



PLANNING COMMISSION AGENDA REPORT

Meeting Date: July 10, 2025

From: Ken Johnson, Senior Planner

Subject: **General Plan Conformity 2025-GPC-1;** Brisbane Acres Residential Subarea; General Plan conformity review of the City of Brisbane's proposed acquisition of five certain real properties within the Brisbane Acres totaling approximately 4.76 acres; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15313.

REQUEST

That the Planning Commission adopt the attached General Plan conformity resolution (Attachment A), declaring that the City's proposed acquisition of the following properties within the Brisbane Acres Subarea, identified by unrecorded lot numbers and Assessor's Parcel Numbers (APN), is in conformance with the City's General Plan:

- Lot 96, APN 007-502-090
- Lot 58, APN 007-530-040
- Lot 59, APN 007-530-050
- Lot 19, APN 007-560-160
- Lot 20, APN 007-560-170

The site locations are shown on Attachment B.

RECOMMENDATION

Adopt General Plan Conformity Resolution 2025-GPC-1, provided as Attachment A, finding that:

- The subject properties General Plan Land Use designation is Brisbane Acres Residential, with a goal of at least 40 percent of the lands being dedicated to open space; and
- The subject properties are within the San Bruno Mountain Habitat Conservation Plan (HCP) area, which was established for protection of endangered butterfly species; and
- The City's acquisition would allow for establishment of open space to further protection of the endangered butterfly species habitat, consistent with the General Plan and the HCP.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15313 - this project falls within a class of projects which is for public

agency acquisition of lands for wildlife preservation purposes. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

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 the City's acquisition of the five parcels.

BACKGROUND

Since adoption of the General Plan in 1994, the City has been making efforts, on an ongoing basis, to acquire properties within the upper Brisbane Acres for habitat protection. To date, 48 sites within the Brisbane Acres have been acquired for the establishment of open space. A map showing the City-owned sites within the Brisbane Acres is provided on Attachment C.

The General Plan Land Use Element states that, *"The Brisbane Acres subarea originated as an unrecorded subdivision in the 1930s. As the name implies, unrecorded lots were typically an acre in size. Subsequent land transfers by deed description resulted in individual ownerships, some with areas of less than 5,000 sq. ft. In 1980, regulations were adopted that set a 20,000 sq. ft. minimum lot size. Parcel maps have been recorded for some of the previously unrecorded lots to allow for development. These are in the lower Brisbane Acres areas, close to public infrastructure."* The General Plan Land Use Element also designates a minimum of 40 percent of the land area to be in open space, consistent with the San Bruno Mountain Habitat Conservation Plan (HCP). The HCP was established in 1982, to address preservation of habitat for protection of endangered butterfly species, consistent with the Endangered Species Act (1973). The area of the HCP includes the entirety of the Brisbane Acres and extends beyond the Brisbane city limits into the San Bruno Mountain State and County Park and wraps around Brisbane to its northern areas.

The City's acquisition of parcels in the Brisbane Acres in recent years and the proposed acquisitions of the subject parcels for establishment of open space is consistent with the following General Plan policies:

- *Policy 81 "The City Shall conduct an on-going effort to identify sites or portions of sites having particular value as open space, wildlife habitat, wetlands, or other environmental qualities that should be preserved and protected. In such cases, the City shall explore the feasibility of acquisition of these areas by the City or by other public or private agencies that are engaged in the ownership and preservation of open space, and, when legally*

possible, imposing a requirement that such areas be dedicated by the owner to the public for open space purposes.”

- *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.”*

The adopted and certified 2023-2031 Housing Element has goals, policies and programs for development of a significant number of homes during the plan period. However, none of the five subject parcels were included in the inventory of anticipated development sites in the Housing Element.

Although the City Council has not made a final determination to acquire these parcels (four would be purchased and one donated), it has indicated an intent to do so. Council will consider these acquisitions at its regular meeting on July 17th.

DISCUSSION

The City’s proposed acquisition of the five lots in question is consistent with the General Plan in that it would further the City’s open space holdings in the Brisbane Acres, for the protection of endangered species habitat, per General Plan Policies 81, 90 and 91. It is also consistent with General Plan Land Use element goal of preserving a minimum of 40 percent of the lands within the Brisbane Acres as open space.

