

APPENDIX B

NOTICES OF PREPARATION, DISTRIBUTION LIST, AND RESPONSES TO THE NOTICES OF PREPARATION

NOTICE OF PREPARATION
of an Environmental Impact Report for the
Brisbane Baylands Specific Plan
City of Brisbane

Notice is hereby given that the City of Brisbane will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan ("Project" or "Specific Plan"). The City is interested in your input on the scope of the EIR.

The applicant for the Specific Plan, Baylands Development Inc. (previously Universal Paragon Corporation) is proposing development of up to 2,200 residential units and 7 million square feet of commercial use, along with acquisition of an annual water supply of 2,400 acre-feet from the Oakdale Irrigation District. A summary description of the Project, its location, background, and the potential environmental effects to be addressed in the EIR is attached.

The City of Brisbane is requesting written comments on the scope and content of the EIR, which may be sent to:

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005
Email: baylands@brisbaneca.org
Fax: 415.467.5547

Due to the time limits mandated by State law, comments must be sent at the earliest possible date but **no later than 30 days** after receipt of this notice. The review period for this Notice of Preparation (NOP) is from February 20, 2020 through March 20, 2020.

Once completed, the Draft EIR will be available for review at:

Brisbane City Hall
Community Development Department
50 Park Place
Brisbane, CA 94005

Brisbane Public Library
250 Visitacion Avenue
Brisbane, CA 94005

Scoping Meeting

A Scoping Meeting to solicit input from public agencies, organizations, and members of the public regarding the scope and content of the EIR will be held on **Monday, March 2, 2020** starting at 7:00 pm, at the Community Room, City Hall, 50 Park Place, Brisbane, CA 94005.

Project Location

The Project site is located within the City of Brisbane in the northeast corner of San Mateo County. The Project site is generally triangular in shape and is bounded on the north by the City and County of San Francisco, on the east by the US 101 freeway, on the west and south by Bayshore Boulevard (see **Figure 1**).

Project Site Description

The Brisbane Baylands Specific Plan encompasses approximately 684.7 acres (523 acres of land area, 29.7 acres of Caltrain tracks, and 132 acres of lagoon) within the portion of the City of Brisbane known as the “Baylands” (see **Figure 2**). As shown in **Figure 3**, the Specific Plan encompasses the “Baylands Subarea” of the City, as well as portions of the Beatty and Lagoon subareas, as delineated by the Brisbane General Plan.

The Project site is bisected in a north-south direction by the Caltrain railroad tracks and in an east-west direction by Visitacion Creek. The Bayshore Caltrain Station is located at the north end of the Project site.

Project Site Topography

The majority of the Project Site is flat or gently sloping toward San Francisco Bay to the east, with an elevation of 10 to 50 feet above mean sea level (msl). A prominent hill (Icehouse Hill), located in the western portion of the site, ranges from 25 to 200 feet above msl with steep cuts adjacent to the Caltrain railroad line on the east side of the hill and more gently sloping cuts along Bayshore Boulevard on the west side of the hill.

Land Uses in Western Portion of Project Site (Former Southern Pacific Railroad Railyard)

The western portion of the Project site, encompassing the area between Bayshore Boulevard and the Caltrain railroad tracks, largely consists of a former Southern Pacific Railroad railyard that served freight train activities into and out of San Francisco between 1914 and 1960. The majority of this area is vacant with remnant buildings, including the railyard Roundhouse, which is designated as a historic structure on the National Register of Historic Places, and the Lazzari Fuel Company Building, now used as a charcoal warehouse. The western portion of the Project site also includes a 261,400-square-foot industrial park, as well as a 0.1-acre Bayshore Sanitary District sewer pump station.

Land Uses in Eastern Portion of Project Site (Former Brisbane Landfill)

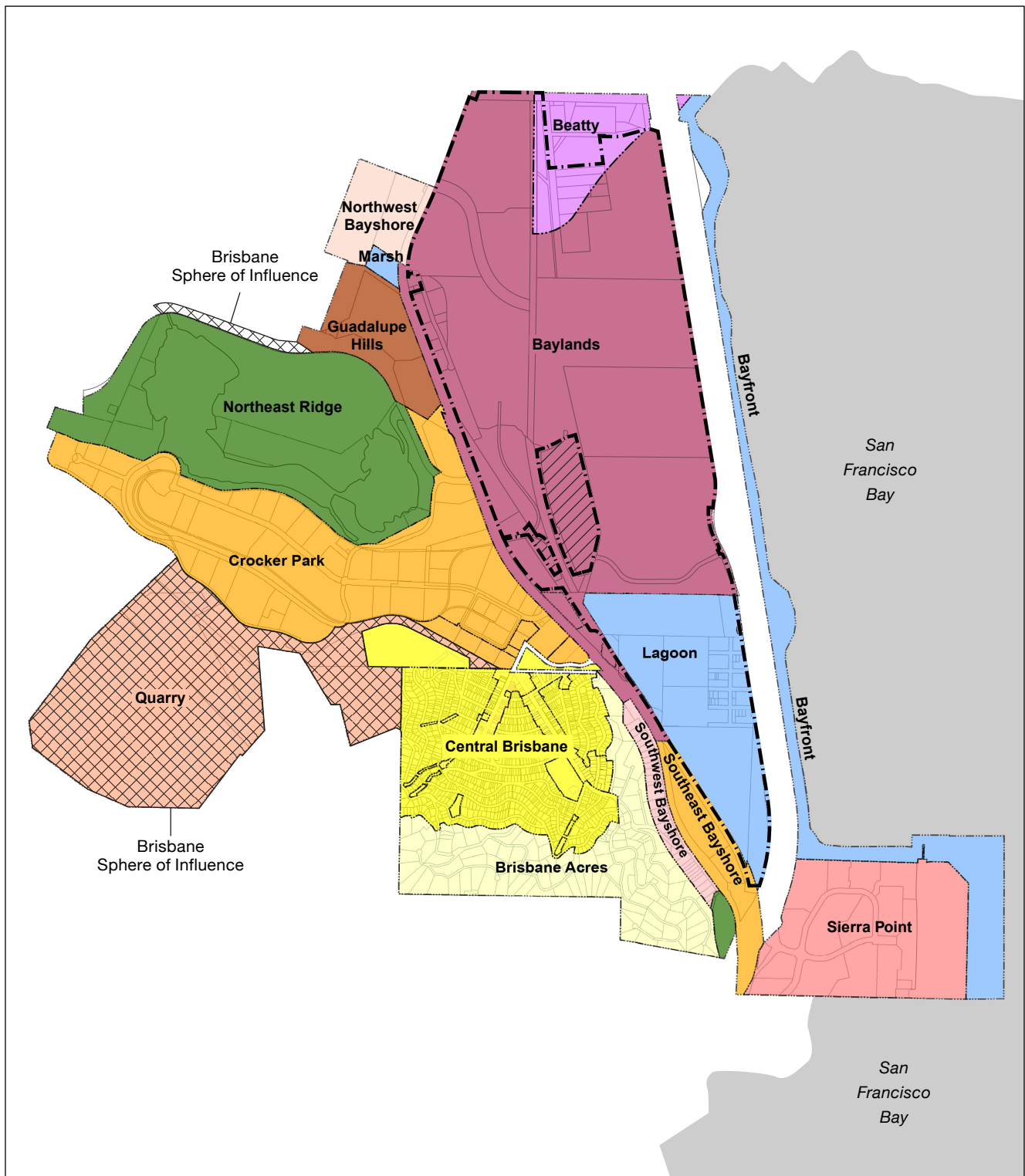
The eastern portion of the Project site is the former Brisbane landfill, which operated as a municipal landfill from the 1930s to the mid-1960s. This area is generally bounded by the Caltrain railroad tracks on the west, the Recology solid waste transfer station on the north, U.S. Highway 101 on the east, and Brisbane Lagoon on the south. Uses located within this portion of the Project site include a lumber yard and some small industrial uses.



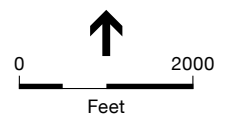
Figure 1
Regional Location

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--- Project Site / Specific Plan Area



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Interim Land Uses

The Project site contains a number of interim uses, including an asphalt recycling yard near U.S. Highway 101, a native plant nursery south of Icehouse Hill, a billboard along U.S. Highway 101 near the northerly Project site boundary, several surface parking lots used for vehicle storage on either side of Tunnel Avenue, and storage and rehabilitation of a historic rail steam engine on a small concrete pad near the Roundhouse.

Adjacent Land Uses

Two areas located within the Baylands Subarea are not a part of the Project: the Kinder Morgan Energy Partners Brisbane Terminal (a petroleum storage facility) and the Machinery and Equipment Company (used processing equipment resale). These uses would not be altered as a result of the Project. Other adjacent land uses include North County Fire Authority Station Number 81 abutting the southwesterly corner of the Project site, and residential neighborhoods of Visitacion Valley and Little Hollywood to the north and northeast within San Francisco.

Project Background and Previous Environmental Review

In 2005, UPC filed an application with the City of Brisbane (City) requesting approval of a General Plan Amendment and Specific Plan for development of approximately 7 million square feet of office/retail/industrial institutional uses, 4,434 residential units, approximately 169.7 acres of “open space/open area” and approximately 135.6 acres of existing “lagoon” area, totaling approximately 12.1 million square feet of building area within a 684-acre Project site. On July 19, 2018, the City approved General Plan Amendment GP-1-18 permitting development of 1,800 to 2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use (total of 7.0 million square feet of non-residential development) within the Baylands Subarea. General Plan Amendment GP-1-18 was submitted to and approved by Brisbane voters as Measure JJ in November 2018. Subsequent to voter approval of Measure JJ, UPC indicated it would revise its proposed specific plan consistent with the provisions of the measure.

Previous Environmental Review: Brisbane Baylands Program EIR (State Clearinghouse #2006022136)

In conjunction with the application referenced above, the City of Brisbane prepared a Program EIR for the Brisbane Baylands (Program EIR) evaluating the impacts of the General Plan Amendment and Specific Plan proposed by UPC. The Draft Program EIR was circulated for public review from June 11, 2013 to January 24, 2014. A Final Program EIR was prepared and certified by the Brisbane City Council on July 19, 2018 prior to approval of General Plan Amendment GP-1-18.

The Draft Brisbane Baylands Program EIR can be found on the City’s website at:
<https://www.brisbaneca.org/baylands-deir>

The Final Brisbane Baylands Program EIR can be found on the City’s website at:
<https://www.brisbaneca.org/feir-documents>

The City Council's findings that the Brisbane Baylands Program EIR adequately addressed the impacts of General Plan Amendment GP-1-18 can be found at: <http://brisbaneca.org/sites/default/files/Reso201861CEQAFindingsAttach1.pdf>

Relationship of Forthcoming Brisbane Baylands Specific Plan EIR to Program EIR

The City has determined that a new EIR needs to be prepared to evaluate the environmental effects of the proposed Brisbane Baylands Specific Plan because of (1) the age of the studies prepared for the Program EIR, (2) substantial differences between the development currently proposed for the Brisbane Baylands and the development that was evaluated in the Program EIR, and (3) changes in California Environmental Quality Act (CEQA) Guidelines that went into effect at the beginning of 2019. The EIR being prepared by the City of Brisbane will build on the information and analyses set forth in the earlier certified Program EIR with new and updated environmental impact analyses.

Project Description

Land Use

The Brisbane Baylands Specific Plan proposes development of 2,200 residential units and 7 million square feet of commercial use (see **Figure 4**). Pursuant to the requirements of General Plan Amendment GP-1-18 and Measure JJ, residential uses would be limited to the northwestern portion of the site. Three residential development types are proposed:

- High-density residential uses, which would consist of multi-family residential and mixed-use buildings that are generally 4 to 6 stories in height, with buildings up to 8 stories in specific locations to be identified in the Specific Plan.
- Medium-density residential uses, which would consist of townhomes 2 to 3 stories in height with rooftop decks.
- Low-density residential uses, which would consist of larger 3-story townhouse units.

Three types of commercial uses are proposed:

- High-Tech Commercial would be the densest commercial use, with buildings up that range from 6 to 10 stories in height with floor plates appropriate for high-end office usage.
- Biotech Commercial would cater to companies looking to set up small campuses for their practices. This commercial type would include buildings that are 3 to 5 stories in height in height and provide adequate space for the various requirements of the biotech industry.
- Campus Commercial would consist of large, single-tenant parcels catering to tech companies that want to invest in larger office campuses. This commercial type would be characterized by buildings 1 to 2 stories in height.



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A 4.6-acre elementary school site is proposed adjacent to the historic Roundhouse, which would be restored.

According to the Applicant, the “specific internal programming content of Roundhouse will be determined as part of the design review and approval process for this structure.” For purposes of environmental analysis, a mix of retail, office, restaurant uses, along with public gathering and activity space, will be assumed for the Roundhouse.

The existing Golden State Lumber yard would be relocated to the west side of Tunnel Avenue, adjacent to the existing rail line. A water recycling facility would be constructed between Tunnel Avenue and the existing rail line.

Infrastructure

Proposed infrastructure improvements include the following general components:

- **Circulation improvements**, including roadway and streetscape improvements, transit connections, pedestrian and bicycle paths, and parking. The Specific Plan proposes extending Geneva Avenue connection east across the Project site to the U.S. Highway 101 interchange. The Specific Plan would also improve existing streets such as Sierra Point Parkway and Tunnel Avenue. In addition to the existing Tunnel Avenue bridge crossing over the Caltrain tracks, two new bridge crossings are proposed. A new bridge crossing for the extension of Geneva Avenue from Bayshore Boulevard to U.S. Highway 101 would be constructed to accommodate automobile, pedestrian, and bicycle use, as well as bus rapid transit service. The second new bridge would be located at the approximate center of the Project site.

Figure 5 illustrates the proposed roadway plan. A shuttle bus system is proposed to reduce dependence on automobile travel by enhancing connectivity within the Project site, to the Bayshore Caltrain station, and to nearby locations within Brisbane and San Francisco (see **Figure 6**).

- **Park and trail improvements**, along with habitat enhancement. Approximately 25 percent of the total land area within the Specific Plan (523 acres) would be reserved for active and restorative open space (see **Figure 7**). Included in the Project trails system would be a new section of the San Francisco Bay Trail (see **Figure 8**).
- **Water, sewer, and drainage facilities**, consisting of a domestic water system, sanitary sewage facilities (including an on-site water recycling facility), a recycled water system, and stormwater drainage facilities.
- **Electrical facilities, including renewable energy generation, and a communications network** to serve on-site development. As a sustainability feature, Baylands development is proposed to be all-electric, except for limited industrial processes.

Construction Activities

Buildout of the proposed Specific Plan would occur over an approximately 30-year period and involve four distinct activities. Activities related to Title 27 landfill closure and site remediation will be undertaken pursuant to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control. All other construction activities would occur under the regulatory authority of the City of Brisbane with the exception of offsite water conveyance infrastructure that would be constructed pursuant to the regulatory authority of the water agency that will own and operate the facility. Construction activities are anticipated to include:

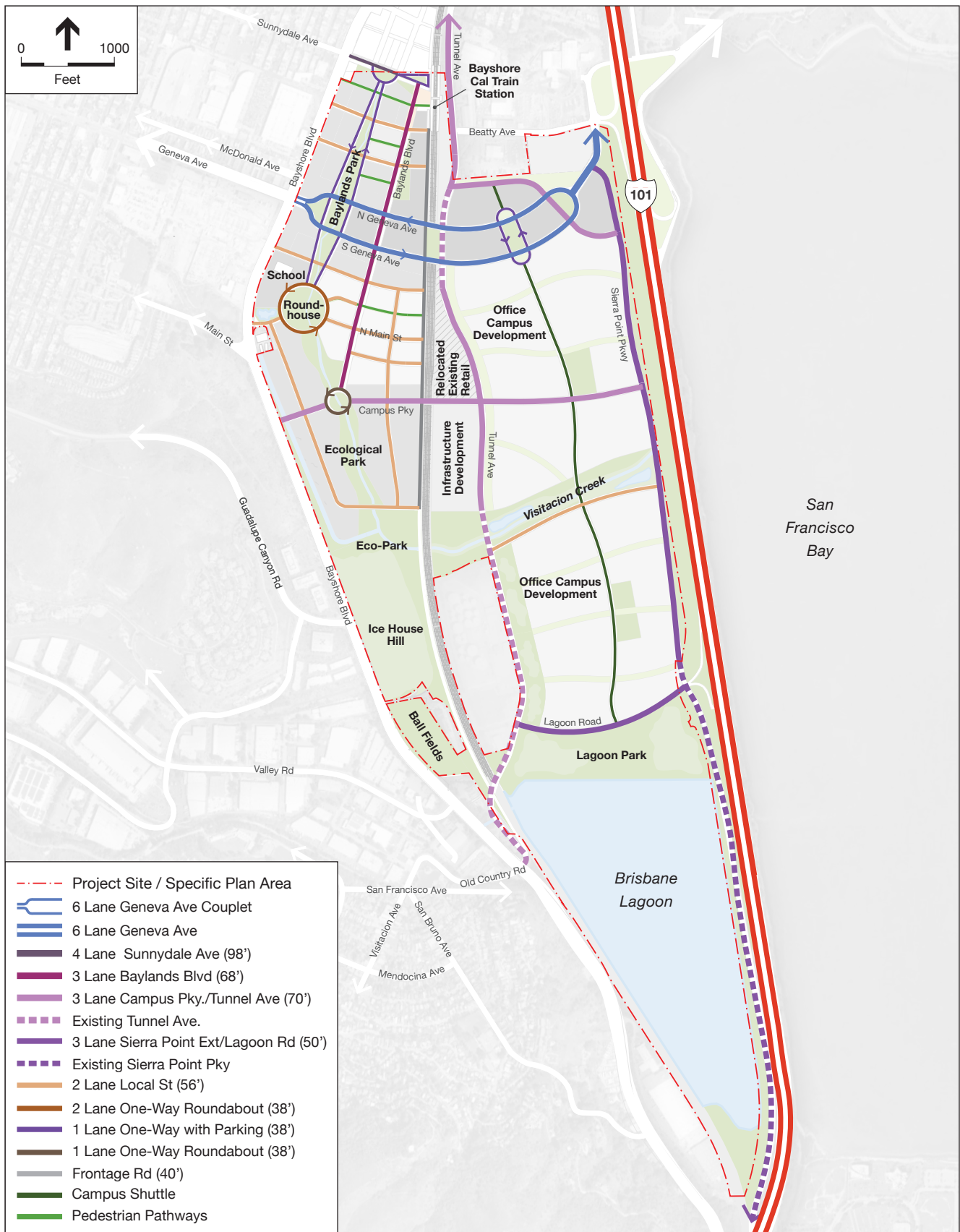
- **Preparation of the Project site for development**, which would include the demolition and deconstruction of all non-historic buildings not intended for long-term reuse, site structures (retaining walls, utility structures), streets and pavements, existing utilities, and landscape elements that are incompatible with the proposed land development program and design. The buildings to be demolished or deconstructed are primarily of wood, masonry, and concrete construction and were formerly used for administration, railyard maintenance, and industrial operations. Demolition and deconstruction would occur in phases in conjunction with projected building construction phases and with required environmental remediation and landfill closure (see below). Phasing of such activities would allow the existing utility services, vehicular access areas, and vegetation to remain in place as long as possible in order to reduce disruption to existing uses within the Project site.
- **Grading for Title 27 landfill closure¹ and site remediation of the former railyard area to the west**, which will occur subject to the regulatory authority of the Regional Water Quality Control Board and California Department of Toxic Substances Control prior to grading and development of the Project site. To create the required cap over municipal waste, approximately 5.0 million cubic yards of soil will be excavated. Approximately 2.2 million cubic yards of soil will be moved, primarily to the westerly railyard portion of the Project site for use in site remediation activities in that area.

Title 27 landfill closure will also involve the import of approximately 0.5 million cubic yards of soil suitable to cap the landfill. With the landfill cap in place, the soils remaining after the initial 2.2 million cubic yards of export will be placed back within the landfill footprint as engineered fill.

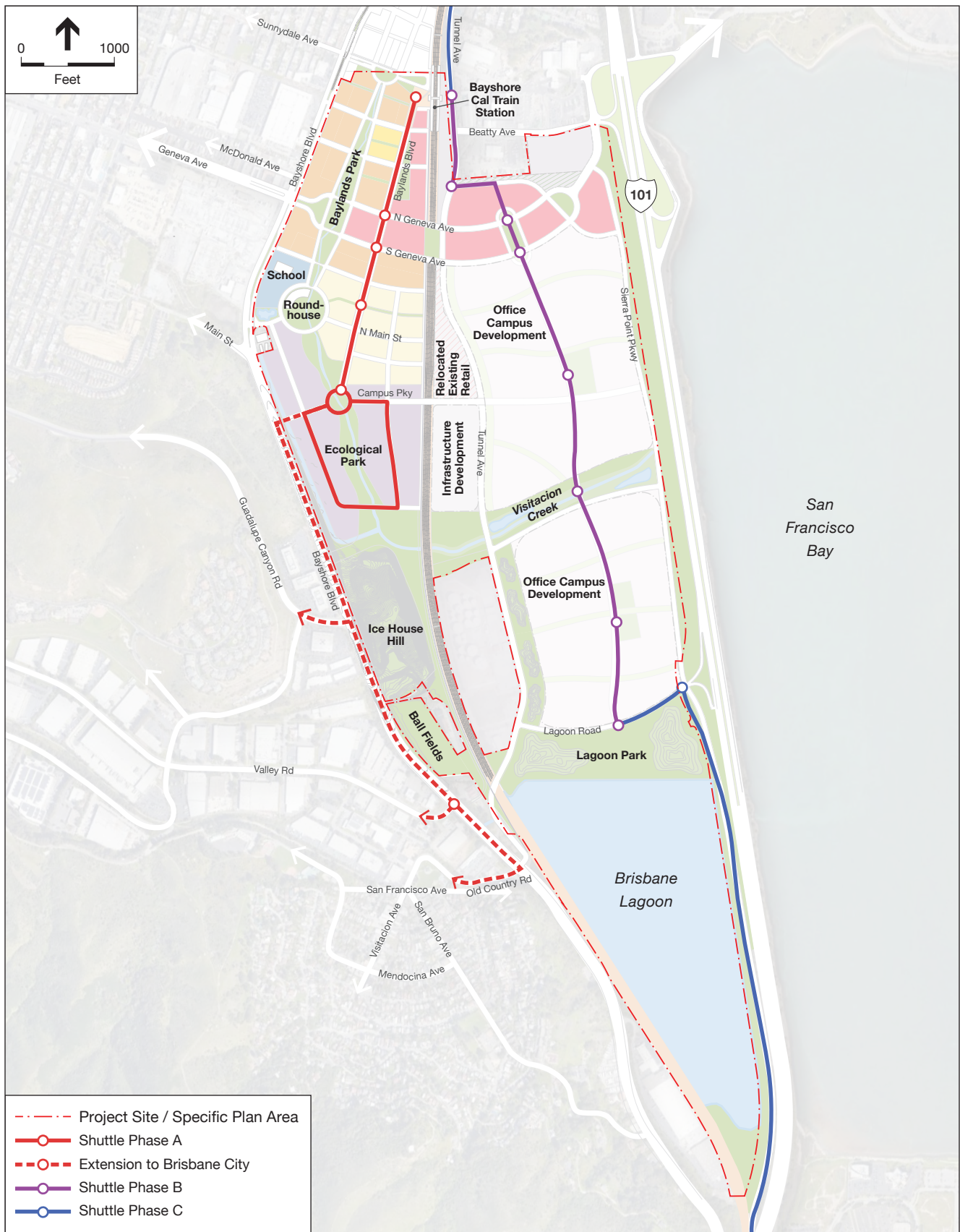
It is anticipated that the grading activities needed for Title 27 landfill closure and remediation of the former railyard area will result in a manufactured slope along the eastern boundary of the Specific Plan area.

- **Grading for development of residential and non-residential uses.** Subsequent to Title 27 landfill closure and remediation of the former railyard, additional clean soil may need to be imported for site development.
- **Construction** of residential and non-residential uses and related infrastructure.

¹ A discussion of Title 27 landfill closure and site remediation is provided starting on page 27.



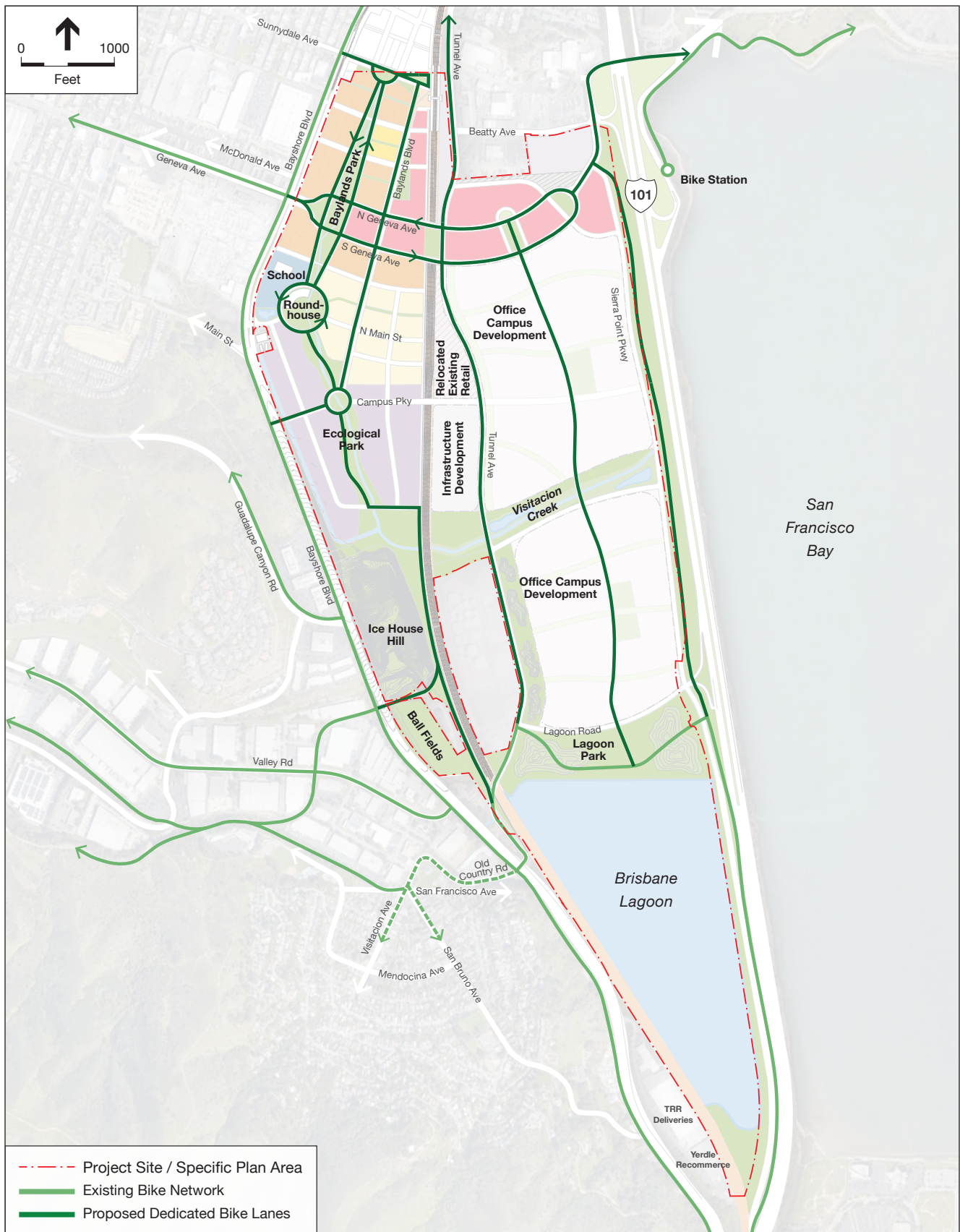
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Required Approvals

Approvals from City of Brisbane

The following approvals from the City of Brisbane would be required for the development proposed in the Specific Plan:

- Adoption of amendments to the Zoning Ordinance to ensure consistency between the Specific Plan, General Plan, and Zoning Ordinance, and to establish the land use regulations and development standards set forth in the Specific Plan as the regulatory authority governing future Project site development;
- Adoption of a Specific Plan;
- Development Agreement; and
- Other subsequent required approvals, including conditional use permits, design permits, subdivision map approvals, and grading and building permits.

Approvals from Other Agencies

The approvals from other public agencies that may be required for the development proposed in the Specific Plan include but are not limited to:

▪ **Approvals that are Prerequisites for Approval of Specific Plan**

- California Department of Toxic Substances Control (DTSC) approval of a Remedial Action Plan for UPC Operable Unit San Mateo (OU-SM) within the northwestern portion of the Project site.
- San Francisco Regional Water Quality Control Board (RWQCB) approval of a Remedial Action Plan for Operable Unit 2 (OU-2) within the southwestern portion of the Project site.
- Landfill Closure Plan approvals from the RWQCB, California Department of Resources Recycling and Recovery, and San Mateo County Environmental Health Services.

▪ **Approvals Subsequent to Approval of the Baylands Specific Plan**

- Local and Regional Agencies
 - Oakdale Irrigation District (OID) approval of an agreement for the purchase by the City of Brisbane of up to a maximum of 2,400 acre-feet of water annually from OID. Delivery of water pursuant to this agreement is expected to require subsequent approvals of separate agreements with the Modesto Irrigation District and the City and County of San Francisco.
 - Air quality permits from the Bay Area Air Quality Management District (BAAQMD).

- Interagency Cooperation Agreements (City and County of San Francisco, City of Daly City, City of Brisbane, San Francisco County Transportation Authority and San Mateo County).
- Bayshore Sanitary District Agreements, if necessary.
- Brisbane School District and Jefferson Union High School District Agreements, if necessary.
- Encroachment permits if construction occurs within right-of-way owned by the Peninsula Corridor Joint Powers Board (Caltrain).
- State Agencies
 - San Francisco Bay Conservation and Development Commission (BCDC) Design Review approval and permit for development within the 100-foot shoreline band. Brisbane Lagoon and Visitacion Creek are both subject to tidal action from San Francisco Bay. Any development that occurs within the 100-foot shoreline band of these features requires BCDC review.
 - Streambed Alteration Agreement approval from the California Department of Fish and Wildlife (CDFW) for activities in or around Visitacion Creek as part of the closure requirements of the RWQCB.
 - Incidental Take Permit approval from the CDFW, if necessary, for any special-status species within the Project site.
 - Water quality certification, National Pollutant Discharge Elimination System (NPDES) permit, and waste discharge requirement compliance by the RWQCB.
 - State Lands Commission approvals, if necessary. Portions of the Project site that occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State Lands Commission, and that remain submerged or subject to tidal action, are subject to a Public Trust easement retained by the State of California. Any portion of the Project site located within the Guadalupe Canal would require a lease from the State Lands Commission.
 - California Public Utilities Commission approval to modify an existing rail crossing or to construct a new crossing.
 - Encroachment permits if construction occurs in right-of-way owned by the California Department of Transportation (Caltrans District 4).
- Federal Agencies
 - Section 10 and/or 404 permit(s) from the U.S. Army Corps of Engineers (Corps) after agency consultation, including, as required, consultation with the U.S. Fish and Wildlife Service, National Oceanographic and Atmospheric Administration, and other agencies as directed by the Corps.

Environmental Impact Report to be Prepared by the City of Brisbane

The forthcoming Draft EIR will contain the following sections:

ES Executive Summary will summarize the Project, impacts and mitigation measures, and alternatives identified in the EIR.

- 1. Introduction** will provide information on relevant CEQA requirements, Project background and location, and EIR organization.
- 2. Project Description** will provide (1) a precise description and map of the Project's location and boundaries, including information on the location of any off-site facilities proposed as part of the overall Project; (2) a statement of the objectives sought by the proposed Project, including its underlying purpose; (3) a description of the Project's technical, economic, and environmental characteristics, including proposed land uses, on-site and off-site infrastructure and public facilities improvements, and design features intended to avoid or minimize the Project's environmental impacts; (4) a description of the intended uses of the EIR, including a list of agencies that are expected to use the EIR and a list of permits and other approvals that will be required to implement the Project. (Related environmental review, consultation, and other requirements set forth by federal, state, and local laws, regulations and policies, including relevant mitigation measures set forth in the certified Brisbane Baylands Program EIR, will be set forth in discussions of applicable plans, policies, and regulations within EIR Sections 3.1 through 3.16.)
- 3. Environmental Setting, Impacts, and Mitigation Measures** will evaluate the probable direct and indirect environmental effects associated with Project-related construction activities, on-site land use, on-site and off-site infrastructure, and construction and operation of new and expanded on-site and off-site facilities required to deliver needed water supplies to serve the Project.
 - 3.1 Land Use and Planning Policy** will analyze the potential for development permitted by the Specific Plan to divide an existing community. The EIR will also analyze the potential for significant environmental effects to result from any conflicts with applicable land use policies and plans, including the Brisbane General Plan and regional land use plans, such as the Plan Bay Area Sustainable Communities Strategy (SCS) administered by Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan, and the San Francisco Bay Plan administered by the Bay Conservation and Development Commission (BCDC).
 - 3.2 Socioeconomic Effects** will analyze the physical environmental effects that would result should the Specific Plan directly and/or indirectly induce substantial unplanned population growth. It will also address the Project's potential for displacing existing housing or population such that provision of replacement housing is needed, along with related impacts. Finally, this section will evaluate the extent to which development permitted by the Specific Plan

could cause a downward spiral of business closures and long-term vacancies outside of the Project site that is so prevalent, substantial, and lasting that it would impair the proper utilization of properties and structures and the health, safety, and welfare of the surrounding community.

- 3.3 **Aesthetic Resources** will evaluate the Project's impacts on scenic vistas and resources. This section will also analyze the Specific Plan's consistency with visual quality-related policies and programs set forth in the Brisbane General Plan, and assess the potential for increased light and glare.
- 3.4 **Biological Resources** will analyze the Project's potential to result in direct and indirect effects on botanical and wildlife habitats, including but not limited to Brisbane Lagoon, Visitacion Creek, Icehouse Hill, and wetland areas. Potential effects on wildlife movement within and through the Project site will also be evaluated.
- 3.5 **Cultural and Tribal Cultural Resources** will analyze impacts on historic buildings and sites, including the historic Roundhouse, as well as the potential for construction and demolition activities to disturb archaeological and tribal cultural resources.
- 3.6 **Transportation** will analyze the Project's effects on regional and local vehicle miles traveled. The analysis will also examine impacts on pedestrian and bicycle activity and transit service, as well as emergency access and transportation-related safety during and following Project construction. Although not required by CEQA, the City will also undertake analysis of the Project's potential to increase traffic volumes and affect roadway carrying capacity on the City's roadway and highway system.
- 3.7 **Air Quality** will analyze the local and regional air quality effects of criteria pollutant emissions from Project-related construction and demolition, as well as from on-site development and Project-related traffic following Project development. Health impacts on existing and proposed sensitive receptors will be analyzed, including a health risk assessment addressing potential health risks during site construction and ongoing operations. To the extent possible, the health effects of any significant air pollutant emissions will also be analyzed. Analysis of potential odor impacts during Project construction and ongoing operations will also be undertaken.
- 3.8 **Greenhouse Gas Emissions** will evaluate greenhouse gas (GHG) emissions impacts, including Project-related construction, demolition, and operations impacts, as well as the Project's consistency with applicable plans adopted for the purpose of reducing emissions of GHGs, including (1) the CARB 2017 Climate Change Scoping Plan and (2) Plan Bay Area, which is the applicable Sustainable Communities Strategy for the 9-county Bay Area.
- 3.9 **Energy Resources** will discuss existing energy use patterns and examine whether the proposed Specific Plan would result in the consumption of large

amounts of fuel or energy, or use of such resources in a wasteful manner during both Project construction and ongoing operations.

- 3.10 Noise** will evaluate the physical environmental effects of noise and vibration generated by Project-related construction and demolition activities, and ongoing activities following Project development.
- 3.11 Geology, Soils, and Seismicity** will analyze the potential for Project-related construction and demolition activities to expose soils to erosion, and the potential for site development to expose structures and people to risk factors including but not limited to seismic risk, liquefaction, and differential settlement.
- 3.12 Hydrology and Water Quality** will evaluate the Project's potential impacts on stormwater drainage systems, compliance with applicable water quality standards and waste discharge requirements, groundwater basin sustainability, and public safety associated with flood hazards, including 100 years of projected sea level rise.
- 3.13 Hazards and Hazardous Materials** will analyze (1) hazards associated with the routine transport, use, and disposal of hazardous materials by Project-related construction activities and ongoing operations following site development; (2) foreseeable upset and accident conditions involving the release of hazardous materials into the environment; (3) the Project's potential for hazardous emissions due to handling of hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school; (4) the Project's potential to create a significant hazard to the public or the environment as the result of its location in relation to sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; and (5) the Project's potential to create aircraft-related safety hazards or excessive noise for people residing or working in the Project area.

Due to underlying groundwater and soils contamination issues associated with historical railroad uses of the Project site, the westerly portion of the site requires remediation. For purposes of regulatory oversight pertaining to site contamination and remediation, the railyard is divided into two separate "Operable Units": (1) Operable Unit San Mateo (OU-SM), which is in the northern portion of the railyard and is under the jurisdiction of the California Department of Toxic Substances Control (DTSC); and (2) Operable Unit 2 (OU-2), which is in the southern portion of the railyard and is under the jurisdiction of the Regional Water Quality Control Board (RWQCB) (see **Figure 9**).

The remediation process for OU-SM and OU-2 includes preparation and public review of separate Remedial Action Plans for each Operable Unit, and site remediation under the jurisdiction of DTSC and the RWQCB, respectively. DTSC and the RWQCB are the designated lead agencies for determination and oversight of soil and groundwater cleanup requirements within OU-SM and OU-2, respectively. Within the former landfill area, actions to comply with the

regulatory requirements set forth in Section 20260 of Title 27 of the California Code of Regulations (CCR) will be undertaken under the regulatory jurisdiction of the RWQCB and San Mateo County Environmental Health Services.

Brisbane General Plan Policy BL1 requires that detailed plans for Title 27-compliant closure of the landfill and Remedial Action Plans for OU-SM and OU-2 be “approved by all appropriate regulatory agencies, which include, but shall not be limited to, CalRecycle, the San Mateo County Environmental Health Department, the California Department of Toxic Substances Control, the California Regional Water Quality Control Board” prior to approval of a specific plan for the Baylands.

In addition, Program EIR Mitigation Measure 4.G-2a sets forth the following relationship between the City’s planning review and the regulatory agencies’ remediation review processes:

- **Identify appropriate land uses within the Baylands (General Plan Amendment GP-1-18).** Following certification of the Final Program EIR, the City approved General Plan Amendment GP-1-18, which identifies the appropriate types, intensities, and location of land uses within the Baylands.
- **Complete plans for Title 27 landfill closure and Remedial Action Plans for OU-SM and OU-2.** Based on the land uses approved in General Plan Amendment GP-1-18, Remedial Action Plans and Title 27 landfill closure plans are to be completed and submitted to the RWQCB and DTSC. Review by those regulatory agencies would then be undertaken and the plans revised as needed to the satisfaction of the RWQCB and DTSC.

This process includes RWQCB and DTSC setting remediation standards and determining the specific technologies to be employed. It also includes CEQA compliance and approval of Remedial Action Plans and plans for Title 27 landfill closure.
- **Prepare and adopt development regulations for the Baylands (Specific Plan).** Following approval of Title 27 landfill closure and Remedial Action Plans for OU-SM and OU-2 by regulatory agencies, the City would consider adoption of a specific plan for the Baylands.
- **Undertake Title 27 landfill closure and remediation of OU-SM and OU-2.** Pursuant to approved plans for remediation of OU-SM and OU-2 and Title 27 landfill closure by regulatory agencies, physical remediation and landfill closure within the Baylands would be undertaken under the regulatory authority of the RWQCB and DTSC.



Figure 9
Remediation and Landfill Closure Locations

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- **Site-specific development plans and development within the Baylands.** Remedial actions required for the former Brisbane Landfill, OU-SM, and OU-2 are required to be completed prior to grading and site development, as follows:
 - *Title 27 closure of the former Brisbane Landfill* is required to be completed prior to grading or development within the area of the former landfill.
 - *Remedial actions within OU-SM* are required to be completed to the satisfaction of DTSC prior to initiation of any grading or development within OU-SM.
 - *Remedial actions within OU-2* must be completed to the satisfaction of the RWQCB prior to initiation of any grading or development within OU-2.

The Brisbane Baylands Specific Plan EIR will not address impacts associated with site remediation or Title 27 landfill closure activities because these activities (1) must be completed prior to development within the Baylands, (2) are under the regulatory authority of agencies other than the City of Brisbane, and (3) require CEQA compliance and discretionary actions to be taken by those agencies prior to approval of the proposed Specific Plan.

- 3.14 Public Services and Facilities** will analyze Project-related demands for public services such as fire protection, police, schools, libraries, and other public services to determine whether the Project would create a need for new or expanded facilities that would have physical environmental effects. This section will also analyze the Project's consistency with applicable plans and programs to reduce solid waste generation.
- 3.15 Recreation** will discuss the Project's potential to increase the use of existing recreational facilities and the extent to which such increased use may cause physical deterioration of those facilities. This section will also analyze environmental effects from (1) recreational facilities included in the Project, and (2) any construction or expansion of recreational facilities necessary to serve the Project.
- 3.16 Utilities, Service Systems, and Water Supply** will analyze Project-related demands for water, wastewater facilities, stormwater drainage, energy, and telecommunications to determine the extent of any physical environmental effects that would result from construction or operation of new or expanded facilities needed to serve the Project. This section will also analyze the adequacy of water supplies to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- 4. Irreversible Environmental Effects** will evaluate the potential for significant irreversible environmental changes to result from the Project, including (1) irreversible commitment of non-renewable resources, such as natural gas, petroleum products and fossil fuels,

asphalt, petrochemical-based construction materials, steel, copper, other metals, and sand and gravel; and (2) irreversible environmental changes, including the commitment of land to urban development and the commitment to provide public services to the Project.

5. **Growth-Inducing Impacts** will analyze the ways in which the Project could directly or indirectly foster unplanned economic or population growth or remove obstacles to growth, along with the physical environmental effects that would result from such growth.
6. **Cumulative Impacts** will analyze the ways in which physical environmental effects of the Project might combine with those of other past, present, and probable future projects for each of the issues addressed in EIR Sections 3.1 through 3.16. If the effects of the proposed Specific Plan in combination with the effects of other past, present, and probable future projects would be significant, the Project's contribution to the combined cumulative significant impact will be analyzed.
7. **Alternatives** will describe and analyze a reasonable range of alternatives to the Project or to the Project's location that would feasibly avoid or lessen significant environmental impacts identified in the EIR while attaining most of the Project's objectives.
8. **Report Preparers** will identify the persons and organizations involved in preparing the Draft EIR.

Appendices to the Draft EIR are anticipated to include:

- A. Brisbane Baylands Specific Plan
- B. Notice of Preparation (NOP) and Responses received by the City of Brisbane
- C. Urban Decay Analysis
- D. Biological Resources
- E. Cultural and Tribal Cultural Resources
- F. Transportation
 - F.1 Vehicle Miles Traveled and Traffic Safety Analysis
 - F.2 Level of Service Analysis (provided for informational purposes)
- G. Air Quality
- H. Greenhouse Gas Emissions
- I. Energy
- J. Noise and Vibration
- K. Geotechnical and Soils Report
- L. Hydrology and Water Quality
 - L.1 Hydrology and Sea Level Rise
 - L.2 Preliminary Water Quality Management Plan
- M. Water Supply Analysis



BAY AREA
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MANAGEMENT
DISTRICT

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Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY
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Karen Mitchoff
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Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



April 14, 2020

Mr. John Swiecki
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Brisbane Baylands Specific Plan NOP of a Draft Environmental Impact Report

Dear Mr. Swiecki:

Bay Area Air Quality Management District (Air District) staff has reviewed the City of Brisbane's (City) Notice of Preparation of a Draft Environmental Impact Report prepared for the Brisbane Baylands Specific Plan (Plan). The proposed project, located in the northeast corner of San Mateo County, will consist of 685 acres which includes development of 1,800-2,200 residential dwelling units, 7 million square feet of commercial office space and a 261,400 square-foot industrial park.

Air District staff recommends the Draft Environmental Impact Report (DEIR) include the following information and analysis:

The DEIR should provide a detailed analysis of the Plan's potential effects on local and regional air quality. The DEIR should include a discussion on the Air District's attainment status for all criteria pollutants and the implications for the region if these standards are not attained or maintained by statutory deadlines. The Air District's CEQA Air Quality Guidelines, which provide guidance on how to evaluate a Plan's construction, operational, and cumulative air quality impacts, can be found on the Air District's website: <https://www.baaqmd.gov/plans-and-climate/California-environmental-quality-act-ceqa/updated-ceqa-guidelines>.

The GHG impact analysis should include an evaluation of the Plan's consistency with the most recent draft of the AB32 Scoping Plan by the California Air Resources Board and with the State's 2030 and 2050 climate goals. The Air District's current recommended GHG thresholds in our CEQA Guidelines are based on the State's 2020 GHG targets, which are now superseded by the 2030 GHG targets established in SB 32. The DEIR should demonstrate how the Plan will be consistent with the Scoping Plan.

The DEIR should estimate and evaluate the potential health risk to existing and future sensitive populations within and near the Plan area from toxic air contaminants (TAC) and fine particulate matter (PM_{2.5}) as a result of the Plan's construction and operation. Air District staff recommends that the DEIR evaluate potential cumulative health risk impacts of TACs and PM_{2.5} emissions on sensitive receptors within and near the Plan area.

The DEIR should discuss how the Plan will address environmental justice impacts. Senate Bill 1000 (SB 1000), the Planning for Healthy Communities Act, became effective January 1, 2018, and requires all California jurisdictions to consider

environmental justice issues in their General Plans. Environmental justice as defined by the State, focuses on disproportionate and adverse human health impacts that affect low income and minority communities already suffering from cumulative and legacy environmental health impacts. Although this is not a General Plan, build-out of the Plan may impact air quality and/or community health within the eastern neighborhoods of San Francisco. These neighborhoods have been identified by the Air District as high cumulative exposure burden areas. We suggest the City assess cumulative air pollution exposure from Plan buildout and incorporate appropriate measures to minimize such impacts into the Plan.

The DEIR should evaluate all feasible emission reduction measures to minimize adverse air quality impacts. Examples of potential measures that should be evaluated and considered include, but are not limited to:

- Requiring construction vehicles to operate with the highest tier engines commercially available.
- Creating a Transportation Demand Management Program that includes funding for zero emission transportation projects, including a neighborhood electric vehicle program, community shuttle/van services and car sharing, and enhancement of active transportation initiatives, among others.
- Providing funding for expanding and improving bicycle and pedestrian infrastructure and projects that improve pedestrian access to transit, employment, and major activity centers.
- Implementing a zero-waste program consistent with SB 1383 organic waste disposal reduction targets including the recovery of edible food for human consumption.
- Implementing green infrastructure and fossil fuel alternatives in the development and operation of the Project, such as solar photovoltaic (PV) panels, renewable diesel, electric heat pump water heaters, and solar PV back-up generators with battery storage capacity.

The DEIR should evaluate the Plan's consistency with the Air District's 2017 Clean Air Plan (2017 CAP). The EIR should discuss 2017 CAP measures relevant to the Plan and show the Plan's consistency with the measures. The 2017 CAP can be found on the Air District's website: <https://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

The Air District's CEQA website contains several tools and resources to assist lead agencies in analyzing air quality and GHG impacts. These tools include guidance on quantifying local emissions and exposure impacts. The tools can be found on the Air District's website: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>. If the Plan requires a site-specific analysis, please contact Air District staff to obtain more recent data.

We encourage the City to contact Air District staff with any questions and/or to request assistance during the environmental review process. If you have any questions regarding these comments, please contact Andrea Gordon, Senior Environmental Planner, at (415) 749-4949 or agordon@baaqmd.gov.

Sincerely,



Greg Nudd
Deputy Air Pollution Control Officer

cc: BAAQMD Director David J. Canepa
BAAQMD Director Carole Groom
BAAQMD Director Davina Hurt

Bayshore Sanitary District

36 INDUSTRIAL WAY
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JOHN BAKKER, ATTORNEY
RICH LANDI, MAINTENANCE DIRECTOR
TOM YEAGER, DISTRICT ENGINEER

03 March 2020

Mr. John Swiecki
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Brisbane Baylands, Specific Plan EIR
Scope and Content

Dear Ken:

This letter is in response to your request for comments on the scope and content of the Specific Plan EIR for Brisbane Baylands.

The District has offered various comments on previous documents for this project. Attached are our comments on the Program EIR for this project. These comments and the responses to them should be included in this Specific Plan EIR and in future environmental documents.

This Specific Plan EIR must address the issue of wastewater treatment and disposal in greater. Specifically, an Appendix addressing wastewater should be developed to the appropriate detail similar to that which will be contained in the appendix addressing water.

Previous documents have addressed wastewater in very general terms. This Specific Plan EIR needs to evaluate the environmental impacts of various treatment and disposal options as different options will have different environmental impacts. This EIR should evaluate the environmental impact of

- Various treatment alternatives
- Various effluent disposal alternatives
- Staging alternatives

Treatment alternatives need to be evaluated with respect to the options available for solids and liquid handling and their energy impacts and their ability to reliably produce the high-quality effluent for various reuse options. It is not necessary to select a process, but it is necessary to identify feasible options and their impacts. This would eventually be used as part of the final decision-making process.

This project has proposed a zero discharge for the wastewater effluent. This means that the treated effluent would be disposed of on-site or on nearby sites through irrigation on a year-round basis. Other reuse options may also be feasible. A year-round water balance must be developed in order to define the irrigation land area require, both on-site and off-site, and the winter storage volumes and required storage facilities. If other reuse options are proposed than the volume diverted to these options must be defined. If diversion of a portion of the flow to the SFPUC facilities that must be identified.

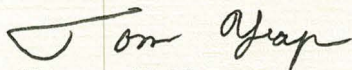
John Swiecki
City of Brisbane
3 March 2020
Page 2

It is to be noted that the District has 20 years of rainfall data that has been collected at the Carlyle Pump Station on Industrial Way at the project boundary.

Preliminary discussions have been held with UPC regarding the use of District facilities for initial stages of project development until such a time as there is enough wastewater volume to support a new wastewater plant. No conceptual plans have been present so the impact on District facilities is unknown. Various proposals, if any, need to be presented so that the appropriate evaluation of the District assets can be undertaken.

These are our initial thoughts on what this Appendix should include. We would like to review the scope of this appendix as it is further developed.

Very truly yours,
BAYSHORE SANITARY DISTRICT



Thomas E. Yeager
District Engineer

cc: Joann Landi - Bayshore Sanitary District
Iris Gallagher- Board President
Lauren Quinn - District Legal Counsel

Bayshore Sanitary District

36 INDUSTRIAL WAY
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(415) 467-1144

BOARD OF DIRECTORS:
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TOM YEAGER, DISTRICT ENGINEER

RECEIVED

OCT 03 2013

Comm. Dev. Dept. Brisbane

2 October 2013

John Swiecki, AICP, Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Subject: Brisbane Baylands DEIR

Dear Mr. Swiecki:

The Board and staff of the Bayshore Sanitary District have reviewed the Draft Environmental Impact Report (DEIR) for this project. This letter contains our comments.

It is our understanding that this DEIR was prepared to evaluate the 4 development options and that other environmental documents will be prepared for future projects and for future planning and administrative actions. Therefore we are restricting our comments to the immediate planning horizon.

The District was contacted by the DEIR consultant team to obtain factual information regarding the District and this information was provided. However, the District was not contacted regarding the potential use of District facilities in the short-term. The conclusion was reached in the DEIR that the impact to the District would be Less Than Significant (LST). We do not understand how that determination was made given the fact that the District was not contacted regarding use of District facilities in the short term. By short term, the District means use of District collection and pumping facilities until such time as a reclaimed wastewater treatment facility is constructed to serve the project. According to the DEIR this short-term period could be up to 15 years.

The District initiated a meeting with Universal Paragon Corporation (UPC) in order to gain a better understanding regarding how this development might impact the District's facilities especially in the 15-year short term period. Present at this meeting were:

- Rich Landi, Maintenance Director Bayshore Sanitary District
- Tom Yeager, District Engineer
- Jonathan Scharfman, UPC General Manager/Development Director
- Howard Peirce, Project Manager
- Chan Pong Ng, Board Advisor

John Swiecki
City of Brisbane
2 October 2013
Page 2

This was a very fruitful meeting and we gained a better understanding regarding the development of this project and how the District's facilities may be impacted.

↑ 2
cont.

The DEIR states that certain District sewer lines serving existing customers along Tunnel Avenue and Industrial Way would be replaced and constructed to District standards. However, no mention was made regarding the use of the District's Carlyle Pump Station (PS) and associated force main.

At this meeting UPC indicated that the initial developments would occur at the intersection of Geneva Avenue and Bayshore Boulevard and that UPC would like to deliver wastewater to the Carlyle PS to be pumped to San Francisco. Currently all discharges along Bayshore Boulevard and Industrial Way are pumped to San Francisco while all discharges along Tunnel Avenue flow by gravity to San Francisco.

3

The Carlyle PS contains 4 pumps. During dry weather periods only one pump operates at a time. However, during wet weather periods multiple pumps operate. It is not uncommon to have 2 pumps operating. On rare occasions 3 or 4 pumps will operate, but only for short periods of time. To increase the capacity of the Carlyle PS it will be necessary to either install larger pumps that operate at a higher head (pressure) or construct a larger parallel force main to reduce the total pumping head. The District is reluctant to pursue the first option as that would increase the operating pressure on the 43-year old asbestos cement (AC) force main. The District has recently evaluated the second option.

The District believes that with careful early planning there would be a less than significant impact to District facilities provided certain conditions are met. These include:

- The District is included early in all planning activities and is consulted as projects are developed
- All District wastewater collection lines replaced are replaced to District Standards which may need to be revised due to the unique soil conditions at the site
- A requirement that the Developer grants the District an easement in a public right-of-way for a parallel force main and the Developer construct at its expense a parallel force main and any associated improvements at the Carlyle Pump Station at the same time as the roadways and prior to any paving. The developer will receive credit against the developer's capacity charge obligations based on the value of construction in an amount to be determined by the District.
- The District ordinance must be adhered to, especially with regard to connection (entitlement) fees.

