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April 20, 2020

John Swiecki, AICP
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City of Brisbane
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Baylands Specific Plan Scoping Comments

Dear Mr. Swiecki,

The Loma Prieta Chapter of the Sierra Club is pleased to submit the following comments on the Baylands Specific Plan.

Our organization and its thousands of members in the Bay Area are all working to protect the San Francisco Bay and its ecosystems and are greatly concerned with impacts of development in proximity to the Bay or to coastal streams on our natural resources. We have expressed concerns with this project in the past, and we remain concerned. Please accept the following comments.

Project description

Please make sure the project description describes any upgrades to utilities, service systems, and water supply infrastructure (including drinking water treatment and pumping/delivery) so the impacts of those upgrade projects will be analyzed. Include offsite as well and onsite upgrades that will be needed to support the development.

As much information as possible about the transfer agreement with Oakdale Irrigation District (OID) should be included as part of the EIR, so the impacts of that agreement can be analyzed. Analysis of impacts should not be piecemealed into a separate environmental document.

Some of the area is in the FEMA flood zone. In addition parts of the plan area are subject to inundation due to sea level rise within the life span of the proposed Development. Please include description of how the site will be raised and drained, without impact to the creek and the bay.

Regulatory Setting

- Please discuss how the Project will support the Delta Reform Act of 2009 (California Water Code Section 85021) policy to “reduce reliance on the Delta in meeting California's future water supply needs

through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.”

- Please discuss the Project in the context of the latest applicable Urban Water Managements Plans (UWMPs), specifically the San Francisco Public Utility (SFPUC) UWMP, but also any other UWMPs that apply Brisbane’s water supply.

Approvals Needed

- In addition to the transfer agreement with OID, add the wheeling agreements that will be needed to transfer water through Modesto Irrigation District (MID) and the SFPUC.

Aesthetics

Since the new small city being conceived in this proposal will be within view of the residents of Brisbane and San Francisco, particularly housing developments on the hills surrounding the site, the greening of this new urban area is critical to the views of the site.

The Urban canopy of this development should be included as part of the description an mitigation for the Aesthetic degradation of what has essentially been an open space for over half a century

Green Roofs should be considered mandatory rather than optional and there should be no visible mechanical equipment on rooftops as these are particularly offensive viewed from above.

Biological Resources

Habitat:

Today, with ongoing fragmentation of habitat, small patches of remnant habitat have an increasingly important role in supporting the health of the larger ecosystems of the Bay Area and the species that comprise them. The San Francisco Estuary Institute has produced several recent reports highlighting the importance of small habitat patches in our regional ecological resilience, for example, see

https://www.sfei.org/sites/default/files/biblio_files/MarinBaylandsReport.pdf

Please evaluate habitat patches in detail and provide an EIR with comprehensive analysis of the importance of any habitat patch for the resilience of resident and migratory species.

In December 2019, the California Department of Fish and Wildlife (CDFW) and California Attorney General Xavier Becerra jointly provided an advisory to affirm that California law continues to provide robust protections for birds, including a prohibition on incidental take of migratory birds, notwithstanding the reinterpretation of the Migratory Bird Treaty Act (MBTA) by the U.S.

Department of the Interior (DOI)

Creek Setbacks

The biological consulting firm H.T. Harvey and Associates has recommended, in various cities, that no buildings taller than 55 be constructed within 300 feet of the top of bank along creeks. This distance is sufficiently broad to continue to allow adequate aerial movement space for birds that are entering, exiting, or flying in between creeks and buildings.

We suggest including wording for a height restriction zone, along the creek, be included to protect bird life along the waterway. Beyond this, taller buildings shall be allowed with bird-friendly design.

Water issues

- Analyze possible impacts of diverting additional water from stream sections in the Delta or its tributaries. Develop a baseline using information about where the 2,400 acre-feet of water annually Oakdale Irrigation District is offering is currently allocated.
- Include information on the locations of the interties between OID and MID and between MID and the Hetch Hetchy system so that impacts on instream flows, water temperature, and water quality can be evaluated. Specifically analyze these impacts on listed species such as Salmon and on water quality issues such as harmful algal blooms.

