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Dear Mayor & City Council

On November 18, 2008, the BBCAG voted to send the following comments to you regarding the Specific Plan Project Application and the Alternatives to it for the Environmental Impact Report process under the California Environmental Quality Act.

I regret the delay in delivery to you.

Sincerely

Clara Johnson

Chair, BBCAG

Brisbane Baylands Community Advisory Group

BBCAG Comments on Brisbane Baylands EIR process

Risk to human health and the environment

Common methods for assessing risk to human health and the environment are inadequate. Only a relatively small proportion of known industrial substances are regulated. There is a supposition that contaminants are safe until proven unsafe. There is a supposition that the effects of exposure to multiple contaminants are equal to the sum of the effects of each contaminant, rather than having an exponential effect.

The net effect is to understate the risk to human health and the environment.

Instead of assessing danger to the environment in terms of “risk assessment,” it would be preferable to 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.

Lagoon

There is an unknown amount and variety of contaminants at the bottom of the lagoon that would not show up in water samples but which continue to affect the lagoon environment. Substances at the bottom of the lagoon need to be sampled.

Geology, sea level rise, weather changes

Issues of concern include the potential for release of contaminants to the bay/lagoon/air in the event of earthquake and/or violent storms, including flooding.

Biological resources

Human activity in the Baylands has irreparably changed the composition of resident species. In addition to evaluating impacts on 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 city’s document mentions “biological resources including species of concern.” That phrase suggests analyzing impacts only to rare, threatened, or endangered species. There needs to be a holistic approach to actual and potential habitat, including addressing nonnative species which have a negative impact on habitat potential (spartina is an important example).

Community alternative

Because of the concerns above, and others, the EIR should consider an alternative which includes a wide area of restored wetlands, including freshwater wetlands, draining the Crocker Park area as well as the watersheds of Daly City and San Francisco. The Baylands wetlands should serve as a seasonal flood plain that will buffer the effects of sea level rise and extreme weather conditions that are likely to result from global climate change.

Any light industry that is put on the Baylands should not be a nuisance to other people or wildlife. It should not cause noise, vibration, smells, fumes, soot, ash, dust or grit. Windmills are not included in the definition of light industry.

All impacts of the development on the people of the Bayshore area of Daly City and the Visitacion Valley/Little Hollywood areas of San Francisco should be considered.

The Baylands project area is 540 acres of land that has issues of toxic contamination of various types. It is adjacent to a petroleum distribution facility that has petroleum pipelines running underneath the project area. It includes an un-engineered landfill. It presents the possibility of contaminating the Bay on its eastern and southern sides. It has a good possibility of liquefaction occurring in a major earthquake. There is a danger of explosive gases collecting in building and being released into the air. The size of a project allowed by the General Plan on the Baylands along with other planned projects nearby will have a profound effect on traffic in this area of Bayshore Blvd. and Highway 101. This land was created by filling the Bay. There are several wetland areas that should be restored and maintained so that they may provide wildlife habitat and filter contaminants flowing off the land into the water.

All the issues mentioned above, collectively, make the case for the creation of an agency or entity to enforce all of the conditions that will be required in order to prevent further contamination of the land, water and air and to maintain the healthy function of the wetlands, bioswales and other natural drainage methods that will exist. There also needs to be close monitoring of the contaminants and their movements and monitoring of the petroleum facility and its pipelines. Public health and safety and environmental safety require close scrutiny of any project here. Settlement of the land could cause various problems and should be monitored. There will be thousands of conditions on this project. Many of them will be part of a mitigation monitoring and reporting plan. It is required for the mitigation of conditions to the project resulting from the EIR's determination of a need to mitigate impacts. The entity/agency would be funded by the developer and property owners but supervised by the City and reporting to the regulators and the public. It could be a special district. The Community Preferred Alternative to the Specific Plan should contain a provision for the entity/agency to protect public and environmental and to assure that the integrity of the concept approved by the City of Brisbane.

We recommend adequate oversight to maintain complex systems.

Wetlands

The Community Preferred Alternative should require a current evaluation of the wetlands on the land include a plan for the restoration of those wetlands. There should be a new network of wetlands above and separated from the landfill but including the higher groundwater flow. The network would connect to the existing wetlands and provide a redundant system of filtering contaminants coming from the landfill, toxic contamination and road runoff. The network would lie along the eastern side of the linear bay trail between the landfill and Hwy 101 from Beatty Rd to the Lagoon, along the interior drainage channel, along the north ditch and along the northern shore of the Lagoon. This provides an additional measure of protection against contamination of the Bay and protects and expands the wildlife habitat of the Baylands. It can be part of the 49% of the land that the public wants left in open space. It protects human health by protecting the Bay and providing growing plants

to make Oxygen. The green alternative to concrete and glass is also a stress reducer. The beauty of this kind of life sustaining ecosystem lifts the human heart. I ask that you have someone with adequate vision make a plan for the site. Charles Jencks would be a great candidate. Project conditions should be enforced so that wetlands will function.

