

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 11/14/19

SUBJECT: **Plan Lines for Right-of-Way, PL-1-19;** 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; multiple owners.

REQUEST: Establish plan lines for public rights-of-way (PROW) through 450 Kings Road and into the northwestern area of the Brisbane Acres, including Lots 89, 90, and 91 and 88 Beatrice Road, to designate where PROW for future roadway and infrastructure improvements would be located to serve future development in the area.

RECOMMENDATION: Adoption of Resolution PL-1-19, recommending approval of the proposed plan lines for rights-of-way to City Council, with a recommendation for Council to also provide direction on whether a 30-foot PROW would be considered along the alignment.

ENVIRONMENTAL DETERMINATION: Statutorily exempt from the provisions of the California Environmental Quality Act per Section 15262 of the State CEQA Guidelines.

APPLICABLE CODE SECTIONS: The provisions pertaining to establishment of Plan Lines for Rights-of-Way are contained in Brisbane Municipal Code (BMC) Chapter 12.06. Consistent with Policy C.47 of the General Plan Circulation Element, BMC Chapter 12.24 prohibits private streets to serve new development. BMC Chapter 17.01 establishes requirements for lot of record and infrastructure improvements for new development.

BACKGROUND:

Plan Line Initiation: On June 27th, 2019, the Planning Commission adopted Resolution PC-1-19 to initiate the process to establish plan lines for rights-of-way across 450 Kings Road in the R-1 Zoning District into the western area of the Brisbane Acres R-BA zoning district to serve potential development proposed in the area. Following the initiation and pursuant to BMC Section 12.06.050, the Commission will consider the proposed plan lines at tonight's public hearing to provide a recommendation to the City Council. The impacted sites and the proposed plan lines are provided as Attachment A, and an aerial photograph showing the proposed plan lines is provided as Attachment B.

Brisbane Acres Development: The Brisbane Acres subarea originated as an unrecorded subdivision in the 1930s. Subsequent land transfers by deed resulted in various fractured land ownerships. Among the unrecorded lots are "roadway" parcels intended to access the lots from the City's streets, the majority of which remain privately owned and are not dedicated to the City.

The Brisbane Acres feature two distinct subareas corresponding with the Management Units established in the San Bruno Mountain Habitat Conservation Plan (HCP): the “lower Acres,” abutting developed areas of the City and the “upper Acres”. The HCP was adopted in 1982 for the protection of endangered butterfly species. The upper Acres subarea is identified as having higher habitat value than the lower Acres in the City’s 2001 Open Space Plan due to its proximity to the San Bruno Mountain State and County Park and the presence of plant species which provide endangered butterfly habitat. To date, development within the Brisbane Acres has been limited to the lower Acres due to their proximity to City infrastructure. The City has acquired a number of upper Acres properties for open space purposes.

Development in the Brisbane Areas poses a number of technical challenges, significantly the lack of public streets and requirement for public infrastructure to serve development per BMC Chapter 17.01. This is exacerbated by the steep topography in the area, with slopes up to approximately 50 percent.

Plan Line Purpose: All properties in the subject area (see Attachment A) are accessed from Kings Road via a 50-foot wide easement for private access and public utilities over the existing single family lot at 450 Kings Road, and by a succession of shared private driveways. Beatrice Road, Alexander Road, and Margaret Avenue are often referred to as “paper streets,” inasmuch as they appear on maps as roadways but are privately owned, not improved to City standards, and not dedicated to the City.

Recently, the owners of three unrecorded lots (Lots 89, 90 and 91) in the subject area have separately communicated with the City about potentially subdividing and developing these lots. These owners have sought preliminary City feedback on project design and public infrastructure requirements, including the provision of streets. The ongoing discussions with property owners prompted this plan line designation application to holistically consider the best way to provide required and the code-compliant public access to these sites, and provide clarity to affected property owners as to the alignment of roadways which will be required in conjunction with future development.

The proposed plan line adoption and subsequent establishment of the PROW are aimed at addressing the following objectives:

- ✓ Allow for development of single family home sites within this area of the Brisbane Acres, with public streets and utility infrastructure that meets City standards.
- ✓ Allow existing development currently served by private driveways to be expanded or improved by providing for conforming infrastructure. Currently properties that do not abut a public street may not be expanded by more than 100 square feet.
- ✓ Widen and thereby improve the geometry of the hairpin turn that runs through 450 Kings Road for better Fire Dept. and emergency vehicle access, as well as provide infrastructure beyond that point to City standards.

