



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 25872S

DATE: April 2, 2001

RESPONSE REQUIRED BY: May 2, 2001

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Philip Shannin

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Introduction: Myers Peninsula Company, LLC, 101 Second Street, Suite 555, San Francisco, CA 94105 (contact Monroe Townsend (415) 777-3330), has applied for a Department of the Army permit to permanently fill 0.083 acres of Waters of the United States (ephemeral streams), for the construction of TerraBay phase 3, in South San Francisco, San Mateo County, California. This application is being processed pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The TerraBay development has been under construction since the early 1990s, and has been implemented in a phased manner (phase I, II, and III). The complete project, formerly known as the W.W. Dean and Associates, Oyster Point Project, was authorized by Corps of Engineers permit number 18052S91A, which was issued on April 20, 1990 and expired in 1992. W.W. Dean accomplished much of the initial grading and filling for the project under this authorization. SunChase GA California I, Inc. acquired the project in August 1994 and completed phase I. On May 26, 1999, the Corps issued permit number 23533S to SunChase for phase 2 of the TerraBay development. In late 1999, Meyers Peninsula Company, LLC acquired the project and is now requesting authorization for the construction of phase 3, the final phase of the TerraBay development.

The TerraBay phase 2 and 3 projects are the subject of a Supplemental Environmental Impact Report (SEIR) prepared by the City of South San Francisco, in conjunction with their California Environmental Quality Act (CEQA) evaluation.

2. Project Description: As shown on the attached drawings, the TerraBay phase 3 site is generally bounded by incorporated San Bruno Mountain County Park, Sister Cities Boulevard, U.S. 101, and the TerraBay Phase 2 site. Within the Phase 3 site, the applicant plans to construct an office building, 70 single family residences (35 paired buildings), a 112 unit residential apartment condominium tower and associated parking facilities.

A maximum of 1,480 linear feet of intermittent channel (0.083 acres) would be filled, for the construction of phase 3. Actual impacts may be less, because the upper reaches of two channels will not likely be impacted, by the proposed project. The ephemeral channels to be filled average two to three feet in width, and are dry except during and immediately following periods of significant rainfall. Gradients are generally steep throughout the project site, facilitating the quick movement of water through the stream channels. Most of the stream channels have been impacted by road crossings and other man induced impacts, which likely occurred when the property was ranched. The lower reaches of the streams show signs of erosion, with very little vegetation. The source of fill will be clean native soil, derived from on-site grading and leveling.

The applicant proposes to mitigate for the unavoidable impacts to the stream channels through on-site mitigation, immediately to the north of the proposed project. Mitigation for the impacts of phase 3 is included as part of a comprehensive wetlands mitigation plan, developed by Wetlands

Research Associates. This overall plan includes mitigation for both TerraBay phase 3 and the adjacent Oyster Point hook ramps at U.S. Highway 101 (Corps permit number 23533S). The hook ramp project impacted 0.68 acre of wetlands. Combined with the phase 3 impacts, the total impact to jurisdictional waters is 0.763 acre. The mitigation plan creates 0.57 acre of willow dominated wetlands and 0.72 acre of seep wetlands, resulting in an overall replacement ration of approximately 1.7 to 1. The new wetlands will be created on 26 acres of property, formerly proposed for development. All 26 acres, containing valuable wetlands and important archeological resources, shall be preserved in perpetuity, as open space.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Region Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

4. PRELIMINARY ENVIRONMENTAL ASSESSMENT: The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR

1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of this Preliminary Environmental Assessment is on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate – The proposed project will permanently alter portions of the existing substrate. Construction of the project will result in the alteration of a portion of the site topography, through cut and fill activities. The project will result in the filling of 0.083 acres (1,480 feet) of intermittent channel, subject to USACE jurisdiction. Therefore, the project will have a major, adverse effect on substrate.

Drainage Patterns – The project will impact the lower portions of three small drainage channels. At the upper limit of the fill, flow in each drainage will be directed into culverts. The water from streams, previously draining into on-site wetlands, will be conveyed in culverts to those wetlands. See sheet 2 of the attached drawings for the location of these wetlands. All excess water will be fed into existing or project constructed storm drain facilities. Therefore, the project is expected to have no effect upon drainage patterns.

Erosion/Sedimentation Rate – Development of the project will modify the existing ground surface and vegetation, resulting in short-term erosion and sedimentation during project construction. Soils exposed during grading and construction could contribute to increased sedimentation loads. However, these impacts will be reduced by the

implementation of erosion control measures. Specific measures will be outlined in the Stormwater Pollution Prevention Plan (SWPPP). Therefore, the project is expected to have a short-term, minor to moderate, negative effect on erosion and sedimentation, until the project is complete and vegetation is established on the disturbed areas.

Water Quality – Water quality may be impacted from the filling and construction activities. Effects may include incidental leakage of oil, gas, and hydraulic fluids from heavy equipment and sedimentation. These impacts will be minimized by the implementation of the SWPPP. Therefore, impacts to water quality are expected to be short term and minor in magnitude.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Wetlands (Special Aquatic Site) – The Corps confirmed the wetland delineation of the site on July 10, 1998. The applicants have designed the project to avoid the placement of fill in any of the wetlands on-site.

