



# CITY of BRISBANE

## Joint City Council and Housing Authority Meeting Agenda

Thursday, September 03, 2020 at 7:30 PM • Virtual Meeting

*This meeting is compliant with the Governors Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. The purpose of this is to provide the safest environment for staff, Councilmembers and the public while allowing for public participation. The public may address the council using exclusively remote public comment options.*

### **TO ADDRESS THE COUNCIL**

The City Council Meeting will be an exclusively virtual meeting. The City Council agenda materials may be viewed online at [www.brisbaneca.org](http://www.brisbaneca.org) at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

#### **Remote Public Comments:**

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. The following email and text line will be monitored during the meeting and public comments received will be read into the record during Oral Communications 1 and 2 or during an Item.

Email: [ipadilla@brisbaneca.org](mailto:ipadilla@brisbaneca.org) Text: 628-219-2922

Oral Comments for the Public Hearing Only: Dial: 1 (669) 900 912 Meeting ID: 949 0934 2990

#### **PUBLIC MEETING VIDEOS**

*Public Meetings can be viewed live and/or on-demand via the City's YouTube Channel, [www.youtube.com/brisbaneca](http://www.youtube.com/brisbaneca), or on Comcast Channel 27. Archived videos can be replayed on the City's website via the All Meetings Page (<http://brisbaneca.org/meetings>).*

#### **SPECIAL ASSISTANCE**

*If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

#### **CALL TO ORDER & PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

#### **ADOPTION OF AGENDA**

#### **PRESENTATIONS AND AWARDS**

- A. National Preparedness Month Proclamation

- B. Update on Action taken on the Housing Authority Meeting of July 28, 2020 regarding 1 San Bruno, Unit D

## **ORAL COMMUNICATIONS NO.1**

### **CONSENT CALENDAR**

- C. Adopt City Council Closed Session Meeting Minutes of June 4, 2020
- D. Adopt City Council and Guadalupe Valley Municipal Improvement District Meeting Minutes of June 4, 2020
- E. Accept Investment Report as of June 2020
- F. Accept Investment Report as of July 2020
- G. Adopt Ordinance No. 655, waiving second reading, amending Title 17 of the Brisbane Municipal Code to regulate short term residential rentals
- H. Ratify Award of Construction Contract to Central Striping, Inc. for the Guadalupe Canyon Parkway Safety Improvements
- I. Reject All Bids for the Guadalupe Channel Erosion Control Project
- J. Approve Request of the Bridge Housing Corporation to Defer 2019 Loan Payment to December 2020
- K. Adopt Resolution No. 2020-51 Amending the City of Brisbane's Investment Policy
- L. Approve Request to begin the Process of Performing a Water and Sewer Rate Study
- M. Adopt Resolution No. 2020-52 Establishing the Business License Tax on Recycling Establishments for Fiscal Years 2019/20, 2020/21 and 2021/22
- N. Adopt Resolution No. 2020-54 Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic
- O. Ratify Agreement between the City, the Friends of the Brisbane Library and Precita Eyes for the Design and Installation of Public Art (a Mural) at the New Brisbane Library

### **PUBLIC HEARINGS**

- P. 338 Kings Road; Appeal of Grading Review EX-4-19

*(Council will Consider Appeal of Planning Commission's denial of proposed grading plan involving approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner)*

### **OLD BUSINESS**

- Q. Consider Adoption of Ordinance 654, waiving second reading, Authorizing an Amendment to the Contract Between the City of Brisbane and the Board of Administration of the California Public Employees' Retirement System



- R. Consider Approval of funding the 400 Kings Road Slope Stability Plans Project from the General Fund in the amount of \$250,000

#### **NEW BUSINESS**

- S. Use of Co-sponsorship funds to assist non-profit organizations in Brisbane  
(Council will consider directing staff to set aside \$10,000 from Co-sponsorship budget and create a process for non-profits to submit requests for funding due to an inability to have their usual fundraisers)

#### **STAFF REPORTS**

- T. City Manager's Report on Upcoming Activities

#### **MAYOR AND COUNCIL MATTERS**

- U. City Council Ad Hoc Subcommittee on Equity, Diversity and Inclusion
- V. Council Commissions and Committees Recruitment Update
- W. Designation of Voting Delegates and Alternates to the League of California Cities Annual Conference and Expo –October 7-9, 2020
- X. Countywide Assignments and/Subcommittee Reports
- Y. City Council Meeting Schedule
- Z. Written Communications

#### **ORAL COMMUNICATIONS NO.2**

#### **ADJOURNMENT**

- AA. Closing the City Council Meeting in Memory of Robert "Rob" O'Connell, Dan Hayes, Robert (Kolbe) Keidler, and Gary B. Stockton

#### **TO ADDRESS THE COUNCIL**

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#### **PUBLIC MEETING VIDEOS**

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C.

**File Attachments for Item:**

C. Adopt City Council Closed Session Meeting Minutes of June 4, 2020



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**BRISBANE CITY COUNCIL**  
**ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL CLOSED SESSION MEETING AGENDA**

**THURSDAY, JUNE 4, 2020**

***VIRTUAL MEETING***

**6:45 P.M. CLOSED SESSION**

A. Approval of the Closed Session Agenda

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

D. Conference with Legal Counsel—Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of cases: Two 2. **ADJOURNMENT**

Closed Sessions Meeting commenced at 6:45 p.m.  
No member of the public wished to speak.

**REPORT OUT OF CLOSED SESSION**

Interim City Attorney McMorrow reported that direction was provided to staff. No formal action was taken.

D.

**File Attachments for Item:**

D. Adopt City Council and Guadalupe Valley Municipal Improvement District Meeting Minutes of June 4, 2020



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**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**JOINT CITY OF BRISBANE CITY COUNCIL AND  
GUADALUPE VALLEY MUNICIPAL IMPROVEMENT DISTRICT  
SPECIAL MEETING AGENDA**

**THURSDAY, JUNE 4, 2020**

***VIRTUAL MEETING***

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor O'Connell called the meeting to order at 7:35 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Councilmembers Conway, Cunningham, Davis, Lentz, and Mayor O'Connell

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, and Police Chief Macias.

**REPORT OUT OF CLOSED SESSION**

Interim City Attorney McMorrow reported that direction was given to staff but no formal action was taken at Closed Session.

**ADOPTION OF AGENDA**

Mayor O'Connell requested to close the City Council Meeting in memory of George Floyd.

CM Conway made a motion, seconded by CM Cunningham, to adopt the agenda as amended. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O'Connell

Noes: None

Absent: None

**ORAL COMMUNICATIONS NO.1**

No members of the public wished to speak.

**PRESENTATIONS AND AWARDS**

**A. Mayor Proclamation Celebrating June as Pride Month**

Mayor O’Connell read the Proclamation celebrating June as Pride Month. Councilmembers thanked Mayor O’Connell for recognizing Pride Month.

**CONSENT CALENDAR**

B. Adopt City Council Minutes of May 21, 2020

C. Accept Investment Report as of April 2020

D. Introduce Ordinance No. 652 , waiving first reading, Adding chapter 5.70 to the Brisbane Municipal Code Concerning the Determination of Public Convenience or Necessity for an Alcoholic Beverage Control License

E. Direct staff to submit the 2019 General Plan Progress Report to the California Department of Housing and Community Development (HCD) and the Governor’s Office of Planning and Research (OPR).

G. Approve Resolution No. 2020-43 authorizing the execution of a Building Safety Inspection Mutual Aid Agreement and rescinding Resolution No. 2017-36

CM Lentz asked to remove Consent Calendar Item F for discussion and made a motion, seconded by CM Conway, to approve Consent Calendar Items B-D and G. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

F. Adopt Resolution No. 2020-42 Establishing the 2020 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP



After some Council questions with Administrative Services Director Schillinger, CM Lentz made a motion, seconded by CM Conway to approved Consent Calendar Item F. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O'Connell

Noes: None

Absent: None

## **NEW BUSINESS**

### **H. Budget Presentation**

#### **1. Budget and Fiscal Overview from City Manager**

#### **2. 2020/21-2021/22 Budget Presentation from Deputy City Manager/Administrative Services Manager**

City Manager Holstine commented that the City is well positioned to make it through the economic disruption of the COVID-19 pandemic. Staff will be bringing back to the Council any updates as staff closely monitors the budget and fiscal overview.

Deputy City Manager and Administrative Services Director Schillinger presented the 2020/21- 2021-22 Budget. He reported on the projected revenues and expenditures for 2020/21 and 2021/22. The projected fund balance of over \$6 million at the end of FY 2021 and about \$3.7 million at the end of FY 2022. He added that the City has enough in reserves to weather a recession due to the City Council planning ahead.

After some council questions, Deputy City Manager and Administrative Services Director Schillinger added that he will provide regular updates to the council about the City's revenue.

I. Consider Approval of Resolution No. 2020-44, Adopting a Resolution of Intent and Introducing Ordinance No. 654 Amending the Contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Brisbane, to Implement the Cost Share of Employee Contribution in Accordance with Section 20516 of the California Government Code for Classic Member Employees Represented by the International Association of Firefighters- Local 2400, AFL-CIO

Administrative Services Director Schillinger reported that On April 16, 2020, the City Council adopted Resolution 2020-09 approving a Memorandum of with IAFF-Local 2400, AFL-CIO for the period of July 1, 2019 - June 30, 2022. The approved contract included a cost sharing provision "Classic" CalPERS represented employees contribute additional percentages of their salaries in varying amounts towards their CalPERS retirement benefits. In order for the City to implement this cost-share provision, it is necessary for the City to amend its contract with CalPERS.

CM made a motion, seconded by CM to approve Resolution No. 2020-44, adopting a Resolution of Intent and to introduce Ordinance No. 654 amending the contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Brisbane, to implement the cost

share of employee contribution in accordance with Section 20516 of the California Government Code for Classic Member Employees represented by the International Association of Firefighters- Local 2400, AFL-CIO. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

**PUBLIC HEARINGS**

**J. Consider Adoption of Resolutions to approve the budget for Fiscal Year 2020/21 and 2021/22**

After some clarifying questions, Mayor O’Connell opened the Public Hearing.

No members of the public wished to speak or comment.

CM Lentz made a motion, seconded by CM Conway, to close the public hearing. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

1. Adopt Resolution No. 2020-23 adopting the annual budget for Fiscal Year 2020-2021 and Fiscal Year 2021-2022 and making appropriations for the amounts budgeted

CM Cunningham made a motion, seconded by CM Conway ,to adopt Resolution No. 2020-23 adopting the annual budget for Fiscal Year 2020-2021 and Fiscal Year 2021-2022 and making appropriations for the amounts budgeted

The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

2. Adopt Guadalupe Valley Municipal Improvement District Resolution No. GVMID 2020-01 adopting the annual budget for Fiscal Year 2020-2021 and Fiscal Year 2021-2022 and making appropriations for the amounts budgeted

Board Member Cunningham made a motion, seconded by Board Member Conway , to adopt Guadalupe Valley Municipal Improvement District Resolution No. GVMID 2020-01 adopting the annual budget for Fiscal Year 2020-2021 and Fiscal Year 2021-2022 and making appropriations for the amounts budgeted

The motion was carried unanimously by all present.

Ayes: Board Member Conway, Cunningham, Davis, Lentz and Chair O’Connell

Noes: None

Absent: None

K. Consider adoption of Resolution No. 2020-24 adopting a Master Fee Schedule

Administrative Services Director reported that the schedule reflects a zero percent increase from the previous year. He added that given the economic times, staff believes that this is best action at this time.

Mayor O’Connell opened the Public Hearing.

No members of the public wished to speak or comment.

CM Cunningham made a motion, seconded by CM Davis, to close the public hearing. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

CM Conway made a motion, seconded by CM Cunningham, to adoption of Resolution No. 2020-24 adopting a Master Fee Schedule. The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

**STAFF REPORTS**

**L. City Manager’s Report on upcoming activities**

City Manager reported on postings and upcoming activities in the month of June.

Chief Macias provided an overview of community-led peaceful gathering for George Floyd on June 6, 2020.

Mayor O’Connell and Councilmembers thanked the Chief Macias for the update and her community letter.

Councilmember Davis is grateful that the City is taking the stance that Black Lives Matter, Pride is important, and evaluation is important to ensure that we’re building that culture in all City departments.

Interim City Attorney McMorrow provided an update on the State budget and address the housing package.

## MAYOR AND COUNCIL MATTERS

### **M. Countywide Assignments/Subcommittee Reports**

Councilmembers reported on their activities in the following groups:

1. Public Art Selection Committee
2. Covid-19 Adhoc Subcommittee
3. Black Lives Matter
4. Airport Land Use Committee
5. Caltrain Modernization Local Policy Maker Group
6. SFO Airport Roundtable
7. SMC Emergency Services Council

### **N. Other Council Communications - Council members may address matters of City concern not on the agenda and not requiring Council action at this time.**

(This may include reporting on meetings or conferences concerning COVID-19 or other issues of City concern)

CM Lentz reported on his COVID-19 testing experience, internet inequality, and value of a work from home program.

CM Conway asked City Clerk Padilla to provide an update on election activities for the November 3, 2020 City Council election.

CM Davis also asked to close in memory of Karrine Yee.

### **O. City Council Meeting Schedule**

The next City Council Meeting is scheduled for June 18, 2020.

### **P. Written Communications**

Council received Written Communication from the following members of the public from May 21-June 4, 2020:

Peter from American Equipment Group, Central Utility Plant Machinery (5/22/20)

Jefferson Union High School District Updates (5/21, 5/29, 6/1/20)

Terry Sandoval, Show Your Support for Stanford Hospital Healthcare Workers on Social Media (5/29/20)  
ACLU to County of San Mateo, Curfew (6/5/20)

**ORAL COMMUNICATIONS NO.2**

No members of the public wishing to speak or comment.

**ADJOURNMENT**

CM Conway made a motion, seconded by CM Davis to adjourn the meeting at 9:39 p.m. in memory of George Floyd and Karrine Yee.

The motion was carried unanimously by all present.

Ayes: CM Conway, Cunningham, Davis, Lentz and Mayor O'Connell

Noes: None

Absent: None

\_\_\_\_\_  
Ingrid Padilla, City Clerk

DRAFT

E.

**File Attachments for Item:**

E. Accept Investment Report as of June 2020

**CITY OF BRISBANE  
CASH BALANCES & INVESTMENTS  
SOURCE OF FUNDING  
June 30, 2020**

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		\$ 4,929,960	\$ 4,929,960	\$ 4,929,960	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 14,929,879	\$ 14,929,879	\$ 14,929,879	1.660	on call	no rating
<b>Other Investments</b>								
	Capital One Bank CD	10/15/2015	\$ 250,000	\$ 250,000	\$ 251,563	2.200	10/21/2020	
	Discover Bank CD	10/15/2015	\$ 250,000	\$ 250,000	\$ 251,563	2.200	10/21/2020	
	Capital One National Association	11/23/2016	\$ 250,000	\$ 250,000	\$ 255,479	2.000	11/23/2021	
	Wells Fargo	11/30/2016	\$ 250,000	\$ 250,000	\$ 255,753	2.000	11/30/2021	
	Sallie Mae Bank	5/9/2019	\$ 245,000	\$ 245,000	\$ 255,397	2.550	5/9/2022	
	Morgan Stanley	6/6/2019	\$ 245,000	\$ 245,000	\$ 255,951	2.560	6/6/2022	
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 265,015	2.650	4/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 261,864	2.650	5/2/2023	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 269,464	2.650	5/1/2024	
	FFCB	11/27/2019	\$ 1,000,000	\$ 1,000,000	\$ 1,006,000	1.890	11/27/2024	
BNY Mellon	Treasury Obligations	continuous	\$ 6,346,709	\$ 6,346,709	\$ 6,346,709	0.010	on call	110% collateral
	Sub-total		\$ 9,575,709	\$ 9,575,709	\$ 9,674,757			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl		10031			
		Reserve Fund	Fed Treas Obl	\$ 1	10032			
		Revenue Fund	Fed Treas Obl	\$ -	10034			
		Expense Fund	Fed Treas Obl		10035			
		Principal	Fed Treas Obl	\$ 3	10036			
		Interest Fund	Fed Treas Obl	\$ 1	10037			
BNY Mellon	2006 Pension Bonds (340)	Expense Fund	Fed Treas Obl	\$ 17	10035			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ 1,884,445	10031			
		Reserve	Fed Treas Obl	\$ 39	10032			
		Expense Fund	Fed Treas Obl	\$ 0	10035			
BNY Mellon	2013 NER Refinance (796)		Fed Treas Obl		10030			
		Improvements	Fed Treas Obl		10031			
		Reserve	Fed Treas Obl	\$ 260,414	10032			
		Redemption	Fed Treas Obl		10035			
		Debt Service	Fed Treas Obl	\$ -	10036			
PARS	OPEB Trust	Trust Cash	Investments	\$ 2,880,584	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,162,420	13050			
	Sub-total	Cash with Fiscal Agents		\$ 6,187,923				
	Total other investments		\$ 9,575,709	\$ 15,763,632	\$ 9,674,757			
<b>TOTAL INVESTMENTS &amp; CASH BALANCES</b>			\$ 29,435,547	\$ 35,623,470	\$ 29,534,595			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Based on Sales Price
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off 12/28/2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ 55,800	3.34%

FFCB - Federal Farm Credit Bank  
FHLB - Federal Home Loan Bank  
FHLM - Federal Home Loan Mortgage Corporation  
FNMA - Federal National Mortgage Association

Two year Treasury	0.15%	
Weighted Interest	1.09%	
Weighted maturity	0.36	Years

**TREASURER'S CERTIFICATE**

These are all the securities in which the city funds including all trust funds and oversight agencies funds are invested and that (excluding approved deferred compensation plans) and that all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

*Stuart Schillinger*  
CITY TREASURER



F.

**File Attachments for Item:**

F. Accept Investment Report as of July 2020

**CITY OF BRISBANE  
CASH BALANCES & INVESTMENTS  
SOURCE OF FUNDING  
July 31, 2020**

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		\$ 2,652,407	\$ 2,652,407	\$ 2,652,407	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 14,970,803	\$ 14,970,803	\$ 14,970,803	0.930	on call	no rating
<b>Other Investments</b>								
	Capital One Bank CD	10/15/2015	\$ 250,000	\$ 250,000	\$ 251,143	2.200	10/21/2020	
	Discover Bank CD	10/15/2015	\$ 250,000	\$ 250,000	\$ 251,143	2.200	10/21/2020	
	Capital One National Association	11/23/2016	\$ 250,000	\$ 250,000	\$ 255,374	2.000	11/23/2021	
	Wells Fargo	11/30/2016	\$ 250,000	\$ 250,000	\$ 255,457	2.000	11/30/2021	
	Sallie Mae Bank	5/9/2019	\$ 245,000	\$ 245,000	\$ 255,098	2.550	5/9/2022	
	Morgan Stanley	6/6/2019	\$ 245,000	\$ 245,000	\$ 255,637	2.560	6/6/2022	
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 264,960	2.650	4/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 261,808	2.650	5/2/2023	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 269,720	2.650	5/1/2024	
	FFCB	11/27/2019	\$ 1,000,000	\$ 1,000,000	\$ 1,004,970	1.890	11/27/2024	
BNY Mellon	Treasury Obligations	continuous	\$ 6,347,726	\$ 6,347,726	\$ 6,347,726	0.010	on call	110% collateral
	Sub-total		\$ 9,576,726	\$ 9,576,726	\$ 9,673,037			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl		10031			
		Reserve Fund	Fed Treas Obl	\$ 1	10032			
		Revenue Fund	Fed Treas Obl	\$ -	10034			
		Expense Fund	Fed Treas Obl		10035			
		Principal	Fed Treas Obl	\$ 3	10036			
		Interest Fund	Fed Treas Obl	\$ 1	10037			
BNY Mellon	2006 Pension Bonds (340)	Expense Fund	Fed Treas Obl	\$ -	10035			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ 1,103,892	10031			
		Reserve	Fed Treas Obl	\$ 39	10032			
		Expense Fund	Fed Treas Obl	\$ 0	10035			
BNY Mellon	2013 NER Refinance (796)		Fed Treas Obl		10030			
		Improvements	Fed Treas Obl		10031			
		Reserve	Fed Treas Obl	\$ 260,415	10032			
		Redemption	Fed Treas Obl		10035			
		Debt Service	Fed Treas Obl	\$ -	10036			
PARS	OPEB Trust	Trust Cash	Investments	\$ 2,973,199	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,199,794	13050			
	Sub-total	Cash with Fiscal Agents		\$ 5,537,343				
	Total other investments		\$ 9,576,726	\$ 15,114,070	\$ 9,673,037			
<b>TOTAL INVESTMENTS &amp; CASH BALANCES</b>			\$ 27,199,936	\$ 32,737,279	\$ 27,296,247			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Based on Sales Price
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off 12/28/2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ 53,762	3.34%

FFCB - Federal Farm Credit Bank  
FHLB - Federal Home Loan Bank  
FHLM - Federal Home Loan Mortgage Corporation  
FNMA - Federal National Mortgage Association

Two year Treasury	0.11%	
Weighted Interest	0.78%	
Weighted maturity	0.39	Years

**TREASURER'S CERTIFICATE**

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It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

*Stuart Schillinger*  
CITY TREASURER

G.

**File Attachments for Item:**

G. Adopt Ordinance No. 655, waiving second reading, amending Title 17 of the Brisbane Municipal Code to regulate short term residential rentals



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** John Swiecki, Community Development Director

**Subject:** Second reading and adoption of Ordinance 655 – Short term rental regulations

### **Community Goal/Result**

Safe Community - Residents and visitors will experience a sense of safety

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

### **Purpose**

For the Council to conduct the second reading and adopt Ordinance 655 regarding short term rental regulations.

### **Recommendation**

Adopt Ordinance 655 as amended.

### **Background**

On June 18, 2020 the City Council adopted Urgency Ordinance 656, immediately implementing regulations for short term residential rentals (defined as rentals of less than 30 consecutive days). The City Council also introduced Ordinance 655, a non-urgency ordinance that contained the same provisions as Urgency Ordinance 656, which is before the Council tonight for second reading and adoption.

### **Discussion**

The Urgency Ordinance will be rescinded by the Council at a future public meeting once Ordinance 655 is effective. Council should note that Ordinance 655 has been redlined to eliminate the 90-day amnesty period which was intended for the Urgency Ordinance only.

For a complete discussion of the short term rental regulations, please refer to the June 18, 2020 City Council agenda report and the June 18, 2020 Council meeting minutes and video.

### **Fiscal Impact**

Adoption of Ordinance 655 will allow the City to collect permit application fees for short term rental permits, as well as transient occupancy tax and business license fees.

### **Measure of Success**

Adoption of Ordinance 655.

**Attachments**

- 1. Redlined Ordinance 655

  
\_\_\_\_\_  
John Swiecki, Community Development Director

  
\_\_\_\_\_  
Clay Holstine, City Manager

**ORDINANCE NO. 655**

**AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING TITLE 17 OF THE BRISBANE MUNICIPAL CODE  
TO REGULATE SHORT TERM RESIDENTIAL RENTALS**

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

**SECTION 1: Section 17.02.235 – Dwelling of Chapter 17.02 of the Zoning Ordinance is amended to read as follows:**

**17.02.235 - Dwelling.**

"Dwelling" means a place that is used as the personal residence of the occupants thereof, including transitional housing as defined in California Health and Safety Code Section 50675.2(h) and supportive housing as defined in California Health and Safety Code Sections 50675.14(b)(2) and (3). The term includes factory-built or manufactured housing, such as mobilehomes, but excludes trailers, campers, tents, recreational vehicles, hotels, motels, boarding houses and temporary structures.

- A. "Dwelling group" means a group of two (2) or more detached buildings located upon the same site, each of which contains one or more dwelling units.
- B. "Dwelling unit" means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, designed, occupied, or intended for permanent residency by one household. Permanent residency shall mean continuous occupancy of the dwelling unit for a period of thirty (30) days or more.
- C. "Multiple-family dwelling" means a building or site containing three (3) or more dwelling units (also see "duplex"). The term includes single-room-occupancy dwelling units, typically comprised of one or two (2) rooms (which may include a kitchen and/or a bathroom, in addition to a bed), that are restricted to occupancy by no more than two (2) persons.
- D. "Accessory dwelling unit" means a separate dwelling unit created upon a site that contains a single-family dwelling or a multiple-family dwelling and for which an accessory dwelling unit permit or building permit has been granted pursuant to Chapter 17.43 of this title. Subject to the restrictions of this title, the accessory dwelling unit may be within, attached to, or detached from the single-family or multiple-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The term "secondary dwelling unit" shall have the same meaning throughout this title.
- E. "Single-family dwelling" means a dwelling unit constituting the only principal structure upon a single site (excluding any lawfully established accessory dwelling unit that may be located within the same structure on upon the same site). The term includes employee housing for six (6) or fewer persons, residential care facilities, licensed by the state to provide twenty-four (24) hour nonmedical care, serving six (6) or fewer persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Also see "Group care home" for seven (7) or more persons.

**SECTION 2: A new Chapter 17.35- Short term residential rentals is added to the Zoning Ordinance to read as follows:**

**17.35.010 - Purpose**

The purpose of this Chapter is to regulate the short term rental of dwelling units to allow property owners to make economically viable use of their property, to provide diverse tourist lodging options in Brisbane, and to preserve the quality of life in Brisbane's residential neighborhoods.

**17.35.020 - Definitions**

For the purpose of this chapter, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section have the meanings given to them in this section:

- A. "Dwelling unit" shall have the same meaning as in Section 17.02.235 of Chapter 17.02 of this Title.
- B. "Host" shall mean a natural person who is the owner of record, including an authorized trustee if the property is held in trust, who resides at the dwelling unit for at least 275 days out of a given consecutive 12 month period and who offers the dwelling unit for short term rental of less than thirty (30) days ("short term rental").
- C. "Hosted stay" shall mean a short term rental of a permanent residence by the host while the host is present from 8 p.m. to 8 a.m. during the entire term of the rental. Hosted stays include situations where the host has obtained City approval to leave the premises during a scheduled hosted stay to address an unforeseen emergency.
- D. "Hosting platform" shall mean any person or business entity, including but not limited to websites or mobile applications, that provides services to hosts for advertising, administering, collecting payment, and/or facilitating the collection of payment for short term rentals, whether the short term renter pays rent directly to the host or to the hosting platform.
- E. "Notice of violation" shall mean any code enforcement citation, order, ticket or similar notice of violation of this Chapter and all other provisions of the Brisbane Municipal Code relating to the condition of or activities at the subject property, issued by the Brisbane Community Development Department, Brisbane Police Department, or North County Fire Authority pursuant to Chapter 17.58 of this Title and Chapter 1.14, Chapter 1.16, and Chapter 1.18 of this Code.
- F. "Permanent residence" shall mean the dwelling unit in which the host resides for at least two hundred seventy five (275) days out of a given, consecutive twelve (12) month period, the documentation of which may be confirmed by, but not be limited to, a driver's license, a vehicle registration certificate, State or Federal income tax statements, or a statement from a banking institution or any other institution which has issued a credit card.
- G. "Short term rental" shall mean the permanent residence of the host offered to a short term renter for financial compensation for the purpose of the short term renter's residing, sleeping or lodging purposes at the permanent residence for periods of less than thirty (30) consecutive calendar days. Portions of days shall be counted as full calendar days. Rooms or suites within hotels, transitional or supportive housing, or single-room-occupancy units, as such terms are defined in Chapter 17.02 of this Title, shall not be considered short term rentals.
- H. "Short term renter" shall mean a person who rents a dwelling unit from the host for a period of less than thirty (30) consecutive calendar days. Portions of calendar days shall be counted as full calendar days.
- I. "Unhosted stay" shall mean any short term rental that is not a hosted stay as defined in 17.35.020.C.



**17.35.030 – Short Term Rental Permit Procedures**

- A. Permit Required. ~~After ninety (90) calendar days from the effective date of this ordinance that adopts Chapter 17.35, n~~ No host shall conduct short term rental activity in the City of Brisbane without an approved short term rental permit issued by the City, pursuant to this Chapter.
- B. Permit Application. A host shall apply for a short term rental permit using forms provided by the City. At a minimum, the application shall provide the following information:
1. The address of the permanent residence being used for short term rental;
  2. The name and contact information of the host;
  3. A statement indicating that the host is the property owner;
  4. At least three (3) documents providing evidence of the host's permanent residence at the subject property;
  5. The number of habitable rooms to be provided for short term rental ;
  6. The number and location of existing parking spaces on the property;
  7. Evidence the host has acquired liability insurance in the amount of at least five hundred thousand dollars (\$500,000) specifically for short term rental activity within a permanent residence.
  8. An acknowledgement of compliance with the requirements of the City's Zoning Ordinance, Municipal Codes, applicable health and safety standards;
  9. Authorization from the property owner for City staff to enter the dwelling unit proposed to be offered for short term rental to confirm compliance with life safety standards prior to permit issuance;
  10. Acknowledgment and authorization for the City to provide the address of the short term rental and the host's contact information on a public registry; and
  11. Any other information as may be determined necessary by the Zoning Administrator.
- The application shall be accompanied by a filing fee in an amount as established by resolution of the City Council.
- C. Permit Application Review by Zoning Administrator. The Zoning Administrator shall review the application for a short term rental. Once a complete application is received, the Zoning Administrator shall provide written notice of the application to occupants and owners of property to either side of, to the rear, and in front of the subject property. Additionally, notification of the application shall be sent to occupants and owners of property on both sides of the block in which the property is located. The notice shall state the details of the application and shall provide a twenty-one (21) day period commencing from the notice mailing date for written comments on the application to be submitted.
- D. Action on Permit Application by Zoning Administrator. Following closure of the twenty-one (21) day noticing period, the Zoning Administrator may issue the short term rental permit and shall notify all parties who are named in subsection C of this Section 17.35.030 of permit issuance if the Zoning Administrator finds and determines that:
1. The application meets all operating standards and requirements of this Chapter;
  2. The dwelling unit to be offered for short term rental complies with life safety standards as certified by the applicant and confirmed by an on-site inspection by Building Department and/or North County Fire Authority staff; and
  3. The dwelling unit to be offered for short term rental is not the subject of an active code enforcement action or administrative citation from the City in the past twelve (12) months.

- E. **Permit Validity.** An issued short term rental permit shall be valid for an initial one-year period commencing from the date of final action on the permit application. An issued permit shall be valid only for the host or hosts named in the application and shall automatically expire upon sale or transfer of the subject property, or at such a time as the dwelling unit is no longer the permanent residence of the host. An issued short term rental permit may not be assigned, transferred, or loaned to any other person.
- F. **Permit Suspension and Revocation.** An issued short term rental permit may be suspended or revoked by the Zoning Administrator if the host or the conduct of the short term rental activity violates this Chapter or any other city, state, or federal regulation, ordinance or statute.
1. **Suspension.** The Zoning Administrator shall suspend a short term rental permit for a minimum of thirty (30) days, or as long as at least one notice of violation is open and unresolved, whichever is longer, upon issuance of two (2) notices of violation within a twelve (12) month period. Additionally, a permit may be suspended should the host fail to submit an annual certificate of insurance to the Community Development Department. The suspension shall become effective 15 days after the Zoning Administrator mails a notice of intent to suspend the permit to the host and to all such parties who are named in subsection C of this section 17.35.030. The violation(s) shall be processed in the manner described in Chapter 1.14 of this Code. Appeals of permit suspensions shall be processed in the manner described in Chapter 17.56 of this Title. Short term rental activity may commence after thirty (30) days or until the notice(s) of violation is/are resolved, whichever is longer.
  2. **Revocation.** The Zoning Administrator shall revoke a short term rental permit should three or more violations be sustained (after exhaustion of any related remedies) within any twelve (12) month period. The revocation shall become effective fifteen (15) calendar days after the mailing of a notice of intent to revoke to the permit to the host and to all such parties who are named in subsection C of this section 17.35.030. Appeals of permit revocations shall be processed in the manner described in Chapter 17.56 of this Title. Short term rentals may not be conducted at a dwelling unit following revocation of an issued permit for one (1) year from the date of final action on the revocation and the City's approval of a new short term rental permit.
- G. **Permit Renewal.**
1. The first short term rental permit issued shall expire one year after the date of final action on the initial permit application unless a permit renewal application is approved by the Zoning Administrator prior to the expiration date. A renewed permit shall be renewed for a subsequent two year period, except that the Zoning Administrator may renew the permit for a shorter period of time for factors including but not limited to the history of notices of violation and/or sustained suspensions during the life of the permit.
  2. The permit renewal application shall be accompanied by a filing fee in an amount as established by resolution of the City Council.
  3. The host shall submit such information concerning the short term rental activity as may be required to enable the tax administrator to verify that the amount of tax paid complies with Chapter 3.24.
  4. A safety inspection shall be conducted by the Building Department and/or North County Fire Authority prior to approval of each short term rental permit renewal to ensure the dwelling unit complies with the safety requirements of this Chapter and with general life safety standards under State law.
  5. The Zoning Administrator shall approve a permit renewal application if it is found that the host has complied with all provisions of this Chapter, including requirements for tax payment, and the

dwelling has passed a safety inspection. Notice of permit renewal shall be given to occupants and owners of property to either side of, to the rear, and in front of the subject property. Additionally, notification shall be sent to occupants and owners of property on both sides of the block in which the property is located.

#### **17.35.040 Short term rental operational standards.**

The following standards shall apply to the operation of short term rentals:

- A. **Unhosted Stays Prohibited.** This ordinance authorizes only hosted stays and prohibits unhosted stays, as such terms are defined in Section 17.35.020 of this Chapter.
- B. **Single-Family Dwelling Units.** Short term rentals may only occur within legal single-family dwelling units. Notwithstanding the foregoing, short term rentals shall be prohibited on properties occupied by single-family dwellings with legal accessory dwelling units established on or after April 1, 2017.
- C. **Accessory Dwelling Units.** Short term rentals shall not operate in accessory dwelling units.
- D. **Hosted Stays Unlimited.** There shall be no limit on the number of days habitable rooms within a permanent residence may be occupied as a short term rental during a hosted stay. The host shall be responsible for any nuisance complaints arising during short term rental activities during hosted stays. No more than two habitable rooms may be rented at any given time during a hosted stay, subject to the limitation on bookings as provided in subsection G of this section 17.35.040.
- E. **Short Term Rental Permit Number on Listings and Guest Materials.** Any listing advertising a short term rental and all materials provided to short term renters regarding applicable rules and regulations pertaining to their stay shall prominently display the permit number of the issued permit.
- F. **Insurance.** The host shall maintain adequate liability insurance in the amount of at least five hundred thousand dollars (\$500,000) specifically for short term rental activity within a permanent residence while the short term rental is occupied. The host shall annually submit insurance certificates to the Community Development Department.
- G. **Limitation on Bookings.** Individual rooms within a short term rental shall not be booked to separate, unrelated rental parties. If multiple listings are provided for the same residence, only one such listing may be booked on any given day, with the exception that check-out and check-in periods for separate bookings may occur on the same day.
- H. **Check-out and Check-in Times.** Short term renter check-out and check-in times shall typically occur after 7 AM and before 10 PM. Exceptions to the check-out and check-in times may be allowed only in extenuating circumstances, including unforeseen changes or delays in a short term renter's travel schedule or illness of the host or the short term renter. At all times, the host shall ensure that short term renter check-in and check-out is conducted in such a manner as to not result in unreasonable noise or disturbance to neighboring properties.
- I. **Parking.** At least one parking space shall be made available per on-site per habitable room available to rent as a short term rental. Existing on-site parking spaces shall be made available to short term renters. No additional on-site parking shall be required for short-term rentals.
- J. **Occupancy Limits.** No more than two (2) overnight short term renters (not including children) between the hours of 10 PM and 7 AM are allowed per habitable room provided in the short term rental. No more than four (4) daytime persons (not including children) between the hours of 7 AM and 10 PM are allowed per habitable room provided in the short term rental.
- K. **Noise Prohibited.** There shall be no use of sound amplifying equipment. There shall be no evening outdoor congregations of more than eight (8) people (excluding children), regardless of the number of

Ord. No. 655

habitable rooms provided, after 10:00 pm. Short term rental stays are subject to the noise regulations in the Chapter 8.28 of the Municipal Code.

- L. Safety. Every host shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with fire, life and safety codes, and information related to emergency exit routes on the property.
- M. Guide for Short Term Renters. Every host shall provide a rental guide to short term renters that includes the operational standards listed in this Chapter, the contact information for the host , and other information to address behavioral, safety, security, and other standards.
- N. Special Events Prohibited. Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short term rental property, as a component of short term rental activities.
- O. Transient Occupancy Tax (TOT). Short term rentals shall be subject to transient occupancy taxes pursuant to Chapter 3.24 of this Code. The host shall be responsible for collecting transient occupancy taxes and remitting them to the City, unless the host exclusively lists on hosting platforms that have signed a voluntary collection agreement (or equivalent) with the City.
- P. Records of Compliance. The host shall retain records documenting compliance with the requirements of this Chapter for each short term rental for a period of three (3) years, including but not limited to records showing payment of transient occupancy taxes by a hosting platform on behalf of a host. Upon reasonable notice, the host shall provide any such documentation to the Community Development Director or the Tax Administrator upon request for the purpose of inspection or audit.
- Q. Public Registry. The City shall maintain a registry accessible to the public of issued short term rental permits, including their address, the host name, and host contact information.

### **17.35.050 – Penalties**

Failure to comply with any provisions of this Chapter will constitute a violation of this Chapter, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this Code, and will subject the holder of a short term rental permit to the suspension and revocation proceedings described in Section 17.35.030 of this Chapter.

**SECTION 3:** Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

**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. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

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

\* \* \*

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 third day of September, 2020, by the following vote:


AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Attorney

H.

**File Attachments for Item:**

H. Ratify Award of Construction Contract to Central Striping, Inc. for the Guadalupe Canyon Parkway Safety Improvements



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** Karen Kinser, Deputy Director of Public Works

**Subject:** Ratify Award of Construction Contract to Central Striping Service, Inc. for the Guadalupe Canyon Parkway Safety Improvements Project (Project No. 920D)

### Community Goal/Result

Safe Community

### Purpose

Enhance safety for motorists and cyclists on Guadalupe Canyon Parkway in Brisbane.

### Recommendation

Ratify award of the construction contract for the Guadalupe Canyon Parkway Safety Improvements Project to Central Striping Service, Inc. in the amount of \$ 148,383.75.

### Background

On May 21, 2020, Council authorized advertisement of the project for bids. At that meeting, Council also authorized the Mayor to sign the construction agreement on the city’s behalf during Council’s summer recess on the condition that the low, responsive and responsible bid price was less than or equal to the engineer’s estimate plus a reasonable variance.

The City received two bids on June 18, 2020:

Central Striping Service, Inc.	\$ 148,383.75
Ray’s Electric	\$ 208,841.00
Engineer’s Estimate	\$ 120,260.00

Staff reviewed the apparent low bid and determined that the proposal was responsive and the bidder was responsible. Staff was of the opinion that the low bid was within a reasonable variance of the engineer’s estimate given the increased demand for contractor labor resulting from an unexpected volume of backlogged public projects. As funds were available to fully cover the project cost, the project was awarded on June 30, 2020, and the Mayor has signed the construction agreement. Impacts to pedestrians, cyclists, and the motoring public will be minimal during construction, which is expected to begin in September of 2020.



**Fiscal Impact**

The project is funded as follows:

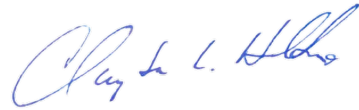
Measure A Sales Tax and State Gas Tax funds	\$ 40,149.75
Highway Safety Improvement Program (HSIP)	\$ 108,234.00



Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clayton Holstine, City Manager

I.

**File Attachments for Item:**

I. Reject All Bids for the Guadalupe Channel Erosion Control Project



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** Karen Kinser, Deputy Director of Public Works

**Subject:** Reject all bids for the Guadalupe Channel Erosion Control

### Community Goal/Result

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

### Purpose

The project’s goal is to repair erosion at bends and at the base of the Guadalupe Channel from east of Bayshore Boulevard to the Machinery Road Bridge, to replant native trees, shrubs and grasses, and to remove sediment in the mixing basin and culverts west of and under Bayshore.

### Recommendation

Reject all bids received 6/18/20 for the Guadalupe Channel Erosion Control Project No. 9018.

### Background

On May 21, 2020, Council authorized advertisement of the Notice Inviting Bids for this project. Final receipt and review of contractors’ bids needed to occur in the summer so the channel repair could be completed prior to the rainy season. Because of this timing, Council also approved the Mayor signing an agreement during summer recess with the low, responsive, responsible bidder as long as the contract amount was less than or equal to the engineer’s estimate plus a reasonable variance.

### Discussion

Nine contractors attended the mandatory pre-bid meeting and site visit on June 3, and four contractors and five plan rooms purchased bid documents.

The City received the following bids on June 18, 2020:

Hanford ARC	\$1,094,700
Interstate Grading and Paving	\$1,544,200
Disney Construction	\$1,933,333
Engineer’s Estimate	\$659,000

An additional complicating factor is that during the bid process, the California Department of Fish and Wildlife (CDFW) appended their original minor comments on the Mitigated Negative Declaration, and determined that they would require 100% compensatory mitigation at another location if the designed geocell product were to be used to shore up the channel. This determination was made notwithstanding the project replacing invasive plants currently onsite

with all California native plants. The cost of 100% compensatory offsite mitigation was not previously included in the overall project budget.

Staff is now working with the consultants and engineering staff from CDFW to find a solution that can be permitted without compensatory mitigation. Any new design or construction contract will be brought to Council at a later date, hopefully for construction next year.

The Notice Inviting Bids in the contract documents includes this statement, "The City of Brisbane reserves the right to reject any or all bids, or any part of any bid." Section 2.5, Right to Reject, in the contract documents includes this statement, "The City Council reserves the right to decrease scope of work, delete one or more bid items, or to reject any or all bids and to waive any informality in such bids and to award a contract under any alternate or proposal."

The language found in the contract documents is consistent with California Public Contract Code §2166, which permits a legislative body to reject any bids presented and readvertise the project.

**Fiscal Impact**

None as a direct result of the recommended action.

**Measure of Success**

A redesigned project that can be constructed within the project budget.

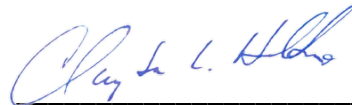
**Attachments** None



Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clay Holstine, City Manager

J.

**File Attachments for Item:**

J. Approve Request of the Bridge Housing Corporation to Defer 2019 Loan Payment to December 2020

## HOUSING AUTHORITY AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** Clay Holstine, Executive Director and Michael Roush, Legal Counsel

**Subject:** Request of the Bridge Housing Corporation to Defer 2019 Loan Payment to December 2020

### **Community Goal/Result**

Economic Development

### **Recommendation**

Waive the technical default for the Bridge Housing Corporation's not making its 2019 loan payment in May 2020, approve Bridge's request to defer its loan payment to December 2020, and authorize the Executive Director to approve the loan payment for 2019 less than the amount required under the Loan and Regulatory Agreement in the discretion of the Executive Director.

### **Background**

In 1998, the Redevelopment Agency of the City of Brisbane ("RDA") entered into a 30 year ground lease with the Bridge Housing Corporation concerning the RDA's property at 2 Visitation Avenue for the purpose of Bridge to construct on the property senior rental housing for low income and moderate income tenants. In addition, the RDA loaned Bridge funds from its low and moderate income housing fund in order for Bridge to construct the project. Under the terms of the Loan and Regulatory Agreement, Bridge makes annual repayments of the loan in May of each year, tied to a percentage of "Surplus Cash", as that term is defined in the Agreement, at the end of previous calendar year

The RDA was dissolved in 2011 and the Brisbane Housing Authority is now the owner of the property and the beneficiary of the loan.

Recently, the annual payments to the Housing Authority have not been significant. For example, Bridge made loan repayments in the amounts of \$9218, \$2341, and \$8413 for years 2016, 2017, and 2018 respectively. As stated above, the 2020 payment would reflect the Surplus Cash for 2019.) Bridge has made these loan repayments timely.

Bridge has requested deferment of its 2019 payment until December 2020. Bridge states that it has the "surplus cash" to make the payment but has requested the deferment to determine whether any of the tenants are unable to pay rent due to the COVID-19 pandemic and/or

whether it may need some or all of that Surplus Cash to meet property related expenses. See attached email dated July 10, 2020 from Bridge to City staff.

Because loan payments are due by June 1, there is a technical default under the Agreement but the Housing Authority itself at its discretion may waive in writing any of the conditions of the Agreement. In addition, the Authority itself (rather than Authority staff) may also approve or consent to requests concerning terms of the Loan and Regulatory Agreement.

**Discussion**

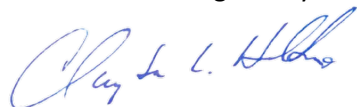
Bridge’s request to defer its 2019 loan payment is reasonable. Bridge has made its annual payments without fail and its request to wait until December 2020 before making a payment is warranted because it will allow Bridge to determine whether some of the Surplus Cash should be used in order to avoid having to evict senior tenants who, due to illness or job or income losses, have been unable to pay rent. Bridge also points out that it has reduced its operating expenses where possible but may need to set aside some of Surplus Cash that would otherwise be used for the loan payment in order to cover property related expenses. Such reduced loan payment would occur only with the Authority’s approval.

Staff recommends that the Authority waive the technical default of Bridge’s not having made the June 2019 payment and that the Authority approve deferment of the loan payment until December 2020. Staff also recommends the Authority delegate to the Executive Director the authority to approve a loan payment for 2019 less than the amount otherwise required under the Loan and Regulatory Agreement if Bridge can demonstrate the Surplus Cash will be used to backfill rent that tenants have been unable to pay due to the COVID-19 pandemic and/or is needed to cover property related expenses.

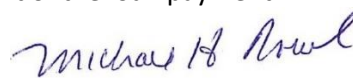
**Fiscal Impact**

There will be no significant fiscal impact if the 2019 Bridge loan repayment is deferred until December 2020 or if the payment for 2019 is less than what would have otherwise been required under the Loan and Regulatory Agreement. The principal amount of the loan will be repaid over time, or forgiven at the end of the 30 year term, and interest that has accrued but for which Surplus Cash is not available in a given year shall be deferred to the following year. (Section 2.2 (b) of the Loan and Regulatory Agreement).

Attachment: Bridge’s July 10 email requesting deferment of the loan payment



Clay Holstine, Executive Director



Michael Roush, Legal Counsel

## Attachment 1

**From:** Natasha Stewart [<mailto:nstewart@bridgehousing.com>]  
**Sent:** Friday, July 10, 2020 6:44 PM  
**To:** Ayres, Julia <[jayres@ci.brisbane.ca.us](mailto:jayres@ci.brisbane.ca.us)>  
**Cc:** Padilla, Ingrid <[ipadilla@ci.brisbane.ca.us](mailto:ipadilla@ci.brisbane.ca.us)>; Shanon Lampkins <[slampkins@bridgehousing.com](mailto:slampkins@bridgehousing.com)>; Katherine Fleming <[kfleming@bridgehousing.com](mailto:kfleming@bridgehousing.com)>  
**Subject:** 2019 Surplus Cash distributions - Request to delay distribution to City of Brisbane

Hi Julia,

We value our partnership with you at Visitacion Gardens. Based on 2019 operations, the property owes \$12,952 in surplus cash as a payment on the subordinate debt. Given these unprecedented times and hopefully out of an overabundance of caution, we would like to request a deferment of that distribution until December 2020. This deferment request will allow us to continue to serve a valuable role in the community and support our tenants/your residents, who are some of the more vulnerable populations to both unemployment swings as well as the impacts of illness.

During this time, no tenant shall be evicted due to inability to pay rent because of illness, job or income losses. BRIDGE has already taken action at the property by reducing expenses where possible, including conserving utilities, stopping non-essential trainings/conferences, cancelling non-essential community activities and/or delaying planned capital improvements unless required to maintain the quality and integrity of the asset. Our property budgets adhere to lean operations, so cutting expenses may not counterbalance the full loss of rents as unemployment rates are high and Covid19 is still a significant concern. Therefore, additional measures may be necessary.

Our proposal is that these surplus cash funds would not be used but set aside at the property level. If our residents cannot pay their rent and there is not enough operations cash at the property to continue to pay expenses, BRIDGE may request your approval to utilize a portion of the surplus cash distribution to cover expenses. Please note that none of your surplus cash distribution would be used without approval. If these funds are not necessary, the distribution would be made as scheduled in December 2020.

We look forward to hearing from you. Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me.

Natasha Stewart | Asset Manager

BRIDGE Housing | 600 California Street, Suite 900 | San Francisco, CA 94108

D: 415.321.3567 | [bridgehousing.com](http://bridgehousing.com)



K.

**File Attachments for Item:**

K. Adopt Resolution No. 2020-51 Amending the City of Brisbane's Investment Policy



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** 9/3/2020

**From:** Stuart Schillinger, Deputy City Manager

**Subject:** Adoption of Resolution 2020-51 Amending the City of Brisbane’s Investment Policy

### Community Goal/Result

Fiscally Prudent

### Purpose

To adopt an Investment Policy which has the primary objective of investing City funds for the purpose of the safety of principal while earning an interest rate close to the 2-year Treasury Bill rate.

### Recommendation

Adopt Resolution 2020-51 amending the City of Brisbane’s Investment Policy.

### Background

City Council last reviewed the Investment Policy on January 28, 2008. There has not been a need to change the policy since that time. The investments the City participates in Government Agency notes, Certificates of Deposit, and LAIF are allowed by the policy. The reason for bringing the policy back to City Council at this point is not to expand the allowable investments but to allow more of the City funds be held in shorter term instruments.

Since staff reviewed the whole policy staff is also recommending some wording changes to remove some of the passive voice in the policy and to bring the policy more into conformance with current practices.

### Discussion

The major change in the policy is on the allowable allocation of funds. Currently, the policy states that suggested percentage of investments held in the 1 to 7 day range is 15 – 50%. Given the current investment climate where LAIF is paying more than a 5-year Treasury Note or even a callable Government Agency Note, staff has shifted more than 50% of the available funds to LAIF. This meets all three requirements of policy -- Safety, Liquidity, and Yield. Over the past decade there have been a number of times where we have had an inverse or flat yield curve (over the 5-year time horizon allowed by government code for investments). During these times it is better to have more money in shorter term instruments than those with longer

terms. This allows staff to move money into longer term instruments as interest rise without needing to sell investments.

A second change on Page 5 of the Policy removes the requirement to show accrued interest for all securities. Since the City holds all of its securities to maturity there is not additional information gained from showing accrued interest. In addition, the City is required to show accrued interest on its annual Comprehensive Annual Financial Report. Additionally, we would not be able to show accrued interest for LAIF each month since staff does not receive this information except quarterly.

There were also changes on Page 6. Staff made changes to the percent of the portfolio different types of investments can make up of the portfolio based on current State Law. The City does not currently invest in Bills of exchange, Commercial Paper, Time Deposits, Medium Term Corporate Notes, or Mutual Funds.

The City at one-time did invest in Medium Term Corporate Notes in order to improve the yield of the portfolio. Staff feels that this type of investment should only be done if the difference in yield is significant enough to make the additional worthwhile and that company is not a fossil fuel based company.

The City does use negotiable Certificates of Deposit to improve yield. These instruments can be laddered as bullets (non-callable) to improve the yield of the portfolio.

The last significant change is remove the requirement for City Council to adopt the policy by resolution every year. Staff will continue to review the policy annually for needed changes and only bring it forward for Council review *and* approval when changes to the Policy are needed.

**Fiscal Impact**

There is no direct fiscal impact of the adoption of this policy and resolution. The policy will allow greater flexibility for staff to improve the yield of the portfolio while decreasing the potential risk by allowing for a shorter duration of its investments.

**Measure of Success**

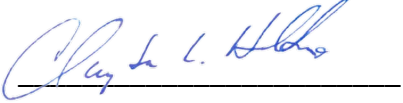
The City earns more interest than the 2-year Treasury bill rate.

**Attachments**

- 1) Resolution 2020-51
- 2) Investment Policy

Stuart Schillinger

Stuart Schillinger, Deputy City Manager



Clay Holstine, City Manager

**RESOLUTION NO. 2020-51**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
ADOPTING THE CITY INVESTMENT POLICY**

**WHEREAS**, the State of California Government Code, Section 53600 et seq. requires each city to develop and adopt a city investment policy, governing the investment of city funds, and

**WHEREAS**, Government Code Section 53646(a) requires that the City Investment Policy be submitted annually to the legislative body and that said policy be duly considered by the legislative body, and

**WHEREAS**, the City of Brisbane Investment Policy was submitted to the City Council of the City of Brisbane at their regularly scheduled meeting of September 3, 2020 where it was fully considered by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brisbane that the City Investment Policy, as attached hereto, is hereby approved.

\_\_\_\_\_  
**Terry O’Connel**  
**Mayor**

I hereby certify that the foregoing Resolution No. 2020-51 was duly and regularly adopted at a regular meeting of the Brisbane City Council on September 3, 2020 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
**Ingrid Padilla**  
**City Clerk**

# INVESTMENT POLICY

## CITY OF BRISBANE

### Policy

Pursuant to the authority granted by the City Council, the City Treasurer is responsible for investing the unexpended cash in the City Treasury.

The investment of funds of the City of Brisbane is directed toward the goals of safety, liquidity and yield. The State of California authority governing investments for municipal governments is set forth in the California Government Code, Section 53601 through 53659.

The primary objective of the investment policy of the City of Brisbane is **SAFETY OF PRINCIPAL**. Investments shall be placed in securities as outlined in the authorized investments and maturity sections of this document. Effective cash flow management and resulting cash investment practices is essential to good fiscal management and control. The City monitors cash flow on a daily basis and reports results to the City Council monthly to ensure that liquidity is never threatened. The City’s portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. Portfolio management requires continual analysis and as a result, the balance between the various investments and maturities may change in order to give the City of Brisbane the optimum combination of necessary liquidity and yield based on cash flow projections.

### Scope

The investment policy applies to all financial assets of the City of Brisbane as accounted for in the Comprehensive Annual Financial Report (CAFR). Policy statements outlined in this document focus on the City of Brisbane’s pooled funds, but will also apply to all other funds under the City Treasurer’s span of control unless specifically exempted by resolution. This policy is applicable, but not limited to all funds listed below:

- |   |                        |
|---|------------------------|
| General Fund  | Special Revenue Funds  |
| Capital Project Funds   | Enterprise Funds       |
| Trust and Agency Funds  | Internal Service Funds |
| Any new fund created by the City Council unless specifically exempted |                        |

One exception does exist regarding the investment of bond reserve funds. If, in the opinion of the City Treasurer, matching the segregated investment portfolio of the bond reserve fund with the maturity schedule of an individual bond issue is prudent given current economic analysis, the investment policy authorizes extending beyond the five

year maturity limitation as outlined in this document if the necessary language is contained in the specific bond documents.

### **Prudence**

The standard to be used by investment officials shall be that of a “prudent person” and shall be applied in the context of managing all aspects of the overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, direction and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The City Treasurer and their designees assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

### **Objectives**

#### ***Safety of Principal***

Safety of principal is the foremost objective of the City of Brisbane. Each investment transaction shall seek to avoid capital losses whether from securities default, broker-dealer default or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. The City shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.

**Credit risk**, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio.

**Market risk**, defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the average maturity of the City’s investment portfolio to two years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis, thereby eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

#### ***Liquidity***

The City of Brisbane’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

It is the City’s full intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars. However, it is realized that market prices of securities will vary depending on economic and interest rate conditions at any point in time. It is further recognized that in a well-diversified investment portfolio, occasional measured gains or losses are inevitable due to economic, bond market or individual security credit analysis. These occasional gains or losses must be considered within the context of the overall investment program objectives and the resultant long term rate of return.

Maturities of investment will be selected based on liquidity requirements to minimize interest rate risk and maximize earnings. Current and expected yield curve analysis will be monitored and the portfolio will be invested accordingly. The weighted average maturity of the pooled portfolio should not exceed two years and the following percentages of the portfolio should be invested in the following maturity sectors:

<u>Maturity Range</u>	<u>Suggested Percentage</u>
1 day to 7 days	15 to 100%
7 days to 180 days	0 to 30%
180 days to 360 days	0 to 30%
1 year to 2 years	0 to 30%
2 years to 3 years	0 to 30%
3 years to 4 years	0 to 30%
4 years to 5 years	0 to 30%
over 5 years	Requires Council Authorization

**Return on Investment**

The City of Brisbane’s investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City’s investment risk constraints and the cash flow characteristics of the portfolio.

Investment performance is continually monitored and evaluated by the City Treasurer. Investment performance statistics and activity reports are generated on a monthly basis for presentation to the City Manager and City Council.

**Delegation of Authority**

Authority to manage the City of Brisbane’s investment program is derived from statutes of the State of California and City of Brisbane City Council directive. Management responsibility for the investment program is hereby delegated to the City Treasurer who may establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City

Treasurer. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

### **Ethics and Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Additionally, the City Treasurer is required annually to file applicable financial disclosure documents as required by the Fair Political Practices Commission.

### **Authorized Financial Dealers and Institutions**

The City Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment services in the State of California. These may include “primary” dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state law.

The City shall transact business only with banks, savings and loans, and with broker/dealers. The City Treasurer shall annually send a copy of the current investment policy to all broker/dealers approved to do business with the City. Receipt of this policy shall be considered confirmation that the broker/dealer understands the City’s investment policies and intends to offer the City only appropriate investments authorized by this investment policy.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the City Treasurer with the following:

- Audited financial statements
- Proof of National Association of Security Dealers certification
- Proof of State of California registration
- Certification of having read the City’s Investment Policy and Depository contracts.

An annual review of the financial condition and registrations of qualified bidders may be conducted by the City Treasurer.

A current financial statement is required to be on file for each financial institution and broker/dealer in which the City of Brisbane invests.

### **Safekeeping of Securities**

To protect against fraud or embezzlement, or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the city under the terms of a custody



agreement. All trades executed by a dealer will settle delivery vs. payment through the City's safekeeping agent.

Securities held in custody for the City shall be independently audited on an annual basis to verify investment holdings.

All exceptions to this safekeeping policy must be approved by the City Treasurer in written form and included in monthly reporting to the City Council.

### **Internal Control**

Separation of portfolio management and record keeping between the City Treasurer's office and the Finance Department personnel is designed to provide an ongoing internal review to prevent the potential for converting assets or concealing transactions. Bank reconciliations are conducted timely to ensure proper handling of all transactions.

The investment portfolio and all related transactions are reviewed and balanced to appropriate general ledger accounts by the Finance Department on a monthly basis.

The City's external auditor conducts an annual review of internal controls, account activity and compliance with policies, procedures and applicable laws.

### **Reporting**

The City Treasurer shall prepare monthly reports for the City Manager and the City Council, which shall include the face amount of the investment, the classification of the investment, the name of the institution or entity, the rate of interest, the maturity date, the current market value and accrued interest for all securities.

### **Collateral Requirements**

Collateral is required for investments in certificates of deposit. In order to reduce market risk, the collateral level will be at least 102% of market value of principal and accrued interest.

In order to conform with the provisions of the Federal Bankruptcy Code which provides for liquidation of securities held as collateral, the only securities acceptable as collateral shall be certificates of deposit, commercial paper, eligible banker's acceptances, medium term notes or securities that are the direct obligations of, or are fully guaranteed as to principal and interest by, the United States or any agency of the United States.

### **Authorized Investments**

Investment of City funds is governed by the California Government Code Section 53600 et seq. Within the context of the limitations, the following investments are authorized, as further limited herein:

1. United States Treasury Bills, Bonds, and Notes or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio, which can be invested in this category, although a five year maturity limitation is applicable.
2. Obligations issued by the Government National Mortgage Association (GNMA), the Federal Farm Credit System (FFCB), the Federal Home Loan Bank Board (FHLB), the Federal National Mortgage Association (FNMA), the Student Loan Marketing Association (SLMA), and the Federal Home Loan Mortgage Association (FHLMC). There is no percentage limitation of the portfolio, which can be invested in this category, although a five year maturity limitation is applicable.

Investments detailed in items 3 through 10 are further restricted to a percentage of the value of the portfolio in any one issuer name to a maximum of 15%. The total value invested in any one issuer shall not exceed 5% of the issuer's net worth. Again, a five year maximum maturity limitation is applicable unless further restricted by this policy.

3. Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances purchased may not exceed 180 days to maturity or 40% of the value of the portfolio.
4. Commercial paper ranked P1 by Moody's Investor Services or A1 by Standard & Poors, and issued by domestic corporations having assets in excess of \$500,000,000. Purchases of eligible commercial paper may not exceed 270 days to maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 25% of the value of the portfolio.
5. Negotiable Certificates of Deposit issued by nationally or state chartered banks or state or federal savings institutions. Purchases of negotiable certificates of deposit may not exceed 30% of the value of the portfolio. A maturity limitation of 5 years is applicable.
6. Local Agency Investment Fund (LAIF), which is a State of California managed investment pool, may be used up to the maximum permitted by California State law.
7. Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. Since time deposits are not liquid, no more than 30% of the investment portfolio may be invested in this investment type.
8. Medium Term Corporate Notes, with a maximum maturity of five years may be purchased. Securities eligible for investment shall be rated A or better by Moody's or

Standard & Poor’s rating services. Purchase of medium term notes may not exceed 30% of the market value of the portfolio and no more than 15% of the market value of the portfolio may be invested in notes issued by one corporation. Commercial paper holdings should also be included when calculating the 30% limitation.

- 9. Mutual Fund of Investments allowed by this policy with the average duration of the bonds held in the portfolio of no more than 5 years and no load charges. Mutual Fund of Investments may not exceed 20% of the portfolio value.
- 10. Guaranteed Investment Contracts as specified in bond documents and specifically approved by City Council at the time of a bond sale.

Ineligible investments are those that are not specifically described herein, including but not limited to: common stocks and long term (over five years to maturity) notes and bonds, repurchase agreements, reverse repurchase agreements, and county pools. On occasion, special circumstances arise that necessitate the purchase of securities beyond the five year limitation which require City Council approval prior to purchase.

Various daily cash funds administered for or by trustees, paying agents and custodian banks contracted by the City of Brisbane may be purchased as allowed under State of California Government Code. Only funds holding U.S. Treasury or Government agency obligations can be utilized.

The following summary of maximum percentage limits, by instrument, is established for the City’s total pooled funds portfolio:

<u>Investment Type</u>	<u>Percentage</u>
Local Agency Investment Fund	To the limit prescribed by law
US Treasury Bonds/Notes/Bills and	
US Government Agency Obligations	20 to 100%
Bankers’ Acceptances	0 to 40%
Commercial Paper	0 to 25%
Negotiable Certificates of Deposit	0 to 30%
Time Certificates of Deposit	0 to 30%
Medium Term Corporate Notes	0 to 30%
Mutual Fund	0 to 20%

**Derivative Investments**

Derivatives are investments whose value is “derived” from a benchmark or index. That benchmark can be almost any financial measure from interest rates to commodity and stock prices. The City of Brisbane’s investment policy shall be in compliance with the California State Government Code which, effective January 1996, **prohibits** the purchase of inverse floaters, range notes, interest only strips or securities that could result in zero interest accrual at any point in the life of the security. Moreover, any future purchases of

securities classified as derivative securities are expressly prohibited by this investment policy.

### **Legislative Changes**

Any State of California legislative action, that further restricts allowable maturities, investment type or percentage allocations, will be incorporated into the City of Brisbane's Investment Policy and supersede any and all previous applicable language.

### **Interest Earnings**

All monies earned and collected from investments authorized in this policy shall be allocated monthly based on the cash balance in each fund as a percentage of the entire pooled portfolio.

### **Limiting Market Value Erosion**

The longer the maturity of securities, the greater their market price volatility. Therefore, it is the general policy of the City to limit the potential effects from erosion in market values by adhering to the following guidelines:

All immediate and anticipated liquidity requirements will be addressed prior to purchasing all investments.

Maturity dates for long-term investments will coincide with significant cash flow requirements where possible.

All long-term securities will be purchased with the intent to hold all investments to maturity under then prevailing economic conditions. However, economic or market conditions may change, making it in the City's best interest to sell or trade a security prior to maturity.

### **Portfolio Management Activity**

The investment program shall seek to augment returns consistent with the intent of this policy, identified risk limitations and prudent investment principles. These objectives will be achieved by use of an active portfolio management strategy. Given this strategy, the basis used by the City Treasurer to determine whether market yields are being achieved shall be the rate posted for a six month U. S. Treasury Bill.

**Policy Review**

This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to the City Council for approval.

Approved by City Council on September 2, 2020

# INVESTMENT POLICY

## CITY OF BRISBANE

### Policy

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over 5 years	Requires Council Authorization

**Return on Investment**

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Investment performance is continually monitored and evaluated by the City Treasurer. Investment performance statistics and activity reports are generated on a monthly basis for presentation to the City Manager and City Council.

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Treasurer. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

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The City shall transact business only with banks, savings and loans, and with broker/dealers. The City Treasurer shall annually send a copy of the current investment policy to all broker/dealers approved to do business with the City. Receipt of this policy shall be considered confirmation that the broker/dealer understands the City’s investment policies and intends to offer the City only appropriate investments authorized by this investment policy.

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Securities held in custody for the City shall be independently audited on an annual basis to verify investment holdings.

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### **Reporting**

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### **Collateral Requirements**

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In order to conform with the provisions of the Federal Bankruptcy Code which provides for liquidation of securities held as collateral, the only securities acceptable as collateral shall be certificates of deposit, commercial paper, eligible banker's acceptances, medium term notes or securities that are the direct obligations of, or are fully guaranteed as to principal and interest by, the United States or any agency of the United States.

### **Authorized Investments**

Investment of City funds is governed by the California Government Code Section 53600 et seq. Within the context of the limitations, the following investments are authorized, as further limited herein:

1. United States Treasury Bills, Bonds, and Notes or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio, which can be invested in this category, although a five year maturity limitation is applicable.
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Investments detailed in items 3 through 10 are further restricted to a percentage of the value of the portfolio in any one issuer name to a maximum of 15%. The total value invested in any one issuer shall not exceed 5% of the issuer's net worth. Again, a five year maximum maturity limitation is applicable unless further restricted by this policy.

3. Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances purchased may not exceed 180 days to maturity or 40% of the value of the portfolio.
4. Commercial paper ranked P1 by Moody's Investor Services or A1 by Standard & Poors, and issued by domestic corporations having assets in excess of \$500,000,000. Purchases of eligible commercial paper may not exceed 270 days to maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 25% of the value of the portfolio.
5. Negotiable Certificates of Deposit issued by nationally or state chartered banks or state or federal savings institutions. Purchases of negotiable certificates of deposit may not exceed 30% of the value of the portfolio. A maturity limitation of 5 years is applicable.
6. Local Agency Investment Fund (LAIF), which is a State of California managed investment pool, may be used up to the maximum permitted by California State law.
7. Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. Since time deposits are not liquid, no more than 30% of the investment portfolio may be invested in this investment type.
8. Medium Term Corporate Notes, with a maximum maturity of five years may be purchased. Securities eligible for investment shall be rated A or better by Moody's or

Standard & Poor’s rating services. Purchase of medium term notes may not exceed 30% of the market value of the portfolio and no more than 15% of the market value of the portfolio may be invested in notes issued by one corporation. Commercial paper holdings should also be included when calculating the 30% limitation.

- 9. Mutual Fund of Investments allowed by this policy with the average duration of the bonds held in the portfolio of no more than 5 years and no load charges. Mutual Fund of Investments may not exceed 20% of the portfolio value.
- 10. Guaranteed Investment Contracts as specified in bond documents and specifically approved by City Council at the time of a bond sale.

Ineligible investments are those that are not specifically described herein, including but not limited to: common stocks and long term (over five years to maturity) notes and bonds, repurchase agreements, reverse repurchase agreements, and county pools. On occasion, special circumstances arise that necessitate the purchase of securities beyond the five year limitation which require City Council approval prior to purchase.

Various daily cash funds administered for or by trustees, paying agents and custodian banks contracted by the City of Brisbane may be purchased as allowed under State of California Government Code. Only funds holding U.S. Treasury or Government agency obligations can be utilized.

The following summary of maximum percentage limits, by instrument, is established for the City’s total pooled funds portfolio:

<u>Investment Type</u>	<u>Percentage</u>
Local Agency Investment Fund	To the limit prescribed by law
US Treasury Bonds/Notes/Bills and	
US Government Agency Obligations	20 to 100%
Bankers’ Acceptances	0 to 40%
Commercial Paper	0 to 25%
Negotiable Certificates of Deposit	0 to 30%
Time Certificates of Deposit	0 to 30%
Medium Term Corporate Notes	0 to 30%
Mutual Fund	0 to 20%

**Derivative Investments**

Derivatives are investments whose value is “derived” from a benchmark or index. That benchmark can be almost any financial measure from interest rates to commodity and stock prices. The City of Brisbane’s investment policy shall be in compliance with the California State Government Code which, effective January 1996, **prohibits** the purchase of inverse floaters, range notes, interest only strips or securities that could result in zero interest accrual at any point in the life of the security. Moreover, any future purchases of

securities classified as derivative securities are expressly prohibited by this investment policy.

### **Legislative Changes**

Any State of California legislative action, that further restricts allowable maturities, investment type or percentage allocations, will be incorporated into the City of Brisbane's Investment Policy and supersede any and all previous applicable language.

### **Interest Earnings**

All monies earned and collected from investments authorized in this policy shall be allocated monthly based on the cash balance in each fund as a percentage of the entire pooled portfolio.

### **Limiting Market Value Erosion**

The longer the maturity of securities, the greater their market price volatility. Therefore, it is the general policy of the City to limit the potential effects from erosion in market values by adhering to the following guidelines:

All immediate and anticipated liquidity requirements will be addressed prior to purchasing all investments.

Maturity dates for long-term investments will coincide with significant cash flow requirements where possible.

All long-term securities will be purchased with the intent to hold all investments to maturity under then prevailing economic conditions. However, economic or market conditions may change, making it in the City's best interest to sell or trade a security prior to maturity.

### **Portfolio Management Activity**

The investment program shall seek to augment returns consistent with the intent of this policy, identified risk limitations and prudent investment principles. These objectives will be achieved by use of an active portfolio management strategy. Given this strategy, the basis used by the City Treasurer to determine whether market yields are being achieved shall be the rate posted for a six month U. S. Treasury Bill.

**Policy Review**

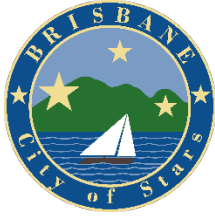
This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to the City Council for approval.

Approved by City Council on September 3, 2020

L.

**File Attachments for Item:**

L. Approve Request to begin the Process of Performing a Water and Sewer Rate Study



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** 9/3/2020

**From:** Stuart Schillinger, Deputy City Manager

**Subject:** Request to begin the Process of Performing a Water and Sewer Rate Study

### Community Goal/Result

Community Prudent

Safe Community

Ecological Sustainability

### Purpose

Ensure the City’s water and sewer rates reflect the full cost of providing clean water and effective wastewater disposal to the various users while encouraging conservation of resources.

### Recommendation

Direct staff to begin the process of hiring a consultant to provide a water and sewer rate study and authorize the City Manager to sign an agreement up to \$65,000.

### Background

The last rate study the City had performed was in 2000. The City hired FCSG and Carollo Engineers to complete a rate structure study and Capital Improvement Plan. The City has been working from this rate study for the last twenty years. The City has taken the rates recommended in the Plan and adopted them based on need. The last general rate increase went into effect in 2012. Additionally, the City has implemented one capital improvement charge to pay for bonds issued in 2015 and one drought reserve charge in 2019. The City has been able to keep operational rates constant due to an increased usage among users and the use of one-time revenue sources (i.e. Connection fees).

On July 29, 2020 The City Council’s Infrastructure directed staff to bring this item to City Council with the potential cost for conducting the study.

### Discussion

Since the study was completed in 2000, a number of major changes have taken place within Brisbane. The Northeast Ridge was completed, major water users have come into the City (commercial laundry, event rental businesses) and we have gone through a drought, which may have made major changes to how the water is used. Therefore, the assumptions the 2000 rate



study was based on may have changed. It would be a good time prior to the beginning of the Baylands Development or before other major developments are built to reset our rates, and rate structure by determining what portion of the rates is based on the distribution system and what is based on water usage. Also, a rate study would allow us to determine if there are other methods available for encouraging water conservation while keeping the system financially viable.

Staff discussed the study with one firm, which does these types of studies (NBS). Based on this conversation the potential cost of the project is \$65,000. The City will need to provide three years' worth of account usage and other relevant information to the firm. The reason for the longer-than-normal period of time is the recent decrease in water usage due to COVID 19 as well as ensuring some drought years are included. The study will provide City Council with information regarding the various types of users for water and wastewater, determine different types of rate structures that will allow for conservation and ensure there is enough revenue to cover expenses.

**Fiscal Impact**

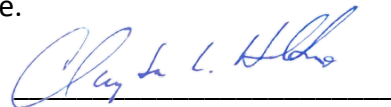
The cost of the study will be paid for from the Utility Fund. The Fund has enough money available to pay for the cost of this study as well as the other longer-term operational projects that are needed (e.g. Advanced Metering Infrastructure). This study will assist the City Council in determining if future operational or capital rate increases will need to be implemented.

**Measure of Success**

The City is able to provide clean-safe drinking water and effectively disposes of wastewater as economically as possible while being financially sustainable.

Stuart Schillinger

Stuart Schillinger, Deputy City Manager



Clay Holstine, City Manager

M.

**File Attachments for Item:**

M. Adopt Resolution No. 2020-52 Establishing the Business License Tax on Recycling Establishments for Fiscal Years 2019/20, 2020/21 and 2021/22



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** 9/3/2020

**From:** Stuart Schillinger, Deputy City Manager

**Subject:** Resolution 2020-52 Establishing the Business License Tax on Recycling Establishments for Fiscal Years 2019/20, 2020/21 and 2021/22

### Community Goal/Result

Fiscal Sustainability

#### Purpose

Provide for the long-term fiscal stability of the City of Brisbane

#### Recommendation

Adopt Resolution No. 2020-52.

#### Background

In 2011, the voters of the City passed an Ordinance which imposed a business license tax on companies which carry out recycling operations within the City limits. For recycling establishments that recycled 100,000 tons or more, the maximum amount of the tax allowed by that Ordinance was \$3,000,000 a year. In 2017, voters increased the maximum amount of the tax allowed by the Ordinance to \$4,000,000, with inflationary increases after the business license tax was set at \$4,000,000. The tax increase to \$4,000,000 would be phased in over a period of time, with the tax at \$2,100,000 in FY 2016/17, \$2,778,000 FY 2017/18, \$2,979,000 FY 2018/19, and \$3,206,000 FY 2019/20, \$3,700,000 in FY 2020/21 and then to \$4,000,000 in FY 2021/22. This phased in approach was discussed with San Francisco and Recology and agreed to in principle.

#### Discussion

The City Council is to set the rate by resolution each year but inadvertently, Council did not adopt a resolution for FY 19/20. Nevertheless, the amount of tax (\$3,206,000) was billed to the companies and paid. The attached resolution ratifies the amount of the tax for 2019/20 and sets the rate for 2020/21 (\$3,700,000). Since the rate for 2021/22 is known, the resolution also sets the rate for that fiscal year (\$4 million). Starting in FY 22/23 and thereafter, the City Council will need to set the rate annually since under the voter-approved ordinance, the 4 million dollar rate will be increased by an inflation factor, which will change each year.

**Fiscal Impact**

The rates set in the resolution are included in the budget for each of the next two years.

**Measure of Success**

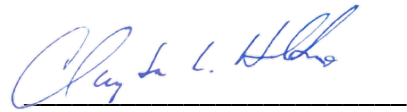
The City is able to continue to provide all of the services, which the City has budgeted for.

**Attachments**

Resolution No. 2020-52

Stuart Schillinger

Stuart Schillinger, Deputy City Manager



Clay Holstine, City Manager

**RESOLUTION NO. 2020-52**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE RATIFYING THE BUSINESS LICENSE TAX FOR RECYCLING ESTABLISHMENTS FOR FISCAL YEAR 2019/20 AND ESTABLISHING THE BUSINESS LICENSE TAX FOR RECYCLING ESTABLISHMENTS FOR FISCAL YEARS 2020/21 AND 2021/22**

**WHEREAS**, Section 5.20.100 of the Brisbane Municipal Code imposes a business license fee on "recycling establishments," which are defined as establishments engaged in the business of collecting, sorting, cleansing, treating, processing, or reconstituting waste or other discarded materials for the purpose of reuse in altered form; and

**WHEREAS**, the business license tax for recycling establishments in the City that recycle 100,000 tons or more of material during any single calendar year, as set forth in Section 5.20.100, is up to \$4000,000 per year, in such manner as established by resolution of the City Council; and

**WHEREAS**, the City Council desires to ratify and establish graduated annual business license tax for recycling establishments for fiscal years 2019/20, 2020/21 and 2021/22, based upon the volume of business conducted by the establishment in the City during any single calendar year,

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:**

1. The annual business tax for recycling establishments recycling more than 100,000 tons of material in the City during any single calendar year is ratified in the sum of Three Million Two Hundred Six Thousand Dollars (\$3,206,000) for fiscal year 2019/20; and established at Three Million Seven Hundred Thousand Dollars (\$3,700,000) for fiscal year 2020/21 and Four Million Dollars (\$4,000,000) for fiscal year 2021/22. Such amount shall be payable as follows:

- (a) A payment of \$1,603,000 has been made on December 31, 2019 and a payment of \$1,603,000 has been made on June 30, 2020.
- (b) A payment of \$1,850,000 shall be made on or by December 31, 2020 and a payment of \$1,850,000 shall be made on or by June 30, 2021.
- (c) A payment of \$2,000,000 shall be made on or by December 31, 2021 and a payment of \$2,000,000 shall be made on or by June 30, 2022.

