CHAPTER 1
Introduction

This program environmental impact report (EIR) has been prepared by the City of Brisbane (City) as the Lead Agency in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 *et seq*.) to analyze the environmental effects of the proposed development of the Brisbane Baylands (Project). The "Project Site" encompasses a total of approximately 733 acres primarily within the Brisbane city limits. 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. The remainder of the Project Site encompasses property within the limits of the City 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.

The proposed Project 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 at the Project Site, and is defined within 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 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.
    - ***Developer-Sponsored Plan – Entertainment Variant (DSP-V).*** The DSP-V scenario is also proposed by UPC and defined within the 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.

- ***Community Proposed Plan (CPP).*** The CPP scenario was developed through extensive community input 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.

- ***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 expansion of the existing Recology facility in the northeast portion of the Brisbane Baylands within the Brisbane city limits. 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 existing offsite recycling and corporation yard facilities into one location within the Baylands. The square footage of the developed areas on 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.

- 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 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 lists these Project components, showing which components are included in each development scenario.

TABLE 1-1
PROJECT COMPONENTS ANALYZED IN THIS EIR

Project Component	Development Scenario			
	DSP	DSP-V	CPP	CPP-V
Concept Plan	✓	✓	✓	✓
General Plan Amendment	✓	✓	✓	✓
Specific Plan[1]	✓	✓		
Site-Specific Development				
Recology Expansion				✓
Lumberyard Relocation	✓	✓	✓	✓
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.

As part of the analysis of Project Site development, this EIR also evaluates roadways and other Project Site infrastructure, including water supply and delivery, wastewater collection and treatment, and renewable energy generation technologies, along with site grading and remediation. These elements of the Project Site development are described in Chapter 3, *Project Description*, and analyzed in further detail in the appropriate technical sections of this EIR (see Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*).

Where certain infrastructure and site preparation elements, such as site grading and water supply and delivery, would be the same for all four Concept Plan scenarios, the analysis of impacts related to these elements refers to "Project" development impacts. In other cases, the proposed Specific Plan for the two developer-sponsored scenarios (DSP and DSP-V) provides more detail than is available in any of the four Concept Plans. Where differences in levels of detail exist, as is the case for proposed infrastructure elements such as roadway configurations, wastewater collection, or energy generation technologies, the impact analyses refer to individual Concept Plan scenarios. Individual Concept Plan scenarios are also referred to whenever the anticipated environmental impacts of individual Concept Plan scenarios differ.

Approval authority for development of the Project Site development rests with the City of Brisbane and San Francisco for the portion of the Recology site outside of Brisbane. As part of Project review, the City will consider the alternatives evaluated in Chapter 5 of this EIR, along with the Concept Plan scenarios, Specific Plan, and site-specific development described above. Alternatives to the proposed Project analyzed in this EIR include the following:

- **No Project Alternatives**
  - ***No Project – No Build.*** This alternative assumes that no Concept Plan, Specific Plan, or site-specific development of the Project Site would be approved; site remediation would not occur; no water supply agreement would be approved; and there would be no further development on the Baylands.

  - ***No Project – General Plan Buildout.*** This alternative assumes that none of the proposed Concept Plan scenarios would be selected. In addition, the Brisbane Baylands Specific Plan, as well as site-specific development projects would not be approved, and buildout of the Project Site would occur pursuant to the existing adopted provisions of Brisbane 1994 General Plan. Thus, this alternative assumes that a Concept Plan would be prepared and one or more Specific Plan(s) would be prepared and approved consistent with the existing General Plan land use designations for the Project Site, which are *Planned Development-Trade Commercial*, *Marsh/Lagoon/Bayfront,* and *Heavy Industrial*. This alternative also assumes that site remediation would be undertaken, and that the currently proposed water supply agreement would be approved but with a lesser amount of water. To support development of the Baylands under this alternative would require securing a reliable water supply prior to development site development. Since Project Site development would far less intense than any of the four Project Site development scenarios, the onsite recycled water plant is not part of this alternative.

- **Other Alternatives to Reduce or Eliminate Significant Project Impacts**
  - ***Renewable Energy Generation Alternative.*** Land uses under this alternative consist of alternative energy uses including a combination of small vertical-axis wind turbines, wind turbines placed within development, and photovoltaic solar panels; research and development facilities; and retail/entertainment uses. Others uses at the Project Site would include relocated industrial uses. This alternative also assumes that site remediation would be undertaken and that imported water supply would be approved to support development under this alternative, but at a lesser amount than proposed for Project Site development. Since Project Site development would far less intense than any of the four Project Site development scenarios, the onsite recycled water plant is not part of this alternative.

