



CITY OF BRISBANE
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Unrecorded Subdivisions in the Brisbane Acres, Southwest Bayshore and Central Brisbane Subareas

The California Subdivision Map Act (Government Code §66410-66499.38) establishes a legal procedure for establishing how property may be subdivided for development, sale, or financing. In Brisbane, certain subareas contain properties that were not mapped on a recorded subdivision map as may have been required at the time they were created; rather, they were sold by deed. These subareas are referred to as “unrecorded subdivisions” and include the Brisbane Acres, Planned Development- Guadalupe Hills, Southwest Bayshore (“Highway Lots”) subareas, and certain portions of upper Central Brisbane.

Attached are excerpts of planning policies and procedures required for pursuing development within these unrecorded subdivisions, including relevant excerpts from the 1994 Brisbane General Plan, the Zoning Ordinance, and the San Bruno Mountain Area Habitat Conservation Plan (which covers the Brisbane Acres, Guadalupe Hills, Southwest Bayshore subareas) requirements and procedures.

This information is provided as a general overview of the development process and requirements applicable to unrecorded properties in these subareas. While the Community Development Department, Public Works Department, and North County Fire Authority are available to answer general questions on City development standards, to consider a project-specific proposal we must have documentation that legal rights of access to the subject property exist, that such access can be improved to meet applicable Municipal Code standards, and that the property is a legal building site. These are matters of particular concern because parcels of land in subareas such as the Brisbane Acres were originally conveyed without benefit of a recorded subdivision map or provision of such standard improvements as public streets, a water system sufficient for domestic consumption and fire suppression purposes, sewers, storm drains, and other utilities. The City will not recognize these parcels as legal lots of record and will require the parcels to be legalized in conformity with all current subdivision, zoning and building regulations before the City will permit development of any property.

Note that the issues of adequate infrastructure also apply to developed properties within these subareas when application is made for building permits or other entitlements.

QUESTIONS FOR POTENTIAL DEVELOPERS IN THE BRISBANE ACRES, SOUTHWEST BAYSHORE, AND CENTRAL BRISBANE (UNRECORDED BLOCKS) SUBAREAS

SUBDIVISION MAP ACT COMPLIANCE

- Has a Parcel Map been recorded for the property?
- Has a Certificate of Compliance been issued by the City regarding the property's compliance with the State Subdivision Map Act and Brisbane Subdivision and Zoning Ordinances?

Discussion:

The Brisbane Acres were originally sold without the benefit of a recorded subdivision map, as were the "Highway Lots" in the Southwest Bayshore subarea and Lots 48-69, Block 51, and Lots 1-51, Block 56 in the Central Brisbane subarea. In order for properties not created in conformance with applicable subdivision regulations to qualify as a building site under the Zoning Ordinance, a Tentative Parcel Map must be approved by the Planning Commission, and a Final Parcel Map must be approved by the City Council and recorded with the County of San Mateo. The building site must also comply with the Zoning Ordinance's minimum lot size and dimension requirements. Frontage on a dedicated public street is also required. Most of the roadways in the Brisbane Acres, as well as McLain Road in the Southwest Bayshore subarea, are not dedicated public streets.

Reference: *General Plan Policy LU.30, Programs LU.30.a & 152d; Brisbane Municipal Code Titles 16 & 17*

SITE ACCESS

- What legal rights of access to the property exist (e.g., recorded easements)?
- Who owns the property on which any paved roadway serving the property is physically located?
- Does the roadway meet City standards for width, length, grade, paving and other improvements?
- Has the roadway been offered to the City for dedication as a public street?
- Has an assessment district been formed to make necessary improvements?
- Is adequate emergency access to the property provided?

Discussion:

Most of the roadways in the Brisbane Acres and some in Central Brisbane are located on private property or properties and are not public streets. Often the roadways do not meet the Municipal Code's minimum standards for streets and site access. Developers will be responsible for acquiring legal access rights, improving these roadways to City standards and offering them for dedication as public streets.

Reference: *General Plan Policies C.8 & C.9, Program C.9.a, Policy C.10, Programs C.10.a, C10.b & C.10.c, Policy C.11, Program C.11.a, Policy C.12, Programs C.20.a & C.22.b, Policies C.21, C.22, & C.48, Programs C.48.b, C48.c, C.48.d, & C.48.g & Policies C.45 & 74 & C.47, Program C.47.a, Policy 146, Programs 158a, 160a, & 246a, Policy BA.4, & Programs BA.4.a, BA.4.b, BA.4.c*

UTILITIES

- Is adequate water service for domestic use and fire protection available to the property?
- Have water trunk and lateral lines and connections been provided to current standards?
- Have trunk lines been installed in dedicated streets?
- Is adequate sewer service available to the property?
- Have sanitary sewer lines been installed within dedicated public streets?
- Are any lateral sewer lines shared with other properties?
- Are other utilities adequately provided to the property?
- Are new utility lines proposed to be provided underground?