2. This Resolution shall become effective immediately upon its adoption.

\_\_\_\_\_  
Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2020-52 was duly and regularly adopted at the regular meeting of the Brisbane City Council on September 3, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Ingrid Padilla, City Clerk

N.

**File Attachments for Item:**

N. Adopt Resolution No. 2020-54 Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic



**CITY COUNCIL AGENDA REPORT**

**Meeting Date:** September 3, 2020

**From:** Clay Holstine, City Manager

**Subject:** Resolution Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic

Community Goal/Result: Safe Community

Recommendation: Adopt the attached resolution.

Background

The COVID-19 Coronavirus has been declared a pandemic by the World Health Organization and has prompted various government agencies to take action in response. The President has declared a national State of Emergency, the Governor has declared a Statewide Emergency, the County Board of Supervisors has declared a County wide State of Emergency and the City Manager, as Emergency Services Director, proclaimed a local emergency on March 16, 2020, and on March 19, 2020, the City Council ratified and confirmed the Director of Emergency Service’s proclamation of a local emergency which allowed staff to expeditiously respond to the emergency circumstances caused by the pandemic.

On June 18, 2020, the City Council extended the local emergency. Since March 2020, staff has regularly informed the City Council about items related to the City’s response to the COVID-19 pandemic. In addition, the Health Officer of the County of San Mateo has issued several directives and orders to address efforts to curb the spread of the disease. Although such efforts show signs of promise, the COVID-19 pandemic continues to impact communities around the world, including Brisbane.

Discussion

Government Code Section 8630(c) requires that, “the governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.” Because the City Council was not in session during August, the City Manager, in his role as Director of Emergency Services, proclaimed the continued existence of the local emergency as a result of the COVID-19 pandemic.

At this time, staff is recommending that the City Council adopt a resolution ratifying the Director of Emergency Services’ proclamation continuing the existence of a local emergency in response to the COVID-19 pandemic, and directing staff to continue to respond appropriately to the local emergency.

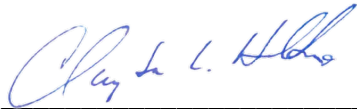


### Financial Impact

There is no direct financial impact from City Council taking this action. The attached resolution, however, will put the City in a better position to recover funds that are expended in response to the COVID-19 pandemic.

### Attachment:

1. Proclamation Declaring the Continued Existence of a Local Emergency
2. Resolution Confirming and Ratifying Proclamation of the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic



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Clay Holstine, City Manager

**Attachment 2**

**Proclamation of Continuation of Local Emergency by Director of Emergency Services**

**WHEREAS**, Section 2.28.060 of the City of Brisbane Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency, or to proclaim the continued existence of a local emergency, when said City is affected or likely to be affected by a public calamity and the City Council is not in session, and;

**WHEREAS**, the Director of Emergency Services of the City of Brisbane does hereby find;

Conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the COVID-19 pandemic which began on about March 16, 2020; and

These conditions were, and are likely to continue to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

The Brisbane City Council ratified the earlier proclamation of Local Emergency by the Director of Emergency Services and also declared a Local Emergency, which declaration has not been rescinded; and

Government Code, Section 8630 requires local agencies that have declared local emergencies to review the existence of such emergencies every 60 days to determine whether the local emergency continues to exist; and

The City Council of the City Brisbane most recently extended the local emergency on June 18, 2020; and

The City Council of the City of Brisbane is not in session during the month of August and cannot immediately be called into session; and

Conditions of extreme peril to the safety of persons and property continue to exist within the City, caused by the COVID-19 pandemic.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency due to the COVID 19 pandemic continues to exist throughout the City; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of the local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the City of Brisbane Emergency Operations Plan, as approved by the City Council.

This emergency proclamation shall expire on September 4, 2020 unless confirmed and ratified by the governing body of the City of Brisbane on or before September 3, 2020.

Dated: August 17, 2020

Clayton Holstine, Director of Emergency Services

## ATTACHMENT 2

### RESOLUTION NO. 2020-54

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CONFIRMING AND RATIFYING THE CITY MANAGER'S/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, Section 2.28.060 of the Brisbane Municipal Code empowers the City Manager/Director of Emergency Services to proclaim a local emergency if the City Council is not in session and requires the City Council to take action to ratify the proclamation thereafter; and

**WHEREAS**, conditions of extreme peril to the health, safety and welfare of persons have arisen in the world, the nation, the State, the County of San Mateo and the City of Brisbane due to the following:

A novel coronavirus (named COVID-19 by the World Health Organization) was first detected in December 2019. The Center for Disease Control and Prevention (CDC) has stated that COVID-19 is a serious public health threat, based on current information. Cases of COVID-19 have been diagnosed throughout the world, the United States, the State of California, the County of Alameda and the City of Alameda.

The exact modes of transmission of COVID-19, the factors facilitating human to human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes, at this time, the symptoms appear two to fourteen days after exposure. Currently, there are no vaccine or specific anti-viral treatment for COVID-19.

Actions are being taken to protect public health and limit the spread of COVID-19 but the whether those actions will be successful is unknown at this time.

Due to COVID-19 pandemic, the President of the United States has declared a national emergency, the Governor of the State of California has declared a State of Emergency for the State and for all the Counties in the State; and the City of Brisbane's Director of Emergency Services declared a Local Emergency on March 16, 2020 and the City Council of the City of Brisbane ratified the Proclamation of a Local Emergency on March 19, 2020; and

**WHEREAS**, the City Council of the City of Brisbane extended the Local Emergency on June 18, 2020; and

**WHEREAS**, for the reasons expressed above, conditions of extreme peril and a serious threat to the public health, safety and welfare have arisen, and continue to exist, in the City of Brisbane; and

**WHEREAS**, the City Manager, acting as the Director of Emergency Services, did proclaim on August 17, 2020, the continued existence of a Local Emergency because the City Council was not in session during the month of August; and

**WHEREAS**, the City Council does hereby find that the above described conditions of extreme peril and serious threat to the public health, safety, and welfare did warrant and necessitate the proclamation of the existence of a local emergency in the City of Brisbane and those conditions continue at this time..

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BRISBANE DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

Section 1. That the “Proclamation of the Continued Existence of a Local Emergency”, as issued by the Director of Emergency Services/City Manager, is hereby ratified and confirmed.

Section 2. During the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the Emergency Organization of the City shall be those prescribed by State law, ordinances and resolutions of the City of Brisbane, and by the City of Brisbane Emergency Operation Plan.

Section 3. The local emergency shall continue to exist until the City Council proclaims its termination.

Section 4. This resolution is effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Brisbane City Council at a regular meeting on September 3, 2020.

I hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting held on September 3, 2020 by the following vote:

- AYES
- NOES
- ABSENT
- ABSTAIN

Ingrid Padilla, City Clerk

Approved as form:



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Thomas McMorrow, Interim City Attorney

**File Attachments for Item:**

O. Ratify Agreement between the City, the Friends of the Brisbane Library and Precita Eyes for the Design and Installation of Public Art (a Mural) at the New Brisbane Library



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** Clay Holstine, City Manager

**Subject:** Ratification of Agreement between the City, the Friends of the Brisbane Library, and Precita Eyes for the Design and Installation of Public Art (a Mural) at the New Brisbane Library

### Community Goal/Result

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation

### Recommendation

Ratify the City Manager's execution of the Agreement between the City, the Friends of the Brisbane Library, and Precita Eyes (the Artist) for the design, fabrication, installation and maintenance of public art work (a mural) at the new City Library.

### Background

In October 2018, the Friends of the Brisbane Library ("Friends") presented to the City Council its official fundraising efforts for the donor wall to be constructed at the New Brisbane Library. This included a campaign to "Put Your Mark on the Donor Wall" by purchasing an individual tile, as well as a call for artwork to be submitted for a mural that will fill the majority of the 14' x 8' designated space on the donor wall, with the individual donor tiles surrounding it. This donor wall will be located in the Courtyard of the Library. (Since then, Friends have continued to receive some additional donations from events such as holding ice cream socials at Mission Blue, and advertising regularly in the Brisbane STAR.)

With fundraising going well, especially in 2019 with the new Library taking shape, from a group of five semi-finalists, Friends selected Precita Eyes as the artist to design the artwork, a mural, at the new Library. Friends made this selection based on:

1. Local and long-term reputation for high-quality, high profile, vivid murals
2. Unique and structured approach to involving community members in the design process
3. Mixed media style incorporating both mural and tile

On June 3, 2020, notwithstanding the COVID-19 pandemic, via Zoom, Precita Eyes led Friends along with numerous community members representing all walks of Brisbane life to participate in a community design session. Represented were:

- Brisbane Dance Workshop
- Middle School Student
- High School Student
- Local Business Owner
- Northeast Ridge & Central/Old Brisbane
- Librarian/Historian
- Mission Blue Nursery
- San Bruno Mountain Watch
- Brisbane Lions Club
- Mothers of Brisbane
- Brisbane School Board
- Lifelong and Newer Residents

The community design process consisted of the following:

1. Theme generation and brainstorming
2. Participant image sketching and drawing
3. Lead Artist composite generation

On August 14, 2020, two members of Friends, along with the lead artist from Precita Eyes, met with City Councilmembers Cunningham and Conway, and City staff, to announce Friends had met and comfortably exceeded its fundraising goal of \$100,000. At that time, Friends and the lead artist also unveiled the lead artist’s design for the donor wall. The two Councilmembers offered their suggestions and Precita Eyes agreed to revisions in the design suggested by Friends and the Councilmembers.

City staff prepared an agreement between the City, the Friends, and Precita Eyes concerning the design, fabrication, installation and maintenance of the mural that, in part, sets forth the arrangements by which the Friends alone will make the payment to Precita Eyes. The Agreement provides that Friends will pay Precita Eyes \$25,000, in installments, for the design and installation of the mural. Although the City will not be paying for the mural, it will be placed on City property, in the Courtyard of the new Library and the City, under the Agreement, will be asked to “accept” the mural once installed. Accordingly, staff believes it is important that the Council as a whole support the design of the mural.

### **Discussion**

Notwithstanding that the City Council as a whole had not weighed in on the design of the mural, staff felt it was imperative to sign the Agreement before that weigh in and the City Manager, on behalf of the City, did so on August 21<sup>st</sup> for following reasons: Due to time constraints with the rainy season fast-approaching, Precita Eyes planned to transfer the mural design to the wall by late August/early September so that the mural itself could be completed



by the end of September, with the mosaic tile portion completed by the end of October. A signed Agreement was needed for Precita Eyes to begin the revisions to the design as well as providing a source of funding to Precita Eyes to procure the materials necessary for completing the mural. Council is therefore asked to ratify the City Manager's execution of the Agreement, thereby expressing its view that the design of the mural is acceptable.

**Fiscal Impact**

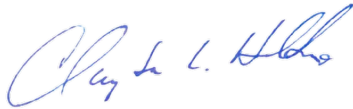
None.

**Measure of Success**

A mural capturing a true and accurate representation of the entire Brisbane community will be completed for all to enjoy at the New Brisbane Library.

**Attachments**

1. Agreement for the Design, Fabrication, Installation, and Maintenance of Public Art Work



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Clay Holstine, City Manager

O.

**AGREEMENT FOR THE DESIGN, FABRICATION, INSTALLATION AND MAINTENANCE OF PUBLIC ART WORK**

THIS AGREEMENT for the design, fabrication, installation and maintenance of Public Art Work is entered into this **21<sup>st</sup>** day of **August, 2020**, between the City of Brisbane (“City”), the Friends of the Brisbane Library, a non-profit organization (“Friends”) and **Precita Eyes Muralists** (“Artist”)

WHEREAS, City is constructing a new public Library at 163 Visitacion Avenue, Brisbane, CA; and

WHEREAS, Friends has been instrumental in obtaining donations from individuals and businesses in order to enhance the Library; and

WHEREAS, the Library will have a “donor wall” that will reflect those individuals and businesses that have donated in order to enhance the Library; and

WHEREAS, the City and Friends intend for the donor wall to have a public art presence; and

WHEREAS, Friends requires the services of an artist to create a work of art that will be displayed on the donor wall ("the Artwork"); and

WHEREAS, Artist is a professional artist whose work and qualifications make the Artist uniquely qualified to create the Artwork; and

WHEREAS, Artist has completed a community design workshop and presented an initial design proposal for the Artwork, attached to this Agreement as Exhibit A, and a narrative for the Artwork, attached to this Agreement as Exhibit B, which design has been modified in Exhibit D attached to this Agreement; and

WHEREAS, Friends has allocated funds for the design and fabrication of the Artwork; and

WHEREAS, City and Friends have agreed that the Artwork is appropriate for the donor wall.

NOW, THEREFORE, in consideration of the above-stated premises and subject to the conditions of this Agreement, the parties agree as follows:

**Article 1 Scope of Services**

**1. Artist’s Obligations**

- a. The Artist shall perform all services and furnish all supplies, material and/or work equipment as necessary for the design and fabrication of the Artwork. Services shall be

O.

performed in a professional manner. Artist shall provide the Artwork within two months from the date of this Agreement as set forth in the preliminary schedule set forth in Exhibit C attached to this Agreement. Artist shall provide guidelines and recommendations for ongoing maintenance of the Artwork prior to the City's acceptance of the Artwork.

**2. Friends' Obligations**

- a. Friends shall perform all obligations in strict compliance with all terms and conditions in this Agreement.
- b. Friends shall install on the donor wall the Artwork containing a credit to the Artist.

**3. Payment**

- a. Friends shall pay Artist \$25,000 for the Artwork and completed installation. The first payment in the amount of \$5,000 will be due at the signing of this Agreement. The second payment in the amount of \$10,000 will be due upon the Friends' and City's approval of the final design of the Artwork. The final payment in the amount of \$10,000 will be due upon delivery and installation of the completed Artwork (mural and tile mosaic), and acceptance by Friends and the City.

**Article 2. Risk of Loss**

The Artist shall bear the risk of loss or damage to the Artwork until Friends and the City accept the Artwork.

**Article 3. Artist's Representations and Warranties**

The Artist represents and warrants that:

- a. the Artwork is solely the result of the artistic effort of the Artist;
- b. except as otherwise disclosed in writing to the Friends and the City, the Artwork is unique and original and does not infringe upon any copyright or the rights of any person;
- c. the Artwork (or duplicate thereof) has not been accepted for sale elsewhere;
- d. the Artist has not sold, assigned, transferred, licensed, granted, encumbered or utilized the Artwork or any element thereof or any copyright related thereto which may affect or impair the rights granted pursuant to this Agreement;
- e. the Artwork is free and clear of any liens from any source whatsoever;
- f. all Artwork created by the Artist under this Agreement, whether created by the Artist alone or in collaboration with others shall be wholly original with the Artist and shall not infringe upon or violate the rights of any third party;
- g. the Artist has the full power to enter into and perform this Agreement and to make the grant of rights contained in this Agreement;

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- h. all services performed hereunder shall be performed in accordance with all applicable laws, regulations, ordinances, etc. and with all necessary care, skill, and diligence;
- i. these representations and warranties shall survive the termination or other extinction of this Agreement.
- j. The Artist represents and warrants that all work will be performed in accordance with professional “workmanlike” standards and free from defective or inferior material or qualities that cause or accelerate deterioration of the Artwork.
- k. The Artist represents and warrants that the Artwork and the materials used are not currently known to be harmful to public health and safety.

**Article 4. Ownership and Intellectual Property Rights**

**4.1 Title**

Title to the Artwork shall pass to the City upon the City’s acceptance and Friends’ payment for the Artwork.

**4.2 Copyright Ownership**

The Artist retains all rights under the Copyright Act of 1976, 17 U.S.C. §101 et seq., as the sole author of the Artwork for the duration of the copyright.

**4.3 Reproduction Rights**

- a. In view of the intention that the final Artwork shall be unique, the Artist shall not make any additional exact duplicate [three]-dimensional reproductions of the final Artwork, nor shall the Artist grant permission to others to do so except with the written permission of the Friends and the City. However, nothing shall prevent the Artist from creating works in the Artist’s manner and style of artistic expression.
- b. The Artist grants to the Friends and the City and their assignees an irrevocable license to make two-dimensional reproduction of the Artwork for non-commercial purposes, including, but not limited to, reproductions used in brochures, media publicity, and exhibition catalogues or other similar publication provided that these rights are exercised in a tasteful and professional manner.
- c. All reproductions by the Friends or the City shall contain a credit to the Artist and a copyright notice in substantially the following form: © [Artist’s name, date of publication].
- d. The Artist shall not reproduce nor replicate the Artwork without the Friends’ and the City’s express written permission which the Friends and the City in their sole discretion may give except for the use of photographs of the Artwork for purposes of the Artist’s resume, in which case the Artist must provide acknowledgment to the Friends and the City in substantially the following form: “An original artwork owned and commissioned by the City of Brisbane and the Friends of the Brisbane Library.”

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e. The Artist shall, at the Artist's expense, cause to be registered with the United States Register of Copyrights, a copyright in the Artwork in the Artist's name.

f. If the Friends or the City wishes to make reproductions of the Artwork for commercial purposes including, but not limited to, tee shirts, post cards and posters, the Parties shall execute a separate agreement to address the terms of the license granted by the Artist and the royalty the Artist shall receive.

## **Article 5. Artist's Rights**

### **5.1 General**

a. The Artist retains all rights under state and federal laws including §106A of the Copyright Act of 1976.

b. The Friends and the City will not intentionally alter, modify, change, destroy or damage the Artwork without first obtaining permission from the Artist. The Friends and the City shall take reasonable measures to avoid these from occurring as a result of the gross negligence of the Friends, the City, and their representatives, or employees pursuant to the federal Visual Artists' Rights Act.

c. If any alteration or damage to the Artwork occurs, the Artist shall have the right to disclaim authorship of the Artwork in addition to any remedies the Artist may have in law or equity under this Agreement. Upon written request, the Friends or the City shall remove the identification plaque and all attributive references to the Artist at its own expense upon receipt of the notice. No provision of this Agreement shall obligate the Friends or the City to alter or remove any such attributive reference printed or published prior to the Friends' or the City's receipt of such notice. The Artist may take such other action as the Artist may choose in order to disavow the Artwork.

d. Artist shall on an ongoing basis provide to the Friends and the City the Artist's contact information, such as address, email address, phone number, etc. Friends and the City shall have no obligation other than to make reasonable efforts to notify the Artist.

e. If the Artist is deceased or becomes mentally incapacitated, Friends and the City shall make reasonable efforts to notify the Artist's heirs, successors, assigns or conservator.

### **5.2 Alteration of Site or Removal of Artwork**

a. The Friends and the City shall make reasonable efforts to notify the Artist in writing upon alteration of the site of the Artwork which would entail removal or relocation of the Artwork which might result in the Artwork being destroyed, distorted or modified. The Artist shall be granted the right of consultation regarding the removal or relocation of the Artwork. If the Artwork cannot be successfully

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removed or relocated as determined by the Friends and the City, the Artist may disavow the Artwork.

b. The Artwork may be removed or relocated or destroyed by the City should the Artist, Friends and the City not reach agreement on the removal or relocation of the Artwork after a period not to exceed 90 days after written notice to the Artist. During the 90 day period, the parties shall engage in good faith negotiations concerning the Artwork's removal or relocation.

c. If the City reasonably determines that the Artwork presents an imminent hazard to the public, other than as a result of the City's failure to maintain the Artwork as required under this Agreement, the City may authorize the removal of the Artwork without the prior approval of the Artist.

d. This clause is intended to replace and substitute for the rights of the Artist under the Visual Artists' Rights Act to the extent that any portion of this Agreement is in direct conflict with those rights. The Parties acknowledge that this Agreement supersedes that law to the extent that this Agreement is in direct conflict therewith.

#### **Article 6. Artist as an Independent Contractor**

The Artist agrees to perform all work under this Agreement as an independent contractor and not as an employee of the Friends or the City. The Artist acknowledges and agrees that the Artist shall not hold herself out as an authorized agent of the Friends or the City with the power to bind in any manner.

The Artist shall provide the Friends with the Artist's Tax Identification number and any proof of such number as requested by the Friends. The Artist shall provide the City with a copy of the Artist's City business license.

#### **Article 7. Assignment of Artwork**

The work and services required of the Artist are personal and shall not be assigned, sublet or transferred. Any attempt by the Artist to assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect unless prior written consent is given by the Friends and the City. The City shall have the right to assign or transfer any and all of the City's rights and obligations under this Agreement, subject to the Artist's consent, if ownership of the Project Site is transferred; if the Artist refuses to give consent, this Agreement shall terminate.

#### **Article 8. Termination**

a. Any Party may terminate this Agreement without recourse by the others where performance is rendered impossible or impracticable for reasons beyond such Party's reasonable control such as, but not limited to, acts of nature; war or warlike operation; superior governmental regulation or control; public emergence; or strike or other labor disturbances. Notice of termination of this Agreement shall be given to the non-

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terminating party in writing not less than 15 days prior to the effective date of termination.

b. The Friends or the City may terminate this Agreement without cause upon 60 days written notice to the Artist. The Friends shall pay the Artist for services performed and commitments made prior to the date of the termination, consistent with the schedule of payments set forth in this Agreement. The Artist shall have the right to an equitable adjustment in the fee for services performed and expenses incurred beyond those for which the Artist has been compensated.

c. If the Artist defaults for cause other than death or incapacitation the Artist shall return to the Friends all funds provided by the Friends in excess of the expenses already incurred.

**Article 9. Death or Incapacity**

a. If the Artist becomes unable to complete this Agreement due to death or incapacity, such death or incapacity will not be deemed a breach of this Agreement or a default on the part of the Artist.

b. In the event of incapacity, the Artist’s conservator shall assign the Artist’s obligations and services under this Agreement to another artist provided that the Friends and the City approves of the new artist and so agrees in writing. If the Friends and the City do not agree, the Friends or the City may elect to terminate this Agreement. The Artist shall retain all rights under this Agreement

c. In the event of death, this Agreement shall terminate effective the date of death. The Artist’s heirs shall retain rights under this Agreement.

**Article 10. Amendments**

No alteration, change or modification of the terms of this Agreement shall be valid unless made in writing and signed by all Parties.

**Article 11. Entire Agreement**

This Agreement comprises all of the covenants, promises, agreements and conditions between the Parties. No verbal agreements or conversation between the Parties prior to the execution of this Agreement shall affect or modify any of the terms or obligation.

**City of Brisbane**

DocuSigned by:  
  
Clayton Hofstine, City Manager

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**Friends of the Brisbane Library**

DocuSigned by:  
*Dawn David*  
Dawn David, Co-President

DocuSigned by:  
*Wendy Towle*  
Wendy Towle, Co-President

**Artist – Precita Eyes Muralists Association, Inc.**

DocuSigned by:  
*Susan Cervantes*  
Susan Cervantes, Executive Director

Approved as to form:

Thomas McMorrow, City Attorney



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# APPENDIX

## Exhibit A: Phase I Design Concept



**Exhibit B: Phase I Design Narrative**

## **PRECITA EYES MURALISTS ASSOCIATION INC.**

### **Celebrating 43 years of Community Mural Art and Culture**

2981 24th Street, San Francisco, CA 94110 • Ph: (415)285-2287

348 Precita Avenue • San Francisco, CA 94110 • Phone: (415) 285-2311 • [www.precitaeyes.org](http://www.precitaeyes.org)

June 26, 2020

RE: Precita Eyes Muralists Friends of Brisbane Library Donor Wall Mural Narrative  
Directed by Susan Cervantes with Lead Artist Julia Barzizza

### **Nested Together We Flourish!**

A large book opens to a page depicting the Ohlone people. The book represents the history of Brisbane and its everlasting stories. Binary code spills from the pages, representing the present and future. It spells the city's date of incorporation: November 27, 1961.

A pair of kids sit at the edge of the book, one reading, and the other gazing upward as native birds (a Red-tailed Hawk, a Swift, and parrots) carry the pages of Brisbane history beyond the nest and into the world! The pages are scribed with dates important to the library's history: the date the library opened, the date it was moved to the community drug store, the year the library grew into the largest location of its own, and the year the community center and library were combined and commemorated.

Native plantlife (Silver Lupine, California Sagebrush, Miner's Lettuce, Blue Chaparral, Poppies and Lessengia) grow around houses and intergenerational communities to create a nest around Brisbane. Brisbane residents volunteer to garden and restore the native plants and flowers. While some garden, others protest the construction of the quarry and the residential development on San Bruno Mountain. The construction trucks encroach onto the nested city from the right side of the mural, and the Brisbane residents gather together to protect their community. Above the protesters is a great-horned owl and her chick, symbolizing wisdom and generations growing safely together.

Behind the owl is the Mission Blue nursery, overflowing with plantlife and greenery. Music drifts from musicians playing in the gazebo, and the notes trickle above the nursery while Mission Blue butterflies flit in-between.

In the background looms a vibrant San Bruno mountain, fog rolls over one side of the mountain, carrying a sailboat symbolic of the Brisbane pier. More houses nestle together in the distance, and Brisbane residents howl at the moon! In the far distance is the emerald city (San Francisco). Night stars twinkle over houses decorated with colorful stars.

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At the left is the healing quarry, surrounded by viridian, wisps of wind and trails. Kids roll down one side of the mountain in colorful derby cars. The other trails are also alive with runners, cyclists, and a traditional fire truck. Nested together, the community flourishes and radiates warmth, resilience, and integrity.

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**Exhibit C: Project Completion Timeline**

## **PRECITA EYES MURALISTS ASSOCIATION INC.**

**Celebrating 43 years of Community Mural Art and Culture**

2981 24th Street, San Francisco, CA 94110 • Ph: (415)285-2287

348 Precita Avenue • San Francisco, CA 94110 • Phone: (415) 285-2311 • [www.precitaeyes.org](http://www.precitaeyes.org)

### **Brisbane Donor Art Wall Preliminary Timeline 8/13/20**

<b>Day</b>	<b>Date</b>	<b>Meeting / Presentation Times</b>	<b>Description</b>
Friday	8/21		Full executed agreement and first payment
Monday	8/24		Design revision in blackline for review by Susan
Wednesday	8/26	<b>Time TBD</b>	Design revision for review by FOBL
Thursday	8/27		Transfer mural design to the wall.
Thursdays	9/3 - 9/24		Second payment due. Mural painting completed by 9/24
TBD	9/24 -10/1		Set-up studio for mosaic.
Thursdays & Fridays	10/1 - 10/24		Mosaic installed by 10/24
Thursday	10/29/2020		Seal mural & varnish
Friday	10/30/2020		Final payment due
TBD	TBD		Mural unveiling or ceremony?

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**Exhibit D:** Phase I Design Changes as of 8/14/2020

Friends of Brisbane Library (FOBL) requested the following revisions to the design and scope of the project.

- Increase of project budget to \$25,000.
- Expansion of scope to include tile/mosaic media incorporated with mural.
- Finalize size of canvas to 8 feet height x 14 feet width with donor tile border.
- Clarification of various design elements including but not limited to: Mountain / cloud depiction, bird selection, dates / years indicated, citizenry, etc.
- Capture artwork development progress via photography, videography for archive, community media, and marketing purposes (for all parties).

Precita Eyes has accepted and plan to make adjustments to the size, media, and design in response to FOBL's request.

- Acceptance of incorporating tile/mosaic elements. Final list to be locked with design review.
- Coordination of artwork with FOBL's donor tile color / texture / placement selection.
- Follow up on design adjustments to Brisbane images, dates, design elements.
- Timeline to complete artwork by end of October.

**File Attachments for Item:**

P. 338 Kings Road; Appeal of Grading Review EX-4-19

*(Council will Consider Appeal of Planning Commission's denial of proposed grading plan involving approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner)*



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** John Swiecki, Community Development Director

**Subject: 338 Kings Road; Appeal of Grading Review EX-4-19;** Appeal of Planning Commission denial of proposed grading plan involving approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner

### Community Goal/Result

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation.

### Purpose

To consider the appeal of the Planning Commission’s denial of planning application EX-4-19.

### Recommendation

Uphold the appeal and approve the application, subject to the findings and conditions of approval in the attached draft Resolution 2020-53.

### Background

The subject 6,400 square foot property is currently developed with a 1,740 square foot single-family dwelling with no off-street parking. The residence is accessed from the street via an on-grade stairway. The project proposes approximately 357 cubic yards of soil cut and export to accommodate site access improvements and additions to the existing residence, including a new driveway, two-car garage, elevator, and entry stairway at the ground level, an accessory dwelling unit at the second floor, and minor additions to the main dwelling at the second and third floors. The project would use and expand an existing curb cut serving 334 Kings Road that traverses the subject property to allow safe vehicular ingress and egress for both properties. The project complies with the development standards of the R-1 Residential District and would provide off-street parking for a site without any existing off-street parking or on-street parking along its frontage.

Although the project complies with all development standards of the R-1 District, BMC Section 17.32.220 requires Commission review of grading activity when more than 50 cubic yards of material are to be removed. While there are no findings specified in the zoning ordinance for evaluating grading proposals, in 2003 the Planning Commission adopted guidelines based on several General Plan policies to guide their review on such applications. These guidelines address design-level considerations such as relationship to the natural topography, retaining wall visibility, and impacts to trees on the property or in the street. The full text of the



guidelines is found in in Attachment J of the attached June 25, 2020 Planning Commission agenda report.

Project History

The application was first considered by the Planning Commission on February 27, 2020. The applicant’s initial plans called for removal of one mature Coast live oak tree in the street to accommodate expansion of the existing curb cut and driveway within the right-of-way (original project plans are included in Attachment 9). Staff had recommended approval of the application with the recommendation that the City Engineer collect in-lieu fees to fund replacement tree planting at a 1:1 ratio, as permitted by the 2003 guidelines.

The Planning Commission voted 4-0-1 (Commissioner Gomez absent) to deny the application as they did not feel removal and replacement of the tree was appropriate. They also expressed concern with the safety of the proposed project and with its potential impact on site drainage, although the 2003 guidelines do not address geotechnical feasibility or hydrological impacts. Those technical issues are by State law under the purview of licensed engineers, ultimately the City Engineer in the case of grading permits.

Subsequently at its meeting of May 14, 2020, the Planning Commission granted the applicant’s request to reconsider the application based on substantial revisions proposed to the proposed driveway design to avoid impacting the street tree in question.

Planning Commission Reconsideration (June 25, 2020)

The Planning Commission considered revised project plans on June 25, 2020 (see Attachment 3). The revised plans reduced the footprint of excavation and eliminated the previously proposed expansion of the driveway’s western edge, mitigating the direct conflict with the closest Coast Live oak street tree.

Staff recommended a condition of approval to advise the City Engineer to require an arborist report at the time of grading and building permit applications to confirm whether or not adjacent street trees would be harmed by the project construction and would require removal and replacement. The recommended conditions of approval further recommended that if the project was found to damage the health of any adjacent street tree, the City Engineer consider requiring funds to plant replacement street trees reaching similar canopy height at maturity at a 3:1 ratio in the vicinity of the project.

The Planning Commission voted 5-0 to deny the revised application, finding that removal and replacement of the trees would not be appropriate due to the role the trees play in slope stabilization, and that the applicant did not demonstrate the adjacent Coast Live oak street tree would be preserved. Specifically, the Commission was concerned with potential impacts to the tree’s root system due to excavation and trenching during construction, and potential impacts to the tree trunk from cars exiting the garage.

The June 25, 2020 Planning Commission staff report, minutes and resolution can be found as Attachments 4-6 of this staff report.

Appeal by Property Owners

The property owners, John Huang and Joy Chen, have appealed the Planning Commission’s denial of the application on the grounds that the Commission made an assumption regarding the project’s impact to the adjacent street trees without sufficient evidence, and that the Commission’s finding of potential conflict between cars backing out of the proposed garage and the adjacent street trees was unfounded. The appeal and a supplemental statement are attached (Attachment 2) for Council’s reference.

**Discussion:**

As noted in the Background section, there are no findings codified in the BMC regarding circumstances under which grading review applications may be approved or denied by the Planning Commission, or the City Council on appeal. The adopted 2003 guidelines have been used by the Commission in their action on such applications, and may be used by the City Council in its review of the appeal.

With the conditions of approval contained in the attached Resolution, staff believes the project **would meet** the guidelines for approval as noted below.

- **The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography.**

The project meets this guideline. The proposed excavation is limited to the footprint of the additions, required driveway widening, and new pedestrian access stairway for access to the house and ADU from the street. The grading plan allows the addition to sit within the hillside without significantly altering the surrounding topography. The location and volume of the proposed excavation is the minimum necessary to allow the site to provide off-street parking consistent with the design standards in Chapter 17.34 of the BMC which limit driveway grades to no more than 20%. The proposed excavation is also the minimum necessary to allow safe egress and ingress for the adjoining property at 334 Kings Road and is compliant with the recorded vehicular access easement benefitting 334 Kings Road.

- **The proposed grading is designed to avoid large exposed retaining walls.**

The project meets this guideline. The grading plan proposes one approximately eight foot tall retaining wall within a portion of the front setback, extending into the public right-of-way, in conjunction with the new on-grade stairway providing access to the home from the street. The conditions of approval would minimize the visual impact of this wall by requiring vegetative screening, or application of varying finish materials or textures to break up the massing of the wall, at the applicant’s option at building permit.

- **The proposed grading is designed to conserve existing street trees, any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade. Where removal of existing trees is necessary, planting of appropriate replacement trees is provided.**

The applicant’s grading plan is designed to conserve existing street trees and does not propose removal of any trees on the subject property. The City Engineer will impose conditions on the grading permit, reflected in Condition of Approval B.4 the attached Resolution relative to the tree’s preservation during and post-construction of the project.

- **The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable.**

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

**Fiscal Impact**

None. If the City Council upholds the appeal and approves the application, the applicant would submit grading and building permit applications and pay the requisite plan check and application fees for both.

**Measure of Success**

Final resolution of this matter.

**Attachments**

1. Draft City Council Resolution 2020-53
2. Applicant’s appeal letter and supporting statements
3. Project plans
4. Planning Commission Resolution EX-4-19
5. Planning Commission Minutes (June 25, 2020)
6. Planning Commission Agenda Report (June 25, 2020; plans extracted and attached to this report as Attachment 4)
7. Planning Commission Minutes (February 27, 2020)
8. Planning Commission Agenda Report (February 27, 2020)
9. Written correspondence received as of 8/27/2020

  
 \_\_\_\_\_  
 John Swiecki, Community Development Director

  
 \_\_\_\_\_  
 Clay Holstine, City Manager

DRAFT  
RESOLUTION NO. 2020-53

A RESOLUTION OF THE BRISBANE CITY COUNCIL  
UPHOLDING THE APPEAL OF THE PROPERTY OWNERS OF 338 KINGS ROAD  
AND CONDITIONALLY APPROVING GRADING PERMIT EX-4-19  
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO  
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane on behalf of the property owners for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that would require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission indicated its intent to deny the application based on the impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, but deferred adoption of findings of denial to the next regular Planning Commission meeting; and

WHEREAS, on March 10, 2020, the applicant submitted a written request to the Planning Commission to reconsider its intended denial of the application due to revisions to the project plans and work scope to address many of the concerns voiced by the Planning Commission at its February 27, 2020 meeting; and

WHEREAS, due to the San Mateo County Health Officer's Shelter in Place Order in effect as of March 16, 2020 (since rescinded under Order c19-11 on June 17, 2020), the Planning Commission cancelled all scheduled meetings in March and April of 2020; and

WHEREAS, at the next regular meeting of May 14, 2020, held virtually via teleconference in compliance with the Governor's Order N-29-20, the Planning Commission considered the applicant's request for reconsideration of a revised application and voted unanimously to grant the request and schedule the application for review at a future public hearing; and

WHEREAS, on June 25, 2020, the Planning Commission conducted a hearing of the revised application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, at the public hearing of June 25, 2020, the Planning Commission of the City of Brisbane denied the application pursuant to the findings of denial in Resolution EX-4-19;

WHEREAS, John Huang and Joy Chen, trustees of the John Huang and Joy Chen Trust, property owners, submitted a timely appeal of the Planning Commission’s denial to the City Council pursuant to Chapter 17.52 of the Brisbane Municipal Code;

WHEREAS, on September 3, 2020, the Brisbane City Council conducted a hearing on the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard;

WHEREAS, the City Council reviewed and considered the staff memorandum relating to said application, the Planning Commission record on the application, and the written and oral evidence presented to the City Council in support of and in opposition to the application; and

WHEREAS, the City Council makes the findings set forth in Exhibit A to this Resolution; and

WHEREAS, the City Council further finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) of the State CEQA Guidelines; and

NOW THEREFORE, the City Council of the City of Brisbane resolves as follows:

Section 1. Based on the findings in Exhibit A to this Resolution, the appeal of the property owners is granted, and the application (Grading Permit EX 4-19) is conditionally approved, subject to the conditions of approval attached to this Resolution as Exhibit B.

Section 2. This Resolution shall take effect immediately upon its adoption.

\_\_\_\_\_  
Terry O’Connell  
Mayor

I hereby certify that the foregoing Resolution No. 2020-53 was duly and regularly adopted at the regular meeting of the Brisbane City Council on September 3, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Ingrid Padilla  
City Clerk

DRAFT  
EXHIBIT A

**Findings of Approval:**

**Grading Permit EX-4-19**

- As evidenced by the applicant's grading plan and site plan, the proposed excavation is limited to the footprint of the additions, required driveway widening, and pedestrian access stairway to allow access to the house from the street. The grading plan design would allow the new building addition to sit within the hillside without significantly altering the surrounding topography. The location and volume of the proposed excavation is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and to the driveway design standards contained in Chapter 17.34 of the Municipal Code. The proposed excavation is also the minimum necessary to allow safe egress and ingress for the adjoining property at 334 Kings Road and is compliant with the recorded vehicular access easement benefitting 334 Kings Road.
- The proposed grading would result in one exposed retaining wall of approximately eight feet in height within a portion of the front setback, extending into the public right-of-way, in conjunction with a new on-grade stairway to provide access from the street to the main dwelling. With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant's option at building permit.
- The applicant's grading plan is designed to conserve existing street trees and does not propose removal of any trees on the property. Per the conditions of approval contained in Exhibit B, the City Engineer will require specified tree protection measures during construction and will require a tree assessment report prepared by a City Engineer-approved arborist prior to and regularly up to three years post-construction to ensure the trees' preservation.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

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EXHIBIT B

**Conditions of Approval:**

**Grading Permit EX-4-19**

Prior to Issuance of a Building Permit

- A. The applicant shall obtain a building permit and a grading permit prior to proceeding with construction. The project plans shall comply with all development standards of the R-1 District and current adopted Building and Fire Codes, and shall include shoring plans.
- B. Plans submitted for the building and grading permits shall substantially conform to plans on file in this application EX-4-19 in the City of Brisbane Planning Department, with the following modifications:
  1. A landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I, to the satisfaction of the Planning Director. The plan shall incorporate water-conserving, non-invasive landscaping to comply with the minimum front yard landscaping requirements.
  2. All exposed retaining walls exceeding six feet in exposed height from grade shall be either planted with screening plantings such that no more than six (6) feet of the height of the retaining wall will remain visible, or by incorporating varying treatment and materials at six foot horizontal intervals into the wall design. The chosen screening method shall be subject to review and approval by the Community Development Director.
  3. Plans submitted for grading permit review shall be subject to standard review procedures by the Department of Public Works.
  4. Plans submitted for grading permit review shall be subject to the following conditions of approval:
    - i. During construction, the adjacent 28 inch Coast live oak street tree's critical root zone within the project boundaries shall be protected by a Type III Tree Protection Zone (TPZ), with a protected zone of 10 x the diameter breadth height of 28" (i.e., 280" [23']).
    - ii. No grading or construction shall occur within the TPZ, unless an arborist approved by the City Engineer is onsite during such work. Storage of materials shall not be allowed within the TPZ at any time.
    - iii. The applicant shall hire an arborist to be approved by the City Engineer for completion of a tree assessment report prior to construction, at the end of construction, 1 year after completion of construction, and 3 years after completion of construction.
    - iv. The applicant shall post a bond in the face value of \$25,000, which shall be called if at any time up to the City Engineer's approval of the 3-year tree assessment report, the tree is deemed by the City Engineer to be no longer suitable for preservation.

- C. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from the Department of Public Works for all proposed construction activity and private improvements within the public right-of-way.
- D. Prior to issuance of a building permit, the property owner shall enter into a standard landscape maintenance agreement with the City.

General Conditions

- E. Pruning of the adjacent 28 inch Coast live oak street tree shall require prior approval by the City Engineer, and approved pruning activity shall conform to the City Engineer's requirements.
- F. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.
- G. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- H. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- I. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.





Date Submitted: \_\_\_\_\_  
Fee: \_\_\_\_\_  
Receipt No.: \_\_\_\_\_

**A P P E A L**

I/We hereby appeal the action by the:

- Planning Commission
- Zoning Administrator
- Planning Director

regarding Application No. EX-4-19  
John Huang and Joy Chen Trust, Owner  
for \_\_\_\_\_  
338 Kings Road  
at \_\_\_\_\_.

The reasons for the appeal are: \_\_\_\_\_

The Planning Commission had made an incorrect conclusion and denied our grading permit application on June 25, 2020 for the addition of a two-car garage with an ADU above.

We are preserving an oak tree located across the street and below the excavation site. However, without any evidence, the Planning Commission cited the excavation "*conflicts with the trees root system due to excavation and trenching for underground drainage during construction*". It is in direct conflict with the Planning Department's recommendation as the condition of approval "*that the City Engineer consider requiring an arborist report to evaluate the project's potential impact to the long term health of adjacent street trees*". Without consulting an arborist or any expert on this subject matter, the Planning erroneously concluded that our project will cause the death of the tree and therefore denied our grading permit. Furthermore, the "proximity of the trees to cars exiting the proposed garage" was also erroneously cited as the other reason for denial when our design complies to the existing regulations, and the cars exiting would not be backed into the tree anyway.

Therefore, we are appealing to the City Council and call on members of the Council to reverse the ill-considered decision made by the Planning Commission. We look forward to your approval of our application prepared with numerous accredited experts in their fields of specialty, and properly reviewed by City Engineer in accordance and in compliance to all the laws and regulations of the City.


John Huang and Joy Chen Trust, Owner

Name(s): \_\_\_\_\_  
650-245-6824

Phone Number: \_\_\_\_\_  
338 Kings Road, Brisbane, CA 94005

Mailing Address: \_\_\_\_\_  
huangjohnw@outlook.com

Email Address: \_\_\_\_\_

Signature(s): 

Date: July 7, 2020

August 25, 2020

From:

John Huang and Joy Chen  
Resident of 338 Kings Road

To:

Brisbane City Council

RE: Appeal on Grading Permit Application No. EX-4-19

## Statement from the Owner of 338 Kings

My wife Joy and I bought this house in December 2018 but we are still renting and have not moved in as of today. Since Kings Road is very tight and dangerous for our daughters getting in and out of cars on daily basis if parked off the street, we thought it is imperative to build a garage before moving in. Besides improving the overall appeal of the city and increase the real estate value of Brisbane, the project will also enhance the parking situation for residents on Kings since our section is not only one of the tightest in Brisbane, but also has the fewest street parking available. Therefore, the neighbors in our section are excited about our project as we will be taking 2 cars off the street and even create a third spot (using our land) for guests and neighbors. More importantly, the improvement with the added foundation, drainage system, retainer walls, and even pillars will improve soil stability for this house on the hill. However, we did not expect the review process by the Planning Commission would be this unreasonable with ludicrous demands that we left the hearings feeling perplexed and wondering about the nonsensical and irrational decision process of the Commission.

During our initial hearing on February 27, 2020, the Planning Commission denied our application based on their unfounded claim that our excavation of only 357 cubic yards (equivalent to 7.1 yards x 7.1 yards x 7.1 yards) will cause significant "hydrology impacts". Hydrology should not have been part of the grading review as it is not in the purview of the Commissioners which the Planning Department has repeatedly reminded them. However, the Commissioners still expected us to "voluntarily" hire a hydrologist to produce a hydrology report, which the City Engineer and our architect thought would serve no purpose. Indeed, two of the most reputable hydrologists in the Bay Area that were interviewed by us stated that since the project is only about constructing a two-car garage under an existing deck, it is not altering any streams or impacting water tables nor affecting ecological systems in any way, a hydrological or hydrodynamic report on this matter would not yield valuable information. They questioned the professionalism of the City, and indicated that the issue should be about the storm water run-off design, which we will address by following all the requirements adopted by the City's engineering department in subsequent

filings anyway. Nevertheless, in order to satisfy such unreasonable demand by the Commissioners, we pushed our architect to produce drainage design before it is required by the City, and we also hired a geotechnical engineer to conduct soil stability review and assess the excavation impact in order to produce a report. This pointless study costed us thousands of dollars only to affirm the findings in our soil report that the project is both "feasible and safe" with standard techniques and common practices applied. We even hired the geotechnical engineer to join the subsequent live hearing, during when the geotechnical engineer disputed the Commissioners and stated our project with the new foundations and improvements, "will actually improve soil stability and prevent sliding, not the other way around" as the Commissioners without any civil engineering expertise so injudiciously thought and denied our application previously. Even with a thorough study and a presentation by the geotechnical engineer, one Commissioners stated that he still does "not feel it is safe" while being acknowledged and agreed to by other Commissioners. The geotechnical engineer who is licensed by the State with over 15 years of professional experience including similar works in Brisbane was in shock and left the hearing speechless.

Besides conducting futile exercise of hydrological study, we have no choice but to make senseless changes to our existing plan to satisfy the demands of the Commissioners in order for them to reconsider our grading review. However, the Planning Commission at its meeting of June 25th, 2020 again denied our application regarding to a tree nearby. A resolution with findings of denial was adopted, however, the findings grossly ignored the recommendations by the planning staff, and were made impulsively again without expert inputs from professionals. The commissioners inappropriately acted as both lawmakers and subject experts again when reviewing our application. We respectfully ask the City Council to reverse the erroneous decision made by the Planning Commission and approve our permit request.

During the grading permit hearing, the City Engineer recommended approval for our application with the condition that an arborist is hired to "evaluate the project's potential impact to the long term health of this street tree".

However, during the hearing, the Commissioners claimed without any expert input from an arborist that our grading plan (1) "conflicts with the trees root system due to excavation and trenching for underground drainage during construction". The Commissioners further disregarded the clearance distance determined by City Engineer and self-declared that (2) "the proximity of the trees to cars exiting the proposed garage" as the reason for the denial.

### **(1) Tree Preservation**

The Commission should have requested an "arborist report to evaluate the project's potential impact to the long term health of this street tree" as recommended by the City Engineer instead of just acting as the expert in dendrology and denied our application without any scientific basis.

## (2) Clearance

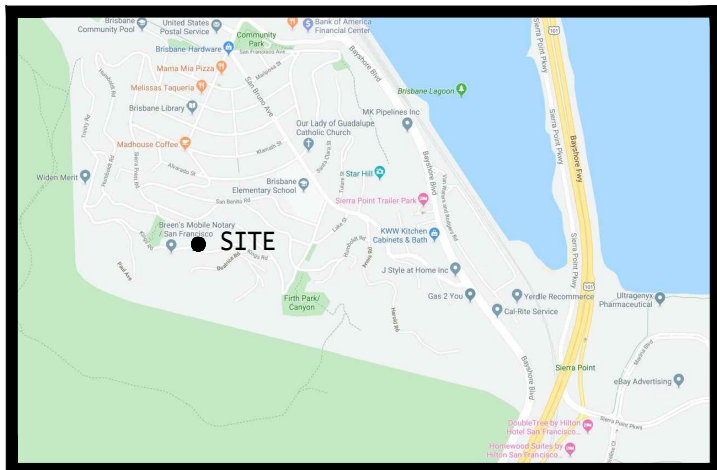
Our architect developed the construction plan according to and in coordination with the City Engineer to ensure that cars can freely enter and exit the garage while in consideration of the safety of any structures and objects around the garage and along the street, including the tree under discussion. Given the setting and the planned traffic flow, they have determined that there is sufficient room for exiting the car as the shortest distance between the tree and the garage is at least 18 feet. Furthermore, our architect has been in consultation with the City Engineer to ensure our plan is feasible and complies to all City Codes and regulations.

However, without referencing to any existing code or regulation, the Commission arbitrarily cited "the proximity of the trees to cars exiting the proposed garage" as another reason for denial. Similar to our neighbor, we will turn as we back down the street to Kings. Therefore, there will be plenty of space for us to exit the garage.

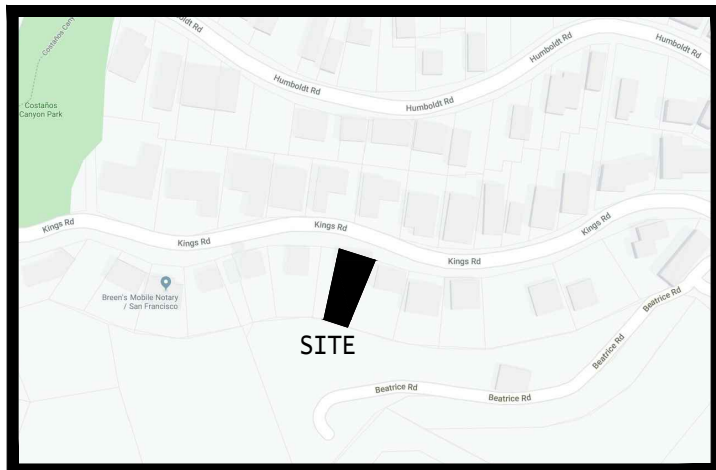
The safe distance for exiting garage is determined by the architect and the City Engineer given the plan, its setting, and the topography. The Commissioners should **not** act as the engineer and arbitrarily decide on what the clearance should be.

P.

LOCATION MAP



VICINITY MAP



LOT/OWNER INFORMATION

338 KINGS RD., BRISBANE, CALIFORNIA 94005  
 APN: 007-471-170  
 (E) LOT AREA: ± 6,400 SQ.FT  
 ZONE DISTRICT: R-1  
 OCCUPANCY CLASS: R-3/U  
 TYPE OF CONSTRUCTION: V-B  
 FIRE SPRINKLERS: NO  
 NUMBER OF BUILDINGS: 1  
 (E) STORIES: 2  
 (N) STORIES: 2+BASEMENT

OWNER(S) INFORMATION:  
 NAME: JOHN HUANG  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005

SCOPE OF WORK

1. ADD NEW 2 CAR GARAGE DETACHED FROM EXISTING HOUSE.
2. ADD NEW A.D.U (660 SQ.F) ON TOP NEW GARAGE.
3. REMODEL EXISTING UNIT.
4. ADD NEW ELEVATOR TO CONNECT A.D.U AND EXISTING UNIT.

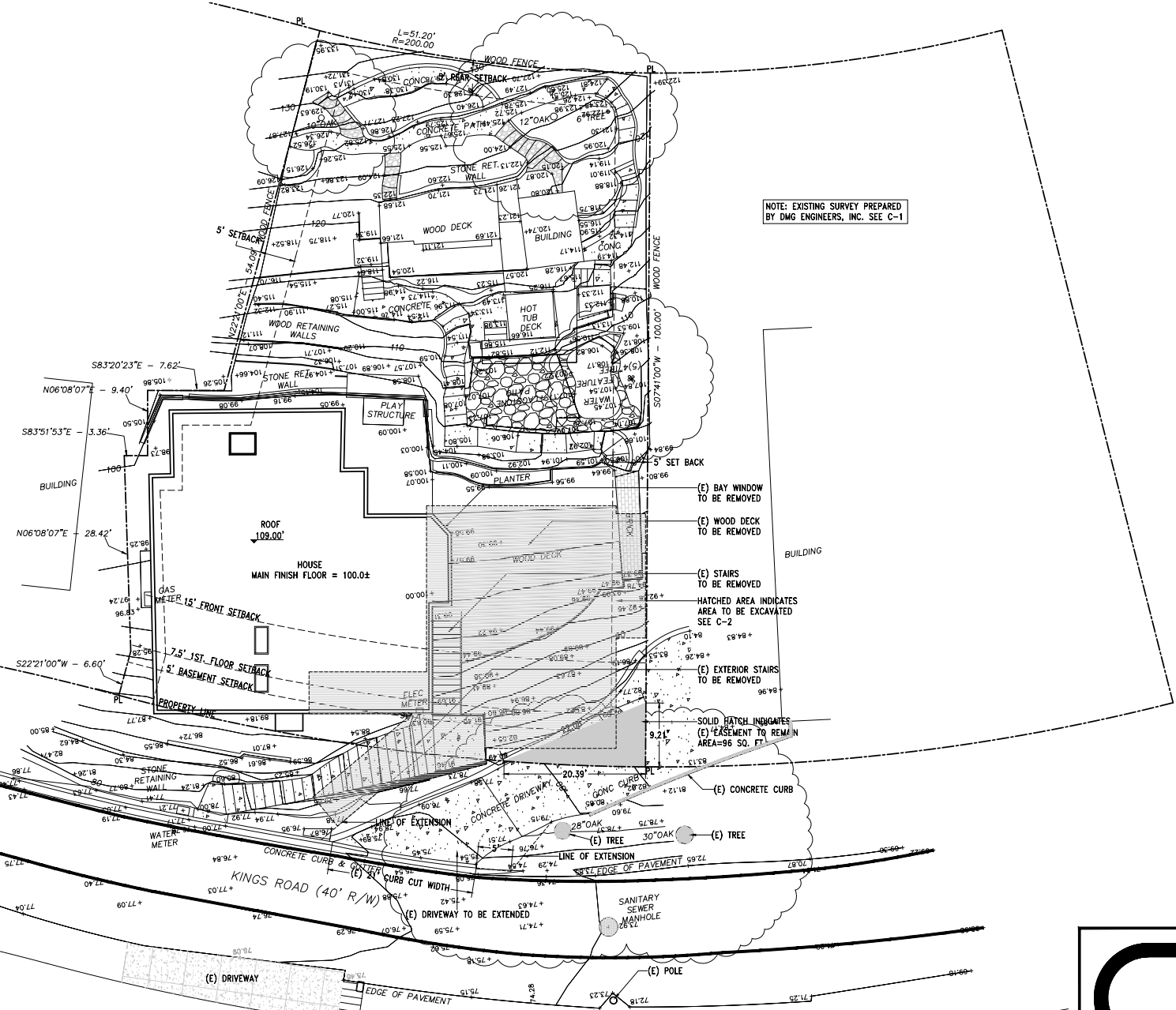
AREAS

EXISTING BUILDING	
SECOND FLOOR	NEW:
EXISTING: -LIVABLE AREA=1,501 SQ.F	-LIVABLE AREA=1,506 SQ.F
	-DECK AREA= 609 SQ.F
FIRST FLOOR	
-LIVABLE AREA=318 SQ.F	-LIVABLE AREA= 276 SQ.F
BASEMENT FLOOR	
	-GARAGE AREA= 610 SQ.F
TOTAL LIVABLE=1,819 SQ.F	TOTAL LIVABLE=1,782 SQ.F
	DECK AREA= 609 SQ.F
	GARAGE AREA= 610 SQ.F
	GRAND TOTAL= 3,001 SQ.F
NEW A.D.U	
	-A.D.U AREA= 660 SQ.F

INDEX OF DRAWINGS

- ARCHITECTURAL**
- A-0 (E) SITE MAP AND PROJECT INFORMATION
  - A-0.1 (N) SITE PLAN
  - A-1 (E) AND (N) SECOND FLOOR PLANS
  - A-1.1 (E) AND (N) FIRST FLOOR PLANS
  - A-1.2 (N) BASEMENT (GARAGE) FLOOR PLAN
  - A-2 (E) AND (N) NORTH ELEVATIONS
  - A-2.1 (E) AND (N) WEST ELEVATIONS
  - A-2.2 (E) AND (N) SOUTH ELEVATIONS
  - A-2.3 (E) AND (N) EAST ELEVATIONS
  - A-3 (N) SCHEMATIC CROSS SECTION
  - A-3.1 (N) SCHEMATIC CROSS SECTION
- CIVIL**
- C-1 TOPOGRAPHIC AND BOUNDARY SURVEY
  - C-2 PROPOSED GRADING PLAN

# 338 KINGS RD., BRISBANE, CALIFORNIA 94005



MATERIALS

- ACOUSTIC TILE OR BOARD
- BITUMINOUS CONCRETE SHOW PROFILE ONLY
- CERAMIC TILE
- CONCRETE CAST IN PLACE OR PRECAST
- CONCRETE BLOCK
- EARTH
- GLASS OMIT INDICATION IN THIN MATERIAL
- GYP-SUM BOARD OMIT DOUBLE LINES AT SMALL SCALE
- GYP-SUM SHEATHING
- HARDBOARD
- INSULATION, BATT
- METAL OMIT INDICATION IN THIN MATERIAL
- MORTAR
- PLASTER ON METAL LATH
- PLASTIC LAMINATE
- PLYWOOD
- RIGID INSULATION
- ROCK FILL
- SAND
- WOOD, FINISH
- WOOD, FRAMING THROUGH MEMBER
- WOOD, FRAMING INTERRUPTED MEMBER

SITE PLAN LEGEND:

- JOINT POWER POLE
- WATER METER
- FIRE HYDRANT
- GAS VALVE
- WATER VALVE
- WATER LINE
- GAS LINE
- SANITARY SEWER LINE
- OVERHEAD ELECTRIC

SYMBOLS

- NOTE MARK
- DOOR MARK
- WINDOW MARK - LETTERS
- LOUVER MARK - NUMBERS
- TOILET ACCESSORY
- REVISION MARK
- COLUMN/ GRID LINE MARK
- MATCH MARK AND LINE
- SECTION CUT MARK
- EXTERIOR ELEVATION MARK
- INTERIOR ELEVATION MARK
- DETAIL MARK

APPLICABLE CODES

- 2016 CALIFORNIA BUILDING CODE (BASED ON 2015 INTERNATIONAL BUILDING CODE)
- 2016 CALIFORNIA ELECTRICAL CODE (BASED ON 2014 NATIONAL ELECTRICAL CODE)
- 2016 CALIFORNIA PLUMBING CODE (BASED ON 2015 UNIFORM PLUMBING CODE)
- 2016 CALIFORNIA MECHANICAL CODE (BASED ON 2015 UNIFORM MECHANICAL CODE)
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA EXISTING BUILDING CODE
- 2016 CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE)
- 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE)
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
- 2015 INTERNATIONAL EXISTING BUILDING CODE

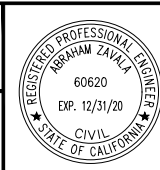
NOTES

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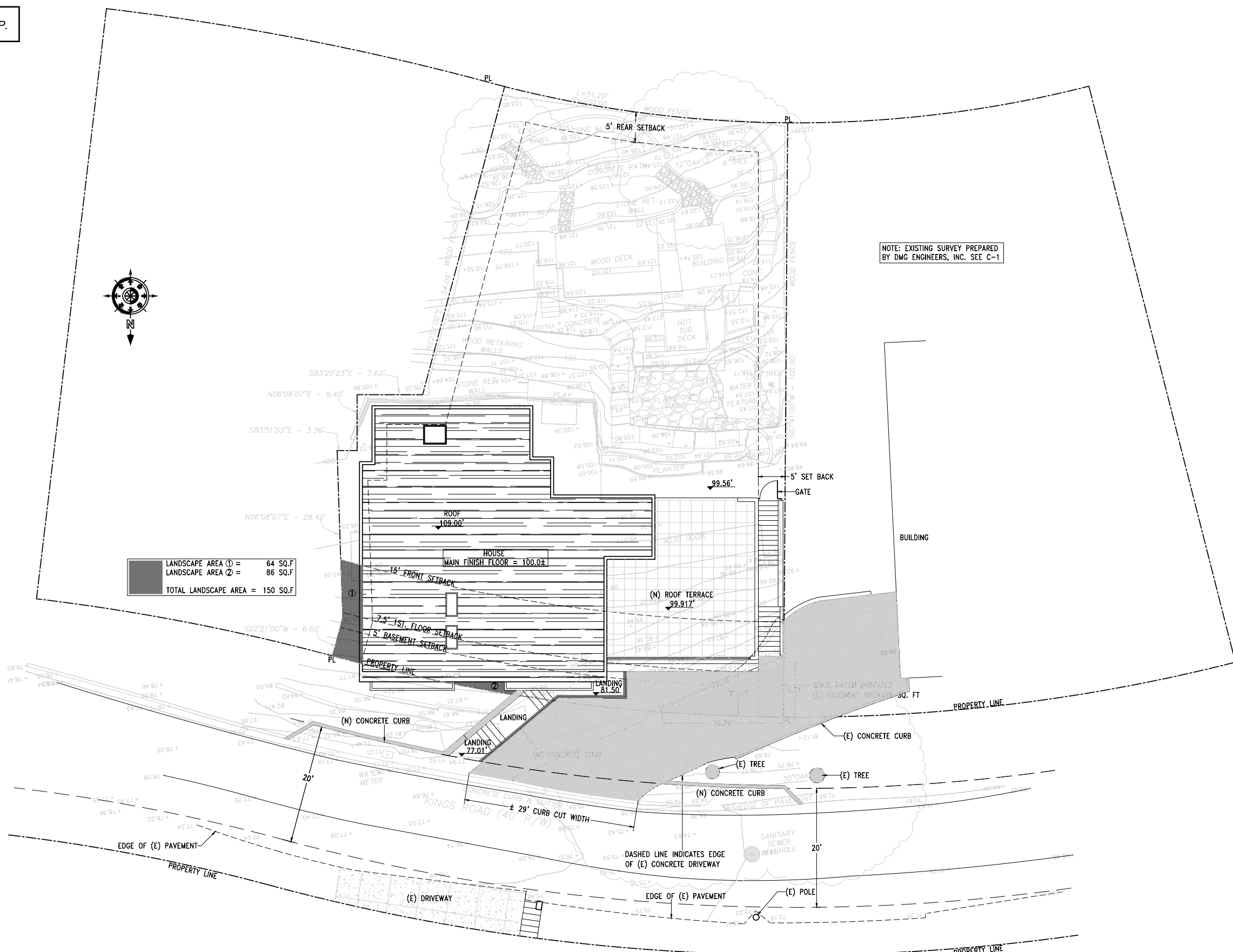
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**OWNER: JOHN HUANG**



REVISION/DATE	
1. FILING SET	12/06/2019
<b>A-0</b>	
SCALE:	DRAWN / REVIEWED
AS SHOWN	RD AZ
DATE:	JOB NO:
NOV/2019	AM1120



4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN:  
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.

1. IDENTIFY THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.
2. SPECIFY IF CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE SORTED ON-SITE (SOURCE-SEPARATED) OR BULK MIXED (SINGLE STREAM).
3. IDENTIFY DIVERSION FACILITIES WHERE THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE TAKEN.
4. IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE GENERATED.
5. SPECIFY THAT THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE MATERIALS DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.

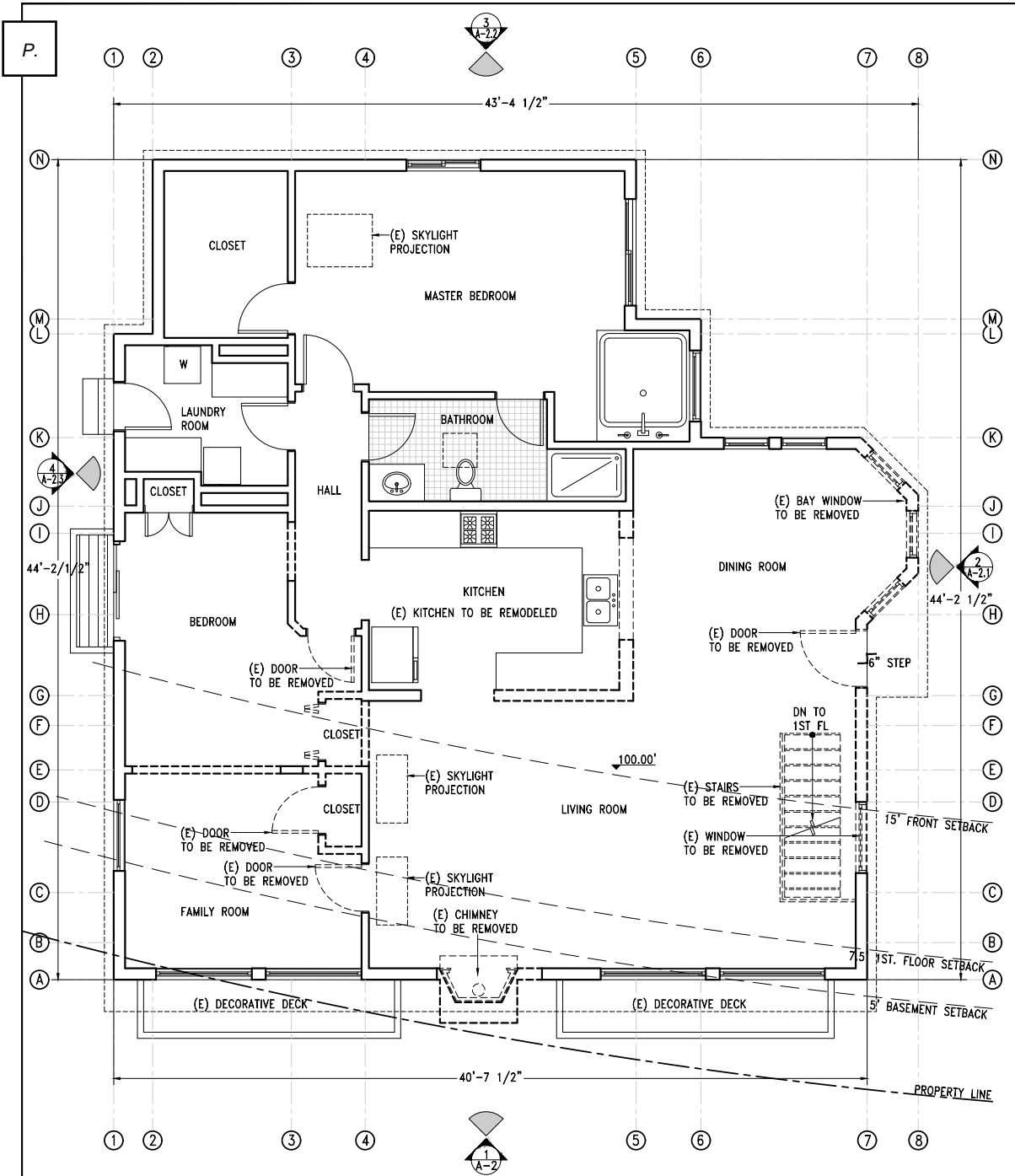


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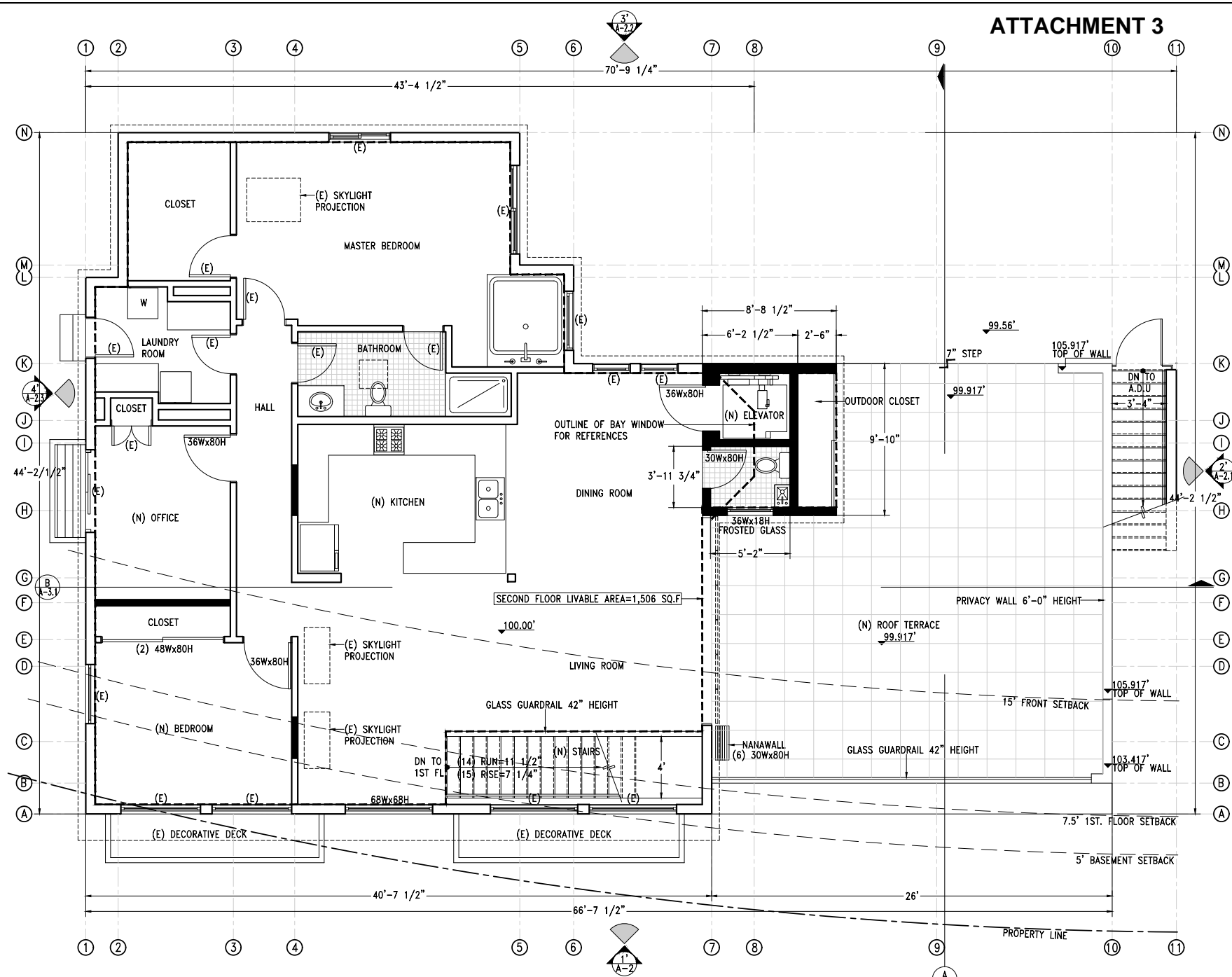
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SCALE: AS SHOWN DATE: NOV/2019	DRAWN / REVIEWED RD / AZ	JOB No: AM1120





(E) SECOND FLOOR PLAN  
1/4"=1'-0"



(N) SECOND FLOOR PLAN  
1/4"=1'-0"

WALL LEGEND	
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL

4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN:  
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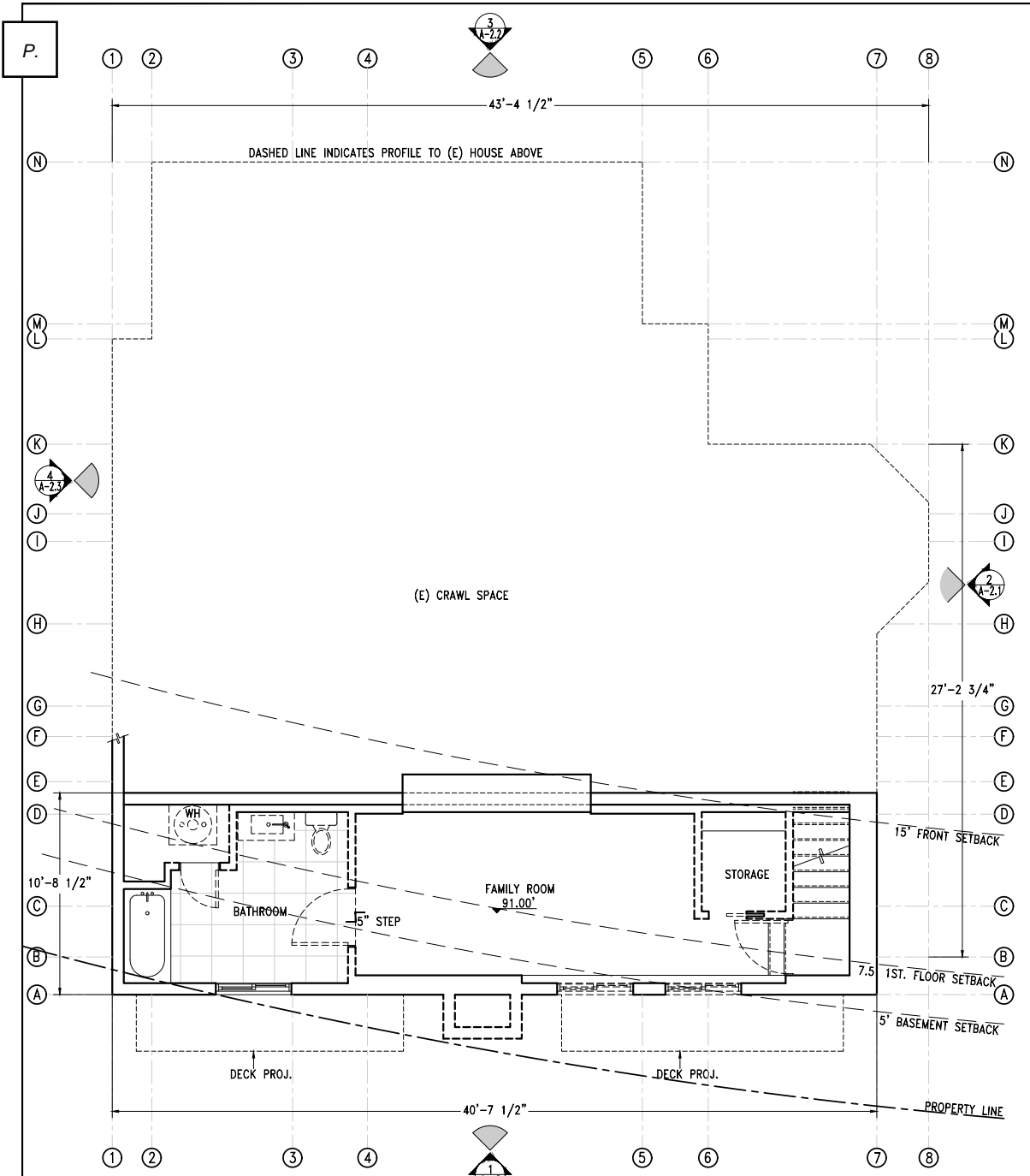
PER 2016 CALGREEN SECTION 301: THE MANDATORY PROVISIONS OF CHARTER 4 SHALL BE APPLIED TO ADDITIONS OR ALTERATIONS OF EXISTING RESIDENTIAL BUILDINGS. THE REQUIREMENTS SHALL APPLY ONLY TO AND/OR WITHIN THE SPECIFIC AREA OF THE ADDITION OR ALTERATION.

- \* TO PROVIDE WATER CONSERVING PLUMBING FIXTURES AND FITTINGS PER CGBC 4.303 THESE INCLUDE MAXIMUM 1.28 GPF FOR WATER CLOSETS, MAXIMUM 2.0 GPM AT 80 PSI FOR SINGLE SHOWERHEADS, COMBINED FLOW RATE OF MULTIPLE SHOWERHEADS TO NOT EXCEED 2.0 GPM AT 80 PSI, MAXIMUM 1.2 GPM AT 60 PSI FOR LAVATORY FAUCETS, MAXIMUM 1.8 GPM AT 60 PSI AT KITCHEN FAUCETS.
- \* DUCT SYSTEMS ARE SIZED, DESIGNED, AND EQUIPMENT IS SELECTED PER SECTION 4.507.2. HVAC SYSTEM INSTALLERS MUST BE TRAINED AND CERTIFIED AND SPECIAL INSPECTORS EMPLOYED BY THE ENFORCING AGENCY MUST BE QUALIFIED.
- \* SHOW COMPLIANCE WITH CALGREEN SECTION 4.506.1 FOR BATHROOMS EXHAUST FANS. EACH BATHROOM SHALL BE MECHANICALLY VENTILATED WITH AN ENERGY STAR EXHAUST FAN, AND FAN MUST BE CONTROLLED BY A HUMIDITY CONTROL (4.506.1).
- \* PROTECT ANNULAR SPACES AROUND PIPES, ELECTRICAL CABLES, CONDUITS OR OTHERS OPENINGS AT EXTERIOR WALLS AGAINST PASSAGE OF RODENTS (4.406.1).
- \* COVER DUCTS OPENINGS AND OTHERS RELATED AIR DISTRIBUTION COMPONENT OPENINGS DURING CONSTRUCTION (4.504.1).
- \* ADHESIVES SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS (4.504.2.1).
- \* PAINTS, STAINS AND OTHER COATINGS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.2.2).
- \* AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS (4.504.2.3). VERIFICATION OF COMPLIANCE SHALL BE PROVIDED.
- \* CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.3).
- \* MINIMUM 80 % OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL BE COMPLY WITH SECTION 4.504.4.
- \* PARTICLEBOARD, MEDIUM DENSITY FIBERBOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS (4.504.5).
- \* INSTALL CAPILLARY BREAK AND VAPOR RETARDER AT SLAB ON GRADE FOUNDATIONS (4.505.2).
- \* CHECK MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOOR FRAMING BEFORE ENCLOSURE (4.505.3).

