SIERRA POINT BIOTECH PROJECT
ENVIRONMENTAL IMPACT REPORT
RESPONSE TO COMMENTS DOCUMENT

STATE CLEARINGHOUSE #2006012024

LSA

April 2007

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ENVIRONMENTAL IMPACT REPORT
RESPONSE TO COMMENTS DOCUMENT

STATE CLEARINGHOUSE #2006012024

Submitted to:

City of Brisbane
50 Park Place
Brisbane, CA 94005-1310

Prepared by:

LSA Associates, Inc.
2215 Fifth Street
Berkeley, CA 94710
510.540.7331

LSA

April 2007

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I. INTRODUCTION

A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the Sierra Point Biotech Project (SCH#2006012024) and, as necessary, to augment the information contained within the Draft EIR. The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to these comments or to amplify and clarify material in the Draft EIR.

This RTC Document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of Brisbane circulated a Notice of Preparation (NOP) which included a list of potential environmental effects on January 4, 2006. Comments received by the City on the NOP were taken into account during the preparation of the EIR. Additionally, a public scoping session was convened by the City of Brisbane Planning Commission on January 12, 2006. Comments received by the City on the NOP and at the public scoping meeting were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on November 17, 2006 and distributed to applicable local and State agencies. Copies of the Notice of Availability of the Draft EIR (NOA) were mailed to all individuals previously requesting to be notified of the Draft EIR, in addition to those agencies and individuals who received a copy of the NOP.

A public hearing was convened by the City of Brisbane Planning Commission to solicit comments on the Draft EIR on December 14, 2006.

As recorded by the State Clearinghouse, the CEQA-mandated 45-day public comment period for the Draft EIR began on November 20, 2006 and ended on January 3, 2007. Copies of all written comments received during the comment period are included in Chapter III of this document.

C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies, Organizations and Individuals.* This chapter contains a list of agencies, organizations, and persons who submitted written comments or spoke at the public comment session on the Draft EIR during the public review period.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR, as well as, a summary of the comments made at the public comment session. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the preceding comment.
- *Chapter IV: Draft EIR Revisions.* Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Text with <u>underline</u> represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. Revisions to figures are also provided, where appropriate.

II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS AND INDIVIDUALS

This chapter presents a list of letters and comments received during the public review period, and describes the organization of the letters and comments that are included in Chapter III, Comments and Responses, of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each letter received on the Draft EIR. The written comments are grouped by the affiliation of the comment, as follows: State, local and regional agencies (A); organizations (B); individuals (C); and public hearing comments (D).

The comment letters are numbered consecutively following the A, B, and C designations. The public hearing transcript is included, and has a D designation. The letters and the transcript are annotated in the margin according to the following code:

State, Local and Regional Agencies:	A1-#
Organizations:	B1-#
Individuals:	C1-#
Public Hearing Comments:	D1-#

The letters are numbered and comments within that letter are numbered consecutively after the hyphen.

B. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the City during the public review period, and are arranged in order by the letter date.

A. State, Local and Regional Agencies

A1	Department of Fish and Game Charles Armor, Central Coast Acting Regional Manager	December 19, 2006
A2	San Francisco Public Utilities Commission Robert B. Hickman	December 28, 2006

B. Organizations

No organizations submitted comments

C. Individuals

C1	Slough Estates International Jonathan M. Bergschneider, Senior Vice President-Development	January 2, 2007
C2	Steefel, Levitt & Weiss Steve Atkinson	January 2, 2007

Public Hearing Comments December 14, 2006

D1 Commissioner Hunter
D2 Commissioner Maturo
D3 Commissioner Lentz
D4 Chairman Jameel
D5 Commissioner Lentz
D6 Commissioner Hunter
D7 Dana Dillworth

III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State, local and regional agencies (A); organizations (B); individuals (C); and public hearing comments (D).

Please note that unenumerated text within individual letters has been determined to not raise environmental issues or relate to the adequacy of the information or analysis within the Draft EIR, and therefore no response is required per *CEQA Guidelines* §15132.

A. STATE, LOCAL AND REGIONAL AGENCIES

Letter
A1

State of California – The Resources Agency ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

December 19, 2006

RECEIVED
DEC 20 2006
Comm. Dev. Dept. Brisbane

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

Dear Mr. Swiecki:

Subject: Sierra Point Biotech Project, SCH 2006012024, Brisbane, San Mateo County

The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G). Therefore, if you are preparing an Environmental Impact Report or an Initial Study and Negative Declaration for this project, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the San Mateo County Clerk on or before filing of the Notice of Determination for this project. 1

Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

If you have any questions, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 466-0234 or Mr. Greg Martinelli, Acting Habitat Conservation Supervisor, at (707) 944-5570.

Sincerely,

Charles Armor
Acting Regional Manager
Central Coast Region

cc: State Clearinghouse

LETTER A1
Department of Fish and Game
Charles Armor, Central Coast Acting Regional Manager
December 19, 2006

Response A1-1: The comment is noted regarding payment of an environmental filing fee. This comment does not relate to the adequacy of the information or analysis within the Draft EIR; no further response is required.

Letter
A2

San Francisco Public Utilities Commission
Wastewater Enterprise

WATER
WASTEWATER
POWER

December 28, 2006

City of Brisbane
Community Development Department
Attn: John Swiecki
50 Park Place
Brisbane, CA 94005

Subject: DEIR, Sierra Point Biotech Project

Dear Mr. Swiecki:

Thank you for the opportunity to review the Sierra Point Biotech Project DEIR. The San Francisco Public Utility Commission Wastewater staff has reviewed the project and we have the following comments:

- The DEIR states the project will receive potable water from the San Francisco Public Utilities Commission (SFPUC) and sewage from the site will eventually be discharged to SFPUC sewers. The City of San Francisco, under a 1995 Joint Exercise of Powers Agreement with the City of Brisbane agreed to receive sewage from Brisbane, up to a specific amount, until 2025. The DEIR should reference this agreement, summarize its terms and consider the cumulative effect on the agreement of proposed new development in Brisbane. 1
- The agreement, however, does not include the discharge of storm water to San Francisco sewers. As the SFPUC is unlikely to agree to accept storm water, the DEIR should provide additional assurances that storm water at this site will not be discharged to SFPUC sewers. 2
- The DEIR recognizes the SFPUC requires issuance of a waste discharge permit prior to receiving flows from the project. The DEIR should acknowledge the City of Brisbane, as the discharger to the SFPUC sewer, is responsible for obtaining this permit. 3
- The SFPUC has begun assessing a sewer capacity charge to new users of SFPUC sewers. The DEIR should acknowledge of this potential additional cost to the City of Brisbane. 4

- The DEIR (p. 221) correctly states the SFPUC operates a combined sewage and storm water sewer system within the City and County of San Francisco and that this system operates under a permit from the Regional Water Quality Control Board. In the interest of minimizing the possibility of wet weather system overflows, the SFPUC may wish to limit Brisbane's proposed discharge to periods of dry weather only. The DEIR should analyze Brisbane's ability to hold sewage during periods of wet weather. 5
- The DEIR should include expanded detail concerning the growth inducing aspects of the several new projects proposed in undeveloped areas of Brisbane, particularly related to the amounts of sewage they will add to the SFPUC sewage system. The comments should reference the SFPUC's sewer system master plan project. 6

Thank you for the opportunity to comment on this project, should you have additional questions, please call me at 415-551-4529.

Sincerely yours,

Robert B. Hickman

cc. Anna Roche, Bill Keaney, Steve Medbery, Tommy Lee

LETTER A2
San Francisco Public Utilities Commission
Robert B. Hickman
December 28, 2006

Response A2-1: The comment recommends that the Draft EIR summarize and discuss the cumulative impact on the 1995 Joint Exercise of Powers Agreement between the City and County of San Francisco, the City of Brisbane, and the Guadalupe Valley Municipal Improvement District (GVMID), which governs the discharge of waste to the San Francisco Public Utilities Commission (SFPUC) sewers. Per the cumulative development analysis contained in the Draft EIR on pages 271 to 277, construction of the Sierra Point Biotech project and other proposed new development in Brisbane will not exceed the discharge limit (i.e., peak wet weather wastewater discharge of 6.7 million gallons per day) identified in paragraph 10 of the Joint Exercise of Powers Agreement.

In response to this comment, the following text will be added to page 221 of the Draft EIR.

> A 5-Year Wastewater Capital Improvement Program approved in 2005 by the SFPUC includes plans to upgrade aging infrastructure at the facility to reduce odors. The SFPUC is currently in the process of updating the Sewer Master Plan, which will include additional measures to upgrade facilities at the Southeast Treatment plant to reduce odors and CSO releases.
>
> The 1995 Joint Exercise of Powers Agreement between the City and County of San Francisco, the City of Brisbane, and the Guadalupe Valley Municipal Improvement District (GVMID) establishes the terms of wastewater treatment and disposal service provided to Brisbane by the City and County of San Francisco. The agreement limits wastewater discharge from Brisbane/GVMID to 6.7 million gallons per day, with an exception for a temporary revocable permit in emergency circumstances.
>
> The agreement establishes rates charged for disposal and treatment of wastewater; requires Brisbane/GVMID to install and maintain metering equipment and facilities; allows for monitoring and inspection by the San Francisco Public Works Director; and requires consistency with and enforcement of San Francisco standards and regulations pertaining to waste discharge. The agreement requires Brisbane/GVMID to provide information regarding updated facilities and new non-residential dischargers, including EPA Categorical Dischargers within a specified timeframe. The agreement also establishes requirements for Brisbane/ GVMID to prepare and update the Revenue Program in compliance with applicable federal and state laws.

> The City has planned for wastewater treatment and discharge associated with the development of Sierra Point as approved under the Master Plan. Therefore, discharge associated with the proposed project would be within the amount of wastewater anticipated by the Master Plan and the cumulative effect on the agreement would not be significant.

Response A2-2: The City of Brisbane is aware that the Agreement does not include the discharge of storm water, and the City of Brisbane does not operate a combined sewer and storm drainage system. In Section IV.K, Utilities and Infrastructure, the Draft EIR contains a description the separate wastewater system and storm drainage systems operated by the City and an evaluation of the separate systems proposed as part of the project.

Additionally, page 228 of the Draft EIR is revised and supplemented as follows:

> **(2) Storm Drainage.** Implementation of the proposed project would increase the impervious surface coverage on the site from close to zero percent to approximately 40 percent. Considering the entire 22.8-acre site, the peak 10-year discharge could increase from 16 cubic feet per second to 26 cubic feet per second. This rate should be well within the combined capacity of the four existing 24-inch diameter outfalls serving the project site.[1] Implementation of the proposed project would alter the existing drainage patterns on the site by directing additional runoff into existing outfalls, which could result in increased discharges from the site. However, the proposed project would discharge directly into San Francisco Bay and would not exceed the capacity of the City's storm drain system.
>
> The use of heavy-gauge, high-density polyethylene pipe (HDPE) for the sewer system, instead of vitrified clay pipe material typical for sewer systems, is required for all development at Sierra Point to protect the landfill's clay cap and to address settlement issues. With the use of HDPE materials the amount of inflow and infiltration to the sewer system during wet weather months would be negligible.[2]

Response A2-3: Under the conditions of the 1995 Joint Exercise of Powers Agreement, the City of Brisbane and GVMID are existing users. Per paragraph 12 of the Agreement, the SFPUC Director shall be responsible for the monitoring and inspection of facilities related to industrial waste discharges of the City's customers. Per paragraphs 14 and 15, the City of Brisbane is required to provide to the SFPUC a list of the addresses and types of occupancy of all non-residential dischargers, and notification of the name and address of any EPA Categorical Discharger, as defined by federal law, within ten days after the City of Brisbane has received notice of such discharger intending to utilize the sewage system. As noted on

[1] Harvey Oslick, 2006. RBF Consultants. Personal communications with LSA Associates, Inc. June 29.

[2] Randy Breault, 2007. City of Brisbane, Director of Public Works. Personal communications with LSA Associates. January 10.

page 228 of the Draft EIR, the SFPUC requires a waste discharge permit for all commercial and industrial sewer system users. Depending on the volume and content of the sewer to be discharged to the SFPUC Southeast Water Pollution Control Facility from the project site, the discharge permit will be formulated in accordance with the SFPUC Sewer Use Ordinance and the Significant Industrial User (SUI) or a Categorical Industrial User (CIU) designation. The commercial and industrial discharger, not the City of Brisbane, would be responsible for obtaining any necessary permits from the SFPUC.

Response A2-4: The City and GVMID are existing users under the 1995 Agreement and will continue to pay the fees that are due per the Agreement. See also Response to Comment A2-3.

Response A2-5: The comment regarding the SFPUC's interest in minimizing the possibility of wet weather system overflows is noted. As noted previously, the City and GVMID are existing users under the 1995 Agreement and will continue to operate within the discharge limit identified in the Agreement until and unless the Agreement is mutually amended. See also Responses to Comments A2-1 and A2-2.

Response A2-6: The growth-inducing aspects of the project are discussed on page 270 of the Draft EIR. As noted in Response to Comment A2-1, an analysis of the effects of cumulative development is provided in the Draft EIR on pages 271 to 277. As noted in the Draft EIR, The City has adequate additional capacity for sewage discharge under the terms of the 1995 Agreement to serve the Sierra Point Biotech project and other proposed new development in Brisbane. The SFPUC's sewer system master plan project is referenced in the Draft EIR on page 221.

C. INDIVIDUALS

Letter
C1

RECEIVED
JAN 0 2 2007
Comm. Dev. Dept. Brisbane

Jonathan M. Bergschneider
Senior Vice President – Development

Slough Estates USA Inc.
400 Oyster Point Boulevard, Suite 409
South San Francisco, California 94080

Tel. +1 650 875.1002
Fax. +1 650 875.1003

www.sloughestates.com

VIA HAND DELIVERY

January 2, 2007

Mr. Jon Swiecki
Principal Planner
CITY OF BRISBANE
PLANNING DIVISION
50 Park Place
Brisbane, CA 94005

RE: FORMAL COMMENTS TO THE PUBLIC REVIEW DRAFT EIR
SIERRA POINT BIOTECH PROJECT -- BRISBANE, CALIFORNIA

Mr. Swiecki:

On behalf of the applicant, Slough Estates USA Inc., please find below formal comments to the Draft Environmental Impact Report (EIR) for the Sierra Point Biotech Project. Please note that "General Comments" pertain to multiple mitigation measures and should be addressed in the Final EIR consistent with all other comments, in terms of questions and requests for information.

TRANS-1 The Second Amendment to the Agreement Concerning Project Approval Documents for Sierra Point between the City of Brisbane and Sierra Point Associates Two, dated November 17, 2003, identified this traffic improvement and established a traffic count threshold that would trigger the need for this improvement. The EIR document identifies the same traffic improvements as mitigation, but uses a lower traffic count threshold to trigger the need for the mitigation. Please confirm the action item from our meeting with LSA and City staff on December 7, 2006 that the mitigation threshold in this development agreement will be modified via an amended agreement (or other instrument) to be consistent with the EIR recommendations. 1

TRANS-1- 6 It is our understanding that these measures will be fulfilled by Opus as part of their Development Agreement and that the improvement plans previously submitted by Opus and approved by the City generally conform to these mitigation measures. The referenced plans were developed by BKF and are dated 4/4/02, 11/30/01, and 4/4/00. 2

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TRANS-7 The mitigation measure is ambiguous as to what is required of Slough. Specifically, the use of the words "up to two of the following mitigation measures..." is unclear. In a meeting with LSA and City staff on December 7, 2006, the City communicated that adjustment of the signal timing might not provide sufficient mitigation for the intersection Level of Service. As a result, we request detailed information on the protocol for determining when and how additional mitigation measures will be imposed. If additional lanes are required, we understand from the City that they own all land adjacent to the intersection (except in the northwest corner), and that Slough would not be responsible for acquisition of additional right-of-way. 3

TRANS-8 It is our understanding that TDM measures will be implemented by the Sierra Point Owners Association (SPOA). We assume that the list included in the EIR consists of examples that SPOA could implement. With regard to the sample list, we do not think it would be practical to staff a live person at the commute assistance center since there are no common areas for the park and its tenants. We suggest delegating this responsibility to administrative personnel at each company/tenant. Additionally, we cannot implement an alternate hours workweek program since we cannot control this operational feature for our tenants. 4

AIR-1 It is unclear if watering the site and sweeping streets are activities required for non-working days (i.e. weekends). In addition, we are seeking clarification on the characterization of "sustained wind" with regards to suspending excavation and grading when the wind exceeds 25 mph for a "sustained" period. It is our experience that this sustained wind speed could be achieved quite frequently and would impose schedule delays to the project. If all of the measures outlined in the grading permit and in this Air-1 Mitigation Measure are implemented (watering site, limiting traffic speeds, etc.), given current industry best management practices, we do not think this condition would provide additional protection to adjacent properties and would not be necessary. 5

NOISE-2 We request clarification that bullet 1, "General construction activities" include pile-driving. 6

GEO-3 Inspection and repair of the perimeter dike, or berm, is the responsibility of the Sierra Point Environmental Management Association (SPEMA). See Section 3.2.7 of the SPEMA CC&Rs, enclosed here. 7

GEO-4 Updates to the Post-Earthquake Inspection and Corrective Action Plan are the responsibility of the Sierra Point Environmental Management Association (SPEMA). See Section 3.2.9 of the SPEMA CC&Rs, enclosed here. 8

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UTL-2a, 2b In the first paragraph on page 232, the EIR states that the implementation of this mitigation measure "will ensure fire flow levels are adequate to meet fire flow requirements for surrounding areas and for the proposed project." Since this mitigation measure will benefit all of the existing development on Sierra Point and potentially a larger area within the pressure zone and seems to be a pre-existing condition, the mitigation should require a fair share payment rather than burdening Slough's development with the entire mitigation measure cost. 9

In the meeting with LSA and City staff on December 7, 2006, the City indicated that it has a good working relationship with California Water Service Company and that the City Engineer would negotiate the agreement between the agencies. Again, the costs of negotiating and preparing this agreement should be spread over all of the properties benefiting from this improvement. 10

UTL-2c In the meeting with LSA and City staff on December 7, 2006, Slough's design team made a request for information regarding which properties will contribute a fair share payment toward construction of the future water storage facility and the methodology to be used to calculate fair share payment. This information was requested in order to understand the costs associated with this mitigation. The City agreed at this meeting to provide this information although nothing has been received to date. We request this information again for the reasons stated above. 11

UTL-3 As you are aware, biotech development has significant water consumption rates that are spread out over a longer daily usage period than the typical office development. Given this fact, we request the City consider approving a combined domestic and fire water supply system based on evidence provided by Slough showing that stagnant water would not be a problem. 12

UTL-4, 5 & 6 – General Comment

The City's Sewer Master Plan (July, 2003) identified the issue of inflow and infiltration (I & I) in the existing sewer system during the wet weather months. I & I increases the flows in the sewer system from rain and groundwater, reducing the system capacity for normal sewer discharges. I & I issues are typical in older sewer systems where cracked pipes, root intrusion and separation of the pipe-joints are common problems. These problems are in part, due to the vitrified clay pipe material commonly used for sewer pipes that is susceptible to cracking. 13

To address I & I, the Sewer Master Plan uses a peaking factor of 5 for sizing sewer systems to account for I & I. This peaking factor has been used for the evaluation of

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the impacts on the existing sewer system resulting from Slough's proposed project. However, the Development Standards for the Sierra Point area (including the subject project) require the use of a heavy-gauge, high-density polyethylene pipe (HDPE) for the sewer systems throughout Sierra Point due to concerns regarding potential settlement, and to protect the clay cap. HDPE pipes are fused (welded together by heat) to eliminate separation and leakage. In conformance with the Sierra Point Development Standards, HDPE sewer pipe will be used for all sewer pipelines on the subject project. As a result, Wilsey Ham believes that I&I should be negligible in the proposed and existing sewer lines in Sierra Point and a lower peaking factor should be used (a factor of 3 is common) for the evaluation of impacts to the sewer system as a result of the proposed project. 13 cont.

