

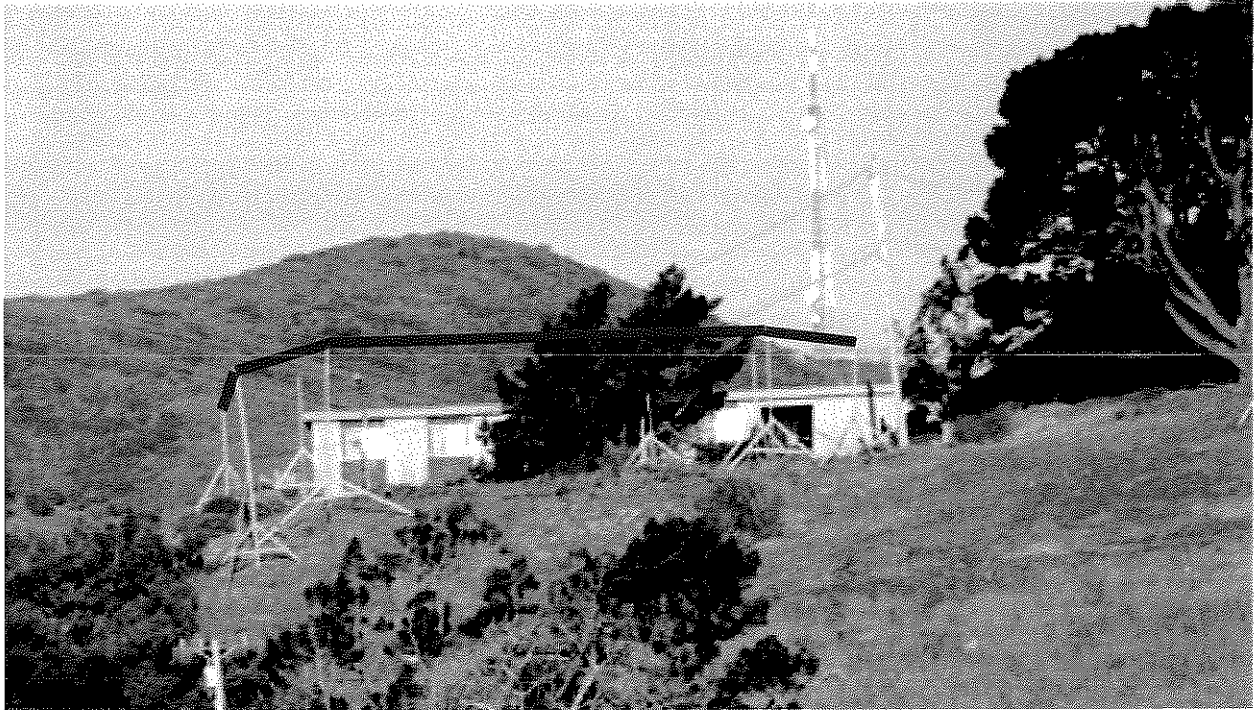
Brisbane City Council
City Hall, 50 Park Place
Brisbane, CA 94005

RECEIVED

FEB 19 2014

Comm. Dev. Dept. Brisbane

Subject: City Council Appeal on Planning Commission Resolution for 8 Thomas Ave



Close up view from Bay Trail of 8 Thomas Avenue showing extent that present design blocks San Bruno Mountain

Dear Members of the Brisbane City Council:

Thank you for considering this Appeal of the Planning Commission Resolution on 8 Thomas Avenue. This is the first time the new Ridgeline Ordinance has been applied and we appreciate that the City Council will have this important opportunity to describe how they intend this ordinance to be implemented. The precedent set by this decision will determine how the 12 future homes slated for Thomas Hill as well as other homes on Brisbane Acres ridgeline lots are designed. The house at 8 Thomas will sit on the top of San Bruno Avenue at an entrance to our town. We hope that this home will be designed to fit in with the small town character of Brisbane nestled in the arms of San Bruno Mountain.

We are writing this letter to request that the City Council find that the current design proposed for 8 Thomas Avenue does not 'preserve public views of the San Bruno Mountain State and County Park of community-wide value' as required by ordinance 17.42.020L.

Our town is about working together in good faith. We need to find a delicate balance between the rights and desires of property owners and our responsibility as stewards of the San Bruno Mountain State and County Park. Let's make sure we correctly apply the Ridgeline Ordinance to create a precedent setting development that matches the values of our community. These homes will be forever on Thomas Hill. We ask you to send this back to the Planning Commission for a thorough design review that would require adherence to the Ridgeline Ordinance. We request that the applicant work with the City Development Department to design a house that complies with the ridgeline ordinance by reducing the height and bulk of the building in order to preserve public views of the San Bruno State and County Park.