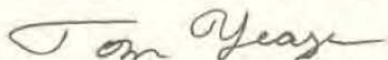
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John Swiecki
City of Brisbane
2 October 2013
Page 3

Please insure that these comments are passed on to the DEIR consultant and addressed in the Final EIR.

Very truly yours,

BAYSHORE SANITARY DISTRICT



Thomas E. Yeager
Kennedy/Jenks Consultants
District Engineer

cc: Joann Landi, BSD
John Bakker, District Legal Counsel

2.7 Individual Responses to Comments from Special Districts

2.7.1 Bayshore Sanitary District

BSD-1 [See page 5-39 for the original comment] Draft EIR page 4.O-46 sets the stage for the analysis leading to the following conclusion on page 4.O-47:

Based on existing and projected wastewater flows from the BSD and the City to the SFPUC, development of the Project Site with or without the onsite recycled water plant would not exceed either the BSD's or the City's contractual capacity for wastewater treatment by the SFPUC. Further, the Recology site wastewater discharge to the SFPUC would only increase by approximately 0.002 mgd. Therefore, adequate treatment capacity at the SFPUC would be available for wastewater generated within the Project Site, and impacts would be less than significant.

Wastewater generated by development within the Project Site is proposed to be discharged into the BSD system for treatment at the SFPUC SEP. Midway through the Project Site development buildout (about year 15), an onsite recycled water plant would be constructed to produce recycled water to meet non-potable water needs on the Project Site and reduce potable water demand. The recycled water plant would therefore reduce the liquid wastewater flows requiring offset conveyance and treatment. Adequate conveyance and treatment capacity are available in the BSD and SFPUC SEP systems under existing contract arrangements to handle wastewater flows from Project Site development. As a result, wastewater flows from Project Site development would be properly treated and disposed of through facilities that comply with SFRWQCB wastewater treatment requirements and impacts would be less than significant.

BSD-2 [See page 5-40 for the original comment] This comment refers to a meeting held between the District and the applicant for the DSP and DSP-V scenarios, and does not raise any significant environmental issues regarding the Draft EIR or its analyses and conclusions.

BSD-3 [See page 5-40 for the original comment] This comment refers to options for future use of the District's Carlyle pumping station as part of future site development within the Baylands, and expresses the District's preference for one of the two options discussed between the District and the applicant for the DSP and DSP-V scenarios. See Response BSD-4.

BSD-4

[See page 5-40 for the original comment] The City concurs that there would be a less-than-significant impact in relation to wastewater systems resulting from proposed Baylands development. Subsequent planning and design for a selected development scenario would include coordination between the City, the applicant(s), and the BSD to satisfactorily address the specific conditions listed in Comment BSD-4. Because wastewater facilities within the Bayshore Sanitary District would be required to meet the BSD's requirements, each of the requirements set forth in Comment BSD-4 would be incorporated into Baylands development requirements as part of the planning review being undertaken by the City for the Baylands. See the MMRP in Chapter 4.0 of the Final EIR for information on implementation of mitigation measures and agency requests submitted in response to the Draft EIR.

5/25/23

Clara Johnson
BBCAG
159 Lake St.
Brisbane, CA 94005
ca.johnson9@yahoo.com

John Swiecki
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005
baylands@brisbaneca.org

RE: Comments on Revised Notice of Preparation of EIR for the Brisbane Baylands Specific Plan
City of Brisbane

Dear Director Swiecki

The BBCAG believes there are numerous shortcomings in the scope of the Revised Notice of Preparation of the EIR for the Baylands Specific Plan. We ask you to add the following items to those currently being considered.

There are 22 and 24 story buildings in this plan. The height of these buildings is entirely out of character with the entire City of Brisbane and the Bayshore Neighborhood of Daly City and the Visitacion Valley Neighborhood of San Francisco. The buildings create a 240 foot plus massive wall between Bayshore Blvd. and the S. F. Bay. It destroys views of the Bay. It violates the policy of the General Plan. There will be significant shadowing of surrounding buildings and exterior spaces. The turbulent wind patterns in this area will be impacted by them. These buildings are being built as close as possible on this property to the dormant earthquake faults the lie below Candlestick Cove. They should require a more stringent structural standard since an earthquake of 7.5 or greater on the San Andreas fault would probably end their dormant state. A failure of these high rises could close Hwy 101 and shower the surrounding development with debris. It could impact the operation of Recology and disrupt garbage collection and processing for over a million people. These buildings will be considered a hazard to the aircraft flying to/from the San Francisco Airport hourly and be a potential hazard to the Oakland Airport flights that overfly this area daily. There should not be high rise buildings on the Baylands. The height limits should not exceed 150 Ft. High Rise buildings design normally feature lot of glass on the exterior. Storms this last Winter provided a glimpse of the climate

change coming that will result in higher wind speeds and the breakage of more windows in high rises like these. The results will be higher maintenance costs over the life of the buildings and a danger to the public. The sea level rise expected grows every year and the 83 inches mentioned in the NOP is likely to be outdated by the time the Specific Plan is expected to be adopted. Will the proximity of these high rises to Hwy 101 interfere with efforts to raise the Highway or replace it with a bridge to protect north south access for the S.F. Peninsula from sea level rise? That is a possibility. A Local Windsurfer previously raised objections to building high rises in this northern Baylands location. The Open Space connects at several points but it doesn't appear to be 25% open space. It confuses open space with open areas. There isn't enough in one contiguous area to provide relief from the urban concrete and asphalt harsh heat producing environment. It also does not connect with offsite open space that would allow animals to connect with San Bruno Mtn. Mountain State and County Park or McLaren Park. The General Plan called for this kind of connection. Open Space is supposed to provide relief and comfort for the people in the project. this configuration doesn't do that. Using names like, "Baylands Preserve" and "Adaptation Buffer for Sea Level Rise", does not mean that these small areas in any way provide what those titles imply. The lack of reference to Open Areas in the NOP is surprising given that the General Plan contains many references to them. It is all the exterior area not occupied by buildings but providing access between them without an appreciable change in the environment that would allow for a relief from the density and height and bulk of the built environment. Most if not all of the Plazas you mentioned are open areas. The Roundhouse Park appears not to have a Roundhouse preserved in it. If the Roundhouse is to be preserved, then there would be a building there thereby reducing any Open Space. The Baylands Preserve is not big enough to preserve any animal. It is located on the Landfill in the area where hydrocarbons were detected. It highly impacted by water perhaps tidal water just under the current ground surface. The Adaptation Buffer for Sea Level for Sea Level Rise is an absurdly small area for this title. This lack of healing open space creates a high stress environment and violates the General Plan. The Open Space adjacent to Hwy 101 and the extension of Sierra Point Pkwy. is insufficiently wide to mitigate the tremendous noise and toxic air emissions from thousands and thousands of cars, trucks and buses on the ten lane freeway. It could not be a place of peaceful enjoyment because of the above mentioned emissions and the vibrations that would be felt from the vehicles plus the vibration of CalTrain near Tunnel Ave. It requires more space and sound walls made of some transparent material that blocs the noise but not the light and view in order offer respite. The linear open space toward the west side is too narrow to qualify as open space. It is open areas between lanes of traffic. The whole scheme of open space is like an amenity for the building s rather than a benefit for the people who live, work and visit the development. The playing fields must be carefully evaluated for toxic contamination from the former Brisbane sewer plant and from the Brisbane Fire Station since there had to have been large amount of PFAS chemicals used there. Children should not be exposed to toxic

contaminants while playing sports for years. The lack of open space on the Baylands will create a high stress environment that will not encourage people locate there. Land covered with solar panels is not open space.

The planned battery facility and electrical substation have the possibility of creating more toxic contamination and a safety problem since they are placed close together. If one catches fire then the other one is highly likely to be damaged. There hasn't been any info on the electro-magnetic fields created by these facilities and what injury it might cause to occupants.

The route of the newly acquired water supply's path to the site is described but its environmental impact is not and it should be. It requires a newly built tunnel. I'm sure there are environmental impacts from its construction

There have been interruptions in the traffic flow on Bayshore Blvd caused by telecommunications and other utilities that are too numerous to mention. There does not appear to be a plan to improve this traffic slowing problem of 40 years despite the obvious degradation in traffic flow that this project will bring. This is a stress issue and a circulation issue. The dry utility vaults on Bayshore and along roads in the Baylands should be constructed so that many different utility companies can quickly add lines within the vault and minimize traffic flow problems.

The strong possibility that this development will cause flooding in adjacent communities and adjacent areas Like Little Hollywood, the Recology site, Sierra Point Lumber, Kinder Morgan and the Machine Equipment Company is strong give the amount of soil that will be moved to portions of the Baylands raising those areas above the sites mentioned. What mitigations will be installed to lessen the possibility of flooding? It is irresponsible to allow a huge development to be built without strong specific assurances that this flooding can be avoided.

This Specific Plan calls for the construction of a Middle School on the Baylands. The conditions on the Baylands including: toxic contamination, soil likely to liquify in an earthquake, a 10 lane freeway with high noise and air pollution, a landfill site, a rail line and a regional petroleum distribution facility close by, are not what is considered appropriate for a school site by the Guidelines for School Siting of the CA Dept of Education. It is not an appropriate site. Would you want to your kids to spend 5 or 6 hours a day, 5 days a week in this harsh environment with inadequate open space?

The DTSC has land use restrictions that prevent parking below ground level and restriction that prevents residential use at ground level as well as some uses involving children for the Baylands OUSM The soil is only partially remediated. Contamination does remain in the soil. The plan

calls for parking below ground in some high rise buildings. There is discussion of active ground floor businesses and it isn't clear if that includes uses involving children such as childcare. Why are these uses being considered when DTSC does intend to allow them?

A lack of bike lanes separated from trucks and cars creates a high risk environment for bicyclists. There should be bike lanes that are separated from motor vehicles. This is a health and safety issue.

The relocation of fire Station 81 places it in a low area on Valley Drive. It is not as low as the current site. Since it is being moved, why would you put it in a site that in the distant past was a place where water ponded especially in light of Sea Level Rise. This an environmental issue

The need for coordination and cooperation with all relevant agencies, including the financial costs of a lack of coordination should be considered absolutely essential for this project. The City of Brisbane should require written proof of the coordination plans and agreements among the parties and the developers before construction begins.

The issue of the unresolved geometrics proposed for Geneva Avenue/Bayshore Blvd/Bridge over CALTrain could be a disaster. This problem was noted in the first EIR. It needs to be solved before construction begins. It appears that the construction plan for the bridge violates the laws of physics and the configuration of the land at this location. You cannot leave this issue unresolved.

Air Quality, Noise Pollution mitigations must be clearly understood and rigorously enforced for all the years of construction and beyond. What is the methodology and entity that assures this will happen?

Biological Resources have been undervalued on the Baylands and this is an opportunity to correct that. Anything plant or animal that lives on the Baylands is in grave danger of being eliminated. An ecosystem is a web of life and this project with its 22 feet of soil transported around heights placed at elevated and then shaped compacted will only leave micro-organism intact. The construction will result in some level of contamination on all the wetlands, the inadequate open spaces. It is necessary to have an aggressive well researched plan of action to save anything.

Hydrology and Water Quality deserve an exceptionally careful review and perhaps could be peer reviewed. The sewage system on Sierra Point stinks today near the former Dakin Bldg. because inadequate gravity fall and force main pressure. It seems possible or even likely that the same problem will occur here. How will it be prevented?

Adding 19,000 workers and 4,000 to 6,000 will overwhelm all the governmental services provided by the City, School District and the County. A review of the shortfall must be rigorously analyzed and realistically addressed. More detail is required to see how this will be efficiently and effectively accomplished.

The contamination and landfill wastes that underlie the Baylands needs to be monitored, reported on and if additional remediation is required, then it must be overseen. This task requires an entity that has funding, is staffed by experts and is managed professionally. There should be a safety and hazard district, a Mello-Roos District to perform these duties and maybe other duties, overseeing other safety and hazardous issues. There should be air quality monitoring on site to monitor the air pollution from the Kinder Morgan Facility since there will be 25,000 people in close proximity.

The Brisbane Lagoon does not Belong to UPS or its subsidiaries. It should be evaluated, restored and maintained to fulfill its ideal role as a part of the Bay. It has been treated as an afterthought to be exploited. It should be given to the City for its protection.

Our BBCAG responsibility relates to human health and environmental quality and I believe that all the issues mentioned above fall into those categories.

Thank You for the opportunity to comment on the Revised Notice of Preparation of the EIR on the Revised Brisbane Baylands Specific Plan.

Sincerely

Clara A. Johnson
Brisbane Baylands Community Advisory Group
Vice-Chair, Acting Chair

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

March 20, 2020

Mr. John Swiecki, Planning Director
City of Brisbane, Brisbane Baylands Specific Plan
50 Park Place
Brisbane, CA 94005

SUBJECT: BCDC comments for the Brisbane Baylands Specific Plan Notice of Preparation for the Draft Environmental Impact Report; State Clearinghouse No. 2006022136, BCDC Inquiry File No. SM.BR.6609.1)

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan (Specific Plan) Draft Environmental Impact Report (EIR). The NOP is dated February 24, 2020 by the State Clearinghouse and was received in our office on March 6, 2020. The Commission has not reviewed the NOP; therefore, the following staff comments are based on the San Francisco Bay Plan (Bay Plan) and the McAteer-Petris Act and staff review of the NOP.

The proposed project would include development of up to 2,200 residential units and 7 million square feet of commercial use, along with acquisition of an annual water supply of 2,400 acre-feet from the Oakdale Irrigation District, and would require a permit from BCDC, as described in the NOP. The permit process will include a more detailed analysis of all applicable BCDC policies. The objective of this letter is to give you an overview of potential applicable policies and considerations. BCDC submitted a comment letter in 2012 for the Program EIR, which is attached for reference.

Jurisdiction and Land Use

As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods); extraction of materials; or change in use of any water, land, or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends over Bay tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands; certain waterways tributary to the Bay, and includes Priority Use Areas (PUA) which



may extend beyond the shoreline band in areas reserved for uses specific to limited bay resources. If a project is proposed within the Commission's jurisdiction, it must be authorized by the Commission pursuant to a BCDC permit, and the Commission will use the policies of the McAteer-Petris Act and the Bay Plan to evaluate the project.

The map provided with the NOP shows the project area of the Specific Plan as located within BCDC's Bay jurisdiction, shoreline band jurisdiction, and includes areas within a Waterfront Park, Beach PUA designation and three map policies in the project vicinity, which state "provide safe, accessible pedestrian access across freeway," "no roadway in Bay east of U.S. 101. U.S. 101 Causeway," and "develop scenic frontage road and turnouts for fishing and viewing, and protect shellfish beds offshore."

Specifically, all of the lagoon is in BCDC Bay jurisdiction, as well as the length of Visitacion Creek and another tidally influenced creek to the north side of the lagoon. The BCDC shoreline band jurisdiction extends 100 feet from Bay jurisdiction around the entirety of the lagoon and along both sides of Visitacion Creek and the tidally influenced creek to the north of the lagoon. Development proposed in Waterfront Park, Beach Priority Use Areas must be consistent with Bay Plan recreation policies, which state "Interim use of a waterfront park priority use area prior to its development as a park should be permitted, unless the use would prevent the site from being converted to park use or would involve investment in improvements that would preclude the future use of the site as a park." Thus, development which would prevent the site from being converted to park use would not be consistent and may require an application for a Bay Plan amendment for the Commission to consider the removal of the Waterfront Park, Beach priority use area designation. Please analyze whether the proposed development in the PUA is consistent with Bay Plan recreation policies and if not, please describe the need for a Bay Plan amendment in the Draft EIR.

Bay Fill

Section 66605 of the McAteer-Petris Act states that fill in San Francisco Bay should "only be authorized when": (1) the public benefits from the fill clearly exceed the public detriment from the loss of water area and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly)... or minor fill for improving shoreline appearance or public access to the Bay; (2) no upland alternative location is available for the project purpose; (3) the fill is the minimum amount necessary to achieve the purpose of the fill; (4) the nature, location and extent of any fill will minimize harmful effects to the Bay; and (5) the fill should be constructed in accordance with sound safety standards. If the proposed project would involve fill in the Bay, the project proponent will need to show that fill associated with the project meets all of the above listed criteria. While the NOP does not specify plans to place fill in the Bay, we ask that the Draft EIR evaluate any proposed fill in light of the Commission's law and policies.

Climate Change

Any larger shoreline projects that are within BCDC's jurisdiction would be subject to the Climate Change policies of the Bay Plan. Bay Plan Climate Change Policy 2 states that: "When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices." The Draft EIR should include an analysis of how an increase in sea level under multiple sea level rise scenarios could impact low-lying shoreline areas. This should include information on (1) current shoreline elevations and vertical land motion (e.g., subsidence or uplift); (2) current rates of sedimentation, if known; (3) projected impacts of the project on Bay ecosystems given sea level rise; (4) projected impacts of the project that would result in a change in tidal heights, duration of ponding, drainage, erosion, or sedimentation; and (5) the condition of existing shoreline protection. If the project proposes new shoreline protection, Bay Plan Shoreline Protection policies would apply and should be analyzed in the Draft EIR.

Public Access

Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access.

The Draft EIR should analyze BCDC's public access requirements which state, "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline... Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed... Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs... Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available..."

All efforts to increase or include public access must be compatible with the wildlife and habitats of the area. As such, the policies further state that, “public access to some natural areas should be provided to permit study and enjoyment of these areas. However, some wildlife are sensitive to human intrusion ... public access should be sited, designed and managed to prevent significant adverse effects on wildlife...”. The Draft EIR should include an analysis of the impacts on public access and evaluate maximum feasible public access that could be provided as part of the project to be consistent with the Commission's policies on public access. Additionally, the Draft EIR should evaluate the potential impacts of any proposed public access on sensitive wildlife species and habitats.

Finally, Bay Plan Public Access Policy 5 states “public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.” The Draft EIR should also analyze consistency with Bay Plan map policies pertaining to public access as described above.

Recreation

Bay Plan policies on recreation state, in part, that “Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels... and Waterfront land needed for parks and beaches to meet future needs should be reserved now.” The Draft EIR should discuss whether the proposed recreational uses or projects within the Commission’s jurisdiction are consistent with the applicable Bay Plan and McAteer-Petris Act policies.

Transportation, and the Bay Trail

Bay Plan policies on transportation state, in part, that “Transportation projects... should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails.” The proposed project contains sections of Bay Trail. The Draft EIR should discuss how this network of existing trails could be connected and integrated with the further development of trails, parks, and open space within the proposed project area.

Water Quality

Bay Plan policies on water quality state that, “new projects should be sited, designed, constructed and maintained to prevent, or if prevention is infeasible, to minimize the discharge of pollutants to the Bay ” Additionally, in order to protect the Bay from the water quality impacts of nonpoint source pollution, “new development should be sited and designed

consistent with standards in municipal storm water permits and state and regional storm water management guidelines To offset the impacts from increased impervious areas and land disturbances, vegetated swales, permeable pavement materials, preservation of existing trees and vegetation, planting native vegetation and other appropriate measures should be evaluated and implemented where appropriate...." The Draft EIR should evaluate the potential impacts of the proposed projects to be included in the Specific Plan on the water quality of the Bay and should propose best management practices and mitigation measures to minimize adverse impacts to water quality.

Appearance, Design, and Scenic Views

The Bay Plan policies on appearance, design, and scenic views state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas... Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay... Views of the Bay from... roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water." The Draft EIR should discuss the effect, if any, that the project would have on public views of the Bay.

Environmental Justice and Social Equity

BCDC recently amended the Bay Plan to address environmental justice and social equity concerns across the region. To assist with the transition to these new policies staff has put together this FAQ page, <https://www.bcdc.ca.gov/ejwg/BPAEJSEFaq.html>. Bay Plan Environmental Justice and Social Equity Policy 2 states that "Since addressing issues of environmental justice and social equity should begin as early as possible in the project planning process, the Commission should support, encourage, and request local governments to include environmental justice and social equity in their general plans, zoning ordinances, and in their discretionary approval processes. Additionally, the Commission should provide leadership in collaborating transparently with other agencies on issues related to environmental justice and social equity that may affect the Commission's authority or jurisdiction." Thus, BCDC encourages the City of Brisbane to analyze the potential impacts of the proposed project related to environmental justice and social equity. Specifically, the Draft EIR should include identification of any nearby vulnerable, disadvantaged and/or underrepresented communities.

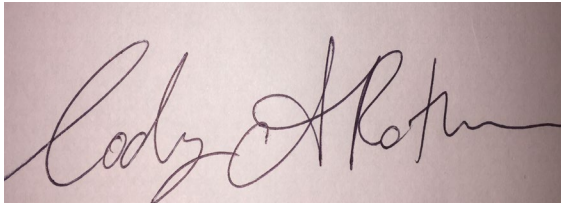
Bay Plan Environmental Justice and Social Equity Policy 3 states "Equitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission review and permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action." Thus, the project proponents should also strive to provide opportunities for meaningful community involvement.

Bay Plan Environmental Justice and Social Equity Policy 4 states “If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.” Thus, the Draft EIR should also analyze whether the proposed projects would result in disproportionate adverse impacts for these communities. BCDC is developing a new tool to help assess community vulnerability around the region which can be found here:

<https://www.bcdc.ca.gov/data/community.html>.

We appreciate the opportunity to comment on the NOP for the EIR for the Brisbane Baylands Specific Plan. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415)352-3641 or by email at cody.aichele@bcdc.ca.gov.

Sincerely,

A handwritten signature in dark ink, reading "Cody Aichele-Rothman", on a light-colored background.

CODY AICHELE-ROTHMAN
Coastal Planner

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Making San Francisco Bay Better

November 21, 2012

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005

SUBJECT: BCDC Inquiry File No. SM.BR.6609.1, Revised Notice of Preparation of an
Environmental Impact Report for the Brisbane Baylands Project, SCH# 2006022136.

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the Revised Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) for the Brisbane Baylands Project. The NOP is dated October 2012 and was received in our office on October 22, 2012. The Commission has not reviewed the NOP, so the following staff comments are based on the *San Francisco Bay Plan* (Bay Plan) and the McAteer-Petris Act and staff review of the NOP.

Jurisdiction. The NOP accurately describes the Commission's jurisdiction in the project site as including the lagoon and Visitacion Creek as well as the 100-foot shoreline band around these features.

McAteer-Petris Act. Section 66605 of the McAteer-Petris Act states, in part, that “further filling of San Francisco Bay...should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly)... or minor fill for improving shoreline appearance or public access to the Bay... that fill in the Bay... for any purpose should be authorized only when no alternative upland location is available for such purposes... that the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill... that the nature, location and extent of any fill should be such that it will minimize harmful effects to the Bay Area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment, as defined in Section 21060.5 of the Public Resources Code. That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline...”

This authority limits the uses for which the Commission can authorize fills and requires that when fill is authorized, the amount is limited to the minimum amount necessary. While the NOP does not specify plans to place fill in the Bay, the CPP & CPP-V Concept Plan maps both appear to replace part of the northern portion and the southern tip of the lagoon with wetlands and open space, resulting in a smaller lagoon than currently exists. The EIR should clarify whether fill would be placed in the lagoon in any of the project plans, and if so, whether the fill would be for a water-oriented use identified in the McAteer-Petris Act and whether it would be

the minimum necessary, minimize harmful effects to the Bay, and establish a permanent shoreline. Any areas of the Bay in the project area that were filled subsequent to 1969 are still within the Commission's Bay jurisdiction.

Bay Plan Policies on Climate Change. Any development in the portions of the project area that are within BCDC's jurisdiction would be subject to the Climate Change policies of the Bay Plan. These policies state, in part, that: "When planning shoreline areas or designing larger shoreline project, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area... To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects – other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas – should be designed to be resilient to a mid-century sea level rise projection... undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species... should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes."

The NOP refers to sea level rise in its topic summary: "Greenhouse Gas Emissions: the analysis will discuss Greenhouse Gas Emissions impacts... It will further address potential climate change adaptation impacts, such as sea level rise, in relation to other topics such as hydrology, utilities, and biological resources." The EIR should include a discussion of the potential vulnerability of the proposed project to projected sea level rise. It should also discuss the best estimates of future sea level rise that would be used to assess risks for large projects within BCDC's jurisdiction and whether any improvements would be consistent with the Bay Plan Climate Change policies. As a planning tool, the preparers of the EIR may wish to refer to the Sea Level Rise and Coastal Flooding Impacts Viewer developed by NOAA Coastal Services Center in collaboration with a number of other agencies and organizations. The viewer is available at: <http://www.csc.noaa.gov/digitalcoast/tools/slrviewer/>.

Bay Plan Policies on Transportation. The Bay Plan Policies on Transportation state, in part, that "Transportation projects... should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails." The NOP states that for all four Concept Plan scenarios, "The Project Site would be traversed by a network of pedestrian trails, including a new section of the San Francisco Bay Trail." The EIR should discuss this network and how it will be integrated with existing Bay Trail and other regional and community trails.

Bay Plan Policies on Recreation. The Bay Plan policies on recreation state, in part, that "Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels... and Waterfront land needed for parks and beaches to meet future needs should be reserved now."

The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient lands are reserved for important water-oriented uses, such as wildlife refuges, waterfront parks or beaches, water-related industry, ports, or airports. Projects inconsistent with these designations may not be approved by the Commission, or may require an amendment to the Bay Plan. The Commission uses its Bay Plan recreation policies to review proposed development within waterfront park priority use areas. The Bay Plan Map No. 5 shows that the area surrounding the lagoon on all sides is designated as a waterfront park or

beach priority use area. In the maps provided in the NOP, this area is labeled "open space" or "public/open space." The EIR should further explain the plans for these open spaces and indicate how the proposed use aligns with the priority use area designation, and how the project will provide diverse, accessible, water-oriented recreational opportunities consistent with the Bay Plan recreation policies.

Bay Plan Policies on Public Access. The Bay Plan policies on public access state, in part, that "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline... Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed... Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs... Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available..."

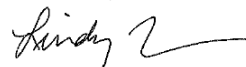
The EIR should discuss whether the project would provide the maximum feasible public access consistent with the project, based on the public access policies in the Bay Plan.

Bay Plan Policies on Appearance, Design, and Scenic Views. The Bay Plan Policies on Appearance, Design, and Scenic Views state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas... Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay... Views of the Bay from... roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water."

The EIR should discuss the effect, if any, that the project would have on public views of the Bay.

We appreciate the opportunity to comment on the Revised NOP for the EIR for the Brisbane Baylands Project. If you have any comments or questions regarding this matter, please do not hesitate to contact me at (415) 352-3643 or by email at lindseyf@bcdca.gov.

Sincerely,



LINDSEY FRANSEN
Coastal Planner

EIR Proposal Draft

In my view there are four important issues to be addressed in the EIR and I have outlined them in **RED**. In trying to identify the main issues for each of the subjects below, I am listing the Pro's and Con's as I see them. The enclosed schematic attachment shows the four "Points of Order" that I have referenced and is to be included in the EIR. This would be the ultimate scenario for the Baylands, and it would greatly benefit the City of Brisbane and the surrounding communities, while not hindering the building of the proposed housing units in the north.

1. Geneva Extension and new clover leaf interchange hook up at Hwy 101.
2. Redesign existing off ramp access from southbound 101 just north of Lagoon.
3. Relocate fire station in order to extend Valley Dr. from Bayshore Blvd around Ice House Hill and hook up with Industrial Way.
4. "The Recreation/Entertainment Alternative"

Geneva Extension

If UPC's pending proposed amendment to the General Plan and the EIR is adopted, it would make way for the construction and provision of some 2200 residential housing units on the northern most area of the Baylands and 8 million sq. ft. of Commercial Warehouse space within the Baylands. The only logical access to the proposed housing site would be by way of a new roadway going north from the Geneva Extension on the west side of the Caltrain tracks to the Housing site, and/or new accesses from Bayshore Blvd.

The new freeway interchange has been thoroughly studied by the Bi-County transportation group spearheaded by San Francisco, the San Mateo County Transportation Authority and Caltrans. Those parties are planning a new interchange that will link up Geneva Avenue with Hunter's Point and Candlestick; there is no more Candlestick. It may be the future route of the Bus Rapid Transit (BRT) however, these plans were drafted years ago prior to the proposed new housing on both sides of the freeway, and other possible multiple commercial venues. These new and future proposed entities would increase traffic substantially, and does not support the existing plan that has the Geneva Extension, east of the railroad tracks, curve northward after bridging the Caltrain tracks and joining it with the roadway that goes through the Recology Center Area, and then goes under the freeway and feeds into the existing northbound ramp onto the 101 freeway.

A more practical and long term solution would be to extend Geneva east as a straight roadway from Bayshore Blvd and connect it to Hwy101with a clover leaf interchange design. By not curving the Extension through the existing Recology Center Area, no land needed for the Center would be lost; in fact, available land for the Center would increase, garbage trucking would have an easier access onto and off 101, and traffic congestion entering and exiting 101 would be reduced for all commercial and personal vehicles at present and in the long term, especially with future unknown demands.

Extending Geneva eastward and connecting it to Hwy 101 would provide:

- A new and improved artery, providing access from Hwy 101 northeasterly and eventually to Hwy 280, so named **"the Geneva Extension"** in the EIR and as eastward from Bayshore Blvd. to Hwy 101.
- A new north access to Bayshore Blvd from Hwy 101 coming from the south, the Geneva Extension, would provide an alternative and bypass Brisbane's Visitation and Valley Drive that cross Bayshore Blvd. in Brisbane and thereby relieve traffic concerns by Brisbane residents.
- By extending the Geneva Extension straight to 101 and into a cloverleaf hook-up with 101, instead of having it go under 101 as it presently exists, it would relieve congestion substantially for east and west bound traffic exiting and entering Hwy 101 from northbound and southbound traffic.
- The proposed 2200 new housing units on the west side of 101, as well as the proposed new housing on the east side of 101, would greatly benefit by a proven free flowing interchange off the freeway.
- Implementing a straight shot from Geneva to 101 would mean acquiring the old Van Arsdale-Harris property owned by the Recology Center, through a land swap, and would benefit the Recology Center because no new roadway, as proposed, would cut through their operation and take up space.

Southbound 101 exit ramp by the Lagoon

The last off ramp on 101 going southbound from San Francisco into the Baylands, exits just north of the Lagoon. It feeds Lagoon Way that in traveling westbound, it "T's" at Tunnel Ave. In turning right onto Tunnel Ave. one is headed toward San Francisco, turning left one is headed toward Visitation Ave. and on into the City of Brisbane. Lagoon way is in less than optimum condition, and is need of major repair and/or relocation. I am proposing a redesign of the off ramp configuration, and relocation of Lagoon Way to become a straight roadway from the 101 exit to Tunnel Ave. This redesign would provide a safe and sane new interchange for motorists and truck usage at the off ramp, and make way for future safe frontage road extensions. The northward relocation of Lagoon Road would appropriately divide the two proposed recreation areas and it would directly align with the freeway access in contrast to the current convoluted setup.

- The redesign of the Off Ramp/On Ramp, Frontage Road (south bound and a new north bound) and relocation of Lagoon Way north to a new roadway northward that hooks up with Tunnel Ave. makes a lot of sense.
- The redesign and reconfiguration of the on/off ramp would provide a safe interchange connection.
- Eliminating, or at least moving Lagoon Way north, would expand the Wetlands along the Lagoon, and allow additional land for recreational uses.
- Lagoon Way is in desperate need of redesign, repair and safety upgrades.
- A new connection that would "T" at Tunnel Road from Hwy 101 would better serve as the traffic junction and provide easy access to any recreation development on the old Garbage Dump Site along the way.

Move Fire Station & join Valley Dr. with Industrial Way

The location of the Fire Station is in need of a more advantageous location to serve and provide safer health wise surroundings. Recent mold and mildew findings at the Station House, as well as ease of access to the residents of Brisbane and the existing commercial entities is obviously in need of upgrading. There are several sites that could be used to accommodate a new Fire Station and satisfy the need for faster emergency response time for the residents of Brisbane. By moving the Fire Station it opens the way to extend Valley Drive from its intersection at Bayshore Blvd down and around Ice House Hill and connecting it to Industrial Way.

- The existing location of the Fire Station was born out of the use of available City land at the time of its inception.
- It is not in the best location to serve the needs of the Brisbane residents in times of an emergency because of the winding and twists from the Station to finally getting past the City Park and up Visitation to Brisbane's Residential homes and populous.
- There are several sites that would be better suited for a Emergency Services Center so sorely needed by the Brisbane residents.
- The developers (UPC) should also be required to provide another Fire Station and Emergency Services Center within their Baylands development.
- In addition, by relocating the Fire Station, it would open up the way to extend Valley Drive around Ice House Hill and connect it with Industrial Way.

Recreational/Entertainment Plan

I also believe there is a valid alternative to the developer's Specific Plan entitled **"The Recreation/Entertainment Alternative"**. In order to approve that Plan, UPC must allow Brisbane to Purchase and/or Lease all the land east of the railroad tracks from the proposed Geneva Extension southward to the Wetlands Areas on both sides of Visitation Creek, Visitation Creek itself, the old Garbage Dump Site, the Wetlands surrounding the Lagoon, and the Lagoon. That Plan should include these viable areas for sorely needed community recreation.

There must be some amiable way for Brisbane to obtain the Wetlands on both sides of Visitation Creek, the Creek, the old garbage site and the Lagoon, including its surrounding Wetlands. In reading the proposed EIR and the attached schematics as to proposed uses to be implemented by UPC, the sites I am in reference to could easily be dedicated to the City of Brisbane as an EIR alternative to the developer's Specific Plan entitled **"The Recreation/Entertainment Alternative."**

The City could pass on the remediation costs and uses/improvement costs onto the tenants, and reap future rental revenue as well. I have been told that the main reason that the city would not want ownership of the old garbage dump site is the liability issues involved, so would a long term lease work?

- UPC's proposed development plan on its 660 acres includes some 2200 residential units on 50 +/- acres and commercial warehouse space on 600 +/- acres, but there is no mention of where a recreation area might be located and what activities would be considered.

- UPC'S plans for recreation are ambiguous, the old garbage dump site and the Lagoon itself should be looked at for recreation use and have merit.
- There can be no buildings of any size or weight on the old Garbage Dump Site because of the State of California's Title 27 mandated restrictions for use on a closed dump site.
- I propose an Alternative Plan requiring UPC to transfer ownership of the old Garbage Dump Site and the Lagoon to Brisbane in exchange for amending the General Plan that will allow residential units and several million square feet of commercial warehouse use. If liability is the main concern over the transfer of land through a sale to Brisbane, then would long term lease (50-100 years) calm the storm?
- If one was to multiply the amount of square feet of warehouse space as the EIR proposes, by the going rental price per square foot per month, UPC stands to make a fortune.

"The Recreation/Entertainment Alternative" is a viable alternative to the developer's Specific Plan; it proposes a whole range of recreation activities south of Visitation Creek, they could include;

1. Circular 400-yard diameter Golf Driving Range (25 acres) surrounded by: a bowling alley, theater, fitness center, restaurants, specialty shops, multi-use amphitheater, and solar panel covered parking, totaling approx. (20 acres)
2. Indoor Water Park surrounded by several miniature golf courses, baseball batting cages, arcade, food court, picnic areas, and open areas. (20 acres)
3. Soccer Fields and Multi-use grass areas (5-10 acres)
4. Construction of a Pier into the Lagoon with Wetlands along its shoreline.

The three major recreational structures proposed north of Visitation Creek are;

1. Soccer Stadium—(10-12 acres) plus parking (30-35 acres)
2. Sports Gymnasium/Arena—(6-8 acres) plus parking (15-20 acres)
3. Trade School Campus—(3-5 acres) plus parking (5-7 acres)

Acreage for the Soccer Stadium, Sports Arena/Pavilion and a Trade School Campus totals approximately 25-30 acres with an additional 50-60 acres for parking. The commercial revenue potential of each is enormous. While the tech building boom is coming to an end, there is a shortage of commercial recreation activities, passive and active. The revenue potential of each is enormous, and needed which is why they collectively are a better land use than the developer proposed campus for some information technology or biotech corporation. To me the homeowners should have the right to "kick the tires" and assure this unsightly mess is finally cleaned up; that recreation will not be an afterthought to whatever UPC plans to do and that recreation options are spelled out precisely. The enclosed schematic attachment shows the four "Points of Order" that I have previously referenced, to be included in the EIR. This would be an ultimate scenario for the Baylands, and would greatly benefit Brisbane and the surrounding communities, and it would not hinder the proposed housing units in the north or the proposed commercial warehouse footprint. The warehouse footprint could be condensed by engineering a second or third floor within the warehouses, the square footage could be maintained with no loss to the overall desired usage space. If my proposed Multi-Use Pavilion, Soccer Stadium and Trade School are not approved, then more commercial warehouse space becomes available, but Brisbane would suffer a loss of a fantastic opportunity. I have studied the Baylands for over 15 years and I truly believe with a few tweaks, that this is a great plan, even if I do say so myself.

The Baylands EIR Issues & Needs — Questions/Answers

General Plan

- Need to identify proposed Zoning throughout the Baylands.
- Six to Seven separate Use Parcels can be identified and named under new City Zoning ordinances; 1) proposed Housing site in the north, 2) area between Housing and Geneva Extension, 3) Area south of Geneva Extension, 4) Industrial Way Business Areas, 5) the area south of the Geneva Extension and east of Railroad tracks down to Visitation Creek, 6) old Garbage Dump Site, 7) the Lagoon.
- Only two areas in the Baylands have only one or two borders —the old Garbage Dump Site, bordered by Visitation Creek on its north and the Lagoon on its south. The Lagoon itself is isolated by only one, the closed Garbage Dump Site on its north.

Remediation Issues

- Regulatory Agencies set rules, mandates and policy for the entire Baylands as to Remediation Mandates as set by the State, County and City
- Costs and Underwriting is easier by separating Zoned Areas for remediation and projecting timeframes for completion.

Infrastructure

- Roadways that ease traffic flow and patterns that serve the community
- Sewer System connections and possible new Pumping Station
- Storm Drainage and upgrade Visitation Creek between Bayshore Blvd. and Tunnel Ave.
- Utilities can easily be connected to existing services along Tunnel Ave.

Housing

- How many Residential Units are proposed by UPC?
- How many are 1BR, 2BR, and 3BR units?
- Are there Apt's included in UPC's Plan? How many BR's are in the Apt's?

Commercial

- | | |
|--|-------------------------------|
| • Strip Mall's variety of retail store outlets | • Commercial Entities |
| • Grocery and Drug Stores | • Restaurants/Bars |
| • Convenience Stores | • Service Stations/Car Repair |

Services

- | | |
|---|-------------------|
| • Emergency Care Facility, Medical Offices and Clinic | • Fire Station |
| • Police Station | • Garbage Pickup |
| | • Street Sweeping |

Open Space/Recreation

- Wetlands with Vista Decks, Rest Platforms
- Multi-Use Open Space featuring; Picnic Areas, BBQ Pits, Grass Lawns, etc.
- Commercial Activity Centers—Passive and Active

Facts, Possible Remedies, Solutions

- Access to the new proposed Housing in the north can only be achieved by way of completing the Geneva Extension and have an interchange connection with Hwy 101. Additional access can be achieved with new roads that connect to Bayshore Blvd. between Geneva and Arleta.
- The remediation process is enormous and cannot be carried out all at the same time, but it can be done in stages by addressing each of the named zoning areas and remediate each, one at a time.
- It is going to take many years for the remediation to be completed and many more for all the proposed improvements to be made. Interim uses would verify their viability and sustainability prior to accepting them as permanent operations.
- Open Space and Recreation should be under the control, usage and scheduling by the City of Brisbane as well as the benefits and revenues.

Political and Social Issues

- In today's world there are many questions posed toward the American relationships we have with foreign countries. China seems to be top on the list. Housing is a high priority demand in the Bay Area and especially in this location, but why did Brisbane acquiesce, or so it seems, to allow the abandonment of its Open Space/Recreation and Non-Development Areas in the General Plan and now seriously consider 8 million sq. ft. of Commercial Warehouse Space in the Baylands.
- San Francisco's only true Family Fun Center, Playland at the Beach, has been closed for many years and Malibu Grand Prix in Redwood City, some 20+ miles away, became its closest replacement. It too has closed making an abbreviated facility in Sunnyvale, 35+ miles away the closest amusement facility. A Family Fun Center is sorely needed for the community and the Baylands would afford the perfect venue. Our Youth, our Teenagers, our Families and even our seniors need passive and active recreation. The City of Brisbane needs to demand that the isolated 65+ acres at the old Garbage Dump Site be dedicated as a Recreation Area.
- There are many Hall of Famers from all the Major Sports that live in the Bay Area, as well as Entertainment Celebrities and successful business tycoons that I believe would be interested in participating in such a venture. I am sure that in speaking with a few, I can solicit enough financial support and even enlist some as potential operators at several of the Activity Centers to make this happen.

"The Recreation/Entertainment Alternative" is the most fantastic sports and recreational development opportunity anywhere in the greater San Francisco Bay Area.

The **Geneva Extension**, the **On/Off Ramp by the Lagoon**, and the **Relocation of the Fire Station** are important issues for traffic flow and safety.



0 400 800
Feet

Alternate Developer Plan (ADP)
Proposed Land Use Plan



NATIVE AMERICAN HERITAGE COMMISSION

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Comm. Dev. Dept. Brisbane

February 24, 2020

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50 Park Place
Brisbane, CA 94005

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Re: 2006022136, Brisbane Baylands Specific Plan Project, San Mateo County

Dear Mr. Swiecki:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit.14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalePAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Staff Services Analyst

cc: State Clearinghouse

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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March 20, 2020

File Ref: SCH # 2006022136

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

VIA ELECTRONIC MAIL ONLY (baylands@brisbaneca.org)

Subject: Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan, City of Brisbane, San Mateo County

Dear Mr. Swiecki:

The California State Lands Commission (Commission) staff has reviewed the subject NOP for a Draft EIR for the Brisbane Baylands Specific Plan (Plan), which is being prepared by the City of Brisbane (City). The City is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, since the proposed Plan potentially involves work on State sovereign land, the Commission will act as a responsible agency (Cal. Code Regs., tit. 14, § 15386).

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its

admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, including lakes and rivers, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on Commission staff's review of the NOP, information provided by the City, and in-house records, it appears that the Plan would occupy:

- Filled or partially filled and sold Board of Tideland Commissioners (BTLC) lots;
- Lands the State did not acquire, patented as Swamp and Overflow (S&O) Survey 28;
- Lands within Rancho Canada De Guadalupe Visitacion y Rodeo Viejo;
- Lands within Rancho Canada De Guadalupe y Rodeo Viejo; and
- Ungranted sovereign lands within the Guadalupe Canal.

Portions of the Plan appear to occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State by the BTLC. Pursuant to the Court's holding in City of Berkeley v. Superior Court, 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. A lease from the Commission is not required for use of lands underlying the State's Public Trust easement. However, it has been determined that any portion of the proposed Plan located within the Guadalupe Canal would require a lease from the Commission. Please be aware that residential development or use of sovereign lands or lands subject to a Public Trust easement is inconsistent with the Public Trust. Accordingly, the Plan must be developed to ensure that there is no residential use planned on sovereign lands or within the Public Trust easement.

Project Description

The Plan proposes the development of 2,200 residential units and 7 million square feet of commercial use. Pursuant to the requirements of General Plan Amendment GP-1-18 and Measure JJ, residential uses would be limited to the northwestern portion of the site. Three residential development types are proposed which meet the objectives of the Plan:

- High-density residential uses, which would consist of multi-family residential and mixed-use buildings that are generally 4 to 6 stories in height, with buildings up to 8 stories in specific locations to be identified in the Specific Plan.
- Medium-density residential uses, which would consist of townhomes 2 to 3 stories in height with rooftop decks.

- Low-density residential uses, which would consist of larger 3-story townhouse units.

Three types of commercial uses are proposed:

- High-Tech Commercial would be the densest commercial use, with buildings up that range from 6 to 10 stories in height with floor plates appropriate for high-end office usage.
- Biotech Commercial would cater to companies looking to set up small campuses for their practices. This commercial type would include buildings that are 3 to 5 stories in height in height and provide adequate space for the various requirements of the biotech industry.
- Campus Commercial would consist of large, single-tenant parcels catering to tech companies that want to invest in larger office campuses. This commercial type would be characterized by buildings 1 to 2 stories in height.

A 4.6-acre elementary school site is proposed adjacent to the historic Roundhouse, which would be restored. The City proposes the Roundhouse will be included as a mix of retail, office, restaurant uses, along with public gathering and activity space.

Environmental Review

Commission staff requests that the City consider the following comments when preparing the Draft EIR, to ensure that impacts to Public Trust resources and State sovereign land are adequately analyzed.

General Comments

1. **Project Description:** A thorough and complete Project Description should be included in the Draft EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, seasonal work windows, locations for material disposal, staging and lay-down areas, as well as timing and length of activities, etc.). In addition, the Draft EIR should include the maximum area of impact, including loss of land and habitat due to flooding and the volume of sediment and vegetation removed or disturbed, inclusive of impacts not previously analyzed.

The Draft EIR should also include figures illustrating the total footprint of the preferred and alternative projects (preferably aerial overlays), so that public agencies and the public can visualize the proposed Plan effects on existing land uses. In addition, the Draft EIR should include engineering plans and a detailed written description of activities. Thorough descriptions will facilitate a more robust analysis of the work that may be performed and minimize the potential for subsequent environmental analysis to be required.

Biological Resources

2. The Draft EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Plan area, and if appropriate, identify feasible mitigation measures to reduce those impacts. Sensitive species include special-status wildlife, fish, and plants which will be present within the proposed Plan footprint. These species include: Alameda song sparrow (*Melospiza melodic pusillula*), California Ridgway's rail (*Rallus obsoletus obsoletus*), Burrowing owl (*Athene cunicularia*), Longfin smelt (*Spirinchus thaleichthys*), Northern harrier (*Circus cyaneus*), Pallid bat (*Antrozous pallidus*), Sacramento river winter-run, Central Valley spring-run, and Central Valley fall/late fall-run Chinook salmon (*Oncorhynchus tshawytscha*), Salt-marsh common yellowthroat (*Geothlypis trichas sinuosa*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), Townsend's Pacific big-eared bat (*Corynorhinus townsendii*). The City should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Plan area. Identification of rare and sensitive plant species should be reviewed with various California Native Plant Society databases and information sources. The Draft EIR should also include a discussion of consultation with CDFW, USFWS, and National Marine Fisheries Service (NMFS) as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.
3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the Draft EIR should consider the Plan's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction equipment brought in from long stays at distant projects may transport new species to the Plan area via hull biofouling or found in soil transport of work and hauling vehicles. Marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel. Plant invaders may disperse seeds from one area to another via dried mud/soils attached to vehicles from previous work areas. If the analysis in the Draft EIR finds potentially significant AIS and plant impacts, possible mitigation could include contracting vessels from nearby, or requiring contractors to perform a certain degree of hull and vehicle-cleaning. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <https://www.wildlife.ca.gov/Conservation/Invasives>).
4. Construction Noise: The Draft EIR should also evaluate noise and vibration impacts on wildlife and birds from construction. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NMFS. Staff recommends early consultation with these agencies to minimize the impacts of the Plan on sensitive species.

Climate Change

5. Commission staff recognizes the importance of California's transition from traditional energy generation to renewable energy generation, consistent with the state's bold target of 100 percent "zero-carbon" energy procurement by 2045 (Senate Bill 100, statutes of 2018). Nonetheless, construction could potentially result in significant impacts due to greenhouse gases (GHGs) produced during construction. Therefore, the City should ensure a GHG emissions analysis consistent with the California Global Warming Solutions Act (Assembly Bill [AB] 32) and required by the State CEQA Guidelines is included in the Draft EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Plan, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible.

Cultural Resources

6. The NOP indicates that the Plan may affect Cultural and Tribal properties within the proposed Plan footprint. Commission staff suggest that Tribal outreach be implemented as soon as possible with representatives from Tribal groups identified by the Native American Heritage Commission as having cultural or geographic affiliation in the Plan area. Commission staff notes that even if none of the affiliated Tribes has requested notification of CEQA projects, the AB 52 provisions in CEQA require lead agencies to evaluate the potential for the project to impact Tribal cultural resources and avoid such impacts to the extent feasible. Details of Tribal Consultation and outreach, and any mitigation measures agreed to as a result of such Consultation and outreach, should be included in the Draft EIR.

Tribal Cultural Resources.

7. *Tribal Engagement and Consideration of Tribal Cultural Resources.* Commission staff recommends that the City expand the discussion of Tribal engagement and consideration of Tribal Cultural Resources in order to demonstrate compliance with AB 52 (Gatto; Stats. 2014, ch. 532), which applies to all CEQA projects initiated after July 1, 2015.¹ Commission staff notes that the NOP does not contain sufficient information as to how the City will comply with AB 52 provisions, which provide procedural and substantive requirements for lead agency consultation with California Native American Tribes, consideration of effects on Tribal Cultural Resources (as defined in Pub. Resources Code, § 21074), and examples of mitigation measures to avoid or minimize impacts to these resources. Even if no Tribe has submitted a consultation notification request for the Plan area covered by the NOP, the City should conduct the following:

- Contact the Native American Heritage Commission to obtain a general list of interested Tribes for the Plan area

¹ Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 were added to CEQA pursuant to AB 52.

- Include the results of this inquiry within the Draft EIR
- Disclose and analyze potentially significant effects to Tribal Cultural Resources and avoid impacts when feasible

Since the NOP does not disclose if notification or outreach to interested Tribes has occurred and does not document their response, Commission staff recommends that the City include this information in the Draft EIR to maintain a clear record of the City's efforts to comply with AB 52.

Recreation

8. A thorough impact analysis should be included in the Draft EIR to evaluate impacts to proposed Plan footprint during construction. Commission staff encourages a robust analysis of potential impacts to public access sites within the footprint of the proposed Plan and any future maintenance requirements with the below surface contamination or ongoing monitoring requirements. The analysis should consider how the public may be affected by the proposed Plan as a result of any ground disturbance activities and any mitigation improvements within the proposed Plan.

Mitigation and Alternatives

9. Deferred Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures must be specific, feasible, and fully enforceable to minimize significant adverse impacts from a project, and "shall not be deferred until some future time." (State CEQA Guidelines, §15126.4, subd. (a)). All identified mitigation measures included in the Draft EIR should comply with State CEQA Guidelines.
10. Alternatives: The Draft EIR should evaluate any and all possible alternatives to reduce temporary and permanent impacts as a result of the proposed construction. A description of the Preferred Project as well as the environmentally superior alternative should be clearly identified and evaluated with mitigation to reduce significant impacts to the lowest possible level.

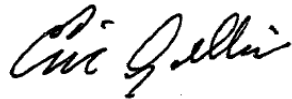
Environmental Justice

11. The NOP does not state whether the City intends to discuss and analyze potential environmental justice related issues, including an assessment of public access and equity implications and who would bear the burdens or benefits from the proposed Plan. Commission staff believes the Draft EIR, as an informational public document, is an appropriate vehicle to disclose and discuss how the proposed Plan would attain or be consistent with the City's equity goals and statewide policy direction.

Thank you for the opportunity to comment on the NOP for the Plan. As a responsible agency, Commission staff requests that you keep us advised of changes to the Plan and all other important developments. Please send additional information on the Plan to the Commission staff listed below as the Draft EIR is being prepared.

Please refer questions concerning environmental review to Christopher Huitt, Senior Environmental Scientist, at (916) 574-2080 or christopher.huitt@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Marlene Schroeder, Public Land Management Specialist, at (916) 574-2320 or marlene.schroeder@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or jamie.garrett@slc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gillies", written in a cursive style.

Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Garrett, Commission
C. Huitt, Commission
M. Schroeder, Commission
P. Huber, Commission



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March 16, 2020

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005

Subject: Brisbane Baylands Specific Plan Environmental Impact Report (EIR)

Dear Mr. Swiecki:

The Peninsula Corridor Joint Powers Board (JPB) is pleased to provide the following comments on the Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan Environmental Impact Report (EIR). The JPB provided comments in 2014 on the previous environmental review process that was completed by the City, a Program EIR for the Brisbane Baylands General Plan Amendment and Specific Plan. The JPB understands that the City of Brisbane has determined that a new EIR is needed to analyze the environmental effects of the proposed Baylands Specific Plan. This new EIR will build on the informational and analyses that were set forth in the earlier Program EIR with new and updated environmental impact analyses.

The Brisbane Baylands Specific Plan encompasses an area that is bisected in a north-south direction by Caltrain's railroad tracks, and the northern portion of the Specific Plan area includes the Caltrain Bayshore Station. In addition to plans for 2,200 residential units and approximately seven million square feet of commercial uses, the JPB understands that the Brisbane Baylands Specific Plan includes circulation improvements in the area, including improved transit connections to the Caltrain station and two new bridge crossings over the JPB's right-of-way.

The NOP for the Brisbane Bayshore Specific Plan EIR lists the JPB as one of the local and regional agencies whose approval is subsequent to the approval of the Baylands Specific Plan. In particular, it notes that "encroachment permits if construction occurs within right-of-way owned by the Peninsula Corridor Joint Powers Board (Caltrain)". This is correct; all project elements and construction activities that incur over, through, or under the JPB's right-of-way will require coordination and review with the JPB, including but not limited to a wide range of design coordination, engineering review, agreement, and permitting by the JPB. It is also important to note, however, that any of the

proposed transportation improvements that involve or relate to Caltrain will need to be coordinated directly with the JPB, to ensure compliance with JPB standards and plans, as well as agreement on cost and maintenance studies. In particular, the JPB should be directly involved in any future engineering and architectural studies and funding discussions related to the Bayshore Station and station access and egress elements. To that end, we would suggest that the environmental analysis be revised to also list the JPB as an agency that requires interagency cooperation agreements to coordinate and implement improvements to public facilities and infrastructure elements.

