City of Brisbane
Planning Commission

TO: Planning Commission For the Meeting of October 1, 2015

FROM: John Swiecki, Community Development Director

SUBJECT: Brisbane Baylands Public Hearing #1-Biological and Cultural Resources

Background:

Tonight's public hearing is the first scheduled public hearing for the Brisbane Baylands, and will focus on addressing biological and cultural resources issues. Considerations on a topic-by topic basis that the Planning Commission might want to take into account when making their recommendations to the City Council pertaining to environmental considerations, land use, and future development of the Baylands will also be discussed. Future hearings will focus on each of the environmental resource topics included in the Brisbane Baylands EIR

Although this evening's hearing focuses on biological and cultural resources issues, it is important to understand that the EIR and pending planning applications are the subject of each public hearing, including tonight. This approach recognizes that planning and environmental issues are intertwined and that each of the issues being focused on in the public hearings is relevant to the EIR as well as the to the land use planning recommendations the Planning Commission is tasked with making.

Specifically, tonight's public hearing will focus on:

- Providing the public and Commission with a summary of the conclusions and mitigation measures set forth in the Brisbane Baylands Final EIR related to the topics under discussion;
- Identifying major issues that were raised in public and agency comments on the Draft EIR;
- Providing some context regarding the implications of these issues on the larger planning and land use considerations that are before the Planning Commission as it considers its future recommendations to the City Council; and
- Providing the public with the opportunity to provide input regarding the discussion of biological resources and cultural resources issues in the EIR, and how these issues should be taken into consideration by the Planning Commission as part of its ultimate planning recommendation at the close of the public hearing process.

Discussion:

Biological Resources

With the exception of Icehouse Hill, the Baylands Project site primarily sits on artificial fill that was placed in San Francisco Bay between 1860 and the 1930's, continuing through the operation and closure of the former landfill in the 1960's. As a result, terrestrial habitats within the Project Site (other than those on Icehouse Hill and the area adjacent to the Brisbane Lagoon) are those that formed on man-made lands in and around the former railyard and landfill. The biological resources analysis in the Baylands Draft EIR dated June 2013 can be found in Section 4.C.

Existing Habitats within the Baylands

The existing biological resources within the Baylands described in the EIR include freshwater wetland areas, tidally influenced areas (including the lagoon), and terrestrial habitats dominated by non-native species that typically colonize open, disturbed soils. With the exception of the lagoon feature at the south end of the site, and Icehouse Hill located along the site's western boundary, the habitats that are present within the Baylands are the result of colonization and in-migration of plants and animals onto fill material placed in San Francisco Bay to facilitate development of the former rail yard, US 101 freeway, and other site development and infrastructure. The habitat features and their distribution are also the result of the settlement of placed fill materials or abandoned building structures that created low-lying areas on the surface of the fill material that could support standing water in sufficient quantities to allow plants to grow, resulting in wetland and other habitat fragments with little or no relationship to other habitats.

Icehouse Hill represents the only portion of the Baylands that retains native terrestrial soils and plants, and supports habitat for special status plants and invertebrates, including the mission blue and callippe butterflies, as well as the host plants needed for their life cycles. Habitats on Icehouse Hill have been degraded as the result of grazing by horses and use for a shooting range. Although in close proximity to San Bruno Mountain, which supports high quality habitat for the butterflies and provides a source population that could theoretically colonize Icehouse Hill, past activities and the lack of a specific management program to enhance potential butterfly habitat on Icehouse Hill for the benefit of the species, has resulted in lower quality habitat conditions. EIR Mitigation Measures 4.C-1a, 4.C-1b, and 4.C-1c provide for protection of native habitat, including host plants for endangered butterflies on Icehouse Hill.

The Brisbane Lagoon, which is tidally influenced, supports open water habitat. During low tide conditions, expanses of mudflats are revealed at the south end of the lagoon and where the Guadalupe channel flows into the north end of the lagoon. Although the lagoon itself is bounded by riprap and fill to accommodate roads and rail lines, the narrow lagoon perimeter between open water and these transportation facilities supports patches of tidal marsh vegetation consistent with what was once found commonly along of the edges of the San Francisco Bay.

The lagoon supports fish that enter the lagoon via two 12' x 12' concrete box culverts, and bird species that forage and rest there. Some of the fish and birds using the lagoon are identified as "special status," and therefore afforded special protections under State and Federal regulations

intended to prevent further population declines. The lagoon is not, however, sufficient for breeding or rearing of either special status birds such as California brown pelicans, or California clapper rails, or for fish such as salmonids species.