Summary

- The Ridgeline Ordinance was written to reflect our community's values of preserving vistas of our San Bruno Mountain State and County Park. The Bay Trail is a public trail and all views from the trail are of community wide value. The only way to preserve a vista is to apply requirements to each home so that when the many homes are viewed together, the vista is not largely affected.
- We request that any development on a ridgeline in the Brisbane Acres make every effort to preserve views of the SBMSCP. It is the responsibility of the owner to research the size and height of the home that can fit on each lot while preserving public views and design accordingly.
- The current Ridgeline ordinance is clear, concise, directive and reflects much time and effort taken by the City. It allows some elasticity in consideration of the particular lot and the extent that public views are blocked. Given the nature of this proposed 5,100 square foot home, with a 600 square foot atrium, there should be room for compromise. Given that this is the first time this ordinance will be applied, both the City and the Planning Commission need guidance from the City Council on how to direct this needed compromise.
- We already have a model for the application of this new ordinance if we look at how 88 Thomas was evaluated under the previous ordinance.
- Our private views will be affected by the proposed house at 8 Thomas regardless of what is built there. We are committed to making sure that the Ridgeline Ordinance is enforced because this house represents a key precedent for all future development in the Brisbane Acres. Please consider our arguments and discussions on their own merits.

This letter is divided into five parts.

Section I describes the present ordinance and some of its history. (Figure 1)

Section II discusses how the interpretation taken by the Development Department and the Planning Commission considers only one aspect of public views and will allow homes to block significant portions of the Park and extend above the ridgeline several floors. (Figure 2)

Section III describes how 88 Thomas can act as a good model for how to interpret this ordinance.

Section IV demonstrates how the proposed design does not preserve public views of the SBMSCP. (Figures 3 - 9)

Section V shows a possible alternative design to minimize the impact on public views of the Park. (Figure 10)

Section I. The new Ridgeline ordinance and history

We have been involved with the Ridgeline ordinance for 9 years now and very much want it used in a way that reflects the values of our town. We became involved in this issue because the proposed house at 8 Thomas in 2005 would block our private views. We know that we do not have a right to our personal views. As the discussions around 8 Thomas progressed, we realized that it was a much bigger issue reflecting how our town maintains its small town feel and weighs the private rights of a landowner with Brisbane's sense of being nestled into the mountain. Since the 2005 deliberations over 8 Thomas, we have played active roles in discussions around 88 Thomas, 99 Thomas, San Diego Court, and the new Ridgeline Ordinance. In many ways, it would have been easier if the first application of this new ordinance would have been for a property other than 8 Thomas because our private views will be affected by any home built on the 8 Thomas lot.

We also apologize for the length of this letter. We had thought this would be a relatively simple issue - the ordinance seems straightforward. However, the Planning Commission's hearing veered off the focus of simply applying this ordinance to the development plans for 8 Thomas. The deliberations disintegrated into accusations by a Planning Commissioner that the pictures we presented were obtained by crawling through the muddy lagoon at low tide with the intent to mislead the Commission. Our photos were a near likeness to the ones presented by City Staff. We have attempted here to lay out the discussion that we hope will ensue at the City Council level as clearly as possible. Moreover, we want to capture the delicate balance between owners rights and the desires of the community.

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.

Nine years ago when 8 Thomas last came before the City, this old ordinance proved very difficult to interpret. There were concerns that its strict enforcement could cause a ‘take’ in which the owner could not build a home on certain lots. Moreover, the process took almost 2 years to complete for a single home. In 2011, the Planning Department (and Tim Tune particularly) spent considerable effort to provide a much more complete ordinance that balanced the rights of the owner with the community desires described in Policies 17 and 19 above. We have copied the text of this new ordinance in Figure 1 and have called out the key places this ordinance differs from the previous ordinance. It allows the Applicant to build on ridgelines in cases where it doesn’t block views of the County Park, in contrast with the previous ordinance that did not allow construction above a ridgeline. It also notifies the Applicant that there will be a design review and requires that they preserve public views that are of community-wide value. It carefully lays out the process that we all wished would have been in place during the original 8 Thomas proposal. This process was used successfully and quickly - within three months of original proposal - for 88 Thomas.

