

# Bayshore Sanitary District

36 INDUSTRIAL WAY  
BRISBANE, CALIFORNIA 94005  
(415) 467-1144

BOARD OF DIRECTORS:  
RICHARD CONSTANTINO  
IRIS GALLAGHER  
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RICH LANDI, MAINTENANCE DIRECTOR  
TOM YEAGER, DISTRICT ENGINEER

26 May 2023

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

Re: NOP of EIR for Brisbane Baylands Specific Plan  
Scope and Content

Dear John:

This letter is in response to your request for comments on the revised scope and content of the Specific Plan EIR for Brisbane Baylands.

The information provided by the project sponsor that accompanies this Notice is significantly more detailed than previous documents especially with respect to infrastructure plans; however, the District feels that these documents do not reflect our previous comments and the responses contained in the previous EIR. Further the information provided raised new concerns that the District would like to address at this time. This is particularly true with respect to The Baylands Infrastructure Report dated 22 February 2023 prepared by BKF et al and associated storm drain and sanitary sewer preliminary plans.

## **Background**

It does not appear that the current team of project consultants is aware of the history of the District, and how this history is relevant to The Baylands project.

The District was organized in 1925 to provide wastewater collection services to an unincorporated portion of San Mateo County known as Visitacion Valley. A collection system was constructed and the wastewater discharged directly to San Francisco Bay via Visitacion Creek. The point of discharge was near the current District's Carlyle Pump Station (CPS) at 36 Industrial Way adjacent to Bayshore Boulevard.

In 1961 the City of Brisbane was incorporated and included a portion of the District. In 1963, Daly City annexed that portion of the District that was not in the Brisbane City Limits. Currently the entire District is in the City Limits of either Brisbane or Daly City.

In the 1960s a pump station was constructed along Tunnel Avenue and the wastewater collected and pumped to San Francisco for treatment. At that time the sewer system was a combined sewer. In 1971 a new wastewater collection and storm drainage system was constructed for most of the District in Daly City. A new pump station, the Carlyle Pump Station (CPS), and force main were constructed that is still in operation.

John Swiecki  
City of Brisbane  
26 May 2023  
Page 2

The District offices are located at this pump station. The CPS is adjacent to the western boundary of The Baylands project. However, its exact location is not noted on any of the project exhibits. See Figure 1.1.

Treatment of the District's wastewater is provided by the San Francisco Public Utilities Commission (SFPUC) at their Southeast Wastewater Treatment Plant. The District renegotiated their agreement with the SFPUC in January 2013 and this agreement remains in effect until 31 July 2025. It is to be noted that the District and Brisbane will be negotiating new agreements with the SFPUC at the same time.

At this time the District's concerns center on localized flooding and wastewater services and facilities.

### **Flooding (Hydrology)**

In December 2022/January 2023, the intersection of Bayshore Boulevard and Industrial way was flooded and the flood waters reached the entrance to the BSD driveway. The CPS was not flooded but access was impossible. See enclosed photos. This is not the first-time flooding has occurred, but it is becoming more frequent in heavy rainfall events that are associated with Climate Change.

This flooding is acknowledged in the new Infrastructure Plan and addresses in Section 2.3.2.4.3. as follows:

"Property adjacent to The Baylands, but not part of The Baylands Specific Plan area, including the Bayshore Pump Station and adjacent property. The existing buildings will remain at the current elevations with property access provided at existing grades of these sites. Based on existing conditions, these properties are located either fully or partially below future 100-year storm event HGL elevation with tidal flow and estimated Year 2100 Medium High Risk SLR. If they remain at existing grades, will require measures by others to adapt to future conditions. As these buildings are not controlled by the developer and are located at an existing low point along Bayshore Boulevard, the properties may need to be raised, pumps installed, or another strategy incorporated to protect these facilities from anticipated SLR."

This is not an acceptable response. This flooding occurs now, not at some point in the future. The Baylands developer must identify the root cause of the existing flooding and define both the onsite and offsite drainage improvements necessary to ensure that the BSD CPS is not flooded and can be accessed at all times in the future. It is proposed that the grade of The Baylands to the west of the BSD CPS be raised approximately 3 feet which would make a bad situation worse.

