RESOLUTION NO. ER-3-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE RECOMMENDING TO THE BRISBANE CITY COUNCIL CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF CEQA FINDINGS AND THE MITIGATION AND MONITORING PROGRAM FOR THE SIERRA POINT BIOTECH PROJECT

WHEREAS, an application was submitted by HCP Brisbane LS LLC to develop a life sciences research and development facility ("Sierra Point Biotech Project") consisting of approximately 540,185 square feet of office/R&D space, 15,000 square feet of retail and 1,801 structured and open parking spaces on approximately 22.8 vacant acres situated easterly of Shore Line Court and southerly of Sierra Point Parkway within the Sierra Point Commercial/Retail/Office (SP-C/R/O) land use designation and Sierra Point Commercial (SP-CRO) Zoning District;

WHEREAS, the Draft EIR (SCH#2006012024) was published on November 17, 2006 and a 45 day public comment period lasting until January 2, 2007 was provided; and

WHEREAS the Draft EIR was filed with the California Office of Planning and Research and distributed to the Brisbane Public Library, responsible agencies and other interested individuals and organizations, and a Notice of Availability of the Draft EIR was mailed to a list of interested parties and posted in Brisbane and the San Mateo County Clerk's Office; and

WHEREAS, the Planning Commission held a public hearing on the Draft EIR on December 14, 2006; and

WHEREAS the City received written comments from the public and responsible agencies on the Draft EIR during the public comment period; and

WHEREAS all comments on the Draft EIR concerning environmental issues received during the public comment period were evaluated and responded to in writing by the City as the Lead Agency in accordance with Section 15088 of the State CEQA Guidelines; and

WHEREAS the Final EIR dated April 2007 consists of the Draft EIR dated November 2006, Water Supply Assessment, comments received on the Draft EIR, responses to comments on the Draft EIR, list of commenting agencies, organizations, and individuals, EIR text revisions, November 15, 2007 memorandum from LSA analyzing the Additional Retail Alternative and Mitigation Monitoring and Reporting Program, January 15, 2008 memorandum from LSA regarding comments from the Planning Commission hearing on December 13, 2007; and

WHEREAS, the revisions to the EIR resulting from public comment did not add significant new information to the EIR as defined in Section 15088.5 of the CEQA Guidelines and therefore recirculation of the draft EIR is not required; and

WHEREAS copies of the Final EIR have been provided to individuals, organizations and agencies who commented of the Draft EIR and the Brisbane Public Library and made available to the public; and

WHEREAS the Final EIR for the Sierra Point Biotech Project was completed in compliance with the California Environmental Quality Act; and

WHEREAS the Final EIR was presented to the Planning Commission and the Planning Commission reviewed and considered the information contained in the Final EIR; and

WHEREAS the Final EIR identified environmental impacts associated with the project as less than significant in regard to Land Use and Planning, Population, Employment and Housing, Public Services and Recreation, Agricultural Resources, Cultural Resources and Mineral Resources as set forth in the findings attached as Exhibit A; and

WHEREAS the Final EIR identified potentially significant environmental impacts associated with the project which can be mitigated to a less than significant level in regard to Transportation (TRANS 1-3, 5-7, 9-14), Air Quality, Noise, Geology, Soils and Seismicity, Hydrology and Water Quality, Biological Resources, Hazards and Hazardous Materials, Utilities and Infrastructure, and Visual Resources (VIS-2) as set forth in the findings attached as Exhibit A; and

WHEREAS the Final EIR identified an unavoidable adverse impact to Visual Resources associated with the location and design of the proposed parking structure (VIS-1) but the Final EIR identified a feasible project design alternative (the Revised Site Plan Alternative) which could reduce this impact to a less than significant level as set forth in the findings attached as Exhibit A; and

WHEREAS the Final EIR identified unavoidable adverse cumulative traffic impacts on the Sierra Point Parkway/Northbound HWY 101 on-ramp (TRANS- 4) and segments of HWY 101 (TRANS-8) as set forth in the findings attached as Exhibit A;

WHEREAS the applicant has developed a modified alternative (the Additional Retail Alternative) based upon the Revised Site Plan Alternative; and

WHEREAS the environmental impacts of the Additional Retail Alternative were analyzed in a memorandum dated November 15, 2007 and said memorandum is incorporated into the Final EIR; and

WHEREAS the Additional Retail Alternative results in no new or greater environmental impacts than previously identified in the Final EIR; and

WHEREAS the Additional Retail Alternative reduces Visual Resources impact VIS-1 from an unavoidable adverse impact to a potentially significant impact which can be mitigated to a less than significant level; and

WHEREAS the Additional Retail Alternative represents the environmentally superior alternative:

WHEREAS the Planning Commission held public hearings on the Final EIR on November 29, and December 13, 2007 and considered public comment; and

WHEREAS the Planning Commission has reviewed and recommends approval of the required CEQA findings (Exhibit A);

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Brisbane recommends the following;

That the Brisbane City Council approve the Water Supply Assessment and certify that Final EIR for the Sierra Point Biotech Project; and

That the City Council approve the Additional Retail Alternative; and

That the City Council adopt a Statement of Overriding Considerations should they determine that the project benefits outweigh the unavoidable adverse environmental impacts associated with cumulative traffic (TRANS-4 and 8).

Passed and Adopted by the City of Brisbane Planning Commission at their regularly scheduled meeting of January 24, 2008 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
James Hunter, Chair

I hereby certify that the foregoing Resolution 2006-04 was duly and regularly adopted at a regular meeting of the Brisbane Planning Commission at the regularly scheduled meeting of January 24, 2008.

_____
William Prince, Community Development Director

EXHIBIT A
CEQA FINDINGS

SIERRA POINT BIOTECH PROJECT

FINAL EIR SCH No.2006012024

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090, 15091 AND 15093

1. Consideration of the EIR

The Final Environmental Impact Report (FEIR) SCH 2006012024 dated April 2007 was presented to the Planning Commission at a noticed public hearing on November 29 and December 13, 2007 and all voting members of the Planning Commission have reviewed and considered the Final EIR prior to making a recommendation to the City Council. The Final EIR represents the independent judgment of the City of Brisbane and is adequate for the proposed project.

2. Full Disclosure

The Planning Commission finds and recommends certification of the Final EIR in that it constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA. The Planning Commission further recommends the City Council find that the Final EIR has been completed in compliance with CEQA.

3. Location of Proceedings

The documents and other materials which constitute a record of proceedings upon which this decision is based are in the custody of the Community Development Department located at 50 Park Place, Brisbane Ca 94005.

4. Findings Concerning Potentially Significant Environmental Effects

The Draft EIR identified certain potentially significant effects that could result from the project, as described below. The City identifies findings for each of the significant or potentially significant impacts identified in this section (Section 4) that are based upon substantial evidence in the record.

4.1 Transportation, Circulation and Parking

Impact TRANS-1: In the Background Plus Project Conditions, the proposed project would have a significant impact on the unsignalized intersection (#9) of Sierra Point Parkway and the US 101 northbound ramp. During the AM peak hour, the unsignalized intersection of Sierra Point Parkway and US 101 northbound ramp would operate at LOS C under Background Conditions.

With addition of proposed project trips, the intersection would operate at LOS F constituting a significant impact according to the City of Brisbane guidelines.

Mitigation Measure TRANS-1: The applicant shall be responsible for installing a signal, to the satisfaction of the City Engineer in regards to design and the timing of the improvement, at the intersection of Sierra Point Parkway and US 101 northbound ramp. This mitigation measure would allow the intersection to operate at LOS C during the AM peak hour and LOS A during the PM peak hour.

Findings for Impact TRANS-1: Mitigation Measure TRANS-1, which will be incorporated into the project, will substantially reduce Impact TRANS-1. The City finds that installation of a traffic signal at the intersection (#9) of Sierra Point Parkway and the US 101 northbound ramp will reduce the project's traffic impact at that intersection to a less-than-significant level by improving the level of service under the Background Plus Project condition. Pursuant to *CEQA Guidelines* Section 15091 (a) (1), the City finds that Mitigation Measure TRANS-1 will be incorporated into the project via conditions of approval and will reduce Impact TRANS-1 to a less-than-significant level.

Impact TRANS-2: In the Background Plus Project Conditions, the proposed project would have a significant impact on the unsignalized intersection (#8) of Sierra Point Parkway and Lagoon Way. During the PM peak hour, the unsignalized intersection of Sierra Point Parkway and Lagoon Way would operate at LOS C under Background Conditions. With the proposed project it would operate at LOS F constituting a significant impact according to the City of Brisbane guidelines. In addition, the intersection also would reach the traffic volume thresholds established in the Second Amendment document contained in Appendix B, during both the AM and PM peak hours.

Mitigation Measure TRANS-2: Based on the Second Amendment document, the applicant shall be responsible for modifying the intersection of Sierra Point Parkway and Lagoon Way, to the satisfaction of the City Engineer in regards to design and the timing of the improvement, so that the intersection is signalized and a second northbound through lane is added. This mitigation measure would allow the intersection to operate at LOS B during the AM peak hour and LOS B during the PM peak hour.

Findings for Impact TRANS-2: Mitigation Measure TRANS-2, which will be incorporated into the project, will substantially reduce Impact TRANS-2. The City finds that the installation of a signal and addition of a second northbound through lane at the intersection of Sierra Point Parkway and Lagoon Way will reduce the project's traffic impact at that intersection to a less-than-significant level by improving the level of service. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-2 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-2 to a less-than-significant level.

Impact TRANS-3: In the Background Plus Project Conditions, the proposed project would have a significant impact on the unsignalized intersection (#10) of Sierra Point Parkway and Shoreline Court. During the PM peak hour, the unsignalized intersection of Sierra Point Parkway and Shoreline Court would operate at LOS C under Background Conditions. With the proposed project it would operate at LOS F, constituting a significant impact according to the City of Brisbane guidelines. In addition the intersection also would reach the traffic volume thresholds established in the Second Amendment document during both AM and PM peak hours.

Mitigation Measure TRANS-3: Based on the Second Amendment document, the applicant shall be responsible for signalizing the intersection of Sierra Point Parkway and Shoreline Court and adding a second northbound left-turn lane, a second southbound right-turn lane, and a second eastbound left-turn lane, to the satisfaction of the City Engineer in regards to design and the timing of the improvement. This mitigation measure would allow the intersection to operate at LOS B during the AM peak hour and LOS C during the PM peak hour.

Finding for Impact TRANS-3: Mitigation Measure TRANS-3, which will be incorporated into the project, will substantially reduce Impact TRANS-3. The City finds that the installation of a second northbound left-turn lane, a second southbound right-turn lane, and a second eastbound left-turn lane at the intersection (#10) of Sierra Point Parkway and Shoreline Court will reduce the project's traffic impact at that intersection to a less-than-significant level by improving the level of service. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-3 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-3 to a less-than-significant level.

Impact TRANS-4: Implementation of the proposed project would contribute to a significant cumulative impact at the intersection (#9) of Sierra Point Parkway and the US 101 northbound ramp. During the AM peak hour, the unsignalized intersection of Sierra Point Parkway and the US 101 northbound ramp would operate at LOS F under Cumulative Conditions without the project. Under Cumulative Plus Project Conditions, it would operate at LOS F, with an increase in the average delay of more than 4 seconds constituting a significant impact according to the City of Brisbane guidelines.

Mitigation Measure TRANS-4: Implement Mitigation Measure TRANS-1. This mitigation measure would allow the intersection of Sierra Point Parkway and the US 101 northbound ramp to operate at LOS C during the cumulative PM peak hour and LOS F during the AM peak hour with a decrease in the average delay compared to Cumulative Conditions without the project. While implementation of this mitigation measure would reduce the impact, it would not reduce it to a less-than-significant level in the cumulative AM peak hour condition and this impact would remain significant and unavoidable.

Findings for Impact TRANS-4: Implementation of Mitigation Measure TRANS-4, which requires the installation of a traffic signal at the intersection (#9) of Sierra Point Parkway and the US 101 northbound ramp, will improve the level of service under the Background Plus Project condition, but under the Cumulative Conditions, the mitigation measure will not reduce the impact to a less-than-significant level. However, even without the project (Cumulative Conditions without the project) the intersection will operate at LOS F in the AM peak hour. While the intersection will continue to operate at LOS F in the AM peak hour under Cumulative Plus Project Conditions, the project will result in an increase in the average delay of more than 4 seconds, constituting a significant impact according to the City of Brisbane guidelines.

The City has identified that restriping the turn lanes at the northbound approach of the Sierra Point Parkway and US 101 northbound ramp to convert the single through-left lane to a shared left-through-right lane would improve the level of service to LOS C in the AM peak hour under the project plus cumulative scenario. However, the City on its own cannot absolutely require and ensure (through permits and other legally-binding instruments)

that this mitigation be implemented by the applicant, as implementing this measure requires Caltrans review and approval. Therefore, it cannot be demonstrated with certainty that this measure shall be implemented. As such, under a conservative scenario this impact remains significant and unavoidable. The City and applicant will work with Caltrans to implement the restriping measure and improve the intersection operations to an acceptable level. There are no other feasible measures that would reduce LOS impacts from the project to below the City's threshold.

Impact TRANS-5: Implementation of the proposed project would contribute to a significant cumulative impact at the intersection (#8) of Sierra Point Parkway and Lagoon Way. During the PM peak hour, the unsignalized intersection of Sierra Point Parkway and Lagoon Way would operate at LOS F under Cumulative Conditions (year 2030) without the project. Under Cumulative Plus Project Conditions it would operate at LOS F, with an increase in the average delay of more than 4 seconds constituting a significant impact according to the City of Brisbane guidelines.

