



CITY of BRISBANE

Planning Commission Meeting Agenda

Thursday, March 28, 2024 at 7:30 PM • Hybrid Regular Meeting
• Brisbane City Hall 50 Park Place, Brisbane CA

The public may observe/participate in Planning Commission meetings using remote public comment options or attending in person. Planning Commissioners shall attend in person unless remote participation is permitted by law. The Commission may take action on any item listed on the agenda.

TO ADDRESS THE COMMISSION

In Person:

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

To address the Planning Commission on any item on or not on the posted agenda, fill out a Request of Speak Form located in the Community Meeting Room Lobby and submit it to the City staff.

Remote Participation:

Members of the public may observe/participate in the meeting by logging into the Zoom webinar listed below. Planning Commission Meetings may also be viewed live and/or on-demand via the City's YouTube channel at youtube.com/brisbaneca, or on Comcast Channel 27. Archived videos may be replayed on the City's website, brisbaneca.org/meetings. Please be advised that if there are technological difficulties, the meeting will nevertheless continue.

The agenda materials may be viewed online at brisbaneca.org/meetings at least 24 hours prior to Special Meetings, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom webinar the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications or during an Item.

Email: jswiecki@brisbaneca.org or Text: 415-713-9266

Zoom Webinar: (please use the latest version: zoom.us/download)
brisbaneca.org/pc-zoom

Webinar ID: 970 0458 3387

Call In Number: +1 (669) 900-9128

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

All written communications are provided to the Planning Commission. Any written communication that is received after the agenda has been posted but before 4 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and online at brisbaneca.org/meetings. Any writings that are received after the agenda has been posted but after 4 p.m. of the day of the meeting will be available on the internet at the start of the meeting (brisbaneca.org/meetings), at which time the materials will be distributed to the Planning Commission.

Commissioners: Funke, Gooding, Lau, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

- A. [Approval of draft meeting minutes of February 22, 2024](#)

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

- B. [PUBLIC HEARING: 100 Harold Road; Tentative Parcel Map 2023-TPM-1; R-BA Brisbane Acres Residential District; Tentative parcel map to establish a 56,230 square foot, buildable parcel; and finding that this project is categorically exempt from environment review under CEQA Guidelines Sections 15301\(e\) and 15302; Jerry Tso, applicant and owner.](#)

ITEMS INITIATED BY STAFF

ITEMS INITIATED BY THE COMMISSION

SELECTION OF PLANNING COMMISSION OFFICERS

ADJOURNMENT

C. Adjournment in memory of former Planning Commissioner, Carolyn Parker, to the regular meeting of April 11, 2024.

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. Exceptions to the 15 day filing period include the following: appeals shall be filed with the City Clerk within 6 calendar days of the Planning Commission's action for use permits and variances and 10 calendar days for tentative maps and advertising sign applications. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

File Attachments for Item:

A. Approval of draft meeting minutes of February 22, 2024

DRAFT
BRISBANE PLANNING COMMISSION
Action Minutes of February 22, 2024
Hybrid Meeting

ROLL CALL

Present: Commissioners Funke, Gooding, Lau, Patel, and Sayasane
Absent: None
Staff Present: Director Swiecki, Principal Planner Ayres, Senior Planner Johnson

CALL TO ORDER

Chairperson Funke called the meeting to order at 7:30 p.m.

ADOPTION OF AGENDA

A motion by Commissioner Patel, seconded by Commissioner Gooding to adopt the agenda. Motion approved 5-0.

CONSENT CALENDAR

A motion by Commissioner Gooding, seconded by Commissioner Lau to adopt the consent calendar (agenda item A). Motion approved 5-0.

ORAL COMMUNICATIONS

There were none.

WRITTEN COMMUNICATIONS

There were none.

WORKSHOP

B. Discussion of Preliminary Zoning Ordinance Amendments for Compliance with State Senate Bill SB 9 (2021), SB 478 (2021) and Related Amendments

Senior Planner Johnson gave the presentation on the proposed zoning text amendments. These included proposed amendments to the municipal code sections pertaining, SB 9 and SB 478 and various related amendments to design permits, zoning administrator procedures, variances, exceptions to development regulations and appeals. He also indicated that, in response to a previous question by the Commission, the 1990's decision to lower the height limit to the current limits of 28 or 30 feet in the residential districts stemmed from the 1994 General Plan policies and programs to maintain the small-town character. He noted that that there were no state height requirements imposed on the City at the time, as was recently done through the Housing Element

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update process. Following discussion by the Commission, the Commission indicated a preference for having a uniform height limit across the single-family and multifamily districts, consistent with the Housing Element program, which calls for 36 feet. The Commission also indicated that following public hearing items for the Zoning Administrator, the notice of decision should be provided to the Planning Commission at least 7 days prior to the appeal deadline. The Commission also indicated that, within the setback exceptions chapter, the provisions should not allow for flags to extend over a side lot line. There were no members of the public to speak on this item. Senior Planner Johnson noted that the next step would be a public hearing for the Commission to provide a recommendation to City Council.

ITEMS INITIATED BY STAFF

Director Swiecki reminded the Commissioners of the approaching deadline to register for the upcoming training opportunities with the County is next week.

ITEMS INITIATED BY THE COMMISSION

Commissioners Funke and Gooding announced they would not be available for the March 14 meeting.

ADJOURNMENT

Chairperson Funke declared the meeting adjourned to the next regular meeting of March 14, 2024, at approximately 8:10 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.

File Attachments for Item:

B. PUBLIC HEARING: 100 Harold Road; Tentative Parcel Map 2023-TPM-1; R-BA Brisbane Acres Residential District; Tentative parcel map to establish a 56,230 square foot, buildable parcel; and finding that this project is categorically exempt from environment review under CEQA Guidelines Sections 15301(e) and 15302; Jerry Tso, applicant and owner.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: March 28, 2024

From: Jeremiah Robbins, Associate Planner

Subject: 100 Harold Road; Tentative Parcel Map 2023-TPM-1; R-BA Brisbane Acres Residential District; Tentative parcel map to establish a 56,230 square foot, buildable parcel; and finding that this project is categorically exempt from environment review under CEQA Guidelines Sections 15301(e) and 15302; Jerry Tso, applicant and owner.

REQUEST: The applicant requests approval of the above-referenced tentative parcel map to establish a legal buildable parcel, allowing reconstruction and a small addition to an existing single-family dwelling. The subject property is located within the unrecorded “Brisbane Acres” subarea of Brisbane, for which no subdivision map was ever recorded.

RECOMMENDATION: Approve Tentative Parcel Map 2023-TPM-1 via adoption of Resolution 2023-TPM-1 containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15301(e) and 15302 - this project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS: Subdivisions are regulated by the State Subdivision Map Act, beginning in Section 66410 of the Government Code. Brisbane’s Subdivision Ordinance is contained within Title 16 of the Brisbane Municipal Code (BMC). The findings for approval of tentative maps are contained within BMC §16.16.220.