A key element of this ordinance is the phrase ‘of community-wide value.’ Without it, the ordinance would be a simple black-and-white determination. We feel that the intent of this phrase was to be able to weigh the desires of the owner with the desires of the community and potentially allow some elasticity for a small portion of a home to extend into public views of the Park only when there are no other options to build a functional home on the lot. This aspect of the ordinance proved problematic for Development Department and the Planning Commission as we discuss in the next section. The City and community clearly need direction from the City Council on how to interpret the boundaries of this elasticity. This direction is perhaps the only guidance from the City Council necessary to complete an otherwise excellent ordinance.

Section II. The interpretation of the present Ridgeline ordinance by the Development Department

The Development Department interpretation of this ordinance diverged sharply from their interpretation of the previous ordinance. Previously they analyzed whether and by how much a proposed home blocked portions of the San Bruno Mountain State and County Park seen from the Bay Trail. Instead, in this case, they argued that the proposed home did not affect the overall vista of the Mountain seen from the Bay Trail.

They argued that the only public view that needs to be considered in evaluating a single-family home is the 65 degree view provided by a 15 mm lens on the City's micro four-thirds camera. Their analysis and the Planning Commission's discussion led the argument off track to a discussion of how the views were photographed.

We believe that the way to preserve a vista is not to evaluate whether the addition of a single individual home significantly affects that vista. Instead, what must be considered is whether the vista will be impacted by that design when multiplied by the number of homes that can be built on the Thomas Hill ridgeline and elsewhere in Brisbane Acres. One way to accomplish this is to permit designs which preserve public views or at most encroach on public views of the SBMSCP by a few feet only if there are no other options to build a viable house.

The effect of using the current method described by the Development Department to evaluate designs is shown approximately in Figure 2. The upper view is Thomas Hill with the approved design for 88 Thomas. The lower view is Thomas Hill with the proposed designs for 8 Thomas and 99 Thomas. We have included the original proposal for 88 Thomas in this lower view since it extends into the Park similarly to the proposed design for 8 Thomas.

There were two other worrisome arguments that the City's Development Department offered to reason that the proposed design preserved public views "of community-wide value." The City argued that San Bruno Mountain has power poles and radio towers so public views of the Mountain are already degraded and not 'of community-wide value.' However, this does not reflect the way the community considers views of the Mountain. The power poles and radio towers are present in any public view we have of San Bruno Mountain. Regardless of their existence, it is the presence of San Bruno mountain and the way that Brisbane folds into its ravines and ridgelines that gives Brisbane its character.

The City also argued that the house blocked views of the SBMSCP for 'only' 700 feet of the Bay Trail and would thus have limited impact relative to the 5000 ft length of the Bay Trail on Sierra Point Parkway. They could equally have argued that the 700 feet is a small portion of the 500 mile full Bay Trail. It is remarkable that a single family home could affect public views from as large a length as two football fields.

We believe that if the reasoning of the City is allowed to become precedent for the application of this ordinance then any design of a single family home will be found to be in accord with the ordinance.

Section III. A model for the application of the new Ridgeline ordinance

The City and Planning Commission already have a model for the successful use of the new Ridgeline Ordinance, though this model occurred under the previous ordinance. 88 Thomas initially came before the Planning Commission on 24 September, 2009. The Development Department described how a portion of the house extended above the Thomas Hill ridgeline and into the SBMSCP behind. At that meeting, the Planning Commission asked the Applicant to reduce the height of the southern portion of the house to minimize impacts to public views. On 11 December, 2009, the Applicant submitted a second design that reduced the height of the southern portion of the house. The stepped design was harmonious with the existing hillside and the design only blocked public views for a few feet at corners of the home. At this meeting, the Planning Commission approved the design. Thus, within 3 months and two Planning Commission meetings, the design proposal was accepted.

We believed that it was this efficient process that the City Council codified in the new Ridgeline ordinance. Each of the elements of the new ordinance were exercised in the 88 Thomas review even though it was done under the previous ordinance. Moreover, some 'elasticity' is needed in the ordinance because it gave the Planning Commission the freedom to allow some corners of the design to extend into the SBMSCP. For this reason, we supported Tim Tune's efforts in rewriting the ordinance which was passed by the Planning Commission and the City Council in 2011. At the time, we agreed with the inclusion of 'of community-wide value' to provide some elasticity in the application of the ordinance.

In summary, the new Ridgeline ordinance gives builders significantly more flexibility than the previous ordinance. This freedom must be appropriately leavened with their responsibility to largely maintain public views of the SBMSCP.

