

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: **Brisbane Baylands Planning Applications (Concept Plans, Specific Plan Case SP-01-06, General Plan Amendment Cases GP-01-06/GP-01-10) and related Final Environmental Impact Report (SCH #2006022136) – Water Supply, Public Services and Facilities, and Related Policy Issues**

DATE: Meeting of February 28, 2017

Introduction:

Tonight's public hearing focuses on addressing issues related to water supply, as well as to public services and facilities and related policy issues for the City Council's consideration. Future hearings will be organized around the environmental resource topics included in the Brisbane Baylands EIR. The public hearing schedule is attached for reference purposes.

Discussion:

WATER SUPPLY

Under state law, the City is required to ensure that water supply issues are addressed in the CEQA and planning review of projects. At the General Plan level, CEQA requires the City to review existing and projected water demand based on proposed General Plan land uses in relation to existing and projected water supplies and to analyze the reasonably foreseeable impacts of supplying water to the Plan area. Water supply is analyzed at the General Plan level in terms of the supplies that are reasonably likely to be available to support buildout of the General Plan.

In addition to proposing to amend the General Plan, the Baylands applicant (Universal Paragon Corporation) is requesting approval of the Brisbane Baylands Specific Plan. Therefore, the City was also required to prepare an SB 610 "water supply assessment" (WSA) pursuant to the California Water Code,¹ to be included in the EIR prepared for the project. A WSA must assess whether total projected water supplies available during normal, single dry and multiple dry water years during a 20-year projection will meet the projected water demand associated with a

proposed project. As such, the Baylands EIR includes a water supply assessment (Draft EIR Appendix L) that presents information on water demand and water supply availability for the proposed Baylands development scenarios through 2035.

The third level of development review is site-specific development. Although no site-specific development is proposed at this time, site-specific proposals within the Baylands will be required to verify that an assured water supply is actually in place.

As a reminder, the Planning Commission recommended approval of modifications to the City's General Plan to set forth specific parameters for the land use mix/intensity, as well as other requirements for future development of the Baylands. The Commission did not recommend approval of a specific plan at this time. In the absence of a specific plan approval, there is no requirement to approve a WSA or obligation to enter into a water supply agreement.

This staff report summarizes the water supply discussion from the draft EIR (which assumes the need for an assured water supply to serve the specific plan), and discusses how water supply issues should be addressed (1) in the event the City Council chooses to amend the General Plan, but not approve a specific plan at this time and (2) in the event the City chooses to amend the General Plan and approve a specific plan at the completion of this ongoing Baylands planning process.

EIR Water Analysis

The City of Brisbane, which operates two water districts, is the water retailer within the City. The Brisbane Water District (BWD) serves Central Brisbane, Sierra Point, and the Baylands, while the Guadalupe Valley Municipal Improvement District (GVMID) serves the Crocker Industrial Park and the North East Ridge residential development.

Both City water districts purchase potable water from the San Francisco Public Utilities Commission (SFPUC), which owns and operates a regional water system that serves San Francisco and the southern San Francisco Bay Area region.

While the City's water districts have a supply guarantee from the SFPUC, this guarantee can be reduced during emergencies, drought situations, or maintenance activities. According to its Urban Water Management Plan, the SFPUC can meet water demands for all wholesale customers in average and above average water years. In order to address allocation during dry years, an Interim Water Shortage Allocation Plan was created and outlined reductions between the SFPUC and its Wholesale Customers of up to 20 percent. Each year, the SFPUC forecasts its total water supplies and the water demands of its customers to determine if water reductions are necessary.

As discussed in the Baylands EIR, citywide projected water demand estimates through 2030 were developed in 2010. These projections indicate that, even without Baylands development or any future development projects at Sierra Point beyond those currently holding planning approvals,

¹ See Water Code § § 10910-10915; see also CEQA Guidelines § 15155.

the City's water demand will exceed its current water allocation from the SFPUC sometime before 2030. Thus, regardless of any action the City may take in relation to the Baylands, a new source of water, estimated at 400 acre-feet² per year, is needed to supplement existing SFPUC supplies for Brisbane to serve areas outside of the Baylands.

Because Brisbane has no available water supply to support any new uses within the Baylands, even the least intensive development alternatives for the Baylands will require acquisition of a supplemental water supply for the Baylands. The amount of water that will be needed for future uses in the Baylands depends on the land use mix and development intensity ultimately approved by the City Council.

Potential Sources of Supplemental Water Supply to the City

In order to allow for approval of the a specific plan, the City must determine that projected water supplies will be sufficient to satisfy the demands of the project. As discussed previously, this determination is supported by preparation of a WSA. The project applicant, UPC, investigated a range of options for securing adequate water supply for the Project. These options fall in to three general categories: (1) secure supply from another SFPUC wholesale customer in the Bay Area already served by the SFPUC's regional water system and/or overlying the Westside Groundwater Aquifer, (2) import supply from an outside entity via a water transfer arrangement and wheel the water through the SFPUC regional water system to Brisbane, and (3) participate with others in development of a local/Bay Area desalination facility. UPC held discussions with several agencies as follows:

- **Other SFPUC Wholesale Customers:** California Water Service Company (CalWater), City of Palo Alto, City of Hayward, City of Colma, City of San Bruno, Alameda County Water District.
- **Water Transfer/Supply Import:** Oakdale Irrigation District, Modesto Irrigation District, Turlock Irrigation District, East Bay Municipal Utility District.
- **Desalination.** CalWater.

