

Appendix B – List of Local Laws, Regulations, and Policies

Table of Contents

List of Abbreviations and Acronyms	iii
B.1 Introduction	1
B.2 Multiple Environmental Issues	1
B.3 Aesthetics	1
San Francisco Bay Plan (2020) Policies	1
B.4 Agriculture and Forestry Resources	1
B.5 Air Quality	1
Bay Area Air Quality Management District	1
City of Brisbane General Plan Chapter X: Community Health and Safety.	2
City of San Leandro Municipal Code, Chapter 3: Health and Safety	2
B.6 Biological Resources	2
San Francisco Bay Plan (2020) Policies	2
San Mateo County Local Coastal Program (2013), Sensitive Habitats Component General Policies.....	3
City of Brisbane General Plan (2019), Chapter VII Open Space	4
City of San Leandro Municipal Code	5
B.7 Commercial and Recreational Fishing	5
B.8 Cultural Resources	5
San Mateo County Local Coastal Program (2013), Protection of Archaeological/Paleontological Resources, Policy 1.25.....	5
City of Brisbane General Plan (2019), Chapter IX Conservation.....	5
City of San Leandro Municipal Code, Title 4 Public Welfare, Chapter 4-26 Historic Preservation (4-26-100).....	6
B.9 Cultural Resources – Tribal	6
B.10 Energy	6
B.11 Geology and Soils	6
City of Brisbane General Plan (2019), Chapter X Community Health and Safety.....	6
City of San Leandro Municipal Code, Chapter 7-12.....	7

B.12 Greenhouse Gas Emissions7

San Francisco Bay Plan (2020) Policies 7

Bay Area Air Quality Management District 7

City of Brisbane Climate Action Plan (2015) 8

City of San Leandro Climate Action Plan (2021) 8

B.13 Hazards and Hazardous Materials8

City of Brisbane General Plan (2019), Chapter X Community Health and Safety 8

City of San Leandro Municipal Code 9

B.14 Hydrology and Water Quality9

San Francisco Bay Plan (2020) Policies, Part III Water Quality 9

San Mateo County Local Coastal Program (2013), Minimum Stormwater Pollution Prevention Requirements, Appendix 1.A 10

San Mateo County Local Coastal Program (2013), Minimum Stormwater Pollution Prevention Requirements, Appendix 1.A 11

San Mateo Countywide Water Pollution Prevention Program 12

City of Brisbane General Plan (2019), Chapter IX Conservation..... 12

Alameda County Clean Water Program 12

City of San Leandro Municipal Code 13

B.15 Land Use and Planning13

B.16 Mineral Resources13

B.17 Noise14

San Mateo County Municipal Code, Chapter 4.88 (1982)..... 14

San Mateo County Noise Ordinance (1983) 14

City of Brisbane General Plan (2019) 14

City of Brisbane Municipal Code, Chapter 8.28 (1987) 14

Alameda County Noise Element (1976) 15

Alameda County Noise Element and Noise Ordinance (2010 and 2005) 15

City of San Leandro Municipal Code, Chapter 4-1 (2003) 15

City of San Leandro General Plan and Noise Ordinance..... 15

B.18 Population and Housing.....16

B.19 Public Services16

Appendix B – Local Regulations and Policies

B.20 Recreation	16
City of Brisbane General Plan (2019)	16
B.21 Transportation	17
Metropolitan Transportation Commission	17
City of Brisbane General Plan (2019)	17
Bicycle and Pedestrian Master Plan (City of San Leandro 2018)	18
City of San Leandro Municipal Code	18
B.22 Utilities and Service Systems	18
City of Brisbane General Plan (2019)	18
City of Brisbane Municipal Code	18
B.23 Wildfire	19
City of Brisbane General Plan (2019), Chapter X Community Health and Safety.....	19
City of San Leandro Municipal Code	19
B.24 References	19

List of Abbreviations and Acronyms

B	BAAQMD	Bay Area Air Quality Management District
C	CAP	Climate Action Plan
	CEQA	California Environmental Quality Act
G	GHG	greenhouse gas
N	NPDES	National Pollutant Discharge Elimination System
R	RWQCB	Regional Water Quality Control Board

1 **B.1 Introduction**

2 Appendix B identifies major local laws, regulations, and policies potentially
3 applicable to the Bandwidth IG, LLC San Francisco Bay Fiber Optic Cable
4 Project.

5 **B.2 Multiple Environmental Issues**

6 There are no major local laws or policies relating to multiple environmental issues
7 that are potentially applicable to this Project.