ANALYSIS AND FINDINGS:

Background

The subject property (APN 007-542-010) is approximately 56,230 square feet or 1.29 acres with an approximately 34 – 49% upward slope. It is located in the Brisbane Acres Subarea and within the San Bruno Habitat Conservation Plan Area. The property is developed with a 1,030 square foot single family home, 745 square foot detached garage, and 324 square foot accessory structure. Access is via Harold Road, a narrow private street that wraps around the north and eastern boundaries of the property. The closest public street is approximately 550 linear feet from the northern boundary of the property.

The majority of properties in the “Brisbane Acres” were created by metes and bounds descriptions via grant deeds issued by the two original landowners - the San Mateo County Title Company and Anglo California National Bank of San Francisco. The subject property is comprised

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3/28/2024 Meeting

of portions of unrecorded Brisbane Acres “lots” 32 and 33 and a 1945 deed documented the creation of said lots. In 2018, a conditional Certificate of Compliance (CC-3-18) was approved and subsequently recorded. The lone condition of approval required City approval of a tentative and final parcel map prior to issuance of a permit for development of the property, with limited exceptions.

In 2022, the owners of 100 Harold were issued building permits to remodel the existing home, including a 100 square foot addition, and convert an accessory structure to an accessory dwelling unit (ADU). The approved scope of work was in compliance with the BMC and did not trigger the need for a tentative parcel map prescribed under CC-3-18. Six months after permit issuance, staff was alerted to, and subsequently confirmed, the scope of work had been exceeded. To allow the additional work performed, a revision to the permit was issued and a Deferred Street Improvement Agreement (DSIA) was recorded with the County. As required by CC-3-18, and the DSIA, a parcel map must be recorded prior to permit final.

Additional background information related to the property creation, development of the property, and DSIA is provided in Attachment C.

Tentative Parcel Map Findings

In order to approve a Tentative Parcel Map, the Planning Commission must make the following findings, contained in BMC §16.16.220. The project meets all required findings, as summarized below. Detailed findings are contained within Exhibit B of the attached resolution.

- A. The tentative map, together with the provisions of its design and improvement is consistent with the general plan and any applicable specific plan.

The project meets this finding. The subject property contains one single-family dwelling which is consistent with the General Plan’s land Use designation of Brisbane Acres Residential: 0-2 dwelling units per acre. Located within the Brisbane Acres subarea, the subject property’s size is typical of other lots in this area.

- B. The real property to be subdivided, and each lot or parcel to be created is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace.

The project meets this finding. The subject property is not located within a mapped flood hazard area and is presently developed with a single-family home. California Building Code requirements, in addition to development and construction requirements contained within the BMC Title 15, were applied to the review of building permits authorizing construction at the existing single-family home.

- C. Each lot or parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning ordinance.

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The project meets this finding. Construction plans approved under building permits B202100329 and B202300005 were reviewed for consistency with the City's Zoning Ordinance, and complied with all applicable zoning regulations of the R-BA District.

D. The site is physically suitable for the type and proposed density of development.

The project meets this finding. The lot exceeds the minimum lot size requirement of the R-BA zoning district and is developed to the maximum density permitted in the district. The site is accessible from Harold Road and is served by existing utilities. The recorded DSIA allows deferment of required street improvement to be performed when directed to do so by the City.

E. The design of the subdivision and improvements, and the type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, or to cause serious public health problems.

The project meets this finding. The property is already developed with a single-family home and the approved building permits associated with improvements are ministerial and not subject to CEQA. Any future development of the site is subject to discretionary review would undergo CEQA analysis. While the property is located within the San Bruno Mountain Habitat Conservation Plan area, there is no expansion to the preexisting developed footprint governed by operating programs for the Brisbane Acres; no additional review by the Plan Operator is required.

F. The design of the subdivision or type of improvements will not conflict with easement, acquired by the public at large, for access through, or use of, property within the proposed subdivision.

The project meets this finding. No easements for access through, or use of the property, public or private, are recorded on the property.

G. The design of the subdivision will provide for future passive or natural heating or cooling opportunities, to the extent feasible, in terms of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

The project meets this finding. The property is already developed and is geographically constrained from completely conforming to the best practices for passive design compared to a brand-new subdivision. However, the existing property is oriented roughly east-west and the existing home is similarly oriented to take advantage of southern exposure.

ATTACHMENTS

- A. Draft Resolution **2023-TPM-1**
- B. Tentative Parcel Map and attachments
- C. Additional Background Information
- D. Deferred Street Improvement Agreement, dated January 11, 2023

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E. Certificate of Compliance CC-3-18


Jeremiah Robbins, Associate Planner


John Swiecki, Community Development Director

Draft

RESOLUTION **2023-TPM-1**

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING TENTATIVE PARCEL MAP 2023-TPM-1 A 56,230 SQUARE FOOT LOT
AT 100 HAROLD ROAD

WHEREAS, Jerry Tso, the applicant, applied to the City of Brisbane for approval of Tentative Parcel Map approval at 100 Harold Road, such application being identified as Tentative Parcel Map 2023-TPM-1; and

WHEREAS, on March 28, 2024, the Planning Commission conducted a public hearing on the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the applicant's plans and supporting materials, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Sections 15301(e) and 15302 of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Tentative Parcel Map application.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of March 28, 2024, did resolve as follows:

Tentative Parcel Map 2023-TPM-1 is approved per the findings and conditions of approval attached herein as Exhibit A and B.

ADOPTED this 28th day of March, 2024, by the following vote:

AYES:

NOES:

ABSENT:

Roel Funke
Chairperson

ATTEST:

JOHN A SWIECKI, Community Development Director

**Draft
EXHIBIT A**

Action Taken: Conditionally approve Tentative Parcel Map 2023-TPM-1 per the staff memorandum with attachments, via adoption of Resolution **2023-TPM-1**.

Findings:

- A. The tentative map, together with the provisions of its design and improvement is consistent with the general plan. No specific plans apply to the property.
- B. The real property to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard, or other menace.
- C. The parcel to be created will constitute a buildable site and is capable of being developed in accordance with the applicable provisions of the zoning ordinance.
- D. The site is physically suitable for the existing type and density of development.
- E. The design of the subdivision and existing improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, or to cause serious public health problems.
- F. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision.
- G. The design of the subdivision will provide for future passive or natural heating or cooling opportunities, to the extent feasible.

Conditions of Approval:

- 1. The city reserves the right to require the subdivider to provide easements for public utilities as needed.
- 2. Prior to the recordation of the final map, the property owner shall execute the standard agreement whereby the owner waives the right to protest the inclusion of the property within an underground utility district.
- 3. The Tentative Parcel Map approval shall expire two years from the effective date (at the end of the appeal period) if the Final Map has not been recorded. The Tentative Parcel Map may be extended by application filed prior to the expiration date per BMC Section 16.16.270.

Exhibit B Findings Outline & Discussion

The following is a detailed analysis of the required Design Permit findings:

Tentative Parcel Map 2023-TPM-1 Findings:

- A. The tentative map, together with the provisions of its design and improvement is consistent with the general plan and any applicable specific plan.

The project meets this finding. The subject property contains one single-family dwelling unit – accessory dwelling units are not counted towards density under State law – or 0.77 dwelling units per acre which is consistent with the General Plan’s land Use designation of Brisbane Acres Residential: 0-2 dwelling units per acre. Located within the Brisbane Acres subarea, the subject property’s size is typical of other lots in this area.

