

## 2.5 Individual Responses to Comments from State Agencies

### 2.5.1 Caltrans

**Caltrans-1** [See page 5-3 for the original comment] Comment requests that three additional study intersections be added to the traffic impact study:

- Guadalupe Canyon Parkway/Carter Street
- Bayshore Boulevard/Airport Boulevard/US 101 Ramps
- Airport Boulevard/Sister Cities Boulevard/Oyster Point Boulevard

**Guadalupe Canyon Parkway/Carter Street.** This intersection is located on an access route between the Baylands site and Daly City, the Daly City BART station, and I-280, and was included for analysis in the *Daly City 2030 General Plan* (2013). Under existing conditions, the *General Plan* reported that Guadalupe Canyon Parkway and Carter Street intersection operates at LOS B in the AM peak period and LOS C in the PM peak period. Project Site development-related vehicle trips would be assigned to the eastbound and westbound through movements. The summary of Project Site development-generated trips is presented below:

	DSP		DSP-V		CPP		CPP-V	
	AM	PM	AM	PM	AM	PM	AM	PM
<b>EBT</b>	192	71	171	76	195	127	179	120
<b>WBT</b>	75	177	74	159	97	182	91	171

The Traffix outputs from the *Daly City 2030 General Plan* indicate that the eastbound volume/capacity (v/c) ratio is 0.13 and the westbound v/c ratio is 0.16 during the AM peak period. During the PM peak period, the eastbound v/c ratio is 0.03 and the westbound v/c ratio is 0.21. Even with the most conservative (highest trip generation) scenario (CPP), the Project Site development-related trips would not be expected to degrade the overall LOS of the intersection for both AM and PM peak periods.

The *Daly City 2030 General Plan* also provides analysis for future conditions, which used ABAG's *Projections 2009* report for land use data. The land use data indicates that the Brisbane Baylands Project is included in the cumulative conditions, as approximately 3,700 households and 10,000 jobs are added between 2010 and 2035. Therefore, the LOS results from the *Daly City 2030 General Plan* are indicative of how the intersection would operate with Project-related trips on the roadway network. Under cumulative conditions, the

intersection of Guadalupe Canyon Parkway and Carter Street is projected to operate at LOS B in both the AM and PM peak periods. Since the impact would not be significant, additional analysis is not required.

**Bayshore Boulevard/Airport Boulevard/US 101 Ramps; Airport Boulevard/Sisters Cities Boulevard/Oyster Point Boulevard.** Study intersections were identified by the City of Brisbane as lead agency at the time of the NOP to fully capture the impacts of Project Site development. The intersections were selected based on traffic patterns, modeling results, and engineering judgment. These intersections were not included for study since the majority of the land use is concentrated at the northern section of the Baylands site and would be most logically accessed via the Beatty Avenue/Alana Way/Harney Way interchanges.

**Caltrans-2** [See page 5-3 for the original comment] The Geneva Avenue Extension and the US 101 interchange at Geneva Avenue/Harney Way are described on page 4.N-44 of the Draft EIR. Intersecting streets within the Baylands site were not included as part of intersection level impact analysis because the development scenario and exact configuration of internal streets have not been finalized. Impact 4.N-1 and Impact 4.N-3 discuss impacts to the Geneva Avenue extension as well as at the Geneva Avenue/US 101 Southbound Ramps interchange.

For the Geneva Avenue extension, the Draft EIR recognized that closely spaced intersections could result in traffic queuing at one intersection that would back up into another intersection, creating congestion. Mitigation Measure 4.N-1g therefore specifies that a microsimulation analysis of all proposed intersections along the Geneva Avenue extension be conducted if intersection spacing is less than 1,200 feet.

As stated in Master Response 28, the microsimulation analysis called for in Mitigation Measure 4.G-1g was conducted, and concluded that signal timing could be achieved such that (1) traffic would not back up from one intersection to another along the proposed Geneva Avenue extension, even where intersections were closely spaced, and (2) roadway level of service performance standards along Geneva Avenue would be met.

For the interchange, cumulative impacts were identified in the Draft EIR operations analysis (Intersection 9). Mitigation Measure 4.N-3f (page 4.N-121) states, “The City of Brisbane shall work with the San Francisco County Transportation Authority (SFCTA), San Francisco Municipal Transportation Authority (SFMTA), and Caltrans to ensure that projected traffic volumes are accounted for in the design of the Geneva Avenue & US 101 Southbound Ramps intersection as part of the Geneva Avenue extension project.”

