

## Chapter 17.16 SCRO-1 SOUTHWEST BAYSHORE COMMERCIAL DISTRICT

17.16.010 Purposes of chapter. The general plan designates several areas of the city for subregional commercial/retail/office use (SCRO). The SCRO-1 Southwest Bayshore commercial district (hereinafter referred to as the Southwest Bayshore district) is one of such planning areas and is included in the zoning ordinance codified in this title to achieve the following purposes:

- A. To create a zoning district for the Southwest Bayshore area that provides for orderly development consistent with the land use policies for that area as set forth in the city's general plan;
- B. To encourage a mix of subregional uses and the opportunity to include mixed-uses and residential uses when appropriate;
- C. To ensure that future development will be conducted in a manner that will adequately address the environmental constraints in the Southwest Bayshore district, as identified in the general plan;
- D. To address historical issues of incompatible land uses; and
- E. To protect the community health and safety by establishing permit requirements, performance standards, and special findings for the establishment of uses in the Southwest Bayshore district.

17.16.020 No permitted uses. There are no permitted uses in the Southwest Bayshore district. Only those uses designated as conditional uses in Section 17.16.030 may be established, subject to the issuance of a use permit in accordance with the requirements of this chapter.

17.16.030 Conditional uses.

A. Allowable Conditional Uses. The following conditional uses may be allowed in the Southwest Bayshore district, upon the granting of a use permit pursuant to Chapter 17.40 of this title and if conducted in accordance with the performance standards set forth in Section 17.16.050 of this chapter:

1. Commercial recreation/commercial gym and health facilities;
2. Contractor's yards;
3. Cultural facilities;
4. Duplex dwelling units;
5. Educational facilities;
6. Financial institutions;
7. Food production;
8. Group care homes;
9. Hotels;
10. Light fabrication;
11. Live/work developments;
12. Media studios;
13. Medical facilities;
14. Meeting halls;
15. Mobilehome parks;
16. Motels;
17. Multiple-family dwellings;
18. Offices;
19. Outdoor sales and rental;
20. Personal services;
21. Places of worship;
22. Printing;
23. Product showrooms;
24. Research and development, where the planning director determines, as a result of a risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will not constitute a major component of the research and development activities to be conducted on the site;
25. Restaurants;
26. Retail sales and rental;
27. Single-family dwellings;
28. Storage;
29. Veterinary clinics;
30. Warehousing;
31. Wholesale sale and distribution.

B. Mixed Uses. A combination of any residential and nonresidential uses listed in subsection A of this section may be allowed as a mixed use within the same structure or upon the same site when specifically authorized by the use permit granted for each individual conditional use and upon such additional conditions as the approving authority may deem necessary or appropriate to insure the compatibility of such mixed uses.

C. Night Operations. Night operations associated with the conduct of any uses listed in subsection A of this section (except residential uses) shall require a use permit when subject to the provisions of Section 17.16.070 of this chapter.

17.16.040 Development regulations. Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
  1. Single-family dwellings: seven thousand five hundred (7,500) square feet;
  2. Duplex dwellings: three thousand seven hundred fifty (3,750) square feet;
  3. Multiple-family dwellings: one thousand five hundred (1,500) square feet;

4. Mixed use or live/work development: dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:  
Width: 50 feet                      Depth: No requirement
- D. Setbacks. The minimum required setbacks for any lot shall be as follows:
  1. Front setback: five (5) feet.
  2. Side setback: None, except a ten (10) foot setback shall be required when the site is adjacent to any residential use.
  3. Rear setback: ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).
- F. Height of Structures. The maximum height of any structure shall be thirty-five (35) feet.
- G. Landscaping Requirements.
  1. Not less than ten percent (10%) of the lot area shall be in irrigated lawn, shrubs, trees, or other landscaping.
  2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside areas, a fire break shall be provided as approved by the city's fire chief.
  3. Landscaping required under this section shall be provided with adequate water-conserving irrigation systems and be installed according to detailed plans approved by the planning director. Nonirrigated alternatives may be permitted, subject to approval of the planning director.
- H. Screening Requirements.
  1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
  2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.
  3. The screening requirements set forth in subsections 1 and 2 of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

17.16.050 Performance standards. All uses in the Southwest Bayshore district shall be conducted in accordance with the following performance standards:

- A. All routine aspects of the day-to-day operations of a business, including the storage of materials and products, shall be conducted entirely within an enclosed structure, with the exception of the following:
  1. Outdoor activities specifically authorized by the use permit;
  2. Parking of operable vehicles related to the authorized uses conducted on the site;
  3. Shipments and deliveries incidental to the conduct of the primary use on the site.
- B. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.
- C. Sound insulation housing or baffles, or other reasonable measures, shall be installed in conjunction with heating and ventilating equipment or other machinery when necessary to effectively mitigate sound emissions distinctly detectable from any off-site location.
- D. Odors from any use shall not be generally or distinctly detectable from any off-site location.
- E. Lighting shall be designed to avoid excessive glare as viewed from offsite locations.

17.16.060 Special findings. In addition to the findings required for approval of a use permit as set forth in Section 17.40.060, no use permit shall be granted for any conditional use in the Southwest Bayshore district unless the approving authority also makes such of the following findings as may be applicable to the application:

- A. Adequate measures have been taken to protect workers and residents from the twenty-four (24) hour noise generated by traffic on Bayshore Boulevard.
- B. The design for projects with residential uses has incorporated measures to buffer the units from potential adverse impacts from nearby and adjacent non-residential uses.
- C. The design for projects with residential uses includes outdoor areas, such as courts, yards or decks, securely separated from the street.
- D. The improvements have been designed in a manner that will make adequate provision for on-site parking and traffic circulation and safe ingress to and egress from the site.
- E. The improvements have been designed to be compatible with the topography and soils of the hillside.

#### 17.16.070 Night operations.

A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as set forth below:

1. "Existing business" means a business or other use that is legally operating within the Southwest Bayshore district as of February 9, 2000, in accordance with all zoning regulations applicable thereto, and pursuant to a business license duly issued by the city.

2. "Night operations" means any activity conducted between the hours of ten (10:00) p.m. and five (5:00) a.m. of the following day.

B. Requirement for Use Permit to Conduct Night Operations. Except as otherwise provided in subsection C of this section, no business or other use, with the exception of residential uses, shall engage in the conduct of night operations at any location within the Southwest Bayshore district unless a use permit for such night operations has been granted pursuant to this chapter.

C. Continuation of Night Operations by Existing Businesses. An existing business which has lawfully been conducting night operations prior to February 9, 2000, may continue to conduct such night operations on the same site and shall be exempted from the requirement to obtain a use permit pursuant to this section. This exemption shall not apply to any relocation of the night operations to a different site, nor may the exemption be assigned or transferred by the existing business to a different business establishment or use, whether conducted on the same site or elsewhere.

D. Approving Authority. Applications for a use permit to conduct night operations shall be acted upon by the planning commission and shall be governed by the provisions of Chapter 17.40 of this title, as supplemented by this section.

E. Findings for Use Permit Approval. In addition to the findings required for approval of a use permit, as set forth in Section 17.40.060 and elsewhere in this section, no use permit shall be granted for the conduct of night operations in the Southwest Bayshore district unless the planning commission also finds and determines that the night operations conducted by the applicant will not create noise, glare or other effects that are likely to create a sleep disturbance for the occupants of neighboring residential properties.

F. Use Permit Conditions. Without limiting the authority of the Planning Commission to impose conditions on the granting of a use permit pursuant to Section 17.40.070, a use permit authorizing the conduct of night operations in the Southwest Bayshore district may contain limitations on the days and hours of operation, restrictions on the nightly volume of vehicle trips, restrictions on the type of vehicles or equipment that may be operated at night, requirements for special devices and measures for abatement of noise and glare, and requirements for mitigation monitoring and periodic mandatory review. The planning commission shall have continuing jurisdiction over every use permit issued pursuant to this section and may at any time, if the original findings required for issuance of the use permit can no longer be made, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the use permit.

17.16.080 Parking. Off-street parking facilities shall be provided for each use on the site in accordance with the requirements set forth in Chapter 17.34 of this title.

17.16.090 Signs. Signs allowed in the Southwest Bayshore district are as specified in Chapter 17.36 of this title.

17.16.100 Design review. The construction of any principal structure in the Southwest Bayshore district, except a single-family or duplex dwelling, shall be subject to the granting of a design permit in accordance with the provisions of Chapter 17.42 of this title and any applicable design guidelines adopted by the city.

17.16.110 Visual impact analysis. All projects, including single-family and duplex dwellings, shall submit a visual impact analysis, in accordance with guidelines approved by the planning commission, to address the following design issues: relationship to steep slopes; public view corridors; view of San Francisco Bay and San Bruno Mountain; material and lighting, especially as pertains to light and glare; treatment of roofs and the screening of mechanical equipment.

## CALCULATING MAXIMUM PERMITTED UNIT DENSITY FOR COMBINED DWELLING TYPES IN A SINGLE PROJECT

### §17.16.040 Development regulations

Development regulations in the Southwest Bayshore District are as follows:

- (a) Lot area. The minimum area of any lot shall be 7,500 feet.
- (b) Density of development. The minimum lot area for each dwelling unit on a site shall be as follows:
  - (1) Single family dwellings: 7,500 square feet.
  - (2) Duplex dwellings: 3,750 square feet.
  - (3) Multiple-family dwellings: 1,500 square feet.
  - (4) Mixed use or live/work development: dwelling unit density shall be determined by the use permit.

- calculate total site area.
- subtract 7,500 sq. ft. for each single-family dwelling proposed.
- subtract  $(3,750 \times 2)$  for each duplex proposed.
- divide remainder by 1,500 to determine max. number of Multiple-family dwelling units (no rounding up of fractions) — must be at least 3 units to qualify as multiple-family dwelling.

## BRISBANE MUNICIPAL CODE SECTION 17.01.060

17.01.060 Requirement for lot of record and infrastructure improvements.

Except as may otherwise be permitted under the provisions of this title, no permits or approvals shall be granted for the construction or expansion of any new or existing main or accessory structures upon any land, nor shall any permits or approvals be granted for the establishment, continuation or expansion of any use upon any land, unless both of the following requirements are satisfied:

A. The land constitutes a lot of record, as such term is defined in Chapter 17.02 of this title, or the granting of the permit or approval is conditioned upon such land being established as a lot of record through the recording of a parcel map approved by the city; and

B. All infrastructure improvements necessary for providing service to the existing or proposed structure or the use have been constructed or installed in accordance with applicable city standards as determined by the city engineer, or the granting of the permit or approval is conditioned upon such improvements being constructed or installed pursuant to the terms and within such period of time as set forth in an improvement agreement between the city and the applicant, which agreement shall be recorded in the office of the county recorder and shall constitute a covenant running with the land. The improvement agreement may require the applicant to provide security for performance of the work, in such form and amount as determined by the approving authority, and may provide for the applicant to either construct the improvements or to participate in an arrangement for such construction by others, or any combination thereof. (Ord. 422 §2(part), 1998).

17.02.490 Lot.

A. "Lot" means a parcel of land consisting of a single lot of record.

B. "Lot of record" means any of the following:

1. A lot which is part of a subdivision and shown on a map thereof as recorded in the office of the county recorder; or

2. A legally created parcel of land described by metes and bounds or shown on a parcel map which has been recorded in the office of the county recorder; or

3. A parcel of land for which a certificate of compliance has been issued by the city or the county pursuant to the map act and such certificate has been so recorded in the office of the county recorder.

Summary of Proposed Code Amendments  
Ordinance #451

The following sections would apply when improvements are proposed for a legally established existing single-family dwelling on a lot of record abutting a public street.

BMC 17.34.110 (existing)

If the parking is nonconforming, up to 400 square feet of floor area may be added to the building without triggering the parking requirements.

BMC 17.34.110, 17.34.115 (existing)

If the parking is nonconforming and more than 400 feet of additional floor area is proposed, the parking must be brought to code. Modifications to the parking requirements may be granted by the Planning Commission via a use permit.

BMC 15.08.140 (amendment proposed)

If the additions or alterations exceed 50% of the assessed value or floor area of the existing structure, the entire building must be brought into conformity with the standards for new construction to the extent that existing health and safety hazards are eliminated. Standards for new construction are defined as building codes, storm water management and discharge requirements, and street standards.

The following sections would apply when improvements are proposed for a legally established existing single-family dwelling on an unrecorded parcel abutting a public street.

BMC 17.01.060

A procedure must first be followed to establish the parcel as a lot of record.  
(existing)

The provisions above then apply.

The following sections would apply when improvements are proposed for a legally established existing single-family dwelling on an unrecorded parcel abutting an accessway that is not a dedicated public street.

BMC 17.01.060 (existing)

A procedure must first be followed to establish the parcel as a lot of record.

BMC 17.01.060 (new)

Limited improvements to the building and site may be made, provided that a determination is made by the approving authority that adequate infrastructure is available to service the specific improvements or will be constructed in conjunction with them. Improvements are limited to:

1. Unenclosed pools, hot tubs, decks, stairways and landings on the same lot.
2. Retaining walls.
3. Parking garages and carports where existing on-site parking facilities are nonconforming.
4. An addition of floor area not exceeding 100 square feet.
5. Repairs and remodels which do not change the original size, or floor area of the building.

ORDINANCE NO. 451

AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING SECTION 15.08.140, SECTION 17.01.060  
AND SUBSECTION 17.34.110(A) OF THE MUNICIPAL  
CODE

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 15.08.140 in Chapter 15.08 of the Municipal Code is amended to read as follows:

15.08.140 Additions or alterations in excess of fifty percent of value or area.

A. When additions or alterations to a lawfully constructed building or structure which are made within any five (5) year period exceed either: (i) fifty percent (50%) of the market value of the pre-existing building or structure; or (ii) fifty percent (50%) of the floor area of the pre-existing building or structure, as determined by the building official, then except as otherwise provided in Subsection C of this Section, the pre-existing building or structure shall be brought into conformity with such of the standards for new construction as the building official may determine to be necessary or appropriate to eliminate existing health or safety hazards, including, but not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate sanitary sewer or storm drainage facilities, and substandard street access to the property.

B. For the purposes of making the determinations required by Subsection A of this Section, the following definitions, rules of interpretation, and procedures shall be applied:

- (1) Additions or alterations performed at different periods of time shall be considered to have been made within a five (5) year period if any building permits are issued or any work is commenced within five (5) years following the date of completion of any earlier work on the same building or structure. The date of completion shall normally be established as the date on which final inspection approval of the earlier work is granted by the City.
- (2) The "floor area" of a building or structure shall mean the sum of the gross horizontal areas of all floors of a building or structure measured

from the interior face of the exterior walls, but excluding each of the following:

- (a) Any area where the floor to ceiling height is less than six (6) feet; or
  - (b) Any detached garage or other detached accessory structure which does not constitute habitable space; or
  - (c) The area of any minor expansion not exceeding a cumulative total of four hundred (400) square feet, permitted to be made under the provisions of Section 17.34.110 of this Title.
- (3) The "standards for new construction" shall mean: (i) the requirements of the building codes adopted by this Title 15; and (ii) the storm water management and discharge requirements established by Chapter 13.06 of this Code; and (iii) the standard specifications and street standards adopted by Section 12.24.010 in Chapter 12.24 of this Code.
  - (4) Replacements or repairs which do not essentially change the original size, configuration, and habitable floor area of the building or structure, as determined by the building official, shall not be considered as additions or alterations subject to the provisions of this Section.
  - (5) The building official may require the applicant to furnish evidence of market value of the building or structure prior to the performance of any additions or alterations and the estimated value of the building or structure after all such work has been completed, but in making the determinations of market value, the building official shall not be limited to such evidence and may consider any other information the building official deems appropriate.

C. Where an existing building or structure is required by this Section to be brought into conformity with the standards for new construction, the building official shall have authority in individual cases to grant modifications of any such requirements, if the building official is able to find and determine that:

- (1) Compliance with the requirement will cause practical difficulties or unreasonable hardship; and
- (2) The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; and
- (3) The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.

D. This Section is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or

policy of the City which may be applicable to the proposed development project, including any of the uniform codes adopted by this Title and including also any policy adopted in the Brisbane General Plan.

E. Where the requirements of Subsection A of this Section are not applicable because the additions or alterations do not exceed fifty percent (50%) of the market value or fifty percent (50%) of the floor area of the pre-existing building or structure, the proposed development shall nevertheless comply with the requirements of Section 17.01.060 of the Zoning Ordinance unless: (i) the pre-existing building or structure is located upon a lot of record, as such term is defined in Chapter 17.02 of the Zoning Ordinance, and (ii) a public street abutting such lot of record provides the principal means of access to that lot.

**SECTION 2:** Section 17.01.060 in Chapter 17.01 of the Municipal Code is amended to read as follows:

17.01.060 Requirement for lot of record and infrastructure improvements.

A. Except as permitted under Subsections B and C of this Section or as may be permitted under other provisions of this Title, no permit or approval shall be granted for the construction or expansion of any new or existing main or accessory structure of any size upon any land, nor shall any permit or approval be granted for the establishment or expansion of any use upon any land, unless both of the following requirements are satisfied:

- (1) The land constitutes a lot of record, as such term is defined in Chapter 17.02 of this Title, or the granting of the permit or approval is conditioned upon such land being established as a lot of record through the recording of a parcel map approved by the City; and
- (2) All infrastructure improvements necessary for providing service to the existing or proposed structure or use have been constructed or installed in accordance with applicable city standards as determined by the city engineer, or the granting of the permit or approval is conditioned upon such improvements being constructed or installed pursuant to the terms and within such period of time as set forth in an improvement agreement between the City and the applicant, which agreement shall be recorded in the office of the county recorder and shall constitute a covenant running with the land. The improvement agreement may require the applicant to provide security for performance of the work, in such form and amount as determined by the approving authority, and may provide for the applicant to either construct the improvements or to participate in an arrangement for such construction by others, or any combination thereof.

B. In the case of a lot of record which does not abut a public street providing the principal means of access to that lot, the following improvements may be constructed without compliance with the infrastructure requirements set forth in Subsection A(2) of this Section; *provided, however* no such improvements shall be allowed unless the approving authority determines that adequate infrastructure to service the proposed improvement is available at the site or will be constructed as part of the project:

- (1) Unenclosed hottubs, decks, stairways and landings located on the same lot as a lawfully constructed dwelling.
- (2) Retaining walls.
- (3) Parking garages and carports, no portion of which is used or usable for human occupancy.
- (4) An addition, not exceeding a floor area of one hundred (100) square feet, to a lawfully constructed building or structure. Only one such addition shall be allowed under this exemption.
- (5) Repairs or remodels which do not change the original size or significantly alter the configuration and/or habitable floor area of a lawfully constructed building or structure, as determined by the planning director.

C. Additions or alterations may be made to a lawfully constructed building or structure which is located on a lot of record, without compliance with the infrastructure requirements set forth in Subsection A(2) of this Section, where both of the following conditions are satisfied:

- (1) The additions or alterations do not exceed fifty (50%) of the market value or fifty percent (50%) of the floor area of the existing building or structure, determined in accordance with the provisions of Section 15.08.140, and
- (2) A public street abutting the lot on which the building or structure is located provides the principal means of access to that lot.

**SECTION 3:** Subsection 17.34.110(A) in Chapter 17.34 of the Municipal Code is amended to read as follows:

A. An existing single-family dwelling which does not have parking facilities that conform with the requirements of this Chapter may be expanded by a cumulative total of not more than four hundred (400) square feet without the need to bring the parking facilities into conformance or to obtain a use permit under Section 17.34.115 of this Chapter, subject to the following restrictions and requirements:

- (1) The structure to be expanded shall constitute the principal structure and the only dwelling unit located on the site.
- (2) The square footage permitted by this Section shall be reduced by the square footage of any prior expansion of the same structure that was made since January 1, 1986, regardless of whether an exception, use permit, variance, or other approval was granted for such prior expansion.
- (3) The square footage permitted by this Section shall be reduced by the square footage of any prior permitted expansion of the same structure which resulted in the loss of required parking spaces, such as the conversion of a garage to living area.
- (4) The expansion shall not result in the loss of any existing off-street parking spaces, or the conversion of a covered parking space to an uncovered parking space, or otherwise increase the nonconformity of the existing parking facilities.
- (5) The proposed development shall comply with the requirements of Section 17.01.060 of this Title, unless: (1) the structure to be expanded is located upon a lot of record, and (ii) a public street abutting such lot of record provides the principal means of access to that lot.

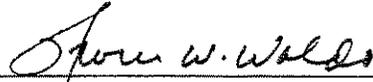
**SECTION 4:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5:** This Ordinance shall be in full force and effect thirty days after its passage and adoption.

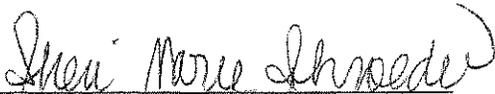
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The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the 11<sup>th</sup> day of September, 2000, by the following vote:

AYES: Councilmembers Bologoff, Conway, Johnson, Panza, and Mayor Waldo  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
Steven W. Waldo, Mayor

ATTEST:

  
\_\_\_\_\_  
Sheri Marie Schroeder, City Clerk

excerpts from  
 THE 1994 GENERAL PLAN  
 CITY OF BRISBANE  
 specifically regarding  
 SUBREGIONAL COMMERCIAL/RETAIL/OFFICE  
 LAND USE DESIGNATION

LAND USE

THE 1994 GENERAL PLAN LAND USE MAP AND LAND USE DESIGNATIONS

Subregional Commercial/Retail/Office (SCRO) designates a subarea devoted to subregional retail uses, personal services, restaurants and offices. Public and semi-public facilities and educational institutions may be located under this designation. Commercial recreation, residential uses, warehouse and distribution facilities, research and development, and light industrial uses may be permitted conditionally in implementing zoning districts. The Southwest Bayshore subarea is designated SCRO in the 1994 General Plan. Also see the Planned Development designations.

DENSITY AND INTENSITY STANDARDS

SUBAREA	LAND USE DESIGNATION	POPULATION DENSITY	NUMBER OF UNITS/ MAXIMUM FLOOR AREA RATIO	MINIMUM OPEN SPACE/OPEN AREA
Southwest Bayshore	Subregional Commercial/Retail/Office	1.66-3.22 E/1,000	2.8 FAR	Per Zoning Requirements
	Open Space	0	0	100%

## POLICIES AND PROGRAMS BY SUBAREA

### SOUTHWEST BAYSHORE

#### Land Use

Policy 238: Omitted

Program 238a: After adoption of the General Plan, review the Zoning District regulations to better define an appropriate mix of uses and address incompatible land use.

Program 238b: Examine opportunities to provide greater amenities for the residences in the Mobile Home Park through installation of public and private improvements, such as curb, gutter, sidewalk, off-street parking and landscaping.

Program 238c: Require visual impact analysis for all construction on steep slopes [in Southwest Bayshore].

#### Transportation and Circulation

Policy 239: Require special attention to off-street parking and safe access to Bayshore Boulevard in all use and development proposals.

Program 239a: Discourage multiple individual driveways onto Bayshore Boulevard.

#### Conservation

Policy 240: Protect and enhance lands designated as habitat under the provisions of the Habitat Conservation Plan.

Policy 241: Require soils and geotechnical analysis in conjunction with any development application.

#### Community Health and Safety

Policy 242: Require a buffer between fuel storage and other uses as determined by the Fire Marshal.

Policy 243: Consider requiring new construction to incorporate features to reduce intrusion of traffic noise.

Policy 244: Develop a screening program using landscape and/or other materials to mitigate noise and screen buildings from Bayshore Boulevard.