Endangered Species – Four federally-listed endangered species are known to exist at various locations on San Bruno Mountain. These are the mission blue butterfly (*Icaricia icarioides missionensis*), the San Bruno elfin butterfly (*Incisalia fotis bayensis*), the callippe silverspot butterfly (*Speyeria callippe callippe*), and the San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*). The San Francisco garter snake is found in marshy areas, which are not found on the project site. The butterfly species, however, may be found anywhere on San Bruno Mountain, where suitable food plants occur.

The San Bruno Mountain Habitat Conservation Plan (HCP) was adopted in 1982 to conserve and enhance as much of the remaining natural habitat on the mountain as possible. An underlying premise of the HCP is that allowing limited development would enhance the butterflies' survival by making possible the transfer of nearly 800 acres of privately held lands to the public, by providing a funding

source for the conservation and enhancement activities described in the HCP, and by mitigating the impacts of development through required compliance with provisions set forth in the HCP.

The applicant is one of the landowners allowed to develop under the HCP. The HCP describes specific mitigation measures that must be accomplished by each individual developer. For the TerraBay Project the mitigation measures include: (1) the dedication of approximately 132 acres of conserved habitat above the project area; (2) the annual payment of approximately \$20,000 as mitigation fees to the HCP Trustees to be used to manage conserved habitat; (3) the restoration of all temporarily graded slopes with native plant material; (4) the demarcation of the extent of permitted disturbance on the project site prior to grading, and; (5) the removal of exotic pest plant species throughout the conserved habitat.

The location of the proposed Terrabay 3 development sites does not contain suitable habitat for the butterfly species, due to the lack of appropriate food plants. The suitable habitat areas on the site are all contained within the 26 acres slated for preservation as open space. Therefore, since the project shall not affect habitat for the San Francisco garter snake or the three endangered butterfly species, the Corps has determined that this project shall have no effect upon endangered species.

The 1998 SEIR concludes that no additional special-status plant species, animals or essential habitat were encountered within the proposed development areas of the site, and no adverse impacts were anticipated to result from project construction.

Habitat for Fish, Other Aquatic Organisms, and Wildlife – The intermittent streams may provide seasonal habitat for aquatic organisms, especially invertebrates. Smaller resident mammals and reptiles would be eliminated from areas encompassed by development, and birds and larger mammals would be displaced temporarily, as development is implemented. While the proposed

project would affect local populations of wildlife species, the mitigation proposals and restoration and open space provisions proposed on the site and as part of the HCP for San Bruno Mountain would minimize impacts. Therefore, this project is expected to have a minor, long-term negative impact on wildlife.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality – Project activity would have minor, short-term impacts on air quality in the vicinity of the proposed site. Based on the relatively minor size of the proposed project, limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California.

Noise Conditions – Construction of the project would involve the use of heavy equipment and would increase activity in the project area. Adverse effects from noise due to construction activities would be short-term in nature and minor in magnitude.

Overall the project would result in an increase in activity in the area due to human habitation and commercial operations. This would represent an insignificant increase in ambient noise levels.

Geologic Conditions – The Terrabay site topography varies from gently rolling hills and alluvial/colluvial valleys to fairly steep ridgelines. No known active faults are located within the Terrabay site and therefore impacts associated with fault rupture are unlikely. However the project is expected to be subject to intense ground shaking resulting from large earthquakes on active fault zones in the region. The potential for earthquake ground shaking is common to the San Francisco

Bay region and is unavoidable; it will occur whether or not the project is developed.

Numerous landslides, debris slides, rockslides and rockfalls have occurred on the slopes of the project site. In order for development to occur on the site, many of these slide areas will need to be repaired and/or stabilized. The SEIR recommends that grading plans incorporate measures to stabilize and mitigate active slide areas and that the project sponsor develop a Slope Management Plan to be implemented by a Property Owners Association for maintenance and monitoring of engineered slope, perimeter drainage, debris side retention and deflection structures.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Other Terrestrial Habitat - Grading associated with project implementation would require removal of existing vegetation and associated wildlife habitat in areas proposed for development. Most of the affected vegetation to be impacted consists of non-native grasslands on the lower portions of the site together with eucalyptus trees and ornamental landscaping. Loss of this non-native vegetation is not considered significant due to its disturbed condition and relative abundance in surrounding parklands.

(3) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - Mass grading and construction of homes and commercial structures would alter the existing open landscape character and natural landform of the site, as seen from adjacent roadways. Much of the area is already altered from a natural state through prior grading and other activities. The completed project will represent current suburban qualities with architectural design and landscaping. Therefore, the project would have a minor, long-term negative impact on aesthetic quality.

Economics and Employment – The project is expected to have a long-term beneficial impact to

the local and regional economy. The commercial areas will create significant revenue and employment opportunities for northern San Mateo County and the City of South San Francisco. The residential development will help reduce the general housing shortage in the Bay Area and San Mateo County by providing a variety of new housing units. Related development includes a full range of public and private services and facilities.

