


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission  For the Meeting of 5/12/11

FROM: Tim Tune, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: **6 San Diego Court;** Report on Mitigation Measures per Design Permit DP-3-09 Condition of Approval M

Per State CEQA Guidelines Section 15097(c)(1), Condition of Approval M of Design Permit DP-3-09 required that a report on the relative success of the mitigation measures required per the Mitigated Negative Declaration be forwarded to the Planning Commission for its information prior to final inspection of the subject dwelling. A similar report was required by Tentative Parcel Map TPM-3-03 Condition EE, Design Permit DP-1-06 Condition S and Variance V-2-06 Condition G for 2 San Diego Court, the first house to be completed for this density transfer project.

Seven mitigation measures were adopted regarding implementing the soils and drainage reports' recommendations and the Bay Area Air Quality Management District's dust control measures, restricting the removal of any trees, preventing glare, improving Humboldt Road, and complying with State guidelines if any human remains or archeological resources were discovered.

The soils and drainage reports for the project were prepared by P. Whitehead and Associates Consulting Engineers who also inspected and certified the work done to ensure proper implementation. According to the Public Works Inspector, conditions found during grading were as expected from the soils report. He reports that, because most of the site was very rocky, dust control was not a significant issue. No human remains or historical or unique archaeological resources were found.

The tree removal permit to remove all of the eucalyptus that covered the site was issued by the City Manager's office January 19, 2006, so as not to impact the bird nesting season.

To reduce night glare, all wall surface mounted light fixtures are low intensity level and directed away from adjacent properties and the night sky per Sheet A1.4 of the Building Permit plans. No highly-reflective glass or other exterior building materials were used.

The original developers significantly improved the intersection of Humboldt and Annis Roads in terms of width and slope to assure safer access to the site. As part of this aspect of the original project, the City acquired the segment of Annis Road between San Bruno Avenue and Humboldt Road at no cost.

MITIGATION MONITORING PROGRAM

Mitigation Measure:	Implementation of the recommendations of the soil report through inspection and certification by the geotechnical consultant.
Applicant's Responsibility:	Schedule consultant's inspections during construction.
Means of Enforcement:	Tentative Parcel Map conditions imposed on Building Permit and Grading Permit
Responsible Department:	Building Inspector
Means/Timing of Reporting:	Consultant's certification prior to issuance of Certificate of Occupancy
Standard for Determining Compliance:	Geotechnical study per consultant
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105), revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)
Mitigation Measure:	Implementation of Bay Area Air Quality Management District construction dust control measures per BAAQMD CEQA Guidelines Table 2
Applicant's Responsibility:	Provide contractors with copies of Guidelines
Means of Enforcement:	Tentative Parcel Map conditions imposed on Building Permit and Grading Permit
Responsible Department:	Building Inspector, Public Works Department and Bay Area Air Quality Management District
Means/Timing of Reporting:	Regular site inspections during grading and construction
Standard for Determining Compliance:	Bay Area Air Quality Management District CEQA Guidelines, Table 2
Enforcement Procedures and Appeal:	Bay Area Air Quality Management District violations/appeals procedures
Mitigation Measure:	Implementation of the recommendations of the drainage report prepared by the registered civil engineer
Applicant's Responsibility:	Provide drainage report to engineer preparing plans for Building Permit/Grading Permit
Means of Enforcement:	Tentative Parcel Map conditions imposed on Building Permit and Grading Permit
Responsible Department:	Building Inspector/Public Works Department
Means/Timing of Reporting:	Regular site inspections during grading and construction
Standard for Determining Compliance:	Drainage report per consultant
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105), revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)

Mitigation Measure:	No removal of any trees between February 15 and August 1 unless it has been determined by a biological survey that the trees are not inhabited by nesting raptors
Applicant's Responsibility:	Time tree removal in compliance or hire qualified biologist to prepare survey
Means of Enforcement:	Tentative Parcel Map conditions imposed on Grading Permit
Responsible Department:	Public Works Department
Means/Timing of Reporting:	Confirmation prior to issuance of Grading Permit
Standard for Determining Compliance:	Condition of approval
Enforcement Procedures and Appeal:	Revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)
Mitigation Measures:	Low-level exterior lighting directed away from adjacent properties; exclusion of highly-reflective glass and other exterior building materials
Applicant's Responsibility:	Address in plans to be submitted with Building Permit application
Means of Enforcement:	Tentative Parcel Map conditions imposed on Building Permit
Responsible Department:	Planning Department, Building Inspector
Means/Timing of Reporting:	Regular inspections during construction, and final inspection prior to issuance of Certificate of Occupancy
Standard for Determining Compliance:	Brisbane General Plan Program 22e
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105)
Mitigation Measures:	Street improvements to Humboldt Road, either at its intersection with Annis Road or easterly of the proposed shared private access easement
Applicant's Responsibility:	Provide initial cost estimates in order for City to determine specific improvements; provide street improvement plans subject to City Engineer's approval
Means of Enforcement:	Tentative Parcel Map conditions imposed on Building Permit
Responsible Department:	City Engineer, Public Works Inspector
Means/Timing of Reporting:	Regular inspections during construction, and final inspection prior to issuance of Certificate of Occupancy
Standard for Determining Compliance:	Brisbane Municipal Code Section 12.24.010
Enforcement Procedures and Appeal:	Certificates of Occupancy (Brisbane Municipal Code Section 15.16.090)/Board of Appeals (California Building Code Section 105)
Mitigation Measure:	Agreement to comply with State CEQA Guidelines Sections 15064.5(e) & (f) in the event of an

Applicant's Responsibility:	accidental discovery of human remains or of historical or unique archaeological resources
Means of Enforcement:	Provide contractors with copies of protocol from State CEQA Guidelines Sections 15064.5(e) & (f)
Responsible Department:	Tentative Parcel Map conditions imposed on Building Permit and Grading Permit
Means/Timing of Reporting:	Building Inspector, Public Works Department
Standard for Determining Compliance:	Regular inspections during grading and construction
Enforcement Procedures and Appeal:	State CEQA Guidelines Sections 15064.5(e) & (f)
	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105), revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)

Prior to final inspection, a report on the relative success of the mitigation measures shall be prepared to be forwarded to the Planning Commission for its information.