

**ADDENDUM TO THE OPUS OFFICE CENTER  
INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION**

**BRISBANE, CA**

**LSA**

December 2016

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INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION**

**BRISBANE, CA**

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## I. INTRODUCTION

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Brisbane (City), is an Addendum to the Opus Office Center Initial Study/Mitigated Negative Declaration (2008 IS/MND)<sup>1</sup> which was adopted by the City of Brisbane in December 2008. Per CEQA Section 15164, this Addendum evaluates whether modifications and refinements to the proposed Opus Office Center (proposed project) would result in new or substantially more adverse significant effects or require new mitigation measures not identified in the 2008 IS/MND. The City of Brisbane is the CEQA Lead Agency for this Addendum.

For the purposes of this review, the City has identified the proposed project evaluated in this Addendum as a Development Agreement Amendment application (Case DA-1-16) a proposal by the applicant (Sierra Point LLC) to amend Development Agreement (DA-1-11).<sup>2,3</sup> Components of DA-1-16 include extending the expiration date of Opus Office Project planning entitlements to 2027, incorporating minor modifications to the Opus Office Center project, including construction of the project to LEED Gold Standards, and installing solar panels on the top floor of the parking garage. Case DA-1-16 further provides for the applicant to relinquish the existing long-term ground lease and related development rights on the site designated as Parcel R in the Sierra point Master Plan. Property control and development rights for Parcel R will revert back to the property owner, which is the City of Brisbane. Chapter II of this Addendum provides a detailed project description and summary of the project history, background, location, and existing site characteristics.

As discussed in this Addendum, the proposed revisions to the original project resulting from approval of DA-1-16 would not cause new significant environmental effects not identified in the IS/MND, nor would impacts associated with the project revisions be substantially more severe. The analyses in this Addendum also shows that no substantive changes have occurred with respect to current circumstances under which the project would be undertaken that would cause new or substantially more severe significant environmental effects than were identified in the 2008 IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2008 IS/MND.

### A. PURPOSE OF THIS ADDENDUM

The purpose of this Addendum is to evaluate whether the proposed revisions to the project resulting from DA-1-16 would result in any new or substantially greater significant effects or require any new

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<sup>1</sup> LSA Associates Inc., 2008. *Opus Office Center Initial Study/Mitigated Negative Declaration*. November.

<sup>2</sup> Brisbane, City of, 2012. Ordinance No. 568, Development Agreement for Assessor's Parcel Number 007-165-020 (Sierra Point Office Project). March 5.

<sup>3</sup> Brisbane, City of, 2012. Development Agreement between the City of Brisbane and Sierra Point, L.L.C. June 4.

mitigation measures not identified in the 2008 IS/MND for the original project. This Addendum, together with the 2008 IS/MND, will be used by the City when considering approval of DA-1-16. The 2008 IS/MND is hereby incorporated by reference.

## **B. CEQA FRAMEWORK FOR ADDENDUM**

CEQA Guidelines Section 15164 allows for the preparation of an Addendum to an adopted MND “if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR (or MND) have occurred.” CEQA Guidelines Section 15164 identifies the following conditions that would require preparation of a subsequent MND:

- Substantial changes in the project are proposed which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
  - The project will have one or more significant effects not discussed in the MND,
  - The project will result in impacts substantially more severe than those disclosed in the MND,
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
  - Mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

Pursuant to CEQA Guidelines Section 15164(e), this Addendum summarizes the revisions to the Opus Office Center project resulting from Case DA-1-16, the less-than-significant impacts associated with the project, and the reasons for the City’s conclusion that proposed changes to the project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent MND. The following chapters provide a description of the proposed revised project and provides substantial evidence to confirm that the proposed revisions to the project do not result in any new or more severe impacts and the mitigation measures included in the 2008 IS/MND are adequate for the current project, per CEQA Guidelines Section 15164, and that no further CEQA review is required.

Chapter II provides a complete project description of the project history, current application, location, existing site characteristics, proposed development, and a comparison of the original and proposed project.

Chapter III provides an analysis of the potential environmental effects for each CEQA IS Checklist topic to evaluate the changes to the project and identify the 2008 IS/MND required mitigation measures for the project.

Chapter IV provides a conclusion and statement that an Addendum is the appropriate CEQA document to identify and evaluate the changes to the Opus Office Center project, in accordance with CEQA Sections 15162 and 15164.

Chapter V provides a description of the report preparers and the references cited in this Addendum.

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## II. PROJECT DESCRIPTION

For the purposes of review under the California Environmental Quality Act (CEQA), the City of Brisbane (City) as Lead Agency has identified the proposed project that is described in this chapter to be the subject of this Addendum. The applicant (Sierra Point, LLC) has submitted an application (Case DA-1-16) to amend Development Agreement (DA-1-11), adopted via Ordinance 568 and recorded in June 2012 concerning the Opus Office Center project.<sup>4,5</sup> The components to be included in DA-1-16 are described below. Additionally, DA-1-16 includes minor modifications to the Opus Office Center project as evaluated and described in the Initial Study/Mitigated Negative Declaration (2008 IS/MND) adopted by the City in 2008<sup>6</sup> when the Opus Office Center project was originally approved.

The 2008 IS/MND also tiered off of two previous EIRs, including the General Plan EIR<sup>7</sup> and the Sierra Point Biotech Project EIR<sup>8</sup> (2008 Biotech EIR) that was certified in 2008. The 2008 Biotech EIR included a general description of uses on Sierra Point including uses and development allowed on the Opus Office Center site and Parcel R, as permitted by the Combined Site and Architectural Design Guidelines for Sierra Point (Design Guidelines)<sup>9</sup> and City of Brisbane Zoning Ordinance. The previously approved time extension of the Opus Office Center planning permits and related DA-1-11 relied on the 2008 IS/MND as well as the 2008 Biotech EIR.

### A. PROJECT HISTORY

Development on the Sierra Point Peninsula, including the Opus Office Center site (Assessor's Parcel Number 007-165-020) and the Parcel R site (Assessor's Parcel Number 007-165-060), is regulated by the Design Guidelines. The Sierra Point Master Plan included within the Design Guidelines and City of Brisbane Zoning Ordinance govern the amount and type of development allowed on Sierra Point.

In 2009, the City of Brisbane granted a series of planning approvals to allow for the development of an office complex on approximately 8.87 vacant acres at 3000-3500 Marina Boulevard, located at the northwesterly corner of Sierra Point, Brisbane. The approved Opus Office Center project included

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<sup>4</sup> Brisbane, City of, 2012, Ordinance No. 568, op. cit.

<sup>5</sup> Brisbane, City of, 2012, Development Agreement, op. cit.

<sup>6</sup> LSA Associates Inc., 2008, op. cit.

<sup>7</sup> Brisbane, City of, 1994. *City of Brisbane 1993 General Plan Environmental Impact Report, Volume II: Draft EIR*. January.

<sup>8</sup> LSA Associates Inc., 2007. *Sierra Point Biotech Project Final Environmental Impact Report*. April. Certified May 12, 2008.

<sup>9</sup> OPUS West Corporation, 2001. *Combined Site and Architectural Design Guidelines, Sierra Point*. March. Amended by the City Council on May 12, 2008, Resolution 2008-12.

two office buildings encompassing 449,815 square feet, a 5-story parking structure, 213 surface parking spaces, landscaping, and an extension to the San Francisco Bay Trail.

In 2011, the City Council granted time extensions to the above-referenced planning approvals. Also in 2011, an application for a Development Agreement for the Opus Office Center project (DA-1-11) was submitted to the City of Brisbane and subsequently approved via the adoption of Ordinance 568. DA-1-11 was recorded in June, 2012.

The substantive components of DA-1-11 include:

- a. Extending the life of all planning entitlements for the Opus Office Center Project to June, 2022.
- b. Requiring the Opus Office Center project to comply with LEED Gold building standards.