PLEASE REFER TO THE GENERAL PLAN  
FOR ALL APPLICABLE POLICES AND PROGRAMS

EXCERPTS FROM  
THE 1994 GENERAL PLAN

- Policy 16** Acknowledge the mountain setting and the proximity to the Bay as central factors in forming the physical character of the City.
- Program 16a: In making land use decisions, consider the proximity of open space on San Bruno Mountain and public views of and access to the Bay as issues to be addressed.*
- Policy 17** Preserve the ridgelines and hilltops in their open state.
- Program 17a: Prohibit land use changes that would result in development that would break the natural ridgeline.*
- Program 17b: Adopt hillside development standards that protect against ridgeline development through regulation of the siting of structures, location of access, landscape requirements and other pertinent factors.*
- Policy 18** Respect the topography of the Mountain in design and construction.
- Program 18a: In conjunction with land use development applications, encourage options that minimize grading and transformation of the landform and fit comfortably with the topography.*
- Policy 19** In the context of respecting private property rights, make every effort to preserve and enhance public views of the Mountain and the Bay.
- Program 19a: Identify and map vistas and view corridors of community-wide value to be preserved and enhanced.*
- Program 19b: Consider amendments to the Zoning Ordinance to provide for site plan review to assure that identified vistas and public view corridors remain accessible for public enjoyment. The review should evaluate building placement, height and bulk.*
- Policy 22** Provide clear performance standards in the Municipal Code for the physical character of all land use developments on private property.
- Program 22a: Consider amendments to the Zoning Ordinance which contain clear and defined standards to protect creativity and diversity in design while addressing issues of height, scale, mass and articulation.*
- Program 22b: Review existing height limits in existing land use districts to determine whether current regulations result in structures appropriate in height and scale to the physical character of the City.*
- Program 22c: Review the residential parking requirements in the Zoning Ordinance to determine their effect on the height, mass and scale of structures and grading implications and whether amendments to the Code should be considered.*
- Program 22d: Establish height limits for new zoning districts, taking into consideration the geology and topography of the area, as well as impacts to adjacent uses.*
- Program 22e: Establish clear and defined performance standards in the Zoning Ordinance for buildings and signs visible from the hillsides of Central Brisbane. Standards should address light and glare, the treatment of roofs and the screening of mechanical equipment.*
- Policy 23** The establishment of open areas within private developments shall be utilized as a means of preserving unique environmental features on the site or avoiding the appearance of excessive bulk or concentration of structures.
- Policy 23.1** Preserve open areas at the perimeter of the City to maintain Brisbane as separate and distinct from nearby communities.
- Policy 29** Retain sufficient open areas between structures to meet safety requirements, protect privacy and provide opportunities for landscaping.
- Program 29a: Review the setback, lot coverage and landscape requirements in the Zoning Ordinance to assure adequate open areas in the development pattern.*
- Program 29b: Adopt new zoning regulations, as necessary, with specific qualifying requirements for open areas and square footage and for percentage minimum standards for all development districts.*
- Policy 30** Retain sufficient distances between development and designated open space and natural areas to enhance and respect the amenity and value of the resource.
- Policy 31** Combine the benefits of open areas with the establishment of safety buffers and conservation areas.
- Program 31a: Consider a setback requirement to achieve separation from areas of wildland fire hazard.*
- Program 31b: Consider hillside development standards that retain steep slopes as open areas.*
- Policy 33** Keep open areas and opportunities for landscaping along arterial and collector streets by establishing setbacks from the right-of-way.
- Program 33a: Examine district regulations to ascertain whether amendments to the Code are necessary to provide adequate setbacks to establish open areas along the right-of-way.*
- Policy 35** Design new streets to be attractive and comfortable for pedestrians and bicyclists, and to safely accommodate vehicular traffic. Street configuration, landscape and signage should all be considered as they contribute to community character.
- Program 35a: Require landscaping along all major arterial streets.*
- Program 35b: Construct landscaped medians where appropriate in arterial streets.*
- Program 35c: Use drought resistant, water-conserving non-invasive plant materials that reflect local character.*
- Program 35g: Provide standards in the Municipal Code to assure that abutting properties have adequate separation from travelways and protection from noise and other traffic impacts.*
- Policy 36** Establish subdivision standards that acknowledge the constraints of topography and the ability to serve parcels with infrastructure to City standards.
- Program 36a: Develop a list with supporting documentation of these constraints, including fiscal, geophysical, ecological, etc.*
- Policy 37** On an ongoing basis, bring unrecorded subdivisions into compliance with the Subdivision Map Act and City standards.
- Program 37a: Require that unrecorded lots be surveyed and a parcel map recorded before permitting new improvements to be constructed or existing improvements intensified on the property.*
- Policy 38:** Maintain a level of service on arterial streets that allows Brisbane residents and businesses to comfortably travel across town and to gain access to Highway 101.
- Program 38a: Develop a mitigation plan that identifies improvements to Bayshore Boulevard and other major arterial streets to enhance efficiency and maintain an appropriate level of service.*
- Program 38b: Develop a program of traffic impact fees to fund the mitigations in accordance with the Impacts of new and intensified development and in coordination with the Congestion Management Plan, as applicable.*
- Program 38c: In developing an impact fee program, consider the impacts of any development proposal on all affected intersections and street segments in relation to the adopted level of service standards.*
- Program 38d: Consider a traffic impact fees program for joint-benefit transportation projects in cooperation with adjacent cities.*
- Policy 38.1** The level of service for all arterial streets within the City shall not be less than LOS "D" except for the intersections on Bayshore Boulevard at Old County Road and San Bruno Avenue, which shall not be less than LOS "C." The two intersections having LOS "C" shall not be degraded below that level as a result of increased impacts from other intersections within the City and such impacts shall be mitigated as necessary to maintain the LOS "C" standard at the identified intersections.
- Policy 40** Establish City street standards to provide for adequate traffic flow and safe circulation for both existing and new streets.
- Policy 41** Require a minimum unobstructed street width of 20 feet, as required by the Uniform Fire Code.
- Program 41a: Adopt a minimum width street standard in the Municipal Code and include the findings necessary for granting an exception.*

Policy 42 In addition to the above, develop residential and commercial City street standards that take into account the following factors as they apply to all streets, but particularly to hillside streets:

- grade
- topography
- average lot frontage size
- number of lots and potential intensity of development
- maximum block length
- maximum length of cul-de-sac streets
- length of street in relation to number of units served
- turnarounds,
- parking
- secondary access

*Program 42a: Adopt street development standards which establish requirements for right-of-way dedication, street width, length, turnarounds and access to parcels.*

*Program 42b: Adopt street engineering design standards which establish requirements for horizontal alignment, vertical alignment, pavement crown and structural section design.*

*Program 42c: Adopt standards for sidewalks, bikeways, signalization, striping and street lighting.*

Policy 43 Require designs for hillside streets to reflect the topography and to minimize grading and large retaining walls.

*Program 43a: Consider incorporation of small scale parking bays, rolled curbs, and other means of including parking and providing safe clearance on hillside streets.*

Policy 45 On an annual basis, as a part of the budget and Capital Improvement planning process, consider opportunities to widen hillside streets to a minimum of 20 feet where physically and economically feasible.

*Program 45a: Investigate the potential of secondary access for emergency vehicles and improved evacuation for streets with long cul-de-sacs.*

*Program 45b: Adopt plan lines for residential streets to identify locations to widen streets and to accommodate additional off-street parking, turnarounds and secondary access.*

*Program 45c: Investigate the potential of turn-arounds on all streets with cul-de-sacs longer than 300 feet.*

Policy 46 Develop a ten year improvement program for improvements to existing hillside streets to include street widening, turn-arounds and the feasibility of secondary emergency access.

*Program 46a: Require parking and safety improvements in conjunction with new development and the intensification and improvement of existing residential uses in accordance with the improvement program.*

*Program 46b: Consider an impact fee program to fund acquisition of additional rights-of-way, widening of existing streets to provide additional on-street parking and construction of other safety improvements.*

*Program 46c: Investigate the feasibility of undergrounding utilities to mitigate potential traffic hazards, such as downed lines in a fire.*

Policy 47 Maintain traffic flow on arterial streets.

*Program 47a: Limit and control the number and location of driveways into arterial streets. Encourage adjacent properties to develop common access.*

*Program 47b: Use landscaped medians and islands whenever possible to direct and channel traffic, and to provide safe separation and visual respite.*

Policy 49 Establish standards for the improvement of existing streets and the construction of new streets to provide a high level of service.

*Program 49c: Adopt construction standards for durable street improvements such as 6 inch vertical concrete curb and asphaltic concrete pavement and sidewalks.*

*Program 49d: Design all street improvements to be accessible to citizens with disabilities, including pedestrian-activated crossing lights.*

Policy 51 Utilize gas tax, sales tax and other funding sources to implement circulation improvements.

*Program 51a: Create assessment districts and utilize redevelopment authority, where appropriate, for needed circulation improvements.*

Policy 69 Consider potential traffic impacts and emergency evacuation in making land use decisions.

Policy 70 Establish standards and criteria for the number of trips per acre that are generated by specific land uses, and establish development capacity for vacant subareas in relation to the capacity of arterial streets and public transit to accommodate the trips generated by the uses.

Policy 71 For vacant subareas without existing infrastructure, require circulation plans and traffic impact analyses to be submitted as a part of any development application.

Policy 74 Developers and property owners who wish to build on their land where City streets do not currently exist shall dedicate right-of-way and improve the streets to City standards at their own expense.

Policy 75 Ensure access to properties in making land use decisions.

*Program 75a: In reviewing building permit, subdivision and other development applications, distinguish whether the subject property has access from public streets, private streets, private roadways or through private lands. Obtain from applicants evidence of a legal right of access to their properties.*

Policy 76 Ensure that all land use development applications for a primary or secondary dwelling unit have adequate and legal access which complies with City street standards. Where a building site does not front directly on a public street, legal and adequate access, which complies with City street standards, shall be provided from the public street to the building site.

Policy 77 Discourage the establishment of new private streets, private roadways and accessways.

Policy 78 Encourage the improvement of existing private streets, private roadways and easement accessways to City standards and the dedication of the right-of-way to the City after improvements are installed.

*Program 78a: Consider taking public action to make private roadways in residential areas which are regularly used by the general public into City streets after they are improved to City standards. (See Figures VI-A and VI-B).*

Policy 72.1 Require exactions and develop an impact fee program for new development and improvements to property to improve and maintain substandard streets to minimum safety standards.

Policy 31 The City Shall conduct an on-going effort to identify sites or portions of sites having particular value as open space, wildlife habitat, wetlands, or other environmental qualities that should be preserved and protected. In such cases, the City shall explore the feasibility of acquisition of these areas by the City or by other public or private agencies that are engaged in the ownership and preservation of open space, and, when legally possible, imposing a requirement that such areas be dedicated by the owner to the public for open space purposes.

Policy 31.1 Work to preserve open space lands to protect the natural environment and to provide outdoor educational and recreational opportunities consistent with the sensitivity of the resource.

Policy 32 Encourage the preservation, conservation and restoration of open space to retain existing biotic communities, including rare and endangered species habitat, wetlands, watercourses and woodlands.

Policy 33 Maintain the visual beauty of the Mountain, the ridgelines, hilltops, wildlife and plant habitat including the Brisbane Acres.

*Program 33b: Comply with the provisions of the Habitat Conservation Plan to protect endangered species habitat.*

*Program 33c: Cooperate with public and private groups involved in rare plant protection, habitat restoration and maintenance of mountain eco-systems to preserve open space on San Bruno Mountain.*

Policy 36 Provide access to natural areas consistent with the nature of the resource.

*Program 36a: Develop and maintain a network of trails and pathways throughout the City to provide appropriate access to open space and to link City trails with County and regional trail systems.*

*Program 36b: Extend the trail system to include aquatic areas and provide access to public transportation systems.*

	<i>Program 88c: Require impact fees or exactions as contributions to the acquisition, development and maintenance of passive open space, park and recreation facilities in conjunction with the mitigation requirements for development projects.</i>	Policy 129	Require erosion controls to mitigate soil disturbance.  <i>Program 129a: Encourage all property owners, especially of the Quarry, to address erosion on their properties through revegetation or other means.</i>
Policy 90	On an ongoing basis, aggressively seek opportunities to preserve open space.	Policy 130	Conserve water resources in the natural environment.  <i>Program 130a: As an ongoing part of land use planning and CEQA analysis, determine whether proposals could affect water resources.</i>  <i>Program 130b: Require, as appropriate, project analysis of drainage, siltation, and impacts on vegetation and on water quality.</i>
Policy 91	Explore the widest range of options for preserving open space lands, including acquisition, dedication, and exactions on development projects.  <i>Program 91a: On an ongoing basis, explore and pursue funding sources for acquisition of open space lands with habitat, recreational or other natural resource value.</i>  <i>Program 91b: In conjunction with all new development and the redevelopment of existing uses, where appropriate, require dedication of lands with habitat or other natural resource value to remain as open space and/or in-lieu fees for open space acquisition.</i>	Policy 130.1	The City requires restoration of wetland losses. The determination of which land areas are wetlands will be done by those federal and state agencies having jurisdiction. The City, however, is especially concerned with those wetlands surrounding the perimeter of the Brisbane Lagoon, the Bay shoreline, the Levinson Marsh and the Quarry sediment ponds. The ratios of restoration may exceed the regulatory agencies' mitigation minimums.  <i>Program 130b: Require all development, especially that involving grading, to exercise strict controls over sediment.</i>
Policy 93	Establish an implementation program for open space acquisition.  <i>Program 93a: Consider legally available means of funding open space acquisition, such as taxing, assessment districts and other funding mechanisms.</i>  <i>Program 93b: Establish an open space fund to consolidate in-lieu fees, donations, and grants so as to be ready to acquire open space as funds are sufficient and opportunities arise.</i>  <i>Program 93c: Encourage volunteer efforts in supporting open space acquisition, through such activities as initiating legislation, fund-raising and generating philanthropic dedications.</i>	Policy 137	Conserve pre-historic resources in accordance with State and Federal requirements.  <i>Program 137a: Consider amendments to the Zoning Ordinance to require resource surveys in conjunction with land use development applications and to establish procedures in the event of discovery to protect Native American Cultural Resources consistent with the standardized procedures given in Appendix K of CEQA.</i>
Policy 96	Condition, as appropriate, new developments to construct, maintain or provide for new recreational facilities, amenities and opportunities.	Policy 138	Encourage conservation of domestic water.  <i>Program 138a: Require the use of water conserving fixtures in new construction and remodeling projects.</i>  <i>Program 138b: Encourage the use of water conserving landscape and irrigation systems.</i>  <i>Program 138c: Utilize, if safe and appropriate, recycled water for landscape irrigation and dust control.</i>
Policy 113	Preserve areas containing rare and endangered species habitat to the extent allowed by law and available resources.	Policy 140	Encourage energy-efficient building design and site planning.  <i>Program 140a: Continue to administer building codes that contain State requirements for energy conservation.</i>  <i>Program 140b: As a part of the review of land use applications for subdivisions, specific plans and new non-residential and multi-family projects, encourage the design and siting of structures and the use of landscape materials in terms of utilizing natural resources for heating and cooling.</i>
Policy 119	Comply with the provisions of the Habitat Conservation Plan and the Agreement with respect to the San Bruno Mountain Area Habitat Conservation Plan.	Policy 146	Require that developers and property owners in undeveloped areas who wish to build on their land provide infrastructure at their own expense, including water, sewer, storm drains and paved streets to City standards.
Policy 120	Cooperate with local, State and Federal agencies in conservation efforts for biological resources.	Policy 147	Develop impact fee programs so that new development contributes to safety services in order to maintain current service levels.  <i>Program 149e: Require soils reports and engineering recommendations for structural stability in conjunction with building permit applications in areas which have been identified as prone to seismically-induced landslides or subsidence in seismic events.</i>
Policy 121	Support efforts to acquire additional rare and endangered species habitat and enlarge San Bruno Mountain State and County Park.	Policy 152	Consider issues of slope stability in conjunction with development applications.  <i>Program 152a: Require soil and geologic investigations in areas identified as prone to slope instability. Consider both on-site and off-site impacts.</i>  <i>Program 152b: Unless adequate mitigating measures are undertaken, prohibit land alteration, including any grading and structural development, in identified areas of slope instability.</i>  <i>Program 152c: Require topographical and soils information for all projects on slopes identified over 20%. (See Figure X-G.)</i>  <i>Program 152d: Certificates of compliance shall be conditioned upon a comprehensive and detailed slope analysis.</i>  <i>Program 152e: Encourage placement of structures away from areas identified as prone to slope failure or erosion unless effective mitigation measures are proposed as a part of the project design.</i>
Policy 122	Cooperate with other agencies in conservation efforts.  <i>Program 122a: Work with the Habitat Conservation Plan Operator, the State Department of Fish and Game, the U.S. Fish and Wildlife Service, and other agencies as appropriate regarding plans and programs that may affect biological resources in the planning area.</i>  <i>Program 122b: Consult the maps in the technical background reports and information supplied by responsible agencies to determine potential for environmental impacts to biological resources and take appropriate action.</i>  <i>Program 122c: Consult with local, State and Federal agencies to determine when field studies are required to supplement or update existing data.</i>  <i>Program 122d: Work with appropriate agencies to prevent motor bikes and other unauthorized off-road vehicles on San Bruno Mountain.</i>  <i>Program 122e: Encourage applicants to initiate early CEQA consultation on conservation issues.</i>		
Policy 123	Conserve important biological communities through sensitive project design.  <i>Program 123a: In land use development applications, consider the siting of structures and utilities so as to conserve identified biological communities.</i>  <i>Program 123b: Request that the HCP Operator study the Brisbane Acres to determine whether there is the potential to meet the 40% requirement</i>		
Policy 127	Encourage the use of plant plants that are compatible with the natural flora in landscape programs.		
Policy 128	Encourage the use of native plant plants in landscape programs that provide food and shelter to indigenous wildlife.		

	<i>Program 152j: Require erosion control programs and revegetation on all disturbed slopes.</i>	Policy 208	If new development occurs, require infrastructure to be installed to City standards.
	<i>Program 152g: Strictly enforce the provisions of the City's Grading Ordinance.</i>		<i>Program 208a: In conjunction with land use development applications for vacant lands, require studies to estimate the needs for domestic water and fire protection and require infrastructure to be designed and installed, at the developer's expense, to the satisfaction of the City.</i>
Policy 156	Take advantage of technology to require built-in fire safety systems using appropriate materials and technology.	Policy 209	Require, as feasible, all trunk water lines to be installed in dedicated public streets.
	<i>Program 156a: Consider adopting additional requirements for built-in safety systems, such as fire sprinklers and sensors or alarms, in all new construction.</i>	Policy 210	Developers and property owners who wish to build on their land in undeveloped areas where infrastructure does not currently exist shall provide the infrastructure for water distribution, fire protection and water connections to the City's service at their own expense.
	<i>Program 156b: Consider adopting requirements for built-in safety systems in conjunction with building improvements.</i>	Policy 211	On an ongoing basis, review requirements for fire protection.
	<i>Program 156c: Continue requirements for fire-resistant roofing materials for all new buildings and for re-roofing of existing buildings.</i>		<i>Program 211a: Require additional water storage for fire protection to be provided to service Crocker Park and the Quarry in conjunction with any redevelopment of Quarry lands.</i>
	<i>Program 156d: Encourage residential fire-sprinkler installation in conjunction with residential improvements along the urban wildland interface.</i>		<i>Program 211b: Consider requirements for additional protective devices, such as residential sprinklers and alarms, for residences on Paul Avenue, Thomas Avenue and Harold Road.</i>
	<i>Program 156e: Underground utilities throughout the City, as economically feasible. Require undergrounding of all utilities for all new development and the undergrounding of service drops where existing service is in place.</i>	Policy 213	If new development occurs, require trunk and lateral lines to be installed to City standards.
	<i>Program 156f: Consider the adoption of landscaping standards for structures at the urban/wildland interface to reduce fuel loading between the structures and the property line.</i>		<i>Program 213a: In conjunction with land use development applications for vacant lands, require studies to determine capacity and design requirements for sanitary sewer services and require infrastructure design and installation to the satisfaction of the City at developer's expense.</i>
	<i>Program 156g: On an ongoing basis, provide information to citizens on landscaping materials and maintenance practices that contribute to fire safety.</i>	Policy 214	Require, as feasible, that all sanitary sewer lines be installed within dedicated public streets.
	<i>Program 157b: Enforce the provisions of the Uniform Building Code and the Uniform Fire Code and the Zoning Ordinance to address access, egress, setbacks, materials and other design factors that contribute to fire safety.</i>	Policy 215	Sanitary sewer service to undeveloped areas where facilities do not currently exist shall be installed and connected to the City's system at the property owner or developer's expense.
	<i>Program 157c: Cooperate with the California Department of Forestry in the implementation of the Bates Bill, AB 337, to map areas of Very High Fire Hazard Severity Zones, and to adopt the maps required by the legislation.</i>	Policy 217	Continue to require removal of existing septic tanks and connection to the City's sanitary sewer system.
Policy 153	Provide a level of fire protection proportional to the size, risks and service demands of the community within budgetary constraints.		<i>Program 217a: Review the provisions in the Municipal Code to determine if amendments would make septic tank regulations easier to understand and enforce.</i>
	<i>Program 158a: In conjunction with development applications, evaluate fire service requirements, response times and levels of risk. Require impact fees and exactions to maintain the level of service and to provide for any special equipment needs.</i>		<i>Program 217b: Require immediate removal of any septic tank that requires pumping more than once per year.</i>
	<i>Program 158b: Coordinate with other agencies to maintain existing access roads to the Mountain.</i>	Policy 217c	Require all existing septic tanks to be inspected and receive a permit from the County Department of Environmental Health.
Policy 160	Provide a level of police protection of persons and property proportional to the size and law enforcement needs of the community within budgetary constraints.	Policy 213	Discourage more than one single-family property on any lateral sewer line. If infeasible, require recorded sewer access and maintenance agreements between all parties sharing the line.
	<i>Program 160a: In conjunction with land use development applications, evaluate police service requirements and response times. Require impact fees and exactions to maintain the level of service.</i>	Policy 221	If new development occurs, require storm drain systems to be installed to City standards.
Policy 179	Require the incorporation, when feasible, of new road or landscaping features that buffer traffic noise impacts on adjacent areas.		<i>Program 221a: In conjunction with land use development applications for vacant lands, require studies to determine design requirements to collect and remove stormwater from the property or reuse stormwater to benefit the public. Require facilities to be designed and installed to City standards, at developer's expense.</i>
Policy 183	Coordinate land uses and construction conditions to minimize noise impacts of the Caltrain corridor and major highway arterials on adjacent land uses.	Policy 222	Require that all storm drain lines be installed within dedicated public streets.
Policy 184	In conjunction with development applications and other land use decisions, consider the potential for noise generation from, as well as noise impacts on, the project or area.	Policy 223	Storm drains in undeveloped areas where facilities do not currently exist shall be installed at the property owner or developer's expense.
	<i>Program 184a: Use the State Guidelines for land use compatibility to determine noise impacted uses.</i>	Policy 223	Establish requirements in the Municipal Code for the installation of stormwater collection systems on private properties.
	<i>Program 184b: Require acoustical studies for development applications in areas identified as noise impacted and potential noise generators.</i>		<i>Program 223a: Require new construction and substantial renovation projects to provide roof gutters and leaders that direct stormwater through the curb to the City street so that the water can be collected in City facilities.</i>
	<i>Program 184c: For such projects, require a noise attenuation or a mitigation program to be submitted as a part of the project design.</i>		<i>Program 223b: Require drainage plans to be submitted in conjunction with land use development applications, including those for building permits, as applicable to the project.</i>
Policy 207	Establish pressure zone(s) for water improvements and prohibit private on-site water tanks.		

## **SCRO-1 Southwest Bayshore Commercial District Visual Impact Analysis Guidelines**

### **CODE REGULATIONS**

Brisbane Municipal Code Section 17.16.110, Visual Impact Analysis, states:

All projects, including single-family and duplex dwellings, shall submit a visual impact analysis, in accordance with guidelines approved by the Planning Commission, to address the following design issues: relationship to steep slopes; public view corridors, view of San Francisco Bay and San Bruno Mountain; material and lighting, especially as pertains to light and glare; treatment of roofs and the screening of mechanical equipment.

In addressing “public view corridors,” the Planning Commission is concerned with views of public open space, such as the San Bruno Mountain State and County Park, and of designated aquatic areas, such as San Francisco Bay and the Brisbane Lagoon, as seen from City parklands, such as the Lagoon Fisherman’s Park, or from extended lengths of City arterial or collector streets. The boundaries of the latter public view corridors are determined by assuming a 120 degree field of vision (60 degrees to each side of the extended length of street), excluding any natural obstructions. The height of the public view corridor, which varies in the form of a warped plane, is calculated based upon the relative elevation and location of the viewer (for example, typically 4 to 5 ft. above the roadway, ¼ of the width of the closest viewing lane) and the relative elevation of the object of the view (public open space or designated aquatic areas) within the field of vision.

### **SUBMITTAL REQUIREMENTS**

Prior to approval of any Tentative Parcel Map, Use Permit and/or Design Permit, the following items must be submitted for a Visual Impact Analysis by the Planning Commission:

Scaled site plan, with existing and proposed topographical elevations (including retaining walls), extended to the nearest lane of travel of the adjoining street.

Scaled roof plan and building elevations for all sides of the structure, identifying proposed building materials and indicating any exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, and their proposed means of screening.

Location, type, color and strength of exterior light sources, and method of directing or shading exterior light sources.

Samples of exterior building materials, including those for windows and roofs.

Photographs of the site from viewpoints along Bayshore Boulevard, San Bruno Avenue and Sierra Point Parkway, as appropriate.