Section IV. The existing design for 8 Thomas Ave does not preserve public views of community-wide value

In Figures 3 - 8, we show that the proposed design blocks significant public views of the San Bruno Mountain State and County Park. We took these photos at 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 with a simple Canon PowerShot point-and-shoot camera with a 4x zoom. The eye can see much more detail in the Mountain than is possible with this camera. We hope that Council Members will drive down to the Bay Trail at the Lagoon to see the view corridor and existing story poles.

Where possible, we have tried to include an outline of the proposed house at 88 Thomas as described in Figure 9. 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 significantly 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. It is principally the southern part of the design - the portion closer to San Bruno Avenue - that blocks large portions of the Park. The effect of 8 Thomas will be visually double that of the existing apartment building. The southern portion of the house extends ~ 20 feet (about two floors) into the SBMSCP. 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 northern portion of the house - the side away from San Bruno Avenue - extends ~ 8 to 10 feet into the Park.

In walking from View A to View F, we have traveled more than the distance of two football fields. This single home will affect views of the SBMSCP from a length along the Bay Trail that is equivalent to the distance from MidTown Market to the community park.

Section V. Possible alternatives to the present design for 8 Thomas

There are several choices in the present design that cause it to block large portions of SBMSCP and could be mitigated. Firstly, the southern portion of the home is not stepped down causing it to extend into the County Park. The upper floor has 11 foot ceilings. The overall visual bulk of the house is significantly increased because it includes a 600 square foot two story atrium that is not included in the floor area ratio.

In Figure 10, we show one possible concept drawing of how the design could be modified to largely preserve public views of the San Bruno Mountain State and County Park. The portion of the house closest to San Bruno Ave has been stepped down, reducing the impact on public views and echoing the slope of the ridgeline. The roofline is aligned with the public view corridor from the Bay Trail so the impact on public views is reduced. Moreover the roof peak will mimic the crests of San Bruno Mountain. The height of the upper floor has been reduced from 11' to 9'. Because of the gently peaked roof, this upper floor may be able to have an 11' vault in the center.

We think these design changes would possibly now largely preserve public views of the Park as seen from the perspective of Figure 10. That would need to be determined with new story poles. In many ways, it is similar to the stepped design of 88 Thomas which also only minimally blocks public views of the Park. Even with the stepped design, the southern portion of the design will

continue to block public views of the Park from perspectives similar to Views A-C. However, the impact will likely be much reduced relative to the current design.

Conclusions

As we discussed above, the new Ridgeline Ordinance does an excellent job of setting out the process of evaluating a potential design for an Applicant and the City. It provides considerably more flexibility to lot owners in the Brisbane Acres, yet leavens that flexibility with the requirement to largely maintain public views of the SBMSCP. We believe that the intent of the phrase 'of community-wide value' was to provide some elasticity for lots where it is not possible to build a functional home in a way which completely preserves public views of the Mountain.

We should understand that we are giving developers a significant opportunity to design on spectacular lots with spectacular views. As a town, we value rights of a homeowner to build any home that fits within the ordinances, yet we also want to maintain the feel of Brisbane being surrounded and protected by the Mountain. We would like to keep our ridgelines open of development, but also understand the opportunity and desire of developers to build homes with spectacular views.

The house at 8 Thomas will sit on the top of San Bruno Avenue at an entrance to our town. We hope that this home will fit in with the atmosphere and identity of our small town settled in the arms of San Bruno Mountain. The story poles and images clearly show that the present design does not preserve views the the San Bruno Mountain State and County Park from 700 feet along the Bay Trail. The negative effect of the proposed house is substantially larger than the existing apartment building. 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 letter,

Yours,

Storrs Hoen and Beth Grossman

715 Sierra Point Road, Brisbane
415 467-1836

Figure 1. The 2011 Ridgeline ordinance for Brisbane Acres

Section 17.42.020 L

Ridgeline. Development on any site through which a ridgeline runs as identified in Figure 17.02.695 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 OSHA yellow so as to be clearly visible from a distance.

2. In addition to the findings required for issuance of design permits set forth in Section 17.42.040, 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. Methods to accomplish this may include varying the building's roofline to reflect the ridgeline's topography, orienting the building to minimize the impact of its profile upon public views, locating the building on the lower elevations of the site, and reducing the building's height below the maximum permitted in the district.

