



## CITY OF BRISBANE

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OSEC

Honorable Mayor and City Council

The Open Space and Ecology Committee thanks the City Council for the time and ability to review and comment on the Draft Environmental Impact Report for the Baylands. We have collectively spent hundreds of hours reading, reviewing, and researching the topics presented in the report in order to make comments which, if responded to and incorporated into the Final Environmental Impact Report, we hope will make the document and the final project more environmentally beneficial.

1

Our Committee understands the limitations of CEQA law and would request that the consultants and City Council prepare a document which not only meets the letter of the law, but also its spirit. A number of our comments and concerns focus on making the document easier to read and understand for the lay person who does not have hundreds of hours to devote to the project. We want to make sure the casual reader can pick up the document and understand all of the environmental implications without having to refer to a multitude of other documents.

2

More than this, when it comes time for approving a project on the Baylands, the City Council should not just look at what is required by law, but what is needed to create a community which we can all be proud to call home—and one that is environmentally sustainable over time. The law sets out just the minimum level of what is required, however, as a community we have a moral and ethical obligation to do what is right for all of our residents—both present and future ones. We ask the City Council to look at carefully, judiciously review, and then approve the best possible project—not one which just minimally meets minimum legal requirements.

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Respectfully,

Open Space and Ecology Committee, City of Brisbane



Open Space & Ecology – Definitions  
Brisbane Baylands Draft EIR 2013

**Definitions**

The following terms need clarification, as well as specific definition in regards to this document; therefore a glossary should be included in the EIR.

Open space (pg. 1-1)  
Open area (pg. 1-1)  
Existing development (pg. 1-2)  
New development (pg. 1-2)  
Total development (pg. 1-2)  
Reasonably feasible (pg. 1-8)  
Developed area (pg. 2-2)  
Public sources (pg. 3-60)  
Private sources (pg. 3-60)  
Baseline height (chapter 4.A)  
Urban (pg. 4.A-1)  
Limited (with respect to quantity, quality, biodiversity) (pg. 4.A-4)  
ROG (Reactive Organic Gases) (4.B-18)  
Topographical change (pg. 4.C-1)  
Native Soil (4D)  
Clean Soil (pg. 4.E -1)  
Primarily (with respect to quantity or quality) (pg. 4.E-1)  
Typical (pg. 4.J-4) (pg. 4.E-25)  
Breach (pg. 4.E-38)  
Over consolidated (with respect to Old Bay Mud and New) (pg. 4.E-45)  
Well-defined aquifers (4.G-24)  
BMP (chapter 4H)  
Clean Fill (chapter 4H)  
NPDES (pg. 4.H-11)  
Pest (pg. 4.H-34)  
Centrally located facilities (pg. 4.I-19)  
Podium parking (pg. 4.N-69)  
Qualifying phase of development (pg. 4.N-146)  
Habitable (pg. 4-O-38)



## **Chapter 1: Introduction**

### **Page 1-2**

A discrepancy exists throughout Chapters 1 and 3 in relation to what is included in the DSP-V scenario description. The project descriptions should be changed so they are consistent throughout the document. For example, the DSP-V description found on page 3-1 is lacking the “also includes 4,434 residential units” portion that is found on page 1-1. Due to the variable project descriptions, it is unclear whether or not the DSP-V scenario contains residential units.

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### **Page 1-8**

Dr. Lee’s report should be included in the Appendix. Without referring to Dr. Lee’s report, important information about the toxins discovered in the Baylands is potentially left out of the document. Without this information, potentially significant Hazards and Hazardous Materials impacts are not addressed.

6

General comments on Chapter 1:

1. A discrepancy exists throughout Chapters 1 and 3 in relation to what is included in the CPP-V scenario description. The project descriptions should be changed so they are consistent throughout the document. For example, the CPP-V description found on page 3-2 is lacking the “The CPP-V scenario encompasses the same 733-acre area as the CPP scenario...” portion that is found on page 1-2. It is unclear whether or not the CPP and CPP-V scenarios encompass the same acreage.

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2. The amount of millions of square feet in the CPP/CPP-V/DSP/DSP-V descriptions are inconsistent with Table 3-2C on page 3-30; therefore, the size of the projects is unknown.

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3. The measurement used to address the size of the project is unclear, since square-footage and acreage are both used. Please clarify exactly what square-footage and acreage are being measured. For example a “total area of 733 acres” and a “total of 7.7 million square feet” are both used to describe the size of the project site. This is misleading since we do not know how many square feet lie on each acre. In other words, it is unclear whether 7.7 million square feet refers to the flat footprint of the buildings or if it refers to the total amount of square feet a building encompasses, including one or more floors per building.

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## **Chapter 2: Executive Summary**

### **Page 2-4**

Each chapter should have a section of agency involvement in the form of a chart with oversight listed.

10

### **Page 2-9**

Policy 330.1 of the 1994 General Plan states “Prohibit housing on the Baylands”; therefore, objectives numbers 4 and 6 are inconsistent with the City of Brisbane’s General Plan. If the DSP or DSP-V scenario were selected, the General Plan would need to be amended. A footnote should be added at the bottom of this page, which explains the need for an amendment of the General Plan upon approval of the project.

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### **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.

12

### **Page 2-11**

Impact 4.N-7 states, “The Project would cause an increase in transit demand that could not be accommodated by San Francisco Muni or SamTrans transit capacity”. The phrase “as it exists in 2010” should be added to the end of the original sentence. The public should understand that the current Muni and SamTrans systems would require updates in order to accommodate the aforementioned increase in transit demand.

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**Chapter 3: Project Description**

**Page 3-4**

“Candlestick Park, an existing National Football League venue, is approximately 0.5 miles northeast of the Brisbane Baylands, east of US Highway 101.” Even though the existing condition of the area consists of the 49ers stadium, which brings excessive event traffic to the area, after this coming season, the 49ers will move to their new stadium; therefore, the regional setting and existing conditions will change. This should be acknowledged in the document, since the venue will not be utilized nearly as frequently as in the past and there is a massive housing project slated for development in lieu of the stadium.

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**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.

15

**Page 3-9**

Figure 3-3 provides a map which is not accurate based on the 2010 baseline. The contours are measured in 20-foot increments, but baseline contours are not included for levels at or below sea level in the Bay. The contour lines should run into the Bay, showing the baseline contours at or below sea level. This is a pertinent issue due to the fact that siltation may alter the contours.

16

**Page 3-11**

The veracity of the map found in Figure 3-4 is questioned since parts seem inconsistent with the known history of the landfill. The map should include supplemental information from the source (Dyett & Bhatia) that supports what is pictured.

17

**Page 3-13**

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

18

**Page 3-16**

The old boneyard is not mentioned in the Areas Subject to Remediation section, even though the boneyard remains could present a potential environmental impact. This issue needs to be added to this section and in relevant sections of the EIR.

19

**Page 3-17**

The hole left in the ground from the old turntable is not mentioned in the Former Railyard Buildings section. This feature should be added to this section because standing water has and does accumulate in the hole in which frogs and other flora and fauna have inhabited, and altering this area may impose a significant biological resources impact on the project. The Brisbane Bayshore Industrial Park is not mentioned in the Existing Uses section and must be included. Please add information on the Brisbane Bayshore Industrial Park because buildings may need to be stabilized during construction, people who work in the area may be impacted by construction noise, etc.

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**Page 3-18**

The section on the Caltrain Bayshore Station is lacking pertinent information on the Baby Bullet train which now bypasses the Bayshore station. One statement in this section states, “It currently serves fewer than 300 average daily weekday riders (138 outbound and 150 inbound in February 2011).” Since the Baby Bullet train avoids this station, the number of riders is much fewer than what was estimated in February 2011, meaning that the baseline is out of date. Also, the overpass to this station has unusable elevators, which hinders access to the train and further degrades ridership. Please address these issues and provide the accurate historical trend of ridership since impacts related to traffic and circulation may be relevant.

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**Page 3-20**

Several key arterial and collector streets were left out of the Traffic and Circulation section of Existing Infrastructure and Services, including Carter Way, Industrial Way, and Old County Road. These streets should be added to this list since potential significant Traffic and Circulation impacts may be overlooked.

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Page 3-25

It is unclear that the State Lands Commission's parcel is part of the Brisbane lagoon because of its coloration. This issue should be included in the "Note" on the bottom left hand corner of Figure 8.

Please define "Brisbane Sphere of Influence" in the note on the bottom left hand corner of Figure 8, and provide it in a footnote at the bottom of the page, because it is unclear what this actually entails. Please identify land owned by the California Department of Fish and Wildlife. Section 3.3, Existing Project Site Land Ownership, is missing some pertinent data. Please identify the smaller parcels within UPC's land, as well as who owns the properties and when they gained ownership, regardless of the individual property rights. This information was promised to be included in the Notice of Preparation, but was never added.

Page 3-26

On the map in Figure 3-9, the area below Lagoon Way should also be designated as "Marsh/Lagoon/Bayfront" instead of "Trade Commercial", because page 61 of Brisbane's 1994 General Plan shows that the aquatic area actually touches Lagoon Way. The area shown in dark green represents open space, but a huge difference exists between public open space and undeveloped private land. It is unclear whether or not all open space is available for public use. In order to distinguish between the two, public open space and undeveloped private land should be different colors on the map. Overall a detailed map displaying existing land use should be added.

Page 3-36

The net increase in building height from sea level should be added as a column in Table 3-3. This is important because of the impacts caused from increased building height: obstructed views from the Bay, wind impacts and shadows created. This is an important issue since ground level is variable. Height should be taken from mean height of the tide line, which will provide a fixed height versus ground level that has the ability to change over time.

Page 3-40

The first sentence in the last paragraph on this page states, "As shown in Table 3-1C..." This is incorrect, and should be changed, since it is actually found in Table 3-2C.

Page 3-41

The maps in Figures 3-13 and 3-14 are confusing due to the hashed colors overlay. These maps should be improved to make the overlays easier to understand, and also so people do not confuse public with private open space.

Page 3-44

The Public/Open Space/Open Space Connection/Wetlands land use designation states that recreational uses could include kayak rentals near the lagoon area. However, the lagoon is not suitable for kayaking due to the contaminants in the water. Before kayaking would be permitted at the lagoon, a soil scientist should sample the sediment in the lagoon and a biologist should test the wildlife in and around the lagoon for bioaccumulation, since it is not stated in the document whether or not toxins exist in the water. If toxins are found, they could impose a potentially significant Hazards or Biological Resources impact on the project site. Also, kayaking may have an impact on birds, nesting and other Biological Resources that has not been addressed or assessed.

Page 3-45

Table 3-3 is for developers and table 3-4 is for CPP. Tables 3-3 and 3-4 should coincide with each other. What is shown in 3-3 should also be shown in table 3-4 since they are different projects.

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?



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Page 3-53

“In General Plan Policy 330, Program 330b, replace the phrase ‘not to exceed six stories in height’ with the phrase ‘not to exceed 45 feet in height.’” Please clarify where the baseline for the building height will be measured from since it is unclear to the reader whether the buildings will be 45 feet above sea level or 45 feet above the landfill, railyard, etc.

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Page 3-57

“A hotel conference center is proposed along Sierra Point Parkway (extended) with a maximum building height of 16 stories (160 feet).” Please include data (or provide where this information can be found in the DEIR) about the shade that will be created from this building and the affect it will have on the surrounding area. The shade of the buildings may create a significant Biological Resources impact.

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Page 3-62

“The Specific Plan proposes one pedestrian overcrossing over the Caltrain right-of-way and Tunnel Avenue for pedestrians and bicyclists.” Two over crossings seem inadequate to foster pedestrian circulation. If this is not studied, a potential traffic and circulation impact may result from the project.

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General comment 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?

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**Chapter 4.A: Aesthetics and Visual Resources**

Page 4.A-1

The lagoon should be added to the list of surrounding features in the Surrounding Area section, since a common person reading the EIR would not know the lagoon is present.

Under the Surrounding Area section, San Bruno Mountain is said to be located *south* of Brisbane. San Bruno Mountain is South by South-East to West by North-West orientation.

Under the Surrounding Area section, San Bruno Mountain is stated to be located *south* of Brisbane. This statement should be changed so that the common reader, unfamiliar with Brisbane, can understand that San Bruno Mountain does not lie to the south of Brisbane. The mountain actually surrounds the city to the west and southwest. San Bruno Mountain extends to the east of portions of Brisbane. IMO San Bruno Mountain surrounds Brisbane approximately 180 degrees from the NW to the SE.

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Page 4.A-2

In order to remain consistent throughout the document, “Figure 4.A-1” shown in the “Project Site” section, should be in bold type. The City of Brisbane should not be characterized as an urban community, as it is in the DEIR, since it is actually considered suburban and even semi-rural in some areas. The visual character of the historic Cow Palace is not mentioned, nor is the view of it from the Bay or any other viewpoint location. In order to provide a complete description of the surrounding areas, the historic Cow Palace should be mentioned. “The Project Site is partially screened from view along US Highway 101 as well as Bayshore Boulevard due to *vegetative growth* along the highway and the boulevard.” This is misleading to the reader since these plants were not deliberately planted to screen the Project Site from Highway 101, the existing plants have reached the end of their natural and healthy lifespan, and their removal would therefore require the planting of additional plants if the site is intended to be screened from Highway 101.

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Page 4.A-3

The map found in Figure 4.A-1 should be changed to a topographic map to allow the general public to visualize the views that would potentially be obstructed from various points that are not necessarily designated as “viewpoint locations”. By choosing high vistas for the placement of the viewpoints, the impacts on the majority of the persons/places in Brisbane are disregarded, and instead only the impacts on the persons/places least effected are measured.

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The document should note the specific areas of Brisbane where residents’ views will be obstructed by development. The map found in Figure 4.A-1 lacks a “viewpoint location” in the San Francisco Bay. The San Francisco Bay, especially in the vicinity of Candlestick point, is a popular windsurfing and sailing location. The view from the Bay

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towards Brisbane provides spectacular views of San Bruno Mountain. By not providing a viewpoint location in the Bay, this entire view shed is disregarded, and significant Aesthetics and Visual Resources impacts may go unrecognized. The map found in Figure 4.A-1 should include a “viewpoint location” at the entrance to Brisbane near Highway 101 and Lagoon Road. This access point to the City should not be omitted since this location provides a driver’s first view of the town as you are entering Brisbane. In order to cover all potential Aesthetics and Visual Resources impacts, this viewpoint should not be excluded.

The map found in Figure 4.A-1 should include a “viewpoint location” in downtown Brisbane since it is unclear to the public whether or not one will be able to view the project from downtown Brisbane. In order to cover all potential Aesthetics and Visual Resources impacts, this viewpoint should not be excluded. The viewpoint of looking toward central Brisbane from the 101 Freeway when traveling, southbound from San Francisco should also be taken into account.

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cont.

Page 4.A-4

“Vegetation and the wildlife habitat it supports have been, and in some cases continue to be, highly *disturbed* over the majority of the Project Site.” This statement establishes a mischaracterization of the site’s vegetation and wildlife habitat, and therefore the word “disturbed” should be changed to “distributed and distributed”. “...the riprap embankment supporting the railroad tracks along the *eastern* edge.” This statement is false. The word “eastern” should be changed to “western edge of the lagoon”.

“Visitation 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 statement constitutes a mischaracterization of the riparian vegetation and habitat, and therefore the word “limited” should be changed to “a lot”. The word limited with respect to this statement should be defined.

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Page 4.A-5

Figure 4.A-2b shows a photo of Visitation Creek at high tide. A photo should be taken in the same location that shows the creek during low tide, otherwise the reader may mischaracterize the creek. This is an important data point to have since at low tide it appears almost empty. The visual aesthetics should be considered to be both visually appealing at low and high tide of the creek. The creek is also important as riparian habitat.

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Page 4.A-6

The photos provided on this page, and in this chapter in general, were taken to portray each scene in a specific way, in order to show the least impacted views only. Photos of the same scene should be taken from multiple directions so they are not misleading to the reader. Please present a complete assessment of all visual impacts.

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Page 4.A-29

“Development within 350 feet of the eastern boundary of the Project Site (US Highway 101) shall be designed to avoid blockage of views of the Bay shoreline from Viewpoints 1, 2, 3, 7, 8, and 11.” A separate mitigation measure should be provided that includes height requirements for development built beyond the stated parameters. Without clarification one could assume that the areas outside of this boundary will not be mitigated. Lower building heights are needed near 101, tall buildings will affect the views. Do viewpoints 10 and 5 have a view of the Bay?

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Page 4.A-34

“Although there are differences that could occur under the DSP, DSP-V, CPP, and CPPV scenarios, *the following design guidelines address* design elements that largely contribute to the overall visual character and continuity of a site as large as the Project Site.” It is unclear that **Mitigation Measure 4.A-3** contains the aforementioned design guidelines, and therefore the words “found in **Mitigation Measure 4.A-3**” should be inserted so that the statement reads, “Although there are differences that could occur under the DSP, DSP-V, CPP, and CPPV scenarios, *the following design guidelines, found in Mitigation Measure 4.A-3, address* design elements that largely contribute to the overall visual character and continuity of a site as large as the Project Site.”

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Page 4.A-38

“Mitigation measures set forth in Section 4.C, *Biological Resources*, would reduce impacts related to tall structures and increased lighting to less-than-significant levels by incorporating design features that would help minimize bird strikes, including design features making structures, especially glass surfaces, more visible from the outside.” This sentence is not easily understood, and should therefore be reworded. Additional mitigation measures should also be

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incorporated, such as using green and blue outdoor lighting, designing the buildings with less glass, and treating every window to decrease its reflectivity. ↑ 58 cont.

Page 4.A-38

Last paragraph. "... increased lighting to less-than-significant levels". Awkward phrasing. It is unclear what the sentence is trying to communicate. I 59

Page 4.A-39

In order for the layperson to understand the nighttime lighting guidelines, the "in-ground up-lights with diverter shields" should be described and their function further explained. I 60

Page 4.A-40

Parking lot lighting needs to the same color as street lighting? Where did this come from? What is this mitigating? I 61

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. I 62

Page 4.A-41

The issue of daytime glare is addressed very generally and then specifically from the perspective of cars on US101. It is not specifically addressed regarding Brisbane and especially upper Brisbane. We feel that this needs to be rectified. I 63

General comments on section 4.A:

1. If sound walls are included in the proposed project, please provide images within Table 4.A-1. Please clarify whether new power lines will be above or below ground. If lines are above ground the unsightly views of the lines could pose a potential Aesthetics and Visual Resources impact. I 64  
I 65

2. The DEIR states that these effects of light pollution are SU (significant unavoidable.) We feel that this is unacceptable and that mitigation measures must be required. Making drastic reductions in light pollution and reclaiming our night skies is of vital importance to all species and our quality of life. We all agree that some lighting must be maintained for safety; however, it is not acceptable to stop there. Creative solutions are called for. If we set the bar high enough, answer will be found. I 66  
I 67

3. Brisbane is mischaracterized as Urban. I 67

4. It would be beneficial to identify any other potential aesthetics impacts by using a computer program that could be used to simulate the predicted night lighting from the project on the City of Brisbane. This model could also be used to identify any Biological Resources impacts relating to bats and birds that could be impacted by the imposed night lighting. Please present all of the view impacts I 68  
I 69

**Chapter 4.B: Air Quality**

Page 4.B-3

Paragraph 1 makes no reference to the environmental effects of ozone. An article written by Sjaak Slanina, Impact of ozone on health and vegetation (<http://www.eoearth.org/view/article/153777/>), states, "...ozone penetrates the leaves and needles of vegetation by way of the stomata...ozone is then deposited on the water layer on the cells inside the leaves and forms free radicals and ions...Ecosystems, such as forests, are damaged by the same mechanism.". Below are more references with supporting statements: <http://www.epa.gov/region07/air/quality/o3health.htm> 69

**How does Ground-Level Ozone Harm the Environment?**

- Ground-level ozone interferes with the ability of plants to produce and store food, so that growth, reproduction and overall plant health are compromised. ↓



- By weakening sensitive vegetation, ozone makes plants more susceptible to disease, pests, and environmental stresses.
- Ground-level ozone has been shown to reduce agricultural yields for many economically important crops (e.g., soybeans, kidney beans, wheat, and cotton).
- The effects of ground-level ozone on long-lived species such as trees are believed to add up over many years so that whole forests or ecosystems can be affected. For example, ozone can adversely impact ecological functions such as water movement, mineral nutrient cycling, and habitats for various animal and plant species.
- Ground-level ozone can kill or damage leaves so that they fall off the plants too soon or become spotted or brown. These effects can significantly decrease the natural beauty of an area, such as in national parks and recreation areas.
- One of the key components of ozone, nitrogen oxides, contributes to fish kills and algae blooms in sensitive waterways, such as the Chesapeake Bay.

<http://www.mnn.com/health/fitness-well-being/stories/ozone-health-and-environmental-effects>

Ground-level ozone also damages vegetation and ecosystems. In the United States alone, ozone is responsible for an estimated \$500 million in reduced crop production each year. Repeated exposure may permanently scar lung tissue.

<http://www.iowadnr.gov/Environment/AirQuality/CommonAirPollutants/Ozone/GroundlevelOzoneEffects.aspx>

#### Environmental Effects

Ozone damages vegetation and ecosystems by inhibiting the ability of plants to open the microscopic pores on their leaves to breathe. It interferes with the photosynthesis process by reducing the amount of carbon dioxide the plants can process and release as oxygen. Elevated levels of ozone lead to reduced agricultural crop and commercial forest yields, reduced growth and survivability of tree seedlings, and increased susceptibility to diseases, pests and other stresses such as harsh weather.

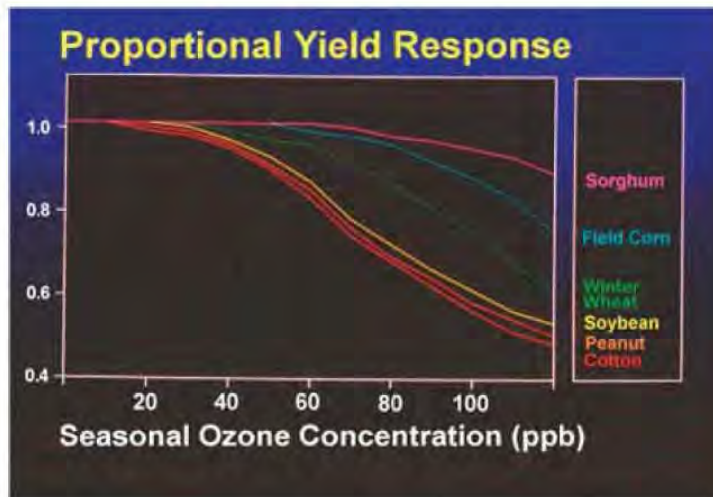


*Signs of ozone damage include flecking, stippling, bronzing and reddening on plant leaves. Photo courtesy of USDA*

#### Yield Loss Caused by Ozone

Dicot species, such as soybean, cotton and peanut, are more sensitive to yield loss caused by ozone than monocot species such as sorghum, field corn and winter wheat. The USDA provides [additional information on the effects of ozone air pollution on plants](#).

69  
cont.



69  
cont.

Heagle, AS. 1989. Ozone and crop yield. *Annual Review of Phytopathology* 27:397-423.

<http://en.wikipedia.org/wiki/File:US-ozone-non-attainment-2007-06.png>

#### Ozone's Effect on Materials

Ozone can cause substantial damage to a variety of materials such as rubber, plastics, fabrics, paint and metals. Exposure to ozone progressively damages both the functional and aesthetic qualities of materials and products, and shortens their life spans. Damage from ozone exposure can result in significant economic losses as a result of the increased costs of maintenance, upkeep and replacement of these materials.

#### Page 4.B-4

Footnote d indicates a sampling schedule of one in six days thus 17% of days is sampled. It would be more accurate to represent the number of day where maximum standards were exceeded as a ratio of days so that if the ozone levels were exceeded 5 times in 2010, then its probable that the total number of days with excessive levels of ozone is 30 days total or one in 12 days. That is a much more honest picture of the pollution levels we are living with.

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#### Page 4.B-7

Acknowledges the fact that; there are believed to be hundreds of toxic air contaminants. However only 21 compounds have been categorized as TACs and only nine are monitored. Apparently of the 21 compounds that have been categorized as TACs most have not had exposure thresholds set. (<http://www.arb.ca.gov/toxics/id/taclist.htm>) The DEIR only covers a handful. As a member of the public, we feel that this level of understanding and discussion is inadequate to protect public health.

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#### Page 4.B-7

State that in 2010 the number of air monitoring stations was increased to 76. Over what area is this number spread and how many where there before? How clear/accurate is our picture?

72

#### Page 4.B-8

Table 4.B-3. What is Intermune doing to cause an elevated cancer risk?

73

#### Page 4.B-16

The CEQA guidelines listed all pertain to human exposure. None of these guidelines pertain to the environmental impacts of airborne pollution. This is a serious shortfall of environmental impact report, "For instance, nitrogen deposition in soils and water is thought to have significant impacts on ecosystems, including acidification. (Ecological effects of nitrogen and sulfur air pollution in the US: What do we know?" Greaver et al, 2012. *Frontiers in Ecology and the Environment* 10, 365-372.)"

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|   |    |
|---|----|
| <u>Page 4.B-17</u>  |    |
| Footnote 9 the BAAQMD guidance stipulates inclusion of PM 2.5 exhaust emissions only in this analysis. Why are PM 10 emissions not addressed?   | 75 |
| <u>Page 4.B-18</u>  |    |
| Paragraph 2 “Table 1-1” should presumably read “Table 4.B-1.”   | 76 |
| <u>Page 4.B-21</u>  |    |
| Mitigation measure 4.B-1 should take rain events and afternoon winds into consideration when determining a watering schedule to mitigate dusts. There should be a goal of zero fugitive dust produced from site construction activity.  | 77 |
| <u>Page 4.B-23</u>  |    |
| Paragraph 3: emissions must also be considered for the remediation phase.   | 78 |
| <u>Page 4.B-23</u>  |    |
| 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.  | 79 |
| <u>Page 4.B-30</u>  |    |
| Table 4.B-8 through 4.B-12: None of the tables take into account background pollution as a result of the landfill. No where are the cumulative effects of pollution considered?   | 80 |
| <u>Page 4.B-34</u>  |    |
| This section appears to be talking about construction related cancer risks; however, it seems unlikely that the workforce would be in residence during the construction phase so the relative vehicle trips per day should not be reduced due to the housing credit. 44,985 trips for the DSP and 82,176 trips for the CPP seems an impossible ratio. Please clarify. | 81 |
| <u>Page 4.B-37</u>  |    |
| Use of electric [or manual] landscape equipment should be considered.   | 82 |
| <u>Page 4.B-39</u>  |    |
| Cancer risk assessments for school children are calculated on 9-year exposure duration. Please explain or recalculate for 12-year exposure duration since children usually go to school for 12 years or more.   | 83 |
| <u>Page 4.B-43</u>  |    |
| Health impacts for Caltrain are based on existing 96 trips per day. What will the health impacts be for the additional trips to accommodate the service population as described elsewhere in the EIR?   | 84 |
| <u>Page 4.B-48</u>  |    |
| Project site development would not support the primary goals of the (BAAQMD) clean air plan. Would the Alternative Energy Generation support these goals? This should be stipulated.  | 85 |
| <u>Page 4.B-51</u>  |    |
| Table 4.B-21, ECM 4. Shade tree planting: it was our understanding that trees were not going to be used in order to prevent their roots from disturbing the landfill cap. How can we have substantial tree planting and still preserve the cap?   | 86 |
| General comments on section 4.B:  |    |
| 1. Pollution from the Bay Area travels to the Central Valley from operations and construction. Winds will blow pollution east of the project site. What methodology may be used to assess the damage from the Baylands development? Regionally where will it travel and what will be the impact?  | 87 |



Below is a map of the Non-attainment and Maintenance areas 8-hour ozone standard. The following excerpts are in support of airborne pollution and distance as an issue:

<http://www.nps.gov/shen/naturescience/airpollution.htm>

"**Air transport** is the term used to describe the mechanism by which air pollution moves from an emissions source to a receptor. A source is a location (i.e., smokestack, chimney, exhaust pipe) from which the pollutant emanates and a receptor is the place (i.e., soil, vegetation, waterbodies, human lungs) where the pollutant is deposited. The atmosphere itself is the transporter of pollutants from sources to receptors. If the wind carries the plume of pollution high enough in the air, it may travel for hundreds of miles before being brought to earth. This is known as long-range or long-distance transport."

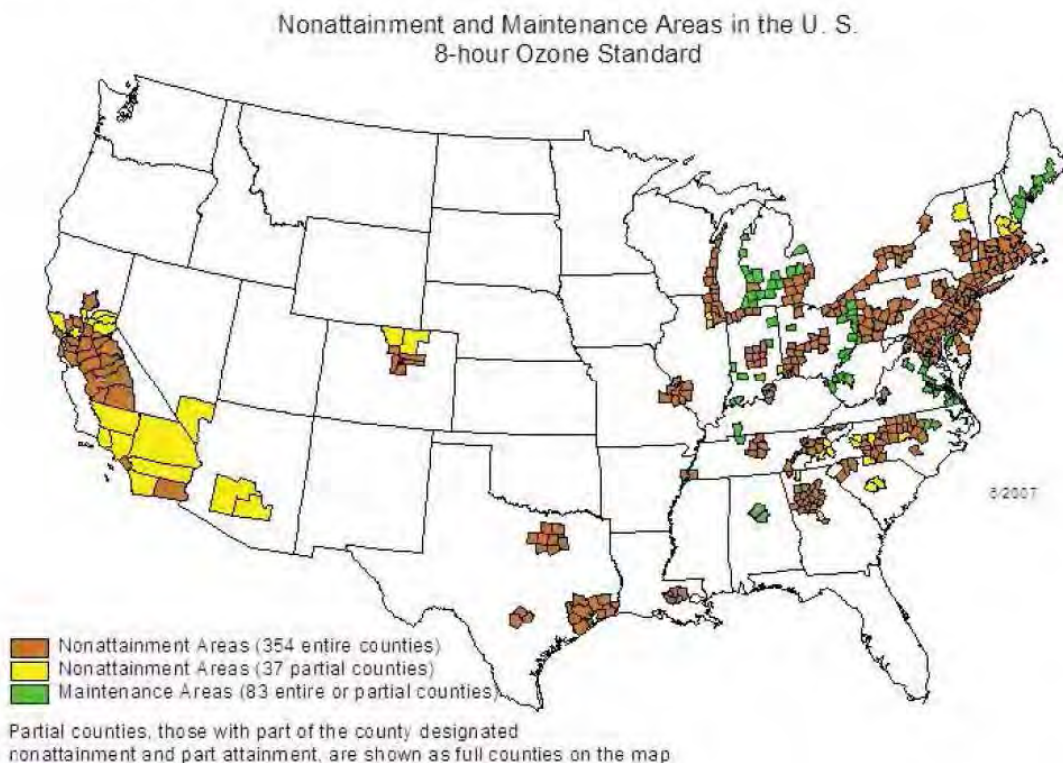
<http://www.epa.gov/air/caa/peg/interstate.html>

"States and tribes seeking to clean up air pollution are sometimes unable to meet EPA's national standards because of pollution blowing in from other areas. The Clean Air Act has a number of programs designed to reduce long-range transport of pollution from one area to another. The Act has provisions designed to ensure that emissions from one state are not contributing to public health problems in downwind states. It does this, in part, by requiring that each state's implementation plan contain provisions to prevent the emissions from the facilities or sources within its borders from contributing significantly to air pollution problems "downwind" - specifically in those areas that fail to meet EPA's national air quality standards."

<http://www.livescience.com/7916-pollution-travels-globe-study-confirms.html>

"Researchers analyzed meteorological and chemical data and discovered that some pollutant plumes in the United States can be traced back to Asia. One study found that a polluted air mass took about eight days to travel from East Asia to central Oregon."

87  
cont.



