

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 09/16/2021

SUBJECT: **General Plan Conformity 2021-GPC-1; General Plan Northeast Ridge Subarea;** General Plan conformity review of the Toll CA XIX, LP (Toll Brothers) disposition of approximately 136 acres of certain real property at the northern side of the Northeast Ridge Subarea, Parcels B and C to San Mateo County for dedication to Open Space, and Parcel F to the City as an existing improved emergency vehicle access (“EVA”).

REQUEST: That the Planning Commission adopt the attached General Plan conformity resolution, declaring that the Toll Brothers disposition of their property to the County of San Mateo and to the City of Brisbane is in conformance with the City’s General Plan.

RECOMMENDATION: Adopt General Plan Conformity Resolution 2021-GPC-1. (Attachment A)

ENVIRONMENTAL DETERMINATION: The proposed resolution is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301 and 15307 of the CEQA Guidelines. The exceptions provided in Section 15300.2 do not apply. This activity involves a report concerning the potential transfer of property and consistency with the General Plan, to allow the County to accept the land dedication for preservation of endangered butterfly habitat and the City to accept land dedication recognizing its authority over ongoing maintenance of an existing EVA.

APPLICABLE CODE SECTIONS: As required in the State Government Code Section [65402\(a\)](#), the Planning Commission must make the finding that the subject property conforms to the General Plan prior to transfer to the County of San Mateo and the City of Brisbane.

Background:

State Government Code Section 65402(a) requires that prior to the conveyance of real property to or from a government agency, the local planning agency must first make the finding that the location, extent and purpose of such conveyance is in conformance with the General Plan.

The subject Toll Brothers-owned property (Northeast Ridge Parcels B, C and F, collectively APN 005-510-999) are located between the Northeast Ridge (NER) housing development and Guadalupe Canyon Parkway and comprises approximately 136 acres.

The 499 housing units at the NER were developed in phases from the 1990’s to 2015, beginning with Viewpoint at the Ridge and ending with Landmark at the Ridge, via City-approved planned development permits.

Additionally, the NER is within the San Bruno Mountain Habitat Conservation Plan (HCP) which was established by the U.S. Fish and Wildlife Service (then U.S. Fish and Game) for the protection of endangered butterfly species. In order to allow for the development of housing at the NER and comply with U.S. Fish and Wildlife Service (USFWS) requirements with respect to endangered species under the USFWS permit PRT 2-9818 and subsequent amendments. One of the development conditions of approval was to dedicate the subject Parcels B and C as open space, to help enhance and maintain butterfly habitat.

In order to perfect the dedication of lands to open space, these lands were to be transferred from the private landowner to the County of San Mateo, as the Plan Operator for the HCP.

Additionally, between Parcels B and C lies a narrow strip of land, Parcel F, which contains the emergency vehicle access from Guadalupe Canyon Parkway to Landmark at the Ridge. This EVA was completed at the same time as development of the homes at Landmark at the Ridge, consistent with the Planned Development permit.

A General Plan Land Use Map and an annotated Assessor's Parcel Map showing the lands included in this proposed transfer from Toll Brothers to the County and City are shown in Attachments B and C.

Discussion:

Since the subject area is within the City's General Plan area, per Government Code Section 65402(a), the disposition of real property to or from a public entity must be submitted to, and reported on, by the Planning Commission with regards to conformity with the General Plan. The subsequent transaction would be done to comply with the NER development conditions of approval, which were stipulated by the City as part of the planned development permit, which was also accomplished in agreement with the U.S. Fish and Wildlife Service and the County.

The transfer of Parcels B and C to the County for designation and maintenance as open space, and for protection of endangered butterfly species, is consistent with the current General Plan designation of Northeast Ridge Open Space (see General Plan Land Use map, Attachment B). Additionally this is consistent with General Plan policies and programs, as follows:

Chapter VII Open Space

- Policy 90 "On an ongoing basis, aggressively seek opportunities to preserve open space."
- Policy 91 "Explore the widest range of options for preserving open space lands, including acquisition, dedication, and exactions on development projects."
- Program 91b: "In conjunction with all new development and the redevelopment of existing uses, where appropriate, require dedication of lands with habitat or other natural resource value to remain as open space and/or in-lieu fees for open space acquisition."

The transfer of Parcel F to the City as an EVA is consistent with its land use designation of Northeast Ridge Planned Development-Residential. It serves as an emergency vehicle access

between the Landmark at the Ridge housing development and Guadalupe Canyon Parkway. It is also consistent with the following General Plan policy:

Chapter VI Transportation and Circulation

- Policy C.12 “Maintain and improve local residential streets to accommodate safe access for emergency vehicles and evacuation routes for residents.”