If a preliminary review by staff determines that the project might be located in a public view corridor or otherwise have the potential for visual impacts, the following additional items may be required:

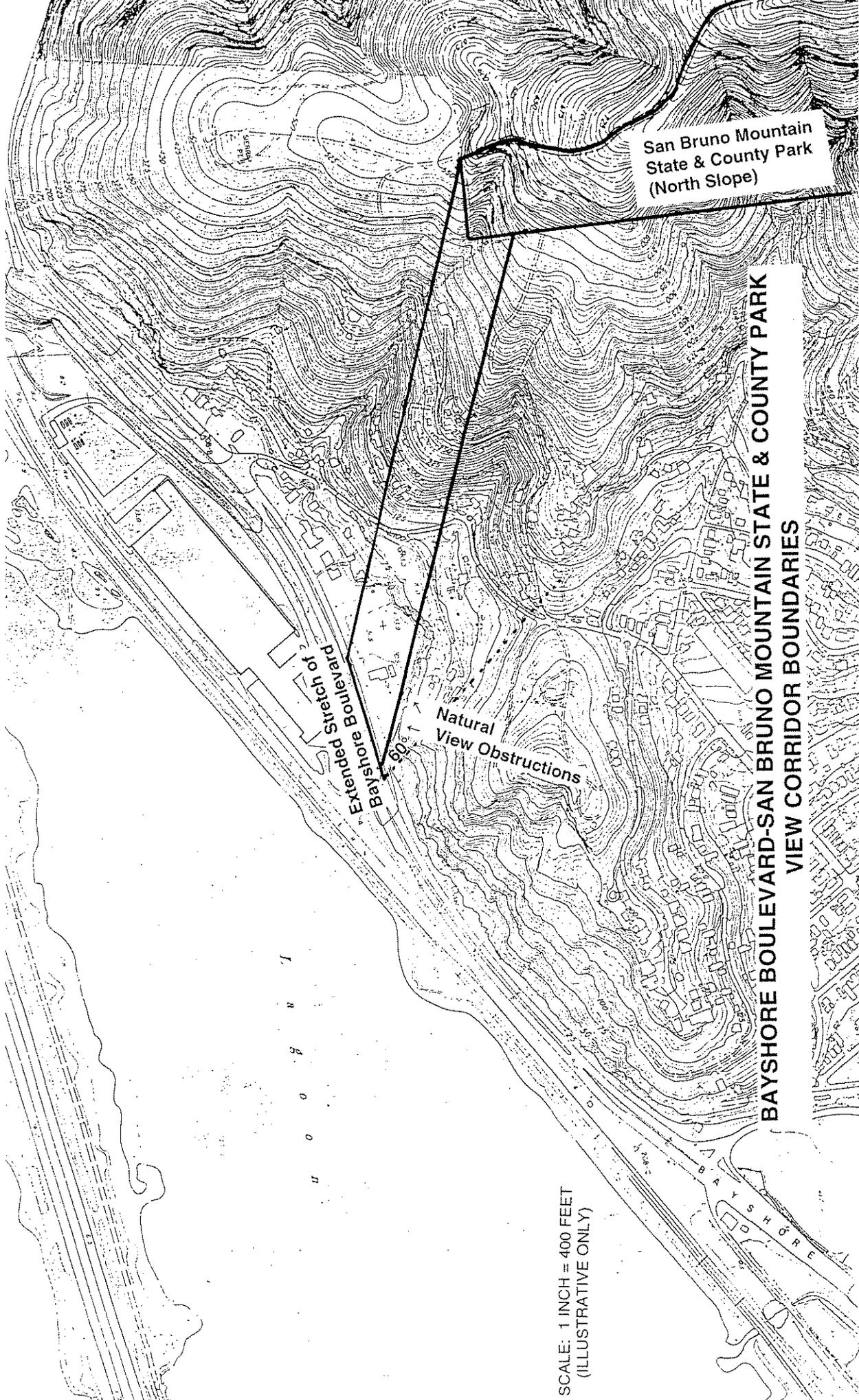
Photo-montage or computer-generated simulation of the proposed development in relation to San Bruno Mountain and/or Brisbane Lagoon and San Francisco Bay.

“Story poles” or other markers erected on the site to indicate the location and height of the proposed development.

### **FINDINGS FOR APPROVAL**

In order to conclude that a project will not result in visual impacts inconsistent with the City of Brisbane’s General Plan and Municipal Code, the Planning Commission must make the following findings of fact:

1. Development will be sited, stepped and/or otherwise designed so as to reflect the natural slope of the hillside, with the amount of grading and the height of retaining walls minimized as much as feasible, given City standards for access, parking and other applicable requirements.
2. Development will be stepped and/or set back so as not to significantly block views of the San Bruno Mountain State and County Park, San Francisco Bay or the Brisbane Lagoon as seen from extended stretches of Bayshore Boulevard or San Bruno Avenue.
3. The proposed exterior lighting will not result in glare visible from off-site locations.
4. Exterior building materials, such as those for windows and roofs, shall not reflect the sun’s rays so as to result in glare visible from off-site locations.
5. Exterior equipment will be screened from off-site view through such measures as roof treatment, screening, fencing, painting, landscaping, or any combination of the foregoing.



San Bruno Mountain  
State & County Park  
(North Slope)

BAYSHORE BOULEVARD-SAN BRUNO MOUNTAIN STATE & COUNTY PARK  
VIEW CORRIDOR BOUNDARIES

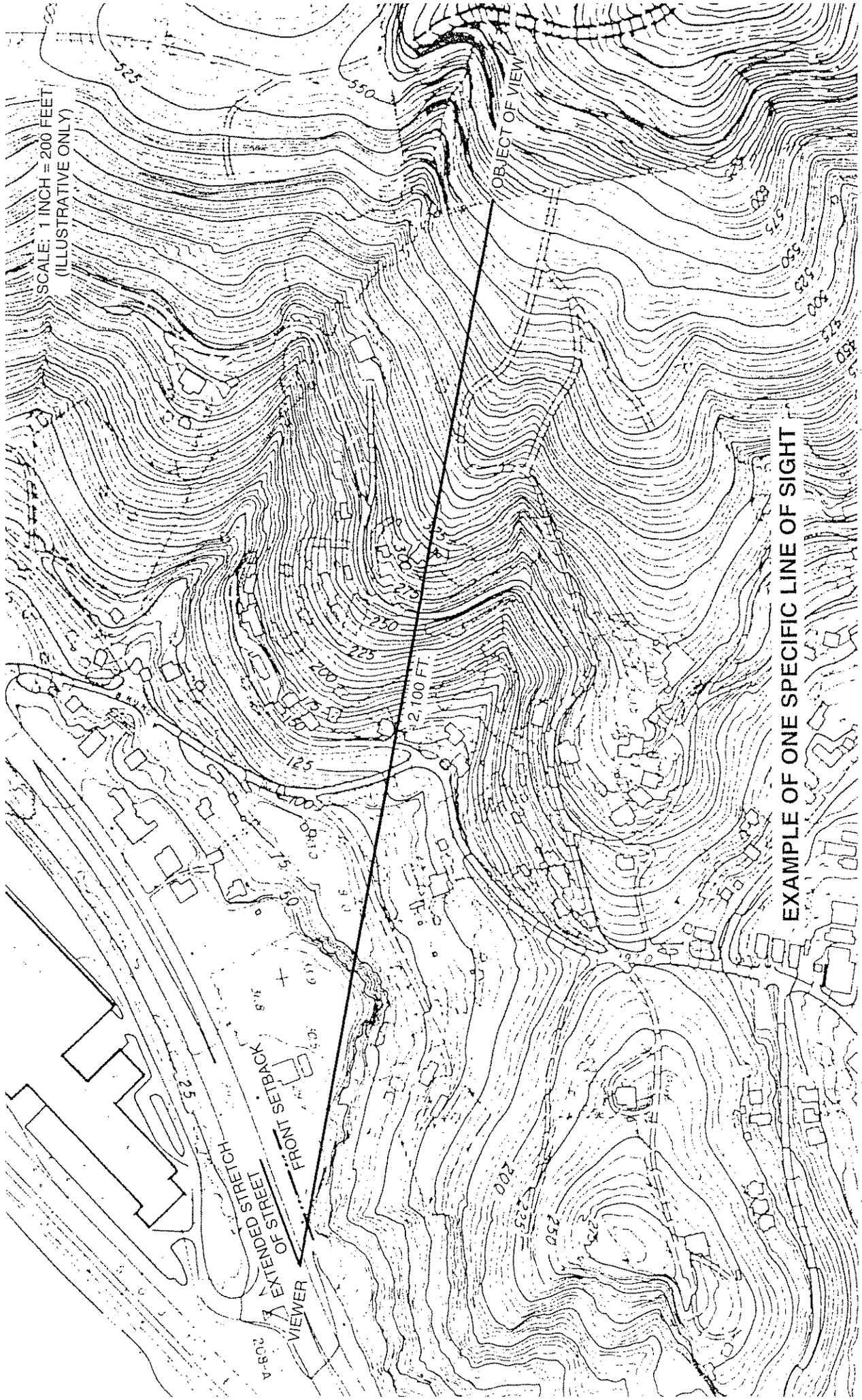
Extended Stretch of  
Bayshore Boulevard

Natural  
View Obstructions

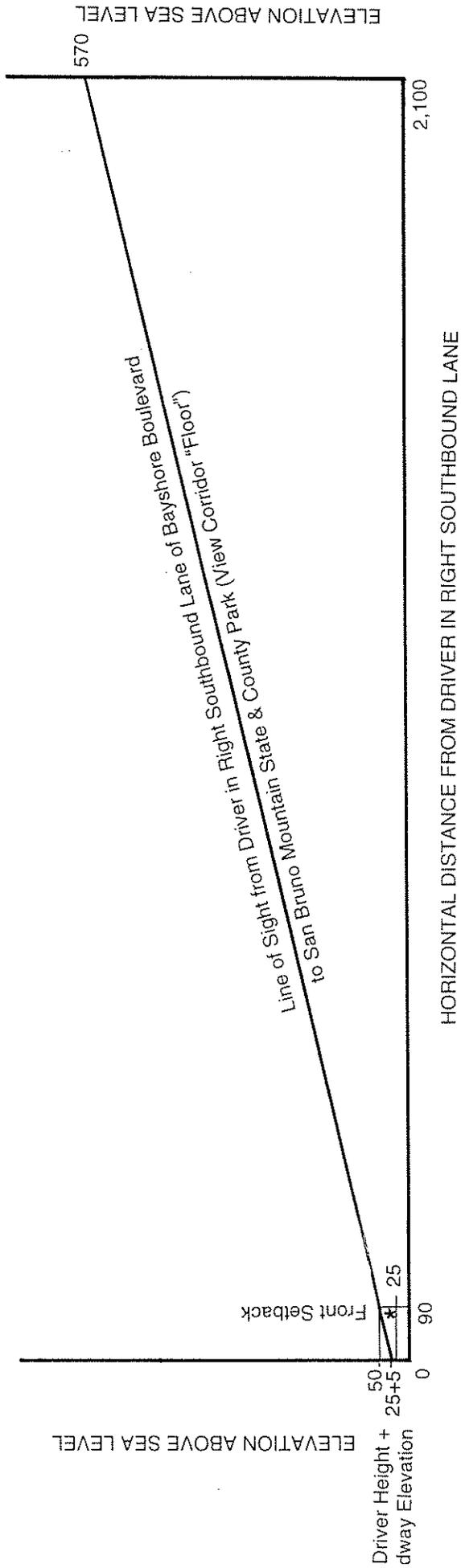
SCALE: 1 INCH = 400 FEET  
(ILLUSTRATIVE ONLY)

BAYSHORE

SCALE: 1 INCH = 200 FEET  
(ILLUSTRATIVE ONLY)



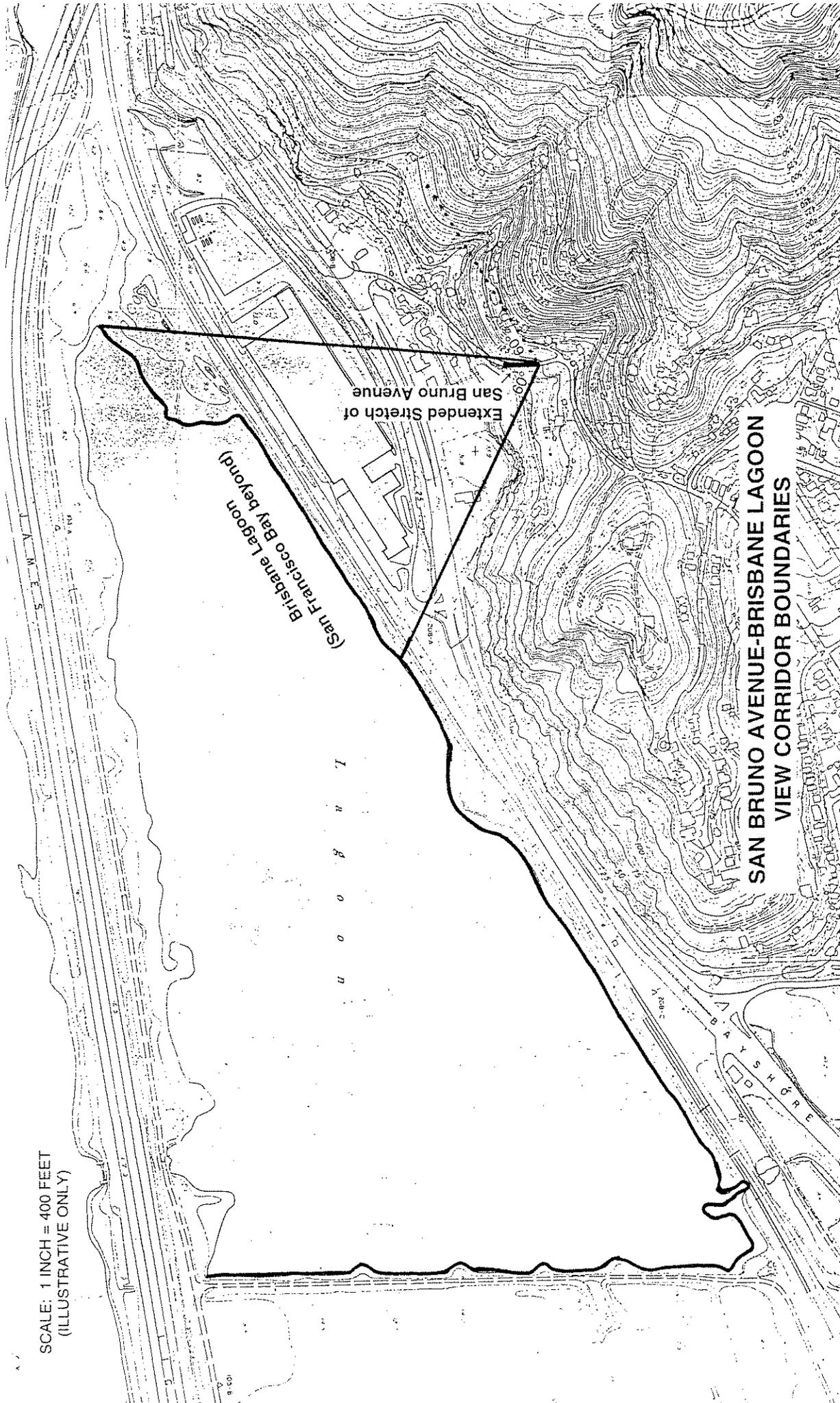
EXAMPLE OF ONE SPECIFIC LINE OF SIGHT



\* 50-25=25: The maximum building height at the front setback that will not encroach into the view corridor along this particular line of sight is 25 ft., in that 50 ft. is the "floor" of the view corridor and 25 ft. is the existing elevation at grade at this particular point.

**EXAMPLE OF ONE SPECIFIC LINE OF SIGHT**  
(ILLUSTRATIVE ONLY)

SCALE: 1 INCH = 400 FEET  
(ILLUSTRATIVE ONLY)



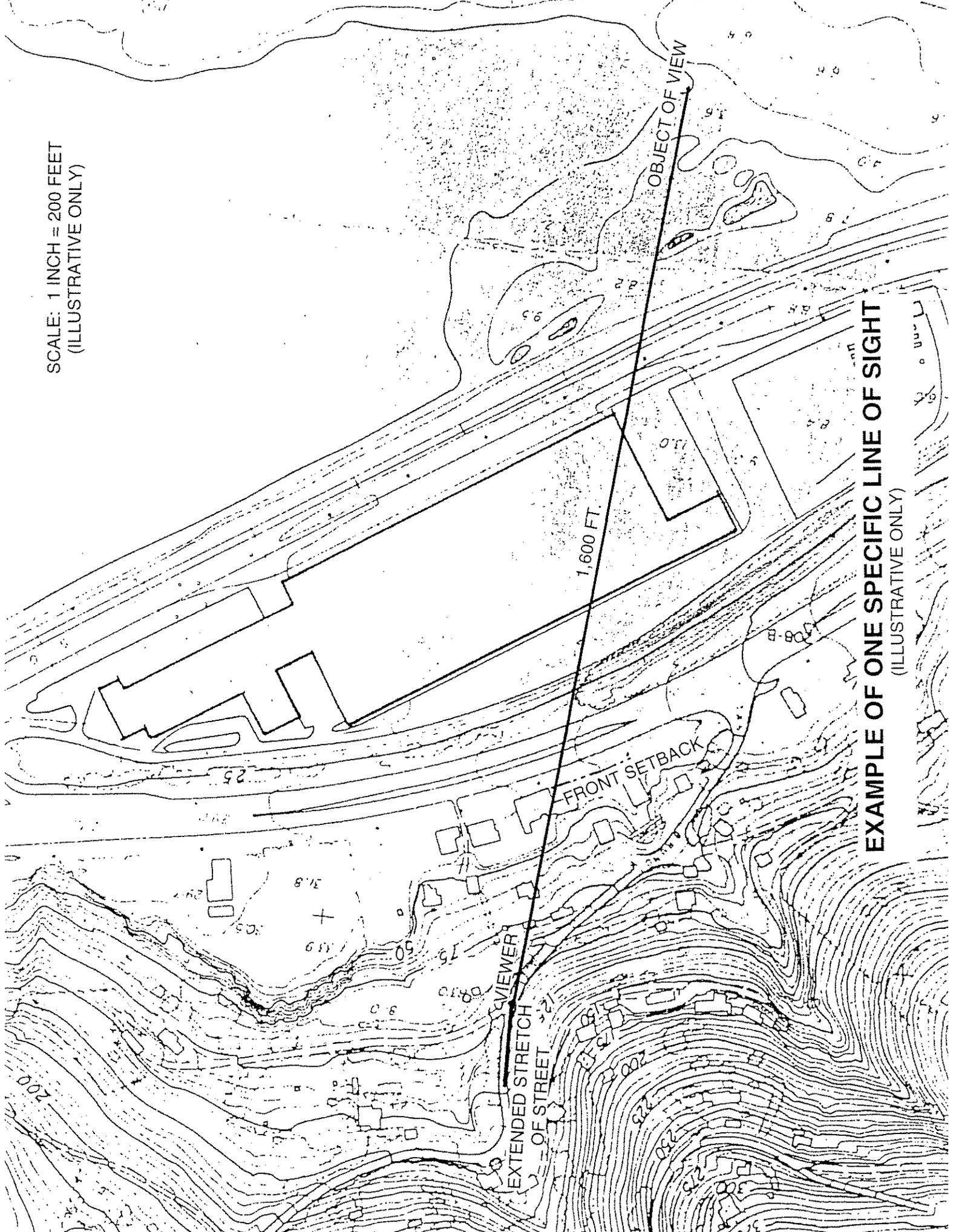
Brisbane Lagoon  
(San Francisco Bay beyond)

Extended Stretch of  
San Bruno Avenue

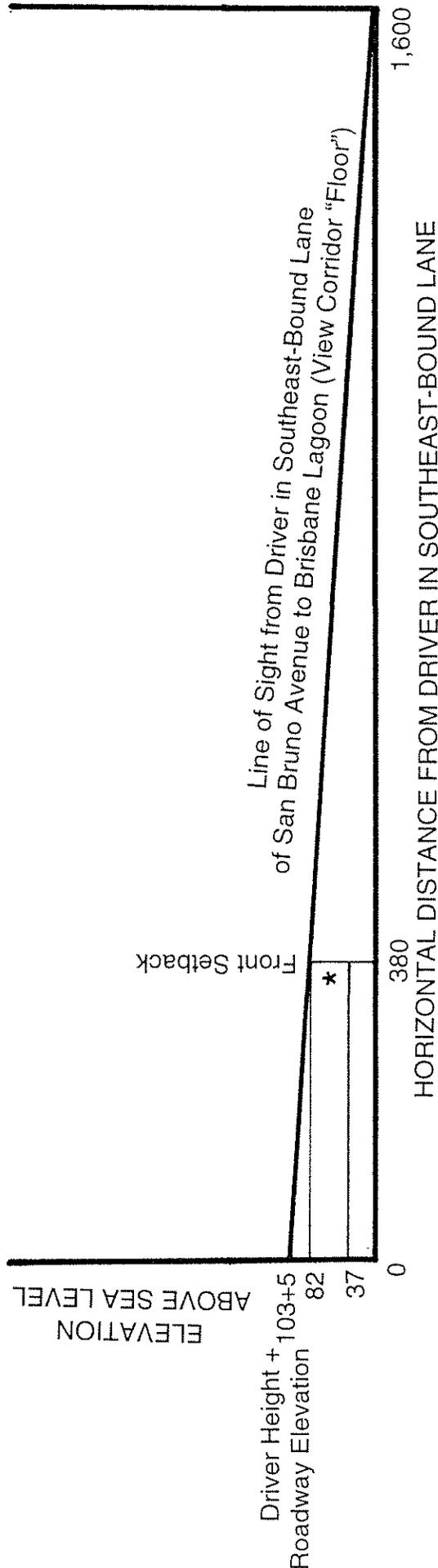
SAN BRUNO AVENUE-BRISBANE LAGOON  
VIEW CORRIDOR BOUNDARIES

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SCALE: 1 INCH = 200 FEET  
(ILLUSTRATIVE ONLY)



**EXAMPLE OF ONE SPECIFIC LINE OF SIGHT**  
(ILLUSTRATIVE ONLY)



\* 82-37=45: The maximum building height at the front setback that will not encroach into the view corridor along this particular line of sight is 45 ft., in that 82 ft. is the "floor" of the view corridor and 37 ft. is the existing elevation at grade at this particular point (in fact, construction cannot exceed 35 ft. in height per the SCRO-1 District development regulations).

**EXAMPLE OF ONE SPECIFIC LINE OF SIGHT**  
(ILLUSTRATIVE ONLY)

# GUIDELINES FOR MEASURING BUILDING HEIGHT

## THE CITY'S POLICIES ON BUILDING HEIGHT

In 1994, the City adopted a new General Plan that sets direction for development within Brisbane. Among its policies affecting development, the General Plan intends to “encourage options that minimize grading and transformation of the landform and fit comfortably with the topography” (Program 18a; also see Policies 43, 245 & 312 and Program H8a). The General Plan also addresses regulating height to protect the character of established neighborhoods and to preserve public views of the Mountain and the Bay (see Policies 11, 252 & 310.1 and Programs 22b, 22d, 22f, 252a, 275a, 330a & 330.b). The General Plan deals directly with the method of determining building height in Program 22a, “Consider amendments to the Zoning Ordinance which contain clear and defined standards to protect creativity and diversity in design while addressing issues of height, scale, mass and articulation.”

As part of the City’s implementation of the General Plan, a new definition of “height of structures” was adopted in 1998, incorporating elements from the Uniform Building Code, so that in most cases buildings would be measured from finished grade, rather than from natural grade, as had been done previously. Finished grade provides a more stable reference point, since natural grade is often eliminated during the course of construction. This change would also eliminate the occasional incongruity between the visible height of a building and its defined height, if a significant portion of the site had been graded away so that one or more stories were now below what had been “natural grade.”

Note that technical terms shown in *italics* are defined on the last page.

## WHAT YOU NEED TO MEASURE BUILDING HEIGHT

1. A topographical map or survey of the existing and proposed (*finished*) grades of the site. Existing grade is typically shown by solid lines, while proposed grade is indicated by dashed lines. The topographical map should show the changes in the grade or slope of a site in 2 ft. minimum increments. The increments (*relative elevations*) are identified relative to sea level or other accepted set point, such as one of the City’s monuments.
2. A site plan, showing the boundaries of the property and the location of the existing/proposed building, atop the topographical map.
3. Views (also called “architectural elevations,” not to be confused with *relative elevations*) of each of the sides of the building, drawn to scale (such as ¼ inch equals 1 foot). Typically, views sliced through the building (“sectional views”) to show interior floors are also provided; these show the *relative elevation* of each finished floor and other portions of the building, such as exterior walls hidden by overhanging eaves, which can be useful in calculating the *height of the structure*.

## HOW TO MEASURE BUILDING HEIGHT

1. Break up the building into *segments*, based upon changes in the *roofline* of the building (see Figure 1).
2. Include bays and similar building *projections*, as well as dormers, towers and similar rooftop elements, when identifying the *segments*.
3. For each *segment*, identify the *reference datum*, the lowest *finished grade* on site within up to 5 ft. between the *segment* and the adjoining property line. The 5 ft. distance should be measured from the *segment* perpendicular to the property line. Where *finished grade* differs from one side to the other of a *segment*, the lower of the two will be the *reference datum*. For the front or rear *segment*, *finished grade* toward the front or rear property line must be considered, in addition to *finished grade* at the sides (see Figure 2).
4. When *finished grade* has been artificially raised above natural grade through backfilling, the *reference datum* shall be the lowest point of elevation of the natural grade prior to the placement of the fill. This exception may not apply in cases where the Planning Commission has approved the contour grading of a site through roughly balanced combinations of cut and fill.
5. For each *segment*, determine what type of *roofline* it has and then identify its *relative elevation*, based upon the following:
  - For a flat or minimally pitched (less than 1:12) roof, use the *relative elevation* of the top of the roof, including any parapets or coping;
  - For a mansard roof, use the *relative elevation* of the deck line;
  - For a shed, gable, hip, gambrel or vaulted roof, use the *relative elevation* at the midpoint of the pitch of the roof, measured from the peak of the roof to that point vertically above the highest exterior wall, including dormer walls (see Figure 3); where the midpoint differs from one side of such a roof to another, the midpoint with the greatest *relative elevation* should be used.
5. Subtract the *reference datum* from the *relative elevation* of the *roofline* to calculate the height of each *segment*. The greatest difference is the *height of the structure*.

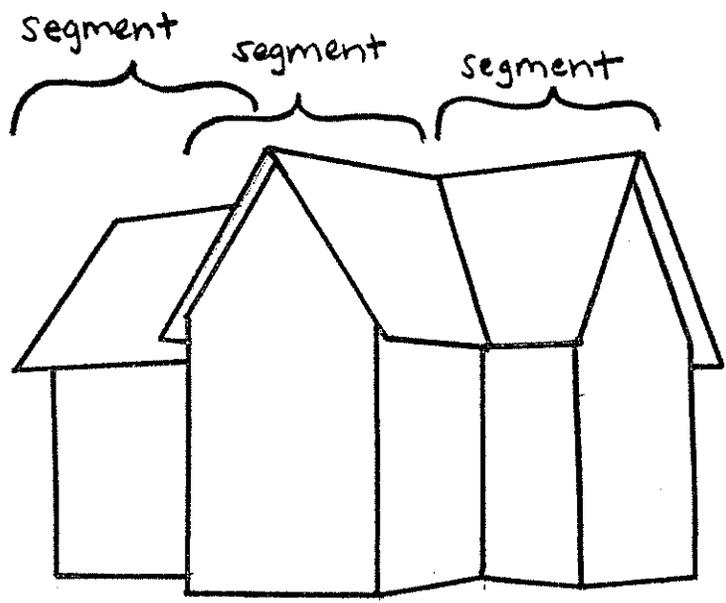


Figure 1.