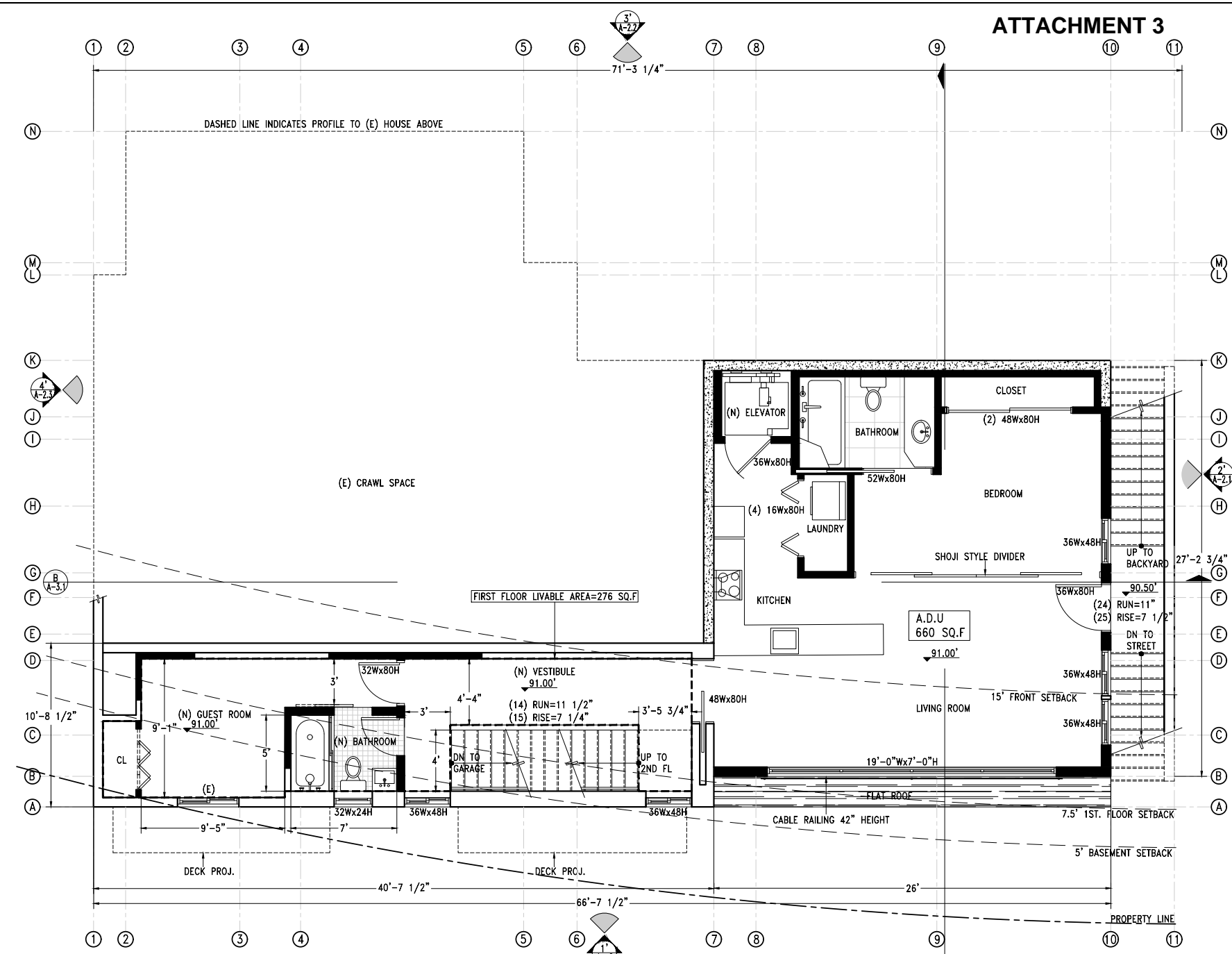


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	<b>REVISION/DATE</b> 1. FILING SET 12/06/2019
	<b>A-1</b>
SCALE: AS SHOWN DATE: NOV/2019	DRAWN / REVIEWED: RD / AZ JOB No: AM1120



(E) FIRST FLOOR PLAN  
1/4"=1'-0"

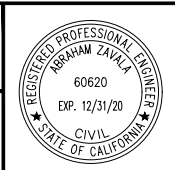


(N) FIRST FLOOR PLAN  
1/4"=1'-0"

WALL LEGEND	
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL
	(N) CONCRETE WALL

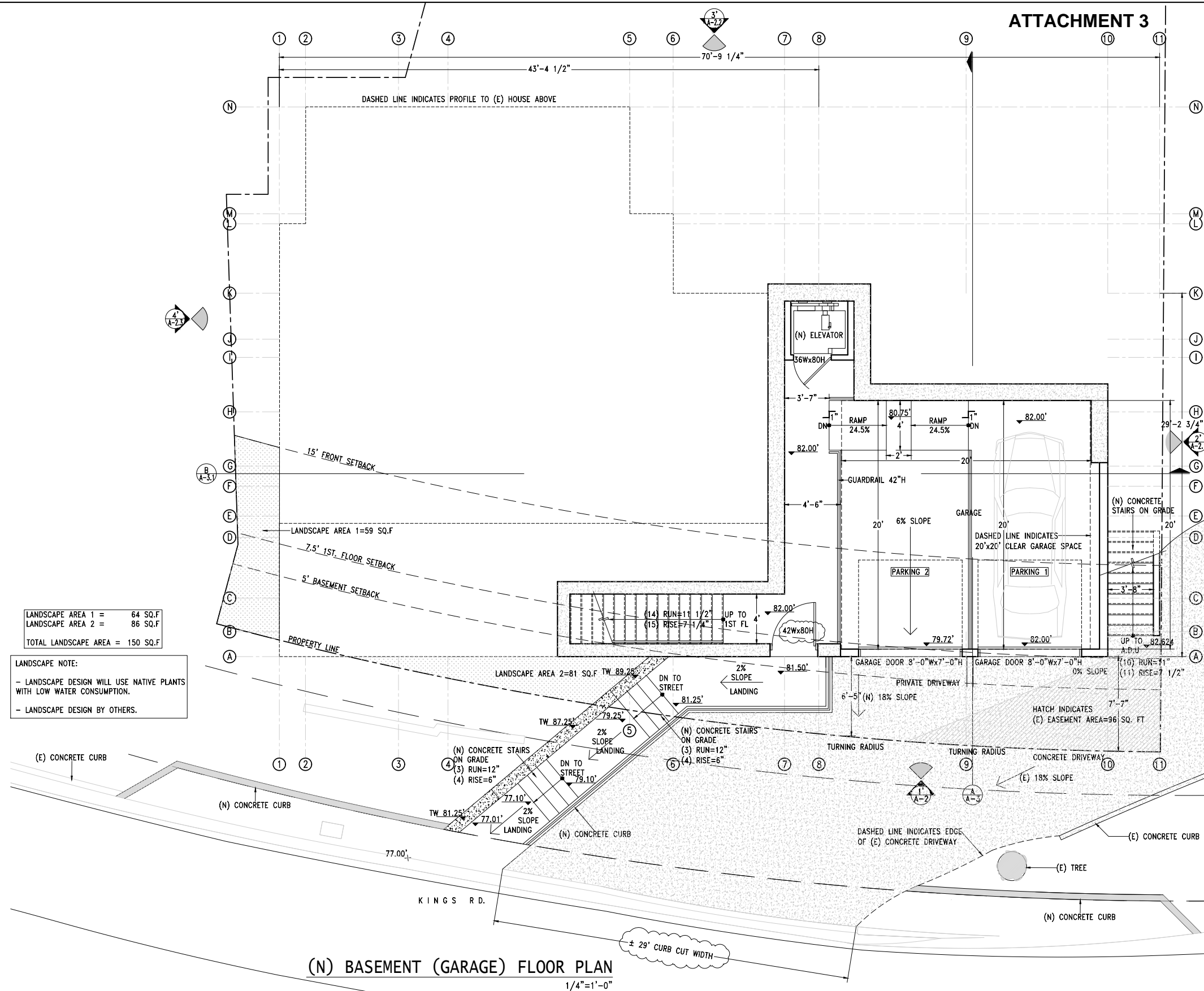


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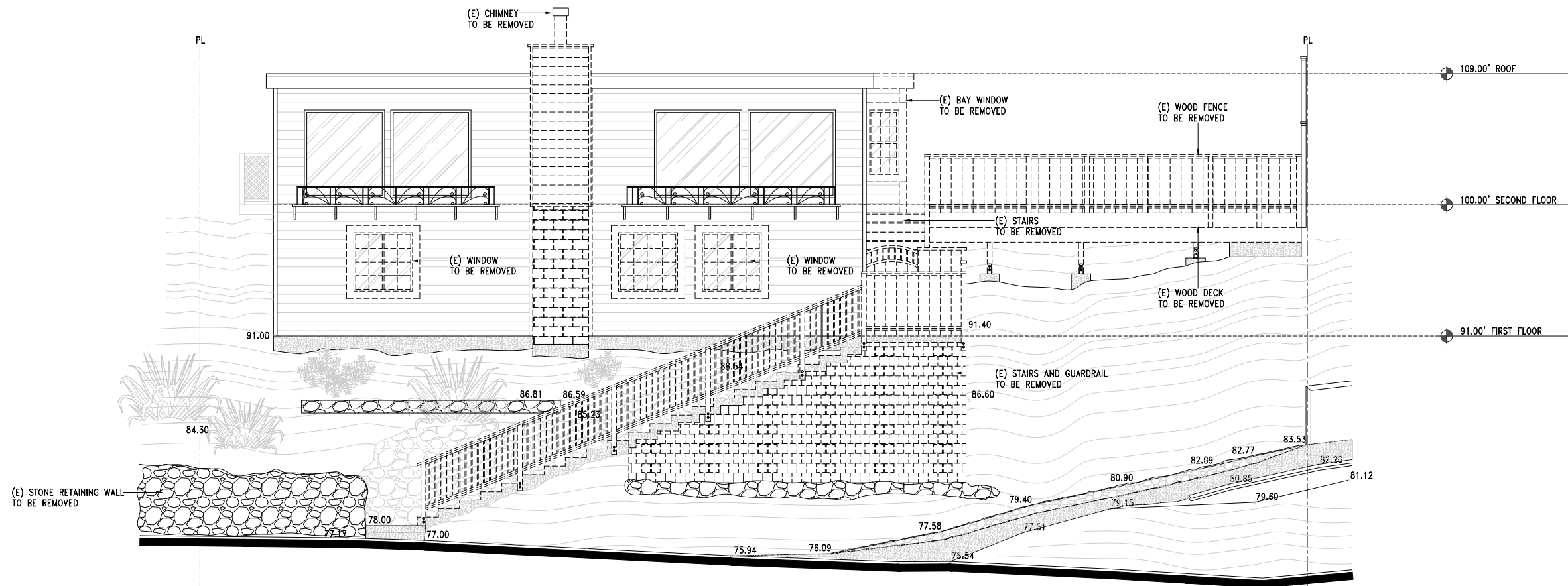
LANDSCAPE AREA 1 =	64 SQ.F
LANDSCAPE AREA 2 =	86 SQ.F
TOTAL LANDSCAPE AREA =	150 SQ.F

LANDSCAPE NOTE:  
 - LANDSCAPE DESIGN WILL USE NATIVE PLANTS WITH LOW WATER CONSUMPTION.  
 - LANDSCAPE DESIGN BY OTHERS.

(N) BASEMENT (GARAGE) FLOOR PLAN  
 1/4"=1'-0"

	<b>AZ DESIGN AND ENGINEERING, INC.</b> 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com			REVISION/DATE 1. FILING SET 12/06/2019	<b>A-1.2</b>
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>			SCALE: AS SHOWN DATE: NOV/2019	

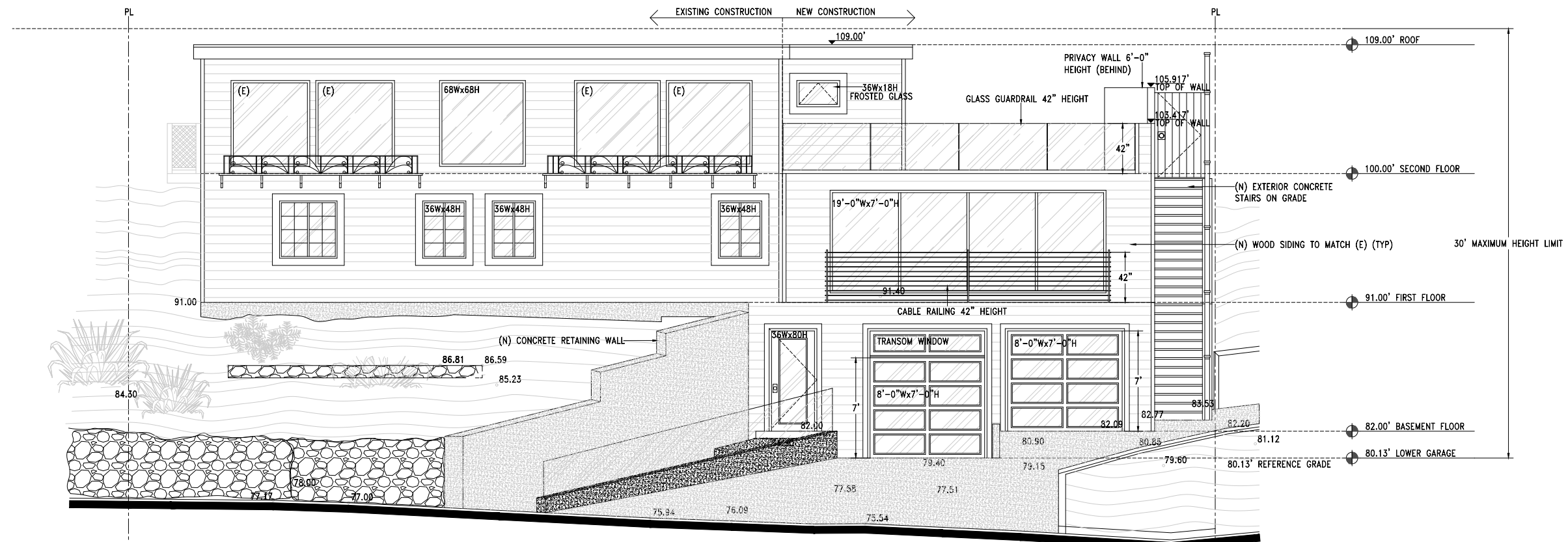
P.



1. (E) NORTH (FRONT) ELEVATION

1/4"=1'-0"

← EXISTING CONSTRUCTION    NEW CONSTRUCTION →



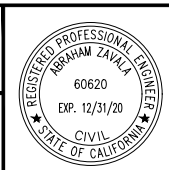
1. (N) NORTH (FRONT) ELEVATION

1/4"=1'-0"

MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

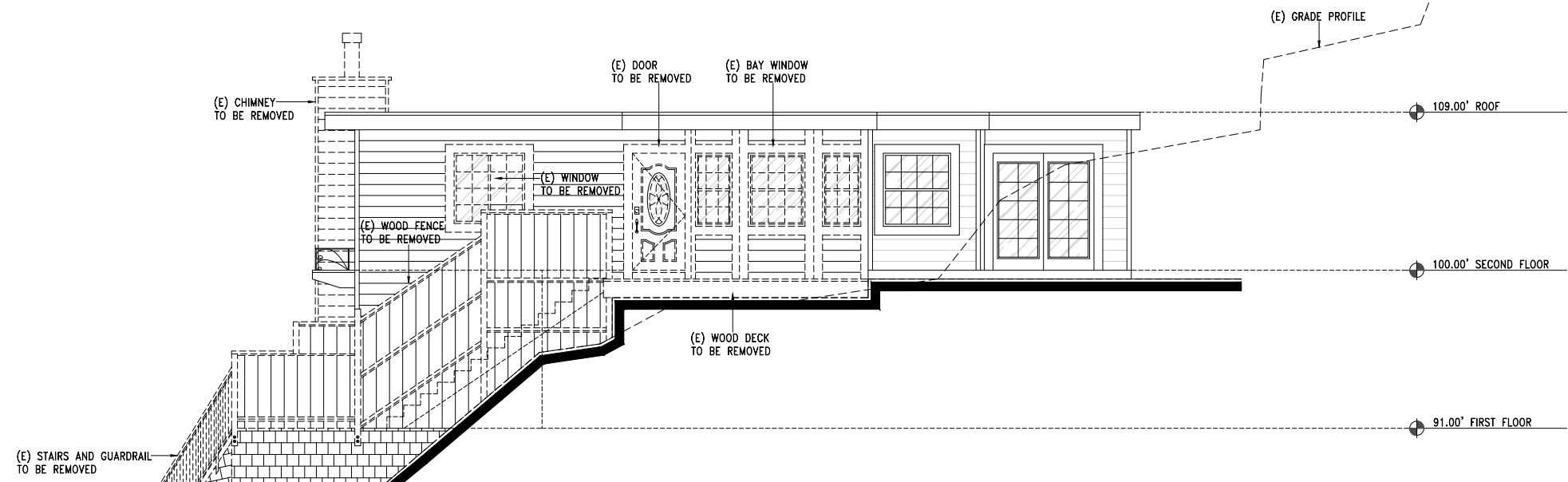


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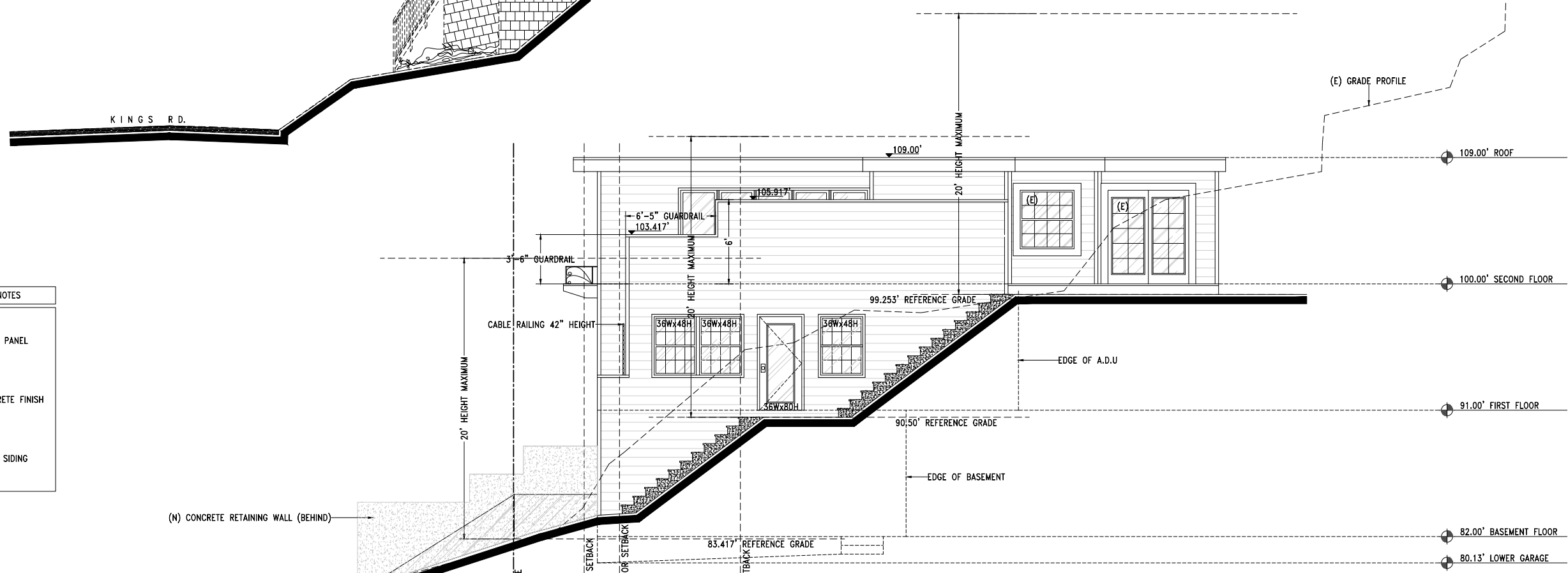


REVISION/DATE	
1.	FILING SET 12/06/2019

SCALE: AS SHOWN    DRAWN / REVIEWED: RD / AZ  
 DATE: NOV/2019    JOB No: AM1120



2. (E) WEST (RIGHT) ELEVATION  
1/4"=1'-0"



2'. (N) WEST (RIGHT) ELEVATION  
1/4"=1'-0"

MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING



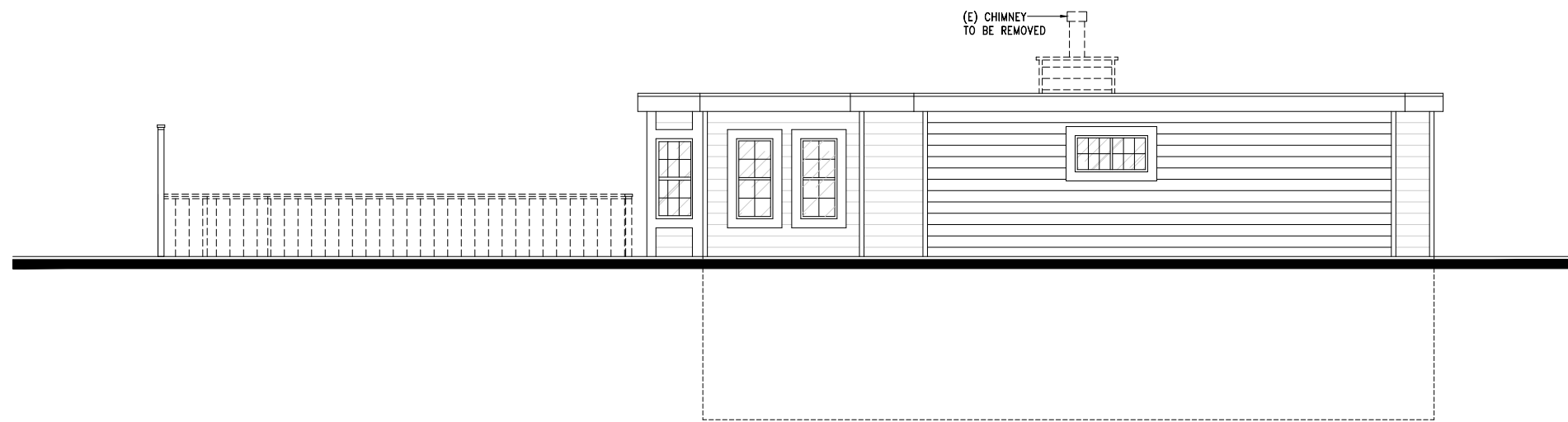
AZ DESIGN AND ENGINEERING, INC.  
 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044  
 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com  
 NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
**OWNER: JOHN HUANG**

REVISION/DATE	
1. FILING SET	12/06/2019

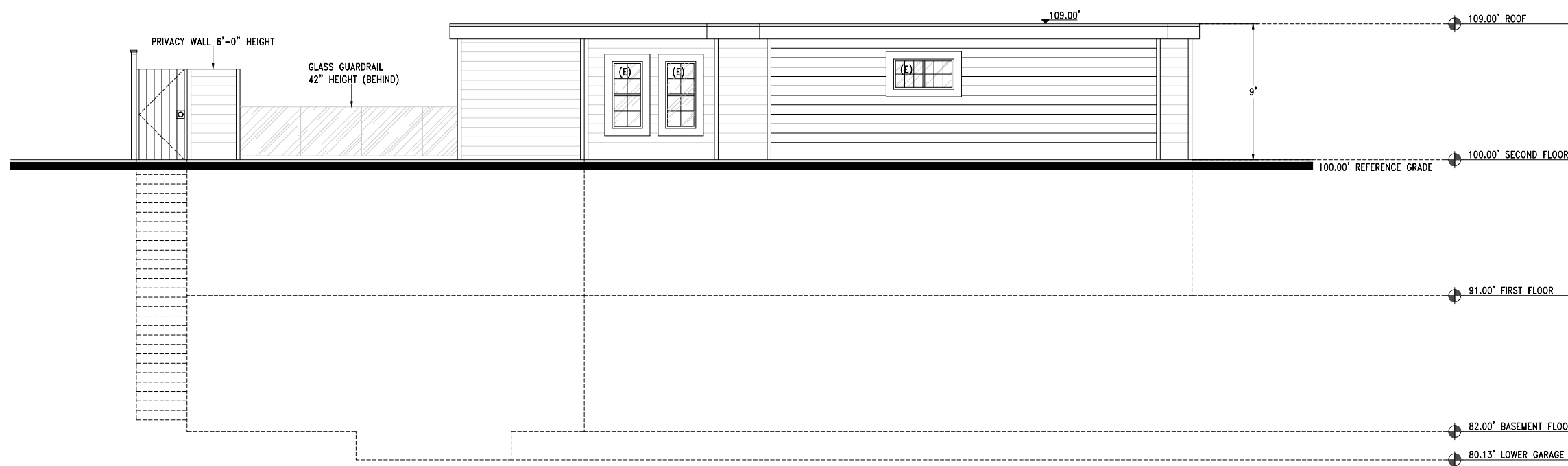
  

SCALE:	AS SHOWN	DRAWN / REVIEWED	RD / AZ
DATE:	NOV/2019	JOB No:	AM1120

A-2.1



3. (E) SOUTH (REAR) ELEVATION  
1/4"=1'-0"

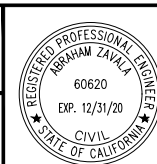


3'. (N) SOUTH (REAR) ELEVATION  
1/4"=1'-0"

MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

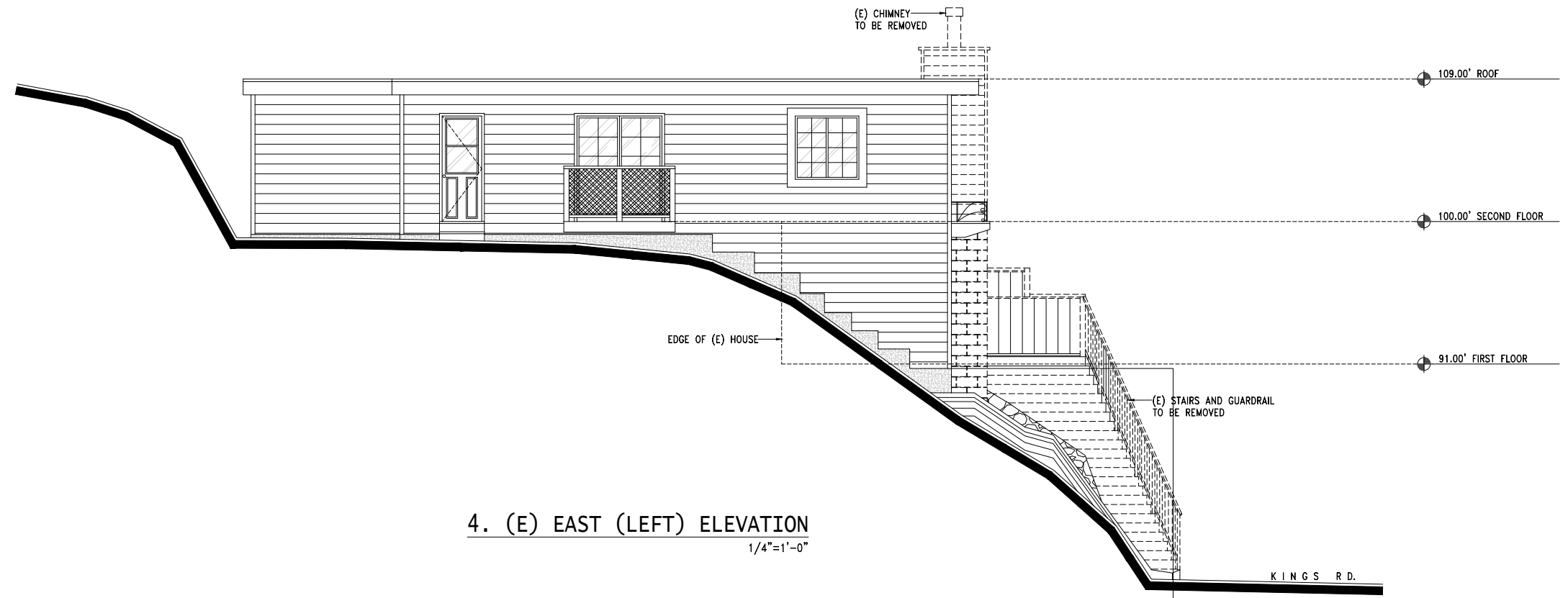


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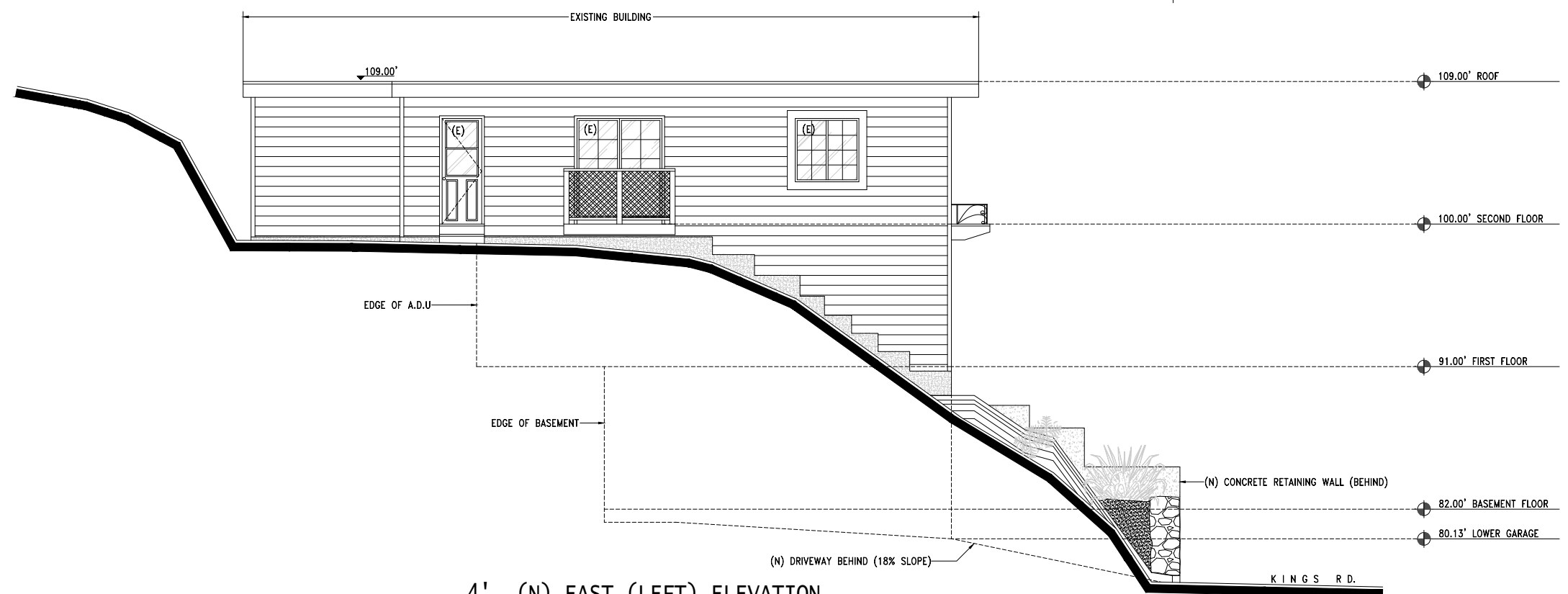


REVISION/DATE	
1. FILING SET	12/06/2019
SCALE: AS SHOWN	DRAWN / REVIEWED: RD / AZ
DATE: NOV/2019	JOB No: AM1120

A-2.2



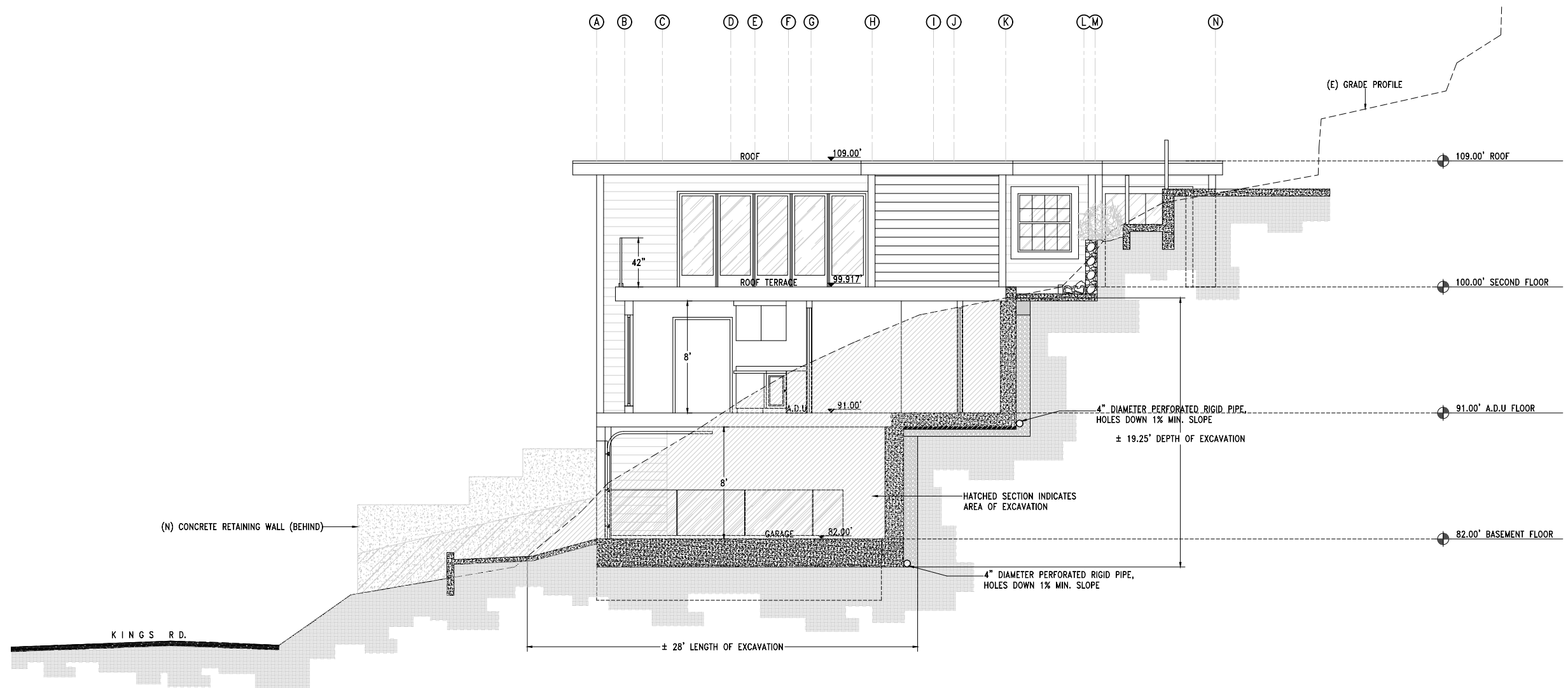
**4. (E) EAST (LEFT) ELEVATION**  
1/4"=1'-0"



**4'. (N) EAST (LEFT) ELEVATION**  
1/4"=1'-0"

MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

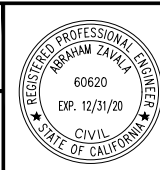
	AZ DESIGN AND ENGINEERING, INC. 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com		REVISION/DATE	
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005		1. FILING SET 12/06/2019	
	OWNER: JOHN HUANG		SCALE: AS SHOWN	DRAWN / REVIEWED: RD / AZ
	DATE: NOV/2019	JOB No: AM1120		



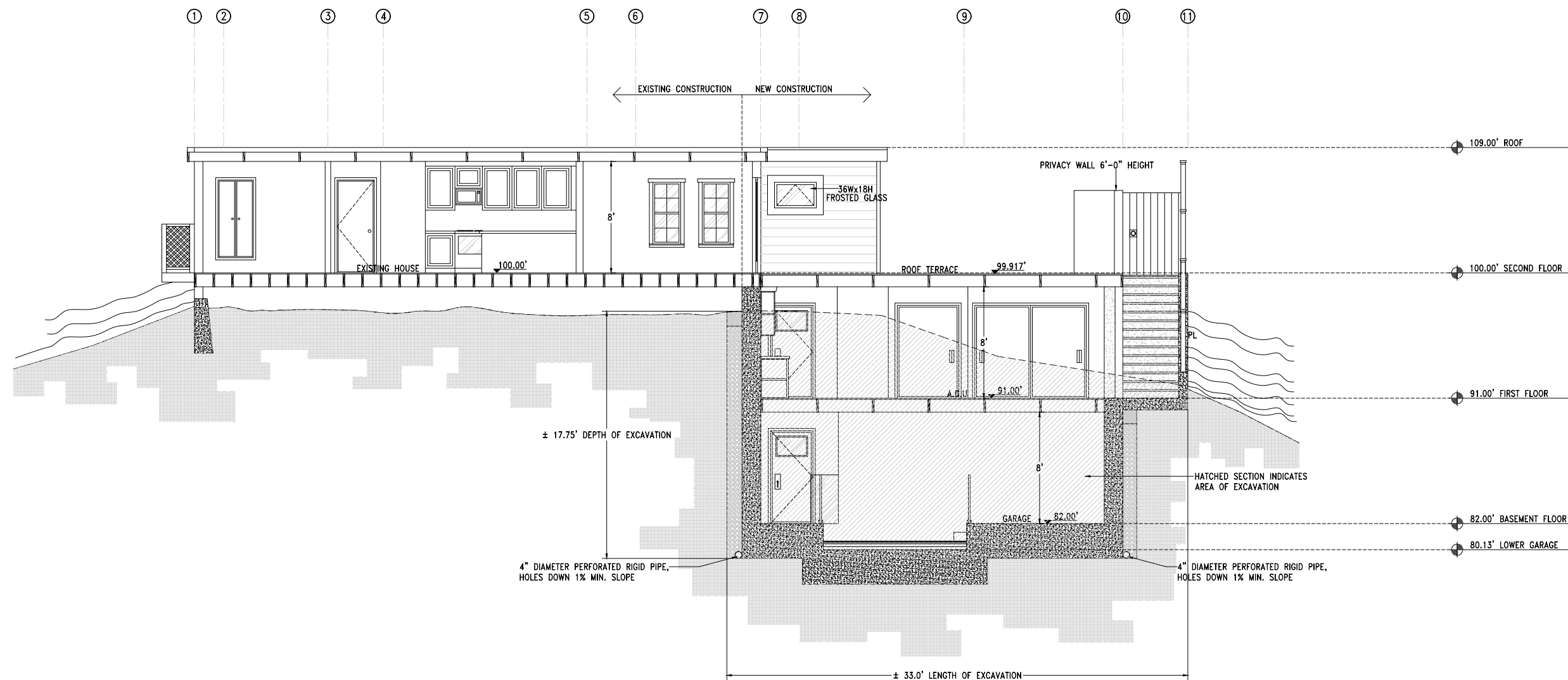
(N) SCHEMATIC LONGITUDINAL CROSS SECTION A  
1/4"=1'-0"



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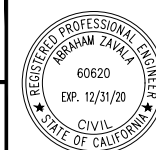
REVISION/DATE	
1. FILING SET	12/06/2019
SCALE: AS SHOWN	DRAWN / REVIEWED RD / AZ
DATE: NOV/2019	JOB No: AM1120



(N) SCHEMATIC TRANSVERSAL CROSS SECTION B  
1/4"=1'-0"



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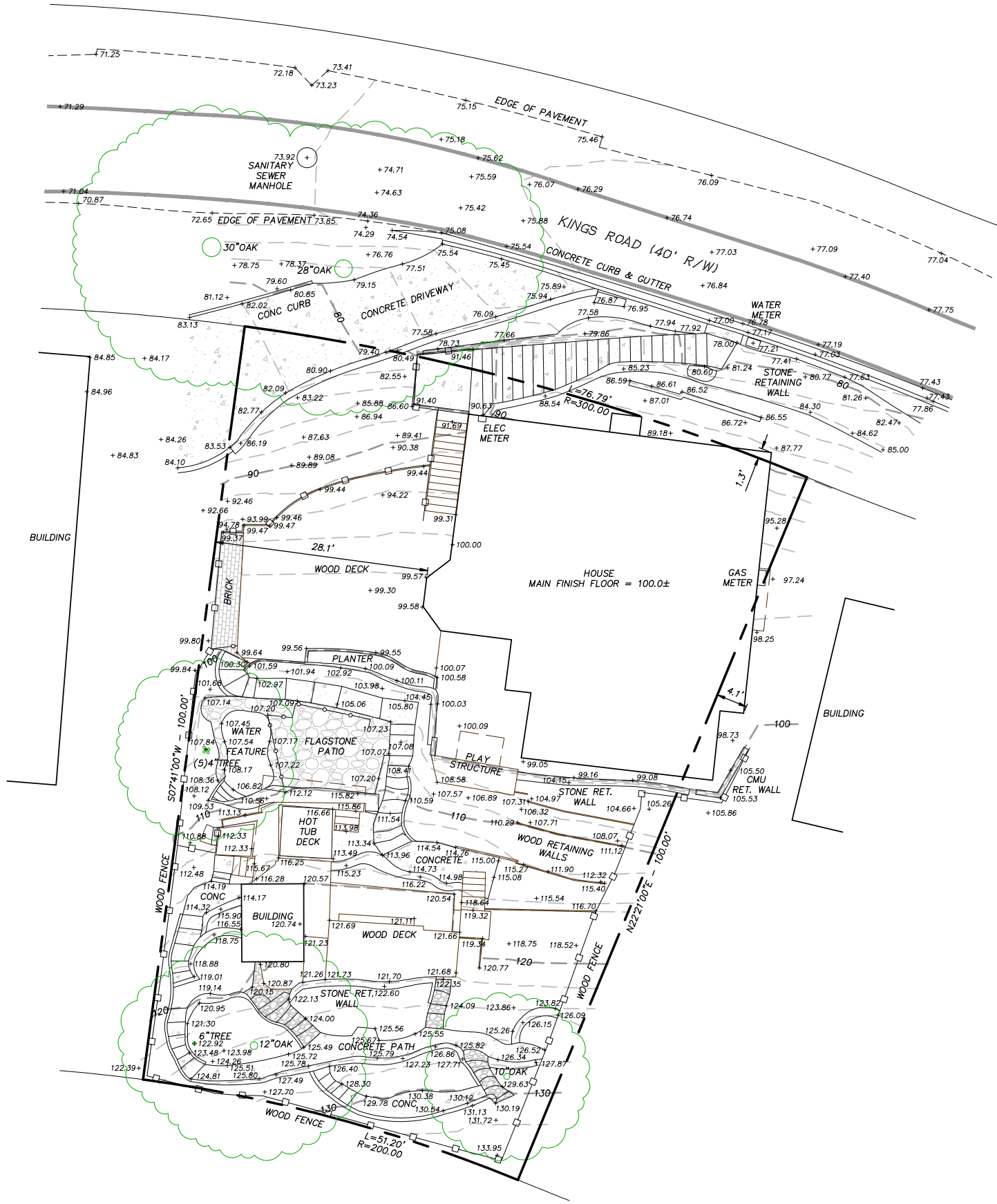
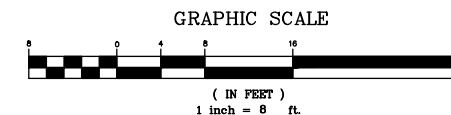
REVISION/DATE	
1. FILING SET	12/06/2019
SCALE: AS SHOWN	DRAWN / REVIEWED
DATE: NOV/2019	JOB No: AM1120

A-3.1

# TOPOGRAPHIC AND BOUNDARY SURVEY

338 KINGS ROAD  
CITY OF BRISBANE

SAN MATEO COUNTY - CALIFORNIA  
SCALE: 1 INCH = 8 FEET  
MAY 2019



LOT AREA:  
6,400± SQUARE FEET

ASSESSOR PARCEL NUMBER:  
007-471-170

### LEGAL DESCRIPTION

LOTS 33, 34, 35, BLOCK 51, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF SUBDIVISION NO. 1, 2 AND 3 OF CITY OF VISITACION, CALIFORNIA", FILED FOR RECORD ON OCTOBER 4, 1908, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN VOLUME 6 OF MAPS AT PAGE 45.

### NOTES:

1. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. BASIS OF ELEVATION: ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM. MAIN FINISH FLOOR AT FRONT ENTRY = 100.0.
3. NO TITLE REPORT WAS FURNISHED IN THE COURSE OF THIS SURVEY, THEREFORE EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
4. 2' CONTOUR INTERVAL.

### SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

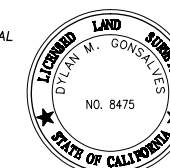
JOHN HUANG IN: MARCH 2019

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475

ON MAY 8, 2019

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

*Dylan M. Gonsalves*  
DYLAN M. GONSALVES  
DATE: 5-14-2019



**DMG ENGINEERING, Inc.**  
30 OAKVUE COURT  
PLEASANT HILL, CA 94523  
PHONE: (925) 787-0463  
FAX: (925) 287-8503

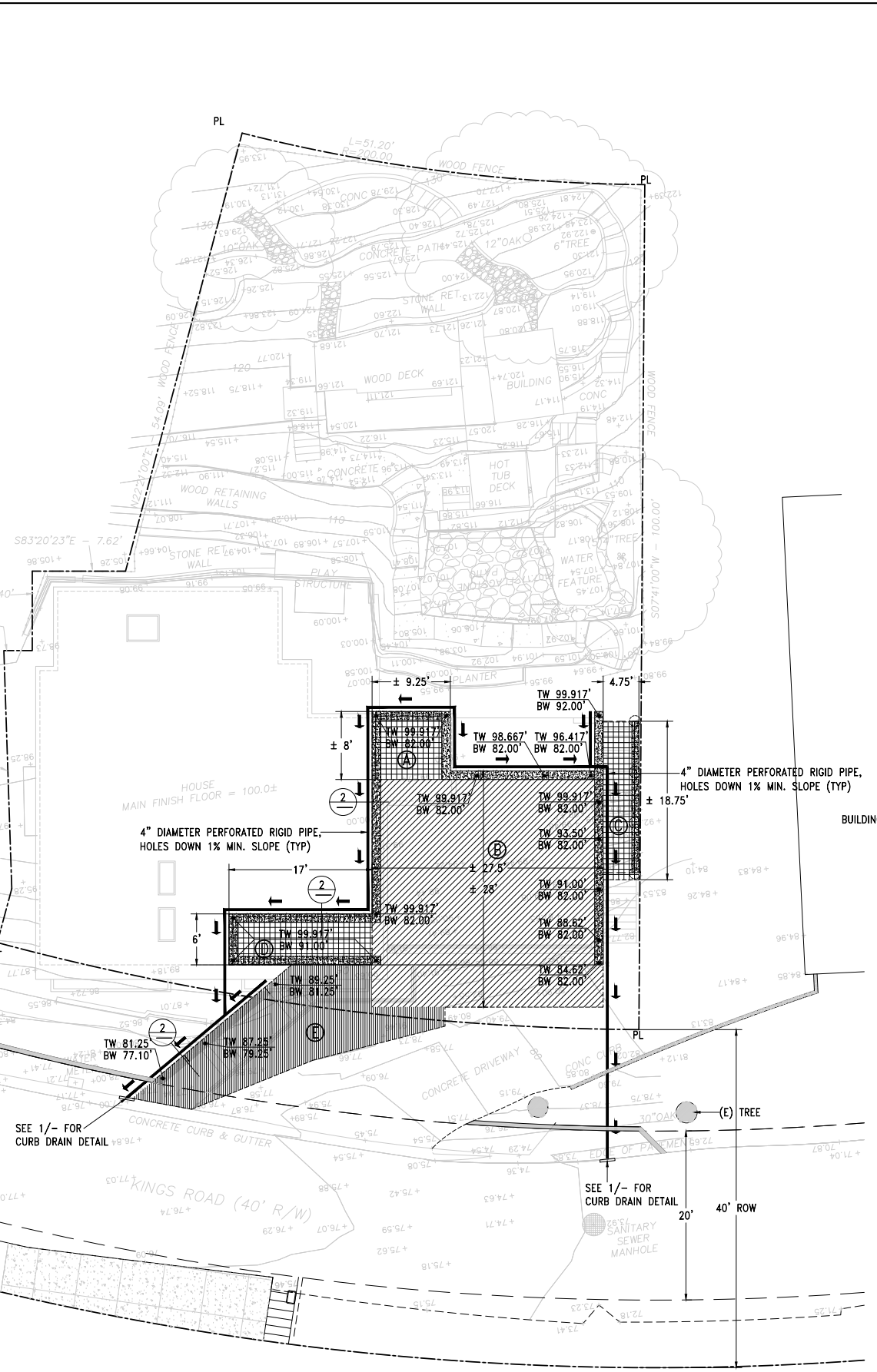
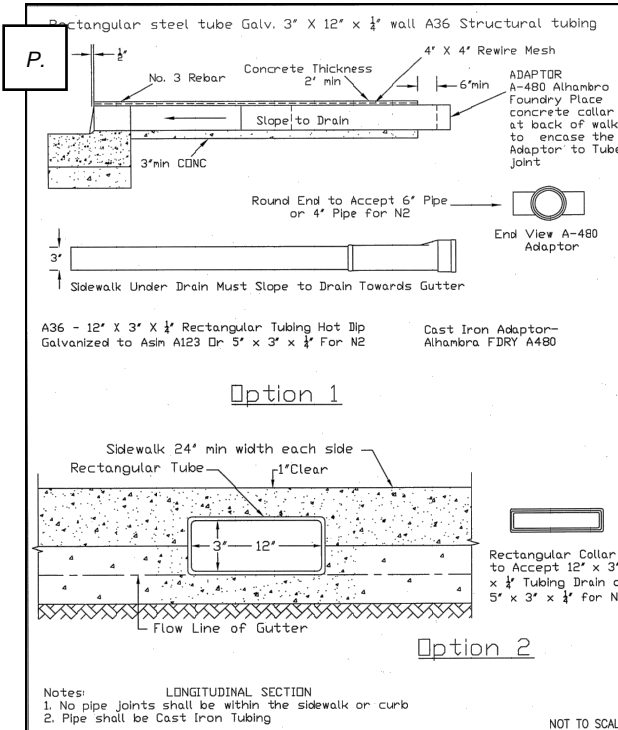
DMG ENGINEERING, Inc.  
RESTRICTED ENGINEERING DRAWINGS  
The information, plans, designs, notes and arrangements shown on this drawing are confidential and may not be reproduced in whole or in part without the expressed written permission of DMG ENGINEERING, Inc. Drawings written as Preliminary/schematic and/or concept contain information that is conceptual subject to verification and/or change. The engineer makes no claim for accuracy of conceptual information or of information supplied by others.

NO.	DATE	DESCRIPTION	BY

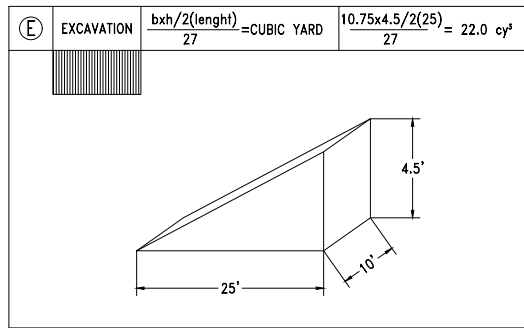
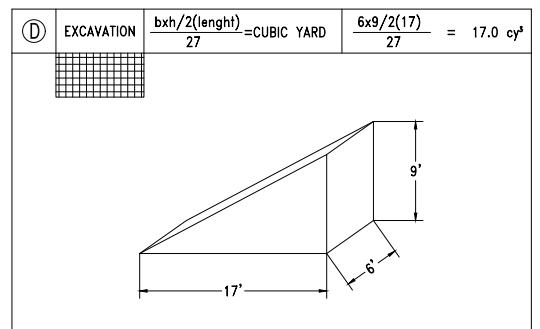
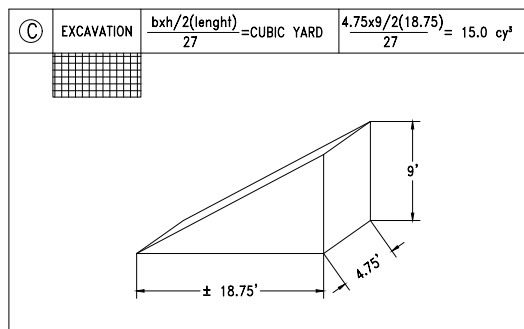
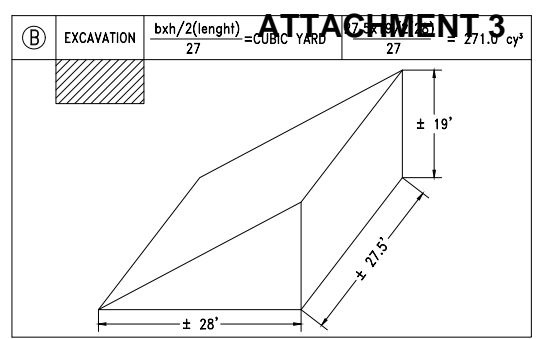
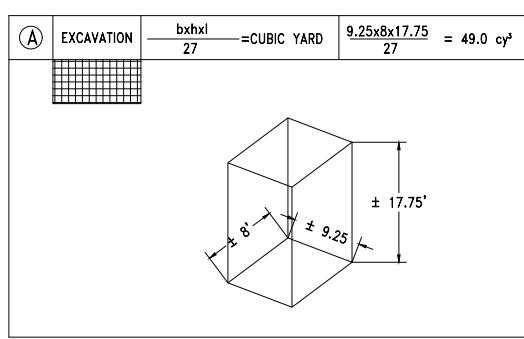
**TOPOGRAPHIC AND BOUNDARY SURVEY**  
338 KINGS ROAD  
CITY OF BRISBANE - CALIFORNIA  
SCALE: 1 INCH = 8 FEET  
MAY 2019

SHEET 1  
OF 1 SHEETS  
ORIG.DWG: 5-14-2019  
REV.DWG: \_\_\_\_\_  
JOB: 19-56

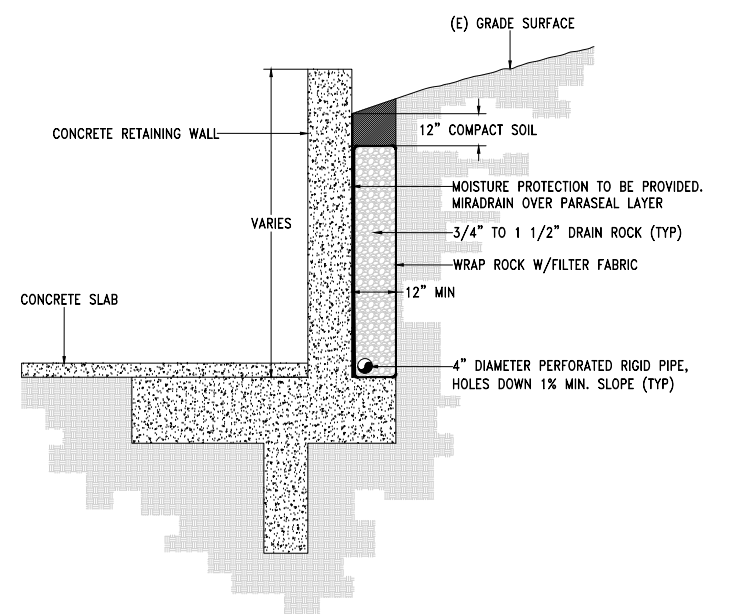




**DETAIL # 1**  
N.T.S.



GRADING DATA (CUBIC YARD)	
MK	EXCAVATION
(A)	49.00
(B)	271.00
(C)	15.00
(D)	17.00
(E)	22.00
<b>GRAND TOTAL=374.0 CUBIC YARDS</b>	



**DETAIL # 2**  
N.T.S.

**PROPOSED GRADING AND STORMWATER DISCHARGE PLAN**  
1/8"=1'-0"

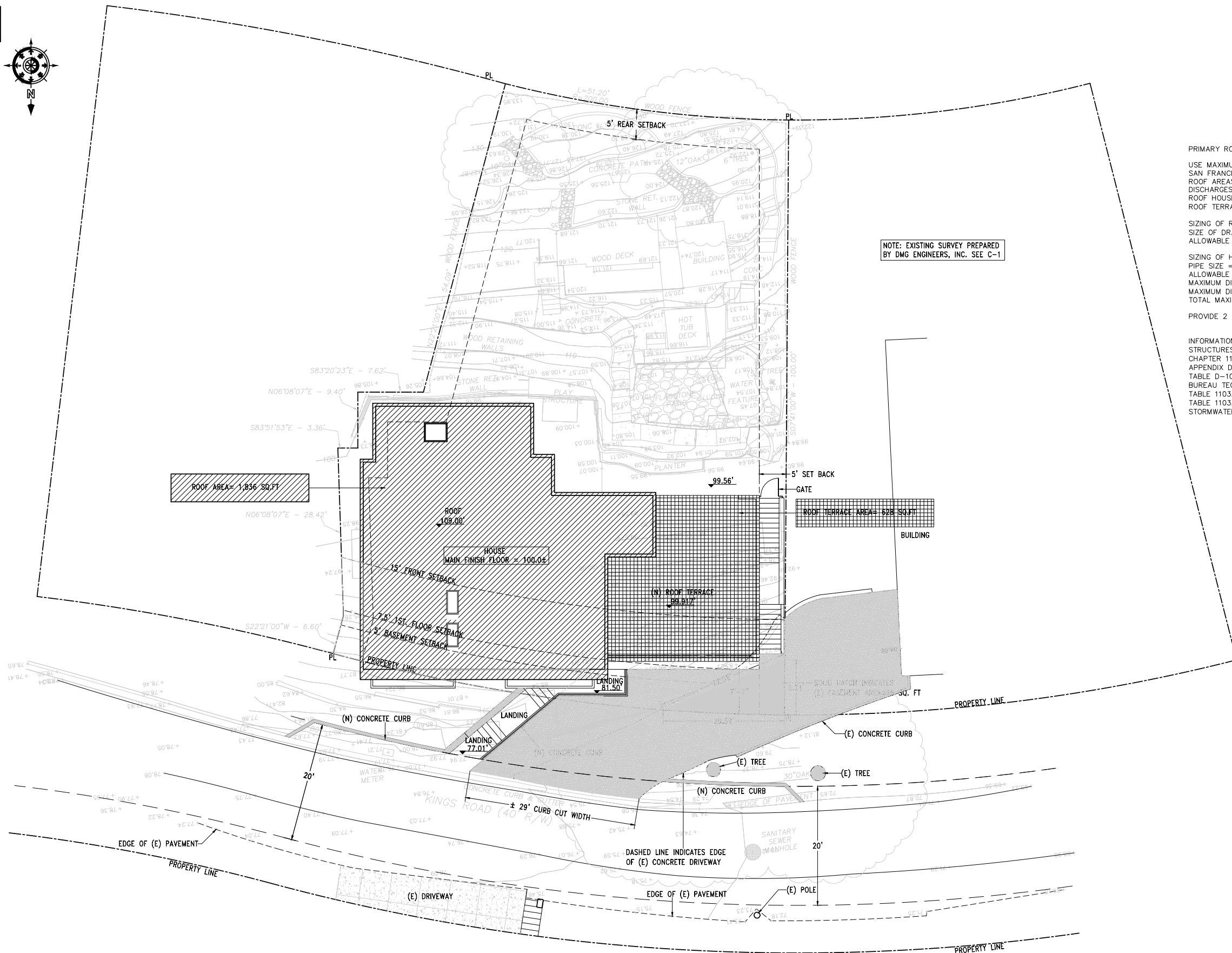
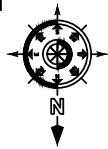
NOTE: EXISTING SURVEY PREPARED BY DMG ENGINEERS, INC. SEE C-1



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	REVISION / DATE
	1. FILING SET 06/03/2020
SCALE: AS SHOWN	DRAWN / REVIEWED: AZ
DATE: NOV/2019	JOB No: AM1120

P.



NOTE: EXISTING SURVEY PREPARED BY DMG ENGINEERS, INC. SEE C-1

**PRIMARY ROOF DRAINAGE**

USE MAXIMUM RATE OF RAINFALL OF 60 MINUTES, 100 YEAR RETURN, FROM TABLE D-101.1  
 SAN FRANCISCO RATE - 1.5 INCHES/HR AND 0.016 GPM/SQUARE FOOT  
 ROOF AREAS - ROOF HOUSE AREA = 1,836 SQF - ROOF TERRACE AREA = 628 SQF  
 DISCHARGES BASED ON THE ROOF AREAS:  
 ROOF HOUSE AREA = 1,836 SQF x 0.016 GPM/SQF = 30 GPM  
 ROOF TERRACE = 628 SQF x 0.016 GPM/SQF = 10 GPM

**SIZING OF ROOF DRAINS, LEADERS AND VERTICAL RAINWATER PIPING (TABLE 1103.1)**  
 SIZE OF DRAIN OR PIPE = 2" DIAMETER  
 ALLOWABLE FLOW = 30 GPM

**SIZING OF HORIZONTAL RAINWATER PIPING (TABLE 1101.7)**  
 PIPE SIZE = 3" DIAMETER FLOWING AT 1/4" SLOPE  
 ALLOWABLE FLOW = 48 GPM  
 MAXIMUM DISCHARGE FROM ROOF HOUSE = 30 GPM/2 = 15 GPM (PROVIDE 2 DRAINS PER SIDE)  
 MAXIMUM DISCHARGE FROM ROOF TERRACE = 10 GPM/2 = 5 GPM (PROVIDE 1 DRAIN PER SIDE)  
 TOTAL MAXIMUM DISCHARGE = 15 GPM + 5 GPM = 20 GPM << 48 GPM

PROVIDE 2 OVERFLOW DRAINS AT ROOF HOUSE AND TWO AT ROOF TERRACE (2" ABOVE ROOF LEVEL)

INFORMATION FROM ABOVE IS BASED ON CHAPTER 15 (CBC-2019 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES), 1502 ROOF DRAINAGE.  
 CHAPTER 11 (CPC OR CALIFORNIA PLUMBING CODE 2019),  
 APPENDIX D (CPC-2019) SIZING STORM WATER DRAINAGE SYSTEMS  
 TABLE D-101.1 (CPC-2019) MAXIMUM RATES OF RAINFALL FOR VARIOUS CITIES BASED ON U.S WEATHER BUREAU TECHNICAL PAPER No.40, CHART 14: 100-YEAR 60-MINUTE RAINFALL (INCHES).  
 TABLE 1103.1 (CPC-2019) SIZING ROOF DRAINS, LEADERS, AND VERTICAL RAINWATER PIPING.  
 TABLE 1103.2 (CPC-2019) SIZING OF HORIZONTAL RAINWATER PIPING.  
 STORMWATER REQUIREMENTS CHECKLIST FOR SMALL PROJECTS (CITY OF BRISBANE).

PRIMARY ROOF DRAINAGE PLAN  
1/8"=1'-0"



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**OWNER: JOHN HUANG**

	REVISION/DATE	<p style="font-size: 2em; font-weight: bold;">C-3</p>
	1. FILING SET 06/03/2020	
	SCALE: AS SHOWN DRAWN: RD REVIEWED: AZ DATE: NOV/2019 JOB No: AM1120	

Reso EX-4-19

## RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
**DENYING** GRADING REVIEW EX-4-19  
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO  
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that would require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission closed the public hearing and came to a consensus to deny the project based on its impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, and deferred adoption of findings of denial to the next regular Planning Commission meeting; and

WHEREAS, on March 10, 2020, the applicant submitted a written request to the Planning Commission to reconsider their intended denial of the application due to revisions to the project plans and work scope to address many of the concerns voiced by the Planning Commission at their February 27, 2020 meeting; and

WHEREAS, due to the San Mateo County Health Officer's Shelter in Place Order in effect as of March 16, 2020 (most recently amended June 4, 2020 via Order No. C19-5f), the Planning Commission cancelled all scheduled meetings in March and April of 2020; and

WHEREAS, at the next regular meeting of May 14, 2020 held virtually via teleconference in compliance with the Governor's Order N-29-20, the Planning Commission considered the applicant's request for reconsideration of a revised application and voted unanimously to grant the request and schedule the application for review at a future public hearing; and

WHEREAS, on June 25, 2020, the Planning Commission conducted a hearing of the revised application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

Reso. EX-4-19

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of June 25, 2020 did resolve as follows:

City Engineer issuance of Grading Permit EX-4-19 is not recommended by the Planning Commission.

ADOPTED this 25<sup>th</sup> day of June, 2020, by the following vote:

AYES: Gomez, Gooding, Mackin, Patel, Sayasane

NOES: None

ABSENT: None

*Pamala Sayasane*  
PAMALA SAYASANE  
Chairperson

ATTEST:

*John Swiecki*  
JOHN A. SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Denial of Grading Review EX-4-19, via adoption of Resolution EX-4-19.

Findings of Denial:

Grading Permit EX-4-19

- As evidenced by the applicant’s grading plan and site plan, the proposed excavation is limited to the footprint of the additions, required driveway widening, and pedestrian access stairway to allow access to the house from the street. ~~The grading plan design would allow the new building addition to sit within the hillside without significantly altering the surrounding topography. The location and volume of the proposed excavation is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and to the driveway design standards contained in Chapter 17.34 of the Municipal Code. The proposed excavation is also the minimum necessary to allow safe egress and ingress for the adjoining property at 334 Kings Road and is compliant with the recorded vehicular access easement benefitting 334 Kings Road.~~
- The proposed grading would result in one exposed retaining wall of approximately eight feet in height within a portion of the front setback, extending into the public right-of-way, in conjunction with a new on-grade stairway to provide access from the street to the main dwelling. ~~With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant’s option at building permit. Additionally, the conditions of approval recommend that the City Engineer consider requiring other new retaining walls within the public right-of-way to be similarly treated or screened, subject to the discretion of the City Engineer.~~
- The applicant’s grading plan ~~is designed to conserve existing street trees and does not propose removal of any trees on the property~~ does not demonstrate it would preserve adjacent coast live oak street trees. Potential conflicts with the trees root system due to excavation and trenching for underground drainage during construction, and the proximity of the trees to cars exiting the proposed garage are of concern. Removal and replacement of the trees would not be appropriate for this project due to the role they play in slope stabilization. ~~The conditions of approval recommend that the City Engineer require an arborist report to evaluate the project’s potential impact to the long term health of this street tree, and further recommend that if the project is found to have significant impacts to the long term health of the tree that would require its removal that the applicant contribute funds for replacement street trees reaching similar canopy height at maturity to be planted at a 3:1 ratio.~~
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan

DRAFT  
BRISBANE PLANNING COMMISSION  
Action Minutes of June 25, 2020  
Virtual Regular Meeting

CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners, Gomez, Gooding, Mackin, Patel and Sayasane.  
Absent: None.  
Staff Present: Community Development Director Swiecki, Senior Planner Ayres, Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Patel moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Gooding moved adoption of the consent calendar (agenda item A). Commissioner Patel seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

There were no written communications.

NEW BUSINESS

- B. **PUBLIC HEARING: Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Reconsideration of Grading Review application for approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

Senior Planner Ayres gave the staff report. She answered questions regarding the elimination of the previously proposed on-street parking spaces, the proposed condition of approval to recommend the City Engineer require an arborist report regarding the project’s potential impact to tree roots versus requiring such a report, and use of the public right of way for accessing the subject property.

Brisbane Planning Commission Minutes  
June 25, 2020  
Page 2  
DRAFT

Chairperson Sayasane opened the meeting to public comment.

Abraham Zavala, the applicant, and John Petroff, the project geologist engineer, addressed the Commission. Mr. Zavala described the project changes. Mr. Petroff explained the borings completed found bedrock fairly close to the surface, as reported in the geotechnical report.

Chairperson Sayasane asked Mr. Petroff if he was aware of complaints from neighboring properties regarding erosion.

Mr. Petroff stated he was not aware of such complaints and reiterated the findings of the test borings relative to low erosion potential.

Commissioner Gooding asked Mr. Petroff if he was aware of slides on Kings Road in other areas.

Mr. Petroff stated he was aware of “blow outs” of the hillside along Kings Road in Brisbane, but could not verify their exact location.

Commissioner Gooding asked Mr. Petroff whether slides were likely on the subject property from the proposed project.

Mr. Petroff stated based on his site observations and soil conditions, the soil conditions were very favorable for the proposed development and the proposed project would enhance the stability of the site and drainage of the site with the installation of retaining walls with integrated drainage. He did not observe any areas on the site that resembled a minor or major erosion or sliding.

Commissioner Gooding asked if there would be more or less water coming off the site with the proposed project.

Mr. Petroff stated he was not a hydrologist and could not address the volume of water runoff from the site, but reiterated that the project would enhance site drainage compared to existing conditions.

Commissioner Mackin asked how much water would be handled by the four inch perforated perimeter pipe and asked how he arrived at that recommendation. She asked how other drains on the property would tie into the four inch pipe.

Mr. Petroff said the solid pipe system would service any downspouts or area drains, and the perforated pipe would handle the subdrain water coming from below the ground surface. There would be two active drainages that could be combined in the same trench and route water around the house and discharge into the storm drain system at the street.

Commissioner Mackin asked how the drains were sized and what calculations were used.

Brisbane Planning Commission Minutes  
June 25, 2020  
Page 3  
DRAFT

Mr. Zavala said he prepared the calculations for the drain sizing based on the precipitation coming from the roof and retaining wall per California Building Code requirements. The existing drainage system for the existing system has to be improved as well because the current downspouts drain directly onto the ground near the foundation, so the project would improve existing drainage as well. A four inch perforated pipe is typical, but the City Engineer may require modifications.

Mr. Petroff said the key player in a sub drain isn't the pipe, but the trench itself in directing the water.

Commissioner Mackin said the geotechnical report found that the existing foundation was affected by existing settlement and portions of the existing foundation may need to be underpinned or replaced and asked if that will be addressed.

Mr. Zavala said that would be addressed in the building permit application.

Commissioner Mackin said the geotechnical report requires the geotechnical engineer to be on-site during construction.

Mr. Zavala said it is typical for the existing property foundation to be underpinned. In this case only one side is affected.

Commissioner Mackin asked what caused the existing residence to be four inches out of level and foundation settlement.

Mr. Zavala said a house of this age commonly has an undersized foundation.

Mr. Petroff said foundation construction for older homes was to a different standard and less sophisticated than current foundation design. Current foundation designs avoid settlement. In their geotechnical report they found some fill along the front of the house and the foundation is less than a foot deep in that location. He said the report's recommendations for underpinning and shoring up the existing home during construction are all typical recommendations. The geotechnical engineer will be on-site during construction and will be able to consult with the contractor and project engineer throughout the entire project to ensure its safety.

Michelle Salmon, Brisbane resident, shared her concerns with impacts to street trees, including excavation near the roots. She also was concerned with fracturing the sandstone bedrock. She said it was not a stable land mass. She said the Council's recent budget included funding for the City's stormwater drainage system which costs would continue to escalate as long as stormwater runoff was filtered into the storm drain system. She said they should correct the existing foundation problem before they excavate. She said the project was a flip. She said a hydrologist should be consulted and answers should be locked down before issuing any approvals.



Brisbane Planning Commission Minutes  
June 25, 2020  
Page 4  
DRAFT

Prem Lall, Brisbane resident, said he was very concerned with Mr. Zavala and Mr. Petroff's statements regarding observing site conditions during construction "on the fly." He said if they do things "on the fly" and flip the house, the subsequent owner and downslope properties would be impacted. He said the engineers didn't seem to know what they were doing. He asked where the four inch pipe came from and once it is clogged with dirt what will happen?

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Patel seconded the motion and it was approved 5-0.

Commissioner Mackin shared her concerns with the impacts to street trees and the stability of the existing foundation. She said it has not been demonstrated to her that the project will be safe for downslope and next door neighbors.

Director Swiecki stated that Ms. Salmon texted him to ask the Chair if she could address the Commission again.

The Chair agreed and welcomed Ms. Salmon to address the Commission.

Ms. Salmon asked the Commission to make sure anything they approve is locked tight. She said a nine inch clearance for the tree was not adequate.

Commissioner Gooding asked if they could require an arborist report to be prepared, and if the report finds the project will damage the trees, could that stop the project?

Director Swiecki stated the normal sequence would be to require an arborist report prior the building permit being issued that would evaluate impacts to the street trees. He noted the Municipal Code allows for street trees to be removed and replaced. The Municipal Code doesn't prohibit the project from proceeding if street tree removal is required. He stated the City Engineer is authorized to make decisions regarding street tree removal and replacement due to project construction, and staff would not speculate as to the City Engineer's decision in this case.

Director Swiecki advised the Commission that safety of a grading plan and safety of a construction project are subject to the purview of a licensed engineer. He cautioned the Commission about making assertions or conclusions regarding design safety and suitability unless they are professionally licensed to do so.

Commissioner Gooding stated he did not believe they had adequate advice from licensed professionals that the Commission needed to approve the project.

Chairperson Sayasane asked if they could require a hydrology report.

Director Swiecki stated the Commission could review a hydrology report or geotechnical report, but there was no basis in state law for the Commission to judge or dispute the conclusions of any such reports. He stated such reports would be for information only.

Brisbane Planning Commission Minutes  
June 25, 2020  
Page 5  
DRAFT

Commissioner Patel moved to deny the permit based on the finding that the application does not demonstrate it would preserve adjacent coast live oak street trees; potential conflicts with the trees root system due to excavation and trenching for underground drainage during construction, and the proximity of the trees to cars exiting the proposed garage are of concern; and removal and replacement of the trees would not be appropriate for this project due to the role they play in slope stabilization. Commissioner Gooding seconded the motion and the motion was approved 5-0.

Chairperson Sayasane read the appeals procedure.

#### ITEMS INITIATED BY STAFF

Director Swiecki stated the City Council continued the ADU draft ordinance the Commission approved in May to the fall and approved, on an emergency basis and with minor alterations, the STR ordinance.

#### ITEMS INITIATED BY THE COMMISSION

There were none.

#### ADJOURNMENT

Commissioner Gooding moved to adjourn to the regular meeting of Thursday, July 9, 2020. Commissioner Gomez seconded the motion and it was approved 5-0. The meeting adjourned at 9:15 p.m.

Attest:

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John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at [www.youtube.com/BrisbaneCA](http://www.youtube.com/BrisbaneCA), on the City's website at [www.brisbaneca.org](http://www.brisbaneca.org), or on DVD (by request only) at City Hall.

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 6/25/2020

**SUBJECT:** **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Reconsideration of Grading Review application for approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

**REQUEST:** The applicant requests reconsideration of grading review for 357 cubic yards of soil cut and export from the subject property. The proposed excavation is required to accommodate additions to the existing single-family dwelling, including construction of a two-car garage, on a site with no on-site parking. The proposed excavation would also accommodate expansion of an existing shared driveway for ingress and egress for the subject property and adjoining property 334 Kings Road, and to allow a new on-grade access stairways for the main dwelling and proposed accessory dwelling unit (ADU).

**RECOMMENDATION:** Recommend the City Engineer issue the grading permit via adoption of Resolution EX-4-19 containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** The project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(e) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Grading permit review by the Planning Commission is required for projects involving site grading of 250 CY or more or 50 CY of soil export per BMC §15.01.081.A and BMC §17.32.220.

### **BACKGROUND:**

A grading application for this property was previously considered by the Planning Commission at the regular meeting of February 27, 2020. After closing the public hearing, the Planning Commission voted 4-0-1 (Commissioner Gomez absent) to deny the application (see attachment H for February 27 agenda report and meeting minutes). However, because no findings of denial were adopted, final action on the application was deferred to the next regular meeting.

Commission meetings in March and April were cancelled due to the Countywide shelter in place order. During that period, the applicant submitted a written request that the Commission reconsider its intent to deny the project and to allow for the reconsideration of a revised project

EX-4-19  
June 25, 2020 Meeting  
Page 2 of 4

that addressed the Planning Commission's initial concerns. At its meeting of May 14, 2020, the Planning Commission considered and granted the applicant's request for reconsideration.

