

# **APPENDIX A**

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## **Notice of Preparation and Comments Received**

Appendix A contains the following components:

- A.1 2012 Notice of Preparation
- A.2 2012 NOP Notice of Availability
- A.3 Comments Received in Response to the 2012 Notice of Preparation
- A.4 2010 Notice of Preparation
- A.5 2010 Notice of Completion and Mailing List
- A.6 2010 NOP Notice of Availability
- A.7 Comments Received in Response to the 2010 Notice of Preparation
- A.8 2006 Notice of Preparation and Mailing List
- A.9 2006 Initial Study
- A.10 Comments Received in Response to the 2006 Notice of Preparation

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# A.1

## 2012 Notice of Preparation

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# REVISED NOTICE OF PREPARATION of an Environmental Impact Report for the Brisbane Baylands Project City of Brisbane

*(Previous SCH #2006022136, February 24, 2006;  
Previous Revised NOP issued December 10, 2010)*

Notice is hereby given that the City of Brisbane will be the Lead Agency and will prepare a programmatic Environmental Impact Report (EIR) for the Brisbane Baylands Project (“Proposed Project”). The City of Brisbane is requesting comments on the scope and content of this EIR.

A previous Notice of Preparation (NOP) was distributed for public review on December 10, 2010. The previous NOP provided a detailed description of the proposed development of the Brisbane Baylands. Distribution of a revised NOP is required due to the addition of a proposed water transfer agreement to the Project. In addition to the development of the Baylands previously described in the December 2010 NOP, the City proposes to acquire a supplemental water supply of 2,400 acre-feet per year (AFY) via a water transfer agreement with the Oakdale Irrigation District (OID) in order to serve the proposed development of the Brisbane Baylands.

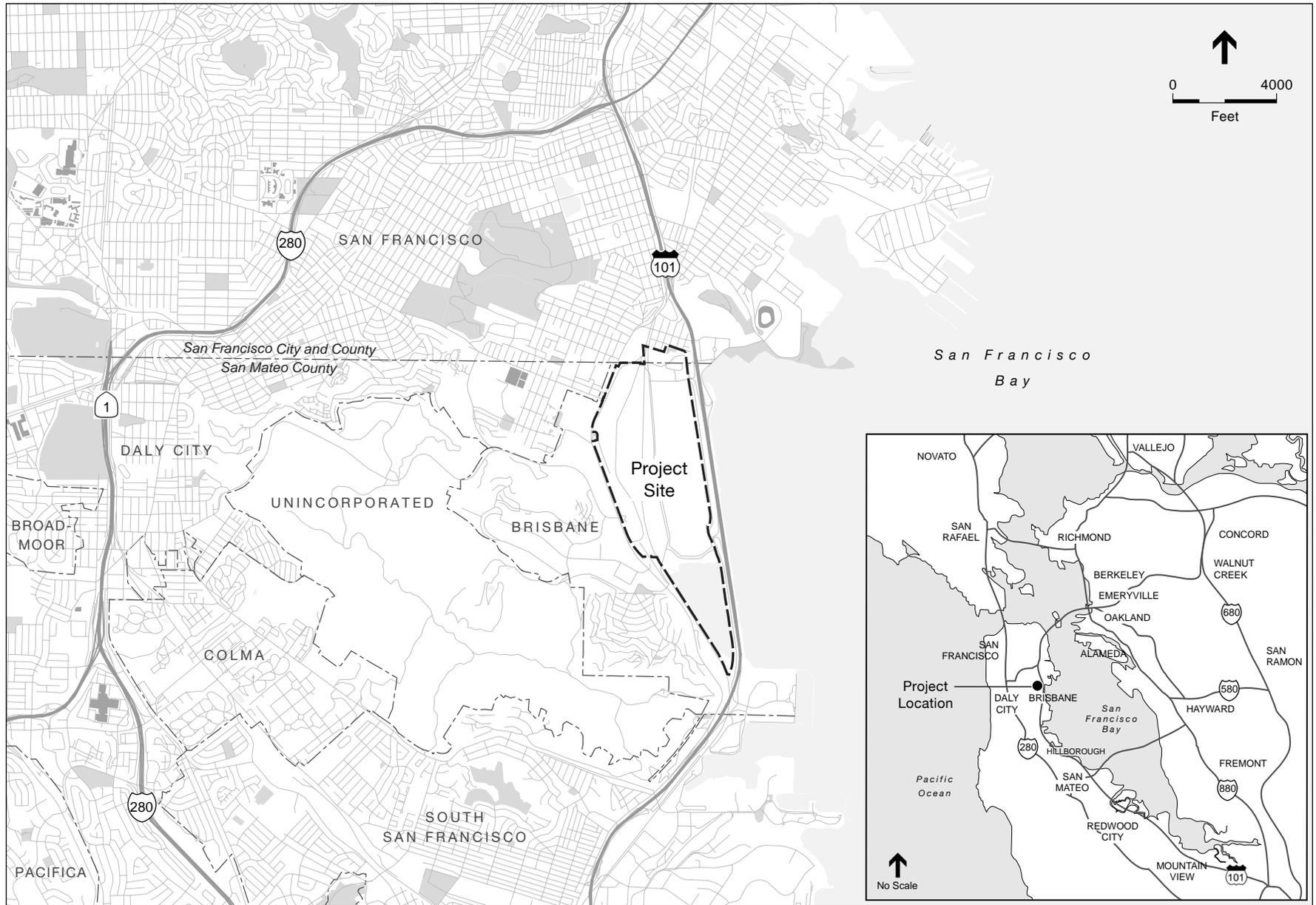
Written comments on the scope of the EIR may be sent to:

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA 94005  
Fax: 415.467.5547  
Email: eir@ci.brisbane.ca.us

Due to the time limits mandated by State law, comments must be received *no later than 30 days* after receipt of this notice. The review period for this NOP is from October 22, 2012 through November 21, 2012.

## Project Location

The Proposed Project site (“Project Site”), identified as the Brisbane Baylands, is located within the City of Brisbane in the northeast corner of San Mateo County. The Project Site is generally bounded on the north by the City of San Francisco, on the east by Highway 101 (“U.S. 101”), on the west by Bayshore Boulevard, and on the south by Brisbane Lagoon (see **Figure 1**) A small portion of the Project Site also lies within the City of San Francisco immediately adjacent to the Brisbane city limits.



SOURCE: ESA

Brisbane Baylands . 206069

**Figure 1**  
Project Site Location

## Project Description

The “Project” consists of plans for the development of the 733 acre Brisbane Baylands area, and consists of the following components:

- A Concept Plan for the development of the Baylands, as required by the City of Brisbane General Plan prior to development for which four development scenarios will be evaluated in the EIR at an equal level of detail. The four Concept Plan scenarios include the following.
  - **Developer-Sponsored Plan (DSP).** The DSP scenario was proposed by Universal Paragon Corporation (UPC), the primary landowner at the Project Site, and is defined within the *Draft Brisbane Baylands Specific Plan* (dated February 2011). The DSP includes only the 684 acre portion of the Baylands within the City of Brisbane and excludes the 49-acre Recology site. This Concept Plan scenario proposes approximately 7 million square feet of office/ retail /industrial/ institutional uses, 4,434 residential units, and approximately 169.7 acres of “open space” and 135.6 acres of “lagoon” area. Total new development under this scenario would be approximately 12 million square feet.
  - **Developer- Sponsored Plan – Entertainment Variant (DSP-V).** The DSP-V is also proposed by UPC and defined within the 2011 *Draft Brisbane Baylands Specific Plan*. The DSP-V encompasses the same 684-acre area as the DSP scenario. It is similar to the DSP in its development intensity and land use pattern, but replaces the retail and office/research and development (R&D) uses proposed under the DSP in the northeast portion of the Project Site with entertainment-oriented uses, including a 17,000- to 20,000-seat sports arena, a 5,500-seat concert theater, a multiple-screen cinema, and more conference/exhibition space and hotel rooms than are proposed under DSP. New development under this scenario also would total approximately 12 million square feet.
  - **Community Proposed Plan (CPP).** The CPP was developed through extensive community input and designated for inclusion in this EIR by the Brisbane City Council in 2010. The CPP provides for approximately 7.7 million square feet of office, industrial, commercial, and institutional uses concentrated in the northerly portion of the site adjacent to transit, along with approximately 330 acres of open space and the 135.6 acre lagoon. In addition to the 684-acre area included as part of the DSP, the CPP includes the 49-acre Recology site, which spans the cities of Brisbane and San Francisco, encompassing the Beatty Subarea designated in the City of Brisbane General Plan. The CPP does not include residential development.
  - **Community Proposed Plan – Recology Expansion Variant (CPP-V).** The CPP-V differs from the CPP in that it proposes expansion of the existing Recology facility within the northeast portion of the Brisbane Baylands within the City of

Brisbane. Under the CPP-V, Recology would expand southward from its current boundary, replacing the hotel and R&D uses proposed under the CPP just north of Geneva Avenue and east of Tunnel Road. The current 49-acre Recology site would expand by 24 acres to a total of 73 acres, consolidating existing offsite recycling and corporation yard facilities into one location within the Baylands. The square footage of the developed areas on the Recology site would increase from the existing 260,000 square feet to 1,011,000 square feet. Total new development under this scenario would be approximately 8 million square feet.

- Amendments to the Brisbane General Plan as needed to ensure consistency of the Concept Plan with the provisions of the General Plan. Amendments to the City's Zoning Ordinance also may be required to ensure its consistency with Concept Plan development standards.
- A Specific Plan submitted to the City by the Universal Paragon Corporation (UPC) detailing development for the two "Developer Sponsored Plan" scenarios. The proposed *Draft Brisbane Baylands Specific Plan* is part of the Project included with the DSP and DSP-V Concept Plan scenarios.
- Proposed expansion of the existing Recology facility, which is included in the CPP-V Concept Plan scenario only.
- Relocation of existing lumber yards to a different location within the Baylands, which is proposed for each of the Concept Plan scenarios.
- Remediation of hazardous materials contamination within the former railyard and landfill areas of the Project Site, which is proposed for each of the Concept Plan scenarios.
- Importation of water supply for the Project. As noted above, the revised Project description includes the transfer of water to serve the Project Site. The City proposes to acquire a supplemental water supply of 2,400 acre-feet per year (AFY) via a water transfer agreement from the Oakdale Irrigation District (OID) in order to serve the Project Site. The City of Brisbane currently receives water from the SFPUC for its current municipal and industrial uses and also requires a supplemental supply to address the water supply needs for the City. OID and the City of Brisbane have signed a term sheet for the proposed water transfer. It provides for a maximum transfer of up to 2,400 AFY for a 50-year period, with possible renewals for additional 25-year periods. The 2,400 AFY includes 2,000 AFY to serve the proposed Project and 400 AFY to accommodate planned growth within the City of Brisbane as a whole. The water will be transferred from OID to Brisbane pursuant to water supply and conveyance agreements to be executed between OID and Modesto Irrigation District and SFPUC and Brisbane.

Identification of the various Project components that are analyzed in the forthcoming EIR are illustrated in **Table 1**, below.

**Table 1**  
**Project Components Analyzed in this EIR**

	Concept Plan Scenario			
	DSP	DSP-V	CPP	CPP-V
Concept Plan	✓	✓	✓	✓
General Plan Amendment	✓	✓	✓	✓
Specific Plan	✓	✓		
Site-Specific Development				
Recology Expansion				✓
Lumber Yard Relocation	✓	✓	✓	✓
Site-Specific Development Projects				
Site Remediation	✓	✓	✓	✓
Importation of Water Supply	✓	✓	✓	✓

## NOP History

The City of Brisbane issued a Notice of Preparation (SCH # 2006022136) on February 24, 2006 for development of the Project Site under the two scenarios proposed in UPC's Specific Plan. On December 10, 2010, a revised NOP was issued to reflect both a change in Project description and the identification of the Community Proposed Plan and its "Recology Expansion" variant to be studied in the EIR. The revised NOP was also issued in recognition of the time that had elapsed since the NOP was originally published. The 2006 and 2010 NOP and NOP responses remain on file at the Brisbane Community Development Department, and can be viewed at:

<http://www.brisbaneca.org/baylands/eir-process/notice-preparation>

This revised NOP is being issued to provide notice that, subsequent to issuance of the previous NOP in December, 2010, an additional component – a water transfer agreement between the City of Brisbane and the Oakdale Irrigation district – has been added to the Project, and will be analyzed as part of the forthcoming EIR.

## Site Description

The Project Site is comprised primarily of the Brisbane Baylands (Baylands), a subarea of the City of Brisbane identified in the existing Brisbane General Plan. A portion of the Northeast Bayshore Subarea also is included within the Project Site. Two of the proposed Concept Plan development scenarios, the CPP and CPP-V, also include the City's Beatty Subarea and a portion of land within the City of San Francisco occupied by the Recology solid waste transfer and processing facility, which straddles the City of Brisbane and City of San Francisco.

The Baylands and Northeast Bayshore portions of the Project Site include approximately 548 acres of land area and 136 acres of lagoon, for a total of 684 acres. With the addition of the Beatty Subarea, and portion of the existing Recology facility that lies within the City of San

Francisco, the entire Project Site consists of 597 acres of land area and 136 acres of lagoon, for a total 733 acres.

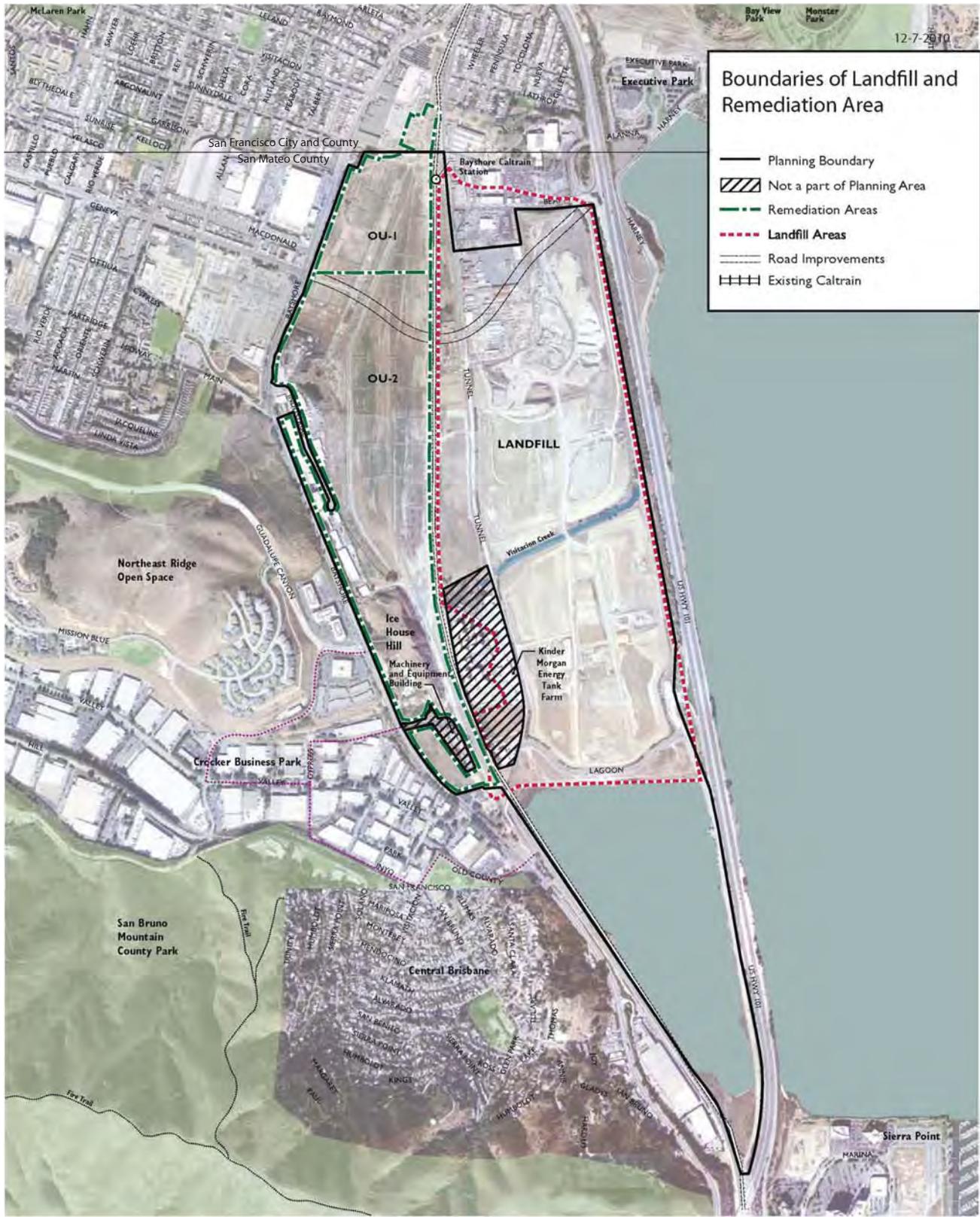
The Project Site is bisected in the north-south direction by the Caltrain railroad tracks and in the east-west direction by a central drainage channel, which is a part of the Visitacion Creek alignment. The majority of the Project Site is flat or gently sloping toward the Bay, with an elevation range of 10 to 50 feet above mean sea level (msl). A prominent hill (Icehouse Hill), located at the southeastern end of the Project Site, ranges from 25 to 200 feet above msl with steep cuts adjacent to the Caltrain railroad and more gently sloping cuts along Bayshore Boulevard.

The western portion of the Project Site encompasses approximately 228 acres and is bounded on the west by Bayshore Avenue, on the south by Tunnel Avenue, on the east by the Caltrain railroad tracks, and on the north by the City of San Francisco. This portion of the site is dominated by a former railyard area, which was operated by Southern Pacific Railroad and served freight train activity into and out of San Francisco between 1914 and 1960. The majority of this area is vacant with remnant buildings, including the Railroad Roundhouse which is designated as an historic structure on the National Register of Historic Places and the Lazzari Fuel Company Building, now used as a charcoal warehouse. The westerly portion of the site also includes a 261,400 square foot industrial park and a 0.1-acre sewer pump station owned by the Bayshore Sanitary District. This portion of the site also contains a natural feature know as Ice House hill, which represents a segment of the historical bay margin wherein areas of native vegetation types, including coastal scrub and perennial grasslands, are present. A stable for boarding horses is located northerly slope of Ice House Hill.

The eastern portion of the Project Site is the former Brisbane landfill, operated as a municipal landfill from the 1930s to the mid 1960s (See **Figure 2**). Encompassing 345 acres, this area is generally bounded on the west by the Caltrain railroad tracks, the City and County of San Francisco on the north, U.S. 101 on the east, and Brisbane Lagoon on the south. Uses located within this portion of the Project Site include the Recology solid waste transfer facility, Sierra Point Lumber and Van Arsdale-Harris Lumber, Brisbane Recycling (rock and concrete crushing operation); and Baylands Soils Processing facility. The Bayshore Caltrain Station is located at the north end of the Project Site, straddling the existing Caltrain Station.

A number of small interim uses occur within the Project Site including a native plant nursery south of Ice House Hill, a billboard along U.S. 101 near the northerly site boundary, and the use of a small concrete pad near the Roundhouse for the storage and rehabilitation of an historic rail steam engine. The City of Brisbane has also periodically allowed short term temporary uses to occur within the Baylands subarea, subject to the provisions of the Brisbane Municipal Code. Such uses include special event parking for San Francisco 49er home games and for the Grand National Rodeo held at the Cow Palace in Daly City. Existing uses on the Project Site are shown in **Figure 3**.

Two areas are located within the Project Site boundaries, but are not a part of the proposed Project (see **Figure 3**). These are the Kinder Morgan Energy Partners Brisbane Terminal (a petroleum



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 2**  
Boundaries of Landfill  
and Remediation Areas



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069  
**Figure 3**  
Existing Project Site

storage facility), and Machinery and Equipment Company (used processing equipment resale). These uses will not be altered as a result of the Project. Other adjacent land uses include North County Fire Authority Station Number 81 abutting the southwesterly corner of the site, and residential neighborhoods of Visitacion Valley and Little Hollywood to the north and northeast within the City of San Francisco.

Due to underlying groundwater and soils contamination issues associated with historical railroad uses of the site, the westerly portion of the site is under the regulatory oversight of two state agencies. As shown in **Figure 2**, the former railyard is divided into 2 separate Operable Units (OU). Operable Unit 1 (OU-1) is under the jurisdiction of the State Department of Toxic Substances, and Operable Unit 2 (OU-2) is under the jurisdiction of the Regional Water Quality Control Board. The easterly portion of the site, the former landfill, is under the regulatory jurisdiction of the Regional Water Quality Control Board and San Mateo County Environmental Health Services Agency.

## Proposed Land Uses

As noted previously, there are four distinct Concept Plan scenarios under consideration. **Table 2** below presents a summary of the proposed land uses and a summary of Project Site acreages. **Figure 4** and **Figure 5** show the Concept Plans for the DSP and DSP-V, respectively; and **Figure 6** and **Figure 7** show the Concept Plans for the CPP and CPP-V. **Figure 8** shows the site plan for the proposed Recology expansion.

**TABLE 2**  
**PROPOSED DEVELOPMENT FOR BRISBANE BAYLANDS PROJECT SITE BUILDABLE AREA**

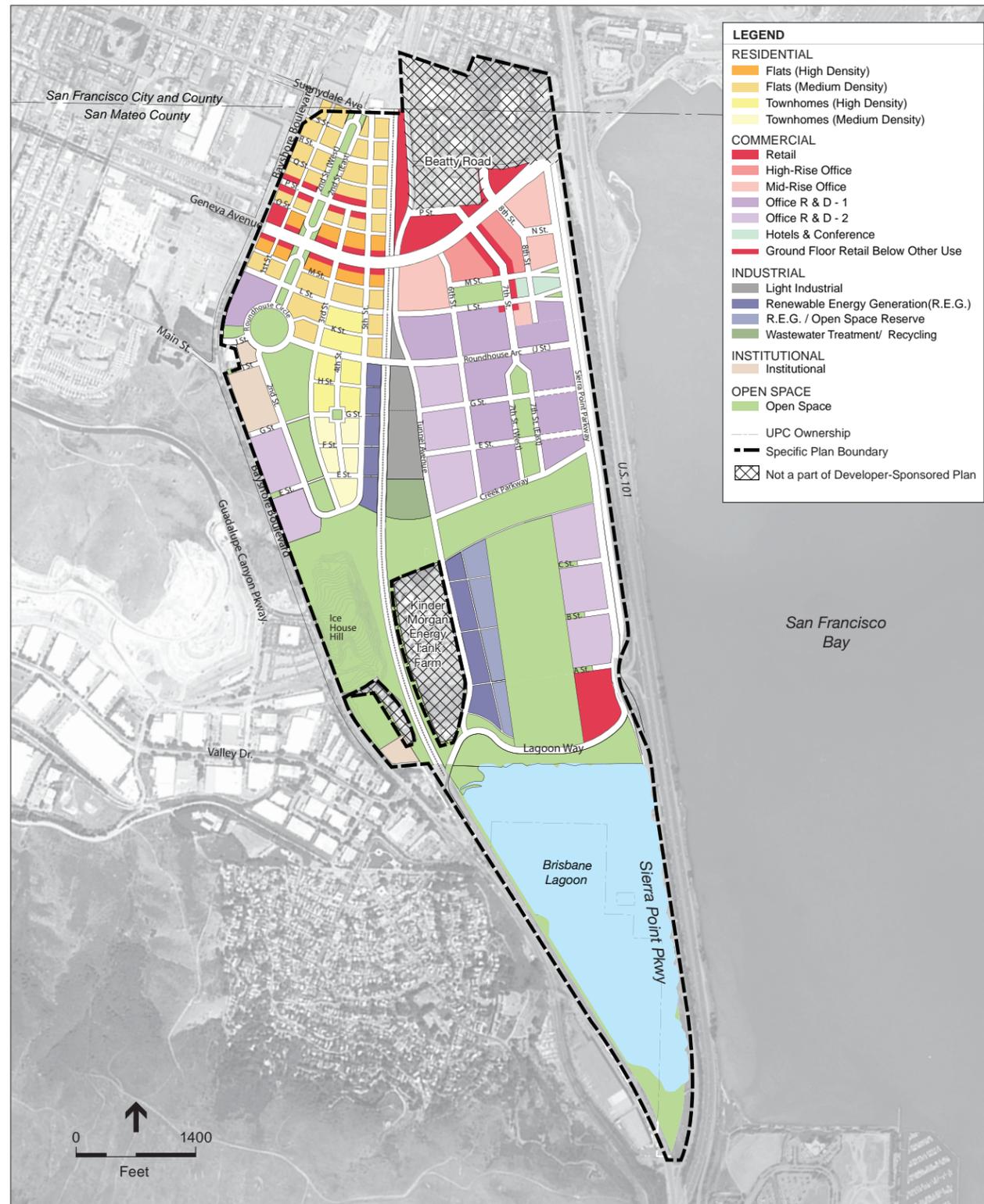
	DSP	DSP-V	CPP	CPP-V
<b>PROJECT SITE AREA</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>
New Development	349.0	349.0	211.1	211.1
Existing Recology Site	0	0	49.0	49.0
Renewable Energy Generation	25.0	25.0	(a)	(a)
Wastewater Treatment	5.0	5.0	5.0	5.0
Total Buildable Area <sup>b</sup>	378.7	378.7	267.4	267.4
Lagoon	135.6	135.6	135.6	135.6
Public Use / Open Space	169.7	169.7	330.0	330.0
<b>Total Site Area</b>	<b>684.0</b>	<b>684.0</b>	<b>733.0</b>	<b>733.0</b>
<b>PROPOSED LAND USES</b>	<b>square feet</b>	<b>square feet</b>	<b>square feet</b>	<b>square feet</b>
<b>Residential Total</b>	<b>5,150,400</b>	<b>5,150,400</b>	-	-
Residential Flats	4,351,800 (3,950 units)	4,351,800 (3,950 units)	-	-
Residential Townhomes	798,600 (484 units)	798,600 (484 units)	-	-
<b>Hotels and Conference</b>	<b>261,100</b> <b>(369 rooms)</b>	<b>586,800</b> <b>(719 rooms)</b>	<b>1,392,300</b> <b>(1,990 rooms)</b>	<b>1,046,100</b> <b>(1,500 rooms)</b>

**TABLE 2 (continued)**  
**PROPOSED DEVELOPMENT FOR BRISBANE BAYLANDS PROJECT SITE BUILDABLE AREA**

	DSP	DSP-V	CPP	CPP-V
<b>Retail/Mixed Commercial/Office/R&amp;D</b>	<b>566,300</b>	<b>283,400</b>	<b>2,209,500</b>	<b>2,209,500</b>
<b>Research and Development Single Use</b>	<b>3,328,300</b>	<b>2,599,200</b>	<b>2,007,000</b>	<b>1,672,200</b>
<b>Office and Institutional</b>	<b>2,762,000</b>	<b>2,363,100</b>	<b>992,700</b>	<b>992,700</b>
Office	2,651,200	2,252,300	-	-
Institutional	110,800	110,800	-	-
Office/ Institutional Mixed	-	-	992,700	992,700
<b>Entertainment/Civic/Cultural</b>	<b>28,200</b>	<b>1,066,500</b>	<b>1,074,500</b>	<b>1,074,500</b>
Arena	-	630,100	-	-
Theater/ Exhibition/Performance Venue	-	337,200	274,500	274,500
Multiplex	-	71,000	-	-
Cultural/Entertainment	-	-	611,300	611,300
Civic/ Cultural	28,200	28,200	188,700	188,700
<b>Industrial</b>	<b>142,500</b>	<b>142,500</b>	<b>469,100</b>	<b>1,220,100</b>
Existing Relocated Lumberyards	142,500	142,500	142,500	142,500
New Industrial	-	-	66,600	66,600
Existing Resource and Recovery	-	-	260,000	-
Expanded/Rebuilt Resource and Recovery	-	-	-	1,011,000
<b>Total Square Footage</b>	<b>12,238,800</b>	<b>12,191,900</b>	<b>8,145,100</b>	<b>8,215,100</b>

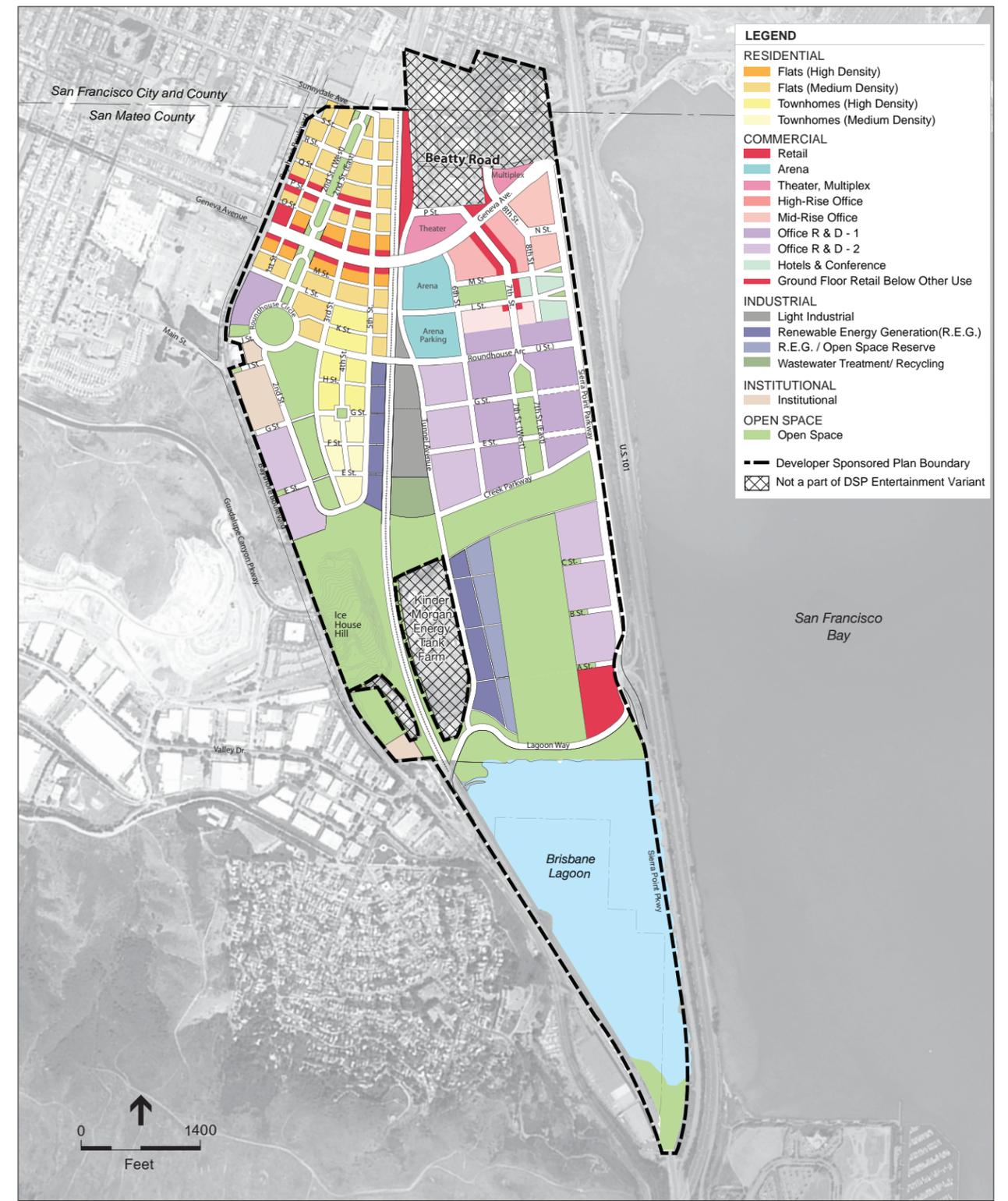
SOURCE: UPC, 2011; Dyett and Bhatia, 2012

- a. The CPP will incorporate alternative energy generation within the Project; location, size, and type of facilities will be determined at a later date. Acreages of other proposed land uses may decrease as a result.
- b. The buildable area includes all planned development and associated area for streets and infrastructure.



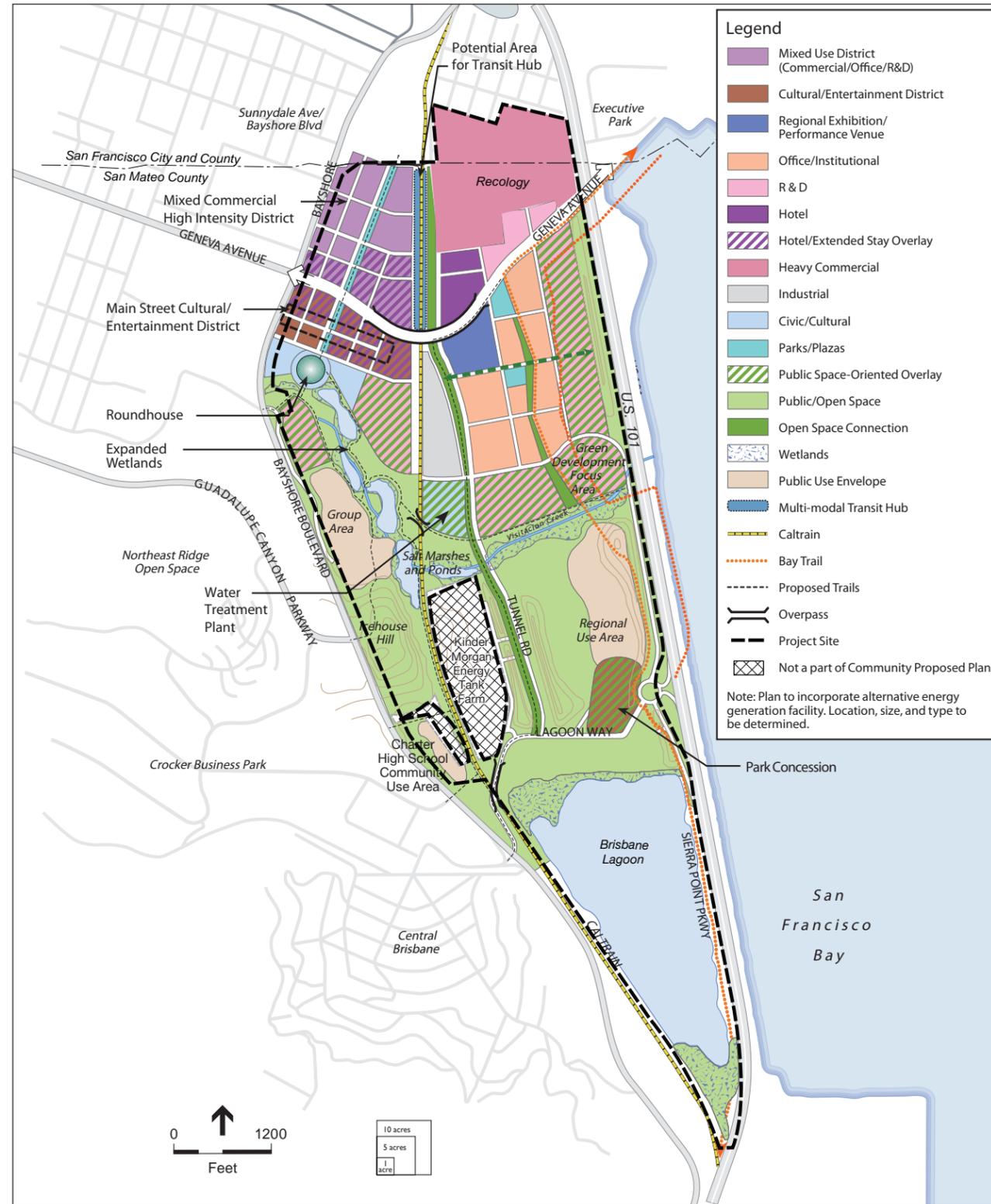
SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069  
**Figure 4**  
 Developer-Sponsored Plan (DSP)  
 Proposed Land Use Plan



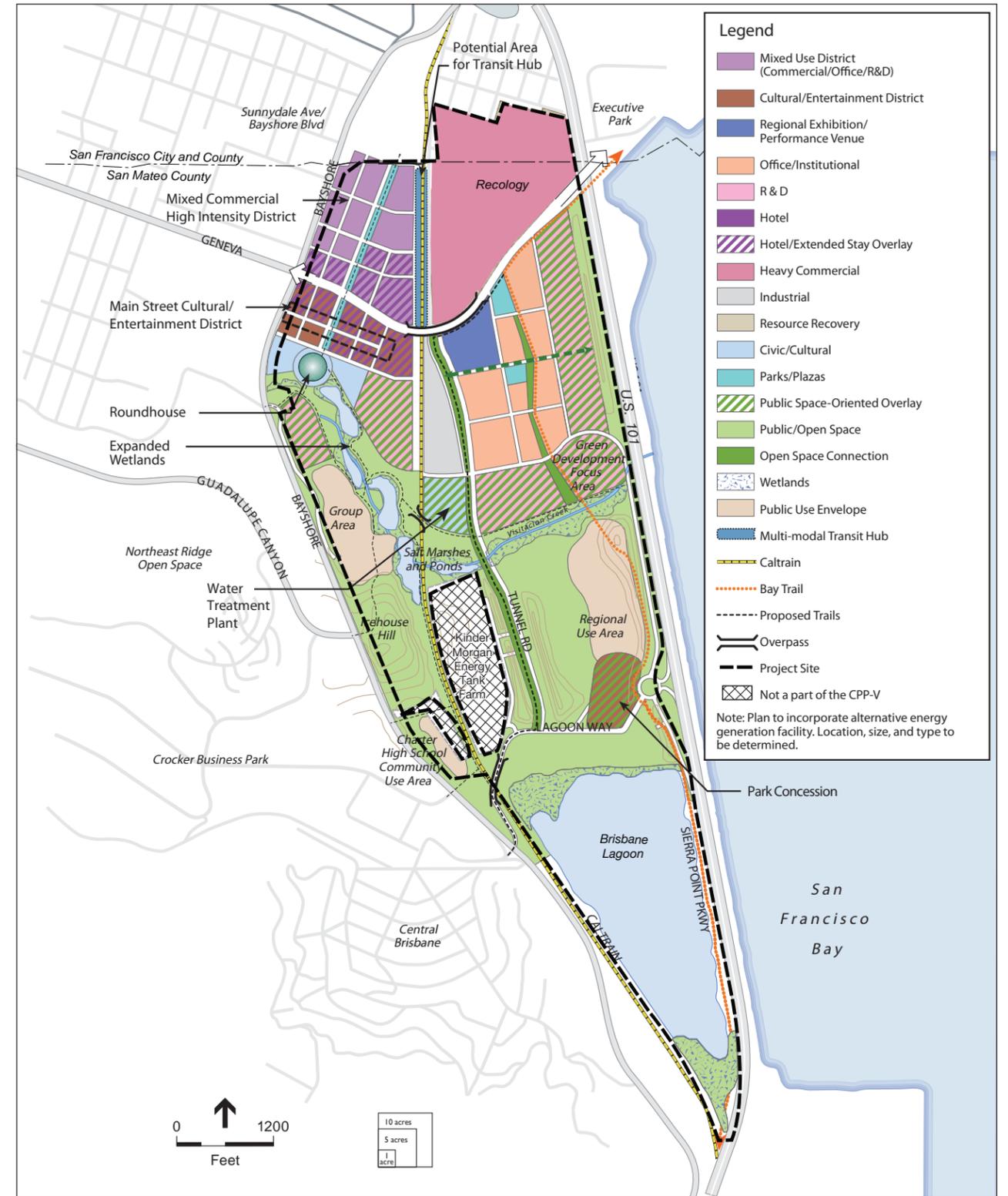
SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069  
**Figure 5**  
 Developer-Sponsored Plan-Entertainment Variant (DSP-V)  
 Proposed Land Use Plan



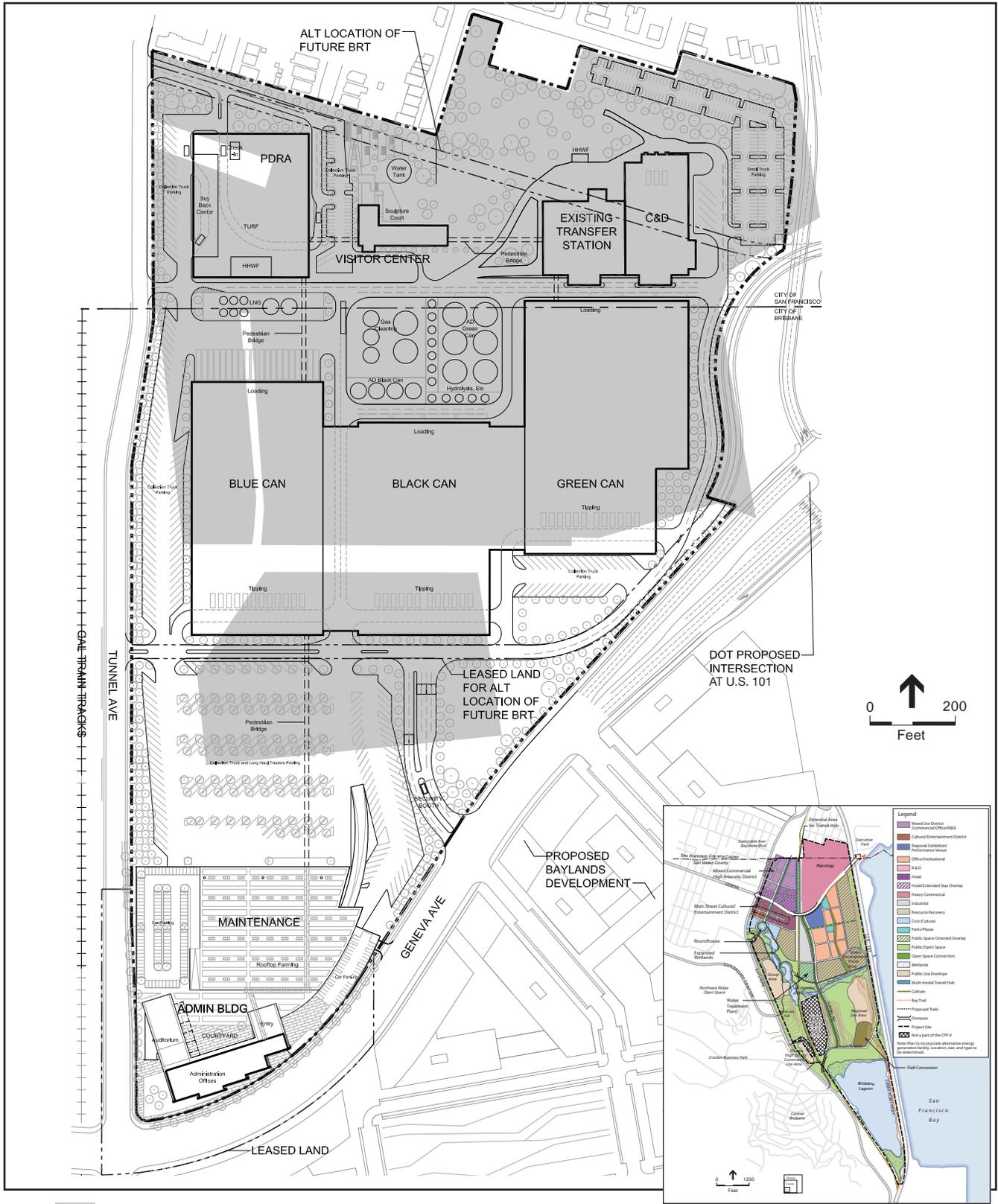
SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069  
**Figure 6**  
 Community Proposed Plan (CPP)  
 Proposed Land Use Plan



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069  
**Figure 7**  
 Community Proposed Plan Recology Expansion Variant (CPP-V)  
 Proposed Land Use Plan



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 8**  
Community Proposed Plan (CPP)  
Recology Expansion Variant Proposed Site Plan

## **Project Infrastructure**

Project infrastructure improvements under each of the four Concept Plan scenarios would include the following general components:

- Circulation improvements, including roadway and streetscape improvements (including the Geneva Avenue extension and access improvement for the Candlestick Point interchange at Harney Way/Alana Way and the Sierra Point interchange at Sierra Point Parkway/Lagoon Way), transit connections, pedestrian and bicycle paths, and parking;
- Park and trail improvements and habitat enhancement;
- Installation of domestic water system, sanitary sewage facilities (including an onsite wastewater treatment facility), a recycled water system, and storm drainage facilities;
- Installation of a electrical and natural gas lines, as well as a communications network to serve onsite development; and
- Installation of solar PV, wind turbines, and electrical and natural gas facilities.

## **Open Space and Trails**

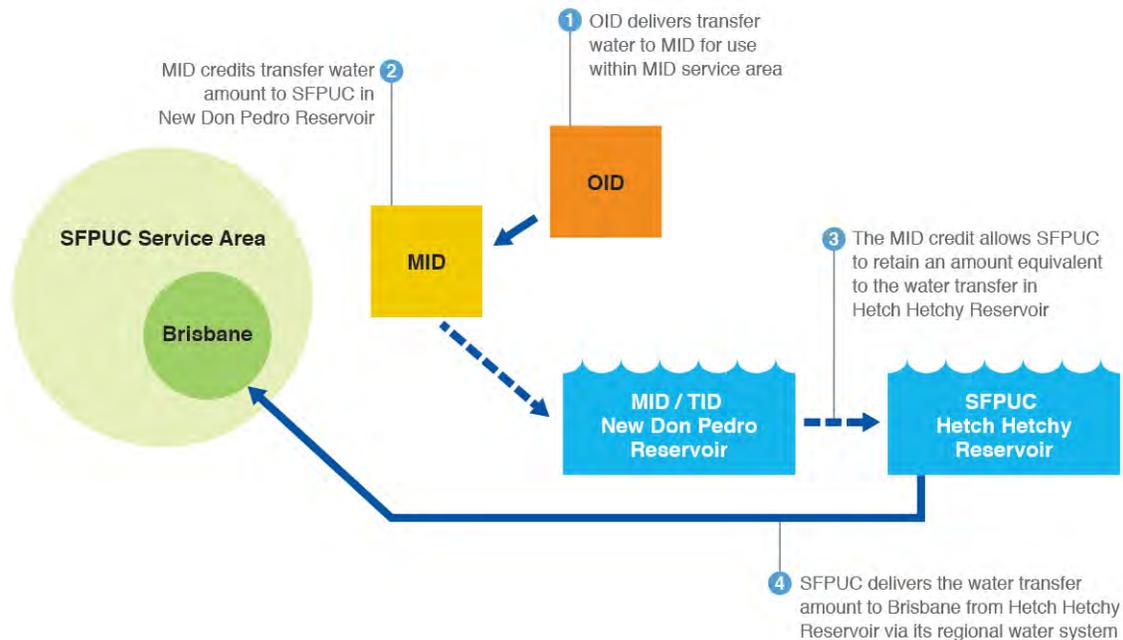
The DSP and DSP-V Concept Plan scenarios reserve approximately 170 acres of open space and open areas for wildlife habitat; public parks; landscaped areas; open areas within development sites; and other passive and active recreational uses. The Project Site would be traversed by a network of pedestrian trails, including a new section of the San Francisco Bay Trail.

The CPP and CPP-V Concept Plan scenarios reserve approximately 330 acres for open space, recreation, and public use areas, including a band of expanded wetlands, salt marshes and ponds west and north of the Visitacion creek drainage channel. The CPP and CPP-V also include a network of pedestrian trails, including a new section of the San Francisco Bay Trail. The CPP and CPP-V further propose several proposed commercial recreation opportunities within the larger open space network.

## **Water Supply Transfer**

Potable water supply for the proposed Project would come from a water transfer agreement between the City and the Oakdale Irrigation District (OID). The water transfer agreement between the City and OID guarantees the transfer of up to 2,400 acre-feet per year (AFY) without restrictions on permitting from the State Water Resources Control Board for a term of 50 years. The proposed water transfer relies upon existing facilities, and would not require the construction of any new facilities. **Diagram 1** below shows the general pathway of the water transfer from OID to Brisbane.

**Diagram 1**  
**The Brisbane/OID water transfer agreement uses existing facilities and includes no new diversions from natural streams. No new facilities will be constructed.**



OID is located in the northeast portion of the San Joaquin Valley in Stanislaus and San Joaquin Counties. The majority of OID's water supplies come from pre-1914 surface water rights that enable OID to divert up to 257,074 AFY from the Stanislaus River at Goodwin Dam upstream of the City of Oakdale without restrictions. The proposed transfer would be implemented by OID physically delivering up to 2,400 AFY of water into the Modesto Irrigation District (MID) system, via existing facilities (i.e., released from OID's Claribel canal system, generally located near Claribel Road south of the City of Riverbank into MID's South Main Canal). MID would make use of the 2,400 AFY and in turn hold an equivalent amount in storage in New Don Pedro Reservoir, located on the Tuolumne River northeast of La Grange. Through a similar exchange, MID would forego delivery of 2,400 AFY from the San Francisco Public Utilities Commission's (SFPUC) Hetch Hetchy system, which generally runs from the Sierra Nevada in Yosemite National Park through the Central Valley and the South San Francisco Bay to the City of San Francisco. The SFPUC has a water bank account in New Don Pedro Reservoir (in Tuolumne County), from which MID would credit SFPUC with the annual amount provided by OID to the City of Brisbane, up to the maximum 2,400 AFY. SFPUC would, in turn, deliver up to 2,400 AFY from its regional water supply system to the City of Brisbane using its existing water supply infrastructure and operational plans.

Recommendations for policy, organizational, and facility improvements to accommodate current and future water demands within OID are set forth in a comprehensive Water Resources Plan (WRP) prepared by OID in 2004. A Programmatic Environmental Impact Report (PEIR) was certified and the WRP adopted by the OID Board of Directors on June 19, 2007. The WRP

accounts for changes within OID's service area over the next 20 years, including water demand decreases due to land use changes from agriculture to urban and pasture to orchards, and water supply increases resulting from infrastructure improvements. As such, the WRP anticipates an increase in water supplies made available for transfer or annexation from 30,000 acre-feet to 50,000 acre-feet for firm water transfers, and from 11,000 acre-feet to 17,000 acre-feet for variable water transfers, resulting in a total volume (firm and variable) of available water equal to approximately 67,000 acre-feet by 2030. A "firm water transfer" is defined in the WRP as the quantity of water that would be made available in all water years irrespective of the hydrologic yield of the basin, as is reflected in the water transfer agreement between OID and the City of Brisbane.

In accordance with the WRP, the volume of water OID has committed to transfers to date totals 27,400 acre-feet, including Brisbane and another entity. This amount is approximately 13,600 acre-ft less than the amount that OID has historically transferred and approximately 39,600 acre-ft less than what OID expects to be available for transfer following complete implementation of the WRP. Because only existing diversion rights and existing facilities will be used for the proposed water transfer, the area of impact is limited to the movement of water through existing facilities. Any physical impacts related to the transfer of water within OID's system are accounted for in the WRP PEIR.

### **Construction Period Activities**

Complete construction of any of the four Concept Plan scenarios would occur over an approximately 30-year period. Remediation of contaminated soil and groundwater at the Project Site would occur during the first phase of development, prior to initiation of any infrastructure development or building construction. Under all of the proposed Concept Plans, preparation of the Project Site for development would include the demolition and deconstruction of all non-historic buildings not intended for long-term reuse, site structures (retaining walls, utility structures), streets and pavements, existing utilities, and landscape elements that are incompatible with the proposed land development program and design. The buildings to be demolished or deconstructed are primarily of wood, masonry, and concrete construction and were formerly used for administration, railyard maintenance, and industrial operations. Demolition/deconstruction would occur in phases in conjunction with projected building construction phases and with required environmental remediation and landfill closure. Phasing of such activities would allow the existing utility services, vehicular access areas, and vegetation to remain in place as long as possible in order to reduce disruption to existing uses within the Baylands.

Proposed grading for the former landfill area is based on the large amount of existing fill in the area and the anticipated settlement of the landfill waste and underlying Bay Mud. The estimated amount of settlement that would need to be accommodated is approximately 18 to 30 inches over a 30-year time period. Larger amounts of settlement may require continued maintenance and more frequent repairs, as well as re-grading of site improvements. Based on the anticipated settlement ranges for finished grades between elevations 21 to 26 feet above sea level, a conceptual grading plan was completed for the former landfill area. In order to achieve the conceptual proposed finished grades, grading operations would include approximately 4,475,000 cubic yards of cut, inclusive of the 700,000 cubic yards of soil that have been added to

site since 2007, and approximately 3,397,000 cubic yards of fill. This would require approximately 3,730,000 cubic yards of export from the former landfill area, primarily to the westerly railyard portion of the site.

Grading for the former railyard area is dictated by required capping of soil/groundwater contamination, historic structures schedule to remain, extension of the existing drainage channel, and connections to the proposed Geneva Avenue extension over the Caltrain right of way. Similar to the landfill area, the amount of added soil will increase the potential for settlement caused by consolidation of underlying Bay Mud soils. The target amount of settlement to be accommodated by the grading design is approximately 18 to 30 inches over a 30-year period. To achieve the conceptual proposed finished grades for the former railyard area, grading operations would include approximately 54,000 cubic yards of cut and approximately 2,600,000 cubic yards of fill.

## Required Approvals

Each of the four Concept Plan scenarios would require the following approvals:

### City of Brisbane

- Approval of a Concept Plan for the Brisbane Baylands
- Adoption of a General Plan Amendment, as needed, to ensure consistency between the Concept Plan and the General Plan;
- Adoption of amendments to the Zoning Ordinance, as needed, to ensure consistency between the specific plan, General Plan, and Zoning Ordinance, and to establish the land use regulations and development standards set forth in the specific plan as the regulatory authority governing future Project Site development;
- Adoption of a Specific Plan; and
- Other subsequent required approvals, including development agreement(s), planned development permits, conditional use permits, design permits, subdivision map approvals, and grading and building permits. These subsequent approvals may also require additional CEQA compliance, as noted below.

### Other Agencies

- Landfill Closure Permit, Landfill Closure Plan and Post-Closure Maintenance Plan (State Water Resources Control Board [SWRCB], Bay Area Air Quality Management District [BAAQMD], and CalRecycle/San Mateo County Department of Environmental Health Services Agency).
- Remedial Action Plan and Remedial Design and Implementation Plan (California Department of Toxic Substances Control [DTSC] and San Francisco Bay Regional Water Quality Control Board [RWQCB]).
- Oakdale Irrigation District (OID) and San Francisco Public Utilities Commission (SFPUC) Water Supply and Conveyance Agreements.
- Modesto Irrigation District (MID) Water Exchange Agreement.

- Interagency Cooperation Agreements to coordinate and implement roadway and utility improvements:
  - City and County of San Francisco: Expansion of the Recology site, roadway and transit facilities improvements, sewer and water supply infrastructure improvements.
  - City of Daly City: Public services (fire stations, utility infrastructure, roadways, and intersection improvements).
  - San Francisco County Transportation Authority: Transportation corridors and transit facilities improvements.
  - San Mateo County: Regional transportation facilities and roadway improvements; regional utility infrastructure improvements.
- San Francisco Bay Conservation and Development Commission (BCDC) Design Review approval and permit for development within the 100-foot shoreline band. The lagoon and Visitacion Creek are both subject to tidal action from the San Francisco Bay. Any development that occurs within the 100-foot shoreline band of these features requires BDCD review.
- Streambed Alteration Agreement (California Department of Fish and Game [CDFG]) and Section 404 permit (United States Army Corps of Engineers [Corps]) for activities in or around Visitacion Creek as part of the closure requirements of the RWQCB.
- Water quality certification, National Pollutant Discharge Elimination System (NPDES) permit, and waste discharge requirement compliance (RWQCB).
- Air quality permits (BAAQMD).
- Incidental Take Permit, if necessary, for special-status species (CDFG).
- State Lands Commission approvals, if necessary. Portions of the Project that occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State Lands Commission, and that remain submerged or subject to tidal action, are subject to a Public Trust easement retained by the state. Any portion of the Project located within the Guadalupe Canal would require a lease from State Lands Commission.
- California Public Utilities Commission approval to modify an existing highway rail crossing or to construct a new crossing.
- Encroachment permits if construction occurs in right-of-way owned by the California Department of Transportation (Caltrans District 4) or the Peninsula Corridor Joint Powers Board (Caltrain).
- City and County of San Francisco design permits and grading and building permits for expansion of the Recology facility.

## The EIR

The EIR will evaluate the major environmental effects of the Project at a program level of analysis. The EIR will frame the nature and magnitude of the expected environmental impacts associated with the Project and identify program mitigation measures to reduce the impacts of the elements as proposed. Where more detailed information is presently available, such as is the case for the Specific Plan proposed for the DSP and DSP-V concept Plan scenarios, proposed expansion of the existing Recology facility, relocation of existing lumberyards within the Baylands, and site remediation, more detailed analysis will be provided in the EIR.

Future discretionary approvals and permits proposed for development within the Baylands will be subject to the provisions of CEQA. Pursuant to CEQA Guidelines Section 15168(c), the City of Brisbane will review future discretionary actions for development within the Baylands to determine the extent to which the analyses contained in the EIR address the impacts of such discretionary actions, whether additional environmental review is required, and what form that that review will take. If additional environmental analysis is determined necessary, the City will use the information in the EIR to support such future environmental review.

## Topics

In conjunction with the original NOP published in 2006 (SCH # 2006022136), an initial study was prepared which determined that the proposed Project could have a significant effect in regard to: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities Recreation, and Transportation/Traffic, all of which will be addressed in the forthcoming EIR. The Initial Study further concluded that state-designated Agricultural and Mineral Resources do not occur on the site and therefore potential impacts associated with these topics are less than significant. The 2006 Initial Study is available for review at:

<http://www.brisbaneca.org/baylands/eir-process/notice-preparation>

It is also on file at the City of Brisbane Community Development Department.

The list of topics to be evaluated in the forthcoming EIR is the same as that identified in the 2010 NOP. A topic by topic summary follows below:

- **Aesthetic Resources:** the analysis will discuss the impacts of new development in terms of impacts on scenic vistas, height and massing, views from surrounding areas and the potential for increased light and glare.
- **Air Quality:** the analysis will discuss the local and regional air quality impacts from Project related construction and demolition, and impacts from new development and Project-related traffic. Impacts on existing and proposed sensitive receptors will also be analyzed, along with potential odor impacts. Micro-impacts of the Project in altering

existing air movement patterns (i.e. the creation of “wind tunnels” or similar conditions) will also be evaluated.

- **Biological Resources:** the analysis will discuss the impacts of construction and demolition activities on nesting birds, the general potential for removal of mature trees, and the potential for new development to result in direct, indirect and/or cumulative impacts on botanical and wildlife habitat, including but not limited to Brisbane Lagoon, Visitacion Creek, Icehouse Hill, and wetlands. Potential offsite impacts associated with the proposed water transfer also will be addressed. Potential wildlife corridor impacts will also be addressed.
- **Cultural Resources:** the analysis will discuss impacts on known or potential historic buildings and sites, and the potential for construction and demolition activities to disturb archaeological and cultural resources.
- **Geology, Soils, and Seismicity:** the analysis will discuss the potential for construction and demolition activities to expose soils to erosion, and the potential for site development to expose structures and people to factors including but not limited to seismic risk, liquefaction, and differential settlement.
- **Greenhouse Gas Emissions:** the analysis will discuss Greenhouse Gas Emissions impacts from Project-related construction and demolition, and impacts from new development and Project-related traffic. It will further address potential climate change adaptation impacts, such as sea level rise, in relation to other topics such as hydrology, utilities, and biological resources.
- **Hazardous Materials and Hazards:** the analysis will discuss the areas of known and potential soil and groundwater contamination, anticipated remediation required to protect human health and safety based on proposed land uses, status of ongoing cleanup efforts, and the potential for construction and demolition activities to expose workers and residents to hazardous materials.
- **Hydrology and Water Quality:** the analysis will discuss the potential impacts of the Project in regard to stormwater drainage systems, compliance with water quality standards or waste discharge requirements, groundwater, along with the impacts of potential development within the 100-year flood zone.
- **Land Use and Planning Policy:** the analysis will discuss the potential for the Project to divide the existing community, alter community character, or conflict with applicable land use policy and plans, including the City of Brisbane General Plan and regional land use initiatives, such as the Sustainable Communities Strategy (SCS) administered by Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC).
- **Noise:** the analysis will discuss the impacts of noise and vibration from construction and demolition activities as well as the potential noise impacts of new activities generated by site development, and impacts of existing noise sources such as Caltrain and U.S. 101 on proposed land uses.

- **Population and Housing:** the analysis will discuss the potential of the Project to directly and/or indirectly induce substantial population growth and related impacts.
- **Public Services and Utilities:** the analysis will discuss the potential increase in demand for public services, and infrastructure such as, fire and police protection, schools, solid waste, energy, water supply, and wastewater disposal services.
- **Recreation:** the analysis will discuss the potential increase in the use of existing recreational facilities and the extent to which such increased use may be to the detriment of those facilities, the need to create new recreational facilities, and impacts on existing recreational resources.
- **Transportation, Circulation and Parking:** the analysis will discuss the impacts of construction traffic and the potential for new development to increase traffic volumes and affect roadway carrying capacity on the area's roadway and highway system. The analysis will also examine impacts on pedestrian/bicycle activity and transit service, as well as emergency access.
- **Sustainability:** the analysis will identify Project elements and measures that contribute to the Project's environmental sustainability

## EIR Organization

The forthcoming draft EIR will be organized to include the following sections:

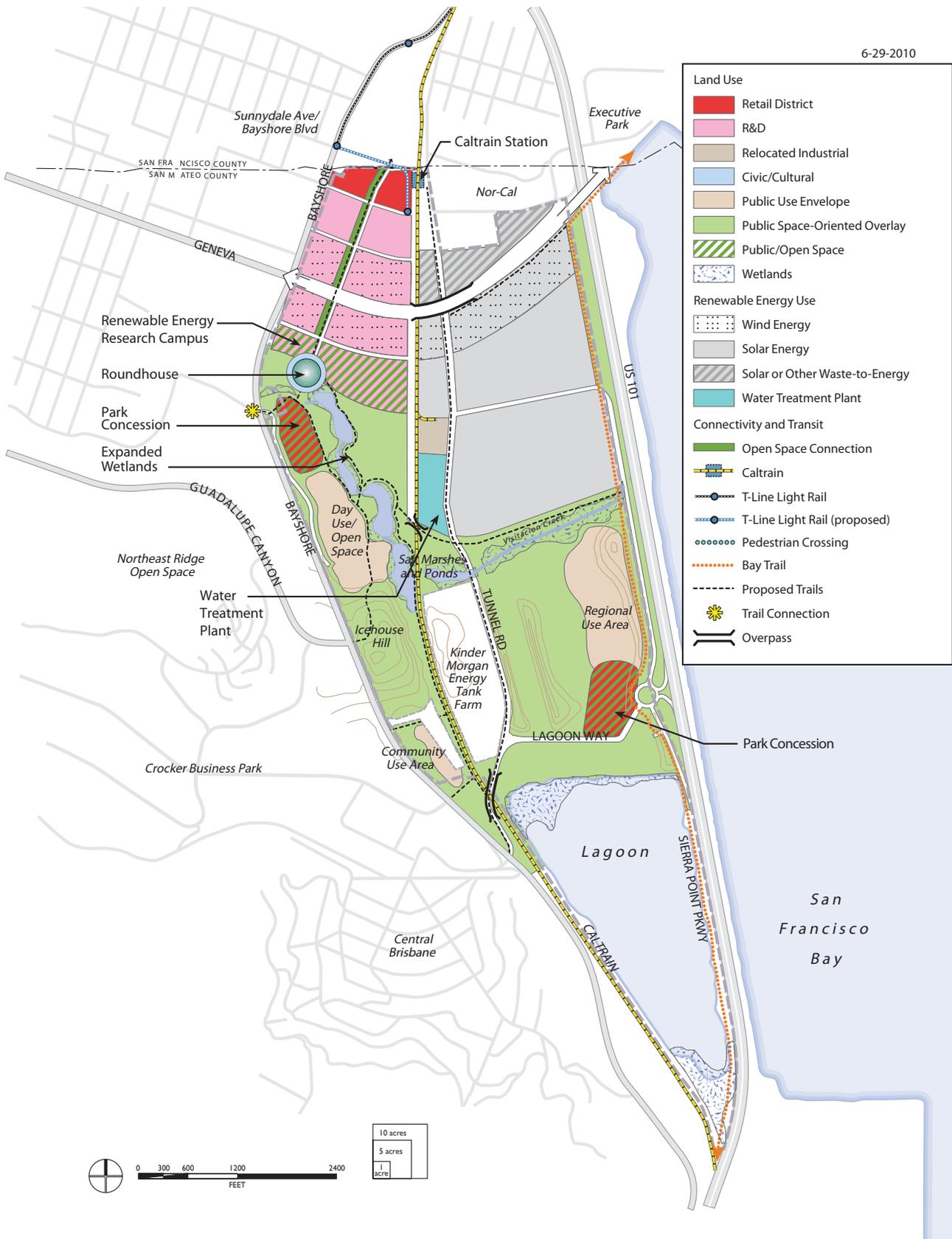
- Introduction
- Summary
- Project Description
- Environmental Setting, Impacts, and Mitigation Measures
- Alternatives
- Impact Overview and Growth-Inducing Impacts
- Cumulative Impacts
- Sustainability
- Report Preparers
- Appendices

## Alternatives

In addition to the Concept Plan scenarios discussed above, the following alternatives will be evaluated in the forthcoming EIR:

- **Alternative 1: No Project – No Build.** This alternative assumes that no Concept Plan, Specific Plan, or site-specific development of the Project Site is approved, site remediation does not occur, existing uses remain in plan, no imported water supply is provided, and there is no further development on the Baylands.

- **Alternative 2: No Project – General Plan Buildout.** This alternative assumes that none of the proposed Concept Plan scenarios, the proposed Baylands Specific Plan, or site-specific developments projects are approved, and that buildout of the Project Site occurs pursuant to the existing adopted provisions of City of Brisbane 1994 General Plan. This alternative also assumes site remediation is undertaken and that imported water supply is approved to support development under this alternative.
- **Alternative 3: Non-Residential Reduced Density Alternative.** This alternative incorporates a mix of commercial, office, business park, and institutional uses at a reduced level of development from that proposed by the various Concept Plan scenarios. This alternative also assumes site remediation is undertaken, the lumber yards are relocated, and that imported water supply is approved to support development under this alternative.
- **Alternative 4: Mixed Use Reduced Density Alternative.** This alternative incorporates a mix of uses similar to the DSP Concept Plan, but at a reduced level of development from that proposed in the DSP Concept Plan. This alternative also assumes site remediation is undertaken, the lumber yards are relocated, and that imported water supply is provided.
- **Alternative 5: Renewable Energy Generation Alternative.** This alternative is intended to maximize on-site renewable energy generation, including an approximately 100 acre solar farm, small vertical-axis wind turbines, wind turbines placed within development, and rooftop photovoltaic solar. Approximately 90 acres are devoted to research and development, retail/entertainment, and relocated industrial uses, totaling approximately 1 million square feet. This alternative includes the basic public space framework proposed under the CPP and water treatment plant included in the DSP and CPP. This alternative also assumes site remediation is undertaken, the lumberyards are relocated, the Recology facility is expanded, and that imported water supply is provided (See **Figure 9**).



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 9**  
CEQA Alternative - Renewable Energy Land Use

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# A.2

## NOP Notice of Availability

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**NOTICE OF AVAILABILITY  
OF A  
REVISED NOTICE OF PREPARATION**

**FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE  
BRISBANE BAYLANDS SPECIFIC PLAN  
(City File No: SP-1-06/GPA-2-10; State Clearinghouse No. 2006022136)  
OCTOBER 22, 2012**

TO: All Interested Parties

Attached please find a copy of the Revised Brisbane Baylands Specific Plan EIR Notice of Preparation (NOP).

An NOP for the Baylands Draft Environmental Impact Report (DEIR) was previously distributed in 2006, and a revised NOP was distributed in December 2010. The 2010 revised NOP provides a detailed description of the proposed development of the Brisbane Baylands to be evaluated in the forthcoming DEIR. The 2006 and 2010 NOP and NOP responses remain on file at the Brisbane Community Development Department, and can be viewed at:

<http://www.brisbaneca.org/baylands/eir-process/notice-preparation>

The revised NOP has been prepared and distributed to reflect the addition of a proposed water transfer agreement to the Project. Specifically, the City proposes to acquire a supplemental water supply of 2,400 acre-feet per year (AFY) via a water transfer agreement with the Oakdale Irrigation District (OID) in order to serve the proposed development of the Brisbane Baylands. The proposed water transfer is described in greater detail in the attached Revised NOP.

***State law specifies a 30 day comment period on the revised NOP. Written comments are due by 5 p.m. on November 21, 2012.***

Please send written comments on the revised NOP to:

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA 94005  
Fax: 415.467.5547

or via email to:

[eir@ci.brisbane.ca.us](mailto:eir@ci.brisbane.ca.us)

Christopher D. Nagano  
Sacramento Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way Room W-2605  
Sacramento, California 95825

CA Public Utilities Commission  
505 Van Ness Ave  
San Francisco, CA 94102  
Attn: Leo Wong

AT&T California  
Bob Pickard, Public Wks Coordinator  
795 Folsom St, Room 426  
SAN FRANCISCO, CA 94107-1243

SSF Scavenger Co.  
Barbara Bernardini  
500 East Jamie Court  
So. San Francisco, Ca 94080

SF Water Dept – Ms. S. Davis  
Water Supply & Treatment  
1000 El Camino Real  
Millbrae, Ca 94030

Real Estate Services  
Public Utilities Commission  
1145 Market Street, 7<sup>th</sup> Floor  
San Francisco, CA 94103

Bayshore School District  
1 Martin Street  
Daly City, CA 94014

Bruce Seale  
SFPUC  
Bureau Of Env Regulation & Management  
3801 Third Street, Suite 600  
San Francisco, Ca 94124

Rich Napier  
City/County Association Of Governments  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, Ca 94065

Jefferson Union High School Dist.  
699 Serramonte Blvd., Ste 100  
Daly City, Ca 94015

Stanley Low  
SMCO Dept Of Env Health  
2000 Alameda De Las Pulgas Ste 100  
San Mateo, Ca 94403

Caltrans, District 4  
111 Grand Avenue  
Oakland, CA 94612

City of South San Francisco  
Dept. of Comm. Development  
400 Grand Ave  
South San Francisco, CA 94080

Planning and Engineering Department  
San Mateo County Transit District  
P.O. Box 3006  
San Carlos, CA 94070

PG&E-Stephanie Isaacson  
77 Beale Street, Ste 100  
San Francisco, CA 94105

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94102

California RWQCB  
Attn: Vic Pal  
1515 Clay St., Ste 1400  
Oakland, CA 94612

Greg Schirle  
San Mateo County  
Environmental Health  
2000 Alameda de las Pulgas Ste 100  
San Mateo CA 94403

California Integrated Waste Management  
Board  
1001 I St.  
Sacramento, CA 95812-4025

San Francisco Bay Conservation and  
Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Association of Bay Area Governments  
P.O. BOX 2050  
Oakland, CA 94604-2050

Department of Toxic Substance Control  
Attn: Denise Tsuji  
700 Heinz Avenue  
Berkeley, CA 94710

Nixon Lam  
Senior Environmental Planner  
SFIA Planning Design & Construction  
P.O. Box 8097  
San Francisco, CA 94128

California State Lands Commission  
100 Howe Avenue Ste 100 South  
Sacramento, CA 95825-8202  
Attn: Joan Walter

Bayshore Sanitary District  
36 Industrial Way  
Brisbane, CA 94005

CA Dept of Fish and Game  
Bay Delta Region  
Habitat Conservation  
7329 Silverado Trail  
Yountville, CA 94599

Daly City ECD/Planning  
333 90th Street  
Daly City, CA 94015

US Army Corps of Engineers  
San Francisco District  
1455 Market Street, #16  
San Francisco, CA 94103

San Mateo County  
County Clerk and Recorder  
555 County Center, 1st Floor  
Redwood City, CA 94063

Bill Wyko  
San Francisco Planning Department  
1660 Mission Street Ste 400  
San Francisco, CA 94103

Peninsula Corridor JPB (Caltrain)  
1250 San Carlos Ave.  
San Carlos, CA 94070

Sam Herzberg  
SMCO Parks and Rec Dept.  
555 County Center, 5th Floor  
Redwood City, CA 94063

San Francisco MTA  
1 South Van Ness Ave Flr 3  
San Francisco, CA 94103-1267

San Francisco County  
Transportation Authority  
1455 Market Street. 26th Floor  
San Francisco, CA 94102

SMC Transportation Authority  
1250 San Carlos Ave.  
San Carlos, CA 94070

Metropolitan Transportation Commission  
101 Eighth St.  
Oakland, CA 946071

Stan Muraoka  
San Francisco Redevelopment Agency  
One South Van Ness Ave , 5th Floor  
San Francisco, CA 94103

California High-Speed Rail Authority  
770 L Street, Ste 800  
Sacramento, CA 95814

Office of Econ and Wkforce Dev  
City Hall, Room 448,  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

SFPUC  
Wastewater Enterprise Planning Division  
1145 Market Street 5<sup>th</sup> Floor  
San Francisco, CA 94103

David Holbrook  
San Mateo County  
Planning and Building Dept  
455 County Center, 2nd Floor  
Redwood City, CA 94063

Brisbane School District  
1 Solano Street  
Brisbane, Ca 94005

U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

California Energy Commission  
1516 Ninth Street MS-40  
Sacramento CA 95814  
Attn: Dale Edwards  
Environmental Protection Officer

Office of Planning and Research  
PO Box 3044  
Sacramento CA 95812-3044

Steve Knell, P.E., General Manager  
Oakdale Irrigation District  
1205 East F Street  
Oakdale, CA. 95361

Martha Poyatos, Executive Officer  
San Mateo LAFCo  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

Amy E. DeMasi  
San Mateo County Environmental Health  
Ground Water Protection Program  
2000 Alameda de las Pulgas, Ste 100  
San Mateo, CA 94403

Dave Carbone  
SMCo ALUC  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

Peter Drekmeier  
Tuolumne River Trust  
111 New Montgomery, Suite 205  
San Francisco, CA 94105

**Interest Parties (non agency/non residents)**

Brittany Nackley  
President, 101 Crescent Way HOA  
101 Crescent Way, #2309  
San Francisco, CA 94134

Bay Area Open Space Council  
2150 Allston Way Ste 320  
Berkeley, CA 94704

Fran Martin, Chair  
Visitacion Valley Planning Alliance  
186 Arleta Avenue  
San Francisco CA 94134

David Johnson AIA  
Partner, Managing Director  
William McDonough + Partners  
177 Post Street, Suite 920  
San Francisco, CA 94108

Sierra Point Lumber  
855 Lakeville St. Ste 200  
Petaluma CA 94952

Bay Area Council  
201 California, Suite 1450,  
San Francisco CA 94111

Leno Bellomo, Jr.  
Recology  
250 Executive Park, Suite 2100  
San Francisco, CA 94134

Sierra Club  
Loma Prieta Chapter  
3921 East Bayshore Road, Suite 204  
Palo Alto, CA 94303

Gary Pruitt  
1153 Chess Drive  
Foster City, CA 94404

Ken McIntre  
San Bruno Mountain Watch  
P.O. Box 53  
Brisbane, CA 94005

John Wasson  
Columbus Consulting Group, Inc.  
153 Gramercy Drive  
San Mateo, CA 94402

Gino Altamirano  
Coblentz Patch Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111-4212

Jim McKissock  
Earthcare  
516 Richmond St.  
El Cerrito, CA 94530

San Mateo County  
Housing Leadership Council  
139 Mitchell Ave, Ste 108  
South San Francisco CA 94080

Greenbelt Alliance  
312 Sutter Street, Suite 510  
San Francisco, CA 94108

Autumn Meisel  
Thomas Reid Associates  
545 Middlefield Rd, Ste 200  
Menlo Park, CA 94025

Jennifer Clary  
Clean Water Action  
111 New Montgomery St. Ste 600  
San Francisco, CA 94105

Paul Fenn  
Local Power  
4281 Piedmont Ave  
Oakland, CA 94611

Katherine Williams  
VVCDC  
1099 Sunnydale Ave  
San Francisco, CA 94134

Ian Lewis  
UNITE HERE Local 2  
209 Golden Gate Ave  
San Francisco, CA 94102

Brisbane Chamber of Commerce  
50 Park Place  
Brisbane CA 94005

Robin Smith  
Sequoia Audubon Society  
P.O. Box 620292  
Woodside, CA 94062-0292

SAMCEDA  
1301 Shoreway Road, Suite 150  
Belmont, CA 94002

Committee for Green Foothills  
Peninsula Conservation Center  
3921 East Bayshore Road  
Palo Alto CA 94303

San Francisco Estuary Institute  
4911 Central Avenue  
Richmond, California 94804

League of Conservation Voters  
350 Frank H. Ogawa Plaza, Suite 1100  
Oakland, CA 94612

Naomi Melver  
S.F. Baykeeper  
785 Market St. Ste 850  
San Francisco, CA 94013

Bill Robberson,  
San Francisco Boardsailing Assoc  
1230 Clay St #203  
San Francisco, CA. 94108

Allan Campbell, Director  
Kinder Morgan  
1100 W Town and Country, #600  
Orange, CA 92868

Josh Sonnenfeld  
c/o Save the Bay  
1330 Broadway Ste 1800  
Oakland CA 94612-2519

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# A.3

## Comments Received in Response to the 2012 Notice of Preparation

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EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

RECEIVED  
OCT 30 2012  
Comm. Dev. Dept. Brisbane

Notice of Preparation

October 22, 2012

To: Reviewing Agencies  
Re: Brisbane Baylands Specific Plan EIR  
SCH# 2006022136

Attached for your review and comment is the Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan EIR draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**John A Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2006022136  
**Project Title** Brisbane Baylands Specific Plan EIR  
**Lead Agency** Brisbane, City of

---

**Type** **NOP** Notice of Preparation

**Description** As described in the 2010 NOP, the DEIR will evaluate several different land use development scenarios for the 733 acre Brisbane Baylands. The highest intensity scenario proposes ~4,400 dwelling units, 8 million sf of commercial/office/R&D development, and ~200 acres of open space. The project description is now being revised to include a proposed water transfer agreement between the City of Brisbane and Oakdale Irrigation District (OID) for the transfer of 2,400 acre-feet (AF) of water annually to the City of Brisbane. The water will be conveyed from OID via existing Modesto Irrigation District (MID) and San Francisco Public Utilities Commission (SFPUC) facilities.

---

**Lead Agency Contact**

**Name** John A Swiecki, Principal Planner  
**Agency** City of Brisbane  
**Phone** (415) 508-2120 **Fax**  
**email**  
**Address** 50 Park Place  
**City** Brisbane **State** CA **Zip** 94005

---

**Project Location**

**County** San Mateo  
**City** Brisbane  
**Region**  
**Cross Streets** Bayshore Boulevard & Tunnel Avenue  
**Lat / Long** 37° 41' 09" N / 122° 23' 49" W  
**Parcel No.** Multiple  
**Township** 3S **Range** 5W **Section** 3-10 **Base** MDBM

---

**Proximity to:**

**Highways** U.S. 101  
**Airports** San Francisco Int'l  
**Railways** Caltrain, Peninsula JPB  
**Waterways** San Francisco Bay; Brisbane Lagoon; Visitacion Creek  
**Schools** Brisbane Elem, Lippman Intermediate  
**Land Use** C-1 Commercial Mixed Use, Marsh Lagoon Bayfront: GP: Planned Development - Trade Commercial, Lagoon, Bayfront.

---

**Project Issues** Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Cumulative Effects; Growth Inducing; Landuse; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Aesthetic/Visual; Biological Resources; Coastal Zone; Flood Plain/Flooding; Schools/Universities; Air Quality; Other Issues

---

**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Resources, Recycling and Recovery; San Francisco Bay Conservation and Development Commission; Department of Fish and Game, Region 3; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 4; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Water Rights; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Document Details Report  
State Clearinghouse Data Base

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*Date Received* 10/22/2012      *Start of Review* 10/22/2012      *End of Review* 11/20/2012

## Resources Agency

Resources Agency  
Nadell Gayou

Dept. of Boating & Waterways  
Nicole Wong

California Coastal Commission  
Elizabeth A. Fuchs

Colorado River Board  
Gerald R. Zimmerman

Dept. of Conservation  
Elizabeth Carpenter

California Energy Commission  
Eric Knight

Cal Fire  
Dan Foster

Central Valley Flood Protection Board  
James Herota

Office of Historic Preservation  
Ron Parsons

Dept of Parks & Recreation  
Environmental Stewardship Section

California Department of Resources, Recycling & Recovery  
Sue O'Leary

S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam

Dept. of Water Resources  
Agency  
Nadell Gayou

## Fish and Game

Dept. of Fish & Game  
Scott Flint  
Environmental Services Division

Fish & Game Region 1  
Donald Koch

Fish & Game Region 1E  
Laune Harnsberger

Fish & Game Region 2  
Jeff Drongesen

Fish & Game Region 3  
Charles Amor

Fish & Game Region 4  
Julie Vance

Fish & Game Region 5  
Leslie Newton-Reed  
Habitat Conservation Program

Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program

Fish & Game Region 6 I/M  
Brad Henderson  
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Game M  
George Isaac  
Marine Region

## Other Departments

Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture

Dept. of General Services  
Public School Construction

Dept. of General Services  
Anna Garbeck  
Environmental Services Section

Dept. of Public Health  
Jeffery Worth  
Dept. of Health/Drinking Water

Delta Stewardship Council  
Kevan Samsam

## Independent Commissions, Boards

Delta Protection Commission  
Michael Machado

Cal EMA (Emergency Management Agency)  
Dennis Castrillo

Native American Heritage Comm.  
Debbie Treadway

Public Utilities Commission  
Leo Wong

Santa Monica Bay Restoration  
Guangyu Wang

State Lands Commission  
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

## Business, Trans & Housing

Caltrans - Division of Aeronautics  
Philip Crammins

Caltrans - Planning  
Terri Pencovic

California Highway Patrol  
Suzann Ikeuchi  
Office of Special Projects

Housing & Community Development  
CEQA Coordinator  
Housing Policy Division

## Dept. of Transportation

Caltrans, District 1  
Rex Jackman

Caltrans, District 2  
Marcelino Gonzalez

Caltrans, District 3  
Gary Arnold

Caltrans, District 4  
Erik Alm

Caltrans, District 5  
David Murray

Caltrans, District 6  
Michael Navarro

Caltrans, District 7  
Dianna Watson

Caltrans, District 8  
Dan Kopulsky

Caltrans, District 9  
Gayle Rosander

Caltrans, District 10  
Tom Pumas \*

Caltrans, District 11  
Jacob Armstrong

Caltrans, District 12  
Marlon Regisford

## Cal EPA

### Air Resources Board

Airport/Energy Projects  
Jim Lerner

Transportation Projects  
Douglas Ito

Industrial Projects  
Mike Tollstrup

State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance

State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

State Water Resources Control Board  
Phil Crader  
Division of Water Rights

Dept. of Toxic Substances Control  
CEQA Tracking Center

Department of Pesticide Regulation  
CEQA Coordinator

# 2006022136

## Regional Water Quality Control Board (RWQCB)

RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)

RWQCB 3  
Central Coast Region (3)

RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)

RWQCB 5S  
Central Valley Region (5)

RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office

RWQCB 6  
Lahontan Region (6)

RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office

RWQCB 7  
Colorado River Basin Region (7)

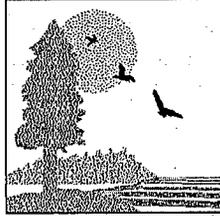
RWQCB 8  
Santa Ana Region (8)

RWQCB 9  
San Diego Region (9)

Other \_\_\_\_\_

\_\_\_\_\_  
Conservancy

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**CURTIS L. FOSSUM**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900  
Contact FAX: (916) 574-1885

November 21, 2012

File Ref: SCH # 2006022136

John A Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**Subject: Revised Notice of Preparation (NOP) for a Programmatic Environmental Impact Report (PEIR) for the Brisbane Baylands Project, San Mateo County**

Dear Mr. Swiecki,

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for a PEIR for the Brisbane Baylands Project (Project), which is being prepared by the City of Brisbane (City). Because the Project would require the City's approval of a Concept Plan and adoption of a General Plan Amendment, amendments to the Zoning Ordinance, and a Specific Plan, the City is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on the information provided in the NOP, it appears the proposed Project would occupy:

- Filled or partially filled and sold Board of Tideland Commissioners (BTLC) lots;
- Lands the state did not acquire, patented as Swamp and Overflow (S&O) Survey 28;
- Lands within Rancho Canada De Guadalupe Visitacion y Rodeo Canal; and
- Ungranted sovereign lands within Guadalupe Canal.

Portions of the Project appear to occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State by its BTLC. Pursuant to the Court's holding in City of Berkeley v. Superior Court, 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. A CSLC lease is not required for use of lands underlying the State's Public Trust easement.

As correctly stated in the NOP, any portion of the proposed Project located within the Guadalupe Canal will require a lease from the CSLC. This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

### **Project Description**

The City proposes four potential Concept Plans for the Brisbane Baylands area to meet the City of Brisbane General Plan pre-requisites for development. From the Project Description, CSLC staff understands that the Project (i.e., the four Concept Plans) would include the following components:

- Developer-Sponsored Plan (DSP). Designates approximately 7 million square feet of office, retail, industrial and institutional uses, 4,434 residential units, and approximately 169.7 acres of "open space" and 135.6 acres of "lagoon" area, all on the 684-acre portion of the Baylands within the city of Brisbane;
- Developer-Sponsored Plan – Entertainment Variant (DSP-V). Similar to the DSP, but replaces the retail and office/research and development uses proposed in the northeast portion of the Project Site with entertainment-oriented uses, including a 17,000- to 20,000-seat sports arena, a 5,500-seat concert theater, a multiple-screen cinema, and more conference/exhibition space and hotel rooms;

- Community Proposed Plan (CPP). Provides for approximately 7.7 million square feet of office, industrial, commercial and institutional uses concentrated in the northerly portion of the site adjacent to transit, along with approximately 330 acres of "open space" and 135.6 acres of "lagoon" area, and involves both the 684-acre area included in the DSP and the 49-acre Recology site, which spans the cities of Brisbane and San Francisco; and
- Community Proposed Plan – Recology Expansion Variant (CPP-V). Similar to the CPP, but would expand Recology southward from its current boundary by 24 acres to a total of 73 acres, replacing the hotel and R&D uses proposed under the CPP.

Supplementary actions to the Project include:

- Amendment to the City's General Plan;
- Development of a Specific Plan for the Project (DSP and DSP-V concepts only);
- Relocation of existing lumber yards on the site;
- Remediation of hazardous materials contamination within the former railyard and landfill; and
- Importation of a water supply for the Project.

### **Environmental Review**

CSLC staff requests that the following potential impacts be analyzed in the PEIR.

### **General Comments**

1. Project Description: A thorough and complete Project Description should be included in the PEIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

As such, the PEIR should make an effort (to the extent feasible) to distinguish which activities and mitigation measures are being analyzed in sufficient detail to be covered under the PEIR without additional project specific environmental review, and which later activities will trigger the need for subsequent environmental analysis (See CEQA Guidelines §15168(c)).

2. Public Trust Lands: The CSLC supports the proposed Project's efforts to remediate contaminated soil and water, restore open space and public access, and establish a public trail system, because enhancing those uses is consistent

with Public Trust values. However, construction related to these efforts could affect and/or further degrade public trust uses and values in and around the site. Consequently, the CSLC recommends that the analyze any potentially significant impacts to surrounding public trust lands from the development and increased public use resulting from Project construction. In particular, the PEIR should evaluate both direct and indirect effects related to the intensity of these development activities adjacent to tidal wetlands and waterways.

3. Programmatic Document: Because the Project is being proposed as a "Programmatic" rather than a "Project-level" EIR, the CSLC expects the Project will be presented as a series of distinct but related sequential activities. The State CEQA Guidelines, section 15168, subdivision (c)(5)<sup>1</sup> states that a program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. In order to avoid the improper deferral of mitigation, a common flaw in program-level environmental documents, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (b)). As such, the PEIR should make an effort to distinguish what activities and their mitigation measures are being analyzed in sufficient detail to be covered under the PEIR without additional project specific environmental review, and what activities will trigger the need for additional environmental analysis (See State CEQA Guidelines, § 15168, subd.(c)).