- ✓ Avoid creating lot “islands” where the PROW and requisite infrastructure could not reasonably be provided to allow for development. Lots of concern include Brisbane Acres Lots 86 and 87 located to the northwest of the area subject to the plan line proposal.

DISCUSSION: Establishment of plan lines provides developers with the City’s intent for the approximate location of future PROW to accommodate roadways, utilities, parking, and other infrastructure. It does not establish the exact location or design of roadways (i.e., slope, width, or other design elements). Such detailed design work must be based on site specific engineered design factors and is submitted with the required Parcel Maps for site development. Future improvement of dedicated PROW will not necessarily require paved roadways to extend the full width of the PROW.

Per BMC Chapter 12.06, the proposed alignment has been staked in the field with physical location markers or paint to indicate the general limits of the PROW for the benefit of the affected property owners. These staking locations are approximate and are based on a compilation of mapping data for the various sites. The intended location of future PROW on each lot is further described below on a site-by-site basis and shown on the referenced maps (Attachments A and B).

Although plan lines are not engineered roadway design, consideration of plan line locations should take into account zoning requirements for conforming lot sizes and dimensions, existing development, easements and public and private infrastructure, and topography. The proposed plan line is intended to avoid creating new zoning nonconformities for any of the impacted lots. The plan line location is also intended to minimize environmental impacts by keeping the proposed PROW away from potential habitat areas, providing fairly direct access to the lots deeper in the Brisbane Acres, and respecting the existing topography.

Minimum lot sizes and lot dimensions for the R-1 and R-BA districts are as follows:

Zoning District	Lot Width (ft)	Lot Depth (ft)	Lot Size (sq ft)
R-1	50	100	5,000
R-BA	110	140	20,000

The PROW alignment is proposed to be 30 feet in width given the combination of steep topography, existing development and proposed development lot constraints. The City Engineer will require a minimum street width of 20 feet within the PROW. Note that City Council acceptance of a right-of-way of less than 40 feet is required by a four-fifths vote, per BMC §12.24.010.D, based on a number of factors outlined in Attachment D. While no formal action on PROW width will be taken by City Council until a development application is put forward, the matter of potentially allowing for a reduced 30 foot PROW width is included in the Planning Commission’s draft recommendation for Council’s consideration to provide preliminary feedback to potential applicants. If City Council ultimately did not accept a reduced right-of-way, it would not be seen as a significant change the proposed alignment. However, a 40 foot

PROW could potentially reduce the number of units that could be developed, due to the reduction in resultant lot areas on Lots 89, 90 and 91.

Existing and Proposed Conditions by Lot: The properties in the plan line area include existing single family homes, private vacant lots, and Margaret Water Tank. City open space lots are located farther up the hill to the south of this subject area. All properties currently gain access from Kings Road via a private driveway, with easements across 450, 462, 466 and 468 Kings Road and Lots 90 and 91. Lots that utilize private access were developed prior to the prohibition against private streets provided in BMC Section 12.24.010.E and are restricted to an addition of no more than 100 square feet of new living space. New shared driveways are not allowed in the Code and may only be approved by Variance at this time.

A brief summary of the lots that would be affected is as follows:

450 Kings Road:

- **Existing:** While this is a large lot for the R-1 district at approximately 14,000 square feet, most of the eastern side is encumbered with a 50-foot private access and public utilities easement and other easements as shown on the recorded parcel map (Attachment C). The shared driveway also wraps around to the rear of the property, with its garage being on south side abutting the Brisbane Acres lots.
- **Proposed:** A 30-foot PROW would be established across much of the existing access easement area. The new PROW would not encroach beyond the existing western edge of pavement along the side of the house. While reducing its lot size to approximately 5,000 square feet, the PROW dedication would not reduce the effective development area available to the homeowners should they seek to expand their home due to the encumbrance of the existing 50-foot easement. Dedication of a 30-foot PROW would result in a nonconforming lot width, but its size should remain conforming. The home's total floor area would be limited for future expansion to a floor area ratio of 0.72 and lot coverage of 40 percent, which would be approximately a 3,600 square foot home. The current size of the home is approximately 1,700 square feet. To meet City standards, the actual street width would need to be widened to at least 20 feet along the inside (east side) of the curve. The curve would be widened so that it would extend to the south into Lot 89 to provide a compliant turning radius for Fire Dept. emergency vehicle access. Any remnant of the lot on the east side of the PROW may be purchased and become part of 462 Kings Road, or it may remain as an undeveloped remnant.