Mitigation Measure TRANS-5: Implement Mitigation Measure TRANS-2. This mitigation measure would allow the intersection of Sierra Point Parkway and Lagoon Way to operate at LOS C during the AM peak hour and LOS B during the PM peak hour, with a decrease in the average delay compared to Cumulative Conditions without the project .

Findings for Impact TRANS-5: Mitigation Measure TRANS-5, which will be incorporated into the project, will substantially reduce Impact TRANS-5. The City finds that the installation of a signal and addition of a second northbound through lane at the intersection of Sierra Point Parkway and Lagoon Way will reduce the project's traffic impact at that intersection to a less-than-significant level by improving the level of service. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-5 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-5 to a less-than-significant level.

Impact TRANS-6: Implementation of the proposed project would contribute to a significant cumulative impact at the intersection (#10) of Sierra Point Parkway and Shoreline Court. During the PM peak hour, the unsignalized intersection of Sierra Point Parkway and Shoreline Court would operate at LOS F under Cumulative Conditions (year 2030) without the project. Under Cumulative Plus Project Conditions, it would operate at LOS F, with an increase in the average delay of more than 4 seconds, constituting a significant impact according to the City of Brisbane guidelines.

Mitigation Measure TRANS-6: Implement Mitigation Measure TRANS-3. This mitigation measure would allow the intersection of Sierra Point Parkway and Shoreline Court to operate at LOS B during the AM peak hour and LOS D during the PM peak hour, with a decrease in the average delay compared to the cumulative condition without the project.

Findings for Impact TRANS-6: Mitigation Measure TRANS-6, which will be incorporated into the project, will substantially reduce Impact TRANS-6. The City finds that the installation of a second northbound left-turn lane, a second southbound right-turn lane, and a second eastbound left-turn lane at the intersection (#10) of Sierra Point Parkway and Shoreline Court will reduce the project's traffic impact at that intersection to a less-than-significant level by improving the level of service. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-6 will be incorporated into the

project via conditions of approval, and will reduce Impact TRANS-6 to a less-than-significant level.

Impact TRANS-7: Implementation of the proposed project would contribute to a significant cumulative impact at the intersection (#6) of Bayshore Boulevard and Old County Road. During Cumulative Conditions (year 2030) without the project, the signalized intersection of Bayshore Boulevard and Old County Road would operate at LOS D during the AM peak hour and LOS C during the PM peak hour. Under Cumulative Plus Project Conditions it would operate at LOS D during the AM peak hour, with an increase in the average delay of more than 4 seconds. During the PM peak hour, the intersection would operate at LOS D. An LOS D at this intersection would constitute a significant impact according to the City of Brisbane guidelines.

Mitigation Measure TRANS-7: The project applicant shall implement up to two of the following measures (per the requirements of the City Engineer in regards to design and the timing of the improvement), to reduce the project's contribution to the impact to the intersection of Bayshore Boulevard and Old County Road:

- Install an additional second eastbound left-turn lane and convert the existing shared-through-left to a through lane at the intersection of Bayshore Boulevard/Old County Road. This improvement would change the existing eastbound geometry from one left-turn, one shared-through-left, and one right-turn to two left-turns, one through lane, and one right-turn lane. This mitigation measure would allow the intersection to operate at LOS C during both the AM and PM peak hours. Implementation of this mitigation may require the need for additional right-of-way to be obtained from nearby property owners.
- Install a westbound through lane at the intersection of Bayshore Boulevard/Old County Road to change the existing westbound geometry from one shared-through-left and one right-turn to one shared-through-left, one through lane, and one right-turn lane. This mitigation measure would allow the intersection to operate at LOS C during both the AM and PM peak hours. This mitigation may require the need for additional right-of-way to be obtained from the nearby property owners.
- Adjust the signal timing of the intersection which would improve the LOS to an acceptable level.

Findings for Impact TRANS-7: Mitigation Measure TRANS-7, which will be incorporated into the project, will substantially reduce Impact TRANS-7. The City finds that the installation of an additional second eastbound left-turn lane and conversion of the existing shared-through-left to a through lane, and/or the installation of a westbound through lane at the intersection of Bayshore Boulevard/Old County Road, and/or adjusting signal timing will reduce the project's traffic impact at that intersection to a less-than-significant level by improving the level of service. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-7 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-7 to a less-than-significant level.

Impact TRANS-8: Implementation of the proposed project would contribute to a significant level of service cumulative impact on the following three freeway segments:

- US 101 southbound between Harney Way and Sierra Point Parkway in the AM Peak hour.
- US 101 southbound between Sierra Point Parkway and Oyster Point Boulevard in the PM Peak hour.

- US 101 northbound between Oyster Point Boulevard and Sierra Point Parkway in the AM Peak hour.

Mitigation Measure TRANS-8: In accordance with CMP requirements, the project applicant shall ensure that Travel Demand Management (TDM) measures to reduce project impacts are implemented by the project applicant or tenants, per the approval of the City Engineer regarding the specific measures and the implementation timing. A list of TDM measures are provided in the San Mateo County Final Congestion Management Program. In coordination with the City and prior to issuance of a building permit, the applicant shall prepare and provide the City with a Traffic Reduction Plan that identifies specific TDM measures to be implemented. Specific measures that could be included in the Plan are listed below:

- Provide for the existing shuttle service to serve the Sierra Point Biotech project buildings and provide for increased frequencies of the shuttle during the peak periods to access the CalTrain and/or BART rail stations. Coordinate with the shuttle and transit operators with respect to the location of transit stops and the provision of related shuttle-user amenities (e.g., dedicated shuttle stops, seating areas, crosswalks);
- Provide secure bicycle parking;
- Provide and operate an on-site commute assistance center to allow for one stop shopping for transit and commute alternatives information, preferably staffed with a live person to assist building tenants with trip planning;
- Provide subsidized transit passes;
- Charge for parking and offer employees a parking cash-out program; and
- Implement an alternate hours workweek program, also known as flextime.

While implementation of this mitigation measure would reduce the impact, mitigation measures, involving implementation of TDM measures are typically designed to achieve a 10 to 20 percent traffic reduction. Even if these reductions could be achieved, the freeway segments could continue to operate above the CMP threshold for significant impacts. The measure would not reduce impacts to a less-than-significant level in the cumulative condition and this impact would remain significant and unavoidable.

Findings for Impact TRANS-8: Implementation of Mitigation Measure TRANS-8 requires the project applicant to implement or require the tenant to implement Travel Demand Management (TDM) measures consistent with Congestion Management Program (CMP) requirements. These measures could reduce traffic congestion by as much as 10 to 20 percent but are not expected to reduce impacts under the cumulative condition to a less-than-significant level. Only substantially restricting private vehicle use on and around Sierra Point would reduce this impact to a less-than-significant level. However, such measures are not socially or politically feasible. There are no other feasible measures that would reduce LOS impacts from the project to below the C/CAG's threshold.

Impact TRANS-9: Construction traffic associated with employees, grading and development of the project site could impact surrounding roadways by interrupting traffic flow.

Mitigation Measure TRANS-9: Prior to the approval of a grading permit, the applicant shall prepare a Construction Traffic Control Plan for review and approval by the City. The plan should identify locations for temporary signals; construction signage; striping; construction vehicle travel routes and site ingress and egress; staging areas; and timing of construction

activities which appropriately limits hours during which large construction equipment may be brought on or off the site.

Findings for Impact TRANS-9: Mitigation Measure TRANS-9, which will be incorporated into the project, will substantially reduce Impact TRANS-9. The City finds that a Construction Traffic Control Plan will reduce the project's construction related traffic impacts to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-9 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-9 to a less-than-significant level.

Impact TRANS-10: The proposed design for the reconstruction of the Bay Trail would be unsafe and would conflict with pedestrian and bicycle mobility. The construction of the Bay Trail through the public parking lot in the southwestern corner of the project site would conflict with the mobility and safety of pedestrians and cyclists using the Bay Trail.

Mitigation Measure TRANS-10**:** Prior to the approval of the grading permit for the project, the site plan shall be revised so that the Bay Trail does not pass through the public parking area. The reconstruction of the Bay Trail shall be subject to San Francisco Bay Conservation and Development Commission (BCDC) and City of Brisbane review and approval to ensure that the reconstructed trail does not impact pedestrian and bicycle mobility and that the Bay Trail design includes amenities such as benches, lighting and landscaping.

Findings for Impact TRANS-10: Mitigation Measure TRANS-10, which will be incorporated into the project, will substantially reduce Impact TRANS-10. The City finds that the revised Bay Trail site plan and reconstruction of the Bay Trail subject to BCDC and City of Brisbane review will reduce project impacts to safety and pedestrian and bicycle mobility to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure TRANS-10 will be incorporated into the project via conditions of approval, and will reduce Impact TRANS-10 to a less-than-significant level.

Impact TRANS-11: The proposed driveway curb radii for the project access driveways may be inadequate and could create a hazardous circulation condition. The proposed site plan does not show the driveway curb radii for the proposed project.

Mitigation Measure TRANS-11: The project site plan shall be revised to include a minimum 20-foot turning radius at the western driveway on Sierra Point Parkway and the driveway at Shoreline Court; and a minimum 15-foot radius at the eastern driveway on Sierra Point Parkway. The revised site plan shall be reviewed and approved by the City Engineer to ensure that adequate driveway curb radii are provided.

Findings for Impact TRANS-11: Mitigation Measure TRANS-11, which will be incorporated into the project, will substantially reduce Impact TRANS-11. The City finds that installation of a
minimum 20-foot turning radius at the western driveway on Sierra Point Parkway and the driveway at Shoreline Court and a minimum 15-foot radius at the eastern driveway on Sierra Point Parkway will reduce the project's traffic impact at project access driveways to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091 (a) (1), the City finds that Mitigation Measure TRANS-11 will be incorporated into the project via conditions of approval and will reduce Impact TRANS-11 to a less-than-significant level.

Impact TRANS-12: The proposed project could result in inadequate sight distance at project driveways leading to a hazardous circulation condition. The proposed site could include landscaping, parking and signage that may obstruct the view of drivers exiting the site.

Mitigation Measure TRANS-12: Prior to issuance of a grading permit, the applicant shall provide the City with a revised site plan and parking plan that maintains some of the existing on-street parking prohibitions along the site frontages in the vicinity of the driveways in order to ensure that there would be sufficient sight distance at the project driveways. Prior to approval of a final site plan, the City Engineer shall ensure that any landscaping, parking or signage allows for unobstructed views for vehicles leaving the site.

Findings for Impact TRANS-12: Mitigation Measure TRANS-12, which will be incorporated into the project, will substantially reduce Impact TRANS-12. The City finds that a revised site plan and parking plan that maintains some of the existing on-street parking prohibitions along the site frontages in the vicinity of the driveways will reduce the project's hazardous circulation conditions to a less-than-significant level by improving the sight distance at the project driveways. Pursuant to *CEQA Guidelines* Section 15091 (a) (1), the City finds that Mitigation Measure TRANS-12 will be incorporated into the project via conditions of approval and will reduce Impact TRANS-12 to a less-than-significant level.

Impact TRANS-13: The alignment of the proposed project driveway at the western end of Sierra Point Parkway could conflict with the alignment of the opposing driveways. The proposed site plan shows the proposed project driveway at the western end of Sierra Point Parkway offset from the existing driveway on the opposite side of the street, north of the project site. Generally it is desirable for all opposing roadways to line up at their centerlines, or be offset sufficiently to allow for proper vehicle channelization. Depending on the movements permitted at these driveways, further analysis may be required.

Mitigation Measure TRANS-13: The project applicant shall provide the City Engineer with an alignment analysis to confirm that the proposed project access driveways are designed to not conflict with the existing alignment of opposing driveways or the traffic signal and related improvement plans at the Sierra Point Parkway and Shoreline Court intersection.[1]

Findings for Impact TRANS-13: Mitigation Measure TRANS-13, which will be incorporated into the project, will substantially reduce Impact TRANS-13. The City finds that a driveway alignment analysis will reduce the project's conflicts with opposing driveways to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091 (a) (1), the City finds that Mitigation Measure TRANS-13 will be incorporated into the project via conditions of approval and will reduce Impact TRANS-13 to a less-than-significant level.

Impact TRANS-14: The existing site plan includes one dead-end aisle within the proposed parking lot at the southwest end of the project site. The proposed dead-end aisle may require drivers to back out or conduct three-point turns in order to leave the parking aisles. Dead-end aisles can be difficult for vehicles in the last stalls to pull out of the parking space.

[1] The Second Amendment to the Agreement Concerning Project Approval Documents (November 17, 2003). The Agreement Concerning Project Approval Documents was adopted December 22, 1997 by the City Council as Resolution No. 97-69.

Mitigation Measure TRANS-14: Prior to issuance of a grading permit, the applicant shall provide to the City a revised site plan and parking plan that eliminates the dead-end parking aisles or shows that parking in the dead end aisle is designated for specific individuals. The plan shall also show that there is adequate turnaround space at the end of each drive aisle.

Findings for Impact TRANS-14: Mitigation Measure TRANS-14, which will be incorporated into the project, will substantially reduce Impact TRANS-14. The City finds that a revised site plan and parking plan that eliminates the dead-end parking aisles or shows that parking in the dead end aisle is designated for specific individuals and shows adequate turnaround space at the end of each drive aisle will reduce the parking conflicts within the project to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091 (a) (1), the City finds that Mitigation Measure TRANS-14 will be incorporated into the project via conditions of approval and will reduce Impact TRANS-14 to a less-than-significant level.