- Caltrans-3** [See page 5-3 for the original comment] See Master Response 27.
- Caltrans-4** [See page 5-4 for the original comment] Technical Appendix K includes the Traffix outputs from the intersection analyses. These output sheets provide the volumes for all turning movements, for each study intersection, for all development scenarios.
- Caltrans-5** [See page 5-4 for the original comment] Mitigation Measure 4.D-2 addresses actions to be taken in the event that previously unknown archaeological resources are found. Because the portions of State rights-of-way within the Baylands are located on fill material, the potential for finding such resources is extremely low. Nevertheless, should previously unknown archaeological resources be found, Caltrans District 4 will be notified, and the requirements of Mitigation Measure 4.D-2 will be implemented.
- Caltrans-6** [See page 5-4 for the original comment] Prior to the approval of any site-specific development that might increase stormwater runoff onto Caltrans rights-of-way, the City will provide Caltrans with hydrological calculations and improvement plans demonstrating that (1) stormwater runoff from proposed Baylands development will not exceed the design capacity of the State's existing drainage system or (2) appropriate improvements will be provided to protect Caltrans' property from flooding. Any improvements to Caltrans drainage facilities will be subject to approval by Caltrans. See also Response Caltrans 8.
- Caltrans-7** [See page 5-4 for the original comment] Parking strategies to reduce Project Site traffic generation such as, but not limited to, reducing parking ratios, will be considered as part of site-specific development projects and preparation of required TDM plans to ensure the appropriateness of parking requirements to the specific uses proposed in their specific locations.
- Caltrans-8** [See page 5-5 for the original comment] The City will not permit any construction activities that may encroach into Caltrans right-of-way unless an encroachment permit has first been secured from Caltrans.
- Caltrans-9** [See page 5-5 for the original comment] Comment Caltrans-9 does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

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## 2.5.2 California High Speed Rail Authority

**CHSRA-1** [See page 5-6 for the original comment] Comment CHSRA-1 does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will continue to monitor the progress of the high speed rail program and respond to any relevant plans and/or environmental documents prepared by CHSRA.

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### 2.5.3 California Public Utilities Commission

**CPUC-1** [See page 5-7 for the original comment] No at-grade crossings of the Caltrain tracks currently exist within the project site boundaries, and no new at-grade crossings are proposed in any of the Project Site development scenarios.

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## 2.5.4 California State Lands Commission

**CSLC-1** [See page 5-12 for the original comment] The Draft EIR recognizes that the Baylands site occupies various types of lands subject to California State Lands Commission (CSLC) jurisdiction, including filled and unfilled tidelands and submerged lands that were sold into private ownership by the Board of Tideland Commissioners. The City also acknowledges that the State Lands Commission has determined that any lands within the Guadalupe Canal will require a lease from the CSLC, and that the Commission has requested the City contact the CSLC “as soon as possible to discuss leasing requirements.”

The portion of the proposed Project located within Guadalupe Canal is land in private ownership. The City will work with the landowner and the State Lands Commission to ensure that appropriate leases are in place.

**CSLC-2** [See page 5-13 for the original comment] The fourth full paragraph on page 2-15 is revised to read as follows.

In the case of the Baylands, the No Project-No Build Alternative would not be environmentally superior since it allows existing site contamination to remain without remediation. The No Project-General Plan Buildout would ~~also not~~ be environmentally superior since it provides for future development of the site ~~without a reliable water supply as envisioned in the General Plan~~, reduces or avoids many of the significant effects of Project Site development, provides for remediation of Project Site contamination, provides a firm water supply to support Project Site development as well as 400 acre-feet of firm supply to facilitate citywide buildout of the General Plan, and meets most of the basic Project objectives, as described in Section 5.3.2, *No Project-General Plan Buildout Alternative*. Of the Project Site development scenarios and alternatives evaluated in this EIR, the Renewable Energy Generation Alternative ~~would~~ has been determined to be the environmentally superior alternative since it is consistent with the Brisbane General Plan, involves minimal impacts compared to other scenarios and alternatives, and meets key project objectives including:

The revised wording above is consistent with the conclusions of the Alternatives Chapter of the Draft EIR (page 5-66).

**CSLC-3** [See page 5-14 for the original comment] CEQA requires an EIR to describe a reasonable range of alternatives to a project that could feasibly attain most of the basic project objectives while avoiding or lessening the project’s significant effects. It also requires an EIR to identify the environmentally superior alternative, although adoption of this alternative is not required.

The feasibility of project alternatives is considered at two stages in the process, and differing factors come into play at each stage. When selecting alternatives for an EIR, the lead agency's task is to identify a range of "potentially feasible" alternatives that will satisfy basic project objectives while reducing significant impacts. Alternatives that are not at least potentially feasible are excluded at this stage, because there is no point in studying alternatives that cannot be implemented or will not succeed. In contrast, at the project approval stage, it is up to the agency's decisionmakers to weigh the relative advantages and disadvantages of the project and the alternatives analyzed in the EIR, and to decide whether to approve the project or adopt one of the alternatives. A decision to reject the alternatives in favor of the project is referred to as a determination that the alternatives are found to be infeasible. (Pub. Res. Code § 21081(a)(3); CEQA Guidelines § 15091.) See Master Response 2 for a discussion of feasibility under CEQA. An EIR does not need to explain why the alternatives selected for analysis are feasible or infeasible; such information may be included in the administrative record. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 691.)