The upland portions of the site are dominated by non-native species typical of disturbed ground, including non-native annual grassland species, with introduced landscaped areas supporting non-native trees (primarily eucalyptus) and ornamental shrubs. Landscaped areas adjacent to freeways and roads are considered low quality wildlife habitat, but the trees can be used for roosting and nesting by bat species and birds such as red-tailed hawks. Non-native annual grasslands are used by burrowing owls or other ground-nesting birds and provide foraging habitat for birds of prey that might be nesting at Baylands or for other species during bi-annual avian migrations. Native upland vegetation types found on the Baylands include coastal scrub and perennial grasslands, but only in limited quantity, confined to relatively small areas on Icehouse Hill in the western portion of the Project Site.

Tidal and freshwater wetlands occur along the edges of existing drainage channels, including the central drainage channel, the banks of Visitation Creek after it crosses under Bayshore Boulevard, and in the former rail yard round house where a man-made circular structure supports ponded water.

Overall, existing Baylands habitats occur as fragments or patches of various sizes that persist around or in spite of past railyard, industrial, landfill, and infrastructure development on the surface of fill materials placed within San Francisco Bay to create the Baylands site. The Baylands Project Site is punctuated by roads, infrastructure, and industrial uses that do not in most cases afford effective movement corridors or facilitate even local movement of wildlife species. The Final EIR identifies the absence of movement corridors and habitat connections within the Baylands and includes Mitigation Measures 4.C-2c, 4.C-4a, and 4.C-4b that require creating connections and habitat mosaics and configurations that benefit plants and wildlife including water-dependent species such as amphibians and fish, which would be self-sustaining over time.

Potential Impacts

As a result of required site remediation and Title 27 landfill closure, along with proposed grading for future development, the EIR notes that existing vegetation within the areas subject to such remediation, Title 27 landfill closure, grading, and future development would need to be removed. This would be the case for any land use concept or scenario that would necessitate landfill closure and/or site remediation. The EIR identifies this as a significant impact for which mitigation measures are required.

Recommended Mitigation Measures

The Final EIR sets forth requirements in Mitigation Measures 4.C-2c, 4.C-4a, and 4.C-4b for implementation of a comprehensive site-wide restoration of native habitats to exceed the quantity and quality of present conditions and to be configured to provide wildlife movement corridors, following site remediation and Title 27 landfill closure and prior to approval of site-specific

development projects. Linkages between uplands and wetlands, freshwater and tidal marshes, and the use of contours and ecologically sustainable restoration design to maximize habitat values and accommodate future land uses are also included as requirements in the Final EIR. The EIR specifies that open space and wildlife movement corridors be configured together to optimize the relationships and connections of an integrated ecosystem that accommodates adjacent human uses in a way that minimizes disturbances to areas set aside for plants and wildlife. This requirement applies to all of the scenarios considered in the EIR. The habitat restoration requirements set forth in the above-mentioned mitigation measures could result in the re-configuration of open space areas proposed in the concept plans scenarios to better provide for blocks of contiguous restored habitat and improved opportunity for wildlife movement.

In regard to the Icehouse Hill area, any proposed use of this area for active recreation creates the potential for butterfly habitat disturbance. Mitigation Measures set forth in the Baylands Final EIR provide for mapping and maintaining populations of host plants for the butterfly, require trail construction and hydrology to accommodate the host plants, require signage and information about the plants and butterflies to be provided, and require on-going management of Icehouse Hill to protect it from overuse by horses and to keep hikers confined to any trails which might be established.

Major Issues Addressed in the Final EIR

Use of 2010 Baseline in the EIR and Actions Occurring within the Baylands Prior to that Date

A number of comments on the Draft EIR questioned the use of the year 2010 as the environmental baseline for analyzing the impacts of proposed Baylands development, referring to past remediation actions and interim uses and asserting that the Draft EIR should have taken into consideration the detrimental effects that past actions may have had on wetland resources within the Baylands.

Under CEQA, the proper baseline for analysis is existing conditions, generally at the time of the release of the Notice of Preparation (NOP), which in the case of the Baylands EIR is based on the 2010 NOP. It is not the role of CEQA to determine the nature or consequences of conduct or activities occurring prior to the baseline year, since such consequences are defined under CEQA as part of the baseline. The role of an EIR prepared pursuant to CEQA is to analyze the physical environmental changes that will result from implementation of the proposed project as compared to current (rather than past) conditions, to determine whether those environmental effects will be significant, and to avoid or mitigate significant effects to the extent feasible.