### Revised Project

The revised project plans are attached for the Commission's consideration (see Attachment A). The previous plans are provided in Attachment B for reference.

The applicant has made the following revisions to the project plans:

- **Reduced area of additions.** The revised plans show an overall reduction of approximately 300 sq ft in proposed additions to the main dwelling. At the ground floor, this specifically reduces the area of excavation by approximately 185 sq ft, as shown on Sheets A1.2 and C-2 (see Attachment A). This also eliminates the requirement to provide an additional two off-street parking spaces, as the proposed and past additions to the main dwelling (excluding the area of the ADU and covered parking) cumulatively total less than 400 sq ft, which requires no additional parking per BMC Section 17.34.050. Because four parking spaces are no longer required, the previously proposed two parking spaces in the public right-of-way have been eliminated.
- **Revised driveway design.** The revised plans propose a 29 ft curb cut, four feet less than the previously proposed 33 ft curb cut (see Sheets A1.2 and C-2, Attachment A). The revised plan also eliminates the previously proposed expansion of the driveway's existing western edge, removing the conflict with the nearby 28 inch coast live oak street tree which is no longer proposed for removal.
- **Added drainage details.** The revised grading plan includes drainage details showing how stormwater runoff and groundwater will be collected and routed to the City's storm drain system (note: due to its small scale, the project is not required to treat or retain stormwater on-site under the Municipal Regional Stormwater Permit). (See Sheet C-2, Attachment A, and Attachment D, E, F, and G.)

### Technical Studies

At the Commission's request, the applicant has also voluntarily provided a geotechnical investigation prepared by Michelucci and Associates that evaluates the project feasibility based on the site soils and geology (see Attachment G). The investigation includes recommendations on foundation and drainage design based on the site's geological conditions. The applicant's revised grading and drainage plan will be reviewed by the City Engineer at the time of building and grading permit review to ensure the proposed foundation and drainage design conforms to the recommendations of the geotechnical engineer.

The City Engineer has reviewed the grading and site plans and will require the geotechnical investigation and engineered grading plans to be submitted with the building and grading permit applications. The Building Department and Fire Departments have also reviewed the proposed plans and have imposed conditions of approval to be satisfied at building permit, per the conditions of approval contained in Resolution EX-4-19.

EX-4-19  
June 25, 2020 Meeting  
Page 3 of 4

**ANALYSIS AND FINDINGS:**

**Grading Permit review:** In 2003, the Planning Commission adopted guidelines for reviewing grading permit applications that contain findings for permit approval. The full text of these guidelines are attached for the Commission’s reference in Attachment J. As the 2003 guidelines state, “Although the Municipal Code sets a 250 cubic yard threshold for Planning Commission review of Grading Permits, the fact that a project may include grading of more than 250 cubic yards alone **is not considered a significant or adverse impact**, in that a building alone can require that amount just to set it into the hillside without significantly changing the surround natural topography.”

With the conditions of approval contained in the attached Resolution, the revised project **would meet** the guidelines for Commission approval.

- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 & 312 and Program 18a).

As evidenced by the applicant’s revised grading plan and site plan, the proposed excavation is limited to the footprint of the additions, required driveway widening, and pedestrian access stairway to allow access to the house and ADU from the street. The grading plan is designed to allow the new building addition to sit within the hillside without significantly altering the surrounding topography. The location and volume of the proposed excavation is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and to the driveway design standards contained in Chapter 17.34 of the Municipal Code (maximum driveway grade of 20%). The proposed excavation is also the minimum necessary to allow safe egress and ingress for the adjoining property at 334 Kings Road and is compliant with the recorded vehicular access easement benefitting 334 Kings Road.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

The proposed grading would result in one exposed retaining wall of approximately eight feet in height within a portion of the front setback, extending into the public right-of-way, in conjunction with a new on-grade stairway to provide access from the street to the main dwelling. With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant’s option at building permit. Additionally, the conditions of approval recommend that the City Engineer consider requiring other new retaining walls within the public right-of-way to be similarly treated or screened. Retaining wall design in the right-of-way is subject to the sole discretion of the City Engineer.

- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30

EX-4-19  
June 25, 2020 Meeting  
Page 4 of 4

inches measured 24 inches above natural grade. Where removal of existing trees is necessary, planting of appropriate replacement trees is provided.

The applicant’s grading plan is designed to conserve existing street trees and does not propose removal of any trees on the subject property. The previously proposed driveway design and grading plan called for expansion of the existing driveway to the west, directly conflicting with an existing 28 inch coast live oak street tree. The revised design eliminates that previously proposed expansion and does not call for removal of this street tree.

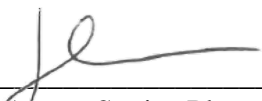
While the revised design would eliminate the previously proposed conflict with adjacent street trees, Condition of Approval C recommends that the City Engineer consider requiring an arborist report to evaluate the project’s potential impact to the long term health of adjacent street trees. Condition of Approval C further recommends that if the project is found to have significant impacts to the long-term health of adjacent street trees, the applicant should fund planting of replacement street trees reaching similar canopy height at maturity at a 3:1 ratio in the vicinity of the project.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

**ATTACHMENTS:**

- ~~A. Applicant’s revised plans~~ See Attachment 4 of 9/3 Council report
- [B. Applicant’s previous plans \(extracted from February 27, 2020 agenda report\)](#) Click to view online
- C. Draft Resolution EX-4-19 with recommended Findings and Conditions of Approval
- D. June 3, 2020 letter from the applicant regarding drainage design
- E. June 16, 2020 letter from the applicant regarding project changes
- F. June 17, 2020 letter from Michelucci and Associates
- G. 2018 Geotechnical Investigation prepared by Michelucci and Associates
- ~~H. February 27, 2020 agenda report and meeting minutes~~ See Attachment 7 & 8 of 9/3 Council Report
- I. May 14, 2020 agenda report and meeting minutes
- J. 2003 Guidelines for Planning Commission grading review
- K. Written correspondence received from Prem Lall




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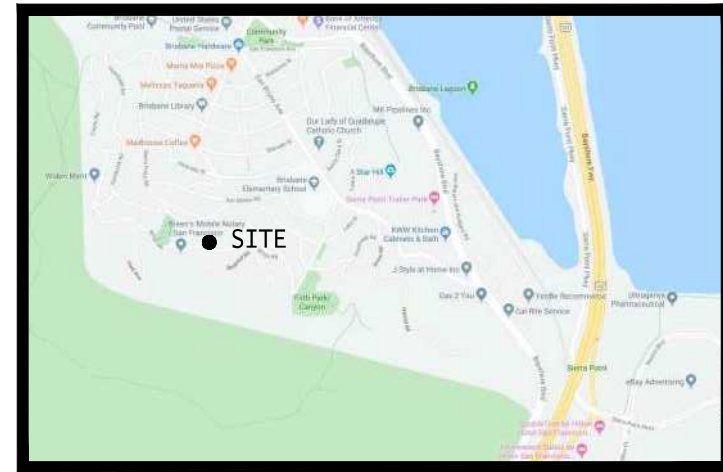
Julia Ayres, Senior Planner




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John Swiecki, Community Development Director

LOCATION MAP



VICINITY MAP



LOT/OWNER INFORMATION

338 KINGS RD., BRISBANE, CALIFORNIA 94005  
 APN: 007-471-170  
 (E) LOT AREA: ± 6,400 SQ.FT  
 ZONE DISTRICT: R-1  
 OCCUPANCY CLASS: R-3/U  
 TYPE OF CONSTRUCTION: V-B  
 FIRE SPRINKLERS: NO  
 NUMBER OF BUILDINGS: 1  
 (E) STORIES: 2  
 (N) STORIES: 2+BASEMENT

OWNER(S) INFORMATION:  
 NAME: JOHN HUANG  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005

SCOPE OF WORK

- ADD NEW 2 CAR GARAGE DETACHED FROM EXISTING HOUSE.
- ADD NEW A.D.U (660 SQ.F) ON TOP NEW GARAGE.
- REMODEL EXISTING UNIT.
- ADD NEW ELEVATOR TO CONNECT A.D.U AND EXISTING UNIT.
- ADD NEW 2 PARKING SPACES ALONG STREET.

AREAS

EXISTING BUILDING	
EXISTING:	NEW:
SECOND FLOOR	
-LIVABLE AREA=1,501 SQ.F	-LIVABLE AREA=1,570 SQ.F
	-DECK AREA= 545 SQ.F
FIRST FLOOR	
-LIVABLE AREA=318 SQ.F	-LIVABLE AREA= 281 SQ.F
BASEMENT FLOOR	
	-GARAGE AREA= 768 SQ.F
TOTAL LIVABLE=1,819 SQ.F	TOTAL LIVABLE=1,851 SQ.F
	DECK AREA= 545 SQ.F
	GARAGE AREA= 768 SQ.F
	GRAND TOTAL= 3,164 SQ.F
NEW A.D.U	
	-A.D.U AREA= 660 SQ.F

INDEX OF DRAWINGS

- ARCHITECTURAL**
- A-0 (E) SITE MAP AND PROJECT INFORMATION
  - A-0.1 (N) SITE PLAN
  - A-1 (E) AND (N) SECOND FLOOR PLANS
  - A-1.1 (E) AND (N) FIRST FLOOR PLANS
  - A-1.2 (N) BASEMENT (GARAGE) FLOOR PLAN
  - A-2 (E) AND (N) NORTH ELEVATIONS
  - A-2.1 (E) AND (N) WEST ELEVATIONS
  - A-2.2 (E) AND (N) SOUTH ELEVATIONS
  - A-2.3 (E) AND (N) EAST ELEVATIONS
  - A-3 (N) SCHEMATIC CROSS SECTION
  - A-3.1 (N) SCHEMATIC CROSS SECTION
- CIVIL**
- C-1 TOPOGRAPHIC AND BOUNDARY SURVEY
  - C-2 PROPOSED GRADING PLAN

# 338 KINGS RD., BRISBANE, CALIFORNIA 94005

MATERIALS

- ACOUSTIC TILE OR BOARD
- BITUMINOUS CONCRETE SHOW PROFILE ONLY
- CERAMIC TILE
- CONCRETE CAST IN PLACE OR PRECAST
- CONCRETE BLOCK
- EARTH
- GLASS OMIT INDICATION IN THIN MATERIAL
- GYPSUM BOARD OMIT DOUBLE LINES AT SMALL SCALE
- GYPSUM SHEATHING
- HARDBOARD
- INSULATION, BATT
- METAL OMIT INDICATION IN THIN MATERIAL
- MORTAR
- PLASTER ON METAL LATH
- PLASTIC LAMINATE
- PLYWOOD
- RIGID INSULATION
- ROCK FILL
- SAND
- WOOD, FINISH
- WOOD, FRAMING THROUGH MEMBER
- WOOD, FRAMING INTERRUPTED MEMBER

SYMBOLS

- (X) NOTE MARK
- (A1) DOOR MARK
- (A) WINDOW MARK - LETTERS
- (S) LOUVER MARK - NUMBERS
- (A) TOILET ACCESSORY
- (1) REVISION MARK
- (A) COLUMN/ GRID LINE MARK
- (M) MATCH MARK AND LINE
- (3/2) SECTION CUT MARK
- (3/2) EXTERIOR ELEVATION MARK
- (3/2) INTERIOR ELEVATION MARK
- (3/2) DETAIL MARK

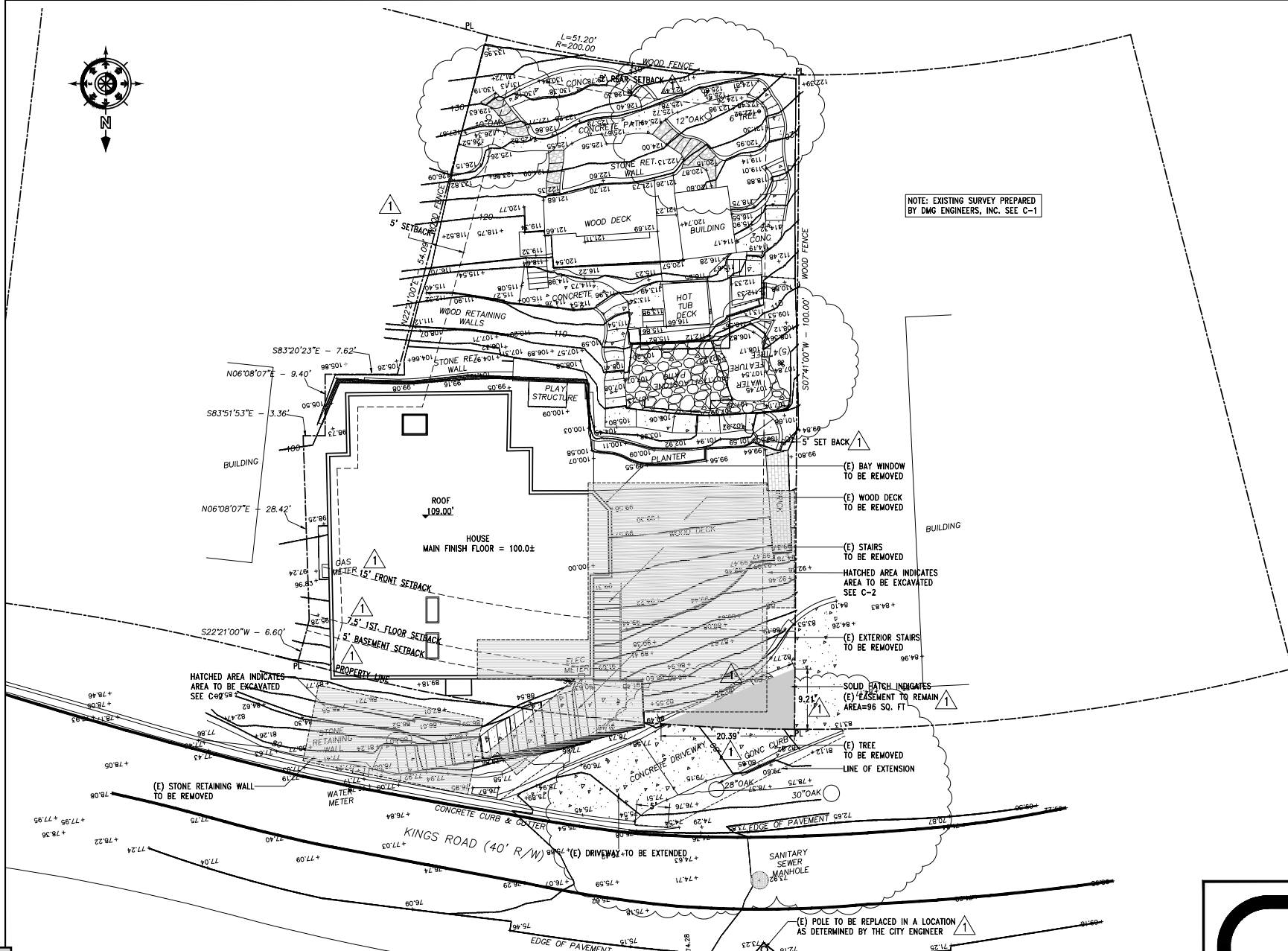
APPLICABLE CODES

- 2016 CALIFORNIA BUILDING CODE (BASED ON 2015 INTERNATIONAL BUILDING CODE)
- 2016 CALIFORNIA ELECTRICAL CODE (BASED ON 2014 NATIONAL ELECTRICAL CODE)
- 2016 CALIFORNIA PLUMBING CODE (BASED ON 2015 UNIFORM PLUMBING CODE)
- 2016 CALIFORNIA MECHANICAL CODE (BASED ON 2015 UNIFORM MECHANICAL CODE)
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA EXISTING BUILDING CODE
- 2016 CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE)
- 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE)
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
- 2015 INTERNATIONAL EXISTING BUILDING CODE

NOTES

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SITE PLAN LEGEND:

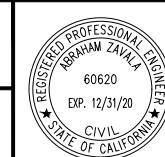
- (W) JOINT POWER POLE
- (M) WATER METER
- (H) FIRE HYDRANT
- (G) GAS VALVE
- (V) WATER VALVE
- (-W-) WATER LINE
- (-GAS-) GAS LINE
- (-SS-) SANITARY SEWER LINE
- (-OE-) OVERHEAD ELECTRIC

(E) SITE PLAN N.T.S



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NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
**OWNER: JOHN HUANG**

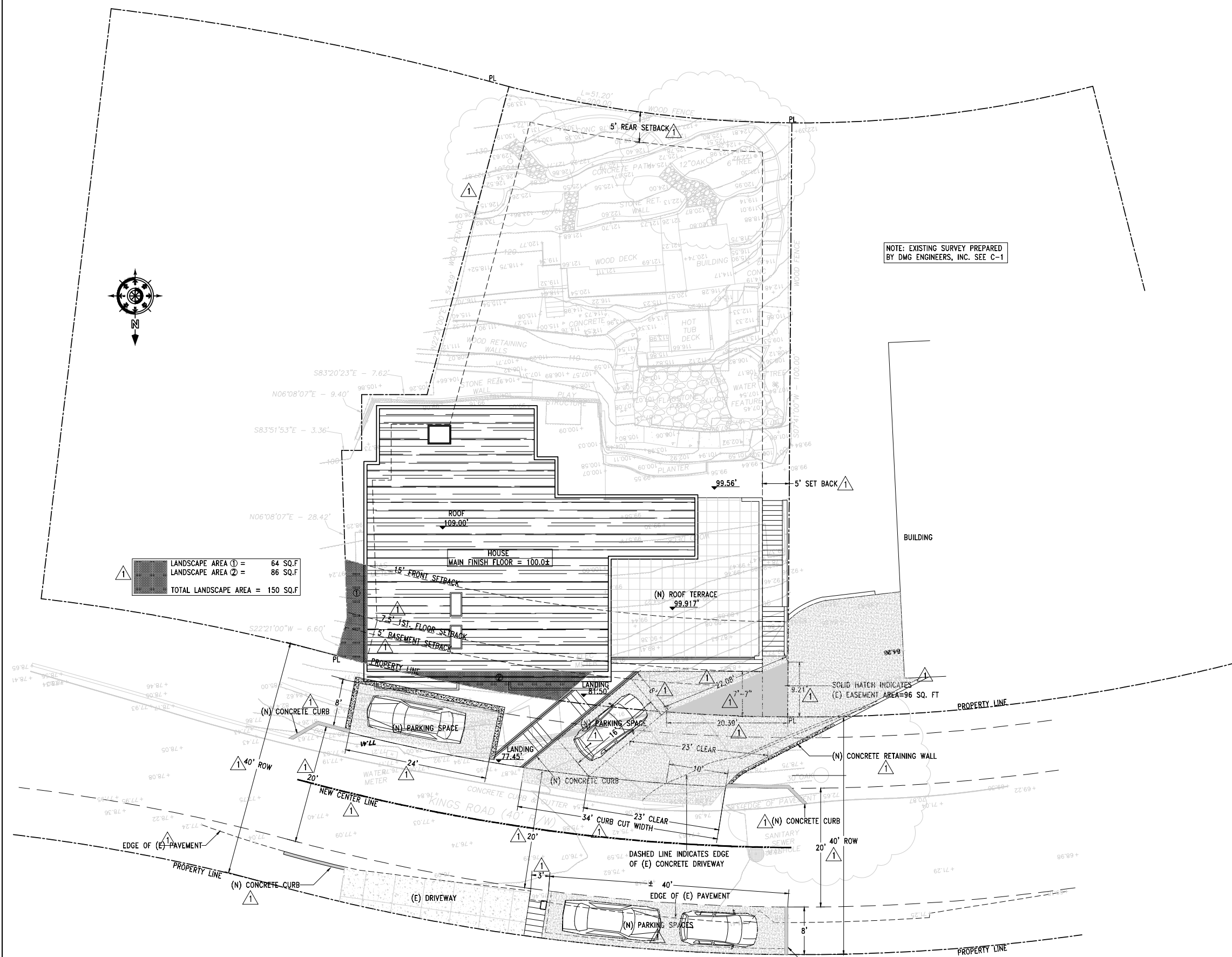


REVISION/DATE	
1. FILING SET	12/06/2019
CITY ENGINEER COMMENTS 01/10/2020	
SCALE:	AS SHOWN / DRAWN / REVIEWED / AZ
DATE:	NOV/2019 / JOB NO: AM1120

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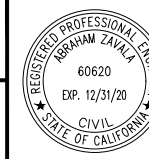


4.008.2 CONSTRUCTION WASTE MANAGEMENT PLAN:  
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.

1. IDENTIFY THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.
2. SPECIFY IF CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE SORTED ON-SITE (SOURCE-SEPARATED) OR BULK MIXED (SINGLE STREAM).
3. IDENTIFY DIVERSION FACILITIES WHERE THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE TAKEN.
4. IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE GENERATED.
5. SPECIFY THAT THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE MATERIALS DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.



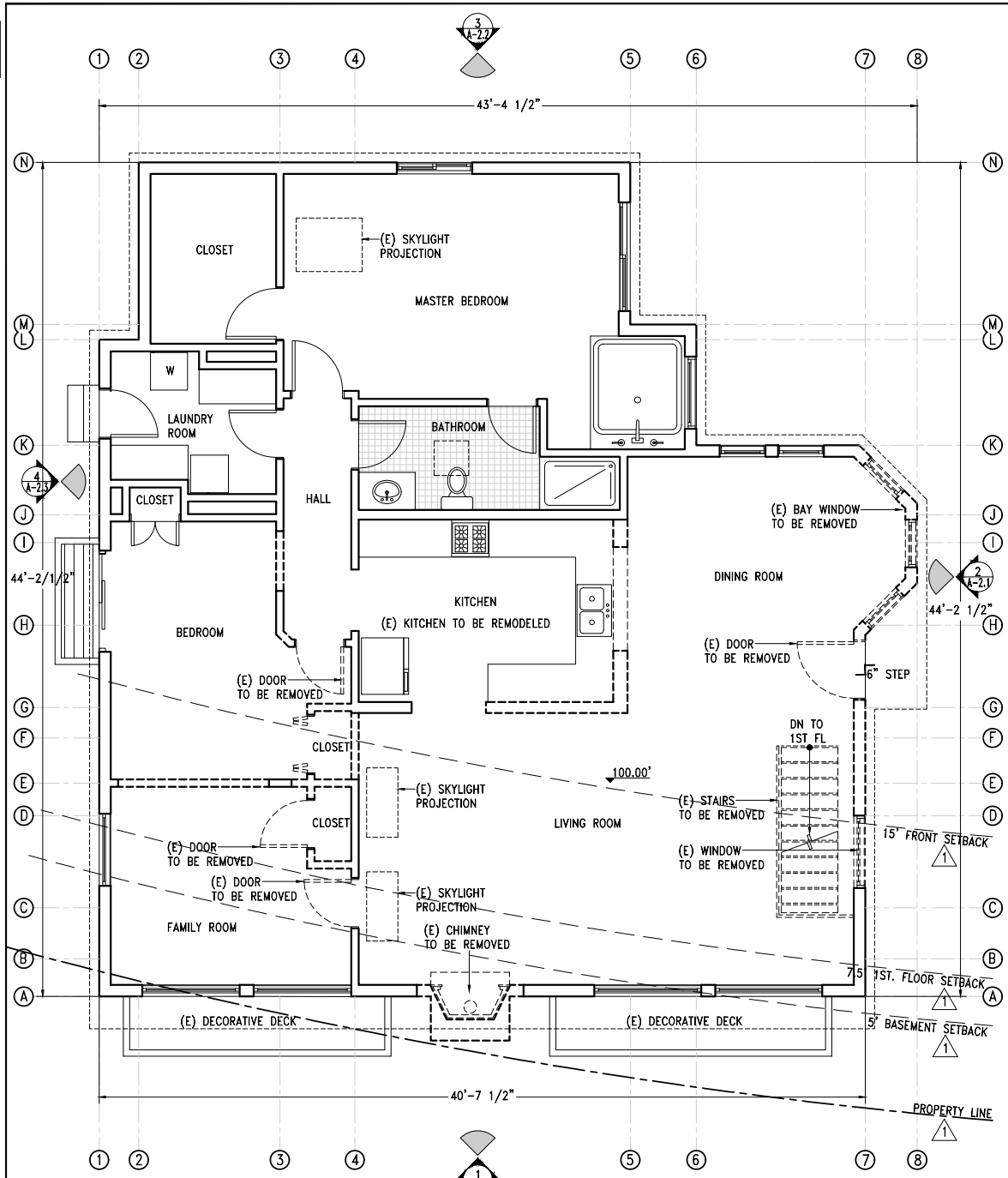
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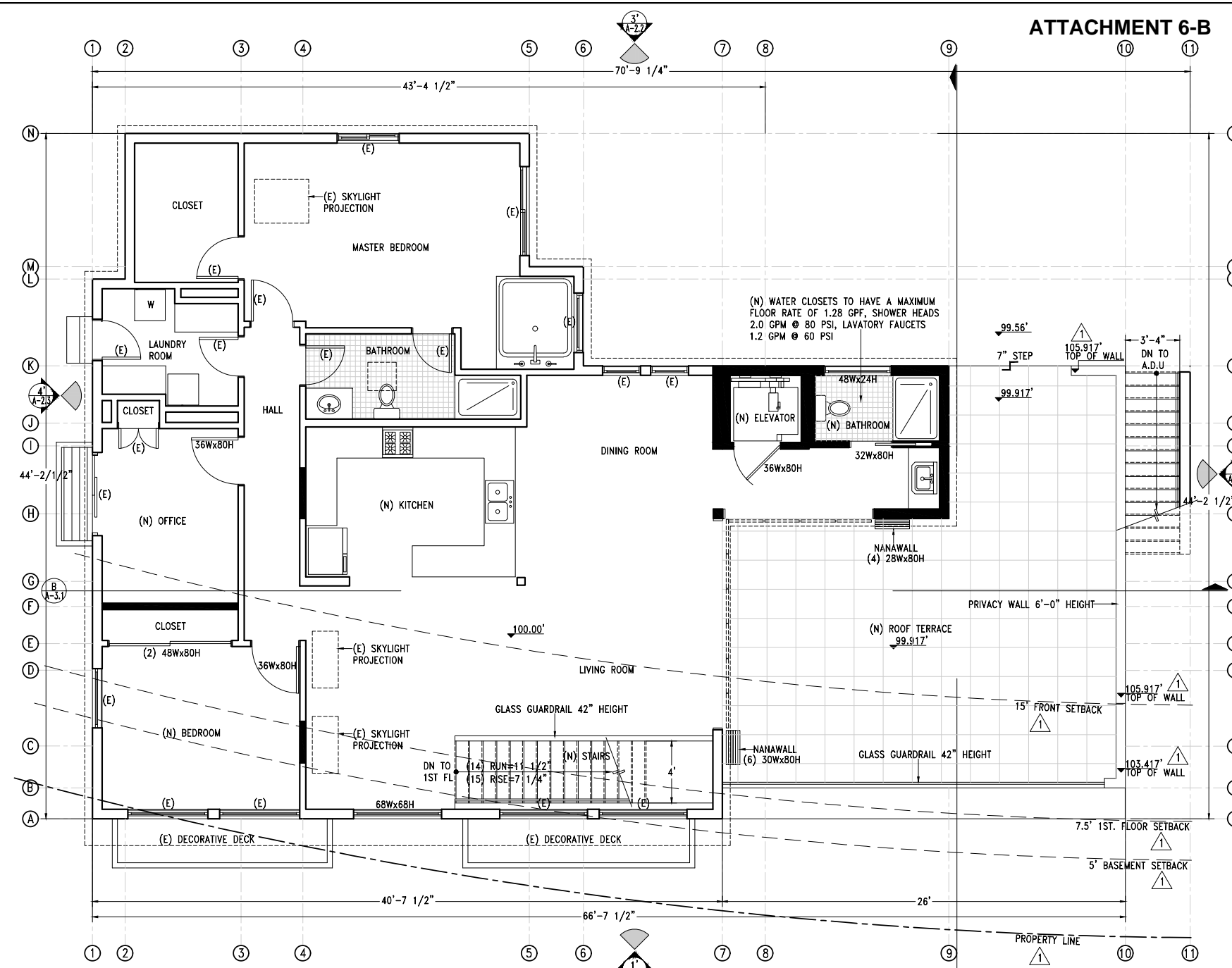
REVISION/DATE	
1. FILING SET	12/06/2019
CITY ENGINEER COMMENTS 01/10/2020	
SCALE: AS SHOWN	DRAWN / REVIEWED: AZ
DATE: NOV/2019	JOB NO: AM1120

**A-0.1**





(E) SECOND FLOOR PLAN  
1/4"=1'-0"



(N) SECOND FLOOR PLAN  
1/4"=1'-0"

WALL LEGEND	
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL

4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN:  
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.  
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PER 2016 CALGREEN SECTION 301: THE MANDATORY PROVISIONS OF CHARTER 4 SHALL BE APPLIED TO ADDITIONS OR ALTERATIONS OF EXISTING RESIDENTIAL BUILDINGS. THE REQUIREMENTS SHALL APPLY ONLY TO AND/OR WITHIN THE SPECIFIC AREA OF THE ADDITION OR ALTERATION.  
 \* TO PROVIDE WATER CONSERVING PLUMBING FIXTURES AND FITTINGS PER CGBC 4.303 THESE INCLUDE MAXIMUM 1.28 GPF FOR WATER CLOSETS, MAXIMUM 2.0 GPM AT 80 PSI FOR SINGLE SHOWERHEADS, COMBINED FLOW RATE OF MULTIPLE SHOWERHEADS TO NOT EXCEED 2.0 GPM AT 80 PSI, MAXIMUM 1.2 GPM AT 60 PSI FOR LAVATORY FAUCETS, MAXIMUM 1.8 GPM AT 60 PSI AT KITCHEN FAUCETS.  
 \* DUCT SYSTEMS ARE SIZED, DESIGNED, AND EQUIPMENT IS SELECTED PER SECTION 4.507.2. HVAC SYSTEM INSTALLERS MUST BE TRAINED AND CERTIFIED AND SPECIAL INSPECTORS EMPLOYED BY THE ENFORCING AGENCY MUST BE QUALIFIED.  
 \* SHOW COMPLIANCE WITH CALGREEN SECTION 4.506.1 FOR BATHROOMS EXHAUST FANS. EACH BATHROOM SHALL BE MECHANICALLY VENTILATED WITH AN ENERGY STAR EXHAUST FAN, AND FAN MUST BE CONTROLLED BY A HUMIDITY CONTROL (4.506.1).  
 \* PROTECT ANNULAR SPACES AROUND PIPES, ELECTRICAL CABLES, CONDUITS OR OTHERS OPENINGS AT EXTERIOR WALLS AGAINST PASSAGE OF RODENTS (4.406.1).  
 \* COVER DUCTS OPENINGS AND OTHERS RELATED AIR DISTRIBUTION COMPONENT OPENINGS DURING CONSTRUCTION (4.504.1).  
 \* ADHESIVES SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS (4.504.2.1).  
 \* PAINTS, STAINS AND OTHER COATINGS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.2.2).  
 \* AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS (4.504.2.3). VERIFICATION OF COMPLIANCE SHALL BE PROVIDED.  
 \* CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.3).  
 \* MINIMUM 80 % OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL BE COMPLY WITH SECTION 4.504.4.  
 \* PARTICLEBOARD, MEDIUM DENSITY FIBERBOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS (4.504.5).  
 \* INSTALL CAPILLARY BREAK AND VAPOR RETARDER AT SLAB ON GRADE FOUNDATIONS (4.505.2).  
 \* CHECK MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOOR FRAMING BEFORE ENCLOSURE (4.505.3).

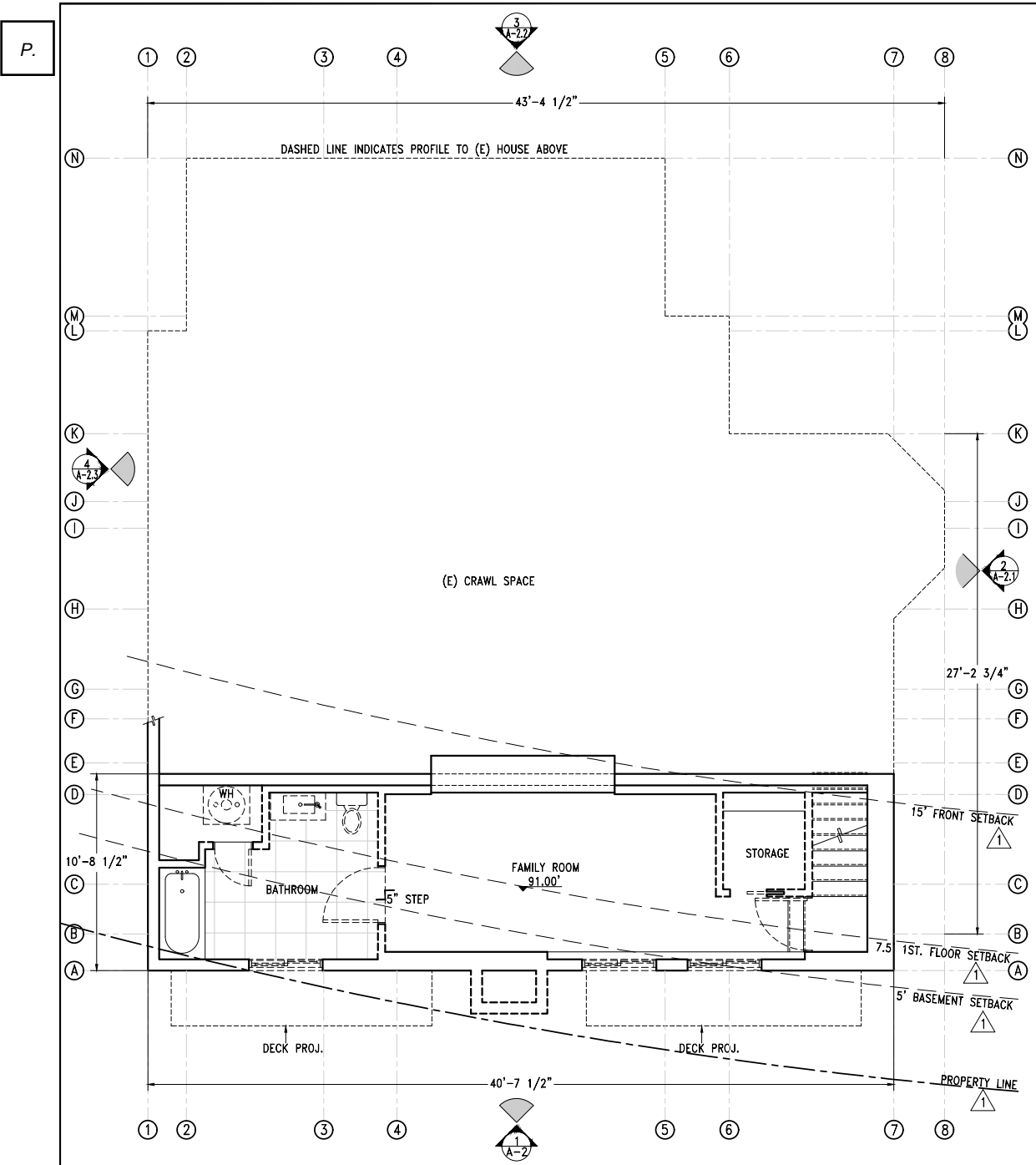
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 NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
**OWNER: JOHN HUANG**

REGISTERED PROFESSIONAL ENGINEER  
 ABRAHAM ZANKA  
 60620  
 EXP. 12/31/20  
 CIVIL  
 STATE OF CALIFORNIA

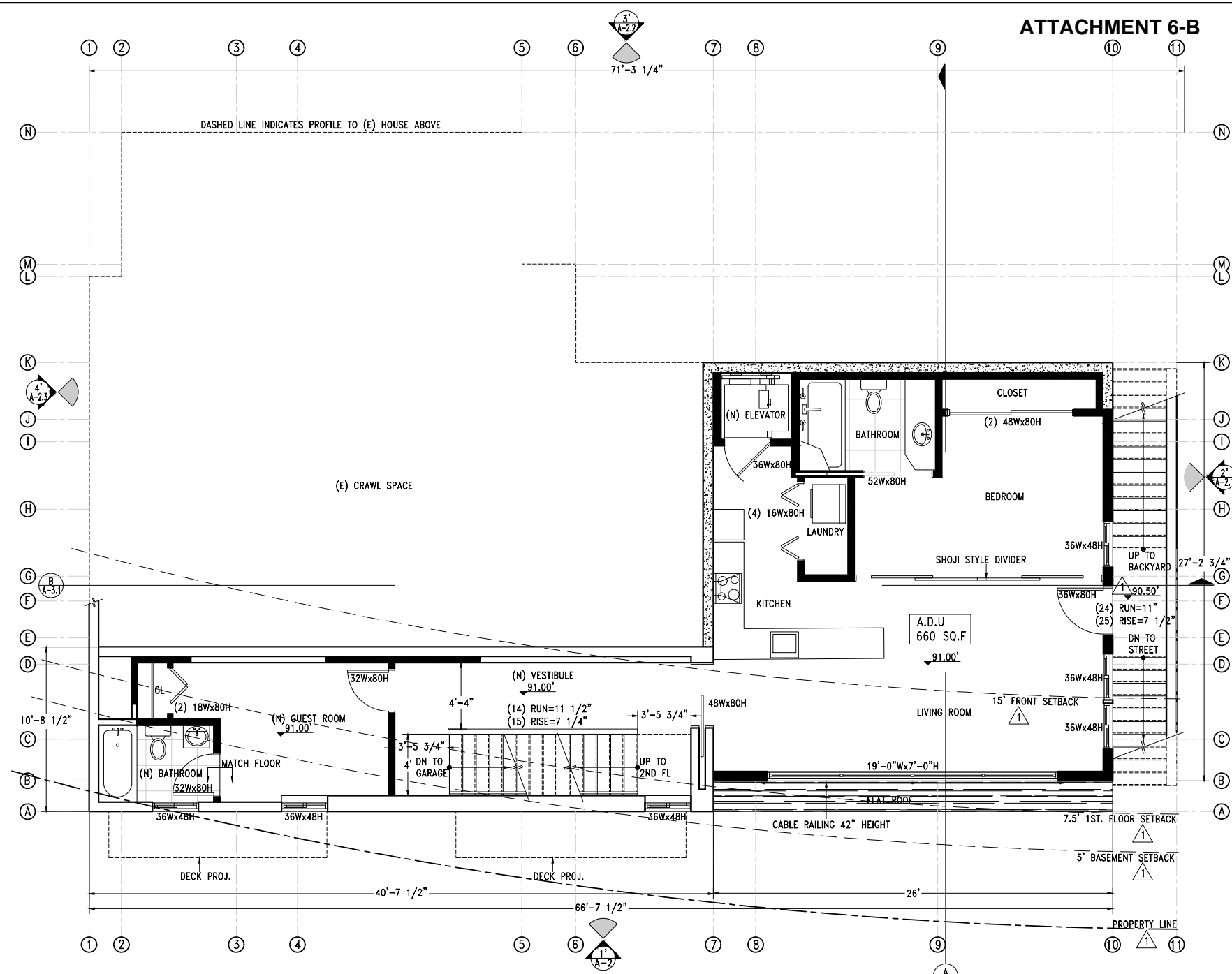
REVISION/DATE  
 1. FILING SET 12/06/2019  
 CITY ENGINEER COMMENTS 01/10/2020

SCALE: AS SHOWN / DRAWN / REVIEWED  
 DATE: NOV/2019 / RD: AZ / JOB NO: AM1120

A-1



(E) FIRST FLOOR PLAN  
1/4"=1'-0"

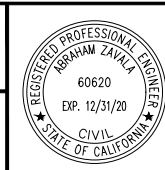


(N) FIRST FLOOR PLAN  
1/4"=1'-0"

WALL LEGEND	
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL
	(N) CONCRETE WALL

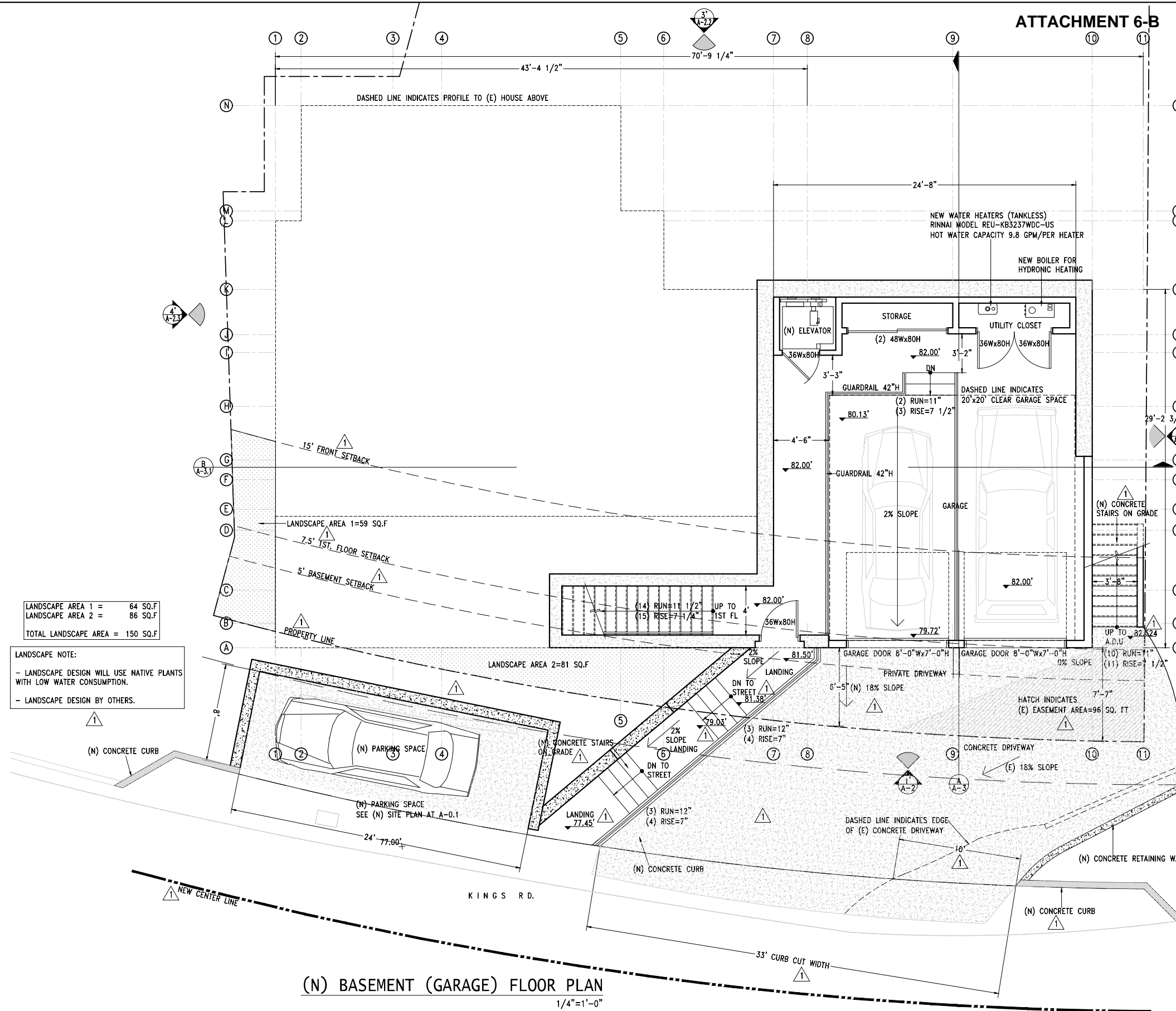


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A-1.1



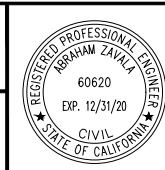
LANDSCAPE AREA 1 = 64 SQ.F  
 LANDSCAPE AREA 2 = 86 SQ.F  
 TOTAL LANDSCAPE AREA = 150 SQ.F

LANDSCAPE NOTE:  
 - LANDSCAPE DESIGN WILL USE NATIVE PLANTS WITH LOW WATER CONSUMPTION.  
 - LANDSCAPE DESIGN BY OTHERS.

(N) BASEMENT (GARAGE) FLOOR PLAN  
 1/4"=1'-0"



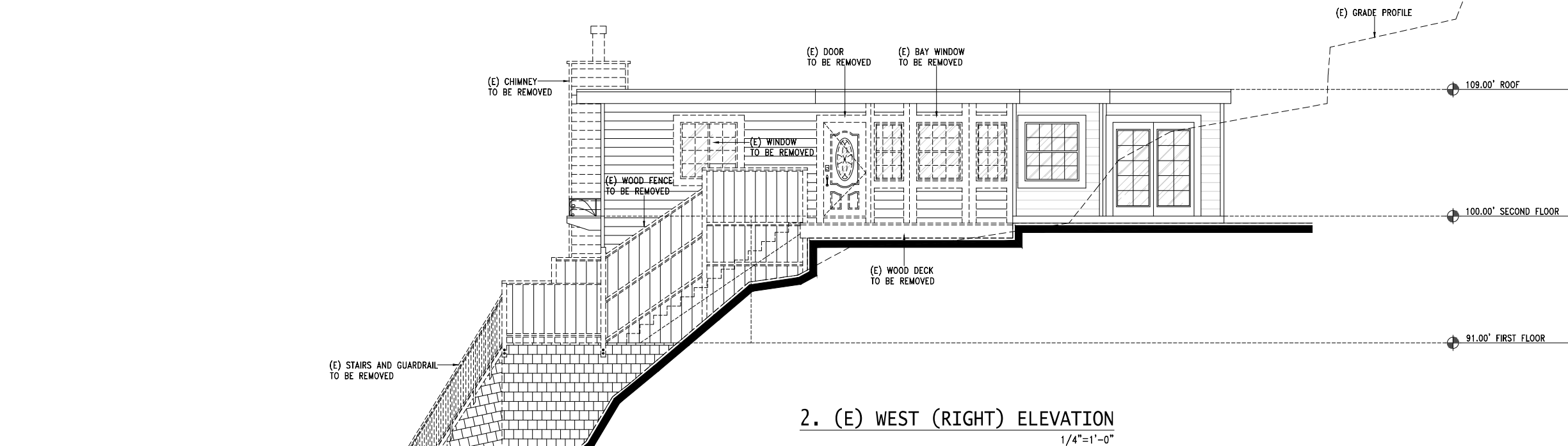
AZ DESIGN AND ENGINEERING, INC.  
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 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
 OWNER: JOHN HUANG



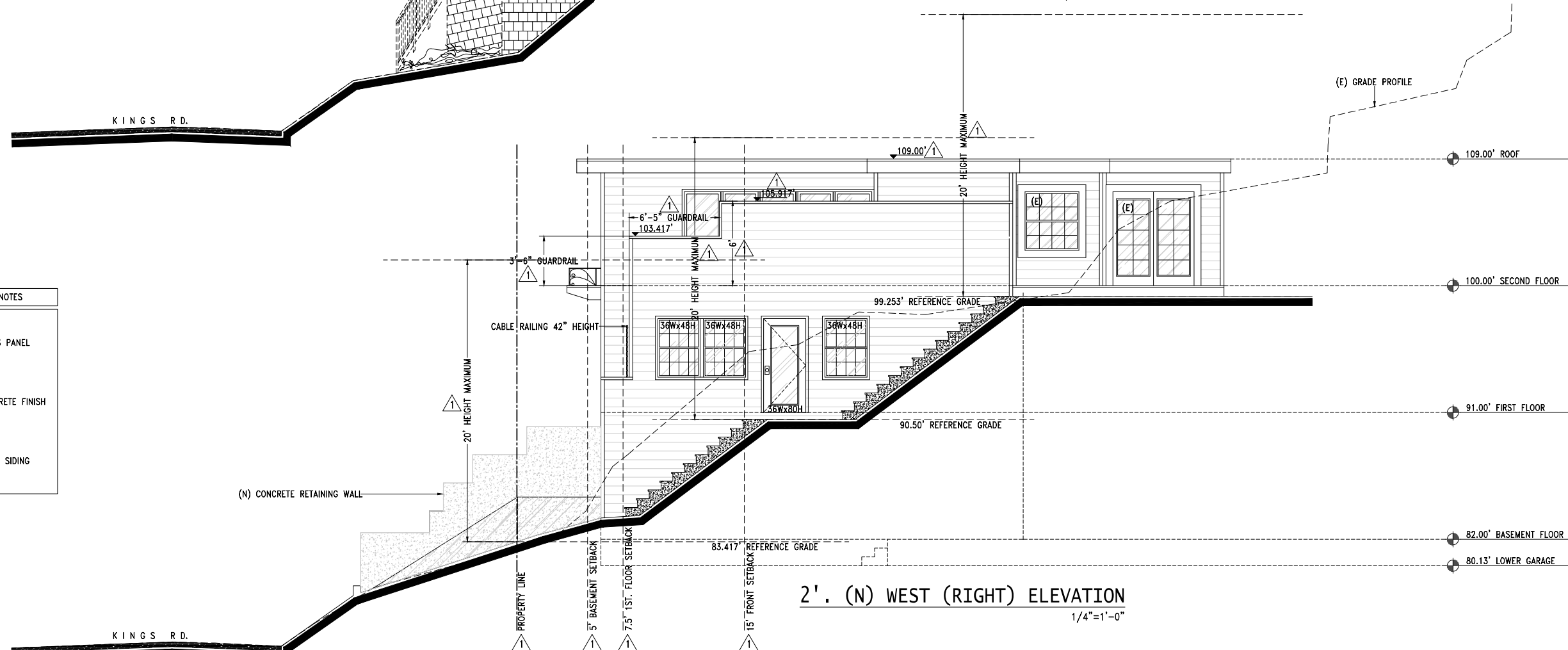
REVISION/DATE	
1. FILING SET	12/06/2019
CITY ENGINEER COMMENTS 01/10/2020	
SCALE: AS SHOWN	DRAWN / REVIEWED: AZ
DATE: NOV/2019	JOB NO: AM1120

A-1.2





2. (E) WEST (RIGHT) ELEVATION  
1/4"=1'-0"



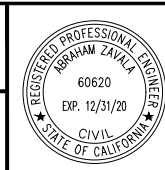
2'. (N) WEST (RIGHT) ELEVATION  
1/4"=1'-0"

MATERIAL KEYNOTES

	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

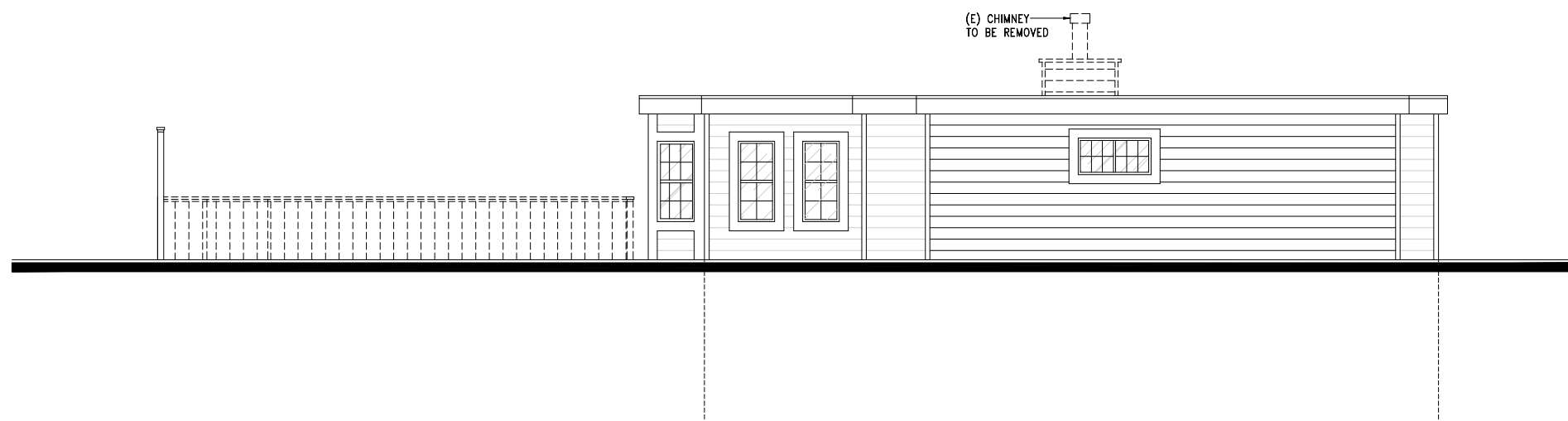


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 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
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REVISION/DATE	
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CITY ENGINEER COMMENTS 01/10/2020	
SCALE: AS SHOWN	DRAWN / REVIEWED: RD / AZ
DATE: NOV/2019	JOB NO: AM1120

A-2.1



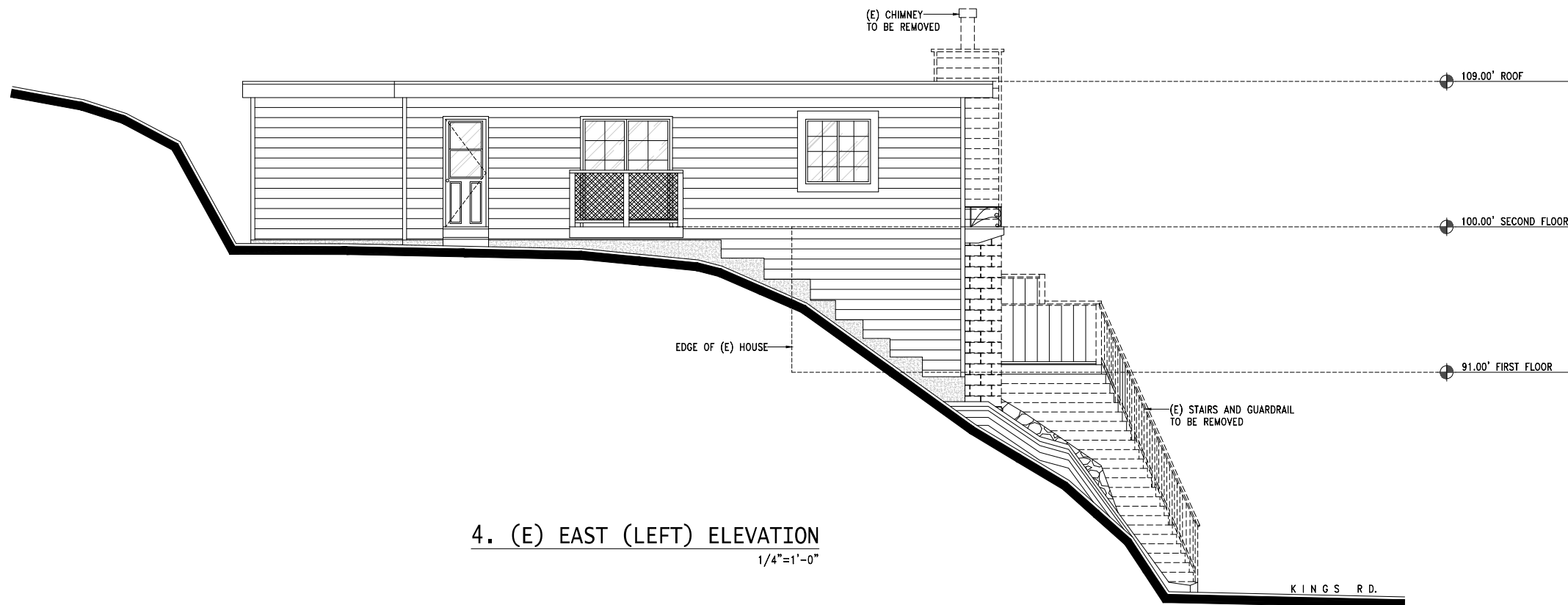
3. (E) SOUTH (REAR) ELEVATION  
 1/4"=1'-0"



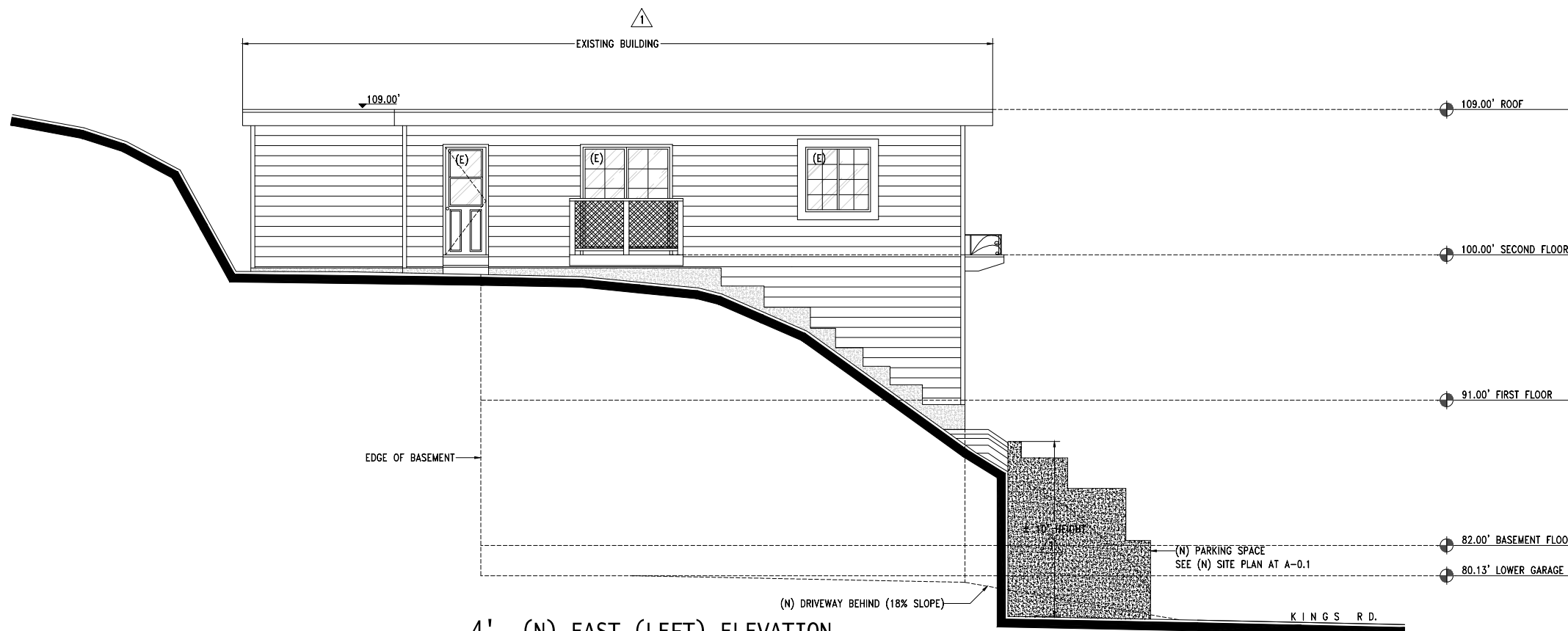
3'. (N) SOUTH (REAR) ELEVATION  
 1/4"=1'-0"

MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

	<b>AZ DESIGN AND ENGINEERING, INC.</b> 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com			<b>REVISION/DATE</b> 1. FILING SET 12/06/2019 CITY ENGINEER COMMENTS 01/10/2020	<b>A-2.2</b>
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>			SCALE: AS SHOWN / DRAWN / REVIEWED DATE: NOV/2019 / JOB No: AM1120	



4. (E) EAST (LEFT) ELEVATION  
1/4"=1'-0"



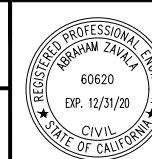
4'. (N) EAST (LEFT) ELEVATION  
1/4"=1'-0"

MATERIAL KEYNOTES

	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

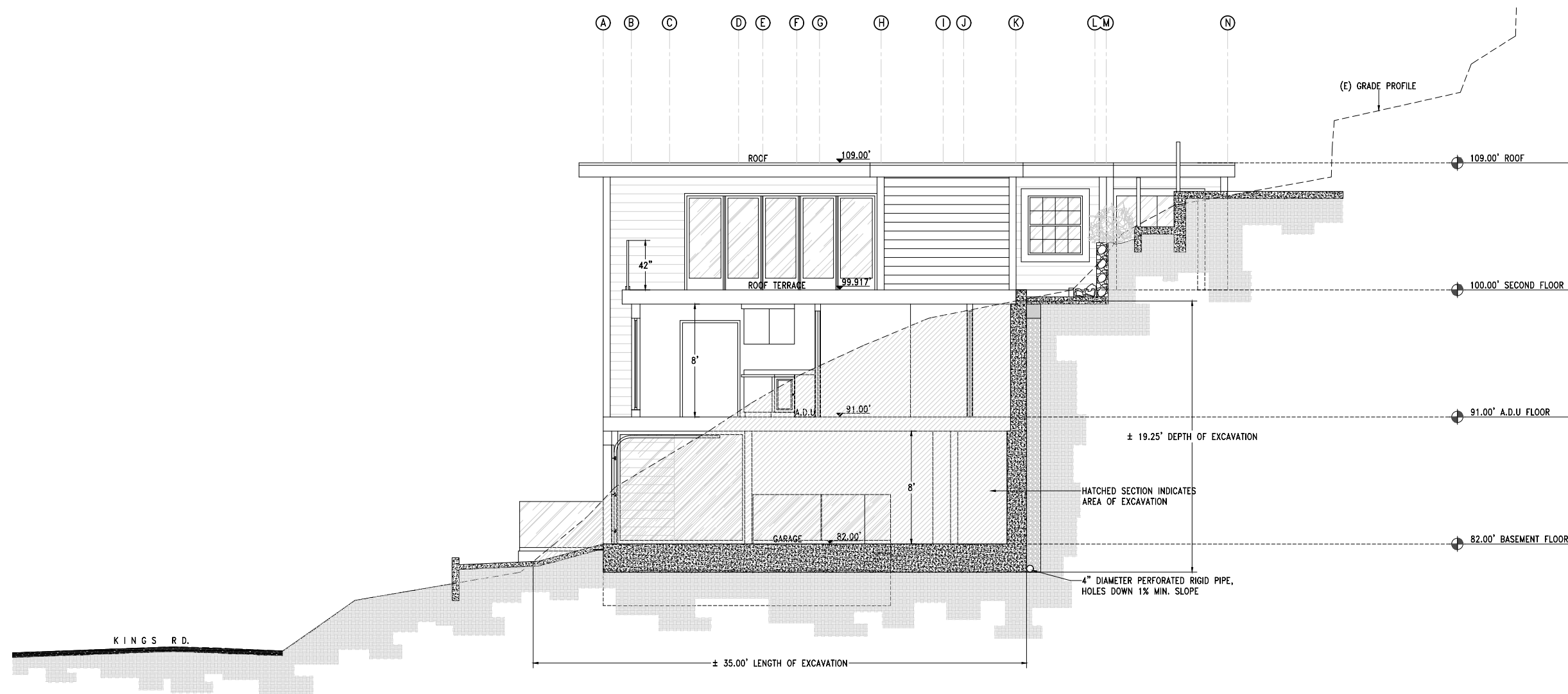


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SCALE:	DRAWN / REVIEWED
AS SHOWN	AZ
DATE:	JOB NO:
NOV/2019	AM1120

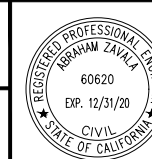
A-2.3



(N) SCHEMATIC LONGITUDINAL CROSS SECTION A  
 1/4"=1'-0"

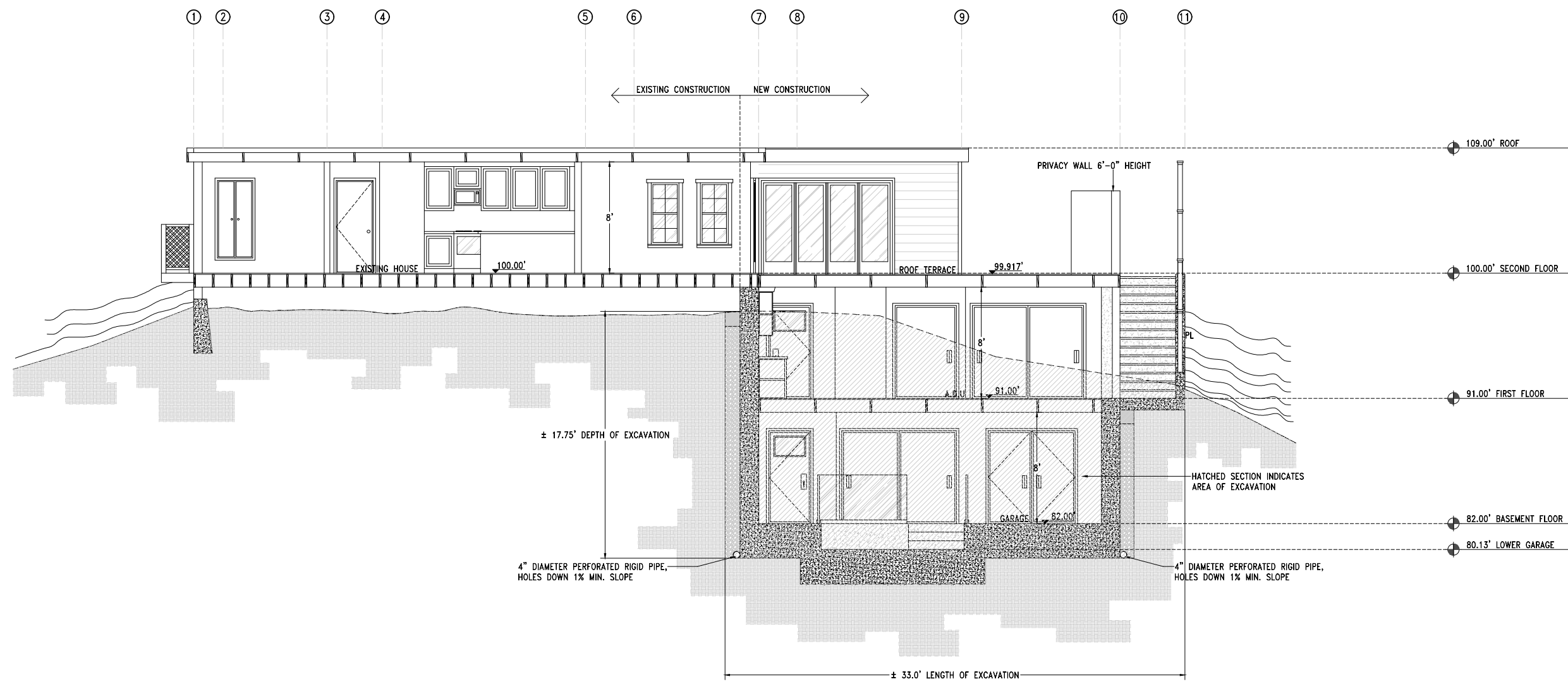


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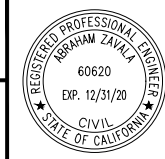


REVISION/DATE	
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CITY ENGINEER COMMENTS 01/10/2020	
SCALE: AS SHOWN	DRAWN / REVIEWED
RD	AZ
DATE: NOV/2019	JOB No: AM1120





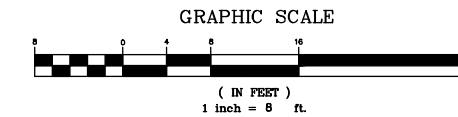
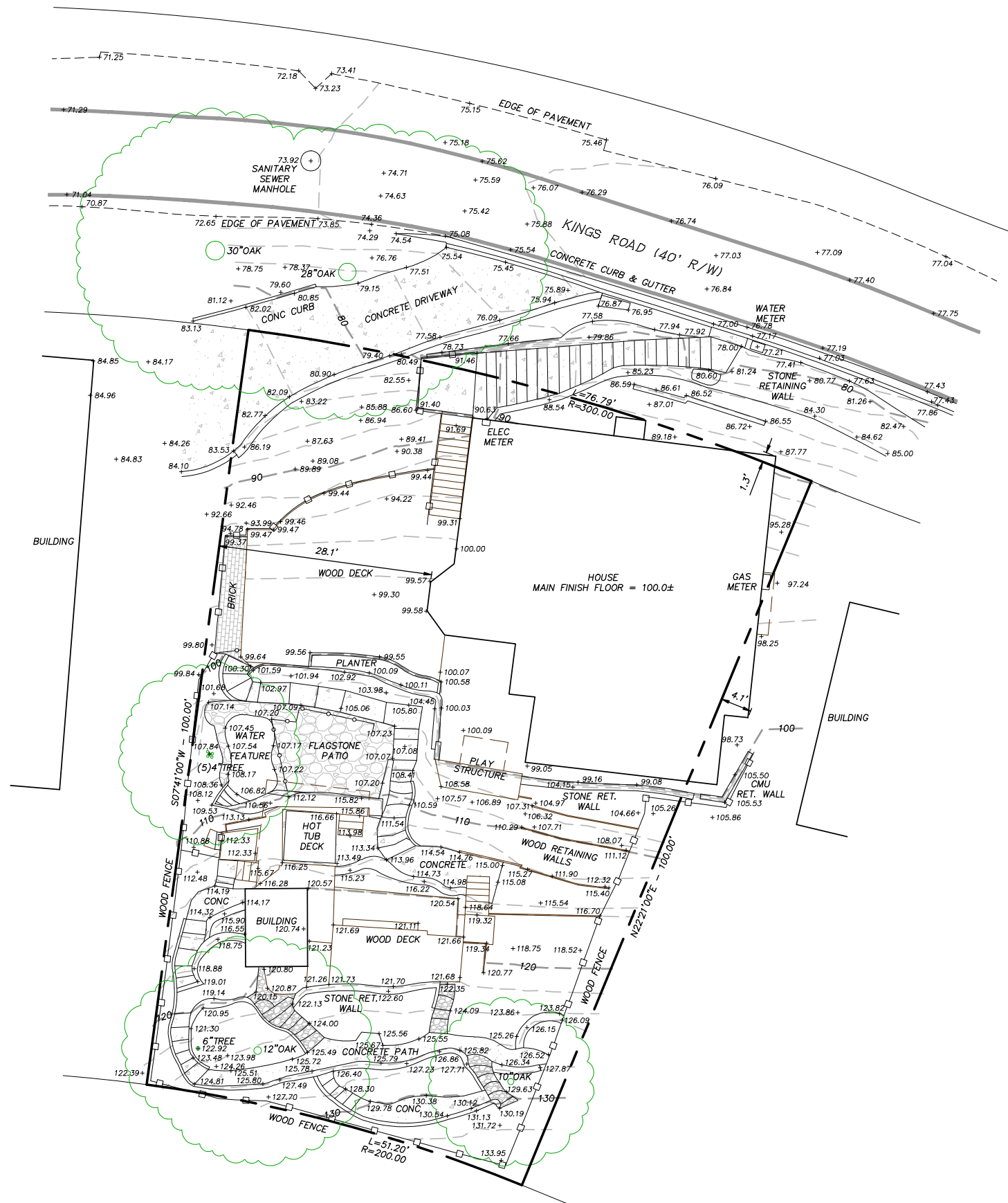
(N) SCHEMATIC TRANSVERSAL CROSS SECTION B  
 1/4"=1'-0"

	<b>AZ DESIGN AND ENGINEERING, INC.</b> 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com			<b>REVISION/DATE</b> 1. FILING SET 12/06/2019 CITY ENGINEER COMMENTS 01/10/2020	<h1>A-3.1</h1>
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>			SCALE: AS SHOWN / DRAWN / REVIEWED AZ / AZ DATE: NOV/2019 / JOB No: AM1120	

# TOPOGRAPHIC AND BOUNDARY SURVEY

## 338 KINGS ROAD CITY OF BRISBANE

SAN MATEO COUNTY - CALIFORNIA  
SCALE: 1 INCH = 8 FEET MAY 2019



**LOT AREA:**  
6,400± SQUARE FEET

**ASSESSOR PARCEL NUMBER:**  
007-471-170

### LEGAL DESCRIPTION

LOTS 33, 34, 35, BLOCK 51, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF SUBDIVISION NO. 1, 2 AND 3 OF CITY OF VISITACION, CALIFORNIA", FILED FOR RECORD ON OCTOBER 4, 1908, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN VOLUME 6 OF MAPS AT PAGE 45.

### NOTES:

1. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. BASIS OF ELEVATION: ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM. MAIN FINISH FLOOR AT FRONT ENTRY = 100.0.
3. NO TITLE REPORT WAS FURNISHED IN THE COURSE OF THIS SURVEY, THEREFORE EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
4. 2' CONTOUR INTERVAL.

### SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

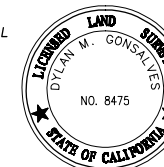
JOHN HUANG IN: MARCH 2019

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475

ON MAY 8, 2019

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

*Dylan M. Gonsalves*  
DYLAN M. GONSALVES DATE 5-14-2019



DMG ENGINEERING, Inc.

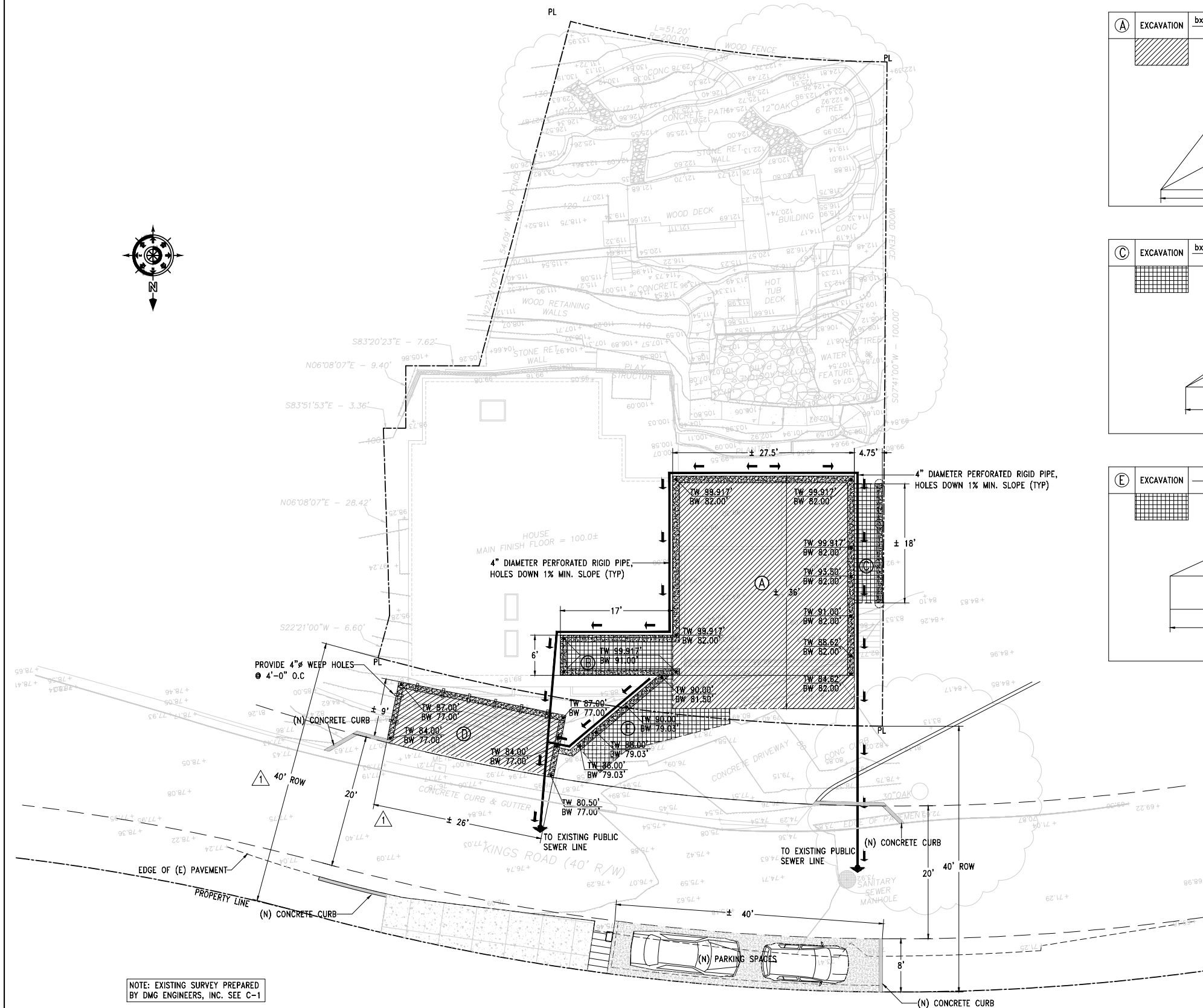
30 OAKVUE COURT  
PLEASANT HILL, CA 94523  
PHONE: (925) 787-0463  
FAX: (925) 287-8503

DMG ENGINEERING, Inc.  
RESTRICTED ENGINEERING DRAWINGS  
The information, plans, designs, notes and arrangements shown on this drawing are confidential and may not be reproduced, copied, or transmitted in any form without the written permission of DMG ENGINEERING, Inc. Drawings noted as Preliminary/Schematic and/or concept contain information that is conceptual subject to verification and/or change. The engineer makes no claim for accuracy of conceptual information or of information supplied by others.

