

COMMENTS – 340 KINGS ROAD – THE WOOD FAMILY- June 23, 2020 (Page1 of 2)

Dear Commissioners,

We live at 340 Kings Road in Brisbane and to the immediate right of 338 Kings. We have had numerous incidents with 338 Kings that we would like you to keep in mind and include in your deliberations and conditions for approval. The listing of these incidents is to show you their pattern of repeated disregard to the well-being of their neighbors and their reasonable enjoyment of their properties.

If strict and appropriate mitigations are not placed on this project, there would be a definite and negative impact on our property, hillside and everybody else living close to 338 Kings, and/or impacted streets for years to come.

We have done a lot of work to protect and prevent landslides on our property, particularly in front of the house adjacent to 338 Kings. Signs and evidence of erosion-were of concern to us. By hiring a professional and experienced team including landscape professionals and obtaining all the necessary permits, we have installed heavy boulders, and professional landscaping, installing lights and a watering system to make sure there would be no further danger of landslide.

PG&E meter readers have to go on to our property in order to access the 338 Kings Gas meter. When PG&E was installing modern gas meters, they told us that that the 338 Kings meter was too difficult to change and that they planned to leave it as it was. We are concerned that this situation would continue even after this massive and extensive project were completed.

Not only has PG&E's access been through our property, any outside repairs such as roofing, painting, and fixing leaks has been through our house, as well. Their workers have damaged our plants, landscaping, lights, irrigation system, you name it. They have never made any attempt to repair or pay for any such damages. **These access situations through our property must be resolved, corrected, and will not permitted.**

We are very concerned that all the grading that is planned for 338 Kings will totally destroy all the work we have done to prevent a landslide. Our property must be protected and everything that gets damaged must be repaired to our standard.

FYI, part of the 338 Kings property has been built on our property. In addition, an un-permitted deck, and a huge tree were installed without our consent. When we would be away on a weekend, they would start adding things for their enjoyment in our property. We were successful in getting them to remove their illegal deck. However, the illegal tree is still here. Official Boundary Lot line was finally recorded due to the owner's decision to sell the house. Nothing else has changed.

The wooden fence installed on the section of the 338 Kings property had to be moved to comply with the lot line adjustment. After the rainy season, we went to the back yard and noticed that, by moving their fence, they had left a huge hole in our side of the property and on the hillside. They did an incompetent job and have created a very dangerous and unsafe situation. Anybody or any animal can fall and get seriously hurt. We are very concerned.

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We have spoken with the current owner to correct this unsafe and dangerous situation. He uses a lot of words (like “let’s see, we could work something out”) but makes no commitment. One time he asked permission to dump construction debris to correct the situation. We politely refused such a gesture.

Without permission, they had even installed electric fences on our side of the property to shock and prevent raccoons and other animals to step into their yard. By the time we noticed, over a year had passed. Upon consultation with the City of Brisbane, in regard to the legality of their actions, the electric units had to be removed.

In summary, there is serious danger of landslide in our property from this grading. The results of grading could destroy all the hard work and expensive resources we have put into the safety and reasonable enjoyment of our property would be in real danger. The property owner of 338 Kings must be held accountable to correct all such damages.

Please document everything the property owner agrees orally. We are confident the owner will say “yes” to everything to get the project approved and finished in order to turn around and sell. **The owner of 338 Kings purchased this property without the consent of his spouse and it will not be owner occupied. This house has been vacant since Dec. 2018. The only winners would be the Real Estate Agents and at our cost.**

Considering historical challenges and damages from the owners of 338 Kings to our property at 340 Kings, their inability and/or refusal to repair the damages created by their self-serving actions, and the fact that this would not be an owner occupied property, the neighbors would be left with the resulting problems for years to come. **An example of such prediction would be to say that the property owner did not make any efforts to correct the lot line adjustment, until they decided to sell their house which was 31 years after the initial request was presented to them.**

We, respectfully, ask the Planning Commission to disapprove the grading and the application from the owner of 338 Kings.

If the Commission decides to approve this application, I ask you to require the current owner(s) and their construction team to repair and correct any and all damages to our property as a result of their grading and their construction.

These damages and repairs must include: Correcting the hole in our backyard, repairing damages to our front yard, hillside, tree, landscaping, irrigation system, electrical and lighting, access issues to and from our property, access by construction crew and utility workers, and other such damages that might arise during and after the project is completed.

Thank you.

Mr. and Mrs. Wood
340 Kings Road, Brisbane, CA 94005

From: Glenn E Fieldman <glenn@sfsu.edu>
Sent: Thursday, June 25, 2020 4:52 PM
To: Planning Commissioners
Subject: A comment re: 338 Kings Road

TO: Planning Commission, City of Brisbane

FROM: Brisbane resident Glenn Fieldman, 147 San Bruno Ave., (415) 656-1149

RE: Driveway widening, coast live oaks at 338 Kings Road

My understanding is that the owners of the property at 338 Kings Road want a variance from the city that will enable them to widen the driveway that enters this property and to use public property to do so. Their original request would have meant that two large coast live oak trees, **at least one of which is on city property**, would need to be removed.