#### Climate Change

4. Greenhouse Gases (GHGs): A GHG emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the PEIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.
5. Sea Level Rise: The PEIR should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, <http://www.slc.ca.gov>). One of the Report's recommendations

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<sup>1</sup> The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

### Water Quality

6. Potential impacts to water quality from the proposed Project, such as introduction of non-native plant and animal species, additional storm water runoff, and increased turbidity and sedimentation, should be analyzed and appropriate, feasible measures should be incorporated into the Project to reduce or eliminate any significant impacts.

### Biological Resources

7. Sensitive Species: The City should conduct queries of the California Department of Fish and Game's (DFG) California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The PEIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify adequate mitigation measures.
8. Construction Noise: The PEIR should also evaluate noise and vibration impacts on fish and birds from construction or restoration activities in the water and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by DFG, USFWS, and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.
9. Indirect Impacts from Growth: Because all of the concept scenarios involve increased use of the site for work, recreation or residential use, the PEIR should analyze the reasonably foreseeable indirect impacts that such growth could have on biological resources. For example, the DSP and DSP-V concept plans would increase the number of residences in the area, which could introduce domestic pets (dogs and cats) into the area and invite opportunistic urban wildlife such as crows and coyotes. Increases in the populations of these species could adversely affect sensitive local biological resources such as ground-nesting birds and small mammals. Additional potential impacts could include degradation of

sensitive habitats along the Bay edge from trampling (walking, riding, dogs, etc.), an increase in trash and debris, and an increased potential for pollutants to be released or spilled into the water surrounding the development areas (pesticides/herbicides, paints, etc.). The PEIR should evaluate the potential effects associated with the introduction of domestic pets and urban wildlife, and, if should impacts be found significant, propose a range of feasible measures to avoid or substantially lessen those effects. Mitigation measures could include fencing, signage, or residential maintenance fees for cleanup.

### Cultural Resources

10. Submerged Resources: Should the Project involve in-water construction, the PEIR should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the City contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

The recovery of objects from any submerged archaeological site or shipwreck requires a salvage permit under Public Resources Code section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant.

11. Title to Resources: The PEIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City consult with Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter, should any cultural resources on state lands be discovered during construction of the proposed Project.

### Recreation

12. Recreation and the Public Trust: The PEIR should evaluate the significance of any temporary or permanent loss of access, recreation and other Public Trust uses (e.g., fishing, bird watching, boating, etc.) of sovereign lands that may result from the Project's development and remediation/restoration activities. If impacts are found to be potentially significant, the PEIR should identify feasible mitigation, such as creation of facilities that promote Public Trust uses or construction of alternative public access points to the Bay.

Thank you for the opportunity to comment on the NOP for the Project. As a potentially responsible agency, the CSLC will need to rely on the Final PEIR for the issuance of any new or amended lease as specified above and, therefore, we request that you consider our comments prior to certification of the PEIR. Please send copies of future Project-related documents, including electronic copies of the Final PEIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at [Sarah.Sugar@slc.ca.gov](mailto:Sarah.Sugar@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager, at (916) 574-1227, or via email at [Grace.Kato@slc.ca.gov](mailto:Grace.Kato@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
Grace Kato, LMD, CSLC  
Sarah Sugar, DEPM, CSLC  
Shelli Haaf, Legal, CSLC  
Pam Griggs, Legal, CSLC

# Bayshore Sanitary District

36 INDUSTRIAL WAY  
BRISBANE, CALIFORNIA 94005  
(415) 467-1144

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TOM YEAGER, DISTRICT ENGINEER

RECEIVED

NOV - 6 2012

Comm. Dev. Dept. Brisbane

5 November 2012

Mr. John Swiecki  
Principal Planner  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

Subject: Brisbane Baylands Project EIR  
Notice of Preparation

Dear Mr. Swiecki:

The Bayshore Sanitary District would like to offer the following specific comments relative to the Revised Notice of Preparation that was published on 22 October 2012:

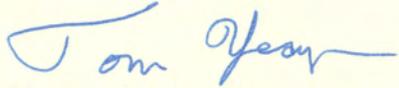
- On Page 6 reference is made to a 0.1 acre sewer pump station owned by the Bayshore Sanitary District. While the District does own this property, there is no operating pump station at this location.
- Figure 3 shows 2 pump stations of the District. The one further to the east is the one referenced on Page 6 and is not operational. The District Carlyle Pump Station is correctly shown near the intersection of Industrial Way and Bayshore Blvd. and is the only operating pump station of the District.
- Page 16 references a 30-year construction period with construction occurring in phases during which time utility relocations will be required. These utility relocations would include portions of the District's collection system along Industrial Way and Tunnel Avenue. These relocations will need to be coordinated with the District.

Mr. John Swiecki  
5 November 2012  
Page 2

- Page 18 lists Interagency Cooperation Agreements. The Bayshore Sanitary District needs to be added to this list.

Very truly yours,

BAYSHORE SANITARY DISTRICT



Thomas E. Yeager  
Kennedy/Jenks Consultants  
District Engineer

cc: Joann Landi, BSD  
John Bakker, District Legal Counsel  
Iris Gallagher, Board President

Francisco, the entire Project Site consists of 597 acres of land area and 136 acres of lagoon, for a total 733 acres.

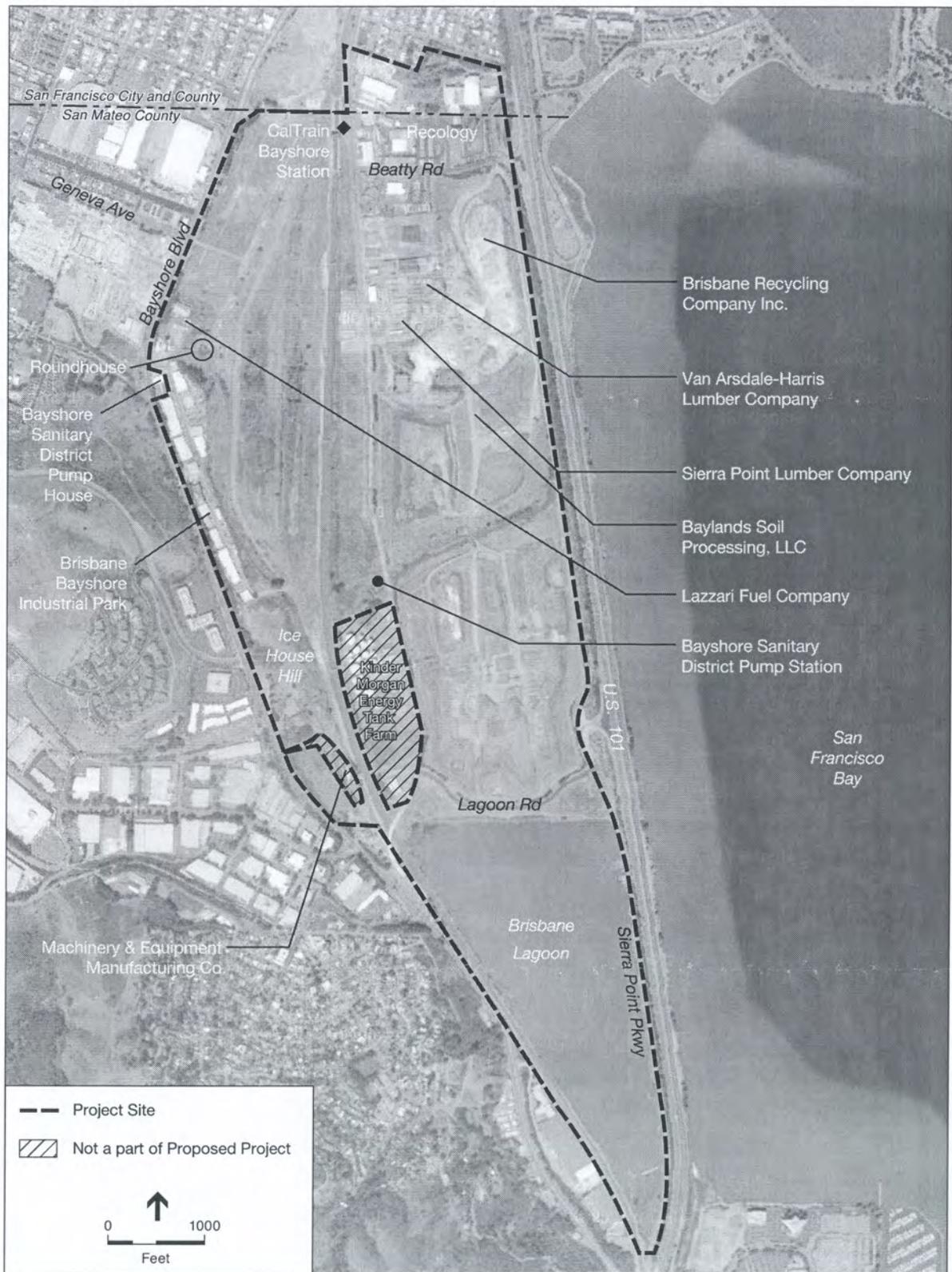
The Project Site is bisected in the north-south direction by the Caltrain railroad tracks and in the east-west direction by a central drainage channel, which is a part of the Visitacion Creek alignment. The majority of the Project Site is flat or gently sloping toward the Bay, with an elevation range of 10 to 50 feet above mean sea level (msl). A prominent hill (Icehouse Hill), located at the southeastern end of the Project Site, ranges from 25 to 200 feet above msl with steep cuts adjacent to the Caltrain railroad and more gently sloping cuts along Bayshore Boulevard.

The western portion of the Project Site encompasses approximately 228 acres and is bounded on the west by Bayshore Avenue, on the south by Tunnel Avenue, on the east by the Caltrain railroad tracks, and on the north by the City of San Francisco. This portion of the site is dominated by a former railyard area, which was operated by Southern Pacific Railroad and served freight train activity into and out of San Francisco between 1914 and 1960. The majority of this area is vacant with remnant buildings, including the Railroad Roundhouse which is designated as an historic structure on the National Register of Historic Places and the Lazzari Fuel Company Building, now used as a charcoal warehouse. The westerly portion of the site also includes a 261,400 square foot industrial park and a 0.1-acre sewer pump station owned by the Bayshore Sanitary District. This portion of the site also contains a natural feature know as Ice House hill, which represents a segment of the historical bay margin wherein areas of native vegetation types, including coastal scrub and perennial grasslands, are present. A stable for boarding horses is located northerly slope of Ice House Hill.

The eastern portion of the Project Site is the former Brisbane landfill, operated as a municipal landfill from the 1930s to the mid 1960s (See **Figure 2**). Encompassing 345 acres, this area is generally bounded on the west by the Caltrain railroad tracks, the City and County of San Francisco on the north, U.S. 101 on the east, and Brisbane Lagoon on the south. Uses located within this portion of the Project Site include the Recology solid waste transfer facility, Sierra Point Lumber and Van Arsdale-Harris Lumber, Brisbane Recycling (rock and concrete crushing operation); and Baylands Soils Processing facility. The Bayshore Caltrain Station is located at the north end of the Project Site, straddling the existing Caltrain Station.

A number of small interim uses occur within the Project Site including a native plant nursery south of Ice House Hill, a billboard along U.S. 101 near the northerly site boundary, and the use of a small concrete pad near the Roundhouse for the storage and rehabilitation of an historic rail steam engine. The City of Brisbane has also periodically allowed short term temporary uses to occur within the Baylands subarea, subject to the provisions of the Brisbane Municipal Code. Such uses include special event parking for San Francisco 49er home games and for the Grand National Rodeo held at the Cow Palace in Daly City. Existing uses on the Project Site are shown in **Figure 3**.

Two areas are located within the Project Site boundaries, but are not a part of the proposed Project (see **Figure 3**). These are the Kinder Morgan Energy Partners Brisbane Terminal (a petroleum



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069  
**Figure 3**  
 Existing Project Site

accounts for changes within OID's service area over the next 20 years, including water demand decreases due to land use changes from agriculture to urban and pasture to orchards, and water supply increases resulting from infrastructure improvements. As such, the WRP anticipates an increase in water supplies made available for transfer or annexation from 30,000 acre-feet to 50,000 acre-feet for firm water transfers, and from 11,000 acre-feet to 17,000 acre-feet for variable water transfers, resulting in a total volume (firm and variable) of available water equal to approximately 67,000 acre-feet by 2030. A "firm water transfer" is defined in the WRP as the quantity of water that would be made available in all water years irrespective of the hydrologic yield of the basin, as is reflected in the water transfer agreement between OID and the City of Brisbane.

In accordance with the WRP, the volume of water OID has committed to transfers to date totals 27,400 acre-feet, including Brisbane and another entity. This amount is approximately 13,600 acre-ft less than the amount that OID has historically transferred and approximately 39,600 acre-ft less than what OID expects to be available for transfer following complete implementation of the WRP. Because only existing diversion rights and existing facilities will be used for the proposed water transfer, the area of impact is limited to the movement of water through existing facilities. Any physical impacts related to the transfer of water within OID's system are accounted for in the WRP PEIR.

#### **Construction Period Activities**

Complete construction of any of the four Concept Plan scenarios would occur over an approximately 30-year period. Remediation of contaminated soil and groundwater at the Project Site would occur during the first phase of development, prior to initiation of any infrastructure development or building construction. Under all of the proposed Concept Plans, preparation of the Project Site for development would include the demolition and deconstruction of all non-historic buildings not intended for long-term reuse, site structures (retaining walls, utility structures), streets and pavements, existing utilities, and landscape elements that are incompatible with the proposed land development program and design. The buildings to be demolished or deconstructed are primarily of wood, masonry, and concrete construction and were formerly used for administration, railyard maintenance, and industrial operations. Demolition/deconstruction would occur in phases in conjunction with projected building construction phases and with required environmental remediation and landfill closure. Phasing of such activities would allow the existing utility services, vehicular access areas, and vegetation to remain in place as long as possible in order to reduce disruption to existing uses within the Baylands.

Proposed grading for the former landfill area is based on the large amount of existing fill in the area and the anticipated settlement of the landfill waste and underlying Bay Mud. The estimated amount of settlement that would need to be accommodated is approximately 18 to 30 inches over a 30-year time period. Larger amounts of settlement may require continued maintenance and more frequent repairs, as well as re-grading of site improvements. Based on the anticipated settlement ranges for finished grades between elevations 21 to 26 feet above sea level, a conceptual grading plan was completed for the former landfill area. In order to achieve the conceptual proposed finished grades, grading operations would include approximately 4,475,000 cubic yards of cut, inclusive of the 700,000 cubic yards of soil that have been added to

- Interagency Cooperation Agreements to coordinate and implement roadway and utility improvements:
  - City and County of San Francisco: Expansion of the Recology site, roadway and transit facilities improvements, sewer and water supply infrastructure improvements.
  - City of Daly City: Public services (fire stations, utility infrastructure, roadways, and intersection improvements).
  - San Francisco County Transportation Authority: Transportation corridors and transit facilities improvements.
  - San Mateo County: Regional transportation facilities and roadway improvements; regional utility infrastructure improvements.
- San Francisco Bay Conservation and Development Commission (BCDC) Design Review approval and permit for development within the 100-foot shoreline band. The lagoon and Visitacion Creek are both subject to tidal action from the San Francisco Bay. Any development that occurs within the 100-foot shoreline band of these features requires BDCD review.
- Streambed Alteration Agreement (California Department of Fish and Game [CDFG]) and Section 404 permit (United States Army Corps of Engineers [Corps]) for activities in or around Visitacion Creek as part of the closure requirements of the RWQCB.
- Water quality certification, National Pollutant Discharge Elimination System (NPDES) permit, and waste discharge requirement compliance (RWQCB).
- Air quality permits (BAAQMD).
- Incidental Take Permit, if necessary, for special-status species (CDFG).
- State Lands Commission approvals, if necessary. Portions of the Project that occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State Lands Commission, and that remain submerged or subject to tidal action, are subject to a Public Trust easement retained by the state. Any portion of the Project located within the Guadalupe Canal would require a lease from State Lands Commission.
- California Public Utilities Commission approval to modify an existing highway rail crossing or to construct a new crossing.
- Encroachment permits if construction occurs in right-of-way owned by the California Department of Transportation (Caltrans District 4) or the Peninsula Corridor Joint Powers Board (Caltrain).
- City and County of San Francisco design permits and grading and building permits for expansion of the Recology facility.



## SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1145 Market St., 5th Floor, San Francisco, CA 94103 • Tel. (415) 554-3131 • Fax (415) 934-5728



January 14, 2011

John Swiecki, AICP, Community Development Director  
City of Brisbane Community Development Department  
50 Park Place  
Brisbane, CA 94005  
By Electronic Mail

EDWIN M. LEE  
MAYOR

FRANCESCA VIETOR  
PRESIDENT

ANSON MORAN  
VICE PRESIDENT

ANN MOLLER CAEN  
COMMISSIONER

ART TORRES  
COMMISSIONER

VINCE COURTNEY  
COMMISSIONER

ED HARRINGTON  
GENERAL MANAGER

RE: Revised Notice of Preparation of an Environmental Impact Report for the  
Brisbane Baylands Project Dated December 10, 2010

Dear Mr. Swiecki:

Under the provisions of Section 15082 of the CEQA Guidelines, the San Francisco Public Utilities Commission (SFPUC) hereby submits comments on the December 10, 2010 Notice of Preparation for the Brisbane Baylands Specific Plan Programmatic Environmental Impact Report (EIR). This letter is intended to amend our previous comment letter submitted on January 10, 2011.

Currently, the SFPUC Wastewater Enterprise (WWE) provides sewage collection and treatment services to the City of Brisbane and the Bayshore Sanitary District. The analysis of sanitary sewage flows generated by the proposed project should address the specific criteria stipulated in the Joint Exercise of Powers Agreement Between the City and County of San Francisco, the City of Brisbane, and the Guadalupe Valley Municipal Improvement District (Brisbane JPA) (July 1995) and the Joint Exercise of Powers Agreement Between the City and County of San Francisco and Bayshore Sanitary District (Bayshore JPA) (July 1995), which govern sanitary sewage flows from the City of Brisbane and the Bayshore Sanitary District, respectively.

Additionally, the draft environmental impact report (Draft EIR) for the proposed project should include a complete analysis (including computer and physical modeling) of any new wastewater flows that would be generated by the proposed project and potentially discharged to San Francisco's combined sewer system. This analysis should account for possible stormwater infiltration during wet weather conditions. The Draft EIR should examine how the wastewater and stormwater flows in the proposed project would impact the City's combined sewer system (specifically the existing 6.5 feet diameter Sunnydale Sewer, the new 11 feet diameter Sunnydale Auxiliary Tunnel (San Francisco Planning Department File Number 2009.0311E), and the Sunnydale Transport/Storage Facility at Harney Way), flooding, combined sewer overflow discharge events, biosolids management, and current and future Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit requirements. The project sponsor and the City of Brisbane should be aware that if a development project alternative is selected which would discharge wastewater into the City and County of San Francisco sewer system, then

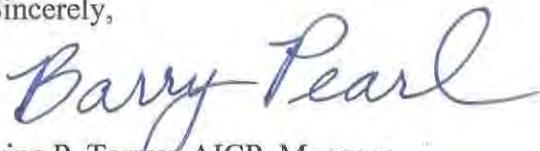
John Swiecki, AICP, Community Development Director  
City of Brisbane Community Development Department  
Revised Notice of Preparation of an Environmental Impact Report  
for the Brisbane Baylands Project Dated December 10, 2010  
January 14, 2011  
Page 2 of 2

the development area is subject to compliance with applicable San Francisco Public Works Code requirements (such as Article 4.1: Industrial Waste and Article 4.2: Sewer System Management). Also, as per the terms of the existing JPA, the project sponsor would be responsible for payment of applicable capacity charges. In summary, the Draft EIR should thoroughly evaluate the effects of the increased flows on San Francisco's combined sewer system and should also demonstrate how the proposed on-site water recycling facility would mitigate those effects.

Lastly, Section V.B.C.i of the Brisbane Baylands Project Description (November 2010) states that currently "the remainder of the stormwater is drained into San Francisco's Sunnydale Avenue combined sewer main." Please be aware that the terms of the Brisbane JPA and the Bayshore JPA do not provide for treatment of any stormwater flows by the SFPUC at the Southeast Water Pollution Control Plant.

The SFPUC appreciates the opportunity to comment on the City of Brisbane Revised Notice of Preparation of an Environmental Impact Report for the Baylands project. Please contact Betsey Eagon at 415-554-1871 if you have any questions about our comments.

Sincerely,



*for* Irina P. Torrey, AICP, Manager  
San Francisco Public Utilities Commission Bureau of Environmental Management

Cc: Marla Jurosek, Manager, SFPUC Wastewater Enterprise, Planning & Regulatory Compliance Division  
Manfred Wong, Senior Project Manager, SFPUC Project Management Bureau  
Molly Petrick, SFPUC Water Enterprise, Water Resources Planning  
Betsey Eagon, SFPUC Wastewater Enterprise, Planning & Regulatory Compliance Division

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Making San Francisco Bay Better

November 21, 2012

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA 94005

SUBJECT: BCDC Inquiry File No. SM.BR.6609.1, Revised Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Project, SCH# 2006022136.

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the Revised Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR) for the Brisbane Baylands Project. The NOP is dated October 2012 and was received in our office on October 22, 2012. The Commission has not reviewed the NOP, so the following staff comments are based on the *San Francisco Bay Plan* (Bay Plan) and the McAteer-Petris Act and staff review of the NOP.

**Jurisdiction.** The NOP accurately describes the Commission's jurisdiction in the project site as including the lagoon and Visitacion Creek as well as the 100-foot shoreline band around these features.

**McAteer-Petris Act.** Section 66605 of the McAteer-Petris Act states, in part, that “further filling of San Francisco Bay...should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly)... or minor fill for improving shoreline appearance or public access to the Bay... that fill in the Bay... for any purpose should be authorized only when no alternative upland location is available for such purposes... that the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill... that the nature, location and extent of any fill should be such that it will minimize harmful effects to the Bay Area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment, as defined in Section 21060.5 of the Public Resources Code. That fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline...”

This authority limits the uses for which the Commission can authorize fills and requires that when fill is authorized, the amount is limited to the minimum amount necessary. While the NOP does not specify plans to place fill in the Bay, the CPP & CPP-V Concept Plan maps both appear to replace part of the northern portion and the southern tip of the lagoon with wetlands and open space, resulting in a smaller lagoon than currently exists. The EIR should clarify whether fill would be placed in the lagoon in any of the project plans, and if so, whether the fill would be for a water-oriented use identified in the McAteer-Petris Act and whether it would be

the minimum necessary, minimize harmful effects to the Bay, and establish a permanent shoreline. Any areas of the Bay in the project area that were filled subsequent to 1969 are still within the Commission's Bay jurisdiction.

**Bay Plan Policies on Climate Change.** Any development in the portions of the project area that are within BCDC's jurisdiction would be subject to the Climate Change policies of the Bay Plan. These policies state, in part, that: "When planning shoreline areas or designing larger shoreline project, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area... To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects – other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas – should be designed to be resilient to a mid-century sea level rise projection... undeveloped areas that are both vulnerable to future flooding and currently sustain significant habitats or species... should be given special consideration for preservation and habitat enhancement and should be encouraged to be used for those purposes."

The NOP refers to sea level rise in its topic summary: "Greenhouse Gas Emissions: the analysis will discuss Greenhouse Gas Emissions impacts... It will further address potential climate change adaptation impacts, such as sea level rise, in relation to other topics such as hydrology, utilities, and biological resources." The EIR should include a discussion of the potential vulnerability of the proposed project to projected sea level rise. It should also discuss the best estimates of future sea level rise that would be used to assess risks for large projects within BCDC's jurisdiction and whether any improvements would be consistent with the Bay Plan Climate Change policies. As a planning tool, the preparers of the EIR may wish to refer to the Sea Level Rise and Coastal Flooding Impacts Viewer developed by NOAA Coastal Services Center in collaboration with a number of other agencies and organizations. The viewer is available at: <http://www.csc.noaa.gov/digitalcoast/tools/slrviewer/>.

**Bay Plan Policies on Transportation.** The Bay Plan Policies on Transportation state, in part, that "Transportation projects... should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails." The NOP states that for all four Concept Plan scenarios, "The Project Site would be traversed by a network of pedestrian trails, including a new section of the San Francisco Bay Trail." The EIR should discuss this network and how it will be integrated with existing Bay Trail and other regional and community trails.

**Bay Plan Policies on Recreation.** The Bay Plan policies on recreation state, in part, that "Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels... and Waterfront land needed for parks and beaches to meet future needs should be reserved now."

The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient lands are reserved for important water-oriented uses, such as wildlife refuges, waterfront parks or beaches, water-related industry, ports, or airports. Projects inconsistent with these designations may not be approved by the Commission, or may require an amendment to the Bay Plan. The Commission uses its Bay Plan recreation policies to review proposed development within waterfront park priority use areas. The Bay Plan Map No. 5 shows that the area surrounding the lagoon on all sides is designated as a waterfront park or

beach priority use area. In the maps provided in the NOP, this area is labeled “open space” or “public/open space.” The EIR should further explain the plans for these open spaces and indicate how the proposed use aligns with the priority use area designation, and how the project will provide diverse, accessible, water-oriented recreational opportunities consistent with the Bay Plan recreation policies.

**Bay Plan Policies on Public Access.** The Bay Plan policies on public access state, in part, that “in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline... Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed... Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs... Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available...”

The EIR should discuss whether the project would provide the maximum feasible public access consistent with the project, based on the public access policies in the Bay Plan.

**Bay Plan Policies on Appearance, Design, and Scenic Views.** The Bay Plan Policies on Appearance, Design, and Scenic Views state, in part, that “all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas... Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay... Views of the Bay from... roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water.”

The EIR should discuss the effect, if any, that the project would have on public views of the Bay.

We appreciate the opportunity to comment on the Revised NOP for the EIR for the Brisbane Baylands Project. If you have any comments or questions regarding this matter, please do not hesitate to contact me at (415) 352-3643 or by email at [lindseyf@bcdca.gov](mailto:lindseyf@bcdca.gov).

Sincerely,



LINDSEY FRANSEN  
Coastal Planner

November 6, 2012

TO: Lloyd Zola  
ESA Associates

VIA: John Swiecki, Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: Revised NOP Brisbane Baylands Project

Dear Mr. Zola:

On November 5, 2012 the City Council reviewed the revised NOP for the above-referenced project and offers the following comments.

1. Any references in the upcoming draft EIR to the "proposed water transfer agreement" should clearly indicate that a final agreement has not been approved by the City of Brisbane and will be subject to separate consideration upon completion of the EIR.
2. It is important that the Renewable Energy Alternative be analyzed in the forthcoming EIR in a way which allows for it to be meaningfully compared to all other alternatives being studied, and that the level of analysis is adequate to maintain the City's flexibility to approve any of the alternatives studied within the draft EIR, including the Renewable Energy Alternative. Additionally, the information in the EIR regarding all alternatives should be presented in a way which allows for a balanced and fair comparison between alternatives.
3. The City is currently working with the Environmental Protection Agency (EPA) and National Renewable Energy Laboratory (NREL) on a feasibility study regarding the potential use of the Baylands for renewable energy generation. If this study is finalized in a timely fashion it should be included with the DEIR as a technical study which provides information regarding the potential amount of on-site renewable energy that might be generated for the various alternatives which include on-site renewables.

Thank you for your consideration.

Sincerely,



Cliff Lentz  
Mayor

November 6, 2012

TO: Lloyd Zola  
ESA Associates

VIA: John Swiecki, Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: Revised NOP Brisbane Baylands Project

Dear Mr. Zola:

On November 5, 2012 the City Council reviewed the revised NOP for the above-referenced project and offers the following comments.

1. Any references in the upcoming draft EIR to the "proposed water transfer agreement" and the potential acre feet of water involved should clearly indicate that a final agreement has not been approved by the City of Brisbane and will be subject to separate consideration upon certification of the EIR and a funding agreement with the developer.
2. It is important that the Renewable Energy Alternative be analyzed in the forthcoming EIR in a way which allows for it to be meaningfully compared to all other plans and alternatives being studied, and that the level of analysis is adequate to maintain the City's flexibility to approve any of the plans or alternatives studied within the draft EIR, including the Renewable Energy Alternative, or some combination thereof. Additionally, the information in the EIR regarding all plans and alternatives should be presented in a way which allows for a balanced and fair comparison between them.
3. The City is currently working with the Environmental Protection Agency (EPA) and National Renewable Energy Laboratory (NREL) on a feasibility study regarding the potential use of the Baylands brownfield for renewable energy generation. Assuming this study is finalized in a timely fashion it should be included with the DEIR as a technical study which provides information regarding the potential amount of on-site renewable energy that might be generated and consumed by the various alternatives which include on-site renewables.

Thank you for your consideration.

Sincerely,

  
Cliff Lentz  
Mayor



November 20, 2012

CHSRA-CIT-2993

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Via Email: eir@ci.brisbane.ca.us

**RE: Revised Notice of Preparation for the Brisbane Baylands Specific Plan**

Dear Mr. Swiecki:

As you know, the California High-Speed Rail Authority (Authority) board certified the program-level Bay Area to Central Valley High-Speed Train Environmental Impact Report/Environmental Impact Statement (EIR/EIS), adopted findings, and selected preferred alignment and station conceptual locations for the statewide High Speed Train (HST) system in July 2008. This program-level EIR/EIS identified the Caltrain rights-of-way as a part of the preferred alignment in Brisbane.

In August of 2010, the Authority published a "Supplemental Alternatives Analysis" that described design options for the system that would serve both the Caltrain and High-Speed Train services between San Francisco and San Jose. It also identified a portion of the Brisbane Baylands as a potential site for a storage and maintenance facility (see attachment).

As part of the 2012 Revised Business Plan, the Authority has changed the basic assumptions for High-Speed Train (HST) construction and operation. The strategy shifts the initial construction segment to the Central Valley, and then connects to the "bookends" (i.e., San Francisco and Los Angeles). Additionally, the Business Plan introduced the concept of "blending" the HST service with existing rail operators as a cost-effective strategy to build and operate the HST in urban areas with constrained rights-of-way. Essentially, the plan promotes electrification of Caltrain and implementation of other infrastructure improvements that would enable HST to operate on the Caltrain tracks.

**Board Members:**

**Dan Richard**  
Chairperson

**Lynn Schenk**  
Vice-Chairperson

**Thomas Richards**  
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**Jim Hartnett**

**Michael Rossi**

**Thomas J. Umberg**

**Jeff Morales**  
Chief Executive Officer

JERRY BROWN  
GOVERNOR



John Swiecki  
Community Development Director  
City of Brisbane  
CHSRA-CIT-2993  
Page 2

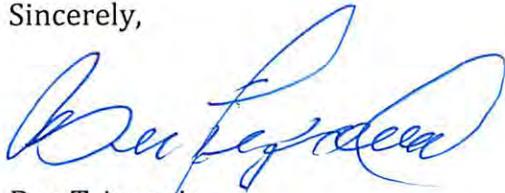
These new concepts have lead to changes in previous assumptions regarding the location of HST operations and maintenance facilities. While train service will still be required to begin at the San Francisco terminal (Transbay Transit Center), the fleet size to be stored at a local facility can be reduced based on the adopted Business Plan, or from 27 trainsets previously recommended to less than half that number of trainsets as part of a blended system. The reduced number of trainsets thereby reduces the required storage yard size and footprint. The Authority is currently re-examining the corridor to identify site specific and operationally feasible locations which will meet maintenance and storage requirements. Suitable potential sites, in addition to Brisbane, will be evaluated through the NEPA and CEQA environmental processes.

We look forward to continuing our coordination with the City of Brisbane on our respective projects.

Please visit our website at <http://www.cahighspeedrail.ca.gov> for additional project information.

Please contact me at (408) 477-5631 or [btripousis@hsr.ca.gov](mailto:btripousis@hsr.ca.gov) if you have any questions.

Sincerely,



Ben Tripousis  
Northern California Regional Director  
California High-Speed Rail Authority

Attachment

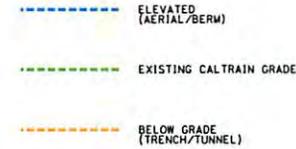
cc: D. Spaethling  
R. Kohlstrand  
B. Felker  
L. Hames

# Subsection #2

Length: 8.6 miles Land Use: Urban

## South Portal Tunnel No. 4 to South of Millbrae Avenue (MP. 5.77 to MP. 14.38)

This subsection is located in the Cities of Brisbane, South San Francisco, San Bruno and Millbrae. The existing Caltrain alignment is at-grade in this subsection and many crossings are grade separated. The northern portion of this subsection is completely grade separated and includes an existing 4-track segment in Brisbane. In the southern portion of the subsection, BART runs underneath and alongside the Caltrain tracks.



POTENTIAL CONSTRAINTS



HST STATION DESIGN OPTION



CALTRAIN STATION DESIGN OPTION



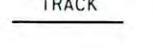
ROADWAY DESIGN OPTION



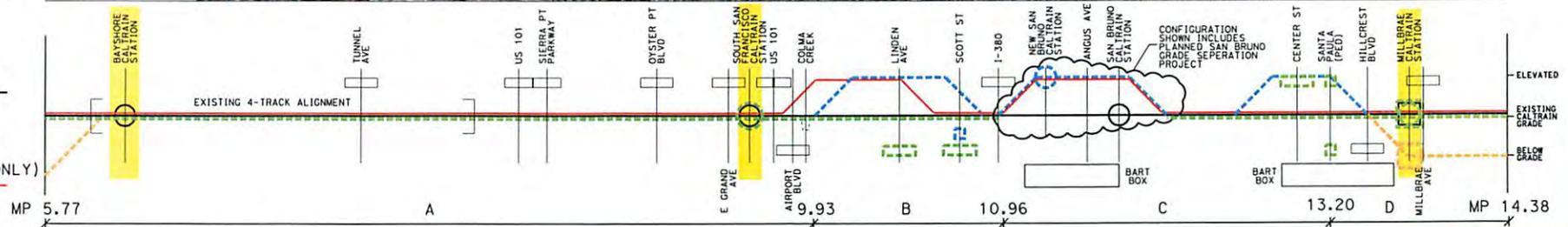
EXISTING GRADE SEPARATION



EXISTING TRACK



PROGRAM EIR/EIS (REFERENCE ONLY)



## San Francisco - San Jose

DRAFT Preliminary Alternatives Discussion  
February 1, 2010

NOT TO SCALE



November 20, 2012

CHSRA-CIT-2993

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Via Email: [eir@ci.brisbane.ca.us](mailto:eir@ci.brisbane.ca.us)

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JERRY BROWN  
GOVERNOR



John Swiecki  
Community Development Director  
City of Brisbane  
CHSRA-CIT-2993  
Page 2

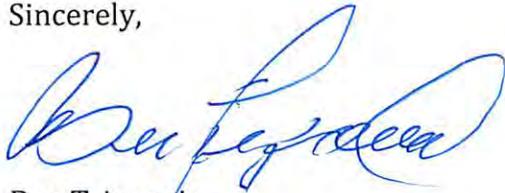
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Sincerely,



Ben Tripousis  
Northern California Regional Director  
California High-Speed Rail Authority

Attachment

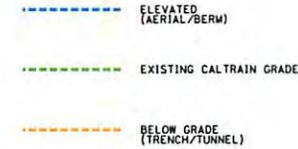
cc: D. Spaethling  
R. Kohlstrand  
B. Felker  
L. Hames

# Subsection #2

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CALTRAIN STATION DESIGN OPTION



ROADWAY DESIGN OPTION



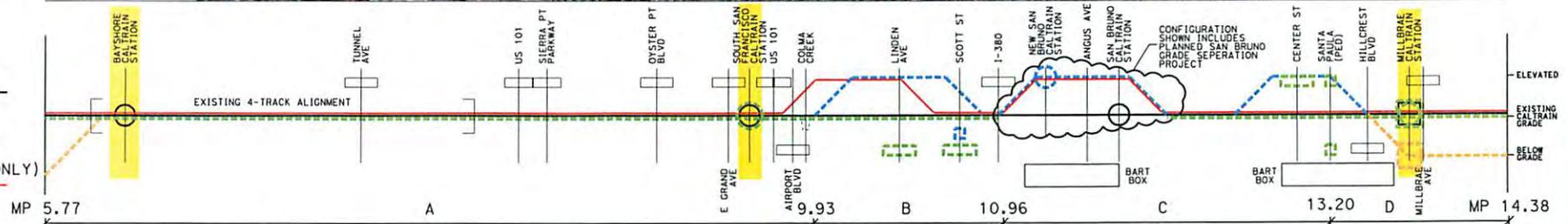
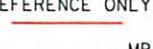
EXISTING GRADE SEPARATION



EXISTING TRACK



PROGRAM EIR/EIS (REFERENCE ONLY)



## San Francisco - San Jose

DRAFT Preliminary Alternatives Discussion  
February 1, 2010

NOT TO SCALE

November 5, 2012

To: Hon. Mayor and Members of the City Council, City of Brisbane  
From: Committee for Renewable Energy in the Baylands (CREBL), Brisbane  
Re: Baylands NOP

Dear Honorables,

This is to enter into your record the continuing concerns held by your citizens committee CREBL that the proposed Renewable Energy Alternative is not being seriously considered in the Baylands environmental review process.

As you may recall, we have been addressing your Council on this issue since 2006, the time of the developer's first, partial plan was accepted as suitable for an EIR.

In 2009 we formally presented the CREBL alternative project, which was further defined with full land-use descriptions in 2010. In January 2011 we commented on the earlier NOP and objected to the treatment of the Renewable Alternative as practically a mere footnote in the document.

Early this year an *ad hoc* Council subcommittee consisting of Council members Conway and Miller discussed the various ways the CREBL alternative could be handled by the EIR consultants, but no action by the full Council was taken.

It is important to all those being prepared to review and comment on the DEIR that the Renewable Alternative be given the visibility it deserves in today's day and age. For instance, tables such as Table 2 in the NOP should include a column with data from the alternative as compared with the Developer's Specific Plan (DSP) and "Community Proposed Plan" (CPP) and their variants. **We therefore ask that your Council take appropriate action to direct such measures to be taken before the DEIR is released.**

A second request in keeping with the same principle of equal treatment is that **you order the EPA/NREL study, when submitted on November 21, to be incorporated by reference and as an appendix to the DEIR.** We understand your staff would prefer to merely submit it as one comment after the issuance of the DEIR, for consideration only in the Final EIR you will certify.

CREBL believes that all the citizens devoting their time and effort to study and comment on the DEIR deserve to have the feasibility data collected by the NREL accessible to them. We understand the data will most likely strongly support a commercially viable use of solar power generation on the contaminated bayfill. A solar farm represents a more acceptable land use for our citizens and will generate more positive than negative impacts on our environment.

Respectfully yours,

COMMITTEE FOR RENEWABLE ENERGY IN THE BAYLANDS

Anja Miller  
224 Sierra Point Road, Brisbane

Anthony Attard  
200 Sierra Point Road, Brisbane



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.dfg.ca.gov](http://www.dfg.ca.gov)

*EDMUND G. BROWN JR., Governor*  
*CHARLTON H. BONHAM, Director*



November 16, 2012

Mr. John A. Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki:

Subject: Brisbane Baylands Specific Plan, Notice of Preparation, SCH #2006022136,  
City of Brisbane, San Mateo County

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation (NOP) for the subject project located on the border of and within the city limits of Brisbane and South San Francisco, San Mateo County. The project is identified as the Brisbane Baylands adjacent to the Brisbane Lagoon, bounded by the City of San Francisco to the north, Highway 101 to the east, and Bayshore Boulevard on the west side. The project includes several development scenarios as well as a proposed 2,400 acre feet per year supplemental water supply acquisition via a water transfer agreement with the Oakdale Irrigation District. DFG is providing comments on the NOP as a Trustee Agency and potential Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and 15381, respectively. As trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, Section 15380). DFG recommended survey and monitoring protocols and guidelines are available at [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts.pdf).

Please be advised that a CESA Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures,

Mr. John Swiecki  
November 16, 2012  
Page 2

and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Suzanne DeLeon, Environmental Scientist, at (831) 440-9433; or Mr. Craig Weightman, Acting Environmental Program Manager, at (707) 944-5577.

Sincerely,



for Scott Wilson  
Acting Regional Manager  
Bay Delta Region

cc: State Clearinghouse



RECEIVED

NOV 14 2012

Comm. Dev. Dept. Brisbane

SFPP, L.P.  
Operating Partnership

November 12, 2012

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

Mr. Swiecki,

Kinder Morgan has reviewed the Revised Notice of Preparation for Environmental Impact Report for the Brisbane Baylands project. As the project is a long term development that will surround Kinder Morgan's Brisbane Terminal we have comments and concerns that we believe should be incorporated and considered in your EIR.

1. The city should consider the location of Kinder Morgan's pipelines as well as the location of our terminal within the project area. There are multiple active and inactive lines in the area.
2. The Community Preferred Plan shows a Charter School within approximately 500 feet of the terminal. The Developer's Plan shows the same area as Institutional use. The city should consider a risk assessment in the EIR regarding the proximity of this use to Kinder Morgan's Brisbane Terminal.
3. Both the Community Preferred Plan and the Developer's Plan state that pedestrian trails will be included in the Public/Open Space areas in the development. The Community Preferred Plan shows pathways that pass within close proximity to either side of the Brisbane Terminal. Kinder Morgan would be opposed to any development option that would increase access to our terminal's perimeter.
4. The city should incorporate the increased security requirements at the Kinder Morgan Brisbane Terminal that will be needed due to the development.
5. The EIR should consider the geotechnical implications of development on a former municipal landfill as well as other artificial fill areas. The analysis should include existing and historic land movements in the area and whether the development proposed will increase these movements.

Kinder Morgan would be pleased to discuss our concerns and provide additional information to the city that may be of use in preparing your EIR. Thank you for the opportunity to comment on the NOP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allan Campbell', written in a cursive style.

Allan Campbell  
Director, Project Permitting



## OFFICES

111 New Montgomery  
Suite 205  
San Francisco, CA 94105  
ph 415/882-7252  
fax 415/882-7253

829 Thirteenth Street  
Modesto, CA 95354  
ph 209/236-0330  
fax 209/236-0311

67 Linoberg Street  
Sonoma, CA 95370  
ph 209/588-8636  
fax 209/588-8019

[www.tuolumne.org](http://www.tuolumne.org)

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Marty McDonnell  
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Cecily Majerus  
Deanna Maurer  
Amy Meyer  
Jenna Olsen  
Drummond Pike  
Wendy Pulling  
Richard Roos-Collins  
Norwood Scott  
Kate Segerstrom  
Ron Stork  
Patricia Sullivan  
Therese Tuttle  
Steve Welch  
Holly Welles, Ph.D.  
Jennifer M. White,  
Ph.D.  
John Woolard

March 28, 2012

Anson Moran, President  
San Francisco Public Utilities Commission  
1145 Market Street  
San Francisco, CA 94103

### **Re: Proposed 2 mgd water transfer from MID to SFPUC**

Dear President Moran and Commissioners:

This letter is to express the Tuolumne River Trust's serious concerns about the proposed water transfer of 2 mgd from the Modesto Irrigation District (MID) to the San Francisco Public Utilities Commission (SFPUC). We believe such a transfer is premature for the following reasons:

- The 2008 Water System Improvement Program (WSIP) PEIR that evaluated the water transfer relied on outdated baseline data to determine the potential impacts of additional diversions on the stretch of the Tuolumne River between O'Shaughnessy Dam and Early Intake.
- Water use in the SFPUC service territory has decreased dramatically, and future demand projections have been revised downward, raising questions about the need for additional water supply in the near future.
- FERC relicensing of New Don Pedro Dam will likely require enhanced flows in the lower Tuolumne River. This process should play its course before any water transfers are considered.

### **Outdated Baseline Data**

When the WSIP PEIR was approved in 2008, it relied on stale baseline data regarding biological resources dependent on the Tuolumne River below O'Shaughnessy Dam. It also failed to include adequate analysis of the potential impacts of climate change on the River. We are concerned that increased diversions from Hetch Hetchy could have negative impacts on Poopenaut Valley and other sensitive ecosystems downstream of O'Shaughnessy Dam.

Table 5.3.1-2 of the WSIP PEIR (Vol. 3, Section 5.3, pp. 5.3.1-13) shows the "Schedule of Average Daily Minimum Required Releases to Support Fisheries Below O'Shaughnessy Dam" based on a 1985 agreement. However, in 1987 the City and County of San Francisco entered into an agreement with the U.S. Department of Interior requiring the City, or the U.S. Fish and Wildlife Service (USFWS), to undertake a study "...to determine what, if any effect, the Kirkwood Powerhouse and Kirkwood Addition would have or have had on the habitat for and populations of resident fish species, between O'Shaughnessy Dam and Early Intake..."

USFWS issued a draft report in 1992 (Attachment A) titled “Instream Flow Requirements for Rainbow and Brown Trout in the Tuolumne River Between O’Shaughnessy Dam and Early Intake.” This report was never finalized, however, it stated:

“In 1988, the U.S. Fish and Wildlife Service’s Instream Flow Incremental Methodology (IFIM) was applied to the Tuolumne River below Hetch Hetchy Reservoir...An annual fishery allocation of between 59,207 acre-feet and 75,363 acre-feet is recommended, based on the findings of the instream flow study.”

The report recommended increasing instream flows from O’Shaughnessy Dam. For example, in the months of December and January, it recommended an increase in flows from a minimum of 35 cfs to 50 cfs in dry years, from a minimum of 40 cfs to 70 cfs in normal years, and from a minimum of 50 cfs to 85 cfs in wet years. Attachment B compares flows listed in the WSIP PEIR with those recommended by the draft USFWS report.

### Background

On January 31, 1985, the City and Interior Department entered into a Stipulation (Attachment C) that required a study of the impacts on fish, wildlife, recreational and aesthetic values, as a condition of any modification (including expansion) of the City’s Hetch Hetchy System that may affect the flow of the Tuolumne River between O’Shaughnessy Dam and Early Intake. The 1985 Stipulation further provides that the purpose of the study is to determine what change, if any, should be made to the flow release schedule. It reserves the Interior Department’s authority to require such change after consideration of any objection.

On November 4, 1985, the City entered into an Interim Agreement (Attachment D) with the Tuolumne River Trust and other conservation groups, confirming this obligation with respect to the third generating unit of Kirkwood Powerhouse. The Interim Agreement also granted the groups’ standing to enforce the conditions of a subsequent agreement between the City and the Interior Department relating to a fisheries study.

On March 10, 1987, the City and Interior Department entered into a Stipulation (Attachment E) requiring the City, or the U.S. Fish and Wildlife Service (FWS), to undertake a study “...to determine what, if any effect, the Kirkwood Powerhouse and Kirkwood Addition would have or have had on the habitat for and populations of resident fish species, between O’Shaughnessy Dam and Early Intake...” The condition requires the study to be completed by December 1992, subject to extension only if the FWS determines that the study is inconclusive or inaccurate as a result of climatic or other environmental conditions. The Stipulation specifies adjustments to the minimum flow releases, if the FWS determines that flow in the Tuolumne River “...should be increased.”

On March 20, 2006 the Tuolumne River Trust, represented by the Natural Heritage Institute, gave notice that the SFPUC was in violation of the “Modification for Kirkwood Powerhouse Unit No. 3 to Stipulation for Amendment of Rights-of-Way for Canyon

Power Project Approved by Secretary of the Interior on May 26, 1961 to Fulfill the Conditions Set Forth in Provision 6 of Said Amended Permit.” Our letter (Attachment F) asserted that the study required by the Stipulation had not been published and the minimum flow release schedule had not been adjusted.

On February 5, 2008, the SFPUC responded (Attachment G), stating, “The purpose of this letter is to propose a collaborative process to resolve these implementation issues by December 2009.” The SFPUC proposed, among other things, “the following measures, schedule and conditions to resolve the outstanding issues from the 1987 Stipulation.”

“The SFPUC, the USFWS, Yosemite National Park Service staff, and SFPUC consultants will work together to gather the information necessary to develop physical and biological objectives for an adaptive management plan for O’Shaughnessy Dam flow releases. It is anticipated that these initial studies shall be completed by December 2009.”

“The SFPUC and the USFWS, in consultation with the Yosemite National Park, the US Forest Service, the California Department of Fish and Game, SFPUC consultants, and the Trust, will review ongoing study material and work together to develop an adaptive management plan for releases into the affected reach to enhance a wider range of resource values. This plan will include a monitoring program, and may also include annual consultations between the USFWS and the SFPUC regarding water releases into the affected reach. The SFPUC and USFWS agree to make best efforts to complete the adaptive management plan by December 2009.”

On May 26, 2009, the Tuolumne River Trust accepted the proposed measures, schedule, and conditions proposed by the SFPUC.

To meet the obligations of the agreement, the SFPUC initiated an Upper Tuolumne River Ecosystem Project (UTREP). The UTREP is “An ongoing effort to conduct long-term, collaborative, science-based investigations designed to: 1) Characterize historical and current river ecosystem conditions; 2) Assess their relationship to Hetch Hetchy Project operations; and 3) Provide recommendations for improving ecosystem conditions on a long-term, adaptively managed basis.”

We applaud the SFPUC for initiating the UTREP, and appreciate efforts made to date. However, more than two years have passed since the anticipated completion date. The study and adaptive management plan must be finalized prior to any actions that could potentially harm the Tuolumne River between O’Shaughnessy Dam and Early Intake, such as the proposed water transfer.

### Climate Change Impacts

The SFPUC is finalizing a report titled “Sensitivity of Upper Tuolumne River Flow to Climate Change Scenarios.” According to SFPUC staff, “This report evaluates the effects

of a range of climate change-driven changes in temperature and precipitation based on current scientific understanding of climate change on runoff into Hetch Hetchy Reservoir.” The draft report concluded:

- With differing increases in temperature alone, the median annual runoff at Hetch Hetchy would decrease by 0.7-2.1 percent from present-day conditions by 2040 and by 2.6-10.2 percent from present-day by 2100. Adding differing decreases in precipitation on top of temperature increases, the median annual runoff at Hetch Hetchy would decrease by 7.6-8.6 percent from present-day conditions by 2040 and by 24.7-29.4 percent from present-day conditions by 2100.
- In critically dry years, these reductions in annual runoff at Hetch Hetchy would be significantly greater, with runoff decreasing up to 46.5% from present day conditions by 2100 utilizing the same climate change scenarios.
- In addition to the total change in runoff, there will be a shift in the annual distribution of runoff. Winter and early spring runoff would increase and late spring and summer runoff would decrease.
- Under all scenarios, snow accumulation would be reduced and snow would melt earlier in the spring, with significant reductions in maximum peak snow water equivalent under most scenarios.

Again, this new information must be considered in the environmental review of a potential water transfer.

### **Revised Demand Projections**

The last few years have seen dramatic declines in water usage in the SFPUC service territory. Last year, sales dropped below 220 mgd, well under the 265 mgd cap established in the WSIP and codified in the Water Supply Agreement.

Future demand projections also are down. After reviewing the 2010 Urban Water Management Plans prepared by its member agencies, the Bay Area Water Supply and Conservation Agency (BAWSCA) decreased its 2035 demand projections by 10 mgd. The SFPUC also projects a decrease in demand of 10 mgd (down to 71 mgd) by 2035.

In 2008 the SFPUC projected it would need the additional 2 mgd from a transfer during dry years in one out of three years on average. However, the contract would be “take or pay,” so the SFPUC would be required to pay MID roughly \$700 per acre-foot regardless of whether the water was actually used. Therefore, the water would essentially cost \$2,100 per acre-foot of used water, making it more expensive than alternative sources being considered by the SFPUC.

With water use down from the WSIP baseline, the 2 mgd would be needed even less frequently, making the true cost per acre-foot even more expensive. At a time when rates are increasing substantially on an annual basis, it makes little sense for the SFPUC to commit to spending approximately \$1.5 million per year for additional water when its need is uncertain. With ratepayers already concerned about rising rates, the SFPUC

should do what it can to avoid a greater backlash.

### **FERC Relicensing**

The FERC relicensing process for New Don Pedro Dam was initiated in 2011 and will be completed by 2016. With current conditions on the lower Tuolumne as impaired as they are, FERC will likely require enhanced flows and improved management of releases from New Don Pedro Dam. The 4<sup>th</sup> Agreement between MID/TID and the SFPUC requires San Francisco to provide 51.7% of any new required releases,

Much has changed since New Don Pedro Dam received its initial license in 1966. NEPA was established, the Endangered Species and Clean Water Acts have been enacted, steelhead and salmon populations have plummeted, and the lower Tuolumne River no longer meets Clean Water Act standards. Discussions about water transfers should be postponed until after a final FERC determination is made and San Francisco's obligation is better understood.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Peter Drekmeier  
Bay Area Program Director

# A.4

## 2010 Notice of Preparation

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**REVISED NOTICE OF PREPARATION**  
**of an Environmental Impact Report**  
**for the Brisbane Baylands Project**  
**City of Brisbane**  
*(Previous SCH #2006022136, February 24, 2006)*

Notice is hereby given that the City of Brisbane will be the Lead Agency and will prepare a programmatic Environmental Impact Report (EIR) for the Brisbane Baylands Project (“Proposed Project”). The City of Brisbane is requesting comments on the scope and content of this EIR.

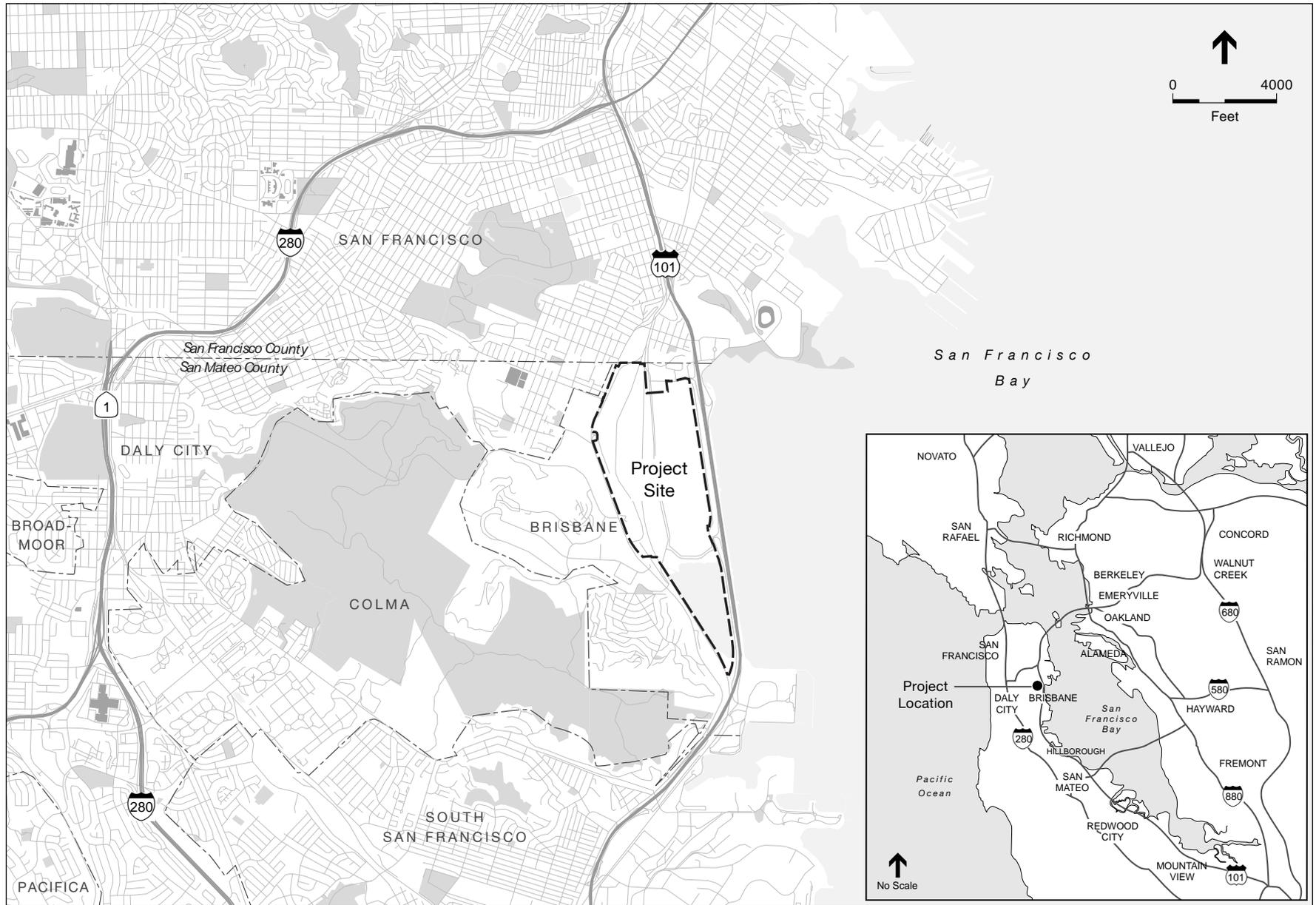
A Scoping Session will be held on Tuesday, January 4, 2011 at 7:00 pm, at Mission Blue Center, 475 Mission Blue Drive, Brisbane, CA. The Scoping Meeting is part of the EIR scoping process during which the City solicits input from the public and agencies on specific topics that they believe should be addressed in the environmental analysis. Written comments on the scope of the EIR may be sent to:

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA 94005  
Fax: 415.467.5547  
Email: eir@ci.brisbane.ca.us

Due to the time limits mandated by State law, comments must be received *no later than 30 days* after receipt of this notice. The review period is from December 10, 2010 through January 10, 2011.

## **Project Location**

The Proposed Project site (“Project Site”), identified as the Brisbane Baylands, is located within the City of Brisbane in the northeast corner of San Mateo County. The Project Site is bounded on the north by the border of the City of San Francisco and Recology property (formerly Nor-Cal Waste), on the east by Highway 101 (“U.S. 101”), on the west by Bayshore Boulevard, and on the south by Brisbane Lagoon (see **Figure 1**).



SOURCE: ESA

Brisbane Baylands . 206069

**Figure 1**  
Project Site Location

## Project Description

The 1994 City of Brisbane General Plan requires the preparation of a specific plan prior to the approval of any development within the Brisbane Baylands. The landowner and Project Applicant, Universal Paragon Corporation (“Project Applicant”), has submitted a specific plan application to the City of Brisbane (“Lead Agency”), proposing approximately 7 million square feet of office/ retail /industrial/ institutional uses, 5 million square feet of residential (4,434 residential units) and approximately 205 acres of upland open space/open area and related grading and infrastructure. The Project Applicant’s proposal is identified in this NOP as the Developer-Sponsored Project.

As described in the Project History section of this NOP, a Community Preferred Plan has also been proposed for the project site which will be evaluated in the forthcoming Draft EIR at the same level of detail as the applicant’s proposal. The Community Preferred Plan includes up to approximately 8 million square feet of office/industrial/commercial/ institutional space, no residential developmentn and approximately 330 acres of open space and related grading and infrastructure. Both development scenarios are described in more detail under “Proposed Land Uses.”

## Project History

In 2005, the Project Applicant submitted a draft specific plan which encompassed a smaller geographic area than the current plan and included a different mix of land uses. The City of Brisbane issued a Notice of Preparation (SCH # 2006022136) on February 24, 2006 for the prior proposal. The 2006 NOP and NOP responses can be viewed at <http://www.brisbaneca.org/baylands/eir-process/notice-preparation> and remain on file. This revised NOP is being issued to reflect both the change in project description and the identification of a Community Preferred Plan to be studied in the forthcoming EIR, and in recognition of the time that has elapsed since the NOP was originally published.

## Site Description

The Project Site for the Developer-Sponsored Project includes approximately 573 acres of upland area and 111 acres of lagoon (i.e. water area), totaling 684 acres (**Figure 2**). The Project Site is bisected in the north-south direction by the Caltrain railroad tracks and in the east-west direction by a central drainage channel, which is a part of the Visitacion Creek alignment. The majority of the Project Site is flat or gently sloping toward the Bay, with an elevation range of 10 to 50 feet above mean sea level (msl). A prominent hill (Icehouse Hill), located at the southeastern end of the Project Site, ranges from 25 to 200 feet above msl with steep cuts adjacent to the Caltrain railroad and more gently sloping cuts along Bayshore Boulevard.

The Project Site is divided into two distinct areas: the former landfill and the former Southern Pacific Bayshore Railyard. **Figure 3** shows the boundaries of these former areas. The former landfill area consists of approximately 345 acres and is bound on the west by the Caltrain railroad tracks, on the east by U.S. 101, on the north by Beatty Avenue and Recology, Inc.<sup>1</sup> property, and on the south by Brisbane Lagoon. The landfill operated from the early 1930s through the mid 1960s as a depository for municipal solid waste. After the landfill closed in 1967, the landfill site was, and continues to be, used for soil and construction material recycling.

<sup>1</sup> Formerly Nor-Cal Waste site. Nor-Cal Waste officially changed its name to Recology, Inc. in April 2009.



SOURCE: Wallace Roberts & Todd, LLC, 2010; Recology

Brisbane Baylands . 206069

**Figure 2**  
Project Site Existing Land Uses



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 3**  
Boundaries of Landfill  
and Remediation Areas

The former railyard consists of approximately 228 acres and is bound on the west by Bayshore Avenue, on the south by Tunnel Avenue, on the east by the Caltrain railroad tracks, and on the north by the City of San Francisco. This railyard was operated by Southern Pacific Railroad and served freight train activity into and out of San Francisco between 1914 and 1960. The majority of this area is vacant with remnant buildings remaining. For purposes of regulatory oversight the railyard is divided into 2 separate Operable Units (see Figure 3). Operable Unit 1 (OU-1) is under the jurisdiction of the State Department of Toxic Substances and Operable Unit 2 (OU-2) is under the jurisdiction of the Regional Water Quality Control Board.

Currently, the Project Site is largely undeveloped. Existing uses on the site include two lumberyards, a cooking fuels and equipment manufacturing/distribution company, an industrial park, a rock and concrete crushing operation, a soils processing operation and associated construction equipment parking.

Two areas are located within the Project Site boundaries, but are not a part of the Proposed Project (see Figure 2). These are the Kinder Morgan Energy Partners Brisbane Terminal (a petroleum storage facility), and Machinery and Equipment Company (used processing equipment resale). These uses will remain. Other land uses that share a border with the proposed developable area include the Recology solid waste recycling and transfer facility to the north and the North County Fire Authority Station Number 81 to the west.

## Proposed Land Uses

As noted previously, there are two distinct land use scenarios under consideration, each of which also has its own variant. The two scenarios, listed and described below, will be addressed and analyzed for CEQA compliance in the main body of the EIR.

Scenario 1: Developer-Sponsored Project  
Variant: Entertainment Variant

Scenario 2: Community Preferred Plan  
Variant: Recology Expansion Variant

The Developer-Sponsored Project (DSP) and the Community Preferred Plan (CPP), along with their associated variants, will be analyzed at an equal level of detail in the EIR, and are described below.

### ***Developer-Sponsored Project (DSP)***

The DSP, proposed by the property owner, would allow for the development of 12,096,300 square feet of new land uses, 142,500 square feet of relocated existing lumberyard use and removal of the 231,400-square-foot Brisbane Bayshore industrial park. **Figure 4** presents the Proposed Land Uses for the DSP. The DSP includes residential, retail, office, campus research and development, public/civic/cultural center, institutional, industrial/warehouse, and open space/area. **Table 1** presents a summary of the proposed land uses. The Sierra Point Lumber and Plywood Company and the Van Arsdale-Harris Lumber Company are proposed to be relocated within the Project Site. The existing Roundhouse and Lazzari Fuel Company buildings would be renovated as part of a public use/civic/cultural center. Total net new land use with the DSP is 11,722,400 square feet.

**TABLE 1  
PROPOSED LAND USES FOR BRISBANE BAYLANDS PROJECT SITE**

Component	Developer-Sponsored Plan		Community-Preferred Plan	
	Plan	Entertainment Variant	Plan	Recology Variant
<b>Site Acreages</b>	Acres	Acres	Acres	Acres
Plan Area	573.0	573.0	622.0	622.0
Lagoon	111.0	111.0	111.0	111.0
<b>Total Site Acreages</b>	<b>684.0</b>	<b>684.0</b>	<b>733.0</b>	<b>733.0</b>
<b>Public Use / Open Space</b>	Acres	Acres	Acres	Acres
Total Public Use / Open Space	205.8	205.8	330.0	330.0
Renewable Energy Generation	25.0	25.0	(a)	(a)
Wastewater Treatment	5.0	5.0	5.0	5.0
<b>Non-Residential</b>	Sq. Ft. (Units)	Sq. Ft. (Units)	Sq. Ft. (Units)	Sq. Ft. (Units)
Mixed Commercial / Office / Retail	566,300	283,400	2,209,500	2,209,500
Office / Institutional	2,762,000	2,363,100	992,700	992,700
Research & Development	3,328,300	2,599,200	2,007,000	1,672,200
Industrial / Warehousing	NA	NA	366,400	366,400
Entertainment / Cultural Districts	-	-	611,300	611,300
Arena	0	630,100	-	-
Theater	0	337,200	-	-
Multiplex	0	71,000	-	-
Conference / Exhibition	21,300	73,500	274,500	274,500
Hotel / Extended Stay	239,800 (369 rooms)	513,300 (719 rooms)	1,392,300 (1,990 rooms)	1,046,100 (1,500 rooms)
Public / Civic / Cultural	28,200	28,200	188,700	188,700
Resource Recovery	-	-	259,000	1,011,000
<b>Total Non-Residential</b>	<b>6,945,900</b>	<b>6,899,000</b>	<b>8,301,400</b>	<b>8,372,400</b>
<b>Residential</b>	Sq. Ft. (Units)	Sq. Ft. (Units)	Sq. Ft. (Units)	Sq. Ft. (Units)
Residential Condos / Apartments	4,351,800 (3,950 units)	4,351,800 (3,950 units)	0	0
Residential Townhomes	798,600 (484 units)	798,600 (484 units)	0	0
<b>Total Residential</b>	<b>5,150,400</b> <b>(4,434 units)</b>	<b>5,150,400</b> <b>(4,434 units)</b>	<b>0</b>	<b>0</b>
<b>Total Development</b>	<b>12,096,300</b>	<b>12,049,400</b>	<b>8,301,400</b>	<b>8,372,400</b>
<b>Existing Land Uses to Remain</b>	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Relocated Lumberyards	(142,500)	(142,500)	(142,500)	(142,500)
Resource Recovery	-	-	(259,000)	(259,000)
<b>Existing Land Uses to be Removed</b>	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Industrial Park	(231,400)	(231,400)	(231,400)	(231,400)
<b>Total Net New Land Uses</b>	<b>11,722,400</b>	<b>11,675,500</b>	<b>7,668,900</b>	<b>7,739,500</b>

a. The CPP will incorporate alternative energy generation within the project; location, size, and type of facilities will be determined at a later date. Acreages of other proposed land uses may decrease as a result.

### Entertainment Variant

The land uses for the Entertainment Variant on the DSP would be similar to the development intensity and land use pattern of the DSP (see **Figure 5**), but with entertainment uses replacing the proposed uses in the northeast portion of the site. The Entertainment Variant would include a sports arena, a concert theatre, a multi-screen cinema, and hotel rooms (see Table 1). A corresponding reduction in retail, office, and research and development uses would occur to allow these entertainment related land uses. Total net new land use with the DSP Entertainment Variant is 11,675,500 square feet.



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069

**Figure 4**  
Proposed Land Uses  
Developer-Sponsored Project



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069

**Figure 5**  
 Entertainment Variant  
 Developer-Sponsored Project

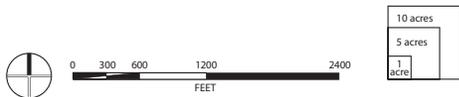
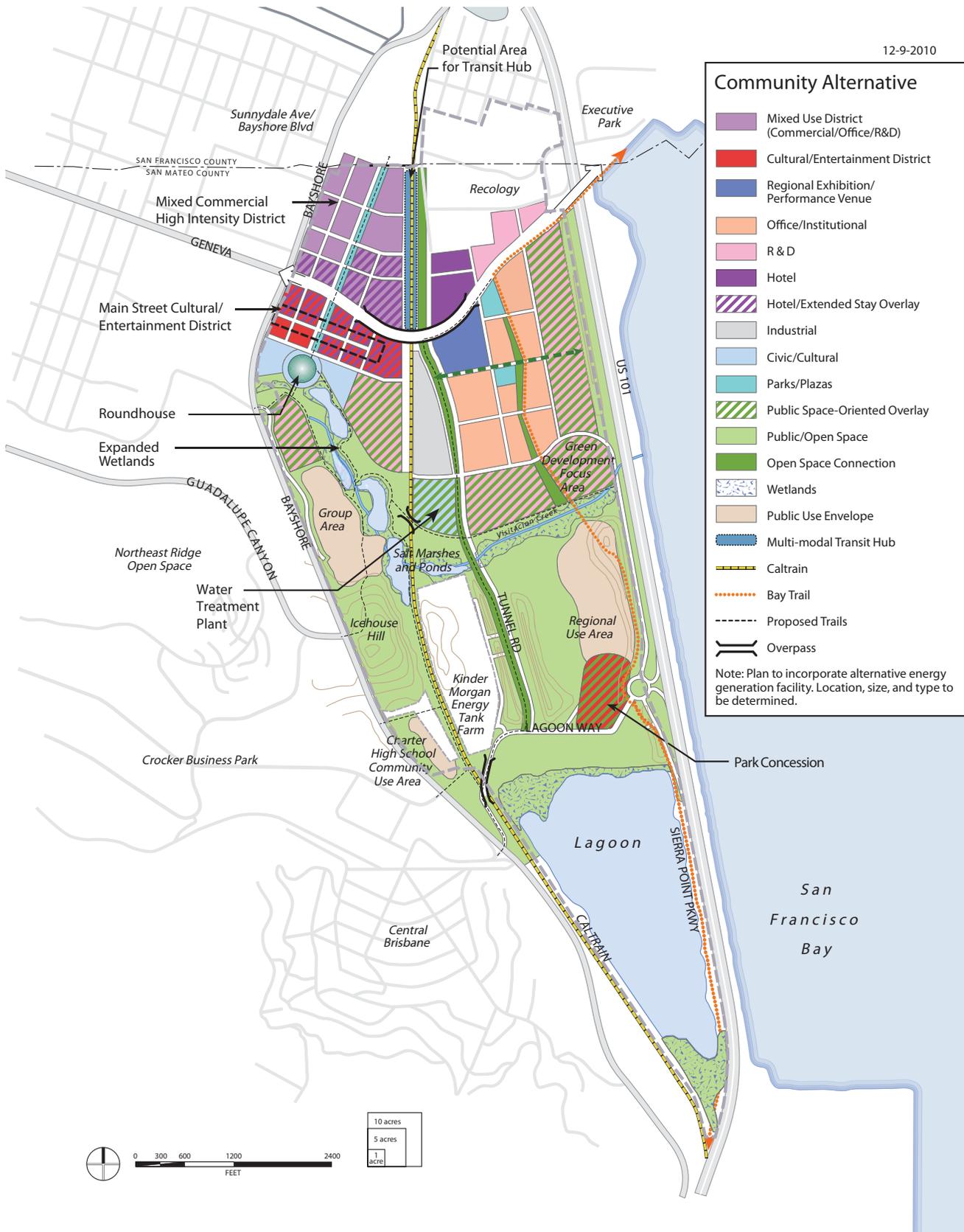
### **Community Preferred Plan (CPP)**

The CPP is based on maximizing the quality of public space and concentrating development near transit. It would differ from the DSP in that almost all of the land area south of the creek channel would be planned for passive open space and active recreational use (see **Figure 6**). Development under the CPP would be less intense than the Developer Sponsored variants as the CPP would allow for development of about 8.3 million square feet of new land uses. Similar to the DSP, the CPP would allow for office, retail, entertainment, hotel, research and development, public use/civic/cultural center, institutional and light industrial uses, and the relocation of existing uses similar to the Developer Sponsored Project. However, the CPP would not include any residential uses on the Project Site. Total net new land use with the CPP is 7,668,900 square feet. Table 1 presents a summary of the proposed land uses.

### **Recology Variant**

The Recology Variant on the Community Preferred Plan would allow for the expansion of the existing Recology facility within the northeast portion of the Baylands site, replacing the land uses in this area otherwise identified in the CPP (see **Figure 7**). The current 49-acre site would expand to 73 acres, and would consolidate offsite recycling and corporation yard facilities onto one location. The square footage of the developed areas on the Recology site would increase from the existing 259,000 square feet to 1,011,000 square feet. Site facilities include administrative/office space, operations, maintenance, and parking areas for customers, employees, and truck/facility vehicles. In addition, roads, utilities, and other infrastructure would be reconfigured or newly constructed. In general, the land uses remain as shown in the CPP north of Geneva Avenue and south of the existing Recology site. The main differences, as shown in Figure 7, would be that Research and Development and Hotel/Extended Stay land uses would be less than without the Recology Variant. The net new land use with the CPP Recology Variant is 7,739,500 square feet. These changes in land use are summarized in **Table 2**.

The following project details are summarized for both the DSP and the CPP. An Executive Summary of the DSP is available on the City of Brisbane's website at <http://www.ci.brisbane.ca.us/sites/default/files/uploads/NOPProjDescription.pdf>, and on file at the City of Brisbane Community Development Department. For those components where the CPP has not been designed to an equal level of detail as the DSP a comparative discussion is provided. The forthcoming Draft EIR will include a sufficient level of detail regarding the CPP to allow for preparation of the EIR at a programmatic level.





**TABLE 2  
PROPOSED LAND USES FOR BRISBANE BAYLANDS PROJECT SITE  
CPP WITH RECOLOGY VARIANT**

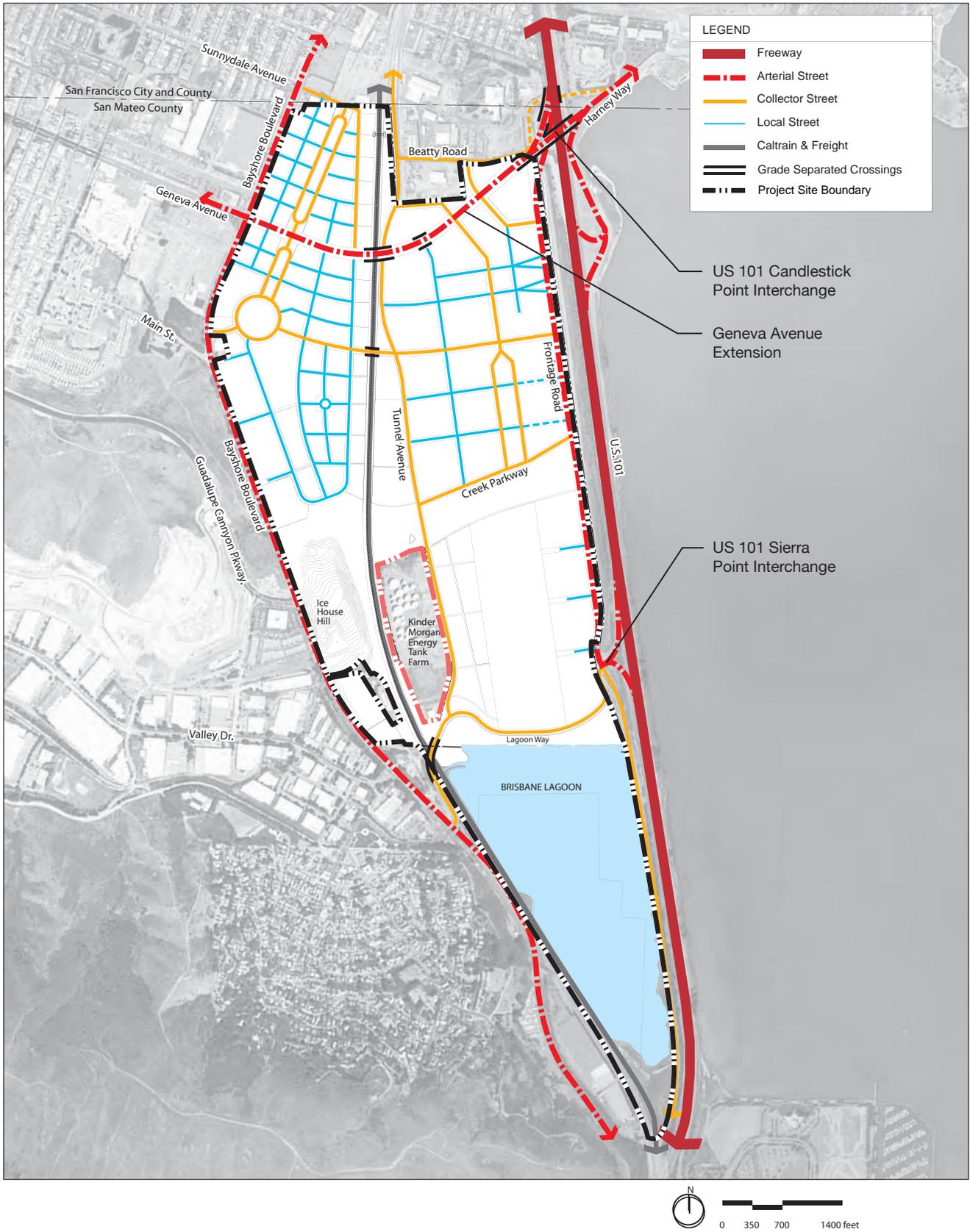
<b>Land Use</b>	<b>Community Preferred Plan (Sq. Ft.)</b>	<b>Land Use Change with Recology Variant (Sq. Ft.)</b>	<b>CPP with Recology Variant (Sq. Ft.)</b>
Mixed Commercial / Office	2,209,500	0	2,209,500
Combined Office / Institutional / R&D	2,999,700	(334,800)	2,664,900
<i>Office / Institutional</i>	992,700	0	992,700
<i>R&amp;D</i>	2,007,000	(334,800)	1,672,200
Industrial / Warehousing	366,400	0	366,400
Entertainment / Cultural District	611,300	0	611,300
Hotel / Extended Stay	1,392,300	(346,200)	1,046,100
<i>Hotel Rooms</i>	1,990	(490)	1,500
Public / Civic / Cultural	188,700	0	188,700
Exhibition Space	274,500	0	274,500
Resource Recovery	259,000	+752,000	1,011,000
<b>Total Non-Residential</b>	<b>8,301,400</b>	<b>+71,000</b>	<b>8,372,400</b>
Residential	0	0	0
<b>Total Residential Units</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>Total Development</b>	<b>8,301,400</b>	<b>71,000</b>	<b>8,372,400</b>
Total Public Use / Open Space	330 acres	0	330 acres

### Transportation and Circulation Plan-DSP

The DSP would include a series of new roadways within the Project Site to accommodate the overall increase in the number of vehicle trips generated by the increased development. A new arterial street, the extension of Geneva Avenue, would provide a new east-west connection between Harney Way in San Francisco and Geneva Boulevard in Daly City. The proposed roadway network for the DSP is shown in **Figure 8**.

The Project Applicant intends to seek transit-oriented land use zoning for the Project Site and will prepare a Traffic Demand Management (TDM) program. Existing train, bus, and shuttle services exist adjacent to the Project Site including Caltrain, which operates the Caltrain Bayshore station in the Project Site (see Figure 2), Muni T-Third light rail line, Muni Express and local buses, and private shuttles. Both the DSP and CPP land use layouts would take advantage of existing and planned transit services and include additions to proposed transit improvements as appropriate (see **Figure 9**).

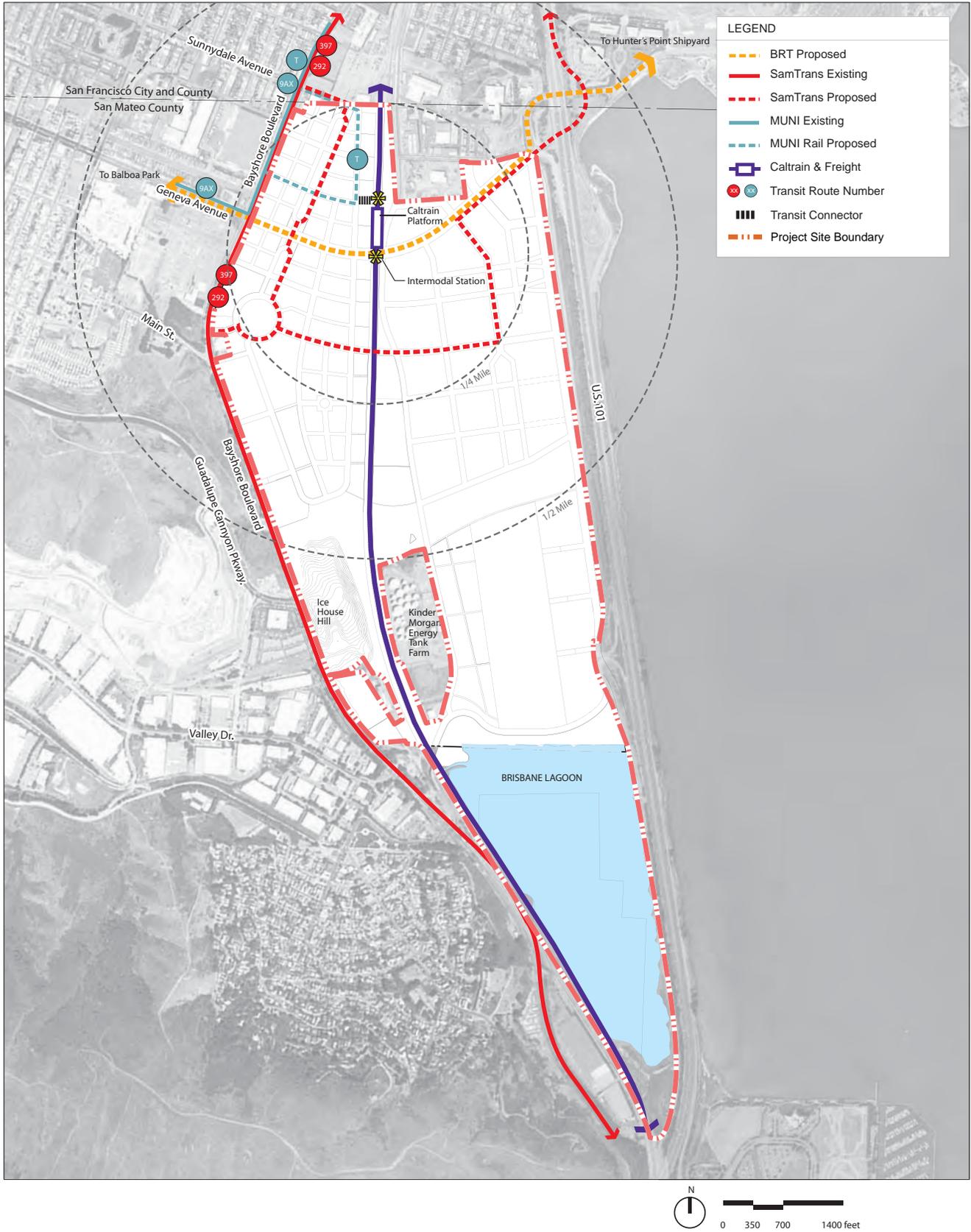
The DSP would include several future bikeways, including multi-use paths and bike lanes. Bicycle parking and other facilities for bicyclists would be provided in the future buildings in the Project Site. In addition, a system of shared public bikes would be provided in the Project Site as part of a regional bike-sharing network being contemplated for San Francisco, San Jose and the cities in between. Within the Project Site, three east-west pedestrian ways across the Caltrain railroad tracks would be provided at Geneva Avenue, Roundhouse Arc and Tunnel Avenue (see **Figure 10**).



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069

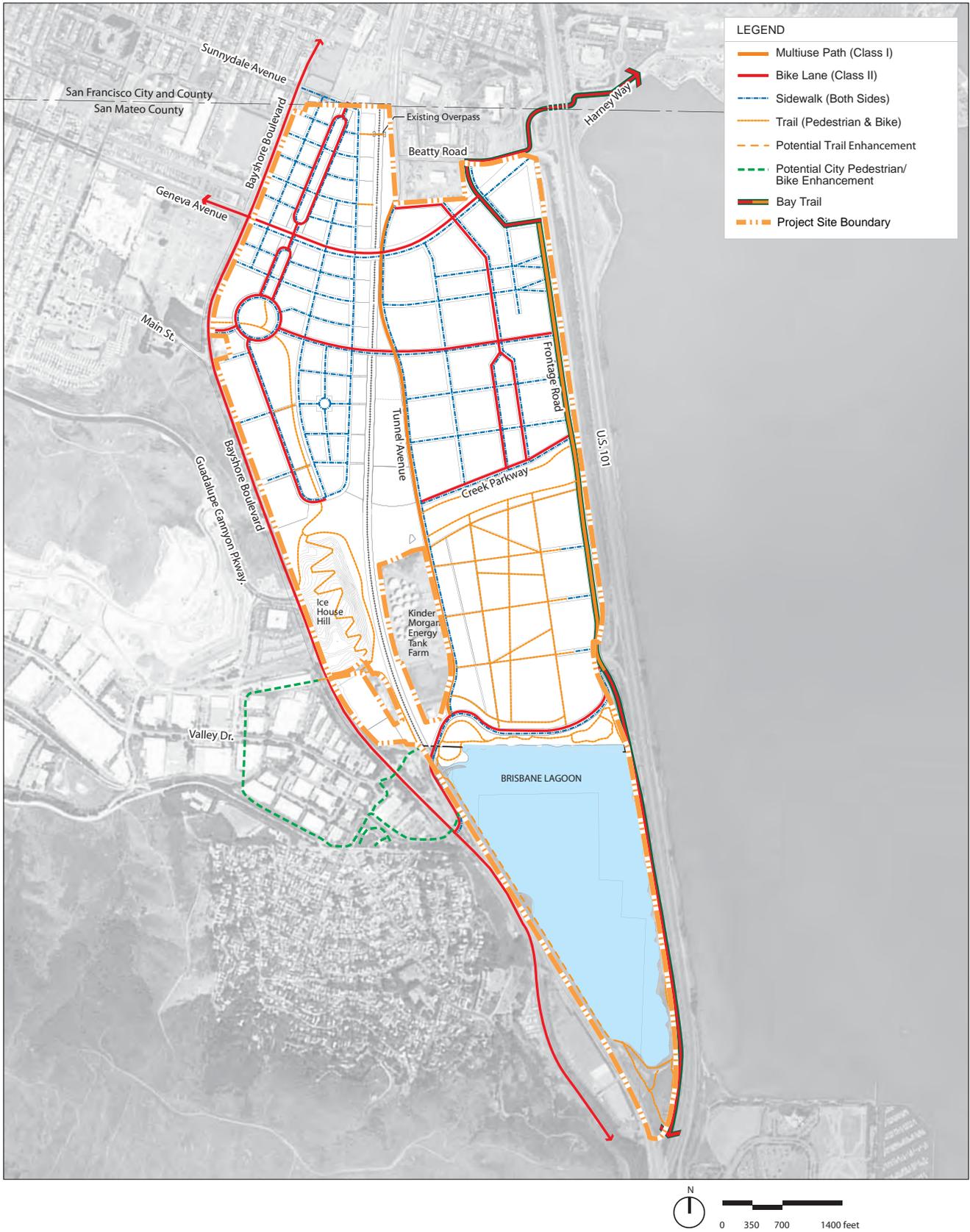
**Figure 8**  
Proposed Vehicular Circulation Plan  
Developer-Sponsored Project



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069

**Figure 9**  
Proposed Transit Circulation  
Developer-Sponsored Project



SOURCE: Wallace Roberts & Todd, LLC, 2010

Brisbane Baylands . 206069

**Figure 10**  
 Proposed Pedestrian and Bicycle Circulation Plan  
 Developer-Sponsored Project

### **Transportation and Circulation Plan-CPP**

The CPP would include a series of new roadways within the Project Site to accommodate the overall increase in the number of vehicle trips generated by the increased development. The CPP differs from the DSP in that it includes a more southerly alignment for Geneva Avenue. Additionally, the CPP proposes two east/west roadway connections across the Caltrain railroad tracks (at Geneva Avenue and Tunnel Road) as compared to three proposed in the DSP. The proposed roadway network for the DSP is shown in **Figure 11**.

The CPP also proposes transit-oriented land use zoning for the Project Site. Existing train, bus, and shuttle services exist adjacent to the Project Site including Caltrain, which operates the Caltrain Bayshore station in the Project Site (see Figure 2), Muni T-Third light rail line, Muni Express and local buses, and private shuttles. The CPP land use layouts would take advantage of existing and planned transit services and include additions to proposed transit improvements as shown in **Figure 12**.

