



MEMORANDUM

DATE: April 14, 2022
TO: Planning Commission
FROM: Julia Ayres, Senior Planner
SUBJECT: **Government Code Section 65402 General Plan conformity review 2022-GPC-1, related to the City and County of San Francisco's potential acquisition of Pacific Gas & Electric's Martin Substation and potential improvements on the property**

REQUEST

As required by state law (Government Code, Section 65402 (b)), the applicant, the San Francisco Public Utilities Commission, has requested the City of Brisbane's Planning Commission to make a finding that the City and County of San Francisco's (CCSF) potential acquisition of property and/or power transmission assets within the City of Brisbane, owned by Pacific Gas and Electric (PG&E), and potential improvements or construction of new structures for public purposes within Brisbane at the Martin substation, located at 2850 Bayshore Boulevard, conforms to the City of Brisbane's General Plan..

CCSF has released a Preliminary Mitigated Negative Declaration (PMND) for the potential acquisition of PG&E owned facilities and transmission equipment which PMND may be accessed online at the link provided as Attachment D to this agenda report. Please note that the full scope of the project analyzed in the PMND exceeds the scope of activities under consideration through the Planning Commission's General Plan conformity review.

RECOMMENDATION

Approve General Plan Conformity 2022-GPC-1 determining that CCSF's potential acquisition of the PG&E owned facilities and/or power transmission assets within the City of Brisbane, and thereby continuing the use of the property for public utility purposes, is consistent with the City's adopted 1994 General Plan land use designation of Commercial/Public Utilities.

DISCUSSION:

The PG&E Martin substation is located in the Northwest Bayshore subarea of the City. In 2018, the Planning Commission amended the General Plan Land Use element via General Plan amendment case GPA-1-17 to apply the land use designation Commercial/Public Utilities (C/P-U) to the Martin substation and adjacent developed commercial properties (including the 7 Mile House and an auto repair and service station). The C/P-U designation represents a mix of commercial and public utility uses as described in the Land Use Element of the General Plan.

CCSF's potential acquisition of all or part of the Martin substation and any associated transmission assets, as well as the potential construction of new transmission facilities and other structures on

the property to allow for the physical separation of power transmission facilities between San Francisco and San Mateo counties, would not change the present land use of the site for public utility purposes. CCSF's potential purchase therefore is consistent with the C/P-U designation in the General Plan.

It should be noted that CCSF's potential acquisition of PG&E property and assets at the Martin substation and throughout San Francisco and San Mateo counties is speculative at this point in time. PG&E has not accepted a purchase offer from CCSF..

ATTACHMENTS:

- A. Draft Resolution 2022-GPC-1
- B. Aerial vicinity map
- C. San Francisco Public Utilities Commission letter
- D. [General Plan Land Use Map](#) (hyperlink)
- E. [Preliminary Mitigated Negative Declaration for PG&E Asset Acquisition Project, City of San Francisco](#) (hyperlink)



Julia Ayres, Senior Planner



John Swiecki, Community Development Director

Draft
RESOLUTION 2022-GPC-1

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DETERMINING GENERAL PLAN CONFORMITY
FOR THE CITY AND COUNTY OF SAN FRANCISCO'S
PACIFIC GAS & ELECTRIC ASSET ACQUISITION PROJECT

WHEREAS, David Myerson, of the San Francisco Public Utilities Commission, submitted a written request to the City of Brisbane for a general plan conformity determination concerning the City and County of San Francisco's proposed acquisition of a portion of the Pacific Gas and Electric Martin substation facilities, and a lease or other agreement for a portion of the Martin substation in which City and County of San Francisco equipment is located, and construction of new public structures, such facilities and structures being located at 2850 Bayshore Boulevard within the City of Brisbane, such application being identified as 2022-GPC-1, pursuant to Government Code Section 65402(b); and

WHEREAS, the Planning Commission considered the request at the meeting of April 14, 2022; and

WHEREAS, the Planning Commission finds that the property proposed to be acquired by the City and County of San Francisco is designated Commercial/Public Utilities in the City's adopted 1994 General Plan; and

WHEREAS, the City and County of San Francisco's acquisition of the property and continued use of the property as an electrical substation is consistent with the Commercial/Public Utilities land use designation.