## **B. CURRENT APPLICATION**

The current application (Case DA-1-16) represents an amendment to DA-1-11 and includes the following components:

- A. Establishing a new 10-year term for the development agreement (commencing upon its execution), superseding the current DA-1-11 expiration date of June 4, 2022, effectively extending the previous planning entitlements as well.
- B. Retaining the LEED Gold requirement established under DA-1-11.
- C. Clarifying procedures for City review of Research and Development (R&D) already permitted in the Sierra Point Commercial District (SPCRO) zoning district under Section 17.18.020.K of the Brisbane Municipal Code.
- D. Requiring the applicant to install solar panels on the roof of the parking structure.
- E. Requiring the applicant to quitclaim or otherwise terminate their existing leasehold and related development rights over “Parcel R” an approximately 3.4-acre City-owned vacant parcel at the easterly terminus of Sierra Point Parkway. In 1984, the City entered into a long-term ground lease authorizing a private developer to develop Parcel R with up to 50,000 square feet of commercial space.<sup>10</sup> However, subsequent to the execution of the ground lease, 12,500 square feet of retail uses of the 50,000 square feet was allocated to the Sierra Point Biotech project,<sup>11</sup> and reducing the maximum buildable square footage on Parcel R to 37,500 gross square feet of commercial space.
- F. Requiring the applicant to pay \$300,000 to the City of Brisbane for unspecified site preparation of Parcel R for unspecified future public use, and for the applicant to subsequently pay the City of Brisbane upon building permit issuance \$.50 cents/square foot of building area excluding the parking garage (subject to annual adjustment to reflect the

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<sup>10</sup> Brisbane, City of, 1984. *Ground Lease Agreement*. Recorded March 29.

<sup>11</sup> OPUS West Corporation, 2008. *Amended Combined Site and Architectural Design Guidelines, Sierra Point*.

change annually in the Engineering Cost Index), such funds to be used for unspecified future public improvements of Parcel R.

## C. PROJECT SITES

The following describes the location and site characteristics of the two main components of the proposed project (minor revisions to the Opus Office Center project and Parcel R alterations described above) and provides a brief overview of the existing land uses within and in the vicinity of the sites.

### 1. Opus Office Center

**a. Location.** The Opus Office Center site is located at 3000-3500 Marina Boulevard on the Sierra Point Peninsula in the City of Brisbane in San Mateo County. As shown in Figure 1, the project site is located at the northwest corner of the peninsula. To the west, the site is bounded by a drainage slough, the lower reaches of which consist of a small tidally influenced salt marsh, and U.S. Highway 101 (US 101) northbound on-ramp and travel lanes. The San Francisco Bay Trail, California State Lands and the San Francisco Bay are located to the north of the site. Marina Boulevard is located to the southeast, and office buildings and parking exist to the east and south of the site.

Figure 1 depicts the site's regional and local context. Figure 2 depicts an aerial view of the project site and vicinity.

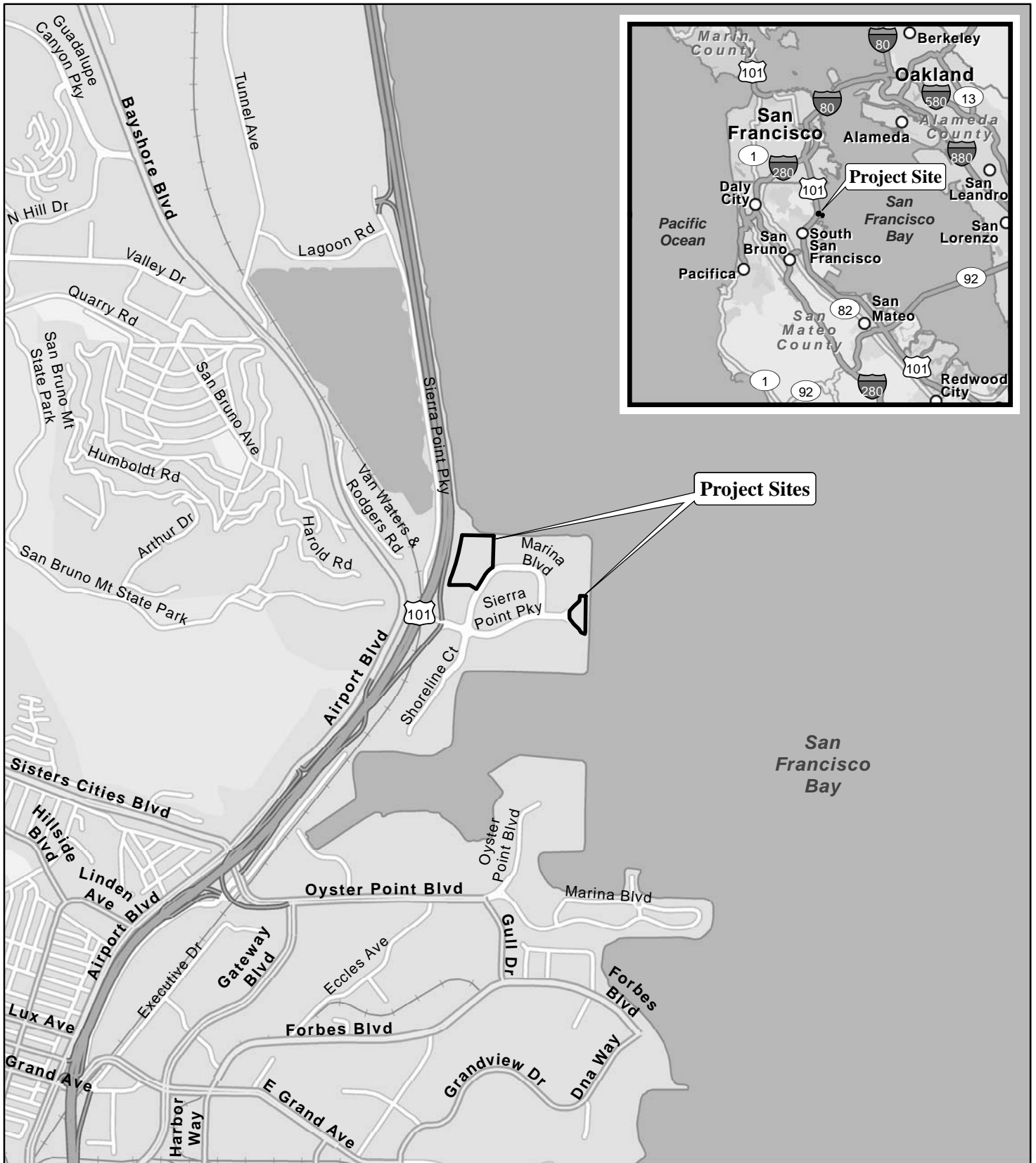
**b. Site Characteristics and Current Site Conditions.** As shown in Figure 2, the 8.87-acre Opus Office Center site is vacant land. The site generally slopes to the north towards the San Francisco Bay, from approximately 18 feet above mean sea level (msl) to approximately 5 feet above msl. Two hill-like mounds of soil located on the site range in height from 21 to 35 feet high. Because the project site was a former landfill, the area is underlain by approximately 75 to 100 feet of fill, refuse, soft clay (Bay Mud) and hard clay. A clay cap over the refuse layer is located along the northern portion of the site and along the eastern portion of the site. The clay cap is approximately 100 feet wide along the northern portion and is approximately 100 to 150 feet wide along the eastern portion and is estimated to be at least 1 foot thick. The remaining portion of the site is covered by sandy clay/clayey sand fill.

The Opus Office Center site is accessible from Marina Boulevard and is regionally accessible from US 101 via the southbound Sierra Point Parkway freeway ramps approximately 1 mile to the north and northbound ramps located immediately to the south of the project site.

The Opus Office Center site is designated as Sierra Point Commercial/Retail/Office (SPC/R/O) in the City's General Plan, and is zoned as Sierra Point Commercial District (SP-CRO).

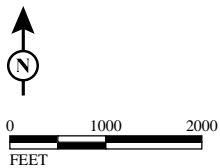
### 2. Parcel R

**a. Location.** Parcel R is approximately 3.4 acres in size and located at 400 Sierra Point Parkway on the Sierra Point Peninsula. As shown in Figure 1, the site is located on the eastern side of the peninsula. The site is bounded by parking to the north, the San Francisco Bay and City of Brisbane Marina to the east, Sierra Point Yacht Club to the south, and undeveloped lands to the west.



