

## **Attachment #1**

# **CEQA FINDINGS OF FACT FOR THE BRISBANE BAYLANDS FINAL EIR**

## **I. INTRODUCTION**

The California Environmental Quality Act (CEQA) (Public Resources Code (“PRC”) Section 21000 et seq. (“CEQA”) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.) require that written findings be made by the lead agency in connection with certification of an Environmental Impact Report (“EIR”) prior to approval of the project pursuant to PRC Section 21081 and Sections 15091 and 15093 of the CEQA Guidelines. This document provides the findings required by CEQA.

### **A. Project Background**

In 2005, an application was filed in by Universal Paragon Corporation (Applicant or UPC) requesting approval of a General Plan Amendment and “Phase I Specific Plan” for development of approximately 449 acres of the 684-acre portion of the Brisbane Baylands (Baylands). Because the Phase I Specific Plan encompassed only a portion of the Baylands, UPC’s application also included a Concept Plan (referred to at the time as a framework plan) as required by General Plan policy to document how the proposed 449-acre Specific Plan might fit with future development of the entire Baylands area. The Concept Plan addressed basic parameters associated with circulation, land use, open space, infrastructure, and utilities for potential future development of a larger, approximately 659-acre area, including the Phase I Specific Plan area along with adjacent properties between the Caltrain rail line and Bayshore Boulevard.

UPC subsequently amended its application to accommodate an expanded Specific Plan covering 684 acres of the Baylands. UPC’s revised application included two proposed development scenarios for the expanded Specific Plan area, referred to as the Developer Sponsored Plan (DSP) which proposed 4,434 residential units and approximately seven million square feet of office/retail/industrial/institutional uses, and the Developer Sponsored Plan–Entertainment Variant (DSP-V), which also proposed 4,434 residential units, while replacing some retail and other uses in the northeast portion of the Baylands with entertainment-oriented uses, including a sports arena, concert theater, and multiple-screen cinema, along with increasing conference/exhibition space and the number of hotel rooms. Both of these scenarios were to be analyzed in the Baylands EIR.

On July 20, 2009, the Brisbane City Council directed that the EIR be expanded to include analysis of two additional development scenarios, referred to as the Community Prepared Plan (CPP) and Community Prepared Plan-Recology Variant (CPP-V) Concept Plan scenarios. These two additional development scenarios represented concepts for the development of the Baylands without housing and with an increased the amount of open space.

Thus, the Baylands EIR evaluated four Concept Plans at an equal level of detail, including the following:

- ***Developer-Sponsored Plan (DSP)***. The DSP scenario was proposed by UPC, the primary landowner within the Baylands, and is defined within the February 2011 *Draft Brisbane Baylands Specific Plan* (Specific Plan). The DSP includes only the 684-acre portion of the Baylands within the Brisbane city limits and excludes the 44.2-acre Recology site and adjacent road rights-of-way. The DSP proposes approximately seven 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 lagoon area. Total new development under the DSP would be approximately 12.1 million square feet.
- ***Developer-Sponsored Plan – Entertainment Variant (DSP-V)***. The DSP-V scenario is also proposed by UPC and defined within the Specific Plan. The DSP-V encompasses the same 684-acre area as the DSP. It is similar to the DSP in its development intensity and land use pattern but replaces the retail and office/research and development (R&D) uses proposed under the DSP in the northeast portion of the Baylands with entertainment-oriented uses, including a 17,000- to 20,000-seat sports arena, a 5,500-seat concert theater, a multiple-screen cinema, and more conference/exhibition space and hotel rooms than are proposed under the DSP. New development under the DSP-V also includes 4,434 residential units and would total approximately 12.0 million square feet.
- ***Community Proposed Plan (CPP)***. The CPP scenario was developed through extensive community input and designated for study in this EIR by the Brisbane City Council in 2010. The CPP provides for approximately 7.7 million square feet of office, industrial, commercial, and institutional uses, along with approximately 330 acres of open space/open area and the 135.6-acre lagoon. In addition to the 684-acre area included as part of the DSP, the CPP includes the 44.2-acre Recology site, which spans the cities of Brisbane and San Francisco, encompassing the Beatty Subarea designated in the City of Brisbane General Plan and adjacent roadway rights-of-way for a total area of 733 acres. The CPP does not include residential development. New development under the CPP would total approximately 7.7 million square feet.
- ***Community Proposed Plan – Recology Expansion Variant (CPP-V)***. The CPP-V scenario encompasses the same 733-acre area as the CPP scenario and differs from the CPP in that it proposes expansion of the existing Recology facility in the northeast portion of the Baylands within the Brisbane city limits. Under the CPP-V scenario, Recology would expand southward from its current boundary, replacing the hotel and R&D uses proposed under the CPP just north of Geneva Avenue and east of Tunnel Road. The existing 44.2-acre Recology site would expand by 21.3 acres to a total of 65.5 acres, consolidating existing offsite recycling and corporation yard facilities into one location within the Baylands. The square footage of the developed areas on the Recology site would increase from the existing 260,000 square feet to 1,011,000 square feet. Total new development under the CPP-V scenario would be approximately 8.1 million square feet.

Along with these Concept Plans for development of the Baylands, the Baylands EIR addressed the following project components:

- Amendments to the Brisbane General Plan as needed to ensure consistency of proposed development with the provisions of the General Plan.

- A Specific Plan submitted to the City by Universal Paragon Corporation (UPC) detailing development for the two “Developer-Sponsored Plan” scenarios (DSP and DSP-V).
- Proposed modernization and expansion of the existing Recology facility, which was addressed as part of the CPP-V Concept Plan scenario.
- Relocation of the existing lumberyard use to a different location within the Baylands, which was addressed as part of each of the four Concept Plan scenarios.
- Remediation of hazardous materials contamination within the former railyard and landfill areas of the Baylands, which was addressed as part of each of the four Concept Plan scenarios.
- Importation of water supply to the Baylands and City of Brisbane, which was addressed as part of each of the four Concept Plan scenarios.
- Construction and operation of an onsite recycled water plant, which would provide tertiary treatment of wastewater for recycled water re-use within the Baylands, which was addressed as part of each of the four Site Plan development scenarios.

Following preparation of the Final EIR for the Baylands, the Planning Commission conducted two public workshops regarding proposed Baylands development and the Baylands EIR, along with ten public hearings and eleven deliberations meetings prior to making its recommendations to the City Council regarding proposed development, UPC’s applications, and the EIR. The City Council subsequently conducted two public workshops regarding proposed Baylands development and the Baylands EIR, along with eight public hearings and five deliberations meetings.

On March 22, 2018, the City Council directed City staff to draft for its consideration a General Plan Amendment covering the Baylands area, including a range of 1,800-2,200 dwelling units and up to 4.0 million square feet of additional non-residential use. Following a public hearing and subsequent review of the proposed Baylands General Plan Amendment, on June 7, 2018, the City Council directed City staff to modify the Baylands General Plan Amendment to provide for a range of 1,800-2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use. This land use mix demonstrates a substantial commitment on the part of the City of Brisbane to address statewide and regional needs for production of housing, while recognizing the need to reduce the overall amount of development proposed by the applicant due to concerns about (1) significant unavoidable environmental impacts; (2) the need for remediation of the former railyard portion of the Baylands in a manner that would safely accommodate housing and needed support uses such as day care and ground-level parks, schools and recreation areas; (3) the need for closure of the former landfill in a manner that would safely accommodate proposed non-residential development; (4) ensuring sufficient municipal revenues to cover the costs of providing services to and maintaining public facilities within the Baylands; and (5) accommodating residential development at a scale that is compatible with the Brisbane community.

## **B. Project Description**

The proposed Baylands General Plan Amendment would establish a new General Plan land use designation (Baylands Planned Development) that would permit 1,800 to 2,200 dwelling units and

6.5 million square feet of additional non-residential use, with an additional 500,000 square feet of hotel use within the Baylands and set forth policies for such development reflecting the five concerns discussed in the previous paragraph.

The proposed Baylands General Plan Amendment set forth in Attachment #2 proposes similar residential development intensity as the Reduced Intensity Mixed-Use Alternative analyzed in the Baylands EIR which included 2,400 dwelling units, while retaining a similar non-residential development intensity as the DSP scenario (see Table 1). By providing for less housing and similar non-residential development than the DSP scenario, the proposed Baylands General Plan Amendment provides for sufficient revenue-generating non-residential uses to offset the costs of proposed housing within the Baylands, ensuring neutral cost-revenue for the City.

**Table 1**  
**Comparison of Concept Plan Development Scenarios,**  
**EIR Alternatives, and Proposed General Plan Amendment**

	<b>Dwelling Units</b>	<b>Non-Residential s.f.</b>
<b>Proposed General Plan Amendment</b>	1,800 - 2,200	Comm. 6,500,000 Hotel 500,000
<b>Concept Plan Development Scenarios</b>		
DSP	4,434	6,977,500
DSP-V	4,434	6,930,500
CPP	--	7,715,800
CPP-V	--	7,204,100
<b>Alternatives</b>		
No Project - No Build	--	373,900
No Project - General Plan Buildout	--	1,759,288
Renewable Energy Generation	--	971,200
Reduced Intensity Non-Residential	--	4,304,000
Reduced Intensity Mixed Use	2,400	3,767,850

Note: Non-residential square footage figures are for the Baylands only, and do not include the Recology solid waste facility.

## **C. Project Objectives Identified by the City of Brisbane**

### **1. Overarching Objectives**

The City's overarching objective is to establish a development plan for the Baylands that will be a leading model of sustainable development, which is a source of pride to Brisbane and demonstrates that environmental, social, and economic considerations can be harmonized to the betterment of the natural environment, the Brisbane and regional community, and the individuals who will use the Baylands. Sustainable development is simply defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

The Baylands General Plan Amendment will achieve this objective through (1) implementation of EIR mitigation measures, (2) incorporation of the principles set forth in the Baylands Sustainability Framework, (3) provision of housing to meet statewide and regional needs, (4) ensuring site remediation and Title 27 landfill closure in a manner that will protect public safety, and (5) ensuring that Baylands development will “pay its own way” and make a positive financial contribution to the community.

The Baylands development objectives identified below have been organized around three major components of sustainability: environmental protection and enhancement, social equity, and economics.

## **2. Environmental Protection and Enhancement Objectives**

- Remediate the Baylands to a level which ensures the safety of all who use the site and eliminates ongoing ecological damage.

The Baylands General Plan Amendment sets forth performance standards for the design and remediation of areas proposed for residential use. In addition, the Baylands General Plan Amendment and EIR set forth measures to ensure preservation of sensitive environmental features and to protect the community from the potential for future environmental damage.

- Incorporate a “green building” approach for all future development on the Baylands, wherein buildings are sited, designed, constructed and operated to encourage resource conservation, minimize waste and pollution, maximize energy and resource efficiency, and promote healthy indoor environments.

This objective will be achieved through incorporation of principles set forth in the Brisbane Baylands Sustainability Framework into the required Specific Plan for the Baylands. The Baylands General Plan Amendment specifically requires Baylands development to be energy neutral or better.

- Preserve, restore and enhance wetlands and natural habitat on the site and create natural linkages across the site to promote physical and visual connectivity between the San Bruno Mountains and the Bay.

The mitigation measures set forth in the Baylands EIR achieve this objective.

- Promote and encourage non-vehicular access and movement to and from the site (particularly from Central Brisbane) and within the site as well. Land use mix, good urban design, the provision of safe and pleasant pedestrian and bike paths, and convenient access and linkages to public transit are all necessary components.

This objective will be achieved through incorporation of principles set forth in the Brisbane Baylands Sustainability Framework into the required Specific Plan for the Baylands.

- Strive to achieve energy neutrality or better for the project through a combination of efficiency, conservation, and maximizing on site renewable power generation.

The Baylands General Plan Amendment specifically requires achieving this objective.

- Minimize the net consumption of water supplies.

This objective will be accomplished through a combination of water-efficient plumbing fixtures, construction and operation of a recycled water plant, and drought tolerant landscaping.

- Safely and efficiently accommodate project traffic in a manner that does not adversely impact Brisbane or adjacent communities.

The Baylands EIR identifies traffic mitigation measures to be implemented both within and outside of Brisbane. Implementation of such measures outside of Brisbane may be problematic in that the City of Brisbane has no authority to require implementation of measure within other jurisdictions. Brisbane will, however, work with the cities of San Francisco, Daly City, and South San Francisco to address cross-jurisdictional impacts not only of proposed Baylands development, but also of development being reviewed and approved by those agencies.

- Incorporate innovative methods to reduce resource consumption and waste generation.

This objective will be achieved through incorporation of principles set forth in the Brisbane Baylands Sustainability Framework into the required Specific Plan for the Baylands.

- Site and design new infrastructure to minimize adverse environmental impacts.

This objective will be achieved as part of the City's review of infrastructure plans, including water supply planning for the Baylands to be addressed as part of the required Specific Plan for the Baylands,

- Design the project sensitively to protect Brisbane's viewshed, taking into account light spillage and pollution, building height and massing, and placement of landscape features.

The required Specific Plan for the Baylands will be required to include design guidelines consistent with EIR mitigation measures to achieve this project objective.

- Maximize solid waste diversion with the goal of achieving zero waste.

This objective will be achieved through incorporation of principles set forth in the Brisbane Baylands Sustainability Framework into the required Specific Plan for the Baylands.

### **3. Social Equity Objectives**

- Incorporate significant open space and related improvements which provide opportunities for a wide range of passive and active public recreational opportunities benefiting the City and region.

The Baylands General Plan Amendment requires that 25 percent of the Baylands land area be retained in open space/open area. In addition, future development will be required to be consistent with City requirements for the provision of recreational lands and facilities. The required Specific Plan for the Baylands will set forth appropriate development standards to ensure achievement of this objective.

- Provide employment opportunities for Brisbane residents and residents of nearby local communities, thereby improving the jobs/housing balance at regional and subregional levels.

While proposed development of the Baylands will generate a substantial number of construction jobs during site development, and the 6.5 million square feet of non-residential

and 500,000 square feet of hotel uses will generate a substantial amount of long-term employment opportunities within the Baylands, it is not anticipated that the ratio of housing and employment-generating uses proposed for the Baylands would improve the area's jobs/housing balance. In order to ensure that ongoing revenues from Baylands development would provide sufficient revenue to pay for the ongoing costs of Baylands development to the City, the mix of housing and employment proposed for the Baylands is anticipated to generate more employment than housing. While the proposed Baylands General Plan Amendment would achieve a better balance of jobs and housing than would either of the CPP scenarios, it would not achieve as favorable a balance of jobs and housing as would the DSP scenarios.

- Contribute to critically-needed solutions to regional transit and transportation issues which will benefit both the project and existing communities.

By contributing to the extension of Geneva Avenue and improvement of the Candlestick interchange, Baylands development will contribute to a longstanding transportation need of not only Brisbane, but also of San Francisco, Daly City, and San Mateo County. The Geneva extension will provide a viable route for bus rapid transit, connecting development within San Francisco, Daly City, Brisbane, and the Baylands to the Bayshore Caltrain station. Also, by providing for high density, mixed-use development adjacent to the Bayshore Caltrain station, the Baylands General Plan Amendment will encourage the use of transit.

- Recognize that the project is of regional significance and provide for the well-being not only of the City of Brisbane, but also of surrounding communities.

By providing for development of 1,800 to 2,200 dwelling units, the Baylands General Plan Amendment will make a meaningful contribution to addressing the region's critical housing needs.

- Provide on-site opportunities for public art and education to contribute to public understanding of the site, including its history, ecology and the project's sustainability mission.

This objective will be achieved through incorporation of principles set forth in the Brisbane Baylands Sustainability Framework into the required Specific Plan for the Baylands.

#### **4. Economic Objectives**

- Enhance the City's tax base and future ability to improve services within all of Brisbane.

The Baylands General Plan Amendment specifically requires each increment of development to be revenue positive to the City, thereby achieving this objective.

- Retain and accommodate the expansion of existing businesses within the Baylands that contribute to the City's fiscal health and economic vitality.

Baylands development pursuant to the proposed Plan Amendment would provide for retention of the existing lumber yard in a suitable location within the Baylands and provide additional opportunities for existing businesses in Brisbane to expand while also accommodating new businesses.

- Establish a project which remains economically viable on a long-term basis, including excellence in architecture which can withstand the test of time.

The Baylands General Plan Amendment and EIR establish a mix of uses, development requirements, and design guidelines that will achieve this objective.

- Build in flexibility so the project can adapt to changing market conditions over time, without compromising the other stated project objectives.

The description of permitted land uses and development intensities in the Baylands General Plan Amendment achieves this objective.

- Provide greater choices for Brisbane residents by providing desired goods, services, entertainment, and/or other amenities not currently available within the City.

The additional residential and employee population that will be located within the Baylands as the result of the proposed General Plan Amendment would assist in expanding the range of retail and service commercial businesses located within the City, as well as provide for expanded recreational facilities for the citizens of Brisbane.

## **II. PROCEDURAL COMPLIANCE WITH CEQA**

### **A. Publication and Review of the Draft and Final EIRs**

The City of Brisbane published the Brisbane Baylands Draft Environmental Impact Report (EIR) on June 11, 2013 and the Final EIR on June 1, 2015 in compliance with CEQA requirements. The Final EIR has been prepared for proposed development within the Baylands in accordance with CEQA and the CEQA Guidelines, as amended. As allowed for in CEQA Guidelines § 15084(d)(2), the City of Brisbane retained a consultant to assist with the preparation of the environmental documents. The City of Brisbane, acting as Lead Agency, has directed, reviewed and edited as necessary all material prepared by the consultant, and such material reflects the City's independent judgment. The key milestones associated with the preparation of the EIR are summarized below. In addition, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the EIR and to solicit comment on the results of the environmental analysis presented in the Draft EIR. In general, the preparation of the EIR included the following key steps and public notification efforts:

- The Notice of Preparation (NOP) for the Draft EIR was issued on February 24, 2006 and was sent to each responsible and trustee agency and the Office of Planning and Research (OPR), beginning a 30-day public review period;
- After issuance of the NOP, the City held five public scoping meetings (on March 2 and 21, April 27, and June 13 and 26, 2006) to solicit comments from individuals, organizations and agencies regarding the environmental analysis, mitigation measures and alternatives to be included in the Draft EIR;
- On December 10, 2010, a revised NOP was published and circulated to each responsible and trustee agency and OPR for a 30-day review period to reflect changes in the EIR's project description, including UPC's proposed General Plan amendment and revisions to its Specific Plan and the DSP and DSP-V scenarios, and the City Council's identification of the CPP and CPP-V scenarios;



- A subsequent NOP was published and circulated to each responsible and trustee agency and OPR on October 22, 2012 for a 30-day public review period to provide notice that a proposed water transfer agreement between the City and the Oakdale Irrigation District to supply water to the Baylands would also be analyzed in the Draft EIR;
- The Draft EIR was circulated for public review from June 11, 2013 to January 24, 2014;
- The Final EIR was released for public review on June 1, 2015;
- The Planning Commission conducted two public workshops on September 10 and 24, 2015 regarding proposed Baylands development and the Baylands EIR, at which time interested persons and organizations had the opportunity to testify and provide comments;
- The Planning Commission conducted ten public hearings on proposed Baylands development and the Baylands EIR on October 1, 8, 13, 22, and 29, 2015; November 4, 12, and 16, 2015; and December 1 and 10, 2015, at which time interested persons and organizations had an opportunity to testify and provide comments;
- After closing the public hearing on December 10, 2015, the Planning Commission conducted 11 deliberations meetings on January 14 and 28, 2016; February 2 and 25, 2016; March 19, 2016; April 14 and 28, 2016; May 18, 2016; June 9 and 23, 2016; and July 7, 2016, at which time interested persons and organizations had an opportunity to testify and provide comments;
- The City Council conducted public workshops on September 29, 2016, and June 15, 2017 regarding proposed Baylands development and the Baylands EIR, at which time interested persons and organizations had the opportunity to testify and provide comments;
- The City Council conducted eight public hearings on proposed Baylands development and the Baylands EIR on November 17 and December 15, 2016, January 24, February 16, April 8, May 4, May 23, and June 7, 2017, at which time interested persons and organizations had an opportunity to testify and provide comments;
- After closing the public hearing on June 7, 2017, the City Council met in public session on June 19, 2017 to discuss the deliberation process for the Baylands; and
- The City Council conducted deliberations meetings on June 13, July 24, and August 7, 2017, and January 16, March 22, 2018;
- The City Council conducted public hearings on July 12 and July 19, 2018 to provide for public discussion of the Baylands General Plan Amendment and EIR.

## **B. Certification**

Pursuant to CEQA Guidelines Section 15090(a), the City certifies that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the City Council and the City Council has reviewed and considered the information contained in the Final EIR prior to approving the Baylands General Plan Amendment; and
- (3) The Final EIR reflects the City of Brisbane's independent judgment and analysis.

## **C. Custodian and Location of Records**

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Brisbane Community Development Department, 50 Park Place, Brisbane, CA, 94005. The City Community Development Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

### **III. ENVIRONMENTAL IMPACTS AND FINDINGS OF FACT**

Pursuant to Public Resources Code § 21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

- a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR<sup>1</sup>.

The City has made one or more of these specific written findings regarding each significant impact associated with the Baylands General Plan Amendment. These findings are presented below, along with facts in support of the findings. Concurrent with the adoption of these findings, the City will adopt the Mitigation Monitoring and Reporting Program set forth in Attachment #2.

The EIR evaluation included a detailed analysis of impacts in 16 environmental disciplines, analyzing four Concept Plan scenarios, along with alternatives, including two no project

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<sup>1</sup> Feasibility has a precise legal definition in CEQA. CEQA defines the term “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (Public Resources Code Section 21061.1). The CEQA Guidelines add the term “legal” to the list of factors to take into account (CEQA Guidelines Section 15364).

There is no bright line test for determining feasibility under CEQA. Determining feasibility necessarily involves a judgment call by the Lead Agency concerning costs, technical realities, environmental effectiveness and environmental side effects, social policy considerations, time constraints, and other considerations. In all cases, the City must be able to articulate specific factual or policy considerations that justify any finding that a particular alternative or proposed mitigation measure is infeasible. In relation to cost, it is well established that simply costing more does not make a mitigation measure or alternative infeasible. To be economically infeasible, the mitigation measure or alternative infeasible must be sufficiently burdensome as to make the project impractical in the marketplace. Examples of legal infeasibility include measures that would not be consistent with adopted policies or regulations, as well as measures that would require actions to be taken by other agencies over which the Lead Agency does not have authority,

alternatives. The EIR discloses the environmental impacts expected to result from the construction and operation of proposed Baylands development. Mitigation measures were identified to avoid or minimize significant environmental effects. The mitigation measures identified in the EIR are measures proposed by the lead agency that were not part of proposed Baylands development but could reasonably be expected to reduce adverse impacts if required as conditions of approving the Baylands development, as required by CEQA Guidelines § 15126.4(a)(1)(A).

The Findings set forth in this Attachment explain the environmental basis for the actions anticipated to be undertaken by the City for development of the Baylands, including certification of the Brisbane Baylands EIR (SCH# 2006022136) and approval of the Baylands General Plan Amendment.

## **A. Format of Environmental Findings**

The environmental findings for the Baylands General Plan Amendment are organized into the following sections:

- B. Findings for Impacts Determined to be Less Than Significant
- C. Findings for Impacts Mitigated to Less Than Significant
- D. Findings for Significant Unavoidable Impacts
- E. Findings on Project Alternatives
- F. Findings on Cumulative Impacts
- G. Findings on Responses to Comments on the Draft EIR and Revisions/Additions to the Final EIR

## **B. Findings for Impacts Determined to be Less Than Significant**

This section presents those environmental impacts that were determined to be less than significant impacts and therefore do not require implementation of mitigation measures along with the rationale for each such determination.

The City has determined that the Baylands General Plan Amendment will have no impact or less than significant impacts for the issues summarized below.

### **1. Aesthetics**

- a. Impact 4.A-2: Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, hillsides, and historic buildings?*

The Baylands General Plan Amendment would preserve scenic resources within the Baylands, since new development would be required to be designed consistent with Biological Resources mitigation measures and General Plan policies requiring that development in the Baylands be complementary to existing topographic features, including Brisbane Lagoon, San Bruno Mountain, and San Francisco Bay. Other identified scenic resources such as the Roundhouse would be preserved and restored due to implementation of General Plan policies and EIR Cultural Resources mitigation measures. The Visitacion Creek corridor, Icehouse Hill, and the edges of Brisbane

Lagoon would be improved and used for habitat conservation and passive recreation; existing wetland and habitat areas would be improved and expanded. The San Francisco Bay Trail would be extended to provide additional views of the Bay from the Baylands and although some development could occur between the trail and the Bay, it would adhere to applicable *San Francisco Bay Plan* policies and findings intended to ensure that new development maintains public access to the Bay. Thus, this impact would be less than significant.

## **2. Air Quality**

- a. *Impact 4.B-3: Would construction of the Project expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM<sub>2.5</sub>)?*

Baylands construction activities would produce diesel particulate emissions and PM<sub>2.5</sub> emissions due to combustion from equipment such as loaders, backhoes, and cranes, as well as haul truck trips, resulting in elevated concentrations at nearby receptors (both new and existing residences). Because these elevated concentrations could lead to an increase in the risk of cancer or other health impacts, a health risk assessment was performed and determined that proposed Baylands development would have a less-than-significant impact. Because grading and building construction activities would be similar to the DSP scenario on a daily basis during site construction, the Baylands General Plan Amendment would also have a less than significant impact.

- b. *Impact 4.B-5: Would operation of the Project expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM<sub>2.5</sub>)?*

Operation of proposed Baylands development would produce diesel particulate matter and PM<sub>2.5</sub> emissions due to motor vehicle traffic including employees, customers, and deliveries, and new residences. These emissions would result in elevated concentrations of diesel particulate matter and PM<sub>2.5</sub> and could lead to an increase in the risk of cancer or other health impacts. A health risk assessment performed for the Baylands concluded that proposed development would not expose existing sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM<sub>2.5</sub>) and cancer risk would be well below the BAAQMD threshold of 10 per million. By reducing the intensity of development within the Baylands, the Baylands General Plan Amendment would reduce vehicle trip generation by approximately 29 percent and vehicle miles travelled by approximately 19 percent compared to the DSP scenario, therefore substantially reducing the less-than-significant operations emissions impact identified in the EIR.

- c. *Impact 4.B-6: Would the Project expose persons (new receptors) to substantial levels of toxic air contaminants (TACs), which may lead to adverse health?*

The health risk assessment conducted for proposed Baylands development concluded that the highest cancer risk from any of the nearby sources would be below the applicable BAAQMD cancer risk threshold and the annual PM<sub>2.5</sub> concentrations would be below the applicable BAAQMD threshold. The location of new residential uses under the Baylands General Plan Amendment is similar to that which was analyzed in the health risk assessment conducted and impacts would be less than significant impact.

- d. *Impact 4.B-7: Would the Project expose sensitive receptors to substantial carbon monoxide concentrations?*

As a worst-case analysis, roadside CO concentrations were modeled for the intersection of Geneva Avenue and Bayshore Boulevard during cumulative conditions during the PM peak hour. This intersection has the largest volumes of vehicle traffic in the vicinity of the Baylands while being within 1,000 feet of existing and proposed receptors. The modeling assumed a worst-case background CO concentration of 5.7 ppm, the highest reading recorded at the San Francisco station in the five years previous to the analysis. Resulting roadside CO concentrations were well below the state 1-hour standard of 20 ppm. Impacts would be less than significant.

### **3. Biological Resources**

- a. *Impact 4.C-5: Would the Project result in impacts on trees protected by the City of Brisbane Tree Ordinance?*

Baylands development has the potential to result in the removal of trees protected under the City's Tree Ordinance. However, development would be required to comply with the City's Tree Ordinance. Tree removals would be required to be authorized, would be conditioned through development approvals and/or tree removal permits. Removal permits may be granted subject to conditions including, but not limited to, requiring planting one or more replacement trees (Brisbane Municipal Code, Section 12.12.050 F). This impact would be less than significant.

- b. *Impact 4.C-6: Would the Project conflict with any adopted habitat conservation plans or natural community conservation plans?*

There are no adopted habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans that apply to the Baylands. The San Bruno Mountain Habitat Conservation Plan (SBMHCP) extends from San Bruno Mountain to Bayshore Boulevard and does not extend east of Bayshore Boulevard into the Baylands. Icehouse Hill is east of Bayshore Boulevard and thus is not included in the SBMHCP. Because Icehouse Hill would be retained as open land under the Baylands General Plan Amendment, conflicts with the SBMHCP would not occur. While Baylands development is not required to comply with the SBMHCP, Icehouse Hill would remain as open space, and therefore development would not conflict with the SBMHCP. This impact is therefore less than significant.

### **4. Cultural Resources**

- a. *Impact 4.D-3: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

No known paleontological resources or unique geologic features are located within the Baylands, nor is the site geologically sensitive for paleontological resources. Even with the magnitude (substantial depth, extent, and volume) of proposed earthwork and cuts that would occur as part of site grading and building construction, including deep-driven piles into older bay muds, it is unlikely that construction crews would encounter unique paleontological resources or sites or

unique geologic features. No impacts would thus result from the Baylands General Plan Amendment.

## **5. Geology, Soils, and Seismicity**

- a. *Impact 4.E-1: Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

No known active fault traces cross through or adjacent to the Baylands, and the site is not located in an Alquist-Priolo Earthquake Fault Zone. No impacts would therefore result.

- b. *Impact 4.E-9: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Wastewater services within the Baylands are currently provided by the Bayshore Sanitary District (BSD) in the area north of the Lagoon. No development within the Baylands would include the use of septic tanks or alternative wastewater disposal systems. No impact would therefore result.

## **6. Greenhouse Gas Emissions**

- a. *Impact 4.F-1: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Annual GHG emissions from the DSP and CPP scenarios would be 3.6 and 4.0 metric tons of CO<sub>2</sub>e per service population, respectively, both of which are below BAAQMD's "efficiency threshold" of 4.6 metric tons of CO<sub>2</sub>e per service population. Because the Baylands General Plan Amendment has a proportion of commercial and residential uses roughly half way between the DSP and CPP scenarios, its per service population GHG emissions would be approximately 3.8 metric tons of CO<sub>2</sub>e per service population, and a less-than-significant impact would result.

- b. *Impact 4.F-2: Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

The EIR determined that proposed Baylands development was consistent with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Because the Baylands General Plan Amendment has a proportion of commercial and residential uses roughly half way between the DSP and CPP scenarios, both of which would result in less-than-significant impacts, no conflicts with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases would result and impacts would be less than significant.

## **7. Hazards and Hazardous Materials**

- a. *Impact 4.G-1: Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials during site operations?*

Nearly all proposed uses associated with Baylands development would involve the presence of hazardous materials (or products containing hazardous materials) to varying degrees, representing an increase in hazardous materials use and the number of people who would be exposed to potential health and safety risks associated with routine use.

Because general commercial/retail and household hazardous materials are typically handled and transported in small quantities, and because the health effects associated with them are generally not as serious as industrial uses, operation of the new Baylands uses would not cause an adverse effect on the environment with respect to the routine transport, use, or disposal of general office and household hazardous materials. For commercial/retail uses, existing regulatory requirements include appropriate training of employees in the use, storage, and disposal of the hazardous materials and wastes they are expected to encounter in the workplace.

Industrial uses, including research and development operations, would include the storage, handling, transport, and disposal of relatively larger quantities of hazardous materials that would be subject to more intense regulation and oversight than typical commercial/office businesses and households that handle smaller quantities of more common materials. Employees performing wet laboratory work would be required (by law) to receive specific training in the use and handling of hazardous materials, which is intended to protect the workplace and also to minimize the potential for spills or inadvertent releases that could adversely affect the environment through air emissions or releases to sewers, storm drains, or land. Any medical-related establishment operating within the Baylands such as doctor/dentist offices, medical laboratories, or pharmacies, would involve use, transport, and storage of small amounts of laboratory-type chemicals, compressed gases, pharmaceuticals, and radiological materials would be used and stored. Medical, biohazardous, and low-level radioactive wastes could also be produced from these activities.

Hazardous materials would routinely be transported to, from, and within the Baylands, and small amounts of hazardous waste would be removed and transported off site to licensed disposal facilities. While the types of land uses that would be permitted within the Baylands are known, the specific businesses and their particular operations cannot be known at this time. It is, however, reasonable to anticipate that Baylands development will bring uses to the site that involve hazardous materials use, and that there would be an increase in transportation relative to current conditions. Such transportation would be provided by vendors licensed for such transport, and appropriate documentation for all hazardous materials and wastes would be required for compliance with the existing hazardous materials regulations.

Buildings where commercial and industrial businesses would use hazardous materials would be required to be constructed in accordance with current laws and regulations, which require storage that minimizes exposure to people or the environment, and the potential for inadvertent releases. In addition, these materials would be labeled to inform users of potential risks and to instruct them in appropriate storage, handling, and disposal procedures. Employers are required by law (Cal/OSHA) to ensure employee safety by properly identifying hazardous materials and adequately training workers. The use of hazardous materials and generation of wastes would continue to be regulated under the authority of the County Environmental Health Services Division, with additional oversight by other agencies (e.g., DTSC, RWQCB). Transporters of hazardous materials

and wastes are required to comply with federal laws and regulations that are monitored and enforced by the California Highway Patrol.

The San Mateo County Environmental Health Services Division would continue to conduct periodic inspections to ensure that hazardous materials and wastes are being used and stored properly. For these reasons, hazardous materials use and waste generation for project operations would not pose a substantial public health or safety hazard to the surrounding area. With adherence to existing regulatory requirements, impacts related to the routine transport, use or disposal of hazardous materials (including radiological, hazardous and medical wastes) during operation would be less than significant.

- b. Impact 4.G-5: Would development result in a safety hazard for people residing or working in the project area for a project located within an airport land use plan or, where such plan has not been adopted, be within 2 miles of a public airport or public use airport; or be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?*

The Baylands is located more than 2 miles from the nearest public airport, the San Francisco International Airport, or airstrip, and is not located within an airport land use plan. Development would not conflict with an airport land use plan nor present any other impact related to a public airport use or private airstrip. No impacts would result.

- c. Impact 4.G-6: Would development impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

The EIR determined that City review of the required Specific Plan and site-specific development in relation to emergency response requirements is sufficient to ensure that the potential significant health and safety effects associated with possible impairment or implementation of any emergency response or evacuation plans would be less than significant. By reducing overall development intensity within the Baylands as compared to the DSP scenario, the General Plan Amendment's impacts would remain less than significant.

- d. Impact 4.G-7: Would development expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The Baylands is located in an urban setting, has been developed with urban uses in the past, and does not adjoin any wildlands that are at risk for wildfires. All Baylands development would be required to adhere to applicable fire and building codes, which provide appropriate safety measures that would be incorporated into all building designs. Impacts would therefore be less than significant.

## **8. Hydrology and Water Quality**

- a. Impact 4.H-2: Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?*



Baylands development would substantially increase impervious surface area, even with the implementation of LID stormwater drainage improvements that would allow for some onsite infiltration. This would reduce the amount of direct groundwater recharge at the site by reducing the amount of area available for infiltration. However, groundwater is not currently used within the Baylands, and no groundwater use is proposed. There are also no downstream users of groundwater because the Baylands is adjacent to Brisbane Lagoon and San Francisco Bay. As such, even if groundwater levels were to be reduced, there are no potential groundwater uses or users that would be affected. In addition, Title 27 closure of the former landfill will require that infiltration is minimized to the maximum extent possible in order to prevent accumulation of leachate within the underlying waste material. Therefore, Baylands development would not interfere substantially with groundwater recharge and the impact would be less than significant.

1. *Impact 4.H-3: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

**Changes to Existing Drainage Patterns.** The Baylands is located within three drainage areas: Bayshore, Brisbane Lagoon, and Beatty Avenue. The Bayshore drainage area drains to the Visitacion Creek; the Brisbane Lagoon drainage area drains to the Lagoon, and the Beatty Avenue area drains to the Beatty Avenue storm drain system. Baylands development would collect and convey onsite runoff through a modified storm drainage system that would be constructed in accordance with the City's requirements and regional MS4 NPDES permit requirements to accommodate the increase in runoff due to the net addition of impervious area and changes to existing drainage patterns. Since the developed site would consist of ground covered either by paved areas, building, or landscape that is subject to post-construction drainage control requirements that minimize erosion, impacts related to the potential for erosion and siltation would be less than significant.

2. *Impact 4.H-8: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

**Flooding Due to Levee or Dam Failure.** The Baylands is located adjacent to the Levinson Overflow Area (an off-channel detention basin at the northwest corner of Main Street and Bayshore Boulevard). This detention basin is designed to detain high flows during large storm events and alleviate downstream flows. The elevation of the berm at the Levinson Overflow Area is such that even if it were to fail during a 100-year storm event, flows would flood Bayshore Boulevard and surrounding areas that are below 12.52 feet above mean sea level but would not inundate proposed structures which would be required to have finished floor elevations of at least 14 feet. In addition, required improvements to drainage capacities of the system that incorporate Levinson Overflows and address its current deficiencies would also reduce the potential for flooding in this area. The Baylands is not otherwise located in any inundation area for any dams or reservoirs. Therefore, impact due to failure of a levee or dam would be less than significant.

3. *Impact 4.H-9: Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?*

**Tsunami and Seiche Impacts.** The potential hazard related to tsunamis within San Francisco Bay has been analyzed in regional studies and mapped for South San Francisco USGS quadrant and shows no inundation areas within the Baylands. Therefore, the risk of flooding due to a tsunami event is low. The Baylands is located along the western shore of San Francisco Bay, which is not subject to potential flooding by wind-induced seiches because of the predominant eastward winds. No seismically induced seiche waves have been documented in the Bay. Impacts would thus be less than significant.

**Mudflow.** The Baylands is within a relatively low-lying area in an urbanized region that is not susceptible to mudflows. Thus, the impact of Baylands development would be less than significant.

## 9. Land Use

### *a. Would the Project physically divide an established community?*

Baylands development would have no impacts related to division of an existing community, because the site sits along the edge of San Francisco Bay and is separated from lands to the west by Bayshore Boulevard, vegetated lands, and the office and light industrial buildings at Crocker Industrial Park; from lands to the north by the Recology facility; and from lands to the south by the Brisbane Lagoon. Thus, the Baylands General Plan Amendment would not physically divide or create a physical barrier to an established community because (1) the Baylands is already physically divided from the rest of the Brisbane community and surrounding lands; (2) there is no existing community within the Baylands; and (3) the Baylands is already divided by the Caltrain right-of-way.

### *b. Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?*

The Baylands is not subject to a habitat conservation plan, and its development would therefore not create any direct conflicts with such a plan. Icehouse Hill, located within the Baylands, is, however, situated adjacent to the boundary of the San Bruno Mountain Habitat Conservation Plan (SBMHCP) area. Because Icehouse Hill and areas adjacent to the SBMHCP planning area would remain in open space following Baylands development, the Baylands General Plan Amendment would not interfere with implementation of the SBMHCP. Further, management of construction activities and ongoing uses on and adjacent to Icehouse Hill would be consistent with the provisions of the Brisbane General Plan, as well as with biological resources mitigation measures set forth in the EIR. Thus, any impacts on species covered by the SBMHCP would be avoided and no impact would result from the Baylands General Plan Amendment.

## 10. Noise and Vibration

### *a. Impact 4.J-5: Would the Project expose people residing or working in the area to excessive noise levels related to operations of a public airport?*

The City of Brisbane are outside the 65-CNEL noise contour relative to aircraft noise from the airport, which is the state and federal threshold for noise abatement. The Baylands is, however, within Airport Influence Area A, which is defined as an area with aircraft flyovers at an altitude of 10,000 feet or less above mean sea level occurring a minimum of once weekly. Although aircraft noise within the Baylands would be below the federal and state noise abatement criterion of 65 CNEL, data exist to indicate that nuisance noise impacts from airport operations regularly occur within the City and may be experienced by future Baylands residents. While there is a potential for noise from aircraft flyovers to be a nuisance to future Baylands residents, impacts would not be considered to be significant under CEQA since the site is located outside of the airport's 65 CNEL noise contour.

## **11. Population and Housing**

- a. Would the Project displace substantial numbers of existing housing units or people, necessitating the construction of replacement housing elsewhere?*

Currently, there is no housing within the Baylands; therefore, proposed development would not displace any housing units. It is the City's intent that the existing lumberyard would be relocated within the Baylands as part of site development. While the Baylands General Plan Amendment would result in the displacement of existing businesses along Industrial Way and Tunnel Avenue, as well as displace existing temporary uses located on the former landfill, existing employment-generating uses within the Baylands are minimal and displacement of existing business would not require development of replacement housing elsewhere. Therefore, no impacts would result.

## **12. Recreational Resources**

- a. Impact 4.M-1: Would the Project result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Pursuant to the Quimby Act, Section 16.24.030 of the Brisbane Municipal Code established a standard of 3.0 acres of parkland per 1,000 residents. Application of this standard to the Baylands General Plan Amendment would require approximately 12.0 to 14.7 acres of parkland to serve the needs of the 4,015 to 4,905 residents that would be living within the Baylands at buildout. While it is recognized that park needs per 1,000 population refer only to the resident population, it is also recognized that employees within the Baylands would use area parks and recreational facilities. Applying the Quimby Act standard to both Baylands resident and employment population, the Baylands General Plan Amendment would result in a need for up to 63.6 to 66.3 acres of parkland.

The General Plan Open Space Element sets forth the following park service standards as an aspirational goal beyond Quimby Act requirements:

- Combined Mini, Neighborhood, and Linear Parks: 10.5 acres per 1,000 residents
- Community Park: 8.0 acres per 1,000 residents

These types of “parks” are defined in Section VII.1 of the Brisbane General Plan Open Space Element. Generally, “parks” consist of lands open to the public for active and passive recreational use. Lands whose primary use is conservation of resources are defined in the General Plan as aquatic or open space resources rather than parks.

Based on this park land standard, the Baylands General Plan Amendment would generate a need for 74.3 to 90.7 acres of park land. The required Specific Plan for the Baylands will be reviewed for consistency with the City’s General Plan prior to approval and would thus be required to provide adequate park land to achieve consistency with the City’s General Plan. Therefore, this impact would be less than significant.

*b. Impact 4.M-3: Would the wind effects of the Project result in a substantial degradation of the recreational value of the nearby windsurfing recreational resource south of Candlestick Point State Recreation Area (CPSRA)?*

As the result of Baylands development, new buildings would be constructed on currently vacant land within the Baylands. These new buildings would increase the effective surface roughness of the site and would decrease the speed of the wind passing over the Baylands. The EIR concluded that incremental changes in wind speed and turbulence in the Candlestick Point State Recreation Area’s launch and sailing areas would be undetectable to most windsurfers who use the area, including beginning and intermediate windsurfers, who are more sensitive to adverse conditions. The changes in wind speed and turbulence would not impair a windsurfer’s ability to launch the board, reach and sail in a desirable sailing area, or return safely to the launch site. Regardless of whether wind speed reductions and turbulence increases are detectable, they were found to represent an increment too small to physically degrade the use of this area for windsurfing. Impacts would therefore be less than significant.

The Baylands General Plan Amendment reduces the amount of residential and non-residential building area as compared to the DSP scenario from approximately 12 million square feet to approximately 6.2 million square feet of residential and non-residential building area (approximately 52 percent reduction). This, along with implementation of a building setback of 350 feet from the US Highway 101 right-of-way along the shoreline, will substantially reduce the less than significant impacts on windsurfing resources in the CPSRA analyzed in the EIR.

Measurements of relative wind speed and turbulence intensity for the EIR were based on physical testing in an Atmospheric Boundary Layer Wind Tunnel. It is well documented in the scientific literature that such a wind tunnel can correctly represent wind velocity, wind turbulence, and the power spectrum of the wind in the boundary layer of the atmosphere. Located at UC Davis, the wind tunnel used for the tests was built to simulate near-surface wind flow of the atmospheric boundary layer. Specifically, the surface layer region of the atmospheric boundary layer is well modeled in this wind tunnel. The surface layer is that region of air from the earth’s surface up to about 50 to

100 meters in height and under neutral atmospheric stability conditions, where the mean turbulent velocity profile is two-dimensional and is not substantially affected by the Coriolis motion due to the earth's rotation. Many researchers (Davenport and Isyumov, 1968; Cermak, 1971; Cook, 1975; Hunt and Fernholz, 1975; Huang et al., 2009; White, 2016; and others) have documented that a properly designed and built atmospheric boundary layer wind tunnel will accurately model the surface layer of the atmosphere under neutral atmospheric stability conditions.

Following the December 1, 2015 presentation of the Candlestick Preservation Association (CPA), the City retained the services of Charles Bennett, Dr. Bruce White, and Dr. C. P. van Dam, who were tasked with reviewing CPA's December 1, 2015 presentation, including the presentation by EnviroComp Consulting, as well as EnviroComp Consulting's report. Their report, which was provided to the City Council and discussed at its March 16, 2017 meeting, sets forth the following conclusions:

1. The methodologies and standard of care used in the Baylands EIR in relation to windsurfing are the same as have been used in a large number of EIRs prepared to determine the physical effects of proposed development projects on the wind environment throughout the San Francisco Bay Area.
2. The scientific tool used to analyze wind-related impacts in the Baylands EIR was well-established wind tunnel testing. The wind tunnel testing methodology used to evaluate impacts of proposed Baylands development "is a commonly used method and is widely accepted in the scientific community." The methods used in the wind tunnel analysis were determined by the scale of the model and are in compliance with similarity criteria required for accurate wind tunnel testing. The wind tunnel testing conducted at UC Davis thus yielded valid results.
3. A review of available scientific literature regarding the efficacy of wind tunnel modeling, although not required for preparation of an EIR, was undertaken in the report by Bennet, White, and van Damm, and validates the use of wind tunnel testing as was undertaken for the Baylands EIR.
4. The wind analysis undertaken for the Baylands, the significance threshold used to determine the significance of impacts, and the way "substantial degradation" of resources were analyzed in the EIR represent appropriate objective standards.
5. The principal conclusion of the EIR that "incremental changes in wind speed and turbulence in the launch and sailing areas are expected to be undetectable to most windsurfers" is supported by the scientific data collected from the wind tunnel tests, and specifically by analyzing changes in wind speed ratios and turbulence intensity.
6. The analysis area used in the EIR was based on Notice of Preparation comments provided by the San Francisco Boardsailing Association, which defined the most critical area for windsurfing.
7. Even with all the advancements in computer simulation of wind patterns over recent decades, accurate computer modelling and simulation of the effects of new development on wind patterns remains a challenging task. To accurately analyze impacts of large-scale development such as Baylands development on windsurfing resources requires both large-scale modeling of atmospheric conditions and micro-scale modeling of the effects of proposed buildings. Both scales have their own specific tools, which are each ill-adapted for the other. To yield scientifically valid results requires "multi-scale simulations," which

cannot be accomplished using currently available modelling packages. No generalized methodology for “multi-scale simulation,” has been validated.

8. To create a computerized model that would accurately evaluate the effects of large-scale development of Baylands development on windsurfing would require use of a modelling package that is not yet commercially available.

Once modelling of Baylands area wind, topographic, and development conditions was completed, the only way to validate the such a model would be to compare its results to those of wind tunnel testing.

### 13. Traffic and Transportation

- a. *Impact 4.N-6: Would the Project cause an increase in transit demand that could not be accommodated by train transit capacity (BART and Caltrain), or would require changes to Caltrain operations at the Bayshore Station and on the Bayshore/Brisbane four-track rail segment, resulting in unacceptable levels of transit service?*

**Impact on BART Capacity.** The additional of transit ridership resulting from proposed Baylands would contribute to regional train transit volumes that exceed capacity on the BART East Bay line (under Existing and Cumulative) and on the BART South Bay line (under Cumulative conditions). However, the contribution of Baylands development would represent less than 2 percent of the forecasted *increase* in transit demand. The increase in Baylands-related ridership demand would cause neither an unacceptable level of transit service nor a significant increase to transit demand. Therefore, the Baylands’ contribution to the cumulative impact is less than significant.

**Impact on Caltrain Capacity.** Ridership volume with or without Baylands development is not forecasted to exceed capacity on the Caltrain line, based on the peak hour service levels operated by Caltrain (five trains in each direction during the AM and PM peak hours), including those trains that currently pass the Baylands without stopping at the Bayshore Station. This condition does not require an increase in the total number of trains operated by Caltrain.

**Impact on Caltrain Operations at Bayshore Station and on Bayshore/Brisbane Four-Track Rail Segment.** Caltrain is currently overburdened during the peak hours of 4:30 A.M.-9:00 A.M. and 3:00 P.M.-7:00 P.M. Baylands development would generate a substantial increase in Caltrain ridership, with as many as 3,500 daily riders under the Baylands General Plan Amendment. Additional ridership demand via the Bayshore Station would be generated by planned development north of the Baylands in San Francisco, while improved connectivity between Bayshore Boulevard and the Bayshore Station would allow for increased use of the Bayshore Station to accommodate transfers from the Muni T-line and San Bruno Avenue bus lines.