Bird-safe design

- Please study and discuss the glazing in terms of potential to cause bird collisions
- Please discuss light and glare in terms of bird collisions, and provide adequate mitigation to
- Reduce light pollution. For example, mitigations to prohibit uplighting, and provide a light-out program during bird migration periods.
- Please analyze avian flight patterns in the project area.

We maintain that the creek and its bank should be considered Riparian Habitat and an environmentally sensitive habitat.

Please also refer to the following resources:

Bird Friendly Design - Reduce building reflectivity, light pollution, transparency, etc. to prevent bird collisions with glazing in proposed commercial and residential buildings:

<https://www.go-gba.org/resources/green-building-methods/bird-friendly-design/>

References attached (or links):

1. List of references for bird safe design and the vulnerability of raptors, including Peregrine falcons, to collision with building and other man-made structures.
2. City of San Francisco Standards for Bird-Safe Buildings
3. Marine Baylands study - this is a link to a website:
https://drive.google.com/file/d/1DCP70OIB-j_dMKFPLV5u_q_ixrEIPFD8/view
4. California Dept. of Fish and Wildlife advisory
5. Letter from Dr. Christine Sheppard, Director, Glass Collisions Program, American Bird Conservancy
6. Santa Clara Valley Habitat Plan Riparian Setbacks

7. San Jose Riparian Corridor Policy Study

Tree Canopy:

Trees are a source of shade, air conditioning and other environmental benefits, providing quality of life and economic benefits to the community, residents and businesses.

Instead of the usual degraded ecology of standard mixed use high-density developments, please analyse the benefits to human and wildlife population. Use as a guideline the [Urban Habitat Design Guidelines](#) - and [Green Streets Guidelines](#) by Sierra Club Loma Prieta

Please consider including a requirement for a [Baylands Urban Forest Master Plan](#) to target an important area of environmental mitigation for GHG. The Urban Forest Master Plan's forest preservation goals will incorporate new landscape design requirements to address multiple goals including:

- Water Efficiency
- Native habitat for a healthy ecology
- Heat island effect mitigation
- Absorption of storm water
- Cleaner air
- Carbon sequestration
- Noise mitigation
- Soil improvement
- Climate mitigation
- Energy conservation thru shading
- Increase in walking and bicycling
- Mitigate GHGs

Land Use and Planning

The Brisbane Baylands Specific Plan proposes development of 2,200 residential units and 7 million square feet of commercial use (see Figure 4). Pursuant to the requirements of General Plan Amendment GP-1-18 and Measure JJ, residential uses would be limited to the northwestern portion of the site.

Three residential development types are proposed:

- High-density residential uses, which would consist of multi-family residential and mixed-use buildings that are generally 4 to 6 stories in height, with buildings up to 8 stories in specific locations to be identified in the Specific Plan.
- Medium-density residential uses, which would consist of townhomes 2 to 3 stories in height with rooftop decks.
- Low-density residential uses, which would consist of larger 3-story townhouse units.

Population & Housing

The bay area is in a profound housing crisis. Only a paltry amount of housing has been built in the Peninsula amid explosive job growth. From 2010 to 2017, San Mateo County added 83,000 new jobs, but only 7,100

new housing units — a 12-to-1 ratio. Housing experts say that a 2-to-1 ratio is needed to keep housing costs in check and 1-to-1 means balanced.

At the same time, developers added 7.34 million square feet of new commercial space in San Mateo County from 2008 to 2018, according to Yardi Matrix, a real estate data company. That's enough to house more than 30,000 workers. San Francisco Business Times, Oct 24, 2019

Particularly Problematic is the construction of enormous amounts of Office Space without the necessary increase in housing to balance to provide housing for the needed office workers and support staff.