Although the property owners have submitted a revised plan that will preserve the trees, it is stated elsewhere in the document that excavation for and construction of the driveway may harm them irremediably in the future. This troubles me greatly; it is almost as though the trees have been given a reprieve that is only apparent and short-term, perhaps to placate a number of Brisbane citizens upset about the loss of much of our tree canopy. Please be aware that Brisbane's tree advocates do read the fine print. These trees are on public property, they are native, they are large, and they should be protected from harm. Permitting a project that will not kill the trees immediately but makes it likely that they will be killed slowly is not acceptable.

Brisbane officials are fond of claiming they value "community." Big trees like these provide substantial community benefits—habitat, food for birds and animals in some cases, and—very important as the climate heats and destabilizes—shade. Thus, preserving large trees is a community value, yet it seems as though the planning department and city staff often ignore community well being in order to accommodate the wishes of private property owners. We have seen a lot of yards paved over with concrete and a lot of our tree canopy lost as a consequence. Please ask the property owner at 338 Kings road to send his or her designer or contractor back to the drawing board to submit a revised plan that will fully protect the two oak trees on city property.

Thank you.

From: Prem Lall <premlall@yahoo.com>
Sent: Tuesday, June 23, 2020 8:03 PM
To: Planning Commissioners
Cc: Breault, Randy; Ayres, Julia; Swiecki, John; Sepi Richardson; Schumann, Michael; Nancy Roeser; Patricia Flores; Dean DeCastro; Ron Dinslage; Justin Dinslage; Peter Geissler
Subject: 6/25/2020 Planning Commission meeting and proposed grading projects/permits, etc.

Greetings Commissioners Sayasane, Gomez, Gooding, Mackin, and Patel;

I would like to discuss with you the proposed projects (338 Kings Road and 221 Tulare Street, among others) to remove massive amounts of soil from our mountainside.

Brisbane's Stormwater Management Program was one of the topics discussed at the Brisbane City Council meeting on 6/18/2020, and among other things I would like comment on some important points for your acknowledgment.

From the agenda packet for the 6/18/2020 City Council meeting (<https://mccmeetings.blob.core.usgovcloudapi.net/brisbaneca-pubu/MEET-Packet-360adce5df5947ebaf00dbbe60baeb79.pdf>), I would like to direct your attention to page 122 of 222, where the following paragraph appears:

"The process of urbanization increases rainwater runoff. As trees and grass are cleared, pervious ground cover is frequently replaced by impervious concrete, asphalt, or brick. Rainwater can no longer seep into the ground. If this stormwater is not properly managed, flooding may result. Often, municipal drainage systems are designed for flows resulting from pre-development runoff, and become undersized when impervious area is increased by building structures, driveways, and parking lots. Further, increased stormwater runoff makes areas not covered by impervious materials more susceptible to erosion, and as a result, sediment may discharge to the storm drain system."

In other words, the soil acts as a giant sponge during rainfall and absorbs an enormous amount of water. The water absorbed by the soil either transfers to plants via their underground roots or slowly evaporates back into the air after the rainfall ceases. If and when that soil is removed in large quantities, the capacity of the respective property for rainwater absorption decreases significantly and results in a greater volume of water to be managed by the city storm drain system which likely was not built in anticipation of this increased water flow.

To give you an idea of how much water the soil absorbs during rainfall, one cubic yard of soil weighs approximately 2,000 lbs. dry and 3,000 lbs. wet, which means that during rainfall one cubic yard of soil absorbs 1,000 lbs. of water.

For reference, I have included links to two articles below regarding how much water a cubic yard of soil absorbs:

"1 cubic yard of dry soil topsoil weighs about 2,000 pounds, while the same soil can weigh around 3,000 pounds when saturated."

<https://www.hunker.com/13406893/the-average-weight-of-a-cubic-yard-of-soil>

"The average cubic yard of dry fill dirt will typically weigh as much as 2,000 pounds...Wet dirt is also heavier because of its moisture content and it can weigh as much as 3,000 pounds or more."

<https://lovebackyard.com/how-much-does-a-cubic-yard-of-dirt-weigh>

Since a gallon of water weighs approximately 8.35 lbs. and a cubic yard of soil can absorb 1,000 lbs. of water, one cubic yard of soil can absorb approximately 120 gallons of water $[(1,000 \text{ lbs. water}) / (8.35 \text{ lbs. per gallon of water}) = 120 \text{ gallons}]$.

Recently, several projects have been submitted to the Brisbane Planning Commission requesting the removal of vast amounts of soil from our mountainside. One example is the project at 338 Kings Road which requires the removal of **374 cubic yards of soil** and a second example is the project at 221 Tulare Street which requires the removal of **1,384 cubic yards of soil**.