In general, the JPB encourages transit-oriented development and investments at stations along the Caltrain corridor that support ridership and enhance mobility and connectivity for all modes of transportation, especially sustainable transportation modes. At this time, we look forward to reviewing environmental analyses that comprehensively address our critical areas of concern with regards to the Brisbane Baylands Specific Plan. This includes but is not limited to the following: Caltrain transit service impacts, including whether changes to Caltrain's existing and future anticipated schedules and operations and the use of the railroad's infrastructure would be required to support projected levels of ridership; bus and shuttle transit access, capacity, and circulation, especially as they relate to station access and egress; pedestrian and bicycle connectivity and facilities, especially as they relate to station access and egress; and auto access and circulation, including private autos, taxis, transportation network companies (Lyft, Uber), and pick-up/drop-off, especially as they relate to station access and egress.

In addition to the issues enumerated above, we note with some concern that there appears to be an ongoing disconnect between the development envisioned in the Brisbane Baylands Specific Plan and the proposed use of a portion of the same area for a future California High Speed Rail Light Maintenance Facility (LMF). The proposed LMF is has been under planning and discussion by HSR for some time and is included in their Draft EIR for the San Francisco to San Jose segment- planned for release and comment this spring. We urge the City of Brisbane and the Authority to continue their work together to ensure a consistent plan for the Baylands site.

Sincerely,



Michelle Bouchard
Chief Operating Officer, Rail

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

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a California Way of Life.*

April 20, 2020

SCH # 2006022136

GTS # 04-SM-2016-00316

GTS ID: 483

Co/Rt/Pm: SM/101/25

John Swiecki, Planning Director
City of Brisbane
50 Park Place
Brisbane CA 94005

Brisbane Baylands Specific Plan- Notice of Preparation (NOP)

Dear John Swiecki:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Brisbane Baylands Specific Plan project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the March 2020 NOP.

Project Understanding

The proposed plan encompasses 684 acres adjacent to US-101 which borders the proposed project site to the east. The proposed project includes 2,200 residential units, 7 million square feet of office/commercial space, and approximately 130 acres of open space and parks. Associated improvements include grading, roadways, renewable energy generation, water recycling facility, utilities and infrastructure. Actual construction of the project proposed in the plan is in phases.

Travel Demand Analysis

Please submit a travel demand analysis that provides a Vehicle Miles Traveled (VMT) analysis resulting from the proposed project. Please note that a travel demand analysis that provides a Vehicle Miles Traveled (VMT) analysis will be required as part of the California Environmental Quality Act (CEQA) process as of July 1, 2020. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on

transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. The travel demand analysis should include:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the State Transportation Network (STN). Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

With respect to the local and regional roadway system, the full impacts to the State Transportation Network must be analyzed. A Transportation Impact Analysis should be performed to provide project-related trip generation, distribution, turning movements, and assignment estimates. The project-generated and cumulative trips should be added to the existing, future and cumulative scenario traffic volumes for all intersections affected by the project. Due to the proximity to STN ramps, access to the site must be studied. Additionally, as stated on page 17, the impact to the ramps and mainline should be evaluated. In conducting these evaluations, it is necessary to use demand

volumes rather than output volumes or constrained flow volume.

Multimodal, Bicycle and Pedestrian Planning

The project's primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit users should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Please clarify how bicyclists and pedestrians will be able to access the site and transit facilities. As well, please clarify how this project site will connect active transportation facilities to nearby activity centers and existing or future trail and or transit facilities. These smart growth approaches shall be consistent with MTC's Regional Transportation Plan/SCS and would help meet Caltrans Strategic Management Plan targets.

Page 13: The "Infrastructure" section discusses proposed circulation improvements, including a new bridge crossing resulting in the extension of Geneva Avenue from Bayshore Boulevard to US 101 to accommodate automobiles, pedestrians, bicyclists, and a bus rapid transit service. Caltrans supports this proposed improvement because it supports the goals of the US-101 Comprehensive Corridor Plan (CCP) that was completed by Caltrans D4 in February 2018. Goal 4 of the CCP supports an accessible and inter-connected multimodal transportation system within the corridor. Goal 5 of the CCP supports the reduction of pollutants and greenhouse gas emissions (GHG). The proposed bridge will potentially make this corridor more accessible for different and active transportation modes, which supports the reduction of GHG emission by encouraging public transit and active transportation modes.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 4c: Suburban Communities (Dedicated Use Areas)** where location efficiency factors, such as community design, are often weak and regional accessibility varies. Given the place, type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below can promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Ten percent vehicle parking reductions;

- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;
- Unbundled parking;
- Secured bicycle storage facilities;
- Bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Transportation Impact Fees

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Construction-Related Impacts

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified in the EIR. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

Prior to construction, coordination is required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application, six (6) sets of plans clearly delineating the State ROW, six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at (510)286-5614 or laurel.sears@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Mark Leong
District Branch Chief
Local Development - Intergovernmental Review



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 16, 2020

Mr. John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005
baylands@brisbaneca.org

Subject: Brisbane Baylands Specific Plan, Notice of Preparation, SCH #2006022136, City of
Brisbane, San Mateo County

Dear Mr. Swiecki:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) prepared by the City of Brisbane for the Brisbane Baylands Specific Plan (Project) located in the City of Brisbane, San Mateo County. CDFW is submitting comments on the NOP regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

The Project is located within the northeast corner of San Mateo County. The Project is bounded on the north by the City and County of San Francisco, on the east by the US 101 freeway, and on the west and south by Bayshore Boulevard.

The Project includes the development of approximately 2,000 residential units and 7 million square feet of commercial space, acquisition of an annual water supply of 2,400 acre-feet from Oakdale Irrigation District, green energy generation and infrastructure, park and trail creation.

ENVIRONMENTAL SETTING

The state special-status species that have the potential to occur in or near the Project site, include, but are not limited to:

- Alameda song sparrow (*Melospiza melodia pusillula*), state species of special concern;
- California Ridgway's rail (*Rallus obsoletus obsoletus*), state listed as fully protected under Fish and Game Code, state listed as endangered under CESA, federally listed as endangered under the Endangered Species Act (ESA);
- Burrowing owl (*Athene cunicularia*), state species of special concern;
- Longfin smelt (*Spirinchus thaleichthys*), state listed as threatened under CESA, federally listed as a candidate species under ESA;
- Northern harrier (*Circus cyaneus*), state species of special concern;
- Pallid bat (*Antrozous pallidus*), state species of special concern;
- Sacramento river winter-run, Central Valley spring-run, and Central Valley fall/late fall-run Chinook salmon (*Oncorhynchus tshawytscha*), state listed as endangered under CESA, federally listed as endangered under ESA.
- Salt-marsh common yellowthroat (*Geothlypis trichas sinuosa*), state species of special concern;
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), state listed as fully protected under Fish and Game Code, state listed as endangered under CESA, federally listed as endangered under ESA; and
- Townsend's Pacific big-eared bat (*Corynorhinus townsendii*), state species of special concern.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Brisbane in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

COMMENT 1: Full Project description of Project features

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and require that it contain sufficient information to evaluate and review the Project's environmental impact.

To fully address the Project's impacts to fish and wildlife resources. Please include complete descriptions of the following features within the draft EIR:

- Residential and commercial building heights and widths;
- Introduction of sources of light and glare into habitat areas;
- Stormwater or effluent drainage outlet systems, including systems draining into the San Francisco Bay and Brisbane Lagoon;
- Detailed description of proposed work (e.g., crossing improvements, repairs, etc.) at and within stream crossings;
- Renewable energy generation type and infrastructure; and
- Location, type, and height of all fencing.

COMMENT 2: Cumulative impacts

The Project has a potential to contribute to cumulative impacts, such as decreasing in wildlife connectivity due to the installation of fencing and infrastructure; increase in deleterious material (e.g., trash, pollutants, etc.) into streams, Brisbane lagoon, and the San Francisco Bay due to the increase of residences and visitors to commercial space; and increase in stream flow due to the culverting of ditches and the funneling of storm runoff throughout the project into streams, Brisbane Lagoon, or the San Francisco Bay. Any cumulative impact to biological resources should be mitigated to the extent possible or avoided.

CDFW recommends that the Project incorporate wildlife friendly fencing (if fencing is proposed), creation of wildlife bypasses to mitigate for decreases in wildlife connectivity, education future residences and visitors regarding leaving no trace while on open spaces trails, and ensuring that storm runoff is dispersed as sheet flow along the landscape and not funneled into streams, Brisbane Lagoon, or the San Francisco Bay.

COMMENT 3: Wind energy

Wind energy, specifically collisions with wind turbine blades, are known to cause mortality, injury, and cause disturbances to bird and bat species. When developing wind energy projects, CDFW strongly recommends using the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development* October 2007 (<https://wildlife.ca.gov/Conservation/Renewable-Energy/Activities/Wind>) to assess bird and bat activity at the Project site, avoid or minimize impacts, and mitigate for impacts.

To evaluate and mitigate for potential impacts to biological resources, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Wind Turbine Location

CDFW recommends having a qualified avian and bat biologist develop a minimum of a one-year study in conjunction with the assessment to determine the flight patterns and activity of birds and bats within the Project site. Once high activity locations are determined, CDFW recommends that wind turbines are not located in these locations.

Recommended Mitigation Measure 2: Wind energy operational periods

Current research has also identified that shutting off wind turbines during bat migration period could decrease bat mortalities associated with operation of wind turbines (Smallwood and Bell, 2020). CDFW recommends not operating wind turbines during bat migration periods to minimize bat mortality.

Recommended Mitigation Measure 3: Wind Turbine Monitoring

CDFW recommends that a qualified avian and bat biologist develop a bird and bat monitoring plan for a minimum of five years to determine impacts of wind energy operations to bird and bat species and the effectiveness of wind energy operation periods. If annual

monitoring identifies that current wind energy operations are not protecting bird and bat species, the qualified avian and bat biologist should develop a plan to further minimize impacts of wind energy operations to bird and bat species.

The monitoring plan should also provide annual reports to CDFW.

COMMENT 4: State Fully Protected Species

State fully protected species may occur within the Project area. CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take, as defined by Fish and Game Code § 86 is to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”, of any fully protected species is prohibited and CDFW cannot authorize their incidental take. Without appropriate mitigation measures, Project activities conducted within occupied territories have the potential to significantly impact these species.

Without appropriate avoidance and minimization measures for fully protected species, potentially significant impacts associated with Project activities may include, but are not limited to inadvertent entrapment, reduced reproductive success, reduced health and vigor, nest abandonment, loss of nest trees, and/or loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality.

To evaluate and avoid potential impacts to fully protected species, CDFW recommends incorporating the following mitigation measures into the Project’s draft EIR, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 4: Fully Protected Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment, before Project implementation, to determine if the Project site or its vicinity contains suitable habitat for fully protected raptors.

Recommended Mitigation Measure 5: Fully Protected Species Surveys

To avoid impacts to fully protected species, CDFW recommends that a qualified biologist conduct species-specific surveys (using standard protocol or methodology, if available) of the Project site before Project implementation. If Project activities will take place when fully protected species are active or are breeding, CDFW recommends that additional pre-activity surveys for active nests or individuals be conducted by a qualified biologist no more than seven (7) days prior to the start or restart of Project construction and every 14 days during Project construction.

Recommended Mitigation Measure 6: Fully Protected Species Avoidance

In the event a fully protected species is found within or adjacent to the Project site, CDFW recommends that a qualified wildlife biologist develops an appropriate no-disturbance buffer to be implemented. The qualified biologist should also be on-site during all Project activities to ensure that the fully protect species is not being disturbed by Project activities.

COMMENT 5: Nesting Birds

CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through early-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or Fish and Game Codes.

To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 7: Nesting Bird Surveys

CDFW recommends that a qualified avian biologist conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every 14 days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, CDFW recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Recommended Mitigation Measure 8: Nesting Bird Buffers

If continuous monitoring of identified nests by a qualified avian biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified avian biologist advise and support any variance from these buffers.

COMMENT 6: Bats

Bat species are known to occur within and surrounding the Project site. To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 9: Bat Habitat Assessment

To evaluate Project impacts to bats, a qualified bat biologist should conduct a habitat assessment for bats at work sites seven (7) days prior to the start of Project activities and every 14 days during Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.

Recommended Mitigation Measure 10: Bat Habitat Monitoring

If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.

Recommended Mitigation Measure 11: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species [CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065]. Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

Mr. John Swiecki
City of Brisbane
March 16, 2020
Page 7

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Thank you for the opportunity to comment on the Project's NOP. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or monica.oey@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or randi.adair@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2006022136

REFERENCES

Smallwood, K.S. and D.A. Bell. 2020. Effects of Wind Turbine Curtailment on Bird and Bath Fatalities. The Journal of Wildlife Management 1-12.

March 19, 2020

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GAVIN NEWSOM
GOVERNOR



John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005
Submitted via e-mail to baylands@brisbaneca.org

**RE: Brisbane Baylands Specific Plan
Notice of Preparation of an Environmental Impact Report**

Dear Mr. Swiecki,

This letter is the California High-Speed Rail Authority's (Authority) comments on the Notice of Preparation (NOP) issued on February 20, 2020 for the Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan (Project).

The summary description of the Project and the scope of environmental analysis in the NOP makes no reference to the Authority's plans to locate a Light Maintenance Facility (LMF) at the Brisbane Baylands. This letter outlines our concerns about this absence and recommends that the EIR include an alternative that reconfigures the Project to account for the LMF.

Authority Consideration of the Brisbane Baylands for the LMF

The Authority has considered the Brisbane Baylands as a potential location for the LMF for over a decade starting with Preliminary Alternatives Analysis dating back to 2010. In 2013, the Authority submitted comments on the 2013 Baylands Specific Plan EIR regarding our interest in locating the LMF at the Brisbane Baylands.

On May 9, 2016, the Authority and FRA published a NOP and Notice of Intent (NOI), which initiated scoping for the San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The high-speed rail (HSR) project as described in the NOP/NOI includes stations in San Francisco, Millbrae, and San Jose with a LMF in Brisbane. The EIR/EIS HSR project alternatives were presented during the public scoping period between May 9, 2016, and July 20, 2016. Public scoping activities included three scoping meetings and approximately 30 meetings with business and community groups, early agency coordination, and elected official briefings.

On and around June 20, 2018, the Authority again reiterated its plans to locate a LMF at the Brisbane Baylands site in its letter and comments when Brisbane was considering certification of the Final EIR for the Baylands General Plan Amendment, under which this Specific Plan is being developed.

Most recently, the Authority conducted outreach in July and August 2019 concerning the staff-recommended HSR Preferred Alternative with stakeholders and members of the public to receive their feedback for the Board of Directors to consider with the identification of the HSR Preferred Alternative. More than 300 community members, stakeholders, and agency officials attended briefings and meetings throughout the corridor during this outreach period, which included the Brisbane City Council Meeting on July 18, 2019.

At the September 17, 2019 Authority Board meeting, the Authority identified Alternative A as the HSR Preferred Alternative for analysis in the EIR/EIS for the San Francisco to San Jose Project Section. A summary of the history of the preliminary engineering and environmental analysis of the San Francisco to San Jose Project Section can be found in the staff reports for the September 17, 2019 board meeting on the Authority's website at https://www.hsr.ca.gov/about/board/meetings/minutes_2019.aspx. Alternative A includes the LMF alternative on the east side of the Caltrain corridor in the Brisbane Baylands.

The HSR project is now under construction and being implemented in phases within the 30-year planning horizon for the Project. The current Draft 2020 Business Plan, published February 12, 2020, identifies 2031 as the opening year for service that would include the LMF and 2033 as the opening year of Phase 1 service from San Francisco to Los Angeles and Anaheim, well before the 2050 buildout of the Project. Currently, 119 miles of high-speed rail infrastructure is under construction in the Central Valley and the Authority is supporting the electrification of the Caltrain Corridor between San Francisco and San Jose with plans to use that infrastructure in the future.

The Authority is preparing the EIR/EIS which will evaluate the implementation of high-speed rail service between San Francisco to San Jose along the Caltrain right-of-way as part of a blended system. The EIR/EIS proposes a LMF at the Brisbane Baylands as a feature of each HSR project alternative, with Alternative A locating the LMF on the east side of the Caltrain corridor and Alternative B locating the LMF on the west side of the Caltrain corridor. The Draft EIR/EIS will include an analysis of the LMF alternatives at an equal level of detail. The Draft EIR/EIS will be available in summer 2020, which will be available to inform your Project EIR.

Statewide Significance and Functions of the LMF

The LMF is a critical component of the overall high-speed rail system. The LMF needs to be located adjacent to the mainline tracks to provide convenient and close connections to the HSR mainline tracks for both southbound and northbound access. Northbound and southbound access supports timely provision of trainsets to the nearby terminal station and facilitates switching trainsets out during normal operations. Up to

one third of the statewide train fleet would need storage space at the LMF. The Authority's plans and engineering drawings for the two LMF alternatives are attached to this letter.

Maintenance of the HSR trainsets, which will occur on a daily, monthly, and quarterly basis, will take place at the LMF. Maintenance activities include train washing, interior cleaning, wheel truing, testing, and inspections. These activities may occur between runs or as a pre-departure service at the start of the revenue day. Trains and crew will be dispatched from the LMF to the terminal station in San Francisco to begin revenue service throughout the day. The LMF will also support a limited number of trainsets dispatched to the San Jose Diridon Station and will function as a service point for any trains in need of emergency repair services. The LMF will be in operation 24 hours per day, with four overlapping shifts of workers rotating in and out of the site.

Eastside Location for LMF is the HSR Preferred Alternative

Alternative A, the Preferred Alternative, based on analysis by staff done to date, represents the best balance of adverse and beneficial impacts on community and environmental resources, and maximizes the transportation benefits of the high-speed rail system. The East Brisbane LMF under Alternative A would construct the East Brisbane LMF adjacent to existing vacant and industrial uses, avoiding and minimizing impacts to planned development allowed by the Brisbane General Plan on the west side of the Caltrain tracks, including planned housing development.

Specific Plan EIR Accounting for LMF in its Project Alternative(s)

The Brisbane Baylands Specific Plan EIR needs to consider the LMF in the design of the project and/or its alternatives. Specifically, in order to disclose the impacts of the Specific Plan buildout in light of the LMF buildout, the redesigned project and/or alternative(s) should allow for the LMF, including the LMF space requirements, the need to elevate the Geneva Extension, the need to relocate the Caltrain Station, and land use compatibility with HSR mainline and LMF operations.

As described above, the LMF alternatives under consideration by the Authority in the HSR project EIR/EIS would occupy a portion of the land proposed for residential, commercial, and/or other land uses with the Specific Plan. As such, with the LMF, the Specific Plan would not be able to be completely built out. Since at present, the HSR EIR/EIS includes two LMF alternatives, several alternatives for the Specific Plan EIR could be considered. In addition, the EIR needs to analyze the cumulative effects of both land use development and the HSR project per CEQA requirements.

Concluding Remarks

We recognize the City's need for a new EIR for the Specific Plan to address the differences between the proposed Specific Plan and development that was evaluated in the final Program EIR certified by the City Council in July 2018.

The range of alternatives to the Project in the EIR needs to consider an alternative (or alternatives) that allow and account for the LMF. The Authority can assist the City and

property owner in developing alternative (or alternatives) that account for a LMF. In addition, the cumulative analysis needs to consider the combined effects of land use development and the HSR project. Full acknowledgement of and accounting for the HSR project and the LMF in the Specific Plan EIR will foster informed decision-making by the City Council, Baylands Development Inc, and the community of Brisbane. Thank you for the opportunity to comment on the NOP. Please contact us if you have any questions or need any clarifications of our request.

Sincerely,



Boris Lipkin
Northern California Regional Director
(415) 370-0822
Boris.Lipkin@hsr.ca.gov



Mark A. McLoughlin
Director of Environmental Services
(916) 403-6934
Mark.McLoughlin@hsr.ca.gov

Attachments:

1. 11/20/12 Authority letter re: Revised Notice of Preparation for Brisbane Baylands Specific Plan
2. 6/20/18 Authority letter re: Certification of Final EIR Baylands General Plan Amendment
3. April 2019 Preliminary Engineering for Project Definition Record Set drawings of LMF in Alternative A
4. April 2019 Preliminary Engineering for Project Definition Record Set drawings of LMF in Alternative B

NOP Comments – Transportation Items of Study

Complete Streets Safety Committee

The Complete Streets Safety Committee asks that the following topics that are not explicitly identified in the NOP or that require further clarification be studied in the EIR.

Infrastructure – Circulation Improvements (p. 13)

- Neighborhood traffic impacts – Central Brisbane, Northeast Ridge, adjoining neighborhoods in Daly City and San Francisco
- Traffic impacts on Bayshore Blvd and potential mitigation measures such as expansion of light rail to reduce vehicle trips
- Curbside management and on-street public parking demand
- On-street and/or off-street parking for Caltrain station
- Integration of proposed interchange reconfiguration at US-101/Geneva Ave/Alana Way
- Clarification on description and location of proposed bridges

Construction Activities (p. 14)

- Construction traffic impacts to the public such as temporary route diversions for US-101 access
- Emissions and roadway deterioration associated with truck trips needed for excavation of 5 million cubic yards of soil and movement of 2.2 million cubic yards of soil across the project site

Figure 6 – Proposed Shuttle Bus System (p. 17)

- Shuttle service coverage in areas outside of Baylands such as Central Brisbane (as well as southerly on Bayshore Blvd to city limit), Northeast Ridge, Sierra Point, and SSF
 - Clarification on Phase C extensions beyond north and south limits of map
- Shuttle Phase B/C connection to Central Brisbane via Tunnel Ave and Lagoon Rd to provide direct access between downtown Brisbane and Baylands campus office development

Figure 8 – Proposed Trails System (p. 21)

- Pedestrian facilities network – show existing on map, and assess and show proposed facilities within residential and commercial areas and along shuttle routes
- Separated bike/pedestrian facilities through open space (Visitacion Creek, Lagoon Park, etc.) to enhance commuter travel and recreational use
- Bike lanes or buffered bike lanes as appropriate along roadways for commuter travel
- Potential to fill gap in Bay Trail through separated bike/pedestrian facilities on proposed Sierra Point Pkwy extension and improvement of existing bike facilities on Sierra Point Pkwy
- Potential for expansion of bike lane network into Central Brisbane and Crocker Park
- Clarification on dashed lines in Central Brisbane shown in figure

Approvals from Other Agencies (p. 23)

- Inclusion of San Mateo County Transportation Authority, San Mateo County City/County Association of Governments, and San Francisco Municipal Transportation Agency as part of interagency cooperation

**Comments on the Scope and Content
Of the 2020 Environmental Impact Report
For the Brisbane Baylands Specific Plan
From
CREBL Action Team**

In response to the request for comments in the notice of preparation for the Brisbane Baylands Specific Plan EIR, the Action Team of the Committee for Renewable Energy in the Baylands (CREBL) offers the following:

Renewable Energy Alternative: One of the alternatives to the landowner's Specific Plan proposal studied in the Environmental Impact Report (EIR) should be a Renewable Energy Alternative. It is appropriately revised from the original program level alternative. Some of the broad features of this alternative should be:

1. *Solar Farm*. The solar farm should be large enough to not only provide all the energy required to bring the Baylands development to zero carbon as specified in the Sustainability Framework referenced in the General Plan but also to provide a significant amount of the energy needs of the rest of Brisbane. The 2013 study by the National Renewable Energy Lab (NREL) found that a 100-acre solar farm on the landfill was economically feasible. With the continuing significant decline in solar prices, it will be even more feasible under current and future conditions. Furthermore, Peninsula Clean Energy has expressed an interest in locally generated solar energy. The State of California has set goals for renewable energy and reduction in greenhouse gas emissions, and this solar farm would make an important community contribution to their achievement.

2. Location of the solar farm. The eastern garbage-based landfill is the best location for several reasons. The eastern part of the Baylands gets more sunlight. An economically efficient location of solar farms is over parking areas. That observation is relevant because both Recology and the High-Speed Rail Authority as well as the Campus Commercial proposed in the Specific Plan will have parking needs. A collaboration between all of these land uses, presuming their implementation, would result in the most efficient outcome.
3. Microgrid and battery storage. A greater energy independence for Brisbane, especially in emergencies, would be made possible by the Baylands having its own microgrid and battery storage capacity for the excess solar energy generated during peak hours. That storage capacity would assist the Statewide energy-production system achieve a better 24-hour balance. It has already experienced periods when daytime energy produced has exceeded the immediate need while meeting the night-time supply need required fossil-fuel backup. Two Brisbane residents have made a substantial presentation to the City Council promoting the advantages of this approach.
4. Further differentiation from Specific Plan. Another way in which this alternative could be different for EIR study purposes would be the amount of commercial space allowed. The housing units would be the same as in the Specific Plan, but the commercial square footage could be 4 million plus the 500,000 square feet for the hotels.

High-Speed Rail Alternative: Since the High-Speed Rail Authority Board has identified the east of Caltrain landfill as the preferred location of its Northern Maintenance Yard site, and the environmental study of that potential alternative land use is underway, it makes sense for it to be one of the alternatives studied in the Baylands EIR. CREBL mentions this because previous regional High-Speed Rail managers have expressed an interest in cooperating with a solar farm plan on the Baylands.

Environmentally superior alternative: The previous program-level EIR for the Baylands identified the Renewable Energy Alternative as the environmentally superior alternative. If the

City really believes in its Sustainability Framework and in its standing as one of the most environmentally committed cities in California, then a truly comprehensive and honest EIR must include and seriously consider the renewable energy alternative.

March 17, 2020

Submitted by Tony Attard (tonyattard@yahoo.com) and Anja Miller (anjakmiller@cs.com)

TO: The City of Brisbane
FROM: Dana Dillworth
RE: NOP Baylands Specific Plan
May 24, 2023

Thank you for the opportunity to comment on a Revised NOP for The Baylands Specific Plan. As presented, this seems to be another concept map and framework document. This is not in compliance with Brisbane's Amended General Plan nor State CEQA clean-up goals, and would require a General Plan Amendment. Studies on electro-magnetic radiation fields around substations, underground lines and their synergistic effects with known Baylands toxic chemicals that will remain in place, need to be conducted before this can be approved.

Measure JJ (GP-1-18) requires a specific plan to have details, particularly **full descriptions of all environmental considerations**, the timing and approvals of the cleanups and closures, **a reliable water supply**, and the economics as "transportation-related and other infrastructure, facilities, and site amenities (e.g. parks, open space preservation, habitat enhancement) **shall be provided at the developer's cost.**"¹

The adopted Land Use Diagram in GP-1-18 only allows Heavy Commercial use (HC) above the proposed Geneva Extension in the Beatty SubArea. Table 5 as amended only allows Heavy Commercial use in the Beatty Subarea. These newly proposed Heavy Commercial designations are the antithesis of what we were promised about housing, which was to remove heavy industrial uses in favor of creating a livable community. Otherwise you need to do an adequate review of your policies for environmental racism, your policies which will place low-income and disabled people's housing along a high speed rail corridor whose potential spill or derailment hazards include a regional petroleum tank facility and utility-scale lithium battery storage. Alone or combined, this plan may be catastrophic.

Adequate safety studies about rail accidents, particularly recently, should render a no project recommendation, or relocation of the proposed battery and substation facility, and/or a reduction in residential units to have fewer 24/7 potential victims of derailment and harm from low-electromagnetic-frequency radiation.

The recent loss/disappearance of 60,000 pounds of ammonium nitrate from a rail car, possible leak, possible theft... makes planning near rail lines require more scrutiny. BDI keeps adding more dense uses without recognizing this is greater than what the community approved. I do not remember 270 foot tall buildings in the 2015 plan on the lower rail yard and ask if higher buildings make Kinder Morgan's toxic burner need a remodel? I also don't think that it reflects "cohesion and character of the [Brisbane] community." Perhaps we reduce commercial allowances? What will this look like from the Northeast Ridge after the fill elevation?

The FEIR from the Baylands Concept Plan by Metis Environmental Group, dated May 2015 has three volumes of recommendations from the previous submissions on the prior approved concept plan. Please go through each response and determine whether and how these mitigations and needed studies have been addressed. Additionally new information is available about sea-level rise since 2015 and cities and waste dischargers are asked to respond to the issue.

First glance, some issues may be addressed, but a lack of studies from incorporating the Northeast Bayshore subarea into Baylands PD may put people, city workers, sensitive receptors, and the environment at risk. The areas north and south of the current fire station are

¹City of Brisbane Fact Sheet on Measure JJ

some of our last freshwater wetlands with wild, native Pacific Chorus Tree Frog populations and possible Red-legged Frog and SF Garter Snake habitat. An area earmarked as “Community Fields” may be too toxic for that use from the former rail activities and GVMID Sanitary Sewer uses. It hasn’t been tested, but there were raw sewage and heavy metal spills in the area and whatever leaks from Machinery Equipment yard. You have not described what tests you have done to ensure a safe environment for Public use.

Properly designed, this flood zone area (from Crocker Park/Lagoon to the PG&E marsh at Main) could contain detention ponds coming through a restored daylighted Guadalupe Creek on the south side and a restored Visitation Creek on the north side of Ice House Hill (commercial area.) The habitat significance of this area is under recognized, but, historically, it is the area kids go to for tadpole captures for school projects, for generations. A full Mountain-to-the-Bay Creek Restoration Plan should be considered and studied as it is the basis of the Wetlands River Park concept in our Open Space Plan... The time is now.

Lands designated as Open Space need to be safeguarded from California’s newly enacted housing laws. These Open Space zones may be forced into housing use without any environmental review. The Baylands Park and future streets will be re-located heavy metal toxic zones per the remediation plans. You need to clarify that these wetlands and future street areas are unstudied, former industrial toxic waste zones. A new land use “Remediation Zone” (RZ) could be considered. What are our safeguards to prevent housing on never-tested ground from being spot-zoned, like our Park and Ride lots?

The fire station’s proposed relocation site is on former marsh lands. Crocker Park is showing up as vulnerable to sea-level rise. You need to inform us what plans we have for these areas.

As a waste discharger, the informed Public needs to know. There is no mention of a sea-level rise adaptive strategy for Uno-Cal (Brisbane’s corporation Yard). A provision like “all construction begins 20 feet MSL”, or “sump systems must be installed,” or even whether Bayshore Blvd needs to be raised and what impacts placing the fire station even 500 feet way from Bayshore creates to additional response and idle times. While Valley Drive is convenient, I think the impacts may be too great, and an alternative site on higher land should be considered, like at Bayshore and Guadalupe: 150 North Hill or the Tech Park.

The developer is asking for 400 more residential units and additional acres of heavy industrial use without any reduction of other development impacts. An explanation of why the additional risks (emf exposure, accidents) and impacts is warranted for the additional construction and carbon footprint it will cause. More residents, more danger is not more desirable.

CEQA requires discussion of reasonably foreseeable projects in the plan area and this document suspiciously omits discussion of High Speed Rail. I wondered why I had not seen the Baylands Specific Plan NOP in early 2020 (during State-wide Covid lockdown) and found that BBCAG was engaged with comments on the DEIR for the High Speed Rail SF to SJ Project Station.² As a State-required Citizen Advisory group, BBCAG had not been informed of the NOP for The Baylands Specific Plan nor considered stakeholders to the following City-run workshops.

Suspiciously, the lands which you are defining as Open Space and utility scale infrastructure were earmarked by High Speed Rail. I am not certain if this is in the Public’s interest to ignore regional transit goals nor whether a battery utility should be located in such a vulnerable, flood prone area, please review.

² Public Comments submitted to HSR

What are the assurances to future generations that this newly designated Open Space will indeed remain for the purpose of habitat and storm event buffer? Which citizens will vote to permanently change the entry to town to a Heavy Commercial designation and have the chance that Recology would relocate there or some other unwanted heavy “commercial” industrial use be proposed? If anything, Solar Power, renewable energy generation should only be considered a conditional or interim use.

The Open Space we proposed was not intended to be the most toxic lands out there, but much in this plan are. The fuel leak east of Kinder Morgan and former dump's methane gas wells are called “Baylands Preserve.” More correctly, it should be designated a “Remediation Zone.” Usually preserves are of high biotic value, it seems unlikely in this location. I will love to see the studies and plan that shows what species and signs of improvement/performance you expect. Your generic plan is insufficient.

If you are introducing a Paul Stamet’s style mycological remediation to the Kinder Morgan fuel spills, then I am ALL for it. But it’s not here in the plan. Preserve is a false description of this area. It has specific parameters to be met from a Fish and Wildlife perspective. We would love to see their input. In the prior plan this area was a raised berm, and should be in this one. It should remain a protective shield from a potential Kinder Morgan accident.

Figure 2: Baylands Specific Plan Areas (Project Site) map in the Revised NOP does not appear in the Specific Plan, but is similar to 0.2 Existing conditions with details. What are the rules for the Kinder Morgan, Golden State Lumber, Public facilities, and Recology islands? Could they conceivably plan for 6.5 million sq ft. commercial and .5 million sq. ft. hotel too? Will their impacts and plans be add to this concept plan? Are they PD too?

Golden State Lumber and Kinder Morgan have toxic gas burners on them. They are Public hazards and nuisances. These are part of the current conditions which needs to be mapped and acknowledged in the existing conditions and background information areas. The Public’s right to know these dangers are beneficial in the siting of future fire stations and other Public uses. Their absence is alarming.

There are new training and lithium battery fire suppression protocols. Are these going to be “tried out” in the proposed old fire station training grounds? Is that why there are damaged cars presently out there? Cars whose fluids are leaking into the Guadalupe Creek? The current training use needs to be fully identified, properly assessed, and potentially relocated along with the gun range and corporation yard. Doesn’t the community get the opportunity for an open Public facility re-use discussion? What about a temporary homeless shelter since we recently redid the roof?

I ask that you look at each map for incorrect information. Such as, “Bio-tech Industry” (2x) and “Industrial Uses” on Figure 2 RNOP. This is not accurate. They are a Technology Park and a Public Facility.

This document needs the same thorough public review as the prior plan. Not the 30 day slam-dunk. Each and every community group needs time for input and hearings. While this is much closer to what the environmental community wants, the devil is in the details.

We proposed solar/renewable energy generation in lieu of housing, not plus housing. By spreading housing over a larger plane, you have created a more dense commercial environment, very unlike Brisbane, unlike anything in the peninsula. The proposed minor arterial street structure is disconnected from Central Brisbane and seems insufficient to move around the tens of thousands of new people you anticipate.

An all electric transportation system must be defined and planned and not left to “when available” or “if feasible” statements. Curious how ADA and elder-aging organizations will look at your street articulation, and how planters and stairs become barriers in figures 3.53-3.55. How are ADA compliance considerations being handled? Where are the street-level elevators? All I see are tripping hazards and stampedes of people fleeing from earthquake-damaged buildings. I see dead people.

I continue to object to our Publicly-owned, Public Trust State Lands Commission lands (Lagoon Park) being included in the Open Space totals for this Development Plan. The 25% Open Space should be integrated into the whole plan. It should be above and beyond areas waiting to be remediated or that the Public already owns. Open space for parks/recreation should appear integrated into each area/subarea/campus greater than the figures proposed in this plan. Our General Plan had a recreation/per capita figure that exceeded normal standards. Is that benchmark being maintained? If these 2,200 units magically become 4,400 units by virtue of ADU's and then more, how will we have viable recreation opportunities in 27 story buildings?

In your Appendices “Amenities Area” is a new use but not defined in your use classifications or glossary. How is it different than other Public/Private uses? I do not agree that your definitions supersede our city's or State definitions. Please refer to our General Plan for the proper definitions so there is consistency with OUR General Plan, not the other way around.

You have artfully gained a re-use of our Historic Roundhouse. Its preservation doesn't seem to be a priority in this plan. If you continue to use Public funds which is contrary to the conditions of GP-1-18 ((section 08) Public Facilities Financing,) then there should be discussion of dedicating the Public Asset back to the community for a cultural, educational institution with Rail History aficionado and community non-profit directors. No BDI-loaded boards.

Since Universal Parasite reneged on the community center at Schlage's historical building, the need for a Community Oversight board (per recommendations of G.Fred Lee) should be recommended and considered. We are yet to learn how sea-level rise will impact your earlier concept plan and not ready for City Hall to work out the details. Tell us more about the water supply.

Any and all weak language should be reviewed.

Respectfully,

Dana Dillworth

From: deborah marie [mailto:inspirit.deborah@gmail.com]
Sent: Thursday, February 20, 2020 10:18 AM
To: baylands <baylands@brisbaneca.org>
Cc: deborah marie durbin <inspirit.deborah@gmail.com>
Subject: Against further expansion

I'm a yoga & pilates instructor as well as a designer living in Brisbane. I would like to see the town become a historical walk but don't want to see further expansion. I hope old county road will bring in a few more competitive small businesses & a small gym. Its wonderful to have nature surrounding please don't destroy this.

Respectfully,
Deborah Durbin Brisbane resident



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

March 17, 2020

City of Brisbane
Attn: John Swiecki, AICP
Community Development Director
50 Park Place
Brisbane CA 94005

Subject: Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Specific Plan

Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan.

The Local Agency Formation Commission (LAFCo) is a state mandated local agency established in every county to oversee the boundaries of cities and special districts. San Mateo LAFCo has jurisdiction over the boundaries of the 20 cities, 22 independent special districts, and many of the 33 active county and city governed special districts serving San Mateo County.

The Notice of Prepetition (NOP) for the Brisbane Baylands Specific Plan (Project) identifies a proposed development of up to 2,200 residential units and 7 million square feet of commercial use, along with acquisition of an annual water supply of 2,400 acre-feet from the Oakdale Irrigation District. The Project site is proposed to be served by City of Brisbane for water service and Bayshore Sanitary District for sewer service.

LAFCo has the following comments regarding the NOP:

The Project proposes the acquisition of an annual water supply of 2,400 acre-feet from the Oakdale Irrigation District. The acquisition of this water may require LAFCo approval pursuant to Government Code Section 56133. The EIR should fully explore the environmental impacts of the transfer of this water, including the impacts of the water supply of the Oakdale Irrigation District, the sustainability of the water source, and if the water to be furnished by the District will be potable or treated. The EIR should also consider alternative sources of water supply for the Project.

COMMISSIONERS: JOSHUA COSGROVE, CHAIR, SPECIAL DISTRICT • WARREN SLOCUM, VICE CHAIR, COUNTY • RICH GARBARINO, CITY • DON HORSLEY, COUNTY • MIKE O'NEILL, CITY • RIC LOHMAN, SPECIAL DISTRICT • ANN DRAPER, PUBLIC

ALTERNATES: KATI MARTIN, SPECIAL DISTRICT • HARVEY RARBACK, CITY • JAMES O'NEILL, PUBLIC • DAVE PINE, COUNTY

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER • REBECCA ARCHER, LEGAL COUNSEL • ROB BARTOLI, MANAGEMENT ANALYST • ANGELA MONTES, CLERK

Information about the agreement between the City and the Oakdale Irrigation District should be provided as part of the EIR as well in order for LAFCo to determine if approval is needed under the relevant Government Code Sections.

If approval from LAFCo is required, San Mateo LAFCo would be a Responsible Agency under California Environmental Act (CEQA) (CEQA Guidelines 21069). The majority of the Oakdale Irrigation District is located within Stanislaus County, with a portion of the District also in San Joaquin County. If LAFCo action is required, the respective LAFCos from these two counties would also be Responsible Agencies. Before action could be taken by any LAFCo, the City of Brisbane must certify the EIR.

San Mateo LAFCo does have not have additional comments on the NOP and looks forward to reviewing all future environmental documents related to the Project.

Sincerely,



Rob Bartoli
Management Analyst

Cc: Sara Lytle-Pinhey, Executive Officer, Stanislaus LAFCO
James Glaser, Executive Officer, San Joaquin LAFCO

Subject: FW: re NOP of an Environmental Impact Report for the Brisbane Baylands Specific Plan
Date: Monday, April 20, 2020 at 2:52:07 PM Pacific Daylight Time
From: baylands
To: Lloyd Zola, Sohagi, Margaret
Attachments: image001.png, image002.png



JOHN SWIECKI, AICP
Director, Community Development Department
City of Brisbane | 50 Park Place, Brisbane, CA, 94005
Phone: (415) 508-2120 | cel (415) 713-9266
Email: jswiecki@brisbaneca.org

From: Prem Lall [mailto:premlall@yahoo.com]
Sent: Sunday, April 19, 2020 5:39 PM
To: baylands <baylands@brisbaneca.org>
Cc: Miller, Anja <anjakmiller@cs.com>
Subject: Re: re NOP of an Environmental Impact Report for the Brisbane Baylands Specific Plan

To:

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005

Dear Mr. Swiecki:

I would like to address another topic regarding the high-density housing proposed for the Brisbane Baylands: the topic of COVID-19 and of future viral pandemics, as the deadline of 4/20/2020 is tomorrow for the submission of written comments from the public re the scope of the related Environmental Impact Report.

COVID-19 has shown us the folly of the kind of high-density housing which facilitates the spread of viral pandemics - whether of the coronavirus variety or otherwise - by allowing more rapid and efficient spread among closely-situated households and common spaces with high traffic such as elevators.

These pandemics will increase in frequency and intensity as both the United States and foreign nations destroy the natural habitats of wild animals and those animals (and the viruses they carry) intermingle with humans more frequently.

The Baylands is a vast open space which can be used for a mix of solar arrays, wind turbines, and battery storage. However, the applicant for the Specific Plan, Baylands Development Inc. (previously Universal Paragon Corporation) currently intends to instead place high-density housing on this site close to a former unregulated toxic dump.

The California Public Utility Commission should broker a deal between PG&E and Universal Paragon Corporation/Baylands Development Inc. to turn the Brisbane Baylands into a sustainable energy resource for the SF Bay Area where solar- and wind-generated energy can be stored on site in large, industrial-strength batteries (contact Elon Musk/Tesla for more information about large-scale battery storage developments) for the use of SF Bay Area residents and companies.

Those who have been arguing for high-density housing (whether at the Baylands or elsewhere) must now pause and reevaluate their arguments given the rapid spread of COVID-19 in high-density housing and the likelihood that we will begin to see viral pandemics with a greater frequency from this point forward.

A good related article can be found at <https://www.theguardian.com/world/2020/mar/26/life-after-coronavirus-pandemic-change-world>

COVID-19 should affect the perception of risk among the members of City Council and among city staff with regard to proposed high-density housing at the Baylands.

I have sent a letter to California Public Utilities Commission President Marybel Batjer requesting that she look into the possibility of the CPUC bringing UPC and PG&E to the table to consider using the Baylands for renewable energy generation and storage instead of high-density housing.

Incidentally, I have also communicated with the board of the Modesto Irrigation District, and the MID representative (MID Board Member John Mensinger) could think of no evidence that Steve Knell, the General Manager of the Oakdale Irrigation District (or anyone else from OID, for that matter), had even approached the MID board about using its canals to transfer water from the OID to the Brisbane Baylands.

As you may be aware, the OID does not have the means to transfer water directly to the Baylands and must use the canals of the MID and/or the canals governed by the San Francisco Public Utilities Commission.

The MID Board Secretary Angela Cartisano has initiated a Public Records Request on my behalf and has forwarded my emails to the MID staff and its outside counsel for comment. I should hear back from them later this week.

Housing construction at the Baylands has been marketed to Brisbane's residents as obtaining its fresh water supply from the OID, but if in fact the OID has not even bothered to contact the MID Board, that marketing may have no basis in reality. I have not yet heard back from the SFPUC. The more likely outcome will be that once construction commences, the true nature of the Baylands water supply will be revealed: recycled toilet water.

Best,
Prem Lall

On Tuesday, April 7, 2020, 5:45:23 PM PDT, hp.9009@yahoo.com <hp.9009@yahoo.com> wrote:

To:

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005

Dear Mr. Swiecki:

With regard to the proposed Brisbane Baylands development, I have asked several times to see confirmation of how the Oakdale Irrigation District (OID) plans to provide the Brisbane Baylands with the stated water supply, namely "an annual water supply of 2,400 acre-feet" but as of yet have not been provided with any confirmation.

Therefore, I have forwarded the respective Notice of Preparation to the representatives of OID as well as of the Modesto Irrigation District (MID) and of the San Francisco Public Utilities Commission (SFPUC), requesting their input and providing them with the email address baylands@Brisbaneca.org in case they wish to contact you directly.

Thank you.

Prem Lall
Brisbane resident

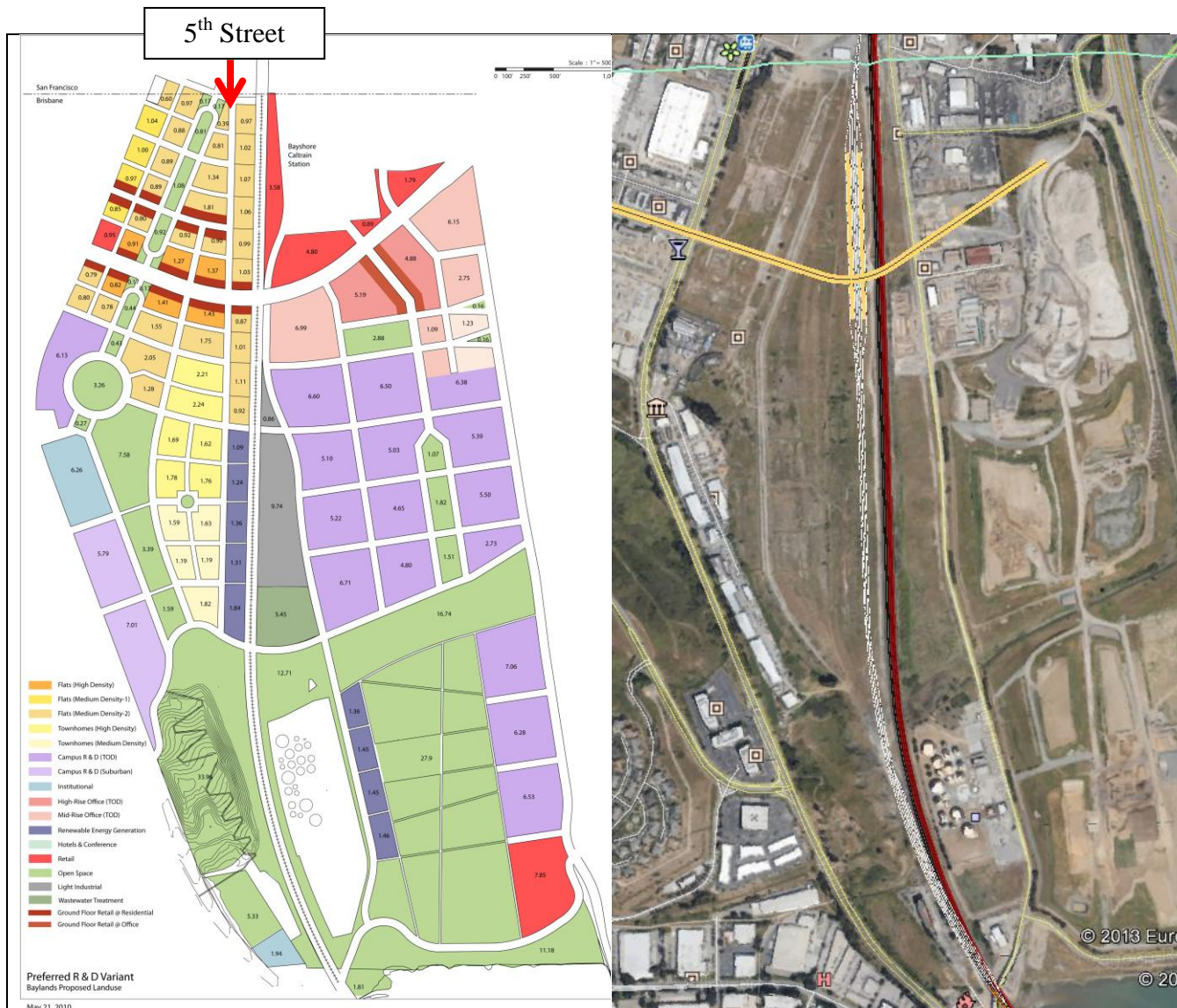
Roland Lebrun
ccss@msn.com
Brisbane Baylands Draft EIR
January 19 2014

Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Brisbane Baylands Draft EIR.

While it is generally accepted that 200 MPH high speed trains will not appear in the Peninsula for at least another 20 years, plans for land use adjacent to the rail corridor should consider future higher speeds in the Peninsula with an eventual objective to connect San Jose to San Francisco in 30 minutes or less.

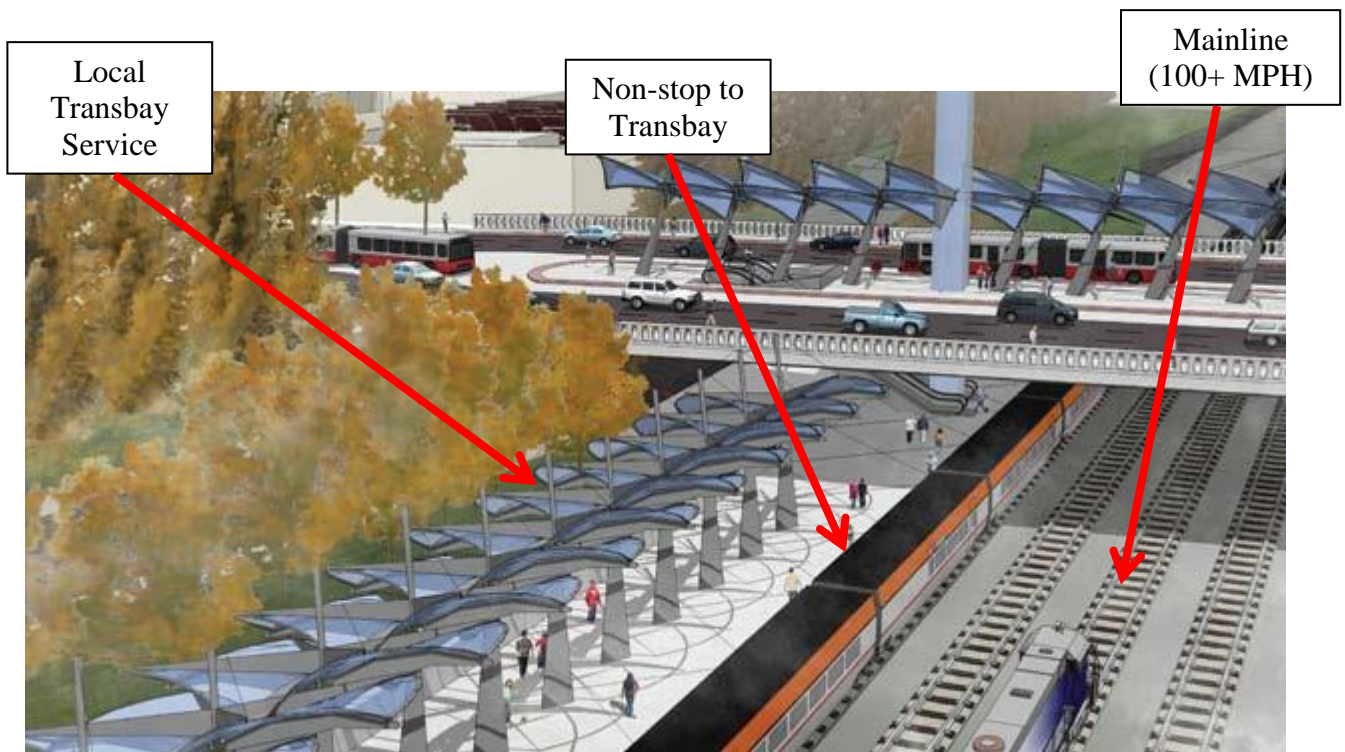
It is in this context that the DEIR should consider a new rail alignment capable of supporting speeds in excess of 100 MPH along the proposed future 5th Street.



The relocation of the tracks and the Bayshore station to the 5th Street alignment would also significantly enhance transfers between Caltrain and the proposed Muni T-Third light rail station on 5th Street.

The relocated Bayshore station would have two additional tracks to facilitate cross-platform transfers between Baby Bullets (5-minute non-stop to Transbay) and locals stopping at Oakdale, 22nd Street, Mission Bay and the Transbay Terminal. The additional station and turnaround tracks would support a capacity of 12 trains/hour between Brisbane and Transbay, 10-20 years ahead of the rest of the Peninsula (Policy 6-12).

The impacts caused by the higher speeds of express trains should be mitigated by creating embankments on both sides of the tracks thereby giving the impression that the proposed Geneva Avenue extension is at grade while the platforms and the tracks are in a trench.



The proposed new alignment would have the following additional advantages:

- Faster, safer and more cost-effective construction of the relocated Bayshore station, including connections to MUNI light rail and Geneva Avenue BRT.
- No construction impacts on Caltrain service.
- Foundation for a future 5-minute connection to San Francisco International (Transbay to SFO in 10 minutes, including a one-minute stop in Brisbane).

