

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 9/8/11

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

SUBJECT: **3836 Bayshore Boulevard;** Design Permit DP-3-11 and Use Permit UP-12-11; Showroom/Office/Warehouse with Two 3-Bedroom Dwelling Units Above and Uncovered or Carport Parking Spaces in Lieu of Garage/Carport Parking Spaces; Joseph Xu, applicant; Lun Hong Wong, owner; APN 007-553-180

REQUEST: In 2009, the Planning Commission conditionally approved Design Permit DP-6-07 and Use Permits UP-8-07 & UP-9-07 for three 758.5 gross sq. ft., 2-bedroom dwelling units atop 1,558 sq. ft. of showroom and 492 sq. ft. of incidental warehouse for KWW Kitchen Cabinets & Bath. KWW had previously operated its retail/wholesale sales and warehousing of kitchen and bathroom tile and cabinets out of existing storage sheds at the front of the property per Use Permit UP-13-05. Access and parking for the commercial use would be provided in front. Parking for the residential units would be provided on existing pavement currently occupied by an existing shed and garage at the middle of the property. The Commission revised the requirement for garage spaces for the multi-family units, accepting 6 spaces covered under carports out of the 14 required for the entire property. The existing 2,199+/- sq. ft. 3-bedroom single-family dwelling at the middle of the property (3833 Bayshore Boulevard, retroactively approved per Use Permit UP-7-88) would remain.

Issuance of the Building Permit for the approved project was delayed, due to in part to adoption of the new Building Code which included new accessibility requirements for rental residential projects of 3 or more units (see attached Applicant's Statement). In the meantime, the Design Permit and Use Permits expired in March. The applicant has revised the proposal to reconfigure the residential units as two 1,168.5 sq. ft., 3-bedroom units, with 5 carport parking spaces out of a total of 14, and has reapplied for Design Permit and Use Permit approval. Otherwise, the Building Permit would be almost ready to be issued (see attached Status of DP-6-07/UP-8-07/UP-9-07 Conditions of Approval).

The Commission's previous finding that the proposed development is consistent with the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan and the Section 10(a) Permit remains valid. As was required by the previous conditions of approval (attached), a habitat easement has been recorded (Document No. 2011-054336) over the rear 25 ft. of the property.

H.L.L.

RECOMMENDATION: Deny Design Permit DP-3-11 and Use Permit UP-12-11, per the agenda report with attachments, via adoption of Resolution DP-3-11/UP-12-11 with Exhibit A containing the findings, including a finding of inconsistency with the 2007-2014 Housing Element.

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration (State Clearinghouse #2008121114) was approved by the Planning Commission for the original project, after the applicant agreed to incorporate several mitigation measures into the project.

To comply with the Bay Area Clean Air Plan and other air quality standards (as well as policies promoting transportation alternatives), the applicant agreed to implement Bay Area Air Quality District grading dust emission control practices (Condition K) and to provide a bike rack to encourage employees and residents to use this alternative to the automobile for transportation (Condition E.4).

Because the site is in an area of susceptibility to seismically-induced landsliding and liquefaction, the applicant agreed to submit a soils engineering report and engineering geology report for the project, include its recommendations in the project, and have a qualified professional inspect and certify the foundation grading to assure that the reports' recommendations have been properly implemented (Condition J). The Soil and Foundation Investigation is attached.

Due to the project's location within a traffic noise corridor, the applicant agreed to submit an acoustical analysis report to show how the project's apartment units would be designed to limit exterior noise to 45 dB inside any habitable room (Condition P).

As mitigation for potential traffic conflicts, the applicant agreed to install "No Left Turn" signs at the outbound driveway lanes, a raised median in Bayshore Boulevard along the frontage of the property, and a left/U-Turn queue at the intersection of Bayshore Boulevard and Van Waters Road, with necessary signal changes (Condition H). The applicant also agreed to provide a fair share contribution toward signalization of the Bayshore Boulevard/San Bruno Avenue intersection, as well as to limit the size of the proposed warehouse to minimize potential large-truck traffic that might attempt unsafe maneuvers to enter/exit the site (Condition I).

The revised project currently proposed contains one fewer residential unit and 703 sq. ft. less of showroom/warehouse floor area than that originally proposed. As a result, the project's impacts would be slightly reduced. There have been no substantial changes in circumstances for the project that would result in significant effects not discussed before. This mixed-use project would support the goals of the 2010 Bay Area Clean Air Plan and would be consistent with the Bay Area Air Quality Management District's 2010 CEQA Air Quality Guidelines. According to BAAQMD's Surface Streets Screening Tables for San Mateo County (May 2011), Bayshore Boulevard's less than 23,000 average daily trip rate generates traffic emissions below BAAQMD's Adopted Air Quality CEQA Thresholds of Significance (6/2/10) for this project.

Accordingly, per Section 15162 of the State CEQA Guidelines, a subsequent Negative Declaration is not required for this project.

APPLICABLE CODE SECTIONS: Mixed-use structures require Design Permit approval per Brisbane Municipal Code Sections 17.16.100 and 17.42.010. All buildings in the SCRO-1 Southwest Bayshore Commercial District District are also subject to visual impact analysis per BMC Section 17.16.110. Duplex dwelling units, offices, product showrooms, warehouses, and mixed uses (a combination of residential and non-residential uses) require Use Permit approval in the SCRO-1 District per BMC Section 17.16.030.

BMC Section 17.34.010 contains the parking requirements for residential and commercial uses. This section specifically requires that all of the parking spaces for duplex dwelling units be within a garage (enclosed on 3 sides per BMC Section 17.02.034). BMC Section 17.34.115 provides for modification to the parking regulations via approval of a Use Permit. The applicable findings for such Use Permits are found in BMC Sections 17.40.060 and 17.34.115.A & B.

ANALYSIS AND FINDINGS: The proposed project involves different planning applications, requiring different sets of findings, detailed as follows.

Design Permit--To approve a Design Permit, the Planning Commission must make the findings required by Brisbane Municipal Code Section 17.42.040:

General Plan Consistency. The proposed development must be consistent with the General Plan and any applicable specific plan. The 1994 General Plan land use designation for the site is Subregional Commercial/Retail/Office. Retail, residential and warehouse uses are all permitted under this designation. Compliance with General Plan Policies 17 & 19 and Programs 17a & 238c (regarding public views of San Francisco Bay and San Bruno Mountain State and County Park), Policies 66 & 198 & Programs 55c, 60b, 62b, 100c, 194c, 198a, 198b & 198c (alternatives to travel by automobile), Policies 81.1 & 89 (outdoor open areas), Policies 119 & 240 and Program 83b (San Bruno Mountain Area Habitat Conservation Plan), Policies 133, 262 & 319 & Programs 134a, 228d & 245d (stormwater pollution), and Policy 244 (Bayshore Boulevard landscape screening) are detailed below.

In January of this year, the City Council amended the General Plan to include the 2007-2014 Housing Element. To comply with State law requirements for zoning to accommodate the City's share of the Regional Housing Needs Allocation for residential units at a density high enough to potentially be affordable to lower income households, the Housing Element calls for a new R-SWB District (to include this site) which would require a minimum lot size of 23,800 sq. ft. on which a minimum of 16 units would be permitted. Although the required Land Use Element amendments to the General Plan (per Housing Element Programs H.B.1.d & H.E.1.c; see attached) and Zoning Ordinance amendments to the Municipal Code (per Programs H.B.1.a,

H.B.1.b & H.D.1.b; see attached) have yet been implemented, approving the proposed project at less than 16 units would be inconsistent with the intent of the General Plan as recently amended. Accordingly, to be conservative, staff recommends that the project be denied, because it is not consistent with the General Plan's Housing Element programs calling for new zoning of this site.

It should be noted, though, that approval of the proposed project would not preclude further development of the site to comply with the minimum density foreseen by the Housing Element. The middle portion of the site (where the parking for the two proposed units is proposed to be provided and the existing single-family residence to remain) is large enough for development of a 16-space garage, which, with the proposed 5-space parking lot, could meet the current requirements for 16 units (two 3-bedroom and fourteen studios) plus guest parking. To accommodate future improvement of the existing south driveway as a fire apparatus access road to the middle of the site, at least 20 ft. of clearance would be provided on the south side of the proposed building per Condition E.2. An additional condition of approval could be adopted to require that the proposed building's lower floor be designed (with utility stub outs, rear egress windows, etc.) to be converted to residential use with future accommodations for an elevator or other handicapped access to the second floor.

The project raises additional General Plan consistency questions. Even if this project would not preclude future construction of additional units to comply with the minimum density, how would this project, if approved, fit in with the type of development that might be allowed under the form-based code required per Housing Element Program H.D.1.b? Would the project "delay the intended redevelopment of the property in accordance with the uses anticipated in the general plan" (one of the findings required for approval of Interim Use Permits in the Baylands per BMC Section 17.41.060.C) by improving the viability of the commercial component of the proposed mixed use?

Balance and Harmony. The Municipal Code requires that the proposal maintain a balance of scale, form and proportion; use design components that are harmonious and materials and colors that complement the project; and integrate well with elements of the site plan and of surrounding areas. A generally symmetrical façade is proposed for the two-story building (reducing the size of the warehouse per Condition C resulted in the first floor being notched at its northeast corner—see below. A deck providing access to the second-floor units would extend across the front of the building, sheltering the entry to the commercial space below. Green stone cladding is proposed to define the base of the building, which would be painted a pale yellow. The trim and tile roof would be terracotta colored. The proposed two-story building would be set back approximately 30 ft. from the street, with a small landscaped parking lot in front.

Compatibility with Adjacent Development and Uses. The orientation and location of buildings, structures, open spaces and other features maintain a compatible relationship to adjacent development. Where a proposal abuts or is in close proximity to uses other than that proposed, the Municipal Code requires that the proposal take into account its effect on and maintain the

quality of the other land uses. The commercial space and apartment units would face the street with only minimal windows facing the mobilehome park to the north and Roto-Rooter to the south. A 10 ft. north setback and a 17 ft. south setback are proposed for the building (see below regarding the proposed carports). The existing trees are proposed to remain, providing a screen between the project and the existing single-family house on the site.

Previously adopted Condition HH required a screening fence along the southern property line shared with Assessor's Parcel No. 007-553-160, excluding the southern boundary of the habitat easement, designed to preserve privacy while not blocking any wildlife corridors. According to the submitted Site Plan, a 6 ft. tall redwood plank screening fence is proposed along the southern boundary of the property, excluding the habitat and SFPUC easements at the western portion. Per recently adopted BMC Section 17.32.050.1.d, the condition could be amended to specify that any fencing along the easement be comparable to the 6 ft. tall steel tubing fences with approximately 4 inch openings approved at Landmark at the Ridge (note that California Building Code Section 1013.3 generally requires that guardrails be designed so that a 4-inch-diameter sphere cannot pass through any opening).

Minimized Topographical and Visual Impacts. For hillside development, the Municipal Code requires that the proposal respect the topography of the site and be designed to minimize its visual impact, preserving any significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park.

The proposal would take advantage of the site's existing terraced topography by limiting development to the lower portion of the property. Only 74 cubic yards of grading is proposed. The deep front setback proposed will reduce the building's visual impact upon Bayshore Boulevard. According to the visual impact analysis prepared by staff per guidelines approved by the Planning Commission consistent with BMC Section 17.16.110 (see attached), the building would theoretically block views of only that portion of the San Bruno Mountain State and County Park located on the eastern slope of the upper portion of Gladys Ravine as seen along an approximately 75 ft. long segment of southbound Bayshore Boulevard, were it not for a number of evergreen and other trees on the intervening properties that already block those views. Views of the Brisbane Lagoon from the stretch of San Bruno Avenue west of Joy Avenue would not be expected to be blocked by the proposed building.

Adequate Traffic Circulation and Parking. The Municipal Code requires that the site plan minimize the effects of traffic on abutting streets and within the project boundaries, through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate internal circulation and off-street parking facilities that are adequately surfaced, landscaped and lit.

The property is proposed to continue to be accessed via two driveways off of Bayshore Boulevard, one serving the commercial use and its 5 required parking spaces, and the other the

residential uses. The proposed building would provide at least 20 ft. of clearance on its south side to accommodate future widening and regrading of the residential driveway to serve as a fire apparatus access road for more intense development of the middle portion of the property (see Condition E.2).

To minimize large truck traffic generated by the commercial use, which would have to back in from Bayshore Boulevard, the warehouse portion was required to be limited incidental storage not to exceed 499 gross sq. ft. (see Condition C). This is the maximum square footage of warehouse for which no parking is required at 1 space per 1,000 sq. ft.

To avoid traffic conflicts due to left turns across lanes of traffic on Bayshore Boulevard, the City Engineer would require that "No Left Turn" signs be installed on the outbound lanes of the driveways. A raised median would also be required to be installed in Bayshore Boulevard along the frontage of the property. In addition, modifications at the Bayshore/Van Waters intersection to add a left/U-Turn queue, including necessary signal changes, would be required.

A new public sidewalk would be provided in front of the property. An internal sidewalk would be provided in front of the new building, connecting to the stairway to the apartments on the second floor. To avoid the requirement of California Building Code Chapter 11A that 3-unit rental projects include one accessible unit, which would require an elevator or ramp, the applicant proposes to reduce the number of units to 2. Occupants of the two proposed units would use the residential driveway to access their parking behind the proposed building.

Trees and groundcover are proposed to be planted around the new parking lot, and the existing trees around the upper parking area will be preserved. Both parking areas will be appropriately illuminated with new lightpoles.

Facilities for Alternative Transit Modes. The Municipal Code encourages alternatives to automobile travel by where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation. Sidewalk improvements along the property frontage are proposed as a pedestrian amenity that would also benefit users of the SamTrans bus stop in front of the adjoining mobilehome park and the bus shelter across Bayshore Boulevard at VWR International. A bike rack is proposed on the north side of the building. The parking lots are too small to require designated carpool, vanpool or other "clean air vehicle" spaces.

Functional and Appropriate Landscaping. The Commission must find that the site provides open areas and landscaping to complement the buildings and structures. Landscaping must also be used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping must be generally water conserving and appropriate to the location, with attention given to habitat protection and wildland fire hazard as appropriate.

New landscaping is proposed around the mixed-used building and the front parking lot. The proposed landscape species are all water-conserving, non-invasive and generally pest/disease resistant. "Low-growing, water-conserving non-deciduous" trees are proposed around the parking lot, in part to avoid conflicts with the overhead utility lines in front of the property. Appropriate species to be planted under utility lines include Pacific Wax Myrtle (*Myrica californica*) and Hollyleaf Cherry (*Prunus ilicifolia*). Such non-deciduous trees would provide an appropriate landscape screen along Bayshore Boulevard per General Plan Policy 244.

The project has been designed so as to avoid the removal of any existing trees. Per the previously adopted HCP Operating Program for the parcel, French broom and other invasive vegetation are required to be removed from the easement on an annual basis (with restrictions on removing/trimming trees/shrubs during the raptor/passerine bird nesting season). Native perennial species including Coyote Mint, Red-Pitcher Sage, Douglas Iris, Buckwheat and Golden Aster are required to be planted in their place to provide nectar sources for endangered butterflies.

Additional landscaping could be provided off-site as part of the proposed frontage improvements. Instead of the proposed 12 ft. wide sidewalk, the City Engineer would recommend a 4 ft. wide planting strip behind the curb, within which street trees could be planted opposite the gaps between the trees proposed on site. Shrubs no more than 3 ft. tall, so as not to block sight distance from the driveways, could be planted between the trees. This planting strip would provide a buffer between vehicular traffic and pedestrians, leaving room for a sidewalk more than wide enough to comply with Title 24 standards for accessibility (4 to 5 ft.).

Noise Protection. The Municipal Code requires that the proposal take reasonable measures to protect against external and internal noise. The proposed building would be set more than 30 ft. back from the street, behind a row of 6 trees to help buffer it from passing traffic. The proposed showroom would be considered to be an appropriate component of a mixed-use project, since it should not generate significant amounts of noise and will not be operating during the evening per BMC Section 17.16.070. Due to the project's location within a traffic noise corridor, an acoustical analysis report will be required to show how the project's apartments will be constructed to limit exterior noise to 45 dB inside any habitable room per California Building Code Section 1207.

Glare Control. The Municipal Code requires that consideration be given to avoiding offsite glare from lighting and reflective building materials, in compliance with the California Green Building Standards Code. Five lightpoles are proposed to illuminate the parking areas. The fixtures are pointed downward and away from adjacent properties, so as not to cast glare at night. No highly reflective building materials are proposed.

Screening of Exterior Appurtenances. The Municipal Code requires that attention be given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

The trash containers are proposed to be located along the retaining wall at the northwest corner of the building. Per recently adopted BMC Section 17.16.040.I.1, this “recycling area” must be fully enclosed, designed to control stormwater run-on and runoff and properly posted (requiring revision of Condition BB). No rooftop equipment is proposed, but if air conditioning is required as part of the noise mitigation for the units (so insulated windows can be kept closed), any exterior equipment have to be screened per BMC Section 17.16.040.H.2.

Appropriate and Effective Signage. The Municipal Code requires that signage be appropriate in location, scale, type and color, as well as effective in enhancing the design concept of the site. Wall signage (30 sq. ft. in area) is proposed to be incorporated into the design of the second-floor entry balcony. It may also be appropriate to mount smaller signage on the proposed fence near the driveway entrance to the lower parking lot. Previously approved Condition AA prohibited any pole signs.

Employee Outdoor Space. The Municipal Code requires that provisions be made to meet the needs of employees for outdoor space. An accessible outdoor picnic table is proposed to be provided in a sheltered area near the northeast corner of the building for employees to using during their breaks. Per General Plan Policy 89, such outdoor facilities could also be used by the building’s residents.

Use Permit for Uses within the SCRO-1 District: All uses in the SCRO-1 District are conditional, requiring the approval of a Use Permit by the Planning Commission. In order to approve the Use Permit, the Commission must determine whether the proposal is consistent with the general plan and whether the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City. Five additional special findings apply to uses in the SCRO-1 District per BMC Section 17.16.060.

General/Specific Plan Consistency—Please refer to the discussion on this subject, above, in regards to the Design Permit.

Not Detrimental or Injurious to Neighborhood or City—The Planning Commission previously found the proposed mix of commercial and residential units to be appropriate to this site, located between the mobilehome park to the north and a commercial service use and single-family residence to the south. The property to the rear is currently vacant but zoned for residential use. The proposed showroom would operate during normal business hours and not generate a significant amount of traffic. The proposed apartments will significantly setback from the adjoining uses so as to minimize any impacts upon the neighboring properties. See above regarding future zoning of the site.

Special Findings--Adequate measures would be taken to protect workers and residents from the twenty-four (24) hour noise generated by traffic on Bayshore Boulevard, in that the building would be located more than 30 ft. from the street and in that the apartments would have to be designed so that exterior noise would not exceed 45 dB inside the units (see Condition P). The project design has incorporated measures to buffer the residential units from potential adverse impacts from nearby and adjacent non-residential uses, by providing a 26 ft. buffer from the adjoining Roto-Rooter building. The outdoor areas provided for the residential uses include the front balcony, the landscaped grounds behind the apartments and, potentially, the Conserved Habitat at the rear of the property, all of which are securely separated from the street. The improvements have been designed in a manner that would make adequate provision for on-site parking and traffic circulation and safe ingress to and egress from the site, as detailed above and below. The improvements have been designed to be compatible with the topography and soils of the hillside, as described above.

Use Permit for Uncovered/Carport Parking—The applicant requests approval of a Use Permit to modify the parking regulations requiring that the 4 spaces for the duplex units be covered and enclosed on 3 sides and that 2 of the 4 spaces for the single-family residence be covered (but not necessarily enclosed on the sides). In lieu of these 6 covered and 2 uncovered spaces for the residential units, 5 carport and 4 uncovered spaces are proposed.

The findings required for approval of Use Permits to modify the parking regulations are that the approval would be consistent with the General Plan, that it would result in no detriment to persons or property in the neighborhood or to the City in general, that there is no need for strict enforcement due to present or anticipated traffic volume or site circulation, and no on-street parking impacts would result.

General/Specific Plan Consistency—As required by the 1994 General Plan per:

Program 22c: Review the residential parking requirements in the Zoning Ordinance to determine their effect on the height, mass and scale of structures and grading implications and whether amendments to the Code should be considered.

Program 253a: Study the impacts of off-street parking requirements on residential and commercial site and structural design.

the Planning Commission extensively analyzed the City's parking requirements, recommending to the City Council in 2004 that the requirements be revised to require that only half of the parking spaces for residential units no more than 1,800 sq. ft. in floor area be covered, and to require that only 1 covered space of the 3 spaces to be required for residential units of the size of the existing single-family residence on the subject property. Thus instead of 4 garage spaces and 2 covered spaces in garages or carports that are currently required, only 3 covered spaces would be required for this project under these recommendations.

As noted above, the site could theoretically be developed with 16 dwelling units. Although the owner proposes to demolish a number of unsightly sheds on the property, he is not prepared to demolish the existing single-family house in order to redevelop the entire property. To require the investment in construction of garages enclosed on at least 3 sides could discourage the provision of more housing on the site, since those garage/carport spaces would just have to be demolished to accommodate additional dwelling units on the site. Granting the modification to the parking regulations would be consistent with the 2007-2014 Housing Element:

Policy H.I.1 Seek to reduce regulatory constraints on the development of new housing, especially infill housing and housing that adds to the mix of types, size, tenure and affordability.

Program H.I.1.a Continue to evaluate and implement changes to the zoning ordinance and permitting process to simplify and streamline approval of projects that meet the City's housing goals.

Program H.I.1.b Revise the residential parking requirements so as to be based upon floor area and/or number of bedrooms, consistent for single-family dwellings, secondary dwelling units, duplexes and multi-family dwelling units.

Please also refer to the discussion on this subject, above, in regards to the Design Permit.

Not Detrimental or Injurious to Neighborhood or City—In lieu of providing 4 garage spaces, 2 garage/carport spaces and 2 uncovered spaces for the residential units, the applicant proposes 5 carport and 4 uncovered spaces, which totals 1 more space than required. This should more than compensate for not constructing a cover for 1 of the required spaces.

The Planning Commission has found that it is not detrimental or injurious to the City's neighborhoods to accept uncovered parking in lieu of the required covered parking, if the required number of parking spaces is provided. Such Use Permit approvals have included 6 existing duplexes and 1 existing apartment building (see attached chart).

By allowing the existing garage and sheds on the property to be removed without requiring that they be replaced with the required garages would help clean up the property in anticipation of future development that would take greater advantage of the site's potential to provide additional housing. If the existing single-family dwelling were to be replaced with a second multi-family building, any garages that would be required for the current project if the Use Permit were denied would likely then have to then be removed.

The southern carport proposed for Spaces 1, 2 & 3 would be located approximately 4.5 ft. from the south side property line, adjoining the neighboring residential property on San Bruno Avenue. Per BMC Section 17.16.040.D.2, no side setback is required, except a 10 ft. side setback is

required when the site is adjacent to any residential use. To accommodate a 10 ft. side setback, the three spaces in the carport and the 4 spaces opposing them (Spaces 4, 5, 6 & 7) would have to be designated as compact, so they could be shifted closer together. The carport would also have to be shifted eastward, so as not to block access to Spaces 8 & 9 at the rear of the property. Note that recently recommended Zoning Text Amendment RZ-4-11 would reduce this required setback to 5 ft. for residential/mixed use. If the Use Permit were to be approved, it should be subject to a condition that a 5 ft. minimum side setback be maintained for the carports (measured at the supports).

Strict Enforcement Not Required Due to Present/Future Traffic Volume/Circulation—It must also be found that strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site.

The current parking standards (2 garage spaces per 3-bedroom multi-family dwelling unit and 2 garage/carport spaces plus 2 uncovered spaces per single-family dwelling) would require a total of 8 parking spaces (including 6 covered) for this mixed-use project's residential component. Instead, 9 parking spaces (including 5 carport spaces) are proposed for the 1 single-family and 2 multi-family units. The Planning Commission had recommended in 2004 that the current requirement be changed to 2 on-site parking spaces (including 1 covered) per dwelling unit not exceeding 1,800 sq. ft., and 2 covered and 1 uncovered for 1,801-2,700 sq. ft. units. These changes have yet to be adopted by the City Council. Based upon the size of the proposed units (1,168.5 sq. ft. for the multi-family dwelling units and 2,199 sq. ft. for the single-family dwelling), the 2004 recommended requirement would be 7 on-site parking spaces (3 of them covered). Thus, strict enforcement of the current requirement for garage spaces does not appear necessary, given the size of the units and the additional parking space proposed.

No Interference with Traffic or On-Street Parking—Finally, it must be found that the granting of the use permit will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces. Accepting uncovered parking spaces in lieu of covered parking spaces would not affect on-street parking, in that more than the required number of parking spaces would be provided on site. Currently, the City Engineer would prefer not to stripe Bayshore Boulevard for parallel parking, due to traffic speeds on the street.

Attachments:

- Draft Resolution with Findings
- Project Description
- Applicable 2007-2014 Housing Element Programs
- Aerial Photo
- Applicant's Statement and Plans
- Colored 2008 Elevations & Color Sample Key
- Staff's Parking Capacity Analysis

H. I. I.

DP-3-11/UP-12-11

9/8/11 Meeting

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Attachments (continued):

Status of DP-6-07/UP-8-07/UP-9-07 Conditions of Approval

Planning Commission Minutes for 2/5/09 & 2/26/09 Meetings (excerpts)

Uncovered Parking Accepted by the Planning Commission In Lieu of Covered Parking

Environmental Initial Study/Mitigated Negative Declaration with Mitigation Monitoring Program, Vicinity Map, Biological Site Assessment, Draft HCP Operating Program for Management Unit 2-03-20, Traffic Impact Report/Nijem Subdivision and Staff's Visual Impact Analysis

Soil and Foundation Investigation by Frank Lee and Associates

DRAFT
RESOLUTION DP-3-11/UP-12-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING DESIGN PERMIT DP-3-11 AND USE PERMIT UP-12-11
TO PERMIT A SHOWROOM/OFFICE/WAREHOUSE
WITH TWO DWELLING UNITS ABOVE AND UNCOVERED/CARPORT PARKING
AT 3836 BAYSHORE BOULEVARD

WHEREAS, Joseph Xu, the applicant, had applied to the City of Brisbane for Design Permit and Use Permit approval for a showroom/office/warehouse with three 2-bedroom dwelling units above and uncovered parking at 3836 Bayshore Boulevard, such applications being identified as Design Permit DP-6-07 and Use Permits UP-8-07 & UP-9-07; and

WHEREAS, on February 26, 2009, the Planning Commission approved a Mitigated Negative Declaration and Mitigation Monitoring Program for the project, found that the proposed development of the subject property (HCP Administrative Parcel 2-03-20) complied with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, given the conditionally approved Operating Program, and conditionally approved the Design Permit and Use Permits; and

WHEREAS, the applicant now proposes to revise the project with two 3-bedroom units and carport parking, as well as uncovered parking; and

WHEREAS, on September 8, 2011, the Planning Commission conducted a public hearing of the revised applications, 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 agenda report relating to said applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Design Permit and Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of September 8, 2011, did resolve as follows:

Design Permit Application DP-3-11 and Use Permit Application UP-12-11 are denied per the findings attached herein as Exhibit A.

ADOPTED this ninth day of September, 2011, by the following vote:

AYES:
NOES:
ABSENT:

JAMEEL MUNIR
Chairman

ATTEST:

JOHN SWIECKI, Community Development Director

**DRAFT
EXHIBIT A**

Action Taken: Deny Design Permit DP-3-11 and Use Permit UP-12-11, per the agenda report with attachments, via adoption of Resolution DP-3-11/UP-12-11 with Exhibit A containing the findings.

Findings:

Design Permit DP-3-11

1. Although the proposed development is consistent with the 1994 General Plan, it is not fully consistent with the future zoning proposed in the 2007-2014 Housing Element, as detailed in the agenda report.
2. The proposal maintains a balance of scale, form and proportion, uses design components that are harmonious and materials and colors that complement the project, and integrates well with elements of the site plan and of surrounding areas, as detailed in the agenda report.
3. The orientation and location of buildings, structures, open spaces and other features maintain a compatible relationship to adjacent development, as detailed in the agenda report.
4. Where a proposal abuts or is in close proximity to uses other than that proposed, the plan takes into account its effect on and maintains the quality of the other land uses, as detailed in the agenda report.
5. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact, and significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved, as detailed in the agenda report.
6. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking; there is an adequate circulation pattern within the boundaries of the development; parking facilities are

adequately surfaced, landscaped and lit, given the conditions of approval, as detailed in the agenda report.

7. The proposal encourages alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation, as detailed in the agenda report.
8. The site provides open areas and landscaping to complement the buildings and structures; landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy; and landscaping is generally water conserving and is appropriate to the location, with attention given to habitat protection and wildland fire hazard as appropriate, given the conditions of approval as detailed in the agenda report.
9. The proposal takes reasonable measures to protect against external and internal noise, given the conditions of approval as detailed in the agenda report.
10. Consideration has been given to avoiding offsite glare from lighting and reflective building materials, as detailed in the agenda report.
11. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment, as detailed in the agenda report.
12. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site, given the conditions of approval as detailed in the agenda report.
13. Provisions have been made to meet the needs of employees for outdoor space, given the conditions of approval as detailed in the agenda report.

Use Permit UP-12-11

1. Although the proposed development is consistent with the 1994 General Plan, it is not fully consistent with the future zoning proposed in the 2007-2014 Housing Element, as detailed in the agenda report.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, as detailed in the agenda report.

3. Adequate measures have been taken to protect workers and residents from the twenty-four (24) hour noise generated by traffic on Bayshore Boulevard, as detailed in the agenda report.
4. The design for projects with residential uses has incorporated measures to buffer the units from potential adverse impacts from nearby and adjacent non-residential uses, as detailed in the agenda report.
5. The design for projects with residential uses includes outdoor areas, such as courts, yards or decks, securely separated from the street, as detailed in the agenda report.
6. The improvements have been designed in a manner that will make adequate provision for on-site parking and traffic circulation and safe ingress to and egress from the site, per the conditions of approval as detailed in the agenda report.
7. The improvements have been designed to be compatible with the topography and soils of the hillside, as detailed in the agenda report.
8. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site, as detailed in the agenda report.
9. The granting of the use permit will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces, as detailed in the agenda report.

Project Description:

General Plan: Subregional Commercial/Retail/Office Land Use Designation

Zoning: SCRO-1 Southwest Bayshore Commercial District

Lot Area: 23,838 sq. ft.

Unit Density	Maximum*	Existing	Proposed
	15 MFR	1 SFR	1 SFR + 1 Duplex

Building Coverage--

Maximum:	70% (16,687 sq. ft.)
Existing:	7% (1,651.5 sq. ft., not including sheds)
Proposed:	22% (5,234 sq. ft., including covered walkways and carports)

Floor Area—

Existing:	2,199 sq. ft. (not including sheds or garage)
Proposed:	7,351 sq. ft. (including carports and covered walkways)

Setbacks--

	Required	Existing	Proposed
Front:	5 ft.	101.5 ft.	29 ft.
North Side:	10 ft.**	5 ft. (house)	10 ft. (new building)
South Side:	0-10 ft.**	63 ft.	4.5 ft.** (carport), 22 ft. (stairway)
Rear:	10 ft.	57.5 ft.	46 ft. (carport)

Height--

Maximum:	35 ft.
Proposed:	29 ft.