  - ***Reduced Intensity Non-Residential Alternative.*** This alternative incorporates a mix of commercial, office, business park, and institutional uses at a reduced level of development from that proposed by the CPP-V Concept Plan scenario, including the full Recology expansion proposed in the CPP-V scenario. This alternative also assumes that site remediation would be undertaken, that imported water supply would be approved to support development under this alternative, and that an onsite water reclamation facility would be developed.

  - ***Reduced Intensity Mixed Use Alternative.*** This alternative incorporates a mix of uses similar to the DSP scenario, but at a reduced level of development from that proposed by the DSP. This alternative also assumes that site remediation would be undertaken, that imported water supply would be approved to support development under this alternative, and that an onsite water reclamation facility would be developed.

As shown in Table 1-1, development within the Baylands will require various discretionary actions, including selection of a Concept Plan, and approval of General Plan amendment(s) and Zoning Ordinance amendment(s) as needed, adoption of one or more specific plans, and site-

specific development permits and other actions and approvals identified in Chapter 3, *Project Description*, of this EIR.

All Concept Plan scenarios would require implementation of various site preparation activities, including the completion of the remedial actions described in Chapter 3, *Project Description*, of this EIR, prior to Project Site development. Remedial actions proposed within the Project Site would address cleanup of two areas of a former railyard and final closure of a former landfill. Each scenario also provides for relocation of existing lumberyards within the Project Site.

1.1 Environmental Review

As noted above, Project Site development requires approval of a Concept Plan, General Plan amendment(s) and Zoning Ordinance amendment(s) as needed, adoption of one or more specific plans, and site-specific development permits and other actions and approvals related to water supply and site remediation. Because the currently proposed Project components identified in Table 1-1 require discretionary actions by the City and other public agencies, these Project components constitute a "project" under the CEQA and therefore must be evaluated for their potential to create adverse environmental effects. Consistent with CEQA requirements, this EIR has been prepared to assess the direct and indirect environmental impacts associated with the physical changes associated with proposed development of the Project Site. Additionally, this EIR evaluates a reasonable range of alternatives to the Project Site development components identified in Table 1-1 and identifies feasible mitigation measures to address identified significant impacts.

This EIR evaluates the major environmental effects of Project Site development, as proposed by the four development scenarios, at a program level of analysis. The EIR frames the nature and magnitude of the expected environmental impacts associated with Project Site development and identifies program mitigation measures to reduce the impacts of the elements as proposed. Where more detailed information is presently available, or where the nature of the proposed activity is clearly known, such as information included in the Specific Plan proposed for the DSP and DSP-V scenarios, the proposed expansion of the existing Recology facility, the relocation of existing lumberyards within the Baylands, and site remediation, more detailed analysis is provided in the EIR.

Future discretionary approvals and permits proposed for development within the Baylands will be subject to the provisions of CEQA. Pursuant to CEQA Guidelines Section 15168(c), the City will review future discretionary actions for development within the Baylands to determine the extent to which the analyses contained in this EIR address the impacts of such discretionary actions, whether additional environmental review is required, and what form that that review will take. Should additional environmental analysis be determined necessary, the City may use the information in this EIR to support such future environmental review.

Project Notices of Preparation

2006 Notice of Preparation

The City initially issued a Notice of Preparation (NOP) (State Clearinghouse Number 2006022136) on February 24, 2006 to prepare an EIR analyzing the 2005 *Brisbane Baylands Phase I Specific Plan*, prepared by the property owner (Universal Paragon Corporation) which encompassed a smaller geographic area than the currently proposed Specific Plan and included a different mix of land uses. From March to June 2006, the City held five public scoping meetings that solicited comments regarding the types and breadth of environmental analysis to be included in the EIR.

2010 Notice of Preparation

Between 2006 and 2009, several community workshops were held to develop the CPP scenario. Subsequent to this process, the developer chose to revise the Specific Plan (DSP scenario). In December 2010, a revised NOP was published and circulated for a 30-day review period in order to receive additional comment on the analyses and content of the EIR. The revised NOP was issued (1) to reflect changes in the Project description, including revisions to the specific plan proposed by the applicant, the inclusion of the entertainment variant to the DSP scenario (DSP-V), and identification of the CPP and CPP-V scenarios to be studied at an equal level of detail in the forthcoming EIR; and (2) to recognize the time that had elapsed since the NOP was originally published.