4.2 Air Quality

Impact AIR-1: Construction period activities could generate significant dust, exhaust, and organic emissions.

Mitigation Measure AIR-1: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project.

Construction. The following controls shall be implemented at all construction sites:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible.
- Install base rock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and
- Suspend excavation and grading activity when sustained wind speeds exceed 25 mph.

- Suspend excavation and grading activity when sustained wind speeds exceed 25 mph. Sustained wind speed shall be determined by averaging observed values over a two-minute period. Wind monitoring by the construction manager shall be required at all times during excavation and grading activities.

Findings for Impact AIR-1: Mitigation Measure AIR-1, which requires the implementation of construction period dust-and exhaust-control measures, will substantially lessen the project's short-term emissions of dust and exhaust. The short-term air quality measures listed in Mitigation Measure AIR-1 are feasible and are considered by air quality experts, including the Bay Area Air Quality Management District, to be effective measures in reducing the short-term air quality impacts of construction projects. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure AIR-1 will be incorporated into the project via conditions of approval, and will reduce Impact AIR-1 to a less-than-significant level.

4.3 Noise

Impact NOISE-1: Existing aircraft noise levels exceed the land use compatibility standard for office building and commercial noise environments.

Mitigation Measure NOISE-1: Mechanical ventilation, such as air conditioning systems, shall be included in the design for Building D and Building E and the retail space adjacent to the parking garage in order to meet the California Land Use Compatibility Guidelines for office uses.

Finding for Impact NOISE-1: Mitigation Measure NOISE-1, which requires the installation of mechanical ventilation, such as air conditioning systems, in the design for Building D and Building E and the retail space adjacent to the parking garage, will substantially lessen the adverse aircraft related noise in the office and commercial environments. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure NOISE-1 will be incorporated into the project via conditions of approval, and will reduce Impact NOISE-1 to a less-than-significant level.

Impact NOISE-2: On-site construction activities could result in short-term noise impacts on adjacent hotel, office and commercial uses.

Mitigation Measure NOISE-2: The project shall comply with the following noise reduction measures:

- General construction activities shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. Pile driving shall be limited to Monday through Friday 8:00 a.m. to 5:00 p.m. and prohibited on Saturdays and Sundays. Construction outside of these hours may be approved through an exception permit issued by the Planning Director. The exception permit shall include appropriate conditions to minimize noise disturbance of affected hotel, office and commercial uses.
- All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust mufflers that are in good condition.
- All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.

- Post signs prohibiting unnecessary idling of internal combustion engines.
- The construction manager shall identify and designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints and institute reasonable measures warranted to correct the problem. The noise disturbance coordinator shall report all complaints and resolution thereof to the City via monthly reports. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.
- Utilize air compressors that are designated as "quiet" and other "quiet" construction equipment sources where such technology exists.

Finding for Impact NOISE-2: Mitigation Measure NOISE-2, which requires the implementation of measures to control construction noise, will substantially lessen the adverse construction-period noise of the project. These mitigations comprise noise-control actions that have been successfully used by the City of Brisbane as well as municipalities throughout the State to substantially reduce construction period noise levels. Similar measures are incorporated into the conditions of approval for development projects throughout California, and are easily monitored during the actual construction period. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure NOISE-2 will be incorporated into the project via conditions of approval, and will reduce Impact NOISE-2 to a less-than-significant level.

4.4 Geology, Soils and Seismicity

Impact GEO-1: Ground shaking at the project site could result in risks to humans and damage to property.

Mitigation Measure GEO-1a: All structures shall be designed and constructed in conformance with the most recently adopted California Building Code requirements for seismic design. The City Engineer shall approve all final design and engineering plans.

Mitigation Measure GEO-1b: As a condition of approval and prior to the issuance of a grading permit, the applicant shall submit a final site-specific, design-level geotechnical investigation, to be prepared by a licensed professional, to the City for review and approval. The geotechnical investigation shall include recommendations for grading, avoidance of settlement, and differential settlement of infrastructure and buildings. The recommendations shall be incorporated into all development plans submitted for the project.

Mitigation Measure GEO-1c: The applicant shall provide information to prospective building occupants regarding earthquake safety. The information shall include one or more of the following publications: information obtained from the California Division of Mines and Geology in its 1997 report "Guidelines for Evaluating and Mitigating Seismic Hazards in California" (which can be downloaded from the Division's home page at www.consrv.ca.gov), "The Commercial Property Owner's Guide to Earthquake Safety," and "The Homeowner's Guide to Earthquake Safety" both produced by the Seismic Safety Commission (SSC) and available from SSC at 1755 Creekside Oaks Drive, Suite 100, Sacramento, CA 95883 or at 916-263-5506), and "Peace of Mind in Earthquake Country" (Peter Yanev, 1991, Chronicle Books).

Findings for Impact GEO-1: Mitigation Measure GEO-1a, GEO-1b and GEO-1c require the project to be designed in accordance with the most recently adopted California Building Code seismic design requirements, require a design-level geotechnical investigation prior to grading, and require the provision of earthquake safety informational materials to prospective building occupants. These mitigation measures will reduce risks associated with seismic shaking to an acceptable level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure GEO-1 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-1 to a less-than-significant level.

Impact GEO-2: Ground settlement could result in structural damage to proposed site improvements.

Mitigation Measure GEO-2a: All structures shall be designed and constructed in conformance with the most recently adopted California Building Code requirements for building design in areas undergoing compaction. The Building Official shall approve all final design and engineering plans.

Mitigation Measure GEO-2b: As required in Mitigation Measure GEO-1b, the applicant shall prepare and submit to the City for final approval a final design-level geotechnical investigation that includes recommendations for avoidance of settlement and placement of fill materials.

Mitigation Measure GEO-2c: The final geotechnical investigation shall include an Inspection and Repair Plan to address future settlement of the project site. The Inspection and Repair Plan shall delineate an inspection schedule for storm water conveyances and other utilities (on at least an annual basis) to determine adverse effects of settlement. The Plan shall identify responsibility for repair of any affected improvements (e.g., property owner, lessees, or property management company). The inspection results and repairs shall be documented to the City in a biannual report. (See also Mitigation Measure GEO-3).

Findings for Impact GEO-2: The City finds that requiring the design and construction of the proposed building to conform to California Building Code for areas undergoing compaction, a final design-level geotechnical investigation that includes recommendations for avoidance of settlement and placement of fill materials, and an Inspection and Repair Plan, will minimize hazards associated with ground settlement. The implementation these measures will mitigate the potential effects on the proposed buildings and site improvements. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-2 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-2 to a less-than-significant level.

Impact GEO-3: Dike instability may affect site improvements.

Mitigation Measure GEO-3: The applicant shall coordinate with the Sierra Point Environmental Management Association to ensure that the Inspection and Repair Plan (see Mitigation Measure GEO-2c) includes provisions for dike inspections and repairs. The dikes shall be inspected at least annually (and immediately following a seismic event) and necessary repairs to ensure stability shall be implemented. All inspections and repairs shall be conducted by or in accordance with the recommendations of a licensed professional engineer.

Finding for GEO-3: The City finds that requiring provisions for dike inspection, at a minimum annually and after seismic events, will minimize the potential damage that may

result from dike instability. The implementation of these measures will mitigate the potential effects on the proposed buildings and site improvements. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-3 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-3 to a less-than-significant level.

Impact GEO-4: Landfill integrity and site improvements could be compromised by strong ground motion during a seismic event, resulting in risks to humans and damage to property.

Mitigation Measure GEO-4: The applicant shall coordinate with the Sierra Point Environmental Management Association to ensure that the Post-Earthquake Inspection and Corrective Action Plan (Plan) is updated to reflect the changes in conditions at the project site since its initial preparation in 1996. The Inspection and Repair Plan (see Mitigation Measure GEO-2c) should work cooperatively with the Plan. The revised Post-Earthquake Inspection and Corrective Action Plan shall be submitted to the City prior to site occupancy.

Finding for GEO-4: The City finds that requiring an updated Post-Earthquake Inspection and Corrective Action Plan will minimize risk to humans and potential damage to property that may result from compromised landfill integrity and site improvements due to strong ground motion during a seismic event. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-4 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-4 to a less-than-significant level.

4.5 Hydrology and Water Quality

Impact HYDRO-1: Construction activities could result in surface water quality degradation.

Mitigation Measure HYDRO-1a: As a condition of approval of the final grading plans, the applicant shall file a Notice of Intent to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities, and shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for construction activities on the site. The SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted by the applicant. In addition to the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay.

Mitigation Measure HYDRO-1b: The grading of the project site shall be conducted in conformance with the approved Grading Plan. All recommendations for grading presented in the site-specific geotechnical reports shall be incorporated into the grading activities.

Mitigation Measure HYDRO-1c: As a condition of approval, the applicant shall be responsible for continued compliance with all requirements of the Waste Discharge Requirements administered by the RWQCB for the Sierra Point Landfill. As necessary, the applicant shall protect or replace all compliance monitoring points within the project site.

Finding for Impact HYD-1: Mitigation Measures HYD-1a, HYD-1b and HYD-1c which require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), grading to be conducted in conformance with a City approved grading plan, and compliance with RWQCB Waste Discharge Requirements for the Sierra Point Landfill, will

substantially lessen the effects of the project on stormwater quality. These measures will reduce construction period impacts to surface water quality. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HYD-1a, HYD-1b and Hyd-1c will be incorporated into the project via conditions of approval, and will reduce Impact HYD-1 to a less-than-significant level.

Impact HYDRO-2: Runoff from the operational phase of the project could result in surface water and groundwater quality degradation.

Mitigation Measure HYDRO-2a: As a condition of approval of the Design Permit, the project applicant shall fully comply with the requirements detailed in Provision C.3 of the San Mateo countywide NPDES stormwater permit (NPDES Permit No. CAS0029921). Provision C.3 requires the applicant to incorporate site design, source control, and numerically sized stormwater treatment measures to reduce stormwater pollutant discharge to the maximum extent practicable. The applicant shall prepare a Final Stormwater Management Plan (Plan) detailing how the project will comply with Provision C.3, to be submitted for review and approval by the Public Works Director. The Plan shall be prepared in accordance with all relevant guidance contained in the San Mateo Countywide Water Pollution Prevention Program's *C.3 Technical Guidance Document*, the California Stormwater Quality Association's *New and Redevelopment Best Management Practice Handbook*, and the Bay Area Stormwater Management Agencies Association's *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*. The Plan shall also include a long-term maintenance program for all stormwater treatment measures, including details on responsible parties (the City will not assume maintenance responsibilities for these measures) and funding sources for long-term maintenance of all stormwater treatment measures. The applicant shall thoroughly review and comply with the requirements of the most current municipal stormwater permit (currently NPDES Permit No. CAS0029921) and amendments. The City of Brisbane Public Works Department shall ensure the final project design and Plan are prepared and adequate prior to approval of the final site plan.

Mitigation Measure HYDRO-2b: As a condition of approval of the final grading plan, the project applicant shall develop and implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional approved by the City. The IPM shall address and recommend methods of pest prevention and that use of pesticides is a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified. Pesticides shall be used only in response to a persistent pest problem. Preventative chemical use shall not be employed. Cultural and biological approaches to pest control shall be more fully integrated into the IPM with an emphasis toward reducing pesticide application.

Finding for Impact HYD-2: Mitigation Measures HYD-2a and HYD-2b, which require the Final Stormwater Management Plan and the implementation of an Integrated Pest Management Plan (IPM), will substantially lessen the effects of the project on stormwater quality. Compliance with the San Mateo County Countywide NPDES Stormwater Permit is considered by the Regional Water Quality Control Board (RWQCB) to be an effective way to reduce the contamination of stormwater on a project site resulting from erosion and chemical contamination on impervious surfaces (e.g., parking lots). The adequacy of the Plan will be verified by the City prior to the initiation of ground-disturbing activities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HYD-2a and HYD-2b will be incorporated into the project via conditions of approval, and will reduce Impact HYD-2 to a less-than-significant level.

4.6 Biological Resources

Impact BIO-1: Grading and construction of the proposed project may harm or adversely impact the burrowing owl. Although no signs of occurrence by burrowing owl were found during field surveys, they are highly mobile and could occupy the site prior to construction. It is unlikely that the species would nest on the site, but grading and construction activities could potentially affect wintering or transient birds in their burrows.

Mitigation Measure BIO-1a: Comprehensive pre-construction surveys for burrowing owl presence shall be conducted no more than 30 days prior to any ground disturbing activities. If ground disturbing activities are delayed or suspended for more than 30 days after the initial pre-construction surveys, the site shall be re-surveyed. All surveys shall be conducted in accordance with current CDFG burrowing owl survey protocol (CDFG, October 17, 1995). A qualified biologist shall conduct surveys for burrowing owls in all suitable habitats on the site. Surveys shall be conducted regardless of season, as suitable habitat on-site may be used at all times of the year.

A report shall be prepared at the end of each construction season detailing the results of the preconstruction surveys. The report shall be submitted to the CDFG by November 30 of each year.