- B. The real property to be subdivided, and each lot or parcel to be created is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace.

The project meets this finding. The subject property is not located within a mapped flood hazard area and is presently developed with a single-family home. Application of current California Building Code requirements, in addition to development and construction requirements contained within BMC Title 15, were applied to the review of building permits B202100329 and B202300005, ensuring the authorized work at the subject property was properly designed, engineered, and constructed to minimize potential dangers posed by fire, earthquakes, or other natural events.

- C. Each lot or parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning ordinance.

The project meets this finding. Plans approved under building permits B202100329 and B202300005 were reviewed for consistency with the City’s Zoning Ordinance (Title 17), the authorized work complied with all applicable zoning regulations of the R-BA zoning district per BMC Chapter 17.12.

- D. The site is physically suitable for the type and proposed density of development.

The project meets this finding. The lot exceeds the minimum 20,000 square foot lot size requirement of the R-BA zoning district and is developed to the maximum density permitted in the district. The site is accessible from Harold Road and served by existing utilities. The recorded Deferred Frontage Improvement Agreement between the City of Brisbane and Jerry Cheng Yen Tso dated 1/11/23 requires current and future owners to make the required street frontage improvements when directed to do so by the City.

- E. The design of the subdivision and improvements, and the type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, or to cause serious public health problems.

The project meets this finding. The property is already developed with a single-family home and the approved building permits associated with improvements are ministerial and not subject to CEQA. Any future development of the site subject to discretionary review would undergo CEQA analysis at such a time it may be proposed. While the property is located within a sensitive habitat area, the San Bruno Mountain Habitat Conservation Plan area, there is no expansion to the preexisting developed footprint governed by operating programs for the Brisbane Acres, or Management Units 2-03-01 and 2-03-02; no additional review by the Plan Operator is required.

- F. The design of the subdivision or type of improvements will not conflict with easement, acquired by the public at large, for access through, or use of, property within the proposed subdivision. The planning commission may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall only be applicable to easements of record or easements established by judgment in a court of competent jurisdiction.

The project meets this finding. The City Engineer has found and determined no easements for access through, or use of, the property are proposed nor required. An existing (no-build) light and air easement is mapped on the tentative parcel map; it is not for public use. No other easements, public or private, are recorded on the property.

- G. The design of the subdivision will provide for future passive or natural heating or cooling opportunities, to the extent feasible, in terms of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
1. Examples of passive or natural heating and cooling opportunities in subdivision design include design of lot size configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes.
 2. In providing for future passive or natural heating or cooling opportunities in the design of the subdivision, consideration has been given to local climate, contour and configuration of the parcel to be subdivided, and to other design and improvement requirements, without resulting in reduced allowable densities or the percentage of a lot which may be occupied by a building or structure under the zoning ordinance as applicable at the time of filing of the tentative map.

The project meets this finding. The property is already developed and is geographically constrained from completely conforming to the best practices for passive design compared

to a brand-new subdivision. However, the existing property is oriented roughly east-west and the existing home is similarly oriented to take advantage of southern exposure.

TENTATIVE PARCEL MAP

FOR: JERRY TSO
100 HAROLD ROAD,
BRISBANE, CA 94005
NOVEMBER, 2023
PROJECT NO. 23-001

RECORDED OWNER/SUBDIVIDER
JERRY TSO

EXISTING USE
ONE SINGLE FAMILY RESIDENTIAL

PROPOSED USE
ONE SINGLE FAMILY RESIDENTIAL

WATER SOURCE
EXISTING WATER SUPPLY ON SITE AS SHOWN

SEWAGE DISPOSAL
EXISTING SEWER ON SITE AS SHOWN

STORM DRAINAGE
THERE IS NO PROPOSED GRADING

BASIS OF BEARINGS
CALIFORNIA STATE PLANE COORDINATE SYSTEM ZONE 3

VERTICAL DATUM
VERTICAL DATUM IS ASSUMED, THE CONTOURS REPRESENT FIVE FOOT INTERVALS WHICH WERE SCALED USING VARIOUS SOURCES AND IMAGES, CONTOURS SHOWN ARE APPROXIMATE AND ARE INTENDED TO SHOW A GENERAL GRAPHICAL REPRESENTATION.

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT PROPERTY.
2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
3. THIS IS NOT A BOUNDARY SURVEY, NO MONUMENT(S) WERE SET AS PART OF THIS SURVEY.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

CERTIFICATION

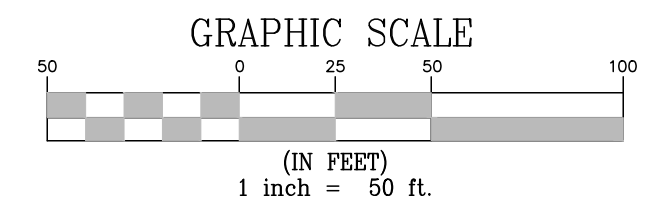
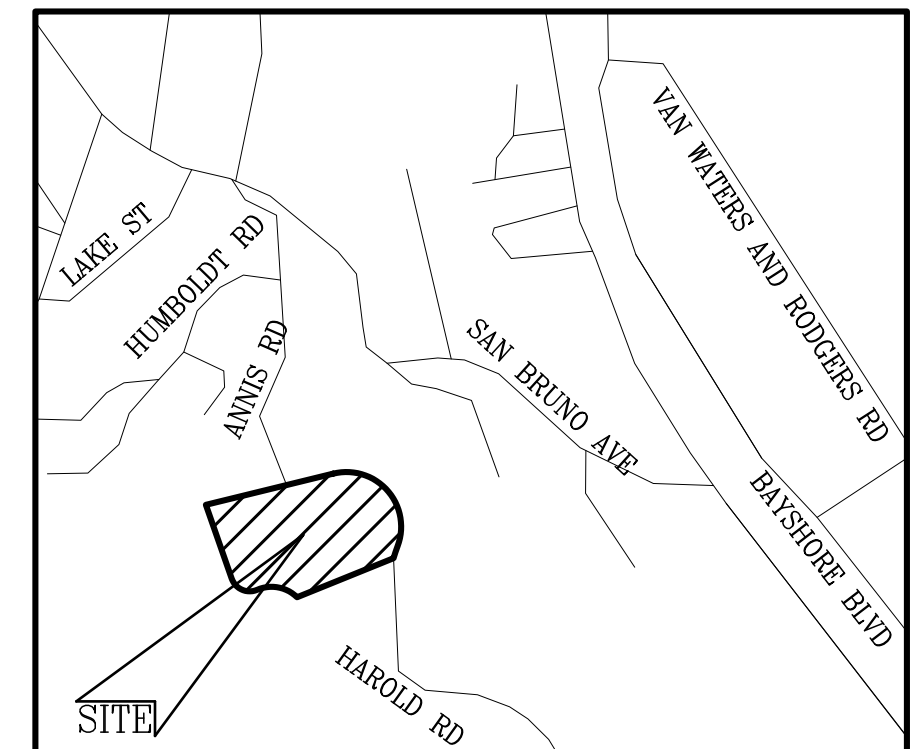
THIS IS TO CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION DURING THE MONTH OF NOVEMBER, 2023 AND THAT THE SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