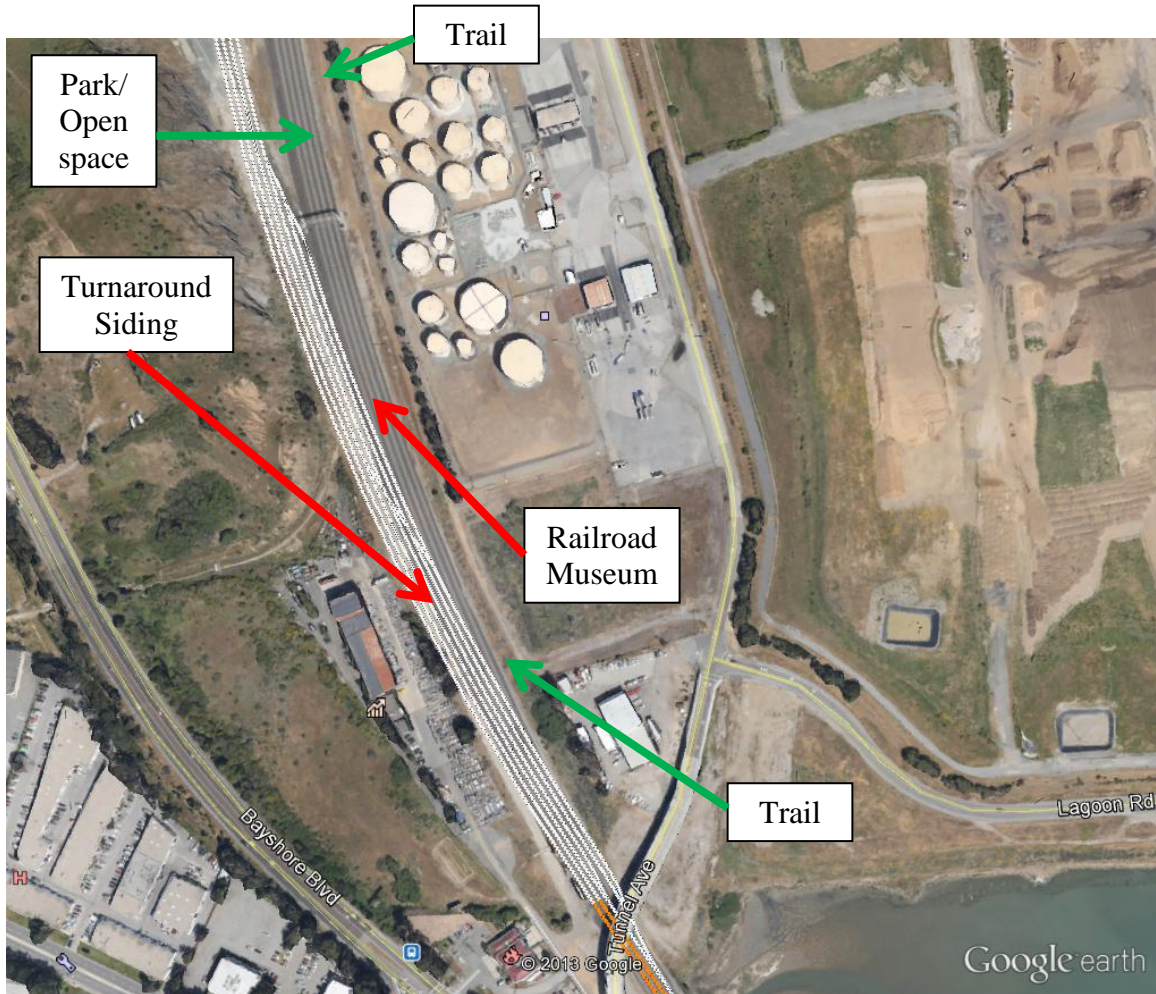
Platform lengths.

Please refer to "Platform Dimensions" on page 13 of Chapter 3 of the Caltrain Engineering Standards: <http://www.caltrain.com/assets/engineering/engineering-standards-2/criteria/CHAPTER3.pdf> : *"The standard platform length shall be 700 feet to accommodate a six (6) car train consist. **Platform design shall consider or not preclude a possible expansion of platform length to 1000 feet**"*

The DEIR should consider this 1,000-foot requirement because it would enable a Bayshore Caltrain station entrance at Beatty Avenue which is within walking distance of the Schlage Lock development. The DEIR should also consider extending the platforms south of Geneva Avenue to match Transbay's 1,330-foot platform lengths for two reasons: support for double-length Caltrain consists capable of transporting 2,000 passengers to/from special events in downtown San Francisco and/or Brisbane and the ability to disembark and turn around full-length HSR trains in case of an emergency between Brisbane and the Transbay terminal.



- Relocation of the mainline would also facilitate the repurposing of the existing tracks between Ice House Hill and the Kinder Morgan Energy Tank Farm into a siding yard and a location for the future railroad Museum while maintaining an opportunity for a linear park and trail connection between the siding yard and the Tank Farm. The siding yard could provide off-peak storage for up to 8 Caltrain consists as well as the ability to turnaround additional train service (up to 6 additional trains/hour between Bayshore and Transbay) over and above the proposed maximum six Caltrains/hour by 2019.

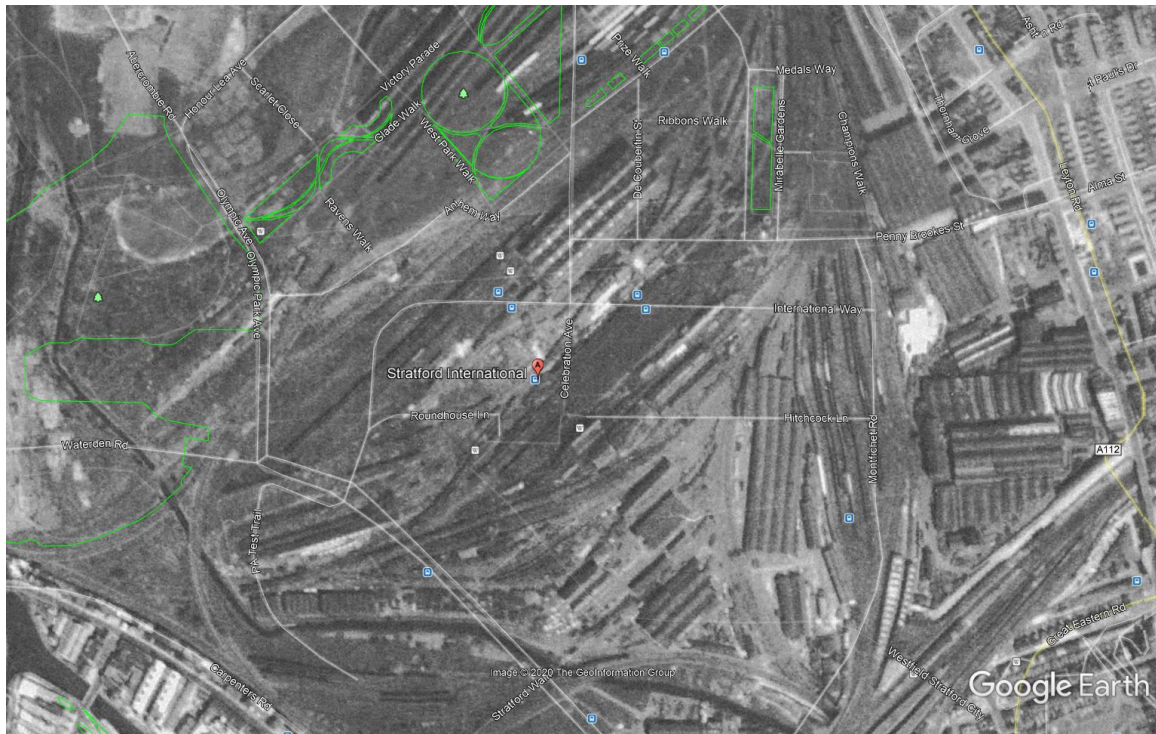


Thank you for considering these enhancements to this exciting project.

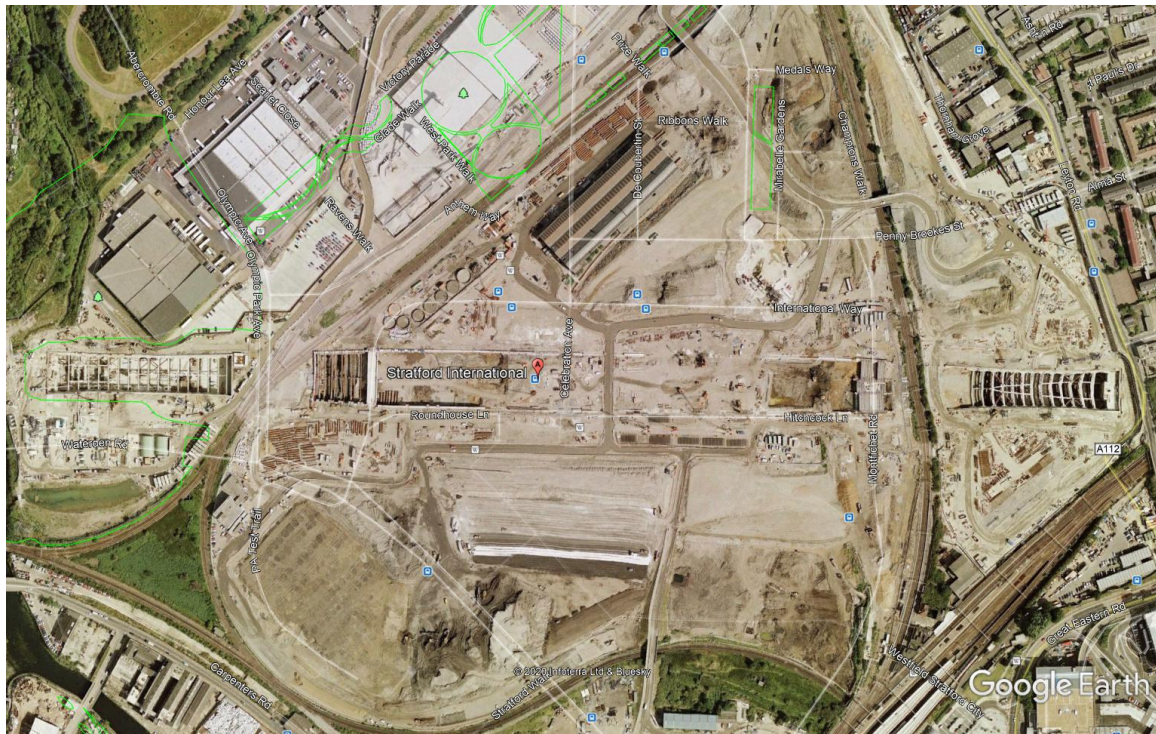
Sincerely,

Roland Lebrun

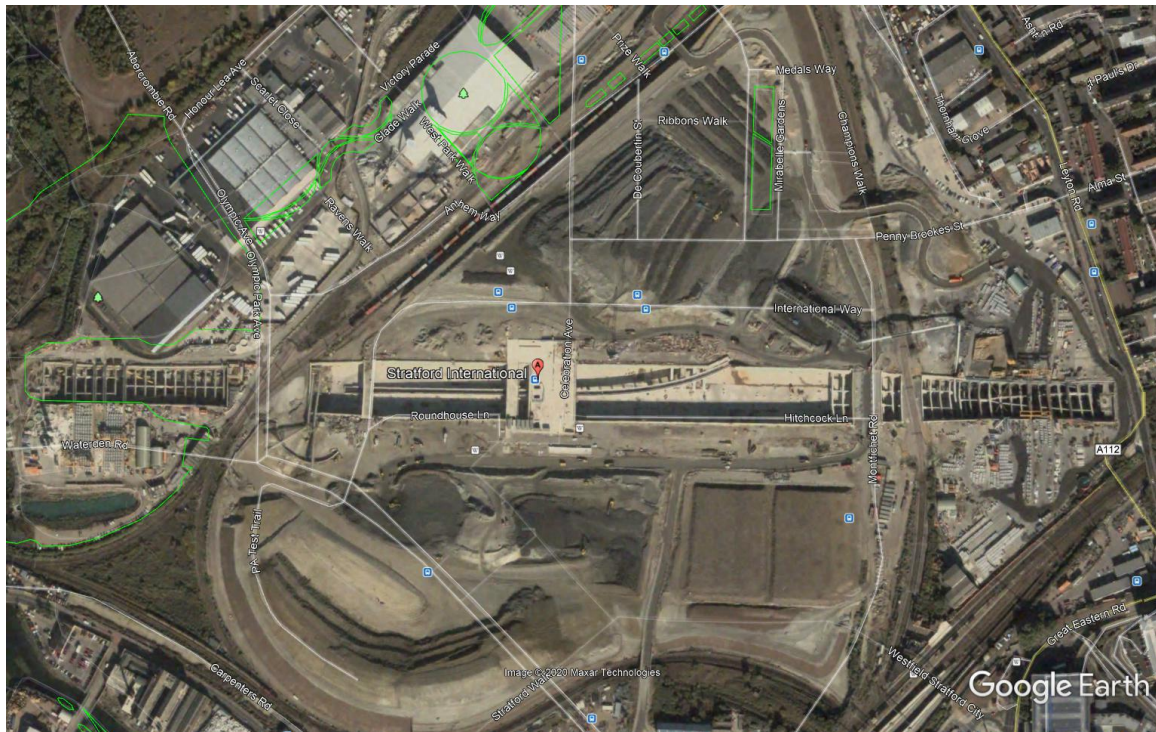
1945



2002



2003



2005



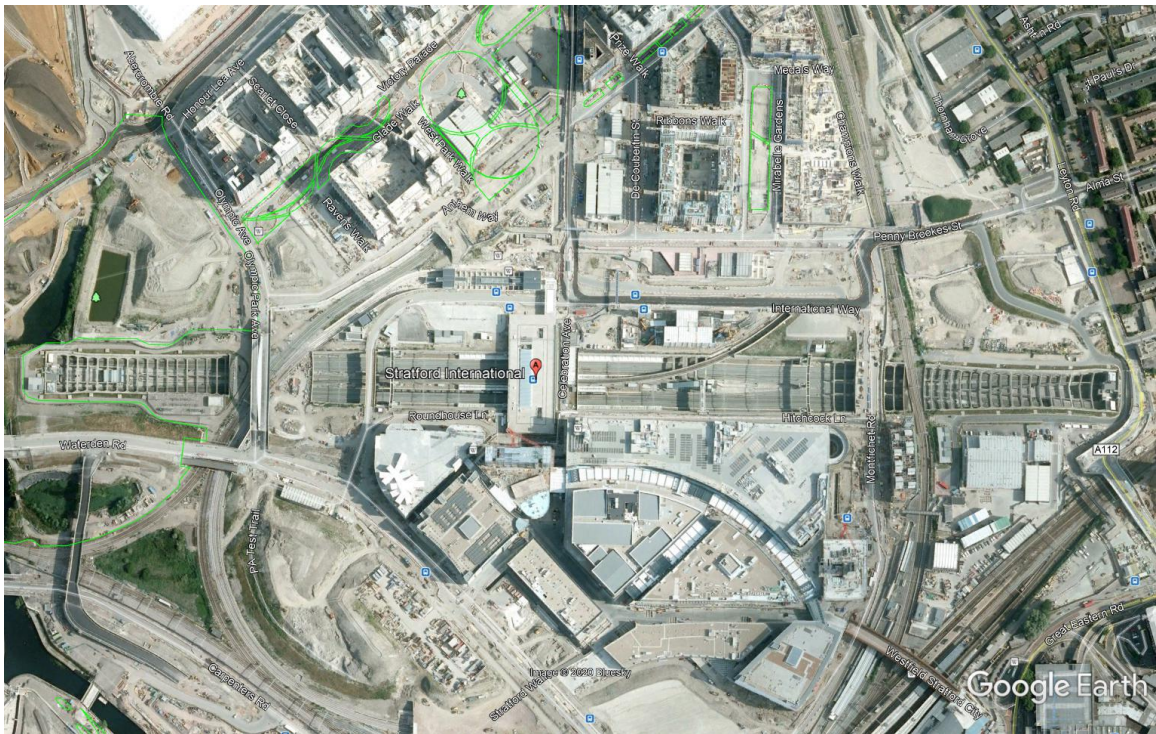
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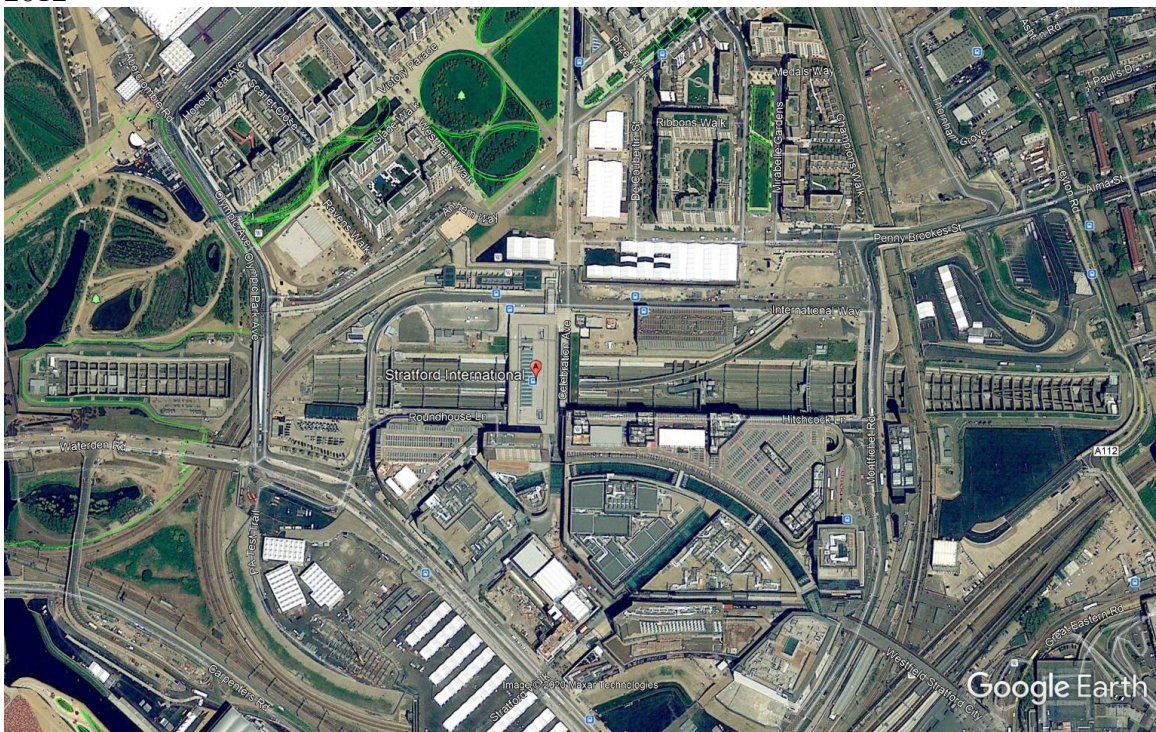
2009



2010



2012



This aerial view of the Stratford International area in Stratford, London, shows the stadium centrally located. The stadium is surrounded by various roads, including Watford Rd, Stratford Way, and Stratford International Way. Green lines and dots highlight specific areas of interest, including a large green area to the west and a smaller green area to the east of the stadium. The image also shows surrounding residential and commercial buildings, as well as the M25 motorway to the south.

Law Offices of Matthew Emrick

A Professional Corporation
3881 Scenic Court
El Dorado Hills, CA 95762
(916) 337-0361
matthew@mlelaw.com

April 20, 2020

SENT VIA EMAIL

John Swiecki
Community development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

RE: Comments on NOP for Baylands Project Draft EIR

Dear Mr. Swiecki:

These comments on the Notice of Preparation (“NOP”) for the Brisbane Baylands Project (“Baylands” or “Project”) are submitted on behalf of the Stanislaus Groundwater Alliance, which seeks to protect groundwater resources in the Eastern San Joaquin and Modesto subbasins and to and ensure compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. [“CEQA”]) and other laws of the State designed to protect the public and the environment.

The overriding and primary goal of CEQA is the protection of the environment. (See Pub. Resources Code, §§ 21000–21002.) It is the policy of the state to “[t]ake all action necessary” to provide citizens with “clean air and water,” “freedom from excessive noise,” “[p]revent the elimination of fish or wildlife species due to [anthropogenic] activities” and “[e]nsure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.” (Pub. Resources Code, § 21001, subd. (b)-(d).) The purpose of an environmental impact report (“EIR”) is to provide the public with detailed information about a proposed project’s likely effects on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. (Pub. Resources Code, §§ 21061, 21002.1, subd. (a).) The City of Brisbane’s (“City”) Draft EIR for the Project must

disclose and fully analyze all the Project's potentially significant impacts, including those impacts that would occur outside the immediate project area.

As the City conducts its environmental review of Baylands it must be cognizant of both the changing physical environment and legal landscape. While it is encouraging that the City has decided to prepare a new EIR rather than attempt to rely on the previously prepared environmental review for the Project, the City must address substantial changes that have developed in the interim. The following comments raise potential issues that the City must carefully consider when evaluating the environmental impacts of Baylands, including the impacts of supplying the Project with an adequate water supply.

The Draft EIR Must Evaluate the Impacts of Providing Water Supplies to the Project from Oakdale Irrigation District

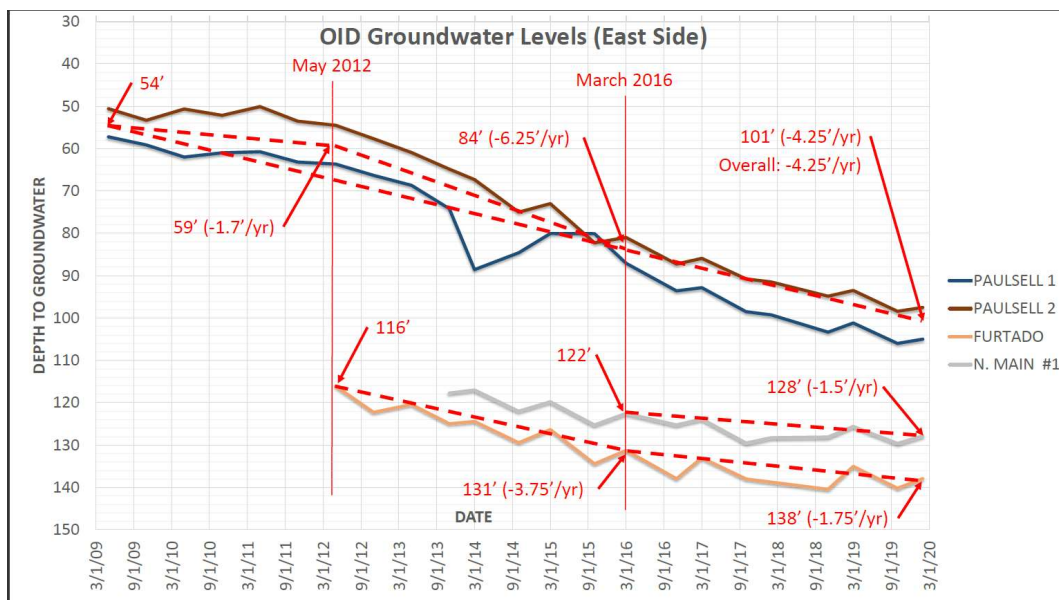
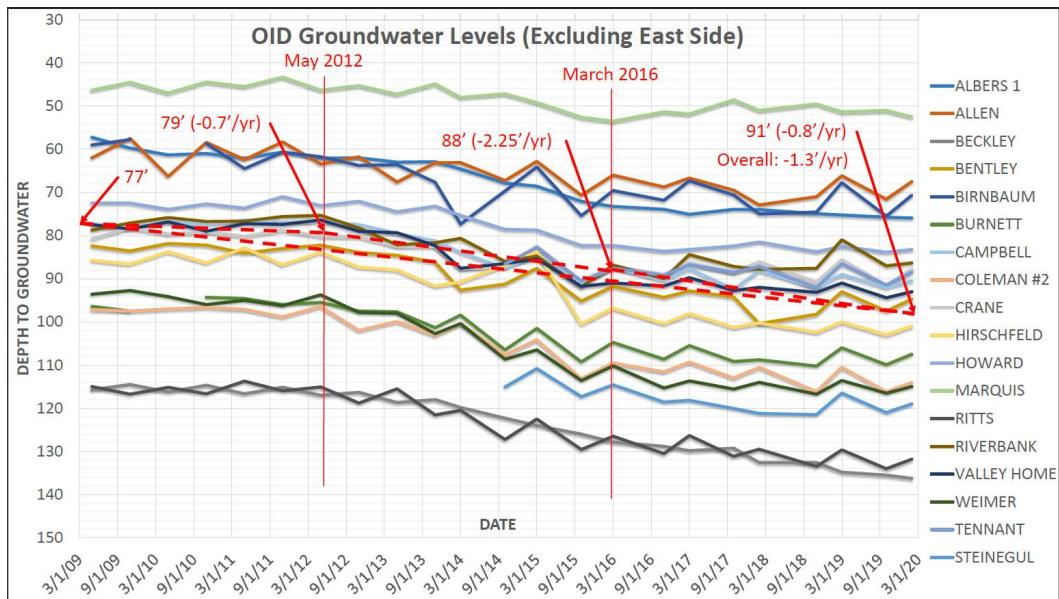
An EIR must "identify the significant effects on the environment of a project," including "cumulative impacts" that result from the combination of multiple effects (Pub. Res. Code § 21068; Cal. Code Regs., tit. 14, §§ 15130, 15355 ("Guidelines").) In the context of water supply analysis, "[a]n EIR evaluating a planned land use project ... must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431 (*Vineyard*)). Thus, the EIR must analyze the impacts of obtaining its water source, both by considering the ways in which water would be made available by the seller and the impacts and taking water from its source.

Water transfers by Oakdale Irrigation District ("OID") for use by the Project would create a hardened demand for water that would otherwise be available for agricultural and uses within and near the OID service area. Project transfers could, for instance, lead to conversion or fallowing of agricultural land. The Draft EIR must analyze the Project's impacts on agriculture in areas served by the transferor.

The Project also has the potential to cause significant impacts on groundwater in the subbasins that overlie the area from which water would be transferred to meet Project demands. According to information presented to the OID Board of Directors by its Water Operations Manager, groundwater levels in nearly all of the district's wells are declining. Depending on which wells are considered, rates of decline range from .7 foot per year to 6.25 feet per year.¹

¹ See agenda item 25, available at: <https://www.oakdaleirrigation.com/files/7e1786a5e/Agenda+03-03-20.pdf>.

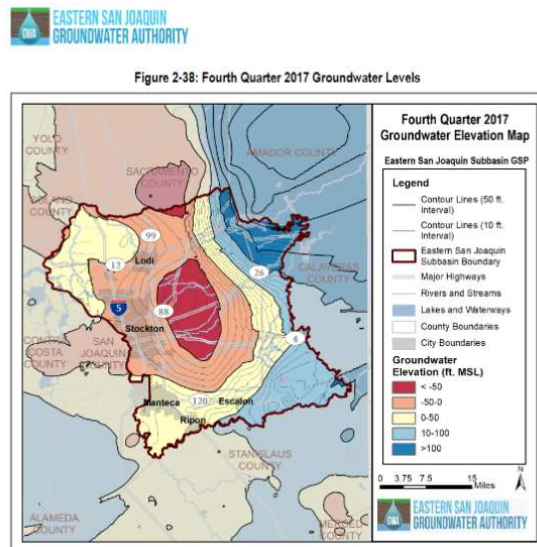
Permanently transferring water for use by the Project could reduce the availability of surface water supplies and cause OID and surrounding areas to further rely on groundwater.



The Draft EIR for the Project must analyze the potential of the Project to interfere with implementation of the Sustainable Groundwater Management Act

(“SGMA”), adopted by the Legislature in 2014,² in transferor areas. The transferor, OID, overlies two subbasins: the Modesto subbasin, which is designed as “high priority” due to deteriorating groundwater conditions, in the and the Eastern San Joaquin sub-basin, which is designated as critically overdrafted. Overdraft is defined as “the condition of the groundwater basin or aquifer where the average annual amount of water extracted exceeds the average annual supply of water to a basin or aquifer.” (Wat. Code, § 37900, subd. (a)(17).)³

The Groundwater Sustainability Agencies in the Eastern San Joaquin Subbasin adopted a Groundwater Sustainability Plan (“GSP”), which was submitted to the Department of Water Resources (“DWR”) in January 2020.⁴ The Eastern San Joaquin Subbasin GSP documents a large cone of depression in the center of the Subbasin.⁵



² See

https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/sgma/sgma_20190101.pdf.

³ A critically overdrafted groundwater basin is “[a] basin is subject to critical overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts.” (See <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins>.)

Available at: <http://www.esjgroundwater.org/>.

⁵ See Eastern San Joaquin Subbasin GSP (November 2019), p. 2-69, available at: <http://www.esjgroundwater.org/>.

One of the projects identified in the GSP to address overdraft in the Eastern San Joaquin Subbasin is to transfer water from OID to provide surface water supplies within overdraft areas and reduce groundwater reliance, especially in drought years. (ESJ Subbasin GSP, pp. 6-4, 6-18 to 6-19.) A long-term contractual obligation to supply water to the Baylands Project could interfere with this planned use of OID surface water supplies within the Eastern San Joaquin Subbasin.

The Modesto Subbasin GSP is under development by the Stanislaus and Tuolumne River Groundwater Basin Association (“STRGBA”) and its member agencies, and must be submitted to DWR by January 2022.⁶ Water transferred for urban uses by the Project in Brisbane would also affect the ability of the STRGBA to develop a GSP and comply with SGMA.

The Project would have potentially significant impacts on groundwater resources by reducing the potential for use of water for local needs as well as recharge from that use of surface water in two subbasins. In addition to agricultural and groundwater impacts, adverse environmental impacts such as land subsidence and water quality degradation may occur as a result of the Project.⁷ These potentially significant impacts must be disclosed in the Draft EIR.

The Draft EIR Must Evaluate the Biological Impacts of the Project

As already recognized by the trustee agency, California Department of Fish and Wildlife (“CDFW”), several special-status species have the potential to occur at the Project site. (CDFW March 16, 2020 Letter, pp. 1-2.) Potential impacts to these special-status species within the Project area must be disclosed and analyzed.

The Project also has the potential to cause other significant impacts to biological resources outside the Project area. The Project’s water supply would originate from the Tuolumne River. As discussed below, the State Water Resources Control Board (“SWRCB”) adopted Water Quality Control Plan (“WQCP”) Amendments in 2018 to protect native fish species. (See SWRCB

⁶ See <http://www.strgba.org/Pages/News.html>.

⁷ See, e.g., Department of Water Resources, Bulletin 118 Interim Update (2016), p. 10, available at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/B118-Interim-Update-2016_ay_19.pdf.

Resolution 2018-0059, pp. 1, 5; see WQCP Amendments, pp. 5, 8, 10.⁸) Protecting flows in the Tuolumne River is necessary to obtain the water quality objectives for fish and wildlife beneficial uses of the San Joaquin River and the Sacramento-San Joaquin Delta. The EIR must therefore consider the impacts of diverting water from the Tuolumne River on biological resources.

The EIR Must Adequately Analyze the Reasonable Availability of Water Necessary to Supply the Project

In addition to analyzing the impacts of providing water, the Draft EIR must also evaluate the reasonable foreseeability of obtaining the water supply necessary for a given project. (*Vineyard, supra*, 40 Cal.4th at 432-435.) Further, “water supplies must be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases.” (*Id.* at 433-434.) “If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, [and] discusses the reasonably foreseeable alternatives” (*Id.* at 434.)

The NOP identifies the Project’s water supply as a 2,400 acre-feet annual transfer from OID. (NOP, p. 1.) The NOP also discloses that the transfer would not only be subject to an agreement with OID, but agreements between the intermediary Modesto Irrigation District (“MID”) and San Francisco Public Utilities Commission (“SFPUC”). (NOP, p. 23.) The water supply assessment prepared in June 2013 for the Draft Programmatic EIR for the Baylands Project accounted for the possibility that the City would not be able to obtain the water transfer with OID. This same assumption must be made for the new water supply assessment, especially considering new developments in the interim time period.

The WQCP Amendments adopted in 2018 by the SWRCB require 40 percent unimpaired flows on the Tuolumne River. (See WQCP Amendments, p. 15.) This new unimpaired flow requirement may affect the availability of water to transfer for the Project. SFPUC’s comments on the WQCP Amendments state that the unimpaired flow requirements would jeopardize water supply availability within SFPUC’s service area.

⁸ Available at:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/.

If the State Water Board implemented a 30, 40, or 50-percent unimpaired flow objective on the Tuolumne River, and San Francisco was responsible for bypassing 51.7-percent of the requisite flow, San Francisco would experience severe water shortages during sequential-year droughts that would require the SFPUC to significantly reduce deliveries to the [Regional Water Service] service territory.

(WQCP Amendments Substitute Environmental Documents, Responses to Comments, Letter 1166, Comment 27.)⁹ The WQCP Amendments now include a 40 percent unimpaired flow requirement on the Tuolumne River. This significant development since the City's 2013 water supply analysis would have a considerable impact on the availability of the Project's planned water supply according to SFPUD. The Draft EIR must therefore address the availability of water for the Project, now that the WQCP Amendments have been adopted.

Water Conservation Measures Necessary to Establish an Adequate Water Supply must be Analyzed

In the City's 2013 water supply assessment for the prior version of the Project, the water demand evaluation assumed water conservation measures for indoor and outdoor use were implemented. (Baylands Water Use Projections and Water Balance Technical Memorandum, p. 3.) To the extent these water conservation measures are necessary for the Project to obtain its water supply, they must be analyzed as part of the Project, as CEQA prohibits improper piecemeal review of a project. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1231; *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713; *Del Mar Terrance Conservancy, Inc. v. City Council of the City of San Diego* (1992) 10 Cal.App.4th 712; *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438; *Laurel Heights Improvement Ass'n v. Regents of Univ. of California* (1988) 47 Cal.3d 376; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.) Conservation measures, such as wastewater treatment operations or hotel retrofits, could have their own potentially significant environmental impacts. As a part of the Project, these measures must be described and analyzed in the Draft EIR to avoid piecemealing review of all actions necessary to carry out the Project.

⁹ Available at:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/docs/CmtTbl_1166.pdf

The EIR Must Evaluate Health Risks and Impacts to Future Residents

“[W]hen a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users.” (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377 (CBIA).) The Project location poses two significant risks to future residents: hazardous wastes and liquefaction.¹⁰ Development of the Project and the introduction of residential units to the area has the potential to exacerbate these impacts. If developing the Project ultimately exacerbates these existing hazards, it must also analyze how that exacerbation would negatively impact Baylands’ residents. Such a scenario was addressed in a hypothetical by the California Supreme Court in *CBIA*.

Suppose that an agency wants to locate a project next to the site of a long-abandoned gas station. For years, that station pumped gasoline containing methyl tertiary-butyl ether (MTBE), an additive—now banned by California—that can seep into soil and groundwater. ... Without any additional development in the area, the MTBE might well remain locked in place, an existing condition whose risks—most notably the contamination of the drinking water supply—are limited to the gas station site and its immediate environs. But by virtue of its proposed location, the project threatens to disperse the settled MTBE and thus exacerbate the existing contamination. The agency would have to evaluate the existing condition—here, the presence of MTBE in the soil—as part of its environmental review.

(*Id.* at 389.) Thus, it is critical that the City analyze whether the Project has the potential to exacerbate the risks posed by hazardous waste and liquefaction to future residents.

The Project’s Impacts to Historical Resources Must be Disclosed

CEQA provides a detailed process for evaluating the significance of impacts to historical resources. CEQA Guidelines section 15064.5 subdivision (a) describes what constitutes a historic resource and what constitutes a substantial

¹⁰ See Kendall, *Meet the 27-year-old mayor about to double her Bay Area city’s population*, The Mercury News (March 19, 2019), available at: www.mercurynews.com/2019/03/19/meet-the-27-year-old-mayor-about-to-double-her-bay-area-citys-population/ [describing liquefaction risk]; Bartholomew, *Dispute over Brisbane Baylands development will bleed into next year*, San Francisco Examiner (October 1, 2016), available at: <https://www.sfexaminer.com/news/dispute-over-brisbane-baylands-development-will-bleed-into-next-year/> [describing health risk from landfill waste].

adverse change to a historical resource. A substantial adverse change to a historical resource means “demolition, destruction, relocation, or alteration such that the significance” of the resource would be impaired. (CEQA Guidelines, § 15064.5, subd. (b)(1); *League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 909.) More specifically, the significance of an historical resource is impaired when a project “demolishes or materially alters . . . those physical characteristics . . . that convey its historical significance to justify its eligibility for inclusion in the California Register of Historical Resources[.]” (CEQA Guidelines, § 15064.5, subd. (b)(2)(C).) Last, subdivision (b)(3) provides that if a project would cause significant impacts to a historical resource, implementing the Department of Interior guidelines would generally result in mitigation to a less than significant level.

According to the NOP, a historic resource, the railyard Roundhouse, is present on the Project site. (NOP, p. 2.) The NOP states that the Project would include restoring the Roundhouse. (NOP, p. 13.) Even if the developer intends to rehabilitate this historic resource, the EIR must evaluate whether the planned changes are consistent with the Department of Interior’s standards.¹¹ Directly or indirectly changing the character of a historic resource can constitute a significant impact under CEQA, thus even changes that are framed as beneficial for the historic resource must be analyzed as potentially significant impacts.

The Draft EIR Must Reflect Adequate Consultation with Responsible Agencies and Integration of Competing Regulatory Authorities

An EIR must include “[a] list of related environmental review and consultation requirements [found in] federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.” (Guidelines, § 15124, subd. (d)(1)(C); see also Guidelines, § 15006, subd. (i).) An EIR must also consider related regulatory regimes when considering project alternatives. (See Guidelines, § 151126.6, subd. (f)(1).) Identifying competing regulatory authorities of other agencies and disclosing how those authorities may impact a project is essential information for an EIR. (See *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 935 (*Banning Ranch*); see Pub. Resources Code, § 21003, subd. (a).)

The City may not simply assume that the Project, as planned, would obtain all necessary approvals. One subsequent approval that must be fully discussed

¹¹ See <https://www.nps.gov/tps/standards.htm>.

in the EIR are the interim agreements between OID, MID, and SFPUC that would be necessary to facilitate the water transfer from OID to the City. The execution of these agreements would be necessary to provide the Project's water supply; whether or not the City obtains them will inform the development of the Project and alternatives in the EIR. Inclusion of this information is not only necessary under CEQA, but more practically, "coordination between a lead agency and a permitting agency serves the laudable purpose of minimizing the change the City will approve the Project only to have later permits for the Project denied" (*Banning Ranch, supra*, 6 Cal.5th at 941-942, quoting *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 642 [internal quotations omitted].)

This same concern applies to each necessary approval identified in the NOP. The City must "make a good faith attempt to analyze project alternatives and mitigation measures in light of applicable [regulatory] requirements" and may not "leav[e] it to other responsible agencies to address related concerns seriatim." (*Banning Ranch, supra*, 6 Cal.5th at 941.) Since the Project would ultimately receive water from the Tuolumne River, a tributary to the San Joaquin River and the Sacramento-San Joaquin Delta, the Project may be a covered action under the Delta Reform Act. (See Wat. Code, § 85225.)¹² If so, a Consistency Certification for consistency with the Delta Plan, with the potential for appeals to the Delta Stewardship Council may be implicated. The Project appears to be inconsistent with "[t]he policy of the State of California [] to reduce reliance on the Delta." (Wat. Code, § 85021.) The transfer would increase Brisbane's reliance on the Delta watershed. In addition to the Delta Stewardship Council, the potential review and oversight by the SWRCB over the actions necessary to carry out the Project should be considered, especially in light of the SWRCB's recent WQCP Amendments.

Another parallel approval process that is not disclosed is Section 106 consultation, yet the NOP fails to identify the consulting agency for Section 106. The Section 106 consultation will determine the significance of the Project's impacts to the Roundhouse. Agencies must begin Section 106 review by defining the area of potential effects ("APE"). (*Monumental Task Comm., Inc. v. Foxx* (E.D.La. 2016) 157 F.Supp.3d 573, 591.) An APE is "the geographic area . . . within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties" (36 C.F.R. § 800.16, subd. (d) (emphasis added).) After designating an APE, agencies must then identify historical sites within that area, consider whether the project would affect the historical sites found, and then determine whether those impacts are adverse.

¹² See <https://coveredactions.deltacouncil.ca.gov/?page=1>.

(36 C.F.R. §§ 800.4-5; *Coalition of Concerned Citizens v. Fed. Transit Admin. of United States DOT* (10th Cir. 2016) 843 F.3d 886, 906; *Diné Citizens Against Ruining Our Env't v. Jewell* (D.N.M. 2018) 312 F.Supp.3d 1031, 1100.) In addition to the substantive analysis required for the Section 106 consultation, the EIR must adequately disclose and explain the process, the authority of the consulting agency over the Project, and integrate the consultation process to the extent feasible.

CONCLUSION

Thank you for considering these comments.

Very truly yours,

MATTHEW EMRICK

MATTHEW EMRICK

Mike
Barnes
3/4/20

There is no Specific Plan for this EIR.

The most recent Baylands planning documents that conform to the laws governing Baylands development, are 1) the program-level EIR certified by the city council in 2018, and 2) the program-level General Plan Amendment 1-18, also approved by the city council in 2018.

The ability to make comments related to the project are constrained by the process adopted; that is, this scoping session and EIS on a non-existent Specific Plan and non-existent Specific Plan alternatives.

I offer comments to the Notice of Preparation with the expectation that both the city and the developer are receptive to citizen involvement, and will incorporate these comments in the eventual Specific Plan and in the current Specific Plan EIS.

- 1) The Specific Plan should include North/South and East/West bicycle paths that are Class 1, physically separated from motor vehicles, not just Class 2 bike lanes in roadways shared with automotive traffic. Bike paths separated from motor vehicle traffic measurably increase the use of bicycles. The EIR should address:
 - a. what increase in bicycle use can be expected from a Class 1 bicycle network vs Class 2 or 3 network;
 - b. how a Class 1 bicycle network will impact traffic congestion and VMT;
 - c. how a Class 1 bicycle network will impact air quality, including greenhouse gasses;
 - d. the safety difference between protected Class 1 vs Class 2 & 3 bicycle routes
- 2) The Specific Plan should include a mountain bike (MTB)/cyclocross (CX) bicycle circuit from atop Ice House Hill to the Bay Trail, connecting over the Tunnel Bridge and through Lagoon Park. The EIR should address cycling's environmental impacts in the restorative open space areas, and the potential for habitat restoration and trail maintenance from within the cycling community (e.g. SF Urban Riders, Mountain Bikers of Santa Cruz, Stewards of the Sequoia).
- 3) The impact of new Baylands residents and employees on existing dirt trails serving Brisbane (Old Ranch Road, San Bruno Mountain State Park, Brisbane-owned land in the "Acres", Crocker Industrial Park Trail, Candlestick Point, McLaren Park) should be studied, and how construction of dirt trails on the Baylands might mitigate these impacts on existing Recreational Trails.
- 4) The project boundary should be adjusted to include the Bay Trail and MTB path along US101. If this is not legal, then the Eastern boundary of the project should contain the Bay Trail and MTB path, meaning the three-lane Sierra Point Extension will need to move westward.
- 5) A BMX pump track should be included in one of the restorative open space areas, and studied in the EIS for environmental impacts.
- 6) Any shuttle system should include service to 3rd street light rail, and associated traffic impacts studied in the EIR

I am excited about the Oakdale water transfer, and suggest that our local politicians should be working on our state to provide for transfer of the water. If the State wants us to build housing, the State must facilitate water transfer.



1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

March 17, 2020

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Sent Electronically

Re: Modesto Irrigation District Comments - Notice of Preparation, Brisbane Baylands Specific Plan

Dear Mr. Swiecki,

Modesto Irrigation District (MID) appreciates the opportunity to review and comment on the City of Brisbane's Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan (Project). While we recognize that the NOP is only the first step in the CEQA process, the NOP lacks sufficient detail for MID to adequately assess the impacts of the proposed Project. In addition, MID staff hasn't had any discussions with the City of Brisbane and/or Oakdale Irrigation District concerning the proposed project. As a result, MID reserves the right to comment on additional phases of the CEQA process as Project specific details emerge.

Should you have any questions or concerns, please feel free to contact me at (209) 526-7564.

Sincerely,

John B. Davids, P.E.
Assistant General Manager, Water Operations

cc: Administration Files

**City of Brisbane Open Space and Ecology Committee (OSEC) Comments on the Baylands
Specific Plan Environmental Impact Report (EIR) Notice of Preparation (NOP)**

OSEC respectfully requests incorporation of the goals, objectives and principles laid out in the Baylands Sustainability Framework (adopted 2015) into the Specific Plan and its EIR, as prescribed by Measure JJ. Herein, we seek to minimize duplication of the Sustainability Framework requirements.

Project Site Description (p2):

- Please clearly, completely and accurately describe the known history of the site, including but not limited to the landfill, the boneyard and Stauffer Chemical. The NOP fails to acknowledge that the west side is land fill too; the previous DEIR shows the site has been operating as a landfill since 1915 and the west side even earlier.
- Site topography should include pollution in the lagoon from VWR.
- Brisbane Bayshore Industrial Park should be noted as an existing use.
- San Bruno Mountain is South by South-East to West by North-West orientation to Brisbane and should be accurately described in relation to the Brisbane Baylands site.

Figure 3 (p7):

- Please define “Brisbane Sphere of Influence” and detail what this entails.
- Please identify Existing Project Site Land Ownership, including smaller parcels within Brisbane Baylands, and when they gained ownership.
- The area below Lagoon Way should be designated as “Marsh/Lagoon/Bayfront” in this and other maps.
- Provide a more detailed map displaying existing land use.

Interim Land Uses (p9):

- “Interim land uses” should include historic land uses such as the raceway and tannery. The DEIR should be as comprehensive as possible in this regard.
- Note the active Google Bus parking and lumber yard.

Project Background & Previous Environmental Review (p9):

- “Open Space” and “Open Area” should be discussed separately and their proportions detailed.

Project Description: Land Use (p10, 13):

- Provide the approximate square footage of residential development by type.
- Study short-term financing/funding options to increase the capacity of the proposed water recycling facility and fast-track its construction.

Project Description: Infrastructure (p13):

- Circulation improvements:
 - Consider construction sequence to minimize construction impacts, build a bridge earlier for movement of soils.

- Please confirm that the mentioned “shuttle” is the previously-promised autonomous electric shuttle, or at a minimum zero emissions. Include a preliminary route through Brisbane, Crocker Park and the Baylands.
- Water, sewage, and drainage facilities: consider a constructed wetland or floodplain near the creek for stormwater to accommodate combined impacts from sea level rise and fluvial flooding.
- Water, sewage, and drainage facilities: study tidal and sea level rise influence on subterranean water and leachate; review and incorporate latest information on groundwater upwelling from Dr. Katie Hill of UC Berkeley.
- Electrical facilities...: strike “except for limited industrial processes.” No natural gas should be used on the site; by the completion of the 30-year construction timeline, society will need to have reached carbon neutrality which is generally not deemed compatible with the continued use of fossil fuels.

Project Description: Construction Activities (p14):

- In the previous Baylands plan/DEIR, the Lazzari building was to be restored. Please confirm this is still the intention and/or study the feasibility of doing so.

Figure 7: Proposed Open Space Plan (p19):

- Are there “open areas” on this map?
- Public open space and undeveloped private land should be clearly differentiated.
- Detail the acreage or square footage of identified spaces on this map; clearly show that the 25% open space requirement is met.
- Define “restorative.”
- What areas are slated for habitat restoration?
- Detail who will maintain these areas.

EIR to be Prepared by the City of Brisbane (begins p25):

General comments:

- Consistency and accuracy of measurements, descriptions and definitions are paramount in preparing the Draft EIR for the Brisbane Baylands Specific Plan.
- The Scope of the EIR needs to consider all phases of the project activities: assessment, development (moving soil, construction, building development), and maintenance activities after the development is completed.
- Considering the potential 30+ year project timeline, the scope of the EIR should consider whether the sequence of development in different areas may cause unintended consequences to the local population/residents (e.g. if the industrial zone is built out first, what would be the impact to the local community or vice versa). The EIR needs to consider the transient aspect of the project since development may take multiple decades. Mitigation during construction is critically important in the Specific Plan EIR given the lengthy buildout schedule.
- EIR mitigation measures need to be relevant and adjusted for the specific plan for development. Right now, the specific plan is not available.

- The committee recommends, as it has in the past, that any new studies use a multidisciplinary approach that goes beyond the risk assessment for humans to consider impacts on non-human species.
- Please provide complete clarity on exactly which agency is the lead for every phase of development and remediation/mitigation, being very specific on who exactly has responsibility for oversight and who has responsibility for failure and remedy of mitigations.
- The language used throughout the document should be understandable by a layperson, with concepts, designs, products, functions, mitigations, etc. explained as to their use and thresholds backed by explanations along with possible ranges.
- Standards are continuously evolving, such as those for air quality. Accordingly, the Baylands project should be designed so that it does not immediately fall into non-compliance when standards are next revised. If legal standards are lowered, standards for the Specific Plan should not be lowered.

3.1 Land Use and Planning Policy (p25):

- Analyze the jobs housing balance and the potential impacts of new housing legislation.

3.2 Socioeconomic Effects (p25-26):

- Establish a baseline for population growth without Baylands redevelopment versus with the development of the Baylands (with industry and housing) in the socioeconomic assessment. In the overall scope of assessment on impacts to human health and local population, consider taking a cumulative risk assessment approach (e.g. for added air emissions, impact to local waterways, traffic emissions etc.). <https://www.epa.gov/risk/framework-cumulative-risk-assessment>

3.3 Aesthetic Resources (p26):

- All maps, renderings or illustrations should be topographically accurate and allow the general public to visualize the views that would potentially be obstructed from various points, not just “viewpoint locations” or high vistas which may disregard impacts on the majority of the persons/places in Brisbane. The Specific Plan EIR should detail the specific areas of Brisbane where residents’ views and the public views will be obstructed by development. Photos of the same scene should be taken from multiple directions so they are not misleading to the reader. Please present a complete assessment of all visual impacts.
- Clearly state where the baseline (as defined for the entire EIR) for the building height will be measured from. Document the net increase in building height from the baseline in any discussion, descriptions, maps, or renderings. Consider building height impacts on obstructed views from the Bay, wind impacts and shadows.
- Study development view impacts on:
 - the entrance to Brisbane near 101 and Lagoon Rd; residents of Brisbane prize the first view of home when returning to Brisbane
 - the view of Brisbane from the Bay; the view of San Bruno Mountain must be preserved not only for people on land, but those enjoying time on the bay including wind surfing or sailing

- downtown Brisbane viewpoint; describe whether the Baylands project is or is not viewable from downtown Brisbane
 - the view of historic Cow Palace from the Bay or any other viewpoint location.
- Development within 350 feet of the eastern boundary of the Project Site (US Highway 101) should be designed to avoid blockage of views of the Bay shoreline from specified and defined Viewpoints. A separate mitigation measure should be provided that includes height requirements for development built beyond the stated parameters.
- Daytime glare should be studied and addressed from the perspective of cars on US101 as well as within Brisbane, and especially upper Brisbane.

3.4 Biological Resources (p26):

- Accurate characterization of the site is critical to an accurate assessment of the biological resources, past, present and future. A full biological assessment should be performed, including: resources inventoried by biologists who are competent and familiar with local plants, animals and local habitat; the use of current as opposed to outdated or extrapolated data; and scientific observations and data that go beyond the use of historical averages and consider variability between and within seasonal and annual patterns. Citizen science should be incorporated for a more complete picture than the limited survey techniques available to most common assessments. A detailed vegetation map should be provided so the public will know the species of plants and plant communities found on site.
- Perform specific surveys for the following species: Garter Snake, San Francisco Damsel Fly, Stickle Back, Mountain Salt Marsh Mouse and the California Red Legged Frog.
- Surveys should be done for special status species, such as *Viola pedunculata*, and precautions should be taken not to disturb species. As with most biological resources, full knowledge of a plant's life cycle, interaction with other species such as pollinators and hosted insects, and nursery production is needed to successfully restore that species of plant.
- A biological survey on the bay's shore line and in the lagoon for oysters should be performed.
- Study marine life in the lagoon, and the impacts of contamination on all wildlife in the Baylands.
- Evaluate the impact of shade from all buildings on the surrounding area's biological resources.
- Study the effects of the project on habitat fragmentation and consider/study building a greenway over the train tracks. We have a unique opportunity to connect San Bruno Mountain with the Bay Trail through a greenway that could serve pedestrian and bicycle traffic during the day and be closed to human traffic at night to provide a valuable wildlife corridor.
- Simulate (using a computer program) the predicted night lighting from the project to identify any Biological Resources as well as Aesthetic impacts. Evaluate in particular how bats, birds, insects and nocturnal creatures could be impacted by the imposed night lighting.
- Document the removal of any existing trees and address the long-term vegetation needs.
- With 30-40 feet of soil being added to the Baylands in places, it opens up the possibility of in-ground trees. Study and describe species selection and location to prevent cap penetration and tolerance for salinity due to sea level rise.
- While it is not possible to restore the wetlands destroyed by the filling of the Baylands, where or how they originally existed, a reasonable effort should be made to calculate the wetlands lost. Restore this amount to the greatest extent feasible within the project site, and set aside funds for wetlands restoration in nearby areas so that the total land area dedicated to wetlands approximates the total historical area of wet lands.

- Mitigation measures set forth in Biological Resources must reduce impacts related to tall structures and increased lighting by incorporating design features that minimize bird strikes, including design features making structures, especially glass surfaces, more visible from the outside to birds. Additional mitigation measures such as using green and blue outdoor lighting, designing the buildings with less glass, and treating every window to decrease its reflectivity, should also be considered.
- Ensure that any selected mitigation measures will be successful without causing harm. For example, previously suggested mitigation measures included fencing; study how fencing will affect access and flight of surrounding species.

3.5 Cultural and Tribal Cultural Resources (p26):

- Include as much historical reference as possible, going back as far as records are available.
- Describe the methodology for obtaining core samples. How might archeological artifacts be preserved that are found in the core samples? Will there be core samples of the landfill?
- The bone storage house should be included and considered even if not deemed “historically significant”. It could also be a source of contamination.
- Provide a detailed plan about how the Round House will be incorporated into the design, including accommodating the substantial change in the elevation and neglect.

3.6 Transportation (p26):

- The transportation analysis should take into account all new projects currently permitted within the region such that the cumulative transportation impacts are evaluated as accurately as possible. To the extent necessary, projects outside the normal DEIR scope could be included as an appendix.
- Transportation studies should include the major on/off ramps at 101 & Oyster Point. Though south of the project, it’s reasonable to expect that they will be impacted by the project, especially as travel times increase along 101N and people leave the freeway early. They should also include key arterial and collector streets in Brisbane, including Carter Way, Industrial Way, Valley Drive, and Old County Road.
- Transportation studies must consider current and future transportation needs for people of all physical abilities, be inclusive and accommodate an aging population.
- Study incorporation of a Transportation Demand Management (TDM) Plan which includes the aforementioned (in the Infrastructure: Circulation section) shuttle, and the associated carbon reduction of said shuttle as a Zero Emissions Vehicle (ZEV) over a diesel bus system.
- While the CalTrain tracks are fixed, the current preliminary street layout is designed with vehicular traffic in mind. Design and study instead approaches that prioritize: building orientation and passive solar; minimizing wind disruption; and active transportation modes. Combine the best elements from these approaches and then accommodate vehicles.
- Study/plan for a continuous high-quality bike corridor connecting the boundaries of the project to San Francisco, Brisbane and the rest of the peninsula. For instance: the transportation study performed in the first DEIR indicated that the primary destination for those living in the Baylands would be jobs in downtown San Francisco. While the vehicular aspects were studied fairly well, bikes were just expected to jump off into the void at the Northern edge of the project and materialize in the SF financial district, ignoring that the most direct route takes bicyclists across the 101 onramp.