The 374 cubic yards of soil at 338 Kings can absorb 44,790 gallons of water during rainfall (374 cubic yards of soil x 1,000 lbs. of water/cubic yard of soil / 8.35 gallons per pound of water) and the 1,384 cubic yards of soil at 221 Tulare can absorb another 165,749 gallons of water during rainfall for a total of about **210,539 gallons of water**.

If all this soil is removed, what will happen to that 210,539 gallons of water, especially considering that the property at 338 Kings is on a 43% slope and the property at 221 Tulare is on a 41% slope?

That water will flow down the mountainside and into the basements or garages of properties of the applicants' neighbors further down the mountainside.

The force of that water will place an enormous and consistent pressure on the retaining walls found at those downslope properties - pressure those walls should not be forced to sustain simply because the owners at the subject properties want to remodel their properties. That pressure eventually will cause damage and result in significant costs for the applicants' downslope neighbors.

Likewise, all that excess water will saturate the soil of the downslope properties mentioned, leading to the undermining of their foundations and rotting of their wooden framing. With regard to the 338 Kings project, the properties affected would include 333 Kings Road, 339 Kings Road, 738 Humboldt Road, 740 Humboldt Road, 760 Humboldt

Road, and 764 Humboldt Road in Brisbane. Additionally, this project would likely destabilize the property at 340 Kings Road and lead to additional expenses for the owners of that property. Mrs. Sepi Richardson Wood may contact you separately with regard to the project's negative effects upon 340 Kings.

So far, to my knowledge we have seen no hydrology reports concerning these projects. How do these property owners plan to prevent that 210,539 gallons of water or more from ending up on their neighbors' properties downslope instead of their own? Do they plan to route all that excess water to the storm drains of the City of Brisbane?

If so, how? The revised plans for the project at 338 Kings include references on page 25 (C-2) to an underground 4" perforated pipe for routing water to the city storm drains. However, on page 26 of the updated project plan (C-3) I see roof drainage figures for a 2" pipe and a 3" pipe but no figures listed for this underground 4" perforated pipe.

Also, how will this proposed pipe of either acrylonitrile-butadiene-styrene (ABS) plastic or polyvinyl chloride (PVC) be maintained to prevent blockage, cracking, degradation, etc.? If the pipe ceases to function it will serve no purpose in directing water to the storm drains.

If not all of that water will be routed to the storm drains, what do they plan to do with it?

Will rain barrels be required to accommodate water which previously would have been absorbed naturally by the soil? The revised plan shows on page 25 (C-2) at Detail #2 a sketch of how the proposed project would use drain rock behind the proposed concrete retaining wall and above the 4" perforated pipe, but again, I see no figures indicating how much water this adaptation will be able to handle nor do I see any figures in the letters dated 6/3/2020 and 6/16/2020 from Mr. Abraham Zavala to Senior Planner Julia Ayres nor in the letter dated 6/17/2020 from John Petroff and Joseph Michelucci of Michelucci & Associates to 338 Kings property owner Mr. John Huang.

Some examples of rain barrel technology and other types of runoff water control technology can be found at <https://www.fairfaxcounty.gov/soil-water-conservation/drainage-problem-control-runoff>.

Before the City of Brisbane approves any project requiring the removal of such a large magnitude of soil from the mountainside, these questions must be answered. Otherwise, as more and more property owners request the removal of soil from our mountainside, Brisbane's residents will be subject to much more flooding during rainfall as all that water flows down the mountainside instead of being absorbed.

Also, if you scroll down to page 123 of the meeting packet for the 6/18/2020 City Council meeting, you will read the following:

"Stormwater runoff flowing over man-made surfaces such as roads and parking lots can also contribute to water quality degradation. The natural purification that occurs when water flows through the subsurface is lost. As rainwater flows over impervious surfaces, it can pick up pollutants such as engine oils, pesticides, fertilizers, and trace metals like lead, copper, or zinc. These contaminants are frequently toxic to humans and aquatic life."

As development requiring the removal of large amounts of soil redirects water to storm drains instead of absorbing it naturally via the soil, this is what happens.

Additionally, the number of these soil-removal-type projects in Brisbane is not limited simply to the number of empty lots in town. You don't need to have a currently empty lot to build on if you plan to buy a house and tear it down then build on the resulting lot. So again, the number of lots available for these projects is not limited to just the number of currently empty lots.

Both of the projects I have mentioned involve demolition whether partial (338 Kings) or complete (221 Tulare).

At current, these projects are at the Planning Commission stage with regard to approval and I think it best to bring these issues (regardless of what property they might concern in the future) to the attention of the Commission for consideration especially in light of the fact that according to the Senior Planner, hydrology reports and soils reports are not required in advance for the granting of grading permits by the City of Brisbane to my understanding. They should be.

Please take these points into account in your analysis both of the merits of these two projects and other similar projects and of their long-term effects upon our city and its residents.

Thank you.

Prem Lall
Brisbane resident