REGISTERED SURVEYOR: JEFFERY W. GARCIA
PROFESSIONAL LAND SURVEYOR NO. 8521
STATE OF CALIFORNIA

DATE 11/14/2023



VICINITY MAP (N.T.S)



LEGEND

	PROPERTY LINE / ADJACENT PROPERTY LINE
	LIGHT AND AIR EASEMENT
	FENCE
	EDGE PAVEMENT
	OVERHANG
	ABOVE GROUND ELECTRIC LINE
	APPROXIMATE LOCATION OF WATER LINE
	APPROXIMATE LOCATION OF SEWER LINE
	BUILDING FOOTPRINT
	CONCRETE
	FOUND MONUMENT AS NOTED
	CALCULATED POSITION

PROPERTY LEGAL DESCRIPTION

Real property in the City of Brisbane, County of San Mateo, State of California, described as follows:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF HAROLD ROAD, (30 FEET WIDE) WITH THE SOUTHERLY LINE OF LAND CONVEYED TO JOSEPH M. TUCTO AND HELEN I. TUCTO, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 549 OF OFFICIAL RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERLY AND SOUTHERLY LINE OF HAROLD ROAD ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 320 FEET, A CENTRAL ANGLE OF 4° 07' AN ARC DISTANCE OF 23.00 FEET; THENCE TANGENT TO THE PRECEDING CURVE, ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 96.00 FEET, AN ARC DISTANCE OF 213.23 FEET; THENCE TANGENT TO THE PRECEDING CURVE SOUTH 76° 13' 20" WEST 234.70 FEET TO THE EASTERLY LINE OF ANNIS ROAD; THENCE ALONG SAID EASTERLY LINE SOUTH 19° 20' EAST 140 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 34 FEET AN ARC DISTANCE OF 55.78 FEET; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 65 FEET, AN ARC DISTANCE OF 77.03 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF ANNIS ROAD WITH THE NORTHERLY LINE OF LANDS CONVEYED TO ROLAN F. HARROUN AND JUNE HARROUN, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 544 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID LANDS AND CONTINUING ALONG THE NORTHERLY LINE OF THE LANDS OF TUCTO MENTIONED ABOVE NORTH 67° 58' 30" EAST 186.37 FEET TO THE POINT OF BEGINNING.

APN: 007-542-010 JPN: 007-054-542-01A



CONDITION OF TITLE GUARANTEE
SUBJECT TO THE EXCLUSIONS FROM COVERAGE AND THE CONDITIONS
ATTACHED HERETO AND MADE A PART OF THIS GUARANTEE

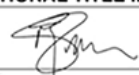
WFG NATIONAL TITLE INSURANCE COMPANY
a South Carolina corporation, herein called the Company


GUARANTEES

the Assured named in Schedule A of this Guarantee

against loss or damage not exceeding the liability amount stated in Schedule A sustained by the Assured by reason of any incorrectness in the assurances set forth in Schedule A.

WFG NATIONAL TITLE INSURANCE COMPANY

By: 
Steve Ozonlan, President/CEO

ATTEST: 
Joseph V. McCabe, EVP/General Counsel/Secretary



Order No.: **24-100682**

CONDITION OF TITLE GUARANTEE
SCHEDULE A

Date of Guarantee: **November 28, 2023**

Liability: **\$1,000.00**

Guarantee No.: **3170800-7271890**

Fee: **\$480.00**

1. Name of Assured:
Jerry Tso
2. The estate or interest in the Land which is covered by this Guarantee is:
Fee Simple
3. The Land referred to in this Guarantee is described as follows:
See Exhibit "A" attached hereto and made a part hereof
4. ASSURANCES:
According to the Public Records as of the Date of Guarantee,
 - (a) Title to said estate or interest in the Land is vested in:
Jerry Cheng Yen Tso and Cynthia Chan, husband and wife as community property with right of survivorship
 - (b) Title to said estate or interest is subject to the defects, liens, encumbrances or other matters shown in Schedule B, which are not necessarily shown in the order of their priority.

SCHEDULE B

1. General and Special City and/or County taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2023 - 2024:

1st Installment: \$10,096.63, Paid
2nd Installment: \$10,096.63, Open
Penalty: \$1049.66, due after April 10, 2024
APN.: 007-542-010, JPN. 007-054-542-01A [View Taxes](#)
Code Area: 18-005

2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. Assessments, for community facility districts, if any, affecting said land which may exist by virtue of assessment maps or notices filed by said districts.
4. The liens of bonds and assessments liens, if applicable, collected with the general and special taxes.
5. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:

Amount: \$960,000.00
Dated: December 23, 2017
Trustor: Jerry Cheng Yen Tso and Cynthia Chan, husband and wife, as community property with right of survivorship
Trustee: Fidelity National Title Ins Co.
Lender: Wells Fargo Bank, N.A., a corporation
Recorded: December 27, 2017
Instrument No.: [2017-116329](#) of Official Records

6. Any defects, liens, encumbrances or other matters which name parties with the same or similar names as:

Jerry Cheng Yen Tso and Cynthia Chan

The name search necessary to ascertain the existence of such matters has not been completed. In order to complete this preliminary report or commitment, we will require a statement of information.

7. Rights or claims of parties in possession.
8. Determination of whether reporting is required under any applicable U.S. Department of Treasury FINCEN Geographic Targeting Order (GTO) and, if reporting under the GTO is required, providing to the Company the information and identity documents required to comply with the GTO and complete the report.
9. Covenants, conditions, restrictions and easements in the document recorded on February 8, 1946, as Instrument No. [Book 1237, Page 358](#), of Official Records.
10. An easement for Sanitary sewer facilities and other public utilities and rights incidental thereto, as set forth in a document recorded on May 12, 1965, as Instrument No. [Book 4950, Page 625](#), of Official Records.

Reference is hereby made to said document for full particulars.

11. The terms, conditions and provisions contained in the document entitled Agreement with respect to the San Bruno Mountain Area Habitat Conservation Plan, recorded on March 22, 1983, as Instrument No. [1983-26343](#), Official Records.

Reference is hereby made to said document for full particulars.

Document(s) declaring modifications thereof recorded on March 25, 1983, as Instrument No. [1983-28231](#), of Official Records.

12. An easement for Non-exclusive (no-build) light and air easement and rights incidental thereto, as set forth in a document recorded on December 22, 2017, as Instrument No. [2017-115663](#), of Official Records.

Reference is hereby made to said document for full particulars.

Affects: The Southerly portion of said land as described therein and as shown on the diagram attached theerto.

Terms, provisions and conditions as started in the instrument referred to hereinabove.

13. The terms, conditions and provisions contained in the document entitled Conditional certificate of Compliance, recorded on December 14, 2018, as Instrument No. [2018-97516](#), Official Records.

Reference is hereby made to said document for full particulars.