- As noted above under 3.4, consider/study building a greenway over the train tracks that could serve pedestrian and bicycle traffic during the day.
- The NOP overlooks the promise and previously studied preservation of the freight train tracks; please re-evaluate this opportunity. These tracks, while currently underused, are still valuable to several businesses in the area, including but not limited to Golden State Lumber. As we accelerate our move towards a carbon free future, we can reasonably expect that rail, with its low carbon footprint, may see a resurgence. The freight train tracks could also play an important part in moving heavy Bay Mud to the Baylands.
- Consider/study the use of trees in roadway corridors. Mid-road medians planted with trees remove trees from being in conflict with buildings and provide shade for roads greatly reducing the potential heat island effect and leaving sidewalks open and welcoming for pedestrians.
- The Baylands Sustainability Framework set a target average commute of ~7.3 miles. What will be done to ensure that this goal is studied and met?

3.7 Air Quality (p26):

- Study and address the potential for ground-level ozone pollution, particularly given the nature of the Baylands site, its long history of pollutants including many identified and unknown sources of VOCs, proximity to sources of NOx such as US Hwy 101, and the reaction of Bay Mud with air.
- Wind flow and dust pollution should be extensively addressed in the Specific Plan EIR both during the phased construction and post construction. Describe the methodology used to assess the wind impacts on pollution from the project site; where will it travel and what will be the impact?
- Dust Mitigation measures should take rain events, afternoon winds, and off-hours into consideration when determining a watering schedule to mitigate dusts. There should be a goal of zero fugitive dust produced from site construction activity and interim use activities.

3.8 Greenhouse Gas Emissions (p26):

- Emissions must be considered for all phases of the project, including remediation and construction phases. A carbon study of the alternative methods of moving the soil required should be included in the DEIR.
- Baylands development should be designed for 1 metric ton of CO₂e per person per year or less.
- Study and detail approaches required to reach the city's Net Zero goal. In our opinion this should mean that all ongoing building operations are offset by onsite energy generation, not by purchase of RECs or energy offsets. "Onsite" may be determined at individual building level, as part of a building cluster or phase, the entire development, or a combination.
- Study the use of recycled materials; incorporate life-cycle accounting of materials. The Baylands Sustainability Framework has several proposals for Lifecycle Assessment. We hope the Baylands consultants will consider working with the City of Brisbane City Council, sustainability staff and citizens to ensure the most complete and thoughtful methodology is incorporated into the DEIR.
- Study the use of and potential emissions reductions from District Heating and Cooling. Building heating and cooling composes about one third of anthropogenic GHG emissions; District Heating and Cooling could significantly reduce the carbon footprint of new construction.
- The GHG study should include a recommended level of tree canopy cover as part of the GHG/heat reduction strategy.

3.9 Energy Resources (p26-27):

- Study only building heights which lead to energy densities that meet the Net Zero goal (see comment above regarding the Net Zero goal).
- A 100% renewable on-site option must be studied as consistent with the wishes of the people of Brisbane and in uphold the spirit and decision of the previous Brisbane City Council, some of whom still retain seats. Study the feasibility for the project to be energy positive on an annual basis.

3.10 Noise (p27):

- Study the noise and vibration impacts of compaction or densification of soils.

3.11 Geology, Soils, and Seismicity (p27):

- A description of impacts of slides such as from Tulare Hill into the lagoon and rock fall and erosion from Icehouse Hill should be explained in the project site description. Topographic changes from seismic activity and rock fall from Ice House Hill should be studied. Seismic testing of 7 Mile House should be conducted to ensure that pile driving will not affect the building.
- Soil pH directly correlates with corrosivity, as noted in the prior DEIR, and it appears that the corrosive soils may not be suitable to sustain development. The soil pH should be determined across the site for current (2020-21) conditions and detailed in the Specific Plan EIR. Consider what measures will be taken to anticipate sea level rise if the amount of moisture in the soils affects the severity and rate of corrosion of substrate; the potential for piles to be damaged due to corrosion from the soils; how documented fill and undocumented fill differ with soil erosion potential; and reduction of soil erosion when it is graded and covered with concrete.
- The efficacy of “Bay Mud” and the exact defining properties were called into question by prior analysis from Treadwell & Rollo, Inc. which stated that, “placement of engineered fill may cause underlying Bay Mud to fail.” Assess whether Bay Mud retains its value once it has been dried out and moved around, and whether it will still be effective as a cap. Describe what can be done to prevent cross-contamination from the landfill into the aquifer if failure of the Bay Mud cap were to occur, as well as the implications of consolidated Young and Old Bay Mud and the variations in Bay Mud as a protective cap.
- The Specific Plan EIR should address who will perform a Post-Earthquake Inspection and Corrective Action Plan inspection, who will be implementing mitigation measures and on what time frame. The prior EIR required this inspection and plan for an event of a magnitude 7.0 or greater earthquake centered within 30 miles of the former Brisbane Landfill; explain why specific parameters (i.e. 7.0 instead of 6.5) are used to establish the requirements.
- Mitigation measures requiring a site-specific geotechnical report should provide as much detail as possible on what should be included in that report. For example, the number, interval, depth and distance from building footprint for required borings, and measures to ensure that cross-contamination of water-bearing layers does not result from borings, pile-driving or other foundation work.

3.12 Hydrology and Water Quality (p27):

- Develop a complete hydrologic model of the site.

- Provide accurate maps and 3-D renderings of original, current and future proposed land contours including accurate heights, measured in 5-foot increments, to a consistent, established baseline. Include baseline contours at or below median sea level at a current specific date as a benchmark against sea level rise. Evaluate impacts with respect to impending sea level rise, potential for siltation to decrease water quality, and other pertinent factors.
- Areas that stay wet all year round where species can exist should be distinguished from the truly seasonal wet areas in a map. This is most likely due to underground springs, which should also be investigated in the Specific Plan EIR.
- Evaluate the impact of wind-blown dust settling on the bay causing pollution of the water and excessive siltation both in the waters within Brisbane's city limits and beyond.
- The geology and hydrogeology of the site are only partially understood, and more investigation is needed in order to safeguard the water-bearing units to ensure that construction does not result in increased contamination of the aquifers or the bay.

3.11, 3.12 & 3.13 (p27):

- "A report by MACTEC (now AMEC) dated May 24, 2010 (Groundwater Monitoring Report, First Quarter 2010, Appendix B, p. 1-1) contains these observations about the Schlage OU: "A correct understanding of the Site's hydrogeological framework is critical to the successful design, assessment and performance of the [remediation] program. To date, the previously established definitions of water-bearing zones have been unable to explain completely the contaminant distributions and other hydrogeological observations... Recent field activities... indicate a reassessment of the Site's hydrogeologic conceptual model is now necessary... the existing definition of water bearing zones do not adequately represent the Site hydrogeologic condition... [the report] presents an alternative hydrogeologic model ... that explains historic groundwater observations and better predicts fate and transport." For the reasons explained by MACTEC, and for clarity in general, it would be useful if the Specific Plan EIR were to use MACTEC/AMEC's terminology (see report quoted above, p. 2-1), i.e., Young Bay Margin Deposit, Colma Formation, Old Bay Margin Deposit, Merced Formation, Franciscan Formation bedrock. The most recent remediation measures have used the newer terminology, and many members of the public and the DTSC have become familiar with it. It would also be useful to reproduce MACTEC/AMEC's cross sections of the former Schlage OU.

3.13 Hazards and Hazardous Materials (p27):

- Contaminants in the Baylands should be comprehensively tested and identified.
- Test storm water runoff and contamination from the Tank Farm.
- Background pollution as a result of the landfill should be taken into account. Address the high potential of original waste material from Hunter's Point Shipyard during its years as an active shipyard as well as other potentially highly hazardous waste materials.
- Determine whether or not toxins exist in the lagoon water; a soil scientist should sample the sediment in the lagoon and a biologist should test the wildlife in and around the lagoon for bioaccumulation.
- Include toxin mapping of the Stauffer Chemical site, the railyard maintenance areas, Schlage Lock plume, possible plume from Midway Village area, Champion Speedway, tire dump in the

land fill, etc. Every potential toxic or destabilization potential needs to be clearly and accurately mapped and labeled.

- The long construction build-out should take into account human health risks to construction workers on site and risks to other in the vicinity.
- The process for closing the landfill should be included as well as the known and “unknown” current state of the landfill.
- The use of wick drains was previously assumed in estimates of settlement at the landfill. Please discuss the possible negative effects of wick drains and clarify whether or not the Specific Plan EIR recommends their use. Detail where will this highly contaminated water will go and how it will be processed.
- Proper mitigation measures should be described for any hazardous materials that will move offsite.
- In the EIR’s mitigation measures regarding hazardous substances at the site, the project development should consider different methods to monitor for contaminants of concern in ambient and environmental media (air, stormwater runoff, soil, groundwater as appropriate) through the life cycle of the project. That information should be translated to some form of understandable report to Brisbane residents/citizens to clarify whether safeguards/mitigation measures for historical contaminants of concern are effective or not.
- Remediate contaminants to the highest standard possible, regardless of the ultimate land use in the Baylands. The feasibility of alternative methods for remediation should be studied, including capping, hauling away contaminants, and the latest/most advanced bioremediation techniques.

3.15 Recreation (p31):

- In the previous DEIR, the study covering windsurfing at Candlestick Recreation Point determined a minor reduction in the wind speeds due to the Baylands Development, but did not consider a reduction in the number of surfable days. For example, a 10% reduction in wind speed may result in a 50% reduction in the number of days with adequate wind speed for surfing. Perform a new study that uses methodologies that reflect the impacts of the project in consultation with the Candlestick Recreation Association.

3.16 Utilities, Service Systems, and Water Supply (p31):

- As noted in 3.8 GHG, study the use of District Heating and Cooling.
- With California’s long history of drought cycles, high farming demands and ever-growing population, all new large projects must study a balanced water system that optimally uses: grey water, rain water, municipal water, and reclaimed water. The system should be designed with opportunities to connect old Brisbane where possible.

Add 3.17 Wildfire: Study the potential for and impacts of a fire on Icehouse Hill, related to Kinder Morgan pipelines or facilities, or the subterranean tire dump.

April 20, 2020

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005

Dear Mr. Swiecki,

We submit this letter to voice the City and County of San Francisco's support for the work Brisbane is doing to address California's housing crisis through the Brisbane Baylands project-. A series of comments from our agencies on the NOP is included below. Thank you for your ongoing coordination with the City and County of San Francisco across several transportation and land use planning processes, including engaging our agencies early in the development of the Baylands proposal at the planning workshop hosted by the City of Brisbane in July 2019.

- 1) The Baylands development design and infrastructure investments should be consistent with our shared vision and goals as expressed through the Bayshore Intermodal Station Access Study and Bi-County Transportation Study which were conducted in partnership among our agencies to support safe and multimodal travel options for new trips that result from the Baylands and other developments on both sides of the San Francisco/San Mateo County line. Led by the San Francisco County Transportation Authority (SFCTA) in partnership with Brisbane, the County of San Mateo and other entities, the study identified a set of interconnected projects that are located on or adjacent to the Baylands site and provide important connections across the county line:
 - a) The Geneva-Harney Bus Rapid Transit project, which would connect from Harney Way across U.S. 101 to the Bayshore Caltrain station and ultimately west along Geneva Avenue (connecting to the Balboa Park BART station);
 - b) The extension of Geneva Avenue across the Baylands site to U.S. 101;
 - c) Replacement of the U.S. 101 Candlestick Interchange to provide a direct connection for both the BRT and general traffic between Geneva Avenue, Harney Way, and the freeway;
 - d) Traffic calming for congestion and safety hotspots on nearby arterials; and
 - e) Pedestrian and bicycle connections across U.S. 101, along Geneva Avenue, to the Caltrain station, and to the Bay Trail.

As part of this effort, the cities committed to facilitating proportional public and private contributions as identified in the Bi-County Study impact analysis toward the construction of the identified package of transportation improvements.

- 2) In addition, the common vision for this area (established in 2012) prioritizes transit-oriented land uses, pedestrian-supportive designs (and design speeds) for new roadways, safe walking and bicycling conditions, and a robust transportation demand management (TDM) program. In keeping with these objectives, we note the importance of parking provision and management/pricing features of the Specific Plan, and advocate for making these as sustainable as possible.

- 3) Specific to the design of the proposed Geneva Avenue extension, the proposed roadway plan in Figure 5 of the NOP shows a potentially six-lane proposed Geneva Avenue roadway intersecting with the two-lane Beatty Avenue and two-lane Alana Way in the northeastern corner of the project site. We would like to coordinate with the City of Brisbane and the developer throughout the planning process to ensure that the intersection and roadway design:
 - a) Incorporates appropriate design speeds and features to ensure safety for all road users, including bicyclists and pedestrians and vulnerable populations;
 - b) Facilitates current bus transit from Candlestick Point/Executive Park to Caltrain/Bayshore Blvd. via Alana Way, Beatty Ave., and Tunnel Rd;
 - c) Facilitates bus transit to/from downtown San Francisco via U.S. 101 using the adjacent freeway ramps and the Alana Way underpass;
 - d) Is compatible with the proposed Harney-101 Transit Crossing improvements as identified by the SFMTA; and
 - e) Supports long term bus rapid transit in the Geneva Harney corridor.
- 4) Future bus rapid transit service is envisioned to operate between Candlestick Point/Executive Park and Balboa Park BART via dedicated transit-only facilities on Geneva Avenue, including the section of Geneva Avenue proposed to be constructed as part of the Baylands project, as described in the Geneva-Harney BRT Feasibility Study. Consistent with the approach in the Bi-County Transportation Study, we would like to coordinate with the City of Brisbane and the developer throughout the planning process to advance a roadway design for Geneva Avenue that includes effective transit-only lanes and convenient connections to the Bayshore Caltrain station.
- 5) Several Muni routes currently operate on Bayshore Blvd, including the T, 9, 9R, 8, 8AX, and 8BX. The bus routes operate in mixed-flow lanes, and often become delayed in traffic congestion along this segment of Bayshore Blvd. We recommend that the EIR take into account the potential for roadway design and congestion to affect transit performance.
- 6) Finally, the goal of bringing high-speed train service to downtown San Francisco is of critical importance to our city and region; particularly with regard to serving regional and statewide travel demand and to alleviate highway congestion. We recommend addressing the overlap of the footprint for a proposed light maintenance facility for High Speed Rail within the Specific Plan's boundaries, including coordinating with the California High Speed Rail Authority as they deliver an upcoming draft environmental document for the San Francisco-San Jose project section.

-Thank you for your consideration. If you have any questions, we would be happy to discuss further.

Sincerely,

A handwritten signature in cursive script, reading "Hugh Louch".

Hugh Louch
Deputy Director of Planning
San Francisco County Transportation Authority

A handwritten signature in cursive script, reading "Doug Johnson".

Doug Johnson
Transportation Manager
Citywide Division
San Francisco Planning Department



San Francisco International Airport

March 16, 2020

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Subject: Brisbane Baylands Specific Plan, Notice of Preparation of Draft Environmental Impact Report – City of Brisbane

Dear Mr. Swiecki:

Thank you for notifying San Francisco International Airport (SFO or the Airport) of the preparation of a new Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Specific Plan (the Project). We appreciate the continued opportunity to coordinate with the City of Brisbane (the City) in considering and evaluating potential land use compatibility issues with the Project area and Airport operations.

SFO staff has reviewed the DEIR Notice of Preparation for the Project, which includes commercial (office, biotech, and campus), retail, institutional, open space, and residential development within the Project site. SFO submits the following comments for consideration in scoping the environmental analysis.

The proximity of the Project site to the Airport, and departing aircraft utilizing specific procedures over the site, means that development may need to consider regulatory reviews specific to airport noise and land use compatibility standards. The Airport Land Use Compatibility Plan (ALUCP) addresses issues related to compatibility between airport operations and proposed new land use developments, considering noise impacts, safety of persons on the ground and in flight, height restrictions/airspace protection, and overflight notification. The ALUCP was adopted by the City/County Association of Governments of San Mateo County (C/CAG) in October 2012.

The Project site is located within Airport Influence Area A, which includes the entirety of San Mateo County. Although the Project is not subject to the specific noise, safety, and airspace protection policies applicable to Airport Influence Area B, which is a subarea within Area A, there are select policies that apply to the Project. Within Area A, the real estate disclosure requirements of state law apply, as stated in ALUCP Policy IP-1. Land use development within the Airport Influence Area is currently governed by the ALUCP, and Airport staff encourages the City to work closely with the C/CAG Board to determine project consistency with the ALUCP and other regulatory review procedures.

Although the Project site is not within the Airport's 65 dB CNEL noise contour, it is subject to frequent overflights from aircraft departing SFO using the SSTIK and Shoreline Departure Procedures. Additionally, the Project site is exposed to noise from Highway 101, Caltrain, and the future California High Speed Rail line. The Project proposes up to 2,200 new residential units and a 4.6-acre elementary school site, and the DEIR must consider the effects of noise on these residential and other noise-sensitive land uses.

The DEIR should also consider the possible effects of climate change and sea level rise utilizing the projections supported by the Bay Conservation and Development Corporation (BCDC). Adapting to sea level rise along the Bay is a regional responsibility. It is critical for new shoreline development to assess

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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John Swiecki, AICP
March 16, 2020
Page 2 of 2

the potential risks posed by higher future sea levels. The EIR should consider flood protection measures that would be necessary to protect the future Brisbane Baylands community against rising sea levels and storm surge.

The Airport appreciates your consideration of these comments. Please include SFO Planning and Environmental Affairs on the distribution of the Final EIR. If I can be of assistance as the City considers airport land use compatibility as they relate to this project or future projects, please do not hesitate to contact me at (650) 821-9464 or at nupur.sinha@flysfo.com.

Sincerely,



Nupur Sinha
Acting Planning Director
Planning and Environmental Affairs

cc: Susy Kalkin, Airport Land Use Committee
Sandy Wong, C/CAG
Nixon Lam, SFO, Environmental Affairs Manager
Bert Ganoung, SFO, Aircraft Noise Abatement Manager



Serving San Mateo, Santa Clara and San Benito Counties

April 20, 2020

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005
Email: baylands@brisbaneca.org
Fax: (415) 467-5547

Baylands Specific Plan Scoping Comments

Dear Mr. Swiecki,

The Loma Prieta Chapter of the Sierra Club is pleased to submit the following comments on the Baylands Specific Plan.

Our organization and its thousands of members in the Bay Area are all working to protect the San Francisco Bay and its ecosystems and are greatly concerned with impacts of development in proximity to the Bay or to coastal streams on our natural resources. We have expressed concerns with this project in the past, and we remain concerned. Please accept the following comments.

Project description

Please make sure the project description describes any upgrades to utilities, service systems, and water supply infrastructure (including drinking water treatment and pumping/delivery) so the impacts of those upgrade projects will be analyzed. Include offsite as well and onsite upgrades that will be needed to support the development.

As much information as possible about the transfer agreement with Oakdale Irrigation District (OID) should be included as part of the EIR, so the impacts of that agreement can be analyzed. Analysis of impacts should not be piecemealed into a separate environmental document.

Some of the area is in the FEMA flood zone. In addition parts of the plan area are subject to inundation due to sea level rise within the life span of the proposed Development. Please include description of how the site will be raised and drained, without impact to the creek and the bay.

Regulatory Setting

- Please discuss how the Project will support the Delta Reform Act of 2009 (California Water Code Section 85021) policy to "reduce reliance on the Delta in meeting California's future water supply needs

through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.”

- Please discuss the Project in the context of the latest applicable Urban Water Managements Plans (UWMPs), specifically the San Francisco Public Utility (SFPUC) UWMP, but also any other UWMPs that apply Brisbane’s water supply.

Approvals Needed

- In addition to the transfer agreement with OID, add the wheeling agreements that will be needed to transfer water through Modesto Irrigation District (MID) and the SFPUC.

Aesthetics

Since the new small city being conceived in this proposal will be within view of the residents of Brisbane and San Francisco, particularly housing developments on the hills surrounding the site, the greening of this new urban area is critical to the views of the site.

The Urban canopy of this development should be included as part of the description an mitigation for the Aesthetic degradation of what has essentially been an open space for over half a century

Green Roofs should be considered mandatory rather than optional and there should be no visible mechanical equipment on rooftops as these are particularly offensive viewed from above.

Biological Resources

Habitat:

Today, with ongoing fragmentation of habitat, small patches of remnant habitat have an increasingly important role in supporting the health of the larger ecosystems of the Bay Area and the species that comprise them. The San Francisco Estuary Institute has produced several recent reports highlighting the importance of small habitat patches in our regional ecological resilience, for example, see

https://www.sfei.org/sites/default/files/biblio_files/MarinBaylandsReport.pdf

Please evaluate habitat patches in detail and provide an EIR with comprehensive analysis of the importance of any habitat patch for the resilience of resident and migratory species.

In December 2019, the California Department of Fish and Wildlife (CDFW) and California Attorney General Xavier Becerra jointly provided an advisory to affirm that California law continues to provide robust protections for birds, including a prohibition on incidental take of migratory birds, notwithstanding the reinterpretation of the Migratory Bird Treaty Act (MBTA) by the U.S.

Department of the Interior (DOI)

Creek Setbacks

The biological consulting firm H.T. Harvey and Associates has recommended, in various cities, that no buildings taller than 55 be constructed within 300 feet of the top of bank along creeks. This distance is sufficiently broad to continue to allow adequate aerial movement space for birds that are entering, exiting, or flying in between creeks and buildings.

We suggest including wording for a height restriction zone, along the creek, be included to protect bird life along the waterway. Beyond this, taller buildings shall be allowed with bird-friendly design.

Water issues

- Analyze possible impacts of diverting additional water from stream sections in the Delta or its tributaries. Develop a baseline using information about where the 2,400 acre-feet of water annually Oakdale Irrigation District is offering is currently allocated.
- Include information on the locations of the interties between OID and MID and between MID and the Hetch Hetchy system so that impacts on instream flows, water temperature, and water quality can be evaluated. Specifically analyze these impacts on listed species such as Salmon and on water quality issues such as harmful algal blooms.

Bird-safe design

- Please study and discuss the glazing in terms of potential to cause bird collisions
- Please discuss light and glare in terms of bird collisions, and provide adequate mitigation to
- Reduce light pollution. For example, mitigations to prohibit uplighting, and provide a light-out
- program during bird migration periods.
- Please analyze avian flight patterns in the project area.

We maintain that the creek and its bank should be considered Riparian Habitat and an environmentally sensitive habitat.

Please also refer to the following resources:

Bird Friendly Design - Reduce building reflectivity, light pollution, transparency, etc. to prevent bird collisions with glazing in proposed commercial and residential buildings:

<https://www.go-gba.org/resources/green-building-methods/bird-friendly-design/>

References attached (or links):

1. List of references for bird safe design and the vulnerability of raptors, including Peregrine falcons, to collision with building and other man-made structures.
2. City of San Francisco Standards for Bird-Safe Buildings
3. Marine Baylands study - this is a link to a website:
https://drive.google.com/file/d/1DCP70OIB-j_dMKFPLV5u_q_ixrEIPFD8/view
4. California Dept. of Fish and Wildlife advisory
5. Letter from Dr. Christine Sheppard, Director, Glass Collisions Program, American Bird Conservancy
6. Santa Clara Valley Habitat Plan Riparian Setbacks

7. San Jose Riparian Corridor Policy Study

Tree Canopy:

Trees are a source of shade, air conditioning and other environmental benefits, providing quality of life and economic benefits to the community, residents and businesses.

Instead of the usual degraded ecology of standard mixed use high-density developments, please analyse the benefits to human and wildlife population. Use as a guideline the [Urban Habitat Design Guidelines](#) - and [Green Streets Guidelines](#) by Sierra Club Loma Prieta

Please consider including a requirement for a [Baylands Urban Forest Master Plan](#) to target an important area of environmental mitigation for GHG. The Urban Forest Master Plan's forest preservation goals will incorporate new landscape design requirements to address multiple goals including:

- Water Efficiency
- Native habitat for a healthy ecology
- Heat island effect mitigation
- Absorption of storm water
- Cleaner air
- Carbon sequestration
- Noise mitigation
- Soil improvement
- Climate mitigation
- Energy conservation thru shading
- Increase in walking and bicycling
- Mitigate GHGs

Land Use and Planning

The Brisbane Baylands Specific Plan proposes development of 2,200 residential units and 7 million square feet of commercial use (see Figure 4). Pursuant to the requirements of General Plan Amendment GP-1-18 and Measure JJ, residential uses would be limited to the northwestern portion of the site.

Three residential development types are proposed:

- High-density residential uses, which would consist of multi-family residential and mixed-use buildings that are generally 4 to 6 stories in height, with buildings up to 8 stories in specific locations to be identified in the Specific Plan.
- Medium-density residential uses, which would consist of townhomes 2 to 3 stories in height with rooftop decks.
- Low-density residential uses, which would consist of larger 3-story townhouse units.

Population & Housing

The bay area is in a profound housing crisis. Only a paltry amount of housing has been built in the Peninsula amid explosive job growth. From 2010 to 2017, San Mateo County added 83,000 new jobs, but only 7,100

new housing units — a 12-to-1 ratio. Housing experts say that a 2-to-1 ratio is needed to keep housing costs in check and 1-to-1 means balanced.

At the same time, developers added 7.34 million square feet of new commercial space in San Mateo County from 2008 to 2018, according to Yardi Matrix, a real estate data company. That's enough to house more than 30,000 workers. San Francisco Business Times, Oct 24, 2019

Particularly Problematic is the construction of enormous amounts of Office Space without the necessary increase in housing to balance to provide housing for the needed office workers and support staff.

On July 19, 2018, the City approved General Plan Amendment GP-1-18 permitting development of 1,800 to 2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use (total of 7.0 million square feet of non-residential development) within the Baylands Subarea.

Please analyze the environmental impact of the demand for more housing with a thoughtful and complete analysis of housing demand generated by the large amount of Office Space planned for this development.

Healthy Jobs / Housing Balance - According to the Building Industry Association and the California Department of Finance, a healthy jobs / housing balance is 1.5. (One full-time job and one part-time job per housing unit). Any ratio above 1.5 jobs per unit signifies there is an insufficient number of units to meet the needs of the local workforce. The EIR for the development should specify the anticipated number of jobs expected in the development and quantify the number of housing units expected to be needed to house those employees. Even if there is a numerical Jobs / Housing balance, there is often an imbalance in Jobs / Housing Fit (where employees have high enough income to afford the housing in their community). Jobs / Housing Fit should also be taken into consideration when reviewing new commercial developments.

Please also include the need for amount of low and very low income housing, in addition to moderate income housing that would be generated by this development.

Condo conversion: if multi-unit ownership housing is being considered, please include requirement for condo conversions to include required percentage of affordable, moderate, low income, and very low income units

It is not acceptable to ignore the cumulative demand on Baylands Development for housing created by other office developments on the peninsula. Nor is it acceptable to dismiss this need by suggesting that the workers will live elsewhere in the bay area, and therefore the project will have no environmental impact.

Commercial

Three types of commercial uses are proposed:

- High-Tech Commercial would be the densest commercial use, with buildings up that range from 6 to 10 stories in height with floor plates appropriate for high-end office usage.

- Biotech Commercial would cater to companies looking to set up small campuses for their practices. This commercial type would include buildings that are 3 to 5 stories in height and provide adequate space for the various requirements of the biotech industry.
- Campus Commercial would consist of large, single-tenant parcels catering to tech companies that want to invest in larger office campuses. This commercial type would be characterized by buildings 1 to 2 stories in height.

No. of employees – Total gross area of Office Space divided by 250sf – 150 sf per employee. Tech jobs are closer to 150sf / employee e.g. Facebook. Employees would include service workers in the facility.

Healthy Jobs / Housing Balance - According to the Building Industry Association and the California Department of Finance, a healthy jobs / housing balance is 1.5. (One full-time job and one part-time job per housing unit). Any ratio above 1.5 jobs per unit signifies there is an insufficient number of units to meet the needs of the local workforce. The EIR for the development should specify the anticipated number of jobs expected in the development and quantify the number of housing units expected to be needed to house those employees. Even if there is a numerical Jobs / Housing balance, there is often an imbalance in Jobs / Housing Fit (where employees have high enough income to afford the housing in their community). Jobs / Housing Fit should also be taken into consideration when reviewing new commercial developments.

Amenities needed:

The proposed development will result in a more than doubling of the existing residential population, requiring an expansion or addition of civic amenities such as libraries, community centers, senior centers, post offices, animal shelters, city hall offices, fire department and police.

According to the Applicant, the “specific internal programming content of Roundhouse will be determined as part of the design review and approval process for this structure.” For purposes of environmental analysis, a mix of retail, office, restaurant uses, along with public gathering and activity space, will be assumed for the Roundhouse.

We specifically suggest use of the Station Area Plan Guidelines and TOD guidelines by Sierra Club Loma Prieta

We also request attention to “walk-score” which measures the walkability of a proposed neighborhood with reference to access to grocery stores, schools, parks, restaurants, coffee shops, hospitals and clinics, entertainment, and retail for the services of daily life such as hardware stores, drug stores, banks, hair and nail salons, pet stores, vets, child-care, cleaners, farmers markets. transit locations, farmer's markets, and other nearby businesses along with ease of accessibility to nearby jobs without a car.

Pedestrian friendliness metrics include population density, average block length, narrowness of auto traffic lanes (to reduce speed to 15-20mph) and prioritizing a pedestrian /bicycle network.

Many cities are recognizing the importance of additional space needed to encourage people to walk, while decreasing the dominance of cars on public rights of way. Some cities are converting streets to no auto streets. A simple approach to a connected pedestrian network is [the Green Streets guidelines](http://www.sierraclub.org/loma-prieta) by Sierra Club Loma Prieta.

Transportation

7 million sf of new office space will generate an incredible amount of new traffic.

Traffic at 101 and its exits, and Bayshore will increase significantly and cannot be mitigated.

With COVID-19 experience, many businesses have developed robust systems for remote working. This should reduce the amount of office space required by businesses.

Transportation Demand Management (TDM) as mitigation: It appears clear that given the impact of other developments, that TDM would now be required as mitigation for any new large development, of this size, along the already impacted freeway 101.

- Please analyze in detail how these effects can be reduced, or mitigated
- Please establish funding sources for these efforts.
- Please analyses specific TDM mitigation strategies including Transportation Management Associations¹.
- Please include remote satellite workspaces, with robust internet, in all the mixed use and housing developments so that workers can work close to home and avoid commuting.

Satellite Parking – Some cities, such as Portland, Oregon have low or no parking requirements in downtown buildings because the city provides public parking structures, in preferred locations, using “in-lieu” developer fees

Green House Gas (GHG) Emissions & Climate Change

- Please analyze in detail, using a checklist, how this development would affect the City Climate Action Plan goals and how these will be met in the schedule laid out.
- Please analyze a variety of means to mitigate the GHG effects of additional traffic and additional buildings on climate change. Suggest possible mitigations for the GHG and climate change, including:

Forestation – Growing new trees and improving the management of existing nearby forests. As forests grow they absorb CO₂ from the atmosphere and store it in living biomass, dead organic matter and soils.

Habitat restoration – Restoration of peatlands and coastal wetlands to increase their ability to store carbon. This also prevents carbon release through further degradation, often providing a number of other co-benefits

¹ Traffic Management Association – is a non-profit, member-controlled organization that provides transportation services in a particular area, such as a commercial district, mall, medical center or industrial park. They are generally public-private partnerships, consisting primarily of area businesses with local government support. 20 Way-finding System- Signage and other visual cues to help people move through a city and feel comfortable doing that because of the way-finding design 21 Bulk Transit Passes – Caltrain “Go Pass”
http://www.caltrain.com/Fares/tickettypes/GO_Pass.html ; SamTrans “Way2Go”
http://www.samtrans.com/fares/faretypes/Way2Go_Program.html 22 Community Benefit District - Established to monitor and enforce a Community Benefit

Carbon neutral concrete
Green roofs
Bioswales planting
Walking and bicycling networks & fewer fatalities
Decrease speeds of autos as GHG reductions are related to reduced speeds
Longer lifespans - reduction in asthma and pollution related diseases such as COPD
Working from home - provide broadband internet equipped satellite work centers in each block
Safe Routes to Schools – can remove up to 10% of morning traffic during commute hours.
and other strategies

Energy Resources

- Office buildings have moved to having a larger percentage of glass than would probably be allowed under new energy codes that went into effect on January 1, 2020. The project will need to comply with the new code and the building “skins” should comply with the revised energy requirements.
- Include in the energy analysis any energy needed to transfer, deliver and treat additional water required for this project, including energy to move water from OID to MID and from MID to SFPUC’s Hetch Hetchy system.
- Include the energy consumption of a Recycled Water facility including energy usage for the facility as well as energy required to transport the water back to the users for irrigation water. Note that not all plants can be watered with recycled water, as some are sensitive to the elevated levels of certain chemicals, such as salts.

Noise

Since the proposed development is in a “bowl” with residential development around on hill slopes, noise generated by this new use of the land, which has been essentially vacant for over half a century, will be very significant.

In the world today, noise has become one of the most pervasive forms of environmental pollution. Noise is everywhere. It affects our lives at home, at work, and at play. Wherever people live there is noise. Noise, by definition, is any unwanted or excessive sound. It can be a nuisance, interfering with sleep, work, or recreation.

There is one type of noise that can be effectively treated at its source: road noise. By paving roads and highways with quiet asphalt pavement, noise experienced both inside and outside homes and businesses can be significantly reduced.

Please analyze strategies to reduce noise both during construction but, more importantly, during the life of the project.

Roadway noise: Use sound absorbing asphalt to keep noise down into the surrounding hillside residential areas. **Rubberized asphalt concrete (RAC)**, also known as **asphalt rubber** or just **rubberized asphalt**, is noise reducing [pavement](#) material that consists of regular [asphalt concrete](#) mixed with [crumb rubber](#) made from [recycled tires](#).

Noise ordinances are starting to gain traction as urban noise increases to the detriment of human health and bird songs. Noise mitigation and Noise Standards – <http://www.governing.com/topics/urban/sl-noise-pollution.html>

Utilities, Service Systems, and Water

SEA LEVEL RISE

The recent BCDC study, on Sea Level Rise, by a consortium of state and local agencies states, “The findings in this report may cause some alarm.” But it argues that coordinated action is needed sooner rather than later — unlike how the Bay Area neglected its housing needs for decades, creating today’s high rents and mortgages that are driving lower-income residents out of the region.

“The Bay Area is at a tipping point, poised between a growing body of information ... and the beginnings of irreversible impacts,” the report states. “We know that rising sea levels are coming. And we know what the potential impacts will be.”

But much of the emphasis is on a raised water level of 48 inches, a number that corresponds to the “likely” amount of sea level rise forecast in the Bay Area for 2120 by the California Ocean Protection Council. More ominously, it’s an average level that could arrive as early as 2060 under the council’s “highest risk and least likely” model.

Please include analysis for sea level rise taking recent estimates by BCDC, released this year, into account.

Analyze water recycling vs reduced water usage at source: While water recycling may be useful, it is a highly energy intensive use. Energy is required for cleaning and filtering the wastewater and even more energy is required for pumping the water back to the buildings where it will be used in purple pipes for irrigation. A recycled water facility should only be considered after all waste water reduction strategies are in place – for example a greywater ordinance requiring greywater to be used at the source rather than going into the sewer system

Analyze the elimination of all storm drains: Some of the area is in the FEMA flood zone. In addition to the area is subject to inundation due to sea level rise within the life span of the proposed Development. Please include detail on how the site will be drained, without impact to the creek and the bay.

Analyze the elimination of storm drains and use, instead, bioswales associated with a systematic program of associated street tree planting, using high-habitat value trees and natives, instead.

Please discuss in greater detail a specific proposal for how the project will cover the anticipated costs, or its portion of the cost, for upgrading aging infrastructure that it may connect to, in order to protect the environment.

Water Quality

- Please analyze the impacts on water quality in the Bay as a result of additional discharges of treated waste water from water treatment plants.

Water Supply

- Impact on water supply to Oakdale Irrigation District customers, especially during dry years, needs to be identified and analyzed.
- Any impacts on water supply to secondary water rights holders downstream of OID due to the new use (water transfer) need to be identified and analyzed.

Alternatives to the proposed project.

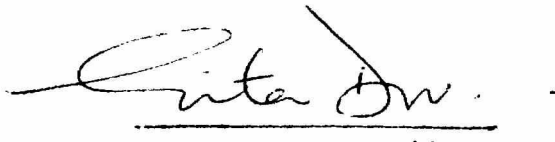
Consider a project with the proper jobs housing balance of 1.5 units/j to analyze what amount of office space is actually supported by the maximum 2,200 housing units.

Growth inducing effects.

Please analyze the effect on City of Brisbane and pressure to develop housing all over the hillsides currently open space.

Consider whether a measure is required to prevent decrease of open space and loss of the character of the City of Brisbane.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Gita Dev", is written over a horizontal line.

Gita Dev , FAIA
Sustainable Land Use Committee , Sierra Club Loma Prieta Chapter (SCLP)

&

Katja Irwin,
Conservation Committee Co-Chair, SCLP

CC James Eggers, Executive Director, SCLP

Raptor/Peregrine Collisions (Links to articles)

General Article

<https://goldengateaudubon.org/conservation/make-the-city-safe-for-wildlife/birds-and-collisions/>

Seattle

<https://urbanraptorconservancy.org/seattle-urban-raptors/threats-to-urban-raptors/collisions/>

GGRO

<https://www.parksconservancy.org/sites/default/files/PacificRaptor39.pdf>

Pg-25- Second paragraph below pic; Pg-26 – Table

The Peregrine Fund-Vision2050

<https://peregrinefund.org/sites/default/files/2019-12/Vision%202050.pdf>

Raptor Safe Initiative – Pg 217- Only focuses of Renewable Energy-Wind Turbine Effects

<https://www.fs.fed.us/database/feis/animals/bird/fape/all.html#Mortality>

General Hazards info- Mortality subheader- 3rd paragraph

<https://www.hawkmountain.org/raptors/peregrine-falcon>

General Note- Urban Area threats- Conservation Status Section of Article

Thesis- Assessment of Peregrine falcon Nesting Habitat in the SF Bay Area

https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=8536&context=etd_theses

pg-93- Recommendations for Future Research

Bird-Friendly Building Designs

https://abcbirds.org/wp-content/uploads/2015/05/Bird-friendly-Building-Guide_20151.pdf

SF Planning Department -Bird Safe Designs

https://sfdbi.org/sites/default/files/Documents/Boards_and_Commissions/Green_Building_Subcommittee/Standards_for_Bird_Safe_Buildings_DRAFT_OCT2010.pdf



SAN FRANCISCO
PLANNING
DEPARTMENT

DESIGN GUIDE

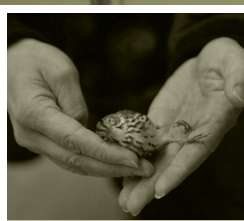
Standards for Bird-Safe Buildings

THE FACTS

Over 100 million bird deaths annually

Reflective, transparent materials cause hazardous collisions

Birds attempt to reach shelter, food and migratory paths reflected in glass



THE CODE

Per San Francisco Planning Code Section 139, “*Standards for Bird-Safe Buildings*,” there are two types of bird hazards:

Location-Related Hazards: Buildings within 300 feet of an Urban Bird Refuge.

Building Feature-Related Hazards: Uninterrupted glazed segments 24 square feet or larger.

THE TRIGGERS

New Buildings

Additions

Alterations -
replacing 50% or
more of glazing

See back for treatment options >

Resources

Standards for Bird-Safe Buildings document
sfplanning.org/index.aspx?page=2506

Golden Gate Audubon
goldengateaudubon.org

American Bird Conservancy
abcbirdtape.org

U.S Fish and Wildlife Service
fws.gov

LEED Pilot Credit #55 Bird Façade
usgbc.org

Bird-Safe Building Treatments

Location-related hazards require facade treatment. Buildings with feature-related hazards are also required to treat hazards.

Applied to 90% of glazing from grade up to 60 feet (Bird Collision Zone)

Applied to 100% of Building Feature-Related Hazard

2x4 Rule Required: Patterns smaller than 4" tall by 2" wide

Glazing Options

- ▶ Glass that reflects the ultraviolet light (which birds can see) such as 'Ornilux'
- ▶ Glass which has photovoltaic cells embedded such as 'IQ Glass', or 'Volltalux'
- ▶ Dichroic glass
- ▶ Fritted glass such as *Viracon Silk-screen*
- ▶ Etched Glass
- ▶ Translucent glass such as 'Profilit'
- ▶ Film

Building & Fenestration Strategies

- ▶ Layering and recessing glazed surfaces
- ▶ Louvers
- ▶ Overhangs and awnings
- ▶ Screening
- ▶ Netting
- ▶ Angled or faceted glazing - minimize reflectivity
- ▶ Opaque surfaces
- ▶ Structurally break-up large expanses of glass

Additional Precautions: Lighting & Wind Generators

- ▶ Avoid beacon effect and blind spots
- ▶ Minimal external lighting
- ▶ No uplighting
- ▶ Shielded lighting
- ▶ No event searchlights
- ▶ Wind Generators must appear solid



Art silk-screen at City College of San Francisco Chinatown Campus



Etched louvers at San Francisco Federal Building



Screening at De Young Museum



Fritted silk-screen patterns

Comparison of Different Treatments

Treatment	Upkeep	Longevity	Application	Cost
NETTING	*****	****	**	\$
FILM	****	***	****	\$
FRITTED/ETCHED	*****	*****	***	\$\$\$
UV/PV	****	*****	***	\$\$\$\$
SCREENS	****	****	**	\$\$
LOUVERS	*****	****	***	\$\$\$
5 STARS/\$ =	MINIMAL	DURABLE	EASY	PRICEY

Source: American Bird Conservancy, San Francisco Planning Department

Exceptions: Zoning Administrator Waivers

- ▶ **Bird collision zone treatment exempt for:** residential-zoned buildings less than 45 feet tall with limited glass facade (less than 50% glazing); building feature-related treatment still required.
- ▶ **More treatment required (95%) for:** residential-zoned buildings less than 45 feet tall with substantial glass facade (more than 50% glazing).
- ▶ May waive or modify requirements per recommendation of qualified biologist.



California Department of Fish and Wildlife and California Attorney General Xavier Becerra Advisory

Affirming California's Protections for Migratory Birds

November 29, 2018

The California Department of Fish and Wildlife (CDFW) and California Attorney General Xavier Becerra jointly provide this advisory to affirm that California law continues to provide robust protections for birds, including a prohibition on incidental take of migratory birds, notwithstanding the recent reinterpretation of the Migratory Bird Treaty Act (MBTA) by the U.S. Department of the Interior (DOI).

The Federal Government's Reinterpretation of MBTA

Section 2 of the MBTA makes it "*unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, [or] kill ...*" a wide variety of migratory birds, except as permitted by regulations. (16 U.S.C. § 703, emphasis added.) A bipartisan coalition of seventeen former leaders of DOI and the U.S. Fish and Wildlife Service recently confirmed that, since at least the 1970s, both agencies have consistently interpreted Section 2 of the MBTA to prohibit incidental

take of migratory birds.¹ “Incidental take” is take that is incidental to but not the intended purpose of an otherwise lawful activity. (See 16 U.S.C. § 1539(a)(1)(B).) In January 2017, the DOI issued a memorandum affirming this longstanding interpretation.

In December 2017, the acting Solicitor of the DOI issued a new memorandum now disclaiming the DOI’s longstanding interpretation of the MBTA as prohibiting incidental take of migratory birds. While three separate lawsuits, including one joined by the Attorney General, challenge the legality of the new memorandum and its consistency with the requirements of the MBTA, California’s protections for migratory birds, including a prohibition against incidental take, remain clear and unchanged.

California Law’s Protection for Birds

The protection of birds is of critical importance to both CDFW, which holds fish and wildlife resources in California in trust for the people of the State and has jurisdiction over the conservation, protection, and management of those resources (Fish and Game Code §§ 711.7(a) and 1802), and to the Attorney General, who enforces state law, including statutes protecting birds. (Cal. Gov. Code §§ 12607 and 12511.) California courts have affirmed the “legitimate and, indeed, vital nature of a state’s interest in protecting its natural resources, including wildlife within the State,” stressing the State’s “obligation and duty to exercise supervision over such resources for the benefit of the public generally.” (*People v. Maikhio*, 51 Cal.4th 1074, 1093-95 (2011).)

As identified below, California law contains a number of provisions prohibiting “take” of migratory birds. The California Fish and Game Code defines “take” for purposes of all of these statutes as “to hunt, pursue, catch, capture, kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish and Game Code § 86.) California courts have held that take includes incidental take and is not limited to hunting and fishing and other activities that are specifically intended to kill protected fish and wildlife. (See *Dept. of Fish and Game v. Anderson Cottonwood Irrigation Dist.*, 8 Cal.App.4th 1554, 1563-64 (1992) (“take” includes the killing of endangered species in the course of lawful activity; in that case, via unscreened diversions of water), citing *Churchill v. Parnell*, 170 Cal.App.3d 1094, 1098 (1985) (“take” includes the application of pesticides in water that kills fish).) More recently, in *Center for Biological Diversity v. Department of Fish and Wildlife*, 62 Cal.4th 204, 235-36 (2015), the California Supreme Court specifically stated that:

The broad definition of “take” in Fish and Game Code section 86 ensures that DFW can maintain legal control over actions interfering with threatened, endangered and fully protected animals even where those actions may not have been intended to kill or hurt the animal.

¹ See: <https://apps.washingtonpost.com/g/documents/national/letter-from-17-former-interior-officials-to-secretary-ryan-zinke-on-new-migratory-bird-treaty-act-policy/2708/>.

Unless the Fish and Game Code or its implementing regulations provide otherwise, under California law it is unlawful to:

- Take a bird, mammal, fish, reptile, or amphibian (Fish and Game Code § 2000);
- Take, possess, or needlessly destroy the nest or eggs of any bird (Fish and Game Code § 3503);
- Take, possess, or destroy any bird of prey in the orders *Strigiformes* (owls) and *Falconiformes* (such as falcons, hawks and eagles) or the nests or eggs of such bird (Fish and Game Code § 3503.5);
- Take or possess any of the thirteen fully protected bird species listed in Fish and Game Code section 3511;
- Take any non-game bird (i.e., bird that is naturally occurring in California that is not a gamebird, migratory game bird, or fully protected bird) (Fish and Game Code § 3800);
- Take or possess any migratory non-game bird as designated in the MBTA² or any part of such bird, except as provided by rules or regulations adopted by the Secretary of the Interior under the MBTA (Fish and Game Code § 3513);
- Take, import, export, possess, purchase, or sell any bird (or products of a bird), listed as an endangered or threatened species under the California Endangered Species Act unless the person or entity possesses an Incidental Take Permit or equivalent authorization from CDFW (Fish and Game Code § 2050 et seq.).

California hosts an incredible diversity of bird species, and over 600 species of migratory birds live in or migrate through California. CDFW and the Attorney General will continue to implement and enforce California law to protect these birds.

For more information regarding permit requirements for activities that may affect bird species, please visit <https://www.wildlife.ca.gov/Conservation/Environmental-Review> or contact CDFW staff for your region. To report the illegal take of birds and other wildlife, please call the CalTIP hotline at 1-888-334-2258 or visit <https://www.wildlife.ca.gov/enforcement/caltip>.

² “Migratory bird” is defined in federal regulations implementing the MBTA at 50 C.F.R. § 10.12. The list of species protected under the MBTA is set forth at 50 C.F.R. § 10.13.

Table 6-6. Recommended Setbacks to Preserve Riparian and Stream Function (from studies throughout the United States since 1990)

	Function	Citation	Recommended Setback
Physical Properties	Sediment and Nutrient Reduction	Corley et al. 1999	>33 feet
		Nichols et al. 1998	>60 feet
		Woodward and Rock 1995	>50 feet
		Desbonnet et al. 1994	80 feet
		Petersen et al. 1992	>33 feet
		Castelle et al. 1992	>50 feet
		Schellinger and Clausen 1992	75 feet
		Welsch 1991	>85 feet
Biological Properties	Removal of Fecal Coliform	Johnson and Ryba 1992*	75–300 feet
	Moderation of Stream Temperature/Microclimate	Lynch and Corbett 1990	100 feet
	Channel Complexity	Brosofske et al. 1997	>145 feet
		Chapel et al. 1991	135–220 feet
	Salmonid Habitat	Ligon et al. 1999	>150 feet
		Welsch 1991	>85 feet
	Reptile/Amphibian Habitat	Burbink et al. 1998	>325 feet
		Semlitsch 1998	540 feet
		Buhlmann 1998	440 feet
		Rudolph and Dickson 1990	98 feet
	Bird Habitat/Diversity	RHJV 2000	250 feet
		Whitaker and Montevechi 1999	>160 feet
		Hagar 1999	>130 feet
		Kilgo et al. 1998	>1,600 feet
		Richardson and Miller 1997	>160 feet
		Mitchell 1996	>325 feet
		Hodges and Krementz 1996	>325 feet
		Spackman and Hughes 1995	450 feet for 90% of species diversity
	Mammal Habitat/Diversity	Hilty et al. 2006	>1,000 feet
	Plant Diversity	Spackman and Hughes 1995	30–100 feet for 90% of species
	General Riparian/Ecosystem Function	NH FSSWT 2000	100 feet, 300 feet, 600 feet by stream order
		Spence et al. 1996	98–145 feet
		Johnson and Ryba 1992*	> 98 feet
		Chapel et al. 1991	160–650 feet
		Welsch 1991	>85 feet

* Article does not present new data, but instead is a review of existing data.

Table 6-7. Required Stream Setback Distances¹

Stream Category	Category 1 Streams		Category 2 Streams
	Inside Existing Urban Service Area ²	Outside Existing Urban Service Area ²	
Slope Class			
0–30%	100 feet	150 feet	35 feet
> 30%	150 feet	200 feet	

¹ All distances measured from top of bank. For Category 1 streams, if the edge of riparian vegetation extends beyond setback, the riparian edge becomes the setback plus a 35-foot buffer from riparian edge inside or outside the Urban Service Area. For Category 2 streams, if the site supports riparian vegetation, the setback will extend from the riparian edge plus a 35-foot buffer.

² Urban service areas existing at the time of permit issuance for the Habitat Plan.

provide for recreational use, the City of San Jose commissioned this Riparian Policy Corridor Study in 1992.

THE DEFINITION OF RIPARIAN CORRIDOR

Any statement of policy needs to clearly define the extent to which it applies. The issue of riparian/stream corridor policy and policy guidelines is particularly complex because there is no accepted standard riparian corridor definition. Municipalities throughout California use several different approaches for defining riparian corridors; these range from physical attributes (i.e., diagnostic vegetation, stream morphology [physical form, shape, and size], or hydrology [capacity to convey floodwaters]), relative importance in relationship to arbitrary standard width, mapping approaches, and combinations, thereof.

"Riparian" is generally used as an adjective to modify other terms. Although it may be narrowly applied to refer to streambank areas only, it may be more broadly defined as

"pertaining to the banks and other adjacent terrestrial (as opposed to aquatic) environs of freshwater bodies, watercourses, estuaries, and surface-emergent aquifers (springs, seeps, oases), whose transported freshwaters provide soil moisture sufficiently in excess of that otherwise available through local precipitation to potentially support growth of mesic vegetation." (Warner 1984)

In determining a suitable riparian corridor definition for the City of San Jose, a number of different approaches to the definition, as used by various jurisdictions, were reviewed. Based upon this review, coupled with the riparian corridor inventory conducted as part of this study, both a standard definition and a map-based delineation are provided (see

Figure 1 and the map set entitled *Riparian Corridor Policy Study - Resource Inventory*).

For purposes of this study, a riparian corridor includes any defined stream channels including the area up to the bank full-flow line, as well as all riparian (streamside) vegetation in contiguous adjacent uplands. Characteristic woody riparian vegetation species could include (but are not limited to): willow, *Salix* sp.; alder, *Alnus* sp.; box elder, *Acer negundo*; Fremont cottonwood, *Populus fremontii*; bigleaf maple, *Acer macrophyllum*; western sycamore, *Platanus racemosa*; and oaks, *Quercus* sp. Stream channels include all perennial and intermittent streams shown as a solid or dashed blue line on USGS topographic maps, and ephemeral streams or "arroyos" with well-defined channels and some evidence of scour or deposition.

Riparian corridors are often referred to as "sensitive resource areas" and/or "sensitive wildlife habitat". These terms are derived from state and federal Endangered Species Acts that protect species and their habitat that are listed as endangered or threatened, or proposed for such listing. The California Environmental Quality Act (CEQA) also recognizes "species of special concern" and their habitats; they are not specifically protected by the Endangered Species Act, but they are recognized as declining species. Since riparian corridors may provide habitat for endangered species and/or Species of Special Concern, they are often referred to as "sensitive resource/wildlife habitat areas".

A map-based riparian definition relies on the availability of inventory data and the ability of the City to refine and add to the mapped data base as staff time allows and/or development project applications are submitted to the City for review/approval. The riparian corridors within the City's Urban Service Area and Urban Reserves were mapped as part of this study and provide a baseline inventory of the City's riparian corridor resources (*Riparian Corridor Policy Study - Resource Inventory*).

Because of their size, the maps cannot be included in this document and are available for inspection in the Department of City Planning and Building. These maps are an integral part of the City's riparian policies and may be subject to more site-specific mapping and refinement dependent upon potential future development on affected properties and future studies that provide more detailed boundary delineation (e.g., riparian corridor inventory project currently funded by the EPA). With this approach the City can continue to refine its identification of riparian corridors, thus assisting both property owners and the City to make appropriate development decisions.



April 20, 2020

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John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005
Via email

Re: Comments for the Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Specific Plan.

Dear Mr. Swiecki:

The Tuolumne River Trust (TRT) appreciates the opportunity to provide comments for consideration by the City of Brisbane in the development of the Environmental Impact Report for the Brisbane Baylands Specific Plan.

TRT was founded in 1981 to serve as the voice for the River. We seek a healthy and vibrant River that is teeming with fish and wildlife, safe for drinking, fishing and swimming, and held in trust as a refuge for our children and grandchildren. TRT represents 2,000 members in the Sierra Nevada, Central Valley and Bay Area, as well as many others who enjoy and appreciate the beauty and bounty of the Tuolumne River.

