

City of Brisbane
Agenda Report

TO: Mayor and City Council

FROM: Hal Toppel, City Attorney, and Robin Leiter, Special Counsel

SUBJECT: Unit II, Neighborhood II Northeast Ridge Residential Development
Approval of Second Addendum to HCP EIR/EA
Final Approval of Second Addendum to NER EIR
Approval of HCP Amendment No. 5
Final Approval of 2007 Modified Project

DATE: For Council Meeting on February 16, 2010

CITY COUNCIL GOALS:

- To develop plans and pursue opportunities to enhance Open Space (#7)
- To develop plans and pursue opportunities to protect natural resources (#8)
- To preserve and enhance livability and diversity of neighborhoods (#14)

PURPOSE:

Approval of the modified project for the Northeast Ridge will result in: the elimination of 80 units that were approved for development in the 1989 Vesting Tentative Map; the relocation of the remaining units to an area having little or no habitat value, thereby enabling the preservation of prime habitat as open space; and a significant and substantial increase in the funding being provided to the HCP by the developer and the future property owners.

Approval of HCP Amendment No. 5 would (i) modify the HCP's existing operating program for the Northeast Ridge parcel; (ii) amend the funding provisions contained in the HCP; and (iii) amend section V.G. of the HCP to add the callippe silverspot butterfly and bay checkerspot butterfly to the list of species covered by the incidental take permit for the HCP.

RECOMMENDATION:

1. ADOPT RESOLUTION 2010-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE MAKING FINDINGS AND GRANTING FINAL APPROVAL AND CERTIFYING THE 2009 ADDENDUM TO THE SAN BRUNO

MOUNTAIN HABITAT CONSERVATION PLAN 1982 ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT, AND THE 2007 ADDENDUM TO THE 1983 FINAL ENVIRONMENTAL IMPACT REPORT ON THE NORTHEAST RIDGE RESIDENTIAL DEVELOPMENT.

2. ADOPT RESOLUTION 2010-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE APPROVING AN AMENDMENT TO THE HABITAT CONSERVATION PLAN (HCP) AGREEMENT AND GRANTING FINAL APPROVAL FOR A MODIFICATION TO THE VESTING TENTATIVE MAP (VTM-1-06), PLANNED DEVELOPMENT PERMIT (PD-1-06), DESIGN PERMIT (DP-3-06), AND GRADING PERMIT (EX-1-06) FOR UNIT II, NEIGHBORHOOD II, OF THE NORTHEAST RIDGE RESIDENTIAL DEVELOPMENT (APN 005-510-020, 030, & 040).

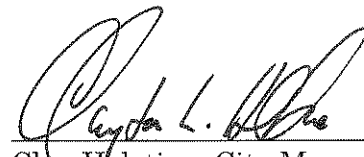
BACKGROUND:

The public hearing on this matter has been concluded and was closed on February 1, 2010. There is no legal requirement for the City Council to receive any further public testimony at the meeting on February 16, 2010. This meeting can be devoted entirely to Council discussion, deliberation, and decision on the proposed resolutions.

ATTACHMENTS:

- A. Resolution No. 2010-01, making findings and granting final approval and certifying the 2009 HCP EIR/EA Addendum and the 2007 NER EIR Addendum, with attached Exhibits A-1 and A-2 (documents included in Administrative Record), Exhibit B (Update to 2007 NER EIR Addendum), Exhibit C-1 (findings for approval and certification of the Second Addendum to HCP EIR/EA), and Exhibit C-2 (findings for approval and certification of the Second Addendum to NER EIR).
- B. Resolution No. 2010-02, granting approval of HCP Amendment No. 5 and granting final approval of the 2007 Modified Project, with attached Exhibits A-1 and A-2 (documents included in Administrative Record), Exhibit B-1 (Findings for Approval of HCP Amendment No. 5), Exhibit B-2 (Findings for Approval of 2007 Modified Project), Exhibit C (Conditions of Approval), and Exhibit D (text of HCP Amendment No. 5).


Hal Toppel, City Attorney


Clay Holstine, City Manager


Robin Leiter, Special Counsel