462 and 466 Kings Road:

- **Existing:** These two vacant lots have a driveway easement across their rear halves, which severely limits, but does not outright prohibit, their development potential. Development of street access from Kings Road is prohibitive given the roughly 20-foot cliff face along Kings Road. The owner of 462 Kings Road also owns Lot 89 and has been in active communication with the City to develop the lot.

- Proposed: The PROW would run behind both lots within Lots 89, 90 and 91. Both of these lots could then be developed to gain access off of the new PROW. While the development of a new street within the PROW would not necessarily eliminate existing access easements, these may be vacated upon mutual agreement and utilizing the new street access to provide direct connection to the public street.

468 and 478 Kings Road:

- Existing: These two developed sites are accessed via the private driveway easement. 468 Kings also has parking on Kings Road.
- Proposed: The PROW would run behind both lots within Lots 89, 90 and 91. As with the vacant lots at 462 and 466 Kings, while a new street would not automatically eliminate existing access easements, these may be vacated upon mutual agreement and utilizing the new street access.

88 Beatrice Road:

- Existing: This single family residence is accessed from the private driveway across 450 Kings Road. The lot is approximately 58,000 square feet. Since it does not abut a public street, expansion of the existing home is limited to 100 square feet, per BMC §17.01.060.B. Although given the lot size it may theoretically be split to two lots, access from a public street would be required. The owner of 88 Beatrice shares ownership with a 30-foot wide “roadway” parcel (“Beatrice Road”) between 88 Beatrice and Lot 89.
- Proposed: The western alignment of the plan line along “Beatrice Road” would extend roughly along the 30-foot wide “roadway” parcel, with some deviation. The plan line would shift to the north of Beatrice Road to allow for a conforming width on Lot 89, assuming a lot split. Then, at its middle section, the plan line would shift south to allow for a conforming setback for the existing home at 88 Beatrice Road, with the alignment roughly following an overgrown driveway cut that extends east-west into the northern edge of Lot 89. The western end of the plan line would drop back onto the existing Beatrice Road alignment.

Lot 89:

- Existing: This approximately 46,000 square foot vacant lot has access across the private driveway easement across 450 Kings Road. Given the lot size, there is potential to split this property to two lots via parcel map. However, given the odd shape of the lot, the parcel map would need to allow a substandard lot width for one of the sites. The owners of this lot also own 462 Kings Road and have been in active communication with the City to develop these lots. The owner of Lot 89 shares ownership with a 30-foot wide “roadway” parcel located between 88 Beatrice and Lot 89 (“Beatrice Road”).

- Proposed: For the western alignment of the plan line, along “Beatrice Road”, see the description provided for 88 Beatrice above. As indicated above, a realignment from the Beatrice road parcel is suggested with the intent of providing for two conforming lots with a lot split, by parcel map, on Lot 89. Additionally, note that a plan line spur is suggested at the western end of Lot 89 as an option to allow for fire apparatus turnaround, if needed. Alternatively, a fire turnaround may be provided within the development of Lot 89, subject to Fire Department approval. The adoption of the plan line would not obligate the owner of Lot 89 to extend public infrastructure along the entire northern edge of the lot, but rather only that portion necessary for approval of their development plans by the City to access their two lots. That would be determined via development applications and be subject to public hearing at the Planning Commission and City Council. The remainder of the roadway would be the responsibility of the owner of Lots 86 and 87 at such time that those lots are developed.
- Alternatives: The owner of Lot 89 has prepared preliminary plans with a proposed private driveway running from the hairpin curve of 450 Kings Road and parallel with the Beatrice road parcel, crossing over the front lot proposed for Lot 89 to gain access to a new lot at rear, to be created by splitting Lot 89. A fire apparatus turnaround was proposed to be located between these two proposed lots. That proposal would avoid the use of the Beatrice Road parcel, in which case the existing private driveway to 88 Beatrice would remain as is. The concern with the owner’s proposal is that it did not consider the potential for development of Lots 86 and 87 beyond these sites to the west and would unnecessarily place two private driveways side by side between Lots 89 and 88 Beatrice with each terminating on the respective properties.