If the peaking factor used to analyze the sewer system impact is lowered due to negligible I&I, the impacts to the existing sewer system may be significantly reduced. Subsequently, we request copies for review of the EIR consultant's hydraulics calculations that were developed for the impact analysis.

UTL-4 The EIR document provides several conflicting values for the capacity of the Sierra Point pump station. In the meeting with LSA and City staff on December 7, 2006, LSA confirmed that the existing firm capacity of the Sierra Point pump station is 0.46 million gallons per day (mgd).

According to the City's Sewer Master Plan (July, 2003), Table 5-2 shows that the pump station has a firm capacity of 600 gpm (= 0.864mgd) and further indicates that it will be upgraded to 800 gpm (1.152 mgd). There is a significant discrepancy between the actual capacity verified by LSA and the stated capacity in the City's Sewer Master Plan. If the actual pump station capacity is consistent with the Sewer Master Plan (0.864 mgd upgraded to 1.152 mgd), then the future total peak demand of 0.738 mgd (0.246 mgd average per the EIR, using a peaking factor of 3) inclusive of the Project's contribution, would not overburden the system. 14

The language in the impact statement states, "...the project could exceed the capacity...", however the language in the mitigation measure is definitive, "...the applicant shall pay for...". In order to better understand how the project will impact the existing pump station, we will need to review information for the pump station that addresses the following questions: 15

- What peak flow was the pump station designed to accommodate and how was it calculated?
- What is the existing peak flow to the pump station and how was it determined?
- What future developments are designed to drain to the pump station and how were the sewer flow rates calculated?

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international

This information was initially requested of the City on December 7, 2006, and it has not been received to date. 15 cont.

Further, Slough should be responsible for only those pump station upgrades necessary for the required increase in capacity due to the change in use from the previously entitled office park project to the currently proposed biotech project, and not for the improvements that are necessary to provide adequate capacity for the existing and entitled buildings at Sierra Point. 16

UTL-5 The language in the impact statement states, "...the project could exceed the capacity...", however the language in the mitigation measure is definitive, "...the applicant shall fund the replacement...". In order to verify the project's impact on the 10" gravity sewer line, we request copies of the EIR consultant's hydraulics calculations that were developed for the impact analysis, which should address the following questions:

- What is the existing flow in the 10" gravity main and how was it determined?
- What is the maximum capacity of the 10" gravity pipe based on the City's maximum allowable flow depth of 50%?

17

In addition, the mitigation measure should clearly define the extent of the required improvements.

This information was requested on December 7, 2006, and it has not been received to date.

UTL-6 The language in the impact statement states, "...the project could exceed the capacity...", however the language in the mitigation measure is definitive, "...the applicant shall pay a fair share of the costs...".

The City's Sewer Master Plan describes this line as a combination gravity and pressure system. If this pipe operates under pressure, it is already over capacity for a gravity system per the City's maximum flow depth requirement of two-thirds full for pipes over 10" in diameter. This means that the mitigation measure is addressing a pre-existing condition. Conversely, the Sewer Master Plan recommends replacing this 16" sewer main with a smaller 15" pipe, which would have less capacity than the existing (depending on the smoothness of the pipe). The EIR states that the subject project in particular could exceed the capacity of this line, which appears to be inconsistent with the information supplied in the City's Sewer Master Plan. 18

In order to understand the project's impact on the 16"sewer main, we request copies of the EIR consultant's hydraulics calculations that were developed for the impact analysis, which should address the following questions:

Letter
C1
cont.

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- What is the existing flow in the 16" sewer and how was it determined?
- How was capacity of the main determined?
- What is the maximum flow capacity of this pipe based on the City's maximum allowable flow depth of 66%?
- What future developments will contribute to the 16" sewer?
- How were the flow rates for these future developments calculated?

18 cont.

This information was requested on December 7, 2006, and it has not been received to date.

In addition, the mitigation measure should clearly define the extent of the required improvements and the methodology that will be used for determining fair share.

UTL-2a, UTL-4, UTL-5: GENERAL COMMENTS:

If the City agrees that Slough's cost toward the implementation of these measures should be based on its fair share contribution to the impact, how will Slough receive reimbursement from developments with contributing impacts? 19 What is the City's expectation on timing for these improvements, with respect to building permits or occupancy? 20

Please let me know if you need any clarification on these comments. Thank you.

Sincerely,

SLOUGH ESTATES USA INC.

Jonathan M. Bergschneider

CC: Judy Malamut, LSA
Tom Gilman, DES
Jeff Peterson, Wilsey Ham
Jeff Marcowitz, PMA
Randy Ackerman, Opus

the obligation to perform irrigation on its Parcel in accordance with the Irrigation Guidelines and the Association shall, on a regular basis, monitor the irrigation on the Parcels to ensure an Owner's compliance with the Irrigation Guidelines. If monitoring indicates that irrigation conducted on a Parcel poses a reasonable threat of irrigation water ponding on or penetrating into the landfill or is otherwise in violation of the Irrigation Guidelines or the RWQCB Order, then the Association shall have the right to require the Owner of the Parcel to alter its irrigation to prevent the threat of irrigation water, ponding or penetration into the landfill and to conform to the Irrigation Guidelines.

3.2.7 Inspection and Repair of the Berm. The Association shall inspect, on a regular basis, the Berm surrounding the portions of Sierra Point subject to this Declaration to ensure that the structural integrity of the Berm is being maintained, so as to prevent any penetration or break in the Berm to prevent leachate or any other Hazardous Materials in violation of Governmental Requirements from penetrating through the Berm onto any portion of Sierra Point or into the San Francisco Bay in violation of the RWQCB Order. In the event the Association determines that the structural integrity of the Berm is not being maintained, the Association shall take such actions as may be necessary to require the Sierra Point Association under the Sierra Point CC&Rs to repair the Berm and cooperate with the Sierra Point Association in making any claims for reimbursement under the berm insurance, if any, maintained by the Sierra Point Association under the Sierra Point CC&Rs. If the Sierra Point Association fails to take the actions deemed necessary by the Board to repair the Berm, the Association shall repair the portions of the Berm subject to the Declaration, and, to the extent the Association has the legal right of entry, any other portions of the Berm and in such case the Association shall seek reimbursement for any costs incurred by the Association in performing such repair from the responsible party and/or the Sierra Point Association. In the event the breakage or penetration was due to the acts or omissions of any Owner or Occupant of such Owner hereunder, the Association shall have the right to levy an Enforcement Assessment (as defined in Section 6.4 below) against such Owner for the costs of such repair.

3.2.8 Monitoring Facilities. The Association shall install, maintain, repair, and/or remove the Monitoring Facilities. Subject to the provisions of Section 4.1.2, such Monitoring Facilities may be installed by the Association on any of the Parcels in areas deemed reasonably necessary by the Association to comply with the RWQCB Order. The Association, in placing such Monitoring Facilities on a Parcel, shall use its commercially reasonable efforts to avoid interference with the operation or use of a Parcel by an Owner; provided, however, if the RWQCB requires placement in a specific area the Association shall comply with any such requirements. The Association shall collect samples, and retrieve any data from any Monitoring Facilities maintained by the Association, and prepare and submit any reports as may be required by the RWQCB Order. Each Owner shall cooperate with the Association in performing its obligations hereunder.

3.2.9 Earthquake Plan. The Association shall update, on a regular basis as may be required by the RWQCB, the earthquake monitoring and inspection plan covering the Cap (as defined in Section 3.3.3 below) on the Parcels, the Berm surrounding portions of Sierra Point and the Monitoring Facilities ("Earthquake Plan") and shall comply with all requirements of the

Earthquake Plan as it relates to the Property including, without limitation, implementing and updating, as may be necessary the contingency plan as required under the Earthquake Plan ("Contingency Plan") in the event of an earthquake and monitoring compliance by the Owners with the Earthquake Plan and Contingency Plan.

3.2.10 Environmental Insurance. The Association shall maintain, in full force and effect, the Environmental Insurance and shall not take any actions which will diminish or impair such Environmental Insurance or cancel the Environmental Insurance without the consent of one hundred percent (100%) of the Voting Power. At least nine (9) months prior to the expiration of the initial term under the Environmental Insurance, the Association shall evaluate the types, costs and coverage of policies of environmental insurance then available in the marketplace and the history of the claims made on the insurer and awards granted by the insurer issuing the Environmental Insurance Policy and make a recommendation to the Owners as to whether the Association should renew the policy of Environmental Insurance or obtain a new policy of environmental insurance, provided that any new policy of environmental insurance shall provide coverage at least equivalent to or better than the coverage provided under the existing policy of Environmental Insurance. If the Board recommends that a new policy of environmental insurance be obtained, the Board shall obtain the prior approval of a Super Majority of the Voting Power and of the Declarant. If the Board does not recommend to the Owners that a substitute policy of environmental insurance be obtained or the Board fails to obtain approval of a Super Majority of the Voting Power to obtain a substitute policy prior to the expiration of the initial term under the Environmental Insurance then in effect, the Association shall renew the existing Environmental Insurance unless the vote of ninety-five percent (95%) of the Voting Power and the Declarant, so long as Declarant's Rights are in effect, elect not to renew such Environmental Insurance. The Board shall, as of the date which is five (5) years prior to the expiration of the initial term of the Environmental Insurance ("Insurance Reserve Commencement Date") levy, as a component of the Common Expenses, reserves amortized over such five (5) year period, to fund the costs for the renewal of the Environmental Insurance. To the extent that, after the Insurance Reserve Commencement Date, additional property is annexed to the Declaration, the Owner of such annexed Parcel, shall be required to pay, as a condition to annexation, its prorata share of the amount of the reserves for the renewal of the Environmental Insurance attributable to the period between the Insurance Reserve Commencement Date and the annexation, with interest thereon in the amount which would have accrued if such payments had been made commencing on the Insurance Reserve Commencement Date. Any reserve amounts collected from an Owner whose Parcel is annexed after the Insurance Reserve Commencement Date shall, at the election of the Association, be used to offset Common Expenses otherwise payable by those Owners who have made payments to fund such reserves, or be distributed to the Owners based on the Owner's Allocable Share of their reserve contributions.

3.2.11 Other Insurance. The Association shall maintain and charge the Owners as a Common Expense for the insurance required to be maintained under Article 7 of this Declaration.

LETTER C1
Slough Estates USA Inc.
Jonathan M. Bergschneider
January 2, 2007

Response C1-1: The comment is noted regarding the need to modify and amend the Second Amendment to the Agreement Concerning Project Approval Documents for Sierra Point between the City and Sierra Point Associates Two, and the City's participation in the amendment of that agreement. It should also be noted that this comment concerns administrative issues and project approval documents and does not address the adequacy of the information or analysis contained within the Draft EIR; no further response is required.

Response C1-2: The comment regarding the measures contained in impacts and mitigation measures TRANS-1 through TRANS-6 in the Draft EIR, and Slough Estates International's understanding regarding Opus' fulfillment of the Development Agreement measures is noted. The adequacy of the previously approved plans will be verified through plan review during project implementation.

Response C1-3: Mitigation Measure TRANS-7 states that the project applicant shall implement up to two of three identified measures per the requirements of the City Engineer. In Mitigation Measure TRANS-7, the City appropriately commits to and lists the alternatives to be considered, analyzed, and possibly incorporated in the mitigation plan. The project applicant may propose to implement the appropriate mitigation(s) supported by sufficient information to demonstrate the reduction of the impact to the Bayshore Boulevard and Old County Road intersection to a less than significant level (operation at LOS C). The City Engineer will review and consider the proposed mitigation measure(s) in regards to efficacy and safety prior to final approval.

Response C1-4: On page 107, the Draft EIR states that implementation of the project would contribute to a significant cumulative level of service impact on three freeway segments (TRANS-8). Mitigation Measure TRANS-8 requires that the project applicant ensure that San Mateo County Congestion Management Program (CMP) Travel Demand Management (TDM) measures are implemented by the applicant or future tenants to reduce project impacts to the freeway segments. The applicant is also required to prepare and provide the City with a Traffic Reduction Plan that identifies specific TDM measures (and their timing) to be implemented per the approval of the City Engineer. A list of *suggested* CMP TDM measures are provided that could be included in the Plan. In the required Traffic Reduction Plan, the project applicant can identify which TDM measures would be implemented by the future tenants and which by the Sierra Point Owners Association (SPOA) and the mechanism for their agreement to do so.

Response C1-5: Mitigation Measure AIR-1 states that all *active* construction sites must be watered twice a day. Therefore, if construction activities are taking place on the

site, whether that be on a weekday or a weekend, watering and street sweeping are required. Mitigation Measure AIR-1 includes control measures recommended by the Bay Area Air Quality Management District for construction sites that are large in area or are located near sensitive receptors. As stated in the Draft EIR, construction dust would adversely affect boat sails and would be a nuisance at the Brisbane Marina downwind of the site construction. The mitigation measure is designed to mitigate the effects of downwind construction dust. The comment regarding whether the condition to suspend excavation and grading activity when sustained wind speeds exceed 25 mph would provide additional protection is noted.

To clarify the definition of "sustained wind," the last bullet point of the dozen controls listed in Mitigation Measure AIR-1 on pages 127-128 will be revised as follows:

- Suspend excavation and grading activity when sustained wind speeds exceed 25 mph. <u>Sustained wind speed shall be determined by averaging observed values over a two-minute period. Wind monitoring by the construction manager shall be required at all times during excavation and grading activities.</u>

Response C1-6: All construction activities, including pile driving, will be required to comply with the noise reducing measures outlined in Mitigation Measure NOISE-2.

Response C1-7: The comment is noted regarding inspection and repair of the perimeter dike, or berm, being the responsibility of the Sierra Point Environmental Management Association (SPEMA) per Section 3.2.7 of the SPEMA CC&Rs.

Response C1-8: The comment is noted regarding updates to the Post-Earthquake Inspection and Corrective Action Plan being the responsibility of SPEMA per Section 3.2.9 of the SPEMA CC&Rs.

Response C1-9: As stated on page 232 of the Draft EIR, the City recognizes that insufficient fire flow levels have existed at Sierra Point in the past; however, the purpose of the EIR is to identify and mitigate impacts relative to the proposed project. As stated in Impact UTL-2, the existing water storage capacity would be inadequate to meet fire flow requirements for the project site. The proposed mitigation would correct the impact and would benefit existing development on Sierra Point. There is currently no legal mechanism to make existing development retroactively pay its fair share of the cost of constructing this improvement. However, the applicant can submit a proposal for the City's review for a reimbursement agreement that would require new or future development to contribute its fair share to the improvements identified in Mitigation Measure UTL-2a and UTL-2b. This comment does not address the adequacy of the information or analysis contained within the Draft EIR and relates to an implementation issue; no further response is required.

Response C1-10: This comment does not address the adequacy of the information or analysis contained within the Draft EIR and relates to an implementation issue. As noted in the comment, the City does have a good working relationship with California Water Service Company (CalWater) and the City Engineer has agreed to be a party to and to assist the project applicant in facilitating the agreement required in Mitigation Measure UTL-2b. As noted in Response to Comment C1-9, there is currently no legal mechanism to make existing development retroactively pay its fair share of negotiating and preparing the agreement and supporting documentation. However, the applicant can submit a proposal for the City's review regarding a reimbursement agreement for future development to contribute its fair share.

Response C1-11: This comment does not address the adequacy of the information or analysis contained within the Draft EIR and relates to a request for more information made by the project applicant regarding implementation.

Response C1-12: In response to this comment page 233 of the Draft EIR, a new concluding paragraph is added to Mitigation Measure UTL-3, as follows:

> Mitigation Measure UTL-3: The proposed project shall include a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations in accordance with Public Works Department and Fire Authority specifications. Each fire supply loop connection to the street main shall include a double detector check valve. A fire loop system separated from the potable water system will allow for smaller water mains to serve the peak daily demand for the project, thereby allowing for quicker water turnover in the potable water system. Separate potable and fire supply systems will also allow for maintenance on either looped system without affecting the other.
>
> As an alternative, the applicant could submit a proposal for a dual-use fire/water loop but, as part of such a submittal, must provide sufficient evidence (e.g., hydraulic calculations) to the satisfaction of the City Engineer, that the water would not stagnate in such a dual-use system and that the impact would be mitigated to a less-than-significant level. (LTS)

Response C1-13: As noted in the comment, the applicant is required to use HDPE piping to address potential settlement issues and protect the clay cap during construction of the project. Use of HDPE piping will result in a reduction of infiltration and inflow (I/I) to the sewer system. In response to this comment, the City requested that Brown and Caldwell (BC) reduce the peaking factor (peak to average flow ratio) from 5 to 3 and re-evaluate the peak flow from the proposed project. The results of this analysis are included in Appendix G. This analysis supersedes the analysis pertaining to this issue contained in the letter report from Thomas Birmingham of Brown and Caldwell dated August 25, 2006 and included in Appendix G of the Technical Appendices to the Draft EIR.

Per the Brisbane Sewer Master Plan, May 2003, it was assumed that the required sewer flow from the Sierra Point Biotech Project will be approximately 90 percent of the water demand, which would result in an average sewer flow of approximately 0.112 million gallons per day (mgd) for the Sierra Point Biotech project, or a peak flow of 0.336 mgd. As shown in Table C1-1, using a peaking factor of 3 would reduce the peak flow from the Sierra Point Biotech project from 0.560 mgd to 0.336 mgd.

Table C1-1: Estimated Sewer Flow for Sierra Point Area

Area	Unit	Average Sewer Flow (mgd)	Peak Sewer Flow (mgd)
Sierra Point Area from Water Master Plan[a]	102 acres	0.153	0.765
Sierra Point Biotech Project Area	12.6 acres	0.019	0.095
Total Use Less Sierra Point Biotech Project		0.134	0.670
Sierra Point Biotech Project	10,000 gpd/acre water	0.112	0.336
Total		0.246	1.010

[a] Consistent with the Sewer Master Plan, a peaking factor of 5 was applied for flows from the remaining portion of Sierra Point.

Source: Brown and Caldwell, 2007

Changing the peaking factor from 5 to 3 for the Sierra Point Biotech project would not reduce the significant impacts to the sewer system that are related to the project and stated in Impacts UTL-4 and UTL-5. However by using a peaking factor of 3 to assess flows from the project, it was determined that the 16-inch diameter line in Bayshore Boulevard can adequately handle the additional flows from the project and does not need to be upgraded. Therefore, Impact UTL-6 is no longer applicable.

Page 227 of the Draft EIR is revised as follows:

> **(1) Wastewater Treatment.** The City of Brisbane has a contract with the SFPUC for treatment of <u>6.7 mgd peak wet weather</u> discharge ~~6.0 mgd total daily dry weather sewage flow~~.[3] Base sanitary sewer flow for existing conditions in the 2003 Sewer Master Plan was projected to be 0.334 mgd for the City's service area.[4] Base sanitary sewer flow levels for build-out conditions outlined in the General Plan for 2020 are projected to increase to <u>0.537</u> ~~0.454~~ mgd, with the majority of future flow increases expected to come from new office districts and planned developments.[5] Average sewer flow from the proposed project would be approximately

[3] City of Brisbane, 2002. *1999-2006 Housing Element.* Adopted October 15.

[4] City of Brisbane, 2003. *Sewer Master Plan.* Prepared by Brown and Caldwell, May.