Impacted peak-hour trains largely consist of the northbound morning and southbound evening routes, but also some of the southbound morning and northbound evening routes. In 2016, 21 out of 92 weekday trains operated at or above 95 percent capacity during the survey period of January 19-March 19.

On September 6, 2016, Caltrain granted contracts to construct electrification infrastructure and manufacture the electric trains (i.e., rolling stock). The first electric trains are anticipated to be in service at the end of 2020 or early 2021. On May 22, 2017, the Federal Transit Administration approved a \$647 million grant to electrify Caltrain, comprising a key component of funding for Caltrain's \$2 billion electrification project.

Electrification will result in faster and more reliable Caltrain service, offering more than 110,000 total rides per day once completed, up from 60,000 in 2017. However, there is expected to be an intermediary period starting in 2021 with the release of the new trains, in which 75 percent of the Caltrain fleet will be electric while 25 percent remains diesel. Currently, 40 trains service the Bayshore station. The Peninsula Corridor Electrification Project Final EIR shows that the Caltrain electrification project will increase service to Bayshore station to 54 trains by 2040.

The Baylands General Plan Amendment would not cause an increase in transit demand that could not be accommodated by train transit capacity (BART and Caltrain), nor would Baylands development require changes to Caltrain operations at the Bayshore Station or on the Bayshore/Brisbane four-track rail segment. Existing plus project and cumulative impacts would be less than significant.

*b. Impact 4.N-7: Would the Project cause an increase in transit demand that could not be accommodated by San Francisco Muni or SamTrans transit capacity?*

**Impact on T-Line and San Bruno Avenue Transit Corridors.** Peak ridership on the T-Line and San Bruno Avenue Muni routes is highest in the downtown San Francisco peak direction (i.e., northbound to downtown San Francisco during the AM peak period and southbound from downtown San Francisco during the PM peak period). The majority of transit trips between San Francisco and the Baylands would be in the "reverse peak" direction (i.e., southbound to the Baylands during the AM peak period and northbound from the Baylands during the PM peak period). Therefore, Baylands development would not result in unacceptable levels of transit service or increased operating costs to the Muni T-line or San Bruno Avenue bus lines due to the anticipated pattern of Baylands development travel and impacts would be less than significant.

**Impact on Geneva Avenue Transit Corridor.** The Baylands General Plan Amendment would increase transit demand for bus rapid transit (BRT) service along the Geneva Avenue corridor by approximately 1,750 daily riders, including approximately 205 PM peak hour riders (total for both directions).

Implementation of the proposed Geneva Bus Rapid Transit would meet this demand for transit along the Geneva Avenue corridor, with 12 peak hour buses (6 in each direction) operating between the Balboa Park BART Station and Hunters Point Shipyard. Portions of the Geneva Bus Rapid Transit system would operate within an exclusive right-of-way, including segments within the

Baylands. Funding for the Geneva Bus Rapid Transit has not yet been obtained, with a portion of funding to be contingent on the timeline for redevelopment of Candlestick Point and Hunters Point. Because those projects are required to participate in funding, BRT service along the Geneva Avenue corridor is assumed to be available under future cumulative conditions with or without Baylands development.

**Impact on SamTrans Service.** Only 1 percent of Baylands transit riders are anticipated to use SamTrans service. This would result in 8 trips during the PM peak hour under the Baylands General Plan Amendment. Otherwise, Baylands transit riders would be accommodated on the BART, Caltrain, and Muni systems. Given the projected low ridership on SamTrans, no significant impacts would result.

*c. Impact 4.N-14: Would the Project result in a change in air traffic patterns?*

The Baylands is located more than 2 miles from the nearest public airport, the San Francisco International Airport, or airstrip. Development would not conflict with an airport land use plan nor present any other impact related to a public airport use or private airstrip. No impact would result.

*d. Impact 4.N-15: Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?*

Design of all proposed transportation and circulation features would be required to be consistent with the Brisbane General Plan and applicable City roadway design standards. The review of the required Specific Plan for the Baylands would provide for implementation of City roadway design standards. Site-specific development within the Baylands would also be subject to review and approval by the City. While Baylands development would include installation of roadways and pedestrian and bicycle facilities, the City's development review process would ensure that applicable roadway and trail design standards are adhered to, and that safety hazards or incompatible uses are avoided. Thus, this impact would be less than significant.

*e. Impact 4.N-16: Would the Project result in inadequate emergency access, defined as physical or traffic congestion impediments that would prevent emergency vehicles from traveling to and from an emergency situation?*

Baylands development would include the construction of new roadways to facilitate emergency access to locations. Existing emergency response routes in the vicinity of the Baylands would either be maintained as is or rerouted as necessary. The required Specific Plan and development will be required to be designed in accordance with City and North County Fire Authority standards, which include provisions that address emergency access (e.g., minimum street widths, minimum turning radii). In addition, emergency vehicles would be able to use transit lanes when streets are congested. Therefore, impacts on emergency access would be less than significant.

## **14. Utilities, Service Systems, and Water Supply**

*a. Impact 4.O-2: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*



Baylands development Site would result in a substantial increase in the generation of wastewater. Until an onsite recycled water plant is in full operation producing water for onsite irrigation purposes, all wastewater flows would be discharged to the existing Bayshore Sanitary District (BSD) wastewater collection system and sent to the SFPUC for treatment and discharge to San Francisco Bay. As part of the required Specific Plan for the Baylands, a preliminary infrastructure plan would be prepared to identify how wastewater infrastructure, including treatment capacity, would be provided and how construction of such infrastructure would be phased and financed. Such a preliminary infrastructure plan would be subject to review and approval by the City. Thus, wastewater flows from Baylands development would be properly treated and disposed of through facilities that comply with RWQCB wastewater treatment requirements and impacts would be less than significant.

- b. Impact 4.0-3: Would the Project result in the construction of new water, wastewater treatment, and/or stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

**Water Treatment.** No water treatment facilities for the provision of potable water supplies to future uses within the Baylands would be needed or constructed as part of development of the Baylands, and there would be no impact.

- c. Impact 4.0-4: Would the Project generate wastewater that would exceed wastewater treatment requirements of the San Francisco Regional Water Quality Control Board (SFRWQCB)?*

Construction and operation of an onsite recycled water plant would require detailed engineering design, development, and approval of wastewater treatment requirements by the RWQCB, and further project-level environmental evaluation specific to recycled water plant construction and operation. The facility would be designed and engineered to produce tertiary-treated effluent that conforms to the requirements of California Code of Regulations Title 22 for unrestricted reuse of recycled water to replace the use of potable water onsite for irrigation, toilet flushing demands, and other non-potable uses. Therefore, operation of the recycled water plant would result in less-than-significant wastewater discharge requirements impacts.

- d. Impact 4.0-5: Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs during construction?*

Buildout of the Baylands is anticipated to occur over a 20-year period and would generate a substantial amount of solid waste such as wood, metal, concrete, bricks, drywall/gypsum/sheetrock, carpet, and dirt/fill during construction. The Baylands General Plan Amendment would generate 20,414 to 21,343 tons of solid waste over the construction period. This is approximately 19 to 23 percent less than the 26,381 tons that would be generated by the DSP scenario analyzed in the EIR. Chapter 15.75 of the Brisbane Municipal Code sets forth requirements for solid waste diversion and recycling and requires that construction and demolition debris be

diverted from going to a landfill by using recycling, reuse, and diversion programs that development under the Baylands General Plan Amendment would be required to meet.

The combined remaining capacity of the local area landfills is 200,492,708 cubic yards. Solid waste disposed of during Baylands construction would represent approximately 0.01 percent of this remaining capacity. There would be no limitation on disposal of construction waste from the Baylands since local landfills that would accept this kind of waste have an estimated closure date of 2077 or earlier. Thus, impacts would be less than significant.

*e. Impact 4.0-6: Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs during operation?*

Recology provides solid waste collection and recycling services to the portion of the Baylands east of the Caltrain line, while the South San Francisco Scavenger Company provides solid waste collection and recycling services to the portion of the Baylands west of the Caltrain line and to the balance of the City of Brisbane. Both companies maintain extensive recycling and waste diversion programs.

The Baylands General Plan Amendment would result in generation of 87,460 to 91,460 pounds of solid waste daily. This represents a very small portion of remaining landfill capacity when taking into account implementation of programs required by Chapter 8.32 of the Brisbane Municipal Code for recycling, recovery, and participation in programs to reduce the quantity of waste sent to landfills, as described in Impact 4.0-7. In addition, there is remaining landfill capacity through 2077. Existing landfills would have adequate capacity to accept all Baylands-related waste, and impacts would be less than significant.

*f. Impact 4.0-7: Would the Project comply with existing federal, state, and local statutes and regulations related to solid waste?*

Baylands development would generate a substantial amount of solid waste, with a temporary waste stream generated during construction and a permanent waste stream generated from the new developed land uses after construction is complete. Disposal of Baylands demolition and construction-generated solid waste in a landfill must comply with Section 15.75 of the Brisbane Municipal Code, while operation of uses within the Baylands would be required to participate in the City's ongoing waste diversion programs. Therefore, this impact would be less than significant.

## **15. Energy Resources**

*a. Impact 4.P-2: Would Project buildings or other onsite operations use large amounts of energy, or use energy in a wasteful manner?*

Operational use of energy includes the heating, cooling, and lighting of buildings; water heating; operation of electrical systems and plug-in appliances within buildings; parking lot and outdoor lighting; the transport of electricity, natural gas, and water to the areas where they would be consumed; and operation of the proposed onsite recycled water plant. Given the substantial increase in the level of development of the Baylands, the resulting increase in energy use would be substantial.

The Baylands General Plan Amendment specifically requires Baylands development to be “designed so as to be energy neutral on an ongoing basis.” This General Plan policy, combined with upcoming state requirements for zero net energy use, will ensure that buildings and ongoing onsite operations within the Baylands would not use energy in a wasteful manner, nor would the Baylands use large amounts of energy on a per-unit basis. The result would be a less than significant impact.

### **C. Findings for Impacts Mitigated to Less Than Significant**

This section presents those significant environmental impacts identified the Baylands Draft EIR for which the implementation of mitigation measures identified in the Mitigation Monitoring and Reporting Program would reduce such impacts to a less than significant level along with the rationale set forth in Chapter 4 of the Draft EIR and Chapter 3 of the Final EIR for each such determination.

#### **1. Aesthetics**

##### *a. Impact 4.A-1: Would the Project have a substantial adverse effect on a scenic vista?*

Because the Baylands General Plan Amendment could permit buildings as tall as those analyzed in the EIR, should buildings with heights up to 80 to 160 feet be developed along the easternmost edge of the Baylands scenic views of the San Francisco Bay waters and shoreline, along with views of San Bruno Mountain from certain locations could be reduced. Overall, proposed Baylands development was found in the EIR to substantially block visibility of important visual features such that the aesthetic value of the views from these publicly accessible viewpoints would be significantly diminished. Because Baylands development would result in a substantial adverse effect on a scenic vista, Mitigation Measures 4.A-1a and 4.A-2 were proposed to decrease building height maximums and limit the potential blockage of scenic views of the Bay waters, Bay shoreline, and San Bruno Mountain as seen from the Sunnysdale neighborhood, John McLaren Park, Visitacion Valley, US Highway 101 southbound lanes, and Icehouse Hill.

Even though the total amount of development that would be permitted under the Baylands General Plan Amendment would be less than the DSP scenario addressed in the EIR, the potential for development to block or partially obscure bluewater views of the San Francisco Bay and views of San Bruno Mountain from US Highway 101 and the Bay Trail would remain, depending on the ultimate height, location, and massing of buildings. Therefore, Mitigation Measures 4.A-1a and 4.A-1b, which are specific to the DSP/DSP-V and CPP/PP-V scenarios, respectively, have been refined to read as follows.

**Mitigation Measure 4.A-1a:** Development within 350 feet of the eastern boundary of the Baylands (US Highway 101) shall be designed to avoid blockage of views of the Bay shoreline by maintaining a building setback of 350 feet from the US Highway 101 right-of-way. Any specific plan approved for development within the Baylands shall include development standards setting forth this requirement.

**Mitigation Measure 4.A-1b:** Development within the Baylands shall be designed so as to maintain views of San Bruno Mountain and the ridgeline to the north as viewed from US Highway 101 and the San Francisco Bay Trail.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.A-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.A-1 to a less than significant level.

**Rationale for Finding:** With implementation of refined Mitigation Measures 4.A-1a and 4.A-1b, bluewater views of the Bay and views of San Bruno Mountain will be preserved. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect on a scenic vista and impacts on scenic vistas would be reduced to less than significant.

*b. Impact 4.A-3: Would the Project substantially degrade the existing visual character of the site and its surroundings?*

Baylands development would change the Baylands visual character as viewed from Central Brisbane and surrounding areas. The overall intensity of Baylands development proposed under each scenario analyzed in the EIR was substantially greater than the intensity assumed in the Baylands EIR for buildout of the Brisbane General Plan, as well as substantially greater than the existing Brisbane community and areas surrounding the Baylands. While the development intensity that would be permitted by the Baylands General Plan Amendment would be less than that of the DSP scenario, it would be substantially greater than which exists within the Baylands and was analyzed in the Baylands EIR for the No Project-General Plan Buildout Alternative.

Because of the high-intensity character of proposed development and resulting substantial differences in development intensity between the Baylands and surrounding areas, an adverse effect could result due to visual incompatibilities between Baylands development and its surroundings and this impact would be significant.

**Mitigation Measure 4.A-3:** All site-specific development projects within the Baylands shall be subject to the following standards, which shall be set forth in the required specific plan prepared for development of the Baylands:

- **Landscaping/Open Space:** Landscaping and open space areas shall be designed to provide usable outdoor spaces; to provide a pedestrian orientation within residential and non-residential development areas; and to avoid the appearance of a solid mass of buildings as viewed from within the Baylands, from US Highway 101, from Bayshore Boulevard, San Francisco Bay Trail, and from the representative viewpoints shown in EIR Figure 4.A-1.
- **Development Intensity, Setbacks, Stepbacks, and Building Heights:** Variations, including reductions in the development intensity of site-specific development sites within the Baylands from the maximum allowable development intensity, shall be provided to maintain compatibility with the development intensity of surrounding neighborhoods and community areas. Variations in building heights (including reductions from maximum allowable heights), along with appropriate building setbacks and provision of buildings stepbacks in height, shall be employed to maintain a feeling of openness within the Baylands' open space areas; to maintain compatibility with the scale of historic structures being preserved onsite; to reduce the perceived intensity of development as viewed from the Geneva Avenue extension, Bayshore Boulevard, and Central Brisbane; and to provide

view corridors through the Baylands so that development is not perceived as a solid mass of buildings when viewed from downtown Brisbane or the US 101 freeway.

- **Roofs:** Roof design shall be compatible with the building design and articulation, emphasizing color, form, and materials. Rooftop mechanical equipment shall be screened from visibility from the representative viewpoints shown in EIR Figure 4.A-1. Roofs shall incorporate opportunities for solar panels, which when installed need not be screened from view.
- **Fenestration:** Window patterns shall be well proportioned to the building, shall be varied to achieve diversity in architecture, and shall provide adequate light and air to interiors.
- **Building Articulation:** Facade articulation of a minimum of five feet shall be required at minimum intervals of 80 feet.
- **Building Materials:** Materials shall be high quality with textures and colors that further accentuate building design. Changes in building materials along a building face shall relate to building massing.
- **Signage:** Signage shall complement building design in material, scale, lettering, and lighting and enhance the public realm.
- **Transparency:** In retail buildings along publicly accessible frontages, 40 to 60 percent of ground-floor wall areas shall be transparent.
- **Building Facades:** Building design shall avoid large flat wall areas unbroken by protections, recesses, or other architectural features. Entrances shall be appropriately scaled and easy to find.
- **Outdoor Storage and Mechanical Equipment:** Any permitted outdoor storage or mechanical equipment shall be fully screened from view from areas accessible to the general public, as well as from the representative viewpoints shown in EIR Figure 4.A-1.
- **Parking:** Podium or structured parking shall be wrapped with active uses at ground level and not exposed to the street. As part of the approval of specific plan(s) for development within the Baylands, the City shall first make the finding that the design standards and guidelines contained in the specific plan set forth, at a minimum, these standards.

As part of the approval of all subsequent site-specific development within the Baylands, the approving body for such development shall first make the finding that the site-specific development being reviewed meets the standards and guidelines set forth in the applicable specific plan implementing the requirements of this mitigation measure.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.A-3. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.A-3 to less than significant.

**Rationale for Finding:** Implementation of the objective standards set forth in Mitigation Measure 4.A-3 through the required Specific Plan for the Baylands and the City's Design Review process would ensure that the orientation and location of buildings, structures, open spaces, and other features within the Baylands integrate well with each other and maintain a compatible relationship to adjacent development, reducing the impact of the Baylands development on the

visual character of the site and its surroundings to a less-than-significant level. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect on the existing visual character of the site and its surroundings and impacts would be reduced to less than significant.

*c. Impact 4.A-4: Would the Project create a new source of substantial glare that would adversely affect day or nighttime views in the area?*

Baylands development would increase daytime glare from new building materials, exterior glass, and roofing materials with a high solar reflectivity index. New buildings and structures could include highly finished surfaces that could be seen from nearby US Highway 101, air traffic, and nearby residential neighborhoods, causing a substantial increase in glare. The glare resulting from Baylands development could adversely affect motorists along US Highway 101 by impairing vision, as well as produce nuisance effects in adjacent residential neighborhoods to the north of the Baylands and any residential neighborhoods within the Baylands itself.

Development under the Baylands General Plan Amendment could result in new sources of glare that would be visible from other areas of Brisbane, from US Highway 101, and from adjacent scenic vistas. Additionally, a substantial amount of new building area would be introduced over a large portion of the Baylands that is now essentially devoid of sources of glare. Thus, although the Baylands General Plan Amendment would reduce the number and size of sources of glare compared to the proposed development analyzed in the EIR, glare impacts would be significant.

**Mitigation Measure 4.A-4b:** All building exteriors within the Baylands shall be composed of textured and other non-reflective materials, including high-performance tinted non-mirrored glass. Any reflective materials on building exteriors that have a light reflectivity factor greater than 30 percent shall be positioned so as to not reflect daytime glare onto the 101 freeway or onto existing residential communities in Brisbane and Visitacion Valley. Mirrored glass shall be prohibited.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.A-4. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.A-4 to less than significant.

**Rationale for Finding:** Implementation of Mitigation Measure 4.A-4b, would reduce the amount of development within the Baylands as compared to that which was analyzed in the EIR, and by positioning reflective materials on building exteriors that have a light reflectivity factor greater than 30 percent so as to not reflect daytime glare onto the 101 freeway or onto existing residential communities in Brisbane and Visitacion Valley, the Baylands General Plan Amendment would not have a substantial adverse effect related to daytime glare, and impacts on scenic vistas would be reduced to less than significant.

## **2. Air Quality**

*a. Impact 4.B-1: Would the Project result in localized construction dust-related air quality impacts?*

Baylands development will entail demolition of existing structures and other facilities, soil transport, remediation, grading, and other construction activities that would cause wind-blown dust and generate particulate matter releases into the atmosphere. Fugitive dust includes not only PM<sub>10</sub> and PM<sub>2.5</sub>, but also larger particles that can represent a nuisance impact.

Construction source air pollutant emissions of the Baylands General Plan Amendment would be similar to those of the proposed development analyzed in the EIR because of its similar development footprint, and also because remediation and grading activities would be similar. The Baylands General Plan Amendment would somewhat reduce construction impacts by reducing the amount of building area being constructed. However, since grading activities would not be reduced as compared to proposed development analyzed in the EIR, construction impacts would be reduced only to a small degree.

For fugitive dust emissions, the Best Management Practices (BMP) approach has been a pragmatic and effective approach to the control of fugitive dust emissions. The application of BMPs at construction sites have significantly controlled fugitive dust emissions. Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. In the aggregate, BMPs substantially reduce fugitive dust emissions from construction sites. BAAQMD recommendations that projects implement construction BMPs reduce fugitive dust emissions to a less than significant level (BAAQMD, 2009). Thus, implementation of these BMPs for construction impacts of development as extensive as that required for the Baylands would result in the same less than significant level of impacts as a large number of smaller projects that cumulatively represent the same amount of development as is proposed for the Baylands.

To address fugitive dust emissions during construction, the BAAQMD *CEQA Air Quality Guidelines* recommends the current Best Management Practices (BMP) approach. BMPs for controlling fugitive dust from construction are identified in Mitigation Measure 4.B-1.

**Mitigation Measure 4.B-1:** To reduce fugitive dust emissions, the following provisions shall be incorporated into construction specifications for all site-specific development projects within the Baylands. These measures would reduce fugitive dust emissions primarily during soil movement, grading and demolition activities but also during vehicle and equipment movement on unpaved site-specific development sites.

***Basic Controls that Apply to All Construction Sites***

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered as needed, but no less than two times per day on days with no precipitation.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
9. Construction foreman and crew shall receive training from contractors on implementation of the above emission reduction techniques prior to each development phase.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.B-1. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.B-1 to less than significant.

**Rationale for Finding:** Because BAAQMD BMPs for fugitive dust control would be required for all construction activities and implementation of those practices, Baylands development would result in fugitive dust impacts that are less than significant with implementation of the BMPs set forth in Mitigation Measure 4.B-1.

*b. Impact 4.B-8: Would the Project create objectionable odors affecting a substantial number of people?*

The eastern side of the Baylands is a former landfill, which was not listed as having been a source of odor complaints within the three years prior to EIR publication by Cal Recycle. Additionally, BAAQMD was contacted as part of EIR preparation to identify the odor complaint history of the existing Recology transfer station. There were no records of complaints having been sustained by the BAAQMD in the three years prior to EIR publication.

Construction of an onsite recycled water plant producing water for onsite irrigation would employ odor control measures using activated carbon canisters to be provided for all air vented from lift stations. For treatment units, all odor control systems are proposed to be two stage—biological technology such as bulk media bio-filtration followed by activated carbon. Screens and screening cleaning equipment would be enclosed in a building with negative pressure and air exhausted through a two-stage odor scrubbing system. Depending on its ultimate location within the Baylands, sensitive receptors could be as close as 400 feet to proposed residential units and about one-half mile from the nearest existing residential use. Because of the potential for this facility to



generate odors that may affect a substantial number of people, Mitigation Measure 4.B-8 would require implementation of a Recycled Water Plant Odor Control Plan to reduce odor impacts.

**Mitigation Measure 4.B-8: Recycled Water Plant Odor Management Plan.** Prior to the start of operation pursuant to issuance of a permit to operate from RWQCB, the recycled water plant shall formulate and implement a progressive Odor Management Plan for review and comment by BAAQMD prior to review and approval by the City. The Odor Management Plan shall select a sufficient number of control measures from the following menu of options identified by BAAQMD to attain a performance standard which meets the odor detection thresholds of BAAQMD Regulation 7 as achieved and verified by the BAAQMD inspector.

- Activated carbon filter/carbon adsorption
- Biofiltration/bio trickling filters
- Fine bubble aerator
- Hooded enclosures
- Wet and dry scrubbers
- Caustic and hypochlorite chemical scrubbers
- Ammonia scrubber
- Energy efficient blower system
- Thermal oxidizer
- Capping/covering storage basins and anaerobic ponds
- Mixed flow exhaust
- Wastewater circulation technology
- Exhaust stack and vent location with respect to receptors

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.B-8. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.B-8 to a less-than-significant level.

**Rationale for Finding:** Due to decreased sewage flows under the Baylands General Plan Amendment, and with implementation of Mitigation Measure 4.B-8, the Baylands General Plan Amendment would not have a substantial adverse effect to odors and impacts would be reduced to less than significant.

### **3. Biological Resources**

- a. *Impact 4.C-2: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?*

Baylands development would be preceded by remediation activities including removal of soils and importation and placement of clean fill to achieve clean-up goals and required levels of safety for future uses. Title 27 closure activities associated with the former landfill area including cleanup within and along the Visitation Creek channel would impact sensitive natural communities including tidally influenced banks of Visitation Creek either by temporary removal of tidal habitats during remediation, or through indirect effects such as increase in storm water runoff into sensitive habitats while work is occurring within or adjacent to the creek channel. Remediation actions taken at the former railyard would require removal of contaminated soils and placement of clean fill to achieve clean-up goals and required levels of safety for future uses. Remediation actions in the former railyard would impact and displace sensitive natural communities including freshwater emergent wetlands that have formed on the existing fill material that is the current substrate at the site, and the Visitation Creek channel. Although the long-term results of remediation would be beneficial, impacts to existing sensitive natural communities would be significant.

**Mitigation Measure 4.C-2a:** The applicant shall avoid or minimize adverse effects on sensitive natural communities and restored wetland mitigation areas created to comply with remediation permit requirements or any restored habitat that may have been created as part of site clean-up actions. After Baylands remediation has concluded, measures shall be implemented to avoid impacts to sensitive natural communities or restored habitat areas, including the installation of silt fencing, straw wattles, or other appropriate erosion and sediment control methods or devices to prevent runoff and construction debris from entering these areas. Such measures shall also be employed where pre-construction grading and post-remediation development may require work adjacent to sensitive natural communities, either prior to or after restoration of those areas occurs. Where construction activities occur in the vicinity of sensitive natural communities onsite, the following shall be implemented to ensure no loss of restored mitigation sites:

- Fencing shall be erected adjacent to the areas where construction is occurring to avoid unintended impacts to sensitive natural area that occur just outside the construction area and shall be constructed in a manner that will not impede wildlife access to wetland areas. Construction workers shall be educated about local resources and instructed to avoid sensitive habitats during construction including limiting any human intrusion into natural areas.
- If work in the vicinity of natural communities cannot be avoided, work within these areas shall be conducted during the dry season, typically between May 1 and October 15, and shall occur under permit authority of CDFW, Corps and RWQCB pursuant to the CWA Section 404 requirements for avoidance, mitigation and monitoring. Mitigation Measures 4.2-2b and 4.C-2c shall also apply if work cannot be avoided in or directly adjacent to sensitive natural areas or restored habitats created as part of site cleanup actions.

**Mitigation Measure 4.C-2b:** The measures described below shall be employed to avoid degradation of natural communities or sensitive natural communities by maintaining water quality and controlling erosion and sedimentation during construction as required by compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities and as established by Mitigation Measures 4.H-1a and 4.H-1b (see

EIR Section 4.H, *Hydrology and Water Quality*) to address impacts on water quality. In addition, measures shall include, but not be limited to, the following:

- Installing silt fencing between aquatic sensitive natural communities and Project-related activities;
- Locating fueling stations away from potentially jurisdictional areas and features; and
- Otherwise isolating construction work areas from any identified jurisdictional features.

**Mitigation Measure 4.C-2c:** Where disturbance to sensitive natural communities cannot be avoided, compensation shall be provided for temporary impacts and permanent loss to ensure that there is no overall loss of sensitive natural communities as a result of Baylands development. Onsite, in kind replacement of sensitive natural communities including coastal scrub, willow scrub, tidal marsh, freshwater emergent wetlands, and lined manmade drainages that have developed bed and bank characteristics shall be a condition of development. Compensation shall be detailed on an impact-specific basis and shall include development of an onsite wetland mitigation and monitoring plan, which shall be developed prior to Baylands development or in coordination with permit applications and/or conditions. Alternately, offsite mitigation may be pursued through an approved mitigation bank, although this option may result in a higher ratio for compensation. At a minimum, such plans shall include:

- Baseline information, including a summary of findings for the most recent wetland delineation conducted within the Baylands;
- Anticipated habitat enhancements to be achieved through compensatory actions, including mitigation site location (i.e., onsite enhancement or offsite habitat creation) and hydrology;
- Performance and success criteria for wetland creation or enhancement including, but not limited to, the following:
  - At least 90 percent survival of installed plants for each of the first three years following planting.
  - Performance criteria for vegetation percent cover in Years 1-4 as follows: at least 10 percent cover of installed plants in Year 1; at least 20 percent cover in Year 2; at least 30 percent cover in Year 3; at least 40 percent cover in Year 4; and at least 50 percent cover in Year 5.
  - Performance criteria for hydrology in Years 1-5 as follows: 14 or more consecutive days of flooding, ponding, or a water table 12 inches or less below the soil surface during the growing season at a minimum frequency of three of the five monitoring years; OR establishment of a prevalence of wetland obligate plant species.
  - Invasive plant species that threaten the success of created or enhanced wetlands should not contribute relative cover greater than 35 percent in Year 1, 20 percent in Years 2 and 3, 15 percent in Year 4, and 10 percent in Year 5.
  - If necessary, supplemental water shall be provided by a water truck for the first two years following installation. Any supplemental water must be removed or turned off for a minimum of two consecutive years prior to the end of the monitoring period, and the wetland must meet all other criteria during this period. At the end of the five-year

monitoring period, the wetland must be self-sufficient and capable of persistence without supplemental water.

- At least 75 percent cover by hydrophytic vegetation at the end of the five-year monitoring period. In addition, wetland hydrology and hydric soils must be present and defined as follows:
  - *Hydrophytic vegetation* – A plant community occurring in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present.
  - *Wetland hydrology* – Identified by indicators such as sediment deposits, water stains on vegetation, and oxidized rhizospheres along living roots in the upper 12 inches of the soil, or satisfaction of the hydrology performance criteria listed above.
  - *Hydric soils* – Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions, which are often characterized by features such as redox concentrations, which form by the reduction, translocation, and/or oxidation of iron and manganese oxides. Hydric soils may lack hydric indicators for a number of reasons. In such cases, the same standard used to determine wetland hydrology when indicators are lacking can be used.
- Five years after any wetland creation, a wetland delineation shall be performed to determine whether created wetlands are developing according to the success criteria outlined in the project permits. If they are not, remedial measures such as re-planting and or re-design and construction of the created wetland shall be taken to ensure that the Project's mitigation obligations are met.
- Monitoring and reporting requirements. If permanent and temporary impacts cannot be compensated onsite through the restoration or enhancement of wetland features incorporated within proposed open space areas, the specific project applicant shall provide additional compensatory mitigation for these habitat losses. Potential options include the creation of additional wetland acreage onsite or the purchase of and maintenance in perpetuity of offsite mitigation as approved by the City. Offsite compensatory mitigation would be required to fulfill the performance standards described above.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.C-2. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.C-2 to a less-than-significant level.

**Rationale for Finding:** Because performance standards in Mitigation Measures 4.C-2a, 4.C-2b, and 4.C-2c ensure no overall loss of either the total area/amount or the functions and values of sensitive natural communities, impacts with implementation of mitigation measures, including compliance with regulatory requirements, would be less than significant, and post development site conditions could result in greater quantity and higher overall habitat quality than what currently exists within the site. The, the Baylands General Plan Amendment would not have a substantial adverse effect on riparian habitats, and impacts would be reduced to less than significant.

- b. Impact 4.C-3: Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA through direct removal, filling, hydrologic interruption, or other means?*

Remediation and grading activities would result in substantial adverse effects on wetlands and waters of the United States as defined by Section 404 of the Clean Water Act, and Waters of the State, as defined by the Porter-Cologne Water Quality Act, overseen by the RWQCB pursuant to Section 401 of the Clean Water Act. These activities would occur within the landfill and railyard footprints prior to Baylands development build out.

Significant impacts include permanent fill of freshwater emergent wetlands and manmade drainages occurring on the former railyard; permanent fill of un-vegetated manmade drainage ditches, freshwater emergent wetlands, and tidally influenced wetlands at Visitation Creek within the landfill footprint. The fill of jurisdictional waters as a result of remediation and grading activities would result in loss of wetland area to create appropriate soil elevations for the purpose of containment of contaminants required prior to Baylands development.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.C-3. Specifically, Mitigation Measures 4.C-2a, 4.C-2b, and 4.C-2c, presented above, are feasible and are adopted to mitigate significant effects from Impact 4.C-3 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measures 4.C-2a, 4.C-2b, and 4.C-2c would reduce impacts on wetlands. Because the performance standards for remediation and grading activities set forth in Mitigation Measure 4.C-2c include ensuring that the total area and/or overall functions and values of jurisdictional wetlands or waters of the U.S. would be maintained, impacts of filling jurisdictional wetlands during site remediation and grading would be reduced to less than significant.

- c. Impact 4.C-4: Would the Project affect movement of wildlife species, active wildlife corridors, and wildlife nursery sites supporting breeding?*

Contiguous undeveloped areas, stream or drainage channels, and other linear arrangements of open space within urban habitats, such as Visitation Creek constitute sufficient cover and potential movement corridors for local animals such as racoons and other common species and also sensitive species. Utilizing cover along vegetated channels and contiguous undeveloped vegetated areas, local ground-dwelling and avian wildlife species are able to maneuver from place to place within a given environment without encountering barriers to their movement patterns.

Open space areas in the vicinity of the Baylands that support sensitive wildlife populations and attract wildlife movement include the San Bruno Mountain area to the west, and wetland and aquatic habitats in San Francisco Bay located to the east. Currently, suitable wildlife habitat within the Baylands supportive of wildlife movement is limited to Icehouse Hill, which exhibits suitable habitat and could attract butterfly species present in the San Bruno Mountain area, and aquatic habitat in the lagoon which may attract fish species present in San Francisco Bay. Within the interior of the site currently much of the area is open, with vegetation having established upon

landfill closure substrate and areas composed of fill and subject to heavy disturbance. Overall, existing habitat quality is low, with large expanses of compacted bare ground that are not likely to attract sensitive wildlife or facilitate local animal movement.

Build out of the Baylands would result in establishment and maintenance of contiguous open areas and linear habitat features that could facilitate animal movement onsite, including Visitation Creek, that would maintain connectivity within the Baylands and increase habitat quality onsite compared to existing conditions. Development of the Baylands under those scenarios would not create barriers to site access for species present in the vicinity and would not inhibit on-site animal movement corridors. Proposed Baylands development under each of the four scenarios includes contiguous open space areas of sufficient width to facilitate animal movement onsite.

Birds such as songbirds and special status species can be affected by human-built structures because of their propensity to migrate at night, their low flight altitudes along coastal areas such as the San Francisco Bay, and their tendency to be disoriented by artificial light, making them vulnerable to collision with obstructions. Both tall structures and in particular reflective window surfaces create collision hazards for migrating birds because a majority of bird strikes occur when birds do not recognize windows on buildings.

The Baylands General Plan Amendment could result in some buildings in excess of 100 feet in height. Thus, buildings within the Baylands under the could pose collision hazards to migratory birds as effects associated in tall buildings and the reflection from window surfaces of those buildings can alter the flight patterns of migratory birds and substantially increase the potential for bird strike collisions with the structures. Due to the potential for individuals of special status bird species to collide with windows and reflective surfaces on tall buildings associated with development of the site, this would be a significant impact requiring mitigation.

Build out of Baylands could result in significant impacts to wildlife movement onsite or onto the site from nearby open space areas.

**Mitigation Measure 4.C-4a:** Development in the Baylands shall be subject to a requirement for a comprehensive Open Space Plan for the Subarea to be prepared by a landscape architect in coordination with a qualified habitat restoration biologist and included as a component of any Specific Plan within the Baylands. The Plan shall incorporate designs to provide for wildlife movement corridors and to enhance habitat for native wildlife species. Specific requirements shall include the following:

- Landscaped areas shall contain a mosaic of native habitat types that support fauna of the surrounding area, including coastal scrub, grassland, and willow scrub habitats. Tree plantings shall be limited to native species whenever possible, as these species could create more nesting and roosting habitat for native birds and bats.
- Landscape plans shall incorporate both east-west and north-south open space areas, to promote both linkages between upland habitats and San Francisco Bay and linkages between upland habitats along the Bay shoreline.

- Removed trees shall be replaced at a minimum ratio of 1:1 (native trees shall be substituted for non-native trees whenever possible). The minimum ratio of 1:1 shall be met five years after planting; initial plantings may require greater than 1:1 ratio to achieve this standard.
- Nest boxes for bats and cavity-nesting bird species shall be installed in passive recreational areas.

**Mitigation Measure 4.C-4b:** Development shall be subject to a requirement for a Marsh Wildlife and Habitat Protection Plan for the Baylands to be prepared as part of the specific plan process. The Habitat Protection Plan shall be prepared by a qualified biologist, subject to approval by the Brisbane Community Development Department. and must be implemented prior to or concurrently with construction of site-specific development projects in the Baylands. The Plan shall provide for accommodating the hydrologic effects of 100 years of projected sea level rise, recognize potential negative effects of rodent population management programs, and include (but not be limited to), the following components:

- To minimize the effect of night lighting on wetland habitats adjacent to Baylands development, the following shall apply in the vicinity of wetlands located north of the lagoon, development north and south of the Visitacion Creek channel, and any development adjacent to freshwater wetlands in the western portion of the Baylands:
  - Street lighting shall be provided only at intersections.
  - Low-intensity street lamps and low elevation lighting poles shall be provided.
  - Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from preserved wetland or open water habitats.
  - In addition, private sources of illumination around homes shall also be directed and/or shaded to minimize glare into these habitats.
- Residential and commercial leases within the Baylands shall prohibit building occupants from creating outdoor feeding stations for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as red fox, raccoon, or opossums. Such restrictions shall be monitored by a property owners association which shall have the right to impose fines for violation of this requirement.
- If a buffer cannot be accommodated between development and habitat areas, cyclone fencing with vinyl slats (or an equivalent screening barrier) at a minimum height of three feet for screening shall be installed outside of wetland habitat and between any preserved wetland or open water habitat and all residential or commercial development. Appropriate native vegetation shall be planted both inside and outside of the fence to provide further screening.
- If control of rodent populations in open space areas becomes necessary trapping and use of non-poisonous methods shall be utilized. Any rodent control actions would be coordinated and documented with the County Health department.
- An education program for residents shall be developed including posted interpretive signs and informational materials regarding the sensitivity of preserved habitats, the dangers of unleashed domestic animals in this area. Such restrictions shall be monitored by a property owners association which shall have the right to impose fines for violation of the pet policy. Such information shall be provided in the vicinity of onsite marshes where public access is provided.

**Mitigation Measure 4.C-4c:** All development within the Baylands shall be required to have a no pets policy for construction workers. Following site development, pet owners shall be required to remove any pet waste from trails or any other areas within the Baylands to prevent potential introduction of pathogens to local wildlife populations via transmittal through fecal matter. To provide effective predator control, feral animal trapping may be necessary.

**Mitigation Measure 4.C-4d:** During design of any building greater than 100 feet tall, the applicant and architect shall consult with a qualified biologist experienced building/lighting design issues (as approved by the City of Brisbane Planning Department) to identify lighting related measures to minimize the effects of the building's lighting on birds. Such measures, which may include the following and/or other measures, shall be incorporated into the building's design and operation.

- Use strobe or flashing lights in place of continuously burning lights for obstruction lighting. Use flashing white lights rather than continuous light, red light, or rotating beams.
- Install shields onto light sources not necessary for air traffic to direct light towards the ground.
- Extinguish all exterior lighting (i.e., rooftop floods, perimeter spots) not required for public safety.
- When interior or exterior lights must be left on at night, the operator of the buildings shall examine and adopt alternatives to bright, all-night, floor-wide lighting, which may include:
  - Installing motion-sensitive lighting.
  - Using desk lamps and task lighting.
  - Reprogramming timers.
  - Use of lower-intensity lighting.
- Windows or window treatments that reduce transmission of light out of the building shall be implemented to the extent feasible.
- Educational materials shall be provided to building occupants encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing drapes and blinds at night.
- A report of the lighting alternatives considered and adopted shall be provided to the City of Brisbane Planning Department for review and approval prior to construction. The City of Brisbane Planning Department shall ensure that lighting-related measures to reduce the risk of bird collisions have been incorporated into the design of such buildings to the extent practicable.

**Mitigation Measure 4.C-4e:** During design of any building greater than 100 feet tall, the applicant and architect shall consult with a qualified biologist experienced with urban building bird strikes design issues (as approved by the City of Brisbane Planning Department) to identify measures related to the external appearance of the building to minimize the risk of bird strikes. Such measures, which may include the following and/or other measures, shall reflect most current practice in bird strike protection, and be incorporated into the building's design:



- Treat all windows to decrease reflectivity, including use of non-reflective tinted glass.
- Window films to make windows visible to birds from the outside.
- Use external surfaces/designs that break up reflective surfaces.
- Place bird attractants, such as bird feeders and baths, at least three feet and preferably 30 feet or more from windows in order to reduce collision mortality.
- Use of outdoor lighting and colors of lighting that increase visibility of buildings to birds without substantially increasing energy consumption or decreasing public safety.
- A report of the design measures considered and adopted shall be provided to the City of Brisbane Planning Department for review and approval prior to construction. The City of Brisbane Planning Department shall ensure that building design related measures to reduce the risk of bird collisions have been incorporated to the extent practicable.

**Mitigation Measure 4.C-4f:** Prior to tree removal, trimming of trees or shrubs or soil disturbance for site grading, a survey of suitable nesting habitat shall be conducted by an avian biologist familiar with Bay Area species and habitats to map the location of vegetation that could support avian species. If ground-disturbing activities or vegetation removal are proposed during the breeding bird season (January 1 through September 15), to avoid direct losses of nests, eggs, and nestlings and indirect impacts on avian breeding success, a qualified avian biologist shall survey active sites for nesting raptors and passerine birds not more than 14 days prior to the ground-disturbing activity or vegetation removal. Surveys shall include all trees in line-of-sight and within 500 feet of construction for raptors, and all vegetation (including bare ground within 250 feet) for all other species. If active nests are found, tree removal or tree trimming and construction activities, including soil disturbance, construction noise, increased human presence, would be halted and the nest would be monitored by a qualified biologist who shall verify when the nestlings have fledged and left the nest.

**Mitigation Measure 4.C-4g:** Applicants for site specific development projects pursuant to an approved specific plan within the Baylands shall take the following measures to avoid direct mortality of roosting special-status bats and disturbance of maternity roosts or winter hibernacula:

- A bat biologist familiar with Bay Area species shall conduct surveys of all potential bat habitat, including areas suitable for maternity roosts and/or winter hibernacula within a site proposed for development prior to initiation of construction activities, including initial grading. Surveys shall be conducted within one year prior to construction to capture current bat habitats at the site, as presence of bats could vary yearly, and survey results several years before impacts occur could be inaccurate. Potentially suitable habitat shall be located visually. Bat emergence counts shall be made at dusk as the bats depart from any suitable habitat. In addition, an acoustic detector shall be used to determine any areas of bat activity. At least four nighttime emergence counts shall be undertaken on nights that are warm enough for bats to be active. The bat biologist shall determine the type of each active roost (i.e., maternity, winter hibernacula, day or night).
- Removal or trimming of trees or demolition of buildings showing evidence of bat activity shall occur during the period least likely to affect the bats as determined by a qualified bat biologist (generally between February 15 and October 15 for winter hibernacula and

between August 15 and April 15 for maternity roosts). If active day or night (non-maternity) roosts are found, the bat biologist shall take action to allow individual bats to depart prior to tree removal or building demolition.

- During construction, a no-disturbance buffer shall be created around active bat roosts being used for maternity or hibernation purposes at a distance to be determined in consultation with CDFW. Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.C-4. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.C-4 to a less-than-significant level.

**Rationale for Finding:** The performance standards and actions in Mitigation Measures 4.C-4a through 4.C-4g would ensure the ability of wildlife species to move through the Baylands in appropriate locations by creating and maintaining active wildlife corridors. These performance standards and actions would also protect wildlife nursery sites supporting breeding and impacts would be less than significant with mitigation. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect on 4.C-4 and impacts would be reduced to less than significant.

#### **4. Cultural Resources**

- a. Impact 4.D-1: Would the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

**Direct Impacts.** The 1907 Roundhouse located within the Baylands is listed in the National Register of Historic Places and the California Register of Historic Resources and is identified by the Brisbane General Plan as an important cultural resource to the City. This building is thus a “historical resource” as defined by CEQA. Pursuant to General Plan policies, the Roundhouse would be renovated for adaptive reuse. However, restoration and reuse plans for this building would potentially not be completed until the Baylands is built out, permitting the Roundhouse to continue deteriorating, resulting in a substantial adverse change in the significance of a historical resource.

Since detailed plans for the restoration and reuse of the Roundhouse would be included as part of the required specific plan for the Baylands and are therefore not available at the current programmatic level of analysis, it must be assumed that the integrity of the structure could be damaged if restoration plans are not completed in a manner consistent with the Secretary of the Interior’s Standards for Rehabilitation. Under CEQA, a project that meets the Secretary of the Interior’s Standards is generally considered to have mitigated impacts on historical resources to less-than-significant levels (CEQA Guidelines Section 15064.5(b)(3).)

Thus, Baylands development would cause a substantial adverse change in the significance of the historic Roundhouse, a historical resource as defined in Section 15064.5, requiring mitigation.

**Mitigation Measure 4.D-1a:** Prepare an ordinance requiring preparation and implementation of a stabilization plan subject to review and approval by the Brisbane Planning Department to

protect and stabilize the Roundhouse from further deterioration and future vandalism. Such a plan may include, but is not limited to, additional protective fencing, signage, installation of temporary roof coverings to protect the interior from rainwater intrusion and covering of all window and door openings with plywood. In preparation of the stabilization plan, the property owner shall use the National Park Service's *Preservation Brief #31, Mothballing Historic Buildings*.

Prior to issuance of any planning or development approval for use of the historic Roundhouse (e.g., site development plan, building permit), the property owner shall submit a rehabilitation plan for the historic Roundhouse to the City for review and approval by the Brisbane Planning Commission. Implementation of the rehabilitation plan shall be completed prior to issuance of an occupancy permit for the historic Roundhouse.

The rehabilitation plan shall be consistent with the performance standards contained in the following documents:

- The Secretary of the Interior's Standards for Rehabilitation. Such standards call for the retention of significant, character-defining features of the building while finding a new use for the structure that is compatible with its historic character;
- The National Park Service's *Preservation Brief #17, Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Architectural Character*; and
- The National Park Service's *Preservation Brief #18, Rehabilitating Interiors in Historic Buildings - Identifying and Preserving Character-Defining Elements*.

To ensure compliance with the Secretary of the Interior's Standards for Rehabilitation, rehabilitation plans shall also be reviewed by a qualified consulting architectural historian who meets the Secretary of the Interior's Standards for Architectural History prior to action by the Planning Commission. The rehabilitation plans shall meet a minimum of 7 out of 10 of the standards.

The Secretary of the Interior's Standard #6, specifically, requires that replacement of missing features shall be substantiated by documentary and physical evidence. As nearly 50 percent of the building is missing due to fires and vandalism, such evidence is key to its successful rehabilitation. Original plans and early photographs of the Roundhouse are available at the Library and Collections Department of the California State Railroad Museum in Sacramento. These original plans and early photographs shall be used when preparing the rehabilitation plan for this building to ensure that rehabilitation efforts adequately preserve the historic architectural and structural integrity of the building.

**Indirect Impacts.** New development in the immediate vicinity of the Roundhouse may also cause a substantial adverse change in its significance by adversely affecting the building's historic setting if the development were completed in a manner incompatible with the historic structure. Buildings that would be significantly taller than the Roundhouse or would depart visually from the architecture of the Roundhouse would be incompatible with the historic setting of the resource. Incompatible new development would overwhelm or unnecessarily contrast with this historic

building, which would reduce the integrity of the building's historic setting. Great disparities in height or architectural style between the Roundhouse and new construction and would be considered incompatible. The result would be a significant impact, requiring mitigation.

**Mitigation Measure 4.D-1b:** All development within 300 feet of the Roundhouse or the building shall be designed to ensure their architectural compatibility with the historic Roundhouse, and to ensure that new buildings do not overwhelm or unnecessarily contrast with these historic buildings. To this end, all development projects shall incorporate a minimum 50-foot structural setback and appropriate heights, volumes, and materials for any proposed new buildings in the immediate vicinity to ensure compatibility with the Roundhouse. Appropriate heights of new construction adjacent to the Roundhouse would be the same as (about 25 feet), or slightly greater than (i.e., up to 15 feet greater than), the existing height of the building.

In addition, development within 300 feet of the Machinery & Equipment building shall be designed to ensure architectural compatibility with that structure. Appropriate heights of new construction adjacent to the Machinery & Equipment building would be the same as (about 40 feet) or slightly greater than (up to 10 feet greater than), the existing height of the building. Appropriate materials for new construction in the immediate vicinity of either building would be brick cladding and/or cementitious materials painted a similar dark red color, as well as Spanish tile roof cladding. Appropriate volumes for new development that would face the Roundhouse should mirror the curve of the existing structure. Appropriate volumes for new development in the vicinity of the Machinery & Equipment building would be rectilinear in massing.

All development projects within 300 feet of the Roundhouse or the Machinery & Equipment building shall be subject to City design permit review and approval prior to development.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.D-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.D-1 to a less-than-significant level.