14. The terms, conditions and provisions contained in the document entitled Deffered Street Improvement Agreement, recorded on January 19, 2023, as Instrument No. [2023-2429](#), Official Records.

Reference is hereby made to said document for full particulars.

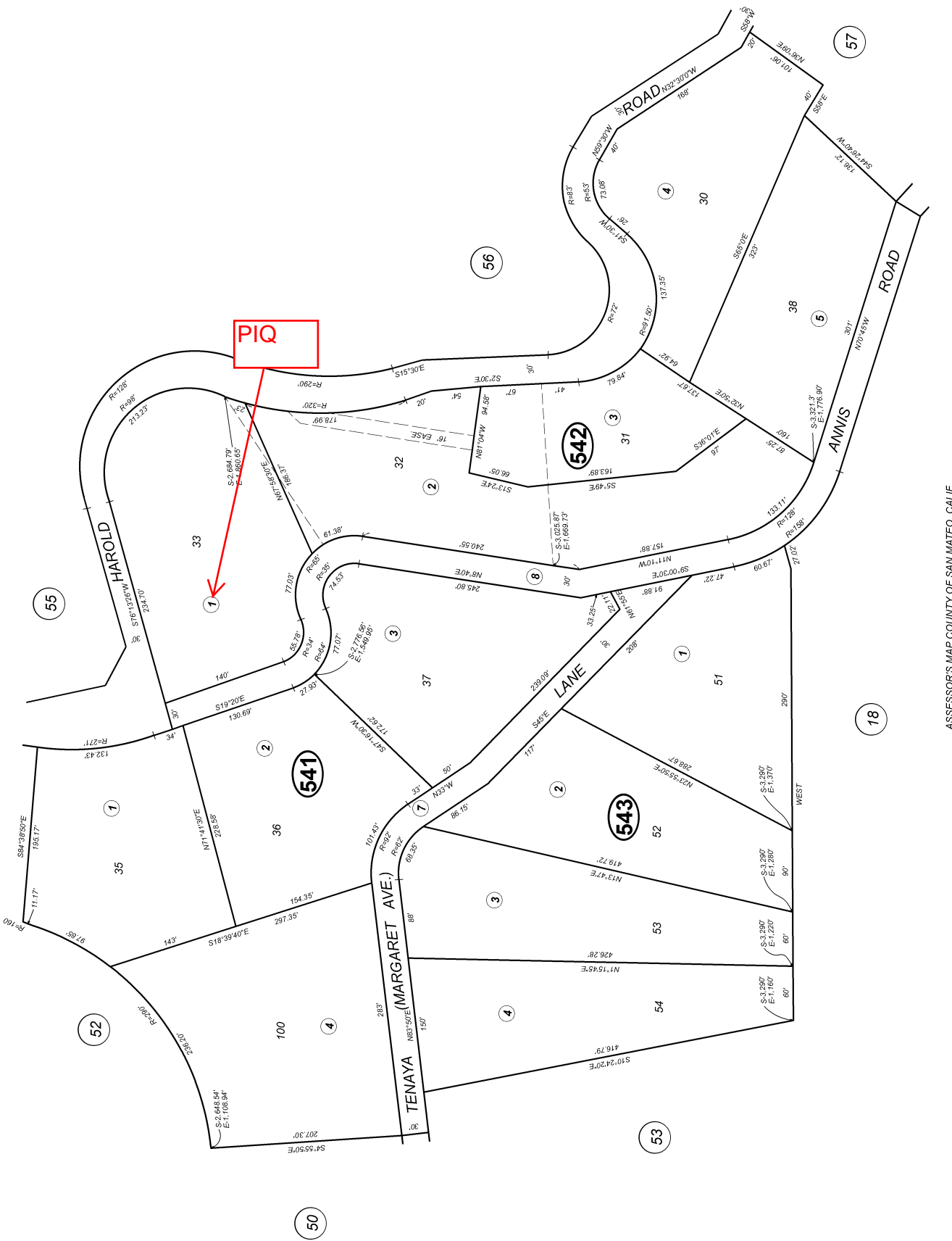
EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BRISBANE, COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF HAROLD ROAD, (30 FEET WIDE) WITH THE SOUTHERLY LINE OF LAND CONVEYED TO JOSEPH M. TUCTO AND HELEN I. TUCTO, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 549 OF OFFICIAL RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERLY AND SOUTHERLY LINE OF HAROLD ROAD ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 320 FEET, A CENTRAL ANGLE OF 4° 07' AN ARC DISTANCE OF 23.00 FEET; THENCE TANGENT TO THE PRECEDING CURVE, ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 96.00 FEET, AN ARC DISTANCE OF 213.23 FEET; THENCE TANGENT TO THE PRECEDING CURVE SOUTH 76° 13' 20" WEST 234.70 FEET TO THE EASTERLY LINE OF ANNIS ROAD; THENCE ALONG SAID EASTERLY LINE SOUTH 19° 20' EAST 140 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 34 FEET AN ARC DISTANCE OF 55.78 FEET; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 65 FEET, AN ARC DISTANCE OF 77.03 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF ANNIS ROAD WITH THE NORTHERLY LINE OF LANDS CONVEYED TO ROLAN F. HARROUN AND JUNE HARROUN, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 544 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID LANDS AND CONTINUING ALONG THE NORTHERLY LINE OF THE LANDS OF TUCTO MENTIONED ABOVE NORTH 67° 58' 30" EAST 186.37 FEET TO THE POINT OF BEGINNING.

Tax Account No(s): 007-542-010, JPN. 007-054-542-01A



ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF.

Additional Background

Property Creation and Applicable Subdivision Regulations

The attached Certificate of Compliance from 2018 (Attachment E) found and concluded the subject property was not created in compliance with the subdivision regulations in effect at the time of its creation circa 1945. When a particular property is not created in compliance with the regulations of the Subdivision Map Act (at the time of its creation), the City shall issue a Conditional Certificate of Compliance (Government Code §66499.35(b)) and may impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein.

When issuing the Certificate of Compliance for the subject property in November 2018, the City imposed one condition that required a parcel map, consistent with all applicable requirements of Title 16 of the Brisbane Municipal Code (BMC), be recorded prior to granting of a development permit. It also stipulated, for reference, certain limited types of development permits defined and detailed in BMC §17.01.060.B that would not require parcel map preparation, including, but not limited to, a one-time addition to a lawfully constructed building or structure not exceeding 100 square feet, repairs or remodels which do not change the original size or significantly alter the configuration and/or habitable floor area of a lawfully constructed building, or the conversion of existing floor area of an accessory structure to an accessory dwelling unit (ADU) permitted under BMC Chapter 17.43.

Development of the Property

The City issued a building permit (B202100329) in April 2022 at the subject property to allow an accessory building to be demolished and replaced with an ADU, the remodel of the interior of the existing single-family home, and a 100 square foot addition to the home. The approved scope of work qualified as a development defined and detailed in BMC §17.01.060.B (and referenced above) and therefore did not trigger the requirement for a parcel map pursuant to CC-3-18.