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FIGURE 1



SOURCE: ESRI StreetMap North America (2012).

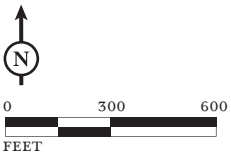
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Addendum to the Opus Office Center IS/MND  
Project Location and Surrounding Land Uses



FIGURE 2

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-  Opus Project Site
-  Leased Property

Addendum to the Opus Office Center IS/MND

Aerial View of Project Sites and Surrounding Land Uses

SOURCES: GOOGLE EARTH, 4/5/16; LSA ASSOCIATES, INC., 2016.

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**b. Site Characteristics and Current Site Conditions.** Parcel R is currently partially vacant, partially developed with surface parking and partially improved with a linear public park. The site gently slopes towards the San Francisco Bay and Brisbane Marina to the south and east. Vegetation on the site is limited to a few trees, grass, and shrubs. The western edge of Parcel R includes a berm that slopes down towards the San Francisco Bay. The San Francisco Bay Trail runs along the eastern side of the site. Parcel R is accessible from Marina Boulevard and is regionally accessible from US 101 via the southbound Sierra Point Parkway freeway ramps approximately 1.5 miles to the northwest and northbound ramps located to the west of the site.

Parcel R is designated as Sierra Point Commercial/Retail/Office (SPC/R/O) in the City's General Plan, and is zoned as Sierra Point Commercial District (SP-CRO). As noted previously, Parcel R is planned for approximately 37,500 square feet of commercial space.

### **3. Surrounding Land Uses**

Land uses on the Sierra Point Peninsula near the project sites include office, lodging, recreational uses and vacant sites as shown in Figure 2. Mid-rise office towers (3- to 12-stories in height) with surface parking and parking structures form the majority of uses on Sierra Point. A hotel and Residence Inn are located on Shoreline Court south of the project site. Recreational uses at Sierra Point include the Brisbane Marina, the Sierra Point Yacht Club and the regional San Francisco Bay Trail.

## **D. PROPOSED PROJECT**

The following section provides a brief summary of the two components of the proposed project, as analyzed in the 2008 IS/MND, with a focus on the minor modifications that are being analyzed as the subject of this Addendum. Figure 3 depicts the overall conceptual site plan for the proposed project.

### **1. Opus Office Center Component**

The Opus Office Center component (evaluated and approved in the 2008 IS/MND and the subsequent DA-1-11) includes construction of an office center with two office buildings totaling 445,500 square feet. The first building, approximately 195,500 square feet and eight stories high (approximately 125 feet high), would be constructed on the northeast corner of the project site. The second building, approximately 250,000 square feet and ten stories high (approximately 152 feet high), would be built on the southern portion of the project site. **No change to the square footage of office development previously approved for the project is proposed with the Development Agreement Amendment. The only change made to the project design from what was evaluated in the 2008 IS/MND was the requirement established in DA-1-11 to construct the project to a LEED Gold standard and to add solar panels to the top floor of the garage.**

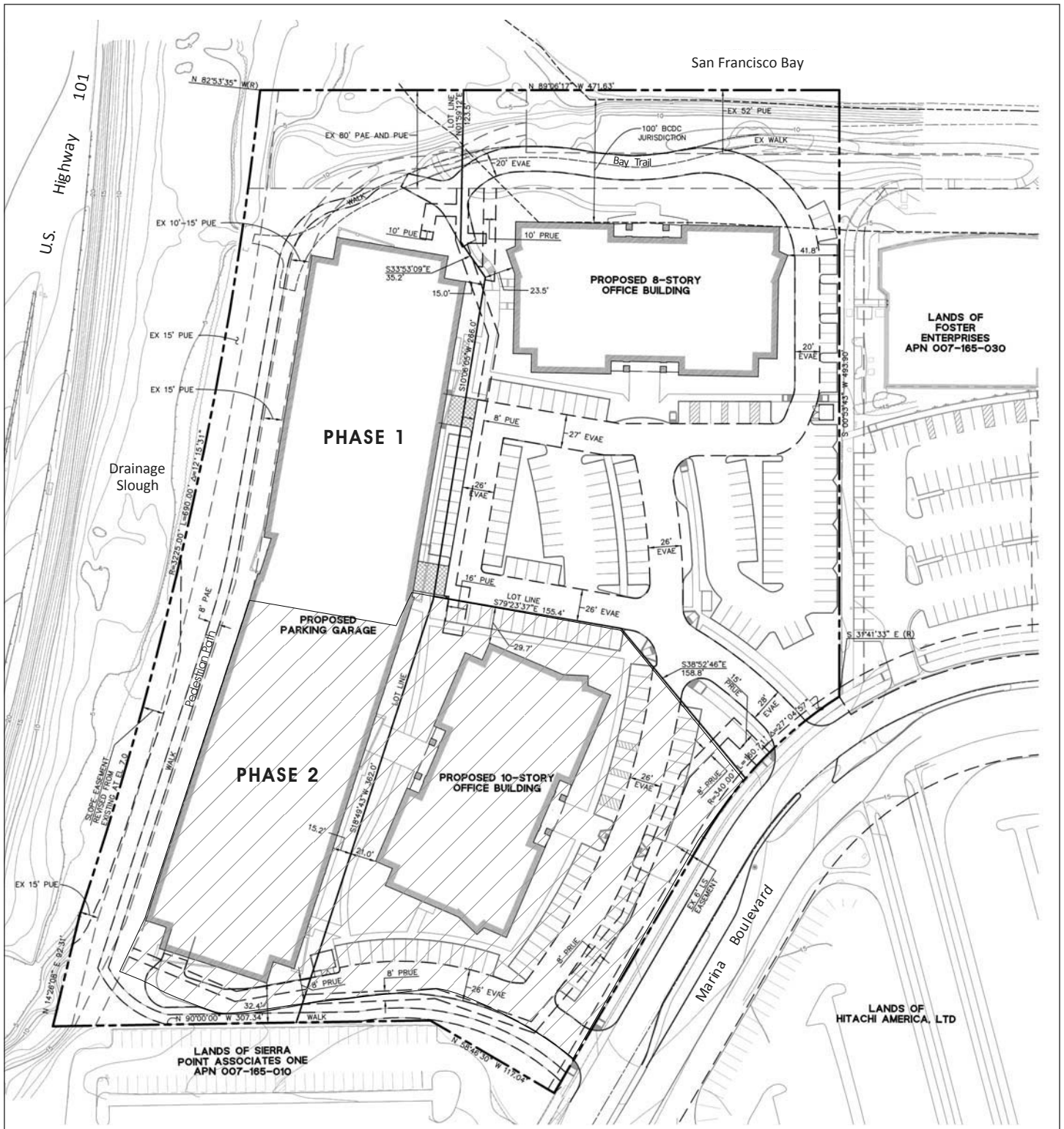
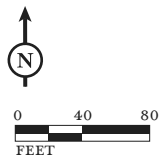







FIGURE 3

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- LEGEND
-  Cantilevered Slab
  -  Hinged Slab
  -  Phase 1
  -  Phase 2
  -  Boundary Line

Addendum to the Opus Office Center IS/MND  
Site Plan and Phasing Plan

SOURCE: HOOVER ASSOCIATES, APRIL 2008

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**a. Parking.** The Opus Office Center component would provide a total of 1,388 parking spaces in a five-level parking garage (1,175 spaces) and surface lots (213 spaces). The parking garage would be located along the western boundary of the project site. The 377,515-square foot, five-level parking garage would be approximately 46 feet high. As shown in Figure 3, surface parking would be provided throughout the project site. Approximately six public parking spaces would be designated for public access to the Bay Trail along the eastern edge of the site; signs identifying these spaces for public use would be provided by the applicant. These spaces would be in addition to the existing public parking spaces located on the adjacent parcel east of the site. **No change to the parking garage previously approved for the project is proposed with the Development Agreement Amendment other than the added the requirement for solar panels to be installed on the top floor of the parking garage.**

**b. Landscaping and Open Space.** The Opus Office Center component includes trails, plazas, decorative building entries and landscaping. Proposed improvements to the Bay Trail, along the northern edge of the site, include widening, landscaping, lighting and trail surface improvements. The Bay Trail would be widened with decorative pavement to serve as an emergency fire access road for the eight-story building. The project also includes a pedestrian path along the western and southern edge of the site that connects to the Bay Trail and the sidewalk along Marina Boulevard. Approximately 89 trees, the majority of which are located on the northern portion of the site and the eastern, southeastern and southern edges of the site, may be removed for the proposed grading and capping activities.