[5] Ibid.

0.112 mgd and, with a peaking factor of ~~5~~ 3 to 1, the project could have peak flows levels of up to ~~0.560~~ 0.336 mgd.[6]

Brisbane's sewage is conveyed to the Southeast Water Pollution Control Facility, which has a total design capacity of 85 mgd.[7] The Southeast Water Pollution Control Facility currently has an average daily dry weather flow of 67 mgd,[8] with a remaining average daily dry weather treatment capacity of approximately 18 mgd. Additional base flows of 0.112 mgd and peak flows of up to ~~0.56~~ 0.336 mgd generated by the proposed project would be less than one percent of the remaining dry weather treatment capacity of 18 mgd and are less than ~~would therefore be within~~ the Southeast Water Pollution Control Facility's remaining treatment capacity and within the prescribed flow limits identified in the City's agreement with SFPUC. ~~projected flow levels for build-out under the General Plan.~~

Pages 233 and 234 of the Draft EIR are revised are follows:

(3) Wastewater Conveyance. The existing 10-inch sewer lines in the vicinity of the project site beneath Shoreline Court and Sierra Point Parkway would provide sanitary service for the proposed project. In accordance with the 2003 City of Brisbane Sewer Master Plan, the projected sewer flow from the proposed project would be approximately 90 percent of the water demand.[9] Based on a water demand of 0.124 million gallons per day for the proposed project, the projected average sewer flow from the project would be approximately 0.112 mgd with a peak flow of up to ~~0.56~~ 0.336 mgd.[10] Estimated average flows for other areas of Sierra Point are 0.134 mgd, and combined with the proposed project, would result in an average flow of 0.246 mgd.[11] The firm capacity of the Sierra Point Lift Station ~~in~~ is currently about 0.46 mgd and would be adequate to handle the average flow of 0.246 mgd from all of Sierra Point, including the proposed project.[12] Other development on Sierra Point may produce peak sewage flows of about 0.67 mgd, and combined with the potential peak flow of ~~0.56~~ 0.336 mgd from the proposed project, could result in total peak flows of ~~1.23~~ 1.01 mgd to the Sierra Point Lift Station.[13] During peak flow conditions on

[6] Thomas Birmingham, ~~2006~~ 2007. Project Manager, Brown and Caldwell. Personal communications with LSA Associates, Inc. ~~August 25~~ April 2.

[7] Kerwin Chan, 2006. Superintendent of Bayside Operations, SFPUC. Personal communications with LSA Associates, Inc. July 11.

[8] San Francisco Public Utilities Commission, 2006. Southeast Treatment Plant Website: www.sfsewers.org/southeast_treatment.asp

[9] City of Brisbane, 2003. *Sewer Master Plan.* Prepared by Brown and Caldwell, May.

[10] Thomas Birmingham, ~~2006~~ 2007. op. cit.

[11] Ibid.

[12] Ibid.

[13] Ibid.

Sierra Point, the potential ~~1.23~~ 1.01 mgd flow levels ~~could~~ would exceed the 0.46 mgd capacity of the Sierra Point Lift Station.

Impact UTL-4: During peak flow conditions, wastewater flow from the project ~~could~~ would exceed the capacity of the Sierra Point Lift Station. (S)

Mitigation Measure UTL-4: The project applicant shall pay for the installation of larger pumps or a complete replacement of the Sierra Point Lift Station, as determined by the Public Works Department, to accommodate the increase in peak sewer flows from the project site. Additional required improvements to the lift station may include replacement of the electrical system and a larger standby generator. (LTS)

With a projected wastewater peak flow of ~~0.56~~ 0.336 mgd from the proposed project contributing to a combined peak flow of ~~1.23~~ 1.01 mgd in the existing downstream 10-inch diameter gravity line, the 10-inch line would flow at approximately ~~90~~ 70 percent full during peak flow periods.[14] The 2003 City of Brisbane Sewer Master Plan states that when the peak flow depth exceeds 50 percent of pipelines that are 10-inches in diameter or less, the 10-inch pipeline will need to be upgraded and replaced. The 12-inch diameter pipe directly downstream from the 10-inch line would flow at about ~~65~~ 55 percent of the capacity of the pipeline. During peak flow periods, the 12-inch diameter pipeline would comply with the 66 percent capacity limit established in the 2003 City of Brisbane Sewer Master Plan~~, but any increase above this level would require replacement~~.

Impact UTL-5: At peak sewer flow conditions, the project ~~could~~ would exceed the capacity of the downstream 10-inch gravity sewer line in Sierra Point Parkway. (S)

> Mitigation Measure UTL-5: The project applicant shall fund the replacement of the downstream 10-inch gravity line in Sierra Point Parkway with a pipeline capable of accommodating peak flow levels in accordance with the 2003 City of Brisbane Sewer Master Plan pipe capacity requirements. The Public Works Department shall ensure that the replacement pipe is adequately sized to comply with the 2003 City of Brisbane Sewer Master Plan requirements and meets all specifications. (LTS)

The 6-inch diameter force main leaving the Sierra Point Lift Station, with a capacity of ~~2.54~~ 1.53 mgd, is appropriately sized to accommodate the combined peak flow levels of ~~1.23~~ 1.01 mgd. The Valley Drive Lift Station has a firm capacity of 3.2 mgd. According to the Sewer Master Plan, the estimated future flows at the Valley Drive Lift Station are ~~2.3~~ 2.92 mgd, and

[14] Ibid.

would be adequate to accommodate the additional ~~0.465~~ 0.241 mgd[15] of peak flow levels not anticipated in the 2003 City of Brisbane Sewer Master Plan. The 8-and 12-inch diameter discharge force mains from the Valley Drive Lift Station to the Bayshore Boulevard gravity line ~~has a capacity of about 3.3 mgd, which would be~~ have adequate capacity to accommodate the combined peak flows of about ~~2.8~~ 2.92 mgd. The force main flows into a 16-inch diameter gravity main in Bayshore Boulevard. ~~The 2.8 2.92 mgd flows from the force main would result in the 16-inch diameter line flowing at 80 75 percent which is above the 66 percent threshold established in the 2003 City of Brisbane Sewer Master Plan.~~ The projected flows from the Valley Drive Lift Station will not exceed the capacity of the 16-inch diameter line.

~~Impact UTL-6: At peak sewer flow conditions, the project could would exceed the capacity of the 16-inch diameter gravity line in Bayshore Boulevard. (S)~~

~~Mitigation Measure UTL-6: The project applicant shall pay a fair share of the cost as determined by the Public Works Department to upgrade the existing downstream 16-inch gravity line in Bayshore Boulevard with a pipeline capable of accommodating peak flow levels in accordance with the 2003 City of Brisbane Sewer Master Plan pipe capacity requirements. The Public Works Department shall ensure that the replacement pipeline is adequately sized to comply with the 2003 City of Brisbane Sewer Master Plan requirements and meets all specifications. (LTS)~~

Response C1-14: As stated in the Draft EIR on page 233 and confirmed by City staff, the existing firm capacity of the Sierra Point pump station is 0.46 million gallons per day (mgd). This information has been confirmed through discussion with the City of Brisbane Engineer.

The Sierra Point Sewage Lift Station Pump Replacement Project Plans and Specifications, prepared by Associated Water Engineers, Inc. and dated September 2002, call for two 400-gpm pumps to replace the existing equipment at the pump station. Two pumps have been installed at the Sierra Point Lift Station and produce a firm capacity of 0.461 mgd based on actual field conditions. Future plans call for installation of a third, larger pump.

Response C1-15: As shown on Table 4-2 of the Sewer Master Plan dated July 2003, the existing average flow that was projected is 0.092 mgd. Using a peaking factor of 5 increases the flow to 0.460 mgd. When the Sewer Master Plan was completed, future average day flows from Sierra Point were projected to increase from 0.092 mgd to 0.153 mgd. Future development was expected to be similar to the office buildings currently at Sierra Point. As shown in Table C1-1 in Response to

[15] The Sewer Master Plan originally anticipated a total peak flow of 0.095 from the project site and the proposed project could result in unanticipated net peak flow of ~~0.465~~ 0.241 mgd. (~~0.560~~ 0.336 mgd – 0.095 = ~~0.465~~ 0.241 mgd net increase)

Comment C1-13, the rest of the Sierra Point area will produce a peak sewage flow of about 0.67 mgd, for a total of 1.01 mgd to the Sierra Point Lift Station. The firm capacity of the pump station (which assumes that the largest pump is out of service) is 0.46 mgd; therefore, the additional average future sewer flow of 0.246 mgd can be adequately handled by the pump station. However, at peak conditions, the 1.01 mgd flow would exceed the current capacities for the Sierra Point Lift Station. Therefore, the lift station requires renovations, such as a third pump, larger pumps, or a complete replacement of the lift station. Additional improvements might include re-work or replacement of the electrical system and a larger standby generator.

Response C1-16: The purpose of the EIR is to describe the proposed project, identify and disclose potential environmental impacts associated with the proposed project, and recommend mitigations to address those impacts. The applicant's request to amend the General Plan, Zoning Ordinance, Sierra Point Combined Site and Architectural Design Guidelines, and the Development Agreement to allow Research and Development as a permitted use within Sierra Point requires legislative action on the City's part and review of the proposed project under CEQA. The "previously entitled" development for the project site was evaluated in the Draft EIR in Chapter V. Alternatives, as the No Project Alternative. The City is under no obligation or requirement to identify and require mitigation for only those impacts related to the incremental difference between the previously proposed development and the current project under consideration.

As stated in Impact UTL-4, projected flows from the project (using a peaking factor of 3) in combination with other development on Sierra Point may produce peak sewage flows that could exceed the current firm capacity of the Sierra Point Lift Station. The proposed mitigation would correct the potential impact and would benefit existing and proposed development on Sierra Point. There is currently no legal mechanism to make existing development retroactively pay its fair share of the cost of constructing this improvement. However, the applicant can submit a proposal for the City's review for a reimbursement agreement that would require new or future development to contribute its fair share to the improvement identified in Mitigation Measure UTL-4.

Response C1-17: The average existing flow in the 10-inch diameter gravity main was identified in the Sewer Master Plan as 0.092 mgd, and it has a peak flow of 0.460 mgd.

As stated in the Sewer Master Plan, there is a 10-inch diameter gravity line downstream from the proposed project site. With a projected peak flow of 1.01 mgd, the 10-inch diameter sewer line will flow approximately 70 percent full. Section 5 of the Sewer Master Plan states that when the peak flow depth exceeds one-half full for pipelines 10-inches in diameter or less, options for increasing capacity include replacing the pipe, running a parallel line, and upsizing the existing line. A parallel 10-inch diameter line can be installed to handle additional future flows. The maximum capacity of the 10-inch diameter gravity pipe is 0.667 mgd based on a slope of 2 feet per hundred feet and a Manning n of

0.013. The 12-inch diameter pipe directly downstream from the 10-inch diameter pipeline will flow at about 55 percent. This flow rate is acceptable based on the Sewer Master Plan limit of 66 percent.

The 10-inch gravity sewer line would need to be upgraded from the point of ultimate connection at the project site to the downstream manhole where the 10-inch line transitions to the 12-inch line (generally at the intersection of Sierra Point Parkway and Shoreline Court).

The EIR authors' use of the word "could" in the Draft EIR was meant to imply that development of the project is in the future and may or may not occur. To clarify and in response to this comment page 234 of the Draft EIR is revised as follows:

> **Impact UTL-5: At peak sewer flow conditions, the project ~~could~~ would exceed the capacity of the downstream 10-inch gravity sewer line in Sierra Point Parkway. (S)**

Response C1-18: As described in Response C1-13, by using a peaking factor of 3 to assess flows from the project, it was determined that the 16-inch diameter line in Bayshore Boulevard can adequately handle the additional flows from the project and does not need to be upgraded. Therefore, Impact UTL-6 and Mitigation Measure UTL-6 are no longer applicable.

Response C1-19: This comment poses a question relating to project implementation and the costs associated with mitigation measures rather than the adequacy of the information contained in the Draft EIR. The purpose of the EIR is to identify feasible and practical mitigations in response to defined environmental impacts related to implementation of the proposed project. CEQA does not require a discussion of the funding or dollar amount associated with each mitigation, or how those dollars might be apportioned among future development. Attempting to identify these costs would represent a level of detail that goes beyond what is required to be included in an EIR. In many cases such as this one, the actual dollar amount or potential fair share of an improvement is unknowable at the time of the EIR certification as it is dependent on the future development that is ultimately proposed (size and use), the timing of future development, and the pool of potential "partners" who might participate in sharing the cost of the improvement.

In regards to UTL-2a, UTL-4 and UTL-5 and as discussed in the previous Responses to Comments C1-9, C1-10, C1-11, C1-13, and C1-16, the City does not necessarily agree that Slough's cost toward implementation of these measures should be based on its fair share contribution to the impact. The City suggests that the applicant submit a proposal for the City's review regarding a reimbursement agreement for future development to contribute its fair share to the recommended mitigations. A reimbursement agreement could be negotiated

with the City and other Sierra Point landowners as part of the project approval actions and the preparation of the revised Development Agreement.

Response C1-20: The City's expectation is that required physical improvements must be in place prior to occupancy of the buildings.

Letter
C2

STEEFEL, LEVITT & WEISS
A Professional Corporation

Author's Direct Dial: (415) 403-3345
E-Mail: satkinson@steefel.com

January 2, 2007

20065

HAND DELIVER AND EMAIL

John A. Swiecki, AICP
Principal Planner
City of Brisbane
Community Development Department
50 Park Place
Brisbane, CA 94005-1310

Re: **Sierra Point Biotech Project**
Comments on Draft EIR

Dear Mr. Swiecki:

We represent Diamond Investment Properties ("Diamond"), owners of the 10.2 acre property at 2000 Sierra Point Parkway, immediately north of the proposed Biotech Project ("Project") site, and we are filing these comments on behalf of Diamond.

I. Summary

CEQA requires that an EIR analyze a project's potential cumulative impacts in the context of other "reasonably foreseeable" projects. Both the Diamond project (alternatives for residential or office use) and Universal Paragon Corporation's partially residential project are "reasonably foreseeable" for the purposes of CEQA analysis and are required to be included in the cumulative impacts analysis. In addition, the DEIR also ignores the ongoing urban design planning effort for Sierra Point being prepared by Freedman, Tung and Bottomley. The failure to include all this information renders the DEIR's cumulative impacts analysis fatally deficient, including but not limited to the issues of transportation, population and employment (jobs-housing balance), public services and recreation, utilities and infrastructure, and land use and planning. The DEIR must be revised to incorporate this significant new information, and the addition of this significant new information requires that the DEIR be recirculated. Diamond supports the concept of the proposed biotech use, but believes that both CEQA, and the principles of comprehensive, thoughtful planning, require that the Biotech Project be evaluated in the context of the reasonably foreseeable development of residential or additional office uses at Sierra Point, and the emerging urban design policies for Sierra Point. In addition, Diamond believes that the EIR fails to thoroughly analyze how the Biotech Project relates to emerging design concepts for Sierra Point. 1

II. Background

As you know, the Diamond site currently is developed with a 12 story, 226,000 sf office building (the "Hitachi" building) and surface parking. In May 2006, Diamond submitted an application for a General Plan amendment to provide for a retail development on the southwest corner of the property and to develop the northern portion of the property with a parking structure and either approximately 477 residential units in two residential high rise towers or about 400,000 sf of office space in a single tower. In addition to the application for a General Plan amendment, Diamond also submitted an environmental review application using the City of Brisbane's standard form.

Diamond believes that the general low density of development, and lack of a vibrant mix of uses at Sierra Point, is preventing this area from becoming a desirable neighborhood and making the contribution it could to the City's economy, and recreation and open space. Diamond also believes that additional mixed use development, including retail, additional office and especially residential uses, would make a major contribution to the vitality and resultant desirability of the Sierra Point area.

Following up on its initial applications, over the past several months Diamond has been preparing a much more detailed application for design review for the residential option. The application, which is substantially consistent with the General Plan amendment application filed in May 2006, is being filed with the Community Development Department on January 2, 2007.

1 cont.

In addition to the proposed retail, residential or office development of the Diamond property, there are at least two other ongoing activities that may influence the development of Sierra Point:

- Universal Paragon Corporation ("UPC"), which has a general entitlement to build 700 hotel rooms on the eastern part of Sierra Point, is proposing to develop its site with a mixture of hotel rooms, residential and retail.
- As part of the proposed General Plan update, the City retained Freedman, Tung and Bottomley ("FTB") to analyze and update urban design policies of Sierra Point. The stated major objective of this effort includes strengthening the public realm and evaluating "how pending and future private development relates to the public realm and determining how this relationship might be strengthened to the benefit of both the public and the projects." On November 13, 2006 some of this work was presented at a joint City Council/Planning Commission meeting.

As explained further below, we believe each of these "projects" that are immediately adjacent to the Biotech Project site should have been addressed in the DEIR.

Because the DEIR failed to do so, we believe there is no alternative but for the DEIR to be revised and recirculated.

III. Comments Regarding Adequacy of the DEIR

A. Cumulative Impacts Discussion is Inadequate Because it Fails to Take Into Account Other Reasonably Foreseeable Projects

As noted in the Introduction, there are at least three pending projects that have the potential to impact the Sierra Point area, specifically the Diamond project, the proposed modification of the UPC project (changing an all-hotel project to a mixed-use project with substantial residential), and the on-going FTB urban design study. The DEIR ignores each of these foreseeable projects.

CEQA requires that an EIR evaluate potential environmental impacts that are individually limited, but cumulatively significant, when the impacts of the proposed project are combined with other projects. CEQA requires that the cumulative impacts analysis include "reasonably foreseeable" projects.

The DEIR attempts to explain the failure to consider residential development on Sierra Point on the basis that residential development is not currently permitted at Sierra Point under the General Plan, Zoning Ordinance and Sierra Point Design Guidelines, and that therefore residential development in Sierra Point is not reasonably foreseeable (see DEIR, pg. 275). We believe this conclusion is contrary to the purpose and intent of CEQA.

1 cont.

Contrary to the DEIR's assertion, the mere fact that residential development is not currently permitted at Sierra Point does not mean that residential development is not "reasonably foreseeable" for purposes of the cumulative impact analysis. There is no rule that holds that a project requiring a General Plan or Zoning amendment is not "reasonably foreseeable." Moreover, there are several reasons why the Diamond project (and the UPC project, and the FTB design study) should be considered. (Also, the DEIR has no explanation for the failure to consider additional office development on the Diamond property.)

First, the initial application for the Diamond project was filed in May 2006. One of the reasons that Diamond filed the application was to provide the City enough information about the Diamond project to make a cumulative analysis in the Biotech Project EIR meaningful. Moreover, although a further application is not necessary to make the Diamond project reasonably foreseeable, Diamond's submittal of a substantially more detailed design application for the residential option is further indication that the Diamond project is "reasonably foreseeable."

The proposed Biotech Project itself requires a General Plan amendment, Zoning amendment, and Design Guidelines amendment (since biotech is not currently a

permitted use at Sierra Point), and it is particularly unreasonable to determine that residential projects are not reasonably foreseeable just because they need the same types of approvals as the Biotech Project itself. In addition, while residential development is not currently permitted at Sierra Point, the issue of residential development has been under active discussion. Diamond has been discussing its project concept with City staff for several months prior to the May 2006 application. In summer 2006 UPC made a presentation to the City Council describing UPC's plans to convert its existing entitlement for a 700 room hotel into a project with 400 hotel rooms and 400 residential units. While there were a variety of comments by decision makers and the public about UPC's concept, there was nothing that indicated that the City Council was rejecting the concept of residential use at Sierra Point. Also, the design work being done by FTB recognizes the potential for residential uses at Sierra Point, including both the UPC and Diamond projects. For a project to be considered "reasonably foreseeable," it does not require that a project be already approved, or even permitted by the existing General Plan or Zoning. While residential use at Sierra Point would require General Plan and Zoning amendments, it is clear that the concept of residential use at Sierra Point is being given serious consideration.

