

CHAPTER 1

Introduction

This Final Environmental Impact Report (FEIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs, tit. 14 ch. 3, § 15000 *et seq.*) to evaluate the environmental effects of the proposed development of the Brisbane Baylands.

According to *CEQA Guidelines*, Section 15132, the Final EIR shall consist of:

- (a) The Draft EIR or a revision of the Draft;
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process;
- (e) Any other information added by the lead agency.

The City of Brisbane has determined that none of the additional material included in the Final EIR constitutes “significant new information” requiring recirculation of the Draft EIR under *CEQA Guidelines* Section 15088.5. The additional material clarifies and amplifies existing information prepared in the Draft EIR. It does not indicate that the proposed development would result in a significant new environmental impact or impacts not previously disclosed in the Draft EIR, nor that there would be a substantial increase in the severity of an environmental impact that will not be mitigated, or that any of the other circumstances requiring recirculation described in Section 15088.5 would result.

1.1 Project Location

The “Project Site” encompasses a total of approximately 733 acres primarily within the Brisbane city limits¹. This includes areas identified in the adopted City of Brisbane 1994 General Plan as the “Baylands Subarea,” portions of the “Northeast Bayshore Subarea,” and the “Beatty Subarea.” A small portion of the Project Site encompasses property within the limits of the City

¹ The 733-acre Project Site includes the existing 44.2-acre Recology site, which along with adjacent rights-of-way is not a part of two of the four development scenarios analyzed in the Draft EIR. See Section 1.2, below for a description of the four development scenarios analyzed in the EIR.

and County of San Francisco (San Francisco) that is part of the existing 44.2-acre Recology Solid Waste Transfer Facility. The Recology site is situated partially within Brisbane and partially within San Francisco.

1.2 Project Overview

The proposed Project analyzed in the EIR consists of the following components:

- A **Concept Plan** for the development of the Baylands, as required by the Brisbane General Plan prior to development within the Baylands. Development of the following four Concept Plans are evaluated in the EIR at an equal level of detail:
 - ***Developer-Sponsored Plan (DSP)***. The DSP scenario was proposed by Universal Paragon Corporation (UPC), the primary landowner within the Project Site, and is set forth in the February 2011 *Draft Brisbane Baylands Specific Plan* (Specific Plan). The DSP includes only the 684-acre portion of the Baylands within the Brisbane city limits and excludes the entirety of the 44.2-acre Recology site and adjacent road rights-of-way. The DSP proposes approximately 7 million square feet of office/ retail /industrial/ institutional uses, 4,434 residential units, approximately 169.7 acres of “open space/open area,” and approximately 135.6 acres of “lagoon” area. Total new development under the DSP would be approximately 12.1 million square feet of building area within a 684-acre Project Site.
 - ***Developer-Sponsored Plan – Entertainment Variant (DSP-V)***. The DSP-V scenario is also proposed by UPC and set forth in the Brisbane Baylands Specific Plan. The DSP-V encompasses the same 684-acre area as the DSP. It is similar to the DSP in its development intensity and land use pattern, but replaces the retail and office/research and development (R&D) uses proposed under the DSP in the northeast portion of the Project Site with entertainment-oriented uses, including a 17,000- to 20,000-seat sports arena, a 5,500-seat concert theater, a multiple-screen cinema, and more conference/exhibition space and hotel rooms than are proposed under the DSP. New development under the DSP-V also includes 4,434 residential units, and would total approximately 12.0 million square feet of building area within a 684-acre Project Site.
 - ***Community Proposed Plan (CPP)***. The CPP scenario was developed through extensive community input regarding the pattern of proposed land uses, and designated for study in this EIR by the Brisbane City Council in 2010. The CPP provides for approximately 7.7 million square feet of office, industrial, commercial, and institutional uses, along with approximately 330 acres of open space/open area and the 135.6-acre lagoon. In addition to the 684-acre area included as part of the DSP, the CPP includes the 44.2-acre Recology site, which spans the cities of Brisbane and San Francisco, encompassing the Beatty Subarea designated in the City of Brisbane General Plan and adjacent roadway rights-of-way for a total area of 733 acres. The CPP does not include residential development. New development under the CPP would total approximately 7.7 million square feet of building area within the 733 acre Project Site.
 - ***Community Proposed Plan – Recology Expansion Variant (CPP-V)***. The CPP-V scenario encompasses the same 733-acre area as the CPP scenario, and differs from