Landscaping, including approximately 154 trees, would be planted along the project boundary and around the buildings and on the surface parking lots. Two small outdoor plazas would be constructed adjacent to the office buildings for use by building tenants. **No change to landscaping and open space previously approved for the project is proposed with the Development Agreement Amendment.**

**c. Transportation and Circulation.** Two driveways from Marina Boulevard would provide vehicular access to the Opus Office Center component, as shown in Figure 3. The northern driveway would serve as the main access to the project site. The applicant would be responsible for modifying the existing Marina Boulevard median configuration to allow access by northbound and southbound traffic on Marina Boulevard. The southern driveway would only be accessible to southbound traffic, and no changes to the median would be required. An emergency fire access route would be provided along the northern portion of the project site from the northern-most surface parking area to the western edge of the eight-story building, as shown in Figure 3. **No change to access and circulation beyond that previously approved for the project is proposed with the Development Agreement Amendment.**

Transit service in the vicinity of the project site is provided by the San Mateo County Transit District (Samtrans) and Caltrain. The Sierra Point Owners Association operates a shuttle bus service from the Balboa Park Station (BART) and the South San Francisco Station (Caltrain) that serves Sierra Point and will serve the proposed project. Samtrans operates two routes (292 and 397) that provide service between San Mateo and downtown San Francisco and stop at Bayshore Boulevard and Old County Road in Brisbane. Additionally, Samtrans express routes FX, KX, MX, NX, PX, and RX provide service along US 101 near the project site with the closest stop located at 3rd Avenue in San Mateo.

**d. Changes to the Opus Office Center Project.** As noted above, the modifications to the proposed Opus Office Center project evaluated in the 2008 IS/MND, as proposed in DA-1-16, include a requirement for the applicant to install solar panels on the top floor of the parking garage. Additionally a condition of DA-1-11, which is carried forward in the amended development agreement, requires the project to be constructed to LEED Gold Standards rather than LEED Silver Standards as described in the 2008 IS/MND.

## **2. Parcel R**

This Addendum also addresses the environmental effects of amendments to the agreements concerning Parcel R. As stated previously, approximately 37,500 gross square feet of commercial use could be developed on Parcel R. As part of proposed DA-1-16, the current lessee (Sierra Point, LLC) is proposing to terminate its leasehold interest and relinquish the related development rights for commercial development of Parcel R (assumed to have been developed with a 15,000 square foot restaurant and 22,500 square feet of retail<sup>12</sup>) to the City, which has been and will continue to be the property owner.

Because the City has no plans to develop Parcel R at this time, for the purposes of this CEQA analysis it is assumed that the unimproved portion of the site would be used for passive open space uses in the short-term. This analysis further assumes that the development rights for Parcel R (approximately 15,000 square feet of restaurant uses and 22,500 square feet of commercial retail use) remain in place. This assumption does not require the City to develop any retail or restaurant space on Parcel R, nor does this assumption reflect any intent or decision on the part of the City to develop Parcel R in any manner now or in the future. Any City plans for the future use or improvement of Parcel R would be subject to a separate planning and CEQA review process.

## **E. COMPARISON OF ORIGINAL AND PROPOSED PROJECT**

The 2008 IS/MND evaluated the original project, which assessed development of the Opus Office Center. The revised project involves construction of the original Opus Office Center project but would also include installation of solar panels on the top floor of the parking garage and development of the project to meet LEED Gold Standards rather than LEED Silver Standards as described in the 2008 IS/MND.

The major change in the Development Agreement Amendment requires the applicant to quitclaim or otherwise terminate its existing leasehold in City-owned Parcel R, and return control of Parcel R back to the City of Brisbane. There are no changes in the assumptions concerning the amount of development that may ultimately occur on Parcel R that were included and evaluated in the 2008 IS/MND.

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<sup>12</sup> Swiecki, John, 2016. Community Development Director, City of Brisbane. Personal communication with LSA Associates, Inc. August 23.

### III. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in an original project's IS/MND. The focus of this analysis is on the identified changes to the proposed Opus Office Center project and whether there would be any difference in identified impacts or required mitigation measures from those identified in the 2008 IS/MND.

The following analysis is used to: (1) compare the environmental impacts of the revised project changes with impacts expected to result from development of the original project and evaluated in the 2008 IS/MND; (2) to identify whether the revised project would result in new or more severe significant environmental impacts; and (3) to identify if there have been substantial changes with respect to the circumstances under which the revised project would be undertaken since the 2008 IS/MND was certified that would result in new or more severe significant environmental effects.

Mitigation measures are measures that would minimize, avoid, or eliminate a significant impact. The analysis contained herein evaluated each topic to identify whether additional mitigation measures beyond those identified in the 2008 IS/MND would be warranted. As discussed for each topic in the following analysis, no new mitigation measures would be required for the proposed project. The Mitigation Monitoring and Reporting Program for the 2008 IS/MND, which includes the mitigation measures that remain applicable to the proposed project, is included as Appendix A of the Addendum.

A Greenhouse Gas Emission Analysis<sup>13</sup> (GHG Analysis) was prepared by LSA for the revised project to analyze impacts associated with greenhouse gas emissions. The 2008 IS/MND included a discussion of the project's greenhouse gas emissions in Section III, Air Quality. However, at the time the 2008 IS/MND was prepared, no applicable numeric thresholds had yet been defined. Therefore, a GHG Analysis was prepared consistent with CEQA Guidelines 15064.4 and evaluated the impacts of project-related greenhouse gas emissions based on the guidance in the Bay Area Air Quality Management District's (BAAQMD's) May 2011 CEQA Guidelines. A copy of the Greenhouse Gas Emission Analysis is included in Appendix B. In addition, a Traffic Impact Analysis (2016 TIA)<sup>14</sup> was prepared by Fehr & Peers to update and assess the potential traffic effects of the changes to the revised project and the context in which it would be implemented. The TIA is included in Appendix C.

This analysis confirms that the revised project is within the scope of the 2008 IS/MND, and the project would cause no new or more severe significant effects and no new mitigation measures are required.

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<sup>13</sup> LSA Associates, 2016. *Greenhouse Gas Emission Analysis for the Opus Office Center Project*. December 7.

<sup>14</sup> Fehr & Peers, 2016. *Sierra Point Opus Office Center Draft Transportation Impact Analysis*. December 21.

As previously discussed, the proposed project includes the relinquishment of a long term ground lease and related development rights over Parcel R back to the City of Brisbane. This project component was not analyzed as part of the 2008 IS/MND. As discussed in more detail below, this activity does not represent a substantial change in environmental circumstances that would result in new or more severe significant environmental effects than were evaluated and identified in the 2008 IS/MND.

The following discussion has been undertaken pursuant to the provisions of CEQA Guidelines Sections 15162 and 15164 to provide the City of Brisbane with the factual basis for determining whether any changes in the project, any changes in circumstance, or any new information since the 2008 IS/MND was certified requires additional environmental review.

## A. AESTHETICS

The 2008 IS/MND identified potential impacts to aesthetics and visual resources associated with development of the original project. The revised project would not result in additional impacts to aesthetic resources beyond those identified in the 2008 IS/MND. The 2008 IS/MND determined that the original project would not result in any significant impacts to scenic vistas, damage scenic resources within a State scenic highway, or substantially degrade the existing visual character or quality of the site. The 2008 IS/MND did however identify potentially significant impacts related to light and glare associated with development of the original project. Specifically, installation of new lighting at the original project could potentially impact water vessel navigation, pose a hazard to airplane navigation in the vicinity of San Francisco International Airport, create hazards for US 101 and on-ramps or disturb wildlife in the adjacent drainage slough and tidal lands. However, the 2008 IS/MND found that this impact would be less than significant with implementation of the Mitigation Measure VIS-1, which requires preparation of a photometric analysis and lighting plan as indicated in Appendix A.