While the Brisbane Acres has a residential land use designation, with a range of zero to 2 units per acre, the General Plan also states the intent to preserve significant lands in open space. As indicated above, none of the lots were specifically designated in the adopted Housing Element’s sites inventory. This is due to the very low likelihood for development of these lots to housing due to various constraints, including lack of nearby City infrastructure (roads and utilities), steep slopes, and the location of these lots within the HCP.

In summary, the proposed acquisition of the property by the City would conform to the General Plan. The draft resolution affirming this consistency is provided as Attachment A.

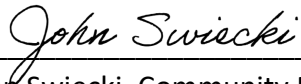
ATTACHMENTS

- A. Draft General Plan Conformity Resolution 2025-GPC-1
- B. Sites Location Map
- C. Map of City Owned Parcels in the Brisbane Acres
- D. General Plan Land Use Diagram (weblink): [Land Use Diagram](#)

2025-GPC-1
7/10/2025 Meeting

A handwritten signature in black ink, appearing to read 'Ken Johnson', written above a horizontal line.

Ken Johnson, Senior Planner

A handwritten signature in black ink, reading 'John Swiecki', written above a horizontal line.

John Swiecki, Community Development Director

Draft
RESOLUTION 2025-GPC-1
A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BRISBANE
FINDING THE ACQUISITION OF CERTAIN REAL PROPERTY
BY THE CITY OF BRISBANE WITHIN THE BRISBANE ACRES
CONFORMS TO THE CITY'S GENERAL PLAN

WHEREAS, Five lots in private ownership, as indicated below, are being offered to the City for acquisition, with the estate or interest in the land, vested as follows:

- Lot 96, APN 007-502-090, vested in Jagdish Dayal.
- Lot 58, APN 007-530-040, vested in Benito A. Ouano and Eva E. Ouano.
- Lot 59, APN 007-530-050, vested in Benito A. Ouano and Eva E. Ouano.
- Lot 19, APN 007-560-160, vested in Deanna M. P. Cheung, as to an undivided 38% interest; and Deanna M. P. Cheung, Trustee of the Deanna M. P. Cheung Revocable Trust.
- Lot 20, APN 007-560-170, vested in Deanna M. P. Cheung, as to an undivided 38% interest; and Deanna M. P. Cheung, Trustee of the Deanna M. P. Cheung Revocable Trust; and

WHEREAS, California Government Code Section 65402(a), provides that the Planning Commission must make the finding that the subject property conforms to the General Plan prior to acquisition by the City of Brisbane; and

WHEREAS, the Planning Commission has considered the agenda report and supporting documents concerning the proposed acquisition of lands by the City of Brisbane; and

WHEREAS, the subject properties are within the San Bruno Mountain Habitat Conservation Plan (HCP) area, which was established for protection of endangered butterfly species; and

WHEREAS, the City's acquisition of the properties would allow for establishment of open space to further protection of the endangered butterfly species habitat, consistent with the General Plan and the San Bruno Mountain Habitat Conservation Plan (HCP); and

WHEREAS, such acquisition is consistent with the City of Brisbane's General Plan, specifically with the land use element which designates this property as Brisbane Acres residential, for low density residential uses, with the aim that at least 40 percent of the lands in the subarea are to be preserved in open space, consistent with General Plan policies 81, 90 and 91; and

WHEREAS, the proposed resolution is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15313 - Acquisition of Lands for Wildlife Conservation Purposes,

of the CEQA Guidelines and the exceptions to this categorical exemption referenced 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 acquisition of real property by the City of Brisbane conforms 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 tenth day of July 2025, by the following vote:

AYES:

NOES:

ABSENT:

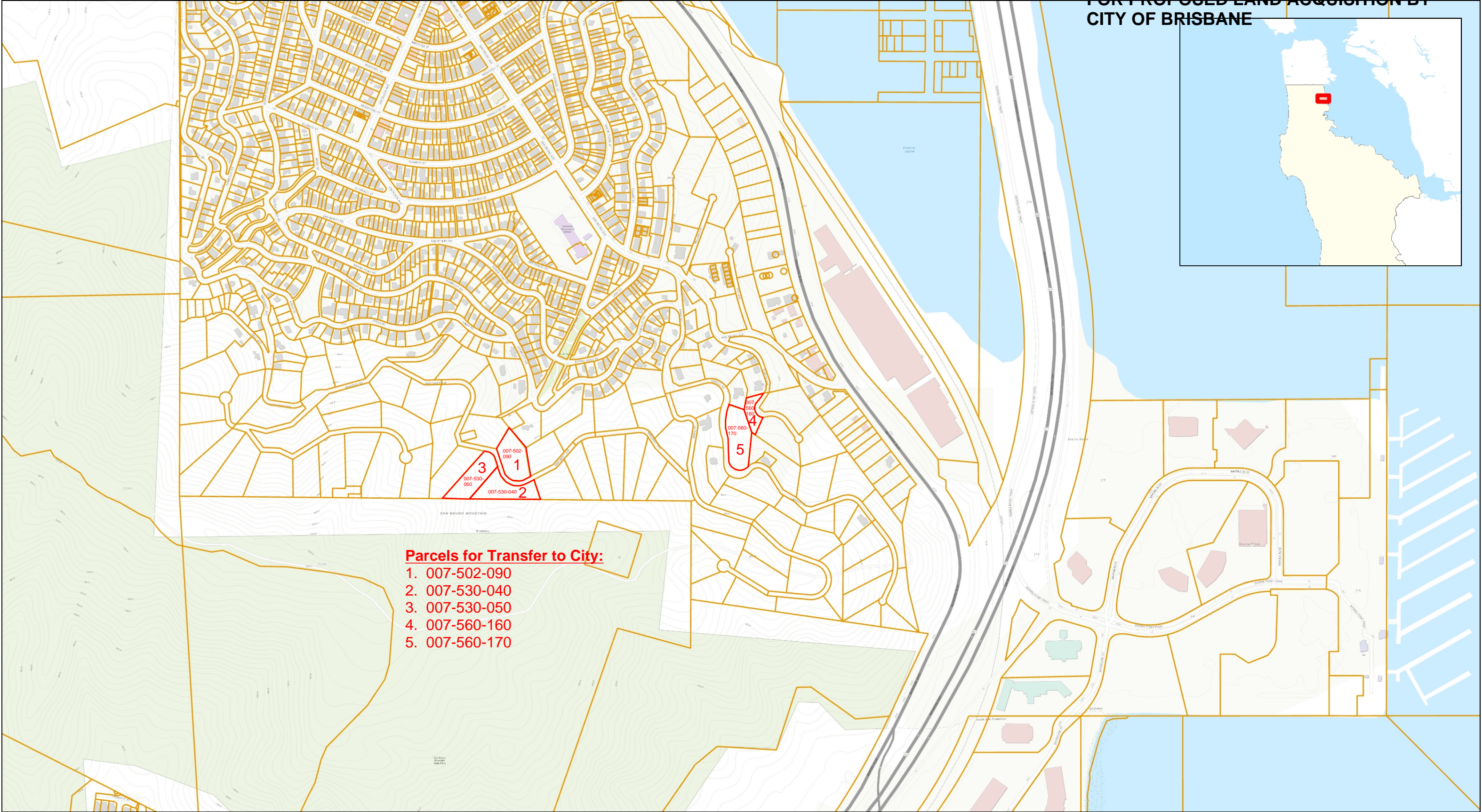
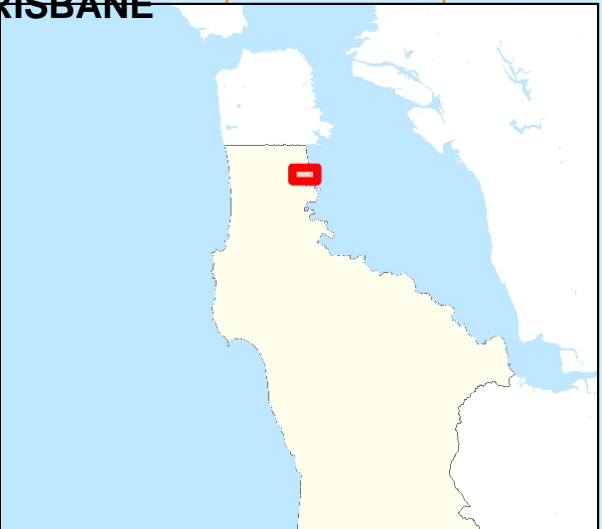
Pamala Sayasane
Chairperson

ATTEST:

