

TO: The City of Brisbane  
FROM: Dana Dillworth  
RE: NOP Baylands Specific Plan  
May 24, 2023

Thank you for the opportunity to comment on a Revised NOP for The Baylands Specific Plan. As presented, this seems to be another concept map and framework document. This is not in compliance with Brisbane's Amended General Plan nor State CEQA clean-up goals, and would require a General Plan Amendment. Studies on electro-magnetic radiation fields around substations, underground lines and their synergistic effects with known Baylands toxic chemicals that will remain in place, need to be conducted before this can be approved.

Measure JJ (GP-1-18) requires a specific plan to have details, particularly **full descriptions of all environmental considerations**, the timing and approvals of the cleanups and closures, **a reliable water supply**, and the economics as "transportation-related and other infrastructure, facilities, and site amenities (e.g. parks, open space preservation, habitat enhancement) **shall be provided at the developer's cost.**"<sup>1</sup>

The adopted Land Use Diagram in GP-1-18 only allows Heavy Commercial use (HC) above the proposed Geneva Extension in the Beatty SubArea. Table 5 as amended only allows Heavy Commercial use in the Beatty Subarea. These newly proposed Heavy Commercial designations are the antithesis of what we were promised about housing, which was to remove heavy industrial uses in favor of creating a livable community. Otherwise you need to do an adequate review of your policies for environmental racism, your policies which will place low-income and disabled people's housing along a high speed rail corridor whose potential spill or derailment hazards include a regional petroleum tank facility and utility-scale lithium battery storage. Alone or combined, this plan may be catastrophic.

Adequate safety studies about rail accidents, particularly recently, should render a no project recommendation, or relocation of the proposed battery and substation facility, and/or a reduction in residential units to have fewer 24/7 potential victims of derailment and harm from low-electromagnetic-frequency radiation.

The recent loss/disappearance of 60,000 pounds of ammonium nitrate from a rail car, possible leak, possible theft... makes planning near rail lines require more scrutiny. BDI keeps adding more dense uses without recognizing this is greater than what the community approved. I do not remember 270 foot tall buildings in the 2015 plan on the lower rail yard and ask if higher buildings make Kinder Morgan's toxic burner need a remodel? I also don't think that it reflects "cohesion and character of the [Brisbane] community." Perhaps we reduce commercial allowances? What will this look like from the Northeast Ridge after the fill elevation?

The FEIR from the Baylands Concept Plan by Metis Environmental Group, dated May 2015 has three volumes of recommendations from the previous submissions on the prior approved concept plan. Please go through each response and determine whether and how these mitigations and needed studies have been addressed. Additionally new information is available about sea-level rise since 2015 and cities and waste dischargers are asked to respond to the issue.

First glance, some issues may be addressed, but a lack of studies from incorporating the Northeast Bayshore subarea into Baylands PD may put people, city workers, sensitive receptors, and the environment at risk. The areas north and south of the current fire station are

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<sup>1</sup>City of Brisbane Fact Sheet on Measure JJ

some of our last freshwater wetlands with wild, native Pacific Chorus Tree Frog populations and possible Red-legged Frog and SF Garter Snake habitat. An area earmarked as “Community Fields” may be too toxic for that use from the former rail activities and GVMID Sanitary Sewer uses. It hasn’t been tested, but there were raw sewage and heavy metal spills in the area and whatever leaks from Machinery Equipment yard. You have not described what tests you have done to ensure a safe environment for Public use.

Properly designed, this flood zone area (from Crocker Park/Lagoon to the PG&E marsh at Main) could contain detention ponds coming through a restored daylighted Guadalupe Creek on the south side and a restored Visitation Creek on the north side of Ice House Hill (commercial area.) The habitat significance of this area is under recognized, but, historically, it is the area kids go to for tadpole captures for school projects, for generations. A full Mountain-to-the-Bay Creek Restoration Plan should be considered and studied as it is the basis of the Wetlands River Park concept in our Open Space Plan... The time is now.

Lands designated as Open Space need to be safeguarded from California’s newly enacted housing laws. These Open Space zones may be forced into housing use without any environmental review. The Baylands Park and future streets will be re-located heavy metal toxic zones per the remediation plans. You need to clarify that these wetlands and future street areas are unstudied, former industrial toxic waste zones. A new land use “Remediation Zone” (RZ) could be considered. What are our safeguards to prevent housing on never-tested ground from being spot-zoned, like our Park and Ride lots?

The fire station’s proposed relocation site is on former marsh lands. Crocker Park is showing up as vulnerable to sea-level rise. You need to inform us what plans we have for these areas.

As a waste discharger, the informed Public needs to know. There is no mention of a sea-level rise adaptive strategy for Uno-Cal (Brisbane’s corporation Yard). A provision like “all construction begins 20 feet MSL”, or “sump systems must be installed,” or even whether Bayshore Blvd needs to be raised and what impacts placing the fire station even 500 feet way from Bayshore creates to additional response and idle times. While Valley Drive is convenient, I think the impacts may be too great, and an alternative site on higher land should be considered, like at Bayshore and Guadalupe: 150 North Hill or the Tech Park.

The developer is asking for 400 more residential units and additional acres of heavy industrial use without any reduction of other development impacts. An explanation of why the additional risks (emf exposure, accidents) and impacts is warranted for the additional construction and carbon footprint it will cause. More residents, more danger is not more desirable.