The revised project involves development of the original project with the addition of solar panels on the top floor of the parking garage and development of the project to LEED Gold standards. Installation of solar panels on the top floor of the parking garage may result in an incremental increase in glare impacts associated with the revised project compared to the original project. However, the 2008 IS/MND previously analyzed potential impacts of light and glare on surrounding resources including aircraft from San Francisco International Airport. As such, the inclusion of solar panels does not represent a substantially more severe aesthetic impact. Moreover, implementation of Mitigation Measure VIS-1 would ensure that the impact would be reduced to a less-than-significant level. The revised project also involves the relinquishment of a ground lease and related development rights over Parcel R back to the City; however, this would not result in any additional impacts to aesthetic resources beyond what was analyzed in the 2008 IS/MND since no new development is proposed on Parcel R.

***No new or substantially more severe significant effects in regards to aesthetics would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **B. AGRICULTURE AND FOREST RESOURCES**

The 2008 IS/MND concluded that there were no potentially significant impacts to agricultural resources associated with development of the original project. Implementation of the revised project would not result in the conversion of agricultural or forest land, nor would it conflict with existing zoning or Williamson Act contract. The proposed project would be located on the same land analyzed as part of the original project. In addition, the revised project also includes the return of control of Parcel R back to the City; however, the parcel is not used for agricultural purposes or designated as farmland. As such, the revised project would not result in any additional impacts to agricultural resources.

*No new or substantially more severe significant effects in regards to agricultural and forestry resources would occur associated with the minor changes to the revised project and no additional mitigation measures are required.*

## **C. AIR QUALITY**

Section III, of the 2008 IS/MND analyzed potential impacts to air quality. The 2008 IS/MND identified temporary, short-term construction-related effects to air quality associated with development of the original project. However, it was determined that implementation of Mitigation Measures AIR-1 and AIR-2 would reduce potential construction-related impacts to less-than-significant levels. Implementation of the revised project would result in similar construction-related, short-term air quality impacts as identified in the 2008 IS/MND. Implementation of Mitigation Measures AIR-1 and AIR-2 would reduce construction-related air quality impacts; therefore, the revised project would also not result in any new or more significant construction-related air quality impacts than were evaluated in the 2008 IS/MND. This impact would remain less than significant.

The 2008 IS/MND also evaluated long-term operational emissions associated with the original project. The 2008 IS/MND determined emissions associated with the original project would not exceed the BAAQMD's thresholds, and therefore would have a less-than-significant impact on local and regional air quality. As discussed in the Project Description, the revised project involves minor modifications to the original project, including development of the original project to LEED Gold Standards, installation of solar panels on the top floor of the parking garage, and the relinquishment of a long term ground lease and related development rights over Parcel R back to the City.

In addition, daily vehicle trip generation associated with the revised project would be the same as the original project's trip generation. As such, development of the revised project would not result in any new or more significant regional or local air quality impacts than described and evaluated in the 2008 IS/MND. In addition, development of the project to LEED Gold Standards would result in a lesser impact to operational air quality compared to the original project.

The 2008 IS/MND also included a local carbon monoxide (CO) hot spots analysis. The 2008 IS/MND determined that implementation of the original project would not result in substantial adverse air quality impacts associated with CO hotspots. As discussed above, the daily vehicle trip generation associated with the proposed project would be the same as what was identified for the original project. Therefore, the revised project would not result in any new impacts related to intersection

level of service and thus would not result in any additional air quality impacts associated with CO hot spots.

Odor impacts were also evaluated in the 2008 IS/MND. It was determined that since the original project would not contain any major sources of odor and would not be located in an area with existing odors, it would not create objectionable odors affecting a substantial number of people and would have a less-than-significant impact. Implementation of the revised project would also not result in any impacts related to odors beyond what was analyzed in the 2008 IS/MND.

In addition, relinquishment of the Parcel R ground lease and related development rights back to the City would not result in any further air quality impacts. Similar to the original project, the revised project would not result in any impacts to additional or more severe impacts to air quality than identified in the 2008 IS/MND.

***No new or substantially more severe significant effects in regards to air quality would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

#### **D. BIOLOGICAL RESOURCES**

Section IV, of the 2008 IS/MND analyzed potential impacts to biological resources. The 2008 IS/MND identified potentially significant impacts to special-status species and riparian habitat that would be reduced to less-than-significant levels with implementation of Mitigation Measures BIO-1a through BIO-5. The revised project would not result in any new impacts. In addition, the relinquishment of the Parcel R ground lease and related development rights back to the City would not result in any new impacts to biological resources.

***No new or substantially more severe significant effects in regards to biological resources would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

#### **E. CULTURAL RESOURCES**

Section V of the 2008 IS/MND analyzed effects to cultural resources. Due to the original project's location on a former landfill, there were no impacts to cultural resources associated with development of either the original or revised project. In addition, the relinquishment of the Parcel R ground lease and related development rights back to the City would not result in any further impacts, as no development is proposed on Parcel R. The revised project would not result in any additional or more severe impacts to cultural resources than identified in the 2008 IS/MND.

***No new or substantially more severe significant effects in regards to cultural resources would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## F. GEOLOGY AND SOILS

Section VI, of the 2008 IS/MND analyzed the geological, seismic, and soil conditions on the original project site. The 2008 IS/MND determined that the original project could expose people to hazards related to strong seismic ground shaking during an earthquake due to the presence of fill on the site. It was identified that implementation of Mitigation Measures GEO-1a, GEO-1b, and GEO-1c would ensure that impacts associated with ground shaking would be reduced to less-than-significant levels. The 2008 IS/MND also identified potentially significant impacts related to liquefaction and ground failure that would be reduced to less-than-significant levels with implementation of Mitigation Measures GEO-2a, GEO-2b, and GEO-2c. A discussion of all applicable mitigation measures is contained in Appendix A. The 2008 IS/MND also identified potentially significant impacts related to project utilities including water lines associated with unstable soils. However, this impact was identified as less than significant with implementation of Mitigation Measure GEO-3.

Construction of the revised project would occur within the same study area evaluated in the 2008 IS/MND and would be subject to the same geological, seismic, and soil conditions. The revised project would be constructed in compliance with applicable construction codes and requirements intended to mitigate any adverse impacts resulting from ground shaking, ground failure, liquefaction, and expansive soils.

***No new or substantially more severe significant effects in regards to geology and soils would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## G. GREENHOUSE GAS EMISSIONS

The 2008 IS/MND included a discussion of the project's greenhouse gas emissions in Section III, Air Quality. The 2008 IS/MND determined that the original project would have a less-than-significant impact to greenhouse gas emissions and global climate change. However, at the time the 2008 IS/MND was prepared, no numeric significance thresholds had formally been adopted. Therefore, the Greenhouse Gas Emissions Analysis Memorandum (included in Appendix B) was prepared consistent with CEQA Guidelines §15064.4 to evaluate the impacts of project-related greenhouse gas emissions based on the guidance in the Bay Area Air Quality Management District's (BAAQMD's) May 2011 CEQA Guidelines.

In June 2010, BAAQMD adopted updated draft *CEQA Air Quality Guidelines* and finalized them in May 2011. These guidelines superseded previously adopted agency air quality guidelines of 1999 and were intended to advise lead agencies on how to evaluate potential air quality impacts.

In late 2010, the Building Industry Association filed a lawsuit in Alameda Superior Court, challenging BAAQMD's *CEQA Air Quality Guidelines* on the grounds that the agency did not comply with CEQA. On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD *CEQA Air Quality Guidelines*. The court did not determine whether the thresholds of significance were valid on their merits, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD complied with CEQA. In May of 2012, the

BAAQMD filed an appeal of the court's decision. In August of 2013 the First District Court of Appeal overturned the trial court and held that the thresholds of significance were not subject to CEQA review. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review.

