Brisbane Baylands EIR Deliberations

Written Comments by Commissioner Anderson



Photo by Franco Folini

22 January 2016

Greg Anderson



- Recently appointed to Planning Commission.
- Involved in DEIR study from the beginning, as Citcom Vice-Chair.
- Because of the Brown Act, this presentation was created without input from the other Commissioners. It has been reviewed by Commissioner Parker and by Staff.

Purpose of Presentation

Organize Information

Determine Schedule for Deliberations

Purpose of Deliberations

Make Recommendation

Provide Supporting Data

Focus

Ultimately, the exact recommendation made by the Planning Commission to the City Council is not as important as the **underlying reasons** that went into the report.

Scope

The first milestone of the Planning Commission is to make a land use recommendation. Some decisions cannot be made until after the intended uses of the land have been determined. Some topics must therefore be deferred until a later stage of the process.

Structure of Presentation

Brisbane General Plan

- Land Use Element
- Circulation Element
- Open Space Element
- Noise Element
- Safety Element

- Housing Element
- Ecology
- Finances and Infrastructure

DEIR & FEIR

Sustainability Framework

Public Testimony

Slide Types

Reference

Something said somewhere else

Side Point

Related but external topic

Open Issue

?

Questions, things to find out, etc.

Recommendation

Deliberation

To be discussed and decided

Process

- All items here must go through the deliberation process.

DISCLAIMER

Red slides are items to be discussed, **NOT** recommendations

- Discussion items must be deliberated and voted on in order to determine a **recommendation** to send to the City Council, where the final decisions are made.

Public Input

- The body of work under deliberation is very large.
- Public input is extremely helpful.
- Please **correct** any factual errors we make.
- Please **remind us** of any relevant items we overlook.
- If you disagree with any of our recommendations, please **write a letter to the City Council**.

General Plan Goals

The City of Brisbane and its Mountain will remain a place independent and distinct, with a small town quality and a volunteer spirit, where diversity is welcomed and everyone can participate in town meetings, and elected officials carefully consider the desires and needs of the citizens, and govern through circumscribed rules and regulations, only as required for the public health and safety and the protection of the environment.

- Brisbane General Plan, Ch. 3, p. 1

General Plan Review Period

The Brisbane General Plan shall be comprehensively reviewed by the year 2004 to determine to what extent conditions have changed and whether it is still in step with community values and conditions.

- Brisbane General Plan Policy 3, Ch. 1, p. 17

Deliberation

General Plan Review

The Brisbane General Plan is due for review; we must ensure that this is done formally and the results recorded. The General Plan must continue to reflect the culture and values of the community. While many details in town have changed since the it was last updated, it should not be assumed that there has been a significant shift in the values embodied in the current General Plan.

General Plan Vote Not Required

Due to the manner in which Brisbane's existing General Plan was adopted, General Plan amendments do not require voter approval.

- FEIR p. 2.4-46, Master Response 18

Deliberation

General Plan Vote

Many Brisbane Citizens have testified to the importance they place on the General Plan, and their desire for any changes to be ratified by a vote of the people. The City Council should therefore voluntarily bring any General Plan updates to a vote.

Land Use Element



Photo by Wayne Hsieh

- Land Use and Planning Policy
- Cultural Resources
- Recreational Resources

Brisbane Land Use Policy

Acknowledge the fundamental rights of citizens to freely act and to use their own property, except to the extent government rules or regulations are necessary for the public health and safety and for protection of the environment.

- Brisbane General Plan Policy 4, Ch. 3, p. 43

Deliberation

Determination of Safety

Prior to designating any new land uses for the Baylands, especially in the case of sensitive uses such as residential housing, it is necessary to determine unambiguously whether the proposed use is safe. Reliance on vague guidelines, such as “following best practices”, is insufficient. Detailed comparison of proposed construction plans with similar mature existing projects is mandatory.

Cohesion and Character of the Community

The City of Brisbane will... Incorporate and reflect the natural environment as an integral part of land use; Incorporate a mix of land uses to best serve its citizens; and Design infrastructure and public facilities to be efficient, cost-effective and to contribute to the cohesion and character of the community.

- Brisbane General Plan, Ch. 5, p. 1

Maintaining Independence

"Managing growth to keep our independence."

- General Plan Issues Questionnaire

One answer to: “What is the most important problem that Brisbane will have to face and try to solve over the next ten years?

If development is to occur, this community will set the standards. And the basis for these standards are the land uses and policies in the General Plan.

- Brisbane General Plan, Ch. 5, p. 55

Current Zoning

Planned Development – Trade Commercial, Lagoon, Bayfront

- Brisbane General Plan, Ch. 5, p. 68

Planned Development

Subareas designated PD require a specific plan and environmental impact report prior to any development of the property. A minimum of 25% of the surface land of any subarea designated Planned Development shall be in open space and / or open area.

- Brisbane General Plan, Ch. 5, p. 63

Trade Commercial

Permitted Uses:

Warehouses, distribution facilities, offices, retail uses, restaurants, commercial recreation, personal services, light industrial, research and development, public and semi-public facilities, educational institutions.

Conditional Use:

Repair and maintenance services

- Brisbane General Plan, Ch. 5, p. 64

Baylands-Specific Designations

"Potentially Appropriate" (Not Permitted)

Retail sales, offices, residential uses, bulk sales, open space, recreational facilities, statuary, public and quasi-public facilities, services and utilities, commercial services, hotels, research and development, and educational institutions.

- Baylands Amendment, Brisbane General Plan, Ch. 5, p. 72

Deliberation

Recreational Parks

- The Baylands Specific plan includes many public access open spaces and open areas. These uses also require explicit approval.

- The benefits and safety of recreational uses in the former landfill area must be considered.

Deliberation

Lagoon Recreation

- The Baylands Specific plan contains an illustration showing a building and Pier along the lagoon, but this area is currently designated 100% open space.

- Allowing some recreational structures near the lagoon could be considered, if it could be done safely. However, a very large facility would be inconsistent with spirit of the open space designation in the General Plan.

Historic Site Preservation

Encourage the maintenance and upgrading of structures and sites that have played important roles in the City's history.

- Brisbane General Plan Policy 23, Ch. 5, p. 84

Deliberation

Roundhouse Spur Line

The restoration of the Roundhouse should include a connection to the Caltrain tracks via a new spur line.

Establish Height Limits

Establish height limits for new zoning districts, taking into consideration the geology and topography of the area, as well as impacts to adjacent uses.

- Brisbane General Plan Program 22d, Ch. 5, p. 84

Deliberation

Wind Speed Study

A computer model of the affect of planned development on wind speeds in the adjacent windsurfing areas must be done. An emphasis should be placed on estimating the percentage of viable surfing days lost rather than a simple expression of change in wind speed. A moderate build out with lower building heights should be measured and compared to the maximum build-out scenario.