Parking--

Required:	13 spaces (7 uncovered + 4 garages + 2 garages/carports) = 5 uncovered spaces for retail (1,558/300 sq. ft.) + 0 uncovered spaces for warehouse (492 sq. ft./1,000 sq. ft.) 4 garage spaces for duplex units (2 per 3-bedroom unit) + 2 garage/carport spaces plus 2 uncovered spaces for SFR unit
Proposed:	14 spaces (5 uncovered in front parking lot, 9 in rear including 5 in carports)

Landscaping--

Required:	10% (2,384 sq. ft.)
Existing:	10% (2,466 sq. ft., not including rear of site)
Proposed:	11% (2,664 sq. ft., not including 2,884 sq. ft. habitat easement)

*Maximum residential density permitted under the current SCRO-1 District zoning is 1 single-family residence per 7,500 sq. ft., 1 duplex dwelling per 3,750 sq. ft., and 1 multi-family dwelling per 1,500 sq. ft. Under the new R-SWB District zoning proposed in the 2007-2014 Housing Element, the minimum and maximum residential density permitted for this site will be 16 units.

SFR = Single-family residential

**0 ft. side setback required, except 10 ft. required when the site is adjacent to any residential use; in this case, there is a residential use to the north and one to the southwest along the upper 126 ft. length of the side property line (adjacent to the proposed southern carport)

H.1.17

APPLICABLE 2007-2014 HOUSING ELEMENT PROGRAMS

Program H.B.1.d Revise the General Plan's applicable land use designations to reflect the net acre density (excluding land area devoted to public rights-of-way for streets and utilities) to be consistent with all zoning districts to be revised per the Housing Element. Revise the Land Use Element's policies and programs so as to be consistent with Government Code Section 65583.2 regarding affordable housing.

Program H.E.1.c Replace the General Plan's Subregional/ Commercial/ Retail/ Office land use designation for the southern portion of the Southwest Bayshore subarea, including the mobilehome park, with the appropriate residential designations.

Program H.B.1.a Maintain existing zoning and complete necessary rezoning to provide adequate sites to accommodate the Regional Housing Needs Allocation, as referenced in Sections III.1 and III.2, no later than 3 years and 120 days of the statutory deadline for adoption of the Housing Element [per Government Code Section 65583(c)(1)(A)].

Program H.B.1.b For the new 6.9 acre NCRO-3 and the new 7.03 acre R-SWB zoning districts, adopt development regulations (including public space standards as appropriate) that permit owner-occupied and rental multifamily uses by right (without discretionary review), require a minimum of 16 units per site, require a minimum density of 20 units per acre in the R-SWB district and 24 units per acre in the NCRO-3 district, and allow three-story development via a 35 ft. height limit, as referenced in Figure HE.2, Tables 37, F.11 and F.12, and Section III.1.3.

Program H.D.1.d For the new zoning districts intended to accommodate affordable housing, adopt form-based codes that provide objective, quantifiable development standards including, but not limited to, building form, architecture, public space and landscaping in the applicable districts to non-subjectively address concerns that would otherwise be taken care of through discretionary design review approval (also see Program H.B.1.c).



H.1.19.

RECEIVED

AUG 10 2011

Comm. Dev. Dept. Brisbane

XU ENGINEERING

339 BARTON DRIVE
FREMONT, CALIFORNIA

94536

P 510.676.2733

August 10, 2011

Tim Tune
Senior Planner
City of Brisbane
50 Park Place
Brisbane, CA 94005-1310

Re: 3836 Bayshore Boulevard
Design Permit Application DP-3-11 & Use Permit Application UP-12-11

Dear Mr. Tune:

We were not able to obtain Building Permit approval prior to expiration of Design Permit DP-6-07 and Use Permit UP-8-07 on March 13, 2011 for the follow reasons:

1. The adoption of the 2010 California Building Code made it harder to obtain permit approval. We have to go through longer plan check process to satisfy the new requirements in the new 2010 California Building code.
2. Due to the last recession and real estate financial crisis the owner have extreme difficulties in lining up financing for the project. We have to temporary stopped the project at one point.
3. The California Building Code's accessibility requirements have us changed the project from three 2-bedroom units to two 3-bedroom units. It is very difficult and very expensive to provide elevator or bridge/ramp to access the second floor units, so the only feasible solution is to change our design form a three 2-bedroom units to a two 3-bedroom units. This will exempt from the accessibility requirements and the re-design process takes longer than we expected.
4. Also, during 2009 my wife had postpartum depression after given birth to my first daughter. I had to spent a lot time with my family and wasn't able to fully focus on the project until late 2010.

California Building Code's requires that for residential building have 3 or more apartment units to provide accessibility to person with disabilities. It is extremely difficult to provide an elevator or bridge/ramp to access to the second floor. Due the side set back requirements and front parking requirements, there is no place to add the required elevator or bridge/ramp at the front or the two sides of the proposed building. If we are going to add the elevator at the back of the proposed building, we have to provide

an accessible path both at ground level and at second floor level. In order to achieve this we have to deeply cut into the existing hill by a significant amount. This is not feasible and will endanger the existing hill.

Yours truly,

Joseph Xu, P.E



AUTOMATIC FIRE SPRINKLER NOTES:
 1. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM PER CBC 903.1. SPRINKLER SYSTEM DESIGN SHALL BE UNDER SEPARATE PERMIT.

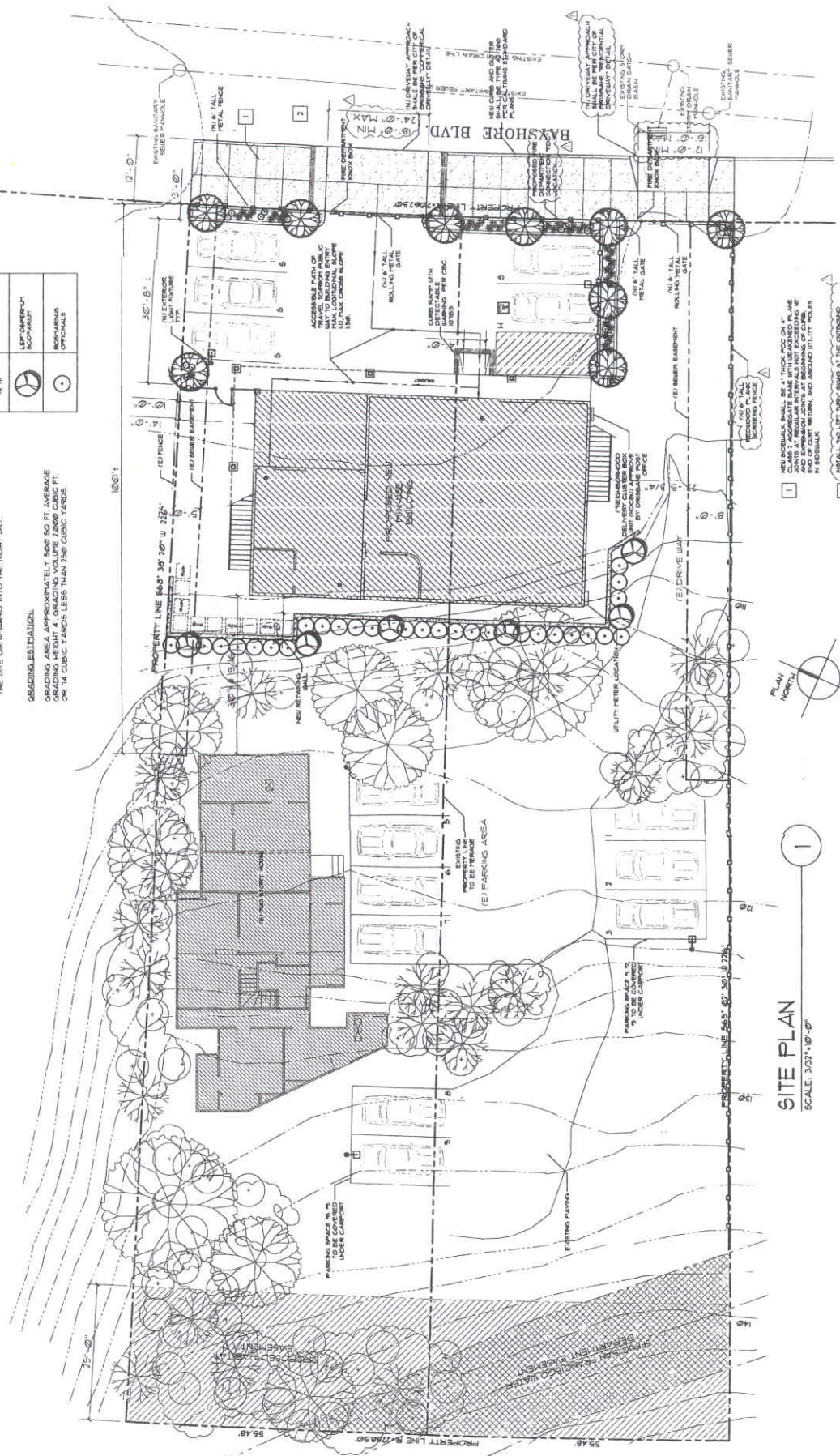
PLANNING APPROVAL CONDITION NOTES:
 1. ALL EXISTING FRENCH BROOM AND ANY OTHER INVASIVE VEGETATION ON THE SITE SHALL BE REMOVED PRIOR TO CONSTRUCTION.
 2. 2" CONDUIT TO BE PROVIDED FROM THE SERVICE POLE TO THE BUILDING MAIN POINT OF ENTRY (BYPASS) FOR SEPARATE SERVICES.

- NOTES:**
- EXISTING TREES SPECIES AT THE REAR PROPERTY TO BE IDENTIFY. ANY NON-NATIVE AND/OR INVASIVE TREES TO BE REMOVED PRIOR TO CONSTRUCTION.
 - PROVIDE WATER CONSERVING SWMP IRRIGATION SYSTEM FOR NEW LANDSCAPING TO BE DESIGNED TO MAINTAIN MOISTURE AND NOT TO CAUSE DRAIN OFF THE SITE OR UPWARD INTO THE NIGHT SKY.

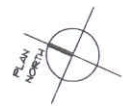
GRADING ESTIMATION:
 1. GRADING AREA APPROXIMATELY 500 SQ. FT. AVERAGE GRADING HEIGHT 4". GRADING VOLUME 2,000 CUBIC FT. OR 14 CUBIC YARDS LESS THAN 7500 CUBIC YARDS.

PLANT LEGEND

	LARGE ORNAMENTAL WATER DECIDUOUS SPECIES
	TREE
	SHRUB
	GROUND COVER
	LAWN
	MULCH
	ROCK
	SAND
	GRAVEL
	ASPHALT
	CONCRETE

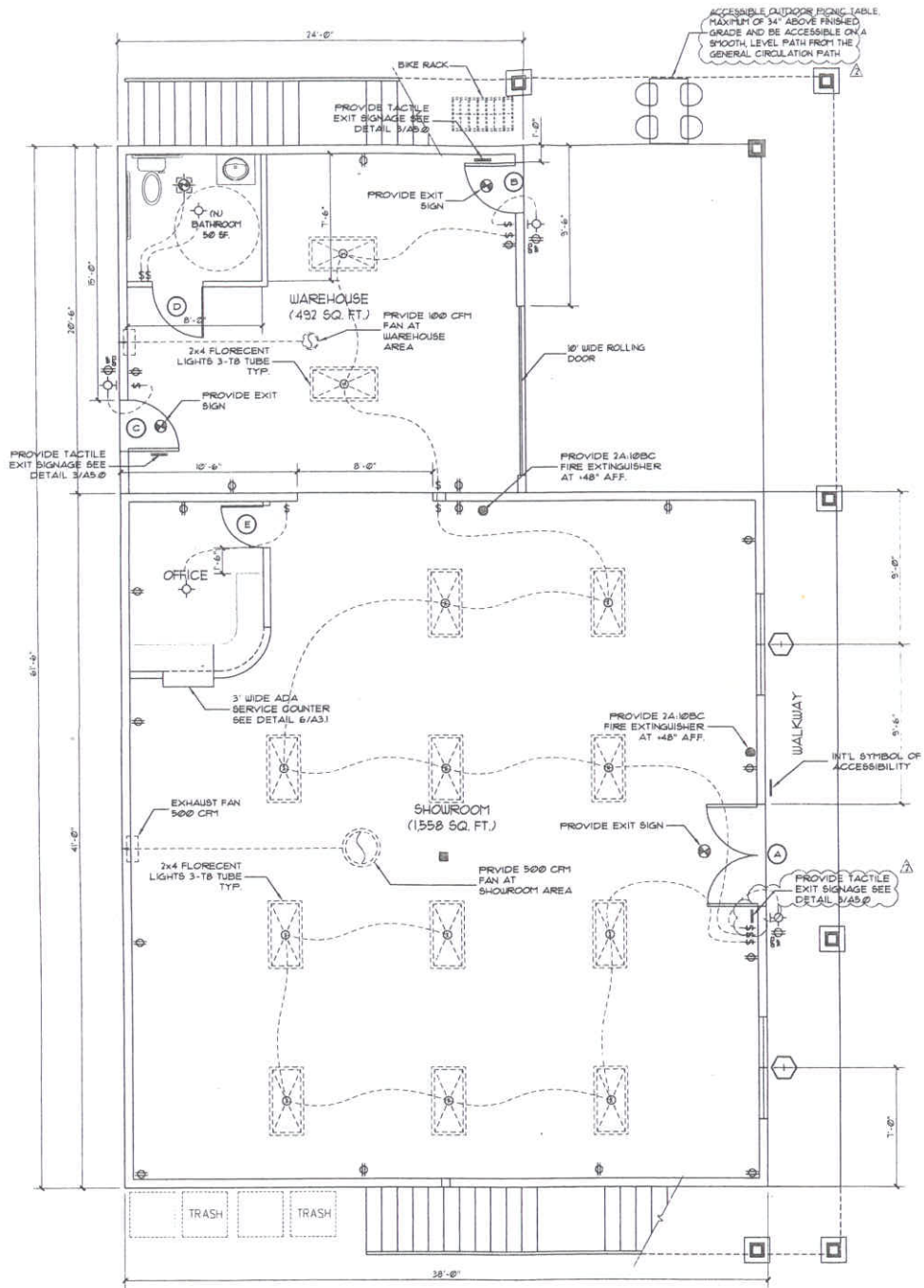


SITE PLAN
 SCALE: 3/32" = 1' - 0"



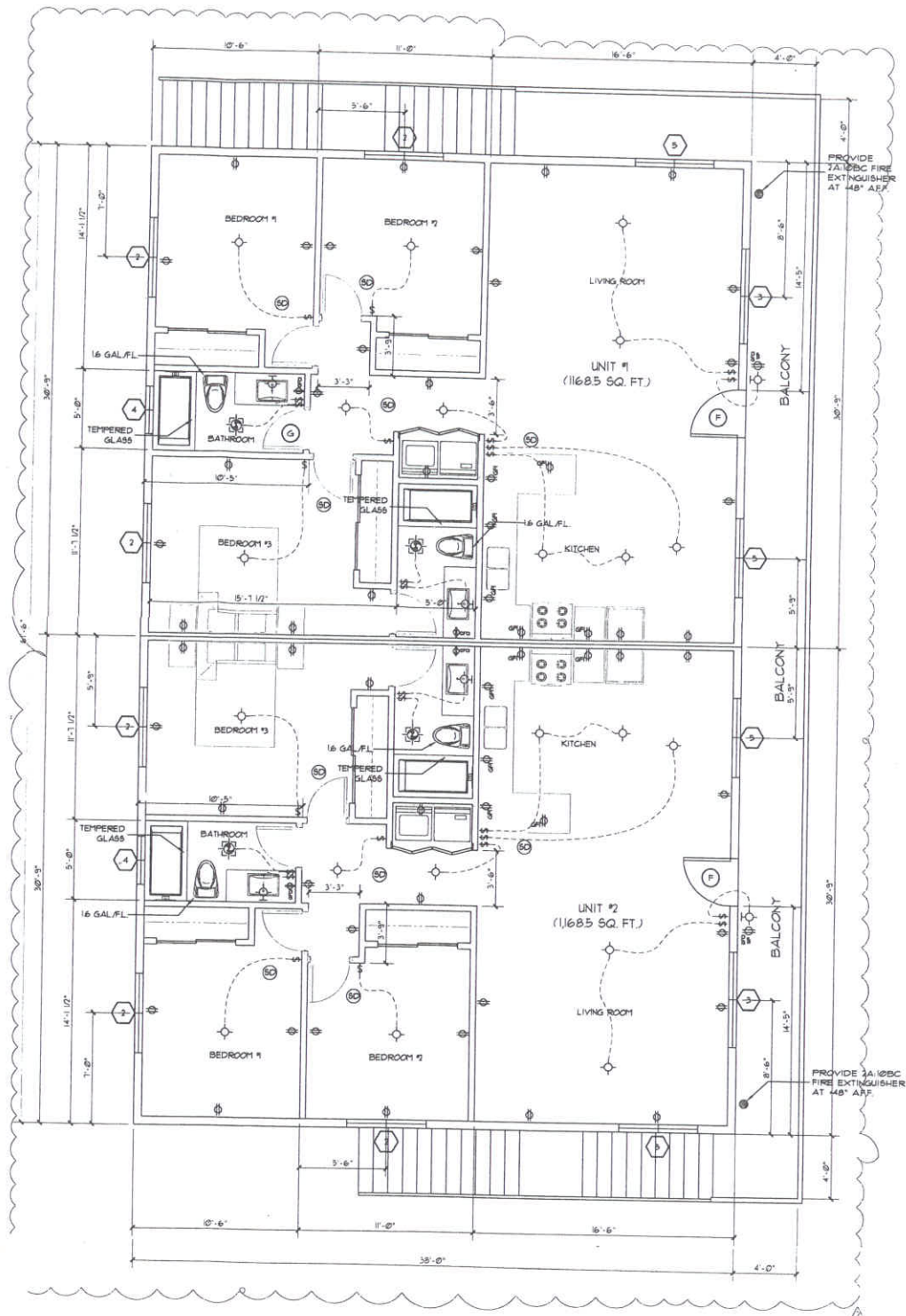
- NEW SIDEWALK SHALL BE 4" THICK PCC ON 4" CLEAR & REGULARLY SPACED REINFORCING BARS WITH 6" MIN. COVER AND EXPANSION JOINTS AT BEGINNING OF CURB, END OF CURB, AND AT 20' INTERVALS.
- NEW SIDEWALK SHALL BE 4" THICK PCC ON 4" CLEAR & REGULARLY SPACED REINFORCING BARS WITH 6" MIN. COVER AND EXPANSION JOINTS AT BEGINNING OF CURB, END OF CURB, AND AT 20' INTERVALS.

H.11.22.



FIRST FLOOR PLAN ①
SCALE: 1/4"=1'-0"

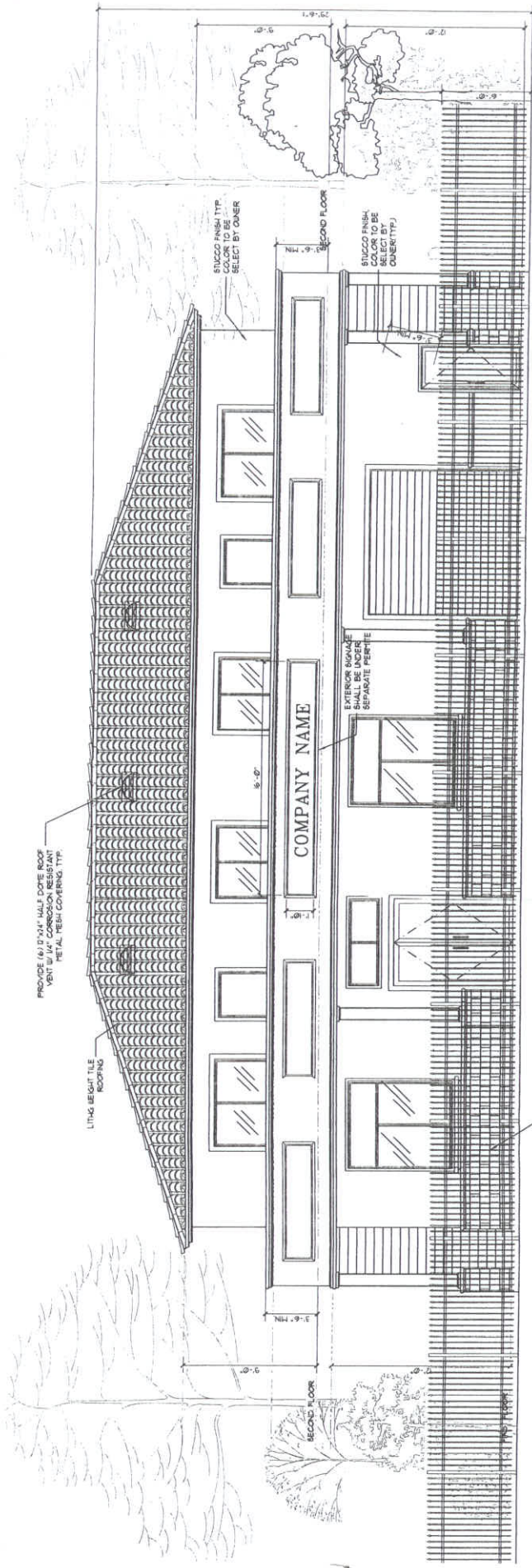
H.1.23.



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

2

H.I.24.



PROVIDE 16" X 24" HALF DOTE ROOF VENT W/ W/ CORROSION RESISTANT METAL FLASH COVERING TYP.

LITHIC WEIGHT TILE ROOFING

6'-0"

COMPANY NAME

EXTERIOR SIGNAGE SHALL BE UNDER SEPARATE PERITE

FRONT ELEVATION
SCALE: 1/4" = 1'-0"

1

STONE CLADDING TO BE SELECT BY OWNER TYP.

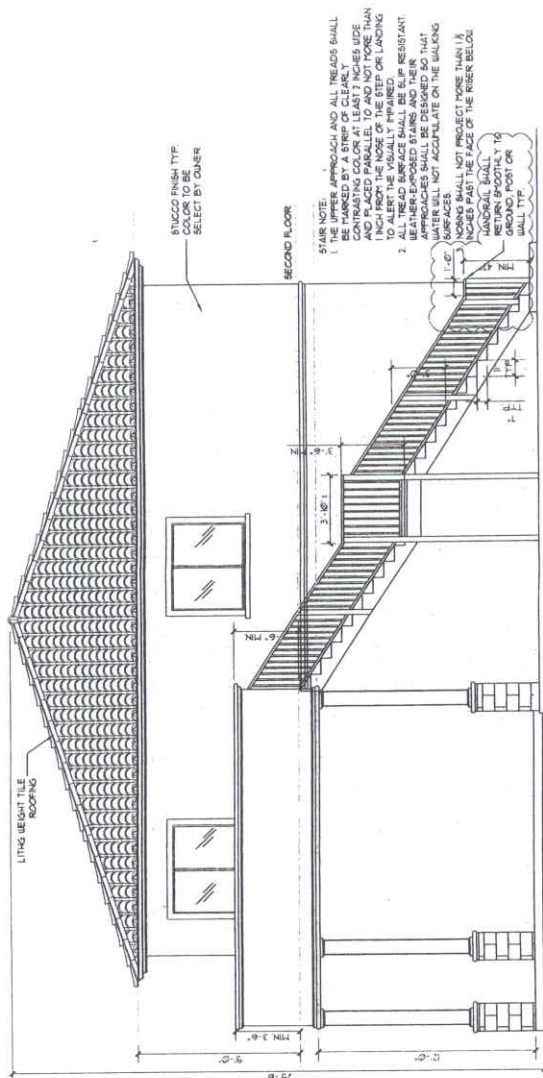
SIUGCO FINISH TYP. COLOR TO BE SELECT BY OWNER

SIUGCO FINISH COLOR TO BE SELECT BY OWNER TYP.

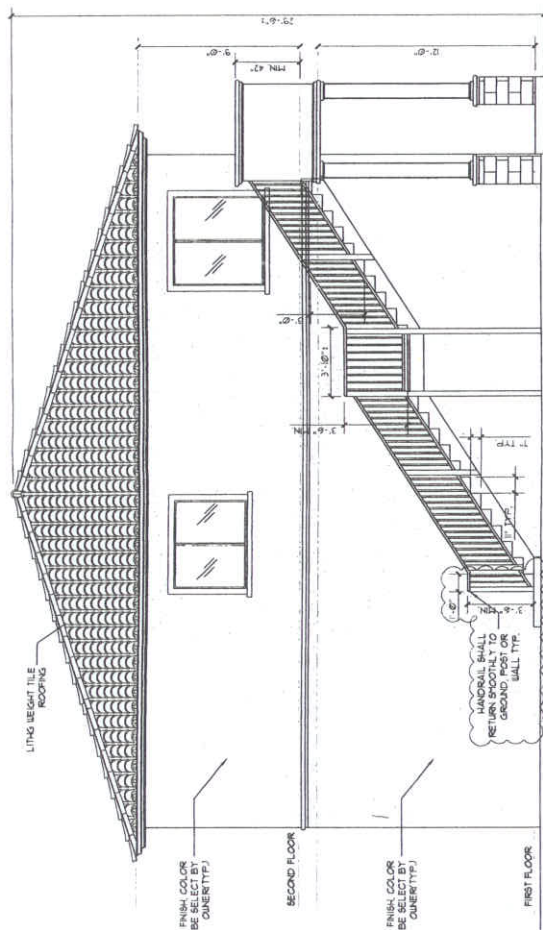
SECOND FLOOR

SECOND FLOOR

A.I.25.



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

STAIR NOTE:
1. THE UPPER RAMP AND ALL TREADS SHALL BE FINISHED WITH A CONTRASTING COLOR AT LEAST 3" WIDER AND PLACED PARALLEL TO AND NOT MORE THAN 1/2" FROM THE BALCONY OR LANDING TO ALERT THE VISUALLY IMPAIRED.
2. ALL TREAD SURFACES SHALL BE SLIP RESISTANT. MATERIALS SHOULD BE SELECTIONS THAT WATER WILL NOT ACCUMULATE ON THE WALKING SURFACES. TREADS SHALL NOT RESIST MORE THAN 1/8" VERTICAL SLOPE. HANDRAIL SHALL RETURN SMOOTHLY TO GROUND POST OR GROUND WALL TYP.

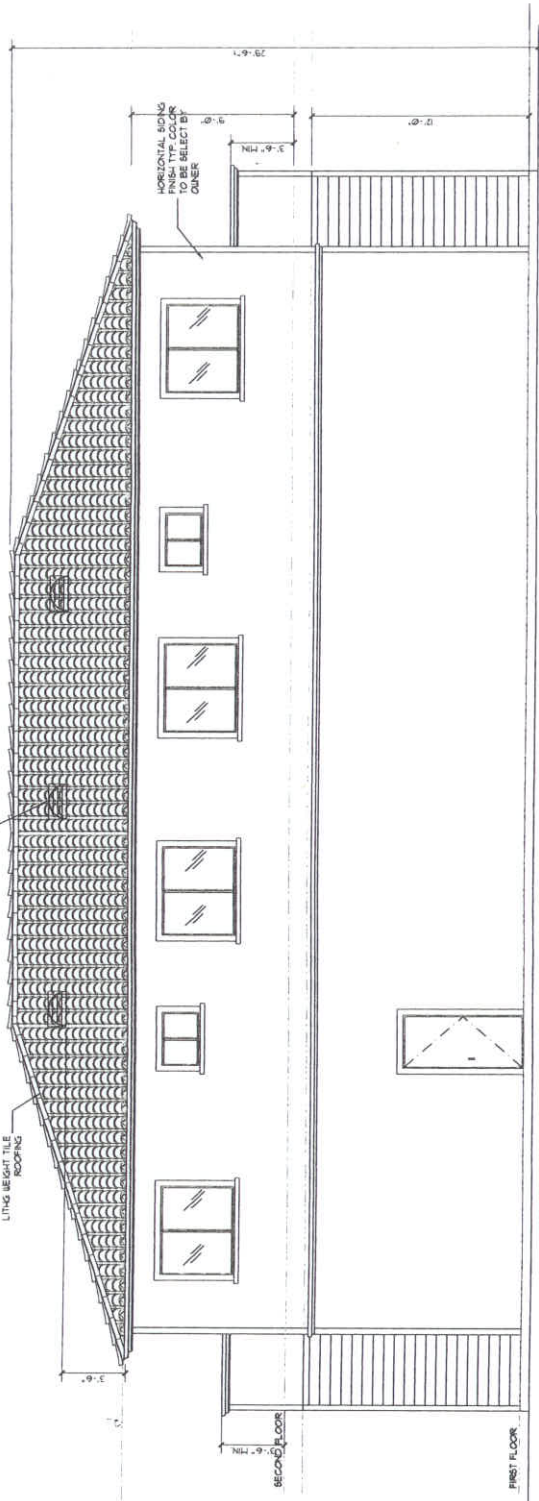
H.I.26.

AIRS VENTILATION
 PROVIDE MIN. OF 16" X 24" HALF DOVE VENT
 WITH AREA OF 3.2 SQ. FT. (6.88) AT UPPER
 END AND 16" X 24" SCREEN LEAVE VENT WITH AREA OF
 5.0 SQ. FT. (44.53).

PROVIDE 16" X 24" HALF DOVE ROOF
 VENT WITH CORROSION RESISTANT
 METAL MESH COVERING, TYP.

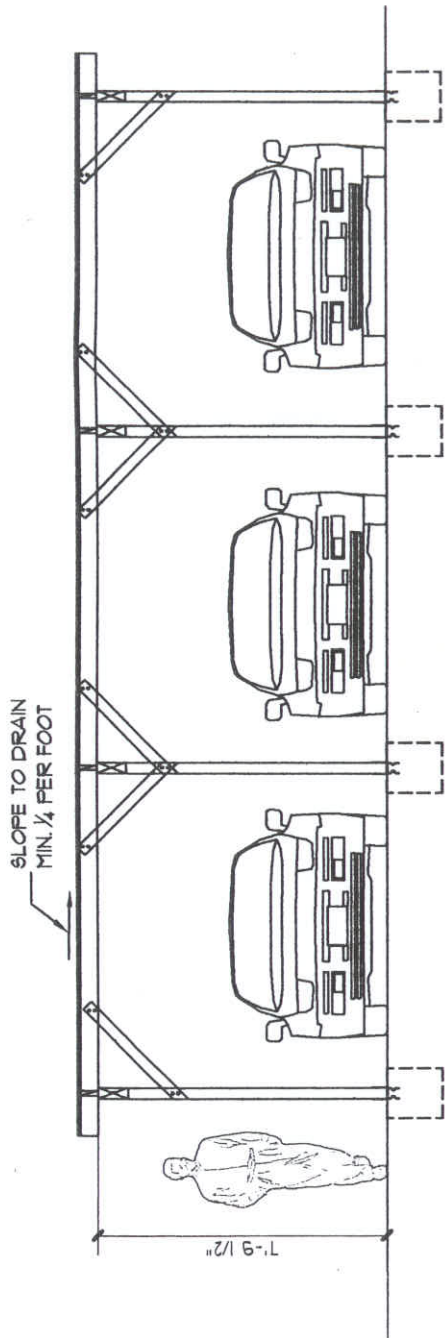
LIGHT WEIGHT TILE ROOFING

HORIZONTAL BOARD
 POSITION TYPE COULD
 TO BE SELECT BY
 OWNER



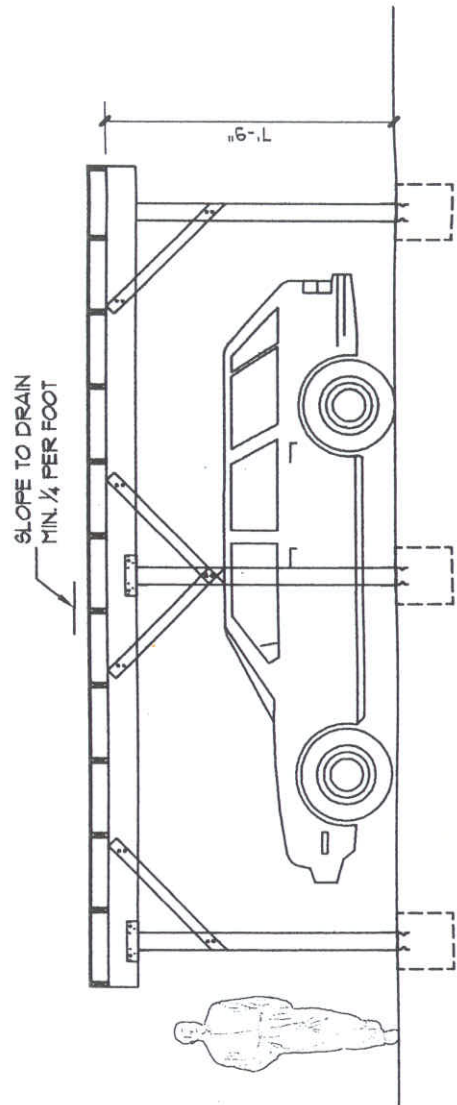
REAR ELEVATION
 SCALE: 1/4"=1'-0"
 2

H.I.27.