Another alternative has also been suggested by the owners, of utilizing an existing private access easement across Lot 90 that already benefits Lots 86 and 87 and was granted through court settlement. There are a few considerations with that proposal:

- The court settlement was a private matter and the order did not place an obligation on the City to accept the location for a public street.
- It would be a longer traverse to Lots 86 and 87 and would place the roadway closer to potential habitat on the south side. Potential impacts are unknown.
- While the climb in elevation is similar and in either case would require engineering design and earthwork, placement of a separate road at that location in addition to the owner’s proposed lower driveway would essentially double up the earthwork, unless instead of accessing the proposed Lot 89 sites from below at Beatrice, the two Lot 89 development sites were accessed from above. That would also assume the City’s acceptance of a substandard lot width, or a lot line adjustment, via separate development applications.
- While Lot 90 is encumbered with a private easement and includes a dirt driveway, that does not reduce the land area in the calculation of conforming lots. It is not clear what an

additional dedication to PROW would have on the net land area. It may result in reduction in development potential from 4 to 3 lots.

Note that adoption of a plan line by the City is to show intent of where the PROW should be located. The applicant would have the right to provide an alternative design, via separate applications, for consideration by the Planning Commission and City Council. Ultimately, if a superior location was demonstrated by the applicant, City Council could vacate the plan line and approve an alternate design.

Lots 90 & 91:

- Existing: These two lots combined total approximately 94,000 square feet of land area. The vacant sites are encumbered by a 50 foot wide easement owned by the City to access the City's water tank, located on a City-owned parcel located to the south and west of the sites. A private access easement is located along the northwest portion of Lot 90 for the benefit of properties to the west (Brisbane Acres Lots 86 and 87), as mentioned above. Access to Lots 90 and 91 is currently limited to the water tank access road within the City-owned easement. The owner of these two sites have also been in active communication with the City regarding their potential development as four single family homes.
- Proposed: The eastern alignment of the PROW would run along the north and northwest edges of these two lots and would terminate on Lot 91 since beyond that is the City's open space land. The property owner has provided a preliminary proposal to the City to split these two lots to four. The PROW would reduce the size of the lots, but it appears feasible to still have adequate land area (80,000 square feet or more), such that four separate sites could be created.
- Alternative: The owner has recently suggested terminating the proposed PROW alignment short of what is shown on the map and instead widening the City's driveway to the water tank (see Attachment B). In that case, the proposed PROW would encompass the existing water tank easement. The City Engineer has not had the opportunity to evaluate the proposal to determine whether the access road could be widened to the required minimum of 20 feet without requiring significant cut and fill, or whether the proposed widening would continue to allow unimpeded access to the water tank during construction. The proposed plan line designation may move forward as proposed while the applicant and staff conducts further study on the feasibility of their proposal. Should that alternative prove to be feasible to the City Engineer, the City Council could vacate the plan line designation for that portion of the planned right-of-way and allow the alternative right-of-way to be included in the parcel map.

Lots 86 & 87:

- Existing: These two vacant lots combined total approximately 97,000 square feet are located beyond 88 Beatrice and Lot 89 and are owned by a single owner. Access is by private easement across Lot 90. Lot 86 is in the upper acres and Lot 87 is in the lower acres.

- Proposed: The plan line would terminate at the eastern edge of Lot 87, with the intent that the PROW and requisite infrastructure could be extended to these lots allowing for their development. While the owner has been in conversation with the City over the years regarding their development, there are no active applications.

Lot 62 (Water Tank):

- Lot 62 is the City's Margaret Water Tank site and is accessed by an approximately 10 to 12 foot wide paved driveway across 450, 462, 466 and 468 Kings Road and Lots 90 and 91. Access will need to be maintained to the City's satisfaction.

Other Lots:

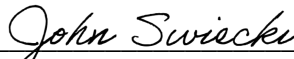
- As indicated, the City has purchased a number of upper Acres lots for open space. These do not have development potential. A handful of private lots are also located in the upper Acres to the south and southwest. Given the low potential for development and potential access from other directions, this plan line proposal does not address access for these lots. Any future private development proposals would need to demonstrate public street access consistent with BMC requirements.