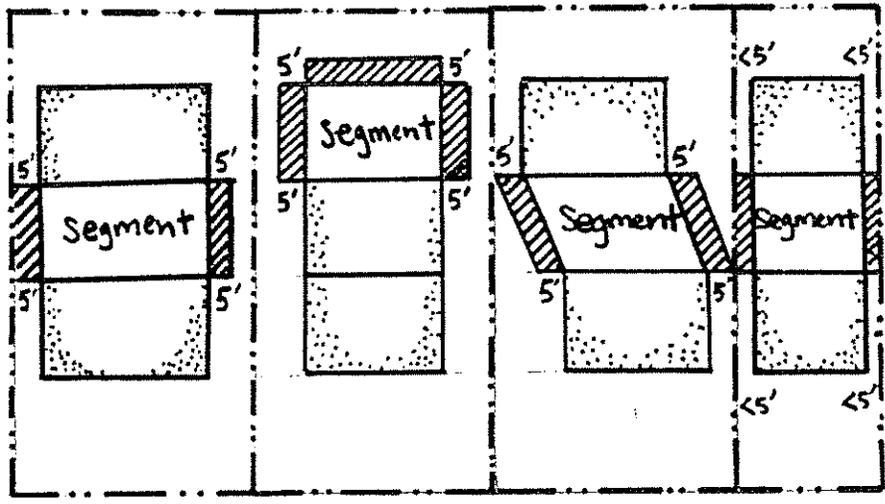
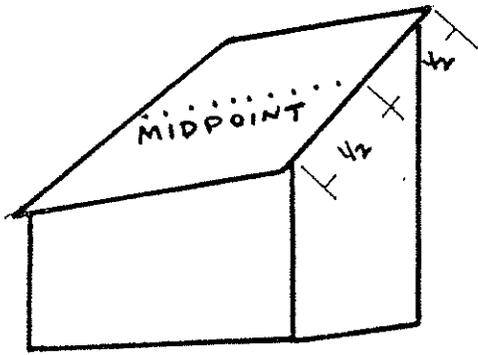
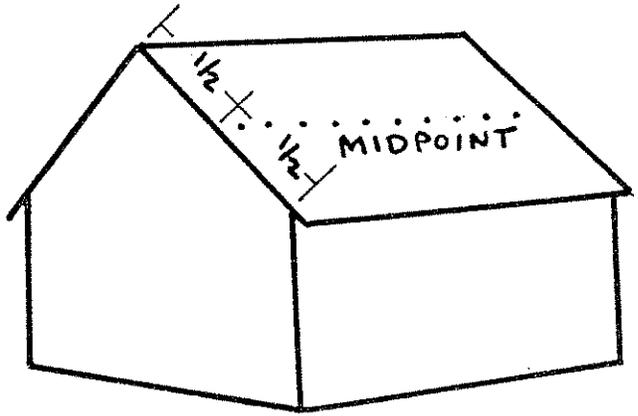


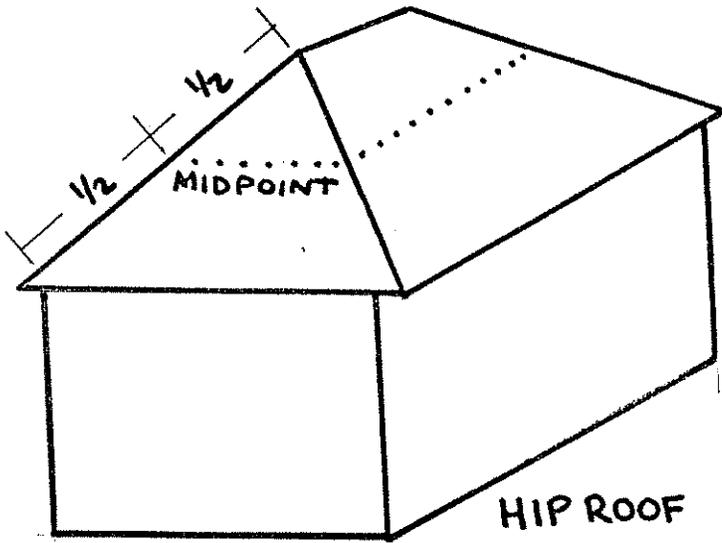
Figure 2.



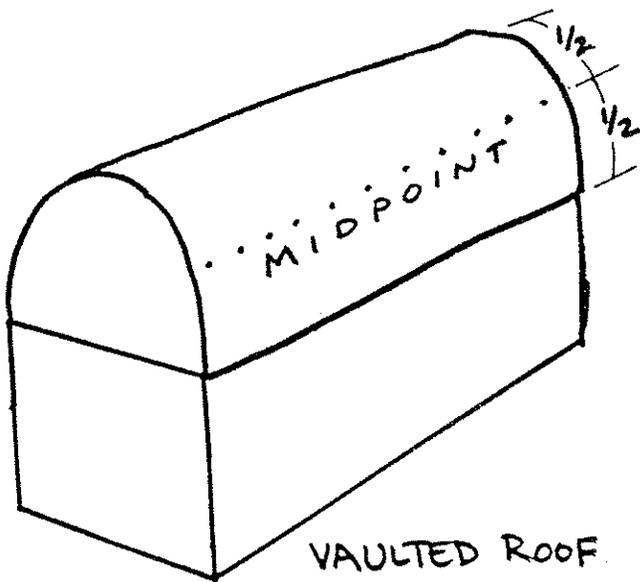
SHED ROOF



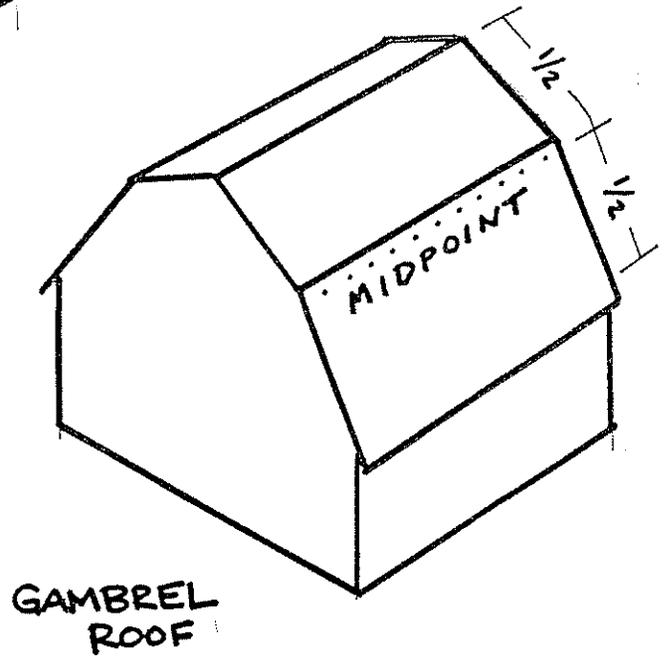
GABLE ROOF



HIP ROOF



VAULTED ROOF



GAMBREL ROOF

Figure 3.

## IMPLICATIONS OF THE CITY'S METHOD OF MEASURING BUILDING HEIGHT

Caution should be taken in designing buildings to make sure that they comply with the City's height limits.

Sometimes, the simpler the building, the greater its height.

Height is not necessarily measured from the top of the building to the bottom. While from a distance, for example, a building containing four floors that step up or down a hillside in three two-story *segments* may look taller than the three-story, single-*segment* building next door, the opposite may be the case. Because height is measured per *segment*, a building made up of multiple *segments* can have a lower height than one made of a single *segment* (see Figure 4).

The height of a building might be greater than its vertical dimension at any one point.

Even though a pitched roof might parallel the slope below at a uniform vertical distance above grade, its height as measured by the City might be greater. This is because the *height of a structure* is not measured vertically from the midpoint of the pitch of the roof to finished grade below; instead, height is measured as the difference in *relative elevation* between the midpoint of the pitch of the roof and the *reference datum* which will typically be finished grade lower down the slope from the midpoint (see Figure 5).

A 30 ft. height limit doesn't always accommodate a 30 ft. tall building.

While the 30 ft. height limit that applies to sites with slopes of 20% or more would appear to allow 3-story buildings, this isn't necessarily the case on steep hillsides or where greater than minimum standard ceiling heights are proposed. Note, too, that 3-story buildings may be subject to additional requirements and restrictions under the Uniform Building Code, regarding side setbacks, secondary exits, and other safety and design standards.

The steeper the site, the greater the effect on the height of the building.

On sloped sites, the *relative elevation* of the *reference datum* on the downslope side of the building drops proportionately to the percentage of slope. For example, on a site with a 40% downslope, the relative elevation drops 2 feet for each 5 feet in horizontal distance, in turn adding 2 ft. to the height of a building if measured from the *reference datum* 5 feet from the rear of such a building (see Figure 6). The effect is intensified when the slope of a site does not drop consistently, but instead becomes steeper.

HEIGHT LIMIT	SITE SLOPE	HEIGHT DIFFERENTIAL
28 ft.	0%	minus 0 ft.
	10%	minus 0.5 ft.
30 ft.	20%	minus 1 ft.
	30%	minus 1.5 ft.
	40%	minus 2 ft.
	50%	minus 2.5 ft.

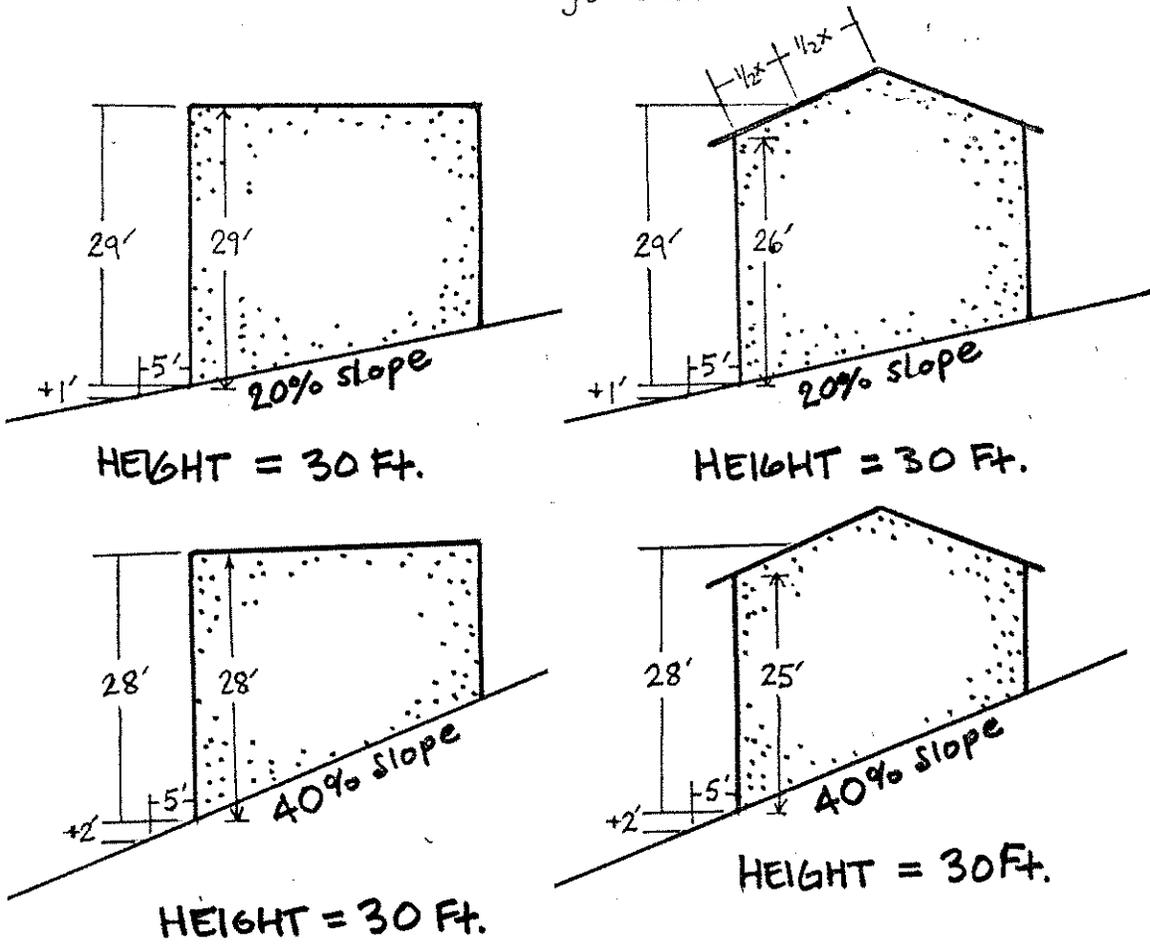
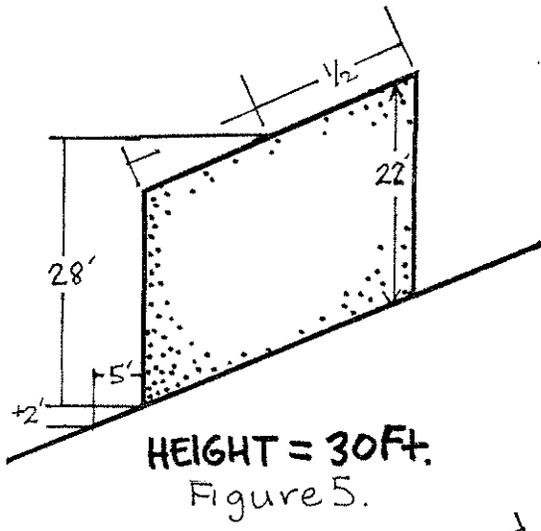
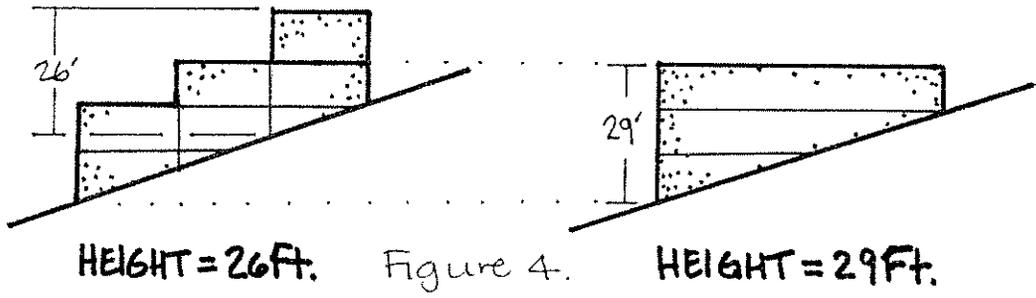


Figure 6.

Peaked roofs are encouraged, but take careful measurements.

The idea behind measuring the height of a peaked roof from the midpoint of its pitch was that even though the peaked roof would extend higher than a flat roof of the same height as measured by the City's method, the mass of the two buildings in section would be approximately equal. Because the height at the midpoint of the roof is measured relative to a point at finished grade that may be a significant distance horizontally and vertically away, it is not always guaranteed that the height of a peaked roof under the City's definition will be less than a flat roof. This is particularly true if the peak is not centered on the building and if the slope of the site is skewed. A simple shed ("pitched") roof designed to parallel a hillside 30 ft. below cannot be assumed to comply with the 30 ft. height limit; it must be specifically measured using the City's method.

Articulation is encouraged, but take careful measurements.

The City's zoning regulations are intended to discourage boxy buildings and to encourage designs that break up a building's bulk with pop-outs and insets. Sometimes, though, this added articulation can have height implications. Certain forms of articulation, such as dormers that project above rooflines, will increase the height of a building under the City's method of measurement.

Providing parking is required, but take careful measurements.

Parking is required to be provided. Sometimes, though, it may be difficult to juggle the City's parking standards and height limits, particularly on upslope sites. For example, driveways cannot have a slope steeper than a 20%, which sometimes means that the driveway and garage have to be cut into the hillside. Even though the rest of the building might remain above natural grade, the height of the front of the garage (and the rest of the building atop it) will be measured from the *finished grade* of the driveway.

## TERMINOLOGY

**FINISHED GRADE**—“the final elevation of the ground surface after completion of all site preparation and development,” per Brisbane Municipal Code Section 17.02.360.A.

**HEIGHT OF STRUCTURE**—“the vertical distance above a *reference datum* measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped or vaulted roof. The *reference datum* shall be the lowest point of elevation of the *finished grade* between the building and the property line when the property line is five (5) feet or less from the building. When the property line is more than five (5) feet from the building, the *reference datum* shall be the lowest point of elevation of the *finished grade* between the building and a line five (5) feet from the building. When the *finished grade* results from fill, the *reference datum* shall be the lowest point of elevation of the natural grade prior to the placement of the fill. In the case of a stepped or terraced building, each *segment* of the building shall be separately measured and the height of the building shall be the maximum height of the highest *segment*,” per Brisbane Municipal Code Section 17.02.400.A (also see Brisbane Municipal Code Section 17.32.060.F).

**PROJECTION**—any roofed portion of a building which projects outward from a wall (such as a cantilevered bay) or any deck which projects outward from a wall when the deck also serves as a roof for an area below with at least 7 ft. of clearance (see Brisbane Municipal Code Sections 17.02.085 and 17.02.495).

**REFERENCE DATUM**—a term used to describe the point from which the height of a building is measured; see *Height of Structure* for its specific use.

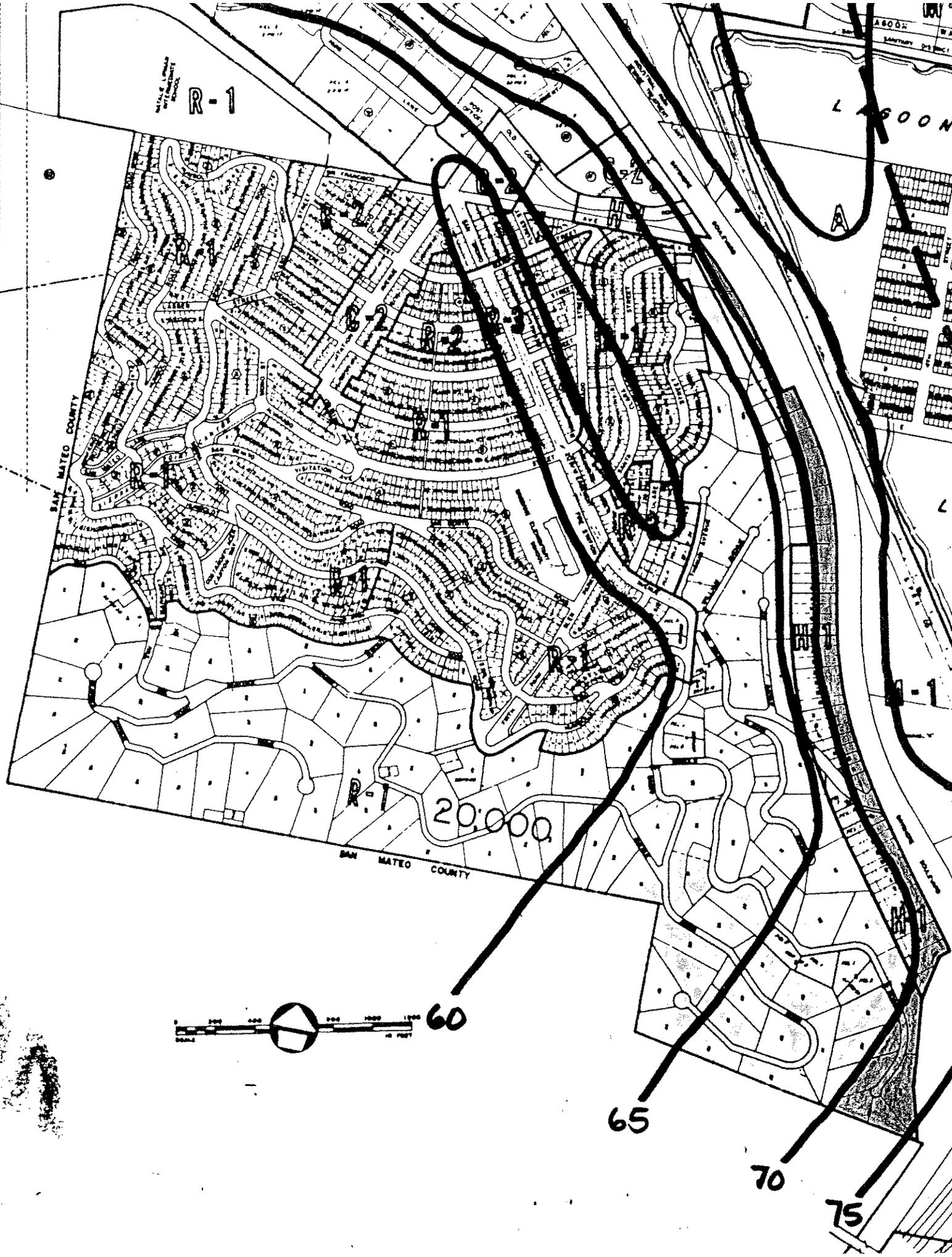
**RELATIVE ELEVATION**—the height of a point of ground or a portion of a building relative to sea level or some other accepted set point, such as one of the City’s monuments.

**ROOFLINE**—the form a building’s roof creates by its type (such as flat, mansard, gable, or hip) and/or its orientation (such as when the ridge of a roof changes direction in an “L” shape); it is such variations that may give a building a stepped or terraced appearance.

**SEGMENT**—each portion of the building with a different *roofline*; in some cases, bays, decks and dormers may be considered separate *segments*.

R-1

LAGOON



R-1 20,000  
SAN MATEO COUNTY



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ORDINANCE NO. 117111  
AN ORDINANCE OF THE CITY OF BRISBANE ADOPTING  
THE 1998 EDITION OF THE CALIFORNIA FIRE CODE AND  
THE 1997 EDITION OF THE UNIFORM FIRE CODE WITH  
CERTAIN LOCAL MODIFICATIONS

"Chapter 15.44

FIRE PREVENTION CODE

15.44.070 Section 220-S amended - Definition of streets. The definition of "street" in Section 220-S of the Fire Code is amended to read as follows:

STREET is any thoroughfare or public way which has been dedicated or deeded to the public for public use.

15.44.100 Section 902.2.1 amended - Required access. The first paragraph of Section 902.2.1 is amended to read as follows:

902.2.1 Required access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction, as follows:

- (a) For all occupancies except R-3 occupancies: Access roadways shall be extended to within fifty feet (50') of at least two sides of the first floor of any building. The sides of the building to which Fire Department access roadways are provided shall be those providing access openings to the interior of the building. The other sides of any building shall have Fire Department access to within one hundred and fifty feet (150') of the exterior walls of the first floor.
- (b) For R-3 occupancies: Access roadways for new buildings and for existing buildings which are being enlarged by more than fifty percent (50%) of the floor area of the existing building shall be extended to within one hundred and fifty feet (150') of any exterior wall of the first floor of the building; *provided, however,* the Fire Marshal shall have authority to grant modifications or exemptions from this requirement if the Fire Marshal finds and determines that enforcement of the standard would cause extreme hardship and the granting of a modification or exemption will not unreasonably impair access to the building by emergency personnel or otherwise create a safety hazard for persons or property.

15.44.110 Section 902.2.2.1 amended - Dimensions. Section 902.2.2.1 of the Fire Code is amended by adding the following paragraphs at the end of said Section:

Streets providing a means of access for Fire Department emergency response vehicles shall comply with the requirements set forth in Section 12.24.010 of Chapter 12.24 in Title 12 of the Brisbane Municipal Code.

CONTACT THE PUBLIC WORKS AND FIRE DEPARTMENTS REGARDING APPLICABLE STANDARDS, INCLUDING REQUIREMENTS FOR SIDEWALKS, STREET DEDICATION AND ON-STREET PARKING.

15.44.120 Section 902.2.2.4 amended - Dead ends. Section 902.2.2.4 of the Fire Code is amended to read as follows:

902.2.2.4 Dead ends. Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') in length shall be provided with a minimum turnaround clear radius of fifty-two feet (52'), or other turnaround as approved by the Fire Chief.

15.44.140 Section 903.1.1 added - Fire Hydrants and water supply. Section 903.1.1 is added to the Fire Code, to read as follows:

903.1.1 Hydrants. All new fire hydrants shall be UL listed, or equivalent, wet barrel type having a minimum of two 2 ½" and one 4 ½" outlets, all equipped with national standard threads (Jones 6040, or approved equivalent). The minimum fire service main size permitted is six inch (6").

15.44.150 Section 903.4.2.1 added - Fire hydrant spacing. Section 903.4.2.1 is added to the Fire Code, to read as follows:

903.4.2.1 Fire hydrant spacing. Fire hydrant spacing shall be as follows:

- (a) Commercial/industrial: Not more than two hundred fifty feet (250').
- (b) High density residential (R-1): Not more than three hundred fifty feet (350').
- (c) Low density residential (R-3): Not more than five hundred feet (500').

15.44.160 Section 903.4.4 amended - Maintenance and use of hydrants. Section 903.4.4 of the Fire Code is amended to read as follows:

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2. The use of wrenches other than Fire Department type spanners equipped with pentagonal heads to operate any fire hydrant is prohibited.

"12.24.010 Adoption of standard specifications; Street standards.

(a) The City hereby adopts and incorporates herein the Standard Plans and Specifications and the related handbooks published by the State of California, Department of Transportation, dated July, 1992, and such plans, specifications and handbooks shall be applied unless otherwise specified by the City Engineer.