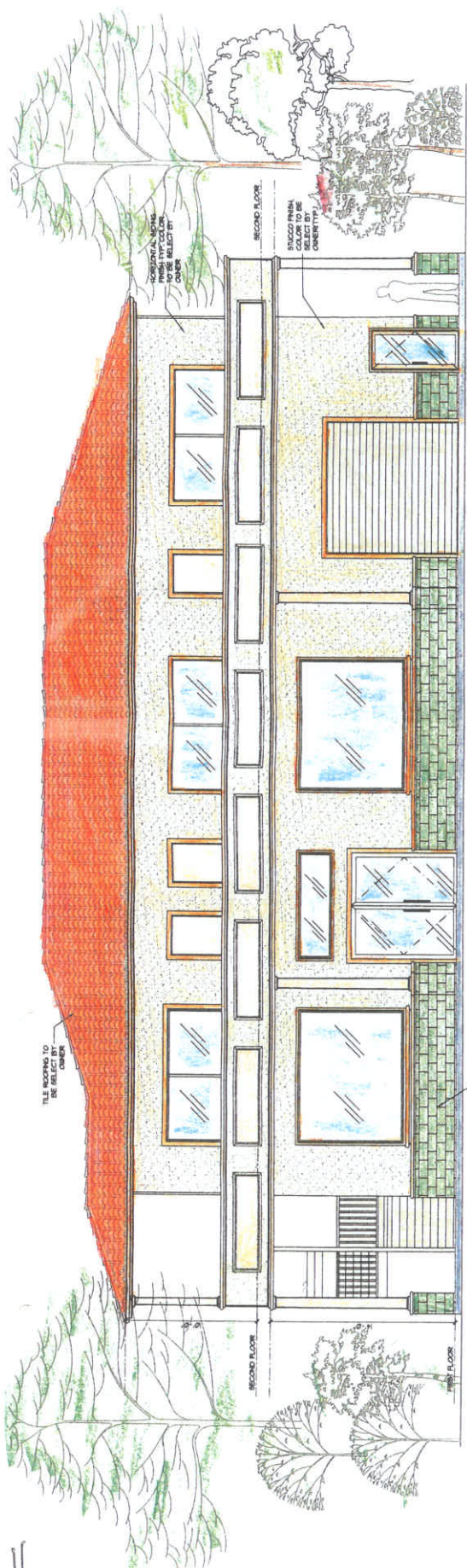
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

3

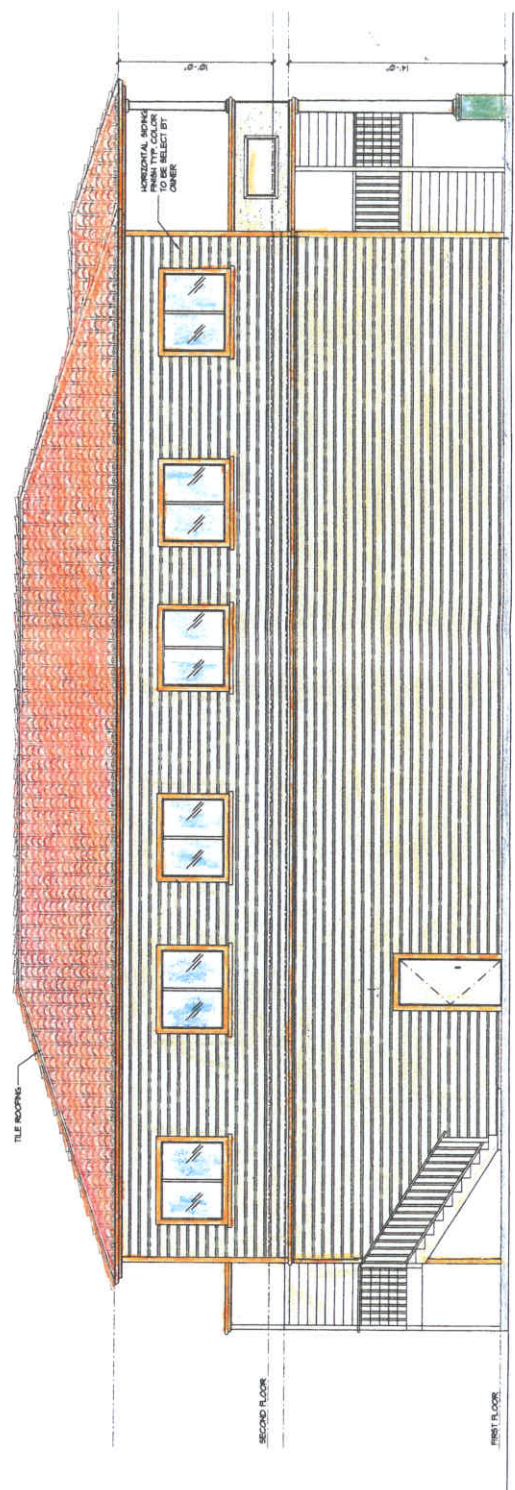


SIDE ELEVATION
SCALE: 1/4" = 1'-0"

4



1
FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



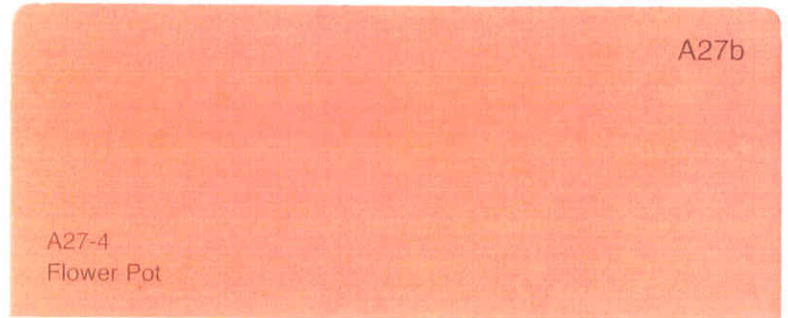
2
REAR ELEVATION
 SCALE: 1/4" = 1'-0"

RECEIVED
 MAY 21 2008
 Contra Costa Dept. Building

H.1.29.

COLOR SAMPLE KEY

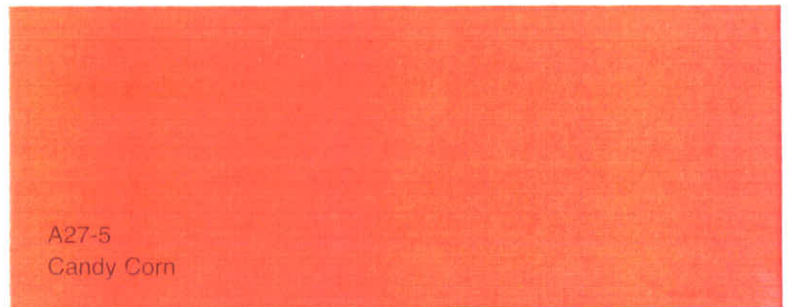
TILE ROOFING



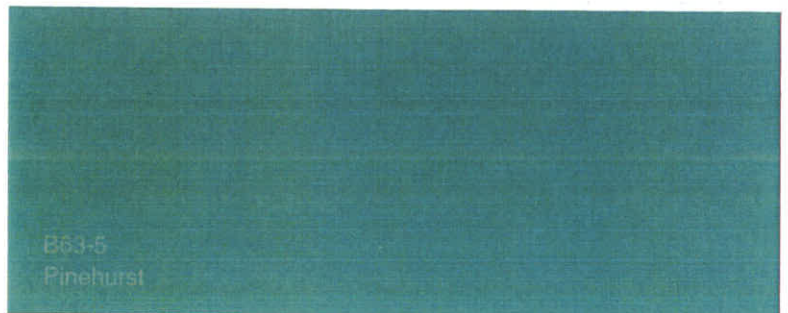
STUCCO, HORIZONTAL SIDING
DECK & STAIR RAILINGS

B16-2
Sand Trap

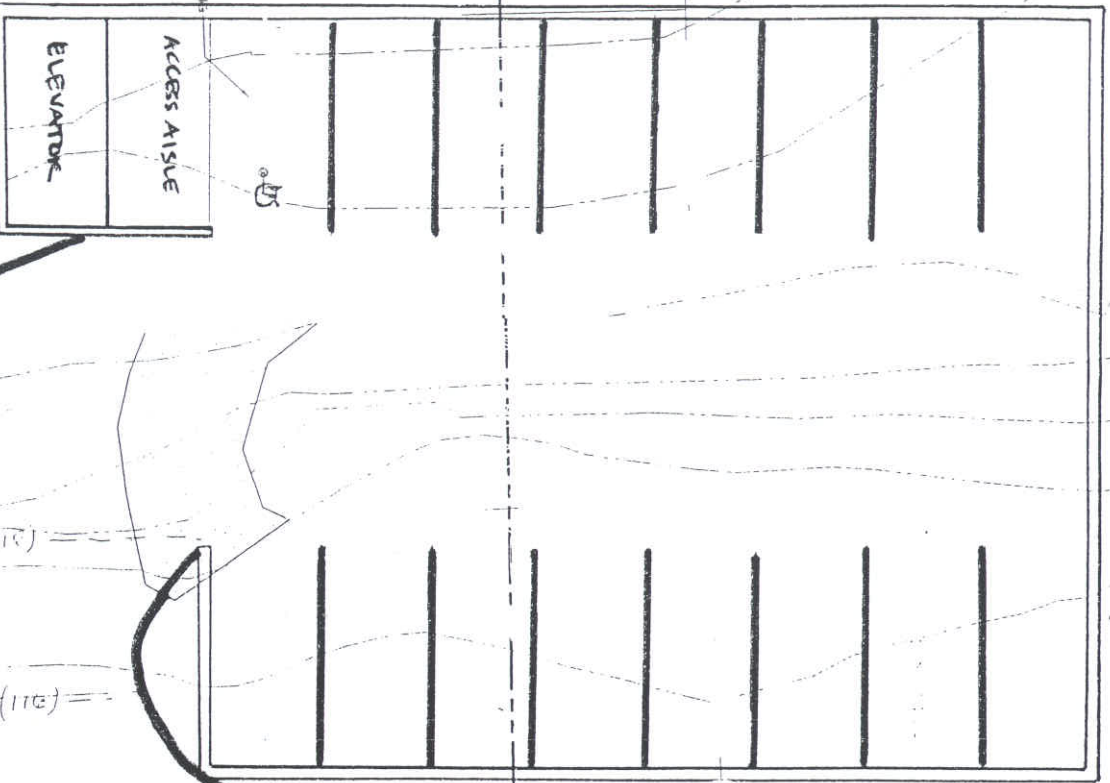
WINDOW & DOOR FRAMES AND
AND TRIMERS



STONE CLADINGS



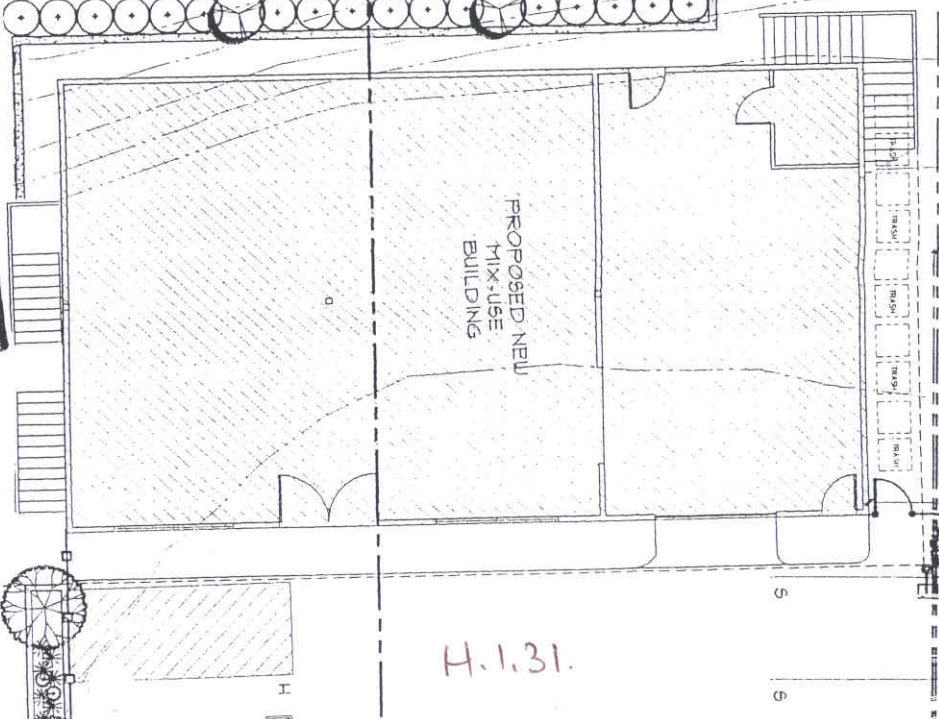
H.1.30.



PROPERTY LINE 55' 02' 30" W 226'

20' Fire Lane w/ Hammerhead
(15% maximum slope)

**STAFF'S
PARKING
CAPACITY
ANALYSIS**



H.1.31.

PROPERTY LINE 568' 38' 20" W 226'

(E) FENCE
(E) SEWER EASEMENT
(N) EXTER LIGHT FIX TYP

100'

30'-8"

(111)

(112)

(114)

(112)

(110)

(115)

(100)

(E) SEWER EASEMENT

RETAINING WALL

PROPOSED NEW
MIX-USE
BUILDING

ELEVATOR

ACCESS AISLE

Status of DP-6-07/UP-8-07/UP-9-07 Conditions of Approval:

- A. Upon approval of the project, the applicant shall submit to the City a check for \$2,043 made out to the "San Mateo County Clerk" prior to filing of the Notice of Determination with the County (\$1,993 State filing fee under Fish & Game Code Section 711.4(d) and \$50 County handling fee). *Done.*
- B. The property owner shall comply with the Operating Program drafted by TRA Environmental Sciences for the subject property (Management Unit 2-03-20) and the following:
1. HCP Agreements: Prior to issuance of a Building/Grading Permit for the project as required by the County of San Mateo (as Plan Operator), the property owner shall become a signatory to the San Bruno Mountain Area Habitat Conservation Plan Agreement by signing an "Agreement to Comply with Terms and Conditions of the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10(a) Permit" and shall record a Declaration of Covenants and Restrictions per Exhibit G of the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan. *Not done.*
 2. HCP Funding Program: Upon occupancy of the building, the Landowner shall pay an annual assessment of \$10.00 (1982 dollars, adjusted for inflation each year) per 1,000 sq. feet of gross commercial floor area to the San Bruno Mountain Conservation Fund, in addition to \$20.00 (1982 dollars, adjusted for inflation each year) per dwelling unit on the property. *Not done.*
 3. Conserved Habitat Easement: Prior to issuance of a Building/Grading Permit for the project, the property owner shall grant a Conserved Habitat easement to the City of Brisbane over the western 25 ft. of the property, prohibiting the property owner from planting any additional trees or shrubs within the easement, requiring the property owner to remove French broom and other invasive vegetation from the easement on an annual basis and to plant native perennial species including *Mondadella villosa* (Coyote Mint), *Salvia spathacea* (Red-Pitcher Sage), *Dichelostemma* (Blue-Dicks), *Iris douglasiana* (Douglas Iris), *Lomatium caruifolium* (Alkali Parsnip), *Lomatium utriculatum* (Bladder Parsnip), *Horkelia californica* (California Horkelia), *Eriogonum latifolium* (Chalk Buckwheat), *Eriogonum nudum* (Buckwheat), *Phacelia californica* (California Phacelia) and/or *Heterotheca sessiliflora bolanderi/Chrysopsis villosa bolanderi* (Golden Aster) in their place, and prohibiting the removal and/or trimming of any existing trees or shrubs within the easement between February 15 to August 31, except as determined by a qualified biologist not to have an adverse impact upon protected nesting raptor or passerine birds. The easement shall not limit the Fire Department's authority to require appropriate fire hazard reduction measures within the easement. The easement shall be recorded and run with the property, so as to require that future owners observe these provisions regarding protection of the Conserved Habitat. *Easement recorded.*
- C. Per Use Permit UP-8-07, use of the commercial space shall be limited to a showroom and sales office with incidental warehouse storage (not to exceed 499 gross sq. ft.). *Plans revised to comply.*

- D. Per Use Permit UP-9-07, a minimum of 14 parking spaces shall be provided on site. Parking Spaces 1, 2 & 3 (on the south side of the site) and 8, 9 & 10 (on the west side of the site) shall be covered under carports. *Plans revised to provide 14 parking spaces but only 5 of which are in carports.*
- E. Prior to issuance of the Building Permit, the plans shall be revised to the satisfaction of the Community Development Director to provide the following:
1. Reduction of the size of the first floor to no more than 1,649 gross sq. ft. of showroom/office and no more than 499 gross sq. ft. of warehouse floor area.
 2. A minimum of 20 ft. of clearance on the south side of the new building.
 3. A bench or picnic table for use as an employee outdoor break area.
 4. A bike rack for the new building. *All done.*
- F. Prior to issuance of the Building Permit, the landscape plan shall be revised to the satisfaction of the Community Development Director to:
1. Replace the proposed Chinese Pistache trees along the frontage of the property with a low-growing, water-conserving, non-deciduous species of tree. *Done.*
 2. Specify that any trees along north side of the property shall be located so as not to block satellite dish reception of mobilehomes next door. *Not done.*
 3. Note that all existing French broom and any other invasive vegetation on the site shall be removed prior to final inspection. *Done.*
- G. Street improvement plans, including details for installation of sidewalk, trees, other landscaping and irrigation systems within the public right-of-way, shall be submitted for approval by the City Engineer prior to the issuance of a building permit. Details on driveway/street connections shall be included. The minimum curb cut widths for the driveways shall be 18 ft. per Brisbane Municipal Code Section 12.24.015.C, and the curb cuts shall be located so as to preserve as much on-street parking as feasible per BMC Section 12.24.015.A. An Encroachment Permit shall be required for any work within the public right-of-way. *In process.*
- H. The street improvement plans shall specify installation of “No Left Turn” signs at the outbound driveway lanes, a raised median in Bayshore Boulevard along the frontage of the property, and modification of the Bayshore Boulevard/Van Waters Road intersection to add a left/U-Turn queue, including necessary signal changes, to the satisfaction of the City Engineer. *Done.*
- I. Prior to issuance of the Building Permit, the property owner shall enter into an agreement with the City, to the satisfaction of the City Attorney, to provide a fair share contribution toward signalization of the Bayshore Boulevard/San Bruno Avenue intersection. *Done.*
- J. Prior to issuance of the Building Permit, Submittal of a soils engineering report and engineering geology report shall be submitted, and its recommendations shall be incorporated into the project. *Done.* A licensed geotechnical engineer, civil engineer, soils engineer engineering geologist or testing agency shall inspect and certify that the geotechnical investigation’s recommendations have been properly implemented.

- K. All grading shall be contained on the site and shall comply with the provisions of Brisbane Municipal Code Chapter 15.01, with National Pollution Discharge Elimination System permit construction and post-construction best management practices for storm water discharge [per BMC Section 13.04.620(c)] and Bay Area Air Quality Management District's standard dust control measures (BAAQMD CEQA Guidelines, Table 2), including watering active construction areas at least twice daily, covering all trucks hauling loose materials or requiring them to maintain at least 2 ft. of freeboard, sweeping staging areas daily, and sweeping streets if visible soil material tracked onto them. Prior to construction, all Best Management Practice improvements necessary to prevent stormwater pollution per NPDES shall be in place and shall be maintained thereafter to the satisfaction of the Public Works Department.
- L. Prior to issuance of a Building Permit, the plans shall include water and sanitary sewer service and storm drainage details as required by the City Engineer. The plans shall specify that each unit shall be served by a separate water meter. *Done.*
- M. The plans submitted for a Building Permit shall comply with the requirements of the Brisbane Municipal Code, California Fire Code, California Building Code and the California Code of Regulations. *In process.*
- N. A Demolition Permit shall be obtained to demolish the existing structures, subject to compliance with the City of Brisbane's construction and demolition debris recycling program (Brisbane Municipal Code Chapter 15.75) and the Bay Area Air Quality Management District's permitting requirements and dust emission standards.
- O. The plans submitted for Building Permit approval shall comply with the accessibility requirements in California Building Code Chapter 11A. *Done.* In lieu of an elevator, the stairway on the north side of the building may be reconfigured to include a ramp to the residential units' parking located upslope of the building.
- P. Prior to issuance of a Building Permit, a professionally-prepared acoustical analysis report shall be submitted, showing that the proposed design will limit exterior noise to 45 dB in any habitable room per California Code of Regulations, Title 24, Appendix Chapter 35 (California Noise Insulation Standards). *Not done.*
- Q. A fire sprinkler system, fire alarm system and smoke detectors shall be provided per plans approved by the North County Fire Authority. *Done.*
- R. The plans submitted for Building Permit approval shall indicate the distance to the nearest existing fire hydrant. *Done.* If it is more than 250 ft., a new hydrant with adequate water supply shall be provided to the satisfaction of the North County Fire Authority.
- S. Any driveway gates shall be subject to the approval of the North County Fire Authority. *Done.*

- T. Prior to the issuance of a Building Permit and subject to the approval of the City Attorney, the property owner shall execute an agreement including a covenant running with the land and enforceable by the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district. *Done.*
- U. Plans submitted for the building permit shall include details as to how all new exterior equipment, including public utility meters, shall be screened, fenced, painted or landscaped to mitigate off-site visibility to the satisfaction of the Community Development Director. *Enclosed recycling area must be provided per BMC Section 17.16.040.1.1.*
- V. The plans shall specify that a 2" conduit be provided from the service pole to the building minimum point of entry (BMPOE) for Comcast services. *Done.*
- W. The plans shall include a Neighborhood Delivery Cluster Box Unit (NDCBU) mailbox as approved by the Brisbane Post Office. *Done.*
- X. Prior to issuance of the Building Permit, a Declaration of Lot Merger and a Notice of Merger shall be recorded. *Done.*
- Y. Prior to issuance of the Building Permit, the property owner shall apply for an Unconditional Certificate of Compliance to be recorded per Brisbane Municipal Code Sections 17.01.060 & 17.02.490.B.3. *Done.*
- Z. Prior to issuance of the building permit, the property owner shall enter into a standard landscape maintenance agreement with the City to the satisfaction of the City Attorney, which shall include a provision requiring properly trained removal of French broom and other invasive vegetation in conformance with the San Bruno Mountain Area Habitat Conservation Plan. *Done—note that trained personnel shall be hired to remove invasives per the recorded Maintenance Agreement (Doc. No. 2011-042159).*
- AA. Total sign area on the site shall not exceed 100 sq. ft. per Brisbane Municipal Code Chapter 17.36. The Community Development Director may approve Sign Review applications for signs up to 50 sq. ft. in area. Any larger signs shall require Zoning Administrator approval. No pole signs shall be permitted; although, appropriately-sized signage may be approved for mounting on the front fence. Any signage advertising the apartments shall not exceed 20 sq. ft. In addition to Sign Review approval for all advertising signs, a Building Permit shall be obtained through the Brisbane Building Department for signage exceeding 6 ft. in height. A separate permit application is required, with submission of three sets of plans, the necessary fees, and additional information as required by the Building Department.
- BB. The use shall comply with the performance standards for outside storage, noise, glare and hours of operation, established in Brisbane Municipal Code Sections 17.16.050 & 17.16.070.

- CC. The required parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.
- DD. Prior to final inspection, a report on the relative success of the mitigation measures required per the Mitigated Negative Declaration shall be forwarded to the Planning Commission for its information.
- EE. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
- FF. The Design Permit and Use Permit shall expire two years from their effective date (at the end of the appeal period) if a building permit has not yet been issued for the approved project and construction commenced per Brisbane Municipal Code Section 17.42.060(a).
- GG. The Applicant agrees to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside, modify, or annul the approval, permit or other entitlement given to the Applicant, or any of the proceedings, acts or determinations taken, done or made prior to the granting of such approval, permit or entitlement.
- HH. The plans submitted for Building Permit approval shall include a screening fence along the southern property line shared with Assessor's Parcel No. 007-553-160, excluding the southern boundary of the habitat easement, designed to preserve privacy while not blocking any wildlife corridors, subject to the approval of the Community Development Director. *6 ft. tall redwood plank screening fence specified.*
- II. Prior to final inspection for the approved project, the gas and electrical service to the existing single-family residence shall be inspected for any health and safety hazards.

NEW BUSINESS

2. **PUBLIC HEARING: 3836 Bayshore Boulevard;** Design Permit DP-6-07 and Use Permits UP-8-07 and UP-9-07; Showroom/office/warehouse with three two-bedroom units above and with uncovered parking, within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan; Mitigated Negative Declaration; Joseph Xu, applicant; Lun Hong Wong, owner; APN 007-553-180

Commissioner Parker moved to continue this matter to the February 26 meeting. The motion was seconded by Commissioner Lentz and unanimously approved.

2. **CONTINUED PUBLIC HEARING: 3836 Bayshore Boulevard;** Design Permit DP-6-07 and Use Permits UP-8-07 and UP-9-07; Showroom/office/warehouse with three two-bedroom units above and with uncovered parking, within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan; Mitigated Negative Declaration; Joseph Xu, applicant; Lun Hong Wong, owner; APN 007-553-180

Chairperson Maturro reconvened the meeting and invited the staff to address the Commission regarding the 3836 Bayshore Boulevard project.

Senior Planner Tune said the owner of 3836 Bayshore Boulevard is proposing to replace the existing storage sheds for his kitchen and bathroom tile and cabinet business with a new showroom/office/warehouse. The second floor of the building would be occupied by three two-bedroom units and the existing single-family house on the site would remain. The proposed two-story building would be set back approximately 30 feet from the street, with five uncovered parking spaces in the front. Senior Planner Tune noted that the City Engineer expressed concerns about insufficient maneuvering room for large trucks to access the warehouse. Rather than doing more grading into the terrace behind the building to provide more maneuvering room in front of the building, the owner agreed to reduce the warehouse floor area.

Senior Planner Tune stated that parking for the residential units will be on the middle terrace, and those units will have their own driveway. He recommended redesigning the building to provide room to widen the driveway to 20 feet in the future to provide adequate fire access to any future development on the middle portion of the site. Staff also recommends redesigning the north stairway as an accessible bridge to the upper parking lot to eliminate the need for an elevator.

Senior Planner Tune advised that the City's parking regulations require seven of the nine residential parking spaces to be covered, and five would need to be enclosed on three sides. Instead, the applicant is proposing that all of the spaces be uncovered, so a use permit is required. Under the current zoning regulations, the site could be developed with up to 15 dwelling units, and having to build new garages might discourage the owner from building more housing units. Senior Planner Tune suggested that if the Planning Commission decides to require covered parking, a condition be added to require the four spaces immediately south of the single-family residence be sheltered under a carport, consistent with the Planning Commission's recommended amendments to the parking regulations.

Senior Planner Tune noted that in order to comply with the San Bruno Mountain Area Habitat Conservation Plan (HCP), the owner has agreed to create a habitat easement on

the undeveloped upper portion of the property to serve as a butterfly flight corridor. The owner will also remove French broom and other invasive plants and replace them with native nectar plants for the butterflies, and tree removal will be limited to prevent disruption of habitat for nesting birds. Senior Planner Tune drew attention to the traffic mitigation measures and conditions recommended by staff. He recommended that the Planning Commission conditionally approve the project as proposed.

Senior Planner Tune reported that a letter was received from Cheryl Brayton, the neighbor toward the southwest, requesting the addition to two more conditions requiring that the gas and electric service to the existing house be checked and that a screening fence be installed along the middle portion of the south property line to preserve privacy.

Commissioner Lentz noted that Ms. Brayton's letter refers to a fire at the existing house, and he asked if staff was aware of that incident. Senior Planner Tune confirmed that there was a small electrical fire in the house. He said staff was comfortable adding the two conditions requested by Ms. Brayton.

Commissioner Hunter asked about the location of the uncovered parking, and Senior Planner Tune pointed out the parking areas. He said there was a garage structure on the south side of the property opposite the house that the applicant plans to demolish.

Commissioner Hunter emphasized the need to make sure removal of invasive plants does not interfere with butterfly habitat plants in the area. Senior Planner Tune advised that the applicant can contract with qualified companies that specialize in invasive plant removal.

Commissioner Munir observed that the applicant seems to be proposing some bold colors. Senior Planner Tune noted that the reproductions in the meeting packet may not be accurate. He clarified that the roof will be terra cotta, the base of the building will be a pale tan with green tile trim, and red will be used for door frames and trim. Commissioner Munir said he would have preferred more neutral colors. Other Commissioners indicated they liked the applicant's choices.

Commissioner Hunter asked about access to the parking spaces. Senior Planner Tune stated that the driveway along the south side of the property leads to the middle and upper terraces, separate from the driveway for the parking lot for the commercial use.

Chairperson Maturato opened the public hearing and invited comments from the applicant first.

Joseph Xu, applicant, offered to answer questions from the Commission. He said the property owner was also present.

Commissioner Parker expressed concern about the safety of vehicles parked in the

uncovered parking area. Mr. Xu noted there is a security fence around the property, and the location is fairly safe. In response to a question from Commissioner Lentz, it was confirmed that the front gate will be locked at night.

Commissioner Lentz asked if the conditions recommended by staff were acceptable to the applicant. Mr. Xu confirmed that the proposed conditions were satisfactory.

Commissioner Lentz asked how invasive plants will be removed from the habitat easement portion of the site. Mr. Xu said he planned to hire a professional contractor. Commissioner Lentz proposed adding this as condition of approval.

Commissioner Lentz noted the next-door neighbor wants to make sure the electric wiring in the existing house is safe. Mr. Xu advised that the house was inspected by the City two years ago after the deck was remodeled. He expressed willingness to have the structure checked for safety hazards.

Commissioner Parker thanked the applicant and owner for providing the habitat easement.

Commissioner Hunter asked if the applicant had any objections to covering some of the parking spaces with a carport. Mr. Xu introduced Mrs. Lun Hong Wong, property owner. Mrs. Wong stated that she was willing to have a carport if required by the Planning Commission.

Chairperson Maturato welcomed comments from members of the public.

Dana Dillworth questioned TRA Environmental Sciences' recommendation that allowing thistle and mustard to reseed was an acceptable practice consistent with the HCP. She requested copies of the TRA documentation. She asked if the donated land was 40 percent of the property. She noted that the City should either have a comprehensive plan to maintain the 40 percent set aside for habitat or require the owner to contribute funds for that purpose. Ms. Dillworth said she understood the City's policy was that the entire property must be brought up to current code if more than 50 percent was being upgraded.

Ms. Dillworth stated that Linda Salmon asked her to express concern about allowing another project along Bayshore before the City has a comprehensive plan for that area. She said Ms. Salmon understood the City had adopted a moratorium, and she recommends denying this project pending the General Plan update.

Commissioner Hunter pointed out that the conditions of approval list the native species that will be planted to replace the invasive plants, and that thistle and mustard are not included on the list.