NO.	DATE	REVISIONS DESCRIPTION	BY

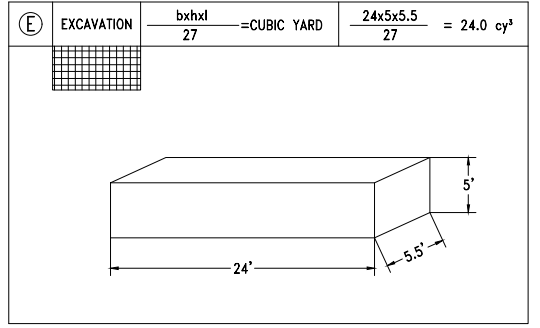
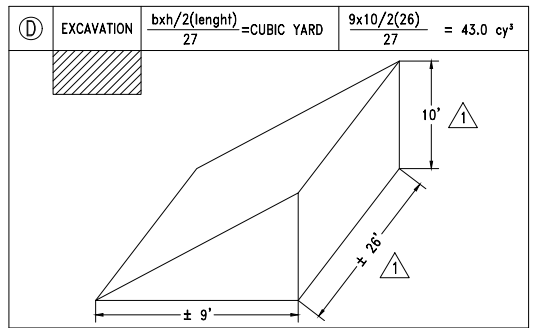
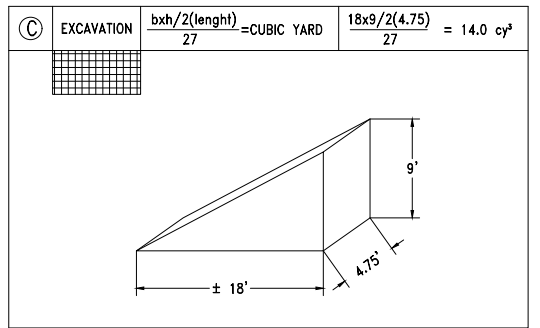
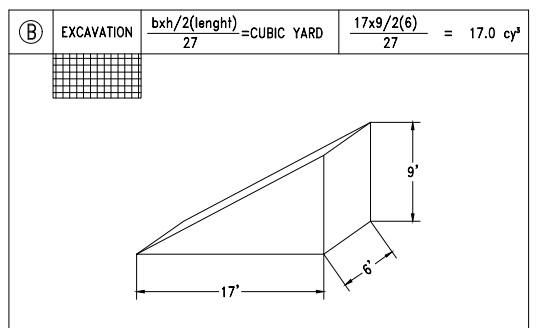
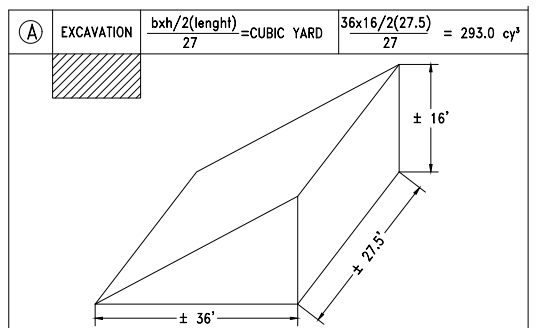
TOPOGRAPHIC AND BOUNDARY SURVEY  
338 KINGS ROAD  
CITY OF BRISBANE - CALIFORNIA  
SCALE: 1 INCH = 8 FEET MAY 2019

SHEET 1  
OF 1 SHEETS  
ORIG.DWG: 5-14-2019  
REV.DWG:  
JOB: 19-56



NOTE: EXISTING SURVEY PREPARED BY DMG ENGINEERS, INC. SEE C-1

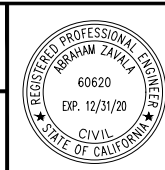
PROPOSED GRADING PLAN  
1/8"=1'-0"



GRADING DATA (CUBIC YARD)	
MK	EXCAVATION
(A)	293.00
(B)	17.00
(C)	14.00
(D)	43.00
(E)	24.00
GRAND TOTAL=391.0 CUBIC YARDS	



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SCALE: AS SHOWN	DRAWN / REVIEWED: AZ
DATE: NOV/2019	JOB NO: AM1120

Draft  
RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING GRADING PERMIT EX-4-19  
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO  
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that would require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission closed the public hearing and came to a consensus to deny the project based on its impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, and deferred adoption of findings of denial to the next regular Planning Commission meeting; and

WHEREAS, on March 10, 2020, the applicant submitted a written request to the Planning Commission to reconsider their intended denial of the application due to revisions to the project plans and work scope to address many of the concerns voiced by the Planning Commission at their February 27, 2020 meeting; and

WHEREAS, due to the San Mateo County Health Officer’s Shelter in Place Order in effect as of March 16, 2020 (most recently amended June 4, 2020 via Order No. C19-5f), the Planning Commission cancelled all scheduled meetings in March and April of 2020; and

WHEREAS, at the next regular meeting of May 14, 2020 held virtually via teleconference in compliance with the Governor’s Order N-29-20, the Planning Commission considered the applicant’s request for reconsideration of a revised application and voted unanimously to grant the request and schedule the application for review at a future public hearing; and

WHEREAS, on June 25, 2020, the Planning Commission conducted a hearing of the revised application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

Reso. EX-4-19

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of June 25, 2020 did resolve as follows:

City Engineer issuance of Grading Permit EX-4-19 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 25<sup>th</sup> day of June, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
PAMALA SAYASANE  
Chairperson

ATTEST:

\_\_\_\_\_  
JOHN A. SWIECKI, Community Development Director

DRAFT  
EXHIBIT A

**Action Taken:** Recommended City Engineer issuance of Grading Permit EX-4-19, per the staff memorandum with attachments, via adoption of Resolution EX-4-19.

**Findings:****Grading Permit EX-4-19**

- As evidenced by the applicant's grading plan and site plan, the proposed excavation is limited to the footprint of the additions, required driveway widening, and pedestrian access stairway to allow access to the house from the street. The grading plan design would allow the new building addition to sit within the hillside without significantly altering the surrounding topography. The location and volume of the proposed excavation is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and to the driveway design standards contained in Chapter 17.34 of the Municipal Code. The proposed excavation is also the minimum necessary to allow safe egress and ingress for the adjoining property at 334 Kings Road and is compliant with the recorded vehicular access easement benefitting 334 Kings Road.
- The proposed grading would result in one exposed retaining wall of approximately eight feet in height within a portion of the front setback, extending into the public right-of-way, in conjunction with a new on-grade stairway to provide access from the street to the main dwelling. With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant's option at building permit. Additionally, the conditions of approval recommend that the City Engineer consider requiring other new retaining walls within the public right-of-way to be similarly treated or screened, subject to the discretion of the City Engineer.
- The applicant's grading plan is designed to conserve existing street trees and does not propose removal of any trees on the property. The conditions of approval recommend that the City Engineer require an arborist report to evaluate the project's potential impact to the long term health of this street tree, and further recommend that if the project is found to have significant impacts to the long-term health of the tree that would require its removal that the applicant contribute funds for replacement street trees reaching similar canopy height at maturity to be planted at a 3:1 ratio.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

DRAFT

**Conditions of Approval:**

Prior to Issuance of a Building Permit

- A. The applicant shall obtain a building permit and a grading permit prior to proceeding with construction. The project plans shall comply with all development standards of the R-1 District and current adopted Building and Fire Codes, and shall include shoring plans.
- B. Plans submitted for the building and grading permits shall substantially conform to plans on file in this application EX-4-19 in the City of Brisbane Planning Department, with the following modifications:
  - 1. A landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I, to the satisfaction of the Planning Director. The plan shall incorporate water-conserving, non-invasive landscaping to comply with the minimum front yard landscaping requirements.
  - 2. All on-site exposed retaining walls exceeding six feet in exposed height from grade in the shall be either planted with screening plantings such that no more than six (6) feet of the height of the retaining wall will remain visible, or varying treatment and materials at six foot horizontal intervals may be incorporated into the wall design. The chosen screening method shall be subject to review and approval by the Community Development Director. The City Engineer is recommended to require similar treatment of new walls within the public right-of-way.
  - 3. Plans submitted for grading permit review shall be subject to standard review procedures by the Department of Public Works.
- C. Prior to issuance of building and grading permits, the City Engineer is recommended to consider requiring an arborist report to evaluate potential impacts of the project to the health of adjacent street trees, specifically the 28 inch coast live oak and 30 inch coast live oak in the frontage of 334 Kings Road. Should such a report be required by the City Engineer, and should such a report find that the project would significantly impact the health and survival of the subject street trees, the City Engineer is recommended to require the applicant fund planting of replacement street trees of a species reaching similar canopy height at maturity in the vicinity of the project at a 3:1 ratio.
- D. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from the Department of Public Works for all proposed construction activity and private improvements within the public right-of-way.
- E. Prior to issuance of a building permit, the property owner shall enter into a standard landscape maintenance agreement with the City.

Other Conditions

- F. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.

- G. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- H. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- I. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.





**DESIGN AND ENGINEERING,  
INC.**

255 Reichling Avenue  
Pacifica, CA 94044

T 650-553-4031  
F 650-553-4044

azdesign@azdesignandengineering.com

June 3, 2020

Julia C. Ayres  
Senior Planner, Community Development Department  
City of Brisbane. 50 Park Place, Brisbane, CA 94005

Subject: 338 Kings Rd, Brisbane CA  
Drainage System

Dear Julia,

I'm writing this letter to inform you that along with the foundation design for the property subject of this letter, there will be a full drainage system along the entire perimeter of the new construction. The proposed perimeter's drainage will channel the water coming down from the hill and discharge it to the city's storm drainage system. Water from the proposed roof of the new construction will be directed through down spouts to the same city system. The plan view and details for the proposed drainage system are indicated on page C-2 of the drawing prepared for this project. A reference for the proposed drainage is made as well on the soil report prepared by Michelucci & Associates for the project.

Sincerely,

Abraham Zavala, P.E  
RCE 60620 Exp. 12/31/20

**AZ DESIGN AND ENGINEERING, Inc.**

June 16, 2020

Julia C. Ayres  
Senior Planner, Community Development Department  
City and County Brisbane | 50 Park Place, Brisbane, CA, 94005

Subject: 338 Kings Road (Grading Review EX-4-19)

Dear Julia:

This letter is a summary of the main changes that were done to the project subject of this letter. The changes made address the concerns that the Planning Commission and some neighbors had about the original project's presentation.

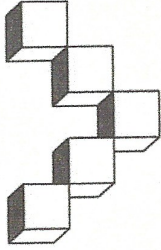
1. In the big scheme of the project, the scope of work is the same but a bit smaller, the square footage was reduced for the existing house and addition.
2. The reduction in the square footage of the additions to the main dwelling unit eliminates the requirement of providing additional on-street parking.
3. The footprint of the addition was reduced to the minimum required for a two-car garage and access to the building.
4. The result of this changes allows us to keep all the existing trees in the vicinity.
5. The main entry stairs were shifted slightly to the south. In doing this we can widen the existing shared driveway to create better access coming from either direction of Kings Road an into the house (and adjacent neighbor's house) as well a better exit from the houses into the street.
6. The soil report prepared for this project was provided to the planning department. The soil report states that the proposed project is feasible without detriment to the existing structure or the site.
7. A letter from the geotechnical engineer (John Petroff) is attached to this letter. In his letter Mr. Petroff reaffirms the findings in the original soil report that the project is feasible and safe.
8. The project's water run-off (rainwater) will be captured from the roof and roof deck as well as from the ground by a drainage system that will direct the water to the city's existing storm drain system. Preliminary drawings of the drainage system and roof draining calculations were provided to the planning department.

**AZ DESIGN AND ENGINEERING, Inc.**

9. Two hydrology consultants that were interviewed by us stated that since the proposed project is not altering any streams or impacting water tables nor affecting ecological systems in any way. They stated that any report on this matter would not yield valuable information. They indicated that the issue will be the storm water run-off, which we are addressing in a way that will follow all the requirements adopted by the city's engineering department and noted on the preliminary drawings.
10. Based on the topography of the city of Brisbane, the scale and the type of this project is not unique. Most of the houses (old and new) are built in a similar way either downhill or uphill. Therefore, I'll appreciate any positive consideration you can give to this project.

Sincerely,

Abraham Zavala, President  
AZ Design and Engineering, Inc.  
RCE C60620, Exp. 12/31/18



**Michelucci & Associates, Inc.**  
Geotechnical Consultants

**ATTACHMENT 6-F**

**Joseph Michelucci, G.E.**  
*joe@michelucci.com*

**Richard Quarry**  
*rich@michelucci.com*

June 17, 2020  
Job No. 18-4751.1

Mr. John Huang  
Via e-mail only: [huangjohnw@outlook.com](mailto:huangjohnw@outlook.com)  
[huangjohnw@gmail.com](mailto:huangjohnw@gmail.com)

Re: Opinion Regarding Completion of the  
Proposed New Building Retaining Walls  
New Addition Project  
338 Kings Road  
Brisbane, California

Dear Mr. Huang::

Introduction

At the request of Abraham Zavala with AZ Design and Engineering, Inc., we are providing this letter offering our opinion in reference to the construction of the new retaining walls that are currently being designed as part of the addition project at 338 Kings Road in Brisbane, California.

Discussion

In preparation for this letter, we were provided with the most recent set of design plans for the project prepared by AZ Design and Engineers, Inc., (with a latest revision date December 6, 2019), and we discussed the current status of the project with your architect, Abraham Zavala.

As you are aware, we issued a geotechnical investigation report titled, "Proposed Addition to Residence, 338 Kings Road, Brisbane, California," dated February 27, 2018 for the above referenced project. We have also been providing geotechnical consultation during the preparation of the design plans as the project has progressed. The project is to include construction of new retaining walls beneath the upslope (south) side of the proposed addition. Construction of the new walls will also allow for the creation additional near street-level parking in front of the residence.

We understand that there has been some concern raised by the nearby property owners regarding the anticipated amount of earthwork that will be necessary in order to construct the addition and the proposed retaining walls associated with the addition project.

Page 2  
June 17, 2020  
Job No. 18-4751.1

Conclusion/Supplemental Recommendations

In our opinion, the construction of the proposed retaining walls is feasible from a geotechnical viewpoint, provided that the following recommendations are implemented during the construction phase of the project.

Based on the results of our test borings at the site, it is highly likely that the excavation will encounter very dense sandstone that should be able to have adequate stability to support the temporary excavations. The results of our study indicate that the new wall foundations should be anchored well into the underlying hard Franciscan sandstone bedrock that was encountered in our Borings.

If the current engineering standards are implemented and incorporated in the design plans, completion of the retaining walls along with the associated subdrainage will greatly enhance the stability of the existing slope between the top of the wall and the street along Kings Road. Completion of the return walls along the east and west sides of the property will provide added stability to the side-slopes.

We do recommend that as the excavations for the retaining walls are being made, members of our staff be present so that we can inspect the excavations for the possible presence of unfavorable bedding or fracture planes. We would also recommend that the excavations be made from the top of the site and progress gradually from the rear towards the front of the property. *If unfavorable conditions are exposed as the excavations are taking place, it may be necessary to provide shoring where the unfavorable conditions are exposed.* Soil "nailing" could also be considered working from the top of the site down.

If you have any questions regarding the contents of this letter, please do not hesitate to contact our office.

Very truly yours,  
MICHELUCCI & ASSOCIATES

*John Petroff /js*  
John Petroff  
Project Geologist

*Joseph Michelucci /js*  
Joseph Michelucci  
Geotechnical Engineer #593  
(Expires 3/31/21)



cc: AD Design and Engineering, Attn: Abraham Zavala (abraham@azdesignandengineering.com)

GEOTECHNICAL INVESTIGATION

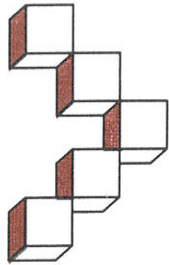
*Proposed Addition to Residence  
338 Kings Road  
Brisbane, California*

*Prepared for:*

*Roy and Lany Miller*

*February 27, 2018*





**Michelucci & Associates, Inc.**  
Geotechnical Consultants

**Joseph Michelucci, G.E.**  
*joe@michelucci.com*

**Richard Quarry**  
*rich@michelucci.com*

February 27, 2018  
Job No. 18-4751

via mail and e-mail: muller@trussworks.com

Roy and Lany Muller  
338 Kings Road  
Brisbane, CA 94005

Re: Geotechnical Investigation  
Proposed Addition to Residence  
338 Kings Road  
Brisbane, California

Dear Mr. and Mrs. Muller:

As authorized, we have completed a geotechnical investigation of the site of the proposed addition to the residence located at 338 Kings Road in Brisbane, California.

It is our basic conclusion that the project is feasible from a geotechnical viewpoint, provided that the recommendations contained in the accompanying report are incorporated into the final plans and followed during construction.

We are pleased to have been of service to you on this project, and will be available to review our findings with you and your other consultants as needed.

Very truly yours,  
MICHELUCCI & ASSOCIATES, INC.

John Petroff  
Project Geologist

Joseph Michelucci  
Geotechnical Engineer #593  
(Expires 3/31/19)



cc: Ben Newcomb, Designer (finehomes@bennewcomb.com)

TABLE OF CONTENTS

INTRODUCTION ..... 1

DESCRIPTION OF PROJECT ..... 2

SCOPE OF SERVICES ..... 2

FIELD INVESTIGATION AND LABORATORY TESTS..... 3

SITE CONDITIONS ..... 4

SOIL AND BEDROCK CONDITIONS ..... 5

SITE GEOLOGY ..... 5

GEOTECHNICAL CONDITION OF RESIDENCE ..... 6

CONCLUSIONS..... 7

RECOMMENDATIONS ..... 8

    A. Seismic Criteria Per 2016 CBC ..... 8

    B. Grading ..... 8

    C. Foundations ..... 8

    D. Retaining Walls ..... 9

    E. Slab-on-Grade Construction ..... 10

    F. Surface Drainage ..... 10

    G. Subdrainage ..... 11

    H. Review of Plans and Construction Observations ..... 11

LIMITATIONS ..... 11



GEOTECHNICAL ENGINEERING INVESTIGATION

Proposed Addition to Residence  
338 Kings Road  
Brisbane, California

INTRODUCTION

This report covers our investigation of the soil and bedrock conditions that occur at the site of the proposed addition to the residence located at 338 Kings Road in Brisbane, California (Site Vicinity Map, Figure 1). An overview of the property, including the location of test borings performed in conjunction with this study, is included on the attached Site Plan, Figure 2. A photo of the front of the residence follows.



Photo 1: View of the front of the residence from Kings Road. The garage addition is planned on the right side of the residence (on the right side of the photo).

Page 2  
February 27, 2018  
Job No. 18-4751

The purpose of our study was to evaluate the soil and bedrock conditions that occur at the site, and to provide geotechnical recommendations and design criteria pertaining to building foundations, site grading, retaining walls, drainage, and other items that relate to the site soil and geologic conditions.

### DESCRIPTION OF PROJECT

The project is to involve an addition to the existing structure at the location indicated on the attached Site Plan, Figure 2. This will require removal of an existing stairway and concrete block wall along the right side of the residence (when viewed from the street) and the removal of fencing and decking further up the slope. We also understand that the structure is to be remodeled and an additional story is to be added. A new retaining wall is also planned below the driveway adjacent to the street, which will create a space for street parking below the property.

### SCOPE OF SERVICES

Our study included:

1. Detailed site inspections by our geotechnical personnel;
2. A review of our files for other projects our firm has completed in the site vicinity;
3. The review of plans, titled "338 Kings Road, Addition and Remodel", prepared by Ben Newcomb, Designer, dated June 19, 2017;
4. Discussions with Ben Newcomb;
5. The performance of a relative floor elevation survey on the existing structure with a water-filled manometer (to aid in evaluating foundation performance);
6. A review of available published geologic maps and literature;
7. Marking the street and sidewalk in front of the property and then contacting USA (Utility Service Alert) to locate where buried utilities enter the property prior to logging test borings;

Page 3  
February 27, 2018  
Job No. 18-4751

8. Filing appropriate forms with San Mateo County in accordance with our Annual Drilling Permit, as required by the County Department of Health;
9. The excavation of 3 exploratory test borings with minuteman power augering and sampling equipment;
10. The recovery of samples from the borings, and the performance of a variety of engineering tests upon the various soil layers encountered;
11. Backfilling the boreholes with appropriate grout (by Access Soil Drilling of San Mateo)
12. The excavation of a test pit beneath the residence's foundation to determine the depth of the foundation and the material upon which it bears;
13. The performance of geotechnical engineering analysis utilizing the above items; and,
14. The preparation of this report.

#### FIELD INVESTIGATION AND LABORATORY TESTS

In order to evaluate the geotechnical engineering characteristics of the soil and bedrock layers which underlie the site, 3 borings were drilled at the approximate locations indicated on the attached Site Plan, Figure 2. The borings were drilled by Access Soil Drilling of San Mateo on February 7, 2018 with minuteman power augering equipment. Relatively undisturbed samples were recovered in thin brass tubes from the borings at selected intervals with a free-falling, 140-pound hammer (with a 30-inch drop) advancing modified California, and in some cases standard penetration, drive samplers up to 24 inches into the subsurface soil and bedrock layers. The brass tube encased samples were labeled in the field and carefully sealed to preserve their in-situ moisture content. They were ultimately transported to our laboratory.

Page 4  
February 27, 2018  
Job No. 18-4751

As the borings were excavated, logs of the materials encountered were prepared based upon an inspection of the recovered samples and close observation of the auger cuttings as they emerged from the borehole. The final Boring Logs, as presented on the attached Figures 3 through 5, are based upon the field logs with occasional modifications based upon further close laboratory examinations of the recovered samples as well as the laboratory test results.

Laboratory tests were performed upon samples that were extruded from the brass tubes. These tests, which are useful in evaluation of the general strength properties of the materials tested, included the determinations of moisture content, dry density and unconfined compressive strength of selected samples. The results of these tests, along with the resistance to penetration of the sampler, are listed opposite the corresponding sample location on the final Boring Logs, Figures 3 through 5. A Boring Log Key is also included as Figure 6.

Our investigation also included a relative floor elevation survey on the main entry level of the existing home. The survey, made with a water-filled manometer aids in evaluating how well the foundation has performed. The results of the survey are included on Figure 7.

We also excavated a test pit to excavate the foundation depth and the material it bears upon. The approximate location of the test pit is shown on Figure 2.

### SITE CONDITIONS

The site topography slopes generally upward towards the west at an average inclination that is on the order of 1.75 horizontal to 1 vertical with some locally steeper areas just above the driveway and on the slope above the residence.

The property is improved with an existing residence that was constructed on a stepped building pad that was created by cut and fill operations. Excavations were made into the slope and some fill was placed along the downslope sides of the excavations to accommodate the building pad.

The concrete driveway that extends along the east side of the property currently services only the residence immediately to the north of the subject property. It appears that the driveway will become a "shared" improvement after the garage is constructed on the subject property.

The addition is planned along the east side of the residence, which is currently occupied by a low wood deck and lush landscaping.



### SOIL AND BEDROCK CONDITIONS

The soil and bedrock conditions encountered at the site consisted generally of a thin surface soil layer of man-placed fill and/or colluvium, which was underlain by dense Franciscan sandstone bedrock. In general, the thickness of soil above the rock was greater at the front of the residence.

Groundwater was not encountered in any of the borings at the time of drilling. Groundwater and perched groundwater levels, however, tend to fluctuate seasonally, and could rise to the depths explored in the future.

A sketch of the general site features is included on the Site Plan, Figure 2. For a more complete description of the soil and bedrock layers encountered in the borings, refer to the final Boring Logs included as Figures 3 through 5 and the Boring Log Key included as Figure 6.

### SITE GEOLOGY

The site has been mapped by Brabb, Graymer and Jones (1998) and Bonilla (1998) to be underlain by Franciscan sandstone and shale (Kjsk). Brabb, Graymer and Jones describe the sandstone as *dark-gray to yellowish-brown greywacke interbedded with shale, in approximately equal amounts*. As noted, dense Franciscan sandstone was encountered in all of our test borings for the project. A scan of Bonilla's geologic map follows.



Bolilla (1998)

Page 6  
February 27, 2018  
Job No. 18-4751

There are no indications of active faulting at the site. The closest mapped active fault to the site is the San Andreas Fault located approximately 4.2 miles (6.8 kilometers) to the southwest. The San Andreas Fault, and numerous active and potentially active Bay Area faults are capable of producing moderate to major earthquakes that could cause severe ground shaking at the subject site in the future. This hazard is shared in some degree by all land and structures in the San Francisco Bay Area.

#### GEOTECHNICAL CONDITION OF RESIDENCE

In order to help evaluate the performance of the existing foundation and the compatibility with a new foundation, we conducted a relative floor elevation survey on the floors of the main entry level using a water-filled manometer. The results of the survey, which are included on the attached Figure 7, indicate that the existing residence is on the order of 4.0 inches out-of-level. This suggests that greater than normal foundation settlement has occurred.

We also inspected the accessible portions of the foundation crawl space as part of our study. In general, the foundation appeared to be in serviceable condition from a geotechnical viewpoint. We did observe a 1/16 to ¼ inch wide diagonal crack in a continuous interior footing that extended just upslope of the lower level of the residence, but for the most part the foundation looked good. The crack is visible from the crawl space entry just beyond the hot water heater and the furnace and the associated small diameter copper piping. Our observations suggest that the continuous interior footing where the crack was observed may have been the original front footing for the house before an addition was done along the front of the residence after the original construction was completed. The crack in the foundation is visible in the following photo.



Page 7  
February 27, 2018  
Job No. 18-4751



**Photo 2:** View within the foundation crawl space. Note the diagonal crack in the continuous interior footing near the left side of the photo.

We excavated a test pit along the front of the residence just to the left of the chimney (when looking upslope) and found that the foundation extended about 9 to 10 inches below nearest adjacent grade and was bearing upon artificial fill that consisted of light olive brown medium dense silty clayey fine sand with brownish yellow mottling and scattered rootlets. We should point out that our test pit location corresponds to the area where the house was measured to be most out of level.

### CONCLUSIONS

Based upon our study, it is our opinion that the project can be developed as planned, provided that the recommendations contained within this report are followed. The primary geotechnical consideration will involve embedding the new addition foundation into the dense sandstone bedrock that was encountered in our test borings. Since the existing foundation has been affected by excessive settlement, portions (or all of the residence) should be underpinned or replaced and also supported in bedrock.

Page 8  
February 27, 2018  
Job No. 18-4751

It may also be necessary to shore portions of the existing residence to protect the structure from movement when the garage excavation is made.

Specific recommendations follow.

### RECOMMENDATIONS

The following recommendations are contingent upon our firm being retained to review the development plans and to observe the geotechnical aspects of construction. We should also be provided the opportunity to “fine-tune” our recommendations as plans are being prepared.

A. Seismic Criteria Per 2016 CBC

As of January 1, 2017, the 2016 CBC is being utilized for projects in California. This new code is based upon the 2015 International Building Code.

It is our opinion that the subject site can be classified as Site Class “C” for the purpose of structural engineering calculations as defined in Section 1613 of the 2016 CBC.

B. Grading

It is anticipated that significant grading other than excavation will *not* take place. If areas of fill are proposed, they should be brought to our attention so that specific recommendations can be provided.

C. Foundations

In our opinion, underpinning the settled portions of the existing residence is feasible from a geotechnical viewpoint. The underpinning should consist of either drilled or hand excavated reinforced concrete piers that are designed to resist both vertical as well as lateral loading (that could be imposed by creeping soil). The structural engineer should utilize the relative floor elevation surveys that we provided as well as their own observations of the foundation elements to determine underpinning locations.

Drilled piers should be designed on the basis of an allowable skin friction value of 500 psf beginning at the top of supporting material, which should be assumed to be the top of bedrock, or in accordance with the Rule of Ten, which is included on the attached Figure 8, whichever is deeper.



If hand excavated piers are utilized, they should be design on the basis of an allowable bearing pressure of 4,000 psf, beginning at least 4 feet below the top of supporting material as defined above.

Piers should also be designed to resist a horizontal creep load equivalent to a fluid weighing 50 pounds per cubic foot projected over 2-½ pier diameters. The creep load should extend to the top of supporting material, as described above.

Passive resistance may begin at the top of supporting material, as defined above. An allowable passive value of 400 pounds per cubic foot may be assumed in the design. This value may be projected over 2 pier diameters.

Reinforcing for the piers should be determined by the structural engineer based upon anticipated loading.

It is possible that water may accumulate in the pier excavations. Therefore, provisions for casing may be necessary. Any water that accumulates in the piers should be pumped out prior to concrete placement. Alternatively, concrete may be placed by the “tremmie technique”.

D. Retaining Walls

Retaining walls should be constructed upon foundations designed in accordance with Section C above. All retaining walls should be designed to resist the active equivalent fluid pressures tabulated as follows.

<u>WALL BACKSLOPE INCLINATION (H:V)</u>	<u>EQUIVALENT FLUID PRESSURE (pcf)</u>
Level	45
4h: 1v	50
3h: 1v	55
2h: 1v	60

Interpolation can be used to determine pressures for intermediate inclinations. When walls are to be rigidly restrained from rotation, a uniform surcharge pressure of 75 psf should be added to the design values.

In addition to static soil earth pressure as outlined above, the retaining walls should be designed to resist short-term seismic loading. The retaining walls should be designed for a seismic loading increment (in pounds per foot) equal to 10 times the height of the wall (in feet) squared. The seismic component, as defined above, should be considered as a line load acting at a point 0.33 times H above the base of the retaining wall, where H is the wall height. It is noted that the seismic component should be added to the static earth pressure loading. In our opinion, it is acceptable to use a factor of safety of 1.1 for overturning when considering the combined effect of static and seismic loading.

Passive resistance can begin at the top of supporting material, as defined above, and can be taken as a value of 400 pcf. This value can be projected over 2 pier diameters.

It is important that adequate subdrainage be constructed behind retaining walls. We have included a Typical Subdrain Detail on Figure 9. In addition, moisture proofing should be provided in areas where moisture migration through retaining walls would be undesirable.

#### E. Slab-On-Grade Construction

It is anticipated that the only slab-on-grade construction will be for the garage floor. The slabs should be reinforced with steel bars and cast upon rock, or engineered fill. (We anticipate that bedrock will be exposed at the garage elevation. If bedrock is not exposed, we will be available to provide supplemental recommendations.) It is recommended that some type of moisture retardant be provided beneath the slabs. We have included a commonly used treatment on the attached Figure 10, however the project architect, or moisture control consultant should provide the final plan.

#### F. Surface Drainage

We recommend that the site be fine-graded to direct water to flow away from the building foundations. As a general requirement, storm water should not be allowed to pond or flow in concentrated streams or channels on the site. Such ponding or flows and the resulting saturation can weaken the soils and perhaps cause some minor site erosion.

It is further recommended that all roof downspouts be led into tightline disposal pipes that deposit water well away from building foundations and into a suitable disposal area. *Disposal requirements vary from building department to building department and some require disposal into on site "dry well" or other facilities. We should be further consulted if there is such a requirement for this project.*

---

#### G. Subdrainage

As noted, subdrainage should be constructed behind retaining walls as illustrated on Figure 9.

In order to mitigate the potential for water to seep into the building "crawl areas", it is also recommended that a foundation drain be constructed along all sides of the structure, as is illustrated on Figure 11. Material specifications are included on Figure 9. If the uphill foundation wall is a retaining wall, the wall subdrain will serve this purpose.

---

#### H. Review of Plans and Construction Observations

It is important that all of the plans related to our recommendations be submitted to our office for review. The purpose of our review will be to verify that our recommendations are understood and reflected on the plans, and to allow us to provide supplemental recommendations, if necessary. We should be provided the plans well in advance of construction. We will provide plan review letters as appropriate.

It is important that our firm be retained to provide observation services during construction. Our observations will allow us to verify that the materials encountered are consistent with those found during our study, and will allow us to provide supplemental, on-site recommendations, as necessary. *We will require at least 48 hours notice so that the appropriate personnel may be scheduled.*

### LIMITATIONS

The conclusions and opinions expressed in this report are based upon the exploratory borings that were drilled on the site, spaced as shown on the Site Plan, Figure 2. While in our opinion these borings adequately disclose the soil conditions across the site, the possibility exists that abnormalities or changes in the soil conditions, which were not discovered by this investigation, could occur between borings.

Page 12  
February 27, 2018  
Job No. 18-4751

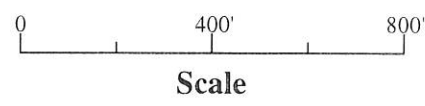
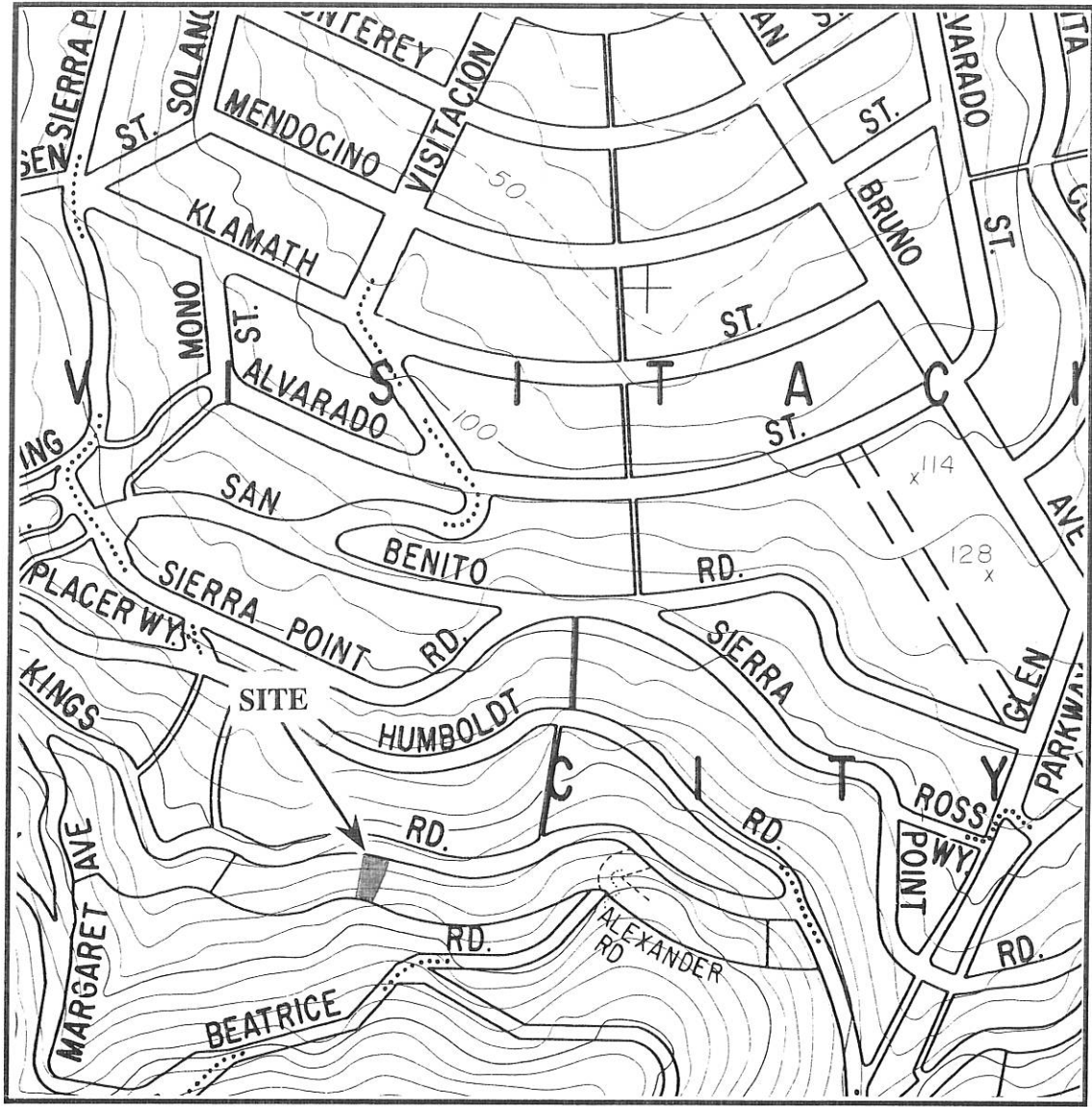
This study was not intended to disclose the locations of any existing utilities, septic tanks, leaching fields, hazardous wastes, or other buried structures. The contractor or other people should locate these items, if necessary.

Michelucci & Associates, Inc. does not practice in the field of moisture vapor transmission evaluation/mitigation. Therefore, we recommend that a qualified person/firm be engaged/consulted with to evaluate the general and specific moisture vapor transmission paths and any impact on the proposed construction. This person/firm should provide recommendations for mitigation of potential adverse impact of moisture vapor transmission on various components of the structure as deemed appropriate,

The passage of time may result in significant changes in technology, economic conditions, or site variations that could render this report inaccurate. Accordingly, neither Roy and Lany Muller nor any other party shall rely on the information or conclusions contained in this report after 12 months from its date of issuance without the express written consent of Michelucci & Associates, Inc. Reliance on this report after such period of time shall be at the user's sole risk. Should Michelucci & Associates, Inc. be required to review the report after 12 months from its date of issuance, Michelucci & Associates, Inc. shall be entitled to additional compensation at then-existing rates or such other terms as may be agreed upon between Michelucci & Associates, Inc. and Roy and Lany Muller.

This report was prepared to provide engineering opinions and recommendations only. It should not be construed to be any type of guarantee or insurance.



SITE VICINITY MAP\*  
338 Kings Road  
Brisbane, California

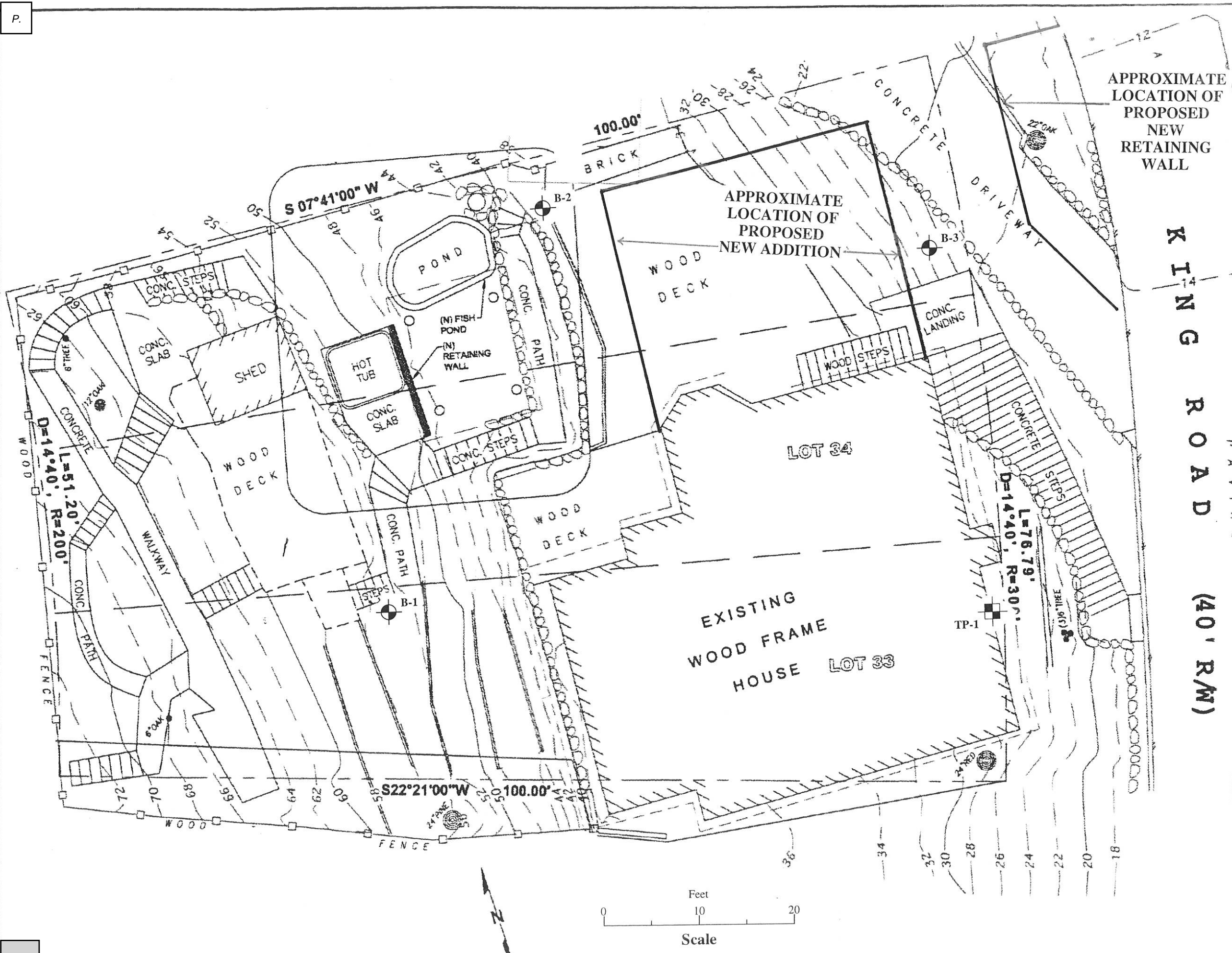


\*BASE MAP FROM COUNTY OF SAN MATEO CADASTRAL TOPOGRAPHIC SERIES, SHEET 2D, 1973, (REVISED 1-1-86).



**ATTACHMENT 6-G**  
**EXPLANATION**

-  B-1 Boring Location & Number (Michelucci & Associates, Inc.)
-  TP-1 Test Pit Location & Number (Michelucci & Associates, Inc.)



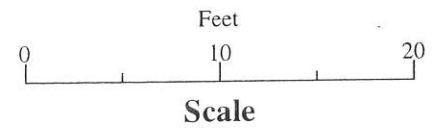
APPROXIMATE LOCATION OF PROPOSED NEW RETAINING WALL

APPROXIMATE LOCATION OF PROPOSED NEW ADDITION

**K I N G S R O A D (40' R/W)**

EXISTING WOOD FRAME HOUSE LOT 33

LOT 34



\* Base map from a site plan prepared by American Engineering Co., titled, "Site Retaining Wall & Arbor, Muller Residence, 338 Kings Road" (Sheet S1), dated February 20, 2011.

**SITE PLAN\***  
338 Kings Road  
Brisbane, California

Scale: 1"=10'±	Approved: J. M.	Prepared By: J. P.
Date: 2-26-18		Revised:

 **Michelucci & Associates, Inc.**

Job No. 18-4751	Figure 2
-----------------	----------

Project: <b>338 Kings Road</b>	<b>Log of Boring 1 Sheet 1 of 1</b>
Project Location: <b>Brisbane, California</b>	
Project Number: <b>18-4751</b>	

Date(s) Drilled: <b>2/7/18</b>	Logged By: <b>JL</b>	Checked By: <b>JM</b>
Drilling Method: <b>Continuous Sampling</b>	Drill Bit Size/Type: <b>4-inch Diameter</b>	Total Depth of Borehole: <b>8 feet</b>
Drill Rig Type: <b>Minuteman</b>	Drilling Contractor: <b>Access Soil Drilling</b>	Approximate Surface Elevation:
Groundwater Level and Date Measured: <b>Dry</b>	Sampling Method(s): <b>2.5", 2.0" &amp; spt</b>	Hammer Data: <b>140 lb: 30-inch drop</b>

Depth (feet)	Graphic Log	Material Type	MATERIAL DESCRIPTION	Sample Type	Sample Number	Driving Resistance, blows/ft	Dry Unit Weight, pcf	Water Content, %	UC, psf	Deg. of Saturation (%)
0		SM-SC	Loose to medium dense, dark yellowish brown, silty clayey fine sand, damp to moist (Colluvium)		1-1 (2.5")	9	95.2	14.2	2,435	49.8
		Sandstone	Deeply weathered, yellowish brown, silty clayey fine sandstone, damp (Franciscan Sandstone Bedrock)		1-2 (2.0")	28	104.5	11.4	2,151	50.4
5					1-3 (spt)	46				
					1-4 (spt)	50/6"				
			Boring terminated at 8 feet below grade							
10										

I:\Users\user\Desktop\338 Kings Road\338 Kings Road Boring Data.bg4[Company.lpl]

Figure 3

Project: <b>338 Kings Road</b>	<h2 style="margin: 0;">Log of Boring 2</h2> <h3 style="margin: 0;">Sheet 1 of 1</h3>
Project Location: <b>Brisbane, California</b>	
Project Number: <b>18-4751</b>	

Date(s) Drilled: <b>2/7/18</b>	Logged By: <b>JL</b>	Checked By: <b>JM</b>
Drilling Method: <b>Continuous Sampling</b>	Drill Bit Size/Type: <b>4-inch Diameter</b>	Total Depth of Borehole: <b>2 feet 8 inches</b>
Drill Rig Type: <b>Minuteman</b>	Drilling Contractor: <b>Access Soil Drilling</b>	Approximate Surface Elevation:
Groundwater Level and Date Measured: <b>Dry</b>	Sampling Method(s): <b>2.5", 2.0" &amp; spt</b>	Hammer Data: <b>140 lb: 30-inch drop</b>

Depth (feet)	Graphic Log	Material Type	MATERIAL DESCRIPTION	Sample Type	Sample Number	Driving Resistance, blows/ft	Dry Unit Weight, pcf	Water Content, %	UC, psf	Deg. of Saturation (%)
0		SM	Soft to medium dense, dark yellowish brown, silty fine sand with gravel, moist (Fill)							
		Sandstone	Deeply weathered, yellowish brown, silty clayey fine sandstone, damp (Franciscan Sandstone Bedrock)		2-1 (2.5")	50/5"	121.8	8.9		62.6
					2-2 (2.0")	50/5"				
					2-3 (spt)	50/4"				
			Boring terminated at 2 feet 8 inches below grade							
5										
10										

Michelucci & Associates

I:\Users\user\Desktop\338 Kings Road Boring Data\338 Kings Road Boring Data bg4\Company.tpl

Figure 4



Project: <b>338 Kings Road</b>	<b>Log of Boring 3</b> <b>Sheet 1 of 1</b>
Project Location: <b>Brisbane, California</b>	
Project Number: <b>18-4751</b>	

Date(s) Drilled <b>2/7/18</b>	Logged By <b>JL</b>	Checked By <b>JM</b>
Drilling Method <b>Continuous Sampling</b>	Drill Bit Size/Type <b>4-inch Diameter</b>	Total Depth of Borehole <b>5 feet 3 inches</b>
Drill Rig Type <b>Minuteman</b>	Drilling Contractor <b>Access Soil Drilling</b>	Approximate Surface Elevation
Groundwater Level and Date Measured <b>Dry</b>	Sampling Method(s) <b>2.5", 2.0" &amp; spt</b>	Hammer Data <b>140 lb: 30-inch drop</b>

Depth (feet)	Graphic Log	Material Type	MATERIAL DESCRIPTION	Sample Type	Sample Number	Driving Resistance, blows/ft	Dry Unit Weight, pcf	Water Content, %	UC, psf	Deg. of Saturation (%)
0		SC	Loose, dark yellowish brown, clayey fine sand, moist (Colluvium)							
		ML-CL	Stiff, yellowish brown, abundantly fine sandy silty clay with sandstone fragments, damp to moist (Residual Soil)		3-1 (2.5")	10	101.6	21.6	1,782	88.7
		Sandstone	Deeply weathered, yellowish brown, silty clayey fine sandstone, damp (Franciscan Sandstone Bedrock)		3-2 (2.0")	72	118.0	10.8	3,574	68.0
5					3-3 (spt)	50/3"				
			Boring terminated at 5 feet 3 inches below grade							

Michelucci & Associates

I:\ntosh.HD\Users\user\Desktop\338 Kings Road Boring Data bg4\Company.tpl

Figure 5

P.

Project: <b>338 Kings Road</b> Project Location: <b>Brisbane, California</b> Project Number: <b>18-4751</b>	<b>Key to Log of Boring</b> <b>Sheet 1 of 1</b>
---	--

Depth (feet)	Graphic Log	Material Type	MATERIAL DESCRIPTION	Sample Type	Sample Number	Driving Resistance, blows/ft	Dry Unit Weight, pcf	Water Content, %	UC, psf	Deg. of Saturation (%)
1	2	3	4	5	6	7	8	9	10	11

**COLUMN DESCRIPTIONS**

- |   |  |
|---|--|
| <p><b>1</b> Depth (feet): Depth in feet below the ground surface.</p> <p><b>2</b> Graphic Log: Graphic depiction of the subsurface material encountered.</p> <p><b>3</b> Material Type: Type of material encountered.</p> <p><b>4</b> MATERIAL DESCRIPTION: Description of material encountered. May include consistency, moisture, color, and other descriptive text.</p> <p><b>5</b> Sample Type: Type of soil sample collected at the depth interval shown.</p> <p><b>6</b> Sample Number: Sample identification number.</p> | <p><b>7</b> Driving Resistance, blows/ft: Number of blows to advance driven sampler one foot (or distance shown) beyond seating interval using the hammer identified on the boring log.</p> <p><b>8</b> Dry Unit Weight, pcf: Dry weight per unit volume of soil sample measured in laboratory, in pounds per cubic foot.</p> <p><b>9</b> Water Content, %: Water content of the soil sample, expressed as percentage of dry weight of sample.</p> <p><b>10</b> UC, psf: Unconfined compressive strength, in pounds per square foot.</p> <p><b>11</b> Deg. of Saturation (%): Deg. of Saturation (%)</p> |
|---|--|










**FIELD AND LABORATORY TEST ABBREVIATIONS**

- |  |  |
|--|--|
| CHEM: Chemical tests to assess corrosivity<br>COMP: Compaction test<br>CONS: One-dimensional consolidation test<br>LL: Liquid Limit, percent | PI: Plasticity Index, percent<br>SA: Sieve analysis (percent passing No. 200 Sieve)<br>UC: Unconfined compressive strength test, Qu, in ks<br>WA: Wash sieve (percent passing No. 200 Sieve) |
|--|--|






**MATERIAL GRAPHIC SYMBOLS**

- |   |  |
|---|--|
|  Sandstone |  Silty to Clayey SAND (SM-SC) |
|---|--|

**TYPICAL SAMPLER GRAPHIC SYMBOLS**

- |   |   |  |
|---|---|--|
|  Auger sampler<br> Bulk Sample<br> 3-inch-OD California w/ brass rings |  CME Sampler<br> Grab Sample<br> 2.5-inch-OD Modified California w/ brass liners |  Pitcher Sample<br> 2-inch-OD unlined split spoon (SPT)<br> Shelby Tube (Thin-walled, fixed head) |
|---|---|--|

**OTHER GRAPHIC SYMBOLS**

- |   |  |
|---|--|
|  | Water level (at time of drilling, ATD)               |
|  | Water level (after waiting)                          |
|  | Minor change in material properties within a stratum |
|  | Inferred/gradational contact between strata          |
|  | Queried contact between strata                       |

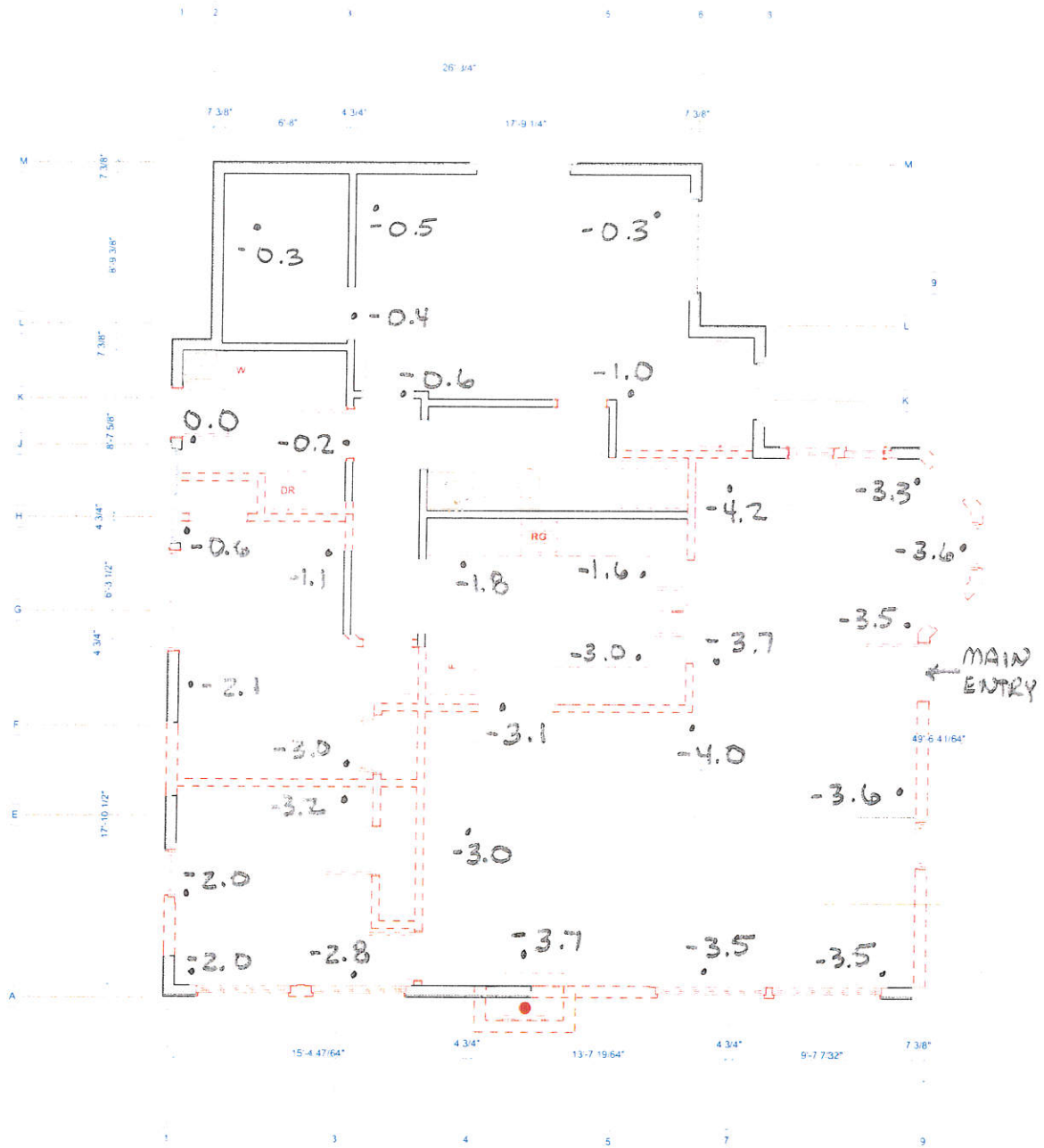
**GENERAL NOTES**

- Soil classifications are based on the Unified Soil Classification System. Descriptions and stratum lines are interpretive, and actual lithologic changes may be gradual. Field descriptions may have been modified to reflect results of lab tests.
- Descriptions on these logs apply only at the specific boring locations and at the time the borings were advanced. They are not warranted to be representative of subsurface conditions at other locations or times.

C:\pntosh\HD-Users\user\Desktop\338 Kings Road Boring Data\bor4[Company.tpl]

# RELATIVE FLOOR ELEVATION SURVEY ATTACHMENT 6-G

338 Kings Road  
Brisbane, California  
UNKNOWN SCALE



## NOTES

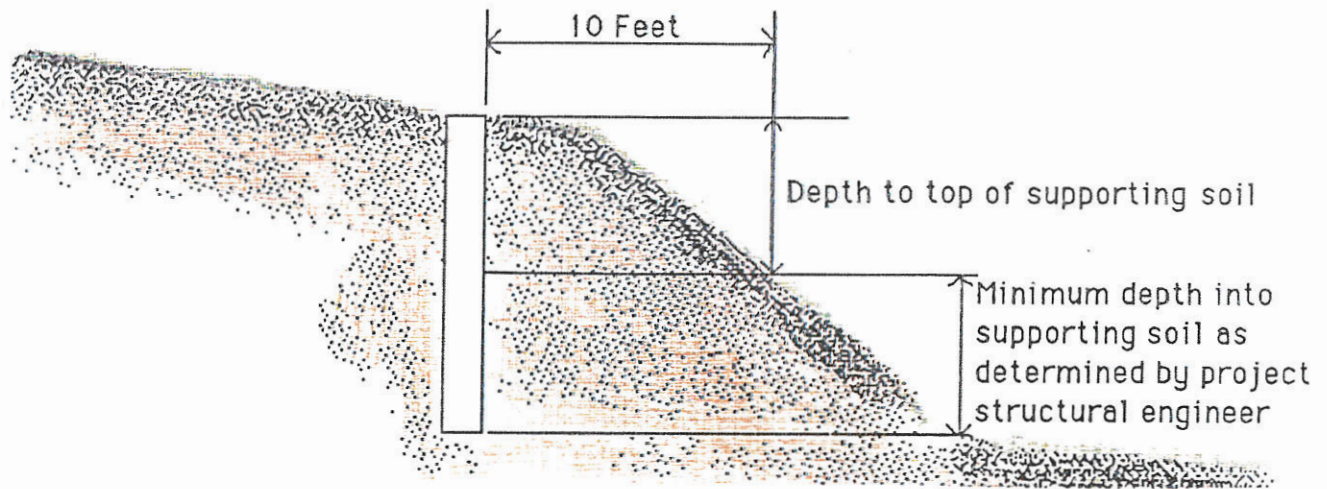
- 1) Survey performed on 1-29-18
- 2) Readings are in inches
- 3) 0.0 indicates high point

\* Base map from a 2nd floor existing and demo plan prepared by Ben Newcomb, Designer, titled, "338 Kings Road Addition & Remodel," (Sheet A-2) dated June 19, 2017.

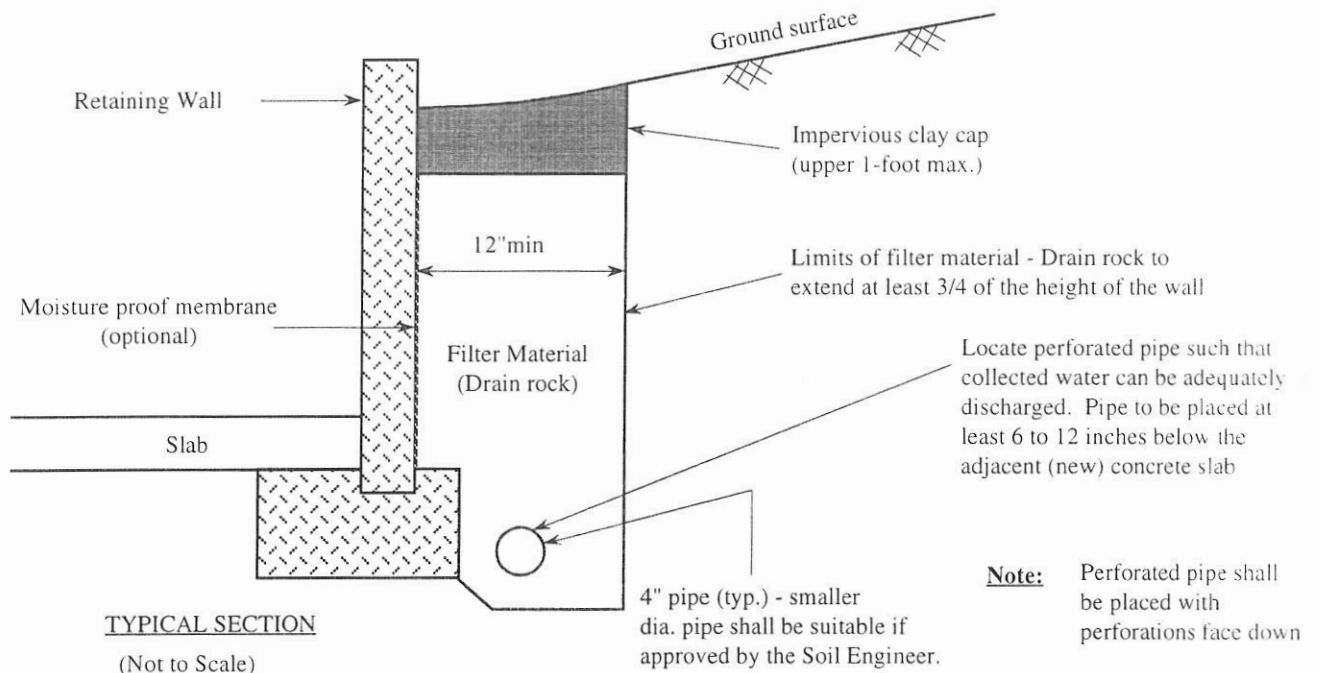
P.

# THE "RULE OF TEN" HORIZONTAL CONFINEMENT FOR FOUNDATIONS ON OR NEAR SLOPES

## DRILLED PIER FOUNDATIONS



**GUIDE SPECIFICATIONS FOR SUBDRAINS BEHIND RETAINING WALLS**



Subdrain pipe shall be manufactured in accordance with the following requirements:

- a. Acrylonitrile-butadiene-styrene (ABS) plastic pipe shall conform to the specifications for ABS plastic pipe given in ASTM Designation D2282 and ASTM Designation D2751. ABS pipe shall have a minimum pipe stiffness of 45 psi at 5% deflection when measured in accordance with ASTM Method D2412.
- b. Polyvinyl chloride (PVC) pipe shall conform to AASHTO Designation M278. PVC pipe shall have a minimum pipe stiffness of 50 psi at 5% deflection when measured in accordance with ASTM Method D2412 except that pipe conforming to F758 shall be suitable. Schedule 40 PVC pipe shall be suitable. SDR-35 PVC pipe conforming to ASTM D3034 shall be suitable when the thickness of pipe cover does not exceed 12 feet.

Filter material for use in backfilling trenches around and over subdrain pipes and behind retaining walls shall consist of clean coarse sand and gravel or crushed stone conforming to the following requirements:

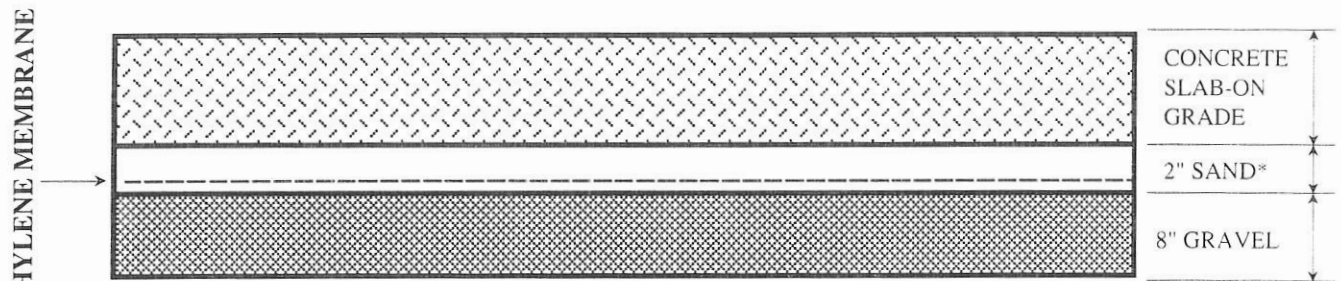
Sieve Size	% Passing Sieve
2"	100
3/4"	70 to 100
3/8"	40 to 100
#4	25 to 50
#8	15 to 45
#30	5 to 25
#50	0 to 20
#200	0 to 3

- a. Class 2 " Permeable Material" conforming to the State of California Department of Transportation Standard Specifications, latest edition, Section 68-1.025 shall be suitable.
- b. Clean, coarse gravel ("drain rock") shall also be suitable, provided that it is wrapped in an acceptable geotextile ("filter fabric") such as Mirafi 140 N.



P.

## MOISTURE RETARDANT BENEATH CONCRETE SLABS TYPICAL SECTION



\* or pea gravel

### A. MATERIALS

The mineral aggregate for use under floor slabs shall consist of clean rounded gravel and sand. The aggregate shall be free from clay, organic matter, loam, volcanic tuff, and other deleterious substances.

### B. GRADATIONAL REQUIREMENTS

The mineral aggregate shall consist of such sizes that the percentage composition by dry weight as determined by laboratory sieve (U.S. Series) will conform to the following gradation:

Sieve Size	Percentage Passing	
	Gravel	Sand
1"	100	
3/4"	90-100	
No. 4	0-5	100
No. 50		0-30

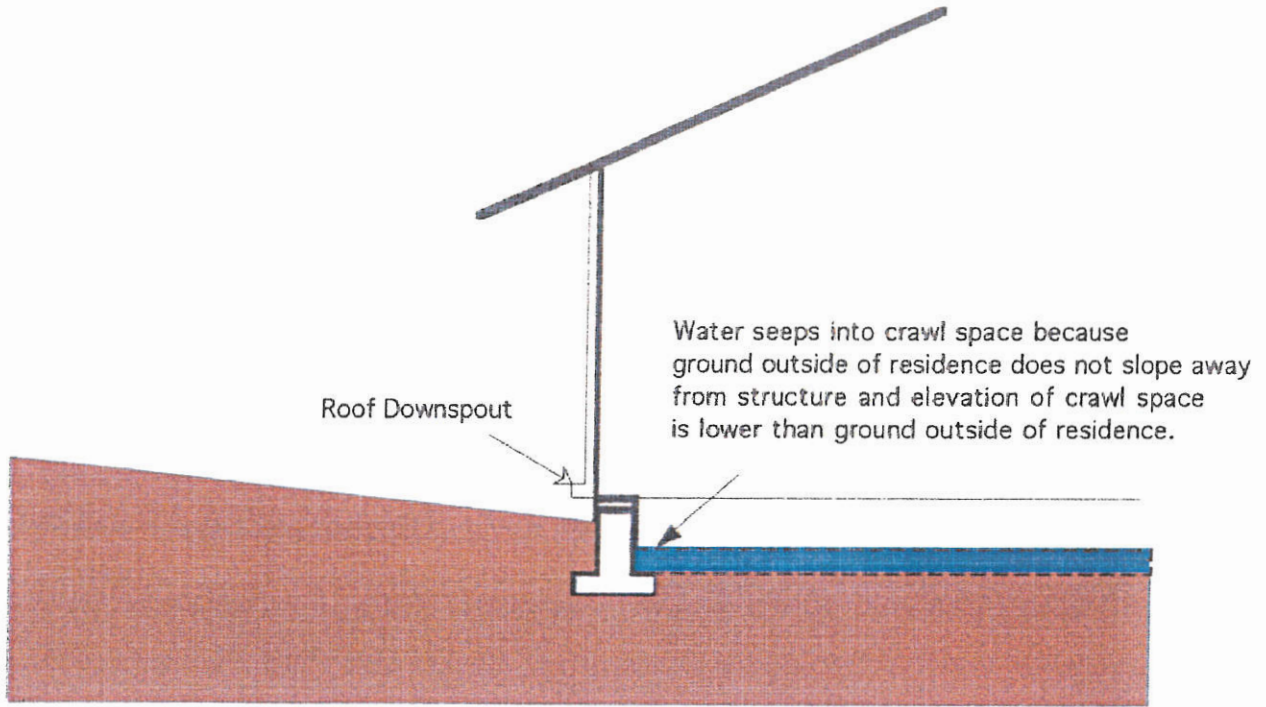
### NOTES:

1. The polyethylene membrane should be adequately thick so that it will not be easily damaged during construction. It should be adequately detailed so that there are little or no openings around plumbing at conduit points and near foundations. The membrane should be adequately lapped and sealed at any seams.
2. The sand covering is not a part of the moisture retardant treatment. It is a normally used optional component that gives some protection to the membrane and also aids in curing the concrete. Pea gravel may be used as a substitute for sand.
3. The final moisture retardant detail is to be determined by the project architect.

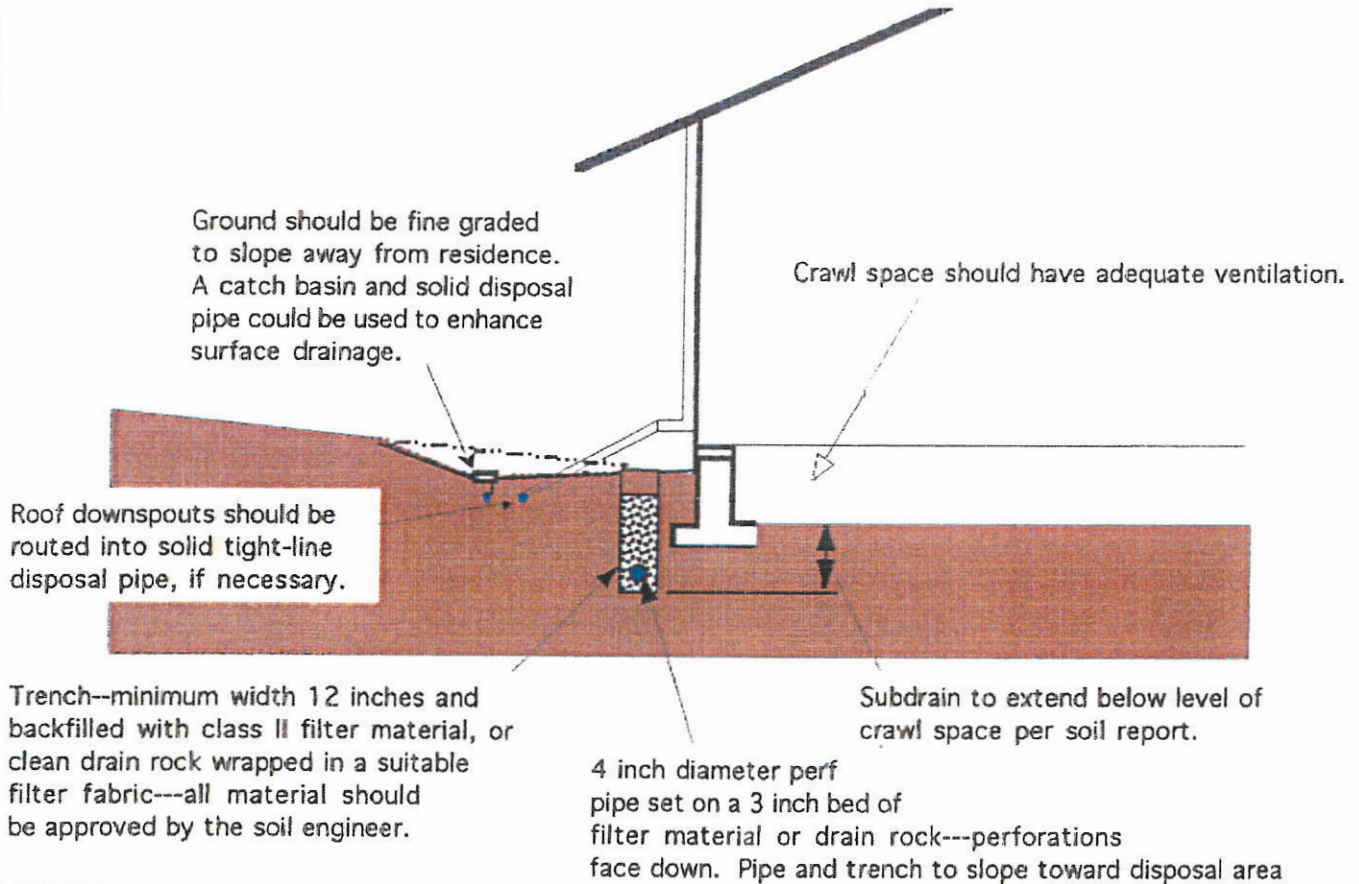


P.

EXCESSIVE MOISTURE IN FOUNDATION CRAWL SPACE



RECOMMENDED METHOD TO MITIGATE EXCESSIVE MOISTURE



# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 5/14/2020

**SUBJECT:** **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

**SUPPLEMENTAL REPORT:**

The Planning Commission held a public hearing on this application on February 27, 2020. After closing the public hearing, the Planning Commission voted to deny the application primarily due to the project impacts to a mature Coast live oak street tree, among other concerns with hydrology impacts and street improvement design. However, because no findings of denial were prepared or adopted at the time of the Planning Commission’s action, the Planning Commission’s vote was not legally binding. Per the City Attorney, in order for the Planning Commission action to be effective, the Commission would need to adopt a revised resolution containing the findings of denial. A revised resolution containing findings of denial is attached for the Commission’s reference.

However, during the Commission’s recess due to the Countywide Shelter in Place order, the applicant revised the project in response to the Commission’s concerns regarding impacts to the mature street trees (see attached letter from Mr. Zavala) and requests the Planning Commission reconsider the application. The applicant’s revised plans are not attached to this report and would be subject to review at a public hearing should the Commission vote to reconsider the application.

The motion to grant reconsideration must be made by a Commissioner who voted to deny the application at the February 27, 2020 public hearing. All Commissioners except for Commissioner Gomez, who was absent, voted in favor of denial at the February 27 hearing. The application would then be scheduled for a future public hearing and a public hearing notice would be mailed to neighbors per standard procedure.

**RECOMMENDATION:** That the Commission grant the applicant’s request for reconsideration of the application and for the application to be scheduled for a future public hearing.

If the Commission wishes to deny the applicant’s request, the Commission may adopt the attached resolution, containing findings of denial .

**ATTACHMENTS:**



P.

EX-4-19  
May 14, 2020 Meeting  
Page 2 of 2

- A. Draft Resolution EX-4-19 with Findings Denial
- B. Request from the applicant for reconsideration of revised project
- ~~C. February 27, 2020 Planning Commission staff report~~
- ~~D. February 27, 2020 Planning Commission draft minutes (included in the agenda packet)~~

  
\_\_\_\_\_  
Julia Ayres, Senior Planner

  
\_\_\_\_\_  
John Swiecki, Community Development Director

Draft  
RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
DENYING GRADING PERMIT REVIEW EX-4-19  
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO  
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that will require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission closed the public hearing and came to a consensus to deny the project based on its impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, and deferred adoption of findings of denial to the next regular Planning Commission meeting; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 14, 2020 did resolve as follows:

Grading Permit review EX-4-19 is denied without prejudice, and City Engineer issuance of the grading permit as proposed is not recommended.

ADOPTED this 14<sup>th</sup> day of May, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Pamala Sayasane  
Chairperson

ATTEST:  
\_\_\_\_\_  
JOHN A. SWIECKI, Community Development Director

DRAFT  
EXHIBIT A

**Action Taken:** Denial without prejudice of Grading Permit Review EX-4-19, per the February 27, 2020 and May 14, 2020 staff memorandums with attachments, via adoption of Resolution EX-4-19.

**Findings:**

**Grading Permit EX-4-19**

- As indicated by the applicant’s grading plan and site plan, the proposed excavation is limited to the footprint of the additions and necessary site access from the street, and is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and design standards contained in Chapter 17.34 of the Municipal Code.
- The proposed grading would result in one exposed retaining wall of approximately nine feet in height within a portion of the front setback, extending into the public right-of-way.
- The proposed grading is not designed to conserve existing street trees (as defined by BMC Section 12.12.020), and specifically would require removal of a mature Coast live oak street tree and potentially impact the health of a second mature Coast live oak street tree.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.



**DESIGN AND ENGINEERING,  
INC.**

255 Reichling Avenue  
Pacifica, CA 94044

T 650-553-4031  
F 650-553-4044

azdesign@azdesignandengineering.com

March 10, 2020

Community Development Department  
City of Brisbane  
50 Park Place, Brisbane, CA 94005

Subject: 338 Kings Road, Brisbane, CA 94005

Dear Planning Commission,

I am requesting consideration of the proposed denial of the application for the property that is the subject of this letter. We filed revised plans, which address concerns regarding the tree impact and driveway width.

Sincerely,

*Abraham Zavala*

Abraham Zavala, P.E  
RCE 60620 Exp. 12/31/20

BRISBANE PLANNING COMMISSION  
Action Minutes of May 14, 2020  
Virtual Meeting

CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners, Gomez, Gooding, Mackin, Patel and Sayasane.  
Absent: None.  
Staff Present: Community Development Director Swiecki, Senior Planner Ayres, Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Gomez moved adoption of the agenda. Commissioner Patel seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Gooding moved adoption of the consent calendar (agenda items A and B). Commissioner Patel seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged two written communications, one regarding walkable streets and the other regarding item C.

OLD BUSINESS

C. **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District; Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner. (Administrative note: no findings of denial regarding this item were adopted during the previous meeting of February 27, 2020; therefore, final action on this item was continued to this meeting.)**

Senior Planner Ayres gave the staff presentation.

Brisbane Planning Commission Minutes  
May 14, 2020  
Page 2

The Planning Commission discussed with staff their concerns with their purview of authority when reviewing grading permits, particularly with potential impact to site hydrology.

At the request of staff, the meeting was recessed for 5 minutes to address technical issues associated with the call-in public access to the meeting.

Chairperson Sayasane brought the meeting back to order and the recognized members of the public wishing to address the Commission.

Prem Lall, Brisbane resident, spoke against the project.

There were no other members of the public wishing to address the Commission.

After some discussion, Commissioner Mackin made a motion to deny the applicant's request for reconsideration and adopt findings of denial for the project, but later withdrew the motion.