**Rationale for Finding:** Because Mitigation Measure 4.D-1a addresses the need to arrest continued deterioration of the Roundhouse and requires its restoration and adaptive reuse, direct impacts on the historic Roundhouse would be reduced to less than significant. Because Mitigation Measure 4.D-1b requires new development to be compatible with historic buildings, Baylands development would not cause a substantial adverse change in the significance of the Roundhouse or the Machinery & Equipment building. The impact would be less than significant. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect on historic resources, and impacts would be reduced to less than significant.

*b. Impact 4.D-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

One known historic-period archaeological site, an artifact scatter from the late 19th and early 20th centuries, is located within the Baylands, but was determined not to be a historical resource or a unique archaeological resource. Additionally, the Baylands contains artificial fill associated with the 1906 earthquake, but this artificial fill would not likely yield important information in history or contain information needed to answer important scientific research questions and is therefore not a historical resource or a unique archaeological resource. No additional recorded archaeological resources are present within the Baylands. Archaeological resources have been recorded in the general vicinity to the west and south of Bayshore Boulevard.

Implementation of the Baylands General Plan Amendment would involve ground disturbance that could result in direct impacts on unknown archaeological resources or damage or destroy undiscovered significant archaeological resources within the Baylands. Ground disturbance would occur with implementation of remediation and grading activities and additional site preparation for future development. While discoveries of archaeological resources are not anticipated during site grading or construction, Mitigation Measure 4.D-2 addresses that impact on any previously unidentified archaeological resources.

**Mitigation Measure 4.D-2:** If any previously unidentified archaeological resources are discovered during ground-disturbing activities associated with development on the Baylands, all work within 100 feet of the resources shall be halted. The City, in consultation with a City-approved qualified consulting archaeologist, shall assess the significance of the find according to CEQA Guidelines Section 15064.5. Prehistoric materials subject to this measure might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials subject to this measure might include in-situ (in place) stone, concrete, or adobe footings and walls; filled wells or privies; and in-situ deposits of metal, glass, and/or ceramic refuse.

If any find is determined to be a historical resource or a unique archaeological resource, the City and the consulting archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. The City shall make the final determination. All archaeological resources recovered shall be subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

Preservation in place, i.e., avoidance, is the preferred method of mitigation for impacts on cultural resources and shall be required unless there are other equally effective methods. Preservation in place would include planning construction to avoid archaeological sites; deeding archaeological sites into a conservation easement, park, or green space; or capping/covering archaeological sites with a layer of soil before building. Other methods to be considered shall include archeological testing, archeological monitoring, and/or an archeological data recovery program that would include sample excavation, artifact collection, site documentation, and historical research. All archaeological work shall be completed in accordance with a Cultural Resources Management Plan prepared by the City-approved

qualifying archaeological consultant. Work may commence upon completion of treatment, as approved by the City.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.D-2. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.D-2 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.D-2, Baylands development would not cause a substantial adverse change in the significance of archaeological resources. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect on archaeological resources, and impacts would be reduced to less than significant.

*c. Impact 4.D-4: Would the Project result in disturbance of human remains, including those interred outside of formal cemeteries?*

There is no indication that the Baylands has been used for human burial purposes. Therefore, it is unlikely that human remains would be encountered during construction. However, given the relatively shallow depths of existing artificial and proposed fill in the area along Bayshore Boulevard, this area's proximity to the original Bay shoreline, and the substantial amount of construction and grading proposed for this area, human remains could be encountered and inadvertently damaged, causing a significant impact.

**Mitigation Measure 4.D-4:** If human skeletal remains are uncovered during Project construction, work shall immediately be halted within 100 feet of the find and the San Mateo County Coroner shall be contacted to evaluate the remains as required by the protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the coroner has 24 hours to contact the Native American Heritage Commission (NAHC), in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by Assembly Bill 2641). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains. In accordance with Public Resources Code Section 5097.98, the specific project applicant/landowner shall ensure that, according to generally accepted cultural or archaeological standards or practices, the immediate vicinity where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Public Resources Code Section 5097.98, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.D-4. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.D-4 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.D-4, impacts on human remains would be reduced to less than significant.

## **5. Geology, Soils, and Seismicity**

- a. Impact 4.E-2: Would the Project expose people or structures to potential substantial adverse effects from strong seismic groundshaking?*

The Baylands would likely experience at least one major earthquake (M 6.7 or higher) within the next 20 years. The intensity of such an event would depend on the causative fault and the distance to the epicenter, the depth of the rupture below ground surface, the moment magnitude, and the duration of shaking. A seismic event in the Bay Area could produce considerable ground accelerations within the Baylands. Earthquake hazard mapping indicates that violent to very violent groundshaking and peak ground accelerations of 0.565(g) could occur within the Baylands. The 1989 Loma Prieta earthquake caused damage within the area with an epicenter located approximately 50 miles away. A larger earthquake with a closer epicenter could cause even greater groundshaking and damage. The geotechnical studies prepared for Baylands development provide recommendations that would be implemented to minimize adverse effects from seismic groundshaking. This impact would be significant.

**Mitigation Measure 4.E-2a:** Prior to the issuance of a grading permit, applicants for all site-specific development and infrastructure projects within the Baylands, including structures, utilities, and roadways shall submit to the City Engineer a final design-level geotechnical report prepared by a licensed geotechnical or soil engineer experienced in construction methods on fill materials in an active seismic area. The report shall provide site-specific construction methods and recommendations regarding grading activities, fill placement, soil corrosivity/expansion/erosion potential, compaction, foundation construction, drainage control (both surface and subsurface), and avoidance of settlement, liquefaction, differential settlement, spread of leachate outside of the former landfill, and seismic hazards in accordance with current California Building Code requirements including Chapter 16, Section 1613. Included in recommendations for avoidance of settlement and differential settlement shall be consideration not only of building and site safety, but also consideration of ongoing convenience of use should different portions of a site (e.g., buildings, walkways/parking areas) settle at different rates.

The report shall also require that all subsurface improvements such as utilities that include any materials susceptible to corrosive effects would be engineered in conformance with the most recently adopted California Building Code requirements including the use of engineered backfill. The report shall also include stability analyses of final design cut and fill slopes, including recommendations for avoidance of slope failure(s). The final grading plan and associated development elements including the landfill cap layer shall be designed and constructed in accordance with requirements of the final design-level geotechnical investigation as approved by the City Engineer prior to the issuance of any building permits. Designers and contractors shall comply with recommendations of the design-level geotechnical investigation during project construction including any modifications required by the City Engineer. A licensed geotechnical or soil engineer shall monitor earthwork and construction

activities to ensure that recommended site-specific construction methods are followed during Project construction. These recommendations shall be incorporated into all development plans submitted and approved for the Baylands development as conditions of approval.

**Mitigation Measure 4.E-2b:** To address recovery from damage to future structures and to the landfill itself that may be caused by future earthquakes, a Post-Earthquake Inspection and Corrective Action Plan (Plan) for the site-specific development projects within the former landfill portion of the Baylands shall be prepared and implemented by all applicants for site-specific development in accordance with Title 27 landfill closure requirements as approved by the RWQCB and the San Mateo County Environmental Health Services Division prior to issuance of a building permit<sup>2</sup>. The plan shall be implemented in the event of a magnitude 7.0 or greater earthquake centered within 30 miles of the former Brisbane Landfill. Results of the inspection of containment features and groundwater and leachate control facilities potentially affected by any static or seismic deformations of the landfill shall be reported to the RWQCB within 72 hours of the event. Immediately following an earthquake event causing damage to the landfill structures, the Plan shall be implemented and the RWQCB notified of any damage. Plan activities following a triggering event shall include assessing perimeter dikes and shoreline erosion protection measures, the surface locations of underground utilities, landfill cover including roads and parking areas, groundwater monitoring systems, leachate monitoring systems, and surface-water drainage and outlet facilities. Any restorative measures as required under Order 01-041 shall be implemented in accordance with RWQCB requirements.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-2. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.E-2 to a less-than-significant level.

**Rationale for Finding:** Implementation of applicable California Building Code requirements, along with implementation of Mitigation Measures 4.E-2a and 4.E-2b, would ensure that buildings constructed within the Baylands would be designed to protect public health in the event of a major earthquake, recognizing both regional earthquake hazards and site-specific geotechnical conditions. As a result, the Baylands General Plan Amendment would reduce impacts related to strong seismic groundshaking associated with Baylands development to a less-than-significant level.

*b. Impact 4.E-3: Would the Project expose people or structures to potential substantial adverse effects from seismic-related ground failure including liquefaction?*

According to general maps compiled by the USGS and preliminary geotechnical investigations within the Baylands, there is a potential risk from liquefaction of saturated sand layers within existing fill, Young Bay Mud, and below Young Bay Mud beneath the Baylands. Liquefaction at the

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<sup>2</sup> Because the required plan addresses specific structures that will be located and designed as part of subsequent actions, and also addresses specific yet to be approved by the RWQCB measures related to landfill closure, it cannot be prepared until after specific structures have been designed and a landfill closure plan has been approved.



site could result in loss of bearing pressure, lateral spreading, sand boils (liquefied soil exiting at the ground surface), and other potentially damaging effects if not addressed in geotechnical engineering design. Analysis of site-specific soils data determined that liquefaction susceptibility at the former railyard area was relatively high. In contrast, a 2008 Geosyntec report and the Applicant's geotechnical consultant's testimony before the City Council suggests that the liquefaction risk within the Baylands is low because of the depth to the sand and the type of subsurface material (i.e., clayey soils).

As recommended by the Geosyntec report, site-specific investigations to pinpoint site-specific liquefaction risks would be required for all Baylands development to determine appropriate foundation system design. Because the potential for liquefaction is present at the site and would require site-specific analysis, this impact would be significant.

**Mitigation Measure 4.E-3:** The final design-level geotechnical investigation recommended in Mitigation Measure 4.E-2a, to be prepared by a licensed professional and submitted to the City for review and approval, shall address liquefaction potential. The geotechnical investigation shall include recommendations for foundation design to address site-specific potential liquefaction issues. The recommendations of the investigation shall be in accordance with the most recent California Building Code requirements for building design and incorporated into all development plans submitted for Baylands development. All final design and engineering plans submitted by the applicant shall be subject to review and approval by the City of Brisbane Building Official.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-3. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.E-3 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.E-3 will pinpoint site-specific liquefaction risks and define foundation design requirements to address site-specific potential liquefaction for each building within the Baylands and ensure compliance with California Building Code requirements for safety from liquefaction hazards. With implementation of Mitigation Measure 4.E-3, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to liquefaction hazards, and impacts would be reduced to less than significant.

*c. Impact 4.E-4: Would the Project expose people or structures to potential substantial adverse effects from landslides?*

Baylands development would require substantial re-grading activities including construction of slopes using fill materials. If not engineered appropriately, these constructed slopes could be subject to slope failure which could damage proposed improvements or potentially adversely affect local visitors, residents, or workers. The Baylands General Plan Amendment would require grading

similar to that which was analyzed in the EIR due to requirements for landfill closure, site remediation, flood protection, and provision of roadways and infrastructure. Based on the conceptual grading plan prepared for the DSP/DSP-V scenarios, geotechnical studies identified the potential placement of engineered fill could cause underlying Bay Mud to fail. The underlying, or in some areas, exposed weak Bay Mud layer has the potential to fail under the proposed fills, which represent substantial additional loading. Slope stability analyses concluded that placement of engineered fill may cause underlying Bay Mud to fail and recommended that additional subsurface exploration and static/seismic stability of the proposed slopes be analyzed prior to final design and construction once site-specific information on building locations was known. Given that the soils are potentially unstable under static conditions, the soil beneath the Baylands is also likely unstable under dynamic conditions.

**Mitigation Measure 4.E-4a:** Site-specific development projects shall not place new fill materials within 600 feet of Brisbane Lagoon, except when required for roadway improvements, habitat enhancement, or other approved site improvements. Placement of new fill materials within 600 feet of the Brisbane Lagoon shall be designed to prevent erosion of soils into the lagoon during and subsequent to construction. All manufactured slopes shall require certification by a licensed geotechnical engineer to the satisfaction of the City Engineer that a factor of safety<sup>3</sup> of at least 1.5 for static conditions and 1.2 under dynamic conditions shall be achieved.

**Mitigation Measure 4.E-4b:** Site-specific development projects shall comply with Brisbane General Plan policy requirements and the most recent California Building Code requirements for slope stability, including Chapters 16 and 18 that require geotechnical investigations. The recommendations of the investigation shall be in accordance with the most recent California Building Code requirements for building design and incorporated into all development plans submitted for site-specific development projects. All final design and engineering plans submitted by the applicant shall be subject to review and approval by the City of Brisbane Building Official prior to issuance of a building permit.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-4. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.E-4 to a less-than-significant level.

**Rationale for Finding:** Because Mitigation Measures 4.E-4a and 4.E-4b establish appropriate performance standards for slope stability to reduce the risk from static and dynamic slope instability, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to landslides and slope stability, and this impact would be reduced to a less-than-significant level.

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<sup>3</sup> Factor of safety represents a comparison of shearing forces (e.g. gravitational forces and internal pressures) versus resisting forces of the soil or bedrock. The higher the factor of safety, the more stable the slope because it represents a determination of greater resisting forces present.

*d. Impact 4.E-5: Would the Project result in substantial soil erosion or loss of topsoil?*

Construction and remediation activities required for Baylands development, such as excavation, backfilling, grading, and placement of fill material for surcharging purposes can expose areas of loose soil. Grading activities alone would require movement of large quantities of soils with preliminary estimates of up to approximately 4,475,000 cubic yards of cut and 3,397,000 cubic yards of fill<sup>4</sup>. Preliminary grading plans indicate that grading would primarily consist of soils from the former landfill area being placed on the westerly, former railyard portion of the Baylands. If not properly stabilized or protected, these soils and fills could be subjected to soil loss and erosion by wind and storm water runoff. Concentrated water erosion, if not managed or controlled, can eventually result in significant soil loss. Excessive soil erosion can also eventually lead to damage of building foundations and roadways. Areas within the Baylands that are susceptible to erosion are those that would be exposed during the construction phase and along the shoreline where soil is subjected to wave action. However, construction contractors would be required by law to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities from the RWQCB-San Francisco Bay Region for all proposed construction. Conditions of this permit would include preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) construction-related best management practices to prevent soil erosion and loss of topsoil.

Once construction is completed, the upland portions of the Baylands would be partially developed and incorporate open lands which would be retained in their natural condition or landscaped. As a result, some locations within the Baylands would be exposed to the forces that cause erosion. With implementation of the requirements of the NPDES permit and the associated SWPPP, the post-development impacts of erosion and loss of topsoil would be less than significant.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-5. Specifically, Mitigation Measures 4.H-1a and 4.H-1b are feasible and are adopted to mitigate significant effects from Impact 4.E-5 to a less-than-significant level.

**Rationale for Finding:** With implementation of a SWPPP, which is required to be prepared and implemented under the NPDES General Construction Permit, and compliance with Brisbane General Plan Policy 152, the Baylands General Plan Amendment would not have a substantial adverse effect impacts related to erosion or loss of topsoil. Mitigation Measures 4.H-1a and 4.H1b incorporate requirements for preparation and implementation of a SWPPP in relation to hydrology impacts of proposed site development. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect related to soil erosion and impacts would be reduced to less than significant.

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<sup>4</sup> The amount of grading analyzed in the EIR represents a preliminary estimate based on the amount of soil within the former landfill area that was being processed by a temporary soils processing operation at the time of preparation of the EIR. Since that time, the amount of soil within the former landfill area has been reduced. The actual amount of soil to be moved during site grading operations will be determined at the time an application for a grading plan is submitted to the City following approval of the required Specific Plan for the Baylands.

- e. *Impact 4.E-6: Would the Project be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project including landslide, lateral spreading, subsidence, liquefaction or collapse?*

Settlement would occur in the former landfill, as well as in the overlying non-engineered fill and in natural deposits (Young Bay Mud, Old Bay Mud, etc.). Settlement within the Baylands (in both the short and long term) is expected to vary across the site due to variances in thickness of various soil types and differing properties of these soil types. Fill placed within the Baylands as part of site grading and development would increase total surface settlement. Consolidation of Bay Mud and tidal flat deposits and non-engineered artificial fill beneath engineered fills may also be associated with differential settlement across the Baylands, adversely affecting long-term durability and maintenance requirements of roadways and underground utilities. While existing studies are adequate for the current programmatic level of analysis, detailed site-specific geotechnical characterization and engineering analysis would be required to determine the composition and thicknesses of undocumented, non-engineered fills and underlying tidal deposits and to evaluate the settlement potential across the entire Baylands. Existing geotechnical studies have indicated that consolidation settlement will occur between up to 30 years after fill placement. These studies also presented several mitigation concepts to reduce post-construction settlement.

With the ongoing decomposition of refuse within the former landfill and consolidation of the underlying Bay Mud, the landfill surface is expected to continue to undergo differential settlement. Considering its future development, differential settlement of the landfill surface will require detailed site-specific engineering analysis and design as future development projects are proposed. As part of site-specific, design-level geotechnical reports, analyses of the depth, thickness, and liquefaction potential of saturated deposits will be required to provide necessary site-specific information on possible surface effects associated with earthquake-induced settlement. These effects, if calculated to be a potential hazard, would be mitigated as part of the final site design and geotechnical engineering. Engineering design to reduce differential settlement could include pile foundations for structures up to 110 feet deep. The surface of the site, which includes landscaping, roads, structures, and utilities, would continue to settle as the soil compacts. Such settlement could damage improvements and/or change drainage if not engineered appropriately.

California Code of Regulations, Title 27, Section 21190 contains specific requirements for development on former solid waste landfills; however, while the requirements of Title 27, Section 21190 are mandatory, there are a variety of alternative measures that could be imposed to meet standards. Any geotechnical approach to reducing the potential for settlement would be in accordance with building code requirements and subject to review and approval by the City Engineer prior to issuance of a building permit.

Based on geotechnical data collected for the Project site, The EIR estimated that 6 to 30 inches of settlement may occur in the former landfill area and 12 to 38 inches of settlement may occur in the former railyard area. However, because the studies of these areas had different assumptions and methods for calculating settlement, direct comparisons between settlement of the former landfill and railyard areas cannot be made.

Although preliminary ground settlement estimates are provided in the EIR, precise site-specific ground settlement calculations and estimates of differential settlement cannot be determined until detailed grading plans and site plans for site-specific development are available. Because it is known that some degree of ground settlement would occur, this impact is considered significant.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-6. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.E-6 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.E-2a, which requires that all structures be designed and constructed in conformance with the most recently adopted California Building Code requirements, including its performance standards for building design in areas undergoing compaction, and that all final site-specific design and engineering plans be prepared by a licensed geotechnical engineer and subject to review and approval by the City Engineer to confirm that site-specific development meets all applicable performance standards, would protect future buildings from ground settlement, including consideration of the ongoing convenience of use should different portions of a site (e.g., buildings, walkways/parking areas) settle at different rates.

As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to ground settlement, and impacts would be reduced to a less-than-significant level.

*f. Impact 4.E-7: Would the Project place concrete or steel elements including piles that could be damaged by corrosive soils present on the Project Site?*

Corrosive subsurface soils may exist within the Baylands, particularly wherever Bay Mud is encountered. As such, corrosivity of future engineered fills would require evaluation as part of site-specific analysis of geotechnical hazards for individual building sites. Typically, use of imported engineered fill or reuse of suitable onsite materials, as determined by building code requirements, are resistant to corrosion. In compliance with the California Building Code, final site-specific, design-level site specific geotechnical evaluations would be submitted to the City for review and approval that would include an assessment of potentially corrosive soils and design solutions. Development would be designed and constructed in accordance with requirements of the final site-specific, design-level geotechnical report and would be verified by the City prior to the issuance of building permits. Based on the report approved by the City, all concrete in contact with the soil would be designed in accordance with local building code requirements. All metals in contact with corrosive soil would be designed based site-specific soil corrosivity testing and subsequent recommendations of the manufacturer or a corrosion engineer. The City Engineer would review and approve all final design and engineering plans prior to any construction.

Since it is known that corrosive soils are present with the Baylands, without final design and engineering plans for individual developments that provide site-specific evaluation of the corrosion potential of native soils and the waste layer, this impact would be significant.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-7. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.E-7 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.E-2a, all design and engineering plans as prepared by a licensed geotechnical engineer would be subject to review and approval by the City Engineer. Therefore, with application of engineered fill and use of corrosion-resistant materials, that are part of widely accepted geotechnical practices, the potential for adverse effects from corrosion would be minimized and impacts would be reduced to a less-than-significant level.

*g. Impact 4.E-8: Would the Project locate structures on expansive soils as defined in Table 18-1B of the Uniform Building Code, potentially creating substantial risks to life or property?*

Soil conditions within the Baylands vary considerably, and expansive soils may exist in some locations, particularly along Bayshore Boulevard, where Bay Mud is present beneath the surface. As recommended in previous geotechnical investigations, engineered fill or reused onsite materials could be used for placement beneath foundations and in utility trenches, provided they meet the non-expansive criteria found in the California Building Code. Site-specific evaluation of the potential for expansive soils and prevention of the placement of expansive fill materials is part of geotechnical investigations that are required to conform to the most recently adopted California Building Code requirements for building design. While it is known that expansive soils are present within the Baylands, these studies cannot be prepared until site-specific development plans are prepared along with final design and engineering plans. Thus, this impact would be significant for the Baylands General Plan Amendment.

As required by Mitigation Measure 4.E-2a, a final site-specific design-level geotechnical report would be required to address the potential for expansive soils on individual development sites within the Baylands to ensure that the performance standards set forth in the California Building Code are met. Development would be designed and constructed in accordance with requirements of the final site-specific design-level geotechnical reports including moisture content requirements along with design standards for expansion potential. Such reports would be submitted to the City for review and approval prior to the issuance of building permits. Characterization of the potential for expansive soil within the Baylands in accordance with contemporary geotechnical practices and building code requirements is required prior to issuance of building permits.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.E-8. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.E-8 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.E-2a, site-specific evaluation of the potential for expansive soils and prevention of the placement of expansive fill materials would be used to define site-specific design solutions needed to address impacts related to expansive soils. Implementation of these site-specific design solutions would be required as part

grading and building permits issued by the City. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to expansive soils, and impacts would be reduced to less than significant.

## **6. Hazards and Hazardous Materials**

- a. Impact 4.G-1: Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?*

Pursuant to Mitigation Measures 4.G-2a through 4.G-2d, construction activities would not commence until site remediation and Title 27 landfill closure plans are approved and completed. Because site grading and remediation will be intertwined, only grading required for approved remediation activities would be permitted prior to completion of remediation. A discussion of hazards and impacts associated with site remediation is provided as part of Impact 4.G-2.

Following remediation activities, construction activities would require the use and transportation of hazardous materials (e.g., fuels, cement products, lubricants, paints, adhesives, and solvents). In addition, construction vehicles used in construction activities could accidentally release hazardous materials such as oils, grease or fuels. Accidental releases of hazardous materials during demolition and construction activities could impact soil and/or groundwater quality within the Baylands, which could result in adverse health effects to construction workers, the public, and the environment.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-1 to a less-than-significant level.

**Rationale for Finding:** The construction contractor's compliance with federal, state and local requirements related to use, storage, and disposal of hazardous materials during construction would reduce impacts related to inadvertent release of hazardous materials to less-than-significant levels. In addition to implementation of Mitigation Measures 4.G-2a through 4.G-2d, compliance with applicable federal (Resource Conservation and Recovery Act of 1976, Occupational Safety and Health Act of 1970, 29 CFR 1926.65 Appendix C requirements for construction activities), state, and local requirements related to the use, storage, and disposal of hazardous materials, including preparation of a Stormwater Pollution Prevention Plan pursuant to Mitigation Measure 4.H-1a would be required. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to the routine transport, use or disposal of hazardous materials during construction, and impacts would be reduced to less than significant.

- b. Impact 4.G-2: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment?*

**Construction Impacts.** Construction activities associated with future Baylands development would require the use, storage, transport, and disposal of hazardous materials during construction (e.g., fuels, oils and other chemicals for vehicle or equipment refueling and maintenance activities). While the routine use, storage, transport, and disposal of hazardous materials in accordance with applicable regulations would not pose health risks or result in significant impacts, improper use, storage, transportation and disposal of hazardous materials and wastes could result in accidental spills or releases, posing health risks to workers, the public, and the environment. Baylands development and construction activities, including demolition and remediation activities, will require disturbance of subsurface soils and groundwater.

Past land uses, including former Brisbane Landfill and Southern Pacific railyard operations, resulted in soil and groundwater contamination within the Baylands. Former landfill operations resulted in the disposal of 12.5 million cubic yards of domestic, industrial, and shipyard waste at the Brisbane Landfill from 1930 to 1967. The thickness of the current soil cover ranges from a few feet to over 30 to 80 feet in some locations and soil movement or grading could take place in areas where the soil cover remains shallow. Soils currently located on top of the landfill are proposed to be used for fill material within the western portion of the Baylands and would be moved from east to west as part of site grading. The Baylands General Plan Amendment includes a requirement that all soil materials to be moved or exported from the landfill be tested prior to issuance of a grading permit.

Operating Unit 1 (OU-1) in the northern portion of the former rail yard overlies a plume of VOC-impacted groundwater. Contaminants at Operating Unit 2 (OU-2) are widespread over the southern portion of the former railyard, with metals in the soil occurring throughout the former railyard. Bunker C fuel impacts in soil and groundwater occur in areas where fueling operations and disposal took place.

While the remediation technologies that will ultimately be approved by DTSC and the RWQCB are required by law to be designed to both (1) effectively remediate contaminated soils and groundwater and (2) protect the environment and health of workers during remediation. Additionally, given the age of existing onsite buildings, hazardous materials such as asbestos-containing materials and lead-based paint are likely to be encountered during demolition of structures. Hazardous materials may also be encountered during Baylands construction activities following remediation.

General Plan Policy 172 establishes that “it is of the highest priority that contaminated lands in Brisbane be remediated.” However, regulatory authority for site remediation and Title 27 landfill closure rests with the California Department of Toxic Substances Control (DTSC) for remediation of OU-1 and the Regional Water Quality Control Board for the San Francisco Bay Region (RWQCB) for remediation of OU-2. Regulatory authority for Title 27 closure of the former landfill rests with the RWQCB and the San Mateo County Health System (Environmental Health Services Division) in its role as the local enforcement agency (LEA) on behalf of the CalRecycle.

While the City of Brisbane does not have the authority to set remediation standards, approve Remedial Action Plans (RAPs) or plans for Title 27 landfill closure, or to impose the specific technologies to be employed for site remediation or landfill closure, the City maintains land use



authority over the Baylands. In exercising this authority, the Baylands General Plan Amendment requires that any residential development within the Baylands “be designed to accommodate ground level residential uses and residential-supportive uses such as daycare, parks, schools, and playgrounds.” This land use standard, which is necessary to provide for appropriate design of residential uses and enhance the quality of life for future residents of the Baylands, also ensures that site remediation for residential use will be to residential standards found to be acceptable to the City of Brisbane.

The hazardous materials studies that have been prepared for the Baylands and described in the EIR paint an overall picture appropriate to the programmatic level of analysis for the Baylands General Plan Amendment and document a contaminated site for which Title 27 landfill closure and remediation of contamination within OU-1 and OU-2 are required prior to commencement of construction for future development.

The purpose of the studies conducted to date to characterize waste in the former landfill, was (1) to address the potential for constituents within the landfill to contaminate groundwater or migrate offsite, (2) to identify potential pathways of exposure, and (3) to ultimately provide a basis for designing the required landfill cap, along with a leachate control system to prevent any increases in leachate that would exceed any regulatory thresholds, and a landfill gas collection and control system. The purpose of the studies conducted to characterize the contaminants within the former rail yard (OU-1 and OU-2) was to provide a basis for analysis of human health risks for any future land uses that may be approved by the City of Brisbane.

Based on these recognized purposes, the programmatic nature of the Baylands EIR, CEQA’s requirements for subsequent environmental review of subsequent discretionary actions following the Baylands General Plan Amendment, and the planning and remediation review processes that must be undertaken prior to physical development of the Baylands, the characterization studies undertaken to date are adequate for the purpose of describing existing conditions in the Baylands EIR. The studies that have been completed to date have not identified contaminants or concentrations of contamination that would indicate the Baylands is inappropriate for land development subsequent to completion of landfill closure and site remediation under the regulatory authority of the RWQCB and DTSC. As part of that review process, the RWQCB and DTSC will review all studies in relation to their use in determining human health risks and risk-based remediation goals. San Mateo County Environmental Health and the RWQCB will review and approve Title 27 landfill closure design.

The Baylands General Plan Amendment states that the required specific plan for the Baylands “shall include a sustainability program for new development consistent with the Sustainability Framework for the Brisbane Baylands.” Based on the Sustainability Framework and the Baylands General Plan Amendment, the City will:

- Seek the highest practical standard for remediation of the site to ensure human health and protect the area’s natural environment; and
- Retain a credible, independent third-party consultant to:

- Review characterization studies and remediation recommendations, and assist the City participate in the remediation and Title 27 review process undertaken by DTSC and the RWQCB; and
- Assist the City with ongoing monitoring and ensuring implementation of remedial action and Title 27 landfill closure plans approved by DTSC and the RWQCB.

Because (1) neither DTSC nor the RWQCB have completed their review of characterization studies and determined them to be adequate for use in preparation of remedial action and Title 27 landfill closure plans; (2) human health risk assessments have not been prepared; (3) final remedial action and Title 27 landfill closure plans have yet to be prepared; and (4) the remedial action and Title 27 landfill closure plan process has yet to undergo public review, the City has determined that adequate information regarding site remediation and Title 27 landfill closure does not yet exist to support approval of a specific plan for the Baylands. As a result, EIR Mitigation Measure 4.G-2a requires preparation, review, and approval of closure and site remediation plans to be completed to the satisfaction of the RWQCB and DTSC *prior to* adoption of any specific plan by the City.

The City's determination regarding the adequacy of existing hazardous materials studies for use in the Baylands EIR addresses only their use in the programmatic EIR for determination of General Plan-level land uses. It does not forestall a requirement for additional characterization studies as part of the landfill closure and remediation review and approval process, nor does it preclude the City from re-evaluating land uses decisions in any forthcoming specific plans based on finalized risk assessments and approved remedial action plans.

Encountering contaminated soils or groundwater either during or following remediation could expose construction workers, the environment, or the public to adverse effects of either known or previously unidentified contamination. Exposure to hazardous materials could cause various short-term and/or long-term health effects. Possible health effects could be acute (immediate, or of short-term severity), chronic (long-term, recurring, or resulting from repeated exposure), or both. Acute effects, often resulting from a single exposure, could result in a range of effects from minor to major, such as nausea, vomiting, headache, dizziness, or burns. Chronic exposure could result in systemic damage or damage to organs, such as the lungs, liver, or kidneys. Health effects would be specific to each hazardous material.

Title 27 closure and remediation of the former landfill would require (1) containment of existing waste in order to prevent exposure of the public or the ecosystem to the in-place waste, (2) prevention of liquid percolation through to the underlying waste, and (3) prevention of landfill gas emissions.

Remedial activities at OU-1 and OU-2 are anticipated to involve excavation, handling, and offsite disposal of up to 94,000 cy or more of contaminated soil. These activities could result in the exposure of construction workers to hazardous materials through ingestion or dermal contact with total petroleum hydrocarbons, metals, or VOC-impacted soils; ingestion or dermal contact with VOC-impacted groundwater; and/or inhalation of VOCs within excavations.

With compliance with federal, state, and local regulations pertaining to the handling and disposal of hazardous waste, including preparation and implementation of a Soil and Groundwater

Management Plan and a Master Deconstruction and Demolition Plan, hazards to the public through foreseeable upset or accident conditions involving the release of hazardous materials into the environment would be reduced to a less-than-significant level.

**Mitigation Measure 4.G-2a (Confirm Achievement of Remediation Goals):** Prior to approval of any specific plan within the Baylands, the project applicant shall provide confirmation to the City that the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Services Division as the Local Enforcement Agency, as applicable, have completed their review and approved the Remedial Action Plan or final closure and post-closure maintenance plans.

Prior to issuance of any building or grading permit (other than for grading needed for remediation activities) within OU-1, OU-2, or the former landfill, the applicant shall provide the City with evidence that the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Services Division as the Local Enforcement Agency in relation to the landfill have approved applicable Remedial Action Plan(s) or final closure and post-closure maintenance plans.

Prior to commencement of any building construction or site grading within OU-1, OU-2, or the former landfill, the project applicant shall obtain regulatory approval from the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Services Division as the Local Enforcement Agency in relation to the landfill for the proposed land use, in the form of a Remediation Action Completion Report or equivalent closure letter stating that remediation goals have been achieved for proposed land uses.

**Mitigation Measure 4.G-2b (Soil and Groundwater Management Plan):** Prior to issuance of any building or grading permit within the Baylands a Soil and Groundwater Management Plan (SGMP) shall be prepared by a qualified environmental consulting firm, reviewed and approved by DTSC and the RWQCB and implemented by the project applicant.

The Soil and Groundwater Management Plan shall also include a requirement for development and implementation of site-specific safety plans to be prepared prior to commencement of construction consistent with Occupational Safety and Health Administration (OSHA) Safety and Health Standards 29 CFR 1910.120 as well as management of groundwater produced through temporary dewatering activities.

Such site-specific safety plans shall include necessary training, operating and emergency response procedures, and reporting requirements to regulate all activities that bring workers in contact with potentially contaminated soil or groundwater, landfill gas, or leachate to ensure worker safety and avoid impacts to the environment. Further, the Soil and Groundwater Management Plan shall include protocols for any areas of the site that require excavation and relocation of refuse material (e.g., building foundations and utility infrastructure) in accordance with the Title 27 of the California Code of Regulations to ensure that the integrity of the low-hydraulic-conductivity layer (LHCL) requirements are maintained.

**Mitigation Measure 4.G-2c (Master Deconstruction and Demolition Plan):** City review and approval of a specific plan per the requirements of the Brisbane General Plan shall be completed prior to submittal of any application for a demolition permit within the Baylands. Prior to issuance of a demolition permit for any parcel, the applicable property owner shall submit a Master Deconstruction and Demolition Plan to the City Community Development Director and Building Official. The plan shall be reviewed and approved by the Building Official prior to issuance of the requested demolition permit to ensure that the proposed demolition is consistent with applicable provisions of the Brisbane General Plan and the specific plan adopted pursuant to the General Plan. The demolition plan shall include documentation of hazardous materials determinations (surveys) and demolition or deconstruction recommendations in accordance with local and state requirements. If the surveys conducted by licensed professionals prior to issuance of a demolition permit per the requirements above hazardous building materials<sup>5</sup>, demolition or deconstruction shall proceed in accordance with applicable BAAQMD, OSHA, and CalOSHA requirements, which may include air permits or agency notifications, worker awareness training, exposure monitoring, medical examinations and a written respiratory protection program.

**Mitigation Measure 4.G-2d (NPDES Permit):** Prior to issuance of any building or grading permit within the Baylands, preparation and implementation of an industry standard spill prevention and protection procedure plan shall be conducted by a licensed professional selected or approved by the City in accordance with NPDES General Construction Permit requirements and reviewed and approved by the City Building Official. The plan shall include implementation of Best Management Practices for the storage and use of hazardous materials in accordance with California Stormwater Quality Association Construction guidelines, including emergency procedures for hazardous materials releases for materials that shall be brought onto the site as part of site development and construction activities. The plan shall include standard emergency procedures for hazardous materials releases that would be implemented during Project construction activities, identification of required personal protective equipment, proper housekeeping, spill containment procedures, training of workers to respond to accidental spills/releases, most direct route to a hospital, and requirements for a site safety officer. These measures shall be included within a construction management plan required to be reviewed by all workers.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-2. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-2 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measures 4.G-2a, (confirm achievement of remediation goals), 4.G-2b (implement a Soil and Groundwater Management

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<sup>5</sup> Typical hazardous building materials include lead-based paint; asbestos-containing materials, such as insulation, paint, or fiberboards; PCBs in lighting ballasts or wiring; and mercury in thermostat switches. BAAQMD oversees the public health and environmental aspects of removal and disposal of asbestos-containing materials and other hazardous building materials. CalOSHA oversees worker protection and contractor licensing with respect to hazardous building materials.

Plan), 4.G-2c (Master Deconstruction and Demolition Plan), and 4.G-2d (prepare a spill pollution prevention plan), impacts related to releases resulting from improper use, storage, or disposal of hazardous materials or wastes during site development and construction activities would be reduced to a less-than-significant level.

**Operations Impacts.** Businesses within the Baylands following site development would use hazardous chemicals common in other commercial/retail and support settings. These chemicals could include familiar materials such as toners, paints, lubricants, and kitchen and restroom cleaners as well as relatively small quantities of fuels, oils, and other petroleum-based products. Industrial uses could include storage, transport, handling, and disposal of larger quantities of hazardous materials. As required by the San Mateo County Environmental Health Services and the Certified Unified Program Agency, any businesses that would store hazardous materials and/or waste at its business site would be required to submit business information and hazardous materials inventory forms. The City of Brisbane requires all new commercial and other users to follow applicable regulations and guidelines regarding storage and handling of hazardous waste. All hazardous materials are required to be stored and handled according to manufacturer's directions and local, state and federal regulations, noted above. The City of Brisbane Fire Department administers the California Fire Code for the Baylands through regular site inspections to ensure hazardous materials are stored and handled properly.

Implementation of Mitigation Measure 4.G-2e (preparation of a Hazardous Materials Business Plan) would be required for all proposed development scenarios to avoid the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the environment during operational phases of the development scenarios. In addition, the existing regulatory requirements and hazardous materials management of the Kinder Morgan Bulk Terminal facility reduce the potential for adverse effects from upset and accident conditions to less than significant levels. California Government Code Section 4216 also requires that:

- Delineation of proposed excavation sites be delineated with water soluble or chalk based white paint on paved surfaces or with other suitable markings such as flags or stakes on unpaved areas.
- Dig Alert be called at least 2 full working days prior to digging.
- No excavation may proceed without a Dig Alert ticket number.

As a result, impacts will be mitigated to a less than significant level.

**Mitigation Measure 4.G-2e (Hazardous Materials Business Plan).** Prior to receipt of a Certificate of Occupancy, any business that would handle, store, transport, or dispose of hazardous materials or wastes shall prepare and implement a Hazardous Materials Business Plan that shall include at a minimum, the following components:

- Details, including floor plans, of the facility and business conducted at the site;
- An inventory of the type and quantity of hazardous materials that are handled or stored onsite;

- Spill prevention procedures;
- An emergency response plan that provides emergency notification procedures; and
- A safety and emergency response training program for new employees with annual refresher courses.

The Hazardous Materials Business Plan shall be submitted to and approved by the San Mateo Environmental Health Services Division prior to site occupancy.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-2. Specifically, the mitigation measure presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-2 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.G-2e, (Hazardous materials Business Plan), impacts related to releases resulting from improper use, storage, or disposal of hazardous materials or wastes during ongoing operations would be reduced to a less-than-significant level.

**Soil Gas and Vapor Intrusion.** Accumulation of landfill gases within confined spaces such as underground structures, basements, or utility vaults can lead to explosive conditions due to high levels of methane within landfill gases, which are typically composed primarily of methane and carbon dioxide. Depending on the composition of landfill waste, landfill gases may also contain non-methane organic compounds, such as TCE, benzene, and vinyl chloride. Soil gas and vapor intrusion from legacy contamination represent a significant impact. Mitigation Measures 4.G-2f through 4.G-2h would be required for all development scenarios to avoid a significant impact and reduce impacts to a less-than-significant level.

**Mitigation Measure 4.G-2f:** Prior to issuance of a building permit for any development within the Baylands, proposed underground utilities and utility vaults located on or within 500 feet of the landfill footprint shall be constructed with soil vapor barriers and constructed of intrinsically safe and/or explosion-proof equipment in accordance with City Building Division requirements and overseeing agency (DTSC or RWQCB) as well as the San Mateo County Environmental Health Division as necessary.

**Mitigation Measure 4.G-2g** Prior to issuance of a grading permit, all grading specifications for OU-1 and OU-2 shall be developed in accordance with RWQCB and DTSC requirements regarding soil vapor barriers and incorporated into the final grading plan. Any installation of utilities in areas that have adopted soil capping remediation strategies shall be located above the contaminated soil and groundwater areas in accordance with RWQCB and DTSC requirements. Where gravity and utility force mains require encroachment into contaminated areas, special construction details and mitigation measures shall be developed during the preparation of the final RAPs for OU-1 and OU-2 as approved by the RWQCB and DTSC and in accordance with Soil and Groundwater Management Plans. Final RAPs shall include overseeing agency (DTSC or RWQCB) approved Human Health Risk Assessments which include inhalation risks and are based on proposed land uses.

**Mitigation Measure 4.G-2h** Construction of all new structures within the former landfill footprint and within OU-1 and OU-2, as well as on site areas within 1,000 feet of the waste material footprint shall incorporate sub-slab vapor barriers or equivalent protection to minimize potential vapor intrusion into buildings. Further, all structures built on within 1,000 feet of the landfill footprint shall be equipped with automatic combustible gas sensors in sub-floor areas and in the first floor of occupied interior spaces of buildings. A centralized sensor monitoring and recording system shall also be provided. Gas monitoring for trace gases shall be conducted in accordance with the requirements of Title 27, for 30 years or until the operator receives authorization from the local enforcement agency (LEA) and CalRecycle to discontinue monitoring upon demonstration by the operator that there is no potential for trace gas migration into onsite structures.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-2. Specifically, the mitigation measure presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-2 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measures 4.G-2f, 4.G-2g, and 4.G-2h (provision of soil vapor barriers), impacts related to releases resulting from improper use, storage, or disposal of hazardous materials or wastes during ongoing operations would be reduced to a less-than-significant level.

**Former Police Shooting Range.** The southerly slope of Icehouse Hill was previously used as a police shooting range, and has lead remaining from the leftover shells. Development of trails along the southerly slope of Icehouse Hill could expose the public to health hazards from those spent shells, which represents a significant impact requiring mitigation.

**Mitigation Measure 4.G-2i:** Prior to any construction of trails on the southerly slope of Icehouse Hill, best management practices for lead removal consistent with United States Environmental Protection Agency Circular EPA-902-B-01-001, *Best Management Practices for Lead at Outdoor Shooting Ranges*, Revised June 2005, shall be implemented.

With implementation of Mitigation Measure 4.G-2i, lead hazard impacts from remaining spent shells from the former police shooting range would be reduced to less than significant.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-2. Specifically, the mitigation measure presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-2 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.G-2i, (BMPs for lead removal at outdoor shooting ranges), impacts related to releases resulting from improper use, storage, or disposal of hazardous materials or wastes during ongoing operations would be reduced to a less-than-significant level.

**Bayshore Industrial Park.** The Bayshore Industrial Park consists of a series of metal buildings used for various industrial and service commercial purposes, such as warehousing/storage and auto repair. Based on the age of these buildings, there is a potential for the presence of asbestos and lead-based paint, as well as the potential for ground contamination from current and past uses such as Stauffer Chemical and a former rendering plant that was undetected as part of previous studies within OU-2. The existing industrial park is planned for demolition to make way for new planned uses. Such demolition could result in the introduction of asbestos and lead-based paint, as well as potential other contaminants in the soils into the environment which represents a significant impact requiring mitigation.

**Mitigation Measure 4.G-2j:** Prior to approval of any demolition plan within the Bayshore Industrial Park, any building(s) proposed for demolition shall be tested for asbestos and lead-based paint. Should asbestos or lead-based paint be identified, the affected building(s) shall be remediated pursuant to the most current regulatory standards in effect at the time of remediation.

**Mitigation Measure 4.G-2k:** Prior to site development within the Bayshore Industrial Park, soils shall be tested for likely constituents of concern based on the site's proposed use pursuant to the requirements of the RWQCB. Constituents of concern for which testing is to be undertaken shall be based on potential contaminants from both existing and past uses of the area such as Stauffer Chemical and a rendering plant. Human health risk assessment(s) for sites proposed for demolition shall be prepared based on the future uses of the area approved by the City of Brisbane. Should risks to human health be identified, remediation to the risk-based remediation standards set by the RWQCB shall be completed prior to initiating grading or other onsite development.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-2. Specifically, the mitigation measure presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-2 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measures 4.G-2j and 4.G-2k, requiring testing for hazardous materials and remediation to risk-based remediation standards set by the RWQCB prior to initiating or other onsite development, impacts related hazards from potential contamination within the Bayshore Industrial Park would be reduced to less than significant.

- c. *Impact 4.G-3: Would development emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within 0.25 mile of an existing or proposed school?*

Because the Baylands General Plan Amendment calls for development of 1,800 to 2,200 dwelling units, approximately 365 to 445 elementary and middle school children can be expected to reside within the Baylands at buildout. While it is possible that site development could include an elementary school, such determination has not been made.



Baylands development would entail the storage, handling, transport, and disposal of hazardous materials in association with the research and development (R&D), institutional, and commercial uses. Examples of common hazardous materials could include fuels, oils, lubricants, paints, cleaning chemicals, and other petroleum products.

As discussed under Impact 4.G-2 and required by Mitigation Measure 4.G-2e, all new development would be required to follow applicable regulations and guidelines regarding storage and handling of hazardous waste. All hazardous materials would be required to be stored and handled according to manufacturer's directions and local, state, and federal regulations. These requirements would include posting of signs, notification of the local fire department, filing of the Hazardous Materials Business Plan, and use of specialized containment facilities.

In the event a school were constructed in proximity to industrial uses, the potential for accidental spillage or leakage of hazardous materials stored onsite to impact school children would exist.

**Mitigation Measure 4.G-3:** Any grade K-12 school facilities constructed within the Baylands shall not be located within 0.25 miles of a facility with hazardous emissions or that handles hazardous or acutely hazardous materials, substances or waste, unless approved by School Facilities Planning Division of the California Department of Education in conformance with California Code of Regulations (CCR) Title 5, Section 14010 which sets forth California Department of Education criteria for school site locations:

- "If the proposed [school] site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified in accordance the referenced code." California Code of Regulations (CCR) Title 5, Section 14010 (d)
- "The [school] site shall not be located near an above-ground water or fuel storage tank or within 1,500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission." CCR Title 5, Section 14010 (h):

Grade K-12 school facilities shall also comply with California Education Code Sections 17210 through 17224 and related statutory provisions related to risk to human health or the environment at proposed school properties as overseen by the Department of Toxic Substances Control (DTSC). In accordance with California Education Code Sections 17210 through 17224 and related statutory provisions, the school district must prepare a Phase I Environmental Site Assessment and/or a Preliminary Endangerment Assessment to identify potential contamination and evaluate whether it presents a risk to human health or the environment at proposed school properties as overseen by DTSC. The environmental investigation and any required remediation of properties to be developed for use as schools shall be overseen by

DTSC in coordination with the California Department of Education and the School Facilities Planning Division.

Final design plans shall be approved by the School Facilities Planning Division of the California Department of Education prior to commencement of construction.

All required remediation within 0.25 miles of a proposed K-12 school site within the Baylands shall be completed prior to occupancy of the school.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-3. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-3 to a less-than-significant level.

**Rationale for Finding:** In addition to mandatory adherence to City and County requirements, compliance with the requirements of CCR Title 5, Section 14010, Standards for School Site Construction and California Department of Education School Facilities Planning Division as overseen by DTSC further ensures that hazardous materials impacts on proposed schools would be less than significant. With implementation of a Hazardous Materials Business Plan, as required by Mitigation Measure 4.G-2e, and siting requirements for proposed schools, as specified by Mitigation Measure 4.G-3, the Baylands General Plan Amendment would not have a substantial adverse effect related to hazardous emissions within 0.25 mile of a school, and impacts would be reduced to a less-than-significant level.

*d. Impact 4.G-4: Would development be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and result in a safety hazard to the public or environment?*

The former Brisbane Landfill, OU-1 and OU-2, and the Schlage Lock facility<sup>6</sup> are included on databases listing hazardous materials pursuant to Government Code Section 65962.5. These sites have a long history of environmental investigation and cleanup efforts with additional remediation activities to be undertaken prior to site development. These sites are actively overseen by regulatory agencies (DTSC and RWQCB) to ensure that all remediation is completed to levels that protect human health and the environment. The impacts related to safety hazards to the public or environment from these sites are further discussed and analyzed under Impact 4.G-1. This impact would be significant and require mitigation.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.G-4. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.G-4 to a less-than-significant level.

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<sup>6</sup> Potential contamination from past activities such as Stauffer Chemical and a rendering plant are included in the listing of these portions of the Baylands on databases listing hazardous materials pursuant to Government Code Section 65962.5.

**Rationale for Finding:** With implementation of the standards set forth in Mitigation Measures 4.H-1a and 4.H-1b, the Baylands General Plan Amendment would not have a substantial adverse effect related to being located on a hazardous materials site pursuant to Government Code Section 65962.5. As a result, impacts would be reduced to a less-than-significant level.