Mitigation Measure BIO-1b: If burrowing owls are found on the site, CDFG shall be notified and a qualified biologist shall implement a routine monitoring program in coordination with CDFG and establish an exclusion zone around each occupied burrow in which no construction-related activity shall occur until the burrows are confirmed to be unoccupied. No disturbance shall occur within 160 feet (50 meters) of an occupied burrow during the non-breeding season (September 1 through January 31) and within 250 feet (75 meters) of an occupied burrow during the breeding season (February 1 through August 31). If burrows cannot be avoided, passive relocation methods shall be implemented pursuant to CDFG guidelines. All activities shall be coordinated with the CDFG prior to disturbance of the burrows.

Mitigation Measure BIO-1c: In the unlikely event that burrowing owls are found nesting on the site, 6.5 acres of suitable habitat, as determined by an experienced wildlife biologist and approved by CDFG, shall be preserved as mitigation for each individual or pair of owls found on-site. A management plan shall be developed for the mitigation area and approved by CDFG and the City. Mitigation may include permanent protection of on-site foraging habitat around the burrow of each pair or unpaired burrowing owl, or the permanent protection of habitat at a nearby off-site location acceptable to CDFG if mitigation on-site is not feasible. Any mitigation site shall be dedicated in perpetuity as wildlife habitat either through establishment of a conservation easement on the mitigation site or through transfer of ownership of the lands to an appropriate public agency that shall preserve and manage the lands as wildlife habitat.

Finding for Impact BIO-1: Mitigation Measures BIO-1a, BIO-1b and BIO-1c, which require comprehensive pre-construction surveys for burrowing owl conducted no more than 30 days prior to any ground disturbing activities and provide protection for burrowing owls if they are found burrowing or nesting on the site, will reduce the potential adverse impacts of grading and construction on the burrowing owl. These mitigation measures shall be overseen by the California Department of Fish and Game (CDFG) and are considered to be an effective way

to reduce construction period impacts to burrowing owls. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-1a, BIO-1b and BIO-1c will be incorporated into the project via conditions of approval, and will reduce Impact BIO-1 to a less-than-significant level.

Impact BIO-2: Grading, construction and post-construction industrial uses associated with the project may alter or degrade marine habitats adjacent to the project site.

Mitigation Measure BIO-2: The project shall comply with conditions of the NPDES permit and SWPPP for construction and industrial operations. See Mitigation Measures HYDRO-1 and HYDRO-2 in Section IV.G, Hydrology and Water Quality.

Finding for Impact BIO-2: Mitigation Measure BIO-2, which requires compliance with the conditions of NPDES and implementation of a SWPPP for construction and operation of the project, will reduce potential degradation of marine habitat adjacent to the project site. This mitigation measure will ensure that stormwater runoff from the project site does not contaminate surrounding marine habitat. The Regional Water Quality Control Board (RWQCB) finds these measures adequately protect water quality. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-2 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-2 to a less-than-significant level.

Impact BIO-3: Grading, construction and industrial uses associated with the proposed project may result in indirect impacts to Essential Fish Habitat (EFH) in the Bay. The proposed development could impact EFH habitat through increases in freshwater runoff and accumulation of contaminants and sediments.

Mitigation Measure BIO-3: Implementation of Mitigation Measure BIO-2 would reduce this impact to a less-than-significant level.

Finding for Impact BIO-3: Mitigation Measure BIO-2, which requires compliance with the conditions of NPDES and implementation of a SWPPP for construction and operation of the project, will reduce potential contamination of stormwater runoff from the project site and will reduce indirect impacts to Essential Fish Habitat (EFH). Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-3 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-3 to a less-than-significant level.

Impact BIO-4: Grading and construction activities associated with the project have the potential to harm or disturb nesting birds or destroy their nests.

Mitigation Measure BIO-4: If demolition, tree removal, or grading will begin within the breeding season for songbirds (March – August), a qualified biologist shall conduct surveys on the project site, including the existing buildings and woody plants, to identify any nesting native bird species. These surveys shall be carried out no sooner than two weeks prior to the start of construction. Impacts to active nests shall be avoided by establishing a 100-foot exclusion zone around all active nests, within which construction-related activities shall be prohibited until nesting is complete or the nest is abandoned. A qualified biologist shall monitor each nest once per week in order to track the status of each nest and inform the project applicant of when a nest area has been cleared for construction. Alternatively, the

project applicant shall apply for a federal depredation permit for migratory birds from the USFWS, with notification to the CDFG, if nests are to be disturbed during the nesting season.

Finding for Impact BIO-4: Mitigation Measure BIO-4, which requires surveys for nesting native bird species prior to demolition, tree removal or grading activities between March and August, will reduce potential harm and disturbance of nesting birds. This mitigation measure will ensure compliance with the Migratory Bird Treaty Act of 1918 (Act; 16 U.S.C. 703-712), which makes it illegal to intentionally take, harm, or harass any migratory bird or their eggs, except under the authority of an appropriate license or permit. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-4 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-4 to a less-than-significant level.

4.7 Hazards and Hazardous Materials

Impact HAZ-1: Improper use, storage, or disposal of hazardous materials or wastes during site development and construction activities could result in releases affecting construction workers, the public, and the environment.

Mitigation Measure HAZ-1a. Project construction plans shall include emergency procedures for hazardous materials releases for materials that will be brought onto the site as part of site development and construction activities. The emergency procedures for hazardous materials releases shall include the necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. All use, storage, transport and disposal of hazardous materials (including any hazardous wastes) during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.

Mitigation Measure HAZ-1b: The Storm Water Pollution Prevention Plan (SWPPP) required for the proposed project (see Mitigation HYDRO-2) shall include requirements for storage of hazardous materials during construction to minimize the potential for releases. All use, storage, transport and disposal of hazardous materials during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.

Finding for Impact HAZ-1: Mitigation Measures HAZ-1a and HAZ-1b, which require emergency procedures for hazardous materials releases and for the SWPPP to include requirements for storage of hazardous materials during construction, will reduce the improper use, storage or disposal of hazardous materials during the construction period. These mitigation measures represent standard methods of managing the uses of hazardous materials during project construction and adequately protect construction workers, the public and the environment from hazardous materials releases. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HAZ-1a and Haz-1b will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-1 to a less-than-significant level.

Impact HAZ-2: Project development and operations could result in hazardous conditions by virtue of its location on a former closed landfill site.

Mitigation Measure HAZ-2. Prior to grading and/or building permit issuance, the applicant shall obtain Department of Health Services approval for Title 27 compliance, including but

not limited to ensuring: landfill cover integrity; drainage and erosion control systems; a means to address differential settlement; and gas control and monitoring.

Finding for Impact HAZ-2: Mitigation Measure HAZ-2, which requires Department of Health Services approval for Title 27 compliance will substantially lessen the hazardous conditions on the former landfill site by ensuring landfill cover integrity, drainage and erosion control systems, a means to address differential settlement, and gas control and monitoring. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HAZ-2 will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-2 to a less-than-significant level.

Impact HAZ-3: Operation of the project could result in hazardous conditions related to the introduction of facilities that may use animals in research.

Mitigation Measure HAZ-3. Following development of the project, any facility using animals in research shall, at the City of Brisbane's request, furnish to the City documentation demonstrating their compliance with applicable standards for laboratory animal care (e.g., the Institute of Laboratory Animal Research Guide for the Care and Use of Laboratory Animals), such as a copy of their license with the USDA and a copy of the results of the USDA inspections (that occur on at least an annual basis) to ensure compliance with the ongoing requirements of the federal Animal Welfare Act and the Health Research Extension Act of 1985.

Findings for Impact HAZ-3: Compliance with applicable standards for laboratory animal care will ensure compliance with ongoing federal regulations of animals in research and will reduce hazardous conditions related to presence of animal facilities on the project site. The City finds that this mitigation measure will reduce risks associated with the use of animals in research to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that Mitigation Measure HAZ-3 will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-3 to a less-than-significant level.

4.8 Utilities and Infrastructure

Impact UTL-1: The City of Brisbane would have inadequate water supplies to meet system-wide demand during multiple dry years.

Mitigation Measure UTL-1a: Future water supply shortages would be managed through water conservation and rationing programs and increased demand management. In accordance with previously adopted Water Conservation Programs, the project site and all other water users in the Brisbane Water Service Area could be subject to mandatory reductions in consumption on a system-wide basis, mandatory reductions in consumption for outside irrigation, restrictions on various types of water use, excess use charges and flow restrictions and termination of water service for non-compliance with the program elements.

Mitigation Measure UTL-1b: As a condition of approval and prior to the issuance of any building permits for the project, the applicant shall confirm that water conservation and effective demand management measures are incorporated into project design per a detailed program prepared by a LEED Accredited Professional. The project water conservation program shall quantify water demand reduction and efficiency and shall be reviewed and approved by the City Engineer. The specific LEED water conservation measures shall be

incorporated in the final building design. These measures may include, but are not limited to, the use of water efficient fixtures, faucet aerators and low-flow toilets and showerheads.

Findings for Impact UTL-1: Mitigation Measures UTL-1a and UTL-1b, which require water conservation measures during water shortage years and incorporation of LEED water conservation and demand management measures will substantially lessen Impact UTL-1. The City finds that water conservation and rationing programs, including the LEED water conservation measures would be reduce water supply impacts to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTL-1 will be incorporated into the project via conditions of approval, and will reduce Impact UTL-1 to a less-than-significant level.

Impact UTL-2: Existing water storage capacity would be inadequate to meet fire flow requirements for the project site.

Mitigation Measure UTL-2a: As a condition of approval and prior to issuance of building permits, the proposed project shall incorporate a pressure reducing/pressure sustaining valve on the 16-inch interconnection between CalWater and the City of Brisbane Water Districts in a valve box located in the center median of Shoreline Court. The valve shall be properly sized and have the ability to provide bidirectional fire flow to Sierra Point and the proposed project while concurrently maintaining the capacity to provide the required fire flow and pressure to the CalWater District. The new interconnection assembly shall comply with the City of Brisbane Public Works Department, CalWater and North County Fire Department specifications.

Mitigation Measure UTL-2b: As a condition of approval and prior to issuance of building permits, an agreement must be made between CalWater and the City of Brisbane Water District and a program prepared that identifies and establishes responsibilities and operating ranges for the pressure reducing/pressure sustaining valve and the routine maintenance and testing of the facility. The applicant shall be responsible for the costs associated with preparation and implementation of the program.

Mitigation Measure UTL-2c: The project proponent shall pay a fair share, as determined by the City of Brisbane Public Works Department, for the future development of a water storage tank sized to provide local fire and maximum day demands water volume to serve Sierra Point.

Findings for Impact UTL-2: Mitigation Measures UTL-2a, UTL-2b, and UTL-2c, which require a pressure reducing/pressure sustaining valve on the 16-inch interconnection between CalWater and the City of Brisbane Water Districts, a program for establishing responsibility for operating and routine maintenance, and a fair-share payment for a fire storage water tank will substantially lessen Impact UTL-2. The City finds that these mitigation measures will provide adequate water storage capacity to meet fire flow requirements for the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures UTL-2a, UTL-2b, and UTL-2c will be incorporated into the project via conditions of approval, and will reduce Impact UTL-2 to a less-than-significant level.

Impact UTL-3: The joint potable water and fire flow water distribution system could result in contamination in the potable water distribution system.

Mitigation Measure UTL-3: The proposed project shall include a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations in accordance with Public Works Department and Fire Authority specifications. Each fire supply loop connection to the street main shall include a double detector check valve. A fire loop system separated from the potable water system will allow for smaller water mains to serve the peak daily demand for the project, thereby allowing for quicker water turnover in the potable water system. Separate potable and fire supply systems will also allow for maintenance on either looped system without affecting the other.

As an alternative, the applicant could submit a proposal for a dual-use fire/water loop but, as part of such a submittal, must provide sufficient evidence (e.g., hydraulic calculations) to the satisfaction of the City Engineer, that the water would not stagnate in such a dual-use system and that the impact would be mitigated to a less-than-significant level.

Findings for Impact UTL-3: Mitigation Measure UTL-3 requires a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations or a dual-use fire/water loop that will not allow water to stagnate. The City finds that either approach will prevent contamination of the potable water distribution system as a result of aging water and subsequent degradation of chloramines, release of free ammonia and nitrification process. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTL-3 will be incorporated into the project via conditions of approval, and will reduce Impact UTL-3 to a less-than-significant level.

Impact UTL-4: During peak flow conditions, wastewater flow from the project would exceed the capacity of the Sierra Point Lift Station.

Mitigation Measure UTL-4: The project applicant shall pay for the installation of larger pumps or a complete replacement of the Sierra Point Lift Station, as determined by the Public Works Department, to accommodate the increase in peak sewer flows from the project site. Additional required improvements to the lift station may include replacement of the electrical system and a larger standby generator.

Findings for Impact UTL-4: Mitigation Measure UTL-4, which requires project applicant to pay for the installation of larger pumps or a complete replacement of the Sierra Point Lift Station, as determined by the Public Works Department, will substantially reduce the project's impact on peak sewer flow capacity. The City finds that this mitigation measure will provide adequate wastewater flow capacity for the Sierra Point Lift Station. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTL-4 will be incorporated into the project via conditions of approval, and will reduce Impact UTL-4 to a less-than-significant level.

Impact UTL-5: At peak sewer flow conditions, the project would exceed the capacity of the downstream 10-inch gravity sewer line in Sierra Point Parkway.

Mitigation Measure UTL-5: The project applicant shall fund the replacement of the downstream 10-inch gravity line in Sierra Point Parkway with a pipeline capable of accommodating peak flow levels in accordance with the 2003 City of Brisbane Sewer Master

Plan pipe capacity requirements. The Public Works Department shall ensure that the replacement pipe is adequately sized to comply with the 2003 City of Brisbane Sewer Master Plan requirements and meets all specifications.