On July 19, 2018, the City approved General Plan Amendment GP-1-18 permitting development of 1,800 to 2,200 dwelling units and up to 6.5 million square feet of non-residential use, with an additional 500,000 square feet of hotel use (total of 7.0 million square feet of non-residential development) within the Baylands Subarea.

Please analyze the environmental impact of the demand for more housing with a thoughtful and complete analysis of housing demand generated by the large amount of Office Space planned for this development.

Healthy Jobs / Housing Balance - According to the Building Industry Association and the California Department of Finance, a healthy jobs / housing balance is 1.5. (One full-time job and one part-time job per housing unit). Any ratio above 1.5 jobs per unit signifies there is an insufficient number of units to meet the needs of the local workforce. The EIR for the development should specify the anticipated number of jobs expected in the development and quantify the number of housing units expected to be needed to house those employees. Even if there is a numerical Jobs / Housing balance, there is often an imbalance in Jobs / Housing Fit (where employees have high enough income to afford the housing in their community). Jobs / Housing Fit should also be taken into consideration when reviewing new commercial developments.

Please also include the need for amount of low and very low income housing, in addition to moderate income housing that would be generated by this development.

Condo conversion: if multi-unit ownership housing is being considered, please include requirement for condo conversions to include required percentage of affordable, moderate, low income, and very low income units

It is not acceptable to ignore the cumulative demand on Baylands Development for housing created by other office developments on the peninsula. Nor is it acceptable to dismiss this need by suggesting that the workers will live elsewhere in the bay area, and therefore the project will have no environmental impact.

Commercial

Three types of commercial uses are proposed:

- High-Tech Commercial would be the densest commercial use, with buildings up that range from 6 to 10 stories in height with floor plates appropriate for high-end office usage.

- Biotech Commercial would cater to companies looking to set up small campuses for their practices. This commercial type would include buildings that are 3 to 5 stories in height and provide adequate space for the various requirements of the biotech industry.
- Campus Commercial would consist of large, single-tenant parcels catering to tech companies that want to invest in larger office campuses. This commercial type would be characterized by buildings 1 to 2 stories in height.

No. of employees – Total gross area of Office Space divided by 250sf – 150 sf per employee. Tech jobs are closer to 150sf / employee e.g. Facebook. Employees would include service workers in the facility.

Healthy Jobs / Housing Balance - According to the Building Industry Association and the California Department of Finance, a healthy jobs / housing balance is 1.5. (One full-time job and one part-time job per housing unit). Any ratio above 1.5 jobs per unit signifies there is an insufficient number of units to meet the needs of the local workforce. The EIR for the development should specify the anticipated number of jobs expected in the development and quantify the number of housing units expected to be needed to house those employees. Even if there is a numerical Jobs / Housing balance, there is often an imbalance in Jobs / Housing Fit (where employees have high enough income to afford the housing in their community). Jobs / Housing Fit should also be taken into consideration when reviewing new commercial developments.

Amenities needed:

The proposed development will result in a more than doubling of the existing residential population, requiring an expansion or addition of civic amenities such as libraries, community centers, senior centers, post offices, animal shelters, city hall offices, fire department and police.

According to the Applicant, the “specific internal programming content of Roundhouse will be determined as part of the design review and approval process for this structure.” For purposes of environmental analysis, a mix of retail, office, restaurant uses, along with public gathering and activity space, will be assumed for the Roundhouse.

We specifically suggest use of the Station Area Plan Guidelines and TOD guidelines by Sierra Club Loma Prieta

We also request attention to “walk-score” which measures the walkability of a proposed neighborhood with reference to access to grocery stores, schools, parks, restaurants, coffee shops, hospitals and clinics, entertainment, and retail for the services of daily life such as hardware stores, drug stores, banks, hair and nail salons, pet stores, vets, child-care, cleaners, farmers markets. transit locations, farmer's markets, and other nearby businesses along with ease of accessibility to nearby jobs without a car.

Pedestrian friendliness metrics include population density, average block length, narrowness of auto traffic lanes (to reduce speed to 15-20mph) and prioritizing a pedestrian /bicycle network.