(4) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

The SEIR reports that the Terrabay phase 3 site has been the subject of several archaeological investigations of varying intensity which have resulted in the documentation of two prehistoric archaeological sites, CA-SMa-40 and CA-SMa-92. The findings of these investigations indicate that the sites are extremely important prehistoric cultural resources given their stratigraphic integrity, early occupation date, and unique potential for studying San Francisco peninsula prehistory. The identified archaeological sites will not be impacted and are fully contained in the open space preservation area. As shown on the drawings, there will also be an undeveloped buffer zone between the Phase 3 project and the archaeological site.

The applicant has designed the project to avoid impacts to these archeological sites. Therefore, the Corps has determined that the archeological sites are not within the project area and shall not be affected by the project.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

This project is located in an area of the City of South San Francisco that has been designated for development. The HCP established a balance between areas of San Bruno Mountain to be preserved and those to be developed. The cumulative impacts to existing special aquatic sites

is expected to be minor, due to Corps requirements for mitigation. Some seasonal stream channels within the areas to be developed will be filled and no opportunity will exist to re-establish the channel. While this impact will be offset somewhat by the proposed mitigation, there will be a permanent long-term cumulative adverse impact on seasonal stream channel type habitat.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

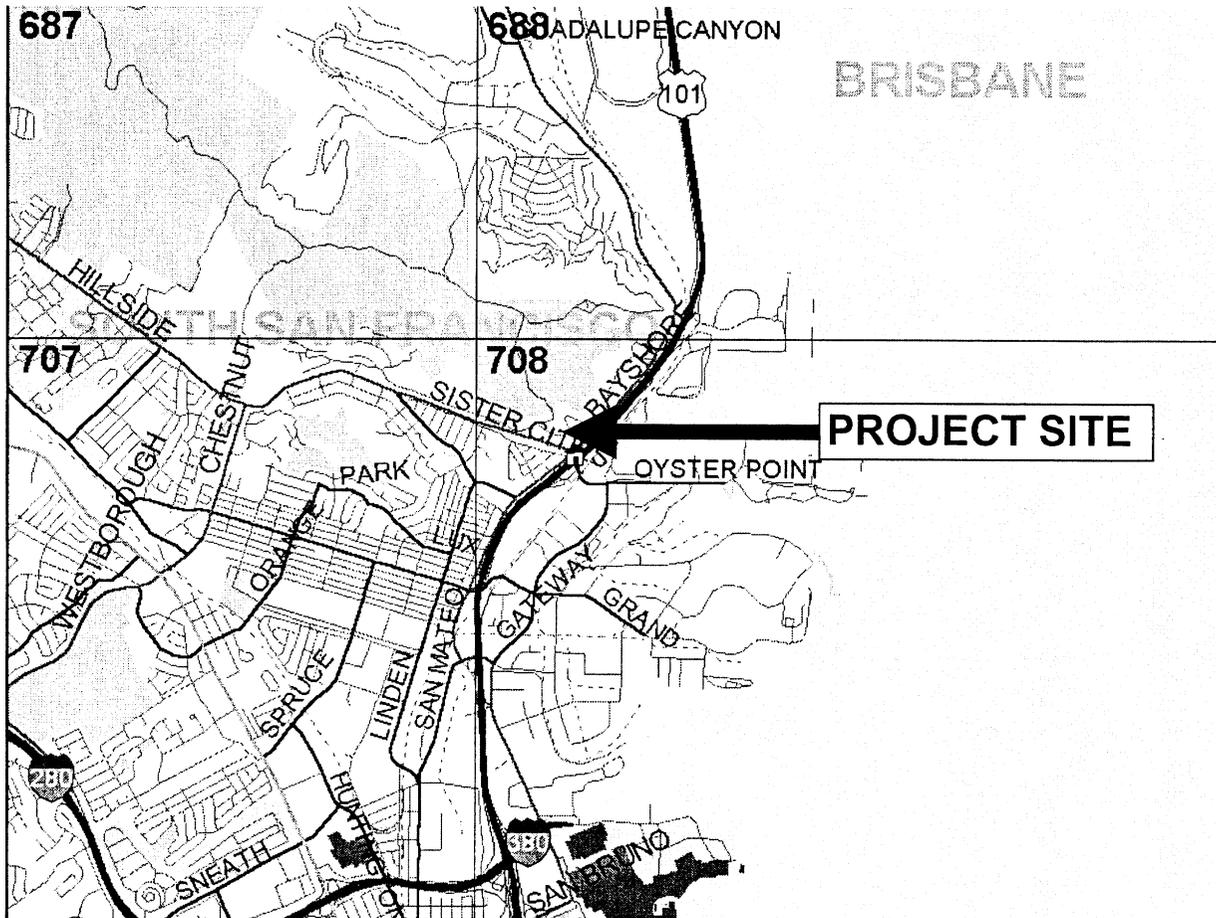
6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing

process. That decision will reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall

state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Philip Shannin of our office at 415-977-8445 or e-mail: pshannin@.spd.usace.army.mil. Details on any changes of a minor nature, made in the final permit action, will be provided on request.