[See also open space element discussion below]

High Speed Rail

Potential locations for a rail vehicle storage and maintenance facility, including the vicinity of the proposed Baylands project in Brisbane. It is our hope that as you proceed with this [Baylands EIR] review and as the [HSR] Authority better defines our needs, we can work together to preserve land use options [for both projects].

- Ben Tripousis, Northern California Regional Director HSRA

Paraphrased from letter to Staff, 12 November 2015

Deliberation

Reserve Space for HSR

Until the HSRA completes their EIR and exercises their right to select a location for their vehicle storage and maintenance facility, an appropriately-sized area in the Eastern portion of the Baylands equal to the largest plausible rail yard side should be reserved for this use. Consideration should be made as to whether there are reasonable interim uses for this space, but this area should not be zoned for any uses that could not easily be converted into a rail yard.

Circulation Element



Proposed Roadways



- DEIR p. 4.N-55

Congestion

Spot widening through the Baylands would not solve congestion problems.

- FEIR Workshop #3, slide 17

Road Capacity

While buses do take a lot of cars off the road, they still must travel on the same roads as the cars do. They therefore do not increase throughput when roads are at capacity.

- Colleen Makin, Paraphrased, Baylands Public Hearings

Elevated Bicycle Paths



Germany has just opened the first 5km stretch of a traffic-free bicycle highway that is set to span over 100km.

- road.cc

http://road.cc/content/news/173907-germany-opens-first-stretch-bicycle-%E2%80%98autobahn%E2%80%99

Bay Area Bike-Share Program



SF: 4,500 bikes

Oakland: 800 bikes

Berkeley: 400 bikes

Emeryville: 100 bikes

San Jose: 1,000 bikes

- http://www.bayareabikeshare.com/expansion

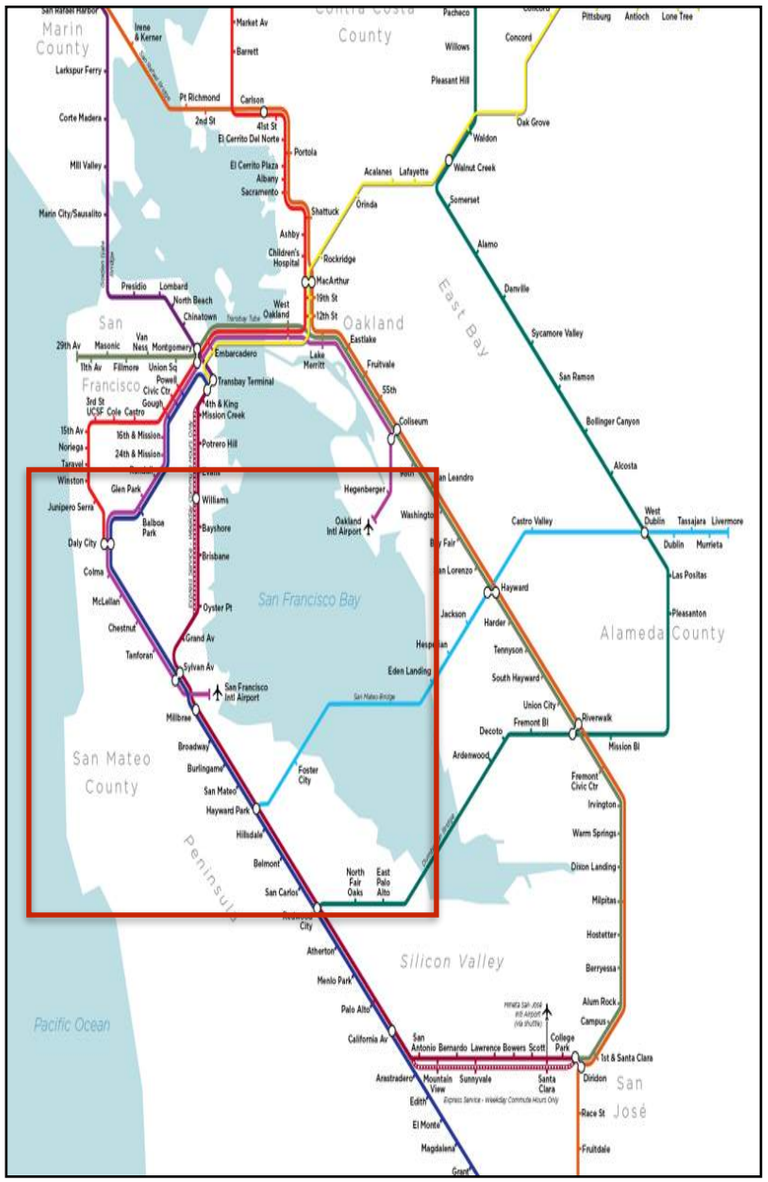
Bay Trail

It is confusing why the origin of the Bay Trail is located at Highway 101. An alternative route should be proposed that would be more aesthetically pleasing and less noisy for riders.

- OSEC Additional Comments on DEIR, 1 Jan 2015, p. 7

Original Bart Map





Jake Coolidge

Based on 1956 Bart Planning Maps

Deliberation

Connect Central Brisbane to Transit Hub

The Baylands should not be developed as if it were a separate entity. It should be easy to travel between Central Brisbane and the area around the transit hub.

See also: Southern Baylands Density Policy in Open Space Element, below.

Deliberation

Sierra Point Parkway Onramp

Freeway overpass at Sierra Point Parkway should be considered.

Open Space Element



http://www.nowtopians.com/public-space/hills-and-dales-of-summer-in-san-francisco

- Aesthetics and Visual Resources

Southern Baylands Density Policy

Development south of the Bayshore Basin drainage channel shall maintain a low profile, permitting low or mid-rise buildings, not to exceed six stories in height, in order to preserve the existing views of San Francisco and San Francisco Bay as seen from Central Brisbane, and to maximize the amount of landscape and open space or open area in this portion of the subarea.

- Brisbane General Plan Policy 11, Ch. 5, p. 69

Remain Distinct

Preserve open areas at the perimeter of the City to maintain Brisbane as separate and distinct from nearby communities.

- Brisbane General Plan Policy 28.1, Ch. 5, p. 86

Maintain Connections

As outer areas develop, assure connections and compatibility with the existing community.

- Brisbane General Plan Program 25b, Ch. 5, p. 85

Deliberation

Pull Some Development South

The Baylands Specific Plan provides for no separation from Visitation Valley and Sunnydale residential neighborhoods. Instead, the Baylands developments are separated from Central Brisbane.

If a tall bayfront building is permissible at all, a location closer to the lagoon, outside of the wind corridor would be preferable.

[See also wind study discussion above]

Esthetic and Cultural Value

Though small town Brisbane cannot be duplicated in the Baylands, the Community's values will be woven throughout the development. Buildings will be esthetically creative, enhance open space and public areas, convey the appearance of an organic/independent development process, rather than large scale development based on generic standards and generally enhance the esthetic and cultural value of Brisbane.