## **7. Hydrology and Water Quality**

*a. Impact 4.H-1: Would the Project violate water quality standards or waste discharge requirements?*

**Construction Impacts.** Construction and grading within the Baylands would require temporary disturbance of surface soils during which grading, excavation, and remediation activities soil would be exposed to runoff, causing erosion and entrainment of sediment and contaminants in the runoff. Soil stockpiles and excavated areas would be exposed to runoff until grading, excavation, and remediation activities are completed and ground cover (landscaping, hardscape, paving, buildings) is established. The potential for chemical releases is present at most construction sites given the types of materials used, including fuels, oils, paints, and solvents. Because of contaminants within surface soils, erosion could also result in release of those contaminants. Once released, these substances could be transported to the Bay in stormwater runoff, causing an incremental reduction in water quality. The proximity of the Baylands to the Bay reduces the chances that the pollutants in stormwater runoff (e.g., sediment, petroleum hydrocarbons, and lubricants) would be naturally attenuated prior to discharge to the Bay.

Groundwater beneath various portions of the Baylands, including the former landfill and railyards (OU-1 and OU-2) contains certain pollutants at concentrations above regulatory action levels. In addition, the Recology site and Schlage Lock site located north of the Baylands are also undergoing active groundwater remediation. While the groundwater is being actively remediated, the extracted groundwater could contain constituents above action levels that, without proper handling procedures, could expose workers to adverse effects or reach downstream natural waters, resulting in water quality degradation and a significant impact.

**Mitigation Measure 4.H-1a:** Prior to issuance of a grading permit, an applicant for any site-specific development project within the Baylands shall (1) file a Notice of Intent to the RWQCB to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities and shall prepare and implement a site-specific SWPPP for construction activities within the Baylands in accordance with the NPDES General Construction Permit and (2) demonstrate compliance with the City of Brisbane's Municipal Regional Stormwater Permit Order No. R2-2015-0049 Provision C.3. The site-specific SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted as part of grading and construction permits. In addition to meeting the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay.

**Mitigation Measure 4.H-1b:** Prior to issuance of a grading permit, an applicant for any site-specific development project within the Baylands shall comply with any site-specific NPDES permit requirements for dewatering activities, as administered by the RWQCB. The RWQCB could require compliance with certain provisions in the permit, such as treatment of the flows

prior to discharge, depending on the particular site conditions. Discharge of the groundwater generated during dewatering to the sanitary sewer or storm drain system shall only occur with authorization of and required permits from the applicable regulatory agencies, including the Bayshore Sanitary District or the RWQCB. Site dewatering activities shall also be monitored by a state licensed geotechnical engineer in such a manner as to avoid the potential for damaging buildings or infrastructure due to potential subsidence of the ground surface in accordance with any requirements from the City Engineer.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant construction effects on the environment from Impact 4.H-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant construction effects from Impact 4.H-1 to a less-than-significant level.

**Rationale for Finding:** All dewatering activities would be subject to site-specific NPDES permit requirements that prohibit discharge of contaminated groundwater. In addition, General Construction permit requirements also contain measures to protect water quality. Implementation of these mandatory measures as required by Mitigation Measures 4.H-1a and 4.H-1b would be adequate to ensure that construction within the Baylands would not violate water quality standards or waste discharge requirements. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to water quality standards during construction, and impacts would be reduced to less than significant.

**Operations Impacts.** Sedimentation would not be significant during post-construction and ongoing operations within the Baylands because most of the site would be paved or landscaped, which would stabilize soils for the long term. However, the increased amount of impervious surfaces within the Baylands would increase stormwater runoff generation and flows. In addition, Baylands development would result in greater vehicular use of new and existing nearby roadways, which would lead to the accumulation and release of petroleum hydrocarbons, lubricants, sediments, and metals (generated by the wear of automobile parts). The management of landscaped areas would result in runoff containing common urban pollutants such as herbicides and pesticides discharging to the Bay or infiltrating into groundwater. Therefore, after construction and during ongoing operations, nonpoint source pollutants would be washed by rainwater from rooftops and landscaped areas into onsite and local drainage networks. Nonpoint source pollutants in runoff that reaches San Francisco Bay would result in a significant impact.

**Mitigation Measure 4.H-1c:** Applicants for site-specific development projects within the Baylands shall prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements to be reviewed and approved by the City Engineer prior to approval of final design plans. The SMP shall be prepared by licensed professionals and act as the guiding document detailing best management practices for mitigating water quality impacts in the post-construction phase. Industrial uses shall prepare a SMP in accordance with NPDES permit requirements for Industrial Activity. Industrial applicants shall include management measures that achieve the performance standard of best available technology economically achievable and best conventional pollutant control technology in accordance with the General Industrial Permit as approved by the RWQCB and

shall demonstrate compliance within an annual report be submitted each July 1. The SMP shall provide operations and maintenance guidelines for all of the BMPs identified in the SMP, including LID measures and other BMPs designed to mitigate potential water quality degradation of runoff from all portions of the completed development, and shall clearly identify the entity responsible for the required ongoing maintenance. The SMP shall be developed in conjunction with the Storm Drain Master Plan to ensure that the treatment designs support the hydraulics and hydrology of the proposed storm drainage system.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant operations effects on the environment from Impact 4.H-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant operation effects from Impact 4.H-1 to a less-than-significant level.

**Rationale for Finding:** To reduce impacts, stormwater control/Limited Impact Development (LID) measures to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source would be required as standard conditions of approval for Tentative Subdivision Map and building permit application submittals, along with compliance with RWQCB Municipal Regional Stormwater Permit Order No. R2-2015-0049 Provision C.3 (Provision C.3). In addition to these requirements, Mitigation Measure 4.H-1c would be implemented to avoid the significant impact of water quality violations and reduce impacts to a less-than-significant level. As a result, the Baylands General Plan Amendment would not have a substantial adverse operations effect in relation to water quality standards, and impacts would be reduced to less than significant.

- b. Impact 4.H-3: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

**Impacts from Construction and Grading.** Baylands development involves construction and grading activities that would result in exposure of disturbed surface soils to runoff, potentially causing erosion and entrainment of sediment into natural water bodies including Visitation Creek during site remediation and day-lighting of the creek channel to accommodate anticipated sea level rise. Soil stockpiles and excavated areas on the Baylands would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation and pollutants in stormwater and waters that drain to natural water bodies.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant construction and grading effects on the environment from Impact 4.H-3. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant construction and grading effects from Impact 4.H-3 to a less-than-significant level.

**Rationale for Finding:** As discussed under Impact 4.H-1, with implementation of Mitigation Measure 4.H-1a (Storm Water Pollution Prevention Plan) the Baylands General Plan

Amendment would not have a substantial adverse effect on altering drainage patterns during grading and construction, and impacts would be reduced to less than significant.

**Impacts on Visitacion Creek.** Baylands development would not alter the actual existing course (location) of Visitacion Creek east of the railroad right-of-way but would daylight the currently subsurface portion of the creek from the railroad right-of-way to the Roundhouse. This design would accommodate the 100-year design storm event incorporating anticipated changes to tidal flow considering the estimated sea level rise which is anticipated to occur over the next century. Creek enhancements could cause erosion of creek banks during construction if not implemented correctly, resulting in a significant impact.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on Visitacion Creek and the environment from Impact 4.H-3. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate these significant effects from Impact 4.H-3 to a less-than-significant level.

**Rationale for Finding:** While creek enhancements could cause erosion of creek banks during construction if not implemented correctly, design and construction activities would be subject to specific standards contained in BMPs required for site grading as well as the standards established by the City's Municipal Code that are designed to protect watercourses and riparian areas. With implementation of appropriate construction and operation-related BMPs (see Mitigation Measures 4.H-1a and 4.C-1g), regulatory agency's post-construction re-vegetation requirements (see Mitigation Measures 4.C-2a through 4.C-2c), and habitat restoration requirements, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to erosion and sedimentation during and after construction. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to erosion and sedimentation, and impacts would be reduced to less than significant.

- c. *Impact 4.H-4: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Baylands development would add a substantial amount of new impervious area to the site that would reduce the rate of infiltration of precipitation and increase the amount of runoff generated during a rain event. Thus, if not properly designed, development would exacerbate existing flooding onsite and offsite.

To minimize flooding impacts, drainage design plans would include systemwide drainage improvements that accommodate all increased runoff in accordance with City Storm Drain Master Plan requirements and would correct known existing deficiencies including the Levinson Overflow Area and the existing Brick Arch Sewer system. Conceptual drainage design plans would be developed as part of the required specific plan for the Baylands. The potential to increase runoff from the site such that development might exacerbate existing flooding onsite and offsite would be a significant impact.

**Mitigation Measure 4.H-4a:** Prior to issuance of a building permit, all site-specific development plans within the Baylands shall include systemwide drainage improvements that shall accommodate all increased runoff in accordance with City requirements and correct known existing deficiencies (e.g., Levinson Overflow Area and the PG&E property). On-site storm drainage collection facilities shall be sized to convey the peak flow rate from a 25-year storm event entirely within the piping system such that Baylands land uses, roadways, and recreational facilities are not flooded. Drainage improvements shall accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise. Key roadways including Sierra Point Parkway, Lagoon Road, Tunnel Avenue, and the Geneva Avenue extension shall be designed such that these roadways are available as evacuation routes in the event of a 100-year storm event. The proposed system design shall be submitted to the Public Works Director for approval and shall hydraulically isolate existing drainage inlets fronting Levinson Overflow Area and the PG&E property from existing Brick Arch Sewer system.

**Mitigation Measure 4.H-4b:** Prior to issuance of a building permit, all site-specific development plans within the Baylands shall include additional conveyance capacity by incorporating new storm drain facilities along Bayshore Boulevard north of Industrial Avenue. Development plans shall also require addition of a new inlet near the Bayshore Boulevard and Industrial Way intersection that is large enough to intercept surface flows from Levinson Overflow Area and the PG&E property in accordance with and as approved by the City. Review and approval by the City engineer shall be required to confirm that conveyance capacity is sufficient to accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise.

**Mitigation Measure 4.H-4c:** Prior to issuance of a building permit, all development plans in the Baylands shall include conveyance improvements to existing Visitacion Creek in the final drainage plan design and extend it further west of Tunnel Road to the Roundhouse area as approved by the City and in accordance with Army Corps of Engineers and California Department of Fish and Wildlife requirements. Improvements to tidal portions of Visitacion Creek shall be made in accordance with requirements stipulated in permits from the BCDC. Baylands development and infrastructure design shall also incorporate a detention zone within the newly extended channel. Baylands development shall remove the existing Timber Box Culvert between Tunnel Road and the Caltrain mainline tracks and replace it with an open channel system prior to Baylands development completion. The design shall accommodate increases in peak runoff during 100-year design storm event with tidal flow, and with consideration of estimated sea level rise over the next century and provide protection of new structures for human occupancy from the 100-year design storm event throughout and after Baylands development.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.H-4. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.H-4 to a less-than-significant level.

**Rationale for Finding:** Mitigation Measures 4.H-4a, 4.H-4b, and 4.H-4c establish performance standards that ensure future development would not cause or exacerbate onsite or offsite flooding. Impacts would therefore be less than significant. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to alteration of drainage patterns, and impacts would be reduced to less than significant.

*d. Impact 4.H-5: Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

**Exceedance of Capacity of Stormwater Drainage Systems.** The capacity of the existing stormwater system within and adjacent to the Baylands, specifically the Brick Arch Sewer, Visitacion Creek, Timber Box Culvert, and Bayshore Boulevard drainage system, is currently exceeded during large storm events in which runoff floods low-lying areas of the Bayshore Drainage Area including areas of the Baylands. New development would exacerbate flooding conditions during large storm events, and substantial improvements would be required to accommodate the 100-year peak storm event within drainage systems and streets with tidal flow and 100 years of estimated sea level rise.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.H-5 related to exceeding the capacity of stormwater drainage systems. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate these significant effects from Impact 4.H-5 to a less-than-significant level.

**Rationale for Finding:** Baylands development would be required to upgrade the existing storm drainage system to safely convey the 25-year storm event entirely within the piping system and accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise. Additionally, Mitigation Measure 4.H-1c requires a Final Stormwater Management Plan to be prepared and submitted to the City of Brisbane for approval prior to the submittal of any grading permits to meet the aforementioned drainage criteria. Mitigation Measures 4.H-4a, 4.H-4b, and 4.H-4c also require improvements of currently undersized or inadequate facilities to meet these performance standards. Baylands development also would be required to demonstrate compliance with the performance standards set forth in EIR mitigation measures, as well as compliance with existing City of Brisbane stormwater regulations and policies and applicable Municipal Storm Water NPDES Permit requirements. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in



relation to exceeding the capacity of storm drainage systems, and impacts would be reduced to a less-than-significant level.

**Polluted Runoff.** Baylands development would introduce new impervious surfaces that would be a source of new stormwater runoff pollutants typical of urban settings, such as pollutants associated with automobiles (rubber residue from tires, oil, grease, gasoline, metals and other automotive fuels), which, if not managed appropriately, would violate water quality standards. The management of landscaped areas would also present the potential for runoff and/or infiltration of herbicides and pesticides. These types of common urban pollutants could be transported in runoff to the Bay or infiltrate into groundwater. Discharge of source pollutants to the Bay could further impair the water quality of the Bay and would be considered a significant impact. The creation of new impervious surfaces that would increase stormwater runoff volumes and present potential sources of polluted runoff would constitute a significant impact.

**Mitigation Measure 4.H-5:** Prior to issuance of an occupancy permit for site-specific development, an integrated pest management plan shall be prepared and implemented, subject to City review and approval, to set forth a preventative, long-term, low toxicity program to control pests. The plan shall provide guidelines for landscape and building maintenance with the emphasis on minimizing the use of pesticides while controlling pests. At a minimum, the integrated pest management plan shall include:

- **Identification of acceptable pest levels** (action thresholds) with an emphasis on *control*, not *eradication*, identifying site and pest specific action thresholds, and the controls to be use if those thresholds are exceeded.
- **Preventive practices:** Design, construction, and maintenance of landscape facilities, and buildings, as well as operation of uses that prevent or minimize pest problems.
- **Monitoring:** Regular observation, including inspection and identification.
- **Mechanical controls:** Should a pest reach an unacceptable level, provide for mechanical methods as the first options, including include simple hand-picking, erecting insect barriers, using traps, vacuuming, and tillage to disrupt breeding.
- **Biological Controls:** Provide for use of natural biological processes and materials for control, including promoting beneficial insects that prey on target pests and biological insecticides derived from naturally occurring microorganisms.
- **Responsible Pesticide Use:** Provide for use of synthetic pesticides generally only as required when preferred methods are infeasible or ineffective, including use of the least toxic pesticide that will do the job and is the safest for other organisms and for air, soil, and water quality; use of pesticides in bait stations rather than sprays; or spot-spraying rather than general application.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects of polluted runoff on the environment from Impact 4.H-5. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate these significant effects from Impact 4.H-5 to a less-than-significant level.

**Rationale for Finding:** In general, existing local stormwater management plans and policies, and State Water Board requirements, which implement Clean Water Act requirements, would minimize the creation of pollution-generating surfaces. Clean Water Act Section 402 NPDES MS4 permits require stormwater management plans, which in turn require source and treatment control measures. NPDES MS4 requirements include measures to reduce the severity of impacts by requiring stormwater drainage control/ LID design measures that are in compliance with RWQCB Municipal Regional Stormwater Permit Order No. R2-2015-0049 Provision C.3 (Provision C.3).

The City of Brisbane operates under the November 19, 2015 RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES MS4 Permit (Order No. R2-2015-0049 NPDES Permit No. CAS612008). As required by the permit, the City implements specific BMPs to help reduce pollutants and eliminate non-stormwater discharges to the storm drain system (RWQCB, 2015). Baylands development would be required to comply with Provision C.3 of NPDES Permit No. CAS612008 to include operational BMPs such as LID measures to minimize the potential impact from polluted stormwater runoff.

With the implementation of Mitigation Measures 4.H-1c, 4.H-4a, 4.H-4b, 4.H-4c, and 4H-5, the stormwater drainage design would be required to minimize potential sources of pollution. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect on flooding or water quality, and impacts would be reduced to less than significant.

- e. *Impact 4.H-6: Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

The Baylands General Plan Amendment would permit housing within that portion of the Baylands north of the Geneva Avenue extension, west of the Caltrain right-of-way, which includes areas mapped as 100-year flood hazard areas based on existing topography. These areas are prone to flooding primarily due to the area's low-lying elevation and insufficient capacities in the existing drainage system

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.H-6. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.H-6 to a less-than-significant level.

**Rationale for Finding:** The primary causes of flooding within the Baylands would be corrected through site grading and implementation of Mitigation Measures 4.H-1c, 4.H-4a, 4.H-4b, and 4.H-4c. These measures require that drainage improvements accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise. Based on the conceptual grading plan evaluated in the EIR, the finished floor elevations for housing would be a minimum of 13 feet than current ground levels, which would be well above the existing flood-prone areas. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to

placement of housing in a 100-year flood zone, and impacts would be reduced to less than significant.

*f. Impact 4.H-7: Would the Project place structures within a 100-year flood hazard area that would impede or redirect flood flows?*

The Baylands General Plan Amendment would allow construction of structures in areas between Bayshore Boulevard and the Caltrain tracks that, under current topographic and infrastructure conditions, could become flooded during a 100-year storm event.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.H-7. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.H-7 to a less-than-significant level.

**Rationale for Finding:** With incorporation of the design features described under Impact 4.H-4, placement of fill materials that raises ground elevations to minimum requirements above flood zone levels, along with implementation of applicable agency permitting requirements, Baylands development would implement Mitigation Measures 4.H-1c, 4.H-4a, 4.H-4b, and 4.H-4c, and thereby provide sufficient improvements so as to avoid significant environmental effects related to placing structures within a 100-year flood hazard area that would impede or redirect flood flows. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to flood flows, and impacts would be reduced to less than significant.

*g. Impact 4.H-8: Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

**Flooding Due to Sea Level Rise.** Baylands development could expose people or structures to flooding or tidal events that may result from rising sea levels. Mitigation Measure 4.H-4a requires drainage improvements to be provided as part of Baylands development to “accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise.” As required by Mitigation Measure 4.H-8, development would require compliance with BCDCs Bay Plan policies related to sea level rise for areas located within their jurisdiction.

**Mitigation Measure 4.H-8:** Concurrent with submittal of development applications, site-specific development projects within the area south of the proposed Geneva extension shall submit design plans along with a Sea Level Rise Risk Assessment Report to the City. Site specific development projects within portion of the Baylands under BCDC jurisdiction shall submit design plans and a Sea Level Rise Risk Assessment Report to BCDC in accordance with the most current San Francisco Bay Plan policies. Site-specific development within the Baylands shall incorporate protection measures that demonstrate ability to handle the flood levels expected by mid-century in accordance with the San Francisco Bay Plan. Any BCDC requirements after review of the Sea Level Rise Risk Assessment report shall also be incorporated into Project design prior to issuance of a building permit. Sea level rise analyses shall be based on the

California Climate Action Team's sea level rise projections for the West Coast, unless otherwise substantiated to the satisfaction of BCDC. For site-specific development projects within the area subject to BCDC jurisdiction, discretionary permits from the City such as grading or building permits shall be obtained prior to final approval of the BCDC permit.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.H-8. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.H-8 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measures 4.H-4a and 4.H-8 will performance standards that ensure development within the Baylands is protected from 100 years of projected sea level rise. Thus, the Baylands General Plan Amendment would not have a substantial adverse effect related to sea level rise and impacts would be reduced to less than significant.

## **8. Land Use and Planning**

*a. Impact 4.I-1: Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?*

The Baylands General Plan Amendment would result in cumulative traffic impacts at intersections on Bayshore Boulevard that could be reduced but would still exceed applicable level of service standards included in the General Plan. The EIR traffic analysis demonstrates that these exceedances are attributable to background traffic growth generated by developments approved by the cities of San Francisco, Daly City, and South San Francisco that exceed long-term traffic projections set forth in the 1994 Brisbane General Plan. As such, the level of service standards for these intersections set forth in the General Plan cannot be achieved even in the absence of new development in the Baylands.

**Mitigation Measure 4.I-1:** Recognizing that General Plan roadway level of service standards will be exceeded due to development in other cities even if no development within the Baylands occurs, General Plan Policy 38.1 (*roadway level of service standards*) shall be amended to reflect current traffic conditions; developments approved by the cities of San Francisco, Daly City, and South San Francisco that exceed long-term traffic projections set forth in the 1994 Brisbane General Plan; and the land use program approved in the Baylands General Plan Amendment.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.I-1. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.I-1 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.I-1, General Plan Policy 38.1 (*roadway level of service standards*) would reflect current traffic conditions; developments approved by the cities of San Francisco, Daly City, and South San Francisco that exceed long-term traffic projections set forth in the 1994 Brisbane General Plan; and the land use program approved in the

Baylands General Plan Amendment. As a result, the Baylands General Plan Amendment would be consistent with General Plan Policy 38.1 and would not have a substantial adverse effect. Impacts would thus be reduced to less than significant.

## 9. Noise and Vibration

- a. *Impact 4.J-1: Would the Project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, specific plan, or other land use plan?*

The Baylands General Plan Amendment would permit multi-family housing in the area north of the Geneva Avenue extension, west of the Caltrain right-of-way. For multi-family residential uses, the General Plan identifies noise environments of 65 DNL or less as normally acceptable noise exposure. Long-term noise monitoring has documented that multi-family housing closer than 150 feet to the Caltrain right-of-way would be exposed to noise levels considered conditionally acceptable, while residences located within approximately 75 feet of the Caltrain right-of-way would be exposed to noise levels considered normally unacceptable for such uses. “Conditionally acceptable” means that new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. “Normally unacceptable” means that new construction or development should be discouraged, but if it does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design. Therefore, a significant noise exposure impact would occur if residential uses receptors would occur within 150 feet of the Caltrain tracks. Mitigation measures would therefore be required for any multi-family residential units located closer than 150 feet to the Caltrain tracks.

Development of multi-family residential uses would be subject to the standards of Title 24 of the California Code of Regulations, which provides an interior noise standard of DNL 45 dBA in any habitable room and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. Notwithstanding the requirements of Title 24, existing noise levels close to the Caltrain tracks would also affect exterior common areas, such as patios and balconies, and mitigation for exterior noise levels would be necessary

**Mitigation Measure 4.J-1a:** All residential development within the Baylands shall minimize the exposure of people within the Baylands to noise from Caltrain operations through construction of noise barriers or maintenance of buffer distances, and shall adhere to the following noise performance standards:

- Exterior noise level of below 65 dBA, DNL for outdoor common areas within any approved residential use; and
- Interior noise standard of 45 dBA, DNL.

These noise levels shall be attained through use of appropriate building materials as required by state of California Title 24 standards. Compliance with these performance standards shall be verified by an acoustical professional prior to issuance of a building permit. Specific measures to achieve these performance standards shall include all or any combination of the following options:

- Site design measures, including use of building orientation to minimize window exposure toward noise sources, avoid placing balcony areas in high noise areas, and use of buildings as noise barriers;
- Use of acoustically rated building materials (insulation and windows);
- Construction of architectural noise barriers between sources and receptors; and
- Provision of landscaping or other non-noise-sensitive buffer zones between sources and receptors.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.J-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.J-1 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.J-1a sets performance standards for housing within the Baylands avoiding exposure of residents to noise levels in excess of standards of the General Plan. As a result, the Baylands General Plan Amendment would not have a substantial adverse noise effect, and impacts would be reduced to less than significant.

*b. Impact 4.J-2: Would the Project expose people to or generate excessive groundborne vibration or groundborne noise levels during construction or operation?*

Pile driving may be necessary for the construction of high-rise office structures, which would result in groundborne vibration. The potential exists that Baylands development would exceed the criteria published by Caltrans for protection of fragile older buildings, as well as the criterion for newer buildings.

Because the Baylands is bisected by the Caltrain commuter rail line, proposed development would expose people to vibrations from Caltrain rail operations. The Federal Transportation Agency acknowledges that steel wheeled/steel rail vehicles can generate vibration impacts and identifies screening buffer distances for commuter rail lines of 200 feet from the right-of-way for residences to avoid vibration impacts. Thus, location of housing within 200 feet of the Caltrain station and mainline track, would result in a significant impact. Proposed electrification of the Caltrain line would likely reduce vibration impacts, as vibration curves published by the FTA indicate that vibration levels from locomotive powered passenger trains are at least 10 Vdb greater than light-rail vehicles.

**Mitigation Measure 4.J-2a:** All development in the Baylands shall be designed to avoid vibration from Caltrain operations in excess of 72 VdB for residences. Prior to issuance of any building permit for structures intended for human occupancy within 200 feet of the Caltrain mainline track, a detailed vibration design study shall be completed by a qualified acoustical engineer to confirm the ground vibration levels and frequency content along the Caltrain tracks and to determine appropriate design to limit interior vibration levels to 72 VdB for residences. Implementation of the recommended measures of the acoustical study into project design elements shall be verified by the Brisbane Building Department as part of the plan-check process.

Specific measures to achieve the performance standards set forth above shall include all or any combination of the following methods:

- Use of vibration isolation techniques such as supporting the new building foundations on elastomer pads similar to bridge bearing pads;
- Installation of vibration wave barriers. Wave barriers would consist of control trenches or sheet piles, which are analogous to controlling noise with sound barrier. The applicability of this technique depends on the characteristics of the vibration waves.

Extremely fragile structures within the Baylands include the Roundhouse, which is listed on the National Register of Historic Places. This unreinforced masonry structure has suffered fire damage which occurred primarily in the western half of the Roundhouse, with portions of its roof now missing, charred timbers, and missing or broken window frames and is therefore in a fragile condition. Development of new uses, roadways, and infrastructure adjacent to the Roundhouse would most likely involve standard construction equipment and would be unlikely to require high-impact equipment such as pile driving. However, if pile driving were necessary for proposed buildings near the Roundhouse, construction-related vibration within 85 feet of the structure would have a significant impact, requiring mitigation.

**Mitigation Measure 4.J-2b: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring.** Any development within 85 feet of the Roundhouse and the Machinery & Equipment Building that would require pile driving or other construction techniques that could result in vibrations of 0.25 in/sec shall engage a qualified geotechnical engineer subject to City approval to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of the nearby historic structures subject to pile-driving or other vibration-inducing activity before a building permit is issued to demonstrate that the proposed construction activities would not result in vibration-induced damage to the Roundhouse and the Machinery & Equipment Building.

If recommended by the pre-construction assessment, groundborne vibration monitoring of nearby historic structures shall be required. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary. The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities. Monitoring shall be maintained while construction occurs within 85 feet of historic structures, and results shall be submitted to the City Engineer. In the event of unacceptable ground with the potential to cause structural damage movement (in excess of 0.25 in/sec PPV at historic structures), as determined by the City Engineer, all impact work shall cease until corrective measures (e.g., installation of vibration wave barriers) are implemented to reduce ground movement to below 0.25 inches PPV.

In addition, the following measure shall be implemented:

- Evaluate and implement feasible measures for reducing vibration, such as alternative pile driving methods (e.g., cast- in-drilled-hole piles versus driven piles), alternative foundation types for the new construction (e.g., spread footings versus driven piles), alternative compaction methods, and physical measures (intervening trench, increased distance).
- Require monitoring to be conducted at the building during construction. This monitoring can include crack gages on existing cracks and vibration amplitude monitoring. Establish warning and stop work thresholds for monitoring. Implement visual and audible signals that are triggered by a vibration monitor when exceedances of warning and stop work thresholds occur. If warning thresholds are exceeded routinely, consider alternative construction approaches.
- If the stop work threshold is exceeded, evaluate the condition of the building for damage. If no damage is indicated consult with structural engineer and/or architectural historian to assess whether higher thresholds are possible and adjust as appropriate.
- If damage occurs determine if any other construction approaches are feasible to reduce vibration. If none is available examine the severity of the damage to determine if damage is minor and repair is feasible. If repair is feasible continue with construction but monitor vibration and damage closely to ensure that damage remains repairable. Consider whether a lower stop work threshold is feasible.
- If damage approaches becoming unrepairable and vibration levels have approached or exceeded the stop work threshold repeatedly, reconsider construction of the project.
- Repair any damage that has occurred.

Vibration may also impact underground utilities.

**Mitigation Measure 4.J-2c:** All development sites requiring pile driving shall have underground utility<sup>7</sup> surveys completed before a building permit is issued to demonstrate that pile driving will be located a minimum 15 feet from buried utilities. Underground utilities surveys shall be submitted to the City for review and consultation with affected utilities a minimum of two weeks prior to commencement of construction activities. If underground utilities are identified within 15 feet of proposed pile driving activities, alternative pile installation methods shall be required. Alternative methods may include use of sonic drivers or drilled and cast-in-place piles. All pile driving shall be designed so as to result in peak particle velocity of less than 4.0 in/sec (100 mm/s) at the location of underground utilities.

Within one week following completion of pile driving activities, a post-construction assessment of all underground utilities within 30 feet of the pile driving activity shall be submitted to the City by the contractor, confirming that no damage to any underground utilities occurred as the result of the pile driving activity. Should the post-construction assessment determine that underground utilities were damaged by pile driving activities, such damage shall be repaired by the contractor to the satisfaction of the City and affected utility.

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<sup>7</sup> Underground utilities include electrical lines, irrigation lines, reclaimed water lines, municipal water lines, sewer lines, gravity flow facilities (storm, sanitary and laterals), cable/communication lines and gas lines.



**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.J-2. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.J-2 to a less-than-significant level.

**Rationale for Finding:** Implementation of the performance standards set forth in Mitigation Measure 4.J-2a would ensure that residential structures, developed within the Baylands would be sited and designed so as to avoid damage related to groundborne vibration from rail operations thereby reducing impacts to less than significant. Implementation of the performance standards set forth in Mitigation Measures 4.J-2b and 4.J-2c would ensure that fragile historic structures and underground utilities would not be damaged as the result of any pile driving activities. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to groundborne vibration, and impacts would be reduced to less than significant.

*c. Impact 4.J-3: Would the Project result in a substantial permanent increase in ambient noise levels in the vicinity or above levels existing without the Project?*

Noise modeling undertaken for the EIR scenario indicated less-than-significant noise impacts, with Baylands-related noise increases of 2.2 dB or less at all locations. By reducing the amount of traffic that would be generated in comparison to the DSP scenario, the Baylands General Plan Amendment would reduce the less-than-significant impact identified for the DSP scenario.

Once new development within the Baylands is in operation, noise would be generated by truck loading and unloading activities as well as heating, ventilation, and air conditioning systems on buildings. Operation of heating, ventilation, and air conditioning equipment would be subject to City Noise Ordinance standards. Provided that the equipment would be designed and used in a manner that complies with those standards, the noise impact on Baylands residences and adjacent land uses would be less than significant.

Should wind energy generation<sup>8</sup> be approved within the Baylands, it would represent a third noise source should it be proposed within the Baylands. At 50 feet from sensitive noise receptors, small wind turbines would not create significant noise levels, except under high wind conditions, where noise generated by the wind itself would mask the loudness of noise generated by the wind turbines. The noise levels that would result from onsite wind turbines are below noise levels that would occur at comparable locations from US Highway 101 and the Caltrain tracks within the Baylands. Significant impacts resulting from small wind turbines onsite are not, therefore, expected

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<sup>8</sup> Wind energy generation facilities were proposed as part of the CPP and CPP-V scenarios and Renewable Energy General Plan Alternative analyzed in the EIR. They are neither explicitly proposed or prohibited in the Baylands General Plan Amendment, could therefore be proposed in the future.

as long as a 50-foot separation is maintained. Larger utility scale wind turbines have the ability to create significant noise impacts on noise sensitive uses.

**Mitigation Measure 4.J-3a:** All development within the Baylands shall incorporate the following design features into the final site plans prior to issuance of a building permit:

- Building equipment (e.g., heating, ventilation, and air conditioning units) shall be located away from nearby residences, on building rooftops, or adequately shielded within an enclosure that effectively blocks the line of sight of the source from receivers in order to meet a performance standard of 5 dBA over existing ambient noise levels (generally perceptible increase to most persons) for this source which would potentially operate more than 20 minutes in a given hour.
- Formal truck delivery areas (e.g. loading bays) shall be located at least 100 feet from residences to maintain noise levels of less than 5 dBA over existing monitored levels, except within mixed-use buildings containing both residential and commercial uses. Truck delivery bays and waste collection areas shall be located so that they are blocked by buildings or designed with noise reduction barriers to reduce noise impacts on residences or other sensitive receptors.
- Where truck delivery bays are provided within mixed-use buildings containing both residential and commercial uses, they shall be located and designed so as to minimize the effects of noise from loading activities on residential uses within the building.

**Mitigation Measure 4.J-3b:** Small wind turbines shall be sited a minimum of 50 feet from the property line of noise sensitive land uses (e.g., residential, schools, religious institutions), and utility scale wind turbines shall be cited a minimum of 100 feet from the property line of noise sensitive land uses and separated from one another by a distance no less than a minimum of two times the rotor diameter of the larger turbine.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.J-3. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.J-3 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measures 4.J-3a and 4.J-3b would establish performance standards for new development that would ensure noise-compatible land use relationships. As a result, the Baylands General Plan Amendment would not have a substantial adverse noise effect, and impacts would be reduced to less than significant.

## **10. Public Services**

- Impact 4.L-1: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

The Baylands General Plan Amendment would substantially increase daytime worker population and introduce a new residential population to the site. Based on the EIR's reported ratio of 240 calls for police service per 1,000 residents and employees, the 21,200 to 22,095 residents and employees

that would be present within the Baylands at buildout would be expected to request 5,088 to 5,302 calls for police service annually. While this is less than the 6,583 calls for police service that were evaluated in the EIR, it nevertheless represents a substantial increase from the 3,116 calls for police service being received annually citywide by the Brisbane Police Department.

Given the amount of proposed development, in terms of both its geographic area and the number residents and employees that would be present within the Baylands, implementation of the Baylands General Plan Amendment would require expanded police services. This need for increased police services is related to anticipated increases in traffic congestion, vehicle accidents, auto burglaries, robberies, commercial and financial crimes, crimes against persons, residential burglaries, and domestic-related incidents. Specifically, the new residential population is anticipated to generate an increase in crimes against persons and domestic-related calls for nighttime service.

To provide equivalent coverage and response times throughout the City and the Baylands as it currently provides, the Brisbane Police Department would need one or two additional 24/7 shifts added to its patrol staffing, requiring additional officers plus an additional civilian employee. Implementation of the Baylands General Plan Amendment would also require the addition of a patrol vehicle, including radio, light bar, and other associated emergency equipment.

To ensure (per City of General Plan Policy 27) that centrally located police facilities are provided to serve the Baylands and that adequate response times can be maintained throughout the City, the specific plan for the Baylands would be required to prepare and implement a Police Services and Facilities Plan, subject to City approval, to define specific timing requirements for establishment of additional police shifts based on the progression of development within the Baylands. The plan would, at a minimum, provide for:

- Establishment of a new 24/7 officer shift and one civilian daytime shift within the Brisbane Police Department along with the equipment needed to support the additional shift prior to issuance of the first Certificate of Occupancy for any new development within the Baylands, with provision for establishment of additional 24/7 officer shift(s) as determined necessary by the Brisbane Police Department.
- Construction and initiation of operation of storefront police substation(s) within the Baylands to accommodate additional required staff to be completed prior to issuance of the first Certificate of Occupancy for any new development within the Baylands. The facility would be sized to accommodate a waiting area, interview room, rest room, and storage area, and to allow officers assigned to the designated patrol beat for the Baylands to take reports while remaining within the beat area. The retail substation would be located within a commercial ground floor storefront such that it is easily visible and accessible to the general public.

Although the Brisbane Police Department would require increased staffing levels, the existing police has adequate space to hold any new officers that would be needed to adequately serve the Baylands and therefore no new or physically expanded facility would be required to maintain acceptable staffing ratios to serve the Baylands. However, given the location of the proposed development in relation to the existing police station, the Brisbane Police Department has

determined that a storefront community police facility (retail substation) within the Baylands would be needed to maintain desired response times. Provision of such a substation would contribute to the construction impacts of future development addressed in Chapter 4 of the Draft EIR.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant construction effects on the environment from Impact 4.L-1. Specifically, these mitigation measures are feasible and are adopted to mitigate significant effects from Impact 4.L-1 to a less-than-significant level.

**Rationale for Finding:** The impacts of providing such a substation are addressed in the EIR as part of the discussion of impacts within the Baylands, including implementation of all applicable mitigation measures. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect related to police services, and impacts would be reduced to less than significant.

- b. *Impact 4.L-2: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable staffing ratios, response times or other performance objectives?*

The Baylands General Plan Amendment would likely result in development of mid-rise buildings for which a ladder truck would be required to provide adequate response during a fire. Baylands development would be required to meet the North County Fire Authority (NCFA) standards related to fire hydrant placement, fire flow requirements, installation of fire protection devices, and other fire code requirements. All new structures built within the Baylands, including residential, commercial, and other non-residential uses would be required to comply with applicable building and fire code requirements, which include, for example, the installation of fire protection devices (such as extinguishers, fire alarms, and automatic sprinkler systems).

The required Specific Plan for the Baylands would include a circulation plan that would be required to ensure appropriate emergency access to and from the Baylands and to provide access to all development areas through new roadways (specifically to facilitate NCFA's emergency response within the Baylands). Further, Baylands development would be designed in accordance with City and NCFA standards, which include emergency access requirements (e.g., minimum street widths, minimum turning radii). In addition, emergency vehicles would be able to utilize transit lanes when streets are congested. Adequate emergency access would be ensured through the requirement that any specific plan adopted for the Baylands shall include measures to ensure that physical or traffic congestion impediments that would prevent emergency vehicles from traveling to and from an emergency situation are avoided.

Applications for site-specific development would be subject to review and approval by the City, including emergency service providers, per the City's plan approval process set forth in Brisbane Municipal Code Section 15.44.030. Site-specific applications for industrial development, renewable energy generation facilities, and water recycling facilities would require additional review by the NCFA for special fire hazards, which is also a part of the City's plan approval process.

The Baylands General Plan Amendment would generate additional demand for fire and/or emergency services, nearly doubling Brisbane's resident and employment population. As such, it can be anticipated that that Baylands development would result about double the annual number of calls for service that Station No. 81 receives for its Brisbane service area.

The EIR notes that NCFA is not currently meeting response time goals. Thus, Baylands development would require additional fire protection personnel and/or equipment in order to meet NCFA's emergency service response time goals without impacting existing services currently provided to the Brisbane community. To ensure adequate fire protection services and facilities to support Baylands development and maintain adequate response times throughout the City, the required Specific Plan for the Baylands would be required as part of the planning review process to prepare and implement a Fire Protection Services Plan that provides for the timely provision of fire protection facilities, equipment, and staffing. The Fire Protection Services Plan would specify the means and methods that would be employed, over time, to ensure that the following performance standards are met:

- All Baylands development to be located within 1.5 miles of a fully staffed (four-person minimum staffing for all fire companies) and equipped NCFA fire station.
- All buildings greater than three stories in height located within two miles of a fully staffed (four-person minimum) and equipped ladder truck company.
- Adequate fire flow and service pressure available per NCFA standards.
- Expansion of existing fire stations or construction of new stations as needed to meet the following response time standards of the NCFA within the Baylands:
  - Seven-minute Total Reflex Time<sup>9</sup> for a single fire company (first responder) for 90 percent of incidents;
  - Eleven-minute Total Reflex Time for multiple fire companies for 90 percent of all structure fires;
  - Fire Confinement Success Rate – ability to hold structure fires to floor or origin (i.e., preventing the fire from spreading to additional floors after first arrival on the scene) for 90 percent of structure fires; and

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<sup>9</sup> "Total Reflex Time" is measured from the time a call is received at the county communications center to the arrival of the first apparatus at the scene. Typically, for the public, the response time clock begins when an individual becomes aware there is an emergency incident occurring. While the difference between the two may vary by only a minute or two, the distinction is significant in that fire service response time goals are set to measure fire service performance from the moment the emergency enters the system.

- Fire Company Reliability –ability to handle 90 percent of all incidents within the Baylands from the station within whose primary service area the Baylands is located.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.L-2. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.L-2 to a less-than-significant level.

**Rationale for Finding:** The substantial increase in current fire service demands that would result from the Baylands General Plan Amendment would require a new fire station or expansion of the existing Station No. 81 to provide adequate fire protection service to the Baylands. The following measures are proposed to minimize construction-related impacts related to such facilities: Mitigation Measures 4.B-2a, 4.B-2b, and 4.B-3 (construction air emissions); Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d and 4.C-4e (biological resources); Mitigation Measures 4.D-2 and 4.D-4 (archaeological resources and human remains); Mitigation Measure 4.E-2a (ground settlement); Mitigation Measures 4.G-2a, 4.G-2b, 4.G-2d and 4.G-2f through 4.G-2h (hazardous materials); Mitigation Measures 4.J-4a and 4.J-4b (construction period noise); and Mitigation Measure 4.N-12 (construction circulation patterns). With implementation of the construction and operational measures proposed in other sections of the EIR, along with preparation and implementation of the Fire Protection Services Plan described above, the Baylands General Plan Amendment would not have a substantial adverse effect on fire protection services, and impacts on fire protection services would be reduced to a less-than-significant level.

- c. *Impact 4.L-3: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to provide adequate classroom space?*

The 1,800 to 2,200 multi-family residential units that would be constructed within the Baylands would result in approximately 365 to 446 elementary and middle school students and 144 to 176 high school students. In addition, approximately seven million square feet of new non-residential development could result in as many as 177 additional elementary and middle school students and as many as 70 high school students).<sup>10</sup>

The elementary and middle school students that would be generated by proposed Baylands development represents a 58 to 66 percent increase of the combined current enrollment of both the Brisbane ESD and the Bayshore ESD (total 941). Total project-related generation of high school students (184 to 246) would represent a four to five percent increase in the enrollment of the JUHSD (4,722).

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<sup>10</sup> The number of Baylands workers registering their children for school based on their place of employment accounts for workers do not also live within the Baylands. The provisions of state law providing parents the ability to register their children for school based on their place of employment is intended to accommodate parents who live and work in different school attendance boundaries, and to thereby justify school mitigation fees for non-residential development.

Considering the declining enrollment and the excess capacity currently available in JUHSD schools, the number of students generated by the Baylands General Plan Amendment would not result in the need for new or expanded high school facilities beyond what is already planned within the JUHSD. Although the maximum capacity of the schools within the elementary school districts is not available, based on comparison of Baylands development-related grade K-8 student generation (542 to 623 students from residential development and commercial development) to the combined enrollment of both the Brisbane ESD and the Bayshore ESD, both current (941 students) and 15-year peak (1,135 students), it appears that development resulting from the Baylands General Plan Amendment would create a need for new grade K-8 school facilities.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.L-3. Specifically, Mitigation Measures 4.B-2a, 4.B-2b, and 4.B-3 (construction air emissions); Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d and 4.C-4e (biological resources); Mitigation Measures 4.D-2 and 4.D-4 (archaeological resources and human remains); Mitigation Measure 4.E-2a (ground settlement); Mitigation Measures 4.G-2a, 4.G-2b, 4.G-2d, and 4.G-2f through 4.G-2h (hazardous materials); Mitigation Measures 4.J-4a and 4.J-4b (construction period noise); and Mitigation Measure 4.N-12 (construction circulation patterns) are feasible and are adopted to mitigate significant effects from Impact 4.L-3 to a less-than-significant level.

**Rationale for Finding:** Pursuant to SB 50, applicants for individual development projects within the Baylands would be required to pay school facilities impact fees established to offset the impacts of new development on school facilities. Therefore, although proposed development substantially increases the combined current enrollment of the Brisbane ESD and the Bayshore ESD along with an 4-5 percent increase in the enrollment of the JUHSD, payment of fees mandated under SB 50 is the mitigation measure prescribed by the statute, and payment of such fees is the exclusive method available to the City to mitigate the direct impacts on school facilities. Further, payment of such fees is presumed under the law to be mitigation in full for direct impacts to school facilities caused by increasing student enrollment.

However, CEQA requires analysis of the indirect impacts associated with construction or expansion of schools, such as an increase in student traffic, in the appropriate resource area. It is unknown at this time whether needed new school facilities to serve Baylands residents would be constructed within the Baylands or offsite. Decisions as to the location of future schools are the sole responsibility of the school districts. Impacts associated with the provision of new school facilities resulting from the Baylands General Plan Amendment would contribute to the significant impacts of Baylands development and would therefore be significant. In terms of indirect impacts, the construction and operation of institutional uses has been anticipated as a part of Baylands development, and the impacts of their construction and operation are discussed in throughout the EIR. As such, the following measures are proposed to minimize indirect impacts from schools: Mitigation Measures 4.B-2a, 4.B-2b, and 4.B-3 (construction air emissions); Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d and 4.C-4e (biological resources); Mitigation Measures 4.D-2 and 4.D-4 (archaeological resources and human remains);

Mitigation Measure 4.E-2a (ground settlement); Mitigation Measures 4.G-2a, 4.G-2b, 4.G-2d, and 4.G-2f through 4.G-2h (hazardous materials); Mitigation Measures 4.J-4a and 4.J-4b (construction period noise); and Mitigation Measure 4.N-12 (construction circulation patterns). As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to school facilities, and impacts would be reduced to less than significant.

- d. *Impact 4.L-4: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, need for new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to provide adequate library services?*

At buildout of the Baylands General Plan Amendment, approximately 4,015 to 4,905 residents would be introduced to the Baylands, including a resident student population of 365 to 446 along with approximately 247 additional students that might register in local schools as the result of their parents' place of employment. The permanent resident and student population would result in an increased demand for library services.

Although Baylands development would increase demand for library resources, inter-library loan programs increasingly allow libraries to distribute resources with reduced reliance on the physical library facility to store a large collection. As such, adequate provision of library services cannot be evaluated by measuring the collection size within a specific branch against the number of borrowers or per capita. Baylands-related population increases would also result in an increased demand on the community rooms, study areas, and designated community spaces that existing libraries provide.

Given that 14 existing branch libraries are located within 3.5 miles of the Baylands, including three libraries within one-half mile of the site, it is reasonable to anticipate that, in the absence of a library facility within the Baylands, area residents, students, and employees would tend to use other nearby library facilities, impacting the capacity of those facilities. Thus, Baylands development would result in a need for library space beyond what already exists to maintain existing services to the Brisbane community and not impact libraries in surrounding communities. This impact would be significant, and mitigation would be required.

**Mitigation Measure 4.L-4:** To avoid impacting existing and proposed library facilities in surrounding communities, a library facility shall be developed within the Baylands that is of sufficient size to serve the Baylands resident and student population. The onsite library shall be constructed and operational prior to issuance of the occupancy permits for more 1,000 dwelling units, thereby ensuring an onsite resident population to use Baylands library facilities at the time of its opening. This requirement shall be reflected in the specific plan required to be prepared and approved prior to Baylands development.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.L-4. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.L-4 to a less-than-significant level.



**Rationale for Finding:** Implementation Provision of an adequately sized library facility within the Baylands would mitigate direct impacts of Baylands development. The impacts of constructing and operating such a library are addressed in the EIR as part of the discussion of impacts within the Baylands, including implementation of all applicable mitigation measures. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to library services, and impacts would be reduced to less than significant.

## **11. Recreational Resources**

- a. *Impact 4.M-2: Would the Project include new recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

Implementation of the Baylands General Plan Amendment would result in construction of new parks and recreational facilities. Park sites would generally require clearing of existing vegetation and grading; installation of utilities, including stormwater drainage and water/wastewater lines; installation of hardscape areas for play surfaces, pathways, and parking; and installation of site furnishings and other equipment (e.g., benches, play facilities, fencing, lighting). New structures such as restrooms and picnic shelters would also be constructed. Vegetated areas would also require installation of irrigation systems in some areas.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.M-2. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.M-2 to a less-than-significant level.

**Rationale for Finding:** Construction activities of proposed parks and recreational facilities were evaluated as part of overall development impacts. Due to the time-limited nature of construction, construction-related impacts at any single location would be temporary. The construction impacts of Baylands development as a whole, including impacts of new park and recreational facility construction, and, as needed, mitigation measures and other construction-related regulatory requirements, are discussed in EIR Section 4.B, *Air Quality*; Section 4.C, *Biological Resources*; Section 4.E, *Geology, Soils, and Seismicity*; Section 4.G, *Hazards and Hazardous Materials*; Section 4.H, *Hydrology and Water Quality*; Section 4.J, *Noise and Vibration*; and Section 4.N, *Traffic and Circulation*. Construction impacts related to site-specific projects of parks proposed under the required Specific Plan for the Baylands would be addressed in detail during subsequent project-specific environmental review. Recreational uses proposed within areas of the Baylands that are contaminated by former land uses (landfill and railyard) and that would require remediation prior to future development activities, would be addressed in remedial action and Title 27 landfill closure plans.