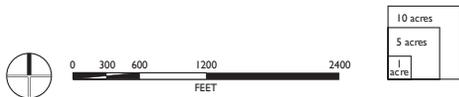
The transportation and circulation layout for the CPP would provide an extensive bike and trail network with an emphasis on multi-modal connectivity, shown in **Figure 13**. Bicycle parking and other facilities for bicyclists would be provided in the future buildings in the Project Site. In addition, a system of shared public bikes could be provided in the Project Site as part of a regional bike-sharing network being contemplated for San Francisco, San Jose and the cities in between.

### **Open Space and Trails-DSP**

The DSP would reserve approximately 205 acres of open space and open areas (roughly 30 percent of the Project Site). These areas would include land reserved for: wildlife habitat; public parks; landscaped areas; open areas within development sites; and other passive and active recreational uses. The Project Site would be traversed by a network of pedestrian trails. In the eastern portion of the Project Site, the north-south spine of the trail network would accommodate a new section of the San Francisco Bay Trail. In the western portion of the Project Site, a new north-south greenway would connect the northern boundary of the site to the Roundhouse, over or around Icehouse Hill and farther south into downtown Brisbane (see Figure 10).

### **Open Space and Trails-CPP**

The CPP would reserve approximately 330 acres for open space and public use areas. Open space areas would include a band of expanded wetlands, salt marshes and ponds west and north of the Visitacion creek drainage channel. An extensive public trail system would include a north-south connection on the western portion of the Project Site and east-west pedestrian connections throughout. The CPP would include development of a new section of the San Francisco Bay Trail in the eastern portion of the Project Site (see Figure 13). However, the trail alignment would bisect the eastern side of the Project Site rather than align with the U.S. 101 frontage road, as proposed in the DSP. The CPP further includes several proposed commercial recreation opportunities within the larger open space network.



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 11**  
Proposed Vehicular Circulation Plan  
Community Preferred Plan



Note: Plan to incorporate alternative energy generation facility. Location, size, and type to be determined.



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 13**  
Proposed Pedestrian and Bicycle Circulation  
Community Preferred Plan

## **Infrastructure and Conservation Measures**

A Water Supply Assessment will be completed in conjunction with the forthcoming draft EIR. The DSP would include various water conservation features, such as the use of reclaimed water for landscaping and dual-plumbed systems, among others. The DSP would include an on-site water recycling facility (WRF), which would provide treatment of wastewater generated by the DSP and potentially for the City of Brisbane and adjacent municipalities. Recycled water would be used for on-site non-potable purposes, such as irrigation. Treated flows from the WRF that exceed on-site recycled water demand could potentially be discharged to an on-site wetland area, Visitacion Creek channel, or Brisbane Lagoon or, alternatively, sent directly for treatment at San Francisco's Southeast Water Pollution Control Plant via San Francisco's Sunnydale Avenue combined-sewer main.

The DSP would install a combination of volume- and flow-based treatment measures for stormwater drainage and the runoff, replacing the current system of ditches and culverts. Electric power for the DSP would be provided by Pacific Gas and Electric Company. The DSP would include measures to reduce energy demand and provide for on-site generation of renewable energy.. The DSP could include the use of building-integrated wind turbines, stand-alone solar photovoltaic installations, and building integrated photovoltaic materials, to meet energy needs in the Project Site.

Infrastructure and conservation measures for the CPP would include infrastructure planning and improvements similar to what is described above for the DSP. While on-site renewable energy generation is an important component of the CPP, a site for a stand-alone facility for renewable energy generation is presently not identified.

## **Construction Period Activities**

Complete construction of the DSP or CPP would occur over a minimum 20-year period, beginning generally in 2015. The construction phase would begin one year prior to the start of grading with remediation of contaminated soil and groundwater occurring at the site. Post-grading open space, infrastructure and building construction would occur over multiple years, depending upon market conditions. Project buildout is anticipated to occur no earlier than 2035.

Approximately 550,000 cubic yards of soil are estimated to be trucked to offsite locations; another 3,645,000 cubic yards of soils materials would be moved within the Project Site. It is projected that there would be a net increase of more than 250 truck trips over currently permitted activities.

It is projected that the availability of vacant areas at the Project Site would be sufficient for parking of construction workers' personal vehicles. No offsite construction employee parking or staging areas would be required.

Construction activities for the CPP would be similar to those described above for the DSP.

## **Construction Phasing**

Development of the DSP or CPP would be anticipated to occur in two phases. Phase 1 would be the western portion of the site (between Bayshore Boulevard and the Caltrain railroad tracks) due to the availability of existing roadways and infrastructure systems adjacent to west side of the

project. As roadway improvements increase connectivity across the Project Site and access to Highway 101, development of Phase 2 (i.e., between the Caltrain railroad tracks and U.S. 101) of the Project Site would occur.

Preparation of the site for Phase 1 development is projected to occur by 2020. Site preparation would include site remediation, infrastructure backbone and geotechnical stabilization required for the first phase of development as well as any remediation and infrastructure work required for project-wide development.

## Required Approvals

The DSP and the CPP would require the following approvals:

### City of Brisbane

- Specific Plan
- General Plan Amendment
- Zoning Map Change
- Development Agreement/Owner Participation Agreement
- Subdivision Maps
- Planned Development Permits, Design Permits
- Redevelopment Plan Amendment
- Other Subsequent Approvals, including building and grading permits

### Other Agencies

The DSP and CPP would require approvals from the following responsible agencies:

- Remedial Action Plan and Remedial Design and Implementation Plan (California Department of Toxic Substances Control and California Regional Water Quality Control Board [CRWQCB])
- Landfill Closure Permit, Landfill Closure Plan and Post-closure Maintenance Plan (CRWQCB, BAAQMD, and San Mateo County Health Services Agency)
- Interagency Cooperation Agreements (City and County of San Francisco, City of Daly City, City of Brisbane, San Francisco County Transportation Authority and San Mateo County)
- San Francisco Bay Conservation and Development Commission approval for development within the 100-foot shoreline band
- Water quality certification, NPDES permit, and waste discharge requirements (Regional Water Quality Control Board)
- Air Quality Permits (Bay Area Air Quality Management District [BAAQMD])
- Incidental Take Permit, if necessary (Department of Fish and Game)
- Encroachment Permits (Peninsula Corridor Joint Powers Board and Caltrans)
- Section 10 and/or 404 permit(s) (U.S. Army Corps of Engineers [Corps], after agency consultation), including as required, consultation with the U.S. Fish and Wildlife Service,

- National Oceanographic and Atmospheric Administration, and other agencies as directed by the Corps
- Bayshore Sanitary District Agreements, if necessary
  - Brisbane School District and Jefferson Union High School District Agreements, if necessary
  - State Lands Commission, if necessary
  - California Public Utilities Commission (rail lines)
  - Encroachment permit if construction occurs in right-of-way owned by the California Department of Transportation (Caltrans District 4)

## The EIR

The EIR will be prepared as a programmatic document in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA *Guidelines*, as updated in 2010. The EIR will provide information sufficient to evaluate the DSP and the CPP, and including the associated variants, at an equal level of analysis. The EIR will examine methods of reducing environmental impacts and identify alternatives to the DSP and CPP. The EIR will be a program-level EIR of planned public improvements and maximum future development potential. Future individual projects will be subject to additional environmental review, when site-specific proposals are known in more detail.

### Topics

In conjunction with the original NOP published in 2006 (SCH # 2006022136) an initial study was prepared which determined that the proposed project could have a significant effect in regard to the topics of : Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities Recreation, and Transportation/Traffic, all of which will be addressed in the forthcoming EIR. The Initial Study further concluded that state-designated Agricultural and Mineral Resources do not occur on the site and therefore potential impacts associated with these topics are less than significant. The 2006 Initial Study is available for review at <http://www.brisbaneca.org/baylands/eir-process/notice-preparation> and on file at the City of Brisbane Community Development Department.

The list of topics to be evaluated in the forthcoming Draft EIR for the Developer Sponsored Project and Community Preferred Plan is the same as previously identified in 2006, with the addition of Sustainability as discussed below. A topic by topic summary follows below based upon the DSP and CPP as a supplement to the 2006 initial study.

- **Aesthetic Resources:** the analysis will discuss the impacts of new development in terms of impact on a scenic vista, height and massing, views from surrounding areas and the potential for increased light and glare.
- **Air Quality:** the analysis will discuss the local and regional air quality impacts from project related construction and demolition, and impacts from new development and traffic. Impacts on existing and proposed sensitive receptors will also be analyzed along

with potential odor impacts. Micro-impacts of the project in altering existing air movement patterns (ie the creation of “wind tunnels” or similar conditions) shall also be evaluated.

- **Biological Resources:** the analysis will discuss the impacts of construction and demolition activities on nesting birds, the general potential for removal of mature trees, and the potential for new development to result in direct, indirect and/or cumulative impacts on botanical and wildlife habitat, including but not limited to Brisbane Lagoon, Visitacion Creek, Icehouse Hill and wetlands. Potential wildlife corridor impacts shall also be addressed.
- **Cultural Resources:** the analysis will discuss impacts on known or potential historic buildings and sites, and the potential for construction and demolition activities to disturb archaeological and cultural resources.
- **Geology, Soils, and Seismicity:** the analysis will discuss the potential for construction and demolition activities to expose soils to erosion, and the potential for site development to expose structures and people to factors including but not limited to seismic risk, liquefaction, and differential settlement.
- **Greenhouse Gas Emissions:** the analysis will discuss the Greenhouse Gas Emissions impacts from project-related construction and demolition, and impacts from new development and traffic. It will further address potential impacts related to climate change adaptation such as sea level rise related to other topics such as hydrology, utilities and biological resources.
- **Hazardous Materials and Hazards:** the analysis will discuss the areas of known and potential soil and groundwater contamination, anticipated remediation required to protect human health and safety based on proposed land uses, status of ongoing cleanup efforts, and the potential for construction and demolition activities to expose workers and residents to hazardous materials.
- **Hydrology and Water Quality:** the analysis will discuss the potential impacts of the project in regard to stormwater drainage systems, compliance with water quality standards or waste discharge requirements, groundwater, along with the impacts of potential development within the 100-year flood zone.
- **Land Use and Planning Policy:** the analysis will discuss the potential for the DSP and CPP to divide an existing community, alter community character, or conflict with applicable land use policy and plans, including the City of Brisbane General Plan and regional land use initiatives, such as the Sustainable Communities Strategy (SCS) administered by Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC).
- **Noise:** the analysis will discuss the impacts of noise and vibration from construction and demolition activities as well as the potential noise impacts of new activities generated by site development, and impacts of existing noise sources such as Caltrain and Highway 101 on proposed land uses.
- **Population and Housing:** the analysis will discuss the potential of the various development scenarios to directly and/or indirectly induce substantial population growth and related impacts.

- **Public Services and Utilities:** the analysis will discuss the potential increase in demand for public services, and infrastructure such as, fire and police protection, schools, solid waste, energy, water supply, and wastewater disposal services.
- **Recreation:** the analysis will discuss the potential increase in the use of existing recreational facilities to the detriment of those facilities, the need to create new recreational facilities, and impacts on existing recreational resources.
- **Sustainability:** the analysis shall identify project elements and mitigation measures which contribute to the project's environmental sustainability
- **Transportation, Circulation and Parking:** the analysis will discuss the impacts of construction traffic and the potential for new development to increase traffic load and capacity on the street system and result in inadequate emergency access. The analysis will also examine impacts on pedestrian/bicycle activity and transit service.

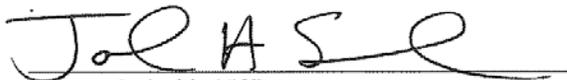
### Organization

The forthcoming draft EIR will be organized to include the following sections:

- Introduction
- Summary
- Project Description
- Environmental Setting, Impacts, and Mitigation Measures
- Alternatives
- Impact Overview and Growth-Inducing Impacts
- Cumulative Impacts
- Report Preparers

### Alternatives

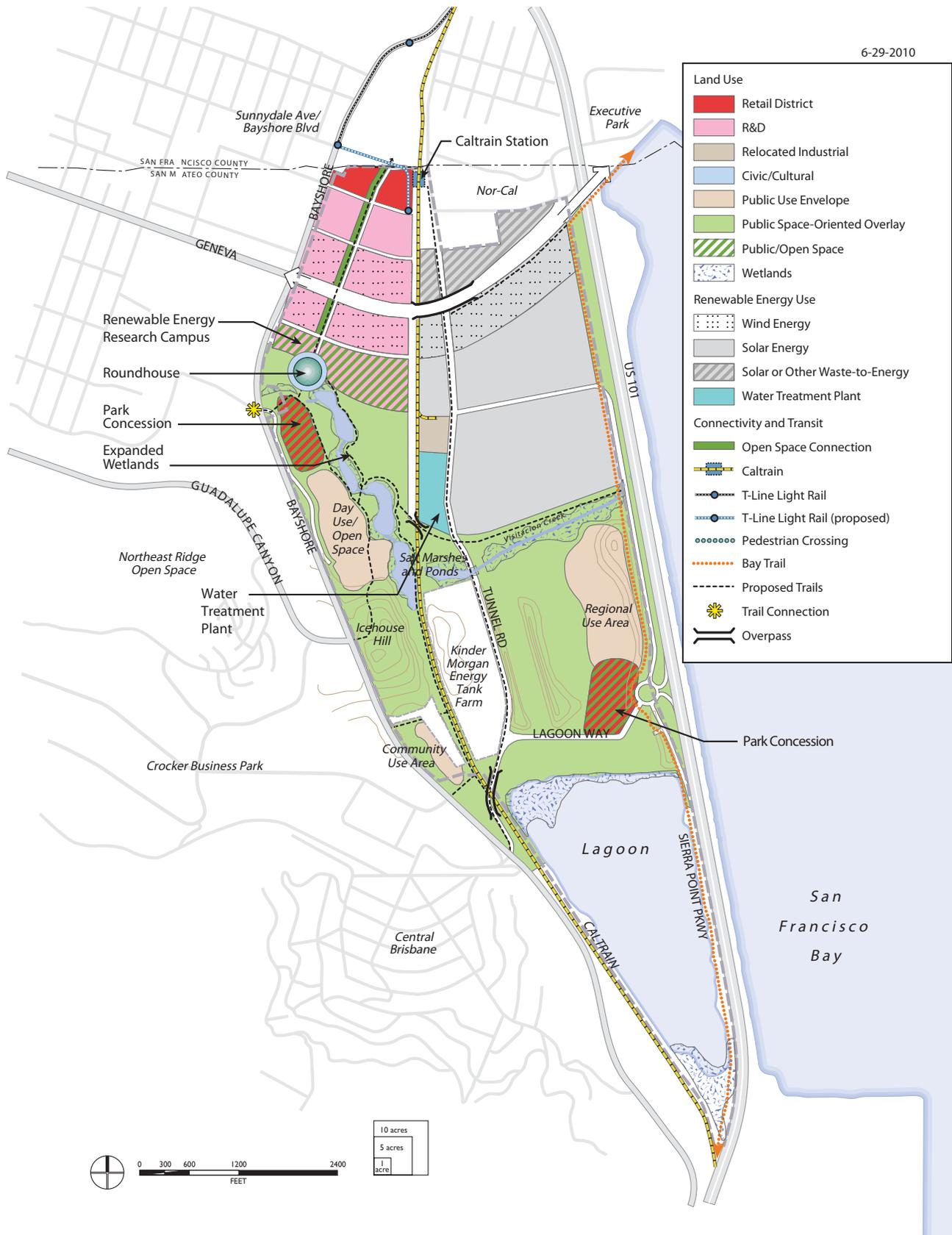
In addition to the development scenarios and variants discussed above, a Renewable Energy Alternative has also been identified for inclusion in the forthcoming EIR (see **Figure 14**) along with the No-Project alternative. Additional alternatives for study will be identified during the EIR preparation process.



John A. Swiecki, AICP  
Community Development Director  
City of Brisbane

10 December 2010

Date



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 14**  
CEQA Alternative - Renewable Energy Land Use

# A.5

## 2010 Notice of Completion and Mailing List

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# Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2006022136

**Project Title:** Brisbane Baylands Specific Plan EIR

Lead Agency: City of Brisbane Contact Person: John Swiecki, AICP  
 Mailing Address: 50 Park Place Phone: (415) 508-2120  
 City: Brisbane Zip: 94005 County: San Mateo

**Project Location:** County: San Mateo City/Nearest Community: Brisbane

Cross Streets: Bayshore Blvd and Tunnel Avenue Zip Code: 94005

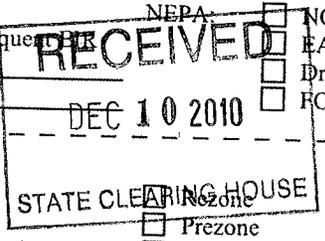
Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N / \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W Total Acres: approx. 700

Assessor's Parcel No.: Multiple Section: 3-10 Twp.: 3 South Range: 5 West Base: Mt. Diablo

Within 2 Miles: State Hwy #: U.S. 101 Waterways: San Francisco Bay; Brisbane Lagoon; Visitacion Creek  
 Airports: San Francisco Int'l Railways: Peninsula JPB/Caltrain Schools: Brisbane Elem; Lipman

**Document Type:**

- CEQA:  NOP  Draft EIR  NEPA  NOI  Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.)  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec Other: Revised NOP  FONSI



**Local Action Type:**

- General Plan Update  Specific Plan  Annexation  
 General Plan Amendment  Master Plan  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: \_\_\_\_\_

**Development Type:**

- Residential: Units 4,434 Acres \_\_\_\_\_  
 Office: Sq.ft. 2,762,000 Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Commercial: Sq.ft. 566,300 Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Educational: \_\_\_\_\_  
 Recreational: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Transportation: Type \_\_\_\_\_  
 Mining: Mineral \_\_\_\_\_  
 Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Hazardous Waste: Type \_\_\_\_\_  
 Other: See Table 1 in NOP for complete project components.

**Project Issues Discussed in Document:**

- |  |  |   |   |
|--|--|---|---|
| <input checked="" type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Fiscal                                | <input checked="" type="checkbox"/> Recreation/Parks                | <input checked="" type="checkbox"/> Vegetation                        |
| <input type="checkbox"/> Agricultural Land                   | <input checked="" type="checkbox"/> Flood Plain/Flooding       | <input checked="" type="checkbox"/> Schools/Universities            | <input checked="" type="checkbox"/> Water Quality                     |
| <input checked="" type="checkbox"/> Air Quality              | <input type="checkbox"/> Forest Land/Fire Hazard               | <input type="checkbox"/> Septic Systems                             | <input checked="" type="checkbox"/> Water Supply/Groundwater          |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic           | <input checked="" type="checkbox"/> Sewer Capacity                  | <input checked="" type="checkbox"/> Wetland/Riparian                  |
| <input checked="" type="checkbox"/> Biological Resources     | <input type="checkbox"/> Minerals                              | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement                 |
| <input checked="" type="checkbox"/> Coastal Zone             | <input checked="" type="checkbox"/> Noise                      | <input checked="" type="checkbox"/> Solid Waste                     | <input checked="" type="checkbox"/> Land Use                          |
| <input checked="" type="checkbox"/> Drainage/Absorption      | <input checked="" type="checkbox"/> Population/Housing Balance | <input checked="" type="checkbox"/> Toxic/Hazardous                 | <input checked="" type="checkbox"/> Cumulative Effects                |
| <input type="checkbox"/> Economic/Jobs                       | <input checked="" type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation             | <input checked="" type="checkbox"/> Other: <u>Sustainability; GHG</u> |

**Present Land Use/Zoning/General Plan Designation:**

Zoning: C-1 Commercial Mixed Use, Marsh Lagoon Bayfront; GP: Planned Development - Trade Commercial, Lagoon, Bayfront

**Project Description:** (please use a separate page if necessary)

The landowner and Project Applicant, Universal Paragon Corporation ("Project Applicant"), has submitted a Specific Plan application to the City of Brisbane ("Lead Agency"), proposing approximately 7 million square feet of office/retail/industrial/institutional uses, 4,434 residential units and approximately 205 acres of upland open space/open area and related grading and infrastructure on approximately 684 acres. A Community Preferred Plan also will be evaluated in the forthcoming draft EIR at the same level of detail as the applicant's proposal. The Community Preferred Plan proposes up to approximately 8 million square feet of office/retail/industrial and 330 acres of open space.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

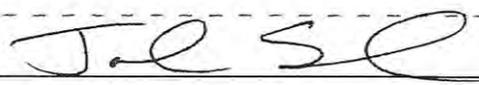
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Air Resources Board               | <input type="checkbox"/> Office of Emergency Services                         |
| <input type="checkbox"/> Boating & Waterways, Department of           | <input checked="" type="checkbox"/> Office of Historic Preservation           |
| <input type="checkbox"/> California Highway Patrol                    | <input type="checkbox"/> Office of Public School Construction                 |
| <input checked="" type="checkbox"/> Caltrans District #4              | <input type="checkbox"/> Parks & Recreation, Department of                    |
| <input checked="" type="checkbox"/> Caltrans Division of Aeronautics  | <input type="checkbox"/> Pesticide Regulation, Department of                  |
| <input type="checkbox"/> Caltrans Planning                            | <input checked="" type="checkbox"/> Public Utilities Commission               |
| <input type="checkbox"/> Central Valley Flood Protection Board        | <input checked="" type="checkbox"/> Regional WQCB # 2                         |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy           | <input checked="" type="checkbox"/> Resources Agency                          |
| <input type="checkbox"/> Coastal Commission                           | <input checked="" type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board                         | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy  |
| <input type="checkbox"/> Conservation, Department of                  | <input type="checkbox"/> San Joaquin River Conservancy                        |
| <input type="checkbox"/> Corrections, Department of                   | <input type="checkbox"/> Santa Monica Mtns. Conservancy                       |
| <input type="checkbox"/> Delta Protection Commission                  | <input checked="" type="checkbox"/> State Lands Commission                    |
| <input type="checkbox"/> Education, Department of                     | <input type="checkbox"/> SWRCB: Clean Water Grants                            |
| <input type="checkbox"/> Energy Commission                            | <input checked="" type="checkbox"/> SWRCB: Water Quality                      |
| <input checked="" type="checkbox"/> Fish & Game Region # 3            | <input type="checkbox"/> SWRCB: Water Rights                                  |
| <input type="checkbox"/> Food & Agriculture, Department of            | <input type="checkbox"/> Tahoe Regional Planning Agency                       |
| <input type="checkbox"/> Forestry and Fire Protection, Department of  | <input checked="" type="checkbox"/> Toxic Substances Control, Department of   |
| <input type="checkbox"/> General Services, Department of              | <input type="checkbox"/> Water Resources, Department of                       |
| <input type="checkbox"/> Health Services, Department of               | <input type="checkbox"/> Other: <u>See attached list</u>                      |
| <input type="checkbox"/> Housing & Community Development              | <input type="checkbox"/> Other: _____   |
| <input checked="" type="checkbox"/> Integrated Waste Management Board |   |
| <input type="checkbox"/> Native American Heritage Commission          |   |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date \_\_\_\_\_ Ending Date \_\_\_\_\_

**Lead Agency (Complete if applicable):**

Consulting Firm: <u>ESA</u>	Applicant: <u>Universal Paragon Corporation</u>
Address: <u>225 Bush Street, Suite 1700</u>	Address: <u>150 Executive Park Blvd., Suite 4200</u>
City/State/Zip: <u>San Francisco, CA 94104</u>	City/State/Zip: <u>San Francisco, CA 94134</u>
Contact: <u>Joan Douglas-Fry, AICP</u>	Phone: <u>(415) 468-6676</u>
Phone: <u>(415) 896-5900</u>	

Signature of Lead Agency Representative:  Date: Dec 9, 2010

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Christopher D. Nagano  
Sacramento Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way Room W-2605  
Sacramento, California 95825

Office of Planning & Research  
[1400 Tenth Street]  
P.O. Box 3044  
Sacramento, CA 95812-3044

AT&T California  
Bob Pickard, Public Wks Coordinator  
795 Folsom St, Room 426  
SAN FRANCISCO, CA 94107-1243

SSF SCAVENGER CO.  
Barbara Bernardini  
P.O. Box 348  
SO. SAN FRANCISCO, CA 94080

SF WATER DEPT – MS. S. DAVIS  
WATER SUPPLY & TREATMENT  
1000 EL CAMINO REAL  
MILLBRAE, CA 94030

SFPUC-MR. MARTY ROMERO  
BUREAU OF COMM'L LAND MGMNT.  
1155 MARKET ST, #5<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94103

MR. D. STANDFREE, SF DEPT OF PW  
BUREAU OF ENV. REG.& MGMNT  
3801 3<sup>RD</sup> STREET, SUITE 600  
SAN FRANCISCO, CA 94124

BRISBANE SCHOOL DISTRICT  
1 SOLANO STREET  
BRISBANE, CA 94005

Tommy Lee  
SFPUC  
Bureau of Env Regulation & Management  
3801 Third Street, Suite 600  
San Francisco, CA 94124

Rich Napier  
City/County Association of Governments  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94065

JEFFERSON UNION HIGH SCHOOL  
DIST.  
699 SERRAMONTE BLVD.  
DALY CITY, CA 94015

Stanley Low  
SMCO Dept of Env Health  
2000 Alameda de las Pulgas Ste 100  
San Mateo, CA 94403

Caltrans, District 4  
Office of Transportation B  
P.O. Box 23660  
Oakland, CA 94623-0660

City of South San Francisco  
Dept. of Comm. Development  
PO Box 711  
South San Francisco, CA 94080

Planning and Engineering Department  
San Mateo County Transit District  
P.O. Box 3006  
San Carlos, CA 94070

PG&E-Stephanie Isaacson  
22 Beale Street, B29K  
San Francisco, CA 94105

Bay Area Air Quality Management District  
939 Ellis  
San Francisco, CA 94102

California RWQCB  
Attn: Vic Pal  
1515 Clay St., #1400  
Oakland, CA 94612

Greg Schirle  
San Mateo County  
Environmental Health  
2000 Alameda de las Pulgas Ste 100  
San Mateo CA 94403

California Integrated Waste Management  
Board  
1001 I St./P.O. Box 4025  
Sacramento, CA 95812-4025

San Francisco Bay Conservation and  
Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Association of Bay Area Governments  
101 8th Street  
Oakland, CA 94607

Department of Toxic Substance Control  
Attn: Virginia Lasky  
700 Heinz Avenue  
Berkeley, CA 94710

Nixon Lam  
Senior Environmental Planner  
SFIA Planning Design & Construction  
P.O. Box 8097  
San Francisco, CA 94128

California State Lands Commission  
100 Howe Avenue Ste 100 South  
Sacramento, CA 95825-8202

Bayshore Sanitary District  
36 Industrial Way  
Brisbane, CA 94005

CA Dept of Fish and Game  
Bay Delta Region  
Habitat Conservation  
7329 Silverado Trail  
Yountville, CA 94599

Daly City ECD/Planning  
Attn: Rich Berger  
333 90th Street  
Daly City, CA 94015

US Army Corps of Engineers  
San Francisco District  
333 Market St. Rm 923  
San Francisco, CA 94105

San Mateo County  
County Clerk and Recorder  
555 County Center, 3rd Floor  
Redwood City, CA 94063

Bill Wyko  
San Francisco Planning Department  
1660 Mission Street Ste 400  
San Francisco, CA 94103

Peninsula Corridor JPB (Caltrain)  
1250 San Carlos Ave.  
San Carlos, CA 94070

Sam Herzberg  
SMCO Parks and Rec Dept.  
455 County Center, 4th Floor  
Redwood City, CA 94063

San Francisco MTA  
1 South Van Ness Ave Flr 3  
San Francisco, CA 94103-1267

San Francisco County  
Transportation Authority  
100 Van Ness Ave. 25th Floor  
San Francisco, CA 94102

SMC Transportation Authority  
1250 San Carlos Ave.  
San Carlos, CA 94070

Metropolitan Transportation Commission  
101 Eighth St.  
Oakland, CA 946071

Stan Muraoka  
San Francisco Redevelopment Agency  
One South Van Ness Ave , Fifth Fl  
San Francisco, CA 94103

Comcast-Russell Dunn  
1691 Bayport Ave  
San Carlos, CA 94070

Robert Doty  
California High-Speed Rail Authority  
925 L Street Ste 1425  
Sacramento, CA 95814

Tiffany Bohee  
Office of Econ and Wkforce Dev  
City Hall, Room 448,  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

SFPUC  
Wastewater Enterprise Planning Division  
1145 Market Street 5<sup>th</sup> Floor  
San Francisco, CA 94103

San Mateo County  
Planning and Building Dept  
455 County Center, 2nd Floor  
Redwood City, CA 94063

U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

## Interest Parties (non agency/non residents)

Brittany Nackley  
President, 101 Crescent Way HOA  
101 Crescent Way, #2309  
San Francisco, CA 94134

Bay Area Open Space Council  
2150 Allston Way Ste 320  
Berkeley, CA 94704

Fran Martin, Chair  
Visitacion Valley Planning Alliance  
186 Arleta Avenue  
San Francisco CA 94134

David Johnson AIA  
Partner, Managing Director  
William McDonough + Partners  
177 Post Street, Suite 920  
San Francisco, CA 94108

Lee Nobmann  
Sierra Point Lumber  
855 Lakeville St. Ste 200  
Petaluma CA 94952

Bay Area Council  
201 California, Suite 1450,  
San Francisco CA 94111

Leno Bellomo, Jr.  
Recology  
250 Executive Park, Suite 2100  
San Francisco, CA 94134

Sierra Club  
Loma Prieta Chapter  
3921 East Bayshore Road, Suite 204  
Palo Alto, CA 94303

Gary Pruitt  
1153 Chess Drive  
Foster City, CA 94404

Ken McIntre  
San Bruno Mountain Watch  
P.O. Box 53  
Brisbane, CA 94005

John Wasson  
Columbus Consulting Group, Inc.  
153 Gramercy Drive  
San Mateo, CA 94402

Gino Altamirano  
Coblentz Patch Duffy & Bass, LLP  
One Ferry Building, Suite 200  
San Francisco, CA 94111-4212

Jim McKissock  
Earthcare  
516 Richmond St.  
El Cerrito, CA 94530

Peter Thorner  
San Francisco Boardsailing Assoc.  
1592 Union Street, Box 301  
San Francisco, California 94123

Save The Bay  
350 Frank H. Ogawa Plaza, Suite 900,  
Oakland, CA 94612-2016

Greenbelt Alliance  
631 Howard Street Ste 510  
San Francisco, CA 94105

Autumn Meisel  
Thomas Reid Associates  
545 Middlefield Rd, Ste 200  
Menlo Park, CA 94025

Jennifer Clary  
Clean Water Fund  
111 New Montgomery St. Ste 600  
San Francisco, CA 94105

Paul Fenn  
Local Power  
4281 Piedmont Ave  
Oakland, CA 94611

Katherine Williams  
VVCDC  
1099 Sunnysdale Ave  
San Francisco, CA 94134

Ian Lewis  
UNITE HERE Local 2  
209 Golden Gate Ave  
San Francisco, CA 94102

Brisbane Chamber of Commerce  
50 Park Place  
Brisbane CA 94005

Robin Smith  
Sequoia Audubon Society  
P.O. Box 620292  
Woodside, CA 94062-0292

SAMCEDA  
1301 Shoreway Road, Suite 150  
Belmont, CA 94002

Committee for Green Foothills  
Peninsula Conservation Center  
3921 East Bayshore Road  
Palo Alto CA 94303

San Francisco Estuary Institute  
7770 Pardee Lane, 2nd Flr,  
Oakland, California 94621-1424

League of Conservation Voters  
350 Frank H. Ogawa Plaza, Suite 1100  
Oakland, CA 94612

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# A.6

## 2010 NOP Notice of Availability

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# BRISBANE

*California*

**NOTICE OF AVAILABILITY  
OF A  
REVISED NOTICE OF PREPARATION AND  
NOTICE OF PUBLIC SCOPING MEETING**

**FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE  
BRISBANE BAYLANDS SPECIFIC PLAN  
(City File No: SP-1-06/GPA-2-10; State Clearinghouse No. 2006022136)  
DECEMBER 10, 2010**

TO: All Interested Parties

The City of Brisbane Community Development Department has received an application from Universal Paragon Corporation (UPC) for a General Plan Amendment and Specific Plan for the Brisbane Baylands Specific Plan project. The Community Development Department has determined that this project requires preparation of an environmental impact report, pursuant to the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et.seq.

In 2005, the Project Applicant submitted a draft specific plan which encompassed a smaller geographic area than the current plan and included a different mix of land uses. The City of Brisbane issued a Notice of Preparation (NOP) (SCH #2006022136) on February 24, 2006 for the prior proposal. The 2006 NOP and NOP responses can be viewed at <http://www.brisbaneca.org/baylands/eir-process/notice-preparation> and remain on file. This revised NOP is being issued to reflect both the change in project description as described below and identification of a Community Preferred Plan to be studied in the forthcoming EIR, and in recognition of the time that has elapsed since the NOP was originally published.

A copy of the revised Notice of Preparation for the project can also be found on the City's website at <http://www.brisbaneca.org/baylands/eir-process/notice-preparation> or can be viewed at the City of Brisbane Community Development Department, 50 Park Place, Brisbane, CA, 94005 during normal business hours and at the Brisbane Branch Library, 250 Visitacion Avenue, Brisbane CA during library hours. Alternatively, you can request that a copy be emailed or mailed to you by contacting John Swiecki, Community Development Director, at [jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us) or (415) 508-2120.

**PROJECT LOCATION:** The Proposed Project site ("Project Site") is located within the City of Brisbane in the northeast corner of San Mateo County. The Project Site is bounded on the north by the border of the City of San Francisco and Recology property (formerly Nor-Cal Waste), on the east by Highway 101 ("US 101"), on the west by Bayshore Boulevard, and on the south by Brisbane Lagoon.

**PROJECT DESCRIPTION:** The landowner and Project Applicant, Universal Paragon Corporation ("Project Applicant"), has submitted a specific plan application to the City of Brisbane ("Lead Agency"), proposing approximately 7 million square feet of office/retail/industrial/institutional uses, 5 million square feet of residential (4,434 residential units), and approximately 205 acres of upland open space/open area and related grading and infrastructure. The Developer-Sponsored Project (DSP) also includes an Entertainment Variant in the northeast portion of the site.

A Community Preferred Plan (CPP) has also been proposed for the project site which will be evaluated in the forthcoming draft EIR at the same level of detail as the applicant's proposal. The CPP includes up to approximately 8 million square feet of office/ industrial/commercial/institutional space, no residential development and approximately 330 acres of open space and related grading and infrastructure. The CPP also includes a

Recology Expansion Variant in the northeast portion of the site. Another project alternative identified for study in the forthcoming draft EIR is an alternative focused on the generation of on-site renewable energy.

**POTENTIAL ENVIRONMENTAL EFFECTS:** As discussed in the revised Notice of Preparation, the forthcoming environmental impact report will address the potential impacts of the project pertaining to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services and Utilities Recreation, Sustainability, and Transportation/Traffic,

**PUBLIC COMMENTS:** Written comments regarding the scope of the forthcoming EIR can be submitted via email at [eir@ci.brisbane.ca.us](mailto:eir@ci.brisbane.ca.us) or by mail to the City of Brisbane Community Development Department, 50 Park Place, Brisbane, CA 94005. To comply with statutory deadlines set forth in State law, comments must be received no later than 30 days from the date of this notice.

**SCOPING MEETING:** A Scoping Meeting to receive comments on the NOP will be held on Tuesday, January 4, 2011 at 7:00 pm at Mission Blue Center, 475 Mission Blue Drive, Brisbane. Comments from all interested parties which pertain to environmental concerns that should be addressed in the EIR can be submitted orally or in writing at the scoping meeting.

# A.7

## Comments Received in Response to the 2010 Notice of Preparation

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RECEIVED

DEC 14 2010



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

Notice of Preparation

December 10, 2010

To: Reviewing Agencies

Re: Brisbane Baylands Phase I Specific Plan (Case SP-1-06)  
SCH# 2006022136

Attached for your review and comment is the Notice of Preparation (NOP) for the Brisbane Baylands Phase I Specific Plan (Case SP-1-06) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**John A Swiecki, Principal Planner**  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan  
Assistant Deputy Director & Senior Planner, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2006022136  
**Project Title** Brisbane Baylands Phase I Specific Plan (Case SP-1-06)  
**Lead Agency** Brisbane, City of

---

**Type** NOP Notice of Preparation  
**Description** The landowner and Project Applicant, Universal Paragon Corporation ("Project Applicant"), has submitted a Specific Plan application to the City of Brisbane ("Lead Agency"), proposing approximately 7 million sf of office/retail/industrial/institutional uses, 4,434 residential units and approximately 205 acres of upland open space/open area and related grading and infrastructure on approximately 684 acres. A Community Preferred Plan also will be evaluated in the forthcoming draft EIR at the same level of detail as the applicant's proposal. The Community Preferred Plan proposes up to approximately 8 million sf of office/retail/industrial and 330 acres of open space.

---

**Lead Agency Contact**

**Name** John A Swiecki, Principal Planner  
**Agency** City of Brisbane  
**Phone** (415) 508-2120 **Fax**  
**email**  
**Address** 50 Park Place  
**City** Brisbane **State** CA **Zip** 94005

---

**Project Location**

**County** San Mateo  
**City** Brisbane  
**Region**  
**Cross Streets** Bayshore Boulevard & Tunnel Avenue  
**Lat / Long**  
**Parcel No.** Multiple  
**Township** 3S **Range** 5W **Section** 3-10 **Base** MDBM

---

**Proximity to:**

**Highways** U.S. 101  
**Airports** San Francisco Int'l  
**Railways** Caltrain, Peninsula JPB  
**Waterways** San Francisco Bay  
**Schools** Brisbane Elem, Lippman Intermediate  
**Land Use** Z: C-1 Commercial Mixed Use, Marsh Lagoon Bayfront; GP: Planned Development-Trade Commercial, Lagoon, Bayfront

---

**Project Issues** Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Cumulative Effects; Growth Inducing; Landuse; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Aesthetic/Visual; Biological Resources; Coastal Zone; Flood Plain/Flooding; Schools/Universities

---

**Reviewing Agencies** Resources Agency; Department of Conservation; Central Valley Flood Protection Board; Office of Historic Preservation; Department of Parks and Recreation; Resources, Recycling and Recovery; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; Public Utilities Commission; Caltrans, District 4; Caltrans, Division of Aeronautics; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

---

**Date Received** 12/10/2010 **Start of Review** 12/10/2010 **End of Review** 01/10/2011

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**SCH #2006022136**

**Project Title:** Brisbane Baylands Specific Plan EIR

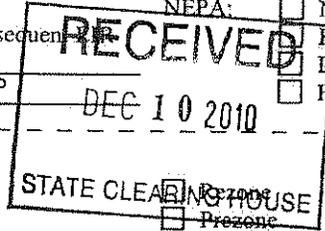
Lead Agency: City of Brisbane Contact Person: John Swiecki, AICP  
 Mailing Address: 50 Park Place Phone: (415) 508-2120  
 City: Brisbane Zip: 94005 County: San Mateo

**Project Location:** County: San Mateo City/Nearest Community: Brisbane  
 Cross Streets: Bayshore Blvd and Tunnel Avenue Zip Code: 94005

Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N / \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W Total Acres: approx. 700  
 Assessor's Parcel No.: Multiple Section: 3-10 Twp.: 3 South Range: 5 West Base: Mt. Diablo  
 Within 2 Miles: State Hwy #: U.S. 101 Waterways: San Francisco Bay; Brisbane Lagoon; Visitation Creek  
 Airports: San Francisco Int'l Railways: Peninsula JPB/Caltrain Schools: Brisbane Elem; Lipman

**Document Type:**

- CEQA:  NOP  Draft EIR  Supplement/Subsequent EIR (Prior SCH No.)  Other: Revised NOP
- NEPA:  NOI  EA  Draft EIS  FONSI
- Other:  Joint Document  Final Document  Other: \_\_\_\_\_



**Local Action Type:**

- General Plan Update  Specific Plan  Annexation  
 General Plan Amendment  Master Plan  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: \_\_\_\_\_

**Development Type:**

- Residential: Units 4,434 Acres \_\_\_\_\_  
 Office: Sq.ft. 2,762,000 Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Commercial: Sq.ft. 566,300 Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Educational: \_\_\_\_\_  
 Recreational: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_
- Transportation: Type \_\_\_\_\_  
 Mining: Mineral \_\_\_\_\_  
 Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Hazardous Waste: Type \_\_\_\_\_  
 Other: See Table 1 in NOP for complete project components.

**Project Issues Discussed in Document:**

- |  |  |   |   |
|--|--|---|---|
| <input checked="" type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Fiscal                                | <input checked="" type="checkbox"/> Recreation/Parks                | <input checked="" type="checkbox"/> Vegetation                        |
| <input type="checkbox"/> Agricultural Land                   | <input checked="" type="checkbox"/> Flood Plain/Flooding       | <input checked="" type="checkbox"/> Schools/Universities            | <input checked="" type="checkbox"/> Water Quality                     |
| <input checked="" type="checkbox"/> Air Quality              | <input type="checkbox"/> Forest Land/Fire Hazard               | <input type="checkbox"/> Septic Systems                             | <input checked="" type="checkbox"/> Water Supply/Groundwater          |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic           | <input checked="" type="checkbox"/> Sewer Capacity                  | <input checked="" type="checkbox"/> Wetland/Riparian                  |
| <input checked="" type="checkbox"/> Biological Resources     | <input type="checkbox"/> Minerals                              | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement                 |
| <input checked="" type="checkbox"/> Coastal Zone             | <input checked="" type="checkbox"/> Noise                      | <input checked="" type="checkbox"/> Solid Waste                     | <input checked="" type="checkbox"/> Land Use                          |
| <input checked="" type="checkbox"/> Drainage/Absorption      | <input checked="" type="checkbox"/> Population/Housing Balance | <input checked="" type="checkbox"/> Toxic/Hazardous                 | <input checked="" type="checkbox"/> Cumulative Effects                |
| <input type="checkbox"/> Economic/Jobs                       | <input checked="" type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation             | <input checked="" type="checkbox"/> Other: <u>Sustainability; GHG</u> |

**Present Land Use/Zoning/General Plan Designation:**

Zoning: C-1 Commercial Mixed Use, Marsh Lagoon Bayfront; GP: Planned Development – Trade Commercial, Lagoon, Bayfront

**Project Description:** (please use a separate page if necessary)

The landowner and Project Applicant, Universal Paragon Corporation ("Project Applicant"), has submitted a Specific Plan application to the City of Brisbane ("Lead Agency"), proposing approximately 7 million square feet of office/retail/industrial/institutional uses, 4,434 residential units and approximately 205 acres of upland open space/open area and related grading and infrastructure on approximately 684 acres. A Community Preferred Plan also will be evaluated in the forthcoming draft EIR at the same level of detail as the applicant's proposal. The Community Preferred Plan proposes up to approximately 8 million square feet of office/retail/industrial and 330 acres of open space.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Christopher D. Nagano  
Sacramento Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
800 Cottage Way Room W-2605  
Sacramento, California 95825

Office of Planning & Research  
[1400 Tenth Street]  
P.O. Box 3044  
Sacramento, CA 95812-3044

AT&T California  
Bob Pickard, Public Wks Coordinator  
795 Folsom St, Room 426  
SAN FRANCISCO, CA 94107-1243

SF SCAVENGER CO.  
Barbara Bernardini  
P.O. Box 348  
S.F. SAN FRANCISCO, CA 94080

SF WATER DEPT - MS. S. DAVIS  
WATER SUPPLY & TREATMENT  
1000 EL CAMINO REAL  
MILLBRAE, CA 94030

SFPUC-MR. MARTY ROMERO  
BUREAU OF COMM'L LAND MGMNT.  
1155 MARKET ST, #5<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94103

MR. D. STANDFREE, SF DEPT OF PW  
BUREAU OF ENV. REG. & MGMNT  
801 3<sup>RD</sup> STREET, SUITE 600  
SAN FRANCISCO, CA 94124

BRISBANE SCHOOL DISTRICT  
1 SOLANO STREET  
BRISBANE, CA 94005

Tommy Lee  
SFPUC  
Bureau of Env Regulation & Management  
3801 Third Street, Suite 600  
San Francisco, CA 94124

John Napier  
County/County Association of Governments  
5 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94065

JEFFERSON UNION HIGH SCHOOL  
DIST.  
699 SERRAMONTE BLVD.  
DALY CITY, CA 94015

Stanley Low  
SMCO Dept of Env Health  
2000 Alameda de las Pulgas Ste 100  
San Mateo, CA 94403

Trans, District 4  
Office of Transportation B  
P.O. Box 23660  
Oakland, CA 94623-0660

City of South San Francisco  
Dept. of Comm. Development  
PO Box 711  
South San Francisco, CA 94080

Planning and Engineering Department  
San Mateo County Transit District  
P.O. Box 3006  
San Carlos, CA 94070

G&E-Stephanie Isaacson  
2 Beale Street, B29K  
San Francisco, CA 94105

Bay Area Air Quality Management District  
939 Ellis  
San Francisco, CA 94102

California RWQCB  
Attn: Vic Pal  
1515 Clay St., #1400  
Oakland, CA 94612

Greg Schirle  
San Mateo County  
Environmental Health  
300 Alameda de las Pulgas Ste 100  
San Mateo CA 94403

California Integrated Waste Management  
Board  
1001 I St./P.O. Box 4025  
Sacramento, CA 95812-4025

San Francisco Bay Conservation and  
Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Association of Bay Area Governments  
118th Street  
Oakland, CA 94607

Department of Toxic Substance Control  
Attn: Virginia Lasky  
700 Heinz Avenue  
Berkeley, CA 94710

Nixon Lam  
Senior Environmental Planner  
SFIA Planning Design & Construction  
P.O. Box 8097  
San Francisco, CA 94128

California State Lands Commission  
300 Howe Avenue Ste 100 South  
Sacramento, CA 95825-8202

Bayshore Sanitary District  
36 Industrial Way  
Brisbane, CA 94005

CA Dept of Fish and Game  
Bay Delta Region  
Habitat Conservation  
7329 Silverado Trail  
Yountville, CA 94599

Alameda City ECD/Planning  
Attn: Rich Berger  
333 90th Street  
Alameda City, CA 94015

US Army Corps of Engineers  
San Francisco District  
333 Market St. Rm 923  
San Francisco, CA 94105

San Mateo County  
County Clerk and Recorder  
555 County Center, 3rd Floor  
Redwood City, CA 94063

Resources Agency

Resources Agency  
Nadell Gayou

Dept. of Boating & Waterways  
Mike Sotelo

California Coastal  
Commission  
Elizabeth A. Fuchs

Colorado River Board  
Gerald R. Zimmerman

Dept. of Conservation  
Rebecca Salazar

California Energy  
Commission  
Eric Knight

Cal Fire  
Allen Robertson

Central Valley Flood  
Protection Board  
James Herota

Office of Historic  
Preservation  
Wayne Donaldson

Dept of Parks & Recreation  
Environmental Stewardship  
Section

California Department of  
Resources, Recycling &  
Recovery  
Sue O'Leary

S.F. Bay Conservation &  
Dev't. Comm.  
Steve McAdam

Dept. of Water Resources  
Resources Agency  
Nadell Gayou

Conservancy

Fish and Game

Dept. of Fish & Game  
Scott Flint  
Environmental Services Division

Fish & Game Region 1  
Donald Koch

Fish & Game Region 1E  
Laurie Harnsberger

Fish & Game Region 2  
Jeff Drongesen

Fish & Game Region 3  
Charles Armor

Fish & Game Region 4  
Julie Vance

Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program

Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program

Fish & Game Region 6 I/M  
Brad Henderson  
Inyo/Mono, Habitat Conservation  
Program

Dept. of Fish & Game M  
George Isaac  
Marine Region

Other Departments

Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture

Depart. of General Services  
Public School Construction

Dept. of General Services  
Anna Garbeff  
Environmental Services Section

Dept. of Public Health  
Bridgette Binning  
Dept. of Health/Drinking Water

Independent

Commissions, Boards

Delta Protection Commission  
Linda Flack

Cal EMA (Emergency  
Management Agency)  
Dennis Castrillo

Governor's Office of Planning  
& Research  
State Cleanhouse

Native American Heritage  
Comm.  
Debbie Treadway

Public Utilities Commission  
Leo Wong

Santa Monica Bay Restoration  
Guangyu Wang

State Lands Commission  
Marina Brand

Tahoe Regional Planning  
Agency (TRPA)  
Cherry Jacques

Business, Trans & Housing

Caltrans - Division of  
Aeronautics  
Sandy Hesnard

Caltrans - Planning  
Terri Pencovic

California Highway Patrol  
Scott Loetscher  
Office of Special Projects

Housing & Community  
Development  
CEQA Coordinator  
Housing Policy Division

Dept. of Transportation

Caltrans, District 1  
Rex Jackman

Caltrans, District 2  
Marcelino Gonzalez

Caltrans, District 3  
Bruce de Terra

Caltrans, District 4  
Lisa Carboni

Caltrans, District 5  
David Murray

Caltrans, District 6  
Michael Navarro

Caltrans, District 7  
Elmer Alvarez

Caltrans, District 8  
Dan Kopulsky

Caltrans, District 9  
Gayle Rosander

Caltrans, District 10  
Tom Dumas

Caltrans, District 11  
Jacob Armstrong

Caltrans, District 12  
Chris Herre

Cal EPA

Air Resources Board

Airport Projects  
Jim Lerner

Transportation Projects  
Douglas Ito

Industrial Projects  
Mike Tollstrup

State Water Resources Control  
Board  
Regional Programs Unit  
Division of Financial Assistance

State Water Resources Control  
Board  
Student Intern, 401 Water Quality  
Certification Unit  
Division of Water Quality

State Water Resources Control Board  
Steven Herrera  
Division of Water Rights

Dept. of Toxic Substances Control  
CEQA Tracking Center

Department of Pesticide Regulation  
CEQA Coordinator

Regional Water Quality Control  
Board (RWQCB)

RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

RWQCB 2  
Environmental Document  
Coordinator  
San Francisco Bay Region (2)

RWQCB 3  
Central Coast Region (3)

RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)

RWQCB 5S  
Central Valley Region (5)

RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office

RWQCB 6  
Lahontan Region (6)

RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office

RWQCB 7  
Colorado River Basin Region (7)

RWQCB 8  
Santa Ana Region (8)

RWQCB 9  
San Diego Region (9)

Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5536  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

January 12, 2011

SM101425  
SM-101-23.38/25.914  
SCH#2005022136

Mr. John A Swiecki  
Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki:

**BRISBANE BAYLANDS PHASE I SPECIFIC PLAN (CASE SP-1-06) – NOTICE OF PREPARATION**

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the Brisbane Baylands Phase I Specific Plan project. The following comments are based on the Notice of Preparation. As the lead agency, the City of Brisbane (City) is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and the Department to ensure that our concerns are resolved during the environmental review process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

***Cultural Resources***

The project environmental document must include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within state ROW. Current record searches must be no more than five years old. The Department requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, to ensure compliance with California Environmental Quality Act (CEQA), Section 5024.5 of the

California Public Resources Code and Volume 2 of the Department's Standard Environmental Reference (<http://ser.dot.ca.gov>). These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in state ROW; these requirements also apply to National Environmental Policy Act (NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to state ROW.

### ***Traffic Impact Study***

Please include the information detailed below in the Traffic Impact Study (TIS) to ensure that project-related impacts to State roadway facilities are thoroughly assessed. We encourage the City to coordinate preparation of the TIS with our office, and we would appreciate the opportunity to review the scope of work as this helps us identify critical traffic issues early in the environmental review process. The Department's "*Guide for the Preparation of Traffic Impact Studies*" should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

The Traffic Study should include:

1. Site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. State ROW should be clearly identified.
2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all state facilities. Please note, the Department considers LOS by itself as an inadequate measure of effectiveness (MOE) for describing traffic operational conditions since it may actually mask a deficient condition on one or more approaches. As for intersection analysis the accepted MOEs used by the Department include flow (output), average control delay, queue (length or number of vehicles), and Volume/Capacity (V/C) ratio. For freeway and ramp operations, flow (output), speed, and travel time/delay are the accepted MOEs in addition to LOS.

4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
5. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the San Mateo County Congestion Management Agency's Congestion Management Plan should be evaluated.
6. Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.
7. Regardless of the alternative chosen, the Department encourages the City to locate any housing, jobs and neighborhood services near the Caltrain Station, T-Line Light Rail Stations, and future bus rapid transit stations with streets configured to facilitate walking and biking. Doing so will promote mass transit use and reduce regional vehicle miles traveled and traffic impacts on the state highways.
8. The City should include Travel Demand Management policies in the project (for example, lower parking ratios, car-sharing programs, transit passes, etc.) to encourage usage of nearby public transit lines.
9. In addition, secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures should be analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

#### ***Encroachment Permit***

Please be advised that work that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating state ROW, must be submitted to the following address: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please forward at least one hard copy and one CD of the environmental document, along with the TIS, including Technical Appendices, and staff report to the following address as soon as they are available: Sandra Finegan, Associate Transportation Planner, Community Planning Office, Mail Station 10D, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660.

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or

Mr. John Swiecki/City of Brisbane

January 12, 2010

Page 4

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Becky Frank".

BECKY FRANK

District Branch Chief

Federal Grants/Rail Coordination

c: State Clearinghouse



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

In Reply Refer To:  
81420-2011-TA-0141

December 13, 2010

Mr. John Swiecki  
Community Development Department  
City of Brisbane  
50 Park Place  
Brisbane, California 94005

Subject: Notice of Preparation for the Brisbane Baylands Environmental Impact Report

Dear Mr. Swiecki:

This letter is in response to the revised notice of preparation for the Brisbane Baylands Project in the City of Brisbane, San Mateo County, California. Our comments and recommendations are based on *Revised Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Project City of Brisbane (Previous SCH #2006022136, February 24, 2006)* dated December 2010, that was prepared by the City of Brisbane, and other information available to the U.S. Fish and Wildlife Service (Service). The notice of preparation was received by the Service on December 13, 2010. This letter is issued under the authority of the Endangered Species Act of 1973, as amended (Act), and the Service's Mitigation Policy of 1956.

It is our understanding that the proposed project involves the development of approximately 7 million square feet of office/retail/industrial/institutional uses, 5 million square feet of residential (4434 residential units) and approximately 205 acres of open space/open area and related grading and infrastructure on 573 acres. Other proposals described in the Notice of Preparation include 8 million square feet of office/industrial/commercial/institutional space, no residential development, and approximately 330 acres of open space and related grading; and a renewable energy alternative that includes what appears to be a wind-generated electrical facility.

At issue are the potential adverse effects of the proposed project on the endangered San Bruno elfin butterfly (*Incisalia mossii bayensis*), endangered callippe silverspot butterfly (*Speyeria callippe callippe*), endangered mission blue butterfly (*Icaricia icarioides missionensis*), endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), burrowing owl (*Spetylo canicularia*), wildlife, and loss and fragmentation of wildlife habitat.

TAKE PRIDE  
IN AMERICA 

Mr. John Swiecki

Section 9 of the Act prohibits the take of any federally listed animal species by any person subject to the jurisdiction of the United States. As defined in the Act, take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm has been further defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. Thus, not only are the San Bruno elfin butterfly, callippe silverspot butterfly, mission blue butterfly, and the San Francisco garter snake protected from such activities as collecting and hunting, but also from actions that damage or destroy their habitat. The term "person" is defined as "...an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal government, of any State, municipality, or political subdivision of a State, or any other entity subject to the jurisdiction of the United States."

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species is going to be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be taken by the project.

The Service recommends the City of Brisbane include the following information in the draft environmental impact report:

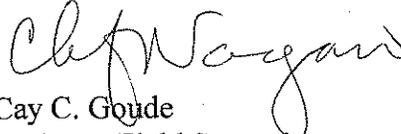
1. The written results of habitat assessments and, if appropriate, surveys following Service protocols completed by a qualified biologist for the San Bruno elfin butterfly, callippe silverspot butterfly, mission blue butterfly, and San Francisco garter snake. If the proposed project may result in take or adverse effects to federally listed species, we recommend that the City of Brisbane and/or the applicant obtain authorization for incidental take for the appropriate listed species pursuant to sections 7 or 10(a)(1)(B) of the Act prior to any ground breaking at the project site. The mitigations and/or conservation measures should be incorporated by the City of Brisbane as conditions into the final CEQA documents, including the grading permits.
2. The written results of habitat assessments and, if appropriate, surveys following Service and California Department of Fish and Game protocols completed by a qualified botanist for listed and sensitive plants.
3. The written results of habitat assessments and, if appropriate, surveys following California Department of Fish and Game protocols completed by a qualified biologist for the burrowing owl.

Mr. John Swiecki

4. The effects of fragmentation and loss of wildlife habitat that may result from the project.
5. The potential effects on migratory birds from the wind-generated electrical facility in the renewable energy alternative.

Please contact Chris Nagano, Chief of our Endangered Species Division at the letterhead address, via electronic mail ([Chris\\_Nagano@fws.gov](mailto:Chris_Nagano@fws.gov)) or at 916/ 414-6600 if you have any questions regarding this letter.

Sincerely,

  
 Cay C. Goude  
Assistant Field Supervisor

cc:

Scott Wilson, Suzanne DeLeon, Richard Fitzgerald, California Department of Fish and Game,  
Yountville, California



PRP-1802-LTO-COBR-003

January 12, 2011

John Swiecki  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

RE: Revised Notice of Preparation for the Brisbane Baylands Specific Plan

Dear Mr. Swiecki:

As you know, the California High Speed Rail Authority (Authority) board certified a program-level Environmental Impact Report/Environmental Impact Statement (EIR/EIS), adopted findings, and selected preferred alignment and station conceptual locations for the state-wide High Speed Train (HST) system in July 2008. This program-level EIR/EIS identified the Caltrain rights-of-way as a part of the preferred alignment in Brisbane.

The Authority board has also adopted general policies for the development of the HST system including the following:

- Generally HST will have four tracks with grade separation
- General designations of at-grade, below-grade and above-grade portions of the system
- Within or along existing transportation rights of way
- Minimizing acquisitions of new rights of way
- Minimizing disturbance to communities and
- Minimizing environmental impacts

In August of 2010, the Authority published a "Supplemental Alternatives Analysis" that described design options for the four-track grade separated system that would serve both the Caltrain and High Speed Train services between San Francisco and San Jose. It also identified a portion of the Brisbane Baylands as a potential site for a maintenance facility (see attachment). The Authority will be considering other potential maintenance facility locations within the SF to SJ section; however the Authority wanted to make you aware that this site was under consideration as part of the project.

In order to make final alignment decisions and to identify precise rights-of-way needs, the Authority has started preparing a project-level EIR/EIS for the San Francisco to San Jose portion of the HST system. The analyses will include site specific project-level environmental review, engineering and design, and mitigation specifications. In addition, the EIR/EIS will address the placement of necessary accessory



PRP-1802-LTO-COBR-003

January 12, 2011

Page 2

structures, station buildings and parking facilities, maintenance facilities, grade separation details and designs, detailed mitigation measure specifications, and construction staging and easement areas.

The Authority is planning to receive a Record of Decision and a Notice of Determination in the next two years. However, until these detailed project level analyses have been completed, and necessary permits/approvals have been issued for specific portions of the system, the Authority will not be able to identify, with certainty, the exact additional right of way requirements.

We look forward to continuing our coordination with the City of Brisbane on our respective projects.

Please visit our website at <http://www.cahighspeedrail.ca.gov> for additional project information. Please contact Dominic Spaethling at (415) 243-4789 or [spaethling@pbworld.com](mailto:spaethling@pbworld.com) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Doty".

Robert Doty  
Director  
Peninsula Rail Program

Attachment

CC: Doc. Control

# Subsection #2

Length: 8.6 miles Land Use: Urban

## South Portal Tunnel No. 4 to South of Millbrae Avenue (MP. 5.77 to MP. 14.38)

This subsection is located in the Cities of Brisbane, South San Francisco, San Bruno and Millbrae. The existing Caltrain alignment is at-grade in this subsection and many crossings are grade separated. The northern portion of this subsection is completely grade separated and includes an existing 4-track segment in Brisbane. In the southern portion of the subsection, BART runs underneath and alongside the Caltrain tracks.



POTENTIAL CONSTRAINTS



HST STATION DESIGN OPTION



CALTRAIN STATION DESIGN OPTION



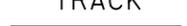
ROADWAY DESIGN OPTION



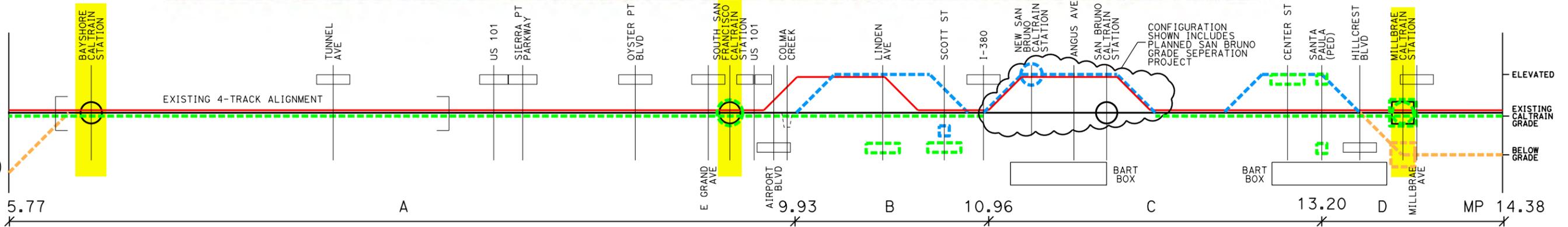
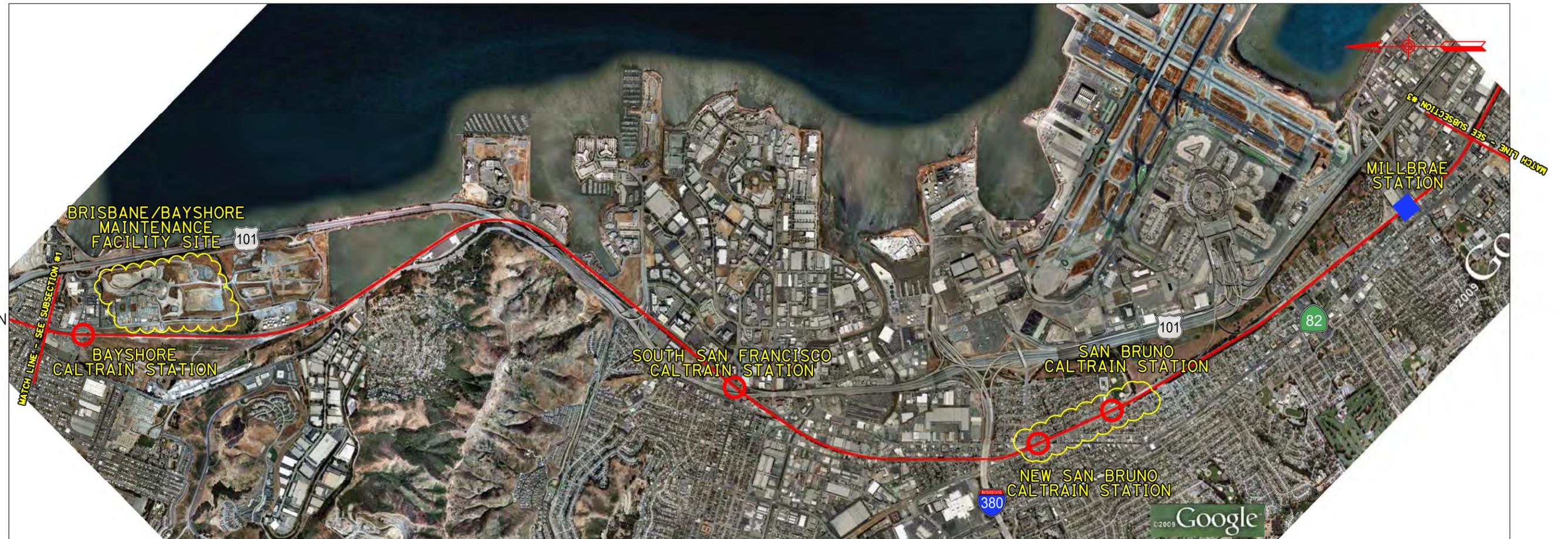
EXISTING GRADE SEPARATION



EXISTING TRACK



PROGRAM EIR/EIS (REFERENCE ONLY)



## San Francisco - San Jose

DRAFT Preliminary Alternatives Discussion

February 1, 2010

NOT TO SCALE

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 4, 2011

John A. Swiecki  
Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)  
Brisbane Bylands Phase 1 Specific Plan (Case SP-1-06)  
SCH# 200622136

Dear Mr. Swiecki:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The project applicant proposes approximately 7 million sf of office/retail/industrial uses, 4,434 residential units and approximately 205 acres of upland open space/open area and related grading and infrastructure on approximately 684 acres. A Community Preferred Plan also will be evaluated in the forthcoming draft EIR at the level of detail as the applicant's proposal. The Community Preferred Plan proposes up to approximately 8 million sf of office/retail/industrial and 330 acres of open space.

The CPUC recommends the Traffic Impact Study (T.I.S) and the Transportation/Circulation section of the DEIR specifically evaluate traffic safety issues to the at-grade railroad crossings in the project area. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings , i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings

John A. Swiecki  
City of Brisbane  
SCH # 2006022136  
January 4, 2011  
Page 2 of 2

- Installation of additional warning devices
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices, channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings
- Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Please forward the traffic impact study *scope of services* from the traffic consultant when available so we can review the *assumptions/methodologies* and *thresholds of significance* and provide input early in the project. This will avoid future discrepancies on the traffic analysis for the at-grade railroad crossings and will expedite our review.

The Commission is a responsible agency under CEQA section 15381 with regard to this project. Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. As such, we greatly appreciate the opportunity to work with the City to improve public safety as it relates to the at-grade railroad crossings in the proposed project area.

Thank you for your consideration of these comments. If you have any questions, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,



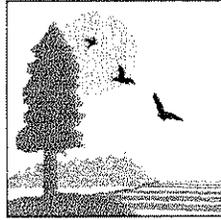
Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
180 Promenade Circle, Suite 115  
Sacramento, CA 95834-2939

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

RECEIVED

AUG 10 2011

Comm. Dev. Dept. Brisbane



August 8, 2011

**CURTIS L. FOSSUM**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

Contact FAX: (916) 574-1885

File Ref: SCH #2006022136

John A. Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**Subject: Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan Program Environmental Impact Report (PEIR), Brisbane, San Mateo County**

Dear Mr. Swiecki:

Staff of the California State Lands Commission (CSLC) has reviewed the NOP for the Brisbane Baylands Specific Plan PEIR (Project), which is being prepared by the city of Brisbane as the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] § 21000 et seq.). Pursuant to your conversation with CSLC staff member Joan Walter on August 2, 2011, in which we were advised that the city of Brisbane will accept this comment letter after the end of the review period (January 10, 2011), we hereby submit these comments on the Project.

The CSLC staff has prepared these comments as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves use of sovereign lands, the CSLC will act as a responsible agency.

#### **Project Location and Description**

The proposed Project area is generally located between U.S. Highway 101 and Bayshore Boulevard in the city of Brisbane, west of the shoreline of the San Francisco Bay in San Mateo County. The Project site encompasses the 684 to 733 acres of Baylands area, composed of 573 to 622 upland acres and 111 Lagoon-related acres.

The Project is a Specific Plan for mixed-use development, which is proposed to be built beginning (generally) in 2015 with Project buildout anticipated to occur no earlier than 2035. Project development is proposed under two distinct land use scenarios:

### Developer-Sponsored Project (DSP)

- Approximately 7 million square feet of non-residential uses (including office, retail, industrial, institutional and public/civic/cultural);
- Approximately 5+ million square feet of residential uses (4,434 residential units);
- Entertainment variant (reduces non-residential uses and adds an arena, theater, multiplex and increases conference and hotel uses); and
- 205 acres of open space and open areas (roughly 30% of the Project site).

### Community Preferred Plan (CPP)

- 8+ million square feet of non-residential uses (including office, retail, industrial, institutional and public/civic/cultural);
- No residential uses;
- Recology variant (reduces non-residential uses and expands existing resource recovery site from 49 acres to 73 acres; and
- 330 acres of open space and public use areas (roughly 45% of the Project site).

Both land use scenarios include constructing related infrastructure and resource conservation measures (e.g., water recycling facility (WRF)), restoring open space and public access, establishing a public trail system, grading, and remediating contaminated soil and water (from previous railyard and landfill uses located on the Project site).

### CSLC Jurisdiction

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on the information provided in the NOP, it appears the proposed Project will occupy:

- Filled or partially filled and sold Board of Tideland Commissioners (BTLC) lots;
- Lands the state did not acquire, however, patented as Swamp and Overflow (S&O) Survey 28;
- Lands within Rancho Canada De Guadalupe Visitacion y Rodeo Canal; and
- Ungranted sovereign lands within Guadalupe Canal.

Portions of the Project appear to occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State by its BTLC. Pursuant to the court's holding in City of Berkeley v. Superior Court, 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. A CSLC lease is not required for use of lands underlying the State's Public Trust easement.

Any portion of the proposed Project located within the Guadalupe Canal will require a lease from the CSLC. This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

### **Environmental Review**

#### **Subsequent Environmental Review and Notice with Later Activities**

The NOP indicates that a PEIR is being prepared for the Project. In order to avoid the improper deferral of mitigation, a common flaw in program-level environmental documents, program level mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (CEQA Guidelines §15126.4(b)).

As such, the PEIR should make an effort (to the extent feasible) to distinguish which activities and mitigation measures are being analyzed in sufficient detail to be covered under the PEIR without additional project specific environmental review, and which later activities will trigger the need for subsequent environmental analysis (See CEQA Guidelines §15168(c)).

To ensure timely comments in the future, please include CSLC as a reviewing agency on all documents submitted through the State Clearinghouse. Copies of public notices and/or Project-related environmental documents transmitted directly to the CSLC should be sent to the attention of CSLC's Division of Environmental Planning and Management (DEPM) at the address shown on the letterhead above.

### Public Trust Lands

The CSLC supports the proposed Project's efforts to remediate contaminated soil and water, restore open space and public access, and establish a public trail system, because enhancing those uses is consistent with Public Trust values. However, construction related to these efforts could affect and/or further degrade public trust uses and values in and around the site. Consequently, the CSLC recommends that the PEIR include an analysis of any potentially significant impacts to surrounding public trust lands from the development and increased public use resulting from Project construction. In particular, the PEIR should evaluate both direct and indirect effects related to the intensity of these development activities adjacent to tidal wetlands and waterways.

### Climate Change

A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and the standards set forth in CEQA Guidelines §15064.4 should be included in the PEIR. This should include, to the extent possible, a quantitative estimate of the GHGs that will be emitted as a result of construction and ultimate build out of the Project, a determination of the significance of impacts resulting from those emissions, and potentially feasible measures that can be incorporated into the Project to avoid or substantially lessen any impacts found to be significant.

The PEIR should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. Please note that when reviewing lease applications CSLC staff is directed to (1) request information concerning the potential effects of sea level rise on proposed projects, and (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of each project. For further information, please see "A Report on Sea Level Rise Preparedness, Resurvey" (Report), which the CSLC approved at its meeting on July 23, 2010 (the Report and accompanying staff report can be found on CSLC's website: <http://www.slc.ca.gov/>). One of the recommendations from the Report is to direct CSLC staff to consider the effects of sea level rise to hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

### Water Quality

Potential impacts to water quality from the proposed Project, such as introduction of non-native plant and animal species, additional storm water runoff, pumping of treated flows from the WRF into canals or wetlands, and increased turbidity and sedimentation, should be analyzed and appropriate measures should be incorporated into the Project to reduce or eliminate those impacts. Additional regulatory and discretionary permits may be required for construction and restoration projects within the purview of the PEIR. Under these conditions permits may include: U.S. Army Corps of Engineers (Sections 408, 404, and Section 10 of the Safe Rivers and Harbors Act), the California

Department of Fish and Game (CDFG) (Fish and Game Code Section 1600), and the Regional Water Quality Control Board (Section 401 of the Clean Water Act).

### Biological Resources

The PEIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special-status wildlife, fish, and plants. This analysis should include queries of the CDFG Natural Diversity Database (CNDDDB) and the U.S. Fish and Wildlife Service (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the region and a discussion of consultation with the CDFG and USFWS, including any recommended mitigation measures and required permits.

The PEIR should include an evaluation of noise and vibration impacts on fish and/or marine mammals from development or marsh restoration activities, particularly if the Project involves any pile driving, dredging, or other activities that create underwater noise or sound pressure, or ambient noise that could adversely affect species. While restoration of the Project site is expected to ultimately provide a net benefit, construction of the restored area may result in impacts to biological resources, and mitigation measures may be needed, including species-specific work windows as defined by CDFG, USFWS, and National Oceanic and Atmospheric Administration (NOAA) Fisheries Service.

One of the major stressors to waterways in the Bay and Delta is the introduction of non-native species. Therefore, the PEIR should consider a plan to prevent or slow the introduction of terrestrial and aquatic invasive species, such as the Quagga mussel, into high demand and sensitive areas. The plan should include a range of prevention alternatives (including quarantine, early detection and response) and take into consideration aquatic invasive species prevention programs currently being undertaken or proposed by other agencies. In light of the recent decline of pelagic organisms and in order to protect at-risk fish species, the PEIR should also examine if the objectives of the plan would favor non-native fisheries within the Bay and Delta systems.

The Project is also likely to result in ongoing effects resulting from the increase in the human population and use in the area. For example, Project construction may dramatically increase the number of residences in the area, which could result in an increase in the number of domestic pets (dogs and cats), as well as an increase in opportunistic urban wildlife such as crows and coyotes. An increase in the density of these species resulting from the Project could adversely affect sensitive local biological resources such as ground-nesting birds and small mammals. Additional potential impacts could include degradation of sensitive habitats along the Bay edge from trampling (walking, riding, dogs, etc.), an increase in trash and debris, and an increased potential for pollutants to be released or spilled into the water surrounding the development areas (pesticides/herbicides, paints, etc.). The PEIR should evaluate the potential effects associated with the introduction of domestic pets and urban wildlife, and propose a range of feasible measures to avoid or substantially lessen those effects should they be found to be significant. The PEIR should also discuss and propose

measures (e.g., fencing, signage, maintenance fees for cleanup) to reduce or mitigate all other potential impacts associated with increased population in the Project area.

### Cultural Resources

The PEIR should disclose and analyze the potential for the Project to impact submerged cultural resources that may be found on the Project site. Any submerged archaeological site or submerged historic resource remaining in state waters for more than 50 years is presumed to be significant. The title to all abandoned shipwrecks and all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. The CSLC maintains a shipwrecks database of known and potential vessels located on the state's tide and submerged lands; however, the location of many shipwrecks remains unknown. The recovery of objects from any submerged archaeological site or shipwreck requires a salvage permit under Public Resources Code section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant.

Mitigation measures should be developed to address any submerged cultural resources that may be affected by the proposed Project and any unanticipated discoveries during the Project's construction. CSLC staff requests that the city of Brisbane consult with CSLC staff, should any cultural resources be discovered during construction of the proposed Project, and that this consultation be included as a mitigation measure.

### Recreation

An evaluation of any temporary or permanent loss of access, recreation and other public trust uses (e.g., fishing, bird watching, boating, etc.) in the area as a result of development and remediation/restoration activities should be included in the PEIR.

### Cumulative Impacts

The PEIR should carefully and thoroughly evaluate the Project's cumulative impacts on navigation, recreation, public access, air quality and natural resources of the area.

As a potentially responsible agency, it is anticipated that the CSLC will need to rely on this CEQA document or subsequent environmental document(s) for the issuance of a lease. Therefore, we request that you consider our comments during preparation of the draft PEIR. We also request that all future notices, subsequent environmental documents and correspondence relating to environmental review be sent to the CSLC DEPM.

Please send copies of future Project-related CEQA documents or refer questions concerning environmental review to Joan Walter, Environmental Scientist, at (916) 574-1310 or via e-mail at [joan.walter@slc.ca.gov](mailto:joan.walter@slc.ca.gov). Please contact Grace Kato, Public Land Manager at 916-574-1227 (e-mail: [grace.kato@slc.ca.gov](mailto:grace.kato@slc.ca.gov)) if you have questions concerning CSLC jurisdiction or leases, or Senior Staff Counsel Pam Griggs at (916) 574-1854 (e-mail: [pamela.griggs@slc.ca.gov](mailto:pamela.griggs@slc.ca.gov)) if you have questions concerning archaeological or historic resources under CSLC jurisdiction.

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
J. Lucchesi, Legal, CSLC  
G. Kato, LMD, CSLC  
J. Walter, DEPM, CSLC  
P. Griggs, Legal, CSLC



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Acting Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.  
Governor

Date: January 3, 2011  
CIWQS Place ID: 210333

Sent Via Email:

City of Brisbane Community Development Dept.  
Attn: Mr. John Swiecki  
Email: [jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us)

**Subject: Comments to the Revised Notice of Preparation for the Brisbane Baylands Specific Plan- Draft Environmental Impact Report**

Dear Mr. Swiecki:

This letter provides comments with respect to the scope and content of the revised Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan. The landowner and Project Applicant, Universal Paragon Corporation (“Project Applicant”) has submitted a specific plan application to the City of Brisbane consisting of a mixed-land use development, including commercial, industrial, and residential development and about 205 acres of open space. A community preferred plan has also been proposed that includes the above uses minus residential development and 330 acres of open space.

The Regional Water Board does not approve or disapprove of development proposals. This is usually the jurisdiction of a local agency, usually the local planning department. The Regional Water Board also does not necessarily require completion of site cleanup prior to redevelopment.

The Regional Water Board will evaluate the project by making sure the final Specific Plan is consistent with state regulations and policies and is protective of human health and the environment. While the Regional Water Board does not approve or disapprove specific development projects, we are often asked if a proposed future use is compatible with residual site contamination.

Based upon the known residual concentrations remaining at the site, we recommend that an environmental risk assessment be conducted prior to development once future uses have been finalized. The need for additional investigation and possible additional remediation should be determined based on the results of the environmental risk assessment. A risk management plan may also be required to manage any significant residual pollution. Possible elements of a risk management plan include: a deed restriction prohibiting supply wells or sensitive site uses (e.g. residential use), requirement for vapor barriers and passive ventilation systems to mitigate possible vapor migration into new buildings (generally not allowed for residential use), and a health and safety plan for construction workers who will be doing subsurface work at the site.

If you have any questions, please contact me at (510) 622-2403 or by email at [VPal@waterboards.ca.gov](mailto:VPal@waterboards.ca.gov) .

Sincerely,

Vic Pal, Project Manager, P.E.  
Groundwater Protection Division

cc: Dana Dillworth, Brisbane CAG ([earthhelp@earthlink.net](mailto:earthhelp@earthlink.net) )  
Jason Lin, Universal Paragon ([JLin@universalparagoncorp.com](mailto:JLin@universalparagoncorp.com))



January 10, 2011

John Swiecki, AICP, Community Development Director  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

**Subject: Brisbane Baylands Specific Plan EIR Notice of Preparation**

Dear Mr. Swiecki:

On behalf of the San Francisco Bay Trail Project, I am submitting comments on the Notice of Preparation for the Brisbane Baylands Specific Plan EIR. The San Francisco Bay Trail is a visionary plan for a shared-use bicycle and pedestrian path that will one day allow continuous travel around San Francisco Bay. Currently, 310 miles of trail have been completed. Eventually, the Bay Trail will extend over 500 miles to link the shoreline of nine counties, passing through 47 cities and crossing seven toll bridges.

We are particularly interested in this development project and its circulation because it will complete a significant gap in the regional Bay Trail system, extend Brisbane's existing Bay Trail corridor, connect bicyclists to a regional transit station and define bicycle-pedestrian connections between San Francisco and San Mateo counties.

The following comments are suggested for inclusion in the Baylands Specific Plan Environmental Impact Report analysis:

**Bicycle and Pedestrian Connections**

Safe and functional bicycle and pedestrian facilities for use as recreation and commute corridors are key elements of this development plan and should be thoroughly analyzed in the environmental document. The spine of the bicycle/pedestrian corridor in this area is the 1.5-mile gap in the Bay Trail between Candlestick Point State Recreation Area in San Francisco and the Brisbane Lagoon. The Baylands Specific Plan EIR should address the completion of a continuous bicycle and pedestrian corridor in two sections: 1) the east-west corridor from points east of US 101 to the Bayshore Intermodal Station, and 2) the north-south corridor through the Baylands from the northern boundary of the development to Sierra Point Parkway.

**Bicycle and Pedestrian Safety**

The *San Francisco Bay Trail Plan* encourages the siting and design of the Bay Trail to accommodate the widest range of trail user skill levels.

Trail Design Policy 12. Provide access wherever feasible to the greatest range of trail users on each segment.

Trail Design Policy 13. Wherever possible, new trails should be physically separated from streets and roadways to ensure the safety of trail users.

Two major roadways create significant barriers to bicycle and pedestrian travel within the vicinity of the development area: US 101 (existing) and the Geneva Avenue Extension (planned). The analysis should consider safe bicycle and pedestrian crossings of these two roadways. The NOP's figures show the US 101 crossing to occur as bicycle lanes on the Geneva Avenue Extension. Given the significant vehicle turning movements expected with the interchange on- and off-ramps, we anticipate major conflicts between bikes and vehicles on the Geneva Extension and we prefer an off-street, separated bicycle crossings of US 101 (i.e., through the Alana Way Tunnel). The Geneva Avenue Extension will be constructed as a wide roadway funneling vehicle traffic on and off US 101 that will also create safety concerns for bicycle and pedestrian crossings. We propose that the EIR explore ways to provide a grade-separated bicycle/pedestrian crossing of the Geneva Avenue Extension rather than an at-grade crossing.

### **Trail Experience**

A primary goal of the *Bay Trail Plan* is to locate the trail, where feasible, as close to the shoreline as possible. We understand that the shoreline edge is not accessible in this part of Brisbane because of the US 101 corridor. The Developer-Sponsored Plan (DSP) and Community-Proposed Plan (CPP) identify different alignments for the Bay Trail: along a frontage road adjacent to US 101 (DSP) and through the development area along a greenway corridor (CCP). We recommend that both alignments be analyzed taking into account the impacts of noise, visual experience, interface with the street network, safety at intersections, etc. In addition, we recommend analysis of a Bay Trail alignment that extends through the development site connecting directly to the Bayshore Intermodal Station (see comment below).

### **Connection to Bayshore Intermodal Station**

The City of Brisbane is currently engaged with the City of San Francisco, the Association of Bay Area Governments and the Metropolitan Transportation Commission on a specific plan to increase access to the Bayshore Intermodal Station. We recommend that the potential Bay Trail link to the station be analyzed as a key facility to promote non-auto access to the station and reduce traffic. The NOP Circulation Plans do not show a Bay Trail connection to the Bayshore Intermodal Station. This is an opportunity to provide safe and direct bicycle/pedestrian connections to a major regional transit station. Around the region, the Bay Trail serves as an important commute corridor for bicyclists connecting transit, residential areas, commercial centers, schools and places of employment. The Bay Trail is part of the Metropolitan Transportation Commission's Regional Bicycle Plan that seeks to reduce Vehicle Miles Traveled (VMT) through the construction of continuous trail facilities that connect to transit. A direct Bay Trail connection to the Bayshore Intermodal Station would be consistent with the *San Francisco Bay Trail Plan*.

Transportation Access Policy 34. Access to the trail by all forms of public transit should be strongly encouraged.

Local governments and regional agencies are further engaged in the reduction of greenhouse gases through the Sustainable Communities Strategy, a state-mandated program to reduce

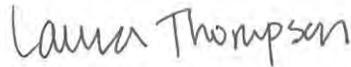
transportation-related emissions through reductions in VMT and increased opportunities for non-auto trips. A bicycle/pedestrian link would support these goals as well as provide a stronger connection for current Brisbane residents and Bay Trail users to access proposed new development in the area.

**Interim Transportation Improvements**

During the buildout of the Baylands, a number of large land use projects in the area are proposed to be constructed and occupied, including the Bayview Waterfront Developments (Candlestick Point and Hunters Point Shipyard), Executive Park, and Visitacion Valley/Schlage Lock. In order to meet the expected demand on the transportation system caused by the growth associated with these developments, some interim transportation projects will need to be implemented. These projects may differ in design from final projects needed to support the Baylands development. For example, the Harney/Geneva Bus Rapid Transit (BRT) may have a different alignment in the interim, before Geneva Avenue and the Bayshore Station would be completed to support the Baylands. In addition, the increase in traffic from the area developments may warrant the signalization of the intersection of Alana Way with the US 101 on/off ramps. We recommend coordinating with San Mateo and San Francisco county agencies to determine which interim projects should be included in the future baseline scenario for analysis and to ensure that bicycle and pedestrian facilities are incorporated into the projects.

Thank you for considering these comments and please contact me at 510-464-7935 or [laurat@abag.ca.gov](mailto:laurat@abag.ca.gov) if you have questions about this letter or the Bay Trail in general.

Sincerely,



Laura Thompson  
Bay Trail Project Manager



January 7, 2011

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MICHAEL J. SCANLON  
EXECUTIVE DIRECTOR

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**Re: Notice of Preparation of a Draft EIR-Brisbane Baylands Project**

Dear Mr. Swiecki:

Thank you for the opportunity to submit comments on the Draft EIR Brisbane Baylands Project NOP. The following are our comments for consideration in preparing the draft EIR:

- JPB recommends inclusion of the Caltrain electrification project in the No Build scenario.
- Provide a justification for the proposed relocation of the Caltrain station. Analyze the relocation impact on surrounding neighborhoods, existing Caltrain riders and the Caltrain system. Identify appropriate mitigations.
- Provide transit ridership and access/egress mode split forecasts for each of the two development plans identified in the NOP. Identify impacts to the Caltrain system and mitigation. Identify needed additional feeder service and infrastructure support to accommodate the access/egress forecasts.

The JPB is very interested in understanding the environmental benefits and disbenefits associated with the project. In light of JPB's policy support of AB32 and SB375, it will be critical to understand the tradeoffs associated with providing needed transit-oriented development to our region.

Thank you for the opportunity to provide comments. If you have any questions or need to further coordinate with the JPB, please feel free to contact me at 650-622-7842

Sincerely,

A handwritten signature in blue ink, appearing to read "Hilda Lafebre".

Hilda Lafebre  
Manager, Capital Project and Environmental Planning

Cc: Marian Lee, JPB  
Tilly Chang, SFCTA  
Richard Napier, C/CAG

**PENINSULA CORRIDOR JOINT POWERS BOARD**  
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MICHAEL J. SCANLON  
EXECUTIVE DIRECTOR

September 28, 2011

John Swieki  
City of Brisbane, Redevelopment Agency  
50 Park Place  
Brisbane, CA 94005

RE: Draft Brisbane Baylands Specific Plan

Dear Mr. Swieki:

Thank you for the opportunity to review and provide comments on the Draft Brisbane Baylands Specific Plan. We are supportive of the specific plan as it contemplates a vision for the area that is transit-oriented. High-density land uses that generate transit ridership not only provide a financial benefit to Caltrain but also contribute to managing traffic congestion and pollution.

In reviewing the specific plan, we identified one area of concern. It relates to implementation and funding. Given the identified transportation upgrades needed to support the vision, the plan needs to identify a funding strategy that maximizes outside funding sources. Given our ongoing financial challenges both on the capital and operations side of the business, Caltrain's ability to financially contribute to system and station upgrades is limited.

In addition to our comment on the specific plan, it is my understanding that you are also seeking early comments on your planned Environmental Impact Report (EIR) for the specific plan. The following are EIR related comments for your consideration:

- Identify and mitigate impacts associated with proposed upgrades to the Caltrain system;
- Identify and mitigate impacts associated with construction;
- Identify and mitigate impacts associated with generated Caltrain ridership and access trips by mode of transportation;
- Conduct a geological resource evaluation of the proposed refuge area and wetlands adjacent to the railroad ROW to ensure that these features will not compromise Caltrain operations and maintenance activities; and
- Take into consideration impacts to Caltrain's future plans for electrification and a blended system supporting both Caltrain and HSR service along the corridor.

Mr. Swieki  
September 28, 2011  
Page 2 of 2

Thank you for the opportunity to provide our comments. Please know that we are available and ready to support your efforts in advancing this exemplary plan.

When you are ready for further dialogue on preparing your environmental document, please contact us. We will be available to expand on the summary comments identified above and provide you with needed information to assist with analysis.

If you have any questions, please feel free to contact me anytime. I can be reached at [leem@samtrans.com](mailto:leem@samtrans.com), 650-622-7843.