Ultimately, the applicant chose to move forward with the water transfer /supply import approach. As discussed in detail in the EIR, the required water supply would be provided by the transfer of up to 2,400 acre-feet per year (AFY) of water annually from Oakdale Irrigation District (OID) in the form of diversions from the Stanislaus River in the Sierra foothills. Earlier in the Baylands planning process, and prior to release of the Draft EIR, the City of Brisbane and the Oakdale Irrigation District (OID) signed a term sheet establishing a framework for a potential water supply agreement to be negotiated in the future. It should be noted that the signed term sheet only established the basic terms under which a water supply agreement would be negotiated. It did not commit or bind the City to execute such an agreement. Per the term sheet, the agreement would involve up to 2,400 AFY of water for a 50-year term, with the potential for additional 25-year

² An acre-foot of water is the volume of water that would cover a one-acre area with water to a depth of one foot (approximately 325,850 gallons).

renewals. The 2,400 acre-foot maximum identified in the term sheet includes 400 AFY to accommodate planned growth within the City outside of the Baylands. The remaining up to 2,000 AFY would provide a sufficient water supply to serve any of the development scenarios or lower intensity alternatives evaluated in the EIR.

The transfer of water as proposed would involve not only OID and Brisbane, but also Modesto Irrigation District (MID) and San Francisco Public Utilities Commission (SFPUC) as intermediaries who would exchange water supplies; the SFPUC would ultimately deliver the physical water supply to Brisbane based on transfer of water rights from OID to MID, and from MID to the SFPUC. A description of how water would be transferred to Brisbane from OID is provided in Attachment 1, along with discussion of the environmental impacts associated with the water transfer.

Implementation of the proposed water transfer would require approvals of final Water Supply and Conveyance Agreements between Brisbane, OID, MID, and the SFPUC to “wheel” the OID transfer water through the MID and SFPUC systems³ to the City of Brisbane. Brisbane’s agreements with OID, MID, and the SFPUC would establish operating rules and monitoring procedures will ensure that the proposed water transfer would not adversely affect system operations or customer deliveries for either OID, MID, or the SFPUC.

Project-level environmental analysis and CEQA documentation would need to be undertaken to provide CEQA evaluation and clearance for approvals of final Water Supply and Conveyance Agreements involving Brisbane, OID, MID, and SFPUC for individual portions of the proposed water transfer since those agreements would describe the specific methods of water delivery, which cannot be known at this time.

Baylands Water Demand

A Water Supply Assessment was prepared for proposed Baylands development (Draft EIR Appendix L), and evaluates the water demands for each of the four development scenarios under Savings Programs D (without the recycled water plant) and E (with the recycled water plant) as described below. The WSA was completed to meet SB 610 requirements to determine if there are sufficient water supplies to meet the Project’s water demands through 2035.

Water demand for the Baylands Project was calculated under five different Water Savings Programs. Each program included more stringent measures to reduce water use or conserve water. Water Savings Programs D and E were carried over for evaluation in the EIR as they set forth stringent water conservation programs in excess of regulatory minimum standards.

³ These “water wheeling” agreements would be developed in accordance with provisions of the California Water Code, which require a public agency to allow others to use its available conveyance capacity to implement a water transfer, but does not require that agency to change or adversely affect its operations or customer deliveries.

Water Savings Program D (without onsite recycled water plant) includes all of the water savings measures in Programs A-c, which include:

- **water budgets** that compare the supply to the demand of Project Site development as presented in the Water Supply Assessment to ensure the appropriate level of development in relation to limits on water supplies in the future;
- **public outreach information** that includes promoting watershed stewardship such as preventing contaminants from entering stormwater, conserving precious water supplies, and funding environmental education initiatives;
- **landscape requirements for new systems** that require tracking and managing irrigation water use through the installation of a dedicated irrigation water service, preventing dry weather runoff from faulty irrigation systems, and enforcement of non-watering days;
- **water audits for commercial users** that offer expert evaluation of indoor and outdoor water use for any building type, including assessing the water efficiency of plumbing fixtures and landscape irrigation, identifying leaks, and providing information about incentives available for replacing inefficient fixtures and review customer water use history;
- **water audits for hotels-motels** that offer expert evaluation of indoor and outdoor water use for any building type, including assessing the water efficiency of plumbing fixtures and landscape irrigation, identifying leaks, and providing information about incentives available for replacing inefficient fixtures and review customer water use history;
- requirements for **multi-family unit sub-metering** to more accurately bill individual households for water use and provide residents with incentives to use water more efficiently;
- multi-family residential efficient **clothes washer rebate**;
- **Water Alliances for Voluntary Efficiency (WAVE) Program (USEPA) for Hotels** that provides hotels with tools to increase water use efficiency and decrease water costs;
- **dedicated landscape meters** for outdoor irrigation use;
- **native plant landscaping** incorporating plants with low to no water demands;
- **subsurface irrigation for turf** to decrease water lost to evaporation from above-ground sprinklers or misters;
- **hardscape** (e.g., area is covered with materials other than vegetation) to increase stormwater infiltration and decrease irrigation demand;
- **high efficiency toilets** (1.28 gallons per flush [gpf] or less) or dual-flush toilets (0.8 gpf half-flush and 1.6 gpf full-flush) in new commercial, industrial, and institutional buildings;
- **automatic faucets with on/off valves** that prevent wasted water; and
- **waterless urinals**.

