

BRISBANE PLANNING COMMISSION
Action Minutes of November 14, 2019
Regular Meeting

A. CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Gomez, Mackin, Patel, and Sayasane.

Absent: Commissioner Gooding.

Staff Present: Community Development Director Swiecki, Senior Planners Johnson and Ayres

C. ADOPTION OF AGENDA

Commissioner Gomez moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 4-0.

D. CONSENT CALENDAR

Commissioner Mackin moved approval of the consent calendar. Commissioner Patel seconded the motion and it was approved 4-0.

E. ORAL COMMUNICATIONS

Michelle Salmon addressed the Commission regarding the City's tree removal regulations.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications from CalFIRE and Tony Gheno.

G. NEW BUSINESS

1. **PUBLIC HEARING: Use Permit UP-9-19; 515 Tunnel Avenue; HC Beatty Heavy Commercial District;** Temporary Christmas Tree Storage for Recycling from December 18, 2019 through January 31, 2020; Brad Drda, Recology Properties, Inc, applicant; Sanitary Fill Company, owner.

Senior Planner Johnson gave the staff presentation.

Chairperson Sayasane opened the public hearing.

Brad Drda, applicant, addressed the Commission in support of the application.

Seeing no others wishing to speak, Commissioner Gomez moved and Commissioner Mackin seconded to close the public hearing. The motion was approved 4-0.

Commissioner Patel moved to adopt resolution UP-9-19. The motion was seconded by Commissioner Gomez and approved 4-0.

2. **PUBLIC HEARING: PL-1-19;** Plan Lines for Right-of-Way; Establishment of Plan Lines for Public Rights-of-Way extending through 450 Kings Road into the western area of the R-BA

Brisbane Acres Zoning District, south of Kings Road; City of Brisbane, applicant; owners, multiple.

Senior Planner Johnson gave the staff presentation and answered questions regarding the widths of existing rights-of-way in the vicinity.

Chairperson Sayasane opened the public hearing.

Steven Goodwin, Kings Road resident, addressed the Commission in opposition of the application due to instability and erosion of the hillside adjacent to 462 and 466 Kings Road.

Sherry Goodwin, Kings Road resident, addressed the Commission in opposition of the application due to instability and erosion of the hillside adjacent to 462 and 466 Kings Road and stated control of the hillside erosion should be coordinated with any upslope development. She shared her concerns that the hillside erosion would devalue her property value and eliminate street parking.

Director Swiecki indicated through the Chair that the matter of retaining the hillside was agendaized for the City Council meeting of November 21, 2019.

Jason Nunan, 478 Kings Road, discussed the lack of access to his home from Kings Road and impacts of the eroding hillside. He said he supported improving access for emergency vehicles but access must be accommodated in the interim. He stated access to his property is often blocked by large vehicles that cannot navigate the narrow driveways and roads and questioned how the sites would be accessed during construction. He asked if this would be a parallel road and why the private road wouldn't be expanded and how much it would cost him to join the public road.

Gloria Li, owner of Brisbane Acres Lot 91, supported widening the existing water tank roadway instead of building a new road.

Luc Duchames, 372 Kings Road, shared his concern with fire danger due to fuel load on Brisbane Acres lots. He asked whether the City notifies property owners of vacant land of vegetation removal requirements.

Director Swiecki responded through the Chair that the North County Fire Authority (NCFA) notifies owners of all property of vegetation management requirements.

Mr. Duchames continued that the land in question could be an appropriate location for a fire break if the vegetation was removed from the paved portion of the existing roadways. He stated residents would be willing to volunteer to remove fuel loads from these undeveloped properties. He was concerned with additional residential development in the area.

Danny Ames, 690 Sierra Point Road, shared that on September 17 and November 2, 2019, the corner at Glen Park Way at Humboldt Road was blocked for hours by large trucks, causing gridlock in upper Brisbane. He said the letters sent by the NCFA to undeveloped lots in the Acres are often not acted on. He said he talked with Clyde Preston of the NCFA about enforcement issues. He said there were grants available from CalFIRE to address fuel load reduction. He noted the fire on October 10 could have been very different had weather conditions been different.