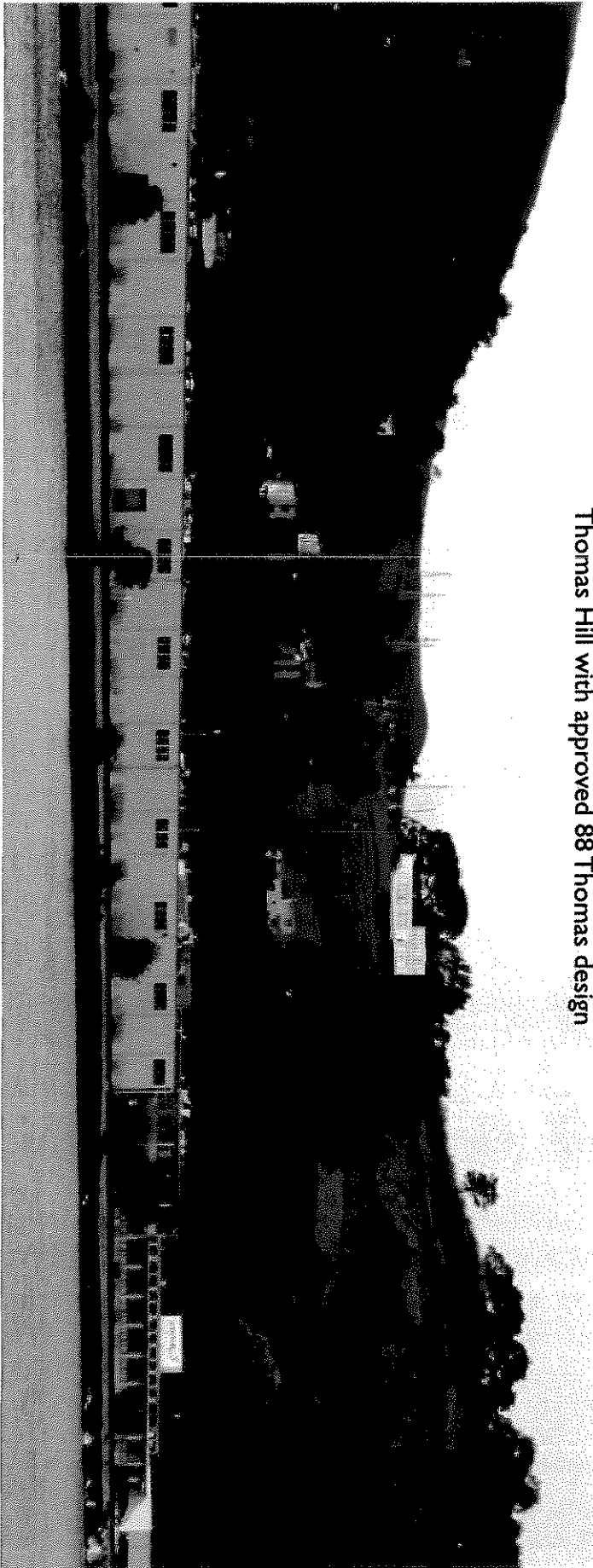
3. An existing structure may be repaired or replaced in accordance with Section 17.38.090 without design permit approval, but any alteration or expansion which raises any portion of the roofline or increases the building's lot coverage shall be subject to design permit approval under this section.

The important additions

- The Applicant may build on a ridgeline.
- Ridgelines clearly identified in a drawing.
- Applicant is notified that there will be a design permit required
- Story poles will be used to evaluate the effect of the house
- Planning Commission shall find building preserves public views of the Park
- From Bay Trail views that are found to be of community-wide value
- Applicant is notified that among other options
 - (a) the roofline may be varied to reflect the ridgeline topography
 - (b) the building orientation may be altered
 - (c) the building location may be shifted
 - (d) the buildings overall height may be reduced.
- **Also**
Existing structures can be rebuilt or replaced to their existing shape

Figure 2. What Thomas Hill could look like under City's current interpretation

Thomas Hill with approved 88 Thomas design



Thomas Hill with 8 Thomas proposed design
88 Thomas original design (which occludes the Mountain similarly to the current 8 Thomas design)
and proposed designs for 99 Thomas