Water Savings Program E includes all of the measures listed above for Program D plus the construction of an onsite recycled water plant to provide recycled water for irrigation and other non-potable uses. Implementation of Water Savings Program E is proposed for each of the

development scenarios; however, because a water recycling plant requires sufficient wastewater flow, an onsite recycled water plant might not be able to be constructed until year 15 of development in the DSP/DSP-V and CPP/PP-V scenarios, and may prove to be infeasible under low intensity development alternatives.

Water Supply Issues of Concern

Numerous concerns were raised at the Planning Commission regarding the details of a potential water supply agreement, as well as the certainty and reliability of such an agreement over an extended period of time.

Water Supply and the General Plan

At the General Plan level, the City could establish policies to recognize the supply shortfall and require an assured water supply for the Baylands to be identified prior to approval of any Specific Plan for the Baylands. It could also require that such an assured water supply be physically available to the Baylands prior to site-specific development would provide the protection needed address the concerns raised in the Commission's hearings.

Specifically, appropriate policies could be incorporated into the General Plan to require that:

- An assured water source be identified for the Baylands and that all environmental clearances required to bring that water source to the Baylands be completed prior to or concurrent with the City's review of a specific plan;
- No site-specific development that would increase water consumption within the Baylands be approved prior to all required legal documentation for delivery of the needed water supply to the Baylands were entered into; and
- Certificates of occupancy for any new building construction within the Baylands increasing water consumption were not granted until assured water supplies were physically available to the Baylands. Should such a requirement be incorporated into General Plan policies for the Baylands, physical development that would increase water consumption within the Baylands would be assured whether in the form of the potential agreement with OID, or in some other form which might be identified later.

Water Supply for the Baylands Specific Plan

If the City Council is interested in considering approval of a specific plan at the conclusion of this hearing process, the following outlines the steps and sequencing for aligning the water supply agreement and project approval in relation to the OID term sheet.

1. Based on the level of development set forth in the General Plan for the Baylands after the conclusion of the City Council's Baylands hearings and deliberations, needed operations studies would be undertaken, and complete project-level environmental analysis for proposed Water Supply and Conveyance Agreements would be completed. Before any operations studies are undertaken, it is important that the amount of water actually needed for the Baylands be determined based on the types and intensity of Baylands land uses determined by the City Council to be appropriate.
2. Following completion and certification of project-level environmental analysis for proposed Water Supply and Conveyance Agreements, consideration of a specific plan for Baylands development could occur. This would enable the City to consider specific requirements and impacts of water supply delivery to Brisbane when it considers any specific plan for Baylands.
3. Prior to approval of site-specific development within the Baylands, final Water Supply and Conveyance Agreements between Brisbane and OID, between OID and MID, and between Brisbane and the SFPUC for individual portions of the proposed water transfer would be required to be entered into by all parties. This would ensure that no physical development within the Baylands would be approved before all needed water transfer agreements were approved by all parties.
4. Prior to issuance of certificates of occupancy for any new building construction within the Baylands, physical water supply pursuant to final Water Supply and Conveyance Agreements would be required to be available to the Baylands.

Planning Commission Recommendations

As noted previously, the Planning Commission recommendation to amend the General Plan to provide additional land use guidance but not approve a specific plan at this time includes adoption of General Plan policy language to specify a general land use and water supply review process such as that described above.

PUBLIC SERVICE AND FACILITIES

Police Services

The Brisbane Police Department (BPD) provides security and police services to the residents and businesses of Brisbane. The BPD has one location, its headquarters, located in City Hall. Current patrol staffing consists of a single beat with a minimum of one sergeant or shift supervisor and at least one other officer per shift. Brisbane General Plan Policy 163 calls for a three-minute emergency response average and a 10-minute non-emergency response average for police services. The BPD responds within the three-minute emergency response average more than 95 percent of the time, and responds to non-emergency calls within five minutes about 80 percent of the time.

CEQA significance thresholds address the impacts of new or expanded police facilities that a proposed project might require; however, to determine whether Baylands development would

require new or expanded police facilities, the BPD was consulted to determine the level of staffing needs that Baylands development would require. As discussed below, the new or expanded police facility that would be needed as the result of Baylands development would be a storefront substation.

The Brisbane Police Department estimates that proposed development under the four development scenarios addressed in the EIR would add approximately 7,000 to 9,700 service calls annually to the 3,116 calls the Department received in 2010. Baylands development would thus require additional 24/7 shifts. Each additional shift would require expanding the BPD by five sworn officers. An additional civilian employee, such as a community service officer, would also be required to handle non-emergency activities. Increased service calls will also increase costs for dispatch services.