8 **B.3 Aesthetics**

9 **San Francisco Bay Plan (2020) Policies**

- 10 • **Appearance, Design, and Scenic Views, Policy 2:** All bayfront development
11 should be designed to enhance the pleasure of the user or viewer of the Bay.
12 Maximum efforts should be made to provide, enhance, or preserve views of
13 the Bay and shoreline, especially from public areas, from the Bay itself, and
14 from the opposite shore. To this end, planning of waterfront development
15 should include participation by professionals who are knowledgeable of the
16 Commission’s concerns, such as landscape architects, urban designers, or
17 architects, working in conjunction with engineers and professionals in other
18 fields
- 19 • **Recreation, Policy 4.a.(10):** In waterfront parks. The Commission may permit
20 the placement of public utilities and services, such as underground sewer
21 lines and power cables, in recreational facilities provided they would be
22 unobtrusive, would not permanently disrupt use of the site for recreation, and
23 would not detract from the visual character of the site

24 **B.4 Agriculture and Forestry Resources**

25 At the local level, no goals, policies, or regulations are applicable to the Project.

26 **B.5 Air Quality**

27 **Bay Area Air Quality Management District**

28 The BAAQMD is responsible for regulating stationary sources of air pollution within
29 the nine counties that surround SF Bay, including San Mateo and Alameda

Appendix B – Local Regulations and Policies

1 counties (BAAQMD 2022a). In 2017, the BAAQMD developed the 2017 Bay Area
2 Clean Air Plan, which provides a regional strategy to protect public health and
3 the climate (BAAQMD 2017). The Plan also includes several control measures
4 designed to decrease emissions of air pollutants within the Bay Area.

5 The BAAQMD evaluates certain air quality significance thresholds for climate
6 impacts and adopts and administers CEQA Thresholds for Evaluating
7 Significance of Climate Impacts From Land Use Projects and Plans. The most
8 recent adoption was on April 20, 2022. These thresholds are designed to
9 establish the level at which BAAQMD believes air pollution and greenhouse gas
10 (GHG) emissions could cause significant environmental impacts under CEQA
11 (BAAQMD 2022b).

12 **City of Brisbane General Plan Chapter X: Community Health and Safety**

13 The General Plan includes the following policies applicable to the Project in
14 Chapter X: Community Health and Safety (1994 with 2019 amendments):

- 15 • **Policy 193:** As a part of land use development analysis, consider the impacts
16 on air resources that will be generated by a project through mobile sources.
- 17 • **Policy 202:** Incorporate emissions control practices into City ordinances as
18 appropriate.
- 19 • **Policy 203:** Consider issues of stationary emissions in land use planning and
20 project review.

21 **City of San Leandro Municipal Code, Chapter 3: Health and Safety**

22 Chapter 3 contains language pertaining to the regulation of air quality in San
23 Leandro. This includes limiting the disposal or discharge of substances or
24 chemicals that may violate air quality standards or the Clean Air Act.

25 **B.6 Biological Resources**

26 **San Francisco Bay Plan (2020) Policies**

- 27 • **Fish, Other Aquatic Organisms and Wildlife, Policy 4:** (a) Consult with the
28 California Department of Fish and Wildlife, and the U.S. Fish and Wildlife
29 Service or the National Marine Fisheries Service, whenever a proposed
30 project may adversely affect an endangered or threatened plant, fish, other
31 aquatic organism or wildlife species; (b) not authorize projects that would
32 result in the "taking" of any plant, fish, other aquatic organism or wildlife

1 species listed as endangered or threatened pursuant to the state or federal
2 Endangered Species Acts, or the federal Marine Mammal Protection Act, or
3 species that are candidates for listing under these acts, unless the project
4 applicant has obtained the appropriate "take" authorization from the U.S. Fish
5 and Wildlife Service, National Marine Fisheries Service or the California
6 Department of Fish and Wildlife; and (c) give appropriate consideration to
7 the recommendations of the California Department of Fish and Wildlife, the
8 National Marine Fisheries Service or the U.S. Fish and Wildlife Service in order
9 to avoid possible adverse effects of a proposed project on fish, other aquatic
10 organisms and wildlife habitat.

- 11 • **Tidal Marshes and Tidal Flats, Policy 3:** Projects should be sited and designed
12 to avoid, or if avoidance is infeasible, minimize adverse impacts on any
13 transition zone present between tidal and upland habitats. Where a transition
14 zone does not exist and it is feasible and ecologically appropriate, shoreline
15 projects should be designed to provide a transition zone between tidal and
16 upland habitats.

17 **San Mateo County Local Coastal Program (2013), Sensitive Habitats Component**
18 **General Policies**

- 19 • **Policy 7.1 Definition of Sensitive Habitats** - Define sensitive habitats as any
20 area in which plant or animal life or their habitats are either rare or especially
21 valuable and any area which meets one of the following criteria: (1) habitats
22 containing or supporting "rare and endangered" species as defined by the
23 State Fish and Game Commission, (2) all perennial and intermittent streams
24 and their tributaries, (3) coastal tide lands and marshes, (4) coastal and
25 offshore areas containing breeding or nesting sites and coastal areas used
26 by migratory and resident water-associated birds for resting areas and
27 feeding, (5) areas used for scientific study and research concerning fish and
28 wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game
29 and wildlife refuges and reserves, and (8) sand dunes.