ATTACHMENTS:

- A. Proposed Public Right-of-Way Plan Lines Map
- B. Proposed Plan Lines on Aerial Photo
- C. Recorded Parcel Map for 450 Kings Road
- D. Draft Resolution PL-1-19
- E. BMC Section 12.24.010.D Reduced Right-of-Way excerpt



Ken Johnson, Senior Planner



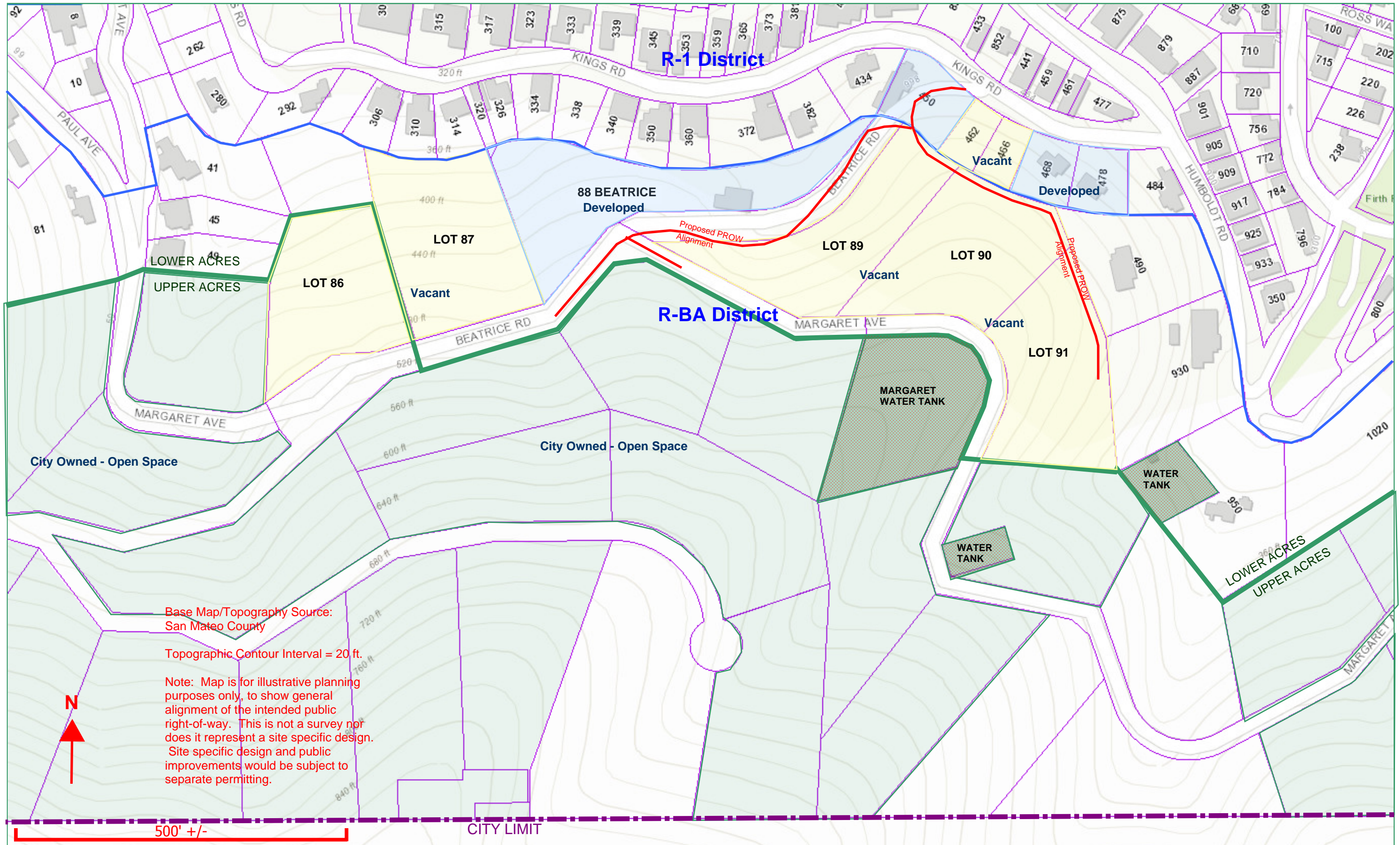
John Swiecki, Community Development Director



Julia Ayres, Senior Planner

ATTACHMENT A

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Base Map/Topography Source:
 San Mateo County

Topographic Contour Interval = 20 ft.