Sincerely,



Marian Lee  
Acting Director  
Caltrain Modernization Program

cc/ Dominic Spaethling, CAHSR  
Brian Fitzpatrick, JPB  
Hilda Lafebre, JPB

RECEIVED

JAN 7 2011

# C/CAG

## City/County Association of Governments of San Mateo County

Comm. Dev. Dept. Brisbane

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

January 6, 2011

John Sweicki, Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Sweicki:

RE: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Revised Notice of Preparation (RNOP) of a Draft Environmental Impact Report for the Brisbane Baylands Specific Plan

The following are C/CAG Airport Land Use Committee (ALUC) Staff comments on the above-referenced document.

### Background

The City/County Association of Governments of San Mateo County (C/CAG) Board of Directors, in its designated role as the Airport Land Use Commission for the County, has prepared a draft update of the state-mandated comprehensive airport land use compatibility plan (CLUP) for the environs of San Francisco International Airport. The scope and content of the CLUP update are guided by the relevant content in the *California Airport Land Use Planning Handbook* prepared by the Caltrans Division of Aeronautics. The Plan is currently under administrative review. The SFO CLUP update document may be adopted before the Baylands Specific Plan Final EIR is certified by the Brisbane City Council.

### Project Characteristics/Location/C/CAG/ALUC Formal Review

The project consists of a specific plan for of 684 acres within the city limits of Brisbane, on the "flat" portion of the City. The affected property is located approximately five highway miles north of San Francisco International Airport. The site is bounded on the north by the City and County of San Francisco county line and the Recology property (formerly Nor-Cal Waste), on the east by U.S. Highway 101, on the west by Bayshore Boulevard, and on the south by the Brisbane lagoon. The proposed project includes four land use plan scenarios for site. Two of those scenarios include development of over 4,400 residential units. One of the residential scenarios also includes an arena, theater, multiplex, conference center, and a hotel (information source: City of Brisbane).

ALUC Chairperson:  
Richard Newman  
Aviation Representative

ALUC Vice Chairperson:  
Mark Church, Supervisor  
County of San Mateo

C/CAG Airport Land Use Committee (ALUC) Staff  
David F. Carbone, Transportation Systems Coordinator  
County of San Mateo Planning and Building Department

**C/CAG ALUC Staff Comments on a Revised Notice of Preparation (RNOP) of a Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Specific Plan  
January 6, 2011**

Page 2 of 2

The entire site is located within Area A of the proposed Airport Influence Area (AIA) boundary for San Francisco International Airport as shown in the SFO CLUP update document (see Enclosure No. 1). This boundary delineates where state-mandated real estate disclosure of potential airport/aircraft impacts is required as part of a real estate sales transaction. The disclosure of airport/aircraft impacts is the responsibility of the seller and his/her real estate professional.

The site is located outside of the proposed CLUP referral boundary (Airport Influence Area B, as shown in Enclosure No. 2). The Baylands Specific Plan area is (1) not located within federal airspace protection notification requirements for proposed development near SFO (i.e. Federal Aviation Regulations FAR Part 77), (2) not within current FAA-accepted aircraft noise contours for SFO (see Enclosure No. 3), and (3) not within any runway safety zones, as proposed in the draft SFO CLUP update. Therefore, the proposed Specific Plan does not require formal review by C/CAG/ALUC.

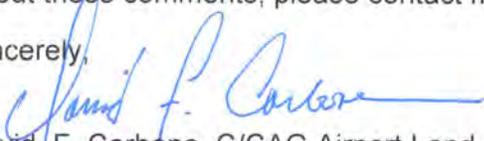
**DEIR Topic: Noise Impacts From Commercial Aircraft Overflight**

As I am sure you are aware, a significant current airport-related concern in Brisbane is noise from commercial aircraft overflight. Brisbane is affected by aircraft overflight noise from several FAA air traffic routes that take aircraft over the city and nearby neighborhoods in San Francisco. (see Enclosure No. 4) These routes include: (1) aircraft departing SFO on Runways 1 on the PORTE, EUGEN, and OFFSHORE departure routes for southbound and trans-Pacific flights, (2) aircraft departing SFO on Runways 28 on the SHORELINE departure route for north and eastbound flights, and (3) aircraft departing Oakland International Airport on the SKYLINE, COAST, and NUEVO departure routes for southbound and trans-Pacific flights (info source: SFO Aircraft Noise Abatement Office staff). The departure routes from Oakland International Airport that affect Brisbane are not shown in Enclosure No. 4.

The DEIR should contain a thorough discussion of commercial aircraft overflight noise impacts as they affect all of the Baylands Specific Plan development scenarios. I encourage the author(s) of the DEIR to contact Bert Ganoung, Manager, Aircraft Noise Abatement, San Francisco International Airport, to obtain more information about the federal air traffic routes that affect the City of Brisbane. Mr. Ganoung can be reached at 650/821-5100.

Thank you for the opportunity to comment on the above-referenced RNOP. If you have any questions about these comments, please contact me at 650/363-4417 or at [dcarbone@co.sanmateo.ca.us](mailto:dcarbone@co.sanmateo.ca.us)

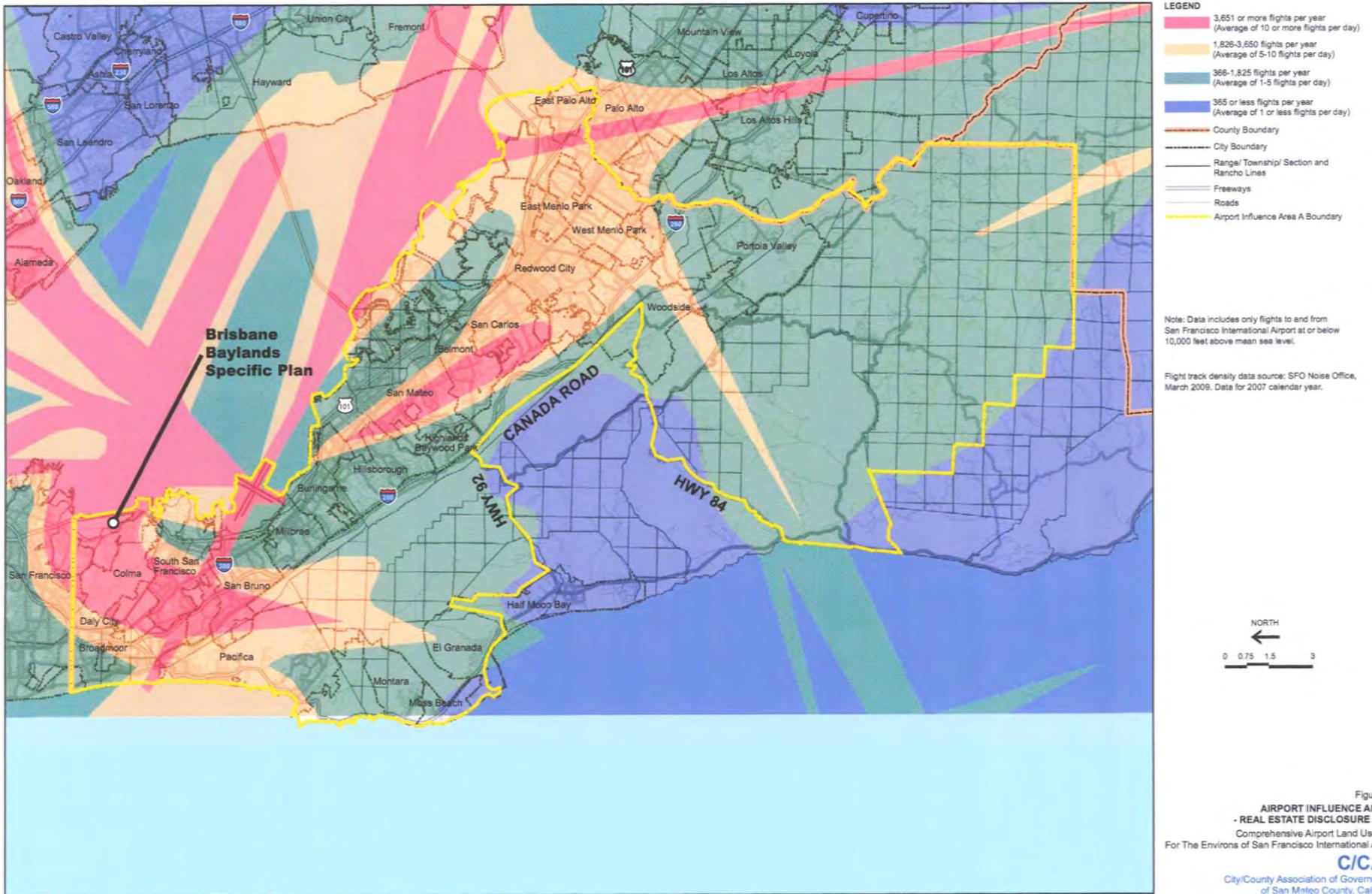
Sincerely,



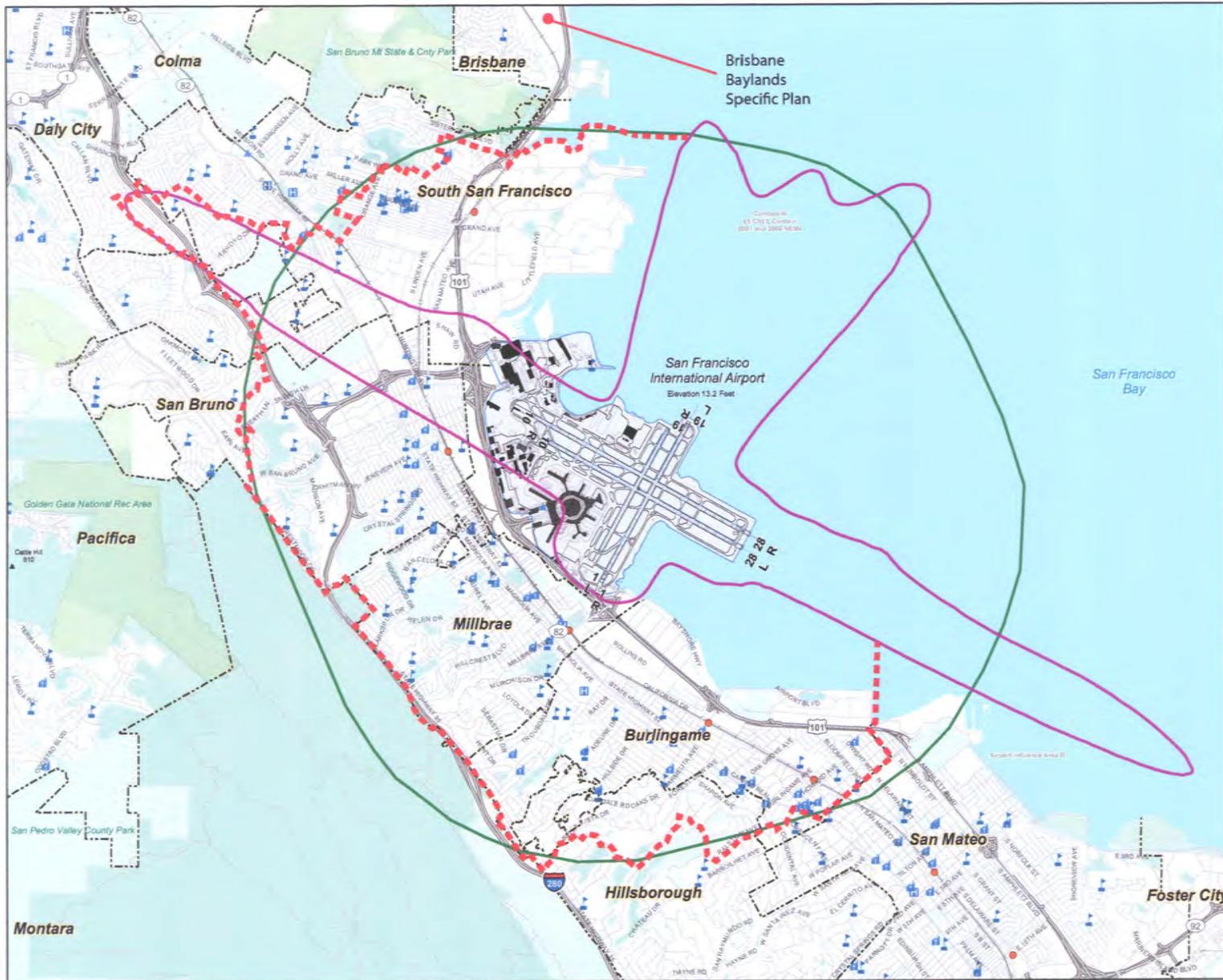
David F. Carbone, C/CAG Airport Land Use Committee (ALUC) Staff

Enclosures: No. 1: Draft SFO CLUP update document August 2010, Fig.  
No. 2: Draft SFO CLUP update document August 2010, Fig. 4-2  
No. 3: Draft SFO CLUP update document August 2010, Fig.  
No. 4: Draft SFO CLUP update document August 2010, Fig. 2-6

cc: C/CAG Airport Land Use Committee (ALUC) Members, w/enclosures  
Richard Napier, C/CAG Executive Director, w/enclosures  
Richard Newman, C/CAG ALUC Chairperson, w/enclosures  
John Bergener, SFO Planning Manager, w/enclosures  
Bert Ganoung, Manager, SFO Aircraft Noise Abatement, w/enclosures



Location of Brisbane Baylands Specific Plan Within the Proposed Airport Influence Area A - State Mandated Real Estate Disclosure Boundary for the Environs of San Francisco International Airport - January 2011



- LEGEND**
- Boundary for Airport Influence Area B
  - Composite 65 CNEI Contour, 2001 and 2006 NEMs
  - FAR Part 77 Conical Surface
  - Airport Property
  - ▲ BART Station
  - CALTRAIN Station
  - ▲ School
  - ▲ Place of Worship
  - ▲ Hospital
  - Municipal Boundary
  - Railroad
  - Freeway
  - Road
  - Local Park, Golf Course, Cemetery
  - Regional Park or Recreation Area
  - Open Space

Sources:  
 FAR Part 77 Surfaces: City and County of San Francisco, Ricondo & Associates, Inc. 2007

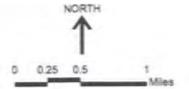
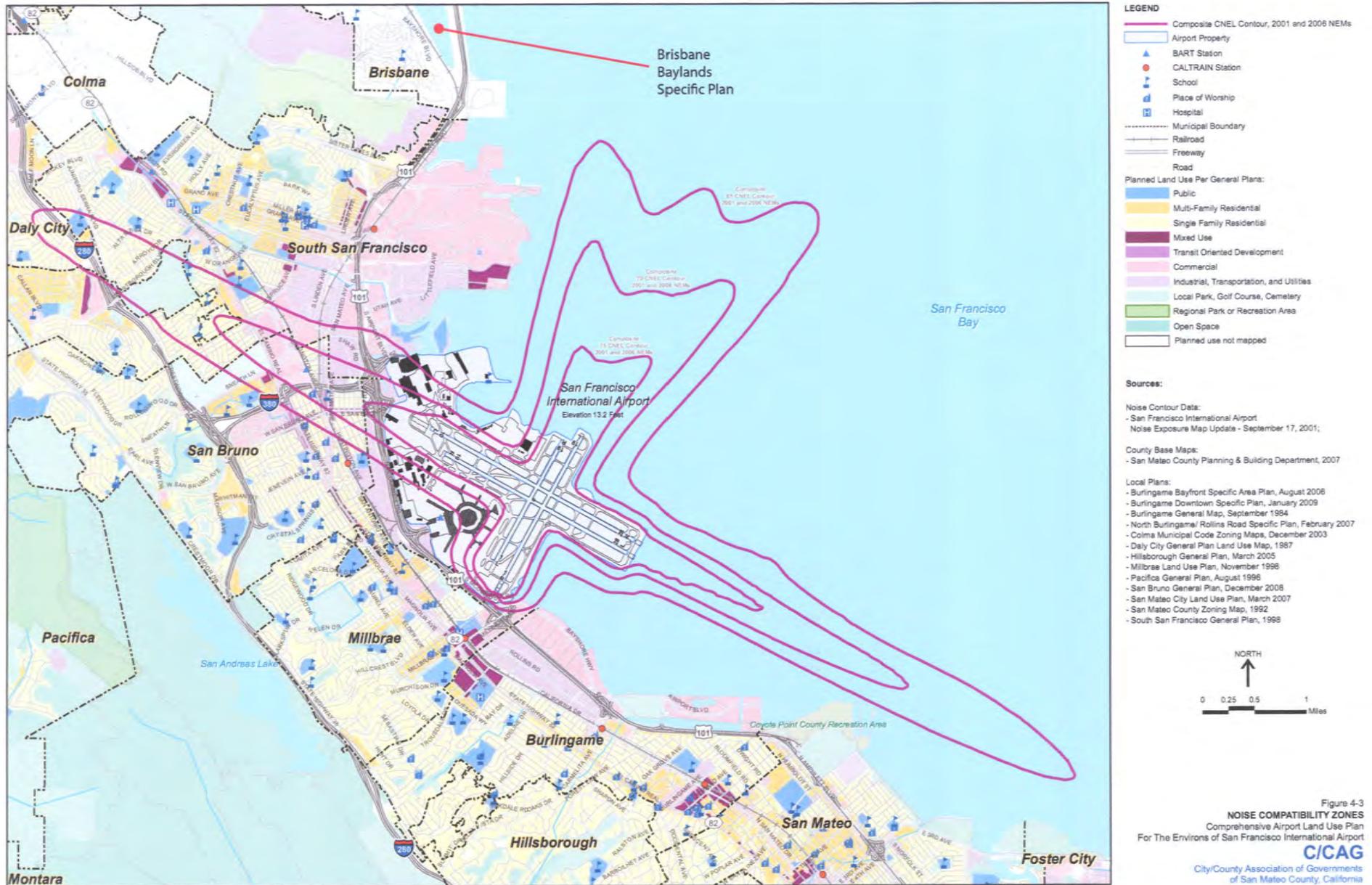
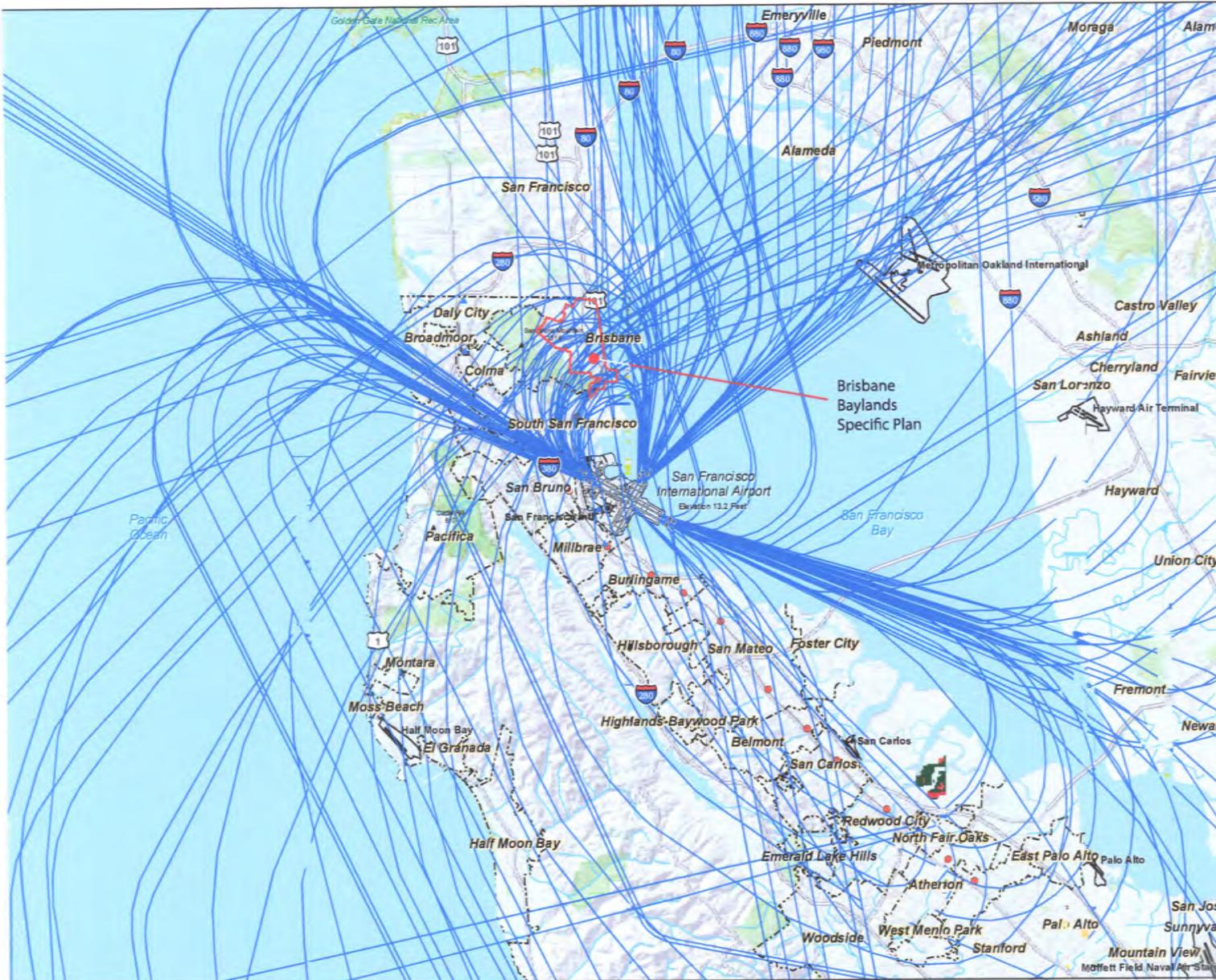


Figure 4-2  
**AIRPORT INFLUENCE AREA B**  
**- PROJECT REFERRAL AREA**  
 Comprehensive Airport Land Use Plan  
 For The Environs of San Francisco International Airport  
**C/CAG**  
 City/County Association of Governments  
 of San Mateo County, California

Location of Brisbane Baylands Specific Plan Outside the Proposed Airport Influence Area B - Project Referral and State Mandated Real Estate Disclosure Boundary for the Environs of San Francisco International Airport - January 2011



Location of Brisbane Baylands Specific Plan in Relation to the Current FAA - Accepted Aircraft Noise Contours for San Francisco International Airport - January 2011



- LEGEND**
- Generalized Departure Flight Tracks
  - Airport Property
  - ▲ BART Stations
  - CALTRAIN Stations
  - Regional Park or Recreation Area
  - - - Municipal Boundary
  - Railroads
  - Freeways
  - Roads

Source:  
 San Francisco International Airport  
 Noise Exposure Map Update - September 17, 2001

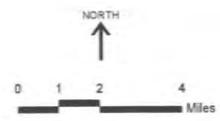


Figure 2-6  
**GENERALIZED DEPARTURE FLIGHT TRACKS**  
 Comprehensive Airport Land Use Plan  
 For The Environs of San Francisco International Airport  
**C/CAG**  
 City/County Association of Governments  
 of San Mateo County, California

Location of Brisbane Baylands Specific Plan within Generalized Departure Flight Paths for San Francisco International Airport - January 2011



# CITY OF DALY CITY

333-90TH STREET  
DALY CITY, CA 94015-1895

PHONE: (650) 991-8000

RECEIVED  
JAN 25 2011  
Comm. Dev. Dept. Brisbane

January 19, 2011

John Swiecki, AICP, Community Development Director  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

**RE: Brisbane Baylands Phase I Specific Plan (Case SP-1-06) – Notice of Preparation**

Dear Mr. Swiecki:

Thank you for providing the City of Daly City an opportunity to comment on the proposed Brisbane Baylands Specific Plan environmental review early on in the process. We have reviewed the NOP and associated documentation and are confident the Programmatic EIR will address the areas of most concern to our jurisdiction: land use, traffic, the provision of water and other utilities, air quality, noise and housing.

While further analysis will be conducted through the EIR preparation there is one issue we would like to highlight. With the passage of SB375 and the Sustainable Communities Strategy, the goal is to balance housing and jobs in an area where there is a surplus of jobs. The Community-Preferred Alternative proposes no housing. When considering this alternative as well as the Developer-Preferred Alternative, an analysis of how the creation of tens of thousands of jobs will affect regional housing needs is crucial. Specifically, what neighboring jurisdictions such as Daly City could expect to be required to provide beyond what was previously projected.

As this project progresses through the environmental review process, the City looks forward to obtaining more information and being included in the review of the Draft Environmental Impact Report.

Regards,

Richard Berger, Director of Economic and Community Development  
City of Daly City

San Francisco  
Redevelopment Agency

One South Van Ness Avenue  
San Francisco, CA 94103

415.749.2400

110-001.11-021

January 10, 2011

John Swiecki  
City of Brisbane  
50 Park Place  
Brisbane, California 94005

RE: Notice of Preparation for the Brisbane Baylands Specific Plan EIR

Dear Mr. Swiecki:

Thank you for the opportunity to review and comment on the Notice of Preparation (“NOP”) for the Brisbane Baylands Specific Plan EIR, dated December 10, 2010. The Brisbane Baylands project is of interest to the San Francisco Redevelopment Agency, as the project site adjoins the Visitacion Valley Redevelopment Project Area to the north and is close to the Bayview Hunters Point Redevelopment Project Area to the northeast. Further, there are a number of existing and planned transportation facilities that require close coordination between Brisbane and San Francisco, including Bayshore Boulevard, the SF Muni T-Third Light Rail Transit (“LRT”), the Caltrain Bayshore station, the extension of Geneva Avenue, and the Candlestick Shipyard Bus Rapid Transit (“BRT”) service. Following are our comments regarding the preparation of the EIR.

### Cumulative Impacts

The NOP states that the EIR will include assessment of two scenarios, the Developer-Sponsored Project and the Community-Preferred Plan, presumably at an equal level of review. The Developer-Sponsored Project will have an Entertainment Variant with a 1,111,800 sq. ft. entertainment district that includes an arena, a theater, a multiplex, and a conference/exhibition space. The Community-Preferred Plan includes a 611,300 sq. ft. entertainment district. The EIR should include an assessment of the potential cumulative impacts of either entertainment district in combination with the planned arena and entertainment uses in the Candlestick Point Hunters Point Shipyard Phase II project and the existing Cow Palace in the City of Daly City.

Both the Developer-Sponsored Project and the Entertainment Variant includes 4,434 residential units. Accordingly, the EIR should include an assessment of the potential cumulative impacts of planned residential development on the project site in combination with planned and existing



GAVIN NEWSOM, Mayor

Rick Swig, President  
Darshan Singh, Vice President  
Rosario M. Anaya  
Agnes Briones Ubalde  
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Francee Covington  
Leroy King

Fred Blackwell, Executive Director

Mr. John Swiecki  
City of Brisbane  
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residential uses in neighboring areas, including Visitacion Valley, Executive Park, and the Candlestick Point Hunters Point Shipyard Phase II project.

### Transportation

Since the Brisbane Baylands and Visitacion Valley share a number of existing transportation facilities, the EIR should study impacts on these roadways, such as Bayshore Boulevard, Tunnel Road, U.S. Highway 101 and its access points, and the planned improvement of Geneva Avenue and Harney Way.

Due to the convergence of the future expansion of the T-Third LRT into the Brisbane Baylands, the enhancement of Caltrain service at the Bayshore station, and the planned connection of the Candlestick Shipyard BRT with the T-Third LRT and Caltrain at an intermodal Bayshore station, and the extension of BRT service to the Balboa Park BART Station via Geneva Avenue, the EIR should provide comprehensive coverage of the impacts of the project on these planned transit improvements. This analysis should include impacts based on increased ridership and impacts related to roadway congestion.

The EIR should also study the effects of the scenarios and variants on the transportation mode share for new trips created by the development, particularly in light of the planned transit improvements. In addition, the EIR should analyze traffic and transit impacts at an intermediate phase of the project, relative to the timing of planned project and regional transportation improvements.

The NOP describes public trails and pedestrian connections to future open space and public use areas under both the Developer-Sponsored Project and the Community-Preferred Plan. However, the figure provided in the NOP for the Developer-Sponsored Project (Figure 10) does not show clear connections from sidewalk areas in the development area to the trails in the open space area. The proposed Bay Trail is also not shown. These pedestrian connections are important for future residents of the residential areas of the Schlage Lock factory site directly north of the project site in Visitacion Valley, as well as for future residents of the Developer-Sponsored Project, and should be assessed in the EIR.

### Further Comments on Planned Transportation Improvements

Both the Developer-Sponsored Project and the Community-Preferred Plan assume significant transportation infrastructure improvements that would be secured through the San Francisco County Transportation Authority's Bi-County Transportation Study process for southeastern San Francisco County and northeastern San Mateo County. The planned regional transportation improvements include an upgrade to the Bayshore Caltrain station, the extension of Geneva Avenue and the T-Third LRT, and the introduction of BRT through or adjacent to the project site. Separately, the San Francisco County Transportation Authority's Bayshore Station Study

includes evaluation of three alternative locations for the intermodal Caltrain Station. This EIR should include an assessment of the impacts of each location on local traffic and circulation.

Notwithstanding the aforementioned Bayshore Station Study, the City of San Francisco has completed planning for transit-oriented development around the existing Bayshore Caltrain Station, including the approved plans for the Candlestick Point Hunters Point Shipyard Phase II and Executive Park development projects and the Visitacion Valley Redevelopment Project. The projects have been designed to promote transit usage and walking over single-occupancy vehicle trips. We are concerned that the efficacy of these efforts and the significant investment in transit-oriented development that has been made to date will be undermined by moving the station platform and transit facilities further south. It is therefore imperative to the Redevelopment Agency and the City of San Francisco that, in order to ensure feasibility and funding for these transportation improvements, both Counties are able to commit to a land use proposal containing a mix of commercial and housing uses near transit. In particular, many federal and state grants and loans dedicated to funding transit infrastructure require that housing be located within a quarter or half-mile of the transportation improvements. In evaluating the project scenarios and variants, the EIR should consider the availability of funds for transit and infrastructure improvements as well as the likely need to comply with government grant and loan programs to implement them.

**Specific Comments for the Transportation Analysis.** Following are specific comments for the EIR transportation analysis.

- No assumption should be made that moving the T-Third LRT extension from its current terminal to a southern-shifted Caltrain station will be supported by San Francisco, especially since finding the funds to support the more limited extension of the T-Third to the Bayshore Station as currently envisioned is already a challenge. The T-Third is an integral part of the Bayshore Station intermodal project, as is the BRT. The immediacy of transfers from Caltrain to the T-Third to BRT is an absolute must in Bi-County Transportation Study assumptions.
- While the Candlestick Point Hunters Point Shipyard Phase II project based its mode split and circulation analysis on immediacy of the transfers noted above, other key San Francisco developments (Visitacion Valley, Executive Park) based their TOD narratives and assumptions on the fact that Caltrain would remain within immediate walking distance from these projects. The cumulative traffic impacts should reflect diminished transit usage that would result from moving the Caltrain station to the south.
- The BRT line need not be aligned to Geneva Avenue along the entire length of the extension. It is far more important for the BRT to serve Caltrain and the T-Third LRT directly than to precisely follow the Geneva extension alignment. It is also important to distinguish the main functions of BRT (rapid, direct transit access between the intermodal and high-density mixed-use destinations, with well-spaced stops limited to TOD-

supportive sites) from the automobile and truck vehicle function of extending Geneva Avenue through the freeway interchange. Given the “sweep” of the proposed Geneva Extension well south of the Bayshore Station, the analysis should consider alternative concepts that recognize this distinction, such as separating the BRT from Geneva Avenue on the east side of the Caltrain tracks, as well as establishing a BRT alignment on or parallel to local streets north of Geneva Avenue.

- BRT frequencies and its need for exclusive, pre-empted operation through the vicinity of Caltrain may pose access and circulation problems if BRT is integrated with the Geneva Extension, particularly if there would be a great need for truck traffic to cross the BRT alignment to reach the Recology site. The analysis should evaluate the service speed and reliability and the overall efficacy of BRT and should consider project variants that maximize the efficacy of the transit system.
- The bicycle network – including the Bay Trail – should avoid crossing the Geneva Extension at grade, and avoid all surface interactions with the proposed freeway interchange at U.S. Highway 101 and Geneva Avenue/Harney Way. These bicycle links should also make a direct connection to Caltrain and the BRT.
- East-West pedestrian connections that are safe, convenient and offer direct access to the Bayshore Intermodal Station from surrounding mixed-use neighborhoods do not appear to be well-developed, particularly with respect to the volumes and typed of traffic proposed on the Geneva Extension.

**Figure-by-Figure Comments.** Following are specific comments on the figures in the NOP.

- Figures 4-6: The Land Use variants should show transit, intermodal and BRT stations. Without these, it is difficult to gauge or evaluate the viability or integrity of TOD potential that would eventually be critical for planning discussions and future funding potentials.
- Figure 9: The diagram should show the proposed BRT stops at the Bayshore Intermodal Station and along Bayshore Boulevard and Geneva Avenue.
- Figure 10: The Bay Trail should connect to the Caltrain and BRT hub, and should not be forced onto a surface crossing at Geneva Avenue (which is a bike safety concern). Securing grade-separated bicycle crossings of Geneva and freeway on- and off-ramps should be considered in all Bay Trail, circulation and land use variants.
- Figure 11: The diagram should show how vehicles would reach Bayshore BRT/Caltrain hub, with a legend key for shuttles, taxis, and cars.

- Figure 12: The diagram should not show an extension of the T-Third LRT farther south than currently proposed by the San Francisco Municipal Transportation Agency. It should show the proposed BRT stations. The red dotted line has no explanation in the legend – is this Samtrans?
- Figure 13: The bicycle diagrams raise the following concerns: no access is shown to the BRT/Caltrain hub for the Bay Trail, no separation is provided for bikes from truck traffic on Geneva Avenue, and BRT stations (which are important for bicycle/transit transfers) are not shown.
- Figure 14: This diagram is missing the BRT alignment and the proposed BRT stations.

#### Air Quality and Noise

The EIR should include an analysis of potential increases in air pollutants and noise at intersections, such as Bayshore Boulevard at Sunnydale Avenue and Bayshore at Leland Avenue, that are near sensitive receptors, including existing residential neighborhoods in Visitacion Valley as well as the planned development on the Schlage Lock factory site.

#### Aesthetics

The EIR should consider views of the new development under the Developer-Sponsored Project and the Community-Preferred Plan from existing neighborhoods in Visitacion Valley, a regional view from McLaren Park or Bayview Hill, and views of the new development from the planned future development on the Schlage Lock factory site located directly north of the project site, and the Sunnydale Housing project to the northwest.

#### Archaeological Resources

The EIR should include an archaeological consultant-prepared assessment of prehistoric and historic archaeological resources. The February 22, 2006 Initial Study for the Brisbane Baylands Phase I Specific Plan stated that “there are no prehistoric archaeological resources in the project area, because the site is part of a landform that was created by artificial fill in historical times” (page 9 of the Initial Study). However, although more than half of the project site is identified as landfill (see Figure 3 of the NOP), that portion of the site west of the Caltrain/Union Pacific tracks is not identified as a landfill area. The historic shoreline extended inland westward from San Francisco Bay to the Caltrain tracks. The historic Bay shoreline with its many small embayments and lagoons extending from Hunters Point to the San Francisco Airport was well populated prehistorically with both large and small shell midden communities and is today archaeologically sensitive for prehistoric sites. Within the project site, the historic shoreline area includes Icehouse Hill (the “prominent hill” on page 3 of the NOP) and has a probability of containing prehistoric archaeological sites, particularly since prehistoric archaeological sites have been discovered just outside the project boundaries in Brisbane, including a midden site

near the US Postal Office center west of Bayshore Boulevard (CA-SMA-356), and the San Bruno Shellmound (SMA-40). Nearby in San Francisco north of the project site, there are two midden deposits on the Schlage Lock factory site and archaeological sites at other locations in the vicinity, including the Burnett Shellmound (CA-SFR-34) and the Johnson Landing Mound (CA-SFR-7). Two of these sites, CA-SMA-40 and CA-SFR-7 have been determined to be eligible for the National Register of Historic Places. Further, there are known historic archaeological sites in this vicinity, including a historic dairy farm site near Main Street that was discovered during the environmental review of PG&E's Jefferson-Martin Transmission Line Project (CA-SMA-326H) and the historic Union Pacific Silk Manufacturing Company site on the Schlage Lock factory site.

Regarding the landfill area, land forms that historically were or currently covered by Bay waters were occupied by prehistoric populations. From time to time, archaeological evidence of such occupation is uncovered. In the late 1980s a prehistoric human burial dated to 4255 years before the present was recovered in the Coyote Point Marina in San Mateo County approximately 12 feet below the water surface. Also prehistoric human remains were encountered in sediments in the Bay bottom during creation of Treasure Island. Consequently, the assertion that future development within the Specific Plan would not affect prehistoric resources because it is filled land beyond the historic shoreline, is incorrect.

#### Water/Wastewater Issues

The EIR should study the effects of the development of the Brisbane Baylands on the wastewater treatment system, particularly as it may affect Visitacion Valley and other neighborhoods in southeastern San Francisco. The EIR should evaluate an alternative whereby the Schlage Lock development and the Brisbane Baylands development share a surface stormwater treatment and conveyance system, as described in multiple planning documents.

The 2006 Initial Study stated that flooding was not a concern in the project site as no residential uses were proposed. However, as the Developer-Sponsored Project includes 4,434 residential units, assessment of the risk of flooding and mudflows should be included in the EIR. Notably, the Developer-Sponsored Project may require expansion of Brisbane's sandbag program, currently operating from the Corporation Yard at 1020 Tunnel Avenue.

#### Recology Variant

The Recology Variant as described in the NOP (page 10) seems to be a proposed 24-acre expansion of the existing 49-acre Recology facility. This appears to be a project in itself and separate from the Developer-Sponsored Project and the Community-Preferred Plan. While CEQA environmental review can be included in the Brisbane Baylands EIR given its location, the EIR should clarify whether environmental review of the Recology expansion project is at a project-level or at a program-level. Further, it would appear that the Recology Variant would be a variant of both the Developer-Sponsored Project and the Community-Preferred Plan since the

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expansion project does not appear to be sponsored by the community and only 24 acres of either scenario would be directly affected. It would be of interest to see what modification of the Developer-Sponsored Project would be necessary to accommodate the additional 71,000 sq. ft. of development for the Recology expansion project.

Renewable Energy Alternative

The Renewable Energy Land Use Alternative appears to be the alternative presented by Energy Solutions in *Preliminary Renewable Energy Feasibility Study: Analysis of the Baylands Renewable Energy Alternative* (Energy Solutions, October 18, 2010). It may be useful to consider how application of the renewable energy concepts for the solar farm and wind turbines could be applied to both the Developer-Sponsored Project and the Community-Preferred Plan; i.e., alternatives that modify the two scenarios under consideration, rather than presenting a completely different alternative that would require further study by the developer and the community if the City Council were inclined to seriously consider this alternative.

Further, the Renewable Energy Land Use Alternative appears to have “environmental constraints” as identified by Energy Solutions, including glare and wildlife concerns for the solar farms (page 6 of the *Preliminary Renewable Energy Feasibility Study*) and noise, visual, and wildlife concerns for the wind turbines (pages 9, 10 of the *Preliminary Renewable Energy Feasibility Study*). The EIR should assess these aspects of the Renewable Energy Land Use Alternative.

Again, thank you for the opportunity to review and comment on the NOP. Please feel free to call me at 415-749-2577 or send an email to [Stanley.Muraoka@sfgov.org](mailto:Stanley.Muraoka@sfgov.org) should you have any questions.

Sincerely,



Stanley Muraoka  
Environmental Review Officer

cc: Amy Neches  
Stephen Maduli-Williams  
Kelley Kahn

**Office of the Mayor**  
City & County of San Francisco



**Gavin Newsom**

January 7, 2011

John A. Swiecki, Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear John:

Last year I was thrilled to have the opportunity to see the “Vision Plan” that Recology has created for their facilities on the border of Brisbane and San Francisco that are envisioned to enable San Francisco to achieve the goal that we have established of zero waste by 2020. I am very much in support of the direction that they have taken, and I hope that Brisbane will be as well.

The plan that Recology, the City’s primary recycling company, has initiated is an opportunity for San Francisco, Brisbane and the region to create green jobs and to expand leadership in the green economy that has taken hold in our cities. Last August I was very proud to be able to announce that San Francisco had exceeded our target of 75% diversion of waste from land fill and had achieved a remarkable 77% — the highest diversion rate of any city in the United States. We diverted just over 1.6 million tons of material—double the weight of the Golden Gate Bridge—through recycling, composting and re-use. Of this only 560,000 tons went to landfill, the lowest disposal on record.

Data collected since our Mandatory Recycling and Composting Ordinance went into effect last October indicates that the trend of increased diversion, coupled with dramatically reduced landfill, puts San Francisco at the forefront of environmental stewardship. Leading by example, composting has increased by 45 percent, and the City is now sending nearly 600 tons of food scraps, soiled paper, and yard trimmings to Recology’s compost facilities each day, up from 400 tons a year ago.

For a growing number of people, recycling provides the dignity of a paycheck in tough economic times. The recycling industry trains and employs men and women in local environmental work that can’t be outsourced and sent overseas, creating ten times as many jobs as sending material to landfills. Recology employs over 1,000 people in the region, and in the past few years has added 118 new employees to sort recyclables and monitor collection routes in order to meet San Francisco’s aggressive recycling goals.

With so much recent focus and planned improvements proposed for the Southeastern portion of San Francisco, including the plans for Candlestick Point/Hunters Point Shipyard, Visitacion Valley and Executive Park, I recognize the tremendous opportunity to coordinate

and refine an overall transportation vision that supports and benefits from the investments already committed for this area. As Recology's master plan advances through your civic planning process, San Francisco City staff will continue to work toward solutions with you that not only enable us to achieve our ultimate goal of zero waste, but also allow us to do right by our economy, a more sustainable transportation network and to further local job creation. I am enthusiastic about jointly supporting a final plan for Recology's facilities on our shared border that will help us achieve these goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Newsom', with a long horizontal line extending to the right.

Gavin Newsom  
Mayor

cc: Mike Sangiacomo, President & CEO, Recology  
John Legnitto, Vice President, Recology  
Melanie Nutter, Director, San Francisco Department of the Environment



## SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1145 Market St., 5th Floor, San Francisco, CA 94103 • Tel. (415) 554-3131 • Fax (415) 934-5728



January 14, 2011

John Swiecki, AICP, Community Development Director  
City of Brisbane Community Development Department  
50 Park Place  
Brisbane, CA 94005  
By Electronic Mail

EDWIN M. LEE  
MAYOR

FRANCESCA VIETOR  
PRESIDENT

ANSON MORAN  
VICE PRESIDENT

ANN MOLLER CAEN  
COMMISSIONER

ART TORRES  
COMMISSIONER

VINCE COURTNEY  
COMMISSIONER

ED HARRINGTON  
GENERAL MANAGER

RE: Revised Notice of Preparation of an Environmental Impact Report for the  
Brisbane Baylands Project Dated December 10, 2010

Dear Mr. Swiecki:

Under the provisions of Section 15082 of the CEQA Guidelines, the San Francisco Public Utilities Commission (SFPUC) hereby submits comments on the December 10, 2010 Notice of Preparation for the Brisbane Baylands Specific Plan Programmatic Environmental Impact Report (EIR). This letter is intended to amend our previous comment letter submitted on January 10, 2011.

Currently, the SFPUC Wastewater Enterprise (WWE) provides sewage collection and treatment services to the City of Brisbane and the Bayshore Sanitary District. The analysis of sanitary sewage flows generated by the proposed project should address the specific criteria stipulated in the Joint Exercise of Powers Agreement Between the City and County of San Francisco, the City of Brisbane, and the Guadalupe Valley Municipal Improvement District (Brisbane JPA) (July 1995) and the Joint Exercise of Powers Agreement Between the City and County of San Francisco and Bayshore Sanitary District (Bayshore JPA) (July 1995), which govern sanitary sewage flows from the City of Brisbane and the Bayshore Sanitary District, respectively.

Additionally, the draft environmental impact report (Draft EIR) for the proposed project should include a complete analysis (including computer and physical modeling) of any new wastewater flows that would be generated by the proposed project and potentially discharged to San Francisco's combined sewer system. This analysis should account for possible stormwater infiltration during wet weather conditions. The Draft EIR should examine how the wastewater and stormwater flows in the proposed project would impact the City's combined sewer system (specifically the existing 6.5 feet diameter Sunnydale Sewer, the new 11 feet diameter Sunnydale Auxiliary Tunnel (San Francisco Planning Department File Number 2009.0311E), and the Sunnydale Transport/Storage Facility at Harney Way), flooding, combined sewer overflow discharge events, biosolids management, and current and future Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit requirements. The project sponsor and the City of Brisbane should be aware that if a development project alternative is selected which would discharge wastewater into the City and County of San Francisco sewer system, then

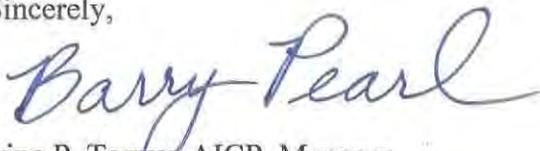
John Swiecki, AICP, Community Development Director  
City of Brisbane Community Development Department  
Revised Notice of Preparation of an Environmental Impact Report  
for the Brisbane Baylands Project Dated December 10, 2010  
January 14, 2011  
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the development area is subject to compliance with applicable San Francisco Public Works Code requirements (such as Article 4.1: Industrial Waste and Article 4.2: Sewer System Management). Also, as per the terms of the existing JPA, the project sponsor would be responsible for payment of applicable capacity charges. In summary, the Draft EIR should thoroughly evaluate the effects of the increased flows on San Francisco's combined sewer system and should also demonstrate how the proposed on-site water recycling facility would mitigate those effects.

Lastly, Section V.B.C.i of the Brisbane Baylands Project Description (November 2010) states that currently "the remainder of the stormwater is drained into San Francisco's Sunnydale Avenue combined sewer main." Please be aware that the terms of the Brisbane JPA and the Bayshore JPA do not provide for treatment of any stormwater flows by the SFPUC at the Southeast Water Pollution Control Plant.

The SFPUC appreciates the opportunity to comment on the City of Brisbane Revised Notice of Preparation of an Environmental Impact Report for the Baylands project. Please contact Betsey Eagon at 415-554-1871 if you have any questions about our comments.

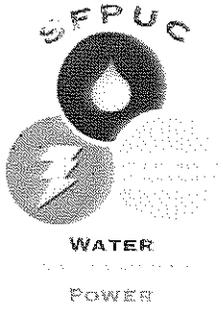
Sincerely,



*for* Irina P. Torrey, AICP, Manager  
San Francisco Public Utilities Commission Bureau of Environmental Management

Cc: Marla Jurosek, Manager, SFPUC Wastewater Enterprise, Planning & Regulatory Compliance Division  
Manfred Wong, Senior Project Manager, SFPUC Project Management Bureau  
Molly Petrick, SFPUC Water Enterprise, Water Resources Planning  
Betsey Eagon, SFPUC Wastewater Enterprise, Planning & Regulatory Compliance Division

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## SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



John Swiecki, Principal Planner  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

**GAVIN NEWSOM**  
MAYOR

**RICHARD SKLAR**  
PRESIDENT

**RYAN L. BROOKS**  
VICE PRESIDENT

**E. DENNIS NORMANDY**  
**ANN MOLLER CAEN**  
**ADAM WERBACH**

**SUSAN LEAL**  
GENERAL MANAGER

March 24, 2006

Dear Mr. Swiecki:

This letter comments on the Initial Study for the Brisbane Baylands Phase I Specific Plan of February 22, 2006. The Wastewater Enterprise of the San Francisco Public Utilities Commission (SFPUC) provides sewage collection and treatment services to the majority of Brisbane including the area of the proposed project. Therefore, the SFPUC believes that the environmental review for the project should include a complete analysis of any new wastewater flows that would be created in the proposed project and potentially discharged to San Francisco's combined sewer system. The review should also examine how the wastewater flows in the proposed project would impact the city's combined sewer system.

The SFPUC anticipates that the sanitary sewage flows from the proposed project will enter San Francisco's combined sewer system via the Sunnydale pump station and will be treated at the Southeast Water Pollution Control Plant. Increased flows within this portion of the city's combined sewer system could contribute to localized flooding and may cause an increase in the frequency of combined sewer overflow discharge events. Any increases in the frequency of combined sewer overflow discharges could adversely affect the SFPUC's operating permit from the Regional Water Quality Control Board. Furthermore, increased treatment demands at the Southeast Plant from the proposed project could impact the SFPUC's planning and management of biosolids generated at the plant. The environmental review for the proposed Project should thoroughly examine the effects of the increased flows and should propose means, including alternative sewer systems, to mitigate those effects.

In addition, the analysis of sanitary sewage flows from the proposed project should address the specific criteria stipulated in the Joint Exercise of Powers Agreement (Agreement) between the city of Brisbane, the Guadalupe Improvement District, and the city and county of San Francisco (July, 1995), which governs the sanitary sewage flows from Brisbane to San Francisco. These criteria include a maximum dry weather flow, peak wet weather flows (to account for infiltration), and a maximum instantaneous peak flow rate. As stipulated in the Agreement, wastewater flows

from Brisbane should not include any stormwater. The analysis of the impacts of the proposed project on San Francisco's combined sewer system should account for possible storm water infiltration during wet weather conditions.

The SFPUC appreciates the opportunity to provide comments to the city of Brisbane for the proposed Baylands project. Please contact Bob Hickman of my staff at 415.551.4529 if you have any questions about our comments.

Sincerely,

Bill Keaney  
Division Manager, Wastewater Planning and Compliance





## SAN FRANCISCO PUBLIC UTILITIES COMMISSION

BUREAU OF ENVIRONMENTAL MANAGEMENT  
1145 Market St., Suite 500, San Francisco, CA 94103 • Tel. (415) 934-5700 • Fax (415) 934-5750 • TTY (415) 554-3488



January 10, 2011

John Swiecki, AICP, Community Development Director  
City of Brisbane Community Development Department  
50 Park Place  
Brisbane, CA 94005  
By Electronic Mail

RE: Revised Notice of Preparation of an Environmental Impact Report for the  
Brisbane Baylands Project Dated December 10, 2010

Dear Mr. Swiecki:

Under the provisions of Section 15082 of the CEQA Guidelines, the San Francisco Public Utilities Commission (SFPUC) hereby submits comments on the December 10, 2010 Notice of Preparation for the Brisbane Baylands Specific Plan Programmatic Environmental Impact Report (EIR).

Currently, the SFPUC Wastewater Enterprise (WWE) provides sewage collection and treatment services to the City of Brisbane and the Bayshore Sanitary District. The analysis of sanitary sewage flows generated by the proposed project should address the specific criteria stipulated in the Joint Exercise of Powers Agreement Between the City and County of San Francisco, the City of Brisbane, and the Guadalupe Valley Municipal Improvement District (Brisbane JPA) (July 1995) and the Joint Exercise of Powers Agreement Between the City and County of San Francisco and Bayshore Sanitary District (Bayshore JPA) (July 1995), which govern sanitary sewage flows from the City of Brisbane and the Bayshore Sanitary District, respectively.

Additionally, the Draft Environmental Impact Report (draft EIR) for the proposed project should include a complete analysis of any new wastewater flows that would be generated by the proposed project and potentially discharged to San Francisco's combined sewer system. This analysis should account for possible stormwater infiltration during wet weather conditions. The Draft EIR should examine how the wastewater and stormwater flows in the proposed project would impact the city's combined sewer system, flooding, combined sewer overflow discharge events, biosolids management, and current and future Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit requirements. The project sponsor and the City of Brisbane should be aware that if a development project alternative is selected which would discharge wastewater into the City and County of San Francisco sewer system, then the development area is subject to compliance with applicable San Francisco Public Works Code requirements (such as Article 4.1: Industrial Waste and Article 4.2: Sewer System Management). Also, as per the terms of the existing JPA, the project sponsor would be responsible for payment of applicable capacity charges. In summary, the draft EIR should thoroughly

GAVIN NEWSOM  
MAYOR

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PRESIDENT

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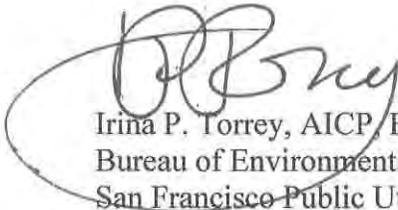
evaluated the effects of the increased flows on San Francisco's combined sewer system and should also demonstrate how the proposed on-site water recycling facility would mitigate those effects.

Lastly, Section V.B.C.i of the Brisbane Baylands Project Description (November 2010) states that currently "the remainder of the stormwater is drained into San Francisco's Sunnydale Avenue combined sewer main." Please be aware that the terms of the Brisbane JPA and the Bayshore JPA do not provide treatment of any stormwater flows by the SFPUC at the Southeast Water Pollution Control Plant.

The SFPUC intends to provide additional comments by the end of this week regarding potential infrastructure conflicts with the Sunnydale Sewer Improvement Project (San Francisco Planning Department File Number 2009.0311E). We hope that you will indulge us in being a few days late with these additional comments.

The SFPUC appreciates the opportunity to comment on the City of Brisbane Revised Notice of Preparation of an Environmental Impact Report for the Baylands project. Please contact Betsey Eagon at 415-554-1871 if you have any questions about our comments.

Sincerely,



Irina P. Torrey, AICP, Bureau Manager  
Bureau of Environmental Management  
San Francisco Public Utilities Commission

cc: Marla Jurosek, Manager, SFPUC Wastewater Enterprise, Planning & Regulatory  
Compliance Division  
Manfred Wong, Senior Project Manager, SFPUC Project Management Bureau  
Molly Petrick, SFPUC Water Enterprise, Water Resources Planning  
Betsey Eagon, SFPUC Wastewater Enterprise, Planning & Regulatory  
Compliance Division

January 10, 2011

John Swiecki, AICP, Community Development Director  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

Subject: Authority Comments on Brisbane Baylands, Draft Environmental Impact Report  
– Notice of Preparation

Dear Mr. Swiecki:

The San Francisco County Transportation Authority is pleased to see the land use planning process for the Brisbane Baylands move forward into the environmental review phase. Given the site’s proximity to the San Mateo/San Francisco border, it is clear that land use and transportation decisions at the Baylands will affect San Francisco neighborhoods as well as those in Brisbane, and if done right, can be a model for sustainable development in the region.

As you know, we are already cooperating on multiple cross-jurisdictional planning efforts that are relevant to the development of the Baylands, including two efforts being led by the Authority: the Bi-County Transportation Study and the Bayshore Intermodal Station Access Study. Both studies seek to forge a shared vision and consensus for transit-oriented infill development and needed infrastructure in the area. We thank Brisbane for your partnership and look forward to continued inter-agency cooperation with Brisbane as we near completion of both efforts.

We have conducted a review of the subject document and note that it is intended to be a programmatic EIR only. We offer the following comments for your consideration for this programmatic EIR, and any subsequent project-level environmental review effort that may be planned or contemplated:

- 1. Location of Bayshore Caltrain Station, including T-Third Light Rail Transit (LRT) Connection.** The Bayshore Intermodal Station Access Study has identified multiple alternative locations for the station and its connections, including one that maintains the Caltrain Station in its current location. In addition, San Francisco has been planning for and designing the extension of the T-Third LRT to connect to the Bayshore Caltrain Station at its current location. While it is important to maintain a good bus/rail connection to future bus service if routed on any future Geneva roadway extension, we do not support the re-location of the Bayshore Station to locations that are situated much farther south than the current station location. As a result, we request that the EIR include all Bayshore Intermodal Station Access Study alternative station and connection locations in the environmental analysis.
- 2. Alignment of new Geneva-Harney Bus Rapid Transit (BRT) Line.** The Bayshore Intermodal Station Access Study has also generated alternative alignments for a proposed Geneva-Harney BRT line. These include one option which routes the BRT service to and across the Bayshore Caltrain Station on a



*Moving the City*

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dedicated alignment, separate from the Geneva Avenue Extension. Please refer to all alternative BRT alignments in the environmental analysis, and clarify which alternative(s), if any, are included in the project definition. Should BRT be included in the project definition, we urge Brisbane to hold early meetings with the San Francisco Municipal Transportation Agency (SFMTA) and ourselves, in order to coordinate BRT facility and system design standards and service assumptions.

- 3. Bicycle Connections.** Bicycle connections and issues in this area have been discussed within both of the above-mentioned studies and should be reflected in the analysis. These connections include the connection from points east of US101 to the Bayshore Station, as well as the connection from points east of US101 to the Bay Trail that the NOP indicates will be accommodated within the Baylands. We urge the EIR to include bicycle connections to the Bayshore Station for all alternatives. Especially important will be the crossing of US101 by bicycles. The NOP's figures show the crossing to occur as bicycle lanes on the Geneva Avenue Extension. Given the significant vehicle turning movements associated with the interchange on- and off-ramps, we expect major conflicts between bikes and vehicles on the Geneva Extension, and we prefer an alternative bicycle crossing of US101 (likely through the Alanna Tunnel). We recommend that the EIR include this option. Another key consideration for bicycle impacts is the crossing of the Geneva Avenue Extension; given the expected size of the roadway, it could pose a barrier to north-south bicycle travel. We suggest that the EIR explore ways to provide a grade-separated bicycle crossing of the Geneva Avenue Extension in addition to evaluating at-grade crossing options. We note that the Developer-Sponsored Plan (DSP) and Community-Proposed Plan (CPP) indicate different alignments for the Bay Trail and suggest that both alignments be analyzed.
- 4. Transit Service.** Figures 9 and 12 indicate proposed SamTrans service through the Baylands site; however it is unclear the routing and number of additional routes proposed; please clarify these assumptions. The Bayshore Intermodal Station Access Study also has developed recommendations regarding future bus service at Bayshore Station, including terminating the Muni 9L at the station and diverting the SamTrans 292 to serve the station directly. We request that these transit service assumptions be included in the environmental analysis. We also recommend coordinating with the appropriate agencies in San Francisco and San Mateo county regarding other transit assumptions, including headways, that should be utilized for the analysis.
- 5. Interim Transportation Improvements.** During the build-out of the Baylands, a number of large land use projects in the area are proposed to be constructed and occupied, including the Bayview Waterfront Developments (Candlestick Point and Hunters Point Shipyard), Executive Park, and Visitacion Valley/Schlage Lock. In order to meet the expected demand on the transportation system caused by the growth associated with these developments, some interim transportation projects will need to be implemented. These project may differ in design from final projects needed to support the Baylands development. For example, the Harney/Geneva BRT may have a different alignment in the interim, before Geneva Avenue and Bayshore station would be completed to support the Baylands. In addition, the increase in traffic from the area developments may warrant the signalization of the intersection of Alanna Way with the US 101 on/off ramps. We recommend coordinating with San Mateo and San Francisco county agencies to determine which interim projects should be included in the future baseline scenario for analysis.

- 6. Size of Bayshore Station Area.** In order to serve the intermodal function envisioned in both the Community and Developer's alternatives, Bayshore Station will require adequate physical space to accommodate bus bays and light rail platform space. The Bayshore Intermodal Station Access Study recommends 5 bus bays at the Bayshore station, 2 bus bays on the BRT right-of-way, and a 450-foot platform to serve the Muni T-Third. Please consider these physical space requirements in the environmental analysis.

Thank you again for the opportunity to comment on this important project. Please do not hesitate to contact me or, Chester Fung, Senior Transportation Planner, (chester.fung@sfcta.org, 415.522.4804), with any questions or to discuss the above comments.

Sincerely,



Tilly Chang  
Deputy Director for Planning

cc: R. Breault – City of Brisbane, Public Works Department  
R. Napier, S. Wong, J. Hoang – San Mateo City and County Association of Governments  
M. Espinosa – Caltrain/SamTrans/San Mateo Sales Tax Authority  
W. Larson – San Francisco Mayor's Office of Economic Development  
P. Albert, T. Papandreou, D. Howard - SFMTA  
M. Snyder, B. Wycko – SF Planning Department  
JLM, MEL, AL, BC, LS, LZ CF, MS, LB,  
Chron, File: Bi-County Study



San Francisco International Airport

December 23, 2010

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, California 94005

RECEIVED  
DEC 29 2010  
Dept. Brisbane

**Subject: Brisbane Baylands Specific Plan, Notice of Preparation of Draft Environmental Impact Report – City of Brisbane**

Dear Mr. Swiecki:

Thank you for notifying San Francisco International Airport (SFO or the Airport) of the preparation of a Draft Environmental Impact Report for the Brisbane Baylands Specific Plan. We appreciate this opportunity to coordinate with the City of Brisbane (the City) in considering and evaluating potential land use compatibility issues that this and similar projects may pose.

SFO staff has reviewed the revised EIR Notice of Preparation for the Brisbane Baylands Project (the Project) and the alternatives that will be evaluated in the forthcoming Draft EIR. The Project involves significant office, retail, industrial, institutional, open space, and possibly residential development within the Project site. SFO submits the following comments for consideration in scoping the environmental analysis.

The City of Brisbane, including the Project site area, is located within the Airport Influence Area, as defined in the Comprehensive Airport Land Use Plan (CLUP) for SFO. The SFO CLUP addresses issues related to compatibility between airport operations and surrounding land use development, considering noise impacts, safety of persons on the ground and in flight, height restrictions/airspace protection, and overflight notification. Land use development within the Airport Influence Area is currently governed by the CLUP adopted by the City/County Association of Governments of San Mateo County (C/CAG) in 1996. The SFO CLUP is in the process of being updated and is anticipated to be completed by mid-2011. Since the CLUP update is likely to be completed and adopted before the Final EIR, it is advisable to consider the policies of the draft updated CLUP in preparing the environmental documentation for the Brisbane Baylands Specific Plan.

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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In evaluating the Developer-Sponsored Project land use scenario, which proposes up to 4,434 new residential units, the EIR must consider the effects of noise on residential uses. Although the Project site is not within the Airport's 65 dB CNEL noise contour, it is subject to frequent overflights from aircraft departing SFO using the Shoreline Departure Procedure. Additionally, the Project site is exposed to noise from Highway 101, Caltrain, and the future California High Speed Rail line. Noise impacts on sensitive receptors and any necessary mitigation measures should be fully evaluated in the EIR.

The Renewable Energy Alternative involves building solar photovoltaic (PV) and wind energy facilities to create a self-sustaining development, and potentially to generate surplus electricity for outside communities. SFO is concerned about the possible safety risks that may be associated with potential radar interference caused by wind turbines. These effects could create conditions that are unsafe for air navigation. SFO maintains a responsibility to protect the public by minimizing exposure to risks associated with potential aircraft accidents, and to prevent the creation of new safety problems. These environmental risks should be discussed with reference to public safety in the EIR.

The EIR should also consider the possible effects of climate change and sea level rise utilizing the projections supported by the Bay Conservation and Development Corporation (BCDC). Adapting to sea level rise is a regional responsibility. It is critical for new shoreline development to assess the potential risks posed by higher future sea levels. The EIR should consider flood protection measures that would be necessary to protect the future Brisbane Baylands community against rising sea levels and storm surge.

Please include SFO Planning and Environmental Affairs on the distribution of the Draft EIR, allowing sufficient time for SFO to review the documents. In addition, as part of the process toward plan implementation, SFO understands that the City will need to amend its General Plan and zoning code. The Airport requests the opportunity to review these connected General Plan and zoning amendments when they are available.

The Airport appreciates your consideration of these comments. If I can be of assistance as the City considers airport land use compatibility as they relate to this project or future projects, please do not hesitate to contact me at (650) 821-7867 or at [john.bergener@flysf.com](mailto:john.bergener@flysf.com).

Sincerely,



John Bergener  
Airport Planning Manager  
San Francisco International Airport  
Bureau of Planning and Environmental Affairs

cc: Nixon Lam, SFO BPEA, Manager of Environmental Affairs  
Bert Ganoung, SFO ANAO  
Dave Carbone, San Mateo County Airport Land Use Committee

February 1, 2011

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FEB 7 2011

Comm. Dev. Dept. Brisbane

**Open Space and Ecology Committee  
EIR Scoping Comments on the Baylands Project**

*"The City takes the view that it must do at home what must be done on a state, national and global scale...Development decisions are to be analyzed so as not to overwhelm the long-term environment and in a manner that provides for sustainable development. Such sustainable development has been defined as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'"<sup>1</sup>*

The Open Space and Ecology Committee views the Baylands development through the lens of environmental sustainability. Designing and building an ecologically sustainable project in the Baylands is the overarching core goal against which the Committee proposes the project and its alternatives be evaluated. Therefore, the Committee's comments will focus on a set of goals and objectives pertaining to issues of environmental sustainability in the Baylands.

Development of the Baylands presents a formidable challenge, as well as a unique and historic opportunity for transformation from a contaminated brownfield into an environmentally sustainable development. The Committee recognizes that ecologically responsible remediation and redevelopment of brownfields is an environmentally sustainable practice, and that clean up of the Baylands implements General Plan Policy 172 which states that "it is of the highest priority that contaminated lands in Brisbane be remediated."

Many aspects of environmental sustainability will be analyzed in the EIR through the CEQA process, which requires agencies to identify significant environmental impacts and to avoid or mitigate such impacts if feasible. The Open Space and Ecology Committee recommends that the EIR calculate the expected level of energy, water, waste and pollution associated with the proposed development and study how these projected impacts could be mitigated to zero. The Committee believes that mitigating to the lowest level of impact is necessary in order to ensure that any development on the Baylands is sustainable and serves the public interest by conserving resources, reducing pollution, and protecting open space.

To determine the feasibility of mitigating environmental impacts, the proposed Baylands project and project alternatives should be evaluated using sustainability metrics. Because market pricing excludes externalities and focuses only on the short term, a life-cycle costing approach should be applied, in addition to conventional market analysis, in the determination of project feasibility. Life-cycle costing aims to measure true costs and benefits over time – an essential tool for assessing sustainability.

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<sup>1</sup> General Plan, Chapter IV.4 Environmental and Natural Resources, quoting from World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987).

Although CEQA provides a standardized process and terminology for assessing environmental impacts in terms of significance, there is no set definition of significance; the determination is made by the local agency. The analysis of what constitutes a “significant” impact or a preferable alternative project rests on assumptions, either explicit or implicit, about the project’s goals and objectives.

The following are the goals, objectives, issues, and principles that have been identified by the Committee as fundamental for a successful and environmentally sustainable Baylands development. The Committee recommends that the proposed project, the Community Alternative, the Renewable Energy Alternative, and any new proposed alternatives be assessed holistically in light of these aims.

## I. Energy

The project should be energy neutral, i.e. the Baylands development should generate sufficient power from on site renewable sources to be primarily self-sufficient. When necessary, the project could purchase green power from the grid, while at other times it could sell excess power to the grid, resulting in net energy neutrality. The potential of the project achieving this goal should be investigated in the EIR.

Energy requirements of the Baylands development should be met through using maximum achievable energy efficiency standards, as well as passive and active renewable energy sources, in order to achieve the goal of energy neutrality.

Consideration should be given to whether the Baylands has the potential to generate renewable energy beyond the project’s needs, so that the Brisbane community could reduce its reliance on energy generated by fossil fuels. The Committee recommends that the Baylands project meet the following energy related objectives:

- Minimize consumption of non-renewable energy by maximizing efficiency, utilizing locally-generated thermal and electric renewable forms of energy, and purchasing green power from the electrical grid.
- Develop a comprehensive, integrated energy plan, including a renewable energy distributed power system. Include renewable energy sources such as wind and photovoltaic solar electricity. Utilize a network of locally interconnected generators; maximize use of solar thermal water heating systems.
- Maximize use of passive solar design. Design buildings to use thermal mass to reduce fossil fuel demand and minimize energy consumption. Orient buildings so that their long axis faces south and north to the maximum extent feasible. This allows for the effective use of sunlight, and the minimal use of artificial lighting, mechanical heating and cooling. Orient streets to allow for maximum solar exposure, and stagger cross-streets to reduce wind impacts.

The Committee believes that the Renewable Energy Alternative should be studied thoroughly and compared in all respects with the other alternatives.

## II. Open Space

The project should maximize open space (as distinguished from open areas), consistent with the Open Space Plan. According to Chapter VII of the General Plan, “the land use designation ‘Open Space’ is reserved for lands that are essentially unimproved and dedicated or proposed to be dedicated to the public for outdoor recreation and for the preservation of biotic communities...” In contrast, “open area” is defined in the General Plan as “parcels of land or portions thereof, primarily in private ownership, that serve to soften the impacts of urban development and otherwise provide primarily green areas and a feeling of ‘openness’ to the development pattern.”

General Plan Policy 331 states to “maximize opportunities for open space and recreational uses in any land use planning for this (Baylands) subarea.” Figure 8 of the Open Space Plan shows the resource protection recommendations for the Baylands open space and wetlands resources. The Baylands development should meet or exceed the goals articulated in the Open Space Plan.

The project should maximize natural areas. While much of these natural areas should be freely accessible to the public, some areas should be protected for habitat that is historically native to the area. Closeness to nature and permanent conservation of high quality open space can be compatible with carefully planned, compact development. Greenways, such as corridors of native vegetation along streams, and small nature preserves should be incorporated throughout the Baylands.

In general, the Committee supports the open space, public space and wetland configurations that emerged from the Council-initiated process that are incorporated in the Community and Renewable Energy Alternatives, as informed and modified by the following concerns and recommendations:

- Freshwater wetlands should be maximized in the Open Space areas of the plan.
- Open space designed to undergo natural change over time.
- A wetland river park with seasonal flood plain.
- Open space (specifically the wetland park) linked to San Bruno Mountain and the Bay; a progression of wetlands types, from tidal wetlands near the Bay changing gradually to upstream riparian habitat, and extending to grassland on the mountain.
- Walkways and observation platforms that bring people close to the wetlands.
- S.F. Bay native plant materials for landscaping.
- Trail corridors wide enough to serve as wildlife corridors.

- Open space woven into the development and made readily accessible to people.
- Open Space for public health and safety as a buffer between the tank farm and Icehouse Hill.
- Lagoon enhanced as a natural area with primarily passive low-impact recreational uses, and some protected habitat areas.
- Evaluation of potential project impacts on resident and migratory birds both at the river park and the lagoon.
- Study of the optimum configuration of the lagoon that would best support resident and migratory birds; analysis of the prospective re-creation of habitat for animal species that live and breed in the Baylands.
- Analysis of potential impacts of sedimentation, drainage flows, and their interaction on the lagoon and wetlands; modeling of entire drainage basin.
- Evaluate freshwater resources and impacts on the salinity of the Bay. Maintain historic salinity levels in the channel close to the Bay. Ensure that fresh water plants do not outcompete native saltwater vegetation. Study impact of fresh/salt water balance on fish, wildlife, and ecosystem.

### III. Contamination and Remediation

The project should exceed minimum regulatory standards for remediation, study all methods for reducing contamination and limiting exposure, and employ a comprehensive, precautionary approach rather than rely on conventional risk assessment. The Committee recommends a multidisciplinary analysis that goes beyond minimum human exposure standards and addresses non-human impacts as well. All remediation techniques, including the use of plants and bio-remediation, should be explored in order to reduce contamination and limit exposure.

The EIR should incorporate the study by Dr. Fred Lee entitled “Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property.” This independent assessment of past studies of the pollutants in soil, water, and gaseous releases was undertaken to determine the public health and environmental quality implications of hazardous chemicals in the Baylands that may impact its development.

Dr. Lee noted that currently allowed hazardous chemical monitoring and regulatory programs for hazardous chemical sites consider only a small number of potentially hazardous chemicals that can be present in waste disposal areas. He highlighted the need for ongoing monitoring and independent third-party review to help ensure public health and environmental quality for the life of the project.

Further research is needed in several areas:

- Contaminants in the Baylands should be comprehensively tested and identified.
- Test storm water run-off, lagoon sediment and contamination from the Tank Farm.
- Develop a complete hydrologic model of the site.
- Study marine life in the lagoon, and the impacts of contamination on all wildlife in the Baylands.
- Remediate contaminants to the highest standard possible, regardless of the ultimate land use in the Baylands. The feasibility of alternative methods for remediation should be studied, including capping, hauling away contaminants, and bioremediation.
- Evaluate bioremediation techniques that utilize plants and biological organisms to clean up pollution and remove contaminants from soil and water resources. Bioremediation is the process by which living organisms and biological processes are employed to cleanup hazardous chemicals, destroy organic wastes, and reduce environmental risk. Wetlands use natural physical, biological and chemical aquatic processes to bioremediate polluted waters. There is a growing recognition of the restorative and purification functions performed by wetland environments, and the role that bioremediation can play in the restoration and enhancement of scarce wetland habitats.

#### IV. Sustainable Development / Green Building

All new buildings in the Baylands should be sited, designed, constructed, and operated to ensure resource conservation, minimize water use, waste and pollution, maximize energy and resource efficiency, and promote healthy indoor environments. LEED (for commercial construction) and Green Point Rated (for the residential sector) provide rating systems for measuring individual building construction and performance by promoting strategies for sustainable site development, water savings, energy efficiency, materials selection, and indoor air quality.

LEED and Build It Green criteria should be utilized to ensure appropriate environmental standards for each new building constructed on the Baylands. However, these systems should not limit the overall sustainability objectives for individual buildings or the Baylands project as a whole.

The Committee recommends that the Baylands project meet the following objectives:

- Each building and the resulting aggregate should be zero carbon in terms of its operation.
- Sustainable green building practices should be used that take the environment into account throughout the design and construction process. Construction materials should have high

recycled content and be recyclable, rapidly renewable, sustainably grown, and locally available.

- Create buildings and landscapes that are energy and water efficient, durable and nontoxic.
- Create landscapes that incorporate vegetation historically native to this ecological and climate zone, and that discourage encroachment of non-native invasive plants.
- Use the latest technology including computerized energy management systems to control heating, cooling and lighting systems, in order to reduce power needs and to monitor and track data related to building operation and reducing building energy consumption.
- Maximize indoor air quality by reducing pollutants. Design buildings to provide good ventilation and comfortable conditions, maintain quality lighting, incorporate daylight and views, and use low-emitting materials including paint, carpets, adhesives and sealants.

These green building practices and rating systems are necessary but not sufficient standards for assessing the sustainability of the built environment as a whole. Therefore, the Open Space and Ecology Committee recommends supplementing green building measures with other standards of evaluation. The Baylands project and project alternatives should be evaluated in the context of comprehensive sustainability frameworks, such as One Planet Living, International Ecocity Standards, LEED for Neighborhood Development, and ICLEI's STAR Index for "Sustainable" Community Development. The following is a summary of each approach.

### One Planet Living

The 10 One Planet Living principles offer a framework to create model projects where people can live and work within a fair share of the planet's resources. The ten principles are:

- Zero Carbon  
Achieve net CO2 emissions of zero by implementing energy efficiency in buildings and infrastructure, supplying energy from on-site renewable sources, and new off-site renewables where necessary.
- Zero Waste  
Eliminate waste flows to landfill and for incineration by reducing waste generation, encouraging re-use, recycling and composting, and generating energy from waste cleanly.
- Sustainable Transport  
Reduce reliance on private vehicles and reduce CO2 emissions from transport by providing transport systems and infrastructure that reduce dependence on fossil fuels, and offset carbon emissions from car and air travel.
- Local and Sustainable Materials  
Transform materials supply to the point where it has a net positive impact on the environment and local economy by using local, reclaimed, renewable and recycled materials in construction and products.

- Local and Sustainable Food

Transform food supply to point where it has a net positive impact on the environment, local economy and peoples' well-being by supporting local food production that provides healthy, quality food in an environmentally beneficial manner.

- Sustainable Water

Achieve a positive impact on local water resources and supply by implementing water use efficiency measures, re-use and recycling, minimizing water extraction and pollution, and fostering sustainable water and sewage management.

- Natural Habitats and Wildlife

Regenerate degraded environments and halt biodiversity loss by protecting or regenerating existing natural environments and the habitats they provide to fauna and flora.

- Culture and Heritage

Protect and build on local cultural heritage and diversity by celebrating and reviving cultural heritage and the sense of local and regional identity.

- Equity and Fair Trade

Ensure that One Planet Living community's impact on other communities is positive by promoting equity and fair trading relationships to ensure a beneficial impact on places both locally and globally, notably disadvantaged communities.

- Health and Happiness

Increase health and quality of life of community members and others by promoting healthy lifestyles and physical, mental and spiritual well-being through well-designed structures and community engagement.

For an example of the application of these principles, please see the last chapter of the Environmental Impact Report prepared for the Sonoma Mountain Village Project.

### International Ecocity Standards

The International Ecocity Standards (IES) is a project under development by the nonprofit Ecocity Builders. They define an ecocity as "an ecologically healthy human settlement modeled on the self-sustaining resilient structure and function of natural ecosystems and living organisms." The aspiration is to create a comprehensive rating system to apply not to buildings, but rather to entire cities.

The IES framework provides a diagnostic tool for cities to measure progress toward ecocity objectives. It expects to enable the user to chart a direction moving from existing conditions toward a threshold ecocity standard.

The following attributes have been identified as central to the development of the International Ecocity Standards. The draft scale ranges from -10 (unhealthy city) to +10 (healthy city). The biological and physical features in the ecocity approach include:

- Access by Proximity – not accessible to complete access by foot, bicycle, transit
- Air – pollutes to purifies
- Biodiversity – endangered to abundant
- Carry Capacity – overshoot to within the biosphere’s limits
- Energy – nonrenewable to clean and renewable
- Food – not provided to nutritious and abundant
- Resources & Materials – depletes to sustains
- Soils – destroys to restores
- Water – pollutes and wastes to purifies

### STAR Community Index

ICLEI (Local Governments for Sustainability) launched the STAR Community Index in October 2010. Its purpose is to establish sustainability goals and guiding principles for local governments. In the next two years, ICLEI plans to develop a national rating system that will offer cities and counties a standard by which to measure sustainability and a roadmap for creating healthy, inclusive, and prosperous communities.

According to ICLEI, “STAR takes an integrated approach, addressing the three intertwining facts of sustainability – economy, environment, and society.” They are working to identify and define specific sustainability goals and metrics and to set performance levels and evaluation standards.

STAR’s 10 Guiding Principles are: Think – and act – systemically; Instill resiliency; Foster innovation; Redefine progress; Live within means; Cultivate collaboration; Ensure equity; Embrace diversity; Inspire leadership; and Continuously improve.

STAR’s Environmental Sustainability Goals are focused on three areas:

- Natural Systems:  
Natural resource planning and inventory; Green infrastructure; Land Use in watersheds; Water quality and supply; Agriculture and aquaculture; Resource lands; Biodiversity and invasive species; Ambient noise and light; and Waste minimization
- Planning & Design:  
Comprehensive planning; Excellence in design; Interconnected land use; Compact and complete communities, Design for people; Housing; Public spaces; Transportation and mobility; Land conservation; Historic preservation and cultural heritage; Code barriers; and Public engagement and participation.
- Energy & Climate:  
Greenhouse gas mitigation; Climate adaptation; Energy supply; Energy use; Resource efficient buildings; Alternative fuels and infrastructure; Industrial sector energy use; and Agricultural climate impacts.

## LEED for Neighborhood Development

LEED for Neighborhood Development (LEED-ND) integrates the principles of smart growth, new urbanism and green building into a national rating system for neighborhood design. LEED – ND recognizes development projects that protect and enhance the overall health, natural environment and quality of life of communities. The rating system promotes the location and design of neighborhoods that reduce vehicle miles traveled (VMT) and create developments where jobs and services are accessible by foot or public transit. It also promotes an array of green building and green infrastructure practices, particularly more efficient energy and water use.

The following credit categories are included in the LEED-ND rating system:

- Smart Location and Linkage - encourages communities to consider location, transportation alternatives, and preservation of sensitive lands while also discouraging sprawl.
- Neighborhood Pattern and Design - emphasizes vibrant, equitable communities that are healthy, walkable, and mixed-use.
- Green Infrastructure and Buildings - promotes the design and construction of buildings and infrastructure that reduce energy and water use, while promoting more sustainable use of materials, reuse of existing and historic structures, and other sustainable best practices.
- Innovation and Design Process - recognizes exemplary and innovative performance beyond the existing credits in the rating system, as well as the value of including an accredited professional on the design team.
- Regional Priority - encourages projects to focus on earning credits of significance to the project's local environment.

LEED-ND projects are required to have at least one certified green building. Points are earned for additional certified green buildings within the development and for integrating green building and infrastructure practices in the project. These credits relate to energy efficiency, reduced water use, building reuse, recycled materials, and heat island reduction.

During the course of the EIR preparation the Committee recommends that the consultants study the above systems and determine which system singularly or which components in combination from several systems makes the most sense to use as an evaluative metric for sustainability in the Baylands. Some of the above metrics are more developed than others. Some are more quantifiable than others. Some are weaker than others. For instance, the LEED-ND only requires one green certified building in the project, clearly inadequate.

## V. Other topics to be studied in the EIR

The Open Space and Ecology Committee recommends that the environmental review of the Baylands proposed project and alternative plans include the following:

### Housing:

Consider what scale and amount of housing, if any, would be appropriate for the Baylands. Study the impacts of housing development on the current population and community patterns as well as impacts on future generations. Analyze the effect on housing of industrial operations, including the tank farm, recycling center, and rail infrastructure. Investigate the trade-offs of a residential component: what are the pros and cons from a sustainability perspective? Housing impacts might best be studied incrementally, for instance at 500 unit increments.

### High Speed Rail:

The alignment for the high speed rail between San Jose and San Francisco is planned for the Caltrain right of way. Since Caltrain runs directly through the length of the Baylands, the environmental impacts of the high speed rail should be studied. Those impacts would include noise, separation, special safety requirements, animal movements, etc. Furthermore, the possibility of locating a maintenance yard for the high speed rail system in the Baylands has been mentioned. However, since no explicit plan has been put forth, its environmental impacts will need to be studied in the future if and when such a plan materializes.

### Climate Change & Sea Level Rise:

Amendments to the CEQA guidelines that require analysis and mitigation of greenhouse gas emissions pursuant to SB 97 became effective in March 2010. Any development in the Baylands must minimize greenhouse gas emissions that contribute to climate change. The project should plan for sea-level rise and extreme weather events resulting from global climate change that reflect the latest scientific projections and worst-case scenarios. An increase of approximately 8 inches has already been recorded at the Golden Gate Bridge over the past 100 years, and is projected to continue rising, threatening low coastal areas with inundation and increased erosion. BCDC estimates that water levels in the Bay could rise 18" over the course of the 21<sup>st</sup> century. Other experts project even higher levels. The EIR should study implications of sea level rise for the existing landfill and for future development.

### Water:

Any proposed development should quantify projected water use and analyze how it would impact the watershed for the Bay. A complete hydrologic model of the site must be developed. The project should include an integrated storm water and greywater recycling system; develop alternative water systems that utilize wells and springs, if feasible; provide for adequate reserve water storage facilities; minimize storm water runoff and ensure it is clean; and maximize water efficiency and water reuse. The EIR should study how the overlapping jurisdictions of Brisbane and the Bayshore Sanitary District affect the implementation of integrated water, storm water and sewage system. The environmental review should also investigate the impact of fertilizer runoff on waterways and wetlands, and analyze alternatives to chemical fertilizer.

### Transit:

The project should offer a range of transportation choices, including walking, biking, and public transportation in order to lessen dependence on automobiles, decrease traffic congestion and air pollution, and significantly reduce the use of fossil fuels. Infrastructure should be designed for alternatives to driving, such as light rail, and should include dedicated Class 1 bike lanes and safe places to store bicycles.

### Industrial Operations:

Evaluate the environmental impact of present industrial operations in the Baylands and their effect on potential development. Research the quantity of particulate matter (dirt, dust) that results from current recycling and grading operations. Examine the operation of the Kinder Morgan pipeline and tank farm, and the potential impacts of pipeline failure and emergencies on open space, wetlands resources, and public health and safety. Study the extent of contamination from the tank farm within the Baylands project, and develop a monitoring program to guard against contamination in the future.

### Infrastructure:

The project should minimize the impacts of new development on the surrounding existing infrastructure. New infrastructure should protect natural features, and avoid negatively impacting natural areas, such as Icehouse Hill, wetlands, trails corridors, and wildlife corridors. The impacts of artificial light on wildlife behavior and patterns should be studied.

### Additional Local and Regional Environmental Issues:

- Maintain the quality of Brisbane's San Francisco Bay views, and minimize light trespass and pollution.
- Develop a noise model to study impacts on the surrounding communities.
- Minimize waste generation both during and after construction.
- Approach the Baylands development as an integrated project; ensure provision of wetlands river park and other open spaces by coordinating implementation of public amenities with private development.
- Explore funding mechanisms for maintenance of natural areas and for monitoring of contaminants.

### Conclusion

These issues, concerns, and objectives reflect the Open Space and Ecology Committee's values and vision for the Baylands. The prospective development represents both an unparalleled challenge as well as an unprecedented opportunity to leave the Baylands a healthier site than it is today. To this end, the Committee proposes that the EIR study the feasibility of maximizing renewable energy, open space, and resource conservation, while minimizing negative impacts on the local, regional, and global environment. These goals form the basis for the Committee's central recommendation that any proposed project be evaluated in light of its potential to achieve ecological sustainability in the Baylands.

**BBCAG**  
Brisbane Baylands  
Community Advisory Group

RECEIVED

FEB 1 2011

Comm. Dev. Dept. Brisbane

January 30, 2011

John Swiecki  
Planning Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki,

**Mission Statement:**

The purpose of the Brisbane Baylands Community Advisory Group (BBCAG) is to provide an open forum and community based input from the communities of Brisbane, Daly City and San Francisco and to advise the agencies charged with the remediation actions on three contiguous sites commonly referred to as the Brisbane Baylands.

Please find attached comments compiled by the members of the Brisbane Baylands Community Advisory Group (BBCAG) for inclusion in the EIR scoping on the development of the Brisbane Baylands.

The BBCAG group is educated in the current state of the contaminants in the baylands. They review test results reported to state agencies as well as first-hand questioning and presentations by regulatory and remediation professionals.

The BBCAG also furthers their depth of knowledge by bringing in third party reporting on these initial scientific reports, so that results, tests and reports are better understood by the lay person and the public.

The group has and is following the process of the Schlage Lock area redevelopment process, both through permitting and remediation. Observations of that redevelopment are well along in process provide additional education to the group.

The BBCAG is organized under the Department of Toxic Substances, State of California, and is supported by that staff. These comments were written by the individuals and then organized into categories, and approved as a whole at the January 2011 meeting.

Please bring these comments forward to appropriate parties involved, as they address issues in development reviews, remediating, redevelopment and post development actions at the redevelopment area.

P. O. Box 131  
Brisbane, CA 94005

Phone: 415.254.7931  
e-mail: [bbcag@bbcag.com](mailto:bbcag@bbcag.com)

web: [www.bbcag.com](http://www.bbcag.com)

Respectfully submitted,



Cris Hart  
President, BBCAG



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**Date: 1/29/11**

**To: John Swiecki, Planning Dir. City of Brisbane**  
**From: Brisbane Baylands Community Advisory Group**  
**Subject: Comments for EIR Scoping, Brisbane Baylands**

**COMMENTS:**

**Air Quality Impacts**

Since the project includes residential buildings built above and near soil and groundwater that is contaminated with VOC's, the EIR should examine whether that circumstance should be allowed at all and if it is allowed, then monitoring below the residences should be required and maintained for as long as the buildings exist. Monitoring in all occupied buildings should be required.

The Greenhouse Gas Analysis required by CEQA as of 1/1/11 should note that project alternatives include extensive wetlands providing high carbon sequestration and good oxygen producing values.

**Biological Resources**

The EIR should consider the impacts of releases from the landfill and Kinder-Morgan on all forms of aquatic life. So far, the bio-accumulation in aquatic life, especially aquatic life that serves as a food source for higher organisms, has not been considered.

Human activity in the Baylands has irreparably changed the composition of the resident species which presently can be found in the Baylands. The EIR should evaluate prospects for reintroduction of formerly resident species, for example, shellfish in the lagoon and native wetlands vegetation

The EIR should have a holistic approach to actual and potential habitat, including addressing nonnative species that have a negative impact on habitat potential (Spartina is an important example.) The City's document mentions "biological resources including species of concern. That phrase suggests analyzing impacts to rare, threatened or endangered species when the entire ecosystem is of concern.

**Financial Viability and Guarantees**

The EIR should include, as required by the Brisbane General Plan of 1994, a short and long term fiscal analysis of the impacts that the project and its

many necessary conditions, mitigations and monitoring will have on the City of Brisbane and its Redevelopment Agency.