30 Sensitive habitat areas include, but are not limited to, riparian corridors,
31 wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting
32 rare, endangered, and unique species.

- 33 • **Policy 7.3 Protection of Sensitive Habitats** – (a) Prohibit any land use or
34 development which would have significant adverse impact on sensitive
35 habitat areas. (b.) Development in areas adjacent to sensitive habitats shall
36 be sited and designed to prevent impacts that could significantly degrade

1 the sensitive habitats. All uses shall be compatible with the maintenance of
2 biologic productivity of the habitats.

- 3 • **Policy 7.5 Permit Conditions** – (a) As part of the development review process,
4 require the applicant to demonstrate that there will be no significant impact
5 on sensitive habitats. When it is determined that significant impacts may
6 occur, require the applicant to provide a report prepared by a qualified
7 professional which provides: (1) mitigation measures which protect resources
8 and comply with the policies of the Shoreline Access, Recreation/Visitor-
9 Serving Facilities and Sensitive Habitats Components, and (2) a program for
10 monitoring and evaluating the effectiveness of mitigation measures. Develop
11 an appropriate program to inspect the adequacy of the applicant's
12 mitigation measures.

13 **City of Brisbane General Plan (2019), Chapter VII Open Space**

- 14 • **Policy 81:** The City shall conduct an ongoing effort to identify sites or portions
15 of sites having particular value as open space, wildlife habitat, wetlands, or
16 other environmental qualities that should be preserved and protected. In
17 such cases, the City shall explore the feasibility of acquisition of these areas
18 by the City or by other public or private agencies that are engaged in the
19 ownership and preservation of open space, and, when legally possible,
20 imposing a requirement that such areas be dedicated by the owner to the
21 public for open space purposes.
- 22 • **Policy 82:** Encourage the preservation, conservation and restoration of open
23 space to retain existing biotic communities, including rare and endangered
24 species habitat, wetlands, watercourses and woodlands.
- 25 • **Policy 85:** Encourage the preservation and conservation of aquatic resources
26 in Brisbane: the Lagoon, the Bayfront and the Marsh.
- 27 • **Policy 118:** Preserve areas containing rare and endangered species habitat
28 to the extent allowed by law and available resources.
- 29 • **Policy 120:** Cooperate with local, State and Federal agencies in conservation
30 efforts for biological resources.
- 31 • **Policy 122:** Cooperate with other agencies in conservation efforts.
- 32 • **Policy 123:** Conserve important biological communities through sensitive
33 project design.
- 34 • **Policy 127:** Encourage the use of plants that are compatible with the natural
35 flora in landscape programs.

- 1 • **Policy 128:** Encourage the use of native plants in landscape programs that
2 provide food and shelter to indigenous wildlife

3 **City of San Leandro Municipal Code**

- 4 • **Section 4-1-1000, Interference with Monarch Butterflies Prohibited:** It is
5 declared to be unlawful for any persons to molest or interfere with, in any
6 way, the peaceful occupancy of the Monarch Butterflies during the entire
7 time they remain within the San Leandro Marina, Tony Lema Golf Course and
8 Marina Golf Course of the City of San Leandro, in whatever spot therein they
9 may choose to stop, provided, however, that if said butterflies should at any
10 time swarm in, upon, or near the private dwelling house or other buildings of
11 a citizen of the City of San Leandro in such a way as to interfere with the
12 occupancy and use of said dwelling or other buildings, that said butterflies
13 may be removed, if possible, to another location upon the application of
14 said citizen to the City Manager.

15 **B.7 Commercial and Recreational Fishing**

16 At the local level, no goals, policies, or regulations are applicable to the Project.

17 **B.8 Cultural Resources**

18 **San Mateo County Local Coastal Program (2013), Protection of** 19 **Archaeological/Paleontological Resources, Policy 1.25**

20 Based on County Archaeology/Paleontology Sensitivity Maps, determine
21 whether or not sites proposed for new development are located within areas
22 containing potential archaeological/paleontological resources. Prior to
23 approval of development proposed in sensitive areas, require that a mitigation
24 plan, adequate to protect the resource and prepared by a qualified
25 archaeologist/paleontologist be submitted for review and approval and
26 implemented as part of the project.

27 **City of Brisbane General Plan (2019), Chapter IX Conservation**

- 28 • **Policy 137:** Conserve prehistoric resources in accordance with State and
29 Federal Requirements.

1 **City of San Leandro Municipal Code, Title 4 Public Welfare, Chapter 4-26 Historic**
2 **Preservation (4-26-100)**

3 The purpose of this Chapter is to promote the general welfare by providing for
4 the identification, designation, protection, enhancement, perpetuation and use
5 of historical resources including buildings, structures, objects, signs, features, sites,
6 archaeological resources, cultural landscapes, places and areas within the city
7 that reflect special elements of San Leandro's historical, architectural,
8 archaeological, cultural or aesthetic heritage for the following reasons: (f) to
9 identify as early as possible and resolve conflicts between the preservation of
10 historical resources/districts and alternative land uses.