Senior Planner Tune clarified that the 40 percent set-aside is an overall goal for the

Brisbane Acres and is not applied on an individual parcel basis. He noted that the original staff report provides a description of how the goal is being met. He said staff is also working on a comprehensive conceptual plan to provide butterfly flight corridors through the lower portion of the Brisbane Acres. He stated that the dollar contribution from property owners is set in the HCP, and a higher amount was negotiated as part of the Northeast Ridge project. He advised that there is an HCP amendment process underway that would set higher fees; if approved, the fee in effect when this project is completed would apply.

Senior Planner Tune noted that the 50 percent upgrade threshold applies to individual structures, not the entire property. He clarified that owners only have to address public health and safety hazards, but they do not have to comply with current codes. He said no alterations are being made to the existing house, so no upgrades are required to that structure.

In response to Ms. Salmon's concern, Senior Planner Tune explained that the City did not adopt a moratorium on any new projects pending the General Plan update.

Michele Salmon drew attention to the second paragraph of the staff report, mentioning the potential for landslides. She said she was pleased the applicant was not excavating further into the hillside. She urged the City to protect itself from liability in the event there is a soil failure or landslide on the disturbed land. She expressed her opinion that more geotechnical investigation was warranted.

Commissioner Munir said he shared Ms. Salmon's concerns about slope instability. He said that this site is near a known landslide area. He recommended requiring the applicant to conduct more analysis of the entire hillside before proceeding. He added that the City will not be held liable if there is a soil failure, because the City relies on reports from experts.

Senior Planner Tune drew attention to Condition J, requiring the applicant to submit a soils engineering report and engineering geology report prior to issuance of a building permit. He observed that Condition J can be amended to require analysis of the upper slopes as well. He noted that Condition GG requires the applicant to indemnify the City.

Commissioner Munir recommended that the City hire a consultant to independently review the work done by the applicant's consultants, and he suggested adding such a condition.

Michele Salmon pointed out that slope problems may take place decades after this project, which could subject the City to liability.

Terry O'Connell noted that the conditions for traffic mitigation imply that this project will generate significant traffic. She remarked that covered parking would look much

better than having so many cars parked outside. Commissioners clarified that the traffic mitigation measures were intended to ensure safe access to/from Bayshore Boulevard.

Ms. O'Connell thought that the required landscape agreement covered only the street frontage. She recommended addressing the upper habitat area as well to provide for ongoing maintenance and correct weed abatement techniques.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Hunter moved, seconded by Commissioner Munir, to close the public hearing. The motion was unanimously approved and the public hearing was closed.

Commissioner Munir proposed amending Condition J to require additional slope analysis and independent review by a City consultant.

Commissioner Lentz observed that this small project is close to Bayshore Boulevard, and he questioned the need for additional soil analysis of the distant slope. Commissioner Hunter noted that the topographical map shows very minimal disturbance to the slope. Commissioner Munir remarked that the site is close to a known landslide area and additional investigation will not be expensive.

Commissioner Hunter asked about the width of the driveway. Senior Planner Tune said the City requires a minimum width of 18 feet, as specified in the conditions of approval.

Commissioner Lentz commented that the applicant has agreed with all the proposed conditions, including checking the electrical and gas service to the house and building a privacy fence. He expressed support for addressing the HCP in the landscape agreement.

Commissioner Hunter said he was concerned about allowing so much uncovered parking. Chairperson Maturro proposed requiring some covered parking to lessen visual impacts. Other Commissioners agreed. After some discussion, the Commission decided to require a carport covering two sections of the parking areas, the spaces number 1 through 3 and 8 through 10.

Commissioner Munir moved to approve the project with revised conditions requiring carports for 6 parking spaces, an electrical and gas inspection of the existing house, a privacy fence, and inclusion in the landscape agreement the requirement that invasive species be properly removed in compliance with the HCP. The motion was seconded by Commissioner Lentz and unanimously approved.

H.1.39.

Uncovered Parking Accepted by the Planning Commission
In Lieu of Covered Parking

<u>Use Permit</u>	<u>Address</u>	<u>Use</u>
UP-1-83	224 Monterey Street	Addition to Single-Family Residence
UP-9-83	252 Tulare Street	Addition to Single-Family Residence
UP-3-86	245 Klamath Street	Addition to Single-Family Residence
UP-5-86	200 Harold Road	Addition to Single-Family Residence
UP-1-87	244 Mendocino Street	Addition to Single-Family Residence
UP-2-87	440 Monterey Street	Addition to Single-Family Residence
UP-7-87	529 Visitacion Avenue	Addition to Single-Family Residence
UP-8-87	468 Kings Road	Addition to Single-Family Residence
UP-11-88	203 San Benito Road	Addition to Single-Family Residence
UP-7-89	224 Monterey Street	Addition to Single-Family Residence
UP-1-90	660 Humboldt Road	Addition to Single-Family Residence
UP-5-90	222 San Benito Road	Addition to Single-Family Residence
UP-7-91	444 Sierra Point Road	Addition to Single-Family Residence
UP-1-92	649 Sierra Point Road	Addition to Single-Family Residence
UP-2-93	169 Lake Street	Addition to Single-Family Residence
UP-4-94	331 Monterey Street	Addition to Single-Family Residence
UP-8-94	58 Sierra Point Road	Addition to Single-Family Residence
UP-1-95	195 San Benito Road	Addition to Nonconforming Duplex
UP-5-95	1002 San Bruno Avenue	Addition to Single-Family Residence
UP-9-95	236 San Bruno Avenue	Addition to Single-Family Residence
UP-1-96	126 Alvarado Street	Addition to Single-Family Residence
UP-3-96	360 Mendocino Street	Addition to Nonconforming Duplex
UP-9-96	444 Sierra Point Road	Addition to Single-Family Residence
UP-2-97	649 Sierra Point Road	Addition to Single-Family Residence
UP-3-97	352 Alvarado Street	Addition to Single-Family Residence
UP-4-97	395 Visitacion Avenue	New Office in Existing Apartment Building
UP-5-97	51 Mono Street	Addition to Single-Family Residence
UP-3-98	660 Humboldt Road	Addition to Single-Family Residence
UP-5-98	1142 Humboldt Road	Addition to Single-Family Residence
UP-6-98	37 San Francisco Avenue	Addition to Single-Family Residence
UP-7-99	100 Annis Road	Addition to Single-Family Residence
UP-5-00	195-197 San Benito	Addition to Nonconforming Duplex
UP-9-00	77 Plumas Street	Addition to Duplex
UP-11-00	260 Tulare Street	Addition to Single-Family Residence
UP-5-01	1134 Humboldt Road	Addition to Single-Family Residence
UP-4-02	236 Humboldt Road	Addition to Single-Family Residence
UP-8-02	44 Solano Street	Addition to Single-Family Residence
UP-4-03	417 Alvarado Street	Addition to Single-Family Residence
UP-6-03	360 Mendocino Street	Addition to Nonconforming Duplex
UP-9-03	223 Santa Clara Street	Addition to Single-Family Residence
UP-5-04	325-329 Mendocino	Addition to Nonconforming Duplex
UP-13-04	280 Klamath Street	Addition to Nonconforming Duplex
UP-21-04	164 San Benito Road	Addition to Single-Family Residence
UP-5-05	15 Glen Parkway & 720 San Bruno Avenue	New Single-Family Residence New Single-Family Residence
UP-7-06	425-529 Sierra Point Road	Addition to Nonconforming Duplex
UP-10-06	280 Monterey Street	Addition to Single-Family Residence

H.1.40.

City of Brisbane Environmental Initial Study

Project title: Design Permit DP-6-07 and Use Permits UP-8-07 & UP-9-07

Contact person/Lead agency: Tim Tune, Senior Planner, Brisbane Community Development Department, 50 Park Place, Brisbane, CA 94005, 415-508-2120, FAX 415-467-5547

Project location: 3836 Bayshore Boulevard, Brisbane, San Mateo County, California; APN 007-553-180

Project applicant: Joseph Xu, Xu Engineering, 339 Barton Drive, Fremont, CA 94536

General Plan designation: Subregional Commercial/Retail/Office

Zoning: SCRO-1 Southwest Bayshore Commercial District

Project description: The applicant proposes to build a 2,753 sq. ft. showroom/office/warehouse for KWW Kitchen Cabinets & Bath, which currently operates its retail/wholesale sales and warehousing of kitchen and bathroom tile and cabinets out of existing storage sheds (totaling approximately 1,000 sq. ft.) at the front of the property (per Use Permit UP-13-05). Atop the building would be located three 2-bedroom dwelling units. Access and parking for the commercial use would be provided in front. Parking for the residential units would be provided on existing pavement currently occupied by an existing shed and garage at the middle and rear of the property. All of the parking would be uncovered, which necessitates Use Permit approval for the 7 of 15 provided spaces which would otherwise be required to be located in garages. The existing 2,199 +/- sq. ft. 3-bedroom single-family dwelling at the middle of the property (3832 Bayshore Boulevard) would remain. The upper portion of the rear of the property is proposed to be subject to a habitat easement under the San Bruno Mountain Area Habitat Conservation Plan.

Surrounding land uses and setting: The 23,838 sq. ft. site is located at the edge of the eastern slope of San Bruno Mountain. Although the property has an overall slope of 18%, it was originally developed with terracing sometime in the 1940s. The flat lower portion of the site contains a storage yard and sheds; a single-family house and a detached garage occupy the middle level, accessing Bayshore Boulevard via a second driveway along the south side of the property; another shed is located on the upper portion, through which runs the San Francisco Water Department's water line from Hetch Hetchy. The lower and middle portions of the site are landscaped with non-native trees and ivy. Acacias, French broom and various weeds fill the upper portion of the site. A mobilehome park adjoins the site to the north. RotoRooter's facility is located to the south. A single-family residence is to the southwest. The property to the west is vacant.

H.2.2.4

Other public agencies whose approval is required: Development within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan is subject to review by the U.S. Fish & Wildlife Service, the California Department of Fish & Game and the County of San Mateo; although, they do not have direct approval authority.

Other environmental reviews referenced herein: Environmental Impact Report for the City of Brisbane General Plan Update, One Quarry Road Residential Project EIR (as updated by LSA and Hexagon Transportation Consultants, Inc.), Sierra Point Biotech Project EIR

H.2.2.5

H.1.41.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation which reflects the independent judgment of the Community Development Department:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project (see attached). A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Tim Tune Date: 12/29/08
 Tim Tune, Senior Planner, Community Development Department, City of Brisbane

H.2.26

ISSUE	Potentially Significant Impact	Less Than Significant Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Explanation/Information Source:</i> The project will not result in a substantial adverse effect on public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park from City parklands or from extended lengths of City arterial or collector streets (General Plan Policies 17 & 19 and Programs 17 a & 238c; Brisbane Municipal Code Section 17.42.040.D), as determined through a visual impact analysis prepared per BMC Section 17.16.110. The proposed building could theoretically block views of a portion of the Park on the eastern slope of upper Gladys Ravine as seen by southbound drivers on an approximately 75 ft. long section of Bayshore Boulevard, were it not for a number of evergreen and other trees on the intervening properties that already block those views.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Explanation/Information Source:</i> No specific scenic resources have been designated per General Plan Program 19a. The nearest State Scenic Highway is Interstate 280, which is on the opposite side of San Bruno Mountain from the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Explanation/Information Source:</i> The project will replace existing storage sheds with a two-story building, which will integrate well with and maintain a compatible relationship to existing development on the site (Brisbane Municipal Code Section 17.42.040.A & B). The project's design respects the topography of the site (BMC Section 17.42.040.D). The project includes appropriate landscaping to screen development along Bayshore Boulevard (General Plan Policy 244).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Explanation/Information Source:</i> No highly reflective building materials are proposed. Five lightpoles are proposed to illuminate the parking areas. The fixtures are pointed downward and away from adjacent properties, so as not to cast glare at night (General Plan Program 22e, Brisbane	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.2.27

H.1.42.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Municipal Code Sections 17.16.050.E & 17.42.040.I).				
II. AGRICULTURE RESOURCES: Would the project:				
a) Convert farmland to non-agricultural use or otherwise impact agricultural operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Explanation/Information Source:</i> There are no farmlands in Brisbane, as shown on General Plan Figures V-B & IC-A (pages 66 & 142).				
III. AIR QUALITY: Would the project:				
a) Conflict with the Bay Area Clean Air Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Explanation/Information Source:</i> The project is consistent with the Bay Area 2005 Ozone Attainment Plan (Clean Air Plan) through consistency with the City of Brisbane General Plan (Bay Area Air Quality Management District CEQA Guidelines, pages 18-24; General Plan Policy 190). Consistent with the General Plan, the project includes the following: Dust emission control practices for grading (GP Policy 202 and Programs 202b & 202c), bicycle parking facilities (GP Programs 55c & 62b) and pedestrian amenities (GP Policy 66). Also see III.b, III.c and XV.f. below.				
<i>Mitigation Measures:</i> Watering active construction areas at least twice daily, covering all trucks hauling loose materials or requiring them to maintain at least 2 ft. of freeboard, sweeping staging areas daily and sweeping streets if visible soil material is tracked on them. Provision of a bicycle storage rack for use by employees and residents.				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Explanation/Information Source:</i> Any dust (PM ₁₀ emissions) generated during grading and construction will comply with Bay Area Air Quality Management District standards and Brisbane Municipal Code Sections 15.01.320 & 15.01.330. The dust control measures per BAAQMD CEQA Guidelines, Table 2, have been incorporated into the project as mitigation.				
<i>Mitigation Measures:</i> Watering active construction areas at least twice daily, covering all trucks hauling loose materials or requiring them to maintain at least 2 ft. of freeboard, sweeping staging areas daily and sweeping streets if visible soil material is tracked on them.				
<i>Explanation/Information Source:</i> In addition to emissions from some paints, solvents and other materials used during construction, diesel-powered equipment will generate toxic air contaminants. Because such construction emissions are temporary, health risks from construction emissions are considered a less-than-significant impact.				
<i>Explanation/Information Source:</i> The project will not generate "criteria pollutant" emissions exceeding 9 ppm averaged over 8 hours and 20 ppm for 1 hour (550 lbs. per day) for carbon monoxide (CO) or 80 lbs. per day (15 tons per year) for nitrogen oxides matter (NO _x), fine particulate				

H.2.18

H.1.43

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
matter (PM ₁₀) or reactive organic gases (ROG) (BAAQMD CEQA Guidelines, pages 5-6; General Plan Policy 190). Per the Bay Area Air Quality Management District CEQA Guidelines (page 15), the CO threshold could potentially be exceeded when project traffic would impact intersections or roadway links operating at Levels of Service D, E or F or would cause LOS to decline to D, E or F, or would increase traffic volumes by at least 10%, unless the increase in traffic volume is less than 100 vehicles per hour. Because CO does not readily disperse, it can collect in "hot spot" areas of traffic congestion and extremely high traffic volumes. Per the BAAQMD CEQA Guidelines Table 6 (page 25), it would take a residential development of at least 510 apartment units or a 44,000 sq. ft. shopping center to generate significant amounts of NO _x . Note that according to the BAAQMD CEQA Guidelines (page 24), "The District generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project or project setting" (also see GP Policy 193). The project would generate an estimated 34.09 average daily trips, based upon the Institute of Transportation Engineers' Trip Generation Manual (7 th Edition). Also see XV.a, below.				
<i>Mitigation Measures:</i> None required.				
<i>Explanation/Information Source:</i> Greenhouse gases (GHG)--carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride--impact the world's climate. To address this issue, the Governor's Executive Order S-3-05 called for reducing GHG emissions by 2010 to 2000 levels, by 2020 to 1990 levels and by 2050 to 80% of 1990 levels. The California Global Warming Solutions Act of 2006 (AB32) established a cap on 2020 statewide GHG emissions based on 1990 emissions. California Senate Bill SB97, signed into law in 2007, calls for preparation of feasible GHG mitigation guidelines by June 1, 2009, to be certified and adopted by the State Resources Agency by January 1, 2010. In the meantime, the Governor's Office of Planning and Research has issued a Technical Advisory on "CEQA and Climate Change" (June 19, 2008), recommending that the GHG emissions for projects be identified and quantified, that a threshold of significance be established to determine whether the project's impact is significant, and that any significant impacts be mitigated or avoided.				
The construction and use of a 2,753 sq. ft. showroom/office/warehouse (replacing approximately 1,000 sq. ft. of existing storage sheds) with three 2-bedroom dwelling units above would have the potential to generate GHG. This project would not generate a substantial amount of GHG, given the small net increase in commercial floor area, the provision of housing along a transit corridor, and the potential carbon offset from the proposed planting of trees (also see XV.f. below). Until such time as the incremental impacts of individual projects upon climate change can be scientifically determined, it is too speculative to locally attempt to identify a quantitative threshold for such a global problem. Rather, it is appropriate to evaluate potential GHG impacts based upon whether practicable available control measures (see III.a., above) are implemented which would minimize GHG emissions, thereby reducing the project's cumulative contribution to this global issue. According to the OPR Technical Advisory, "[while] climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment."				
<i>Mitigation Measures:</i> None required.				

H.2.29

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?</p> <p>Explanation/Information Source: The project will not generate emissions exceeding thresholds for project operations (see III.b, above). For projects that do not individually have significant operation air quality impacts, a cumulative impact would result if the project would exceed the CAP population and vehicle miles traveled assumptions for growth. Growth resulting from the project will be consistent with the Bay Area 2000 Clean Air Plan population and vehicle-miles-traveled assumptions, based upon the Association of Bay Area Governments' Projections '98 (Bay Area Air Quality Management District CEQA Guidelines, pages 18-22; General Plan Policy 190). ABAG's Projections '98, expected Brisbane to have a population of 4,130 in 2005. The California Department of Finance estimated Brisbane's population on January 1, 2008, to be 3,861, with an average of 2,222 persons per household. Between January 1 and September 22, 2008, the City issued Certificates of Occupancy for a net increase of 25 units. With approximately 51 more units optimistically in the building permit pipeline, the project's 3 units could increase the population to 4,037, which is less than ABAG's projection for 2005. This is also consistent with the Bay Area 2005 Ozone Attainment Plan, which utilized ABAG's Projections 2003, forecasting a 2005 population of 3,770 and a 2010 population of 4,050.</p> <p>ABAG's Projections '98 projected the total number of jobs in Brisbane to increase from 6,140 in 1995 to 8,080 in 2005. During that period, 264,793 gross sq. ft. of office (5000 & 8000 Marina Boulevard), 182,452 gross sq. ft. of trade commercial (99 South Hill Drive and 178 West Hill Place), 237,226 gross sq. ft. of hotel (5000 Sierra Point Parkway & 2000 Shoreline Court) and 181,357 gross sq. ft. research & development (3240-3260-3280 Bayshore Boulevard) were constructed and occupied. At ratios of 3.23 office employees, 1.25 trade commercial employees, 2.22 R&D employees, 1.67 neighborhood retail, and 0.69 hotel employees per 1,000 gross sq. ft. (per the City's General Plan EIR), 1,650 additional employees would have been expected. Since 2005, the 319,653 sq. ft. trade commercial building at 425 Valley Drive was demolished and replaced with a 277,555 sq. ft. one, resulting in a projected loss of 53 employees. The subject project, with 2,753 sq. ft. of what would be considered here as neighborhood retail space, would be projected to add 5 employees. Including this in the total, the projected number of current employees in Brisbane would be 7,742 compared to ABAG's extrapolated projection of 8,080 for 2005. This is also consistent with the Bay Area 2005 Ozone Attainment Plan, which utilized ABAG's Projections 2003, forecasting a total of 8,130 jobs in Brisbane in 2005 and 9,510 in 2010.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p> <p>Explanation/Information Source: The Bay Area Air Quality Management District CEQA Guidelines (pages 9-10) advise against locating sensitive receptors within close proximity of a</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.2.30

H.1.44

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>congested intersection or roadway with high levels of motor vehicle emissions, or to a source of toxic air contaminants or a potential source of accidental releases of hazardous materials, or to high levels of nuisance dust emissions. The California Air Resources Board's Air Quality and Land Use Handbook (page 4) recommends against siting sensitive uses within 500 feet of a freeway. According to staff estimates, the proposed residential use will be located more than a quarter mile from the Bayshore Freeway, approximately 7/8 mile from the Santa Fe Pacific Pipelines Tank Farm, and over 1 1/3 mile from the Guadalupe Valley Quarry.</p> <p>e) Create objectionable odors affecting a substantial number of people?</p> <p>Explanation/Information Source: The project will not expose sensitive receptors (residential uses) to a transfer station, asphalt batch plant, auto body shop or other source of odorous emissions located within 1 mile (Bay Area Air Quality Management District CEQA Guidelines, pages 15-17, General Plan Policy 190). According to staff estimates, the proposed use will be located approximately 2 miles from the Sanitary Fill Transfer Station, 1 1/3 mile from American Rock & Asphalt's Guadalupe Valley Quarry, and 1 1/2 miles from the Industrial Way auto repair shops.</p> <p>IV. BIOLOGICAL RESOURCES: Would the project:</p> <p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> <p>Explanation/Information Source: The project will comply with the San Bruno Mountain Area Habitat Conservation Plan--see IV.f., below. "[C]ompliance with the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10(a) Permit fulfills the agency's obligation under CEQA to assess the impact, including cumulative impact, of the project on the species of concern" [HCP, Vol. 1, Page V-2; General Plan Policy 119 and Program 83b; also see Section 15065(b)(2) of the State CEQA Guidelines].</p> <p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.2.31

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>•Explanation/Information Source: The site contains no riverine intermittent streams (General Plan, page 152; Open Space Plan, Figure 3; Biological Site Assessment, page 2). The site contains no native woodland (General Plan, page 142). The project will result in removal of coast live oak trees, saplings or seedlings, or any other species of trees that may be inhabited by nesting raptors or other birds protected under the Migratory Bird Treaty Act (General Plan Policy 82; Biological Site Assessment, pages 7, 12-13 & 15). No trees/shrubs are proposed to be removed/trimmed between February 15 and August 31, when the trees might be inhabited by nesting raptors or passerine birds.</p> <p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, fillings, hydrological interruption, or other means?</p> <p>Explanation/Information Source: The site contains no wetlands or other water-related features (General Plan, pages 142 & 152; Open Space Plan, Figure 3; Biological Site Assessment, page 2).</p> <p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p> <p>Explanation/Information Source: The project will not result in substantial interference with the movement of any native resident or migratory animal species or established wildlife corridors (Biological Site Assessment, pages 7-8 & 10-11; San Bruno Mountain Area Habitat Conservation Plan, Vol. 1, pages G-2, III-1 & III-2, and Vol. 2, page VII-157; General Plan Policies 119 & 310.1 and Program 83b). Also see IV.b regarding nesting habitat, above.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with the City of Brisbane Tree Regulations protecting biological resources?</p> <p>Explanation/Information Source: The site contains <i>Acacia melanoxylon</i>, <i>A. baileyana</i> and a Douglas fir (Biological Site Assessment, page 6). Removal of such trees more than 30 inches in circumference is subject to compliance with the City's tree ordinance (BMC Chapter 12.12). No trees are proposed to be removed as part of the project. Note that the California Invasive Plant Council does not list <i>A. baileyana</i> as an invasive species, and <i>A. melanoxylon</i> is rated as having limited impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Conflict with the provisions of the San Bruno Mountain Area Habitat Conservation Plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.2.32

H.1.45

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>•Explanation/Information Source: The site is located within the jurisdiction of the HCP (General Plan, page 147). The Operating Program for the Management Units in the Brisbane Acres Administrative Parcel (HCP, Vol. 2, page VII-157) requires that "the Landowner must demonstrate that approval of the grading and/or development proposal is consistent with protecting 40% of the Brisbane Acres as Conserved Habitat. The Landowners may demonstrate consistency through the use of one or more of the following mitigation measures:</p> <ul style="list-style-type: none"> (i) dedication of habitat easements, open space in fee and/or transfer of allowed density to other parcels in the Brisbane Acres (ii) acquisition of off-site parcels for dedication as permanent Conserved Habitat (iii) clustering of development (iv) imposition of landscaping restrictions on undeveloped portions of sites to retain natural vegetation (v) voluntary merging of parcels to permit clustered development and habitat protection (vi) grading plans which are designed to minimize habitat destruction (vii) development siting standards to preserve broad corridors of natural habitat (viii) reclamation plans for temporarily disturbed areas." <p>A Biological Site Assessment of the property was prepared by TRA Environmental Sciences, Inc., in 2007. All of the vegetation found on the site was non-native. Because there is some, albeit very small, potential for endangered Mission Blue and Callippe Silverspot butterflies to use the upper portion (west end) of the property as a movement corridor (Biological Site Assessment, pages 8, 11 & 16), the draft Operating Program (which was subject to a 30-day review period by the US Fish & Wildlife Service, the California Department of Fish & Game and the County of San Mateo in May through June of this year, as required by the HCP) would include creation of a habitat easement over the undeveloped upper portion of the property, control of invasive non-native plants (French broom, mustard, thistle, red valerian, fennel and radish), and limitations on tree/shrub removal/trimming to protect nesting birds. The proposed 2,887 sq. ft. habitat easement is shown on the attached site plan. Note that compliance with the HCP is mandatory. Also see IV.a., above.</p> <p>V. CULTURAL RESOURCES: Would the project:</p> <p>a) Cause a substantial adverse change in the significance of a historical resource?</p> <p>Explanation/Information Source: The project will not result in any material impairment to designated historical structures/sites or any historical resource as defined in Public Resources Code Sections 5020.1.(j) or 21084.1 meeting the criteria listed in PRC Section 5024.1.(c) (General Plan Policy 23, Program 23c and page 158; General Plan Background Report on Existing and Planned Parks, Recreation, Historic and Cultural Resources; State CEQA Guidelines Section 15064.5).</p> <p>b.) Cause a substantial adverse change in the significance of an archaeological resource?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

H.2.33

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>Explanation/Information Source:</i> The area has been surveyed for cultural resources, and no resources have been found/there is generally high potential for resources to be found (General Plan, page 158). The project will not result in any substantial adverse change in the significance of a unique archaeological resource as defined in Public Resources Code Section 21083.2.(g) [State CEQA Guidelines Section 15064.5.(c) and General Plan Policy 137].</p> <p>c) Impact a unique paleontological resource or site? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><i>Explanation/Information Source:</i> No unique paleontological resources or sites are known to exist at the site (General Plan, page 156).</p> <p>d) Disturb any human remains, including those interred outside of formal cemeteries? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><i>Explanation/Information Source:</i> The area has been surveyed for cultural resources, and no human remains have been found (General Plan, page 158).</p>				
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Explanation/Information Source:</i> The area is located outside of the Alquist-Priolo Seismic Special Studies Zone boundaries (Brisbane General Plan Technical Studies, page II-15).				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Explanation/Information Source:</i> The site is within an area projected to experience strong to very strong shock during a severe seismic event (General Plan, page 170; also see ABAG's 1995 "On Shaky Ground" map). California Building Code Chapter 16 establishes minimum standards for construction with the intent of significantly reducing the likelihood of collapse of structures and limiting destruction to nonstructural damage, such as broken windows, doors, piping, ducts and light fixtures, and damage to building contents (General Plan Programs 149a & 149e). Compliance is mandatory, so there will be no significant impacts.				
iii) Seismic-related ground failure,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

H.2.34

H.1.46

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>including liquefaction?</p> <p><i>Explanation/Information Source:</i> Although the site is reportedly in an area of moderate to locally high susceptibility to liquefaction (General Plan, page 174; also see ABAG's 2001 Liquefaction Hazard Map); a 2006 geotechnical report by GeoForensics, Inc., for the adjoining property at 3800 Bayshore Boulevard found that the hillside appeared to have been cut prior to the original development, with no evidence of any fill of that site. This is supported by maps of the historic shoreline, which show it being in the approximate location of the current Bayshore Boulevard (General Plan, page 174). The geotechnical report concluded that liquefaction was unlikely to occur at that site. California Building Code Section 1802 requires that the recommendations of a soils engineering report and engineering geology report be incorporated into the project (General Plan Programs 149a & 149e).</p> <p><i>Mitigation Measure:</i> Submittal of a soils engineering report and engineering geology report; incorporation of its recommendations into the project; and inspection/certification of foundation grading by the licensed geotechnical engineer, civil engineer, soils engineer, engineering geologist or test agency to assure that the geotechnical investigation's recommendations have been properly implemented.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Seismic-related landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Explanation/Information Source:</i> The site is in an area of moderate susceptibility to seismically-induced landsliding (General Plan, page 173). The 2006 geotechnical report by GeoForensics, Inc., for 3800 Bayshore Boulevard found that localized sloughing of the upper surface of the soils on the steeper slopes may occur during seismically induced landsliding. See California Building Code Chapter 16 and Section 1802 (General Plan Programs 149a & 149e). <p><i>Mitigation Measure:</i> Submittal of a soils engineering report and engineering geology report; incorporation of its recommendations into the project; and inspection/certification of foundation grading by the licensed geotechnical engineer, civil engineer, soils engineer, engineering geologist or test agency to assure that the geotechnical investigation's recommendations have been properly implemented.</p>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Explanation/Information Source:</i> The vicinity has sandy and gravelly soils in a clay-rich matrix, which is subject to erosion on steep slopes (GeoForensics's Geotechnical Recommendations for 3800 Bayshore Boulevard). The average slope of this site, though, is only 18% (See General Plan Program 152c), and no significant grading is proposed. Also see VIII.c. below.				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.2.35

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>liquefaction or collapse?</p> <p><i>Explanation/Information Source:</i> According to page 171 of the General Plan, the site is in an area of least susceptibility to landsliding. It is located approximately 700 ft. south of the landslide deposits identified by the US Geological Survey in 1998. The geological report for the adjoining property to the north found that the potential for deep-seated sliding and lateral spreading were very low for that site (GeoForensics's Geotechnical Recommendations for 3800 Bayshore Boulevard). Also see VI.a.iii & iv, above.</p> <p>d) Be located on expansive soil as defined in the Uniform Building Code?</p> <p><i>Explanation/Information Source:</i> The vicinity has sandy and gravelly soils in a clay-rich matrix (GeoForensics's Geotechnical Recommendations for 3800 Bayshore Boulevard). This does not appear to be the fine-grained clay that can be significantly expansive.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>VII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:</p>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Explanation/Information Source:</i> No significant amount of hazardous materials will be associated with the project.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Explanation/Information Source:</i> No significant amount of hazardous materials will be associated with the project.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Explanation/Information Source:</i> The site is located approximate one-quarter mile from Brisbane Elementary School, but no significant amount of hazardous materials will be associated with the project.				
d) Be located on a site which is included	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

H. 2.36

H. 1. 47

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5?</p> <p><i>Explanation/Information Source:</i> The project location is not a hazardous materials site.</p> <p>e) For a project located within an airport land use plan or within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</p> <p><i>Explanation/Information Source:</i> No portion of the City of Brisbane is located within an airport land use plan area or within the vicinity of a private airstrip.</p> <p>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p> <p><i>Explanation/Information Source:</i> The project is located on Bayshore Boulevard, a primary emergency evacuation route, according to the City's Emergency Management Plan (Safety Element—Background Report, page 13). The parking lot is proposed to accommodate on-site turnaround, so that exiting cars would not be backing into Bayshore Boulevard to obstruct an efficient evacuation in the event of an emergency (General Plan Policies 44 & 69 and Program 148b). Delivery trucks, though, may have difficulty maneuvering on site. See XV.c, below.</p> <p>g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires?</p> <p><i>Explanation/Information Source:</i> The California Department of Forestry and Fire Protection's draft "Fire Hazard Severity Zones in Local Responsibility Areas" map for San Mateo County (October 2007) shows the subject property to be within the LRA Moderate and High Fire Hazard Severity Zones but not within the Very High Fire Hazard Severity Zone which would be subject to 2007 California Building Code Section 701A.3.2's requirements. Brisbane Municipal Code Section 15.44.080 requires automatic fire sprinklers in new buildings, and BMC Sections 17.12.040.H & K.(5), 17.16.040.G.2 and 17.42.040.G, as applicable, require fire-resistant landscaping, reducing the potential for wildland fire to a less than significant level.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>VIII. HYDROLOGY AND WATER QUALITY: Would the project:</p>				
a) Substantially degrade water quality and/or violate any water quality standards or waste discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H. 2.37