- Sustainability Framework, p. 73

Deliberation

Open Space / Open Area

- Open areas are under private ownership.
  (Brisbane General Plan Ch. 5, p. 86.)

- They can go bankrupt and be sold, or fall into neglect.

- They cannot be redeveloped for other purposes unless re-zoned.

- Policies must be created to dutifully define and preserve open space.

Connecting Spaces across the Rail Line

One of the biggest challenges to achieving open space connectivity is the commuter railway line that divides the site into Eastern and Western sections. Creating "green" bridges and/or tunnels to allow trail users and wildlife to safely cross the tracks will be implemented.

- Sustainability Framework, p. 64

Deliberation

Enhance Connections

- DEIR Baylands road map shows two bridges and one pedestrian overpass over the train tracks.

- Fences and elevated roads are planned around the train tracks.

- Connections must be in line with the goals of the General Plan and Sustainability Framework.

Noise Element



- Noise and Vibration

Dominic Meily
https://www.flickr.com/photos/dominicmeily/7056121879

Construction Noise

Construction noise will exceed City standards.

- FEIR Workshop #3, slide 23

Deliberation

Noise Mitigation is Critical

Construction noise mitigation measures must be considered with great care, particularly with respect to pile driving, which should have additional mitigation on top of existing maximum noise regulations. If nighttime construction is mandatory during any stage, it should not be permitted on consecutive days.

Safety Element

- Air Quality
- Hazards and Hazardous Materials
- Geology, Soils and Seismicity
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Kinder Morgan Facility

Safety Element - Air Quality



Quarry Operations, January 2015

Traffic Affects Air Quality

Air Resources Board Studies of people living along heavily traveled freeways in the southern central valley indicate greater chance of miscarriages for women living in proximity to those freeways.

- FEIR p. 5-91, BBCAG-15

Water Treatment Plant Thermal Oxidizer

A thermal oxidizer is a hazardous waste burner. Hazardous waste burners are not currently allowed in the Brisbane General Plan and the environmental impacts have not been adequately covered.

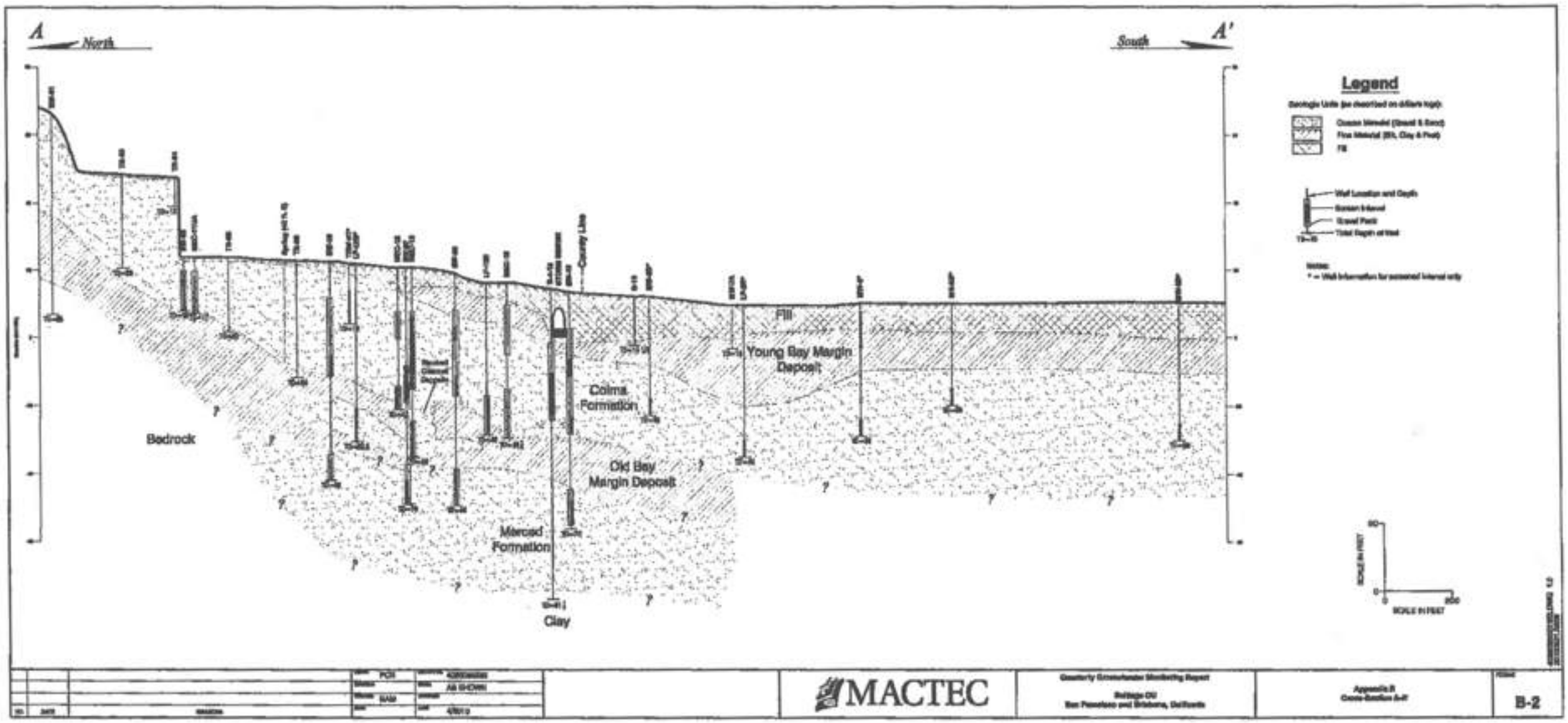
- FEIR p. 5-95, BBCAG-38

See also: FEIR p. 2.9.1-12, BBCAG-38

Construction Impacts

- At the moment, air quality issues related with construction dust are addressed along with Hazards in the section below.

Safety Element - Hazards



BBCAG Comments attachment, 16 Nov 2015 Planning Commission FEIR Public Hearing Minutes, p. H.7.24

Contaminants in OU-1

There is VOC-contaminated groundwater underneath the Southern Pacific area of the OU-1 site that originates from the groundwater contamination beneath the former Schlage Lock area. The soil in the railyard area is contaminated with metals (including chromium, lead and arsenic) and petroleum by-products.

- Dr. Fred Lee Report on Brisbane Baylands, p. 3
  See also DEIR p. 4.G-9

Hydrocarbons in OU-1

Soil and groundwater constituents of concern associated with OU-1 contamination include … total petroleum hydrocarbons (TPH) as Bunker C (fuel oil)

- DEIR p. 4.G-48

Contaminants in OU-2

Overall, the OU-2 area is known to be highly contaminated with Bunker C oil, VOCs, and lead.