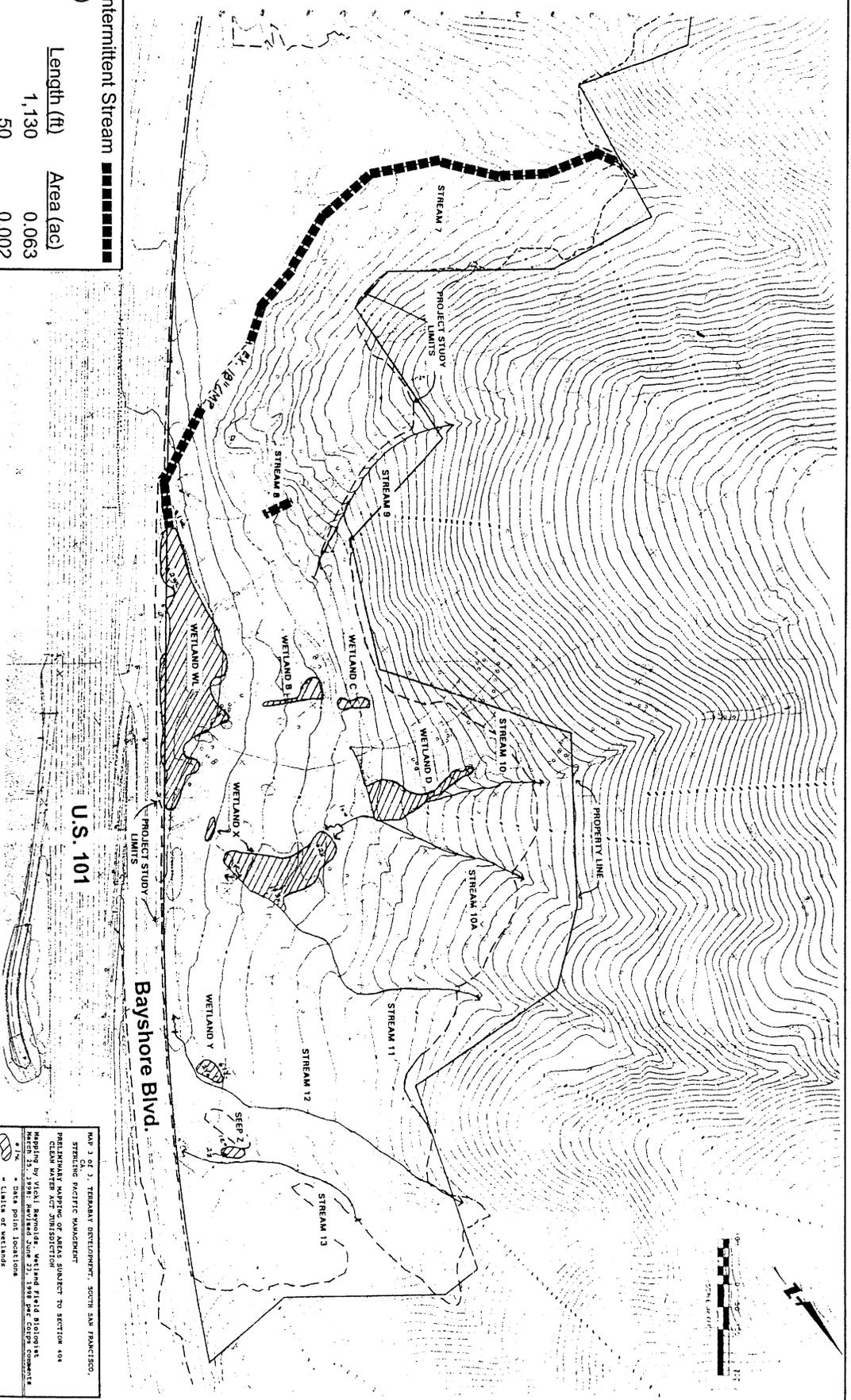
Reprinted by permission from Thomas Bros. Maps

PURPOSE: Commercial and Residential Development
 DATUM: NGVD
 ADJ. PROP OWNERS: See Application

LOCATION MAP
TERRABAY PHASE 3
 Myers Peninsula Company, LLC
 101 Second St., Suite 555
 San Francisco, CA 94105

IN: Unnamed Drainages
 San Bruno Mountain
 AT: South San Francisco
 CTY: San Mateo STATE: CA
 APP: Myers Peninsula Co., LLC
 SHEET 1 OF 7 DATE: 1/15/01

See Sheet 3



Impacted Intermittent Stream (this sheet)

Stream	Length (ft)	Area (ac)
Stream 7:	1,130	0.063
Stream 8:	50	0.002
Subtotal	1,180	0.065