11 **B.9 Cultural Resources – Tribal**

12 At the local level, Alameda County has a Historic Preservation Ordinance that
13 was adopted January 10, 2012 (Ordinance 2012-5), and a Parks, Recreation,
14 and Historical Commission (PRHC), which advised the Boards of Zoning
15 Adjustments, Planning Commission, and Board of Supervisors on projects,
16 including reviews under CEQA, NEPA, and the National Historic Preservation Act
17 (NHPA). San Mateo County has General Plan Policies regarding Historical and
18 Archaeological Resources (General Plan Policies Chapter 5) and a Historic
19 Resources Advisory Board.

20 **B.10 Energy**

21 At the local level, there are no relevant regulations or policies pertaining to tribal
22 resources.

23 **B.11 Geology and Soils**

24 **City of Brisbane General Plan (2019), Chapter X Community Health and Safety**

25 The following Brisbane city policy pertains to slope stability requirements:

- 26 • **Policy 152:** Consider issues of slope stability in conjunction with development
27 applications.
- 28 - **Program 152a:** Require soil and geologic investigations in areas identified
29 as prone to slope instability. Consider both on-site and off-site impacts.
- 30 - **Program 152b:** Unless adequate mitigation measures are undertaken,
31 prohibit land alteration, including any grading and structural
32 development, in identified areas of slope instability.

Appendix B – Local Regulations and Policies

- 1 - **Program 152c:** Require topographical and soils information for all projects
2 on slopes identified over 20%. (See Figure X-G).
- 3 - **Program 152d:** Certificates of compliance shall be conditioned upon a
4 comprehensive and detailed slope analysis.
- 5 - **Program 152e:** Encourage placement of structures away from areas
6 identified as prone to slope failure or erosion unless effective mitigation
7 measures are proposed as part of the project design.
- 8 - **Program 152f:** Require erosion control programs and revegetation on all
9 disturbed slopes.
- 10 - **Program 152g:** Strictly enforce the provisions of the City's Grading
11 Ordinance.

12 **City of San Leandro Municipal Code, Chapter 7-12**

13 Outlines the requirements for new construction projects as it pertains to erosion
14 and stormwater, including the submission of a grading permit that described
15 mitigation measures for erosion and land stability hazards, an erosion and
16 sedimentation control plan, a drainage plan, and a pollution control plan. These
17 plans must be submitted to the City Engineer for approval prior to construction.

18 **B.12 Greenhouse Gas Emissions**

19 **San Francisco Bay Plan (2020) Policies**

- 20 • **Climate Change, Policy 7b:** strategy can be completed, the Commission
21 should evaluate each project proposed in vulnerable areas on a case-by-
22 case basis to determine the project's public benefits, resilience to flooding,
23 and capacity to adapt to climate change impacts. The following specific
24 types of projects have regional benefits, advance regional goals, and should
25 be encouraged, if their regional benefits and their advancement of regional
26 goals outweigh the risk from flooding: (b) a transportation facility, public utility
27 or other critical infrastructure that is necessary for existing development or to
28 serve planned development.

29 **Bay Area Air Quality Management District**

30 Regionally, the Bay Area Air Quality Management District (BAAQMD) aims to
31 maintain healthy air quality for the Bay Area while protecting and improving
32 public health, air quality, and the global climate. In 2017, the BAAQMD

Appendix B – Local Regulations and Policies

1 developed the 2017 Bay Area Clean Air Plan, which provides a regional strategy
2 to protect public health and the climate (BAAQMD 2017). The Plan also includes
3 a number of control measures designed to decrease emissions of air pollutants
4 within the Bay Area.

5 The BAAQMD evaluates certain air quality thresholds of significance for climate
6 impacts and adopts and administers California Environmental Quality Act
7 (CEQA) Thresholds for Evaluating Significance of Climate Impacts From Land Use
8 Projects and Plans. The most recent adoption was on April 20, 2022. These
9 thresholds are designed to establish the level at which the Air District believes air
10 pollution and greenhouse gas (GHG) emissions could cause significant
11 environmental impacts under CEQA (BAAQMD 2022b).

12 **City of Brisbane Climate Action Plan (2015)**

13 The City of Brisbane adopted its first Climate Action Plan (CAP) on September
14 17, 2015. Funded by BAAQMD, the purpose of Brisbane's CAP is to outline steps
15 to reduce GHG emissions for the City of Brisbane and comply with State
16 Assembly Bill AB32. This Plan documents GHG inventories for the city in 2005 and
17 2010, and sets forth GHG reduction goals for the City of Brisbane.

18 **City of San Leandro Climate Action Plan (2021)**

19 In 2009, the City of San Leandro developed their CAP: A Vision of Sustainable
20 San Leandro. Updated in 2021, San Leandro's CAP provides a comprehensive
21 strategy to reduce GHG emissions in the City of San Leandro and adapt to
22 changing climate conditions. The CAP provides a framework for San Leandro to
23 reduce its community-wide GHG emissions in a manner consistent with State
24 reduction targets for 2020 and 2030 and the longer-term goal for 2050.