The EIR must address issues raised by the City of Brisbane in its January 30, 2017 comment letter to the State Water Resources Control Board on the Bay Delta Water Quality Control Plan. (letter attached)

The City of Brisbane's letter included the following statements:

Under the SED, the State Water Resources Control Board (SWRCB) proposes substantial changes to flow objectives for the Tuolumne River. These changes are anticipated to result in significantly reduced surface water available for diversions, thereby causing significant, potentially unavoidable impacts to water supply and the environment.

As a wholesale customer that purchases 100% of its potable water supply from the SFPUC's San Francisco Regional Water System, water supply available to the City of Brisbane under the SED proposal could be reduced more than 50% under drought conditions for multiple dry years.

The City of Brisbane has been known for our low water consumption since our incorporation in 1961. Residential gallons per capita per day (R-GPCD) is presently fifty (50). A 50% reduction would lower that number to twenty-five (25) R-GPCD. This reduced value is approximately 95 liters per person per day! Please note that 100 liters per person per day is considered "...necessary to provide for some minimum acceptable quality of life..." in water scarce regions.

On December 12, 2018, the State Water Resources Control Board adopted revisions to the Bay Delta Water Quality Control Plan that, if/when implemented, would require instream flows in the Tuolumne River of between 30% and 50% of unimpaired flow, starting at 40%, between February and June of each year. This was the proposal the City of Brisbane argued against in its letter.

TRT strongly disagrees with the comments made by the City of Brisbane, and is confident the revised Bay Delta Plan would not result in the impacts outlined in the City's letter. We have presented our analysis to the BAWSCA Board of Directors and many others. However, the City of Brisbane has not changed its position, and therefore the EIR must assess the potential impacts of the issues raised in the Brisbane letter. Specifically:

- Would a water transfer from OID be affected by the Bay Delta Water Quality Control Plan's unimpaired flow requirement? If so, how will this be addressed?
- How might the water transfer, on top of the Bay Delta Plan, impact the Hetch Hetchy reach of the Tuolumne River?
- If the City of Brisbane's water supply were reduced by 50% (as claimed might be possible in the City's letter), and the Brisbane Baylands Plan were built, how might this impact other residents and businesses in Brisbane?

The EIR must assess potential environmental impacts of the proposed OID water transfer on the stretch of the Tuolumne between Hetch Hetchy and Don Pedro Reservoirs.

TRT is concerned about the potential impact of the proposed Oakdale Irrigation District water transfer on the 36-mile stretch of the federally-listed "Wild & Scenic" Tuolumne River between Hetch Hetchy and Don Pedro Reservoirs. The transfer, which would be necessary for approval of the Baylands Specific Plan, would result in a decrease of 2 million gallons of water per day (mgd) from this stretch of the River.

In 2006, the SFPUC launched its Upper Tuolumne River Ecosystem Program (UTREP) that is studying biological conditions on the Hetch Hetchy Reach of the

Tuolumne River between O'Shaughnessy Dam and Early Intake. This stretch includes the ecologically-sensitive Poopenaut Valley. The UTREP is "An ongoing effort to conduct long-term, collaborative, science-based investigations designed to: 1) Characterize historical and current river ecosystem conditions; 2) Assess their relationship to Hetch Hetchy Project operations; and 3) Provide recommendations for improving ecosystem conditions on a long-term, adaptively managed basis."

The UTREP is a legally-required program that the SFPUC agreed to implement in order to comply with its obligations under the 1987 Kirkwood Agreement, which allowed the SFPUC to add a power turbine to the Kirkwood Powerhouse.

One requirement of the Kirkwood Agreement was that a study be conducted "...to determine what, if any effect, the Kirkwood Powerhouse and Kirkwood Addition would have or have had on the habitat for and populations of resident fish species, between O'Shaughnessy Dam and Early Intake..." The Stipulation specified that adjustments to minimum flow releases must be implemented if the US Fish and Wildlife Service (USFWS) determined that flow in the Tuolumne River should be increased.

The USFWS released a draft report in 1992 titled "Instream Flow Requirements for Rainbow and Brown Trout in the Tuolumne River Between O'Shaughnessy Dam and Early Intake." The report was never finalized. However, it states, "In 1988, the U.S. Fish and Wildlife Service's Instream Flow Incremental Methodology (IFIM) was applied to the Tuolumne River below Hetch Hetchy Reservoir...An annual fishery allocation of between 59,207 acre-feet and 75,363 acre-feet is recommended, based on the findings of the instream flow study."

The report recommended increasing instream flows from O'Shaughnessy Dam. For example, during the months of December and January, it recommended an increase in flows from a minimum of 35 cfs to 50 cfs in dry years, from a minimum of 40 cfs to 70 cfs in normal years, and from a minimum of 50 cfs to 85 cfs in wet years. Attached is a comparison between current flow requirements and those recommended by the draft USFWS report.

To meet the requirements of the Kirkwood Agreement, the SFPUC agreed to work with the USFWS, the National Park Service, the US Forest Service, the California Department of Fish and Wildlife and others to gather the information necessary to develop physical and biological objectives for an adaptive management plan for O'Shaughnessy Dam flow releases. Now in 2020, 33 years after the Kirkwood Agreement was signed, the SFPUC has yet to deliver on its commitment to implement an adaptive management plan for O'Shaughnessy Dam.

Until the adaptive management plan is approved and a new instream flow schedule is adopted, it will be impossible to assess the potential impacts of diverting an additional 2 mgd from Hetch Hetchy as proposed by the Brisbane Baylands Specific Plan. A Final EIR should not be approved until this information is available and incorporated.

The EIR must assess potential environmental impacts of the 2 mgd water transfer under projected future climate change scenarios.

The SFPUC is currently collaborating with the National Center for Atmospheric Research on a study to determine potential impacts of climate change on the SFPUC's water supply. When completed, this information should be included in the EIR.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink that reads "Peter Dreke". The signature is written in a cursive, flowing style.

Peter Dreke
Policy Director



CITY OF BRISBANE

Department of Public Works
50 Park Place
Brisbane, CA 94005-1310
(415) 508-2130

Public Comment
2016 Bay-Delta Plan Amendment & SED
Deadline: 3/17/17 12:00 noon



January 30, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814-0100

sent electronically to "commentletters@waterboards.ca.gov"

Re: Comment Letter – 2016 Bay-Delta Plan Amendment & SED

Dear Ms. Townsend:

The City of Brisbane submits the following comments regarding the Recirculated Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality (SED). In addition, the City of Brisbane would like to incorporate by reference separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) and the San Francisco Public Utilities Commission (SFPUC) that provide more detail of the SED proposal's impact on the City of Brisbane's service area and the region.

Under the SED, the State Water Resources Control Board (SWRCB) proposes substantial changes to flow objectives for the Tuolumne River. These changes are anticipated to result in significantly reduced surface water available for diversions, thereby causing significant, potentially unavoidable impacts to water supply and the environment. Below we provide relevant information that the SWRCB must consider in conducting its analysis of the SED's impacts.

As a wholesale customer that purchases 100% of its potable water supply from the SFPUC's San Francisco Regional Water System, water supply available to the City of Brisbane under the SED proposal could be reduced more than 50% under drought conditions for multiple consecutive years.

The City of Brisbane has been known for our low water consumption since our incorporation in 1961. **Residential gallons per capita per day (R-GPCD) is presently fifty (50). A 50% reduction would lower that number to twenty-five (25) R-GPCD. This reduced value is approximately 95 liters per person per day! Please note that 100 liters per person per day is considered "... necessary to provide for some minimum acceptable quality of life ..."**¹ in water-scarce regions.

¹ M. Falkenmark, quoted in "Basic Water Requirements for Human Activities: Meeting Basic Needs", by Peter Gleick, page 87 of *Water International*, Vo. 21, No. 2 (1996)

Without exaggeration, a case can be made that the reduced surface water available under the SED could force the City of Brisbane residential water customers to lower their usage to values defined as the bare minimum for basic human rights in developing countries.

Notwithstanding the important objectives of the Bay Delta Plan to establish water requirements to protect fish and wildlife uses of the Bay-Delta's waters, knowingly imposing flow regimes on the Tuolumne River that during drought periods will mandate a R-GPCD of 25 for the City of Brisbane water customers is unacceptable, and would abdicate responsibility for establishing an appropriate Bay-Delta objective for human uses of its waters.

In light of these aforementioned impacts as well as those articulated in the BAWSCA and SFPUC comment letters incorporated here by reference, the City of Brisbane requests that the environmental, economic, and human impacts of any shortage on the San Francisco Regional Water System be fully and adequately analyzed as part of the SWRCB's proposed flow alternatives. Such full and adequate analysis should be given at least equal weight with all other elements of the SWRCB's subsequent deliberations and decision-making.

Last, the Governor has indicated his strong support for negotiated voluntary agreements to resolve these issues. The City of Brisbane requests that the SWRCB provide adequate time for voluntary agreements to be reached amongst the stakeholders prior to any action on the SED. Please give this settlement process a chance for success instead of expediting implementation of the current proposal. The City of Brisbane shares BAWSCA's commitment to continue working closely with the diverse interests and stakeholders to develop that shared solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Clayton L. Holstine". The signature is fluid and cursive, with the first name "Clayton" being more prominent than the last name "Holstine".

Clayton L. Holstine
City Manager

Current vs. Recommended Minimum Flows from O'Shaughnessy Dam

Table I. The minimum amounts of water to be released from Hatch Hetchy Reservoir to the Tuolumne River at O'Shaughnessy Dam by water year schedule along with additional "mitigation" water provided under agreement in 1985.

Month	Minimum Monthly Release Schedule (CFS)			Cumul. Precip. (In.) or runoff (AF)		
	A	B	C	A	B	C
January	50	40	35	8.8	6.1	
February	60	50	35	14.0	9.5	
March	60	50	35	18.6	14.2	
April	75	65	35	23.0	18.0	
May	100	80	50	26.6	19.5	
June	125	110	75	26.5	21.3	
July	125	110	75	575,000	390,000	
August	125	110	75	640,000	400,000	
September 1-15	100	80	75	---	---	
September 16-30	80	65	50	---	---	
October	60	50	35	---	---	
November	60	50	35	---	---	
December	50	40	35	---	---	
MINIMUM RELEASE (AF)	59,207	49,994	35,197			
Added "mitigation" release for water year (AF)	15,000	6,500	4,400			
TOTAL ANNUAL FISHERY ALLOCATION (AF)	74,207	56,494	39,597			

HATCH HETCHY IFIM

ROUGH DRAFT

07/17/92
10:00am

Table VI. Annual instream flow schedule recommended for the maintenance of rainbow and brown trout within the Tuolumne River between O'Shaughnessy Dam and Early Intake.

Month	Days	Minimum Instream Flow Schedules					
		A		B		C	
		cfs	Ac-Ft	cfs	Ac-Ft	cfs	Ac-Ft
January	31	85	5,227	70	4,304	50	3,074
February	28	85	4,721	70	3,888	60	3,332
March	31	85	5,227	70	4,304	50	3,689
April	30	100	5,951	70	4,165	75	4,463
May	31	100	6,149	70	4,304	100	6,149
June	30	125	7,438	125	7,438	125	7,438
July	31	150	9,773	135	8,301	125	7,686
August	31	150	9,773	135	8,301	125	7,686
September 1-15	15	125	3,719	100	2,975	100	2,975
September 16-30	15	100	2,975	70	2,083	80	2,380
October	31	85	5,227	70	4,304	60	3,689
November	30	85	5,058	70	4,165	60	3,570
December	31	85	5,227	70	4,304	50	3,074

REVISED
NOTICE OF PREPARATION
of an Environmental Impact Report for the
Brisbane Baylands Specific Plan
City of Brisbane

In February 2020, the City of Brisbane, as Lead Agency, issued a Notice of Preparation (NOP) in accordance with the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations [CCR] Section 15082) to inform agencies and interested parties that an environmental impact report (EIR) would be prepared for the Brisbane Baylands Specific Plan (project). The City held a public scoping meeting on March 2, 2020.

The February 2020 NOP stated that the Specific Plan applicant, Baylands Development Inc. (BDI), proposed development of 2,200 residential units, 6.5 million square feet of commercial use, 500,000 square feet of hotel use, and open space and park lands, along with acquisition of an annual water supply of up to 2,400 acre-feet from the Oakdale Irrigation District.

The following modifications to the project description in the February 2020 NOP are now proposed, thereby requiring issuance of this revised Notice of Preparation:

- The project applicant has entered to a Memorandum of Understanding with the Contra Costa Water District (CCWD) for up to 2,500 acre-feet of water annually from CCWD's Los Vaqueros Reservoir Expansion Project along with 10,000 acre-feet of storage in Los Vaqueros Reservoir. Acquisition of water supply from the Oakdale Irrigation District is no longer proposed.
- The Project now includes a 250-megawatt (MW) battery storage facility and onsite electrical substation as part of Baylands development.
- The North County Fire Authority Station Number 81 abutting the southwesterly corner of the Baylands Specific Plan area is now proposed to be relocated, with a second fire station to be developed in the northeastern portion of the Baylands.

A summary description of the Project as it is currently proposed, its location, background, and the potential environmental effects to be addressed in the EIR is provided below in this Revised NOP.

This Revised NOP has been released to provide sufficient information about the modified project to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed.

The City will prepare an EIR to examine the environmental impacts associated with the Project consistent with CEQA Guidelines Sections 15161. The EIR will evaluate the changes in the environment that would result from all phases of project development, including planning, construction, and operation. The EIR will evaluate the potentially significant impacts of the Project on a direct and cumulative basis, identify mitigation measures that may be feasible to lessen or avoid significant impacts, and identify project alternatives that could reduce significant impacts. The proposed project, its location, and its potential environmental effects are described below.

The City of Brisbane is requesting written comments on the scope and content of the EIR, which may be sent to:

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005
Email: baylands@brisbaneca.org
Fax: 415.467.5547

Due to the time limits mandated by state law, comments on the NOP must be sent at the earliest possible date but **no later than 30 days** after receipt of this notice, or by 5:00 p.m. on May 25, 2023. The review period for this NOP is from April 26, 2023 through May 25, 2023.

Once completed, the Draft EIR will be available for review at:

Brisbane City Hall
Community Development Department
50 Park Place
Brisbane, CA 94005

Brisbane Public Library
250 Visitacion Avenue
Brisbane, CA 94005

Scoping Meeting

A Scoping Meeting to solicit input from public agencies, organizations, and members of the public regarding the scope and content of the EIR will be held on **May 9, 2023** starting at 7:00 pm, at the Community Room, City Hall, 50 Park Place, Brisbane, CA 94005.

Project Location and Existing Conditions

The Baylands Specific Plan area (Project site) encompasses approximately 641.8 acres (520 acres of existing land area and 121.8 acres of lagoon) within the City of Brisbane in northeast San Mateo County (see **Figure 1**).

The Project site, locally referred to as the “Baylands,” is generally triangular in shape and is bounded on the north by the City and County of San Francisco, on the east by the US 101 freeway, and on the west and south by Bayshore Boulevard (see **Figure 1** and **Figure 2**).

Figure 1: Regional Location



The Project site is bisected in a north-south direction by the Caltrain railroad tracks and in an east-west direction by Visitacion Creek. The Bayshore Caltrain Station is located at the north end of the Project site. The Project site is separated from San Francisco Bay by the US 101 freeway right-of-way and approximately 400 feet from the Bay.

Project Site Topography

Most of the Project site is flat or gently sloping toward San Francisco Bay to the east, with an elevation of 10 to 50 feet above mean sea level (msl). A prominent hill (Icehouse Hill), located in the western portion of the site, ranges from 25 to 200 feet above msl with steep cuts adjacent to the Caltrain railroad line on the east side of the hill and more gently sloping cuts along Bayshore Boulevard on the west side of the hill.

Land Uses in Western Portion of Project Site (Former Southern Pacific Railroad Railyard)

The western portion of the Project site, encompassing the area between Bayshore Boulevard and the Caltrain railroad tracks, largely consists of a former Southern Pacific Railroad railyard that served freight train activities into and out of San Francisco between 1914 and 1960. Most

Figure 2: Baylands Specific Plan Area (Project Site)



of this area is vacant with remnant buildings, including the railyard Roundhouse, which is designated as a historic structure on the National Register of Historic Places, and the Lazzari Fuel Company Building, now used as a charcoal warehouse. The western portion of the Project site also includes a 261,400-square-foot industrial park, as well as a 0.1-acre Bayshore Sanitary District sewer pump station. Development within the western portion of the Project site will be preceded by remediation of soil and groundwater contamination subject to the regulatory oversight of the California Department of Toxic Substances Control (DTSC) and the San Francisco Regional Water Quality Control Board (RWQCB).

Land Uses in Eastern Portion of Project Site (Former Brisbane Landfill)

The eastern portion of the Project site largely consists of the former Brisbane landfill, which operated as a municipal landfill from the 1930s to the mid-1960s. This area is generally bounded by the Caltrain railroad tracks on the west, the Recology solid waste transfer station on the north, US 101 on the east, and Brisbane Lagoon on the south. Uses located within this portion of the Project site are small industrial uses. Development within the eastern portion of the Project site will be preceded by final landfill closure in compliance with Title 27 subject to the regulatory oversight of the RWQCB, California Department of Resources Recycling and Recovery and the San Mateo County Environmental Health Services.

Adjacent Land Uses

Three areas are partially or completely surrounded by the Baylands Specific Plan area: the Kinder Morgan Energy Partners Brisbane Terminal (a petroleum storage facility), the Machinery and Equipment Company (used processing equipment resale), and Golden State Lumber (rail-served lumber yard). These uses would not be altered by the Project. Other adjacent land uses include North County Fire Authority Station Number 81 abutting the southwesterly corner of the Project site, and residential neighborhoods of Visitacion Valley and Little Hollywood to the north and northeast within San Francisco.

Project Background and Previous Environmental Review

On July 19, 2018, the City approved General Plan Amendment GP-1-18 permitting development of 1,800 to 2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use (total of 7.0 million square feet of non-residential development), within the Baylands Subarea. General Plan Amendment GP-1-18 was submitted to and approved by Brisbane voters as Measure JJ in November 2018. After voter approval of Measure JJ, the applicant indicated it would revise its proposed specific plan consistent with the provisions of Measure JJ.

Previous Environmental Review: Brisbane Baylands Program EIR (State Clearinghouse #2006022136)

The City of Brisbane previously prepared and certified a Program EIR for the Brisbane Baylands (Program EIR) evaluating the impacts of General Plan Amendment GP-1-18 and a previous

Specific Plan proposed by Universal Paragon Corporation. The Draft Program EIR was circulated for public review from June 11, 2013 to January 24, 2014. A Final Program EIR was prepared and certified by the Brisbane City Council on July 19, 2018, before approval of General Plan Amendment GP-1-18.

The previously prepared Draft Brisbane Baylands Program EIR can be found on the City's website at: <https://www.brisbaneca.org/baylands-deir>

The previously prepared Final Brisbane Baylands Program EIR can be found on the City's website at: <https://www.brisbaneca.org/feir-documents>

The City Council's findings that the Brisbane Baylands Program EIR adequately addressed the impacts of General Plan Amendment GP-1-18 can be found at:
<http://brisbaneca.org/sites/default/files/Reso201861CEQAFindingsAttach1.pdf>

Relationship Between Program EIR and Forthcoming Brisbane Baylands Specific Plan EIR

The City has determined that a new EIR needs to be prepared to evaluate the environmental effects of the proposed Brisbane Baylands Specific Plan because of (1) the age of the studies prepared for the Program EIR, (2) substantial differences between the development currently proposed for the Brisbane Baylands and the development that was evaluated in the Program EIR, and (3) changes in the CEQA Guidelines that went into effect subsequent to certification of the Final Program EIR. The EIR being prepared by the City of Brisbane will build on the information and analyses set forth in the earlier certified Program EIR with new and updated environmental impact analyses.

Project Description

The Brisbane Baylands Specific Plan proposes development of 2,200 residential units and 7 million square feet of commercial use (see **Figure 3**). The Baylands Specific Plan as proposed by the applicant can be viewed on the City's website at:

[The Baylands Specific Plan - Public Draft Submittal | City of Brisbane, CA
\(brisbaneca.org\)](http://www.brisbaneca.org/baylands-specific-plan-public-draft-submittal)

Land Use

Pursuant to the requirements of General Plan Amendment GP-1-18 and Measure JJ, residential uses would be limited to the northwestern portion of the site. The Specific Plan would provide for the following land use and building types:

- **Residential** development of 2,200 dwelling units including the following building types:
 - Duplex/Single-Family dwellings that are three stories in height.
 - Townhome units that are attached in buildings of three or more dwelling units.

Figure 3: Proposed Land Use Plan



- Multi-Family Low residential buildings that have no more than 22 units per building, with townhome units over single-story flats or stacked townhomes.
- Multi-Family Mid mid-rise residential buildings up to a maximum height of 110 feet (typically up to 8 stories).
- Multi-Family High residential towers with a maximum height of 270 feet (typically up to 24 stories).
- **Commercial** development of 6.5 million square feet in the following building types:
 - Campus Low-Rise buildings with a maximum height of 100 feet (typically 6 to 8 stories).
 - Campus Mid-Rise buildings with a maximum height of 150 feet (typically up to 8 to 10 stories).
 - TOD¹ Commercial buildings with a maximum height of 260 feet (typically up to 22 stories).
- **Hospitality** development consisting of 500,000 square feet of hotel use with a maximum building height of 240 feet (typically up to 22 stories).
- **Amenities** buildings with a maximum height of 60 feet (typically up to 3 stories) for indoor and outdoor gathering spaces, recreation, fitness, food and beverage, and clubhouse uses.
- **A Middle School** (grades 6 to 8) proposed to be developed on a 5-acre parcel.
- **Restoration of the historic Roundhouse** with a mix of retail, office, and restaurant uses, along with public gathering and activity space as part of a publicly accessible park.

Infrastructure

The Specific Plan would provide for the following:

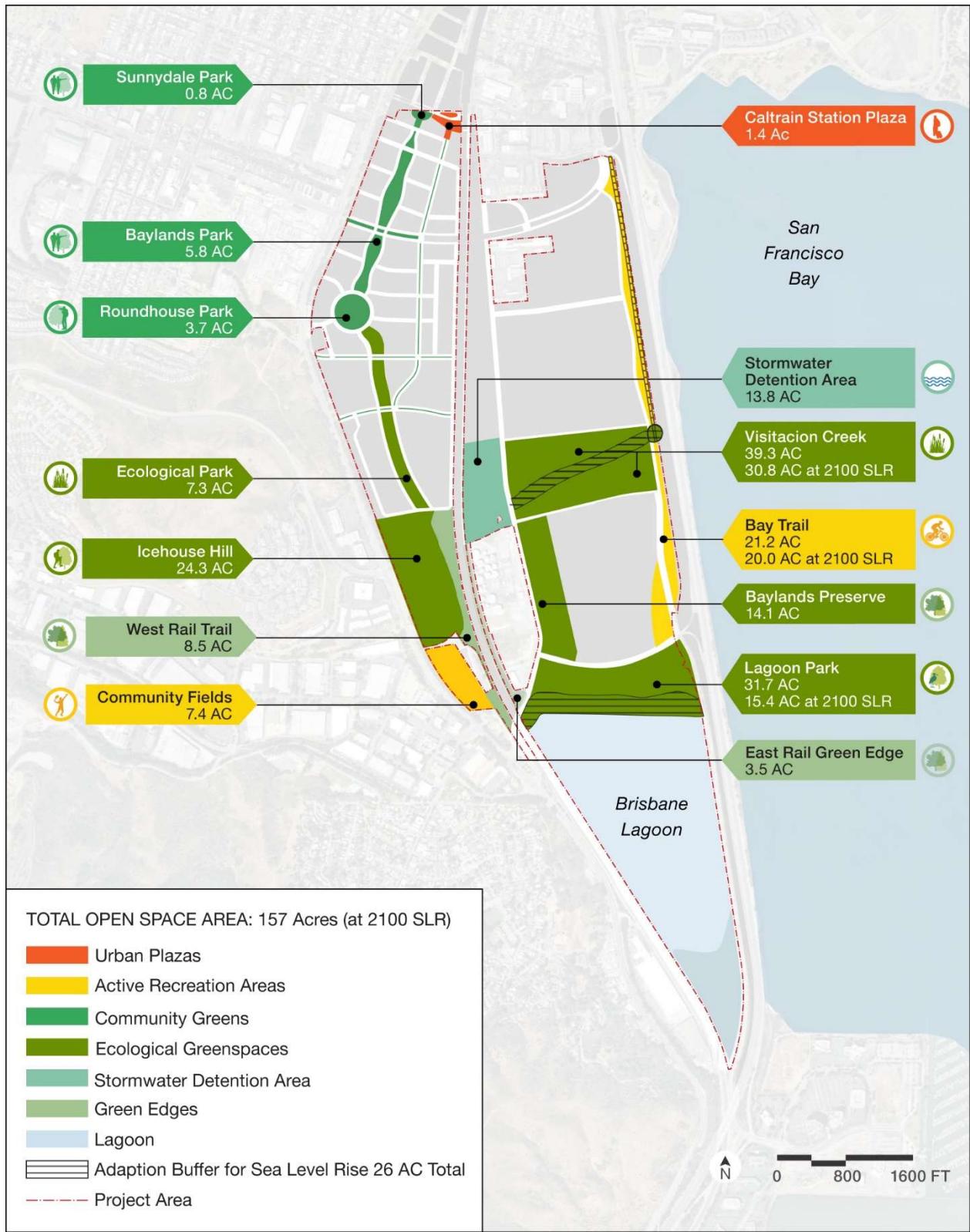
- **Circulation improvements.** These would include roadway and streetscape improvements, transit connections, pedestrian and bicycle paths, and parking (see **Figure 4**). A proposed shuttle bus system would connect the Project site to the Bayshore Caltrain station (see **Figure 4**) and to nearby locations.
- **Parks, trails, and habitat enhancement.** Approximately 30 percent of the total land area within the Project site would be reserved for active and restorative open space (see **Figure 5**).

¹ Transit-oriented development (TOD) refers to high intensity residential, commercial office, and mixed-use development that is within walking distance of (generally less than ½ mile from) transit.

Figure 4: Proposed Roadway Plan

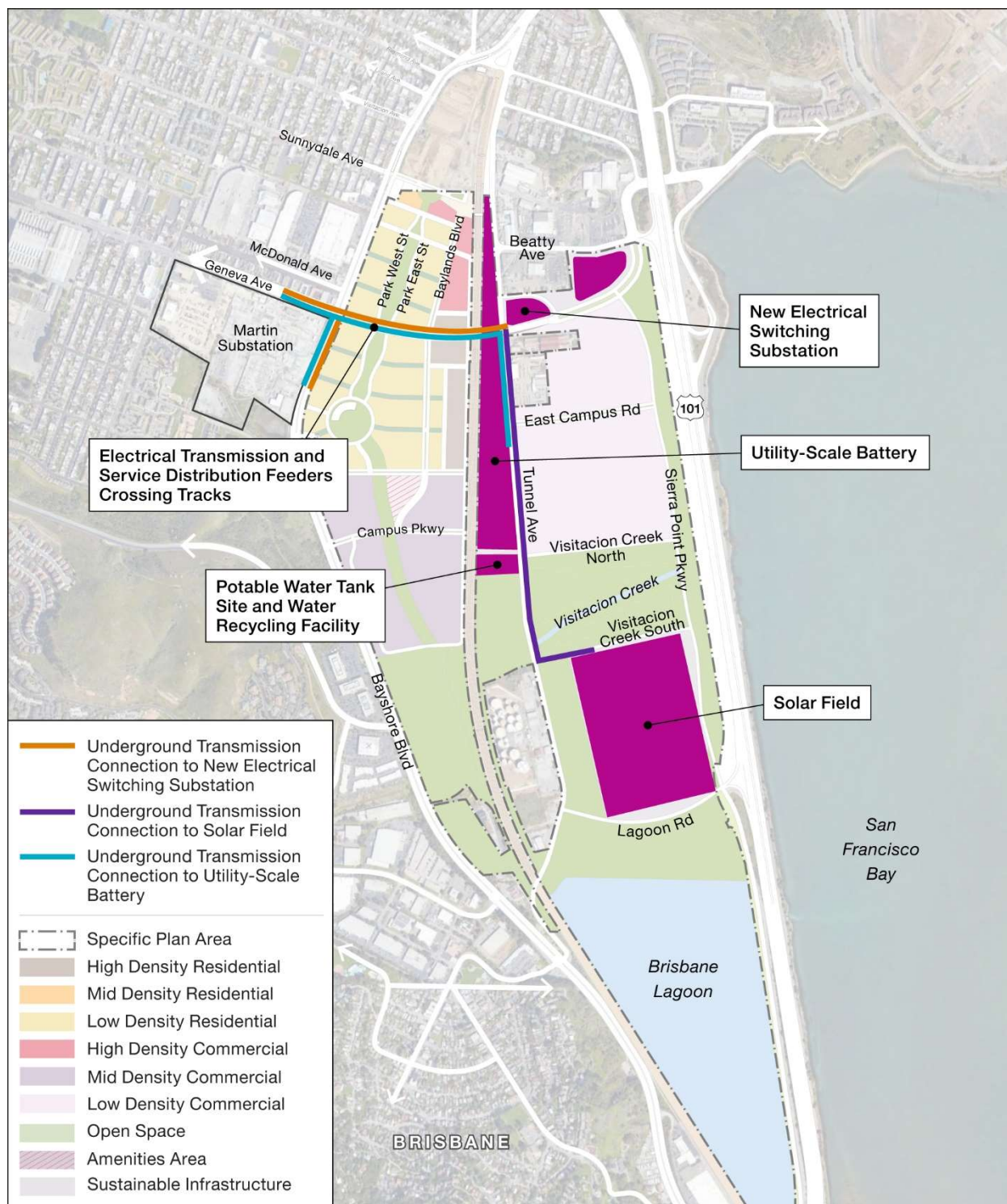


Figure 5: Proposed Open Space Plan



- **Water, sewer, and drainage facilities.** These facilities would consist of a domestic water system, sanitary sewage facilities (including an onsite water recycling facility), a recycled water facility and system, a 3.16-million-gallon water tank, and stormwater drainage facilities.
- **Electrical facilities, renewable energy generation, and battery storage.** Baylands development would be all-electric and include the following (see **Figure 6**):
 - Generation of 85,000 megawatt hours (MWh) of solar energy within a 55-acre solar farm and smaller building- and ground-mounted solar panels;
 - A 250-MW utility-scale battery storage facility and 80 MW of building-mounted distributed battery storage;
 - An onsite electrical substation;
 - Undergrounding of existing above-ground electrical lines along with an underground electrical distribution system; and
 - Connections to and improvements at the existing PG&E Martin Substation.

Figure 6: Proposed Electrical and Water Facilities



Water Supply

In December 2021, the applicant entered into a Memorandum of Understanding with the Contra Costa Water District (CCWD) to acquire water supply and reserve storage capacity at CCWD's

Los Vaqueros Reservoir and conveyance to the Specific Plan area through the San Francisco Public Utilities Commission (SFPUC) system as part of CCWD's Los Vaqueros Reservoir Expansion Project. The CCWD-BDI Memorandum of Understanding provides for delivery of up to 2,500 acre-feet per year and 10,000 acre-feet of storage in Los Vaqueros Reservoir, plus or minus 20 percent depending on final determination of need.²

Delivery of water from CCWD to the SFPUC regional water system and the Baylands is proposed via the Transfer-Bethany Pipeline, Bethany Reservoir, South Bay Aqueduct, and San Antonio Reservoir. The SFPUC would then deliver water for the Baylands via the same facilities now used to supply water to Brisbane.

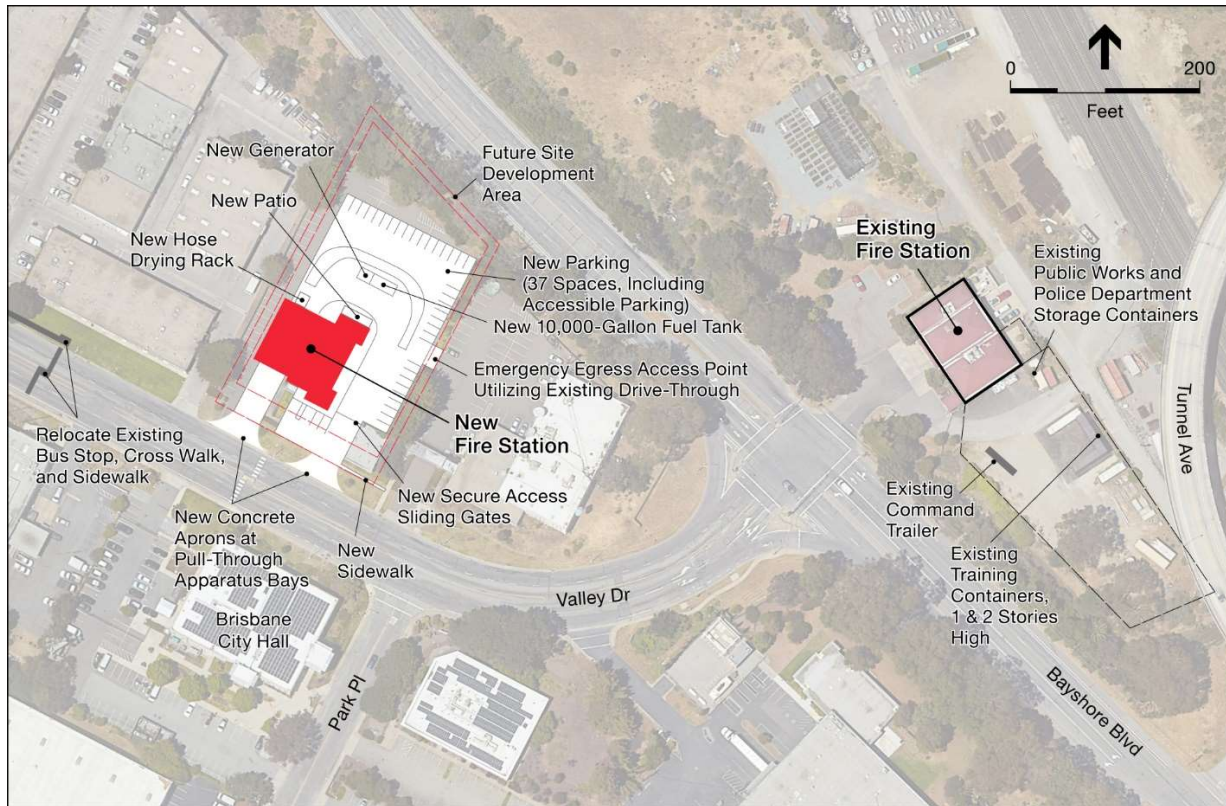
Water would be conveyed from Los Vaqueros Reservoir via an upgraded Transfer Facility pump station through the proposed Transfer-Bethany Pipeline to the existing California Aqueduct, which connects to the existing Bethany Reservoir. Bethany Reservoir is interconnected to the South Bay Aqueduct, an existing 49-mile aqueduct that is owned by the California Department of Water Resources (DWR). Existing turnout infrastructure connects the South Bay Aqueduct to San Antonio Reservoir and consists of a 30-inch diameter valve and pipe, a meter, and an energy dissipater all contained in separate concrete vaults (the "Turnout"). This Turnout currently discharges water from the South Bay Aqueduct into an existing streambed that drains into the SFPUC's San Antonio Reservoir and the Sunol Valley Water Treatment Plant, both of which are part of the SFPUC's regional water system.

Fire Station Relocation and New Fire Station

The existing North County Fire Authority Brisbane Fire Station No. 81 at 3445 Bayshore Boulevard is proposed to be relocated to 140 Valley Drive. The new two-story, 10,000-square foot facility would house one engine company with training facilities on the second floor that could function as an emergency command center when needed. A 1,000-gallon above-ground tank would be constructed to provide fuel for fire trucks and an emergency power generator. The existing Fire Station No. 81 site would be used for firefighter training once the new station is operational. **Figure 7** illustrates a conceptual site plan for the relocated fire station and its location in relation to the existing Fire Station No. 81.

² This proposed supply exceeds the 1,122 acre-feet per year of estimated potable annual water demand for the Baylands. The applicant has stated that it will retain ownership of the excess CCWD water supply and the ability to sell that excess water supply to the City of Brisbane or to other entities outside of the City.

Figure 7: Proposed North County Fire Authority Station No. 81 Relocation



In addition to relocation of the existing Fire Station No. 81, the Specific Plan would provide for a second fire station to serve the City of Brisbane and the Baylands. The new station would be located adjacent to the US 101 freeway between existing Beatty Avenue and the extension of Geneva Avenue.

Required Approvals

Approvals from City of Brisbane

The following approvals from the City of Brisbane would be required for the development proposed in the Specific Plan:

- General Plan Amendment to consolidate the entirety of the Specific Plan area within the General Plan's Baylands Subarea;
- Adoption of a Specific Plan;
- Zoning Ordinance Amendment to establish the land use regulations and development standards set forth in the Specific Plan as the zoning governing future Project site development;
- Development Agreement; and

- Other subsequent required approvals, including grading permits, conditional use permits, design permits, subdivision map approvals, and building permits.

Approvals from Other Agencies

The approvals that may be required from other public agencies for the development proposed in the Specific Plan include but are not limited to:

▪ **Approvals that are Prerequisites for Approval of Specific Plan**

- California Department of Toxic Substances Control (DTSC) approval of a Remedial Action Plan for UPC Operable Unit San Mateo (OU-SM) within the northwestern portion of the Project site.
- San Francisco Regional Water Quality Control Board (RWQCB) approval of a Remedial Action Plan for Operable Unit 2 (OU-2) within the southwestern portion of the Project site.
- Landfill Closure Plan approvals from the RWQCB, California Department of Resources Recycling and Recovery, and San Mateo County Environmental Health Services.

▪ **Approvals Subsequent to Approval of the Baylands Specific Plan**

- Local and Regional Agencies
 - Contra Costa Water District (CCWD) approval of an agreement for the purchase by the City of Brisbane of up to a maximum of 2,500 acre-feet of water annually along with storage of 10,000 acre-feet of water in Los Vaqueros Reservoir. Delivery of water pursuant to this agreement is expected to require the following agreements:
 - Agreement with the San Francisco Public Utilities Commission (SFPUC) to deliver water from Los Vaqueros Reservoir to the City of Brisbane;
 - Partnership Agreement between the SFPUC and CCWD for purchase of water and storage within Los Vaqueros Reservoir;
 - California Department of Water Resources (DWR) approval and contractual agreements with the current South Bay Aqueduct contractors, including Zone 7 Water Agency, Alameda County Water Agency, and the Santa Clara Valley Water District, for use of the South Bay Aqueduct to transport water from Los Vaqueros Reservoir to the SFPUC regional water system at San Antonio Dam.
 - Air quality permits from the Bay Area Air Quality Management District (BAAQMD).
 - Interagency Cooperation Agreements (City and County of San Francisco, City of Daly City, City of Brisbane, San Francisco County Transportation Authority, and San Mateo County).

- Bayshore Sanitary District Agreements, if necessary.
- Brisbane School District and Jefferson Union High School District Agreements, if necessary.
- Encroachment permits if construction occurs within right-of-way owned by the Peninsula Corridor Joint Powers Board (Caltrain).
- State Agencies
 - San Francisco Bay Conservation and Development Commission (BCDC) Design Review approval and permit for development within the 100-foot shoreline band. Brisbane Lagoon and Visitacion Creek are both subject to tidal action from San Francisco Bay. Any development that occurs within the 100-foot shoreline band of these features requires BCDC review.
 - Streambed Alteration Agreement approval from the California Department of Fish and Wildlife (CDFW) for activities in or around Visitacion Creek as part of the closure requirements of the RWQCB.
 - Incidental Take Permit approval from the CDFW, if necessary, for any special-status species within the Project site.
 - Water quality certification, National Pollutant Discharge Elimination System (NPDES) permit, and waste discharge requirement compliance from the RWQCB.
 - State Lands Commission approvals, if necessary. Portions of the Project site that occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State Lands Commission, and that remain submerged or subject to tidal action, are subject to a Public Trust easement retained by the State of California. Any portion of the Project site located within the Guadalupe Canal would require a lease from the State Lands Commission.
 - California Public Utilities Commission approval to modify an existing rail crossing or to construct a new crossing.
 - Encroachment permits if construction occurs in right-of-way owned by the California Department of Transportation (Caltrans District 4).
- Federal Agencies
 - Section 10 and/or 404 permit(s) from the U.S. Army Corps of Engineers (Corps) after agency consultation, including, as required, consultation with the U.S. Fish and Wildlife Service, National Oceanographic and Atmospheric Administration, and other agencies as directed by the Corps.
- Interagency Agreements for the Delivery of CCWD Water Supply from the Los Vaqueros Reservoir to the Baylands

- To convey water supply from Los Vaqueros Reservoir, the SFPUC will need DWR approval and contractual agreements with the current South Bay Aqueduct contractors, including Zone 7 Water Agency, Alameda County Water Agency, and the Santa Clara Valley Water District.

Environmental Impact Report to be Prepared by the City of Brisbane

The forthcoming Draft EIR will contain the following sections:

- ES Executive Summary** will summarize the Project, its environmental impacts and mitigation measures, and alternatives identified in the EIR.
- 1. Introduction** will provide information on relevant CEQA requirements, project background and location, and EIR organization.
 - 2. General Environmental Setting** will describe the regional and local context for the Baylands Specific Plan, along with the Baylands' physical setting and history; current General Plan provisions, zoning, land uses, and infrastructure; and the planning review and environmental documentation that was previously undertaken for Baylands development.
 - 3. Project Description** will provide (1) a precise description and map of the Project's location and boundaries, including information on the location of any offsite facilities proposed as part of the overall project; (2) a statement of the objectives sought by the Project, including its underlying purpose; (3) a description of the Project's technical, economic, and environmental characteristics, including proposed land uses, onsite and offsite infrastructure and public facilities improvements, and design features intended to avoid or minimize the Project's environmental impacts; (4) a description of the intended uses of the EIR, including a list of agencies that are expected to use the EIR and a list of permits and other approvals that will be required to implement the Project.
 - 4. Environmental Setting, Impacts, and Mitigation Measures** will evaluate the direct and indirect environmental effects associated with Project-related construction activities, onsite land use, onsite and offsite infrastructure, and construction and operation of new and expanded onsite and offsite facilities required to deliver needed water supplies to serve the Project.

The EIR will address the following probable environmental effects of the Project.

4.1 Land Use and Planning Policy

- Development of residential and non-residential uses, as well as roadways and infrastructure, would have the potential for significant environmental effects as the result of dividing an existing community during construction and/or post-construction operations.
- Potential significant environmental effects could result from any conflicts with applicable land use policies and plans, including the Brisbane General

Plan and regional land use plans, such as the Plan Bay Area Sustainable Communities Strategy (SCS) administered by Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan, and the San Francisco Bay Plan administered by the Bay Conservation and Development Commission (BCDC).

4.2 Socioeconomic Effects

- The Project would generate substantial population growth that could indirectly cause physical environmental effects.
- Baylands development would displace existing industrial uses and the police firing range, requiring replacement sites. The potential also exists for offsite infrastructure to displace existing housing. Development of replacement sites for such displacement could result in significant environmental effects.
- Development of retail and commercial/office uses within the Specific Plan area could cause a downward spiral of business closures and long-term vacancies that is so prevalent, substantial, and lasting that it would impair the proper utilization of properties and structures and the health, safety, and welfare of the surrounding community.

4.3 Aesthetic Resources

- Development of multi-story commercial/office and residential buildings could block portions of existing scenic vistas of the Bay and San Bruno Mountain. The area's visual quality of scenic resources could also be adversely affected, resulting in significant impacts.
- Potential inconsistencies with visual quality-related policies and programs set forth in the Brisbane General Plan could cause physical environmental effects.
- Project development would introduce substantial sources of nighttime lighting and daytime glare.

4.4 Biological Resources

- Existing botanical and wildlife habitats, including but not limited to Brisbane Lagoon, Visitacion Creek, Icehouse Hill, and wetland areas, would be removed and replaced within the Project site.
- Development of the Project site could result in adverse effects on wildlife movement within and through the Project site.

4.5 Cultural and Tribal Cultural Resources

- The proposed dismantling and restoration of the historic Roundhouse following site grading could result in physical environmental effects should such actions be inconsistent with U.S. Secretary of the Interior standards.
- Due to their age, the proposed demolition of a number of existing buildings within the Project site could result in significant environmental effects on historic resources.
- Project demolition and construction activities could disturb buried archaeological and tribal cultural resources, resulting in significant environmental effects.

4.6 Transportation

- Project development would generate substantial vehicular traffic, thereby increasing regional and local vehicle miles traveled.
- Probable physical environmental effects related to transportation safety include the potential for vehicles exiting the US 101 freeway for access to the Baylands backing up onto the freeway mainline, and the potential for conflicts between (1) pedestrian and bicycle activity and transit service, and (2) vehicular traffic.
- Proposed geometrics for Geneva Avenue could result in conflicts and safety impacts at its intersections with Baylands Boulevard and the westerly “touchdown” point of the bridge crossing over the Caltrain right-of-way.
- Should the number and location of access points to the site or roadway configurations not provide for adequate emergency access to and through the site, significant environmental effects would result.
- The City will also analyze the substantial increase in Project-generated traffic volumes and their effect on the roadway carrying capacity of the City’s roadway and highway system. Such effects, although not identified by CEQA as significant environmental effects, could nevertheless result in secondary traffic safety, air quality, and greenhouse gas emissions impacts.

4.7 Air Quality

- Project development would result in substantial criteria pollutant emissions from site construction activities, including movement of 2.5 million cubic yards of soil from the eastern portion of the Project site to the western portion of the site. Onsite development and project-related traffic following development could also result in a substantial increase in criteria pollutant emissions.
- Onsite grading and construction activities, as well as ongoing post-construction operations, could cause adverse health impacts on existing and

proposed sensitive receptors. A health risk assessment will be undertaken to evaluate potential health risks during project construction and ongoing operations.

- Any significant emissions of criteria pollutants could result in adverse health effects that will, to the extent possible, be analyzed.
- Project construction and ongoing uses such as the proposed water recycling facility would have the potential to cause odor impacts.

4.8 Greenhouse Gas Emissions

- The Project would generate substantial greenhouse gas emissions as the result of construction, demolition, and operations.
- Physical environmental impacts could also result from potential inconsistencies with applicable plans adopted for the purpose of reducing emissions of greenhouse gases, including (1) the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan, and (2) Plan Bay Area, which is the applicable Sustainable Communities Strategy (SCS) for the nine-county Bay Area.

4.9 Energy Resources

- Although the Project would generate a substantial amount of the energy it consumes and would use 100 percent renewable energy, the Project would consume large amounts of fuel and energy, with the potential for using such resources in a wasteful manner during both project construction and ongoing operations.

4.10 Noise

- The substantial increase in traffic and onsite activity would generate noise and vibration during Baylands construction, grading, and demolition activities, as well as ongoing activities following project development.

4.11 Geology, Soils, and Seismicity

- Project site grading activities have the potential to expose soils to erosion.
- In addition, proposed site development would increase exposure of structures and people to geologic, soils, and seismic risk factors including but not limited to earthquakes, liquefaction, differential settlement, and other soil hazards.

4.12 Hydrology and Water Quality

- Project development would substantially increase the site's impervious surface area and increase runoff within and from the site. Existing stormwater drainage systems likely do not have the capacity to accommodate post-construction Project site runoff, and this runoff could

exacerbate flood conditions within and adjacent to portions of the site and surrounding neighborhoods.

- The potential also exists for the large amount of runoff generated within the Project site to carry urban pollutants to the Brisbane Lagoon and San Francisco Bay.

4.13 Hazards and Hazardous Materials

- Baylands development and operations would require the routine transport, use, and disposal of hazardous materials, potentially exposing the public and environment to health risks and environmental degradation.
- Although compliance with federal, state, and local regulations would reduce impacts associated with the routine transport, use, and disposal of hazardous materials to less-than-significant levels, accidents can and do happen that could result in the release of hazardous materials into the environment.
- Due to the proposed development of a middle school within the Baylands, there would be the potential for hazardous emissions due to handling of hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school.
- In addition, due to the history of industrial use within and adjacent to the Project site, the Project could create a significant hazard to the public or the environment as the result of the Project's location in relation to sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- Due to the Project site's location more than 2 miles from San Francisco International Airport, there would be only a remote potential for the Project to create aircraft-related safety hazards or excessive noise for people residing or working in the area.

4.14 Public Services and Facilities

- Project-related demands for public services such as fire protection, police, schools, libraries, solid waste facilities, and other public services would create a need for new or expanded facilities, the construction of which could have physical environmental effects.

4.15 Recreation

- Development of 2,200 dwelling units and employment-generating uses that accommodate over 19,000 workers could increase the use of existing recreational facilities, potentially causing physical deterioration of those facilities.

- Construction associated with the development of open space, parks, and recreational facilities within the Project site could result in significant environmental effects such as erosion, air pollutant and greenhouse gas emissions, or loss of biological habitats.
- Development of multi-story buildings within the Project site could create sufficient wind turbulence so as to degrade the quality of windsurfing resources within the nearby Candlestick Point State Recreation Area.

4.16 Utilities, Service Systems, and Water Supply

- The Project would substantially increase demands for water, wastewater, stormwater drainage, energy, and telecommunications facilities, requiring construction of new facilities along with improvements to existing facilities. Construction of such improvements could result in physical environmental effects such as erosion, air pollutant and greenhouse gas emissions, or loss of biological habitats.
 - The Project would result in demand for water supplies in excess of those currently available to the City of Brisbane. This EIR section will, therefore, also analyze the adequacy of Contra Costa Water District (CCWD) Los Vaqueros Reservoir Expansion Project water supplies to serve Brisbane, the Project, and other reasonably foreseeable future development within the city during normal, dry, and multiple dry years.
 - Acquisition of water from CCWD's Los Vaqueros Reservoir Expansion Project and its delivery to the Baylands would entail uncertainties such as the need for several agencies other than the City of Brisbane to enter into agreements for use of the South Bay Aqueduct and other facilities to transport water to the Baylands. These uncertainties and alternative water sources will be evaluated in a water supply assessment to be prepared for the project.
 - Water facilities improvements needed for delivery of water from Los Vaqueros Reservoir to the Project site could result in physical environmental effects that would be analyzed in the EIR.
- 5. Irreversible Environmental Effects** will evaluate the potential for significant irreversible environmental changes to result from the Project, including (1) irreversible commitment of non-renewable resources, such as natural gas, petroleum products and fossil fuels, asphalt, petrochemical-based construction materials, steel, copper, other metals, and sand and gravel; and (2) irreversible environmental changes, including the commitment of land to urban development and the commitment to provide public services to the Project.
- 6. Growth-Inducing Impacts** will analyze the ways in which the Project could directly or indirectly foster unplanned economic or population growth or remove obstacles to

growth, along with the physical environmental effects that would result from such growth.

7. **Cumulative Impacts** will analyze the ways in which physical environmental effects of the Project might combine with those of other past, present, and probable future projects for each of the issues addressed in EIR Sections 4.1 through 4.16. If the effects of the proposed Specific Plan in combination with the effects of other past, present, and probable future projects would be significant, the Specific Plan's contribution to the combined cumulative significant impact will be analyzed.
8. **Alternatives** will describe and analyze a reasonable range of alternatives to the Project or to the Project's location that would feasibly avoid or lessen significant environmental impacts identified in the EIR while attaining most of the Project's objectives.
9. **Report Preparers** will identify the persons and organizations involved in preparing the Draft EIR.

From: Roland Lebrun <ccss@msn.com>
Sent: Wednesday, May 24, 2023 1:21 AM
To: Baylands <baylands@brisbaneca.org>
Cc: Council Members <CouncilMembers@ci.brisbane.ca.us>
Subject: Revised Baylands Specific Plan Notice of EIR Preparation

Dear Mr. Swiecki,

Further to my January 24, 2014 and March 2020 comments (below and attached), please refer to the attached Bayshore multimodal study

(https://default.sfplanning.org/Citywide/bayshore_multimodal/Bayshore_MultiModal_FAQ.pdf) and consider addressing the lack of "***Seamless, accessible connections to reliable transit***" as currently proposed in Section 6.2.5 IMPROVE ACCESS TO TRANSIT of the DEIR (https://www.brisbaneca.org/sites/default/files/fileattachments/baylands/page/24259/202302_draftbaylands-sp_ch06-circulation.pdf) by integrating MUNI, Caltrain and Geneva BRT as follows:

1. Extend and relocate the existing Bayshore Caltrain station further south so that it intersects with the Geneva extension
2. Extend MUNI LRT over Geneva Avenue and add an additional stop at the intersection of Geneva Avenue and the Caltrain tracks



Thank you
Roland Lebrun

BAYSHORE MULTI-MODAL FACILITY STUDY

Frequently Asked Questions

What is this study?

The Bayshore Multi-Modal Facility Study is analyzing alternative locations, conceptual designs, and implementation plans for a multi-modal facility in the Bayshore area. It is based on consultant analysis, public agency input and community feedback. It is designed to improve transportation access for Visitacion Valley, Candlestick Point, Hunters Point Shipyard, Executive Park, and the bi-county area.

What is a multi-modal facility?

Multi-modal facilities link transportation services and infrastructure within a single location or area, providing better access and transit connections for people using a variety of transportation modes. Multi-modal facilities can be anything from a special plaza or street design to a multi-modal station.

What are multi-modal facility “elements?”

Any feature that supports multi-modal connectivity or transit access. They include informational kiosks, shared platforms, transit-priority streets or pedestrian/bike paths, and curb areas designated for transit access. Specific wayfinding, pedestrian-scale lights, design, and signage are other types of elements.

What does this have to do with Geneva-Harney Bus Rapid Transit (BRT)?

The Geneva-Harney BRT project is analyzing bus rapid transit service between Hunters Point Shipyard and Balboa Park/City College. High frequency, high quality service will be combined with the existing Muni 28 Rapid line to provide a “one seat” ride connecting major growth in Southeast San Francisco, Bayshore Caltrain & Balboa Park Stations, college campuses and major retail. This Study contributes to better connections between this BRT service and Muni (T-Third and local bus routes), Caltrain, SamTrans, express buses, shuttles and other modes in the area. While the precise BRT route will be determined through analysis and community input, it is expected to use Bayshore Boulevard between Geneva Avenue and Tunnel Avenue, immediately adjacent to the multi-modal facility study area.