(b) In addition to the requirements imposed by the standard plans and specifications adopted under Paragraph (a) of this Section, any street providing a means of access for emergency vehicles shall comply with the following standards:

1. The street width shall be a minimum of thirty-six feet (36') if parallel parking is permitted on both sides; a minimum of twenty-eight feet (28') if parallel parking is permitted on one side only; and twenty feet (20') if no parking is permitted on such street. Nothing herein shall in any manner limit or impair the authority granted to any officer or official of the City to restrict or prohibit parking upon any street or any portion thereof pursuant to any ordinance, rule or regulation of the City, including, but not limited to, the parking regulations set forth in Chapter 10.24 in Title 10 of this Code.
2. Street grades shall not exceed fifteen percent (15%).
3. The street shall be capable of supporting 60,000 pounds.
4. Change of roadway elevations shall comply with the requirements of the Fire Department with regard to angle of attack and angle of departure.
5. Speed reducing devices, if installed, shall not reduce or restrict the movement of emergency vehicles.

The City Engineer, with the concurrence of the Fire Chief, shall have authority to modify any of the foregoing standards where: (i) a new single-family dwelling unit is being constructed on a vacant in-fill lot located on a public street, or (ii) an existing single-family dwelling is being altered or expanded and is subject to the provisions of Section 15-08-140 of the Brisbane Municipal Code, if the City Engineer and the Fire Chief find and determine that enforcement of the standard would cause extreme hardship and the granting of a modification will not unreasonably impair access by emergency vehicles or otherwise create a safety hazard."

See Ord. No. 495

## THE 1994 GENERAL PLAN: PRIVATE ROADWAYS AND PUBLIC STREETS

### LAND USE

#### Subdivision Pattern

Policy 36: Establish subdivision standards that acknowledge the constraints of topography and the ability to serve parcels with infrastructure to City standards.

Policy 37: On an ongoing basis, bring unrecorded subdivisions into compliance with the Subdivision Map Act and City standards.

### TRANSPORTATION AND CIRCULATION

#### TRAFFIC FLOW, CONVENIENCE AND ACCESS

##### Street Standards

Policy 40: Establish City street standards to provide for adequate traffic flow and safe circulation for both existing and new streets.

Policy 41: Require a minimum unobstructed street width of 20 feet, as required by the Uniform Fire Code.

Program 41a: Adopt a minimum width street standard in the Municipal Code and include the findings necessary for granting an exception.

Policy 42: In addition to the above, develop residential and commercial City street standards that take into account the following factors as they apply to streets, but particularly to hillside streets: grade, topography, average lot frontage size, number of lots and potential intensity of development, maximum block length, maximum length of cul-de-sac streets, length of street in relation to number of units served, turnarounds, parking, secondary access.

Program 42a: Adopt street development standards which establish requirements for right-of-way dedication, street width, length, turnarounds and access to parcels.

Program 42b: Adopt street engineering design standards which establish requirements for horizontal alignment, vertical alignment, pavement crown and structural section design.

Program 42c: Adopt standards for sidewalks, bikeways, signalization, striping and street lighting.

Policy 43: Require designs for hillside streets to reflect the topography and to minimize grading and large retaining walls.

Program 43a: Consider incorporation of small scale parking bays, rolled curbs, and other means of including parking and providing safe clearance on hillside streets.

#### TRAFFIC SAFETY

##### Local Residential Streets

Policy 44: Maintain and improve local residential streets to accommodate safe access for emergency vehicles and evacuation routes for residents.

Policy 45: On an annual basis, as part of the budget and Capital Improvement planning process, consider opportunities to widen hillside streets to a minimum of 20 feet where physically and economically feasible.

Program 45a: Investigate the potential of secondary access for emergency vehicles and improved evacuation for streets with long cul-de-sacs.

Program 45b: Adopt plan lines for residential streets to identify locations to widen streets and to accommodate additional off-street parking, turnarounds and secondary access.

Program 45c: Investigate the potential of turnarounds on all streets with cul-de-sacs longer than 500 feet.

Policy 46: Develop a ten year improvement program for improvements to existing hillside streets to include street widening, turnarounds and the feasibility of secondary emergency access.

Program 46a: Require parking and safety improvements in conjunction with new development and the intensification and improvement of existing residential uses in accordance with the improvement program.

Program 46b: Consider an impact fee program to fund acquisition of additional rights-of-way, widening of existing streets to provide additional on-street parking and construction of other safety improvements.

##### Improvements

Policy 49: Establish standards for the improvement of existing streets and the construction of new streets to provide a high level of service.

Program 49c: Adopt construction standards for durable street improvements such as 6 inch vertical concrete curb and asphaltic concrete pavement and sidewalks.

#### PEDESTRIANS

Policy 65: In conjunction with street improvement projects, provide facilities for pedestrians.

#### CIRCULATION AND LAND USE

##### Land Use Decisions

Policy 69: Consider potential traffic impacts and emergency evacuation in making land use decisions.

Policy 71: For vacant subareas without existing infrastructure, require circulation plans and traffic impact analyses to be submitted as a part of any development application.

Policy 74: Developers and property owners who wish to build on their land where City streets do not currently exist shall dedicate right-of-way and improve the streets to City standards at their own expense.

Policy 75: Ensure access to properties in making land use decisions.

Program 75a: In reviewing building permit, subdivision and other development applications, distinguish whether the subject property has access from public streets, private streets, private roadways or through private lands. Obtain from applicants evidence of legal right of access to their properties.

Policy 76: Ensure that all land use development applications for a primary or secondary dwelling unit have adequate and legal access which complies with City street standards. Where a building site does not front directly on a public street, legal and adequate access, which complies with City street standards, shall be provided from the public street to the building site.

Policy 77: Discourage the establishment of new private streets, private roadways and accessways.

Policy 78: Encourage the improvement of existing private streets, private roadways and easement accessways to City standards and the dedication of the right-of-way to the City after improvements are installed.

Program 78a: Consider taking public action to make private roadways in residential areas which are regularly used by the general public into City streets after they are improved to City standards. (See Figures VI-A and VI-B).

Policy 78.1: Require exactions and develop an impact fee program for new development and improvements to property to improve and maintain substandard streets to minimum safety standards.

#### COMMUNITY HEALTH AND SAFETY

Policy 146: Require that developers and property owners in undeveloped areas who wish to build on their land provide infrastructure at their own expense, including water, sewer, storm drains and paved streets to City standards.

### POLICIES AND PROGRAMS BY SUBAREA

#### BRISBANE ACRES

##### Community Health and Safety/Conservation

Program 246a: In conjunction with any subdivision or other development application, the property owner shall be required to supply detailed information on slope, access, water, sanitary sewer and storm drain infrastructure, soils, geology, cultural resources, significant vegetation and endangered species habitat.

Policy 247: No new development shall occur before infrastructure is provided to the site to City standards and offered for dedication to the City.

Program 247a: Information should be supplied in conjunction with any application for development or a building permit on how the infrastructure proposed for the project relates to existing and future infrastructure development.

Program 247b: Assure that safe and adequate access can be provided to properties when access is dependent upon connecting to existing streets.

Program 247c: If any development of private land in the Brisbane Acres would disturb or restrict existing access for fire or rescue personnel or equipment to areas above or beyond, the adequate alternative access shall be provided and maintained.

#### CENTRAL BRISBANE

##### Transportation and Circulation

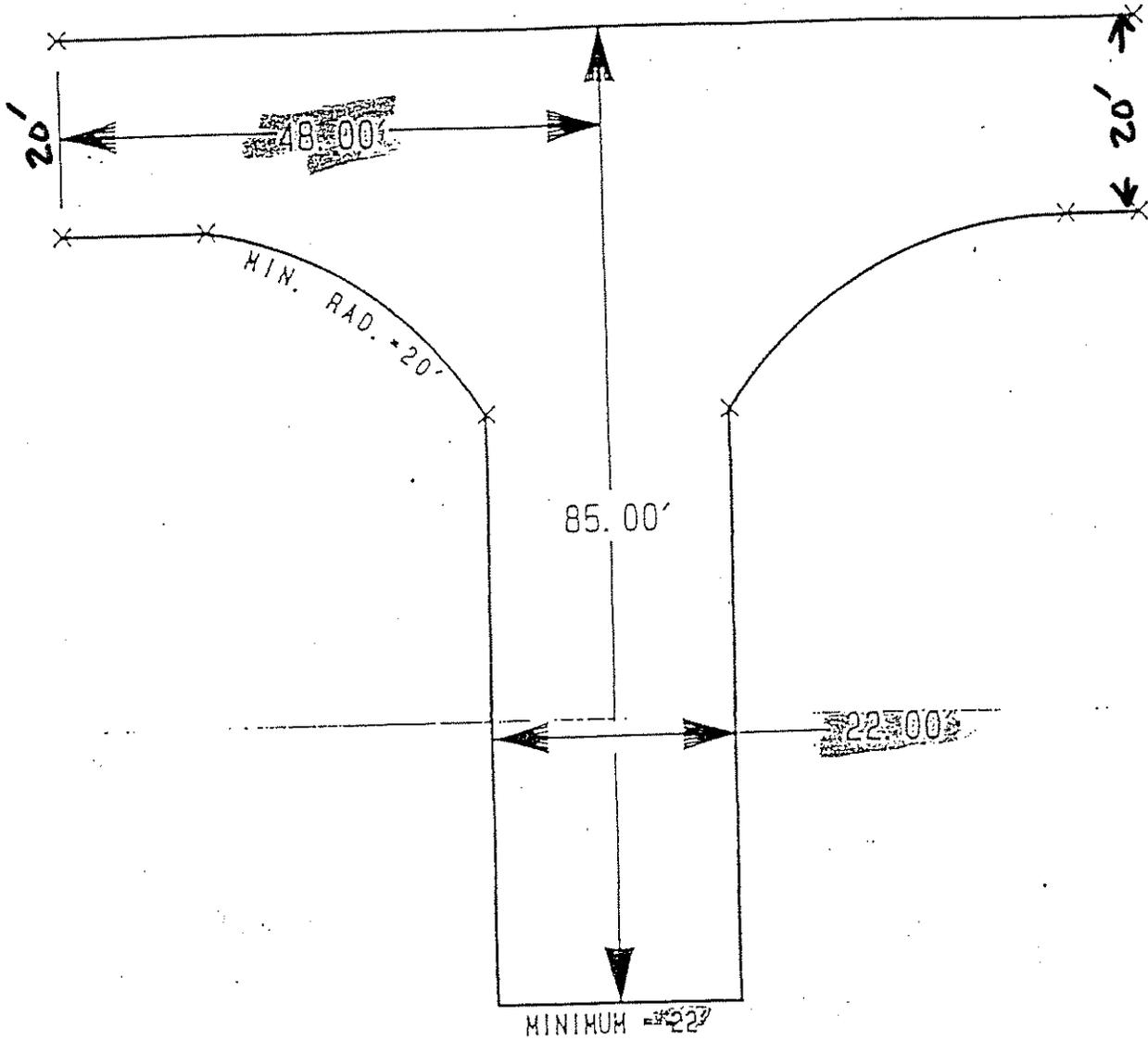
Policy 257: In conjunction with subdivision and other development applications, require private roadways to be upgraded and maintained to City standards and offered for dedication to the City (see Policies 74, 76 and 78).

Program 257a: In conjunction with the City's development review process and Capital Improvement Program, examine ways to improve existing bottlenecks and cul-de-sacs and improve safety in the upper residential streets (see Policies 45 and 46).

Development Standards Applicable to the Brisbane Acres  
February 2000

[contact the Public Works & Fire Departments for details]

1. Water service for fire protection: 1500 gpm for 4 hours, with residual pressure of 20 psi. Note that the water pressure situation in some water system zones may require further evaluation by City staff. As a result, improvement alternatives may be needed to be considered to provide adequate water pressure and flow rates. In addition, the Fire Department may require residential fire sprinklers and additional fire hydrants to meet necessary fire flow requirements.
2. Domestic water service: 40 psi.
3. Underground sanitary sewer and storm drainage lines: Each line must have at least 3 feet of earth cover, there must be not less than a 5 foot separation between the sanitary sewer and storm drainage lines, and the lines must be located in the public right-of-way or granted easements. The City requires separate sanitary sewer laterals (4" minimum) from each residence to the main pipe connection. Storm drainage shall be brought in an underground piped system (4" minimum) through the curb or to an inlet or manhole. All storm drain system lines are required to connect to the municipal system. The size of these storm drain lines will be dependent upon the needed capacity.
4. Regarding utility lines and easements, please note the following General Plan policies and programs:
  - Policy 209: Require, as feasible, all trunk water lines to be installed in dedicated public streets.
  - Policy 213: If new development occurs, require trunk & lateral lines to be installed to City standards.
  - Policy 214: Require, as feasible, that all sanitary sewer lines be installed within dedicated public streets.
  - Policy 218: Discourage more than one single-family property on any lateral sewer line. If infeasible, require recorded sewer access & maintenance agreements between all parties sharing the line.
5. Legal right of access: If the site does not front on a public street (note that, for example, Annis, Gladys, Harold, Joy, Margaret, McLain & Paul Avenues are not public streets), a deed, easement or judgment or order granted by a court of competent jurisdiction, granting such rights must be submitted with a topographical and legal survey showing the location of the rights relative to existing and proposed access improvements. Where new streets are proposed, a 40 ft. right-of-way should be provided. General Plan Policy 77 discourages the establishment of new private streets.



SCALE: 1" = 16'

MEASUREMENTS ARE MINIMUM REQUIREMENTS

				<b>TURNING MOVEMENT L. T. I. PUMPER EQUIPMENT</b>	DRAWING NUMBER
					91-A-01
					FILED
					STD. DWG. F-1
REV.	DATE	BY			
			DRAWN BY: LEJ	DATE: 01-29-91	
			CHECKED BY:	SCALE: SHOWN AS ABOVE	
			APPROV BY: MO SHARMA	APPROV BY: ED SAIZ	

Fire Apparatus Access Roads  
(cont.)

Requirement	Code citation
All weather surface	902.2.2.2 Fire access apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
Minimum turning radii 20' inside 40' outside	902.2.2.3 The turning radius of a fire apparatus access road shall be as approved by the chief. <i>(For roads 20 feet in width, the minimum inside radius is 20 feet and the outside radius is 40 feet.)</i>
Turnaround required if over 150' in length	902.2.2.4 Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) in length shall be provided with approved provisions for the turning around of fire apparatus.
Maximum grade approved by Fire Chief	902.2.2.6 The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief. <i>(Common standards would be maximum 15%, over 13% concrete pavement. Grade transitions should accept a 13° angle of departure.)</i> <i>Max. drive way grade = 20% BMC</i>
Fire access road must be unobstructed	902.2.4.1 The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times.

## Fire Apparatus Access Roads

### Requirement

### Code citation

Fire Access road required

902.2.1 Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of and exterior wall of the first story of the building is located more than 150 feet (45,720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief. *(NOTE: This would not apply for most single-family residences, as a "life-safety" sprinkler system (typical residential sprinkler) cannot be used in lieu of building protection.)*

2. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection as specified in Section 1001.9.

3. When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of Sections 902.2.1 and 902.2.2 may be modified by the chief. *(NOTE: This is not an automatic exception!)*

More than one fire apparatus access road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

20' width

902.2.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

6. Emergency vehicle access: An all-weather roadway with an unobstructed width of 20 feet (excluding parking), capable of supporting the imposed loads of fire apparatus, with a maximum grade of 15% and turning radius of not less than 40 feet must be provided from the public street. Street grade transitions should accept a 13-degree angle of departure for fire truck access. Such fire apparatus access roads in excess of 150 feet in length shall be provided with approved \* provisions for the turning around of fire apparatus: a 52 foot radius cul-de-sac or an approved hammerhead configuration. More than one fire apparatus road shall be provided when it is determined by the Fire Chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Refer to Ordinance No. 438 for additional requirements and exceptions.

Be advised that these are minimum standards from the adopted State of California codes or drainage law. It cannot be assumed that existing development in the vicinity of a site is any indication of compliance with these standards. You are encouraged to resolve any issues regarding the adequacy of the infrastructure prior to making any applications or preparing any architectural plans.

Also be advised that further revisions to the Zoning District regulations are in process to conform to the General Plan.

In addition, please refer to the following handouts available from the Building & Planning Department:

- Brisbane Acres packet
- R-1-20,000 District regulations
- San Bruno Mountain Area Habitat Conservation Plan excerpts
- Tentative & Final Map application checklists
- Transfer of Density Rights Use Permit application checklist
- Environmental Information Form

\* for engine companies, 20 ft. inside / 40 ft. outside turning radius  
for truck companies, 35 ft. inside / 52 ft. outside turning radius

SAN MATEO COUNTY  
POLICY REGARDING PROPOSED DEVELOPMENT IN BRISBANE ACRES \*

The County of San Mateo had an endangered species Biological Survey done on San Bruno Mountain in 1980 and 1981. The purpose of the study was to determine the population and distribution of the Federally listed endangered Mission Blue butterfly and the rare Callippe Silverspot butterfly. Both species are widely distributed over the grassland portions of the Mountain. They are both found in the Brisbane Acres area. The Mission Blue butterfly is legally protected by the Endangered Species Act; no destruction of this insect can occur without a permit from the Fish and Wildlife Service.

The County's Biological Survey was performed on a large scale since it had to cover all of San Bruno Mountain. As such, the information in the report is not specific enough to be applied to a particular one acre parcel in Brisbane acres. In order to determine the presence of the Mission Blue or Callippe within a particular parcel, an on site field reconnaissance is required. Brisbane requires that this be done prior to the processing of a development proposal.

San Mateo County, which has retained the services of a Biological Consultant to help monitor the above named butterflies, is best suited to perform the biological work needed for development processing. Someone other than the County can perform the biological analysis, however the County will need to review the findings. The applicant would be billed for the cost of such review.

The County has a fixed fee for performing a biological analysis of any one acre site in the Brisbane Acres area. The fee is \$100.00 per acre parcel; it includes:

- o a site reconnaissance,
- o a follow up letter stating whether habitat is present on site and potential impact on the Mission Blue and Callippe, and
- o administrative costs.

The County requires that anyone wishing to have an analysis done must submit in writing -- their name, billing address, and a map of Brisbane Acres which shows the site and the proposed access to the site. If known, the portion of the site proposed for development should be indicated.

The contact person at San Mateo County is:

Bill Rozar or Roman Gankin San Mateo County Parks & Recreation Dept. 650-363-4020  
San Mateo County Planning Dept.  
County Government Center (650)  
Redwood City, CA 94063 Telephone: (415) 363-4161

If habitat of the rare or endangered species is present on a parcel, a more thorough biological analysis will be required before development can take place. In addition, the landowner must participate in the San Bruno Mountain Habitat Conservation Plan.

\* The HCP includes the Southwest Bayshore Subarea in its "Brisbane Acres" Administrative Parcel.

## U.S. Lists 2 Butterflies, Snake as Protected

Federal fish and wildlife authorities yesterday announced they have listed two butterflies and a snake from Northern California under the Endangered Species Act.

The Fish and Wildlife Service listed the calippe and Behren's silverspot butterflies as endangered and the Alameda whipsnake as threatened.

The calippe silverspot is known to exist only on the grasslands of San Bruno Mountain and at a park in Alameda County. Historically, it lived in an area from northwestern Contra Costa as far south as Castro Valley.

Behren's silverspot has been reduced to one population on private land in coastal prairie at Point Arena, in Mendocino County.

## HCP PROCEDURES FOR BRISBANE ACRES

(Administrative Parcel 2-03)

### PURPOSE

The following procedures have been prepared to assist in the proper administration and processing of requests for any development within the area called Brisbane Acres. These procedures are specific to those aspects of such proposed developments which involve the San Bruno Mountain Area Habitat Conservation Plan.

### BASE INFORMATION

The cities of Daly City, South San Francisco, Brisbane, the County of San Mateo, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service are bound by a Memorandum of Understanding (Agreement) to abide by the requirements of a Habitat Conservation Plan (HCP) which governs the way development on San Bruno Mountain is done. The purpose of the Agreement and HCP is to protect the ecological community of the mountain specifically regarding certain endangered species and species of concern. Provisions of the Federal Endangered Species Act (ESA) allow, under a Section 10a Permit, the limited loss of endangered species providing an HCP shows protection adequate for the existence of the species in perpetuity.

Persons interested in the development of properties within the Brisbane Acres area are advised to become acquainted with the specific provisions of the HCP as pertains to that area. Volume Two of the HCP on pages VII-156 through VII-164 is specific to the requirements within Administrative Parcel 2-03 (Brisbane Acres).

Please note the attached maps showing Administrative Parcel 2-03. Parcel 2-03 is further divided into Parcels 2-03-01 and 2-03-02. Any proposed development which falls within the boundaries shown for Parcel 2-03 must go through the process outlined below. All references to the term "Plan Operator" is a reference to the County, the designated Plan Operator.

The status for most of Brisbane Acres is "unplanned." In order for any development to take place on any portion of Brisbane Acres, that portion must be redesignated to "planned." Landowners/developers of unplanned parcels are advised to seek assistance from the Plan Operator to incorporate appropriate conservation design measures into their project prior to plan submittal. As a guide, such measures are discussed on pages III-27 (beginning paragraph 4) through III-34 of Volume One of the HCP. The process of redesignation to separate planned parcels will end up creating new administrative parcels (or sub-units). Such sub-units will be designated 2-03-03, 2-03-04, 2-03-05, etc., as each becomes a planned parcel.

The review process outlined below provides that the City of Brisbane should combine the parcel redesignation process with the required development permit process, even for non-discretionary projects (e.g., building permits). This process requires the City to hold at least one noticed public hearing, and it formalizes HCP compliance. In order to allow development approval, the City must make mandatory findings of compliance with the HCP.

## PROCEDURE

1. The landowner/developer of an unplanned parcel must submit proposed plan to the Plan Operator and the City of Brisbane in order to have the parcel considered to be changed to a planned parcel and to allow for the development. This begins the formal review of compliance with the HCP.
2. The City will inform the landowner/developer, prior to acceptance of an application for a development of the need to obtain a habitat survey. Usually this survey is prepared by the County's consultant, Thomas Reid Associates, who charges a flat fee to prepare a report. Such a report could be prepared by any consultant who is fully knowledgeable of the biology of San Bruno Mountain specifically regarding the ecology of the various endangered species and species of concern identified in the Agreement. Such a habitat survey will become a part of the public record upon application for any development by the landowner/developer and will be reviewed by the Plan Operator and resource agencies for adequacy.
3. After the Plan Operator receives project plans and habitat survey for an unplanned parcel, the Plan Operator's consultant, Thomas Reid Associates, develops a revised HCP operating program for that parcel. Remember that the operating programs for each parcel are already given in Volume Two of the HCP and that this action would be a revision to what is already in force but only for the new sub-unit. The proposed revised operating program and project plans are then sent by the City of Brisbane to the U.S. Fish and Wildlife Service and California Department of Fish and Game for review (at least 30 days).
4. Following review by the mandatory agencies (USFWS, CDFG, and County), the City of Brisbane shall hold a noticed public hearing on compliance with the HCP and the Section 10a Permit. The City must, upon approval, make all appropriate compliance findings in writing. The underlying basis for compliance deals primarily with habitat disturbance and the incidental taking provisions allowed under the Section 10a Permit.
5. Once the City has approved the project along with the HCP compliance findings, the sub-unit becomes designated a planned parcel and is given a sub-unit designation. The sub-unit as a planned parcel is then subject to all of the requirements of the HCP Agreement. The landowner/developer needs to understand the restrictions once the proposed development is completed, because any further development for which no approval had been obtained would now be subject to all of the amendment procedures of the HCP Agreement. The landowner must also be aware of the requirements of Section VI.A.2. of the Agreement and the requirement to record a covenant in the form of Exhibit "G" of the Agreement. Exhibit "G" requires signature by the State Department of Parks and Recreation (DPR) and the County of San Mateo. Contact at DPR in Sacramento is in the Office of the Chief Deputy Director (Les McCargo, 916-445-0290). The County's signature takes place after a Board of Supervisors hearing (a consent agenda item, usually). The landowner/developer for a single family dwelling must comply with all requirements prior to the issuance of a Certificate of Occupancy, including the signature and recordation of an "Agreement to Comply with Terms and Conditions of the Agreement with respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10a Permit."

6. The revised operating program adopted for the new planned sub-unit is at this point directive with respect to the development construction. If field supervision is required, the landowner must pay for the costs of such supervision. Most of the field supervision, pre-activity on-site investigations and habitat-related conferences, as well as the earlier work to revise the operating program are handled by the County's consultant, Thomas Reid Associates, P.O. Box 872, Palo Alto, California, 94301, (415-327-0429); such activities are called planning assistance. Any billing for planning assistance is handled through the County, so the landowner can expect to be billed for these services by the County.

### CONTACTS

#### San Mateo County (Plan Operator)

Mr. Roman Gankin ~~San Mateo County Parks & Recreation~~ <sup>650-</sup>  
or Mr. William Rozar <sup>363-4020</sup>  
San Mateo County Planning Division  
590 Hamilton Street  
Redwood City, CA 94063  
(415-363-4161)

#### U.S. Fish and Wildlife Service

~~Mr. Chris Nagano~~ ~~Matt Vandenberg~~ <sup>David Wright</sup>  
U.S. Fish and Wildlife Service  
Office of Endangered Species  
2800 Cottage Way, Room E-2823-1823  
Sacramento, CA 95825-1846  
(916-978-4866)

#### California Department of Fish and Game

~~Dr. Larry Eng~~ <sup>Carl Wilcox</sup>  
California Department of Fish and Game  
Environmental Services Division  
1416 - 9th Street  
Sacramento, CA 95814  
(916-445-1383)

#### California Department of Parks and Recreation

Mr. Les McCargo  
Chief Deputy Director  
California Department of Parks and Recreation  
1416 - 9th Street, Room 1405  
P.O. Box 942896  
Sacramento, CA 94296-0001  
(916-445-0290)

Thomas Reid  
Associates  
560 Waverly St. #201  
Palo Alto, CA  
94301  
650-327-0429

Prepared for the City of Brisbane by:  
Roman Gankin, Principal Planner  
San Mateo County Planning Division

Operating Program for Management Unit 2-03-07

Obligations: The landowner/developer has the following obligations:

1. HCP Funding Program. Upon occupancy of the building, the Landowner shall pay an annual assessment of \$10,00 per 1,000 square feet (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B for details of funding and timing.