Findings for Impact UTL-5: Mitigation Measure UTL-5, which requires the project applicant to fund replacement of the downstream 10-inch gravity sewer line in Sierra Point Parkway will substantially reduce the project's impact on peak sewer flow conditions. The City finds that this mitigation measure will provide adequate peak wastewater flow capacity downstream of the project. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTL-5 will be incorporated into the project via conditions of approval, and will reduce Impact UTL-5 to a less-than-significant level.

Impact UTL- 6: The construction of new water, sewer and storm drain lines could potentially cause significant environmental effects.

Mitigation Measure UTL-6a: The construction of new water, wastewater and stormwater infrastructure shall incorporate mitigation measures GEO-1a, GEO-1b, GEO-1c, GEO-2a, GEO-2b, GEO-2c, GEO-3, GEO-4, HYDRO-1a, HYDRO-1b, HYDRO-1c, HYDRO-2a, HYDRO-2b, HAZ-1a and HAZ-1b.

Mitigation Measure UTL-6b: To address the potential of differential ground settlement, the construction of water, sewer and storm drain lines shall include flexible utility connections at buildings and provide support for the utilities under buildings on the structures themselves, consistent with the requirements established in the Sierra Point Design Guidelines and implementing documents.

Findings for Impact UTL-6: Mitigation Measure UTL-6a and UTL-6b require the construction of new water, sewer and storm drain lines to incorporate mitigation measures GEO-1a, GEO-1b, GEO-1c, GEO-2a, GEO-2b, GEO-2c, GEO-3, GEO-4, HYDRO-1a, HYDRO-1b, HYDRO-1c, HYDRO-2a, HYDRO-2b, HAZ-1a and HAZ-1b and to provide flexible utility connections at buildings and appropriate support for utilities on the buildings themselves, consistent with the requirements established in the Sierra Point Design Guidelines and implementing documents. The City finds that these mitigation measures will reduce potential adverse environmental effects resulting from installation of new water, sewer and storm drain lines on the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures UTL-6a and UTL-6b will be incorporated into the project via conditions of approval, and will reduce Impact UTL-6 to a less-than-significant level.

Impact UTL-7: Stormwater runoff from the project site could exceed the capacity of the stormwater system in the northwest portion of the site.

Mitigation Measure UTL-7: Stormwater drainage on the project site should be directed away from the intersection of Sierra Point Parkway and Marina Boulevard at the northwest corner of the site. The City of Brisbane Public Works Department and/or Building Division shall review and approve final project design and drainage plans prior to approval of the grading plan.

Findings for Impact UTL-7: Mitigation Measure UTL-7, which requires stormwater to be directed away from the intersection of Sierra Point Parkway and Marina Boulevard at the northwest corner of the site and to receive final project design and drainage plan approval by

the City will substantially reduce the project's impact on stormwater capacity in the northwest portion of the site. The City finds that this mitigation measure will reduce stormwater drainage impacts to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure UTL-7 will be incorporated into the project via conditions of approval, and will reduce Impact UTL-7 to a less-than-significant level.

4.9 Visual Resources

Impact VIS-1: Construction of the proposed parking garage at the northeast corner of the project site adjacent to Sierra Point Parkway would degrade existing public views and the visual quality of the site.

Mitigation Measure VIS-1: During the Design Review process, the City of Brisbane shall ensure that the parking garage and retail façade along Sierra Point Parkway provides adequate architectural treatments and landscaping to ensure that the parking structure does not degrade the visual quality of the site. These treatments may include the use of decorative building materials, fenestration, landscaping or other treatments designed to provide a visually appealing building façade and streetscape along Sierra Point Parkway. The City shall require the applicant to provide a final design to the City for final approval prior to approval of a building permit.

Finding for Impact VIS-1: Incorporation of adequate architectural elements along the parking garage, the retail façade and provision of landscaping will reduce the degradation of the visual quality of the site, per the implementation of the Additional Retail Alternative. The impact to existing public views and visual quality will be reduced to a less-than-significant level.

Impact VIS-2: Implementation of the proposed project would create a new source of light and glare.

Mitigation Measure VIS-2: As a condition of project approval, a photometric analysis and lighting plan shall be prepared for the proposed project. This analysis shall include an assessment of potential lighting impacts based on the height, location, light fixtures, direction and illumination intensity and hours of operation. This analysis shall identify any potential light spill beyond the site boundaries, including light that could impact water vessel or aircraft navigation. The lighting plan shall be designed to control light energy and ensure that exterior lighting is directed downward and away from adjacent streets and buildings in a manner designed to minimize off-site light spillage and reduce impacts to water vessel and aircraft navigation. The lighting plan shall be submitted to the Community Development Department and City Engineer for final approval prior to approval of a building permit.

Findings for Impact VIS-2: Mitigation Measure VIS-2, which requires a photometric analysis and lighting plan, will ensure that the project does not create a new source of light and glare. The City finds that by requiring the lighting plan and analysis, the potential visual impact associated with light spillage, particularly to water vessels and aircraft, will be reduced to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure VIS-2 will be incorporated into the project via conditions of approval, and will reduce Impact VIS-2 to a less-than-significant level.

SECTION 5: Effects Determined to be Less Than Significant or Not Significant

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or less than significant.

5.1 Land Use and Planning

The project will redevelop a predominantly vacant parcel with office and research and development (R&D) uses. The proposed project would not physically divide the community but instead will improve access through the site. The proposed project will be compatible with the surrounding land uses which include office, lodging and recreational uses. While the proposed project will require General Plan and Zoning Ordinance amendments to allow R&D uses, it will then be considered consistent with the Brisbane General Plan, the Brisbane Zoning Ordinance, and other plans applicable to the project site. The City finds that the land use and planning impacts that will result from implementation of the project are less-than-significant.

5.2 Population, Employment and Housing

The proposed project would generate approximately 1,800 new jobs but would not include any additional residential housing units. There are currently no inhabited residential units on the project site, thus the proposed project would not result in the displacement of existing housing units or people. The resulting employment growth is anticipated by the Brisbane General Plan and other relevant planning documents and therefore would not result in substantial unforeseen population or employment growth. The City finds that the population, employment and housing impacts that will result from implementation of the project are less-than-significant.

5.3 Public Services and Recreation

The incremental increase in demand for police services, fire and emergency services, schools, parks and recreational facilities that would result from implementation of the proposed project can be accommodated by existing service providers and facilities. The City finds that the public services and recreation impacts that will result from implementation of the project are less-than-significant.

5.4 Agricultural Resources

The project site is located on a former sanitary landfill created in the Bay by a series of dikes. When the landfill was closed, clay and soil were brought to the site to cover the landfill. The site is not classified by the State of California Department of Conservation as farmland and no agricultural uses or farmland are present within or adjacent to the project site. The City finds that there would be no agricultural resources impacts related to this project.

5.5 Cultural Resources

The project site is located on a former landfill that operated from 1968 to 1972. The site does not contain cultural resources, given that 23 to 47 feet of artificial fill and municipal refuse overlie the Bay Mud below the site. However, paleontological resources could potentially be found in the soils that underlay the landfill. Because the clay cap which seals the landfill must remain intact in order to ensure public safety, minimal grading of the site would occur. Therefore, potential paleontological resources would not be disturbed by the project. The City finds that there would be no cultural resources impacts related to this project.

5.6 Mineral Resources

No known mineral resources are located within or near the project site. Mineral resource extraction activities have not taken place within or around the project site during recent history. The City finds that there would be no mineral resources impacts related to this project.

SECTION 6: Significant Cumulative Effects

The cumulative analysis in the Draft EIR utilizes projections found within the General Plan in addition to currently planned, approved or proposed projects provided by the Cities of Brisbane, San Francisco and South San Francisco. The following describes potential cumulative impacts associated with the project and the City's findings regarding these impacts.

6.1 Land Use and Planning Policy

Implementation of the cumulative projects, in combination with the proposed project, would result in the redevelopment of numerous infill sites throughout the San Francisco mid-peninsula area. Anticipated development in Brisbane is expected to intensify the uses of underutilized parcels, provide greater neighborhood cohesion and linkages with downtown, and accommodate an increasing population. The proposed project would not contribute to the division of an established community or incompatibilities between surrounding land uses. Although the proposed project requires General Plan and Zoning Ordinance amendments, it is generally consistent with the intent of guiding land use policies and would not contribute to policy conflicts. Therefore, the City finds that the project will not make a considerable contribution to a significant land use and planning policy cumulative impact.

6.2 Population, Employment and Housing.

The proposed project would increase the number of jobs in Brisbane by approximately 1,800 and would have an indirect effect on population growth, which is not expected to be substantial. This population and employment increase is consistent with projections for the City and would not be considered unanticipated growth. Implementation of the cumulative projects would represent a moderate population and employment increase within the region. This growth would have several beneficial effects, including the provision of housing and employment within an already urbanized area. Therefore, the City finds that the project will not make a considerable contribution to a significant population, employment or housing cumulative impacts.

6.3 Transportation, Circulation and Parking

Several transportation and circulation impacts were identified under the cumulative scenario (year 2030). These impacts included:

- Unacceptable level of service at the intersection (#8) of Sierra Point Parkway and Lagoon Way.
- Unacceptable level of service at the intersection (#10) of Sierra Point Parkway and Shoreline Court.
- Unacceptable level of service at the intersection (#6) of Bayshore Boulevard and Old County Road.

All of the above impacts would be reduced to a less-than-significant level with implementation of the identified mitigation measures.

Several additional transportation and circulation impacts were identified under the cumulative scenario (year 2030). These impacts included:

- Unacceptable level of service at the intersection (#9) of Sierra Point Parkway and the US 101 northbound ramp.
- Unacceptable level of service on the following three freeway segments:
    - US 101 southbound between Harney Way and Sierra Point Parkway in the AM Peak hour.
    - US 101 southbound between Sierra Point Parkway and Oyster Point Boulevard in the PM Peak hour.
    - US 101 northbound between Oyster Point Boulevard and Sierra Point Parkway in the AM Peak hour.

These impacts would remain significant, even with implementation of identified mitigation measures. Pursuant to Section 15091(a)(3) of the Public Resources Code, the City finds that there are specific economic, legal, social, and technological considerations which make mitigation of these impacts to a less than significant level infeasible. In order to approve the project the City Council will need to adopt a statement of overriding considerations pursuant to Section 15093 of the Public Resources Code.

6.4 Air Quality

Section IV.D of the Draft EIR includes an analysis of the cumulative air quality impacts associated with the project. The *Bay Area Air Quality Management District CEQA Guidelines* state that "for any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impacts should be based on an evaluation of the consistency of the project with the local general plan and the general plan with the regional air quality plan." The *Bay Area 2005 Ozone Attainment Plan* is the relevant regional air quality plan.

The proposed project would not result in cumulative air quality impacts as the project does not have individually significant air quality as a result of project operations and would not cause the City of Brisbane General Plan to conflict with the Clean Air Plan (CAP). Furthermore, the City's General Plan is consistent with the CAP and ABAG projections and the proposed project is consistent with the policy documents that regulate development on Sierra Point. Therefore, the City finds that the project will not make a considerable contribution to a significant air quality cumulative impacts.

6.5 Noise

Section IV.E of the Draft EIR includes an analysis of the cumulative noise impacts associated with roadway noise based on the year 2030 traffic volumes. The increases over existing traffic volumes are attributable to cumulative development projects in the project vicinity and in the region. As indicated, the future roadway noise assessment concludes that there will be no roadway noise impacts associated with cumulative and cumulative plus project conditions. The noise analysis also provides an assessment of on-site noise level impacts from existing aircraft noise levels. With implementation of the recommended mitigations, the assessment concludes that the project will not produce a significant impact on office and commercial uses on the project site. Thus, no significant cumulative impacts would occur after implementation of the proposed mitigation measures. Therefore, the City finds that the project will not make a considerable contribution to a significant noise cumulative impact.

6.6 Geology, Soils and Seismicity

The potential cumulative impacts for geology do not extend far beyond a project's boundaries, since geological impacts are confined to discrete spatial locations and do not combine to create an extensive cumulative impact condition. The mitigation measures identified in Section IV.F of the Draft EIR, including compliance with the California Building Code, geotechnical investigation, Inspection and Repair Plan and Post-Earthquake Inspection and Corrective Action Plan, would reduce the project related effects due to geology on the project site. Therefore, the City finds that the project will not make a considerable contribution to a significant geology, soils and seismicity cumulative impacts.

6.7 Hydrology and Water Quality

It is not expected that the proposed project would contribute to cumulative impacts associated with surface water quality because surface water runoff from the site would be processed by Best Management Practices (BMPs) before discharge. It is not expected that the proposed project would contribute to cumulative impacts associated with groundwater quality because the project would not draw upon or deliver water to the local groundwater. The proposed project would receive water from a commercial water utility and would not have an individual or cumulative impact on aquifer water levels, as no water would be withdrawn. Construction of the proposed project would result in an increase in the area of impervious surface and an increase in runoff. However, no cumulative effects are expected, as the existing and proposed storm water drainage systems would be able to accommodate increases in runoff and BMPs and specific design standards would be required for all major improvements to ensure retention/detention of surface water on-site. The proposed project would not be expected to exacerbate any downstream flooding problems, as discharge from the site flows directly to the terminal receiving water body. Therefore, the City finds that the project will not make a considerable contribution to a significant hydrology and water quality cumulative impacts.