- Dr. Fred Lee Report on Brisbane Baylands, p. 4
  See also DEIR p. 4.G-10

Potential Movement of Contaminants

Bunker C fuel oil (also known as No. 6 fuel oil) is dense, viscous oil that is, in fact, low in solubility and mobility; the Draft EIR does not assert that Bunker C oil is completely insoluble and immobile. Lead is, in fact, also low in solubility and mobility; the Draft EIR does not assert that it is completely insoluble and immobile.

- FEIR p. 2.9.1-39, BBCAG-117

Remediation Levels Depend on Use

DTSC has not yet developed an approach for remediation of the heavy metals that pollute the soils of the former Schlage Lock and railyard areas. The approach for and degree of remediation of the heavy metal pollution will likely depend on the types of land use that could potentially be allowed on the redeveloped property.

- Dr. Fred Lee Report on Brisbane Baylands, p. 4

Authority for Landfill Closure

While the City of Brisbane maintains land use authority over the Baylands, it does not have the authority to set remediation standards, nor does it have the authority to determine specific technologies to be employed or to approve Remedial Action Plans (RAPs) or plans for Title 27 landfill closure.

- FIER p. 2.4-37, Master Response 13, Title 27 Landfill Closure

Landfill Cover System

Final cover systems must be carried out in conformance with a construction quality assurance plan certified by an appropriately registered professional to satisfy the requirements of Title 27, Section 20324.

- FEIR p. 2.9.1-34, BBCAG-95

Authority for Remediation

The State of California Environmental Protection Agency, Regional Water Quality Control Board, and Department of Toxic Substances Control, as well as the San Mateo County Health System, have regulatory authority over the remediation of OU-1 and OU-2.

- FEIR p. 2.9.1-46, BBCAG-137
  See also FEIR Workshop #1, slide 19

Enforcement Authority

The City of Brisbane retains the authority to halt Project site development if the contractor is not in compliance with applicable federal, State, or local regulations.

- FEIR p. 2.9.1-74 Answer to BBCAG-228

Determination of Cleanup Standards

The City of Brisbane does not have the regulatory authority to approve cleanup standards or the power to require "higher" cleanup standards than those required under State law without substantial evidence demonstrating the need to do so to protect public health and safety

- FEIR p. 2.9.1-46, BBCAG-137

RAP Process

- The Draft RAP shall be available for public comment for at least 30 days in accordance with section 25356.1(e).
- At least one public meeting shall be held around the middle of the 30-day comment period.
- The Responsiveness Summary responds to all oral and written public comments received during the public comment period.
- The Final RAP will reflect any changes **which DTSC determines are appropriate** in response to the public comments.

- Remedial Action Plan (RAP) Policy EO-95-007-PP
https://www.dtsc.ca.gov/LawsRegsPolicies/Policies/SiteCleanup/upload/eo-95-007-pp.pdf

Deliberation

Implications of Land Use Determinations

DTSC will determine which mitigation measures are appropriate in the Remediation Action Plan. Since Brisbane will have only indirect influence on the RAP process (during public commentary), and may only enforce, not set, required remediation levels, it is important that the city should only approve land uses that can confidently be expected to be safe after the expected RWQCB and DTSC remediation are complete.

Baylands Contaminants Dangerous

Arsenic is highly poisonous. Lead is a neurotoxin that accumulates both in soft tissues and the bones.

- DEIR p. 4.G-22

Effects of VOCs Not Immediate

Harmful VOCs are typically not acutely toxic, but instead have compounding long-term health effects. Concentrations of VOCs are usually low and symptoms are slow to develop.

- DEIR p. 4.G-22

Cancer Incidence and Mortality

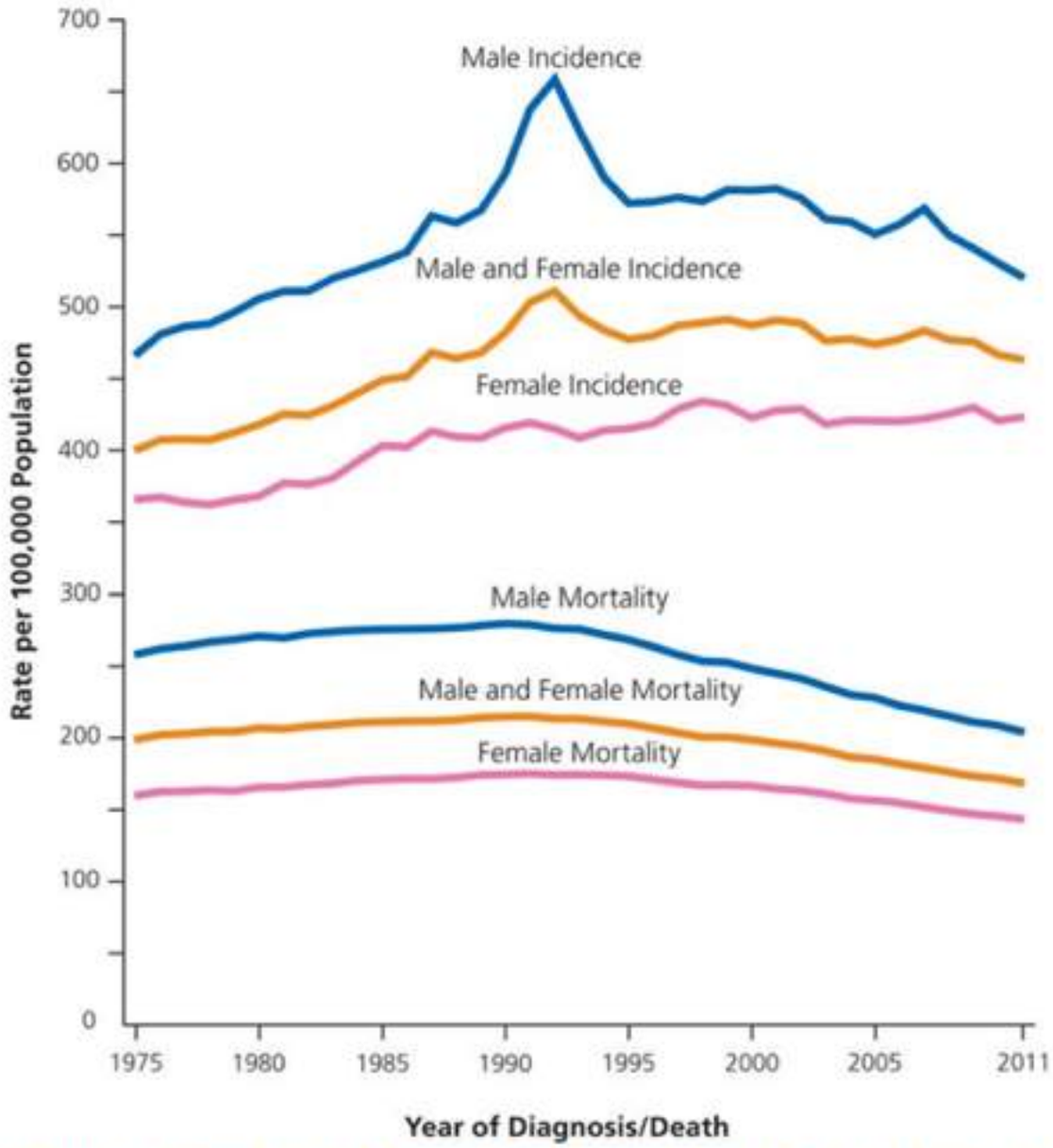
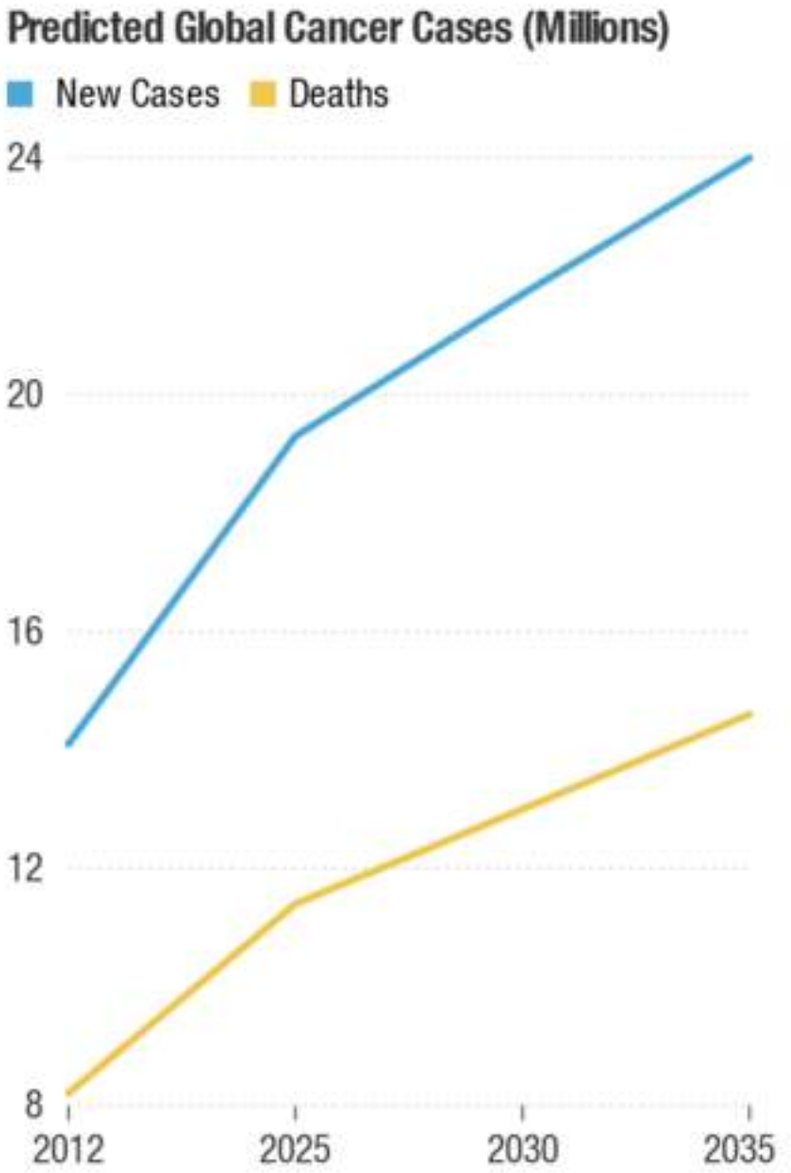