Existing information and direct observations were used to create a habitat map of the Baylands Project Site that depicts existing conditions in the 2010 baseline year. Even though the EIR defines habitats existing in the baseline year, habitat characterization for the Baylands was based on information gathered over a multi-year period by a number of individuals and consulting firms.

Identification of Wetlands

The extent of wetland areas identified in Baylands EIR was the subject of numerous comments on the Draft EIR, including questions regarding the (1) timing of wetland surveys and (2) whether the Draft EIR properly reflected wetland areas occurring within the Baylands.

In preparing the Draft EIR, biologists reviewed data collected within the Baylands, including a 2003 wetland delineation, to augment direct reconnaissance-level field surveys undertaken on March 2, 2007; June 20 2007; April 20, 2011; and April 19, 2013. The extent of wetland habitats shown in the Final EIR is considerably greater than the wetland boundaries contained in the 2003 wetland delineation that is cited in the Draft EIR. This is due to the fact that wetland features are dynamic and, depending on the conditions of the year and the multi-year rainfall pattern in which observations are made, the total wetland area used for the determination of impacts calculations can vary. The formal delineation process used by state and federal regulatory agencies captures the extent of wetlands at a specific moment in time, typically just prior to project construction. By comparison, the surveys and analysis undertaken for the Baylands EIR provided for a broader consideration of both past and present conditions compared to what was included in the 2003 wetland delineation of the Baylands.

In order to reflect the concerns expressed in comments on the Draft, and in order to recognize variable wetland expressions at the Project Site, biologists mapped the maximum and minimum expressions of wetlands within the Baylands, and identified a midpoint or average wetland area over the 20-year period preceding publication of the Final EIR. The result demonstrates that the wetland habitat boundaries identified in the Draft EIR are in line with the 20-year average wetland expression at the Baylands.

Recognizing the variability of wetlands expression within the Baylands, a performance standard was added in the Final EIR to Mitigation Measure 4.C-2c, stating that the "amount of wetlands impact that must be mitigated will be determined by either a 404 wetland delineation, or the wetland area identified in the Brisbane Baylands Final EIR, whichever is greater." This performance standard would not supersede existing state and federal regulatory agency processes, conclusions, or determinations of mitigation ratios, but would allow for mitigation of impacts on wetland areas based on a longer-term view than the moment in time when a formal wetland delineation was conducted for federal or state regulatory permitting.

Level of Detail Used in the EIR to Analyze Biological Resources

Comments pertaining to biological resources raised questions about level of detail and methodology undertaken for the biological surveys conducted for the Draft EIR.

The Draft EIR recognizes that proposed Baylands development is a *program* that consists of development concepts for the DSP, DSP-V, CPP, and CPP-V scenarios, along with a proposed Specific Plan for the DSP and DSP-V scenarios. Site-specific development plans, including precise boundaries of proposed (1) ground disturbance, (2) building locations, and (3) habitat preservation areas, are not available for any of the four scenarios evaluated in the EIR.

Thus, Draft EIR Section 4.C, *Biological Resources*, provides program-level analysis of the Baylands' biological resources, focuses on habitats and habitat suitability, and defines performance standards to guide future site-specific development projects and mitigate the impacts of future site development activities. A key finding of the EIR was that each of the four development scenarios would result in significant impacts on biological resources, and that a reconfiguration of development and conservation areas was needed to mitigate impacts of future development. Thus, Mitigation Measures 4.C-4a and 4.C-4b set forth *performance standards* to protect onsite resources by providing for such a reconfiguration of development and conservation areas through preparation and implementation of:

- A Projectwide Open Space Plan to be prepared by a landscape architect in coordination with a qualified habitat restoration biologist to optimize habitat preservation and ensure avoidance of impacts on wildlife movement; and
- A Marsh Wildlife and Habitat Protection Plan to provide for protection and restoration of wetland habitats within the Baylands.

Although four development scenarios are evaluated in the Draft EIR based on reconnaissance-level surveys, future site-specific development projects would be subject to further environmental evaluation that would provide for more detailed analysis of development details that cannot be known at this time, including the precise footprint of future ground disturbance and development, construction methods and their duration, and the proposed long-term operation of site-specific development. Such subsequent focused biological resources surveys for site-specific development proposals will also provide for evaluation of the natural evolution of habitat types and changing conditions over the long-term buildout of the Baylands Project Site.