Since the protection of public health and environmental quality depend on the enforcement of the regulator and City required conditions, mitigations and monitoring, the EIR should require an insurance guarantee to pay for those items and a bond for the infrastructure that would be required to meet those conditions, mitigations and monitoring.

### **Geologic Conditions and Hazards**

The EIR should examine the potential release of contaminants of concern to the waters of the Lagoon, Interior Drainage Canal and the North Ditch in the event of an earthquake

The EIR should consider whether Kinder Morgan RPDF needs an updated analysis of the risk hazard when people are close by and in light of the age of the tanks, pipes and valves of the tanks farm and its pipelines.

The EIR should address whether contaminants left in place will bubble to the surface in a great earthquake caused liquefaction and create hazards in the soil and in the air if they are volatile.

The EIR should clarify and identify the elevations of all areas of the project as well as the intended uses. How can you analyze impacts without knowing where it is in space and what its use will be? It seems essential to utilities, road connections, transit, air quality transportation and capacity issues on all of the above.

### **Hydrology, Stormwater and Water Quality Impacts**

The EIR should recognize that the site's hydrology has been inadequately characterized. Detailed definitive studies have not been done. In addition, plume boundaries have not been identified with certainty.

The EIR should consider that Stormwater runoff monitoring has been inadequate in general. In particular, runoff from the debris crushing operation may contain VOC's from caulk, but has not been tested.

### **Impact Reduction**

Because of the concerns included in these comments and others, the EIR should consider an alternative which includes a wide area of restored wetlands, including freshwater, brackish water and saltwater wetlands draining the Brisbane, Crocker Park areas as well as the Daly City-San Francisco watersheds. The Baylands wetlands should serve as a seasonal

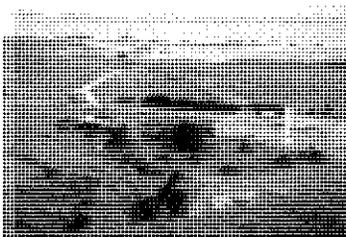
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flood plain that will buffer the effects of sea level rise and extreme weather conditions that are likely to result from global climate change.

### **Kinder Morgan et al Regional Petroleum Distribution Facility**

The EIR should consider the impacts of Kinder Morgan's operations on the area around it. Stormwater runoff continues to move pollutants to the surrounding area. Offsite air quality impacts should be considered including those from the waste gas burner and from underground hydrocarbon spills and leaks. Major toxic releases are possible from failures in tanks and the main pipeline from the Bay and subordinate pipes. Current active leaks should be addressed immediately not later when the project is built.

### **Lagoon**

The EIR should consider the Lagoon which is shown in Figure 3 of the Notice of Preparation as outside the remediation areas and outside the landfill area, but within the planning boundary. If the Lagoon is expected to be a planned use within the project, then some consideration/study must be given to consider its receipt of leachate from the landfill and contaminants from 50 years of municipal stormwater flows to ensure its proposed use has been examined for health and safety requirements.

There is an unknown amount and variety of contaminants in the mud of the Lagoon that would not show up in water samples but which could impact benthic organisms in the Lagoon. The EIR should identify and quantify these and assess their impacts and determine if the sedimentation interaction of the Bay and its Lagoon will carry the contamination out into the greater Bay.

### **Monitoring**

The site will require independent third-party monitoring forever. The EIR should explore ways to structure and fund such monitoring.

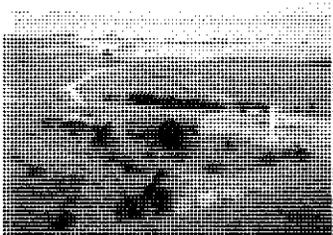
The EIR should require that the Baylands be re-examined every five years (just as the EPA requires a re-examination of certain polluted areas to determine if the level of the MCL's has been lowered by regulators and to see if some harmful chemicals present have become Contaminants of Concern for the regulators or to see if the additive and cumulative impacts of the harmful chemicals will have become a regulated impact at that time.

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**BBCAG**  
Brisbane Baylands  
Community Advisory Group

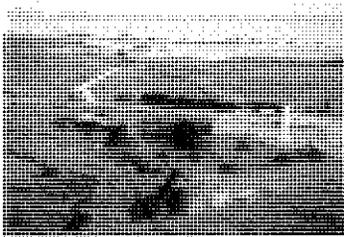
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**BBCAG EIR Scoping Comments P.4**

The EIR should require that an independent (no conflict of interest) community based oversight body with funding to retain expert advisors be created to review the operation and maintenance of the systems required to keep contaminants of concern separated from the public and from the environment. The City has repeatedly stated that it becomes a partner when the project is approved and would therefore be inappropriate for this role.

The EIR should require peer review of DTSC's decisions regarding the position depth and frequency of monitoring wells surrounding areas that contain VOC contamination. Specifically, the areas affected by Schlage contamination in northernmost OU1 is outlined in a way that appears that projections were used to calculate some of the contamination boundaries rather than monitoring wells results being used. In OU2, there is an area of VOC contamination that has an unknown source and further investigation should be done.

**Noise and Nuisance**

The EIR should analyze the potential impacts of any light industry or any other use that creates noise, vibration, intense light, smells, fumes, soot, grit or dust on the properties surrounding the development.

The EIR should consider that the Noise Exposure Map of SFO is projected to grow in the direction of the project. The plan now contains 4400 units of housing. This raises issues of noise exposure. There is added noise from the traffic on Bayshore Blvd. and Hwy101, railroad trains, future high speed trains and Muni Trains.

**No Project**

The EIR should consider that any commercial/residential project of 10 million square ft or more in CA has an impact that can not be completely mitigated given insufficient: water supply, traffic capacity and air and water quality and open space degradation. It may be that all of these factors as well as the lack of capacity in the marketplace for commercial space, retail sales and residential space do not contain sufficient need to justify the impacts.

An analysis should include the possible levying of fines for abatement, clean-up and restoration programs. It could be an alternative to suffering the impacts of the planned development in order to achieve those ends.

### **Proposed Rail Maintenance Facility, HSRA**

The EIR should consider the impacts of a high speed rail maintenance yard on the adjacent areas. The impacts of several possible locations for the maintenance yard should be considered unless a final site has been established.

### **Removal vs Remediation in Place**

The project executive summary describes approx 550,000 cubic yards of soil to be trucked to offsite locations, and another 3,645,000 cubic yards of soil materials to be moved within the project site. A heavy dump truck carries approximately 15 cubic yards. The total to be moved is close to 4 million cubic feet, 279,000 dump trucks worth. 36,000 truckloads would be leaving the site, and 243 thousand dump truck trips crossing from one side of the landfill to another. The cross filling would about 100 round trips per day if spread over a 5 day work week in a 10 year period if dump trucks were used, less if heavier equipment is used. The impact of capping versus in-place remediating should be discussed in the EIR, as should the effects of trucking itself.

### **Risk Assessment**

Based on the known residual concentrations of contaminants at the site, The EIR should include an environmental risk assessment which would determine the need for additional investigation and possible additional remediation. It might also include a risk management plan to manage any significant residual pollution and include: a deed restriction prohibiting water supply wells or sensitive uses (e.g. residential use, a requirement for vapor barriers in new buildings and passive ventilation systems to mitigate possible vapor migration into new buildings (generally not allowed for residential use) and a health and safety plan for construction workers who will be doing subsurface work or working near others doing subsurface work at the site.

The EIR should adequately assess the risk to human health and the environment by using methods that assess the cumulative, synergistic and exponential impacts of industrial substances and harmful chemicals. Requiring testing for all of the possible industrial substances present would provide a first step to understanding what the actual impacts might be rather than understating them. If the industrial substances are judged to be of concern in the future then identifying them would expedite their remediation.

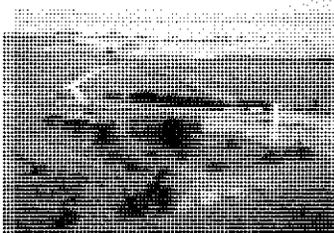
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Instead of assessing danger to the environment in terms of "risk assessment", the EIR should evaluate methods for removing contaminants with the goal of reducing exposure to the maximum extent possible. This would include investigation of cutting edge and innovative remediation methods.

### **Seal Level Rise**

The EIR should require the evaluation of potential sea level rise changes and the extensive contamination in nearly all areas of the site and so all agencies, Federal, State and Local should be informed of the risks that may exist when the groundwater affected by tide rises under the Baylands. Maps created to show the impact of even 1 meter of rise show that the northwestern part of the site where there are heavy metals that are planned to be left in place and where there are residual VOC's, will be inundated.

### **Workers Health Risk**

The EIR should require that a plan for worker safety be created, implemented and monitored for workers excavating or working near excavations. The plan should include very specific requirements that are enforceable with the methods of enforcement articulated as well as who is responsible for them. It should include some public access to the record of that enforcement.

Respectfully submitted,



Cris Hart  
President, BBCAG

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## **Issues in Providing Long Term Public Health and Environmental Protection from Redeveloped Brownfield Properties**

G. Fred Lee, PhD, PE, BCEE, F.ASCE and Anne Jones-Lee, PhD  
G. Fred Lee & Associates, El Macero, California  
Tel (530) 753-9630 gfredlee@aol.com www.gfredlee.com

November 1, 2010

As defined by the US EPA [<http://epa.gov/brownfields/>], "*Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands.*" These properties typically contain mixtures of known, recognized, reasonably expected, as well as unrevealed or presently unrecognized chemicals that pose, or could pose, a threat to public health and the environment. It has been our experience that owners of such properties, city officials, potential property developers, and even some regulatory agency staff are eager to "remediate" urban brownfields sufficiently to enable redevelopment. This eagerness to return a hazardous chemical "brownfield" site to productive use, combined with economic considerations, can lead to effecting the least possible remediation to just get by minimum regulatory agency staff requirements. The remediation approach often involves "containment" of considerable amounts of hazardous chemicals at the site with a soil layer between the chemicals and the facilities to be constructed; there is often inadequate attention to realistic long-term potential impacts of the residual hazardous chemicals that are being left on the "remediated" property.

Presented herein is a discussion of some of the key issues that need to be considered in protecting public health and environmental quality from impacts of residual chemicals left at brownfield sites. This discussion is primarily based on a review of potential public health and environmental problems associated with developing the Brisbane Baylands area properties in:

Lee, G. F., and Jones-Lee, A., "Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of That Property," PowerPoint Slides for Presentation prepared for Brisbane Baylands Community Action Group (BBCAG), Brisbane, CA, October 19 (2010).

<http://www.gfredlee.com/Landfills/BrisbaneBaylandsSlides.pdf>

Lee, G. F., and Jones-Lee, A., "Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of That Property," Prepared for Brisbane Baylands Community Action Group (BBCAG), Brisbane, CA, Report of G. Fred Lee & Associates, El Macero, CA, November 1, (2010).

### **Hazardous Chemicals versus Hazardous Wastes**

One of the issues that can cause confusion in the evaluation of brownfield sites for development is the characterization of chemicals as "hazardous wastes" or "hazardous chemicals," and the differentiation between "hazardous" and "non-hazardous" materials. "Hazardous chemical" is a general term used to label chemicals that, either alone or in combination with other chemicals,

can be toxic (poisonous) or carcinogenic to humans or adversely affect wildlife. Few of the myriad chemicals in use today that can be hazardous to humans or wildlife are subject to environmental regulation. “Hazardous waste” is a regulatory term covering a small group of hazardous chemicals that the US EPA defined as such in the 1970s associated with its defining waste disposal sites and requirements. The differentiation between “hazardous” and “non-hazardous” waste is a regulatory one; a “non-hazardous” waste can, in fact, be deleterious.

A more in-depth discussion of these issues is presented beginning on page 51 in the Lee and Jones-Lee Flawed Technology review,

Lee, G. F., and Jones-Lee, A., “Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste,” Report of G. Fred Lee & Associates, El Macero, CA, December (2004). Updated June (2010).

<http://www.gfredlee.com/Landfills/SubtitleDFlawedTechnPap.pdf>

They are also discussed in several issues of Drs. Lee and Jones-Lee’s “Stormwater Runoff Water Quality Newsletter” devoted to unrecognized pollutants (NL 7-3, 8-5, 9-3, 10-7, 11-7/8, 11-11, 12-6, and 13-1) and to pharmaceuticals and personal care products (PPCPs) (7-3, 8-5, 10-7, 11-7/8, and 13-1) (available on their website, [www.gfredlee.com](http://www.gfredlee.com), at <http://www.gfredlee.com/newsindex.htm>). As discussed in those writings, typical hazardous chemical monitoring programs focus on 100 to 200 or so chemicals (primarily those on the list of “Priority Pollutants”) of the many thousands of chemicals that can be present in wastes. The Priority Pollutant list was developed in the 1970s out of a litigation settlement between attorneys for an environment group and US EPA attorneys. That list was not peer-reviewed within the US EPA, much less in the public or broader technical arenas. Every year “new” hazardous chemicals are found in wastes and the environment – chemicals that have been there for many years but have not been detected by the limited-scope monitoring programs that have been, and continue to be, used. These newly found chemical pollutants are not necessarily added to the list of chemicals that are part of the suite of chemicals monitored at hazardous chemical sites.

### **Unrecognized/Unregulated Hazardous Chemicals**

An example of a group of unrecognized, unregulated hazardous chemicals that has existed in wastes and in the environment for many decades is the polybrominated diphenyl ethers (PBDEs). PBDEs have characteristics similar to PCBs and are used as flame retardants on furniture, curtains, and many other products. The US Department of Health and Human Services Agency for Toxic Substances and Disease Registry (ATSDR) (2004) developed a fact sheet (ToxFAQs™) for PBDEs (available at <http://www.atsdr.cdc.gov/tfacts68-pbde.html>) that provides information on the nature, occurrence, toxicity, etc. of PBDEs. Additional information on that group of chemicals is available on the Internet by searching PBDEs and in the Lee and Jones-Lee Stormwater Newsletters NL 7-3 NL 9-3 (available at <http://www.gfredlee.com/Newsletter/swnewsV7N3.pdf>) and NL 9-3 (<http://www.gfredlee.com/Newsletter/swnewsV9N3.pdf>).

As discussed in the literature, PBDEs have been found in aquatic organisms in many parts of the world, including in San Francisco Bay. Studies have shown that PBDEs have been bioaccumulating in archived human breast milk for several decades. As summarized in NL 7-3, according to McDonald (2003) of California Environmental Protection Agency, Office of

Environmental Health Hazard Assessment:

*“Approximately 75 million pounds of PBDEs are used each year in the U.S. as flame retardant additives for plastics in computers, televisions, appliances, building materials and vehicle parts; and foams for furniture. PBDEs migrate out of these products and into the environment, where they bioaccumulate. PBDEs are now ubiquitous in the environment and have been measured in indoor and outdoor air, house dust, food, streams and lakes, terrestrial and aquatic biota, and human tissues. Concentrations of PBDE measured in fish, marine mammals and people from the San Francisco Bay region are among the highest in the world, and these levels appear to be increasing with each passing year.”*

Despite their widespread presence and accumulation in organism tissue, and the concern for their impacts on organisms, PBDEs are not subject to environmental regulation through water quality standards.

The environmental pollution by PBDEs is but one example of the significant deficiencies in conventional water quality monitoring for detecting the wide range of hazardous chemicals that are in wastes and in their leachates. Because of the limited scope of the list of chemicals typically monitored in hazardous chemical site investigations, it should never be assumed that leachate from landfills (even so-called “non-hazardous” municipal solid waste landfills), or other complex mixtures of wastes, represents no threat to human health or the environment on the basis of the reporting that the concentrations of all the chemicals measured in the characterization of the waste are below detection limits or below current regulatory limits.

Perchlorate is another unregulated/unmonitored chemical that has long been, and continues to be a widespread environmental pollutant that is a public health hazard that is highly mobile in groundwaters. An important source of environmental pollution by perchlorate is its use in roadside safety flares. “Wikipedia” provides some background information on its use in flares (pyrotechnic) in [http://en.wikipedia.org/wiki/Flare\\_\(pyrotechnic\)](http://en.wikipedia.org/wiki/Flare_(pyrotechnic)).

As discussed in our Stormwater Runoff Water Quality Newsletter NL 7-available at <http://www.gfredlee.com/Newsletter/swnewsV7N3.pdf>:

*“Silva (2003) of the Santa Clara Valley Water District, has discussed the potential for highway safety flares to be a significant source of perchlorate (ClO<sub>4</sub><sup>-</sup>) contamination to water, even when the flares are 100-percent burned.”* Silva pointed out, *“More than 40 metric tons of flares were used/burned in 2002 alone in Santa Clara County.”*

Silva, M. A., “Safety Flares Threaten Water Quality with Perchlorate,” Report of Santa Clara Valley Water District (2003).

[http://www.valleywater.org/Water/Water\\_Quality/Protecting\\_your\\_water/\\_Lustop/Perchlorate.shtm](http://www.valleywater.org/Water/Water_Quality/Protecting_your_water/_Lustop/Perchlorate.shtm)

The US EPA website [<http://water.epa.gov/drink/contaminants/unregulated/perchlorate.cfm>] under Perchlorate, contains information on perchlorate as an environmental pollutant.

Hazardous chemical sites also contain a variety of chemicals, such as salts and organics, that can cause tastes and odors in water, fish, wildlife, etc. While those materials and their tastes/odors may not necessarily be toxic, they can be detrimental to water quality/organism quality. Thus, consideration of “impact” extends beyond measured chemicals that are labeled “hazardous.”

It is important to understand that hazardous chemical sites can contain a wide variety of hazardous and otherwise deleterious chemicals that are not necessarily regulated or monitored, that are not adequately regulated, and/or that are not presently known or recognized as potentially hazardous to public health or environmental quality.

### **Water Quality Criteria**

The typical approach for evaluating the potential threat of a hazardous chemical site such as a closed landfill is to monitor the concentrations of potential pollutants (i.e., those regulated chemicals that can be a threat to public health and/or the environment); the concentrations found in the waters of concern are compared to a list of water quality criteria/standards and drinking water maximum contaminant levels (MCLs). If none of the analyzed chemicals exceeds a regulatory limit, the water is presumed to be “safe” to drink and to not be adverse to aquatic life or to higher trophic level organisms that use the aquatic life as food. While this is the approach typically used, it by no means ensures protection of public health or environmental quality. Lee and Jones-Lee discussed concern associated with reliance on meeting US EPA drinking water MCLs for the protection of human health in their report:

Lee, G. F., and Jones-Lee, A., “Monitoring Pollutants in Stormwater Runoff from Superfund Sites and Other Locations,” Report of G. Fred Lee & Associates, El Macero, CA, November 5 (2009).

<http://www.gfredlee.com/HazChemSites/MonitorRunoffSuperfund.pdf>

and in,

Lee, G. F., and Jones-Lee, A., "Issues in Monitoring Hazardous Chemicals in Stormwater Runoff/Discharges from Superfund and Other Hazardous Chemical Sites," *Journ. Remediation* 20(2):115-127 Spring (2010).

<http://www.gfredlee.com/HazChemSites/MonitoringHazChemSW.pdf>

Factors other than human health impacts, such as the cost to remove a chemical from drinking water, are used in the setting of MCLs. An example of implications of that approach is found in the MCL for arsenic. The US EPA arsenic MCL is about 500 times the cancer risk of  $1 \times 10^{-6}$  typically used for developing MCLs for many other chemicals. ( $1 \times 10^{-6}$  represents a cancer risk of one additional cancer in a population of 1 million people who consume 2 liters (0.5 gallon) per day for a life time.) The US EPA established the MCL for arsenic well-above levels recognized to be associated with a higher cancer risk in order to shield domestic water utilities from the cost of having to treat the water sufficiently to achieve the lower cancer risk.

Similar problems exist in relying on some of the aquatic life criteria for ensuring protection of aquatic life from toxic chemicals. Some aquatic life water quality criteria ignore the toxicity of chemicals to zooplankton, which are important as fish food. Thus while meeting such criteria may protect fish from direct harm by toxicity, it may not provide protection for their food sources, a condition that could adversely affect the fish population.

The senior author (Lee) has been involved in the development, evaluation, and appropriate use of water quality criteria and standards since the mid-1960s. He served as: an invited peer reviewer for the National Academies of Science and Engineering “Blue Book” of Water Quality Criteria developed in 1972; a member of the American Fisheries Society Water Quality Section Review Panel for the US EPA “Red Book” of Water Quality Criteria of 1976; and an invited peer

reviewer for the development approach and several criterion documents of the US EPA 1987 “Yellow Book” of Water Quality Criteria. He is therefore familiar with how water quality criteria and drinking water MCLs are developed. Drs. Lee and Jones-Lee have also published a number of papers on these issues, including:

Lee, G. F., and Jones-Lee, A., “Clean Water Act, Water Quality Criteria/Standards, TMDLs, and Weight-of-Evidence Approach for Regulating Water Quality,” *Water Encyclopedia: Water Law and Economics*, Wiley, Hoboken, NJ, pp 598-604 (2005).  
<http://www.gfredlee.com/SurfaceWQ/WileyCleanWaterAct.pdf>

Lee, G. F. and Jones-Lee, A., "Appropriate Use of Numeric Chemical Water Quality Criteria," *Health and Ecological Risk Assessment*, **1**:5-11 (1995).  
<http://www.gfredlee.com/SurfaceWQ/chemcri.htm>

It is not uncommon for those with limited understanding of how water quality criteria and standards are developed to mechanically use them to judge if a water is “safe” or not; if none of the criteria is exceeded, the water is considered “safe.” That approach can readily lead to both under- and over-protection of the beneficial uses of a water. First, water quality criteria have been developed for only a very few of the many thousands of chemicals that are present in wastes and that have the potential to be adverse to public health and the environment. Second, the current approach for developing water quality criteria does not consider even known additive and synergistic properties of mixtures of chemicals; the toxicity of a mixture of such chemicals is greater than the sum of toxicity caused by each chemical alone. Third, as noted above, some water quality standards, such as MCLs for drinking water, incorporate factors outside of the potential impacts on public health and environmental quality, such as treatment costs.

Another area of concern in regulating some chemicals is their effecting changes in “biomarkers” in organisms, as evidenced by changes in biochemical cycles within the organism. While it has been known for more than four decades that those types of changes occur, the significance of such biomarker responses to a particular organism, much less a population of organisms, is generally not understood.

### **Gaseous Emissions**

The potential for landfill gas and volatile organic chemicals (VOCs) to be emitted from the existing wastes and soils is another area of concern in the development of a hazardous chemical site. Such emissions can cause hazardous conditions to develop in buildings overlying the areas where the emission occurs. While HDPE layers can, for some period of time, help to reduce the entrance of volatile chemicals into structures, there is need to develop a system to collect the volatile emissions in the area between the floor of structures and the HDPE or other suitable barrier layer, and to treat the volatile emissions as necessary before release to the atmosphere. Further, there should be ongoing periodic monitoring of the volatile chemicals in the buildings and in the vapor exhaust ventilation system, and a reliable protocol in place to address the emissions at the source.

### **Clean Closure Issues**

An issue that is frequently raised, especially by the public and other groups concerned about the adequacy of a hazardous chemical site remediation, is whether a site should be remediated to the

point of “clean closure,” i.e., the removal of all the known hazardous chemicals from the site, prior to development. By contrast, the remediation approach adopted for many brownfield hazardous chemical sites is to leave known and yet-to-be-identified hazardous/deleterious chemicals on the property and establish procedures to try to control the releases from the polluted areas by containment or by collection and treatment.

In principle, a “clean closure” provides the greatest protection of public health and environmental quality for the site provided that all hazardous and otherwise deleterious chemicals are, in fact, removed from the site. However as discussed in the paper cited below, providing “clean closure” is not straightforward as all concerned grapple with the issue of “how clean is clean?” and can leave the public with a false sense of security regarding the site.

Lee, G. F. and Jones-Lee, A., "Does Meeting Cleanup Standards Mean Protection of Public Health and the Environment?," IN: Superfund XV Conference Proc., Hazardous Materials Control Resources Institute, Rockville, MD, pp. 531-540 (1994).  
<http://www.gfredlee.com/HazChemSites/hmcrstd.htm>

The typical approach taken for “clean closure” is the removal of hazardous chemicals that are included in the list of conventionally measured pollutants. While such an approach can provide a sense of protection, it cannot be relied upon to ensure protection of public health or environmental quality at the site. As discussed in the paper referenced above, complex chemical sites, at which a large number of a variety of hazardous chemicals are likely to be present, often also contain other, unmeasured and/or unregulated chemicals that were disposed of at the site or that were formed through transformation of other chemicals at the site. Therefore, it should never be assumed that a contaminated site – even one that underwent a so-called “clean closure” – no longer represents a threat to public health and the environment. Ongoing monitoring of the developed area should continued with particular reference to newly identified hazardous chemicals.

Remediated sites that incorporate structures that are relied upon for waste/chemical containment for protection of public health and the environment (such as a cap) need to carry land-use restrictions that protect the integrity and functioning of the containment system; land-use activities allowed need to be compatible with and support the containment system, and not facilitate breaches, which that can lead to release of hazardous chemicals to structures and/or the environment. Of particular concern is excavation for utilities, and the development of deep-rooted plants that can bring hazardous chemicals to the surface. It is important to understand that hazardous chemicals contained on a site will be a threat effectively forever; they do not necessarily become innocuous over time. As the containment systems deteriorate, the containment diminishes. Therefore, a key to long-term protection of public health and environmental quality associated with “remediated” sites will be the effectiveness and reliability of the implementation of the restrictions on land-use activities at the site that could lead to release of hazardous chemicals. Enforcement would need to be continued even if, after a few years, decades, or longer, no release of chemicals has been revealed. As long as hazardous chemicals are present on the site, proper land-use restrictions, as well as systems and water quality maintenance and monitoring must be continued. All of these issues should be understood by those interested in the remediation/development of brownfield sites and addressed in formulating the plans for developing such areas.

## **On-Site Landfills**

It has been the experience of the authors that some brownfield sites and Superfund sites contain on-site landfill that have been deemed to meet minimum landfill design and closure requirements, such as US EPA Subtitle D regulations. Some sites contain waste piles or old, unlined landfills that have been covered with a "RCRA" cap. There are many long-term potential public health and environmental pollution concerns associated with on-site landfills and capped waste piles/unlined landfills that must be considered and prepared for in developing remediation approaches for brownfield sites. Such remediation measures do not necessarily provide for long-term protection of public health or the environment as discussed in the following publications:

Lee, G. F., and Jones-Lee, A., "Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste," Report of G. Fred Lee & Associates, El Macero, CA, December (2004). Updated June (2010). <http://www.gfredlee.com/Landfills/SubtitleDFlawedTechnPap.pdf>  
<http://www.gfredlee.com/Landfills/BrisbaneBaylands.pdf>

Lee, G. F., "Redevelopment of Brownfield Properties: Future Property Owners/Users Proceed with Your Eyes Open," *Environmental Progress* 16(4):W3 (1997).  
<http://www.gfredlee.com/HazChemSites/brownfield.html>

Lee, G.F. and Jones-Lee, A., "Evaluation of the Adequacy of Hazardous Chemical Site Remediation by Landfilling," IN: *Remediation of Hazardous Waste Contaminated Soils*, Marcel Dekker, Inc., NY pp 193-215 (2000).  
[http://www.gfredlee.com/HazChemSites/chem\\_remed.pdf](http://www.gfredlee.com/HazChemSites/chem_remed.pdf)

Lee, G.F., and Jones-Lee, A., "Hazardous Chemical Site Remediation Through Capping: Problems with Long Term Protection," *Remediation* 7(4):51-57 (1997).  
<http://www.gfredlee.com/HazChemSites/pbrwnfld.htm>

Lee, G. F. and Jones, R. A., "Redevelopment of Remediated Superfund Sites: Problems with Current Approaches in Providing Long-Term Public Health Protection," *Proc. Environmental Engineering 1991 Specialty Conference*, ASCE, New York, pp. 505-510, July (1991).  
<http://www.gfredlee.com/HazChemSites/remsprfd.htm>

Lee, G. F., and Jones-Lee, A., "Disposal of Contaminated Sediments/Soils in MSW Landfills: Need to Consider the True Cost," *Journ. Remediation* 15(3):95-101 (2005).  
<http://www.gfredlee.com/Landfills/LF-DredgedSed.pdf>

Lee, G. F., and Jones-Lee, A., "Municipal Solid Waste Landfills – Water Quality Issues," IN: *Water Encyclopedia: Water Quality and Resource Development*, Wiley, Hoboken, NJ pp 163-169 (2005). <http://www.gfredlee.com/Landfills/WileyLandfills.pdf>

Lee, G. F., and Jones-Lee, A., "Superfund Site Remediation by Landfilling - Overview of Landfill Design, Operation, Closure and Postclosure Care Issues," *Remediation* 14(3):65-91, Summer (2004). <http://www.gfredlee.com/Landfills/LFoverviewRemediation.pdf>

Lee, G. F. and Jones-Lee, A., "Improving Public Health and Environmental Protection Resulting from Superfund Site Investigation/Remediation," Remediation 14(2):33-53, Spring (2004). <http://www.gfredlee.com/HazChemSites/remediation-paper.pdf>

Lee, G. F., "Problems with Landfills for Superfund Site Remediation." Presentation at US EPA National Superfund Technical Assistance Grant (TAG) Workshop, Albuquerque, NM, February (2003). <http://www.gfredlee.com/Landfills/Show-SuperfundAlbuquerque.pdf>

Lee, G. F., and Jones-Lee, A., "Overview of Landfill Post Closure Issues," Presented at American Society of Civil Engineers session "Landfill Closures - Environmental Protection and Land Recovery," New York, NY, October (1995).  
<http://www.gfredlee.com/Landfills/asceco2a.htm>

Lee, G. F., and Jones-Lee, A., "Issues in Monitoring Hazardous Chemicals in Stormwater Runoff/Discharges from Superfund and Other Hazardous Chemical Sites," Journ. Remediation 20(2):115-127 Spring (2010).  
<http://www.gfredlee.com/HazChemSites/MonitoringHazChemSW.pdf>

Lee, G.F., and Jones-Lee, A., "Evaluation of Surface Water Quality Impacts of Hazardous Chemical Sites," Remediation 9:87-118 (1999).  
[http://www.gfredlee.com/HazChemSites/eval\\_sfcwaters.pdf](http://www.gfredlee.com/HazChemSites/eval_sfcwaters.pdf)

### **Third-Party Independent Monitoring and Review of the Developed Properties**

An issue that has occurred at some hazardous chemical sites is that once the regulatory agency adopts a remediation approach it can be difficult to get the agency to reopen the site for further study, even though the new evidence strongly supports the need for additional study. Typically regulatory agencies do not have adequate resources to revisit a site, especially when there are other sites that require examination. This situation provides justification for third-party, independent monitoring and review of a site with reporting to a citizen/agency board overseeing the site. In order to provide a higher degree of protection for public health and the environment, developers and future property owners of brownfield developments should provide and maintain sufficient independently managed funds to enable third-party, independent monitoring of the property for hazardous/deleterious chemicals that are a threat to public health and the environment. Such monitoring, which would need to be continued indefinitely, should be done by a contractor who is hired by a citizens/regulatory agency board and report at least annually to that board and the public. The amount of funding should be sufficient to enable periodic monitoring of all potential pathways for release of hazardous/deleterious chemicals, and to allow for expansion of the scope of monitoring should new chemicals be identified as chemicals of concern.

Further, periodic reviews should be conducted, such as the five-year reviews delineated in the US EPA Superfund regulations, to ascertain whether new information has been developed that should prompt reopening of the site investigation and remediation. As with the independent monitoring, those periodic reviews should be done with full public participation; the public should also be provided funds for independent, third-party technical assistance to review the adequacy of the periodic review. As part of the closure of a site, even if it is considered to be a

“clean closure,” funding should be made available by the responsible parties or the regulatory agency to enable the public to actively participate in site review such as suggested herein, with independent, third-party technical assistance.

RECEIVED

JAN 5 2011

Comm. Dev. Dept. Brisbane

## CREBL

Committee for Renewable Energy in the Baylands  
Brisbane, California

January 3, 2011

Mr. John Swiecki  
Community Development Director  
City of Brisbane

Dear John,

In response to your request for scoping suggestions for the Environmental Impact Report that is being imminently prepared for the Baylands redevelopment area of the City of Brisbane, CREBL would like to submit the following comments:

1. CREBL is pleased that a map of the Renewable Energy Alternative was included in the Notice of Preparation. However, because the notice made no reference to its proposed components, we attach a description of the various land uses suggested by our plan alternative.
2. The EIR should focus on the merits of the suggestion that the Renewable Energy Alternative is environmentally superior to the UPC proposal and the other alternative described. The study should show how the smaller development footprint will generate far less environmental impact and require much less toxic remediation than the other development alternatives. On the other hand, the proposed generation of renewable energy from sun and wind will make a significant contribution to the reduction of greenhouse gas emissions. Also, the existence of PG&E's Martin Substation immediately adjacent to the Baylands would nearly eliminate the impacts, including energy loss, of long and costly transmission lines. All of these effects should be quantified and compared with the other development alternatives.
3. The Renewable Energy Alternative presumes that the Baylands would be a desirable location to businesses engaged in green technology research and development as well as retail sales and light manufacturing of related goods. The EIR should indicate what factors would facilitate that type of development. The EIR should also investigate the presumption that businesses with a green orientation would be willing to take a long-run perspective on sustainability in their development investment in the Baylands.
4. It should be noted that the Renewable Energy Alternative includes the open space, wetlands protection, and public space components of the so-called Community Preferred Alternative, which partly evolved from a public process enjoying wide participation. However, the development of 8 million square feet of buildings shown in the Community Preferred Alternative was not generated from a similar public process, but was evidently merely a presumptive figure transferred from the initial 2006 version of UPC's Specific Plan. It is likely that a maximum of 1 million square feet of buildings proposed in the Renewable Energy Alternative would more closely approximate the preferences of the community at large. The Recology variant is also included as a compatible land use.

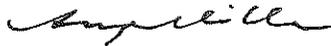
5. The Renewable Energy Alternative also includes a crucial parameter for the Baylands redevelopment consistent with the current General Plan that was approved by a vote of the citizens of Brisbane in 1994: No housing in the Baylands. Evidently the voters believed that the site is unsafe and therefore unsuitable for residential occupation. Subsequent to that vote, plans for the regional jobs-housing mix have evolved to a point where thousands of units of new housing development have been approved by San Francisco immediately adjacent to the Baylands. Therefore, another aspect of the EIR that should be studied is the impact on Brisbane of this major neighboring housing development. Furthermore, it should be studied how the jobs projected to be created by the land uses proposed by the Renewable Energy Alternative would contribute to the regional jobs-housing relationship.

6. Finally, though the Renewable Energy Alternative, at the request of the City Council, does not propose any acreage for the potential site of a high-speed railyard in the Baylands, it might be a useful side issue to study the suggestion that a solar farm could be located atop the railyard.

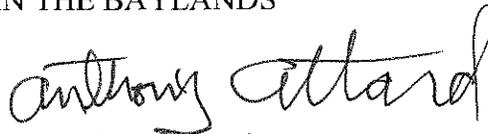
Thank you for your consideration. We look forward to the Environmental Impact Report and to the opportunity to comment further.

Respectfully yours,

COMMITTEE FOR RENEWABLE ENERGY IN THE BAYLANDS



Anja Miller  
224 Sierra Point Road  
Brisbane



Anthony Attard  
200 Sierra Point Road  
Brisbane

Attachment: Renewable Energy Alternative Concept

# **Renewable Energy Concept**

## **ALTERNATIVE FOR BRISBANE BAYLANDS**

### **Principle:**

Instead of **negative** environmental impacts that have to be **mitigated** by new development, emphasis should be placed on **positive** environmental effects. To maximize readily available **sustainable** resources, this alternative concept emphasizes land uses that will serve the City, the region, and the nation in the long term and provide practical, feasible solutions to environmental problems.

### **Open space/area:**

In addition to the already planned River Park and Lagoon access, the area south of the creek should be devoted to **open space** or recreation. The water needs of that land use should be met by a reclamation system covering the entire Baylands area.

### **Renewable energy generation:**

- 1) To fully utilize the prevailing wind tunnel in the Candlestick Gap and the immediate proximity to PG&E's Martin Substation, a row of vertical **wind turbines** extending along the Geneva Extension, west to east, should be included. Current wind power technology creates less noise and is harmless to birds and cost-effective.
- 2) Because the entire Baylands is open to the sun, a **solar farm** of ca. 104 acres of photovoltaic cells for electricity should be planned. Any construction should not only be required to minimize energy use but also include solar and wind power for a zero carbon operating status.
- 3) At the lagoon outfall, **tidal turbines** could be installed to power the immediate needs for street lights and lagoon-related power.

### **Related industrial production:**

In keeping with the Governor's call for "a million solar roofs" and recognizing the solar equipment industry as the currently fastest-growing business segment in California, sufficient land area should be designated for **manufacturing** solar panels, windmills, bicycles, and other products serving renewable energy purposes. Because technology in this area is advancing rapidly, allowance should be made for flexibility in acreage reserved for this purpose.

### **R & D and Retail:**

In the transit-oriented NW corner of the Baylands, an office campus for **clean technology research** and related retail should be developed. There could be **solar panel/wind turbine** showrooms, **bicycle shops**, **organic farm** product markets as well as other businesses and organizations promoting renewables. Maximum total floor area for buildings should be 1 million square feet.

### **Historic site:**

An extended area around the **roundhouse ruins** should be developed for a historic and educational exhibit on the Baylands, past and future.

### **Existing land uses:**

Recology (formerly Sunset Scavengers) is proposing a facility for biofuel and other renewable production at their site. Such land use would be consistent with this alternative. The existing lumber yard would not need to be relocated, as long as it would expand its product mix to include **recyclable building materials**.



SFPP, L.P.  
Operating Partnership  
February 1, 2011

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

Mr. Swiecki,

Kinder Morgan has reviewed the Revised Notice of Preparation of an Environmental Impact Report for the Brisbane Baylands Project. Based on our review it appears that the city is considering a long-term development project that will essentially surround Kinder Morgan's Brisbane Terminal. We have several comments, concerns, and issues that we believe the City of Brisbane should consider and incorporate in your EIR:

1. The city should consider the location of Kinder Morgan's refined petroleum product pipelines in the project area in addition to Kinder Morgan's Brisbane Terminal. Kinder Morgan has several active and inactive pipelines in the area.
2. The Community Preferred Plan shows a Charter High School Community Use Area within approximately 500 feet of Kinder Morgan's terminal and pipelines. The city should incorporate a risk assessment regarding the proximity of this use to Kinder Morgan's facilities in the EIR.
3. Kinder Morgan is not sure what is intended in the Public/Open Space area immediately adjacent to our terminal in all scenarios. Kinder Morgan would be opposed to development options that facilitate increased public access to our terminal's perimeter by construction of sidewalks, bike paths, etc. adjacent to our terminal.
4. In the EIR the city should consider the increased security requirements/concerns at Kinder Morgan's Brisbane Terminal that will be needed due to the development.
5. The EIR should consider the geotechnical implications of development on a municipal landfill area as well as other artificial fill areas. This analysis should consider existing and historic land movements in the area and whether the proposed development will increase these movements.

Kinder Morgan would be pleased to meet with the city to further discuss our concerns and provide additional information that will be helpful in preparation of your EIR. Thank you for the opportunity to comment on the NOP.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Allan Campbell', is written over a white background.

Allan Campbell  
Director, Project Permitting



Project Description (ESA)

January 7, 2011

John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear John:

On behalf of Recology, please accept these comments to the Notice of Preparation (NOP) document issued on December 10, 2010 for the Brisbane Baylands Specific Plan EIR. Attached is a highlighted version of the NOP and a couple of plan drawings that we thought would be useful for reviewing our comments.

1. Throughout document, please change “Nor-Cal” to “Norcal”.
2. On page 3, the NOP says the old landfill consists of approximately 345 acres. The RWQCB WDR document for the Brisbane Landfill has it at approximately 364 acres. There may be different acreage figures coming from different sources, but we just wanted to pass this information along.
3. On page 10, under Recology Variant, second sentence: Please change “... expand to 73 acres ....” to “... expand to approximately 73 acres ....”
4. On page 10, under Recology Variant, third sentence: Please change “... the existing 259,000 square feet to 1,011,000 square feet” to “... the existing approximately 260,000 square feet to approximately 1,100,000 square feet.”
5. Figure 6, the very small insert in Figure 7, and Area Table 2 do not appear to reflect the degree of the southerly alignment of Geneva. Attached are PDF sheets labeled DS-15 through DS-18 that may be helpful to reassess the potential adjustments that may need to be made to Table 2. This may have an effect on traffic, economic, and other EIR reviews. There is a small park indicated that, as graphically indicated in Figure 6 and 7, would either be eliminated or be moved. Moving the park would adjust the yield of other land uses as well. Although the overall descriptions of the projected land areas and program square footage needed by Recology appear to be generally accurate, the potential misrepresentation of the land areas and yield of the other parcels may be confusing or problematic in the future.

6. On Figure 14, in the legend, please change “Solar or Other Waste-to-Energy” to “Solar or Bio-Energy”. Waste-to-Energy sometimes has negative connotations in the environmental community, although it is a broad term encompassing various green technologies.
7. Recology is committed to incorporating renewable energy in its redevelopment project. At this time, however, the specific location of renewable energy generation on the site has not been finalized. Therefore, with respect to Figure 14, Recology requests flexibility in the location of such energy generation.

If you would like to discuss these comments or any other aspect of our proposed project please call me at (415) 715-6203.

Sincerely,



John C. Glaub  
Vice President Finance & Administration  
San Francisco Region

## Project Description

The 1994 City of Brisbane General Plan requires the preparation of a specific plan prior to the approval of any development within the Brisbane Baylands. The landowner and Project Applicant, Universal Paragon Corporation (“Project Applicant”), has submitted a specific plan application to the City of Brisbane (“Lead Agency”), proposing approximately 7 million square feet of office/ retail /industrial/ institutional uses, 5 million square feet of residential (4,434 residential units) and approximately 205 acres of upland open space/open area and related grading and infrastructure. The Project Applicant’s proposal is identified in this NOP as the Developer-Sponsored Project.

As described in the Project History section of this NOP, a Community Preferred Plan has also been proposed for the project site which will be evaluated in the forthcoming Draft EIR at the same level of detail as the applicant’s proposal. The Community Preferred Plan includes up to approximately 8 million square feet of office/industrial/commercial/ institutional space, no residential developmentn and approximately 330 acres of open space and related grading and infrastructure. Both development scenarios are described in more detail under “Proposed Land Uses.”

## Project History

In 2005, the Project Applicant submitted a draft specific plan which encompassed a smaller geographic area than the current plan and included a different mix of land uses. The City of Brisbane issued a Notice of Preparation (SCH # 2006022136) on February 24, 2006 for the prior proposal. The 2006 NOP and NOP responses can be viewed at <http://www.brisbaneca.org/baylands/eir-process/notice-preparation> and remain on file. This revised NOP is being issued to reflect both the change in project description and the identification of a Community Preferred Plan to be studied in the forthcoming EIR, and in recognition of the time that has elapsed since the NOP was originally published.

## Site Description

The Project Site for the Developer-Sponsored Project includes approximately 573 acres of upland area and 111 acres of lagoon (i.e. water area), totaling 684 acres (**Figure 2**). The Project Site is bisected in the north-south direction by the Caltrain railroad tracks and in the east-west direction by a central drainage channel, which is a part of the Visitacion Creek alignment. The majority of the Project Site is flat or gently sloping toward the Bay, with an elevation range of 10 to 50 feet above mean sea level (msl). A prominent hill (Icehouse Hill), located at the southeastern end of the Project Site, ranges from 25 to 200 feet above msl with steep cuts adjacent to the Caltrain railroad and more gently sloping cuts along Bayshore Boulevard.

The Project Site is divided into two distinct areas: the former landfill and the former Southern Pacific Bayshore Railyard. **Figure 3** shows the boundaries of these former areas. The former landfill area consists of approximately 345 acres and is bound on the west by the Caltrain railroad tracks, on the east by U.S. 101, on the north by Beatty Avenue and Recology, Inc.<sup>1</sup> property, and on the south by Brisbane Lagoon. The landfill operated from the early 1930s through the mid 1960s as a depository for municipal solid waste. After the landfill closed in 1967, the landfill site was, and continues to be, used for soil and construction material recycling.

<sup>1</sup> Formerly Nor-Cal Waste site. Nor-Cal Waste officially changed its name to Recology, Inc. in April 2009.

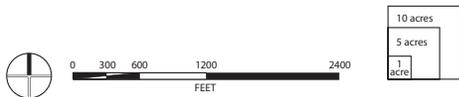
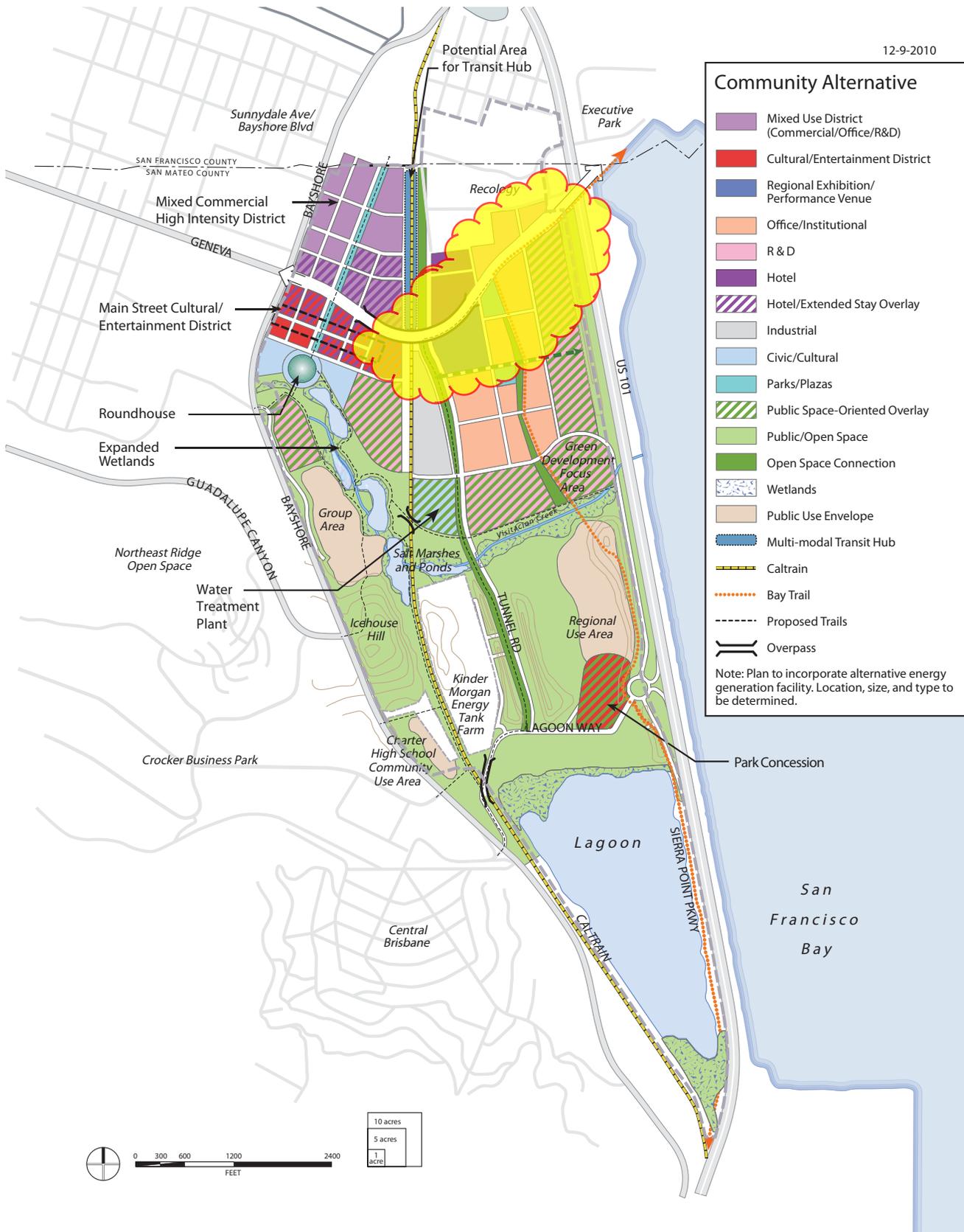
### **Community Preferred Plan (CPP)**

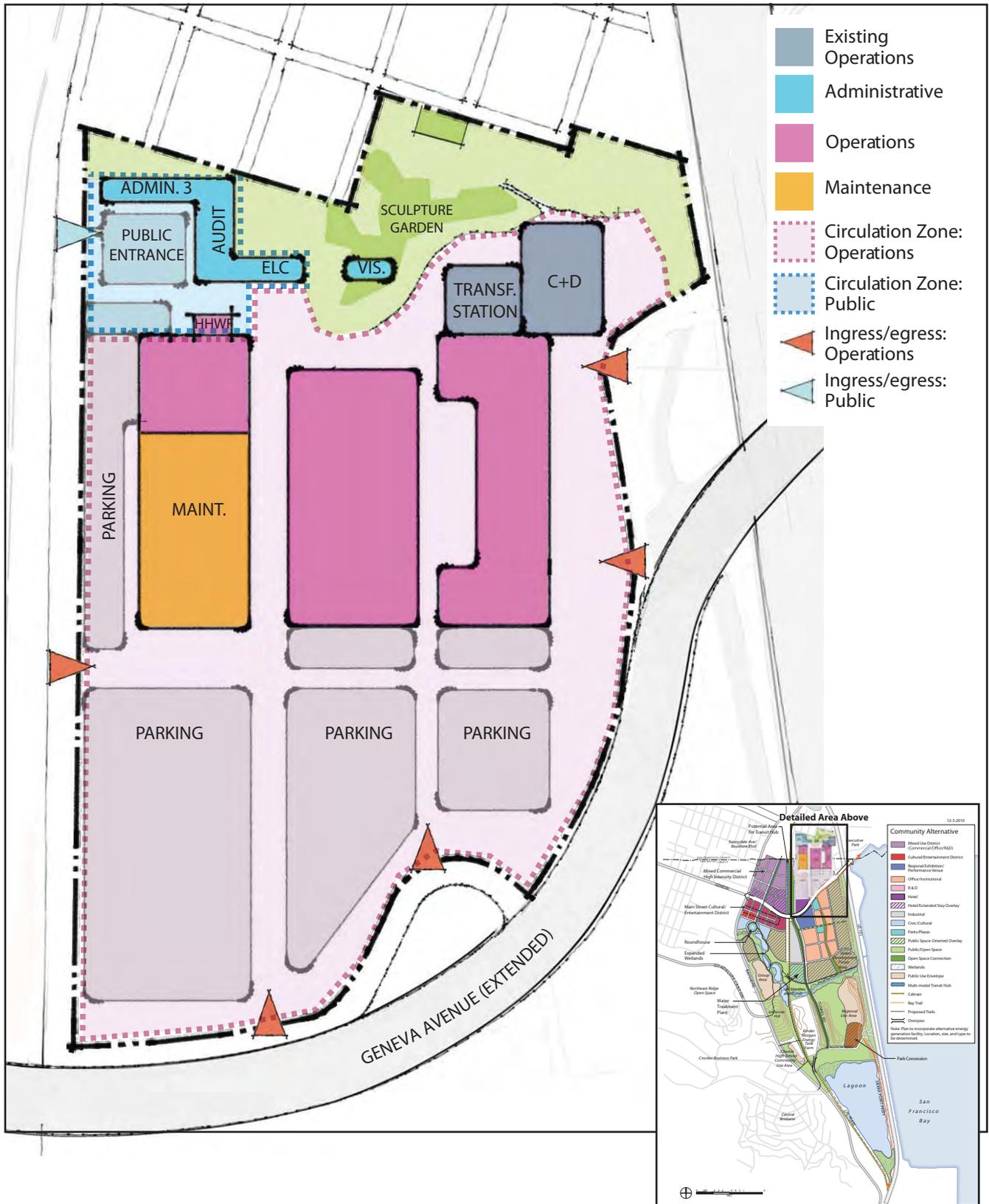
The CPP is based on maximizing the quality of public space and concentrating development near transit. It would differ from the DSP in that almost all of the land area south of the creek channel would be planned for passive open space and active recreational use (see **Figure 6**). Development under the CPP would be less intense than the Developer Sponsored variants as the CPP would allow for development of about 8.3 million square feet of new land uses. Similar to the DSP, the CPP would allow for office, retail, entertainment, hotel, research and development, public use/civic/cultural center, institutional and light industrial uses, and the relocation of existing uses similar to the Developer Sponsored Project. However, the CPP would not include any residential uses on the Project Site. Total net new land use with the CPP is 7,668,900 square feet. Table 1 presents a summary of the proposed land uses.

### **Recology Variant**

The Recology Variant on the Community Preferred Plan would allow for the expansion of the existing Recology facility within the northeast portion of the Baylands site, replacing the land uses in this area otherwise identified in the CPP (see **Figure 7**). The current 49-acre site would expand to 73 acres, and would consolidate offsite recycling and corporation yard facilities onto one location. The square footage of the developed areas on the Recology site would increase from the existing 259,000 square feet to 1,011,000 square feet. Site facilities include administrative/office space, operations, maintenance, and parking areas for customers, employees, and truck/facility vehicles. In addition, roads, utilities, and other infrastructure would be reconfigured or newly constructed. In general, the land uses remain as shown in the CPP north of Geneva Avenue and south of the existing Recology site. The main differences, as shown in Figure 7, would be that Research and Development and Hotel/Extended Stay land uses would be less than without the Recology Variant. The net new land use with the CPP Recology Variant is 7,739,500 square feet. These changes in land use are summarized in **Table 2**.

The following project details are summarized for both the DSP and the CPP. An Executive Summary of the DSP is available on the City of Brisbane's website at <http://www.ci.brisbane.ca.us/sites/default/files/uploads/NOPProjDescription.pdf>, and on file at the City of Brisbane Community Development Department. For those components where the CPP has not been designed to an equal level of detail as the DSP a comparative discussion is provided. The forthcoming Draft EIR will include a sufficient level of detail regarding the CPP to allow for preparation of the EIR at a programmatic level.





SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 7**  
 Recology Variant  
 Community Preferred Plan

**TABLE 2  
PROPOSED LAND USES FOR BRISBANE BAYLANDS PROJECT SITE  
CPP WITH RECOLOGY VARIANT**

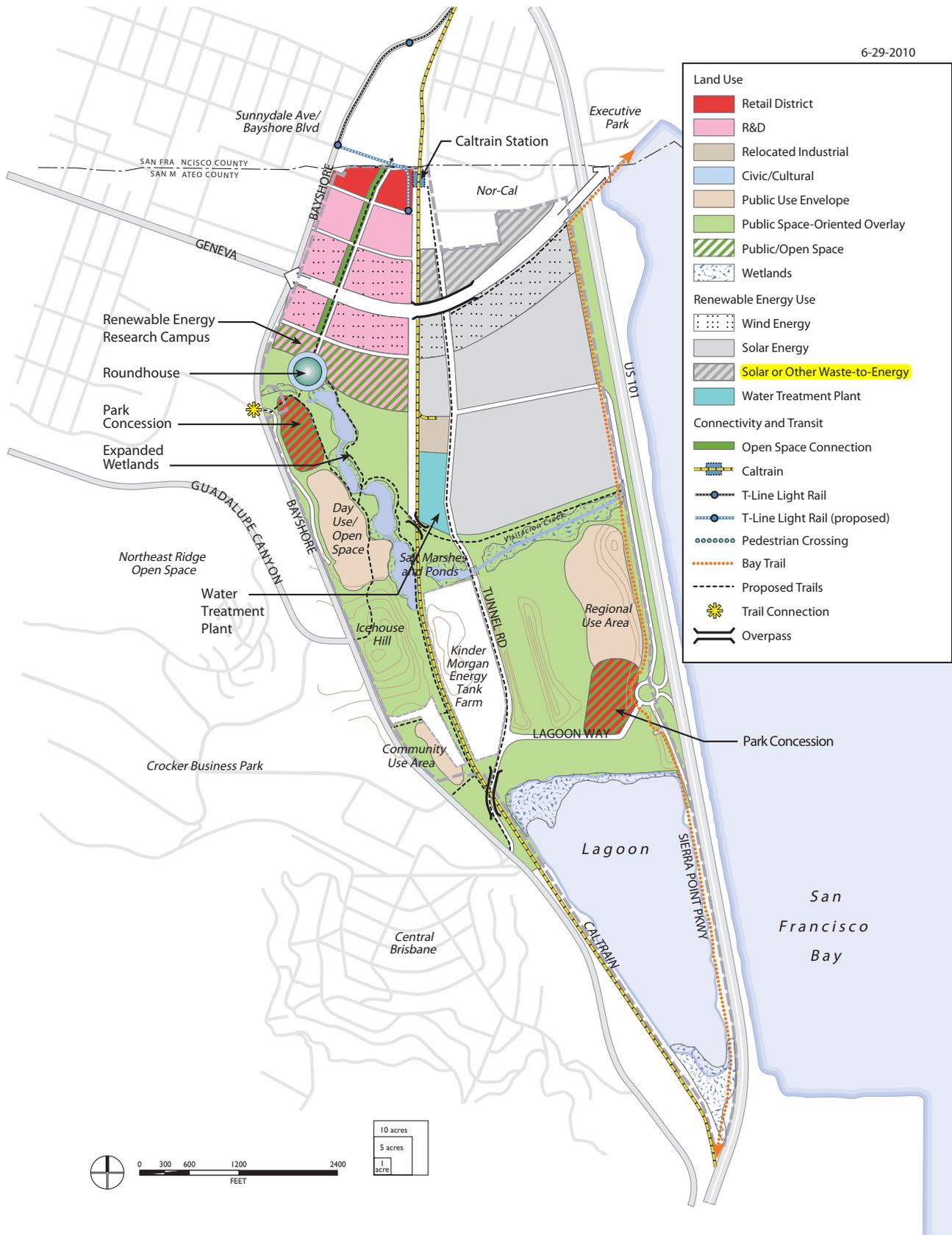
<b>Land Use</b>	<b>Community Preferred Plan (Sq. Ft.)</b>	<b>Land Use Change with Recology Variant (Sq. Ft.)</b>	<b>CPP with Recology Variant (Sq. Ft.)</b>
Mixed Commercial / Office	2,209,500	0	2,209,500
<b>Combined Office / Institutional / R&amp;D</b>	2,999,700	<b>(334,800)</b>	<b>2,664,900</b>
<i>Office / Institutional</i>	992,700	0	992,700
<i>R&amp;D</i>	2,007,000	(334,800)	1,672,200
Industrial / Warehousing	366,400	0	366,400
Entertainment / Cultural District	611,300	0	611,300
Hotel / Extended Stay	1,392,300	(346,200)	1,046,100
<i>Hotel Rooms</i>	1,990	(490)	1,500
Public / Civic / Cultural	188,700	0	<b>188,700</b>
Exhibition Space	274,500	0	274,500
Resource Recovery	259,000	+752,000	1,011,000
<b>Total Non-Residential</b>	<b>8,301,400</b>	<b>+71,000</b>	<b>8,372,400</b>
Residential	0	0	0
<b>Total Residential Units</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
<b>Total Development</b>	<b>8,301,400</b>	<b>71,000</b>	<b>8,372,400</b>
Total Public Use / Open Space	330 acres	0	330 acres

### Transportation and Circulation Plan-DSP

The DSP would include a series of new roadways within the Project Site to accommodate the overall increase in the number of vehicle trips generated by the increased development. A new arterial street, the extension of Geneva Avenue, would provide a new east-west connection between Harney Way in San Francisco and Geneva Boulevard in Daly City. The proposed roadway network for the DSP is shown in **Figure 8**.

The Project Applicant intends to seek transit-oriented land use zoning for the Project Site and will prepare a Traffic Demand Management (TDM) program. Existing train, bus, and shuttle services exist adjacent to the Project Site including Caltrain, which operates the Caltrain Bayshore station in the Project Site (see Figure 2), Muni T-Third light rail line, Muni Express and local buses, and private shuttles. Both the DSP and CPP land use layouts would take advantage of existing and planned transit services and include additions to proposed transit improvements as appropriate (see **Figure 9**).

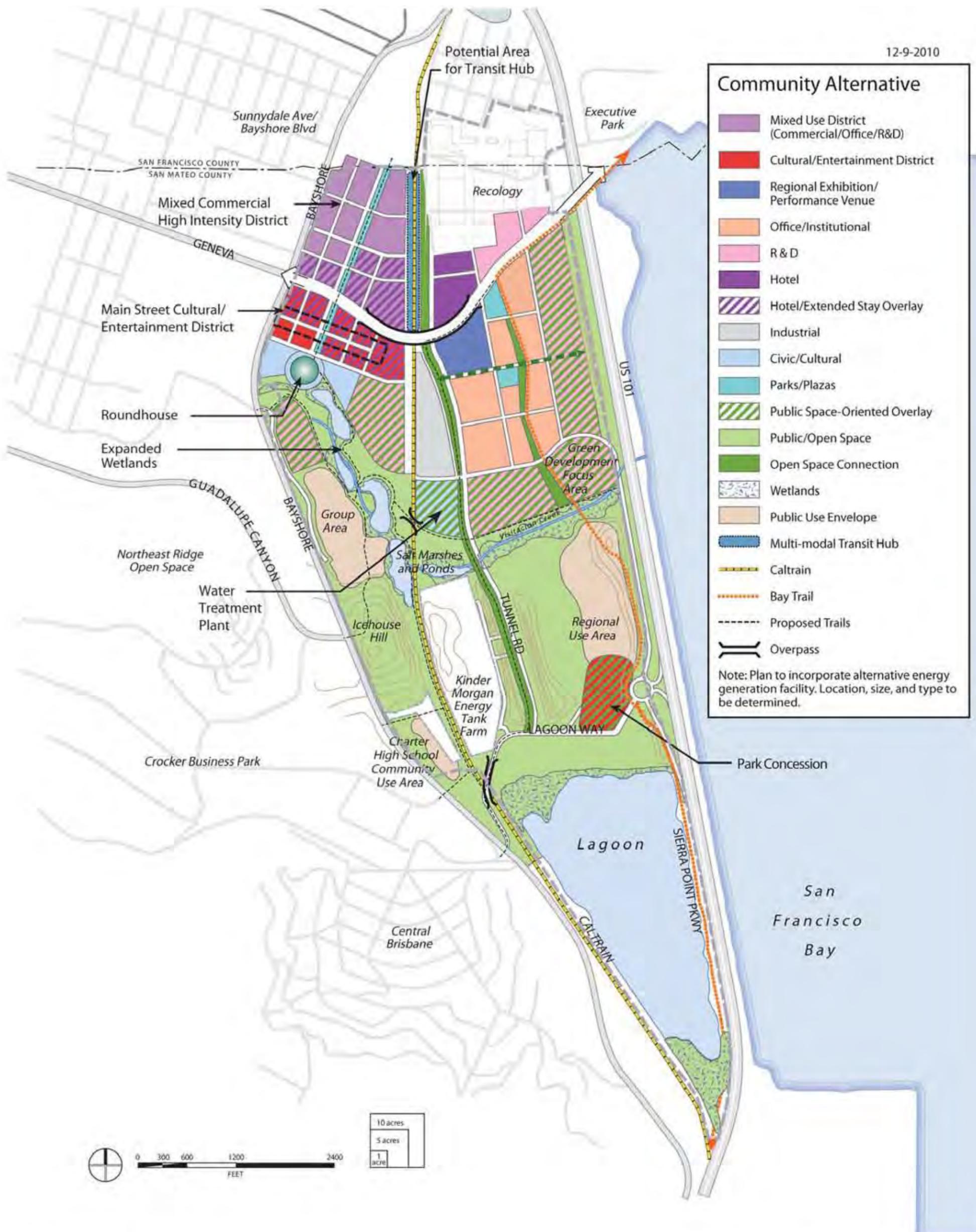
The DSP would include several future bikeways, including multi-use paths and bike lanes. Bicycle parking and other facilities for bicyclists would be provided in the future buildings in the Project Site. In addition, a system of shared public bikes would be provided in the Project Site as part of a regional bike-sharing network being contemplated for San Francisco, San Jose and the cities in between. Within the Project Site, three east-west pedestrian ways across the Caltrain railroad tracks would be provided at Geneva Avenue, Roundhouse Arc and Tunnel Avenue (see **Figure 10**).



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

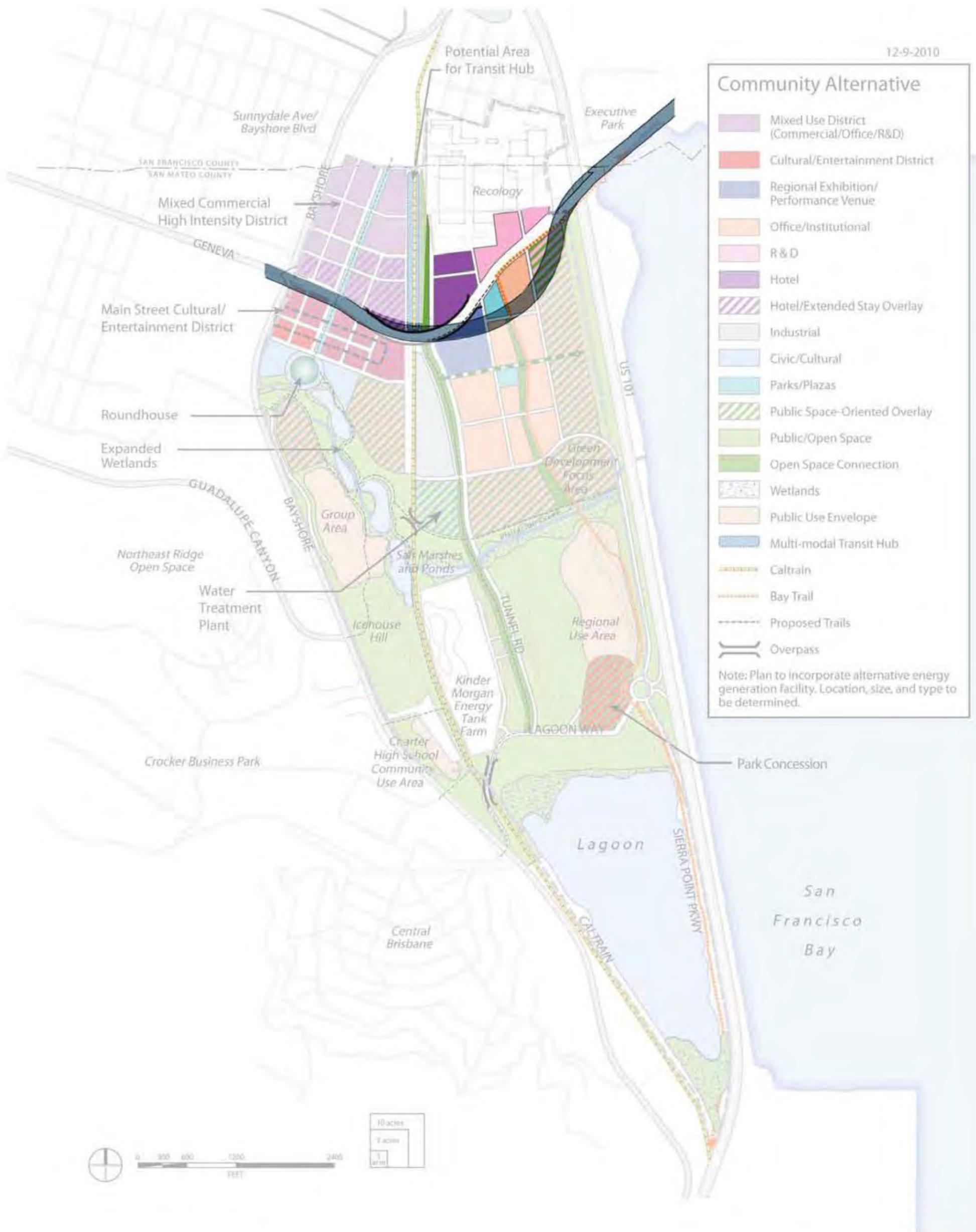
**Figure 14**  
CEQA Alternative - Renewable Energy Land Use



SOURCE: Dyett & Bhatia

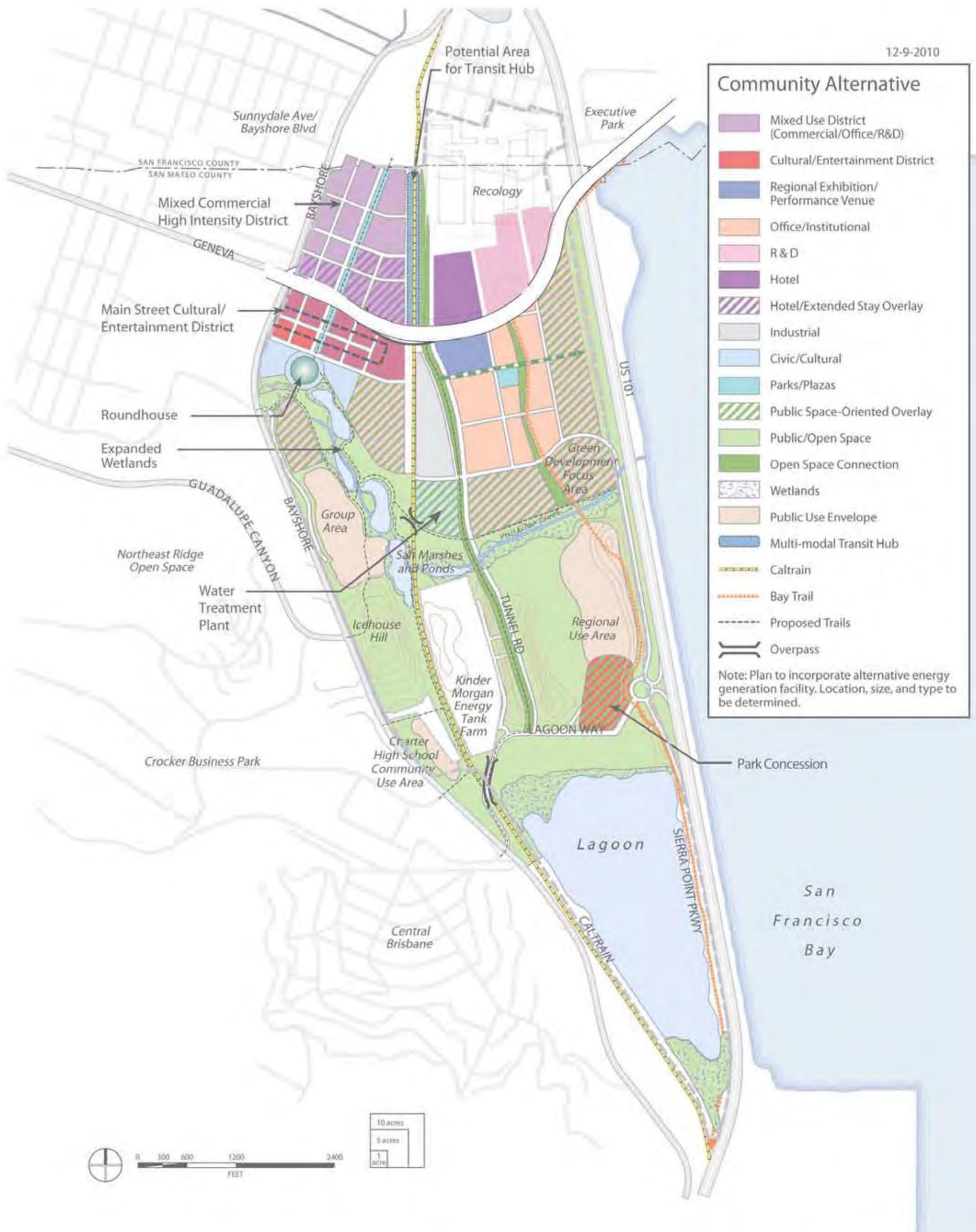
Brisbane Baylands . 206069

**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



SOURCE: Dyett & Bhatia

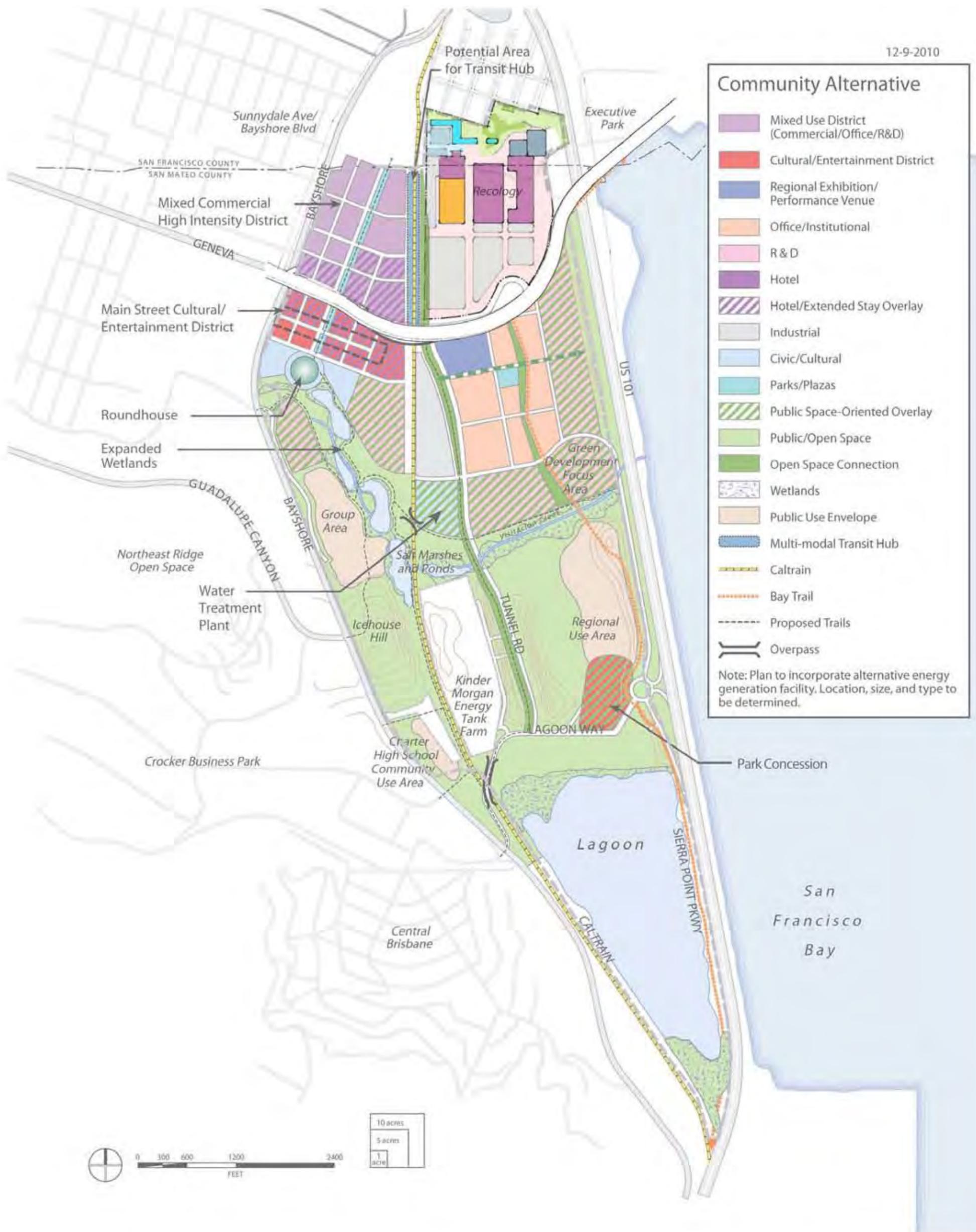
Brisbane Baylands . 206069  
**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

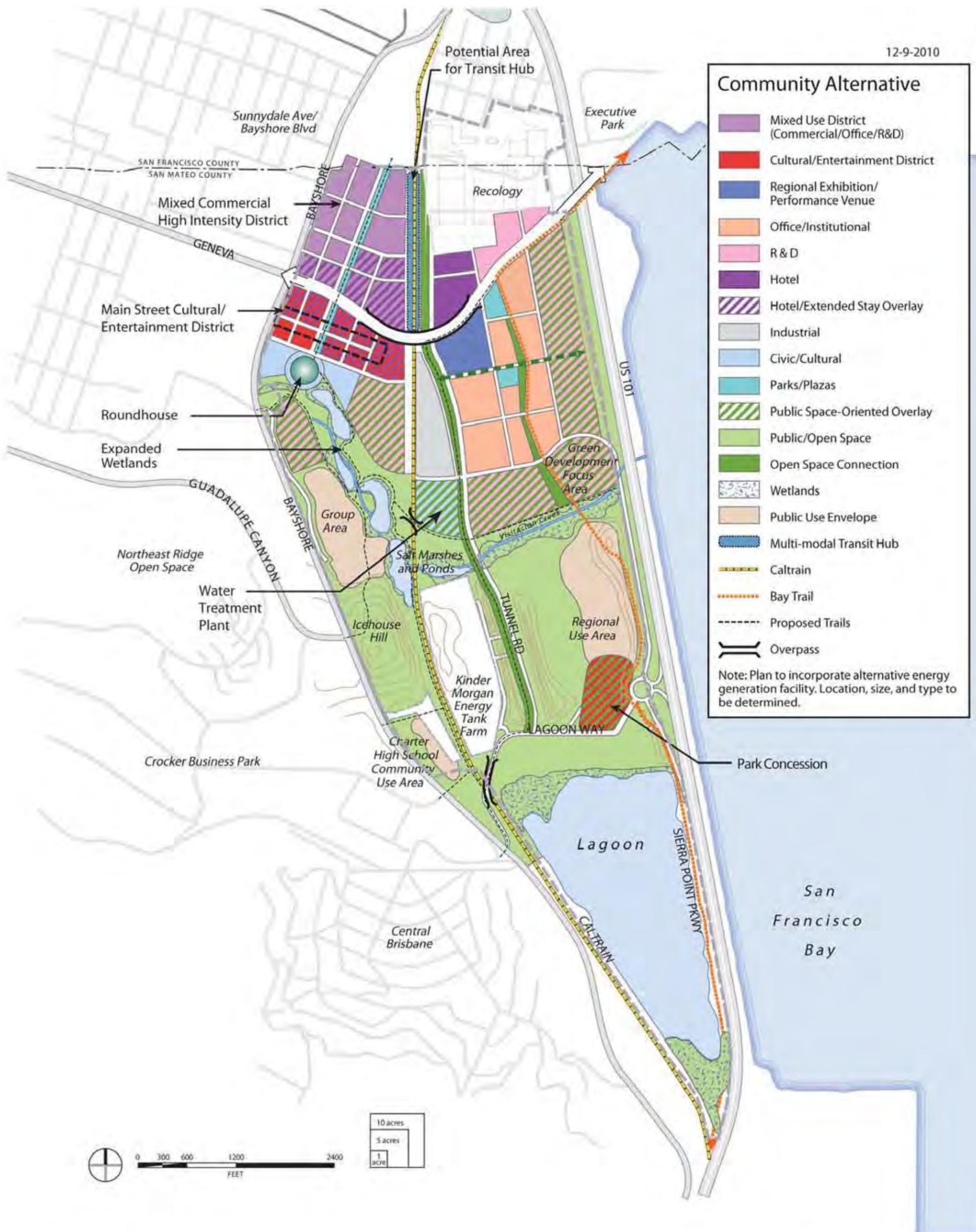
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SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

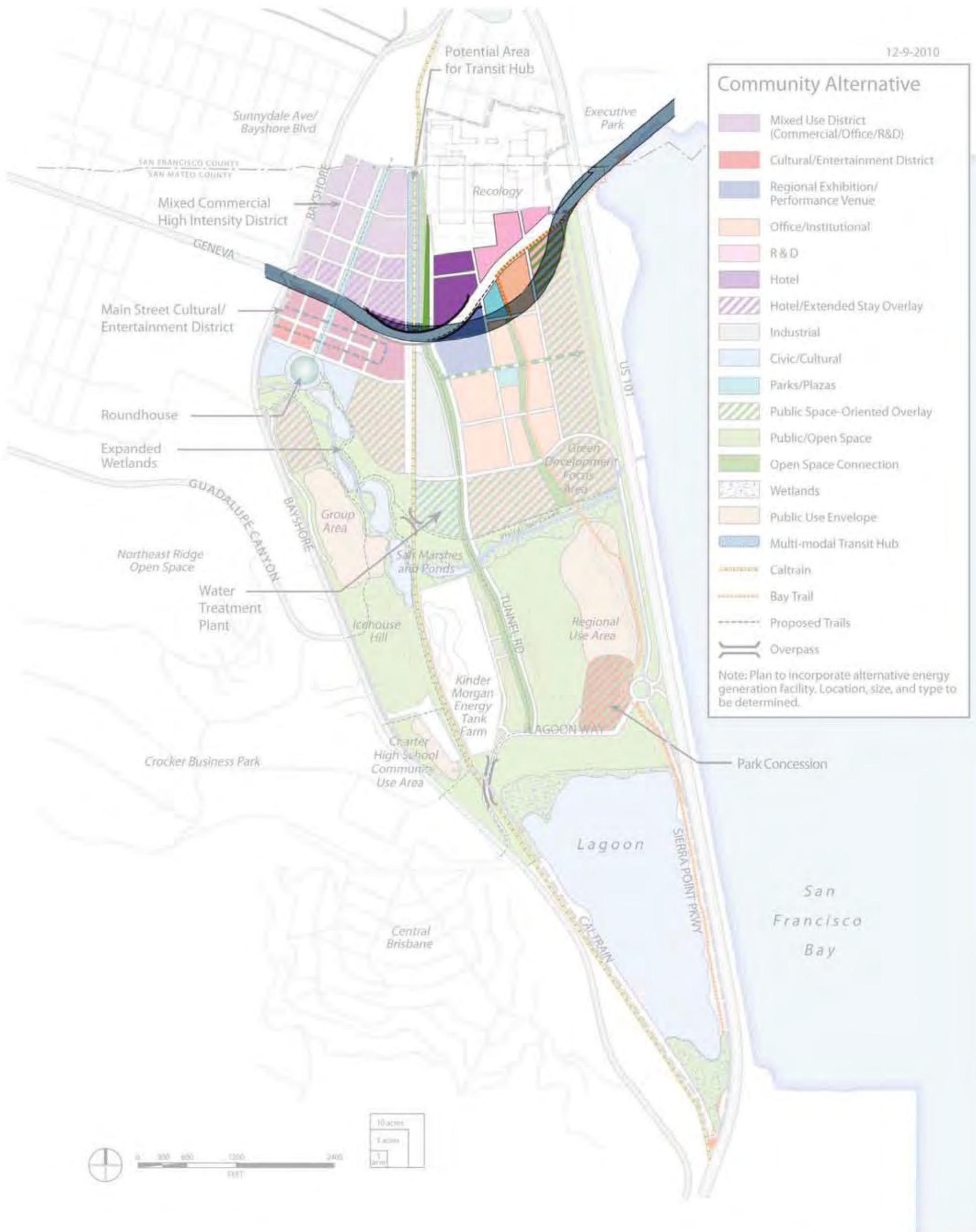
**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



SOURCE: Dyett & Bhatia

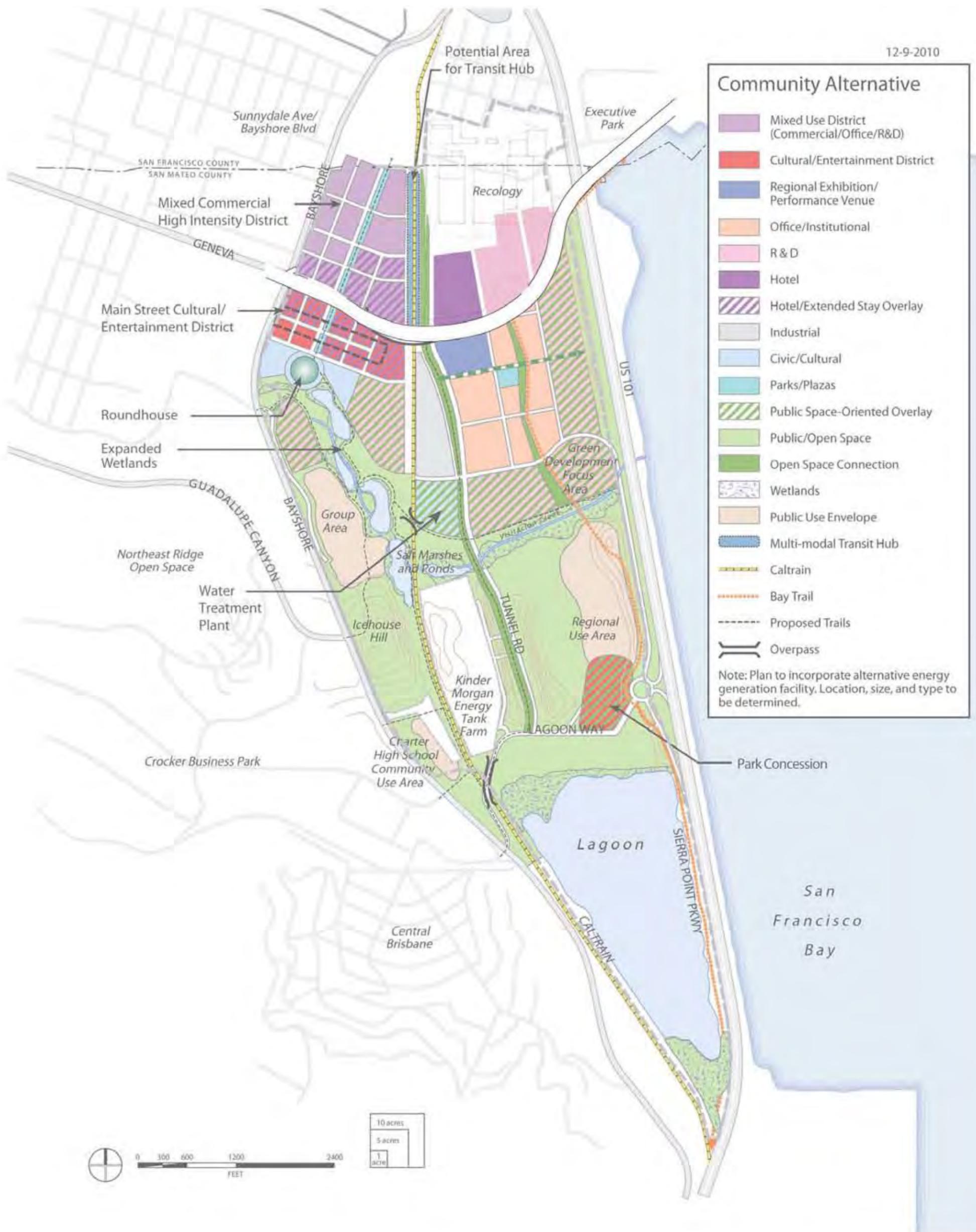
Brisbane Baylands . 206069

**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



SOURCE: Dyett & Bhatia

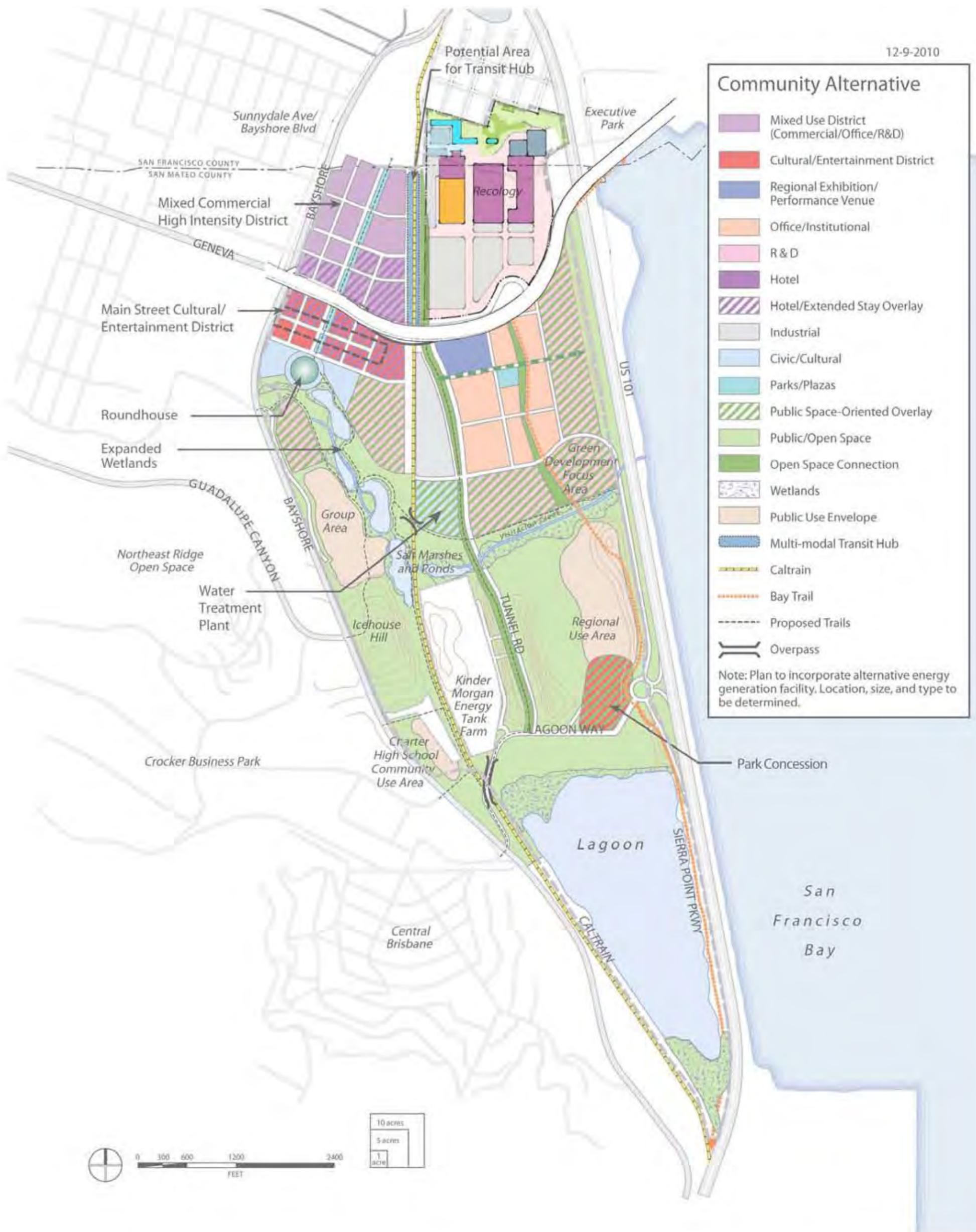
Brisbane Baylands . 206069  
**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069

**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



SOURCE: Dyett & Bhatia

Brisbane Baylands . 206069  
**Figure 6**  
Proposed Land Uses  
Community Preferred Plan



**San Bruno Mountain Watch** • PO Box 53, Brisbane, CA 9400

[www.mountainwatch.org](http://www.mountainwatch.org) • [sanbruno@mountainwatch.org](mailto:sanbruno@mountainwatch.org) • 415-467-6631

SBMW is a non-profit 501c3 corporation

RECEIVED

JAN 5 2011

Comm. Dev. Dept. Brisbane

## Scoping Comments for the Brisbane Bayland EIR

### General Questions:

Why isn't renewable energy plan studied in as much detail as the other two?

