

Open Space & Ecology additional comments on Brisbane Baylands Development 1/2014

Chapter 2- Executive Summary

Page 2-3

“...implementation of any other Concept Plan development scenarios or alternatives would require the preparation and approval of a specific plan and further environmental review under CEQA.” Selection of another scenario besides the DSP or DSP-V scenarios would require a new specific plan to be developed, which raises the question, who would pay for the research and creation of this new document?

Page 2-6

The definition of sustainable development found under the Overarching Objectives sections should be redefined in accordance with the City of Brisbane/ Sustainability Committee of Brisbane.

Page 2-9

Impact 4.B-2, found under Significant Unavoidable Air Quality Impacts, states, “The Project would generate construction emissions that would result in a cumulatively considerable net increase of criteria pollutants and precursors for which the air basin is in non-attainment under an applicable federal or state ambient air quality standard”. It is unclear how a project can be approved if significant unavoidable impacts exist after mitigation. Please explain the process of writing and adopting a Statement of Overriding Considerations for each of the Significant and Unavoidable Impacts.

Chapter 3 Project Description

Page 3-4

“The Visitacion Valley neighborhood of San Francisco adjoins the northwestern border of the Brisbane Baylands.” An inconsistency exists between this statement and the map on page 3-6 (Figure 3-2), why is there an inconsistency? The neighborhood is not adjacent to the northwestern border of the Baylands. This statement should be changed in order to be consistent with what is shown in Figure 3-2.

Page 3-13

What are the sources for the 4 maps provided in Figure 3-5?

Page 3-40

The “Community” Proposed Plan is not characterized correctly since members of the community did not form this plan, but instead it was composed during a series of tightly directed workshops that were paid for by the developer. Somewhere in the document it should be addressed that the Brisbane community did not specifically devise the plans for the CPP. How was the CPP developed? Who wrote the CPP? Who paid for the CPP?

Page 3-46

“Design and construction of the proposed grade 9-12 charter school is under the jurisdiction of JUHSD.” Under the CPP and CPP-V scenarios, no residential development is proposed, so one would assume the need for a charter school would not exist. It should be clarified whether or not a school will be necessary if the CPP or CPP-V scenario is selected, compared to if the DSP or DSP-V scenario is selected. Furthermore, if it is determined that it is not safe to have housing in the area, will it be safe to have a school? Environmentally, are the standards different for having a school different than other buildings that may be built? Does CEQA have a set of different standards for building a school compared to other buildings? And if so can you explain what the differences are?

Page 3-49

Please clarify how the separate Recology EIR affects the Brisbane Baylands EIR.

Page 3-53

“Delete references to the former owner of the UPC property.” This statement seems to indicate that the property is no longer owned by UPC. It is unclear whether or not UPC and Tuntex are the same entity. If there was not a tax increase under Proposition 13 laws due to the change in ownership then this statement is considered a mischaracterization of the current versus past ownership of the property.

“Modify Policy 38.1 (roadway level of service standards) to recognize that current roadway level of service standards (LOS D) will be exceeded due to future development in other cities even if no development within the

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Project Site occurs...” Please clarify the following: Why our General Plan would have to be amended based on other city’s projects? Who are the property owners? Who are the developers? What the relationships between the two (owners and developers)?

Page 3-67

“The majority of OID’s water supplies come from pre-1914 surface water rights that enable OID to divert up to 257,074 AFY from the Stanislaus River at Goodwin Dam upstream of the city of Oakdale without restrictions.” Please provide information on any other agreements or commitments planned for this water for other future projects across the state.

Page 3-68

“While the need for ongoing remediation of the former landfill and rail yard areas does not result from Project Site development under any of the proposed Concept Plan scenarios, implementation of future development projects on the Brisbane Baylands is dependent on cleanup of these properties...” Please clarify why the property will not be required to have remediation regardless of project approval.

General comments on Chapter 3:

1. The Air Quality section does not address precisely where the pollution from the increase in burning fossil fuels will travel, but they say it will not travel to Brisbane. Regionally where will it travel and what will be the impact?
2. Why isn’t the Renewable Energy Generation Variant discussed in full detail like the City Council said it would be? It should have been discussed at the same level as the CPP/PP-V. It should at least be included in the charts to allow for a side-by-side comparison between the other scenarios.

Section 4.A- Aesthetics and Visual Resources

Page 4.A-21

The DSP/DSP-V photos found in Table 4.A-1 contain a building that is significantly taller than the rest of the surrounding buildings. In short, please clarify whether or not this building is designed to be 160 feet tall and if this is its precise location.