Currently, there are few businesses and as a result few calls for service within the Baylands. Infrastructure is also limited; therefore, Brisbane police officers currently spend little time patrolling the Baylands. According to BPD, any new development within the Baylands, regardless of its nature, will significantly expand the area requiring police patrols by approximately one square mile. At a minimum, providing service to the lowest intensity alternatives for the Baylands (Planning Commission recommendation, Renewable Energy Generation Alternative, development according the existing General Plan) would require addition of one 24/7 patrol officer. Maintaining such staffing would require hiring 5 officers to provide 24/7 coverage, and account for officers' vacation and sick time, as well as training.

Staffing the more intensive development concept plans would require a greater increase in BPD staffing. BPD estimates that UPC's proposed development plan would require two officers on a 24/7 basis (total of 10 new officers), plus a civilian employee. The CPP/PPP-V scenarios would require one officer on a 24/7 basis and three support officers (total of 8 new officers), plus a civilian employee.

To ensure (per City General Plan Policy 27) that centrally located police facilities are provided, and that adequate response times can be maintained throughout the City, specific plan(s) for development within the Baylands should 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 Project Site. The plan would, at a minimum, provide for:

- As determined necessary by the Brisbane Police Department, establishment of needed staffing.
- Construction and initiation of operation of storefront police substation(s) within the Baylands. The substation would need to be located within a commercial ground floor storefront such that it is easily visible and accessible to the general public.

Fire Protection

The North County Fire Authority (NCFA) is a Joint Powers Authority that provides fire protection, emergency medical, and other hazardous assistance services to Brisbane, Daly City, and Pacifica. The closest fire station to the Baylands is NCFA Fire Station No. 81, located

immediately adjacent to the Baylands. The station is staffed by one three-person engine company. NCFE Fire Station No. 93, located in Daly City, is approximately one mile from the Baylands. NCFE Fire Station No. 92 is located on the west side of San Bruno Mountain, approximately 2.5 miles from the Baylands.

While the NCFE maintains a goal of meeting Insurance Services Office and National Fire Protection Association recommended standards, the only standard currently being met is that of fire station proximity to development. Thus, proposed development of the Baylands would require additional fire protection station(s), personnel, and/or equipment to meet NCFE's response time goals without impacting existing services currently provided to the Brisbane community.

Because CEQA addresses the physical impacts of a proposed project, needed fire agency staffing and allocation of resources is not an impact under CEQA. The City can, through its planning review process, require development within the Baylands to meet applicable fire protection performance standards. To ensure adequate fire protection services and facilities (per General Plan Policy 27) to maintain adequate response times within the Baylands and throughout the City, specific plan(s) for development within the Baylands would be required as part of the planning review process to prepare and implement a Fire Protection Services Plan for the timely provision of fire protection facilities, equipment, and staffing. The Fire Protection Services Plan would specify the means and methods for ensuring 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 NCFE fire station.
- All buildings greater than three stories in height to be located within two miles of a fully staffed (four-person minimum) and equipped ladder truck company.
- Adequate fire flow and service pressure to be available per NCFE standards.
- Baylands development to be tied to expansion of existing fire stations or construction of new stations to meet the following response NCFE standards within the Baylands:
 - Seven-minute Total Reflex Time⁴ 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 prevent fire from spreading to additional floors after first arrival on the scene for 90 percent of structure fires; and
 - Fire Company Reliability – ability to handle 90 percent of all incidents within the Baylands from the station within whose primary service area the site is located.

Schools

⁴ "Total Reflex Time" is measured from the time a call is received to the arrival of the first apparatus at the scene.

The Brisbane Elementary School District (Brisbane ESD), the Bayshore Elementary School District (Bayshore ESD), and the Jefferson Union High School District (JUHSD) provide grades K-12 public education to Brisbane residents. The Baylands is within the Bayshore ESD and JUHSD. As in many Bay Area school districts, enrollment in the school districts serving Brisbane has been in decline over the past two decades.

Bayshore Elementary School, a K-4 elementary school, is located in Daly City approximately one-half mile west of the Baylands. Garnet J. Robertson Intermediate School, also less than one-half mile west of the Baylands in Daly City, and serves grades 5 through 8. The two JUHSD schools closest to the Baylands are Jefferson High School, approximately three miles to the west of the Project Site and Westmoor High School, approximately four miles west of the Baylands. Both of these high schools are within Daly City.

School Facilities needs under the DSP/DSP-V Scenarios

Residential development under the DSP/DSP-V scenarios would generate approximately 1,255 new students (900 elementary/middle school students and 355 high school students). In addition, new non-residential development could result in as many as 356 additional students (178 elementary and middle school students, 178 high school students).⁵

Considering the declining enrollment and the excess capacity currently available in JUHSD schools, the number of students generated by the DSP/DSP-V scenarios would not require new or expanded high school facilities beyond what is already underway and planned within the JUHSD. Based on comparison of Baylands-related, grade K-8 student generation (1,078) to the enrollment of the Bayshore ESD, (398 students) and its 15-year peak (462 students), it is evident that the DSP/DSP-V scenarios would create a need for new K-8 school facilities.