### **Wastewater Services and Facilities**

The District has been providing wastewater services to this property for almost 100 years, well before the property was incorporated into the City of Brisbane. Currently, the District services multiple properties owned by Universal Paragon along Industrial Way and Tunnel Avenue as well as properties owned by others along Tunnel Avenue. Section 4.3.1 on Page 49 of the Infrastructure Report states:

“ The Baylands is currently within the BSD service area. The City of Brisbane is interested in adjusting the boundaries of the service boundary to include The Baylands in the City of Brisbane service area in order to accept ownership and maintenance responsibilities for the wastewater system at The Baylands. This approach provides the City more control over the development of the utilities within its boundaries.”

The District has not agreed to any de-annexation proposal in the past nor do we intend to at this time. Further this proposal goes against the recommendations contained in the previous EIR. See attached.

In addition, Brisbane has adequate control of this project through their planning and zoning process and control of the water, roadway and storm water utilities.

There are several references in this document to the **possibility** of the need for a BSD agreement. Agreements are necessary. A BSD permit for this project is required and has in fact been obtained and the initial plan review deposit provided. See attached. The Baylands team should review the Districts ordinances to become familiar with our processes. The ordinance is online at <http://www.bayshoresanitary.com/permits-and-construction/> .

There are other District assets besides the CPS that are adversely affected by the current proposal. The existing wastewater collection system in Industrial Way and Tunnel Avenue will need to be relocated to accommodate The Baylands. Agreements will have to be developed abandoning existing easements and creating new easements. The District has recently gone through this process with respect to the redevelopment of Midway Village in Daly City.

The is one critical piece of the District's assets that needs to be addressed as it is not mentioned in The Bayland's Infrastructure Plan and that is the raw sewage force main that goes from the CPS to the Sunnysdale Interceptor in San Francisco. See Figure 1.1. This is a "high priority pipeline installation" and if compromised during the construction of The Baylands or after construction as a result of changed conditions could result in a sanitary sewer spill.

John Swiecki  
City of Brisbane  
26 May 2023  
Page 4

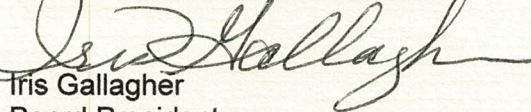
The force main was constructed in 1972 and is a 14" asbestos cement (AC) pipe located along the east right-of-way of Bayshore Boulevard. The exact location is unknown. The construction drawings are available, but there are no record drawings, and there are no at grade physical features that can identify this force main.

The overall transportation plans shows multiple crossings of this force main between Industrial Way and Sunnydale, including a major extension of Geneva Avenue to US 101. The District's force main must be included in the design of all road crossing over it and specific recommendations made for replacing it at the crossings or hardening this force main to ensure that it is not compromised during or after construction. A sanitary sewer spill as a result of new construction or of the long-term roadway impact of any force main crossing is not an acceptable option. This issue needs to be addressed in the EIR.

**Conclusion**

Multiple, significant issues have been raised that are best addressed through in-person meetings between The Baylands environmental/engineering team and BSD staff preferably at the BSD CPS as the formal EIR is prepared.

Very truly yours,  
BAYSHORE SANITARY DISTRICT

  
Iris Gallagher  
Board President

cc: Joann Landi - Bayshore Sanitary District  
Tom Yeager - District Engineer  
Alex Mog - District Legal Counsel

Figure 1.1 The Baylands Land Use Plan











# Bayshore Sanitary District

36 INDUSTRIAL WAY  
BRISBANE, CALIFORNIA 94005  
(415) 467-1144

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IRIS GALLAGHER  
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NORMAN RIZZI  
MAE SWANBECK  
KENNETH TONNA

JOHN BAKKER, ATTORNEY  
RICH LANDI, MAINTENANCE DIRECTOR  
TOM YEAGER, DISTRICT ENGINEER

03 March 2020

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

Re: Brisbane Baylands, Specific Plan EIR  
Scope and Content

Dear Ken:

This letter is in response to your request for comments on the scope and content of the Specific Plan EIR for Brisbane Baylands.