Page 4.A-40

Parking lot lighting needs to the same color as street lighting? Where did this come from? What is this mitigating?

Page 4.A-41

“The EPA Energy Star rating for cool roofs is up to 0.65 for slightly sloped surfaces.” Please explain the albedo rating so that a layperson will understand. It may help to use 0.65 as the maximum along with a number range.

General comments on section 4.A:

1. “Native vegetation types, including coastal scrub and perennial grasslands, are confined to relatively small areas on Icehouse Hill in the western portion of the Project Site, to the tidal and freshwater wetlands along the edges of drainage channels and Brisbane lagoon, and to seasonal wetlands in the western portion of the site.” The characterization of the native vegetation is not accurate since native species, such as coyote brush and Douglas iris, are also found between Icehouse Hill and the railroad tracks. Omitting areas that actually do contain native plant species could dismiss a significant Biological Resources impact.
2. “Visitacion Creek is a drainage channel that bisects the Project Site along an east-west axis and currently provides a limited amount of riparian vegetation and habitat.” This description of Visitacion Creek lacks information about the existing bird habitat. Omitting this information could dismiss a significant Biological Resources impact.

Section 4.B: Air Quality

Page 4.B-23

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Paragraph 3 gives a history of the revisions for air quality standards. Given this clear illustration of how standards are evolving, the Baylands project should be designed with this in mind so that it does not immediately fall into non-compliance when standards are next revised.

Page 4.B-27

Specifies the emissions standards for diesel engines and that rental equipment may be used to meet these standards. How will this be determined and monitored? Also, will a subcontractor's equipment be factored into contracts? Is this something that can be considered in a development agreement? If not, the least expensive, most polluting option may be chosen.

Section 4.E- Geology, Soils, and Seismicity

Page 4.E-8

Notes that approximately half of the waste was found to be below the water table. This is important to consider.

Section 4.F- Greenhouse Gas Emissions

Page 4.F-19

Mitigation measure 4F1 requires GHG reduction plan. Without baseline data it is difficult to determine when the range of 5% reduction has been reached, baseline data should be included. An alternative would be to exceed energy efficient standards outline by Title 24, by 20%. Exceeding title 24 standards will be a tangible goal.

General comment on section 4.F:

1. Studies show that Sierra snowpack shrunk 10% over the last 100 years and is expected to decrease by 25% by 2050. Please explain how the demand for water will be satisfied if we are faced with these issues in 2050.

Section 4.G- Hazards and Hazardous Materials

Page 4.G-86

“Project Impacts and Mitigation Measures”

How will regulations and mitigation measures be instated?

Comments to the City:

Need for independent, third-party monitoring:

Dr. G. Fred Lee made this issue that cornerstone of his recommendations for the Baylands. Some excerpts from his report (pages 21-22) are reprinted below.

Third-Party Independent Monitoring and Review of the Developed Properties

An issue that has occurred at some hazardous chemical sites is that once the regulatory agency adopted a remediation approach it may be difficult to get the agency to reopen the site for further study even though the new evidence strongly supports the need for additional study. Typically regulatory agencies do not have adequate resources to revisit a site, especially when there are other sites that require examination. This situation provides justification for third-party, independent monitoring and review of a site with reporting to a citizen/agency board overseeing the site.

The proposed development of the UPC property does not include removal of all contaminants; rather, known and yet-to-be-identified hazardous/deleterious chemicals would be left on the property. In order to provide a higher degree of public health and environmental protection, the properties owners, initially UPC and then the future owners of the properties, should provide and maintain sufficient funds through a "property owners' association" to enable third-party, independent monitoring of the property for hazardous/deleterious chemicals that are a threat to public health and the environment. This monitoring, which would need to be continued indefinitely, should be done by a contractor who is hired by a citizens/regulatory agency board and report at least annually to that board. The amount of funding should be adequate to periodically monitor all potential pathways for release of hazardous/deleterious chemicals, and be sufficient to enable expansion of the scope of monitoring should new chemicals be identified as chemicals of concern.

Further, periodic reviews should be conducted, such as the five-year reviews delineated in the US EPA Superfund regulations, to ascertain whether new information has been developed that should prompt reopening of the site investigation and remediation. As with the independent monitoring, these periodic reviews should be done with full public participation in which the public is provided independent, third-party technical assistance to review the adequacy of the periodic review. As part of closure of a site, even if it considered to be a "clean closure," funding should be made available by the responsible parties or the regulatory agency to enable the public to actively participate in site review such as suggested herein, with independent, third-party technical assistance.