Which plan STARTS with preserving the biological resources and develops around that value?

### Biological resources:

What native flora and fauna exist on and around the baylands? How will each of them flourish or decline under each proposed plan?

Which plan has the most viable bay to mountain wildlife corridor?

### Geology, Soils, Seismicity:

What will happen, under each plan, in the event of a 6.5 and above earthquake?

Which plan has the least likelihood of an inadvertent exposure of the buried toxic material over the long term?

### GG Emissions:

Which plan best accommodation to rising sea levels in a way that recognizes it as a regional problem? (A sea wall, for example, may protect one area from sea level rise, but exacerbate the problem elsewhere.)

Which plan has the fewest net emissions not only over the building cycle, but in the long term?

### Hazardous Materials

What toxic materials really are in the landfill -- not just the ones on the EPA list? Compare strategies for dealing with them in the 3 plans. Which strategy is best, and most cost effective?

### Hydrology

Which plan deals with stormwater, leachate from the landfill, and sewage in the most sustainable and energy efficient manner?

### Noise:

Which plan has the least impact?

### Population and Housing

From an environmentally sustainable point of view, Is it desirable to draw population to this particular location, given existing and future populations, transportation corridors, open space, and other factors being studied in the EIR? Which plan is most sustainable?

**Public Services**

Which plan puts the least strain on public services? Which plan uses the least energy to provide the services demanded by it?

**Recreation**

What kinds of recreation should be encouraged from an environmental perspective?  
Which plan best fosters recreation that is sustainable and environment friendly?

**Sustainability**

What is true sustainability? Which plan comes closest to that?

**Transportation, etc.**

Examine the regional impacts of the transportation demands and solutions within each plan.

Sincerely,



Ken McIntire  
Executive Director  
San Bruno Mountain Watch



## **SAN FRANCISCO BOARDSAILING ASSOCIATION**

1592 UNION STREET, BOX 301 • SAN FRANCISCO, CALIFORNIA 94123

January 9, 2011

Mr. John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005  
*eir@ci.brisbane.ca.us*

**Subject: Comments to the Revised Notice of Preparation for the Brisbane Baylands Specific Plan – Draft Environmental Impact Report and the need to fully address potential Impacts to the Recreational Use of Windsurfing**

Dear Mr. Swiecki,

This letter provides comments with respect to the scope and content of the Revised Notice of Preparation (NOP) for the Brisbane Baylands Specific Plan.

The San Francisco Boardsailing Association (SFBA) is a not-for-profit organization founded in 1986 to protect and enhance boardsailing access, and to promote safety and related education in the San Francisco Bay Area. To this end, SFBA actively participates in the planning processes for development, reuse and redevelopment of public and private properties adjacent to San Francisco Bay and the Pacific Ocean which may enhance, threaten and/or directly or indirectly impact the recreational uses of Windsurfing and/or KiteBoarding.

SFBA's main concern with the Development Alternatives proposed in this NOP are focused on the significant potential of the projects to alter existing air movement patterns - i.e., degradation of wind quality downwind of the project by creation of turbulence and/or "wind tunnels" or similar conditions. The large scope and upwind massing of the Alternatives described below, including the size and placement of structures (buildings, wind turbines, etc.), has the potential to significantly degrade or even destroy the ability to windsurf in one of the most cherished windsurfing locations on San Francisco Bay.

The landowner and Project Applicant, Universal Paragon Corporation, has submitted a specific plan application to the City of Brisbane proposing approximately 7 million square feet of office / retail / industrial / institutional uses, plus 5 million square feet of residential development (4,434 residential units) and approximately 205 acres of open space and related infrastructure. This land use scenario includes an "Entertainment Variant", which



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will also be addressed in the EIR. The Project Applicant's proposal, which could include the use of building-integrated wind turbines, is identified in the NOP as the Developer-Sponsored Project.

A Community Preferred Plan has also been proposed for the project site. This plan, which will be evaluated in the forthcoming Draft EIR at the same level of detail as the applicant's proposal described above, includes a "Recology Expansion Variant". The Community Preferred Plan includes up to approximately 8 million square feet of office / industrial / commercial / institutional space, no residential development and approximately 330 acres of open space.

In addition to the development scenarios and variants identified above, a Renewable Energy Alternative (which includes wind-turbines erected immediately upwind of the Candlestick Point Windsurfing Area) and a No-Project Alternative will also be evaluated in the forthcoming EIR.

SFBA hereby requests that the EIR include appropriate studies and evaluations within the topics of "Air Quality" (alteration of existing air movement patterns) and "Recreation" (impacts on existing recreation resources), and consider the impacts that all structures proposed for the Baylands site may have on the windsurfing recreational use that takes place on the San Francisco Bay to the east of the Baylands site and Highway 101. Proposed buildings and/or wind turbines on the Baylands Project site could have a significant impact on the westerly winds that make Candlestick Point State Park and the waters south of the park a premiere windsurfing spot.

### Existing Windsurfing Use

Candlestick Point State Park is one of the premier windsurfing spots in the Bay Area. It is one of the more favored locations for windsurfing and it is ideal for beginners and intermediates because there is very little swell or wave action to contend with as a result of the short distance between the upwind shoreline and the windsurfing area. In these flat-water conditions, beginner and intermediate windsurfers can develop skills that are hard to master in wavy and choppy waters, and advanced windsurfers have a less hectic environment in which to learn trick/freestyle moves. Candlestick Point Park is the only practical place for beginner and intermediate windsurfers to windsurf within the City and County of San Francisco. The three nearest alternate launch sites (Oyster Point - 3 miles, Crissy Field - 8 miles, Ocean Beach - 8 miles) are appropriate for advanced windsurfers only because of the on-water conditions... offshore winds, strong currents or heavy surf.

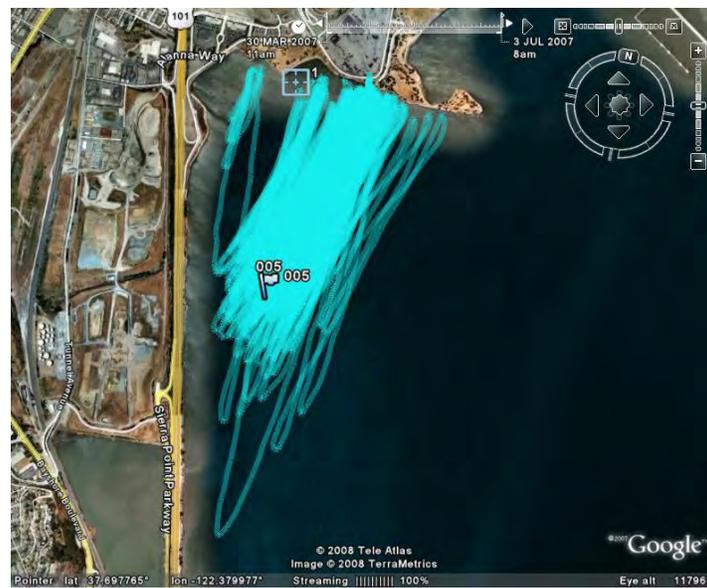


## SAN FRANCISCO BOARDSAILING ASSOCIATION

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The launch area at Candlestick Point State Park is located approximately 100' SW of the parking circle at the south end of the Candlestick Point State Park parking lot. Windsurfers are most efficient traveling perpendicular to the wind, so the windsurfers sailing from the launch typically travel back and forth on tracks that run roughly SSW and NNE in the face of wind that typically comes from the WNW. When sailing at Candlestick Point, windsurfers generally try to stay well the west (closer to I-101 and the shoreline) to ensure that they can make it back to the launch point in the face off offshore winds, or if they lose mobility through decreased wind speeds, damaged equipment or injury; (in other words, to prevent from being blown out into the Bay towards Oakland/ Alameda and not being able to return to their launching point at Candlestick Point.)

The picture below is a series of GPS tracks (provided by a windsurfer who regularly uses the site) superimposed on an aerial view of the windsurfing area at Candlestick Point and immediately downwind of the Baylands. A number of other windsurfers polled found these tracks to be representative of the primary sailing area, with the areas that are solid blue showing the most frequently used areas. At the southerly end of the sailing area, windsurfers approach within 500-1,000' of the shoreline and generally get closer to the shoreline along Highway 101 as they move in a southerly direction.





## **SAN FRANCISCO BOARDSAILING ASSOCIATION**

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### Wind Impacts

Windsurfing generally requires strong and steady wind. As wind conditions become gustier, with greater variations in speed and direction, windsurfing becomes more difficult and less enjoyable as a recreational activity. Reduced wind velocity and increased turbulence are both factors that can affect wind conditions such that windsurfing becomes difficult or even impractical. Turbulent winds can also increase the risk of injury. If wind speeds are reduced greatly in the lulls, then the wind may not provide enough energy for windsurfers to keep a board planing on the surface of the water, resulting in very low sailing speeds, instability and falling into the water (similar to balancing on a bicycle with little, to no, forward movement).

During an impact analysis for an earlier project in Burlingame, wind tunnel analysis was used to look at potential impacts on wind velocity and turbulence. Information in the resulting environmental impact report (EIR) prepared by Charles Bennett of Environmental Science Associates (ESA) indicated that turbulent effect can travel 25-50 times the height of a solid obstruction. The experience of members of our windsurfing community confirms this rule. One notable case is the construction of a Marriott hotel in Aruba that has affected wind well offshore.

Beyond height, the width and the shape of a building or tower or other obstruction also can have an impact on how the passing wind is affected. In the case of wind turbines, the towers would likely have a nominal impact on the wind because they present a relatively narrow obstruction, while the blades could have a more significant impact because they are designed to capture energy from the wind as they convert wind velocity into blade speed. In the case of buildings, narrower and less angular buildings may allow the wind to recover more quickly and over shorter distances.

It is important that an analysis of wind impacts evaluate both changes in velocity and changes/increases in turbulence and/or turbulence intensity. A standard that examines wind by looking at average velocity only cannot distinguish between wind that is averaging 20 m.p.h. and gusting between 18-22 m.p.h. and wind that is averaging 20 m.p.h. and gusting from 5-35 m.p.h. While the measure of average velocity would see these wind conditions as identical, the first wind condition would be ideal for windsurfing while the second would make windsurfing impractical or impossible. Windsurfers can adjust to changes in wind speed by rigging a larger or smaller sail; however, windsurfers cannot adjust to changes in turbulence because each sail has a limited range within which it can function well.



## **SAN FRANCISCO BOARDSAILING ASSOCIATION**

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SFBA strongly recommends performing wind tunnel analysis of your Alternatives with ESA acting as the consultant. The figure below identifies likely data points that could be used for that study.



The aerodynamic and hydrodynamic issues of windsurfing, and the complexities of how windsurfers are affected by the wind and other conditions, are both complex and to some degree site-specific. SFBA would be glad to work with you and any consultant who works on the preparation of the EIR in order to lend our knowledge and assist in developing any information that you feel would be helpful. Please do not hesitate to contact me, and I would appreciate being advised of any issue that might be of concern to our members. Please also add me to the project mailing list for the Baylands Specific Plan EIR and any other matters related to the Baylands Project:

SFBA  
William Robberson, President  
1230 Clay St. #203  
San Francisco, CA 94108



## **SAN FRANCISCO BOARDSAILING ASSOCIATION**

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SFBA is also concerned about the cumulative impacts of the Baylands Project combined with impacts of other pending projects in the immediate area, including Bayview Hunters Point, Executive Park, and Visitation Valley Schlage – Locke. We are specifically interested in a comprehensive analysis of the combined projects on 1) traffic and transportation impacts, 2) air quality impacts, 3) visual impacts, 4) aesthetic impacts, 5) scenic impacts, 6) resources impacts, and 7) impacts on open space.

We look forward to an EIR that tests and improves the environmental performance of this ambitious project.

Sincerely,

*William Robberson*

William Robberson, President  
San Francisco Boardsailing Association  
(415) 307-7720  
[BillRobberson@sfba.org](mailto:BillRobberson@sfba.org)

# SEQUOIA AUDUBON SOCIETY

John Swiecki  
AICP Director of Community Development  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

RECEIVED  
JUN 13 2011  
Comm. Dev. Dept. Brisbane

Dear Mr. Swiecki,

We, the Sequoia Audubon of San Mateo County chapter of the National Audubon Society, with 1500 members, would like the EIR of the Brisbane Baylands to address the following questions and issues as it reviews the Universal Paragon proposal: The Brisbane Lagoon is 110 acres, and is an important resting point for migratory birds and birds sheltering during storms. It drains into the SF Bay, and is the home for 20-30 bird species.

We ask that a total count of species and number of individuals be executed on both the Lagoon and the total Baylands property during the migration season, in February, 2012, and at another period 4-6 months after that, based on the timing recommendation of specialists in reptiles, amphibians and mammals. This would serve as a base-line study against which to measure species growth or degradation after that period.

We also ask, if the developers' efforts do not begin, that these baseline studies of species and population be executed every two years thereafter, at the developers' expense.

We ask that similar baselines studies be executed in 2012 concerning water quality monitoring for the lagoon and all other drainage channels on the Baylands property, with two year follow-ups. Water monitoring studies should include studies of the winter benthic conditions (bottom of all existing bodies of water as measured in February), to include counts of shellfish and other bottom-life that act as food source for birds and other species.

The current "North Ditch", a creek that is the current habitat for Great Blue Heron, and Great and Snowy Egrets, is to be replaced by a "River Creek Park". Whether this rerouting of the North Ditch, and other existing drainage channels currently existing on the Baylands, will provide more or less habitat for the birds is one issue that needs to be studied in the water quality monitoring study.

The proposed Interpretive Center and Boat Launching Facility, as marked with an X on page 135, and the boardwalk pictured on page 129 of your proposal, are shown as being built on or adjacent to the mudflat that is the north shore of the lagoon. This is where the resident species of the lagoon nest and raise their young. We are concerned that these facilities would interrupt breeding and feeding patterns of the residents. Additionally, migrants rest there during their long journeys, and a variety

SAS BoD 1/2011

Page 1 of 2

# SEQUOIA AUDUBON SOCIETY

of San Francisco Bay birds seek shelter in that area during wind and rain storms throughout the year. We feel strongly that the north shore of the lagoon from the water to Lagoon Road should remain undeveloped, with only the weeds being removed and replaced with native plants, timed to cause minimal stress to the wildlife.

If the Interpretive Center remains in the plan, we would prefer to see it placed near the area of the current fisherpersons' parking lot along the Sierra Point Road. We would prefer that boating not be allowed at all; however, the launching facility could likewise be placed on the eastern shore.

The edges of the River Creek Park and the Lagoon need to be kept in a natural state, with no gravel or riprap added to the bottom. Shorebirds feed by probing the mud for invertebrates. Edge water needs to be shallow so that the birds can easily access the mudflats.

Birds in any setting are very bothered by disturbance. The Lagoon and River Creek Park need to have a wide buffer zone around them free of walking, running or bicycle paths, picnic tables, playing fields or roads. Dogs need to be on leash or preferably banned in these areas. Any parts of the plan that include these types of areas should not be counted as "open space" in the plan.

During the construction phases of the project, machines and construction material should be stored well outside the buffer zone of the waterways. This was not done when the bridge was built over the lagoon, and that effort resulted in severe destruction of habitat west of the Lagoon. With such a massive building effort as the Baylands, extra precautions need to be taken to protect the buffer zones around existing waterways.

We would also ask that Sequoia Audubon have access to the private Baylands property at least once a year, to complete bird counts of the population and species of the birdlife, and other species found there.

We look forward to further dialogue as this project progresses.

Sincerely,



Laurie Graham  
Conservation Member for the Baylands  
Sequoia Audubon Society



January 10, 2011

City of Brisbane  
Community Development Dept.  
50 Park Place  
Brisbane, CA 94005

RE: Brisbane Baylands Project

To whom this may concern:

We are sending this submittal regarding wind renewable energy power in response to the City's Notice of Preparation for an Environmental Impact Report for the proposed Brisbane Baylands Project.

WePOWER is a leading manufacturer of Vertical Axis Wind Turbines and welcomes an opportunity to present our technology as a suitable product to support the City of Brisbane's efforts to incorporate renewable energy into this project.

After reviewing the site location it seems to be located in a wind corridor that's ideally suited for our modern Vertical Axis Wind Turbines. These turbines are radically different than gigantic Horizontal Axis Wind Turbines (prop-style) as our standard mounting height is 18' to 30', and are virtually vibration-, noise- and maintenance- free, and are safe for birds. These unique characteristics should help motivate further investigation by the City of Brisbane.

WePOWER is a best-in-class company specializing in providing sustainable energy solutions, and our turbines represent the most comprehensive family of small wind products available globally. WePOWER is a California based company, on the list of Approved Equipment by the California Energy Commission, is an Approved Stimulus Product that qualifies for the American Recovery and Reinvestment Act, on the list of commercial proven equipment by the American Wind Energy Association, have received a CE and IEC 71400.2 Declaration of Conformity, and a UL 1741 Certification of Compliance. Most recently, WePOWER became the first approved VAWT in San Diego County.

I welcome an opportunity to personally explore the application and project in greater detail, and to discuss the potential environmental benefits of our products. For additional information please visit our website at [www.wepower.us](http://www.wepower.us) or contact me directly at [hmakler@wepower.us](mailto:hmakler@wepower.us) or 714.309.1600.

Sincerely,

*Howard Makler*

President, WePOWER

TO CITY COUNCIL  
FROM: DANA DILLWORTH , Director CLEAN  
RE: NOP  
January 4, 2011

**OBJECTIONS TO Public Notice, Availability of Pertinent Information, what is being called the Community Preferred Alternative, New Plan slipped in under inadequate-previous plan, and some issues in the new NOP.**

**30-Day notice was inadequate** due to City Hall closures, newly instituted State-level furlough days and a legal holiday period. Request for an extension for submission is requested.

Project Description is inadequate. Due to the legal definition difference between open space and open area, the legal description for this purpose should include that the 330 acres of open space in the CPP also includes plazas and walkways or “open areas.” The impact of this omission must be quantified since on paper, 330 acres appears vast, but on the ground it may not be sufficient for habitat conservation and human protection purposes due to fragmentation.

Was this event’s notice properly circulated? I have a request for this information, which I have not received. Please note that the customary public notification avenues have changed. Citizens would get a letter or postcard in the mail. Certainly the landowners in the project area would have gotten notice? The city’s website has changed, the city’s calendar and the city’s planning or council meeting pages did not mention this meeting, only an imbedded notation on a page identified as a NOP (if the public knows what a NOP is) mentions this meeting. This is NOT adequate public notice. It should be recirculated when a viable, legitimate Specific Plan exists, not just an Executive Summary.

Since we have no new information--- or do we? --- all previous objections (going back to GPA 1-91 including Luman Drake’s objections about working in the interest of the Public Trust) remain part of the public record. I will reiterate that we have inadequate knowledge about the environmental conditions and incorporate the findings of University of Oregon (Kinder Morgan facility,) G F Lee Associates, and Camp Dresser McGee, which have come since 2005-2006.

New information? New uses, new numbers of people just mean MORE people at risk of exposure to the toxins and more false-claims of sustainability. Was this document circulated to ALL responsible agencies? Was it circulated to the USGS? (Doesn’t appear on the list at OPR’s SCH site.) We don’t know if the risks of this project have been fully evaluated by the responsible agencies. It might be difficult to accurately fill out your NOC without sending this notice to the USGS, USDOE, and USEPA as well as the local agencies like the Bayshore Sanitary District, Cities of Daly City and San Francisco and the adjacent land-owners.

**The Community Preferred Alternative** has yet to be determined to be preferable. Don’t get me wrong, there are wonderful things, but they get overshadowed by the impacts their adjacent uses will have.

Objections are made to having never had a say in the anticipated square footage of uses (because they were hidden in the survey/public process.) These objections remain on the record.

**We do not prefer** continued industrial uses. For the lumberyards, the Land Use designation has to be different than Industrial.

**We do not prefer** water treatment plants that may impact the local flora and fauna and the presence of retention basins **MUST BE SEPARATE** from the freshwater watershed wetlands that are part of the Guadalupe and Visitation Watersheds.

**We do not prefer** a plan that ignores the watershed and migratory bird populations with improper planting materials and bisection of open space by roads and soccer fields.

Since the language on page 21 states that the Developer Sponsored Plan “**could include** [blah, blah, blah]” versus **will** include the things the public has told would make it an acceptable plan, that things won’t happen due to market conditions... there is NO reason to study this plan, because it is UNACCEPTABLE.

**WE DO NOT PREFER** a wait for OUR open space restoration as the last developer (Brookfield Homes) is yet to dedicate their promised open space and it is over twenty years later of destructive acts we have observed. These issues need to be mitigated first.

It also states that you will begin building one year before remediation begins? Is that a typo?

“The construction phase would begin one year prior to the start of grading with remediation of contaminated soil and groundwater occurring at the site. Post-grading open space, infrastructure and building construction would occur over multiple years, depending upon market conditions.”

**WE DO PREFER** the developer take full responsibility for the health impacts to the Lagoon and our watershed and to develop a plan looking at positive environmental contributions rather than offering the most toxic land for our open space and then include a little asterisk that indicates “Your actual results may vary.”

The figures on Table One, page 7 have never been circulated to the public in any legislative action. The notation letter “a” which states “the CPP will incorporate alternative energy generation within the project: location, size, and type of facilities will be determined at a later date. Acreages of other proposed land uses may decrease as a result.” What, our open space? How is this measurable?

Regarding the Recology variant: the public access/discharge area should be moved to a location closer to 101 and/or Geneva which doesn’t impact the city street and Bayshore parking (staging inside their boundaries.) It is already a traffic snarl and increases the gas-burning load on the community.

Additional comments will be forthcoming.

**From:** [Swiecki, John](#)  
**To:** [Joan Douglas-Fry](#); [Amy Skewes-Cox](#)  
**Subject:** FW: Comments for the final draft of the EIR  
**Date:** Monday, January 10, 2011 9:07:33 AM

---

See below FYI  
John

-----Original Message-----

From: Cheng, Caroline  
Sent: Monday, January 10, 2011 9:02 AM  
To: Swiecki, John  
Cc: Johnson, Kenneth  
Subject: FW: Comments for the final draft of the EIR

Fyi.

Caroline

Caroline Cheng  
Administrative Management Analyst  
City of Brisbane | [www.brisbaneca.org](http://www.brisbaneca.org)  
T: 415-508-2157 | F: 415-467-4989  
[ccheng@ci.brisbane.ca.us](mailto:ccheng@ci.brisbane.ca.us)

-----Original Message-----

From: Philip Gerrie [<mailto:glassgerrie@gmail.com>]  
Sent: Sunday, January 09, 2011 11:00 PM  
To: EIR  
Subject: Comments for the final draft of the EIR

I am writing to express my concerns that the final draft does not include any provision for habitat restoration only more housing. I have been volunteering in brisbane for over two years to restore a small section of former wetland habitat. I have come to appreciate the promise and value of restoration. The former train yards have great potential as they are the only area in the bay area that has fresh water wetlands remaining.

thank you

Philip Gerrie  
SF CA

To: John Swiecki, Community Development Director, City of Brisbane

From: Cris Hart

January 10<sup>th</sup>, 2011

Dear Mr Swiecki,

I would like to see these comments addressed during the Scoping and EIR Process of the Brisbane Baylands Development:

1) Vibration effects of development process on the stability of historic roundhouse. In it's current state the building is compromised by one half of the roof in deteriorating condition and lack of windows framing. Presumably vulnerable is the southern end wall and perimeter wall which has no roof and is therefore no stabilizing membrane. Being built on pilings and having withstood the Loma Prieta Earthquake in 1989 the building seems solid but note the fire which consumed the half of the roof happened after that earthquake. Steps need to be taken to stabilize the roundhouse in the case of man-made vibrations (pile driving, heavy equipment) that would threaten the building during the development.

2) Alternative transportation by rail. The rail access to the baylands should not be eliminated. It is a sustainable form of transportation for goods and people. Currently the Sierra Point Lumber Company receives goods by railcars on the eastern side of the development, and Recology re-opened their rail connection several years ago to provide for moving materials out by rail.. Since those industries/businesses are either staying where they are or being relocated in the redevelopment plans, they should continue to be able use rail transportation. The clean tech center being suggested for that area may want to include rail transportation improvements in their studies. Although it would not likely be a manufacturing facility, a rail connection would allow a convenient place for boarding or testing.

3) As shown in the executive summary, the road(two lanes with parallel parking spaces

on both sides) around the roundhouse will create noise and distraction in an area that is designated a “cultural envelope”. Having 360 degree roadways circle around the cultural center will make it pedestrian unfriendly, unable to transition into open or park space, instead placing it in a vortex of noise which will discourage any outdoor activity.

4) Cultural significance of the Roundhouse appropriate use. The highest standard of preservation is to use a building for it’s originally intended purpose. Should an opportunity to establish a museum of railroad technology and culture at the Roundhouse be presented, a connection to the national rail system would enable display, commemoration, demonstration of crafts, and restoration of railroad artifacts to take place. Only a single track right of way from the rail system to the turntable needs to be considered, but the minimum curve and change in grade needs to allow for the connection to be used by equipment of national importance which would make the venue viable for that kind of operation.

Please call or email with any questions. Thank you for your consideration.

Sincerely,

Cris Hart

223 Mariposa Street

Brisbane CA 94005

Cris.hart@comcast.net

1-9-2011

## Regarding EIR for Baylands Development Plan

By Jim McKissock

To Whom it may concern:

This plan is merely an attempt to maximize the property owners right to build out the property to the greatest extent possible, in violation of environmental standards, using misrepresentations of the condition and value of the natural resources of a large portion of the old Southern Pacific rail yard. The southern portion, south of the round house of the old Southern Pacific rail yard was abandoned by SP prior to my employment with them in 1969. The area had subsided due to the weight of loaded rail cars over the years and the rails were under water often from Dec. to May, the railroad could not switch cars on submerged rails. I heard this area referred to as the lake or duck or frog pond. Both large numbers of migrating ducks and other birds and frogs used the flooded area during winter and spring even when the northern part, the higher part of the property north of Geneva, was still being used for a repair yard by S.P.

After SP went out of business and the rail yard was sold and passed through several owners, the rails had been removed and native plants made their appearance over the fifty plus years of abandonment . The southern portion of the rail yard south of the old round house has become the largest remaining freshwater seasonal wetland on the S.F Peninsula. This area is still an important stopover for migrating ducks and numerous other birds throughout the winter (migratory bird laws have been completely ignored). It is the largest breeding area in the Bay Area for Pacific Chorus frogs. The area is one of the very few locations in the Bay Area where Killdeer can successfully nest and produce young. The area is the last refuge of the once numerous jackrabbits and other small mammals that feed successfully nesting hawks.

I first visited the area with Dana Dillworth in the spring of 07, prior to the completion of the construction of the plastic lined ditches. I was interested in the breeding areas of the Pacific Chorus frogs which I had known about for many years, but not actually seen. What I heard from Dana was how toxic the area was. I found the vast majority of the area to be quite to the contrary due to the rich invertebrate life in the ponds, the huge number of tadpoles and even a rare population of stickleback fish, numerous water beetles and no mosquitos. I hadn't seen such rich pools since the 1950s and one doesn't find life this rich in seriously contaminated pools.

There is also an old ditch that was the diverted Guadalupe Creek which runs along the western edge of the rail yard and also contains relic populations of the once numerous wetland plants of the area. This area is also worthy of protection. The entire area drains out to the bay through this ditch.

There were two partially constructed ditches, one running north and south, the north just south of the roadhouse and running due south for hundreds of yards until it emptied into the old west ditch. The other bisecting the wetlands east to west and emptying into the north south ditch at about the midway point. A liner was seen floating in the channel and numerous stickle backs, coming out of the old ditch to breed in the pools only to be stranded and die with their young.

I was told that the purpose of the ditch was to mitigate the toxins? There appeared to be only one purpose for the ditches and that was to drain the wetlands and degrade them.

This would be a complete violation of the wetland protection laws.

If there were any toxins of concern they were being expedited into the bay by this ditch system.

The following year the ditch had been deepened and the liner secured improving the drainage tremendously.

We saw numbers ducks, geese, egrets, snipes and other birds using the ponds one week only to see the pools disappear the next, in the first of March, killing hundreds of stickle backs and interrupting the life cycle of the invertebrates, causing their reduction the following year.

The rains ended early the following year and the water that had been removed robbed the water table of the necessary water to keep the landlocked stickle back population alive during the dry season. They all died. The following year was also a dry spring. Last year the pools were depleted of most life.

To say there are no toxins on the property would be wrong. There still is bunker oil visible on the ground and in pools just near the entrance of the north south ditch, which will flow down the channel during a high flow event into the bay and an open bunker at the western edge of the yard just north of the old ditch. None of this has been capped or covered yet. These are very small areas and could be easily capped and do not characterize the vast majority of the acreage of the property.

This property owner is out of compliance with the toxic mitigation plan, the clean water act, migratory bird protection laws and the use permit issued by Fish and Game for the ditch.

The environmental consultant refused to meet with me before the pools had become degraded and all the stickle backs were killed. She told me she didn't have time to meet with me, her budget wouldn't allow it and the only thing she would be concerned about was if there were listed species on the property.

No thorough and proper environmental survey has ever been done.

I participated in some of the scoping sessions for the development plan and in every case the discussions were led in the directions that the developer wanted to go by their hired consultants or City staff. That direction is no recognition or protection of the wetland and the rare and unique aspect of the entire area south of the round house. This entire area should be off limits to all development and retained as the important open space and wetland that it is; It is an excellent candidate for long term restoration similar to the Eastshore Park in the East bay which was the old Berkeley dump, now home to jackrabbits, birds and Pacific Chorus Frogs.

The latest version of the plan shows the entire wetland covered with housing. In violation of all of the above.

The EIR comment period Dec. 10 thru Jan 10 was no doubt designed to limit public comment.

There has been no discussion of the fact that the financial bubble that this sort development was born in a few years ago has burst. leaving the state and cities strapped in every way.

I think the most toxic thing about this property is this plan and it's process and the property owner.

Jim Mckissock

516 Richmond St

El Cerrito Ca 94530

**From:** [Swiecki, John](#)  
**To:** [Joan Douglas-Fry](#)  
**Subject:** baylands interested party  
**Date:** Monday, December 20, 2010 11:46:54 AM

---

Hi Joan

Please add the following to the list of interested parties for the baylands

Naomi Melver  
SF Baykeeper  
785 Market St. Ste 850  
San Francisco, CA 94013

Thanks,  
John

John A. Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005  
415.508.2120  
[jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us)

**From:** [Swiecki, John](#)  
**To:** [Joan Douglas-Fry](#); [Amy Skewes-Cox](#)  
**Subject:** FW: EIR comment for proposal - Brisbane Baylands Project  
**Date:** Monday, January 10, 2011 9:08:27 AM

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[another one](#)

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**From:** Cheng, Caroline  
**Sent:** Monday, January 10, 2011 9:03 AM  
**To:** Swiecki, John  
**Cc:** Johnson, Kenneth  
**Subject:** FW: EIR comment for proposal - Brisbane Baylands Project

Fyi.

*Caroline*

Caroline Cheng

Administrative Management Analyst

City of Brisbane | [www.brisbaneca.org](http://www.brisbaneca.org)

T: 415-508-2157 | F: 415-467-4989

[ccheng@ci.brisbane.ca.us](mailto:ccheng@ci.brisbane.ca.us)

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**From:** Joni Moss [mailto:[californianativevegan@yahoo.com](mailto:californianativevegan@yahoo.com)]  
**Sent:** Monday, January 10, 2011 12:23 AM  
**To:** EIR  
**Subject:** EIR comment for proposal - Brisbane Baylands Project

Hello,

I am in favor of the No Project option. There are plenty of other spaces for rent - office, industrial, and residential - within 20 minutes. Additionally, when these resources are not abundant I suggest that the No Project alternative is still better here. Please leave open space and do not increase development in this area.

I want to also recommend that separate bike lanes (with raised curbs between bikes and cars or other transportation such as walking/trains) be installed next to all linear unbroken geographic elements, such as waterways and trains. This is much safer and promotes the future of biking, while also supporting the safety of drivers, pedestrians, and public transportation users.

Sincerely,

G. Munsey  
San Francisco resident

## **Brisbane Baylands EIR Scoping for all three alternatives, and other projects or plan, plus the No Development alternative**

### **Potentially significant impacts that need to be addressed by an EIR:**

- 1) Contamination:
  - i) Dangers and concerns of mixing of contaminants, the resulting compounds and their health risks known, potential, suspected and unknown.
  - ii) Toxic plume elimination
  - iii) Contamination from puncturing the landfill caps for construction
  - iv) Toxic landfill leachate containment and/or elimination
  - v) Potential unknown contaminants as discovered in other landfills
  - vi) Tidal effect in landfill on leachate
  
- 2) True Fiscal Impact Analysis for all alternatives:
  - i) Police
  - ii) Fire
  - iii) Public Works
  - iv) General Administration
  - v) Water and water procurement
  - vi) Cost of water treatment and waste water treatment
  - vii) Water system purge
  - viii) Sewer
  - ix) Schools
  - x) Infrastructure
  - xi) Lack of Property Tax Revenue due to redevelopment funding
  
- 3) Geology:
  - i) Potential Liquefaction
  - ii) Subsidence of terrain – interim, during construction, and long-term
  - iii) Dangers of importing dirt and soil from other areas for fill both during construction and in the future for correcting subsidence – including potential contaminants both chemical and biological – such as importing insects, worms, microorganisms
  
- 4) Hydrology:
  - i) Fresh water/salt water interface
  - ii) Tidal influx
  - iii) Tidal action in the substrate
  - iv) Tidal action in the landfill and dump
  - v) Effect of rising sea levels
  - vi) Effect of percolation through the medium
  - vii) Effect of landscape irrigation
  - viii) Effect on wildlife – both native and non-native – including, but not limited to migratory birds, stickleback, frogs, insects, rabbits, coyote, marsh habitat

and marine life - in the project zone, all areas adjacent to the project zone, and in the water flow of the project zone.

- ix) Effects of release of treated waste water
  - x) Effects of release of untreated waste water
  - xi) Water procurement
  - xii) Water system purging
- 5) Transportation:
- i) Current cumulative traffic impact studies in the project zone, in the adjacent areas, locally, and regionally.
  - ii) Future and potential cumulative traffic impact studies in the project zone, in the adjacent areas, locally, and regionally.
  - iii) Freeway and roadway infrastructure construction needed prior to commencement of development
  - iv) Freeway and roadway infrastructure construction needed during of development
  - v) Freeway and roadway infrastructure construction for full build out under all plans
  - vi) Trip generation reports
- 6) Archeology & Anthropology:
- i) Prehistoric concerns (Native shell mounds, other artifacts)
  - ii) Historic concerns (Spanish history, Rancheros, Pre-earthquake and landfill/artifacts from 1906 and post earthquake, railroad roundhouse, Log Cabin (currently part of Silvestre's), modern dump and other historic concerns.
- 7) Quality of Life:
- i) Noise from potential uses
  - ii) Noise from construction
  - iii) Separation of community
  - iv) Aesthetics
  - v) View degradation
  - vi) Emotional impacts
  - vii) Increased commute times
  - viii) Effects of lack of sleep due to construction and subsequent noise
  - ix) Increase of dust
  - x) Increase in suicides
  - xi) Environmental toxicology
  - xii) Impact of windows that open vs. closed commercial, business, and residential
  - xiii) Emotional impacts of constant freeway noise
  - xiv) Dangers of open windows in residential multilevel developments (for example children falling from open windows)
  - xv) Smell of waste water and sewage treatment
- 8) Health Issues:
- i) Effects of breathing exhaust from freeway traffic

- ii) Toxic plume
  - iii) Proximity to Kinder Morgan Tank Farm and pipelines
  - iv) Negative effects of freeway dirt on health of workers, visitors and potential residents
  - v) Effects of diesel exhaust and diesel pollution
  - vi) Accurately assess the potential effects of disease and epidemics from heavy population influx, both transitory and permanent.
  - vii) Effects of high speed rail on potential workers, visitors, and residents and wildlife.
- 9) Construction Issues:
- i) Noise Attenuation effects on all life – people, mammals, birds, amphibians, fish, etc.
  - ii) Barotraumatic effects on all life – people, mammals, birds, amphibians, fish, etc.
  - iii) Dangers of puncturing the landfill for pile driving
  - iv) Dangers of vibrations on migratory bird eggs
  - v) Disturbance of migratory bird due to pile driving and traffic
  - vi) Disturbance on marine life of pile driving
  - vii) Accurately assess potential danger of causing a pipeline rupture for gas, natural gas and other fuels.
  - viii) Stress of pile driving on existing infrastructure including but not limited to pipelines, roadways, bridges, buildings, housing, historical structures.
  - ix) Increase in heavy truck traffic
  - x) Increase in construction workers and other transients – health, safety, provisioning, hygiene, accommodations, interim health care, and immigration issues
- 10) Energy Impacts:
- i) Energy needs of plan and potential of onsite generation
  - ii) Energy needs of wastewater treatment
  - iii) Energy needed for transportation of building materials, including but not limited to steel, concrete, soil, paving material, gravel, and landscaping.
- 11) Agricultural:
- i) Loss of open space for potential above ground food production
  - ii) Loss of open space for potential algae farm for energy productions
- 12) Mineral:
- i) Impact on regional resources for gravel, soil, paving materials, concrete – in particular the impact to San Bruno Mountain due to demand for Quarry materials and recycling of materials, some of which may be contaminated.
  - ii) Transportation of gravel, soil, paving materials, etc.
- 13) Other environmental concerns:
- i) Nitrogen Deposition Increases and the effects on the habitat

- ii) Migratory interrupt for birds, mammals and amphibians and other life.
- iii) Effects of increase in invasive species
- iv) Effects of global warming
- v) Dangers of importing dirt and soil from other areas for fill both during construction and in the future for correcting subsidence, landscaping, etc. – including potential contaminants both chemical and biological – such as importing insects, worms, microorganisms

14) Future concerns:

- i) How to address ongoing changing conditions through the life of the potential project and development.

Submitted by Terry O'Connell and Michele Salmon  
Brisbane Residents  
January 10, 2011

Michele Salmon  
123 Sierra Point Rd  
Brisbane, CA 94005  
415-377-0689  
mmsalmon@aol.com

Terry O'Connell  
70 Sierra Point Rd  
Brisbane, CA 94005  
415-308-7019  
Toconnell11@sbcglobal.net

CITY OF BRISBANE

PUBLIC SCOPING MEETING

BRISBANE BAYLANDS SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

JANUARY 4, 2011

EXCERPT:

PUBLIC COMMENTS

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E X C E R P T

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1  
2  
3 MS. L. SALMON: Good evening. First of all, I was once  
4 again dismayed when I saw the new UPC-Tuntex proposal -- is this  
5 on? Yeah? Okay -- for 4400-plus houses -- yeah, for 44-plus,  
6 you know, how they're trying to slip it in at the last minute and  
7 say, "Okay, now the agency said they only have one month during  
8 Christmas to respond." That's not going to fly.

9 First of all, housing is not -- I'll put my glasses on,  
10 I guess -- housing -- housing is not an acceptable use of any  
11 land located in the Brisbane Baylands and is specifically  
12 disallowed by the current General Plan voted upon by the citizens  
13 of Brisbane. And we are not going to even consider any proposal  
14 of 4,434 housing units on extremely sensitive marshland habitat,  
15 which is not only contaminated, another Love Canal in the making,  
16 but is land that will liquefy in any sizeable quake, and is  
17 further subject to floods and rising sea levels. Therefore, we  
18 cannot consider such an option in any form. Even the possibility  
19 of such an option cannot be entertained for the EIR purposes lest  
20 UPC and Tuntex folks get the wrong idea and think that we might  
21 someday, under some condition, allow this, which we won't.

22 If the current City Council cannot support the will of  
23 the people and stand up for our rights in the face of UPC and  
24 Tuntex, then we will need to get a new City Council government  
25 that does honor the will of its people.

1           We know why the applicant is claiming that such housing  
2 is necessary to make any of their schemes viable. They need it  
3 in order to saddle us with the bondage of reclamation and  
4 redevelopment monies from the state to finance the infrastructure  
5 because they cannot afford to do so on their own. The answer to  
6 that is simply no. We will not be bamboozled by such schemes.  
7 We learned our lesson on the Waldo-Kerwin-Myers Sierra Point  
8 boondoggle. No more.

9           Further, there is no alternative project without a  
10 Geneva Avenue exchange freeway running through the Baylands.  
11 Note that Brisbane will not tolerate the additional noise and  
12 pollution that will be shown by a proper EIR to be caused by such  
13 a freeway. At the time the 101 extension was shoved down our  
14 throats, we were not a city and had very little to say about it,  
15 but now we do. And we will not carry the burden of San  
16 Francisco's San Jose Avenue and Alemany-280 exchange traffic to  
17 be routed onto the 101 via this new proposed Geneva Avenue  
18 freeway extension. We all know perfectly well that to open that  
19 door would be opening the door to widening the 101 freeway as  
20 well as Bayshore Boulevard, which would only mean losing more of  
21 our bay and our mountain.

22           And, of course, when we do get around to doing the EIR  
23 and we actually have a plan -- we'll come back to that to begin  
24 with -- we need to talk about the viewshed. The applicant's  
25 activities have already cost us the San Francisco skyline. When

1 you stand on Lagoon Road, you can no longer see the San Francisco  
2 skyline. It's all about saving the bay and its marshes. We have  
3 native plants and animals that need contiguous habitat.

4 We have an incredible potential for the loss of our  
5 night sky for all of us, people, animals, and plants here in  
6 Brisbane, not to mention the containment of any parked vehicles,  
7 not only for the viewshed, but for their oil and other pollutants  
8 that would add to the combined plume.

9 However, most importantly, once again, even though we  
10 now have more detailed ideas on land use from the applicant on  
11 what they want to do with this land, specifically, to make more  
12 San Francisco in our front yard, however, we still do not have an  
13 actual specific plan, which must include actual proposed  
14 buildings, architectural drawings, elevations, et cetera. We,  
15 the people of Brisbane, are not so foolish as to give this  
16 applicant carte blanche to build roads so they can put up  
17 whatever kind of structures they like without a real review to  
18 know if such will be acceptable to us.

19 I can tell you right now they are very much mistaken if  
20 they think they're going to build more of those butt-ugly square  
21 townhouses they're proposing to build in Visitacion Valley. So  
22 the whole idea of setting out the EIR is totally and completely  
23 premature from a legal standpoint.

24 Just because some people want to call this new  
25 executive summary of the project description a specific plan and

1 consider it under some newfangled program of the EIR does not  
2 make it so.

3           We will not be hoodwinked by this posturing of the  
4 emperor's new clothes. This does not work for the City of  
5 Brisbane. The General Plan -- the General Plan that is in  
6 existence right now very, very specifically says that a real  
7 specific plan must be laid out for approval. We -- in its  
8 entirety. We are not going to approve this in piecemeal.

9           The reason the FAR's are the way they are, when I sat  
10 on the Planning Commission and we finished that General Plan in  
11 1994 or whenever that was, okay, is because we want real  
12 architecture, real buildings, on a large scale so we don't have a  
13 bunch of little roads and a bunch of little automobiles. It's  
14 only transit-oriented. We're not talking this new urbanism junk  
15 of building another city in our front yard. That is not the use  
16 that we're looking at and we're looking for. And we have done  
17 our best to communicate this with the project people, the  
18 applicant, UPC and Tuntex, and they are not listening.

19           We went ahead with these people for the proposed  
20 alternatives. This is really not our proposed alternative. This  
21 whole thing is a sham. I totally object to this process, to  
22 having to come down here once more and say, "Okay, for the EIR we  
23 have to do this and this and this," when we still don't have a  
24 real specific plan. And the General Plan is very specific about  
25 that.

1 Thank you.

2 (Applause)

3 MODERATOR: Can you just make sure -- clarify your name  
4 when you begin speaking?

5 MS. MILLER: Anja Miller, speaking for the Committee  
6 for Renewable Energy in the Baylands.

7 AUDIENCE MEMBER: And she's speaking tonight for the  
8 whole group.

9 MS. MILLER: Can you hear me now? Okay.

10 Anyway, we have been verbally assured that the  
11 renewable energy alternative that we've prepared and has wide  
12 support in the community would be considered equally with the  
13 developer's plan and the so-called community preferred  
14 alternative. But it doesn't appear so from the NOP, and I think,  
15 again, that the EIR consultants confirmed that it would be just a  
16 supplemental paragraph or two compared to the main plan.

17 So we have a letter we'd like to submit. I have six  
18 points, and I'd like to read it for the record in response this  
19 whole thing.

20 (Ms. Miller reads January 3, 2011 letter from  
21 CREBL to Mr. John Swiecki into the record.)

22 (Applause)

23 MODERATOR: Ken?

24 MR. McINTIRE: Ken McIntire, San Bruno Mountain Watch.  
25 I think I'll just read my questions and comments into the record.

1 MR. McINTIRE: So I have a couple -- one general  
2 question, one that you already answered.

3 (Mr. McIntire reads document from San Bruno  
4 Mountain Watch titled "Scoping Comments for the  
5 Brisbane Baylands EIR" into the record.)

6 MR. McINTIRE: Thank you.

7 (Applause)

8 MODERATOR: Michele Salmon.

9 MS. M. SALMON: Michele Salmon, Brisbane resident.

10 First of all, I'd like to say something about the  
11 community alternative plan. I attended at least one of those  
12 planning sessions, and I was very put off by the process because  
13 it was extremely contrived. It left no room for people to  
14 express what they really wanted out there. There were a certain  
15 amount of elements that you had to place in the plan, et cetera.  
16 And every time you call it the community-approved plan, it makes  
17 me feel a little bit sick because, really, I don't know anybody  
18 in the community who actually approved that plan and embraced it.  
19 So I personally embrace the alternative energy plan.

20 I am concerned about the program EIR versus a specific  
21 project EIR, and I will continue to be concerned about that. And  
22 I expressed that concern during this entire process.

23 Also, I am concerned about the elimination of the  
24 agricultural and mineral parts not being included in the EIR.  
25 And I know it sounds ridiculous, but that is an agricultural

1 asset because it is an area that receives a lot of sun. It is  
2 possible to grow food there using, you know, above-ground  
3 containers like earth boxes, and also it could be an area where  
4 we could grow algae for biofuels. So I do think that that does  
5 need to be looked at and should not be eliminated just because.  
6 And there was also talk about mining the minerals from the  
7 landfill that was deposited there.

8           And then one of the things that I'd like also is a  
9 definition of open space versus natural space when you're doing  
10 the EIR process. I have great concern that you consider a plaza  
11 that's paved over as open space. I don't consider that open  
12 space. I consider that uncovered, developed space. And there's  
13 quite a difference between developed space that doesn't have a  
14 roof and open space. In my heart, that's very different.

15           One of the really grave concerns I have and I'm not  
16 sure how you're going to address is actual build-out process. I  
17 have lived here all my life and have gone through various build-  
18 out processes. Just a few -- short while ago, the citizens of  
19 Brisbane were subjected to the pile-driving when they replaced  
20 the bridge over the railroad tracks. It was quite intolerable  
21 for many people. The sound and the vibrations are amplified in  
22 the natural bowl shape of Brisbane, and you can actually, you  
23 know, feel it. And I remember very clearly when they built the  
24 Kinder-Morgan tank farm. And we put up with that pile-driving  
25 for six months or more. It was horrible. It was awful. It was

1 horrendous. Your teacup would bounce on the table when they were  
2 pile-driving.

3           And I -- that is just a small sampling of what not only  
4 the people of Brisbane and the surrounding areas will be  
5 subjected to during the build-out phase of this project, but also  
6 all of the animals and sea life and fish and mammals that are in  
7 the area, including birds and eggs and everything like that. And  
8 that really, really needs to be addressed. There was a report  
9 recently that came to light where, you know, sonic vibrations  
10 really affected sea life. And there's a fragile comeback of  
11 birds in the lagoon. It's a rare migratory area. And the actual  
12 building process of building out the Baylands really needs to be  
13 taken into account.

14           They are going to be penetrating landfill that's toxic  
15 in order to pile-drive. You are going to be creating incredible  
16 sound and vibratory -- I don't know what you call it. It's going  
17 to be really loud and really shaky when you pile-drive the hell  
18 out of that place in order to put piers down, enough to support  
19 the structures that all of these plans are talking about. That  
20 really needs to be taken into account.

21           All of the pollution, all of the traffic, all of the  
22 construction, what is the impact of that on the environment, not  
23 just the people, but the animals and the plants and the birds and  
24 the sea life? Those vibrations from pile-driving can transfer  
25 across miles and miles. We saw how vibrations can travel through

1 the earth with the Loma Prieta earthquake. Who would have ever  
2 imagined that it could bring down a piece of the Bay Bridge when  
3 it was, you know, fifty miles away?

4           And so, those are really big concerns of mine. I'd  
5 like not just what it's going to be like when it's done and how  
6 much traffic there's going to be and how many houses and how much  
7 electricity it's going to use. I'm sure you have plenty of pat  
8 answers for all of that, because this is -- you know, development  
9 happens all over the world. But what's the true impact of  
10 actually building the development the way that it's planned right  
11 now? That is significant. It will have -- just the building  
12 process will have an incredibly major effect on this area, an  
13 untold impact. And I don't see that addressed in any of these,  
14 in any of these scoping documents or anything. And so, that's  
15 something that is a real concern to me.

16           Even if you go out and look at the Kinder-Morgan tank  
17 farm, you can see where they did pile-driving. You can see the  
18 subsidence of the -- on the surface level from that time till  
19 now. And, yeah, it was a long time ago and yeah I'm getting old.  
20 And, you know, I probably won't be around, you know, fifty or a  
21 hundred years from now to see what it looks like now.

22           But what about the dirt that they have to bring in  
23 after the fact to bring it up so that everything's level and you  
24 don't have a six-foot drop-off from the building? I mean, look  
25 at the City maintenance building. I mean, that building should

1 be condemned. It's -- it's eight feet above the surface level  
2 now. There was eight feet of subsidence, just in, you know,  
3 what? Thirty years? How long has the Kinder-Morgan tank farm  
4 been there? Thirty, thirty-five years?

5           And then also, I'd really like to see in the plan some  
6 flexibility for the future, because we're looking at it in a kind  
7 of static view of where we're at right now. And you said it  
8 yourself about that, that's why we're doing a program EIR, to --  
9 because the build-out's going to take thirty years or fifty years  
10 or ten years, or however long it's going to take. But if we  
11 don't have flexibility in the environmental impact review,  
12 constant flexibility to address constant changes of things that  
13 are happening right now that we don't even know about -- I mean,  
14 just in the last four years, people are starting to acknowledge  
15 that global warming is not fantasy, that sea level rise is not  
16 fantasy. It wasn't something that the Democrats invented, you  
17 know, to support Al Gore; it's a reality. I learned about it in  
18 college, you know, a really long time ago.

19           And so, these are things that are concerning for me  
20 when I look at this environmental path, review, scoping. And  
21 they really do need to be addressed. And this is cutting-edge  
22 stuff because this is the largest brown earth development,  
23 probably in the western world, and maybe even in the whole world.

24           We have an opportunity here to do something remarkable  
25 and something horrible. So we really need to make a choice of

1 what it's going to be. And a lot of that hinges on how it's  
2 going to affect the current environment and the future  
3 environment.

4           You know, when they were filling it with garbage, I  
5 never would have believed that I would be standing here this many  
6 years later saying, "Wait a second; you want to put houses there?  
7 Do you know what's in there?" You know, and -- and so, it is  
8 really a scary thing, you know. And it's not something I'm quite  
9 -- oh, you want comments in ten days? You want comments in  
10 thirty days? I'm sorry, but this is a lifelong process that  
11 we're looking at. And so, don't -- I don't want us to take it  
12 lightly and not address the things that weren't really addressed.

13           Thank you.

14           (Applause)

15           MODERATOR: Dana Dillworth.

16           MS. DILLWORTH: Dana Dillworth, resident of Brisbane.

17           My -- I have comments that I submitted to the City  
18 questioning whether the 30-day notice was adequate, requesting an  
19 extension for submission of documents and proper circulation of  
20 this notice. I'm not going to read all the material, but I did  
21 want to say that this represents a different plan. This is a new  
22 plan. This is not the plan that we had presented to us in 2006,  
23 so we have new information, new uses, new numbers of people that  
24 just mean more people at risk, more exposure to toxins, and more  
25 false claims about sustainability.

1           So, really, if you wanted to know, "Should you review  
2 this document?," the answer is no, because it has not a chance in  
3 hell to be an acceptable plan for the City. And in CEQA, that's  
4 clearly one of the things. Public acceptance is clearly one of  
5 the things that you need to address. And so, one could cut it to  
6 the chase right now and say this is unacceptable, it's not legal  
7 because it doesn't represent the will of the people, we voted on  
8 it.

9           Stop wasting our time. I have been involved with this  
10 for 21 years, since 1991, when under a negative declaration --  
11 when you say "negative declaration," they were going to rezone  
12 the dump for housing. So do not look in our face with any  
13 sincerity to tell us that future mitigated negative declarations  
14 or future negative declarations will be legitimate ways to move  
15 forward.

16           About the community preferred alternative, it is yet to  
17 be decided as to whether it's a preferable alternative. And I  
18 don't want you to get me wrong, because there are some absolutely  
19 wonderful things, but they're overshadowed by the impacts that  
20 are adjacent to their uses, such as the toxic waste burner from  
21 the dump, the toxic waste burner from Kinder-Morgan, and any  
22 other toxic waste burners that might be required as a mitigation  
23 measure. You have not looked into that issue.

24           And so, the -- how can any of these plans be preferred,  
25 when you haven't looked at the toxic waste burner right here and

1 the toxic waste burner right there? How in the world are you  
2 going to pack people in those areas, to live and breathe on a  
3 daily basis?

4           So, one of the things that I haven't finished about the  
5 community preferred alternative is that we never, ever, ever,  
6 ever were legitimately asked about square footage for those uses.  
7 They were slipped into a page that we didn't receive in the mail.  
8 It was like Page 4, but we received Pages 1 through 3. So it  
9 needs to be maintained on the record that the square footage of  
10 the so-called community preferred plan has never been -- we've  
11 never had an opportunity to say whether we prefer it or not.  
12 It's all happening behind the -- behind closed doors.

13           When it was last presented to the public, it was  
14 roughly at about 7.5 million square feet. Today it's 8.3. If we  
15 don't say, "Stop!" -- why didn't we say "stop" at 2.57 million  
16 square feet? Why didn't we say "stop" at 7.2 million? Why  
17 haven't we said "stop" at 11., whatever? It -- it's like -- it's  
18 not the square footage; it's the exposure, the number of people  
19 that you will bring to this dump and expose to the toxins.  
20 That's the question, not "Is housing okay?" It's not okay.

21           And so, one of the things that I was going to say is,  
22 when we were going through the workshops, the community  
23 workshops, we got all energized by James Wines and said, "Oh,  
24 wonderful! There are some alternatives out there." We got -- I  
25 went to one of the Universal Paragon-sponsored things down at the

1 Brisbane Village, and there was a consultant who talked about  
2 public planning from the watershed point of view. And I walked  
3 to him and I said, "You just shot Universal Paragon in the foot."  
4 And he said, "I'm not being asked as a consultant for their  
5 planning; I was just being asked to tell you about planning, good  
6 planning practices."

7           And so, his object of being a good planner is to start  
8 looking at the watershed. Even if it's all covered over, look at  
9 your watershed because your watershed will tell you just exactly  
10 what uses go where. You avoid the riparian areas. And if that  
11 were the case, the community preferred alternative would open up  
12 Sunnydale, because we know the community wants to daylight the  
13 creek at Sunnydale. This would be open, Geneva would be open.  
14 We would be finding other ways, making new lagoons, if we were to  
15 think positively about the environmental community.  
16 Environmental community, I repeat.

17           Some of the things in this plan -- I'll tell you what  
18 we do not prefer, but they continue to be carried forward. We do  
19 not prefer the continued industrial uses. In 1991 when they were  
20 going to rezone the dump for housing, they declared it was to get  
21 rid of the industrial use. And yet, industrial use keeps showing  
22 up again and again. That is not a preferred alternative to the  
23 residents of Brisbane.

24           We do not prefer a water treatment plant that could  
25 impact our local flora and fauna. So I personally, I'm the one

1 who's been shouting, "Arcata, Arcata, Arcata," but what it looks  
2 like to me, you're going to take this and you're going to dump  
3 wastewater treatment into our watershed. And, no, you don't get  
4 to do that. You need to keep your water treatment separate from  
5 the environment, because we all know what overflows are all  
6 about.

7           The other thing, one thing we do not prefer is a plan  
8 that ignores the watershed migratory bird populations, because  
9 the plans that have been submitted have improper planting,  
10 plants, and materials, and it bisects open space by roads and  
11 soccer fields. We do not prefer putting grids. We do not prefer  
12 lots of roads. And somehow, that has not gotten through and has  
13 not been articulated.

14           So, what we do prefer -- oh, also, we will not -- I  
15 personally, who've been involved in this for 21 years, will not  
16 sit back for another 21 years waiting for contamination  
17 remediation. I have sat in meetings for years where they say,  
18 "Oh, Dana, control yourself because we have a willing developer."  
19 Well, twenty fricking years later, this willing developer is  
20 willing to put a little asterisk into your program that says, "We  
21 may not accomplish any of this because it's subject to market  
22 conditions."

23           It's my understanding that the -- that they -- in fact,  
24 I brought it to the Water Board's attention -- they have active  
25 -- still have active leaks. Universal Paragon could be charged

1 \$5,000 a day. That's \$1,825,000 a year. And for the 22 years  
2 that I've waited for them to clean up, that will be \$40 million  
3 that could have been collected in fees for the clean-up. But,  
4 no, we sit back and go, "Oh, let's try to figure out what we can  
5 do. Let's figure out how we can make this manageable."  
6 Manageable is clean up the fricking stuff, period.

7           So, we do not prefer to sit back and wait. We do  
8 prefer to have the developer take full responsibility for the  
9 health impacts to the lagoon and to our watershed, and to develop  
10 a plan looking at positive environmental contributions rather  
11 than offering the most toxic land for open space and then include  
12 the little asterisk that says -- I can give the exact words, but  
13 -- "Acreages and other proposed land uses may decrease as a  
14 result." So guessing -- does that mean our open space is the  
15 first land use that's going to decrease in order to do anything  
16 else out there? No fricking way! Our open space should be open  
17 space, not open area. Stop playing the game with the definition,  
18 because some of us are getting quite ready to stop being --

19           MS. DILLWORTH: Okay. Anyway, I am tired of giving  
20 leeway to somebody who just doesn't get it.

21           Almost ten years ago, I made public records requests at  
22 the Water Board. I found out decisions were being made that even  
23 the citizens of Brisbane did not know were being made. And  
24 that's why I petitioned the state to set up the community  
25 advisory group, because we were not being informed. And we are

1 still being treated like donkey doo, that we are not being  
2 informed of the truth of issues.

3           And so, in closing, I had wanted to say -- oh, also, we  
4 need to acknowledge that there's a deadly mold problem out on the  
5 Baylands, that the fire station is not usable because of a deadly  
6 mold, that the Unocal building is not usable because of a deadly  
7 mold, that a lot of the buildings along Industrial Way probably  
8 are not usable because of the deadly mold. And part of that  
9 comes from the fact that the water below the Baylands is  
10 saturated with water. It receives impacts from the sea, from the  
11 Bay, and everybody looks the other way. But that's the reason I  
12 say they need to look at the records of Kinder-Morgan, because  
13 they looked at the water flow and they concurred that the wells  
14 at Kinder-Morgan are receiving tidal action. So everyone else  
15 out on the Baylands is receiving tidal action. But we just  
16 pretend like it's nice, solid land.

17           And so, these are some things that haven't had a  
18 consulting firm that would say, "Start all over; you need to look  
19 at the environment; you needed to look at the impacts first, and  
20 then you can choose what uses we will do," rather than the other  
21 way around, where we sat through program after program after  
22 program. "What do you want? What do you want?" "Oh, I want  
23 this, I want that." And we never said what is safe.

24           And so, I personally think this all should be thrown  
25 back to wherever you throw garbage -- you can leave it on the

1 dump -- and start all over again, be sincere in your effort, or  
2 you have a group of citizens that are just getting angry as heck.  
3 And we aren't -- it's been 21 years for me, thirty or forty for  
4 some other people in this room.

5 MS. DILLWORTH: We're sick and tired of it. We want to  
6 see some change. I'm sick and tired of you calling this a  
7 specific plan, but there's no specific plan available.

8 MS. DILLWORTH: Stop the games, stop the bullshit, and  
9 clean the fricking place up!

10 Thank you.

11 MODERATOR: Mr. Heinz?

12 MR. HEINZ: Tom Heinz, 22-year resident.

13 I understand your desire to confuse us by mixing things  
14 like apples and oranges. Please use all square footage or all  
15 acres, or use both, but half your numbers are in acres and half  
16 are in square footage. You know, I just can't do that mental  
17 calculation in my head any more.

18 A program-level EIR opens the doors that would not be  
19 opened if using project-level. It is one project.

20 If the original NOP is so old and there are so many new  
21 changes, then why not just start over?

22 The applicant says they cannot do this project without  
23 housing. When this project started -- I'm not sure of the exact  
24 date, but Dana mentioned '91 -- I told the applicant then that  
25 they bought a lemon, and that they should cut their losses and

1 back out now. And here we are, ten years later, and we're still  
2 confused, there's still no progress. Whatever you've been  
3 promised by City Hall cannot be kept. We control City Hall.

4 Finally, this document that we have tonight looks like  
5 it was just coming out of somebody's head and no real thought was  
6 put into it. It calls -- it says -- it says the -- the north-  
7 south direction is bisected by the railroad, the north-south  
8 direction bisected by the railroad. No, it doesn't go that way.  
9 It's the east-west direction bisected by the railroad.

10 Thank you.

11 MODERATOR: Is there anyone else who would like to  
12 comment who didn't fill out a green card? Or is that all?

13 Danny.

14 MR. YEUNG: I'm Danny Yeung. I'm a resident of Daly  
15 City, actually in the Bayshore neighborhood, which is adjacent to  
16 the project site. I'm talking because I saw that there were no  
17 comments submitted by Daly City in 2006, and I'm not even sure if  
18 they are submitting any comments this year for the project. So  
19 I'm going to try to represent my neighborhood here, just talking  
20 about the program EIR.

21 I'd like to -- I'd like the EIR to include discussion  
22 or analysis about the increase in traffic along Geneva Avenue. I  
23 think that the Bayshore neighborhood and the neighborhoods, for  
24 example, and -- oh, and then also the potential change in level  
25 of service and upgrades necessary along Geneva Avenue, and, for

1 example, like the Geneva-Bayshore interchange, and also future  
2 truck traffic along or exiting the proposed Geneva interchange at  
3 Geneva and 101, where -- because there might be a lot of truck  
4 traffic going into -- going off that interchange, passing Geneva  
5 Avenue and Bayshore Boulevard from -- directly to that proposed  
6 -- that -- what's this area called, the industrial area along  
7 Valley Drive, I think? Since most of the traffic now comes from  
8 -- I think it was the Bayshore exit off-ramp. So there would be  
9 an increase of new truck -- heavy truck traffic along that  
10 intersection there.

11           And then, let's see, for public services, I'd like the  
12 EIR to include a discussion on the increase of calls in the  
13 community from the Bayshore area, specifically North County Fire,  
14 or the Fire Station Number 93, the increase in its service levels  
15 -- were affecting service levels, and -- because the fire can  
16 pass through our neighborhood to get -- to service the new  
17 proposed development.

18           For the noise and vibration section, noise impacts in  
19 the Bayshore neighborhood, I looked at the noise study taken by  
20 the noise modeling and samples of the Bayshore area, the Cow  
21 Palace area, and any effects caused by the new development,  
22 including construction, along with the pile-driving that Michele  
23 mentioned earlier during construction, and the potential of that  
24 going off San Bruno Avenue. And as Michele mentioned earlier,  
25 the ground-borne vibration is the technical term for it, I

1 believe. For the land use and planning element, the  
2 entertainment variant studied for an alternative should include  
3 an impact on the Cow Palace and local business that could be  
4 affected because of a -- it could draw away business from the Cow  
5 Palace and local businesses and could result in those businesses  
6 shuttering, which is a physical impact on the environment.

7           And then, also, the effect on Daly City's existing land  
8 use plans for the area, the Bayshore area, and for the Geneva  
9 corridor plans.

10           And then, for the hazardous materials, I'd like the no-  
11 impact alternative to include analysis of the potential for  
12 release of hazardous materials if nothing is done on the project  
13 site, possibly during earthquake over a long-term period.

14           Those are my comments for the EIR.

15           MODERATOR: Thank you very much, sir.

16           Anyone else like to comment?

17           MS. PARKER: My name is Carolyn Parker. I would like  
18 to see an overview map of all the approved future housing and  
19 other building that's going to be around the Baylands that's not  
20 currently being built so that we have a general idea of what else  
21 is going to be out there on the Baylands. I feel that I can't  
22 see the Baylands just by itself; I need to know what else has  
23 been approved. And I -- I haven't seen anything like that. And  
24 I think that should be considered in the EIR, because there's  
25 water -- my understanding, I don't know for sure, but my

1 understanding is that there's approval of 12,000 additional  
2 housing around the Baylands. So, I'd like to see a lot more  
3 about what the traffic conditions will be, where the water's  
4 going to be coming from, what else has been approved for the  
5 electrical grid. I just feel that we're looking at the Baylands  
6 in an -- just by itself, and I don't think it should be by  
7 itself. It needs to be included because there's an awful lot of  
8 growth that's going to be occurring in that area, and really  
9 adjacent to the Baylands.

10 And I think that's not holistic. It's sort of like  
11 we're looking at, you know, at an arm -- you know, the Baylands  
12 is the arm, but you know what? We have to look at everything.

13 Thank you.

14 MODERATOR: Anyone else who would like to speak? More  
15 speakers?

16 MR. HOWARD: Personally, I think --

17 MODERATOR: Robert, would you start with your name?

18 MR. HOWARD: Robert Howard, Brisbane resident.

19 Personally, I think the Geneva Avenue extension is a  
20 really bad idea. It's going to totally distort traffic patterns  
21 in the region, and I mean all the way across Geneva Avenue down  
22 to Mission and beyond -- and it may end up with people, you know,  
23 end up -- going to be more cars on the 101. The 101 is now  
24 filled to capacity as it is. And it will just lead to gridlock.  
25 It's a terrible idea. It really needs somebody who can analyze

1 the situation who really understands traffic management, traffic  
2 flow, and will treat it as a regional concept, not as just a  
3 little area with respect to here but for the whole region.

4 The other thing is the high-speed rail authority is  
5 planning on putting more tracks in there for high-speed rail.  
6 They're also planning on paying for the electrification of  
7 Caltrain as part of the deal. It may not happen immediately, but  
8 it will happen sometime in the future. So that will alter the  
9 usable amount of land.

10 My understanding of their EIR is being done in the next  
11 few months, and it's supposed to be approved this year or the  
12 beginning of next year that's the Caltrain project for this area.

13 And this is one of the things we're trying to decide  
14 on. And the question is what effect that will have out there.  
15 So, in some ways, some of the plans are premature with the high-  
16 speed rail authority and Caltrain plan because they have power of  
17 eminent domain given to them by the state. And it seems like --  
18 almost like a rush to get through the -- down here to up-zone  
19 this, which is not really a good idea. Those of you think you  
20 know something about organizations, they can end up doing  
21 something with this piece of land.

22 Another big concern is water, as Carolyn talked about.  
23 Where is the water going to come from? Where is sewage going to  
24 come from -- and where does the sewage go to be cleaned?

25 You know, do -- also, there's -- as Dana probably could

1 tell you in more detail, there are a number of migratory bird  
2 species that are covered -- it's my understanding they're covered  
3 by the migratory bird treaty -- that over-winter in parts -- in  
4 the seasonal wetlands out on the Baylands. Those haven't been  
5 taken account of. Those can't be moved. It's my understanding  
6 the migratory bird treaty, that the international treaty, it's  
7 enforced by a number of different agencies, both governmental and  
8 nongovernmental. And one of those agencies that is non-  
9 governmental is actually going to sue quite vigorously when they  
10 hear about migratory birds' habitats being disturbed. And it's -  
11 - this treaty, you know, if it's one -- it's organizations that  
12 you supported. So, anyways, so there are a lot of problems out  
13 there that need dealing with.

14 Thank you.

15 MODERATOR: Thank you.

16 MR. HOWARD: And you mentioned some of the others too.  
17 People have already talked about them.

18 Thank you.

19 MODERATOR: Okay. Just -- I want to see if there's  
20 anyone else who hasn't spoken who wants to speak. Be sure to  
21 state your name.

22 MS. M. SALMON: Michele Salmon, round two.

23 One of the things that I think is really important to  
24 remember, I know a lot of times when we do an environmental  
25 impact review, you look at studies from other areas and apply

1 that data to our area and different sets of things that happen.  
2 I've seen this numerous times. But I do think it's very  
3 important that we look at our unique area and the unique  
4 circumstances here.

5           In the past, we've had studies about, you know, diesel  
6 fumes and air pollution and noise levels, and they've used, you  
7 know, air pollution studies from the airport instead of here in  
8 Brisbane, and they've used noise level things from other places.  
9 But Brisbane has some very unique geographical considerations,  
10 such as the bowl shape. I can remember being at home on a Sunday  
11 night and my husband saying, "Wow! The 23 Club is really  
12 rocking. Maybe we should go down there and see what's going on."  
13 It turned out to be a concert of Metallica at Candlestick, and  
14 they sounded like they were playing on our porch. All right.  
15 And that -- that's the nature of Brisbane.

16           We have -- we live on a rare mountain of endangered  
17 species. And so, I think that as you do your work, it is really,  
18 really important that you look at our circumstances here, that  
19 you do original research for what's going on here, in our place,  
20 and not just apply those studies that happened in, you know, some  
21 other place, like they did with the Northeast Ridge, where, "Oh,  
22 well, they're just a butterfly; all butterflies are alike."  
23 Well, no, not all butterflies are alike. Not all fish are alike.  
24 Not all plants are alike. Not all geographical circumstances are  
25 alike.

1           And you can just imagine, here's a little nest out on  
2 the Baylands with two little eggs next to each other, getting  
3 ready to hatch, and all of a sudden the pile-driver goes (bangs)  
4 and the eggs hit each other and break, you know. I mean, that's  
5 something that's a reality in this circumstance, in our  
6 circumstance here. We have little endangered species.

7           I mean, this is -- I guess you get the point, is that  
8 we really need to look at our circumstances here and this dotted  
9 line that's around on all of these maps for the project area, I'm  
10 sorry, but we live in an integrated world. We don't live in  
11 isolation any more. This is not a little pocket out on an island  
12 in the middle of the South Pacific. We are an integrated,  
13 heavily populated area with some very fragile environment that's  
14 still existing, like the mountain and the bay. And so, you  
15 cannot just look at this project in isolation.

16           Dana brought up some really good points about that, you  
17 know. Danny brought up points, Tom -- everybody brought up  
18 points. You have to look at it -- Carolyn, -- you have to look  
19 at it as an integrated part of the fabric of the Bay Area, and  
20 not just, "Here's our little project, and we want our dollar out  
21 of it," you know, "And screw the rest of the world." You need to  
22 look at our circumstances here and look at it not just locally,  
23 but regionally and globally. And do original studies, and don't  
24 just think you can apply a set of data from somewhere else to the  
25 circumstances here, because that really doesn't work in our town.



# A.8 2006 Notice of Preparation and Mailing List

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## NOTICE OF PREPARATION

To:

*See attached list*

**From:** City of Brisbane  
Community Development Dept  
50 Park Place  
Brisbane, CA 94005

**Subject: Notice of Preparation of a Draft Environmental Impact Report-Baylands Specific Plan**

The City of Brisbane Planning Department will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed Baylands Specific Plan.

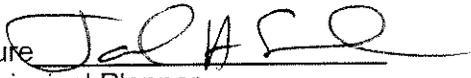
The project description, location and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is attached.

**Notice is further given** that EIR scoping sessions will be held at joint meetings by the City of Brisbane City Council and Planning Commission on **Thursday, March 2, 2006 at 7:45 p.m. and Tuesday March 21, 2006 at 7:30 p.m. in the Brisbane Community Center, 250 Visitacion Avenue, Brisbane** to consider the initial study and scope of the forthcoming DEIR.

Due to time limits mandated by State law, your response must be sent at the earliest possible date but **not later than 30 days** after receipt of this notice.

Please send your response to John Swiecki, Principal Planner, at the address shown above, or [jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us). We will need the name of a contact person in your agency.

Date: February 24, 2006

Signature   
Title: Principal Planner  
Telephone: 415.508.2120

COMCAST – RUSSELL DUNN  
1691 BAYPORT AVE.  
SAN CARLOS, CA 94070

PG&E-Stephanie Isaacson  
22 Beale Street, B29K  
San Francisco, CA 94105

SBC-PAC BELL  
PUBLIC WORKS COORDINATOR  
370 THIRD STREET, #5200  
SAN FRANCISCO, CA 94107

SSF SCAVENGER CO.  
J. Rossi/D. Button  
P.O. Box 348  
SO. SAN FRANCISCO, CA 94080

SF WATER DEPT – MS. S. DAVIS  
WATER SUPPLY & TREATMENT  
1000 EL CAMINO REAL  
MILLBRAE, CA 94030

SFPUC-MR. MARTY ROMERO  
BUREAU OF COMM'L LAND MGMNT.  
1155 MARKET ST, #5<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94103

MR. D. STANDFREE, SF DEPT OF PW  
BUREAU OF ENV. REG.& MGMNT  
3801 3<sup>RD</sup> STREET, SUITE 600  
SAN FRANCISCO, CA 94124

BRISBANE SCHOOL DISTRICT  
1 SOLANO STREET  
BRISBANE, CA 94005

Robert Hickman  
SFPUC  
Bureau of Env Regulation & Management  
801 Third Street, Suite 600  
San Francisco, CA 94124

Walter Martone  
City/County Association of Governments  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94065

JEFFERSON UNION HIGH SCHOOL  
DIST.  
699 SERRAMONTE BLVD.  
DALY CITY, CA 94015

SMCO DEPT OF ENV. HEALTH  
PLANNING DIVISION  
455 COUNTY CENTER  
REDWOOD CITY, CA 94063

Caltrans  
Office of Transportation B  
P.O. Box 23660  
Oakland, CA 94623-0660

City of South San Francisco  
Dept. of Comm. Development  
PO Box 711  
South San Francisco, CA 94080

Planning and Engineering Department  
San Mateo County Transit District  
P.O. Box 3006  
San Carlos, CA 94070

Office of Planning & Research  
[1400 Tenth Street]  
P.O. Box 3044  
Sacramento, CA 95812-3044

Bay Area Air Quality Management District  
939 Ellis  
San Francisco, CA 94102

California RWQCB  
1515 Clay St., #1400  
Oakland, CA 94612

Greg Schirle  
San Mateo County DHS  
Environmental Health  
455 County Center, 4<sup>th</sup> Floor  
Redwood City, CA 94063

California Integrated Waste Management  
Board  
1001 I St./P.O. Box 4025  
Sacramento, CA 95812-4025

San Francisco Bay Conservation and  
Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Association of Bay Area Governments  
101 8th Street  
Oakland, CA 94607

Department of Toxic Substance Control  
700 Heinz Avenue  
Berkeley, CA 94710

Nixon Lam  
Senior Environmental Planner  
SFIA Planning Design & Construction  
P.O. Box 8097  
San Francisco, CA 94128

California State Lands Commission  
100 Howe Avenue Ste 100 South  
Sacramento, CA 95825-8202

Bayshore Sanitary District  
36 Industrial Way  
Brisbane, CA 94005

CA Dept of Fish and Game  
Attn: Scott Wilson  
P.O. Box 47  
Yountville, CA 94599

Daly City ECD/Planning  
333 90th Street  
Daly City, CA 94015

US Army Corps of Engineers  
San Francisco District  
333 Market St. Rm 923  
San Francisco, CA 94105

San Mateo County  
County Clerk and Recorder  
555 County Center, 3rd Floor  
Redwood City, CA 94063

San Francisco City and County  
Planning Department  
1660 Mission Street  
San Francisco, CA 94103s

Peninsula Corridor JPB (Caltrain)  
1250 San Carlos Ave.  
San Carlos, CA 94070

Sam Herzberg  
SMCO Parks and Rec Dept.  
455 County Center, 4th Floor  
Redwood City, CA 94063

San Francisco MTA  
1 South Van Ness Ave Flr 3  
San Francisco, CA 94103-1267

San Francisco County  
Transportation Authority  
100 Van Ness Ave. 25th Floor  
San Francisco, CA 94102

SMC Transportation Authority  
1250 San Carlos Ave.  
San Carlos, CA 94070

Metropolitan Transportation Commission  
101 Eighth St.  
Oakland, CA 94607I

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# A.9 2006 Initial Study

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**INITIAL STUDY**

FOR THE

**BRISBANE BAYLANDS**  
**PHASE I SPECIFIC PLAN**

CITY OF BRISBANE  
LEAD AGENCY

UNIVERSAL PARAGON CORPORATION  
APPLICANT

FEBRUARY 22, 2006

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1. **Project Title:**  
Brisbane Baylands Phase I Specific Plan (Case SP-1-06)
2. **Lead Agency Name and Address:**  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005
3. **Contact Person and Phone Number:**  
John Swiecki, AICP, Principal Planner  
415/508-2120 FAX 415/467-5547  
jswiecki@ci.brisbane.ca.us
4. **Project Location:**  
The Phase I *Specific Plan* involves approximately 449-acres within the City of Brisbane, east of US 101 and west of the Union Pacific/Caltrain railroad tracks and south of the Sunset Scavenger waste collection/recycling center and San Francisco City limits.  
  
The larger Specific Plan framework area includes 659 acres between US 101 and Bayshore Boulevard on the east and west and San Francisco city limits on the north, in the City of Brisbane.
5. **Project Sponsor's Name and Address:**  
  
Universal Paragon Corporation  
150 Executive Park Boulevard, Suite 4200  
San Francisco, CA 94134
6. **General Plan Designation:**  
The entire project site is within the Baylands subarea as defined in the 1994 Brisbane General Plan. The land use designations for the Baylands subarea are “Planned Development – Trade Commercial, Lagoon, and Bayfront.” The development parameters for the Planned Development -- Trade Commercial portions require a minimum of 25% open space/open area, with development at a 2.4 or lower Floor/Area Ratio (FAR) south of the central drainage channel and a 0 - 4.8 FAR north of the central drainage channel. Lagoon and Bayfront are open space designations.
7. **Zoning:**  
C-1 Commercial Mixed Use, Marsh Lagoon Bayfront. The C-1 district requires preparation of a specific plan prior to development within this zoning district.
8. **Description of the Project:**  
The Phase I Specific Plan proposes approximately 107 acres of commercial, 68 acres office/institutional, 118 acres of aquatic open space, 99 acres of upland open space/open area and 54 acres of right of way. The plan also includes a framework plan addressing basic parameters associated with circulation, land use, open space, infrastructure and utilities for potential future development of a larger approximately 659 acre area, including the Phase I

Specific Plan area along with adjacent properties generally situated to the west, between the Caltrain rail line and Bayshore Boulevard. The project is described in more detail in the text and drawings found in the Executive Summary from the proposed Phase I *Specific Plan*, which is attached.

**9. Surrounding Land uses and Setting:**

The proposed project site consists of artificial fill that was placed in the marshlands and tidal flats at the mouth of Visitation Valley beginning about 120 years ago. The upland area east of the railroad corridor was a former solid waste disposal area. The landfilling operations ceased about 40 years ago, and a soil cover of between 20 and 30 feet has been placed over much of the area.

The only existing development within the Phase I area includes two building supply businesses (Sierra Lumber and Van Arsdale-Harris) that are located in the northwest corner. The Specific Plan calls for relocation of these businesses to a new site within the planning area, adjacent to the railroad. Kinder Morgan Energy Partners owns a fuel tank farm on 23.5 acres of inholding land surrounded by UPC land. The Kinder Morgan facilities are expected to remain and are not a part of the Specific Plan.

The north end of the planning area is bounded by the Sunset Scavenger waste collection and recycling center. The Union Pacific/Caltrain tracks bisect the larger Baylands area and form the western boundary of the Phase I planning area. The larger “framework” area is bounded by Bayshore Boulevard and commercial and industrial development, including PG&E’s Martin substation, to the west, central Brisbane to the southwest, and commercial and manufacturing uses within Daly City to the northwest (Daly City’s Bayshore Redevelopment Area). San Francisco’s Visitation Valley area borders the planning area on the north, including the Sunset Scavenger facilities, the former Schlage Lock Facility, other industrial properties and parking for the Bayshore Caltrain Station.

The Phase 1 area is largely undeveloped, comprising mainly disturbed areas that were formerly part of a sanitary landfill, which has been used as a repository for clean fill materials from construction sites in the region for the past 3 decades or longer. Elevations are variable, but no part of the Phase I site is over 30 feet. There is an east-west drainage channel through the site that supports a narrow strip of wetland and riparian vegetation. Brisbane Lagoon occupies the southern end of the Phase I area. Both the General Plan and the Specific Plan call for its preservation.

The western 180-acre portion of the larger site, that is outside the Phase I planning area was a Southern Pacific Railroad switching yard until 1988. The site is generally level, and vacant, except for several remaining buildings from the railroad era.

**10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).**

Implementation of the Phase I Specific Plan may require permits from a number of agencies, in addition to the City of Brisbane. These may include:

Caltrans

Regional Water Quality Control Board

Department of Toxic Substances Control  
San Mateo County Health Services Agency  
Bay Area Air Quality Management District  
Department of Fish and Game  
San Mateo City/County Transportation Authority  
City/County Association of Governments  
San Francisco Bay Conservation & Development Commission  
San Francisco Municipal Transportation Agency  
US Army Corps of Engineers

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources                         | <input checked="" type="checkbox"/> Air Quality            |
| <input checked="" type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology/Soils          |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality            | <input checked="" type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Noise                              | <input checked="" type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Public Services               | <input checked="" type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems     | <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation which reflects the independent judgement of the Community Development Department:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project (see attached recommended mitigation measures.) A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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Signature

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Date

John A. Swiecki, Principal Planner

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**I. AESTHETICS: Would the project:**

a) Have a substantial adverse effect on a scenic vista?

**The project would greatly changes views to the site from many areas in Brisbane, San Bruno Mountain, US 101, Bayshore Boulevard, and other surrounding locations. The EIR should address the visual changes that would result from development of the site, and describe new public views that would be created by the project.**

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**The site lies adjacent to San Francisco Bay. The potential impacts of the project in regard public views of the bay shall be evaluated in the forthcoming DEIR.**

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

**The existing site is primarily open and partially disturbed. The project will result in significant changes to the site's visual qualities, and this should be fully addressed in the forthcoming EIR.**

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**Impacts associated with lighting shall be addressed.**

**II. AGRICULTURE RESOURCES: Would the project:**

a) Convert farmland to non-agricultural use or otherwise impact agricultural operations?

**The site does not contain agricultural uses or state-designated farmland.**

**III. AIR QUALITY: Would the**

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**project:**

a) Conflict with the Bay Area Clean Air Plan?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Potential air quality impacts during construction and operation of the project should be addressed in the EIR.**

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**See response IIIa.**

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**See response IIIa.**

d) Expose sensitive receptors to substantial pollutant concentrations?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Potential air quality impacts on any existing or planned sensitive receptors should be addressed in the EIR, along with any potential effects of the continuing Sunset Scavenger operations on future site land uses.**

e) Create objectionable odors affecting a substantial number of people?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**See response IIIa.**

f) Alter wind, moisture or temperature so as to substantially affect public areas or change the climate, either in the community or the region?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**The project would not affect climate, but it involves creation of a significant activity center that would bring a number of people from the community and region to a site that is directly exposed to strong seasonal winds blowing through a gap in the coastal hills. The cool winds could adversely affect human comfort levels on many days of the year, and the addition of new structures could increase ground level wind turbulence in some locations. The EIR should include a description of the site's climate and wind patterns, assess potential adverse human comfort constraints and impacts and develop appropriate mitigation measures.**

**IV. BIOLOGICAL RESOURCES:**

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**Would the project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**Biological studies completed in 2001 (Wetlands Research Associates) and 2003 (Burns and MacDonnell Engineering) have not identified any special status plant or animal species on the site. These studies may serve as background sources, but the biological section of the EIR should independently confirm their results and conclusions.**

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**Riparian vegetation is found along some of the drainage channels on the site, but the habitat quality is considered low. The Specific Plan calls for improving riparian habitat as part Visitation Creek Park. The EIR should assess the existing riparian habitat value, review the plans for riparian habitat restoration and identify mitigation measures, as appropriate, to assist in its successful implementation.**

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?

**Intertidal, estuarine wetlands and emergent freshwater wetland have been identified on the Phase I site and in the larger Baylands area. They have been mapped and the jurisdictional wetlands delineation has been accepted by the US Army Corps of Engineers. A Wetlands Mitigation Plan has been prepared by UPC and would be incorporated into Visitation Park (east) as part of the Phase I Specific Plan. The EIR should verify the extent and amount of wetlands, and evaluate plans for wetlands restoration and creation and identify mitigation measures, as appropriate, to assist in their successful implementation.**

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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**While the drainage channels and upland areas of the site appear to have low habitat value for both fish and wildlife, this issue should be addressed in the forthcoming DEIR. Migratory waterfowl commonly use Brisbane Lagoon, which is proposed to be retained. Potential effects on its habitat value should be assessed in the EIR.**

e) Conflict with the City of Brisbane Tree Regulations protecting biological resources?

**While it appears unlikely that mature trees to be impacted by this proposal, the DEIR should verify this conclusion.**

f) Conflict with the provisions of the San Bruno Mountain Area Habitat Conservation Plan?

