

**From:** mmsalmon@aol.com <mmsalmon@aol.com>

**Sent:** Thursday, March 21, 2024 6:37 PM

**To:** Council Members <citycouncil@ci.brisbane.ca.us>; Holstine, Clay <citymanager@ci.brisbane.ca.us>; Breault, Randy <rbreault@brisbaneca.org>; Swiecki, John <johnswiecki@ci.brisbane.ca.us>

**Cc:** Padilla, Ingrid <cityclerk@ci.brisbane.ca.us>

**Subject:** CC&Rs for Landmark at the Northeast Rdige

Dear Council and City Staff -

I am very concerned about alterations that are being approved by the Planning Department in the Landmark Planned Development Area of the Northeast Ridge and the interpretation and enforcement of the Covenants, Conditions and Restrictions that apply to these properties. In particular, residences that are covering or enclosing open courtyards thus increasing the square footage of the home as well as increasing lot coverage.

Among other CC&Rs, I am greatly concerned about Drainage (Section 4.6), Alterations (Section 5.4) and that all conditions of Article XI are being met.

These CC&Rs are tied to conditions and mitigations for being allowed to build in the HCP and need to be properly adhered to. I have noticed several violation over the years, such as enclosed fences. Not only are these CC&Rs in place for the endangered species protection, they are in place to ensure the overall safety and stability of the development. Much of Landmark is essential built landfill, not on native earth and properly engineered drainage is essential to prevent erosion and possible catastrophic landslides and slope failure. It has happened elsewhere when an unnoticed irrigation leak destroyed the underpinnings on more than a dozen houses in a planned development with an HOA.

An addition to 10 Huckleberry Court was denied in 2008 due to this potential and yet recently, 80 Lily Court was tentatively approved for alterations and apparently on 2023 so was 77 Aster Court.

I am requesting a thorough review of all CC&Rs by our legal staff and planning department to make certain that they are being correctly applied per the HCP and the Development Agreement, as well as mitigate potential liability currently or in the future. If we had a catastrophic failure due to these alterations, would the HOA be responsible or would the City of Brisbane be responsible?

Respectfully,

Michele Salmon