FIGURE 2. Trends in Cancer Incidence and Death Rates by Sex, United States, 1975 to 2011.

Cancer Statistics, 2015

Rebecca Siegel, MPH, Kimberly Miller, MPH, Ahmedin Jemal, PhD
http://onlinelibrary.wiley.com/store/10.3322/caac.21254/asset/caac21254.pdf

Cancer Rates Predicted to Increase



Source: World Health Organization

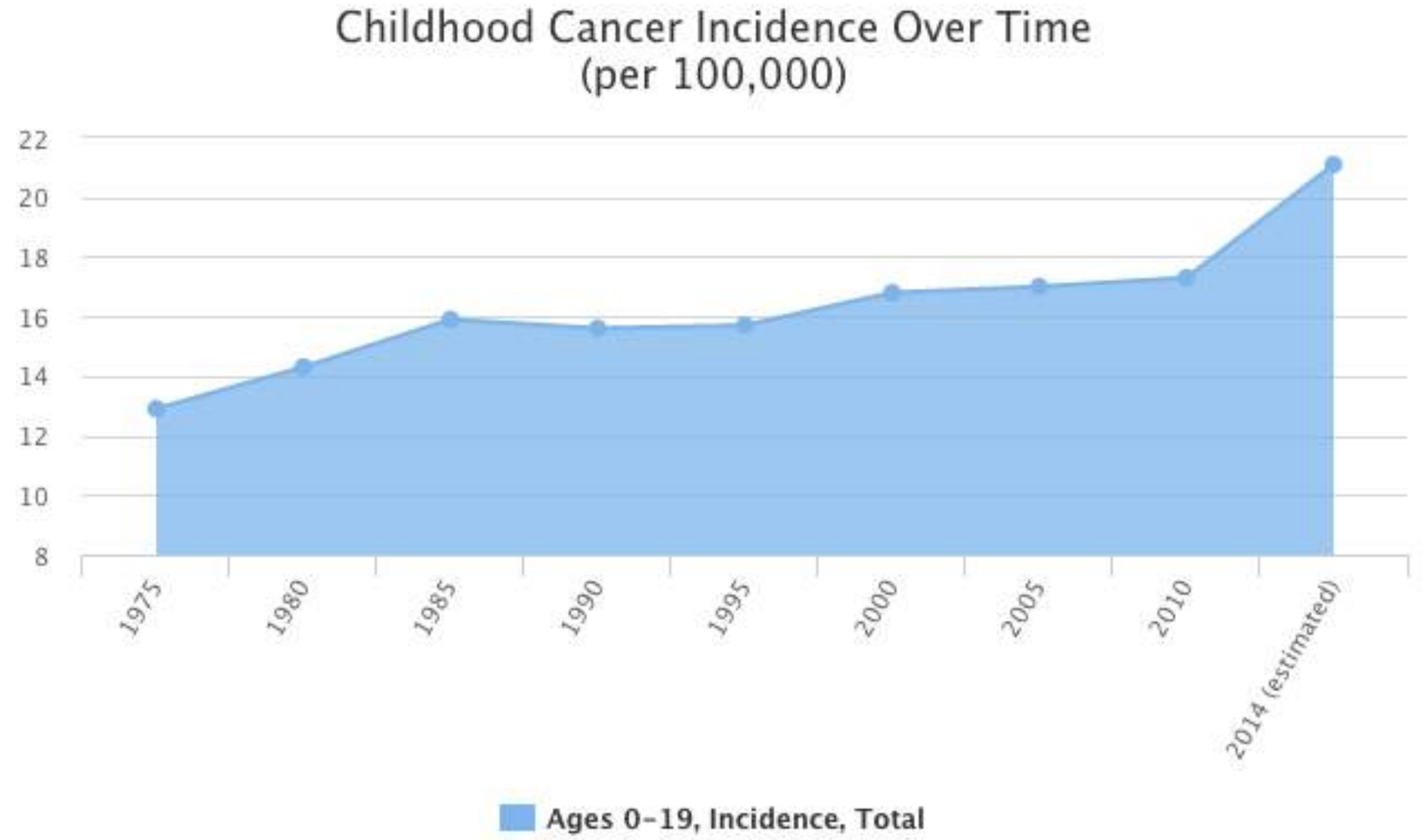
Credit: Michaeleen Doucleff/NPR

Cancer Cases Rising At An Alarming Rate Worldwide

Jason Beaubien, NPR

http://www.npr.org/sections/health-shots/2014/02/04/271519414

Cancer Incidence in Children



Source: Surveillance, Epidemiology, and End Results (SEER) Program (www.seer.cancer.gov) SEER 9 area. Age 0-19.

http://curesearch.org/Incidence-Rates-Over-Time

Durability of Protective Measures

There are some uses that could be safe at the Baylands, but the Baylands will be toxic forever. Will the protections from the toxic materials also be counted on to provide protection forever?

- Mary Gutenkanst, BBCAG

Paraphrased from minutes of Planning Commission meeting of 8 Oct 2015

Legality Does Not Guarantee of Safety

Industrialized Pesticides



http://robynobrien.com/a-farmers-perspective-on-gmos/

Fracking



http://cleanenergyaction.org/2013/07/18/to-frack-or-to-freak-the-effects-of-hydraulic-fracturing-on-our-environment/

Similar Projects Should Be Studied

Since effects of exposure are often not evidenced for many years, it is important to consider projects that have an **appreciable history**.

Love Canal

[Love Canal] cannot be regarded as an isolated event. It could happen again--anywhere in this country. Twenty five years after the Hooker Chemical Company stopped using the Love Canal here as an industrial dump, 82 different compounds... have been percolating upward through the soil, their drum containers rotting and leaching their contents into the backyards and basements of 100 homes and a public school built on the banks of the canal.

- The Love Canal Tragedy
Eckardt Beck, EPA
http://www.epa.gov/aboutepa/love-canal-tragedy

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Project Comparison



- Presumably, even worst-case scenarios in the Baylands should be better than Love Canal.