<http://www.arb.ca.gov/research/aaqs/caaqs/ozone/ozone-fs.pdf>

2. What is the enforcement mechanism for cars that idle more than 5 minutes?

I 88

3. What type of water will be used to dampen down dust? Where would the source of this water be?

I 89



4. Was pollution from the water trucks considered in URBEMIS calculations? 90
5. Based on the type of water used to dampen down the dust, will there need to be additional remediation caused by water needed to dampen down dust. 91
6. Training for contractors and foremen should be given about the all encompassing impacts of a construction site and should be passed down to construction crews. This will engender self-monitoring and produce less pollution and waste. This type of training should be considered to help mitigate a range of impacts created by construction. How can we be assured that the contractors, foreman and crews will be trained? Why was this not considered as a mitigation measure? 92

**Chapter 4.C: Biological Resources (Comments that are from different sections in the document are relevant to section 4C)**

**Page 3-7**

"The majority of the Project Site is flat or gently sloping toward the Bay, with an elevation range of 10 to 50 feet above mean sea level." This is not an accurate characterization of the slope of the Project Site. The majority of the Project Site is not sloping toward the Bay; the terrain is much more variable than what is portrayed in this statement. The map on page 3-9 shows the project site with an elevation up to 60 feet in some areas which disproves the statement "elevation range of 10 to 50 feet above mean sea level". Either this statement should be changed to incorporate this variability or the statement should be supplemented with a map providing the slope of the Project Site. 93

**Page 3-19**

The Lagoon and Other Natural Resources section inaccurately characterizes the wetlands and native plants on site. Additional information should be added to this section, since potential significant Biological Resources impacts may be overlooked. 94

**Page 4.A-38**

"Mitigation measures set forth in Section 4.C, *Biological Resources*, would reduce impacts related to tall structures and increased lighting to less-than-significant levels by incorporating design features that would help minimize bird strikes, including design features making structures, especially glass surfaces, more visible from the outside." This sentence is not easily understood, and should therefore be reworded. Additional mitigation measures should also be incorporated, such as using green and blue outdoor lighting, designing the buildings with less glass, and treating every window to decrease its reflectivity. 95

**Page 4.A-41**

The impact of daytime glare emitted from the windows is discussed under Impact 4.A- 4. The potential impacts on drivers on US Highway 101 are discussed, but impacts on the residents in Brisbane, especially upper Brisbane, are absent. These parts should not be omitted from the impact statement and mitigation measures, since a potential Aesthetics and Visual Resources impact may exist regarding daytime glare reaching upper Brisbane and the Northeast Ridge from these solar panels. 96

**Page 4.C-1**

Paragraph 3 reconnaissance-level field surveys. Typical of ESA, they look at averages and assume things are the same each year. For annual rainfall, years ending in June 2007 and June 2011, the average rainfall was similar – 16.89" and 28.87" respectively. How they can consider conditions on the ground to be similar especially when the combined rainfall for Mar-Apr 2007 was only 1.96" and the combined rainfall for Mar-Apr 2011 is 7.58". That is a considerable difference when considering seasonal wetlands, for example. This highlights a common problem and fallacy in using these types of "hit –and-run" field surveys that do not stand the test of time in gathering long-term data and biological trends. See rainfall charts for SF- Golden Gate Weather Services. That the ESA biologists saw "no appreciable changes" between a year with almost 8 inches of rainfall in a two month period and a year that was very dry with less than 2 inches of rain for the same two-month period questions the veracity of the observations so the should be corroborated over time by and with consistent scientific monitoring by a different and non-partisan research group. Other years the variation in rainfall is even greater. For example, the Mar-Apr rainfall for 2008 was 97



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less than 1/2" but Mar-Apr 2006 had 13.76". In the attached photos, areas under water contained small fish located near the machinery equipment and the old railroad tunnel; see the Google Earth Image below. (See Chart below for reference and photos)

| Season      | Jul  | Aug  | Sep  | Oct  | Nov  | Dec   | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Total |
|-------------|------|------|------|------|------|-------|------|------|------|------|------|------|-------|
| 2000 - 2001 | 0.02 | 0.02 | 0.21 | 2.36 | 0.85 | 0.90  | 3.76 | 7.73 | 1.58 | 1.89 | 0.00 | 0.15 | 19.47 |
| 2001 - 2002 | 0.01 | 0.05 | 0.18 | 0.50 | 5.18 | 10.75 | 2.13 | 2.59 | 2.27 | 0.52 | 0.84 | 0.01 | 25.03 |
| 2002 - 2003 | 0.00 | 0.03 | 0.01 | 0.01 | 2.00 | 12.03 | 1.75 | 1.80 | 1.71 | 3.60 | 0.93 | 0.00 | 23.87 |
| 2003 - 2004 | 0.00 | 0.06 | 0.00 | 0.04 | 2.22 | 7.65  | 3.40 | 5.67 | 1.16 | 0.18 | 0.12 | 0.00 | 20.54 |
| 2004 - 2005 | 0.00 | 0.05 | 0.04 | 2.63 | 2.07 | 7.98  | 4.82 | 5.19 | 4.67 | 2.32 | 1.32 | 0.77 | 31.86 |
| 2005 - 2006 | 0.02 | 0.01 | 0.00 | 0.51 | 2.21 | 11.19 | 3.52 | 2.81 | 8.74 | 5.02 | 0.40 | 0.00 | 34.43 |
| 2006 - 2007 | 0.00 | 0.00 | 0.00 | 0.63 | 3.05 | 5.31  | 0.72 | 4.79 | 0.52 | 1.44 | 0.43 | 0.00 | 16.89 |
| 2007 - 2008 | 0.02 | 0.00 | 0.09 | 2.01 | 0.96 | 3.16  | 8.86 | 1.87 | 0.33 | 0.14 | 0.06 | 0.00 | 17.50 |
| 2008 - 2009 | 0.00 | 0.01 | 0.00 | 0.35 | 2.31 | 2.82  | 0.90 | 7.92 | 2.76 | 0.24 | 0.80 | 0.00 | 18.11 |
| 2009 - 2010 | 0.00 | 0.00 | 0.28 | 3.11 | 0.45 | 2.77  | 6.66 | 3.42 | 2.79 | 3.52 | 0.95 | 0.07 | 24.09 |
| 2010 - 2011 | 0.00 | 0.01 | 0.02 | 1.81 | 3.10 | 6.71  | 1.55 | 4.94 | 7.02 | 0.56 | 1.13 | 2.02 | 28.87 |
| 2011 - 2012 | 0.08 | 0.03 | 0.00 | 1.38 | 1.74 | 0.14  | 2.68 | 1.09 | 5.70 | 2.64 | 0.02 | 0.14 | 15.64 |
| 2012 - 2013 | 0.01 | 0.01 | 0.00 | 1.47 | 4.50 | 7.11  | 0.49 | 0.85 | 0.97 | 1.01 | 0.04 | 0.15 | 16.61 |
| Season      | Jul  | Aug  | Sep  | Oct  | Nov  | Dec   | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Total |



97  
cont.





97  
cont.





97  
cont.





Note: The address for point A is the Machinery & Equipment Co. Inc: 3401 Bayshore Blvd., Brisbane, C.A. In the lower right-hand corner you can see the foundation for the yet to be built Mission Blue Nursery. You can see the Machinery and Equipment Building (the old Ice house) and at the top of the image, you can see the bed for the old railroad track and where the run under Bayshore Blvd. This is the area where Michele Salmon took the seasonal wetland photos. It was not a drainage channel at all. It was deep standing water (6+ inches or more) and had the 2 to 3" silver fish in the water along with tadpoles and insects. In a wet year, there is quite a bit of standing water around the back side (northern) end of the nursery, too.

97  
cont.



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Page 4.C-1

Due to rock fall and seismic activity that occurs over a 5-year period there are topographic changes that occur. The DEIR states that there have been no changes; this should be altered.

98

Page 4.C-2

Lack of habitat does not mean that the species will not live in a less than optimal habitat. In the first paragraph it states, "...the CNDDDB record for the species was recorded outside a five-mile radius from site from the Project Site contributed to a determination of low potential for occurrence determination." This sounds as though the presence of species is based on probabilities rather than sightings.

99

Page 4.C-3

Under the section Terrestrial Communities, non-native grasses are described. There should be a description that mentions most grasses in the Bay Area landscape are non-native.

100

Page 4.C-4

In the last sentence of the first paragraph, it states that, "...Johnny jump-up plants have been grazed by herbivores such as deer..." there are no deer located on the Baylands or San Bruno Mountain.

101

Page 4.C-4 and 4.C-14

On page 4.C-4 it states that *Lupinus* sp. is a grass on Icehouse Hill. Lupine are not a grass it is a nectar plant for Callippe silverspot butterflies, and a host plant for the Mission Blue Butterfly. This should be mentioned in addition to *Viola pedunculata*.

102

Page 4.C-5

The under story is mischaracterized as ruderal habitat. In Figure 4.C-1 there are several areas that are mislabeled. Near the Former Railyard there is a wetland, thus this is not ruderal. In the Lagoon there is a small tab on the left that is labeled as, "Invasive scrub", but in this area there are also native species. Lastly, seasonal wetlands are missing in this map.

103

Page 4.C-5

"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, tidal and freshwater wetlands along the edges of drainage channels and Brisbane lagoon, and seasonal wetlands in the western portion of the site." This statement is lacking important components, for instance that native plant species can actually be found throughout the site and not just in these confined areas. For example, Douglas iris can be found around the base of Icehouse Hill. A detailed vegetation map should be provided so the public will know the species of plants and plant communities found on site. On page 4.C-5, figure 4.C-1 this map should be improved by including a full biological assessment and map.

104

105

Page 4.C-7

There are many species in this list that have not been locally sighted by residents. The last paragraph states, "...the operator of a horse stable in Icehouse Hill described previously observing red-tailed hawks nesting in the small eucalyptus grove north of Icehouse Hill. Eucalyptus may also provide roosting and nursery sites for several bat species, including fringed myotis and long-eared myotis." If public opinion will be used in this document it should not be of just one individual. In the past there has been a sighting of Fox and Coyotes in the area, which is not included in this list. Were there actual sightings of these listed species? There should be a data chart in the document of sightings and number of how many sightings for each species.

106

Page 4.C-9

The second paragraph under Freshwater Emergent Wetlands states, "The freshwater emergent wetlands on the Project Site typically lose surface water or completely dry up during the summer months..." There are areas that stay wet all year round where species can exist and this should be distinguished from the truly seasonal wet areas in a map.

107

Page 4.C-10

The last paragraph states, "It is possible that the Brisbane marshes once were inhabited by what are now special-status species. However, it is unlikely that any of these species would currently be found in the tidal marsh or tidal

108



|   |              |
|---|--------------|
| marsh drainage due to the relatively small size and longstanding fragmentation and isolation of the remaining habitat.” Additionally, in the second paragraph, “...the project site is not located within the known range for the particular species, the species is believed to be extirpated and no longer occur in the vicinity.” Rather than assume that these species no longer exist in the area studies should be done presently and historically. This study will determine presence and abundance to set and achieve goals of rehabilitating important habitat.  | 108<br>cont. |
| <u>Page 4.C-11</u><br>In the section <u>Open Water Estuarine Habitat</u> states, “The lagoon’s shorelines contain little beach during high tides and most of the shoreline exposed during low tides is protected by riprap.” This statement makes it unclear whether the shores are beaches or riprap, as the site is there are beaches. This should be clarified and accurately described.   | 109          |
| <u>Page 4.C-12</u><br>Using data from 2003 is obsolete. It would be expected for some similarities to occur between studies. It would be difficult to determine the current state when extrapolating data from 2003 to 2010, much less when actual development will occur. How often wetland delineations are typically conducted? How many similar data points were found to prove that the 2003 data was a valid study for current use?   | 110          |
| <u>Page 4.C-13</u><br>Why was the San Bruno Elfin not included here? Are they assuming this because they did not find the host plant? Was a thorough bioassessment done to ensure that the host plant is not present on the entirety of the site?   | 111          |
| <u>Page 4.C-14</u><br>There is no mention of Stickle Back Fish.   | 112          |
| <u>Page 4.C-14</u><br>In the second paragraph it is stated, “None of these larval host plants have, however, been documented as occurring on the project site and individual plants were not observed during reconnaissance surveys.” Some plants are subject to seasonality, thus they would not have been observed during this cursory survey if it was not conducted during several points in a year.  | 113          |
| <u>Page 4.C-19</u><br>There should be specific surveys done for the following species: San Francisco Garter Snake, San Francisco Damsel Fly, Stickle Back, Mountain Salt Marsh Mouse and the California Red Legged Frog.  | 114          |
| <u>Page 4.C-36</u><br>The conclusion states, “Special status plant species occur within the Project Site only on Icehouse Hill.” This can’t be concluded since a full biological assessment was not completed.  | 115          |
| <u>Page 4.C-37</u><br>Under mitigation measure 4.C-1b states, “If the City determines that disturbance or mortality is unavoidable, special-status plants shall be restored onsite in either the annual grassland or coastal scrub habitat located on Icehouse Hill.” <i>Viola pedunculata</i> is a host plant to Callippe silverspot butterflies, which is listed as an endangered species by the USFWS. This plant has not been successfully grown in the area despite several attempts.<br><b>RESTORATION PLANTINGS OF NATIVE PLANT SPECIES AT TOWER LOCATIONS ON SAN BRUNO MOUNTAIN</b> , a draft report from PG&E has cited many instances of <i>Viola</i> on the site, but proves that seed collection and cultivation is difficult. Below are some excerpts from the report that expresses this:<br>- “ <i>Viola</i> seeds are very difficult to collect even though the plants are numerous on San Bruno Mountain.”<br>- “The <i>Viola pedunculata</i> seed was reported to have difficulty in germination by several groups working with that species at San Bruno Mountain...In addition, the first batch of <i>Viola</i> seed provided to the nursery resulted in no germination.”<br>- “ <i>Viola pedunculata</i> was a challenging species to grow; not only was it reported difficult to propagate, but also to establish in the wild.”<br>Thus, establishment of special status plant has proven to be difficult, suggesting that restoration of these plants as a mitigation measure is problematic, especially with some species such as <i>Viola pedunculata</i> . Full knowledge of the plants life cycle and demonstrably successful nursery production are needed to successfully restore this species of plant. | 116          |



Page 4.C-37

Under mitigation measure 4.C-1b states, “Mitigation areas shall be fenced or marked for three years.” How will fencing affect access and flight of surrounding species?

117

Page 4.C-37

There are rare and endangered plants on Icehouse Hill. Increased use of the trail and installation of fencing will further deplete the habitat. Domesticated animals on the trail may also introduce invasive species by burrs on fur or through consumption and spread of seeds through feces.

118

Page 4.C-40-41

Mitigation measure 4.C-1d states that trees will be checked for nests prior to removal. Adults use trees for perching and shade and removal of trees will cause raptors and avian species to retreat out of the area. Furthermore, a biological survey of burrowing owls up to one month prior to site grading is insufficient due to the fact the owls can relocate their original nesting areas. Lastly, “passive relocation” of burrowing owl nests may increase mortality.

119

Page 4.C-45

Surveys should be done for special status species and precautions should be taken not to disturb species or allow runoff to contaminate the lagoon.

120

Page 4.C-47

Mitigation measure 4.C-1g, bullet 6 states that, “permeable pavement materials” will be used, but Brisbane uses non-permeable. This is a contradictory statement and will not suffice as a part of mitigation.  
In the document both permeable and non-permeable pavement materials are mentioned to be used on the project site. There are areas in the project site where non-permeable and permeable materials are not desirable due to infiltration and runoff impacts. On pages 2-29, 4.C-46, 4.H-15 and 7-9, it is explained that permeable surfaces will be used as mitigation “An increase in impervious surface area shall include establishment of vegetated swales, permeable pavement materials...” Page 4.H-33 states, “Construct sidewalks, walkways, and/or with permeable surfaces...Construct driveways, bike lanes, and/or uncovered parking lots with permeable surfaces.” Please specify where permeable and impermeable materials will be used on the project site, a map will also be a useful visual aid. Additionally, a memo from the Director of Public Works, states, “The City shall require that site designs consider limiting overall site imperviousness, minimizing directly connected impervious surfaces and, where feasible, maximizing on-site infiltration of runoff in areas of new development and redevelopment” (pg 10). This memo’s purpose was to state adopted guidelines into the city plan. However, it is not demonstrated how mitigation measures proposed will prevent infiltration into the landfill, since some areas of the project will contain pervious surfaces. Mitigation measures should consider these factors.

121

122

Website: <http://brisbaneca.org/sites/default/files/Supplemental%20Information%20Items%206%20-%202020.pdf>

Page 4.C-60

Mitigation measure 4.C-4g should include replacement of habitat since they will remove parts of the existing habitat.

123

Page 4.C-63

The Callippe silverspot butterfly needs a water source as a part of its habitat. How will development affect water sources?

124

General comment on section 4.C:

Native Bay Oysters were not mentioned in this chapter. There are reports on Native Bay Oysters of the Bay; these should be included in the document. The State Coastal Conservancy along with other federal and state agencies started a restoration project last July in the Bay Area. Efforts to restore eelgrass beds and native oyster habitat results in several benefits: Oysters are ecologically important species that filter pollutants provide habitat and food to other species and adds structural integrity to shorelines in the face of potential damages from sea level rise. A biological survey should be done on the lagoon for oysters. See article links below.

125

S.F Chronicle report: <http://www.sfgate.com/science/article/Building-homes-for-oysters-in-S-F-Bay-3721430.php>  
State Coastal Conservancy Press Release: <http://scc.ca.gov/webmaster/ftp/pdf/restore-shoreline/restoring-living-shoreline-pr-final-071912.pdf>



**Chapter 4.D: Cultural Resources**

**Page 4.D-16**

The bone storage house should be included in the chart even if not it is historically significant to show that the matter has been considered.

126

**Page 4.D-25**

State the firm which did this survey to ensure a more complete document.

127

**Page 4.D-25**

Last bullet. Maps of Brisbane from 1946-2005. Why was this time frame chosen? Alternatively we suggest having as much historical reference as possible, so we recommend to date back further.

128

**Page 4.D-31**

Seismic testing of 7 Mile House should be conducted to ensure that pile driving will not affect the building.

129

**Page 4.D-34**

What method will be used to get core samples? How might archeological artifacts be preserved that are found in the core samples?

130

**Chapter 4.E: Geology, Soils and Seismicity (Comments that are from different sections in the document are relevant to section 4E)**

**Page 3-15**

Figures 3-4 and 3-6 seem inconsistent since the landfill in the railyard shown in Figure 3-4 is not shown in Figure 3-6. The presence of the non-engineered fill in the former railyard is important due to the potential for liquefaction on the Project Site. Please address this issue and its inconsistencies, since the potential for an impact relating to liquefaction exists on site. What is the difference between liquefaction and subsidence with different types of fill?

131

132

**Page 4.E-1**

Sunset Scavenger waste records should be investigated to understand landfill contents.

133

**Page 4.E-1**

Is the Regional Water Board the sole agency that documents the landfill contents?

134

**Page 4E-1**

In the last paragraph it states, "At the time of closure of the landfill in 1967, a soil cap was placed over the landfill and additional clean soil has also been placed over much of the site (BKF, 2011)." Has the soil been checked to ensure that it is clean prior to using this dirt onsite? The mitigation for this should include testing for other hazardous materials it may contain.

135

**Page 4.E-1**

The document states that "primarily" non-hazardous wastes were disposed of in the landfill. Were there also hazardous wastes? What are the hazardous materials referred to on page 4.E-1? Define what is meant by "typically" in this case. Define what those hazardous materials are, and how they will be mitigated. There should also be testing for radioactivity and all hazardous wastes.

136

**Page 4.E-1**

The DEIR should include information from Dr. Lee's report dated November 2010, "Report on the Adequacy of the Investigation/ Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property", which is relevant to the topic of waste and chemicals in the landfill.

137

**Page 4.E-3**

The statement that "... the majority of the site being flat or gently sloping toward the Bay." This statement while unclear give the impression that the land slopes down towards the bay. The topographical map on page 4.E-5 which

138



shows an average elevation of 10' above sea level on the western portion and an elevation of between 10 and 50' above sea level on the bay side of the project site. A visual inspection of the site will also confirm this is correct and at odds with the description.

138  
cont.

Page 4.E-11

Map 4.E-5 is a misrepresentation of the present site conditions since this map is based on data taken from the 1960's.

139

Page 4E-11ff. and figure 4E-3

Discussion of Bay Mud, Groundwater, sediments, aquifers, etc., and pp 4E-35, 36, discussion of geotechnical investigations, and sections 4E and 4G in general.

In general, the DEIR is misleadingly definitive about the underlying geology of the site.

The underlying geology is not well understood, and the various water-bearing units are nowhere near as uniform or as distinct as suggested in various parts of the DEIR.

It is especially important that construction does not result in increased contamination of the aquifers or the bay, and for this reason it is important to be very clear that the geology and hydrogeology of the site are only partially understood, and more investigation will be needed in order to safeguard the water-bearing units from increased contamination.

A report by MACTEC (now AMEC) dated May 24, 2010 (Groundwater Monitoring Report, First Quarter 2010, Appendix B, p. 1-1) contains these observations about the Schlage OU: *"A correct understanding of the Site's hydrogeologic framework is critical to the successful design, assessment and performance of the [remediation] program. To date, the previously established definitions of water-bearing zones have been unable to explain completely the contaminant distributions and other hydrogeological observations....Recent field activities... indicate a reassessment of the Site's hydrogeologic conceptual model is now necessary.... the existing definition of water bearing zones do not adequately represent the Site hydrogeologic condition.... [the report] presents an alternative hydrogeologic model ... that explains historic groundwater observations and better predicts fate and transport."*

For the reasons explained by MACTEC, and for clarity in general, it would be useful if the DEIR were to use MACTEC/AMEC's terminology (see report quoted above, p. 2-1), i.e., Young Bay Margin Deposit, Colma Formation, Old Bay Margin Deposit, Merced Formation, Franciscan Formation bedrock. The most recent remediation measures have used the newer terminology, and many members of the public and the DTSC have become familiar with it. It would also be useful to reproduce MACTEC/AMEC's cross sections of the Schlage OU area to demonstrate how much the underlying hydrogeology may vary across the site.

Figure 4E-3 uses the Burns and McDonnell (2002) stratigraphy, and it is used throughout sections 4E and 4G (esp. 4G-19, 20). The first paragraph on p. 4G-20 under "Overview of Project Site Hydrogeology" confuses the matter even more by citing upper and lower water-bearing units (both part of the Colma Formation) separated by Young Bay Margin Deposits. At least in the Schlage OU portion of the Baylands, this is not the case.

While the DEIR does make it clear that soil borings will be necessary to establish adequate foundations for building, it is not clear from the narrative that additional investigation is necessary to establish how and where there is communication between the various water-bearing units.

In the section on "Use of Previous Geotechnical Investigations," the DEIR states that "...geologic hazards ... have been well studied and documented in numerous geotechnical investigations...." and "As a result of these previous geotechnical studies, much is known about the underlying conditions including thicknesses of fills, Bay Mud and landfill waste."

This may be true in the Schlage OU portion of the site, and it may be true in areas where there have been recent borings, but the subsurface layers are not uniform in thickness or depth, witness the cross-sections developed by MACTEC/AMEC for the Schlage OU (see the report referenced above).

Previous investigations also were done before the recent addition of very large amounts of material on top of the landfill and other areas, changing the thickness of underlying layers, and contributing even more to differences across the site.

140

Page 4.E-18 and 4.E-19

For uniformity tables 4.E-9 and 4.E-10 should use the same color scheme when displaying level of earthquake hazard and shaking amplification.

141



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|   |     |
|---|-----|
| <u>Page 4.E-22</u>  |     |
| Table 4.E-4 and 4.E-5 for readability should all be in the same units or a description should be given about how they relate to each other.   | 142 |
| <u>Page 4.E-23</u>  |     |
| A description of impacts of landslides such as from Tulare Hill into the Lagoon and rockfalls such as from Icehouse Hill should be explained in the project site description.   | 143 |
| <u>Page 4.E-24</u>  |     |
| Under Soil Corrosivity, there is discussion of soil pH, which directly correlates with corrosivity. Have pH measurements and corrosivity of the landfill been considered? Will pH data be gathered for each individual land parcel?   | 144 |
| <u>Page 4.E-24</u>  |     |
| Paragraph 3. "... one boring near Icehouse Hill, Bay Mud is located above the groundwater table, suggesting a possible higher shrink-swell potential." How does the location of this boring relate to the tank farm and the proposed location of the new high school?   | 145 |
| <u>Page 4.E-24, 25</u>  |     |
| There should be a section on sea level rise and the impacts it will have on communities; including mitigation measures.   | 146 |
| <u>Page 4.E-24, 25</u>  |     |
| If the amount of moisture in the soils affects the severity and rate of corrosion of substrate; then what measures will be taken to anticipate the impact of sea level rise?  | 147 |
| <u>Page 4.E-24, 25</u>  |     |
| Mitigation measures should be considered to mitigate spread of hazardous waste and leachate during sea level rise.  | 148 |
| <u>Page 4.E-25</u>  |     |
| How do documented fill and undocumented fill differ with respect to soil erosion potential? Define "typically" with respect to reduction of soil erosion when it is graded and covered with concrete.   | 149 |
| <u>Page 4.E-27,</u>   |     |
| Table 4.E1. What is the mitigation for areas of liquefaction that is not supported by pilings? Page 4.E-34<br>It appears that the corrosive soils may not be suitable to sustain development, has the pH been determined? If so they should be displayed in the document. Can piles be damaged to due to corrosion from the soils?  | 150 |
| <u>Page 4.E-33</u>  |     |
| On page 3-8 for the description of the landfill: The process for closing the landfill should be included and the current state of the landfill fully described. After the inclusion of these additional details page 4.E-33 should reference page 3-8. The current state of the landfill may be misleading to future mitigation measures needed before building occurs.   | 151 |
| <u>Page 4.E-33</u>  |     |
| Paragraph 3 talks about the regulation of landfills by the San Mateo County Health System. However the landfill in question was unregulated because it historically preceded landfill regulation. The paragraph omits this important information in favor of leaving the reader with the impression that this landfill was closely regulated by SMCHS. Statements such as "minimum standards for the proper handling . . . of solid waste to prevent the creation of public health and safety and environmental concerns." Are therefore not applicable to this site and could have the effect of misleading the public and not adequately addressed. | 152 |
| <u>Page 4.E-36</u>  |     |
| Densification is an act of compaction, as described in footnote 9 on page 4.E-45, "...consolidating soft soils through repeated systematic application of a heavy weight".<br>This will be used to improve soils for foundation as described below, "A sound geotechnical approach typically includes improvements to the foundation soils, such as compaction or densification." Repeated use of a heavy   | 153 |



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| weight is expected to cause significant noise and vibration. What will be the mitigation for this? Effects of compaction such as this should be included in the Noise and Vibration section of the EIR.  | 153<br>cont. |
| <u>Page 4.E-36</u><br>"Once appropriately designed and subsequently constructed in accordance with local and state building code requirements, the structures would have the structural fortitude to withstand anticipated seismic hazards without significant damage." Based on page 4.E-37 this statement should say Significant and Unavoidable from IX and X from table 4.E-4 that shows high potential risk for an earthquake. The risk is high and there will be little to no protection at a level 9 or 10 seismic event.   | 154          |
| <u>Page 4.E-38</u><br>The definition of "Breach" should be included in the document for clarification. Proper mitigation measures should be considered, and should include responsible agency for fixing issues.   | 155          |
| <u>Page 4.E-39</u><br>Mitigation measure 4E-2. Requiring a site-specific geotechnical report. Please add more detail on what would be required for a site-specific geotechnical report. How many borings would be required, i.e., borings will be required at what intervals? How deep would they have to go? How far outside the building footprint should borings be required? What measures would have to be taken to ensure that cross-contamination of water-bearing layers does not result from the process of boring or driving piles or other foundation work?   | 156          |
| <u>Page 4.E-39</u><br>Measure 4.E-2b. A Post-Earthquake Inspection and Corrective Action Plan for the site-specific development . . . shall be implemented in the event of a magnitude 7.0 or greater earthquake centered within 30 miles of the former Brisbane Landfill. Results of the inspection of containment features and groundwater and leachate control facilities potentially affect by any static or seismic deformations of the landfill shall be reported to the RWQCB within 72 hours of the event." The paragraph goes on to speak of what types of mitigation measures may be undertaken. However, this document fails to address who will be doing the inspection, who will be implementing mitigation measures and on what time frame. Please note that the time line is 3 days for inspection and notification, not action taken. In the event of a real emergency it's reasonable to assume that the timeline might stretch out longer leaving the residents of Brisbane with a toxic time bomb. Designated staff to work with the RWQCB is also needed. Who will do the inspection? Why was a Richter scale of 7 chosen instead of 6.5? Why was there not a deadline for implementation? | 157          |
| <u>Page 4.E-40</u><br>On page 4.E-37 it is stated that there is high probability that there will be a significant seismic event within the next 20 years. With a high probability of an earthquake findings determined to be less than significant are not consistent with these risks.  | 158          |
| <u>Page 4.E-40</u><br>Impact 4.E-3 and page 4.E-41 Mitigation measure 4.E-3. Geotechnical studies within 1000 and 500 feet of a building should be done.   | 159          |
| <u>Page 4.E-40</u><br>In the last paragraph it is stated that the "Potential for liquefaction may be present. . ." We recommend this wording: Potential for liquefaction is present. This is due to evidence in map on page 4.E-29   | 160          |
| <u>Page 4.E-40</u><br>Last paragraph. "potential for liquefaction may be present. . ." Previous evidence present within the chapter has shown that the potential for liquefaction is clearly present. The use of a double qualifier makes this statement invalid. Suggest replacing [may be] with [is].  | 161          |
| <u>Page 4.E-41</u><br>Analysis from Treadwell & Rollo, Inc. states that, "placement of engineered fill may cause underlying Bay Mud to fail." The DEIR does not speak to this issue and current condition of site. Not knowing this information makes it difficult to determine proper mitigation for buildings and infrastructure.  | 162          |



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Page 4.E-41, 42

Impact 4.E-4 states, "...the potential placement of engineered fill may cause underlying Bay Mud to fail." For many years, consultants for the landowner have argued that Bay Mud is a relatively impermeable layer that prevents contamination in the fill from reaching the aquifers. What can be done to prevent cross-contamination from the landfill into the aquifer if failure of the Bay mud were to occur?

163

Page 4.E-42

A table similar to 4.E-4 on page 4.E-21 should be made to display measure of stability of development.

164

Page 4.E-42

The scale mentioned is for bedrock, for those areas not built on pilings what would be an appropriate scale to make a determination from?

165

Page 4.E-43

Mitigation measures 4.E-4a and 4.E-4b are in question because the site has not been mapped using standards from the C.A Seismic Hazard Mapping Act. This assessment should be done.

166

Page 4.E-44

"Policy 152 requires, among other things, that soil and geologic investigations be done in areas identified as prone to slope instability. Therefore in complying with the directive of Policy 152, erosion or loss of soil would be prevented." Please rework this statement to avoid false correlations in the mind of the reader between "performing a study" and "effective prevention of soil loss" without also detailing the necessary intervening steps.

167

Page 4.E-45

Explain the implications of over consolidated Young and Old Bay Mud.

168

Page 4.E-45

Discussion of wick drains and deep dynamic compaction. The use of wick drains is assumed in estimates of settlement at the landfill. However, wick drains may increase the chances of cross-contamination in the underlying layers. Please discuss the possible negative effects of wick drains and clarify whether or not the DEIR recommends their use.

169

Page 4.E-45

During compaction will hazardous materials move offsite? If so, proper mitigation measures should be considered.

170

Page 4.E-47

Paragraph 2 refers to the use of wick drains. Please consider where will this highly contaminated water go? How will it be processed?