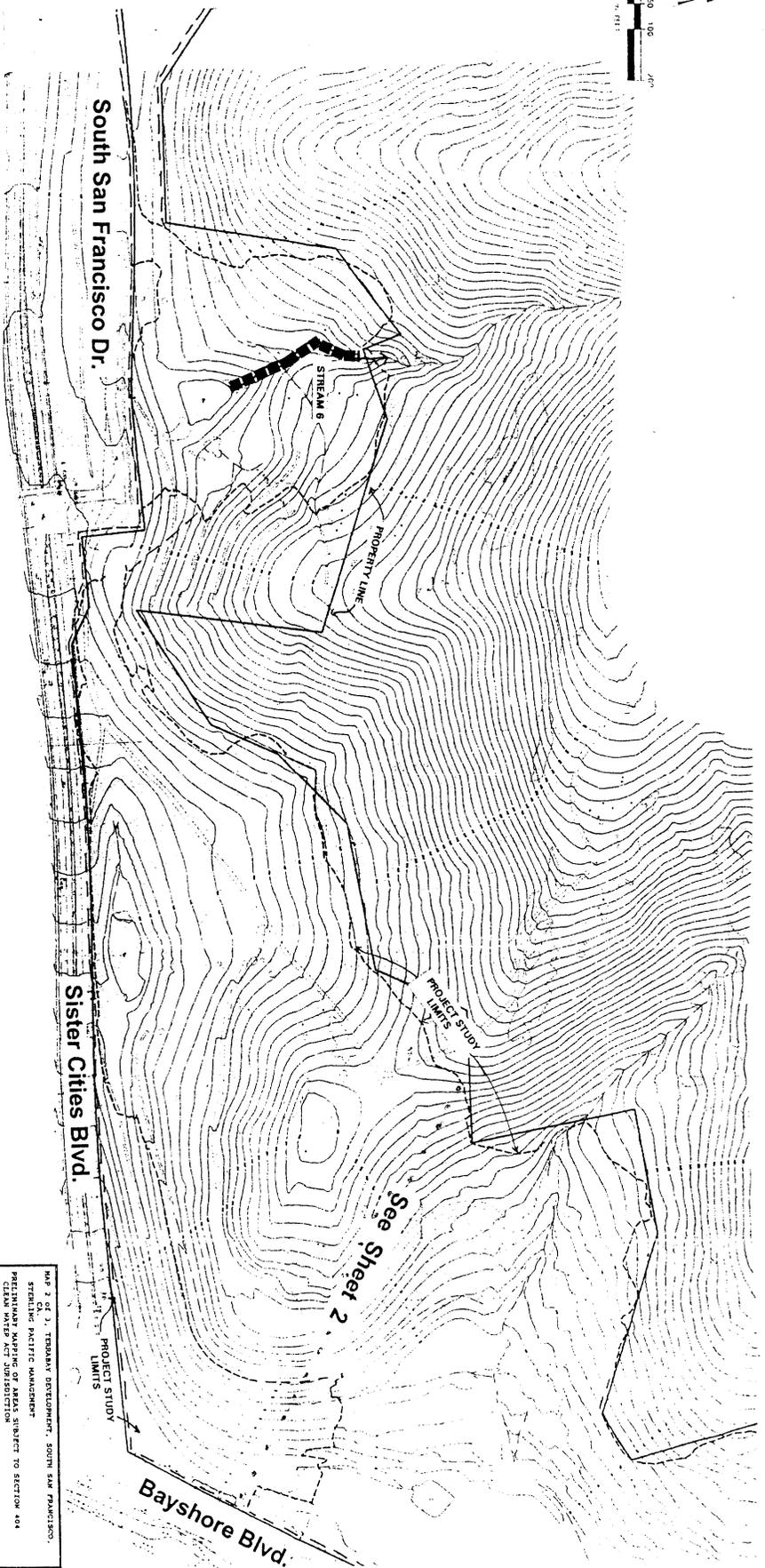
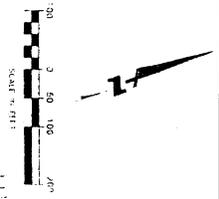
IMPACTED INTERMITTENT STREAMS

TERRABAY PHASE 3

PURPOSE: Commercial and Residential Development
 DATUM: NGVD
 ADJ. PROP. OWNERS: See Application

Myers Peninsula Company, LLC
 101 Second St., Suite 555
 San Francisco, CA 94105

MAP 3 OF 3, TERRABAY DEVELOPMENT, SOUTH SAN FRANCISCO, STEREOING PACIFIC MANAGEMENT
 PRELIMINARY MAP OF AREAS SUBJECT TO SECTION 404
 FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1344 AND 40 CFR
 PART 329.10 (a) (1) AND 329.10 (b) (1) (i) (1) (ii) (1) (iii) (1) (iv) (1) (v)
 MAPS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 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Impacted Intermittent Stream