In closing, the finding of General Plan conformance would serve as one of the final steps in completion of the previously imposed planned development conditions of approval for establishment of open space and recognize the City as the authority over the ongoing maintenance of the EVA.

ATTACHMENTS:

- A. Draft General Plan Conformity Resolution 2021-GPC-1
- B. General Plan Map, with Site Location
- C. Assessor’s Parcel Map –Annotated to Show Subject Parcels



Ken Johnson, Senior Planner



/ for

John Swiecki, Community Development Director

**ATTACHMENT A
DRAFT RESOLUTION 2021-GPC-1
WITH EXHIBIT A, SCHEMATIC MAP SHOWING AREA TO BE CONVEYED FROM
TOLL BROTHERS TO THE COUNTY OF SAN MATEO**

DRAFT
RESOLUTION 2021-GPC-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
FINDING THE DISPOSITION OF CERTAIN REAL PROPERTY
FROM TOLL CA XIX, LP (TOLL BROTHERS) TO THE COUNTY OF SAN MATEO
CONFORMS TO THE CITY'S GENERAL PLAN

WHEREAS, Toll Brothers is the owner of the real property bearing Assessor's Parcel Number 005-510-999 (comprised of "Parcel B", "Parcel C" and "Parcel F"), schematically shown on Exhibit A; and

WHEREAS, the Northeast Ridge (NER) planned development permit conditions of approval required disposition of Parcel B and Parcel C to the County of San Mateo for dedication to Open Space for the enhancement and protection of endangered butterfly species, consistent with the San Bruno Mountain Habitat Conservation Plan (HCP) and the U.S. Fish and Wildlife Service permit PRT 2-9818 and subsequent amendments; and

WHEREAS, the NER included establishment of an emergency access road (EVA) connecting Landmark at the Ridge to Guadalupe Canyon Parkway; and

WHEREAS, San Mateo County would accept ownership Parcel B and Parcel C for dedication to open spaces from Toll Brothers, Inc, subject to County's approval of terms; and

WHEREAS, City of Brisbane would accept Parcel F from Toll Brothers, Inc. as an EVA, subject to City's approval of terms; and

WHEREAS, California Government Code, Section 65402(a) requires that before the transfer of lands from Toll Brothers, Inc. to a public entity (County or City) such disposition is to be submitted to, and reported on by, the Planning Commission as to conformity with the City's General Plan; and

WHEREAS, the Planning Commission has considered the agenda report and supporting documents concerning the proposed disposition of City property; and

WHEREAS, such disposition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates Parcels B and C as Open Space and Policies 90 and 91 and Program 91b in that this land use and these policies refer to establishing and preserving open space .

WHEREAS, such disposition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates Parcel F as Planned Development-Residential, which the EVA serves, and Policy C.12; and

WHEREAS, the proposed action is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301 and 15307 of the CEQA Guidelines. The exceptions provided in Section 15300.2 do not apply. .

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds, in accordance with Government Code section 65402(a), that the location, purpose, and extent of the above-described disposition of real property between the Toll Brothers, Inc. and the County of San Mateo County and between Toll Brothers, Inc and the City of Brisbane conform to the Brisbane General Plan.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Commission of the City of Brisbane during the Regular Meeting of the Planning Commission on the sixteenth day of September 2021, by the following vote to wit:

AYES:
NOES:
ABSENT:

DOUGLAS GOODING
Chairperson

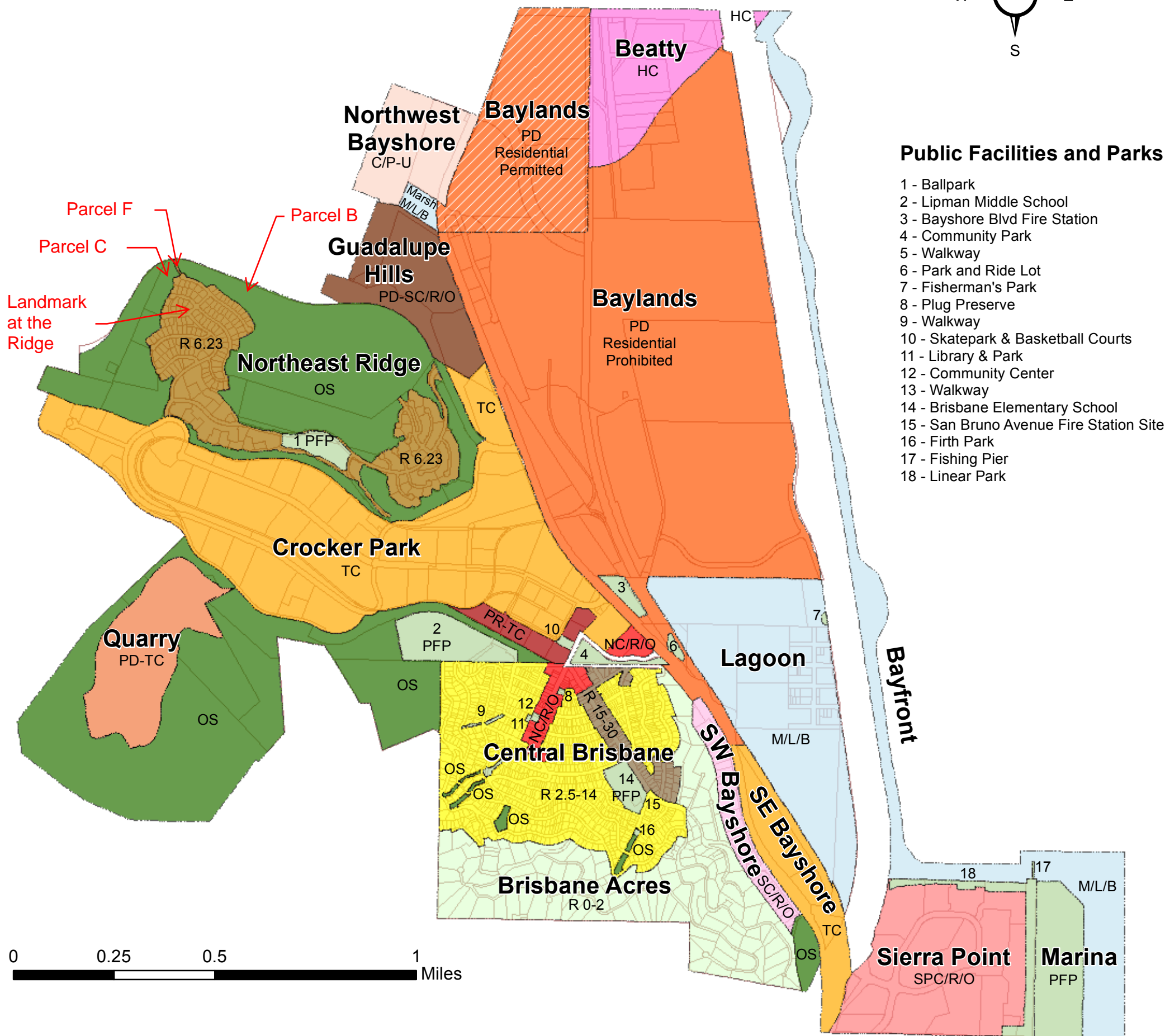
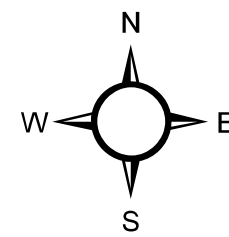
ATTEST:

JOHN A. SWIECKI, Community Development Director



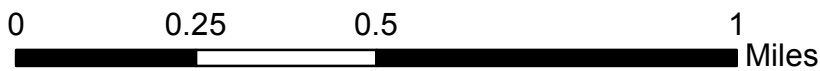
General Plan Land Use Diagram

City of Brisbane



Public Facilities and Parks

- 1 - Ballpark
- 2 - Lipman Middle School
- 3 - Bayshore Blvd Fire Station
- 4 - Community Park
- 5 - Walkway
- 6 - Park and Ride Lot
- 7 - Fisherman's Park
- 8 - Plug Preserve
- 9 - Walkway
- 10 - Skatepark & Basketball Courts
- 11 - Library & Park
- 12 - Community Center
- 13 - Walkway
- 14 - Brisbane Elementary School
- 15 - San Bruno Avenue Fire Station Site
- 16 - Firth Park
- 17 - Fishing Pier
- 18 - Linear Park



Commercial / Retail / Office Designations

- Neighborhood Commercial/Retail/Office - NC/R/O
- Subregional Commercial/Retail/Office - SC/R/O
- Sierra Point Commercial/Retail/Office - SPC/R/O
- Planned Development - Subregional Commercial/Retail/Office - PD - SC/R/O

Baylands

- Planned Development - PD - Residential Prohibited
- Planned Development - PD - Residential Permitted

Other Commercial

- Trade Commercial - TC
- Planned Development - Trade Commercial - PD - TC
- Parkside Residential - Trade Commercial - PR - TC
- Heavy Commercial - HC
- Commercial Public Utilities - C/P - U

Residential

- 0-2 Dwelling Units per Acre - R
- 2.5-14 Dwelling Units per Acre - R
- 6.23 Dwelling Units per Acre - R
- 15-30 Dwelling Units per Acre - R

Other Land Uses

- Open Space - OS
- Public Facilities and Parks - PFP
- Marsh/Lagoon/Bayfront - M/L/B

ATTACHMENT C
Assessor's Parcel Map
w/Proposed Ownership Transfers