Susan Van Matre, 450 Kings Road, stated that her property would be used for the proposed public right-of-way. She requested moving the road farther to the south to leave more buffer between their house and the new road. She was concerned about losing more property through roadway widening. She said the hairpin turns at Humboldt Road and Glen Park Way and Kings Road and Humboldt Road have been issues for a long time and limit emergency vehicles and large truck access. She requested widening those two turns as part of the development proposal. She was concerned about the loss of

parking and storage on their property to the east of the proposed right-of-way. She asked how they would be affected during construction regarding access, noise, dust, and other quality of life concerns. She said living so close to the new right-of-way would impact their quality of life. She asked how they would be compensated for the decrease in value of their home.

Mike Kelly, 775 Humboldt Road, said he owned Lots 86 and 87 and had tried to develop his lots for one single-family home for 25 years. He asked why Lot 86 was in the "Upper Acres" while Lot 87 was in the "Lower Acres." He said there was no developable property to the west of his lots and didn't understand why a new right-of-way was proposed to access his lots. He said the plan line proposed a new way to get to his property that didn't acknowledge the access easement he owns over Lot 90. He opposed the proposed plan line and said it made it difficult or impossible to access his property. He indicated that a previous City Attorney encouraged him to obtain the easement rights in court and it took many years at great cost. He said the North County Fire Authority had previously accepted access to his lots over Lot 90 and parts of Margaret Avenue.

Radu Mihaila, 88 Beatrice Road, said his property was directly affected by the proposed plan line and he didn't think the maps were drawn correctly. He said he wants to preserve the natural environment and was concerned with fire hazards. He asked the City to organize separate meetings with property owners who are directly impacted so all property owners agree on a course of action and he did not want to rush into a decision.

Naim Jamali, 441 Kings Road, shared his concern with the eroding hillside on Kings Road across from his home and his disappointment with the new k-rail which eliminated on-street parking spaces and made the street narrower. He said the hillside erosion was a safety hazard and has asked the City to construct a retaining wall.

Dana Dillworth said the plan line designation was not exempt from CEQA. She said full environmental review was required as roadways would impact environmentally sensitive zones, require an HCP permit, require research for Native American artifacts, and would impact federally protected publicly owned land. She said there were landslides in the 1980's and asked if it was safe to widen the existing cut so close to Kings Road and Humboldt Road. She said no specifics were provided on how wide the travel way would be, where parking would be located, where emergency vehicles would access and turn around. She asked why California Fish and Game had not reviewed the proposal. She said Brisbane Acres are limited to two units per acre with provisions for habitat protection. Subdivision into smaller units requires clustering or density transfer. She said there was no indication there would be full mitigation or funding proposed for the loss of habitat. She said fragmentation and piecemealing is frowned upon in State law.

Michelle Salmon said the area was not safe or suitable for development. She said San Bruno Mountain's geology is unique clay that can absorb two times its weight in water and then slide, as she witnessed in 1982 with a landslide down to Plumas and the Community Park. She said in 2006 rain inundation caused a slide on Humboldt Road and above Lipmann School. She said it was unsafe to cut roads and widening Kings Road would require massive walls like the one at 950 Humboldt Road. She said there was no way to widen the turn from Glen Park Way to Humboldt Road due to existing development and Firth Park. She said if homes were built the risk of wildfire would be significant. A 100 foot buffer would encroach into the conserved habitat. She said the Brisbane Acres host the last native California grasslands and are an environmental treasure. She said differentiating the "Lower Acres" from "Upper Acres" in terms of habitat value was a moving target as Lower Acres lots develop. She suggested the City purchase the land for the public trust. She said the San Bruno Mountain Watch

had to notify the Habitat Manager of the Habitat Conservation Plan of the proposal. She expressed her concern with poorly enforced habitat mitigations.

Barbara Ebel said she would prefer no development above Kings Road, but she was a property rights advocate. She said a 40 foot right-of-way should be required. She said the City should not enhance the buildability of parcels at the expense of safety.

Seeing no others wishing to speak, Commissioner Patel moved and Commissioner Mackin seconded to continue the public hearing to a future date, with the date to be determined. The motion was approved 4-0.

H. STUDY SESSION

1. Condominium project at 4070 Bayshore Boulevard.

Senior Planner Ayres gave the staff presentation.

Henry Yeung, project engineer, presented the conceptual plans for a 26-unit condominium development.

Commissioner Gomez encouraged Mr. Yeung to consider a green living roof on the structure with native plants.

Commissioner Mackin asked about the maximum building height shown on the submitted elevations.

