

# *City of Brisbane*

## *Agenda Report*

**TO:** Honorable Mayor and City Council

**FROM:** Community Development Director via City Manager

**SUBJECT:** Baylands Draft Environmental Impact Report (DEIR) Comment  
Deadline Extension Request

**DATE:** Meeting of August 19, 2013

### **City Council Goals:**

To provide for effective and efficient delivery of City services (Goal #1)  
To encourage community involvement and participation. (Goal #15)

### **Purpose:**

For the City Council to consider requests to extend the deadline for submitting comments on the Baylands Draft EIR beyond the current October 8, 2013 deadline.

### **Recommendation:**

That the City Council provide direction consistent with CEQA Guidelines as it deems appropriate.

### **Background:**

The Baylands Draft EIR was published on June 11, 2013. The California Environmental Quality Act states that “the public review period for a draft shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances.” In recognition of the complexity of the draft EIR and importance of the Baylands to the future of the entire community, the City Council established a 120-day public comment period closing on October 8, 2013.

### **Discussion:**

Two written requests to extend the comment deadline have been submitted for the City Council’s consideration, both of which are attached. The Open Space and Ecology Committee has requested that the deadline be extended an additional 115 days to January 31, 2014. The Baylands EIR Review Citizen’s Committee has requested a 45-day

extension to November 22, 2013. Additionally, Mountain Watch has requested an unspecified time-extension as well.

While CEQA specifies that the draft EIR review **should not** exceed 60-days except under unusual circumstances, it does not specify a maximum review period length. Yet another provision in CEQA specifies that “public agencies should carry out their responsibilities for preparing and reviewing EIRs within a reasonable period of time.” Extending out the comment period to January 31, 2014 would result in a 235- day comment period, nearly 4 times the maximum recommended under CEQA and would exceed extensions most other lead agencies have approved.

There is no legal requirement to grant a further extension, and it is up to the discretion of the Council whether to do so based on additional “unusual circumstances.”

**Fiscal Impact:**

None. All EIR processing and consultant costs are borne by the applicant (UPC).

**Measures of Success:**

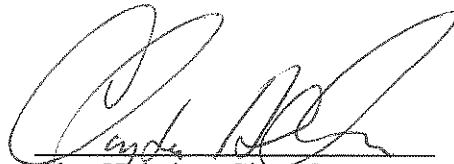
To provide clarity and certainty on the Draft EIR comment deadline.

**Attachments:**

OSEC Extension Request  
Citizens Committee Extension Request  
E-Mail from Ken McIntire on behalf of Mountain Watch



John Swiecki, Community Development Director



Clay Holstine, City Manager

# Memo

To: Brisbane City Council

From: Open Space & Ecology Committee

Date: July 29, 2013

## Re Extending the Review Period for the Draft Environmental Report for the Baylands until January 31, 2014

The Open Space and Ecology Committee have met three times, on our own, since the release of the Brisbane Baylands Draft Environmental Impact Report. The Committee has also either attended or watched the four training sessions put on by the City's EIR consultant. In addition to our regular meetings on the second Wednesday of every month we have also scheduled an additional six meetings. As you can tell by this rigorous schedule the committee has set for itself, we are taking our responsibility to provide constructive comments on the DEIR seriously.

We have divided the roughly 20 chapters or sections of the DEIR into what we consider to be manageable segments which we can review in a 2 – 3 hour time frame. Based on our review of Chapters 1, 2 and a portion of 3 we think it would take us about 10 meetings or more to cover all 20 chapters since we have found many issues which need to be corrected or have additional information provided.

Therefore, we are working through the document at the page by page level in order to assure the Council and the Community the best and most thorough review from the Open Space and Ecology Committee that you have come to expect and rely on. We also would like to have an additional meeting with Lloyd Zola to discuss a variety of the models and methods used to develop the information in the DEIR. We anticipate it will take us another two to three meetings to review the comments which our staff is assiduously putting together for us. In total this would mean we would need a total of 13-14 meetings. We have already held 1 ½ of these meetings.

We have scheduled an additional 6 meetings, and we would need to find another 6 - 7 more meeting days between now and October 8<sup>th</sup> to meet the current comment period deadline. Most, if not all, of the OSEC have full-time jobs. We have members who are on other committees within the City, such as the BBCAG and the Sustainability Committee which is scheduled to meet 5 times during this same time period. As an alternative to an appropriate level of review we could try to either schedule more meetings within the time frame which would limit attendance or increase the amount of chapters we would review at each meeting, but this would be deleterious to the process.

It is for all of these reasons we encourage the City Council to extend the deadline for providing public comments until January 31, 2014. The commenting process would benefit tremendously from this new deadline, allowing Committee members more flexibility with managing all of their obligations and providing more focused and insightful comments in order to get the best Final Environmental Impact Report possible.

August 8, 2013

TO: Honorable Mayor and Members of the City Council  
City of Brisbane

FROM: Citizens Committee on the Baylands DEIR

SUBJECT: Request for Extension of October 8 Deadline

At its most recent meeting on August 5, 2013, the Citizens Committee unanimously decided to request that you extend the deadline for comments on the Baylands DEIR by 45 days beyond the current date of October 8, 2013.

The reasons for our request are several.

Even though our members participated in the training sessions for the review of the EIR and held several meetings to organize our work prior to the actual release of the document, the volume of material to study was clearly overwhelming to us volunteers with other work and family responsibilities.

Also, the review period included all three summer months, a time when most of our families had vacations. Naturally, they interrupted consistent involvement in studying the DEIR and scheduling meetings.

Our committee has done our best to develop a regular series of meetings to review and adopt comments on selected sections of the DEIR. However, it is now clear to us that it will be impossible to finish our task in time. About six more weeks, or 45 days, would allow us to complete the work you have asked us to undertake and accomplish.

We respectfully request that you consider and grant our request.

For the Citizens Committee:



Anja Miller  
Chair

## Spediacci, Sheri

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**From:** Holstine, Clay  
**Sent:** Wednesday, August 14, 2013 9:38 AM  
**To:** Swiecki, John  
**Cc:** Spediacci, Sheri  
**Subject:** FW: EIR Timeline

-----Original Message-----

**From:** Ken McIntire [<mailto:kmcintire@mountainwatch.org>]  
**Sent:** Thursday, July 11, 2013 2:01 PM  
**To:** Holstine, Clay  
**Cc:** Ken McIntire  
**Subject:** EIR Timeline

Hi Clay,

I have been scanning the EIR, and finding it a bit overwhelming. It is hard to think about making thoughtful comments on it by the October deadline. Three members of my board on studying it in various groups, and I am hearing a lot of concern from them. Besides that, they are so busy with the EIR process that its hard for them to meet other obligations.

Is it possible to get a new timeline set that gives everyone a chance to do a good job of reviewing the project and making comments?

Thanks,  
Ken

Ken McIntire  
SBMW  
415-467-6631