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>requirements?</p> <p><i>Explanation/Information Source:</i> The National Pollutant Discharge Elimination System, Federal Clean Water Act, Regional Water Quality Control Board and/or San Mateo County Department of Environmental Health, and/or Brisbane Municipal Code Sections 13.06.130 and 13.06.230, ABAG's "Manual of Standards for Erosion & Sediment Control Measures" and the California Stormwater Quality Association's "Construction Storm Water Best Management Practice Handbook" protect water quality (General Plan Programs 134a and 228d). The CRWQCB's amended Order No. 99-59 requires that all municipalities under the San Mateo Countywide Stormwater Pollution Prevention Program specifically analyze whether the project will cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. The project will only replace +/-6,000 sq. ft. of impervious surface, so there should be no significant increase in the amount of surface runoff. In addition, 2007 California Plumbing Code Chapter 11 and 2007 California Building Code Sections 1807.4.2 & 1807.4.3 specify storm drainage requirements for construction projects. Compliance is mandatory, so there will be no significant impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) Substantially deplete groundwater supplies, adversely impact groundwater quality, or interfere substantially with groundwater recharge?</p> <p><i>Explanation/Information Source:</i> Groundwater is not used as a source within the City of Brisbane; thus, the project will not deplete any groundwater supplies or interfere substantially with any groundwater recharge.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Alter the existing drainage pattern of the site or area in a manner which would result in substantial on- or off-site erosion or siltation?</p> <p><i>Explanation/Information Source:</i> There are no watercourses on the site (General Plan, page 152; Open Space Plan, Figure 3). No significant increase in the amount of existing impermeable surfaces on the site is proposed, and only +/-74 cubic yards of grading is proposed. Storm water runoff from the site eventually drains to the Brisbane Lagoon. Compliance with the with the National Pollutant Discharge Elimination System Program and Brisbane Municipal Code Sections 13.06.170 & 13.06.180 (General Plan Policies 133, 262 & 319 and Programs 134a, 228d & 245d) is mandatory, so there will be no significant impacts. Also see VI.b, above.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner which would result in on- or off-site flooding?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.2-38

H.148

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>Explanation/Information Source:</i> No significant increase in the amount of existing impermeable surfaces on the site is proposed which would generate substantial additional stormwater runoff so as to exacerbate the existing deficient capacity of the existing 18-inch line along Bayshore Boulevard to the Brisbane Lagoon (RBF Consulting's 2003 Storm Drainage Master Plan, page 9 of Enclosure 2 and Sheet 3 of "City of Brisbane Storm Drain Existing Deficiencies and Potential Capital Improvement Projects").</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?</p> <p><i>Explanation/Information Source:</i> No significant increase in the amount of existing impermeable surfaces on the site is proposed which would generate substantial additional stormwater runoff so as to exacerbate the existing deficient capacity of the existing 18-inch line along Bayshore Boulevard to the Brisbane Lagoon (RBF Consulting's 2003 Storm Drainage Master Plan, page 9 of Enclosure 2 and Sheet 3 of "City of Brisbane Storm Drain Existing Deficiencies and Potential Capital Improvement Projects").</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Otherwise substantially degrade water quality?</p> <p><i>Explanation/Information Source:</i> The San Mateo Countywide Stormwater Pollution Prevention Program's Pesticide Management Program seeks to minimize the effects of pesticide use on municipal stormwater quality through pest-resistant landscaping techniques and design features. Per City Council Resolution No. 2003-47, the City of Brisbane encourages projects that demonstrate landscape and structural pest control alternatives that use the least toxic methods for pest control. The proposed landscape species for this project are approved City of Brisbane Street Trees or otherwise known for being disease/pest resistant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p> <p><i>Explanation/Information Source:</i> No portion of the site is within the 100-year flood zone as identified on the Flood Insurance Rate Maps (Community Panel Nos. 060314 001 B & 060311 0025 B).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p> <p><i>Explanation/Information Source:</i> No portion of the site is within the 100-year flood zone as identified on the Flood Insurance Rate Maps (Community Panel Nos. 060314 001 B & 060311 0025</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

H.2-39

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
B).				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding? <i>Explanation/Information Source:</i> No portion of the site is within the 100-year flood zone as identified on the Flood Insurance Rate Maps (Community Panel Nos. 060314 001 B & 060311 0025 B).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>Explanation/Information Source:</i> Although the 1973 County of San Mateo Geotechnical Hazard Synthesis Map (General Plan, page 174) shows the project portion of the site to be in an area of susceptibility to seiche/tsunami, ABAG's 2004 Tsunami Evacuation Planning Map for San Francisco and San Mateo Counties does not show any Tsunami Evacuation Areas in Brisbane. The portion of the site to be developed is at an approximate elevation of 30 to 40 ft. above mean sea level. The 100-year high tide is estimated to be 6.9 ft. m.s.l., a 100-year tsunami's wave runup would be estimated at 4.4 ft. m.s.l., and expected sea level rise would be less than 1 ft. Thus, inundation during a tsunami is unlikely. •The site is in an area of least susceptibility to landsliding (General Plan, page 171) with no mapped debris flows in the vicinity (General Plan, page 172).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community? <i>Explanation/Information Source:</i> No physical division of an established community is proposed that would result in adverse impacts on existing and proposed land uses nearby (General Plan Program 12a).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with the General Plan or other applicable City land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? <i>Explanation/Information Source:</i> The proposed use is consistent with the General Plan's SCRO-1 Subregional Commercial/Retail/Office land use designation and the Zoning Ordinance's SCRO-1 Southwest Bayshore Commercial District. •The project is consistent with General Plan Policies 41, 74 and 76, General Plan Program 75a, and Brisbane Municipal Code Section 17.01.060.B, requiring that new building sites have adequate and legal access which complies with City standards. The project is consistent with General Plan Policy 208, requiring that water supply infrastructure be installed to City standards. The project is consistent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

H.2.40

H.1.49.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
with General Plan Policies 209, 214 & 218, requiring, as feasible, that all trunk water lines and sanitary sewer lines be installed in dedicated public streets, and General Plan Policy 222, requiring that all storm drain lines be installed within dedicated public streets.				
c) Conflict with any applicable regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect? <i>Explanation/Information Source:</i> The project is not subject to the requirements of the Congestion Management Program adopted by the City/County Association of Governments of San Mateo County, in that it will not generate 100 or more trips at peak hour. See XV.a & b, below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Conflict with the San Bruno Mountain Area Habitat Conservation Plan? See IV.f.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be either locally important or of value to residents of the state and region? <i>Explanation/Information Source:</i> The site is not located within a State Designated Mineral Resources Area (General Plan, pages 31, 155-157). The project will not result in a loss of availability of a regionally significant construction aggregate resource (General Plan Policy 135 and Program 135d).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the General Plan and/or noise ordinance? • <i>Explanation/Information Source:</i> The project will not result in noise levels more than ten (10) dB above the local ambient to any receiver for a cumulative period of more than fifteen (15) minutes in any hour, or a noise level more than twenty (20) dB above the local ambient to any receiver for a cumulative period of more than three (3) minutes in any hour (Brisbane Municipal Code Section 8.28.040). <i>Mitigation Measure:</i> None required. • <i>Explanation/Information Source:</i> According to page 193 of the General Plan, this site is located inside traffic noise corridors (70-75 dB). Multi-family residential uses are normally unacceptable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

H.2.41

ISSUE	Potentially Significant Impact	Less Than Significant Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>(commercial buildings are conditionally acceptable) within this range per the Land Use Compatibility for Community Noise Environments matrix (Figure 3 and Page 5, 1992 Background Report for the City of Brisbane Noise Element) (General Plan Program 184a), unless a detailed analysis of the noise reduction requirements is required and needed noise insulation features are included in the design.</p> <p>Mitigation Measure: Submittal of a professionally-prepared acoustical analysis report prior to issuance of the building permit, showing how the proposed design will limit exterior noise to 45 dB in any habitable room per California Building Code Section 1207 [also see California Code of Regulations, Title 24, Appendix Chapter 35 (California Noise Insulation Standards)] per General Plan Programs 184b & 184d and Figure 2 in Appendix C of the State of California General Plan Guidelines 2003.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Exposure of persons to or generation of excessive groundborne vibration?</p> <p>Explanation/Information Source: The project will not generate excessive groundborne vibration (General Plan Policies 176 & 184 and Programs 176a).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity?</p> <p>Explanation/Information Source: Brisbane Municipal Code Section 8.28.060 establishes a noise level standard for construction activities (which are allowed only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays) of no more than 83 dBA at a distance of 25 feet from the source thereof, or no more than 86 dBA at any point outside of the property plane of the project (General Plan Program 184a). Compliance is mandatory, so there will be no significant impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) For a project located within an airport land use plan or in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p> <p>Explanation/Information Source: No portion of the City of Brisbane is located within an airport land use plan or within the vicinity of a private airstrip.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>XII. POPULATION AND HOUSING: Would the project:</p>				
<p>a) Induce substantial population growth in an area, either directly or indirectly?</p> <p>Explanation/Information Source: As an indicator of significant population growth, Condition of Approval A.Lj adopted for the Northeast Ridge Project in 1989 limited the issuance of building permits for the project to no more than 115 dwelling units (20% of the total for the project) per year, with any unused allotment being allowed to be carried over to a subsequent year, in which case the</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H. 2. 42

H. 1. 50.

ISSUE	Potentially Significant Impact	Less Than Significant Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>combined limit would be 144 units (25% of the total)]. The California Department of Finance estimated that there were 1,933 dwelling units in Brisbane on January 1, 2008. Between January 1 and September 22, 2008, the City issued Certificates of Occupancy for a net increase of 25 units. With approximately 51 more units optimistically in the building permit pipeline, the project's 3 units would not increase growth above previously accepted limits, recognizing, of course, that not all of the units in the pipeline would be added in a single year, nor might these be the only units added in any year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Displace substantial numbers of existing housing units or persons, necessitating the construction of replacement housing?</p> <p>Explanation/Information Source: The project will not displace any existing housing.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>XIII. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the following:</p>				
<p>a) Fire protection?</p> <p>Explanation/Information Source: Compliance with the fire access, hydrant, sprinkler and other requirements of the Fire Prevention Code (Brisbane Municipal Code Chapter 15.44) is mandatory (also see General Plan Policies 146, 158, 208 & 210 and Programs 158a & 208a regarding adequate fire protection infrastructure).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Police protection?</p> <p>Explanation/Information Source: The project can be adequately served by existing police resources without substantially impacting average response time. Satisfactory response time will be maintained per General Plan Policies 160 & 163.</p> <p>Mitigation Measure: Development impact fees and exactions per GP Program 160a.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Schools?</p> <p>Explanation/Information Source: According to the State Legislature, payment of school impact fees completely mitigates a project's impacts regarding school facilities. The Brisbane Elementary School District collects fees of \$2.63 per square foot for residential projects, \$0.42 per square foot for commercial/industrial projects, and \$0.04 per square foot for parking structures to mitigate school impacts.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Parks?</p> <p>Explanation/Information Source: Adequate outdoor open areas to meet the employees' needs for outdoor space shall be provided per General Plan Policy 89 and Brisbane Municipal Code Section 17.42.040.L. Per Policy 89, the outdoor facilities for employees should be designed to benefit</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H. 2. 43

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>residents of the proposed building, as well. Per Policy 81.1, it may be possible for outdoor recreational opportunities to be provided as part of the proposed habitat easement at the rear of the property.</p> <p>e) Other public facilities? <i>Explanation/Information Source:</i> Adequate infrastructure, including water, sewer, storm drains and streets, are provided per City standards (General Plan Policies 146, 208 & 210 and Program 208a). Also see VIII.d, VIII.e, and IX.b., above.</p> <p>XIV. RECREATION: Does the project:</p> <p>a) Increase the demand for existing parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <i>Explanation/Information Source:</i> See XIII.d. above.</p> <p>b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <i>Explanation/Information Source:</i> See XIII.d. above. If the proposed habitat easement is to also be used as an outdoor amenity, a pathway should be provided so the property's residents can enjoy the natural outdoors without disturbing the native vegetation.</p> <p>XV. TRANSPORTATION/TRAFFIC: Would the project:</p> <p>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? <i>Explanation/Information Source:</i> An increase in traffic volume of more than 10% could be considered substantial (Bay Area Air Quality Management District CEQA Guidelines, page 15). The most recent counts found that 1,840 to 1,970 vehicles pass on this section of Bayshore Boulevard during the peak hour (Crane Transportation Group, 7/22/08). According to the Institute of Transportation Engineers' Trip Generation Manual (7th Edition), a 2,753 sq. ft. home improvement super store (the ITE land use category closest to the proposed tile and cabinet</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>showroom/office/warehouse) would theoretically generate 1.27 peak hour trips (with no credit for the existing facility). Three apartment units would generate 1.86 peak hour trips. In total, the project would be expected to generate approximately 3.13 peak hour trips. Thus, the project would not generate a substantial increase in traffic.</p> <p>b) Exceed, either individually or cumulatively, a level of service standard established by the City or county congestion management agency for designated roads or highways? <i>Explanation/Information Source:</i> The adopted minimum levels of service for traffic in Brisbane are Level of Service "D" for all arterials, except LOS "C" for the intersections of Bayshore Boulevard at Old County Road and San Bruno Avenue (General Plan Policy 38.1) and LOS "E" for Bayshore Boulevard at Geneva Avenue and for U.S. 101 within Brisbane (City/County Association of Governments of San Mateo County Congestion Management Program and General Plan Program 55a). At the time of the most recent studies, all of the major intersections in Brisbane were operating at Level of Service C or better during AM and PM peak hours, and freeway mainline segments were operating at LOS E or better (Sierra Point Biotech Project EIR, pages 88-91; One Quarry Road Residential Project Draft Environmental Impact Report Volume 1, page 245, as updated by LSA per its 5/6/04 letter and Hexagon Transportation Consultants, Inc., per its 5/5/04 memorandum). These acceptable levels of service are expected to be maintained with completion of development that has already been approved (Sierra Point Biotech Project EIR, pages 88, 92, 100 & 103). It was found that, under cumulative conditions for the year 2030, the approved Sierra Point Biotech Project would unacceptably reduce the level of service during the PM peak hour from C to D at the intersection of Bayshore Boulevard and Old County Road, as well as degrading significantly further the unacceptable LOS D during the AM peak hour (Sierra Point Biotech Project EIR, pages 102-106), for which mitigation was required as a condition of approval of that project. Cumulative long-term regional traffic impacts on Highway 101 were previously identified in the Sierra Point Biotech Project EIR as unmitigatable, and the City Council adopted a Statement of Overriding Considerations in approving that project. State CEQA Guidelines Section 15152(f)(1) states, "Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later...negative declaration..." According to the C/CAG Congestion Management Program, cumulative traffic impacts from projects generating 100 or more peak hour trips may be significant. According to the Institute of Transportation Engineers' Trip Generation Manual (7th Edition), a 2,753 sq. ft. home improvement super store (the ITE land use category closest to the proposed tile and cabinet showroom/office/warehouse) would theoretically generate 1.27 peak hour trips (with no credit for the existing facility). Three apartment units would generate 1.86 peak hour trips. In total, the project would be expected to generate approximately 3.13 peak hour trips, well below the C/CAG Congestion Management Program threshold.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H-2.44

H-2.45

H-1.51

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?</p> <p>Explanation/Information Source: According to the applicant, approximately half the project's traffic would enter from and exit to the north and the remainder would enter from and exist to the south. Northbound traffic entering and leaving the site would have to make left turns across two lanes of on-coming traffic on Bayshore Boulevard, which could result in potential traffic conflicts. Regarding northbound entering traffic, left turns into and out of the site should be prohibited, and street improvements should be made to allow northbound traffic entering the site to make a U-turn at the signalized intersection north of the site (at Van Waters and Rogers Road) and to then enter the site from the north. As for northbound exiting traffic, the next intersection to the south (at San Bruno Avenue) is not currently signalized. The project would be expected to contribute its fair share when signalization of the intersection is warranted.</p> <p>Mitigation Measures: Installation of "No Left Turn" sign(s) at the outbound driveway(s), a raised median in Bayshore Boulevard along the frontage of the property, and modification of the Bayshore/Van Waters intersection to add a left/U-Turn queue, including necessary signal changes. Agreement by the property owner to provide a fair share contribution toward signalization of the Bayshore Boulevard/San Bruno Avenue intersection.</p> <p>Explanation/Information Source: The proposed front parking lot layout does not accommodate on-site turnaround capability for the size of delivery trucks that might typically serve a warehouse, which could result in such trucks backing in from Bayshore Boulevard, a busy arterial thoroughfare, which would be considered a traffic hazard (Brisbane Municipal Code Section 17.42.040.E).</p> <p>Mitigation Measure: To assure that the warehouse would only be an accessory use to the proposed showroom/office, the size of the warehouse should not exceed 499 sq. ft. Given the 5 parking spaces proposed in front of the building, the showroom/office floor area should not exceed 1,649 sq. ft., so as to comply with the City's parking standards. As a result, the proposed floor area of the ground floor will have to be reduced by approximately 605 sq. ft.</p> <p>Explanation/Information Source: Mandatory compliance with construction traffic regulations (2007 California Building Code Chapter 33 and Brisbane Municipal Code Sections 8.28.060) will avoid substantial traffic hazards during project construction.</p> <p>Mitigation Measure: None required.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d) Result in inadequate emergency access?</p> <p>Explanation/Information Source: The project complies with fire apparatus access road standards (2007 California Fire Code Section 503, as amended by Brisbane Municipal Code Sections 12.24.010 and 15.44.100-120) to provide adequate emergency access. Also see VIII.f. above.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) Result in inadequate parking capacity?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H. 2. 46

H. 1. 52.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Explanation/Information Source: Brisbane Municipal Code Section 17.34.010 requires 6 spaces for the proposed commercial use (1 space per 300 sq. ft. of retail/office and 1 space per 1,000 sq. ft. of warehouse), 5 spaces for the proposed 2-bedroom units (1 1/2 space per 1-to-2-bedroom unit) and 2 spaces for the existing 3-bedroom unit. All of the parking for the residential units is required to be provided within garages (enclosed on at least 3 sides). A total of 15 spaces are proposed, none of which are covered (a Use Permit has been requested to accept the uncovered parking in lieu of garage spaces). Thus, adequate parking capacity is proposed, albeit without any of the parking being covered. With the mitigation included in XV.c, above, the required parking for the commercial use would be reduced by 1 space.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</p> <p>Explanation/Information Source: General Plan Policies 66 & 198 and Programs 55c, 60b, 62b, 100c, 194c, 198a, 198b & 198c and Brisbane Municipal Code Chapter 10.52, and Section 17.42.040.F encourage alternatives to travel by automobile where appropriate. Sidewalk improvements along the property frontage are proposed as a pedestrian amenity that would also benefit users of the SamTrans bus stop in front of the adjoining mobilehome park and the bus shelter across Bayshore Boulevard at VWR International. According to the applicant, the commercial use will employ only 3 persons, which along with the 3 residential units may be insufficient demand to require more than a bike rack near the proposed building as an additional means to encourage alternative modes of travel. Also see III.a & b, above.</p> <p>Mitigation Measure: Provision of a bicycle storage rack for use by employees and residents.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:</p>				
<p>a) Exceed wastewater treatment requirements of the Regional Water Quality Control Board?</p> <p>Explanation/Information Source: & Explanation/Information Source: See XVI.e, below.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p> <p>Explanation/Information Source: The project will not include new/expanded wastewater treatment facilities (General Plan Policies 146 & 215).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Require or result in the construction of new storm water drainage facilities or</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H. 2. 47

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>expansion of existing facilities, the construction of which could cause significant environmental effects?</p> <p><i>Explanation/Information Source:</i> The project will include minor on-site storm water drainage facilities, but no significant off-site drainage work is proposed (General Plan Policies 146 & 221). See VIII.d, above.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Have insufficient water supplies available to serve the project from existing entitlements and resources?</p> <p><i>Explanation/Information Source:</i> The City of Brisbane receives its water supply from the City and County of San Francisco's Hetch Hetchy reservoir and water delivery system as a member of the Bay Area Water Users Association through the 1984 Water Settlement Agreement, expiring in 2009. The City of Brisbane is entitled to additional water allotments from San Francisco through earlier agreements from 1884 and 1908. The City's total entitlement is 1.053 million gallons of water per day. The San Francisco Public Utilities Commission has not indicated any insufficient supplies or significant environmental effects associated with the project. The City of Brisbane's water connection and installation fees for the project will mitigate impacts to existing water reserve capacity (per General Plan Policy 206; also see Policies 140 & 208).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) Result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to its existing commitments?</p> <p><i>Explanation/Information Source:</i> The City and County of San Francisco is committed to provide million gallons per day total daily dry weather flow. According to the City's Sewer Master Plan, the three proposed dwelling units would each be expected to generate only 90 gallons of sewage per day, and the commercial use would generate only 274 gallons per day (based upon the typical rate of 500 gallons per acre per day). The San Francisco Public Utilities Commission has not indicated any insufficient capacities to serve the project. The City of Brisbane's sewer connection and installation fees for the project will mitigate impact to existing sewer pump capacity.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste?</p> <p><i>Explanation/Information Source:</i> The South San Francisco Scavenger Company provides</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

H.1.53

H.2.48

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>collection and disposal services for the City of Brisbane. Three landfill sites are used at Altamont Landfill, Ox Mountain Sanitary Landfill and the Hillside Class III Disposal Site, which have capacity, respectively, through 2025, 2018 and 2010 (Sierra Point Biotech Project EIR, pages 222-223). The South San Francisco Scavenger Company (providing solid waste collection services) has not indicated any insufficient capacities to serve the project (General Plan Policies 146 & 208 and Programs 143a & 166a). Impacts on landfills are reduced through the Source Reduction and Recycling Element adopted by the City per General Plan Policy 143 and Programs 143a, 143b, 143c & 143f and, more specifically, the Recycling & Diversion of Debris from Construction & Demolition Ordinance (Brisbane Municipal Code Chapter 15.75).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>g) Create a demand for energy that exceeds regional or local capacity, either on a peak or cumulative basis?</p> <p><i>Explanation/Information Source:</i> Pacific Gas & Electric Co. has not indicated any insufficient capacities to serve the project (General Plan Policies 139, 140, 141, H12 & H14 and Programs 10a, 140b & 141a).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>h) Comply with adopted resource efficiency standards?</p> <p><i>Explanation/Information Source:</i> The project is subject to compliance with California Code of Regulations, Title 24 energy conservation standards (General Plan Programs 140a & H14a). The project is not subject to compliance with the City of Brisbane's Green Building Requirements (Brisbane Municipal Code Chapter 15.80).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
<p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p> <p><i>Explanation/Information Source:</i> See I, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XV and XVI, above.</p> <p><i>Mitigation Measures:</i> See III, VI, XI & XV, above.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

H.2.49

Vicinity Map
 Site Plan
 "Biological Site Assessment/3832-3836 Bayshore Boulevard" by TRA Environmental Sciences, Inc., 11/13/07
 Draft HCP Operating Program for Management Unit 2-03-20
 "...3800 Bayshore Boulevard...Geotechnical Recommendations..." by GeoForensics, Inc., 1/30/2006 (excerpt)
 "Traffic Impact Report/Nijem Subdivision" by Crane Transportation Group, 7/22/08 (excerpts)

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable?</p> <p><i>Explanation/Information Source:</i> State CEQA Guidelines Section 15355(b) explains that cumulative impact is "...the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." According to Section 15064(i)(3), "...a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan)..." Thus, this project's cumulative air quality impacts are not significant, because the project is consistent with the Clean Air Plan (see III.a, above). The project's cumulative biological impacts are not significant, because the project is consistent with the San Bruno Mountain Area Habitat Conservation Plan (see IV.a & f, above). The project's cumulative water quality impacts are not significant, because the project is consistent with the National Pollutant Discharge Elimination System permit, the California Regional Water Quality Control Board's Order No. 99-59 and the San Mateo Countywide Stormwater Pollution Prevention Program (see VIII.a, c, d, e & f, above). The project's cumulative traffic impacts are not significant, because the project is consistent with the City/County Association of Governments of San Mateo County's Congestion Management Program (see XV.b, above). The project's other cumulative impacts are not significant, because the project is subject to General Plan policies and programs and implementing provisions of the Brisbane Municipal Code adopted to avoid significant environmental impacts or they are so small ["de minimis" per State CEQA Guidelines Section 15064(i)(4)] that environmental conditions would essentially be unchanged by the project. Because the project's incremental effect is not cumulatively considerable per State CEQA Guidelines Section 15064(i)(1), the in-depth cumulative impact analysis required for EIRs per Section 15130 is not applicable [also see Section 15064(i)(2)]. See I, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XV and XVI, above.</p> <p><i>Mitigation Measures:</i> See III & XV, above.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> <p><i>Explanation/Information Source:</i> See I, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XV and XVI, above.</p> <p><i>Mitigation Measures:</i> See III, VI, XI & XV, above.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachments:
 Mitigation Monitoring Program

H. 2.50

H. 2.51

H. 1.54

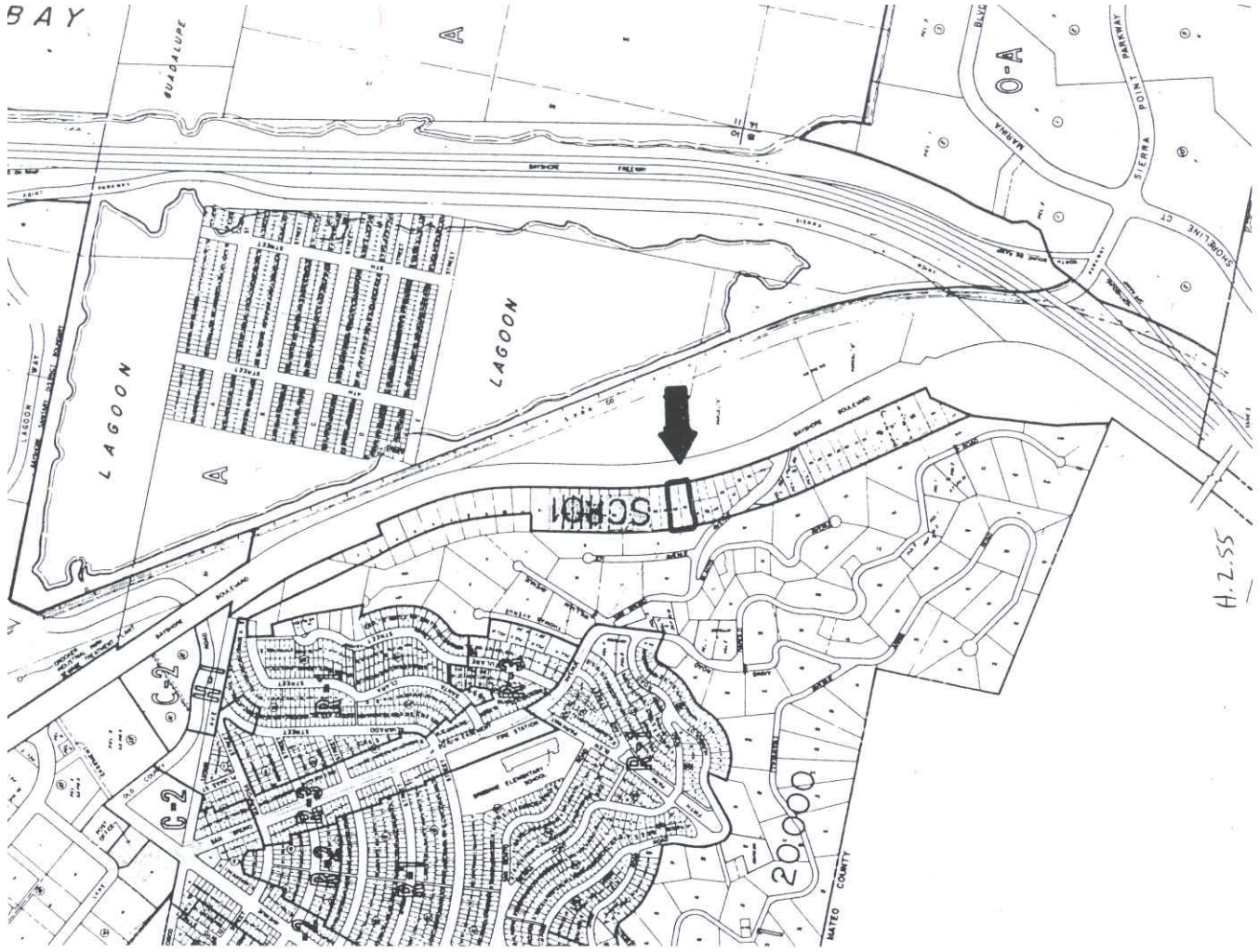
MITIGATION MONITORING PROGRAM

Mitigation Measure:	Implementation of Bay Area Air Quality Management District construction dust control measures: water active construction areas at least twice daily, cover all trucks hauling loose materials or require them to maintain at least 2 ft. of freeboard, sweep staging areas daily, and sweep streets if visible soil material is tracked onto them. Provide contractors with copies of BAAQMD Guidelines	plans. Schedule consultant's inspections during construction. Design/Use Permit conditions imposed on Building Permit and Grading Permit Building Inspector Consultant's certification prior to issuance of Certificate of Occupancy Consultant's reports Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 108.8), revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)
Applicant's Responsibility:	Design/Use Permit conditions imposed on Building Permit and Grading Permit	Standard for Determining Compliance: Enforcement Procedures and Appeal:
Means of Enforcement:	Building Inspector, Public Works Department and Bay Area Air Quality Management District	Mitigation Measure:
Responsible Department:	Regular site inspections during grading and construction	Submittal of a professionally-prepared acoustical analysis report prior to issuance of the building permit, showing how the proposed design will limit exterior noise to 45 dB in any habitable room. Hire consultant to prepare report and review plans, submit report to City with Building Permit plans Design/Use Permit conditions imposed on Building Permit Building Inspector Regular inspections during construction California Building Code Section 1207; Code of Regulations, Title 24, Appendix Chapter 35 (California Noise Insulation Standards) Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 108.8)
Means/Timing of Reporting:	Bay Area Air Quality Management District CEQA Guidelines, Table 2	Applicant's Responsibility:
Standard for Determining Compliance:	Bay Area Air Quality Management District violations/appeals procedures (also enforcement procedures under Brisbane Municipal Code Section 15.01.330)	Means of Enforcement:
Enforcement Procedures and Appeal:	Provision of bicycle rack for employees and residents	Responsible Department: Means/Timing of Reporting: Standard for Determining Compliance:
Mitigation Measures:	Address in plans to be submitted with Building Permit application	Enforcement Procedures and Appeal:
Applicant's Responsibility:	Design/Use Permit conditions imposed on Building Permit	Mitigation Measure:
Means of Enforcement:	Community Development Department, Building Inspector	Installation of "No Left Turn" sign(s) at the outbound driveway(s), a raised median in Baysshore Boulevard along the frontage of the property, and modification of the Baysshore/Van Waters intersection to add a left/U-Turn queue, including necessary signal changes Address in plans to be submitted with Building Permit application, obtain Encroachment Permit Design/Use Permit conditions imposed on Building Permit Public Works Department Final inspection prior to issuance of Certificate of Occupancy CalTrans standards as adopted by the City of Brisbane Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 108.8)
Responsible Department:	Final inspection prior to issuance of Certificate of Occupancy	Applicant's Responsibility:
Means/Timing of Reporting:	Brisbane Municipal Code Section 17.42.040.F Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 108.8)	Means of Enforcement:
Standard for Determining Compliance:	Submittal of a soils engineering report and engineering geology report; incorporation of its recommendations into the project; and inspection/certification of foundation grading by the licensed geotechnical engineer, civil engineer, soils engineer engineering geologist or testing agency to assure that the geotechnical investigation's recommendations have been properly implemented Hire consultant to prepare reports and review plans. Submit reports to City with Building Permit	Responsible Department: Means/Timing of Reporting:
Enforcement Procedures and Appeal:		Standard for Determining Compliance: Enforcement Procedures and Appeal:
Mitigation Measure:		
Applicant's Responsibility:		

H. 2. 53

H. 2. 5Z

H. 1. 55.



Mitigation Measure:
 Agreement by the property owner to provide a fair share contribution toward signalization of the Bayshore Boulevard/San Bruno Avenue intersection
 Applicant's Responsibility:
 Means of Enforcement:
 Responsible Department:
 Means/Timing of Reporting:
 Standard for Determining Compliance:
 Enforcement Procedures and Appeal:

Mitigation Measure:
 Reduction of the proposed size of the first floor to no more than 1,649 sq. ft. of showroom/office and 499 sq. ft. of warehouse floor area (no changes to the proposed second floor or parking necessary)
 Applicant's Responsibility:
 Means of Enforcement:
 Responsible Department:
 Means/Timing of Reporting:
 Standard for Determining Compliance:
 Enforcement Procedures and Appeal:

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.