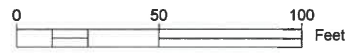
Note: Map is for illustrative planning purposes only, to show general alignment of the intended public right-of-way. This is not a survey nor does it represent a site specific design. Site specific design and public improvements would be subject to separate permitting.




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ATTACHMENT B

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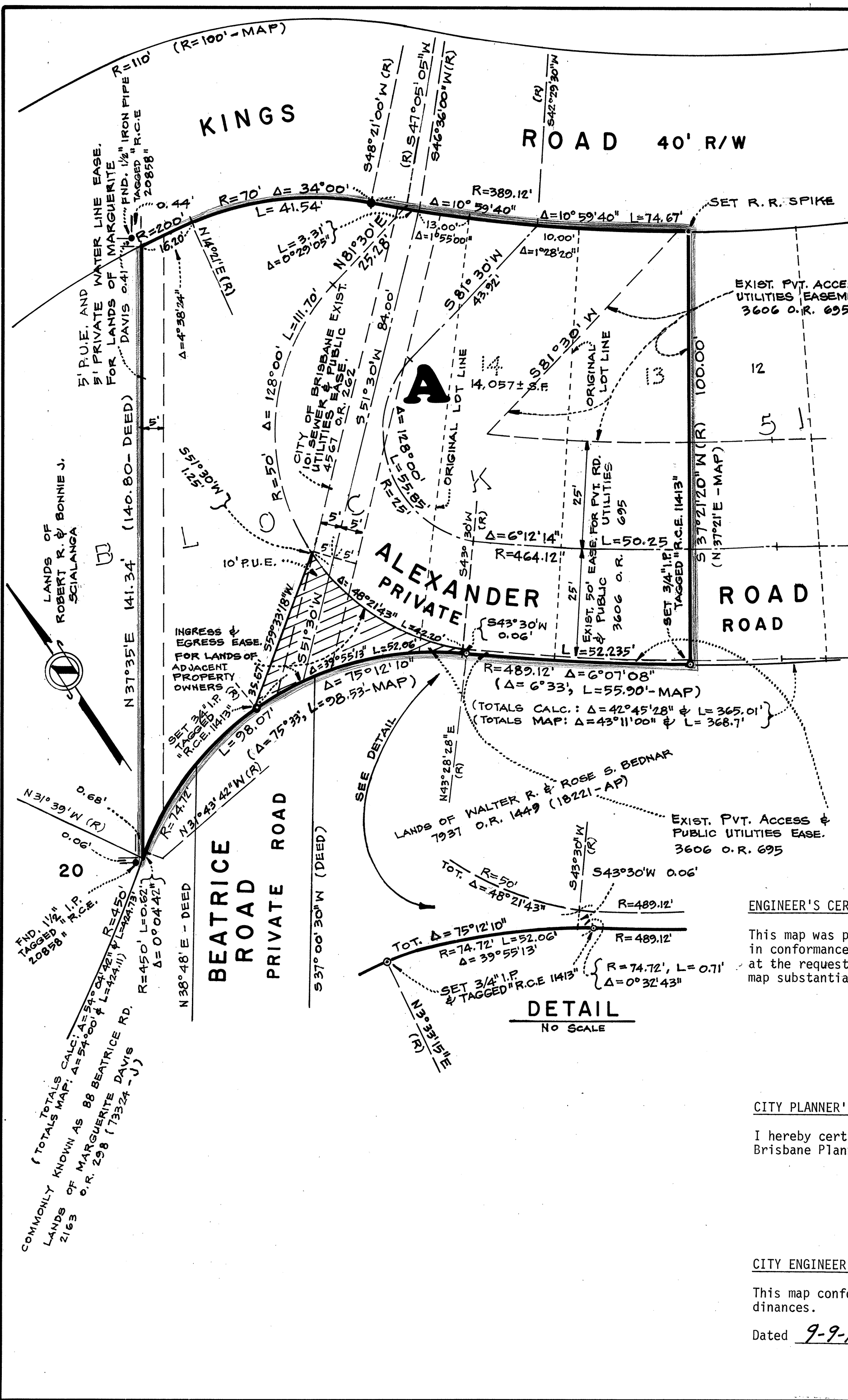
— : Property Lines
 — : Proposed Roadway Centerline

The City of Brisbane	DATE: 10/18/2019	
Proposed Plan Line Drawing	SCALE: 1:30	
This is not a survey. Property line locations taken from San Mateo County GIS		City of Brisbane Public Works Department (415)508-2130 www.brisbaneca.org

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ATTACHMENT C

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NOTES:
 1. All distances are shown in feet and decimals thereof.
 2. The blue border indicates the boundary of land subdivided by this map.