Many cities are recognizing the importance of additional space needed to encourage people to walk, while decreasing the dominance of cars on public rights of way. Some cities are converting streets to no auto streets. A simple approach to a connected pedestrian network is [the Green Streets guidelines](#) by Sierra Club Loma Prieta.

Transportation

7 million sf of new office space will generate an incredible amount of new traffic.

Traffic at 101 and its exits, and Bayshore will increase significantly and cannot be mitigated.

With COVID-19 experience, many businesses have developed robust systems for remote working. This should reduce the amount of office space required by businesses.

Transportation Demand Management (TDM) as mitigation: It appears clear that given the impact of other developments, that TDM would now be required as mitigation for any new large development, of this size, along the already impacted freeway 101.

- Please analyze in detail how these effects can be reduced, or mitigated
- Please establish funding sources for these efforts.
- Please analyses specific TDM mitigation strategies including Transportation Management Associations¹.
- Please include remote satellite workspaces, with robust internet, in all the mixed use and housing developments so that workers can work close to home and avoid commuting.

Satellite Parking – Some cities, such as Portland, Oregon have low or no parking requirements in downtown buildings because the city provides public parking structures, in preferred locations, using “in-lieu” developer fees

Green House Gas (GHG) Emissions & Climate Change

- Please analyze in detail, using a checklist, how this development would affect the City Climate Action Plan goals and how these will be met in the schedule laid out.
- Please analyze a variety of means to mitigate the GHG effects of additional traffic and additional buildings on climate change. Suggest possible mitigations for the GHG and climate change, including:

Forestation – Growing new trees and improving the management of existing nearby forests. As forests grow they absorb CO₂ from the atmosphere and store it in living biomass, dead organic matter and soils.

Habitat restoration – Restoration of peatlands and coastal wetlands to increase their ability to store carbon. This also prevents carbon release through further degradation, often providing a number of other co-benefits

¹ Traffic Management Association – is a non-profit, member-controlled organization that provides transportation services in a particular area, such as a commercial district, mall, medical center or industrial park. They are generally public-private partnerships, consisting primarily of area businesses with local government support. 20 Way-finding System- Signage and other visual cues to help people move through a city and feel comfortable doing that because of the way-finding design 21 Bulk Transit Passes – Caltrain “Go Pass”
http://www.caltrain.com/Fares/tickettypes/GO_Pass.html ; SamTrans “Way2Go”
http://www.samtrans.com/fares/faretypes/Way2Go_Program.html 22 Community Benefit District - Established to monitor and enforce a Community Benefit

Carbon neutral concrete
Green roofs
Bioswales planting
Walking and bicycling networks & fewer fatalities
Decrease speeds of autos as GHG reductions are related to reduced speeds
Longer lifespans - reduction in asthma and pollution related diseases such as COPD
Working from home - provide broadband internet equipped satellite work centers in each block
Safe Routes to Schools – can remove up to 10% of morning traffic during commute hours.
and other strategies

Energy Resources

- Office buildings have moved to having a larger percentage of glass than would probably be allowed under new energy codes that went into effect on January 1, 2020. The project will need to comply with the new code and the building “skins” should comply with the revised energy requirements.
- Include in the energy analysis any energy needed to transfer, deliver and treat additional water required for this project, including energy to move water from OID to MID and from MID to SFPUC’s Hetch Hetchy system.
- Include the energy consumption of a Recycled Water facility including energy usage for the facility as well as energy required to transport the water back to the users for irrigation water. Note that not all plants can be watered with recycled water, as some are sensitive to the elevated levels of certain chemicals, such as salts.

Noise

Since the proposed development is in a “bowl” with residential development around on hill slopes, noise generated by this new use of the land, which has been essentially vacant for over half a century, will be very significant.

In the world today, noise has become one of the most pervasive forms of environmental pollution. Noise is everywhere. It affects our lives at home, at work, and at play. Wherever people live there is noise. Noise, by definition, is any unwanted or excessive sound. It can be a nuisance, interfering with sleep, work, or recreation.