Following further discussion, Commissioner Patel moved to grant the applicant's request to reconsider the application at a future public hearing. Commissioner Gooding seconded the motion and the motion was approved 5-0.

#### NEW BUSINESS

**D. Zoning Text Amendment RZ-1-20; Various zoning districts;** Zoning text amendments to update the existing accessory dwelling unit (ADU) regulations in the zoning ordinance to comply with updated State regulations, and to increase the existing floor area ratio (FAR) exception of 200 square feet to 400 square feet for covered parking on substandard lots; City of Brisbane, applicant.

Associate Planner Robbins gave the staff presentation.

The Planning Commission identified concerns about potential implications of increasing the FAR covered parking exception in conjunction with the required, limitations on ADU parking requirements in State legislation.

Chairperson Sayasane opened the public hearing.

With no one coming forward to address the Commission, Commissioner Gooding moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 5-0.

Following deliberation, Commissioner Mackin moved to recommend City Council adoption of the draft ordinance by adopting Resolution RZ-1-20. Commissioner Gooding seconded the motion and the motion was approved 5-0.

Chairperson Sayasane read the appeals process of Planning Commission actions.

#### ITEMS INITIATED BY STAFF

GUIDELINES FOR PLANNING COMMISSION REVIEW OF GRADING PERMITS  
Adopted 11/13/03

Grading plans submitted for Planning Commission review and approval per Brisbane Municipal Code Sections 15.01.081 & 17.32.220 should, in addition to the information required by BMC Section 15.01.090, include sufficient information for the Planning Commission to make the following findings:

- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 & 312 and Program 18a).

Although the Municipal Code sets a 250 cubic yard threshold for Planning Commission review of Grading Permits, the fact that a project may include grading of more than 250 cubic yards alone is not considered a significant or adverse impact, in that a building alone can require that amount just to set it into the hillside without significantly changing the surround natural topography. Nonetheless, the Planning Commission reserves the right to consider alternative grading plans for any Grading Permit subject to its review and may reject projects proposing unnecessary amounts of excavation contrary to the policies and programs in the City's General Plan.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

Any retaining walls will be designed to minimize their visual impact by complementing their natural setting and/or by relating to the architecture of the rest of the proposed development through use of one or more of the following:

- Color,
  - Texture,
  - Construction detailing,
  - Articulation;
  - Landscaping (non-invasive, water-conserving, low flammability).
- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade. Where removal of existing trees is necessary, planting of appropriate replacement trees is provided. (General Plan Policies 124, 125 & 261 and Programs 34a, 35d, 245a & 320a).

In reviewing any proposal to remove trees protected per BMC Section 12.12.020, the Planning Commission shall consider the following criteria per BMC Section 12.12.050.C:

1. The condition of the tree with respect to disease, imminent danger of falling, proximity to existing or proposed structures and interference with utility services.
2. The necessity to remove the tree for economic or other enjoyment of the property.
3. The topography of the land and the effect of the tree removal upon erosion, soil retention, and the diversion or increased flow of surface waters.
4. The number, species, size, and location of existing trees in the area and the effect the removal would have upon shade, privacy impact, and scenic beauty of the area.
5. The number of healthy trees the property is able to support according to good forestry practices.

The Planning Commission may require that one or more replacement trees be planted of a species and size and at locations as designated by the Commission. The ratio of replacement trees required may be based upon the public visual impact of the trees removed. Native trees shall be replaced at a minimum ratio of 3 trees of the same or other approved native species planted for each 1 removed. Trees removed on site may be replaced with trees planted in the public right-of-way when located close enough to mitigate the local impact of the tree removal. Replacement trees planted within the public right-of-way shall be from the City's Street Tree List, as approved by the Commission. Minimum replacement tree size shall be 15-gallons, except that larger specimens may be required to replace existing street trees.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).



P.

**Ayres, Julia**

---

**From:** Prem Lall <premlall@yahoo.com>  
**Sent:** Thursday, May 28, 2020 12:27 PM  
**To:** Breault, Randy; Ayres, Julia  
**Cc:** Schumann, Michael; Nancy Roeser; Dean DeCastro; Patricia Flores; Swiecki, John;  
 Planning Commissioners  
**Subject:** Re: Soils report for 338 Kings project requested

Hello Julia,

It is fine to add our correspondence to the record and to forward to the Planning Commission as long as the correction I emailed to you is also included, which I do not see in your email:

**From:** Prem Lall  
**To:** Breault, Randy; Ayres, Julia  
**Sent:** Wednesday, May 27, 2020, 5:15:45 PM PDT  
**Subject:** Re: Soils report for 338 Kings project requested

Correction: "since it will flow down the mountainside to the two houses across the street from 338 Kings (namely, 333 and 339 Kings) as well as the four houses down slope on Humboldt (namely, 738, 740, 760, and 764 Humboldt)."

I have added the Planning Commission's email address to our correspondence to reach them directly as well.

As mentioned previously, the applicant must show that his project will not adversely affect the six homes down slope from his property with damage to retaining walls and wooden foundations, among other things, due to the transfer of water currently absorbed during rainfall by the previously referenced 391 cubic yards of soil at 338 Kings to the properties at 333 Kings, 339 Kings, 738 Humboldt, 740 Humboldt, 760 Humboldt, and 764 Humboldt upon the removal of that soil.

I am willing to discuss the issue with him if he is open to the idea.

NOTE: I have removed the original email addresses of Adrian DeCastro and Patricia Flores from the conversation as those email addresses seem no longer to be functional and have added the new email address of Patricia Flores to the conversation.

Thank you.

Prem Lall  
 Brisbane resident  
 On Thursday, May 28, 2020, 9:59:29 AM PDT, Ayres, Julia <jayres@ci.brisbane.ca.us> wrote:

Hi Prem,

Correct, the revised plans were not presented to the Planning Commission on May 14th- only the applicant's

P. After requesting reconsideration of the project. This was explained in [the supplemental report](#) from staff to the Commission at the May 14th meeting.

Because the Commission granted the reconsideration of the project, the revised plans will be presented in the staff report for the future hearing. When the hearing date is set, we will send out mailed notices to property owners within 300 feet of the property just like last time to advertise the hearing date. The meeting materials would be available to the public any time after the notice is sent out and would be published in the agenda packet the Friday before the meeting.

The draft resolution of denial was included for the Commission's consideration in the event they did not want to grant reconsideration of the project. It was written by Director Swiecki and myself. As both Director Swiecki and I described during the May 14th hearing, the draft resolution of denial "Whereas" clauses acknowledged the breadth of the Commission's conversation leading up to their vote intending to deny the project. That conversation included concerns with hydrology, which are not part of the findings used by the Commission in acting on a grading project. While that was part of the Commission's discussion, that does not mean that the written findings (contained in Exhibit A to the draft resolution) could reference unknown hydrology impacts as a means to deny the project.

As was stated during the May 14th hearing, the Commission has requested that the applicant voluntarily provide technical studies such as a soils report and hydrology report at the next public hearing. By all accounts the applicant wishes to cooperate with the Commission's request, but such information would be provided voluntarily as supplemental information.

Your comments below will be provided to the Commission as written correspondence and included in the public record for the project.

## JULIA C. AYRES

Senior Planner, Community Development Department  
 City of Brisbane | 50 Park Place, Brisbane, CA, 94005  
 Desk: (415) 508-2129 | Cell: (415) 519-0165  
 Email: [jayres@brisbaneca.org](mailto:jayres@brisbaneca.org)

**From:** Prem Lall <premlall@yahoo.com>

**Sent:** Wednesday, May 27, 2020 4:58 PM

**To:** Breault, Randy <rbreault@ci.brisbane.ca.us>; Ayres, Julia <jayres@ci.brisbane.ca.us>

**Cc:** Schumann, Michael <[REDACTED]>; Nancy Roeser <[REDACTED]>; Adrian DeCastro <[REDACTED]>; Dean DeCastro <[REDACTED]>; Patricia Flores <[REDACTED]>; Swiecki, John <johnswiecki@ci.brisbane.ca.us>

**Subject:** Re: Soils report for 338 Kings project requested

Hello Julia,

I did not see the revised plan referenced in Mr. Zavala's 3/10/2020 letter: "I am requesting consideration of the proposed denial of the application for the property that is the subject of this letter. We filed revised plans, which address concerns regarding the tree impact and driveway width." This letter was included in the Agenda Packet PDF for the 5/14/2020 Planning Commission meeting.

All of Mr. Zavala's architectural/engineering sketches distributed in the Agenda Packet PDF for the 5/14/2020 Planning Commission meeting are dated 2019, not 2020.

P. So, the Draft Denial which you and Mr. John Swiecki introduced to the Planning Commission contained the following WHEREAS clause:

"WHEREAS, the Planning Commission closed the public hearing and came to a consensus to deny the project based on its impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, and deferred adoption of findings of denial to the next regular Planning Commission meeting"...Grading Permit review EX-4-19 is denied without prejudice, and City Engineer issuance of the grading permit as proposed is not recommended.

If you don't mind my asking, who prepared this WHEREAS clause? Did you and Mr. Swiecki prepare it, or did City Attorney Tom McMorrow prepare it? Or was it someone else?

I ask because the clause specifically mentions that the Planning Commission had considered "potential hydrology impacts" with regard to the 338 Kings grading project, but at the 5/14/2020 meeting you indicated that hydrology had not been considered and that you didn't know how that clause got into the draft denial. Now that you have had almost two weeks to determine how that clause got into the denial and who inserted it, I would appreciate an explanation.

The video of the Planning Commission meeting of 5/14 includes the following statement from you:

"The Planning Commission's...the breadth of the review that you guys have when you're reviewing a grading project...we do not have a mechanism to require hydrological studies or geotechnical studies for your review...typically not something that applicants submit or that the municipal code requires as part of the Commission's review for grading. So the applicant has revised the application regarding the trees, which are specifically part of the findings that you all use when you are evaluating grading projects, that's called out: is the project impacting street trees. The findings for approval of a project or recommending approval do not extend to hydrology or geotechnical feasibility."

Mr. Swiecki then requested a two-minute recess to "discuss a potential technical difficulty" with the meeting and then turned off all of the microphones so that the online attendees including myself and perhaps a handful of other people could not hear the discussion that pursued, which involved you, Mr. Swiecki, and several members of the Planning Commission, among others.

You later stated "Should the Commission wish to impose conditions on their permit for the City Engineer to consider, of course that would be part of the City Engineer's review process and any grading permit that's submitted to the City Engineer is publicly available to review. That data again isn't something we would normally require from someone for Planning Commission review and approval. But it is something that you can make a condition of approval that the City Engineer ensure that the hydrology reports demonstrate there will be no negative impact on the surrounding neighborhood."

At about 29:00 in the video, commissioner Sandip Patel asks whether the Planning Commission will be able to consider hydrology if the information is provided, and Mr. Swiecki responds, "They can certainly provide it. Again, it won't be a matter open for...informational only...again it won't enter into the deliberations or the findings but as information if it's available, that's fine."

So which is correct, that the Planning Commission can require the submission of hydrology reports or that the Planning Commission can only consider hydrology reports \*IF\* the applicant decides to provide them, and even in that case cannot include their analysis of the hydrology report in their consideration of approving or denying the grading permit?

P. The Planning Commission cannot consider hydrology reports for a grading project involving less than 10 cubic yards of soil in approving or denying a permit, I can understand that.

But to deny the Planning Commission the opportunity to consider hydrology reports for a project requesting the removal of 391 cubic yards of soil would be nothing short of incompetent on the part of the City of Brisbane...and quite possibly even negligent considering that 391 cubic yards of soil by my estimate can absorb up to 42,826 gallons of water during heavy rainfall, if not more, and that there must be consideration of what will happen to that water once the 391 cubic yards of soil is removed, since it will flow down the mountainside to the two houses across the street from 339 Kings (namely, 338 and 339 Kings) as well as the four houses down slope on Humboldt (namely, 738, 740, 760, and 764 Humboldt).

If a professional hydrologist and civil engineer informed you that choosing to refuse to include the consideration of hydrology in the Planning Commission's decision-making process with regard to the 338 Kings grading project would be an extremely unwise decision, would you heed his advice?

And in order for hydrology to be fully considered, the soils report(s) must be made available to the public.

Implying that the Planning Commission should make its decision on approval or denial of this project without the soils report to evaluate hydrology would make no sense from a legal perspective.

Thank you.

Prem Lall  
Brisbane resident

On Wednesday, May 27, 2020, 2:53:52 PM PDT, Ayres, Julia <jayres@ci.brisbane.ca.us> wrote:

Hello Prem,

The Planning Commission will be considering the revised grading proposal at 338 Kings Road at a future public hearing (likely in June; specific meeting date not yet determined). Because the Commission hasn't taken final action on their review, the applicant hasn't applied for a grading permit from the City Engineer, so Randy does not have an application or any supporting materials like a soils report to give you. It's still at the Planning Commission level.

The Commission has requested that the applicant voluntarily provide technical documentation such as soils reports at the next hearing. You and any other property owner within 300 feet of the property will receive a mailed notice 10 days before the hearing. The public will be able to access the staff report and applicant's materials on the City's website the Friday before the hearing.

If you have any other questions on the status of the Planning Commission's review or procedures, please let me know and I'll do my best to help.

Best,

Julia

Senior Planner, Community Development Department

City of Brisbane | 50 Park Place, Brisbane, CA, 94005

Desk: (415) 508-2129 | Cell: (415) 519-0165

Email: [jayres@brisbaneca.org](mailto:jayres@brisbaneca.org)

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**From:** Prem Lall <premlall@yahoo.com>  
**Sent:** Wednesday, May 27, 2020 1:28 PM  
**To:** Breault, Randy <rbreault@ci.brisbane.ca.us>; Ayres, Julia <jayres@ci.brisbane.ca.us>  
**Cc:** Schumann, Michael <[REDACTED]>; Nancy Roeser <[REDACTED]>; Adrian DeCastro <[REDACTED]>  
 Dean DeCastro <[REDACTED]>; Patricia Flores <[REDACTED]>  
**Subject:** Soils report for 338 Kings project requested

Hello Randy and Julia,

I hope you're both holding up well during the COVID-19 lockdown.

I would like to see the soils report submitted for the grading project at 338 Kings Road.

Since City Hall is closed due to the lockdown and I cannot come in to see the report in person, I request a copy by email.

[Grading Review EX-4-19; 338 Kings Road;R-1 Residential District; Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen JoyTrust, owner]

Thank you.

Prem Lall  
Brisbane resident

BRISBANE PLANNING COMMISSION  
Action Minutes of February 27, 2020  
Regular Meeting

A. CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners, Gooding, Mackin, Patel and Sayasane.

Absent: Commissioner Gomez.

Staff Present: Community Development Director Swiecki, Senior Planner Ayres, Associate Planner Robbins

C. ADOPTION OF AGENDA

Commissioner Gooding moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 4-0.

D. CONSENT CALENDAR

Commissioner Mackin moved adoption of the consent calendar. Commissioner Patel seconded the motion and it was approved 4-0.

E. ORAL COMMUNICATIONS

Michele Salmon, a Brisbane resident, voiced concerns about the enforcement of the conditions of approval on the Google Bus Yard on Tunnel Road, particularly the lighting of the site at night.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications regarding item H.1.

G. NEW BUSINESS

1. **PUBLIC HEARING: Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

Senior Planner Ayres gave the staff presentation

Chairperson Sayasane opened the public hearing.

Abraham Zavala, the applicant, answered questions about the project.

Prem Lall, Brisbane resident, spoke against the project.

Barbara Ebel, Brisbane resident, spoke against the project.

Michele Salmon, Brisbane resident, spoke against the project.

Joe Sulley, Brisbane resident, spoke against the project.

With no one else coming forward to address the Commission, Commissioner Patel moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 4-0.

The Planning Commission commenced deliberation and identified concerns with the street tree removal and street improvements required by the City Engineer, as well as the potential impact to site hydrology.

Chairperson Sayasane recognized audience members wishing to speak after the public hearing was closed.

Barbara Ebel, Brisbane resident, spoke against the project.

Prem Lall, Brisbane resident, spoke against the project.

The Commission resumed deliberation. Following deliberation, Commissioner Patel moved to deny the permit. Commissioner Mackin seconded the motion and the motion was approved 4-0. *(Administrative note: no findings of denial were adopted; therefore, final action on this item must be continued to the next regular meeting.)*

## H. OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: Zoning Text Amendment RZ-2-19;** Zoning Text Amendments to adopt regulations for short term residential rentals (STRs) by adding a new Chapter 17.35 to the Brisbane Municipal Code; Citywide; City of Brisbane, applicant.

Senior Planner Ayres gave the staff presentation and answered questions from the Commission to clarify the ordinance's provisions regarding citations, renting of accessory dwelling units (ADUs) by permanent residents of the ADU, limitations on listings and bookings, and neighbor notification.

Chairperson Sayasane opened the public hearing.

David McWaters spoke against non-hosted rentals and suggested a cap on number of people per habitable bedroom.

Dennis Busse spoke against the STR ordinance, and thought the insurance requirements were too low.

Lori Lacsamana spoke against the STR ordinance, with concerns about parking.

Sharon Boggs spoke against non-hosted rentals and allowing ADUs to be STRs.

Julia Babiarz spoke against the STR ordinance, with concerns about non-hosted rentals and occupancy limits under the ordinance.

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 2/27/2020

**SUBJECT:** **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

**REQUEST:** Recommend the City Engineer issue the grading permit to allow expansion of the existing single-family dwelling, including construction of a garage where no on-site parking currently exists and expansion of an existing shared driveway. The proposed site and grading plan would improve existing access to the neighboring property to the west at 334 Kings by expanding the existing curb cut.

**RECOMMENDATION:** Recommend the City Engineer issue the grading permit via adoption of Resolution EX-4-19 containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** The project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(e) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Grading permit review by the Planning Commission is required for projects involving site grading of 250 CY or more or 50 CY of soil export per BMC §15.01.081.A and BMC §17.32.220. Tree removal regulations are established in BMC Chapter 12.12.

**ANALYSIS AND FINDINGS:**

Site Description

The 6,400 sq ft property is developed with an existing 1,740 sq ft single-family dwelling. The front lot line is located approximately 15 feet behind and 10 feet above the edge of the existing paved travel lane. The site is accessed from an on-grade stairway within the right-of-way and no dedicated driveway or on-site parking exists. The upslope lot has an approximately 43% slope.

A curb cut in the right-of-way within the subject property’s frontage allows driveway access to 334 Kings Road, the adjacent property to the west (see annotated aerial site map and site photos, Attachments B and C). The existing curb cut is located within the frontage of 338 Kings Road, causing the driveway to traverse diagonally in front of the subject property and over a portion of



EX-4-19  
February 27, 2020 Meeting  
Page 2 of 4

the subject property before crossing the property line of 334 Kings Road. A triangular driveway easement for the benefit of the owner of 334 Kings Road ensures the portion of the driveway located within the front yard of 338 Kings Road is maintained free of obstruction to allow access to their property (see applicant's site plan, Attachment D).

The existing home maintains nonconforming front and east side yard setbacks. A lot line adjustment was recorded in 2014 to adjust the lot lines between the subject property and 340 Kings Road to the east to cure prior encroachment of the existing home over the property line as it existed at the time. The encroachment of the home into the public right-of-way will continue without adjustment per the City Engineer.

### Project Description

The applicant's grading plan calls for excavation and export of 330 cubic yards of soil from the subject property, and excavation of approximately 61 cubic yards within the public right-of-way, to accommodate the proposed 1,539 sq ft of additions to the home and improvements to the existing shared driveway to fully serve both the subject property and the adjacent property. The additions include a ground floor two-car garage, second level accessory dwelling unit, and upper level additions to the main dwelling, including an uncovered roof deck. (Note: While compliance with all development standards of the R-1 District will be required and verified at building permit plan check, the proposal appears to comply with applicable development standards including floor area, lot coverage, and building height.)

Work proposed within the public right-of-way will include excavation to accommodate a widened 20-ft unobstructed travel lane adjacent to the property's frontage, two new street parking spaces within the frontage of the subject property, and improvements to two existing street parking spaces on the north side of the travel lane (between 333 and 339 Kings Road).

The existing 12 ft driveway would be widened, with an approximately 33 ft curb cut allowing for unimpeded access for both properties as well as a new tandem parking space within the driveway. At least one mature street tree (coast live oak), located east of the existing driveway, would need to be removed due to driveway widening within the right-of-way. Per BMC Chapter 12.12, removal of any tree within the right-of-way is subject to approval by the City Engineer. No trees are proposed to be removed on the subject property or other private properties in the vicinity.

The City Engineer has reviewed the grading and site plans and will require full geotechnical reports and engineered grading plans to be submitted prior to building permit issuance. The Building Department and Fire Departments have also reviewed the proposed plans and have imposed conditions of approval to be satisfied at building permit, per the conditions of approval contained in Resolution EX-4-19.

**Grading Permit review:** In 2003, the Planning Commission adopted guidelines for reviewing grading permit applications that contain findings for permit approval, as described below. With the suggested conditions of approval contained in the attached Resolution, the application **would meet** these findings.

EX-4-19  
 February 27, 2020 Meeting  
 Page 3 of 4

- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 & 312 and Program 18a).

The applicant's grading plan would create dedicated street access and off-street parking where none currently exists for the subject property, in compliance with the parking requirements of the R-1 Residential District and within the allowable maximum driveway design requirements of BMC Chapter 17.34 (proposed driveway grade is 18%; maximum driveway grade is 20%). The proposed grade differential within the garage further reduces excavation within the footprint of the addition. Recognizing the existing shared driveway condition, the driveway widening is the minimum necessary to provide unimpeded and code-compliant egress and ingress for both the subject property and neighboring property to the west at 334 Kings Road.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

A proposed 10 ft retaining wall largely in the public right-of-way would partially encroach within the front setback, to retain the widened driveway and new entry stairway (refer to sheet C-2 of the applicant's plans, Attachment D). BMC §17.32.050 requires vegetative screening or wall treatments for retaining walls over six feet in height if they are located within a setback area. Conditions of approval A.1 and A.2 in the attached resolution requires that the landscaping plan submitted with the building permit include vegetative screening for this wall such that no more than six feet of the wall (horizontally) is visible, or that the wall is treated with different materials to break up the wall massing in six foot segments. This condition would apply to any additional walls identified after the project undergoes grading permit review by the City Engineer.

It should be noted that a new approximately nine ft tall retaining wall would be constructed within the public right-of-way to provide required on-street parking. Condition of approval A.2 recommends that the City Engineer consider similar treatment measures for new retaining walls within the public right-of-way. Retaining wall design in the right of way is subject to the sole discretion of the City Engineer.

- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade.

The project will require removal of at least one mature street tree per the current grading plan design (a coast live oak). Another mature coast live oak is likely to be able to be retained, but ultimately its fate would depend on further refinement of the grading plans at time of building and grading permit application. Per the updated tree removal regulations in BMC Chapter 12.12, removal of street trees is solely within the discretion of the City Engineer. Condition of approval B recommends that the City Engineer consider requiring an in-lieu fee to be paid for removal of

EX-4-19  
February 27, 2020 Meeting  
Page 4 of 4

any street tree associated with the project to fund tree planting in the vicinity or elsewhere in the City.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

**ATTACHMENTS:**

- A. Draft Resolution EX-4-19 with recommended Findings and Conditions of Approval
- B. Aerial site map
- C. Site photos
- D. ~~Applicant's plans~~ See Attachment 6-B of 9/3/2020 City Council agenda report




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Julia Ayres, Senior Planner




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John Swiecki, Community Development Director

Draft  
RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING GRADING PERMIT EX-4-19  
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO  
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that will require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 27, 2020 did resolve as follows:

City Engineer issuance of Grading Permit EX-4-19 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 27<sup>th</sup> day of February, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Pamala Sayasane  
Chairperson

ATTEST:

\_\_\_\_\_  
JOHN A. SWIECKI, Community Development Director

DRAFT  
EXHIBIT A

**Action Taken:** Recommended City Engineer issuance of Grading Permit EX-4-19, per the staff memorandum with attachments, via adoption of Resolution EX-4-19.

**Findings:**

**Grading Permit EX-4-19**

- As indicated by the applicant’s grading plan and site plan, the proposed excavation is limited to the footprint of the additions and necessary site access from the street, and is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and design standards contained in Chapter 17.34 of the Municipal Code.
- The proposed grading would result in one exposed retaining wall of approximately nine feet in height within a portion of the front setback, extending into the public right-of-way. With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant’s option at building permit. Additionally, the conditions of approval recommend that the City Engineer consider requiring other new retaining walls within the public right-of-way to be similarly treated or screened, subject to the discretion of the City Engineer.
- The conditions of approval require that the applicant submit a landscaping plan with the building permit that identifies screening plantings for the retaining wall in the front yard setback, or details the proposed treatment of the wall’s exterior per the conditions of approval. The plan shall additionally demonstrate compliance with the minimum 15% front yard landscaping requirement for the property.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

## DRAFT

**Conditions of Approval:**Prior to Issuance of a Building Permit

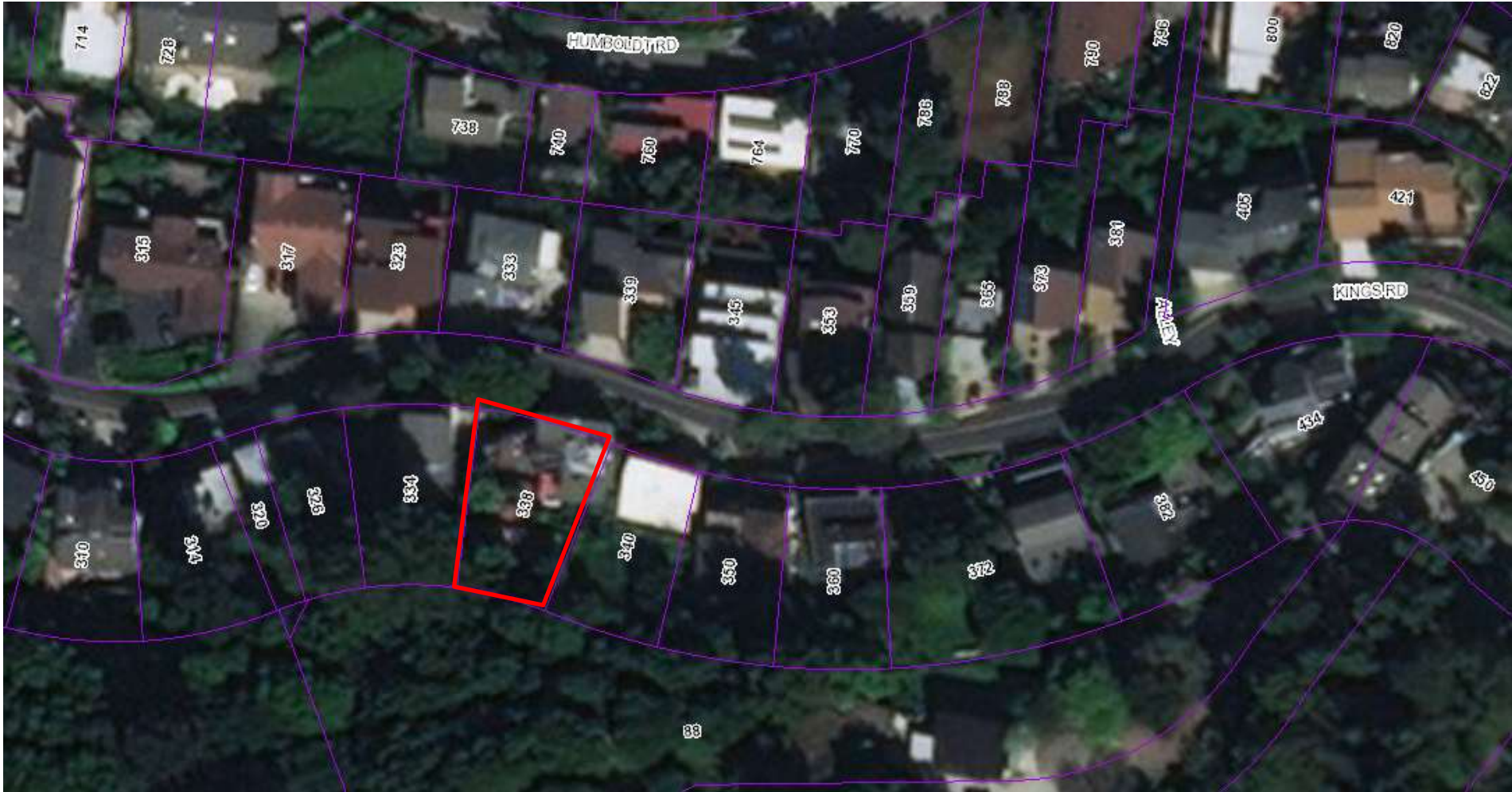
- A. The applicant shall obtain a building permit and a grading permit prior to proceeding with construction. The project plans shall comply with all development standards of the R-1 District. Plans submitted for the building and grading permits shall substantially conform to plans on file in this application EX-4-19 in the City of Brisbane Planning Department, with the following modifications:
1. A landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I, to the satisfaction of the Planning Director. The plan shall incorporate water-conserving, non-invasive landscaping to comply with the minimum front yard landscaping requirements.
  2. All on-site exposed retaining walls exceeding six feet in exposed height from grade in the shall be either planted with screening plantings such that no more than six (6) feet of the height of the retaining wall will remain visible, or varying treatment and materials at six foot horizontal intervals may be incorporated into the wall design. The chosen screening method shall be subject to review and approval by the Community Development Director. The City Engineer is encouraged to require similar treatment of new walls within the public right-of-way.
  3. Plans submitted for grading permit review shall be subject to standard review procedures by the Department of Public Works.
- B. Subject to approval by the City Engineer, the applicant may be required to pay an in-lieu fee for any street tree to be removed due to proximity to or location within the footprint of proposed street widening or other improvements.
- C. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from the Department of Public Works for all proposed construction activity and private improvements within the public right-of-way.
- D. Prior to issuance of a building permit, the property owner shall enter into a standard landscape maintenance agreement with the City.
- E. Prior to issuance of a building permit, an agreement shall be recorded between the owner and the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

Other Conditions

- F. All glass shall be nonreflective, and all exterior lighting shall be located so as not to cast glare upward or onto surrounding streets or properties.
- G. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.

- H. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- I. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- J. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.

338 Kings Road  
Aerial Site Map





Site Photos



Above: View of the property from Kings Road looking west

Below: View of the property from Kings Road looking southeast







**Above:** Street tree to be removed to accommodate driveway and street widening

**Below:** Approximate location of proposed new on-street parking space within property frontage





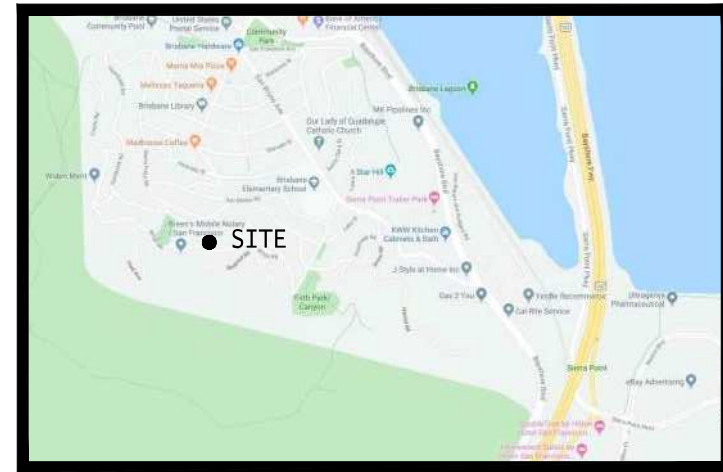


**Above:** Area of on-street parking improvement (two spaces) between 333 and 339 Kings Road.

**Below:** View of home from Kings Road looking west



LOCATION MAP



VICINITY MAP



LOT/OWNER INFORMATION

338 KINGS RD., BRISBANE, CALIFORNIA 94005  
 APN: 007-471-170  
 (E) LOT AREA: ± 6,400 SQ.FT  
 ZONE DISTRICT: R-1  
 OCCUPANCY CLASS: R-3/U  
 TYPE OF CONSTRUCTION: V-B  
 FIRE SPRINKLERS: NO  
 NUMBER OF BUILDINGS: 1  
 (E) STORIES: 2  
 (N) STORIES: 2+BASEMENT

OWNER(S) INFORMATION:  
 NAME: JOHN HUANG  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005

SCOPE OF WORK

1. ADD NEW 2 CAR GARAGE DETACHED FROM EXISTING HOUSE.
2. ADD NEW A.D.U (660 SQ.F) ON TOP NEW GARAGE.
3. REMODEL EXISTING UNIT.
4. ADD NEW ELEVATOR TO CONNECT A.D.U AND EXISTING UNIT.
5. ADD NEW 2 PARKING SPACES ALONG STREET.

AREAS

EXISTING BUILDING	
EXISTING:	NEW:
SECOND FLOOR	
-LIVABLE AREA=1,501 SQ.F	-LIVABLE AREA=1,570 SQ.F
	-DECK AREA= 545 SQ.F
FIRST FLOOR	
-LIVABLE AREA=318 SQ.F	-LIVABLE AREA= 281 SQ.F
BASEMENT FLOOR	
	-GARAGE AREA= 768 SQ.F
TOTAL LIVABLE=1,819 SQ.F	TOTAL LIVABLE=1,851 SQ.F
	DECK AREA= 545 SQ.F
	GARAGE AREA= 768 SQ.F
	GRAND TOTAL= 3,164 SQ.F
NEW A.D.U	
	-A.D.U AREA= 660 SQ.F

INDEX OF DRAWINGS

- ARCHITECTURAL**
- A-0 (E) SITE MAP AND PROJECT INFORMATION
  - A-0.1 (N) SITE PLAN
  - A-1 (E) AND (N) SECOND FLOOR PLANS
  - A-1.1 (E) AND (N) FIRST FLOOR PLANS
  - A-1.2 (N) BASEMENT (GARAGE) FLOOR PLAN
  - A-2 (E) AND (N) NORTH ELEVATIONS
  - A-2.1 (E) AND (N) WEST ELEVATIONS
  - A-2.2 (E) AND (N) SOUTH ELEVATIONS
  - A-2.3 (E) AND (N) EAST ELEVATIONS
  - A-3 (N) SCHEMATIC CROSS SECTION
  - A-3.1 (N) SCHEMATIC CROSS SECTION
- CIVIL**
- C-1 TOPOGRAPHIC AND BOUNDARY SURVEY
  - C-2 PROPOSED GRADING PLAN

# 338 KINGS RD., BRISBANE, CALIFORNIA 94005

MATERIALS

- ACUSTIC TILE OR BOARD
- BITUMINOUS CONCRETE SHOW PROFILE ONLY
- CERAMIC TILE
- CONCRETE CAST IN PLACE OR PRECAST
- CONCRETE BLOCK
- EARTH
- GLASS OMIT INDICATION IN THIN MATERIAL
- GYPSUM BOARD OMIT DOUBLE LINES AT SMALL SCALE
- GYPSUM SHEATHING
- HARDBOARD
- INSULATION, BATT
- METAL OMIT INDICATION IN THIN MATERIAL
- MORTAR
- PLASTER ON METAL LATH
- PLASTIC LAMINATE
- PLYWOOD
- RIGID INSULATION
- ROCK FILL
- SAND
- WOOD, FINISH
- WOOD, FRAMING THROUGH MEMBER
- WOOD, FRAMING INTERRUPTED MEMBER

SITE PLAN LEGEND:

- JOINT POWER POLE
- WATER METER
- FIRE HYDRANT
- GAS VALVE
- WATER VALVE
- WATER LINE
- GAS LINE
- SANITARY SEWER LINE
- OVERHEAD ELECTRIC

SYMBOLS

- NOTE MARK
- DOOR MARK
- WINDOW MARK - LETTERS
- LOUVER MARK - NUMBERS
- TOILET ACCESSORY
- REVISION MARK
- COLUMN/ GRID LINE MARK
- MATCH MARK AND LINE
- SECTION CUT MARK
- EXTERIOR ELEVATION MARK
- INTERIOR ELEVATION MARK
- DETAIL MARK

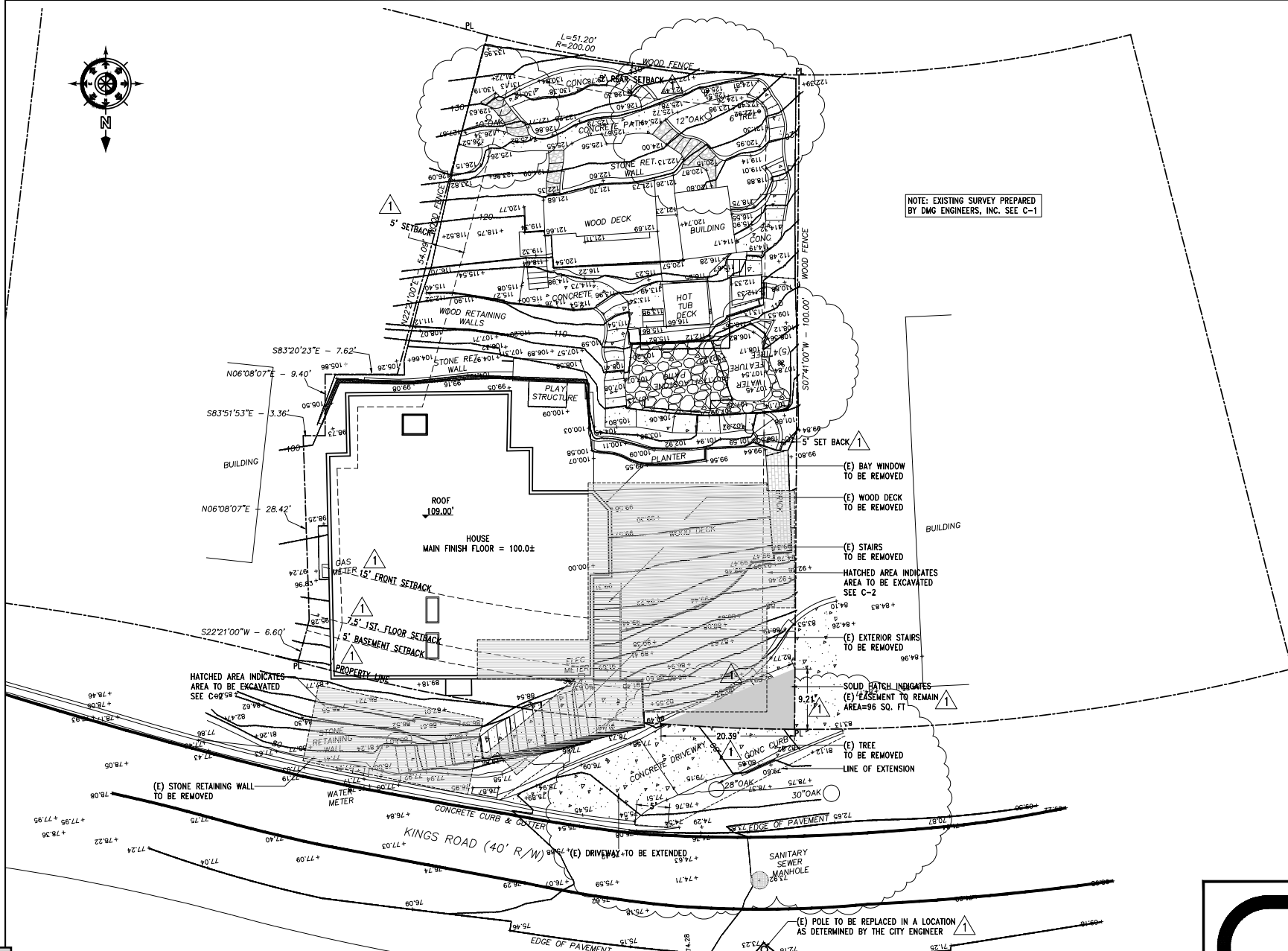
APPLICABLE CODES

- 2016 CALIFORNIA BUILDING CODE (BASED ON 2015 INTERNATIONAL BUILDING CODE)
- 2016 CALIFORNIA ELECTRICAL CODE (BASED ON 2014 NATIONAL ELECTRICAL CODE)
- 2016 CALIFORNIA PLUMBING CODE (BASED ON 2015 UNIFORM PLUMBING CODE)
- 2016 CALIFORNIA MECHANICAL CODE (BASED ON 2015 UNIFORM MECHANICAL CODE)
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA EXISTING BUILDING CODE
- 2016 CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE)
- 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE)
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
- 2015 INTERNATIONAL EXISTING BUILDING CODE

NOTES

RECIPIENT OF THESE PLANS & SPECIFICATIONS UNDERSTANDS THAT COPYRIGHT IN THESE PLANS & SPECIFICATIONS ARE OWNED BY AZ DESIGN & ENGINEERING INC. THE PLANS & SPECIFICATIONS CONTAIN PRIVILEGED AND CONFIDENTIAL BUSINESS INFORMATION OF AZ DESIGN & ENGINEERING INC. THE RECIPIENT AGREES TO RETAIN THESE PLANS & SPECIFICATIONS IN STRICT CONFIDENCE AND AGREES NOT TO DISCLOSE THESE PLANS & SPECIFICATIONS TO ANY OTHER PARTY AND FURTHER AGREES NOT TO MAKE COPIES OF THESE PLANS & SPECIFICATIONS. THE RECIPIENT AGREES TO USE THESE PLANS & SPECIFICATIONS ONLY FOR THE LIMITED PURPOSE FOR WHICH AZ DESIGN & ENGINEERING INC. HAS MADE THESE PLANS & SPECIFICATIONS AVAILABLE, AND RECIPIENT AGREES TO RETURN ALL PLANS & SPECIFICATIONS TO AZ DESIGN & ENGINEERING INC. EITHER UPON COMPLETION OF THE INTENDED PURPOSE OR UPON THE REQUEST OF AZ DESIGN & ENGINEERING INC, WHICHEVER COMES FIRST.

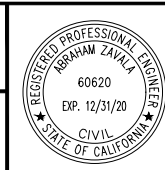
THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONALS HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.



(E) SITE PLAN N.T.S



**AZ DESIGN AND ENGINEERING, INC.**  
 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044  
 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com  
 NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
**OWNER: JOHN HUANG**

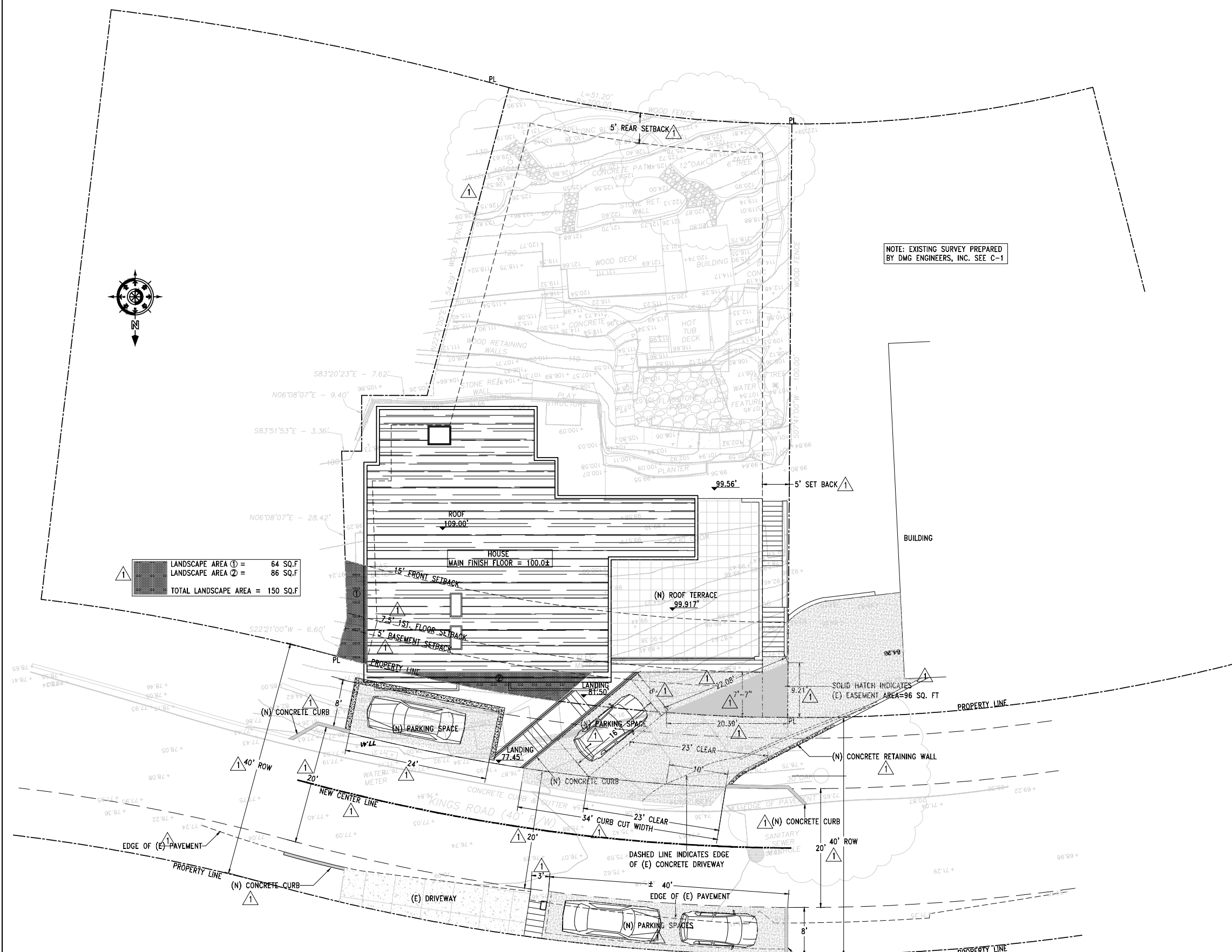


REVISION/DATE	
1. FILING SET	12/06/2019
CITY ENGINEER COMMENTS 01/10/2020	
SCALE:	AS SHOWN / DRAWN / REVIEWED / AZ
DATE:	NOV/2019 / JOB NO: AM1120

# A-0



P.



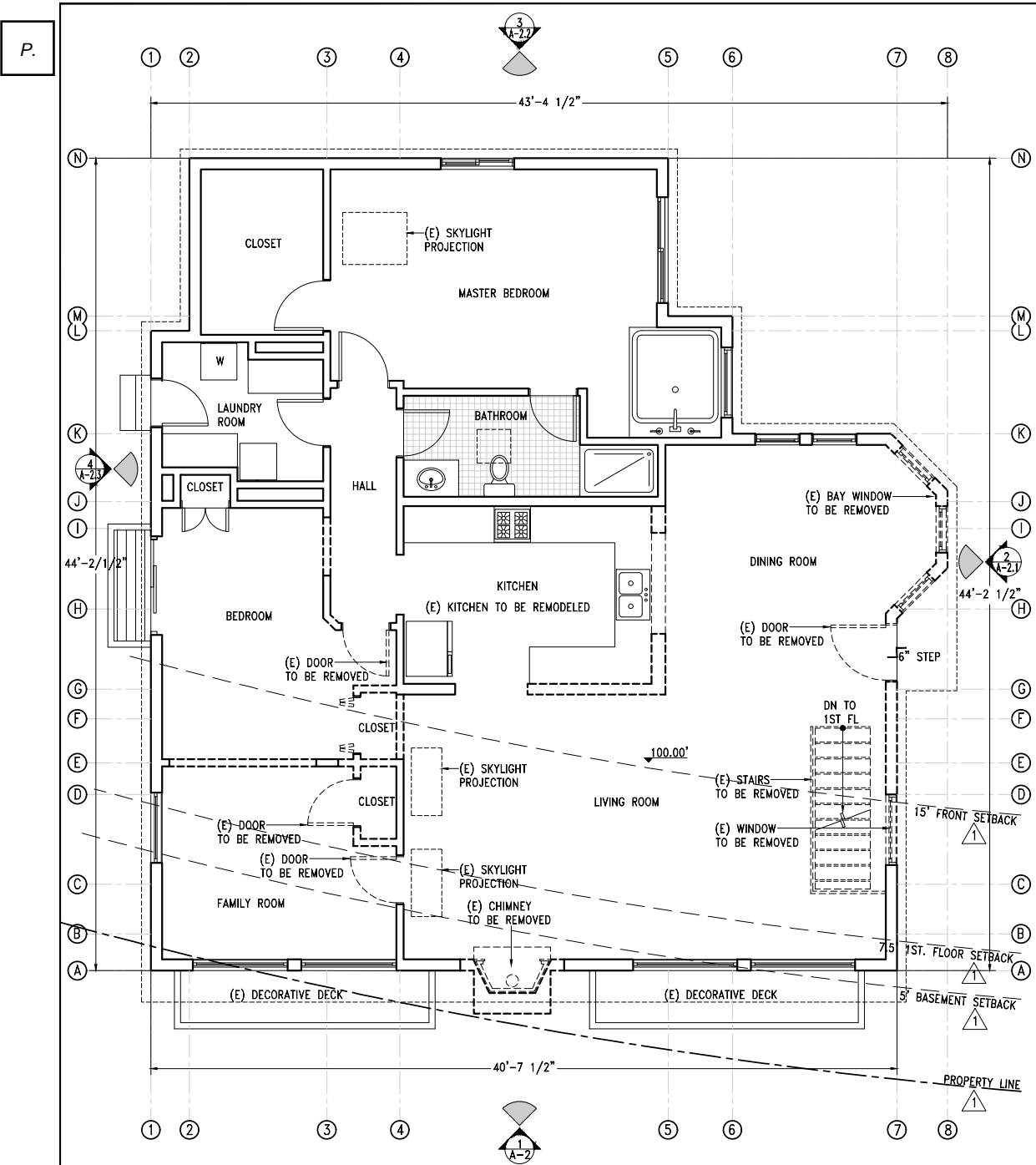
4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN:  
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.

1. IDENTIFY THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.
2. SPECIFY IF CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE SORTED ON-SITE (SOURCE-SEPARATED) OR BULK MIXED (SINGLE STREAM).
3. IDENTIFY DIVERSION FACILITIES WHERE THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE TAKEN.
4. IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE GENERATED.
5. SPECIFY THAT THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE MATERIALS DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.

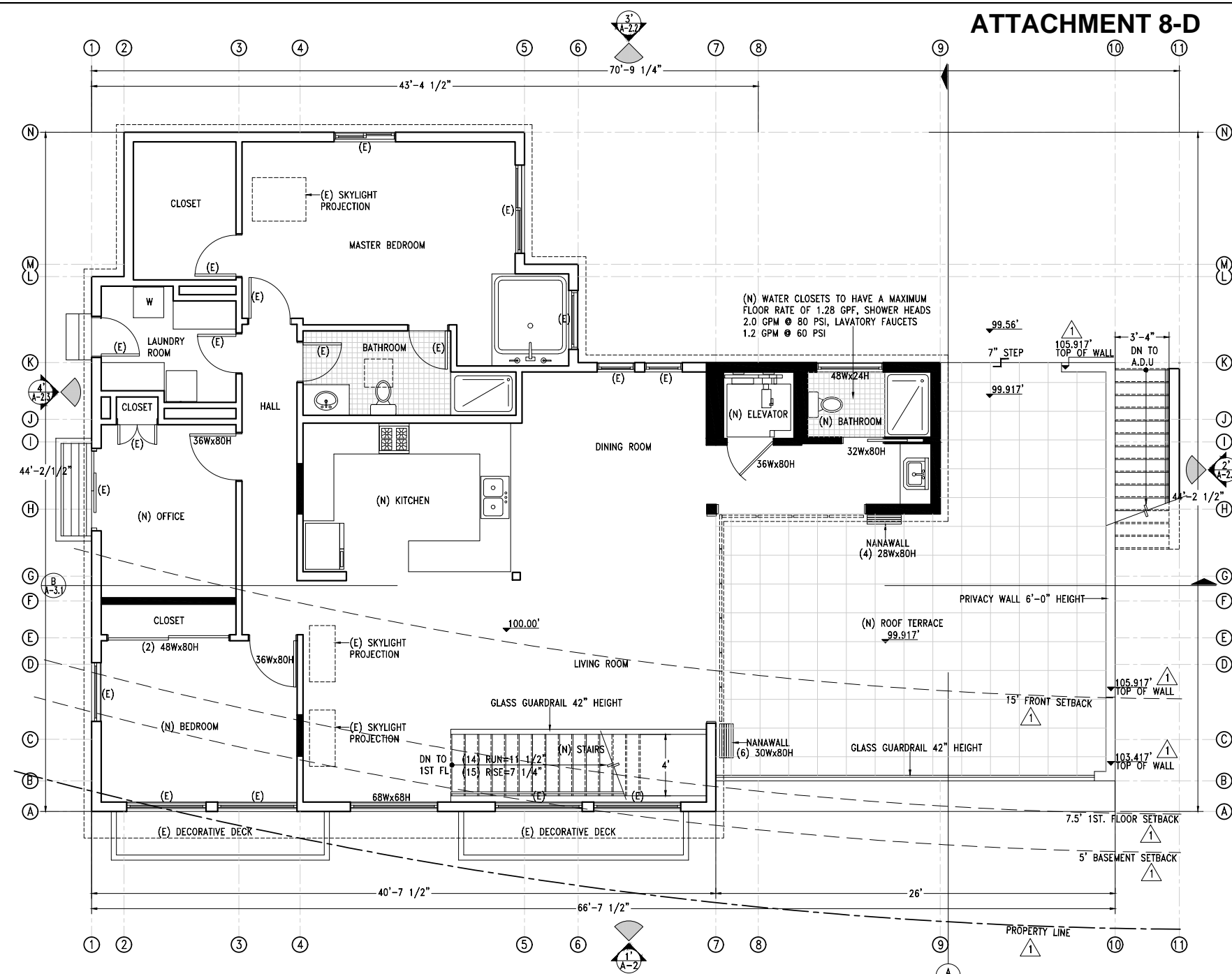


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<b>REVISION/DATE</b> 1. FILING SET 12/06/2019 CITY ENGINEER COMMENTS 01/10/2020	<b>A-0.1</b>
SCALE: AS SHOWN DATE: NOV/2019	DRAWN / REVIEWED: AZ JOB NO: AM1120



(E) SECOND FLOOR PLAN  
1/4"=1'-0"



(N) SECOND FLOOR PLAN  
1/4"=1'-0"

WALL LEGEND	
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL

4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN:  
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.  
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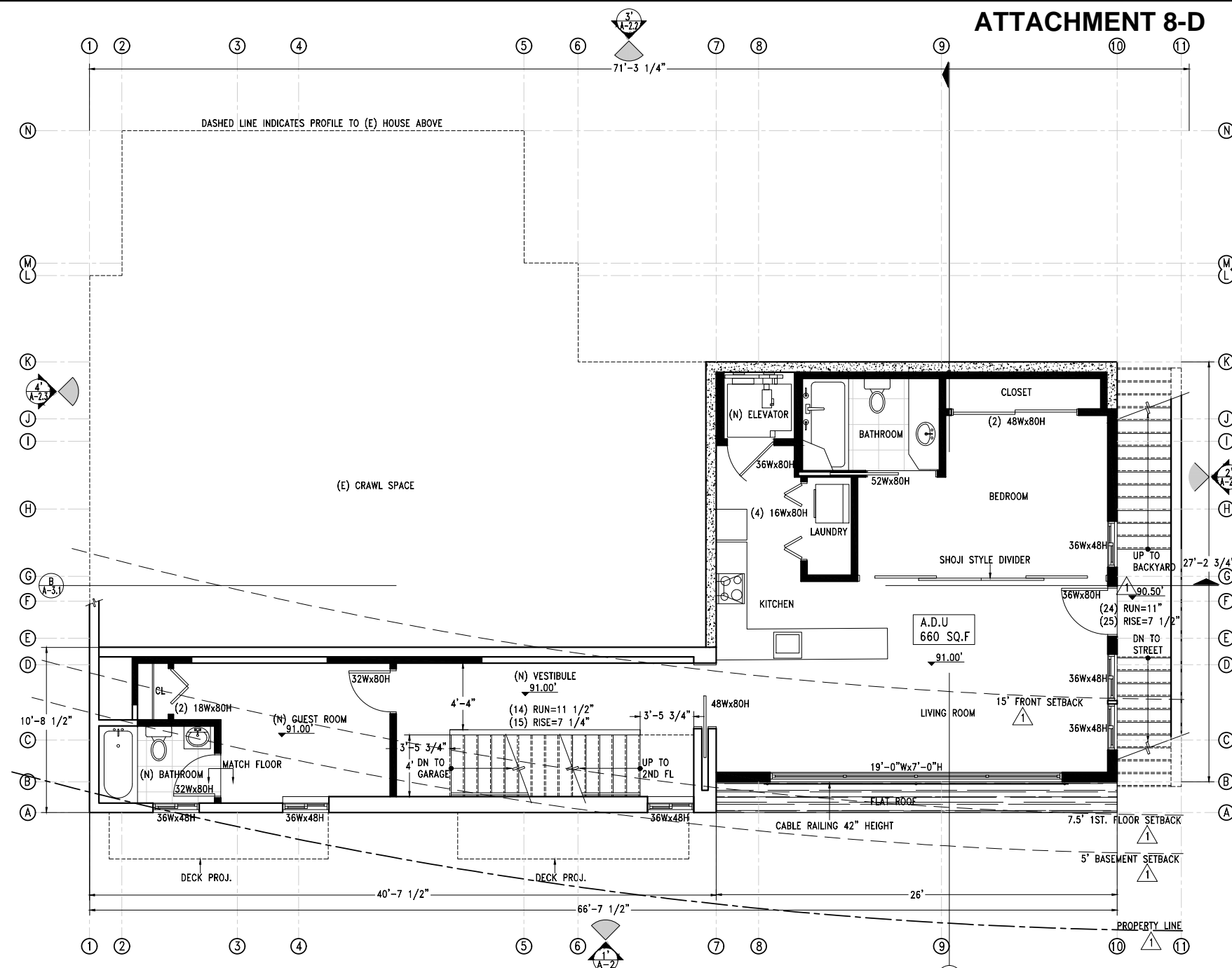
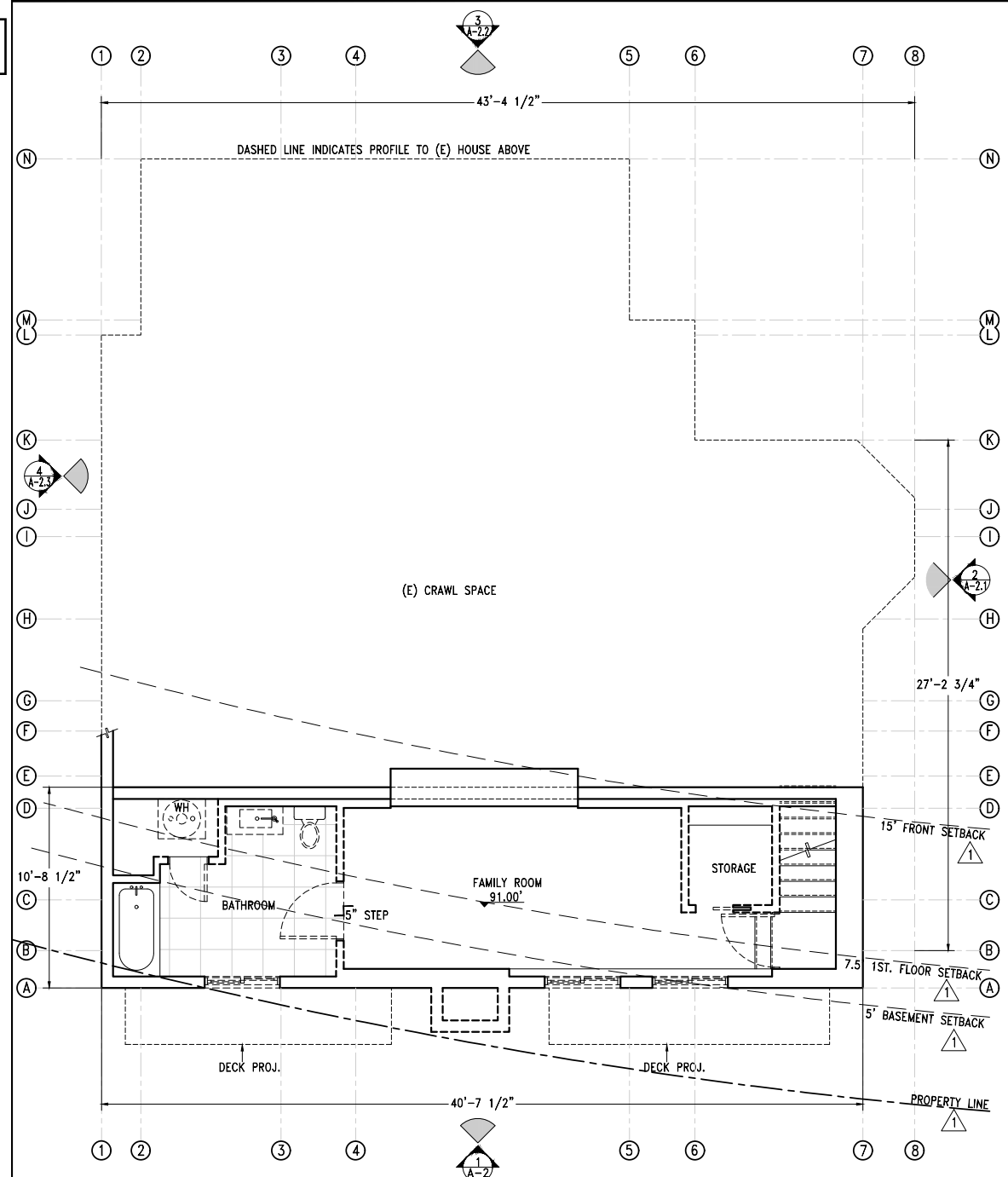
PER 2016 CALGREEN SECTION 301: THE MANDATORY PROVISIONS OF CHARTER 4 SHALL BE APPLIED TO ADDITIONS OR ALTERATIONS OF EXISTING RESIDENTIAL BUILDINGS. THE REQUIREMENTS SHALL APPLY ONLY TO AND/OR WITHIN THE SPECIFIC AREA OF THE ADDITION OR ALTERATION.  
 \* TO PROVIDE WATER CONSERVING PLUMBING FIXTURES AND FITTINGS PER CGBC 4.303 THESE INCLUDE MAXIMUM 1.28 GPF FOR WATER CLOSETS, MAXIMUM 2.0 GPM AT 80 PSI FOR SINGLE SHOWERHEADS, COMBINED FLOW RATE OF MULTIPLE SHOWERHEADS TO NOT EXCEED 2.0 GPM AT 80 PSI, MAXIMUM 1.2 GPM AT 60 PSI FOR LAVATORY FAUCETS, MAXIMUM 1.8 GPM AT 60 PSI AT KITCHEN FAUCETS.  
 \* DUCT SYSTEMS ARE SIZED, DESIGNED, AND EQUIPMENT IS SELECTED PER SECTION 4.507.2. HVAC SYSTEM INSTALLERS MUST BE TRAINED AND CERTIFIED AND SPECIAL INSPECTORS EMPLOYED BY THE ENFORCING AGENCY MUST BE QUALIFIED.  
 \* SHOW COMPLIANCE WITH CALGREEN SECTION 4.506.1 FOR BATHROOMS EXHAUST FANS. EACH BATHROOM SHALL BE MECHANICALLY VENTILATED WITH AN ENERGY STAR EXHAUST FAN, AND FAN MUST BE CONTROLLED BY A HUMIDITY CONTROL (4.506.1).  
 \* PROTECT ANNULAR SPACES AROUND PIPES, ELECTRICAL CABLES, CONDUITS OR OTHERS OPENINGS AT EXTERIOR WALLS AGAINST PASSAGE OF RODENTS (4.406.1).  
 \* COVER DUCTS OPENINGS AND OTHERS RELATED AIR DISTRIBUTION COMPONENT OPENINGS DURING CONSTRUCTION (4.504.1).  
 \* ADHESIVES SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS (4.504.2.1).  
 \* PAINTS, STAINS AND OTHER COATINGS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.2.2).  
 \* AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS (4.504.2.3). VERIFICATION OF COMPLIANCE SHALL BE PROVIDED.  
 \* CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.3).  
 \* MINIMUM 80 % OF FLOOR AREA RECEIVING RESILIENT FLOORING SHALL BE COMPLY WITH SECTION 4.504.4.  
 \* PARTICLEBOARD, MEDIUM DENSITY FIBERBOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS (4.504.5).  
 \* INSTALL CAPILLARY BREAK AND VAPOR RETARDER AT SLAB ON GRADE FOUNDATIONS (4.505.2).  
 \* CHECK MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOOR FRAMING BEFORE ENCLOSURE (4.505.3).

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NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE  
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**OWNER: JOHN HUANG**

REVISION/DATE	
1. FILING SET	12/06/2019
CITY ENGINEER COMMENTS 01/10/2020	
SCALE: AS SHOWN	DRAWN / REVIEWED: AZ
DATE: NOV/2019	JOB NO: AM1120

A-1

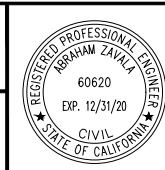


WALL LEGEND

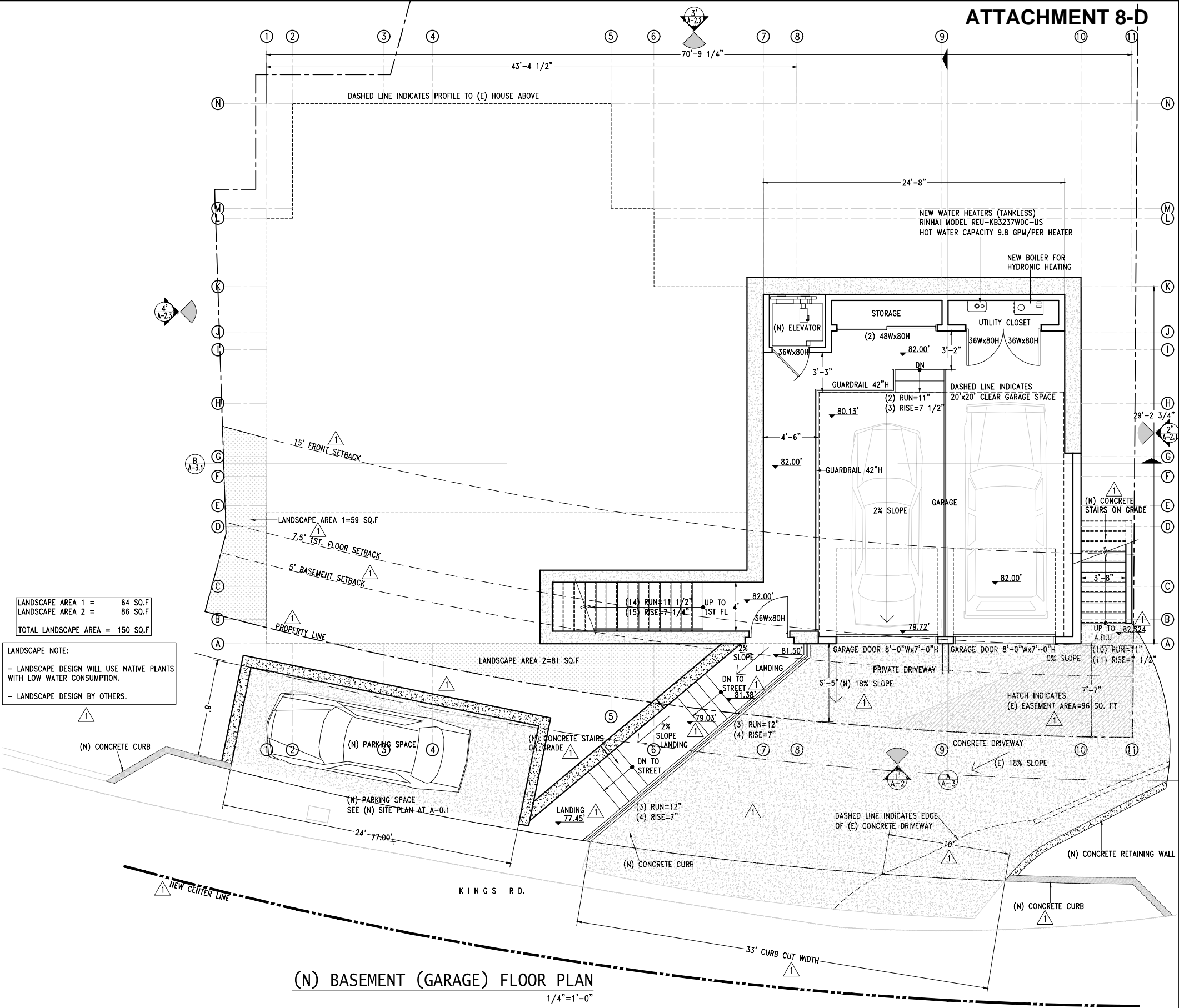
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL
	(N) CONCRETE WALL



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LANDSCAPE AREA 1 = 64 SQ.F  
 LANDSCAPE AREA 2 = 86 SQ.F  
 TOTAL LANDSCAPE AREA = 150 SQ.F

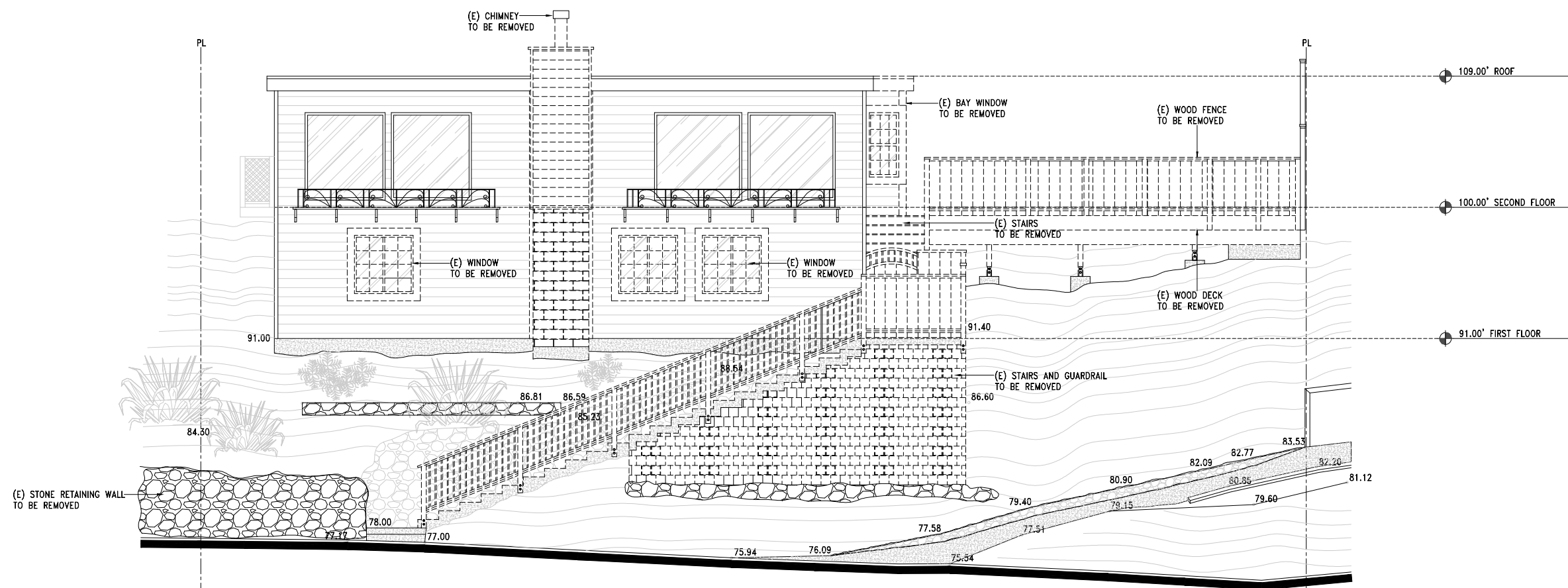
LANDSCAPE NOTE:  
 - LANDSCAPE DESIGN WILL USE NATIVE PLANTS WITH LOW WATER CONSUMPTION.  
 - LANDSCAPE DESIGN BY OTHERS.

(N) BASEMENT (GARAGE) FLOOR PLAN  
 1/4"=1'-0"

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	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>		SCALE: AS SHOWN DATE: NOV/2019	

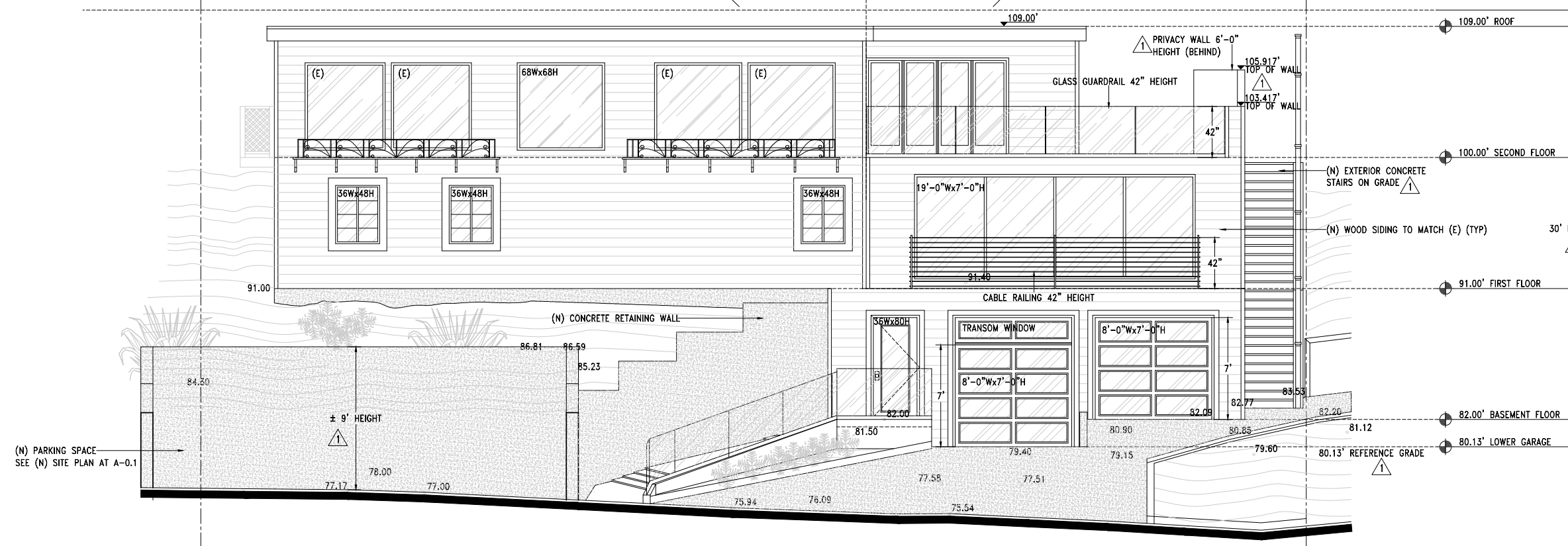


P.