**CSLC-4**

**[See page 5-14 for the original comment]** The California State Lands Commission (CSLC) maintains jurisdiction over State-owned tidelands, submerged lands, and navigable waterways. The State holds these public trust lands for the benefit of its citizens for water-related commerce, navigation, fisheries, recreation, and open space. State-owned sovereign land establishes a public trust easement, which reserves the right for public recreational use and activities.

The entire Brisbane Lagoon area encompasses public trust land, and is included within the Baylands Site. The DSP/DSP-V applicant (UPC) owns the large majority of the upland (non-water) portion of the Baylands Site. UPC also owns approximately 75 acres within Brisbane Lagoon. The remaining lagoon acreage is owned by the City of Brisbane and other private owners. The lagoon property is separated from UPC's upland holdings by a 600-foot-wide strip (30-acre area) owned by the State Lands Commission (see Figure 3-8 in Chapter 3, *Project Description*, of the Draft EIR).

Portions of the Baylands site that occupy filled and unfilled tidelands and submerged lands that were previously 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. Thus, any portion of Project Site development located within the Brisbane Lagoon and Guadalupe Canal would require a lease from the State Lands Commission. Site-specific engineering designs for development and infrastructure within the Baylands would be required prior to determining whether any State Lands Commission approvals are, in fact, necessary.

The issue of land use compatibility with public trust lands is addressed in the Geology, Soils and Seismicity, Biological Resources, Surface Hydrology and Water Quality, and Noise sections of the Draft EIR. By restricting construction activities within public trust lands (MM 4.E-4a), and implementation of the aforementioned biological resources and hydrology and water quality mitigation measures, the development proposed on the Baylands site would be compatible with the public trust lands within Guadalupe Canal and Brisbane Lagoon. In addition, site remediation and wetland restoration would ultimately improve the water quality of the Lagoon. Also, any portion of Project Site development located within the 600-foot wide Guadalupe Canal strip would require a lease from the State Lands Commission. Site-specific engineering designs for development and infrastructure within the Baylands would be required prior to determining whether any State Lands Commission approvals are, in fact, necessary. If approvals are necessary, State Lands Commission would have the opportunity to review and approve design plans and impose mitigation or design criteria as necessary.

The Draft EIR analyzes impacts to biological resources within the Brisbane Lagoon, Visitation Creek, and other tidally influence lands in Section 4.C, *Biological Resources*, concluding that impacts would be less than significant following implementation of applicable mitigation measures.

- CSLC-5** [See page 5-14 for the original comment] The Baylands Draft EIR evaluates the proposed remediation and development of the Brisbane Baylands at a level of detail commensurate with the level of detail available in the project description for proposed development of the Baylands. See Master Response 1 for discussion of the programmatic nature of the Draft EIR and its relationship to future environmental analyses and Master Response 13 for discussion of the remediation process in relation to the City's planning and development review process.
- CSLC-6** [See page 5-15 for the original comment] Impacts of noise and vibration on fish during construction was not evaluated in the Draft EIR because none of the concept plan scenarios include in-water construction activities. No restoration activities in the water or land-side supporting structures for public trust uses referenced in the comment are proposed. There would therefore be no pile-driving activities within or adjacent to public trust lands that would result in increased noise and vibration.
- CSLC-7** [See page 5-15 for the original comment] Project Site development does not involve in-water construction and no submerged resources are recorded within the Brisbane Lagoon or the Baylands Site. None of the four Development Scenarios evaluated in the Draft EIR propose development within Brisbane Lagoon (Draft EIR pages 3-33 and 3-41), and the lagoon is not included within the total buildable area of the Baylands Site (Table 3-2A, Land Area Types on

Brisbane Baylands Project Site, on Draft EIR page 3-29). However, should any submerged historic or cultural resources be located for which recovery is appropriate, a salvage permit pursuant to the requirements of Public Resources Code Section 6309 will be required prior to initiating any salvage activities.

The Draft EIR Project Description pages 3-24–25 states that the State Lands Commission owns a 600-foot strip of lagoon shoreline along the northern shore of Brisbane Lagoon. The Draft EIR Project Description page 3-38 further states that portions of the Baylands Site that occupy filled and unfilled tidelands and submerged lands within the lagoon that were previously sold into private ownership by the State Lands Commission are subject to a Public Trust easement retained by the State, and would require a lease from the State Lands Commission.