In addition, the cumulative impacts analysis states that it is considering cumulative development through the year 2030, which is a period over 20 years into the future. It is unquestionable that the Bay Area has a persistent housing shortage. Moreover, the Bay Area is projected to be adding 2 million residents over the next few decades. There will be tremendous pressure to locate and develop infill residential sites in the Bay Area, especially sites like Sierra Point that are close to major employment centers such as San Francisco and the Peninsula. Therefore, while there is no assurance that residential development will take place at Sierra Point, given the current residential application and the tremendous and growing demand for residential units in the Bay Area, it is absurd to say that residential development at Sierra Point is not "reasonably foreseeable" for the purposes of CEQA's cumulative impacts requirements.

1 cont.

Moreover, there clearly was sufficient information available about both the Diamond project and UPC's hotel/residential project to allow these projects to be meaningfully considered in the DEIR. Diamond's May 2006 application was specific with respect to building locations and sizes, square footage of retail and residential or office, number and size of residential units, number and location of parking spaces, etc. Also, UPC's presentation to the City Council also provided enough information that could have allowed that project to be meaningfully included in the cumulative analysis. Given that the DEIR was not published until November, there was more than sufficient opportunity to include this information in the cumulative analysis.

While the residential projects (and Diamond's office alternative) should have been included in all the cumulative impacts analyses, there are several impact issues for which the inclusion of the potential residential or additional office uses at Sierra Point would have been

particularly useful: transportation, population (jobs-housing balance), public services and recreation, utilities and land use/urban design. Each of these is discussed below.

Transportation

Diamond believes that its proposed residential-retail project would have a variety of transportation characteristics that should have been considered in a cumulative analysis:

- In general, residential uses generate substantially fewer vehicle trips per square foot than office (or R&D) uses.
- Residential uses have different directional peaks. For example, while office or R&D uses have primarily "inbound" trips in the AM, and "outbound" trips in the PM peak, residential trips are generally outbound in the AM and inbound in the PM. Thus, residential uses could be added to Sierra Point without having an enormous impact on existing peak directions.
- With the inclusion of residential uses in Sierra Point, it is possible that some of the people who work in Sierra Point would choose to live there, meaning that they would not need to commute to and from the site during the peak hours.

Of course, additional office uses would also have impacts on transportation. Taking all these potential effects into account, it is difficult to know exactly how the inclusion of the Diamond project and/or the UPC project would have affected the cumulative transportation analysis.

The Transportation section of the DEIR states that the 2030 cumulative intersection operating conditions without the Biotech Project were based on ABAG growth projections for Brisbane and other nearby jurisdictions. While it is unclear exactly what Brisbane growth was included in the projections, it is apparent that it did not accurately reflect the potential residential growth that would result from the Diamond project, and such projections also apparently would not have considered the reduction of 300 hotel rooms and addition of 400 residential units with the UPC project. The DEIR states that four study intersections would operate at an unacceptable LOS under cumulative conditions (see DEIR p. 103), while four others would operate at unacceptable LOS, but the Biotech Project would not add significant delay. Mitigations were identified that would reduce the impacts to less than significant at those intersections, while two other intersections would not be mitigated to insignificance. Inclusion of the Diamond project and possibly the UPC project would have had some effect on these results and the failure to include such information on a topic where the DEIR found there to be significant and in some cases unmitigable impacts is contrary to the principles of CEQA.

1 cont.

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cont.

STEEFEL, LEVITT & WEISS

Population and Housing

The DEIR reports that the City of Brisbane currently has a substantial jobs-housing imbalance, with a "noticeably high" ratio of 3.41 jobs to employed residents in 2000, and that ABAG projects that this ratio will worsen to 4.37 in 2010 and to an extreme ratio of 6.1 by 2030, with 20,420 jobs but only 3,350 employed residents anticipated at that time. Furthermore, the DEIR states that the Biotech Project would be part of the job growth that would contribute to this worsening of the jobs-housing imbalance. Although the DEIR states that San Mateo County as a whole has a relatively balanced jobs-housing ratio, it does not provide any information about the jobs-housing ratio for nearby San Francisco, and therefore presents an incomplete picture of the jobs-housing impacts for the Project vicinity.

The DEIR concludes that the Biotech Project's impact on the jobs-housing balance is not a significant impact. However, as the DEIR states elsewhere, that the Biotech Project will have substantial impacts, some immitigable, on several intersections and highway segments. The City's existing high degree of jobs-housing imbalance, which the Biotech Project will contribute to, is part of the cause of these transportation impacts, and therefore the Biotech Project's contribution to the imbalance should also be identified as significant.

The DEIR's analysis of the cumulative impacts with respect to population and housing is extremely cursory and superficial. The inclusion of the "reasonably foreseeable" development of up to 800-900 residential units at Sierra Point would have been an important addition to this discussion. Even assuming only one employed resident per unit, the proposed residential development would have contributed to a significant decrease in the City's projected 2030 jobs-housing imbalance, which might at least partially offset the impacts of the Biotech Project.

1 cont.

Public Services

The DEIR concludes that the Biotech Project by itself would not result in a significant impact with respect to fire protection, police, schools, and parks and recreation. The cumulative impacts analysis reaches the same conclusion.

The proposed reasonably foreseeable residential development at Sierra Point would potentially add to the demand for all these services. Whether the cumulative impacts on these services would be significant is unknown. However, the decision to ignore the potential residential development in the cumulative impacts analysis clearly renders that analysis fatally deficient.

Utilities and Infrastructure

The DEIR concludes that the Biotech Project would have less than significant impacts with respect to wastewater treatment, and potentially significant impacts with respect to

water supply, water storage for fire flow capacity, the joint potable water and fire flow distribution systems, peak wastewater flow, and the capacity of two downstream sewer lines. The identified mitigation measures include replacement of the downstream sewer lines. The DEIR's cumulative impacts discussion includes general, conclusory statements that the Biotech Project would require construction of additional water, sewer and storm drain lines, and a general statement that the Biotech Project "in addition to other future development in the area" would increase the demands on utility providers and infrastructure.

The proposed residential development at Sierra Point would result in additional demands on water supply and wastewater treatment, as well as on water lines to carry potable water to Sierra Point, and wastewater from the site. Residential development as proposed certainly could impact the appropriate sizing of water lines as well as wastewater lines. The failure to address the impacts of the reasonably foreseeable residential development on utilities and infrastructure is contrary to the purposes of CEQA. It is also shortsighted, from the perspective of the principles of good land use planning.

1 cont.

Land Use and Planning/Urban Design

The Land Use section of the DEIR discusses the recommended improvements and concerns for Sierra Point resulting from the "placemaking" workshop that was part of the ongoing General Plan update (see DEIR p. 64). However, this discussion completely ignores the ongoing work by FTB regarding the overall urban design of Sierra Point. The DEIR correctly notes that the proposed Biotech Project would be inconsistent with many of the recommendations of the Placemaking workshop. However, by ignoring the ongoing FTB design work, the DEIR provides a very incomplete analysis of how the Biotech Project will impact the City's emerging policies for Sierra Point. Revision and recirculation of the DEIR will provide an important opportunity to incorporate information about the FTB design concepts, in addition to how the Biotech Project would interact with the proposed residential and retail development on the Diamond site.

B. CEQA Requires Recirculation of the DEIR

As stated above, the DEIR is deficient because it fails to include the reasonably foreseeable residential development of Sierra Point on the cumulative impacts analysis. The addition of information about the proposed residential development of Sierra Point is "significant new information" because the reasonably foreseeable residential development of Sierra Point potentially could contribute to one or more significant cumulative effects as well as potentially be relevant to identification of new or revised mitigation measures. Therefore, because the CEQA Guidelines state that recirculation of an EIR is required when significant new information is added, CEQA requires that the revised DEIR for the Biotech Project be recirculated. We recognize that such recirculation may delay the Biotech Project somewhat. However, the possible delay provides no basis for ignoring the mandates of CEQA, particularly since the

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necessary information about the Diamond project and UPC's proposed residential project was available for months before the DEIR was published. 2 cont.

C. Biotech Project Design Issues

Although Diamond believes that in concept biotech research may be appropriate at Sierra Point, they have some questions about the particulars of the Biotech Project's design. Diamond believes that Sierra Point is in the process of evolving from its original suburban style office park (mid-rise office buildings surrounded by parking lots) into a denser, mixed use more "urban" style development. The Diamond and UPC projects, and the City's FTB design study, is part of that process. Diamond is concerned that elements of the Biotech Project's design – streets lined with surface parking, buildings set back far from the street, and buildings (including a high-rise parking garage) placed on the Biotech Project's site so as to largely eliminate any views of the bay from Sierra Point Parkway – may not promote this evolving vision of Sierra Point. Of course, by ignoring the proposed Diamond and UPC projects, and the FTB design work, the EIR fails to assess the Biotech Project in the appropriate cumulative context. 3

IV. Conclusion

Under CEQA, an EIR is required to analyze a project in the context of other "reasonably foreseeable" projects. With proposed projects like Diamond's and UPC's, and the evidence that Sierra Point is evolving, through work like FTB's, it is reasonably foreseeable that the Biotech Project will be implemented in a different context than what now exists or was previously planned for Sierra Point. The EIR ignores the foreseeable cumulative projects, which is not only contrary to CEQA, but also makes the EIR a flawed document from the perspective of providing the information the City needs to make the best possible decisions about the Biotech Project. Because the cumulative analysis is so deficient, and because the information about these cumulative projects is so important, once this important information is added, the revised document must be recirculated so that the public, and the decision makers have an opportunity to review the Biotech Project in its proper cumulative context, Diamond looks forward to playing an active role in this ongoing process. 4

Sincerely,

Steve Atkinson

LETTER C2
Steefel, Levitt & Weiss
Steve Atkinson
January 2, 2007

Response C2-1: The following response first addresses the issue of reasonably foreseeable development in the context of analyzing cumulative impacts. This response also provides additional information regarding the development of the Sierra Point Biotech project in the context of the UPC and Diamond General Plan amendment applications for proposed residential development at Sierra Point that differ from the type and level of development allowed under the existing Sierra Point Master Plan and that was evaluated in the Draft EIR.

Reasonably Foreseeable Development
Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. In Chapter VI, CEQA Required Assessment Conclusions of the Draft EIR, LSA provided an analysis of the cumulative effects associated with the proposed project in conjunction with other off-site, permitted, under-construction, and reasonably foreseeable future projects, such as the redevelopment of the Baylands properties and projects in the adjacent jurisdictions of San Francisco and South San Francisco (see Tables VI-1 through VI-3, on pages 273 and 274). As stated on page 275 of the Draft EIR:

> "The reader should note that this cumulative analysis does not include proposals for permanent residential development on Sierra Point because residential development has neither been allowed nor considered for Sierra Point under the Brisbane General Plan, Zoning Ordinance, 1978 Use Permit, the 1982 Architectural Design Guidelines for Sierra Point and the 1984 Development Agreement. While the City is aware of proposals to add residential units to Sierra Point, there are no City land use policies or regulatory authorities that permit residential uses. As such, it would not be accurate to characterize residential projects as "reasonably foreseeable" for purposes of this EIR analysis. Therefore, residential development at Sierra Point was not included in this cumulative impact analysis as attempts to analyze the potential cumulative impacts of residential development at Sierra Point in this EIR would be speculative and premature at this time."

As stated above, there are no City land use policies or regulatory authorities that permit residential development at Sierra Point. The General Plan does not permit residential uses at Sierra Point. Additionally, per the Zoning Ordinance Chapter 17.18 Sierra Point Commercial District (SP-CRO), residential is not a permitted use at Sierra Point nor is it a conditionally permitted use. To allow any residential uses would require General Plan and Zoning amendments. Therefore, residential development was not considered "foreseeable" for purposes of evaluating potentially cumulative environmental impacts.

The comment notes that the proposed Sierra Point Biotech project itself requires a General Plan amendment to the Commercial/Retail/Office use and a Zoning Ordinance amendment for the Sierra Point Commercial District to allow Research and Development as a permitted use at Sierra Point, and modification to the Sierra Point Design Guidelines to accommodate the project as proposed. As evaluated in Section IV.A, Land Use and Planning Policy, the proposed project would be compatible with the existing surrounding land uses at Sierra Point. As noted on page 71, while the internal design and function of proposed research laboratory space would be different from the internal design of adjacent office uses, the external appearance and uses of the proposed laboratory buildings would be similar to adjacent office buildings. The placement of R&D uses next to office/hotel/or recreation uses would not constitute an inherent land use conflict, and similar projects have been constructed throughout the Bay Area. However, while the Diamond and UPC proposals would certainly require these same types of approvals (in addition to others), it is not the need to attain these necessary approvals but the prohibition of residential uses at Sierra Point that makes their inclusion in the cumulative analysis speculative.

As referenced in the Draft EIR, the City has received two proposals for residential development at Sierra Point. In November of 2006, Universal Paragon Corporation (UPC) submitted an application for a General Plan amendment to develop a 400-room hotel and a 400-unit condominium tower with ancillary uses, rather than a 700-room hotel which is an entitled use under the Sierra Point Master Plan. On January 2, 2007, Diamond Investment Properties (Diamond) submitted an application for development of 477 residential units in two high rise towers and 23,000 square feet of retail on a portion of Sierra Point that is currently developed as surface parking for two existing office buildings (including the Hitachi building). The January 2007 application clarified a May 2006 General Plan amendment application that identified development of *either* 477 residential condominiums *or* about 400,000 square feet of office and residential uses. The reader should note that the lack of clarity in the May 2006 submittal (i.e., either residential or office) regarding the proposed Diamond development supports the City's determination that this proposal was not reasonably foreseeable for purposes of evaluating the effects of the project in the context of cumulative development. Because no additional development on the Hitachi site and parking lot is allowed or entitled under the Sierra Point Master Plan, the Diamond office "option," identified in May 2006, was considered speculative and not reasonably foreseeable and was not included in the cumulative analysis for Sierra Point.

As noted in the Draft EIR, the City is undergoing a General Plan Update process that includes a review of the Sierra Point policies, permitted land uses, and design guidelines. The urban design planning effort led by Freedman Tung and Bottomley (FTB) is only one aspect of this planning effort. While it is true that different concepts for future development and uses at Sierra Point are "emerging" from this ongoing planning process and are being considered by the public and decision makers, it would be presumptive and speculative to consider residential

uses as part of the reasonably foreseeable cumulative development at Sierra Point and evaluate it as such in the Sierra Point Biotech Project EIR. The EIR process is not a substitute for general land use planning, nor should it take the place of meaningful review and consideration by the public and elected officials to allow residential development at Sierra Point. At this stage of the process, the FTB design concepts cannot be considered a "project" under CEQA, as expressed in the comment on pages 2 and 3.

While the FTB planning effort is noted in the Draft EIR on page 266, pages 65, 73, and 74 of the Draft EIR are revised to include additional information regarding the FTB process, as follows:

Text on page 65 Draft EIR is revised as follows:

> The Master Plan conceptually describes the development of Sierra Point, as shown in Figure IV.A-4. As of June 2006, the majority of the Plan has been implemented. However, four sites, totaling approximately 45 acres, remain vacant. On the project site the approved Plan would allow construction of three office buildings: a six-story building, a 10-story building, and an eight-story building, which together would comprise 630,000 square feet. A parking structure with four levels of parking and rooftop parking above grade is approved for the northeast corner of the lot and surface parking are approved to cover the remaining site, aside from the BCDC shoreline area. The main visual focal point would be located along Sierra Point Parkway across from the existing eight and 12-story buildings.
>
> In July 2006, the City retained Freeman Tung and Bottomley (FTB) to update the Sierra Point Design Guidelines in order to "strengthen the public realm, evaluate how pending and future private development relates to the public realm, and determine how this relationship might be strengthened to the benefit of both the public and the projects."[16] The goals of the urban design revisions for Sierra Point include: strengthening the design of Sierra Point Parkway as a public boulevard; creating a focal point and public activity space at the eastern terminus of Sierra Point Parkway; enhancing visual connections to the Bay at the terminus of Sierra Point Parkway; and developing the eastern-most vacant trapezoidal parcel to create a public center of activity (Parcel R, Figure IV.A-4, Sierra Point Master Plan). FTB held two stakeholder meetings and presented design proposals to a joint study session of the City Council and Planning Commission on November 13, 2006. The presentation focused on two draft proposals for retail/commercial/residential uses with integrated public open space located at the eastern intersection of Sierra Point Parkway and Marina Boulevard. Subsequent steps in the design revision process entail an economic analysis to study the feasibility of creating an active public realm on Sierra Point and, ultimately, the adoption of revised design guidelines.

[16] Brisbane, City of, 2006. *Agenda Report, Study Session-Urban Design Update for Sierra Point*. November 13.

Text on pages 73 and 74 of the Draft EIR are revised as follows:

> Compared with the approved Conceptual Master Plan (Master Plan) in the Design Guidelines, the proposed project would result in five office/research buildings with fewer floors and larger footprints instead of three taller office buildings. The proposed six-level parking garage, however, would be two stories taller and have a larger footprint than the four-story parking garage approved in the Master Plan. Specific project differences from the Master Plan include: a proposed building height of three and four stories instead of the approved six, eight and 10 stories; a proposed total of 540,185 square feet instead of the approved 630,000 square feet; the angled placement of buildings on the site such that bulk is moved away from the shoreline; and relocation of parking away from the Bay and toward the streets. The proposed project would result in less surface parking on the southern portion of the site, providing more open space along the Bay than would occur with the previously approved Master Plan. Visual impacts of the proposed project are described in detail in Section IV.M, Visual Resources.
>
> The update to the Design Guidelines being undertaken by FTB and described above, is in the initial planning stages. Because the proposals are not adopted policies or ordinances of the City, a detailed analysis of the proposed project with respect to the draft proposals would be premature. However, it should be noted that the draft proposals for the update, as presented at the joint study session of the City Council and Planning Commission, incorporate the proposed project as analyzed in this EIR.

Additional Information

This portion of the response provides additional information concerning the development of the Sierra Point Biotech project in the context of the UPC and the Diamond General Plan amendment applications for proposed residential development at Sierra Point. Those applications propose land uses that differ from the type and level of development allowed under the existing Sierra Point Master Plan and that were evaluated in the Draft EIR. Described below are the potential cumulative effects of the project in the context of the net change in the build out of Sierra Point associated with the two residential proposals for each environmental topic: land use and planning policy; population; transportation; air quality; noise; geology; hydrology; hazards; public services; utilities; visual resources; and biological resources.[17]

Land Use and Planning Policy. Implementation of the revised additional residential cumulative proposals, in combination with the proposed project, would result in infill development on the Sierra Point peninsula. Like the

[17] Note that the ancillary commercial and spa uses identified for the UPC development were not considered as additional net development and part of this analysis, as it was assumed that they also were included in the 700-room hotel proposal that was evaluated in the Draft EIR cumulative analysis.

cumulative projects analyzed in Chapter VI. CEQA-Required Assessment Conclusions of the Draft EIR, these infill proposals would capitalize on existing transit systems and infrastructure and could help to minimize impacts on sensitive resources in more distant outlying areas, such as wetlands and farmlands that are frequently degraded with greenfield site development. The proposed project would not contribute to cumulative land use impacts. The additional residential proposals are not inherently incompatible with the proposed project, however, an environmental analysis of the land use compatibility of these future proposals with other neighboring land uses, would be required.