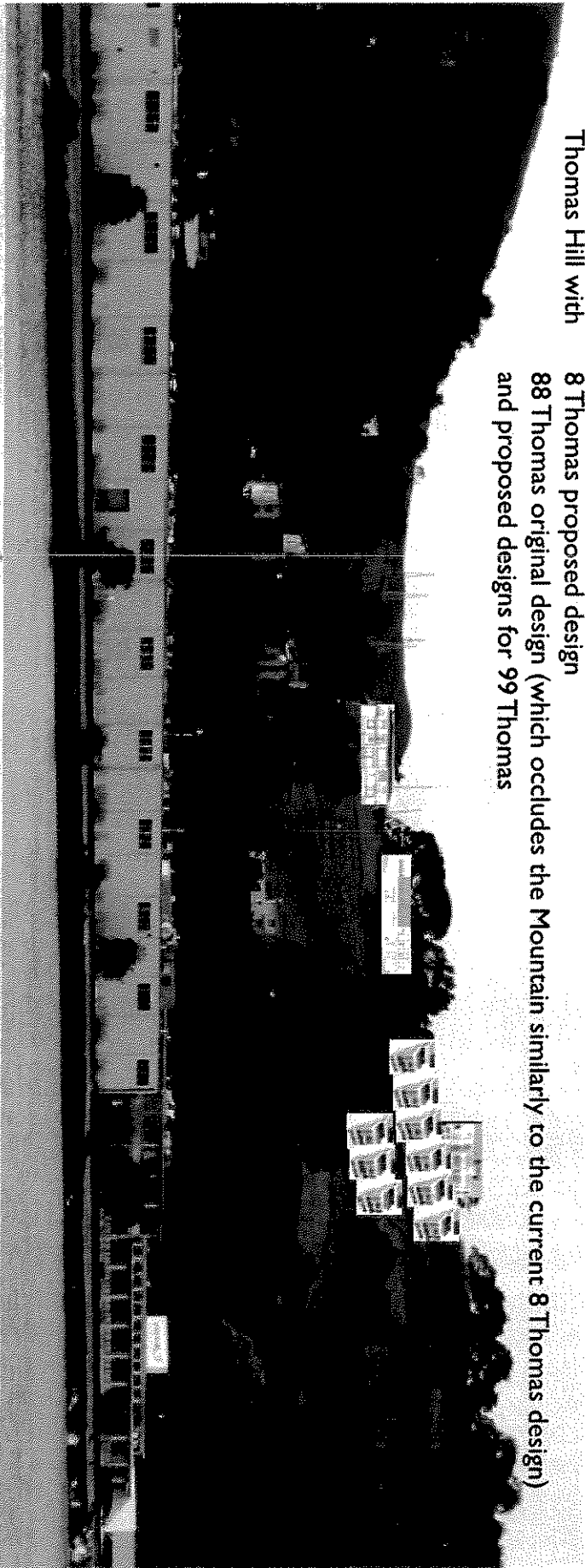
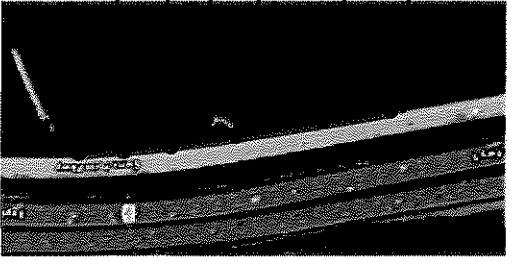
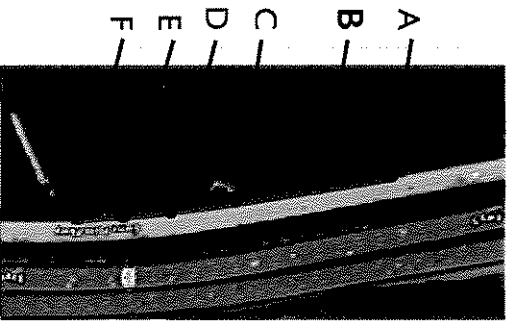


Figure 3. View A - 5' 2.4" above Bay Trail, GPS Location (37.68036,-122.389235)



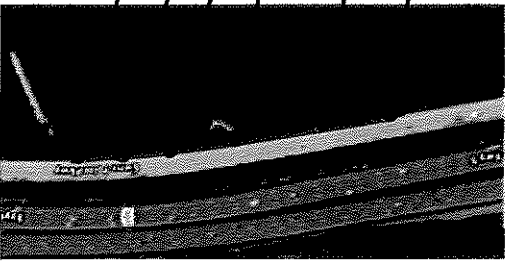
A —
B —
C —
D —
E —
F —

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



A -
B -
C -
D -
E -
F -

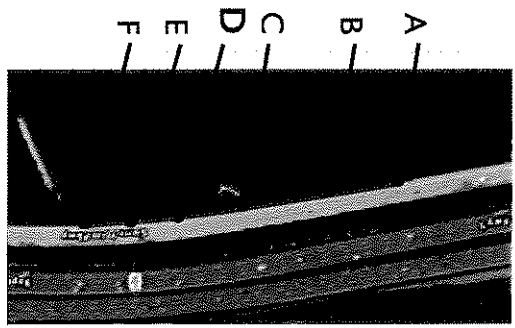
Figure 5. View C - 5' 2.4" above Bay Trail, GPS Location (37.67939,-122.38901)