1. (E) NORTH (FRONT) ELEVATION

1/4"=1'-0"  
EXISTING CONSTRUCTION      NEW CONSTRUCTION



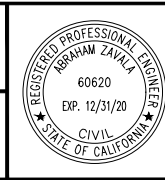
1'. (N) NORTH (FRONT) ELEVATION

1/4"=1'-0"

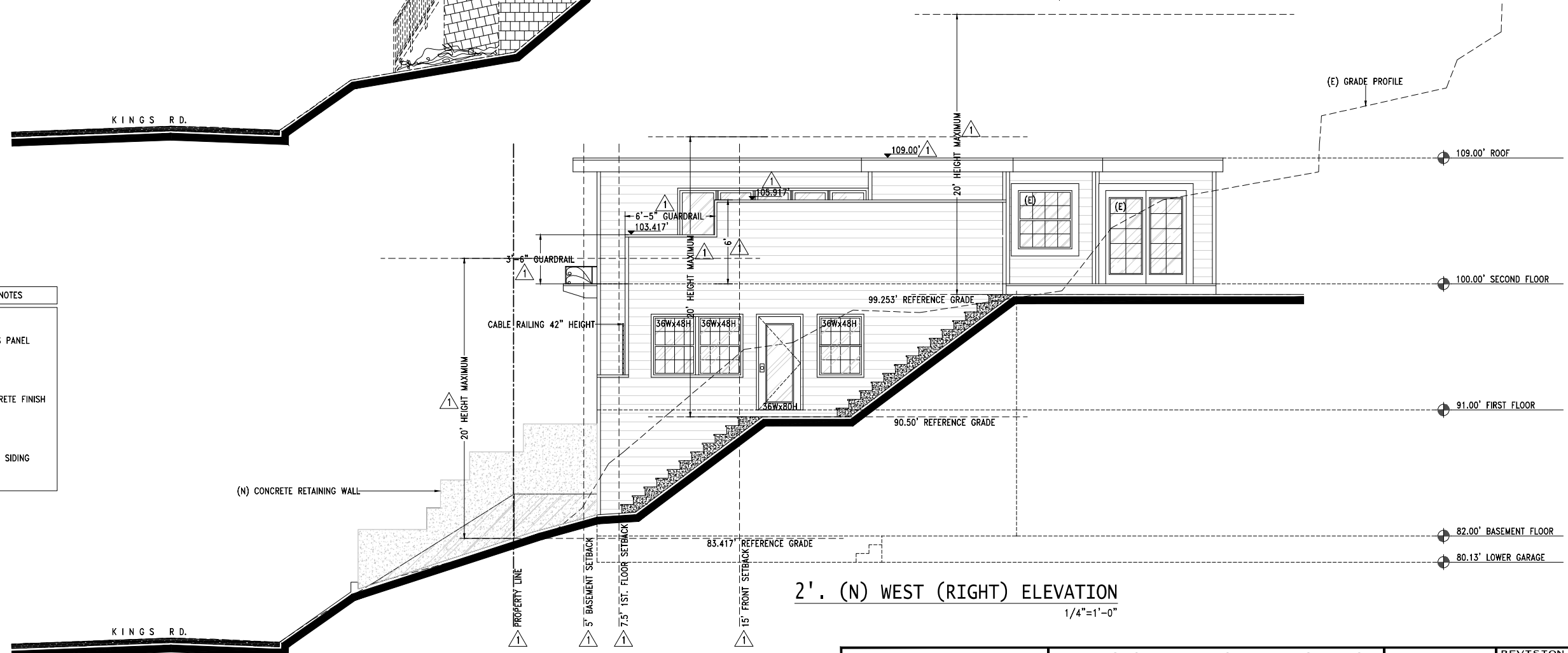
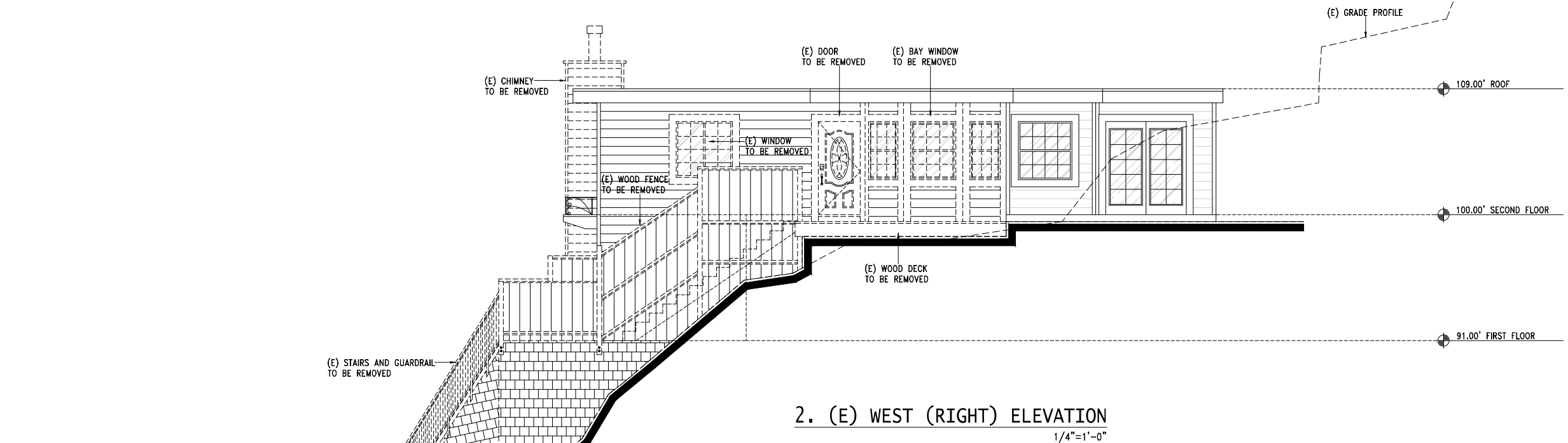
MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING



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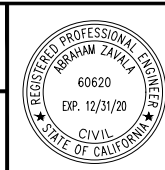
REVISION/DATE	
1. FILING SET	12/06/2019
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DATE: NOV/2019	JOB NO: AM1120



MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

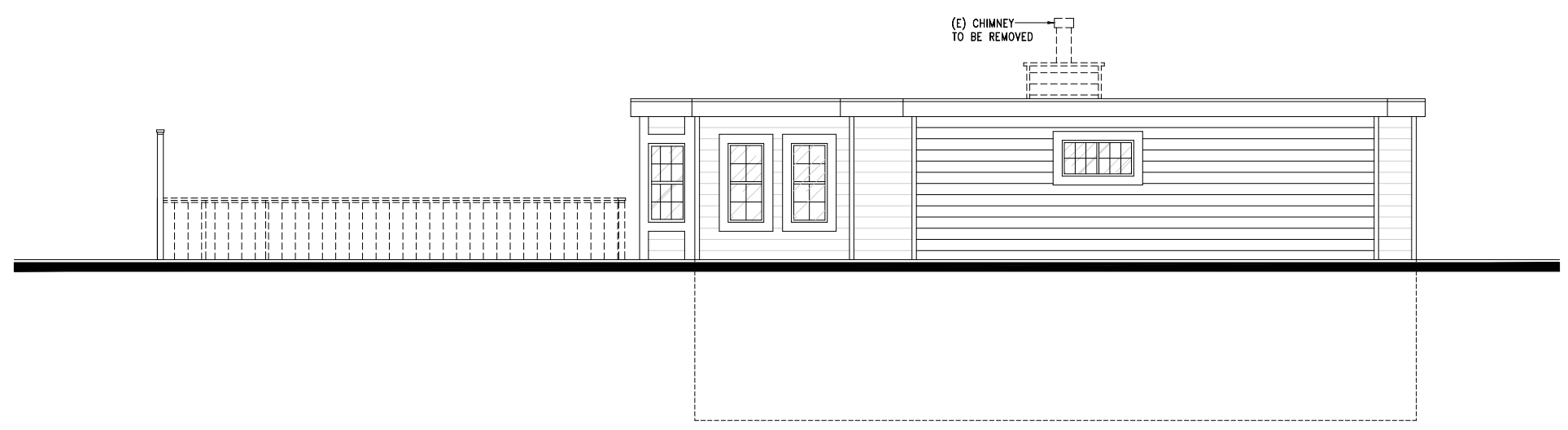


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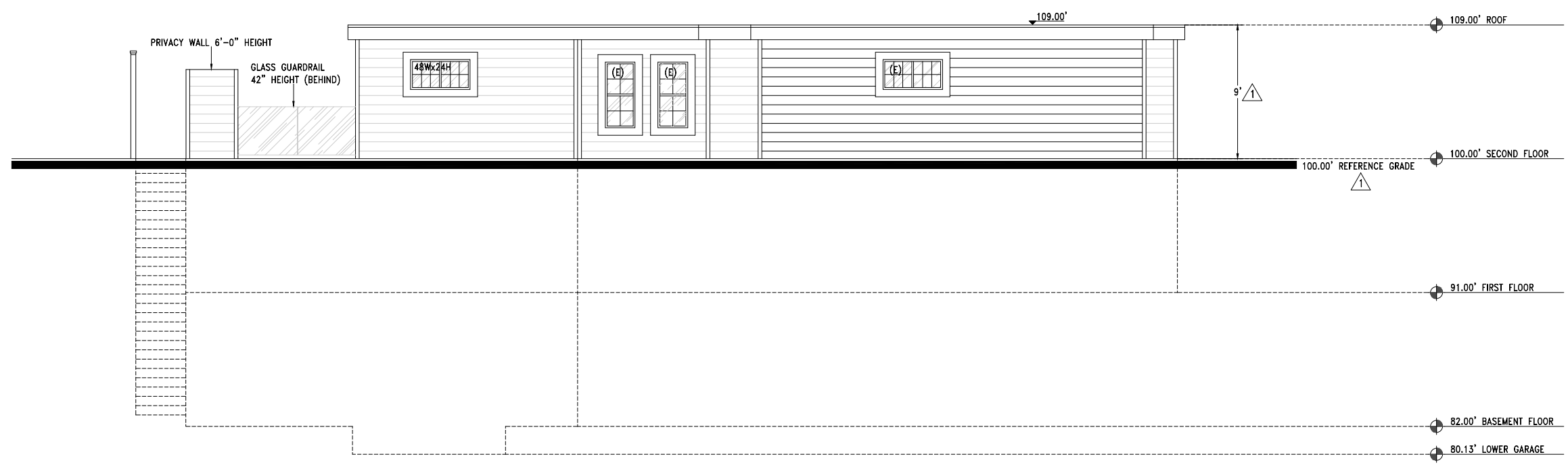


REVISION/DATE	
1. FILING SET	12/06/2019
CITY ENGINEER COMMENTS 01/10/2020	
SCALE: AS SHOWN	DRAWN / REVIEWED: RD / AZ
DATE: NOV/2019	JOB NO: AM1120

A-2.1



3. (E) SOUTH (REAR) ELEVATION  
1/4"=1'-0"

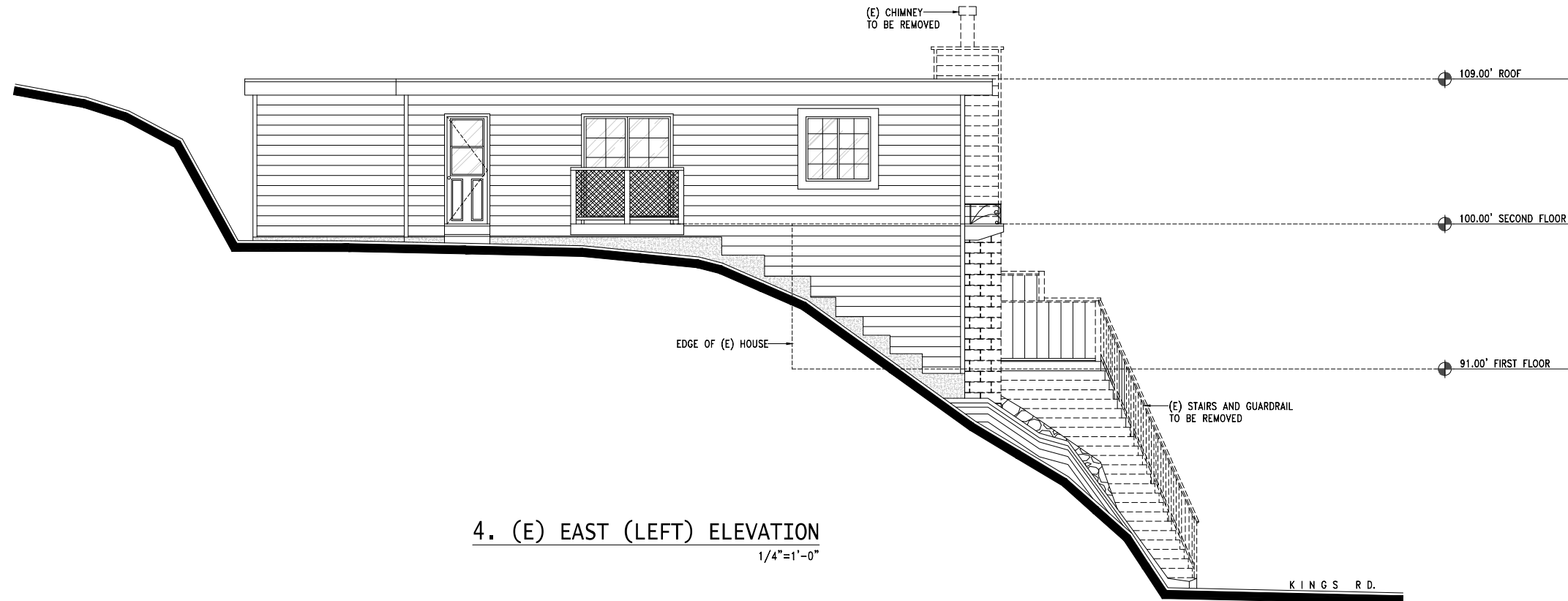


MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

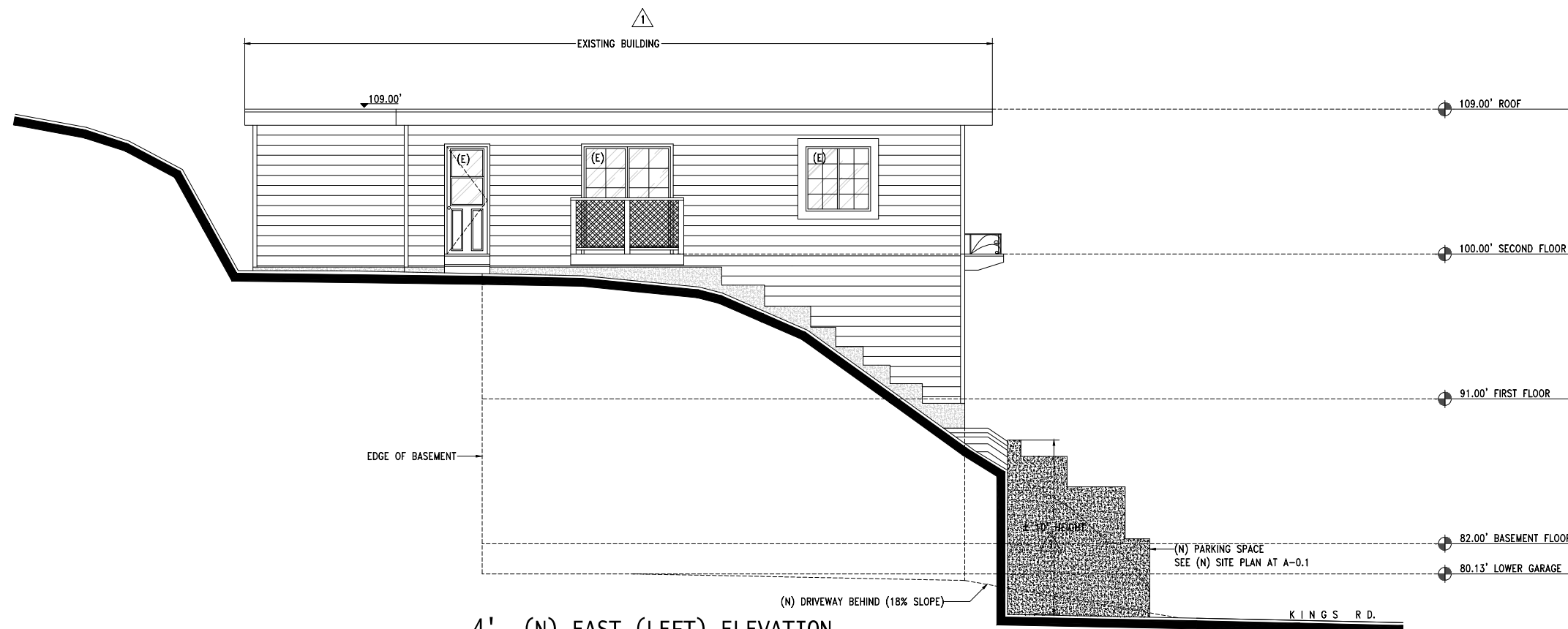
3'. (N) SOUTH (REAR) ELEVATION  
1/4"=1'-0"

	<b>AZ DESIGN AND ENGINEERING, INC.</b> 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com			<b>REVISION/DATE</b> 1. FILING SET 12/06/2019 CITY ENGINEER COMMENTS 01/10/2020	<b>A-2.2</b>
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>			SCALE: AS SHOWN / DRAWN / REVIEWED DATE: NOV/2019 / JOB No: AM1120	

P.



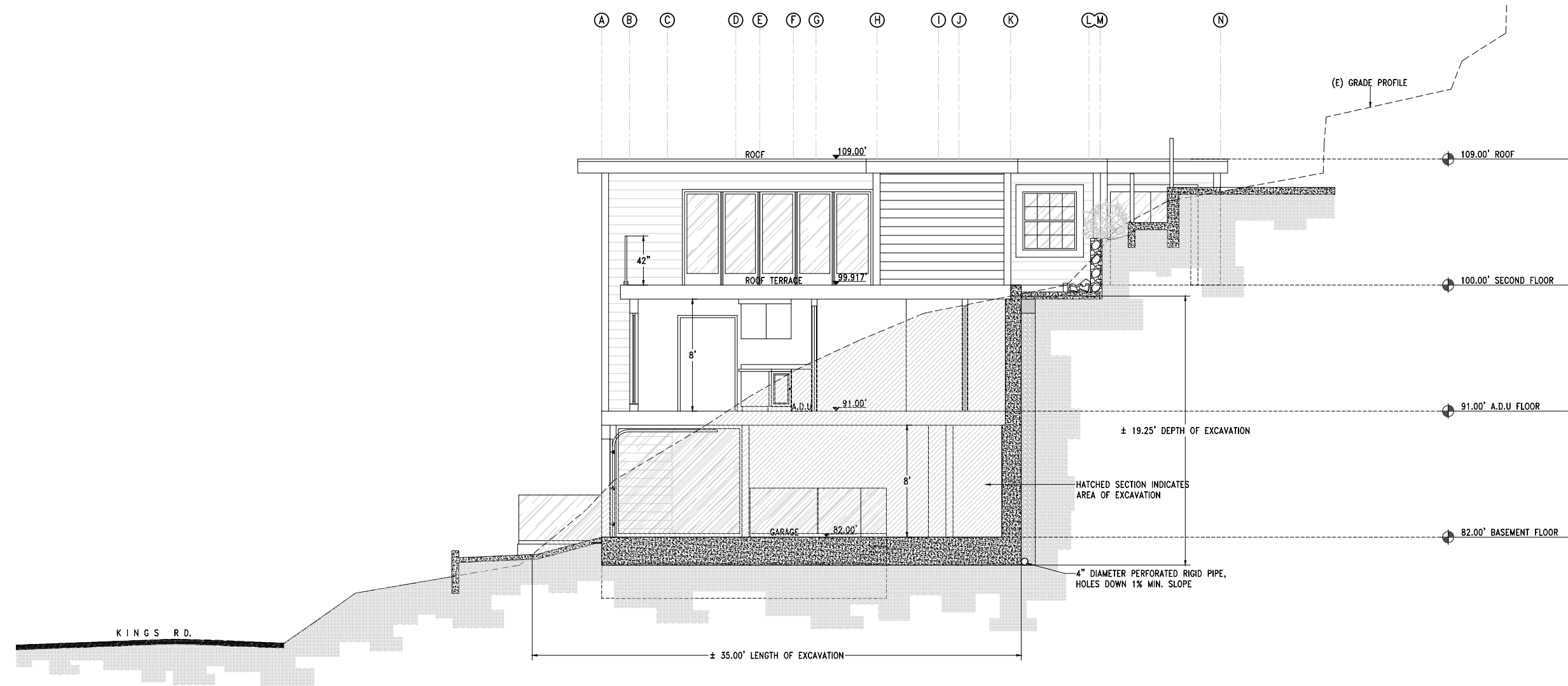
4. (E) EAST (LEFT) ELEVATION  
1/4"=1'-0"



4'. (N) EAST (LEFT) ELEVATION  
1/4"=1'-0"

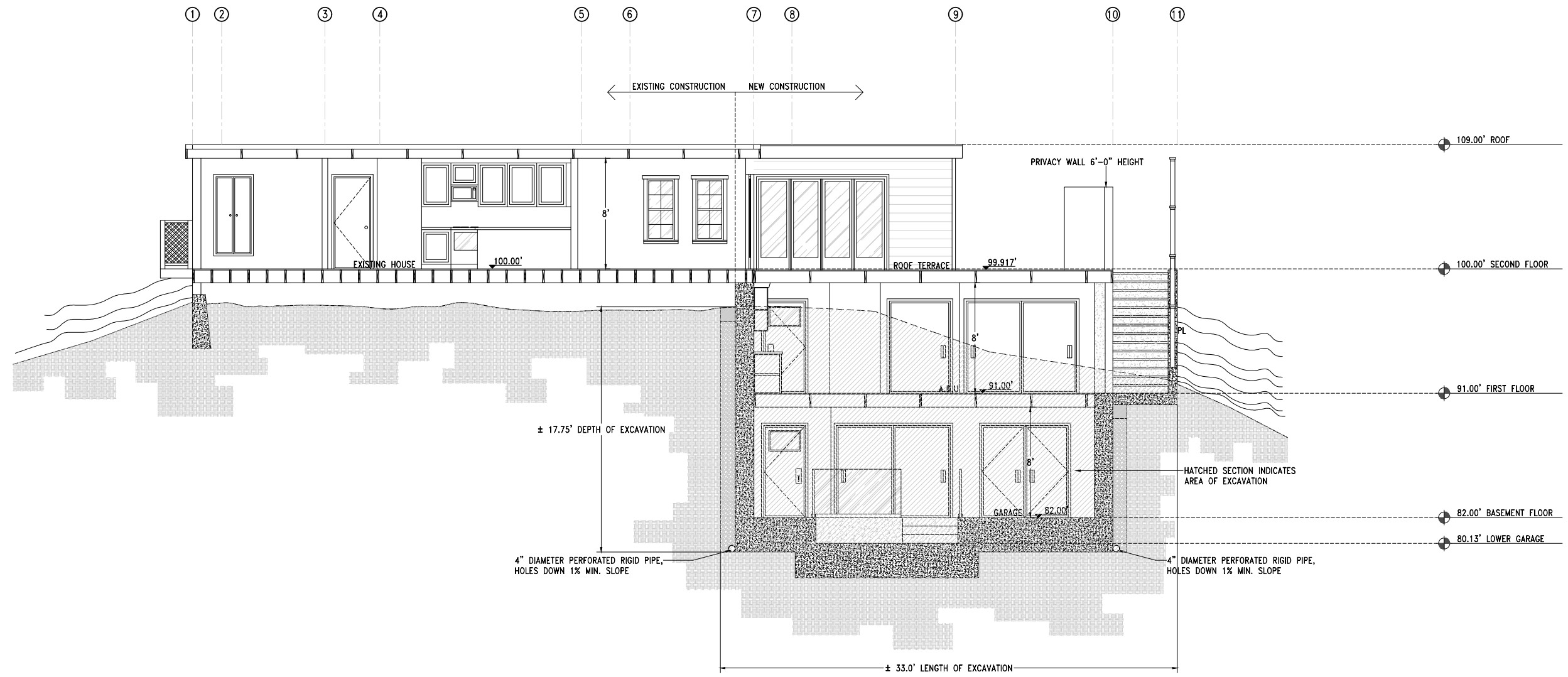
MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

	<b>AZ DESIGN AND ENGINEERING, INC.</b> 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com		REVISION/DATE 1. FILING SET 12/06/2019 CITY ENGINEER COMMENTS 01/10/2020	A-2.3
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>		SCALE: AS SHOWN / DRAWN / REVIEWED DATE: NOV/2019 / JOB NO: AM1120	



(N) SCHEMATIC LONGITUDINAL CROSS SECTION A  
 1/4"=1'-0"

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	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>			SCALE: AS SHOWN / DRAWN / REVIEWED DATE: NOV/2019 / JOB No: AM1120	



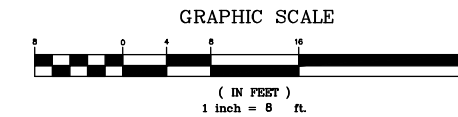
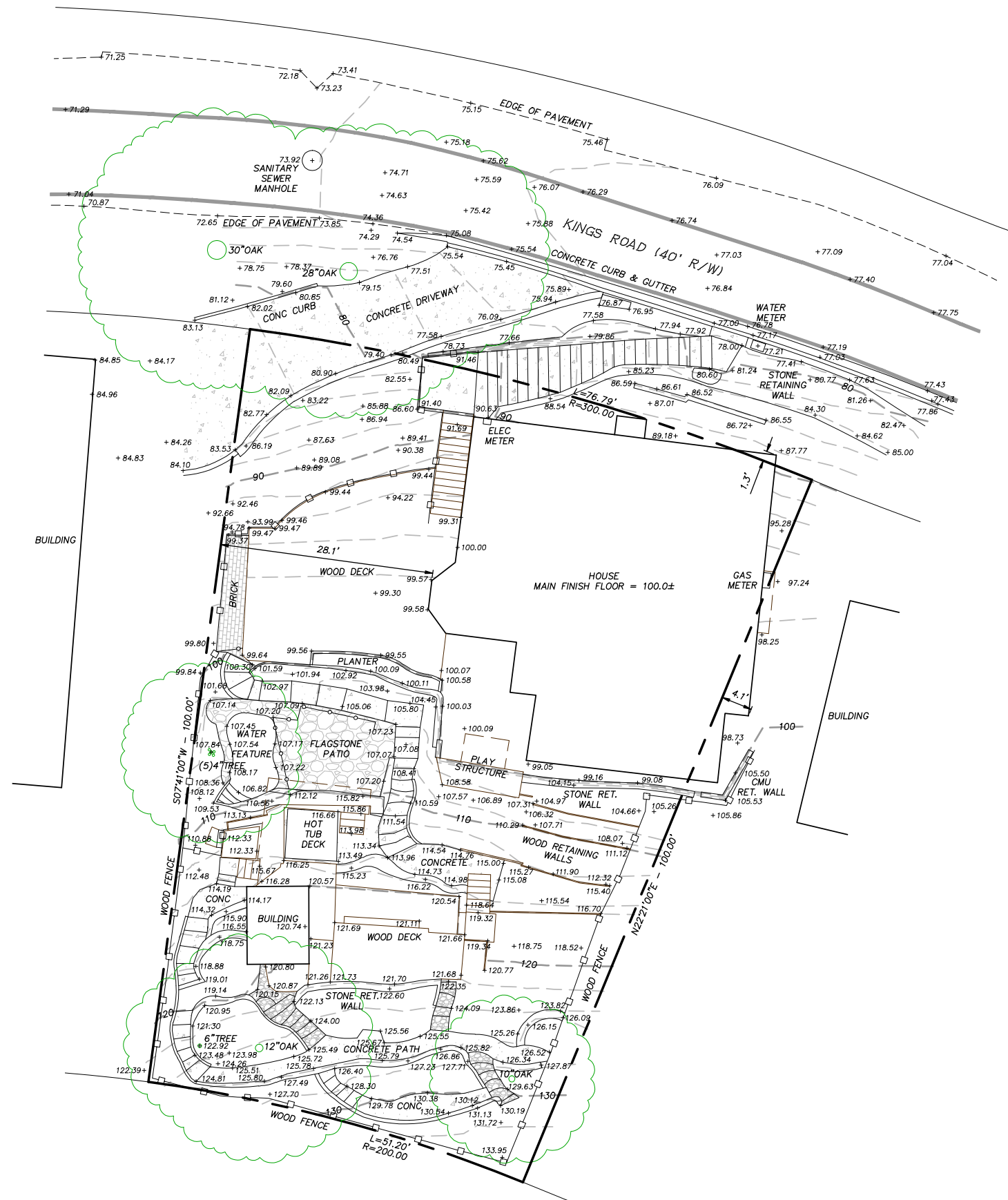
(N) SCHEMATIC TRANSVERSAL CROSS SECTION B  
 1/4"=1'-0"

	<b>AZ DESIGN AND ENGINEERING, INC.</b> 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com		<b>REVISION/DATE</b> 1. FILING SET 12/06/2019 CITY ENGINEER COMMENTS 01/10/2020	<h1>A-3.1</h1>
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 <b>OWNER: JOHN HUANG</b>		SCALE: AS SHOWN / DRAWN / REVIEWED AZ / AZ DATE: NOV/2019 / JOB NO: AM1120	

# TOPOGRAPHIC AND BOUNDARY SURVEY

338 KINGS ROAD  
CITY OF BRISBANE  
SAN MATEO COUNTY - CALIFORNIA  
SCALE: 1 INCH = 8 FEET  
MAY 2019

**DMG ENGINEERING, Inc.**  
30 OAKVUE COURT  
PLEASANT HILL, CA 94523  
PHONE: (925) 787-0463  
FAX: (925) 287-8503



**LOT AREA:**  
6,400± SQUARE FEET

**ASSESSOR PARCEL NUMBER:**  
007-471-170

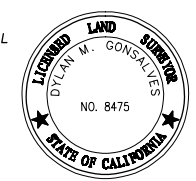
**LEGAL DESCRIPTION**  
LOTS 33, 34, 35, BLOCK 51, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF SUBDIVISION NO. 1, 2 AND 3 OF CITY OF VISITACION, CALIFORNIA", FILED FOR RECORD ON OCTOBER 4, 1908, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN VOLUME 6 OF MAPS AT PAGE 45.

- NOTES:**
- 1. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
  - 2. BASIS OF ELEVATION: ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM. MAIN FINISH FLOOR AT FRONT ENTRY = 100.0.
  - 3. NO TITLE REPORT WAS FURNISHED IN THE COURSE OF THIS SURVEY, THEREFORE EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
  - 4. 2' CONTOUR INTERVAL.

### SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:  
  
JOHN HUANG                      IN: MARCH 2019  
  
I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475  
  
ON MAY 8, 2019  
  
I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

*Dylan M. Gonsalves*  
DYLAN M. GONSALVES                      5-14-2019  
DATE

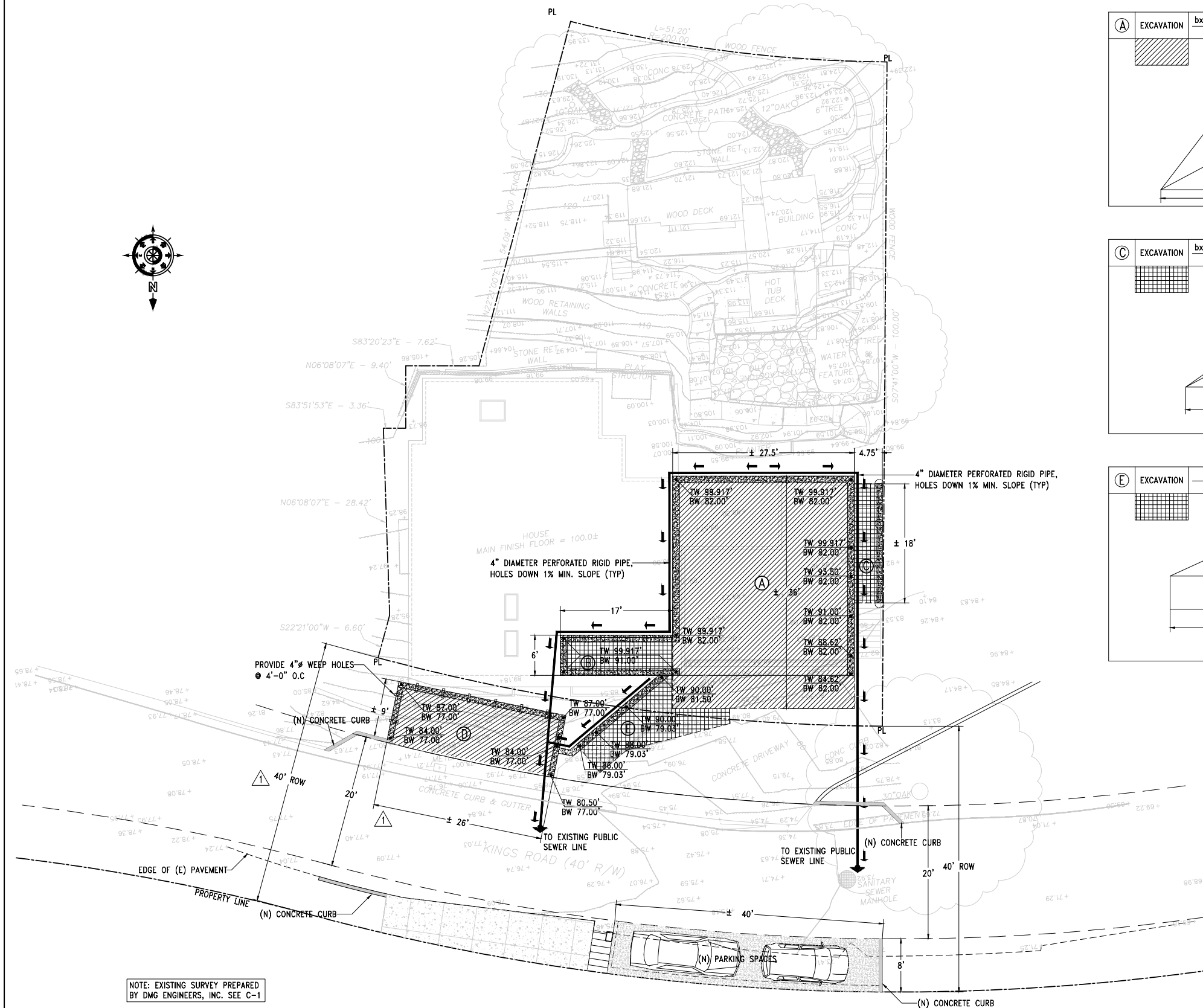


DMG ENGINEERING, Inc.  
RESTRICTED ENGINEERING DRAWINGS  
The information, plans, designs, notes and arrangements shown on this drawing are confidential and may not be reproduced or transmitted in any form or by any means, written permission of DMG ENGINEERING, Inc. Drawings noted as Preliminary/Schematic and/or concept contain information that is conceptual subject to verification and/or change. The engineer makes no claim for accuracy of conceptual information or of information supplied by others.

NO.	DATE	REVISIONS	DESCRIPTION	BY

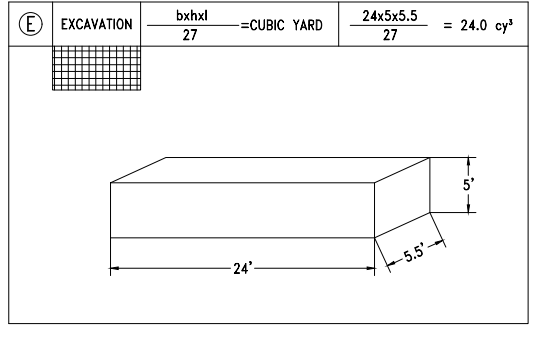
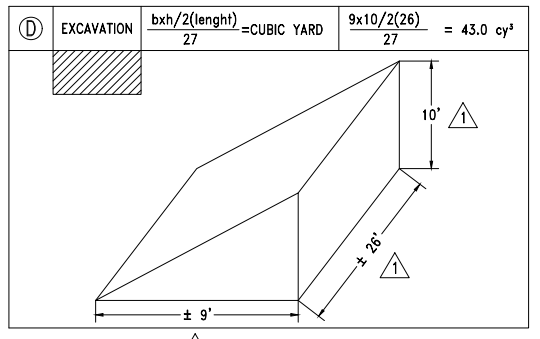
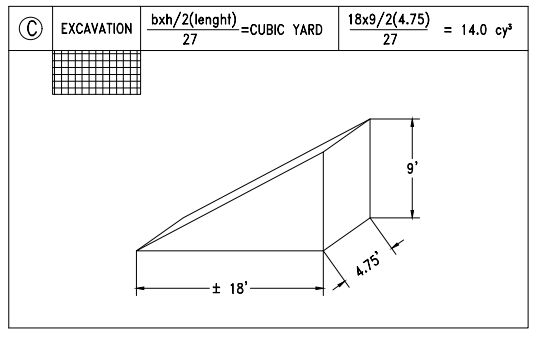
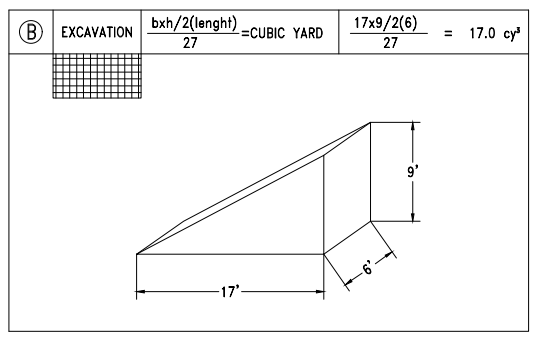
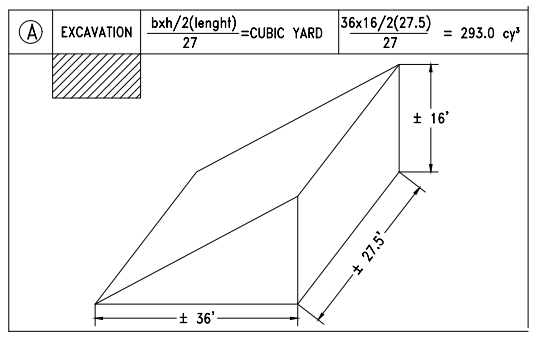
**TOPOGRAPHIC AND BOUNDARY SURVEY**  
338 KINGS ROAD  
CITY OF BRISBANE - CALIFORNIA  
SCALE: 1 INCH = 8 FEET  
MAY 2019

SHEET 1  
OF 1 SHEETS  
ORIG.DWG: 5-14-2019  
REV.DWG:  
JOB: 19-56



NOTE: EXISTING SURVEY PREPARED BY DMG ENGINEERS, INC. SEE C-1

PROPOSED GRADING PLAN  
1/8"=1'-0"



GRADING DATA (CUBIC YARD)	
MK	EXCAVATION
(A)	293.00
(B)	17.00
(C)	14.00
(D)	43.00
(E)	24.00
GRAND TOTAL=391.0 CUBIC YARDS	

AZ

**AZ DESIGN AND ENGINEERING, INC.**  
 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044  
 Ph: (650) 553-4031 / Ph: (650) 553-4044 / azdesign@azdesignandengineering.com

NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE  
 338 KINGS RD., BRISBANE, CALIFORNIA 94005  
**OWNER: JOHN HUANG**

REGISTERED PROFESSIONAL ENGINEER  
 ABRAHAM ZANKA  
 60620  
 EXP. 12/31/20  
 CIVIL  
 STATE OF CALIFORNIA

REVISION/DATE  
 1. FILING SET 12/06/2019  
 CITY ENGINEER COMMENTS 01/10/2020

C-2



P.

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**COMMENTS – 340 KINGS ROAD – THE WOOD FAMILY- June 23, 2020** (Page1 of 2)

Dear Commissioners,

We live at 340 Kings Road in Brisbane and to the immediate right of 338 Kings. We have had numerous incidents with 338 Kings that we would like you to keep in mind and include in your deliberations and conditions for approval. The listing of these incidents is to show you their pattern of repeated disregard to the well-being of their neighbors and their reasonable enjoyment of their properties.

**If strict and appropriate mitigations are not placed on this project, there would be a definite and negative impact on our property, hillside and everybody else living close to 338 Kings, and/or impacted streets for years to come.**

We have done a lot of work to protect and prevent landslides on our property, particularly in front of the house adjacent to 338 Kings. Signs and evidence of erosion-were of concern to us. By hiring a professional and experienced team including landscape professionals and obtaining all the necessary permits, we have installed heavy boulders, and professional landscaping, installing lights and a watering system to make sure there would be no further danger of landslide.

PG&E meter readers have to go on to our property in order to access the 338 Kings Gas meter. When PG&E was installing modern gas meters, they told us that that the 338 Kings meter was too difficult to change and that they planned to leave it as it was. We are concerned that this situation would continue even after this massive and extensive project were completed.

Not only has PG&E's access been through our property, any outside repairs such as roofing, painting, and fixing leaks has been through our house, as well. Their workers have damaged our plants, landscaping, lights, irrigation system, you name it. They have never made any attempt to repair or pay for any such damages. **These access situations through our property must be resolved, corrected, and will not permitted.**

We are very concerned that all the grading that is planned for 338 Kings will totally destroy all the work we have done to prevent a landslide. Our property must be protected and everything that gets damaged must be repaired to our standard.

FYI, part of the 338 Kings property has been built on our property. In addition, an un-permitted deck, and a huge tree were installed without our consent. When we would be away on a weekend, they would start adding things for their enjoyment in our property. We were successful in getting them to remove their illegal deck. However, the illegal tree is still here. Official Boundary Lot line was finally recorded due to the owner's decision to sell the house. Nothing else has changed.

The wooden fence installed on the section of the 338 Kings property had to be moved to comply with the lot line adjustment. After the rainy season, we went to the back yard and noticed that, by moving their fence, they had left a huge hole in our side of the property and on the hillside. They did an incompetent job and have created a very dangerous and unsafe situation. Anybody or any animal can fall and get seriously hurt. We are very concerned.

**COMMENTS (Cont'd.) – 340 KINGS ROAD – 6/23/2020**

(Page1 of 2)

We have spoken with the current owner to correct this unsafe and dangerous situation. He uses a lot of words (like “let’s see, we could work something out”) but makes no commitment. One time he asked permission to dump construction debris to correct the situation. We politely refused such a gesture.

Without permission, they had even installed electric fences on our side of the property to shock and prevent raccoons and other animals to step into their yard. By the time we noticed, over a year had passed. Upon consultation with the City of Brisbane, in regard to the legality of their actions, the electric units had to be removed.

In summary, there is serious danger of landslide in our property from this grading. The results of grading could destroy all the hard work and expensive resources we have put into the safety and reasonable enjoyment of our property would be in real danger. The property owner of 338 Kings must be held accountable to correct all such damages.

Please document everything the property owner agrees orally. We are confident the owner will say “yes” to everything to get the project approved and finished in order to turn around and sell. **The owner of 338 Kings purchased this property without the consent of his spouse and it will not be owner occupied. This house has been vacant since Dec. 2018. The only winners would be the Real Estate Agents and at our cost.**

Considering historical challenges and damages from the owners of 338 Kings to our property at 340 Kings, their inability and/or refusal to repair the damages created by their self-serving actions, and the fact that this would not be an owner occupied property, the neighbors would be left with the resulting problems for years to come. **An example of such prediction would be to say that the property owner did not make any efforts to correct the lot line adjustment, until they decided to sell their house which was 31 years after the initial request was presented to them.**

**We, respectfully, ask the Planning Commission to disapprove the grading and the application from the owner of 338 Kings.**

**If the Commission decides to approve this application, I ask you to require the current owner(s) and their construction team to repair and correct any and all damages to our property as a result of their grading and their construction.**

**These damages and repairs must include: Correcting the hole in our backyard, repairing damages to our front yard, hillside, tree, landscaping, irrigation system, electrical and lighting, access issues to and from our property, access by construction crew and utility workers, and other such damages that might arise during and after the project is completed.**

Thank you.

Mr. and Mrs. Wood  
340 Kings Road, Brisbane, CA 94005

**From:** Glenn E Fieldman <glenn@sfsu.edu>  
**Sent:** Thursday, June 25, 2020 4:52 PM  
**To:** Planning Commissioners  
**Subject:** A comment re: 338 Kings Road

TO: Planning Commission, City of Brisbane

FROM: Brisbane resident Glenn Fieldman, 147 San Bruno Ave., (415) 656-1149

RE: Driveway widening, coast live oaks at 338 Kings Road

My understanding is that the owners of the property at 338 Kings Road want a variance from the city that will enable them to widen the driveway that enters this property and to use public property to do so. Their original request would have meant that two large coast live oak trees, **at least one of which is on city property**, would need to be removed.

Although the property owners have submitted a revised plan that will preserve the trees, it is stated elsewhere in the document that excavation for and construction of the driveway may harm them irremediably in the future. This troubles me greatly; it is almost as though the trees have been given a reprieve that is only apparent and short-term, perhaps to placate a number of Brisbane citizens upset about the loss of much of our tree canopy. Please be aware that Brisbane's tree advocates do read the fine print. These trees are on public property, they are native, they are large, and they should be protected from harm. Permitting a project that will not kill the trees immediately but makes it likely that they will be killed slowly is not acceptable.

Brisbane officials are fond of claiming they value "community." Big trees like these provide substantial community benefits—habitat, food for birds and animals in some cases, and—very important as the climate heats and destabilizes—shade. Thus, preserving large trees is a community value, yet it seems as though the planning department and city staff often ignore community well being in order to accommodate the wishes of private property owners. We have seen a lot of yards paved over with concrete and a lot of our tree canopy lost as a consequence. Please ask the property owner at 338 Kings road to send his or her designer or contractor back to the drawing board to submit a revised plan that will fully protect the two oak trees on city property.

Thank you.

**From:** Prem Lall <premlall@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 8:03 PM  
**To:** Planning Commissioners  
**Cc:** Breault, Randy; Ayres, Julia; Swiecki, John; Sepi Richardson; Schumann, Michael; Nancy Roeser; Patricia Flores; Dean DeCastro; Ron Dinslage; Justin Dinslage; Peter Geissler  
**Subject:** 6/25/2020 Planning Commission meeting and proposed grading projects/permits, etc.

Greetings Commissioners Sayasane, Gomez, Gooding, Mackin, and Patel;

I would like to discuss with you the proposed projects (338 Kings Road and 221 Tulare Street, among others) to remove massive amounts of soil from our mountainside.

Brisbane's Stormwater Management Program was one of the topics discussed at the Brisbane City Council meeting on 6/18/2020, and among other things I would like comment on some important points for your acknowledgment.

From the agenda packet for the 6/18/2020 City Council meeting (<https://mccmeetings.blob.core.usgovcloudapi.net/brisbaneca-pubu/MEET-Packet-360adce5df5947ebaf00dbbe60baeb79.pdf>), I would like to direct your attention to page 122 of 222, where the following paragraph appears:

**"The process of urbanization increases rainwater runoff. As trees and grass are cleared, pervious ground cover is frequently replaced by impervious concrete, asphalt, or brick. Rainwater can no longer seep into the ground. If this stormwater is not properly managed, flooding may result. Often, municipal drainage systems are designed for flows resulting from pre-development runoff, and become undersized when impervious area is increased by building structures, driveways, and parking lots. Further, increased stormwater runoff makes areas not covered by impervious materials more susceptible to erosion, and as a result, sediment may discharge to the storm drain system."**

In other words, the soil acts as a giant sponge during rainfall and absorbs an enormous amount of water. The water absorbed by the soil either transfers to plants via their underground roots or slowly evaporates back into the air after the rainfall ceases. If and when that soil is removed in large quantities, the capacity of the respective property for rainwater absorption decreases significantly and results in a greater volume of water to be managed by the city storm drain system which likely was not built in anticipation of this increased water flow.

To give you an idea of how much water the soil absorbs during rainfall, one cubic yard of soil weighs approximately 2,000 lbs. dry and 3,000 lbs. wet, which means that during rainfall one cubic yard of soil absorbs 1,000 lbs. of water.

For reference, I have included links to two articles below regarding how much water a cubic yard of soil absorbs:

"1 cubic yard of dry soil topsoil weighs about 2,000 pounds, while the same soil can weigh around 3,000 pounds when saturated."

<https://www.hunker.com/13406893/the-average-weight-of-a-cubic-yard-of-soil>

"The average cubic yard of dry fill dirt will typically weigh as much as 2,000 pounds...Wet dirt is also heavier because of its moisture content and it can weigh as much as 3,000 pounds or more."

<https://lovebackyard.com/how-much-does-a-cubic-yard-of-dirt-weigh>

Since a gallon of water weighs approximately 8.35 lbs. and a cubic yard of soil can absorb 1,000 lbs. of water, one cubic yard of soil can absorb approximately 120 gallons of water  $[(1,000 \text{ lbs. water}) / (8.35 \text{ lbs. per gallon of water}) = 120 \text{ gallons}]$ .

**Recently, several projects have been submitted to the Brisbane Planning Commission requesting the removal of vast amounts of soil from our mountainside.** One example is the project at 338 Kings Road which requires the removal of **374 cubic yards of soil** and a second example is the project at 221 Tulare Street which requires the removal of **1,384 cubic yards of soil**.

The 374 cubic yards of soil at 338 Kings can absorb 44,790 gallons of water during rainfall (374 cubic yards of soil x 1,000 lbs. of water/cubic yard of soil / 8.35 gallons per pound of water) and the 1,384 cubic yards of soil at 221 Tulare can absorb another 165,749 gallons of water during rainfall for a total of about **210,539 gallons of water**.

If all this soil is removed, what will happen to that 210,539 gallons of water, especially considering that the property at 338 Kings is on a 43% slope and the property at 221 Tulare is on a 41% slope?

**That water will flow down the mountainside and into the basements or garages of properties of the applicants' neighbors further down the mountainside.**

The force of that water will place an enormous and consistent pressure on the retaining walls found at those downslope properties - pressure those walls should not be forced to sustain simply because the owners at the subject properties want to remodel their properties. That pressure eventually will cause damage and result in significant costs for the applicants' downslope neighbors.

Likewise, all that excess water will saturate the soil of the downslope properties mentioned, leading to the undermining of their foundations and rotting of their wooden framing. With regard to the 338 Kings project, the properties affected would include 333 Kings Road, 339 Kings Road, 738 Humboldt Road, 740 Humboldt Road, 760 Humboldt

Road, and 764 Humboldt Road in Brisbane. Additionally, this project would likely destabilize the property at 340 Kings Road and lead to additional expenses for the owners of that property. Mrs. Sepi Richardson Wood may contact you separately with regard to the project's negative effects upon 340 Kings.

So far, to my knowledge we have seen no hydrology reports concerning these projects. How do these property owners plan to prevent that 210,539 gallons of water or more from ending up on their neighbors' properties downslope instead of their own? Do they plan to route all that excess water to the storm drains of the City of Brisbane?

If so, how? The revised plans for the project at 338 Kings include references on page 25 (C-2) to an underground 4" perforated pipe for routing water to the city storm drains. However, on page 26 of the updated project plan (C-3) I see roof drainage figures for a 2" pipe and a 3" pipe but no figures listed for this underground 4" perforated pipe.

Also, how will this proposed pipe of either acrylonitrile-butadiene-styrene (ABS) plastic or polyvinyl chloride (PVC) be maintained to prevent blockage, cracking, degradation, etc.? If the pipe ceases to function it will serve no purpose in directing water to the storm drains.

If not all of that water will be routed to the storm drains, what do they plan to do with it?

Will rain barrels be required to accommodate water which previously would have been absorbed naturally by the soil? The revised plan shows on page 25 (C-2) at Detail #2 a sketch of how the proposed project would use drain rock behind the proposed concrete retaining wall and above the 4" perforated pipe, but again, I see no figures indicating how much water this adaptation will be able to handle nor do I see any figures in the letters dated 6/3/2020 and 6/16/2020 from Mr. Abraham Zavala to Senior Planner Julia Ayres nor in the letter dated 6/17/2020 from John Petroff and Joseph Michelucci of Michelucci & Associates to 338 Kings property owner Mr. John Huang.

Some examples of rain barrel technology and other types of runoff water control technology can be found at <https://www.fairfaxcounty.gov/soil-water-conservation/drainage-problem-control-runoff>.

**Before the City of Brisbane approves any project requiring the removal of such a large magnitude of soil from the mountainside, these questions must be answered. Otherwise, as more and more property owners request the removal of soil from our mountainside, Brisbane's residents will be subject to much more flooding during rainfall as all that water flows down the mountainside instead of being absorbed.**

Also, if you scroll down to page 123 of the meeting packet for the 6/18/2020 City Council meeting, you will read the following:

**"Stormwater runoff flowing over man-made surfaces such as roads and parking lots can also contribute to water quality degradation. The natural purification that occurs when water flows through the subsurface is lost. As rainwater flows over impervious surfaces, it can pick up pollutants such as engine oils, pesticides, fertilizers, and trace metals like lead, copper, or zinc. These contaminants are frequently toxic to humans and aquatic life."**

As development requiring the removal of large amounts of soil redirects water to storm drains instead of absorbing it naturally via the soil, this is what happens.

Additionally, the number of these soil-removal-type projects in Brisbane is not limited simply to the number of empty lots in town. You don't need to have a currently empty lot to build on if you plan to buy a house and tear it down then build on the resulting lot. So again, the number of lots available for these projects is not limited to just the number of currently empty lots.

Both of the projects I have mentioned involve demolition whether partial (338 Kings) or complete (221 Tulare).

At current, these projects are at the Planning Commission stage with regard to approval and I think it best to bring these issues (regardless of what property they might concern in the future) to the attention of the Commission for consideration especially in light of the fact that according to the Senior Planner, hydrology reports and soils reports are not required in advance for the granting of grading permits by the City of Brisbane to my understanding. They should be.

Please take these points into account in your analysis both of the merits of these two projects and other similar projects and of their long-term effects upon our city and its residents.

Thank you.

Prem Lall  
Brisbane resident



Q.

**File Attachments for Item:**

Q. Consider Adoption of Ordinance 654, waiving second reading, Authorizing an Amendment to the Contract Between the City of Brisbane and the Board of Administration of the California Public Employees' Retirement System

**MEMO****Meeting Date:** September 3, 2020**From:** Ingrid Padilla, City Clerk**Subject:** Adoption of Ordinance 654, waiving second reading, Authorizing an Amendment to the Contract Between the City of Brisbane and the Board of Administration of the California Public Employees' Retirement System

The Ordinance listed above was introduced at the City Council Meeting of April 16, 2020. No changes were made at the time.

It is on this agenda for consideration of adoption.



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** June 4, 2020

**From:** Abby Partin, Human Resources Administrator

**Subject:** Approval of Resolution No. 2020-44, Adopting a Resolution of Intent and Introducing Ordinance No. 654 Amending the Contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Brisbane, to Implement the Cost Share of Employee Contribution in Accordance with Section 20516 of the California Government Code for Classic Member Employees Represented by the International Association of Firefighters- Local 2400, AFL-CIO

### Community Goal/Result

Fiscally Prudent

### Purpose

To ensure qualified, stable and dedicated workforce for the community.

### Recommendation

- Adopt a Resolution of Intention to amend the City's contract with the California Public Employees Retirement System (CalPERS) to include a monthly employee contribution of 2.0% of salary as provided under Government Code Section 20516, applicable to all classic members represented by the International Association of Firefighters (IAFF)-Local 2400, AFL-CIO.
- Introduce an Ordinance amending the City's contract with the California Public Employees Retirement System (CalPERS) to include a monthly employee contribution of 2.0% of salary as provided under Government Code Section 20516, applicable to all classic members represented by the International Association of Firefighters-Local 2400, AFL-CIO. This ordinance will return to the City Council on second reading in accordance with state law.

### Background

On April 16, 2020, the City Council adopted Resolution 2020-09 approving a Memorandum of Understanding with IAFF-Local 2400, AFL-CIO for the period of July 1, 2019 - June 30, 2022. The approved contract included a cost sharing provision in which "Classic" CalPERS represented employees contribute additional percentages of their salaries in varying amounts towards their CalPERS retirement benefits. The proposed cost sharing provision for IAFF-Local 2400, AFL-CIO is as follows:

- 2% effective upon approval of the amendment of the contract between CalPERS and the City
- 1% effective July 2021

In order for the City to implement this cost-share provision, it is necessary for the City to amend its contract with CalPERS. On May 24, 2020, staff initiated the CalPERS contract amendment process to include Section 20516 (Cost Share) of 2.0% for classic local fire members represented by the IAFF-Local 2400, AFL-CIO on the basis described in the Resolution of Intention.

### **Discussion**

CalPERS requires that specific procedures established by the State statute to be followed to initiate retirement contract amendments. Approval of the Resolution of Intention (Attachment 1) initiates the process for the contract amendment. CalPERS requires that the City adopt this Resolution of Intention at least twenty (20) days prior to adopting an Ordinance that approves the contract amendment. Attachment 2 is the proposed Ordinance authorizing an amendment to the contract between the Board of Administration of CalPERS and the City Council of the City of Brisbane. This is the first reading of the Ordinance, a second and final reading will follow for adoption. Introduction of the attached Ordinance allows for a timely notice prior to City Council action adopting the final Ordinance.

CalPERS requires the following additional steps to amend the existing IAFF-Local 2400, AFL-CIO contract:

1. Conduct an employee election for all IAFF-Local 240, AFL-CIO members on the official CalPERS ballot after the Resolution of Intention is adopted by the City Council
2. Certify election results to CalPERS
3. Consider Second and Final Reading of the Ordinance for adoption
4. After 31 days following adoption of the Ordinance, at the beginning of the next pay period, new cost share rate will be reported to CalPERS

Staff recommends that the City Council adopt the Resolution of Intent and hold a first reading of the Ordinance by separate actions, thereby implementing staff's recommendation as referenced above.

### **Fiscal Impact**

The additional employee contribution to CalPERS is anticipated to save the City CalPERS payments and the savings are factored into the budget.

### **Measure of Success**

The City is able to retain a qualified, stable and dedicated workforce.

**Attachments**

1. Resolution of Intention
2. Ordinance amending IAFF, Local 2400, AFL-CIO CalPERS contract
3. Exhibit of Amendment to CalPERS Contract

Abby Partin

Abby Partin, HR Administrator

Clay L. Holstine

Clay Holstine, City Manager

Q.

**RESOLUTION NO 2020-44****RESOLUTION OF INTENTION**

**TO APPROVE AN AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
CITY COUNCIL  
CITY OF BRISBANE**

**WHEREAS,** the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

**WHEREAS,** one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

**WHEREAS,** the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 2% for classic local fire members in the International Association of Firefighters Local 2400, AFL-CIO.

**NOW, THEREFORE,** the City Council of the City of Brisbane resolves as follows:

Give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

\_\_\_\_\_  
Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2020-44 was duly and regularly adopted at a regular meeting of the Brisbane City Council on June 4, 2020, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Ingrid Padilla, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF CITY OF BRISBANE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BRISBANE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

THE CITY COUNCIL OF THE CITY OF BRISBANE DOES ORDAIN AS FOLLOWS:

Section 1.

That an amendment to the contract between the City Council of the City of Brisbane and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit 1, and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City Council of the City of Brisbane is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 3.

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

**\*\* \***

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

\_\_\_\_\_  
Mayor of the City of Brisbane

ATTEST:

\_\_\_\_\_  
City Clerk


**EXHIBIT 1**

California  
Public Employees' Retirement System



# AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Brisbane



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective February 1, 1965, and witnessed January 6, 1965, and as amended effective July 1, 1967, October 1, 1973, October 12, 1977, November 16, 1984, August 3, 1987, October 13, 1994, June 23, 1997, June 10, 1999, June 30, 2002, August 19, 2002, June 23, 2008 and August 27, 2009 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective August 27, 2009, and hereby replaced by the following paragraphs numbered 1 through 18 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior to June 23, 2008, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after June 23, 2008, age 62 for new local miscellaneous members, age 55 for classic local safety members and age 57 for new local safety members.



2. Public Agency shall participate in the Public Employees' Retirement System from and after February 1, 1965 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

**NO ADDITIONAL EXCLUSIONS**

6. This contract shall be a continuation of the benefits of the contract of the Brisbane Fire District, hereinafter referred to as "Former Agency", pursuant to Section 20508 of the Government Code, Former Agency having ceased to exist and succeeded by Public Agency on March 11, 1964. Public Agency, by this contract, assumes the accumulated contributions and assets derived therefrom and liability for prior and current service under Former Agency's contract with respect to the Former Agency's employees. Legislation repealed Section 20508, Statutes of 1949, effective January 1, 1988.
7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after June 23, 2008 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to September 30, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on and not after June 23, 2008 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service prior to September 30, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
9. The percentage of final compensation to be provided for each year of credited current service for those classic local miscellaneous members entering membership for the first time in the miscellaneous classification after June 23, 3008 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).



12. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:
- a. Section 20042 (One-Year Final Compensation) for classic members only.
  - b. Section 21573 (Third Level of 1959 Survivor Benefits).
  - c. Section 21427 (Improved Nonindustrial Disability Allowance) for those members who retired on non-industrial disability after June 14, 1975.
  - d. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
  - e. Section 20965 (Credit for Unused Sick Leave).
  - f. Section 21024 (Military Service Credit as Public Service).
  - g. Section 21027 (Military Service Credit for Retired Persons).
  - h. Section 20475 (Different Level of Benefits). Section 21354.5 (2.7% @ 55 Full and Modified Formula) is applicable to only those classic local miscellaneous members in the miscellaneous classification on June 23, 2008. Section 21353 (2% @ 60 Full Formula) is applicable to local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after June 23, 2008.
  - i. Section 20903 (Two Years Additional Service Credit) for local miscellaneous members only.
  - j. Section 21118 (Partial Service Retirement).
  - k. Section 21623.5 (\$5,000 Retired Death Benefit).
  - l. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 2% for classic local fire members in the International Association of Firefighters Local 2400, AFL-CIO.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

14. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on October 12, 1977. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
15. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
16. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
17. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

18. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BRISBANE

BY \_\_\_\_\_  
ARNITA PAIGE, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

R.

**File Attachments for Item:**

R. Consider Approval of funding the 400 Kings Road Slope Stability Plans Project from the General Fund in the amount of \$250,000





**CITY COUNCIL AGENDA REPORT**

**Meeting Date:** September 3, 2020

**From:** Director of Public Works/City Engineer

**Subject:** 400 Kings Road Slope Stability Plans

**Community Goal/Result:** Safe Community

**Purpose**

To receive the Kings Road Roadway Protection Project plans prepared for the 400 block of Kings Road by Cotton, Shires and Associates.

**Recommendation**

Approve funding this project from the General Fund in the amount of \$250,000.

**Background**

The “background” section of the attached 3/5/20 staff report provides a summary of events up to that date.

At its 3/5/20 regularly scheduled meeting, Council directed staff to move forward with the design of an 8’ high soldier pile and wood lagging retaining wall. The exploratory drilling necessary to complete the project’s final design was delayed until 6/24/20 due to restrictions imposed on construction activities by the San Mateo County Health Officer’s Orders related to COVID-19.

**Discussion:** The completed design has been reviewed by staff, and is attached.

**Fiscal Impact**

The proposed budget of \$250,000 includes the engineer’s estimate of \$229,550, plus a small contingency.

**Measure of Success:** Protection of the public and public infrastructure.

**Attachments**

1. 3/5/20 Staff Report
2. Kings Road Roadway Protection Project plans

*R.L. Breault*

\_\_\_\_\_  
Randy Breault, Public Works Director

\_\_\_\_\_  
Clay Holstine, City Manager



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** March 5, 2020

**From:** Director of Public Works/city Engineer

**Subject:** 400 Kings Road Slope Stability Evaluation

### Community Goal/Result

Safe Community

### Purpose

To receive the Geologic and Geotechnical Evaluation of Slope Stability prepared for the 400 block of Kings Road by Cotton, Shires and Associates.

### Recommendation

Provide direction to staff on next steps to be taken.

### Background

Notice of the unravelling of the slope on the uphill side vicinity of 400 Kings block was brought to the city's attention in late September 2019. A preliminary geotechnical evaluation was completed the next week, and per the geotech's recommendation, parking was prohibited at the toe of this slope. In mid-November, k-rail was installed as an additional protective measure to prevent loose rocks from migrating out into the travelway.

Concerned citizens from the neighborhood appeared at several council and committee meetings in the following months, expressing their desire for the restoration of the lost parking spaces. At its 11/21/19 meeting, City council approved \$30k for the initial investigation and preliminary design efforts.

### Discussion

The attached report incorporates three pages of geologic engineering review that may be best left for study by experts in that field. The salient notes for general consumption are: the minor likely failures that are anticipated will likely be constrained by the currently installed k-rails, and a major seismic event and/or intense rainfall event could result in earth material overflowing the k-rail and blocking the roadway (but would not impact the downhill residences).

The following table discusses options currently reviewed and estimated for the council's consideration:



Option	Cost	Notes
No changes to current condition (leave k-rail in place)	No additional cost. De minimis amounts spent to date – city owned the k-rail, only new purchases were signs and posts	Protects against likely events. Does not protect roadway against seismic events. Does not protect uphill property. Does not restore pre-existing substandard parking & travelway. Protects downhill residences.
Install rock bolt and drapery (leave k-rail in place)	\$80,000*	Protects against likely and seismic events. Does not restore pre-existing substandard parking & travelway. Protects downhill residences.
Install 8-foot high soldier pile and wood lagging wall (remove k-rail)	\$160,000*	Protects against all anticipated events. Without some excavation of existing slope, would only restore a portion of pre-existing substandard parking & travelway. Protects downhill residences.
Grade to a natural, stable slope. (remove k-rail)	\$210,000* (excludes cost of land purchase)	Protects against all anticipated events. Dependent upon quantity of land purchased from uphill properties, could create a wider travelway and parking area. Protects downhill residences.
Shotcrete and soil nail wall (remove k-rail)	\$250,000*	Protects against all anticipated events. Without significant unaccounted for off haul, would only restore pre-existing substandard parking & travelway. Protects downhill residences.

\*Note that these costs are very preliminary, and final numbers could and likely will vary significantly. Also note that these numbers are pure construction only, and exclude items such as contractor’s mobilization and demobilization, traffic control, costs to acquire uphill property for the fourth option, etc.

**Fiscal Impact**


Staff assumes any new work at this point in time would come from the General Fund.

**Measure of Success**

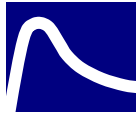
Protection of the public and public infrastructure.

**Attachments**

- 1. Cotton, Shires and Associates letter report dated January 10, 2020

  
\_\_\_\_\_  
Randy Breault, Public Works Director

\_\_\_\_\_  
Clay Holstine, City Manager



January 10, 2020  
E5669

**By Email (rbreault@ci.brisbane.ca.us) and by Mail**

Randy Breault, P.E.  
Director of Public Works  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**SUBJECT: Geologic and Geotechnical Evaluation of Slope Stability**  
**RE: Kings Road Stability**  
City of Brisbane, California

Dear Mr. Breault:

Cotton, Shires and Associates, Inc. (CSA) is pleased to provide the City of Brisbane with the results of our evaluation of the slope stability conditions along a segment of Kings Road, east of Beatrice Road. The subject segment of Kings road is approximately 120 feet in length. We understand that Kings Road is a publicly maintained roadway that is approximately 16 to 18 feet wide. We also understand that no development is currently proposed upslope of the subject roadway (i.e., 462 Kings Road). We visited the site on several occasions in December 2019, performed a topographic survey, observed surface conditions, and mapped pertinent geologic features. No subsurface exploration, laboratory testing of samples or installation of monitoring devices was conducted as part of this evaluation.

In the following letter-report, we discuss the purpose and scope of our work, the observed site conditions, our preliminary conclusions, and general recommendations regarding potential slope stability hazards impacting the public roadway and adjacent properties, along with the limitations of our services.

**PURPOSE AND SCOPE OF WORK**

The purpose of our slope stability evaluation was to: 1) identify pertinent geologic features at the site; 2) formulate conclusions regarding the potential slope stability hazards that could impact the public roadway and residents; and 3) provide recommendations for future action to address identified hazards.

**Northern California Office**  
330 Village Lane  
Los Gatos, CA 95030-7218  
(408) 354-5542 • Fax (408) 354-1852

**Central California Office**  
6417 Dogtown Road  
San Andreas, CA 95249-9640  
(209) 736-4252 • Fax (209) 736-1212

**Southern California Office**  
699 Hampshire Road, Suite 101  
Thousand Oaks, CA 91361-2352  
(805) 370-8710

[www.cottonshires.com](http://www.cottonshires.com)

The specific scope of work performed for our investigation included the following tasks:

- 1) Review of technical documents and regional maps;
- 2) Conduct a ground-based topographic survey;
- 3) Geotechnical reconnaissance and geologic field mapping;
- 4) Geologic and geotechnical stability evaluations; and
- 5) Preparation of this letter-report.

### **OBSERVED SITE CONDITIONS**

Regional geologic mapping of the site vicinity has identified sandstone and shale bedrock associated with the Franciscan Complex (Bonilla, M.G., 1998). This bedrock has been tectonically deformed, faulted and folded. An anticline fold is regionally aligned sub-parallel to the topographic ridge of San Bruno Mountain which trends approximately northwest-southeast. Reviewed regional maps do not identify landslide deposits in the site vicinity. Locally, the identified bedrock is mapped as dipping down to the northeast at approximately 35 to 50 degrees from horizontal. The subject site vicinity has not been included in state seismic hazard zone mapping efforts for earthquake induced landslides.

Based on the results of our topographic survey, the slope above Kings Road is up to 30 feet in height and is generally inclined at grades of 0.6H:1V to 1H:1V. We assume these precipitous slopes are cut slopes that were excavated during the original construction of Kings Road. Based on a review of historical aerial photographs construction of Kings Road occurred between 1930 and 1941. We observed sandstone and shale bedrock associated with the Franciscan Complex exposed in these cut slopes. The sandstone beds exposed are generally 1 to 2.5 feet thick and typically are bounded by laminated shale beds up to 1 inch thick. The in-place sandstone is moderately weathered and fractured and includes plagioclase feldspar. Roots were observed in open fractures and joints. The in-place shale was fissile, and hand samples easily crumbled. The results of our topographic surveying and geologic mapping are presented on Figure 1, Engineering Geologic Map and on Figure 2, Engineering Geologic Cross Section A-A'.

We measured the orientations of bedrock discontinuities including bedding planes, joints, and fractures. Planar bedding orientations at the site generally paralleled the roadway (strike orientations between 311 and 335 degrees), and were dipping between 43 and 52 degrees to the northeast (towards the roadway). We note that these bedding orientations are inclined shallower than the topography of slope. This geometric configuration is commonly referred to as a "dip-slope condition" where relatively weaker geologic features (e.g., bedding planes) daylight from a slope. This dip-slope condition is illustrated on Figure 2, Engineering Geologic Cross Section A-A'. Conjugate joints were

noted with plane intersections that also trend and plunge out of the slope. It appears that recent minor wedge or slab failures along the slope resulted in blocks of friable/soft weathered bedrock accumulating at the toe of the slope. This slope debris was effectively restrained from entering the roadway by K-rails that we understand were recently installed.

In the vicinity of Beatrice Road, it appeared that a translational slab failure had previously evacuated from the slope along a shale bedding plane (Figure 3). Concrete and steel were observed on the exposed slope that we assume were intended to retain bedrock blocks upslope of the previous failure. This failure was located upslope of the intersection between Beatrice Road and Kings Road. Surficial colluvium and artificial fill earth materials were observed at the top of the cut slope (462 Kings Road) and on portions of the slope inclined approximately 1H:1V (100 percent). Existing foundations were observed at 462 Kings Road in proximity to the top of the cut slope, and we also observed a functioning water spigot located adjacent to an existing foundation footing (Figure 1). It is unclear if this spigot may be damaged and leaking water into the subsurface.

#### **PRELIMINARY CONCLUSIONS AND GENERAL RECOMMENDATIONS**

Based on our geotechnical and geologic evaluations it appears that the subject portion of Kings Road is primarily constrained by oversteepened slopes and dip-slope geologic conditions, along with anticipated strong seismic ground shaking. These constraints contribute to a relatively increased potential for future rock-slope failures to impact the roadway. **If no action is taken, the City of Brisbane should anticipate small rock-slope type failures to continue to impact the slope and roadway.** We find that these minor wedge failures resulting from adverse dip-slope conditions or joint orientations will likely be contained by the currently installed K-rails at the toe of the slope, assuming periodic clearing of slope debris if/when a shallow failure or continued raveling occurs. We note that we have not observed surficial geomorphic features or distress suggesting imminent instability beneath the subject portion of Kings Road.

Based on our visual observations and completed topographic survey we estimate that a significant slope failure could deposit up to 500 to 750 cubic yards of earth material on the roadway. Our estimate is based on a conceptual bedding plane (assumed failure surface) oriented at 45 degrees from horizontal that parallels the roadway and intersects the slope at the roadway elevation. A failure of this nature could 1) occur during a significant seismic event or following prolonged and/or intense rainfall; 2) would significantly impact the upslope property (462 Kings Road); and 3) would likely temporarily block the roadway, because the K-rail will not have the necessary storage capacity or lateral resistance to contain the failure.

It is our recommendation that no development (e.g., building permits or equivalent) should be permitted on the property directly upslope of the subject roadway without an adequate geotechnical investigation and implementation of mitigation measures reviewed and accepted by the City. We understand that the currently installed K-rails block portions of the roadway that were used for parking by neighboring residents. If the City determines that the current level of roadway protection (K-rails blocking portions of the roadway) is insufficient including likely temporary closure of the roadway following significant failures, then alternative mitigation measures should be considered.

In the following section we provide general recommendations and conceptual mitigation measures to improve the relative stability of the slope adjacent to the roadway and reduce the potential risk for adverse impacts from observed geotechnical and geologic conditions. The most significant geotechnical hazard to the roadway and adjacent properties is the dip-slope condition upslope of Kings Road. Our evaluation did not include quantitative slope stability analysis or geotechnical laboratory testing.

### **General Recommendations**

The City of Brisbane should consider the following:

- 1) **Maintained and/or increased containment of anticipated minor slope failures.** This mitigation concept would include maintenance of the current K-rail installation to mitigate the potential for shallow failures or slope debris from entering the functioning roadway. This containment could be improved with further installation of mesh/drapery netting or equivalent on the slope. We find that this level of mitigation (K-rails and netting or equivalent) would appropriately mitigate the potential for minor wedge or block failures along the subject slope.
- 2) **Temporarily shutting off water service from 462 Kings Road** while it remains undeveloped (if possible). We note that water could remain servicing the unoccupied property if a qualified professional concludes that no water is leaking from existing site improvements into the subsurface.
- 3) **Additional mitigation measures (e.g., retaining wall or internal slope reinforcing)** if the potential for roadway closure, the potential for significant failures, or the current level of mitigation is found unacceptable by the City. Internal strengthening could be achieved with a combination of rock bolts and drapery, or rock bolts and shotcrete. Alternatively, the slope could be buttressed by an engineered retaining wall at the toe of the slope. Detailed mitigation concepts and designs would require additional geotechnical investigation and laboratory testing to derive appropriate

geotechnical design recommendations and criteria. This level of mitigation could be designed to resist the potential of larger rock-slope failure and probable seismic conditions.

- 4) **Alternatively**, the City could acquire a portion of the upslope property (462 Kings Road) and grade the slope to a more stable gradient considering the site's dip-slope geologic condition. This alternative may require an extended closure of the roadway to complete grading improvements, would require use of the public roadway to haul excess cut materials off-site, and would restrict the buildable area of 462 Kings Road.

We are available to discuss these general recommendations, and discuss potential further action as needed. Please let us know how we can best be of service moving forward.

**LIMITATIONS**

Our services consist of professional opinions and recommendations made in accordance with generally accepted engineering geology and geotechnical engineering principles and practices. No warranty, expressed or implied, or merchantability of fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings.

This report is based solely on a reconnaissance-level evaluation without benefit of subsurface exploration and/or laboratory testing. Such additional work would be necessary to provide final design recommendations.

We trust that this provides you with the information that you need at this time. If you have any questions, or need additional information, please call.