the CPP in that it proposes modernization and expansion of the existing Recology facility in the northeast portion of the Brisbane Baylands. Under the CPP-V scenario, Recology would expand southward from its current boundary, replacing the hotel and R&D uses proposed under the CPP just north of Geneva Avenue and east of Tunnel Road. The existing 44.2-acre Recology site would expand by 21.3 acres to a total of 65.5 acres, consolidating Recology's existing offsite recycling and corporation yard facilities into one location within the Baylands. The square footage of building area within the Recology site would increase from the existing 260,000 square feet to 1,011,000 square feet. Total new development under the CPP-V scenario would be approximately 8.1 million square feet of building area within the 733-acre Project Site.

- Amendments to the Brisbane General Plan as needed to ensure consistency of proposed development with the provisions of the General Plan.
- A Specific Plan submitted to the City by Universal Paragon Corporation (UPC) detailing development for the two “Developer-Sponsored Plan” scenarios. The proposed Specific Plan addresses the DSP and DSP-V Concept Plan scenarios only.
- Proposed modernization and expansion of the existing Recology facility, which is included in the CPP-V Concept Plan scenario only.
- Relocation of existing lumberyards to a different location within the Baylands, which is proposed under each of the four Concept Plan scenarios.
- Remediation of hazardous materials contamination within the former railyard and landfill areas of the Project Site, which is proposed under each of the four Concept Plan scenarios.
- Importation of water supply to the Baylands and City of Brisbane, which is proposed for each of the four Concept Plan scenarios. Under the proposed water supply agreement, the City would acquire a supplemental water supply of up to 2,400 acre-feet per year (AFY) via a water transfer agreement with the Oakdale Irrigation District (OID). OID and the City have signed a term sheet that establishes a framework for negotiating an agreement for the future transfer of up to 2,400 AFY annually for a 50-year period, with possible renewals for additional 25-year periods. The 2,400 AFY includes up to 2,000 AFY to serve the Baylands and 400 AFY to accommodate planned growth within Brisbane as a whole. The water would be transferred from OID to Brisbane pursuant to water supply and conveyance agreements to be executed among OID, the Modesto Irrigation District (MID), the San Francisco Public Utilities Commission (SFPUC), and the City of Brisbane.
- Construction and operation of an onsite recycled water plant, which would provide tertiary treatment of wastewater for recycled water re-use within the Project Site.

Table 1-1 of the Draft EIR lists these Project components, showing which components are included in each development scenario.

**TABLE 1-1
PROJECT COMPONENTS ANALYZED IN THE BRISBANE BAYLANDS EIR**

Project Component	Development Scenario			
	DSP	DSP-V	CPP	CPP-V
Concept Plan	✓	✓	✓	✓
General Plan Amendment	✓	✓	✓	✓
Specific Plan ¹	✓	✓		
Site-Specific Development				
<i>Recology Expansion</i>				✓
<i>Lumberyard Relocation</i>	✓	✓	✓	✓
Site Remediation	✓	✓	✓	✓
Importation of Water Supply	✓	✓	✓	✓
Onsite Recycled Water Plant	✓	✓	✓	✓

✓ = Development scenario includes this Project component

¹ Since the Brisbane General Plan requires preparation of a Specific Plan prior to development within the Baylands, the CPP or CPP-V Concept Plan scenarios would require future preparation and environmental analysis of a Specific Plan.

SOURCE: ESA, 2012.

1.3 Format of the Final EIR

The following chapters are contained within this document:

Volume I

Chapter 1, Introduction, describes CEQA requirements and the content of the Final EIR.

Chapter 2, Response to Comments, provides a list of agencies, organizations, and interested individuals who commented on the Draft EIR along with responses to each of their comments.

Chapter 3, Revisions to the Draft EIR. This chapter sets forth revisions made to the Draft EIR as a result of the comments received by agencies, organizations and individuals as described in Chapter 2, and/or errors and omissions discovered subsequent to release of the Draft EIR for public review.