171

Page 4.E-50

Does the construction of a recycled water plant (on page 4.O-48) due to the types of soil have an impact on the ability to support the recycled water plant?

172

**Chapter 4.F: Greenhouse Gas Emissions**

Page 4.F-1

In the introduction to this section, temperature change and sea level rise will affect flood potential and the potential for water intrusion in the Baylands.

Although the last sentence in the Introduction states, "Impacts of climate change on the project Site, including sea level rise, are addressed in Section 4.H..." there is actually only minimal information provided. In order for the public to fully understand the potential impacts of climate change, the topic of sea level rise must be expanded on. Page 4.H-7 and 4.H-8 *does* state how high the sea level is expected to rise on site, but this should also be stated in this section. The Environmental Setting does not address issues specific to the Baylands. For example, the first paragraph states that "continued warming is predicted to increase global average temperature between 2 and 11°F

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| over the next 100 years,” but the life of the proposed project is 50 years not 100. Statements such as this are misleading to the public and should be changed to represent the Baylands’ situation.   | 173<br>cont. |
| <u>Page 4.F-4</u><br>The document inconsistently and sporadically uses the terms “million tons” and “metric tons” which is confusing to the reader since 1 ton equals 907 kilograms while 1 metric ton equals 1,000 kilograms. The first sentence under State of California Emissions states, “emitted approximately 550 million tons of CO <sub>2</sub> e,” while the third sentence under San Mateo County Emissions states, “emissions were estimated to have been 905,090 metric tons per year”. Using metric tons makes the amount of emissions seem less than they actually are. For example, 905,090 metric tons is actually almost 1 billion tons. In order for the reader to understand the methods for measuring the impacts, these terms should be clarified and consistent.  | 174          |
| <u>Page 4.F-4</u><br>3rd paragraph. The emissions sources listed only total 63.6%. What are the specific compounds and sources that comprise the remaining 36.75%?   | 175          |
| <u>Page 4.F-6</u><br>The <i>Endangerment Finding</i> should specifically identify the threats to public health and welfare so that the public is aware of the potential health risks they may face in terms of GHG emissions.  | 176          |
| <u>Page 4.F-8</u><br>In the first sentence, the phrase “monitoring <i>or</i> reporting” should be changed to “monitoring <i>and</i> reporting”.  | 177          |
| <u>Page 4.F-12</u><br>As stated under Regional Regulations, “On March 5, 2012, the Alameda County Superior Court issued a judgment finding that BAAQMD had failed to comply with CEQA when it adopted its 2012 thresholds of significance” and “the court set aside the thresholds and ordered BAAQMD to cease dissemination of them until it had complied with CEQA”. If the BAAQMD thresholds can’t be upheld, there should be equally stringent standards that can be used and upheld. If BAAQMD thresholds can’t be upheld and on other standards are available, then will there be no standards in place to implement? The DEIR should document other standards and adopt the most stringent standards.   | 178          |
| <u>Page 4.F-17</u><br>Table 4.F-1 states that existing land uses to be removed (Brisbane Industrial Park) -2762 metric tones CO <sub>2</sub> e. First, elsewhere in the DEIR, Brisbane Industrial Park is shown to be outside the limits of the project and untouched. Second, we had to puzzle over why they subtracted emission for existing uses that had never been added in to begin with. Here is what we came up with . . . a= existing uses b= existing uses to be removed c= new uses d= net increase in CO <sub>2</sub> e= delta between existing uses and new uses a - b + c = d = total carbon footprint c - b = e = increase in carbon footprint over current emissions. We are more interested in the total carbon footprint when looking at mitigation and this should be addressed within the scope of the project.  | 179          |
| <u>Page 4.F-17</u><br>The calculations in the chart should be clarified.   | 180          |
| <u>Page 4.F-18</u><br>Table 4.F-2 contains estimates of GHG emissions for each Concept Plan scenario. Vehicle trips are calculated by models and “assumptions”. It is not substantiated to assume that the majority of the people living in the Baylands will also work in the Baylands. According to Citydata.com most Brisbane residents commute more than 15 minutes to work, indicating that they do not work in Brisbane. Please clarify the basis used to assume that the new Baylands residents will mostly work in the Baylands as well as live here. This data is misleading to the general public as to how beneficial the project will be in decreasing GHG emissions due to the reduction in vehicle trips.<br>Under the CPP, “Operational GHG Emissions per Service Population (16,191 jobs” should contain an end parentheses, and would therefore read, “Operational GHG Emissions per Service Population (16,191 jobs)”. | 181<br>182   |
| <u>Page 4.F-18, 20</u><br>Table 4F3 -4F2. Mitigation measure proposed for reductions, no reduction reflected for motor vehicles.   | 183          |



Page 4.F-19

The DEIR states that, “the larger number of [GHG producing] vehicle trips occurring in the CPP and CPP-V scenarios results from the physical separation between onsite employment opportunities and offsite housing for Project Site employees.” However, the Cumulative Impacts chapter explains that 14,000 units of housing are proposed for other developments within one mile of the Baylands. Especially if the proposed transit improvements are built, these residents could easily find jobs and shopping within the development. It is not clear to the public whether this situation was used in developing the method for calculating the GHG emissions of the 4 Concept Plan scenarios. Based on the method used, the DSP and DSP-V GHG assessments could be misleading if in fact the residents do not find employment in the Baylands. A calculation should therefore be done that takes into account the scenario that zero percent of the Brisbane residents also find work in the Baylands. This calculation would be used to determine if a different level of significance after mitigation would occur for the DSP and DSP-V scenarios.

184

Page 4.F-19

The conclusion made is faulty; CPP is assumed to have more traffic because people will be commuting, rather than people living in Brisbane and working here. It is unclear how the amount of traffic has been estimated.

185

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.

186

Page 4.F-21, 22, & 23

The following is a list of possible mitigation measures that should be implemented into this chapter:

- A free shuttle service, with access locations in central Brisbane, would be implemented to enable residents of central Brisbane to have easy access to the Baylands and vice versa. This measure would reduce vehicle trips outside and within Brisbane.
- Charge stations for electric and plug-in hybrid vehicles should be provided at various locations in the Baylands.
- Methane from the former landfill should be captured and burned in order to reduce overall GHG emissions.
- Project emissions should be partially offset by the installation of solar panels on commercial and industrial facilities in central Brisbane.
- Since solid waste emissions are the second largest GHG source for all 4 of the Concept Plan scenarios, a solid waste power generation system should be implemented.

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General comments on section 4.F:

1. We purpose that a DEIR should follow in general the form of an expository essay in order to be clear and digestible by the public at large. Following along this premise, the opening paragraph states, "The impact analysis discuss the expected GHG emissions associated with Project Site development operations and construction activities. . . and reflects elements incorporated into . . . development construction and operations that would reduce Project GHG impacts." What follows is 56 paragraphs of contextual information where in the actual emission of the project site are mentioned only briefly in paragraph 22 (last paragraph 4.F-5). On page 13 we finally get something that looks similar to a thesis statement. "Therefore, if a project exceeds the numeric threshold. . . it would also result in a significant cumulative impact..." Methodology is mentioned only briefly and no analysis or supporting evidence is given for the methodology. Not until page 14 does the chapter begins to address its stated purpose of analyzing the GHG emission associate with the project. Without the support of evidence the following analysis is lacking in plausibility. The secondary purpose, to determine if the project would conflict with . . . policy, or regulation. . . [for] reducing greenhouse gasses" is addressed on page 23 but only as a repetition of the former analysis. i.e.: Six was determined to be too large a number, and six is still six, thus it is still too large. Our criticism is that this section should be entirely rewritten for readability by a lay person.

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2. Information relevant to the proposed project's emissions from other chapters, such as

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Traffic and Circulation, should be incorporated into the Greenhouse Gas Emissions chapter. As the DEIR is currently written, extensive and thorough review of other chapters is required to evaluate the GHG sections, and even then it is hard to understand. The GHG Emissions chapter should be easily read and understood by the lay person, without needing to review other sections of the document.

189  
cont.

3. The Environmental Setting section uses language that is more equivocal than it should be, given the evidence that global climate change is in fact occurring today. These ambiguous terms, such as “could”, should be changed to present tense. For instance, “extreme heat events *are* occurring more frequently” and “wildfires *are* becoming more severe and more frequent”. Without these alterations, the general public may assume that changes related to global climate change won’t occur, when in fact change has already been documented.

190

4. Ocean acidification is an important problem created by excess anthropogenic emissions of CO<sub>2</sub>. The general public is largely unaware that CO<sub>2</sub> can persist in the atmosphere for over 100 years. The community should be provided with a complete background on the science behind GHG emission; therefore, the Introduction or Environmental Setting section should at least mention ocean acidification and the persistence of CO<sub>2</sub> in the atmosphere.

191

5. What are the assumptions made to calculate vehicle trip estimates for CPP and DSP plans? How are the calculations done? They should be displayed.

192

6. Gridlock on Hwy 101, trips generated from the project are from people that live elsewhere such as San Francisco. The EIR should address the number of car trips/ density at one particular point of Hwy 101 as a representation of the impact of the project and also including the surrounding proposed/ approved projects.

193

7. Studies show that Sierra snowpack shrank 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.

194

**4.F and 4.P combined comments:**

**COMMENTS, GREENHOUSE GASES AND ENERGY SECTIONS OF BRISBANE BAYLANDS DEIR**

These comments also refer to the Traffic/Circulation and Cumulative Impacts sections of the DEIR, because in our opinion it’s impossible to make sense out of the Greenhouse Gases section without such references.

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(1) Accordingly, our first comment on the DEIR’s discussion of GHGs is that information from other chapters and sections relevant to the understanding of the proposed projects’ emissions should have been brought into the section on GHGs, at least in abbreviated form. As the DEIR is written, extensive digging into other chapters is required to evaluate the GHGs section, and even then it is extremely difficult to understand and evaluate.

(2) Environmental Setting, Impacts of Climate Change: Some of the language here is more equivocal than it should be, given the accumulating evidence of harm. Extreme heat events *are* occurring more frequently; wildfires *are* becoming more severe and more frequent; the geographical distribution of species *is* shifting as a result of the relatively small increase in global mean temps that we have already caused. These phenomena are documented, so saying these things “could” happen isn’t enough. Similarly equivocal language is found elsewhere in this section. Ocean acidification is not mentioned, although scientists are increasingly alarmed about it and it is the second of the mega-problems created by excess anthropogenic emissions of CO<sub>2</sub>. In the general introduction to the GHG section of the DEIR, it deserves at least passing mention. So does the fact that CO<sub>2</sub> is very persistent (100+ years) in the atmosphere, which is not very well understood by the general public and should be included in the Greenhouse Gases subsection.

196

(3) Comparison of the estimated GHG emissions of the 4 project variants: Because considerable onsite renewable energy generation is anticipated with all variants, much of the GHG impact will arise from transportation. Both the developer-sponsored plans are claimed to result in less-than-significant GHG impacts because they would be below the 4.6 ton per capita per year BAAQMD ‘threshold of significance.’ This is because onsite housing and proposed shopping and amenities would, it is claimed, internalize a lot of trips within the site boundaries--unlike either of the ‘community’ project variants, which because they are not fully ‘mixed use’ (don’t include onsite housing) would not get the same ‘trip internalization’ greenhouse benefit. All four of the described plans, it is assumed, would be

197



transit-oriented, but according to the DEIR the provision of transit in the two CPP variants would still result in an unacceptably high number of auto trips and the resulting GHG emissions.

↑ 197  
cont.

(3a) upon what evidence are the models used to project GHG emissions from the two developer sponsored plans based? Research on this issue revealed a scholarly article by Helen Jarvis titled “Dispelling the myth that preference makes practice in residential location and transport behavior,” which appeared in the journal *Housing Studies* in 2003, says that the belief common to many urban planners—that if you build mixed use developments travel, especially individual auto travel, will decrease—ignores many of the real household dynamics governing the use of transportation, even when mixed use developments are built and even when residents have strong environmental values (San Francisco, along with Seattle and Portland, are the 3 cities that Jarvis used to conduct detailed ‘biographical’ studies of households.) While Jarvis favors this type of development, she says that the transportation avoidance assumed by planners does not materialize, or does not materialize to the expected extent. She attributes this to the fact that many families especially in expensive areas like ours are two earner, or two career, households; that access not only to ‘schools’ but to *particular* (perceived as desirable) schools is important; that the daily activities of many households are highly fragmented and remain geographically dispersed outside their neighborhoods, even if those neighborhoods are mixed-use.

198

**Do the models used to estimate GHG emissions from the two DSP variants take such considerations into account? We question their validity and the precise emissions estimates that arise from them, and therefore also the finding that the DSPs will result in acceptable GHG emissions impacts as a result of falling below the BAAQMD ‘threshold.’**

199

But it gets worse. For all four plans, it is assumed that public transit improvements will result in heavy use of transit to/from the site, reducing auto trips and GHG emissions below what they otherwise would be.

200

However,

3b) the GHG assessment for all the plans assumes that proposed transit improvements (i.e., the Muni T-line extension, multi-modal Bayshore Caltrain station, Bus Rapid Transit on Geneva/Harney, etc.) will materialize. But the DEIR acknowledges in the Traffic/Circulation section that most of the “ambitious” proposed improvements are unfunded. With current developments and increased need of public transportation in San Francisco there are needs for millions of dollars to provide service to arenas alone, additionally \$2.2 billion is needed to fulfill Muni’s “deferred capital needs.” (S.F Gate link: <http://www.sfgate.com/warriors/article/Warriors-arena-transit-blueprint-America-s-Cup-4994843.php>)

201

3c) According to Table 4-N-17 (p. 4-N-83 in the Traffic/Circ. Section) about 20% of the trips to/from the project site during peak hours will be to points south, Brisbane and beyond. Yet even with the proposed transit improvements described in the DEIR, transit provision in this direction is not very good and/or can’t be counted on.

Except for SamTrans Route 292, there is no transit connection between the project site and central Brisbane. The 292 is infrequent and expensive for short trips—and SamTrans does not issue transfers to riders.

Caltrain is relied upon to do most of the north/south heavy lifting, so to speak, especially south of the San Francisco city limits and the terminus of the Muni T-line. According to an article on Palo Alto online, however, Caltrain is already operating well over its peak hour capacity (130% on some trains, according to the article). Moreover, Caltrain lacks a dedicated source of funding; a look at Caltrain’s website did not clarify whether this problem had been solved or not. The same Palo Alto online article

([http://www.paloaltoonline.com/news/show\\_story.php?id=29513](http://www.paloaltoonline.com/news/show_story.php?id=29513)), dated May 2013, says:

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*“The rail agency continues to grapple with a lack of dedicated funding and surging demand for its services. The proposed 2014 budget was balanced using “one-time only” stopgap money. That funding is part of the same life-saving measures revenue used to sustain Caltrain through the last few budgets.*

*These funding sources have included using regional money through the Metropolitan Transportation Commission, stopgap funds and funds repaid to San Mateo County Transit District (SamTrans) for purchase of the rail line. But those funds are exhausted, and Caltrain will need to identify new funding or consider reducing service in 2015, Gigi Harrington, Deputy CEO for finance said of a preliminary report to the Peninsula Corridor Joint Powers Board.”*

What will the GHG impact be of any of the 4 developments if transit improvements don’t materialize?



(3d) Even if the transit improvements do materialize and reduce auto trips to and from any of the proposed project, any additional traffic resulting from the project itself and from the 14,000 or more units of housing that will be located within a mile of the Baylands (see Cumulative Impacts chapter of the DEIR) will impose a huge burden on Hwy 101, which according to the Traffic and Circulation section already operates at E or F Levels of Service. Even with mixed-use and all of the proposed transit improvements, we are likely talking about thousands of additional trips that involve Hwy 101. It seems inevitable that this will result in gridlock and greatly increased GHG emissions. Internal combustion engines do not operate efficiently in stop-and-go traffic, or as people sit on Parking Lot 101 and emit fumes. It's not clear that the additional GHGs from this cumulative impact have been accounted for.

203

(3e) on page 4-F-19, the DEIR states that “the larger number of [GHG producing] vehicle trips occurring in the CPP and CPP-V scenarios results from the physical separation between onsite employment opportunities and offsite housing for Project Site employees. However, the Cumulative Impacts chapter explains that 14,000 units of housing are proposed for other developments within one mile of the Baylands. Especially if the proposed transit improvements are built, these near neighbors could easily get to jobs and shopping within the development via transit or bicycle. It is not clear to me, even after reading most of the Traffic and Circulation section, that this possibility has been factored into the GHG assessment of the CPP and CPP-V plans, so the precision implied in the comparative GHG assessments in the DEIR may be misleading—that is, the GHG impacts of both DSP variants may be Significant Unavoidable, and the Significant/Unavoidable GHG impacts of both Community plans may be less over the threshold than predicted or analyzed.

204

(3f) Part of the purpose of the proposed Recology expansion (CPP-V plan) is to consolidate operations and reduce (offsite) truck trips—which, in effect, would constitute an emission offset. There is no evidence that this has been accounted for in the DEIR, even though it seems that an estimate of its extent should be possible.

205

4. California is committed to reducing its overall GHG emissions to 80 percent below 1990 levels by 2050 (executive order and CARB). If project construction takes 20 years or so, the year 2050 will be looming closely by the time the project is finished. ‘Efficiency thresholds’ aside, any of the project variants will emit substantial amounts of greenhouse gases (and as stated above, it seems likely that both DSPs ought also to be classified Significant Unavoidable) some of which will be undoubtedly be ‘new’ emissions. This makes the absence of a more thorough treatment of the Renewable Energy project variant in the DEIR even more inexcusable—and it is clear that a GHG Plan must be recommended for ALL the other four project variants, not just the CPP and CPP-V, so as to limit GHG emissions to the maximum extent. The list of possible mitigations recommended in the chapter on pages 21-23 should also include

206

a. Free shuttle service that would enable residents of central Brisbane to have easy access to the Baylands and vice versa, which should reduce the need for auto trips outside Brisbane and within Brisbane. SamTrans 292 bus service, which is the only extant or proposed transit link between central Brisbane and the proposed development, is infrequent and expensive.

b. Charging stations for electric and plug-in hybrid vehicles at residences and workplaces.

c. The capture and burning of landfill methane from the former landfill

d. Solar installations on commercial/industrial facilities in Central Brisbane to offset project emissions.

e. Solid waste power generation (Recology). After transportation, solid waste emissions are the biggest GHG source for all of the proposed project variants. A combination of reduction and power generation should be investigated to achieve maximum GHG emissions reduction.

Finally, however: even if GHG emissions from transport could be offset by additional public transit provision and additional non-traffic GHG mitigation, the non-GHG impacts of (auto) transportation—traffic delays, difficult emergency vehicle access, etc.—connected with the site and neighboring developments are likely to be unacceptable.

207

The Draft EIR (p. 4F-19) says: “... the number of vehicle trips generated by the CPP and CPP-V scenarios is predicted to be 81 and 72 percent greater than the number generated by the DSP and DSP-V scenarios, respectively.”

208

The Appendix does not show how these calculations were made. Please show the calculations, including the number (assumed) of individuals employed in each scenario, the number of residents in each scenario, the number of trips



generated per employee, the number of trips generated per resident, the number of employees who will use transit to go to work, the number of residents who will use transit to go to work, and the number of residents who will work on the Baylands and not drive to work.

208  
cont.

Mitigation Measure 4F-1 needs some work:

Mitigation Measure 4F-1 requires a Greenhouse Gases Emissions Reduction Plan to "... reduce GHG emissions to the greatest extent feasible with a minimum performance standard of five percent ...." It is not clear what the baseline GHG emissions are from which a minimum performance standard would be calculated. Compliance with this measure would be impossible to judge. We need to request measurable performance standards that will exceed Title 24 by 20% to discourage single occupancy vehicle trips.

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**Chapter 4.G: Hazards and Hazardous materials (Comments that are from different sections in the document are relevant to section 4G)**

**Page 3-8**

"After the 1906 San Francisco earthquake, the area west of the rail corridor was filled in primarily with demolition rubble." The description of this area should include its previous history as a cattle bone yard and should acknowledge the potential for pollutants to exist in the soil from the animal remains. The site history is incomplete, since the Stauffer Chemical plant is not mentioned and chemicals may exist in the soil. These important aspects of the site history should be reviewed, since significant Hazards and Hazardous Materials impacts may be overlooked. "After closure of the landfill in 1967, the area was buried with a 20- to 30-foot cover of soil and has been used for soil and construction material recycling since the 1980s." Information must be provided that proves that the above statement is true. In section 4G, there seem to be various depths of soil cover mentioned over the landfill: page 4.G-11 states, "Based on the results of the 2000 B&M and Geosyntec investigations, a contour map of the soil cover thickness, reflecting the mid-2000 conditions, was prepared. According to the map, the thickness of the cover material generally ranged from 1 to 37 feet", on page 4.G-19 states, "The soil types range from sandy clay to gravel with sand and range in thickness from 6 to 40 feet" and on page 4.G-90 states, "The thickness of the current soil cover ranges from a few feet to over 30 feet...". The soil depths are inconsistently cited throughout this chapter and should be more accurately determined before the land may be developed. A large gap in the site history exists between the years 1967 and 1980. The document does not mention that during a period of this time the site was used as a racetrack and for other interim uses. These uses may have contributed additional chemical waste to the soil. Tire dumping occurred on site; therefore, toxins potentially leached into the soil, but this topic is not mentioned. If these issues are not addressed in the EIR, important significant Hazards and Hazardous Materials impacts may be overlooked.

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**Page 3-12**

The former Brisbane landfill operations are inaccurately characterized. A timeline should be inserted to show when landfill regulations originated. More background information on the history of the landfill is necessary to make this section complete. "From 1953 to 1959, the landfill was extended an additional 600 feet eastward into San Francisco Bay and filling of the northern portion of the landfill was completed." This statement lacks information on the landfill regulations (if any) that were in place at that time and data on what was actually dumped. "The thickness of the cover over the former landfill area is estimated to range from 1-37 feet." This statement is inconsistent with the amount of soil that was previously said to have been put over the landfill on page 3-8. Information is needed to support the claim above, and it may be necessary to provide contour information on the soil thickness across the entire landfill. The greatest soil thickness is known to be much greater than 37 feet in some areas and a minimum of 1 foot of soil seems like a low estimate. Due to the contradictory information in the statement above, it remains unclear how deep the landfill actually extends. What will the ramifications be due to the inconsistency of soil depth over hazardous materials and how will subsidence affect this? What is the difference between a 1 foot distance and a 37 foot distance from the cap that will cover the landfill?

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**Page 4.E-1**

The document states that "primarily" non-hazardous wastes were disposed of in the landfill, but were there also hazardous wastes? What are the hazardous materials referred to on page 4.E-1? Define what is meant by "typically" in this case. Define what those hazardous materials are, and how they will be mitigated. There should also be testing for radioactivity and all hazardous wastes.

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Page 4.E-41, 42

Impact 4.E-4 states, "...the potential placement of engineered fill may cause underlying Bay Mud to fail." For many years, consultants for the landowner have argued that Bay Mud is a relatively impermeable layer that prevents contamination in the fill from reaching the aquifers. What can be done to prevent cross-contamination from the landfill into the aquifer if failure of the Bay mud were to occur?

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Note: the first part of section 4G contains a listing of reports prepared over the last 35 years investigating hazardous materials. This list is taken directly from Geosyntec summaries prepared in 2012. Some of the conclusions drawn in these reports are unwarranted, and some of the investigations were just plain inadequate. Comments to that effect will appear later. Descriptions of the contents of the reports may be fairly accurate, however, and we won't try to comment on those descriptions in these comments.

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Page 4G-20

#### Leachate Recharge from the Bay

Paragraph 2, states "... it appears that tidal influence is not likely a significant contributor to recharge of leachate in the landfill..."

This entire paragraph is a direct quote from Geosyntec's 2012 Summary, except for the use of the word "basin" after "groundwater." The sentence quoted above contains several qualifiers, "it appears" and "not likely ... significant....". Even so, it is misleading to repeat the contention (even if it only "appears" and "is not likely") that Bay water is not entering the fill area. Further study is required to determine the extent of Bay infiltration, and to assess the impacts of sea level rise on Bay infiltration.

There is no conclusive evidence that landfill leachate is not or will not be recharged from Bay waters. The Kleinfelder studies are over 20 years old, and appear to be based on samples from one well ("The study concluded that ... groundwater, at least in the vicinity of the tested well, ....").

Contradicting this statement, Dr. G. Fred Lee's review concludes: "Since apparently at least a portion of the wastes in the Brisbane landfill are below the water table, even effective prevention of infiltration of moisture through the cover will not stop leachate generation."

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Geosyntec's 2010 report is also contradictory:

**According to the Geosyntec February (2010) report,**

*"Shallow groundwater flow in the vicinity of Brisbane Landfill is likely controlled by the location of two nearby surface water bodies: San Francisco Bay to the east of the site and Guadalupe Lagoon south of the site. Additionally, it appears that the Interior Drainage Channel (IDC), which crosses the landfill in the east-west direction, also influences shallow (Zone A) groundwater flow. Therefore, beneath the landfill, shallow groundwater appears to be recharged from the west and north and flows towards the IDC, Guadalupe Lagoon and San Francisco Bay, with a local component of westward flow along portions at the west boundary."*

Leachate recharge from the Bay is an important issue. The landowner's consultant's project that leachate management will not be an issue after a landfill cap is installed. In fact, leachate will need to be monitored and managed for as long as the contamination exists.

#### **Methodology**

The methodology described under "Impact Assessment Methodology" (p. 4G-77) results in an inaccurate portrayal of hazardous materials on the site. Section 4G relies heavily on Geosyntec's two 2012 Summary Reports, often quoting whole sections word-for-word. No additional sampling or testing was performed, and hazardous materials outside the boundaries of OU1, OU2, and the landfill, were not investigated.

The DEIR's purpose is providing information, and part of that task is explaining the extent to which information is lacking. Decision-makers need a thorough explanation of the limits of available information.

The available information on hazardous materials is incomplete. For example, Dr. G. Fred Lee (pp. 15-21) explains some inadequacies in the excerpts below:

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**discussed in those writings, [typical hazardous chemical monitoring programs focus on 100 to 200 or so chemicals (primarily those on the list of "Priority Pollutants") of the many thousands of chemicals that can be present in wastes. Every year new hazardous chemicals are found in wastes and the environment that have been there for many years but have not been detected by the limited-scope monitoring programs that have been and are continuing to be used today.]**



An example of a group of unrecognized unregulated hazardous chemicals that has existed in wastes and in the environment for many decades is the polybrominated diphenyl ethers (PBDEs), which have characteristics similar to PCBs. PBDEs are used as flame retardants on furniture, curtains, and many other products. The US Department of Health and Human Services Agency

As discussed in the literature, PBDEs have been found in aquatic organisms in many parts of the world, including San Francisco Bay. Studies have shown that PBDEs have been bioaccumulating in archived human breast milk for several decades. As summarized in NL 7-3,

Despite their widespread presence and accumulation in organism tissue, and the concern for their impacts on organisms, PBDEs are not subject to environmental regulation through water quality standards. The environmental pollution by PBDEs is but one example of the significant deficiencies in conventional water quality monitoring for detecting the wide range of hazardous chemicals that are in wastes and in their leachates.

Perchlorate is another unregulated/unmonitored chemical that has long been, and continues to be a widespread environmental pollutant that is a public health hazard that is highly mobile in groundwaters. An important source of environmental pollution by perchlorate is its use in

Thus, it is important to understand that hazardous chemical sites such as the Brisbane Baylands UPC property can contain a wide variety of hazardous and otherwise deleterious chemicals that are not necessarily regulated or monitored, that are not adequately regulated, and/or that are not presently known or recognized as potentially hazardous to public health or environmental quality.

Factors other than cancer risk, such as the cost to remove a chemical from drinking water, are used to establish MCLs. An example of the implications of that approach is the MCL for arsenic. The US EPA arsenic MCL is about 500 times the normal cancer risk of  $1 \times 10^{-6}$  used for developing MCLs for many other chemicals. The US EPA established the non-protective MCL for arsenic in order to not cause domestic water utilities to have to treat the water to remove arsenic to the cancer risk of  $1 \times 10^{-6}$ .  $1 \times 10^{-6}$  represents a cancer risk of one additional cancer in a population of 1 million people who consume 2 liters (0.5 gallon) per day for a life time.

It is not uncommon for those with limited understanding of how water quality criteria and standards are developed to mechanically use them to judge if a water is "safe" or not; if none of the criteria is exceeded, the water is considered "safe." That approach can readily lead to both under- and over-protection of the beneficial uses of a water. First, water quality criteria have been developed for only a very few of the many thousands of chemicals that are present in wastes and that have the potential to be adverse to public health and the environment. Second, the current approach for developing water quality criteria does not consider even known additive and synergistic properties of mixtures of chemicals; the toxicity of a mixture of such chemicals is greater than the sum of toxicity caused by each chemical alone. Third, as noted above, some water quality standards, such as MCLs for drinking water, incorporate factors outside of the potential impacts on public health and environmental quality, such as treatment costs.

deep-rooted plants that can bring hazardous chemicals to the surface. [It is important to understand that hazardous chemicals contained on a site will be a threat effectively forever; they do not necessarily become innocuous over time, and as the containment systems deteriorate, the containment diminishes. Therefore, a key to long-term protection of public health and environmental quality associated with "remediated" sites will be the effectiveness and reliability of the implementation of the restrictions on land-use activities at the site that could lead to release of hazardous chemicals. Enforcement would need to be continued even if after a few

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cont.



years, decades, or longer during which time no release of chemicals have been revealed. As long as hazardous chemicals are present on the site, proper land-use restrictions, as well as systems and water quality maintenance and monitoring must be continued. All of these issues should be understood by those interested in the remediation/development of the UPC Brisbane Baylands area and addressed in formulating the plans for developing this area.

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cont.

#### Other Areas Needing Investigation

The DEIR overlooks the portions of the project site that are not included in OU-1, OU-2, or the landfill. Several areas need additional investigation:

(1) the police firing range on Icehouse Hill, which is contaminated with lead.

Icehouse Hill is proposed to be a public recreation area. The dangers of lead poisoning, especially poisoning of children, are only recently becoming well known in the US. It is essential that humans and other species sensitive to lead be protected from direct contact with lead or contact through contaminated water.

(2) the lagoon and its periphery

The DSPs propose increased recreational use of the lagoon, including kayaking and other activities which are likely to bring people into direct contact with contaminants.

Lagoon water quality has not been sufficiently investigated. At this time there has been no known sampling and analysis of the lagoon sediment, which would likely be stirred up by human activity on the surface of the lagoon. Investigating the lagoon water and sediment must be a requirement for development that brings more people to the lagoon area. Van Waters and Rogers is suspected of heavily contaminating the lagoon and this should be investigated.

There have been no studies, such as those recommended by Dr. G. Fred Lee, to assess the health of aquatic life in the lagoon. Increased human activity near the lagoon, including fishing, would potentially increase the amount of contamination that reaches humans. Dr. Lee argues (p. 32):

**One of the issues of particular concern with regard to stormwater runoff from hazardous chemical sites/landfills is the potential for the transport of chemicals from the site to nearby waterbodies where the chemicals bioaccumulate in edible organisms. While there has been some monitoring of seeps and groundwater for the release from the landfill of chemicals that could bioaccumulate such as PCBs, that monitoring has not employed sufficiently sensitive analytical procedures to detect the chemicals at levels that could be of concern for bioaccumulation in edible organisms. As discussed by Lee and Jones-Lee (2010) in their report on stormwater runoff from hazardous chemical sites referenced above, the edible flesh of aquatic organisms in waters near hazardous chemical sites/landfills should be monitored for the chlorinated hydrocarbon legacy pesticides (such as DDT), PCBs, polybrominated biphenyl ethers (PBDEs), mercury, and other chemicals that tend to bioaccumulate in edible organisms. If that monitoring shows that those chemicals are not present in organism tissues in concentrations of potential concern, then it could be reasonable to conclude that the current and recent activities at the hazardous chemical site are not contributing those chemicals to the surface waters. If, however, the concentrations of such chemicals in edible organisms are found in levels of concern to human health or to other aquatic life/terrestrial life that use aquatic life as food, then studies need to be done to determine if the hazardous chemical site is the source of those chemicals.**

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(3) Sites on Industrial Way and in the vicinity of Icehouse Hill have not been investigated for contamination. Industrial operations such as Stauffer Chemicals and a bone rendering facility were sited here and are likely to have left contaminants in soil and/or water.