On December 21, 2015, the California Supreme Court rejected the BAAQMD's requirement for a so-called reverse CEQA analysis, and concluded that CEQA does not generally require a lead agency to consider the effects of existing environmental conditions on a proposed project's future residents. The Court also noted that while assessing the impacts of the environment on the project is not required by CEQA, this approach is not prohibited when the lead agency proposes to undertake its own project.

The BAAQMD has not yet revised the 2011 Guidelines; however, the City supports continued use of the BAAQMD's greenhouse gas numeric thresholds for CEQA review of development projects, which have been incorporated into this analysis for purposes of identifying significant air quality impacts.

The State CEQA Guidelines indicate that a project would normally have a significant adverse greenhouse gas emission impact if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reduction the emissions of greenhouse gases.

The BAAQMD has further defined these criteria of significance to indicate the project would result in a less-than-significant greenhouse gas impact if it would:

- Result in operational-related greenhouse gas emissions of less than 1,100 metric tons of CO<sub>2</sub>e a year, or
- Result in operational-related greenhouse gas emissions of less than 4.6 metric tons of CO<sub>2</sub>e per service population (residents plus employees).

As identified in the Greenhouse Gas Emissions Analysis Memorandum, there are two aspects of the revised project that would result in the emissions of greenhouse gas: construction and operation. During construction of the project, greenhouse gases would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. During operations, there would be many sources of greenhouse gas emissions, including area sources (i.e., landscaping), energy consumption, on-road transportation, solid waste, and water use. The California Emissions Estimator Model (CalEEMod) was used to estimate the project's greenhouse gas emissions. Assumptions used in CalEEMod are detailed in Appendix B.

The BAAQMD does not have an adopted threshold of significance for construction-related greenhouse gas emissions. However, lead agencies are encouraged to quantify and disclose greenhouse gas emissions that would occur during construction. Using CalEEMod, it is estimated that the revised project would generate approximately 738.9 metric tons of CO<sub>2</sub>e during the construction period. Implementation of the BAAQMD Best Management Practices construction emission control



measures as identified as Mitigation Measure AIR-1 in the 2008 IS/MND would reduce greenhouse gas emissions during the construction period.

Based on the CalEEMod results, the revised project would generate 5,340.3 metric tons of CO<sub>2</sub>e per year which would exceed the BAAQMD's numeric threshold of 1,100 metric tons CO<sub>2</sub>e. The revised project includes construction of an office center with two office buildings totaling 445,000 square feet which would result in approximately 1,435 employees. The total service population (residents plus employees) would be 1,435 people. Therefore, the project's greenhouse gas emissions would result in a greenhouse gas emission efficiency of 3.7 metric tons CO<sub>2</sub>e per service population, which is below the BAAQMD's threshold of 4.6. According to the BAAQMD, a project would have less-than-significant greenhouse gas emissions if it would meet one or more of the criteria. The annual emissions would exceed the 1,100 metric tons CO<sub>2</sub>e threshold, but would meet the threshold of 4.6 metric tons of CO<sub>2</sub>e per service population per year. Therefore, the revised project would not have a significant effect on the environment related to greenhouse gas emissions. In addition, development of the project to LEED Gold standards and installation of solar panels would result in a lesser impact to operational greenhouse gas emissions compared to the original project.

The Greenhouse Gas Emissions Analysis Memorandum also evaluated the proposed project's consistency with the City's adopted Climate Action Plan (CAP). The City's CAP identified greenhouse gas emission reduction measures. Consistency with the CAP can be determined if the project would support the goals of the CAP, include applicable control measures, and would not disrupt or hinder implementations of any control measures from the CAP. As identified in the memorandum, the revised project would implement greenhouse gas reduction strategies in compliance with the CAP and would not be a significant source of greenhouse gas emissions. Therefore, the revised project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reduction the emissions of greenhouse gases.

***No new or substantially more severe significant effects in regards to greenhouse gas emissions would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **H. HAZARDS AND HAZARDOUS MATERIALS**

Section VII of the 2008 IS/MND evaluated effects associated with hazards and hazardous materials as a result of implementation of the original project. The 2008 IS/MND identified potential impacts to construction workers and future site users associated with hazardous materials on the former landfill. However, this impact could be reduced to a less-than-significant level with implementation of Mitigation Measure HAZ-1. The revised project is located on the same site as the original project and would be subject to the same impact. In addition, the relinquishment of the Parcel R ground lease and related development rights back to the City would not result in any new or more severe impacts related to hazards and hazardous materials.

***No new or substantially more severe significant effects in regards to hazards and hazardous materials would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **I. HYDROLOGY AND WATER QUALITY**

The 2008 IS/MND analyzed effects to hydrology and water quality associated with implementation of the original project. The 2008 IS/MND determined that the original project would not degrade water quality, deplete groundwater supplies, or alter existing drainage patterns. As with the original project, the revised project would not alter the course of a stream or river within the project site, or involve extensive earth-shaping operations or other activities that would alter the existing drainage or flooding pattern of the site. The project is not located within a 100-year flood hazard area and does not propose any housing.

***No new or substantially more severe significant effects in regards to hydrology and water quality would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **J. LAND USE AND PLANNING**

The 2008 IS/MND analyzed impacts associated with land use and planning and determined that potential impacts associated with the original project would be less than significant. The 2008 IS/MND concluded that the original project is consistent with the General Plan and Zoning Ordinance, and that it would not physically divide an established community, conflict with applicable plans or policies, or result in any other significant land use impacts. The revised project includes development of the original project with additional requirements including construction in compliance with LEED Gold standards and installation of solar panels on the top level of the parking garage. The revised project also involves the relinquishment of the Parcel R ground lease and related development rights back to the City. As noted previously, the City has no plans for improving the property. Any future improvement or use of this property would be subject to separate review and an environmental analysis.. As such, the revised project would not result in any new or additional impacts beyond those identified in the 2008 IS/MND.

***No new or substantially more severe significant effects in regards to land use and planning would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **K. MINERAL RESOURCES**

The 2008 IS/MND analyzed impacts to mineral resources and no impacts were identified. More specifically, no known mineral resources were identified on the site associated with the project. In addition, the relinquishment of the Parcel R ground lease and related development rights back to the City would not result in any impacts to mineral resources. As such, the revised project would not result in the loss of availability of a known mineral resource.

***No new or substantially more severe significant effects in regards to mineral resources would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## L. NOISE

The 2008 IS/MND analyzed noise effects related to development of the original project. The 2008 IS/MND identified potentially significant impacts associated with project construction. However, implementation of Mitigation Measure NOISE-1 would reduce construction noise to a less-than-significant level. Construction of the revised project would result in similar short-term noise impacts as identified in the 2008 IS/MND. Implementation of Mitigation Measure NOISE-1 would reduce construction-period noise impacts to a less-than-significant level; therefore, the revised project would also not result in any new or more significant construction-period noise impacts than were evaluated in the 2008 IS/MND.

The 2008 IS/MND also evaluated traffic noise impacts. As identified in the 2008 IS/MND, the original project is located approximately 315 feet from the centerline of US 101 and would be exposed to noise levels of up to 70 dBA  $L_{dn}$ , which is considered acceptable for commercial/retail/office uses. Since the revised project location is unchanged, similar impacts to traffic noise levels as those identified in the 2008 IS/MND would result.

In addition, the 2008 IS/MND evaluated the original project's potential to expose persons within or around the project site to excessive ground borne vibration. It was determined that implementation of Mitigation Measure NOISE-1 would reduce construction-period ground borne vibration and ground borne noise levels to a less-than-significant level. In addition, the 2008 IS/MND determined that no permanent noise sources that would expose persons to excessive ground borne vibration or noise levels would be associated with implementation the original project. Since changes to the revised project would be minor and since the revised project would be located on the same site as the original project, implementation of the revised project would not result in any new or more significant ground borne vibration impacts than were described in the 2008 IS/MND.

The project site is located approximately 3.9 miles from the closest airport, San Francisco International Airport (SFO). The 2008 IS/MND determined that since the original project would not be located in an airport land use plan or within 2 miles of a public or public use airport, implementation of the original project would not expose persons within the project site to excessive noise levels. As discussed above, construction of the revised project would occur on the same site as the original project and would therefore result in similar impacts as those identified in the 2008 IS/MND. In addition, the relinquishment of the Parcel R ground lease and related development rights back to the City would not result in any additional noise-related impacts.