Potential for Bird Strikes

The EIR noted that the proposed development of tall buildings and renewable energy facilities within the Baylands, particularly development of wind energy generation, would have a negative effect on bird species due to the site's location adjacent to the San Francisco Bay, which is part of the Pacific Flyway used by migratory birds every year. The Final EIR recognizes potential impacts to migratory birds and considers the way proposed development would impact avian species. Bird strikes to buildings are identified, and measures requiring modified night lighting to prevent disorienting birds migrating at night are set forth, as are height restrictions and window treatment requirements. However, energy production aspects of development scenarios including renewable energy facilities, also pose threats to avian species and bats. Solar panels present glare and displace foraging habitat; and wind turbines, even small ones, are documented as sources of injury and death to birds and bats that get drawn into the turning blades. The science underlying design of renewable energy facilities to protect from bird strikes is not well developed at this time. Thus, the Final EIR includes requirements for micro-siting (which is currently the best available mitigation for bird strike impacts) and application of emerging technologies and design concepts as they become available. Even with this mitigation, impacts to birds and bats associated with energy generation were determined in the EIR to be significant and unavoidable.

Planning Considerations

In considering the impacts of proposed development on biological resources and their implication on future planning, the EIR has demonstrated that the two primary existing native substrate and natural habitat areas within the Baylands -- Icehouse Hill and the Brisbane Lagoon -- will be preserved and enhanced. The recommended mitigation measures for protection of these areas are applicable to each of the concept plans and alternatives addressed in the EIR, and could be carried forward by the Planning Commission should it recommend a mix or intensity of land uses for the Baylands that is different than these scenarios and alternatives to ensure the biological values of Icehouse Hill and the lagoon are retained and enhanced.

In regard to the majority of the site, which is comprised of discontiguous patches of biological habitats established in the area, and has been disturbed by past development and existing uses, the broader planning opportunity is to create a more integrated mosaic of habitats at the Baylands that improves and enhances ecological functionality across the site, including sensitive habitats that would be sustainable, promote movement and exchange of species, and be coordinated with the context of an open space network across the site. It is the intent of the Projectwide Open Space Plan EIR and Marsh Wildlife and Habitat Protection Plan Mitigation required by Mitigation Measures 4.C-4a and 4.C-4b that a reconfiguration of development and conservation areas to provide for connectivity of habitat areas that maintains blocks of contiguous habitat area separated and buffered from onsite development to enhance the overall quality and diversity of onsite biological resources.

In relating land use options to outcomes that enhance the site's biological value and function, the primary issue relates to land use distribution across the site. The features with the highest biological value (Brisbane Lagoon, Icehouse Hill) are located in the southerly portion of the site, as is Visitacion Creek, which will be required to be redesigned to function better as both a drainage facility and biological habitat area. This suggests that a project design wherein development occurs primarily within the northerly portion of the site and open space is maximized to the south would promote a higher degree of ecological function than would a land use pattern where open space and development are uniformly interspersed throughout the site.

Cultural Resources

As noted above, with the exception of Icehouse Hill, the Baylands Project site primarily sits on artificial fill that was placed in San Francisco Bay between 1860 and the 1930's. As a result, archaeological and paleontological sensitivity are low, and existing cultural resources within the Baylands are primarily related to the historical use of the western portion of the site as a rail yard for the Southern Pacific Railroad.

Historic Context

The western portion of the Project Site is primarily associated with early-20th century railroad development, having served as a rail yard for the Southern Pacific Railroad. The "Bayshore Yard," included a roundhouse and machine and car shops, and was graded to allow for gravity to propel rail

cars through various switches arranging them into trains minimizing the use of switch engines. The only remaining structures from the railyard are the brick Roundhouse, the former Tank and Boiler Shop (currently Lazzari Fuel Company), and the former Visitacion Ice Manufacturing Plant (currently Machine & Equipment, Inc.).

Roundhouse Building

The Roundhouse's distinctive semi-circular plan reflects its function. The General Plan Conservation Element identifies the Roundhouse as an important local cultural resource. The Roundhouse was listed in the National Register of Historic Places in March 2010, and was therefore automatically listed in the California Register of Historical Resources. Due to its federal, state, and local listing, the Roundhouse is a "historical resource" as defined by CEQA. The Roundhouse is proposed to be restored and reused in each concept plan development scenario.