What does this have to do with the Schlage Lock development?

Schlage Lock prioritizes multi-modal access, but it does not prescribe specific designs for a multi-modal facility. This Study is the first step towards a facility design that works within Schlage’s street network. Schlage’s street improvement plan and the Phase 1 application, focusing on the north of the site, is currently under review. This Study’s Concept Alternatives 1 & 2 are consistent with the currently proposed street plan. Concept Alternatives 3 & 4 provide additional benefits, but would require additional coordination with future phases of Schlage. The Multi-modal Study will not delay Phase 1.

What does this have to do with the Brisbane Baylands?

This study is not intended to influence the land use within the Brisbane Baylands site. The City of San Francisco is expecting over 17,000 units to be added in southeast San Francisco in the next 10-15 years. A multi-modal facility and service improvements like the Geneva-Harney BRT are essential to better serve this growth and current residents and employees of SF. The study is being coordinated with staff from the City of Brisbane, San Mateo County, Caltrain and the MTC.

Recognizing that proposed land uses on the Brisbane Baylands site have not been finalized, Phase I of this Study included four (4) land use options to account for a range of possible outcomes. Each option is based on land use alternatives shown in the 2015 Baylands Draft Environmental Impact Report (DEIR). Within San Francisco, however, the scale of most major projects in the bi-county area is already known.

Will this move the Bayshore Caltrain Station?

The project does not require moving the Caltrain platforms at the Bayshore Station. However, the project does not prevent future shifts in the platform or locating multi-modal elements elsewhere.

What will this project do for transit service?

Multi-modal facilities make transit services more user-friendly, accessible, and efficient. This project does not guarantee changes in transit service, however some stops may be moved or shuttles rerouted to improve transfers. The Bayshore multi-modal facility and transit-oriented urban design are two factors that could be considered in determining the frequency of Caltrain service at Bayshore. Today's hourly Caltrain peak service would be insufficient to support expected growth near the station.

When will this multi-modal facility be in operation?

This has yet to be determined and will be further explored in the implementation task of this study, to be completed by Winter 2017.

Why is this study happening now?

Development in the bi-county area, including the Schlage Lock site, Candlestick Point and Hunters Point Shipyard are proceeding such that a multi-modal facility is beneficial sooner than projected. With this Study, public agencies can begin coordinating access, developing designs, and applying for funding.

How will the facility be funded?

While potential sources exist, a funding strategy is yet to be determined. It will be further explored in the implementation task of this study and completed by Winter 2017.

What are the next steps in the study?

The consultants will refine the four concept alternatives and evaluate them based on public comments. In Winter 2017, they will publish the refined concepts, evaluation and implementation strategy for a multi-modal facility. City staff will present the Study's findings at the Planning Commission. City staff can also present findings to other Citizen Advisory Committees or neighborhood groups upon request.

What are some examples of Multi-modal Facility Examples in the Bay Area?

See the following pages for examples.

The following multi-modal facility examples are not representative of concepts for the Bayshore area. But certain elements of any of them will be incorporated into Bayshore Multi-modal Facility concepts.

WALNUT CREEK: PLEASANT HILL BART STATION



Multi-level, Off-Street, Public Activities

SAN FRANCISCO: PRESIDIO TRANSIT CENTER



Shuttles, Information and Retail

SAN FRANCISCO: 4TH & KING CALTRAIN STATION



Train terminal, bike parking and repair, local and regional buses, shuttles, taxi stands, wayfinding and information

MOUNTAIN VIEW: TRANSIT CENTER



Off-street shuttle stop and passenger loading, transit, bike parking, shelter, retail, shared platform for Caltrain and light rail

ALAMEDA: MAIN STREET FERRY TERMINAL



Ferry service, on-street bus stop, bicycle parking, passenger loading, multi-use trail, real-time info

SAN FRANCISCO: TEMPORARY TRANSBAY



Local and regional off-street bus facility with large shelters, on-street bus stops, real time information

The following are additional multi-modal facility examples from around the country. Some but not all elements of these facilities can also be incorporated into Bayshore Multi-modal Facility concepts.

BELLEVUE, WA: TRANSIT CENTER



Converted street into bus facility, public plaza

SHIRLINGTON, VA: BUS STATION



Off-street bus facility for regional and local buses

WASHINGTON, DC: RHODE ISLAND AVE STN.



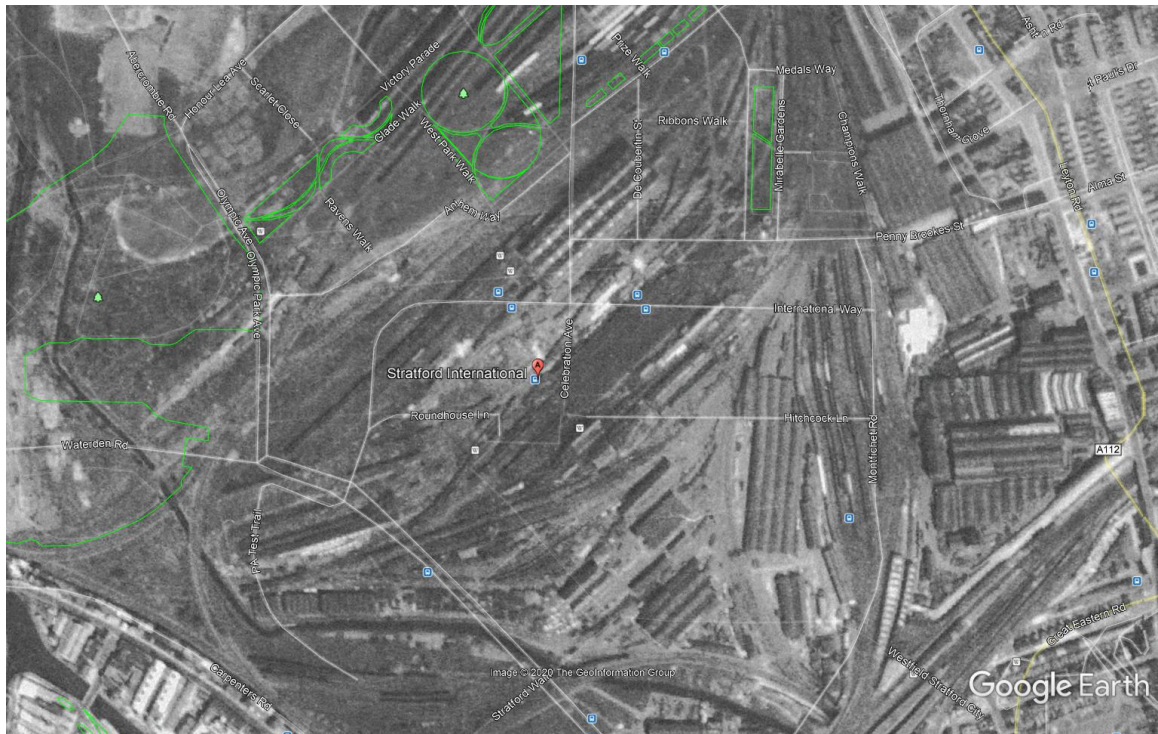
Multi-level, multi-modal station with transit-oriented development and multi-use paths

LONG BEACH, CA: 1ST ST TRANSIT MALL

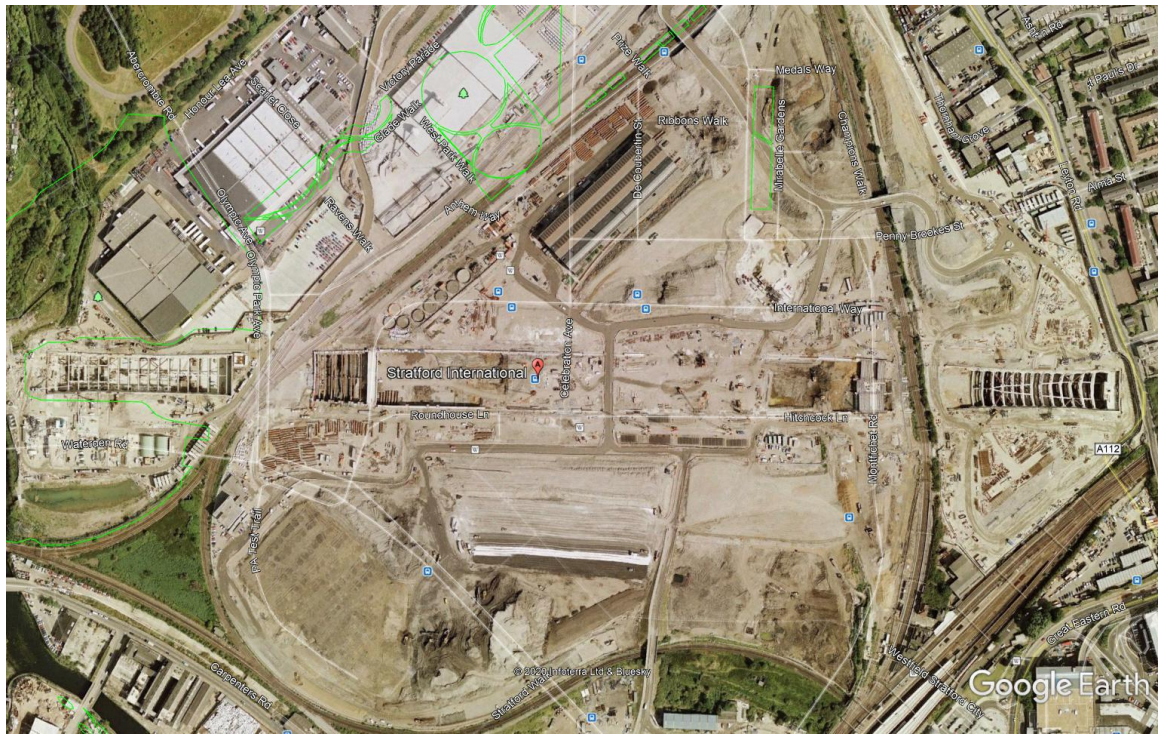


On-street light rail & bus mall, public art, shelters, lighting and trees, transit-oriented development

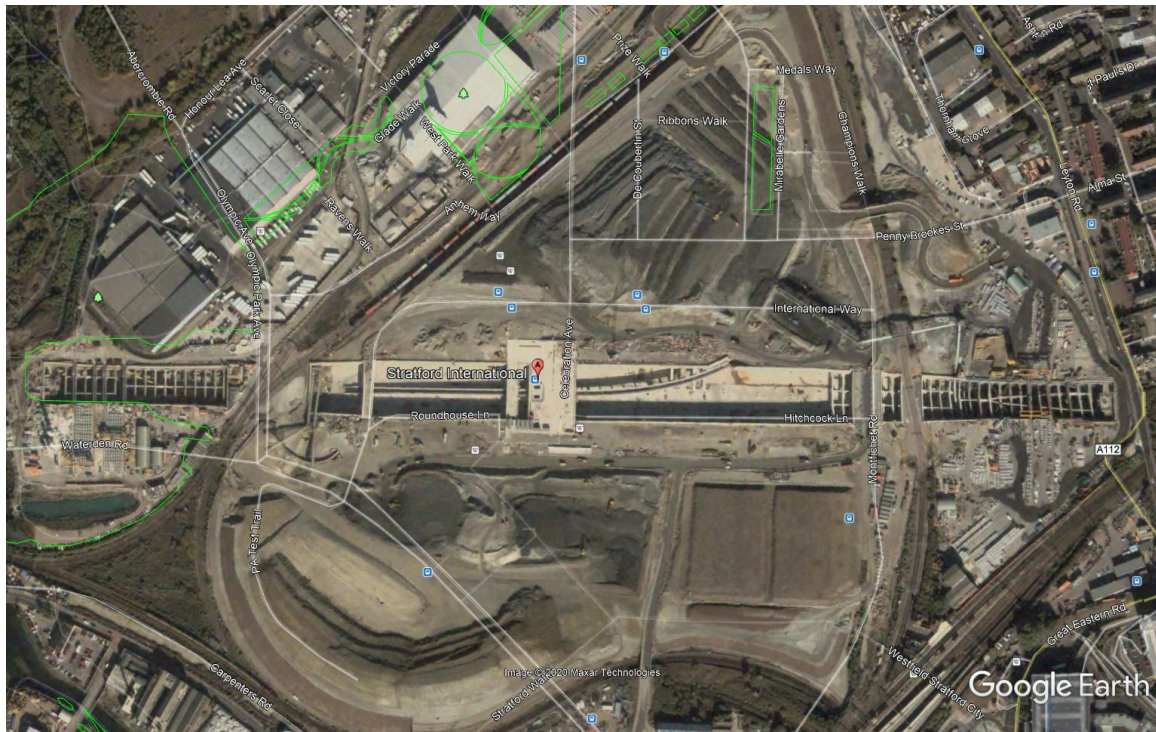
1945



2002



2003



2005



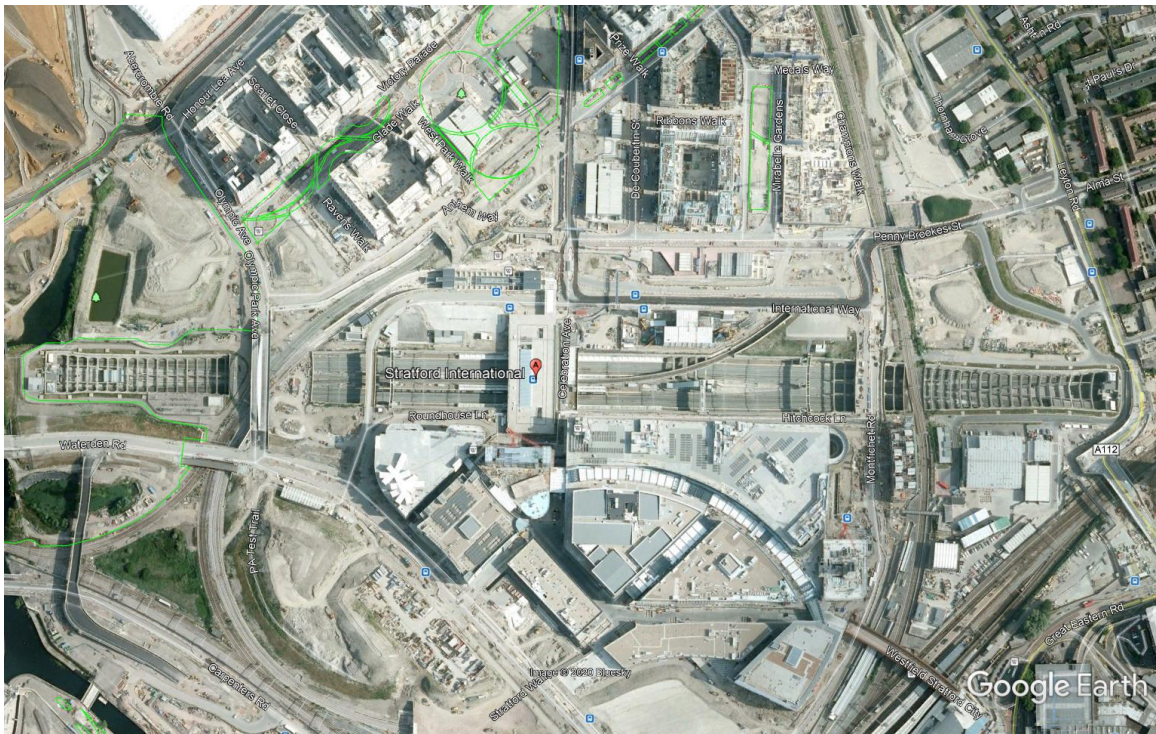
2005



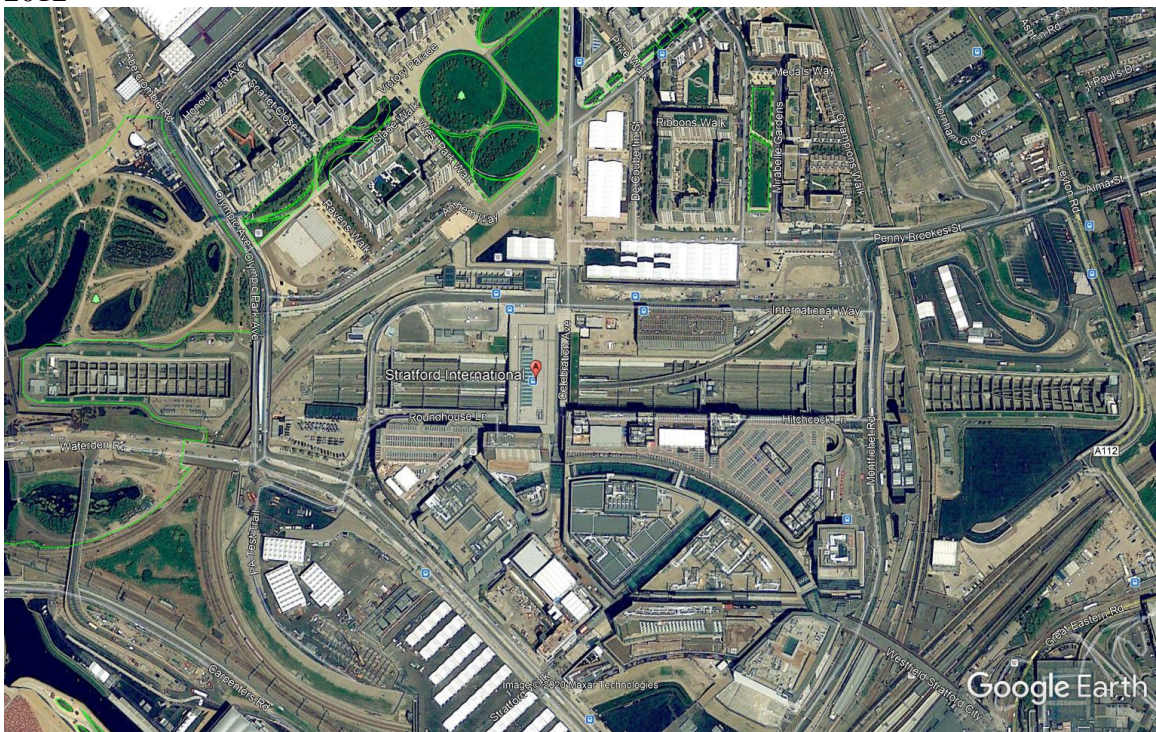
2009



2010



2012



This aerial view of the Stratford International area in Stratford, London, shows the stadium centrally located. The stadium is surrounded by various roads, including Watford Rd, Stratford Way, and Stratford International Way. Green lines and markers highlight specific areas of interest, including a large green circle around a park area and a green line along a road. The stadium is centrally located, with various roads like Watford Rd, Stratford Way, and Stratford International Way visible. Green lines and markers highlight specific areas of interest, including a large green circle around a park area and a green line along a road.

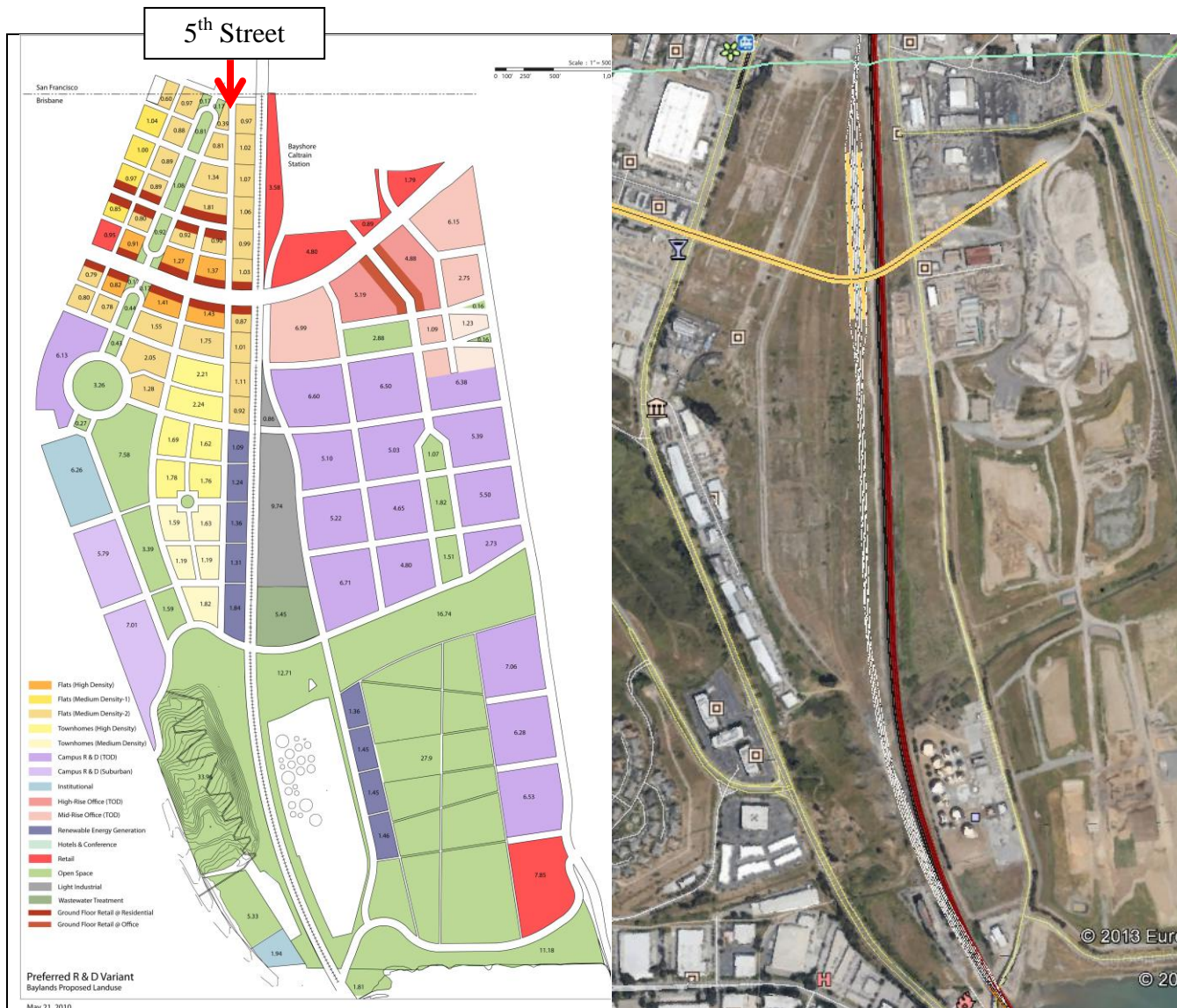
Roland Lebrun
ccss@msn.com
Brisbane Baylands Draft EIR
January 19 2014

Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Brisbane Baylands Draft EIR.

While it is generally accepted that 200 MPH high speed trains will not appear in the Peninsula for at least another 20 years, plans for land use adjacent to the rail corridor should consider future higher speeds in the Peninsula with an eventual objective to connect San Jose to San Francisco in 30 minutes or less.

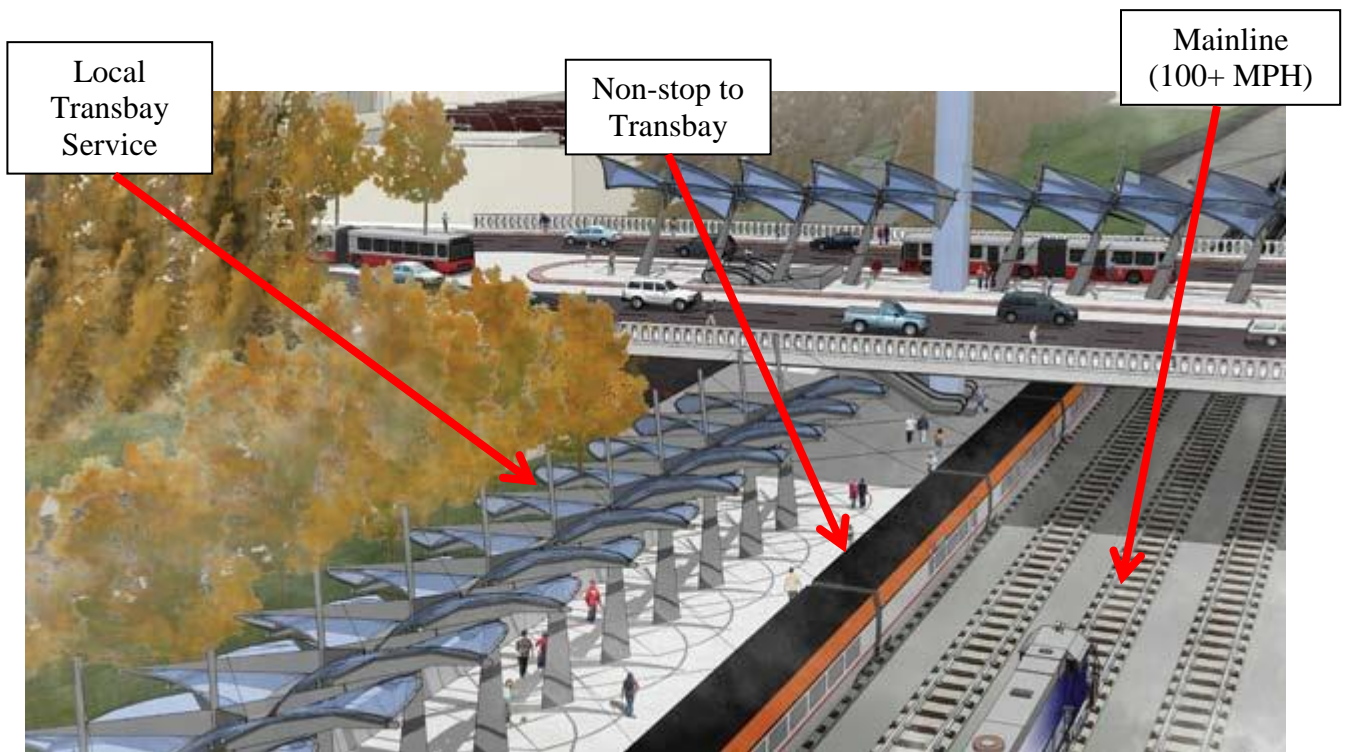
It is in this context that the DEIR should consider a new rail alignment capable of supporting speeds in excess of 100 MPH along the proposed future 5th Street.



The relocation of the tracks and the Bayshore station to the 5th Street alignment would also significantly enhance transfers between Caltrain and the proposed Muni T-Third light rail station on 5th Street.

The relocated Bayshore station would have two additional tracks to facilitate cross-platform transfers between Baby Bullets (5-minute non-stop to Transbay) and locals stopping at Oakdale, 22nd Street, Mission Bay and the Transbay Terminal. The additional station and turnaround tracks would support a capacity of 12 trains/hour between Brisbane and Transbay, 10-20 years ahead of the rest of the Peninsula (Policy 6-12).

The impacts caused by the higher speeds of express trains should be mitigated by creating embankments on both sides of the tracks thereby giving the impression that the proposed Geneva Avenue extension is at grade while the platforms and the tracks are in a trench.



The proposed new alignment would have the following additional advantages:

- Faster, safer and more cost-effective construction of the relocated Bayshore station, including connections to MUNI light rail and Geneva Avenue BRT.
- No construction impacts on Caltrain service.
- Foundation for a future 5-minute connection to San Francisco International (Transbay to SFO in 10 minutes, including a one-minute stop in Brisbane).

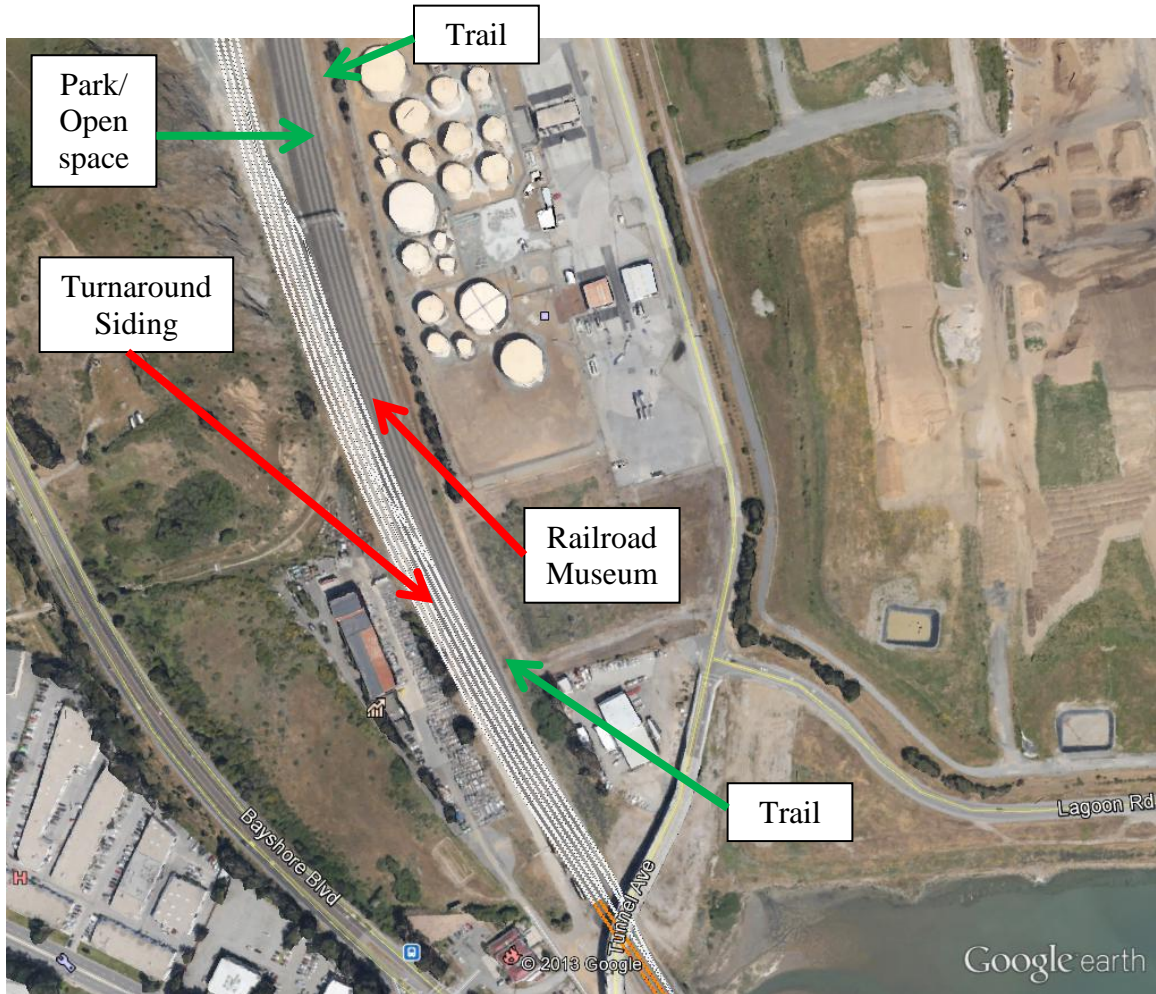
Platform lengths.

Please refer to "Platform Dimensions" on page 13 of Chapter 3 of the Caltrain Engineering Standards: <http://www.caltrain.com/assets/engineering/engineering-standards-2/criteria/CHAPTER3.pdf> : *"The standard platform length shall be 700 feet to accommodate a six (6) car train consist. **Platform design shall consider or not preclude a possible expansion of platform length to 1000 feet**"*

The DEIR should consider this 1,000-foot requirement because it would enable a Bayshore Caltrain station entrance at Beatty Avenue which is within walking distance of the Schlage Lock development. The DEIR should also consider extending the platforms south of Geneva Avenue to match Transbay's 1,330-foot platform lengths for two reasons: support for double-length Caltrain consists capable of transporting 2,000 passengers to/from special events in downtown San Francisco and/or Brisbane and the ability to disembark and turn around full-length HSR trains in case of an emergency between Brisbane and the Transbay terminal.



- Relocation of the mainline would also facilitate the repurposing of the existing tracks between Ice House Hill and the Kinder Morgan Energy Tank Farm into a siding yard and a location for the future railroad Museum while maintaining an opportunity for a linear park and trail connection between the siding yard and the Tank Farm. The siding yard could provide off-peak storage for up to 8 Caltrain consists as well as the ability to turnaround additional train service (up to 6 additional trains/hour between Bayshore and Transbay) over and above the proposed maximum six Caltrains/hour by 2019.



Thank you for considering these enhancements to this exciting project.

Sincerely,

Roland Lebrun

Baylands Circulation

How multimodal integration can deliver seamless intermodal transfers

Mobility

REFER TO THE BAYLANDS SPECIFIC PLAN CHAPTER 6 (CIRCULATION) FOR MORE INFORMATION



IMPROVE ACCESS TO TRANSIT



CREATE BIKE FACILITIES



DEVELOP WALKABLE NEIGHBORHOODS

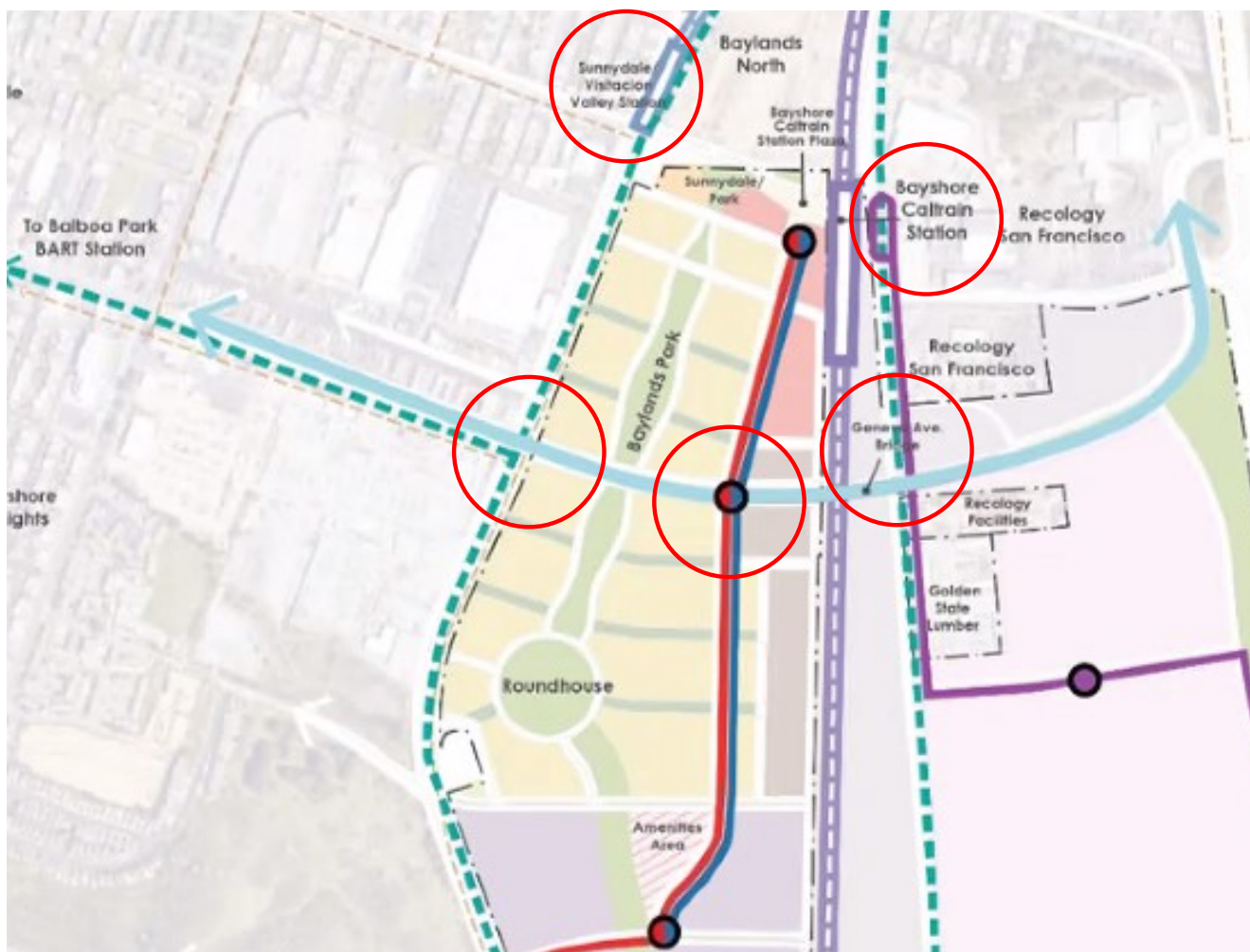


TDM

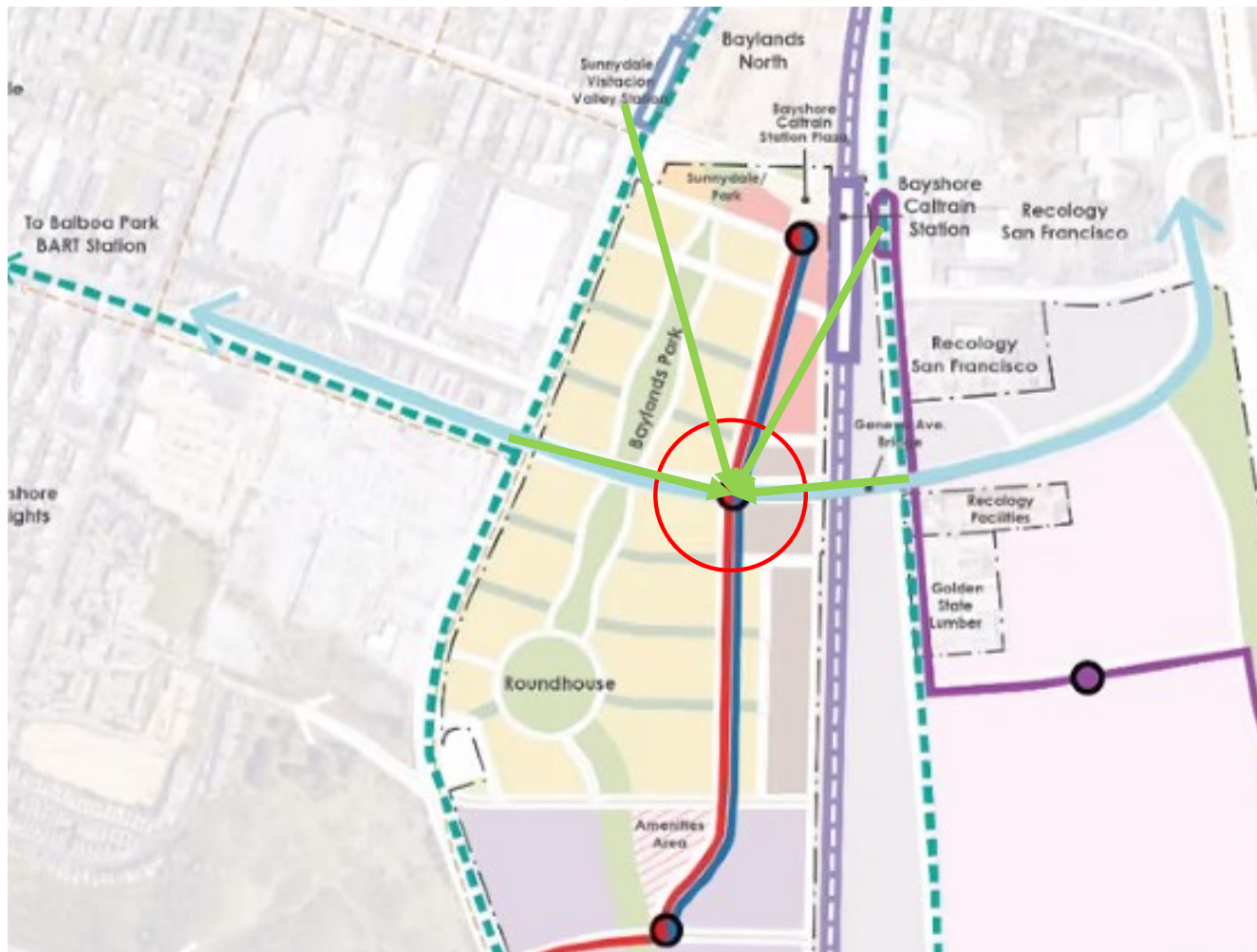
COMPREHENSIVE TDM PROGRAM



The problem



Integrated Multimodal Hub Solution



Six Big Moves

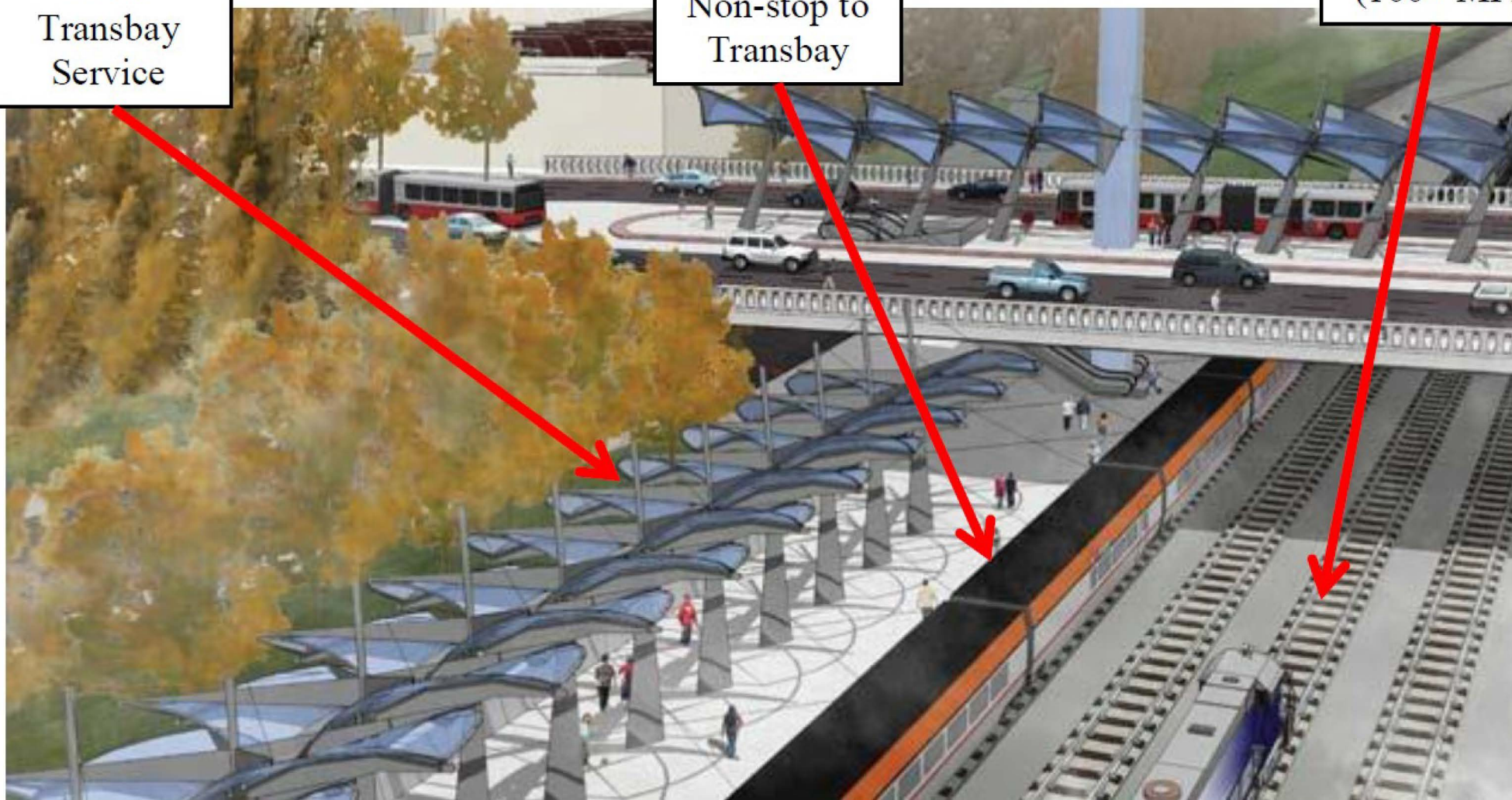
- 1) Bring on the dirt (30 feet of clean dirt)
- 2) Build the train box (30 feet deep)
- 3) Cover the train box
- 4) Build above the train box
- 5) Reroute Caltrain/HSR tracks to the new train box
- 6) Build above the ROW previously occupied by the Caltrain tracks.



Local
Transbay
Service

Non-stop to
Transbay

Mainline
(100+ MPH)



SFCTA Partnership

<https://www.sfcta.org/sites/default/files/2023-01/R23-24%20ED%202023%20Performance%20Objectives.pdf>

*"26. Bring forward a sales tax appropriation request to develop a planning concept for improved transit connection across the U.S. 101 corridor between Candlestick Point and Bayshore Caltrain Station. Continue to coordinate with the City of Brisbane, San Mateo C/CAG, and city departments SFMTA and SF Planning Department on Bi-County Transportation improvements on both sides of the county line, including Geneva-Harney BRT underpass at U.S. 101, traffic calming in the area as being studied by SFMTA in the Visitacion Valley Community-based Transportation Plan, **and Brisbane's Geneva Roadway Extension and related transportation facilities from its Baylands development project EIR.**"*

May 23, 2023

John Swiecki, Community Development Director
City of Brisbane
Community Development Department
50 Park Place
Brisbane, CA 94005

Subject: **Comment on Notice of Preparation for Brisbane Baylands Specific Plan**

Dear Mr. Swiecki:

Thank you for providing an opportunity for the California High-Speed Rail Authority (Authority) to provide input on the revised Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan.

The Authority previously provided comments (Attached to this letter) on the original Notice of Preparation (NOP) that was published in 2020. In those comments, the Authority described its process to that point of planning for a light maintenance facility (LMF). Since the original NOP was published, the Authority completed the environmental process and the Authority Board of Directors approved an LMF location on the east side of the Brisbane Baylands site (Resolution #HSRA 22-20 located at <https://hsr.ca.gov/wp-content/uploads/2022/08/FJ-CEQA-Approval-Resolution-final-A11Y.pdf>). Additional information about the LMF and its location at the Brisbane Baylands site can be found in the Final EIR/EIS for the San Francisco to San Jose project section (<https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/>).

We look forward to working with the City as the design process advances.

Please continue to include the Authority on all notices pertaining to the Brisbane Baylands Specific Plan and any other decisions around the Brisbane Baylands site.

Sincerely,



Boris Lipkin
Northern California Regional Director

Attachments

March 19, 2020

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GOVERNOR



John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place, Brisbane, CA 94005
Submitted via e-mail to baylands@brisbaneca.org

**RE: Brisbane Baylands Specific Plan
Notice of Preparation of an Environmental Impact Report**

Dear Mr. Swiecki,

This letter is the California High-Speed Rail Authority's (Authority) comments on the Notice of Preparation (NOP) issued on February 20, 2020 for the Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan (Project).

The summary description of the Project and the scope of environmental analysis in the NOP makes no reference to the Authority's plans to locate a Light Maintenance Facility (LMF) at the Brisbane Baylands. This letter outlines our concerns about this absence and recommends that the EIR include an alternative that reconfigures the Project to account for the LMF.

Authority Consideration of the Brisbane Baylands for the LMF

The Authority has considered the Brisbane Baylands as a potential location for the LMF for over a decade starting with Preliminary Alternatives Analysis dating back to 2010. In 2013, the Authority submitted comments on the 2013 Baylands Specific Plan EIR regarding our interest in locating the LMF at the Brisbane Baylands.

On May 9, 2016, the Authority and FRA published a NOP and Notice of Intent (NOI), which initiated scoping for the San Francisco to San Jose Project Section Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The high-speed rail (HSR) project as described in the NOP/NOI includes stations in San Francisco, Millbrae, and San Jose with a LMF in Brisbane. The EIR/EIS HSR project alternatives were presented during the public scoping period between May 9, 2016, and July 20, 2016. Public scoping activities included three scoping meetings and approximately 30 meetings with business and community groups, early agency coordination, and elected official briefings.

On and around June 20, 2018, the Authority again reiterated its plans to locate a LMF at the Brisbane Baylands site in its letter and comments when Brisbane was considering certification of the Final EIR for the Baylands General Plan Amendment, under which this Specific Plan is being developed.

Most recently, the Authority conducted outreach in July and August 2019 concerning the staff-recommended HSR Preferred Alternative with stakeholders and members of the public to receive their feedback for the Board of Directors to consider with the identification of the HSR Preferred Alternative. More than 300 community members, stakeholders, and agency officials attended briefings and meetings throughout the corridor during this outreach period, which included the Brisbane City Council Meeting on July 18, 2019.

At the September 17, 2019 Authority Board meeting, the Authority identified Alternative A as the HSR Preferred Alternative for analysis in the EIR/EIS for the San Francisco to San Jose Project Section. A summary of the history of the preliminary engineering and environmental analysis of the San Francisco to San Jose Project Section can be found in the staff reports for the September 17, 2019 board meeting on the Authority's website at https://www.hsr.ca.gov/about/board/meetings/minutes_2019.aspx. Alternative A includes the LMF alternative on the east side of the Caltrain corridor in the Brisbane Baylands.

The HSR project is now under construction and being implemented in phases within the 30-year planning horizon for the Project. The current Draft 2020 Business Plan, published February 12, 2020, identifies 2031 as the opening year for service that would include the LMF and 2033 as the opening year of Phase 1 service from San Francisco to Los Angeles and Anaheim, well before the 2050 buildout of the Project. Currently, 119 miles of high-speed rail infrastructure is under construction in the Central Valley and the Authority is supporting the electrification of the Caltrain Corridor between San Francisco and San Jose with plans to use that infrastructure in the future.

The Authority is preparing the EIR/EIS which will evaluate the implementation of high-speed rail service between San Francisco to San Jose along the Caltrain right-of-way as part of a blended system. The EIR/EIS proposes a LMF at the Brisbane Baylands as a feature of each HSR project alternative, with Alternative A locating the LMF on the east side of the Caltrain corridor and Alternative B locating the LMF on the west side of the Caltrain corridor. The Draft EIR/EIS will include an analysis of the LMF alternatives at an equal level of detail. The Draft EIR/EIS will be available in summer 2020, which will be available to inform your Project EIR.

Statewide Significance and Functions of the LMF

The LMF is a critical component of the overall high-speed rail system. The LMF needs to be located adjacent to the mainline tracks to provide convenient and close connections to the HSR mainline tracks for both southbound and northbound access. Northbound and southbound access supports timely provision of trainsets to the nearby terminal station and facilitates switching trainsets out during normal operations. Up to

one third of the statewide train fleet would need storage space at the LMF. The Authority's plans and engineering drawings for the two LMF alternatives are attached to this letter.

Maintenance of the HSR trainsets, which will occur on a daily, monthly, and quarterly basis, will take place at the LMF. Maintenance activities include train washing, interior cleaning, wheel truing, testing, and inspections. These activities may occur between runs or as a pre-departure service at the start of the revenue day. Trains and crew will be dispatched from the LMF to the terminal station in San Francisco to begin revenue service throughout the day. The LMF will also support a limited number of trainsets dispatched to the San Jose Diridon Station and will function as a service point for any trains in need of emergency repair services. The LMF will be in operation 24 hours per day, with four overlapping shifts of workers rotating in and out of the site.

Eastside Location for LMF is the HSR Preferred Alternative

Alternative A, the Preferred Alternative, based on analysis by staff done to date, represents the best balance of adverse and beneficial impacts on community and environmental resources, and maximizes the transportation benefits of the high-speed rail system. The East Brisbane LMF under Alternative A would construct the East Brisbane LMF adjacent to existing vacant and industrial uses, avoiding and minimizing impacts to planned development allowed by the Brisbane General Plan on the west side of the Caltrain tracks, including planned housing development.

Specific Plan EIR Accounting for LMF in its Project Alternative(s)

The Brisbane Baylands Specific Plan EIR needs to consider the LMF in the design of the project and/or its alternatives. Specifically, in order to disclose the impacts of the Specific Plan buildout in light of the LMF buildout, the redesigned project and/or alternative(s) should allow for the LMF, including the LMF space requirements, the need to elevate the Geneva Extension, the need to relocate the Caltrain Station, and land use compatibility with HSR mainline and LMF operations.

As described above, the LMF alternatives under consideration by the Authority in the HSR project EIR/EIS would occupy a portion of the land proposed for residential, commercial, and/or other land uses with the Specific Plan. As such, with the LMF, the Specific Plan would not be able to be completely built out. Since at present, the HSR EIR/EIS includes two LMF alternatives, several alternatives for the Specific Plan EIR could be considered. In addition, the EIR needs to analyze the cumulative effects of both land use development and the HSR project per CEQA requirements.

Concluding Remarks

We recognize the City's need for a new EIR for the Specific Plan to address the differences between the proposed Specific Plan and development that was evaluated in the final Program EIR certified by the City Council in July 2018.

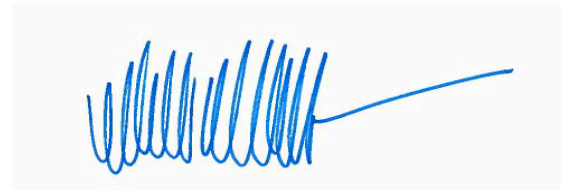
The range of alternatives to the Project in the EIR needs to consider an alternative (or alternatives) that allow and account for the LMF. The Authority can assist the City and

property owner in developing alternative (or alternatives) that account for a LMF. In addition, the cumulative analysis needs to consider the combined effects of land use development and the HSR project. Full acknowledgement of and accounting for the HSR project and the LMF in the Specific Plan EIR will foster informed decision-making by the City Council, Baylands Development Inc, and the community of Brisbane. Thank you for the opportunity to comment on the NOP. Please contact us if you have any questions or need any clarifications of our request.