A possible approach to provide for more than the minimum required by regulatory agencies for site investigation relative to proposed development of hazardous chemical sites would be to appoint an independent advisory panel of experts to conduct ongoing reviews of development plans and further public health and ecological assessments. That expert panel should be composed of individuals highly knowledgeable and experienced in the issues pertinent to public health and environmental protection issues associated with hazardous and municipal wastes, but who do not gain employment from hazardous chemical site responsible parties. This expert panel should be funded by the developers and future owners of the properties.

Section 4.H- Surface Water Hydrology and Water Quality

Page 4.H-13 and other pages

And other pages. The issue of litter and solid waste as water pollution is not addressed yet again. Uncontrolled solid waste needs to be addressed in a SWPPP. We are uncertain whether this would be considered a point or a nonpoint source. According to the Ocean Conservancy the top ten most commonly found pieces of trash are not from industrial sources, but from everyday things such as cigarette butts and food wrappers. Any development that includes human activity will contribute a significant amount of solid waste to watershed. Much of that will find its way into the system and become water-born pollution.



<http://www.oceanconservancy.org/assets/feature-images/standard/top-10-items-data-release.jpg>

Page 4.H-32

Paragraph 3 “C.3 for new development that would introduce 10,000 square feet of new impervious surfaces, the specific project applicant would incorporate LID strategies. ...” Will any specific projects fall under this threshold? What will happen if they do? What measures will still be required and what will the project be exempt from? Do we want the same requirements for projects over 10,000 feet?

Page 4-H-33

As a mitigation measure for excess storm water, the city of Rotterdam in the Netherlands is using sunken areas (public plazas and playgrounds) as temporary reservoirs that can be drained once a flood event has passed. (Probably a planning issue not a DEIR issue).

Issues for the City:

The Creek

The Open Space and Ecology Committee, in its (January, 2011) scoping comments for the DEIR, recommended “A wetland river park with seasonal flood plain.” Plans for the Creek so far show a narrow corridor with steep banks, especially east of Tunnel Avenue. Several objectives may be accomplished by designing the wetland river park with

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wide, gently sloping banks. First, it would provide enhanced habitat for birds and aquatic life, and for native vegetation. Second, wetland vegetation would serve to filter contaminants. Third, the larger area would provide for enhanced ability to drain large storm water flows.

Section 4.I- Land Use and Planning Policy

Page 4.I-10

Suggest adding the land use designations to the map for clarity and ease of use.

Page 4.I-19

Policy 27 centrally located facilities “. . . centrally located within the area east of Bayshore Blvd and designed to serve the Baylands. What are the public services within the Baylands and how are they designed to serve the people of central Brisbane? Public services are considered vital within the frame work provided by the One Planet framework for sustainability. Clarify this statement in order to demonstrate consistency.

Page 4.I-28

Policy 152 Slope Stability. The DEIR disregards this issue stating that the development will occur on flatter portions of the project site. However, the high school is purposed near Ice House Hill and might be at risk from a slide. A slide barrier should be included as part of the project scope. Keeping Ice House Hill as open space does not preclude a slide from happening. Therefore we consider this inconsistent.

Page 4.I-29

Policy 173 Remediation of site. DEIR states that this is consistent without addressing at what phase of development remediation will take place or how it will take place making consistency meaningless. Remediation prior to occupancy is an important environmental issue. Timing and sequencing need to be addressed with respect to site remediation of the project site. There needs to be clarification on whether remediation will be done during, after of before.

Page 4.I-32

Caltrain, Noise and Land Use. The DEIR states this is consistent, however having housing and other sensitive uses within 50' of the tracks cannot be made acceptable even with mitigation measures. Please see other comments for specific information.

Page 4.I-37

Policy 336 Interaction of Central Brisbane with the Baylands. DEIR calls this consistent based on the connectivity of Geneva Ave. However, Geneva Ave is located on the San Francisco/Daly City boarder and not located in or directed towards Brisbane. Clearly Geneva Ave will not provide connectivity with Brisbane making this statement clearly inconsistent.

Section 4.J- Noise and Vibration

Page 4.J-21

2nd paragraph, first bullet re: Orientation of buildings to minimize sound intrusion. How is this going to work if we are also orienting buildings for passive solar and to minimize wind obstruction?

General comments on section 4.J:

1. Please address why new development may be built that would increase the average noise levels across locations in Brisbane when many of the monitored areas already exceed maximum noise levels.
2. Exterior noise levels, emitted from sources such as traffic noise, do not seem able to be mitigated, at least to levels which are considered less-than-significant.
3. Please make this chapter more user-friendly by providing comparisons that the lay person can understand, such as describing the loudness of a noise measured at 45 decibels.