6.8 Biological Resources

Implementation of the proposed project would not contribute to impacts on biological resources. Given that the majority of planned future area development is located within highly urbanized areas and these projects would implement mitigation measures as required to minimize impacts on biological resources, the proposed project, in conjunction with future development, would not have a significant impact on biological resources.

6.9 Hazards and Hazardous Materials

Development of the proposed project, in conjunction with planned future area development, would cumulatively increase the demand for emergency response capabilities. The City of Brisbane has developed an Emergency Response Management Plan, which is regularly updated and includes evacuation procedures and routes. The Emergency Response Management Plan was prepared in concert with a number of multi-agency mutual aid plans. Given continued updates to the Emergency Management Plan and multi-agency coordination, the proposed project, in conjunction with planned future area development, would not result in significant cumulative impacts to established emergency response plans or evacuation plans.

Planned future development in the greater area, particularly, R&D, auto park, warehouse, industrial/ commercial, medical, institutional and educational uses, would result in increased routine transport, use, storage and disposal of hazardous materials. During construction of the

proposed project, no off-site disposal of soils would occur. The only wastes that would be generated would be from demolition /removal of the three small sheds on the property. During project operation, any businesses with hazardous materials storage, use, handling or disposal would be required to comply with applicable federal, state, and local requirements. The risk of upset and accident conditions involving the release of hazardous materials into the environment would be minimized through compliance with these regulations. Therefore, the City finds that the project will not make a considerable contribution to significant cumulative impacts associated with the transport, use, storage, and disposal of hazardous materials, or accidents associated with these uses.

6.10 Public Services

Development of the proposed project, in conjunction with planned future area development, would cumulatively increase demand for public facilities and services in the project area. None of the public facilities or services analyzed would experience significant impacts. Buildout of the cumulative projects should not result in cumulative impacts related to physical capacities, service levels or funding availability, particularly because the increased demand for services has, in many cases, been anticipated in planning and policy documents and would be shared across various cities. Therefore, the City finds that the project will not make a considerable contribution to significant cumulative public services impacts.

6.11 Utilities and Infrastructure

Development of the proposed project, in addition to other future development in the area, would cumulatively increase the demand on the utility providers and infrastructure in the project area. The proposed project would require the construction of additional water, sewer and storm drain lines within the project site, as well as require new water storage infrastructure to meet fire flow requirements. Currently, the Southeast Treatment Plant is experiencing combined sewage outfall during peak flow levels. However, the Southeast Treatment Plant provides minimum primary treatment for combined sewer flows during peak flow periods, in compliance with federal Combined Sewer Overflow Control Policies. Increased water supply demands from the proposed project, in addition to other future development, could potentially exceed the available water supplies during multiple dry years.[2] Energy demands from the proposed project and other future development in the area could potentially result in the need for additional peaker plant capacity in order to meet increased energy demands, despite demand reduction and demand shifting programs. Mitigation Measures outlined in the EIR, Section IV.K, Utilities and Infrastructure, would reduce the potential cumulative impacts to a less-than-significant level. Therefore, the City finds that the project will not make a considerable contribution to significant cumulative utilities and infrastructure impacts.

6.12 Visual Resources

The proposed project would transform a vacant undeveloped area to graded land with built structures similar to existing commercial development that surrounds the project site to the west and to the north. Landscaping of open areas and surface parking lots would cover approximately 47 percent of the project site and would provide attractive streetscapes and open space areas. Improvements and landscaping associated with the Bay Trail would maintain the open views of the Bay and San Bruno Mountain. Views of San Bruno Mountain from the Marina towards the west of the project site would remain undeveloped and unobstructed from most vantage points. Visual corridors from public streets surrounding the project site would maintain views of the Bay

[2] City of Brisbane, 2006. *Water Supply Assessment for the Proposed Sierra Point Biotech Project.* July.

through the project site and no cumulative visual impacts would result from implementation of the project.

SECTION 7: Feasibility of Project Alternatives

7.1 Project Alternatives

The Draft EIR included two alternatives: the No Project Alternative and the Revised Site Plan Alternative; a further modification to the Revised Site Plan Alternative (the Additional Retail Alternative) was proposed after publication of the Response to Comments document in April 2007. The City Council hereby concludes that the Draft EIR sets forth a reasonable range of alternatives to the Sierra Point Biotech Project so as to foster informed public participation and informed decision making.

7.1.1 No Project Alternative. Under the No Project alternative, the Master Plan would be implemented as approved by the 1984 Development Agreement between the City and Sierra Point Associates One and Two and would result in a 630,000-square foot office park which would be approximately 89,815 square feet larger than the proposed project. An estimated 2,100 persons would work in the office park.

Three office buildings would be constructed on the project site: a six-story building, an eight-story building, and a ten-story building. A parking structure with up to four-stories above grade would be built in the northeast corner of the lot and surface parking would cover the remaining site, aside from the 100-foot shoreline band under BCDC jurisdiction.

Implementation of the No Project alternative, would result in office uses but not research and development uses and amendments to the General Plan and Zoning Ordinance to allow such uses would not be required. The existing General Plan designation, Sierra Point Commercial/Retail/Office (SPCRO), and Zoning designation, Sierra Point Commercial/Retail/Office (SPCRO), would apply to the project site.

Findings. The No Project alternative would generally achieve most of the project objectives. However, the large amount of surface and structured parking associated with this alternative would prohibit the achievement of project objectives to enhance the sense of place and the identity of Sierra Point and would potentially diminish the public's enjoyment of the San Francisco Bay Trail.

The No Project alternative would result in the two significant unavoidable environmental impacts related to traffic similar to the project. The No Project alternative would result in potentially significant impacts on visual resources related to the height and location of the parking structure. However, these impacts would be reduced as compared to the proposed project as the garage would be lower and set further back from Sierra Point Parkway.

7.1.2 Revised Site Plan Alternative. The Revised Site Plan alternative would reduce the adverse visual impact of the parking structure by reducing its height and setting it back from Sierra Point Parkway. It would result in the addition of an additional 4-story parking structure (Garage #1) adjacent to Shoreline Court at the southwestern corner of the site. Compared to the proposed project, parking garage #1 would replace a surface parking lot, and parking garage #2 would be in the same general location as the proposed garage, but would be two stories lower and set back an additional 64 feet from Sierra Point Parkway, for a total setback of approximately 131 feet from

the curb. Two rows of surface parking would be provided in the setback area between the garage and Sierra Point Parkway.

Unlike the garage proposed for the project, parking garage #2 would not contain or provide retail space and associated outdoor uses, such as seating. Parking garage #1 would provide 412 parking spaces and would be 127,992 square feet in size. Parking garage #2 would provide 678 parking spaces and would be 198,920 square feet in size. The combined square footage of the two garages would be smaller (by approximately 10,675 square feet) than the single garage proposed under the project. There would be fewer structured parking spaces provided (159 less spaces), but the total number of parking spaces provided on-site (1,799 spaces) would remain the same as under the proposed project.

Similar to the proposed project, the Revised Site Plan alternative would require General Plan and Zoning amendments for the proposed research and development (R&D) uses.

Findings. The Revised Site Plan alternative would achieve all of the project objectives, as it would: develop the site with an attractive office and research park, maximize public views, improve access to the Bay, create jobs, and enhance property and economic values. This mitigation measure for visual resources would reduce the significant visual impact to a less-than-significant.

The Revised Site Plan alternative would result in the two significant unavoidable environmental impacts relating to traffic, similar to the project. The revised project design with mitigation measures proposed for the project would result in less-than-significant impacts to visual resources. However, this alternative would be deficient in regard to providing ground floor retail or other public uses that would enhance the pedestrian experience along Sierra Point Parkway. Further modification of this alternative to add ground floor retail along Sierra Point Parkway would enhance the pedestrian experience while reducing the adverse visual impacts of the project.

7.1.3 Additional Retail Alternative. The Additional Retail alternative would reduce the adverse visual impact of the proposed parking structure in the northeast portion of the project site by adding a 15,000 square foot retail liner along the garage façade facing Sierra Point Parkway. The additional retail uses would be consistent with the City's vision for Sierra Point, would enliven the marina area, and would enhance the visitor and pedestrian experience of Sierra Point. There would be fewer structured parking spaces provided (333 less spaces) and more surface parking, but the total number of parking spaces provided on-site (1,799 spaces) would remain the same as under the proposed project.

Similar to the proposed project, the Revised Site Plan alternative would require General Plan and Zoning amendments for the proposed research and development (R&D) uses, Design Guidelines amendment, transfer of square footages from Sierra Point Parcel R (12,500 square feet of retail uses) and to Sierra Point Parcel 3 (89,815 square feet of office uses), a Design Permit, a Parking Modification use Permit, and a Development Agreement.

Findings. The Additional Retail alternative would achieve all of the project objectives, as it would: develop the site with an attractive office and research park, maximize public views, improve access to the Bay, create jobs, and enhance property and economic values. Implementation of this alternative would reduce the significant visual impact (VIS-1) to a less-than-significant level.

The Additional Retail alternative would result in the two significant unavoidable environmental impacts relating to traffic, similar to the project. The revised project design with mitigation measures proposed for the project would result in less-than-significant impacts to visual resources. This alternative would provide ground floor retail and other public uses that would enhance the pedestrian experience along Sierra Point Parkway.

7.2 Environmentally Superior Alternative

Section 15126.6(e)(2) of the *CEQA Guidelines* requires that an environmentally superior alternative be identified among the selected alternatives. Furthermore, if the No Project Alternative is identified as environmentally superior, CEQA directs the lead agency to identify another environmentally superior alternative from the remaining alternatives.

CEQA requires the identification of the environmentally superior alternative in an EIR. Because the Additional Retail alternative would achieve all of the project objectives and would reduce the potential significant and unavoidable visual impact associated with construction of the parking garage in the northeast corner of the site, it is considered the environmentally superior alternative. Other potential impacts associated with the proposed project and the Additional Retail alternative (with the exception of the two significant and unavoidable traffic impacts) can be mitigated to a less-than-significant level with the mitigation measures identified in this EIR.

Findings. The City finds that a modified revised Additional Retail alternative as described above would meet the objectives of the project and is environmentally superior to the project.

ATTACHMENT A

MITIGATION MONITORING AND REPORTING PROGRAM

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Environmental Impact Report (EIR) and the environmental analysis prepared under CEQA for the Additional Retail Alternative to the Sierra Point Biotech project. The MMRP, which is found in Table 1 of this section, lists recommended mitigation measures for the proposed project and identifies mitigation monitoring requirements. City staff may revise this Draft MMRP at their discretion, as the Final MMRP must be adopted after the City Council has certified the EIR and made the findings required under paragraph (1) of subdivision (a) of Section 15091 in conjunction with approving the Sierra Point Biotech project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies the mitigation measure. The second column, entitled "Mitigation Responsibility," refers to the party responsible for implementing the mitigation measure. The third column, entitled "Monitoring/Reporting Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fourth column, entitled "Monitoring Schedule," refers to when monitoring will occur to ensure that the mitigating action is completed. Please note that these mitigation measures include any revisions made as a result of the Response to Comments Document, City staff edits, and the LSA memorandum regarding the Sierra Point Biotech Project EIR- Text Revisions, dated November 19, 2007. This MMRP is for the Additional Retail Alternative, as analyzed in the LSA Memorandum regarding the Additional Retail Alternative for the Sierra Point Biotech Project EIR, dated November 15, 2007. Where mitigation measures vary from those identified in the Final EIR, Response to Comments document, April 2007, the text is shown using ~~strikeout~~ text for deletions and <u>underlined</u> text for additions.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
A. LAND USE			
There are no significant impacts to land use and planning policy.			
B. POPULATION, EMPLOYMENT AND HOUSING			
There are no significant impacts to population, employment and housing.			
C. TRANSPORTATION, CIRCULATION AND PARKING			
TRANS-1: The applicant shall be responsible for installing a signal, to the satisfaction of the City Engineer in regards to design and the timing of the improvement, at the intersection of Sierra Point Parkway and US 101 northbound ramp. This mitigation measure would allow the intersection to operate at LOS C during the AM peak hour and LOS A during the PM peak hour.	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a certificate of occupancy permit for the 3rd office/campus building
TRANS-2: Based on the Second Amendment document, the applicant shall be responsible for modifying the intersection of Sierra Point Parkway and Lagoon Way, to the satisfaction of the City Engineer in regards to design and the timing of the improvement, so that the intersection is signalized and a second northbound through lane is added. This mitigation measure would allow the intersection to operate at LOS B during the AM peak hour and LOS B during the PM peak hour.	Sierra Point L.L.C. (Master Sierra Point Developer)	Brisbane Public Works Department/City Engineer	Upon reaching traffic volume thresholds established pursuant to adopted 2nd Amendment to Agreement Concerning Project Approval Documents (2nd Amendment Document). Project applicant to monitor traffic volumes on yearly basis pursuant to recorded development agreement (DA).
TRANS-3: Based on the Second Amendment document, the applicant shall be responsible for signalizing the intersection of Sierra Point Parkway and Shoreline Court and adding a second northbound left-turn lane, a second southbound right-turn lane, and a second eastbound left-turn lane, to the satisfaction of the City Engineer in regards to design and the timing of the improvement. This mitigation measure would allow the intersection to operate at LOS B during the AM peak hour and LOS C during the PM peak hour.	Sierra Point LLC	Brisbane Public Works Department/City Engineer	See Trans. 2
TRANS-4: Implement Mitigation Measure TRANS-1. This mitigation measure would	Project Applicant	Brisbane Public Works	Prior to issuance of