A -
B -
C -
D -
E -
F -

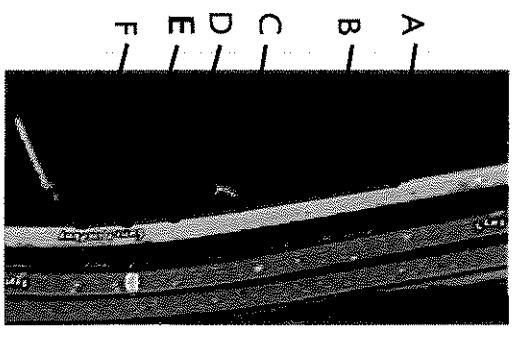
Figure 5. View C - 5' 2.4" above Bay Trail, GPS Location (37.67939,-122.38901)

Figure 6. View D - 5' 2.4" above Bay Trail, GPS Location (37.678982,-122.388945)



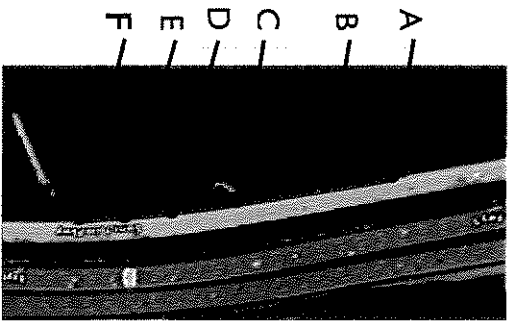
A -
B -
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F -

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



A
B
C
D
E
F

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

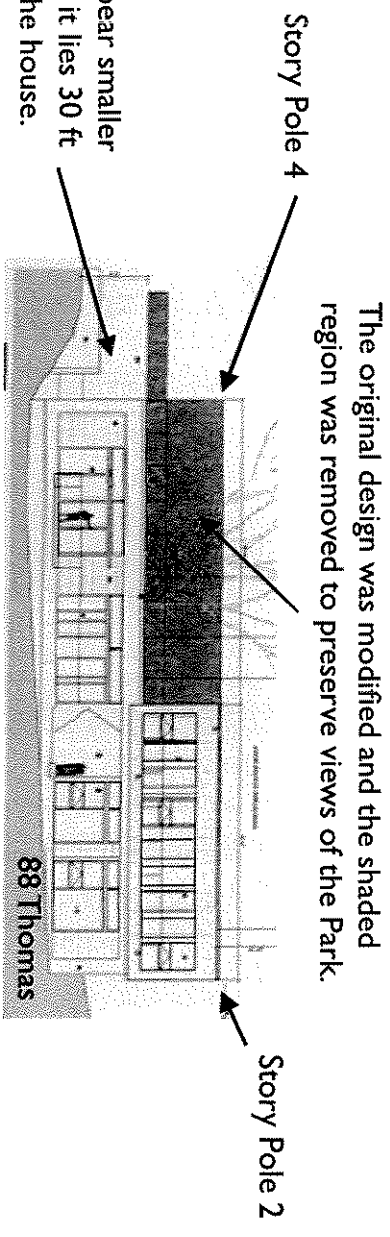


A -
B -
C -
D -
E -
F -

Figure 9. How we put 88 Thomas in the photos

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

This portion will appear smaller
than shown because it lies 30 ft
behind East face of the house.



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.