DIRECTOR OF PUBLIC WORKS' CERTIFICATE
 I, Dutch Moritz, Director of Public Works of the City of Brisbane, State of California, in accordance with Resolution No. (None), accept on behalf of the public that certain strip of land, design- "P.U.E." as shown on within map offered for dedication for public use in conformity with the terms of the offer of dedication.
 Dated 9-9-81

C.R. Moritz
 Director of Public Works,
 City of Brisbane

ENGINEER'S CERTIFICATE
 This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of the Owner on September 19, 1979. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map.

Louis Attilio Arata
 Louis Attilio Arata, R.C.E. 11413

CITY PLANNER'S CERTIFICATE
 I hereby certify that this map conforms with the tentative map as approved by the Brisbane Planning Commission on Sept 19 1979, 1981.

R.J. Inail
 City Planner

CITY ENGINEER'S CERTIFICATE
 This map conforms with the requirements of the Subdivision Map Act and local ordinances.
 Dated 9-9-1981

James F. Anall
 City Engineer



OWNER'S CERTIFICATE

This is to certify that I am the owner, or have some right, title or interest in and to the real property included within the Parcel Map shown upon this map, that I am the only person whose consent is necessary to pass a clear title to said property and do consent to the making and recording of said map and resubdivision as shown within the blue border lines and hereby dedicate for public use for sewers and underground utilities only under and across that certain strip of land designated as "P. U.E." all as shown on said map within said Parcel Map. Such easement may be used for underground private drains.

I hereby grant to the owners of the parcels of land in the area commonly known as "Brisbane Acres", an unrecorded subdivision, to their successors and/or assigns, and to their families, servants and visitors, access rights on, over, along and across that certain portion of the hereon Parcel A designated herein as "Ingress & Egress Easement for lands of adjacent property owners" for vehicular and pedestrian ingress and egress and underground utilities. This private access easement cannot be rescinded, voided or modified without the written approval of the City of Brisbane.

I further hereby grant a private water line easement for an underground water pipe designated on the within map as "5' private water line easement for lands of Marguerite Davis", which easement shall be appurtenant to the lands described in Volume 2163, Official Records of San Mateo County, at page 298 (733324-J).

AS OWNER:
Brian Dickinson
 Brian Dickinson

ACKNOWLEDGMENT

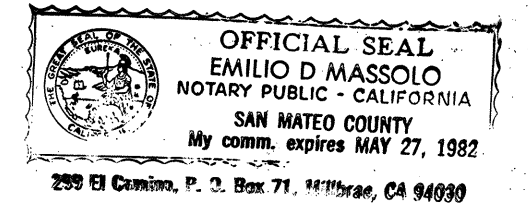
STATE OF CALIFORNIA } s.s.
 COUNTY OF SAN MATEO }

On this 2 day of Sept, 1981, before me, Emilio D. Massolo a notary public in and for the County of San Mateo, State of California, residing therein, duly commissioned and sworn, personally appeared BRIAN DICKINSON, a single man, known to me to be the person whose name is subscribed to the within instrument and he acknowledge to me that he executed the same as Owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My Commission Expires: May 27, 1982

Emilio D. Massolo
 Notary Public in and for the County
 of San Mateo, State of California



RECORDER'S CERTIFICATE

File No. 93748AS Fee \$6.00

Filed this 5th day of OCT., 1981, at 11:42 A.m., in Volume 51 of Parcel Maps at page 81, at the request of the Owner.

MARVIN CHURCH
 County Recorder

By: *James D. Drills*
 Deputy Recorder

PARCEL MAP
 OF
 CITY OF VISITACION NO.3-A
 BRISBANE
 SAN MATEO COUNTY, CALIFORNIA

Being A Resubdivision Of Lots 13 & 14, And A Portion Of The Adjoining Un-numbered Lot, Block 51, Amended Map Of Subdivisions Nos. 1, 2 & 3 Of The City Of Visitation

Scale: 1" = 20'