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**BIOLOGICAL SITE ASSESSMENT
3832-3836 BAYSHORE BOULEVARD
BRISBANE, SAN MATEO COUNTY**

Prepared for:
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November 13, 2007

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I. INTRODUCTION

This biological assessment has been prepared for 3832-3836 Bayshore Boulevard in Brisbane (APN 007-553-180). The property is a half-acre site under the ownership of Lun Hong Wong. The property currently supports a contractor's yard, a single-family house, and associated structures. A 2,753 sq. ft. warehouse/showroom with three dwelling units on top is proposed to be built in the existing contractor's yard.

The following document investigates biological resources on the subject property, special-status plant and animal species' potential for occurrence, and the property's habitat functions, including as a wildlife corridor. This report also assesses the impact of development of the property. Recommendations with respect to biological resource conservation and regulatory agency requirements are provided at the end of this document. The property falls under the jurisdiction of the City of Brisbane and is subject to several environmental regulations, including the San Bruno Mountain Habitat Conservation Plan (see section V below for a full discussion).

II. SETTING

The subject property is located at 3832-3836 Bayshore Blvd. in Brisbane, within the Brisbane Acres community (Figures 1 and 2). Neighboring land uses include a contractor's yard to the south, a trailer home park to the north, Bayshore Boulevard to the east, and a grassy slope and Joy Avenue to the west (Figure 3). San Bruno Mountain State and County Park is located west and south of the property, and a patchwork of open lots, preserved parcels, and single-family residences lie between the site and the park. There are no water resources such as ponds or creeks present on the property.

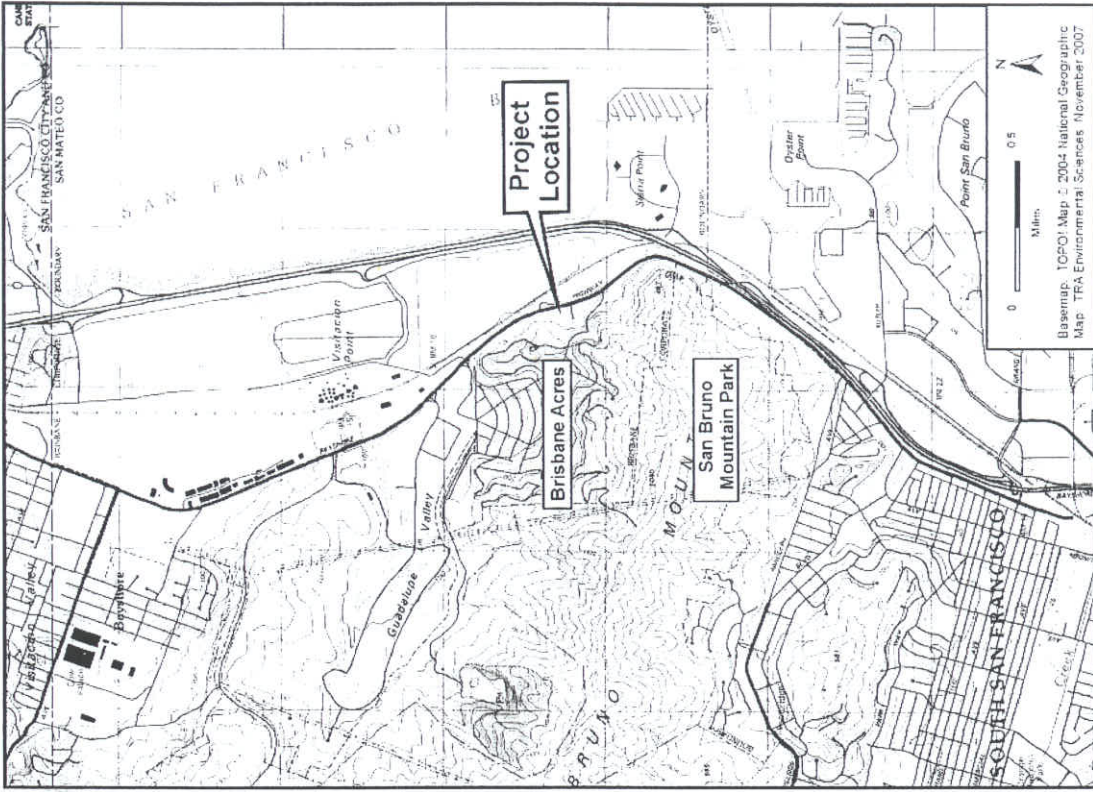
The property is at the toe of San Bruno Mountain. Elevations range from 40 feet at Bayshore Boulevard to 75 feet at the west side of the property. The majority of the property is developed (photos of the site are provided in Appendix A). A contractor's yard and garage on Bayshore Boulevard occupy approximately one-third of the property. From the south end of the yard, a driveway leads to a two-story home situated at the center of the property and against the north property boundary. A shed is located across from the home along the south property boundary and a parking area connects these two structures. The driveway continues to a contractor's material storage structure that is located above the house. Gravel, lumber, and a small amount of refuse are stored there. The only undeveloped part of the property is a swath of land between the material storage structure and the site's western boundary that is approximately 3,500 square feet in size. The western end of the property is approximately 0.18 mile from land held within the San Bruno Mountain State and County Park, located to the southwest. The nearest habitat for listed butterflies within the park is no less than 0.25 mile to the southwest.

The existing lot size is 23,838 square feet. A 2,753 square foot warehouse/showroom with three dwelling units on top is proposed to be built in the existing contractor's yard. A retaining wall would be constructed behind the warehouse to support the slope between the yard and the existing home to the west. No other changes to the property are proposed. Project plans received in preparation of this report do not specify if tree trimming or removal would be needed.

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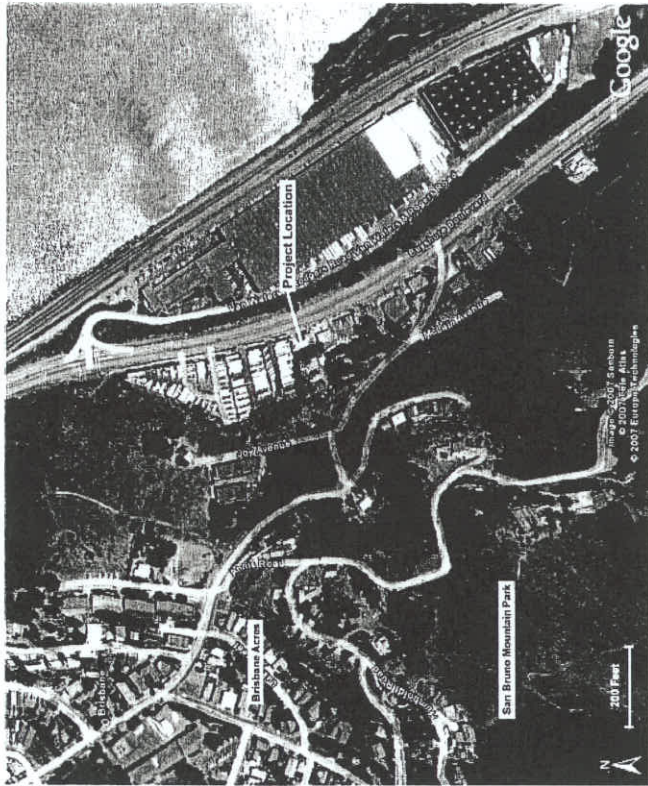
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Figure 1. Project Location



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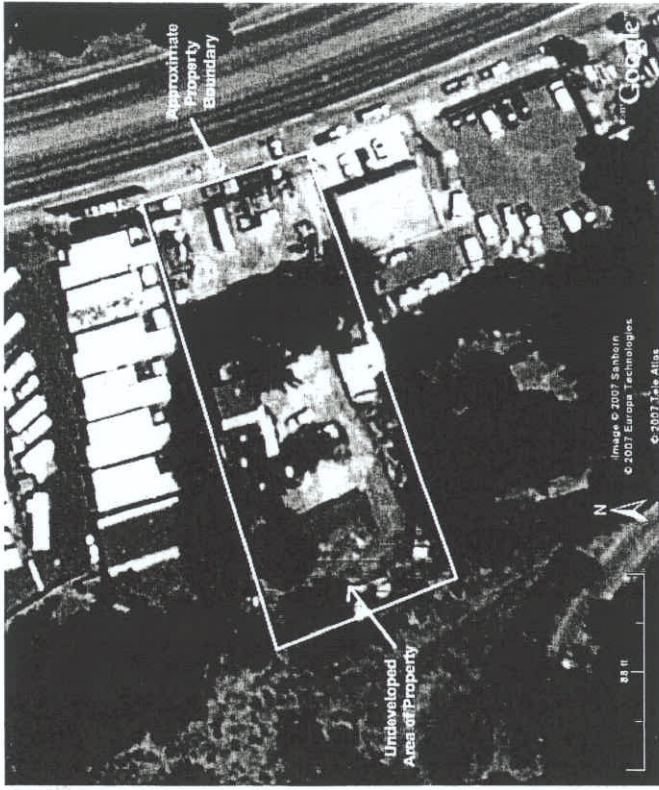
Figure 2. Aerial Photo of Project Location



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Figure 3. Aerial Photo of Property



The project is in the Brisbane Acres community in the City of Brisbane. The Brisbane Acres is located immediately south and east of Central Brisbane on the steep lower slopes of San Bruno Mountain (Figures 1 and 2). The terrain is very steep, with slopes well over 40 percent in much of the area, and most of the Brisbane Acres remain undeveloped, inaccessible, and without infrastructure. Intermittent streams are found in some canyons. Informal trails through the Brisbane Acres link central Brisbane with San Bruno Mountain State and County Park and provide recreational hiking opportunities and scenic views of the Bay Area. The Brisbane Acres area includes habitat for rare and endangered species, including two endangered butterfly species, the mission blue (*Icaricia icaroides missionensis*) and callippe silverspot (*Speyeria callippe callippe*).

The Brisbane Acres community, including this project site, lies within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan (HCP). The HCP, implemented in 1982, functions to protect endangered butterflies and their habitats on San Bruno Mountain, while allowing public and private projects on the mountain to be planned so as to minimize the effect

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on endangered species and other unique resources. The HCP was developed as a long-term program for conserving the ecology of the mountain.

III. METHODS

The property was surveyed for biological resources by TRA biologist Autumn Meisel on September 20, 2007 from approximately 12:00 to 1:15 PM to document vegetation, habitat types and function, and wildlife found or suspected to occur on site. Weather conditions during the survey consisted of a temperature of 65°F, calm winds, and a clear sky.

In addition to the site surveys, the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) On-line Inventory were searched to determine special-status species occurrences in the vicinity of the project site. Special-status species are plants or animals that are listed by the state and/or federal government as endangered, threatened, protected, or of special concern because of declining populations or habitats. The San Mateo County soil survey was used to determine whether the site contains soils that can support sensitive habitat types.

IV. RESULTS

Results of the field survey and database research are presented below. A list of species observed on site is provided in Appendix B and representative photos of the project site are provided in Appendix A.

A. Habitat Types

The majority of the property is developed. Biological resources are limited to landscaping and the undeveloped swath at the west end of the parcel. The undeveloped area is approximately 3,500 square feet in size and supports ruderal (weedy) habitat. The vegetation is all non-native and is dominated by French broom (*Genista monspessulana*), wild radish (*Raphanus raphanistrum*), fennel (*Foeniculum vulgare*), mustard (*Brassica nigra*), and annual grasses such as wild oat (*Avena fatua*) and rattlesnake grass (*Briza maxima*). Other less frequently occurring plant species found here include red valerian (*Centranthus ruber*), vetch (*Vicia sativa*), curly dock (*Rumex crispus*) and various thistles. Some annual plants could not be identified due to the season of the survey, but given the highly disturbed condition of the site, all species are assumed to be non-native. In the north section of the undeveloped swath and alongside the property's upper north boundary are several Acacia trees (*Acacia melanoxylon* and *A. baileyana*).

The landscaping on the site is not maintained. Ornamental and weedy vegetation is present between the house/driveway and the contractor's yard, including one mature Douglas fir (*Pseudotsuga menziesii*, not native to San Bruno Mountain), English ivy (*Hedera helix*), loquat (*Eriobotrya japonica*), Cape ivy (*Senecio mikanioides*), Algerian ivy (*Hedera canariensis*), and Himalayan blackberry (*Rubus discolor*).

The only undeveloped land that is adjacent to the parcel is a grassy slope to the west, between the property boundary and Joy Avenue. This slope had been mowed sometime prior to the site

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survey, and is assumed to be managed for fire control. At the top of the slope and along Joy Avenue are several eucalyptus trees.

As wildfires are not uncommon on San Bruno Mountain, the fuel load within Brisbane Acres parcels is of management interest. The fuel load within the west end of the site is low to moderate, with some woody vegetation such as French broom and acacia contributing to potential fuel in the case of a wildfire. Regionally, the fuel load here is not significant given the small size of this area of ruderal habitat.

Most of the property onsite is categorized by the Natural Resource Conservation Service (NRCS), as Urban Land. Only one other soil type, Orthents, cut and fill-Urban land complex, 5 to 75 percent slopes, is found at the upper (west) end of the property (NRCS 2007). No serpentine or sandy soils are present on the property.

B. Wildlife

The site survey was conducted in the middle of the day and lasted just over one hour, hence few species were observed. Wildlife observed during the survey was restricted to birds and included raven (*Corvus corax*) and western scrub jay (*Aphelocoma californica*). The site contains a small area of ruderal habitat which has low value to wildlife. Birds not detected during the site visit, but that may occur on site include mourning dove (*Zenaidura macroura*), California towhee (*Pipilo erissalis*), bushy-tit (*Psaltriparus minimus*), house finch (*Carpodacus mexicanus*) and European sparrow (*Passer domesticus*), among others. These birds may use the trees and shrubs on the site for nesting. Raptors may forage over the site but are not expected to nest there. The trees are too small to provide preferred raptor nesting habitat.

The reptiles most likely to occur on site include western fence lizard (*Sceloporus occidentalis*), alligator lizard (*Elgaria multicarinata*), and gopher snake (*Pituophis catenifer*). Snakes are likely only to be found at the western end of the property in the location of the ruderal habitat and materials storage area, whereas the lizards may also utilize the developed areas of the site.

Mammal species that may forage on site include raccoon (*Procyon lotor*) and skunk (*Mephitis mephitis*). Both of these species are urbanized and are attracted to garbage and pet food often associated with homes. Other common mammals in the region such as squirrels, mice and voles may also be found on site. The area proposed for development and the existing garage that will be removed does not provide suitable roosting habitat for bats.

C. Wildlife Movement Corridors

Wildlife movement includes migration (*i.e.*, usually one way per season), inter-population movement (*i.e.*, long-term genetic flow) and small travel pathways (*i.e.*, daily movement corridors within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main corridor, permitting an increase in gene flow among populations. These linkages among habitats can extend for miles and occur on a large scale throughout California. Habitat linkages facilitate movement between populations located in discrete areas and populations located within larger habitat areas.

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Wildlife species such as birds and mammals may come onto the property to forage or nest, however the site is bound by development to the north, south, and east and therefore does not serve as a significant corridor for wildlife movement. As the majority of the property is already developed, current plans to expand development within the existing contractor's yard will not impact wildlife movement through or onto the site. There is some extremely small potential for special-status butterfly species to move through the west end of the site.

The west end of the property that is not developed, along with the slope between the property boundary and Joy Avenue may serve as a movement corridor for special-status butterflies, although this is unlikely. Grasslands to the north, located east of Thomas Avenue, may provide nectaring habitat for butterflies, and movement between here and grasslands on east San Bruno Mountain could be made through an existing pathway located west of the Bayshore Boulevard parcels. However, due to the cover of trees located between Gladys Avenue and Joy Avenue and the disturbed, ruderal condition of the habitat within this pathway, the potential for butterflies to currently use this corridor is very small. It is more likely that butterfly movement would be to the west of Annis Road, where there is less tree cover and a more direct pathway to Thomas Avenue (Figure 2).

D. Special-Status Species

Special-status plant species include those listed as Endangered, Threatened, Rare, or as Candidates for listing by the U.S. Fish and Wildlife Service (USFWS; 2006b and c), the California Department of Fish and Game (CDFG; 2006a and b), and the CNPS (2006). Special-status animal species include those listed as Endangered, Threatened, Rare, or as Candidates for listing by the USFWS (2006a and c) and/or CDFG (2006c).

Special-status species that were considered for their potential to occur onsite are listed in Table 1. This list was compiled from a review of the CNDDB, CNPS online inventory, other relevant publications, and the preparers' knowledge of the area and local species. Species whose habitat requirements are clearly not met on site were eliminated from further consideration.

Table 1. Special-status plant and animal species that were considered for their potential to occur onsite

Species Name	Status	Habitat	Potential to Occur Onsite
WILDLIFE			
San Bruno elfin butterfly (<i>Calliphrys mossii hayensis</i>)	FE	Coastal mountainous areas with grassy ground cover, mainly in the vicinity of San Bruno Mountain, San Mateo County	None. No host plants present.
Mission blue butterfly (<i>Icaritoides missionensis</i>)	FE	Grassland and coastal scrub with larval food plant (<i>Lupinus albifrons</i> , <i>L. varicolor</i> , <i>L. formosus</i>)	None. No host plants or grassland present onsite.
American badger (<i>Taxidea taxus</i>)	CSC	Most abundant in drier open stages of shrub, forest, and herbaceous habitats, with	None. No suitable habitat onsite.

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Species Name	Status	Habitat	Potential to Occur Onsite
Callippe silverspot butterfly (<i>Speyeria callippe callippe</i>)	FE	friable soils. Northern coastal scrub of San Francisco peninsula with hostplant, <i>Pirola pectinaculata</i> , males congregate on hilltops in search of females	None. No host plants or grassland present onsite.
Bay checkerspot butterfly (<i>Euphydryas editha boyensis</i>)	FT	Native grasslands on outcrops of serpentine soil in the vicinity of the San Francisco Bay. <i>Plantago erecta</i> is the primary host plant.	None. No host plants or grassland present onsite.
Monarch butterfly (<i>Danans plexippus</i>)	S3	Roosts located in wind-protected tree groves (Eucalyptus, Monterey Pine, Cypress), with nectar and water sources nearby typically within 1/2 mile of the coast.	None. No suitable habitat present
Hoary bat (<i>Lasiurus chiroeus</i>)	CSC	Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Requires water.	None. No freshwater aquatic resource in the vicinity of the site.
PLANTS			
Bent-flowered fiddleneck (<i>Amsinckia lanaris</i>)	CNPS 1B	Open cismontane woodland, valley and foothill grassland. Blooms Mar-Jun.	None. No suitable habitat onsite.
Presidio manzanita (<i>Arctostaphylos hookeri</i> ssp. <i>ravenii</i>)	FE, SE, CNPS 1B	Chaparral, coastal prairie, coastal scrub. Open rocky serpentine slopes.	None. No manzanita observed onsite.
San Bruno Mountain Manzanita (<i>Arctostaphylos imbricata</i>)	SE, CNPS 1B	Chaparral, coastal scrub.	None. No manzanita documented onsite.
Montara manzanita (<i>Arctostaphylos montaraensis</i>)	CNPS 1B	Chaparral, coastal scrub. Blooms Jan-Mar.	None. No manzanita documented onsite.
Pacific manzanita (<i>Arctostaphylos pacifica</i>)	SE, CNPS 1B	Coastal scrub.	None. No manzanita documented onsite.
Franciscan thistle (<i>Cirsium andrewsii</i>)	CNPS 1B	Coastal bluff scrub, broadleaved upland forest, coastal scrub. Blooms Jun-Jul.	None. No suitable habitat onsite.
San Francisco collinsia (<i>Collinsia multicolor</i>)	CNPS 1B	Moist shady woodland, associated with California buckeye, honeysuckle, ferns, coast live oak, poison oak. Blooms Mar-May.	None. No suitable habitat onsite.
Fragrant fritillary (<i>Fritillaria liliacea</i>)	CNPS 1B	Coastal scrub, valley and foothill grassland, coastal prairie. Often on serpentine.	None. No suitable habitat onsite.

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Species Name	Status	Habitat	Potential to Occur Onsite
San Francisco gumpiant (<i>Grindelia hirsutula</i> var. <i>maritima</i>)	CNPS IB	Blooms Feb-Apr. Coastal scrub, coastal bluff scrub, valley and foothill grassland. Sandy or serpentine slopes. Blooms Aug-Sep.	None. No suitable habitat onsite.
Diablo helianthella (<i>Helianthella castanea</i>)	CNPS IB	Broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, valley and foothill grassland. Usually in chaparral/oak woodland interface in rocky soils.	None. No suitable habitat onsite.
Kelloog's horkelia (<i>Horkelia cuneata</i> ssp. <i>sericea</i>)	CNPS IB	Closed-cone coniferous forest, coastal scrub, chaparral, old dunes and coastal sandhills. Blooms Apr-Sep.	None. No suitable habitat onsite.
San Francisco campion (<i>Silene verecunda</i> ssp. <i>verecunda</i>)	CNPS IB	Coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral. Often on rocky soils. Blooms Mar-Aug.	None. No suitable habitat onsite.
Coastal triquetrella (<i>Triquetrella californica</i>)	CNPS IB	Coastal bluff scrub, coastal scrub.	None. No suitable habitat onsite.

Table 1 Notes: FE – Federal endangered; FT – Federal threatened; SE – State endangered; ST – State threatened; SP – State Fully Protected; CSC – California species of special concern; CNPS IB – Rare, threatened or endangered in California and elsewhere. Habitat data based on CNDDB 2007 and Corelli 1195.

No special-status animal or plant species were detected on the property during the site visit on September 20, 2007. As the majority of the site is developed, and the small area that remains undeveloped is highly disturbed and ruderal, there is no potential for special status plants to occur on site. There is no suitable habitat (grassland and/or hostplants) on the property for the listed butterflies for which the San Bruno Mountain HCP was created. There is an extremely small potential that the butterflies could use the west end of the property as a movement corridor. The distance of the property from known butterfly habitat on San Bruno Mountain (approximately 0.25 mile), the occurrence of trees and development between the site and San Bruno Mountain, and the ruderal habitat and lack of native host or nectar plants on site contribute to why the potential for butterfly movement here is so small.

As the project falls under the jurisdiction of the San Bruno Mountain Habitat Conservation Plan, the butterfly species and their habitat needs are discussed in detail below.

Mission blue butterfly (*Icaricia icarioides missionensis*)

The mission blue butterfly is a federally endangered species that is found on San Bruno Mountain. Host plants for the mission blue butterfly include three perennial lupines: silver lupine (*Lupinus albus* var. *collinus*), summer lupine (*L. formosus* var. *formosus*), and varied lupine (*L. variicolor*), all of which occur in grassland habitat. Mission blues use a variety of native and nonnative species for nectaring (especially thistles) that are found in grassland and coastal scrub

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plant communities. Mission blues have been found to move up to approximately 0.25 miles between habitat patches (TRA, 1982) however the species is likely to move further, during multiple movements between habitat areas. Protection from wind appears to be an important habitat component for mission blues, and often the species is detected on the leeward side of slopes, or within protected roadway areas where suitable densities of host plants are present.

There is no grassland habitat and no host plants on site and therefore no federally-protected habitat for mission blue butterflies. There is an extremely small potential for butterflies to use the west end of the property as a movement corridor.

Callippe silverspot butterfly (*Speyeria callippe callippe*)

The callippe silverspot butterfly is a federally endangered butterfly that is found only on San Bruno Mountain and in a few locations in the East and North San Francisco Bay Area. *Viola pedunculata*, the host plant for the callippe, is predominately found within mesic to dry open grasslands on both north and south-facing slopes. *Viola* can also be found on disturbed roadcuts, and along the boundaries between grassland and scrub under partial shade of taller plants. Ridge-lines and hilltops within grassland habitats are an important habitat component for this butterfly species, because callippes utilizes these features for mate selection. Callippe silverspots use a variety of native and nonnative species for nectaring (especially thistles) that are found throughout the grassland and coastal scrub plant communities. The species has been shown to move up to approximately 0.75 miles between habitat patches (TRA, 1982), but likely can move further in multiple movements.

There is no grassland habitat and no host plants on site, and therefore no federally-protected habitat for callippe silverspot butterflies. There is an extremely small potential for butterflies to use the west end of the property as a movement corridor.

San Bruno elfin butterfly (*Callophrys mossii bayensis*)

The San Bruno elfin butterfly is a federally endangered species that is found only on San Bruno Mountain. The host plant for the San Bruno elfin butterfly, Pacific stonecrop (*Sedum spathulifolium*), is predominately found in native grassland patches and rocky outcrops, on north-facing slopes above 500 feet elevation. *Sedum* often grows along transition areas between scrub and grassland. San Bruno elfins use a variety of nectar plants limited to the upper elevation grasslands and scrub on San Bruno Mountain. This species has been documented to move at least 0.15 mile between habitat patches (Arnold, 1983), and can likely move much further over the course of multiple flight movements.

There is no grassland habitat, rocky outcrops or host plants on site. Therefore there is no potential for San Bruno elfin butterflies to occur on site.

V. REGULATORY CONSIDERATIONS

Federal and State Regulations

A. Federal and State Endangered Species Acts

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The United States Endangered Species Act (ESA) is administered by the United States Fish and Wildlife Service (USFWS). The California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and the California Environmental Quality Act (CEQA) afford protection to species of concern included on State-maintained lists. The California Department of Fish and Game (CDFG) has statutory responsibility for the protection of State listed species, and is a trustee agency under CEQA.

Both the Federal and State endangered species acts provide protection for listed species. In particular, the Federal act prohibits "take". "Take" is defined by the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect a federally listed, endangered species of wildlife, or to attempt to engage in any such conduct." Federal regulations also define take to include the incidental destruction of animals in the course of an otherwise lawful activity, such as habitat loss due to development. Under those rules the definition of take includes significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR Section 17.3).

There are no Federal or State Endangered species expected to occur onsite. There is no protected habitat for listed butterflies on site. The project will not result in take.

B. California Species of Special Concern

The California Department of Fish and Game has designated certain animal species as "Species of Special Concern" due to concerns about declining population levels, limited ranges, and continuing threats that have made these species vulnerable to extinction. The goal of this designation is to bring attention to these species in the hope that their population decline will be halted through mitigation or project redesign to avoid impact. Species of special concern are protected only through environmental review of projects under CEQA. The California Department of Fish and Game is a trustee agency and is solicited for its comments during the CEQA process.

The site does not contain habitat for California Species of Special Concern, and therefore the project will not cause impact to Species of Special Concern.

C. Nesting Birds

Nesting birds, including raptors, are protected by the California Department of Fish and Game Code 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Passerines and non-passerine landbirds are further protected under the Federal Migratory Bird Treaty Act. As such, the CDFG typically recommends pre-construction surveys for nesting birds that could potentially be directly (actual removal of trees/vegetation) or indirectly (noise disturbance) impacted by construction-related activities. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFG.

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The subject property supports some shrubs and mature trees such as acacia and Douglas fir that can provide nesting habitat for passerine birds. Project plans received in preparation of this report do not specify if tree trimming or removal would be needed.

D. California Native Plant Society and CEQA

The California Native Plant Society (CNPS) has developed a rating system for the state's rare, threatened and endangered plants. Plants rated by CNPS are subject to protection under CEQA, and may also be protected by state and federal endangered species laws if they are listed by the these governments.

No CNPS-rated plants were determined to have potential to occur within the subject property.

E. San Bruno Mountain Habitat Conservation Plan

The San Bruno Mountain Habitat Conservation Plan (HCP) was implemented in 1982 to provide for the indefinite perpetuation of the mission blue and callippe silverspot butterflies on San Bruno Mountain, as well as to conserve and enhance the biological diversity the Mountain. One function of the HCP is to allow both private and public projects on San Bruno Mountain to be planned so as to minimize the effect on endangered species and the other biological resources of the Mountain. The project property is within Planning Area 2-03 of the HCP. Each Planning Area covered by the HCP has individual Operating Programs (TRA 1986, on file with the City of Brisbane). The Operating Program for Planning Area 2-03 (Brisbane Acres) obligates the landowners to the following:

1. Compliance with mitigation measures set forth in the Operating Program for Management Unit 2-03-01 (TRA 1986, on file with the City of Brisbane).
2. Compliance with the Planning Assistance requirements set forth in the Operating Program for Management Unit 2-03-01 (TRA 1986, on file with the City of Brisbane).
3. Participating in the regulatory provisions and Funding Program of the HCP.
4. Prior to any grading and/or development project and/or the removal or damage of or use of pesticides on vegetation in excess of 500 square feet in any calendar year in the Brisbane Acres:

- (a) an environmental assessment must be prepared (this biological assessment fulfills that requirement). Any such environmental assessment must describe the impacts on habitat of the mission blue and callippe silverspot and must discuss mitigation measures. Notice of development and/or grading proposals and copies of all environmental documents must be sent to the California State Department of Fish and Game, the U.S. Fish and Wildlife Service and the Plan Operator, and
- (b) the landowner must demonstrate that approval of the grading and/or development proposal is consistent with protecting 40 percent of the Brisbane Acres as Conserved Habitat (defined as those portions of the San Bruno Mountain Park area that are presently or hereafter are to be held in fee ownership by the County and/or State pursuant to the Agreement with respect to the San Bruno Mountain Habitat Conservation Plan). The landowners must demonstrate consistency through the use of one or more of the following mitigation measures:
 - i. dedication of habitat easements, open space in fee and/or transfer of allowed density to other parcels in the Brisbane Acres

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- ii. acquisition of off-site parcels for dedication as permanent Conserved Habitat
- iii. clustering of development
- iv. imposition of landscaping restrictions on undeveloped portions of sites to retain natural vegetation
- v. voluntary merging of parcels to permit clustered development and habitat protection
- vi. grading plans which are designed to minimize habitat destruction
- vii. development siting standards to preserve broad corridors of natural habitat
- viii. reclamation plans for temporarily disturbed areas.

5. Require, through covenants, conditions and restrictions (CC&Rs), that future owners observe general provisions regarding protection of Conserved Habitat.

6. Submit the final grading plan used to obtain a grading permit and a revegetation plan to the Plan Operator for review. The plan shall provide for temporary fencing to protect all adjacent Conserved Habitat.

The site has limited opportunity to contribute to the goal of 40 percent conserved habitat within the property as less than 40 percent of the property remains undeveloped. The area at the top of the property that is undeveloped is highly disturbed, ruderal habitat of little value to wildlife or native plants. Even if the area was cleared of weeds and planted with native plants, the adjacent property would continue to supply a seed source of non-native species that would presumably degrade the site back to its current condition over time.