There is one type of noise that can be effectively treated at its source: road noise. By paving roads and highways with quiet asphalt pavement, noise experienced both inside and outside homes and businesses can be significantly reduced.

Please analyze strategies to reduce noise both during construction but, more importantly, during the life of the project.

Roadway noise: Use sound absorbing asphalt to keep noise down into the surrounding hillside residential areas. **Rubberized asphalt concrete (RAC)**, also known as **asphalt rubber** or just **rubberized asphalt**, is noise reducing [pavement](#) material that consists of regular [asphalt concrete](#) mixed with [crumb rubber](#) made from [recycled tires](#).

Noise ordinances are starting to gain traction as urban noise increases to the detriment of human health and bird songs. Noise mitigation and Noise Standards – <http://www.governing.com/topics/urban/sl-noise-pollution.html>

Utilities, Service Systems, and Water

SEA LEVEL RISE

The recent BCDC study, on Sea Level Rise, by a consortium of state and local agencies states, “The findings in this report may cause some alarm.” But it argues that coordinated action is needed sooner rather than later — unlike how the Bay Area neglected its housing needs for decades, creating today’s high rents and mortgages that are driving lower-income residents out of the region.

“The Bay Area is at a tipping point, poised between a growing body of information ... and the beginnings of irreversible impacts,” the report states. “We know that rising sea levels are coming. And we know what the potential impacts will be.”

But much of the emphasis is on a raised water level of 48 inches, a number that corresponds to the “likely” amount of sea level rise forecast in the Bay Area for 2120 by the California Ocean Protection Council. More ominously, it’s an average level that could arrive as early as 2060 under the council’s “highest risk and least likely” model.

Please include analysis for sea level rise taking recent estimates by BCDC, released this year, into account.

Analyze water recycling vs reduced water usage at source: While water recycling may be useful, it is a highly energy intensive use. Energy is required for cleaning and filtering the wastewater and even more energy is required for pumping the water back to the buildings where it will be used in purple pipes for irrigation. A recycled water facility should only be considered after all waste water reduction strategies are in place – for example a greywater ordinance requiring greywater to be used at the source rather than going into the sewer system

Analyze the elimination of all storm drains: Some of the area is in the FEMA flood zone. In addition to the area is subject to inundation due to sea level rise within the life span of the proposed Development. Please include detail on how the site will be drained, without impact to the creek and the bay.

Analyze the elimination of storm drains and use, instead, bioswales associated with a systematic program of associated street tree planting, using high-habitat value trees and natives, instead.

Please discuss in greater detail a specific proposal for how the project will cover the anticipated costs, or its portion of the cost, for upgrading aging infrastructure that it may connect to, in order to protect the environment.

Water Quality

- Please analyze the impacts on water quality in the Bay as a result of additional discharges of treated waste water from water treatment plants.

Water Supply

- Impact on water supply to Oakdale Irrigation District customers, especially during dry years, needs to be identified and analyzed.

- Any impacts on water supply to secondary water rights holders downstream of OID due to the new use (water transfer) need to be identified and analyzed.

Alternatives to the proposed project.

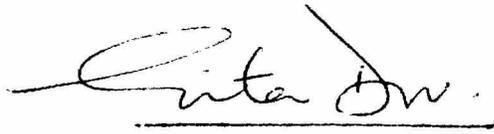
Consider a project with the proper jobs housing balance of 1.5 units/j to analyze what amount of office space is actually supported by the maximum 2,200 housing units.

Growth inducing effects.

Please analyze the effect on City of Brisbane and pressure to develop housing all over the hillsides currently open space.

Consider whether a measure is required to prevent decrease of open space and loss of the character of the City of Brisbane.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Gita Dev", is written over a horizontal line. The signature is fluid and cursive.

Gita Dev , FAIA
Sustainable Land Use Committee , Sierra Club Loma Prieta Chapter (SCLP)

&

Katja Irwin,
Conservation Committee Co-Chair, SCLP

CC James Eggers, Executive Director, SCLP