25 **B.13 Hazards and Hazardous Materials**

26 **City of Brisbane General Plan (2019), Chapter X Community Health and Safety**

- 27 • **Policy 166:** Protect the Community's health, safety, welfare, natural
28 resources, and property through regulation of the handling and storage of
29 hazardous materials, with specific focus on prevention of accidents.

Appendix B – Local Regulations and Policies

1 The following policies apply directly to the Baylands subarea of Brisbane, which
2 is where the western cable landing site is located:

- 3 • **Policy 379:** There shall be no fabrication, manufacturing, processing or
4 treatment of materials in this subarea other than that which is directly
5 incidental to a permitted or conditional use. There shall be no processing of
6 hazardous waste materials.
- 7 • **Policy 389:** Special attention should be paid to uses of the adjacent property
8 that has potential for the storage and/or processing of hazardous materials.

9 **City of San Leandro Municipal Code**

- 10 • **Chapter 3-17: Hazardous Materials:** This chapter of the San Leandro
11 Municipal Code addresses the regulation and storage of hazardous materials
12 and waste, describes the City's accidental Release Prevention Program, and
13 addresses water-monitoring wells within the City's jurisdiction.
- 14 • **Chapter 3-18: Environmental Enforcement:** This Chapter describes the process
15 in which the City of San Leandro enforces environmental laws, and is also
16 applicable to the City's Hazardous Materials Regulations in Chapter 3-17,
17 Storm Water Management and Discharge Control Ordinance in Chapter
18 3-15, and the Uniform Wastewater Discharge Regulations in Chapter 3-14.

19 **B.14 Hydrology and Water Quality**

20 **San Francisco Bay Plan (2020) Policies, Part III Water Quality**

- 21 • **Policy 3:** New projects should be sited, designed, constructed and
22 maintained to prevent or, if prevention is infeasible, to minimize the discharge
23 of pollutants into the Bay by: (a) controlling pollutant sources at the project
24 site; (b) using construction materials that contain non-polluting materials; and
25 (c) applying appropriate, accepted and effective best management
26 practices, especially where water dispersion is poor and near shellfish beds
27 and other significant biotic resources.
- 28 • **Policy 6:** To protect the Bay and its tributaries from the water quality impacts
29 of nonpoint source pollution, new development should be sited and
30 designed consistent with standards in municipal stormwater permits and state
31 and regional stormwater management guidelines, where applicable, and
32 with the protection of Bay resources. To offset impacts from increased
33 impervious areas and land disturbances, vegetated swales, permeable
34 pavement materials, preservation of existing trees and vegetation, planting

Appendix B – Local Regulations and Policies

1 native vegetation and other appropriate measures should be evaluated and
2 implemented where appropriate.

3 **San Mateo County Local Coastal Program (2013), Minimum Stormwater Pollution** 4 **Prevention Requirements, Appendix 1.A**

5 **Policy 1** - All new development, including remodeling of existing buildings, shall
6 comply with the following minimum requirements:

- 7 a) Avoid or minimize and mitigate the potential adverse impacts to water
8 quality from new development by using pre-construction, during
9 construction, and post-construction best management practices.
- 10 b) Prevent the flow of liquid building materials and wastes onto impervious
11 surfaces and into storm drains and waterways.
- 12 c) Prevent construction equipment, building materials and piles of soil from
13 contact with rain using plastic sheeting or other temporary cover, and
14 contact with stormwater using berms, ditches, and other methods.
- 15 d) Contain vehicle and equipment cleaning, storage, maintenance, and refuse
16 and recycling areas to prevent runoff from discharging into the storm drain
17 system.
- 18 e) Clean up leaks and spills immediately to prevent soil and groundwater
19 contamination, contact with paved surfaces, and discharge into the storm
20 drain system.
- 21 f) Use silt ponds, berms and other techniques to trap sediment, spilled liquids
22 and other pollutants.
- 23 g) Employ site planning and construction methods to reduce the need for
24 pesticides and contaminants, and prevent contact with stormwater.