**It is not expected that the project would any direct, or significant indirect effects on the San Bruno Mountain Habitat Conservation Plan, although this should be confirmed in the EIR.**

g) Impact wildlife resources pursuant to Section 711.4 of the Fish and Game Code?

See response IVb.

**V. CULTURAL RESOURCES:**

**Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource?

**Several historic structures are found within the larger Baylands area, although it is not believed that any are located within the Phase I Specific Plan boundaries. The EIR should inventory all structures that may be potentially affected and identify those on or potentially eligible for the State or National Historic Registers. Mitigation measures, including, as appropriate, guidelines for the adaptive reuse of the historic structures should be included in the EIR.**

b.) Cause a substantial adverse change in the significance of an archaeological

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resource?

**There are no prehistoric archaeological resources in the project area, because the site is part of a landform that was created by artificial fill in historical times.**

c) Impact a unique paleontological resource or site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**There are no known unique paleontological resources or geologic features on the project site that could be affected by the proposed project.**

d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No impacts from the disturbance of human remains are anticipated.**

## VI. GEOLOGY AND SOILS:

**Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**The site does not lie within an Alquist-Priolo Special Study Zone.**

ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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**The project is in a seismically active area, and could be subject to significant ground shaking in the event of a major earthquake. Seismic risks should be addressed in the EIR and mitigation should be developed.**

iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**The project site is characterized as having a high to very high potential for seismic related ground failure, such as liquefaction, and this issue, including mitigation measures to address this risk, should be developed in the EIR.**

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**The Phase I Specific Plan area is located on flat terrain and is not at risk from landslides. A**

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**general assessment of landslides hazards (if any) on Icehouse Hill, which is in the Baylands Framework Plan should be included in the EIR.**

b) Result in substantial soil erosion or the loss of topsoil?

**Past landfilling operations on the site have involved on-going soil erosion control mitigation. Grading and earthwork for site grading, construction of infrastructure, landscaping and park areas and the new buildings would have the potential for soil erosion impacts and mitigation should be developed in the EIR.**

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

**Virtually the entire Phase I Specific Plan site lies within a former municipal landfill and is potentially subject to differential settlement. This issue shall be fully analyzed in the forthcoming DEIR.**

d) Be located on expansive soil as defined in the Uniform Building Code?

**The EIR should review existing soils data, and recommend mitigation for expansive soils, if present.**

**VII. HAZARDS AND HAZARDOUS MATERIALS:  
Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**The phase I specific plan is a formal municipal landfill and the larger framework plan area includes separately defined hazardous sites under the jurisdiction of State Department of Toxic Substance Control and the Regional Water Quality Control Board. The EIR shall review existing information regarding potential presence of hazardous materials on the site, evaluate the adequacy of existing risk assessment data for purposes of completing CEQA review, identify potential impacts and propose mitigation measures, as appropriate.**

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and

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accident conditions involving the release of hazardous materials into the environment?

**See response VIIa.**

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**The site does not lie within one-quarter mile of an existing or proposed school.**

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5?

**The larger site lies on the State’s hazardous sites list, and the DEIR shall address impacts associated with hazardous materials.**

e) For a project located within an airport land use plan or within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**The site does not lie within an airport influence area.**

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**The specific plan shall be evaluated to ensure that no adverse impacts to emergency response or evacuation plans will result.**

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires?

**The site is not within an area at risk from wildland fires.**

**VIII. HYDROLOGY AND WATER QUALITY: Would the project:**

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a) Substantially degrade water quality and/or violate any water quality standards or waste discharge requirements?

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**Water quality impairments have resulted from leachate emanating from the former landfill areas, from oily contaminants in water running off the former railroad site, and from other sources of water pollution. Water quality investigations have been conducted at the instigation of the Regional Water Quality Control Board, and monitoring, remediation and mitigation actions have been implemented, and are continuing. The EIR should assess any potential effects that implementation of the Specific Plan might have on continuing efforts to bring the site into conformance with water quality standards and minimize future water pollution from sources on the site.**

b) Substantially deplete groundwater supplies, adversely impact groundwater quality, or interfere substantially with groundwater recharge?

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**The DEIR shall evaluate impacts of the project on groundwater quality.**

c) Alter the existing drainage pattern of the site or area in a manner which would result in substantial on- or off-site erosion or siltation?

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**The project would alter the drainage pattern on portions of the site. The Specific Plan includes a grading plan, a storm drain infrastructure, new wetlands, bioswale areas and other drainage features intended to minimize soil erosion and water pollution in runoff from the site. These features should be described in the EIR and the potential adverse impacts, if any, should be noted, and mitigation should be developed.**

d) Alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner which would result in on- or off-site flooding?

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**The project would alter the drainage patterns on both the Phase I and larger Specific Plan area. The effectiveness of the proposed drainage system and its consistency and compatibility with Brisbane Storm Drainage Master Plan should be assessed in the EIR and mitigation measures developed, as necessary.**

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater

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drainage systems?

**See response VIIIa.**

f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**See response VIIIa.**

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No residential uses are proposed within the Baylands.**

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**The Specific Plan calls for new or reconstructed bridges, storm sewers and storm sewer outfalls, and other structures along the Visitation Creek channel. The potential for any of these facilities to impede flood flows should be investigated in the EIR.**

i) Expose people or structures to a significant risk of loss, injury or death involving flooding?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**See response VIIIh.**

j) Inundation by seiche, tsunami, or mudflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Because of its location the project site is not subject to risk from seiche or mudflows. Portions of the site may be subject to tsunami inundation, and it would be appropriate to evaluate this issue in the forthcoming DEIR.**

**IX. LAND USE AND PLANNING:**

**Would the project:**

a) Physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**The proposed project is generally isolated and disconnected from most residential and commercial areas of Brisbane, as well as Daly City and San Francisco to the north and northwest. The DEIR shall evaluate how the specific plan provides a level of connectivity and compatibility with adjacent existing development.**

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b) Conflict with the General Plan or other applicable City land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

**The conformance of the Specific Plan with the Brisbane General Plan shall be addressed in the EIR**

c) Conflict with any applicable regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

**Portions of the site lie within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The EIR shall evaluate the consistency of the project with applicable BCDC regulations and policies.**

d) Conflict with the San Bruno Mountain Area Habitat Conservation Plan?

**While the project site does not lie within the San Bruno Mountain Habitat Conservation Plan area, it would be appropriate for the EIR to analyze the project against this document to ensure that no direct or indirect conflicts shall result.**

**X. MINERAL RESOURCES:  
Would the project:**

a) Result in the loss of availability of a known mineral resource that would be either locally important or of value to residents of the state and region?

**No state or locally important designated mineral resources occur on the site.**

**XI. NOISE: Would the project result in:**

a) Exposure of persons to or generation of noise levels in excess of standards established in the General Plan and/or noise ordinance?

**The project site is exposed to noise from the adjacent freeway and railroad corridors. The Specific Plan calls for the construction of new buildings, and outdoor areas where people will congregate, which may be located in high noise exposure zones. In addition, some of the proposed new streets may become new sources of environmental noise, potentially requiring**

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**mitigation. The EIR should include a comprehensive noise impact assessment, including mitigation measures, as warranted.**

b) Exposure of persons to or generation of excessive groundborne vibration?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**The railroad corridor may be a source of groundborne vibration with the potential to have adverse effects on people in structures located nearby. The EIR shall address the potential for vibration impacts, and mitigation proposed, as necessary.**

c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Implementation of the Specific Plan would add new sources of noise that would, in some locations, be higher than existing levels. This shall be fully analyzed in the forthcoming DEIR and mitigated as necessary. This analysis shall also address noise impacts associated with construction activity**

d) For a project located within an airport land use plan or in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**The site does not lie within an airport influence area.**

**XII. POPULATION AND HOUSING: Would the project:**

a) Induce substantial population growth in an area, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**The Specific Plan does not propose residential development, and would not directly increase the population of Brisbane. Indirectly, it has growth inducing potential, because it would greatly increase employment opportunities. The growth inducing impacts of the project shall be assessed in the EIR.**

b) Displace substantial numbers of existing housing units or persons, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No housing exists within the project area.**

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**XIII. PUBLIC SERVICES:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the following:

i) Fire protection?

**The project will result in increased demand for public services such as fire and police protection. The DEIR shall evaluate the potential impacts of the project on the provision of public services.**

ii) Police protection?

**See response XIIIai.**

iii) Schools?

**As the project will not directly result in population growth within Brisbane, any indirect impacts on schools resulting with the project shall be analyzed in the forthcoming DEIR.**

iv) Parks?

**The project proposes additional parklands, and these impacts shall be evaluated in the forthcoming DEIR.**

v) Other public facilities?

**The project would affect streets, highways, transit systems, and all utilities. These impacts would be addressed in applicable sections of the EIR.**

**XIV. RECREATION: Does the project:**

a) Increase the demand for existing parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**The proposed specific plan is not anticipated to substantially increase demand on existing park and recreational facilities.**

b) Include recreational facilities or require the construction or expansion of recreational facilities which might

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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have an adverse physical effect on the environment?

**Development of the Visitation Creek Parkway and the recreational and public access areas around Brisbane Lagoon, as proposed in the Specific Plan, could have potential impacts related to water quality, landform alteration, hydrology, biology, and noise. These effects should be addressed in the respective topical sections of the EIR, as noted, and summarized in land use section.**

**XV.**

**TRANSPORTATION/TRAFFIC:**

**Would the project:**

- |  |   |                          |                          |                          |
|--|---|--------------------------|--------------------------|--------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | ■ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|---|--------------------------|--------------------------|--------------------------|

**The project would generate substantial amounts of new traffic, and could adversely affect the service levels of a number of intersections, and highway segments. The EIR should include a comprehensive traffic and transportation evaluation. While the applicant has had a traffic study prepared for use in drafting the specific plan, this will serve as background information for the traffic study to be prepared as part of the EIR.**

- |  |   |                          |                          |                          |
|--|---|--------------------------|--------------------------|--------------------------|
| b) Exceed, either individually or cumulatively, a level of service standard established by the City or county congestion management agency for designated roads or highways? | ■ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|---|--------------------------|--------------------------|--------------------------|

**Traffic from the Specific Plan area could result in level of service standard exceedances on CMA designated roadway segments. These potential impacts should be addressed in the EIR, and mitigation developed, to the extent feasible.**

- |   |   |                          |                          |                          |
|---|---|--------------------------|--------------------------|--------------------------|
| c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? | ■ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|---|--------------------------|--------------------------|--------------------------|

**The DEIR shall analyze the specific plan to ensure that no hazardous design features result.**

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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d) Result in inadequate emergency access?

**The DEIR shall include an evaluation of whether or not the project as designed provides adequate emergency access.**

e) Result in inadequate parking capacity?

**The adequacy of parking standards proposed in the Specific Plan should be evaluated in the EIR and mitigation developed, if necessary.**

f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**The standards established in the Specific Plan for non-auto transportation related facilities shall be evaluated in the EIR, and mitigation developed, if necessary.**

**XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:**

a) Exceed wastewater treatment requirements of the Regional Water Quality Control Board?

**The adequacy of the project's proposed wastewater collection and treatment facilities shall be assessed in the EIR.**

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**See response XVIa.**

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**The adequacy of the project's proposed storm water drainage facilities should be assessed in the EIR. See also, Hydrology, above.**

d) Have insufficient water supplies

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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available to serve the project from existing entitlements and resources?

**Brisbane’s ability to supply water for the proposed Specific Plan shall be evaluated in the EIR..**

e) Result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project’s projected demand in addition to its existing commitments?	■	□	□	□
--	---	---	---	---

**See response XVIa.**

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste?	■	□	□	□
--	---	---	---	---

**Solid waste generation from the proposed project should be estimated, and the ability of existing landfills to accommodate it should be assessed in the EIR. Additionally, the ability of the project to comply with solid waste statutes and regulations shall be evaluated in the EIR.**

g) Create a demand for energy that exceeds regional or local capacity, either on a peak or cumulative basis?	■	□	□	□
--	---	---	---	---

**The forthcoming DEIR shall address the project's energy demand to ensure that adequate supply is available to serve the project.**

h) Comply with adopted resource efficiency standards?	■	□	□	□
---	---	---	---	---

**The City of Brisbane is considering the adoption of LEED standards. Compliance of the project with the proposed standards shall be considered in the forthcoming DEIR.**

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels,	■	□	□	□
---	---	---	---	---

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
-------	--------------------------------	--	------------------------------	-----------

threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

**The EIR will address potential impacts on biological and historic resources.**

b) Does the project have impacts that are individually limited, but cumulatively considerable?	■	□	□	□
--	---	---	---	---

**The Specific Plan has the potential to result in cumulative impacts, and the EIR shall include a section describing and evaluating the potential cumulative impacts.**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■	□	□	□
---	---	---	---	---

**The potential impacts of the project on human beings will be addressed in the recommended EIR.**

**RECOMMENDATION**

- That the project will not have a significant effect on the environment and a Negative Declaration should be adopted by the City Council. The proposed Negative Declaration reflects the independent judgement of the City of Brisbane.
  
- It has been found that the project may have a significant effect on the environment and an Environmental Impact Report should be required. The EIR shall address the following topics: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, Utilities, and Mandatory Findings of Significance.
  
- There is no evidence before the agency that the proposed project will have any potential for adverse effect on wildlife resources, and the impacts of the project are de minimis pursuant to Section 711.4 of the Fish and Game code.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Case Number: SP-1-06

# A.10

## Comments Received in Response to the 2006 Notice of Preparation

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Arnold  
Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Sean Walsh  
Director

Notice of Preparation

RECEIVED

MAR 01 2006

Comm. Dev. Dept. Brisbane

February 27, 2006

To: Reviewing Agencies

Re: Brisbane Baylands Phase I Specific Plan (Case SP-1-06)  
SCH# 2006022136

Attached for your review and comment is the Notice of Preparation (NOP) for the Brisbane Baylands Phase I Specific Plan (Case SP-1-06) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**John A Swiecki, Principal Planner**  
**City of Brisbane**  
**50 Park Place**  
**Brisbane, CA 94005**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

for  
Scott Morgan  
Project Analyst, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2006022136  
**Project Title** Brisbane Baylands Phase I Specific Plan (Case SP-1-06)  
**Lead Agency** Brisbane, City of

---

**Type** NOP Notice of Preparation  
**Description** Proposed Phase I Specific Plan encompassing approximately 445 acres generally situated southerly of the San Francisco City and County Limits, westerly of Highway 101 and easterly of the Caltrain rail line. The Plan proposes approximately 107 acres of commercial, 68 acres office/ institutional, 118 acres of aquatic open space, 99 acres of upland open space/ open area and 54 acres of right of way. The plan also includes a framework plan addressing basic parameters associated with circulation, land use, open space, infrastructure and utilities for potential future development of a larger approximately 659 acre area, including the Phase I Specific Plan area along with adjacent properties generally situated to the west, between the Caltrain rail line and Bayshore Boulevard.

---

**Lead Agency Contact**

**Name** John A Swiecki, Principal Planner  
**Agency** City of Brisbane  
**Phone** (415) 508-2120 **Fax**  
**email**  
**Address** 50 Park Place  
**City** Brisbane **State** CA **Zip** 94005

---

**Project Location**

**County** San Mateo  
**City** Brisbane  
**Region**  
**Cross Streets** Bayshore Boulevard, US HWY 101, Geneva Avenue  
**Parcel No.** several  
**Township** 3S **Range** 5W **Section** 3,10 **Base** MDBM

---

**Proximity to:**

**Highways** 101  
**Airports**  
**Railways** Caltrain  
**Waterways** San Francisco Bay  
**Schools** Brisbane Elem, Lippman Intermediate  
**Land Use** vacant/ C-1-Commercial/ Mixed Use, MLB-Marsh Lagoon Bayfront/ PD-TC-Planned Development, Trade Commercial, MLB-Marsh Lagoon Bayfront.

---

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Cumulative Effects; Growth Inducing; Landuse; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

---

**Reviewing Agencies** Resources Agency; Office of Historic Preservation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Native American Heritage Commission; Department of Fish and Game, Region 3; California Highway Patrol; Caltrans, District 4; Air Resources Board, Major Industrial Projects; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation

---

**Date Received** 02/27/2006 **Start of Review** 02/27/2006 **End of Review** 03/28/2006

**NOP Distribution List**

County: San Mateo

SCH# 2006022136

Resources Agency

Resources Agency  
Nadell Gayou

Dept. of Boating & Waterways  
David Johnson

California Coastal Commission  
Elizabeth A. Fuchs

Colorado River Board  
Gerald R. Zimmerman

Dept. of Conservation  
Roseanne Taylor

California Energy Commission  
Roger Johnson

Dept. of Forestry & Fire Protection  
Allen Robertson

Office of Historic Preservation  
Wayne Donaldson

Dept of Parks & Recreation  
Environmental Stewardship Section

Reclamation Board  
DeeDee Jones

S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam

Dept. of Water Resources  
Resources Agency  
Nadell Gayou

\_\_\_\_\_  
Conservancy

Fish and Game

Depart. of Fish & Game  
Scott Flint  
Environmental Services Division

Fish & Game Region 1  
Donald Koch

Fish & Game Region 2  
Banky Curtis

Fish & Game Region 3  
Robert Floerke

Fish & Game Region 4  
Mike Mulligan

Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program

Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program

Fish & Game Region 6 I/M  
Tammy Allen  
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Game M  
George Isaac  
Marine Region

Other Departments

Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture

Depart. of General Services  
Public School Construction

Dept. of General Services  
Robert Sleppy  
Environmental Services Section

Dept. of Health Services  
Veronica Rameriz  
Dept. of Health/Drinking Water

Independent

Commissions, Boards

Delta Protection Commission  
Debby Eddy

Office of Emergency Services  
Dennis Castrillo

Governor's Office of Planning & Research  
State Clearinghouse

Native American Heritage Comm.  
Debbie Treadway

Public Utilities Commission  
Ken Lewis

State Lands Commission  
Jean Sarino

Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Business, Trans & Housing

Caltrans - Division of Aeronautics  
Sandy Hesnard

Caltrans - Planning  
Terri Pencovic

California Highway Patrol  
John Olejnik  
Office of Special Projects

Housing & Community Development  
Lisa Nichols  
Housing Policy Division

Dept. of Transportation

Caltrans, District 1  
Rex Jackman

Caltrans, District 2  
Marcelino Gonzalez

Caltrans, District 3  
Katherine Eastham

Caltrans, District 4  
Tim Sable

Caltrans, District 5  
David Murray

Caltrans, District 6  
Marc Birnbaum

Caltrans, District 7  
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Caltrans, District 8  
Dan Kopulsky

Caltrans, District 9  
Gayle Rosander

Caltrans, District 10  
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Cal EPA

Air Resources Board

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Industrial Projects  
Mike Tollstrup

California Integrated Waste Management Board  
Sue O'Leary

State Water Resources Control Board  
Jim Hockenberry  
Division of Financial Assistance

State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

State Water Resources Control Board  
Steven Herrera  
Division of Water Rights

Dept. of Toxic Substances Control  
CEQA Tracking Center

Department of Pesticide Regulation

Regional Water Quality Control Board (RWQCB)

RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)

RWQCB 3  
Central Coast Region (3)

RWQCB 4  
Jonathan Bishop  
Los Angeles Region (4)

RWQCB 5S  
Central Valley Region (5)

RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office

RWQCB 6  
Lahontan Region (6)

RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office

RWQCB 7  
Colorado River Basin Region (7)

RWQCB 8  
Santa Ana Region (8)

RWQCB 9  
San Diego Region (9)

Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Alan C. Lloyd, Ph.D.  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

March 20, 2006

RECEIVED

MAR 21 2006

City of Brisbane

Mr. John A. Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, California 94005

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the NOP and an Initial Study for the project, Brisbane Baylands Phase I Specific Plan. The project proposes for a commercial, office/institutional, open space, and right of way development. As you are aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

Depending upon the past uses of the site, DTSC recommends sampling investigation to be conducted on the properties or sites not currently regulated by the Regional Water Quality Control Board. This is to determine whether there is contamination and cleanup activities which need to be addressed in the CEQA compliance document. If hazardous substances have been released, they will need to be addressed as part of this project.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident at the Site.

Mr. John Swiecki  
March 20, 2006  
Page Two

Please contact Virginia Lasky at (510) 540-3829, if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. M. Toth', written over a light blue rectangular background.

Karen M. Toth, P.E., Unit Chief  
Northern California  
Coastal Cleanup Operations Branch

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, California 95814

Guenther Moskat  
CEQA Tracking Center  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
Relay Service From TDD Phone **1-800-735-2929**  
from Voice Phone **1-800-735-2922**

Contact Phone: (916) 574-1862  
Contact FAX: (916) 574-1862

AUG 26 2008

File Ref: SD 2008-03-27.3

City of Brisbane  
City Hall  
50 Park Place  
Brisbane, CA 94005

City of Brisbane:

SUBJECT: Brisbane Baylands Planning Subarea, San Mateo County

Staff of the California State Lands Commission (CSLC), understands that the City is in the process preparing an Environmental Impact Report for the Brisbane Baylands Planning Subarea. This office offers the following information regarding CSLC jurisdiction in the Baylands area and any proposed development.

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include, waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. Thus, such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the CSLC.

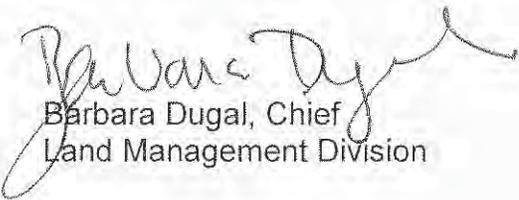
The Brisbane Baylands appear to occupy filled and unfilled tidelands and submerged lands, where the underlying fee was sold into private ownership by the State Board of Tide Land Commissioners (BTLC). Pursuant to the court's holding in City of Berkeley v. Superior Court (1980) 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. At this time, a CSLC lease is not required for use of lands underlying the State's Public Trust easement. The lagoon located at the southern end of the Baylands was in existence prior to 1980 and any use of these lands must consistent with the Public Trust needs of the area.

The Guadalupe Canal at this location is sovereign and as such the use of these lands are limited to waterborne commerce, navigation, fisheries, open space, recreation, or other recognized Public Trust purposes. A lease from the CSLC is required for any portion of a project extending onto State-owned lands which are under its exclusive jurisdiction.

This action does not constitute, nor shall be construed as, a waiver of limitation of any right, title or interest by the State California in lands under its jurisdiction.

Please do not hesitate to contact Nanci Smith (916) 574-1862, should you have any questions regarding the above information.

Sincerely,



Barbara Dugal, Chief  
Land Management Division

cc: N. Smith

bcc: G. Kato  
J. Brown  
J. Lucchesi



**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5559  
TTY (800) 735-2929

**RECEIVED****MAR 29 2006****Comm. Dev. Dept. Brisbane**

*Flex your power!  
Be energy efficient!*

March 27, 2006

SM101425  
SCH#2005022136

Mr. John A Swiecki  
Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki:

**BRISBANE BAYLANDS PHASE I SPECIFIC PLAN (CASE SP-1-06) – NOTICE OF PREPARATION**

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the Brisbane Baylands Phase I Specific Plan project. The following comments are based on the Notice of Preparation.

***Traffic Analysis***

Please include the information detailed below in the Traffic Impact Study (TIS) to ensure that project-related impacts to State roadway facilities are thoroughly assessed. We encourage the City to coordinate preparation of the TIS with our office, and we would appreciate the opportunity to review the scope of work as this helps us identify critical traffic issues early in the environmental review process. The Department's "*Guide for the Preparation of Traffic Impact Studies*" should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

The Traffic Study should include:

1. Site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. State right-of-way (ROW) should be clearly identified.
2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.

3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. *The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all state facilities.*
4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
5. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the San Mateo County Congestion Management Agency's Congestion Management Plan should be evaluated.
6. *Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.* The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.
7. Special attention should be given to the following trip-reducing measures:
  - Encouraging mixed-use,
  - Maximizing density through offering bonuses and/or credits,
  - Coordinating with SamTrans, BART and Caltrain to increase transit/rail use by expanding routes and emphasizing express service to regional rail stations, and by providing bus shelters with seating at any future bus pullouts,
  - Providing transit information to all future project employees and patrons, and
  - Encouraging bicycle- and pedestrian-friendly design.

While the 2000 Highway Capacity Manual (HCM) may not be the preferred level of service methodology, it should be used for analyzing impacts to state facilities, particularly where previous analysis employing alternative methodologies has identified impacts. The residual level of service, assuming mitigation has been implemented, should also be analyzed with HCM 2000.

### ***Encroachment Permit***

Please be advised that work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process.

See the following website link for more information:  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Sean Nozzari, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please forward a copy of the environmental document, along with the Traffic Study, including Technical Appendices, and staff report to the address below as soon as they are available.

Patricia Maurice, Associate Transportation Planner  
Community Planning Office, Mail Station 10D  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or [patricia\\_maurice@dot.ca.gov](mailto:patricia_maurice@dot.ca.gov) with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Ms. Terry Roberts, State Clearinghouse



# PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER  
(415) 558-6378

DIRECTOR'S OFFICE  
PHONE: 558-6411  
4TH FLOOR  
FAX: 558-6426

ZONING ADMINISTRATOR  
PHONE: 558-6350  
5TH FLOOR  
FAX: 558-6409

PLANNING INFORMATION  
PHONE: 558-6377  
MAJOR ENVIRONMENTAL  
FAX: 558-5991

COMMISSION CALENDAR  
INFO: 558-6422

INTERNET WEB SITE  
WWW.SFGOV.ORG/PLANNING  
**RECEIVED**

APR 21 2006

Comm. Dev. Dept. Brisbane

March 31, 2006

John Swiecki  
Principal Planner  
City of Brisbane Community Development Department  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki:

Thank you very much for the opportunity to respond to the Notice of Preparation of a Draft Environmental Impact Report for the Baylands Specific Plan. We look forward to working with you on this important development plan and its relationship to both existing San Francisco neighborhoods and future development within the city. Below please find our comments on the Notice of Preparation and Initial Study.

**AESTHETICS:** The EIR should consider views of the proposed new development from the existing hillside neighborhoods in Visitacion Valley.

**LAND USE:** (Please see discussions below under "Transportation" and "Population and Housing.")

**POPULATION AND HOUSING:** The Initial Study acknowledges that the proposed specific plan has indirect growth inducing potential, because it would greatly increase employment in the area, possibly leading to an unfulfilled demand for housing. The EIR should study this potential impact and the checklist should indicate "Potentially Significant Impact" for this item.

The City of Brisbane may want to consider analyzing an alternative land use or development pattern that would be likely to create less of an unfulfilled demand for housing in the area.

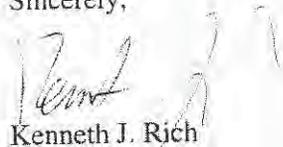
**TRANSPORTATION/TRAFFIC:** This is a key concern for the City of San Francisco. Although the Initial Study acknowledges that there are potentially significant impacts associated with traffic, we urge that impacts of the proposed specific plan on the following roadways be carefully studied: Bayshore Boulevard, Tunnel Road, Highway 101 and all access points to the highway in the vicinity, and Geneva Avenue.

The EIR should study the proposed mix of land uses and their effect on mode share for new trips created by development under the proposed specific plan. The City of Brisbane may want to consider analyzing an alternative land use or development pattern that would be likely to produce a higher proportion of non-auto trips than the proposed project.

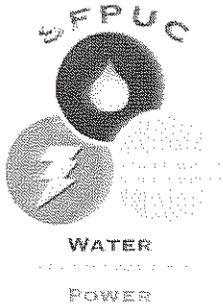
**UTILITIES AND SERVICE SYSTEMS:** We are particularly concerned with the impacts of the proposed new development on the wastewater treatment system shared by San Francisco and Brisbane.

Thanks once again for the opportunity to comment. We look forward to reviewing forthcoming materials related to this EIR.

Sincerely,



Kenneth J. Rich  
Planner



## SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



John Swiecki, Principal Planner  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

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**ANN MOLLER CAEN**  
**ADAM WERBACH**

**SUSAN LEAL**  
GENERAL MANAGER

March 24, 2006

Dear Mr. Swiecki:

This letter comments on the Initial Study for the Brisbane Baylands Phase I Specific Plan of February 22, 2006. The Wastewater Enterprise of the San Francisco Public Utilities Commission (SFPUC) provides sewage collection and treatment services to the majority of Brisbane including the area of the proposed project. Therefore, the SFPUC believes that the environmental review for the project should include a complete analysis of any new wastewater flows that would be created in the proposed project and potentially discharged to San Francisco's combined sewer system. The review should also examine how the wastewater flows in the proposed project would impact the city's combined sewer system.

The SFPUC anticipates that the sanitary sewage flows from the proposed project will enter San Francisco's combined sewer system via the Sunnydale pump station and will be treated at the Southeast Water Pollution Control Plant. Increased flows within this portion of the city's combined sewer system could contribute to localized flooding and may cause an increase in the frequency of combined sewer overflow discharge events. Any increases in the frequency of combined sewer overflow discharges could adversely affect the SFPUC's operating permit from the Regional Water Quality Control Board. Furthermore, increased treatment demands at the Southeast Plant from the proposed project could impact the SFPUC's planning and management of biosolids generated at the plant. The environmental review for the proposed Project should thoroughly examine the effects of the increased flows and should propose means, including alternative sewer systems, to mitigate those effects.

In addition, the analysis of sanitary sewage flows from the proposed project should address the specific criteria stipulated in the Joint Exercise of Powers Agreement (Agreement) between the city of Brisbane, the Guadalupe Improvement District, and the city and county of San Francisco (July, 1995), which governs the sanitary sewage flows from Brisbane to San Francisco. These criteria include a maximum dry weather flow, peak wet weather flows (to account for infiltration), and a maximum instantaneous peak flow rate. As stipulated in the Agreement, wastewater flows

from Brisbane should not include any stormwater. The analysis of the impacts of the proposed project on San Francisco's combined sewer system should account for possible storm water infiltration during wet weather conditions.

The SFPUC appreciates the opportunity to provide comments to the city of Brisbane for the proposed Baylands project. Please contact Bob Hickman of my staff at 415.551.4529 if you have any questions about our comments.

Sincerely,

Bill Keaney  
Division Manager, Wastewater Planning and Compliance

# Baysnore Sanitary District

36 INDUSTRIAL WAY  
BRISBANE, CALIFORNIA 94005  
(415) 467-1144

BOARD OF DIRECTORS:  
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WALTER V. QUINTEROS  
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RICH LANDI, MAINTENANCE DIRECTOR  
TOM YEAGER, DISTRICT ENGINEER

24 March 2006

**RECEIVED**

**MAR 27 2006**

**Comm. Dev. Dept. Brisbane**

Mr. John Swiecki  
Principal Planner  
City of Brisbane  
Community Development Department  
50 Park Place  
Brisbane, CA 94005

Subject: Baylands Specific Plan – EIR  
Notice of Preparation

Dear Mr. Swiecki:

As noted in the Brisbane Baylands Phase 1 Specific Plan dated 21 February, the Bayshore Sanitary District currently provides and will continue to provide wastewater collection and pumping services to the area proposed for development. Acting as Board President, I will be the contact person for the District.

Once the EIR consultant is selected and the consultant begins the development of the EIR, we request that the consultant attend one of our Board meetings to make a presentation on this project and specifically address how this project will impact District facilities. It is important that an early and continuing dialogue with the District be established to obtain District input into this project.

The District's contract with the City and County of San Francisco (CCSF) requires that we give the CCSF notice regarding any development that will increase the volume of wastewater discharged to the CCSF by more than 200,000 gpd. Once the EIR process is initiated and basic design parameters are established, the District will provide the required notice to the CCSF.

If you have any questions, please contact the District offices at 650-366-1059. The City and its EIR consultant can also call this number for information regarding the District's meeting schedule and for scheduling presentations before the District's Board.

Mr. John Swiecki  
24 March 2006  
Page 2

We look forward to meeting and working with the City and their EIR consultant as this project moves forward.

Very truly yours,

BAYSHORE SANITARY DISTRICT

A handwritten signature in cursive script that reads "Iris Gallagher". The signature is written in black ink and is positioned below the printed name of the sender.

Iris Gallagher  
President

Enclosure

cc: Joaann Landi, BSD  
John Bakker, District Legal Counsel  
Tom Yeager, District Engineer

**BAYLANDS RECREATIONAL FACILITIES**  
**PARKS, BEACHES AND RECREATION COMMISSION**  
**APPROVED FOR FORWARDING TO CITY COUNCIL ON**  
**JULY 19, 2006**

\*\*\*\*\*

- **GOLF COURSE, PRACTICE AREAS, DRIVING RANGE, CONCESSION STAND**
- **COMMUNITY CENTER W/ GYMNASIUM & WORKOUT FACILITIES**
- **TENNIS COURTS**
- **MAN-MADE LAKE FOR BOATING & OTHER WATER OPPORTUNITIES**
- **CHILDREN'S PLAY AREA**
- **SPORTS COMPLEX WITH:**
  - \*FULL-SIZE SOCCER FIELD**
  - \*FULL-SIZE BASEBALL FIELD**
  - \*FULL-SIZE SOFTBALL FIELD**
  - \*CONCESSION STAND**
- **WALKING/RUNNING TRACK/TRAIL**
- **INDOOR ICE SKATING/HOCKEY RINK**



## Clean Water Action

California Office  
111 New Montgomery St., Ste. 600  
San Francisco, CA 94105  
Phone: 415 369-9160 x311  
Fax: 415 369-9180

**To: John Swiecki, City Clerk**

**From: Jennifer Clary**

**Fax: (415) 467-4989**

**Date: April 22, 2006**

**Re: Scoping comments for Brisbane  
Baylands Phase I specific plan**

**Pages (including this one): 3**

I understand from Dana Dillworth that you did not receive Clean Water Fund's March 27<sup>th</sup> scoping comments. Please find them attached.

Please let me know if you need any additional information

Thank you,

National Office ✕ 4455 Connecticut Avenue, NW ✕ Suite A300 ✕ Washington, D.C. 20008 ✕ Phone: 202 895 0420

**Clean Water Action** is a national citizens organization working for clean, safe and affordable water, prevention of health-threatening pollution, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work.

# CLEAN WATER FUND

March 27, 2006

John Swiecki, AICP, Principal Planning  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005  
VIA FACSIMILE: (415) 457-5547

## Re: Scoping comments for Environmental Impact Report Brisbane Baylands Phase I Specific Plan

Dear Mr. Swiecki,

On behalf of Clean Water Fund, I would like to submit the following comments for consideration in the environmental review of the Brisbane Baylands Phase I Specific Plan.

1. The Project Description and environmental review need to include the entire site. The peer review of the site remediation efforts conducted by Camp Dresser & McKee Inc. makes it clear that the remediation, monitoring and mitigation of site contamination is best accomplished by developing and executing an area-wide plan. This plan should include prospective uses and the level of cleanup needed to accommodate those uses.
2. An Alternative that removes all contaminated fill should be reviewed as the environmentally preferable alternative. The proposed site remediation would require ongoing monitoring and use restrictions. This document should describe and evaluate an environmentally preferable alternative that fully and appropriately removes and disposes of the contaminated soil.
3. The contribution of the Kinder-Morgan Tank Farm to the site contamination must be evaluated and mitigated. While this facility is not part of the project, its proximity to the site and its history of toxic spills into the site make it essential that it be included in the overall site remediation plan. A remediation alternative that proposes capping the Baylands site while allowing a continuing adjacent source of contamination to pollute the new fill cannot be considered adequate. The closure of the tank farm should be included in at least one alternative.
4. The health impacts of capping the site must be evaluated and compared with the health impacts of full site remediation. The current project description leaves significant sources of contamination under the site. While residential use is forbidden, many of the prospective uses in the plan are labor and visitor intensive and will have a significant health impact.

CALIFORNIA OFFICE  
111 New Montgomery Street, Suite 600  
San Francisco, CA 94105  
415.369.9160 • 415.369.9180 fax

[www.CleanWaterFund.org](http://www.CleanWaterFund.org)

NATIONAL OFFICE  
4455 Connecticut Ave. NW, Suite A300-16  
Washington, DC 20008  
202.895.0132 • 202.895.0188 fax



5. Groundwater recharge from the Sunnydale watershed must be studied as a possible avenue for leaching of contaminants. The situation of the Baylands at the base of the Sunnydale watershed means that stormwater runoff not captured by the City of San Francisco's combined sewage and stormwater system flows into the project site and will continue to do so under the proposed plan. The proposed remediation of groundwater impacts is not ensured through capping of the site.

6. Cumulative impacts on Southeast corner of San Francisco. This project will clearly have substantial impacts on the adjacent San Francisco and Daly City neighborhoods, including the Bayview Hunters Point and Visitacion Valley neighborhoods, which are already impacted by poor air quality and issues of environmental and social injustice. It is essential that the cumulative impacts of this project on an already impacted community be fully evaluated and mitigated.

A major truck traffic route is being developed through the Bayview neighborhood; the air quality and traffic impacts of the Baylands project should consider the probability that a considerable amount of traffic generated by the project will make use of this route.

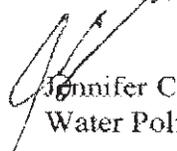
Additionally, the majority of uses envisioned in this specific plan are entry and low-paying jobs, which will generate a need for low-income housing that is currently not being met in either San Francisco or San Mateo Counties. This EIR should determine the ability of Brisbane to absorb this population over the life of the project, and discuss the impact on public transportation and housing stock around the Bay for those who must commute to the site from outside of Brisbane.

7. On-site stormwater treatment plan must be part of project description. Whether or not a cap is to be used to prevent stormwater infiltration, a stormwater management plan will have to be developed to collect, treat, and discharge surface water. We recommend at least one alternative that recreates and extends the historic creek system in the area. We strongly urge that the preferred alternative NOT consider diverting surface runoff to San Francisco's combined sewage and stormwater system for treatment. The addition of almost 700 acres to the area of stormwater runoff served by the Southeast Treatment Plant would significantly increase the number, duration, and volume of combined sewage overflows (CSOs) as well as local flooding in the area of the treatment plant.

8. The existing use and potential of the Baylands as a wildlife corridor should be evaluated.

Thank you for providing this opportunity for input. Please feel free to contact me if you have any questions.

Sincerely,



Jennifer Clary  
Water Policy Analyst

March 2, 2006

Brisbane City Council  
Brisbane Planning Commission  
Baylands Specific Plan  
Environmental Impact Report

Mayor, Council Members, and Commissioners;

I am here to propose that the City of Brisbane use currently available legal and financial resources to integrate the development of wind and solar electricity generation into the Baylands Specific Plan, as well as into Brisbane's General Plan.

Local Power's proposal is based on both our experience as primary designer of San Francisco's solar and wind development plan<sup>1</sup>, and also on work performed by students in an engineering class I recently taught at San Francisco State University, in which my students focused on the Baylands as a potential site for renewable energy development.

In our study, which is being completed and will be submitted in the near future, we concluded that the developer's current Specific Plan could safely and aesthetically integrate three columns of wind turbines generating 281 Megawatts of generation capacity in areas not claimed in the Specific Plan, in addition to as much as 25 Megawatts of building integrated solar photovoltaics on rooftop space specified in the Specific Plan. According to our study, this could be done with no negative visual impact. We arrived at the following conclusions:

- the wind conditions at the site are adequate for both commercially viable wind generation;
- the solar conditions are very good for solar power production;

---

<sup>1</sup> In addition to our work in San Francisco, Local Power is also helping design the Sacramento Municipal Utility District's new solar program, and is designing a major facility as consultant the Environmental Health Coalition in Southern California.

- the wind facilities could be safe, quiet, and aesthetically integrated into wetlands and walking path, and could provide an anchor for an ecopark;
- the wind/solar farm would be ideally located on the power grid, making it extremely competitive;
- the facility could be developed with little risk to Brisbane;
- the facility would be sufficiently large to achieve a massive greenhouse gas reduction for the community, making it a national leader;
- the proposed windmills would be targeted on areas of land not yet set aside for buildings that may too toxic for conventional uses such as residential and or business development, while enhancing rather than detracting from the commercial viability of the development;
- on-site power facilities would approach 300 Megawatts of power that could either provide energy independence for Brisbane residents and businesses under Community Choice Aggregation (CCA);
- as a uniquely central urban location with commercial wind potential, a Baylands Green power could be profitably sold in long-term contracts to other CCAs in the Bay Area such as San Francisco, Marin, Oakland, Berkeley, and several others now seeking renewable energy supplies for their communities;
- these substantial solar and wind resources could also provide power and a visible “billboard” for an alternative transportation retail development such as a green auto dealership, provide a truly unique “look” for the site to distinguish it from boilerplate “Big Box” developments that litter the Bay Area, and thus enhancing the uniqueness and commercial success of the overall development.

In short, the potential for wind and solar development on the Baylands should be considered both within the Baylands Specific Plan and the General Plan. We believe that a “Baylands Green” may provide an appropriate alternative or adjunct to the developer’s Plan, and submit the attached information on how to structure such an option for your consideration. This includes the following information:

- Community Choice Aggregation
- Municipal Financing
- Information about the speaker.

Thanks for your consideration,

Paul Fenn  
Executive Director  
Local Power

## Baylands Green? Community Choice Aggregation in Brisbane

Community Choice is key to Brisbane's ability to develop a renewable energy facility at the Baylands - either directly or indirectly. Directly, Brisbane could provide for the power needs of its own residents, businesses and public agencies, guaranteeing power sales from a renewable energy facility integrated into the Specific Plan – delivering fixed prices and energy independence to the local economy. Indirectly, Brisbane could build a facility to sell power to San Francisco, which is itself now implementing Community Choice to buy power.. Either approach would enhance the uniqueness and sustainability of the Plan and deliver both profits to the city and significant local economic development - all at very low risk.

Community Choice is an authority granted by California law (AB 117, Migden) that allows cities and counties to take charge of their own energy future. Under Community Choice, local governments can serve as a virtual "electricity buyer's cooperative" for local residents, businesses and government agencies. Unlike ordinary cooperatives, however, the day-to-day management for securing electricity supplies is managed by a qualified and experienced third party, while the local government is placed in the role of strategic planner.



CHAPTER 838 of 2002

The government entity, called a Community Choice Aggregator (CCA), contracts with existing licensed suppliers called "Electric Service Providers" (ESPs). These suppliers are used to providing reliable and cost-competitive electricity for large businesses and government agencies. About 12 percent of California's electricity is currently purchased from Electric Service Providers.

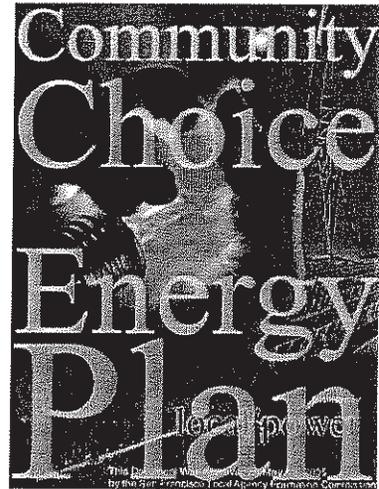


For more information, contact:

Paul Fenn  
Executive Director  
Local Power  
4281 Piedmont Avenue  
Oakland, CA 94611  
510 451 1727  
naulfenn@local.org

Community Choice enables local governments to have a voice over a level of policy that would otherwise be closed to them, and make decisions that take into account the best interest of their own particular local region. Such policy decisions can include:

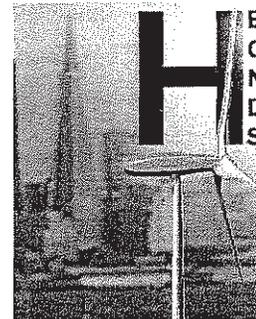
- **Strategies for energy security and supply.** This allows communities gradually to lower their reliance on undependable and depleting resources;
- **Replace a cost-based power monopoly with competitive, fixed rates.** Whereas PG&E can change its rates twice a year and has been bailed out repeatedly in the past decade, ESPs commit to structured rates that are more predictable;
- **Energy portfolios that manage price and risk.** Diversification of energy sources, with a mix of renewable supplies, is protection from energy price shocks;
- **Financing and ownership of local energy resources.** Low-interest bonds that finance clean, efficient electric generation yield significant long-term cost savings;
- **Development of local energy efficiency programs.** Increasing energy efficiency lowers energy costs, and is a proven, effective strategy for economic growth;
- **Implementing environmental goals.** Community Choice is a tool for local governments to change their "ecological footprint" on a larger scale than is possible under conventional policy options.



The technical steps required to become a CCA are fairly simple. CCAs are responsible to declare themselves a CCA, create an implementation plan, formulate a competitive bidding document or Request for Proposals (RFP), submit information to the California Public Utilities Commission, choose a provider and sign a contract. On the political level, local governments should encourage public input and, were Brisbane to choose this option in conjunction with other neighboring jurisdictions or San Mateo County, agreement from the city councils and mayors of participating cities in the form of a Joint Powers Agency (JPA). Based on our experience in other states, we recommend a JPA that is accountable to local government participants, with each municipality holding a seat, with each representative appointed by his/her city council or mayor.

**Running a CCA can be simple or complex, according to preference for level of involvement.** The CCA can take a "hands off" approach and allow the service provider to take care of the details of managing energy supply and executing the terms of the contract, or the CCA can participate in ongoing decisions, programs, and management. The second strategy is appropriate for CCAs that want to pave the way toward forming a

municipal utility – with more control, but also more risk assumed by the public entity. In most cases, Local Power recommends that CCAs transfer risk and responsibility to the Electric Service Provider, and pay a minimal premium that is essentially insurance for the local government jurisdiction.

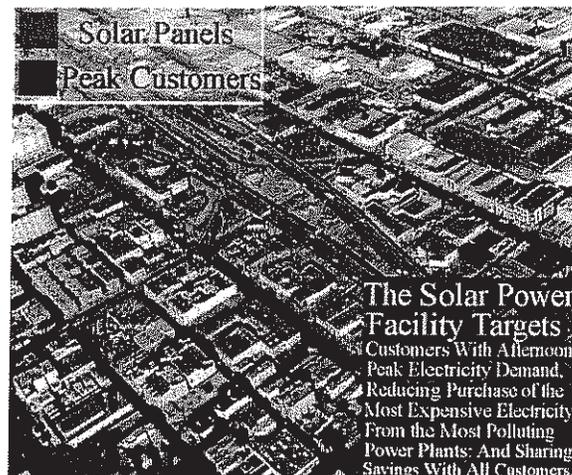


From the customer's point of view, Community Choice is a seamless continuation of their current electric service. Prior to commencement of the change to a CCA, all customers would be sent an enclosure in their PG&E bill explaining that PG&E will hand over responsibility for their electricity supply to a new provider in sixty days. The customer will be informed in this manner for four consecutive months of their right to "opt out" and remain with PG&E if this is their preference. If the customer goes with the CCA, then PG&E would continue to do billing, read meters, handle customer service, as well as own and operate the wires.

Under CCA, the new service provider (the ESP) will enter into power contracts with merchant generators, and also contract with developers to design, build, operate and maintain power generation facilities owned by the CCA and/or participating customers in the CCA's jurisdiction. All this would be in accordance with the contract with the CCA, and the requirement that Brisbane has the electricity to meet its needs. Under law, a bond must be posted (or insurance demonstrated) sufficient to cover the full cost of a return to PG&E should it ever fail to meet its obligations. Local Power recommends that the CCA require its ESP to provide this bond/insurance, so that both ratepayer and participating local governments are shielded from risks.

Community Choice opens a door to opportunities impossible for other electricity customers. Due to the sheer size of cities and counties, their collective buying power makes it feasible to demand actual planning and construction of CCA-owned energy infrastructure, tailored to their own needs, resources and preferences. Low interest tax-free revenue bonds (H Bonds), and avoiding the cost of 11% to 15% annual profits for utility and generator companies, can significantly improve the economics of capital intensive projects. Since the CCA is a secure and built in long-term market for their own power plant, financing and construction is much easier than it would be for independent power producers (or even the utility companies).

The CCA's financial advantages can, in fact, improve the economics of almost any energy project. But they particularly favor projects that are capital- rather than fuel-intensive, such as wind, geothermal, tidal and wave power, and other (non-fuel-based) renewables. As demand-side rather than supply-side entities, CCAs also favor cost-saving energy applications that are frequently neglected or pushed aside by utility companies, such as cogeneration and energy efficiency improvements.



The savings, and assured energy supply, benefit the customers in a CCA, and such self-ownership is the strongest tool for managing future electric rates. Locally controlled, publicly owned infrastructure is the main reason why Municipal Utilities, such as SMUD, have achieved rates that are 10% to 30% lower than PG&E, SDG&E, and SCE. Community Choice allows cities and counties to participate in some of the benefits of a municipal utility, without having to assume the risks and cost burdens of forming an actual utility company.

While a CCA is not an instant fix for high electric rates, it does allow for an off-ramp from the many problems faced by California's electric utilities: rising natural gas prices, fuel supply risks, aging power plants, and a number of regulatory entanglements. Navigant Consulting ran eight scenarios for over a dozen California municipalities' rate risk under CCA. All showed savings over a twenty-year period. These range from a worst case of 1% savings to a best case of 14% savings. It is noteworthy that the higher savings potential is contingent upon PG&E's cost of electric generation escalating by 3% per year, while the worst case assumes only 1% per year cost increase. Historically, PG&E's rates increased an average of 4.1% per year between 1980 and 2006.

Community Choice opens a door to saving money while implementing cleaner energy policies. Community Choice is the only tool that allows local governments to help decide upon their community's energy future, and the most powerful tool for managing energy risk and pollution.

#### **Titles**

- 1996-2006 Executive Director, Local Power
- 2005-6 Adjunct Faculty, San Francisco State University Department of Engineering (Fall Quarter ENG 220)
- 2004- Co-chair, Sierra Club California Energy Committee
- 2006 Chair, San Francisco Community Choice Aggregation Citizen's Advisory Task Force
- 2004 Faculty, Law Seminars International
- 2003- Member, Renewable Energy and Energy Efficiency Partnership (U.K. Foreign Office)
- 1993-5 Legislative Director, Massachusetts Senate Joint Committee on Energy.

#### **Education**

- Master of Arts (AM), Social Sciences Division, University of Chicago, 1992, Fellowship
- Dean's Fellow, New School for Social Research PhD Phil. Candidate, New York, 1989 (transf.)
- Bachelor of Arts (BA) History, Bates College, Maine, Highest Honors 1988
- Muller Prize - Best History Department Thesis, Bates College, Maine, 1988
- College Preparatory School, Oakland, 1984

#### **Law, Regulatory and Policy Experience**

- 2005 – Author, Community Choice Implementation Plan, San Francisco Local Agency Formation Commission – ref. Ross Mirkarimi, Chairman 415 554 7630
- 2004- Consultant, Sacramento Municipal Utility District (SMUD) Photovoltaics Performance Based Incentives Program Design - ref. Bruce Vincent, SMUD Senior Project Manager (916) 372 5397
- Author, 2004 San Francisco "Energy Independence" Ordinance (Ammiano) - ref: Tom Ammiano
- Intervenor representing ratepayers, 2003-2005 in California Public Utilities Commission proceeding on Community Choice Aggregation, R.03-10-003 - ref: Administrative Law Judge Kim Malcolm (415) 703-2822
- Intervenor Representative, 2003-4, Ratepayers for Affordable Clean Energy (R.A.C.E.), in California Public Utilities Commission proceedings on California gas utility procurement and Liquefied Natural Gas (R.04-01-025) - ref: Bill Powers, Border Power Plant Working Group (619) 295 2072
- Author, 2002 California Community Choice law (AB117, Migden) - ref: California Senator Carole Migden, (415) 557-3000
- Co-author of the nation's original CCA law in Massachusetts (filed 1995 – ref. Senator Mark Montigny (617) 722-1440
- Advisor in drafting of similar laws in Ohio (1999) - ref Harvey Wasserman (614) 621 7955; and New Jersey (2003) - ref. Ratepayer Advocate Blossom Peretz (973) 648 7111
- Author, 2001 San Francisco Solar "H Bond" Authority (City Charter revenue bond authority, Section 9.108.7, Ammiano) - ref: Supervisor Tom Ammiano(415) 554 5144
- Expert Witness for Public Citizen, April 2004, Nuclear Regulatory Commission Proceeding: "The Hazards of Natural Gas at Nuclear Energy Facilities," Application of Louisiana Energy Services to Build a National Uranium Enrichment Facility in New Mexico - ref: Joe Malherek, Public Citizen (202) 454-5109
- Intervenor Representative, 2003 preparing all filings for R.A.C.E., in California Public Utilities Commission proceedings on electric procurement (R.01-10-024) and natural gas-fired generation – ref Bill Powers
- Intervenor and expert witness to Womens' Energy Matters 2003-present in California Public Utilities Commission proceedings on Energy Efficiency programs (R.01-08-028) - ref: Barbara George, Women's Energy Matters (415) 915 6215

#### **System Integration Experience**

- Radio Frequency Plan Auditor for a national GSM 1800 ("2.5G") Network, Lucent Technologies, 2000 - ref: John Cutler, Voicestream Engineering 415 812 3858
- Regulatory Affairs and Permitting Site Acquisition Engineer, Voicestream, 1999 - ref: John Cutler
- Data and Mapping Specialist, Motorola ECID Europe, 1997 - ref: John Cutler
- Site Acquisition and Regulatory Specialist, Western Wireless, 1993-6 - ref: John Cutler

#### **Testimony**

- 1998-2006 San Francisco Board of Supervisors and San Francisco Local Agency Formation Commission
- 1998-2006 California Public Utilities Commission
- 2004 U.S. Nuclear Regulatory Commission
- 1999-2006 California State Senate and State Assembly
- 1993-5 Massachusetts Department of Public Utilities and Division of Energy Resources
- 1996- Marin County Board of Supervisors, Oakland City Council, Berkeley City Council, Southern California Cities Joint Powers Consortium, Chula Vista City Council, and others.

### Guest Lecturer/Speaker

- 2006 Speaker, Ratepayers for Affordable Clean Energy (RACE), Sierra Club National HQ S.F.
- 2006 Speaker, Health Medicine Forum, Teleosis, "Healthy Planet Healthy People," Pleasant Hill
- 2005 Guest Speaker, League of Women Voters, "Keeping the Lights On," San Francisco
- 2005 Guest Speaker, Environmental Forum of Marin, "Fossil Fuels and Climate Change," Novato
- 2005 Speaker, California Attorney General's Office, Project California, Oakland
- 2005 Speaker, Ecology Center, "Future of Energy - With Loretta Lynch," Berkeley
- 2004 Featured Guest Speaker "Boiling Point: An Evening With Ross Gelbspan," Mill Valley
- 2004 Panelist, Law Seminars International, "New Direction for CA Energy Markets," San Francisco
- 2004 Panelist, U.S. Rep. Dennis Kucinich, "Bay Area Town Hall Meeting," San Francisco
- 2003 Speaker, British Foreign and Commonwealth Office, U.S. Consultative Meeting, Washington DC
- 2003 Featured Guest Speaker, Sustainable Fairfax, "Creating Marin's Energy Future Now, San Rafael
- 2003 Panelist, California Planning & Conservation League, "Annual Event," Sacramento
- 2002 Lecturer, Energy Resources Group, UC Berkeley, "Community Choice and H Bonds," Berkeley
- 2002 Lecturer, Sonoma State University, San Francisco's H Bond Model, Santa Rosa
- 2002 Speaker, San Francisco Public Utilities Commission Solar Industry Workshop, San Francisco
- 2001 Lecturer, Pomona College/Harvey Mudd College, The California Energy Crisis, Pomona
- 2001 Guest Speaker, California Office of Ratepayer Advocate, "The Need for Community Choice"
- 1999 Guest Speaker, California Office of Ratepayer Advocate, "California's Failing Electricity Market"

### Some Media Appearances

- "The Buzz in San Francisco is for Green Energy," *Sierra Club Yodeler*, January-February, 2006
- "Solar Horizon: Energy Proposal Heads for a Key Vote," *San Francisco Bay Guardian*, Dec. 14, 2005
- "A New Day for CCA," *San Francisco Bay Guardian*, August 16, 2005
- "Tiptoeing Toward Public Power," *San Francisco Bay Guardian*, June 15, 2005
- "We Have the Power: The Bay Area Can Lead the Nation Towards a Clean Energy Future (Cover Story with Multiple Stories on CCA)," *Sierra Club Yodeler*, May-June, 2005
- "Co-op Power," *San Francisco Bay Guardian*, May 4, 2005
- "City Could Buy, Sell Energy by '07," *San Francisco Examiner*, April 18, 2005
- "Island Utility Inspires Public Power Push," *Easy Bay Business Times*, Oct 4, 2004
- "Renewable Energy Boom in San Francisco," *Solar Access*, Feb 20, 2004
- "San Francisco Leaders Declare Energy Independence" *Progressive Newswire*, Feb 18, 2004
- "Purchasing Pools May Get Rolling" *Power Marketers*, Jan 28, 2004
- "PUC OKs New Utility Guidelines," *Contra Costa Times*, Jan 23, 2004
- "Community Choice Public Power Debated," *San Francisco Examiner*, Feb 18, 2004
- "San Francisco eyes electricity purchase plan," *Forbes Magazine*, May 20, 2004
- "Bill would require city to buy cleaner energy," *San Francisco Chronicle*, May 17, 2004
- "Green Cities," *Mother Jones*, Aug 2, 2001
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- "Let San Francisco Control its Energy Future," *San Jose Mercury News*, October 31, 2001;
- "Nuclear Power Turns Green in Deregulated Markets," *The Workbook*, Fall 1999.



## CITY OF BRISBANE

50 Park Place  
Brisbane, California 94005-1310  
(415) 508-2100  
Fax (415) 467-4989

April 27, 2006

Dear Honorable Mayor, Members of the Council, and Planning Commission:

On behalf of the Open Space and Ecology Committee, I respectfully submit the following comments for consideration at the scoping meetings for the Baylands Specific Plan application. The Committee is pleased to have the opportunity to offer its input into the environmental review process for the Baylands.

At its February 22, 2005 meeting, the City Council authorized the Open Space and Ecology Committee to "offer suggestions on potential environmental impacts that should be included for study in the Baylands EIR... related directly to the particular subjects referred to the Committee by the City Council (e.g. open space, wetlands, sustainability)." The Planning Director, City Manager, and City Attorney have provided guidance that has helped clarify the Council's general direction to the Committee.

The following comments represent the goals and objectives, issues and concerns that the Open Space and Ecology Committee would like to put forward at this time for further study and analysis in the forthcoming EIR.

Sincerely,

Raymond Miller,  
Chair, Open Space and Ecology Committee



Open Space and Ecology Committee  
Comments on the Baylands Project

April 27, 2006

*“The City takes the view that it must do at home what must be done on a state, national and global scale...Development decisions are to be analyzed so as not to overwhelm the long-term environment and in a manner that provides for sustainable development. Such sustainable development has been defined as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’”<sup>1</sup>*

The Open Space and Ecology Committee views the Baylands development through the lens of environmental sustainability. Designing and building an ecologically sustainable project in the Baylands is the overarching core goal against which the Committee proposes the project and its alternatives be evaluated. Therefore, the Committee’s comments will focus on a set of goals and objectives pertaining to issues of environmental sustainability in the Baylands.

Development of the Baylands presents a formidable challenge, as well as a unique and historic opportunity for transformation from a contaminated brownfield into an environmentally sustainable development. The Committee recognizes that ecologically responsible remediation and redevelopment of brownfields is an environmentally sustainable practice, and that clean up of the Baylands implements General Plan Policy 172 which states that “it is of the highest priority that contaminated lands in Brisbane be remediated.”

While many aspects of environmental sustainability will be analyzed in the EIR through the CEQA process, which requires agencies to identify significant environmental impacts and to avoid or mitigate such impacts if feasible, there are gaps in the statute’s guidelines. For example, CEQA does not address air pollutants such as carbon dioxide and other greenhouse gases for which no standards have been established. The Committee believes that climate impact analysis should be incorporated into the environmental review process. Further, CEQA does not directly identify development of open lands as an environmental impact. The Committee believes maintaining the perception of an open landscape is an important value. The Committee would like to put forward the recommendations for maximizing open space and protecting natural resources that are established in the Baylands section of the Open Space Plan.

Although CEQA provides a standardized process and terminology for assessing environmental impacts in terms of significance, there is no set definition of significance; the determination is made by the local agency. The analysis of what constitutes a “significant” impact or a preferable alternative project rests on assumptions, either explicit or implicit, about the project’s goals and objectives.

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<sup>1</sup> General Plan, Chapter IV.4 Environmental and Natural Resources, quoting from World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987).

The following are the goals, objectives, issues, and principles that have been identified by the Committee as fundamental for a successful and environmentally sustainable Baylands development. The Committee recommends that the project and any proposed alternatives be assessed in light of these aims.

### Overall Project Goals and Objectives

1. Energy: the project should be energy neutral, i.e. the Baylands development should generate sufficient power from on site renewable sources to be primarily self-sufficient. When necessary, the project could purchase green power from the grid, while at other times it could sell excess power to the grid, resulting in net energy neutrality. The feasibility of the project achieving this goal should be investigated in the EIR. The project could achieve this goal by minimizing demand for energy, emphasizing conservation and efficiency, and producing energy through renewable means.
2. Open Space: the project should maximize open space (as distinguished from open areas), consistent with the Open Space Plan. According to Chapter VII of the General Plan, "the land use designation 'Open Space' is reserved for lands that are essentially unimproved and dedicated or proposed to be dedicated to the public for outdoor recreation and for the preservation of biotic communities..." In contrast, "open area" is defined in the General Plan as "parcels of land or portions thereof, primarily in private ownership, that serve to soften the impacts of urban development and otherwise provide primarily green areas and a feeling of 'openness' to the development pattern." The project should maximize natural areas that are freely accessible to the public at all times, and contain habitat that is historically native to the area.
3. Green Building: the project should be designed and built to achieve the LEED Silver rating, a nationally recognized standard for commercial construction developed by the U.S. Green Building Council. The Green Building Council developed LEED in order to define "green building" by establishing a common standard of measurement. LEED provides a framework for assessing building performance and meeting sustainability goals by promoting strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. Additionally, the project should comply with "LEED Plus" measures that have been proposed by the Open Space and Ecology Committee to address issues of greater importance to the City of Brisbane.
4. Transit: the project should offer a range of transportation choices, including walking, biking, and public transportation in order to lessen dependence on automobiles, decrease congestion and pollution, and significantly reduce the use of fossil fuels. Infrastructure should be designed for alternatives to driving, such as light rail, and should include dedicated Class 1 bike lanes and safe places to store bicycles.
5. Infrastructure: the project should minimize the impacts of new development on the surrounding existing infrastructure. New infrastructure should protect natural features,

and avoid negatively impacting natural areas, such as Icehouse Hill, wetlands, trails corridors, and wildlife corridors. The impacts of artificial light on wildlife behavior and patterns should be studied.

6. Local/Regional Environment: the project should minimize impacts on the local and regional environment. It should include an integrated stormwater and greywater recycling system; develop alternative water systems that utilize wells and springs, if feasible; provide for adequate reserve water storage facilities; minimize stormwater runoff and ensure it is clean; maximize energy and water efficiency and water reuse; reduce impacts on air quality and traffic; and minimize waste generation both during and after construction. The EIR should 1) study the impact of fertilizer runoff on waterways and wetlands, and analyze alternatives to chemical fertilizer; and 2) develop a noise model to study impacts on the surrounding communities.

7. Global Environment: the project should minimize global environmental impacts. It should minimize greenhouse gases that contribute to climate change.

8. Views: the project should maintain the quality of Brisbane's San Francisco Bay views, and minimize light trespass and pollution.

### Energy

Energy requirements of the Baylands development should be met to the greatest extent feasible through efficiency, conservation, and maximum use of passive and active sources of renewable energy, in order to achieve the goal of energy neutrality. Consideration should be given to whether the Baylands has the potential to generate renewable energy beyond the project's needs, so that the Brisbane community could reduce its reliance on energy generated by fossil fuels. The Committee recommends that the Baylands project meet the following energy related objectives:

- Minimize consumption of non-renewable energy by maximizing efficiency, utilizing locally-generated thermal and electric renewable forms of energy, and purchasing green power from the electrical grid.
- Develop a comprehensive, integrated energy plan, including a renewable energy distributed power system. Include renewable energy sources such as wind and photovoltaic solar electricity. Utilize a network of locally interconnected generators; maximize use of solar thermal water heating systems.
- Maximize use of passive solar design. Design buildings to use thermal mass to reduce fossil fuel demand and minimize energy consumption. Orient buildings so that their long axis faces south and north to the maximum extent feasible. This allows for the effective use of sunlight, and the minimal use of artificial lighting, mechanical heating and cooling. Orient streets to allow for maximum solar exposure, and stagger cross-streets to reduce wind impacts.

## Open Space and Wetlands

Open Space should be maximized, consistent with General Plan Policy 331 to “maximize opportunities for open space and recreational uses in any land use planning for this (Baylands) subarea.” Figure 8 of the Open Space Plan shows the resource protection recommendations for the Baylands open space and wetlands resources. The Baylands development should meet or exceed the goals articulated in the Open Space Plan. (See Attachments “A” for details from the Open Space Plan pertaining to the Baylands Subarea, and Attachment “C” for relevant General Plan Policies.)

Closeness to nature and permanent conservation of high quality open space can be compatible with carefully planned, compact development. Greenways, such as corridors of native vegetation along streams, and small nature preserves should be incorporated throughout the Baylands. The Committee recommends:

- Open space that is designed to undergo natural change over time.
- A wetland river park with seasonal flood plain.
- Open space (specifically the wetland park) linked to San Bruno Mountain and the Bay; a progression of wetlands types, from tidal wetlands near the Bay changing gradually to upstream riparian habitat, and extending to grassland on the mountain.
- Walkways and observation platforms that bring people close to the wetlands
- S.F. Bay native plant materials for landscaping.
- Trail corridors wide enough to serve as wildlife corridors.
- Open space woven into the development and made readily accessible to people.
- Open Space for public health and safety as a buffer between the tank farm and Icehouse Hill
- Lagoon enhanced as a natural area with primarily passive low-impact recreational uses, and some protected habitat areas.
- Evaluation of potential project impacts on resident and migratory birds both at the river park and the lagoon.
- Study of the optimum configuration of the lagoon that would best support resident and migratory birds; analysis of the prospective re-creation of habitat for animal species that live and breed in the Baylands.
- Analysis of potential impacts of sedimentation, drainage flows, and their interaction on the lagoon and wetlands; modeling of entire drainage basin.

## Green Building

Buildings in the Baylands development should be designed and built to achieve a LEED Silver rating, and should comply with the “LEED Plus” measures that have been developed by the Open Space and Ecology Committee to address key high priority issues. The Committee recommends that LEED Plus credits pertaining to parking capacity, light pollution, interior water use, building commissioning, renewable electricity, and indoor air quality, be required in the Baylands project. (See Attachment “B” for details.) However, none of the LEED Plus credits are intended to limit the overall project goals and objectives enunciated by the Committee.

All new buildings in the Baylands should be sited, designed, constructed, and operated to encourage resource conservation, minimize waste and pollution, maximize energy and resource efficiency, and promote healthy indoor environments. The Committee recommends that the Baylands project meet the following objectives:

- Utilize sustainable green building practices that take the environment into account throughout the design and construction process.
- Use materials that have high recycled content and are recyclable, are rapidly renewable, sustainably grown, and locally available.
- Create buildings and landscapes that are energy and water efficient, durable and nontoxic.
- Create landscapes that incorporate vegetation historically native to this ecological and climate zone, and that discourage encroachment of non-native invasive plants.
- Use the latest technology including computerized energy management systems to control heating, cooling and lighting systems, in order to reduce power needs and to monitor and track data related to building operation and reducing building utility consumption.
- Maximize indoor air quality by reducing pollutants. Design buildings to provide good ventilation and comfortable conditions, maintain quality lighting, incorporate daylight and views, and use low-emitting materials including paint, carpets, adhesives and sealants.

## Other issues to be studied in the EIR

The Committee recommends that the environmental review of the Baylands Specific Plan:

- Consider remediation of contaminants to the highest standard possible, regardless of the ultimate land use in the Baylands. The feasibility of alternative methods for remediation should be studied, including capping, hauling away contaminants, and bioremediation.

- Evaluate bioremediation techniques that utilize plants and biological organisms to clean up pollution and remove contaminants from soil and water resources.

Bioremediation is the process by which living organisms and biological processes are employed to cleanup hazardous chemicals, destroy organic wastes, and reduce environmental risk. Wetlands use natural physical, biological and chemical aquatic processes to bioremediate polluted waters. There is a growing recognition of the restorative and purification functions performed by wetland environments, and the role that bioremediation can play in the restoration and enhancement of scarce wetland habitats.

- Evaluate freshwater resources and impacts on the salinity of the Bay.

Maintain historic salinity levels in the channel close to the Bay. Ensure that fresh water plants do not outcompete native saltwater vegetation. Study impact of fresh/salt water balance on fish, wildlife, and ecosystem.

- Explore funding mechanisms for maintenance of natural areas.

- Approach the Baylands development as an integrated project; ensure provision of wetlands river park and other open spaces by coordinating implementation of public amenities with private development.

- Evaluate the impact of present industrial operations in the Baylands.

Research the quantity of particulate matter (dirt, dust) that results from current recycling and grading operations.

Examine the Kinder Morgan pipeline and the potential impacts of pipeline failure on open space, wetlands resources, and public health and safety. Study whether the tank farm has contaminated the area within the Baylands project, and develop a monitoring program to guard against contamination in the future.

## Conclusion

These issues, concerns, and objectives reflect the Open Space and Ecology Committee's values and vision for the Baylands. The prospective development represents both an unparalleled challenge as well as an unprecedented opportunity to leave the Baylands a healthier site than it is today. To this end, the Committee proposes that the EIR study the feasibility of maximizing renewable energy, open space, and resource conservation, while minimizing negative impacts on the local, regional, and global environment. These goals form the basis for the Committee's central recommendation that any proposed project be evaluated in light of its potential to achieve ecological sustainability in the Baylands.

## Attachment "A"

### Open Space Plan: Baylands Subarea

#### b. Conclusions

Figure 8 shows the open space and resource protection recommendations for the Baylands and adjacent subareas. The Committee based its recommendations regarding the open space resources in the Baylands subarea on General Plan policies. General Plan Policy 331, in particular, which states, "maximize opportunities for open space and recreational uses in any land use planning for (the Baylands) subarea," guided the Committee's suggestions. The Committee envisions that as the Baylands subarea develops, the property owner will dedicate land to the city. This idea is founded on Policy 355 which states, "Provide in-lieu fees for the acquisition of open space or land dedication in conjunction with development." The Land Use Element, on Page 63, states that "A *minimum* (emphasis added) of 25% of the surface land of any subarea designated Planned Development shall be in open space and/or open area". The Baylands is one of three subareas designated PD in the 1994 General Plan. Open areas are defined on Pages 86 and 87 and Open space is defined on Page 111 of the 1994 General Plan.

The Committee recommends that areas north of the drainage channel, if developed, be so in a manner that is consistent with adjoining urbanized areas and with good urban design principles that emphasize opportunities for open areas. A building of historic interest, the Roundhouse, occurs on the western portion of this area – the Committee, guided by General Plan Policy 334, encourages an adaptive reuse of the structure.

The Committee recommends that portions of the subarea south of the drainage channel and north of Lagoon Way be maintained in a way that maximizes open areas. General Plan Policy 330 states that, "development south of the...drainage channel shall maintain a low profile" and should be developed "to maximize the amount of landscape and open space or open area in this portion of the subarea." The Committee envisions that these lands contain an open, relatively undeveloped pattern and that recreational uses, landscape and open areas be maximized.

The Committee recommends preservation of maximized open areas on the southern side of Icehouse Hill, which contains an old shooting range. The latter may contain substantial amounts of lead in the soil from spent bullets and shell casings which could be a source of contamination. It should be kept as open area or dedicated as open space. The Committee recommends that other portions of Icehouse Hill should be dedicated for open space or conservation purposes, such as portions which are adjacent to Bayshore Boulevard, the eastern portions of Icehouse Hill that contain native grasslands and potential habitat for the endangered butterfly species, and the northern side of the hill, encompassing a ravine that currently contains horse stables and other structures. The Committee based its recommendations on Policy 348 of the General Plan, which states, "enhance the natural landform and biotic values of Icehouse Hill and preserve its ability to visually screen the Tank Farm."



*Icehouse Hill, looking west from central Baylands Subarea. Photo: Raphael Brien*

The Committee recommends that the westernmost portion of the Baylands Subarea, north of Icehouse Hill and adjacent to Industrial Way, be maintained as open space or open area (see Figure 8). It is envisioned that this area contain a landscaped “wetland river park” with a seasonal flood plain that doubles as recreational space possibly continuing out to the bay. This idea was included as part of the conceptual storm drainage improvement plans prepared by the Brisbane Department of Public Works. The Committee recognizes that environmental studies analyzing the potential toxic contamination issues in this area need to be conducted prior to developing a wetland river park.



*Central Baylands Subarea from Northwest Bayshore Subarea. Photo: Raphael Brienens*

Infrastructure does not serve most of the Baylands subarea and there is no legal and safe pedestrian or bicycle access between the area and central Brisbane and other areas of the city. Tunnel Avenue, the only north/south accessway in the subarea, lacks sidewalks and a designated bicycle lane. The Committee, based on General Plan programs 86a and 86b and policies 336 and 343, recommends developing a pedestrian and bicycle system from the subarea to reach all areas of the city. The Committee also recommends development of a separated bike lane along Bayshore Boulevard.

The Committee envisions that the 'wetland river park' will contain a trail that connects to a multi-use trail running in a north/south direction along both sides of Tunnel Avenue. If technologically feasible, the Committee recommends a trail connection east of Tunnel Avenue along the existing drainage channel extending to the Bay Trail. The Tunnel Avenue trails, in turn would connect with central Brisbane via the new Tunnel Avenue overpass, which, when built, will provide pedestrian and bicycle access. Policy 346 states "include the upgrade or replacement of Tunnel Avenue and its overpass or alternative access in the circulation plan for the Baylands." The Committee recommends that the future trail over the Tunnel Avenue overpass connect to the city-owned former railroad rights-of-way in Crocker Industrial Park generally by way of a private easement that currently provides access to Machinery and Equipment Company and shown on some maps as Industrial Road and an abandoned railroad tunnel under Bayshore Boulevard.

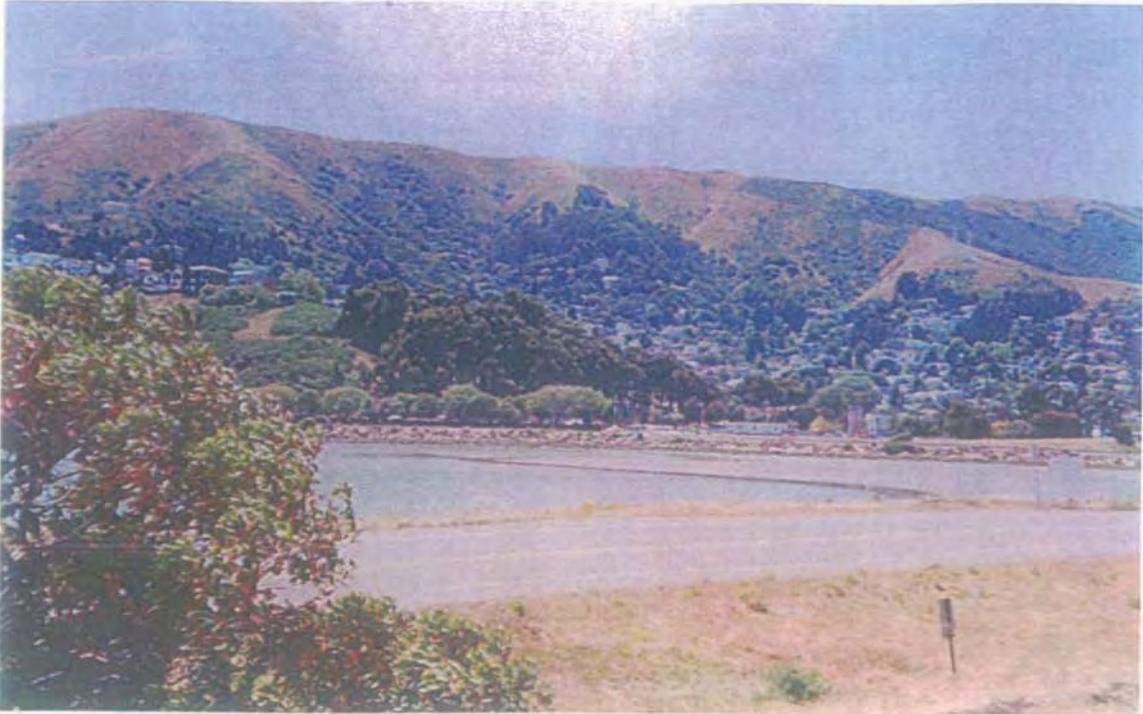


*Baylands Subarea, looking north from San Bruno Mountain. Photo: Raphael Brienés*

The Committee also recommends dedication of land in the Baylands subarea for regional trail projects. The Bay Trail, administered by the Association of Bay Area Governments, is a multi-use corridor that, when complete, will encircle San Francisco and San Pablo Bays with a continuous 400-mile trail network. In accordance with proposals for the Bay Trail, the Committee recommends that within Brisbane, a short spur trail follow the shoreline along Harney Way, with the main route of the Bay Trail connecting Candlestick Point State Recreation Area with Sierra Point along a landscaped corridor west of Bayshore Freeway (see Figure 8). At Sierra Point the trail would split, with one leg of the trail continuing into South San Francisco. The trail would incorporate the existing Sierra Point Parkway bike lane and the public access trail that perimeters the Sierra Point subarea. The Committee also recommends the establishment of trails connecting west from the Bay Trail to central Brisbane, and on to San Bruno Mountain Park and the Bay Area Ridge Trail.

The Brisbane Lagoon occupies the southern portion of the subarea and is a valuable aquatic resource that contains tidal wetlands. There is a fishing area, locally known as Fisherman's Park, located on the lagoon's northeastern perimeter. The Committee, based on Policy 354, which states, "dedicate land area for open space, recreational uses and wetlands restoration, especially around the Lagoon," recommends that the lagoon and its environs be conserved as open space. A public pathway should be developed around the lagoon perimeter (Policy 350), linking with the future Bay Trail and Tunnel Avenue trail. Additionally, the Committee recommends that the area along the entire shoreline at the northern end of the lagoon, between the lagoon and Lagoon Way, be preserved as open

space as it provides significant recreational opportunities (see Figure8). This would be a very high priority open space area.



*North end of Brisbane Lagoon, looking west. Photo: Randy Anderson*



**City of Brisbane  
Open Space Plan**

**Figure 8  
Priority Resources  
Baylands,  
Sierra Point, and  
Beatty Subareas**

-----  
Brisbane City Limits



Proposed open space  
(lands to be acquired by  
or dedicated to public agency  
for permanent protection)



Proposed maximized  
open areas  
(recreational or other use  
with open character)



Proposed for substantial  
open areas\*  
(in conjunction with future  
development, specific plan)

\* The minimum open area in the  
P-D zone is to be 25%



Proposed regional Bay Trail route



Proposed local connecting trails



Proposed local connecting trails  
(if technologically feasible)

NORTH ↑

Scale in Feet

0 1500 3000

## Attachment “B”

### LEED: Leadership in Energy and Environmental Design

The U.S. Green Building Council developed the LEED standard to define “green building” by establishing a common standard of measurement. LEED provides a framework for assessing building performance and meeting sustainability goals, by promoting strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

#### Brisbane’s LEED Plus

While the LEED rating system is designed to offer the developer a range of options for achieving the LEED standard, Brisbane’s “LEED Plus” proposes that specific high priority LEED credits be mandated in order to ensure that practices of greater importance to the City are implemented. The Committee recommends that the following credits be required in the Baylands project.

<b>PROPOSED LEED PLUS CREDITS</b>	
<b>Parking capacity</b>	Mandate that projects provide no more than the City-required number of parking spaces.
<b>Light pollution reduction</b>	Require the minimization of light pollution to protect neighbors and the night sky.
<b>Interior water use reduction</b>	Mandate that projects use 20% less water than the water use baseline calculated for the building.
<b>Enhanced Commissioning</b>	Mandate enhanced commissioning, a quality control process designed to insure and verify that building systems perform as designed.
<b>Renewable electricity</b>	Require that all buildings install renewable energy systems to offset the maximum amount of energy identified under the current LEED Energy and Atmosphere Renewable Energy credit.
<b>Indoor Air Quality</b>	Mandate 2 out of 5 Indoor Air Quality Credits: -Construction IAQ Management, pre-occupancy -Low-emitting Materials, Adhesives & Sealants -Low-emitting Materials, Paints -Low-emitting Materials, Carpets -Low-emitting Materials, Composite Wood



Yes ? No

**Materials & Resources** **13 Points**

<b>Y</b>	Prereq 1	<b>Storage &amp; Collection of Recyclables</b>	Required
	Credit 1.1	<b>Building Reuse</b> , Maintain 75% of Existing Walls, Floors & Roof	1
	Credit 1.2	<b>Building Reuse</b> , Maintain 100% of Existing Walls, Floors & Roof	1
	Credit 1.3	<b>Building Reuse</b> , Maintain 50% of Interior Non-Structural Elements	1
	Credit 2.1	<b>Construction Waste Management</b> , Divert 50% from Disposal	1
	Credit 2.2	<b>Construction Waste Management</b> , Divert 75% from Disposal	1
	Credit 3.1	<b>Materials Reuse</b> , 5%	1
	Credit 3.2	<b>Materials Reuse</b> , 10%	1
	Credit 4.1	<b>Recycled Content</b> , 10% (post-consumer + ½ pre-consumer)	1
	Credit 4.2	<b>Recycled Content</b> , 20% (post-consumer + ½ pre-consumer)	1
	Credit 5.1	<b>Regional Materials</b> , 10% Extracted, Processed & Manufactured Region	1
	Credit 5.2	<b>Regional Materials</b> , 20% Extracted, Processed & Manufactured Region	1
	Credit 6	<b>Rapidly Renewable Materials</b>	1
	Credit 7	<b>Certified Wood</b>	1

Yes ? No

**Indoor Environmental Quality** **15 Points**

<b>Y</b>	Prereq 1	<b>Minimum IAQ Performance</b>	Required
<b>Y</b>	Prereq 2	<b>Environmental Tobacco Smoke (ETS) Control</b>	Required
	Credit 1	<b>Outdoor Air Delivery Monitoring</b>	1
	Credit 2	<b>Increased Ventilation</b>	1
	Credit 3.1	<b>Construction IAQ Management Plan</b> , During Construction	1
	Credit 3.2	<b>Construction IAQ Management Plan</b> , Before Occupancy	1
	Credit 4.1	<b>Low-Emitting Materials</b> , Adhesives & Sealants	1
	Credit 4.2	<b>Low-Emitting Materials</b> , Paints & Coatings	1
	Credit 4.3	<b>Low-Emitting Materials</b> , Carpet Systems	1
	Credit 4.4	<b>Low-Emitting Materials</b> , Composite Wood & Agrifiber Products	1
	Credit 5	<b>Indoor Chemical &amp; Pollutant Source Control</b>	1
	Credit 6.1	<b>Controllability of Systems</b> , Lighting	1
	Credit 6.2	<b>Controllability of Systems</b> , Thermal Comfort	1
	Credit 7.1	<b>Thermal Comfort</b> , Design	1
	Credit 7.2	<b>Thermal Comfort</b> , Verification	1
	Credit 8.1	<b>Daylight &amp; Views</b> , Daylight 75% of Spaces	1
	Credit 8.2	<b>Daylight &amp; Views</b> , Views for 90% of Spaces	1

Yes ? No

**Innovation & Design Process** **5 Points**

	Credit 1.1	<b>Innovation in Design</b> : Provide Specific Title	1
	Credit 1.2	<b>Innovation in Design</b> : Provide Specific Title	1
	Credit 1.3	<b>Innovation in Design</b> : Provide Specific Title	1
	Credit 1.4	<b>Innovation in Design</b> : Provide Specific Title	1
	Credit 2	<b>LEED® Accredited Professional</b>	1

Yes ? No

**Project Totals (pre-certification estimates)** **69 Points**

Certified 26-32 points Silver 33-38 points Gold 39-51 points Platinum 52-69 points

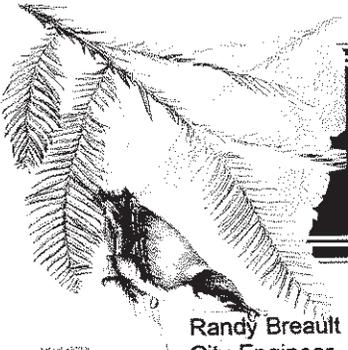
## ATTACHMENT "C"

### General Plan References

- Policy 331** Maximize opportunities for open space and recreational uses in any land use planning for this subarea.
- Policy 333** Establish a safety buffer around and provide for visual screening of the Tank Farm.
- Policy 334** Encourage an adaptive reuse of the Roundhouse and other structures identified as having historic, cultural and unique architectural value.
- Policy 335** Give aesthetic consideration to views of San Bruno Mountain, the Bay and the Baylands development itself from Central Brisbane as well as views from the Baylands in the design of any development.
- Policy 336** Consider methods for enhancing interaction between the residential community in Central Brisbane and uses on the Baylands. Methods may include pedestrian, bicycle and vehicular connections, recreational uses and educational facilities.
- Policy 343** Develop a pedestrian and bicycle system to reach all areas of the City from the Baylands.
- Policy 344** Connect all development within the Baylands with bicycle and pedestrian networks.
- Policy 345** Work with other agencies to promote interconnection with regional bicycle systems.
- Policy 346** Include the upgrade or replacement of Tunnel Avenue and its overpass or alternative access in the circulation plan for the Baylands.
- Policy 347** Cooperate with other agencies to develop the Bay Trail between Sierra Point and the Candlestick Recreation Area.
- Policy 348** Enhance the natural landform and biotic values of Icehouse Hill and preserve its ability to visually screen the Tank Farm.
- Policy 349** After the water environment is determined to be safe for public access, develop public water-related passive recreation at the Brisbane Lagoon, with due concern for the preservation and enhancement of the wetlands.
- Policy 350** Develop a public pathway and access facilities immediately adjacent to the Lagoon.

- Policy 351**     Establish a buffer zone between the Lagoon and adjacent uses.
- Policy 352**     Plan for landscape improvements to the lands around the Lagoon, including screening of the industrial structures adjacent to Bayshore Boulevard from the Lagoon.
- Policy 353**     Consider a possible golf course if compatible with environmental and conservation concerns.
- Policy 354**     Dedicate land area for open space, recreational uses and wetlands restoration, especially around the Lagoon.
- Policy 355**     Provide in-lieu fees for the acquisition of open space or land dedication in conjunction with development.
- Policy 357**     Identify wildlife habitats and encourage programs to retain and/or enhance their natural features and habitat values in consultation with responsible agencies and independent professionals.
- Policy 358**     Investigate methods to improve water quality in the Lagoon without adversely impacting waterfowl and fish.
- Policy 359**     Seek opportunities to enhance and restore wetlands in consultation with responsible agencies.
- Policy 360**     Incorporate new construction standards for energy efficiency and water conservation.
- Policy 361**     Require water-conserving landscape plans, including suitable plant materials and irrigation systems, and explore the use of non-potable water.
- Policy 362**     Support County and regional efforts to maintain and improve water quality in San Francisco Bay. Work closely with responsible agencies to assure monitoring of the landfill so as to avoid toxic leaking into the Bay and to have property owners repair any leaks.
- Policy 363**     Improve water circulation and water quality in the Lagoon by control of sedimentation and by careful monitoring and maintenance of underground pipelines by responsible agencies.





# SEQUOIA AUDUBON SOCIETY

Randy Breault  
City Engineer  
City of Brisbane  
50 Park Place,  
Brisbane, CA 94005

*cc: [unclear]  
Prince*

February 23, 2007

RECEIVED

FEB 28 2007

Brisbane Public Works Dept.

Dear Mr. Breault,

Sequoia Audubon Society, the San Mateo county chapter of National Audubon Society, with 1500 members, wishes to offer some specific suggestions for the preservation of the bird habitat in and around the Brisbane Lagoon. Since there is a sizeable development project proposed for the lands adjacent to the lagoon, we offer these preservation ideas now, so they can be included in the project proposal.

Here are the basics for bird preservation.