Operating Program for Management Unit 2-03-08

Obligations: The landowner/developer has the following obligations:

1. Creation of a Habitat Easement over 40% of the Parcel. The Landowner shall agree to create a habitat easement over the upper 40% of the parcel which lies within the jurisdiction of the HCP (note: a portion of the property lies on Humboldt Road and is excluded from the HCP, this area will be dedicated to the City). The easement shall be created by the Landowner at the time of receipt of a grading permit from the City of Brisbane. The easement may be released if the conserved habitat becomes isolated from adjacent habitat as a result of the future development of other parcels.

2. HCP Funding Program. Upon occupancy of the home the Landowner shall pay an annual assessment of \$20,00 per year (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B for details of funding and timing.

3. Reclamation Provisions. With respect to any areas which are to be graded or disturbed and thereafter maintained as habitat, the Landowner shall prepare a Reclamation Plan for approval by the City and County in accordance with normal standards and procedures for grading permits. These provide for grading, erosion and run-off controls, and revegetation with native grassland species approved by the Plan Operator. In addition, the Landowner shall clearly define on the ground (by snow or two strand wire fencing or other methods) the limits of disturbance anticipated and shall limit the construction disturbance to said limits as provided in fencing and signing provisions of the MOU and Chapter 5. The fencing shall be erected at the boundary between undisturbed areas and the temporarily disturbed area as shown in the final grading/development plan.

4. Pesticide Control. The Landowner is cannot perform aerial or large-scale spraying of pesticides without the approval of the Plan Operator.

5. Buffer Areas. The Landowner must establish and maintain a fire buffer around the residence to protect it from fire. The buffer area must be approved by the City.

6. Inspection. The Landowner shall, while constructing the single family home on Management Unit 2-03-08, contract for an inspector acting for the County as Plan Operator to monitor grading and revegetation activities through completion of the reclamation activities.

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Operating Program for Management Unit 2-03-09

Obligations: The landowner/developer has the following obligations:

1. HCP Funding Program. Upon occupancy of the two homes each homeowner shall pay an annual assessment of \$20,00 per year (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B for details of funding and timing.

The Plan Operator has the following obligations:

1. Prepare and execute an annual operating program for the Conserved Habitat within Administrative Parcel 2-03;
2. Monitor the effect of all activities within development areas on adjacent Conserved Habitat and provide advice and direction to the Landowners to assist in compliance with the obligations described above.
3. Designate vegetation materials for use in Reclamation Plans and review such Reclamation Plans submitted by Landowners with respect to Administrative Parcel 2-03 in a timely fashion to avoid delays in the implementation of such Plans;
4. Accept dedications of Conserved Habitat within Administrative Parcel 2-03.

Management Units:

1. 2-03-01. This Management Unit is in close proximity to existing residential sections of Brisbane, so is probably already affected to some extent by adjoining development and under greater threat of continued development than Unit 2-03-02.

a. Until development plans come forth, this unit should be left untreated and protected from vandalism. If development is proposed, a new operating program is indicated. This will include the aforementioned mitigation/open space protection measures.

2. 2-03-02. This Management Unit is adjacent to county parklands and the South Slope Administrative Parcel. Of the two Brisbane Acres Management Units, this one is utilized by the butterflies of concern to a greater extent and contains the habitat of rare, endemic and range limit plants.

a. Unless development is proposed, this area should be left untreated and protected from vandalism as necessary. If development is planned, this operating program will change to include the mitigation and open space protection measures mentioned above, including possible host plant relocation.

3. 2-03-03. This Management Unit comprises a quarter acre parcel which was owned by the Danielle's (Lot 33, APN# 007-555-150, 100 Annis Road). A single family residence is proposed for development on this parcel.

4. 2-03-04. This Management Unit comprises a half acre parcel owned by the Chin's (Parcel 12 of Lot 29, APN #007-570-230, 600 Harold Road). A single family residence is proposed for development on this parcel.

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## REVISED OPERATING PROGRAM FOR ADMINISTRATIVE PARCEL 2-03

Planning Area: Southeast Ridge (2)

Administrative Parcel: Brisbane Acres (03)

Location and description: Brisbane Acres is an area of 154 acres located above the existing town of Brisbane and consisting of steep slopes containing brush and grassland. It is bordered on the west by the transmission line, on the north by Brisbane, on the east by Bayshore Boulevard and on the south by the County Park and South Slope Parcels. It has been divided into two major management units; Unit 2-03-01 was chosen for its proximity to existing development, while Unit 2-03-02 is the area closest to the parklands and as such is considered the more sensitive of the two (See Figures 2-03 A-C).

As development comes forward for individual lots within Administrative Parcel 2-03, each lot is assigned a subsequent management unit number. Sub-Management Units developed are shown in Figures 2-03-03 A to 2-03-09 A.

Ownership: The area consists of more than one hundred single lots which are owned by numerous individuals.

Project: The area is currently zoned for single family residences. Persons purchasing lots in Brisbane Acres had the intention of developing single family homes on them, however, because of the steep terrain many portions of Brisbane Acres are undevelopable (Figure 2-03 F).

Status: Management Units 2-03-01 and 2-03-02 are unplanned. Management Units 2-03-03, 2-03-04, 2-03-05, 2-03-08, 2-03-09 are planned for single family residences. Management Unit 2-03-06 is planned for a City operated Water Tank. Management Unit 2-03-07 is planned for an office/light industrial building.

Biological Issues: Many portions of Brisbane Acres is habitat for the both the Callippe and the Mission Blue (See Figures 2-03 D-E). In addition, many rare, limit and endemic plants exist there, and the area is known habitat for the rare plant *Hellianthella kastanea*, although this plant was not found during the 1980-81 Biological Study.

Impact: Development of Brisbane Acres will destroy habitat now supporting the Callippe, Mission Blue and range limit/endemic plants, and habitat where a rare plant may occur.

HCP Objectives -- Specific Conservation Needs: Because steep slopes and limited access somewhat preclude the introduction of habitat enhancement measures, the approach of the HCP in this case will be to protect the interface between development and open space, mitigate development effects in and around developed areas, leave the open space untreated and protect the area from vandalism. If development proceeds in Brisbane Acres, the open space adjoining development areas will have to be protected by creating an interface between the two. This interface will initially be in the form of fencing to keep grading within prescribed boundaries and finally in the form of a fire break vegetation surrounding development areas. Development impacts could be reduced by reclaiming cut and fill slopes with native species, including Callippe and Mission Blue host plants, and by using measures to control water runoff in order

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## REVISED OPERATING PROGRAM FOR ADMINISTRATIVE PARCEL 2-03

to prevent erosion. Where appropriate, host plant relocation and plan revision may also be used to mitigate impact.

At this time it is recommended that the open space be left untreated and, if necessary, patrolled in order to control vandalism.

## Operating Program for Management Units 2-03-01 and 2-03-02

Obligations: Landowners have the following obligations:

1. Compliance with mitigation measures set forth in the Operating Program for Management Units 2-03-01 and 2-03-02.
2. Compliance with the Planning Assistance requirements set forth in the Operating Program for Management Units 2-03-01 and 2-03-02.
3. Participating in the regulatory provisions and Funding Program of this HCP.
4. Prior to any grading and/or development project and/or the removal or damage of or use of pesticides on vegetation in excess of 500 square feet in any calendar year in the Brisbane Acres:
  - (a) an environmental assessment must be prepared. Any such environmental assessment must describe the impacts on habitat of the Mission Blue and Callippe Silverspot and must discuss mitigation measures. Notice of development and/or grading proposals and copies of all environmental documents must be sent to the California State Department of Fish and Game, the U.S. Fish and Wildlife Service and the Plan Operator, and

(b) the Landowner must demonstrate that approval of the grading and/or development proposal is consistent with protecting 40% of the Brisbane Acres as Conserved Habitat. The Landowners may demonstrate consistency through the use of one or more of the following mitigation measures:

- (i) dedication of habitat easements, open space in fee and/or transfer of allowed density to other parcels in the Brisbane Acres Conserved Habitat
  - (ii) acquisition of off-site parcels for dedication as permanent Conserved Habitat
  - (iii) clustering of development
  - (iv) imposition of landscaping restrictions on undeveloped portions of sites to retain natural vegetation
  - (v) voluntary merging of parcels to permit clustered development and habitat protection
  - (vi) grading plans which are designed to minimize habitat destruction
  - (vii) development siting standards to preserve broad corridors of natural habitat
  - (viii) reclamation plans for temporarily disturbed areas.
5. Require through CGARs that future owners observe general provisions regarding protection of Conserved Habitat

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

Operating Program for Management Unit 2-03-01

Obligations: The landowner/developer has the following obligations:

1. HCP Funding Program. Upon occupancy of the home the Landowner shall pay an annual assessment of \$20.00 per year (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B for details of funding and timing.

Operating Program for Management Unit 2-03-04

Obligations: The landowner/developer has the following obligations:

1. No construction or conversion to urban uses shall be permitted in the area designated for habitat easement as shown in Figure 2-03-04 B.
2. Prior to any construction within Management Unit 2-03-04, the Landowner shall provide for the following:
  - a. Creation of a Habitat Easement over undeveloped portions of the Parcel. The Landowner shall agree to create a habitat easement on all undeveloped land within Management Unit 2-03-04 as shown in Figure 2-03-04 B. The easement shall be created by the Landowner at the time of receipt of a grading permit from the City of Brisbane.

b. HCP Funding Program. Upon occupancy of the home the Landowner shall pay an annual assessment of \$20.00 per year (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B for details of funding and timing.

c. Construction Provisions. In accordance with Paragraph 1 above, the Landowner shall not disturb any land in the habitat easement area as shown in Figure 2-03-04 B.

d. Reclamation Provisions. With respect to any areas which are to be graded or disturbed and thereafter maintained as habitat, the Landowner shall prepare a Reclamation Plan for approval by the City and County in accordance with normal standards and procedures for grading permits. These provide for grading, erosion and run-off controls, and revegetation with native grassland species approved by the Plan Operator. In addition, the Landowner shall clearly define the limits on the ground (by snow or two strand wire fencing or other methods) the limits of disturbance anticipated and shall limit the construction disturbance to said limits as provided in fencing and signing provisions of the MOU and Chapter 5. The fencing shall be erected at the boundary between the undisturbed area and the permanently disturbed area as shown in Figure 2-03-04 B.

e. Pesticide Control. The Landowner is cannot perform aerial or large-scale spraying of pesticides without the approval of the Plan Operator.

f. Buffer Areas. The Landowner must establish and maintain a fire buffer

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around the residence to protect it from fire. The buffer area must be approved by the City.

g. Inspection. The Landowner shall, while developing Management Unit 2-03-04, contract for an inspector acting for the County as Plan Operator to monitor grading and revegetation activities through completion of the reclamation activities.

Operating Program for Management Unit 2-03-05

Obligations: The landowner/developer has the following obligations:

1. HCP Funding Program. Upon occupancy of the home the Landowner shall pay an annual assessment of \$20.00 per year (1982 dollars) adjusted for inflation each year. The funds will be paid to the San Bruno Mountain Conservation Fund. See Chapter V-B for details of funding and timing.

Operating Program for Management Unit 2-03-06

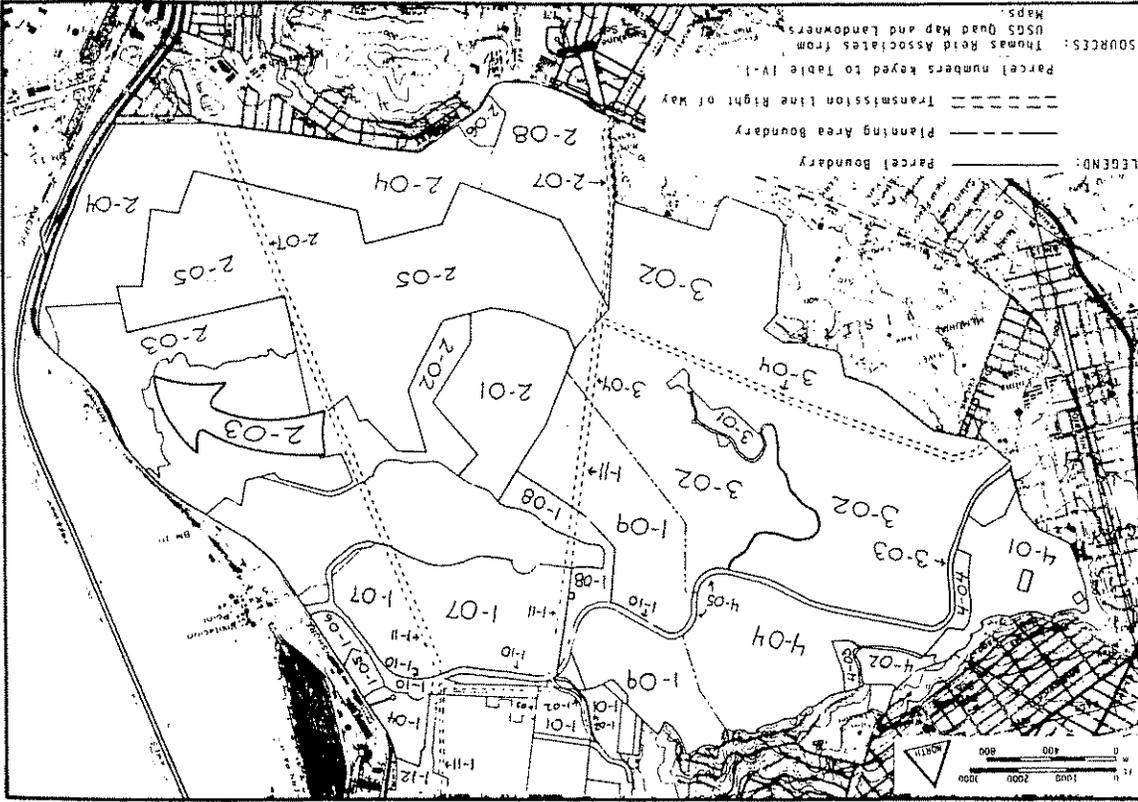
Obligations: The City of Brisbane has the following obligations:

1. No construction or conversion to urban uses shall be permitted in the area outside the habitat fence line as shown in Figure 2-03-06 B.
2. Prior to any construction within Management Unit 2-03-06, the City shall provide for the following:
  - a. Construction Provisions. In accordance with Paragraph 1 above, the City shall not disturb any land outside the habitat fence as shown in Figure 2-03-06 B.
  - b. Reclamation Provisions. With respect to any areas which are to be graded or disturbed and thereafter maintained as habitat, the City shall prepare a Reclamation Plan for approval by the County in accordance with normal standards and procedures for grading permits. These provide for grading, erosion and run-off controls, and revegetation with native grassland species approved by the Plan Operator. In addition, the City shall clearly define on the ground (by snow or two strand wire fencing or other methods) the limits of disturbance anticipated and shall limit the construction disturbance to said limits as provided in fencing and signing provisions of the MOU and Chapter 5. The fencing shall be erected at the boundary between the undisturbed area and the permanently disturbed area as shown in Figure 2-03-06 B.
  - c. Pesticide Control. The City is cannot perform aerial or large-scale spraying of pesticides without the approval of the Plan Operator.
  - d. Buffer Areas. The City must establish and maintain a fire buffer around the water tank to protect it from fire. The buffer area must be approved by the City Fire Marshal.
  - e. Inspection. The Landowner shall, while developing Management Unit 2-03-06, contract for an inspector acting for the County as Plan Operator to monitor grading and revegetation activities through completion of the reclamation activities.

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- 5. 2-03-05. This Management Unit comprises a one half parcel being processed for development by James Thomas (Parcel 1 of Lot 15, APN #007-555-160, 254 Annis Road). A single family residence is proposed for development on this parcel (Figure 2-03-05 B).
- 6. 2-03-06. The City of Brisbane has an easement over this Management Unit for a City operated water tank (Lot 62, APN# 007-530-090).
- 7. 2-03-07. This parcel is referred to as the Worldie property. It is located on Lot 11 of Highway Lots at 3750 Bayshore Blvd (APN# 007-350-050). An office/light industrial building is proposed on the parcel (Figure 2-03-07 B).
- 8. 2-03-08. This Management Unit comprises a one acre parcel being processed for development by Haji Jamael (Lot 93, APN #007-502-060, 930 Humboldt Road). A single family residence is proposed for development on this parcel.
- 9. 2-03-09. This Management Unit comprises a one acre parcel being processed for development by Johnson Wong (Lot 9, APN #007-553-140, Northeast corner of Joy Avenue and San Bruno Avenue). Two single family residences are proposed for development on this parcel.

FIGURE 2-03 A, BRISBANE ACRES PARCEL LOCATION

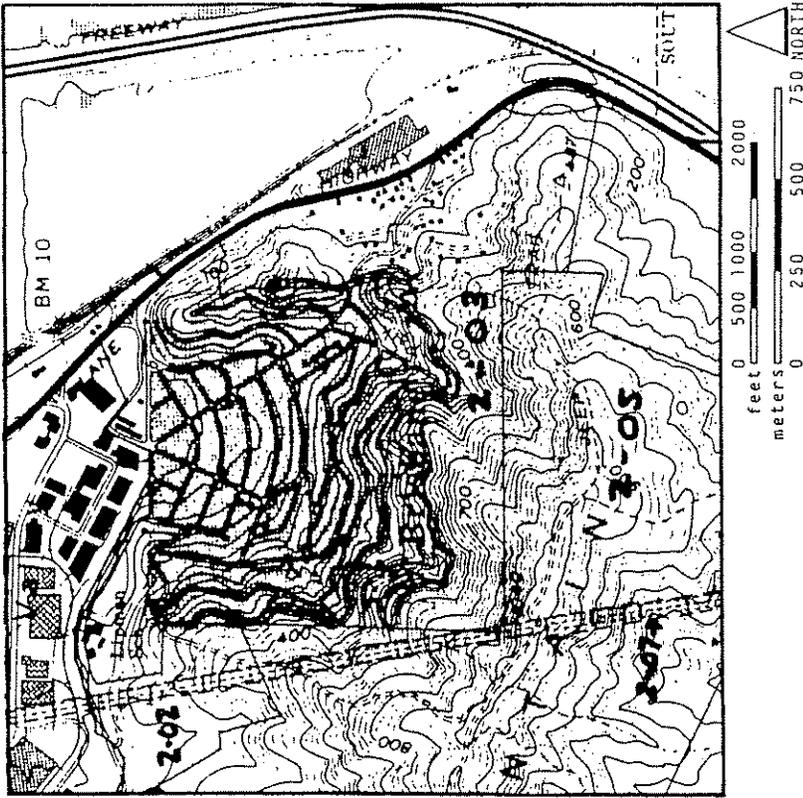


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FIGURE 2-03 B, BRISBANE ACRES  
PARCEL TOPOGRAPHY

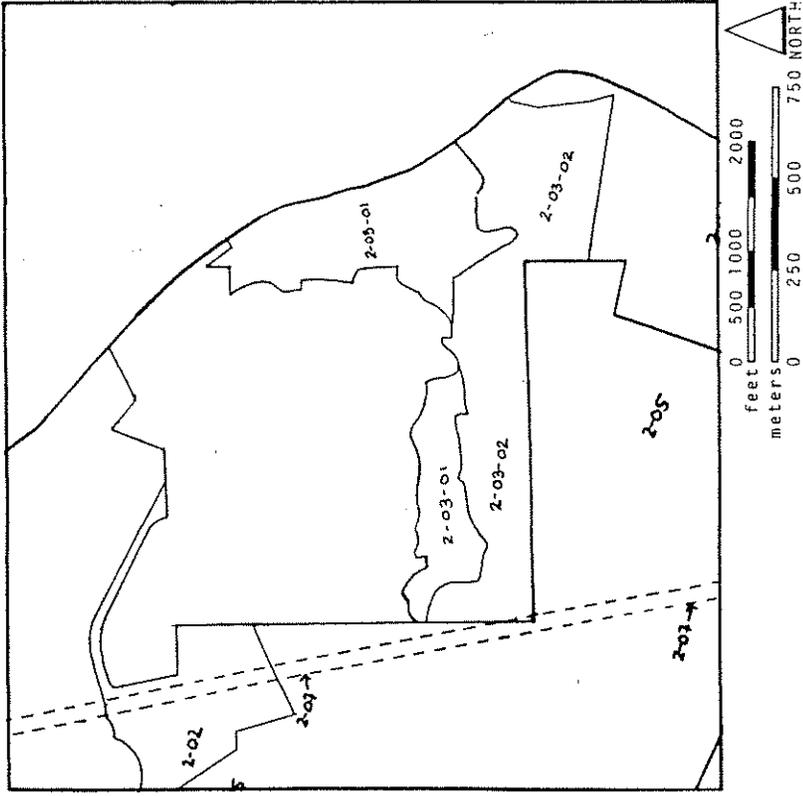


SOURCES: Thomas Reid Associates from  
USGS Quad Map and Landowners  
Maps.

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FIGURE 2-03 C, BRISBANE ACRES  
MANAGEMENT UNITS



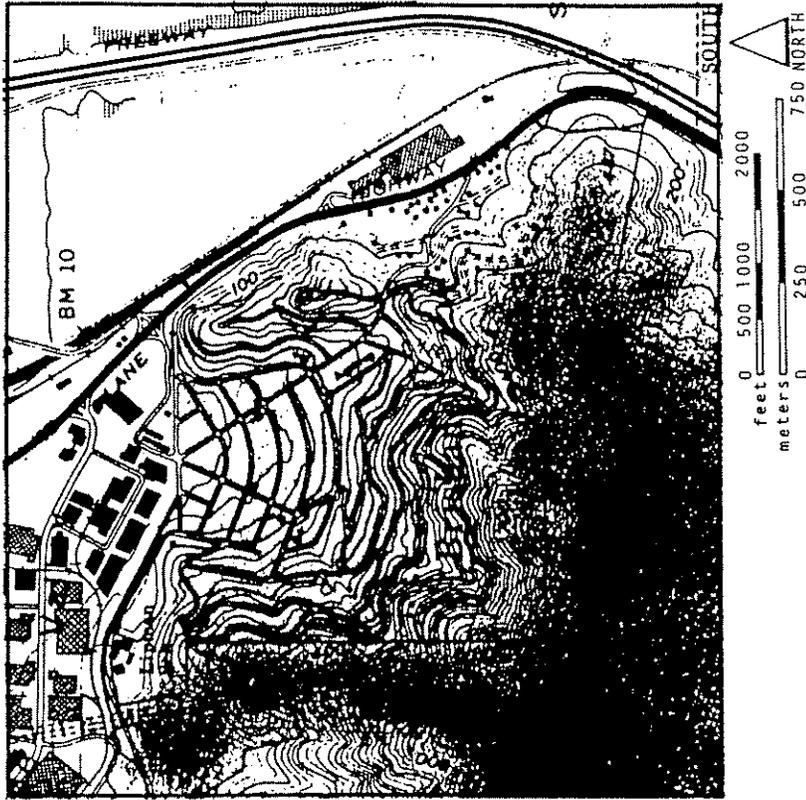
LEGEND: Parcel Boundary  
Planning Area Boundary  
Transmission Line Right of Way  
Parcel numbers keyed to Table IV-1.

SOURCE: Thomas Reid Associates from  
Assessors and Landowners Maps

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FIGURE 2-03 D, BRISBANE ACRES  
GENERAL POPULATION AND HABITAT DISTRIBUTION, 1981 -- MISSION BLUE

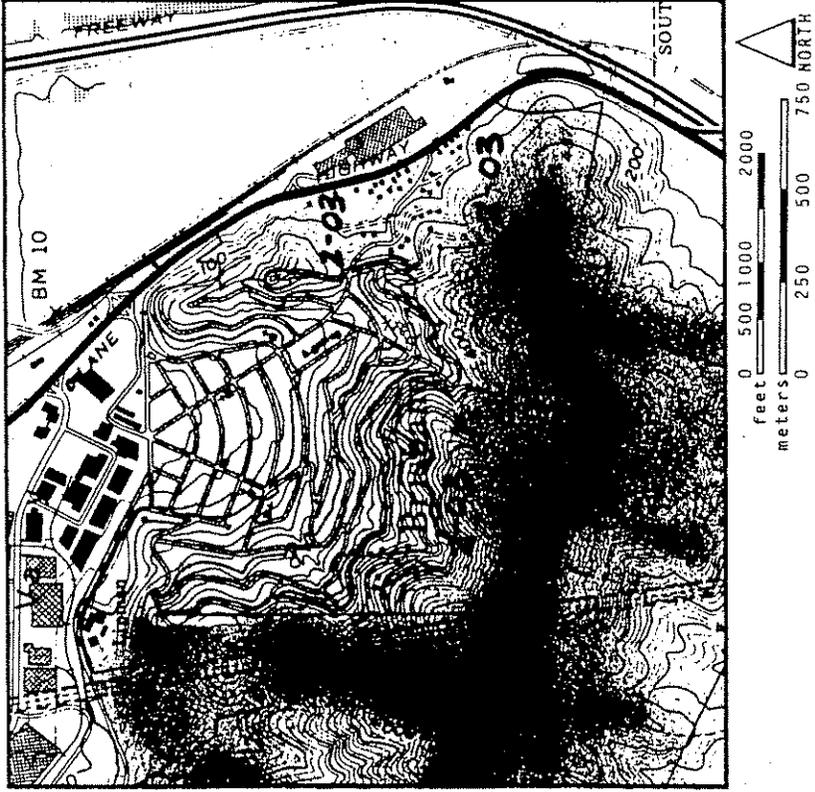


SOURCE: Thomas Reid Associates  
Biological Study, 1981.