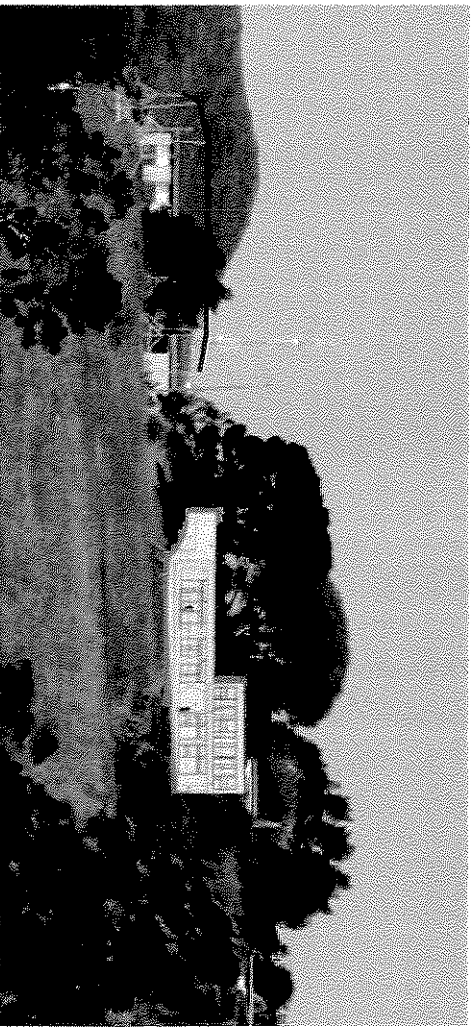
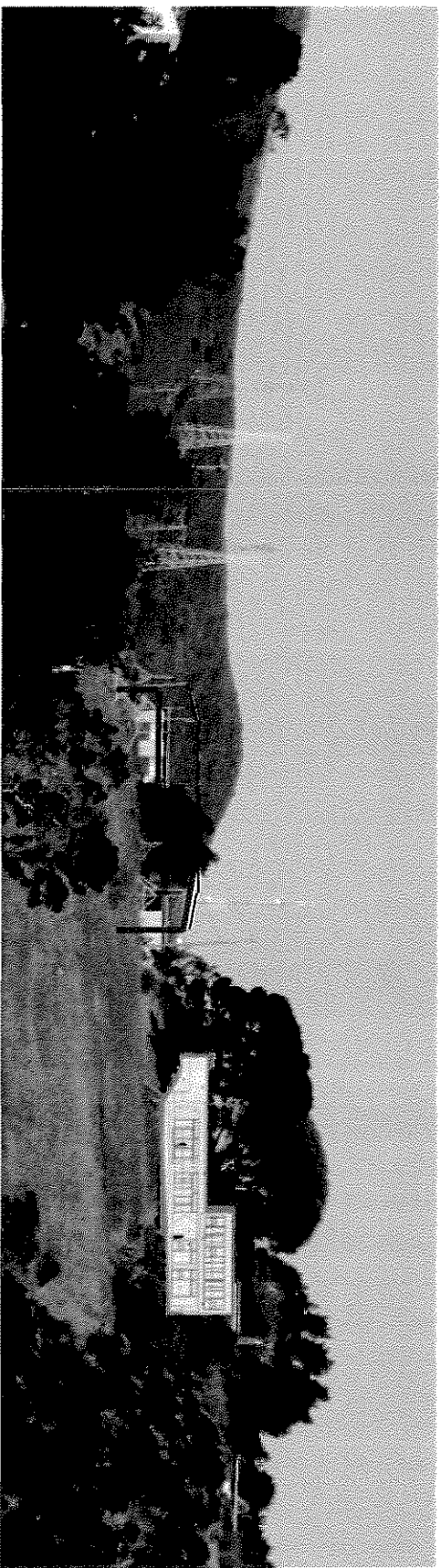


Figure 10. A concept for modifications to preserve public views



East view



Current design

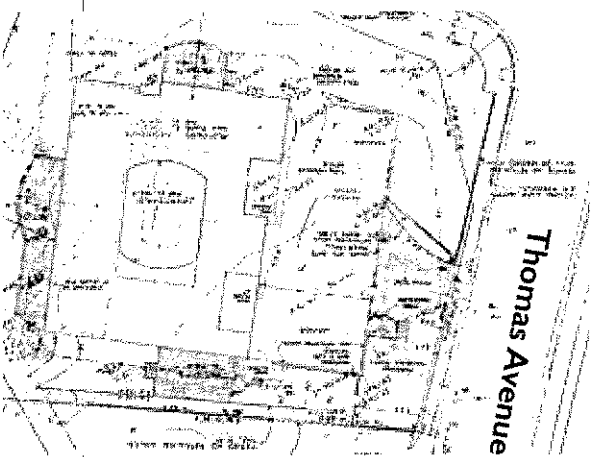


Concept outline

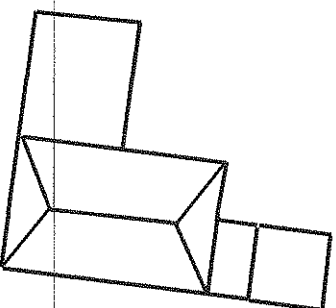
Key points

- Southern portion of home is stepped down (portion near San Bruno Ave)
- Height of top floor reduced to 9 feet and keeps vaulted ceilings (11' vault)
- Roofline is aligned with public view corridor
- Garage reduced to two cars to allow house to expand toward Thomas Avenue
- As seen from View A, southern portion of house will still extend into SBMSCP by several feet

Top view



Current design



Concept outline