- Shorebirds in a lagoon setting need to have an ability to see in a 360 degree circle when they are feeding on the mudflats exposed during outgoing tides. This is so they can spot predators coming from any direction. To this end the lagoon edge needs to be free from trees, bushes, light poles and sign posts as they provide perches for predators.
- The lagoon edges need to be kept in a natural state with no riprap added. Shorebirds feed by probing the mud for invertebrates. Edge water needs to be shallow without riprap for predators to hide in or to keep birds from accessing the mudflats.
- Birds in any setting are much bothered by disturbance. The lagoon needs to have a wide buffer zone around it free of walking, running or bicycle paths, picnic tables, playing fields, buildings or roads. Dogs need to be on leash.
- Boating concessions have been mentioned at the project meetings. Boating on the lagoon will result in relocation of many birds using the lagoon.
- As you already know, water quality is very important. Runoff from the former dump area or landscaped areas within the project should not enter the lagoon. Inflows and outfalls are prime egret feeding areas and need to remain as they now are, as does the sandy fishing area.
- During the construction phases of the project, machines and materiel should be stored well outside of the buffer zone.

Sequoia Audubon encourages you to take the welfare of the birds on the Brisbane into special consideration as you plan for the development project there. They are an integral part of the public's enjoyment of the lagoon.

Sincerely,

*Robin Winslow Smith*

Robin Winslow Smith  
Conservation Chair  
Sequoia Audubon Society

Sequoia Audubon Society  
P.O. Box 620292 Woodside, CA 94062-0292  
office@sequoia-audubon.org • www.Sequoia-Audubon.org

(650) 529-1454



June 26, 2006

To: Schroeder, Sheri

Subject: Objectives for the Baylands - for meeting tonight

Dear Brisbane City Councilmembers,

Thank you in advance for all your hard work to make the Baylands development something we can be proud of as a town. I hope that development there will improve the quality of life for Brisbane residents, and be a model for outstanding development for other cities in our region.

With that in mind, here are some objectives I would like to see included in your scoping meeting (in no particular order):

- 1) YMCA-type facility with classes, indoor recreation, gymnasium, etc.
- 2) Infant-Toddler childcare center (currently there's nothing in town for kids under 2 yrs)
- 3) Children's museum/science center (like Palo Alto Junior Museum or Sausalito Discovery Museum with both indoor and outdoor areas)
- 4) Outdoor water park with play area, water spouts, hands-on stuff for kids (examples in San Jose and other outdoor malls)
- 5) Good grocery stores and supermarkets, including Trader Joe's and Whole Foods (or some other natural foods store)
- 6) Drug store such as Long's Drugs
- 7) Housing included in the project so that people who work in the Baylands can also live there and walk/bike to work. I think it would be a big mistake to plan for thousands of new jobs without also creating the opportunity for housing in the plan.
- 8) Lagoon improved and made accessible for passive recreation, such as canoeing/kayaking, paddleboats, and strolling & picnicking along the lagoon's edge.
- 9) Restaurants overlooking the Lagoon with outdoor seating.
- 10) Best practices in green building design & renewable energy (solar & wind).
- 11) Walking and cycling trails throughout the plan that also link up with the Ridge, Crocker Park, Sierra Point, and Central Brisbane, just as our roads do.

- 12) Public transportation throughout the design, including shuttles to/from Paul Ave CalTrain for Baylands employees and residents.
- 13) Movie theater and arts center (for art shows, studio space, etc.)
- 14) Open green spaces, parks, and public art.
- 15) No auto mall with big parking lots and light pollution that would block our views of the stars and city lights. Any car dealerships should be street-facing buildings with low night-lighting and small on-site inventories like the dealerships in downtown Burlingame.

Thank you for considering these ideas as you plan for the Baylands.

Kind regards,  
Jessica Aloft

June 26, 2006

To: Schroeder, Sheri

Subject: The Baylands

Dear City Clerk -

My husband and I would really like to see something useful in the Baylands - such as a Walgreens, Safeway, Trader Joes, a Family Restaurant like Applebee's. I am sure that all of these would provide a much needed service for the people of Brisbane, and the surrounding area.

My husband and I have lived in Brisbane for over 30 years.

We thank you for listening to our comments.

From,  
Maureen and Phil Cornyn

**BAYLANDS SPECIFIC PLAN ISSUES**  
for 4/27/06 meeting  
(NOP Posted SCH web site as 2006022136)

*from Dana  
x Sullivan R*

Lack of response to NOP by some responsible agencies might indicate that the Initial Study is inadequate or not circulated widely enough.

Was US Fish and Wildlife (USF&W) noticed? Description in the Initial Study should have stated that there is potential for presence of rare and endangered species. There are remnant grasslands and wetland habitats from freshwater to intertidal ecosystems. Salt Water Harvest Mice, Clapper Rail, Red-Legged Frogs, Burrowing Owls, San Francisco Garter Snakes and other rare and endangered species are potential inhabitants and have not been fully studied. This might have altered USF&W's (lack of) response.

Lack of responses from Air Quality, State Lands Commission, BCDC, State PUC, Energy Resource divisions, State Water Resources, and others defy reason.

Proximity to schools as listed in the NOP should include:

- Robertson Intermediate
  - Bayshore Childcare Services-Midway Center
  - Bayshore Elementary
  - First San Francisco Children's Center Pre-school
  - Visitacion Valley Elementary School, etc.
- (if the .25 mile standard is applicable.)

### **ENVIRONMENTAL CHECKLIST**

I. **AESTHETICS** does not mention views toward San Bruno Mountain Park. It claims that nighttime light pollution shall be addressed but fails to quantify the problem outside of declaring it potentially significant. One could look to Japan's "Lights-out at 8pm" self-imposed Global Warming-conscious measure as an example to addressing this issue vs. "minimize" the impact.

II. **AGRICULTURE RESOURCES** in the form of grazing horses/animals are overlooked. They may be a positive environmental and educational resource for weeding hillside lands like Ice House Hill and adjacent San Bruno Mountain Habitat Conservation Plan areas.

III. **AIR QUALITY**. There is reference to conceptual grading plans in the Specific Plan to move thousands of cubic yards of soil, contaminated at various levels. Air Quality impacts are certain to occur, yet there is no mention of air impacts outside of the construction phase, and consequently, no response from BAAQMD?

IV. **BIOLOGICAL RESOURCES**. Legal descriptions based on studies done in incorrect seasons<sup>1</sup> should be considered suspect. 600 acres adjacent to the Bay with recognized "habitat quality... considered low," is because it ignores the presence of upland habitats, the host plants for the Callippie Silver Spot that are visible in the proper season, seasonal and diurnal migration of animals, and the adjacent Lagoon habitat. Agency-accepted plans (outside of the purview of the public) have not looked at alternatives or long-term analysis as required by CEQA.

Potential to create new parks, redirect natural water flows, to maintain connectivity of protected ecosystems, AND a General Plan requirement to mitigate losses of wetlands should not be understated

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<sup>1</sup> Wetlands Research Assoc. 2001 and Burns and Mac Donnell Engineering firm 2003

or overlooked. Adjacent upland habitat conservation plan goals and mitigations should be clearly stated and explored. While the author of this specific plan is not a signator to the San Bruno Mountain Habitat Conservation Plan, the City of Brisbane is a Trustee and should act accordingly or disclose their dual role.

**VII. HAZARDS AND HAZARDOUS MATERIALS.** In addition to reviewing “existing information regarding potential presence of hazardous materials on the site” additional tests and mapping of risks from underground fuel lines, underground springs, undisclosed toxic “Hot-spots” within and adjacent to the dump, and their associated long-term impacts should be fully disclosed. All waste haulers will mention the “hot spot” where they know chemical hazards are greater. There may be several “hot spots” in Phase I as the dump progressed southward. These latent risks of explosion and health issues are barely considered.

The chances of off-gassing and cumulative, un-remediated toxic issues in adjacent properties is not mentioned. Wastes from the former sewerage plant, now fire station, the Unocal building, now City Corporation Yard, Kinder Morgan Tank Farm and buried toxins along Industrial Way from tanneries and chemical production are also hardly mentioned. Current autobody grinding and painting and other business practices along Industrial Way are not adequately disclosed in spite of a requirement to disclose conditions for the entire area. This information could help direct the sequencing and integrate planning of development.

### **ALTERNATIVES**

EACH AREA REVIEWED BY THE EIR COULD HAVE ALTERNATIVES  
EACH ALTERNATIVE CONSIDERED COULD HAVE CUMULATIVE IMPACTS

#### **TRANSPORTATION**

Car-oriented Plan, On-street Parking vs. Perimeter Parking Valet Delivery System  
Health-focused Walking Village with Electric/Alternative Fuel-only Vehicles  
Locations of Connections to Bayshore Boulevard  
Elevated vs. Submerged Transportation Corridors  
Prohibit Diesel-Idling Zones, Require Alternative Goods Movement Rail System

#### **REMEDIATION TECHNIQUES**

Landfill – Passive or Engineered Barriers, vertical and horizontal isolation required  
Multiple technologies, fast or slow decomposition?<sup>2</sup>  
Cleanup Now or Fester Forever? Best Long-term Alternative?  
Peel back layers to increase tidal influence. Reduce, consolidate waste, resource mining  
Lead-impacted soils removed-over time, electrokinetics, full clean up vs. leave behind  
Remove Hydrocarbon-impacted soils; holes become mitigated wetlands vs soil cover  
Solvent-impacted soils removed. Remediation until residual is non-detect after 2 wet seasons  
Remediation Campus- In Situ Bioremediation, Phytoremediation, Mycorestoration

#### **USES**

Interim vs. Long-term Choices  
Brief-Visit, Zero-impact, Zero-Waste or +Positive Energy Zones

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<sup>2</sup> G. Fred Lee “Wet Cell Versus Dry Tomb...”debate, “Landfills and Groundwater Pollution Issues...”  
“Geosynthetic Liner Systems for Municipal Solid Waste Landfills...”1993 “The Effectiveness...SWANA Applied Research,”2004 and Flawed Technology of Subtitle D Landfilling...” Updated 2006, and other publications.

Aggressive Multi-plexed Renewable Energy Zone (Hydrogen, Wind, Solar, Heat, Tidal, and Bio-fuels) funded by State Public Interest Energy Research Programs<sup>3</sup> or the like  
Entertainment, Convention, Concert to Cinema Center- North of Geneva  
Fast-track for the Olympics?

## **LAGOON**

To Dredge or Not? Siltation Good? Algae Blooms, Solar-powered Aeration Project  
Require Exotic Species Removal, Long-term Maintenance Plan required  
Study Current and Historical Wildlife Habitats and Migration to determine impacts  
Multiple Lagoons through Remediation  
Encourage Sustainable Food Production: Fish Hatchery, Shellfish Beds, Fungi, Hydroponics

## **WATER RESOURCES**

Intercept groundwater before it enters toxic areas  
Require, not consider, Wastewater Recycling and Wetlands Remediation per '94 GP  
Retention of rainwater through cisterns or reservoir  
Consider a fish hatchery and re-creation of spawning habitat in mitigation  
Utilize a California River Parkways Act Plan<sup>4</sup>, or better, in the Brisbane Baylands  
Use creek restoration project for an educational museum, public and wildlife benefits  
Landfill closure and post-closure maintenance plan's impact on mitigation measures and uses  
Requires cleanups and years proven before development.

## **JOBS/HOUSING BALANCE**

Consider Limited-access, Limited-exposure, Limited-development Alternative.

## **KINDER MORGAN TANK FARM and OTHER SAFETY ISSUES**

Relocate underground pipes for safety, public health  
Relocate entire operation for safety, public health  
Utilized Open Space designation for safety, public health  
Study impact danger zones from tank farm and dump accidents

## **FINANCIAL CONSIDERATIONS**

Project as proposed an Asset or Liability?  
Opportunity for Renewable Energy Business Incubator, Community-based business hub  
Review ownership history and experience with bonds, construction, business  
Percentage of non-profit, wholesale, transient, internet, point-of-sales issues

## **STILL ON THE BOOKS**

Risks with Liquefaction and Industrial Accidents with Continued Industrial Designations  
Protective Measures for Research and Development, UC Campus, and other unregulated uses  
Impacts of Fragmentation of the Project

## **PLAN WITH SPIRIT, VISION, UNIQUE ATTRACTION – PowerPoint**

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<sup>3</sup> Cal PRC Sec 25620 et seq “ appropriate for the state to undertake public interest energy research, development, and demonstration projects that are not adequately provided for my competitive and regulated energy markets.”

<sup>4</sup> Cal PRC Sec 5751 (i) to “assist public agencies and nonprofit organizations in establishing, developing and restoring river parkways.” And <sup>4</sup> Cal PRC 5753 (2-5) “[p]rotect, improve or restore riverine or riparian habitat, including benefits to wildlife habitat and water quality.”

June 26, 2006

To: Schroeder, Sheri

Subject: Baylands Development Objective

Brisbane City Clerk:

Please relay this information to the City Council to be considered at this evenings meeting regarding the Baylands development project.

The development of the Baylands should fulfill the objectives below:

Provide an area that would include outdoor recreation for everyone: similar to Sawyer Camp) walking trails, biking trails, picnic tables along the path.

A golf course or full size soccer field would be my second choice. If all of the above could be accommodated that would be great. In addition the project objective should include environmentally friendly development.

NO BIG BOX development.

thanks

Mary Ryan Duffy

8.

for 4/27/06

To: Mayor Bologoff and City Council

From: Clara A. Johnson

Comments on 2/21/06 Specific Plan Application Continued

SPA-38

Phase 2 may never be built and so all improvements needed to make the infrastructure safe and adequately sized must be done as part of Phase 1.

SPA-40

The local streets in Phase 1 must be placed in a specific location in order to understand local traffic patterns and to know where other infrastructure improvements should be located.

SPA-41

The parking on the Tunnel Ave side of the Caltrain Station appears inadequate considering all the new development. There is no easy way to get to the other side of the tracks where there is additional parking.

SPA-43

Fig 3.5, It looks like there isn't any sidewalk on Lagoon Way or on Frontage Rd. Is that correct?

Do you intend to have a sidewalk/trail alongside Sierra Point Parkway by the Lagoon Rd. It doesn't seem like there is much room and the cars are traveling at 35mph?

SPA-44

If MUNI extends a line to Candlestick Park, which is what the plan reserves the right of way to do then there must be an analysis of the traffic that it brings.

## SPA-46

Since this plan would add considerable traffic to Hwy 101 and add a Frontage Rd with 2 to 4 more lanes of traffic, what does BCDC think of the plan being located so close to the Bay's edge.

A longer off-ramp extending northeastward on Sierra Point Parkway by the Lagoon would have a deleterious effect on the Lagoon and on the visual aesthetics of the area. It would also be inconsistent with the General Plan because if these were elevated ramps, it would block the view of the bay from parts of Brisbane. A longer off-ramp into Sierra Point would destroy the entrance to the development.

## SPA-47

The frontage road is too close to the freeway. The freeway is eight lanes wide and the greenway should be at least 500 ft wide in order to dampen the impact of the air pollution and 65db noise before adding two to four more lanes of noise producing traffic to it. Otherwise the Frontage Road intensifies the freeway dead zone of asphalt, air pollution and noise.

Do the traffic levels forecast for Lagoon Rd take into account the connection from 101 to Bayshore and Guadalupe Canyon Pkwy? There are sidewalks beside Lagoon Rd that are mentioned in the text on this page but not shown in Figure 3.5.

## SPA-48

When the Lagoon Rd extension to Bayshore and Guadalupe Canyon Rd was introduced at a City Council meeting, there was strong public sentiment against building it. The road would have to climb from Tunnel to Bayshore. It will block views of the Bay and the mountain depending on the viewer's position which is inconsistent with the General Plan. It is unsafe because it is too close to the tank farm. It is inconsistent with the General Plan policy to keep icehouse hill as a wildlife habitat with high biotic values because it will bring tremendous noise and add to local air pollution.

## SPA-50

Conceptual grading has no place in a Specific Plan how can anyone judge the suitability of the geotechnical conditions created if they are unknown. Conceptual Grading can neither be analyzed nor regulated. The fill that has been used for surcharging may have a particle size that is not appropriate for use as a landfill cap.

10.

cap. The artificial plateau or ridge form may create water ponding at its base. How will this ponding effect infrastructure elements e.g. roads, underground utilities?

This elevated land will not screen development from Brisbane homes located at 50' or 200' or 200' or 300' elevations.

The railroads track in a ditch will flood sometimes. How will the warehouse area access the train in a ditch?

SPA-52

Subject: Utilities

"studied and applied systems should take a sustainable approach that is consistent with LEED rating standards." This is a good start with no follow through. What happens if they don't achieve some LEED level, evidently nothing. There should be a minimal requirement of sustainability. There should be a requirement that the project be energy neutral so that there is an incentive to create as much generating power as possible on site using renewable energy.

The water and sewer systems will be elevated in the artificial plateaus this will necessitate extra energy to pump the water of effluent up and down. This design seems unwise because it uses extra electrical energy rather than relying on gravity. It will also use up lots of back-up generator energy in a disaster.

Since there are no actual buildings or local streets, there is no actual water piping plan or sewer piping plan or specific storm water plan. The specific plan application is inconsistent with the General Plan because it does not provide adequate information on how and what infrastructure will be provided. The telephone and electricity wires should be underground and there should be a definitive answer on the question if cable for TV, internet and telephone will be provided.

There needs to be an environmental analysis of the newly established creek channel, the associated fresh water wetlands and the sedimentation and detention ponds west of the Caltrain tracks because they are an integral upstream part of the Baylands Phase 1 storm drainage system.

The rebuild and lining of the existing drainage channel project's environmental studies and results must be part of this environmental report in order to fully understand the impact that storm water from the Baylands will have on the Bay.

## SPA-52 (continued)

How many acres of tidal wetlands will be established in the reconstructed wetlands?

## SPA-54

There must be a very specific mitigation monitoring plan with stringent standards and milestones clearly articulated and with interim goals and final goals identified. This mitigation monitoring plan will require a permanent staff of people to monitor what will no doubt be hundreds if not thousands of mitigation measures that will require ongoing oversight. *I am thinking of all the: financial, cultural, archeological, architectural, landscape architectural, social, planning, toxic, energy, environmental (including air quality, water quality, wetlands, wildlife and habitat), traffic, public safety and the maintenance of many elements in the plan.* The ongoing mitigation monitoring of all these issues will assure that A Baylands project is constituted and will perform as it is supposed to in the final version of a plan that is approved.

The stormwater management system consisting of bioswales and filtration/infiltration measures requires stringent standards and a higher level of best management practices in place like the Baylands. The buildout of 8 million square feet of development space means that the roads and parking lots will accumulate a substantial amount of petrochemical and tire residue

The reference to a tidal marsh at the midpoint of the Baylands between the rail tracks and Tunnel Ave is puzzling since it is at or near this location where Sierra Point Lumber and Van Arsdale Harris Lumber companies will be relocated. A tidal marsh would also make it seem more likely that the railroad tracks in a ditch would flood. Where is this tidal marsh exactly? Is it the Visitacion Creek shoreline? How will the tidal marsh ebb and flow be kept out of the landfill? How will the lumber companies unload lumber from train cars if the rail tracks are in a ditch?

The drainage crossing from the Levinson Overflow Area under Bayshore Blvd, the Upper Visitacion Creek channel and the box culvert beneath the railroad right of way should be investigated and analyzed because of the effects on Phase 1 and the cumulative impacts created.

The reference on page 54 and in other places to another channel on the west side and then the east side of the rail tracks is confusing. The brick arch sewer and the 5'3" box culvert need structural integrity investigations.

## SPA-55,234,235

How many millions of gallons of water per day or week or year will Phase 1 require? How many gallons of water per day will build out on the Baylands require? BASQWA has future estimated allotments for each of its members.

Does the total project (phase 1 and 2) or the Phase 1 portion go beyond Brisbane's and GVMID's allotment? The statement on this page about information on water usage being provided in the future based on typical usage rate is inadequate to base an analysis of the projects impacts.

## SPA-56 and 242

The two paragraphs devoted to the need for police and fire services are woefully inadequate. The section is inconsistent with the General Plan (pg 107, Policy 69). General Plan Policy 372 is not satisfied. This project radically changes the need for: police, fire and disaster response for the City of Brisbane. If you consider the need to evacuate an additional 15,000 people in a disaster you can see the problem. There needs to be a clear statement of the expected need for a police substation, a fire station, police officers and support personnel, firefighter-paramedics and support personnel and the equipment that both departments would need to serve 8 million square feet of developed space overall and the 10,000 employees working in Phase one alone, as well as serving the thousands of people visiting and passing through the area in their cars and trucks. There should be disaster planning integrated into the planning of the project. There is nothing about how disaster mitigation or disaster shelters will be provided for employees or clients. Where is an evacuation plan? Since local streets are left out of the plan, it would be difficult to create an evacuation plan.

## SPA-56 and 245

There is not a provision for state of the art commercial recycling facilities nor a requirement for a space for them adjacent to as yet to be designed buildings. The lack of provision for recycling facilities violates General Plan Policy 364.

## SPA-57

In 2006, you need to articulate more about cable and telecommunications facilities necessary for modern business.

## SPA-58

All agencies should receive clear information on all Baylands issues in any way related to their jurisdiction. Shouldn't the railroad safety officials be included.

## SPA-59

This page is labeled *purpose* and in my mind it is an ironic use of the term. The purpose of this document is to take an unspecific set of possible alternatives both in type, location and size and masquerade it as a plan for a real development. As it says on this page, it is only a description of what "could be" realized and be consistent with the General Plan but since it isn't real and isn't detailed enough then it is not consistent with The General Plan nor is it possible to analyze it for the purpose of CEQA. It is not only the graphic representations which are conceptual and illustrative in nature, but this entire application is conceptual and illustrative in its nature. The General Plan states that a conceptual plan cannot be used to apply for a real development. The General Plan policies that are violated by this Application are policy 71 on page 107 and policy 329 on page 238.

The last eight lines on page 59 of the Specific Plan application. Demonstrate the lack of specificity of this plan. The plan does not tell you what or where anything will be constructed. It describes what it might look like if it were consistent with the General Plan and that should not be confused with an as yet unavailable ... specific plan that describes a particular project that is consistent with The General Plan. The General Plan stipulates that a specific plan must allow for a regulatory analysis of its impacts and not be conceptual if it is going to be used in applications for development. Since this plan application does not do that and it plans actions that are inconsistent with the General Plan, it is not complete nor is it adequate basis for environmental analysis.

## SPA-62

The General Plan specifically excludes using the Lagoon as open space.

This plan application obfuscates the open space issue by ignoring the General Plan definition (GP-111) and substituting its own definition.

## SPA-64

This application is inconsistent with the General Plan because there are no architectural designs for buildings and so policy 330, programs 330a and 330b cannot be fulfilled. There is no design nor is there any specific siting.

## SPA-66

The 4%(13 acres) of open area in development sites out of 328 acres of land area is inadequate to provide for an uncrowded quality of life.

## SPA-67

The traffic impact of the relocated lumber companies cannot be ignored because of their direct impact on this Phase 1 area. They are being moved from Phase 1 to adjacent to phase 1. This appears to be an attempt to bifurcate a project in order to avoid assessing the cumulative impact and the significance of the impact caused by the relocation and enlargement of one of the companies. They are being placed near or in a new wetland. The potential for catastrophic disaster at the tank farm is being ignored and no reasonable person could possibly consider that an acceptable way to apply CEQA.

## SPA-68

The long term fiscal impact of this project will not be known until that analysis is done and it can only be done when there is a specific project proposed rather than a series of possible options.

Since this is a redevelopment area, the difference in the property tax created by developments and called the tax increment can only be used in or for the redevelopment area. The only benefit to the city's general fund will be from sales tax and only for as long as sales tax laws remain as they are. There will be tremendous infrastructure maintenance costs associated with a development on landfill and adjacent toxic areas. There will also great demand for city services from all departments.

## SPA-69

The next to the last paragraph violates the spirit of the General Plan by piecemeal development. It disregards the public welfare for private benefit.

## SPA-70 Table 4-3

This table demonstrates why this plan is inadequate and incomplete. The heading "Flexible" is key to the inadequacies that interfere with meaningful CEQA analysis and fall short of the requirements of the General Plan areas of and use, streets and open space. Something that is flexible is not measurable and its impact is uncertain. The quad loop road cannot be flexible if it is to be analyzed for traffic impacts on other streets.

## SPA-71

There is inadequate open space, wetland and wildlife habitat.

## SPA-71 (cont)

In section 4.6.1, there is a discussion of development by the roundhouse arc road. If the reason is to allow for traffic analysis, then that is good but why not analyze the whole of phase 2, as well.

## SPA-73

The paseos between the primary main street frontages and the parking areas must also have business frontages-doors or outdoor activity such as small service businesses or cafes to prevent the paseos from becoming dangerous lonely paths where people are mugged and robbed. There should be more indoor parking in buildings that have roof gardens or parapet plantings and solar panels cascading down the sides.

## SPA-76

The auto park area is much too large. The cars should be stored inside buildings for the most part just as they are on Van Ness Ave in San Francisco. These buildings could have solar panels on the sides and on the roofs.

## SPA-140

The auto park guidelines in 4.8.3.5 are not adequate. There is too much vehicle storage outside which, along with the surface parking creates visual blight when seen from hillside homes in Brisbane.

## SPA-141-142

There should be a greater relationship between the inside of the building and the outside. It would complement the glazed garage doors. Autos could be displayed on a plaza highlighting a few while the rest were stored inside out of the salt air.

The outdoor storage lots will hold heat and look harsh. The attempts to soften this much asphalt and concrete appear totally inadequate. How many square feet of exterior vehicle storage is there in this area. How many square feet of parking lots and outdoor vehicle inventory storage is there in all of Phase 1?

The Baylands should not be dominated by parking lots. It is a visual affront to the public.

SPA-143

Standards in Table 4-9

I object to the max lot coverage. There should be a 75% lot coverage including parking and driveways. The remainder should be set aside for landscaping, arbors, benches.

An aside, the internal combustion engine is not sustainable.

All sidewalks in all areas should be a minimum of 12' wide and on primary main street, they should be 20' wide with room for outdoor cafes, vendors, street trees and street furniture, who knows perhaps a sculpture.

The auto park walkways should be landscaped and have an occasional bench.

I object to a height limit which prevents multistory buildings to use for the storage of car inventory (45 or 50 ft would be better). Since individual developers are expected to build the structures, solar panels should be required on all the buildings.

SPA-113 Illustration

The drawing is skewed to de-emphasize the buildings. There are too many surface parking lots and not enough parking structures. There aren't any roof gardens nor are there plants incorporated into the buildings exterior. There aren't any solar panels.

SPA-145, 166

Parking lot and street lighting should be LED solar powered tied to the grid. Parking lots should have plantings in addition to trees.

SPA-147

The minimum landscaped areas in these lots should be 25% stand alone plus 10% scattered in the parking lots. That is sufficient to make a difference.

SPA-152, Table 4-10

Lot coverage (building, parking, driveways) should be 75% and open area/landscaping should be 25%.

SPA-166

The Bioswales and other stormwater filtration maintenance requirements should be backed up by a 15 year maintenance bond.

SPA-167

Section 4.8.4.7. I don't think that CC&R's alone will be sufficient to assure a high level of maintenance on private properties split among dozens of owners. It was not intention of the General Plan to have such a precarious circumstance in regard to the upkeep of the property. I don't believe that you should allow the developer to subdivide the land in a way that they or their successors are not responsible for the maintenance of the land

This project has a strong possibility of becoming a derelict development because of its location, the lack of experience and lack of vision of the property owner and the high cost of its maintenance which could lead to bankruptcy for those financially responsible. A rundown crime ridden project will not help the City of Brisbane.

The environmental firm Camp Dresser McGee has advised that the city protect itself financially by requiring bonds or other guarantees for the maintenance of all ongoing toxic remediation efforts. I believe that it would be monumentally irresponsible if you don't take that advice.

SPA-168

The sustainability guidelines while addressing many important issues don't mention allocating areas for recycled trash containers located where the trucks can efficiently pick them up.

The sustainability guidelines appear entirely voluntary without any incentive to follow them. There should be requirements for sustainability strategies and goals that each building must meet and that each sub-area must meet. Voluntary guidelines won't have any effect on the project. They only sound good.

Beginning SPA-169 Conservation and Open Space

There are elements of this plan e.g. Visitacion Creek Park that begin to satisfy goals of The Brisbane General Plan. The problem is that they don't rise to the level of satisfying those goals. The Visitacion Creek Park is too narrow considering the traffic volume and the resulting noise from the adjacent street. There is a lack of imagination in the design park.

The Lagoon Park lacks imagination and doesn't have enough ingenuity to protect the environment while giving people a close view of it. It may be too small. We should refer to the ideas presented by the UCB Landscape Architecture students for ideas. The 5 acre Bay Trail greenway is too narrow and needs enough width to soften the freeway effect and the effect of the frontage road. It could be a very unpleasant place because of the 65 dba traffic noise. Figure 5.4 shows a 78 foot right of way with 48 ft either used for road or reserved for road. 100ft by 400ft is one acre and this Greenway is hundreds of feet long and so you can see how narrow it must be. There needs to be more area devoted to wetland and wildlife preservation. There isn't very much of it. I think there should be trees in the development but the windrows violate the General Plan and should be abandoned. It blocks views of the Bay and the Mountain. The quad is too narrow because it is surrounded by the central northeast to southwest traffic artery in Phase 1.

#### Beginning SPA186 Traffic and Circulation

Guadalupe Canyon Parkway should carry low traffic volumes. It divides a State and County Park and San Bruno is the home of three endangered butterflies.

Lagoon Road should not be extended to Bayshore Blvd. It would create a visual blight, go dangerously close to the tank farm and degrade biotic values on Icehouse Hill. The circuitous route along the Lagoon to reach northbound 101 serves the admirable purpose of not further obstructing views with a boondoggle project to serve only the automobile. And drivers enjoy the pleasure of seeing lagoon's water and wildlife.

There is insufficient parking planned for the Tunnel Road side of the Caltrain/M~~OMA~~ stations.  
M~~OMA~~

Does the narrow three lane Beatty St underpass need to be seismically strengthened and widened to accommodate this project?

How can retail main street, quad loop road, quad loop entry parkway, south creek parkway and roundhouse arc road be called local streets when they will collect traffic and carry it to the arterials. Some or all of them are collector streets. This application leaves out the actual local streets for the most part.

There are numerous references to the policies of the specific plan. This is a propaganda technique. There is no specific plan. There is only a humble application which does not have the right to any policies.

The project should have state of the art electronic timing for traffic devices. Transit agencies should be encouraged to coordinate schedules. TDM provisions are sound.

Retail Main Street and Geneva extension should have a 20' sidewalk. Sidewalks in other areas should be at least 12' wide.

The application calls for all internal streets to be developed to "local cross street standards" as defined with in this plan. What is an internal street? They call streets that connect to arterials local streets and so I would be suspicious of this requirement.

#### Beginning SPA-227 Utilities and Services

If the goal is to have "efficient and environmentally compatible utilities and services that adequately serve the new development" as stated, then you should use gravity as the main method for moving water and effluent and not use electricity to pump it because it is a poorly designed system requiring such pumping and will be prone to need greater amounts of maintenance.

The city standards for utilities should be approved or disapproved by the City Council.

The City and people of Brisbane need assurance and reassurance. There is a lack of detail and the absence of specific provision for unforeseen events that threatens to leave the financial and environmental responsibility on their backs. There must be methods of assurance and re-assurance against that possibility. There must be performance bonds for all of the infrastructure that is built here. I would include the roads, sidewalks, overpass, underpass, environmental clean-up facilities, landfill cap and gas burning system, underground electrical, telecommunications, water, sewer, stormwater with particular attention to the functioning of natural methods that require maintenance, environmental contamination with health risk, faulty clean-up, faulty construction, use of faulty fill materials. Any system that is needed for this part of the city to function should be bonded and this is particularly true of all improvements that that are financed through the city. The following are the expected costs and they may be low : water facilities-\$4.4million, sanitary sewer-\$2.5million, storm drain-\$5.1million. The long term fiscal analysis of this project should be presented in detail to the public before there is any approval given.

The plan does not explain how stormwater will be transported. Is the use of this much bioswale transported stormwater ever been tested on a landfill of this size? This plan is required to contain a reasonably complete description of basic infrastructure improvements. Stormwater movement through the remainder of

the Baylands should be described in this plan since the General Plan requires major infrastructure be described by the first project that is developed.

The following section relates to the City Staff questions and comments of 3/7/05 and the 2/21/06 version of the Specific Plan application.

Question 73 on page 164, I did not see this answered in the 2/21/06 specific plan application

Q 76 This comment was ignored and there is still reference to Daly City as a possible water source.

Q 78 The water section needs fire flow date. It is not there

Q 82 The status of cable is still unknown. The staff comment was ignored.

This section is inspired by the City Attorney letter of 3/2/05 regarding the first application and the second application of 2/21/06.

The applicant continues to have sub districts that not provided for by the planned development zoning regulations. The City Attorney points out that under the PD District regulations every use is conditional and requires an individual PD permit. This is an important regulatory device to keep in place because this plan application sabotages the General Plan's attempt to create a coordinated coherent whole in the Baylands. The device they use to do so is piecemeal development by various individual developers. The result will be piecemeal development with uneven results and unreliable upkeep. The City should not allow this to happen.

In the new plan, where is there any reference to an organization of owners or leaseholders who will be responsible for the ongoing operation and upkeep of the project. CC&R's or other devices are needed to ensure compliance with approval conditions and shouldering responsibility for the mitigation monitoring program. Bonds are needed for the maintenance of the common areas.

We need a firm grip on our ability to enforce our laws, regulations and policies. Their plan tends to obscure how responsibility will be apportioned but it definitely tries to spread it toward others.

This section pertains to City Staff Comments

The 2/21/06 application still doesn't mention concern over contamination.

With regard to the relocation of the two lumber businesses, the City Attorney stated that a General Plan Amendment may be needed to make this relocation a separate project. There is no evidence of any awareness of this comment in the 2/21/06 plan application.

#### Appendix A

I do not agree with the analysis and conclusions of many of the GP and Specific Plan application assertions of consistency. Please see prior text of these comments.

#### In Summary

This plan is not complete. It contains many inconsistencies with the General Plan. It is not detailed enough to be able to do meaningful analysis of the impacts as required by the California Environmental Quality Act. The irony of the plan is that we know more about the bicycle racks than we about the buildings. It is an enhanced conceptual plan forbidden by the Brisbane General Plan to be used as an application for development. The plan attempts to organize the site but it lacks imagination and innovation. It does not respect the site location. It disregards the dreams that the people of Brisbane memorialized in the 1994 General Plan. It has created a partial framework to be used to create piecemeal development through boilerplate development standards with a dubious ability to assign and enforce responsibility for the thousands of conditions that will need to be enforced. It attempts to subvert the General Plan policies and planned development regulations to make it easier for the developer to build without regard to the impact. The City and the applicant create a plan that is acceptable to all, a plan that will serve the people, the environment and the property owner.

July 11, 2006

Dear Bill, John, and Ken:

Here are my comments from the last two scoping meetings. I hope they will be useful for evaluating objectives in the Baylands Development.

**Scoping Meeting June 13th (the numbers represent the pages from UPC's Specific Plan)**

Part of Brisbane's pride is its attitude for doing things its own way. Because of our strong character and self determination, we have been able to hold on to our identity, while many cities in the area have lost theirs. Brisbane is a throw-back to how California used to be. The Baylands will never be Central Brisbane, but that doesn't mean we can't instill our values and sense of place. 29

In order to maximize its market potential, the Baylands commercial district needs to be unique. Creating Trade Commercial land use formulas that are similar to the surrounding cities will weaken Brisbane's leverage to achieve its economic goals because it will put Brisbane in direct competition with these cities. 13

Can the tanks at the tank farm be painted, so that they do not continue to be an eyesore? 22

Undeveloped land owned by the City and State should not be credited to the Developers Open Space commitment. 24

Can we have a framework plan that includes the entire site? 27

The Baylands should not be a development that is broken up into isolated entities. Natural ecosystems do not work this way, so why should development? Healthy communities, like healthy ecosystems, need integrated diversity. 29

Open Space needs to be user friendly. Accessibility is key to creating a healthy relationship between people and nature. 30

Open Space should be woven into the development, so that it is interconnected. This will give the sense of ruralness and slowing down, which will make the experience of being in the Baylands similar to how we feel living in Brisbane today. 30

If possible, all cement and large rocks along the shore of the Lagoon should be removed, so that a more natural shoreline may be created. 33, 178

The Roundhouse could be a museum dedicated to Bay Area natural history, protection and restoration of Open Space, and the remediating of brown fields. 34

The Open Area in the Quad should not be confused with Open Space. 34

Class 1 multi-use path around the Quad, that connects with the Class 1 multi-use path along Tunnel road. 34, 211

Most of the land use options in the plan tend to be either economical or Open Space. I hope we look at the recreational (gyms, ball fields, skating rinks, martial arts studios, etc.), art (music halls, theaters, museums, workshop space, etc.) and educational (college campus, job training, etc.) opportunities. 39

The Baylands should not be a development that competes with its neighbors, but rather inspires them. We need to search the globe for the most creative, economically viable developments that exist today. Sales tax income should not be the #1 reason for accepting a particular use. 39

A "Public Market" restaurant concept, similar to the one in Emeryville, would be well suited near the inter-modal station. 41

Pedestrian-only pathways should be embedded into the developed areas. Safe, non-automobile links from retail to commercial, to hotel or housing will encourage less use of the car. All great European cities have pedestrian-only streets. Ithaca, New York is a great American example. 42, 195

To have the inter-modal station in Brisbane, but have no light rail service in the Brisbane portion of the Baylands is unacceptable. It also does not make sense for Brisbane to spend millions of dollars from its Measure A request to build the inter-modal facility, if it is not going to receive light rail service. If this is truly to be a green development, light rail needs to play a part. Light rail should go east along Geneva, then south on Retail Main Street, making the loop around the Quad, and then back to Geneva. 44, 198, 263

Lagoon Way should stay curvy, keeping its rural feel. Straightening the road will make it too fast, and ruin the feeling of coming into a sanctuary of country slowness. No development should be seen from this road until one turns the corner to see Central Brisbane nestled into San Bruno Mountain. 47, 221

North Creek Park Way should have a nice bridge over the creek. 47

Will the intersection of the Bay Trail, freeway, and Frontage Road be safe and user-friendly? 47

The distance between the Bay Trail and Frontage Road needs to be wide enough to feel safe and non-competing with the automobile. 47

Explore Valley Drive entrance to the Baylands. If Brisbane implements its vision for a Civic Center, this route would make it easier for the exchange of people from Brisbane to the Baylands. This would also allow a faster response to the Baylands for police and fire needs. 48, 243

Visitation Creek should not be so deep that it appears like a ditch. The creek should be wide enough to provide viable habitat. Open space corridors should connect the River Park and the Lagoon. 50, 175

Can the entire Visitation Creek Park be created at one time, rather than in phases? 50, 175

What is the volume of water that is produced by the watershed? Is the water clean before it reaches the Baylands? Are there safe uses for the water? 52, 238

What is the feasibility of using spring water? 238

Could the watershed provide needed water in case of a major fire? 55

Can the treated waste in the sanitary system be used as an energy source? 55

Can SSFSG create a food waste reusable policy similar to San Francisco? 56

Land use should provide balance between living, work, social, recreational, and environmental issues. Providing a solid tax base is a major key to the success of a development, but it should not be the lead factor in determining what uses are chosen. Brisbane's needs are not as hungry as other cities, so it has the luxury to put values over money. 59

If approximately 10,000 workers could be employed in the Baylands, where will they live? What is Brisbane's responsibility? 61

Is R&D accepted in the General Plan for the Baylands? R&D should be in its own area, like SSF, and not in an integrated development. 65

Does the success of the Baylands development depend on large format retail? Instead of the big box formula, could a style such as Union Square be just as economically viable? Can the city regulate who can set up shop? 74, 110

This development should be a role model for how we create infrastructure that is concerned about the issues of global warming, and strives to be less dependent on the automobile. Glorifying the automobile goes against these values. We want to create a development that is less taxing on our atmosphere. 76, 140

If an Auto Park were to be allowed, perhaps only hybrid or alternative fuel vehicles should be sold. 140

In regards to the Service Industrial area, the layout of the businesses, as well as the style of the buildings should be a compliment to the rest of the Baylands development. If it is recommended to screen these buildings from the rest of the Baylands, maybe they shouldn't be allowed to be built. 77, 150

We should encourage small to medium size businesses who see the benefits of a work environment that encompasses Open Space and Area with recreation, art, entertainment, nice dining, as well as the opportunity to inquire services that round out one's needs, not their excesses. 78

The Open Area of the Quad should provide recreational opportunities such as beach volley ball, skateboarding, etc., as well as a place to gather for outdoor entertainment, or a quiet place to read a book. 81

Open Space should be the directional theme of this development. This will establish the uniqueness of the development from others in the area, and ensures its success as a destination. Open Space will be Brisbane's connection with the Baylands. 81

In regards to the Lagoon Subarea, Lagoon Way should flow like a lazy river, to slow the driver down, and make them feel like they've entered a rural area. The area around the Lagoon should be a natural place, rather than the man-made looking Foster City. Low impact recreation should be an option as it provides an opportunity for people to be more connected with the area. The lagoon should be designed as a nature preserve, with opportunities to explore by trail or boat. 82

Buildings should be embedded into the Open Space, so that the development becomes one unit. The buildings should complement the Open Space. 88

The amount of surface parking needs to be reduced, and replaced with more garages. 100

Parking structures should be well connected to light rail and bus service. The exterior of the structures should be covered with art or vegetation. 100

Parking structures should have electrical outlets at all parking stalls. This could be a source of revenue for the City. 100

It is very important that Brisbane mandate signs that are small in scale, to uphold the town's rural character. Perhaps a consistent signage program should be installed such as the one you would find in Hawaii. 101

Brisbane needs to have sign standards that reduce the pollution caused by corporate branding. The size of the sign should be just big enough to identify the location; signage should not be a form of advertisement. 106

All business districts should flow into Open Area or Open Space opportunities. 103

Restaurants should be in locations that are easily accessible by walking or public transportation from all areas of the development. Brisbane should set the standard which emphasizes the enjoyment of food; diversity in cuisine, no fast food franchises, no drive thru eateries, a good balance of \$ rated eating establishments, and wonderful views of Open Space and Open Areas. 121

The Restaurant area should be pushed inward, away from the Lagoon. Its focus should be on the activity of the campus, rather than being a distraction to the Open Space of the Lagoon. 121

Restaurant signs should not be highly visible from U.S. 101. We do not want the appearance of corporate restaurants like AppleBee's, Starbucks, Chilies, etc., to be clustered together like so many other roadside developments. 123

Could one parking structure serve the needs of the Restaurant area, instead of separate parking lots? 126

The Quad should be reconfigured to accommodate the Restaurant Area. Mixed uses in the Quad will provide balance and diversity to the site, much like a great university with various departments efficiently connected to a Student Union, athletics and the arts. 130

An Open Space corridor should run down both sides of the Quad, so that the Quad is completely surrounded by Open Space. This will establish a connected rural sense for the southern portion of the development, as well as providing viable wildlife corridors from Visitation Creek to the Lagoon. 132

How do we find the best models for getting people to recycle outside of their homes? Which cities have successful recycling programs? 165

Does the amount of bicycle racks make a difference in the willingness of people to use their bikes? We should look at communities which have high bicycle use, and see if implementing their plan for encouraging bicycle use would be appropriate. 166

Street lights create an important sense of place. Fixtures should be functional and attractive. 166

Does the City need to be responsible for maintaining landscape improvements in public areas, such as park and trail corridors, in order to maintain the standards set forth in the General Plan? 167

Sustainability Guidelines for the soul: 168

- Easy access to Open Space and Areas should be available throughout the development.

- Recreational opportunities should be integrated throughout the development.

- A strong presence of the arts should be incorporated throughout the development.

- Permanent public transportation throughout the development, so that a real effort is made to be less dependent on the automobile.

All Open Space land south of Lagoon Way should not be counted towards achieving the Developer's at least 25% Open Space dedication. Though the whole area is designated Planned Development, it is obvious that the land south of Lagoon Way is not really acceptable for building, so it should not be counted towards achieving the dedicated amount. The General Plan wants Open Space throughout the

development because the people of Brisbane know that Open Space is essential for a healthy lifestyle. The creators of the General Plan envisioned development that would be embedded within the Open Space to create a cohesive unit, rather than Open Space placed here and there, giving it second class status. 173

How do we upgrade the conditions of the creek that currently flows into the Lagoon, so that it provides better wildlife habitat and a more efficient means for cleaning storm runoff? 177

What are the possibilities of enhancing the SF Bay shoreline along U.S. 101? Could the Bay Trail be on the east side of the freeway?

The Bay Trail green-way needs to be wide enough to make it feel like a trail, rather than a thin strip along the side of the road to walk or ride your bike. A wider green-way will also serve as a wildlife corridor. 35, 179, 216

All trails in the Open Space should be non-asphalt.

Geneva Avenue and Tunnel Road should have more curves in them to slow down traffic, and make them feel like they are respecting the topography of the land. 186

There should be no Restaurant Road. Driving to the Restaurant area can be accessed via Lagoon or Frontage to the Quad Loop. 191, 212

Many of the local cross streets should be pedestrian-only. 202, 224

How do we find out who owns the Brick Arch Sewer? 229

Can we direct the storm-water to flow into the Bay, and have only the wastewater flow to the 78 inch sewer pipe? 240

Perhaps a police sub-station in the Baylands? 242

Could this development provide funds to reconfigure the old rail lines in Crocker Industrial Park to pedestrian and bicycle trails? 249

Could the Development Agreement provide enough funds to refurbish Brisbane Elementary School and Lipman Middle School, and upgrade existing text books and equipment? To acquire and remodel the warehouses that are next to Old County Road, so that the City could have a new library and have a high school with a state of the art auditorium? To pump new blood into the City's downtown district? To acquire Open Space in the Acres or along Bayshore? 249

Though the Specific Plan is focused only on the Phase 1 portion of the Brisbane Baylands, areas to the north of the site will be affected by this development. How do we plan accordingly to provide good communication between all of the cities in the watershed, so that development from all sides of the borders complement each other, rather than take away?

## **Scoping Meeting June 26th**

### Environment:

Open Space should be the conduit that connects old Brisbane with the Baylands

Create buildings that complement the Open Space

The vision for the Baylands should have buildings that are embedded into Open Space, rather than Open Space that is placed here and there among the buildings

James Wines - 'Constructing a human habitat in harmony with nature.'

James Wines - 'The integration of architecture and landscape, the fusion of buildings with context, and using the elements of earth and vegetation in such a way that they seem to be a part of the raw material of construction.'

James Wines - 'The ACROS Building by Emilo Ambasz, represents one of the most important examples of 'architecture as the garden, versus merely sitting in the garden.'

### Economics

The success of the Baylands as a role model for future developments in the United States is greatly dependent on the economic vitality of the development.

Brisbane should strive to invite all commercial participants who share our values of a living wage, and who respect workers' rights and the environment not only in the United States, but around the world.

Brisbane cannot just hope and pray for the corporations and merchants who share our values to invest their business in the Baylands, but rather we must seek out these entities if we are to ensure economic success on our own terms; a community task force should be created to recruit the corporations and merchants who share our values.

Sales tax revenue should not be the lead factor in determining what uses are accepted in the Baylands.

James Wines - 'Corporate greed is so strong and influential, that its message becomes reality and the public's consciousness is deluded into a state of complacency.'

### Arts:

James Wines - 'Without art, the whole idea of sustainability fails.'

Social Equity:

The Baylands Development should be the financial engine that helps old Brisbane achieve its Social Equity goals:

Create the new civic center that expands the main park, creates the new library and charter high school, and provides the gateway to a revitalized downtown district.

Upgrade and improve the learning experience at our schools

Purchase ALL of the remaining lots in the Brisbane Acres and along Bayshore Blvd., so that they can be dedicated to the City's Trust for Open Space

Safety:

Remediate the exposure to the Baylands' contaminants to the highest standard possible, regardless of the ultimate land use, to ensure the safety of all who use the site and eliminate ongoing ecological damage.

Walking on a street or trail in the Baylands should be just as safe as walking on Visitation or San Bruno Mountain. Being in a building in the Baylands should be just as safe as being in Brisbane's Community Center.

I look forward to working with all of you in this process.

Best regards,

Cliff

Date: February 16, 2007

From: Cliff Lentz

Re: Baylands Development

"We must become the change we wish to see in the world."

Ghandi

When I went to the 2006 West Coast Green Building Conference in San Francisco, I had the opportunity to be exposed to some of the latest techniques and creative approaches to Sustainable Living. The Conference brought together some of the most forward thinking people who are dedicated to saving the planet through sustainability. The resounding call from the Conference was to take notice of ones own place in the world, and strive to make the planet a better place through local responsibility.

I came away from the Conference feeling empowered and hopeful, not only for our planet, but also for our Community.

With the early stages of formulating the Baylands alternatives before us, Brisbane has a remarkable opportunity to create a progressive sustainable building project for the site. If we choose to take the initiative, the Baylands project has the potential to become a model eco-community, an important example of green building and a lasting legacy for future generations. I've heard from so many of you in the Community saying that the Baylands development should be unique, inspiring, and express the values that are representative of our town.

To achieve theses goals will require help and guidance from experts in the field of sustainable building. If the Baylands is to become a world-class destination, it will take the knowledge of the world to create it. Many countries in Europe have taken progressive, eco friendly steps in dealing with their brownfields, minimizing their waste, and implementing alternative fuel sources into their new developments. Though there are many examples of sustainable building projects in our own country, I hope we also look beyond our shores at sustainable building techniques in other parts of the world.

I'm proud of our City's high sustainability standards. With the implementation of a proposed Green Building Ordinance, as well as our strong desire to require the site to have significant Open Space, the Baylands has a good eco-friendly footing. When we look at alternatives for the site, our Green goals and objectives will need to be supported by examples that have proven themselves, as well as being economically practical to the nature of the site. It will be very difficult to require the developer to build the project to our standards, if we cannot back up our recommendations, or does not make economic sense.

Many of the people I heard give lectures at the West Coast Green

Conference believed that green building and economic responsibility go hand in hand. In order for green building to be mainstream, it must not be an economic burden to the developer nor the community.

The Baylands development we create will not only have an impact on the local area, but will also have effects regionally, statewide, nationally and perhaps worldwide. It will be very interesting to see how we balance the desire of a competitive local economy with the reality of a global economy that is dominated by large multi-national corporations.

Finally, with global warming producing so many harmful effects on our planet, can Brisbane play a part in helping to reduce its impacts? Could Brisbane create a development in the Baylands that would be shining example of a city willing to make the commitment to reducing global warming, dependency on the automobile and creating a development that is for all people? Can Brisbane's commitment to Open Space be implemented in a manner that provides harmony between man and nature?

Below are some examples of places and projects in the world that are making a difference in sustainable building. I learned about this information while attending the West Coast Green Conference, and I would like to share this information with you; my Community.

#### Areas to be addressed for Sustainable Living:

##### Energy:

Energy was the focus of several lectures I attended. Many of the projects that were highlighted utilized many green energy sources such as solar, wind, and bio-waste. Some of the buildings were designed to waste zero heat, had installed passive heating systems, and implemented natural air conditioning systems. Some buildings even had their own internal biogas production.

A few of the larger developments emphasized self-sufficiency for their energy needs. I hope that the Baylands project provides an opportunity for us to explore the possibilities of producing its own energy supply. Perhaps a green power plant could be built to accommodate green sources of energy from solar, wind and bio-waste and distribute the energy throughout the site, and perhaps to other areas of Brisbane? Maybe the development could partner with the SF Scavenger Company to implement a system where bio-waste from their operation can be incorporated into producing biogas?

##### Water:

Though water is a valuable resource, many developments considered rain as something you get rid of. Perhaps buildings could be designed to capture rainwater for consumption, while gray water could be treated for landscaping and fountains? With the San Bruno Mountain Watershed in our own backyard, it would be interesting to see if natural springs could be utilized to provide a source of

water; these local sources could prove vital if an earthquake damaged pipelines from San Francisco? I hope the EIR examines the possibility of diverting the major ground water sources that flow to the landfill and infiltrate the contaminants of the Baylands?

#### Waste:

Many cities and developments in the U.S. and Europe have implemented user-friendly waste management systems that encourage zero waste; the goal is to provide structure and ease for people to recycle, reuse or turn waste into energy. I hope that all buildings will be on the same page in regards to recycling, recovering and reusing of waste resources and materials.

Could the Baylands divert its black water from something we pay San Francisco to get rid of, to something we could turn into a source of energy for Brisbane? I hope we explore the possibilities of installing a biological sewage treatment plant in the Baylands to turn the solid waste into biogas and the left over water for another use. This biological sewage treatment plant could also treat the rest of Brisbane's sewage.

Many newer buildings are being constructed to be carbon neutral. For the sake of not adding to the impacts of global warming, we could look into the possibilities of making the buildings in the Baylands carbon neutral?

#### Open Space:

I think all of the Open Space recommendations that were outlined in the scoping document that was submitted by the Open Space and Ecology Committee are great. I hope that it is possible to landscape the Open Space in the Baylands with San Francisco Bay Area vegetation. Brisbane has always valued its relationship with the surrounding Open Space, so I encourage the developer to respect our desire for significant Open Space for the Baylands.

#### Architecture:

Could the architecture for the Baylands provide a grounded sense of place that is characteristic of Brisbane? James Wines wrote, 'The integration of architecture and landscape, the fusion of buildings with context, and using the elements of earth and vegetation in such a way that they seem to be a part of the raw material of construction,' is what one sees of Central Brisbane when looking from the Baylands. What will be our view of the Baylands from Central Brisbane? Could the southern portion of the Baylands be developed so that the buildings compliment the Open Space, rather than provide distractions to the eye?

#### Housing:

Part of the EIR analysis will review housing in the Baylands. If housing were to be allowed, could the site be as safe as Central Brisbane? If we created housing where the buildings were sustainable, could we emphasize that the units be affordable to the working poor and the lower middle class? I personally do not think that single-family homes and luxury condos would be sustainable for the site or affordable.

Quite a bit of research has shown that if we as a society are going to make a strong commitment to reducing our dependency on the automobile, housing will need to be within close proximity to efficient public transportation, as well as shops, services, recreation, entertainment, open space and employment. Perhaps a housing plan that encompasses these human needs would not need assigned parking?

#### Transportation:

With a multi-modal station being built in the Baylands, it seems only fit to investigate what the potential prospects would be if a larger portion of the Baylands were serviced with light rail?

I hope we look at the impact light rail has had on other Bay Area cities (Mt. View, Sunnyvale) which have recently laid down tracks? Did it reduce traffic, stimulate the economy, create new work opportunities, provide easier access to shops and services for youth and seniors?

How do we provide a sustainable connection to the Baylands from other parts of Brisbane that will not add greenhouse gases to the atmosphere? Perhaps a free shuttle service connecting the Baylands with Central Brisbane, the Ridge, Crocker Industrial Park and Sierra Point that could be fueled by biogas developed in the Baylands?

Would it be practical to install electrical hookups in all parking garages? If so, the City could sell green power that might be generated in the Baylands.

#### Economics:

Could the Baylands be the birthplace of "Green Development" in the way that South San Francisco has become the birthplace of "Biotech?" At the West Coast Green Conference, I was shown many examples of how huge corporations like Lockheed Martin, The GAP, Adobe are realizing that building green makes smart economic sense. If corporations are beginning to understand that building for the long term, utilizing alternative energy sources, and providing healthier work environments are in their best interest, perhaps the next "Economy" is in Green Building? If the Baylands provides the fertile ground for young, visionary companies to develop and market their green technologies, perhaps Brisbane could be supported by an economy that would be unique to the region?

I hope we'll also have discussions for creating a sustainable market place where employees are paid a living wage and that many of the goods are either produced locally, organically, or with fair trade practices.

Art:

During his lecture, James Wines said, "Without art, the whole idea of sustainability fails." I hope that when we lay out the details for this project, that art takes a prominent position at the table. Just as we are learning about the opportunities to turn waste into energy, there are also many opportunities to take everyday things and turn them in to artistic expressions. We have such a creative Community! I hope we can truly harness our artistic energy and apply it to the Baylands in a way that inspires others and instills a sense of pride in our connection to this newly developed part of Brisbane.

Examples:

Mata de Sesimbra:

Mata de Sesimbra is a large project in Portugal, creating homes and buildings that will be zero carbon and zero waste. The project will also rehabilitate over 4500 hectares of open space, create a sustainable public transportation system, supports the local economy, while encouraging new eco-minded businesses to locate their headquarters at the development.

BedZED:

BedZed is the United Kingdom's largest eco-village. A former brownfield, the site comprises of 100 homes, community facilities, and work places for 100 people. The buildings were built green and affordable. The project is carbon neutral and uses 90% less energy than a typical house. This site in London has won numerous awards in sustainable building.

Z-squared:

Z-squared is a design concept in the United Kingdom to create a large live work community that will be zero carbon, zero waste. The project will support living and working opportunities for 5,000 people, while also providing retail, leisure, health, and educational opportunities.

#### Green Wedges:

In Stockholm, Sweden, ecological corridors called "Green Wedges," are embedded throughout the city, providing recreational opportunities, improving air quality, aiding in filtration of storm run off, while also functioning as a natural ecosystem. Stockholm is an excellent model of how a healthy environment is essential to a healthy community. Green Wedges are great examples of how bio-diverse landscapes can be compatible with development, as well as an asset.

Ecosan: [www.gtz.de/ecosan](http://www.gtz.de/ecosan)

"Ecological Sanitation" represents a more holistic approach towards ecological and economical sound sanitation. The goal of an ecological sanitation system is to not only recover and reuse the water (such as for irrigation), but also to recover the nutrients from black water and food waste, and deliver them to a site where these ingredients can be turned into energy and compost. The Ecosan approach has been endorsed by Germany.

#### Anaerobic Waste Treatment:

The application of anaerobic digestion processes for the treatment of wet organic waste provides an alternative to conventional disposal methods by preparing the waste for recycling and the transformation into a renewable energy source; biogas. Biogas as a renewable energy source will help reduce CO2 emissions. Germany is a major leader in anaerobic waste treatment, as they have built hundreds of biogas plants in the country.

#### Avenue Coking Works near Chesterfield, Derbyshire, United Kingdom:

This site is considered one of the most contaminated in Europe. The government is committed to bringing in highly innovative solutions to cleaning up the site and will be the largest remediation project in Europe that will use in-situ remediation techniques. The remediation techniques used for this project could be helpful in determining how to remediate the contaminants in the former rail yard.

#### ACROS Building:

This building in Fukuoka, Japan, is a great example of how architecture can be woven into the landscape like a grove of trees or a mountain, so that the building doesn't take away from the natural surroundings.

One Planet Living:

One Planet Living is committed to creating a sustainable planet. Here are their guiding principles that could be implemented into the Baylands project:

- Zero carbon
- Zero waste
- Sustainable transport
- Local and sustainable materials
- Local and sustainable food
- Sustainable water
- Natural habitats and wildlife
- Culture and heritage
- Equity and fair trade
- Health and happiness

June 26, 2006

To: Schroeder, Sheri

Cc: Barnes Michael at Mindspring

Subject: A Letter about the Baylands

Dear Mayor and Honorable Members of the Council—

I would first mention that I am against demanding the following items from UPC or any developer of the Baylands. I do not believe it is moral or ethical to demand anything in return for the fair use of ones own property. That being said this is to be a discussion of the citizens desires and I have a few.

I would like us to look at something like [www.centexhomes.com](http://www.centexhomes.com) when we consider housing in the baylands. They have built a zero energy home that was featured on HGTV's show Dream Builders. This home used off the shelf technology to efficiently build a home. I would rather go in this innovative direction than request a random Leed certification level, which I am sure homes built in this fashion would automatically qualify for. If it is possible to build a housing development that is totally efficient I suggest Brisbane actively make this a goal.

I personally would love to see homes coupled with retail and of course, if homes could be made efficiently then I would love to see the retail spaces also made so.

I would love to see a children's fantasy park on the scale of something like Tom Sawyers Island in Disneyland. This could be a fantastic draw to have parents come and shop while their children play.

I would love to see a market that was geared toward healthy eating, like Whole Foods or Harvest. There is nothing like that near us unless you count San Mateo as close by. People who live in the city but work in the peninsula would be able to stop there on the way home.

I would like one of the retail spaces to be a drop off childcare place that was somewhat like Clubkids or Gymboree where the children can still have fun and it was childcare. This model has been successful in many retail centers.

I would like to see a small science and technology High School that was geared toward the best and the brightest children. This school should be aimed at children who have shown measurable scientific aptitude or whose test scores show a mathematical mind. Given our proximity to some of the most intellectually engaging fields, it is a shame that such a school does not exist near us.

I feel it is important to restate that while I am opposed to the city specifically interfering with the rights of a property owner and developer, these are some of the things I would like to see in the Baylands. I believe that first and foremost, any project that is to be built should benefit UPC directly and financially and if it does not then they should not have to fund the pipe dreams of our citizens.

Thank you for your time,  
Monera Mason

RECEIVED

MAR 8 2006

DEPUTY CITY CLERK

March 7, 2006

CERTIFIED MAIL

Honorable Mayor, City Council  
and Planning Commission  
City of Brisbane  
50 Park Place  
Brisbane CA 94005

Dear People:

The flyer announcing your Baylands EIR Scoping Session on March 2, 2006, promised opportunity for citizen questions and input. In the same spirit, your agenda had appropriate time scheduled for that purpose. In reality you allowed others, without any challenge, to use up almost all the time reserved for the public and then abruptly adjourned the joint meeting. Because no action by you was anticipated, the hearing could well have been continued for a reasonable time and conducted by even one Council member or Planning Commissioner. At the minimum, you should have given people a minute to submit written input for the record.

On March 2 I had come to your meeting prepared both to give a short prepared statement, including a graphic illustration, and to enter into your record a written copy of same. On March 21, your scheduled date to continue the hearing, I'll be unable to participate. However, because I feel it is important that this EIR process include early submittal of alternatives for staff/consultant research and study, I hereby submit the attached Renewable Energy Concept for inclusion in your record on this subject.

I hope this Council never again treats citizens the way you did on March 2. Any Council member who has a compelling personal reason to stop hearing the public should simply excuse him/herself and agree to watch the videotaped record of the meeting later.

Sincerely,



Anja Miller  
224 Sierra Point Road  
Brisbane CA 94005  
[AnjaKMiller@cs.com](mailto:AnjaKMiller@cs.com)

Enc.

## ALTERNATIVE FOR BAYLANDS EIR: **Renewable Energy Concept**

### **Principle:**

Instead of **negative** environmental impacts that need to be **mitigated**, emphasis in this day and age should be placed on **positive** environmental effects. To maximize readily available sustainable resources, this concept emphasizes land uses that will serve the City, the region, and the nation in the long term and provide solutions to environmental problems.

### **Open space/area:**

In addition to the already planned River Park and Lagoon access, the area south of the creek should be devoted to a **golf course** or other commercial recreation. The water needs of that land use should be met by a reclamation system covering the entire Baylands area.

This land use is consistent with the City's General Plan Policy No. 353.

### **Renewable energy generation:**

1) To fully utilize the prevailing wind tunnel in the Geneva Gap and the immediate proximity to PG&E's Martin Substation, a **windmill farm** extending across the northern Baylands, west to east, should be included. Current windmill technology is both noiseless, harmless to birds, and cost-effective.

2) Because the entire Baylands is open to the sun, maximum use of **photovoltaic cells** for electricity and **solar thermal** equipment for heat and hot water should be planned. Any construction should be required to include solar generation not only sufficient for the building but to serve city and regional energy demands.

3) At the lagoon outfall, **tidal turbines** should be installed to power the immediate needs for street lights and lagoon-related power.

### **Related industrial production:**

In keeping with the Governor's call for "a million solar roofs" and recognizing the solar equipment industry as the currently fastest-growing business segment in California, sufficient land area should be designated for **manufacturing** solar panels, windmills, bicycles, and all other equipment serving renewable energy purposes. Because technology in this area is advancing rapidly, allowance should be made for **research** facilities for future needs.

### **Retail:**

In the transit-oriented corner of the Baylands, a retail area should be designated for **renewable energy equipment** showrooms, **bicycle shops**, **organic farm** product markets as well as other businesses and organizations promoting renewables.

### **Historic site:**

An extended area around the **roundhouse ruins** should be developed for a historic and educational exhibit on the Baylands, past and future. Ideally, Sunset Scavengers (NorCal) would sponsor a **recycling** demonstration facility.

### **Existing land uses:**

This alternative does not propose relocating the existing lumber yards. They should, however, be supplemented by businesses specializing in **recyclable building materials** and encouraged to expand their own product mix to include same.

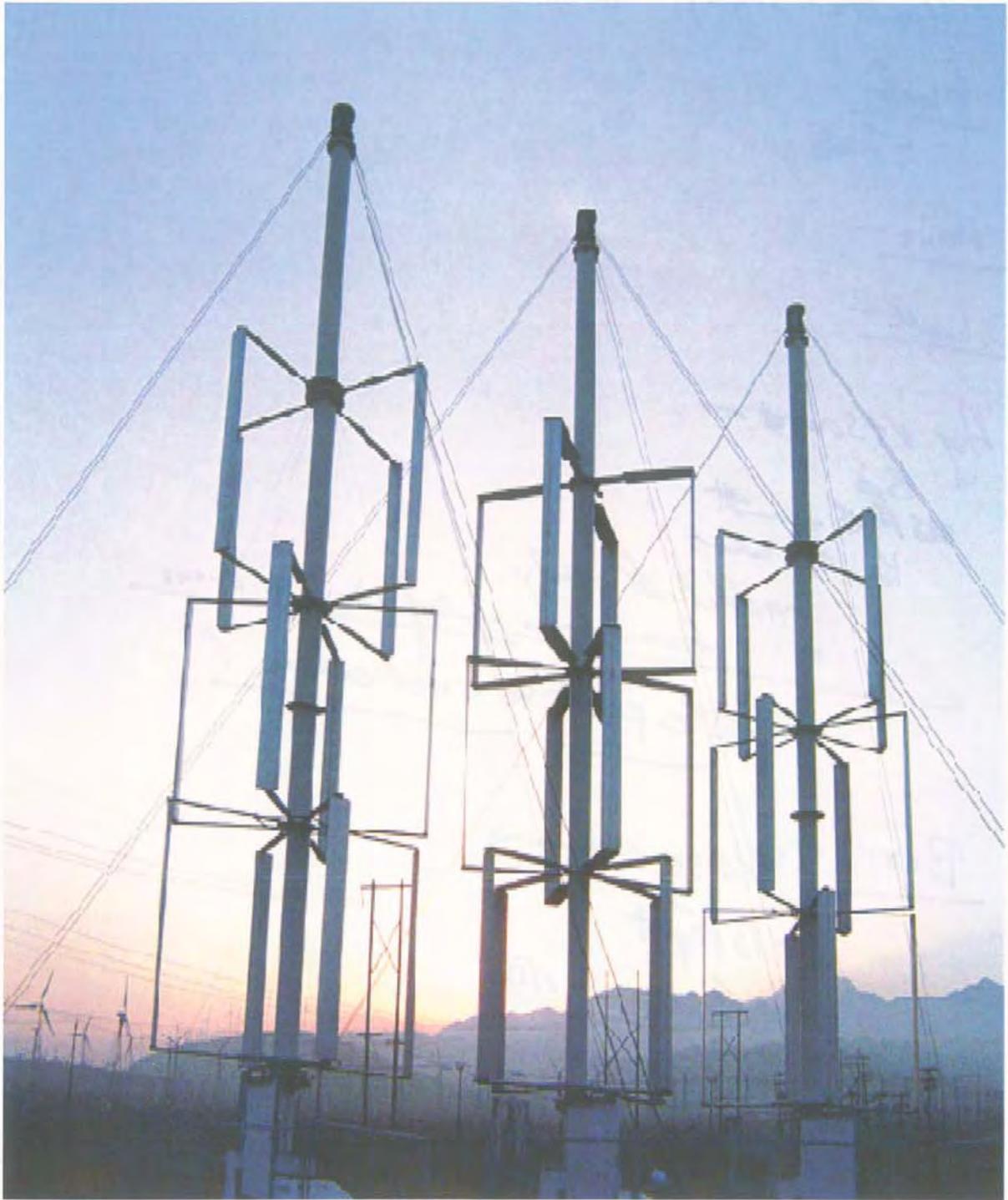


Baylands Renewable Energy Concept

Developed by Anja Miller and Philip Batchelder



## Alternative Energy Concept



June 26, 2006

To: Schroeder, Sheri

Subject: Baylands Ideas

Dear City Council Members:

I am the New Mothers Coordinator for the Mothers of Brisbane group and a homeowner in Brisbane. I would like to briefly weigh in on some family-centered activities that I envision for the Baylands.

1. I support a nature-centered park with indoor/outdoor facilities. Perhaps with a petting zoo with hands-on activities for children and trails to walk on (we'd have to build them) - I am thinking of an amazing place I went to as a child - there were rescue hawks and other birds, fish, ducks, etc, and an indoor space with insects and reptiles - also frequent live presentations about animals with live animals present. I think all the animals were rescues. We could dedicate part of it to educating kids on the local butterflies. The name of the place I visited frequently as a child is the Little Red Schoolhouse

[http://www.fpdcc.com/tier3.php?content\\_id=5&file=abt\\_5c](http://www.fpdcc.com/tier3.php?content_id=5&file=abt_5c)

2. I also support a science-based museum, like the Exploratorium in San Francisco. What makes the Exploratorium unique in my opinion is that there is a collaborative effort between scientists and artists, and there are residencies for artists to apply for. All the work is made in a workshop that is in view for all museum visitors.

Thank you for your time!

Sincerely,  
Jill Miller

June 26, 2006

To: Schroeder, Sheri

Subject: Baylands Objectives

The following lists some objectives that I would like to see in the Development of the Baylands:

- Sustainable building/green building
- Unobtrusive buildings
- Unique and aesthetically pleasing buildings. Nothing that looks like any of the developments on Hwy 80 between Berkeley and Auburn.
- Supermarket. Preferably Trader Joes/Whole Foods/Rainbow
- Limit to size of stores/buildings
- Absolutely, positively NO Walmart
- Library
- Children's museum along the lines of Habitot in Berkeley, Exploratorium (SF), Discovery Museum (Sausalito), Tech Museum (SJ).
- Build something that has the feel of many European cities. A center that is pedestrian only. A place for a farmers market or flea market.
- A place to hold outdoor concerts, or just somewhere pleasant to meander or sit and drink a cup of joe or eat lunch.
- No neon or very bright lighting

Thank you.

Arlene Stucky

**Joint Meeting**  
**BRISBANE CITY COUNCIL & PLANNING COMMISSION**  
**Summary of Public Comment**  
**Baylands EIR Scoping**  
**March 2006**

**March 2, 2006:**

**1) John Burr:**

- Does not like the Specific Plan and this is not the plan that will be implemented
- Likes the idea of entertainment uses at the Baylands
- Final project needs to be put to a vote of the people
- Proposed project is inconsistent with the General Plan
- Concerned that UPC does not own all of the land that they have included in the Specific Plan area
- Specific Plan is not specific enough
- There needs to be more Open Space
- Concerned about the impact of toxics on the Lagoon and suggested a wall be constructed to protect people.
- Address impact of the subsurface toxics on future Open Space uses
- Need to have more involvement by other agencies.

**March 21, 2006:**

**2) Linda Salmon**

- Project is ugly and soulless as proposed and needs to be beautiful
- Project needs an architect – someone with vision (look to Barcelona as one such example)
- This Specific Plan looks the same as the “Concept Plan of 2004” – UPC hasn’t listened to the Community
- This was not what was intended for the Baylands when the General Plan was adopted in 1994

**3) Clara Johnson**

- Opposes this Specific Plan. It is not specific enough and should not have been deemed complete. It is not consistent with the General Plan.
- Need to see a good alternative that truly includes sustainability, especially concerning traffic impacts
- Need notification of other agencies, not just to the State Clearinghouse
- The Specific Plan disregards the General Plan’s definition of Open Space
- Need to look at “upstream” impacts this development would have on neighboring communities, both in terms of traffic and water flow. The boundaries of the proposed Phase 1 appears to strategically ignore these potential impacts
- Windrows are not desirable – they would block pedestrian views and are therefore not consistent with the General Plan

- Address impacts of having the railroad tracks below the surrounding development on water flow (potential flooding of the tracks)
- The developer should pay for an advisory committee of architects and landscape architects
- Include renewable energy alternatives for this site
- Reduce the expanse of asphalt proposed by requiring indoor parking and include landscaping measures to reduce asphalt effects
- Characterization of the Lagoon is not consistent with the General Plan and the adjacent park should be wider to make it useful
- Wetlands are not properly delineated
- Grasslands are not identified
- Where are the gardens? Project needs gardens
- Open Space has not been maximized to be consistent with the General Plan
- All of the roads should be shown
- Address police and emergency response needs (staffing and equipment)
- Use gravity sewers versus pump stations and forced mains
- A long term financial analysis should be done
- Appreciates the use of bio-swales, but long term maintenance and monitoring needs to be addressed
- Address impacts and potential risks of having a development of this kind so close to the Fuel Tank Farm
- Address potential impacts of an earthquake on the proposed development
- There are many questions about property ownership and easements that need to be resolved

#### **4) Dana Dilworth**

- The Open Space definition in the Specific Plan is not true (it is not to be mixed up with open areas)
- Identification of land ownership and easements is twisted to the developers advantage
- Wetlands delineation is missing
- Environmental testing has not been done correctly and the expenditures have been misrepresented
- The proposed “permitted uses” is not correct. The General Plan only included “considered uses”. And the square footage to be dedicated to the uses is a moving target in the Specific Plan
- Plan should include only limited exposure uses
- Project needs appropriate agency involvement and approvals
- Maintain habitat corridors, especially between San Bruno Mountain and the Bay, both north and south of Ice House Hill
- At least 100 acres should become reclaimed wetlands
- Address seismic stability and a dormant fault that has been reported in this area
- Use alternative energy

- Include a zero auto use policy
- Use the rail-lines for shipping of goods and not lots of big trucks

**5) Mary Gutekanst**

- When will traffic analysis be completed
- What about Lagoon water standards for the proposed active recreation
- Address impacts of the San Francisco portion of the project in the analysis
- Specific Plan lacks detail
- Include infrastructure in the first phase, especially Wetlands
- Include more specificity on the road network
- Discuss current site grading and the connection to future plans

**6) Michael Warburton (Public Trust Alliance)**

- Make sure project description is adequate for CEQA purposes
- CEQA requires that the whole project be reviewed
- Tidelands even if altered by man are constitutionally protected – we have a “Tidelands Trust” with this property
- There are global warming concerns that could impact this project – including potential seawater inundation and rising groundwater levels within the landfill

**7) Antonio Attard**

- Use this site for generation of renewable energy, especially wind farm and solar
- Restore wildlife habitat
- Use recycled water
- Include more open space and a golf course would be a desirable use for this site
- Form a new committee for this site, the Committee for Alternative Energy at the Baylands (CAEBL)

**8) Lori Liu**

- Alternative plans for the site must be seriously considered
- Include an organic farmers market
- Use this site for renewable energy (especially wind and solar)
- Include a golf course at the south end

**9) Philip Batchelder**

- This site provides an opportunity to become an example to the world for environmental sustainability
- Establish a renewable energy generation zone (especially wind and solar) and tie into other uses
- Use the site for manufacturing biofuels
- Bio-sewage treatment should be on-site
- Use phytoremediation (plants) and mycoremediation (mushrooms)

**10) Paul Bouscal**

- Mine the refuse for buried, valuable materials
- Include high density housing and/or bring back areas to pre-existing Bay
- Look at the risks associated with the fuel lines and the tank farm and how to mitigate this (potential foam fire suppression system)
- Address impacts of a new bridge or tunnel across Bayshore Boulevard on Ice House Hill; Ice House Hill must be preserved
- The proposed water supply appears to be inadequate – it should be doubled or more
- The site should include a new police station, fire station, and new public works office/yard paid for by the developer

**11) John Burr**

- The Specific Plan does not have enough detail
- There are too many questions about who owns the land; provide a map of land ownership and full disclosure of stockholders
- With all the infrastructure costs it looks like the developer wants the government to go into debt over this project
- Maybe \$500,000,000 in liability insurance would be reasonable
- This site was improperly characterized as not being listed as a “Hazardous Waste Listed” site, but it is listed with the State of California as such
- More coordination with other agencies required
- Reduce the size of the “Big Boxes” to 60,000 square feet or less
- Include more Open Space
- Include a public vote in the process

**12) Michael Shumann**

- Develop a good alternative plan for the Baylands that captures the community vision and hopes

**13) Linda Salmon**

- This Specific Plan is uninspired – a vision from a major architect should be developed on a couple of structures of significance and leave the rest as open land
- Consider the use of the power of eminent domain to “take” the Tank Farm and replace it with a water treatment plant or something else
- The possibility of sea water inundation to this site is of concern
- Eliminate the expanse of parking

**Written Correspondence:**

All correspondence submitted as of April 19, 2006 is available at City Hall or on the City’s website at [www.ci.brisbane.ca.us](http://www.ci.brisbane.ca.us); see “Baylands Information” at the City’s homepage.

**Joint Meeting**  
**BRISBANE CITY COUNCIL & PLANNING COMMISSION**  
**Summary of Public Comment**  
**Baylands EIR Scoping**  
**April 2006**

**April 27, 2006:**

**1) Philip Brooks**

- Cannot forget lowland areas as critical habitat

**2) Clara Johnson**

- All infrastructure must be included in phase 1 since phase 2 may never be built
- Local streets must be specified to understand traffic patterns and infrastructure requirements
- There is inadequate parking on the Tunnel Avenue side of the Caltrian station with no easy way to get to the other side of the tracks
- If Muni is to be extended to Candlestick then analysis of this impact on traffic is needed
- Is sidewalk intended on Lagoon Road, Frontage Way and Sierra Point Parkway since there is not much room
- Hwy 101 on/off-ramps are too long by the Lagoon and will destroy this entrance to the City and if they are raised overpasses they will block views
- What does BCDC think of the proposed development extending so close to the Bay's edge
- 500 feet of greenway should be required to help dampen air and noise pollution along the Hwy 101 corridor
- Do the traffic levels forecast for Lagoon Road include the Guadalupe extension between Bayshore and Hwy 101; Lagoon Road extension is inconsistent with the General Plan
- Conceptual grading is not appropriate in the Specific Plan
- Minimum sustainability requirements are needed
- There is inadequate information on the proposed infrastructure
- The tidal wetland areas need definition
- A long term environmental mitigation monitoring plan is needed with permanent staff to implement it
- The proposed tidal marsh location is puzzling relative to Caltrain and proposed relocated Lumber Companies given flooding concerns
- What are the water usage requirements
- Emergency plans are inadequate
- There should be provision for state of the art recycling facilities
- The rail road officials should be included in the list of agencies
- Open space definition is incorrect - open space should not include the Lagoon since it's underwater
- Traffic impact of relocated lumber companies can not be ignored
- Utilities should be underground

- Environmental analysis of the river park channel west of Caltrain is needed
- Concerned about the security along the paseos between Main Street and the parking lots
- The Car Park and parking lots are too large; there is too much asphalt and concrete proposed. Cars should be stored inside
- We need more landscaped areas; the lot coverage should be reduced from the proposed 90% to 75%
- LED solar lights should be included throughout the development
- There is a risk of this becoming a derelict project due to its location and we need long term financial protections included
- Concerned about the environmental compatibility of the utilities
- We need assurances that the future individual developers will comply with the established rules – include CC&R's

**4) Ben Hodge**

- Consider tapping into tidal power

**5) Linda Salmon**

- Specific Plan lacks detail – it's still a conceptual plan
- Liquifaction is a concern and the design must address this
- The "Southern Crossing" is still on the books with the State as a possibility and the impacts of this should be included in the EIR. This would be a bridge from the Peninsula to Oakland
- Consider water transportation alternatives
- Consider where a BART connection could come through the Baylands
- Temporary uses should be considered with sunset dates
- Form a citizen's committee to develop a plan for the Baylands
- Open areas are critical in the creation of community
- Consider making the area north of the Central Channel as a site of an international trade and convention center to benefit the entire region
- Get an architect with vision to design specific buildings so the community can see what it would really look like
- Doesn't like the idea of a row of trees obstructing the lagoon views

**6) Anja Miller**

- EIR should cover entire Baylands
- Consider wind farm and golf course uses
- Solar & other renewable energy sources should be central to the development
- Use the site to showcase emerging environmentally sensitive technologies, including sustainable building materials

**7) Philip Batchelder**

- Not only should the tank farm be protected from trains but the community should be protected from tank farm
- Make this a closed loop system with regard to sewage treatment by tying an artfully designed sewage treatment plant to a wetlands (consider Arcada as an example)

**8) Michael Shumann**

- Empower the people through a more collaborative process
- Consider staffing up to be able to look deeper at alternative uses

**9) Karen Evans-Cunningham**

- Concerned about health & safety issues related to the tank farm and the proposed development, especially with regard to the air quality in the area of the tank farm and its proximity to people.
- She would like to hear answers to the various health & safety concerns

**10) William Nack (Building & Construction Trades Council)**

- Reported that the Building & Trades Council has met with the developer and they have committed to use its organization in the Phase 1 construction work and that they recognize the importance of quality construction

**11) Tom Heinz**

- Unique-Spirit-Vision, this is what the plan is not.
- Slide show presentation on what might a traveler think makes this place one that is unique, has spirit and vision – sculpture gardens, self sustaining community, restored wetlands, native landscapes, abundance of arts, museums, music circle, unusual 18 hole golf course, and world class architecture

**12) Bess**

- Tie hydropower from a dam he'd like to see at the Quarry to tidal and wind power at the Baylands

**13) Dana Dilworth**

- Require lights out at 8:00 PM to minimize light pollution
- Agricultural resources needs to be included in the EIR since there are grazing horses
- Air impacts will be significant both during and after construction
- Biological resources have not been fully delineated since the surveys were done in the wrong season
- The City is a trustee for the HCP and needs to look at consistency with the HCP
- All Toxic hot spots need to be properly and comprehensively addressed
- Consider up front clean-up of toxics including removal of some areas to return it to wetlands or Bay (reconfigure the Bay shore)

- Create a health focused walking village where automobiles are discouraged (make it difficult for cars)
- Prohibit dieseling trucks in some areas
- Consider looking at interim uses that have a sunset date
- Use multiple energy options – as many as possible
- There are concerns with the Lagoon impacts such as, algae blooms, wildlife preservation, and long term maintenance
- Is this project a financial asset or liability to the community – consider bonds and grants
- Does not see the need for an industrial area
- Make uplifting spaces ( a couple examples are provided with Arcata and Redding, see written submittal)

#### **15) John Burr**

- Would like to see a different process for citizens to be able to develop ideas – make an architect/planner available to the citizens to develop ideas
- Consider a top quality golf course, done with native grasses
- No housing will be needed. There are proposals out to add some 100,000 residents along the 3<sup>rd</sup> Street, San Francisco corridor, so there will not be the need here. The EIR needs to consider these impacts as well
- Consider an ordinance to protect small businesses from the big box type stores and consider a living wage
- Liquefaction potential will require buildings to be pile supported and that will result in noise impacts during construction that could disrupt the tranquility of the residents
- What about earthquake/liquefaction impacts on infrastructure that is not supported on piles
- Ownership details need to be disclosed
- Details of the financial impacts need to be specified
- All areas indicated in the Initial Study need to be considered significant

#### **16 Kirk**

- We need to build community
- Consider uses that support the arts (kilns etc.)
- Consider story boarding the pros & cons so we can get public feedback on the various ideas

#### **Written Correspondence:**

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**Joint Meeting**  
**BRISBANE CITY COUNCIL & PLANNING COMMISSION**  
**Summary of Public Comment**  
**Baylands EIR Scoping**  
**June 2006**

**June 26, 2006:**

**1) Erin Perry**

- Clean it up first then consider a number of recreational uses such as bike and walking trails, places to sit, picnic areas, a recreation center that would include art and music, and boating on the Lagoon
- Use native plants to help restore wildlife populations

**2) Calvin Webster**

- Utilize parking garages and not parking lots
- Restore the physical access to the Bay. To do this, consider working with Caltrans and construct (possibly integrated with a building) a rooftop park that would span over Highway 101

**3) Michael Schumann**

- He would like the Baylands to have a sense of place and especially that it should be unique. Feels that this is missing from the Specific Plan
- The space should not overwhelm Brisbane in scale or character of development
- Consider open spaces as an organizing and defining element to enclose groups of built areas (groups of places) in a village type fashion

**4) Anja Miller**

- She would like to know that we are considering the whole of the Baylands and the impacts to the surrounding communities in the EIR
- Consider redefining sustainability to be better than neutrality regarding energy production
- The development should preserve the character of Brisbane and it should be done so that it is a positive for Brisbane and for all of Visitacion Valley
- The Specific Plan addresses bringing jobs, but already there is an imbalance between jobs and housing, with not enough housing

**5) Mary Gutenkanst**

- She would like to see greater clarity in the objectives regarding remediation – to consider the objective of cleaning up the toxic parts of the Baylands, not just covering them, so the site is safe for future generations

**6) Lori Liu**

- Indicated that the objective of “Remediate the Baylands...” is too general and vague.
- She would like the objectives to include addressing the health and safety issues relative to development around the tank farm
- Incorporate a Green Building approach not only for energy and recycling issues but also to encourage public interaction and participation with the site
- Under social objectives, also include that the development incorporate uses that reflect the culture of the region
- Believes the owner is too fixated on the site specific uses, such as retail, and should be more general

**7) Clara Johnson**

- Raise the level of disaster preparedness for commercial buildings
- Would like the character of Brisbane reflected in the architecture and landscape architecture and supports being more specific in the objectives as to what we would like to accomplish
- Harmony will be needed between Phase 1 and Phase 2 of the development and areas around the development
- Remediation should be to correct damage already done
- Doesn't support access across the freeway via an overpass park

**8) Tom Heinz**

- Supports the idea of architecture as art at the human scale, through imagination, and appreciated the green building approach and suggested further enlisting the services of James Wines in this effort

**9) Paul Bouscal**

- Look into bringing “envirotech” businesses to Brisbane versus biotech
- Would like to preserve Ice House Hill and is concerned about the potential impacts of proposed collector street(s) being too close to Ice House Hill
- Consider increasing the proposed water storage capacity to double that indicated in the Specific Plan

**10) John Burr**

- He is concerned about the language used in reference to the toxics and that Brisbane needs to be careful and not to believe the terms such as “remediation”. Indicated that the only way to be safe is to dig it all up and dispose of the contamination in a Class I landfill. Anything short of removal is not clean-up.

**11) Dana Dilworth**

- She takes exception to the idea that the developer and the City have the same intent
- Need to look closer at the toxic issues and not just cover it up; concerned about the long term impacts of contamination, especially of leachate entering the water system and food chain
- In regards to sustainability – what do we truly need to sustain life? Water, clean air and food
- Would like to see stronger, more specific language in the objectives
- Under the category of social objectives, she wants to see a viable community that is a business incubator, with the flexibility to deal with changing markets, and that we should not just look simply at job creation.
- Doesn't want hodge-podge, but does like the idea of villages
- Suggested further consideration of a north – south development sequence versus east – west, as proposed

**12) Amy Dondy**

- We don't have to settle for cookie cutter as she feels the owner has proposed
- She is concerned about connectivity and would like new development to be more connected with the whole of Brisbane
- Concerned about the height of the proposed development and at what point will the height be measured since the final land surface is not yet determined
- Recent pile driving noise for bridge construction has been impacting central Brisbane and she is concerned about similar noise generated from the development
- Consider wind on the Baylands and how that will impact land uses
- The volume of traffic should be modeled and addressed under many scenarios, considering that people will come from all possible directions at different times.

**13) Lee Panza**

- Consider public safety and not just environmental safety
- Utilitarian aspects of the project should be sited and designed for humans and to minimize the negative impacts
- Would like stronger language in the objectives regarding public art and education. Rather than just providing opportunities for public art and education, as indicated in the draft objectives, he would like the objectives to include educational and cultural elements and facilities for the betterment of present and future generations, for our residents and for our neighbors.

**14) Ron Colonna**

- Consider using below ground parking garages rather than surface parking lots, which may help with the following: reduction of contamination by excavating and removing soil; it would allow shop space and green space to be maximized; with more shop space it would allow for more rooftops to be dedicated to solar power generation; it would reduce differential settlement since these garage structures would be supported; reduce heat island effects with more green areas; and closer walking distances.

**Written Correspondence:**

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