Sincerely,



Boris Lipkin
Northern California Regional Director
(415) 370-0822
Boris.Lipkin@hsr.ca.gov



Mark A. McLoughlin
Director of Environmental Services
(916) 403-6934
Mark.McLoughlin@hsr.ca.gov

Attachments:

1. 11/20/12 Authority letter re: Revised Notice of Preparation for Brisbane Baylands Specific Plan
2. 6/20/18 Authority letter re: Certification of Final EIR Baylands General Plan Amendment
3. April 2019 Preliminary Engineering for Project Definition Record Set drawings of LMF in Alternative A
4. April 2019 Preliminary Engineering for Project Definition Record Set drawings of LMF in Alternative B



November 20, 2012

CHSRA-CIT-2993

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Via Email: eir@ci.brisbane.ca.us

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Vice-Chairperson

Jim Hartnett

Michael Rossi

Thomas J. Umberg

Jeff Morales
Chief Executive Officer

RE: Revised Notice of Preparation for the Brisbane Baylands Specific Plan

Dear Mr. Swiecki:

As you know, the California High-Speed Rail Authority (Authority) board certified the program-level Bay Area to Central Valley High-Speed Train Environmental Impact Report/Environmental Impact Statement (EIR/EIS), adopted findings, and selected preferred alignment and station conceptual locations for the statewide High Speed Train (HST) system in July 2008. This program-level EIR/EIS identified the Caltrain rights-of-way as a part of the preferred alignment in Brisbane.

In August of 2010, the Authority published a "Supplemental Alternatives Analysis" that described design options for the system that would serve both the Caltrain and High-Speed Train services between San Francisco and San Jose. It also identified a portion of the Brisbane Baylands as a potential site for a storage and maintenance facility (see attachment).

As part of the 2012 Revised Business Plan, the Authority has changed the basic assumptions for High-Speed Train (HST) construction and operation. The strategy shifts the initial construction segment to the Central Valley, and then connects to the "bookends" (i.e., San Francisco and Los Angeles). Additionally, the Business Plan introduced the concept of "blending" the HST service with existing rail operators as a cost-effective strategy to build and operate the HST in urban areas with constrained rights-of-way. Essentially, the plan promotes electrification of Caltrain and implementation of other infrastructure improvements that would enable HST to operate on the Caltrain tracks.



John Swiecki
Community Development Director
City of Brisbane
CHSRA-CIT-2993
Page 2

These new concepts have lead to changes in previous assumptions regarding the location of HST operations and maintenance facilities. While train service will still be required to begin at the San Francisco terminal (Transbay Transit Center), the fleet size to be stored at a local facility can be reduced based on the adopted Business Plan, or from 27 trainsets previously recommended to less than half that number of trainsets as part of a blended system. The reduced number of trainsets thereby reduces the required storage yard size and footprint. The Authority is currently re-examining the corridor to identify site specific and operationally feasible locations which will meet maintenance and storage requirements. Suitable potential sites, in addition to Brisbane, will be evaluated through the NEPA and CEQA environmental processes.

We look forward to continuing our coordination with the City of Brisbane on our respective projects.

Please visit our website at <http://www.cahighspeedrail.ca.gov> for additional project information.

Please contact me at (408) 477-5631 or btripousis@hsr.ca.gov if you have any questions.

Sincerely,



Ben Tripousis
Northern California Regional Director
California High-Speed Rail Authority

Attachment

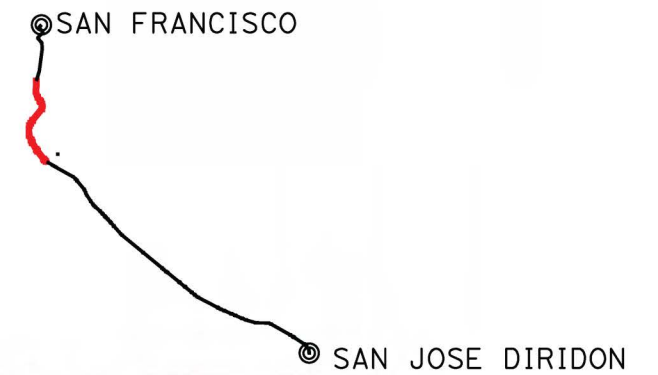
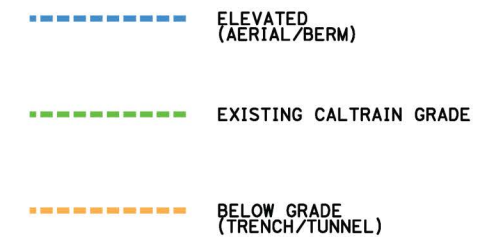
cc: D. Spaethling
R. Kohlstrand
B. Felker
L. Hames

Subsection #2

Length: 8.6 miles Land Use: Urban

South Portal Tunnel No. 4 to South of Millbrae Avenue (MP. 5.77 to MP. 14.38)

This subsection is located in the Cities of Brisbane, South San Francisco, San Bruno and Millbrae. The existing Caltrain alignment is at-grade in this subsection and many crossings are grade separated. The northern portion of this subsection is completely grade separated and includes an existing 4-track segment in Brisbane. In the southern portion of the subsection, BART runs underneath and alongside the Caltrain tracks.



POTENTIAL CONSTRAINTS



HST STATION DESIGN OPTION



CALTRAIN STATION DESIGN OPTION



ROADWAY DESIGN OPTION



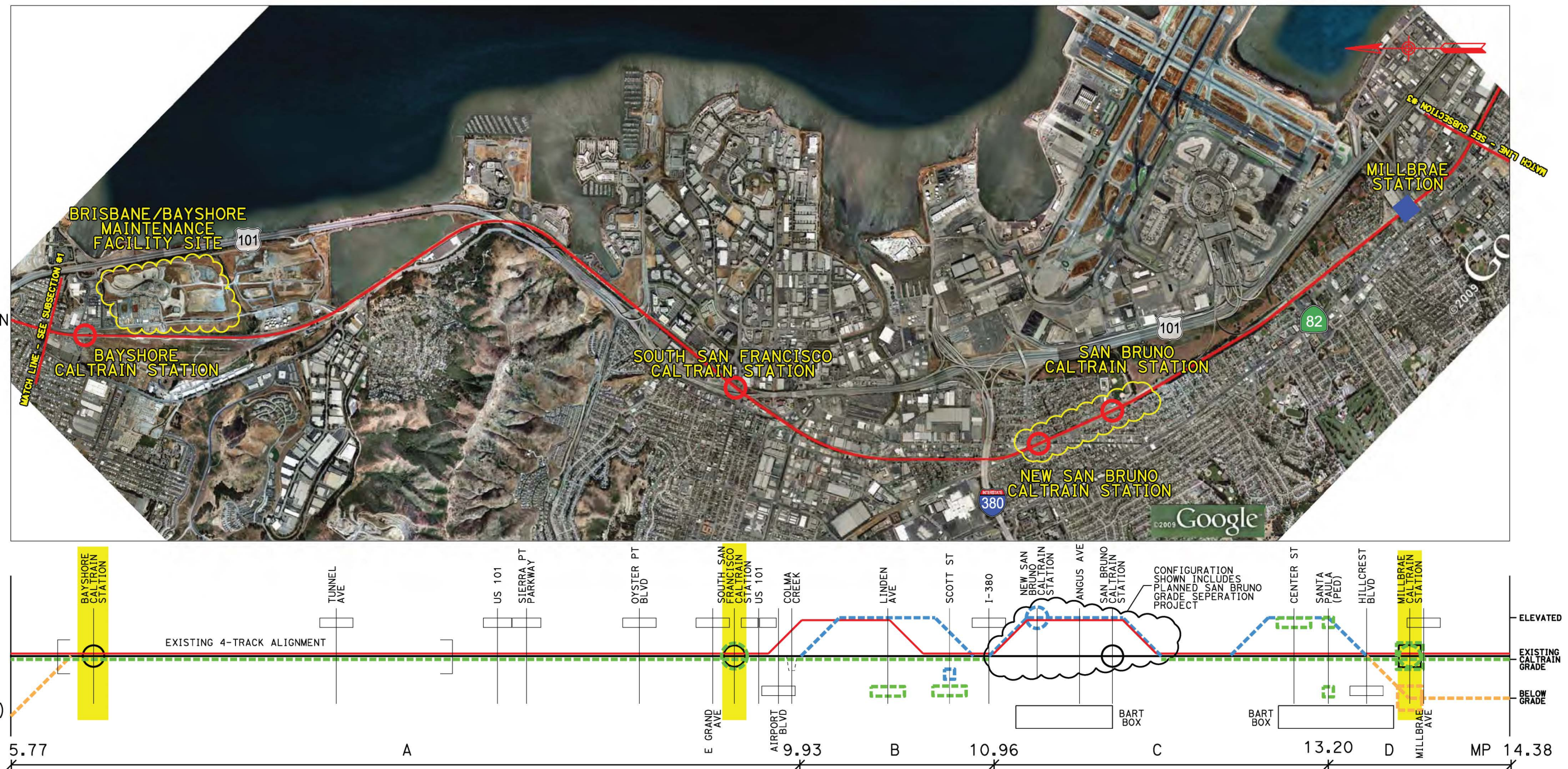
EXISTING GRADE SEPARATION



EXISTING TRACK



PROGRAM EIR/EIS (REFERENCE ONLY)



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EDMUND G. BROWN JR.
GOVERNOR



June 20, 2018

Ms. Ingrid Padilla
City Clerk
Brisbane City Hall
50 Park Place
Brisbane, CA 94005

Via Email: cityclerk@ci.brisbane.ca.us

Re: Final Environmental Impact Report and Proposed Baylands General Plan Amendment

Dear Ms. Padilla:

We have reviewed your Final EIR and the Proposed Baylands General Plan Amendment and appreciate the City's acknowledgement of the California High Speed Rail Authority's (Authority) planned maintenance and storage facility in your report. We also appreciate the opportunity to work with the City to address the potential conflicts posed by the Authority's plans and the City's proposed development for this site.

The Authority is responsible for the planning, design, construction, and operation of the first high-speed rail system in the nation. The California high-speed rail system will connect the mega-regions of the State, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands. The high-speed rail system will run from San Francisco to the Los Angeles basin in under three hours at speeds of over 200 miles per hour and will eventually extend to Sacramento and San Diego. In the Bay Area, the system will utilize the existing Caltrain corridor between San Jose and San Francisco and will include stations in San Francisco, Millbrae, San Jose, and Gilroy.

On May 25, 2018, the Authority submitted its 2018 Business Plan to the Legislature. The 2018 Business Plan laid out the Authority's plans to begin service on the Silicon Valley to Central Valley Line connecting San Francisco and Bakersfield. The 2018 Business Plan has reaffirmed that the high-speed rail system and the Silicon Valley to Central Valley service will require a light maintenance facility (LMF) in the San Francisco to San Jose project section. The Authority's environmental documents are evaluating two alternative locations for an LMF, one on the east and one to the west of the existing Caltrain Corridor in Brisbane. Both sites are within the boundaries of the Baylands General Plan.

As the City considers moving forward with the Baylands General Plan Amendment and a future Specific Plan, we would appreciate continued coordination with our planning and environmental analysis efforts to work to address the potential conflicts between our respective projects. I look

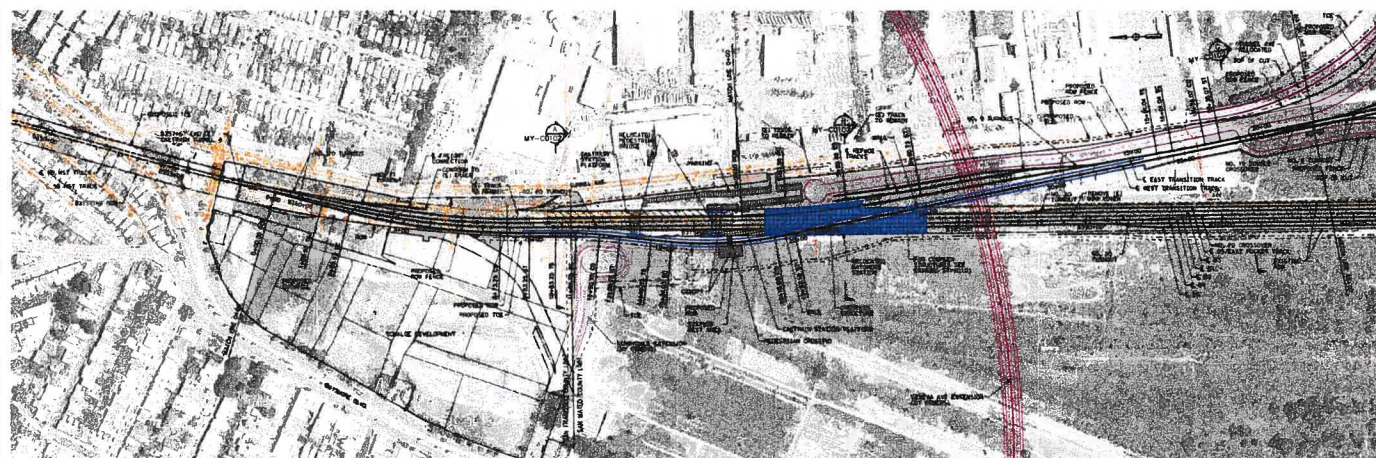
forward to maintaining the productive working relationship we have had with the City of Brisbane as we go through that process. To that end, please feel free to reach out to me with any questions.

Sincerely,



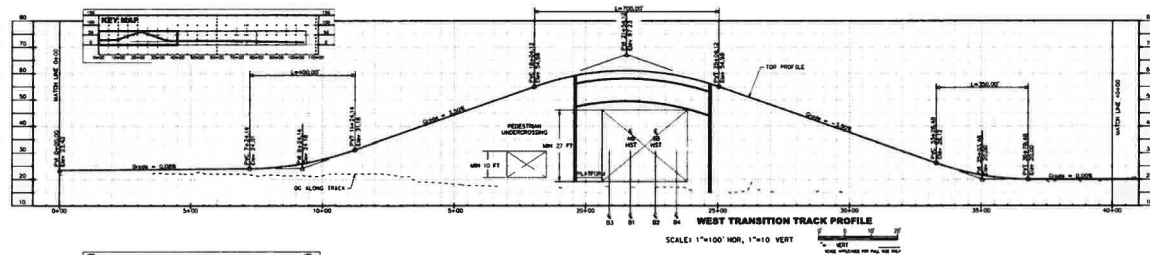
Boris Lipkin
Acting Northern California Regional Director
(408) 447-5631
boris.lipkin@hsr.ca.gov

cc: Clay Holstine, City Manager
Mark McLoughlin, Director of Environmental Services

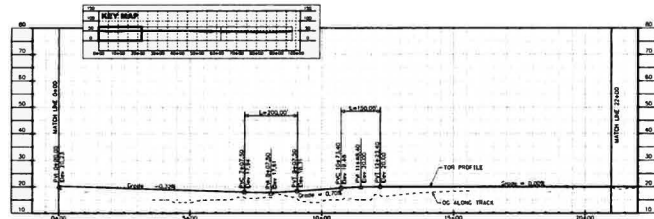


PLAN
SCALE: 1"=100'

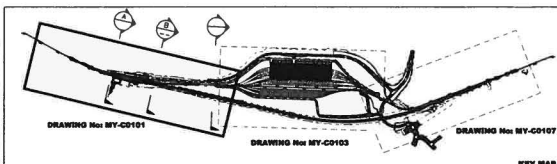
NOTES:
1. FOR UTILITY, IMPACT, ROADWAYS, STRUCTURES AND
EXISTING TRACK DESIGN, SEE COMPOSITE DRAWINGS
FOR DETAIL.



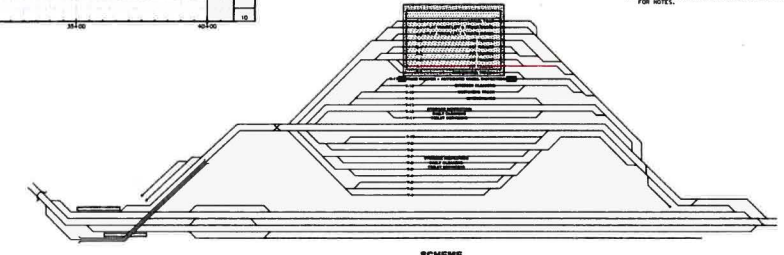
WEST TRANSITION TRACK PROFILE
SCALE: 1"=100' HOR, 1"=10' VERT



EAST TRANSITION TRACK PROFILE
SCALE: 1"=100' HOR, 1"=10' VERT



NOTES:
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FOR NOTES.



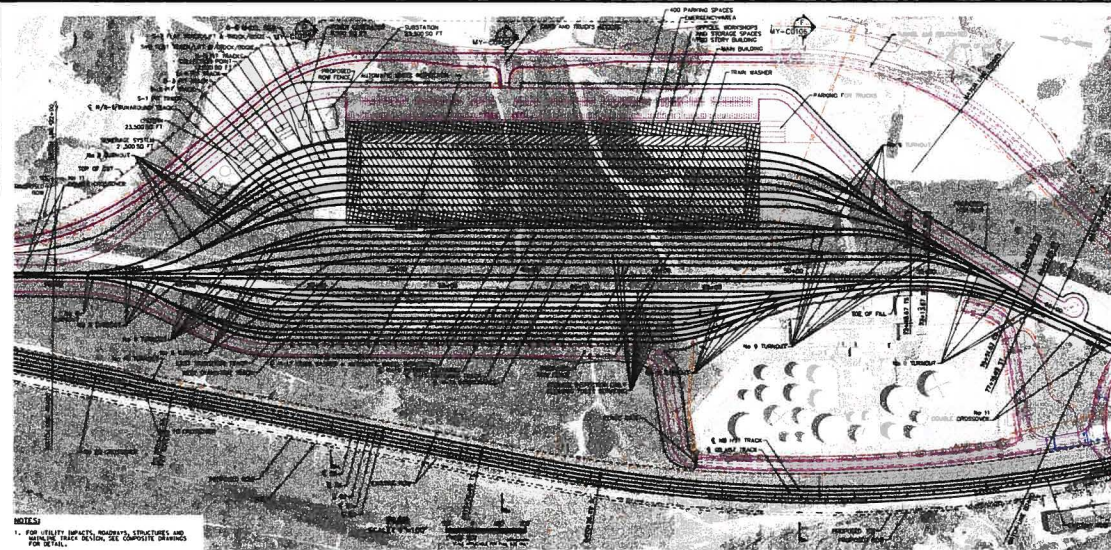
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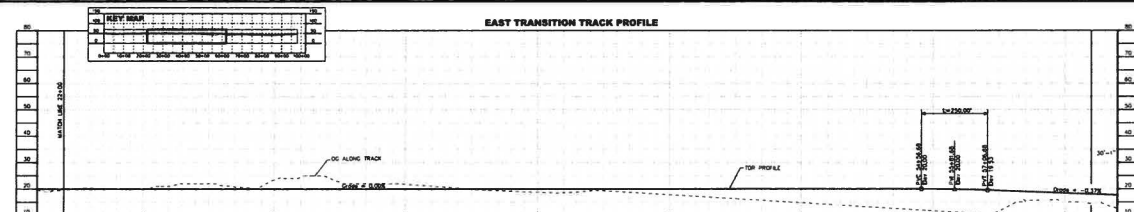
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High-Speed Rail Authority

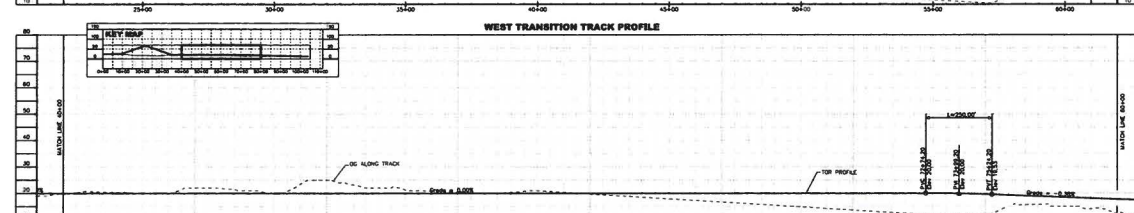
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COMPOSITE PLAN, PROFILE AND TYPICAL SECTIONS
SHEET 34
NY-C010
25 SHOWN
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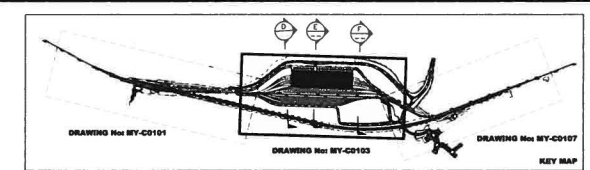
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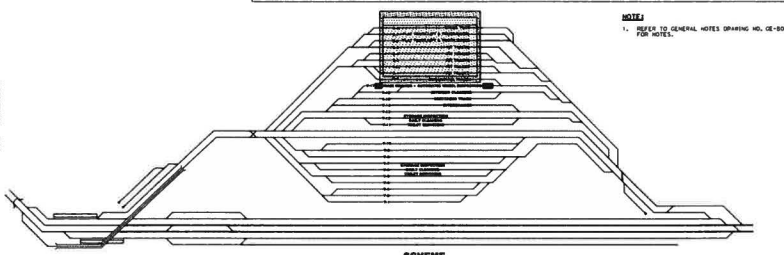
WEST TRANSITION TRACK PROFILE

SCALE: 1"=100' HOR, 1"=10' VERT

WEST TRANSITION TRACK GEOMETRY DATA														
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2800	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
2900	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
3000	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
3100	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
3200	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
3300	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
3400	N 0° 00' 00" E	100.00	0.0000	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00
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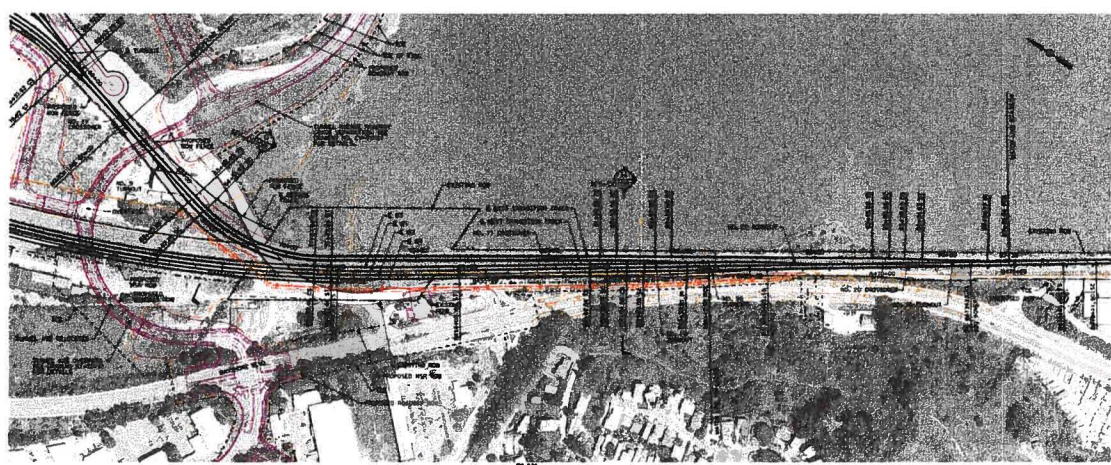
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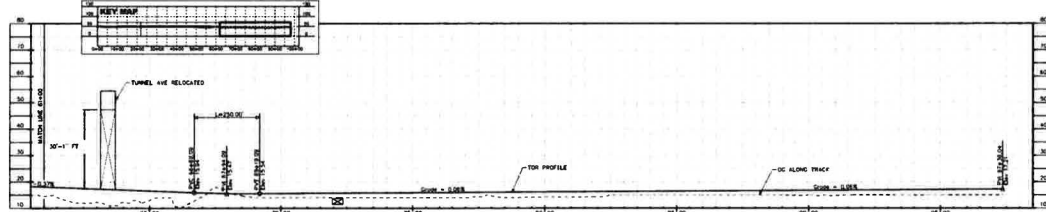
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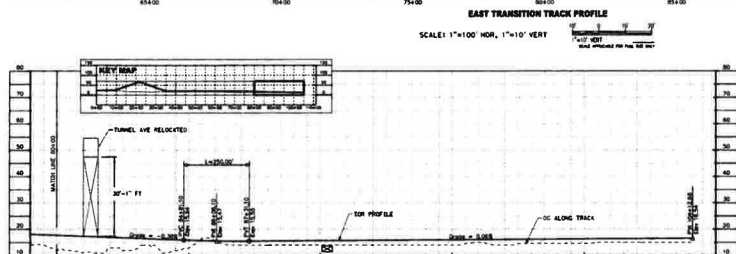


PLAN
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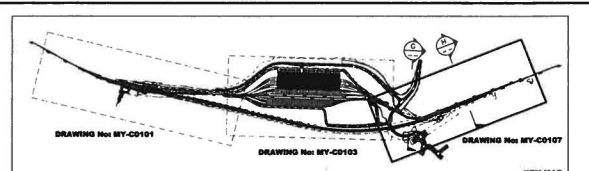
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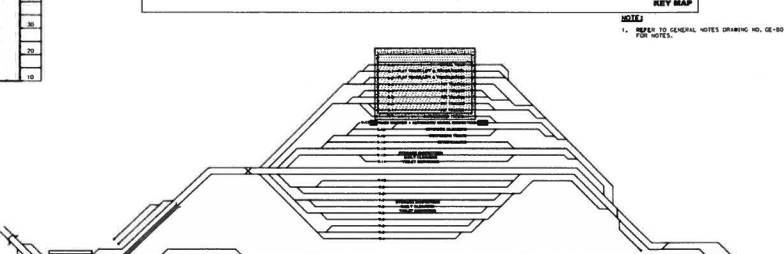
EAST TRANSITION TRACK PROFILE



WEST TRANSITION TRACK PROFILE
SCALE: 1"=100' HOR, 1"=10' VERT



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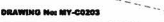
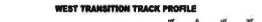
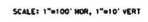
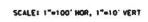
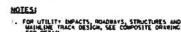
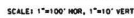
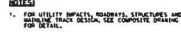
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California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



May 25, 2023

SCH #: 2006022136
GTS #: 04-SM-2016-00517
GTS ID: 483
Co/Rt/Pm: SM/101/ 25.427

John Swiecki, Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Brisbane Baylands Specific Plan – Revised Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)

Dear John Swiecki:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Proposed Brisbane Baylands Specific Plan. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the April 2023 NOP.

Project Understanding

The proposed plan encompasses 641.8 acres adjacent to US-101 that borders the proposed project site to the east. The proposed project includes 2,200 residential units, 7 million square feet of office/commercial space, and 30% of the total area will be active and restorative open space. Associated improvements include grading, roadways, renewable energy generation, water recycling facility, utilities, and infrastructure. Additional improvements in the revised NOP include a 250 mega-watt battery storage facility, relocating a fire station, adding a new fire station, and a new water acquisition deal with the Contra Costa Water District.

Transportation Impact Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in alignment with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential traffic safety issues to the State Transportation Network (STN) may be assessed by Caltrans via the Interim Safety Guidance ([link](#)).
- The project's primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit users should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Please clarify how bicyclists and pedestrians will be able to access the site and transit facilities.

Please clarify how this project site will connect active transportation facilities to nearby activity centers and existing or future trail and or transit facilities. These smart growth approaches shall be consistent with Metropolitan Transportation Commission (MTC)'s Regional Transportation Plan/Sustainable Communities Strategies and would help meet Caltrans Strategic Management Plan targets.

In addition, this project proposes a new bridge crossing resulting in the extension of Geneva Avenue from Bayshore Boulevard to US-101 to accommodate automobiles, pedestrians, bicyclists, and a bus rapid transit service. Caltrans supports this proposed improvement because it supports the goals of the US-101 Comprehensive Corridor Plan (CCP) that was completed by Caltrans D4 in February 2018. Goal 4 of the CCP supports an accessible and inter-connected multimodal transportation system within the corridor. Goal 5 of the CCP supports the reduction of pollutants and greenhouse gas emissions (GHG). The proposed bridge will potentially make this corridor more accessible for different and active transportation modes, which supports the reduction of GHG emission by encouraging public transit and active transportation modes.

Hydrology

According to Section 4.12 Hydrology and Water Quality, it is anticipated that there will be a significant increase in the amount of impervious surface resulting in increased runoff that could overwhelm the existing drainage systems and exacerbate flood conditions at the site and surrounding areas. As such, a hydrology and hydraulics report should be prepared for the pre- and post-development. The report should include all assumptions for the selection of hydrological and hydraulic factors, calculations and modeling of proposed drainage systems, retention/detention basins, representation of potential flooding with elevations of post-development conditions and demonstrate how post-development flows will match pre-development flows. The analysis will need to demonstrate how post-development flows to Visitacion Creek, Brisbane Lagoon or other drainage facility will be intercepted and conveyed across US-101 to San Francisco Bay.

Sea Level Rise

The DEIR should include a discussion of how sea level rise (SLR) will be addressed. The project site location is near San Francisco Bay and the potential impacts of SLR could be significant. The proposed project should incorporate measures to increase flood resiliency and protect against the potential effects of projected SLR.

In the 2020 Caltrans District 4 Adaptation Priorities Report, US-101 adjacent to the project location is identified as a high-priority Caltrans asset vulnerable to sea level rise, storm surge, and climate change impacts, including increased precipitation. Caltrans would like to be included in discussions, to stay informed as Caltrans is interested in engaging in multi-agency collaboration early and often, to find multi-benefit solutions that protect vulnerable shorelines, communities, infrastructure, and the environment. Please contact Vishal Ream-Rao, Caltrans Bay Area Climate Change Planning Coordinator, with any questions: vishal.ream-rao@dot.ca.gov.

Construction-Related Impacts

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Lead Agency

As the Lead Agency, the City of Brisbane is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To obtain information about the most current encroachment permit process and to download the permit application, please visit Caltrans Encroachment Permits ([link](#)).

John Swiecki, Community Development Director
May 25, 2023
Page 5

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Luo Yunsheng". The signature is fluid and cursive, with the first name "Luo" written in a stylized, somewhat abbreviated manner, and the last name "Yunsheng" written more fully.

YUNSHENG LUO
Acting District Branch Chief
Local Development Review

c: State Clearinghouse



CARPENTERS UNION LOCAL 217 SAN MATEO COUNTY

1153 CHESS DRIVE • SUITE 100 • FOSTER CITY, CALIFORNIA 94404-1197 • (650) 377-0217

By Email

May 25, 2023

City of Brisbane
Community Development Department
Attn: John Swiecki, AICP, Community Development Director
50 Park Place, Brisbane, CA 94005
E-mail: baylands@brisbaneca.org

Re: Revised Baylands Specific Plan Notice of EIR Preparation

Dear Mr. John Swiecki,

The members and officers of Carpenters Union Local 217 ("Local 217") appreciate the opportunity to comment regarding the Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Specific Plan.

Our members have a direct interest in securing high-road job opportunities and investment in their local communities. Indeed, Local 217 is proud to count many Brisbane residents among its membership ranks, including those who live and/or work in the vicinity of the project. This transformational project will create sustainable work for our members, whose skills will contribute towards robust, interconnected development.

The proposed project, if guided with proper guardrails, contains tremendous economic opportunities for the City of Brisbane. To maximize the benefits to the local community while mitigating environmental harms, Local 217 strongly advocates that **future construction activity related to this development comply with local hire and responsible bidder requirements** that should be incorporated in the City's EIR.

Local 217 intends to participate in the CEQA process and beyond to ensure that the City complies with CEQA's mandate to minimize the proposed project's avoidable environmental impacts while maximizing benefits for the community and skilled trades workers. In particular, Local 217 requests that the City analyze all impacts required by CEQA, including, but not limited to, the following:

- Emission Impacts resulting from construction-related employment
- Environmental impacts on the proposed project's construction workers

1. Emission impacts resulting from construction-related employment

The Notice of Preparation (NOP) identifies “The Project would generate substantial greenhouse gas emissions as the result of construction, demolition, and operations.” To account for this, the EIR should analyze how employers will manage and mitigate the environmental impact of the construction workforce’s commuting patterns.. One way to meet this objective is to introduce a *local hire policy* for construction activity associated with the proposed project.

A local employment preference requirement for construction activity linked to the proposed project will *reduce vehicle emissions* from worker commutes to and from project sites, while providing economic benefits to workers from the local community. Unfortunately, Local 217 is aware that many projects in San Mateo have been constructed by low-wage, out-of-area workers. This compromises meaningful training opportunities for the local community’s future construction workforce, while also unnecessarily increasing inbound transportation emissions into the community.

The scope of the City’s eventual EIR should compare the economic and environmental impacts of the proposed project with and without legal measures that encourage a local hiring preference, commit to utilizing local apprentices, or demonstrate other mechanisms that increase the likelihood of hiring workers from the local community. Doing so ensures economically beneficial local employment and training for skilled craft workers, while upholding the City of Brisbane’s environmental goals.

2. Environmental Impacts on the proposed project’s construction workers

The proposed project will likely necessitate mitigation steps to mitigate the construction workforce’s exposure to hazards and hazardous materials. The NOP identifies the presence of hazards and hazardous materials as one environmental impact area within the EIR.

Hazards that prevent a safe jobsite, impose a clear burden on taxpayers when factoring in injury-related calls for funds from the State’s workers’ compensation system. Recent research cited by the Department of Labor has advocated for **responsible bidder provisions** as an “insurance” policy for taxpayers. This same research demonstrates that construction projects with responsible contractors were 19% less likely to have OSHA violations when compared to projects that failed to require responsible contractors.

A lack of a clear policy on these issues jeopardizes the City’s ability to enforce adherence to the entire EIR. To facilitate the necessary cooperation between the City and contractors regarding worker exposure to environmental hazards, having clear provisions for responsible contractors are necessary.

Conclusion

Local 217 hopes that the City uses the CEQA process to minimize the proposed project's negative environmental impacts while maximizing the economic benefits presented to the City, workers, and region. We look forward to reviewing the Draft Environmental Impact Report, including its acknowledgement of the issues we have raised in this letter.

Sincerely,



Edward Evans
Senior Field Representative
Carpenters Local 217

EE:em
OPEIU:29/afl-cio





May 25, 2023

Sent Via Email

City of Brisbane
 Attn: John Swiecki, AICP
 Community Development Director
 50 Park Place
 Brisbane CA 94005

Subject: Revised Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Specific Plan

Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Revised Notice of Preparation of an Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan.

The Local Agency Formation Commission (LAFCo) is a state mandated agency established in every county to oversee the boundaries of cities and special districts. San Mateo LAFCo has jurisdiction over the boundaries of the 20 cities, 22 independent special districts, and many of the 33 active county and city governed special districts serving San Mateo County.

The Notice of Prepetition (NOP) for the Brisbane Baylands Specific Plan (Project) identifies a proposed development of up to 2,200 residential units and 6.5 million square feet of commercial use. The February 2020 NOP stated that the project would also include the acquisition of an annual water supply of 2,400 acre-feet from the Oakdale Irrigation District. The Project site is proposed to be served by City of Brisbane for water service and Bayshore Sanitary District for sewer service.

The Revised NOP from April 26, 2023 states that the project applicant has entered to a Memorandum of Understanding with the Contra Costa Water District (CCWD) for up to 2,500 acre-feet of water annually from CCWD's Los Vaqueros Reservoir Expansion Project along with 10,000 acre-feet of storage in Los Vaqueros Reservoir. Acquisition of water supply from the Oakdale Irrigation District is no longer proposed.

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC ▪ KATIE MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY ▪ VACANT, SPECIAL DISTRICT
ALTERNATES: CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY
STAFF: ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

LAFCo has the following comments regarding the Revised NOP:

The Project proposes the acquisition of an annual water supply of 2,500 acre-feet from the Contra Costa Water District. The acquisition of this water may require LAFCo approval pursuant to Government Code Section 56133. The EIR should fully explore the environmental impacts of the transfer of this water, including the impacts on the water supply of the Contra Costa Water District, the sustainability of the water source, and if the water to be furnished by the District will be potable or treated. The EIR should also consider alternative sources of water supply for the Project.

Information about the agreement between the project applicant and the Contra Costa Water District should be provided as part of the EIR as well in order for LAFCo to determine if approval is needed under the relevant Government Code Sections.

If approval from LAFCo is required, San Mateo LAFCo would be a Responsible Agency under California Environmental Act (CEQA) (CEQA Guidelines 21069). The Contra Costa Water District located within Contra Costa County. If LAFCo action is required, Contra Costa LAFCo would also be Responsible Agencies. Before action could be taken by any LAFCo, the City of Brisbane must certify the EIR.

San Mateo LAFCo looks forward to reviewing all future environmental documents, including circulation CEQA documents, and other referrals related to the Project.

Sincerely,

A handwritten signature in cursive script that reads "Rob Bartoli".

Rob Bartoli
Executive Officer

CC: Lou Ann Texeira, Executive Officer, Contra Costa LAFCo



NATIVE AMERICAN HERITAGE COMMISSION

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MAY 03 2023

Comm. Dev. Dept. ~~Brisbane~~

April 28, 2023

John Swiecki
City of Brisbane
50 Park Pl.
Brisbane, CA 94005

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2006022136, Brisbane Baylands Specific Plan, San Mateo County

Dear Mr. Swiecki:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

City of Brisbane Open Space and Ecology Committee (OSEC) Comments on the Notice of Preparation (NOP for the Baylands Specific Plan Environmental Impact Report (EIR))

Sea Level Rise

Measures for dealing with anticipated sea level rise (SLR) include the proposed Visitacion Creek wetland and the elevation of buildings and other structures and features. Almost all such measures are based on what are termed "Medium-High risk SLR" for the years 2050 and 2100. It seems that the specific estimates for Medium-High risk SLR come from the State of California Sea-Level Rise Guidance, 2018 Update, which is referenced on page 424 of the Specific Plan. This Guidance is, as of 2023, over four years old and does not incorporate the most recent findings of sea-level rise science, which indicates that sea levels are likely to rise further and faster than was predicted a few years ago.

Scientists have often understated the extent of possible global warming and the severity of its consequences in official reports such as the IPCC Assessments (<https://www.nytimes.com/2019/11/08/opinion/sunday/science-climate-change.html>) because the assessments are subject to consensus requirements and political review. Recent studies suggest that IPCC projections probably understate the danger.

(<https://www.npr.org/2022/08/30/1120025637/zombie-ice-will-raise-sea-levels-more-than-twice-as-much-as-previously-forec>); (<https://www.sciencefriday.com/segments/antarctic-ice-shelves/>).

Thus, the whole spectrum of Sea-Level Rise risks seemingly should be shifted upward, so the Medium-High Risks incorporating the most recent science would be higher, perhaps considerably higher, than the 1.9 feet and 6.9 feet for 2050 and 2100, respectively. One of the above-referenced articles mentions possibly 15 feet of SLR by 2100!

- Shouldn't the measures proposed to address SLR (building "freeboard", space allocated to Visitacion Creek wetland) be re-evaluated and adjusted to account for the likelihood that SLR will be worse than previously expected?
- How will SLR, especially the larger-than-originally-expected SLR, affect the integrity of the cap over the landfill? The higher the sea level, the greater the weight and lateral pressure of seawater and the more likely is seawater intrusion and mixing with groundwater. Could it lift or breach the cap? I don't see any evidence that this possibility has been thoroughly studied in the case of the Baylands. See this *Los Angeles Times* article: <https://www.latimes.com/california/story/2020-08-17/sea-level-rise-flooding-inland-california>.
- If Hwy 101 needs to be raised to compensate for sea level rise, how does that affect the proposed grading and water movement in the Baylands?

Electrical facilities, renewable energy generation, and battery storage

- Per research, storage of batteries can cause toxic and combustible gases "off gassing." How will this be addressed? How will the disposal of batteries be handled?
- What challenges have other new developments with large solar farm and battery storage faced, and how have they been resolved?
- Confirm that no new fossil fuel infrastructure will be constructed and evaluate the potential to remove and replace with electric and existing on-site fossil fuel infrastructure (i.e. natural gas lines) requiring relocation or modification.

Transportation

- Approval of the Geneva overpass and extension requires other agency approvals; how will congestion on Bayshore and Tunnel be addressed if these approvals are not received? If the overpass is not viable, the development allocation should be adjusted to avoid gridlock.
- Given the limited parking, is there a way to enforce that garages are used for cars?
- How will the transportation system accommodate 19,000 workers considering that Bayshore Caltrain station is only available on Local routes (i.e. no express service) and both Caltrain and BART have limited coverage across the Bay Area?

Transportation/Cumulative Impacts

- Please consider the potential future development of Candlestick Point and the High Speed Rail Light Maintenance Facility. These two large projects are in planning phases and will have cumulative impacts on Transportation, the lagoon overpass, and the environmental impacts of this project.

Cumulative Impacts/Growth Inducing Impacts

- There will be considerable impact to 'old' Brisbane if the building height limits for the Baylands are considered precedent for future development in the city. Is there a way to ensure that the height limits only apply to the Baylands?
- How will the Quarry Development impact the Baylands Development - in particular, traffic?

Proposed Land Use

- Please re-evaluate the definition of "Open Space" and what is allocated towards the Open Space goal. For example, the parking lot for EV charging, solar panel arrays, the sewer lift station, paved bike paths, the Roundhouse community space and landscaping adjacent to buildings are currently counted as Open Space but should not be. "Open Space" and "Open Area" should be discussed separately and their proportions detailed. The EIR studies should utilize the City's definition of Open Space.
- The NOP references the California Air Resources Board (CARB) 2017 Climate Change Scoping Plan; an updated Scoping Plan was adopted in 2022 that should be used as the basis for evaluation.

Fire Station relocation

- Please address concerns on emissions and safety of the 1000 gallon above ground fuel tank as this is adjacent to other businesses. Evaluate the ability to convert to non-fossil fuels and on-site clean energy storage.

Water Supply

- The NOP states that the MOU with the Contra Costa Water District provides for 2500 acre-feet per year, plus or minus 20 percent. But the anticipated demand for potable water on the Baylands is less than half of that, or 1122 acre-feet/year. Why is over twice as much water as anticipated demand being contracted for? Is there some other potential source of demand that we haven't heard about but that is "back of mind"? An explanation is requested.
- Per SF Water representative at the NOP meeting on 5.8.23, the water supply agreement is tenuous. Please address this, including the implications and any alternatives.

Water, sewer, and drainage facilities

- Please describe the technology and power source to be used for the recycled water facility and system. Evaluate the potential capacity to expand the recycled water system to areas outside the Baylands (i.e. Crocker Industrial Park).

Approvals

- Required Approvals - consider adding more prerequisites for the Approval of Specific Plan - i.e., move several subsequent approvals of the BSP to the prerequisite category - i.e. Water, Geneva Overpass, etc...

Noise

- Pile driving during the construction phase of this project will have significant noise effects. Recent experience with pile driving at Sierra Point highlights that the sound will bounce off the mountain behind Brisbane to amplify the noise level. Please evaluate what mitigations (such as shrouds) can be employed during construction and their expected effectiveness.
- What are the noise pollution repercussions to having 20 story buildings up against the train lines? Please model these impacts along with the effectiveness of various mitigation strategies that could be employed.

Biological Resources

- Please evaluate the impact of glare from the solar array and whether it will need to be directed away from critical habitat and residential areas.

Hazards and Hazardous Materials

- The BSP states that 90% of the composite wood used in the Baylands will be formaldehyde free, but doesn't address other wooden building materials. Please address the use of pressure treated lumber, and evaluate the potential leaching of copper, arsenic and chromium.

Aesthetic Resources

- The height of rooftop solar is not included in the building heights proposed in Ch 3 of the BSP, however no mention is given of the allowed height of those installations or any setbacks of the solar installation from the edge of the roof. Please include this in the analysis of the aesthetic impacts of the Baylands project.

Greenhouse Gas Emissions

- Evaluate the embodied emissions in materials and how to minimize them. In particular, consider opportunities to reduce the carbon intensity of materials such as steel and cement.

Energy Resources

- Evaluate the maximum feasible on-site energy generation as well as the expected energy load of the site.
- Evaluate opportunities to utilize non-fossil fueled equipment during both construction and operations.

May 24, 2023

John Swiecki, AICP
Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

RE: Revised NOP for Brisbane Baylands Specific Plan EIR

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the revised Notice of Preparation for the Baylands Specific Plan EIR. The NOP states that water supply for the proposed project is secured through a Memorandum of Understanding (MOU) between the applicant, Baylands Development Incorporated (Baylands), and Contra Costa Water District (CCWD) and that approximately 2,500 acre-feet per year would be delivered from CCWD via storage in Los Vaqueros Reservoir through the Transfer Bethany Pipeline and the Department of Water Resources-owned Bethany Reservoir and South Bay Aqueduct and then SFPUC facilities to Baylands.

The proposed water supply could have a significant impact on SFPUC facilities as well as our ability to secure adequate supply to meet dry-year reliability goals. Due to these concerns, which are detailed below, we recommend that the applicant explore an alternative water supply or evaluate in detail the feasibility of the proposed water supply in terms of water supply source, conveyance, and operability and develop measures that would mitigate impacts on SFPUC's facilities and water supply interests that would enable the SFPUC to comply with our delivery obligations and other applicable regulatory requirements.

The City of Brisbane, where Baylands is located, operates the Brisbane Water District and the Guadalupe Valley Municipal Improvement District (GVMID) and relies on the SFPUC for 100% of its potable water supply. In Fiscal Year 2022, the City of Brisbane purchased 0.61 mgd from the SFPUC. By 2045, the City of Brisbane is projecting purchases of 0.98 mgd, which is its full contracted supply volume from the SFPUC.

London N. Breed
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Tim Paulson
Commissioner

Anthony Rivera
Commissioner

Kate H. Stacy
Commissioner

Dennis J. Herrera
General Manager

The SFPUC delivers water to over 2.7 million retail and wholesale customers through its Regional Water System (RWS). In December 2018, the State Water Resources Control Board adopted the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Bay-Delta Plan Amendment (referred to as the 2018 Bay-Delta Plan Amendment); if implemented, this action would result in a significant reduction in the SFPUC's ability to deliver water from the RWS in future droughts. To meet projected 2045 retail and wholesale customer demands, the estimated dry-year shortfall in RWS supply is 92 mgd. This shortfall accounts for the City of Brisbane's projected 2045 purchase request of 0.98 mgd as well as the projected purchases requests from all existing retail and wholesale customers of the SFPUC. The proposed Baylands project is not accounted for in the projected demands or resulting estimated shortfall.

Since 2019, the SFPUC has been pursuing planning for regional projects to address its projected supply shortfall through the Alternative Water Supply (AWS) Program. The current AWS Program includes storage projects, potable reuse projects, and a recycled water / groundwater recharge project. All of these projects are intended to help reduce the SFPUC's projected shortfall by 2045, but they remain insufficient to fully resolve the future dry-year gap between RWS supplies and customer demands. Furthermore, the SFPUC Commission has not yet committed to the implementation of any of the AWS projects.

As reported in Section 3.3 of quarterly reports prepared for the AWS Program, the SFPUC's current planning priorities include the following:

1. Meet regulatory requirements including instream flow releases (*obligatory*)
2. Meet existing obligations to existing permanent customers (*obligatory*)
3. Make current interruptible customers permanent (*policy decision*)
4. Meet increased demands of existing and interruptible customers (*policy decision*)

Given the magnitude of the supply shortfall that could result from implementation of the 2018 Bay-Delta Plan Amendment, the AWS Program has focused mainly on Priorities 1 and 2 above. The SFPUC is also working with the Cities of San Jose and Santa Clara on a project specifically to address Priority 3, for which the SFPUC is committed to making a decision by December 2028. Any new demands, such as Baylands' water demand, would need to be addressed under Priority 4, and have not been evaluated at this time.

Among the projects identified to help meet existing demands of existing customers is the Los Vaqueros Expansion (LVE) project. This is a regional storage project with eight partner agencies, including the SFPUC, that have formed a Joint Powers Authority to manage it. Contra Costa Water District (CCWD) owns the underlying reservoir. Baylands' MOU with CCWD was approved at a time when storage was undersubscribed. The MOU

appears to contemplate that the storage needed for Baylands could be owned by CCWD or the City of Brisbane. At this time, storage among the eight existing partners is oversubscribed; the City of Brisbane is not currently a party to the MOU and CCWD does not have a storage allocation in the expanded reservoir. In the future, if the SFPUC or another partner agency does not participate in the LVE project or reduces its storage allocation, CCWD or the City of Brisbane may be able to secure storage for Baylands, subject to approval by the remaining partners.

The SFPUC's participation in the LVE project has been limited to planning activities. The SFPUC will make a decision in 2024 on whether or not to participate in this project. If it does participate in the LVE project, the SFPUC will still need to secure a water supply source and conveyance for filling and delivery from the LVE project. As the SFPUC is not hydraulically connected to the Los Vaqueros Reservoir, both supply and conveyance are critical to participation and will necessarily rely on additional partnerships to secure. Conveyance through the South Bay Aqueduct to take delivery of water from LVE, for example, would require agreement with the Department of Water Resources and available capacity after the pipeline is utilized for State Water Project deliveries. Wheeling water through third-party facilities on behalf of Baylands is not contemplated in the modeling of available capacity and would likely compete with the SFPUC's ability to serve its existing dry-year needs.

The SFPUC completed a water quality study in 2021 that identified two key issues associated with delivering water from LVE through the South Bay Aqueduct to RWS facilities: 1) the introduction of invasive species into the SFPUC's San Antonio Reservoir and greater Alameda watershed and 2) water quality changes that would require operational modifications to RWS facilities. As a dry year project that is only expected to deliver water in two to three of every ten years, the risks may be very different from those that may occur if water needed to be wheeled for Brisbane every year. The potential increase in risks to the RWS have not been evaluated.

The LVE project provides regional storage capability but relies on participating agencies to provide their own water supply. The SFPUC is currently evaluating several short- and long-term water supply alternatives but does not yet have a supply to store in the LVE project. While the MOU between Baylands and CCWD describes storage, there does not appear to be any supply associated with it.

We believe there are other water supply alternatives for the Baylands project that can be explored including the transfer of an Individual Supply Guarantee from another of SFPUC's wholesale customers, or investment in a dedicated water supply source such as potable reuse. In fact, the SFPUC has embarked on studies related to a potable reuse project, with one of two treatment plants expected to be based in the southeast corner of San Francisco. This project could be an ideal partner for Baylands. To be clear, the SFPUC is open to discussing either or both types of alternatives to support new water supply needs in Brisbane.

Please contact me at sritchie@sfgwater.org if you have any questions.

Sincerely,

Steven R. Ritchie

Steven R. Ritchie
Assistant General Manager, Water



May 24, 2023

John Swiecki, AICP
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Re: Revised Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Specific Plan.

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the NOP for the Baylands Development Inc. proposal to develop 2,200 residential units, 6.5 million square feet of commercial space, 500,000 square feet of hotel use, and open space and parklands.

I have two requests for issues to be addressed in the EIR:

- 1) The SFPUC must model how the CCWD water transfer would conform to the SFPUC's Design Drought, and determine whether or not the agreement would interfere with the SFPUC's ability to meet its contractual obligations to its current wholesale customers; and
- 2) The project must demonstrate that it will not degrade water quality in the SFPUC service area.

1) Conformance with the Design Drought

The SFPUC plans for long-term water supply in accordance with its Design Drought. The Design Drought couples the 1987-92 drought with the 1976/77 drought at 265 million gallons per day demand to create an 8.5-year model drought. Planning for water supply during the Design Drought can be extremely challenging.

The NOP states:

The project applicant has entered [in]to a Memorandum of Understanding with the Contra Costa Water District (CCWD) for up to 2,500 acre-feet of water annually from CCWD's Los Vaqueros Reservoir Expansion Project along with 10,000 acre-feet of storage in Los Vaqueros Reservoir.

Based on the known precipitation and runoff available during the two droughts that make up the Design Drought, the SFPUC must model whether the CCWD water transfer would be adequate to serve the Brisbane Baylands project throughout the Design Drought without compromising water available to existing Bay Area Water Supply and Conservation Agency (BAWSCA) customers.

2) No Degradation of Water Quality

The Water Supply Agreement between the City and County of San Francisco and Wholesale Customers states:

3.12 Wheeling of Water from Outside SFPUC System

Subject to the Wheeling Statute, the SFPUC will not deny use of Regional Water System unused capacity for wheeling when such capacity is available for wheeling purposes **during periods when the SFPUC has declared a water shortage emergency** under Water Code Section 350 if the following conditions are met:

- A. The transferor pays reasonable charges incurred by the SFPUC as a result of the wheeling, including capital, operation, maintenance, administrative and replacement costs (as such are defined in the Wheeling Statute).
- B. Wheeled water that is stored in the Regional Water System spills first.
- C. Wheeled water will not unreasonably: (1) impact fish and wildlife resources in Regional Water System reservoirs; **(2) diminish the quality of water delivered for consumptive uses**; or (3) increase the risk of exotic species impairing Regional Water System operations. The transferor may at its own expense provide for treatment to mitigate these effects.
- D. Priority will be given to wheeling by Wholesale Customers or BAWSCA over arrangements for third-party public entities.

The EIR must demonstrate that all of the above conditions could be met. Please note that the CCWD water would not go directly to Brisbane, but would be blended with SFPUC water and distributed throughout the system.

Thank you for the opportunity to comment on the NOP. Please add me to the distribution list for this project.

Sincerely,

A handwritten signature in purple ink that reads "Peter Dreke".

Peter Dreke
Policy Director
peter@tuolumne.org

cc: Steve Ritchie, SFPUC
Nicole Sandkulla, BAWSCA
Randy Breault, City of Brisbane

May 25, 2023

John Swiecki, Community Development Director
City of Brisbane
Community Development Dept
50 Park Place
Brisbane, CA 94005

Sent by email: baylands@brisbaneca.org

**Re: Notice of Preparation of a Draft Environmental Impact Report - Brisbane
Baylands Specific Plan**

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced document in the context of Zone 7's mission to "Deliver safe, reliable, efficient, and sustainable water and flood protection services" within the Livermore-Amador Valley. Below are our comments for your consideration.

1. The Draft Environmental Impact Report should fully describe the planned source(s) of water supply for the project as well as the transmission of this water to Brisbane.
2. Zone 7 is a wholesale water agency serving four retail customers and their 265,000 residents in the Livermore - Amador Valley. The State Water Project is the source for over 80% of our water supply, which is delivered via the South Bay Aqueduct (SBA). At certain times of the year, the SBA is at or near capacity in terms of delivering water to its three customers (Zone 7, Alameda County Water District, and Valley Water). The DEIR should evaluate the potential constraints on the SBA and confirm there will not be any impact to delivery of water to existing customers.

We appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at erank@zone7water.com.

Sincerely,



Elke Rank

cc: Ken Minn, file