Mitigation measures proposed in other sections to minimize construction-related impacts are recommended under all proposed development scenarios to reduce the impacts associated with the construction of recreational facilities (see Mitigation Measures 4.B-2a, 4.B-2b, and 4.B-3 [construction air emissions]; Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d and 4.C-4e [biological resources]; Mitigation Measures 4.D-2 and 4.D-4 [archaeological resources and human remains]; Mitigation Measure 4.E-2a [ground settlement];

Mitigation Measures 4.G-2a through 4.G-2c and 4.G-2f through 4.G-2h [hazardous materials]; Mitigation Measures 4.J-4a and 4.J-4b [construction period noise]; and Mitigation Measure 4.N-12 [construction circulation patterns]]. Parks and recreational facilities are also included as part of Baylands development. Therefore, operational impacts associated with these facilities – including increases in traffic, air pollutants, and greenhouse gas emissions, noise, and disturbance of biological, hydrologic, and cultural resources – are evaluated as part of the overall analysis of land uses associated with the Baylands development and included in the EIR sections cited above.

As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to parks, and impacts would be reduced to less than significant.

## **12. Traffic and Transportation**

- a. Impact 4.N-1: Would the Project result in a substantial increase in traffic under Existing plus Project conditions at intersections in the vicinity of the Project Site?*

**Intersection Spacing along the Geneva Avenue Extension.** The Specific Plan prepared for the DSP and DSP-V scenarios proposed three intersections with full turning movements spaced less than 1,200 feet from each other along the Geneva Avenue extension. Such close spacing of intersections could cause traffic to queue up at one intersection along Geneva Avenue and back up into another intersection, even if each intersection met applicable LOS standards on its own. Although the roadway plan set forth in the Specific Plan for the DSP and DSP-V scenarios is not part of the Baylands General Plan Amendment, it is possible that similar intersection spacing could be proposed as part of a future specific plan for the Baylands. Should intersection spacing be proposed as part of a future specific plan such that traffic at one intersection would back up into another intersection, a significant impact would result even if each intersection met applicable LOS standards.

**Mitigation Measure 4.N-1g:** Approval of any tentative map providing for spacing of less than 1,200 feet between full-access intersections along the Geneva Avenue extension shall require that the interactions of green and red signal timing at any one intersection along the Geneva Avenue extension shall not affect operations at any other intersection along the extension, by backing traffic waiting for a green signal at one intersection along the Geneva Avenue extension into another intersection along the extension. Should full-access intersections along the Geneva Avenue extension with spacing of less than 1,200 feet be proposed, a microsimulation of all proposed intersections along the extension (e.g., Synchro, VISSUM) shall be undertaken to analyze interactions of green and red signal timing and demonstrate that operations at any one intersection along the Geneva Avenue extension would not affect operations at any other intersection along the extension.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-1 with respect to intersection spacing along the Geneva Avenue extension. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects with respect to intersection spacing along the Geneva Avenue extension from Impact 4.N-9 to a less-than-significant level

**Rationale for Finding:** Adherence to the performance standard set forth in this mitigation measure would eliminate any adverse interactions of signal timing at closely spaced full-access intersections along the Geneva Avenue extension. Therefore, this impact would be reduced to less than significant with mitigation.

- b. Impact 4.N-9: Would the Project cause an onsite transit demand that would not be adequately served by adjacent transit service for those proposed land uses that would be located more than one-third mile from the Caltrain and Muni T-line station(s)?*

The Baylands General Plan Amendment would generate a significant increase in existing and cumulative transit demand on Caltrain and the Muni T-line, and some increase in demand on Muni San Bruno Avenue buses. However, access to those transit services would be limited to the northwestern corner of the Baylands, at the Bayshore Caltrain Station and Sunnydale Muni Station. Future land uses south of proposed Geneva Avenue extension and east of the Caltrain line would be located more than one-third mile from those station locations, with some future land uses potentially located as much as one mile or more from those stations.

Although provision of the proposed Geneva Avenue Bus Rapid Transit would accommodate a significant portion of trips, relying entirely on that line to accommodate transit demand to and from southern portions of the Baylands would be inadequate to accommodate anticipated transit demand. Thus, future Baylands development would create onsite transit demand that would not be adequately served by adjacent transit service for those proposed land uses that would be located more than one-third mile from the Caltrain and Muni T-line stations. This would result in significant impacts, requiring mitigation.

**Mitigation Measure 4.N-9:** Prior to issuance of the first building occupancy permit for any new development, a shuttle bus service plan shall be developed and approved by the City that provides convenient transit service (maximum 15-minute headways in the peak hour) between Baylands land uses located more than one-third mile from the Bayshore Caltrain Station or Sunnydale Muni Station to those stations. Shuttle service shall be implemented as described in the plan prior to occupancy of any Baylands land use other than improvement or relocation of an existing use. This requirement shall also be included in any specific plan approved for Baylands development.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-9. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.N-9 to a less-than-significant level.

**Rationale for Finding:** With the implementation of Mitigation Measure 4.N-9, shuttle service would be available within those portions of the Baylands beyond walking distance to the Bayshore Caltrain Station or Sunnydale Muni Station to those stations. As a result, impacts on transit accessibility would be reduced to less than significant.

- b. Impact 4.N-10: Would the Project have an adverse effect on pedestrian accessibility?*

Pedestrian circulation within the Baylands would be improved with future development pursuant to the required Specific Plan which would be reviewed by the City to ensure provision of adequate pedestrian facilities consistent with applicable pedestrian system plans, guidelines, policies, and standards. However, on the periphery of the Baylands, pedestrian accessibility would be limited due to the lack of existing pedestrian facilities in some areas (including segments of Bayshore Boulevard with no sidewalks south of Geneva Avenue), resulting in a significant impact.

**Mitigation Measure 4.N-10:** Prior to issuance of the first building occupancy permit for new development other than improvement or relocation of an existing use within the Baylands, at a minimum, the following measures shall be implemented to improve pedestrian accessibility:

- The Bay Trail in the northern portion of the Baylands shall be realigned to provide a more direct route to the east side of US 101, following Geneva Avenue through the US 101 interchange.
- Sidewalks or equivalent pedestrian paths shall be provided to safely permit pedestrian access to all uses within the Baylands intended for human occupancy and use, including provision of through pedestrian routes to minimize pedestrian travel distances between uses.
- Specific provisions shall be made for safe pedestrian movement within and through parking areas to access buildings.
- Sidewalks shall be provided along the Baylands frontage on Bayshore Boulevard between Sunnydale Avenue and Tunnel Avenue.

These requirements shall be included within any specific plan approved for the Baylands.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-10. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.N-10 to a less-than-significant level.

**Rationale for Finding:** Installing pedestrian facilities as required in Mitigation Measure 4.N-10 throughout the Baylands and along Bayshore Boulevard would improve pedestrian connectivity to and from the site, as Bayshore Boulevard intersects with Geneva and Tunnel Avenues, two major roads that lead directly into the Baylands. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect related to pedestrian accessibility, and impacts would be reduced to less than significant.

*c. Impact 4.N-11: Would the Project have an adverse effect related to bicycle accessibility?*

Bicycle circulation within the Baylands would be improved with future development pursuant to the required Specific Plan that would be reviewed by the City to ensure provision of adequate bicycle facilities consistent with applicable pedestrian system plans, guidelines, policies, and standards. However, in the absence of such a plan, a significant impact is assumed to result.

**Mitigation Measure 4.N-11:** Baylands roadways and trails shall provide for safe accessibility for bicycles to buildings and recreational areas throughout the site, including connections to

offsite bicycle routes and trails. In addition, Baylands land uses shall provide bicycle parking in appropriate areas (i.e., where they will get the most use, where security is maximized, and where pedestrian circulation is minimally affected by their presence).

The standards contained in this mitigation measure shall be included in any specific plan approved for development within the Baylands. In addition, details of Baylands development-provided bicycle parking spaces (number and location) shall be determined at the time when site-specific development projects are proposed pursuant to the adopted Specific Plan, and shall adhere to the following guidelines which shall also be included in any specific plan adopted for the Baylands:

- Bicycle parking shall be placed within 50 feet of building and facility entrances, where it can be well-lit, clearly visible, and out of the primary travel path of pedestrians. Retail shopping centers and supermarkets shall include one Class I rack (covered bicycle locker for long-term parking) per 30 employees, and one Class II rack (able to secure both the frame and at least one wheel of a bicycle for short-term parking) per 6,000 square feet of retail space.
- Parks and recreational fields normally shall include one Class I rack per 30 employees and one Class II rack per 9 users (during peak daylight times of peak season).
- Transit centers normally shall include individual parking spaces equal to 2 percent of daily boardings (75 percent Class I and 25 percent Class II).

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-11. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.N-11 to a less-than-significant level.

**Rationale for Finding:** Installing pedestrian facilities as required in Mitigation Measure 4.N-11 would improve bicycle connectivity. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect related to bicycle accessibility, and impacts would be reduced to less than significant.

*d. Impact 4.N-12: Would Project construction activities result in adverse effects on traffic flow or transit service, and/or interfere with pedestrian and bicycle circulation patterns?*

Baylands development would result in temporary traffic increases at and near the site over the course of the years it would take for buildout (with periods of activity and periods of no activity). Traffic impacts associated with construction would be temporary and intermittent related to the delivery of materials and equipment, removal of debris, and daily commute trips for construction workers. Any construction traffic (especially truck traffic) occurring during typical commute hours (7:00 a.m. to 9:00 a.m., or 4:00 p.m. to 6:00 p.m.) would coincide with peak hour traffic, which could exacerbate adverse effects on traffic flow, transit services, and pedestrian and bicycle circulation. Construction staging is anticipated to occur within the Baylands. Such construction activities would result in significant impacts on existing and cumulative traffic flow and transit service and potentially interfere with pedestrian and bicycle circulation patterns.

**Mitigation Measure 4.N-12:** In conjunction with all construction permits, site-specific development projects shall develop, submit for City review and approval, and implement Construction Management Plans that specify measures that would reduce impacts on motor vehicle, bicycle, pedestrian, and transit circulation. The Construction Management Plans shall include, but not necessarily be limited to, the following:

- Location of construction staging areas for materials, equipment, and vehicles.
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures shall occur.
- Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.
- Provisions for removal of trash generated by construction activity.
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-12. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.N-12 to a less-than-significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.N-12 would result in implementation of measures to facilitate motor vehicle, bicycle, pedestrian, and transit circulation during construction. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect, and construction-related impacts would be reduced to less than significant.

*e. Impact 4.N-13: Would the Project conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

Baylands development could generate as many as 100 vehicle trips or more during both the AM and PM peak hours. Therefore, per C/CAG guidelines, development of a TDM plan is required. The TDM program would be designed to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle, and walk modes for trips to, from, and within the Baylands. Because Baylands development would be expected to occur in multiple increments over an extended period of time, TDM plans would be prepared for individual development increments as they undergo review. Each development increment meeting C/CAG guidelines would be required to mitigate the impacts of net new trips.

TDM measures, once implemented, are required to be ongoing for the occupied life of the development. Programs may be substituted, with prior approval of C/CAG, as long as the number of reduced trips remains the same.

Baylands development would generate more than 100 vehicle trips during the AM and PM peak hours, resulting in significant impacts and triggering the C/CAG requirement to mitigate the impacts of a net increase of more than 100 vehicle trips.

**Mitigation Measure 4.N-13:** Prior to issuance of the first building occupancy permit for new development other than improvement or relocation of an existing use within the Baylands, site-specific project developer(s) and/or tenants of non-residential uses within the Baylands shall prepare, submit to the City/County Association of Governments of San Mateo County (C/CAG) for approval, and establish a Transportation Demand Management (TDM) program to mitigate the C/CAG project impact of generating more than 100 net new vehicle trips during the peak traffic hours. Implementation of TDM programs shall be made a condition of approval for all new development within the Baylands that generates 100 or more net new trips during the AM or PM peak hour.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-13. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.N-13 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measure 4.N-13, all new development within the Baylands will be required to meet C/CAG trip reduction requirements using specific C/CAG-recognized TDM strategies. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to the applicable congestion management plan, and impacts would be reduced to a less-than-significant level.

*f. Impact 4.N-17: Would the Project result in a loading demand during the peak hour of loading activities that could not be accommodated within proposed onsite loading facilities or within convenient on-street loading zones, creating potentially hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians?*

The Baylands General Plan Amendment provides for a mix of residential, retail, commercial, office, and R&D uses, but does not identify specific amounts of these uses such that an analysis of loading dock requirements could be undertaken. As site-specific development projects are proposed under the Baylands General Plan Amendment and the required Specific Plan, loading (demand and supply) would be reviewed to ensure that demand would be met. Because there are no specific loading requirements in the Brisbane Municipal Code, however, a significant impact could result, and mitigation would be required.

**Mitigation Measure 4.N-17:** Each site-specific development project shall provide sufficient loading areas in appropriate locations such that loading activities, including loading vehicle queuing, shall not block roadway or onsite parking area travel lanes, or bicycle or pedestrian facilities.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-17. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.N-17 to a less-than-significant level.

**Rationale for Finding:** Adherence to the performance standard set forth in Mitigation Measure 4.N-17 would ensure that sufficient loading areas are provided in appropriate locations. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to loading activities required for proposed development, and impacts would be reduced to a less-than-significant level.

## **12. Utilities, Services Systems, and Water Supply**

*a. Impact 4.0-1: Would existing entitlements and resources provide sufficient water supplies to serve the Project, or would it require new or expanded entitlements?*

The City of Brisbane does not have adequate existing water supplies to serve Baylands development or to build out all portions of the City outside of the Baylands. The EIR identifies a reasonably likely supplemental water supply – a surface water transfer of up to 2,400 acre-feet per year (AFY) from the Oakdale Irrigation District (OID) to Brisbane, along with an extensive water conservation program (Water Savings Program E) including demand management measures and provision of recycled water via an onsite recycled water plant to serve the long-term water supply needs of Baylands development for each of the Concept Plan scenarios. The EIR assesses the impacts that would occur with such a transfer of water by OID from its source to the Baylands along with implementation of water consideration programs based on the current information and level of detail available in relation to the facilities and operation of the proposed water transfer agreement and Water Savings Program E.

The EIR acknowledges that implementation of the proposed water transfer agreement would require approvals of final Water Supply and Conveyance Agreements between Brisbane and OID, between Brisbane and the Modesto Irrigation District (MID), and Brisbane and the SFPUC for individual portions of such a water transfer that would require project-level engineering design, operational plans, and environmental evaluation and CEQA documentation.

Although the Baylands EIR references past OID water transfers that have involved MID, in its written comments on the Draft EIR and its verbal comments during at a City Council public hearing on Baylands development, MID raised questions regarding its willingness to participate in the proposed transfer of water supplies from OID to the City of Brisbane. Because needed Water Supply and Conveyance Agreements will contain provisions stating that the delivery of water from OID through MID and the SFPUC to Brisbane will not be permitted to impair the ability of MID or the SFPUC to deliver water to their existing customers, the water supply identified in the EIR is



considered to be reasonably likely and sufficient to support approval of the Baylands General Plan Amendment.

Identification of a secure water supply would not be required by law until such time as a specific plan for development within the Baylands is being considered for approval. Thus, the Baylands General Plan Amendment requires a reasonably likely and sufficient water supply that could support proposed uses within the Baylands. A secure and reliable water supply would be required to be identified prior to specific plan approval and secured prior to site development. Because such a secure water supply does not now exist, a significant impact would result for which mitigation is required.

In addition to the need to secure sufficient water supply to meet the long-term annual water demands of Baylands development, the City has determined that it does not have existing facilities that could provide adequate peak day/peak hour water flow to the Baylands in the event of an emergency. Additional storage capacity within the City is needed to provide adequate fire flows and meet peak daily water demands. This would be a significant impact.

Should the proposed OID water transfer to Brisbane ultimately be approved, its implementation would contribute to a potential impact on the Tuolumne River associated with changes in the SFPUC's existing reservoir release pattern from Hetch Hetchy Reservoir that, in some years, could lead to flow changes that could adversely affect streamside meadows and other alluvial deposits. This impact has previously been identified by the SFPUC, which adopted a mitigation measure to address this impact. In implementing the adopted mitigation measure, the SFPUC will modify the way it releases water from Hetch Hetchy Reservoir such that significant impacts to the streamside meadows and other alluvial deposits along the Tuolumne River below this reservoir would be avoided. Although the SFPUC has already adopted the mitigation measure needed to address this impact, it is considered significant for Baylands development should the proposed Brisbane-OID water transfer be approved.

**Mitigation Measure 4.0-1a:** A reliable water supply to support proposed uses within the Baylands shall be secured and available prior to site development.

- Needed operations studies and project-level environmental analysis for provision of water supply to the Baylands shall be completed prior to or concurrent with specific plan approval for Baylands development.
- Any Water Supply and Conveyance Agreement(s) needed to provide adequate water supply to the Baylands shall contain provisions stating that the delivery of water to Brisbane shall not be permitted to impair the ability of agencies participating in the agreement(s) to deliver water to their existing customers
- Prior to approval of site-specific development within the Baylands, any required water supply and conveyance agreements between Brisbane and agencies involved in the provision of water to the Baylands shall be approved by all parties.
- Prior to issuance of certificates of occupancy, adequate physical water supply shall be available within the Baylands.

**Mitigation Measure 4.0-1b:** The City shall issue building permits for habitable structures only after it determines that sufficient water storage is available and connected to the Baylands' water delivery system. Water storage facilities shall be constructed either by the Brisbane Baylands developer or by the City, as mutually agreed. Should the City construct facilities, the City shall be reimbursed for its fair share of costs, as determined by the City of Brisbane Public Works Department, for the development of water storage to provide fire flows and peak daily water demands to serve Baylands development. Prior to issuance of the first permit of occupancy, site-specific development projects shall verify the availability of adequate water storage capacity to provide fire flows and meet peak daily water demands to serve Baylands development. Any specific plan for development within the Baylands shall include this mitigation measure as a requirement for future development.

**Mitigation Measure 4.0-1c: Controlled Releases to Recharge Groundwater in Streamside Meadows and Other Alluvial Deposits.** The SFPUC is implementing a program of controlled releases as a mitigation measure adopted as part of its WSIP. Should the City of Brisbane ultimately approve a water supply agreement that transports water through the Hetch Hetchy reservoir, the Baylands shall contribute its fair share for the cost of the SFPUC's mitigation effort by using some of the Baylands' transfer water to augment storage in the SFPUC's Hetch Hetchy Reservoir. Such fair share contribution of OID transfer water is intended to support the controlled releases, by funding and/or implementing other elements of the SFPUC's monitoring and adaptive management program for the Poopenaut Valley meadow and alluvial habitats.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.0-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.0-1 to a less-than-significant level.

**Rationale for Finding:** With implementation of Mitigation Measures 4.0-1a through 4.0-1c, provision of an adequate, reliable water supply for the Baylands will be ensured, along with provision of adequate storage facilities for daily and emergency purposes. Mitigation Measure 4.0-1c ensures that the Baylands will contribute its fair share to previously approved mitigation being implemented by the SFPUC should provision of water supply to the Baylands involve the proposed transfer of OID water supplies through the SFPUC without impacting customers of any water agency involved in the provision of water supply to the Baylands. As a result, the Baylands General Plan Amendment would not have a substantial adverse effect in relation to water supply, and impacts would be reduced to less than significant.

*b. Impact 4.0-3: Would the Project result in the construction of new water, wastewater treatment, and/or stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

**Stormwater Drainage Facilities.** Baylands development would increase the amount of impervious surfaces and, as a result, would increase stormwater runoff. To address the increased stormwater runoff, Baylands development would include improvement and expansion of the existing stormwater drainage system. These improvements would include grading; removal of existing

storm water infrastructure; and installation of new pipe, box culverts, and storage basins. The detention capacity of the Central Drainage Channel would be increased, and culverts would be installed at the railroad crossing. Two existing culverts under Tunnel Avenue and Frontage Road would also be replaced. The existing stormwater infrastructure associated with the Beatty Avenue drainage area would be removed and the catchment area would be realigned to drain into the Baylands stormwater system. Stormwater treatment would likely consist of a combination of volume- and flow-based treatments such as bioswales that would help to slow stormwater and prevent overflow offsite. Because the anticipated action of the City is approval of a General Plan Amendment, final stormwater drainage system elements have not yet been designed; therefore, additional infrastructure may be required.

Construction of the new stormwater drainage facilities would contribute to significant impacts of Baylands development in relation to hazardous materials, hydrology and water quality, geology and soils, vegetation and wildlife, air quality, traffic, and noise.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.O-3 in relation to stormwater drainage facilities. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.O-3 to a less-than-significant level.

**Rationale for Finding:** Construction impacts and, as needed, mitigation measures and other regulatory requirements are analyzed and provided in EIR Section 4.B, *Air Quality*; Section 4.C, *Biological Resources*; Section 4.E, *Geology, Soils, and Seismicity*; Section 4.G, *Hazards and Hazardous Materials*; Section 4.H, *Hydrology and Water Quality*; Section 4.J, *Noise and Vibration*; and Section 4.N, *Traffic and Circulation*. with implementation of the mitigation measures identified in the EIR, impacts of construction of drainage facilities would be less than significant.

### 13. Energy Resources

- a. *Impact 4.P-1: Would Project construction result in the use of large amounts of energy, use energy in a wasteful manner during construction, or result in the construction or expansion of energy infrastructure that would cause significant environmental effects?*

Baylands development would require installation of onsite electrical and natural gas infrastructure improvements, including new utility trenches for electricity and natural gas, placement of existing overhead electrical lines underground, and construction of new transformers, switches, and primary and secondary boxes. All such improvements would be designed and constructed to PG&E standards. The final designs would be coordinated with PG&E during the design process. This would include coordination of utility line undergrounding with PG&E per Rule 20A. Baylands development would also include construction of new offsite electrical infrastructure, including an underground 21-kV transmission line from the existing PG&E Geneva Substation to the Baylands and one to two new circuits. New natural gas infrastructure would also include a high pressure tap to connect to the existing PG&E 24-inch gas transmission main, and a transmission system with 4- or 6-inch pipelines. Installation of the proposed electrical and gas transmission lines would correspond with the phasing of Baylands roadway and building construction.

Construction of proposed energy infrastructure and other onsite development would require the use of energy, such as the use of fuels for vehicles and electricity to run equipment. Construction activities would result in wasteful, inefficient, or unnecessary use of energy if construction equipment is old or not well maintained, if equipment is left to idle when not in use, if travel routes are not planned to minimize vehicle miles traveled, or if excess lighting or water is used during construction activities. Energy would also be used in a wasteful manner if alternative energy sources, such as solar energy, are not used where feasible, in place of more traditional sources.

Baylands construction would not be expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in the region, with the exception that remediation of hazardous materials needs to be undertaken within the Baylands. Remediation activities would result in energy consumption that would not occur on sites where remediation is unnecessary. Because Baylands remediation is required and not optional, the energy consumed to return the Baylands to a safe and healthy condition is not considered to be wasteful. Although the extent of Baylands development is large, construction and development would occur over a 20-year period, and demand for construction-related electricity and fuels would be spread out over that time frame.

**Mitigation Measure 4.P-1:** During all Baylands construction activities, construction contractors shall implement the following measures to prevent the wasteful or inefficient use of energy during construction:

- Implement work schedules and procedures that minimize equipment idle time and double-handling of material;
- Minimize equipment idling time either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]);
- Switch off office equipment and lights when not in use;
- Use solar power sources for road signs and other applicable equipment that shall be required at the construction site;
- Design all temporary roads to minimize travel distances; and
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications. It shall be the contractor's responsibility to ensure that all equipment has been checked by a certified mechanic and determined to be running in proper condition prior to operation.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.P-1. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.P-1 to a less-than-significant level.

**Rationale for Finding:** Mitigation Measures 4.B-2a and 4.B-2b (construction air emissions) and Mitigation Measure 4.N-12 (construction circulation patterns) would be implemented to address

construction-related air emissions and would have the effect of reducing construction-related quality fuel consumption.

In addition, construction activities related to installation of proposed electric, gas, and renewable energy facilities would result in significant impacts related to ground disturbance, damage to existing vegetation, and construction-related traffic, air emissions, and noise. These construction-related impacts are discussed, and specific mitigation measures are proposed, as follows, in other sections of this EIR: Mitigation Measures 4.B-2a and 4.B-2b (construction air emissions); Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d, 4.C-4e, and 4.C-4f (biological resources); Mitigation Measures 4.D-2 and 4.D-4 (archaeological resources and human remains); Mitigation Measure 4.E-2a (ground settlement); Mitigation Measures 4.G-2a, 4.G-2b, 4.G-2d and 4.G-2f through 4.G-2h (hazardous materials); Mitigation Measures 4.J-4a and 4.J-4b (construction period noise); and Mitigation Measure 4.N-12 (construction circulation patterns). Implementation of these measures would reduce construction impacts related to the installation of energy infrastructure to less-than-significant levels. See EIR Sections 4.A (*Aesthetics and Visual Resources*), 4.B (*Air Quality*), 4.C, (*Biological Resources*), and 4.F (*Greenhouse Gas Emissions*) for a discussion of operational impacts of renewable energy generation infrastructure and facilities (e.g., wind turbines, solar panels) in relation to potential light and glare, air quality, bird strike, and greenhouse gas emissions impacts.

As a result of these measures and Mitigation Measure 4.P-1, the Baylands General Plan Amendment would not have a substantial adverse effect, and impacts related to energy use during construction would be reduced to less-than-significant levels.

*b. Impact 4.P-3: Would vehicle trips associated with Project Site development use fuel in a wasteful manner?*

The Baylands General Plan Amendment would reduce vehicle trip generation by approximately 29 percent and vehicle miles travelled by approximately 19 percent compared to the DSP scenario but nevertheless result in a substantial increase in fuel use associated with vehicle trips to, from, and within the Baylands. To reduce fuel use, Baylands development would be subject to a number of requirements for transit, bicycle, and pedestrian improvements that would encourage alternative modes of travel, along with implementation of a Transportation Demand Management (TDM) program to further reduce the number of vehicle trips.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.P-3. Specifically, the mitigation measures presented above are feasible and are adopted to mitigate significant effects from Impact 4.P-3 to a less-than-significant level.

**Rationale for Finding:** Inefficient, wasteful, and unnecessary consumption of fuel would be avoided or reduced with implementation of the following mitigation measures to help minimize fuel use associated with Baylands-related trips: Mitigation Measure 4.B-4, which imposes operational emission controls; Mitigation Measures 4.N-1f and 4.N-13, which require preparation of a Transportation Demand Management program; Mitigation Measure 4.N-7, which requires the provision of bus service to and from proposed land uses; and Mitigation Measure 4.N-11, which

requires the provision of bicycle parking onsite. With these mitigation measures, impacts with respect to fuel use would be less than significant.

#### **D. Findings for Significant Unavoidable Impacts**

This section presents those significant impacts that would remain significant even after implementation of all mitigation measures identified in the Mitigation Monitoring and Reporting Program and were therefore determined to be Significant Unavoidable. For each significant and unavoidable impact identified below, the City has made a finding(s) pursuant to Public Resources Code § 21081, along with the findings rationale for each such determination

##### **1. Aesthetics**

- a. Impact 4.A-4: Would the Project create a new source of substantial light that would adversely affect day or nighttime views in the area?*

The addition of nighttime lighting over as broad an area as the Baylands, which is now largely dark at night, would affect nighttime views currently available to existing residents of Central Brisbane. Baylands development would affect nighttime views across the Bay and toward downtown San Francisco city lights from residential areas north, west, and south of the Baylands by placing a large-scale source of light in the foreground of those views. To the extent that nighttime lighting might not be fully shielded and directed downward, views of stars in the nighttime sky could be affected.

Light spillage from Baylands development would also affect surrounding sensitive uses, including the Little Hollywood neighborhood. Light spillage from nighttime lighting of development within the Baylands into habitat areas would have a negative effect on nocturnal species that could disrupt mating behaviors, sleep, predation, animal movement. In addition, migrating birds such as songbirds could be affected by because of their propensity to migrate at night, their low flight altitudes, and their tendency to be disoriented by artificial light, making them vulnerable to collision with obstructions such as proposed buildings within the Baylands.

**Mitigation Measure 4.A-4a:** All development within the Baylands shall comply with the following lighting design standards in order to minimize project lighting to the extent required for safety and comfort only in order to reduce nighttime lighting effects:

- Limit light spill across the property lines, such that illumination at the property line of any use within the Baylands that is attributable to the subject property does not exceed 0.1 foot-candles on business properties and 0.05 foot-candles on residential properties and open space areas. Onsite lighting of site-specific development within the Baylands shall result in zero direct-beam illumination leaving the site.
- Street lighting shall be comprised of shorter, pedestrian-scaled fixtures, rather than tall cobra head fixtures.
- Off-street pedestrian walkways and trails shall have bollard-type lighting to ensure visibility and safety for pedestrians, cyclists, and others.

- Laser source lights and searchlights, and any other high-intensity light for outdoor advertising or entertainment used to attract attention to commercial activities or community events, shall be prohibited.
- Light fixtures that produce a warm light and focus the light downward onto the pedestrian zone shall be selected.
- Landscape lighting shall be unobtrusive and shielded to prevent glare such as bollard-type fixture or ground-mounted up-lights for trees.
- Entry monuments shall be lighted with low-level lights with fixtures concealed to highlight the names, maps, etc.
- Exterior lighting shall be kept to the minimum required for safety; purely decorative lighting displays shall be prohibited.
- All parking lot, recreational area, walkway, and trail lighting shall have no light emitted above 90 degrees.
- Project lighting shall be designed to control light energy and ensure that exterior lighting is directed downward and away from adjacent streets and buildings in a manner designed to minimize offsite light spillage.
- A master plan for street and parking lot lighting shall be approved by the City prior to final approval of design plans for roadways within the Baylands.
- All streets within the Baylands shall have uniform lighting standards with regard to style, colors, and materials in order to ensure consistency with design.
- Parking lot lighting shall be of the same source of illumination as street lighting so as to ensure uniformity of night lighting color.
- Due to their high energy efficiency, long life, and spectral characteristics, Narrow-Spectrum Amber LEDs shall be the preferred illumination source throughout the Brisbane portion of the Baylands.
- A photometric analysis and lighting plan shall be prepared for each site-specific development project within the Baylands. The photometric analysis shall include an assessment of potential lighting impacts based on the height, location, light fixtures, direction, illumination intensity, and hours of operation. This analysis shall identify any potential light spill beyond the boundary of the Baylands, as well as light spill beyond the boundaries of individual sites within the Baylands. Lighting performance standards as described above shall apply. The lighting plan shall demonstrate maintenance, to the maximum extent feasible, of ambient light levels as measured from 100 feet from the individual site. The lighting plan shall be submitted to the Community Development Department and City Engineer for final approval prior to approval of a building permit.

When reviewing illumination plans, the City shall review the following factors to determine the level of illumination required.

- **Purpose:** The function and activities for the planned area;
- **Safety:** The level of comfort and security needed to be provided;
- **Aesthetics:** The overall appearance of proposed lighting with respect to the Baylands and surrounding community; and

- **Impacts:** The extent to which proposed lighting minimizes impacts on adjacent land uses, maintains the area's dark night sky, and conserves energy.

**Mitigation Measure 4.C-4b:** Development shall be subject to a requirement for a Marsh Wildlife and Habitat Protection Plan for the Baylands to be prepared as part of the specific plan process. The Habitat Protection Plan shall be prepared by a qualified biologist, subject to approval by the Brisbane Community Development Department and must be implemented prior to or concurrently with construction of site-specific development projects in the Baylands. The Plan shall provide for accommodating the hydrologic effects of 100 years of projected sea level rise, recognize potential negative effects of rodent population management programs, and include (but not be limited to), the following components:

- To minimize the effect of night lighting on wetland habitats adjacent to Baylands development, the following shall apply in the vicinity of wetlands located north of the lagoon, development north and south of the Visitacion Creek channel, and any development adjacent to freshwater wetlands in the western portion of the Baylands:
  - Street lighting shall be provided only at intersections.
  - Low-intensity street lamps and low elevation lighting poles shall be provided.
  - Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from preserved wetland or open water habitats.
- In addition, private sources of illumination around homes shall also be directed and/or shaded to minimize glare into these habitats.
- Residential and commercial leases within the Baylands shall prohibit building occupants from creating outdoor feeding stations for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as red fox, raccoon, or opossums. Such restrictions shall be monitored by a property owners association which shall have the right to impose fines for violation of this requirement.
- If a buffer cannot be accommodated between development and habitat areas, cyclone fencing with vinyl slats (or an equivalent screening barrier) at a minimum height of three feet for screening shall be installed outside of wetland habitat and between any preserved wetland or open water habitat and all residential or commercial development. Appropriate native vegetation shall be planted both inside and outside of the fence to provide further screening.
- If control of rodent populations in open space areas becomes necessary trapping and use of non-poisonous methods shall be utilized. Any rodent control actions would be coordinated and documented with the County Health Department.
- An education program for residents shall be developed including posted interpretive signs and informational materials regarding the sensitivity of preserved habitats, the dangers of unleashed domestic animals in this area. Such restrictions shall be monitored by a property owners association which shall have the right to impose fines for violation of the pet policy. Such information shall be provided in the vicinity of onsite marshes where public access is provided.

**Mitigation Measure 4.C-4d:** During design of any building greater than 100 feet tall, the applicant and architect shall consult with a qualified biologist experienced building/lighting design issues (as approved by the City of Brisbane Planning Department) to identify lighting related measures to minimize the effects of the building's lighting on birds. Such measures,



which may include the following and/or other measures, shall be incorporated into the building's design and operation.

- Use flashing lights in place of continuously burning lights for obstruction lighting. Use flashing white lights rather than continuous light, red light, or rotating beams.
- Install shields onto light sources not necessary for air traffic to direct light towards the ground.
- Extinguish all exterior lighting (i.e., rooftop floods, perimeter spots) not required for public safety.
- When interior or exterior lights must be left on at night, the operator of the buildings shall examine and adopt alternatives to bright, all-night, floor-wide lighting, which may include:
  - Installing motion-sensitive lighting.
  - Using desk lamps and task lighting.
  - Reprogramming timers.
  - Use of lower-intensity lighting.
- Windows or window treatments that reduce transmission of light out of the building will be implemented to the extent feasible.
- Educational materials will be provided to building occupants encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing drapes and blinds at night.
- A report of the lighting alternatives considered and adopted shall be provided to the City of Brisbane Planning Department for review and approval prior to construction. The City of Brisbane Planning Department shall ensure that lighting-related measures to reduce the risk of bird collisions have been incorporated into the design of such buildings to the extent practicable.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.A-4, as related to nighttime lighting. Specifically, Mitigation Measures 4.A-4a, 4.C-4b, and 4.C-4d, set forth above, are feasible and are adopted to mitigate significant effects from Impact 4.A-4, as related to nighttime lighting. However, even with implementation of these measures, significant unavoidable impacts will occur as described above related to nighttime lighting. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.A-4, as related to nighttime lighting, to a less than significant level.

**Rationale for Finding:** Although development intensity would be less and there would be fewer sources of light than would result from the proposed development analyzed in the EIR, development under the Baylands General Plan Amendment would still generate substantial new sources of light that would be visible from other areas of Brisbane, from US Highway 101, and from adjacent scenic vistas. Even with implementation of EIR mitigation measures, this substantial increase in sources of nighttime lighting would not reduce impact of night lighting to a less-than-significant level, given the nighttime lighting levels typical of proposed uses as compared to the minimal nighttime lighting that exists within Baylands, the large amount of development proposed,

the large size of the Baylands, and the existence of nearby surrounding nighttime light-sensitive uses (residences) that would be affected. Therefore, this impact would be significant and unavoidable.

## **2. Air Quality**

- a. Impact 4.B-2: Would the Project generate construction emissions that would result in a cumulatively considerable net increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard?*

Baylands-related construction would generate air emissions over a 20-year period through the use of heavy-duty construction equipment, from vehicle trips hauling materials, and from construction workers traveling to and from the site. Mobile source emissions, primarily NO<sub>x</sub>, would be generated from the use of construction equipment such as excavators, bulldozers, wheeled loaders, and cranes. Following grading, paving operations and the application of asphalt, architectural coatings (i.e., paints) and other building materials would release ROG (reactive organic gases). Average daily emissions would exceed the BAAQMD daily significance thresholds for ROG and NO<sub>x</sub> throughout Baylands construction. For ROG, the predominant construction activity associated with the significant emissions would be application of architectural coatings. For NO<sub>x</sub>, the predominant construction activity associated with the significant emissions would be off road diesel equipment and on-road haul trucks during demolition and grading and vendor trucks during building construction.

Although the Baylands General Plan Amendment proposes fewer dwelling units and less non-residential building area than was analyzed in the EIR, it is more likely that reducing overall development intensity would reduce the overall number of years it would take for buildout rather than reducing the amount of development construction that might occur on any given day. Because air pollutant emissions are measured as daily emissions, the Baylands General Plan Amendment would be expected to have similar *daily* emissions as was analyzed in the EIR.

**Mitigation Measure 4.B-2a:** To reduce construction vehicle emissions, the following provisions shall be incorporated into construction specifications for all projects on the Baylands:

- Idling times shall be minimized either by shutting diesel-powered or gasoline-powered equipment off when not in use or reducing the maximum idling time of diesel-powered equipment to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. It shall be the contractor's responsibility to ensure that all equipment has been checked by a certified mechanic and determined to be running in proper condition prior to operation.
- All construction contract specifications shall include a requirement that on-road diesel trucks used to transport spoils or construction equipment consist of 2010 or newer model-year trucks with factory-built engines. All on-road diesel trucks shall be required to have emission control labels as specified in 13 CCR 2183(c) or any subsequent updates to this

CARB regulation, whichever is more stringent. The construction contract specifications shall require that the contractor submit to the City a comprehensive inventory of all on-road trucks used to haul spoils or construction equipment. The inventory shall include each vehicle's license plate number, the engine production year, and a notation of whether the truck is in possession of an emission control label as defined in 13 CCR. The contractor shall update the inventory and submit it monthly to the City throughout the duration of the project.

**Mitigation Measure 4.B-2b:** All off-road construction equipment greater than 50 horsepower used for site improvements shall meet EPA Tier 4 emissions standards with the following exception. Equipment with an engine compliant with Tier 3 emissions standards may be allowed on a case-by-case basis when the applicant (1) demonstrates a good faith effort to procure Tier 4 equipment, and (2) documents that no Tier 4 equipment is available for a particular equipment type within San Mateo County within the scheduled construction period. Each case shall be documented with signed written or emailed correspondence by the appropriate construction contractor, along with documented correspondence from at least two construction equipment rental firms representing a good faith effort to locate engines that meet Tier 4 requirements, as applicable. Documentation shall be submitted to City staff for review before Tier 3 equipment is used on the project.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.B-2, as related to construction emissions of criteria pollutants and precursors. Specifically, Mitigation Measures 4.B-2a and 4.B-2b, set forth above, are feasible and are adopted to mitigate significant effects from Impact 4.B-2, as related to construction emissions of criteria pollutants and precursors. However, even with implementation of these measures, significant unavoidable impacts will occur as described above related to emissions of criteria pollutants and precursors. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.B-2, as related to construction emissions of criteria pollutants and precursors, to a less than significant level.

**Rationale for Finding:** The proposed mitigation measures would reduce significant ROG emissions to a less-than-significant level except for the development in eastern portion of the Baylands. While mitigation measures would reduce NOx emissions from off-road construction equipment by up to 40 percent, post-mitigation construction-related emissions of NOx would remain above BAAQMD thresholds and represent a significant and unavoidable air quality impact for proposed Baylands development. For NOx, the predominant construction sources associated with the significant emissions would be off-road diesel equipment and on-road haul trucks during demolition, and grading and vendor trucks during building construction. This impact would, therefore be significant and unavoidable.

*b. Impact 4.B-4: Would the Project generate operational emissions that would result in a considerable net increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard?*

Baylands development would result in an increase in criteria air pollutant and precursor emissions, including ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> from a variety of emissions sources, including onsite area sources (e.g., natural gas combustion for space and water heating, landscape maintenance, use of consumer products such as hairsprays, deodorants, cleaning products, etc.) and mobile on-road sources. As indicated in EIR Table 4.B-13, Baylands development-related operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would exceed the BAAQMD significance threshold and impacts would be significant. While the Baylands General Plan Amendment would reduce emissions related to onsite buildings by approximately 10 percent, mobile emissions would be reduced by approximately 19 percent as the result of reduced development intensity and vehicle miles travelled. The Baylands General Plan Amendment would therefore reduce, but not avoid, significant emissions of criteria pollutants compared to the development analyzed in the EIR.

**Mitigation Measure 4.B-4:** The following measures identified in the 2012 BAAQMD *CEQA Guidelines* shall be implemented for site-specific development projects within the Baylands and shall be included, as applicable, into commercial leases, as well as Covenants, Codes, and Restrictions (CC&Rs) within the Baylands:

- Provide free transit passes (e.g., Clipper Card for use on Caltrain, San Francisco Municipal Railway [Muni], and SAMTrans) to employees (for employers of 100 or more employees);
- Provide and maintain secure bike parking for commercial and industrial uses (at least one space per 20 vehicle spaces) as a condition of occupancy permit/tenancy contract;
- Provide and maintain showers and changing facilities for employees in buildings having a gross leasable area of 25,000 square feet or more;
- Provide information on transportation alternatives to employees as a condition of occupancy permit/tenancy contract;
- Establish a dedicated employee transportation coordinator for each site-specific development as a condition of occupancy permit/tenancy contract;
- Provide and maintain preferential carpool and vanpool parking for non-residential uses;
- Increase building energy efficiency by 20 percent beyond Title 24 (reduces NO<sub>x</sub> related to natural gas combustion);
- Require use of electrically powered landscape equipment through CC&Rs;
- Require only natural gas hearths in residential units as a condition of final building permit;
- Use low VOC (volatile organic compounds) architectural coatings in maintaining buildings through CC&Rs;
- Require smart meters and programmable thermostats;
- Meet Green Building Code standards in all new construction (reduces NO<sub>x</sub> related to natural gas combustion); and
- Install solar water heaters for all uses as feasible.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.B-4, as related to operations emissions of criteria pollutants and precursors. Specifically, Mitigation

Measure 4.B-4, set forth above, is feasible and is adopted to mitigate significant effects from Impact 4.B-4, as related to operations emissions of criteria pollutants and precursors. However, even with implementation of this measure, significant unavoidable impacts will occur as described above related to emissions of criteria pollutants and precursors. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.B-4, as related to operations emissions of criteria pollutants and precursors, to a less than significant level.

**Rationale for Finding:** Mitigation Measure 4.B-4 would not result in the 86 to 92 percent reductions necessary (for PM<sub>10</sub>) or 60 to 86 percent reductions necessary (for NO<sub>x</sub> and ROG) to reduce the impact to a less-than-significant level. Consequently, Baylands development would still result in significant environmental effects on air quality and contribute substantially to an existing air quality violation (ozone precursors and particulate matter).

The Baylands General Plan Amendment would result in more than a 40 percent reduction in development intensity compared to the DSP scenario evaluated in the EIR with a similar reduction in traffic generation, air pollutant emissions, and total GHG emissions. Even with a more than 40 percent reduction in air pollutant emissions, mobile and stationary source air pollutant emissions will remain significant after the implementation of feasible mitigation measures. Therefore, even with implementation of Mitigation Measure 4.B-4, this impact would remain significant and unavoidable for emissions of ROG NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>.

*c. Impact 4.B-9: Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Baylands development would result in significant and unavoidable emissions of criteria pollutants during both construction and operations. Consequently, proposed Baylands development would not support the primary goals of the Clean Air Plan. Baylands development would, however, be consistent with the Control Strategies contained in the Clean Air Plan for the San Francisco Bay Area Air Basin. In addition, Baylands development would not disrupt or hinder implementation of any Clean Air Plan control measures with the exception of not addressing Mobile Source Control Measures A-1 and A-2, both of which are to be added to Baylands development as mitigation.

**Mitigation Measure 4.B-9:** The following TDM measures shall be implemented:

- Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations.
- As a potential element of a required TDM program, promote zero-emission vehicles such as through a neighborhood electric vehicle program to reduce the need to have a car or second car.

#### CONTROL STRATEGIES OF THE 2010 CLEAN AIR PLAN

2010 Clean Air Plan Control Strategy	Elements of Proposed Baylands Development Consistent with the Strategy or Explanation of Non-applicability
Transportation Control Measures	

2010 Clean Air Plan Control Strategy	Elements of Proposed Baylands Development Consistent with the Strategy or Explanation of Non-applicability
TCM A: Improve Transit Services	Baylands development would support transit services including accommodation of bus rapid transit service and increasing Caltrain service at an intermodal transit station.
TCM B: Improve System Efficiency	Not Applicable: This measure addresses infrastructure improvements to increase operational efficiencies on freeways and transit service (such as common fare payment systems) and are geared toward regional transit agencies and Caltrans and not local government.
TCM C: Encourage Sustainable Travel Behavior (i.e., voluntary employer-based trip reduction program)	Baylands development would require new site-specific development projects that generate more than 100 peak hour trips to establish a TDM program or pay an in-lieu impact fee. Developers may choose from a menu of TDM strategies including subsidies for site users who use transit or alternative modes of transportation.
TCM D: Support Focused Growth (Bicycle and Pedestrian friendliness)	Pedestrian and bicycle transportation modes will be facilitated by Baylands development. Provisions for alternative transportation modes include bicycle and pedestrian facilities for internal roadways as part of a comprehensive bicycle network for the area.
TCM E: Implement Pricing Strategies	Parking strategies would be included as part of TDM programs.
<b>Mobile Source Control Measures</b>	
MSM A-1: Promote Clean Fuel-Efficient Vehicles	Not part of proposed Baylands development. Mitigation Measure 4.B-9 added to address by identifying, as a TDM, preferential parking for alternative fueled vehicles as one potential element of a TDM program that would be required of all new developments.
MSM A-2: Zero Emission Vehicles	Not part of proposed Baylands development. Mitigation Measure 4.B-9 added to address by identifying, as a TDM neighborhood electric vehicle programs to reduce the need to have a car or second car vehicles as one potential element of a TDM program that would be required of all new developments.
MSM A-3: Green Fleets	Not Applicable: Development of the Baylands would generally be retail, commercial or residential in nature and unlikely to accommodate a land use requiring a fleet of vehicles. However, a green fleet could be used by a developer as a TDM program required under the Congestion Management Program.
MSM A-4: Replacement or Repair of High-emitting Vehicles	Not Applicable: This Strategy addresses vehicle buy-back programs implemented by BAAQMD.
MSM B-1: Fleet Modernization for Medium and Heavy-Duty Trucks	Not Applicable: This Strategy addresses incentive programs for truck modernization which are implemented by BAAQMD or CARB.
MSM B-2: Low NOx retrofits in Heavy-Duty Trucks	Not Applicable: This Strategy addresses cash incentives for retrofits which are implemented by BAAQMD or CARB.
MSM B-3: Efficient Drive Trains	Not Applicable: This Strategy addresses development and demonstration programs in partnership with CARB and the California Energy Commission.
MSM C-1: Construction and Farming Equipment	Not Applicable: This Strategy addresses cash incentives for retrofits which are implemented by BAAQMD or CARB.
MSM C-2: Lawn & Garden Equipment	Not Applicable: This Strategy addresses voluntary exchange programs implemented by BAAQMD.
MSM C-3: Recreational Vessels	Not Applicable: This Strategy addresses voluntary exchange programs implemented by BAAQMD.
<b>Land Use &amp; Local Impact Measures</b>	
LUM 1: Goods Movement	Baylands development would maintain industrial uses along Industrial Way in their current location and improve access through the Baylands to US Highway 101, providing better freeway access of shipping trucks and avoiding truck routes through congested or sensitive areas.
LUM 2: Indirect Source Review Rule	Not Applicable: This Strategy addresses implementation of an indirect source Rule by BAAQMD.