- Conditions in OU-1 and OU-2 are much better than former landfill area.
- What would happen in an inundation situation, e.g. earthquake + tidal wave or other scenario that caused barrier failure?

Land Use Must Be Compatible

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 development structures, and deep-rooted plants that can bring hazardous chemicals to the surface.

- Dr. Fred Lee Report on Brisbane Baylands, p. 20

Deliberation

Risk Factors to Containment

- UPC Specific Plan makes an effort to limit excavation depths within the project.
- Depths to contaminants can vary throughout the site, making general characterizations difficult.
- Effect or of pile driving on spread of contaminants is unclear.
- These are engineering design issues that will not be defined until the Remediation Action Plan is developed.

Containment Protection

Deliberation

Every remediated project area on the Baylands should carefully record the actual depth of fill used.

Appropriate fill levels for each area according to intended use must be determined and legislated.

Proposed mitigation measures preventing the spread of dust during construction (Measure 4.B-1, BAAQMD 2011 CEQA Air Quality guidelines) are acutely important.

Deliberation

Trees

The Baylands Specific plan contained frequent illustrations of tall trees. The depth of roots for the trees to be used must be ensured to be compatible with the depth of fill material (said to range from 7-10’).

Deliberation

Land Use in Former Landfill Area

Remediation in the former landfill area will be largely out of Brisbane's hands once land use determinations are made. Land use decisions in this area must therefore be made with the utmost of care. Uses involving little public contact are best.

Safest uses:

Solar power generation
Rail yard
Light industrial
Freight Forwarding
Lumber yard
Recology

Also presently permitted:

R & D Technology center
Retail

Not presently permitted:

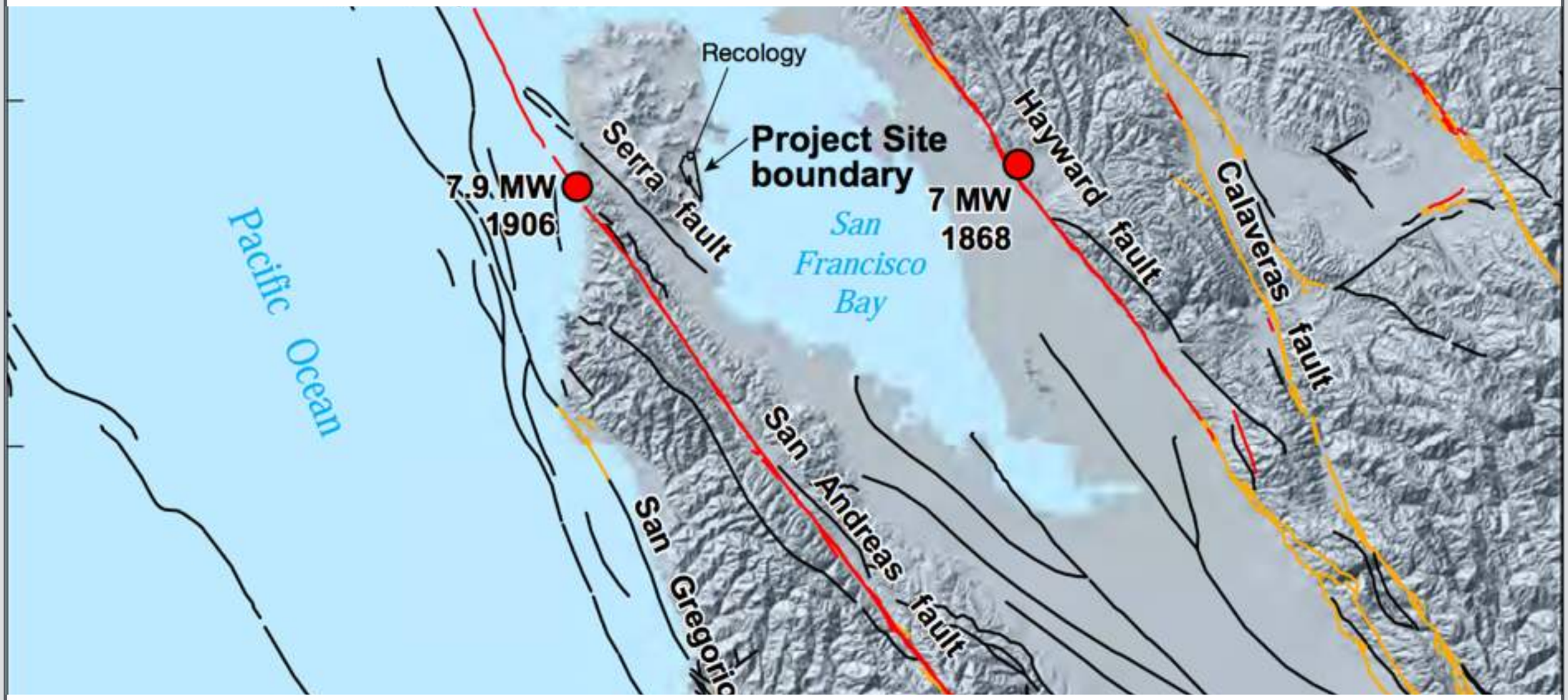
Housing or Hotels
Public Parks
Recology

Deliberation

Use Caution When Adding Uses

Land use determinations that allow new uses are not easily reversed, and will have lasting impacts.