Mr. Yeung explained the floor heights shown on the elevations.

Commissioner Patel asked how cars traveling north on Bayshore would access the property.

Senior Planner Ayres said preliminary input from the City Engineer indicated that no turns would be permitted from northbound traffic across Bayshore to access the property.

Mr. Yeung stated a traffic engineer would be hired to evaluate site access in coordination with the City Engineer.

Commissioner Mackin asked how close the single-family dwelling at 4050 Bayshore was to the proposed condominium building.

Mr. Yeung stated he didn't have an exact dimension but could hire a surveyor to provide it.

Commissioner Mackin asked if the property owner at 4050 Bayshore had been contacted.

Mr. Yeung stated he had not yet but intended to.

Commissioner Mackin asked about the San Francisco Public Utility Commission easement on the property.

Mr. Yeung stated the development would not impact the SFPUC easement.

Chairperson Sayasane welcomed public comment.

Dana Dillworth said the development would require full environmental review under CEQA and the Habitat Conservation Plan. She said the purpose of the zoning district was to provide neighborhood amenities, not dense residential development. She said she recalled the project at 3750-3780 Bayshore Boulevard had unresolved geotechnical issues and that the project had to dedicate a frontage road. She said there is adjacent habitat. She said land should be dedicated for habitat conservation. She requested independent geotechnical reports.

Michelle Salmon said the SFPUC easement was a significant concern as disturbing land downhill could destabilize the pipe and a landslide could disrupt the water supply. She said the conceptual plans did not accurately show the steep hillside. She referred to a landslide on Tulare Hill before her birth. She said the traffic impacts were significant and she did not agree with prohibiting northbound U-turns and left turns from Bayshore Boulevard at San Bruno Avenue. She said U-turns were not allowed anywhere on Bayshore Boulevard or Airport Boulevard for a significant distance and the proposed development would exacerbate the problem. She said the HCP Habitat Manager should be involved in all discussions of potential development of this site.

Carol Chin, 4050 Bayshore Boulevard, said the development would cause traffic problems. She said she has witnessed many accidents on Bayshore Boulevard. She said eliminating left turns onto San Bruno Avenue from Bayshore Boulevard was already a problem. She said the environmental impacts would be significant and the proposal was too dense.

Commissioner Gomez said there was a housing crisis in the Bay Area and he wanted to think of creative solutions. He is an environmentalist and wants to maintain the pristine nature of San Bruno Mountain but wondered why the previous project didn't get developed.

Commissioner Patel was concerned that there was no public transit near the site or facilities to bike or walk along Bayshore Boulevard, which would increase car usage by future residents. He was concerned how the site would be accessed from the south by northbound traffic. He said this and the number of hazards made him question the suitability of the site.

Michelle Salmon said there was pressure on cities to approve housing but Brisbane has only three square miles of land and not all communities contribute the same thing to the Bay Area. She said Brisbane's open space is a contribution to the community.

Commissioner Mackin said there were geotechnical concerns with development at 3750-3780 Bayshore Boulevard due to past landslide activity. She was concerned with traffic at this location at a curve with high speed traffic. She questioned if the proposed density was suitable at this location due to the geology, habitat, SFPUC easement, and traffic.

I. ITEMS INITIATED BY STAFF

Director Swiecki reported City Council adoption of Ordinance 642 regarding an exception permit for outdoor storage of approved flammable materials in Crocker Park. He said the Baylands developer would present their community engagement and a conceptual specific plan to the City Council on November 21. He said the City Council continued the reach code ordinance to the November 21 meeting. He said the City Council scheduled a special meeting on December 12 and asked the Commission for feedback on rescheduling the December 12 regular meeting. After discussion, the Commission agreed to schedule a special meeting for December 5, 2019.

J. ITEMS INITIATED BY THE COMMISSION

Commissioner Gomez asked for an update on the tree ordinance.

Director Swiecki stated the topic could be agendaized at a future meeting as an informational item. He reminded the Commission the tree regulations are housed outside of Title 17 but the Commission could make recommendations to the Council.

K. ADJOURNMENT

Commissioner Patel moved to cancel the regular meetings of December 12 and December 26, 2019 and adjourn to the special meeting of Thursday, December 5, 2019. Commissioner Gomez seconded the motion and it was approved 4-0. The meeting adjourned at 9:47 p.m.

Attest:

John Swiecki

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.