City staff was alerted by a resident that the approved scope of work at the subject property had been exceeded in August 2022 and an investigation confirmed the roof and all interior and exterior walls of the single-family dwelling had been demolished. A revision to the original building permit was required to capture the additional, unpermitted work but such work would no longer be exempted under BMC §17.01.060.B. The revised permit would also have to demonstrate how the structure would comply with City standards for new construction, including the requirement to provide street frontage improvements pursuant to BMC §12.24.010 both on and off the subject property. A revision to the original building permit (B202300005) was conditionally issued after the recordation of a Deferred Street Improvement Agreement (DSIA) to allow development at the subject property.

Deferred Street Improvement Agreement

**100 Harold Road | 2023-TPM-1
ATTACHMENT C**

The subject property is contiguous to approximately 410 linear feet of Harold Road and the closest public street, Annis Road, is approximately 550 linear feet from northern boundary of the property. Due to the significant cost of street frontage improvements required under the BMC, the City determined the owner may defer the required improvements.

On January 19, 2023 a DSIA made between the City of Brisbane and the owners of the subject property was recorded. The attached DSIA (Attachment D) allowed the owners to obtain a revised building permit and complete the ADU and reconstruction of the single-family dwelling by deferring street frontage improvements required by the BMC to a later time. As part of the agreement, the owners were required to record a parcel map for the property prior to final completion and occupancy of their building permit, consistent with the condition of CC-3-18 pertaining to development at the subject property. This agreement runs with the land; it requires current and future owners to make the required street frontage improvements when directed to do so by the City.

2:19 pm 01/19/2023 AG Fee: NO FEE

Count of Pages 13

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder



RECORDING FOR THE BENEFIT OF,
REQUESTED BY
AND RETURN TO:

CITY OF BRISBANE/CITY CLERK
50 PARK PLACE
BRISBANE, CA 94005

EXEMPT FROM FEE PURSUANT TO
GOVERNMENT CODE SECTION 6103/27383

DEFERRED STREET IMPROVEMENT AGREEMENT

This Agreement ("AGREEMENT") is made between the City of Brisbane, a municipal corporation, 50 Park Place, Brisbane, CA 94005, ("CITY"), and JERRY CHENG-YEN TSO and CYNTHIA CHAN, 100 Harold Road, Brisbane, California 94005 ("OWNERS").

RECITALS

- A. OWNERS are the owners of property located in the City of Brisbane, County of San Mateo, State of California, at 100 Harold Road, APN 007-542-010, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("PROPERTY").
- B. Harold Road is not a public road and has not been constructed to City street standards as adopted by Section 12.24.010, Brisbane Municipal Code ("BMC").
- C. In 2018, CITY issued OWNERS a conditional certificate of compliance concerning the PROPERTY that provides, in part, that a parcel map for the PROPERTY must be recorded prior to or in connection with the issuance of a building permit if such permit is for construction on the PROPERTY that is not exempt under Section 15.10.040, BMC.
- D. OWNERS obtained a building permit ("PERMIT") to remodel a single-family dwelling and to construct an accessory dwelling unit on the PROPERTY. That PERMIT was for construction that was exempt under Section 15.10.040-BMC and hence did not trigger the requirement for a parcel map.
- E. OWNERS thereafter undertook work on the PROPERTY not authorized by the PERMIT, which work was a major rebuild (as defined in Section 15.10.040, BMC) of the single-family dwelling on the PROPERTY.
- F. Where there is a major rebuild of a single-family dwelling that does not abut a public street providing the principal means of access to the lot upon which the

Deferred Street Improvement Agreement
Page 2

single-family dwelling has been constructed, the owner of property must comply with standards for new construction including street standards adopted by Section 12.24.010, BMC, including if necessary constructing street improvements (both on and off the PROPERTY) such that the PROPERTY has street improvements that connect to the closest public road.

- G. Where there is a major rebuild of a single-family dwelling, that construction is not exempt under Section 15.10.040, BMC and hence a parcel map for the PROPERTY is required.
- H. Where there is unauthorized work, Section 15.10.050, BMC requires the entire building be brought into conformity with the standards for new construction that the building official determines to be necessary or appropriate.
- I. OWNERS have revised their building permit ("REVISED PERMIT) application such that the single-family dwelling will be brought into conforming with the standards for new construction that the building official has determined to be necessary and appropriate.
- J. The CITY could, at this time, require OWNERS to construct street frontage improvements for the PROPERTY that would satisfy the City street standards adopted by Section 12.24.010, BMC and to acquire other property and then construct thereon street frontage improvements that would satisfy the City street standard adopted by Section 12.24.010 BMC such that the street frontage improvements for the PROPERTY connect to the closest public street ("collectively, the STREET FRONTAGE IMPROVEMENTS").
- K. Subject to the terms and conditions of this AGREEMENT, because of the cost of the STREET FRONTAGE IMPROVEMENTS, the City has determined OWNERS will not be required at this time to construct the STREET FRONTAGE IMPROVEMENTS.

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein CITY and OWNERS agree as follows:

- 1. When so directed by CITY, OWNERS shall construct the STREET FRONTAGE IMPROVEMENTS. To the extent the STREET FRONTAGE IMPROVEMENTS have been constructed by others, OWNERS will pay their fair share of the cost based on the street frontage of the PROPERTY. To the extent OWNERS pay for STREET FRONTAGE IMPROVEMENTS on property other than the PROPERTY, CITY and OWNERS shall enter into a Reimbursement Agreement to allow OWNERS to recover OWNERS' costs for those STREET FRONTAGE IMPROVEMENTS not on OWNERS' PROPERTY.
- 2. OWNERS shall deposit with the CITY \$170,000, which amount represents 10% of the estimated cost to construct street frontage improvements for the PROPERTY

Deferred Street Improvement Agreement
Page 3

(see Exhibit "B" attached hereto and incorporated herein by reference) that will satisfy the City street standard adopted by Section 12.24.010 BMC ("DEPOSIT"). One quarter of the DEPOSIT shall be due prior to the issuance of the REVISED PERMIT, another quarter of the DEPOSIT shall be due prior to drywall inspection, and the remaining half of the DEPOSIT due prior to the issuance of Certificate of Final Completion and Occupancy.

3. Unless the STREET FRONTAGE IMPROVEMENTS for the PROPERTY that would satisfy the CITY street standards adopted by Section 12.20.040 have been constructed by others, OWNERS shall have the absolute right to construct STREET FRONTAGE IMPROVEMENTS for the PROPERTY that would satisfy the CITY street standards adopted by Section 12.24.010. If OWNERS do such, the CITY shall refund to OWNERS the DEPOSIT in full plus interest on the DEPOSIT calculated on an annual, averaged, Local Agency Investment Fund (LAIF) rate. This AGREEMENT will then be terminated with the CITY recording a Termination of Agreement to clear the AGREEMENT's cloud on title for the PROPERTY.
4. CITY shall issue a REVISED PERMIT for the PROPERTY that will require the entire single-family structure to be brought into conformance with the standards for new construction including, but not limited to, building electrification standards adopted by Chapter 15.83 BMC, or successor standards, and installation of automatic fire sprinklers and a solar photovoltaic system.
5. Prior to the CITY's issuing a Certificate of Final Completion and Occupancy for either the single-family structure or the accessory structure, OWNERS shall record a parcel map for the PROPERTY.
6. The covenants in this AGREEMENT are covenants running with the land and this AGREEMENT shall be recorded in the Office of the San Mateo County Recorder at the time of the issuance of the REVISED PERMIT.
7. This AGREEMENT shall be binding on the heirs, successors and assigns of the parties hereto.
8. This AGREEMENT shall be construed and enforced pursuant to the laws of the State of California. Should any legal action be brought by a party for breach of this AGREEMENT or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the court. Any such legal action shall be filed in the Superior Court, County of San Mateo.
9. If any one or more of the covenants or agreements, or portions thereof, provided in this AGREEMENT shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such covenant(s), such agreement(s), or such portions thereof shall be null and void and shall be deemed


Deferred Street Improvement Agreement
Page 4

separable from the remaining covenants or agreements or portions thereof and shall in no way affect the validity or enforceability of the remaining portions of the AGREEMENT.