1 **San Mateo County Local Coastal Program (2013), Minimum Stormwater Pollution**
2 **Prevention Requirements, Appendix 1.A**

3 **Policy 2** - In addition to the requirements listed in 1, above, new development,
4 construction or other activities that disturb or otherwise alter the land shall
5 comply with the following minimum requirements:

- 6 a) Where the potential for significant erosion from construction activities exists,
7 prepare and implement an erosion and sediment control plan that includes
8 effective erosion and sediment control measures.
- 9 b) Protect sensitive areas, minimize changes to the natural topography, and
10 avoid removing existing vegetation unless absolutely necessary. If existing
11 vegetation consists of invasive plant species, this vegetation shall be
12 removed and replaced with drought-tolerant native or non-invasive species
13 by the conclusion of construction.
- 14 c) Protect undisturbed areas from construction impacts using vegetative buffer
15 strips, sediment barriers, filters, dikes, mulching and other measures as
16 appropriate.
- 17 d) Reduce the amount of impervious surface areas, and use permeable
18 pavement where feasible.
- 19 e) Reduce the amount of runoff crossing construction sites by constructing
20 berms, swales and dikes and diverting drainage ditches. Use berms or
21 temporary check dams to reduce the velocity of stormwater runoff.
- 22 f) Use landscaping to collect, detain and filter surface runoff, and design
23 landscaping to minimize the use of irrigation, fertilizers and pesticides. All
24 landscaping plants shall be drought tolerant, and consist of either native or
25 non-invasive species.
- 26 g) Prevent erosion and trap sedimentation on-site using sediment basins or
27 traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats,
28 and storm drain inlet protection.
- 29 h) Control erosion on slopes by seeding and planting vegetation, and using hay
30 bales, temporary drainage swales, silt fences and berms.
- 31 i) Restrict land clearing, earth moving, and excavation and grading activities
32 to during dry weather, i.e., between April 15 and October 15 of each year.

Appendix B – Local Regulations and Policies

- 1 j) Separate construction sites from storm drains with berms and filters, stabilize
2 denuded areas, and maintain erosion and sedimentation controls during wet
3 weather, i.e., between October 15 and April 15 of each year.
- 4 k) Provide for ongoing operation and maintenance of installed stormwater
5 treatment measures.
- 6 l) As applicable based on project size, secure a Construction Activity
7 Stormwater General Permit from the San Francisco Bay Area Regional Water
8 Quality Control Board (RWQCB).
- 9 m) Require post-development peak flow (runoff) and velocity to be less than or
10 equal to pre-development peak flow and velocity. No additional runoff,
11 caused by development, shall cross property lines. If the development will
12 connect to an existing storm drain system, then the development shall make
13 improvements to the existing system as required to accept the increased
14 runoff, or mitigation procedures shall be taken. Mitigation procedures may
15 include on-site storm drain detention or off-site storm drain detention.

16 **San Mateo Countywide Water Pollution Prevention Program**

17 The San Mateo County Water Pollution Prevention Program is a partnership of
18 City/County Association of Governments, which share a common National
19 Pollutant Discharge Elimination System (NPDES) permit (or Municipal Regional
20 Permit). Brisbane is one of the several cities included in the Association of
21 Governments. The San Mateo County Water Pollution Prevention Program
22 provides information for Provision C.3 requirements and C.3 regulated projects,
23 which are applicable to new developments and must be adhered to via the
24 Project's Stormwater Management Plan.

25 **City of Brisbane General Plan (2019), Chapter IX Conservation**

- 26 • **Policy 130:** Conserve water resources in the natural environment.
- 27 • **Policy 133:** Reduce the amount of sediment entering waterways.
- 28 • **Policy 134:** Reduce the amount of pollutants entering the waterways.

29 **Alameda County Clean Water Program**

30 The Clean Water Program is comprised of Alameda County, the Alameda
31 County Flood Control and Water Conservation District, the Zone 7 Water
32 Agency, and the City of San Leandro along with 13 other cities within the region.

Appendix B – Local Regulations and Policies

1 The Program and its constituents work with agencies from around Alameda
2 County to facilitate local compliance with the federal Clean Water Act. All
3 members of the program are responsible for their municipal storm drainage
4 systems and watercourses, as regulated under the NPDES permit issues by the
5 San Francisco Bay RWQCB. The City of San Leandro is also subject to the
6 Provision C.3 requirements under the NPDES permit for new developments of a
7 certain size.

8 **City of San Leandro Municipal Code**

- 9 • **Chapter 3-15: Stormwater Management and Discharge Control:** This chapter
10 outlines provisions and requirements to eliminate non-storm water discharges,
11 control the discharge to municipal separate storm sewers from spills,
12 dumping or disposal of materials, and reducing pollutants in storm water
13 discharges to the maximum extent practicable.
- 14 • **Chapter 7-9: Floodplain Management:** This chapter is aimed at administering
15 flood management planning and procedures in order to protect human life
16 and health and reduce the need for future rescue efforts and damage to
17 properties and utilities. The chapter also ensures that the National Flood
18 Insurance Program's goals are followed for new construction within the
19 100-year floodplain, and addresses coastal high hazard areas vulnerable to
20 future sea level rise.
- 21 • **Chapter 7-12: Grading, Excavations, and Fill:** This Chapter outlines
22 requirements for new construction projects as it pertains to erosion and
23 stormwater, including the submission of a grading permit that outlines
24 mitigations measures for erosion and land stability hazards; an erosion control
25 and sedimentation control plan; a drainage plan; and a pollution control
26 plan. These plans must be submitted to the City Engineer for approval prior to
27 construction.