Local Regulations

F. City of Brisbane Stormwater Management & Discharge Control Program

Section 13.06.170 of the Brisbane Municipal Code provides best management practices (BMPs) for new developments. Any construction contractor performing work in Brisbane shall attempt to provide filter materials to avoid debris and dirt flowing into the city's storm sewer. The director of public works/city engineer may control the volume and rate of storm water runoff from new developments to minimize the discharge and transport of pollutants. In addition, each discharger associated with construction activity shall provide notice of intent, comply with, and undertake all other activities required by any general storm water permit applicable to such discharges. Also, where any additional BMPs, guidelines or requirements have been adopted by any federal, state of California, regional and/or city agency, for any activity, operation or facility the contractor or person undertaking such activity or operation, or owning or operating such facility shall comply with those additional BMPs, guidelines or requirements as may be identified by the director of public works/city engineer (Ord. 407 §3(part), 1996; Ord. 392 §2(part), 1994).

G. City of Brisbane Tree Ordinance

Section 12.12.040 of the Brisbane Municipal Code states that it is unlawful for any person to destroy, remove, or cause to be destroyed or removed, any protected tree in the city without first having obtained a permit. Protected trees include any California bay, coast live oak, or California buckeye having a main stem or trunk which measures thirty (30) inches or greater in circumference at a height of twenty-four (24) inches above natural grade. Additional definitions

H.1.64.

H.2.71

for a protected tree are described in the municipal code. Section 12.12.050 of the code states that any person who intends to remove a protected tree shall first give written notice of such intention to the city manager. Within three (3) business days after receipt of such notice, the city manager shall advise the person giving the notice as to whether a tree removal permit is required under Section 12.12.040. If no response from the city manager is received within such three (3) day period, the person giving the notice may thereafter contact the city clerk by telephone to inquire regarding the status of the notice. If the city clerk is unable to provide the caller with a response from the city manager by the end of the next business day after receipt of the telephone inquiry, it shall conclusively be presumed that no tree removal permit is required and person giving the notice of intent may immediately proceed with removal of the tree. In addition, where removal of a protected tree has been authorized as part of a development approval granted by the city, no permit shall be required for removal of such tree. (Ord. 413 §1(part), 1997).

None of the trees on site are protected trees as defined by the Brisbane Municipal Code.

VI. RECOMMENDATIONS

A. Protection of Nesting Birds

Activities that may impact nesting birds include tree and shrub removal or trimming and noise produced by grading or construction activity. To avoid or minimize impacts to nesting birds, all vegetation removal and trimming as well as ground disturbing activities should be scheduled to take place outside of the breeding season (outside of February 15 to August 31). However, if construction is unavoidable during the breeding season, a qualified biologist should conduct a survey for nesting birds no more than three days prior to the removal or trimming of any vegetation and prior to the start of ground disturbing activities. If active nests are not present, project activities can take place as scheduled. However, if active nests are detected, CDFG should be contacted on how to proceed. Typically, a buffer will be established around the nest. CDFG usually accepts a 50-foot radius buffer around passerine and non-passerine nests, and up to a 250-foot radius for raptors.

B. Erosion Control and Stormwater Pollution Measures

Earth disturbances associated with construction activities could increase sedimentation and turbidity in storm water runoff and impact water quality of Brisbane lagoon and San Francisco Bay. Erosion control methods and measures for the avoidance of stormwater pollution should be used where appropriate for all earth disturbances to control sediment and minimize potential water quality impacts. Section 13.06.170 of the Brisbane Municipal Code provides best management practices (BMPs) for new developments. The City of Brisbane should be consulted for recommendations on current stormwater pollution guidelines.

C. Compliance with Provisions of the HCP

The project shall comply with the San Bruno Mountain Habitat Conservation Plan Operating Program for Planning Area 2-03. Compliance measures are described above in Section V: Regulatory Considerations. This biological assessment report fulfills the requirement for an environmental assessment (Item 4a of the Operation Program described above).

H.2.72

VII. REFERENCES

- California Department of Fish and Game (CDFG). 2006a. *State and Federally Listed Endangered, Threatened, and Rare Plants of California*. Natural Heritage Division, Natural Diversity Data Base. January.
- California Department of Fish and Game, Natural Diversity Database (CDFG). 2006b. *Special Vascular Plants, Bryophytes, and Lichens List*. Quarterly publication, Mimeo. 97pp. January.
- California Department of Fish and Game (CDFG). 2006c. *State and Federally Listed Endangered and Threatened Animals of California*. Natural Heritage Division, Natural Diversity Data Base. January.
- California Native Plant Society (CNPS). 2006. *Electronic Inventory of Rare and Endangered Vascular Plants of California*. Sacramento, California. Viewed September 4, 2007 at: <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>
- California Natural Diversity Database (CNDDB). 2007. California Department of Fish and Game. September.
- Corelli, T. and Z. Chandick. 1995. *The Rare and Endangered Plants of San Mateo and Santa Clara County*. Half Moon Bay, CA. Monocot Press.
- Natural Resources Conservation Service (NRCS). 2007. National Cooperative Soil Survey. Viewed on October 11, 2007 at <http://websurveys.nrcs.usda.gov/app/>
- Thomas Reid Associates. 1982. Endangered Species Survey San Bruno Mountain. Biological Study 1980-1981. Prepared for San Mateo County. May.
- Thomas Reid Associates. 1986. San Bruno Mountain Area Habitat Conservation Plan, Volumes One and Two. Prepared for San Mateo County. September.
- TRA Environmental Sciences. 2007. San Bruno Mountain Habitat Management Plan. Prepared for San Mateo County. July.
- U.S. Fish and Wildlife Service (USFWS). 2006a. *USFWS Threatened and Endangered Species System (TESS), Vertebrates and Invertebrates*. Viewed on September 4, 2007 at: http://ecos.fws.gov/tess_public/SpeciesReport.do?dsource=animals
- U.S. Fish and Wildlife Service (USFWS). 2006b. *USFWS Threatened and Endangered Species System (TESS), Plants*. Viewed on September 4, 2007 at: http://ecos.fws.gov/tess_public/SpeciesReport.do?dsource=plants

H. 2. 74

The current, developed state of the majority of the property and the disturbed and ruderal status of the remaining undeveloped habitat limits the potential for this site to contribute to the HCP's goal for the City of Brisbane of 40 percent Conserved Habitat within the Brisbane Acres.

There is a very low potential for the site to serve as a movement corridor for listed butterflies. If restored with native, butterfly nectar plants, the potential for butterfly usage has a very slim likelihood to increase. In the absence of maintenance however, this area if restored would convert back to weeds within a couple of years due to a persistent soil seed bank of non-native species and neighboring weed seed sources. Restoring this strip of land would not be significantly beneficial when considering the cumulative effect of other lands in the area being conserved and managed due to its location and small size. It is thus recommended that the best management of this area is removal and then subsequent control of woody non-native vegetation (primarily French broom). This would reduce the fuel load (and hence increase the fire buffer currently maintained east of Joy Avenue) as well as allowing for increased cover of non-native herbaceous plants such as thistles and radish that can be used as a nectar source by listed butterflies in the unlikely chance that butterflies do move through the area.

D. Control of Invasive Non-native Species

Although the site is already dominated by non-native plants, it is recommended that only native and/or non-invasive species be used in landscaping in order to prevent further invasion of these species onto nearby open-space areas. The California Invasive Plant Council (Cal-IPC, 2006) has compiled a list of those species that are most invasive and pose the greatest threat to native vegetation. Non-native species that are popular ornamentals and of particular concern on San Bruno Mountain include French broom, Portuguese broom (*Cytisus striatus*), Monterey pine (*Pinus radiata*), and cotoneaster (*Cotoneaster* sp.).

H. 1. 65.

H. 2. 73

Appendix A. Representative Photos of the Project Site, Taken September 20, 2007

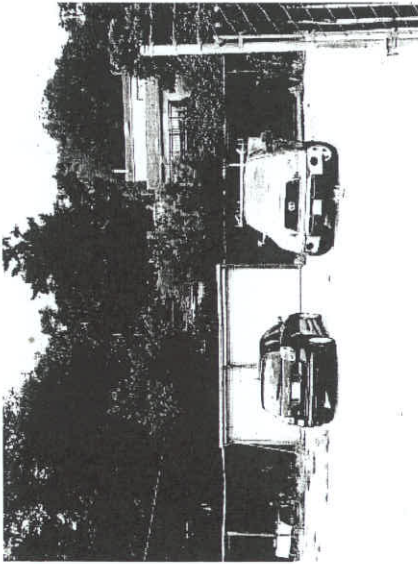


Figure 1. View from property entrance on Bayshore, facing west. Proposed project would be built in pictured contractor's yard and garage.

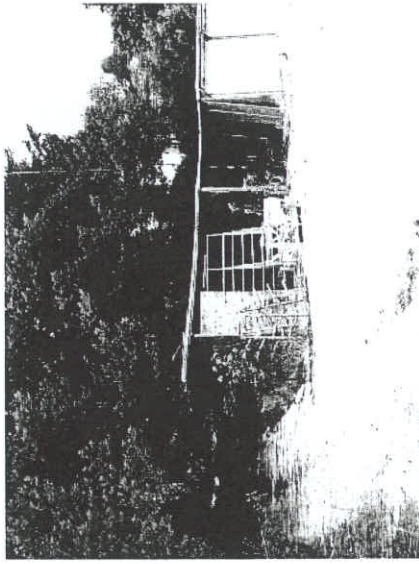


Figure 2. North side of contractor's yard, with driveway that leads up to the existing house.

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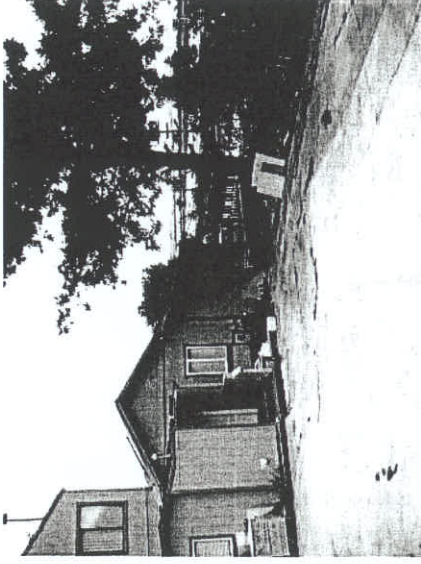


Figure 3. Existing home and parking area.



Figure 4. View of parking area between home (right side of photo) and shed (left side).

H.2.75

H.2.76



Figure 5. Shed that is located across from the house. Shed sits along the site's southern property boundary.

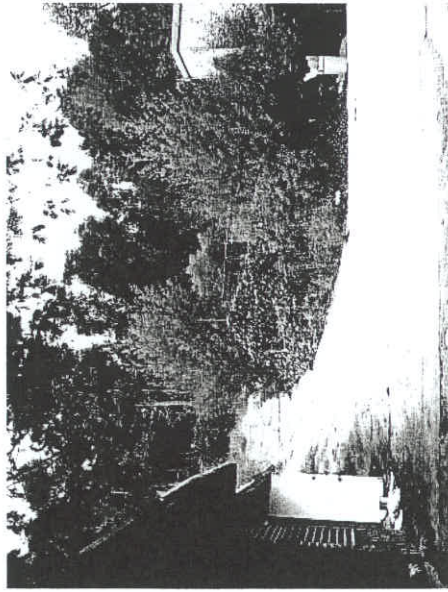


Figure 6. View standing next to shed and facing west toward the end of the site.

H.1.67.

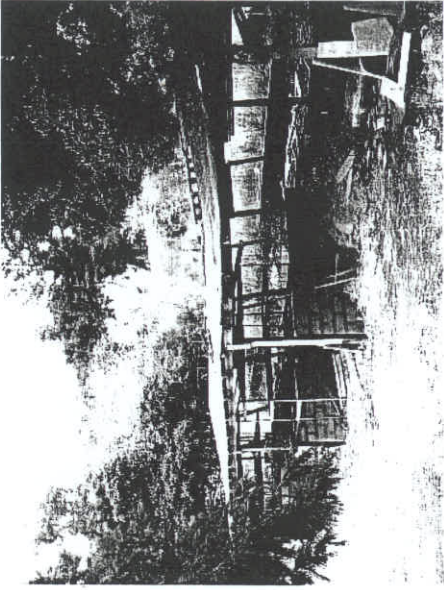


Figure 7. Material storage structure at top of property.



Figure 8. Property between the material storage structure and western property boundary, facing north.

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H.2.78



Figure 9. View northeast from upper property boundary.

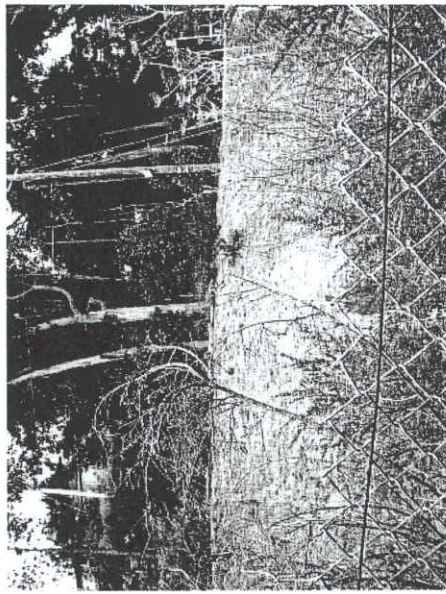


Figure 10. View over western property boundary to neighboring land.

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Appendix B. Species Observed Onsite, September 20, 2007

Wildlife

- Raven (*Corvus corax*)
- Western scrub jay (*Aphelocoma californica*)

Plants- This is not a complete species list for the site due to the timing of the site visit. Some species, such as grasses, could not be identified.

All species listed below are non-native:

- Algerian ivy (*Hedera canariensis*)
- Two Acacia species (presumably *A. melanoxylon* and *A. baileyana*)
- Black mustard (*Brassica nigra*)
- Curly dock (*Rumex crispus*)
- Loquat (*Eriobotrya japonica*)
- Bristly ox-tongue (*Pteris echioides*)
- Cape ivy (*Senecio mikanioides*)
- Douglas fir (*Pseudotsuga menziesii*) not native to San Bruno Mountain
- English ivy (*Hedera helix*)
- Fennel (*Foeniculum vulgare*)
- French broom (*Genista monspessulana*)
- Himalayan blackberry (*Rubus discolor*)
- Non-native thistles
- Ornamental rose, cactus, geranium, juniper
- Rattlesnake grass (*Briza maxim*)
- Red valerian (*Centranthus ruber*)
- Vetch (*Vicia sativa*)
- Wild oat (*Avena fatua*)
- Wild radish (*Raphanus raphanistrum*)

H.2.80

Appendix C. Answers to CEQA Initial Study Checklist – Biological Resources Section

Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact with Mitigation Incorporated. No sensitive plant or wildlife species were determined to have potential to occur onsite. Raptors, passerine and non-passerine birds, protected under the Migratory Bird Treaty Act have some potential of nesting onsite. Impacts to nesting birds within the project area will be reduced to less than significant with the incorporation of Mitigation Measure BIO1:

Mitigation Measure BIO1: Protection of Nesting Birds

To avoid or minimize impacts to nesting birds, all tree trimming and brush removal as well as ground disturbing activities should be scheduled to take place outside of the breeding season (February 15 to August 31). However, if construction is unavoidable during the breeding season, a qualified biologist should conduct a survey for nesting birds no more than three days prior to the removal or trimming of any tree or brush and prior to the start of ground disturbing activities. If active nests are not present, project activities can take place as scheduled. However, if active nests are detected, CDFG should be contacted on how to proceed. Typically, a buffer will be established around the nest. CDFG usually accepts a 50-foot radius buffer around passerine and non-passerine nests, and up to a 250-foot radius for raptors.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or the US Fish and Wildlife Service?

No Impact. Habitat present within the project area includes disturbed, ruderal habitat. There are no plant communities on site identified as sensitive in local or regional plans, policies, and regulations or by the California Department of Fish and Game or the US Fish and Wildlife Service. The project area is not within any areas designated as riparian habitat.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The proposed project will occur in an area that is already developed. Remaining habitat on site is ruderal. The project site does not contain wetlands.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

H. 2. 81

No Impact. Wildlife species such as birds and mammals may come onto the property to forage or nest, however the site is bound by development to the north, south, and east and therefore does not serve as a significant corridor for wildlife movement. As the majority of the property is already developed, current plans to expand development within the existing contractor's yard will not impact wildlife movement through or onto the site.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Trees on site are not protected trees as defined by the City of Brisbane.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact with Mitigation Incorporated. The project site is located within the San Bruno Mountain Habitat Conservation Plan, and falls under the Operating Program for Planning Area 2-03 (Brisbane Acres). Mitigation Measure BIO2 includes all measures defined under the San Bruno Mountain HCP Operating Program for the Brisbane Acres.

Mitigation Measure BIO2: Adherence to San Bruno Mountain HCP Operating Program for Planning Area 2-03

1. Compliance with mitigation measures set forth in the Operating Program for Management Unit 2-03-01.
2. Compliance with the Planning Assistance requirements set forth in the Operating Program for Management Unit 2-03-01.
3. Participating in the regulatory provisions and Funding Program of the HCP.
4. Prior to any grading and/or development project and/or the removal or damage of or use of pesticides on vegetation in excess of 500 square feet in any calendar year in the Brisbane Acres:

(c) an environmental assessment must be prepared (this biological assessment fulfills that requirement). Any such environmental assessment must describe the impacts on habitat of the mission blue and callippe silverspot and must discuss mitigation measures. Notice of development and/or grading proposals and copies of all environmental documents must be sent to the California State Department of Fish and Game, the U.S. Fish and Wildlife Service and the Plan Operator, and

(d) the landowner must demonstrate that approval of the grading and/or development proposal is consistent with protecting 40 percent of the Brisbane Acres as Conserved Habitat. The landowners must demonstrate consistency through the use of one or more of the following mitigation measures:

- i. dedication of habitat easements, open space in fee and/or transfer of allowed density to other parcels in the Brisbane Acres
- ii. acquisition of off-site parcels for dedication as permanent Conserved Habitat
- iii. clustering of development
- iv. imposition of landscaping restrictions on undeveloped portions of sites to retain natural vegetation

H. 2. 82

H. 1. 69.

- v. voluntary merging of parcels to permit clustered development and habitat protection
 - vi. grading plans which are designed to minimize habitat destruction
 - vii. development siting standards to preserve broad corridors of natural habitat
 - viii. reclamation plans for temporarily disturbed areas.
5. Require, through covenants, conditions and restrictions (CC&Rs), that future owners observe general provisions regarding protection of Conserved Habitat.
6. Submit the final grading plan used to obtain a grading permit and a revegetation plan to the Plan Operator for review. The plan shall provide for temporary fencing to protect all adjacent Conserved Habitat.

H.2.83

Management Unit 2-03-20

This Management Unit is located at 3832-3836 Bayshore Boulevard (APN 007-553-180). The property is a half-acre site under the ownership of Lun Hong Wong. The property currently supports a contractor's yard, a single-family house, and associated structures. A 2,753 sq. ft. warehouse/showroom with three dwelling units on top is proposed to be built in the existing contractor's yard. This Management Unit was originally included in Management Unit 2-03-01 of the Final San Bruno Mountain Habitat Conservation Plan, Volume Two (TRA 1986; on file with the City of Brisbane). As such, the below-listed obligations apply. Additionally, obligations specific to Management Unit 2-03-20 are detailed.

1. Compliance with mitigation measures set forth in the Operating Program for Management Units 2-03-01.
2. Compliance with the Planning Assistance requirements set forth in the Operating Program for Management Units 2-03-01.
3. Participating in the regulatory provisions and Funding Program of this HCP. Upon occupancy, the Landowner shall pay a per-unit annual assessment of \$20.00 per year (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B of the Final San Bruno Mountain Habitat Conservation Plan for details of funding and timing.
4. Prior to any grading and/or development project and/or the removal or damage of or use of pesticides on vegetation in excess of 500 square feet in any calendar year in the Brisbane Acres:
 - (a) an environmental assessment must be prepared. Any such environmental assessment must describe the impacts on habitat of the Mission Blue and Callippe Silverspot and must discuss mitigation measures. Notice of development and/or grading proposals and copies of all environmental documents must be sent to the California State Department of Fish and Game, the U.S. Fish and Wildlife Service and the Plan Operator, (see 7, below) and
 - (b) the Landowner must demonstrate that approval of the grading and/or development proposal is consistent with protecting 40% of the Brisbane Acres as Conserved Habitat, as Open Space acquired in-fee by the City of Brisbane through density transfers, or under Habitat Easements held by the County or the City of Brisbane. The Landowners may demonstrate consistency through the use of one or more of the following mitigation measures:
 - (i) dedication of habitat easements, open space in fee and/or transfer of allowed density to other parcels in the Brisbane Acres (see 8, below)
 - (ii) acquisition of off-site parcels for dedication as permanent Conserved Habitat
 - (iii) clustering of development
 - (iv) imposition of landscaping restrictions on undeveloped portions of sites to retain natural vegetation (see 7, (d) & 8, below)
 - (v) voluntary merging of parcels to permit clustered development and habitat protection

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- (vi) grading plans which are designed to minimize habitat destruction [see 7. (a), (b) & (c), below]
- (vii) development siting standards to preserve broad corridors of natural habitat
- (viii) reclamation plans for temporarily disturbed areas.

- 5. Require through CC&Rs that future owners observe general provisions regarding protection of Conserved Habitat
- 6. Submit the final grading plan used to obtain a grading permit and a revegetation plan to the Plan Operator for review. The plan shall provide for temporary fencing to protect all adjacent Conserved Habitat.

Additional obligations specific to Management Unit 2-03-20:

- 7. Compliance with recommended measures provided in the Biological Assessment prepared for the property (TRA, Nov. 13, 2007; on file with the City of Brisbane), including:

(a) Protection of Nesting Birds. Activities that may impact nesting birds include tree and shrub removal or trimming and noise produced by grading or construction activity. To avoid or minimize impacts to nesting birds, all vegetation removal and trimming as well as ground disturbing activities should be scheduled to take place outside of the breeding season (outside of February 15 to August 31). However, if construction is unavoidable during the breeding season, a qualified biologist should conduct a survey for nesting birds no more than three days prior to the removal or trimming of any vegetation and prior to the start of ground disturbing activities. If active nests are not present, project activities can take place as scheduled. However, if active nests are detected, CDFG should be contacted on how to proceed. Typically, a buffer will be established around the nest. CDFG usually accepts a 50-foot radius buffer around passerine and non-passerine nests, and up to a 250-foot radius for raptors [see 4. (b)(vi), above].

(b) Erosion Control and Stormwater Pollution Measures. Earth disturbances associated with construction activities could increase sedimentation and turbidity in storm water runoff and impact water quality of Brisbane lagoon and San Francisco Bay. Erosion control methods and measures for the avoidance of stormwater pollution should be used where appropriate for all earth disturbances to control sediment and minimize potential water quality impacts. Section 13.06.170 of the Brisbane Municipal Code provides best management practices (BMPs) for new developments. The City of Brisbane should be consulted for recommendations on current stormwater pollution guidelines [see 4. (b)(vi), above].

(c) Control of Invasive, Non-native Plants. The site shall be maintained free of invasive non-native plant species, including French broom (refer to the California Invasive Plant Council's list for other invasive non-native species). A landscape maintenance agreement containing these requirements shall be recorded against the property [see 4. (b)(iv) & 5, above].

(d) Compliance with Provisions of the HCP. The project shall comply with the San Bruno Mountain Habitat Conservation Plan Operating Program for Planning Area 2-03.

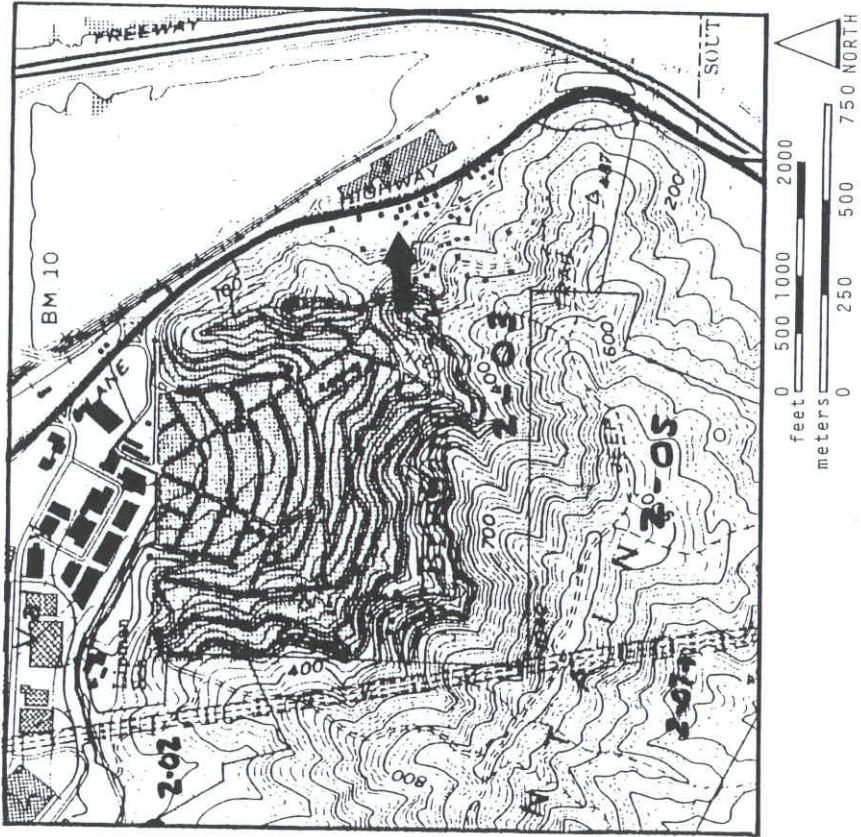
- 8. Creation of a Habitat Easement Over Undeveloped Portion of Parcel. The Landowner shall agree to create a habitat easement over the undeveloped upper portion of the property, excluding any required fire buffer. The habitat easement shall be created by the Landowner prior to issuance of a grading permit from the City of Brisbane [see 4. (b)(i) & (iv), above].

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H. 2. 86

FIGURE 2-03 B, BRISBANE ACF
PARCEL TOPOGRAPHY



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SOURCES: Thomas Reid Associates from
USGS Quad Map and Landowners
Maps.

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VII - 160

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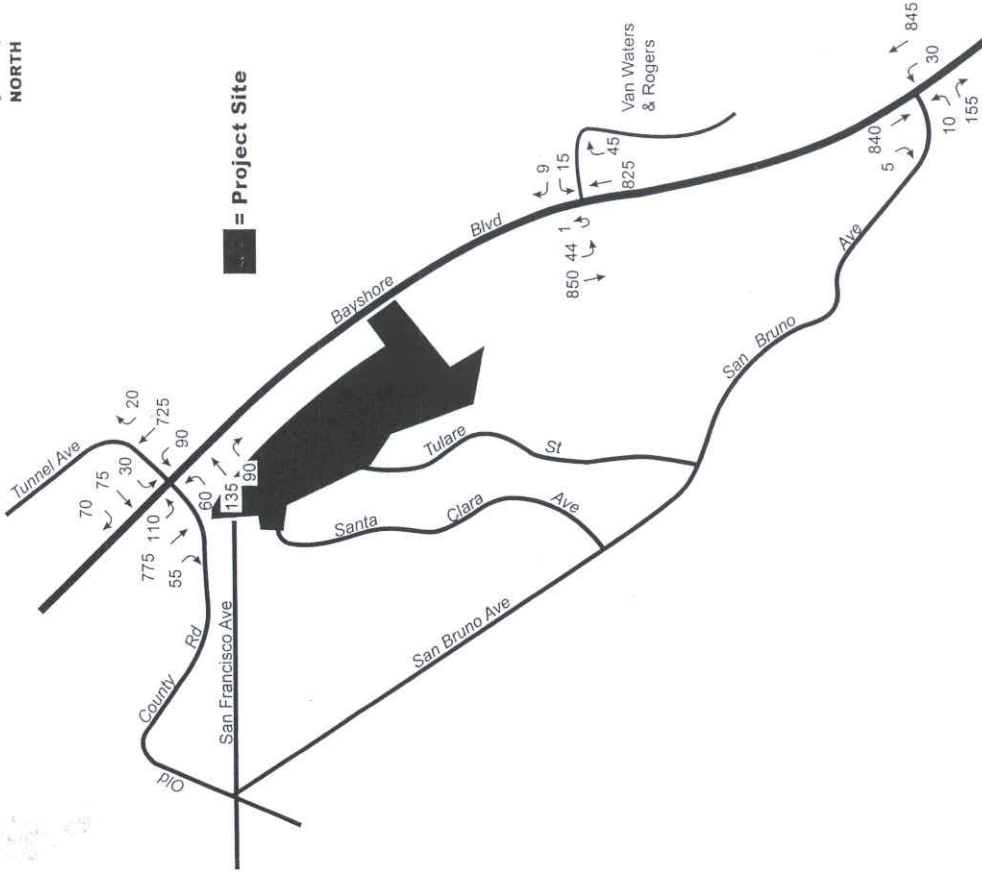


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TRAFFIC AND TRANSPORTATION PLANNING AND ENGINEERING

Not To Scale
NORTH

■ = Project Site



Nijem Subdivision Traffic Study

Figure 4
Existing
AM Peak Hour Volumes



CRANE TRANSPORTATION GROUP

H.2.9.2

TRAFFIC IMPACT REPORT

NIJEM SUBDIVISION
IN BRISBANE, CALIFORNIA

July 22, 2008

Prepared for: Mr. Hamdi Nijem

Prepared by: Mark D. Crane, P.E.
California Registered Traffic Engineer (#1381)
CRANE TRANSPORTATION GROUP
2621 E. Windrim Court
Elk Grove, CA 95758
(916) 647-3406