School Facilities needs under the CPP/ CPP-V Scenarios

New student generation from the CPP/ CPP-V scenarios is estimated to be 658 students (329 JUHSD students and 329 elementary and middle school students in the Bayshore ESD). This would be the result of parents enrolling their children for school based on place of employment, rather than place of residence, as permitted by state law. Considering the declining enrollment and the excess capacity currently available in JUHSD schools, the CPP/ CPP-V scenarios would not result in the need for new or expanded high school facilities beyond what is already underway and planned within the JUHSD. The 329 elementary/middle school students that would be generated under the CPP/ CPP-V scenarios represent an 83-percent increase in the enrollment of the Bayshore ESD. Based on comparison of Baylands-related grade K-8 student generation to the enrollment of the Bayshore ESD, both current enrollment and 15-year peak enrollment, it is evident that development under the CPP/ CPP-V scenarios would create a need for new elementary and/or middle school facilities.

⁵ Education Code Section 48204 (b) states that a school district may deem a pupil to be a resident “if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.” This is an accommodation for parents who live and work in different school attendance boundaries, and also provides the nexus required to levy school fees against commercial and industrial development.

Along with payment of required fees to the Bayshore ESD and JUHSD, Mitigation Measure 4.L-3 requires reservation of a site for an elementary/middle school that is of sufficient size to accommodate Baylands-related enrollment under the CPP/PPP-V scenarios⁶.

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50) authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities to address local school facility needs resulting from new development. SB 50 establishes procedures for school districts to establish or raise developer fees for school impacts. The JUHSD serves as the collection agency for its partner elementary school districts, including Bayshore ESD.

Government Code Section 65995(h) states that the payment of statutory fees is “deemed to be full and complete mitigation” for the impacts of new development in relation to the provision of adequate school facilities. Thus, the City is precluded from imposing mitigation measures related to the provision of schools other than payment of fees. State law also restricts the ability of local agencies to deny land use approvals on the basis that public school facilities are inadequate.

Areas within the Baylands that Meet State Guidelines for Location of a Public School

State regulations for the siting of school facilities are contained in CCR Title 5 Section 14010, and include the following:

- c. The property line of the (school) site... shall be at least the following distance from the edge of respective power line easements:
 1. 100 feet for 50-133 kV line.
 2. 150 feet for 220-230 kV line.
 3. 350 feet for 500-550 kV line.

Because all existing above-ground lines will be undergrounded as part of site development, these setbacks would not apply unless renewable energy facilities constructed onsite would require above-ground transmission lines.

- d. 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.

While the location of the Caltrain line within the Baylands would not necessarily preclude location of a school within 1,500 feet of the railroad right-of-way, a safety study would be required to be conducted, and would determine whether a setback of up to 1,500 feet from the Caltrain right-of-way should be maintained for any school within the Baylands.

⁶ The requirement for reserving a school site only applies to the CPP/PPP-V scenarios since the DSP/DSP-V scenarios include such a reservation.

- e. The (school) site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.

*Noise generated along the US 101 freeway would be sufficiently loud as to adversely affect school programs in the easterly portion of the Baylands. While neither Bayshore Boulevard nor Caltrain operations would generate sufficient **average** noise levels to adversely affect school programs, **peak** noise levels from Caltrain operations might be considered to have an adverse effect. Establishment of the setback described under criterion d, above, (if required) would address noise levels.*

- f. (The school)... site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.

Required flood protection will be provided as part of overall Baylands site development. Because it is not likely that flood protection costs would be charged specifically to a school site within the Baylands, it is not likely that this criterion would affect location of a school within the Baylands.

- g. 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.

A 1,500-foot setback from the Kinder Morgan tank farm would likely be required.

- h. The (school) site is not subject to moderate to high liquefaction or landslides.

Draft EIR Figure 4.E-11 shows that the liquefaction hazard is "very high" throughout the Baylands Project Site with the exception of Icehouse Hill. Thus, this criterion would not be met.

- n. The (school) site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.

While a school site could meet this criterion in the DSP/DSP-V scenarios, the proposed charter high school in the CPP-CPP-V scenarios would not.

- p. The (school) site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.

As part of proposed Baylands development, appropriately located public services would be available to a school site within the Baylands, since services would be provided as part of proposed development for the area.

- q. The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.

This criterion identifies locational considerations, but does not set specific standards for school site location.

- t. If the proposed (school) site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substance Control for a determination of whether the property should be considered a Hazardous Waste Property or Border Zone Property.

Given existing contamination issues within the former rail yard, review by the

Department of Toxic Substance Control (DTSC) may be required for any proposed school site within the Baylands. Because site remediation would be required not only for a proposed school site, but also for other areas surrounding the school site (e.g., OU-1, OU-2), DTSC might concur with location of a school in the Baylands once remediation is completed.

The presence of very high liquefaction hazards, as well as the need for a 1,500-foot setback from the Kinder Morgan Tank Farm, and potentially a 1,500-foot setback from the Caltrain line could preclude location of a school within the Baylands. However, it should be noted that applicable regulations cited above are not absolute. CCR Title 5 Section 14010(u) permits the governing board of a school district to request that the State Superintendent of Public Instruction grant an exemption to “any of the standards in this section if the district can demonstrate that mitigation of specific circumstances overrides a standard without compromising a safe and supportive school environment.”

Libraries

The Brisbane branch library, located 0.5 miles from the Baylands, is part of the San Mateo County library system. There are also 13 other branch libraries within a 3.5-mile radius of the Baylands. The City is in the process of planning for a new, expanded library facility.