Discussion:

Because properties within unrecorded subdivisions were sold without benefit of a recorded subdivision map, none of the standard subdivision improvements were made. Water, sewer and storm drainage lines are nonexistent in much of the Brisbane Acres, and where they do exist, may not be up to current standards. Although improvements have been made to the City's water system, adequate water capacity and pressure for fire suppression and domestic use may not be available to all properties. Where they exist, sewer lines in the Brisbane Acres and adjacent areas have frequently been privately shared without formally recorded easements or maintenance agreements. Such situations must be corrected when feasible.

Reference: *General Plan Policy 146, 207 & 208, Program 208a, Policies 209, 210, 213 & BA.4, Program 213a, Policies 214, 215 & 218, Program BA.3.a, Policy BA.4, Program BA.4.a*

STORMWATER

- Is adequate storm drainage proposed for the property?
- Have storm drain systems been installed to City standards in dedicated public streets?
- Will the proposed project trigger compliance with on-site stormwater treatment and retention under section C.3 of the Municipal Regional NPDES Permit?

Discussion:

Developers must install storm drain systems to City standards within dedicated public streets. Large projects may trigger requirements to incorporate on-site stormwater treatment and retention into the site design.

Reference: *Policies 146 & 221, Program 221a, Policies 222, 223 & 228, Programs 228a, 228b, 228d & BA.3.a, Policy BA.4, Program BA.4.a; Brisbane Municipal Code Title 12*

BIOLOGICAL RESOURCES/HABITAT CONSERVATION

- Has the property been surveyed for rare and endangered plant and animal species habitat? (Note: the City of Brisbane manages consultant selection for biological surveys.)
- Has an Operating Program for the property under the San Bruno Mountain Area Habitat Conservation Plan been adopted?
- Have the required HCP covenants been signed and recorded for the property?
- Does the proposed site and building design take into account any canyons, intermittent streambeds, ridgelines, unstable slopes, heritage trees, trails and archaeological resources located on the property?
- Will proposed site grading be minimized to retain the natural topographic character and control erosion?
- Is proposed landscaping non-invasive, fire-resistant and water-conserving?
- Is this property a potential donor or recipient of a Density Transfer (R-BA District only)?

Discussion:

San Bruno Mountain contains rare and endangered plant and insect species subject to Federal and State protection. Development on the Mountain, including the Brisbane Acres and Southwest Bayshore subareas, is regulated by the **San Bruno Mountain Area Habitat Conservation Plan (HCP)**, which is administered by San Mateo County, in conjunction with the Cities of Brisbane, South San Francisco and Daly City, as well as the U.S. Fish & Wildlife Service and the California Department of Fish & Wildlife. The HCP contains a detailed process for review of any proposals for development within the Brisbane Acres, Guadalupe Hills, and Southwest Bayshore subareas, with the intent that significant habitat be protected from development on at least 40% of the total area of the Brisbane Acres and Southwest Bayshore subareas, and at least 25% of the total area of the Guadalupe Hills subarea.

The process of complying with the HCP begins with preparation of a biological assessment by a qualified biologist, hired by the City, to determine the possible impacts of any development and preparation of an Operating Program incorporating necessary mitigation measures for review by the Plan Operator, and adoption by the City at a public hearing. All development activities, including surveying and soils sampling, which have the potential to impact endangered habitat are subject to regulation under the HCP.

Given the steepness of much of the Brisbane Acres, Guadalupe Hills, and Southwest Bayshore subareas, there are significant concerns regarding the stability of the slopes and soils which must be addressed through geotechnical studies. Boundary and topographic surveys are also standard requirements. Building and site design must complement the natural landscape in addition to conforming to the HCP and applicable building, fire, and zoning codes.