At least three other Stauffer Chemical Co. plants

Cold Creek, AL: <http://www.epa.gov/region4/superfund/sites/npl/alabama/stacocreal.html>

Tarpon Springs, FL: <http://www.epa.gov/region04/superfund/sites/npl/florida/stachemtsfl.html>

Black Mountain Industrial Complex in Henderson, Nevada: [https://ndep.nv.gov/bmi/docs/fact\\_sheet-103108.pdf](https://ndep.nv.gov/bmi/docs/fact_sheet-103108.pdf)

These sites are known to have been heavily contaminated, and the first two are Superfund sites.

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Page 4.P-12

*“Because Project Site remediation is, in fact, required and not optional, the energy consumed returning the Project Site to a safe and healthy condition is not considered to be wasteful. Although the extent of Project Site development is large, construction and development would occur over a 20-year period, and demand for construction-related electricity and fuels would be spread out over that time frame.”*

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If project site remediation is required to return the site to a safe & healthy condition but will occur over a 20 year period, how will that impact people in proximity to un-remediate areas during the course of the build out? Assuming remediation will be done in patches and not all at once, how will exposure rates be controlled to the local population of harmful airborne contaminants? By necessity, there will have to be increased remediation at the early phases of the project. (This comment is relevant to Chapter 7, thus the comment has been added there as well).

General comments on section 4.G:

1. Pre-drilling could cause toxins to reach the surface that we did not otherwise know were there, which is why the matrix should be tested beforehand. Nowhere in the document does it state that the matrix will be tested before pre-drilling. The risks of pre-drilling should be addressed in this section, since this activity could bring about significant Hazards and Hazardous Materials impacts that are not covered in this chapter.

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2. Pipeline safety:

While the DEIR finds that the risks to human health and the environment from the Kinder-Morgan tank farm and pipeline are “less than significant,” the city needs to use every means possible to ensure the integrity of the pipelines and to safeguard the areas around the tank farm and pipelines. How will the pipes be monitored and what safety measures be taken, specifically for this pipeline? An article in the Wall Street Journal online, January 20, 2014, entitled “High-Tech Monitors often Miss Pipeline Leaks” describes the inadequacy of pipeline monitoring in the US. Many leaks are only discovered by residents.

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(<http://online.wsj.com/news/articles/SB10001424052702303754404579310920956322040?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001>).

**Chapter 4.H: Hydrology and Water Quality (Comments that are from different sections in the document are relevant to section 4H)**

Page 4.G-18

“Preliminary Fill Soil Import Criteria - 2011”

“Guidance was developed by Geosyntec to screen fill materials accepted as Brisbane Landfill cover soil.” Please correct all references to a clean soil layer on the landfill. In fact, as noted here, there was no recommended procedure to screen deposits on the landfill prior to 2011. The DEIR should also describe the “guidance” developed by Geosyntec, i.e., describe exactly what screening was recommended. Do they use a gas detector that reads petroleum hydrocarbons? What is an acceptable reading? Does screening include other substances? What are the acceptable readings for those substances? Has Geosyntec’s recommendation been accepted? What, if any, confirmation is available that screening was performed?

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Page 4.G-19ff

“Overview of Project Site Geology”

par 2 repeats an inaccurate characterization, “A clean soil layer ... overlies the waste.” There is no evidence to support calling the soil layer clean. See comment above.

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par 3: “Underlying the landfill and former railyard. Non-engineered fill ... consists of a heterogeneous mixture of clay, silt, coarse sand, and gravel with fragments of brick, stone, and wood from the 1906 San Francisco earthquake rubble.” This is an inadequate characterization of the deposits. The landfill received wastes from industrial and shipyard uses, as well as household and office wastes. It is likely that the fill underlying the railyard contained a wide range of substances, including hazardous chemicals.

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par 4: “waste” is not properly characterized. It includes medical wastes, chemicals, tires, heavy equipment, and materials contaminated by radiation from medical and shipyard sources.

Dr. Lee’s report contains evidence of this, “Whatever classification assigned to the wastes deposited in the landfill, a review of the composition of Brisbane Landfill leachate and landfill gas emissions shows that hazardous chemicals



that are typically associated with hazardous wastes are present in the landfill and are being released from it” (Lee 2). Golder Associate’s Inc., conducted analysis as requested by the BBCAG, below are some of the reports findings:

*“Comparisons of chemical data with limits established by the Environmental Protection Agency indicates that several metals were present at concentrations in excess of those established to protect saltwater aquatic life. These include nickel and arsenic (both widespread) with fewer occurrences of silver, lead and zinc.”*

*“The water quality monitoring reports present analytical data from approximately 2002 to 2008 for groundwater, leachate, leachate seeps in the interior drainage channel, and surface water. There is evidence that VOCs, present in the leachate or leachate seeps, are also present in downgradient groundwater. This is consistent with the findings from the SWAT investigation.” “Municipal waste is known to commonly contain small quantities of hazardous waste, primarily household hazardous waste, and this may be the source of the hazardous waste constituents identified in groundwater, leachate and leachate seeps.”*

*Alternatively, the industrial or shipyard wastes that were identified in the WDR findings may be the source. However as noted in the SWAT investigation findings, records related to wastes disposed at the Brisbane Landfill are incomplete or unavailable”*

Findings from the report display that hazardous substances in the landfill are present, thus characterization of the deposits should reflect these findings. In addition to the report mentioned above on page 4.G-23 states, “Waste tires were also placed in the landfill as reported by KRON-TV in 1965; an aerial photograph of the Brisbane Landfill taken in 1963 shows four localized black areas, likely representing tire stockpiles...The landfill closed before more stringent landfill regulations were in place that would have provided more detailed information on the waste stream profile.”

It would be understandable if the DEIR were to use MACTEC/AMEC’s terminology (used for the Schlage OU) throughout the report, i.e., Fill, Young Bay Margin Deposit, Colma Formation, Old Bay Margin Deposit, Merced Formation, Franciscan Formation bedrock. The most recent remediation measures have used the newer terminology, and many members of the public and the DTSC have become familiar with it. Figure 4E-3 uses the Burns and McDonnell (2002) stratigraphy, and it is used in sections 4E and 4G. The first paragraph on p. 4G-20 under “Overview of Project Site Hydrogeology” is taken directly from the 2012 Geosyntec report, and is in direct conflict with Figure 4E-3, which shows the B water bearing zone beneath the Old Bay Mud layer. Apparently “shallow water bearing zone” sometimes means fill zone, and sometimes Colma Formation, and while these two zones communicate, at least on the northwestern edge of the site, they are also separated in other areas by Young Bay Margin Deposits. Whatever terminology is used needs to distinguish between the fill zone and Colma Formation.

par 5ff and p. 4G-20: The terminology used in the DEIR is not consistent, and very confusing. On page 4G-19 the terms “bay margin deposits” and “bay mud” are both used, leading one to believe they might be different things.

It is impossible to understand the hydrology of the site if several sets of terminology are intermingled. Please stick to one set of terms, preferably AMEC’s.

Page 4.G-21

“Following cessation of landfill operations, the landfill was buried with a soil cover approximately 20-30 feet deep to prevent future human contact with contamination.”

The landfill cover has not prevented future human contact with contamination, and it is inaccurate to say so. The depth of the landfill cover is a moving target, ambiguity as it relates to the depth of the landfill is in

The California Regional Water Quality Control Board order no 01-041

([http://www.swrcb.ca.gov/rwqcb2/board\\_decisions/adopted\\_orders/2001/R2-2001-041.pdf](http://www.swrcb.ca.gov/rwqcb2/board_decisions/adopted_orders/2001/R2-2001-041.pdf)) on page 4 it states,

“Upon completion of disposal operations in each fill area, soil cover of unknown hydraulic conductivity and thickness was installed covering the various fill areas.” It is misleading to say that the landfill was covered with a specific depth of soil at some indeterminate time in the last 45+ years.

Page 4.G-24

“... there are no well-defined aquifers underlying the site.”

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cont.

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This statement is inaccurate. Groundwater remediation at the Schlage site has produced a fairly detailed hydrologic model that includes Colma and Merced Formation aquifers. The DEIR contradicts itself, as there are numerous references to deep and shallow aquifers just in this section (see, for example, p. 4G-31, 4G-48-49).

↑ 231  
cont.

Page 4.G-31

“Leachate Generation from Brisbane Landfill”

The DEIR states, “Results from the summer 2010 monitoring event indicated that no leachate seeps were observed; therefore, the leachate seep collection and transmission system is operating as designed, and no exposure to human or environmental receptors is occurring....” The conclusion that no exposure is occurring is not warranted. First, it is likely that subsurface seeps exist in the lagoon and east of Highway 101. Second, seeps exist and are flowing to the Bay through Visitation Creek. Finally, one monitoring event conducted during the summer is not enough to conclude that there is no exposure based on a dry season test in 2010. Subsurface seeps exist and need to be confirmed with testing over time during all seasons. Densification and deep compaction may also change the subsurface hydrology. This needs to be thoroughly addressed by the EIR.

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Page 4.G-48

“Soil/Groundwater Contamination in OU-1”

par. 1 is garbled and unclear.

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Page 4.G-51

“Schlage Lock Site”

Please note that Pacific Lithograph also operated at this site, and contributed to the contamination.

234

Page 4.G-52

“Soil/Groundwater Contamination in OU-2”

This section and elsewhere include references to the “South Disposal Area,” further identified as a former solid waste disposal area. What is known about what was disposed in this area and when it was used as a disposal area? Have the limits of the disposal area been identified? How large was the disposal area?

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Page 4.G-80

“Surface Water Management System.”

The DEIR says that, “Leachate seeps ... would be addressed ... to ensure that the Central Drainage Channel and Brisbane Lagoon are fully isolated from any leachate migration....”

Fully isolating the lagoon from leachate cannot occur unless underwater seeps are prevented, and no such actions are planned.

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Page 4.G-86

“Project Impacts and Mitigation Measures”

How will regulations and mitigation measures be instated?

237

Page 4.G-90

“Impact 4G-2”

par. 3 contains another reference to “non-hazardous” waste. There is no basis for this assertion.

238

Page 4.G-91

par. 3 states that “... final closure and remediation of the former landfill would require ... prevention of liquid percolation through to the underlying waste, and prevention of LFG emissions.” Neither one of these goals is achievable, this assertion is misleading.

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Page 4.G-97

“Soil Gas and Vapor Intrusion”

The first paragraph on p. 97 states, “Non-methane organic compound such as TCE, benzene, and vinyl chloride are typically found in very low concentrations in landfill gases and only benzene has been identified at the Brisbane landfill....”

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It should be added that VOCs and hydrogen sulfide have been found in landfill gases, per Golder Associates, 2008, p. 5: "On November 4, 2008, a Golder technician obtained samples of landfill gas .... Six VOCs and hydrogen sulfide were detected in the landfill gas sample...."

Golder Associates, Incorporated, *Characterization Study, Brisbane Landfill*, December 1, 2008.

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cont.

Page 4.G-98

Leachate

Since it is not known that contamination will be limited to one area of the site mitigation measure 4.G-2F-4.G-2H on page 4.G-98 should apply to the entire site. Below Dr. Lee's report discusses the potential risks to human health and the environment from leachate:

*1.) Are the presently proposed remediation systems adequate for,*

*a.) Unregulated dirt fill vs. clay caps (Title 24?).*

Because leachate generation in a dry tomb landfill can be delayed only as long as the wastes are kept dry, and because hazardous and otherwise deleterious chemicals in such a landfill remain a threat for as long as they remain in the landfill, the integrity of a landfill cap is critical to the prevention of leachate generation. Well-designed and installed clay caps (often combined with plastic sheeting in Subtitle D landfills as discussed below) for landfills can, especially at the time of construction, be effective in reducing the rate of infiltration of moisture through the cap and thereby serve to aid in the delay leachate generation that would otherwise be promoted by moisture from infiltration. However, as discussed in Lee and Jones-Lee's "Flawed Technology" review referenced above, many factors affect the integrity and hence functionality of even a well-designed and installed clay cap. These factors are largely related to cover inspection, maintenance, and repair, as well as to surface activities. For example, as discussed beginning on page 20 of the "Flawed Technology" review, such caps typically develop cracks, which can serve as pathways for major moisture infiltration into the wastes. Thus, in practice, over a relatively short period of time clay caps begin to lose effectiveness in preventing moisture/rainfall from entering the landfill; cracks that can impair the effectiveness of the cap can be difficult to detect and adequately repair.

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Since apparently at least a portion of the wastes in the Brisbane Landfill are below the water table, even effective prevention of infiltration of moisture through the cover will not stop leachate generation. From the information available, the major pathway for leachate releases of hazardous and deleterious materials from the landfill has been defined; those releases, to a considerable extent, are being collected and treated through the seep control program. Overall, considering the water table issue, a final cover for the Brisbane Landfill constructed of clean fill material will likely be adequate. However, the cover material should be properly tested to be certain that it will not leach chemicals that are a threat to public health or the environment.



- **Groundwater Pollution by the Brisbane Landfill.** The monitoring of groundwater under the Brisbane Landfill and in seeps of leachate found along the perimeter and in the interior drainage channel of the landfill shows that the Brisbane Landfill is polluting groundwaters with hazardous chemicals that are a threat to public health and the environment.

The San Francisco Regional Water Quality Control Board required that all known seeps of leachate discharging polluted groundwater to Brisbane/Guadalupe Lagoon be intercepted and the waters transported to a local sanitary sewerage system for treatment. While that requirement for interception of known seeps has apparently been met, there could still be subsurface discharges of leachate-polluted groundwater to the lagoon that were not/are not presently “known” but that have the potential to adversely affect aquatic life in the lagoon. The monitoring that has been done of the water in the lagoon has not reported measurable levels of measured hazardous chemicals from the landfill leachate-polluted groundwater. However, as discussed in our report, the monitoring of the lagoon has not been adequate in depth or scope to properly address the concern. For example, aquatic life in the lagoon has not been evaluated for the bioaccumulation of chemicals that are a threat to the health of people and other animals who consume them. Because there could readily have been, and could still be today, discharges of hazardous chemicals that have or can be bioaccumulated in edible aquatic life in the lagoon and pose a threat to human health and aquatic life, edible aquatic life in the lagoon need to be monitored for bioaccumulatable chemicals of concern. If one or more such chemicals are found, the source of the chemicals needs to be determined, with particular reference to current discharges from the landfill.

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cont.

(Dr. Lee, p. 3). Please address these concerns about the continued environmental damage from landfill leachate.

Page 4.H-2

Paragraph 4 states that “The Beatty Ave. Storm Drain serves . . . the northern end of the Project Site and drains into San Francisco’s Sunnydale storm drain facility....” These two systems are not connected in Figure 4.H-1. The map should illustrate this connection.

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Page 4.H-5

Under The Industrial General Permit, it is required to monitor 4 indicators (pH, TSS, SC and oil and grease), is this sufficient for a site that has chronic history of contamination? Will more extensive tests be done if these preliminary tests find data out of the normal range? What additional tests may be done? Is there pending legislation to increase the scope of water quality monitoring?

243

Page 4.H-5

The flood-prone areas discussed in the DEIR, shown in figure 4H-3 are not consistent with the areas of the Baylands that routinely flood during the rainy season. Include a 100- year flood figure for post project to view impacts, not just the FEMA map. A post project map will show if requirements are adequate.

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Page 4.H-5

Flooding

The flood-prone areas discussed in the DEIR (p. 4H-5, figure 4H-3) are not consistent with the areas of the Baylands that routinely flood during the rainy season. The area west of the railroad tracks in OU1 and OU2, for example, is a seasonal wetland, and Tunnel Avenue floods several times a year. Figure 4H-4, showing areas at risk with a 1.4 meter sea level rise, is a better indicator of areas prone to flooding.

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Page 4.H-5

Stormwater runoff

Storm runoff has the potential to convey heavy metals, VOCs, hydrocarbons, and other contaminants into the lagoon and the bay. The DEIR states (p. 4H-5) that water quality is monitored for pH, total suspended solids, specific

246



conductance, and oil and grease. The “Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property” by Dr. G. Fred Lee and Dr. Anne Jones-Lee, dated November 1, 2010, concluded that “The water quality monitoring of storm water runoff during the development of the Brisbane Baylands area should be significantly expanded to enable a reliable determination of the extent to which development activities result in the mobilization of hazardous chemicals into the runoff waters” (Lee, p. 3). “There is no monitoring of storm water runoff for potentially hazardous chemicals associated with the concrete rubble recycling [specifically PCBs from caulk] or the landfill surface” (Lee, p. 29). Dr. Lee recommends the following changes to the storm water monitoring program.

We have found that the monitoring approach prescribed for stormwater runoff from landfill areas is often the same as that used for monitoring runoff from urban streets; collection of a single grab sample at some time during each of several storm water runoff events per year is typically required. That approach, however, is neither adequate nor in keeping with programs prescribed by the US EPA (1992) for monitoring stormwater runoff from industrial sites. Landfill areas are industrial areas and should be monitored as such. The US EPA recommended stormwater runoff monitoring program is described in

U.S. Environmental Protection Agency (U.S. EPA). (1992). NPDES Stormwater Sampling Guidance Document (EPA/833/B-92/001) for implementing the Agency NPDES stormwater management program.  
[[http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/SW+guidance+&+fact+she](http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/SW+guidance+&+fact+sheets+-+Region+10/)ets+-+Region+10/].

The monitoring program recommended by the US EPA for industrial sites involves collecting samples of true first-flush runoff as well as samples of runoff at several times during the runoff event. Further, a sufficient number of events must be so-monitored each year to properly characterize the hazardous chemical content of the stormwater runoff. The parameters that are to be monitored include a fairly comprehensive suite of chemicals that could potentially be present

in stormwater runoff from the area. This is the type of monitoring that should be conducted at the Baylands Landfill area during and following the development of the property.

Dr. Lee recommends “...sampling the first storm of the year at the outset and at several times during the runoff event, using appropriate analytical methods for a full range of potential pollutants in the runoff” (p. 36).

The DEIR cites LID strategies for treating stormwater, including infiltration. While it is clear that infiltration is not desired on the landfill, almost the entire site is built on fill, and contains dangerous contaminants. Water will come into contact with petrochemicals, lead and other heavy metals, and VOCs in OU1, OU2, and possibly other areas outside what is generally referred to as the landfill. Dr. Lee (p. 41) points out that the supposedly immobile Bunker C oil may contain components that are very mobile.

There are several aspects of the waste containment approach that may not have been adequately addressed in the investigation of this site. One of the most important is that Bunker C oil and other petroleum products are complex mixtures of a variety of chemicals that are not identified in the study of the bulk product. While those properties of Bunker C oil that were measured are reported to be non-mobile, there can be components of that mixture that are mobile and pose a threat to public health and environmental quality. A much more comprehensive study/investigation program is needed to better-define whether this is an issue at the OU-2 site.

The DEIR should note that the use of infiltration for stormwater treatment is not necessarily indicated in any portion of the Baylands beyond Ice House Hill, and then only the parts not contaminated with lead. Please address the issues raised above.

#### Page 4.H-6, 7

Paragraph 2 indicates that there are two FEMA maps that detail 100-year flood hazards for the Baylands. It appears that the most recent map is the more relevant but that the DEIR uses the older map. On which map is Figure 4.H-3 based? It would be best for accuracy if the more recent map would be used.

#### Page 4. H-6&7

States “...FEMA maps showing the 100-year floodplain are thus generally based on the higher of the five-year flow ...more recent analysis than these FEMA maps based on correlating peak discharge and tidal records in the vicinity

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cont.

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|--|--------------|
| of San Francisco Bay indicated the storm surges, driven by the low atmospheric pressures and strong onshore winds, make significantly higher than average tides likely during extreme wet weather conditions". Figure 4.H-3 is based on the FEMA map, the new analysis should be used?   | 248<br>cont. |
| <u>Page 4.H-11</u><br>And page 4.I-49 Policy 388. Include as part of the document the BMPs for curtailing non-point discharge from NPDES to ensure trash and litter is kept out of the storm water system. Without this information it is difficult for people to determine if mitigation measures are good enough for the community. A section should be added on how SWPPs and NPDES will help the effects of littering on the watershed. . In the DSP and DSP-V (and future CPP and CPP-V ) programs to minimize solid waste generation should specifically target littering issues, e.g. location of trash bins.   | 249<br>250   |
| <u>Page 4.H-12</u><br>In the last sentence under General Permit Provisions, it has been estimated that the project site will have a Risk Level 2. The document should explain how the consultant believes this is a level 2 project. Who makes the level-of-risk determination, and on what basis?   | 251          |
| <u>Page 4.H-13</u><br>Including specific examples of what is covered in the two types of BMPs would be helpful for the understanding of the distinctions between them.   | 252          |
| <u>Page 4.H-15</u><br>Under sea level rise it is stated, "BCDC's jurisdiction within the Project Site includes the Brisbane Lagoon, Visitacion Creek, and a 100-foot shoreline band around these features, each of which are designated Waterfront Park, Beach in the Plan. Specify where BDDS jurisdiction is and where other agency jurisdiction begins after the 100-foot shoreline. What agency will be responsible for the area outside of the 100-foot shoreline after sea level rise?   | 253          |
| <u>Page 4. H-18</u><br>Please provide details about how provisions C3 requirements will be implemented such as rainwater harvesting and reuse.   | 254          |
| <u>Page 4.H-20</u><br>Page 4.H-20 states "... the shallow groundwater aquifer would be the one encountered during Project Site construction." Core sampling and pile driving will penetrate the lower aquifer, not just the shallow aquifer. This should be included in impacts and mitigation measures 4.H-1a and 4.H-1b.   | 255          |
| <u>Page 4.H-21</u><br>What is the impact on the flow of water that currently exists on the site? What is the impact of runoff during a storm? How will the drainage change due to less permeable surfaces from development? The flow of water post and pre-construction are not addressed in the DEIR.   | 256          |
| <u>Page 4.H-21</u><br>Measure 4.H-1a. States that a plan will be submitted and that this plan will be in accordance with all regulations but does not state what monitoring, funding, or corrective actions will take place should the plan after implementation be found to be inadequate. Mitigation should also include; who will monitor and how, and corrective action to be taken.   | 257          |
| <u>Page 4.H-22</u><br>With 4.C-1G 3 <sup>rd</sup> bullet from the bottom states, "Any increase in impervious surface area shall include establishment of vegetated swales, permeable pavement materials, preserve vegetation, re-plant with native vegetation and appropriate measures should be evaluated and implemented where appropriate." It is unclear whether vegetation will be above concrete areas. However, on statements on page 4.H-22 are contradictory, "...paved areas would result in an increase in the amount of impervious surfaces within the Project Site and would increase stormwater runoff generation and flows." Only an increase in impervious surfaces should be mitigated. | 258          |



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Page 4.H-22

Development of the area will increase urban pollutants. Materials that are used to construct buildings should be considered to limit the impact of nonpoint source pollutants during the planning process. In the DEIR have the creation of the materials been taken into account for impacts area wide, such as lumber use and deforestation? Has the impacts of the materials and the source of the materials been taken into account?

259

Page 4.H-25

Impact 4.H-2 should be significant since there will be no new infiltration of groundwater. Existing groundwater will not be recharged, thus causing subsidence. There should be mitigation measures for recharge.

260

Page 4.H-25

Groundwater recharge

In discussion of Impact 4H-2 (p. 4H-25), the DEIR says the amount of direct groundwater recharge will be reduced, but will have a less than significant impact. There have been much-publicized instances of subsidence resulting from reduction in aquifer volume. Could a reduction in the amount of recharge lead to subsidence here?

261

In the discussion following, the DEIR says that "...even if groundwater levels were to be reduced (and with its close proximity to the lagoon and Bay there may be a negligible effect)...." This seems to argue for infiltration of bay water into the Baylands, which is very likely, but in other parts of the DEIR, it is reported that there is no such infiltration into the landfill.

Page 4.H-25

There are two paragraphs on this page discussing possible aquifer depletion resulting from the prevention of water infiltration that would otherwise recharge the aquifer. Is it possible that aquifer depletion would lead to ground subsidence? This issue is not considered in any depth and its treatment on this page is not only brief, but apparently contradictory.

262

Page 4.H-29

Mitigation measure 4.H-4a,b and c should use a 100-year storm event after sea level rise projections due to global warming, including high tide. Using a 100-year storm event will ensure proper mitigation of statements on 4.H-37. The mitigation should take into account subsidence for non-supported areas of the site. Mitigation should take subsidence into account after the completion of the project.

263

Page 4.H-29

Storm drainage system improvements

Mitigation Measure 4H-4a and 4H-4b. Prior to development a system wide drain improvements plan should be approved by City Council. How will the drainage system handle everything before, during and after construction?

264

Page 4.H-29

4.H-4a requires that the floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event. The DEIR concludes that this impact is not significant. A cross sectional perspective of the data will show that this margin of error is insufficient due to the potential of subsidence detailed in section 4.E and the likelihood of sea level rise detailed in this section. For example page 4.H-37 indicates that an 11.8" rise in sea level would shift the 100-year storm surge-induced flood even to once every 10 years. The chart below from Climate Central displays projections of flooding; which shows an estimate of 11 inch sea level rise in S.F Bay by 2050. A secondary concern with sea level rise is subsidence of certain facilities and the potential for contamination and/or loss of facilities. Kinder Morgan is a petroleum storage and transport facility, which had experienced subsidence over time as mentioned in the April 4<sup>th</sup>, 2011 council meeting at Brisbane City Hall. Subsidence in combination with sea level rise is a concern and mitigation should be considered.

265



| Water level station               | Reference 100-year flood level (feet) <sup>2</sup> | Odds of exceeding reference flood level by 2030 |                                     | Measured historic sea level rise <sup>4</sup> |                  | Projected sea level rise by 2050 <sup>5</sup> |           |
|-----------------------------------|--|---|-------------------------------------|---|------------------|---|-----------|
|                                   |  | With global warming <sup>2</sup>                | Without global warming <sup>3</sup> | Inches rise                                   | Period of record | Inches rise 2009-2050                         | 90% range |
| LaJolla - Pacific Ocean           | 3.2  | 89%   | 0%                                  | 7   | 1924-2006        | 11  | 4-22      |
| Los Angeles - Outer Harbor        | 3.2  | 83%   | 0%                                  | 3   | 1923-2006        | 10  | 3-20      |
| Port San Luis - Pacific Ocean     | 3.5  | 32%   | 1%                                  | 2   | 1945-2006        | 9   | 2-19      |
| Monterey - Monterey Harbor        | 3.4  | 39%   | 1%                                  | 2   | 1973-2006        | 10  | 3-20      |
| San Francisco - San Francisco Bay | 4.1  | 27%   | 6%                                  | 9   | 1897-2006        | 11  | 4-21      |
| Charleston - Coos Bay (OR)        | 4.4  | 38%   | 0%                                  | 2   | 1970-2006        | 9   | 2-20      |

Climate Central: <http://slr.s3.amazonaws.com/factsheets/California.pdf>

Kinder Morgan FAQs: <http://www.ci.brisbane.ca.us/i-want/read/kindcr-morgan-faqs>

#### Page 4.H-29

##### Storm drainage system improvements

Mitigation Measure 4H-4a says "... all site-specific development plans... shall include system wide drainage improvements that shall ... correct known existing deficiencies (e.g., Levinson Overflow Area and the PG&E property)." Please explain exactly what drainage improvements must be completed as part of the site-specific development.

Mitigation Measure 4H-4b says "...all site-specific development plans shall include additional conveyance capacity by incorporation new storm drain facilities along Bayshore Boulevard north of Industrial Avenue." Does this require that no development may proceed without these new storm drain facilities?

Mitigation Measure 4H-4c says "...all development plans shall include conveyance improvements to existing Visitacion Creek... and extent it ... to the Roundhouse area...." The roundhouse area is heavily contaminated with Bunker C oil. The DEIR should be less specific about the routing of the creek, because sitting it right above the Bunker C contamination may not be approved.

Measure 4H-4c further requires development to "... remove the existing Timber Box Culvert ... and replace it with an open channel system prior to Project site development completion." Does this require that these improvements must be made before any site-specific development?

#### Page 4.H-30

Mitigation Measure 4H-4c says "...all development plans shall include conveyance improvements to existing Visitacion Creek... and extent it ... to the Roundhouse area...." The roundhouse area is heavily contaminated with Bunker C oil. The DEIR should be less specific about the routing of the creek, because sitting it right above the Bunker C contamination may not be approved.

#### Page 4.H-29-30

Mitigation measure 4.H-4A, B and C. A master drainage plan should be approved before issuing permits and beginning construction.

#### 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. Why was this not considered as a mitigation measure?

#### Page 4.H-34

5th bullet "insects that prey on eat target pests", the word "eat" can be omitted.

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cont.

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Page 4.H-34

Due to the potential of contamination to the Bay and Lagoon from pesticides, herbicides and fertilizers; mitigation measure 4.H-5 (page 4.H-34) should use toxic substances as a last resort. Natural alternatives should be explored to prevent further contamination. What are the natural alternatives that can be used and what is their effectiveness?

275

Page 4.H-37

100-year storms

The DEIR contains several references to 100-year peak storm events (p. 4H-1, 4H-29, etc.) and to 100-year peak storm events plus tidal flow and 100 years of estimated sea level rise. However, it is likely that climate change will cause more severe storms as well as sea level rise, so what might have been a 100-year peak event in the past will be more common in the future. On p. 4H-37, the DEIR cites: "BCDC models indicate that an 11.8-inch rise in sea level would shift the 100-year storm surge-induced flood event to once every 10 years." Projections of sea level rise and the risks cannot be ignored, and planning for areas that are in high danger must consider the future impacts. From The Impacts Of Sea-Level Rise On The California Coast, in the key finding section, "A 1.4 meter sea-level rise will put 480,000 people at risk of a 100-year flood event, given today's population. Populations in San Mateo and Orange Counties are especially vulnerable. In each, an estimated 110,000 people are at risk. Large numbers of residents (66,000) in Alameda County are also at risk" (Heberger et al. pg 16). Merely adding water levels from a current 100-year storm to sea level rise and high tide don't take into account the combined effects of climate change.

276

References:

<http://dev.cakex.org/sites/default/files/CA%20Sea%20Level%20Rise%20Report.pdf>  
<http://sanmateosealeverise.wordpress.com/event-presentations/>

Page 4.H-38

Clean fill

Again refers to "clean fill" on the landfill, and the extent to which the fill is really clean is unknown. This should be examined and specified.

277

Aquifers

Danger of mobilized contaminants should be taken into consideration for the entire site, not just the landfill. The document should include the following: RWQBCs, DTSCs and requirements from San Mateo Environmental Health. Lastly effects of sea level rise should be considered.

278

Page 4.H-38

There is reference to "clean fill" on the landfill, and the extent to which the fill is really clean is unknown. What is meant by clean, does this mean that the fill is uncontaminated and has this fill been tested?

279

Page 4.H-38

Sea level rise

On p. 4H-38, the DEIR says that sea level rise may increase water infiltration and affect water quality. Then it states that "Final landfill closure and remediation would not occur until the potential exposure risk from any remaining contamination has been reduced to less-than-significant levels and would incorporate the potential for higher groundwater levels due to sea level rise." First, the danger of "mobilize[d] contaminants" is not exclusively from the landfill. Second, what are the RWQCB's and DTSC's requirements with respect to planning for sea level rise and remediation accordingly? Are there any requirements by these agencies or San Mateo Co. Environmental Health that require developers to anticipate the effects of sea level rise on contaminants? Or do these agencies have a wait-and-see approach?