Population, Employment and Housing. The proposed project would contribute 1,800 employees, which is within the anticipated job growth projections for Brisbane. Therefore, the proposed project would not have cumulative impacts to population, employment and housing within the foreseeable future. Implementation of the additional residential proposals could result in 877 residential units and 23,000 square feet of retail and approximately 1,536 residents[18] and 38 to 74 employees.[19] The increase in residents could potentially reduce the projected jobs/housing imbalance in Brisbane, but the substantial unanticipated growth may have impacts on population, employment, and housing that would be determined through project-specific environmental review.

Transportation, Circulation and Parking. Hexagon Transportation Consultants prepared a brief analysis of the cumulative effects of substituting the proposed residential development at Sierra Point in comparison with the cumulative impacts identified in the Draft EIR. Hexagon developed a travel demand forecasting scenario that included the additional residential development. The resulting travel demand model volumes are compared to the results of the previous 2030 cumulative with project scenario in the Draft EIR as shown in Table C2-1. The intersections and freeway segments chosen for this additional analysis were those that showed a significant impact under the Cumulative With Project scenario in the Draft EIR. Those intersections and freeway segments are:

Intersections:

Bayshore Boulevard and Old County Road
Sierra Point Parkway and Lagoon Way
Sierra Point Parkway and US 101 northbound ramps
Sierra Point Parkway and Shoreline Court

Freeway segments:

US 101 southbound, between Harney Way and Sierra Point Parkway
US 101 southbound, between Sierra Point Parkway and Oyster Point Blvd.
US 101 northbound, between Sierra Point Parkway and Oyster Point Blvd.

[18] For the purposes of this analysis, one bedroom and studio units were assumed to have one resident. Units with two or more bedrooms were assumed to have 2.20 residents (average household size for Brisbane).

[19] Population density based on the Brisbane General Plan for Sierra Point Commercial/Retail/Office is 1.66-3.22 employees per 1,000 square feet (Table 5).

The results of the additional residential 2030 cumulative analysis are summarized below:

- For the Bayshore Boulevard/Old County Road intersection, traffic volume increases would occur at seven of eight approaches in the AM, and traffic volume increases would occur at seven of eight approaches in the PM. Therefore, Impact TRANS-7 from the Draft EIR would remain a significant traffic impact with the additional residential development.
- For the Sierra Point Parkway/Lagoon Way intersection, traffic volume increases would occur on 5 approaches and a decrease would occur on one approach. Therefore, Impact TRANS-5 from the Draft EIR would remain a significant traffic impact with the additional residential development.
- For the Sierra Point Parkway/US 101 northbound ramps intersection, traffic increases would occur at all approaches, and Impact TRANS-4 from the Draft EIR would remain a significant traffic impact with the additional residential development.
- For the Sierra Point Parkway/Shoreline Court intersection, traffic increases would occur at all approaches, and Impact TRANS-6 from the Draft EIR would remain a significant traffic impact with the additional residential development.
- The freeway segment of US 101 southbound between Harney Way and Sierra Point Parkway would experience a decrease in AM peak hour traffic volumes of 0.1 percent from the Draft EIR 2030 cumulative scenario with the additional residential development. This decrease would not be significant enough to reduce the level of service impact on this freeway segment.
- The freeway segment of US 101 southbound between Sierra Point Parkway and Oyster Point Boulevard would experience a decrease in PM peak hour traffic volumes of 0.4 percent from the Draft EIR 2030 cumulative scenario with additional residential development. This decrease would not be significant enough to reduce the level of service impact on this freeway segment.
- The freeway segment of US 101 northbound between Sierra Point Parkway and Oyster Point Boulevard would experience a decrease in AM peak hour traffic volumes of 1 percent from the Draft EIR cumulative scenario with the additional residential development. This decrease would not be significant enough to reduce the level of service impact on this freeway segment.

In summary, with the substitution of the UPC and Diamond development proposals for the current Sierra Point Master Plan – envisioned development (analyzed in the Draft EIR), the cumulative impacts to intersections would remain significant and may increase in severity due to the increases in traffic volumes at almost all approaches associated with traffic from the substitute land uses. Based on the percentage changes in traffic volumes for all three freeway segments studied, Impact TRANS-8 from the Draft EIR would remain a significant traffic impact with the additional residential development at Sierra Point.

Table C2-1: 2030 Cumulative Traffic Volume Comparison

Intersection/Freeway	Segment	Peak Hour	Direction	Original 2030 Cumulative w/Project Volumes	Revised 2030 Cumulative w/Project Volumes	% Increase/ Decrease
Intersections:						
6. Bayshore Boulevard and Old County Road	West of Bayshore Blvd	AM	WB	690	700	1.0%
			EB	3,059	3,084	1.0%
	East of Bayshore Blvd		WB	1,075	1,187	10.0%
			EB	2,866	2,857	-0.3%
	South of Old County Rd		NB	5,976	6,021	1.0%
			SB	2,510	2,535	1.0%
	North of Old County Rd		NB	8,480	8,692	2.0%
			SB	4,435	4,493	1.0%
	West of Bayshore Blvd	PM	WB	2,016	2,018	0.1%
			EB	1,315	1,320	0.4%
	East of Bayshore Blvd		WB	3,178	3,083	-3.0%
			EB	1,042	1,140	9.0%
	South of Old County Rd		NB	5,191	5,226	1.0%
			SB	4,120	4,080	-1.0%
	North of Old County Rd		NB	8,407	8,428	0.2%
			SB	5,900	6,038	2.0%
8. Sierra Point Parkway and Lagoon Way	West of Sierra Point Pkwy	PM	WB	2,026	1,939	-4.0%
			EB	1,256	1,372	9.0%
	South of Sierra Point Pkwy		NB	2,160	2,286	6.0%
			SB	1,504	2,116	41.0%
	North of Sierra Point Pkwy		NB	2,216	2,343	6.0%
			SB	2,330	2,739	18.0%
9. Sierra Point Parkway and US 101 NB Ramps	West of US 101 NB Ramps	AM	WB	1,375	1,843	34.0%
			EB	1,430	1,556	9.0%
	East of US 101 NB Ramps		WB	1,222	2,514	106.0%
			EB	4,048	4,250	5.0%
	South of Sierra Point Pkwy		NB	3,577	3,713	4.0%
	North of Sierra Point Pkwy		NB	805	1,689	110.0%
10. Sierra Point Parkway and Shoreline Court[a]	West of Shoreline Ct	PM	WB	3,435	3,815	11.0%
			EB	2,450	3,362	37.0%
	East of Shoreline Ct		WB	-	-	11.0%
			EB	-	-	37.0%
	South of Sierra Point Pkwy		NB	-	-	11.0%
			SB	-	-	37.0%
	North of Sierra Point Pkwy		NB	-	-	37.0%
			SB	-	-	11.0%

Freeway Segments:						
US 101	Between Harney Wy and Sierra Point Pkwy	AM	SB	25,414	25,381	-0.1%
US 101	Between Sierra Point Pkwy and Oyster Point Blvd	PM	SB	35,379	35,233	-0.4%
US 101	Between Oyster Point Blvd and Sierra Point Pkwy	AM	NB	37,048	36,506	-1.0%

[a] Traffic volumes were not included in the Countywide model for Shoreline Court and were not available for this analysis.
Source: Hexagon Transportation Consultants, Inc., 2007

Air Quality. As described in the Draft EIR Section IV.D, Air Quality, long-term exposure to elevated levels of criteria pollutants could result in potential health effects. However, as stated in the thresholds of significance, emission thresholds established by the air district are used to manage total regional emissions within an air basin, based on the air basin attainment status for criteria pollutants. These emission thresholds were established for individual projects that would contribute to regional emissions and pollutant concentrations that may affect or delay the projected attainment target year for certain criteria pollutants. Emissions generated by the proposed project would not create regional emissions in excess of the thresholds established by the BAAQMD. Additionally, implementation of the proposed project would not lead to significant CO impacts, nor would the proposed project, in combination with other cumulative development, lead to CO concentrations that exceed federal or State standards. The proposed residential developments would need to be individually evaluated for their effect on regional air quality.

The BAAQMD uses the Clean Air Plan to evaluate a project's potential cumulative air quality impacts. The *BAAQMD CEQA Guidelines* state that "for any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impacts should be based on an evaluation of the consistency of the project with the local general plan and the general plan with the regional air quality plan." While the Sierra Point Biotech project is consistent with the Brisbane General Plan (and no significant cumulative impacts were identified), the proposed residential developments are not consistent with City plans and policies. When these projects are individually evaluated for their environmental effects, there may be new significant cumulative air quality impacts associated with their development.

Noise. As described in the Draft EIR Section IV.E, Noise, results of noise modeling indicate that traffic associated with the Sierra Point Biotech project will increase noise on the surrounding roadways from 0 dBA to 4.9 dBA in the cumulative condition; however no areas or uses would be exposed to traffic noise levels outside of the City's normally acceptable range. After substituting the residential proposals, there would be more trips on local streets (especially on Sierra Point Parkway and Shoreline Court). The increase in traffic associated with the residential proposals may be sufficient to impact existing and proposed office and hotel uses in the vicinity of Sierra Point Parkway and Shoreline Court.

Project-specific analysis would be required to identify any construction- and operation-related noise impacts or cumulative impacts associated with the residential proposals.

Geology, Soils and Seismicity. Construction of the proposed project would result in site-specific impacts affecting only the structures and users of the project site. Impacts associated with the proposed project would not result in cumulative impacts with other projects. Each project would need to be evaluated for its individual environmental impacts related to geology, soils and seismicity. Therefore, cumulative geology and soils impacts would be less than significant with substitution of the residential development at Sierra Point.

Hydrology and Water Quality. The proposed project would not contribute to cumulative impacts associated with surface water quality, groundwater quality, storm water drainage, or flooding. Best Management Practices (BMPs) incorporated into the project would be able to accommodate increases in runoff and would process storm water before discharge. Likewise, the revised additional residential cumulative proposals would also be subject to storm water regulations and would not be anticipated to contribute to cumulative impacts.

Biological Resources. Implementation of the proposed project would not contribute to impacts on biological resources. The substitute residential development would also be located in a highly urbanized area and would be subject to environmental review prior to approval. Therefore, cumulative impacts to biological resources with the additional development would be less than significant.

Hazards and Hazardous Materials. Development of the proposed project, in conjunction with the substitute residential development would cumulatively increase the demand for emergency response capabilities at Sierra Point. The City of Brisbane has developed an Emergency Response Management Plan with evacuation routes and procedures. The Plan was developed in concert with a number of multi-agency mutual aid plans. The Emergency Response Management Plan must be updated, as required by the General Plan, to take into account new development projects in Brisbane. With regular updating of the plan and multi-agency coordination, the proposed project in conjunction with the substitute residential development would not result in significant cumulative impacts to an established emergency response plan or emergency evacuation plan.

Introduction of residential uses at Sierra Point along with other planned future development in and near Sierra Point, would result in increased routine transport, use, storage and disposal of hazardous materials. However, as noted in the Draft EIR, Mitigation measures HAZ-1a and HAZ-1b require the development of procedures for responding to releases of hazardous materials brought onto the site as part of site development activities and proper storage during construction to minimize the potential for any accidental releases. The risk of upset and

accidents would be minimized by each project's compliance with applicable federal, state, and local requirements and Mitigation Measures HAZ-1a and HAZ-1b. As such, there would be no significant cumulative impacts associated with the transport, use, storage, and disposal of hazardous materials, or accidents associated with these uses, and no net change from the cumulative impacts previously analyzed.

No new impacts or mitigation measures would be required for the proposed project assuming a cumulative condition that includes the substitute residential uses at Sierra Point. As stated above, compliance with hazardous materials regulations and implementation of mitigation measures HAZ-1a and HAZ-1b would reduce potential cumulative impacts associated with hazards and hazardous materials to a less-than-significant level.

Public Services and Recreation. The proposed project would not contribute to significant impacts on public services. Additionally, because the proposed project does not contain a residential component, its impact on schools and parks would be minimal. However, including the substitute residential proposals as cumulative development could increase the population of Brisbane by approximately 1,536 persons and could generate approximately 44 to 185 students.[20] The additional 38 to 74 employees associated with the proposals may also slightly increase the number of students attending Brisbane schools if employees relocate to the City. Residential uses on Sierra Point have not been anticipated and may create additional impacts on City services. These impacts would be associated with the proposals themselves and would not result in conjunction with the proposed project. Prior to approval, the residential proposals would be subject to environmental review which would analyze impacts on public services, including cumulative impacts.

Utilities and Infrastructure. Brown and Caldwell estimated the potential additional demand for sewer and water services that would be required to serve the Diamond and UPC proposals. As shown in Table C2-2, the water demand for the 477-unit Diamond proposal is approximately 85,000 gallons per day (gpd) and the sewer demand is approximately 76,000 gpd. The UPC proposal would require approximately 125,000 gpd of water and 113,000 gpd of sewer service. The total demand for sewer and water to serve the proposed UPC development is greater than that required to serve a 700-room hotel, as allowed under the Sierra Point Master Plan, which would require approximately 91,000 gpd of water and 82,000 gpd of sewer flows, respectively.

[20] Jefferson Union High School District student generation rate for multi-family units is 0.04 per unit. Brisbane Elementary School District uses a student generation rate ranging from 0.01 to 0.17 for condominiums.

Source: Lapkoff & Gobalet Demographic Research, Inc., 2001. *Impact of Proposed Quarry Site Housing on Brisbane School District.* March.

Cook, Sue, 2006. Assistant to the Superintendent, Jefferson Union High School District. Personal communication with LSA Associates, Inc. June 28.

Table C2-2: Estimated Sewer and Water Flows for Additional Development

Use	Water Demand[a]	Size	Total Water Demand (gpd)	Total Sewer Demand (gpd)
Sierra Point Biotech Project[b]				
Research and Development	10,000 gpd/acre	540,000 sq ft	124,000	112,000
Parking	0	1,786 spaces	0	0
Subtotal		543,000 sq ft	124,000	112,000
Diamond Investment Properties				
Residential (192 1-bath/285 2-bath)	110 gpd/bathroom	477 units	83,800	75,000
Retail	50 gpd/1,000 sq ft	23,000 sq ft	1,200	1,000
Subtotal			85,000	76,000
Universal Paragon Corporation				
Hotel	130 gpd/room	400 rooms	52,000	47,000
Condominiums (136 1-bath/264 2-bath)	110 gpd/bathroom	400 units	73,000	66,000
Subtotal			125,000	113,000
Grand Total			**334,000**	**301,000**

Notes: sq ft = square feet, gpd = gallons per day

[a] Unit water demand factors based on water use records for Genentech

[b] The water and sewer demand for the minimum amount of retail included in the project is negligible and is not included in the totals.

Source: Brown and Caldwell, 2007

Development of the proposed project, in addition to the substitute residential development and other proposed projects, would cumulatively increase the demand on the utility providers and infrastructure in the project area. As noted in the Draft EIR, the proposed project would require the construction of additional water, sewer and storm drain lines within the project site, as well as new water storage infrastructure to meet fire flow requirements. The increase in water and sewer demand to serve the substitute residential developments and meet the future sewer demands of additional Sierra Point projects would require, at a minimum, the following improvements: upgrading the Sierra Point and Valley Drive Lift Stations, replacing the 10, 12, and 16-inch diameter gravity sewers, and replacing the 8-inch diameter sewer force main. Currently, the Southeast Treatment Plant is experiencing combined sewage outfall during peak flow levels. However, the Southeast Treatment Plant provides minimum primary treatment for combined sewer flows during peak flow periods, in compliance with federal Combined Sewer Overflow Control Policies. Increased water supply demands from the proposed project, in addition to other future development as anticipated under the City's current General Plan, could exceed the available water supplies during multiple dry years.[21] Any citywide changes in land use which increase demand, such as additional residential units at Sierra Point, would result in demand exceeding supply for either a normal year or single dry year. As a matter of information, the City is in the process of renegotiating its water supply beyond 2008 with the SFPUC, which could change the City's long term supply. Energy demands from the proposed project and other future development in the area could result in the need for additional peaker plant capacity in order to

[21] City of Brisbane, 2006. *Water Supply Assessment for the Proposed Sierra Point Biotech Project.* July.

meet increased energy demands, despite demand reduction and demand shifting programs. Including the substitute residential proposals in the cumulative condition would cause, the impacts outlined in Section IV.K, Utilities and Infrastructure to remain significant and possibly increase in severity.

Visual Resources. Mitigation Measures for the proposed project as outlined in Section IV.L, Visual Resources, would not reduce the potential cumulative impacts on visual resources resulting from the development of the site and the placement of the proposed parking garage to a less-than-significant level. The substitute residential proposals may create impacts on visual resources associated with the development of the respective sites. However, these sites are located to the north of the proposed project site and the proposals would not impact views of the Bay from Sierra Point Parkway or internal views from within the proposal project. Because these residential proposals would affect different viewsheds and visual corridors, the proposed project and the residential proposals would not cumulatively impact visual resources.

Response C2-2: The comment states that because the proposals for UPC and Diamond proposed residential developments for Sierra Point were not included in the Draft EIR, the Draft EIR's cumulative impacts analysis is fatally deficient and the Draft EIR requires recirculation.

Per *CEQA Guidelines* section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the draft EIR after public notice is given of the availability of the draft EIR for public review but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect *of the project* (emphasis added) or a feasible way for the project to mitigate or avoid significant effects that the project's proponents declined to implement and were not included in the draft EIR. While it is true that the addition of 877 residential units at Sierra Point in the cumulative analysis provided in the EIR could contribute to new significant effects, these effects would stem from the residential development and would not represent new impacts of the proposed Biotech project. As discussed previously in this response, the addition of 877 new residential units at Sierra Point under the cumulative condition would not increase any adverse environmental impacts related to the Sierra Point Biotech project as evaluated in the Draft EIR, nor would it allow for feasible mitigation for identified impacts related to development of the project per the additional information provided in Response to Comment C2-1. Therefore, recirculation of the Draft EIR is not required.

Response C2-3: The commentor's opinion regarding the details of the Sierra Point Biotech project's design in regards to street parking, buildings setbacks, and views are noted. The proposed project was evaluated in regards to policies requiring the protection of Bay views in Section IV.A, Land Use and Planning Policy and aesthetics in Section IV.L, Visual Resources of the Draft EIR.

Response C2-4: Per Responses to Comments C2-1, C2-2, and C2-3 above, the EIR authors disagree with the commentor's conclusion that the cumulative analysis is deficient and that the Draft EIR should be recirculated. Additionally, Response to Comment C2-1 provides supplemental information concerning potential cumulative effects of the Sierra Point Biotech project assuming that the Diamond and the UPC residential proposals were substituted for land uses envisioned under the current Sierra Point Master Plan. This analysis demonstrates that while new project-specific impacts may result from development of the residential proposals, the substitution of these residential developments would not substantially reduce any identified cumulative effects, especially in relation to transportation, population and housing, public services, utilities and infrastructure.

D. PUBLIC HEARING COMMENTS

This section begins with a reproduction of the Brisbane Planning Commission Meeting minutes on December 14, 2006. After several preliminary items and one public hearing, the Sierra Point Biotech Project public hearing and minutes begin at the bottom of page 3 of the minutes. Formal comments on the Draft EIR, for which responses are provided, begin on page 7 of the minutes. Responses begin on page 68 of this Response to Comments document.

D
Hearing

BRISBANE PLANNING COMMISSION
Minutes of December 14, 2006
Regular Meeting

CALL TO ORDER

Chairman Jameel called the regular meeting to order at 7:35 p.m.