2010 Clean Air Plan Control Strategy	Elements of Proposed Baylands Development Consistent with the Strategy or Explanation of Non-applicability
LUM 3: Updated CEQA Guidelines	This Strategy addresses updating of the <i>CEQA Guidelines</i> by BAAQMD. These Guidelines were most recently updated in May of 2012, removing any recommendation of significance thresholds.
LUM 4: Land Use Guidance	This strategy addresses updating land use planning documents such as the proposed development scenarios and demonstrating consistency with air quality protection guidance such as the new BAAQMD <i>CEQA Guidelines</i> that are applied in this analysis.
LUM 5: Reduce Health Risk in Impacted Communities	The nearest "impacted community" identified in Figure 5-1 of the BAAQMD <i>CEQA Guidelines</i> would be single-family homes on Wheeler and Tocoloma Avenues in San Francisco are located approximately 800 feet northeast of proposed residential and retail land uses and 500 feet north of the proposed retail. As indicated in Impacts 4.B-3 and 4.B-5, health risk impacts of the Baylands development would be less than significant.
LUM 6: Enhanced Air Quality Monitoring	Not Applicable: This Strategy addresses air quality monitoring that is the purview of BAAQMD and/or CARB.
<b>Energy &amp; Climate Measures</b>	
ECM 1: Energy Efficiency	Baylands development includes a Sustainable Framework Plan that includes building strategies to be incorporated into future development including LEED certification and guidelines addressing solar access, storm water and wastewater management, landscaping, lighting and green building materials.
ECM 2: Renewable Energy	See Measure ECM-1 above.
ECM 3: Urban Heat Island Mitigation	Baylands development includes provision of a substantial amount of open space and would be required to provide substantial landscape improvements. Distribution of this open space as currently proposed along with the landscaping requirements that would be imposed for site-specific development projects within the Baylands would implement measure ECM-3.
ECM 4: Shade Tree Planting	The Specific Plan required for Baylands development will be required provide for substantial tree planting throughout the Baylands' developed and open areas in order to enhance the area's visual quality and identity, visually buffer new development, and provide environmental benefits such as micro-climate control.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.B-9, as related to conflict with the applicable air quality management plan. Specifically, Mitigation Measures 4.B-9, set forth above, is feasible and is adopted to mitigate significant effects from Impact 4.B-9, as related to conflict with the applicable air quality management plan. However, even with implementation of this measure, significant unavoidable impacts will occur as described above related to conflict with the applicable air quality management plan. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.B-9, as related to conflict with the applicable air quality management plan, to a less than significant level.

**Rationale for Finding:** Even with reduced development intensity, impacts of the Baylands General Plan Amendment would remain significant and unavoidable in relation to Impact 4.B-9 as the result of emissions of criteria pollutants during both construction and operations. While the Baylands General Plan Amendment would be consistent with the Control Strategies contained in the Clean

Air Plan for the San Francisco Bay Area Air Basin and would not disrupt or hinder implementation of any Clean Air Plan control measures implementation of mitigation, impacts would still be significant and unavoidable due to significant unavoidable emissions of criteria pollutants during construction and operations.

### **3. Biological Resources**

- a. *Impact 4.C-1: Would the Project have a substantial adverse effect, either directly or indirectly, on any species identified as a candidate, sensitive, or special-status plant and wildlife species, including species which meet the definition of endangered, rare or threatened in CEQA Guidelines Section 15380, either through direct injury or mortality, harassment, or elimination of plant or wildlife communities?*

Direct mortality or harm to special-status plants or animals potentially occurring within the Baylands and/or loss or degradation of habitat for special-status plants and animals would occur as a result of proposed development. Impact mechanisms include removal and redistribution of existing habitats during grading and construction and increased human presence and disturbance to habitats following development. Anticipated impacts to special status species include the following:

- Special status plant species occur within the Baylands on Icehouse Hill. Damage to or mortality of special-status plants caused by construction of trails on Icehouse Hill and an anticipated post-construction increase in recreation-related activities including equestrian uses would be a significant impact.
- Removal of existing trees within the Baylands would result in significant impacts to nesting raptor species that may use these trees for nesting. Grading and site preparation prior to Baylands development would result in significant impacts to ground-nesting protected species including burrowing owls.
- While the CPP and CPP-V scenarios analyzed in the EIR explicitly proposed wind energy facilities, the Baylands General Plan Amendment neither proposes nor prohibits wind energy facilities. Thus, as a worst case, it is assumed that wind energy facilities might be developed within the Baylands. Such facilities have been demonstrated to cause a variety of impacts to raptors and bats including direct mortality through turbine collision or avoidance of areas where turbines are located, effectively displacing them from foraging habitat.
- Impacts to habitat for special status fish species that would occur at the lagoon or Visitation Creek areas would occur as a result of introduction of sediment or materials generated during Baylands construction and subsequent ongoing use of the site. Impacts would result from construction and grading activities undertaken as part of trail construction or establishment of park facilities and would temporarily increase exposure of disturbed surface soils to runoff, causing erosion and entrainment of sediment. Operational impacts would include potential for introduction litter or refuse into the water column as a result of increased human presence and recreational use, or an increase in runoff introduced as a result of recreational uses.

**Mitigation Measure 4.C-1a:** Prior to construction, or any other Baylands development-related ground disturbance activities on Icehouse Hill, the applicant shall conduct pre-construction presence/absence surveys for special-status plants.



Initial surveys at Icehouse Hill shall be carried out in conjunction with surveys for endangered butterfly host plants as described in Mitigation Measure 4.C-1c. Surveys would be implemented to determine if a special-status plant species has colonized the site in the interim between the determination of baseline conditions for this EIR, and project initiation, as well as to provide site-specific direction for final trail routing and design to avoid sensitive plant species (see Mitigation Measures 4.C-1b and 4.C-1c).

Surveys shall be conducted in accordance with CNPS and CDFW rare plant survey guidelines and shall be conducted during the flowering period when each species is most readily identifiable.

In order to capture variability of special-status plant species distribution, three special-status plant surveys shall be conducted at two-week intervals during the appropriate flowering period (April to June), before commencement of any development activities on Icehouse Hill.

Any special-status plant populations shall be mapped in the field (see Mitigation Measure 4.C-1b). If the presence of any special-status plant species is confirmed, a copy of the survey results shall be forwarded to CDFW, and Mitigation Measure 4.C-1b shall be implemented.

In the event that special-status plants are not identified within development areas, including areas used for construction, the additional mitigation identified in Mitigation Measure 4.C-1b is not required.

**Mitigation Measure 4.C-1b:** Documented plant occurrences on Icehouse Hill shall be avoided by establishing a buffer zone of no less than 25 feet prior to Project trail construction, or other ground-disturbing activities having the potential to disturb or result in mortality of special-status plant populations. This buffer zone, whose specific width shall be determined based on site-specific analysis of proposed construction techniques and their potential for dust creation, shall be demarcated using flagging, orange fencing, or any other visual barrier between plant populations and the active disturbance footprint. Buffer distances may be increased if hydrology features would be altered as a result of trail construction.

Trail configurations shall be sited to avoid special-status plants and *Viola pedunculata*. In the event the City determines that trail construction cannot be accomplished without disturbance or mortality, no trails would be constructed, and Icehouse Hill would remain closed to public uses

To reduce impacts from off-trail use, and increased horse use in association with trail riding, trail head signage shall be required to educate the public regarding sensitive resources and restoration that would be affected by off-trail use. Protected areas shall be marked in perpetuity. Trail use rules shall be developed prior to trail construction, and in addition to limiting use to identified trails, may include other requirements to limit the possibility that sensitive species would be impacted.

As part of trail construction, native grasses, and host plant species for special status butterflies shall be planted to enhance the existing habitat and assist in soil stabilization on Icehouse Hill. A planting palette shall be designed by a qualified botanist in coordination with the San Bruno Mountain Habitat Conservation Plan using plant species that are known to have high survival rates and are compatible with the flora and fauna of the region, as proven by successful restoration efforts on San Bruno Mountain.

**Mitigation Measure 4.C-1c:** Prior to any trail-related construction, vegetation management, development, or any other ground disturbing activities taking place on Icehouse Hill, pre-construction surveys for butterfly larval host plants (*Viola pedunculata*, *Lupinus albifrons*, *L. formosus*, and *L. versicolor*) shall be conducted by a qualified invertebrate biologist with demonstrated experience working with the species to ensure avoidance of such host plants. Required surveys may be conducted in conjunction with the rare plant surveys required under Mitigation Measure 4.C-1a. The timing for these preconstruction surveys is further specified, below.

All populations of butterfly host plants located on Icehouse Hill shall be mapped and trails shall be designed to avoid them, whether or not they are being used by butterflies at the time of the initial surveys. All populations of butterfly host plants located on Icehouse Hill shall be inspected by a qualified invertebrate biologist, at an appropriate time of year, to determine whether or not they are being used by endangered butterflies for reproduction. If it is determined that they are being used for reproductive purposes by endangered butterflies, the specific project applicant shall contact USFWS to identify the appropriate consultation process prior to proceeding further with any activities on Icehouse Hill. Consultation may indicate that an Incidental Take Permit is required pursuant to the FESA.

If populations of callippe silverspot or Mission blue butterflies are determined to be reproducing on Icehouse Hill, the property owner shall prepare and implement a Butterfly Protection Plan in coordination with the USFWS and the habitat managers for the SBMHCP prior to any ground-disturbing activities on or adjacent to Icehouse Hill. The plan shall include, but not be limited to, the following elements:

- Pre-construction surveys shall be conducted during the period of identification for larval host plants and butterfly larvae in the flowering and/or breeding season immediately prior to trail construction or any other work scheduled to occur on Icehouse Hill.
- Trail construction on Icehouse Hill shall avoid populations of larval host plants.
- All trails, or alternately, sensitive habitats, shall be fenced to minimize the establishment of “informal” trails through habitats supporting special-status plants.
- Dogs shall be allowed on Icehouse Hill trails on leash only.
- Interpretative signage shall be posted at trailheads explaining the presence of endangered butterflies and/or their habitat and the importance of preserving Icehouse Hill as habitat for endangered species.

- Grassland habitat on Icehouse Hill shall be restored and enhanced to maintain and expand healthy populations of butterfly host plants. This shall include regular and ongoing management of non-native invasive species, such as French broom and fennel, as well as revegetation with native grassland species and establishment of new populations of butterfly host plants for callippe silverspot and Mission blue butterfly species, particularly lupine host species and Veolia species. These efforts shall be planned in coordination with similar SBMHCP efforts and according to the butterfly habitat restoration and vegetation management guidelines that have been established for the SBMHCP (San Mateo County, 2007). The criteria for successful implementation of habitat restoration shall be no loss of butterfly habitat and at least 50 percent cover (includes at least two of the lupine species used by butterflies) in restored areas after five years.
- Establishment of seasonal restrictions or a period during which horses would be permitted to occur on Ice House Hill associated with passive recreation areas shall be implemented in a manner that coordinates best with the use pattern of special status butterflies, under consultation with a Lepidopterist.

**Mitigation Measure 4.C-1d:** The following steps shall be taken to avoid direct losses of nests, eggs, and nestlings and indirect impacts to special status avian species.

Vegetation removal including removal of trees and shrubs as part of site development shall be confined to the non-breeding season, except as provided for below. Grading or ground disturbance activities associated with site development including site remediation activities shall occur after pre-construction protocol burrowing owl surveys are conducted as described below and in the 2012 CDFW Staff Report on Burrowing Owls.

- If removal of trees and shrubs or disturbance to trees and shrubs (i.e., tree removal, tree trimming) is proposed to occur between January 1 and September 15, a qualified avian biologist shall survey any trees proposed to be removed or trimmed during the nesting season (i.e., January 1 through September 15) to determine if active nests are present. Surveys shall occur not more than 14 days prior to tree removal or trimming. If active nests are found, tree removal and/or tree trimming shall be conducted only after the young have left the nest and the nest is no longer in use. Confirmation that the nest is no longer in use shall be provided by a qualified biologist familiar with the species.

If the qualified avian biologist identifies active nests, a no disturbance buffer of 150 feet shall be established and monitored by a qualified avian biologist, with authority to stop work in the event construction activities encroach within the disturbance buffer thus ensuring that impacts to nesting birds would not occur.

Survey and monitoring reports shall be submitted to City staff for review: preconstruction survey reports shall be submitted prior to initiating construction activities; monitoring reports shall be submitted weekly until activities associated with nest habitat removal or disturbance activities are completed.

- Prior to initiating ***grading or ground disturbance activities*** associated with remediation activities required prior to site development, the following shall occur:

- Not less than 45 days prior to site grading, a qualified biologist shall survey the site to determine the presence of active burrowing owl nests. If active nests are found passive relocation of the individuals would be accomplished according to the CDFW standards in effect at the time of the survey including the 2012 CDFW Staff Report on Burrowing Owls.
- Results of the burrowing owl survey shall be forwarded to CDFW.
- Should the results of the survey include positive finding for occupied burrows, the location and condition of the burrows shall be reported to the CDFW and an on-site mitigation plan shall be prepared for review and approval by the CDFW. Onsite mitigation shall include construction of artificial burrows at a ratio of not less than 1:1 with the burrows located away from areas permitted for use by dogs and hikers. Following construction of the artificial burrows, the existing owls shall be passively removed from their burrows using one-way trap doors. The artificial burrows shall be monitored for a period of five years to confirm occupation by the species. Monitoring reports shall be forwarded to the CDFW to document compliance with this mitigation measure.

**Mitigation Measure 4.C-1e:** Prior to construction of any wind turbines within the Baylands, the applicant for such wind turbines shall prepare a site-specific micrositing report in designing the proposed turbine layout that incorporates modeling of raptor species' flight patterns, hovering or kiting patterns, bat roosting habitat areas and foraging areas. The report shall provide micrositing recommendations to reduce avian collision and impacts to bat species that shall be implemented in the final design and placement of wind turbines. Utilization data; digital elevation modeling; slope attributes; techniques to identify saddles, notches, and benches; and associations between bird utilization and topography may be included, for example. The report shall include adaptive management during and after construction using information gathered in the pre-construction assessment to guide possible Project modifications, mitigation, or the need for and design of post-construction studies; post-construction studies can test design modifications and operational activities to determine their effectiveness in avoiding or minimizing significant adverse impacts (USFWS, 2010b). The design of wind turbines shall minimize the use of above ground electrical cabling; be designed with solid surfaces that are not conducive to perching; not run when visibility is poor, such as at night and during periods of heavy fog; and be designed with low rotor speeds (20 rpm maximum).

**Mitigation Measure 4.C-1f:** Prior to construction or operation of wind turbines within the Baylands, the applicant shall implement the following mitigation measure, which is based upon the California Bat Working Group *Guidelines for Assessing and Minimizing Impacts to Bats at Wind Energy Development Sites in California* (CBWG, 2006). These measures will help to mitigate the development's effects on bats by addressing the data gaps that prevent adequate assessment of the development's effects on bats, such as what bat species are using the site and how they are using the Baylands.

The applicant shall contribute to the body of knowledge on bat/turbine interactions by performing pre-construction and post-construction surveys, and post-construction monitoring within the Baylands at each discrete location of a wind turbine or solar facility.

**Mitigation Measure 4.C-1g:** Construction and operation of proposed open space areas and other uses along Visitation Creek or adjacent to the northern lagoon edge shall include implementation of erosion control and water pollution control measures consistent with Storm Water Pollution Prevention Program (SWPPP) requirements, and implementation of an on-going maintenance plan to ensure no reduction in water and environmental quality within the Creek and lagoon.

Project applicants shall provide the City with proof that appropriate stormwater permits have been obtained pursuant to the City of Brisbane's NPDES stormwater discharge permit, the San Francisco Regional MS4 Permit. This shall include construction site inspection and control programs at all construction sites, with follow-up and enforcement consistent with each Permittee's respective Enforcement Response Plan, to prevent construction site discharges of pollutants and impacts on beneficial uses of receiving waters. The goal of Provision C.3 of the MS4 Permit is for the Permittee, such as the City of Brisbane, to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. This goal is to be accomplished primarily through the implementation of low impact development techniques.

Development applicants shall comply with local municipal requirements and the local storm water program as mandated under the Municipal Stormwater Permit, including, at minimum, the following measures:

- Plan the development to fit the topography, soils, drainage pattern and natural vegetation of the Baylands.
- Delineate clearing limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones to prevent excessive or unnecessary disturbances and exposure.
- Phase grading operations to reduce disturbed areas and time of exposure.
- Avoid excavation and grading during wet weather.
- Limit on-site construction routes and stabilize construction entrance(s) and exit(s).
- Any increase in impervious surface area shall include establishment of vegetated swales, permeable pavement materials, preserve vegetation, re-plant with native vegetation and appropriate measures should be evaluated and implemented where appropriate.
- Whenever practicable, native vegetation buffer areas shall be provided as part of a project to control pollutants from entering the Bay, and vegetation shall be substituted for rock riprap, concrete, or other hard surface shoreline and bank erosion control methods where appropriate and practicable.
- Construct diversion dikes and drainage swales to channel runoff around the site and away from bodies of water.
- Use berms and drainage ditches to divert runoff around exposed areas.

- Place diversion ditches across the top of cut slopes.
- No use of fertilizers or pesticides.

Applicants shall prepare a maintenance program for approval by the City that includes maintenance of water quality pollution-control features such as swales, sediment traps or other passive applications of pollution-prevention measures required as part of NPDES permitting. The maintenance program shall address the management of open space adjacent to the Brisbane lagoon and Visitation Creek and, at minimum, shall include the following requirements, to be performed to the satisfaction of the City:

- Identify the entity responsible for ongoing maintenance of the lagoon perimeter and recreational facilities within the perimeter area (e.g., property owners' association, landscape maintenance district), along with provisions permitting the City to enforce maintenance requirements and recoup costs for such enforcement.
- Provide trash receptacles at appropriate locations and regular litter removal.
- Maintain all improvements within the lagoon perimeter in a safe and working condition.
- Identify a funding mechanism to ensure site maintenance and implementation of environmental quality monitoring at the creek and lagoon as part of the open space interpretive center. Monitoring parameters shall include water quality monitoring that at a minimum tests the first draw of stormwater from the new rainy season, and may include, but not be limited to, vegetation monitoring, and passive observation and recording of fish species present.

**Mitigation Measure 4.C-1h:** Establish and implement performance standards that would reduce or avoid significant impacts by:

- Siting of recreational trails on Icehouse Hill so as to avoid any of populations of sensitive flora or fauna.
- Provision of trail head signage to inform the public or the potential presence of sensitive species along with a requirement to stay on marked trails.
- Identification and fencing of mitigation areas while they are becoming established.
- Ensuring no loss of nesting habitat during the raptor breeding season by limiting construction activities within the general avian breeding season. Furthermore, trees and plants that would be planted as part of Baylands development would include native species and habitat assemblages that over time would result in higher quality nesting habitat for tree, shrub and ground-nesting birds compared to existing landscape trees and non-native eucalyptus trees at the site currently.
- Requiring that replacement, artificial burrows be provided if burrowing owls are found and the approved burrow exclusion techniques are implemented.
- Reduce or avoid impacts to avian and bat species through micro-siting of the proposed turbine layout including modeling of raptor species' flight patterns, hovering or kiting patterns, bat roosting habitat areas and foraging areas.

- Compliance with local municipal requirements and the local storm water program as mandated under the Municipal Stormwater Permit to prevent introduction of sediments and materials into the lagoon during construction, along with implementation of a plan and funding for regular litter removal and maintenance of vegetative swales or technology to prevent runoff would ensure that use of the recreational areas in and near the Lagoon would result in less than significant impacts to special status fish.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.C-1, as related to special status plant and animal species. Specifically, Mitigation Measures 4.C-1a through 4.C-1h, set forth above, are feasible and are adopted to mitigate significant effects from Impact 4.C-1, as related to special status species. However, while implementation of these measures would reduce the majority of impacts to less than significant, should wind turbines ultimately be permitted within the Baylands of such wind turbines significant unavoidable impacts will occur as described above in relation to impacts of wind turbines on special status species. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce all aspects of Impact 4.C-1, as related to special status species, to a less-than-significant level.

**Rationale for Finding:** Adherence to the performance standards during construction and operation of the proposed trails on Icehouse Hill as set forth in Mitigation Measures 4.C-1a, 4.C-1b, 4.C-1c, and 4.C-1h would ensure protection of special-status plants and reduce impacts to a less-than-significant level.

Because the performance standards set forth in Mitigation Measure 4.C-1d for tree removal activity and ground-disturbance such as no loss of nesting habitat during the raptor breeding season and the standards would be applied to all proposed development, the resulting impact would be reduced to less than significant.

With implementation of Mitigation Measures 4.C-1e and 4.C-1f, impacts to raptors and bats in relation to proposed development of wind turbines within the Baylands would largely be avoided; however, due to the lack of scientific knowledge regarding bat behavior and the current uncertainty of the effectiveness of micrositeing efforts for these species, impacts to raptors and bats are considered significant.

Implementation of Mitigation Measure 4.C-1g would protect water quality in the lagoon such that impacts to fish species would be reduced to less than significant.

#### **4. Noise and Vibration**

- Impact 4.J-4: Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project above levels existing without the Project?*

Construction within the Baylands would occur in multiple increments over many years and would involve demolition, transport of soils, excavation, grading, trenching, paving, concrete work for foundations, and building erection. Noise from these activities could impact nearby existing

(offsite) receptors as well as future (onsite) receptors developed in earlier increments of construction.

Construction-related activities would temporarily increase ambient noise levels within and adjacent the Baylands over the duration of demolition, soils transport, excavation, grading, trenching, paving, concrete work for foundations, and building construction activities. Noise from these activities could affect residents of the Mission Blue Drive development, residents on San Francisco and Santa Clara Streets in Brisbane and residents on Linda Vista Drive and MacDonald Street in Daly City, and residents on Desmond Street and in the Little Hollywood neighborhood in San Francisco. Other areas that could be affected include Bayshore Heights, Visitacion Valley, Northeast Ridge (Brisbane), and future residents within the Schlage Lock site.

The noisiest construction activity would be during pile driving, which would generate noise levels of approximately 90 to 105  $L_{eq}$  at 50 feet and up to 90  $L_{eq}$  at a distance of 200 feet. Excavation and exterior finishing would also generate a substantial amount of noise. For pile driving that may be necessary for mid- and high-rise office structures, the nearest sensitive land uses would be new housing in the northwestern portion of the Baylands that could be developed prior to mid- and high-rise offices, approximately 200 feet to the west, where intermittent pile-driving noise more than 10 dBA in excess of existing ambient levels and would exceed the 86-dBA City's construction noise standard. Pile-driving noise from construction would therefore be a significant impact. Offsite receptors located nearest construction areas requiring pile-driving under the DSP scenarios would be 1,500 feet to the north and exposed to lesser resultant noise levels of 74 dBA.

Several types of common construction equipment could exceed applicable noise standards when construction is within 75 feet of a sensitive receptor. Also, during nighttime, temporary construction-related noise could be more disturbing given the more sensitive nature of the nighttime period. A menu of actions to reduce construction noise impacts to levels required by Section 8.28.060 of the Brisbane Municipal Code is set forth in Mitigation Measure 4.J-4a.

Additionally, the Municipal Code requires construction contractors to limit standard construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on weekends and holidays. Where permitted, pile driving and/or other extreme noise-generating activities (greater than 90 dBA) would be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise-generating activity permitted between 12:30 p.m. and 1:30 p.m. No extreme noise-generating activities would be allowed on weekends and holidays.

**Mitigation Measure 4.J-4a:** All applicants for site-specific development within the Baylands shall implement site-specific noise attenuation measures during all construction-related activities under the supervision of a qualified acoustical consultant as a pre-requisite to issuance of site grading(s). These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Brisbane Building Department to ensure that construction noise does not exceed the standards set forth in the City's Noise Ordinance. These attenuation measures shall include all or any combination of the following control strategies:



- Limit standard construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on weekends and holidays.
- Where such cannot reasonably be avoided as determined by the City, pile driving and/or other extreme noise-generating activities (greater than 90 dBA) would be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise-generating activity permitted between 12:30 p.m. and 1:30 p.m. No extreme noise-generating activities would be allowed on weekends and holidays;
- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used;
- Stationary noise sources shall be located as far as possible from adjacent receptors, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures;
- Erect temporary plywood noise barriers around the construction site when adjacent occupied sensitive land uses are present within 75 feet;
- Use of technologies such as drill and cap in place shall be used instead of pile driving wherever the City Engineer determines that local soil and geologic conditions would permit use of such technologies. Where such alternative technologies cannot be implemented, use of “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration) shall be required where geotechnical and structural requirements and conditions permit;
- Use noise control blankets on building structures as buildings are erected to reduce noise emission from the site; and
- Use cushion blocks to dampen impact noise.

**Mitigation Measure 4.J-4b:** Prior to City issuance of grading permits, applicants for site-specific development projects within the Baylands shall submit to the Brisbane Building Department, a list of measures that will be undertaken to respond to and track complaints pertaining to construction noise, including:

- A procedure for notifying the Building Department staff of complaints;
- A plan for posting onsite signs pertaining to permitted construction days and hours, complaint procedures, and the contact person who should be notified in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- Designation of an onsite construction complaint manager for Baylands development;

- Notification of neighbors within 300 feet of the development construction area about the estimated duration of the pile-driving activity at least 30 days in advance of the activity; and
- A preconstruction meeting with the job inspectors and the general contractor/onsite project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.J-4, as related to construction noise. Specifically, Mitigation Measures 4.J-4a and 4.J-4b, set forth above, are feasible and are adopted to mitigate significant effects from Impact 4.J-4, as related to construction noise. However, even with implementation of these measures, significant unavoidable impacts will occur as described above related to pile driving and other construction noise. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.J-4, as related to construction noise, to a less-than-significant level.

**Rationale for Finding:** By limiting construction hours and implementing the noise control strategies set forth in Mitigation Measures 4.J-4a and 4.J-4b, construction noise would be reduced to a less-than-significant level for all activities other than pile driving. While alternatives to pile driving would be required if geotechnical conditions permit, it might not be possible to avoid pile driving and/or other extreme noise-generating activities (greater than 90 dBA). Due to the substantial noise levels associated with potential pile driving and the proximity to proposed residential development in the northwestern portion of the Baylands, temporary construction-related noise from pile driving and other sources would be a significant unavoidable impact.

## 5. Population and Housing

*b. Impact 4.K-1: Would the Project induce substantial population growth in the area either directly or indirectly?*

The Baylands General Plan Amendment provides for the development of 1,800 to 2,200 residential dwelling units, which would result in approximately 4,015 to 4,905 residents within the Baylands as compared to 4,434 dwelling units and 9,888 residents that would result under the DSP scenario. The 7.0 million square feet of non-residential development that would be permitted by the Baylands General Plan Amendment would generate approximately 17,190 new jobs within the Baylands, which is similar to the 17,540 new jobs that would be generated by the DSP scenario.

Thus, the Baylands General Plan Amendment proposes substantially less housing along with a similar amount of employment-generating uses as were analyzed in the EIR for the DSP/ scenario. However, the Baylands General Plan Amendment would nevertheless induce substantial population growth within the Baylands. Such growth is reflected in the significant aesthetics, air quality, noise, and traffic and transportation impacts that would result from the Baylands General Plan Amendment.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant aesthetics, air quality, noise, and traffic and

transportation effects on the environment from Impact 4.K-1, as related to population growth. Specifically, Mitigation Measures set forth in relation to aesthetics, air quality, noise, and traffic and transportation effects on the environment, are feasible and are adopted to mitigate significant effects related to these impacts. However, even with implementation of these measures, significant unavoidable impacts will occur as described above related to population growth. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.K-1, as related to population growth, to a less-than-significant level.

**Rationale for Finding:** The significant unavoidable aesthetics, air quality, noise, and traffic and transportation effects on the environment described throughout Section D of these findings result from the population growth that would occur from development of uses permitted by the Baylands General Plan Amendment. The discussion of the rationale for findings of significant unavoidable aesthetics, air quality, noise, and traffic and transportation also applies to the environmental effect of the population growth that would result from development of uses permitted by the Baylands General Plan Amendment.

## **6. Traffic and Transportation**

### *a. Impact 4.N-1: Would the Project result in a substantial increase in traffic under Existing plus Project conditions at intersections in the vicinity of the Project Site?*

An intersection level of service analysis prepared for Baylands-related traffic operations at 18 intersections for existing weekday AM and PM peak hour conditions shows that 17 of the 18 intersections that were studied currently operate at acceptable levels of service. Only the intersection of San Bruno Avenue/Bayshore Boulevard was found to operate at an unacceptable level of service under existing conditions.

Overall, because of its reduced intensity, the Baylands General Plan Amendment would reduce overall daily vehicular trip generation by approximately 29 percent compared to the DSP scenario. Related level of service impacts would thus be substantially reduced from the significant traffic impacts analyzed in the EIR for the DSP scenario. However, Baylands-generated traffic at the following 6 intersections would contribute to or exacerbate unacceptable levels of service at the San Bruno Avenue/Bayshore Boulevard intersection and cause unacceptable levels of service at the following intersections:

- Geneva Avenue & Bayshore Boulevard – AM & PM peak hours
- Old County Road & Bayshore Boulevard – AM & PM peak hours
- Beatty Road/Alana Way/US 101 SB Ramps – AM & PM peak hours
- Harney Way/Alana Wy/ Thomas Mellon Drive – AM & PM peak hours
- Tunnel Avenue & Bayshore Boulevard – AM & PM peak hours

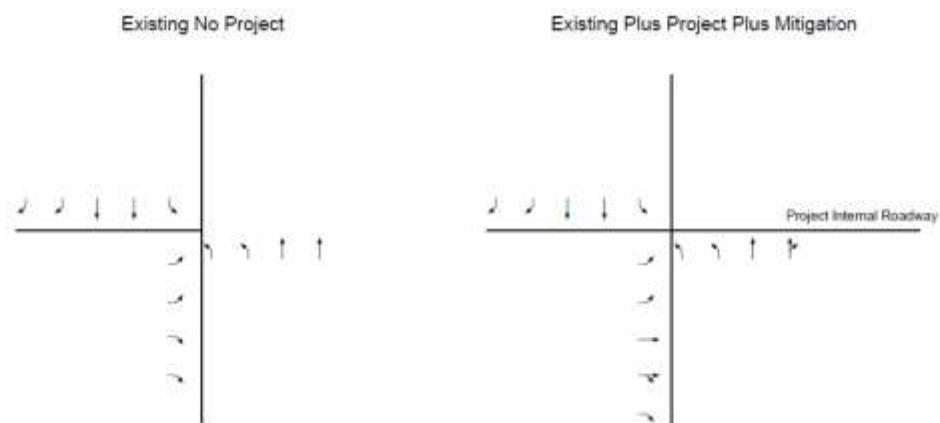
The methodology for traffic analysis undertaken in the Draft EIR included recognition for the potential of internal trip capture based on a rigorous peer-reviewed study conducted by Fehr &

Peers and prepared for the United States Environmental Protection Agency, utilizing the following state, regional, and local data:

- Pooled household survey data for 239 mixed-use developments in six diverse U.S. regions;
- Statistically derived equations on internal trip capture and mode shares; and
- Validation at 27 existing mixed-use development sites across the U.S.

This methodology is recognized industry-wide by transportation engineers as resulting in appropriate trip generation patterns for mixed-use development projects, and as such was used in the transportation analysis for Baylands development.

**Mitigation Measure 4.N-1a (Geneva Avenue/Bayshore Boulevard):** The following physical improvements shall be constructed and accepted for public maintenance prior to occupancy of any development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. The eastbound approach on Geneva Avenue to Bayshore Boulevard shall be restriped to create one additional through lane. One of the existing two right-turn lanes shall also be modified to become a shared through/right-turn lane. In addition, existing AM signal timing setting shall be modified by shifting 8 seconds of green time from the protected eastbound left and westbound left phases to the protected southbound left and southbound through phases. For the PM signal timing settings, 6 seconds of green time shall be shifted from the protected eastbound left and westbound left phases to the protected northbound left and southbound left phases.



**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-1, as related to intersection operations at Geneva Avenue/Bayshore Boulevard. Specifically, Mitigation Measure 4.N-1a, set forth above, is adopted to mitigate significant effects from Impact 4.N-1, as related to intersection operations at Geneva Avenue/Bayshore Boulevard. However, implementation of this measure requires action by the City of Daly City that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The

mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations at Geneva Avenue/Bayshore Boulevard. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-1, as related to intersection operations at Geneva Avenue/Bayshore Boulevard, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve intersection operations under Existing plus Project from LOS F to LOS D during both AM and PM peak hours. The existing Geneva Avenue connection to its terminus at the west side of Bayshore Boulevard is approximately 90 feet in width, with two lanes of traffic in the westbound direction, two left-turn lanes and two right-turn lanes for the eastbound direction, and a median of six feet wide in between. No parking is allowed on either side of Geneva Avenue. It would therefore be feasible to create functional access to the Baylands from Geneva Avenue by removing the median (without relocating the center line) to provide seven travel lanes – two for the westbound direction and one left-turn pocket, one through lane, one shared through/right-turn lane, and one right-turn pocket for the eastbound direction. Restriping without relocating the center line would not result in conflict with operations of Muni 9AX buses that need to make wide turns at this intersection.

While the implementation of Mitigation Measure 4.N-1a would reduce operational impacts at Geneva Avenue and Bayshore Boulevard to a less-than-significant level, such implementation would require action by the City of Daly City that is not within the City of Brisbane's power to impose. The mitigation measure is therefore legally infeasible, although it is physically feasible. Thus, the impact is considered to be significant and unavoidable.

**Mitigation Measure 4.N-1b (Old County Road/Bayshore Boulevard):** The following physical improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. The intersection of Bayshore Boulevard and Old County Road shall be improved, including modifications to the tunnel to provide additional lanes and modify signal timing to improve intersection operations to achieve, at a minimum, LOS C during both AM and PM peak hours.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.N-1 related to traffic operations at the Old County Road/Bayshore Boulevard intersection. Specifically, the mitigation measure presented above is feasible and is adopted to mitigate significant effects from Impact 4.N-1 related to traffic operations at the Old County Road/Bayshore Boulevard intersection to a less-than-significant level.

**Rationale for Finding:** An evaluation of engineering design considerations to mitigate traffic impacts at this intersection indicated that needed improvements might not be

feasible without removal of the existing median at this location. Thus, to provide flexibility for the design of needed improvements at this intersection, a performance standard rather than a prescriptive mitigation measure is proposed. Physical improvements meeting this performance standard would reduce impacts to a less-than-significant level.

**Mitigation Measure 4.N-1c (Alana Way/Beatty Road/US 101 Southbound Ramps):** The following physical improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. The intersection of Alana Way/Beatty Avenue/US 101 Southbound Ramps shall be signalized, and longer green time shall be allowed for the eastbound/westbound traffic than for the northbound/southbound traffic. In addition, the southbound (Alana Way) approach shall be restriped to provide an additional exclusive right-turn pocket, and the westbound (off-ramp) approach shall be restriped to provide an additional through lane to increase the capacity at the off-ramp.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-1, as related to intersection operations at Alana Way/Beatty Road/US 101 Southbound Ramps. Specifically, Mitigation Measure 4.N-1c, set forth above, is adopted to mitigate significant effects from Impact 4.N-1, as related to intersection operations at Alana Way/Beatty Road/US 101 Southbound Ramps. However, implementation of this measure requires action by Caltrans that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations at Alana Way/Beatty Road/US 101 Southbound Ramps. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-1, as related to intersection operations at Alana Way/Beatty Road/US 101 Southbound Ramps, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve the operations at this intersection from LOS F to acceptable (LOS C) levels for both the AM and PM peak hours. Therefore, with the inclusion of Mitigation Measure 4.N-1c, operational impacts at the Alana Way, Beatty Road, and US 101 Southbound Ramps would be less than significant. However, implementation of this recommended mitigation measure is beyond Brisbane's jurisdiction and requires Caltrans approval. This measure is therefore legally infeasible, although it is physically feasible. As a result, operational impacts at the Alana Way, Beatty Road, and US 101 Southbound Ramps are considered to be significant and unavoidable.

**Mitigation Measure 4.N-1d (Alana Way/Harney Way/Thomas Mellon Drive):** The following physical improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional

traffic to the intersection if it is already operating below the acceptable LOS standard. The eastbound approach to the Alana Way/Harney Way/Thomas Mellon Drive intersection shall be restriped to provide an additional right-turn lane. Harney Way shall be widened to the south of its existing alignment to accommodate this change.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-1, as related to intersection operations at Alana Way/Harney Way/Thomas Mellon Drive. Specifically, Mitigation Measure 4.N-1d, set forth above, is adopted to mitigate significant effects from Impact 4.N-1, as related to intersection operations at Alana Way/Harney Way/Thomas Mellon Drive. However, implementation of this measure requires action by the City and County of San Francisco that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations at Alana Way/Harney Way/Thomas Mellon Drive. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-1, as related to intersection operations at Alana Way/Harney Way/Thomas Mellon Drive, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve operations at this intersection to LOS C under Existing plus Project. This mitigation measure is consistent with the Harney Way widening project that was assumed under the Cumulative Year 2030 conditions. With implementation of Mitigation Measure 4.N-1d, operational impacts at Alana Way/Harney Way/Thomas Mellon Drive intersection would be less than significant. Since this intersection is within San Francisco, however, it is not within the power of Brisbane to impose mitigation. Therefore, due to legal infeasibility, implementation of this measure cannot be ensured, even though the mitigation measure is consistent with the Harney Way widening project in San Francisco. Therefore, impacts at the Alana Way/Harney Way/Thomas Mellon Drive intersection are significant and unavoidable.

**Mitigation Measure 4.N-1e (Tunnel Avenue/Bayshore Boulevard):** The following physical improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. A signal phase shall be provided for the westbound right approach at the intersection of Tunnel Avenue & Bayshore Boulevard, and signal timing settings for the AM and PM peak periods shall be modified by changing the southbound left phase from the existing permitted to protected phase and shifting 20 seconds of green time from the northbound and southbound movements to each of the southbound left and westbound right phases.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which reduce significant effects on the environment

from Impact 4.N-1, as related to intersection operations at Tunnel Avenue/Bayshore Boulevard. Specifically, Mitigation Measure 4.N-1e, set forth above, is adopted to reduce significant effects from Impact 4.N-1, as related to intersection operations at Tunnel Avenue/Bayshore Boulevard. However, implementation of this measure requires action by the City and County of San Francisco that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations at Tunnel Avenue/Bayshore Boulevard. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-1, as related to intersection operations at Tunnel Avenue/Bayshore Boulevard, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve operations at the intersection to acceptable (LOS D) levels in the AM peak hour but would remain at an unacceptable LOS E in the PM peak hour. Thus, with implementation of Mitigation Measure 4.N-1e, operational impacts at Tunnel Avenue and Bayshore Boulevard would be significant and unavoidable. The intersection of Tunnel Avenue and Bayshore Boulevard is located within San Francisco, and implementation of the recommended mitigation measure would require San Francisco's approval. While the mitigation measure may be physically feasible because Brisbane cannot compel San Francisco to accept proposed improvements, the measure's implementation cannot be ensured and therefore the measure is legally infeasible, resulting in a significant and unavoidable impact.

**Special Event Traffic in the DSP-V Scenario.** The EIR includes an analysis of weekday special event traffic that would occur in the DSP-V scenario. Because the Baylands General Plan Amendment neither explicitly proposes nor prohibits an event center, it is possible that such a facility could be proposed for the Baylands should the General Plan Amendment be approved. Traffic associated with a large-scale event at a potential special event venue could exacerbate traffic operations at six intersections that would operate at LOS E or LOS F conditions under Existing plus Project conditions compared to intersection operations without an event during the PM peak hour:

- Geneva Avenue & Bayshore Boulevard (LOS E to LOS E)
- Old County Road & Bayshore Boulevard (LOS D to LOS D)
- San Bruno Avenue & Bayshore Boulevard (LOS E to LOS E)
- Beatty Road & Alana Way & US 101 Southbound Ramps (LOS F to LOS F)
- Alana Way & Harney Way & Thomas Mellon Drive (LOS F to LOS F)
- Tunnel Avenue & Bayshore Boulevard (LOS F to LOS F)

Because existing congestion at these intersections would be exacerbated by special event traffic, a significant impact would result, requiring mitigation.



**Mitigation Measure 4.N-1f:** Prior to issuance of building permits for an arena or other large-scale special event venue (3,000 seats or more), the special event venue operator shall develop and submit to the City a Transportation Management Plan for deploying traffic control officers in the Baylands vicinity to increase efficiency of pre- and post-event traffic, and for developing incentives to increase transit ridership to the arena, such as parking pricing policies, customer information strategies, and/or ticket/other related discounts with proof of payment for transit. Implementation of this plan shall be designed to speed vehicle entrance to and exit from the arena site, as well as maintain orderly traffic operations and prevent turning movements that would intrude onto minor routes to and from the arena. Traffic control officers shall be provided on event dates to facilitate traffic flow at intersections that would otherwise operate at LOS E conditions without manual traffic control by officers to approximate traffic control with traffic signals of LOS C. Preparation and implementation of the plan shall be coordinated with the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Police Department and shall be fully funded by the special event venue operator. The Transportation Management Plan shall be completed to the satisfaction of the City of Brisbane prior to opening day of the special event venue. Prior to issuance of a building occupancy permit for an arena within the Project Site, the City of Brisbane shall complete its review and approve the proposed TMP.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-1, as related to intersection operations during a large-scale event at a potential special event venue. Specifically, Mitigation Measure 4.N-1f, set forth above, is adopted to mitigate significant effects from Impact 4.N-1, as related to intersection operations during a large-scale event at a potential special event venue. However, implementation of this measure requires action by the City and County of San Francisco that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations during a large-scale event at a potential special event venue. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-1, as related to intersection operations during a large-scale event at a potential special event venue, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve the operating conditions at the intersection to acceptable (LOS C) levels by approximating operating conditions if the intersection were signalized. Implementation of this mitigation measure would facilitate entrance and exit to the arena site for vehicles that choose Tunnel Avenue as the gateway into and out of the arena site, as well as maintain orderly traffic operations and reduce intrusion onto Bayshore Boulevard and/or neighborhood streets. Traffic delays could still occur at the other adversely affected intersections; these impacts are described under Impacts 4.N-1a through 4.N-1e above. Implementation of Mitigation Measure 4.N-1f would reduce the impact on the existing operating conditions at the intersection of Blanken Avenue/Tunnel Avenue during the PM peak hour resulting from a large-scale weekday evening event to a less-than-significant level. Implementation of this measure would entail actions being taken by San

Francisco, however, which the City of Brisbane cannot compel. Therefore, while the mitigation measure may be physically feasible because Brisbane cannot require San Francisco to accept proposed improvements, the mitigation measure is legally infeasible. This impact is therefore considered to be significant and unavoidable.

*b. Impact 4.N-2: Would implementation of the Project contribute to significant existing traffic delays at freeway mainline segments?*

Freeway mainline level of service analysis was conducted for four locations on US 101. Freeway ramp analysis was prepared for six locations on US 101. The EIR determined that each of the four development scenarios would cause the following freeway mainline segments to degrade from an acceptable LOS condition (LOS E or better) to an unacceptable LOS F under one or more of the development scenarios:

- US 101 southbound mainline from Third Street/Bayshore Boulevard (AM peak hour) to Harney Way under all four development scenarios.
- US 101 northbound mainline from Sierra Point to Harney Way (PM peak hour) under the CPP and CPP-V development scenarios.
- US 101 northbound mainline from Harney Way to Third Street / Bayshore Boulevard (PM peak hour) under all four development scenarios.

Although the Baylands General Plan Amendment proposes less development intensity and would reduce daily vehicular traffic generation by 29 percent as compared to the DSP scenario, it would not reduce impacts on the freeway mainline to less than significant.

**Finding:** The City finds that there are no feasible changes or alterations that can be incorporated into the Baylands General Plan Amendment to mitigate significant effects on the environment from Impact 4.N-2, as related to freeway mainline traffic. Specifically, Mitigation Measure 4.N-13, adopted in response to Impact 4.N-13 is adopted and would reduce significant effects from Impact 4.N-2, as related to freeway mainline traffic. However, this measure would be insufficient to reduce impacts to a less-than-significant level. To reduce Impact 4.N-2 to less than significant would require widening of the US 101 freeway. To do so requires action by Caltrans that is not within the City of Brisbane's power to impose. The mitigation measure is therefore legally infeasible, and significant unavoidable impacts will occur as described above related to traffic on the US 101 freeway mainline. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-2, as related to traffic on the US 101 freeway mainline, to a less than significant level.

**Rationale for Finding:** Mitigation Measure 4.N-13 calling for implementation of transportation demand management programs would reduce traffic generation within the Baylands, but not to a degree that would reduce Impact 4.N-2 to a less-than-significant level. There is no mitigation available to reduce this impact to a less-than-significant level. Although Baylands General Plan Amendment would generate less traffic than would any of the four Concept Plan scenarios, impacts on the US 101 freeway mainline would remain significant. The only means of reducing this impact to a less-than-significant level would be to widen the freeway; however, due to existing and

projected worsening congestion along the freeway to the north and south of the Baylands, such widening would need to occur over a much longer stretch of freeway than just through the Baylands. Because (1) there is insufficient right-of-way for such widening and (2) Caltrans has no plans for freeway widening in either the short-term or long-term, this impact is significant and unavoidable.

*c. Impact 4.N-3: Would the Project result in a substantial increase in traffic under Cumulative With Project conditions at the study intersections?*

The EIR presents an analysis of intersection LOS for Cumulative Without Project and Cumulative With Project conditions for the AM and PM peak hours. This analysis demonstrates that the following intersections will not meet applicable LOS standards due to traffic being generated by projects outside of the Baylands in San Francisco, Daly City, and other communities even if no further development occurs within the Baylands:

- Geneva Avenue & Bayshore Boulevard
- San Bruno Avenue & Bayshore Boulevard
- Sierra Point Parkway & US 101 Northbound Ramps
- Lagoon Way & Tunnel Avenue
- Lagoon Way & Sierra Point Parkway
- Beatty Road & Alana Way

This analysis further demonstrates that Baylands development under any of the four Concept Plan scenarios would result in significant impacts, requiring mitigation. Overall, because of its reduced intensity, impacts of the Baylands General Plan Amendment would reduce daily vehicular trip generation by 29 percent compared to the DSP scenario, substantially reducing the significant traffic impacts analyzed in the EIR but not reducing them to a less-than-significant level.

The unsignalized intersection of San Bruno Avenue/Bayshore Boulevard would operate at unacceptable peak hour levels of service on the critical stop sign-controlled approach both without and with Baylands development. However, the intersection would not meet the criteria for the Caltrans peak hour signal warrant, and Baylands development would add less than 5 percent of trips to the critical movement at the intersection. Therefore, the Baylands' contribution to the unacceptable cumulative conditions would be less than significant.

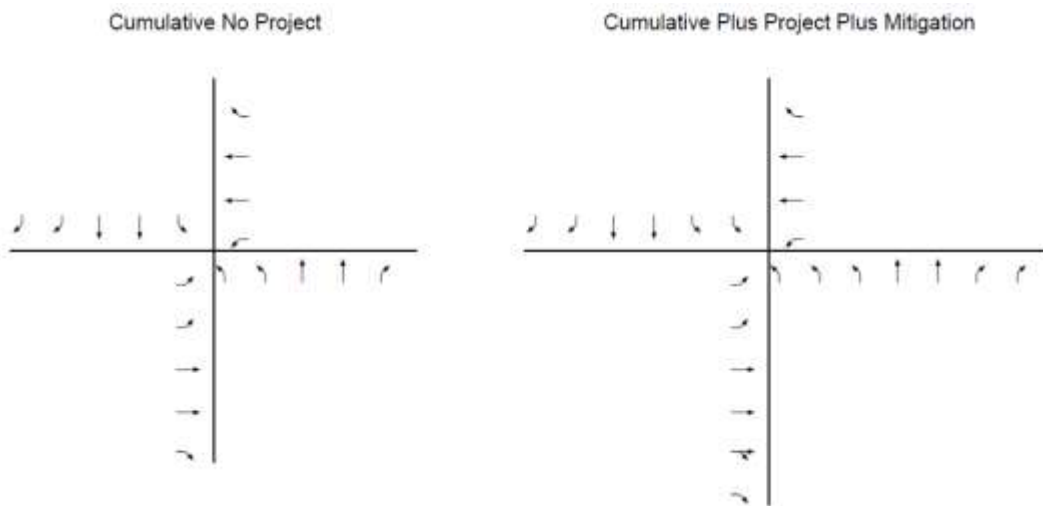
Baylands traffic would contribute to unacceptable levels of service at the following locations:

- Geneva Avenue & Bayshore Boulevard – AM and PM peak hours
- Old County Road & Bayshore Boulevard – AM and PM peak hours
- Tunnel Avenue & Bayshore Boulevard – AM and PM peak hours
- Sunnydale Avenue & Bayshore Boulevard – AM and PM peak hours
- Sierra Point Parkway & US 101 Ramps – AM and PM peak hours
- Lagoon Way & Tunnel Avenue – AM and PM peak hours

- Lagoon Way & Sierra Point Parkway – AM and PM peak hours
- Geneva Avenue & US 101 SB Ramps – AM and PM peak hours
- Jamestown Avenue & Third Street – AM and PM peak hours
- Carter Street & Geneva Avenue – AM and PM peak hours
- Geneva Avenue & Mission Street – AM and PM peak hours
- E. Market Street & Orange Street – AM and PM peak hours

**Mitigation Measure 4.N-3a (Geneva Avenue & Bayshore Boulevard):**<sup>11</sup> In addition to the improvements required by Mitigation Measure 4.N-1a (which addressed Existing Plus Project conditions) the following physical improvements shall be constructed and accepted for public maintenance to account for cumulative traffic conditions prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standards. Thus, the full extent of improvements shall include the following:

The eastbound approach at the signalized intersection of Geneva Avenue & Bayshore Boulevard shall be restriped to create one additional through lane and to modify one of the existing two right-turn lanes to become a shared through/right-turn lane. In addition, the southbound approach shall be restriped to provide an additional exclusive left-turn pocket. Finally, the northbound approach shall be restriped to provide two additional lanes: an additional left-turn pocket and an added right-turn lane.