Respectfully submitted,

**COTTON, SHIRES AND ASSOCIATES, INC.**

David T. Schrier  
Principal Geotechnical Engineer  
GE 2334



Craig Stewart  
Senior Geologist

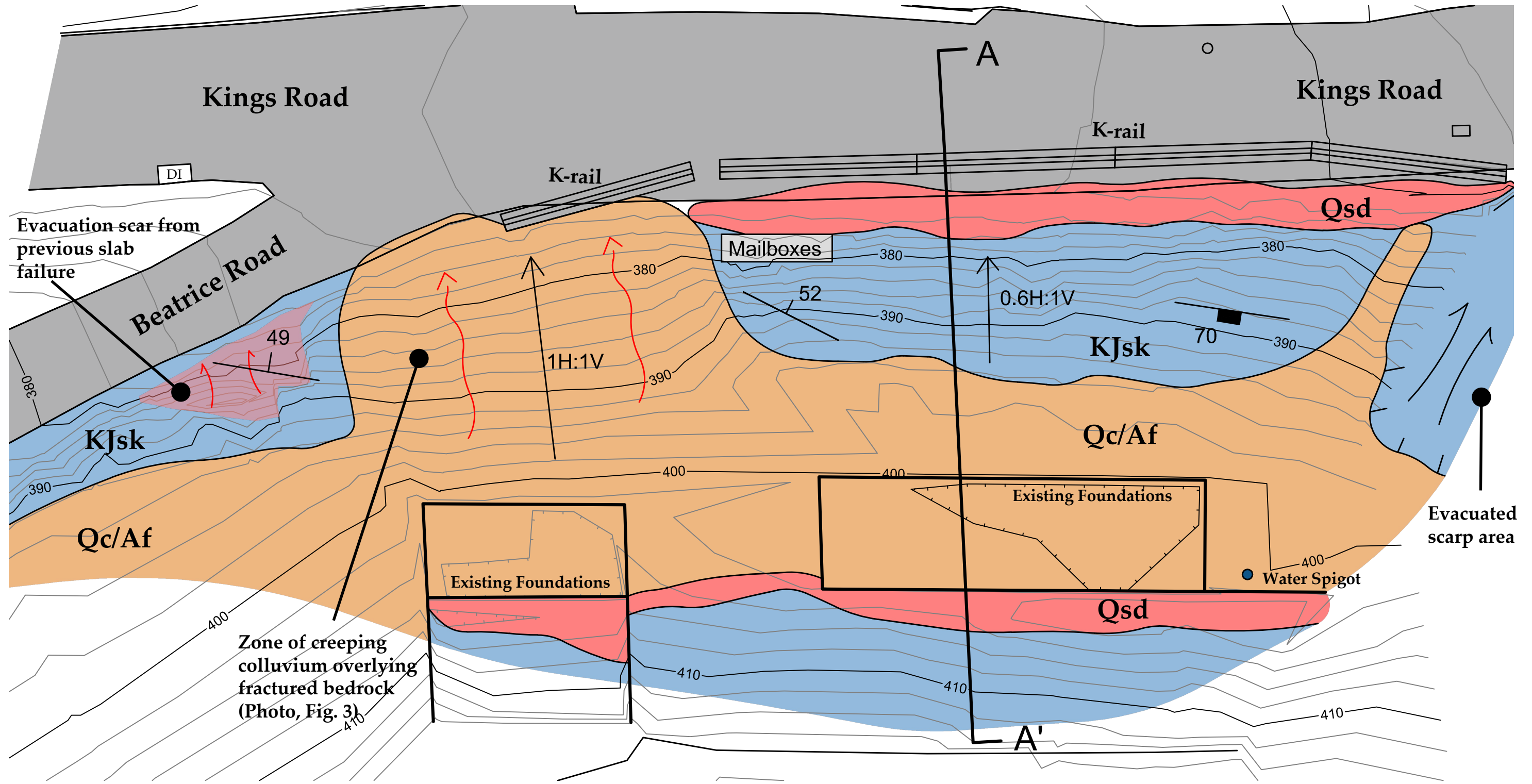
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**Attachments:**

- 1) Figure 1, *Engineering Geologic Map*
- 2) Figure 2, *Engineering Geologic Cross Section A-A'*
- 3) Figure 3, *Annotated Photograph*

**COTTON, SHIRES AND ASSOCIATES, INC.**



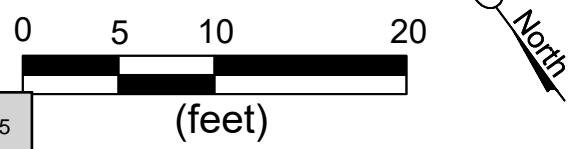


**Explanation:**

- Qsd** Slope debris, including soft blocks of KJsk (up to 1' diameter) and soil
- Qc/Af** Colluvium and undocumented fill, soil materials
- KJsk** SANDSTONE AND SHALE: See Cross- Section. (Fig. 2)

Bedding Attitudes	Joint Orientations
*319, 49 NE	*139, 70 SW
313, 43 NE	209, 64 NW
311, 52 NE	113, 58 SW
*330, 52 NE	226, 54 NW
335, 51 NE	198, 80 W
* measurements plotted on map	

Topographic contours were derived from a ground-based topographic survey performed by CSA on 12/17/2019



**COTTON, SHIRES AND ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

**ENGINEERING GEOLOGIC MAP**  
KINGS ROAD  
BRISBANE, CALIFORNIA

GEO/ENG BY CS/TRH	SCALE 1"=10'	PROJECT NO. E5669
APPROVED BY DTS	DATE January 2020	FIGURE NO. 1



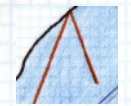
A

A'

**Explanation:**

Scale: 1 inch = 5 feet Horizontal = Vertical

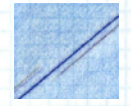
A-A' azimuth orientation: 213 degrees



Orientation of joints or fractures measured on the slope (red)



Geologic contact, dashed where queried (black, ?)



Attitude/orientation of bedding structure in bedrock (blue/purple)

Qsd

Slope debris, including soft blocks of KJsk (up to 1' diameter) and soil

Qc/Af

Colluvium and undocumented fill, soil materials

KJsk

SANDSTONE AND SHALE: 1' to 2.5' thick beds of moderately weathered sandstone with feldspar, interbedded with 0.5" to 1" thick fissile and laminated shale. Joint/fractures are smooth and spacing is moderate. Fractures are open up to 1" and locally include roots. (Franciscan Complex)

Elevation (feet)

410

400

390

380

370

462 Kings Road

Qsd

Bedding plane daylighting from slope (i.e., "dip-slope condition")

Qc/Af

Existing Foundations

KJsk

K-rail

Qsd

Kings Road

**COTTON, SHIRES AND ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

**Engineering Geologic Cross Section A-A'**  
**KINGS ROAD**  
BRISBANE, CALIFORNIA

GEO/ENG BY  
CS

SCALE  
1"=5'

PROJECT NO.  
E5669

APPROVED BY  
DTS

DATE  
January 2020

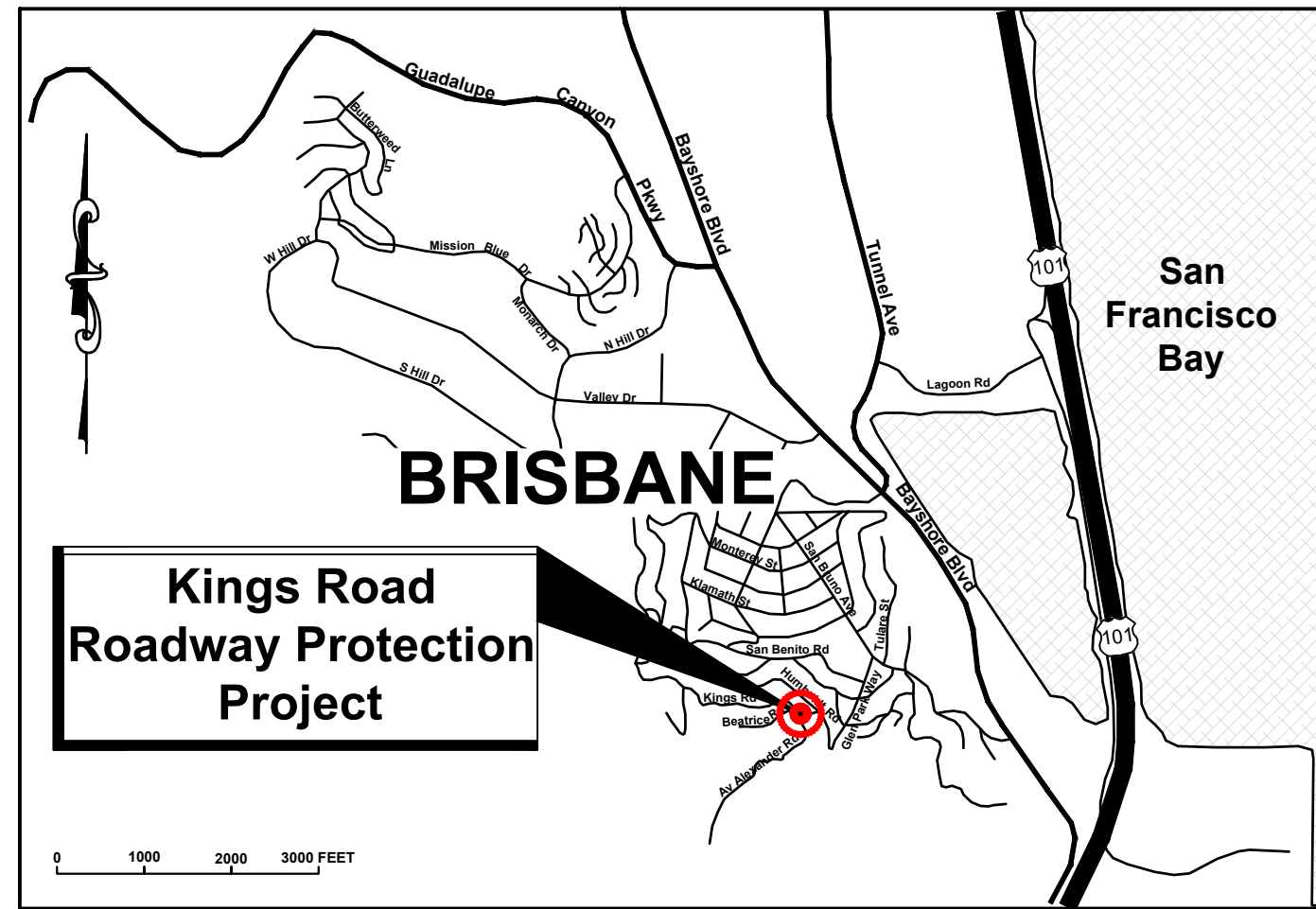
FIGURE NO.  
2





**Figure 3:** Photograph taken from Beatrice Road facing southeast towards Kings Road. In the fore-ground, fractured sandstone and shale bedrock of the Franciscan Complex is exposed on the slope. It appears that a previous rock-slope failure along a bedding plane (orientation annotated in purple) may have exposed this bedrock outcrop. Colluvial slopes are inclined at grades of approximately 100 percent (1H:1V Slope Gradient).





SITE LOCATION MAP

### PROJECT DESCRIPTION NOTE

The Kings Road Roadway Protection Project consists of constructing a new soldier pile and wood lagging retaining wall located along the inboard side of the roadway. The intent of the wall is to protect the roadway from rocks and other slope debris falling off the adjacent slope.

### LIMITATIONS NOTES

- The Kings Road Roadway Protection Project has been designed to protect the roadway for only that portion of the roadway improved with a wall, as shown on these drawings.
- Our services consist of professional designs, opinions and recommendations made in accordance with generally accepted engineering geology, geotechnical engineering and civil engineering principles and practices. No warranty, expressed or implied, or merchantability of fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings.
- Any engineered design notes, drawings and specifications presented in this plan set are contingent upon Cotton, Shires and Associates, Inc. being consulted when any questions arise with regard to the notes and specifications contained herein, and to provide observation and testing services for construction operations. Unanticipated soil and geologic conditions are commonly encountered during construction which cannot be fully determined from existing exposures or by limited subsurface investigation. Such conditions may require additional expenditures during construction to obtain a properly constructed project. Some contingency fund is recommended to accommodate these possible extra costs.

### GENERAL NOTES

- For reference in these documents, the "Owner" is the City of Brisbane, the "Engineer" is Cotton, Shires and Associates, Inc. (CSA), and the "Contractor" is a separate entity retained by the Owner to accomplish the work described herein. The construction work of the Contractor shall be observed by the Engineer, who is a separate entity retained by the Owner to design and observe the project.
- The Contractor shall verify all site conditions and grades prior to commencing work. Any conflicts or discrepancies shall be brought to the attention of the Engineer and be resolved prior to the commencement of work.
- The Contractor shall coordinate the work of all trades.
- The Contractor shall exercise particular care to preserve existing trees not identified for removal, their root structures, and other natural landscaping. The Contractor shall require the approval from the Owner to remove any tree or branch prior to the removal.
- The Contractor shall exercise particular care to protect the roadways, driveways, curbs, gutters, and adjacent structures from damage.
- In the event that any unusual conditions not covered by the drawings or specifications are encountered during construction operations, the Engineer shall be immediately contacted for recommendations.
- All work to be in accordance with the Standard Provisions of the City of Brisbane and the latest edition of the State of California Standard Specifications.
- Any distress or damage, caused by the Contractor's actions, to existing structures not identified for construction, including, without limitation, existing structures, fences, AC pavement, utilities, landscaping, etc. shall be repaired or replaced at the Contractor's expense. The Contractor shall document existing conditions of the site and adjacent structures prior to commencement of construction.
- The Contractor shall notify the City and the Engineer at least two (2) working days prior to commencing work or if work has been suspended for a period of more than twenty-four (24) hours.

# KINGS ROAD ROADWAY PROTECTION PROJECT

## 400 Block of Kings Road

### Brisbane, California

- The Contractor shall provide the Owner and Engineer with the names and telephone numbers of the responsible persons to contact, with regard to this project, 24 hours a day.
- The Contractor shall call U.S.A. (Underground Service Alert) at (800) 642-2444, forty-eight (48) hours prior to beginning any underground work to verify the location of existing underground utilities. Possible conflicts with underground utilities should be brought to the Engineer's attention.
- The Contractor shall notify all public and private utility owners two (2) working days prior to commencement of work adjacent to the utilities unless the permit specifies otherwise.
- The Contractor shall conform to the rules and regulations of the State Construction Safety Orders pertaining to excavations and trenches.
- The Construction work shall occur only between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, unless an exception is granted by the City of Brisbane.
- The Contractor shall provide adequate dust control at all times. Any operation that creates excessive dust shall cease immediately until sufficient measures satisfactory to the Owner have been taken to insure compliance with dust control requirements.
- The Contractor shall furnish and install all signs, lights, barricades, and other traffic control or warning devices, including flagpersons, as required by the City of Brisbane. The work area can be closed to traffic during construction hours.
- All materials and methods of construction shall comply with the provisions of the California Building Code (most recent release).
- All work shall be subject to inspection and approval by the Owner and Engineer.
- Contractor shall comply with all Federal, California, City of Brisbane and/or other applicable laws and regulations and shall bear the cost of any violations by Contractor thereof.
- Any uncertainties, and need for clarifications, shall be addressed to the Engineer in writing in the form of Requests For Information (RFI's). The RFI forms shall include the date submitted, a reference to the sheet number, and a sketch if appropriate. The Contractor shall submit an RFI as soon as a question arises and understand that, depending on the complexity of the question, the answer may take time to be resolved.
- The Contractor shall provide submittals as may be required for the prosecution of the work and approval of materials and/or equipment. Submittals may include calculations, specifications, product data, samples, manuals, spare parts, photographs, schedules, or similar items required to be submitted to the Engineer. These submittals shall be approved by the Engineer before any work involving these submittals is performed. No change shall be made by the Contractor to any submittal after it has been approved by the Engineer. Submittals shall contain all required detailed information at a reasonable scale with enough views to clearly show the work to be done or the item to be furnished, and shall be properly checked. It is expressly understood, however, that approval of the Contractor's submittals shall not relieve the Contractor of any responsibility for accuracy of dimensions and details, or for mutual agreement of dimensions and details. The Contractor shall be solely responsible for agreement and conformity of submittals with the Contract Drawings and Specifications. The submittals shall be returned to the Contractor marked, "No Exceptions Noted," "Make Corrections Noted and Resubmit Final File Copy," "Rejected," "Revise and Resubmit," or "Submit Specified Items," within 10 days after receipt. The Contractor shall make any necessary corrections and revisions to returned submittals and shall resubmit the submittals within 10 days after receipt. The Contractor shall be responsible for furnishing submittals in sufficient time for approval action, including resubmittal, without delaying construction.
- Submittals shall be required for the following items: 1) Construction Schedule; 2) Permits and Licenses; 3) Construction Area Traffic Plan; 4) Public Notification; 5) Steel Mill Certifications 6) Concrete Mix Designs; 7) Pressure Treated Wood Lagging; 8) Visqueen; 9) Asphalt Concrete Pavement; and 10) Corrosion Protection (galvanized, Ameron Dimetocote 21-5, epoxy paint, ZRC Galvanizing Touchup Paint, etc.). Submittals may also be required for other items as they come up during the course of construction.
- All Substitutions shall be approved by the Engineer prior to incorporation in the project.
- The Engineer's field personnel shall verify geotechnical conditions during construction. If field conditions are different, the Engineer shall revise the design layout to suit.
- The Contractor shall be responsible for site cleanup to the satisfaction of the Owner.
- The Contractor is responsible for legally disposing of slope debris, drill spoils, construction debris, and excavated AC Pavement. The Contractor is responsible for coordinating and costs associated with testing the off-haul material for contamination.
- The Contractor should visit the site to evaluate access and site conditions, and is responsible for determining how to access the site for equipment and supplies.
- The Contractor can temporarily stockpile material (beams and lagging only) at 1050 Tunnel Avenue in Brisbane.

### REQUIRED SPECIAL INSPECTION NOTES

In addition to regular inspections, the following numbered items shall also require Special Inspection in accordance with Sec. 1701 of the California Building Code:  
SITE PREPARATION INSPECTION, PIER DRILLING, AND EXCAVATIONS: Cotton, Shires and Assoc. Inc.  
STRUCTURAL CONCRETE where F'c > 2,500 psi: Not Anticipated, but City to coordinate, if required.

### ABBREVIATIONS

(E)	Existing	Elev. El.	
(N)	New	or EL	Elevations
CMP	Corrugated Metal Pipe	Max.	Maximum
# or No.	Number	Min.	Minimum
AC	Asphaltic Concrete	O.C.	On Center
PVC	Polyvinylchloride	Af	Artificial Fill
Type V	Portland Cement	Col	Colluvium
' or ft.	Feet	psi	Pounds per square inch
in. or "	Inches	AB	Aggregate Base
@	At	St. or STA	Survey Station
typ. or TYP.	Typical	C.I.D.H.	Cast In Drilled Hole
Ø	Diameter	W/	With
%	Percent	C.C.	Center to Center
H = V	Horizontal equals Vertical	Als	Active Landslide
TD	Termination Depth	Dls	Dormant Landslide
DI	Drop Inlet	CSA	Cotton Shires and Associates, Inc.
Inv.	Invert	Sch.	Schedule
T.G.	Top of Grate	lb.	Pounds
UP	Utility Pole	kg	Kilograms
Lt.	Left	ID	Inner Diameter
Rt.	Right	OD	Outer Diameter
C	Centerline	N/A	Not Applicable
<	Angle	C/O	Clean-Out
x	By	R.C.	Relative Compaction
N	North	HDPE	High Density Polyethylene
E	East	HP	High Point
W	West	G.S.	Ground Surface
S	South	EQ.	Equal
mil. or mm	Millimeters	VERT.	Vertical
RCJ	Rough Construction Joint	CNTR.	Center
cu. yds.	Cubic Yards	REINF.	Reinforcement
STD	Standard	STL.	Steel
EA	Each	T&B	Top and Bottom
SQ.	Square	f	Fahrenheit
fc	Unconfined Compressive Strength	STD.	Standard
FS	Factor of Safety	DIA.	Diameter
QC	Quality Control	GR	Grade
TOW	Top of Wall	U.O.N.	Unless Otherwise Noted
BOW	Bottom of Wall	ga	Gauge
CONC.	Concrete	MB	Machine Bolt
PT	Pressure Treated	MI	Malleable Iron

### LIST OF SHEETS

Sheet No.	Drawing Title
1 of 10	Site Location Map, Notes, List of Sheets and Abbreviations
2 of 10	Notes and Technical Specifications (Parts 1, 2, 3 and 4)
3 of 10	Technical Specifications (Parts 5, 6, and 7)
4 of 10	Retaining Wall Plan
5 of 10	Cross Section A-A'
6 of 10	Elevation B-B'
7 of 10	Detail 1
8 of 10	Detail 2
9 of 10	Erosion Control Plan
10 of 10	Boring Logs

Grading Quantity Estimates (all volumes are in-place volumes, Contractor shall estimate bulking (swelling) and shrinking)	
Export:	155 cubic yards (Drill Spoils and Debris)
Import:	0 cubic yards
Cut:	100 cubic yards (Debris Removal Base of Slope)
	55 cubic yards (Drill Spoils)
Fill:	0 cubic yards

	<b>COTTON, SHIRES &amp; ASSOCIATES, INC.</b> CONSULTING ENGINEERS AND GEOLOGISTS 330 Village Lane Los Gatos, California 95030 (408) 354-5542 Fax: (408) 354-1852	FOR: Mr. Randy Breault Director of Public Works City Engineer CITY OF BRISBANE 50 Park Place Brisbane, California 94005-1310	<b>Approvals (If Applicable)</b> Reviewed By: _____ Date: _____ Reviewed By: _____ Date: _____ Reviewed By: _____ Date: _____ Reviewed By: _____ Date: _____	DRAWING TITLE: <b>SITE LOCATION MAP, NOTES, LIST OF SHEETS AND ABBREVIATIONS</b> ROADWAY PROTECTION Kings Road Brisbane, California	DRAWING NO. <b>1</b> SHEET NO. <b>1</b> OF <b>10</b> CSA PROJECT NO. <b>E5669A</b>
	David T. Schrier P.E. 8/13/20 DESIGNED DATE David T. Schrier P.E. 8/13/20 DRAWN DATE Sam W. Nolan, P.E. 8/13/20 CHECKED DATE	SUBMITTED: 			
NO.	REVISIONS	BY	DATE	APP'D	



## CONSTRUCTION, DESIGN, INSPECTION AND TESTING NOTES

- All work shall be subject to inspection, testing and approval by the Engineer (Cotton, Shires and Associates, Inc.).
- The Contractor agrees that they shall assume sole and complete responsibility for jobsite safety conditions during the course of construction of this project, including the safety of all persons and property: that this requirement shall apply continuously and not be limited to normal working hours and that the Contractor shall defend, indemnify and hold the Owner and the Engineer (Cotton, Shires and Associates, Inc.) harmless from any liability, real or alleged in connection with the safe performance of the work on this project excepting for liability arising from the sole negligence of the Owner or Engineer.
- It is the Contractor's responsibility to assure the stability of adjacent structures and slopes, including temporary cutslopes, during excavations.
- Locations are approximate and shall be verified by the Contractor in the field. Control shall be determined by relative location to temporary survey monuments.
- The Contractor shall be responsible for site clean-up to the satisfaction of the Owner. All construction-related disturbed slope areas shall be treated with erosion control measures consisting of native vegetation planting and associated activities, exclusive of any drip or other irrigation techniques, as specified herein at the completion of the project.
- The Engineer shall be responsible for initial layout of piers, as well as providing elevation control points. The Contractor shall notify the Engineer at least 48 hours prior to when layout is needed and shall allow at least two working days for the Engineer to provide layout. Any layout destroyed or rendered inaccurate shall be replaced by the Engineer and paid for by the Contractor.
- The Contractor shall be responsible for all measurements that may be necessary or required for the execution of any work to the locations, lines and grades specified or shown. Control Points placed by Licensed Surveyors or other reference marks moved, destroyed or rendered inaccurate by any cause whatsoever shall be replaced by a Licensed Land Surveyor and paid for by the Contractor at no additional cost to the Owner.
- Where a construction detail is not shown or noted, the details shall be the same as for other similar work. The more restrictive detail shall be used with approval of the Engineer.
- Stockpiling or storage of materials on or near the top of slope is not permitted unless noted on the drawings and/or with prior approval of the Engineer.
- Details and notes shown in this set of drawings and titled "typical" are typical and shall apply unless otherwise noted. Details of construction not fully shown shall be of the same nature as shown in typical details or as shown for similar conditions.
- No pipes or sleeves shall pass through structural members without the approval of the Engineer unless shown on drawings.
- The contract drawings and specifications represent the finished structure. They do not indicate the means and methods of construction. The Contractor shall provide all measures necessary to protect the existing improvements during construction. Such measures shall include, but not be limited to, bracing, shoring for loads due to construction equipment, materials, etc. Contractor shall provide for design, permits and installation of such bracing, if required.
- The Contractor shall carefully check stability of all elements of existing improvements before doing any work on existing structures and brace or strengthen all portions of existing structures which may be weakened by removal of existing construction until new construction is in place.
- Contractor shall take precautionary measures to ensure that all property is protected during construction. Any damaged or changed conditions shall be repaired and restored to the pre-construction conditions and to the satisfaction of the Engineer and Owner. Contractor shall repair any damage at Contractor's expense.
- All excavations shall be properly backfilled. Backfill shall not be placed against new concrete structures until 75% of the design compressive strength has been developed.
- The Owner shall retain a testing agency to perform inspection and special inspection in accordance with Section 1704 of the CBC, including taking and breaking test cylinders for confirmatory concrete compressive strength.
- The testing agency shall compile testing and inspection reports detailing the items of work which have been inspected. A copy of the reports shall be sent to the Owner and Engineer and Contractor for review.
- Concrete placement and testing:
  - Job site inspector shall review concrete batch dispatch ticket from driver for conformance with required mix.
  - Concrete shall be sampled and tested for quality control during the placement of concrete, as follows:
    - 18.2.1 Sampling fresh concrete: comply with CBC, Sec. 1905A.6.
    - 18.2.2 Slump: ASTM C143: one test for each load at point of discharge of chute; and one for each set of compressive strength test specimens.
    - 18.2.3 Compression test specimen: ASTM C31: one cylinder or test panel for each compressive strength test, unless otherwise directed. Store cylinder or test panel for laboratory cured test specimens except when field-cure test specimens are required.
    - 18.2.4 Compressive strength tests: ASTM C39; one set each day and one set for each 50 Cu. Yds or fraction thereof, of each concrete class placed in any one day. Test 1 specimen at 7 days, 2 specimens at 28 days, and retain 1 specimen in reserve for later testing as required.
  - Test results shall be reported in writing to the Engineer and the Contractor on the same day that tests are made. Reports of compressive strength tests shall contain the project identification name and number, date of concrete placement, name of contractor, name of concrete testing service, concrete type and class, location of concrete batch in the structure, design compressive strength at 28 days, concrete mix proportions and materials; compressive breaking strength and type of break for both 7-day tests and 28-day tests.
  - Additional tests: the testing service shall make additional tests of in-place concrete when test results indicate the specified concrete strengths and other characteristics have not been attained in the structure. The testing service shall conduct tests to determine adequacy of concrete by cored cylinders complying with ASTM C42, or by other methods as recommended by the Engineer. Owner shall pay for such tests conducted, and any other additional testing as may be required. When unacceptable concrete is verified, test costs will be back-charged to the Contractor.
- Reinforcement placement: special inspector shall observe placement of reinforcement, including rebar size or beam size, steel grades, spacing, clearances, and security during the concrete placement operation. Special inspector shall observe that reinforcing is free of dirt, mud or other materials prior to concrete placements.

## TECHNICAL SPECIFICATIONS

### PART 1 GENERAL

- Work includes furnishing and installing soldier pile piers and wood lagging, as designated on the construction drawings and as specified herein.
  - Typical details and notes on these sheets shall apply unless specifically shown or noted otherwise. Construction details not shown or noted shall be similar to details shown for similar conditions. All work and/or construction shall comply with the latest edition of the California Building Code.
  - Discrepancies - The Contractor shall verify all dimensions, elevations, and existing conditions (where applicable) at the job site as well as the provisions of the entire construction documents and bring to the Engineer's attention any discrepancy. In the event of a discrepancy in the construction documents, the note or detail utilizing the stricter requirement shall apply.
  - Excavation, Shoring, and Bracing - It shall be the Contractor's sole responsibility to design and provide adequate shoring, bracing, formwork, etc., as required for protection of life and property, to support any construction loads, and to maintain all building components safely in place prior to their final assembly and anchorage into the completed structure.
  - The design for this slope improvement was based on the geotechnical site investigation performed by Cotton, Shires and Associates, Inc, summarized in the Geotechnical Investigation Report dated May 2019.
- Reference Standards
  - California Building Code - Latest edition.
  - American Concrete Institute (ACI) - 301 Latest edition ACI specifications for structural concrete for buildings.
  - American Concrete Institute (ACI) - 318 Latest edition ACI specifications for reinforced concrete.
  - A.I.S.C. Latest edition specifications for the design, fabrication and erection of structural steel for buildings.
  - A.W.S. Latest edition structural welding code - D1.1 and D1.4.
  - A.I.S.I. Latest edition specifications for the design of cold-formed steel structural members.
  - California Department of Transportation (Caltrans) Standard Specifications.
  - Standard Specifications for Public Works Construction (SSPWC).
  - American Society for Testing Materials (ASTM).
  - American Association of State Highway and Transportation Officials (AASHTO).
  - Occupational Safety Health Administration (OSHA).
  - Asphalt Institute (AI).
- Delivery, Storage and Handling
  - Contractor shall check the materials upon delivery to assure that proper material has been received.
  - Contractor shall prevent excessive mud, wet cement, epoxy, and like materials which may affix themselves, from coming in contact with the materials.
  - Contractor shall protect the materials from damage.
  - Contractor shall not stockpile or store material at the tops of slopes or on slopes steeper than 4:1 (H:V).

### PART 2 REINFORCED CONCRETE

- Products
  - Cement shall conform to ASTM C 150, Type V.
  - Aggregates for normal weight concrete shall conform to ASTM C 33.
  - Concrete work shall conform to all requirements of ACI 301, "Specifications for Structural Concrete for Buildings", except as modified by these notes.
  - Concrete shall be mixed and delivered in accordance with ASTM C 94.
  - Admixtures shall be used only with prior written approval of the Engineer. Admixtures shall comply with ASTM C 494 and be of a type that increases the workability of the concrete, but which shall not reduce the specified minimum cement content. Calcium chloride shall not be used.
  - Aggregate: Minimum coarse aggregate shall be 1/2 inch for the piers.
  - Contractor shall submit mix designs for review before fabrication and installation.
  - Concrete shall develop the following minimum compressive strength at 28 days:
 

Piers:	2,500 psi (Min. 6 Sacks Cement Mix)
--------	-------------------------------------
- The concrete shall have a maximum water-to-cement ratio (W:C) 0.45.
- Installation
  - Concrete shall be placed in a continuous operation until the section is completed between predetermined construction joints. Concrete shall be placed in piers in one continuous pour. Concrete shall be of a consistency to permit placing intimately around reinforcing bars and against forms.
  - Slumps shall be in a range of 4 to 6 inches for dry excavations and in a range of 6 to 8 inches for approved wet tremie placement.
  - Exposed surfaces of concrete shall be kept moist or cured by protective coverings applied in accordance with manufacturer's specifications.
  - Forms, if necessary, shall be tight, clean and wetted before placing concrete.
  - Chamfer all exposed edges of concrete 3/4" unless noted otherwise.
  - All defective work shall be repaired by the Contractor as specified.
  - Curing: during the curing periods specified herein, concrete shall be maintained above 40 degrees (f) and in moist condition. In initial curing, concrete shall be kept moist for 24 hours after placement is complete. Final curing shall continue for seven days after pouring, for three days if high-early strength cement is used, or until the specified strength is obtained. Final curing shall consist of a fog spray or an approved moisture retaining cover or curing compound forming a membrane.

### 2.3 Inspections and Testing

- Inspections shall conform to CBC Section 1924.11
- Strength test: strength tests for concrete shall be made in accordance with ASTM standards by an approved agency on specimens which are representative of the work and which have been water soaked for at least 24 hours prior to testing. When the maximum size aggregate is 3/8 inch or smaller, specimens shall consist of not less than three, 2 inch diameter cores. Specimens shall be taken in accordance with section 18.2.4 of the Construction, Design, Inspection and Testing Notes.
- Inspections: during placement, special inspection is required. The special inspector shall provide inspection of the placement of the reinforcement and continuous inspection of the concrete and shall submit a statement indicating compliance with the drawings and specifications.

### PART 3 REINFORCING STEEL

#### 3.1 Products

- Reinforcing bars shall be in accordance with ASTM A615, Grade 60. Tie wires to be 18 ga, or heavier, black annealed steel.
- The steel beams shall be in accordance with ASTM A572, Grade 50, or ASTM A588 Grade 50. The entire ASTM, A572 Grade 50 steel beam shall be corrosion protected either by: 1) hot-dipped galvanized; 2) covered with two (2) coats at least 4 to 6 mil of Ameron Dimetcote 21-5 water based inorganic-zinc silicate; or 3) AMERLOCK 400 epoxy paint; or approved equal. Use ZRC Galvanizing compound for field touch up. ASTM A588 Grade 50 steel does not require a protective coating. The exposed portions of the beams shall be painted to match the color of the existing water tanks.

#### 3.2 Installation

- Minimum lap splices of steel reinforcing bars shall be as follows: Class B as defined in ACI 318-05.
- Reinforcement detailing, bending, and placement shall be in accordance with the Concrete Reinforcing Steel Institute "Manual of Standard Practice", latest edition.
- Reinforcing steel shall be provided with at least 3 in. of cover for concrete at all structures.
- All reinforcing, shall be rigidly secured in place prior to pouring concrete.
- The clear distance between parallel bars in a layer shall not be less than 1-1/2 times the nominal diameter of the bars, or 1-1/3 times the maximum size aggregate, nor less than 1-1/2".
- Unless otherwise noted, lap splices of bottom footing bars shall be staggered at least 5'-0" minimum from laps in other bottom footing bars. Stagger lap splices of top footing bars similarly.
- Reinforcement splices: lap splices in reinforcing bars shall be by the non-contact lap splice method with at least 2 inches clearance between bars. All splices in reinforcing bars can be made with pre-approved threaded or welded reinforcing bar couplers as an alternate.
- When lap splicing reinforcement bars of different sizes, Contractor shall use the largest bar lap splice length.
- Contractor shall submit reinforcing steel shop drawings for review prior to fabrication and placing reinforcing steel.

#### 3.3 Inspections and Testing

- City and Cotton, Shires and Associates, Inc. shall observe placement of steel beams including size, grades, spacing, clearances, and security during the concrete placement operation. City and Cotton, Shires and Assoc. inc. shall also observe that the beams are free of dirt, mud or other materials prior to concrete placements.



### PART 4 SOLDIER PILE PIERS

#### 4.1 Pier Drilling

- Rock/soil material shall be excavated as required for piers as shown on the construction drawings, or as recommended by the Engineer. All excavated soil, including drill spoils, shall be off-hauled to a legal approved dump site or, if approved by the Engineer, used as engineered fill in designated areas on site. The Contractor shall coordinate and pay for all required testing to off-haul and dispose of the material.
- Pier excavations shall be logged by the Engineer during excavation by Contractor. During drilling, the Contractor shall provide accurate drill depths to the Engineer when requested by the Engineer.
- The Contractor shall anticipate both caving and hard-rock drilling, and therefore provide suitable equipment capable of extending the pier holes to their design depth. Water shall not be added to the pier holes as a method of hole stabilization unless approved by the Engineer.
- The Contractor shall anticipate groundwater and/or seeps and provide suitable equipment capable of extending the pier holes to their design depth.
- Loose material at the bottom of the pier excavations shall be removed or compacted by tamping prior to placing steel or pouring of concrete. The tamped material shall not exceed 6 inches in tamped thickness.

#### 4.2 Installation

- A minimum 3 inches of clearance all around shall be maintained between the structural steel and the sides of the excavation. A minimum of 12 inches of clearance shall be maintained between the structural steel and the bottom of the excavation.
- If more than 6 inches of water has accumulated in the hole, the water shall be removed by pumping prior to the pouring of concrete or the concrete shall be placed by the tremie method.
- The concrete shall stop at the elevations shown in these drawings. Sonotubes, if necessary, shall be removed prior to engineered backfill placement.
- The beams shall be installed vertical with and braced/secured to prevent movement during concrete pouring.

		 330 Village Lane Los Gatos, California 95030 (408) 354-5542 Fax: (408) 354-1852	FOR: Mr. Randy Breaout Director of Public Works City Engineer CITY OF BRISBANE 50 Park Place Brisbane, California 94005-1310								
			APPROVALS (If Applicable) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed By: _____ Date: _____</td> <td>Reviewed By: _____ Date: _____</td> </tr> <tr> <td>Reviewed By: _____ Date: _____</td> <td>Reviewed By: _____ Date: _____</td> </tr> <tr> <td>Reviewed By: _____ Date: _____</td> <td>Reviewed By: _____ Date: _____</td> </tr> <tr> <td>Reviewed By: _____ Date: _____</td> <td>Reviewed By: _____ Date: _____</td> </tr> </table>	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____
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<b>NOTES AND TECHNICAL SPECIFICATIONS (PARTS 1, 2, 3 AND 4)</b> <b>ROADWAY PROTECTION</b> Kings Road Brisbane, California		DRAWING TITLE:  SHEET NO. <b>2</b> OF 10 CSA PROJECT NO. E5669A	DRAWING NO. <b>2</b>								
NO.	REVISIONS	BY	DATE								



**PART 5 WOOD LAGGING**

**5.1 Materials**

5.1.1 The new lagging shall be 6" x 12" Pressure Treated Douglas Fir #2 with all saw cuts treated with preservatives. Pressure treatment method shall be Alkaline Copper Quat (ACQ) with a retention level of 0.40 pcf or approved equivalent.

**5.2 Installation**

5.2.1 Treat all saw cuts with preservatives.

5.2.2 The lagging shall be horizontal and installed "tight" to the web of the soldier pile beam, with at least 3 inches of flange overlap on each side.

5.2.3 The bottom lagging shall be horizontal, embedded slightly below the ground surface or seated flush on a concrete pad.

5.2.4 Install 10-mil polyethylene sheeting against back of wood lagging.

**PART 6 PAVEMENT**

**6.1 Reference Standards, American Society for Testing and Materials (ASTM)**

6.1.1 ASTM D-422 Particle Size Analysis

6.1.2 ASTM D-698 Laboratory Compaction Characteristics of Soil -Standard Effort

6.1.3 ASTM D-1557 Laboratory Compaction

6.1.4 ASTM D-5195 In-Place unit weight by Nuclear Methods

**6.2 Products**

6.2.1 Aggregate Base Rock - The Aggregate Base rock shall conform to the provisions of Section 26 of Caltrans Standard Specifications for 3/4-inch maximum, Class 2 Aggregate Base.

6.2.2 Asphaltic Concrete - Asphaltic Concrete shall conform to the provisions of Section 39, 92 and 94 of Caltrans Standard Specifications for Type A, 3/8-inch maximum aggregate.

a. Asphaltic binder shall be steam refined paving asphalt, viscosity grade AR4000.

b. Prime coat shall be liquid asphalt, SC-250.

c. Tack coat (paint binder) shall be penetration type, slow setting asphaltic emulsion, Type SS-1, conforming to requirements of Section 94, Caltrans State Specifications.



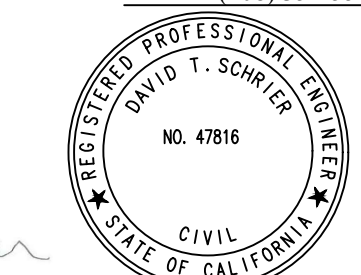
**6.3 Installation**

6.3.1 Contractor shall saw cut at the limit of the new pavement.

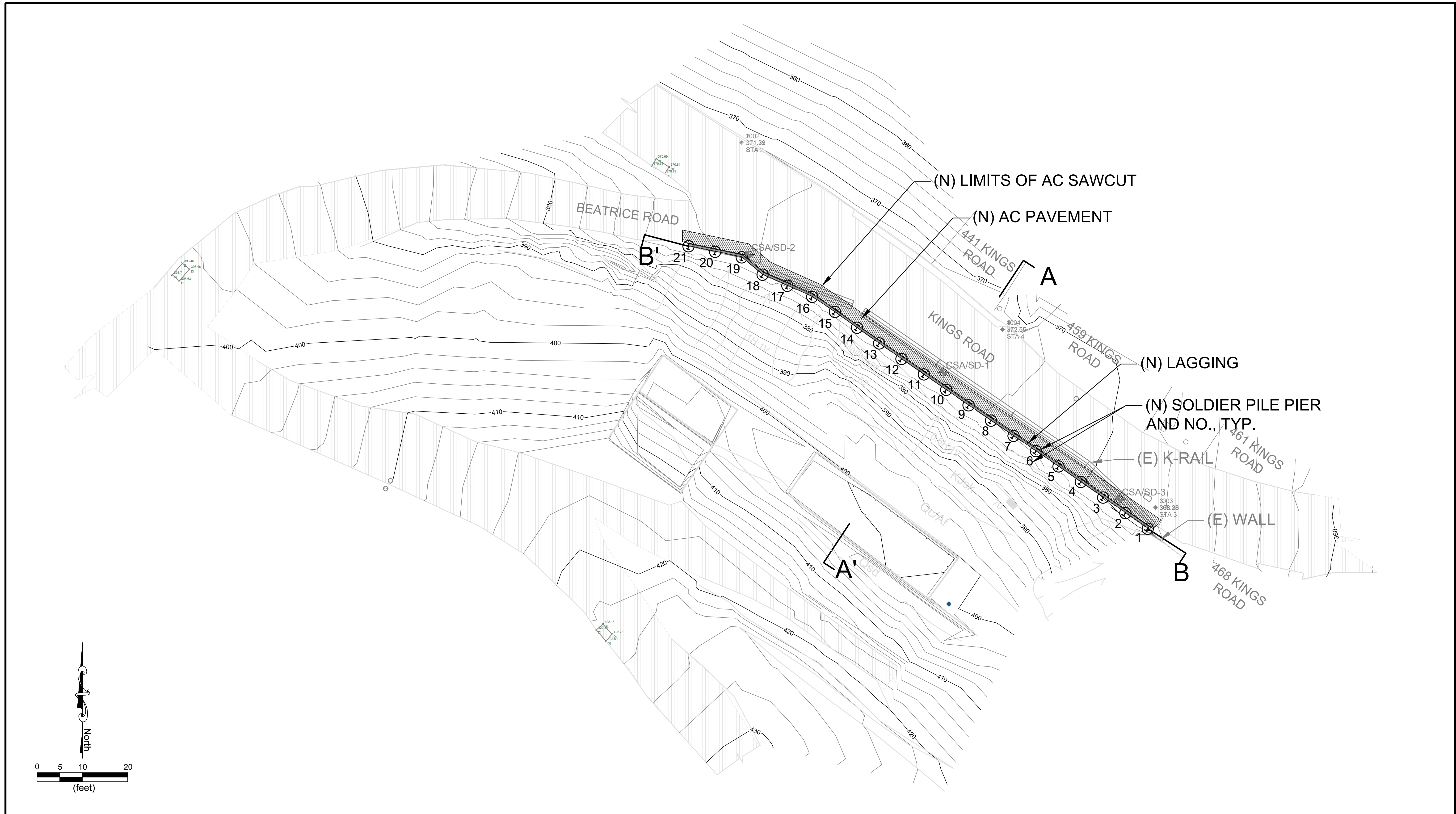
6.3.2 Aggregate Base shall be at least 9 inches thick and be compacted to at least 95 percent Relative Compaction (RC) as determined by ASTM D1557-12 with scarification 8 inches deep and compacted to 95% RC below base.

6.3.3 Asphaltic Concrete shall be at least 3 inches thick and conform to the applicable provisions of Section 39 of the Caltrans Standard Specifications.

6.3.4 Type A Asphaltic Concrete dike shall be installed to the limits shown and conform to the applicable provisions of Section 39 of the Caltrans Standard Specifications.

						330 Village Lane Los Gatos, California 95030 (408) 354-5542 Fax: (408) 354-1852		FOR: Mr. Randy Breault Director of Public Works City Engineer CITY OF BRISBANE 50 Park Place Brisbane, California 94005-1310		<b>Approvals (If Applicable)</b> Reviewed By: _____ Date: _____ Reviewed By: _____ Date: _____ Reviewed By: _____ Date: _____ Reviewed By: _____ Date: _____		DRAWING TITLE:  <b>TECHNICAL SPECIFICATIONS (PART 5)</b>  <b>ROADWAY PROTECTION</b> Kings Road Brisbane, California		DRAWING NO.  <b>3</b>  SHEET NO. <b>3</b> OF <b>10</b>  CSA PROJECT NO. <b>E5669A</b>	
NO.	REVISIONS	BY	DATE	APP'D	CHECKED	DATE	SUBMITTED:   								
					DESIGNED <b>David T. Schrier P.E.</b> 8/13/20										
					DRAWN <b>Sam W. Nolan, P.E.</b> 8/13/20										





NO.	REVISIONS	BY	DATE	APP'D

**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

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DESIGNED: David T. Schrier P.E. 8/13/20  
DATE: 8/13/20

DRAWN: Sam W. Nolan, P.E. 8/13/20  
DATE: 8/13/20

CHECKED: \_\_\_\_\_ DATE: \_\_\_\_\_

SUBMITTED: \_\_\_\_\_

*David T. Schrier*

FOR: Mr. Randy Breault  
Director of Public Works  
City Engineer  
CITY OF BRISBANE  
50 Park Place  
Brisbane, California 94005-1310

**Approvals (If Applicable)**

Reviewed By: _____	Date: _____	Reviewed By: _____	Date: _____
Reviewed By: _____	Date: _____	Reviewed By: _____	Date: _____
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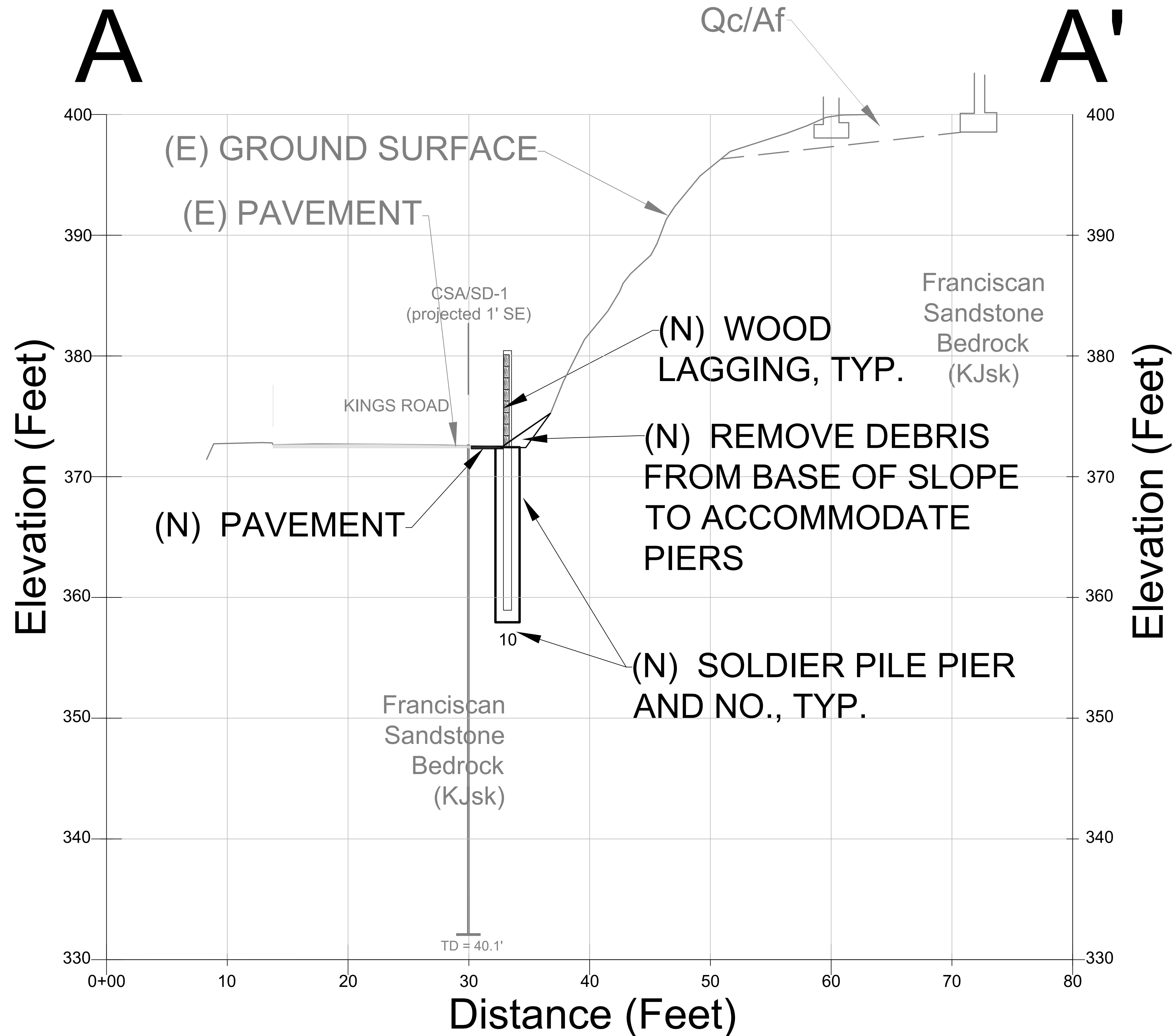
DRAWING TITLE: **RETAINING WALL PLAN**

**ROADWAY PROTECTION**  
Kings Road  
Brisbane, California

DRAWING NO. **4**

SHEET NO. **4** OF **10**

CSA PROJECT NO. **E5669A**



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DESIGNED: David T. Schrier P.E. 8/13/20 DATE: 8/13/20  
DRAWN: Sam W. Nolan, P.E. 8/13/20 DATE: 8/13/20  
CHECKED: \_\_\_\_\_ DATE: \_\_\_\_\_

SUBMITTED: \_\_\_\_\_

*David T. Schrier*

FOR: Mr. Randy Breault  
Director of Public Works  
CITY ENGINEER  
CITY OF BRISBANE  
50 Park Place  
Brisbane, California 94005-1310

Approvals (If Applicable)	
Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____
Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____
Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____

DRAWING TITLE: **CROSS SECTION A-A'**

**ROADWAY PROTECTION**  
Kings Road  
Brisbane, California

DRAWING NO. **5**

SHEET NO. **5** OF **10**

CSA PROJECT NO. **E5669A**



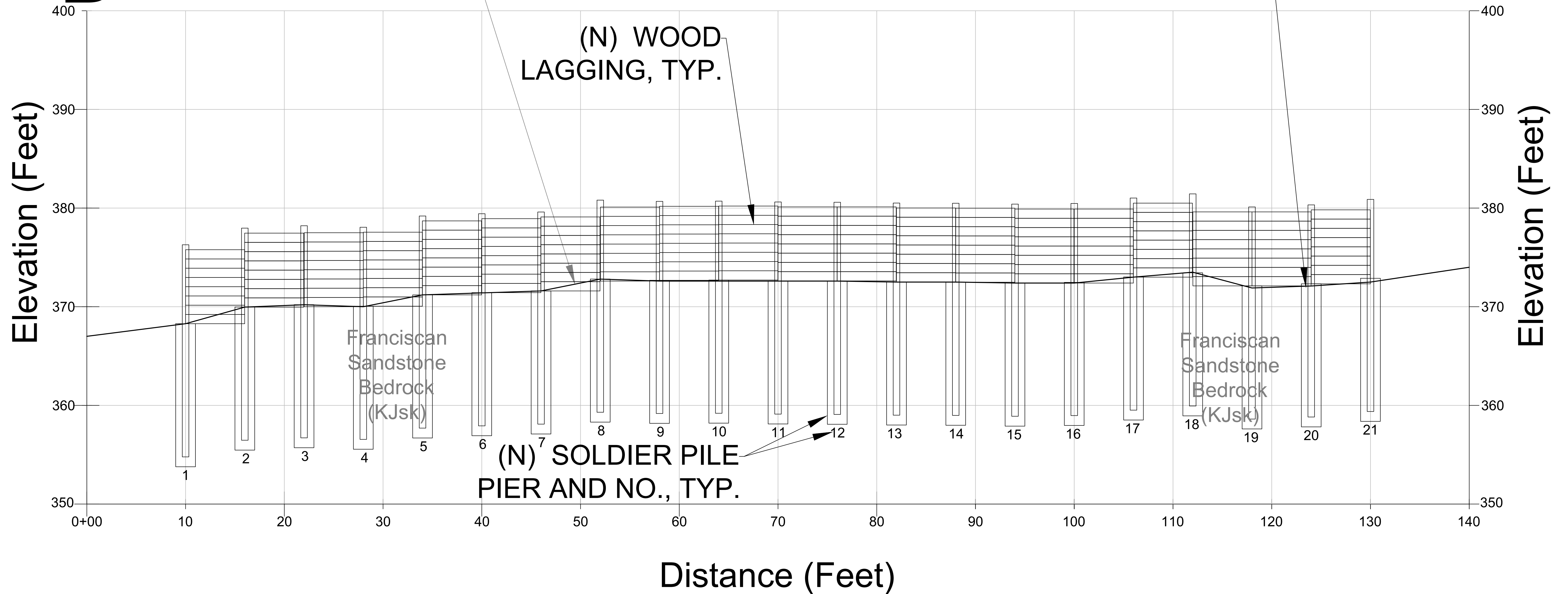
### SECTION A-A'

(N) WET-SET LAGGING AS NECESSARY INTO PIER CONCRETE TO CREATE UNIFORM HORIZONTAL SURFACE OR PLACE LEAN CONCRETE LEVELING PADS, TYP.

(E) GROUND/ROADWAY SURFACE AT FACE PF WALL

# B

# B'



NO.	REVISIONS	BY	DATE	APP'D

**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

330 Village Lane  
Los Gatos, California 95030  
(408) 354-5542 Fax: (408) 354-1852

FOR:  
Mr. Randy Breault  
Director of Public Works  
City Engineer  
CITY OF BRISBANE  
50 Park Place  
Brisbane, California 94005-1310

DESIGNED: David T. Schrier P.E. 8/13/20  
DATE: 8/13/20  
DRAWN: Sam W. Nolan, P.E. 8/13/20  
CHECKED: 8/13/20

SUBMITTED: *David T. Schrier*

REGISTERED PROFESSIONAL ENGINEER  
DAVID T. SCHRIER  
NO. 47816  
CIVIL  
STATE OF CALIFORNIA

Approvals (If Applicable)			
Reviewed By:	_____	Date:	_____
Reviewed By:	_____	Date:	_____
Reviewed By:	_____	Date:	_____
Reviewed By:	_____	Date:	_____

DRAWING TITLE: **ELEVATION B-B'**

**ROADWAY PROTECTION**  
Kings Road  
Brisbane, California

DRAWING NO. **6**

SHEET NO. **6** OF **10**

CSA PROJECT NO. **E5669A**

(N) EIGHT, 6" X 12" PRESSURE TREATED DOUGLAS FIR #2 LAGGING (COAT ALL SAW CUTS WITH PRESERVATIVES)

(N) WET-SET LAGGING AS NECESSARY INTO PIER CONCRETE TO CREATE UNIFORM HORIZONTAL SURFACE OR PLACE LEAN CONCRETE LEVELING PAD, TYP.

SAWCUT (E) PAVEMENT 2.5' FROM FACE OF BEAM AND PLACE (N) 3" AC UP TO FACE OF FLANGE AND LAGGING

(N) A572 GRADE 50 KSI W16X36 STEEL BEAM TREATED WITH GALVANIZATION, AMERON DIMETCOTE 21-5 WATER BASED INORGANIC-ZINC, OR AMERLOCK 400 EPOXY COATING, AND EXPOSED PORTIONS PAINTED TO MATCH TANK COLOR

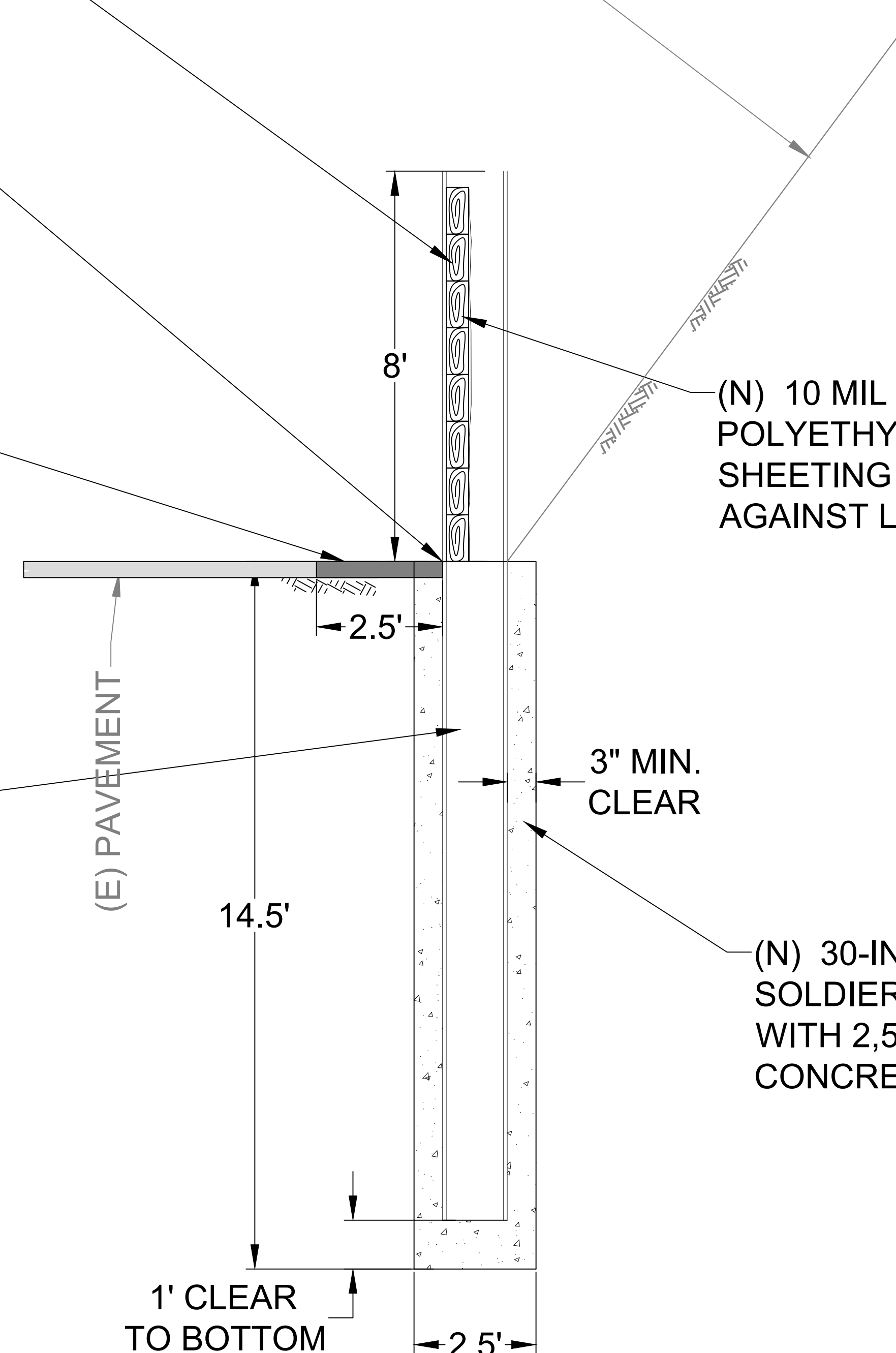
(E) SLOPE

(N) 10 MIL POLYETHYLENE SHEETING PLACED AGAINST LAGGING

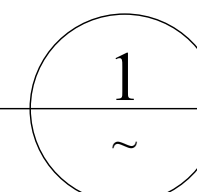
3" MIN. CLEAR

(N) 30-INCH Ø SOLDIER PILE PIER WITH 2,500 PSI CONCRETE

1' CLEAR TO BOTTOM



SOLDIER PILE PIER DETAIL 1  
SCALE: NTS



NO.	REVISIONS	BY	DATE	APP'D

**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

David T. Schrier P.E. 8/13/20  
DESIGNED DATE

David T. Schrier P.E. 8/13/20  
DRAWN DATE

Sam W. Nolan, P.E. 8/13/20  
CHECKED DATE

330 Village Lane  
Los Gatos, California 95030  
(408) 354-5542 Fax: (408) 354-1852

FOR:  
Mr. Randy Breault  
Director of Public Works  
CITY OF BRISBANE  
50 Park Place  
Brisbane, California 94005-1310

REGISTERED PROFESSIONAL ENGINEER  
DAVID T. SCHRIER  
NO. 47816  
CIVIL  
STATE OF CALIFORNIA

David T. Schrier

Approvals (If Applicable)	
Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____
Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____
Reviewed By: _____ Date: _____	Reviewed By: _____ Date: _____

DRAWING TITLE: **DETAIL 1**

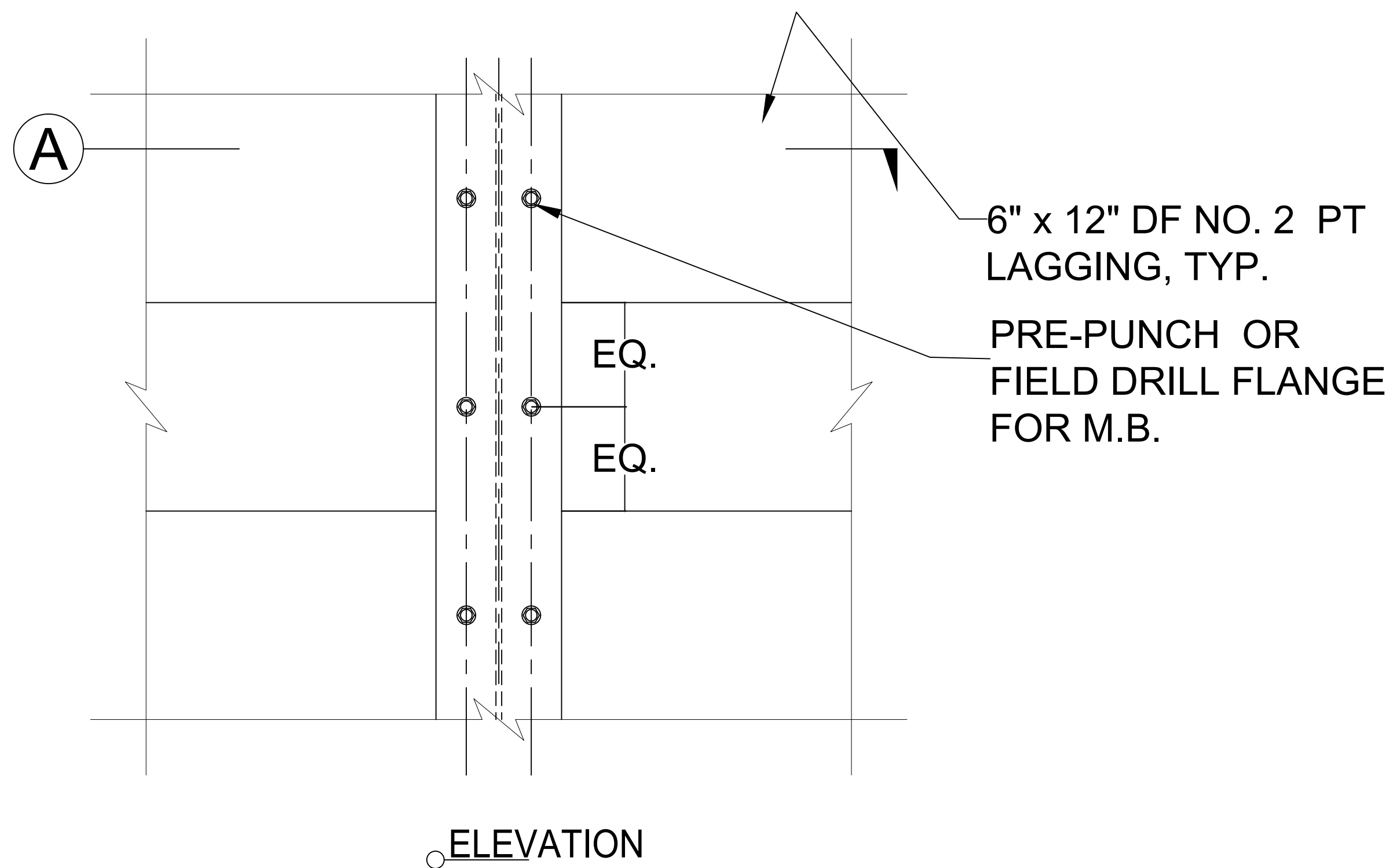
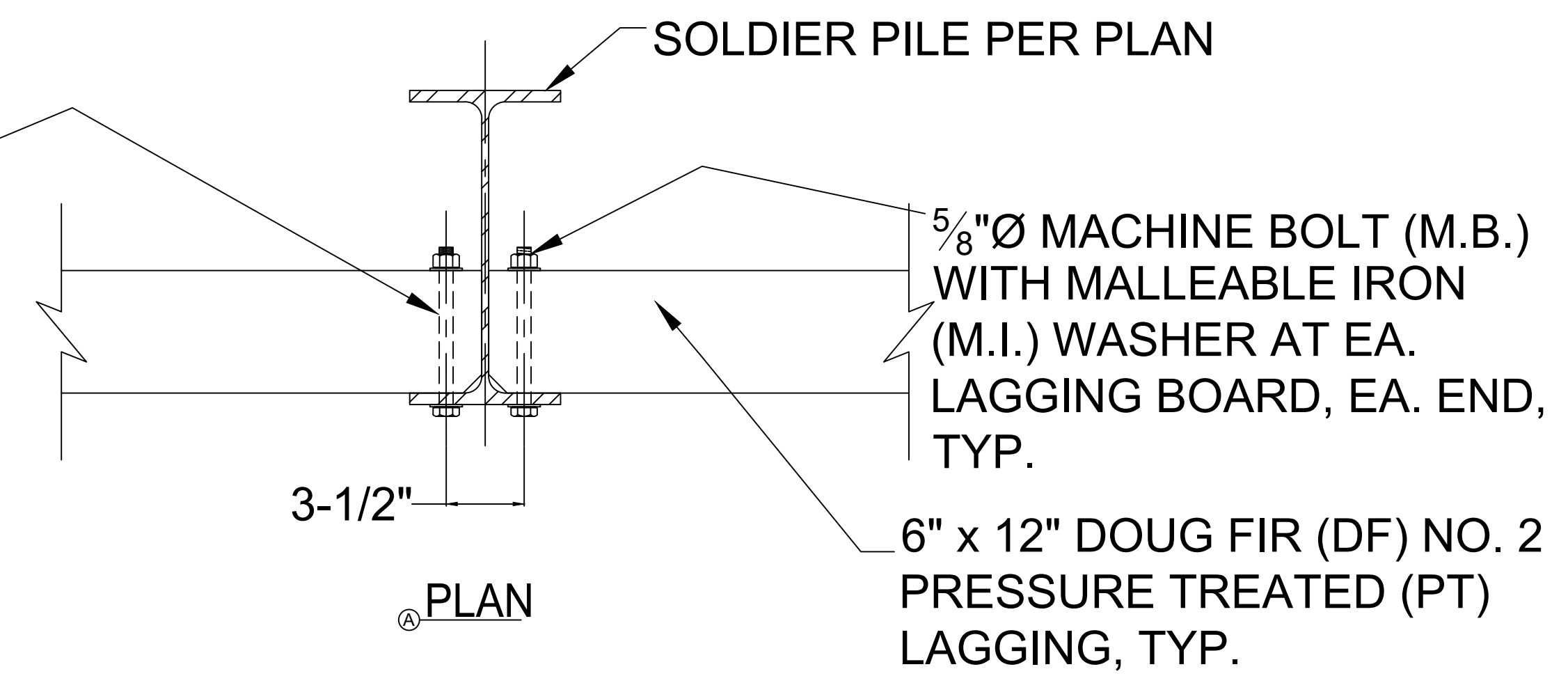
**ROADWAY PROTECTION**  
Kings Road  
Brisbane, California

DRAWING NO. **7**

SHEET NO. **7** OF **10**

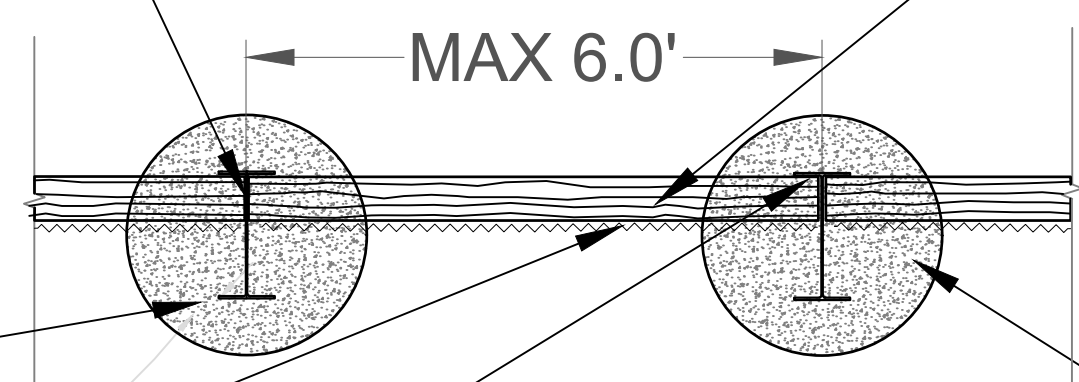
CSA PROJECT NO. **E5669A**

FILL BOLT HOLES WITH GREASE BEFORE INSERTING BOLTS. USE NYLON SPACER, POLYETHYLENE TAPE OR OTHER CORROSION-RESISTANT BARRIR ON SURFACES OF HARDWARE THAT WILL BE IN CONTACT WITH TREATED WOOD PER CALTRANS SECTION 57-2.01C



**LAGGING ANCHOR DETAIL** 3  
SCALE: NTS

(N) A572 GRADE 50 KSI W16X36 STEEL BEAM TREATED WITH GALVANIZATION, AMERON DIMETCOTE 21-5 WATER BASED INORGANIC-ZINC, OR AMERLOCK 400 EPOXY COATING, AND EXPOSED PORTIONS PAINTED TO MATCH TANK COLOR



(N) 6" X 12" PRESSURE TREATED DOUGLAS FIR #2 LAGGING (COAT ALL SAW CUTS WITH PRESERVATIVES)

(N) 30-INCH Ø SOLDIER PILE PIER WITH 2,500 PSI CONCRETE

**PIER AND LAGGING DETAIL** 2  
SCALE: NTS

Min. 3" CLEAR ON ALL SIDES  
(N) 10 MIL POLYETHYLENE SHEETING PLACED AGAINST LAGGING  
(N) LAGGING TO FIT TIGHT TO BEAM WEB, MIN 3" OVERLAP W/ FLANGE

NO.	REVISIONS	BY	DATE	APP'D

**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

330 Village Lane  
Los Gatos, California 95030  
(408) 354-5542 Fax: (408) 354-1852

FOR:  
Mr. Randy Breault  
Director of Public Works  
City Engineer  
CITY OF BRISBANE  
50 Park Place  
Brisbane, California 94005-1310

DESIGNED: David T. Schrier P.E. 8/13/20  
DATE: 8/13/20  
DRAWN: Sam W. Nolan, P.E. 8/13/20  
CHECKED: 8/13/20

SUBMITTED: *David T. Schrier*

**Approvals (If Applicable)**

Reviewed By: _____	Reviewed By: _____
Date: _____	Date: _____
Reviewed By: _____	Reviewed By: _____
Date: _____	Date: _____
Reviewed By: _____	Reviewed By: _____
Date: _____	Date: _____

DRAWING TITLE:  
**DETAIL 2**  
**ROADWAY PROTECTION**  
Kings Road  
Brisbane, California

DRAWING NO. **8**  
SHEET NO. **8** OF **10**  
CSA PROJECT NO. **E5669A**





NO.	REVISIONS	BY	DATE	APP'D

**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

330 Village Lane  
Los Gatos, California 95030  
(408) 354-5542 Fax: (408) 354-1852

DESIGNED: David T. Schrier P.E. 8/13/20  
DATE: 8/13/20

DRAWN: Sam W. Nolan, P.E. 8/13/20  
DATE: 8/13/20

CHECKED: \_\_\_\_\_ DATE: \_\_\_\_\_

SUBMITTED: \_\_\_\_\_

*David T. Schrier*

FOR: Mr. Randy Breault  
Director of Public Works  
City Engineer  
CITY OF BRISBANE  
50 Park Place  
Brisbane, California 94005-1310

**Approvals (If Applicable)**

Reviewed By: _____	Date: _____	Reviewed By: _____	Date: _____
Reviewed By: _____	Date: _____	Reviewed By: _____	Date: _____
Reviewed By: _____	Date: _____	Reviewed By: _____	Date: _____
Reviewed By: _____	Date: _____	Reviewed By: _____	Date: _____

DRAWING TITLE: **EROSION CONTROL PLAN**

**ROADWAY PROTECTION**  
Kings Road  
Brisbane, California

DRAWING NO. **9**

SHEET NO. **9** OF **10**

CSA PROJECT NO. **E5669A**



COTTON, SHIRES AND ASSOCIATES, INC. LOG OF EXPLORATORY DRILLING

Project Kings Rd. Boring CSA/SD-1
Location Brisbane, CA - Center Project No. E5669A
Drilling Contractor/Rig Britton Exploration/ CME 55 Date of Drilling 6/24/2020
Ground Surface Elev. 372.5' Logged By CS Hole Diameter 6" Solid Stem Augers
Surface Pavement Weather Sunny

Table with columns: Depth (feet), Graphic Log, USCS Class, Geotechnical Description, Sample Design, Dry Unit Wt., Moisture Content, SPT, Sample Type, Recover, Remarks. Includes data for AC Pavement, Franciscan Formation, and Sandstone.

Sheet 1 of 2

COTTON, SHIRES AND ASSOCIATES, INC. CONSULTING ENGINEERS AND GEOLOGISTS

Project Kings Rd. E5669A Date 6/24/20 Boring CSA/SD-1

Table with columns: Depth (feet), Graphic Log, USCS Class, Geotechnical Description, Sample Design, Dry Unit Wt., Moisture Content, SPT, Sample Type, Recover, Remarks. Includes data for Less oxidized gray sandstone and Dry sandstone.

Sheet 2 of 2

COTTON, SHIRES AND ASSOCIATES, INC. CONSULTING ENGINEERS AND GEOLOGISTS

COTTON, SHIRES AND ASSOCIATES, INC. LOG OF EXPLORATORY DRILLING

Project Kings Rd. Boring CSA/SD-2
Location Brisbane, CA - near Beatrice Road Project No. E5669A
Drilling Contractor/Rig Britton Exploration/ CME 55 Date of Drilling 6/24/2020
Ground Surface Elev. 372' Logged By CS Hole Diameter 6" Solid Stem Augers
Surface Pavement Weather Sunny

Table with columns: Depth (feet), Graphic Log, USCS Class, Geotechnical Description, Sample Design, Dry Unit Wt., Moisture Content, SPT, Sample Type, Recover, Remarks. Includes data for AC Pavement, Franciscan Formation, and Sandstone.

Sheet 1 of 1

COTTON, SHIRES AND ASSOCIATES, INC. CONSULTING ENGINEERS AND GEOLOGISTS

COTTON, SHIRES AND ASSOCIATES, INC. LOG OF EXPLORATORY DRILLING

Project Kings Rd. Boring CSA/SD-3
Location Brisbane, CA - East Project No. E5669A
Drilling Contractor/Rig Britton Exploration/ CME 55 Date of Drilling 6/24/20
Ground Surface Elev. 370' Logged By CS Hole Diameter 6" Solid Stem Augers
Surface Pavement Weather Sunny

Table with columns: Depth (feet), Graphic Log, USCS Class, Geotechnical Description, Sample Design, Dry Unit Wt., Moisture Content, SPT, Sample Type, Recover, Remarks. Includes data for AC Pavement, Franciscan Formation, and Sandstone.

Sheet 1 of 1

COTTON, SHIRES AND ASSOCIATES, INC. CONSULTING ENGINEERS AND GEOLOGISTS

Table with columns: NO., REVISIONS, BY, DATE, APP'D.

Professional seal and signature block for David T. Schrier, P.E., dated 8/13/20. Includes company name and contact information.

Table for Approvals (If Applicable) with columns for Reviewed By, Date, and Signature.

Drawing title block containing 'BORING LOGS', 'ROADWAY PROTECTION', 'Kings Road', 'Brisbane, California', and drawing number '10'.

**File Attachments for Item:**

S. Use of Co-sponsorship funds to assist non-profit organizations in Brisbane

(Council will consider directing staff to set aside \$10,000 from Co-sponsorship budget and create a process for non-profits to submit requests for funding due to an inability to have their usual fundraisers)



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** 9/3/2020

**From:** Stuart Schillinger, Deputy City Manager

**Subject:** Use of Co-sponsorship funds to assist non-profit organizations in Brisbane.

### Community Goal/Result

Community Building

#### Purpose

Provide funding to non-profit organizations in Brisbane since fund raising is more difficult due to COVID19 restrictions.

#### Recommendation

Direct staff to set aside \$10,000 from Co-sponsorship budget and create a process for non-profits to submit requests for funding due to an inability to have their usual fundraisers.

#### Background

Non-profits in town have traditionally held fundraisers at Mission Blue, which we cannot accommodate due to the restrictions from COVID19 and the Health Department. The City recognizes this may be causing some of these organizations a certain level of financial difficulty.

The City is also restricted in our ability to hold some of our traditional events due to health department restrictions on gatherings.

#### Discussion

Allowing non-profits to request temporary funding from the City may allow them to continue the good community work that they do. \$10,000 will probably not offset all of the fundraising that the non-profits are able to do throughout the year but it may allow a base level of services to be continued to be provided them.

Staff would recommend the process for applying for funding to be simple. Basically, the non-profit would show it is a Brisbane based non-profit, that it had to cancel its fund raiser due to a COVID19 issue, and the amount of money it usually collects for that fund raiser. The City would take applications for a period of one month. At that time it could total up the requests for funding and provide a proportionate amount to each organization.

Use of Co-sponsorship funds to assist non-profit organizations in Brisbane.



The funding would come from the co-sponsorship budget. The City Council allocated \$25,000 for FY 2020/21. Since some events may still be held staff would recommend only allocating a portion at this time. If no events are co-sponsored this year a second round of funding could be provided.

**Fiscal Impact**


There is no impact on the current budget since the City has money allocated in the Co-sponsorship budget that will not be used for co-sponsorships this year.

**Measure of Success**

Non-profits are able to offset a portion of their losses due to COVID19 with City funds.

Stuart Schillinger

Stuart Schillinger, Deputy City Manager



Clay Holstine, City Manager

W.

**File Attachments for Item:**

W. Designation of Voting Delegates and Alternates to the League of California Cities Annual Conference and Expo –October 7-9, 2020

**Council Action Advised by August 31, 2020**

June 30, 2020

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the



CITY: \_\_\_\_\_

**2020 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.**

**OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ Email \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_  
(circle one) (signature)

**Please complete and return by Wednesday, September 30, 2020**

League of California Cities  
**ATTN: Darla Yacub**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: [dyacub@cacities.org](mailto:dyacub@cacities.org)  
(916) 658-8254



## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.