Length (ft)	Area (ac)
Stream 6: 300	0.018

Project Total 1,480 0.083

MAP 2 OF 3, TERRABAY DEVELOPMENT, SOUTH SAN FRANCISCO, STERILIZING PACIFIC MANAGEMENT
 PRELIMINARY MAPPING OF AREAS SUBJECT TO SECTION 404
 CLEAN WATERS ACT JURISDICTION
 Mapping by Vitek Reynolds, wetland field biologist
 March 29, 2001. Prepared using 2.5' contour data
 and 1991 aerial photography. All stream channels
 and bank lines are shown in black.
 * Project Study Limits

IMPACTED INTERMITTENT STREAMS

TERRABAY PHASE 3

Myers Peninsula Company, LLC

101 Second St., Suite 555

San Francisco, CA 94105

IN: Unnamed Drainages

AT: San Bruno Mountain

CTY: South San Francisco

STATE: CA

APP: Myers Peninsula Company, LLC

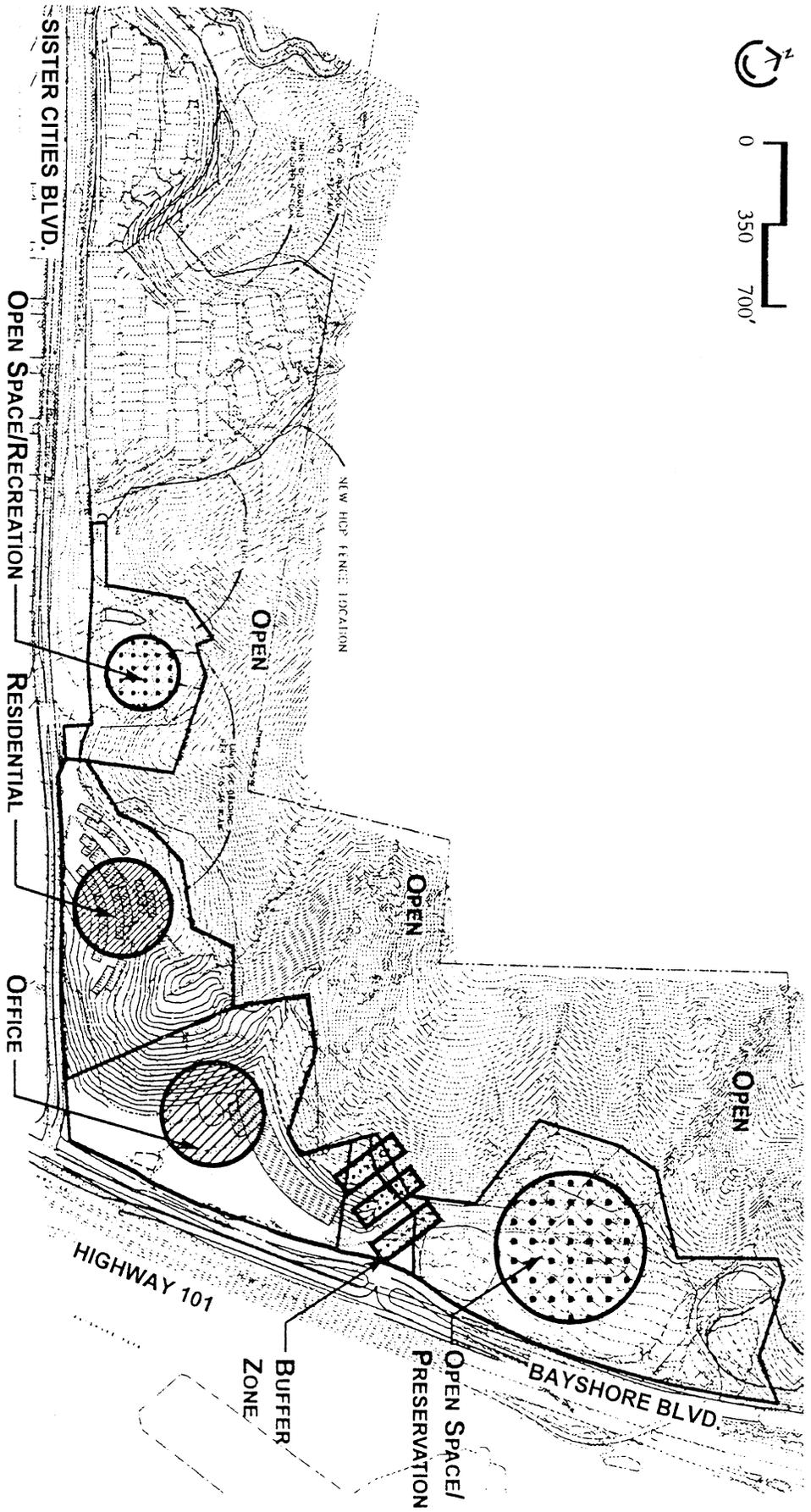
SHEET 3 OF 7

DATE: 1/15/01

PURPOSE: Commercial and Residential Development

DATUM: NGVD

ADJ. PROP. OWNERS: See Application



PROJECT CONCEPT PLAN DIAGRAM

TERRABAY PHASE 3

Myers Peninsula Company, LLC
 101 Second St., Suite 555
 San Francisco, CA 94105

IN: Unnamed Drainages
 San Bruno Mountain
 South San Francisco
 San Mateo
 STATE: CA
 APP: Myers Peninsula Company, LLC

