

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of April 1, 2010

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

SUBJECT: **100 Kings Road;** Report on Mitigation Measures per Tentative Parcel Map TPM-1-06 Condition of Approval P

Per State CEQA Guidelines Section 15097(c)(1), Condition of Approval P of Tentative Parcel Map TPM-1-06 for the new single-family residence built on Kings Road at the top of San Mateo Lane requires that a report on the relative success of the mitigation measures required per the Mitigated Negative Declaration be forwarded to the Planning Commission for its information prior to issuance of a Certificate of Occupancy. Six mitigation measures were adopted for this project (see attached), which is nearing completion.

Exterior uplights proposed in the submitted landscape plan were eliminated to avoid glare being directed into the night sky. All other exterior lighting was required by TPM-1-06 Condition E to be low-level and directed downward, away from adjacent properties.

Per Condition O, P. Whitehead and Associates Consulting Engineers prepared the soil report and oversaw the project to see that its recommendations were properly implemented. Per Condition M, all grading was required to comply with the Bay Area Air Quality Management District's standard dust control measures. No dust problems associated with grading of the site were reported. Per Condition N, all grading was required to comply with State and Federal requirements for conservation of prehistoric Native American cultural resources. No Native American cultural resources were found during the course of construction.

The landscape plans submitted for Building Permit issuance were reviewed to delete any proposed exotic pest plant species, to require removal of any existing invasive plants, to provide only fire-resistive plantings within 30 ft. of the west property line, to use pest-resistant landscaping and exclude pest-susceptible landscaping, per Condition F. Although the approved landscaping plan has not been executed in full, the plantings that have been installed to meet the minimum requirements of the Municipal Code appear to comply. French broom and anise that have attempted to re-establish themselves on the upper portion of the property have been required to be removed prior to issuance of the Certificate of Occupancy. No trees were removed between February 15 and August 1, in compliance with Condition H.

MITIGATION MONITORING PROGRAM
TPM-1-06 (100 KINGS ROAD)

Mitigation Measures:	Low-level exterior lighting directed away from adjacent properties and not upward into the night sky
Applicant's Responsibility:	Address in plans to be submitted with Building Permit application
Means of Enforcement:	Tentative Parcel Map conditions imposed on Building Permit
Responsible Department:	Planning Department, Building Inspector
Means/Timing of Reporting:	Regular inspections during construction, and final inspection prior to issuance of Certificate of Occupancy
Standard for Determining Compliance:	Brisbane General Plan Program 22e
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105)

Mitigation 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
Applicant's Responsibility:	Provide contractors with copies of BAAQMD Guidelines
Means of Enforcement:	TPM conditions imposed on Building Permit and Grading Permit
Responsible Department:	Building Inspector, Public Works Department and Bay Area Air Quality Management District
Means/Timing of Reporting:	Regular site inspections during grading and construction
Standard for Determining Compliance:	Bay Area Air Quality Management District CEQA Guidelines, Table 2
Enforcement Procedures and Appeal:	Bay Area Air Quality Management District violations/appeals procedures (also enforcement procedures under Brisbane Municipal Code Section 15.01.330)

Mitigation Measures:	Exclusion of any exotic pest plants from landscaping; control of invasive plants; planting of replacement coast live oak trees, provision of fire-resistant plantings (including oak trees) within 30 ft. of the west property line; use of pest-resistant landscaping and exclusion of pest-susceptible landscaping
Applicant's Responsibility:	Address in landscape plans to be submitted with Building Permit application

Means of Enforcement:	TPM conditions imposed on Building Permit; Landscape Maintenance Agreement
Responsible Department:	Planning Department, North County Fire Authority
Means/Timing of Reporting:	Confirmation prior to issuance of Certificate of Occupancy; annual weed abatement inspection by Fire Department
Standard for Determining Compliance:	Conditions of approval (Habitat Conservation Plan, Department of Fish & Game guidelines)
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105); Landscape Maintenance Agreement
Mitigation Measure:	No removal of any trees between February 15 and August 1 unless it has been determined by a biological survey that the trees are not inhabited by nesting raptors
Applicant's Responsibility:	Only remove trees between August 1 and February 15 or have biological survey done
Means of Enforcement:	Tree Removal Permit conditions; TPM conditions imposed on Building Permit and Grading Permit
Responsible Department:	City Manager's Office, Public Works Department, Building Department
Means/Timing of Reporting:	Restriction on issuance of Grading Permit between February 15 and August 1
Standard for Determining Compliance:	Condition of approval
Enforcement Procedures and Appeal:	Bay Area Air Quality Management District Brisbane Municipal Code Section 12.12.080
Mitigation Measure:	Agreement to comply with Public Resources Code Section 21083.2.(b)-(f) & (i) and State CEQA Guidelines Sections 15064.5.(d), (e) & (f) in the event of an accidental discovery of historical or unique archaeological resources or human remains
Applicant's Responsibility:	Provide contractors with copies of protocol
Means of Enforcement:	TPM conditions imposed on Building Permit and Grading Permit
Responsible Department:	Public Works Department, Building Inspector
Means/Timing of Reporting:	Regular inspections during grading and construction
Standard for Determining Compliance:	State CEQA Guidelines Sections 15064.5(e) & (f)
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105), revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)

Mitigation Measure:	Implementation of the recommendations of the soils report through inspection and certification by the consulting geotechnical engineer.
Applicant's Responsibility:	Schedule consultant's inspections during construction.
Means of Enforcement:	TPM conditions imposed on Building Permit and Grading Permit
Responsible Department:	Building Inspector
Means/Timing of Reporting:	Consultant's certification prior to issuance of Certificate of Occupancy
Standard for Determining Compliance:	Geotechnical study per consultant
Enforcement Procedures and Appeal:	Stop Work Order (Brisbane Municipal Code Section 15.08.050)/Board of Appeals (California Building Code Section 105), revocation or suspension of Grading Permit following hearing by City Engineer (BMC Section 15.01.370)

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.