NOW THEREFORE, the Planning Commission of the City of Brisbane, at its meeting of April 14, 2022, determines the City and County of San Francisco's proposed acquisition conforms with the City of Brisbane's adopted General Plan:

ADOPTED this 14th day of April, 2022, by the following vote:

AYES:
NOES:
ABSENT:

DOUGLAS GOODING
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

Aerial Vicinity Map
2850 Bayshore Boulevard, Brisbane





January 14, 2022

Mr. John Swiecki
 Brisbane Community Development Director
 50 Park Place
 Brisbane, CA 94005

Via Certified Mail – Return Receipt Requested

Dear Mr. Swiecki,

The City and County of San Francisco, through the San Francisco Public Utilities Commission (SFPUC), submits this letter seeking a general plan consistency determination under California Government Code Section 65402(b) from the City of Brisbane Community Development Department for the SFPUC’s Pacific Gas & Electric Power Asset Acquisition Project (Project). The purpose of the Project is to allow SFPUC to provide bundled electric service to all San Francisco customers. Subject to required approvals, the City and County of San Francisco intends to purchase all of PG&E’s distribution assets and substantially all of PG&E’s transmission assets that are needed to provide reliable electricity service to customers in San Francisco. The assets generally include substations, transformers, transmission and distribution lines, supporting equipment, operational facilities, relevant records, and other facilities (e.g., streetlights). The project would also include the transfer, assignment, or assumption of PG&E-owned fee property, easements, rights-of-way, lease agreements, permits, and other land-related agreements, as well as new lease or other agreements between the city and PG&E as necessary for safe and reliable operation and maintenance of the transferred assets. In addition, the SFPUC would acquire property rights as needed for the construction, installation, operation, and maintenance of proposed infrastructure on public land or private lands. Some of the physical changes associated with the project would occur in the city of Brisbane, and as such we are requesting the City of Brisbane’s review of the Project’s conformity with its general plan.

Government Code Section 65402(b) requires that, prior to acquiring real property or constructing a public building or structure in another city or county, the SFPUC must request your review of the Project’s conformity with the

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Ed Harrington
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Dennis J. Herrera
 General Manager



City's adopted general plan. If a planning agency does not report back regarding conformity with its general plan within 40 days of this request, the project is deemed to be in conformity with the general plan.

You should be aware that although Section 65402(b) provides for the above review, under the doctrine of intergovernmental immunity, cities and counties are exempt from a requirement to conform to zoning ordinances, building codes, and the general plans of other cities and counties when they lease or acquire property for public purposes or authorize or construct public buildings in other cities and counties. See *Lawler v. City of Redding* (1992) 7 Cal. App. 4th 778, 782-783 (Government Code Sections 53090 and 53091 prevail over the provision of Section 65402(b)), and an early case involving Sonoma County and the City of Santa Rosa, *Akins v. County of Sonoma* (1967), 67 Cal. 2d 185, 194.

Pursuant to the California Environmental Quality Act (CEQA), a preliminary Mitigated Negative Declaration (MND) for the Project has been prepared by the San Francisco Planning Department, Environmental Planning Division for which you have been / will be sent a notice of availability; the environmental document is also available to view or download from the Planning Department's website at <https://sfplanning.org/sfceqadocs>. Upon adoption of the Final MND, receipt of requisite approvals, and subject to negotiations with PG&E, construction would occur.

As part of the transfer, certain PG&E facilities outside of the city limits must be physically separated from electric grid within San Francisco. To do so, the SFPUC would modify some existing substations, construct new distribution feeders, and install distribution infrastructure to connect and disconnect existing electric lines. These project components would be located in the cities of San Francisco, Daly City, and Brisbane, as well as unincorporated San Mateo County.

Within the City of Brisbane, the project would involve reconfiguring the existing Martin Substation to separate the transmission and distribution systems to provide for safe, reliable and independent operation of the city and PG&E electric systems. This would entail construction of above-ground components at the substation. In addition, work within the City of Brisbane would include separating the distribution system (such that San Francisco customers are serviced by SFPUC distribution lines and PG&E's Brisbane customers are served by PG&E-owned distribution lines south of the county border); existing electric lines at certain locations would need to be disconnected, and reconnected to other existing distribution lines. In some locations, short segments of new distribution lines would be installed to facilitate such connections.

Installation of equipment at the substation would involve breaking up the concrete pavement, excavating the ground to the desired depth for foundations, pouring the concrete foundation pad, and installing above-ground equipment. The installation of the underground cable, duct banks, and vaults for the distribution separation work would primarily be completed using a cut-and-cover method (open trenching) along most of the alignment.

This letter is provided to satisfy the notice of requirements of Government Code Section 65402(b), and does not necessarily require any action or reply on the part of the City. However, if you do wish to respond, please send any reply to this submission to my attention at the address on this letterhead. If you have any questions concerning this letter, please do not hesitate to contact me at (415) 934-5710 or DMyerson@sfgwater.org. Thank you in advance for your attention to this matter.

Sincerely,

David Myerson, P.E.

David Myerson
Project Manager, SFPUC Project Management Bureau

cc:

Barbara Hale, Assistant General Manager, SFPUC Power Enterprise
Pam Husing, Director of Federal Agreements and Acquisition Analysis, SFPUC Power Enterprise
Sue Chau, Environmental Project Manager, SFPUC Bureau of Environmental Management