ROLL CALL

Present:	Commissioners Hunter, Jameel, and Lentz
Late:	Commissioner Maturo (arrived at 7:36 p.m.)
Absent:	Commissioner Hawawini
Staff Present:	Community Development Director Prince, Principal Planner Swiecki, Senior Planner Tune, Associate Planner Johnston

ADOPTION OF AGENDA

Chairman Jameel proposed taking Item H.3, the public hearing on the 360 Kings Road use permit, before "Old Business." Community Development Director Prince suggested moving Item G.1, the General Plan update review, to the end of "New Business." Commissioner Hunter moved to adopt the agenda with those amendments. The motion was seconded by Commission Lentz and unanimously approved.

CONSENT CALENDAR

1. Approval of Draft Minutes of August 24, 2006 Regular Meeting

2. Approval of Draft Minutes of October 26, 2006 Regular Meeting.

Commissioner Lentz moved to approve the Consent Calendar. The motion was seconded by Commissioner Maturo and approved, 4 - 0 with respect to the October 26 minutes and 3 - 0 - 1 (Commissioner Hunter abstaining) with respect to the August 24 minutes.

ORAL COMMUNICATIONS

There were no members of the public who wished to address the Planning Commission.

WRITTEN COMMUNICATIONS

Chairman Jameel reported that the Commission had received no written communications regarding items on the agenda.

NEW BUSINESS (Out of Order)

3. **PUBLIC HEARING: 360 Kings Road; Use Permit UP-12-06, Use Permit and Accessibility Improvement Permit for 41.5-ft. tall elevator located 5 ft. from front property line; Calvin B. Webster, applicant & owner; APN 007-471-030**

Senior Planner Tune said this applicant proposes installing an elevator between the garage and entry stairway at the front of the house. He advised that a use permit is required because the elevator, 41.5 feet tall, exceeds the 20-foot height limit within the front 15 feet of the property, and an accessibility improvement permit is required to allow the elevator to be located 2.5 feet within the required 7.5-foot setback. Senior Planner Tune noted the required findings for approval were detailed in the staff report.

Senior Planner Tune said the existing house is 35 feet tall, the maximum allowed when the house was built. He stated that although the elevator will not extend above the existing roofline, its measured height is greater because of its location farther down the slope to provide access from the street level. To locate the elevator farther back from the street would require extensive work to the existing house and additional excavation into the hillside.

Senior Planner Tune noted that as proposed, the elevator appears to fit in well with the existing balconies and garage at the front of the house. He said the color, siting, and orientation of the elevator will be designed to minimize its visual impacts. He recommended conditional approval of the use permit and accessibility improvement permit.

Chairman Jameel opened the public hearing and invited comments from the applicant.

Calvin Webster, applicant and owner, provided photographs of the existing house. He explained that the elevator is necessary because of his advancing age and health problems. He added that he lives alone and takes pride in being independent, and he requested that the Planning Commission grant his application.

Commissioner Hunter asked if alternative elevator placements had been considered. Mr. Webster said he considered other options. He explained that it was impractical to put the elevator inside the house because extensive structural modifications would be required.

Commissioner Hunter noted the diagram in his packet showed a door facing the street to the elevator shaft; he asked how people inside the house will enter the elevator. Mr. Webster explained that the elevator will also open on the other side, facing the house. He said the elevator operates quietly. He added that the elevator will be equipped with a telephone, as required by code.

Chairman Jameel asked when the plans will be submitted. Mr. Webster said that in response to his original submittal, the staff recommended having plans prepared by a professional architect or engineer and obtaining a report from a soils engineer. He stated that he was currently in the process of hiring those consultants. He noted the staff recommended that he proceed with the use permit and accessibility improvement permit as a first step.

Commissioner Hunter confirmed that the neighbors had been notified of the project and none had objected.

There being no members of the public who wished to address the Planning Commission on this matter, Commissioner Hunter moved to close the public hearing. The motion was seconded by Commissioner Mateo, unanimously approved, and the public hearing was closed.

Commissioner Hunter moved to conditionally grant the use permit and accessibility improvement permit as proposed. The motion was seconded by Commissioner Lentz and unanimously approved.

Commissioner Hunter asked if the elevator will be usable in the event of an emergency. He noted that some elevators automatically return to the ground floor, for example. Mr. Webster responded that the elevator is fire-rated. He said he was not aware of any requirements for residential elevators to return to the ground floor for use by firefighters and emergency response people.

1. **PUBLIC HEARING: Southeast of Sierra Point Parkway & Shoreline Court;** Environmental Review ER-3-05; Draft Environmental Impact Report (EIR) for a proposed biotech complex encompassing 540,185 square feet of research and development space in 5 buildings; 1,799 parking spaces, including a 6-level parking structure with 1,249 spaces; and 2,500 square feet of retail space on approximately 22.8 vacant acres, involving proposed text amendments to the Sierra Point

Commercial/Retail/Office (SP C/R/O) General Plan designation (GP-2-05) and Sierra Point Commercial (SP-CRO) zoning district (RZ-2-05) to permit research and development uses, including limited animal testing; amendment to the Sierra Point Design Guidelines; and project design approval (DP-6-05); Slough Estates, applicant; Sierra Point LLC, owner; APN 007-7-165-080, -090 & -100

Principal Planner Swiecki reported that the City's draft environmental impact report (EIR) on the Slough biotech campus development proposal was ready for public review and City consideration. He noted this project also involves amendments to the SP-CRO Sierra Point Commercial zoning district, Sierra Point Design Guidelines, and the General Plan's "Sierra Point Commercial/Retail/Office" land use designation; as well as project design approval.

Principal Planner Swiecki said the purposes of this meeting are to review the draft EIR; to hear an overview presentation from LSA Associates, the City's EIR consultant; and to receive comments from the Planning Commission and members of the public. He clarified that no decisions were required of the Planning Commission on the draft EIR or the project at this point. He advised that once the public comment period on the draft EIR closes, the City and the EIR consultant will prepare a final EIR, which will be presented to the Planning Commission for consideration, in conjunction with possible action on the project.

Principal Planner Swiecki introduced Judith Malamut of LSA, the EIR consultant, to provide the Planning Commission with a summary of the draft EIR.

Commissioner Hunter questioned if this item was being taken out of order. After some discussion, the Planning Commission agreed to clarify the agenda order with another motion.

Commissioner Hunter moved to revise his earlier motion to clarify the Commission's intent of taking Item H.3 before "Old Business" and moving Item G.1 to the end of the agenda, and to take Item H.1 after Item H.3. The motion was seconded by Commissioner Lentz and unanimously approved.

Ms. Malamut said she served as LSA Associates' project manager for the Sierra Point project's draft EIR. She introduced her associates, David Clore, managing principal of the Berkeley office, and Hanna Young.

Ms. Malamut noted that oral and written comments on the draft EIR are welcome. She asked people to confine their comments to the draft EIR itself rather than on

the merits of the project. Ms. Malamut advised that the deadline for written comments is January 2, 2007, the end of the 45-day comment period.

Ms. Malamut described the project site and history. She noted the current Sierra Point master plan calls for three buildings, approximately 630,000 square feet, and an above-ground parking garage at this site. She stated that the applicant is instead proposing a biotech campus of five three- to four-story buildings for office and research and development uses, for a total of approximately 540,000 square feet; one six-level parking structure in the southeastern corner of the site, and a number of surface parking lots to serve the buildings. Ms. Malamut noted the project also includes improvements to the Bay Trail and transfer of 89,815 square feet of office space to Parcel 3, an undeveloped parcel in the northwestern corner of the Sierra Point peninsula. She pointed out that this figure represents the difference between the square footage approved in the existing master plan and what is being proposed for the biotech project. Ms. Malamut showed a site plan and pointed out key features.

Ms. Malamut said the biotech project will require a number of other approvals, including an amendment to the General Plan designation and zoning, modifications to the Sierra Point Design Guidelines, and design approval.

Ms. Malamut summarized the steps in the CEQA process, including a scoping meeting in January, 2006 and publication of the draft DEIR in November, 2006. She noted that once the public comment period closes on January 2, 2007, LSA will review and respond to all written comments and produce a final EIR. The final EIR will come to the Planning Commission for approval, and the project approvals will follow after that.

Ms. Malamut stated that the draft EIR analyzes potentially significant impacts from this project and recommends appropriate mitigation measures. She said LSA worked with the City to develop criteria defining what constitutes a significant impact for each topic analyzed in the EIR.

Ms. Malamut presented and discussed some of the key findings of the draft EIR. She said that with respect to traffic and circulation, the EIR analyzed the level of service at ten intersections and six freeway segments for two project scenarios, the current level of development with the project added and future cumulative development conditions plus the project. Ms. Malamut showed a map of the intersections and freeway segments analyzed.

Ms. Malamut reported that the EIR analysis found significant impacts associated with the project for the intersections closest to the project, impacts that would be exacerbated in the future under a cumulative development scenario. Ms. Malamut

noted that proper mitigation measures could achieve a less-than-significant impact on service at all intersections, except for the intersection of Sierra Point Parkway and the U.S. 101 northbound ramp, which will continue its current "F" rating.

For the freeway segments analyzed in the draft EIR, Ms. Malamut noted, there were no significant impacts under existing conditions, but there were a number of segments of U.S. 101 affected by the cumulative development scenario. She said that even with congestion management programs to reduce car trips and encourage public transportation, trips could not be reduced enough to avoid significant impacts on freeway congestion.

Ms. Malamut advised that LSA Associates also evaluated the geology, soils, and seismicity of the proposed development site. She said the site lies on top of an old landfill, and there are concerns about the effects of ground-shaking in major earthquakes and soil stability. She noted there is a geotechnical report that identifies specific mitigation techniques that can be applied to reduce all of these significant impacts to a less-than-significant level.

Ms. Malamut said the draft EIR addresses hydrology and water quality and impacts from runoff, chemical releases during construction, and various contaminants and concludes there are ways of mitigating all these problems to less-than-significant levels.

In looking at biological resources, Ms. Malamut reported, LSA found no sign of burrowing owls currently on the site; although, they are known to inhabit riprap in the Bay Area. To be cautious, the draft EIR proposes mitigation measures to avoid disturbances to bird habitat and nesting areas. Ms. Malamut noted the draft EIR also addresses the need to control runoff to prevent degradation of marine habitat and fish habitat in the Bay. She added that there are available ways of reducing impacts on biological resources to a less-than-significant level.

Ms. Malamut noted that because this is a biotech project, the draft EIR looked carefully at hazards and hazardous materials and how they are regulated, and concluded that these hazards could also be mitigated.

Ms. Malamut said the draft EIR addresses utilities and infrastructure and considers issues associated with the adequacy of water resources, the stability of the former landfill area, and emergency response needs. She advised that water fire flow requirements are contained in the Fire Code, which is enforced by the North County Fire Authority.

Ms. Malamut stated that the project has the potential to generate a peak wastewater flow that exceeds the capacity of the current lift station and sewer lines. She said the applicant will be required to pay for an additional pump or whatever additional facilities are required. She added that because the site is situated on landfill, additional mitigation measures will be required to ensure proper installation of utility lines and connections.

Ms. Malamut noted that the draft EIR identified two significant impacts on visual resources: the degradation of the existing view of the Bay because of construction of the parking garage, and the potential that the project will create a new source of light and glare. She said the draft EIR identifies mitigation measures to reduce these impacts to less-than-significant levels, and the draft EIR includes recommendations for making the garage itself appear more visually attractive, but the impact from the garage will be significant and unavoidable.

Ms. Malamut stated that besides looking at the project proposed by the applicant, the draft EIR considers a range of reasonable alternatives that would attain the same objectives and minimize impacts. She said two project alternatives were considered, a no-project alternative, meaning the current master plan, and a revised site plan alternative that reduces impacts on views. She described each alternative in more detail. She noted the revised site plan calls for two parking structures instead of one.

Ms. Malamut welcomed comments from Commissioners and members of the public.

Commissioner Hunter acknowledged that a biotech use on a landfill site could be incompatible if it involves use of hazardous materials, and he asked if the Slough proposal entails use, generation, storage, or transport of hazardous materials. Ms. Malamut said these activities could be associated with future uses. 1

With respect to water supply and fire flow issues, Commissioner Hunter asked about the possibility of pumping water from the Bay in lieu of the mitigation strategy as proposed. Ms. Malamut responded that LSA worked closely with the City Engineer/Public Works Director to develop the mitigation approach. 2

Principal Planner Swiecki elaborated that to his knowledge there were no existing systems in Brisbane using bay water for fire protection. The City does have tie-ins with adjacent water systems in place elsewhere in the City, and the City Engineer is comfortable with that mitigation approach

Commissioner Hunter expressed concern about the visual impact of the parking garage, and he asked if the possibility of a "living" wall had been considered as a 3

way of minimizing the impacts. He explained the concept of a "living" wall, citing a building in Paris that incorporated these principles. Ms. Malamut said the draft EIR identifies landscaping and planting as a mitigation measure to soften the visual impact of the structure. Commissioner Hunter encouraged consideration of green building and sustainability in the landscaping design. 3 cont.

Commissioner Hunter noted the traffic studies should take lunchtime traffic into account, as well as the morning and evening peak hours. He asked if there were any ways to reduce traffic impacts, especially at the Sierra Point Parkway intersection with U.S. 101. Ms. Malamut noted that Caltrans determines the need for improvements at certain locations, and there is little the applicant can do to solve the freeway congestion problem, except to reduce trips. She said that for this reason, the draft EIR recommendations focus on ways to reduce trips by using shuttles, mass transit, and ride-sharing, for example. 4

Commissioner Hunter asked if there are any projects anticipated in the future that will affect traffic congestion near Sierra Point. Ms. Malamut said the draft EIR takes into account all foreseeable transportation projects in San Francisco, South San Francisco, and Brisbane for which funding has been approved. 5

Commissioner Maturo observed that the staff report indicates the project will be built on pilings in old Bay mud. She expressed concern about the potential for liquefaction. Ms. Malamut said the buildings will be constructed on a series of 250-feet pilings engineered to withstand strong ground shaking and differential settlement. Commissioner Maturo confirmed that the piles will pierce the permeable cap over the landfill. Ms. Malamut explained that the cap is at the top of the landfill. She advised that there are standard mitigation techniques to ensure that contaminants stay below the cap after it is pierced. 6

Commissioner Maturo asked for clarification of the approximately 89,000 square feet of office space being transferred to the northwest corner of Sierra Point. Ms. Malamut explained that as part of the development agreement for Sierra Point, the landowners have the ability to transfer unused square footage from one parcel to another. She said that when a development is proposed for the currently vacant parcel, the developer will be able to use the additional 89,000 square feet there. She noted that the nature and details of that future development will not be defined until a development is proposed. Ms. Malamut added that the draft EIR took the additional square footage into account in its cumulative analysis. 7

Commissioner Lentz noted the revised plan shows the Bay Trail not going through the parking lot, as in the original plan. Ms. Malamut said rerouting the trail to avoid the parking lot was one of the mitigations proposed to the original plan. Commissioner Lentz asked why the pedestrian walkways did not connect 8

with the Bay Trail. Ms. Malamut responded that LSA evaluated the site plan proposed by the applicant. She noted connections can be added if the City wants them. Commissioner Lentz spoke in support of connecting the pedestrian paths to the Bay Trail. 8 cont.

Commissioner Lentz observed that the intersection of Sierra Point Parkway and 101 is already difficult, especially for drivers coming to the site from the north. He asked what can be done to mitigate those impacts. Ms. Malamut said the EIR defines the mitigation measures for those areas, including widening lanes, establishing appropriate turn lanes, and adding an additional lane. 9

Commissioner Lentz asked why housing was not included one of the alternatives analyzed in the EIR. Ms. Malamut replied that housing was not an approved use in the master plan or the City's General Plan. 10

Commissioner Lentz noted the General Plan talks about establishing a more natural shoreline, and this objective was validated in comments made by members of the public at visioning sessions. Ms. Malamut stated that the landscaping plan calls for maintaining rock near the shoreline and plantings farther away. 11

Commissioner Lentz asked how the revised site plan, with two garages in different locations, would affect retail uses at the site. Ms. Malamut clarified that no retail uses are proposed in the alternative. She said the corner of Sierra Point near the garage might be an appropriate location for a more active retail use in the future. 12

Commissioner Lentz said one of the ideas emphasized at the Project for Public Spaces placemaking workshop was the need to create more public activity in the area. Ms. Malamut noted the project as proposed would not preclude those opportunities in the greater Sierra Point area. 13

Chairman Jameel asked if the draft EIR took into account the hotel and condominium project being considered for Sierra Point. Ms. Malamut clarified that the analysis included all projects that had been approved under the current master plan, and the hotel/condo project had not been approved. She added that the cumulative analysis that looks at potential impacts in 2030 assumes that Sierra Point will be completely built out by then. 14

Chairman Jameel said he was concerned about the draft EIR's finding that traffic impacts at the intersection with U.S. 101 could not be mitigated to raise the grade above "F," and he urged the developer to think about ways to address that problem. Ms. Malamut acknowledged that even if the developer initiates programs to reduce car trips, traffic at the intersection will remain an "F" level of 15

service. She stated that the draft EIR contains a number of recommendations for each intersection. 15 cont.

Chairman Jameel observed that the portion of Sierra Point Parkway that fronts U.S. 101 cannot be widened to accommodate more traffic, and because it serves as the single point of access to Sierra Point from Brisbane, there could be a problem in an emergency. He expressed concern that use of hazardous materials at the site could result in the need to evacuate people quickly, adding that biotech facilities could be targets for terrorist attacks. He recommended taking these safety and security threats into account. Ms. Malamut said police and fire authorities reviewed the plan to verify that sufficient emergency access is provided. 16

Chairman Jameel commented that the dimensions of the piers supporting the buildings are determined by the underlying soil structure and the load they carry. Ms. Malamut confirmed that understanding and said LSA's geotechnical experts had reviewed the plans and made recommendations. 17

Chairman Jameel recalled that at the Freedman Tung & Bottomley urban design presentation, there were some concerns expressed about the visual impact of parking structures, and the consultant recommended diagonal parking along streets in retail areas as a better alternative. He encouraged consideration of that option. 18

Director Prince advised that staff plans to come back with some specific recommendations that can be incorporated in the Land Use Element of the General Plan as part of the ongoing update process. He said those principles can then be incorporated in the design of this project and others.

Chairman Jameel noted Sierra Point should be viewed as an entire area, not as a series of individual projects. He recommended considering an overall mix of uses, including retail, and planning parking structures and other amenities to coordinate with the uses. Chairman Jameel said open space and open areas also need to be integrated into the development. 19

Director Prince commented that an inward-looking campus tends to be less inviting from a visual perspective, and five buildings instead of three makes parking more of an issue.

Commissioner Lentz said the green building ordinance currently being drafted will require all commercial buildings to be LEED Silver certified, and he asked if the buildings in this project would comply with that standard. Principal Planner Swiecki stated that one of the mitigation measures specifies compliance with 20

whatever standards are in effect at the time building permit applications are filed. He added that the City Attorney was in the process of drafting the ordinance. 20 cont.

Commissioner Hunter observed that the five-building concept is similar to the more dynamic environment depicted in the urban design presentation, with connections between buildings, walkways, and trails. He cited the parking garage at Fifth and Mission Streets in San Francisco as an example of combining retail and parking uses. He suggested looking at providing some convenient services, such as food concessions, dry cleaning, shoe repair, and small grocery stores. 21

Chairman Jameel proposed inviting the geotechnical consultant to the next meeting. Principal Planner Swiecki said staff and the EIR consultant will work together to coordinate the presentations.