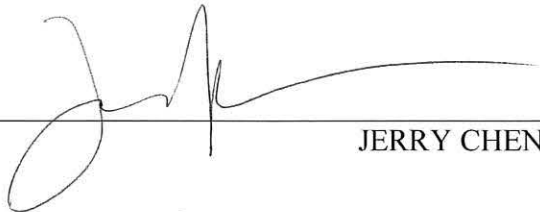
10. This AGREEMENT contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings, whether oral or written, between or among the parties relating to the subject matter of this AGREEMENT, which are not fully expressed herein. The drafting and negotiation of this AGREEMENT has been participated in by each of the parties and/or their counsel and for all purposes this AGREEMENT shall be deemed to have been drafted jointly by all parties.
11. Counterparts delivery. This AGREEMENT may be executed in multiple counterparts each of which shall be deemed an original but all of which, taken together, shall constitute a single instrument.

IN WITNESS WHEREOF this AGREEMENT is executed by the CITY and by OWNERS as of the 10 day of January, 2023, at Brisbane, California.


CITY OF BRISBANE:


By: _____ CLAYTON L. HOLSTINE
City Manager

OWNERS:



JERRY CHENG-YEN TSO



CYNTHIA CHAN

Deferred Street Improvement Agreement
Page 5

APPROVED AS TO FORM: Michael Roush

MICHAEL ROUSH, Legal Counsel

(GENERAL ACKNOWLEDGMENT BY NOTARY PUBLIC MUST BE ATTACHED FOR
OWNER'S SIGNATURE)

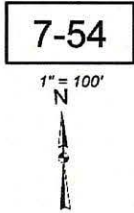
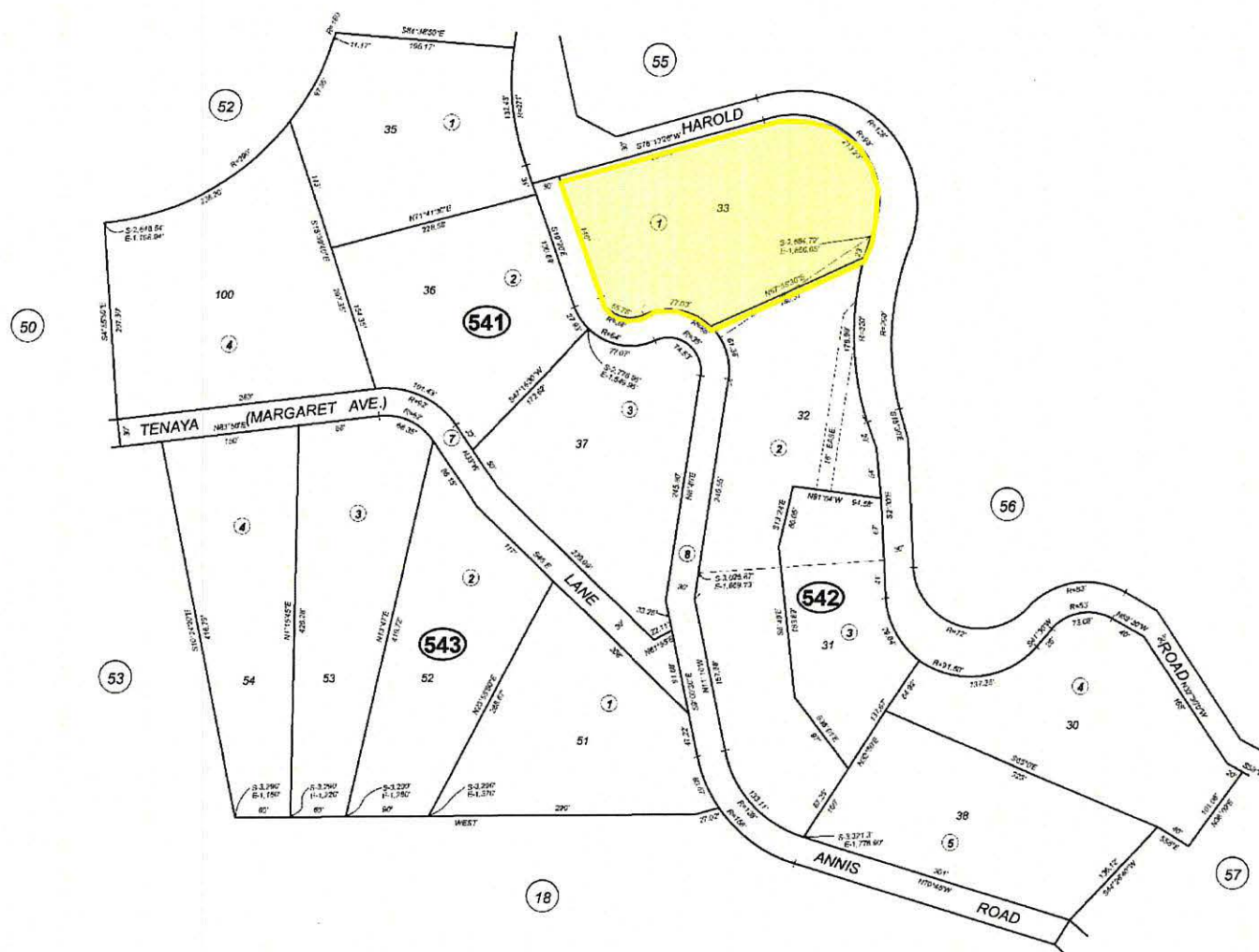
Exhibit A

EXHIBIT A

Legal Description:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF HAROLD ROAD, (30 FEET WIDE) WITH THE SOUTHERLY LINE OF LAND CONVEYED TO JOSEPH M. TUCTO AND HELEN I. TUCTO, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 549 OF OFFICIAL RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERLY AND SOUTHERLY LINE OF HAROLD ROAD ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 320 FEET, A CENTRAL ANGLE OF $4^{\circ} 07'$ AN ARC DISTANCE OF 23.00 FEET; THENCE TANGENT TO THE PRECEDING CURVE, ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 96.00 FEET, AN ARC DISTANCE OF 213.23 FEET; THENCE TANGENT TO THE PRECEDING CURVE SOUTH $76^{\circ} 13' 20''$ WEST 234.70 FEET TO THE EASTERLY LINE OF ANNIS ROAD; THENCE ALONG SAID EASTERLY LINE SOUTH $19^{\circ} 20'$ EAST 140 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 34 FEET AN ARC DISTANCE OF 55.78 FEET; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS

Deferred Street Improvement Agreement
Page 7



D.M.

ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF.

10/15/1984

Exhibit B

100 Harold Road Widening Estimate

100 Harold Road has an approximate 410 LF frontage contiguous to the parcel that shapes the current privately owned access road.

As shown on the orthodigital below, there are four parcels (one admittedly much smaller than the others) on the opposite side of the road.



Staff's planning level estimate to construct a new 20' wide roadway, with the catchment walls placed adjacent to 100 Harold is:

1	20' roadway structural section, 4" AC over 8" AB	\$80,000	200 tons of AC at \$150/ton, source: prior overlays; 202 CY of AB at \$50/CY, source online, plus earthwork and removal of existing
2	Concrete curb and gutter	\$90,000	using 410 LF for time being, at \$200 a LF, source: Solano unit cost for curb and gutter, plus round up
3	Catchment wall, 15' average height	\$1,500,000	Solano wall cost x 8, plus round up
4	Guard rail	\$10,000	item code: 832007, because it is not many feet (100') I chose an upper bid price, we'll call it \$100 per liner foot
5	Relocate fire hydrant	\$10,000	source: Caltrans coded items \$3,000, plus need add'l retaining wall on sides
TOTAL		\$1,690,000	

Typically, the applicant who triggered the requirement to widen the roadway would be required to fund the entire project, and the city would then create a Reimbursement Agreement so that if/when the other parcels triggered the same requirement they would provide funds to the city to reimburse the applicant who completed the road widening.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN MATEO

On 01/07/2023 before me, ALEXIS GARZOTA ROMAN, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared JERRY CHENG-YEN TSO & CYNTHIA CHAN
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

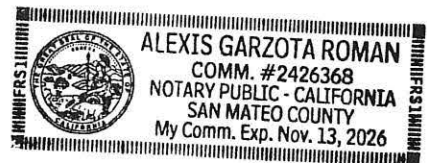
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Mateo)
On 1/11/2023 before me, Angel Ibarra, Notary Public
Date Here Insert Name and Title of the Officer
Personally appeared Clayton L. Holstine ---
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Angel Ibarra
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document Deferred Street Improvement agreement Document Date 1/11/22
Number of Pages 11 Signer(s) Other Than Named Above TSO, Chan, Roush

Capacity(ies) Claimed by Signer(s)

Signer's Name _____	Signer's Name _____
<input type="checkbox"/> Corporate Officer—Title(s) _____	<input type="checkbox"/> Corporate Officer—Title(s) _____
<input type="checkbox"/> Partner <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Signer Is Representing _____ Signer Is Representing _____

2018-097516

10:12 am 12/14/18 CC Fee: NO FEE
Count of Pages 3
Recorded in Official Records
County of San Mateo
Mark Church
Assessor-County Clerk-Recorder



* \$ R 0 0 0 2 6 4 2 3 2 7 \$ *

RECORDING REQUESTED
BY AND RETURN TO:

CITY CLERK/CITY OF BRISBANE
50 PARK PLACE
BRISBANE, CA 94005

CONDITIONAL CERTIFICATE OF COMPLIANCE

[Government Code Section 66499.35(b)]

The City of Brisbane has received a request from Joel Diaz to determine if the real property comprised of Assessor's Parcel Number 007-542-010 and further described in Exhibit A, complies with provisions of the California Subdivision Map Act and the City of Brisbane Subdivision Ordinance.

The land herein referred to is situated in the State of California, County of San Mateo, City of Brisbane, and described as attached in Exhibit A.

This is to certify that the real property described above complies with the California Subdivision Map Act, the San Mateo County Subdivision Ordinance and the City of Brisbane Subdivision Ordinance, subject to the following conditions:

- 1) City approval of a tentative and final parcel map shall be required prior to issuance of a permit for development of the property, consistent with all requirements and procedures contained in Brisbane Municipal Code Title 16. Development permits exempt from the requirement for tentative and final parcel map approval shall be as described in Brisbane Municipal Code Chapter 17.01.

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The property described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the property may require issuance of a permit or permits, or other grant or grants of approval.

The issuance of this Certificate does not constitute the granting of any rights to develop or otherwise improve said real property.

A handwritten signature in black ink.

John A. Swiecki, Community Development Director
CITY OF BRISBANE

11/28/18
Date

Exhibit A

Real property in the City of Brisbane, County of San Mateo, State of California, described as follows:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF HAROLD ROAD, (30 FEET WIDE) WITH THE SOUTHERLY LINE OF LAND CONVEYED TO JOSEPH M. TUCTO AND HELEN I. TUCTO, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 549 OF OFFICIAL RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERLY AND SOUTHERLY LINE OF HAROLD ROAD ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 320 FEET, A CENTRAL ANGLE OF $4^{\circ} 07'$ AN ARC DISTANCE OF 23.00 FEET; THENCE TANGENT TO THE PRECEDING CURVE, ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 96.00 FEET, AN ARC DISTANCE OF 213.23 FEET; THENCE TANGENT TO THE PRECEDING CURVE SOUTH $76^{\circ} 13' 20''$ WEST 234.70 FEET TO THE EASTERLY LINE OF ANNIS ROAD; THENCE ALONG SAID EASTERLY LINE SOUTH $19^{\circ} 20'$ EAST 140 FEET; THENCE TANGENT TO THE PRECEDING COURSE ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 34 FEET AN ARC DISTANCE OF 55.78 FEET; THENCE TANGENT TO THE PRECEDING CURVE ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 65 FEET, AN ARC DISTANCE OF 77.03 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF ANNIS ROAD WITH THE NORTHERLY LINE OF LANDS CONVEYED TO ROLAN F. HARROUN AND JUNE HARROUN, HIS WIFE, BY DEED RECORDED NOVEMBER 16, 1962 IN BOOK 4334 AT PAGE 544 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID LANDS AND CONTINUING ALONG THE NORTHERLY LINE OF THE LANDS OF TUCTO MENTIONED ABOVE NORTH $67^{\circ} 58' 30''$ EAST 186.37 FEET TO THE POINT OF BEGINNING.

APN: 007-542-010 JPN: 007-054-542-01A

CALIFORNIA GENERAL ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

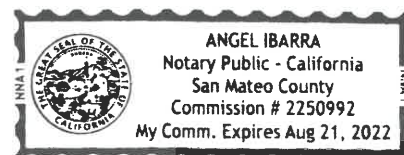
STATE OF CALIFORNIA }
COUNTY OF SAN MATEO }
CITY OF BRISBANE }

On November 29, 2018, before me, Angel Ibarra, Notary Public, personally appeared John A. Swiecki who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Angel Ibarra
Angel Ibarra
Signature of Notary Public



Place Notary Seal Above

This Certificate is attached to a 2-page Conditional Certificate of Compliance agreement between the
City of Brisbane and _____ signed on 11/28/18.