280

Page 4H-38

Clean fill

Again refers to "clean fill" on the landfill, and the extent to which the fill is really clean is unknown.

281

General comments on section 4.H:



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|   |     |
|---|-----|
| 1. Section H bristles with acronyms. The inclusion of a section-relevant glossary at the beginning of the section would enhance the readability of the section and its usefulness for the general public. (A person would only have to flip back a few pages to locate the name or phrase for which the acronym is used).   | 282 |
| 2. The DEIR notes that pesticides, herbicides and fertilizers are all potential pollutants of the lagoon and the bay. These should be restricted to small amounts of compost (for fertilizer) and non-toxic substances like certain soaps or oils from vegetative sources, and mulches. Vegetation that is native to this area will not require fertilizer. How will this be monitored and mitigated?   | 283 |
| 3. <b>Enforcement</b><br>Under the discussion of the NPDES Program, the DEIR (p. 4H-11) reads: "... each Permittee, such as the City of Brisbane which is part of the San Francisco Regional MS4 Permit, shall implement a construction site inspection and control program at all construction sites...." The DEIR goes on to list some aspects of the City's obligations. Questions for the City: is the city of Brisbane prepared to do this? How will it be enforced? Who will pay for it and what will happen if the developer defaults? What is the contingency plan? | 284 |
| <b>Chapter 4.I: Land Use and Planning Policy</b>  |     |
| <b>Page 4.I-1</b><br>Suggest adding the land use designations to the map for clarity.   | 285 |
| <b>Page 4.I-6</b><br>#16. Provide safe, accessible pedestrian access across freeway. This seems to be lacking. The potential location for this should be added to the map. Specific details should be included for evaluation.  | 286 |
| <b>Page 4.I-8</b><br>Paragraph 3 "Trade Commercial designation provides for . . . residential uses. . ." Where is this taken from? The General Plan prohibits residential on the Baylands. "Residential uses", should be removed from this sentence.  | 287 |
| <b>Page 4.I-19</b><br>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.   | 288 |
| <b>Page 4.I-28</b><br>Policy 152 Slope Stability. Designating Ice House Hill as Open Space will not prevent a slide from damaging surrounding development. The proposed location of the high school is at the base of Ice House Hill which will be in danger of damages due to potential slides. A slide barrier should be included as a part of the mitigation measures for the project.   | 289 |
| <b>Page 4.I-29</b><br>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 if remediation will be done during, after of before.   | 290 |
| <b>Page 4.I-37</b><br>Policy 336. In order for the project to be consistent this policy would need to have North- South and East-West connector with the Baylands.  | 291 |
| <b>Page 4.I-49</b><br>Policy 388 Litter & Odor reduction. Not consistent. Litter is an important environmental issue as it contributes to the oceanic garbage patches. Minimizing solid waste generation is not equivalent to litter reduction. Litter is a behavioral problem. Policies that address litter need to address things like spacing, placement and types of trash  | 292 |



receptacles. Staff is also required to remove litter and empty the trash bins. Covered dumpster must also be required. How does the DEIR address mitigation of litter and odor?

↑ 292  
cont.

**Chapter 4.J: Noise and Vibration (Comments that are from different sections in the document are relevant to section 4.J)**

**Page 3-17**

Please add information on the Brisbane Bayshore Industrial Park because buildings may need to be stabilized during construction, people who work in the area may be impacted by construction noise, etc.

293

**Page 4.E-45**

Heavy tamping is not addressed in the noise section of the document, only periodic pile driving. Therefore this should be addressed and mitigate.

294

**Page 4.J-1**

Under the section, Techniques for Measuring Noise, it is not mentioned that *sound power level* is significantly more dangerous to humans and pets than *sound pressure level*, a study on sounds power levels should be conducted. A discussion on the impact to humans of sound power level versus sound pressure level should be added to this section, so the reader can appropriately interpret the noise descriptors on the following page and throughout the rest of the chapter. Correlation between sound pressure level and sound power level with potential danger to humans should be considered. According to Decibel Exposure Time Guidelines, noise levels about 85 decibels should be limited to less than 8 hours per day before damage can occur. According to Noise Induced Hearing Loss, “NIHL can be caused by a one time exposure to loud sounds as well as by repeated exposure to sounds at various loudness levels over an extended period of time”... “A bulldozer that is idling (note that this is idling, not actively bulldozing) is loud enough at 85 dB that it can cause permanent damage after only 1 work day (8hours)”. These statements support the fact that intermittent noise exposure to residents can potentially cause hearing damage.

295

It should also be mentioned that there are many sound power levels that cannot be detected by the human ear, but are still extremely damaging. This should be mentioned so the public has an idea of the sound power levels emitted by the proposed project that are detrimental to humans.

This chapter does not discuss the potential for long-term hearing damage from industrial noise or concussion. The public should be intentionally advised of these consequences in order to protect their safety.

Decibel Exposure Time Guidelines: <http://www.dangerousdecibels.org/education/information-center/decibel-exposure-time-guidelines/>

Noise Induced Hearing Loss: <http://www.dangerousdecibels.org/education/information-center/noise-induced-hearing-loss/>

**Page 4.J-2**

“However, noise levels rarely persist consistently over a long period of time.” Although this may be the case in most communities, the Baylands was not specifically addressed in relation to this assumption. In order to avoid omitting a Noise and Vibration impact, the Noise Exposure and Community Noise section should focus on the unique amplification of sound that would occur in Brisbane as a result of project construction over the expected 20-year build-out. Do you believe the way of doing this is valid, if not why not? Non-continuous noise over a long period of time can potentially be more of a nuisance.

296

**Page 4.J-4**

The effects of sound and vibration depend on the medium through which the sound waves are traveling. In the case of the Baylands, the majority of the medium is landfill material; therefore the Baylands should be specifically studied since it is composed of a unique medium. By ignoring these circumstances, significant Noise and Vibration related impacts could go uncovered. Are there studies of vibration done throughout the landfill?

297

**Page 4.J-6**

In this section it is stated that the Project Site does not border any residential neighborhoods, which is contrary to the project description. Please clarify whether or not the Project Site borders residential neighborhoods so the public is not confused while reading this section.

298

The Roundhouse should be included as a sensitive receptor, and the sensitivity should be addressed in terms of vibration and construction noise. By leaving out this feature, significant Noise and Vibration related impacts could

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go uncovered. We believe that there is another section where residential is said to boarder the project? This would be contradictory. Also see Figure 4.J-2

↑ 299  
cont.

Page 4.J-7

The “noise monitoring locations” shown in Figure 4.J-1 should also include locations in central Brisbane as well as Northeast Ridge, since most of the current community resides there. Without including these location significant Noise and Vibration related impacts could go uncovered and residents could go uninformed of the potential auditory dangers.

300

Page 4.J-8

The map found in Figure 4.J-2 should include the proposed school in the DSP and DSPV, and not just the existing schools. If this data is omitted, the general public will assume that the proposed school is not a sensitive receptor location, and potential Noise and Vibration impacts will be overlooked.

301

Page 4.J-16

Under the “Substantial Temporary or Periodic Increases in Noise Levels in the Vicinity of the Project Site above Levels Existing without Project Site Development” section pile-driving is not mentioned. The estimated time it would take to pile-drive for each building should be included so that the general public has an idea of the potential harm the noise could cause. Significant Noise and Vibration related impacts should not go uncovered.

302

Page 4.J-17

Amplification of sound in the Baylands would change after completion of construction. Amplification of sounds resonating from the buildings should be studied and addressed in this chapter in order to cover all potential Noise and Vibration impacts.

303

Page 4.J-24

1st paragraph states, “. . . closest existing offsite sensitive use would be over 1,000' north. . .” Specify what the closest offsite sensitive use is.

304

Page 4.J-25

Mitigation measures as described place the burden on the citizens and the city. A much more effective mitigation strategy would be to install “listening” stations that monitor & record noise events.

305

Page 4.J-31

The preceding page indicates that two wind turbines near each other can combine to create a thumping. Therefore the mitigation measures should include a minimum distance between wind turbines.

306

Page 4.J-32

The data found in Table 4.J-7 is from 1971, making it out of date, which could alter the method used for measuring the impact. Please provide an updated source of data so that no impacts are overlooked.

307

Page 4.J-32

The study assumes that there would be no impact on central Brisbane due to the distance. From previous experiences with the Caltrain improvements, located within the heart of the Baylands we know from personal experience that this is not the case thus either the standards or data are in error. For supporting data see 4.J-32 last paragraph. Pile driving data from Sierra Point. 91dbA @ 200'.

308

Page 4.J-35

An additional mitigation measure should be added to **Impact 4.J-4**, which would limit pile-driving activities to 4 out of every 5 days. This mitigation measure would help to reduce the impacts of ambient noise levels that would reach Brisbane residents.

309

General comments on section 4.J:

1. This chapter states that Brisbane is located outside of the fly-zone, but this is not the case. After speaking with TRACON, FAA out of Washington, State Senator Yee’s office, and the State of California PUC Aviation

↓ 310



Department, it is clear that the first map below, showing the published PORTE3 departure out of SFO, does not show the actual air traffic over Brisbane. The second map was confirmed to be an accurate account of the air traffic routed by the FAA directly over Brisbane. This data should be accurately portrayed in the document so that the general public will be aware of the fly-way over our community. Omitting this data overlooks potential Noise and Vibration impacts. Please see the image below for reference.

## Phone Conversations



I had several calls surrounding with various agencies, State Senator Yee office, TRACON, FAA out of Washington and State of California PUC Aviation Department.

The first graph shows actual published PORTE3 departure out of SFO. Please note this departure doesn't fly over our community.



Versus the second graph shows what is happening to our community. The PORTE3 departures are routed by the FAA directly over our community

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310  
cont.

Data from the Margaret Road Water Tank should be included in the document.

2. The noise that will be created from moving the piled soil is not mentioned in the DEIR; therefore related Noise and Vibration impacts may be absent.

3. Personal testimony as to the real perceived state of sound and noise from in and around central Brisbane: My name is Elena Court, I have been a Brisbane resident for 30 years. I have lived on Sierra Point Road and Trinity Road, mid way and upper level of the town proper.

This is a very noisy town. I can hear percussion noise from concerts at Candlestick Park, Semi's downshifting and motorcycles on Hwy 101 and trucks backing up in the Crocker Park.

This report states we are not in the SFO flight path, which is not true, airport noise is a constant irritation.

In this report there are no sound levels monitored in Brisbane in the town proper at any level, only at the main entrance to the town. Location #7

Given the canyon shape of the main town, sound is amplified.

Sound levels need to be measured in the main part of Brisbane proper. If cumulative impacts on sound reach above normal levels, then mitigation measures need to be considered.

4. This chapter is confusing for the reader since DNL and CNEL are used interchangeably. Please be consistent throughout the document in relation to these acronyms.

5. The City of Brisbane is configured like an amphitheater; the city is surrounded on 3 sides by San Bruno Mountain. This unique topography allows residents to hear sounds from longer distances away, such as concerts played at Candlestick Park, and at higher levels than one would expect. The language used in this chapter is vague. The methodology uses data from nearby communities that do not face the same unique topographical considerations as

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Brisbane. The amphitheater-like conditions are not considered as they should be which has created the potential for Noise and Vibration impacts that are not addressed in this chapter.

↑ 315  
cont.

**Chapter 4.M: Recreational Resources**

**Page 4.M-11**

*"This criterion is appropriately evaluated qualitatively due to the variable nature of wind, the wide range of wind conditions that are suitable for windsurfing, and the relative importance of specific parts of the very large, local windsurfing area. In other words, no one quantitative measure likely would capture a level of overall resource degradation that would apply to the entire shoreline area. Further, this criterion was added to address concerns expressed by the SFBA in response to the Notice of Preparation and, while the response stated a specific concern for increased variability or gustiness in the wind, the SFBA did not specify a critical threshold wind speed or a wind speed reduction that it would consider to cause a significant adverse impact on windsurfing in the CPSRA windsurfing area. Other expressed concerns regarding the possible wind effects of the Project related to the launch site, the sailing area, and general wind conditions, including the requirement for "a strong and steady wind"; none of these factors were associated with quantitative measures."*

316

Impact 4.M-3: Would the wind effects of the Project result in a substantial degradation of the recreational value of the nearby windsurfing recreational resource south of Candlestick Point State Recreation Area?

The DEIR admits that some changes might "affect one windsurfer but not affect others." But then goes on to say the effects would be less than significant and thus no mitigation is required. This statement is unsupported due to the lack of a critical threshold in wind speed and wind speed reduction being identified by the SFBA and that a threshold should be established to allow for a more quantitative analysis prior to a determination of 'Less Than Significant' impacts.

**Chapter 4.N: Traffic and Circulation**

**Page 4.N-2**

Figure 6-1a should be referenced as a part of the vicinity on page 4.N-1 under roadway network.

317

**Page 4.N-7**

The major on/off ramps at 101 & Oyster point should have been included in the study area. Though south of the project, it's reasonable to expect that they will be impacted by the project especially as travel time's increase along 101N and people leave the freeway early.

318

**Page 4.N-8**

The Bayshore crossing of Hwy 101 is not mentioned in this chapter. Commuters are expected to travel north to Superdistrict 3; this should be added to intersections studied on page 4.N-8 figure 4.N-3.

319

**Page 4.N-16**

Paragraph 7. The Brisbane-Bayshore commuter shuttle stops at Caltrain, not the Brisbane-Crocker shuttle; additionally there is no afternoon service provided, only morning and evening commute times.

320

**Page 4.N-20**

The class 3 bike lane on Tunnel Rd. should be improved to a class 2 lane. The improvement will benefit bike commuting from North-South directions to allow access to the project area.

321

**Page 4.N-20**

What is the reasoning behind the westward jog of the bay trail at the northern end of the project site?

322

**Page 4.N-20**

Location of the proposed T-line extension and MUNI should be included, since both of these would be available to cyclist to enter the project area.

323

**Page 4.N-20**

Bike trail going northbound is not indicated clearly, marking of the trail should be continuous even if it is class 3.

324



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|  |     |
|--|-----|
| <u>Page 4.N-27</u>   |     |
| The term TDM is introduced on this page, but not defined until later in the section. Move the definition to coincide with the first occurrence of the term.  | 325 |
| <u>Page 4.N-31</u>   |     |
| 5th bullet refers to the reconfiguration of the Caltrain station. Add a reference to Figure 4.N-9 on page 4.N-47 for clarification.  | 326 |
| <u>Page 4.N-34</u>   |     |
| General Plan policy 39.2 establishes an alternative route . . . for emergency vehicles. Where is this? We are especially concerned about a potential disaster at the Kinder Morgan tank farm and/or anywhere along its active or inactive pipelines. Will emergency vehicles have to go up to Geneva? J St. and across? E St. and across? This should be displayed on a map.   | 327 |
| <u>Page 4.N-40</u>   |     |
| Under CEQA Guidelines Section 15131(a), it is stated that impacts due to the lack of available parking cannot be addressed due to the secondary environmental impacts. It is then stated that people will find other modes of transportation due to this inconvenience. Infrastructure should be put in place to allow ease of transitioning to use other modes of transportation such as walking and bike paths throughout the project area not just major arterials. | 328 |
| <u>Page 4.N-42</u>   |     |
| The following statement falsely creates the impression that transportation improvements are certain. Suggested rewording, "transportation network changes. . . would [likely] occur."  | 329 |
| In the second paragraph states, "For the impact analysis for future conditions, substantial transportation network changes (associated with City and regional initiatives, and development of the Project Site) would occur prior to 2030, as described below".  | 330 |
| <u>Page 4.N-42</u>   |     |
| Transportation changes "may occur" should not be "will occur".   | 331 |
| <u>Page 4.N-47</u>   |     |
| Figure 4.N-9 & 10 The text is too small on the upper inset. Larger print should be used for accessibility. Insets should also include orientation information i.e.: "Looking North" or "Looking Westward." On the map the existing pedestrian crossing appears to be disconnected from the current platform; this seems to be an error.  | 332 |
| <u>Page 4.N-57</u>   |     |
| Study referenced indicates that people living within 1/3 miles use more transit. However Figure 4.N-15 and all further references use either 1/4 mile or 1/2 mile. This is not consistent with the research.   | 333 |
| <u>Page 4.N-57</u>   |     |
| What is the purposed fate of the railroad sidings/spur lines? Their near total absence leads the conclusion that they are removed; however they are mentioned in the legend of Figure 4.N-15 pg 4.N-57.  | 334 |
| <u>Page 4.N-62</u>   |     |
| Figure 4.N-17. It appears that the Caltrain line stops at Lagoon Way, but it should continue through the map.  | 335 |
| <u>Page 4.N-66</u>   |     |
| Housing is not permitted by the current Brisbane General Plan; therefore, there should be no relocation assistance.  | 336 |
| <u>Page 4.N-69</u>   |     |
| Housing is inconsistent with the current Brisbane General Plan, thus there will be no parking. If indeed there will be a parking structure, it might be best to keep parking and housing bundled.  | 337 |
| <u>Page 4.N-69</u>   |     |
| Podium parking needs to be defined. This is not a term most people are familiar with.  | 338 |



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|   |       |
|---|-------|
| <u>Page 4.N-78</u>  |       |
| Why are the arena's impacts listed as a footnote. They should be included in the table.   | I 339 |
| <u>Page 4.N-78, 80</u>  |       |
| This table should be consistent with page 4.N-84 table 4.N-18. Evening traffic should be considered when there is an arena event and peak PM shown in the table.  | I 340 |
| <u>Page 4.N-91-94</u>   |       |
| Table 4.N-25-26 A column should be added to show the level of service required by the current Brisbane General Plan for each location.  | I 341 |
| <u>Page 4.N-101</u>   |       |
| Table 4.N-27. The delay listed is shorter with a sold out arena event by 2 seconds than without. Explain.   | I 342 |
| <u>Page 4.N-116</u>   |       |
| Under Mitigation. Typo: Tunnel Ave is referred to when it should be Old County Rd.  | I 343 |
| <u>Page 4.N-133</u>   |       |
| Statements made should reflect service provided to Bayshore station to be site specific. In the third paragraph there should be a note of how many trains stop at the Bayshore station. Page 4 states "During most hours of operation, two trains per hour operating in both directions. . . During peak commute periods, additional Baby Bullet trains provide two to three additional trains per hour in both directions." This statement will lead readers to believe that Bayshore stations is well served, but in truth, trains are roughly an hour apart with 18 train stopping between 5:47 am and 11:47 pm. In fact, the Baby Bullet does not stop at Bayshore station. | I 344 |
| <u>Page 4.N-138</u>   |       |
| Paragraph 2 states that ridership would be in the reverse peak direction (south). This appears to be in contradiction to table 4.N-17 on page 4.N-82 that shows a large portion of commuters traveling to Superdistrict 3 or further north and thereby in the regular commute direction   | I 345 |
| <u>Page 4.N-142</u>   |       |
| Since there are no current pedestrians using this site the word "improved" is an overstatement, using the word "created" is more accurate.  | I 346 |
| <u>Page 4.N-146</u>   |       |
| An example of what a CMP is and how it is implemented should be included in the appendix.   | I 347 |
| General comments on section 4.N:  |       |
| 1. All modes of mass transit including the ferry service should be included in the document.  | I 348 |
| 2. Off ramp from Oyster Point should be included in the study. Travel times will increase, thus causing people to exit Hwy 101 early.   | I 349 |
| 3. Why the assumption all traffic will be headed toward district 3 in San Francisco?  | I 350 |
| 4. Light rail stop should include commercial units. At a transit hub people purchase items at nearby stores.  | I 351 |
| 5. Bayshore crossing of Hwy 101 is not addressed. Should be included since traffic will increase due to future development, this should also include bicycle lanes.   | I 352 |
| 6. Caltrain services do not apply to Brisbane since baby bullet trains do not stop at the Bayshore station.   | I 353 |
| 7. How are regular commute and reverse commute defined? This should be clearly defined including specific directional designations.   | I 354 |



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8. It is stated that Samtrans is under capacity, and then that the Route 292 that services this area is at capacity for the main commute hours. [ 355
9. TDM plan is required for each qualifying phase of the project. The DIER does not explain what “Qualifying phase” is. May be necessary to have a standard for example every 3 years or qualifying phase, which ever occurs first to set non negotiable benchmarks. [ 356
10. What is the proposed fate of the freight lines with servicing the project site? No sidings for the train are shown. Their near total absence leads the conclusion that they are removed; however they are mentioned in the legend of Figure 4.N-15 pg 4.N-57. [ 357
11. What is the housing to job ratio of each of the four San Francisco Superdistricts? What is the basis for assuming Superdistrict 3 will capture the majority of off site trips? [ 358
12. No where in the transportation section does mention the ferry service. This is an important service and should be considered in the EIR. [ 359
13. Current and future considerations should be addressed such as the demolition of Candlestick Park stadium and subsequent housing and development at Candlestick and Bayview/Hunter’s Point that will impact the Baylands, Brisbane and the entire region in multiple ways, the least of which is traffic congestion. [ 360

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

**Page 4.O-6**

Table 4.O-5 The year to year deltas are .43, .04, .02, .01. Not having had time to read Appendix L in full, I'm left confused why when Brisbane's' water consumption has been trending downward, the consumption rate is expected to rise dramatically between 2011 and 2015. [ 361

**Page 4.O-10**

Figure 4.O-1. The border around the lagoon is depicted the same as a pipeline, this could be easily confusing. The lagoon should be depicted using a different color. [ 362

**Page 4.O-14**

Table 4.O-6 The table reads backwards into the past contrary to other tables in the DEIR. This is confusing. [ 363

**Page 4.O-15**

The DEIR does not address the concerns of leachate and effluence from wick drains, their disposal via the sewer system and the production of Class A and Class B biosolids that are reused for land application. [ 364

**Page 4.O-15**

**Sewage and stormwater:**

During wet weather under *present* conditions, “If [combined sewage/stormwater] flows exceed the capacity of both treatment plants they are discharged directly to San Francisco Bay through the SFPUC’s near-shore outfalls” The DEIR does not make clear whether the additional combined sewage and stormwater flows from the proposed development(s) would increase the likelihood of such direct discharges into the Bay during wet years, especially in the 15-year period before the recycled water plant is scheduled to come online. The DEIR (page 4-0-46) refers to *dry weather flows* (sewage) that would remain below the city’s contracted maximum even including the new development, but it is silent with respect to the impact of combined sewage and stormwater flows in wet weather on the treatment facilities, and on the risks of overwhelming these facilities. How frequent are direct discharges of untreated sewage/stormwater into the Bay under present conditions? How might the proposed development exacerbate this problem? Where is the assessment of the water treatment system’s capability to manage sewage/stormwater so as to avoid discharges into the Bay of untreated effluent from not only the proposed Brisbane development, but from all the other development proposed in the near vicinity (cumulative impacts) during wet years? [ 365



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Page 4. O-29

What is the numerical threshold that will trigger the building of the recycled water plant?

366

Page 4.O-31

“...hardscape to INCREASE stormwater infiltration and decrease irrigation demand?” How does hardscape increase stormwater infiltration?

367

Page 4.O-31

Under Water Savings Program D and E states, “subsurface irrigation for turf to decrease water loss from evaporation from above-ground sprinklers or misters.” We recommend as mitigation to use native vegetation instead of turf to decrease water needed on site.

368

Page 4.O-36

Table 4.O-10 does not specify whether these numbers include the proposed OID water.

369

Page 4.O-41, 42

Water transfer:

1. The DEIR cites the WSIP PEIR (which dates from 2008) in identifying only one potentially significant impact from an increase in annual diversions from the Tuolumne River (including that which is planned for the proposed development), which is to “terrestrial biological resources in the Tuolumne River watershed,” especially in the Poopenaut Valley. However, a much more comprehensive and recent research project, the Upper Tuolumne River Ecosystem Project, promises to offer a much more definitive understanding of the ecosystem, the impacts of water withdrawals on terrestrial biological resources, and whether these impacts are in fact mitigated through “controlled releases” by the SFPUC. The DEIR should reference the UTREP in assessing impacts and mitigation. TRTs web page: <http://www.tuolumne.org/content/>. “Relevant UTREP reports can be found at the UTREP library page: <http://utrep.blogspot.com/p/reports-and-publications.html>”

370

2. The DEIR also cites the WSIP PEIR when it says that there would be a slight reduction in the total volume of releases to the river in normal, below-normal and dry years (4-0-41) and cites its finding that these changes would be less than significant relative to stream flow, fisheries, etc. However, a presentation by Peter Dreckmeier of the Tuolumne River Trust to OSEC on October 9, 2013, indicated that the flow of the river is already below what is recommended for fish. The above-mentioned UTREP study, which promises to be a superior source, should be included in the assessment of the impact of water withdrawals on fish species in the Tuolumne. Power point presentation given to OSEC during the October 9<sup>th</sup> meeting:

371

[file:///U:/DIER%20files/ASEC%20meeting%2010-9-13/Brisbane%20Powerpoint\\_TRT\\_10-2013\\_OSEC.1\\_files/frame.htm](file:///U:/DIER%20files/ASEC%20meeting%2010-9-13/Brisbane%20Powerpoint_TRT_10-2013_OSEC.1_files/frame.htm)

3. There is no evidence that the projected impacts of climate change on water supply and runoff (varying precipitation amounts and timing; effects of temperature increase on evaporation etc.) have been considered as a backdrop to the proposed water transfers from the Tuolumne. The proposed water transfer may seem relatively insignificant if the Tuolumne’s water future is treated as a continuation of the water history of the recent past. However, a recently released study prepared for the SFPUC, “Sensitivity of Upper Tuolumne River Flow to Climate Change Scenarios” (Hydrocomp, Inc., 2012) finds that “Relatively large reductions in runoff may take place in 30 years if both temperature rise and precipitation decrease occur,” as they do in a number of climate-change scenarios. In the context of reduced runoff and reduced river flow, even small water transfers that would reduce already-diminished river flow even further seem likely to have considerable adverse impacts on the ecosystem. These issues should be studied and findings presented in the Brisbane Baylands EIR.

372

Page 4.O-49

States that section 4.E deals with the recycled water plant, however, just having read this section and made this comment in that section, we do not see where it deals with recycled water. The other sections don’t deal properly with this issue either.

373

Page 4.O-53, 54

The DEIR assume that the Landfill capacity is adequate based on the idea that the Baylands project will use only 0.014-0.022 percent of the remaining capacity. This is an extremely short sighted and narrow view. When considering traffic, other projects and existing load were taken into consideration. The same should hold true for solid waste. What is the increase proportional to population?

374



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Page 4.O-58

On site sorting would greatly decrease the waste stream.

375

General comments on section 4.O:

1. The DEIR does not cover methane capture. Currently the landfill is still producing methane although according to UPC not at high enough levels to make it economically viable. Could the remaining methane be shunted to Recology since they are planning a methane facility? Methane can also be a byproduct of grey water processing. Could this methane also be sold/passed to Recology? Methane is an important environmental issue since it is both a powerful greenhouse gas and a source of energy.

376

2. A search of the DEIR returns no results for EMF (electric and magnetic fields). There is growing scientific concerns about the long term health and environmental effects of exposure to EMF. This issue is covered in other DEIRs and we should require the same.

377

3. When does the recycled water plant plan to be built? Estimate date? Estimated water availability? Economic triggers?

378

4. Since the project is going to last longer than 20 years should not the water supply also last longer than 20 years? What happens if OID does not sell us the water?

379

5. What happens if OID no longer has a supply of water to sell?

380

6. The DEIR does not address phone/internet services which are essential to many businesses. Currently Brisbane has as we understand it, no additional capacity for these services without upgrading infrastructure. This issue must be addressed at some point within the planning and review process.

381

7. All through this section, it's assumed that the water transfer will not have significant environmental impacts due to mitigations measures. However, we have seen going through our own DEIR that mitigation measures are not always meaningful.

382

8. 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 affect 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](http://watershedmg.org/sites/default/files/docs/wmg_calculating_runoff_worksheet.pdf) The experience here in Brisbane is more dramatic. Barbara Ebel has a 600 gallon of tank collecting from their 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 average normal year while the T&G roof yields nothing in anything less than a sustained rainfall.

383

**Chapter 4.P: Energy Resources**

Page 4.P-2

Under Natural Gas and Petroleum, second line. This chapter confirms that there are some natural gas pipelines near/under the Baylands. A 24" along Bayshore Blvd and a 6" running along Tunnel Ave. A map of all gas lines should be included.

384

Page 4.P-8

Paragraph 1 states "S-14-08 raises California's renewable energy goals to 33% by 2020." However, it neglects to state where we are in terms of meeting those goals. Since this forms part of the regulatory setting, it's important to know when evaluating the project. Additionally, who does S-14-08 apply to?

385



Page 4.P-9

*"The estimated future electrical loads used for this analysis are based on commonly accepted consumption factors."*

What are these commonly accepted consumption factors? Who accepts them? Do they take into account the goal of sustainability and increasing awareness of the need to conserve energy as well as technological advances expected to occur over the next 30 years?

386

Page 4.P-10

*"Natural gas loads for the DSP and DSP-V also were projected based on proposed land uses and square footages of such uses."*

How are natural gas loads for different land uses determined? It says 'Title 24' will be used but how? Does it use the maximum permissible as a baseline or something else? Is there any provision change in Title 24 as time goes on? Standards are increasing as of Jan 1, 2014 and will likely do so again many times over the period of build out of the Baylands.

387

Page 4.P-10

*"Projected vehicular fuel use associated with ongoing Project Site development operations were estimated using URBEMIS model runs conducted to estimate baseline and Project-related air pollutant emissions"*

The URBEMIS model outputs Total Trips and Vehicles Miles Traveled but do the calculations for vehicular fuel use account for changes in regulation and technology over the period of build out? How would stricter CAFE standards and increased adoption of electric vehicles affect estimates for fuel use?

388

Page 4.P-10

References Appendix N which references in footnote 2:

[http://www.epa.gov/oswercpa/docs/r09-11-004\\_brisbane.pdf](http://www.epa.gov/oswercpa/docs/r09-11-004_brisbane.pdf)

This is a broken link.

389

Page 4.P-11

Paragraph 2 mentions "new utility trenches for electricity and natural gas. . ." Paragraph 6 also mentions "regulations pits . . . 20' long by 45' wide". Details of these trenches are covered in the appendices. If details are not included in the section, then the appendices that have details should be referenced.

390

Page 4.P-11

Paragraph 6 mentions "regulations pits. . . 20' long by 45' wide" Are these also covered in another section? What is the purposed depth of the pits?

391

Page 4.P-11

Details should be placed in an appendix for PG&E standards including: Trenches and pits should be explained in detail; including purpose and all dimensions details of electrical and gas lines, and installation of infrastructure.

392

Page 4.P-13

Paragraph 2 states, "See section 4.A. . . , 4.B. . . 4.C and 4.F for a discussion of operation impacts of energy generation infrastructure and facilities in relation to potential. . . impacts." The energy generation infrastructure is not directly addressed in any of these chapters.

393

Page 4.P-14-18

Mitigation Measure 4P-1

This measure requires several steps from construction contractors to reduce energy usage.

How would this measure be enforced, and who would do it?

Mitigation Measures 4P-2A, -2b, -2c

Beginning on p. 4P-17, the DEIR states this measure "... requires Project Site development to exceed the Title 24 energy efficiency standards effective as of the date of certification of this EIR by at least 20 percent." Project build out will take decades, and the standards effective as of the date of certification of the EIR will soon be inadequate. It would be preferable to require that building energy efficiency standards must exceed state minimum standards as of the date the project is approved by at least 20%.

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395



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Measure 4P-2b requires LED based lighting. It would be better to require the most efficient lighting appliances in use at the time of project approval.

Measure 4P-2c specifies a certain number of megawatt hours of renewable energy generation. This measure should be restated to require renewable energy generation in amounts that take into account future technological improvements.