As a condition of approval for the first discretionary action taken for development within the Baylands, the applicant shall be required to initiate a corridor plan for Bayshore Boulevard in

<sup>11</sup> Mitigation Measure 4.N-1a provides for mitigation of Baylands development-related impacts in the Existing plus Project condition, while this mitigation measure provides for mitigation in the Cumulative With Project condition. This mitigation measure is based on needed modification to the existing, baseline configuration of the intersection and does not assume that Mitigation Measure 4.N-1a is implemented.

cooperation with Daly City and San Francisco to determine the suite of improvements necessary to resolve long-term cumulative traffic issues along the corridor. Because the effectiveness of such a corridor plan would necessitate participation by Daly City and San Francisco in recognition of increases in traffic along the Bayshore corridor that will be generated by future development within those two jurisdictions, Brisbane will also make its best efforts to assist the developer in securing the agreement of Daly City and San Francisco to participate in the corridor study and its implementation.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which reduce significant effects on the environment from Impact 4.N-3, as related to intersection operations at Geneva Avenue & Bayshore Boulevard. Specifically, Mitigation Measure 4.N-3a, set forth above, is adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at Geneva Avenue & Bayshore Boulevard. However, implementation of this measure requires action by the cities of San Francisco and Daly City that is not within the City of Brisbane's power to impose, although such action can and should be adopted by those agencies pursuant to PRC sec. 21081(a)(2). This mitigation measure is therefore legally infeasible. Although all physically feasible improvements would be provided, significant unavoidable impacts would remain as described above related to intersection operations at Geneva Avenue & Bayshore Boulevard. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Geneva Avenue & Bayshore Boulevard, to a less than significant level.

**Rationale for Finding:** It is physically possible to accommodate the improvements set forth in Mitigation Measure 4.N-3a through removal of the existing median or further widening to the east of its existing alignment. Removal of the median would make restriping the eastbound approach feasible without relocating the center line and compromising the turn movements of Muni 9AX buses.

While restriping the eastbound and southbound approaches as proposed in the Mitigation Measure 4.N-3a would improve intersection operations to acceptable levels at LOS D during the AM peak hour, operations during the PM peak hour would remain unacceptable at LOS E. There would also be secondary impacts associated with Mitigation Measure 4.N-3a, including major right-of-way acquisition and safety concerns for pedestrians due to longer crosswalks and lack of a safety median. This secondary impact could be partially mitigated through pedestrian enhancements such as separated sidewalks along the length of Bayshore Boulevard; incorporating design elements that would reduce speeds to less than 30 miles per hour such as narrower travel lanes, landscape features, and more frequent signalization; and providing frequent (every 500 to 750 feet) safe crossing treatments for pedestrians. Given the proposed six-lane cross-section, use of traffic signals or "HAWK beacons" would be the likely safe crossing treatments. Buffered bike lanes could also be considered to mitigate the impact of increased traffic on bicyclists.

While preparation and implementation of a corridor plan for Bayshore Boulevard would be the appropriate venue for determining the suite of improvements necessary to resolve long-term cumulative traffic issues along the corridor, the effectiveness of such a corridor plan would necessitate participation by Daly City and San Francisco in recognition of future increases in traffic along the Bayshore corridor that will be generated by future development in those two jurisdictions. While Brisbane believes that it would be beneficial for both Daly City and San Francisco to participate in such a study, it cannot require their participation. Brisbane will, however, as a condition of approval require the developer to initiate such a corridor study and will also make its best efforts to assist the developer in securing the agreement of Daly City and San Francisco to participate in the corridor study and its implementation.

Therefore, even with implementation of Mitigation Measure 4.N-3a, Baylands development impacts on cumulative traffic conditions at the intersection of Geneva Avenue & Bayshore Boulevard would be significant and unavoidable.

**Mitigation Measure 4.N-3b (Old County Road & Bayshore Boulevard):**<sup>12</sup> At the signalized intersection of Old County Road & Bayshore Boulevard, the eastbound approach shall be restriped to create one additional exclusive through lane. In addition, the southbound approach shall be restriped to create two additional lanes: an added exclusive left-turn pocket and an added through lane for the southbound approach. Eastbound Tunnel Avenue shall be widened to the east of its existing alignment to accommodate two receiving lanes for the southbound left and eastbound through traffic. These improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which reduce significant effects on the environment from Impact 4.N-3, as related to intersection operations at Old County Road & Bayshore Boulevard. Specifically, Mitigation Measure 4.N-3b, set forth above, is adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at Old County Road & Bayshore Boulevard. Although all physically feasible improvements would be provided, significant unavoidable impacts would remain as described above related to intersection operations at Old County Road & Bayshore Boulevard. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Old County Road & Bayshore Boulevard, to a less than significant level.

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<sup>12</sup> Mitigation Measure 4.N-1b provides for mitigation of Baylands development-related impacts in the Existing plus Project condition, while this mitigation measure provides for mitigation in the Cumulative With Project condition. This mitigation measure is based on needed modification to the existing, baseline configuration of the intersection, and does not assume that Mitigation Measure 4.N-1b is implemented.

**Rationale for Finding:** For the AM peak hour, implementation of Mitigation Measure 4.N-3b would improve operations at Old County Road & Bayshore Boulevard to acceptable levels, reducing the impact to less than significant. In the PM peak hour, the mitigation would improve the operations to LOS E, which still exceeds the maximum allowable standard (LOS C) assigned for this intersection per the Brisbane General Plan. Therefore, even with implementation of Mitigation Measure 4.N-3b, impacts of Baylands development at the intersection of Old County Road & Bayshore Boulevard would be significant and unavoidable.

**Tunnel Avenue & Bayshore Boulevard.** At the signalized intersection of Tunnel Avenue & Bayshore Boulevard, all four development scenarios analyzed in the EIR would contribute considerably to a significant cumulative impact during the AM and PM peak hours (i.e., by contributing more than 5 percent of trips to the critical vehicle movements). While the Baylands General Plan Amendment would reduce the Baylands' contribution of traffic to this intersection compared to the four development scenarios analyzed in the EIR, Baylands development would still contribute considerably to a significant cumulative impact.

**Finding:** The City finds that there are no feasible physical improvements or other mitigation measures that could be incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at the intersection of Tunnel Avenue & Bayshore Boulevard. Specifically, while Mitigation Measure 4.N-13 is feasible and is adopted to mitigate significant effects from Impact 4.N-13 and would reduce the Baylands' traffic contribution to intersection operations at Tunnel Avenue & Bayshore Boulevard, physical constraints preclude fully mitigating traffic impacts at this location. Thus, even with implementation of Mitigation Measure 4.N-13, significant unavoidable impacts will occur as described above related to intersection operations at Tunnel Avenue & Bayshore Boulevard. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at the intersection of Tunnel Avenue & Bayshore Boulevard, to a less-than-significant level.

**Rationale for Finding:** No feasible mitigation measures are available to reduce the impact below a level of significance. Traffic signals on the Tunnel Avenue & Bayshore Boulevard intersection are under control of SFMTA and are timed to give priority to transit movements. SFMTA has indicated that there may be slight adjustments to the traffic signal timing for intersections along the T-Third route that could be implemented to reduce auto delay at signalized intersections without degrading transit travel times. However, those improvements would not be sufficient to improve intersection operations to the acceptable levels. Because no feasible mitigation measure exists, the impact would be significant and unavoidable.

**Sunnydale Avenue & Bayshore Boulevard.** At the signalized intersection of Sunnydale & Bayshore Boulevard, all four proposed development scenarios would contribute considerably to a significant cumulative impact during the AM and PM peak hours (i.e., by contributing more than 5 percent of trips to the critical vehicle movements). While the Baylands General Plan Amendment would reduce the Baylands' contribution of traffic to this intersection compared to the four

development scenarios analyzed in the EIR, Baylands development would still contribute considerably to a significant cumulative impact.

**Finding:** The City finds that there are no feasible physical improvements or other mitigation measures that could be incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at the intersection of Sunnydale Avenue & Bayshore Boulevard. Specifically, while Mitigation Measure 4.N-13 is feasible and is adopted to mitigate significant effects from Impact 4.N-13 and would reduce the Baylands' traffic contribution to intersection operations at Sunnydale Avenue & Bayshore Boulevard, physical constraints preclude fully mitigating traffic impacts at this location. Thus, even with implementation of Mitigation Measure 4.N-13, significant unavoidable impacts will occur as described above related to intersection operations at Sunnydale Avenue & Bayshore Boulevard. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-13, as related to intersection operations at the intersection of Sunnydale Avenue & Bayshore Boulevard, to a less-than-significant level

**Rationale for Finding:** No feasible mitigation measures exist to reduce the impact below a level of significance. Traffic signals on the Sunnydale Avenue & Bayshore Boulevard intersection are under control of SFMTA and currently timed to give priority to transit movements. SFMTA has indicated that there may be slight adjustments to the traffic signal timing for intersections along the T-Third route that could be implemented to reduce auto delay at signalized intersections without degrading transit travel times. However, those improvements would not be sufficient to improve intersection operations to the acceptable levels. Because no feasible mitigation measure exists, the impact would be significant and unavoidable.

**Mitigation Measure 4.N-3c (Sierra Point Parkway & US 101 Ramps):** Installation of a traffic signal at the intersection of Sierra Point Parkway and the US 101 freeway ramps shall be required to be provided when the peak hour signal warrant is met in the AM or PM peak hour. The signal shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would cause signal warrants to be met in the AM or PM peak hour.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at Sierra Point Parkway & US 101 Ramps. Specifically, Mitigation Measure 4.N-3c, set forth above, is feasible and is adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at Sierra Point Parkway & US 101 Ramps. However, even with implementation of these measures, significant unavoidable impacts will occur as described above related to intersection operations at Sierra Point Parkway & US 101 Ramps. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Sierra Point Parkway & US 101 Ramps, to a less-than-significant level.



**Rationale for Finding:** With implementation of Mitigation Measure 4.N-3c, the cumulative traffic impacts at the intersection of Sierra Point Parkway & US 101 Ramps would improve, but nevertheless remain significant and unavoidable. No feasible physical improvements are available to increase the capacity of this intersection such that it would operate at an acceptable LOS.

**Mitigation Measure 4.N-3d (Lagoon Way & Tunnel Avenue):** A traffic signal shall be installed when the peak hour signal warrant is met in either the AM or PM peak period. In addition, widening and restriping of the intersection approaches to provide one through lane and one left-turn lane in the southbound direction, one through lane and one right-turn lane in the northbound direction, and one shared left/through and one right-turn lane in the westbound direction shall be provided. The signal shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would cause signal warrants to be met in the AM or PM peak hour. The other improvements cited in this measure shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at Lagoon Way & Tunnel Avenue. Specifically, Mitigation Measure 4.N-3d, set forth above, is feasible and is adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at Lagoon Way & Tunnel Avenue. However, even with implementation of this measure, significant unavoidable impacts will occur as described above related to intersection operations at Lagoon Way & Tunnel Avenue. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Lagoon Way & Tunnel Avenue, to a less-than-significant level.

**Rationale for Finding:** This mitigation measure would improve operating conditions at Lagoon Way & Tunnel Avenue to an acceptable LOS D in the AM peak hour. LOS in the PM peak hour would be improved, but it would remain at LOS F. No feasible physical improvements are available to increase the capacity of this intersection such that it would operate at an acceptable LOS in the PM peak hour. Therefore, the cumulative traffic impacts at the intersection would be significant and unavoidable.

**Mitigation Measure 4.N-3e (Lagoon Way & Sierra Point Parkway):** A traffic signal shall be installed when the peak hour signal warrant is met in either the AM or PM peak period. In addition, the Lagoon Way/Sierra Point Parkway intersection shall be widened, and intersection approaches shall be restriped to provide two through lanes and one right-turn lane in the southbound direction, one through lane and two left-turn lanes in the northbound direction, and two left-turn lanes and one right-turn lane in the eastbound direction. Additional road widening on Lagoon Road & Sierra Point Parkway would also be required. The signal shall be

constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would cause signal warrants to be met in the AM or PM peak hour. The other improvements cited in this measure shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at Lagoon Way & Tunnel Avenue. Specifically, Mitigation Measure 4.N-3e, set forth above, is feasible and is adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at Lagoon Way & Sierra Point Parkway. However, even with implementation of this measure, significant unavoidable impacts will occur as described above related to intersection operations at Lagoon Way & Sierra Point Parkway. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Lagoon Way & Sierra Point Parkway, to a less-than-significant level.

**Rationale for Finding:** This mitigation measure would improve operating conditions at Lagoon Way & Sierra Point Parkway to an acceptable LOS C in the AM peak hour. LOS would be improved, but it would remain unacceptable at LOS F in the PM peak hour. No feasible physical improvements are available to increase the capacity of this intersection such that it would operate at an acceptable LOS in the PM peak hour. Even with the implementation of Mitigation Measure 4.N-3e, the impacts at the intersection would be significant and unavoidable.

**Mitigation Measure 4.N-3f (Geneva Avenue & US 101 SB Ramps):** 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 SB Ramps intersection as part of the Geneva Avenue extension project.

Mitigations and associated fair-share funding measures for cumulative regional roadway system impacts shall be formulated through the current inter-jurisdictional Bi-County Transportation Study effort being led by the SFCTA. Development within the Baylands shall contribute its fair share to the Geneva Avenue & US 101 SB Ramps intersection and improvements.

The extension of Geneva Avenue from Bayshore Boulevard to the US 101 freeway and reconfiguration of the US 101 Candlestick interchange shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would result in reducing the interchange to below the acceptable LOS standard.

**Mitigation Measure 4.N-3g:** The City of Brisbane, as part of the Geneva Avenue extension project, shall account for existing traffic, background traffic growth, and the most recent forecasts of traffic expected to be associated with each of several adjacent development projects, including development of the Baylands. Brisbane shall work with the San Francisco County Transportation Authority (SFCTA) and San Francisco Municipal Transportation Agency (SFMTA) to ensure projected traffic volumes are accounted for in the design of the Geneva Avenue Extension.

Mitigation measures and associated fair-share funding measures for cumulative regional roadway system impacts, including freeway segment impacts, shall be formulated through the current inter-jurisdictional Bi-County Transportation Study update effort being led by the SFCTA. Development within the Baylands shall contribute its fair share to the Geneva Avenue extension project, based upon the SF-CHAMP model or such other model used by the SFCTA in the Bi-County Study. If the Bi-County Study is terminated prior to identification of required mitigations and adoption of fair share funding obligations, the City and County of San Francisco, the SFCTA, and the City of Brisbane shall meet and confer to establish an alternative method for determination of the respective fair shares of project costs, including amounts to be contributed by Baylands development, using the SF-CHAMP model or such other model agreed upon by the agencies.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at Geneva Avenue & US 101 SB Ramps. Specifically, Mitigation Measures 4.N-3f and 4.N-3g, set forth above, are adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at Geneva Avenue & US 101 SB Ramps. However, implementation of these measures and physical improvements require actions by each of the parties engaged in the inter-jurisdictional Bi-County Transportation Study effort being led by the SFCTA that is not within the City of Brisbane's power to impose, although such actions can and should be adopted by those agencies pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to operations at Geneva Avenue & US 101 SB Ramps. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Geneva Avenue & US 101 SB Ramps, to a less than significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.N-3f is outside of Brisbane's jurisdiction and cannot therefore be guaranteed because (1) environmental review of the interchange project is not yet complete, (2) the final Project Study Report has yet to be approved for the interchange, (3) the mitigation measure requires coordination with and action by the SFCTA, and (4) the interchange requires approval by Caltrans and is currently unfunded. While the proposed mitigation measure would improve operating conditions at the intersection to an acceptable LOS C in the AM peak hour and LOS D in the

PM peak hour, the Baylands' contributions to significant cumulative traffic impacts would remain significant and unavoidable.

**Jamestown Avenue & Third Street.** At the intersection of Jamestown Avenue & Third Street, Baylands development would result in significant traffic impacts by causing the intersection to deteriorate from LOS D to LOS E in the AM peak hour and contributing more than 5 percent of traffic volumes to the southbound critical movement to unacceptable LOS in the PM peak hour.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which reduce significant effects on the environment from Impact 4.N-3, as related to intersection operations at Jamestown Avenue & Third Street. Specifically, Mitigation Measure 4.N-13 would reduce Baylands traffic generation, is adopted to mitigate significant effects from Impact 4.N-13 and would also reduce impacts from Impact 4.N-3 as related to intersection operations at Jamestown Avenue & Third Street. There are, however, no feasible physical improvements to address significant unavoidable impacts related to intersection operations at Jamestown Avenue & Third Street. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Jamestown Avenue & Third Street, to a less than significant level.

**Rationale for Finding:** Due to right-of-way constraints, no feasible mitigation measures are available to reduce the impact to a less-than-significant level. Impacts at the intersection of Jamestown Avenue & Third Street would therefore be significant and unavoidable.

**Mitigation Measure 4.N-3h (Carter Street & Geneva Avenue):** Prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard, signal timing settings at the Carter Street & Geneva Avenue intersection shall be modified by the City and County of San Francisco to provide longer green time on eastbound/westbound permitted movements and longer cycle length.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which reduce significant effects on the environment from Impact 4.N-3, as related to intersection operations at Carter Street & Geneva Avenue. Specifically, Mitigation Measure 4.N-3h is physically feasible and is adopted to reduce impacts from Impact 4.N-3 as related to intersection operations at Carter Street & Geneva Avenue. There are, however, no feasible physical improvements to address significant unavoidable impacts related to intersection operations at Carter Street & Geneva Avenue. In addition, implementation of this measure requires action by the City and County of San Francisco that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations at Carter Street & Geneva Avenue. Therefore, the City finds that specific economic, legal,

social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Carter Street & Geneva Avenue, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve delay conditions at the critical movements of eastbound through and northbound left movements, but it not enough to allow the intersection to operate at acceptable levels. In addition, implementation would require action by San Francisco that is not within Brisbane's power to impose. Thus, although this mitigation measure is physically feasible, it is legally infeasible. As a result, impacts at the intersection of Carter Street/Geneva Avenue would remain significant and unavoidable.

**Geneva Avenue & Mission Street.** At the intersection of Geneva Avenue & Mission Street, Baylands development would result in significant traffic impacts under cumulative conditions by contributing more than 5 percent of traffic volumes to the eastbound critical movement).

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which reduce significant effects on the environment from Impact 4.N-3, as related to intersection operations at Geneva Avenue & Mission Street. Specifically, Mitigation Measure 4.N-13 would reduce Baylands traffic generation, is adopted to mitigate significant effects from Impact 4.N-13 and would also reduce impacts from Impact 4.N-3 as related to intersection operations at Geneva Avenue & Mission Street. There are, however, no feasible physical improvements to address significant unavoidable impacts related to intersection operations at Geneva Avenue & Mission Street. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Geneva Avenue & Mission Street Boulevard, to a less than significant level.

**Rationale for Finding:** Due to right-of-way constraints, no feasible mitigation measures were identified to reduce the impact to a less-than-significant level. The cumulative traffic impact at the intersection of Geneva Avenue & Mission Street would therefore remain significant and unavoidable.

**Mitigation Measure 4.N-3i (E. Market Street & Orange Street):** A traffic signal shall be installed if determined to be safe when the hour signal warrant for the E. Market Street & Orange Street intersection is met in the PM peak hour.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-3, as related to intersection operations at E. Market Street & Orange Street. Specifically, Mitigation Measure 4.N-3i, set forth above, is adopted to mitigate significant effects from Impact 4.N-3, as related to intersection operations at E. Market Street & Orange Street. However, implementation of this measure requires action by the City of Daly City that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation

measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations at E. Market Street & Orange Street. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at E. Market Street & Orange Street, to a less than significant level.

**Rationale for Finding:** Implementation of this mitigation measure would improve operating conditions at the intersection to an acceptable LOS A in the AM peak hour and reduce cumulative traffic impacts at the intersection of E. Market Street & Orange Street to a less-than-significant level. However, prior to installation of a traffic signal, the full set of warrants needs to be investigated based on field-measured, rather than forecast, traffic data. Because the installation of signals can lead to certain types of collisions, regular monitoring of actual traffic conditions and accident data needs to be undertaken, along with timely reevaluation of the full set of warrants, prior to actual signalization of the intersection. Due to these considerations, it is uncertain that actual signalization of the intersection would occur, and mitigation of impacts at this intersection cannot therefore be guaranteed. In addition, (1) this intersection is outside of Brisbane's jurisdiction, within Daly City; and (2) there is currently no funding in place or any procedure that would guarantee the implementation of this suggested mitigation measure. For these reasons, impacts at the intersection of E. Market Street & Orange Street would remain significant and unavoidable.

**Mitigation Measure 4.N-3j (Intersections along Bayshore Boulevard):** As a condition of approval for the first discretionary action taken for site-specific development within the Baylands, the applicant shall be required to initiate a corridor plan for Bayshore Boulevard in cooperation with Daly City and San Francisco to determine the suite of improvements necessary to resolve long-term cumulative traffic issues along the corridor. Because the effectiveness of such a corridor plan would necessitate participation by Daly City and San Francisco in recognition of increases in traffic along the Bayshore corridor that will be generated by future development within those two jurisdictions, Brisbane shall make its best efforts to assist the developer in securing the agreement of Daly City and San Francisco to participate in the corridor study and its implementation.

**Additional Findings for Impacts at Bayshore Boulevard Intersections:** The City finds that improvements related to intersection operations at Bayshore Boulevard intersections requires action by the cities of Daly City and San Francisco that is not within the City of Brisbane's power to impose. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-3, as related to intersection operations at Bayshore Boulevard intersections, to a less than significant level.

**Rationale for Findings:** In addition to Mitigation Measures 4.N-3a and 4.N-3b, evaluation was made of the potential for widening Bayshore Boulevard to provide three travel lanes in each direction, providing sidewalk improvements and turn pockets at each intersection, and

re-coordinating signal timing settings to provide more green time to the westbound and eastbound split phases and reduce green time for the northbound and southbound approaches in order to increase capacity on Bayshore Boulevard. Currently, the Bayshore Boulevard corridor is approximately 90 feet wide, with two lanes each direction and a median of approximately 20 feet. It would therefore be possible to restripe Bayshore Boulevard as proposed to provide six through lanes, three northbound and three southbound. Reconfiguring Bayshore Boulevard would require major right-of-way acquisition and result in secondary impacts pertaining to transit operations, pedestrian and bicycle circulation, and safety due to longer crossing distances. This secondary impact could be partially mitigated through pedestrian enhancements such as separated sidewalks along the length of Bayshore Boulevard; incorporating design elements that would reduce speeds to less than 30 miles per hour such as narrower travel lanes, landscape features, more frequent signalization; and providing frequent (every 500 to 750 feet) safe crossing treatments for pedestrians. Widening of Bayshore Boulevard would also require major construction costs as well as potential displacement of existing businesses.

While widening of Bayshore Boulevard and modifying signal timing would improve intersection operations to LOS D at the adversely affected intersections at Geneva Avenue & Bayshore Boulevard and Old County Road & Bayshore Boulevard, restriping Bayshore Boulevard north of Geneva Avenue is infeasible due to right-of-way constraints associated with the T-Third LRT that terminates at the station just south of Sunnydale Avenue. Traffic signals on intersections at Sunnydale Avenue as well as Tunnel Avenue are under control of SFMTA and timed to give priority to transit movements. SFMTA has indicated that there may be slight adjustments to the traffic signal timing for intersections along the T-Third route that could be implemented to reduce auto delay at signalized intersections without degrading transit travel times. However, those improvements would not be sufficient to improve intersection operations to the acceptable levels.

With inclusion of Mitigation Measure 4.N-3a and Mitigation Measure 4.N-3b, Baylands development would result in significant impacts on the cumulative traffic conditions along Bayshore Boulevard south of Geneva Avenue (i.e. Geneva Avenue & Bayshore Boulevard and Old County Road & Bayshore Boulevard), but impacts of Baylands development would remain significant and unavoidable for Bayshore intersections north of Geneva Avenue (i.e. Tunnel Avenue & Bayshore Boulevard and Sunnydale Avenue & Bayshore Boulevard). In addition, significant secondary impacts associated with Mitigation Measures 4.N-3a and 4.N-3b could be mitigated, but to an unknown degree. Therefore, Baylands impacts at intersections on Bayshore Boulevard in the vicinity of the Baylands would remain significant and unavoidable.

*d. Impact 4.N-4: Would the Project's contribution to future cumulative traffic impacts at freeway mainline segments be significant?*

Freeway mainline level of service analysis was conducted for cumulative conditions along four locations on US 101 and freeway ramp analysis was prepared for six locations on US 101.

Baylands development scenarios would not cause any freeway mainline segment to deteriorate from acceptable LOS D or better to LOS E or LOS F conditions. However, Baylands development would contribute cumulatively considerable amounts of traffic to three freeway mainline segments expected to operate at LOS E or LOS F under Cumulative Without Project conditions, even with the reduced traffic generation of the Baylands General Plan Amendment as compared to the DSP scenario:

- **Weekday AM peak hour:**

- US 101 northbound mainline from Sierra Point Parkway to Harney Way/Geneva Avenue
- US 101 northbound mainline from Harney Way/Geneva Avenue to Third Street/Bayshore Boulevard
- US 101 southbound from Harney Way/Geneva Avenue to Sierra Point Parkway

- **Weekday PM peak hour:**

- US 101 northbound mainline from Sierra Point Parkway to Harney Way/Geneva Avenue
- US 101 northbound mainline from Harney Way/Geneva Avenue to Third Street/Bayshore Boulevard
- US 101 southbound from Harney Way/Geneva Avenue to Sierra Point Parkway

The contributions of Baylands development to a cumulative reduction in LOS from E to F at the three freeway mainline segments would be a significant impact.

**Finding:** The City finds that there are no feasible changes or alterations that can be incorporated into the Baylands General Plan Amendment to mitigate significant effects on the environment from Impact 4.N-4, as related to freeway mainline traffic. Specifically, Mitigation Measure 4.N-13, adopted in response to Impact 4.N-13 is adopted and would reduce significant effects from Impact 4.N-2, as related to freeway mainline traffic. However, this measure would be insufficient to reduce impacts to a less-than-significant level. To reduce Impact 4.N-4 to less than significant would require widening of the US 101 freeway. To do so requires action by Caltrans that is not within the City of Brisbane's power to impose. The mitigation measure is therefore legally infeasible, and significant unavoidable impacts will occur as described above related to traffic on the US 101 freeway mainline. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-4, as related to traffic on the US 101 freeway mainline, to a less than significant level.

**Rationale for Finding:** Mitigation Measure 4.N-13 calling for implementation of transportation demand management programs would reduce traffic generation within the Baylands, but not to a degree that would reduce Impact 4.N-4 to a less-than-significant level. There is no mitigation available to reduce this impact to a less-than-significant level. Although Baylands General Plan Amendment would generate less traffic than would any of the four Concept Plan scenarios, impacts on the US 101 freeway mainline would remain



significant. The only means of reducing this impact to a less-than-significant level would be to widen the freeway; however, due to existing and projected worsening congestion along the freeway to the north and south of the Baylands, such widening would need to occur over a much longer stretch of freeway than just through the Baylands. Because (1) there is insufficient right-of-way for such widening and (2) Caltrans has no plans for freeway widening in either the short-term or long-term, this impact is significant and unavoidable

- e. *Impact 4.N-5: Would the Project (DSP-V scenario) result in a substantial increase in PM peak hour traffic at study intersections and freeway mainline segments that would operate unacceptably due to weekday evening events at the arena?*

The EIR includes an analysis of weekday special event traffic that would occur in the DSP-V scenario. Because the Baylands General Plan Amendment neither explicitly proposes nor prohibits an event center, it is possible that such a facility could be proposed for the Baylands should the General Plan Amendment be approved. Traffic associated with a large-scale event at a potential special event venue could exacerbate traffic operations at up to sixteen intersections that would operate at LOS E or LOS F under Cumulative with Project conditions during the PM peak hour:

- Freeways
  - US 101 northbound from Sierra Point to Harney Way
  - US 101 northbound off-ramp to Harney Way
  - US 101 southbound from Bayshore/Third Street to Harney Way
  - US 101 southbound off-ramp to Harney Way
- Intersections
  - Geneva Avenue & Bayshore Boulevard
  - Old County Road & Bayshore Boulevard
  - San Bruno Avenue & Bayshore Boulevard
  - Sierra Point Parkway & US 101 Northbound Ramps
  - Lagoon Way & Tunnel Avenue
  - Lagoon Way & Sierra Point Parkway
  - Geneva Avenue & US 101 Southbound Ramps
  - Jamestown Avenue & Third Street
  - Tunnel Avenue & Bayshore Boulevard
  - Sunnydale Avenue & Bayshore Boulevard
  - Geneva Avenue & Carter Street
  - Geneva Avenue & Mission Street

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-5,

as related to intersection operations during a large-scale event at a potential special event venue. Specifically, Mitigation Measure 4.N-1f, set forth above, is adopted to mitigate significant effects from Impacts 4.N-1 and 4.N-5, as related to intersection operations during a large-scale event at a potential special event venue. However, implementation of this measure requires action by the City and County of San Francisco that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, although it is physically feasible, and significant unavoidable impacts will occur as described above related to intersection operations during a large-scale event at a potential special event venue. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-5, as related to intersection operations during a large-scale event at a potential special event venue, to a less than significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.N-1f would reduce the impact on the existing operating conditions during the PM peak hour resulting from a sold-out weekday evening event to a less-than-significant level. Implementation of this measure would entail actions being taken by San Francisco, however, which the City of Brisbane cannot compel. Therefore, while the mitigation measure may be physically feasible because Brisbane cannot require San Francisco to accept proposed improvements, the mitigation measure is legally infeasible. This impact is therefore significant and unavoidable.

*f. Impact 4.N-7: Would the Project cause an increase in transit demand that could not be accommodated by San Francisco Muni or SamTrans transit capacity?*

**Impact on San Francisco Transit Capacity.** Based on the anticipated trip distribution pattern, roughly one-fourth of trips from the Baylands would be made to or from the southeastern quadrant of San Francisco (including the Mission Bay, Bernal Heights, Bayview, Hunters Point, and Candlestick Point districts). Trips associated with Baylands development would contribute to total transit volumes exceeding Muni's capacity threshold. The contribution of Baylands development to Cumulative With Project transit ridership is estimated to be as high as 15 percent of the forecasted growth in transit ridership; therefore, the impact of the Baylands General Plan Amendment would be significant.

**Mitigation Measure 4.N-7:** Prior to issuance of the first building occupancy permit for new development, the developer(s) of Baylands land uses shall provide a fair-share contribution to the San Francisco Municipal Transportation Agency (SFMTA) to cover Baylands development's share of the capital costs for providing additional transit service needed to achieve San Francisco Muni's capacity threshold of 85 percent along the Northeast and Southeast screenlines. In addition, provision shall be made for implementation of shuttle service between the Baylands and the Balboa Park BART Station in the Geneva Avenue corridor.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-7, as related to SFMTA transit services. Specifically, Mitigation Measure 4.N-7, set forth above, is adopted to mitigate significant effects from Impact 4.N-7, as related to SFMTA transit services.

However, implementation of this measure requires action by the SFMTA that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, and significant unavoidable impacts will occur as described above related to SFMTA transit services. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-7, as related to SFMTA transit services, to a less than significant level.

**Rationale for Finding:** Implementation of Mitigation Measure 4.N-7 would provide SFMTA with the ability to reduce impacts on transit capacity to a less-than-significant level under all four development scenarios if such funds were used to increase transit service to the Baylands. While payment of such mitigation fees is common for projects within San Francisco, how SFMTA would actually use such funds would be beyond Brisbane's ability to control. Therefore, the implementation of this measure is uncertain, and the impact would be significant and unavoidable.

*g. Impact 4.N-8: Would the Project cause an increase in delays or operating costs resulting in substantial adverse effects on transit service levels (i.e., additional buses or trains could be required due to Project transit trips)?*

Although Baylands development would contribute to cumulative ridership exceeding 100 percent seated capacity on BART, the Baylands' contribution to cumulative BART ridership would represent less than 2 percent of the cumulative ridership increase and would not result in additional operating costs for Caltrain or BART that would exceed farebox revenue resulting from Baylands-generated trips. Baylands development would contribute to total transit volumes exceeding Muni's capacity threshold. The Baylands' contribution to Cumulative Baylands transit ridership is anticipated to represent up to 14 percent of the forecasted growth in transit ridership.

As discussed in relation to Impact 4.N-6, Caltrain's proposed electrification program will result in faster and more reliable Caltrain service, offering more than 110,000 total rides per day once completed. The Baylands General Plan Amendment would not cause an increase in transit demand that could not be accommodated by train transit capacity (BART and Caltrain), nor would Baylands development require changes to Caltrain operations at the Bayshore Station or on the Bayshore/Brisbane four-track rail segment.

**Finding:** The City finds that changes or alterations have been incorporated into the Baylands General Plan Amendment which mitigate significant effects on the environment from Impact 4.N-8, as related to Muni's transit operations. Specifically, Mitigation Measure 4.N-7, set forth above, is adopted to mitigate significant effects from both Impact 4.N-8, as related to Muni's transit operations. However, implementation of this measure requires action by the Muni that is not within the City of Brisbane's power to impose, although such action can and should be adopted by that agency pursuant to PRC sec. 21081(a)(2). The mitigation measure is therefore legally infeasible, and significant unavoidable impacts will occur as described above related to Muni's transit operations. Therefore, the City finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact 4.N-8, as related to Muni's transit operations, to a less than significant level.

**Rationale for Finding:** Baylands development would contribute to an increase in delays or operating costs such that significant adverse impacts on Muni transit service levels could result (i.e., additional buses or trains could be required due to Baylands transit trips). This impact is addressed by Mitigation Measure 4.N-7 above, which provides that, prior to issuance of a building occupancy permit, the developer(s) of Baylands land uses shall work with SFMTA to provide a fair-share contribution to the capital costs for providing additional transit services to accommodate ridership demand on San Francisco Muni transit corridors. However, while payment of such mitigation fees is common within San Francisco, how SFMTA would actually use such funds would be beyond Brisbane's ability to control. Therefore, the implementation of this measure is uncertain, and the impact would be significant and unavoidable.

## **7. Utilities, Service Systems, and Water Supply**

- a. Impact 4.0-3: Would the Project result in the construction of new water, wastewater treatment, and/or stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

**Water Storage.** Additional local storage capacity within the City would be required to provide for fire flows and peak day demand for the City to serve Baylands development pursuant to the Baylands General Plan Amendment. Mitigation Measure 4.0-1b requires the developer to either construct facilities or reimburse the City for a fair share of the costs borne by the City should the City construct local storage and water delivery facilities.

While the City has future plans to build a water storage tank to directly provide fire flow demand and peak demand equalization to lower pressure zones, including the Baylands, funding has not been identified, nor has a specific site or schedule for construction been developed for new water storage tanks. The location, design, and method of construction for future water storage facilities to serve Baylands development has not been determined, but it can be assumed that in order to provide for sufficient water pressure to the Baylands, a new storage tank would need to be located at an elevation higher than the Baylands, most likely in a hillside location.

**Finding:** The City finds that because a specific site for construction of future water storage facilities to serve Baylands development has not yet been determined, it can reasonably be concluded that in order to provide sufficient water pressure to the Baylands, such a new storage tank would be located at an elevation higher than the Baylands, most likely in a hillside location. Construction of a new storage tank could result in environmental impacts due to (1) siting, which could affect slope stability or visual, biological, land use, and/or cultural resources; and (2) construction, which could result in noise, dust, other air pollutant emissions, soil erosion, and possible water quality effects. Until such time as a specific site is selected, the impacts of constructing such a facility must be assumed to be significant. Further, until such time as a specific site is selected and the water storage facility is designed, it cannot be assumed that the impacts of such a facility can be mitigated to less than significant.

**Rationale for Finding:** While it is likely that impacts of siting and constructing a local water storage facility could be avoided or mitigated to less-than-significant levels through a

combination of siting options and mitigation measures, at this time without site-specific information these impacts are considered to be significant and unavoidable.

**Recycled Water Plant.** Baylands development includes construction of a recycled water plant that would treat sewage generated within the Baylands and supply recycled water for irrigation and non-potable plumbing via a dual-piped plumbing system.<sup>13</sup> Construction of this facility would contribute to significant onsite aesthetic, air quality, biological resources, cultural resources, hazards and hazardous materials, noise, and traffic impacts discussed throughout the EIR.

**Finding:** The City finds that changes or alterations have been incorporated into Baylands development that mitigate significant effects on the environment from Impact 4.O-3. Specifically, the mitigation measures presented in relation to significant onsite aesthetic, air quality, biological resources, cultural resources, hazards and hazardous materials, noise, and traffic impacts during construction are feasible and are adopted to mitigate significant effects from Impact 4.O-13. However, as described above, even with implementation of the mitigation measures identified in the EIR, recycled water plant operations would contribute to significant unavoidable air quality impacts. Impacts of the recycled water plant would therefore be significant and unavoidable.

**Rationale for this Finding:** The EIR sets forth the following applicable mitigation measures: Mitigation Measure 4.A-3 (screening of outdoor storage); Mitigation Measures 4.B-2a and 4.B-2b (construction emissions); Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d and 4.C-4e (biological resources); Mitigation Measures 4.D-2 and 4.D-4 (archaeological resources and human remains); Mitigation Measures 4.G-2a and b (site remediation); Mitigation Measure 4.G-2d (NPDES permitting), Mitigation Measure 4.G-2e (hazardous materials business plan), Mitigation Measures 4.G2f through h (soil vapor barriers), Mitigation Measure 4.G-3 (school facilities construction), Mitigation Measure 4.J-1a and Mitigation Measures 4.J-4a and 4.J-4b (construction period noise); and Mitigation Measure 4.N-12 (construction circulation patterns). As described above, even with implementation of the mitigation measures identified in the EIR, recycled water plant operations would contribute to significant unavoidable air quality impacts. Impacts of the recycled water plant would therefore be significant and unavoidable.

## **E. Findings on Project Alternatives**

This section presents the alternatives to the Project that were identified in the EIR and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines.

### **1. Alternatives Considered and Rejected During the Scoping/Project Planning Process**

As part of community discussion regarding proposed Baylands development and during preparation of the EIR, a number of potential alternatives were identified, some of which were analyzed in the EIR and some of which were ultimately rejected from further analysis. The City

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<sup>13</sup> As previously noted, during the early to middle portions of Baylands development, sewage generated within the Baylands would flow to the Bayshore Sanitary District's collection system for delivery to the SFPUC and treatment at the SEP.

finds that each of the alternatives eliminated from further consideration in the Draft EIR are infeasible, would not meet most project objectives and/or would not reduce or avoid any of the significant effects of the proposed project, for the reasons detailed in below. Alternatives considered, but rejected from further analysis include:

- **Public Park.** In this alternative, the Baylands with the exception of the existing Recology facility and Bayshore Industrial Park would be acquired by a public agency to be retained for public open space and park use. This alternative was rejected since no funding exists or would likely exist for a public agency to acquire the Baylands, undertake needed site remediation, and provide the improvements and habitat restoration associated with long-term park and open space use. In addition, the park alternative was rejected since it would not meet stated Social Equity or Economic objectives for the Baylands.
- **Rail Yard.** In this alternative, the existing Bayshore Industrial Park, Recology facility, and temporary and interim uses located on the Brisbane landfill would continue. In addition, the bulk of the site would be utilized as a rail yard for storage and maintenance of high speed rail trains and engines. This alternative was rejected since it did not meet the City's overarching objective of an "active, vibrant place which strengthens the community of Brisbane; contributes to its sense of place; and demonstrates environmental, social, and economic considerations can be harmonized to the betterment of the natural environment, the Brisbane and regional community, and the individuals who will use the Baylands." This alternative was also determined to be premature and speculative, as the parameters for a possible high-speed rail maintenance yard on the San Francisco Bay Peninsula have not yet been defined.
- **Site Remediation in the Absence of Further Development within the Baylands.** In this alternative, site remediation within Operable Units 1 and 2, as well as landfill closure would be implemented, but no further development within the Baylands would occur. The site remediation that is a component of Baylands development described in Draft EIR Chapter 3, *Project Description*, while a prerequisite to future Baylands development, could be approved regardless of whether any other component of the EIR Project Description were to be approved. Given that cleanup levels established by regulatory agencies are based on proposed future land uses, it is unrealistic to assume that site remediation would be undertaken absent a land use plan for the site. Site remediation in the absence of further development of the Baylands was rejected as an EIR alternative since it would not meet Environmental Protection and Enhancement Objective D, nor would it meet the Brisbane's Social Equity or Economic objectives for Baylands development.

## 2. Alternatives Selected for Further Analysis

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project analyzed in the EIR while avoiding or substantially lessening its significant effects.

- No Project Alternatives
  - No Project-No Build Alternative
  - No Project-General Plan Buildout Alternative
- Alternatives Intended to Avoid significant Effects of the Proposed Project
  - Renewable Energy Generation Alternative

- Reduced Intensity Non-Residential Alternative
- Reduced Intensity Mixed-Use Alternative

CEQA requires that an EIR identify an environmentally superior alternative. If the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives (CEQA Guidelines Section 15126.6(e)(2).) 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 be environmentally superior since it provides for future development of the site as envisioned in the General Plan, reduces or avoids many of the significant effects of Baylands development, provides for remediation of Baylands contamination, provides for a water supply to support Baylands development as well as 400 acre-feet of supply to facilitate citywide buildout of the General Plan, and meets most of the basic project objectives, as described in EIR Section 5.3.2, *No Project-General Plan Buildout Alternative*.

Of the other alternatives evaluated in the EIR, the Renewable Energy Generation Alternative would be the environmentally superior alternative since it is consistent with the Brisbane General Plan, involves minimal impacts compared to other alternatives, avoids the significant air quality, effects of Baylands development scenarios and meets key project objectives as described in EIR Section 5.3.3, *Renewable Energy Alternative*.

**Approval of Development in the Absence of Approving a Water Supply Agreement.** Because any new development within the Baylands will require acquisition of a supplemental water supply, approval of the proposed water supply agreement is assumed as part of each alternative other than the No Project-No Build Alternative, although some of the alternatives would need less water and therefore the full 2,400 acre-feet contemplated in the proposed agreement would not be required. However, the proposed water supply agreement that is a component of the Baylands development described in EIR Chapter 3, *Project Description*, could be approved or not approved regardless of any action(s) taken on other Baylands development components. Thus, the EIR also analyzes the impacts of: (1) selecting a Baylands development scenario or alternative in the absence of approving the proposed water supply agreement; and (2) approving the proposed water supply agreement in the absence of selecting any Concept Plan development scenario or alternative.

*a. No Project-No Build Alternative*

**Description.** The No Project-No Build Alternative assumes that existing conditions would continue. None of the development components described in EIR Chapter 3, Alternatives, would be approved, and there would be no further development within the Baylands, including infrastructure. Existing, continuing uses in the Baylands include Sierra Point Lumber, the Recology resource recovery facility, Brisbane Bayshore Industrial Park, Lazzari Fuel Company, Baylands Soils Processing, LLC, and the Brisbane Recycling rock crushing facility. Since no future development is contemplated by this alternative, it would not include site remediation. The Geneva Avenue extension would not be part of Baylands development but could be constructed by others as a regional transportation improvement identified in the Bi-County Transportation Study independently of any action taken by the City in relation to the Baylands.

**Finding.** The No Project-No Build Alternative would be environmentally superior to the Baylands General Plan Amendment. Although this alternative would eliminate the environmental effects associated with Baylands development of any type, the City finds that this alternative is infeasible for specific economic, legal, social, technological, or other reasons and rejects this alternative. While the environmental impacts that would result from Baylands development would be avoided, existing onsite contamination would remain un-remediated, and the former landfill would not undergo formal closure pursuant to current standards, and habitat enhancements and the creation of public parks and trails associated with Baylands development would not occur. Existing flooding conditions would remain and increase over time as the result of sea level rise. By not providing for site remediation, Title 27 landfill closure, or any future development, the No Project-No Build Alternative would not meet the City's overarching objective for the Baylands, which is to "establish a development plan for the Baylands that will be a leading model of sustainable development, which is a source of pride to Brisbane and demonstrates that environmental, social, and economic considerations can be harmonized to the betterment of the natural environment, the Brisbane and regional community, and the individuals who will use the Baylands." In addition, the No Project-No Build Alternative would not meet any of the City's environmental protection and enhancement, social equity, or economic objectives for the Baylands.

*b. No Project-General Plan Buildout Alternative*

**Description.** This alternative assumes that none of the proposed Concept Plans are selected, the proposed Specific Plan is not approved, and that buildout of the Baylands would occur pursuant to the City of Brisbane 1994 General Plan at the development intensity described in the General Plan EIR. Existing uses within the Northeast Bayshore and Beatty Subareas would continue, but not be expanded, and new development would be limited to the Baylands Subarea, which is designated *Planned Development-Trade Commercial* and *Marsh/Lagoon/Bayfront*. Allowable uses under the *Planned Development-Trade Commercial* designation include retail sales, offices, bulk sales, open space, recreational facilities, statuary, public and quasi-public facilities, services and utilities, commercial services, hotels, research and development, educational institutions, and lagoon/bayfront.

For purposes of analysis, a mix of currently permitted commercial and office uses with a total trip generation equivalent to the range of development described in the General Plan EIR was developed as follows:

- *Baylands Subarea:*
  - 56,505 square feet of existing retail development
  - 600,000 square feet of new retail development
  - 400,000 square feet of new office development
  - 189,331 square feet of existing industrial development (Lazzari fuel building and existing lumberyards being relocated)
  - 200,000 square feet of new laboratory and industrial development
  - 1,056,505 total square feet of commercial/office development
  - 389,331 total square feet of industrial development
  - 1,445,836 total square feet of total development*



- *Beatty Subarea:* Retention of the existing 259,000 square foot Recology facility
- *Northeast Bayshore Subarea:* Retention of existing industrial development, identified in the General Plan EIR as 326,616 square feet of industrial development

Implementation of the No Project-General Plan Buildout Alternative would require preparation of a Concept Plan and approval of a specific plan for the Baylands Subarea. To facilitate development pursuant to this alternative, remediation of the Baylands would be required, as would securing a firm water supply. Since Baylands development under this alternative would be far less intense than proposed under any of the four development scenarios, an onsite recycled water plant would not occur. However, because the General Plan calls for the Geneva Avenue extension, it is assumed to occur (whether as part of project development or as a regional improvement).

**Finding.** The No Project-General Plan Buildout Alternative would be environmentally superior to the Baylands General Plan Amendment being approved. Development of the Baylands at the intensity described in the General Plan EIR would reduce the majority of impacts that would occur as the result of the Baylands General Plan Amendment. Although this alternative would reduce the environmental effects associated with Baylands development of any type, the City finds that this alternative is infeasible for specific economic, legal, social, technological, or other reasons and rejects this alternative. The existing General Plan does not clearly define permitted overall development intensity for the Baylands but relies on a general statement that Baylands development intensity would be determined based on consistency with General Plan policies, including achievement of applicable level of service standards. The Baylands EIR traffic analysis demonstrates that adopted General Plan level of service standards cannot be achieved for any level of development within the Baylands due to background traffic generated by developments approved by the cities of San Francisco, Daly City, and South San Francisco that exceed long-term traffic projections set forth in the 1994 Brisbane General Plan. In addition, the development intensities described in the General Plan EIR and assumed for this alternative reflect market conditions and development trends that are more than 20 years old. The development intensities reflected in the 1994 General Plan would reflect the low end of the intensity of recent developments in outlying of the Bay Area and Central Valley communities and would be well below the intensity of recent transit-oriented developments. Given the substantial costs required for site remediation, Title 27 landfill closure, and needed infrastructure, it is unlikely low intensity development, such as is reflected in the General Plan EIR for the Baylands, would actually occur in the current and reasonably foreseeable marketplace. It is also unlikely that remediation, and Title 27 landfill closure would occur in the absence of new development that would finance the costs of such activities. Thus, in the current and reasonably foreseeable marketplace in the San Francisco Bay Area, the development intensity for the Baylands set forth in the existing General Plan no longer represents “a development plan for the Baylands that will be a leading model of sustainable development, which is a source of pride to Brisbane and demonstrates that environmental, social, and economic considerations can be harmonized to the betterment of the natural environment, the Brisbane and regional community, and the individuals who will use the Baylands.” Thus, the No Project-General Plan Buildout Alternative would not meet the City’s overarching objective for the Baylands, nor would it meet any of the City’s environmental protection and enhancement, social equity, or economic objectives for the Baylands.