LOUIS ATTILIO ARATA
 Civil Engineer & Surveyor
 Millbrae, California

June, 1981

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ATTACHMENT D

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RESOLUTION PL-1-19

**A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
RECOMMENDING APPROVAL OF
PLAN LINES FOR RIGHTS-OF-WAY
THROUGH 450 KINGS ROAD
INTO THE WESTERN AREA OF THE R-BA BRISBANE ACRES ZONING DISTRICT,
SOUTH OF KINGS ROAD**

WHEREAS, the Brisbane Acres subarea originated as an unrecorded subdivision and subsequent land transfers by deed description resulted in various individual ownerships of land; and

WHEREAS, the unrecorded subdivision created a number of roadway parcels, most of which were not dedicated to the City as public streets; and

WHEREAS, property owners within the area south of Kings Road, including Brisbane Acres Lots 89, 90 and 91 have inquired as to the required public infrastructure and alignments of said infrastructure in order to develop these properties with single family residences; and

WHEREAS, the City's ultimate approval of rights-of-way to access the above referenced lots may also have significant implications on other lots in the vicinity; and

WHEREAS, the provisions contained in Brisbane Municipal Code (BMC) Chapter 12.06 provide for establishment of Plan Lines for Rights-of-Way to show the intended, approximate locations of public rights-of-way ; and

WHEREAS, the Planning Commission initiated the Plan Line process during their regular meeting of June 27, 2019, via adoption of PC-1-19; and

WHEREAS, the Planning Commission conducted a public hearing on November 14, 2019 and reviewed and considered the staff memorandum relating to said application and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application, including Attachment A, which shows the; and

WHEREAS, the Planning Commission finds the adoption of plan lines for rights-of-way are statutorily exempt from the provisions of the California Environmental Quality Act per Section 15262 of the State CEQA Guidelines in that they would establish planning direction, subject to separate future applications and environmental study as required under CEQA; and

NOW THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council adopt Plan Lines for Proposed Rights-of-Way and provide an initial response to potential applicants as to the acceptance of a 30 foot wide right-of-way versus 40 feet:

AYES:

NOES:

ATTACHMENT D

ABSENT:

PAMALA SAYASANE
Chairperson

ATTEST:

ATTACHMENT E

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BMC Section 12.24.010.D excerpt:

“Reduced Right-of-Way for Certain New Public Streets. Pursuant to Section 1805 of the California Streets and Highway Code, the city council by a four-fifths vote may approve as the principal means of access to a lot of record for which a permit or approval for development is requested, a new public street having a right-of-way width of less than forty (40) feet, if the council determines that such reduced width is justified by the public convenience and necessity. The reduced width shall be deemed to be justified by the public convenience and necessary if all of the following requirements are satisfied:

1. The new street shall be dedicated as a public street and the applicant shall demonstrate to the satisfaction of the city engineer that the applicant has the legal right to make such dedication.
2. If the proposed street right-of-way to be dedicated is less than thirty (30) feet in width, a thirty (30) foot wide public utility easement, which includes the new street, shall be offered for dedication to the city, unless alternative utility easements are available as approved by the city engineer. For new streets having a proposed pavement width of less than twenty-eight (28) feet, parking bays may be permitted within the thirty (30) foot wide public utility easement.
3. The new public street only takes access from another public street.
4. The new public street will be constructed in compliance with the standards in subsection B of this section (subject to modification by the city engineer pursuant to subsection C), in accordance with street improvement plans prepared by a licensed civil engineer and approved by the city engineer.
5. If the new public street is not a through street, the street shall end in a cul-de-sac or hammerhead turnaround approved by the fire chief. If such street exceeds three hundred (300) feet in length, measured as the distance between the edge of the existing pavement to which the new street is connecting and the farthest end of the new street's turnaround, then: (a) mid-length turnarounds may be required by the fire chief, and (b) the city engineer may require that any water line to be constructed in the new street be provided with a metered automatic flushing system or be installed as a looped system.
6. Any potential environmental impacts resulting from the proposed development will be mitigated to less than the level of significance for such impacts.
7. The proposed public street would be a preferred means of access when compared to other possible alternatives.
8. The proposed development will be consistent with the San Bruno Mountain Area Habitat Conservation Plan (HCP), if the HCP is applicable to the site.
9. The city will receive a public benefit which is distinguishable from mitigation of impacts created by the project itself. By way of example only, such benefit may include the dedication of significant open space or the construction of public facilities or contribution toward the cost thereof. The obligation to provide such public benefit shall be established through a development agreement between the city and the applicant.”

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