The DSP/DSP-V scenarios would introduce a substantial resident and student population to the Baylands, resulting in an increased demand for library services that was not contemplated as part of planning for the City’s new library. Under the CPP/PP-V scenarios, there would be no resident population onsite, and Baylands-related demand for library services would be substantially lower than for the DSP/DSP-V scenarios. Library impacts were determined to be significant for the DSP/DSP-V scenarios and less than significant for the DSP/DSP-V scenarios.

Mitigation Measure 4.L-4, requires a library facility to be developed within the Baylands for the DSP/DSP-V scenarios that is of sufficient size to serve the site’s proposed population. The onsite library is to be constructed and operational prior to issuance of the occupancy permits for more than 50 percent of the residential dwelling units permitted under the DSP/DSP-V scenarios.

Water Infrastructure

As discussed under water supply, the City of Brisbane operates the Brisbane Water District (BWD) and GVMID, and the Baylands is served by the Brisbane Water District. Because the Recology facility is located within both San Francisco and Brisbane and its operations primarily serve San Francisco, water service to the Recology site is provided by the SFPUC. Any potential future expansion of the Recology facility would also be served by the SFPUC.

Separate from the water supply issue, 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 is therefore needed to provide adequate fire flows and meet peak daily water demands. Needed onsite water infrastructure would be constructed and paid for by the developer as part of Baylands development.

While the City has future plans to build a water storage tank to serve lower pressure zones, including the Baylands, funding has not been identified, nor has a specific site or schedule for construction been developed. However, in order to provide for sufficient water pressure, a new storage tank would need to be located at an elevation higher than exists within the Baylands. 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. While it is likely that impacts of siting and constructing such a 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, the EIR determined that the impacts of future water storage facility construction would be significant and unavoidable.

Proposed Baylands development includes construction of a recycled water plant that would treat sewage generated within the site and supply recycled water for irrigation and non-potable plumbing via a dual-piped plumbing system. The recycled water plant would not be constructed until sufficient wastewater flows were being generated within the Baylands to provide for efficient operation of the plant. Low intensity development options for the Baylands (e.g., Renewable Energy Generation Alternative, development per the adopted General Plan) might not generate sufficient wastewater to support operation of a recycled water plant. Development of the DSP/DSP-v or CPP/ CPP-V scenarios could be as long as 15 years into the estimated 20-year buildout period for the Baylands to generate sufficient wastewater to support operation of a recycled water plant.⁷

EIR Mitigation Measure 4.O-1a requires that sufficient water storage be available and connected to the Baylands water delivery system before any building permits are issued for habitable structures within the Baylands. Needed water storage facilities are to be constructed at the expense of the Baylands developer.

Wastewater Infrastructure

Wastewater services to the Baylands are provided by the Bayshore Sanitary District (BSD) for all upland areas of the Baylands north of Brisbane Lagoon, except Recology, which is provided with wastewater services directly by the SFPUC. The BSD maintains wastewater collection facilities and contracts with the SFPUC for wastewater treatment.

Proposed Baylands development would result in a substantial increase in wastewater generation. This would require BSD to notify and obtain SFPUC approval for the additional flows. The SFPUC generally approves such requests, provided that the additional flows are within the contracted capacities, as would be the case for wastewater generated within the Baylands. Recology would continue to be served by direct connection to the SFPUC.

⁷ 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 for treatment and disposal.

During the first increments of Baylands development, all sewage would be discharged to the BSD collection system (and on to the SFPUC collection system for treatment). Once the recycled water plant is constructed and in operation, most of the liquid waste component of the wastewater flows from the Baylands would be diverted to the recycled water plant, while the solids and some of the liquids would continue to be discharged to the BSD and eventually the SFPUC system for treatment. Any recycled water produced at the onsite recycled water plant in excess of demand within the Baylands also would be discharged to the Baylands wastewater system for treatment by the SFPUC.

Stormwater Drainage

For the purposes of stormwater drainage, the Brisbane area is divided into two main watersheds: Bayshore Basin (Guadalupe Canyon Parkway, Industrial Way, the Bayshore neighborhood of Daly City, and most of the Baylands), and the GVMID Basin (Central Brisbane, Crocker Park, most of the Northeast Ridge, and the Quarry) (City of Brisbane, 1993). There are also three smaller drainage basins in the city: Beatty Basin at the northern tip of the City; Downtown Basin encompassing the residential portion of the City; and the San Bruno/Bayshore Basin at the southern end of the City. The majority of the Baylands is within the Bayshore and Beatty Avenue basins. Existing stormwater drainage facilities serving the Baylands are limited.

Proposed Baylands development would increase the amount of impervious surfaces. To address the resulting increased stormwater runoff, Baylands development would provide improvements such as grading; removal of existing storm water infrastructure; and installation of new underground pipelines, box culverts, and storage basins. The capacity of the Central Drainage Channel would be increased, culverts would be installed at the railroad crossing, and two existing culverts would be replaced. The existing stormwater infrastructure associated with the Beatty Avenue drainage area would be removed would drain into the Baylands stormwater system. Removal of existing sewer and stormwater infrastructure would be phased to prevent disruption of sewer service and prevent localized flooding.

Solid Waste Collection

The South San Francisco Scavenger Company provides solid waste collection and recycling services to the majority of the City, with the exception of most of the Baylands, which is served by Recology.