28 **B.15 Land Use and Planning**

29 Since the Project does not involve a change in land use, local goals, policies,
30 and/or regulations are not applicable and are not discussed.

31 **B.16 Mineral Resources**

32 There are no local laws, regulations, and/or policies pertaining to mineral
33 resources that are potentially applicable to this Project.

1 **B.17 Noise**

2 **San Mateo County Municipal Code, Chapter 4.88 (1982)**

3 Allows construction activities between 7 a.m. and 6 p.m. on Mondays through
4 Fridays, between 9 a.m. and 5 p.m. on Saturdays, and not at any time on
5 Sundays and Holidays.

6 **San Mateo County Noise Ordinance (1983)**

7 The San Mateo county noise ordinance (Chapter 4.88 Noise Control) allows
8 construction during the hours of 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to
9 5 p.m. on weekends and holidays.

10 **City of Brisbane General Plan (2019)**

- 11 • **Policy 176:** Minimize the intrusion of unwarranted and intrusive noise on
12 community life.
- 13 • **Policy 180:** Establish and enforce truck routes and times of operation for haul
14 routes to minimize impacts on residential areas.
- 15 • **Policy 182:** Support efforts to reduce vehicle trips and keep smooth traffic
16 flow to the extent that the number of trips and stop-and-start traffic
17 contribute to traffic noise.
- 18 • **Policy 183:** Coordinate land uses and construction conditions to minimize
19 noise impacts of the Caltrain corridor and major highway arterials on
20 adjacent land uses.
- 21 • **Policy 184:** In conjunction with development applications and other land use
22 decisions, consider the potential for noise generation from, as well as noise
23 impacts on, the project or area. This includes implementing the State
24 Guidelines for land use compatibility to determine noise impacted uses.

25 **City of Brisbane Municipal Code, Chapter 8.28 (1987)**

26 Discusses noise standards and how Brisbane regulates community noise levels.
27 Provided in this chapter is a table of noise standards of the Brisbane Municipal
28 Code, which outlines the duration and noise standards (as decibels above
29 ambient) for each land use type.

Appendix B – Local Regulations and Policies

1 Construction activities are only allowed between 7 a.m. and 7 p.m., Monday
2 through Friday, and between 9 a.m. and 7 p.m. on Saturday, Sunday, and
3 Holidays if they meet at least one of the following noise limitations:

- No individual piece of equipment produces a noise level exceeding 83 dBA at a distance of 25 feet from the source.
- The noise level at any point of the property plane of the project does not exceed 86 decibels.

4 **Alameda County Noise Element (1976)**

5 Limits noise sources associated with construction between 7 a.m. and 7 p.m. on
6 weekdays and between 8 a.m. and 5 p.m. on weekends.

7 **Alameda County Noise Element and Noise Ordinance (2010 and 2005)**

8 The Alameda County noise element provides for acceptable noise level
9 environments for new proposed noise sensitive areas. The noise element further
10 provides that construction hours should be limited to the hours between 7 a.m.
11 and 7 p.m. on weekdays, and 8 a.m. to 5 p.m. on weekends and holidays. The
12 Alameda County noise ordinance, in Goal N-1, (Chapter 6.60: Noise) provides
13 the same limitations on allowable construction hours.

14 **City of San Leandro Municipal Code, Chapter 4-1 (2003)**

15 Discusses noise restrictions and regulations within San Leandro, and contains
16 guidance for limiting public nuisance relative to noise within various different
17 land uses. The chapter also sets time windows in which construction work or
18 other activities which may cause noise impacts can be carried out within
19 residential areas. The City of San Leandro noise ordinance (Chapter 4-1:
20 Prohibitions, Section 4-1-11) contains the same construction hour limits as the
21 City's general plan.

22 **City of San Leandro General Plan and Noise Ordinance**

23 The City of San Leandro general plan (Chapter 4.10) contains similar
24 construction hour limitations as the county noise element, although allowable
25 weekend construction hours extend from 8 a.m. to 7 p.m. Notably, the hour
26 limitations only apply for construction located across a street or right-of-way
27 from a residence. The City's general plan provides that impacts due to
28 construction are deemed to be less than significant provided that construction is

1 limited to the prescribed hours, and that the activity includes certain noise
2 mitigation measures (e.g., inspecting all equipment for properly functioning
3 mufflers, limiting idling, locating equipment as far as possible from residences,
4 etc.).

5 **B.18 Population and Housing**

6 No local laws, regulations, and/or policies relevant to population and housing
7 are applicable to the Project. Since the Project does not involve a change in
8 land use, local goals, policies, or regulations are not applicable.