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FIGURE 2-03 E, BRISBANE ACRES  
GENERAL POPULATION AND HABITAT DISTRIBUTION, 1981 -- CALLIPPE SILVERSPOT



SOURCE: Thomas Reid Associates  
Biological Study, 1981.

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FIGURE 2-03-07 B

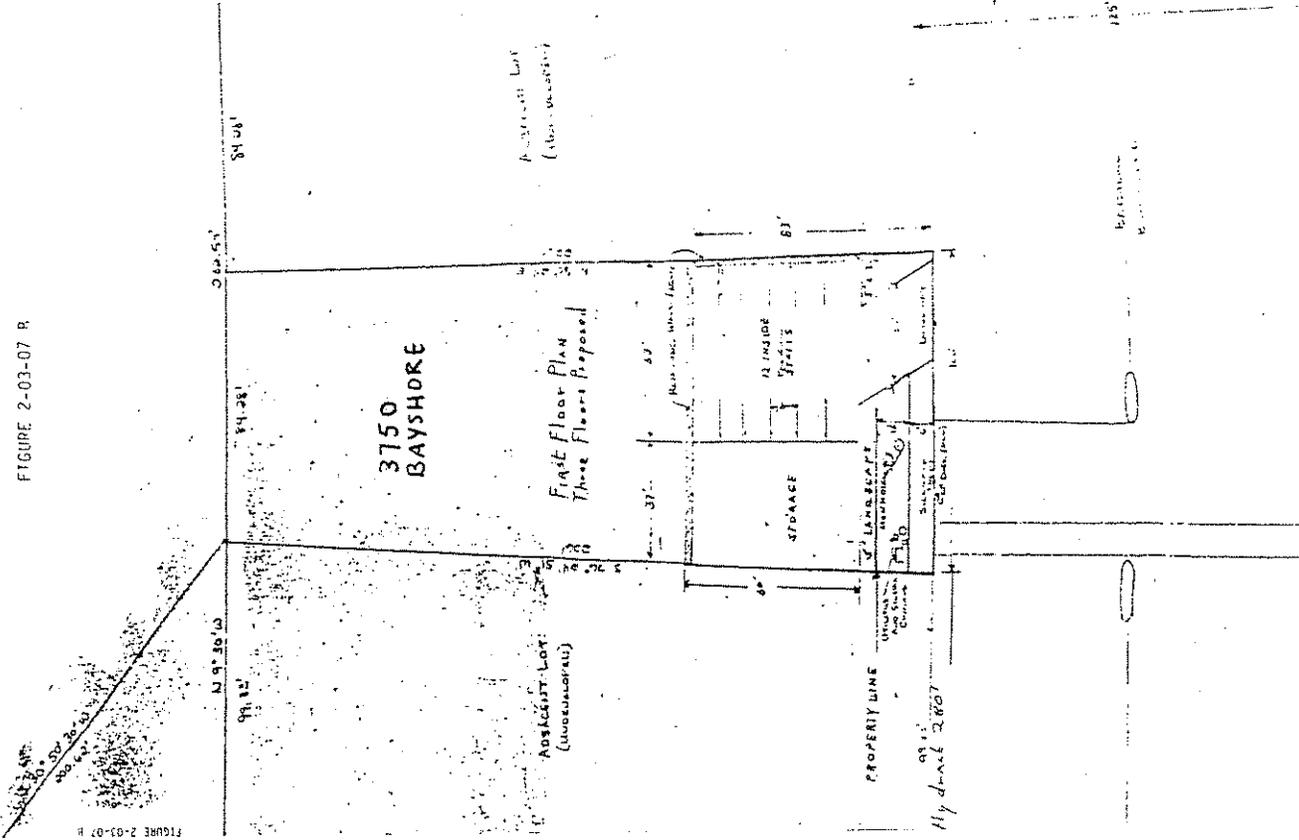
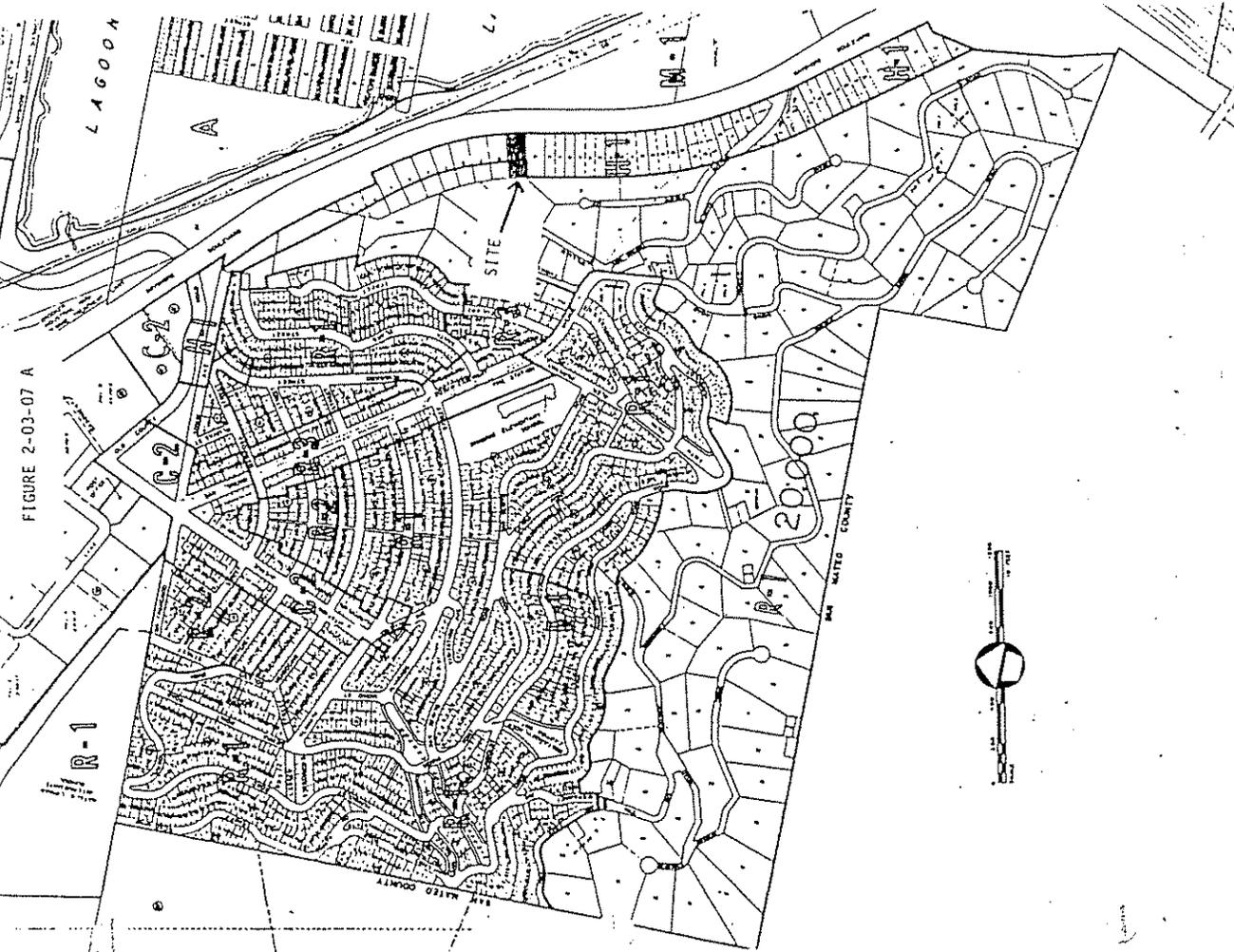


FIGURE 2-03-07 A





# San Bruno Mountain Area Habitat Conservation Plan (HCP)

December 31, 1998



## Guidelines for the Processing of Amendments

**EXHIBITS**



provisions of Section IX(A)(4) of the Agreement.

(3) All parties voting must reach a consensus.

(4) In accordance with the Agreement, the U.S. Fish & Wildlife Service may, after making certain findings that an emergency situation exists, make immediate modifications to the HCP or operating program. Such action requires certain procedures outlined in the Agreement for the U.S. Fish & Wildlife Service to follow up on without which the modification would be withdrawn within 30 days. An informal noticed hearing is held by the U.S. Fish & Wildlife Service in San Mateo County to set forth the justification for requesting a modification of the HCP or the plan operator's operating program and to take public comment.

The U.S. Fish & Wildlife Service must then provide substantial evidence which demonstrates that the modifications:

- (a) Are necessary for the conservation of a species listed under the Endangered Species Act;
- (b) Could not be accomplished through the continued implementation of the existing HCP or plan operator's operating program; and
- (c) Represent the minimal modifications available which would not appreciably reduce the likelihood of survival of the affected listed species.

Upon the issuance of such findings, the modifications shall remain in force and effect until such time as the U.S. Fish & Wildlife Service determines that the emergency threat to the existence of the affected listed species has been avoided.

5. Type 5. All Other Amendments. Two forms of amendments require special treatment: 1) The conversion of an unplanned parcel to a planned parcel, and 2) the amendment to a planned parcel which cannot be accommodated by any of the above amendment procedures.

a. Conversion from Unplanned to Planned Parcel.

(1) Criteria. Persons interested in the development of properties which are listed as unplanned parcels are advised to become acquainted with the specific provisions of the HCP pertaining to the area of interest. Such information may be found in the HCP in Chapter VII by matching the number of the administrative parcel in question and locating whatever information is listed for that administrative parcel. The provisions of the HCP must be followed with respect to any conditions determined by:

- (a) A preliminary biological reconnaissance of the parcel by a competent consultant knowledgeable of the species of concern on San Bruno Mountain.

(e) HCP Restrictions. Once the local agency has approved the project along with the HCP compliance findings, the parcel or sub-unit becomes designated a planned parcel and is given a sub-unit designation, as needed. The planned parcel is then subject to all of the requirements of the HCP and Agreement. The landowner or developer needs to understand the restrictions once the proposed development is completed, because any further development for which no approval had been obtained would now be subject to all of the amendment procedures of the Agreement, as discussed in these guidelines.

(f) Covenants. The landowner must meet the requirements of Section VI.A.2. of the Agreement and the requirement to record a covenant in the form of Exhibit "G" of the Agreement, available at the offices of the Planning and Building Division. Exhibit "G" requires signature by the State Department of Parks and Recreation (DPR) and the County of San Mateo. Contact at DPR in Sacramento is in the Office of the Chief Deputy Director. The County's signature takes place after a Board of Supervisors hearing. In order to execute the covenant, Exhibit "G", the applicant is referred to the Office of the San Mateo County Counsel. The County Counsel will facilitate the obtaining of the State and County signatures. The applicant must therefore submit to the County Counsel an appropriately filled-out copy of Exhibit "G". Once the County Counsel has obtained the required signatures from the State and County, the applicant must have the covenant recorded with the County Recorder.

(g) Planning Assistance. The revised operating program adopted for the new planned parcel or sub-unit is at this point directive with respect to the development, pre-activity on-site investigations and habitat-related conferences, as well as the earlier work to revise the operating program are handled by the habitat manager. Such activities are called planning assistance. The landowner must pay for the costs of such assistance. Any billing for planning assistance is handled through the County, so the landowner can expect to be billed for these services by the County.

(h) Certificate of Occupancy. The landowner or developer for a single family dwelling must comply with all requirements prior to the issuance of a Certificate of Occupancy, including the signature and recordation of an "Agreement to Comply with Terms and Conditions of the Agreement with respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10a Permit" available at the offices of the Planning and Building Division.

For a commercial structure, the landowner or developer must comply with all the requirements prior to the issuance of a Certificate of Occupancy, including the signature and recordation of an "Agreement to Comply with

(b) The requirements of the operating program for the specific administrative parcel involved.

(c) As a result of either (a) or (b), above, a separate management unit may need to be separated off the base unit and identified for the specific parcel to be developed.

(2) Procedure.

(a) Application for Development. The landowner or developer of an unplanned parcel must submit a proposed plan to the plan operator and to whichever local agency has jurisdiction over the parcel in order to have the parcel considered to be changed to a planned parcel and to allow for the development. This begins the formal review of compliance with the HCP. Such an application might only be for a building permit as might, for instance, be the case in the Brisbane Acres subdivision.

(b) Habitat Survey. The local agency will inform the landowner or developer, prior to acceptance of an application for a development, of the need to obtain a habitat survey. Usually this survey is prepared by the habitat manager who charges a flat fee to prepare a report. Such a report could be prepared by any consultant who is fully knowledgeable of the biology of San Bruno Mountain specifically regarding the ecology of the various species of concern identified in the Agreement. Such a habitat survey will become a part of the public record upon application for any development by the landowner or developer and will be reviewed by the plan operator and resource agencies for adequacy.

(c) Draft Revised HCP Operating Program and Agency Review. After the Plan Operator receives project plans and habitat survey for an unplanned parcel, the habitat manager develops a revised HCP operating program for that parcel, as needed. The operating programs for each parcel are already given in Chapter VII of the HCP, thus this action could be a revision to what is already in force but might only be specific for a new sub-unit. The proposed revised operating program and project plans are then sent by the local agency to the U.S. Fish and Wildlife Service and California Department of Fish and Game for review (at least 30 days).

(d) Public Hearing. Following review by the mandatory agencies (U.S. Fish and Wildlife Service, California Department of Fish and Game and the County), the local agency shall hold a noticed public hearing on compliance with the HCP and the Section 10a Permit. The City Council or Board of Supervisors must, upon approval, make all appropriate compliance findings in writing. The underlying basis for compliance deals primarily with habitat disturbance and the incidental taking provisions allowed under the Section 10a Permit.

NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF KEY INDIVIDUALS OR AGENCIES  
SAN BRUNO MOUNTAIN HABITAT CONSERVATION PLAN

Terms and Conditions of the Agreement with respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10a Permit". The Certificate of Occupancy for a commercial structure shall include the amount of square feet of usable space within the confines of the structure including any impervious, permanent, outdoor storage facilities and pads.

Each Certificate of Occupancy shall also contain the newly assigned administrative parcel number. This number will be available from the local agency or from the plan operator (see contacts below).

- (1) Enrollment - HCP Assessment. A copy of the Certificate of Occupancy shall be forwarded to the Management Analyst, San Mateo County Department of Environmental Management. This document provides for the appropriate means to commence annual billing for the HCP special assessment.

b. Amendment Within a Planned Parcel not Otherwise Available in any Other Amendment Type.

(1) Criteria. Any amendment proposed for planned parcels under the definitions of the Agreement and which are intensifying the use will require a Type 5(b) amendment under the HCP. Such an amendment is "windowed" for certain years - every 3 years commencing in 1985. The Agreement is explicit in what is required. Approval of amendments is subject only to certain specified entities.

(2) Procedure.

- (a) Applicant shall provide the local agency having land use control, also the lead agency (city or San Mateo County) with an application for development. Application shall include:
  - 1) A written narrative of the proposed development.
  - 2) Plans, especially including any surface disturbances to show both pre-existing and proposed as-built conditions.
  - 3) Plans which fully explain any revegetation of the site to include, at least the following:
    - a) A list of the plants to be used
    - b) A timetable for the seeding and/or planting of plant materials
    - c) A plan which indicates the means of maintenance of the plantings
    - d) An erosion control plan

Office of Management Authority  
U.S. Fish and Wildlife Service  
P. O. Box 27329  
Washington, D.C. 20038-7329  
[original documents]

Endangered Species Office  
U.S. Fish and Wildlife Service  
Lloyd 500 Building, Suite 1692  
Portland Oregon 97232

Endangered Species Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825  
ATTN: Chris Nagano  
TP: 916-978-4866

Office of the Solicitor  
U.S. Department of the Interior  
18 and C Streets, N.W., Rm. 6543  
Washington, D.C. 20240

Office of the Regional Solicitor  
U.S. Department of the Interior  
500 N.E. Multnomah Street, Suite  
607  
Portland, Oregon 97232

Roman Gankin, Principal Planner  
San Mateo County Planning &  
Building Division  
590 Hamilton Street  
Redwood City, CA 94063  
[Plan Operator]

Patrick Sanchez  
Director, Parks and Recreation  
County of San Mateo  
590 Hamilton Street  
Redwood City, CA 94063  
TP: 363-4020

rg(c:\sanbrmt\address.lst  
31/93)

Chief Division of Endangered  
Species & Habitat Conservation  
4401 North Fairfax Drive (ARLSO)  
Arlington, Virginia 22203

Thomas Reid  
Thomas Reid Associates  
P. O. Box 872  
Palo Alto, CA 94301  
[County retained Habitat  
Manager]  
TP: 415-327-0429  
FAX: 415-327-4024

Theresa LeBlanc  
California Department of Fish  
and Game  
P. O. Box 47  
Yountville, CA 94599  
TP: 707-944-5538  
FAX: 707-944-5536

Kendall Simmons  
Parks Superintendent  
San Mateo County Parks and  
Recreation Division  
590 Hamilton Street  
Redwood City, 94063  
TP: 363-4020  
FAX: 599-1721

Dennis Hanley  
Parks Supervisor  
San Pedro Valley County Park  
600 Oddstad Boulevard  
Pacific, CA 94044  
TP: 355-8298  
[San Bruno Mountain State and  
County Park Supervisor]

County of San Mateo  
Planning and Building Division  
County Government Center  
Redwood City, CA 94063

STANDARDS FOR DETERMINING SUCCESSFUL REVEGETATION ESPECIALLY  
FOR DISTURBED AREAS BEING RECLAIMED FOR CONSERVED HABITAT  
AND TO BE DEDICATED TO THE COUNTY OF SAN MATEO  
IN ACCORDANCE WITH THE SAN BRUNO MOUNTAIN  
AREA HABITAT CONSERVATION PLAN

PURPOSE:

The following are guidelines which the Plan Operator (County of San Mateo) uses to review the success of the revegetation in disturbed habitats on San Bruno Mountain. These guidelines are specifically for the purpose of meeting the intent of the Habitat Conservation Plan (HCP) and are in accordance with approved Operating Programs. Areas being revegetated for the purpose of establishing reclaimed or restored habitat shall not be accepted for dedication until these guidelines have been met to the satisfaction of the Plan Operator (San Mateo County).

GUIDELINES:

1. Only California native seed shall be used in seed mixes. Seed mixes shall be identified in a revegetation plan by species, place collected, and application amount in terms of "pounds per acre". Most of the seed mix shall be made up of native San Bruno Mountain indigenous species. The use of non-native species for erosion control can only be used with special written approval by the Plan Operator.
2. Seed mixes shall be applied at an appropriate rate at the appropriate time of the year. The rate is recommended by the consultant which is a rate intended to accomplish two aspects: a) Erosion Control, and b) Habitat Restoration. The plant mixes shall be made up of those native plant species which can grow fast enough so as to protect the slopes from surface erosion and of such a content so as to begin to provide appropriate habitat for the various species of concern, to the satisfaction of the Plan Operator. Of critical concern is the use of specific larval and adult host plants for the Mission blue, Callippe silverspot, and San Bruno elfin butterflies, as determined by the Plan Operator.
3. To gauge the effectiveness of the habitat restoration three aspects are to be considered:
  - a. How much seed has naturally been brought in from around the vicinity of the disturbed area.

- b. How much seed is provided as part of the mix, and
  - c. How much weedy, undesirable, plant material has chanced into the restored habitat which might require special control.
4. To monitor the effectiveness of the erosion control program, the following considerations shall be followed:
- a. Seed and mulch (hydroseed mix or other means of application) shall be applied at the proper time of the year - usually during or just following the first major rains of winter (mid-November or early December). Such a determination shall be made by the consultant for revegetation. Lupine seed can be applied much earlier, with approval from the Plan Operator.
  - b. Biweekly inspections shall be made of the seeded areas to determine the success of seedling establishment. A determination of successful seedling establishment shall be to the satisfaction of the Plan Operator. The inspection program will continue through to the last rains, usually in March or April. Bald spots, erosion gullies, and minor landslides are to be corrected and reseeded as soon as noticed. Monthly reports shall be prepared and submitted to the City and Plan Operator describing the relative effectiveness of the erosion control revegetation work with special emphasis upon the successful minimizing of surface erosion.
5. To monitor the effectiveness of the revegetation for habitat restoration the following guidelines shall be followed:
- a. Appropriate seed mixes, as have been proposed by the revegetation consultant and approved by the Plan Operator, shall be applied at the same time as in paragraph 4 (a), above. Because of the possible impracticality of combined application of erosion control and habitat species, a plan must be provided, to the satisfaction of the Plan Operator, which will effectively convert the erosion control plantings to habitat plantings without jeopardizing the erosion control aspects of the project.
  - b. Transplant materials shall be planted approximately one month following the first major rains of the winter. The Plan Operator shall be informed of the intent to plant at least one week in advance of such planting.
  - c. Biweekly inspections shall be made of the revegetated areas to determine the success of seedling and transplant establishment to the satisfaction of the Plan Operator. The Plan Operator shall be informed at least 48 hours in advance of any scheduled inspection or an inspection schedule shall be set up in advance. There shall be a determination of the success of germination of lupines after one month following application. A monthly report shall be provided to the Plan Operator which shall describe the success of establishment of the revegetation seed mixes along with an indication of specific success of transplants and of critical host plants. Bald spots, erosion gullies, and landslides shall be seeded as soon as noted.



DEPARTMENT OF FISH AND GAME

P.O. BOX 94000  
SACRAMENTO, CA 95834-0000  
(916) 445-3531

To All Project Applicants

March 6, 1991

-2-

Environmental filing fees are required for projects as follows:

1. For projects not exempt from the fee and for which a Negative Declaration has been prepared, the fee is \$1,250.00.
2. For projects not exempt from the fee and for which an Environmental Impact Report has been prepared, the fee is \$850.00.

Environmental Filing Fees

In accordance with Section 711.4 of the Fish and Game Code, effective January 1, 1991, persons or entities are required to pay an Environmental Filing Fee for projects subject to the California Environmental Quality Act (CEQA) that may have any adverse affect on wildlife resources. As defined in Section 711.2(a) of the Fish and Game Code, "wildlife" means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities including the habitat upon which the wildlife depends for its continued viability. The filing fees are due and payable at the time a Notice of Approval or Determination is filed with the county clerk. With the exception of a documentary handling fee, counties are required to remit 100 percent of these fees to the Department of Fish and Game (Department).

The Legislature, in adopting environmental filing fees, intended to extend the current Department user-based funding system by allocating a portion of the costs of wildlife protection and management to those who may consume wildlife resources through urbanization and development. These fees are not intended to reimburse costs specifically identifiable to individual projects, but rather to offset a relative portion of the cumulative effect of all projects.

It is important to note, Section 711.4(c) of the Fish and Game Code and Section 21089 of the Public Resources Code, clearly states: "... no project shall be operative, vested, or final until the filing fees required pursuant to Section 711.4 are paid."

Fee exemptions are allowed for the following projects:

1. All projects statutorily exempt from the provisions of CEQA.
2. All projects categorically exempt by regulations of the Secretary for Resources from the requirement to prepare an environmental document.
3. All projects found by the lead agency to be "de minimis" when a lead agency finds and certifies that, as a result of its environmental review, a project has no potential for any adverse effect, either individually or cumulatively on wildlife resources.

March 6, 1991

To All Project Applicants

In addition to the filing fee, county clerk's have been provided the authority to collect up to a \$25.00 documentary handling fee. THIS WAS THE FEE HAS NOT BEEN IMPLEMENTED YET. YOU WILL BE NOTIFIED if you have any questions regarding how this fee requirement may impact your project, please contact your local lead agency or your nearest Department of Fish and Game, Environmental Services Office (see attached map).

Sincerely,

*Pete Bontadelli*  
Pete Bontadelli  
Director

Attachment



ATTENTION:

**ENVIRONMENTAL DOCUMENT FILING  
FEE NOTIFICATION CHANGE**

As of January 1<sup>st</sup>, 1998, all Environmental Documents filed in the County of San Mateo will require a documentary handling fee of \$25.00 for each environmental document received by the clerk pursuant to Public Resources Code section, 21152 (a) or 21152 9b, of the Fish and Game Code, Section 711.4 (e).

Each project proponent shall remit to the county clerk on or before the filing of Notice of Determination (Public Resources Code, Section 21152) the fee required under Fish and Game Code Section 711.4 (d).

Please remit applicable fees to the San Mateo County Clerk's Office.

In addition to the filing fee, the County Clerk has reinstated the *document handling fee* to be paid whenever the filing fee is required. The schedule for the various fees is listed below.

County of San Mateo  
Planning and Building Division  
590 Hamilton Street  
Redwood City, CA. 94063  
Telephone: 415/363-4161

**NOTICE OF DEPARTMENT OF FISH AND GAME  
FEES REINSTATEMENT**

April 22, 1996

**CALIFORNIA DEPARTMENT OF FISH AND GAME FEES**

On January 1, 1991, the California Department of Fish and Game began requiring the payment of a *filing fee* on certain environmental documents. Such fees became effective on that date regardless of when the project application was submitted providing the application was approved after January 1, 1991. The final Department of Fish and Game regulations, effective June 20, 1991, require that the County Clerk cannot file a Notice of Determination without the appropriate fees having been paid. In June 1995, the General Counsel for the Department of Fish and Game notified all concerned parties collecting the Environmental Filing Fees authorized under AB 518 and under Fish and Game Code Section 41474. This was consistent with the settlement in a legal case to the Superior Court and the Sacramento reinstated the overruled and overturned legal case. On January 21, 1996, the Superior Court and the Sacramento reinstated the collection of environmental filing fees for the Department of Fish and Game.