The Roundhouse building has been severely damaged. The western half of the building is severely fire-damaged, with portions of its roof missing, charred timbers, and missing or broken window frames. This abandoned building also shows evidence of vandalism and graffiti.

Lazzari Charcoal Building

Originally used to maintain and repair boilers on steam locomotives, the Lazzari Charcoal Building currently houses the Lazzari Fuel Company. This building has not been previously identified on any federal, state, or local register of historical resources. This warehouse building, while historically associated with the Southern Pacific Railroad, was determined in the Draft EIR to lack sufficient historical or architectural significance to be considered individually eligible for listing as a "historical resource" as defined by CEQA due to removal of all nearby associated features and lack of historic physical integrity. Because it is not considered to be a historic resource under CEQA, EIR mitigation measures do not require its preservation. It is, nevertheless proposed to be restored and reused in each of the four concept plan development scenarios.

Machinery & Equipment Building

The Machinery & Equipment Building (Former SPRR Ice Manufacturing Plant) was used as the tank and compressor room. This building is surrounded by, but not a part of, the 733-acre Project Site. The EIR determined that this building is a "historical resource" as defined by CEQA Guidelines.

Other Portions of the Former Railyard

Any 20th century Southern Pacific Railroad features or remnants that may be encountered within the Baylands during construction, such as railroad ties, tracks, spikes, or other remnant features, would likely not yield any new information that would be considered significant to history, nor would they substantially add to the existing body of academic knowledge about railroads. As such, they would not be considered historical resources as defined by CEQA and impacts on such resources.

Portions of the Baylands Outside of the Former Railyard

None of the other buildings within the Project Site, including Recology's facilities, the warehouses along Industrial Way, or the lumberyard buildings qualify as historical architectural resources under federal or state criteria, nor are they identified in the General Plan as historic resources.

Potential Impacts and Mitigation Measures

As noted previously, the Roundhouse has been subject to damage and deterioration over time, and if unabated these conditions will likely continue to occur until such time as the facility is rehabilitated. As such, EIR Mitigation Measure 4.D-1a calls for development and implementation of a stabilization plan within 90 days of specific plan approval or prior to issuance of the first grading or building permit, whichever occurs first. This is to prevent further deterioration of the building while actual plans for its rehabilitation and reuse may be several years away. Mitigation Measure 4.D-1a also requires preparation and implementation of a rehabilitation plan for the Roundhouse.

As noted in the EIR, substantial new development is proposed in close proximity to the historic Roundhouse and Machinery & Equipment Building. Such development could affect the character of these buildings' historic setting if such development is placed too close to the historic structures or if such new development is incompatible in terms of design and development intensity with these historic structures. Thus, Mitigation Measure 4.D-1b sets forth requirements for new development within 50 feet of the Roundhouse and Machinery & Equipment Building to ensure appropriate setbacks and building materials, heights, and design to protect the integrity of their historic setting.

Major Issues Addressed in the Final EIR

Historic Status of the Larger Railyard Site

The question was raised as to whether the entire railyard site would qualify as a historic district or cultural landscape warranting preservation and/or restoration. The EIR (Section 4.D of the Draft EIR) evaluated the larger railyard site against the established federal criteria for both a historic district and cultural landscape. It concluded that the site has been significantly altered over time and many of the characteristic defining features associated with the historic rail use no longer exist on site. As such, the larger railyard site does not meet criteria for designation as either a historic district or cultural landscape.

Planning Considerations

It is suggested that any future land use concept or plan for the site provide for the restoration/rehabilitation of Roundhouse and Lazzari Charcoal Building. Additionally, any future development in proximity to these historic buildings should be designed in a manner which respects and maintains the character and integrity of these important resources. In the event this ongoing planning process does not lead to the approval of a plan ensuring the rehabilitation of the Roundhouse, the City should consider means that might be available to arrest further deterioration of this landmark structure.

Next Steps:

Following this hearing, the Planning Commission will continue its series of public hearings:

October 8, 2015: Geology, Hazards and Hazardous Materials, Hydrology and Water Quality

October 13, 2015: Traffic and Circulation, Noise

October 22, 2015: Air Quality, Greenhouse Gas Emissions, Energy Resources

October 29, 2015: Public Services and Facilities, Recreation, Utilities and Service Systems, Water Supply

November 4, 2015: Aesthetics, Land Use and Planning Policy, Population and Housing, Alternatives

November 12, 2015: Applicant and Community Group Presentations

Attachments

Baylands Vegetation and Habitat Types

20-Year Wetlands Analysis