Volume II

Chapter 4, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP) prepared based on the mitigation measures included in this Final EIR. CEQA requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA §21081.6, *CEQA Guidelines* §15097).

Volume III

Chapter 5, Comments on the Draft EIR. This chapter provides copies of all comment letters received and transcripts of the comments made at public meetings held to solicit comments on the Draft EIR.

1.4 Use of the Final EIR in Agency Decision Making

In conformance with CEQA and the CEQA Guidelines, the Final EIR provides detailed and objective information regarding the environmental consequences of the proposed development of the Baylands. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or avoid significant environmental impacts. The Final EIR will be considered by the City and Responsible Agencies prior to engaging in discretionary decisions regarding development within the Brisbane Baylands and related project components.

Should the City decide to certify the Final EIR, it must make the findings set forth in CEQA Guidelines § 15090(a). Namely, the City would have to certify that the EIR:

- Complies with CEQA;
- Reflects the lead agency's independent judgment and analysis; and
- Was presented to the decision-making body, which reviewed and considered the information in the Final EIR before approving or approving with modifications any component of the project.

After considering and certifying the EIR, the lead agency may then decide whether or how to approve the project. Under CEQA, an agency may not approve or carry out a project for which an EIR was prepared unless it makes written findings to the effect that:

- The project as approved will not have a significant effect on the environment; or
- The agency has eliminated or substantially lessened all significant effects on the environment when feasible, and has determined that any remaining significant effects are acceptable when balanced against the project's benefits.

(Pub. Res. Code § 21081; CEQA Guidelines § 15092(b).)

CEQA requires an agency to avoid or reduce a project's significant effects when it is feasible to do so. For a discussion of feasibility under CEQA, please see Master Response 2. When deciding whether a project should be approved, an agency then has an obligation to balance various public objectives, including economic, environmental, legal, technological, and social factors, and determine whether overriding considerations justify approval of the project despite its significant environmental effects. The agency then must adopt a statement of overriding considerations, setting forth specific reasons in support of project approval.

In accordance with CEQA and the CEQA Guidelines, the Final EIR will be made available prior to the City's consideration of EIR certification. All documents referenced in this Final EIR are

also available for public review. See Section 1.7, below, for information regarding reference availability.

1.5 Public Participation in Environmental Review

The City of Brisbane prepared the Brisbane Baylands Draft EIR in compliance with CEQA, and circulated it for public review from June 8, 2013, through January 24, 2014. During the public review period, the public was encouraged to submit comments and/or questions to the City on the Draft EIR.

Prior to release of the Draft EIR, the City took the following actions to inform the public about the project and its environmental review:

- **2006**
 - February 21: City deems Specific Plan application complete
 - February 24: EIR Notice of Preparation released
 - March 2: First EIR Scoping Session
 - March 21: EIR Scoping Session #2
 - April 27: EIR Scoping Session #3
 - June 13: EIR Scoping Session #4
 - June 26: EIR Scoping Session #5
- **2007**
 - February 20: City Council establishes process to develop EIR Alternatives
 - April 1-30: 16 stakeholder group interviews regarding EIR Alternatives Visioning
 - April 9: City Council/Planning Commission EIR Alternatives Visioning Workshop
 - May 12: Community EIR Alternatives Visioning Workshop #1
 - June 23: Community EIR Alternatives Visioning Workshop #2
 - July 23: City Council Workshop on Results of Public EIR Alternatives Visioning Workshops
- **2008**
 - March 17: City Council Update on EIR Alternatives Process
 - May 5: City Council Meeting to approve next phase of EIR Alternatives Review Process
 - May 19: City Council Workshop on EIR Alternatives
 - June: Citywide publication (City News) published with 6-page insert describing the alternatives and process, inviting the public to open house and workshop
 - June 7: EIR Alternatives Open House #1
 - June 9: EIR Alternatives Open House #2
 - June 10: EIR Alternatives Presentation to Chamber of Commerce Board of Directors
 - June 11: Joint Planning Commission(PC) /Park, Beaches and Recreation Commission (PBR) /Open Space and Ecology Committee (OSEC) workshop on EIR Alternatives
 - June 18: EIR Alternatives Community Workshop #1
 - July 12: EIR Alternatives Community Workshop #2