G.1.88

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
allow the intersection of Sierra Point Parkway and the US 101 northbound ramp to operate at LOS C during the cumulative PM peak hour and LOS F during the AM peak hour with a decrease in the average delay compared to Cumulative Conditions without the project. While implementation of this mitigation measure would reduce the impact, it would not reduce it to a less-than-significant level in the cumulative AM peak hour condition and this impact would remain significant and unavoidable.		Department/City Engineer	a certificate of occupancy permit for the 3rd office/campus building.
TRANS-5: Implement Mitigation Measure TRANS-2. This mitigation measure would allow the intersection of Sierra Point Parkway and Lagoon Way to operate at LOS C during the AM peak hour and LOS B during the PM peak hour, with a decrease in the average delay compared to Cumulative Conditions without the project.	Sierra Point LLC	Brisbane Public Works Department/City Engineer	See Trans 2
TRANS-6: Implement Mitigation Measure TRANS-3. This mitigation measure would allow the intersection of Sierra Point Parkway and Shoreline Court to operate at LOS B during the AM peak hour and LOS D during the PM peak hour, with a decrease in the average delay compared to the cumulative condition without the project.	Sierra Point LLC	Brisbane Public Works Department/City Engineer	See Trans 2.
TRANS-7: The project applicant shall implement up to two of the following measures (per the requirements of the City Engineer in regards to design and the timing of the improvement), to reduce the project's contribution to the impact to the intersection of Bayshore Boulevard and Old County Road: • Install an additional second eastbound left-turn lane and convert the existing shared-through-left to a through lane at the intersection of Bayshore Boulevard/Old County Road. This improvement would change the existing eastbound geometry from one left-turn, one shared-through-left, and one right-turn to two left-turns, one through lane, and one right-turn lane. This mitigation measure would allow the intersection to operate at LOS C during both the AM and PM peak hours. Implementation of this mitigation may require the need for additional right-of-way to be obtained from nearby property owners. • Install a westbound through lane at the intersection of Bayshore Boulevard/Old County Road to change the existing westbound geometry from one shared-through-left and one right-turn to one shared-through-left, one through lane, and one right-turn lane. This mitigation measure would allow the intersection to operate at LOS C during both the AM and PM peak hours. This mitigation may require the need for additional right-of-way to be obtained from the nearby property owners. • Adjust the signal timing of the intersection which would improve the LOS to an acceptable level.	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a certificate of occupancy permit for the 3rd office/campus building.
TRANS-8: In accordance with CMP requirements, the project applicant shall ensure that Travel Demand Management (TDM) measures to reduce project impacts are implemented by the project applicant or tenants, per the approval of the City Engineer regarding the specific measures and the implementation timing. A list of TDM measures are provided in the San Mateo County Final Congestion Management Program. In coordination with the City and prior to issuance of a building permit, the applicant shall prepare and provide the	Project Applicant	Brisbane Planning Department/County Congestion Management Agency	Prior to issuance of a building permit

G.1.89

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
City with a Traffic Reduction Plan that identifies specific TDM measures to be implemented. Specific measures that could be included in the Plan are listed below: • Provide for the existing shuttle service to serve the Sierra Point Biotech project buildings and provide for increased frequencies of the shuttle during the peak periods to access the CalTrain and/or BART rail stations. Coordinate with the shuttle and transit operators with respect to the location of transit stops and the provision of related shuttle-user amenities (e.g., dedicated shuttle stops, seating areas, crosswalks); • Provide secure bicycle parking; • Provide and operate an on-site commute assistance center to allow for one stop shopping for transit and commute alternatives information, preferably staffed with a live person to assist building tenants with trip planning; • Provide subsidized transit passes; • Charge for parking and offer employees a parking cash-out program; and • Implement an alternate hours workweek program, also known as flextime. While implementation of this mitigation measure would reduce the impact, mitigation measures, involving implementation of TDM measures are typically designed to achieve a 10 to 20 percent traffic reduction. Even if these reductions could be achieved, the freeway segments could continue to operate above the CMP threshold for significant impacts. The measure would not reduce impacts to a less-than-significant level in the cumulative condition and this impact would remain significant and unavoidable.			
TRANS-9: Prior to the approval of a grading permit, the applicant shall prepare a Construction Traffic Control Plan for review and approval by the City. The plan should identify locations for temporary signals; construction signage; striping; construction vehicle travel routes and site ingress and egress; staging areas; and timing of construction activities which appropriately limits hours during which large construction equipment may be brought on or off the site.	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a grading permit
~~TRANS-10: Prior to the approval of the grading permit for the project, the site plan shall be revised so that the Bay Trail does not pass through the public parking area. The reconstruction of the Bay Trail shall be subject to San Francisco Bay Conservation and Development Commission (BCDC) and City of Brisbane review and approval to ensure that the reconstructed trail does not impact pedestrian and bicycle mobility and that the Bay Trail design includes amenities such as benches, lighting and landscaping.~~	~~Project Applicant~~	~~Brisbane Planning Department/ BCDC~~	~~Prior to issuance of a grading permit~~
TRANS-11: The project site plan shall be revised to include a minimum 20-foot turning radius at the western driveway on Sierra Point Parkway and the driveway at Shoreline Court; and a minimum 15-foot radius at the eastern driveway on Sierra Point Parkway. The revised site plan shall be reviewed and approved by the City Engineer to ensure that adequate driveway curb radii are provided.	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a grading permit
TRANS-12: Prior to issuance of a grading permit, the applicant shall provide the City with a revised site plan and parking plan that maintains some of the existing on-street parking	Project Applicant	Brisbane Planning and Public Works Departments/	Prior to issuance of a grading permit

G.1.90

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
prohibitions along the site frontages in the vicinity of the driveways in order to ensure that there would be sufficient sight distance at the project driveways. Prior to approval of a final site plan, the City Engineer shall ensure that any landscaping, parking or signage allows for unobstructed views for vehicles leaving the site.		City Engineer	
TRANS-13: The project applicant shall provide the City Engineer with an alignment analysis to confirm that the proposed project access driveways are designed to not conflict with the existing alignment of opposing driveways or the traffic signal and related improvement plans at the Sierra Point Parkway and Shoreline Court intersection.	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a grading permit
TRANS-14: Prior to issuance of a grading permit, the applicant shall provide to the City a revised site plan and parking plan that eliminates the dead-end parking aisles or shows that parking in the dead end aisle is designated for specific individuals. The plan shall also show that there is adequate turnaround space at the end of each drive aisle.	Project Applicant	Brisbane Planning Department	Prior to issuance of a grading permit
D. AIR QUALITY			
AIR-1: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project. *Construction.* The following controls shall be implemented at all construction sites: • Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;	Project Applicant/ Construction Manager	Brisbane Public Works Department	Periodically during demolition, grading, and construction activities
• Apply non-toxic soil stabilizers to inactive construction areas; • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible. • Install base rock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and • Suspend excavation and grading activity when sustained wind speeds exceed 25 mph. Sustained wind speed shall be determined by averaging observed values over a two-			

6.1.91

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
minute period. Wind monitoring by the construction manager shall be required at all times during excavation and grading activities. Implementation of this mitigation measure would reduce construction period air quality impacts to a less-than-significant level.			
E. NOISE			
Mitigation Measure NOISE-1: Mechanical ventilation, such as air conditioning systems, shall be included in the design for Building D, Building E and the retail space adjacent to the parking garage in order to meet the California Land Use Compatibility Guidelines for office and commercial uses.	Project Applicant	Brisbane Building Division, Planning Department	Prior to issuance of a building permit
NOISE-2: The project shall comply with the following noise reduction measures: • General construction activities shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. Pile driving shall be limited to Monday through ~~Saturday~~ Friday ~~10:00~~ 8:00 a.m. to 5:00 p.m. and prohibited on Saturdays and Sundays. Construction outside of these hours may be approved through an exception permit issued by the Planning Director. The exception permit shall include appropriate conditions to minimize noise disturbance of affected hotel, office and commercial uses. • All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust mufflers that are in good condition. • All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines. • Post signs prohibiting unnecessary idling of internal combustion engines. • The construction manager shall identify and designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints and institute reasonable measures warranted to correct the problem. The noise disturbance coordinator shall report all complaints and resolution thereof to the City via monthly reports. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. • Utilize air compressors that are designated as "quiet" and other "quiet" construction equipment sources where such technology exists.	Project Applicant/ Construction Manager	Brisbane Public Works Department	Periodically during grading and construction activities
F. GEOLOGY, SOILS AND SEISMICITY			
GEO-1a: All structures shall be designed and constructed in conformance with the most recently adopted California Building Code requirements for seismic design. The City Engineer shall approve all final design and engineering plans.	Project Applicant	City of Brisbane Building Official	Prior to issuance of a building permit
GEO-1b: As a condition of approval and prior to the issuance of a grading permit, the applicant shall submit a final site-specific, design-level geotechnical investigation, to be prepared by a licensed professional, to the City for review and approval. The geotechnical	Project Applicant	City Engineer	Prior to issuance of a grading permit

G.1.92

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
investigation shall include recommendations for grading, avoidance of settlement, and differential settlement of infrastructure and buildings. The recommendations shall be incorporated into all development plans submitted for the project.			
GEO-1c: The applicant shall provide information to prospective building occupants regarding earthquake safety. The information shall include one or more of the following publications: Information obtained from the California Division of Mines and Geology in its 1997 report "Guidelines for Evaluating and Mitigating Seismic Hazards in California" (which can be downloaded from the Division's home page at www.consrv.ca.gov), "The Commercial Property Owner's Guide to Earthquake Safety," and "The Homeowner's Guide to Earthquake Safety" both produced by the Seismic Safety Commission (SSC) and available from SSC at 1755 Creekside Oaks Drive, Suite 100, Sacramento, CA 95883 or at 916-263-5506), and "Peace of Mind in Earthquake Country" (Peter Yanev, 1991, Chronicle Books).	Project Applicant	Planning Department	Ongoing to be demonstrated upon request of Planning Department
GEO-2a: All structures shall be designed and constructed in conformance with the most recently adopted California Building Code requirements for building design in areas undergoing compaction. The Building Official shall approve all final design and engineering plans.	Project Applicant	Brisbane Planning Department/Building Official	Prior to issuance of a building permit issuance
GEO-2b: As required in Mitigation Measure GEO-1b, the applicant shall prepare and submit to the City for final approval a final design-level geotechnical investigation that includes recommendations for avoidance of settlement and placement of fill materials.	Project Applicant	Brisbane Building Official/City Engineer	Prior to issuance of a grading permit
GEO-2c: The final geotechnical investigation shall include an Inspection and Repair Plan to address future settlement of the project site. The Inspection and Repair Plan shall delineate an inspection schedule for storm water conveyances and other utilities (on at least an annual basis) to determine adverse effects of settlement. The Plan shall identify responsibility for repair of any affected improvements (e.g., property owner, lessees, or property management company). The inspection results and repairs shall be documented to the City in a biannual report. (See also Mitigation Measure GEO-3).	Project Applicant	Brisbane Building Official/City Engineer	Prior to issuance of a grading permit. Ongoing implementation demonstrated via submission of required biannual report
GEO-3: The applicant shall coordinate with the Sierra Point Environmental Management Association to ensure that the Inspection and Repair Plan (see Mitigation Measure GEO-2c) includes provisions for dike inspections and repairs. The dikes shall be inspected at least annually (and immediately following a seismic event) and necessary repairs to ensure stability shall be implemented. All inspections and repairs shall be conducted by or in accordance with the recommendations of a licensed professional engineer.	Project Applicant/Sierra Point Environmental Management Association	City Engineer	Ongoing yearly reports filed with City Engineer
GEO-4: The applicant shall coordinate with the Sierra Point Environmental Management Association to ensure that the Post-Earthquake Inspection and Corrective Action Plan (Plan) is updated to reflect the changes in conditions at the project site since its initial preparation in 1996. The Inspection and Repair Plan (see Mitigation Measure GEO-2c) should work cooperatively with the Plan. The revised Post-Earthquake Inspection and	Project Applicant/Sierra Point Environmental Management Association	City Engineer	Prior to issuance of a certificate of occupancy permit

G.1.73

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
Corrective Action Plan shall be submitted to the City prior to site occupancy.			
G. HYDROLOGY AND WATER QUALITY			
HYDRO-1a: As a condition of approval of the final grading plans, the applicant shall file a Notice of Intent to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities, and shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for construction activities on the site. The SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted by the applicant. In addition to the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay.	Project Applicant	Brisbane Public Works/ City Engineer	Prior to issuance of a grading permit
HYDRO-1b: The grading of the project site shall be conducted in conformance with the approved Grading Plan. All recommendations for grading presented in the site-specific geotechnical reports shall be incorporated into the grading activities.	Project Applicant	City Engineer	Periodically during grading activities
HYDRO-1c: As a condition of approval, the applicant shall be responsible for continued compliance with all requirements of the Waste Discharge Requirements administered by the RWQCB for the Sierra Point Landfill. As necessary, the applicant shall protect or replace all compliance monitoring points within the project site.	Project Applicant	Brisbane City Engineer/RWQCB	Ongoing
HYDRO-2a: As a condition of approval of the Design Permit, the project applicant shall fully comply with the requirements detailed in Provision C.3 of the San Mateo countywide NPDES stormwater permit (NPDES Permit No. CAS0029921). Provision C.3 requires the applicant to incorporate site design, source control, and numerically sized stormwater treatment measures to reduce stormwater pollutant discharge to the maximum extent practicable. The applicant shall prepare a Final Stormwater Management Plan (Plan) detailing how the project will comply with Provision C.3, to be submitted for review and approval by the Public Works Director. The Plan shall be prepared in accordance with all relevant guidance contained in the San Mateo Countywide Water Pollution Prevention Program's *C.3 Technical Guidance Document*, the California Stormwater Quality Association's *New and Redevelopment Best Management Practice Handbook*, and the Bay Area Stormwater Management Agencies Association's *Start at the Source, Design Guidance Manual for Stormwater Quality Protection*. The Plan shall also include a long-term maintenance program for all stormwater treatment measures, including details on responsible parties (the City will not assume maintenance responsibilities for these measures) and funding sources for long-term maintenance of all stormwater treatment measures. The applicant shall thoroughly review and comply with the requirements of the most current municipal stormwater permit (currently NPDES Permit No. CAS0029921) and amendments. The City of Brisbane Public Works Department shall ensure the final project design and Plan are prepared and adequate prior to approval of the final site plan.	Project Applicant	Brisbane Public Works and Planning Departments	Condition of Design Permit approval, prior to issuance of a grading permit
HYDRO-2b: As a condition of approval of the final grading plan, the project applicant shall develop and implement an Integrated Pest Management Plan (IPM) for all common	Project Applicant	Brisbane Public Works Department	Prior to issuance of a grading permit