SHEET 4 OF 7
 DATE: 1/15/01

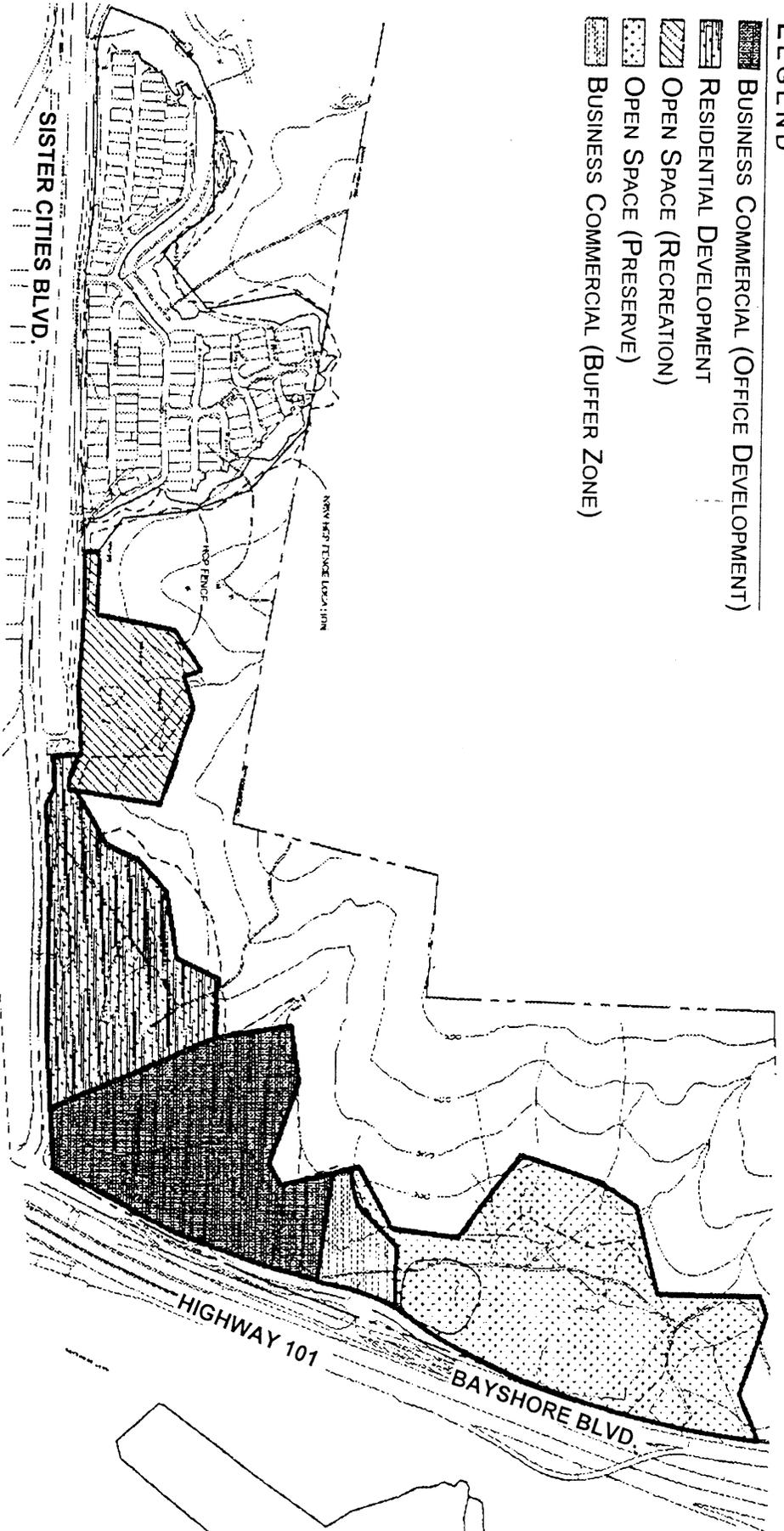
PURPOSE: Commercial and Residential
 Development

DATUM: NGVD

ADJ. PROP. OWNERS: See Application

LEGEND

-  BUSINESS COMMERCIAL (OFFICE DEVELOPMENT)
-  RESIDENTIAL DEVELOPMENT
-  OPEN SPACE (RECREATION)
-  OPEN SPACE (PRESERVE)
-  BUSINESS COMMERCIAL (BUFFER ZONE)



PROJECT LAND USE PLAN

TERRABAY PHASE 3

Myers Peninsula Company, LLC
 101 Second St., Suite 555
 San Francisco, CA 94105

PURPOSE: Commercial and Residential Development
 DATUM: NGVD
 ADJ. PROP. OWNERS: See Application