- **2009**
 - January 26: City Council Public Space Planning informational workshop
 - February 4: Parks, Beaches & Recreation Commission public space planning workshop
 - February 5: Planning Commission public space planning workshop
 - February 11: Open Space & Ecology Committee public space planning workshop
 - February 18: Parks, Beaches & Recreation Commission public space workshop #2
 - July 20: City Council authorizes study of Community Proposed Plan alternative in Baylands EIR
- **2010**
 - May 24: Presentation by applicant to City Council regarding updated project description
 - November: Applicant submits Executive Summary of updated Baylands Specific Plan
 - December 10: Revised EIR Notice of Preparation published
- **2011**
 - January 4: EIR scoping meeting held
 - February 15: Updated applicant-prepared Specific Plan released for public review
- **2012**
 - January 19: Staff presentation to OSEC regarding CEQA
 - February 21: City Council establishes 120-day public comment period for DEIR
 - June 16: Community CEQA training held
 - June 19: CEQA training held for Brisbane Baylands Community Advisory Group
 - July 10: CEQA training held for OSEC
 - July 18: CEQA training held for Parks and Recreation Commission
 - August 9: CEQA training held for Planning Commission
 - October 22: Revised EIR Notice of Preparation (NOP) published

In addition, the City undertook the following actions to inform the public of the availability of the Draft EIR and to assist in the document's review:

- The Draft EIR was delivered to the State Clearinghouse on June 8, 2013; the public review period started on June 11, 2013.
- A notice of the availability of the Draft EIR was posted on the City's website, and written notice was sent to various governmental agencies and to organizations and individuals that had previously expressed an interest in the Brisbane Baylands planning and environmental review process.
- A general overview and summary of the Draft EIR was provided in an informational presentation series held by the City in June 2013.

Copies of the Draft EIR were made available at the Brisbane City Hall (**50 Park Place, Brisbane, CA 94005**), at the Brisbane Public Library, and on-line on the City of Brisbane website at: <http://www.ci.brisbane.ca.us/baylands-deir>

Subsequent to the release of the Draft EIR, the City undertook a series of three public meetings to receive comments on the Draft EIR.

1.6 Consultation with Other Agencies

Section 15086 of the CEQA Guidelines sets forth a list of entities with which a lead agency must consult with and request comments on the Draft EIR. These include responsible agencies (public agencies that have discretionary approval authority over some aspect of the project); trustee agencies (state agencies with jurisdiction by law over natural resources that are held in trust for the people of the state of California and that may be affected by a project); any other state, federal and local agencies that have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, including water agencies consulted pursuant to Guidelines Section 15083.5; adjacent cities and counties; and transportation planning agencies. Chapter 2 of this document lists all of the recipients of the Draft EIR or Notice of Availability.

1.7 CEQA Requirements Regarding EIR Comments and Responses

The lead agency must evaluate comments on the Draft EIR and prepare written responses for inclusion in the Final EIR. The written responses must describe the disposition of any “significant environmental issues” raised by commenters. (Pub. Res. Code § 21091(d); CEQA Guidelines § 15088.) Written responses must be detailed and provide a reasoned, good faith response. Responses to comments that do not raise a significant environmental question are not required. (*Citizens for E. Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible ... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

Section 15204 (d) also states, “*Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.*” Section 15204 (e) states, “*This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.*”

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are required to be forwarded to those agencies at least 10 days prior to certification of the environmental impact report. Thus, responses to public agency comments will be forwarded with copies of this Final EIR document, as permitted by CEQA, and will conform to the legal standards established for response to comments on the Draft EIR. In addition, the full set of comments and responses to comments will be made available to the public on the City’s website prior to the commencement of public hearings on the proposed project.

1.8 Availability of Reference Materials

Copies of documents referred to in this EIR are available for review during normal business hours at:

Community Development Department
Brisbane City Hall
50 Park Place
Brisbane, CA 94005

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