Page 4.P-3, 15

Page 3 p1 states 1,784.6 MWh of electricity are used annually on the project site. pg 15 p5 states the existing electrical consumption within the project site is 8,084.6 MWhs. It is unclear that one value is exclusive for Recology and the other value is the total for the project site. This should be made clearer to understand.

General comments on section 4.P:

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

2. At various points in the Energy Resources section, it cites various metrics used. Title 24 Standard, targets established in S-14-08 and S-21-09, Assembly bill 1007, etc. This chapter becomes very confusing. A chart is needed to show what standards are being applied to which Project Impacts

3. 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. In Life-Cycle Energy Use in Office Buildings, comparative study is done on embodied energy, below is a chart showing energy for a 50 year building life. At the conclusion of the study it states, "Over a typical 50 year building life, the initial embodied energy of the structure represents a relatively small portion of life-cycle embodied energy (i.e. less than 5%) and, as a consequence, the distinction between wood, steel and concrete systems is also less marked. Reducing embodied energy involves much more comprehensive design approaches than materials' substitution" (Cole and Kernan 317). Embodied energy should be considered to reduce energy use during operation when energy use is the highest.

<http://amet-me.mnsu.edu/userfileshared/solarwall/benchmarking/Misc/Life-Cycle%20Energy%20Use%20in%20Office%20Buildings.pdf>

Table 6. Life-cycle energy use — 50 year building life

|  | Vancouver                   |     |                             |     |                             |     | Toronto                     |     |                             |     |                             |     |
|--|-----------------------------|-----|-----------------------------|-----|-----------------------------|-----|-----------------------------|-----|-----------------------------|-----|-----------------------------|-----|
|  | Wood                        |     | Steel                       |     | Concrete                    |     | Wood                        |     | Steel                       |     | Concrete                    |     |
|  | Energy (GJ/m <sup>2</sup> ) | %   | Energy (GJ/m <sup>2</sup> ) | %   | Energy (GJ/m <sup>2</sup> ) | %   | Energy (GJ/m <sup>2</sup> ) | %   | Energy (GJ/m <sup>2</sup> ) | %   | Energy (GJ/m <sup>2</sup> ) | %   |
| With underground parking               |                             |     |                             |     |                             |     |                             |     |                             |     |                             |     |
| Initial                                | 4.54                        | 7   | 5.13                        | 8   | 4.79                        | 8   | 4.54                        | 5   | 5.13                        | 5   | 4.79                        | 5   |
| Replacement and repair                 | 6.32                        | 10  | 6.56                        | 10  | 6.45                        | 10  | 6.32                        | 6   | 6.56                        | 7   | 6.45                        | 6   |
| Operating                              | 52.50                       | 83  | 52.50                       | 82  | 52.50                       | 82  | 88.05                       | 89  | 88.05                       | 88  | 88.05                       | 89  |
| Total                                  | 63.36                       | 100 | 64.18                       | 100 | 63.74                       | 100 | 98.91                       | 100 | 99.73                       | 100 | 99.29                       | 100 |
| Operating/year                         | 1.05                        |     | 1.05                        |     | 1.05                        |     | 1.76                        |     | 1.76                        |     | 1.76                        |     |
| Equiv. no. of years of embodied energy | 4.33                        |     | 4.88                        |     | 4.56                        |     | 2.58                        |     | 2.91                        |     | 2.72                        |     |
| (Operating/replacement/repair)/year    | 1.18                        |     | 1.18                        |     | 1.18                        |     | 1.89                        |     | 1.89                        |     | 1.89                        |     |
| Equiv. no. of years of embodied energy | 3.86                        |     | 4.34                        |     | 4.06                        |     | 2.41                        |     | 2.71                        |     | 2.53                        |     |
| No underground parking                 |                             |     |                             |     |                             |     |                             |     |                             |     |                             |     |
| Initial                                | 4.26                        | 7   | 4.86                        | 8   | 4.52                        | 8   | 4.26                        | 5   | 4.86                        | 5   | 4.52                        | 5   |
| Replacement and repair                 | 6.32                        | 11  | 6.6                         | 11  | 6.42                        | 11  | 6.32                        | 7   | 6.60                        | 7   | 6.42                        | 7   |
| Operating                              | 47.95                       | 87  | 47.95                       | 81  | 47.95                       | 81  | 81.80                       | 89  | 81.80                       | 88  | 81.80                       | 88  |
| Total                                  | 58.54                       | 100 | 59.40                       | 100 | 58.89                       | 100 | 92.39                       | 100 | 93.25                       | 100 | 92.74                       | 100 |
| Operating/year                         | 0.96                        |     | 0.96                        |     | 0.96                        |     | 1.64                        |     | 1.64                        |     | 1.64                        |     |
| Equiv. no. of years of embodied energy | 4.45                        |     | 5.06                        |     | 4.71                        |     | 2.61                        |     | 2.97                        |     | 2.76                        |     |
| Operating + replace & repair           | 1.09                        |     | 1.09                        |     | 1.09                        |     | 1.76                        |     | 1.77                        |     | 1.76                        |     |
| Equiv. no. of years of embodied energy | 3.91                        |     | 4.45                        |     | 4.15                        |     | 2.42                        |     | 2.75                        |     | 2.56                        |     |

4. While I understand that the chosen metric for CO2 is per service population, it is important to note that the development of the Baylands will create a 16 fold increase in CO2 emissions within the project site (reference table 4.P-1). Current consumption is 1,784 MWh vs. DSP demands of 29,600 MWh in addition to renewable energy generation. Let's not forget that the panels themselves have an embodied energy that must be repaid before they can be considered as carbon offsets.



5. Please provide a map that shows all existing and proposed power and gas pipelines on the project site. This map should include the Kinder Morgan fuel pipeline and all other pipelines. 403

6. What will be the effect of ground borne vibrations on aging pipeline? What mitigation measures will be taken to prevent rupture of pipelines? 404

## **Chapter 5: Alternatives**

### **Page 5-26**

Under the social equity objectives, letter N states, "...No Project-General Plan Buildout Alternative would likely fall short of creating the critical mass needed to support robust expansion of transit services needed to meet this objective." This statement appears to have the opinion that lack of population increase in the area is detrimental. Secondly, public transit will not provide service to areas that do not need it. 405

### **Page 5-44**

Table 5-6 the terms and units in this table are difficult to understand. Terms should be translated in the footnotes, e.g. capacity and generation. 406

General comments on Chapter 5:

1. If there were no remediation of the project site, would it be a superior alternative over time if left alone? What will be the future state of the landfill site if not closed? How superior will it be if the site is in environmental compliance with no project development 30 years from now? 407

2. Alternatives are not studied, what is the impact? How has the environmentally superior alternative been determined? 408

## **Chapter 6: Impact Overview, Growth Inducement and Cumulative Impacts**

### **Page 6-1**

In Table 6-1 displays that only the CPP-V scenario has significant and unavoidable impacts for Impacts 4.C-1. This contradicts page 6-20 where all projects display an LCS impact. 409

### **Page 6-13**

Figure 6.1B. In reviewing cumulative impacts, it appears that only projects within approximately an eight mile radius were considered. The US average commute is 24 minutes. We failed find the commute data in miles, however, an estimate of 12 to 24 miles seems reasonable. Give the average mobility of the US worker, air born pollution, and green house gases; it seems a larger area should be considered for these impacts. A reasonable area would be 12-24 miles for housing, population and traffic.  
<http://blogs.kqed.org/newsfix/2013/03/05/san-francisco-bay-area-nations-capital-for-megacommute/> 410

### **Page 6-16**

Paragraph 2. "...build out of the Project Site under each development scenario would result in disjointed and inconsistent development across the Project Site resulting in a poorly designed area with an over all adverse effect on the existing visual character." Searching 4.A and failed to find this language in that chapter. Statements made in chapter 6 and all other chapters in the DEIR should be consistent. 411

### **Page 6-19**

A yet larger still area is needed for air pollution and green house gases. One has only to think of the acid rain issues between Canada and the US to understand that air born pollution can and does travel substantial distances in potent concentrations to cause environmental damage. The statement on pg 6-19 "Toxic air containments produced at distant locations do not readily combine to create concentrations of toxic air contaminants at any single location. . ." is lunacy in light of the large body of science around this issue. i.e.: "In 1995, the estimated transboundary flow of sulphur dioxide from the United States to Canada was between 3.5 to 4.2 millions of tones per year."\* Instead of using a larger area for air born pollution, the DEIR uses a smaller area "(within 1000)" pg 6-19. 412



Open Space & Ecology CEQA Comments on Brisbane Baylands Draft EIR – 2013

|   |     |
|---|-----|
| <u>Page 6-21</u>  |     |
| "Although more mobile species might be able to survive continuing habitat loss by moving to new areas, movement corridors are limited. . ." This language also only appears in this section and is not included in Biological Resources where it would also be relevant.  | 413 |
| <u>Page 6-21</u>  |     |
| ... "mitigation is proposed for bird strike impacts to increase nighttime visibility of buildings." What effect will this have on bats and night flying insects? This will clearly have significant impact on light pollution. In what section is this mitigation measure purposed? We were unable to find it anywhere else.  | 414 |
| <u>Page 6-23</u>  |     |
| "The significance of these resources is site-specific, since they do not involve a common involving a resource type or theme." The land itself is a resource and should be considered as such.  | 415 |
| <u>Page 6-32</u>  |     |
| "because each community's General Plan sets forth policies to protect the character of existing development, it is anticipated that cumulative projects adopted in a manner consistent with those General Plans would not cumulatively degrade the existing character of area land uses." It is not possible to dismiss these cumulative impacts under conditions where the DEIR specifies changing the General Plan as a mitigation measure.   | 416 |
| <u>Page 6-34</u>  |     |
| Table 6-4. This table only shows cumulative traffic noise impacts for two projects at a time. This is laughable since we have ten or more projects in the area to consider.   | 417 |
| <u>Page 6-35</u>  |     |
| p5 "San Bruno Mountain which has the potential to heighten acoustical propagation under certain meteorological conditions. . ." YES! Why is this acknowledged fact missing from other relevant chapters?  | 418 |
| <u>Page 6-42</u>  |     |
| States, "non-residential development does not typically generate the need for additional recreational facilities." Healthy people are part of a healthy environment. Therefore facilities must be provided for employees to exercise during their breaks. Theses facilities might differ slightly from traditional parks, but should be included in specific plan regardless. Also, since parents have the option to school their children based on their place of employment, additional parks will be needed to serve this population.  | 419 |
| <u>Page 5-16 and 6-42</u>   |     |
| Are recreational facilities adequate or inadequate. Statements in these 2 different sections seem to contradict each other.   | 420 |
| <u>Page 6-43.</u>   |     |
| p3. "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 planing 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 planing, how will this be mitigated?<br><a href="http://web.singnet.com.sg/~dgswee/">http://web.singnet.com.sg/~dgswee/</a> | 421 |
| <u>Page 6-46</u>  |     |
| Combine 2nd and 3rd paragraph.  | 422 |
| <u>Page 6-48</u>  |     |
| We also commented on the problem of landfill capacity in Chapter 4.O however the situation is made even clearer here. "...the current landfills serving the Project Site would reach full capacity by 2025 or earlier, with the exception of one landfill, which is projected to reach capacity at 2077". Based on the projected 20 year build out  | 423 |

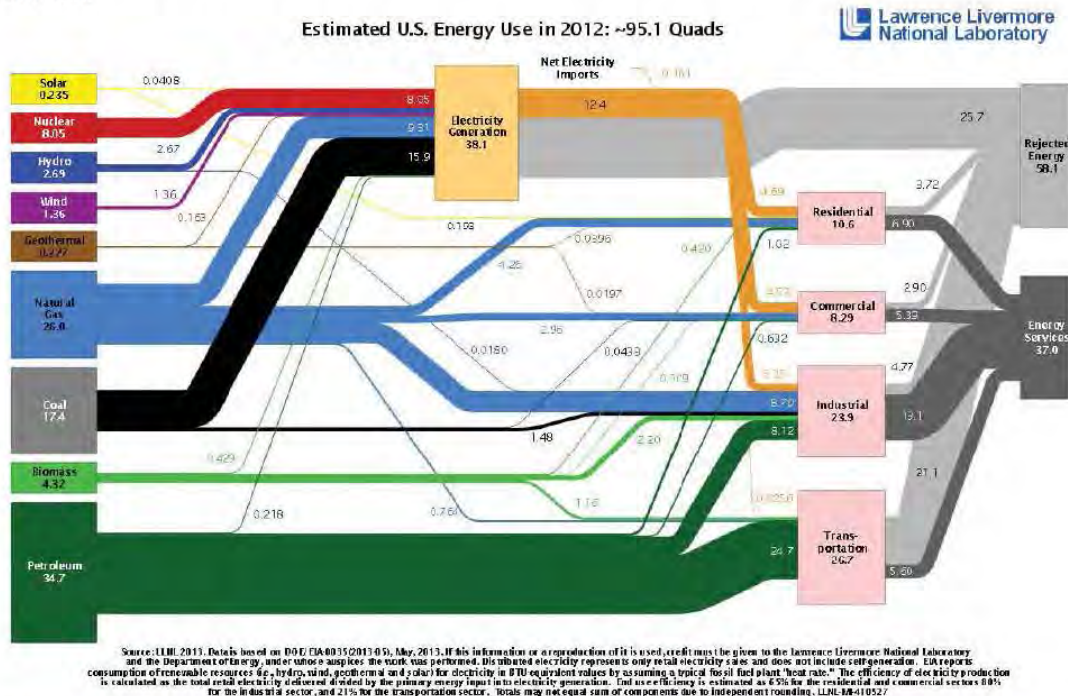


with completion date in 2034 (or later), this project would be completely reliant on the one remaining landfill for about half of the project's proposed life. Is the 2077 projected closing date based on the current rate of use or the higher rate of use that will result when all other landfills servicing this region are closed and 100% of solid waste generation will be handled by only one site?

423  
cont.

Page 6-50

Paragraph 3. Since PG&E and the energy generation system in the US is inherently wasteful, how can any project reliant on these systems be deemed "not wasteful of energy"? Below is an energy flow chart that displays the U.S. Energy use in 2012. At the bottom of the figure it is stated that, end use efficiency for residential and commercial is 65%, industrial sector 80% and 21% for the transportation sector. With 58.1% of energy rejected, this system is not efficient.



424

[https://flowcharts.llnl.gov/content/energy/energy\\_archive/energy\\_flow\\_2012/2012newUSEnergy.pdf](https://flowcharts.llnl.gov/content/energy/energy_archive/energy_flow_2012/2012newUSEnergy.pdf)

General comments on Chapter 6:

1. 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 bay area. The fact that it overruns mitigation measures, population and job growth, air quality attainment, traffic congestion, and other areas 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.

425

2. How much recreational space required by the Quimby act is unclear. Please give specifics on how this is determined besides the formula used.

426

**Chapter 7: Sustainability (Comments that are from different sections in the document are relevant to chapter 7)**

Page 4.P-12

"Because Project Site remediation is, in fact, required and not optional, the energy consumed returning the Project Site to a safe and healthy condition is not considered to be wasteful. Although the extent of Project Site development is large, construction and development would occur over a 20-year period, and demand for construction-related electricity and fuels would be spread out over that time frame."

427



If project site remediation is required to return the site to a safe & healthy condition but will occur over a 20 year period, how will that impact people in proximity to un-remediate areas during the course of the build out? Assuming remediation will be done in patches and not all at once, how will exposure rates be controlled to the local population of harmful airborne contaminants? By necessity, there will have to be increased remediation at the early phases of the project.

427  
cont.

Page 7-1

The APA lists several key contributions to an unsustainable future. This section is lacking overall ecological limits for Brisbane's resources.

428

The APA says sustainability is being able "to meet the needs of a growing human population that has rising aspirations for consumption and quality of life, while maintaining the rich diversity of the natural environment or biosphere." The Brisbane community does not have rising aspirations for consumption. This definition should be reworked completely since it does not accurately characterize Brisbane's population. This definition should not appear in the Sustainability section of this chapter since it does not characterize Brisbane's view on how the community should achieve sustainability. Please provide the source of the statement that the residents of Brisbane have aspirations for consumption.

429

Page 7-2

The last sentence in the first paragraph of the Principles of Sustainable Community Development section contains the phrase "Project Sire development". The word "Sire" should be changed to "Site".

430

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.

431

Page 7-5

Who will pay for the free transit passes for residents?

432

Page 7-5.6

Air quality, GHGs, energy use. We suggest the following additional mitigations, which will reduce NOx and GHGs related to natural gas combustion *because* they will reduce energy use:

1. Building commissioning. Commissioning is a review process intended to determine that building systems are functioning properly. The following language is copied/quoted from the California Commissioning Collaborative ([www.cacx.org](http://www.cacx.org))

**What is Commissioning?**

*"The following is quoted from the California Commissioning Collaborative"*

*The term commissioning comes from shipbuilding. A commissioned ship is one deemed ready for service. Before being awarded this title, however, a ship must pass several milestones. Equipment is installed and tested, problems are identified and corrected, and the prospective crew is extensively trained. A commissioned ship is one whose materials, systems, and staff have successfully completed a thorough quality assurance process.*

433

*Building commissioning takes the same approach to new buildings. When a building is initially commissioned it undergoes an intensive quality assurance process that begins during design and continues through construction, occupancy, and operations. Commissioning ensures that the new building operates initially as the owner intended and that building staff are prepared to operate and maintain its systems and equipment."*

Environmental business consultant Auden Schendler, author of *Getting Green Done* (Public Affairs/Perseus 2009), argues that "Commissioning always leads to energy savings ...because all heating systems are overengineered, and none run properly when first installed" (p. 140). He offers an example in which a third-party commissioning engineer reviewed a building design and spotted an extra, unnecessary heat pump. Removing it saved \$10K "instantly" and reduced "the associated lifetime energy use and associated emissions of the building. *"The subsequent building inspection illuminated even more energy-saving opportunities"* (Ibid., 141).

2. Requiring "smart" meters in project buildings is among the mitigation measures suggested in this chart. We would suggest the addition of in-building displays, which are a complement to Smart meters. These displays communicate wirelessly with smart meters, and enable building residents or managers to track energy use in real time. Studies cited in the Wikipedia entry for "home energy monitors"

434



([http://en.wikipedia.org/wiki/Home\\_energy\\_monitor](http://en.wikipedia.org/wiki/Home_energy_monitor)) suggest that they may be an effective way to reduce energy use.

3. District-wide heating systems, which are widely used in Europe, are more efficient than individual furnaces and should be considered as a strategy to further reduce the use of fossil energy at the proposed development (all variants). The heat source may vary, as the following quote from the Wikipedia entry “district heating” explains:

*“District heating (less commonly called teleheating) is a system for distributing heat generated in a centralized location for residential and commercial heating requirements such as space heating and water heating. The heat is often obtained from a cogeneration plant burning fossil fuels but increasingly biomass, although heat-only boiler stations, geothermal heating, and central solar heating are also used, as well as nuclear power. District heating plants can provide higher efficiencies and better pollution control than localized boilers. According to some research, district heating with combined heat and power (CHPDH) is the cheapest method of cutting carbon emissions, and has one of the lowest carbon footprints of all fossil generation plants.<sup>[1]</sup> CHPDH is being developed in Denmark as a store for renewable energy, particularly wind electric, that exceeds instantaneous grid demand via the use of heat pumps and thermal stores.”*

Page 7-9

A possible mitigation measure for broken irrigation systems can be some sort of alarm system.

Page 7-12

The City of Brisbane should be notified when a biologist will do the burrowing owl nest survey.

Page 7-16

Mitigation measure 4.C-4d states that a building higher than 100 feet requires consulting with a biologist. 50 feet would be more reasonable.

General comments on Chapter 7:

1. Co-generation should be considered for the site instead of conventional boilers that are less energy efficient. This chapter was written in a linear fashion in which the interrelationships of the components that make up sustainability are lost. The box-like format does not allow the reader to see how sustainability is connected to the rest of the parts included under CEQA.

2. It is unclear why the term sustainability is not included under CEQA.

434  
cont.

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Planning Department, City of Brisbane  
 John Swiecki, Community Development Director  
 City Clerk, City of Brisbane  
 Revised 12/16/2013

The Baylands DEIR fails to identify potentially significant impacts on air quality and on the recreational windsurfing resource at Candlestick Point or adopt critical mitigation measures to preserve this recreational resource as well as substantial usable public open space along the edge of the Bay.

For these reasons, I respectfully submit the following four comments...  
 Revised 12/16/2013

1

The Baylands DEIR fails to identify potentially significant impacts on air quality and on the recreational windsurfing resource at Candlestick Point or adopt critical mitigation measures to preserve this recreational resource as well as substantial usable public open space along the edge of the Bay.

For these reasons, I respectfully submit the following four comments relative to the DEIR:

1: The actual water area most frequently used by windsurfers at Candlestick Point State Recreation Area and most critical to this recreational resource for safety and viability was misidentified in the DEIR. The rectangular true critical area is bordered by the Eastern edge of the Baylands and Southern edge of Candlestick Point and begins immediately at the Western edge of the Bay along Highway 101 and extends approximately 3,300' East then moves North a length of approximately 3,000' to terminate at the South edge of the Candlestick Point State Recreation Area.

2

GPS sailing records used in part to determine the study area reported in the DEIR also show sailing in this area. The GPS sailing records are skewed by the particular prevailing wind direction when the records were made. Furthermore, the GPS sailing records do not necessarily reflect the area typically used by most windsurfers for reasons such as safety or access to stronger wind or smoother water conditions.

3

The DEIR also did not measure any new impact points in this critical area specific to the Baylands project closer than approximately 1,500' from the East edge of the Baylands project site unlike both the Executive Park and 300 Airport Boulevard projects, for which impacts were considered immediately adjacent to and downwind of the project sites. This critical area was also sparsely covered by new impact measurement points made in 2012 specific to the Baylands project and the most impacted Western areas of this critical area were not measured at all. Only the Eastern or South-Eastern portions of this critical area were studied in newly measured Baylands project-specific impact points, covering only 25% of the total critical area on average for the primary wind directions of West, West-Northwest, and Northwest.

4



2: The significance test used in the DEIR to assess impacts to the windsurfing resource at Candlestick Point is invalid. The DEIR measures relative change in wind speed. However it does not establish what the absolute pre-impact or post-impact wind speed levels are or will be. Without this information, it is impossible to determine what change in availability in the recreational resource will result post-impact. This relative wind speed significance test has not been adopted by Brisbane under an appropriate CEQA adoption process subject to public review.

Determining acceptable absolute minimum wind levels is easily established by a survey of existing users, discussion with professional forecasters, or consulting historical data. Without absolute pre-impact and post-impact wind levels and without criteria for acceptable use of the recreational resource in terms of these absolute wind levels, the DEIR cannot and does not determine the potential actual impact on the availability of the resource.

5

Windsurfing is not proportionally impacted by relative wind speed changes. Beyond certain minimum thresholds, the resource is no longer viable. An example of where minimum absolute wind standards have been identified is the 34th America's Cup Regatta. Using the same data provider employed by the 34th America's Cup Regatta and a conservative definition of minimum acceptable conditions as they exist today, an analysis of three years of historic data was conducted by the Candlestick Preservation Association. They found that a 5% to 10% decrease in the average wind speed at this site would reduce the number of sailable days at Candlestick Point by 9% to 44% per year on average based on scaling historic wind levels and reapplying the minimum acceptable conditions criteria. This scaling of absolute wind speeds is a method suggested in the DEIR to translate the relative reported changes into absolute wind levels.

3: The current trash processing facilities upwind of Candlestick Point have been generating incredible noxious odor and air pollution for many years. Many complaints have been registered, but the trend continues unabated. Monitoring, testing, and enforcing odor and other air quality issues requires access to jurisdictions that are outside of Brisbane. Furthermore, current regional air quality and pollution control agencies are unwilling or unable to stop air pollution in this vicinity as witnessed by the perpetual odor. No meaningful provisions have been included in the DEIR for the local establishment of air quality standards, prevention of dissemination of odor and carcinogens into the air, monitoring and testing of the same, enforcement of such standards, and penalties for violations. Despite incredible continual odor discharge from July to September of 2013, for example, the Bay Area Air Quality Management District levied a total of only \$300 in fines against Recology facilities on the Baylands.

6

4: For the maximum long-term benefits for both public welfare and private value, a substantial minimum Waterfront Preservation District should be established along the length of the Eastern edge of the Baylands adjacent to Highway 101 and the Bay. Not all open space is equal and waterfront enjoyment cannot be replicated by patches of green space scattered behind buildings that dominate and monopolize the shoreline. Research

7



has shown that great value accrues to municipalities that use setbacks to keep buildings well away from the water and use stepped massing to gradually increase building heights in moving away from the water.

For the sake of Brisbane residents, visitors, businesses, tourists, and the general public, a substantial setback and public open space allowance should be made along the water. In addition, maximum height limits should be substantially lowered to be commensurate with existing structures in the vicinity. Orientation and streamlining should also be incorporated to minimize wind turbulence increase and wind speed reduction impacts to the windsurfing area. Once this open space is committed to development it will likely be lost to the public in perpetuity.

Finally, I concur with the public comments for this DEIR prepared and submitted by the Candlestick Preservation Association.

Thank you for your consideration and your diligence in this matter.

Sincerely,

7  
cont.

8



Candlestick Point is one of the premier windsports destinations in the United States. But after 30 years, the adjacent Baylands development threatens to block the wind and increase pollution.

Under current proposals, buildings could reach as tall as 200' above sea level and as close as nearly 500' from the water's edge. The current upwind trash plant that generates incredible stench and litter is proposed to quadruple in size and handle additional noxious compost and other potentially hazardous waste.

Current environmental impact studies that claim the development will have no impact on Candlestick do not (1) measure the true recreational windsurfing area in use or (2) use a valid impact significance test that measures absolute post-impact change in the recreational resource availability.

More information is available at our website: [www.KeepItWindy.org](http://www.KeepItWindy.org).





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CPA2

# **PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT AND OTHER PUBLIC PLANNING PROCESSES**

**REGARDING THE  
BRISBANE BAYLANDS  
AND RELATED PROJECTS**

Candlestick Preservation Association  
December 2013







## Preface

This document contains public Comments for the Baylands area Draft Environmental Impact Report and subsequent planning processes. These Comments apply to the Baylands Project, the Recology expansion, as well as successor and related projects in Brisbane and San Francisco.

We are excited by the potential of the Baylands developments. The Baylands is one of the largest undeveloped urban waterfront sites presently available in the Country. This site could become a paragon of universally beneficial public and private waterfront cooperation. It could create a new standard for development on the Peninsula, embrace and foster the natural resources and recreational activities in the vicinity, and provide a multitude of lifestyle and income benefits for the surrounding communities.

This development could break the trend of “suburban blight” and sterile business park ghost towns that predominate the Peninsula waterfront. To accomplish this, it will not be enough to simply intersperse token green spaces and mixed-use elements as an after-thought. The Project should place public waterfront enjoyment, preservation, and amenities at the core of the development.

Countless examples show that real public lifestyle benefits improve real estate values, city revenues, business incomes, and the quality of life for residents and visitors alike.

These Comments generally refer to any Project in and around the Baylands and vicinity of Candlestick Point State Recreation Area. The intent is that they will be applied where appropriate for specific projects and process stage. It is prohibitively costly to produce separate sets of comments for each stage of each project, especially when the comments will be substantially the same.

These Comments are separated into four parts:

- Part I explores Baylands development alternatives and benefits of general waterfront preservation relative to the status quo of waterfront development on the Peninsula and San Francisco
- Part II examines potential impact of the proposed Project on the recreational windsurfing Resource at Candlestick Point State Recreation Area as well as ways in which the Resource can be preserved
- Part III distinguishes these Comments from those for which the Master Response for the 300 Airport Boulevard project was prepared, a project that underwent a similar wind impact analysis
- Part IV reports the results of a public petition formed in support of these Comments

The general public who participate in planning and entitlement processes often do not have access to funding or resources available to public agencies and private project sponsors. Public participation in these processes is long, complicated, expensive, and usually entirely volunteer-based.

We have faith that the various agencies, officers, representatives, and the general public will receive these Comments with deference to these challenges to public involvement. It is our hope that the spirit and intent of these Comments will prevail over any discrepant details or technical omissions.

We urge all who read these Comments to consider the seriousness of underestimating risks to surrounding natural resources. A margin-of-error in favor of preservation at this stage has been shown time and time again to be one of the best investments a community can make for both public and private long-term interests.

It is always possible to loosen preservation restrictions later but practically impossible to reclaim natural resources once lost.

Capitalized words and phrases are defined in Appendix A. All geographic measurements herein are as accurate as possible but are approximate.



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# PART I

## A CALL FOR REAL LEADERSHIP IN WATERFRONT DEVELOPMENT





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Figure 1: Brisbane Baylands and Vicinity Viewed From the North

## 1 A Broad View of Peninsula Waterfront Development

Bayfront development on the Peninsula in the vicinity of the Project consists largely of office, hotel, and warehouse business parks with running paths, marinas, and a few small green spaces interspersed throughout. These surroundings are shown in Figure 1.

This use of land provides employment facilities, tax revenue, and ancillary services and retail opportunities. These could be referred to as “income benefits” to the community.

### 1.1 Sterile Business Park Ghost Towns

This development pattern also produces a sterile business park ghost town feel. Non-income benefits to surrounding communities at large is limited. Most people who live in these communities do not engage with



these business parks. The green spaces are often small and little more than lawns with a few benches.

These interspersed green spaces serve more to create views for office employees looking out of their windows than to members of the community who wish to use them for any practical purpose. In short, there are few “lifestyle benefits” to this land use pattern.

These waterfront business parks are ubiquitous on the Peninsula. They are contributing to a phenomenon some are calling “suburban blight.” They are known for “a sea of asphalt to get people into their little cubicles and have them do routine office work.” Part of the motivation for this land use pattern is from employers who have been generally pleased that such parks are free of distractions for workers.

Instead of encouraging them, many communities in the largest U.S. cities are trying to transform, redevelop, and prevent them from developing or expanding [22]. At the core of this land use reversal is incorporating lifestyle elements and an emphasis on cultivating and preserving substantial usable open spaces.

## 1.2 Overdeveloped Commodity

The evidence of the vulnerability of this commodity is the incredible drop in demand for suburban office space and commensurate drop in supply. In 1988 and 1989, more than 160 million square feet of new suburban office space was developed. In 2011 and 2012, just over 12 million new square feet was developed – a 20 year low [22].

### Substantial Excess Peninsula Business Park Supply

At present, millions of square feet of new suburban business park space that has been developed on the Peninsula is sitting dark and unoccupied. This space spans the range of commodity office to warehouse to laboratory. There is no shortage of available space from new premium development to highly discounted older stock. Throughout the Peninsula, all communities are competing and fighting to offer incentives and give-aways to increase occupancy.

Many communities actively solicit and attempt to poach tenants from nearby communities with new incentives. Larger communities with an existing diverse income streams may be able to offer stronger incentives to attract new tenants than smaller communities with fewer sources of income. Communities may also have other incentives such as greater local services option, desirable proximity to housing and transportation, or other factors that are difficult to replicate.

In such a market, net absorption does not tell the whole story, because that quantity does not reveal the tenant improvement dollars, tax relief, training subsidies, deferments, or other benefits that private and public agents may use to lure tenants at the expense of revenues.

It should be clear that the “build it and they will come” philosophy has substantial risk with respect to these Peninsula business parks.

### Brisbane Ranks First in San Mateo County Office Vacancy Rate

According to Colliers International, as of August 2013, Brisbane ranked #1 in office space vacancy in San Mateo County with over 54% of its office space vacant (460,000 SF available). Brisbane’s current vacancy rate is over well four times higher than the average for San Mateo County municipalities.