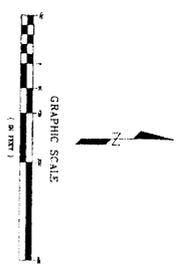
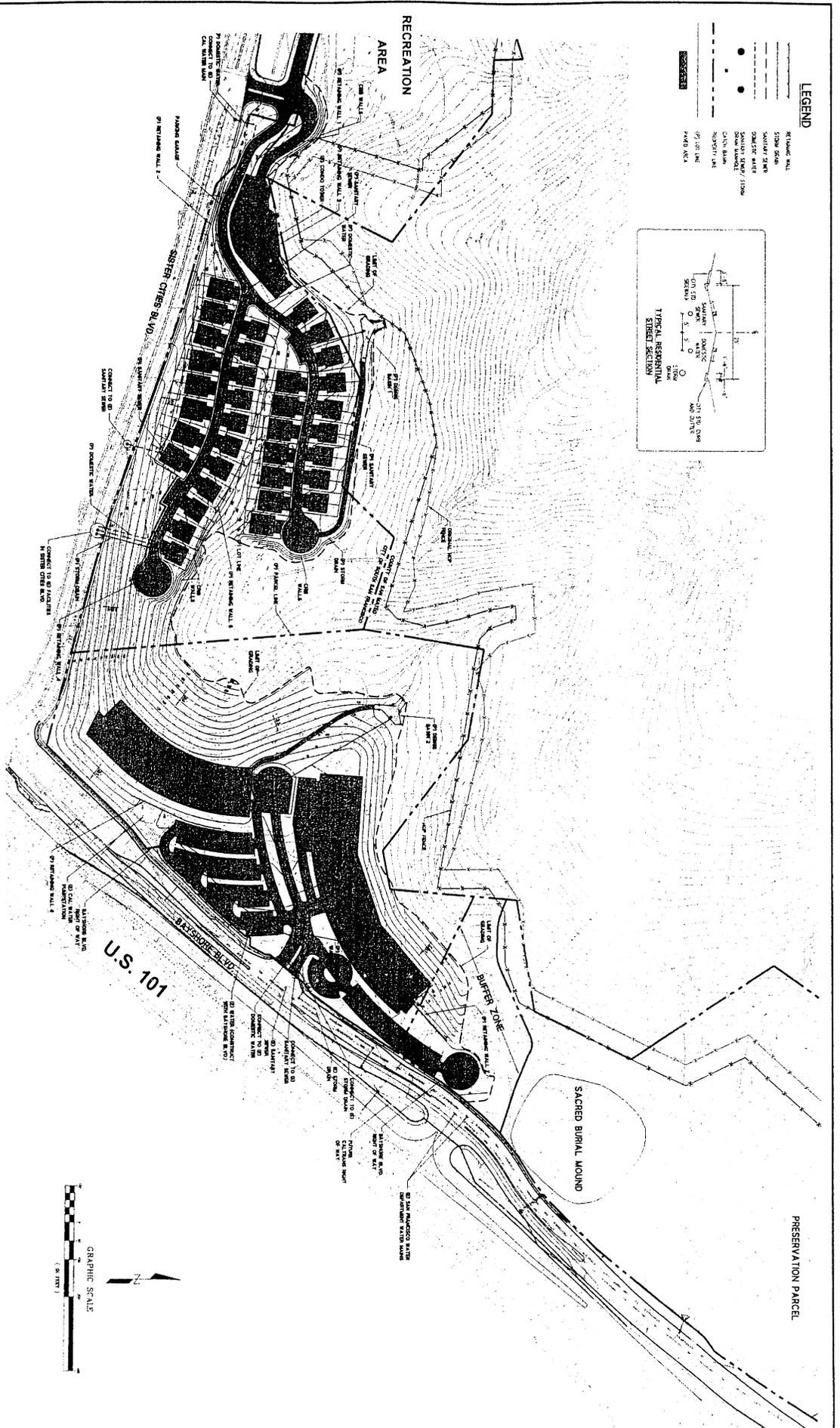
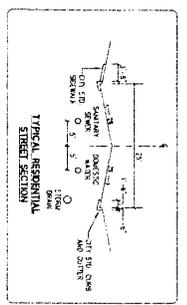
IN: Unnamed Drainages
 San Bruno Mountain
 AT: South San Francisco
 CTY: San Mateo
 STATE: CA
 APP: Myers Peninsula Company, LLC

DATE: 1/15/01

SHEET 5 OF 7

LEGEND

- RETAINING WALL
- STORM DRAIN
- SANITARY DRAIN
- SANITARY SEWER/SIDING
- DRIVE DRIVEWAY
- CANAL BANK
- PROPERTY LINE
- U.S. 101 LINE
- PAVED AREA



PURPOSE: Commercial and Residential Development

DATUM: NGVD

ADJ. PROP. OWNERS: See Application

CONCEPTUAL SITE PLAN FOR RESIDENTIAL & COMMERCIAL AREAS TERRABAY PHASE 3

Myers Peninsula Company, LLC
101 Second St., Suite 555
San Francisco, CA 94105

IN: Unnamed Drainages
San Bruno Mountain

AT: South San Francisco

CTY: San Mateo

APP: Myers Peninsula Company, LLC

STATE: CA

SHEET 6 OF 7

DATE: 1/15/01