The 2010 NOP was distributed to governmental agencies, organizations, and persons interested in the Project Site development and requested their input on the scope and content of the environmental information that should be addressed in the EIR. A public scoping meeting was held on January 4, 2011 to receive oral comments on the proposed EIR scope from local agencies and the community.

2012 Notice of Preparation

A subsequent NOP was circulated in October 2012 to provide notice that, subsequent to issuance of the previous NOP in December 2010, an additional component – a proposed water transfer agreement between the City and OID – would be added to the previously described Project components, and would be analyzed as part of the forthcoming EIR. As noted above and described in the 2012 NOP, the City proposes to acquire a supplemental water supply of 2,400 AFY via a water transfer agreement with the OID in order to serve the proposed development of the Brisbane Baylands.

Responses to Notices of Preparation

The 2006, 2010, and 2012 NOPs, and associated written comments and transcripts of oral comments that the City received in response to the NOPs are included as **Appendix A** of this EIR. In preparing this Draft EIR, the City has reviewed and considered all relevant comments received in response to the NOPs.

EIR Analysis Overview

As described above, this EIR presents a program-level analysis for development of the Brisbane Baylands. Specifically, it evaluates the physical and land use changes that would occur with adoption of any one of the four Concept Plan scenarios (i.e., the goals, objectives, land use designations, and development density and intensity parameters therein), along with other Project components (e.g., General Plan Amendment, Specific Plan, site-specific development, site remediation, water supply importation) identified in Table 1-1.

A program EIR is considered appropriate for the proposed development of the Project Site, in that the current Project Description includes a number of different components and there would be future development proposals that are (1) related geographically, (2) logical parts in a chain of contemplated actions, (3) connected as part of a continuing program, and (4) carried out under the same authorizing stature or regulatory authority and having similar environmental impacts that can be mitigated in similar ways (CEQA Guidelines Section 15168). Insofar as the each of the proposed development scenarios would include a plan and policy framework that would govern future development within a discrete geographic area, such a program-level approach is appropriate. The analysis of program-level environmental impacts is based on current information about future development that would occur on and around the Project Site.

This EIR considers changes that would occur as a result of implementation of the Project Site development over approximately 20 years. It assesses environmental effects that may occur with such development, including cumulative effects of that development combined with other past, present, and reasonably foreseeable future development. The EIR also analyzes alternatives and sets forth mitigation measures to reduce the impacts of Project Site development, pursuant to Section 15126 of the CEQA Guidelines.

EIR Process and Review

During the period that this Draft EIR is available for public review (specified in the Notice of Availability and Notice of Completion), written comments may be submitted to the City of Brisbane and should focus upon the sufficiency of this Draft EIR in identifying and analyzing the possible impacts of Project Site development on the environment and ways in which the significant effects of Project Site development might be avoided or mitigated (CEQA Guidelines Section 15204(a)). Responses to all comments received will be included in the Final EIR.

Prior to approval of any of the proposed development scenarios, the City must certify the Final EIR and adopt Findings and a Mitigation Monitoring and Reporting Program, along with a Statement of Overriding Considerations, if necessary.

1.2 Purpose and Intended Use of this EIR

This EIR is intended to provide the information and objective environmental analysis to assist the City and the Responsible Agencies (see Section 3.15.1 for a list of responsible agencies and approvals) in considering each of the approvals and actions related to Project Site development. It

has been prepared to aid the review and decision-making process by disclosing the significant environmental impacts that would occur with implementation of the various Project components and identifying feasible mitigation measures and alternatives to reduce those impacts.

The CEQA Guidelines provide the following information regarding the purpose of an EIR:

- **Project Information and Environmental Effects.** An EIR is an informational document that will inform public agency decision-makers and the public generally of the significant environmental effect(s) of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the Project Site development. The public agency shall consider the information in the EIR along with other information that may be presented to the agency (CEQA Guidelines Section 15121(a)).

- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines Section 15151).