Safety Element - Seismicity

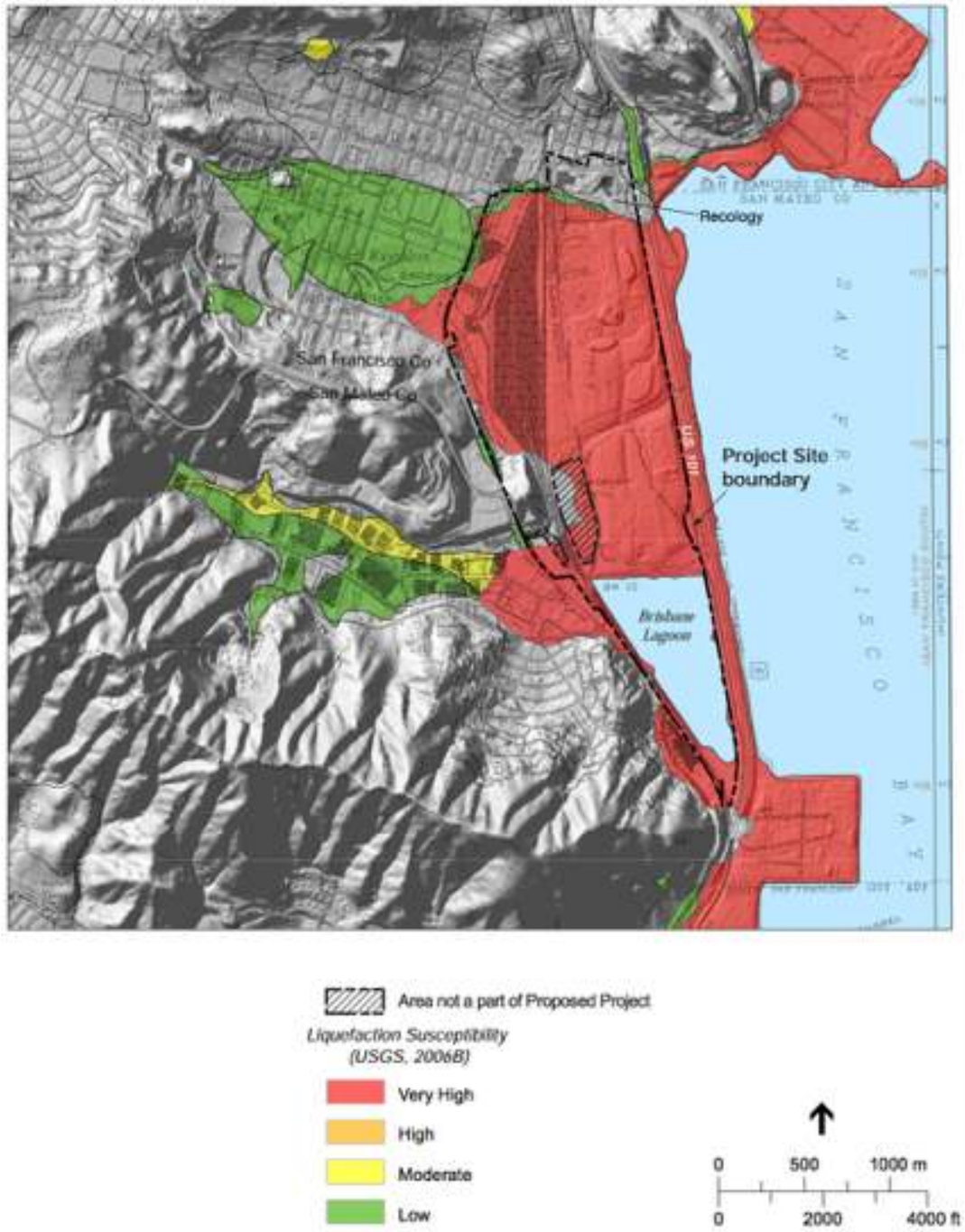


DEIR p. 4.E-15

Risk of Liquefaction

Figure 4.E-11 shows that the liquefaction hazard at the Project Site is very high according to maps of Quaternary deposits and liquefaction susceptibility prepared by the USGS (USGS, 2006b).

- DEIR, p. 4.E-28



Earthquake Potential

Strong earthquakes could be disruptive to the landfill cover, groundwater monitoring wells, and the landfill gas collection system. Of particular concern, since this landfill is constructed on Bay fill, is additional damage that could be done to the landfill containment due to liquefaction of the area under the landfill.

- Dr. Fred Lee Report on Brisbane Baylands, p. 51

Maximum Credible Earthquake

The referenced study in the comment was conducted in order to study the 9.0 magnitude earthquake that occurred in Tohoku, Japan. Considering that further study is needed in order to better determine the likelihood of an earthquake that is substantially more powerful than what is currently accepted in accordance with building code regulations would be speculative and outside the scope of CEQA.

- FEIR 2.9.1-19, BBCAG-53

Deliberation

Earthquake Considerations

- Brisbane can apply to the State for modifications to consider Earthquake remediation to levels beyond the maximum credible earthquake if there is something unique about the project to justify it.

- The building codes for areas such as the San Francisco Marina could be compared as a reference point.

- How can sub-surface damage from an Earthquake be repaired?

Tsunami Potential

NOAA predicts that a tsunami with a wave height of approximately 13 feet could occur in San Francisco Bay. A tsunami of that magnitude could have significant destructive impacts on some structures developed on the Baylands area and on the waste management systems developed as part of remediation of the UPC developed area.

- Dr. Fred Lee Report on Brisbane Baylands, p. 7

ABAG Tsunami Evacuation Zones



ABAG estimate of largest credible tsunami much lower than NOAA estimate.

Tsunami Evacuation Area

Tsunami Evacuation Area

FEMA Flood Zones

FEMA Flood Zones

- 100 year flood zone (Coastal)
- 100 year flood zone
- 500 year flood zone

- http://gis.abag.ca.gov/website/Hazards/?hlyr=femaZones

Tsunami Protection

?

- The ABAG site disclaimer states that their map is not site-specific. Might the NOAA report be more accurate?

- Are there plans for Tsunami Protection in the DIER?