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4. It is confusing to the reader why the origin of the Bay Trail is located at Highway 101. An alternative route should be proposed that would be more aesthetically pleasing and less noisy for riders.
5. Please clarify why there aren't any impacts related to the proposed school.
6. It should be mentioned in the document that the noise emitted from the wind turbines depends on the size of the wind turbines used in the project.
7. Please clarify whether the Bay Trail is considered active or passive.
8. This chapter does not address the physiological and psychological effects of hearing loss. The general public should be advised of these concerns.

Chapter 4.O: Utilities, Service Systems and Water Supply

Mitigation of storm water: Roofing material has a small effect on water quality, the larger factor is the pollution absorbed from the atmosphere prior to precipitation and particulates deposited on the roof.

<http://www.bae.ncsu.edu/stormwater/PublicationFiles/RooftopRunoff2009.pdf>

Roofing materials do have an effect on the conditions under which rain water can be harvested. Information from Water Shed.org indicates that a tar and gravel roof will yield 15% less water.

http://watershedmg.org/sites/default/files/docs/wmg_calculating_runoff_worksheet.pdf Barbara Ebel's experience here in Brisbane is more dramatic. They have 600 gallon of tank collecting from our sloped metal roof and 600 gallons of storage fed by the neighbor's roof. Both roofs are of approximately the same size. During the first storm of the season, the tanks connected to the metal roof over topped. The tanks connected to the flat T&G roof reached 75% capacity. Ebel's metal roof will continue to yield small amounts of water from morning dew 10 months out of the year while the T&G roof yields nothing in anything less than a sustained rainfall.

Chapter 4.P- Energy Resources

If Recology is willing to pursue a renewable energy program beyond their requirements, can we/can we not expect the development plans to also do this?

A gross omission is made in evaluating energy resources within the project. It details the consumption of fuels and electricity but assigns absolutely NO value for the embodied energy of materials such as wood and steel framing, concrete, asphalt etc.

Chapter 6- Impact Overview, Growth Inducement and Cumulative Impacts

Page 6-43

Paragraph 3. "wind speed reductions of as much as 20 percent would occur over small areas near the shore at the CSPRA windsurf launch site. . ." According to an article written by Denis Wee states, "Present day boards are designed so that they will start planning when their speed exceeds about 7 knots. The speed then shoots up very quickly in excess of about 13 knots. For such boards, it is not possible to maintain an intermediate speed between these two values." A wind reduction of 20 percent or more can greatly reduce windsurfing speeds that are necessary for planning, how will this be mitigated?

<http://web.singnet.com.sg/~dgswee/>

General comment on Chapter 6:

1. How will the aesthetics of the project be altered over a 30-year build out period?
2. What this chapter make very clear if it wasn't clear before is that this project is simply too large to be absorbed by the San Francisco Bay Area. The fact that it overruns mitigation measures, population and job growth, air quality attainment, traffic congestion, and other areas of grave concern means that it's just too big. That said, we sincerely hope that some small project or maybe a longer timeline will be approved by the city.

Chapter 7- Sustainability

Page 7-2

No actual criteria based on numerical facts or benchmarks for sustainability are provided; a punch-list of sustainability principles is shown instead. This section lacks an immense amount of factual evidence, yet Brisbane's sustainability should not be glazed over. Please provide the benchmarks that the DEIR refers to.

General comments on Chapter 7:

1. This section uses sources from 1987 and 2000, which are extremely out of date, especially when compared to the scientific evidence made available since then. Many events have occurred in relation to sustainability since 2000 that should be referenced in this chapter.
2. This chapter seems to encourage rapid population growth, placing a dependency on non-renewables and disregarding the harms of over-consumption. This section neglects the complexity of natural systems through the pursuit of human development laid out in the proposed development plans. The relationship between this section and sustainability is therefore misleading to the reader.
3. The site currently contains toxic or harmful pollutants. It is not mentioned anywhere in chapter 7 that the land will be remediated before development would commence.
4. This section is misleading to the public since resource distribution should be geared towards the general public and the environment instead of the developer.
5. Chapter 7 is misleading since the sustainability principles do not meet sustainability standards.
6. Please provide information on how frequently the railroad tracks are repaired. It is unclear whether or not this has even been evaluated. It is essential for the public to know the effects the railroad will have on the adjacent buildings, and therefore this information should not be left out.