Chapter 15.75 of the Brisbane Municipal Code sets forth requirements for solid waste diversion and recycling. Section 15.75.030 requires that construction and demolition debris be diverted from going to a landfill by using recycling, reuse, and diversion programs to achieve the following diversion rates:

- Demolition: One hundred percent (100%) of inert solids, trees, stumps, and associated vegetation and fifty percent (50%) of the remaining demolition debris tonnage.
- Construction, remodeling and re-roofing projects: Sixty-five percent (65%) of nonhazardous construction and demolition debris tonnage.

Section 15.75.060 of the Brisbane Municipal Code requires every applicant for a construction or demolition permit to submit a “Waste Management Plan” to define how these required diversion rates will be met.

Solid waste that would be disposed of during construction activities would represent less than 0.5 percent of remaining landfill capacity when taking into account implementation of the 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. For these reasons, along with a review of existing landfill capacity available to accept solid waste from the Baylands, the EIR determined that existing landfills have more than 50 years of capacity to accept solid waste from the Baylands.

Costs for Construction and Maintenance of Public Facilities

Several comments raised questions regarding responsibilities for construction and maintenance of public facilities and infrastructure needed to support proposed Baylands development.

Consistent with Brisbane General Plan Policy 146, which requires developers to provide needed infrastructure “at their own expense,” responsibility for the costs of constructing all public facilities and infrastructure to support Baylands development would be the responsibility of the developer. Maintenance of roadway and highway improvements, as well as associated landscaping within rights-of-way, would be the responsibility of the jurisdiction owning the facility. Mechanisms also exist for the City to set up maintenance districts such that infrastructure and public improvements are paid by the specific area benefitting from these facilities, rather than from the City’s general fund. Maintenance of water, wastewater, electrical, natural gas, and other utility facilities, as well as schools and other public buildings and facilities, would be the responsibility of the agency owning and operating such facilities.

PLANNING COMMISSION RECOMMENDATION

In making its Baylands recommendation to the City Council, the Planning Commission undertook substantial discussion regarding the timing of infrastructure provision in relation to new development within the Baylands.

To address water supply and public services and facilities issues, the policy framework recommended by the Planning Commission includes the following:

- **Incorporate the following provisions into the General Plan:**
 - **Reduce the total amount of development to be permitted within the Baylands to provide for a maximum 1-2 million square foot net increase in building area.** Maintaining this maximum increase in building area within the Baylands would minimize impacts related to water supply delivery and minimize increase demands for public services and facilities resulting from future Baylands development.

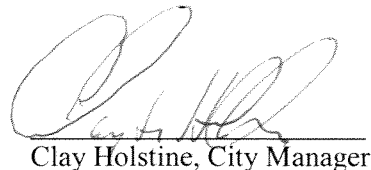
- **Require provision of appropriate infrastructure and site amenities for each increment of development within the Baylands by incorporating specific performance standards into the General Plan.** Specific standards to tie the rate of future land development to the availability of needed public services and facilities would ensure the adequacy of public services and facilities within the Baylands not only at buildout, but throughout the site development process.
- **Incorporate applicable provisions of the Brisbane Baylands Sustainability Framework into the General Plan.** Incorporating relevant provisions of the Sustainability Framework into the General Plan would strengthen existing General Plan policies aimed at water conservation.
- **Specify the relationship between the City's proposed water supply agreement and its development planning and review for the Baylands as summarized above.** The planning, design, and environmental review process described above would facilitate the timely and adequate provision of an assured water supply for any development within the Baylands, and would also prevent any physical development in the absence of an assured water supply.
- **Require specific plan(s) for Baylands development 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 and any needed facilities.** Preparation and implementation of a Police Services and Facilities Plan would ensure that adequate response times would be maintained within the Baylands and throughout the City.
- **Require specific plan(s) for development within the Baylands 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 to be employed to ensure that applicable fire protection performance standards are met.** Preparation and implementation of a Fire Protection Services Plan would ensure that adequate response times would be maintained within the Baylands and throughout the City.