JOHN A SWIECKI, Community Development Director



ATTACHMENT B
LOCATION MAP
FOR PROPOSED LAND ACQUISITION BY
CITY OF BRISBANE



Parcels for Transfer to City:
1. 007-502-090
2. 007-530-040
3. 007-530-050
4. 007-560-160
5. 007-560-170

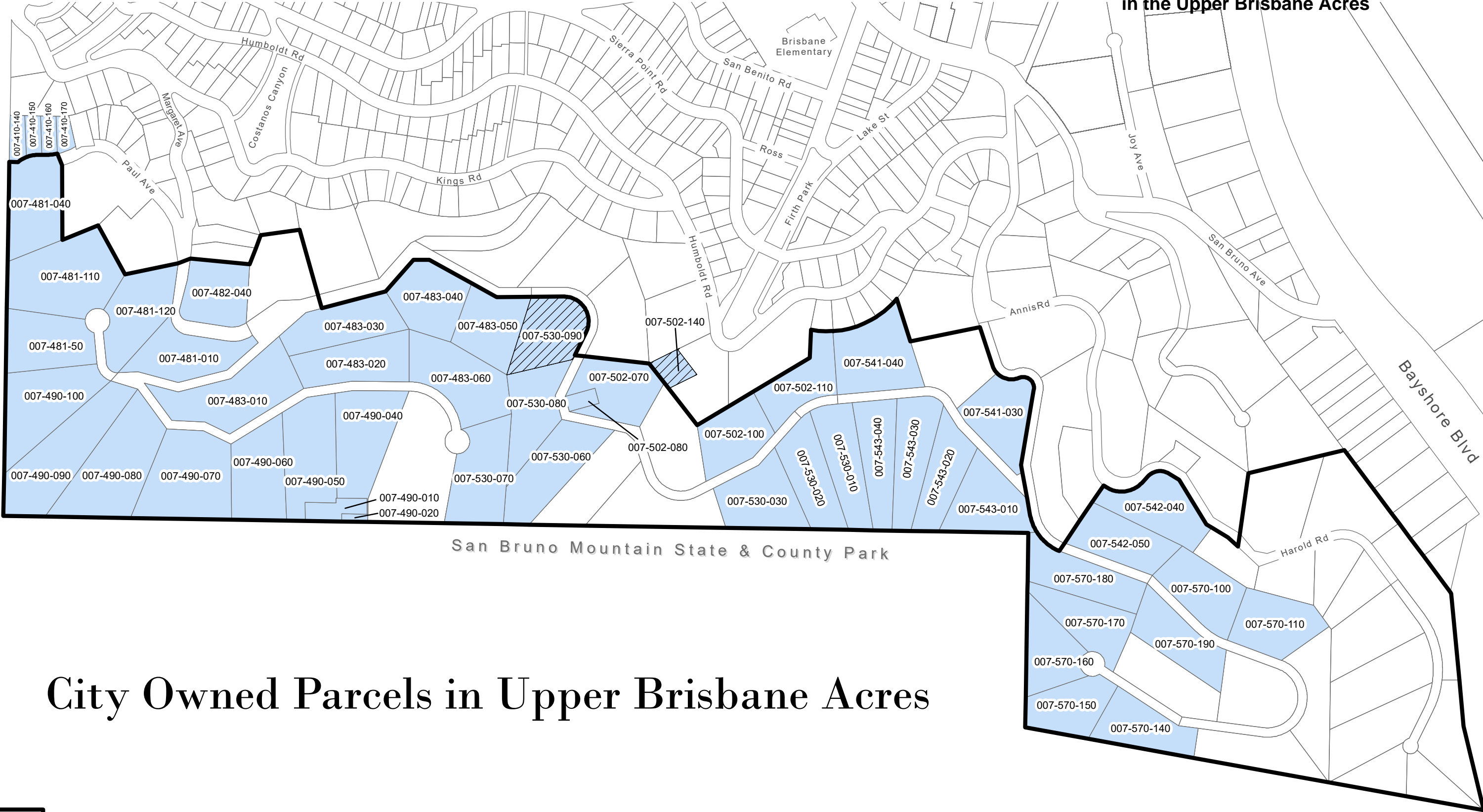
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© Latitude Geographics Group Ltd.



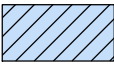

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



City Owned Parcels in Upper Brisbane Acres

-  Priority Preservation Area per 2001 Open Space Plan
-  City Owned Property
-  Water Tank Property
-  Parcel Lines

