeline. Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. *Development on any site through which a ridgeline runs as identified in Figure 4 of the Open Space Plan shall be subject to design permit approval.*

1. *In addition to the required contents of application for design permit set forth in Section 17.42.020.A, story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the Community Development Director. The upper one foot length of each pole shall be painted white so as to be clearly visible from a distance.*
2. *In addition to the findings required for issuance of design permit set forth in Section 17.42.040, the Planning Commission must find that the building's placement, height and bulk will minimize impacts to public views of the San Bruno Mountain State and County Park as seen from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines.*

All the best,
 Storrs and Beth

I. 1.22.

From: "Tune, Tim" <timtune@ci.brisbane.ca.us>
 To: Beth Grossman <beth@bethgrossman.com>; Storrs Hoen <storrs_hoen@yahoo.com>
 Cc: "Johnson, Kenneth" <kjohnson@ci.brisbane.ca.us>; "Swiecki, John" <jswiecki@ci.brisbane.ca.us>
 Sent: Fri, February 4, 2011 1:07:10 PM
 Subject: FW: Ridgeline interpretations

Beth & Storrs--

Staff is suggesting that the current vague language (crossed out below) be made more specific by referencing the ridgeline map in the Open Space Plan, by requiring broader Design Permit approval for development of any ridgeline site (as opposed to the current procedure that requires staff to try to figure out whether the project will block public views and, if so, then requires approval of a Variance) and by detailing requirements for erecting storypoles and making additional findings for approval.

I've already received one suggestion that instead of white, some shade of neon orange should be used at the top of the storypoles. Any suggestions you two might have would be much appreciated.

--Tim

L. Ridgeline. ~~Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. Development on any site through which a ridgeline runs as identified in Figure 4 of the Open Space Plan shall be subject to design permit approval.~~

1. *In addition to the required contents of application for design permit set forth in Section 17.42.020.A, story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the Community Development Director. The upper one foot length of each pole shall be painted white so as to be clearly visible from a distance.*
2. *In addition to the findings required for issuance of design permit set forth in Section 17.42.040, the Planning Commission must find that the building's placement, height and bulk will minimize impacts to public views of the San Bruno Mountain State and County Park as seen from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines.*

From: Tune, Tim
 Sent: Friday, February 04, 2011 1:07 PM
 To: Beth Grossman ; Storrs Hoen
 Cc: Johnson, Kenneth ; Swiecki, John
 Subject: FW: Ridgeline interpretations

Beth & Storrs--

Staff is suggesting that the current vague language (crossed out below) be made more specific by referencing the ridgeline map in the Open Space Plan, by requiring broader Design Permit approval for development of any ridgeline site (as opposed to the current procedure that requires staff to try to figure out whether the project will block public views and, if so, then requires approval of a Variance) and by detailing requirements for erecting storypoles and making additional findings for approval.

I've already received one suggestion that instead of white, some shade of neon orange should be used at the top of the storypoles. Any suggestions you two might have would be much appreciated.

--Tim

- L. **Ridgeline. Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. Development on any site through which a ridgeline runs as identified in Figure 4 of the Open Space Plan shall be subject to design permit approval.**
 1. *In addition to the required contents of application for design permit set forth in Section 17.42.020.A, story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the Community Development Director. The upper one foot length of each pole shall be painted white so as to be clearly visible from a distance.*
 2. *In addition to the findings required for issuance of design permit set forth in Section 17.42.040, the Planning Commission must find that the building's placement, height and bulk will minimize impacts to public views of the San Bruno Mountain State and County Park as seen from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines.*

From: Johnson, Kenneth
Sent: Friday, February 04, 2011 11:53 AM
To: Tune, Tim
Subject: FW: Ridgeline interpretations

Tim,

Do you want to field this one from Beth?

Ken

From: Beth Grossman [mailto:beth@bethgrossman.com]
Sent: Friday, February 04, 2011 10:12 AM
To: Johnson, Kenneth
Subject: Re: Ridgeline interpretations

Thanks Ken, for catching my mistake.

I tried to make sense of the staff report and it is in another language, with many referrals to code lots and numbered policies. Can you tell me if there is anything substantial that will affect the way the ridgeline is interpreted and if it will affect building regulations on Thomas Hill?

Thanks for your assistance,
Beth

From: Johnson, Kenneth
Sent: Friday, February 04, 2011 8:58 AM
To: Beth Grossman

Subject: RE: Ridgeline stuff brewing Brisbane Planning Commission Agenda

Beth,

It looks like you hit reply, so this came to me, instead of sending it to Storrs. If you didn't notice this already, you might want to try send it again to Storrs.

Best wishes,
Ken

From: Beth Grossman [mailto:beth@bethgrossman.com]
Sent: Thursday, February 03, 2011 6:52 PM
To: Johnson, Kenneth
Subject: Re: Ridgeline stuff brewing Brisbane Planning Commission Agenda

Hi Storrs, there is talk of re-evaluating the ridge line wording for design review. Can you look at this Pdf and tell me what you think and if we need to take actions.