The landscape and buildings on the Baylands should constitute an environment that respects the residual wetlands of an area that was entirely underwater 110 years ago. It should be welcoming and comfortable for people providing a scale where they can relax, be productive and creative while knowing the spaces that surround them are sustainable and respectful of the environment. The green areas that allow movement of the remnants of wildlife in this area from the Bay to San Bruno Mountain (e.g. Bay Trail, Visitacion Creek, Icehouse Hill, the Lagoon's shoreline) are vital to the San Bruno Mountain sub-region.

Lagoon

There should be a study done of the Lagoon and its wildlife and the future sedimentation that is likely to occur. Given the current conditions of the Lagoon and the dynamics of the watershed, what is the best course to follow regarding dredging the sediment or not dredging it. What is the level of contamination in the Lagoon? An investigation of the best way to protect wildlife and its habitat should be done.

Planning

Landscape Architects and Planners should look at the entire site at as a whole and it should be designed to include the need for: open space, wetlands, parks, plazas, sculpture gardens, water amenities, toxic remediation, balanced placement of development and open space, energy generation, circulation: of water, transportation, pedestrians, residual wildlife, view corridors.

Toxic Remediation

The Community Preferred Alternative should call for toxic remediation for, at least, 30 years. The overseeing entity mentioned above would employ additional inspectors to assure that all was going well with the clean-up. If the maximum levels of contaminants requiring clean-up were lowered in response to research showing a more profound negative impact on human health then the alternative should call for that new level to be met.

Cumulative impacts on normal and sensitive receptors of toxic contamination in the soil, air and water from this project, background levels and other projects should be determined, quantified and analyzed in the health risk assessment.

There should be an evaluation of the health impacts on children of playing field sports for up to ten years on ground that contains toxic contamination and there should be a condition on the project that limits the kinds of chemicals used on the turf and the reviews possible interaction with toxic chemicals or gases present in the makeup of artificial turf. The exact area and soil underlying the playing field should be subjected to additional scrutiny by testing it.

Liquefaction and Earthquakes

Liquefaction in a major earthquake is highly likely on this land in a major earthquake and so the project must be designed to accommodate it. There should be an analysis of how all the systems particularly the systems to contain contaminants will function in case this occurs. Are the pipelines under the Baylands designed for a 6.0 or a 7.1 or an 8.0 earthquake? Since there will now be people here, their seismic resistance should be upgraded.

Petroleum Distribution Facility

Since there will be new uses with thousands of people present on a daily basis with 1/2 mile of the facility. There should be a review of its potential for; fire, explosion, toxic gas releases, water contamination releases and mitigation measures should be put in place to reduce the possibility of injury or death.

Long term Fiscal Analysis of Project

There should be reassurance that a long term fiscal analysis with conservative underlying assumptions will be done and presented as part of or concurrent with the EIR.

Parking

Most parking should be within buildings and the ground parking lots should have structures that provide a place for solar panels and protect cars from the elements. All parking lots should have adequate space to park and to maneuver i.e. normal size parking space.

Energy

The project should be energy neutral or better. It should contain energy production.

Water

There should be water features throughout the project. At the same time, there should be water recycling for as many uses as possible. The conservation of water must be kept in mind throughout the project.

Overall

Overall I want to know what can be done that insures the EIR & process favors a project that creates open space and recreational opportunities, environmental and cultural preservation. I want to see a vibrant, pedestrian-centered, transit-oriented sustainable development generating tax revenue and jobs that favor local production instead of imports and distribution. All appropriately placed in the project area! But since that's like saying: "It must be perfect, go figure it out" here are some more humble suggestions:

I would like know more about how the council will go about settling upon the final community alternative, and what opportunities for public involvement will exist.

Are there opportunities for round table discussions with the city planners and governance? I am not a big fan of a work shop led by a third party, out of town company, who interprets peoples views and then makes a report to city that can't convey the emotion and conviction of the citizens who step up and participate.

How about more detail on how public benefits will be included covered by the draft EIR, and what can be done to make them specific and binding, no matter who comes along to ultimately develop the project.

How about pushing for solid commitments from the developer on the specific public benefits and mitigation measures that will accompany the construction of the project?

How is regional transit addressed in the EIR? Not just the Cal train/Geneva Ave extension. We have traffic from adjacent communities, transit run SF City&County (MUNI), bus (Samtrans) and the tri-county Peninsula JPB(Caltrain). How do these agencies know what to expect, how can they support us? (There is a regional transit planning group that exists, I saw presentations** at the VisValley CAC this past year

There should be some thought and some statement made about the phasing of the clean-ups.

Cleanup First Policy- Total Baylands Cleanup before any new businesses are constructed out there, so that workers aren't at risk when future cleanups and pile-driving happens. This would include relocating the businesses along Industrial Way rather than allow them to be exposed to the dust and burner flares during the railyard cleanups and construction.

Will multiple methane extraction/burner systems have to be done? If so, where?

When will the Industrial Way Properties/illegal dump area clean-ups happen?

Since some areas will always be dangerous (around Kinder Morgan, around the methane burners, and the hot spots) they should have uses that won't put people and the environment at risk.

Loss of Bay views and siltation impacts in the Bay from the current fill operation should be considered as blight. Limits to heights/amount of fill should be addressed.

11/08