H.2.9.1

H.1.73

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the Explanation/Information Sources cited. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) The explanation of each issue should identify the significance criteria or threshold, if any, used to evaluate each question; and the mitigation measure identified, if any, to reduce the impact to less than significance
- 4) An answer of "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 5) An answer of "Less than Significant Impact" is appropriate *only* in the event there is no substantial evidence that an effect is significant.
- 6) An answer of "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from a "Potentially Significant Impact" to a "Less than Significant Impact." A description of the mitigation measures is required, along with an explanation of how they reduce the effect to a less than significant level (mitigation measures from a previous analysis may be cross-referenced).
- 7) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. When an earlier analysis is used, the initial study shall:
 - a) **Reference earlier analyses used.** Identify earlier analyses. Unless noted otherwise, all previous environmental documents are available at the City of Brisbane Community Development Department.
 - b) **Note impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Identify mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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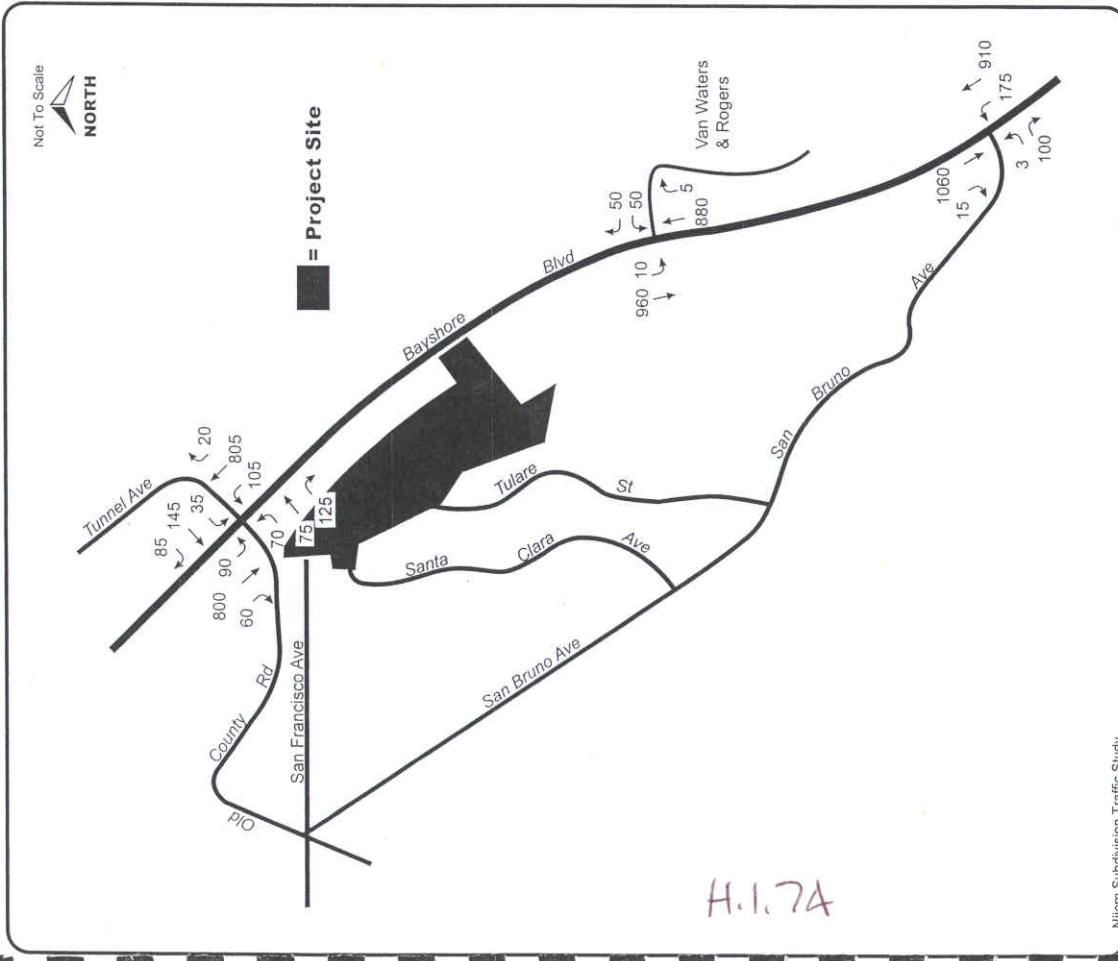


Figure 5
Existing
PM Peak Hour Volumes

Nilom Subdivision Traffic Study



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H.2.93

H.1.7A



San Bruno Mountain
State & County Park
(North Slope)

Extended Stretch of
San Bruno Avenue

Bayshore Boulevard-San Bruno Mountain State & County Park
View Corridor Boundaries

Extended Stretch of
Bayshore Boulevard

San Bruno Avenue-
Brisbane Lagoon
View Corridor Boundaries
(San Francisco Bay beyond)

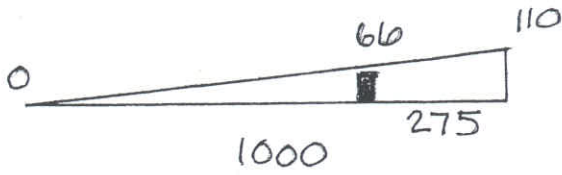
STAFF'S VISUAL IMPACT ANALYSIS

SCALE: 1 INCH = 400 FEET

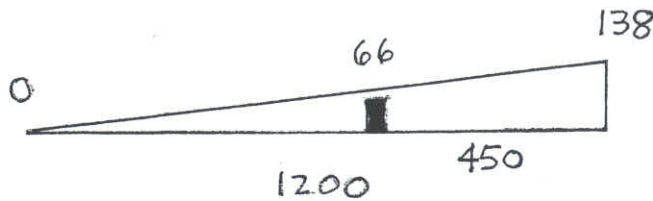
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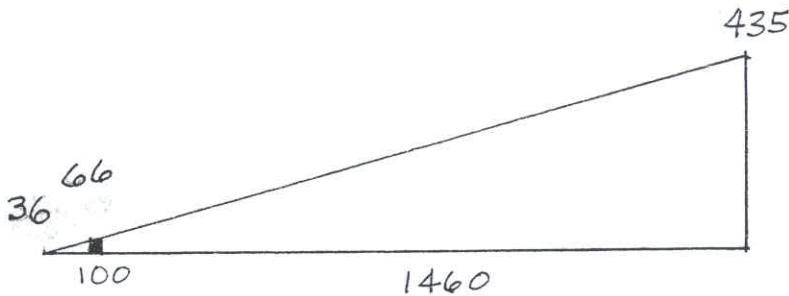
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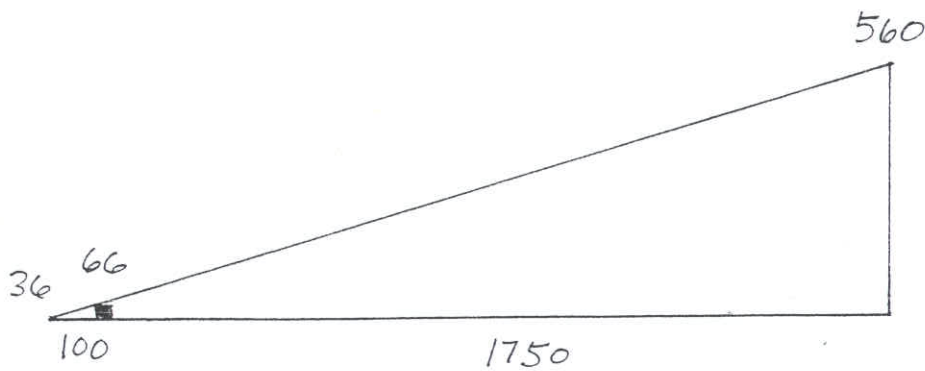
A. San Bruno Ave → Brisbane Lagoon (North)



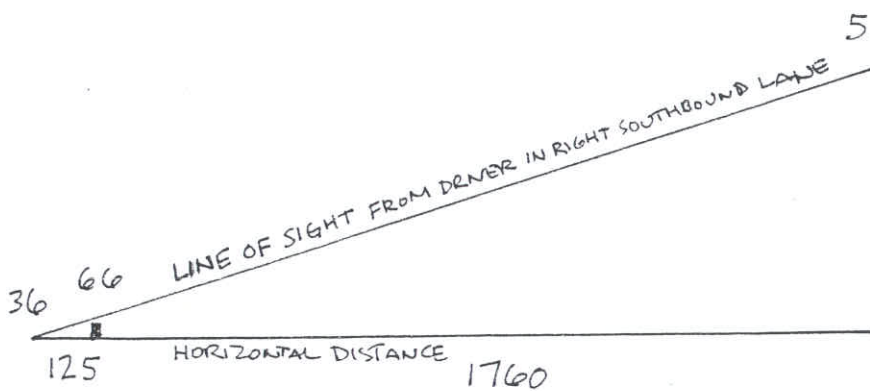
B. San Bruno Ave. → Brisbane Lagoon (South)



C. Bayshore Blvd. → San Bruno Mountain State & County Park (Glady's Ravine)



D. Bayshore Blvd. → San Bruno Mtn. State & Co. Park (East Ridgeline)



E. Bayshore Blvd. → San Bruno Mtn. State & Co. Park (North Boundary)

1" = 400'

STAFF'S VISUAL IMPACT ANALYSIS

H.2.107 H.1.76.

FRANK LEE & ASSOCIATES
GEOTECHNICAL CONSULTANTS
348 CAMPHOR AVENUE, FREMONT, CALIFORNIA 94539
(510) 676-5859 (C)

May 17, 2010
Job No: 11509-S1

Ms. Sonia Wong
234 Balboa Street
San Francisco, California 94005

SUBJECT: SOIL AND FOUNDATION INVESTIGATION
Proposed New Three Units Mix-Use Building
3836 Bayshore Blvd
Brisbane, California 95005

Dear Ms. Sonia Wong:

We have enclosed with this letter three copies of our Soil and Foundation Investigation of the subject property located at 3836 Bayshore Blvd, in Brisbane, California. This study was completed in accordance with your authorization. The accompanying report presents our opinion that the site is suited for the proposed construction provided the recommendations contained therein are incorporated into the development plans, specifications and construction. This report should not be interpreted to be a geologic investigation of the site.

Please do not hesitate to call us if you have any questions or if we can be of any other service. Thank You.

Very truly yours,

Frank Lee & Associates

Frank Lee
Frank Lee
Professional Engineer CE34975

Copies: Addressee (3)



SOIL AND FOUNDATION INVESTIGATION
PROPOSED NEW THREE UNITS MIXED-USE BUILDING

3836 Bayshore Blvd
Brisbane, California 95005

Report prepared for
Ms. Sonia Wong
234 Balboa Street
San Francisco, California 94118

Job No. 11477-S1

FRANK LEE & ASSOCIATES

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SOIL AND FOUNDATION INVESTIGATION

3836 Bayshore Blvd
Brisbane, California

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INTRODUCTION

This report presents our findings, conclusions, and recommendations regarding our soil and foundation investigation for the subject site located at 3836 Bayshore Blvd, in Brisbane, California. The scope of our work included a surface site reconnaissance; the drilling, inspection and logging of 2 exploratory borings to investigate subsurface soil conditions; recovery of selected soil samples from the borings for laboratory testing; soil engineering analysis of the data gathered during the investigation; and preparation of this report, including a summary of our findings, conclusions, and recommendations. The data obtained and the analyses performed were for the purpose of investigating the strength characteristics of the soils at the site as a basis for making site grading and foundation design recommendations.

SITE DESCRIPTION

The proposed new three units mixed-use building consists of a approximate rectangular-shaped parcel of approximately 7,500 square feet, located on the southwest side of Bayshore Blvd, in Brisbane, California as shown on the Site Vicinity Map. At the time of our

ATTACHMENTS:

- Plate 1: Site Vicinity Map
- Plate 2: Generalized Site Plan
- Table A: Laboratory test Results Summary
- Table B: Summary of Atterberg Limits
- Appendix 315 Boring Logs and Key to Boring Logs

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field investigation the site was occupied by an existing ~~new~~ one story building. The slope on the project site is generally flat.

PROPOSED DEVELOPMENT

It is our understanding that you intend to remove the existing building and construct a three story new three units mixed-use building on the subject site.

FIELD INVESTIGATION

A soil exploration field investigation was performed at the site on November 12, 2009 under the direction of the Soil Engineer. The investigation consisted of a surface site reconnaissance, and the drilling, sampling and logging of two exploratory test borings to a maximum depth of 22 feet at the approximate locations shown on the Generalized Site Plan. A truck drill rig equipped with continuous-flight augers were used to drill the test borings. Relatively undisturbed soil samples were taken at selected depths from the borings with a California modified soil sampler using 2-1/2-inch outside-diameter brass liners. The samples were sealed in the field and returned to the laboratory. Upon completion of our investigation at the site, the borings were backfilled with cement materials.

SITE SOIL CONDITIONS

Surface soil at the site consists of brown sandy clay. This sandy

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clay was generally moist, stiff and of low to moderate plasticity and extended to about 6 feet on boring 1 and 12 feet on boring 2, the sandstone rock fragment was encountered. This sandy clay with sandstone rock fragment was generally moist hard and of low to moderate plasticity and extended to the bottom of the both borings. The materials encountered in the borings are described in detail on the boring logs in appendix A.

GROUND WATER

Ground water was not encountered in both borings. However, ground water conditions generally fluctuate seasonally and annually but they are not expected to approach the ground surface close enough to be a concern for foundation design or performance of the building.

LIQUEFACTION

Liquefaction by definition is the transformation of the granular material (unconfined, clean, loose saturated fine sand) from a semi-solid state to a semi-liquid state. This transformation usually occurs under vibratory conditions such as those generated by an earthquake. Because of the stiff sandy clay and shallow rock condition and did not fine the loose fine sand at the site, therefore the potential for liquefaction at the site is thought to be low.

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SEISMICITY

As with most of the San Francisco Bay Area, the proposed site is within a region of high seismic activity dominated by continued movement on the San Andreas fault. Our review of geologic maps indicates that the site is located approximately 4.5 miles Northeast of the San Andreas Fault. The site is not located within a State of California Special Studies Zone. Such zones were delineated by the State Geologist along active earthquake faults.

Based on the 2007 CBC Code, the values are as follows:

Site Latitude	37.688113
Site Longitude	-122.394255
Site Class B	Fa=1.0, Fv=1.0
Ss	1.608
S1	0.814
Site Class E	Fa=0.9, Fv=2.4
SMS	1.447
SM1	1.954
SDs	0.965
SD1	1.303

LABORATORY INVESTIGATION

A laboratory testing program was performed to investigate the physical and engineering properties of the soil at the site. A majority of the relatively undisturbed soil samples were tested to

determine their moisture content and dry densities. One laboratory direct shear test and one unconfined compression test were performed on selected soil samples and one plasticity Index Test on near surface sample. The results of laboratory testing are presented in the Table.

CONCLUSIONS AND RECOMMENDATIONS

General

1. The project site is suitable for the proposed development provided the recommendations set forth in this report are incorporated into the design considerations, project plans and specifications. The existing site organic-free soils are suitable to be used for engineering fill.

2. The potential for expansive soils at the site is considered to be low to moderate.

Grading

3. The placement of fill and control of grading operations at the site shall be done in accordance with the recommendations of the report.

4. **FRANK LEE & ASSOCIATES** Must perform the necessary inspection services during construction of this project to ensure uniformity with the conditions upon which these recommendations are based.

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FRANK LEE & ASSOCIATES shall be notified at least 2 (two) days before any grading begins at the site to coordinate work in the field with the contractor.

5. Any existing structures shall be removed prior to any grading operations. This includes such things as concrete blocks, foundations, asphalt, utilities, pipelines, and tanks. These objects shall be accurately located on the grading plans to assist the Field Engineer in establishing proper control over their removal or relocation.

6. All organic surface material and debris, including grass, weeds or trees, shall be stripped minimum of six inch prior to any grading operations from all areas that are to receive engineered fill (the exact depth of required stripping shall be determined in the field). These organically-contaminated soil may be stockpiled for later use as landscaping material. After stripping of the organic surface material, the native soil must be scarified a minimum of 12 inches and recompacted to a minimum of 90 percent relative compaction.

7. Depressions left by the removal of any surface or subsurface structures shall be cleaned of all debris, and backfilled with compacted engineered fill. The material shall be placed in lifts not exceeding 8 inches in uncompacted thickness, and compacted to

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a minimum degree of compaction of 90 percent as determined by ASTM D1557-78. The upper 6 inches of subgrade soils beneath pavements shall be compacted to a minimum of 95 percent. This operation must be conducted under the observation of FRANK LEE & ASSOCIATES.

8. After removing all the surface and subsurface structures, and after stripping off the organically-contaminated surficial soil, the areas that will receive fill shall be ripped by machine to an average depth of at least 8 inches and thoroughly stripped of roots, vegetation, and other deleterious materials.

9. Following the structure removal, the stripping operations, and the ripping procedures, the native soil, wherever engineered fill will be placed, shall be properly compacted. Any loose fill material or wet soil present on the site in areas that will or may affect the proposed structures shall be over-excavated (as determined by the field engineer) and recompacted before placement of engineers fill.

Subgrade Preparation

10. The building pad should be compacted to not less than 90 percent relative compaction in accordance with the ASTM D1557-78. All engineered fill, whether native or imported soil, shall be placed in uniform horizontal lifts of not more than 8 inches in uncompacted thickness and shall be compacted to not less than 90

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percent relative compaction. Before compaction begins, the soil shall be brought to approximate optimum moisture content that will permit proper compaction by either aerating the material if it is too wet, or spraying the material with water if it is too dry. Each lift shall be thoroughly mixed before compaction to assure a uniform distribution of water content. When the fill material includes rocks, nesting of rocks shall not be permitted, and all voids must be carefully filled and properly compacted. No rocks larger than 4 inches in diameter shall be used for the top two feet of fill.

11. Imported soil materials shall be a soil or soil-rock mixture which is free from organic matter or other deleterious substances and have a plasticity index less than 12. The fill material shall not contain rocks or clumps of soil greater than 6 inches in dimension, and not more than 15 percent larger than 2-1/2 inches in greatest dimension. All borrow materials must be approved by FRANK LEE & ASSOCIATES before being brought to the site.

Treatment After Completion of Grading

12. After grading is completed and the Field Engineer has finished his observation or the grading work, no further excavation or filling shall be done except with the approval of and under the observation of the Field Engineer.

13. It shall be the responsibility of the Grading Contractor to prevent erosion of freshly graded areas during construction and until such time as permanent drainage and erosion control measures have been installed.

14. Underground utility trenches shall be backfilled with compacted engineered fill. If onsite soil is utilized, the material shall be placed in lifts not exceeding 8 inches in uncompacted thickness and compacted to a minimum of 90 percent relative compaction by mechanical means only.

Foundation Recommendations

15. The three story new three units mixed-use building structural should be a concrete mat slab with a perimeter continuous footing to control moisture migration. The mat foundation systems should be designed to impose a dead plus live pressure of 2000 psf. The allowable pressure may be increased by 1/3 for wind and seismic loads. The mat should be sufficiently thick to uniformly spread the concentration loads imposed by the building columns. The mat should be designed for a modulus of subgrade reaction value of 150 psi per inch. The value is for a one foot square area and the size of the mat has not been taken into consideration.

16. FRANK LEE & ASSOCIATES shall inspect all the excavations for the foundation prior to the pouring of the concrete.

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17. We do not anticipate appreciable settlement; however, slight settlement shall be considered in the design of the foundation. We estimate the total settlement of the foundation should not exceed 1 inch.

Resistance to Lateral Forces

18. Spread footing foundations resist lateral earthquake forces through a combination of friction and passive earth pressure. For design purposes, it is recommended that a coefficient of friction of 0.30 be assumed between the base of the footing and the underlying soil. In addition, a passive equivalent fluid pressure of 250 pcf can be assumed to act against the embedded portion of the footing. These design parameters assume that the footings will bear on and against native soil or compacted imported materials.

Retaining Walls

19. Retaining Walls Constructed at the site must be design to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. We recommend that unrestrained walls with a level surface or with a sloping surface flatter than 4:1 be designed to resist an equivalent fluid pressure of 40 pounds per cubic foot. Where the sloping surface is at an inclination of 2:1, the unrestrained walls should be designed to resist an equivalent

fluid pressure of 60 pounds per cubic foot. For walls with a sloping surface at an inclination of between 4:1 and 2:1, a straight line interpolation between 40 and 60 pounds per cubic foot. We recommend that restrained walls be designed to resist the equivalent fluid pressures given above plus an additional uniform lateral pressure of 8 H pounds per square foot where H = Height of backfill above the top of the wall footing in feet. If the designer determines that there are any additional surcharge loads on the walls, they should be designed for an additional uniform lateral pressure equal to on-third or on-half of the maximum anticipated surcharge loads, depending upon whether the wall is unrestrained or restrained.

20. In designing for allowable resistive lateral earth pressures (passive) 250 pounds equivalent fluid pressure should be used where the wall is founded in natural soils or compacted engineered fill.

21. A coefficient of friction of 0.35 may be used for retaining wall design.

22. The above values assume a drained condition, and a moisture content compatible with those encountered during our investigation. To promote further drainage, a layer of at least 1 foot of gravel or drain rock and filter fabric should be placed between the

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facility and the retained material. Perforated pipes (perforations down) should be included in the design to conduct the water from behind the retaining structure. Suitable outfall locations for drainage facilities should be chosen to minimize potential erosion.

23. Retaining wall footings shall be at a minimum depth of 18 inches, with a level front ground surface, or at a minimum of 24 inches, with a sloping front surface, as long as the slope does not exceed 6:1 (horizontal to vertical). allowable bearing pressure for retaining wall design shall be 2,500 psf. If the retaining wall footing will be on slope, we will provide the additional recommendations.

Temporary Shoring

24. Temporary slopes higher than 4 feet should be laid back or shored in conformance with OSHA standards. All temporary slopes and shoring design are the responsibility of the contractor.

25. Shoring should be designed to resist lateral earth pressures and additional traffic surcharge loading as outlined in the Retaining Walls section of this report.

Slab-on-Grade Construction

26. Where slabs-on-grade are to be constructed, we recommend that the slabs be supported on a minimum of 12 inches of compacted, non-

expansive structural fill and independent from all foundations. Preparation of the natural subgrade soil and placement of the structural fill materials shall be performed in accordance with the preceding recommendations under "Grading". Prior to final construction of the slabs, the subgrade surface shall be compacted to provide a smooth, firm surface for slab support. Slab subgrades should not be allowed to dry and all surface shrinkage cracks should be sealed by soaking prior to slab construction. Slab reinforcing shall be provided in accordance with the anticipated use and loading of the slab, as designed by the Structural Engineer. If the slabs are to be subjected to heavy loading, a subgrade modulus for the on site soil and fill materials of 150 pounds per cubic inch (pci) is considered applicable for design.

27. In areas where floor dampness is undesirable, a moisture barrier should be used. One generally effective system for use in areas not subject to heavy vehicle loading is to install a capillary break consisting of 4 inches of free-draining pea gravel beneath the slab. In order to minimize vapor transmission, an impermeable membrane should be placed over the gravel. The membrane should be covered with a 2-inch layer of sand to aid in curing the concrete and to protect the membrane during construction. The sand should be slightly moistened just prior to concrete pouring. The combined thickness of gravel, membrane and

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sand may be considered as the upper 6 inches of the previously recommended non-expansive fill beneath the slab.

Drainage

28. It is extremely important the strong measures be taken to control and conduct all surface and subsurface waters away from the site so that they do not adversely affect the foundations of the structures, and that all drainage facilities be diligently maintained.

29. Roof drainage downspouts shall be discharged into controlled drainage facilities to keep the water away from the foundation. Hose outlet and watering systems should be arranged in such a way as to prevent excessive moisture from reaching foundation areas, and to safely dispose of the water into an area equipped with suitable energy-dissipating devices, to prevent adverse erosion.

30. The final pad grades shall result in a positive gradient away from the foundation in order to provide rapid removal of storm water and to prevent ponding of water adjacent to the foundation or slabs-on-grade. Six inches of soil may be backfilled against the exteriors of the foundation and graded so that it will assist in the removal of the water.

Future Modification

31. Future modifications of the site should be carefully planned with professional consultation. This is especially true for any construction activity involving water such as swimming pools or landscape irrigation systems.

Future Occupants

32. The recommendations set forth in this report should be presented to all future occupants of the site to ensure their understanding of how they can best maintain the integrity and value of the property.

Investigation Limitations

1. This report has been prepared in accordance with generally accepted Soil Engineering practices. The conclusions and recommendations contained in this report have resulted from Soil Engineering analyses based upon the soil engineer's interpretations of the surface and subsurface soil conditions observed in our test borings at the site, and that the soil conditions at the site do not deviate from those observed. No warranty, expressed or implied, is made. If any unusual soil or geologic conditions are encountered during construction, or if the proposed construction will be other than that for three-story mixed-use building, **FRANK LEE & ASSOCIATES** shall be notified for the supplemental

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SITE VICINITY MAP
 3836 BAYSHORE BLVD
 BRISBANE, CALIFORNIA

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recommendations. This investigation shall not be interpreted as a geologic report of the site.

2. This report is issued with the understanding that it is the responsibility of the owner or owner's representative to ensure that the contents of this report are called to the attention of Architects and Engineers for the project, and that these recommendations are incorporated into the project plans, specifications, and construction.

3. The findings of this report are valid as of the present time; however, the passing of time will change the conditions of the existing property due to natural processes or the works of man. In addition, legislation or the broadening of knowledge may require other recommendations. Accordingly, the findings of this report may be invalidated, wholly or partly, by changes beyond our control. Therefore, this report should not be relied upon after a period of three years without being reviewed by a Soil Engineer.

Very truly your,
Frank Lee & Associates

Frank Lee
Professional Engineer CE34975

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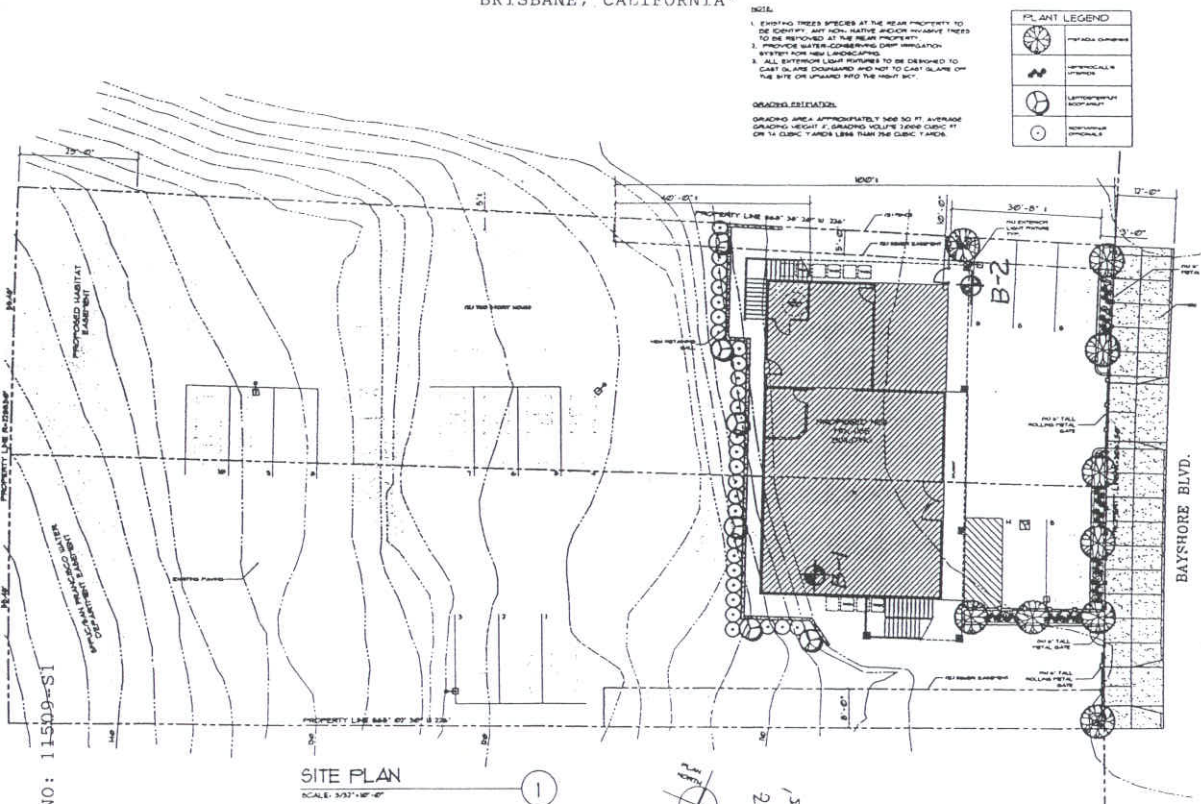
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TABLE A

LABORATORY TEST RESULTS SUMMARY:

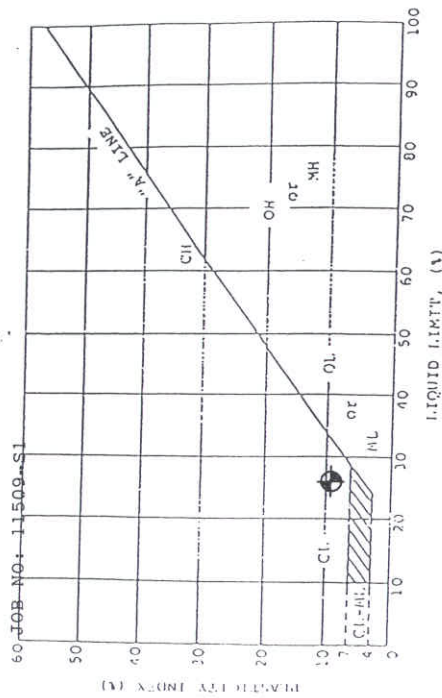
Sample No.	Depth ft.	Moisture %	In-Place Moisture p.c.f.	Dry p.c.f.	Unconfined Compressive k.s.f.	Direct Shear Testing	
						Angle of Internal Friction degrees	Unit Cohesion psf
B-1-1	2.0-2.5	9.5	119.4	119.4		35.9	335
B-1-2	6.0-6.5	13.8	112.6	112.6			
B-1-3	11.0-11.5	10.3	114.4	114.4			
B-1-4							
B-1-5	20.0-20.5	7.9	-----	-----			
B-1-6	21.5-22.0	3.0	-----	-----			
B-2-1	2.0-2.5	14.3	113.0	113.0	5.485		
B-2-2	6.0-6.5	14.0	113.3	113.3			
B-2-3	16.0-16.5	12.9	110.8	110.8			
B-2-4	20.0-20.5	13.8	115.5	115.5			
B-2-5	20.5-21.0	8.5	-----	-----			
B-2-6	25.0-25.5	7.3	117.6	117.6			

GENERALIZED SITE PLAN
3836 BAYSHORE BLVD
BRISBANE, CALIFORNIA



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ATTACHMENT B
SUMMARY OF APPARENT TESTS



SYMBOL	SAMPLE #	DEPTH, FT	LIQUID LIMIT, %	PLASTICITY INDEX, %	USC SYMBOL
	B-2-1	1-1 1/2	26.3	9.5	CL

BORING LOG B-1

JOB NO: 11509-S1

DATE DRILLED: 11/12/09

JOB NAME: 3836 BAYSHORE BLVD. BRISBANE, CA SURFACE ELEV: _____

EQUIPMENT: DRILLING TRUCK

DATUM: _____

HEIGHT OF FALL - IN _____

DRIVE WEIGHT - LB 140

SAMPLE TYPE MC

MC

Sample No.	Blows Per ft.	Moisture Content %	By Weight P. Ct.	Plasticity Index	USC Symbol	Description
MC B-1-1	21	9.5	119.4	CL	CL	BROWN SANDY CLAY MOIST STIFF LOW TO MODERATE PLASTICITY
MC B-1-2	21	13.8	112.6	-6		BROWN SANDY CLAY WITH SOME SANDSTONE ROCK FRAGMENT MOIST STIFF LOW PLASTICITY
MC B-1-3	24	10.3	114.4	-12		BROWN SILTY CLAY WITH SOME ROCK FRAGMENT MOIST STIFF MODERATE PLASTICITY
MC B-1-4	33			-16		SAME NOT RECOVER
MC B-1-5	50	7.9		-20		BROWN SANDSTONE ROCK FRAGMENT MOIST HARD
MC B-1-6	35			-30		BORING TERMINATED AT 22 FEET NO GROUND WATER ENCOUNTERED

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JOB NO: 11509-S1
 JOB NAME: 3836 BAYSHORE BLVD, BRISBANE, CA SURFACE ELEV: _____
 EQUIPMENT: DRILLING TRUCK DATUM: _____

BORING LOG B-2
 DATE DRILLED: 11/12/09
 SAMPLE TYPE _____ DRIVE WEIGHT-LB _____ HEIGHT OF FALL-IN _____
 MC 1.40 - 30

Sample No.	Blows Per Ft.	Moisture Content %	Dry Unit Weight Pcf	Depth in Feet	USCS Classification	Description
MC B-2-1	12	14.3	113.0	0-2	CL	BROWN SANDY CLAY MOIST STIFF LOW MODERATE PLASTICITY
MC B-2-2	22	14.0	113.3	2-6		BROWN SILTY CLAY WITH SOME GRAVEL MOIST STIFF MODERATE PLASTICITY
MC B-2-3	50-5 1/2"			6-10		
MC B-2-4	33			10-12		
MC B-2-5	22	12.9	110.8	12-16		BROWN SANDY CLAY MOIST STIFF MODERATE PLASTICITY
MC B-2-6	50-1"	13.8	115.5	16-20		BROWN SANDSTONE ROCK FRAGMENT MOIST HARD
MC B-2-6	50-2"	8.5		20-21		BORING TERMINATED AT 21 FEET NO GROUND WATER ENCOUNTERED

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