The District has offered various comments on previous documents for this project. Attached are our comments on the Program EIR for this project. These comments and the responses to them should be included in this Specific Plan EIR and in future environmental documents.

This Specific Plan EIR must address the issue of wastewater treatment and disposal in greater. Specifically, an Appendix addressing wastewater should be developed to the appropriate detail similar to that which will be contained in the appendix addressing water.

Previous documents have addressed wastewater in very general terms. This Specific Plan EIR needs to evaluate the environmental impacts of various treatment and disposal options as different options will have different environmental impacts. This EIR should evaluate the environmental impact of

- Various treatment alternatives
- Various effluent disposal alternatives
- Staging alternatives

Treatment alternatives need to be evaluated with respect to the options available for solids and liquid handling and their energy impacts and their ability to reliably produce the high-quality effluent for various reuse options. It is not necessary to select a process, but it is necessary to identify feasible options and their impacts. This would eventually be used as part of the final decision-making process.

This project has proposed a zero discharge for the wastewater effluent. This means that the treated effluent would be disposed of on-site or on nearby sites through irrigation on a year-round basis. Other reuse options may also be feasible. A year-round water balance must be developed in order to define the irrigation land area require, both on-site and off-site, and the winter storage volumes and required storage facilities. If other reuse options are proposed than the volume diverted to these options must be defined. If diversion of a portion of the flow to the SFPUC facilities that must be identified.

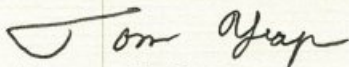
John Swiecki  
City of Brisbane  
3 March 2020  
Page 2

It is to be noted that the District has 20 years of rainfall data that has been collected at the Carlyle Pump Station on Industrial Way at the project boundary.

Preliminary discussions have been held with UPC regarding the use of District facilities for initial stages of project development until such a time as there is enough wastewater volume to support a new wastewater plant. No conceptual plans have been present so the impact on District facilities is unknown. Various proposals, if any, need to be presented so that the appropriate evaluation of the District assets can be undertaken.

These are our initial thoughts on what this Appendix should include. We would like to review the scope of this appendix as it is further developed.

Very truly yours,  
BAYSHORE SANITARY DISTRICT



Thomas E. Yeager  
District Engineer

cc: Joann Landi - Bayshore Sanitary District  
Iris Gallagher- Board President  
Lauren Quinn - District Legal Counsel

# Bayshore Sanitary District

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KENNETH TONNA

JOHN BAKKER, ATTORNEY  
RICH LANDI, MAINTENANCE DIRECTOR  
TOM YEAGER, DISTRICT ENGINEER

RECEIVED

OCT 03 2013

Comm. Dev. Dept. Brisbane

2 October 2013

John Swiecki, AICP, Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Subject: Brisbane Baylands DEIR

Dear Mr. Swiecki:

The Board and staff of the Bayshore Sanitary District have reviewed the Draft Environmental Impact Report (DEIR) for this project. This letter contains our comments.

It is our understanding that this DEIR was prepared to evaluate the 4 development options and that other environmental documents will be prepared for future projects and for future planning and administrative actions. Therefore we are restricting our comments to the immediate planning horizon.

The District was contacted by the DEIR consultant team to obtain factual information regarding the District and this information was provided. However, the District was not contacted regarding the potential use of District facilities in the short-term. The conclusion was reached in the DEIR that the impact to the District would be Less Than Significant (LST). We do not understand how that determination was made given the fact that the District was not contacted regarding use of District facilities in the short term. By short term, the District means use of District collection and pumping facilities until such time as a reclaimed wastewater treatment facility is constructed to serve the project. According to the DEIR this short-term period could be up to 15 years.