The fee is to be paid at time of or prior to the final action on the project: the filing of a *Notice of Determination* (prepared by the County) with the County Clerk. Such a filing must take place within five (5) working days following the approval by a decision maker (Zoning Hearing Officer, Planning Commission, etc.). Once an Initial Study has been conducted on your application, the planner assigned to your project will inform you of the fee which must be paid (see exemptions, below).

*Failure to pay the fee can become an enforceable lien as indicated in the new Fish and Game administrative regulations in §753.5(h)(4): "...the amount of the liability including penalties, interest, and any costs shall thereupon be a perfected and enforceable statutory lien subject to Chapter 14 commencing with §7150 of the Government Code." Furthermore, in accordance with §753.5(e)(1), the County Clerk shall not accept the Notice of Determination and shall return it to the County Planning Department or other originating city or district agency within San Mateo County, with a statement that "the project is not operative, vested, or final until the filing fees are paid." Thus, a building permit or other subsequent authorizing document to proceed with your project will not be issued.*

**FISH AND GAME FEE SCHEDULE FOR FILING  
NOTICES OF DETERMINATION**

- For projects which had an Environmental Impact Report \$ 850
- For projects which had a Negative Declaration \$ 1,250
- Document Handling Fee for either of the above \$ 25

The applicant may provide a check to the Planning Division for the appropriate amount at the time of project approval, or may directly pay the County Clerk along with filing the Notice of Determination. Checks are made payable to the *County of San Mateo*.

**EXEMPTION FROM FEE**

The Department of Fish and Game's regulations allow projects with a *de minimis* effect on fish and wildlife to be exempt from payment of the filing fee. In addition, projects that are either categorically or statutorily exempt from CEQA shall be exempt from the Fish and Game filing fee. For the exemption to apply, the County must prepare a *certificate of fee exemption* and make findings of fact containing: (a) a brief description of the project and its location, including the County, (b) a statement that an Initial Study has been conducted by the County to evaluate the potential for adverse environmental impacts, and (c) a declaration that there is no evidence before the County that the proposed project will have potential for causing an adverse effect on wildlife resources. The staff of the Planning Division can assist the applicant in determining the exemption status. There is no fee associated with the filing of this certificate.

If you have any further questions, please contact the County at the above telephone, and someone will be able to assist you.

RG:fc - RXGG0529.6FN

Anna G. Eshoo  
Mary Griffin  
Tom Huening  
Tom Nolan  
William J. Schumacher

Director of  
Environmental Management  
Paul M. Koenig

Planning Administrator  
Terry L. Burnes



- Planning Division** • 415/363-4161  
Mail Drop 5500 • 590 Hamilton Street • Redwood City • California 94063
- Building Inspection Section** • 415/363-4601  
Mail Drop 5514 • 590 Hamilton Street • Redwood City • California 94063

## COUNTY OF SAN MATEO

DOCUMENTS REQUIRED TO BE COMPLETED PRIOR TO THE ISSUANCE  
OF A BUILDING OR GRADING PERMIT WITHIN THE  
SAN BRUNO MOUNTAIN AREA HABITAT  
CONSERVATION PLAN

Dear Landowner:

Attached are two documents which require your appropriate completion prior to the issuance of any building or grading permit within that area covered by the San Bruno Mountain Area Habitat Conservation Plan Agreement and U.S. Fish and Wildlife Section 10a Permit. These documents are "Exhibit G--Declaration of Covenants and Restrictions on Real Property on San Bruno Mountain," and the "Agreement to Comply with Terms and Conditions of the Agreement with Respect to the San Bruno Mountain Area Habitat Conservation Plan and Section 10a Permit."

Your development request has been reviewed by all responsible agencies for the determination of compliance with the requirements of the Plan. It is now incumbent upon you to obtain the appropriate signatures to these documents. In order to facilitate this action you are to submit a completed Exhibit "G" to the Office of the County Counsel (attention: Michael P. Murphy, Deputy County Counsel, County Government Center, Redwood City, CA 94063). The County Counsel will in turn secure the signatures necessary from the San Mateo County Board of Supervisors and the State Department of Parks and Recreation. As soon as you have completed these documents with all of the appropriate signatures, have them officially recorded with the County Recorder, and return them to the agency issuing the requested permit for grading or construction with a copy to this office at the above address, attention: Roman Gankin, Principal Planner.

If you have any further questions, please contact the city issuing the permit or Roman Gankin (415-363-1826).

RXG:fc - RXGA1363.AFN  
(8/10/90)

Attachments

EXHIBIT "G"

DECLARATION OF COVENANTS AND  
RESTRICTIONS ON REAL PROPERTY ON  
SAN BRUNO MOUNTAIN

This Declaration of Restrictions imposes two separate sets of covenants and restrictions on certain real property. One set (Set One) is for the mutual benefit of all land within a certain tract of land. The other set (Set Two) is for the mutual benefit of all land within the San Bruno Mountain Area, as defined in the Agreement With Respect to the San Bruno Mountain Area Habitat Conservation Plan, adopted by the San Mateo County Board of Supervisors on October 19, 1982, by Resolution No. 43905, and adopted as amended on November 9, 1982, by Resolution No. 43988 (hereinafter "Agreement"). This Declaration shall be recorded by Landowners as provided in the Agreement.

I. Set One

WHEREAS, the owner ("Owner") of the lands in the County of San Mateo, State of California, described in Exhibit "A" hereto, which exhibit is hereby incorporated herein by reference (which lands include both Conserved Habitat which is to be dedicated to the County and Development Areas, which are to be developed, as set forth in the Agreement) (hereinafter "Benefited Lands") which are within the San Bruno Mountain Area, and which constitute the dominant tenement (Exhibit "A" does not include Conserved Habitat if the Landowner is not required to dedicate Conserved Habitat pursuant to the Agreement);

WHEREAS, the San Bruno Mountain Area Habitat Conservation Trust (the "Trust") is obligated to assist in the implementation of the San Bruno Mountain Area Habitat Conservation Plan adopted by the San Mateo County Board of Supervisors on September 14, 1982, as amended, as provided in the Agreement, and has agreed to collect, accept, hold and pay the sums due hereunder to the County, as the Plan Operator under said Agreement, for the conservation of habitat within the Conserved Habitat of the San Bruno Mountain Area for the benefit of the Benefited Lands;

WHEREAS, it is the desire and intention of the Owner to convey the Benefited Lands described in Exhibit A and to impose on them mutual, beneficial restrictions under a general plan or scheme of improvement for the benefit of all the lands in the tract (including the Conserved Habitat described in Exhibit "A") and the future owners of those lands, which constitute the servient tenement;

NOW, THEREFORE, the Owner hereby declares that all of the Benefited Lands described in Exhibit A are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the limitations, restrictions and covenants set forth in Section III below, all of

which are declared and agreed to be in furtherance of a plan for the subdivision, improvement and conveyance of the Benefited Lands and are established and agreed upon for the benefit of the land and for the purpose of enhancing and protecting the value, desirability and attractiveness of the lands and every part thereof. All of the limitations, restrictions and covenants shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the described lands or any part thereof.

II. Set Two

WHEREAS, the owner ("Owner") of the land in the County of San Mateo, State of California, described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "Benefited Lands"), which land is within the San Bruno Mountain Area as shown on the map attached as Exhibit "B" hereto and incorporated herein by reference;

WHEREAS, portions of the San Bruno Mountain Area are presently owned or will be acquired by the County of San Mateo or the State of California for open space and habitat conservation purposes for the benefit of the Benefited Lands, the other lands within the San Bruno Mountain Area, and the public;

WHEREAS, the San Bruno Mountain Area Habitat Conservation Trust (the "Trust") is obligated to assist in the implementation of the San Bruno Mountain Area Habitat Conservation Plan, as provided in the "Agreement With Respect to the San Bruno Mountain Area Habitat Conservation Plan", dated among the "Agreement"), and has agreed to collect, accept, hold and pay the sums due hereunder to the County, as the Plan Operator under said Agreement, for the conservation of habitat within the San Bruno Mountain Area for the benefit of the Benefited Lands, the other lands within the San Bruno Mountain Area, and the public;

WHEREAS, the parties to the Agreement, including the Owner herein and other owners of land within the San Bruno Mountain Area, have agreed that each Landowner with respect to each Developable Administrative Parcel, or portion thereof, shall record a covenant with respect to such Developable Administrative Parcel as provided in this Declaration of Covenants on real property on San Bruno Mountain;

WHEREAS, it is the desire and intention of the Owner to impose upon the Benefited Lands mutual, beneficial burdens and restrictions pursuant to a general plan or scheme of improvement as provided in the Agreement for the benefit of the Benefited Lands and the other lands within the San Bruno Mountain Area, including, but not limited to, lands owned by the parties to the Agreement and lands which are or were owned by Owner and which are or have been conveyed to the County or the State pursuant to the Agreement;

NOW, THEREFORE, for good consideration had and received, the Owner hereby declares and agrees that all of the Benefited Lands are burdened, held and shall be burdened and held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the covenants set forth in

Section III below, all of which are declared and agreed to be in furtherance of a plan for the subdivision, improvement, protection, enhancement and conveyance of the Benefited Lands, the other lands in the San Bruno Mountain Area and the public and are established and agreed upon for the benefit of the Benefited Lands and the other lands in the San Bruno Mountain Area, including but not limited to lands owned by the parties to the Agreement and lands which are or were owned by Owner and which are or have been conveyed to the County or State pursuant to the Agreement, and for the purpose of enhancing and protecting the value, desirability and attractiveness of all the lands within the San Bruno Mountain Area and every part thereof. All of the covenants constitute mutual, equitable servitudes and shall run with the land and shall benefit the Benefited Lands and the other lands within the San Bruno Mountain Area and the public and shall be binding on all those having or acquiring any right, title or interest in the Benefited Lands or any part thereof.

### III. Covenants and Restrictions

1. Covenant for Payment of Assessments. The following assessments shall be paid to the Trust with respect to the Benefited lands:

a. The owner of each subdivided Dwelling Unit within the Benefited Lands shall pay with respect to such Dwelling Unit to the Trust an annual assessment of Twenty Dollars (\$20.00), as adjusted pursuant to paragraph 2, in advance on or before November 10 of each year. For the purposes of this covenant, the term Dwelling Unit shall mean any house, condominium unit or other residential unit, whether occupied by one or more related or unrelated persons or groups of persons, and shall include in addition to the respective residence all appurtenant open space, landscaping and other lands and all parking, recreational and service facilities, structures and buildings of every kind and nature.

b. The private owner of each unit or subdivided lot within the Benefited Lands other than a unit or subdivided lot constituting a Dwelling Unit shall pay to the Trust, in advance, on or before November 10 of each year, an annual assessment determined as follows:

i. In the event that the primary use of the lot or unit is a building, then the annual assessment to be paid shall be the aggregate sum of Ten Dollars (\$10.00) multiplied by the total floor area of the buildings on the lot or unit divided by 1,000, as adjusted pursuant to paragraph 2. No further assessment shall be made with respect to open space, landscaping and other lands and parking, recreational and service facilities and structures appurtenant to such buildings.

ii. In the event that the primary use of the lot or unit is not a building (e.g., a radio antenna), then the annual assessment shall be an equitable sum reasonably determined by the Trust to be equivalent to the assessment required with respect to building uses as provided above and taking into account the impact of such uses on the Species of Concern and the Conserved Habitat, as adjusted pursuant to paragraph 2.

iii. Concurrently with or prior to the recordation of these covenants with respect to the Benefited Lands, the Trust shall reasonably determine the character of uses under this paragraph (b) and the amount of the assessment payable and shall deliver written notice to the respective landowner of its determination and shall record a copy of said notice in the official records of San Mateo County.

c. In the event of: (i) any change of use; or (ii) expansion of any non-Dwelling Unit use under paragraph (b), the owner of the respective lot or unit shall promptly notify the Trust in writing of such change or expansion and the assessments with respect to such lot or unit shall be amended to comply with paragraphs (a) and (b) above effective upon such change or expansion.

d. As used herein, the term "floor area" shall mean the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

2. Adjustments in Annual Charge and Assessment. The amount of the annual assessment shall be adjusted annually by the Trust as follows:

a. The amounts stated in paragraphs 1 and 2 above are based on the value of the United States dollar on January 1, 1983.

b. The charge or assessment shall be adjusted annually by the Trust an amount reasonably and proportionately equivalent to the annual percentage change in the Employment Cost Index - West, or its successor, published by the U.S. Bureau of Labor Statistics, or its successor. If either the Index or the Bureau is discontinued without a successor being established, the Trust shall reasonably designate a substitute index which shall be reasonably used in like manner to determine the change in the value of the dollar from time to time.

c. The Trust shall notify the Owner of each Dwelling Unit or non-Dwelling Unit subject to the assessment of the amount of the assessment for the next succeeding year at least 30 days prior to the date the assessment is due.

3. Payments. Such charges or assessments shall be paid to the San Bruno Mountain Area Habitat Conservation Trust at:

San Bruno Mountain Area Habitat Conservation Trust  
c/o San Mateo County Director of Environmental Management  
County Government Center  
Redwood City, CA 94063

or such other place within San Mateo County as may be set forth in written notice sent by the Trust to each respective owner pursuant to paragraph 4 below.

4. Notices. All notices to owners of Dwelling Units or non-Dwelling Units hereunder shall be in writing and shall be effective upon delivery to the unit or to the occupant thereof or 48 hours after deposit in the United States mail, postage paid, return receipt requested, addressed to "Owner" at the address of the unit, or to the address of the record owner of the land shown on the latest tax assessment role.

5. Commencement of Assessment. The assessment with respect to any unit shall commence on the transfer of title from Owner to the purchaser of such unit, with the assessment for the part year following the transfer of title being prorated and payable upon the transfer of title.

6. Delinquent Assessments. Any assessment not paid within 30 days of the date due shall bear interest until paid, at the maximum rate permitted by law and shall constitute a lien upon the unit or lot in favor and to the benefit of the Trust. In addition to amounts due with respect to any assessment and interest, the Trust shall be entitled to receive, and the unit Owner shall pay to the Trust, all costs, expenses and fees, including but not limited to attorneys' fees, collection fees and court costs incurred by the Trust in the collection of any delinquent assessment and interest.

7. Reference in Conveyances. Every conveyance of an interest in or with respect to the Benefited Lands should contain the following provision:

This conveyance is subject to the Declaration of Covenants and Restrictions on Real Property on San Bruno Mountain dated \_\_\_\_\_ and recorded on \_\_\_\_\_ in the Official Records of San Mateo County.

8. Termination. Any or all of the provisions of this Declaration may be terminated, annulled or voided only with (1) the written, recorded consent of all of the following: the County of San Mateo, the San Bruno Mountain Area Habitat Conservation Trust, the California Department of Fish and Game, the United States Fish and Wildlife Service, and the owners of at least 75% of Benefited Lands, and (2) written, recorded findings made by the U.S. Fish and Wildlife Service, based on a biological study, that such termination, annulment or avoidance does not conflict with the primary purpose of the Agreement.

9. Alternative Provisions. The provisions for annual charges and assessments provided for herein shall not become due or payable for any period during which annual charges or assessments pursuant to the "Agreement" are made and levied by the funding source (other than by the Trust under this Declaration) upon each of the Units or lots which would otherwise be obligated for the annual assessments and charges provided for herein.

10. Exoneration of Owner. Upon the transfer of title of a unit or lot by any owner, such owner shall no longer have any obligation or duty hereunder with respect to such unit or lot or the assessment payable hereunder with respect thereto, for any period during which it is not the owner of such lot or unit.

11. Severability. It is the intention of the Owner and all of the parties hereto that in the event that any of the covenants described herein should be determined to be unlawful, invalid or unenforceable against any of the parties hereto or their successors or assigns, such covenants shall continue in force and effect to the extent that they are valid or enforceable against any of the parties hereto or their successors or assigns pursuant to any provision of law or equity with respect to any of the lands within the San Bruno Mountain Area.

12. Restrictions. The Conserved Habitat presently owned by the Owner described in Exhibit A shall be held, used and conveyed in accordance with the terms and provisions of the Agreement. If Exhibit "A" does not include Conserved Habitat, as provided above, this paragraph 12 shall not apply.

13. Definitions. The terms "Conserved Habitat", "Development Areas", "Developable Administrative Parcels", "San Bruno Mountain Area Habitat Conservation Trust" and "Landowner" shall have the same definition as is set forth in the Agreement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

OWNER

By: \_\_\_\_\_

COUNTY OF SAN MATEO

By: \_\_\_\_\_

STATE OF CALIFORNIA

By: \_\_\_\_\_

RXG:cdn - RXGA0743-ACF

AGREEMENT TO COMPLY WITH TERMS-AND CONDITIONS  
OF THE AGREEMENT WITH RESPECT TO THE  
SAN BRUNO MOUNTAIN AREA HABITAT  
CONSERVATION PLAN AND  
SECTION 10a PERMIT

In consideration for the granting of \_\_\_\_\_,  
on \_\_\_\_\_, 19\_\_\_\_, and for the extension of the benefits granted  
to Landowners under the Endangered Species Act Section 10a Permit for the San  
Bruno Mountain Area, PRT 2-9818, dated March 4, 1983 (Section 10a Permit), and  
pursuant to Section X.N. of the Agreement with Respect to the San Bruno Moun-  
tain Area Habitat Conservation Plan (Agreement), \_\_\_\_\_,  
\_\_\_\_\_ owner of property, particularly described in  
Exhibit A hereto, located in Administrative Parcel No. 2-03, agrees to accept  
all rights and obligations in the Agreement, Exhibits A-Q of the Agreement,  
recorded as Document No. 83026343 on March 22, 1983, in the Official Records  
of the County of San Mateo, and the San Bruno Mountain Area Habitat Conserva-  
tion Plan, adopted on September 14, 1982, as amended, and the Section 10a  
Permit. \_\_\_\_\_, further agrees to  
pay a contribution for this parcel of twenty dollars (\$20.00) annually based  
upon the value of the dollar on January 1, 1983, to be adjusted in an amount  
equivalent to the annual percentage change in the Employment Cost Index-West  
or its successor, published by the U.S. Bureau of Labor Statistics, or its  
successor.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

RG:fc - FRM13789

<b>THOMAS REID ASSOCIATES</b> <b>BILLING RATES –2001</b>
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Unless specified otherwise by prior agreement, invoices are submitted monthly showing time and charges for professional services by staff category and a separate figure for expenses. Invoices are payable upon receipt. Invoices unpaid past 45 days are subject to interest at 1 1/2% per month.

Thomas Reid Associates Labor (includes all overhead)

**STAFF BILLING RATES**

<u>CATEGORY</u>	<u>\$/HR.</u>
Principal-in-charge	150.00
Principal	135.00
Senior Associate III	114.00
Senior Associate II	100.00
Senior Associate I	85.00
CAD/Analyst	85.00
CAD/GIS	73.00
CAD/Staff	58.00
Associate III	73.00
Associate II	58.00
Associate I	45.00
Support Staff III	58.00
Support Staff II	45.00
Support Staff I	36.00
Staff Assistant/Data Entry	30.00
Field Supervisor	45.00
Field Specialist/Captain	33.00
Field Crew	25.00

**EXPENSES**

<u>CATEGORY</u>	<u>BASIS</u>
Commercial travel	cost+5%
Automobile travel	\$0.40/mile
Accommodation/Subsistence	Based on Government Travel Allowance Rates
Photocopy (A and B sizes)	\$0.10/image
AUTOCAD (computer cartography/ design system) & GIS	\$6/connect hr
Commercial report reproduction	cost+10%
Subcontractors	cost+10%
other (lab, aerial photos, etc.)	cost+10%



State of California - The Resources Agency

**DEPARTMENT OF FISH AND GAME**<http://www.dfg.ca.gov>POST OFFICE BOX 47  
YOUNTVILLE, CALIFORNIA 94599  
(707) 944-5500

RECEIVED

FEB 08 2002

Bldg/Planning Dept. Brisbane

February 8, 2002

GRAY DAVIS, Governor

Brisbane Planning Department  
50 Park Place  
Brisbane, CA 94005  
Fax: (415) 467-5547

Dear Sir or Madam:

Project Comment Sheet  
Charles and Judy Ng Use and Design Permit  
Bayshore Boulevard, Brisbane, San Mateo County  
File Number UP-1-02 and DP-1-02

Department of Fish and Game personnel have reviewed the above-referenced document and have the following comments:

The biological reconnaissance report (Thomas Reid Associates, December 2000) identifies three special status butterfly species (mission blue, Callippe silverspot, and San Bruno elfin, all listed as endangered) and two special status plants (*Grindelia sp.* and *Helianthella castanea*) as potentially occurring on the property. A search of the California Natural Diversity Data Base (CNDDB) indicates that San Francisco owl's clover (*Triphysaria floribunda*), white-rayed pentachaeta (*Pentacheata bellidiflora*) and populations (possibly extirpated) of the Bay checkerspot butterfly, are all found in near proximity to the property. The NDDB also confirms the nearby presence of the butterflies and plants mentioned in the reconnaissance.

Given these circumstances, it is probable that some or all of the identified species are found on the subject property or use it at some time in their life cycles. Given this, the Department recommends that the application be declared incomplete, and comprehensive protocol-level surveys be conducted for each of the species listed above. Three copies of the report should be submitted to the Department for review. The presence of any of the species noted could create the need for a redesign, and it is premature to take action on the project until more complete information is made available. Once the report has been reviewed, additional comments will be forwarded to the Brisbane Planning Department.

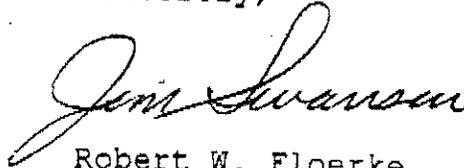
*Conserving California's Wildlife Since 1870*

Brisbane Planning Department  
February 8, 2002  
Page Two

We also recommend that you consult with the U. S. Fish and Wildlife Service at this stage. The Sacramento office has jurisdiction over the upper part of the Peninsula.

If you have any questions regarding this letter or for further coordination on these issues, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 475-9065; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,



Robert W. Floerke  
Regional Manager  
Central Coast Region

cc: Mr. Don Hankins  
U. S. Fish and Wildlife Service  
2800 Cottage Way, W-2605  
Sacramento, CA 95825



# CITY OF BRISBANE

Department of Public Works - 50 Park Place  
Brisbane, California 94005-1310  
(415) 508-2130  
Fax (415) 467-5547

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## MEMORANDUM

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**To:** Department of Public Works  
**From:** Randy Breault, Director of Public Works/City Engineer *R. Breault*  
**Subject:** ADOPTION OF BEST MANAGEMENT PRACTICES  
**Date:** June 24, 2002  
**cc:** Community Planning and Development

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This memorandum is notification that the following guidelines have been adopted as Best Management Practices for control of discharges to the City's storm water system and compliance therewith is required in accordance with Section 13.06.170.E of the Brisbane Municipal Code:

- Manual of Standards for Erosion & Sediment Control Measures as published by the Association of Bay Area Governments (Second Edition, May 1995)
- California Storm Water Construction Activity Best Management Practice Handbook as prepared for the Stormwater Quality Task Force (March 1993)

Additionally, the following policies and measures have also been adopted as Best Management Practices (note that these items have been prepared in a format to facilitate their consideration and recommended inclusion into the City's General Plan during the 2004-2014 General Plan review cycle):

### Conservation

#### 1X.1 Biological Resources

The City shall encourage the consideration of pest-resistant landscaping and design features, and the incorporation of stormwater detention and retention techniques in the design and landscaping of proposed development projects.

### Conservation

#### 1X.2 Soils

The City shall require that construction and post-construction best management practices and source controls be incorporated into the planning and design phase and implemented into the construction phase of new development and redevelopment projects to control erosion and discharge of sediment into municipally-owned storm drains leading to the Bay to the maximum extent practicable.

The City shall discourage grading during the wet season and will require that development projects with significant erosion potential and planned construction activity during the wet season implement adequate erosion and sediment control measures; and that sensitive areas be adequately protected during the construction process.

The City shall require that site designs consider limiting overall site imperviousness, minimizing directly connected impervious surfaces and, where feasible, maximizing on-site infiltration of runoff in areas of new development and redevelopment.

## Conservation

### IX.3 Water Resources

The City shall prohibit the discharge of pollutants to the maximum extent practicable and prohibit the illicit dumping of wastes into storm drains, creeks, and other waterways.

The City shall use its authority under the California Environmental Quality Act (CEQA) to require mitigation measures for potential stormwater pollutant impacts of projects on which it conducts environmental review, as appropriate.

The City shall require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems.

The City shall minimize stormwater flow and volume impacts resulting from development to protect creeks and waterways from flooding and erosion impacts by minimizing impervious surface area.

In making zoning and land use decisions, the City shall use its authority under CEQA to avoid, minimize and/or mitigate urban runoff pollutants or adverse watershed characteristics.

Where such measures do not conflict with other municipal purposes or goals, the City shall encourage compact development located away from creeks, wetlands, and other sensitive areas.

The City shall encourage the preservation, and where possible the restoration of, areas that provide important water quality benefits (e.g., riparian corridors, wetlands, buffer zones, and any area in which plant or animal life or their habitats are rare or especially valuable.