*c. Renewable Energy Generation Alternative*

**Description.** The Renewable Energy Generation Alternative is intended to not only offset the energy demand for Baylands development, but also to produce additional electricity for consumption by Brisbane homes, businesses, and City-owned facilities. Land uses under the Renewable Energy Generation Alternative would include 170 acres of alternative energy uses consisting of a large photovoltaic (PV) solar farm, small vertical-axis wind turbines, wind turbines placed within development, and rooftop PV solar panels; 654,900 square feet of research and development facilities on 59 acres; and 173,800 square feet of retail/entertainment uses on 26 acres. Other uses within the Baylands would include a new water treatment plant (seven acres) and relocated industrial uses (three acres). The remainder of the Baylands would be designated open space/public uses. The Recology expansion, relocation of the existing lumberyard, Geneva Avenue extension, site remediation, and approval of the proposed water supply agreement (with a reduced amount of water) would also occur as part of this alternative. The recycled water plant would not be developed under this alternative.

**Finding.** The Renewable Energy Generation Alternative would be environmentally superior to the Baylands General Plan Amendment and was determined to be the environmentally superior alternative in the EIR. By substantially reducing the developable building area and corresponding development intensities, the Renewable Energy Generation alternative would reduce impacts of Baylands development, including traffic, while avoiding their significant impacts to aesthetics, air quality and public services. Although this alternative would reduce the environmental effects associated with the development contemplated by the Baylands General Plan Amendment, the City finds that this alternative is infeasible for specific economic, legal, social, technological, or other reasons and thereby rejects this alternative.

The development intensities that would be permitted by the Renewable Energy Generation Alternative would be well below the low end of development intensity undertaken by projects within the Bay Area for the past 20-30 years, particularly those situated in close proximity to transit. Given the substantial costs required for site remediation, Title 27 landfill closure, and needed infrastructure, it is unlikely that such low intensity development, such as is reflected in the would be well below even the low end of development intensity within the Bay Area for the past 20-30 years, would actually occur in the current and reasonably foreseeable marketplace. It is also unlikely that site remediation, Title 27 landfill closure, and construction of necessary infrastructure would occur in the absence of new development that would finance the significant costs of these activities. The City finds, therefore, that the development intensity for the Baylands set forth in the Renewable Energy Generation Alternative would not meet the City's overarching objective to approve "a development plan for the Baylands that will be a leading model of sustainable development, which is a source of pride to Brisbane and demonstrates that environmental, social, and economic considerations can be harmonized to the betterment of the natural environment, the Brisbane and regional community, and the individuals who will use the Baylands." Thus, the Renewable Energy Generation Alternative would not meet any of the City's environmental protection and enhancement, social equity, or economic objectives for the Baylands.

*d. Reduced Intensity Non-Residential Alternative*

**Description.** The Reduced Intensity Non-Residential Alternative incorporates a mix of non-residential land uses similar to that of the CPP-V scenario, but with a reduced intensity of development. Like the CPP-V scenario, this alternative includes expansion of the Recology facility, as well as an area to be dedicated to renewable resource uses. Site remediation would occur. The relocation of the existing lumberyard, Geneva Avenue extension, and proposed water supply agreement (with a reduced amount of water) are also part of this alternative, which would allow approximately five million square feet of development and 25 acres of renewable energy generation at buildout. A recycled water plant would be developed under this alternative. Including the existing lumberyard to be relocated, total square footage of development at buildout of the Reduced Intensity Non-Residential Alternative would be 5,245,300 square feet of building area.

**Finding.** The Reduced Intensity Non-Residential Alternative would not be environmentally superior to the Baylands General Plan Amendment being approved. Because this alternative provides for a similar overall development intensity as the Baylands General Plan Amendment, its impacts in relation to the significant unavoidable impacts of the Baylands General Plan Amendment would be similar or greater in relation to the significant unavoidable impacts of the Baylands General Plan Amendment.

*e. Reduced Intensity Mixed-Use Alternative*

**Description.** This alternative incorporates a mix of uses similar to the DSP scenario, but at a reduced level of residential and non-residential development. This alternative also assumes that site remediation would be undertaken, the existing lumberyard is relocated, and that the proposed water transfer agreement would be approved (with a reduced amount of water). The Geneva Avenue extension would be developed, and the recycled water plant would be developed. The Reduced Intensity Mixed Use Alternative provides for development of 2,400 dwelling units and 3,750,780 square feet of new non-residential development. The Reduced Intensity Mixed Use Alternative assumes the existing 44.7-acre area encompassing the Recology site stays in place and is not expanded.

**Finding.** The EIR determined that the Reduced Intensity Mixed Alternative would not be environmentally superior to the Baylands General Plan Amendment being approved. Because this alternative provides for a similar overall development intensity as the Baylands General Plan Amendment, its impacts in relation to the significant unavoidable impacts of the Baylands General Plan Amendment would be similar or greater in relation to the significant unavoidable impacts of the Baylands General Plan Amendment. Based on fiscal analysis undertaken by the City for preparation of the Baylands General Amendment, the increased number of dwelling units and slightly reduced amount of commercial/office space proposed in the Reduced Intensity Mixed Use Alternative as compared to the Baylands General Plan Amendment would likely result in net annual deficit to the City's General Fund to provide essential public services to the Baylands, rendering this alternative inconsistent with the project objective of enhancing the City's tax base and future ability to improve services within all of Brisbane and economically feasible for the City over the long-term.

*f. Approval of Baylands Development without Approval of the Water Supply Agreement*

**Description.** This alternative assumes that one of the Concept Plan development scenarios or Project alternatives is selected and development is approved, but that no water supply agreement is approved concurrently.

**Finding.** Specific economic, legal, social, technological, or other considerations make this alternative infeasible. The City does not currently have an adequate water supply to support development of the Baylands or to support buildout of other portions of the City even in the absence of development within the Baylands. While the Baylands General Plan Amendment requires identification of a reasonably likely source of water, the OID water transfer does not have currently sufficient certainty as a secure water source that could be relied on to make required legal findings for a specific plan or site-specific development pursuant to California Senate Bill 610, and Baylands development would not be able to occur without a firm water supply.

*g. Approval of the Water Supply Agreement without Selection of a Concept Plan Development Scenario*

**Description.** This alternative assumes that no development is approved for the Baylands, but that the OID water supply agreement described in the EIR is nevertheless approved.

**Finding.** If the agreement were to be approved only for the 400 acre-feet of citywide water supply, the result for the Baylands would be the same as for the No Project-No Build Alternative since there would be no available water supply to support any future development within the Baylands. This actions would be infeasible for the same reasons cited above for the No Project-No Build Alternative.

Should a water supply agreement be approved for the entire 2,400 acre-feet or any amount larger than the 400 acre-feet of citywide need in the absence of any approval for development of the Baylands, the result would be a significant growth inducing impact since a major constraint to future development would be eliminated which would serve as a strong inducement to future development to occur wherever that water supply would be delivered to. Approving the water supply agreement in the absence of an approval for development of the Baylands would either not be feasible for the same reasons as cited above for the No Project-General Plan Buildout and Renewable Energy Generation alternatives or would not be environmentally superior to the Baylands General Plan Amendment for the same reasons as cited above for the Lower Intensity Non-Residential and Lower Intensity Mixed-Use alternatives.

## **F. Findings on Cumulative Impacts**

In compliance with CEQA Guidelines Section 15130, the Baylands EIR evaluates the cumulative impacts of Baylands development. CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Section 15355). Thus, if the effects of the Baylands General Plan Amendment, in combination with the effects of past, present, and reasonably foreseeable future related projects within Brisbane and other nearby communities, will be significant, the General Plan Amendment’s incremental effects must be analyzed to determine if the

General Plan Amendment's contribution to the cumulative impact is "cumulatively considerable" (CEQA Guidelines Section 15065(a)(3)).

### **1. Cumulative Impacts Determined to be less than Significant**

Based on the analysis set forth in the Baylands EIR, the City finds that the following cumulative impacts of the Baylands General Plan Amendment, in combination with the effects of past, present, and reasonably foreseeable future related projects.

#### *a. Aesthetics*

**Scenic Resources.** As discussed in the EIR, Baylands development would not substantially damage scenic resources. Because scenic resources would be preserved and not altered, the Baylands General Plan Amendment in combination with past, present, and reasonably foreseeable future projects would not substantially damage scenic resources. Because there would be no substantial damage to the area's scenic resources themselves, cumulative impacts on scenic resources would be less than significant.

#### *b. Air Quality*

**Toxic Air Contaminants.** Unlike other regional pollutants, toxic air contaminants are a localized pollution problem. Toxic air contaminants produced at distant locations do not readily combine to create concentrations of toxic air contaminants at any single location what would cause health risks. Thus, the BAAQMD *CEQA Air Quality Guidelines* include standards and methods for determining the significance of cumulative health risk impacts for new projects. The BAAQMD method for determining health risk requires the review of health risk from permitted sources and major roadways in the vicinity of a project (i.e., within a 1,000-foot radius of the source), then adding the project operational impacts to determine whether the cumulative health risk thresholds are exceeded. Unlike for a project level assessment, for the cumulative assessment, the risks from all sources are summed and compared to a cumulative significance threshold. As demonstrated in EIR Table 6-3, the cumulative health impacts of Baylands development and other existing sources in the area would be well below the BAAQMD threshold and the cumulative impact of the Baylands General Plan Amendment along with other past, present, and therefore reasonably foreseeable future projects would be less than significant.

#### *c. Biological Resources*

**Wildlife Corridors.** Open space areas in the vicinity of the Baylands that support wildlife populations and attract wildlife movement include the San Bruno Mountain area to the west, and wetland and aquatic habitats in San Francisco Bay located to the east of the site. Currently, suitable wildlife habitat within the Baylands is limited to Icehouse Hill, which could attract butterfly species present in the San Bruno Mountain area, and aquatic habitat in the lagoon which may attract fish species present in San Francisco Bay. None of the cumulative projects cited in the EIR are in a location such that their biological resource impacts could interact with Baylands development impacts to result in a cumulative impact. As a result, significant cumulative impacts would not result.

#### *d. Cultural Resources*

Cumulative effects involving cultural resources occur as the result of multiple project affecting cultural resources involving a common resource type or theme, such as historic ethnic sites or an industry (e.g., railroads), that occur within a larger geographic context than a single project site. Past developments that involved the recent demolition of numerous industrial buildings at the Schlage Lock site immediately north of the Baylands were determined to have project-specific significant and unavoidable impacts to historic resources because demolition could not be mitigated to a less-than-significant level, even with incorporation of mitigation measures. These past impacts at the Schlage Lock site would not combine with impacts of Baylands development to form a significant cumulative impact to historic resources because the type and severity of impacts at the Baylands and Schlage Lock site are entirely different (demolition of historic resources on the Schlage Lock site vs. potential incompatible adaptive reuse and potential incompatible new construction adjacent to historic resources at the Baylands. In addition, there is no shared building type or historical theme between the Schlage Lock site and the Baylands.

In addition, the distance between the Baylands and offsite historic resources, as well as the distance between the cumulative projects historic resources within the Baylands is relatively large and separated by major highways and roads (such as US Highway 101 and Bayshore Boulevard). The lack of a common resource type or theme, combined with the distances between historic resources, and cumulative project sites, precludes the occurrence of cumulative impacts on historic resources. Similarly, because of distances between cumulative project sites, the cumulative projects described in the EIR would not result in significant effects on archaeological or paleontological resources or human remains through accidental discovery and damage.

Thus, Baylands development, combined with other cumulative development, would not result in a significant cumulative impact on cultural resources.

#### *e. Geology, Soils, and Seismicity*

Baylands development, combined with cumulative development, would result in increased population in an area subject to seismic risks and hazards. However, any new project, including Baylands development, would be required to meet current building code requirements that address the various seismic and geologic hazards present in the Bay Area region, which would reduce cumulative impacts related to geology, soils and seismicity. Development projects are required to meet the most recent geologic and seismic standards, which are generally more stringent than older codes and practices, making new structures likely to perform better than older structures in the event of a significant seismic event. Compliance with applicable building and other codes, as would be required for all present and future cumulative projects, would reduce cumulative impacts to a less than significant level. Baylands development, combined with past, present, and other foreseeable development in the area, would reduce cumulative impacts related to exposing people

or structures to risk related to geologic hazards, soils and/or seismic conditions to a less than significant level.

*f. Hazards and Hazardous Materials*

**Transport, Use, and Disposal of Hazardous Materials.** Cumulative development within the vicinity of the Baylands would involve the use and disposal of hazardous materials. While there would be an increase in the use and disposal of hazardous materials in the surrounding area, cumulative impact would be less than significant because (1) health and safety procedures required for the routine use and disposal of hazardous materials protect workers and other individuals in the immediate vicinity of those materials, as well as the adjacent community and environment and (2) because the use and disposal of hazardous materials is highly regulated, activities in compliance with those regulations would result in less than significant cumulative impacts, except in the case of accidents, which is discussed separately.

While hazardous materials would be routinely transported to along area roadways (e.g., Bayshore Boulevard, Tunnel Road, US Highway 101, the cumulative impact of the transport of hazardous materials would be less-than-significant. Such transportation would be provided by vendors licensed for such transport, and appropriate documentation for all hazardous materials and wastes would be required for compliance with the existing hazardous materials regulations. Adherence to existing state and federal regulations related to hazardous materials would thus reduce the probability of such releases to below a significant level.

**Release of Hazardous Materials.** Implementation of remedial actions is proposed for the Baylands, as well as for the former Schlage Lock site. Baylands remediation would occur under the regulatory oversight of California Department of Toxic Substances Control and Regional Water Quality Control Board. Remediation of the former Schlage Lock site would be also subject to regulatory oversight. Other cumulative projects that might excavate soils would also be required to adhere to applicable regulatory requirements. Thus, Baylands development, combined with past, present, and other foreseeable development in the area, would be required to adhere to current regulatory requirements and would therefore not result in a significant cumulative impacts related to the release of hazardous materials.

*g. Hydrology and Water Quality*

Baylands development, in combination with past, present, and reasonably foreseeable future projects would result in a substantial increase in amount of impervious surfaces in the form of new paved areas, building rooftops, parking lots, etc. This increase in the amount of impervious surface would generate additional stormwater pollution in runoff during storm events, including petroleum hydrocarbons, lubricants, sediments, and metals (generated by the wear of automobile parts.) Increased landscaped areas within the Baylands and cumulative projects sites would also result in increased use of herbicides and pesticides. These typical urban pollutants would be transported in runoff, washed by rainwater from rooftops and landscaped areas into onsite and local drainage networks, and potentially adversely affecting the quality of receiving surface waters or

groundwater. In addition, expanded roadways, increased transit service, and subsequent maintenance and rehabilitation projects would increase the amount of impervious surface in the region and result in increased stormwater runoff, with the typical urban pollutants identified above.

Development of the Baylands and cumulative project sites would be required to adhere to the most current National Pollutant Discharge Elimination System (NPDES) permit conditions (including both construction phase and post-construction phase), which are designed to minimize hydrology and water quality impacts, taking into account the requirements needed to be placed on individual projects to protect the quality of receiving waters from the cumulative impacts of these individual projects on a regional basis.

The Municipal Regional Stormwater NPDES Permit (MRP) updated by the Regional Water Quality Control Board-San Francisco Bay Region in 2015 includes prescriptive requirements for incorporating post-construction stormwater control/Low Impact Design measures into new development and redevelopment projects. Because Baylands development and each cumulative project would be required to adhere to these stringent stormwater requirements, these projects would not result in a significant cumulative impact relative to hydrology and water quality.

#### *h. Land Use and Planning*

Future cumulative development would result in substantial changes to the existing land use pattern through conversion of vacant land to developed uses, as well as through the conversion of existing land uses to substantially higher development intensities. Development of the Baylands and cumulative projects would be subject to environmental review and also subject to planning review that would address compatibility with adjacent land uses. It is anticipated that each cumulative project, as adopted, would be consistent with the adopted goals, policies, and objectives of the applicable General Plan. While the Baylands in combination with past, present, and reasonably foreseeable future projects would result in a substantially different built environment than currently exists, because each community's General Plan sets forth policies to protect the character of existing development, it is anticipated that cumulative projects adopted in a manner consistent with applicable General Plans would not cumulatively degrade the existing character of area land uses.

Based on policies contained in the Brisbane, San Francisco, and Daly City General Plans, it is anticipated that the projects ultimately approved would provide for development of new uses that would be compatible with adjacent existing communities. While cumulative development would increase development intensities and introduce residential development densities to the Baylands, it is anticipated that requirements for General Plan consistency would result in development patterns that include transitions from low-density to higher density uses, and thereby not result in a substantial adverse change in the existing land use character. As a result, there would be no significant cumulative impact.

#### *i. Noise and Vibration*



**Groundborne Vibration.** Baylands development would require pile driving for some building elements which would create significant but mitigable vibration impacts (Impact 4.J-2). Generally, vibration impacts occur if pile driving occurs within 300 feet of a sensitive receptor (nuisance) or within 85 feet of a historic structure (building damage). Of the cumulative projects identified in the EIR, only the adjacent Visitacion Valley project is close enough to potentially combine with Baylands development to create a cumulative vibration impact. Because building heights for the Visitacion Valley project could be as high as eight stories and require pile driving, both Baylands and Visitacion Valley development could generate vibration that would affect sensitive receptors. However, given the distances between (1) sensitive uses and (2) locations for potential Baylands and Visitacion Valley pile driving, and, potential pile driving within the Baylands and Visitacion Valley would not combine to affect the same sensitive receptor sites. Cumulative impacts would therefore be less than significant.

*j. Public Services*

**Police.** Along with Baylands development, cumulative development projects would add to the need for additional beat(s) to serve development east of Bayshore Boulevard, while other cumulative projects in Brisbane would also add to the overall workload of the Brisbane Police Department. Increases in traffic on US Highway 101 would also increase the number of calls to the Brisbane Police Department. While Baylands development, in combination with other past, present, and reasonably foreseeable projects creates the need for additional police officers and beat(s), because Brisbane's existing police facilities are adequate to house these additional officers, no significant cumulative impacts would result. Depending on the amount of retail space that ultimately locates within the Baylands, the Brisbane Police Department may need a storefront satellite facility. This facility would most likely consist of a single unit within a multi-tenant retail center, and would not result in any impacts other than those of the commercial center itself.

**Fire Protection.** Baylands development-related employee and resident population increases would require increased fire protection services, which would, in turn, require a new and/or expanded fire facility. Other past, present, and reasonably foreseeable future projects within the cities of Brisbane and Daly City that would receive service from the NCFA Fire Station No. 81, on Bayshore Boulevard in Brisbane, would combine with Baylands development to create a need for need for a new and/or expanded fire facility. However, the construction of such a fire protection facility has been anticipated as part of Baylands development, and the impacts of its construction is analyzed in the following EIR sections: 4.B, *Air Quality*; 4.C, *Biological Resources*; 4.E, *Geology, Soils, and Seismicity*; 4.G, *Hazards and Hazardous Materials*; 4.H, *Hydrology and Water Quality*; 4.J, *Noise and Vibration*; and 4.N *Traffic and Circulation*. While Baylands and cumulative projects development would combine to create the need for expanded or new fire protection facilities, no significant impacts would result from the construction of those facilities. Therefore, no significant cumulative impacts would result.

**Public Schools.** Baylands development, in combination with past, present, and reasonably foreseeable future development within the service areas of the Brisbane Elementary School District, Bayshore Elementary School District, and Jefferson Union High School District would create the need for new or expanded school facilities. Payment of school facilities impact fees mandated under

SB 50 is the exclusive method available to cities for considering and mitigating the direct impacts on school facilities. Because payment of school fees provides mitigation in full for direct school impacts, those cumulative impacts would be less-than-significant since school fees would be collected for the Baylands and all other cumulative projects.

Since the location and size of future school facilities improvements needed to address cumulative impacts cannot be known at this time, it would be speculative to analyze whether site-specific school facilities expansions and/or construction of new schools or school facility expansion would result in significant or less-than-significant cumulative impacts. The Brisbane Elementary School District, Bayshore Elementary School District, and Jefferson Union High School District would each have the responsibility under CEQA to analyze and mitigate environmental impacts associated with future expansion of school facilities and any construction of new schools.

**Public Libraries.** Cumulative development would increase residential population and generate new employment, which would increase the demand on library services. However, given the increased availability of electronic materials and materials through inter-library loans, and an associated reduced reliance on large stored collections, adequate provision of library services cannot be evaluated by measuring collection size against the number of registered borrowers or per capita. It is therefore concluded that the Baylands development, in conjunction with past, present, and reasonably foreseeable future projects, would not result in a significant cumulative effect on library facilities. From a planning standpoint, however, given the amount of proposed housing that would be permitted by the Baylands General Plan Amendment, the City determined that provision of a library within the Baylands would be appropriate. Such a facility would also likely be designed as a storefront facility within a retail or office complex.

#### *k. Recreational Resources*

**Park Facilities.** The Baylands General Plan Amendment, along with cumulative projects, would combine create a need for parks to serve 1,901 to 2,301 dwelling units (1,800 to 2,200 dwelling units within the Baylands and an additional 101 dwelling unit from cumulative projects). One of the cumulative projects is part of the Northeast Ridge development, which provided adequate park land, along with ball fields at the Mission Blue Community Center.

Based on the provision of Sections 16.24.010-16.24.070 of the Municipal Code that authorized the City to require Quimby Act dedications to “provide for adequate and appropriate recreational facilities” at a standard of 3.0 acres per 1,000 residents, which would result in a less than significant cumulative impact.

**Windsurfing Resources.** As a part of the environmental review for the Executive Park project, wind testing was performed to assess the individual effects of the Executive Park developments and their cumulative effects together with the Candlestick Point/Hunters Point development on the Candlestick Point State Recreational Area (CSPRA) windsurfing resource. The EIR for Executive Park determined that direct impacts would be less than significant and that the Executive Park project would not contribute to substantial cumulative degradation of the value of the windsurfing resource near the CSPRA windsurf launch site.

The wind testing performed for Baylands development considered the cumulative effects of Baylands development in conjunction with other large, nearby existing, past, and future projects in addition to existing plus project conditions. Measurable cumulative wind effects involving past, present, and reasonably foreseeable future projects were found to occur only for the west wind. These effects were generally found only less than 1,000 feet of the CSPRA shoreline. Within that limited area, the cumulative influence of Baylands development and past, present, and reasonably foreseeable future projects would result in wind speed reductions that were one to four percent more than Baylands development alone. Considering each of the qualitative concerns stated by the San Francisco Boardsailing Association and discussed in Section 4.M, *Recreational Resources*, of the EIR and in responses to comment on the Draft EIR provided by the Association, none of the cumulative reductions in wind speed would represent a cumulative significant impact with respect to the windsurfing resource. Baylands development, together with other past, present, and reasonably foreseeable future projects would cause small changes in wind speed over the northernmost part of the area analyzed, and for the west wind direction only, resulting in a less than significant cumulative impact.

#### *l. Traffic and Transportation*

**Transit Use.** As discussed in relation to Impact 4.N-6, cumulative increases in transit demand can be accommodated by train transit capacity (BART and Caltrain). While there would be a substantial increase in overall Muni transit ridership along with significant cumulative impacts on San Francisco Muni transit service along the Geneva Avenue corridor, as discussed above, Muni has programs in place to which Baylands development would contribute that would reduce cumulative impacts on Muni to a less than significant level (see Findings Section F.1.l.).

#### *m. Utilities, Service Systems, and Water Supply*

**Wastewater Generation.** The Bayshore Sanitary District (BSD) has an existing agreement with San Francisco Public Utilities Commission (SFPUC) for dry weather sewage treatment of up to five million gallons per day. The BSD estimates that future developments in the BSD service area through 2044 would add an additional 301,200 gpd. With development of the Baylands and past, present, and reasonably foreseeable projects, BSD's wastewater flows would increase to a maximum of 2.3 mgd by 2044, well below BSD's maximum permitted dry weather flow of to SFPUC. Because projected district-wide wastewater generation, including Baylands development, would not exceed the maximum amount of flow per the BSD's existing agreement with SFPUC for dry weather flows, cumulative impacts would not be significant.

**Water Supply Availability.** The City of Brisbane does not have adequate existing water supplies to serve Baylands development or to serve cumulative projects within City outside of the Baylands. The EIR identifies a supplemental water supply – a surface water transfer of up to 2,400 acre-feet per year (AFY) from the Oakdale Irrigation District (OID) to Brisbane. Because this water supply would satisfy the needs of Baylands development and projected new development throughout the City, the cumulative impacts on water supply would be less than significant.

**Water Supply Conveyance.** Should the proposed OID water transfer to Brisbane ultimately be approved, its implementation would contribute to a mitigation measure already adopted by the

SFPUC to address impacts on the Tuolumne River associated with changes in the SFPUC's existing reservoir release pattern from Hetch Hetchy Reservoir as part of that agency's long-term water supply program. This impact has been identified by the SFPUC in a certified EIR, which includes a mitigation measure to address this impact. SFPUC has indicated that as part of any agreement to allow water being transferred from the OID to Brisbane through the SFPUC system, Brisbane would need to contribute a share of that water for implementation of SFPUC's mitigation program along the Tuolumne River. To satisfy the SFPUC's request, EIR Mitigation Measure 4.0-1b requires that Baylands development provide a proportional share of the water supply flowing through Hetch Hetchy Reservoir to the SFPUC. Thus, no significant cumulative impact would result since physical effects have already been mitigated to a less-than-significant level.

**Construction of Water, Stormwater and Wastewater Infrastructure.** Although Baylands development would require construction of new water (other than storage facilities), stormwater, and wastewater infrastructure, this infrastructure would be designed to serve only the Baylands. There would be no interaction between water, wastewater and drainage infrastructure for the Baylands development and infrastructure for cumulative projects that could form a cumulative impact. While Baylands-generated wastewater would be transported to the SFPUC for treatment prior to construction of the proposed onsite recycled water facility, adequate capacity is available, and no infrastructure improvements would be required that could combine with past, present, or reasonably future projects to form a cumulative impact.

**Landfill Capacity.** The current landfills serving the Baylands would reach full capacity by 2025 or earlier, with the exception of one landfill, which is projected to reach capacity at 2077. Thus, landfill capacity would be available for cumulative development through 2077. The cumulative effect of Baylands development, in combination with the projected waste stream from cumulative projects whose waste would go to the landfills as solid waste from the Baylands would be less than significant.

#### *n. Energy Resources*

All cumulative projects, including Baylands development and development of cumulative projects, would be required to comply with the energy efficiency standards in Title 24, and, for those projects exceeding certain size thresholds, the additional energy conservation requirements adopted by ordinance in Brisbane and San Francisco. In accordance with these requirements, all proposed developments would use site and building design strategies similar to those that would be employed by Baylands development to avoid wasteful energy consumption. While it is not certain that other developments would commit to the reductions in energy consumption represented by LEED gold energy efficiency ratings proposed for Baylands development, the cumulative demand for electricity and natural gas would be reduced through implementation of Title 24 requirements and Building Codes of Brisbane and San Francisco. As a result, cumulative electricity and natural gas consumption would not be wasteful, and the cumulative impact would be less than significant.

Petroleum consumption associated with Baylands and cumulative projects development would be primarily attributable to transportation, especially private automobile use. However, the Baylands

and cumulative projects are within an urban area, and therefore have a range of alternative transportation options. As cumulative development occurs consistent with Plan Bay Area, development patterns would provide for greater use of transit and alternative modes of transportation. Increased population density and mixed-use development would allow residents to work, shop, and live within a small area, reducing average trip lengths, which would in turn result in lower consumption of fuels. These considerations would reduce wasteful petroleum consumption associated with unnecessary automobile trips and long commutes. State fuel efficiency standards and alternative fuels policies contained in the State Alternatives Fuels Plan would also contribute to a reduction in fuel use. For these reasons, cumulative impact with regard to the consumption of energy resources would be less than significant.

In addition, the State of California has Renewable Portfolio Standard goals that seek to increase the amount of renewable energy resources used by certain utilities. Based on the implementation of required energy conservation measures, Baylands development, in combination with past, present, and reasonably foreseeable future projects, would not result in wasteful use of energy, and cumulative impacts would be less than significant.

## **2. Cumulative Impacts Determined to be Significant for which the Contribution of the Baylands General Plan Amendment would not be Cumulatively Considerable**

Based on the analysis set forth in the Baylands EIR, the City finds that the cumulative impacts of the Baylands General Plan Amendment, in combination with the effects of past, present, and reasonably foreseeable future related projects within Brisbane and other nearby communities, would be significant. The City further finds that the Baylands General Plan Amendment's contribution to the following significant cumulative impacts would be less than cumulatively considerable.

### *a. Greenhouse Gas Emissions*

Greenhouse gas (GHG) emissions impacts are assessed in a cumulative context since no single project could cause a discernible change to climate. Assembly Bill 32 and Senate Bill 32 recognize the significance of the statewide cumulative impact of greenhouse gas emissions from sources throughout the state and set performance standards for mitigation of that cumulative impact. Thus, a significant statewide cumulative impact of GHG emissions would exist.

**Finding:** GHG emissions resulting from development permitted by the Baylands General Plan Amendment would make a less than cumulatively considerable contribution to the significant cumulative GHG impact.

**Rationale for Finding:** Because GHG emissions from the Baylands General Plan Amendment would be below BAAQMD's "efficiency threshold" of 4.6 metric tons of CO<sub>2</sub>e per service population per year, the Baylands General Plan Amendment would not make a substantial contribution to cumulative GHG impacts.

### *b. Noise and Vibration*

**Roadside Noise Levels.** Cumulative traffic-related noise level projections indicate that all area roadway segments except for San Bruno Avenue and Sunnydale Avenue would experience significant cumulative increases in traffic-related noise.

**Finding:** The Baylands General Plan Amendment would make a less than cumulatively considerable contribution to significant cumulative roadway noise increases.

**Rationale for Finding:** For the purposes of this analysis, whereas a *cumulative* impact less than 5.0 dB is not considered to be significant, Baylands development's *contribution* to that cumulative noise impact is not considered cumulatively considerable if it would be less than 1.5 dBA. Based on this criterion, whereas each of the Concept Plan scenarios analyzed in the EIR would result in noise increases greater than 1.5 dBA and therefore make a cumulatively considerable contribution to cumulative noise increases along Geneva Avenue, Guadalupe Canyon Parkway, Old County Road, and Tunnel Avenue, by reducing overall development intensity and resulting traffic generation, the Baylands General Plan Amendment would reduce the Baylands contribution to significant cumulative noise impacts to less than cumulatively considerable.

*c. Population and Housing*

Development of the cumulative projects identified in the EIR would generate as much as approximately 39,800 dwelling units, 18.0 million square feet of non-residential use, and 2,090 hotel rooms within the regional cumulative impact area in addition to Baylands development. Many of the cumulative projects analyzed in the EIR involve redevelopment of existing developed lands and would involve displacement of housing requiring provision of replacement housing. This large amount of development would constitute a significant cumulative population and housing impact.

**Finding:** While the Baylands General Plan Amendment would generate substantial new development, its contribution to significant cumulative impacts would be less than cumulatively considerable.

**Rationale for Finding:** The Baylands General Plan Amendment would not result in displacement of existing population such that development of replacement housing would be required elsewhere. The Baylands would not, therefore, make a cumulatively considerable contribution to a significant cumulative population and housing impact.

**3. Cumulative Impacts Determined to be Significant for which the Contribution of the Baylands General Plan Amendment would not be Cumulatively Considerable due to Implementation of Mitigation Measures**

Based on the analysis set forth in the Baylands EIR, the City finds that the cumulative impacts of the Baylands General Plan Amendment, in combination with the effects of past, present, and reasonably foreseeable future related projects within Brisbane and other nearby communities, would be

significant. The City further finds that the Baylands General Plan Amendment's contribution to the following significant cumulative impacts would be reduced to less than cumulatively considerable as the result implementing mitigation measures set forth in the EIR

*a. Aesthetics*

**Scenic Vistas.** Given the potential height of buildings within the Baylands and potential building locations and building orientations, the Baylands development in combination with Cumulative Projects that are within the viewshed of the Baylands, as well as within views from parcels surrounding the Baylands and from surrounding ridgelines, could alter the scenic vista to San Bruno Mountain by placing a substantial amount of urban development in the foreground of views to the mountain and partially block existing views of natural hillside areas. In addition, by placing substantial new urban development near the Bay shoreline, views of the shoreline and the Bay as seen from surrounding areas including Visitacion Valley and John McLaren Park, and northbound US Highway 101 may be blocked.

**Finding:** Baylands development, in combination with past, present, and reasonably foreseeable future projects, would result in a significant cumulative impact with respect to scenic vistas. Because the Baylands General Plan Amendment would result in a substantial adverse effect on scenic vistas, the contribution of the Baylands General Plan Amendment to the significant cumulative impact to scenic vistas would be cumulatively considerable. However, implementation of EIR mitigation measures would reduce the Baylands General Plan Amendment's contribution to less than cumulatively considerable.

**Rationale for Finding:** Mitigation Measures 4.A-1a and 4.A-1b establish a setback from the US 101 freeway and design recommended development so as to maintain views of San Bruno Mountain and the ridgeline to the north as viewed from US Highway 101 and the San Francisco Bay Trail. The required setback from the US 101 freeway would push the mass of urban development within the Baylands away from the freeway, reducing its prominence in the foreground of views of San Bruno Mountain and the San Francisco Bay. Implementation of Mitigation Measure would ensure that specific views of the mountain and bay were not blocked by Baylands development. Thus, implementation of Mitigation Measures 4.A-1a and 4.A-1b would reduce the Baylands General Plan Amendment's contribution to a significant cumulative impact on scenic vistas to less than cumulatively considerable.

**Visual Character.** Development under the Baylands General Plan Amendment, in combination with the cumulative projects to the north in San Francisco, would substantially change the existing visual character of the Baylands, Central Brisbane, and surrounding areas by introducing a large amount of development that is substantially more intensive than existing development.

Even though the Baylands and each cumulative development project would (1) be subject to requirements for design review and analyzed for its individual impacts on visual character and (2) appropriate mitigation for the impacts of the Baylands and each cumulative development project individual projects would be implemented on a project-by-project basis, the large mass of high

density development that would result within the viewshed of the Baylands would constitute a significant cumulative impact.

While Baylands development and cumulative projects would be subject to existing requirements for design review, without *project-specific* design standards applied and cohesive standards among the agencies approving development, cumulative development could substantially degrade the existing visual character of the area. Thus, Baylands development, combined with other cumulative development in the Baylands' viewshed would result in a significant cumulative impact.

**Finding:** Without mitigation, buildout of the Baylands could result in disjointed and inconsistent development contributing to a poorly designed area with an overall adverse effect on the area's existing visual character. As such, Baylands development could substantially degrade the existing visual character of the site and its surroundings. Mitigation Measure 4.A-3 would require implementation of specific design standards that, when applied to the Baylands as a whole, would ensure development of a cohesive urban aesthetic across the site and support a well-designed urban environment and positive visual character.

**Rationale for Finding:** Implementation of the Baylands General Plan Amendment and Mitigation Measure 4.A-3 would ensure a cohesive urban aesthetic across the site and support a well-designed urban environment and positive visual character, reducing the Baylands' contribution to the significant cumulative impact identified above to less than cumulatively considerable.

**Daytime Glare.** The Baylands General Plan Amendment, in combination with cumulative projects identified in the EIR would result in several million square feet of new building area that would result in a substantial amount of new building area and structural surfaces that would generate daytime glare. With typical mitigation consisting of non-glare building surfaces applied to each project, buildings and structures would be designed to avoid significant daytime glare impacts under both project and cumulative conditions. However, even with which mitigation measures, some reflective surfaces would be developed, which, over the large amount of cumulative development proposed for the Baylands and cumulative projects would, in combination, result in a cumulative significant impact.

**Finding:** Implementation of Mitigation Measure 4.A-4b would reduce the Baylands' contribution to daytime glare impacts to less than cumulatively considerable.

**Rationale for Finding:** Mitigation Measure 4.A-4b would limit the amount of building surface area surface area that could create glare, and would reduce the amount of development within the Baylands as compared to that which was analyzed in the EIR, and by positioning reflective materials on building exteriors that have a light reflectivity factor greater than 30 percent so as to not reflect daytime glare onto the 101 freeway or onto existing residential communities in Brisbane and Visitation Valley, the Baylands General Plan Amendment would not have a substantial adverse effect related to daytime glare, and impacts on scenic vistas would be reduced to less than significant



Implementation of Mitigation Measure 4.A-4b would reduce the amount of development within the Baylands compared to that which was analyzed in the EIR, and by positioning materials on building exteriors that have a light reflectivity factor greater than 30 percent so as to not reflect daytime glare onto the 101 freeway or onto existing residential communities in Brisbane and Visitacion Valley, the Baylands General Plan Amendment would not have a substantial adverse effect related to daytime glare, and its impacts related to glare would be reduced to less than cumulatively considerable.

*b. Biological Resources*

**Upland Habitat / Special-Status Species.** The cumulative projects cited in the EIR could involve removal and/or modification of areas that have the potential to contain special-status species and sensitive natural communities (wetlands are discussed in a separate cumulative impacts statement). As development in and around the Baylands continues, natural habitats and sensitive wildlife species, including those species listed under federal and state Endangered Species Acts and those individuals identified by state and federal resources agencies as species of concern, fully protected, or sensitive, would continue to be adversely affected through conversion of habitat to urbanized environment. Baylands development, in combination with past, present, and reasonably foreseeable future projects, would result in a significant cumulative impact to avian species, special status birds, migrating through the cumulative project area as the result of an increased number of mid-rise buildings and associated lighting along the Pacific Flyway.

**Finding:** Because Baylands development would not result in loss of sensitive upland habitat areas or impact special status species, it would not make a cumulatively considerable contribution to the significant cumulative impact described above.

**Rationale for Finding:** Sensitive upland habitat and special status plant and butterfly species occur within the Baylands only on Icehouse Hill, which is being preserved in open space. In addition, Mitigation Measure 4.C-4b will be implemented to increase nighttime visibility of buildings and mitigate bird strike impacts. Thus, Baylands development would not make a cumulative considerable contribution to the significant cumulative impact described above.

**Wetland and Waters.** More than 90 percent of historic tidal wetlands in the Bay Area have been lost to diking, draining, and filling. In spite of the highly urbanized surrounding areas and the dramatic alteration of the Bay itself for shipping, salt production, and urban development, the Peninsula bayshore supports some of the most important habitat remaining in the Bay Area for a number of wildlife species. Wetland and jurisdictional waters restoration projects within the Bay area are extensive, with approximately 40,000 acres of wetlands either in progress or planned. Although these restoration projects are attempting to reduce the cumulative loss, the large historical loss of these areas due to past projects, including construction of US Highway 101 has resulted in a cumulatively significant loss of wetlands and jurisdictional waters. Continuing permanent loss of wetlands and jurisdictional waters, such as would result from development of the Baylands and cumulative projects identified in the EIR, would constitute a significant cumulative impact.

**Finding:** Baylands development would not make a cumulatively considerable contribution to cumulative impacts on wetlands and jurisdictional waters.

**Rationale for Finding:** Although Baylands grading, remediation, and construction activities would impact onsite wetlands, Mitigation Measures 4.C-1a and 4.C-2c requirements for replacement and restoration of habitats would be implemented to generate a net positive benefit. Thus, Baylands development would make a less than cumulatively considerable contribution to the significant cumulative impact described above.

*c. Hazards and Hazardous Materials*

**Impair Implementation of Adopted Emergency Response Plan.** Any development involving increased hazardous materials use has the potential to increase the demand for emergency response capabilities in the area. Because the combination of Baylands and cumulative development would double Brisbane's population and commercial/industrial development inventory, current first response capabilities and hazardous materials emergency response capabilities would not be sufficient for buildout of the Baylands and cumulative projects. Furthermore, while substantive hazardous materials accidents are typically rare based on the implementation of existing regulatory requirements, when such incidents do occur, they typically require substantial resources to respond. Unless existing emergency service capabilities were to be expanded commensurate with future development of the Baylands and cumulative projects, a significant cumulative impact would occur. While additional hazardous materials response services could be available through mutual response agreements with other jurisdictions, and private hazardous materials emergency response agencies could be used, the reliability of such sources in lieu of expanding existing emergency service capabilities available to Brisbane would be speculative, and significant cumulative impacts would remain.

**Finding:** Based on the need to expand emergency response capabilities commensurate with Baylands development, the substantial amount of development that would result from the Baylands General Plan Amendment would make a cumulatively considerable contribution to a significant cumulative impact.

**Rationale for Finding:** The Baylands General Plan Amendment would require expansion of emergency response services. In the absence of such expansion of emergency response services, Baylands development would provide a cumulatively considerable contribution to cumulative impacts related to implementation of emergency response plans. However, specific mitigation measures will be implemented to address the need for expanded emergency response services. Thus, the Baylands' contribution to a cumulative impact would be reduced to less than cumulatively considerable.

**4. Cumulative Impacts Determined to be Significant for which the Contribution of the Baylands General Plan Amendment would be Cumulatively Considerable even with Implementation of Mitigation Measures**

Based on the analysis set forth in the Baylands EIR, the City finds that the cumulative impacts of the Baylands General Plan Amendment, in combination with the effects of past, present, and reasonably

foreseeable future related projects within Brisbane and other nearby communities, would be significant. The City further finds that the Baylands General Plan Amendment's contribution to the following significant cumulative impacts would remain cumulatively considerable even with implementation of the mitigation measures set forth in the EIR.

*a. Aesthetics*

**Nighttime Lighting.** The large amount of development proposed for the Baylands and cumulative projects identified in the EIR would result in several million square feet of new building area that would require night lighting of parking areas, walkways, and adjacent streets. While impacts of individual projects would be required to minimize the amount of outdoor nighttime lighting to a level necessary to provide safety, the combined nighttime lighting of these projects would have a cumulatively significant impact even with implementation of project-specific mitigation for each project.

**Finding:** Even with implementation of specific lighting-related design guidelines as required by Mitigation Measure 4.A-4a the Baylands' contribution to nighttime lighting impacts would be cumulatively considerable.

**Rationale for Finding:** Implementation of specific lighting-related design guidelines as required by Mitigation Measure 4.A-4a would reduce the project-specific impact. Nevertheless, Baylands development would cause a substantial increase in nighttime lighting compared to existing conditions within the Baylands. Therefore, the Baylands' contribution to nighttime lighting impacts would be cumulatively considerable.

*b. Air Quality*

**Criteria Air Pollutants.** According to the Bay Area Air Quality Management District (BAAQMD), no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to the region's existing cumulatively significant adverse air quality impacts. There are many projects throughout the San Francisco Bay area that have been identified as having significant and unavoidable operational and construction-related regional pollutant impacts, such as the Candlestick Point/Hunters Point Development Project, which is located approximately one mile northeast of the Baylands. Baylands development in combination with other developments in the San Francisco Bay Area Air Basin would result in cumulatively significant emissions of criteria air pollutants.

**Finding:** Because emissions of criteria air pollutant emissions from the Baylands General Plan Amendment would be significant and unavoidable even with implementation of all feasible mitigation measures, its contribution to cumulative significant impacts would be cumulatively considerable.

**Rationale for Finding:** According to the BAAQMD's *Justification Report* identifies a regionwide cumulative impact, and states that if a project exceeds identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Because the Baylands would result in

significant unavoidable impacts related to emissions of criteria air pollutants, its emissions would be cumulatively considerable.

*c. Noise and Vibration*

**Noise Levels All Sources.** Cumulative noise impacts would occur if construction activities associated with cumulative projects were to overlap with Baylands construction, or if operation of Baylands development in combination with other projects in the vicinity would generate or result in exposure to excessive noise.

Cumulative noise impacts could also include pile driving. Due to the substantial noise levels associated with pile driving and the proximity to residential receptors developed under the General Plan Amendment, temporary construction-related noise is identified as a significant and unavoidable impact for these scenarios in Impact 4.J-4. The adjacent Visitacion Valley project would have the potential to result in a cumulative noise impact with Baylands development. Because the Visitacion Valley project proposes building heights as high as eight stories, pile driving could be required for that cumulative project. The addition of pile driving noise from the Visitacion Valley project would exacerbate the Baylands' significant impact should pile driving occur simultaneously on the two sites, resulting in a cumulatively significant impact. The potential also exists for delivery noise and traffic from future retail development at Visitacion Valley project to combine with Baylands development and result in a significant cumulative impact. The impact of all cumulative project operational sources, stationary and mobile, would combine with existing noise sources such as Bayshore Boulevard and US Highway 101, as well as rail traffic and the existing Recology facility to increase ambient noise levels. Cumulative development projects would affect not only the nearest sensitive receptors along roadways or near the sources but also result in an overall cumulative noise impact on the elevated portions of Brisbane.

**Finding:** Due to the existence of significant unavoidable Project Site development noise impacts, its contribution to cumulative impacts would be cumulatively considerable.

**Rationale for Conclusion:** Because no feasible mitigation measures have been identified that would reduce Baylands development's contribution (in the form of both traffic noise, pile driving noise, as well as location of new receptors in cumulatively impacted areas) to a less than significant level, Baylands' contribution to cumulative noise increase impacts would be cumulatively considerable.

*d. Traffic and Transportation*

**Roadway Level of Service.** As discussed in relation to Impacts 4.N-3, 4.N-4, and 4.N-5, above, Baylands development, in combination with past, present, and reasonably foreseeable future development would exceed applicable levels of service standards even with the implementation of feasible mitigation measures. Thus, Baylands development, in combination with the past, present, and reasonably foreseeable projects included in the traffic model analysis reported in Impacts would result in significant cumulative impacts.

**Finding:** Baylands development would contribute a cumulatively considerable amount of traffic to roadway intersections and freeway segments where cumulative traffic impacts would result.

**Rationale for Finding:** As discussed in relation to Impacts 4.N-3, 4.N-4, and 4.N-5, above, traffic contributed by development permitted by the Baylands General Plan Amendment to intersections failing to meet applicable level of service standards under cumulative conditions would constitute significant impacts, even with implementation of all feasible mitigation measures. Thus, even with implementation of all feasible mitigation measures, the Baylands contribution to cumulative impacts would be considerable.

*e. Utilities, Service Systems, and Water Supply*

**Water Storage Facilities.** Development of the Baylands would necessitate construction of a new water storage facility to meet peak, emergency, and fire flow needs. While the Baylands would be the primary beneficiary of a new water storage facility, the facility would also store water used for other past, present, and reasonably foreseeable projects. Since (1) the water storage facility would likely need to be constructed in a hillside location, (2) the location of that facility has not yet been determined, and (3) because the location is not known, it cannot be determined that construction of the needed water storage facility would be less than significant, a significant and unavoidable impact would result. Because the water storage facility is needed for both Baylands development and cumulative development throughout the City, the significant impact cited in the EIR would also be considered to be a significant cumulative impact.

**Finding:** The contribution of Baylands development to impacts related to construction of a water storage facility would be cumulatively considerable.

**Rationale for Finding:** Baylands development is the primary contributor to the need for construction of a new water storage facility. Thus, Baylands' contribution to the significant cumulative impact resulting from that construction of water storage facilities would be cumulatively considerable.

**G. Findings on Responses to Comments on the Draft EIR and Revisions/Additions to the Final EIR**

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(a) or (b).

Several comments either requested revisions to EIR mitigation measures, new mitigation measures, or inclusion of new alternatives in the EIR. The City finds that such requests were fully addressed in the Final EIR either through incorporating such requests into the EIR mitigation measures set forth in the Mitigation Monitoring and Reporting Program (Attachment #2) or through written responses indicating the reasons requested revisions to the EIR were not undertaken.

The City further finds that responses to comments made on the Draft EIR and revisions and additions to the Final EIR merely clarify and amplify the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5(a) or (b).

As detailed in the findings set forth above, the Final EIR for the Baylands does not present any significant new information.

- The Draft EIR and its four development scenarios provided a basis for public discussion of the impacts of both including and not included housing as part of future Baylands development;
- Inclusion of the Lower Intensity Mixed-Use Alternative in the Draft EIR also provided a basis for public discussion of the impacts of providing housing within the Baylands at a reduced the overall development intensity compared to the DSP scenario;
- The Baylands General Plan Amendment's land uses and residential/commercial densities, which are similar to the Lower Intensity Mixed-Use Alternative would lessen the majority of significant environmental impacts of the four Concept Plan scenarios analyzed in the Draft EIR;
- Modifications to mitigation measures clarify the application of mitigation measure contained in the Draft EIR to the Baylands General Plan Amendment;
- The Baylands General Plan Amendment would not result in any significant impacts other than those previously disclosed in the Draft EIR nor would the Baylands General Plan Amendment substantial increase in the severity of an environmental impact; and
- The responses to comments received on the Draft EIR and new information presented in the Final EIR merely clarifies or amplifies or makes insignificant modifications in the EIR.