9 **B.19 Public Services**

10 No local laws, regulations, and/or policies relevant to public service are
11 applicable to the Project.

12 **B.20 Recreation**

13 **City of Brisbane General Plan (2019)**

- 14 • **Policy 81:** The City shall conduct an ongoing effort to identify sites or portions
15 of sites having particular value as open space, wildlife habitat, wetlands, or
16 other environmental qualities that should be preserved and protected. In
17 such cases, the City shall explore the feasibility of acquisition of these areas
18 by the City or by other public or private agencies that are engaged in the
19 ownership and preservation of open space, and, when legally possible,
20 imposing a requirement that such areas be dedicated by the owner to the
21 public for open space purposes.
- 22 • **Policy 86:** Provide access to natural areas consistent with the nature of the
23 resource.
- 24 • **Policy 132:** Recognize the importance of the Brisbane Lagoon and the
25 Levison Marsh as wildlife habitats, valuable community resources and
26 drainage basins, and cooperate with responsible agencies in their
27 conservation.
- 28 • **Policy 331:** Maximize opportunities for open space and recreational uses in
29 any land use planning for this subarea [Brisbane Baylands].
- 30 • **Policy 347:** Cooperate with other agencies to develop the Bay Trail between
31 Sierra Point and the Candlestick Recreation Area.

- 1 • **Policy 349:** After the water environment is determined to be safe for public
2 access, develop public water-related passive recreation at the Brisbane
3 Lagoon, with due concern for the preservation and enhancement of the
4 wetlands.
- 5 • **Policy 350:** Develop a public pathway and access facilities immediately
6 adjacent to the Lagoon.
- 7 • **Policy 354:** Dedicate land area for open space, recreational uses and
8 wetlands restoration, especially around the Lagoon.

9 **B.21 Transportation**

10 **Metropolitan Transportation Commission**

11 The Metropolitan Transportation Commission is the state-designated Regional
12 Transportation Planning Agency and federally designated Metropolitan
13 Planning Organization. The Commission provides planning, funding, coordination
14 and technical assistance to cities, counties, transit agencies, and other parties
15 to improve transportation within the Bay Area.

16 **City of Brisbane General Plan (2019)**

- 17 • **Levels of Service, Policy 38:** Maintain a level of service on arterial streets that
18 allows Brisbane residents and businesses to comfortably travel across town
19 and to gain access to US 101.
- 20 • **Truck Routes, Policy 47:** Maintain traffic flow on arterial streets.
- 21 • **Arterial Streets, Policy 48:** Maintain truck routes to avoid impacts on
22 residential areas.
- 23 • **Bicycle Traffic and Routes, Policy 59:** Connect Brisbane's bikeway system to
24 the County bikeway network.
- 25 • **Bicycle Traffic and Routes, Policy 60:** Provide for the safety of bicyclists by
26 dedicating bicycle routes where possible, by installing appropriate signing
27 and striping, and by maintaining the pavement.
- 28 • **Pedestrians, Policy 64:** Provide safe pedestrian facilities throughout the City.
- 29 • **Land Use Decision, Policy 69:** Consider potential traffic impacts and
30 emergency evacuation in making land use decisions.

- 1 • **Land Use Decision, Policy 71:** For vacant sub-areas without existing
2 infrastructure, require circulation plans and traffic impact analyses to be
3 submitted as a part of any development application.

4 **Bicycle and Pedestrian Master Plan (City of San Leandro 2018)**

5 Updated in 2018, the Bicycle and Pedestrian Master Plan outlines goals and
6 policies focused on guiding the development of a bicycle and pedestrian multi-
7 use trail network in San Leandro.

8 **City of San Leandro Municipal Code**

- 9 • **Title 5, Streets and Parks:** This section of the San Leandro Municipal Code
10 discusses policies around encroachment into streets and required permits,
11 undergoing work on and around streets, and Tree planting along streets.
- 12 • **Title 6, Vehicles of the San Leandro Municipal Code:** This section of the San
13 Leandro Municipal Code discusses traffic control standards and policies,
14 pedestrians and bicycles on roadways, and standards and policies for truck
15 routes through San Leandro.

16 **B.22 Utilities and Service Systems**

17 **City of Brisbane General Plan (2019)**

- 18 • **Chapter IX, Conservation**
 - 19 - **Policy 138:** Encourage conservation of domestic water.
 - 20 - **Policy 143:** Maximize opportunities to recycle waste.
- 21 • **Chapter X, Community Health and Safety**
 - 22 - **Policy 208:** If new development occurs, require infrastructure to be
23 installed to City standards.

24 **City of Brisbane Municipal Code**

- 25 • **Chapter 15.75:** Establishes the City requirement for 50 percent of all
26 construction and demolition debris to be either recycled or reused in order to
27 reduce landfill disposal.

1 **B.23 Wildfire**

2 **City of Brisbane General Plan (2019), Chapter X Community Health and Safety**

- 3 • **Policy 157:** Administer and enforce health and safety codes related to fire
4 safety on an ongoing basis.

5 **City of San Leandro Municipal Code**

- 6 • **Chapter 3-21, Very High Fire Severity Zones:** This chapter designates those
7 areas within the City limits that has been determined as very high fire hazard
8 severity zones by the California Department of Forestry and Fire Protection.

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