Attachments

1. Description of Proposed Water Conveyance from OID to the City of Brisbane
2. Baylands Hearing Schedule.



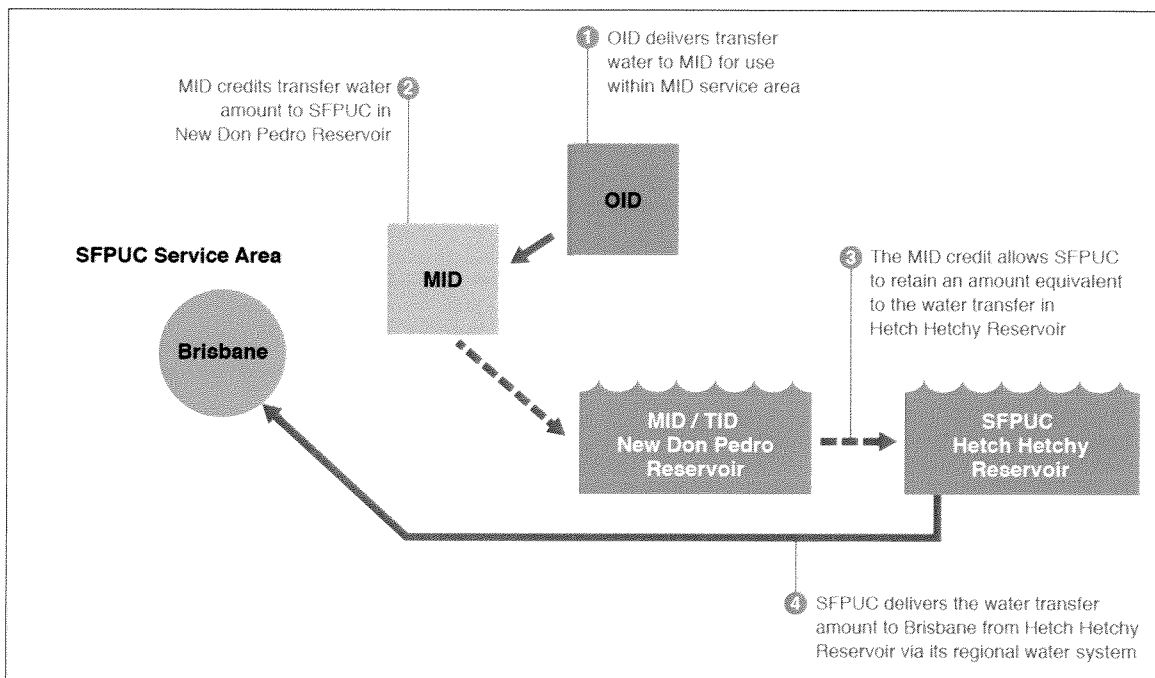
John Swiecki, Community Development Director



Clay Holstine, City Manager

Description of Proposed Water Conveyance from OID to the City of Brisbane

The method of water delivery to Brisbane described in the proposed agreement is illustrated below. In this transfer process, the Modesto Irrigation District (MID) would use some of OID's surface water from the Stanislaus River in lieu of its own water supply from the Tuolumne River. Through a credit exchange process, MID would credit the SFPUC with an additional amount of Tuolumne River water. The SFPUC would physically convey the additional Tuolumne River water into its regional water system and deliver the additional amount to Brisbane. It is important to note that the transfer of water OID to MID to the SFPUC is accomplished through a crediting process rather than actually moving surface water from the Stanislaus River into the Tuolumne River system. Co-mingling water supply from the two rivers would not occur.



The proposed transfer would be implemented by OID physically delivering up to 2,400 AFY of its pre-1914 surface water rights along the Stanislaus River into the MID system, via existing facilities (i.e., released from OID's Claribel canal system, generally located near Claribel Road south of the City of Riverbank into MID's South Main Canal). MID would make use of the 2,400 AFY and in turn hold an excess equivalent amount of its Tuolumne River water in storage in New Don Pedro Reservoir, in Tuolumne County. The SFPUC has a water bank account in New Don Pedro Reservoir, from which MID would credit the SFPUC with the annual amount provided by OID to Brisbane, up to the maximum of 2,400 AFY. The SFPUC would, in turn, deliver up to 2,400 AFY from its regional water supply system (Hetch Hetchy system, which generally runs from the Sierra Nevada Mountains in Yosemite National Park through the Central Valley and South San Francisco Bay to San Francisco) to Brisbane using its existing water supply infrastructure and operational plans.

Impacts of Transferring Water from OID to Brisbane

Diversions of 2,400 AFY from the Stanislaus River

Because the proposed transfer of water would come from supplies that had been previously diverted from the Stanislaus River for sale to other customers and no new diversions from the Stanislaus River would occur, no new impacts on the river or its resources (i.e., water resources, water quality, biological resources, aesthetic resources, or recreation resources) would occur as a result of the proposed transfer.

Water Releases along the Tuolumne River

As discussed above, as part of the proposed water transfer from OID, the SFPUC would hold up to 2,400 AFY in Hetch Hetchy Reservoir instead of releasing it down the Tuolumne River for capture by MID and Turlock Irrigation District (TID) in New Don Pedro Reservoir and redirecting that 2,400 AFY to Brisbane through its regional water system. The SFPUC evaluated the effects of increasing diversions from the Tuolumne River and, in turn, reducing flow releases from Hetch Hetchy Reservoir on the Tuolumne River and its resources in a program EIR it prepared on its Water System Improvement Program (WSIP) (San Francisco Planning Department, 2008).

The WSIP Program EIR evaluated the impacts of a range of possible additional diversions from the Tuolumne River, and determined that the adopted WSIP—including the MID water transfer—would have only one significant impact in the Tuolumne River watershed and downstream water bodies. One significant—but mitigable—impact was identified for the reach of the river between Hetch Hetchy Reservoir (O’Shaughnessy Dam) and Don Pedro Reservoir, with particular impact on meadow and alluvial features in this reach, including the Poopenaut Valley.

The proposed water transfer agreement would contribute to this 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. The SFPUC is implementing adopted WSIP Program EIR mitigation to reduce potential impacts on the streamside meadows and other alluvial deposits to less-than-significant levels through a controlled release program that would manage releases from Hetch Hetchy Reservoir to promote recharge of groundwater in riverside meadows in the Poopenaut Valley and streamside alluvial deposits. The SFPUC’s mitigation action will, in effect, address this impact and remedy it such that it would not continue to be an impact for water transfers such as is proposed between OID and Brisbane for the Baylands.