Collectively in San Mateo County, over 4.4 million square feet of office is currently vacant. Adjacent communities of South San Francisco and Daly City have the 2nd and 3rd highest vacancy rates with combined nearly 1 million square feet of available space. Brisbane 2013 net absorption year-to-date was reported at less than 10% of outstanding vacant space. [12]

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cont.



### Supply and Conflicts Continues to Increase

Despite this incredible abundance of supply, municipalities and developers continue to approve and fund development of new supply. In office space alone, this 4.4 million square feet vacancy figure does not include new projects already approved or under construction. For example, in Downtown Redwood City, the Crossing/900 project will add 300,000 square feet of office space by second quarter of 2015 [12].

Immediately adjacent to the Baylands Project, Visitacion Valley is preparing to move forward with a 24-acre redevelopment that would include a 90,000 square foot retail component that will be presumably anchored by a grocery store. Just to the East, the Executive Park project, for which some phases are already complete, has already and will include expansion with several hundred thousand square feet of commercial office space. Farther to the East, The Hunters Point / Candlestick Point project (detailed below) will include 700,000 square feet of retail and 2.5 million square feet of state-of-the-art commercial business park space.

Some of the interests that are behind the present Baylands Project also have interests in these other adjacent projects (Visitacion Valley and Executive Park). When one developer controls multiple sites in different communities, the developer can phase development and push potential tenants to the sites in a way that benefits the developer most at the possible expense of the different communities.

Where conflicts like this exist, the communities within which these sites are located should not assume that developers will always advance community interests. This “lock-up” strategy is one of the most basic methods of circumventing competition and gaining leverage over communities and tenants.

The preceding project statistics come from the San Francisco Planning Department and the San Francisco Office of Community Investment and Infrastructure.

### 1.3 Drawbacks of Dependence on Income Benefits

The stream of income benefits to communities from commercial development is dependent on a relatively fixed and brittle commodity. Office and warehouse space is subject to obsolescence in design, competitive threats from other new buildings and incentive programs, and changing business climates.

Generally office and warehouse space begins life as “Class A” and commands the highest rents. Over time, rents typically fall on a relative basis or require continual reinvestment. The development typically becomes less valuable over time.

Communities that depend on such income streams continually risk budget gaps due to income shortfalls. Planning for the future is uncertain given such a risky income stream. Brisbane has recently experienced tenant turnover in Sierra Point and the accompanying problems that occur and will continue to occur with dependence primarily on this form of benefit.

Another risk that accompanies such development plans is that the absorption pace and buildout is unknown. Projected incomes may take longer to materialize. Increasing development pace may create excessive supply, decrease revenue, and increase servicing costs. Importantly, on-site amenities or infrastructure that are tied to specific phases may or may not occur on schedule or at all.

### 1.4 Effect on Downtown

An obvious risk to development is the cannibalization of existing real estate supply. The introduction of new commercial and residential supply can lure both buyers and tenants away from historic downtowns, for example.

New building is more modern, functional, exciting, and importantly, includes new tenant improvement money that can be a tremendous inducement to locate or relocate. These tenant improvement dollars also attract

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cont.



competitive new tenants from outside of the community.

The collective effects of such development is clearly impossible to fully predict. However, some rules-of-thumb are generally accepted.

For example with retail, it is widely recognized that “malls hurt downtown.” In a joint paper by University of Massachusetts and Michigan State [27], the authors write that “[local stores] unable to compete with the mall in terms of prices and variety will inevitably close. Family-owned stores will suffer and few will survive the transition. An overwhelming number of the malls tenants are already in the marketing region, as there are no new markets, only stolen markets. Furthermore, a herd instinct prevails, once a key merchant moves to the mall, others follow suit. Downtowns will be forced to carry specialized goods not offered by the mall, or change its focus...”

### 1.5 Effect on Sierra Point

Retail and office in Downtown Brisbane will not be the only supply hurt. Existing Sierra Point business park space will also be impacted by the introduction of new supply. Tenants will be eager to move to new facilities and the developers will be eager to court and incentivize them.

Every developer knows that the easiest source of tenants are nearby relocations. It would be shocking, in fact, if such conversations have not already begun.

### 1.6 Other Options

At the outset, it is clear that “yet another business park” along the waterfront has substantial very real risks to the community. One key to understanding these risks is to realize that the public community and the private developer do not necessarily have the same interests.

However, it is entirely possible for both private developers and the general community to prosper together. Some of the keys to this is to consider the entire possible scope of benefits that both can receive. Benefits to the community, for example, should not be limited to tax and fee revenue.

Benefits to both should also occur regularly over time. Both short-term and long-term gains need to be programmed. It is not realistic to take upfront disproportionate risks for highly uncertain future benefits. These risks to the community include granting approvals and permits that obligate them to provide services while also limiting future opportunities and benefits.

Is there any reason to assume that the current model that dominates the Bay waterfront on the Peninsula is the only option? Does Brisbane have to settle for more of the same while simultaneously taking on substantial risks with little immediate benefit to the vast majority of the community? Does Brisbane have an opportunity to make a mark on the Bay Area and potentially entire Country or does it have to settle for the first thing that comes its way?

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cont.







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Figure 2: Fontana Residential Complex, San Francisco

## 2 Lessons from the Past

While Figure 1 shows the extent and pervasiveness of these sterile ghost town business parks in the vicinity, waterfront development is not limited to commercial and industrial users.

### 2.1 Preventing “Manhattanization”

One important lesson from history can be found in San Francisco. Shown in Figure 2 is the controversial Fontana Residential Complex on the North side of the city. This complex when proposed in the 1960’s almost single-handedly began a revolution against the “Manhattanization” of San Francisco.



In 1960, the planning director of San Francisco James R. McCarthy sounded the warning: *“San Francisco zoning laws will have to be changed to prevent construction of a ‘Chinese Wall’ of skyscrapers along its waterfront. We want to avoid what has happened in lower Manhattan in New York, where views of the bay are blocked by high rising buildings.”*

Former California State Assemblyman Casper Weinberger argued that the subsequent 40-foot height limit adopted in much of San Francisco *“will preserve for future generations one of the priceless assets of San Francisco, the whole relationship of the City to the Bay, and particularly, the views enjoyed by the public from publicly owned lands, such as Coit Tower and other City-owned recreational spaces.”*

In further testimony he continued, *“the Master Plan has for years provided that the height of buildings should generally follow the contour of the land, and that low rise buildings should be built on the low lands, such as the northern waterfront, and high rise at the tops of hills so that the loss of views, etc., will be minimized.”* [10]

For scale purposes, the view of Fontana in the figure above is from a distance offshore that is similar to where users of CPSRA engage in windsurfing recreation compared to some of the proposed plans for the Project.

## 2.2 Preservation Key to Thriving Success

No one can dispute the success that the San Francisco real estate market has enjoyed. Property values and revenues to the City are incredible. This height limit, which was fairly and uniformly applied except at the tops of some hills and certain special districts, has not prevented the City from thriving.

In almost every single “Top-10” list for things to do and see in San Francisco, the views are listed among the best of the best. Picture postcards often show these views taken on Powell Street looking North and framed by cable car. Instead of constraining the potential for the City, the height limit created incredible value for the City and kept the density from overwhelming infrastructure.

This is a tremendously relevant example of how a community applied a long-term perspective and enjoyed great success that benefited not just the City coffers but every resident and visitor.

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Figure 3: Candlestick Point and Hunters Point Shipyard Phase II  
Shown here is the non-stadium alternative 2010 plan for the Candlestick Point and Hunters Point Shipyard Phase II redevelopment by Lennar Corp. This plan was provided by San Francisco Office of Community Investment and Infrastructure (formerly San Francisco Redevelopment Agency). According to the San Francisco Office of Economic and Workforce Development, this plan would cover 700 acres of waterfront development with 10,500 new residential units, 300 acres of waterfront parks (including a new “Crissy Field of the South”), 700,000 square feet of retail and entertainment, and 2.5 million square feet of commercial/office space.

### 3 New Waterfront Development Competitive Pressure

There is an idea that new development on the Baylands should be considered separately from the existing supply. Possibly this new space provided by the Project would attract tenants that would not consider the existing space due to various reasons. The new space could be more functional or have different amenities absent from existing options. So possibly it would not cannibalize existing space but attract a new market. Unfortunately, Brisbane is not alone in preparing to bring on-line new state-of-the-art supply as mentioned above.

The adjacent Hunters Point Shipyard / Candlestick Point redevelopment shown in Figure 3 is already underway. It is slated to contain 700,000 square feet of new retail, 2.5 million square feet of commercial space (an amount that is more than 50% of the existing vacant office space in San Mateo County), and 10,500 new residential units.

In addition, it is planned to include 300 acres of waterfront parks, creating a “Crissy Field of the South.”



Unless the Baylands Project offers something different or more competitive, it risks succumbing to the same fate as commodity offerings elsewhere on the Peninsula or being subsumed by competitive new entrants such as Hunters Point / Candlestick Point.

Figure 3 shows how the Hunters Point / Candlestick Point open space system is comprehensive, embraces the waterfront, creates a transition between intense commercial and waterfront open space, and clusters development away from the water.

However, the irregular waterfront along Candlestick Point makes it difficult to create large contiguous waterfront spaces in the Candlestick Point areas closest to Highway 101. An advantage that the Baylands Project may have is the proximity to Highway 101 and the site envelope such that access to the waterfront open spaces could be much more visible, regular, and programmed with a wider range of uses.

The sheer scale and critical mass that the Hunters Point / Candlestick Point development may achieve along with the support of San Francisco will make it a very formidable competitor for new tenants. Both the public and private developers have extensive experience with developments on these scales and are familiar with many tools that can help bring funding gaps and realize visions quickly and efficiently.

Brisbane needs to have a superior offering and one that embraces the most valuable resource here – the waterfront – rather than walling it off behind a commodity business park. The waterfront needs to add value to all facets of the Project and community, not simply enhancing the desirability of the tall buildings that could easily monopolize it.

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cont.





## Chicago Lakefront Park System





## 4 Imagining the Possibilities

One of the unquestionably greatest successes of waterfront development in the United States is found in downtown Chicago. The Chicago Lakefront evolution has tremendous parallels to the Baylands.

The Lakefront park system including the world-renowned Millennium Park was built on an industrial wasteland. A landfill, railyard, and shipyard from the 1850's until the late 20th century, the public-private vision that has led to a 250-acre system of open space, museums, trails, entertainment venues, and parks is one of the most successful case-studies of waterfront development in the world.

The Baylands are a complete blank slate of waterfront development potential. This is probably one of the largest regularly-shaped undeveloped urban waterfront sites currently available in the United States. Compared to Chicago, this could be a year-round amenity with weather that is mild and accessible throughout all 12 months, making such open space potentially much more utilized than anywhere else in the Country.

The preceding page contains a brief snapshot of some of the sights of the Chicago Lakefront. The contrast with the aforementioned peninsula development pattern in the vicinity of the Baylands should be immediately obvious.

### 4.1 Immediate Benefits to All

Access to the waterfront is a public right in California. The views and enjoyment of the same should also be a public right in the City of Brisbane. Creating a Waterfront Preservation District that is more than just a few token patches of lawn with a running trail would be an immediate lifestyle benefit that would encourage a multitude of uses and enrich the lives of everyone in Brisbane and beyond.

The benefits would be immediate, would not be subject to the business park risks mentioned above, and would have large economic impact. There is virtually no substantial waterfront development of this sort on the Peninsula. It would be unique, desirable, and compliment the other tremendous assets that Brisbane has in terms of its natural setting, vibrant community, and proximity to San Francisco and the South Bay.

Not only would direct use of such an area be a benefit, but it would allow filtration of stormwater and catchment of some airborne litter to help improvement of the Bay water quality be a primary focus rather than an afterthought.

The current plan to expand a trash processing plant and monopolize the waterfront with buildings up to 200' above sea level does not provide benefits to all, removes the waterfront from the public space, and ignores that many lessons learned from the waterfront development experiences elsewhere such as in Chicago.

A trash plant, for example, is not the highest and best use for this land. A trash plant is not only a negative amenity for its odors, litter, and unsightliness, but also presents additional risks such as fire and explosion due to the inherent handling of raw and possible hazardous materials [5].

### 4.2 Real Economic Benefits

San Diego Magazine considered five cities as potential models for new waterfront development. They wrote about Chicago the following in 2011 [25]:

*...Chicago has done more than any other American city to foster beauty in its public realm over the past 20 years. The shining example is Millennium Park, the 24-acre jewel in the northwest corner of Grant Park on the site of a former parking lot.*

*This "art park"—which features world-class commissions created by Anish Kapoor and Jaume Plensa, stunning architecture including a pavilion and bridge by Frank Gehry and an addition to the Art Institute by Renzo Piano, plus brilliant landscape design—has become an economic blockbuster for the North Michigan*

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*Avenue neighborhood since opening in 2004.*

*The numbers tell a compelling story:*

- *The increase in value of adjacent real estate, directly attributable to Millennium Park, is projected to be \$1.4 billion over the next 10 years.*
- *Hotels will benefit over the next decade to the tune of \$482 million to \$586 million; retailers, \$529 million to \$711 million; and restaurants, \$672 million to \$867 million.*
- *In its first six months, the park attracted more than 2 million visitors. Now its 3 million annually, including international tourists who spend \$300 per day on average, according to City studies.*

*Millennium Park and The Bean (the affectionate name for the Kapoor sculpture) have become the new post-card images for the City, as well as a source of enormous civic pride. It's important to note that this public space was achieved over the objections of many who claimed the expenditure was frivolous or wasteful.*

*What Mayor Richard Daley understands is that investment in creating a beautiful public realm, whether through art, landscape or programming, has created extraordinary value by attracting even greater private investment.*

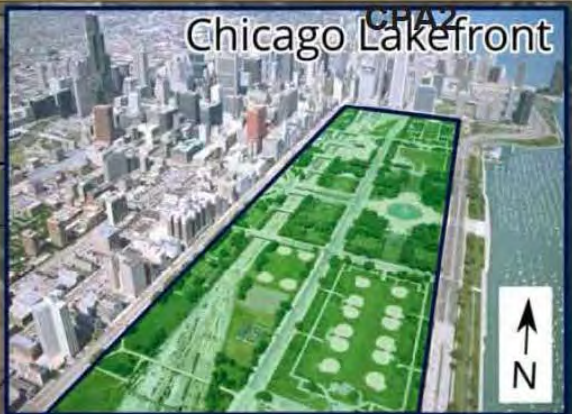
*The income benefits include revenue opportunities for everyone, not just for City Hall. Property appreciation throughout the surrounding area is continuing today. The attraction of new and desirable retail and services tenants to existing real estate supply was experienced rather than cannibalization caused by constructing another new mall.*

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cont.











## 5 Alternatives for the Brisbane Baylands

Is Brisbane limited to the existing Peninsula business park development pattern? Would such a concept like the Chicago Lakefront even physically fit or be appropriate on the Baylands?

### 5.1 Available Area

The Chicago Lakefront park system is roughly 250 acres with a length of approximately 6,000' and a width of 1,800'. The footprint of this park system on the Baylands fits amazingly well. The preceding page shows the Chicago Lakefront park system overlayed onto the Baylands. In addition, the overlay shows a reduced park system area that is 125 acres and 1/2 the width (6,000' by 900').

**Because of the intense competition from existing and new supply and the need to create both compelling lifestyle and resilient income benefits with this Project, it is recommended that this half-size area of the Chicago Lakefront park system be adopted as the minimum Waterfront Preservation District area for the Baylands.**

### 5.2 The Only Realistic Option

Clustering and density management are frequently used techniques in urban planning to offset development impact. By clustering development, infrastructure can be shared economically and open space can be consolidated so that larger more usable spaces can be created.

In this case, the irreplaceable waterfront cannot be replicated and incorporated in open space and community amenities that are located behind a wall of buildings. Not every patch of open space is equal. Furthermore the configuration of the open space area is just as important as the sum total area.

Importantly, the overall development would not lose substantial buildable area by simply reallocating and clustering the open space through a Waterfront Preservation District.

By created a Waterfront Preservation District, Brisbane would gain an immediate unique lifestyle amenity that would be a real asset to residents as well as a boost for business and property values. Long-term income from fees and taxes would still accrue over time from commercial development, but the risk of these not materializing as projected would be mitigated but the lifestyle benefits created at the inception of the Project.

A diverse set of benefits to the community is key to mitigate the risk of future changing business climates, new competition, and unaligned public and private interests. The amenity would increase the value of adjacent private development, and both private and public interests would therefore be benefiting at each stage of the Project.

### 5.3 Phasing Public Space Development

Developing and implementing a plan for such a Waterfront Preservation District would be a daunting task. Many decisions would have to be made and funds would have to be raised. Fortunately, the development of the same could be phased over many years, giving enough time to thoroughly determine the proper course.

The key consideration would be that the area be designated, prepared, and preserved from the outset. Funds for future enrichment of the site could even be raised in the form of assessments on the remaining land.

None of these ideas are revolutionary, impossible, or first-of-a-kind. The establishment of a Waterfront Preservation District for the benefit of the general public would be the first step in a series of many that could occur gradually over time.

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cont.



#### 5.4 Consider the Alternative

Now imagine for a moment the waterfront almost entirely obliterated or consumed by the status quo development. What tangible impact would this have on most of the citizens of Brisbane? How would the increase supply in commercial space affect existing stock in the City? Would Brisbane become a more or less desirable place to live? Would business have more or less reason to locate in Downtown Brisbane?

For example, imagine a trash plant four times the size of the current Recology facility. By any measure, a trash plant is a negative that detracts and devalues the surroundings. On-site trash processing does not eliminate post-processing transport costs, odor, litter, on-site truck trips, and the fact that the public does not interact with such a development in any meaningfully positive way. It is not an economical or efficient way of processing the waste, which is currently processed with minimal energy in large open-air land tracts in the Central Valley surrounded by farms that consume much of the result of the processing. Onsite power generation or other savings would be offset by the additional costs of processing standards required and monitoring required in such a sensitive urban setting.

Brisbane has everything to gain with the Baylands by creating something truly unique, valuable, desirable, and attractive; and it could do so without having to make all of the difficult decisions today. The alternative would be to create more of the same basic real estate, cannibalize existing supply, eliminate valuable potential waterfront amenity benefits, and become saddled with cost and inconvenience for many years to come.

**Brisbane needs real leadership at this critical time to resist the pressures of private interests and the lure of short-term risky gains. This Project will be developed over perhaps 20 to 30 years and will stand for decades after. A long-term view needs to be taken that preserves the resources that exist today. The realistic risks of claims or projections being worse than expected must be carefully considered. Mitigation plans to account for these and other unforeseen risks must be adopted.**

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cont.







## PART II

### WINDSURFING IMPORTANCE, IMPACT, AND PRESERVATION



CPA2



## Candlestick Windsurfing





# 1 Introduction

Shifting now to the primary focus of these Comments, this part will examine the potential impacts of the proposed Project on the recreational windsurfing Resource at CPSRA.

The Waterfront Preservation District development pattern would strongly encourage and cultivate a truly remarkable and unique activity that currently coexists with the Baylands. Presently no consideration whatsoever is included for preserving the windsurfing Resource at CPSRA that has existed for 30 years.

The current DEIR claims “no significant impact” would take place on the Resource despite a wall of buildings some 200’ above sea level possibly being constructed just 500’ immediately upwind along the extent of the shore where windsurfing takes place.

## 1.1 Embrace Natural Resources

At the very outset and without first discussing technical errors and omissions in the Analysis, we believe the Project should strive to go above and beyond the very minimum of what is required by law in terms of natural resource preservation. The Project should embrace the adjacent recreational activities including the windsurfing Resource.

This Project is not located hundreds of miles inland amidst a sprawling uniform desert landscape. The Baylands is an incredible dynamic and sensitive area full of natural transition at the intersection of mountain, ocean, valley, and bay. It is a rare location with valuable recreational opportunities that exist nowhere else.

Presently, no consideration and mitigation whatsoever is included for windsurfing. The Project should go out of its way to avoid unforeseen or underestimated impacts to this and other resources and activities. It should voluntarily adopt a margin-of-error to avoid underestimating the risks to present natural and recreational resources. There is no reason why development cannot coexist with these activities and why both users of the natural resources and private project sponsors cannot benefit and prosper together.

The City of Brisbane should not accept highly questionable justification for “no significant impact” while completely ignoring the potential errors or understatements in the Analysis that may very well render the windsurfing Resource at CPSRA unusable or usable merely at a substantially reduced fraction of the present condition.

Once development is in place, whatever damage may occur to natural resources either through known or unforeseen consequences will be practically irreversible.

## 1.2 Unique, Valuable, and Scarce Resource

These Comments were prepared by many for whom a very important part of their most passionate lifelong interest is in danger. Over 30 years of continual use and history at CPSRA has marked it as one of the premier windsurfing resources in the San Francisco Bay, if not the entire continental United States.

It is one of only three suitable windsurfing locations in San Francisco County, one of four locations regularly used on the Western side of the Bay north of CA-92, and one of the only locations in the entire Bay Area that is not subject to tidal restrictions, boat traffic hazard, or danger of stranding.

It is ideally suited to all skill levels and is routinely used by beginners as well as top-ranked world competitors. The unique topography and siting creates wind flow that is much more regular than anywhere else in the Bay Area. Finally, it is one of the only off-shore wind locations in the Bay making the water condition substantially devoid of wind swell even during periods of high wind.



An Internet forum at iWindsurf.com provides a community where people may post about windsurfing experiences. From 5/22/2008 to 6/19/2013, 4,372 such posts were recorded and analyzed for these Comments. Based on a keyword search over all of the Bay Area windsurfing sites, Candlestick was the second most frequently discussed site, trailing only Berkeley.

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### 1.3 Unrealistic and Incomplete Thresholds, Assumptions, and Methods

Given their dedication to this unique and valuable Resource, the frustration and disappointment among those of the interested public who reviewed the proposed Project and Analysis was staggering. It is unfathomable to imagine that a possible virtual wall of 4,200' of construction up to 200' above sea-level in some areas along the Western edge of the Practical Sailing Area would have "no significant impact" on wind-flow on a site that begins just 500' downwind.



11

Figure 4: Existing Dirt Walls from Soil Processing on Baylands

Dirt mounds that rise some 50' to 70' above surrounding grades already border portions of the Western area of CPSRA [11]. The proposed Project could expand intense development North and South for a total length of perhaps 4,200' and increase the effective height of obstructions along this Western shore up to 200' above sea level in some portions. This figure is provided for scaling reference.

Only a handful of newly measured impact points specifically tied to the Project were even made in the Practical Sailing Area in the Analysis. The Practical Sailing Area is a fraction of the overall CPSRA, the



## INTRODUCTION

area most critical and regularly used, and the area closest to the Project and most susceptible to impact.

No measurement points were made in this Practical Sailing Area closer than at least 1,500' from the Project itself. Nonetheless, 58% of the sparse few newly measured Analysis points in this area were projected to be at levels that would contribute to a substantial loss of availability of the Resource as shown herein (greater than a 5% mean wind speed reduction). Furthermore, the unexamined portion of the Practical Sailing Area would be even more impacted as it is closer to the Project and its wind impacts.

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The Analysis itself begins with the statement: "there appear to be no specific criteria for minimum wind speeds to support 'good' sailing." With this caveat as a basis, how can the public have any confidence that this is a faithful examination of the potential impacts? If such a statement were true, then how would windsurfers decide where and when to go windsurfing? Do they simply flip a coin? What about professional forecasters? Does the same logic hold true for all sailing vessels? What about for any other weather or natural resource-dependent activity?

Not only is such a statement misleading, it effectively relieves the analyst from justifying the significance threshold used in calculating impacts. In fact, no justification is given in the Analysis for why the selected threshold used is appropriate for this location and how it translates to an actual change in availability of the Resource based on current established conditions for use of the Resource.

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With no understanding of what constitutes specific criteria to support "good" sailing tied specifically to this site and its existing conditions and no justification for why the significance threshold is appropriate or meaningful for this location, one should reasonably question how the conclusions of the Analysis could be anything other than arbitrary.

In preparing the Analysis, it seems as though much work went into applying methods used in other projects having a fraction of the scale and much more detail than this Project. The Project and its surrounds encompasses thousands of acres and none of the building footprints, heights, orientations, finished elevations, site plan details, landscaping specifications, or other information is firmly known at this time.

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Though the Analysis attempts to model a "worst case" impact scenario, it never explains the methods or justifications for why its chosen assumptions and shortcuts truly fit such an objective. Is it more conservative to model the whole project as a maximum height wall? What about the increased turbulence caused by surface roughness from gaps between buildings and varying building heights?

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While work was going into building something that could be placed into a wind tunnel, no primary research was conducted to answer the basic question: "what constitutes minimum specific criteria for 'good' sailing at Candlestick Park State Recreation Area?"

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No surveys of users of the Resource were conducted, no exploration of existing data sources meaningful to users of the Resource, and no meaningful field tests were conducted or real-world observations made as far as we are aware. While field tests are not specifically required by CEQA, there is a requirement that the impact Analysis bear some realistic and demonstrable direct connection to the potential change in availability of the actual Resource concerned.

#### 1.4 Goal of Comments

It is hard to read the Analysis and not objectively feel through the stark lack of detail and incompleteness as though it was but a token effort to "check the boxes" and placate the public interests with the minimum possible level of thoroughness. Much of the Analysis consists of cut-and-paste reductions of previous EIR even so far as to include substantial data from another EIR that did not even model the Project as far as we know.

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We hope these Comments will assist the City of Brisbane and others in making sure that all practical diligence is pursued in evaluating the potential impacts of the Project in the focus of these Comments as with

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*INTRODUCTION*

the other potential impacts examined elsewhere in the DEIR.

Though this Project is arguably one of the largest and most ambitious in Brisbane's recent history, we are confident that Brisbane has every desire and all capabilities to meet and exceed the highest standards of excellence for considering and protecting public natural resources.

These Comments start from where the Analysis leaves off. They highlight critical assumptions and potential effects on the Analysis. They attempt to establish a conservative, realistic, calibrated, and actionable criteria for "good" sailing at CPSRA. They examine the potential Project impact on the actual usability and availability of the Resource in concrete absolute terms that are meaningful to the lay public.

Based on this work, these Comments demonstrate that the potential impact due to this Project on the Resource is unsurprisingly quite significant.

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## 2 Methodology and Assumption Deficiencies

The DEIR contains important problems or misunderstandings in analysis methods and assumptions.

### 2.1 Comparing the Project to 300 Airport Boulevard

The Analysis appears to closely follow the methods and significance thresholds from the recently approved 300 Airport Boulevard project in the City of Burlingame. At the outset, it is important to consider the differences between the Project and 300 Airport Boulevard despite the similar analysis methods and conclusions.

#### **Project is Order of Magnitude Larger**

Compared to 300 Airport Boulevard, the Project includes development over potentially 35-40 times more acreage, 10-14 times more buildable square feet, much higher maximum building heights and widths, a wind-surfing impact area 4-8 times larger, and a building footprint that is not even known at this time. Unlike 300 Airport Boulevard, the Project is so large that it could not even be modeled in the wind tunnel as one complete piece.

To our knowledge, typical use of wind tunnel modeling for considering structure impacts on pedestrians or windsurfing activity has been limited to much smaller scale projects on the order of tens of acres or less for which specific building footprints and site plan details have been established.

300 Airport Boulevard and Executive Park are examples of such smaller scale projects. By comparison, this Project and its surrounds encompass thousands of acres with few final building and site plan details.

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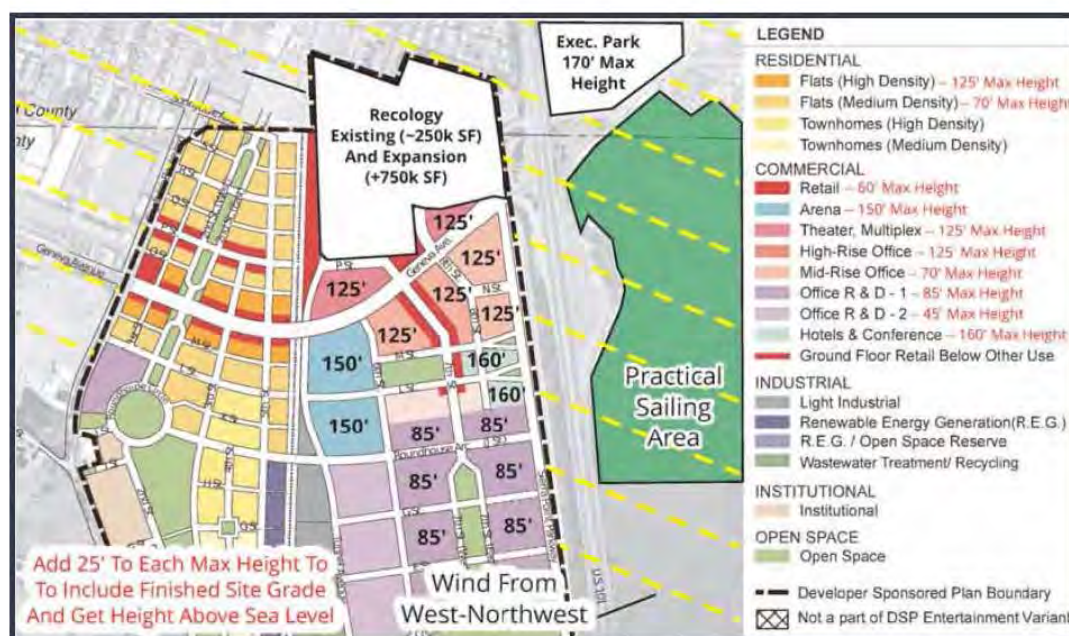


Figure 5: Possible Project Building Heights

The final Project building and site configuration is unknown at this time. One possible configuration from the DEIR is shown here. The building heights, a portion of the Practical Sailing Area, the Recology and expansion area, and the Executive Park project [2] were added along with the West-Northwest wind lines. To obtain building height above sea level, the figures shown should be increased by 25' to account for the projected finished grade elevation above sea level. The final finished grade elevation is actually unknown at this time but could be substantially higher than 25' according to the DEIR. From the North edge of the Recology area to the South edge of the "Office R & D - 1" use shown, there is a virtual wall of projected approximately 4,200' of intense multi-story or high clear span construction at a minimum of approximately 500' from the water's edge and directly in the path of wind flow from the Alemany Gap to the Resource.

### No Contingency Factor For Potential Modeling Error

It seems that using a wind tunnel to analyze a Project of this scale and uncertainty cannot yield the same confidence level as for smaller scale projects for which wind tunnel analysis is typically used in environmental impact studies.

Given the large number of simplifying assumptions and shortcuts that were required to obtain results, one could not be as confident that the Analysis accurately projects the likely impact. These assumptions and shortcuts may have drastically altered the conclusions of the Analysis.

Despite this concern, precise measurements were reported in the Analysis with no reported allowance for modeling error, no sensitivity analysis to reveal the potential effect of modeling errors, and no field testing to demonstrate that the model has any connection to reality whatsoever.

Creating prototype models to assess risk before construction is a reasonable way to mitigate uncertainty. However, if the prototype itself is too uncertain in its ability to represent the actual Project, the result of the modeling effort will be of little value [8]. In professional engineering, a contingency factor is usually considered to deal with unaccounted uncertainty.

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## 2.2 Inaccurate Impact Area

The true impact area at CPSRA, herein referred to as the Practical Sailing Area (Figure 6), is much smaller and closer to the Western shore (along Highway 101) than indicated in the sailing area described in the DEIR. The Practical Sailing Area begins immediately off the shore along Highway 101, which places it at a minimum distance of 500' downwind of the Project Area<sup>1</sup>.



Figure 6: Practical Sailing Area

The true sailing area used by most sailors most of the time. Sailing closer to shore mitigates equipment failure hazard, makes returning to shore safer especially when wind speeds drop unexpectedly, and provide smoother water less affected by wind swell. The Practical Sailing Area begins roughly 500' downwind of the Project.