In addition to providing sufficient information and adequate analysis of the environmental effects of Project Site development, this EIR also provides analysis of those activities that must occur as conditions of future development within the Project Site. Such activities include the remediation of hazardous materials contamination in the former railyard and landfill areas of the Project Site and verification of water supply for Project Site development. More specifically, this EIR is intended to adequately characterize and analyze the impacts of possible remedial activities to be undertaken within the former landfill and railyard areas of the Project Site recognizing that appropriate remediation activities must be completed prior to initiation of Project Site development in areas requiring such remediation. Additionally, with regard to water supply, this EIR is intended to assess the impacts that would occur with the proposed transfer of water from its source to the Project Site.

As discussed above, this EIR includes a program-level analysis intended to provide a comprehensive environmental review of proposed Project Site development and may be used to evaluate future site-specific development proposals within the Baylands. The EIR analyzes certain specific Project components for which more clearly defined plans, construction methods, and operational requirements are currently available. Such actions include the proposed Specific Plan for two of the four Concept Plan scenarios being evaluated, and the proposed expansion of the Recology facility included as part of the CPP-V Concept Plan scenario.

1.3 Public Participation

As described in Section 1.1, the first NOP for Baylands Project Site development was distributed in 2006, and five public scoping meetings were held to solicit comments from public agencies and the public about the EIR's scope of analysis.

Subsequently, the CPP and CPP-V scenarios were developed over the course of three years (2006 through 2009), incorporating results of multiple community workshops, input from community groups and City advisory commissions, and ideas from notable professionals provided during a community speaker series. The speaker series covered topics such as sustainable cities, renewable energy, and transit-oriented developments. Through this process, a variety of land uses were considered before the CPP was selected for further review in the EIR. Subsequently, the CPP-V was designated as another Project development scenario for review. This public process also led to the development of a Renewable Energy Generation Alternative which is evaluated in the EIR.

Additional opportunities for public participation will be available during the public review and comment period for this Draft EIR and subsequent public hearings before the Brisbane Planning Commission and City Council.

1.4 Organization of this Draft EIR

Following this Chapter 1, *Introduction*, the Draft EIR is organized as follows:

- **Chapter 2, *Summary,*** contains a brief summary of Project Site development scenarios and allows the reader to quickly review the analysis presented in the Draft EIR. Table 2-1, Summary of Impacts, Mitigation Measures, and Residual Impacts, is provided at the end of Chapter 2 as a reader-friendly reference to each of the environmental impacts, recommended mitigation measures, and significance of environmental impacts after mitigation is implemented. This information is presented by environmental topic. Chapter 2 also summarizes the analysis of alternatives to the Project Site development, areas of controversy, and issues to be resolved.

- **Chapter 3, *Project Description,*** describes in detail proposed Project Site development, Project objectives and other components, and the Project Site and surroundings. Chapter 3 also identifies the specific approvals and actions required for the City to implement the Project Site development.

- **Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures,*** discusses, for each environmental topic addressed in the EIR, the regulatory setting, existing conditions, applicable plans and policies, significance criteria, environmental impacts of proposed Project Site development, and mitigation measures recommended for the Project Site development.

- **Chapter 5, *Alternatives,*** evaluates a reasonable range of alternatives to Project Site development as described in Chapter 3, *Project Description*, as required by CEQA, and identifies an environmentally superior alternative.

- **Chapter 6, *Significant Unavoidable Impacts, Growth Inducement, Cumulative Impacts, and Other CEQA Considerations,*** summarizes the less-than-significant, significant unavoidable, and cumulative impacts that could result with the Project Site development, as they are identified throughout Chapter 4. Chapter 6 also describes Project site development's potential to induce growth beyond development of the Project Site alone and provides an analysis for each environmental topic of the impacts of Project Site development together with other local and regional projects causing related impacts.

- **Chapter 7, *Sustainability,*** provides a summary of Project Site development-related environmental sustainability features and recommended mitigation measures which enhance the Project Site development's environmental sustainability.
- **Chapter 8, *Report Preparation,*** identifies the authors of the EIR, including City staff and the EIR consultant team.
- **Appendices** to the Draft EIR are provided at the end of the document and include the NOP and certain supporting background documents and technical reports used for the impact analyses for specific topics.

All reference documents, persons contacted to prepare this EIR, and documents incorporated by reference are listed at the end of each topical analysis section in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. References are available for review at the City of Brisbane Community Development Department, 50 Park Place, Brisbane, CA.