Dana Dillworth, Brisbane resident, said that from walking her dog at Sierra Point, she knows wind can be a problem, and she noted the trees near the exercise park are growing horizontally because of strong winds. She recommended making sure the landscaping plan makes use of the natural features and provides plants that can help screen the area from wind. She suggested installing windmills at various locations along the Marina and Sierra Point shoreline. 22

Ms. Dillworth spoke in support of having some retail uses at the west end of Sierra Point near Shoreline Court that would serve both Brisbane and South San Francisco. 23

Ms. Dillworth noted that Measure A, approved by the voters, accepts a bi-county transportation plan that includes five freeway interchanges from Sierra Point Parkway to Harney Way. She said she was surprised that others were not aware of these plans, and she recommended treating these improvements as a current rather than a future project. Ms. Dillworth suggested considering looping a roadway from the Marina and back to U.S. 101 along the south shoreline. 24

Ms. Dillworth expressed concern about the safety and stability of the land in the event of an earthquake. She noted employees who work at the site should be instructed not to leave their buildings after an earthquake until it can be verified that no landfill failure has taken place. Ms. Dillworth noted that landfill failures occurred with the Northridge earthquake and earthquakes in Washington and Alaska. 25

Ms. Dillworth said she participated in the Sierra Point charrette as part of the Project for Public Spaces workshop, and there was discussion at that time about bringing light-rail service down to Sierra Point, through Oyster Point, and to the 26

areas east of U.S. 101. She emphasized the need to address mass transit in what she considered to be a more realistic way than shuttles and jitneys. 26 cont.

Ms. Dillworth provided information about nanotechnology research hazards. She reported that the City of Berkeley just adopted a nanotechnology ordinance to control hazardous emissions and waste. She emphasized the need for further study to find out more about potential impacts and ways to mitigate them. She also expressed concern about ensuring that pharmaceutical waste does not get flushed down drains or disposed into landfills. 27

Ms. Dillworth offered to provide follow-up documents regarding the Bay Conservation and Development Commission's goals and plans regarding climate change.

Chairman Jameel noted this matter will be discussed again at future meetings.

At 9:25 p.m., the Planning Commission took a brief recess. Chairman Jameel reconvened the meeting at 9:35 p.m.

[The remainder of the Planning Commission minutes for the meeting of December 14, 2006 pertain to other agenda items and have been deleted in the interest in saving paper.]

City of Brisbane Planning Commission Minutes- December 14, 2006

D1 Commissioner Hunter

Response D1-1: The Commissioner expressed concern regarding the use of hazardous materials on a landfill site and asked if the project would use, store or transport such materials. Ms. Malamut responded that future uses on the site could involve hazardous materials. The Draft EIR addresses the use, storage, and transport of such materials in Section IV.I, Hazards and Hazardous Materials.

Response D1-2: The Commissioner asked about using Bay water to address water supply and fire flow issues. Ms. Malamut and Principal Planner Swiecki responded that the City Engineer is comfortable with the mitigations proposed, and there are no existing systems in Brisbane using Bay water for fire protection.

Response D1-3: The Commissioner stated concern regarding the visual impact of the parking garage and expressed interest in the use of a "living wall" as well as green building and sustainable landscaping. Ms. Malamut replied that the Draft EIR identifies landscaping in the mitigation for the garage's impact on visual resources; however, the visual impact of the garage would continue to be significant and unavoidable because the visual character of the project site would be dominated by the relatively large and imposing parking garage, as seen from the vantage point of Sierra Point Parkway.

Response D1-4: The Commissioner raised concerns regarding traffic studies during peak hours and the need to reduce impacts at the intersection of Sierra Point Parkway and U.S. 101. Ms. Malamut noted that Caltrans has responsibility for improvements at that location but that the project applicant can encourage trip reduction as described in the Draft EIR in Section IV.C, Transportation, Circulation and Parking.

Response D1-5: The Commissioner asked about the impact of anticipated future projects on congestion. Ms. Malamut responded that the Draft EIR accounts for foreseeable transportation projects and foreseeable cumulative development. The Draft EIR describes the improvements included in the C/CAG Travel Demand Forecast Model System for year 2030 on page 94.

D2 Commissioner Maturo

Response D2-6: The Commissioner asked questions regarding geotech issues and expressed concern about liquefaction and piercing the landfill cap with pilings. Ms. Malamut responded that the Draft EIR recommends standard mitigation techniques to address these concerns including pilings up to 250-feet, engineered to withstand strong ground shaking and differential settlement, and monitoring and repair of the clay cap if disturbances occur (described in

Section IV.F, Geology, Soils and Seismicity and Section IV.I, Hazards and Hazardous Materials, respectively).

Response D2-7: The Commissioner asked for clarification regarding of the transfer of approximately 89,815 square feet of office space from the project site to the parcel in the northwest corner of Sierra Point (Parcel 3). Ms. Malamut responded that when a development is proposed for the currently vacant parcel, the developer would be able to use the additional 89,815 square feet (see pages 52, 73, and 96). Details regarding future development of Parcel 3 are not known. The Draft EIR analyzed this transfer in the cumulative analysis and development of Parcel 3 would be subject to its own environmental review when a project is proposed for the site.

D3 Commissioner Lentz

Response D3-8: The Commissioner noted the relationship of the Bay Trail to the parking lot and he stated that pedestrian walkways should connect to the Bay Trail. Ms. Malamut explained that a mitigation measure in the Draft EIR addressed the orientation of the Bay Trail through the parking lot (see Mitigation Measure TRANS-10, page 109). The comment regarding trail/sidewalk connections is noted.

Response D3-9: The Commissioner noted traffic concerns at the intersection of Sierra Point Parkway and U.S. 101. Ms. Malamut responded regarding the mitigation measures for that area that are included in the Draft EIR (see Mitigation Measures TRANS-1, TRANS-4, and TRANS-8 in the Draft EIR; pages 101, 103, and 107, respectively).

Response D3-10: The Commissioner asked why housing was not included in the alternatives analysis. A residential alternative was not considered and is not required because it fails to meet the basic project objectives; is inconsistent with the General Plan, Zoning Ordinance, Redevelopment Plan, and Sierra Point Master Plan, and implementation of such a residential alternative would not necessarily reduce identified impacts related to traffic visual resources; and it could create new significant impacts relative to public services.

Response D3-11: The Commissioner commented that a more natural shoreline should be considered. Ms. Malamut responded that the shoreline is manmade and requirements for the dike stability preclude removal of the rocks. The landscape plan for the proposed project would include the rocks and plantings beyond.

Response D3-12: The Commissioner asked about retail use under the alternatives analyzed in the Draft EIR. Ms. Malamut responded that retail was not part of the Revised Site Plan alternative.

D4 Chairman Jameel

Response D4-13: The Chairman noted the need to create more public activity in the area and cited the placemaking workshop by Project for Public Spaces, Inc. Ms. Malamut responded that the project as proposed would not preclude public activity in the Sierra Point area.

Response D4-14: The Chairman asked if the hotel and condominium project were included in the Draft EIR. Ms. Malamut responded that the cumulative analysis included all approved projects for Sierra Point and was based on the approved Master Plan for Sierra Point, which would result in build-out of the area by 2030. See also response to Comment C2-1.

Response D4-15: The Chairman expressed concern that traffic impacts at the intersection of U.S. 101 would not be mitigated to raise the level of service above "F". Ms. Malamut responded that even with trip reduction programs and other recommendations included in the Draft EIR, traffic at the intersection would remain at level of service "F".

Response D4-16: The Chairman expressed concern regarding emergency access to Sierra Point and the need for emergency evacuation due to the use of hazardous materials on the site, as well as potential terrorist attacks. Ms. Malamut responded that the City of Brisbane Police and the North County Fire Authority reviewed the proposed project and verified that emergency access was adequate. The Draft EIR addresses the use, storage, and transport of such materials in Section IV.I, Hazards and Hazardous Materials.

Response D4-17: The Chairman commented on the sizing of pilings supporting the buildings with respect to soil structure. Ms. Malamut responded that LSA's geo-technical subconsultants had reviewed the proposed project as well as the geotechnical report for the project site.[22] The geotechnical report provided recommendations for construction including the use of pile foundations for large buildings. Such piles may be up to 250 feet deep and would minimize impacts of surface settlement on the structures. Therefore, continued compaction and settlement of the underlying soils would not affect the buildings.

Response D4-18: The Chairman commented that concerns were expressed at the FTB presentation regarding the visual impact of the parking structure and that FTB recommended diagonal parking along streets in the retail areas as an alternative. Director Prince responded that specific recommendations will be made by staff for incorporation into the Land Use Element as part of the General Plan update process. Such designs can then be incorporated into this and other projects.

[22] GeoSyntec Consultants, Inc., 2005. *Sierra Point Geotechnical Review of Parcels 5, 6, and 7*. Job No: PRJ2003REM\Slough\Sierra Point\Section 7 SP GeoReport 8-19-05. August 19.

Response D4-19: The Chairman suggested that the Sierra Point area be considered in its entirety and not as a collection of individual projects. He emphasized a mix of uses and integrated open space. Director Prince responded that the campus design of the project makes the open space areas less inviting from a visual perspective, and five buildings instead of three makes parking more of an issue.

The Draft EIR evaluated land use and policy impacts associated with the project in Section IV.A, Land Use and Planning Policy and visual resources impacts in Section IV.L, Visual Resources.

D5 Commissioner Lentz

Response D5-20: The Commissioner asked if the proposed project would comply with a green building ordinance currently being drafted by the City, which would require all commercial buildings to be LEED Silver certified. Principal Planner Swiecki responded that the project would comply with the standards in effect at the time the building permit applications were filed (see page 225 of the Draft EIR).

D6 Commissioner Hunter

Response D6-21: The Commissioner commented regarding the proposed project's five-building concept and its similarity with design concepts presented at the FTB urban design presentation. His suggestion for the provision of convenient retail services is noted. FTB incorporated the proposed Sierra Point Biotech project into the draft proposals presented to the Planning Commission and City Council.

D7 Dana Dillworth

Response D7-22: The comments regarding wind conditions at the site and the potential for installing windmills on Sierra Point are noted. This comment does not raise any environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; no further response is required.

Response D7-23: The comments recommendation for retail uses at the west end of Sierra Point is noted. This comment does not raise any environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; no further response is required.

Response D7-24: The comment stated that Measure A improvements should be included in the analysis. In 1988, Measure A established a 20-year half-cent sales tax in San Mateo County to fund transportation improvements. In 2004, the tax was

reauthorized through 2033.[23] The San Mateo County Transportation Authority administers the proceeds and distributes a portion of the tax to local cities, including the City of Brisbane. Future transportation improvements for US 101 are included in the Draft EIR analysis as described in Section IV.C, Transportation, Circulation and Parking, on page 93.

The comment regarding construction of a new roadway along the southern shoreline of Sierra Point is noted. This comment does not raise any environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; no further response is required.

Response D7-25: The comments regarding soil stability following an earthquake are noted. As described in the Draft EIR, an emergency action plan, which must be prepared by all employers in California, would address the issue of emergency response and evacuation (see page 194).

Response D7-26: The comment regarding increasing transit to Sierra Point is noted. This comment does not raise any environmental issues or relate to the adequacy of the information or analysis within the Draft EIR; no further response is required.

Response D7-27: The comment regarding regulation of nanotechnology and pharmaceutical waste is noted. This comment does not raise any environmental issues related to the proposed project or relate to the adequacy of the information or analysis within the Draft EIR; no further response is required.

[23] San Mateo County Transportation Authority, 2007. *What's New, News Archives*. Website: www.smcta.com.

IV. TEXT REVISIONS

This chapter presents specific revisions to the text of the Draft EIR that are being made in response to comments, or to amplify and clarify material in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Deletions to text in the Draft EIR are shown with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR. None of the changes or clarifications presented in this chapter significantly alters the conclusions or findings of the Draft EIR.

Page 65 of the Draft EIR is revised as follows:

> The Master Plan conceptually describes the development of Sierra Point, as shown in Figure IV.A-4. As of June 2006, the majority of the Plan has been implemented. However, four sites, totaling approximately 45 acres, remain vacant. On the project site the approved Plan would allow construction of three office buildings: a six-story building, a 10-story building, and an eight-story building, which together would comprise 630,000 square feet. A parking structure with four levels of parking and rooftop parking above grade is approved for the northeast corner of the lot and surface parking are approved to cover the remaining site, aside from the BCDC shoreline area. The main visual focal point would be located along Sierra Point Parkway across from the existing eight and 12-story buildings.
>
> In July 2006, the City retained Freeman Tung and Bottomley (FTB) to update the Sierra Point Design Guidelines in order to "strengthen the public realm, evaluate how pending and future private development relates to the public realm, and determine how this relationship might be strengthened to the benefit of both the public and the projects."[1] The goals of the urban design revisions for Sierra Point include: strengthening the design of Sierra Point Parkway as a public boulevard; creating a focal point and public activity space at the eastern terminus of Sierra Point Parkway; enhancing visual connections to the Bay at the terminus of Sierra Point Parkway; and developing the eastern-most vacant trapezoidal parcel to create a public center of activity (Parcel R, Figure IV.A-4, Sierra Point Master Plan). FTB held two stakeholder meetings and presented design proposals to a joint study session of the City Council and Planning Commission on November 13, 2006. The presentation focused on two draft proposals for retail/commercial/residential uses with integrated public open space located at the eastern intersection of Sierra Point Parkway and Marina Boulevard. Subsequent steps in the design revision process entail an economic analysis to study the feasibility of creating an active public realm on Sierra Point and, ultimately, the adoption of revised design guidelines.

[1] Brisbane, City of, 2006. *Agenda Report, Study Session-Urban Design Update for Sierra Point*. November 13.

Pages 73 and 74 of the Draft EIR is revised as follows:

Compared with the approved Conceptual Master Plan (Master Plan) in the Design Guidelines, the proposed project would result in five office/research buildings with fewer floors and larger footprints instead of three taller office buildings. The proposed six-level parking garage, however, would be two stories taller and have a larger footprint than the four-story parking garage approved in the Master Plan. Specific project differences from the Master Plan include: a proposed building height of three and four stories instead of the approved six, eight and 10 stories; a proposed total of 540,185 square feet instead of the approved 630,000 square feet; the angled placement of buildings on the site such that bulk is moved away from the shoreline; and relocation of parking away from the Bay and toward the streets. The proposed project would result in less surface parking on the southern portion of the site, providing more open space along the Bay than would occur with the previously approved Master Plan. Visual impacts of the proposed project are described in detail in Section IV.M, Visual Resources.

The update to the Design Guidelines being undertaken by FTB and described above, is in the initial planning stages. Because the proposals are not adopted policies or ordinances of the City, a detailed analysis of the proposed project with respect to the draft proposals would be premature. However, it should be noted that the draft proposals for the update, as presented at the joint study session of the City Council and Planning Commission, incorporate the proposed project as analyzed in this EIR.

Page 128 of the Draft EIR is revised as follows:

- Suspend excavation and grading activity when sustained wind speeds exceed 25 mph. Sustained wind speed shall be determined by averaging observed values over a two-minute period. Wind monitoring by the construction manager shall be required at all times during excavation and grading activities.

Page 206 of the Draft EIR is revised as follows:

Impact HAZ-3: Operation of the project could result in hazardous conditions related to the introduction of facilities that may use animals in research. (S)

The following mitigation measure would reduce this potential impact to a less-than-significant level.

Mitigation Measure HAZ-3. Following development of the project, any facility using animals in research shall, at the City of Brisbane's request, furnish to the City documentation demonstrating their compliance with applicable standards for laboratory animal care (e.g., the Institute of Laboratory Animal Research Guide for the Care and Use of Laboratory Animals), such as a copy of their license with the USDA and a copy of the results of the USDA inspections (that occur on at least an annual basis) to ensure compliance with the ongoing requirements of the

federal Animal Welfare Act and the Health Research Extension Act of 1985. (LTS)

Page 221 of the Draft EIR is revised as follows:

A 5-Year Wastewater Capital Improvement Program approved in 2005 by the SFPUC includes plans to upgrade aging infrastructure at the facility to reduce odors. The SFPUC is currently in the process of updating the Sewer Master Plan, which will include additional measures to upgrade facilities at the Southeast Treatment plant to reduce odors and CSO releases.

The 1995 Joint Exercise of Powers Agreement between the City and County of San Francisco, the City of Brisbane, and the Guadalupe Valley Municipal Improvement District (GVMID) establishes the terms of wastewater treatment and disposal service provided to Brisbane by the City and County of San Francisco. The agreement limits wastewater discharge from Brisbane/GVMID to 6.7 million gallons per day, with an exception for a temporary revocable permit in emergency circumstances.

The agreement establishes rates charged for disposal and treatment of wastewater; requires Brisbane/GVMID to install and maintain metering equipment and facilities; allows for monitoring and inspection by the San Francisco Public Works Director; and requires consistency with and enforcement of San Francisco standards and regulations pertaining to waste discharge. The agreement requires Brisbane/GVMID to provide information regarding updated facilities and new non-residential dischargers, including EPA Categorical Dischargers within a specified timeframe. The agreement also establishes requirements for Brisbane/ GVMID to prepare and update the Revenue Program in compliance with applicable federal and state laws.

The City has planned for wastewater treatment and discharge associated with the development of Sierra Point as approved under the Master Plan. Therefore, discharge associated with the proposed project would be within the amount of wastewater anticipated by the Master Plan and the cumulative effect on the agreement would not be significant.

Page 227 of the Draft EIR is revised as follows:

(1) Wastewater Treatment. The City of Brisbane has a contract with the SFPUC for treatment of 6.7 mgd peak wet weather discharge ~~6.0 mgd total daily dry weather sewage flow~~.[2] Base sanitary sewer flow for existing conditions in the 2003 Sewer Master Plan was projected to be 0.334 mgd for the City's service area.[3] Base sanitary sewer flow levels for build-out conditions outlined in the General Plan for 2020 are projected to increase to 0.537 ~~0.454~~ mgd, with the majority of future flow increases expected to come from new office districts and planned developments.[4]

[2] City of Brisbane, 2002. *1999-2006 Housing Element.* Adopted October 15.

[3] City of Brisbane, 2003. *Sewer Master Plan.* Prepared by Brown and Caldwell, May.

[4] Ibid.

Average sewer flow from the proposed project would be approximately 0.112 mgd and, with a peaking factor of ~~5~~ 3 to 1, the project could have peak flows levels of up to ~~0.560~~ 0.336 mgd.[5]

Brisbane's sewage is conveyed to the Southeast Water Pollution Control Facility, which has a total design capacity of 85 mgd.[6] The Southeast Water Pollution Control Facility currently has an average daily dry weather flow of 67 mgd,[7] with a remaining average daily dry weather treatment capacity of approximately 18 mgd. Additional base flows of 0.112 mgd and peak flows of up to ~~0.56~~ 0.336 mgd generated by the proposed project would be less than one percent of the remaining dry weather treatment capacity of 18 mgd and are less than ~~would therefore be within~~ the Southeast Water Pollution Control Facility's remaining treatment capacity and within the prescribed flow limits identified in the City's agreement with SFPUC. ~~projected flow levels for build-out under the General Plan.~~

Page 228 of the Draft EIR is revised as follows:

(2) Storm Drainage. Implementation of the proposed project would increase the impervious surface coverage on the site from close to zero percent to approximately 40 percent. Considering the entire 22.8-acre site, the peak 10-year discharge could increase from 16 cubic feet per second to 26 cubic feet per second. This rate should be well within the combined capacity of the four existing 24-inch diameter outfalls serving the project site.[8] Implementation of the proposed project would alter the existing drainage patterns on the site by directing additional runoff into existing outfalls, which could result in increased discharges from the site. However, the proposed project would discharge directly into San Francisco Bay and would not exceed the capacity of the City's storm drain system.