<http://brisbaneca.org/sites/default/files/RZ-3-11Study.pdf>

Always vigilant.

Love you,
Beth

From: Johnson, Kenneth
Sent: Thursday, February 03, 2011 3:25 PM
Subject: Brisbane Planning Commission Agenda & Links for February 10th

<http://brisbaneca.org/planning-commission/2011-02-10>

I.1.23,

Tune, Tim

From: Hal Toppel [htoppel@neigate.net]
Sent: Tuesday, February 08, 2011 11:03 AM
To: Tune, Tim
Subject: Re: RZ-3-11 and RZ-4-10

I am not opposed to incorporating something by reference but my problem was that I did not think the Open Space Plan should necessarily be that document. I would argue that the Zoning Map is adopted by ordinance and is a regulatory document, whereas the Open Space Plan is not. My preference would be to treat the map the same as we handle signs and include it as part of the ordinance - or, it could be separately adopted, maybe as a separate section of the ordinance, and then have that document incorporated by reference.

I like your suggested revision to the density transfer provisions. I do think that clarifies the site area issue.

Let's touch base tomorrow.

Hal Toppel
Atkinson-Farasyn, LLP
660 West Dana Street
Mountain View, CA 94042
Phone: (650) 967-6941
Fax: (650) 967-1395
htoppel@neigate.net

On 2/8/2011 10:41 AM, Tune, Tim wrote:

What's the best way to deal with the ridgeline map? It doesn't sound like you want to incorporate it by reference, as BMC Section 17.04.020.A does with the Zoning Map. Should we set it up like the figures at the end of the Sign Ordinances (Figures 17.36.020A-1, A-2 & B) and insert it directly into the ordinance, with "Figure 17.12.030" at the top?

L. **Ridgeline. Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. Development on any site through which a ridgeline runs as identified in Figure 17.12.030 Figure 4 of the Open Space Plan shall be subject to design permit approval.**

1. In addition to the required contents of application for design permit set forth in Section 17.42.020.A, story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the Community Development Director. The upper one foot length of each pole shall be painted white so as to be clearly visible from a distance.
2. In addition to the findings required for issuance of

2/8/2011

Tune, Tim

From: Tune, Tim
Sent: Tuesday, February 08, 2011 10:41 AM
To: Toppel Hal-at-Neigate
Cc: Swiecki, John; Johnson, Kenneth
Subject: RE: RZ-3-11 and RZ-4-10

What's the best way to deal with the ridgeline map? It doesn't sound like you want to incorporate it by reference, as BMC Section 17.04.020.A does with the Zoning Map. Should we set it up like the figures at the end of the Sign Ordinance (Figures 17.36.020A-1, A-2 & B) and insert it directly into the ordinance, with "Figure 17.12.030" at the top?

L. **Ridgeline. Structures shall be located below ridgelines in a manner that will preserve public views of the San Bruno Mountain State and County Park. Development on any site through which a ridgeline runs as identified in Figure 17.12.030 Figure 4 of the Open Space Plan shall be subject to design permit approval.**

1. In addition to the required contents of application for design permit set forth in Section 17.42.020.A, story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the Community Development Director. The upper one foot length of each pole shall be painted white so as to be clearly visible from a distance.
2. In addition to the findings required for issuance of design permit set forth in Section 17.42.040, the Planning Commission must find that the building's placement, height and bulk will minimize impacts to public views of the San Bruno Mountain State and County Park as seen from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines.

As for the density transfer section, would it be clearer if Subsection 3.a stated that the site receiving the transfer units must have a total area of not less than 20,000 sq. ft., and if Subsection 4 then said that the site receiving the transfer units may be subdivided into lots no less than 5,000 sq. ft. in area, subject to the maximum density permitted per BMC Sections 17.12.040.A, 17.12.040.B and 17.12.050.A.1?

§17.12.050 Density transfer

A. In order to facilitate preservation of lands in the R-BA District with significant environmental resources, one or more additional dwelling units within the R-BA District, in addition to the dwelling unit otherwise permitted on a particular site, may be constructed under the conditions set forth in this Section 17.12.050. As used herein, the additional dwelling units are called "transfer units." The density transfer shall comply with all of the following requirements:

1. One (1) transfer unit may be allocated to the site receiving the density transfer for each 20,000 square feet of land of the total area of the site or sites from which the transfer units are taken which is permanently dedicated to open space. No transfer units shall be allocated for any area of land having less than 20,000 square feet. The method of retaining the dedicated land in permanent open space shall be approved by the City Council upon

2/8/2011

I 1. 24.

recommendation of the Planning Commission and shall be implemented before any building or grading permit is issued for development on the site receiving the transfer units.