Reference: *General Plan Policy LU.9, Programs LU.9.a & LU.9.b, Policy LU.10, Program LU.10.a, Policy LU.22, Programs LU.24.a & LU.24.b, Policies 81, 81.1, 82, 83, 86, & 91, Program 86a, 91b & 93c, Policies 118, 119 & 123, Programs 123a, 123b, Policies 127, 128 & 129, Program 129a, Policy 130, Program 133b, Policies 137 & 138, Programs 138b & 138e, Policy 140, Programs 140a, 140b & 149e, Policy 152, Programs 152a, 152b, 152c, 152d, 152e, 152f & 152g, Policy 156, Programs 156a,*

156b, 156c, 156d, 156f, 156g, 157b, 202a, 202b, 211b, Policy BA.1, Programs BA.2.a, BA.2.b, BA.2.c, BA.2.d, BA.3.a, BA.3.b & BA.3.c; San Bruno Mountain Area Habitat Plan; Brisbane Municipal Code Title 12, 15, & Title 17; California Building Code

Water, Sewer, Roadway, and Emergency Infrastructure Standards

1. Water service for fire protection: 1500 gpm for 2 hours, with residual pressure of 20 psi. Note that some water system zones may require further evaluation, subject to staff discretion, and improvement alternatives may be needed to provide adequate water pressure and flow rates. In addition, the North County Fire Authority may require residential fire sprinklers and additional fire hydrants to meet necessary fire flow requirements.
2. Domestic water service: 40 psi. Each dwelling unit shall have a separate water meter, except for accessory dwelling units (ADUs) or junior ADUs, which may share a meter with the main dwelling.
3. Underground sanitary sewer and storm drainage lines: Each line must have at least 3 feet of earth cover, there must be not less than a 5 foot separation between the sanitary sewer and storm drainage lines, and the lines must be located in the public right-of-way or granted easements. The City requires separate sanitary sewer laterals (4" minimum) from each residence to the main pipe connection. Storm drainage shall be brought in an underground piped system (4" minimum) through the curb or to an inlet or manhole. All storm drain system lines are required to connect to the municipal system. The size of these storm drain lines will be dependent upon the needed capacity. Certain large-scale residential developments may trigger requirements for on-site stormwater treatment and retention (check with a planner to verify these requirements).
4. Regarding utility lines and easements, please note the following General Plan policies and programs:
 - a. Policy 209: Require, as feasible, all trunk water lines to be installed in dedicated public streets.
 - b. Policy 213: If new development occurs, require trunk & lateral lines to be installed to City standards.
 - c. Policy 214: Require, as feasible, that all sanitary sewer lines be installed within dedicated public streets.
 - d. Policy 218: Discourage more than one single-family property on any lateral sewer line. If infeasible, require recorded sewer access & maintenance agreements between all parties sharing the line.
5. Access from a public street is required: If the site does not front on a public street (e.g., Annis, Gladys, Harold, Joy, Margaret, McLain & Paul are not public streets), the site development plans must include details for improvement of access roads to City standards and dedication of such roads to the City as public streets. Right-of-way and roadway widths

shall be as described in BMC Title 12, subject to review and approval by the City Engineer and/or City Council, as applicable.

6. Emergency vehicle access: An all-weather roadway with an unobstructed width of 20 feet (excluding parking), capable of supporting the imposed loads of fire apparatus, with a maximum grade of **15%** and turning radius of not less than 40 feet must be provided from the public street. Street grade transitions should accept a 13-degree angle of departure for fire truck access. Such fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus: a 52-foot radius cul-de-sac or an approved hammerhead configuration. More than one fire apparatus road shall be provided when it is determined by the Fire Chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Refer to Brisbane Municipal Code Chapter 15.44 and [§12.24.010](#), and for additional requirements and exceptions.

Be advised that these are minimum standards from the adopted State of California and City of Brisbane codes. It cannot be assumed that existing development in the vicinity of a site is any indication of compliance with these standards. You are encouraged to resolve any issues regarding the adequacy of the infrastructure prior to making any applications or preparing any architectural plans.

Reference Codes and Policies:

- [Brisbane Municipal Code Chapter 12.24](#) – Miscellaneous Public Way Regulations
- [Brisbane Municipal Code Chapter 13.04](#) – Sewer System
- [Brisbane Municipal Code Chapter 13.06](#) - Storm Water Management and Discharge Control
- [Brisbane Municipal Code Chapter 13.12](#) - Water System
- [Brisbane Municipal Code Chapter 15.44](#) - Fire Prevention Code
- [Brisbane Municipal Code Section 17.01.060](#) - Requirement for lot of record and infrastructure improvements.
- [General Plan](#) Policies and Programs regarding development in the Brisbane Acres (R-BA district) and highway lots (SCRO-1 district) available online.

Infrastructure Contacts:

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North County Fire Authority

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