The use of heavy-gauge, high-density polyethylene pipe (HDPE) for the sewer system, instead of vitrified clay pipe material typical for sewer systems, is required for all development at Sierra Point to protect the landfill's clay cap and to address settlement issues. With the use of HDPE materials the amount of inflow and infiltration to the sewer system during wet weather months would be negligible.[9]

[5] Thomas Birmingham, ~~2006~~ 2007. Project Manager, Brown and Caldwell. Personal communications with LSA Associates, Inc. ~~August 25~~ April 2.

[6] Kerwin Chan, 2006. Superintendent of Bayside Operations, SFPUC. Personal communications with LSA Associates, Inc. July 11.

[7] San Francisco Public Utilities Commission, 2006. Southeast Treatment Plant Website: www.sfsewers.org/southeast_treatment.asp

[8] Harvey Oslick, 2006. RBF Consultants. Personal communications with LSA Associates, Inc. June 29.

[9] Randy Breault, 2007. City of Brisbane, Director of Public Works. Personal communications with LSA Associates. January 10.

Page 233 of the Draft EIR is revised as follows:

> Mitigation Measure UTL-3: The proposed project shall include a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations in accordance with Public Works Department and Fire Authority specifications. Each fire supply loop connection to the street main shall include a double detector check valve. A fire loop system separated from the potable water system will allow for smaller water mains to serve the peak daily demand for the project, thereby allowing for quicker water turnover in the potable water system. Separate potable and fire supply systems will also allow for maintenance on either looped system without affecting the other.
>
> As an alternative, the applicant could submit a proposal for a dual-use fire/water loop but, as part of such a submittal, must provide sufficient evidence (e.g., hydraulic calculations) to the satisfaction of the City Engineer, that the water would not stagnate in such a dual-use system and that the impact would be mitigated to a less-than-significant level. (LTS)

Pages 233, 234 and 235 of the Draft EIR are revised as follows:

> **(3) Wastewater Conveyance.** The existing 10-inch sewer lines in the vicinity of the project site beneath Shoreline Court and Sierra Point Parkway would provide sanitary service for the proposed project. In accordance with the 2003 City of Brisbane Sewer Master Plan, the projected sewer flow from the proposed project would be approximately 90 percent of the water demand.[10] Based on a water demand of 0.124 million gallons per day for the proposed project, the projected average sewer flow from the project would be approximately 0.112 mgd with a peak flow of up to ~~0.56~~ 0.336 mgd.[11] Estimated average flows for other areas of Sierra Point are 0.134 mgd, and combined with the proposed project, would result in an average flow of 0.246 mgd.[12] The firm capacity of the Sierra Point Lift Station ~~in~~ is currently about 0.46 mgd and would be adequate to handle the average flow of 0.246 mgd from all of Sierra Point, including the proposed project.[13] Other development on Sierra Point may produce peak sewage flows of about 0.67 mgd, and combined with the potential peak flow of ~~0.56~~ 0.336 mgd from the proposed project, could result in total peak flows of ~~1.23~~ 1.01 mgd to the Sierra Point Lift Station.[14] During peak flow conditions on Sierra Point, the potential ~~1.23~~ 1.01 mgd flow levels ~~could~~ would exceed the 0.46 mgd capacity of the Sierra Point Lift Station.

[10] City of Brisbane, 2003. *Sewer Master Plan.* Prepared by Brown and Caldwell, May.

[11] Thomas Birmingham, ~~2006~~ 2007. op. cit.

[12] Ibid.

[13] Ibid.

[14] Ibid.

Impact UTL-4: During peak flow conditions, wastewater flow from the project ~~could~~ would exceed the capacity of the Sierra Point Lift Station. (S)

Mitigation Measure UTL-4: The project applicant shall pay for the installation of larger pumps or a complete replacement of the Sierra Point Lift Station, as determined by the Public Works Department, to accommodate the increase in peak sewer flows from the project site. Additional required improvements to the lift station may include replacement of the electrical system and a larger standby generator. (LTS)

With a projected wastewater peak flow of ~~0.56~~ 0.336 mgd from the proposed project contributing to a combined peak flow of ~~1.23~~ 1.01 mgd in the existing downstream 10-inch diameter gravity line, the 10-inch line would flow at approximately ~~90~~ 70 percent full during peak flow periods.[15] The 2003 City of Brisbane Sewer Master Plan states that when the peak flow depth exceeds 50 percent of pipelines that are 10-inches in diameter or less, the 10-inch pipeline will need to be upgraded and replaced. The 12-inch diameter pipe directly downstream from the 10-inch line would flow at about ~~65~~ 55 percent of the capacity of the pipeline. During peak flow periods, the 12-inch diameter pipeline would comply with the 66 percent capacity limit established in the 2003 City of Brisbane Sewer Master Plan~~, but any increase above this level would require replacement~~.

Impact UTL-5: At peak sewer flow conditions, the project ~~could~~ would exceed the capacity of the downstream 10-inch gravity sewer line in Sierra Point Parkway. (S)

Mitigation Measure UTL-5: The project applicant shall fund the replacement of the downstream 10-inch gravity line in Sierra Point Parkway with a pipeline capable of accommodating peak flow levels in accordance with the 2003 City of Brisbane Sewer Master Plan pipe capacity requirements. The Public Works Department shall ensure that the replacement pipe is adequately sized to comply with the 2003 City of Brisbane Sewer Master Plan requirements and meets all specifications. (LTS)

The 6-inch diameter force main leaving the Sierra Point Lift Station, with a capacity of ~~2.54~~ 1.53 mgd, is appropriately sized to accommodate the combined peak flow levels of ~~1.23~~ 1.01 mgd. The Valley Drive Lift Station has a firm capacity of 3.2 mgd. According to the Sewer Master Plan, the estimated future flows at the Valley Drive Lift Station are ~~2.3~~ 2.92 mgd, and

[15] Ibid.

would be adequate to accommodate the additional ~~0.465~~ 0.241 mgd[16] of peak flow levels not anticipated in the 2003 City of Brisbane Sewer Master Plan. The 8-and 12-inch diameter discharge force mains from the Valley Drive Lift Station to the Bayshore Boulevard gravity line ~~has a capacity of about 3.3 mgd, which would be~~ have adequate capacity to accommodate the combined peak flows of about ~~2.8~~ 2.92 mgd. The force main flows into a 16-inch diameter gravity main in Bayshore Boulevard. ~~The 2.8 2.92 mgd flows from the force main would result in the 16-inch diameter line flowing at 80 75 percent which is above the 66 percent threshold established in the 2003 City of Brisbane Sewer Master Plan.~~ The projected flows from the Valley Drive Lift Station will not exceed the capacity of the 16-inch diameter line.

~~Impact UTL-6~~: ~~At peak sewer flow conditions, the project could~~ would exceed the capacity of the 16-inch diameter gravity line in Bayshore Boulevard. (S)

~~Mitigation Measure UTL-6: The project applicant shall pay a fair share of the cost as determined by the Public Works Department to upgrade the existing downstream 16-inch gravity line in Bayshore Boulevard with a pipeline capable of accommodating peak flow levels in accordance with the 2003 City of Brisbane Sewer Master Plan pipe capacity requirements. The Public Works Department shall ensure that the replacement pipeline is adequately sized to comply with the 2003 City of Brisbane Sewer Master Plan requirements and meets all specifications. (LTS)~~

Impact UTL-~~7~~ 6: The construction of new water, sewer and storm drain lines could potentially cause significant environmental effects. (S)

The proposed project includes the construction of new water, sewer and storm drain infrastructure which could potentially cause significant environmental effects related to below ground hazards, differential ground settlement, water quality, air quality and could increase the risk of damage to existing utility lines.

Implementation of the following two-part mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure UTL-~~7~~ 6a: The construction of new water, wastewater and stormwater infrastructure shall incorporate mitigation measures GEO-1a, GEO-1b, GEO-1c, GEO-2a, GEO-2b, GEO-2c, GEO-3, GEO-4, HYDRO-1a, HYDRO-1b, HYDRO-1c, HYDRO-2a, HYDRO-2b, HAZ-1a and HAZ-1b.

[16] The Sewer Master Plan originally anticipated a total peak flow of 0.095 from the project site and the proposed project could result in unanticipated net peak flow of ~~0.465~~ 0.241 mgd. (~~0.560~~ 0.336 mgd – 0.095 = ~~0.465~~ 0.241 mgd net increase)

Mitigation Measure UTL-~~7~~ 6b: To address the potential of differential ground settlement, the construction of water, sewer and storm drain lines shall include flexible utility connections at buildings and provide support for the utilities under buildings on the structures themselves. (LTS)

Impact UTL-~~8~~ 7: Stormwater runoff from the project site could exceed the capacity of the stormwater system in the northwest portion of the site. (S)

The City of Brisbane Storm Drainage Master Plan identified a drainage deficiency at the intersection of Sierra Point Parkway and Marina Boulevard, at the northwest corner of the project site. The cause of this deficiency, noted by City staff, was not determined and the Master Plan recommended that video inspection should be performed to investigate the problem.[17] Implementation of the following mitigation measure will ensure that drainage from the project site does not exceed the capacity of the City's storm drain system in the event that the drainage deficiency is not corrected.

Mitigation Measure UTL-~~8~~7: Stormwater drainage on the project site should be directed away from the intersection of Sierra Point Parkway and Marina Boulevard at the northwest corner of the site. The City of Brisbane Public Works Department and/or Building Division shall review and approve final project design and drainage plans prior to approval of the grading plan. (LTS)

[17] Harvey Oslick, 2006. RBF Consultants. Personal communications with LSA Associates, Inc. June 29.

APPENDIX G

WATER AND SEWER SYSTEM REVIEW

201 North Civic Drive, Suite 115
Walnut Creek, California 94596-3864

Tel: (925) 937-9010
Fax: (925) 937-9026

April 2, 2007

BROWN AND CALDWELL

Ms. Judith Malamut
LSA Associates, Inc.
2215 Fifth Street
Berkeley, California 94710

130717-001

Subject: Proposed Water and Sewer Mains for the Sierra Point Biotech Project

Dear Ms. Malamut:

In completion of LSA Associates, Inc (LSA) authorization dated February 4, 2007, Brown and Caldwell (BC) has responded to Slough Estates International's draft EIR questions. We also estimate the primary water and sewer demands for the proposed Diamond Investment Properties proposal, as well as the Universal Paragon Corporation proposal at Sierra Point.

SLOUGH ESTATES QUESTIONS

Question C-13

How will the sewer flows be affected by changing the peaking factors from 5 to 3?

The required sewer flow from the Sierra Point Biotech Project will be approximately 90 percent of the water demand (Brisbane Sewer Master Plan, BC, May 2003). From Table 1, this will result in an average sewer flow of approximately 0.112 mgd for Sierra Point Biotech Park, or a peak flow of 0.336 mgd. At the City's request, the previous report (BC August 25, 2006) used a peaking factor of 5. Slough Estates is required to use HDPE piping to reduce the infiltration and inflow (I/I) to the system. This approach will reduce the peaking factor (peak to average flow ratio) from 5 to 3, and reduce the peak flow from the Sierra Point Biotech Project from 0.560 million gallons per day (mgd) to 0.336 mgd. This change is reflected in Table 1. We have continued to apply a peaking factor of 5 for flows from the remaining portion of Sierra Point.

Table 1. Estimated Flow for Entire Sierra Point Area

Area	Unit	Ave Use (mgd)	Peak Use (mgd)
Sierra Point Area from Water Master Plan	102 acres	0.153	0.765
Sierra Point Biotech Project Area	12.6 acres	0.019	0.095
Total Use Less Sierra Point Biotech Project		0.134	0.670
Sierra Point Biotech Project	10,000 gpd/acre	0.112	0.336
Total		0.246	1.01

Question C-14

What peak flow was the pump station designed to accommodate and how was it calculated?

The current firm capacity of the Sierra Point Pump Station is 0.461 million gallons per day (mgd). We have confirmed this information through a telephone call to Matt Fabry of the City of Brisbane staff.

According to the City's Sewer Master Plan (July, 2003), Table 5-2 shows that the pump station has a firm capacity of 600 gpm (=0.864 mgd) and further indicates that it will be upgraded to 800 gpm (1.152 mgd).

The Sierra Point Sewage Lift Station Pump Replacement Project Plans and Specifications (Associated Water Engineers, Inc September 2002) called for two 400-gpm pumps to replace the existing equipment. The contractor installed two pumps total, which produced a firm capacity of 0.461 mgd. Future plans call for the installation of a third, larger pump.

Question C-15

What is the existing peak flow to the pump station and how was it determined?

From the Brown and Caldwell Sewer Master Plan (SMP) July, 2003, Table 4-2, the existing average flow projection is 0.092 mgd. Using a peaking factor of 5 increases the flow to 0.460 mgd.

What future developments are designed to drain to the pump station and how were the sewer flow rates calculated?

When the SMP was completed, future average day flows from Sierra Point were projected to increase from 0.092 mgd to 0.153 mgd. Future development was expected to be similar to the office buildings currently at Sierra Point.

As shown in Table 1, the rest of the Sierra Point area will produce a peak sewage flow of about 0.67 mgd, for a total of 1.01 mgd to the Sierra Point Lift Station. The firm capacity of the pump station (largest pump out of service) is now is about 0.46 mgd; therefore, the additional average future sewer flow of 0.246 mgd can be adequately handled by the pump station. However, at peak conditions, the 1.01 mgd flow would exceed the current capacities for the Sierra Point Lift Station. Therefore, it would require renovations with a third pump in the existing lift station, larger pumps, or a complete lift station replacement. Additional improvements might include re-work or replacement of the electrical system and a larger standby generator.

Question C-17

What is the existing flow in the 10-inch diameter gravity main and how was it determined?

From the SMP, the average existing flow is 0.092 mgd, and a peak flow of 0.460 mgd.

What is the maximum capacity of the 10" gravity pipe based on the City's maximum allowable depth of 50%?

As stated in the Sewer Master Plan, there is a 10-inch diameter gravity line downstream from the proposed project site. With a projected peak flow of 1.01 mgd, the 10-inch diameter sewer line will flow approximately 70 percent full. Section 5 of the Sewer Master Plan states when the peak flow depth exceeds one-half full for pipelines 10-inches in diameter or less, the 10-inch diameter pipe will need to be replaced. A larger diameter pipe or a parallel 10-inch diameter line can be installed to transport additional future flows. The maximum capacity of the 10-inch diameter gravity pipe is 0.667 mgd based on a slope of 0.02 feet per hundred feet and a Manning n of 0.013. The 12-inch diameter pipe directly downstream from the 10-inch diameter pipeline will flow at about 55 percent. This is acceptable from the Master Plan limit of 66 percent.

Question C-18

What is the existing flow in the 16-inch diameter sewer and how was it determined?

Based on the City's data, existing average daily flow in the 16-inch diameter sewer is 0.330 mgd. This flow is pumped from the Valley Drive Pump Station.

What is the maximum flow capacity of this pipe based on the City's maximum allowable flow depth of 66%?

The maximum flow of this pipe at 66 percent is approximately 3.88 mgd based on a slope of 0.026 feet per hundred feet and a Manning n of 0.013. The peak flow of 2.92 mgd from the force main will result in the gravity portion of the pipeline flowing at 50 percent. This is below the 66 percent threshold set in the Sewer Master Plan for gravity flow sewers.

What future developments will contribute to the 16" sewer?

Future developments will include development on Sierra Point as well as minor development in the City proper.

How were the flow rates for these future developments calculated?

From the SMP, the average future flows for the Valley Drive Pump Station will be 0.537 mgd, and 2.69 mgd for peak flows. The 6-inch diameter force main leaving the Sierra Point Pump Station is appropriately sized with a peak flow of 1.01 mgd and a velocity of 7.93 fps. This 6-inch diameter line transitions to an 8-inch diameter force main west of Highway 101, with an acceptable velocity of 4.47 fps. From Table 5-4

of the Brisbane Sewer Master Plan, Valley Drive Lift Station has a firm capacity of 3.2 mgd. The estimated future flows are 2.68 mgd per the Master Plan, allowing for the added 0.336 mgd from Sierra Point Biotech Project, for a total flow of about 2.92 mgd. The 0.241 mgd of sewer flow is the difference between the proposed Sierra Point Biotech Project peak flow of 0.336 mgd, and the Sewer Master Plan peak flow of 0.095 mgd. The Valley Drive Lift Station has a firm capacity of 3.2 mgd and can therefore adequately handle the increased peak flows from the Sierra Point Biotech Project. The Valley Drive Lift Station discharges into a 16-inch diameter gravity/pressure main in Bayshore Blvd.

The 16-inch diameter line flows by gravity for approximately 3,200 feet, and then acts as a siphon and flows gradually uphill to the connection with San Francisco's sewer system for 3,100 feet. The hydraulic grade line shows that the lower portions of the sewer main will be under pressure, but the upper portions will remain under gravity flow. The pipe can adequately handle the additional flows from the Sierra Point Biotech Project and does not need to be upgraded.

FUTURE WATER AND SEWER WATER DEMANDS FOR ALL SIERRA POINT PROJECTS

In addition to the Sierra Point Biotech Project, Diamond Investment Properties and Universal Paragon Corporation are proposing new developments for Sierra Point. The projected water and sewer demands for these proposals are shown on Table 2.

Table 2. Estimated Flows

Use	Water Demand	Area (thousand sq ft)	Total Water Demand (thousand gpd)	Total Sewer Demand (thousand gpd)
Sierra Point Biotech Park				
Research and Development	10,000 gpd / acre	540	124	112
Parking	0	1786 spaces	0	
Total		540	124	112
Diamond Investment Properties				
Residential (192-1 bath / 285 2-bath)	110 gpd / unit	477 units	83.8	75
Retail	50 gpd / 1000 sq ft	23	1.2	1
Total			85	76
Universal Paragon Corporation				
Hotel	130 gpd / room	400 rooms	52	47
Condominiums (136 1 bath / 264 2 bath)	110 gpd / unit	400 units	73	66
Total			125	113
Grand Total			334	301

Notes:
1. square feet (sq ft)
2. gallons per day (gpd)
3. Unit water demands factors based on water use records for Genentech
4. Retail use for the Sierra Point Biotech Park was not included as the amounts will be negligible

To meet the future demands of additional Sierra Point development, improvements will need to be made to the area infrastructure. The 10-inch diameter gravity line will flow at 70 percent from the Sierra Point development and will need to be replaced or paralleled. The 12-inch diameter gravity line will flow at 55 percent from the Sierra Point development and will not need to be replaced. Additional flows from the UPC and Diamond projects will require a new 6-inch diameter force main from the project sites to the Sierra Point Lift Station. The 6-inch diameter force main leaving the Sierra Point Lift Station will flow at 8 fps from the Sierra Point development, and future development will push the velocities to approximately 12 fps in the 6-inch diameter portion of the force main.. These velocities will be within typical design limitations in the 6 - and 8-inch diameter portion of the Sierra Point Lift Station force main. Sierra Point flows will exceed the capacity of the Sierra Point Lift Station and require renovations with larger pumps or a complete replacement. The Valley Drive Lift Station will have adequate capacity for the Sierra Point development, but will require renovations with larger pumps or complete replacement with the Diamond and UPC development. Additional improvements might include re-work or replacement of the electrical system and a larger standby generator for the projected developments.

If you have any questions regarding this analysis, please call me at (925) 210-2352.

Very truly yours,

BROWN AND CALDWELL

Thomas Birmingham
Project Manager

TB:iu:jaf

cc: R. Breault, City of Brisbane
J. Flanagan, City of Brisbane
W. Faisst, Brown and Caldwell