G.1.94

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
landscaped areas. The IPM shall be prepared by a qualified professional approved by the City. The IPM shall address and recommend methods of pest prevention and that use of pesticides is a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified. Pesticides shall be used only in response to a persistent pest problem. Preventative chemical use shall not be employed. Cultural and biological approaches to pest control shall be more fully integrated into the IPM with an emphasis toward reducing pesticide application.			
H. BIOLOGICAL RESOURCES			
BIO-1a: Comprehensive pre-construction surveys for burrowing owl presence shall be conducted no more than 30 days prior to any ground disturbing activities. If ground disturbing activities are delayed or suspended for more than 30 days after the initial pre-construction surveys, the site shall be re-surveyed. All surveys shall be conducted in accordance with current CDFG burrowing owl survey protocol (CDFG, October 17, 1995). A qualified biologist shall conduct surveys for burrowing owls in all suitable habitats on the site. Surveys shall be conducted regardless of season, as suitable habitat on-site may be used at all times of the year. A report shall be prepared at the end of each construction season detailing the results of the preconstruction surveys. The report shall be submitted to the CDFG by November 30 of each year.	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	Prior to issuance of a grading permit/report completed at the end of each construction season

G.1.95

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
BIO-1b: If burrowing owls are found on the site, CDFG shall be notified and a qualified biologist shall implement a routine monitoring program in coordination with CDFG and establish an exclusion zone around each occupied burrow in which no construction-related activity shall occur until the burrows are confirmed to be unoccupied. No disturbance shall occur within 160 feet (50 meters) of an occupied burrow during the non-breeding season (September 1 through January 31) and within 250 feet (75 meters) of an occupied burrow during the breeding season (February 1 through August 31). If burrows cannot be avoided, passive relocation methods shall be implemented pursuant to CDFG guidelines. All activities shall be coordinated with the CDFG prior to disturbance of the burrows.	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	CDFG clearance required prior to grading/construction permit issuance for affected areas
BIO-1c: In the unlikely event that burrowing owls are found nesting on the site, 6.5 acres of suitable habitat, as determined by an experienced wildlife biologist and approved by CDFG, shall be preserved as mitigation for each individual or pair of owls found on-site. A management plan shall be developed for the mitigation area and approved by CDFG and the City. Mitigation may include permanent protection of on-site foraging habitat around the burrow of each pair or unpaired burrowing owl, or the permanent protection of habitat at a nearby off-site location acceptable to CDFG if mitigation on-site is not feasible. Any mitigation site shall be dedicated in perpetuity as wildlife habitat either through establishment of a conservation easement on the mitigation site or through transfer of ownership of the lands to an appropriate public agency that shall preserve and manage the lands as wildlife habitat.	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	Approved mitigation agreement prior to grading/construction permit issuance for affected areas
BIO-2: The project shall comply with conditions of the NPDES permit and SWPPP for construction and industrial operations. See Mitigation Measures HYDRO-1 and HYDRO-2 in Section IV.G, Hydrology and Water Quality.	Project Applicant	Brisbane Planning Department/City Engineer	Prior to issuance of a grading permit
BIO-3: Implementation of Mitigation Measure BIO-2 would reduce this impact to a less-than-significant level.	Project Applicant	Brisbane Planning Department/City Engineer	Prior to issuance of a grading permit

G.1.96

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
BIO-4: If demolition, tree removal, or grading will begin within the breeding season for songbirds (March – August), a qualified biologist shall conduct surveys on the project site, including the existing buildings and woody plants, to identify any nesting native bird species. These surveys shall be carried out no sooner than two weeks prior to the start of construction. Impacts to active nests shall be avoided by establishing a 100-foot exclusion zone around all active nests, within which construction-related activities shall be prohibited until nesting is complete or the nest is abandoned. A qualified biologist shall monitor each nest once per week in order to track the status of each nest and inform the project applicant of when a nest area has been cleared for construction. Alternatively, the project applicant shall apply for a federal depredation permit for migratory birds from the USFWS, with notification to the CDFG, if nests are to be disturbed during the nesting season.	Project Applicant/Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	Prior to issuance of a grading permit
I. HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1a: Project construction plans shall include emergency procedures for hazardous materials releases for materials that will be brought onto the site as part of site development and construction activities. The emergency procedures for hazardous materials releases shall include the necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. All use, storage, transport and disposal of hazardous materials (including any hazardous wastes) during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.	Project Applicant/ Construction Manager	Brisbane Planning Department	Prior to issuance of a grading permit
HAZ-1b: The Storm Water Pollution Prevention Plan (SWPPP) required for the proposed project (see Mitigation HYDRO-2) shall include requirements for storage of hazardous materials during construction to minimize the potential for releases. All use, storage, transport and disposal of hazardous materials during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a grading permit

G.1.97

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
HAZ-2: Prior to grading and/or building permit issuance, the applicant shall obtain Department of Health Services approval for Title 27 compliance, including but not limited to ensuring: landfill cover integrity; drainage and erosion control systems; a means to address differential settlement; and gas control and monitoring.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a grading permit and full time inspection for all grading and clay cap placement. Full time inspection for placement of below slab geomembrane material, for all pile penetration sealing operations, for placement of all below slab utilities, and for pile cap, grade beam, and floor slab concrete pours.
HAZ-3: Following development of the project, any facility using animals in research shall, at the City of Brisbane's request, furnish to the City documentation demonstrating their compliance with applicable standards for laboratory animal care (e.g., the Institute of Laboratory Animal Research Guide for the Care and Use of Laboratory Animals), such as a copy of their license with the USDA and a copy of the results of the USDA inspections (that occur on at least an annual basis) to ensure compliance with the ongoing requirements of the federal Animal Welfare Act and the Health Research Extension Act of 1985.	Project Applicant/ Project Occupants	Brisbane Planning Department	Ongoing
J. PUBLIC SERVICES AND RECREATION			
There are no significant Public Services and Recreation impacts.			
K. UTILITIES AND INFRASTRUCTURE			
UTL-1a: Future water supply shortages would be managed through water conservation and rationing programs and increased demand management. In accordance with previously adopted Water Conservation Programs, the project site and all other water users in the Brisbane Water Service Area could be subject to mandatory reductions in consumption on a system-wide basis, mandatory reductions in consumption for outside irrigation, restrictions on various types of water use, excess use charges and flow restrictions and termination of water service for non-compliance with the program elements.	Project Applicant/ Project Occupants	Brisbane Public Works Department/Brisbane Water District	Ongoing

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
UTL-1b: As a condition of approval and prior to the issuance of any building permits for the project, the applicant shall confirm that water conservation and effective demand management measures are incorporated into project design per a detailed program prepared by a LEED Accredited Professional. The project water conservation program shall quantify water demand reduction and efficiency and shall be reviewed and approved by the City Engineer. The specific LEED water conservation measures shall be incorporated in the final building design. These measures may include, but are not limited to, the use of water efficient fixtures, faucet aerators and low-flow toilets and showerheads.	Project Applicant	City Engineer/Building Official	Prior to issuance of a building permit
UTL-2a: Mitigation Measure UTL-2a: As a condition of approval and prior to issuance of building permits, the proposed project shall incorporate a pressure reducing/ pressure sustaining valve on the 16-inch interconnection between CalWater and the City of Brisbane Water Districts in a valve box located in the center median of Shoreline Court. The valve shall be properly sized and have the ability to provide bidirectional fire flow to Sierra Point and the proposed project while concurrently maintaining the capacity to provide the required fire flow and pressure to the CalWater District. The new interconnection assembly shall comply with the City of Brisbane Public Works Department, CalWater and North County Fire Department specifications.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a building permit
UTL-2b: As a condition of approval and prior to issuance of building permits, an agreement must be made between CalWater and the City of Brisbane Water District and a program prepared that identifies and establishes responsibilities and operating ranges for the pressure reducing/pressure sustaining valve and the routine maintenance and testing of the facility. The applicant shall be responsible for the costs associated with preparation and implementation of the program.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a building permit
UTL-2c: The project proponent shall pay a fair share, as determined by the City of Brisbane Public Works Department, for the future development of a ~~fire~~ water storage ~~water~~ tank sized to provide local fire and maximum day demands water volume to serve Sierra Point.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit for the 2nd office/campus building (180,000 square feet of building area).

C.1.99

G.1.100

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
UTL-3: The proposed project shall include a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations in accordance with Public Works Department and Fire Authority specifications. Each fire supply loop connection to the street main shall include a double detector check valve. A fire loop system separated from the potable water system will allow for smaller water mains to serve the peak daily demand for the project, thereby allowing for quicker water turnover in the potable water system. Separate potable and fire supply systems will also allow for maintenance on either looped system without affecting the other. As an alternative, the applicant could submit a proposal for a dual-use fire/water loop but, as part of such a submittal, must provide sufficient evidence (e.g., hydraulic calculations) to the satisfaction of the City Engineer, that the water would not stagnate in such a dual-use system and that the impact would be mitigated to a less-than-significant level.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit
UTL-4: The project applicant shall pay for the installation of larger pumps or a complete replacement of the Sierra Point Lift Station, as determined by the Public Works Department, to accommodate the increase in peak sewer flows from the project site. Additional required improvements to the lift station may include replacement of the electrical system and a larger standby generator.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit
UTL-5: The project applicant shall fund the replacement of the downstream 10-inch gravity line in Sierra Point Parkway with a pipeline capable of accommodating peak flow levels in accordance with the 2003 City of Brisbane Sewer Master Plan pipe capacity requirements. The Public Works Department shall ensure that the replacement pipe is adequately sized to comply with the 2003 City of Brisbane Sewer Master Plan requirements and meets all specifications.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit
UTL-6a: The construction of new water, wastewater and stormwater infrastructure shall incorporate mitigation measures GEO-1a, GEO-1b, GEO-1c, GEO-2a, GEO-2b, GEO-2c, GEO-3, GEO-4, HYDRO-1a, HYDRO-1b, HYDRO-1c, HYDRO-2a, HYDRO-2b, HAZ-1a and HAZ-1b.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
UTL-6b: To address the potential of differential ground settlement, the construction of water, sewer and storm drain lines shall include flexible utility connections at buildings and provide support for the utilities under buildings on the structures themselves, consistent with the requirements established in the Sierra Point Design Guidelines and implementing documents.	Project Applicant	Brisbane Public Works Department	Full time inspection for all work in any utility trench (including landfill gas collection system) within the landfill cover, until the backfill is at least 1 foot above the cover. Prior to issuance of a certificate of occupancy permit
UTL-7: Stormwater drainage on the project site should be directed away from the intersection of Sierra Point Parkway and Marina Boulevard at the northwest corner of the site. The City of Brisbane Public Works Department and/or Building Division shall review and approve final project design and drainage plans prior to approval of the grading plan.	Project Applicant	Brisbane Public Works Department	Prior to issuance of a grading permit
L. VISUAL RESOURCES			
VIS-1: Mitigation Measure VIS-1: During the Design Review process, the City of Brisbane shall ensure that the parking garage and retail façade along Sierra Point Parkway provides adequate architectural treatments and landscaping to ensure that the parking structure does not degrade the visual quality of the site. These treatments may include the use of decorative building materials, fenestration, landscaping or other treatments designed to provide a visually appealing building façade and streetscape along Sierra Point Parkway. The City shall require the applicant to provide a final design to the City for final approval prior to approval of a building permit.	Project Applicant	Brisbane Planning Department	Prior to issuance of a building permit
VIS-2: As a condition of project approval, a photometric analysis and lighting plan shall be prepared for the proposed project. This analysis shall include an assessment of potential lighting impacts based on the height, location, light fixtures, direction and illumination intensity and hours of operation. This analysis shall identify any potential light spill beyond the site boundaries, including light that could impact water vessel or aircraft navigation. The lighting plan shall be designed to control light energy and ensure that exterior lighting is directed downward and away from adjacent streets and buildings in a manner designed to minimize off-site light spillage and reduce impacts to water vessel and aircraft navigation. The lighting plan shall be submitted to the Planning Department and City Engineer for final approval prior to approval of a building permit.	Project Applicant	Brisbane Planning Department/ City Engineer	Prior to issuance of a building permit

Source: LSA Associates, Inc., 2007.

G.1.101