CEQA requires discussion of reasonably foreseeable projects in the plan area and this document suspiciously omits discussion of High Speed Rail. I wondered why I had not seen the Baylands Specific Plan NOP in early 2020 (during State-wide Covid lockdown) and found that BBCAG was engaged with comments on the DEIR for the High Speed Rail SF to SJ Project Station.<sup>2</sup> As a State-required Citizen Advisory group, BBCAG had not been informed of the NOP for The Baylands Specific Plan nor considered stakeholders to the following City-run workshops.

Suspiciously, the lands which you are defining as Open Space and utility scale infrastructure were earmarked by High Speed Rail. I am not certain if this is in the Public’s interest to ignore regional transit goals nor whether a battery utility should be located in such a vulnerable, flood prone area, please review.

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<sup>2</sup> Public Comments submitted to HSR

What are the assurances to future generations that this newly designated Open Space will indeed remain for the purpose of habitat and storm event buffer? Which citizens will vote to permanently change the entry to town to a Heavy Commercial designation and have the chance that Recology would relocate there or some other unwanted heavy “commercial” industrial use be proposed? If anything, Solar Power, renewable energy generation should only be considered a conditional or interim use.

The Open Space we proposed was not intended to be the most toxic lands out there, but much in this plan are. The fuel leak east of Kinder Morgan and former dump's methane gas wells are called “Baylands Preserve.” More correctly, it should be designated a “Remediation Zone.” Usually preserves are of high biotic value, it seems unlikely in this location. I will love to see the studies and plan that shows what species and signs of improvement/performance you expect. Your generic plan is insufficient.

If you are introducing a Paul Stamet’s style mycological remediation to the Kinder Morgan fuel spills, then I am ALL for it. But it’s not here in the plan. Preserve is a false description of this area. It has specific parameters to be met from a Fish and Wildlife perspective. We would love to see their input. In the prior plan this area was a raised berm, and should be in this one. It should remain a protective shield from a potential Kinder Morgan accident.

Figure 2: Baylands Specific Plan Areas (Project Site) map in the Revised NOP does not appear in the Specific Plan, but is similar to 0.2 Existing conditions with details. What are the rules for the Kinder Morgan, Golden State Lumber, Public facilities, and Recology islands? Could they conceivably plan for 6.5 million sq ft. commercial and .5 million sq. ft. hotel too? Will their impacts and plans be add to this concept plan? Are they PD too?

Golden State Lumber and Kinder Morgan have toxic gas burners on them. They are Public hazards and nuisances. These are part of the current conditions which needs to be mapped and acknowledged in the existing conditions and background information areas. The Public’s right to know these dangers are beneficial in the siting of future fire stations and other Public uses. Their absence is alarming.

There are new training and lithium battery fire suppression protocols. Are these going to be “tried out” in the proposed old fire station training grounds? Is that why there are damaged cars presently out there? Cars whose fluids are leaking into the Guadalupe Creek? The current training use needs to be fully identified, properly assessed, and potentially relocated along with the gun range and corporation yard. Doesn’t the community get the opportunity for an open Public facility re-use discussion? What about a temporary homeless shelter since we recently redid the roof?

I ask that you look at each map for incorrect information. Such as, “Bio-tech Industry” (2x) and “Industrial Uses” on Figure 2 RNOP. This is not accurate. They are a Technology Park and a Public Facility.

This document needs the same thorough public review as the prior plan. Not the 30 day slam-dunk. Each and every community group needs time for input and hearings. While this is much closer to what the environmental community wants, the devil is in the details.

We proposed solar/renewable energy generation in lieu of housing, not plus housing. By spreading housing over a larger plane, you have created a more dense commercial environment, very unlike Brisbane, unlike anything in the peninsula. The proposed minor arterial street structure is disconnected from Central Brisbane and seems insufficient to move around the tens of thousands of new people you anticipate.

An all electric transportation system must be defined and planned and not left to “when available” or “if feasible” statements. Curious how ADA and elder-aging organizations will look at your street articulation, and how planters and stairs become barriers in figures 3.53-3.55. How are ADA compliance considerations being handled? Were are the street-level elevators? All I see are tripping hazards and stampedes of people fleeing from earthquake-damaged buildings. I see dead people.

I continue to object to our Publicly-owned, Public Trust State Lands Commission lands (Lagoon Park) being included in the Open Space totals for this Development Plan. The 25% Open Space should be integrated into the whole plan. It should be above and beyond areas waiting to be remediated or that the Public already owns. Open space for parks/recreation should appear integrated into each area/subarea/campus greater than the figures proposed in this plan. Our General Plan had a recreation/per capita figure that exceeded normal standards. Is that benchmark being maintained? If these 2,200 units magically become 4,400 units by virtue of ADU's and then more, how will we have viable recreation opportunities in 27 story buildings?

In your Appendices “Amenities Area” is a new use but not defined in your use classifications or glossary. How is it different than other Public/Private uses? I do not agree that your definitions supersede our city's or State definitions. Please refer to our General Plan for the proper definitions so there is consistency with OUR General Plan, not the other way around.

You have artfully gained a re-use of our Historic Roundhouse. Its preservation doesn't seem to be a priority in this plan. If you continue to use Public funds which is contrary to the conditions of GP-1-18 ((section 08) Public Facilities Financing,) then there should be discussion of dedicating the Public Asset back to the community for a cultural, educational institution with Rail History aficionado and community non-profit directors. No BDI-loaded boards.

Since Universal Parasite reneged on the community center at Schlage's historical building, the need for a Community Oversight board (per recommendations of G.Fred Lee) should be recommended and considered. We are yet to learn how sea-level rise will impact your earlier concept plan and not ready for City Hall to work out the details. Tell us more about the water supply.

Any and all weak language should be reviewed.

Respectfully,

Dana Dillworth