- Does Kinder Morgan have a Tsunami disaster preparedness plan?

- Will sea-level rise invalidate prior studies in the foreseeable future?

Safety Element - Hydrology



FEIR Workshop #6, slide 3

Water Availability

California is now in its fourth year of drought and the future of water security in the State is highly uncertain. There is further concern that California may even be entering a mega-drought phase of 30 years or more as a result of climate change impacts.

- Sustainability Framework, p. 55

Topography and Runoff

The artificial topography proposed has the potential to create multiple problems. It may create runoff and erosion problems. It will create other connective problems with streets and perhaps utilities.

- BBCAG-6

c.f. Mitigation Measure 4.H-4a

Water Issues

Deliberation

- Leachate management is critical; we must ensure this is monitored, handled, and kept away from contact by living things.

- Master Response 29 - water transfer agreement recommendation must be made.

Safety Element - Kinder Morgan



Kinder Morgan Coverage in DEIR

The Kinder Morgan facility is not a part of the Project Site, and is under the regulatory oversight of the Regional Water Quality Control Board. Whether there is a threat for future leaks in Kinder Morgan's facility will be considered as part of the City's planning review.

- FEIR p. 2.9.1-57, BBCAG-171 & 172

Kinder Morgan Contaminants

Gasoline, diesel, and aviation fuels, including fuel additives – benzene, toluene, ethylbenzene, xylene (BTEX) and methyl–tertiary butyl ether (MTBE) – have been detected in groundwater beneath various portions of the facility. Contamination related to those impacts has potentially migrated beyond the facility boundary toward the Brisbane Landfill."

- SFRWQCB, cited in Dr. Fred Lee Report on Brisbane Baylands, p. 43

Kinder Morgan Affect on OU-2

Contamination of soil with petroleum hydrocarbons and heavy metals within OU-2 is thought to have originated from the oil tank farm operations (Geosyntec, 2010).

- DEIR p. 4.G-52

Earthquake Risk at Kinder Morgan

Liquefaction resulting from an earthquake would result in loss of soils stability, but would not create measureable emissions of TAC [from Kinder Morgan] that would be an impact of proposed Baylands development.

- FEIR 2.9.1-11, BBCAG-34

Deliberation

Kinder Morgan Safe Distance

- The regulatory safe distance is from Kinder Morgan for sensitive receptors such as schools and hospitals is 1300’.

- Disaster scenarios such as fires and earthquakes should be considered.

- Kinder Morgan should be visually screened, as possible, and the permitted land uses in its vicinity should be considered carefully and cautiously.

Housing Element



Photo courtesy of Dan Ryan

- Population and Housing

Bay Area Housing Shortage

San Mateo County has added 40,000 new jobs and only 3,000 new homes in the last three years, which has created pressures throughout the Bay Area, including rising rents, traffic congestion, and overcrowding.

- Evelyn Stivers, Housing Leadership Council of San Mateo County
  Paraphrased from Planning Commission Minutes from 4 Nov 2015 Meeting

Deliberation

Safe Housing

The need for housing cannot override safety considerations. Brisbane should take measures to increase housing supply, but only in areas where it is demonstrably safe to do so.

Ecology



Photo courtesy of Dan Ryan

- Energy Resources
- Biological Resources
- Sustainability
- Environmentally Superior Alternative

Recommended Sustainability Requirements

1. LEED v4 for Neighborhood Design with a Platinum rating required.
2. Require LEED v4 for New Construction of commercial and mixed use buildings with a Platinum rating required.
5. Meet California energy code goals of Zero Net Energy for Residential by 2020 and Zero Net Energy for Commercial by 2030, including for any buildings permitted prior to code requirements being enforced.

- Sustainability Framework, p. 11 and 12

DEIR Definition of Sustainability

Sustainability: "... to meet the needs of a growing human population that has rising aspirations for consumption and quality of life, while maintaining the rich diversity of the natural environmental or biosphere" (APA, 2000)

- Baylands DEIR, p. 7-1

Compatible Definition of Sustainable

The definition of sustainable development found under the Overarching Objectives sections should be redefined in accordance with the City of Brisbane / Sustainability Committee of Brisbane.

- OSEC Additional Comments on DEIR, 1 Jan 2015, p. 1

Sustainability as a System

Sustainability is more than just a green building, or solar panels, or an organic piece of fruit – it's the relationship of these and many other green products and services, that when tied together form a system that increases economic efficiency, adds to the quality of life, and respects the environment and the Earth's resources.

- Baylands Sustainability Framework, p. 9

Deliberation

New Construction Requirements

Brisbane should (MUST?) adopt guidelines from the Sustainability Framework for all new construction throughout all regions in the city. This will be a State standard by 2020 / 2030 in any event.

Environmentally Superior Alternative

The alternatives set forth in Chapter 5 of the Draft EIR demonstrate that reducing the intensity of proposed site development and increasing the area of open space would reduce or avoid significant environmental effects of Baylands development.

- FEIR p. 2.9 1-1, Response to BBCAG-5

Renewable Energy Plan Feasible

The key finding by the EPA/NREL study recently conducted in the Baylands (Appendix 4.N) that the large solar farm proposed under the Renewable Energy Alternative would be feasible both technically and economically.

- DEIR p. 5-292, BCC-759

Finances and Infrastructure



- Public Services
- Utilities and Service Systems
- Cumulative Impacts

Diversified Economic Base

Establish a mix of uses with a diversified economic base to maintain and increase tax revenues and contribute to the City's ability to provide services.

- Brisbane General Plan Policy 14, Ch. 5, p. 81

Ownership of Liability



- Liabilities typically pass from one owner to the next when a property changes hands. Does this mean that individual homeowners / individual homeowners associations will inherit the liability for and maintenance of everything within their property? Would they have the means to repair damage to the containment barrier, e.g. in the event it was damaged in an earthquake or by some other means? See FEIR 2.9.1-24, BBCAG-70.

Separate School District

Deliberation

- Baylands are in the Bayshore & Jefferson school district.
- High School proposed for the Baylands; what about grade and middle school?
- City can impose use fees for schools, but have no further authority.
- Determinations must be made once permitted land use are known.

Wetlands Restoration Funding

The Association of Bay Area Governments has designated the Baylands area as a Priority Development Area. San Bruno Mountain, and parts of the Baylands, have been designated as a Priority Conservation Area (PCA). The PCA designation and/or San Francisco Bay Area Restoration Authority should be explored as potential funding resources for wetlands restoration.

- Sustainability Framework, p. 65

Cumulative Impacts

What this chapter makes very clear is that this project is simply too large to be absorbed by the San Francisco Bay Area. The fact that it overruns mitigation measures, population and job growth, air quality attainment, traffic congestion and other areas of grave concern means that it's just too big. That said, we sincerely hope that some small project or maybe a longer timeline will be approved by the city.

- OSEC Additional Comments on DEIR, 1 Jan 2015, p. 7