***No new or substantially more severe significant effects in regards to noise would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## M. POPULATION AND HOUSING

The 2008 IS/MND analyzed effects to population and housing associated with development of the original project. The 2008 IS/MND identified no areas of potential effect. Identical to the original project, the revised project would not induce substantial growth, displace any existing housing units or people and would not necessitate the construction of replacement housing elsewhere.

***No new or substantially more severe significant effects in regards to population and housing would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **N. PUBLIC SERVICES**

The 2008 IS/MND analyzed effects to public services associated with implementation of the original project. The 2008 IS/MND identified no areas of potential effect. The revised project would be located on the same site as that evaluated in the 2008 IS/MND and like the original project would not result in the need for increased public services. The revised project involves development of the original project to LEED Gold Standards and installation of solar panels on the top floor of the parking garage, which does not necessitate additional public services beyond what was analyzed in the 2008 IS/MND. Relinquishment of the Parcel R ground lease and related development rights back to the City does not result in additional development requiring additional public services.

***No new or substantially more severe significant effects in regards to public services would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **O. RECREATION**

The 2008 IS/MND analyzed effects to recreational facilities. The 2008 IS/MND identified less-than-significant impacts to recreational facilities associated with the original project. The 2008 IS/MND specifically identified incremental increases in demand for existing parks associated with development of the original project. The revised project would develop the original project to LEED Gold Standards, install solar panels on the top floor of the parking garage, and relinquish a long-term ground lease and related development rights over Parcel R back to the City which would not increase the demand for recreational facilities beyond what was analyzed in the 2008 IS/MND. As such, the revised project would be consistent with the conclusions of the 2008 IS/MND.

***No new or substantially more severe significant effects in regards to recreation would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

## **P. TRANSPORTATION AND TRAFFIC**

The following section provides a comparison of the findings for the topic of transportation and traffic from the Opus Office Center in the 2008 IS/MND (based on the 2008 Transportation Impact Analysis (2008 TIA) prepared for the project by Hexagon Transportation Consultants, Inc.) to the findings from an updated 2016 TIA conducted by Fehr & Peers transportation consultants and contained in Appendix C to this Addendum. The 2016 TIA was prepared in order to assess whether the changes to the project or its circumstances would result in any new or substantially more adverse significant traffic effects or would require new mitigation measures not identified in the 2008 IS/MND.

As described in more detail below, the 2016 TIA found that the traffic impacts associated with the revised project would be similar to or less than those identified in the TIA prepared for the 2008 IS/MND. In particular, the 2008 TIA determined that under Existing plus Project conditions, both intersection Level of Service (LOS) and freeway segment impacts could be reduced to less-than-significant levels with implementation of recommended mitigation measures; while under year 2030 cumulative<sup>15</sup> with and without project conditions, impacts to three freeway segments would remain significant and unavoidable, even with proposed mitigation measures. Similarly, the 2016 TIA found that for the revised project, all significant impacts to intersections could be mitigated to less-than-significant levels under both the Existing plus Project and Background plus Project conditions with implementation of mitigation measures recommended in the 2008 IS/MND (see Appendix C). Whereas, for both the Existing plus Project and Background plus Project conditions, the 2016 TIA found that impacts to the three freeway segments identified in the 2008 TIA would be less than significant under the revised project. The following discussion provides a more detailed summary of the findings of both the 2008 TIA analysis and the updated 2016 TIA.

**2008 IS/MND Analysis.** Section XV, of the 2008 IS/MND analyzed the effects of the Opus Office Center project on transportation and traffic. The 2008 IS/MND identified potentially significant impacts associated with Level of Service (LOS) deficiencies on local intersections. However, the analysis determined that with implementation of Mitigation Measures TRAF-1, TRAF-2, and TRAF-3 (see Appendix A), significant impacts to the following intersections would be reduced to a less-than-significant level in the Existing plus Project condition:

- Sierra Point Parkway/Lagoon Way,
- Sierra Point Parkway/US 101 Northbound Ramps, and
- Sierra Point Parkway/Shoreline Court.

Under the Cumulative plus Project condition, the 2008 IS/MND identified significant impacts related to exceedances in established LOS standards at the three intersections listed above and at the Bayshore Boulevard/Old County Road intersection. However, the 2008 IS/MND found that all of the significant impacts could be reduced to a less-than-significant level with Mitigation Measures TRAF-1, TRAF-2, TRAF-3 and TRAF-4.

The 2008 IS/MND also identified potentially significant impacts associated with Level of Service (LOS) deficiencies on three freeway segments under the Cumulative Plus Project condition (each segment would operate at LOS F with or without the project), as follows:

- US 101 southbound between Harney Way and Sierra Point Parkway – AM
- US 101 southbound between Sierra Point Parkway and Oyster Point Boulevard – PM
- US 101 northbound between Oyster Point Boulevard and Sierra Point Parkway – AM

The 2008 IS/MND determined that even with implementation of Mitigation Measures TRAF-5 and TRAF-6, these freeway segments would continue to operate above the Congestion Management

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<sup>15</sup> The reader should note that in 2008 the 2030 cumulative condition did not include the Brisbane Baylands project as the Baylands project description was not finalized at that time.

Program (CMP) thresholds. Therefore, the recommended mitigation measures would not reduce impacts to a less-than-significant level and this impact would remain significant and unavoidable. The 2008 IS/MND also found that potentially significant impacts associated with inadequate parking supply would be reduced to less-than-significant levels with implementation of Mitigation Measure TRAF-7. The 2008 IS/MND did not identify any impacts associated with inadequate emergency access, hazards, or conflicts with adopted polices, plans, or programs supporting alternative transportation.

As described in the 2008 IS/MND, significant unavoidable impacts to three freeway segments were identified in the 2008 Biotech EIR and the Brisbane City Council adopted a Statement of Overriding Considerations, with supporting findings for the significant unavoidable impacts at the time of the certification of the EIR.<sup>16</sup> Because the proposed Opus Office Center project was examined as part of the cumulative analyses in the Biotech EIR at a sufficient level of detail, the significant unavoidable impacts from the revised project were previously disclosed to the public during the certification of the Biotech EIR, and the City Council re-adopted the Statement of Overriding Considerations for the significant unavoidable cumulative impacts for the proposed Opus Office Center project.

**2016 TIA Analysis.** As noted above, an updated TIA was prepared in November 2016 (see Appendix C) to assess whether the revised project or changes to the circumstances surrounding the project would result in new or more severe project-related traffic/transportation impacts than were identified in the 2008 IS/MND. To undertake this analysis, study intersections and freeway segments were evaluated in the updated TIA under Existing (2016) and Background (traffic conditions including all previously approved development projects and roadway network changes) conditions. For informational purposes only, the 2016 TIA also evaluated a Future with Brisbane Baylands<sup>17</sup> condition.

The 2016 TIA concluded that, similar to the 2008 TIA analysis, under Existing plus Project conditions the revised project would result in significant impacts to the following two intersections:

- Sierra Point Parkway/ US 101 Northbound Ramps and
- Sierra Point Parkway/Shoreline Court.

However, these impacts could be mitigated to a less-than-significant level with generally the same mitigation measures identified in the 2008 IS/MND.

Additionally, the 2016 TIA found that no freeway segments would operate at an unacceptable LOS in the Existing plus Project condition.

In the Background plus Project, the revised project would result in significant impacts to one intersection: Sierra Point Parkway/US 101 Northbound Ramps. However, the analysis found that this

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<sup>16</sup> Brisbane, City of, 2008. Resolution 2008-10.

<sup>17</sup> For informational purposes, the 2016 TIA analyzed Future with Brisbane Baylands and Future with Brisbane Baylands plus Project Conditions, that incorporated the cumulative traffic projections assumed for the analysis of the Brisbane Baylands project, a large pending project north of the project site that was not included in the cumulative analysis in the 2008 TIA.

impact could be mitigated to a less-than-significant level with generally the same mitigation measure identified in the 2008 IS/MND.<sup>18</sup> Similar to Existing plus Project conditions, the 2016 TIA found that under the Background plus Project condition, no freeway segments would operate at an unacceptable LOS and no mitigation measures are required.