1

The District initiated a meeting with Universal Paragon Corporation (UPC) in order to gain a better understanding regarding how this development might impact the District's facilities especially in the 15-year short term period. Present at this meeting were:

- Rich Landi, Maintenance Director Bayshore Sanitary District
- Tom Yeager, District Engineer
- Jonathan Scharfman, UPC General Manager/Development Director
- Howard Peirce, Project Manager
- Chan Pong Ng, Board Advisor

2



John Swiecki  
 City of Brisbane  
 2 October 2013  
 Page 2

This was a very fruitful meeting and we gained a better understanding regarding the development of this project and how the District's facilities may be impacted.

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The DEIR states that certain District sewer lines serving existing customers along Tunnel Avenue and Industrial Way would be replaced and constructed to District standards. However, no mention was made regarding the use of the District's Carlyle Pump Station (PS) and associated force main.

At this meeting UPC indicated that the initial developments would occur at the intersection of Geneva Avenue and Bayshore Boulevard and that UPC would like to deliver wastewater to the Carlyle PS to be pumped to San Francisco. Currently all discharges along Bayshore Boulevard and Industrial Way are pumped to San Francisco while all discharges along Tunnel Avenue flow by gravity to San Francisco.

3

The Carlyle PS contains 4 pumps. During dry weather periods only one pump operates at a time. However, during wet weather periods multiple pumps operate. It is not uncommon to have 2 pumps operating. On rare occasions 3 or 4 pumps will operate, but only for short periods of time. To increase the capacity of the Carlyle PS it will be necessary to either install larger pumps that operate at a higher head (pressure) or construct a larger parallel force main to reduce the total pumping head. The District is reluctant to pursue the first option as that would increase the operating pressure on the 43-year old asbestos cement (AC) force main. The District has recently evaluated the second option.

The District believes that with careful early planning there would be a less than significant impact to District facilities provided certain conditions are met. These include:

- The District is included early in all planning activities and is consulted as projects are developed
- All District wastewater collection lines replaced are replaced to District Standards which may need to be revised due to the unique soil conditions at the site
- A requirement that the Developer grants the District an easement in a public right-of-way for a parallel force main and the Developer construct at its expense a parallel force main and any associated improvements at the Carlyle Pump Station at the same time as the roadways and prior to any paving. The developer will receive credit against the developer's capacity charge obligations based on the value of construction in an amount to be determined by the District.
- The District ordinance must be adhered to, especially with regard to connection (entitlement) fees.

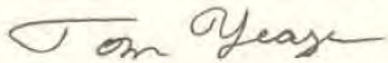
4

John Swiecki  
City of Brisbane  
2 October 2013  
Page 3

Please insure that these comments are passed on to the DEIR consultant and addressed in the Final EIR.

Very truly yours,

BAYSHORE SANITARY DISTRICT



Thomas E. Yeager  
Kennedy/Jenks Consultants  
District Engineer

cc: Joann Landi, BSD  
John Bakker, District Legal Counsel

## 2.7 Individual Responses to Comments from Special Districts

### 2.7.1 Bayshore Sanitary District

**BSD-1** [See page 5-39 for the original comment] Draft EIR page 4.O-46 sets the stage for the analysis leading to the following conclusion on page 4.O-47:

Based on existing and projected wastewater flows from the BSD and the City to the SFPUC, development of the Project Site with or without the onsite recycled water plant would not exceed either the BSD's or the City's contractual capacity for wastewater treatment by the SFPUC. Further, the Recology site wastewater discharge to the SFPUC would only increase by approximately 0.002 mgd. Therefore, adequate treatment capacity at the SFPUC would be available for wastewater generated within the Project Site, and impacts would be less than significant.

Wastewater generated by development within the Project Site is proposed to be discharged into the BSD system for treatment at the SFPUC SEP. Midway through the Project Site development buildout (about year 15), an onsite recycled water plant would be constructed to produce recycled water to meet non-potable water needs on the Project Site and reduce potable water demand. The recycled water plant would therefore reduce the liquid wastewater flows requiring offset conveyance and treatment. Adequate conveyance and treatment capacity are available in the BSD and SFPUC SEP systems under existing contract arrangements to handle wastewater flows from Project Site development. As a result, wastewater flows from Project Site development would be properly treated and disposed of through facilities that comply with SFRWQCB wastewater treatment requirements and impacts would be less than significant.