2. The site from which the transfer units are taken must be found to have value as open space based upon one or more of the following considerations:
 - a. contiguous with San Bruno Mountain State and County Park;
 - b. contains intact native vegetation;
 - c. contains endangered butterfly habitat;
 - d. contains permanent or semi-permanent wetlands;
 - e. forms a portion of a significant watercourse;
 - f. does not adjoin developed parcels on more than one side.

In making this determination, the Planning Commission and the City Council shall be guided by the City's Open Space Plan. *The density transfer value of undeveloped "paper streets" in the upper Brisbane Acres may be recognized, once it is established that they are not subject to claims of access rights by easement or necessity from any remaining private property owners in the upper Brisbane Acres.*

3. The site receiving the transfer units must be found suitable for development with increased density based on all of the following considerations:
 - a. has a ~~total~~ area of not less than 20,000 square feet;
 - b. does not contain any of the features of value for open space as described in subsections (A) (2) (a) through (e) of this section;
 - c. is adjacent to or relatively near existing development and infrastructure.

4. The type of development permitted on the site receiving the transfer units shall be single family dwellings only. *The site shall be subdivided into lots with a minimum lot area of ~~shall be the density of development of such site shall be no less than~~ five thousand (5,000) square feet per unit subject to the maximum density permitted per Sections 17.12.040.A, 17.12.040.B and 17.12.050.A.1. One secondary dwelling unit may be allowed per twenty thousand (20,000) square feet of ~~on~~ the site receiving the transfer units if otherwise in compliance with the requirements of Chapter 17.43, but no additional secondary dwelling units shall be allocated to that site as part of the density transfer.*

5. ~~If the density transfer includes a proposed subdivision of the site receiving the transfer units, the subdivision shall comply with all of the following additional requirements:~~
 - a. ~~No lot shall have an area of less than 5,000 square feet;~~
 - b. ~~If the area of any lot is 5,000 square feet, the minimum front and rear setbacks for such lot shall be 10 feet and the minimum side setbacks for such lot shall be 5 feet;~~

I. 1. 25.

~~c. The maximum coverage on any lot shall be 25%;~~

B. A use permit granted by the City Council shall be required for all density transfers pursuant to this Section. The use permit shall first be considered by the Planning Commission which shall make its recommendation to the City Council. In addition to the findings for issuance of a use permit prescribed by Section 17.40.060 of this Title, the approving authority shall find and determine that:

1. The transfer units will be sited, designed and constructed to avoid adverse effects upon environmentally sensitive areas both on and off site, such as disturbance of watercourses and hazardous geologic conditions;
2. The site receiving the transfer units will be served by infrastructure that meets City standards, as determined by the Director of Public Works;
3. The site receiving the transfer units will have adequate parking and vehicular circulation; and
4. The proposed development of the site receiving the transfer units will be compatible with adjacent and nearby development and is designed to minimize its visual impact.

If the density transfer requires any other permits or discretionary approvals, *except for the design permit required by Section 17.12.050.C*, the applications for such permits or approvals shall be filed and processed concurrently with the application for the density transfer use permit.

C. ~~As a condition of approval of~~ ~~in addition to~~ the use permit referred to in Section 17.12.050.B, a design permit shall be required for any density transfer.

From: Hal Toppel [mailto:htoppel@netgate.net]
Sent: Monday, February 07, 2011 2:50 PM
To: Tune, Tim
Subject: RZ-3-11 and RZ-4-10

Hi Tim,

I just had a couple of comments on the draft RZ-3-11 ordinance, as follows:

17.12.040.L - Ridgeline: Can we get a more detailed description of "Figure 4 of the Open Space Plan." My concern is that the Plan is not a regulatory document and the Plan itself might change in the future. My preference would be to include a Ridgeline map to be adopted with the ordinance so it would remain in place regardless of what happens to the Plan. It would also be easier to identify in the future, without the need to find a separate document and then determine whether we are looking at the correct "Figure 4."

17.12.050.A.2 - Density transfer: Just to cover all possibilities (however remote), I would prefer that the last sentence read: "...once it is established that they are not subject to claims of access rights by easement or necessity..." I realize that we are not aware of any access easements up there but the title history is so messed up, I want to cover the possibility that an actual easement surfaces in the future.

Hal Toppel

17-12.050.3(a) and 4: This might be confusing since both provisions refer to the "lot area" of the "site receiving the transfer units" but paragraph (a) requires 20,000 square feet and paragraph 4 requires 5,000 square feet. Maybe we need to put back the phrase "per unit" but I understand why you have deleted it. I think some kind of clarification is needed but I am not sure what it should be. Maybe we can talk about this on Wednesday.

With regard to ordinance RZ-4-10, I think the draft looks fine and I have no changes to suggest.

Hal

--

Hal Toppel
Atkinson-Farasin, LLP
660 West Dana Street
Mountain View, CA 94042
Phone: (650) 967-6941
Fax: (650) 967-1395
htoppel@nelgale.net

I. 1. 26.

2/8/2011