For informational purposes, the 2016 TIA also analyzed the impacts of the revised project under Future plus Brisbane Baylands conditions. A Draft EIR was released for this project in 2013, but the EIR has yet to be certified by the City of Brisbane. As analyzed in the Draft EIR, the Baylands project includes four potential development concepts, with a maximum buildout of approximately 8 million square feet of development. Because the Baylands project EIR has yet to be certified, and the likely development scenario for the site is still under deliberation, the timeframe for implementation of this project is uncertain. This uncertainty is heightened by the fact that the Planning Commission recommendation to the City Council is for approval of a maximum of 2 million square feet of nonresidential development. Additionally, Baylands project implementation (irrespective of total buildout square footage or land use mix) would require the following: amendments to the Brisbane General Plan; relocation of existing lumberyards; remediation of hazardous materials contamination within the former railyard and landfill areas of the project site; importation of water supply to the Baylands and City of Brisbane; and construction and operation of an onsite water recycling plant.

The City has determined that for the purposes of this analysis it is not reasonably foreseeable to assume that the most intensive development option for the Baylands will be approved, nor is it reasonable to evaluate the potential traffic impacts of the proposed Opus Office Center in a cumulative context assuming approval and buildout of the most intensive Baylands development concept. Therefore, the analysis of impacts under Future with Brisbane Baylands plus Project conditions is included in the 2016 TIA in Appendix C for informational purposes only, and project impacts under this scenario are not considered to be determinative of the severity of impacts associated with the changes in the Opus Office project and/or its circumstances.

In summary, the findings of the 2016 TIA demonstrate that for the Existing and Background plus Project conditions, with implementation of the mitigation measures included in the 2008 MMRP, which remain valid for the revised project, traffic and transportation impacts associated with the revised project would be similar to or less than those identified in the 2008 TIA and IS/MND. As such, neither the changes to the project - including development of the original project to LEED Gold Standards, installation of solar panels on the top floor of the parking garage, and relinquishment of a long term ground lease and related development rights over Parcel R to the City - nor its circumstances would result in new or more substantial impacts to transportation and traffic as compared to what was disclosed in the 2008 IS/MND.

***No new or substantially more severe significant effects in regards to transportation and traffic would occur associated with the minor changes to the revised project and no additional mitigation measures are required.***

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<sup>18</sup> In addition to the mitigation measures identified in the 2008 IS/MND, a westbound approach modification would also be needed to mitigate the impact. See pages 53-54 of the 2016 TIA in Appendix C of this document.

## **Q. UTILITIES AND SERVICE SYSTEMS**

The 2008 IS/MND analyzed impacts to utilities and service systems associated with development of the original project. The 2008 IS/MND determined that the original project would not result in a violation of water quality standards or waste discharge requirements. The 2008 IS/MND also determined that existing water capacity would be inadequate to meet fire flow requirements for the original project. However, implementation of Mitigation Measures UTL-1a, UTL-1b, UTL-1c, and UTL-2 were identified to reduce potential impacts to fire flow supply to a less-than-significant level. The 2008 IS/MND also identified potentially significant impacts associated with expansion of the wastewater infrastructure to accommodate the original project; however, this impact was also identified as less than significant with implementation of Mitigation Measure UTL-3.

The 2008 IS/MND determined that the original project would have a less-than-significant impact related to solid waste disposal and would be accommodated by existing landfills. The revised project would result in similar impacts as those identified in the 2008 IS/MND and would be accommodated by the same landfills.

The original project was also identified as having less-than-significant impacts related to energy demand. The revised project would result in fewer impacts than the original project due to the inclusion of solar panels and development of the revised project to LEED Gold standards compared to the original project's LEED Silver standards. As such, the revised project would result in beneficial impacts with regard to compliance with energy demand and resource efficiency standards.

*No new or substantially more severe significant effects in regards to utilities and service systems would occur associated with the minor changes to the revised project and no additional mitigation measures are required.*

## **R. COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTIONS 15162 AND 15164**

The following discussion summarizes the reasons that a new IS/MND or EIR, pursuant to CEQA Guidelines Sections 15162 and 15163, is not required to evaluate the environmental effects of the currently-proposed minor modifications to the Opus Office Center project. The analyses prepared for each CEQA topic in the previous sections demonstrate that the revised project is addressed within the scope of the 2008 IS/MND and the 2008 Biotech EIR, and no new impacts are identified, no impacts are more severe, no new mitigation measures are required, and no substantial changes to the existing environmental circumstances have occurred leading to new or more severe previously identified impacts.

### **1. Substantial Changes to the Project**

As discussed in Chapter 2, Project Description, the Opus Office project has not substantially changed from the project identified and evaluated in the 2008 IS/MND. Additionally the changes identified in the Case DA-1-16 (relinquishment of a long term ground lease and related development rights over Parcel R back to the City) do not substantially change the assumptions concerning the future development Parcel R as planned in the original Sierra Point Master Plan and evaluated in both the



2008 Biotech EIR and the 2008 IS/MND. As such, an Addendum is the appropriate document to address these minor modifications rather than a Subsequent IS/MND or EIR.

## **2. Substantial Changes in Circumstances**

As described for each CEQA topic in the previous sections, the existing environmental conditions or circumstances in and around the project sites have not changed such that implementation of the proposed minor modifications to the project would result in new significant environmental effects or a substantial increase in the severity of environmental effects identified in the IS/MND, and thus major revisions to the IS/MND are not required.

## **3. New Information**

No new information of substantial importance, which was not known and could not have been known when the IS/MND was adopted, has been identified to show that the proposed minor modifications to the project would be expected to result in: 1) new significant environmental effects not identified in the IS/MND; 2) substantially more severe environmental effects than shown in the IS/MND; 3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project sponsor declines to adopt the mitigation measure or alternative; or 4) mitigation measures or alternatives which are considerably different from those identified in the IS/MND would substantially reduce one or more significant effects of the project but the project sponsor declines to adopt the mitigation measure or alternative. In addition, the proposed minor modifications to the project would require no new mitigation measures because no new or substantially more severe impacts are expected beyond those identified in the IS/MND.

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## IV. CONCLUSION

On the basis of the evaluation presented in Section III, the minor modifications to the original Opus Office Center project evaluated in the 2008 IS/MND associated with inclusion of solar panels on the top floor of the parking garage, construction of the project to LEED Gold Standards, and relinquishment of a long-term ground lease and related development rights over Parcel R back to the City of Brisbane, would not trigger any of the conditions listed in Section I,B of the Addendum requiring preparation of a subsequent or supplemental IS/MND.

Overall, the revised project would result in similar effects to those of the original project with similar uses as those which were originally proposed and would therefore generate comparable effects. The revised project would not result in new significant effects or effects that would be substantially more severe than those identified in the 2008 IS/MND. As stated in Section III, for the topics of agricultural resources; air quality; biological resources; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation; and utilities and service systems, the revised project would not result in any new or more severe significant environmental impacts. The mitigation measures included in the 2008 IS/MND would remain applicable to the proposed project.

The analyses and conclusions in the 2008 IS/MND remain current and valid. The proposed revisions to the project, would not cause new or substantially more severe significant effects than identified in the 2008 IS/MND. No change has occurred with respect to circumstances surrounding the revised project that would cause new or substantially more severe significant environmental effects than identified in the 2008 IS/MND, and no new information has become available that shows that the project would cause significant environmental effects not already analyzed in the 2008 IS/MND. Therefore, no further environmental review is required beyond this Addendum to the 2008 IS/MND, and the Addendum satisfies the requirements of CEQA Guidelines Section 15162 and 15164.

This Addendum demonstrates that no major revisions are necessary to the 2008 IS/MND to include the proposed project; none of the conditions described above are triggered by the proposed project, and an Addendum to the 2008 IS/MND is the appropriate CEQA document.

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## V. REPORT PREPARATION

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### C. COMMUNICATION

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