**BSD-2** [See page 5-40 for the original comment] This comment refers to a meeting held between the District and the applicant for the DSP and DSP-V scenarios, and does not raise any significant environmental issues regarding the Draft EIR or its analyses and conclusions.

**BSD-3** [See page 5-40 for the original comment] This comment refers to options for future use of the District's Carlyle pumping station as part of future site development within the Baylands, and expresses the District's preference for one of the two options discussed between the District and the applicant for the DSP and DSP-V scenarios. See Response BSD-4.

**BSD-4**

[See page 5-40 for the original comment] The City concurs that there would be a less-than-significant impact in relation to wastewater systems resulting from proposed Baylands development. Subsequent planning and design for a selected development scenario would include coordination between the City, the applicant(s), and the BSD to satisfactorily address the specific conditions listed in Comment BSD-4. Because wastewater facilities within the Bayshore Sanitary District would be required to meet the BSD's requirements, each of the requirements set forth in Comment BSD-4 would be incorporated into Baylands development requirements as part of the planning review being undertaken by the City for the Baylands. See the MMRP in Chapter 4.0 of the Final EIR for information on implementation of mitigation measures and agency requests submitted in response to the Draft EIR.

# Bayshore Sanitary District

36 Industrial Way  
Brisbane, CA 94005  
(415) 467-1144

Permit No. 20-1702

## CLASS 4 PERMIT APPLICATION

1. Location of Construction Activities:

APN: 005-340-050 / 005-350-080  
Street Address: Tunnel Ave - Brisbane

2. Owner:

Name: Sunquest Properties, Inc.  
Address: 150 Executive Park Blvd, Suite 4000  
San Francisco, Ca 94134  
Telephone Number: 415-468-6676

3. Owner's Agent:

Name: Same  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

4. Contractor:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

5. Type of Activity (check action[s] that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> new industrial discharge permit                 | <input type="checkbox"/> construct new lateral              |
| <input type="checkbox"/> renewal of existing industrial discharge permit | <input type="checkbox"/> reuse existing lateral             |
| <input type="checkbox"/> remodel of existing structure                   | <input type="checkbox"/> private wastewater disposal permit |
| <input type="checkbox"/> complete teardown                               | <input type="checkbox"/> sewer appurtenance permit          |
| <input type="checkbox"/> addition of more than 500 s.f.                  | <input checked="" type="checkbox"/> Other                   |
| <input type="checkbox"/> resumption of use permit                        | <input type="checkbox"/> waiver                             |



Description of Work or Action Requested: \_\_\_\_\_

Deposit for District's time in consultations on the Baylands Project

6. Estimated Fee: \$ 5000

7. Comments: (a) Initial fee of \$300 is applied to District's cost of issuing permit and one inspection of the existing new lateral. Additional fees for engineering, legal and additional inspection shall be determined once the permit and plans are reviewed.  
(b) District Connection Fees and San Francisco Capacity Charges may apply. These will be determined on a case-by-case basis.  
(c) The District ordinance requires the construction of a new lateral in the case of a teardown or the building square footage is increased by more than 50%. This may be waived if, upon inspection of the existing lateral by the District, the existing lateral is found to be in acceptable condition.

Attachments Required:

1. Copy of construction plans and specifications
2. Fees

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of all pertinent ordinances and regulations of the District.
2. To notify the District at least 3 working days prior to the start of construction.
3. To provide the District with the name and telephone number of a contact person who can be contacted at any time throughout the duration of the construction.

Dated: \_\_\_\_\_

Signed: Michael Qiao 06/03/2020  
(Applicant)

Address: 150 Executive Park Blvd., Suite 4000  
San Francisco, CA 94134

For District Use Only

Permit Required:  Yes  No

Permit Number Issued: 20-1702

Comment: \_\_\_\_\_

Approved: Jo Lanni for  
Tom Yeager

Date Issued: 6-18-20