The DEIR identifies a subset of area that can be utilized at CPSRA under certain wind conditions for a certain class of sailor and windsurfing equipment. This area was based on GPS tracks of sailing at CPSRA (see Figure 7). However, this area is not typical given most common wind conditions and the classes of sailors and windsurfing equipment most frequently using the site. Most windsurfing activity takes place within a much smaller range closer to the launch site (see Figure 6).

The overwhelming majority of sailors typically do not venture beyond a smaller area closer to the shore due to hazard of equipment failure, the fact that conditions in these downwind and offshore areas are more affected by larger wind swell, and the difficulty of returning to the launch based on the points of sail possible under typical off-shore wind directions.

On lighter wind days, the stronger winds are closer to the Western shore. On stronger wind days, the smoother water also tends to be closer to the Western shore. Also for winds that are angled more to the North, windsurfing reaches typically terminate very close to the Western shore in order to stay upwind and be able to return to the launch.

<sup>1</sup>All linear measurements in these Comments are approximate but as accurate as possible.



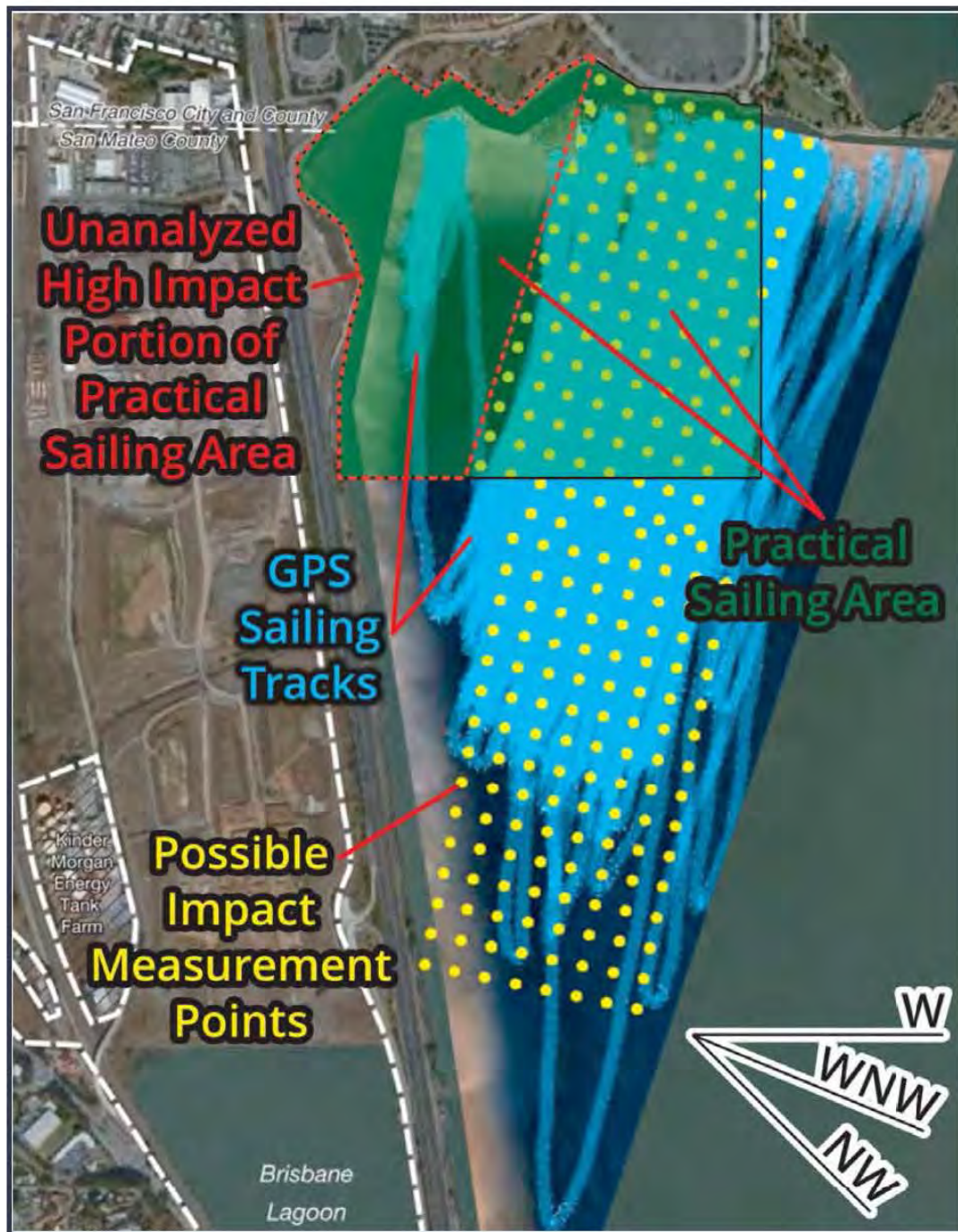
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Figure 7: Practical Sailing Area in Context of the Analysis Impact Area

The DEIR used GPS tracks (shown in blue) to inform an impact study area. Possible impact measurement points are shown in yellow. The tracks do not cover the range of wind directions, wind strengths, or equipment common at CPSRA. The tracks cover a possible sailing area for some conditions and equipment, not the exclusive, most practical, most common, or safest area. The DEIR does not assess the entire area covered by these tracks or practically sailable at CPSRA. The unexamined portion of the Practical Sailing Area shown in green would be most impacted by the Project as it is closest. The DEIR took new measurements at only 13 of these yellow points in the Practical Sailing Area on average for each of the primary wind directions (W, WNW, NW).



There is no information about what conditions or equipment were used to produce the GPS tracks. The most regular reach angle recorded in those GPS tracks suggests a West wind. West-Northwest and Northwest winds would reveal a substantially different pattern. The effective sailing area actually shrinks and moves regularly closer to the Western shore for more Northerly prevailing wind conditions.

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There is no justification for why the Analysis should only assess some arbitrary sub-area for impacts. For completeness and to be faithful to the public interests, it is just as reasonable to expect that the entire area be examined for impacts, especially considering that the areas that were not examined are closest to the Project and therefore most likely to be negatively impacted.

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The Analysis considered some areas that were not covered by GPS tracks, while it ignored other regions that were covered. At best the Analysis starts out with an incomplete and apparently arbitrary area over which to consider impacts.

By comparison, the EIR for the adjacent Executive Park project (approximately 10% the size of the Project) began its wind impact study from the boundaries of that project to an area 1,000' East of the CPSRA launch site, encompassing the entire downwind wake that could potentially impact the CPSRA [2]. The Analysis for this Project does not even attempt to measure any points within 1,000' of the Western shore of the Practical Sailing Area, which would be the area closest to the Project and the most impacted by the Project.

**Sailing predominantly within the Practical Sailing Area is not limited to certain types of windsurfing activities or certain skill levels. The Analysis examined a small portion of the total CPSRA sailable area and did not examine those areas most likely to be impacted by the Project. Impact in this Practical Sailing Area is much more critical.**



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Figure 8: Sailing Upwind at Candlestick

The windsurfer shown above is sailing upwind at CPSRA within the Practical Sailing Area. During stronger wind days such as shown here, smoother water is located upwind. Despite GPS tracks considered in the Analysis that shows sailing in this region, the upwind area closest to the Project and most potentially impacted was largely ignored in the Analysis.



### 2.3 Sparse and Incomplete Measurement of Potential Project Impacts

Reported measurement of projected impact due specifically to the Project on the Practical Sailing Area was sparse and incomplete. Collectively across the primary wind directions (W, WNW, and NW), less than 25% of the Practical Sailing Area was reported covered by new impact measurement data collected specifically for the Project.

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#### Use of Old Data in Place of New Measurements

To augment the sparse coverage, data from an older EIR [2] that does not model the Project was included. This use of “filler data” was done with the unsubstantiated presumption that it is simply impossible that certain portions of the impact area could be affected by the Project under certain conditions.

This presumption ignores contradictory on-the-ground observations and does not consider the actual Practical Sailing Area being potentially impacted.

Therefore, the conclusions of the Analysis are based to a large extent on measurement data from an EIR that does not model the Project and on large sections of the impact area having no measurement data whatsoever.

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Over the 220 acres or more of water area contained in the Practical Sailing Area, zero new impact analysis points were reported for Northwest wind (Figure 9), 12 new impact analysis points were reported for West-Northwest wind (Figure 10), and 28 new impact analysis points were reported for West wind (Figure 11).

Collectively, the new impact analysis data points that were reported cover less than 1/4 of the total Practical Sailing Area for these three primary wind directions.

#### New Measurements Show Substantial Impact

Notwithstanding the sparse analysis of the Practical Sailing Area, among the reported newly collected measurement data points, negative impacts between 5% and 11% in mean wind speed reduction were shown 58% of the time.

For the desirable West-Northwest primary wind direction, 10 out of 12 of the reported newly collected measurement data points predicted a potential 5% or greater mean wind speed reduction, even though only roughly 1/6 of the Practical Sailing Area was covered by reported measurement data points newly collected specifically for this Project for this primary wind direction.

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The Analysis shows increased negative impact closer to Highway 101, yet there are no impact measurement points reported within the Practical Sailing Area within 1,000' of the shore or less meaning some of the most likely impacted areas were not included in the Analysis.





Figure 9: Reported Impact Analysis Points Northwest Wind

Mean wind speed reduction impact reported data points in the Practical Sailing Area from the DEIR for primary wind from the Northwest. No data points were reported for Northwest wind in the Practical Sailing Area. Data points shown are for the 2012 Analysis not including the data from the 2009 Executive Park EIR [2] that does not model the Project as far as we can discern. Percentages refer to change in R-value for the Developer Sponsored Project versus existing conditions.



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Figure 10: Reported Impact Analysis Points West-Northwest Wind  
Mean wind speed reduction impact reported data points in the Practical Sailing Area from the DEIR for primary wind from the West-Northwest. 12 data points were reported for West-Northwest wind in the Practical Sailing Area. Data points shown are for the 2012 Analysis not including the data from the 2009 Executive Park EIR [2] that does not model the Project as far as we can discern. Percentages refer to change in R-value for the Developer Sponsored Project versus existing conditions.



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Figure 11: Reported Impact Analysis Points West Wind

Mean wind speed reduction impact reported data points in the Practical Sailing Area from the DEIR for primary wind from the West. 28 data points were reported for West wind in the Practical Sailing Area. Data points shown are for the 2012 Analysis not including the data from the 2009 Executive Park EIR [2] that does not model the Project. Percentages refer to change in R-value for the Developer Sponsored Project versus existing conditions.

## 2.4 Vague and Arbitrary Modeling Assumptions

It is unclear what aspects of the Project were modeled in the Analysis. Little detail was provided as to what was included in the model.

In an apparent attempt to deal with the limitations of the wind tunnel, it appears that important portions of the upwind or adjacent topography were not accounted for at all. The Analysis does not model the complex interrelationship of features of the entire system and surroundings even though it states that the cumulative impact on the Resource could be higher. It could not accomplish this because the wind tunnel physically

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did not allow the Project to be modeled as a complete system but rather required the model to be analyzed in separate pieces.

Due to the chaotic nature of wind and scope of the Project, it is practically impossible to accurately represent the multitude of factors that include channeling wind at different primary directions within the area modeled due to complex topography, micro-systems of persistent vortices, eddies, and wind shadows, variance according to temperature and source of the wind (high pressure gradient or thermal gradient), the impact of substantial wind swell on turbulence [15], the impact of local thermal variation caused by development (e.g. "heat bubbles" due to large areas of paved surface), thermal induced convection cells resulting in upwelling and turbulent eddies, the different characteristics of the upwind topography and the CPSRA during higher and lower wind conditions, and others.

In discussions with ESA, it was revealed that what was modeled was supposed to be the "worst case" in terms of impact to the CPSRA. It is hard to know a priori what constitutes worst case, especially when the criteria for acceptable use of the Resource is not even defined. There are at least two variables of interest including reduction in mean wind speed and increase in wind turbulence intensity. The relationship between these two variables is complex.

One can imagine approximating the Project with a single large wall the height of which represents the maximum possible building height for the entire Project. Presumably this would result in maximum wind speed reduction impact. Alternatively, one can imagine modeling the Project with a series of buildings of varying heights and gaps to try to achieve the maximum surface roughness. Presumably this would result in the maximum wind turbulence intensity increase impact but not necessarily the largest possible wind speed reduction. In absence of the actual site plan and building details, it is unclear how one can evaluate the "worst case" impacts with only a single model that would simultaneously maximize both of these impact variables.

#### **Modeling an Undefined Project with Certainty**

As Project site plan and programming details are not yet defined, it is unknown how the Project could be faithfully modeled without a thorough examination of alternatives, which was not reported. The DEIR presents impact results as if they are the only possible outcome.

In reality, the results are highly dependent on the finished base elevation, actual placement and configuration of buildings, heights, orientations, clusterings, density, massings, regularity, streamlining, on-site and off-site topography, open space, landscaping, impervious surface, surrounding development such as inclusion of the Executive Park buildout and proposed Recology expansion, and other factors that are not known at this time.

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Figure 12: Some of the Existing Upwind Structures and Roughness

The existing upwind conditions include a variety of industrial, commercial, and residential uses in addition to the complex topography including the Alemany Gap and San Bruno Mountain. The current Brisbane Baylands site has been evolving dramatically since 2010 as soil recycling and processing have created mounds of dirt 60' or more from adjacent grades. Modeling this complex topography and surface roughness with the variety of wind sources, conditions, thermal influences, roughness conditions, friction coefficients, seasonal factors, and other components is very complex, especially as the existing conditions continue to change.

### Impact Area Not Fully Analyzed

The Analysis does not even attempt to analyze the impact of the Project on certain areas of the CPSRA under certain primary wind directions. The claim in the DEIR that it is impossible under certain wind directions for the Project to have meaningful influence on certain portions of the CPSRA is unsubstantiated and is inconsistent with real observable conditions.

This claim was not verified through field testing, and to our knowledge, none of the results in the model were verified by field testing. It is critical that models of this sort are calibrated and benchmarked to real-world observations to insure they are realistic [7].

The Project and its surrounds is a huge area where wind comes in through the Alemany Gap as well as over and behind the San Bruno Mountain and through the gaps and passes just to the North. Accurately modeling the variety of wind sources through these gaps, the upwind topography, and considering the entire extent of impact on the CPSRA are reasonable requirements that were not fulfilled in the Analysis.

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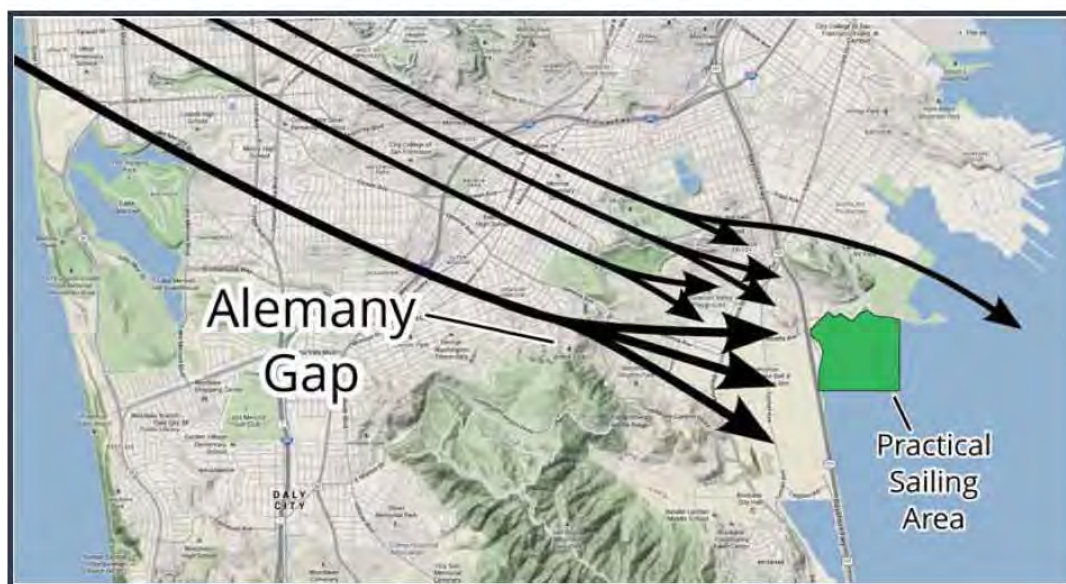


Figure 13: Alemany Gap Wind Funnel

The wind that flows from the Pacific Ocean, over and around Lake Merced, and through the Alemany Gap is the primary wind source for the CPSRA. The Alemany Gap is bounded on the south by the San Bruno Mountain. It is the largest pass through the City of San Francisco. Wind reaches CPSRA from around various passes, hills, valleys, and knobs. Wind at different points in the CPSRA may have arrived through one of many different paths. It is hard to determine which of the several different paths will produce the dominant wind at any specific point in the sailing area. Many factors such as coastal and inland temperatures, wind direction on the coast, pressure gradient, cut-off micro weather systems, and others contribute to the conditions on the water.

It seems likely that these assumptions would cause the Analysis to understate the true extent to which projected impacts under certain wind conditions will be manifest throughout the CPSRA and Practical Sailing Area. Again these assumptions seem as though they had more to do with convenience for modeling the Project and the limitation of the size of the wind tunnel facility that meant the portions of the Project had to be modeled and tested in separate strips.

Over such a large area and with such varied topography including high large knobs, valleys, and mountains in the vicinity, the primary wind direction often changes depending on the location within the CPSRA and Practical Sailing Area. It is well known by sailors at CPSRA that the wind seems to “fan out” of the Alemany Gap creating more westerly flows along the launch shore and more northerly flows towards the shore adjacent to Highway 101. Different maximum upwind points of sail possible throughout the CPSRA demonstrate that it is physically impossible that only a single wind direction prevails for the entire sailing area at any given time.

On some days, the primary wind source is limited to the Alemany Gap. On other days, wind flows over or behind the San Bruno Mountain or more significantly through other passes in addition to the Alemany Gap.

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Figure 14: Fog Showing Alemany Gap Wind Patterns

Fog flowing through the Alemany Gap and Visitacion Valley illustrates how the wind that builds along the coast is channeled to CPSRA.

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#### Visible Evidence of Likely Extent of Impacts

Anyone can visit the launch site at CPSRA and view the effects of wind shadows created by upwind structures such as the existing Recology facility or existing upwind topography. Such upwind structures and topographical influence within the Project area could begin as close as 500' West of the Practical Sailing Area.

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Figure 15: Upwind Wind Shadows

Large upwind structures such as the Recology trash processing facility create wind shadows that block the wind, creating persistent far-reaching wind shadows or large turbulent wakes. The scale, proximity, and configuration of these upwind structures bear striking similarities to those upwind of Oyster Point Marina and Foster City Lagoon. Office buildings for the likes of Genentech and Visa created wind shadows that forced those sailing sites to be abandoned.

Perturbations in the water are visible from shore or higher vantage points to the West as persistent differences in sun glitter [14] and coloration due to water surface roughness caused by wind flow.

This visible evidences demonstrates both the near and far-reaching influence of upwind structures that is substantially more pervasive and extensive than what is predicted by the Analysis even for existing conditions.

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Figure 16: Visible Late Morning Wind Pattern

As wind rises, glassy light-colored water surface turns darker and rougher. Visual inspection of water surface during these transition times reveals how upwind topography affects wind distribution, strength and turbulence.

Visual observation of sailing patterns from shore further confirm the influence of existing upwind features. Dramatic decreases in windsurfing sailing speeds at persistent points in the CPSRA sailing area reveal the effects of the wind shadows and turbulence-inducing upwind features. These wind “holes” are consistent in location. If such disruptions become too common or too large, sailing becomes impossible.

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Figure 17: Water Color Patterns Caused By Surface Roughness  
Water color reveals surface roughness created by wind flow. Existing upwind topography creates regular substantial longitudinal disruptions that persist throughout the Practical Sailing Area.



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Figure 18: Water Color Patterns Caused By Surface Roughness  
At a higher vantage point, the variability of existing wind patterns is revealed. Offshore wind near shore is notoriously turbulent and prone to wind shadows and effects of buildings, topography, and vegetation.





Figure 19: Detail on Existing Upwind Dirt Mounds

Soil processing operations including mounding have already contributed to high turbulence in the Critical Sailing Area that often creates dangerous or impractical sailing conditions.

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#### Additional Limitations of the Analysis Method

Even during a single day many different environmental patterns may occur. The overlap or transition of these environmental patterns is extremely complex. It is also well known that non-stationary wind conditions and seasonal variation introduce complexities that are difficult to model but can be substantial.

Furthermore, it is well known that converting shorter periods of estimates for mean wind speeds to longer periods is not straightforward. The mean wind estimates should be measured for as long as is practical to insure that sampled values span the range of extreme values and converge to an accurate estimate of the true mean. The Analysis was conducted over extremely short periods measured in just a few seconds but extrapolated to consider any other arbitrary substantially longer time frame.

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Other issues with the Analysis include using a wind tunnel wind source that does not encompass the wind range for the extreme values regularly experienced at CPSRA. Measurements in this wind tunnel also were done using hot-wire anemometer sensors that are known to have significant biases or limitations under certain conditions. The DEIR acknowledges that the accuracy of these instruments is within 5%. Such a margin is shown herein to have large potential impact on the Resource.

**The objective of the DEIR Analysis is not to base a significance claim or lack thereof on presumption or convenient shortcuts. Faithfully and professionally representing the public interest requires engaging in thorough, accurate, unbiased, and representative testing that corresponds to real-world conditions and best engineering practices.**



### 3 Improper Determination of Potential Impact Significance

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CEQA guidelines were improperly applied in determining potential significant impacts. An alternate analysis is presented herein.

#### 3.1 Arbitrary and Inappropriate Threshold of Significance

In preceding sections of these Comments, substantial differences were described between this Project in the City of Brisbane and 300 Airport Boulevard in the City of Burlingame. Despite these differences, the threshold for impact significance used in the Project DEIR was substantially or entirely appropriated from the 300 Airport Boulevard DEIR from the City of Burlingame.

This threshold has not been adopted by the City of Brisbane under an official CEQA significance threshold adoption process, has not gone through public review in the City of Brisbane, and does not accurately measure the impact on usability of the Resource as shown below.

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The DEIR further states that no universal criteria for acceptable windsurfing activity exists, admitting that “wind standards” of the sort specified by the City of Burlingame are not necessarily transferable.

CEQA requires that the cross-application of such a standard from a source jurisdiction be appropriate for the target jurisdiction. No justification was given for the suitability of such a wind standard for this Project, for the City of Brisbane, and for the Resource.

#### Relative Wind Speed Reduction is Insufficient Measure

Regarding the significance threshold used by the City of Burlingame, there are two main problems with using relative mean wind speed reduction as a proxy for studying impacts to the Resource:

1. Mean wind speed is just one of many factors in determining availability of the Resource
2. Impacts on availability of the Resource due to changes in mean wind speed are assuredly non-linear<sup>2</sup> [16].

Accepting the logic used in the City of Burlingame threshold would be analogous to implying that a 10% increase in temperature would necessarily cause 10% less snowfall.

Instead of relative change, one must consider absolute pre-impact and post-impact levels of many factors that determine the viability and availability of the Resource.

#### Basic Requirements of Windsurfing

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Windsurfing requires certain minimum lull, mean, and gusts speeds [16] just like aircraft require certain minimum takeoff, stall, and landing speeds [33]. Windsurfing does not operate under the same physics principles as other sailing vessels because of the unique planing hull design and the change in drag that occurs above certain critical speeds (cf. Figure 20).

Windsurfing requires minimum gusts to provide enough impulse to achieve a state of hydro-planing (planing) and perform maneuvers such as turning around; it requires minimum mean speeds to continue in this planing state; and it requires minimum lull wind speeds that are not too frequent such that the windsurfer's momentum would be insufficient to continue planing through the lull.

The behavior of a sailboard below these minimum speeds is dramatically different. The behavior does not change smoothly and proportionally with board speed but changes abruptly at a critical minimum much like at a critical minimum “takeoff speed” an aircraft becomes airborne or below a critical “stall speed” an

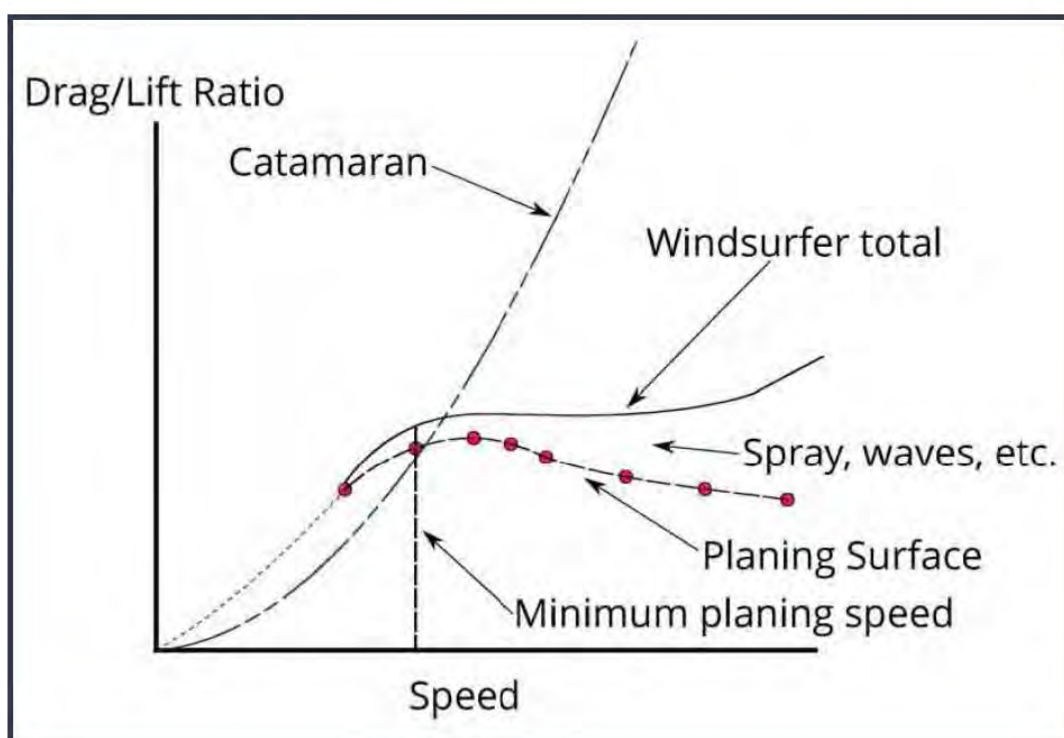
<sup>2</sup>Non-linear means that a change in an input factor may not necessarily produce a proportional change in an output quantity.



aircraft cannot stop descending [33].

This planing operating mode of sailboards is very similar to the hydrofoiling state (foilborne sailing) of the America's Cup AC72 catamarans. Minimum speed is required to create hydrofoil lift to offset the weight of the vessel and cargo. Once critical lift has been achieved, the performance and operation of the AC72 is very different from the non-foiling state.

Below planing speeds, the sailboard moves through the water rather than on top of the water and flotation, maneuverability, balance, and the ability to return to the launch or offset tidal currents is severely impacted. If the wind drops below a critical point for too long or too often, it is considered unsailable as too much of the time will be in this sub-planing state. Many sites that have strong wind but possess many regular adversely located wind shadows<sup>3</sup> are effectively unsailable.



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Figure 20: Windsurfer Drag/Lift vs. Speed

Adapted from *An Introduction to the Physics of Windsurfing* lectures by Jim Drake (co-inventor of windsurfing) [16]. Below the minimum planing speed, increased speed increases drag of the windsurfer faster than lift. Above the minimum planing speed, the planing surface (windsurfer hull) begins to experience reduced drag compared to lift as speeds increase. Drag/lift response to speed for a windsurfer is highly non-linear unlike other sailing vessels such as the catamaran profile shown above as well. Relative change in wind speed is not sufficient to determine the ability to continue to achieve a planing state. Furthermore, due to hulls or decreases in mean wind speeds caused by wind shadows or highly turbulent sections, when board speed falls below the minimum planing speed, the sudden reduction in lift can cause an sudden increase in drag and the loss in speed, maneuverability, and flotation will be compounded. More energy is required to achieve the planing state than to keep the planing state.

<sup>3</sup>Wind shadows are extraordinary upwind obstructions that create permanent decreases in wind speed in their wake.



If the regular range of lull-to-gust wind speeds is too severe, as can be caused by high turbulence (cf. [30], [19], [34], [26], [9], [13]), no windsurfing equipment can safely be used to accommodate the range of forces experienced.

Another important consideration is that negative impacts should not only be not too severe, but should also not be too frequent or distributed in such a way as to prevent sufficient uninterrupted use of the Resource. It is not simply a matter of thresholding based on a percentage of sailing area impacted (e.g. a “large portion”), it is critical to consider the actual locations and distribution of these areas.

Gusts and lulls in these Comments refer to the very specific measured quantities known as the maximum and minimum short-term wind speeds within a longer observation. These extreme values are well understood and well studied in wind energy and structural engineering sciences. Gusts and lulls are known to be directly related to turbulence, which is influenced by factors such as surface roughness and upwind obstacles. For more information, see Appendix H.



Figure 21: Planing Windsurfing

Windsurfing operating in planing conditions. Most of the board is lifted above the water. Drag is substantially reduced. Mobility, flotation, and maneuverability is greatly impaired below planing speeds. The ability for a windsurfer to offset tidal effects, avoid obstacles, and navigate back to shore is drastically reduced below planing speeds.

### Need for Calibrated Absolute Measurements

The Analysis made no effort to establish critical absolute measurements or thresholds for the Resource but only considered relative changes to a baseline that has not been calibrated to actual sailing conditions. Not calibrated means that the absolute values of a baseline give no information since it is unknown how such values correspond to actual sailing conditions. An uncalibrated value is simply a number.

Each anemometer needs to be calibrated to its sailing location because the exact placement of the anemometer and its operating characteristics make for an unique ability to represent a complex wind system.

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For example, there are at least four anemometers that are regularly used to gauge conditions at Crissy Field. The importance and acceptable absolute wind level thresholds of each of these sensors need to be calibrated to prevailing wind direction, season, experience from the past, and other environmental conditions in order to be effective. Using just one of these sensors or using thresholds for one sensor applied to another would give very misleading indications of the true sailing conditions.

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### Beyond Mean Wind Speed

The Analysis also did not consider the impact on gust and lull wind speeds that is caused by increased turbulence (cf. [30], [19], [34], [26], [18], [9], [13]). These short-term minimum and maximum wind speeds are well studied in the context of wind energy and building loading. The relationship between turbulence-increasing upwind development and gust factors is well known.

To again use the illustrative example of the America's Cup boats, it is crucial for their crew to consider a variety of environmental factors, the absolute not relative levels of each factor, and how these levels compare to known safe operating ranges. Relative mean wind speed (such as "10% windier than yesterday") must be translated to some absolute value (such as "18 knots") in order to be of any use.

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In addition to absolute mean wind speed, operating the AC72 safely also hinges on knowing the range of maximum short-term wind speeds known as gusts to avoid precisely the conditions that led to the tragic death of a crewmember this summer [4]. These gust values must also be considered in absolute terms.

**The DEIR should not dismiss any level of projected impacts to relative mean wind speed as insignificant. Thresholding the projected change in relative mean wind speed in isolation cannot yield a valid test of significance. There is no way to project the change in availability of the Resource without considering absolute pre-impact and post-impact calibrated wind flow characteristics in the context of reasonable Required Conditions for pre-impact use of the Resource.**

## 3.2 Impacts Projected Using an Appropriate Measure

The chaotic nature of wind systems and the relationship of wind speed to sail force ([20], [17]) mean that even a seemingly small impact in one environmental factor can have a devastating impact on a sailing area.

### Understanding Wind Speed Impact on Sail Force

Dismissing a 5% or 10% difference in an environmental factor as arbitrarily "small" is dangerous. This would be akin to describing the difference between 33 and 31 degrees Fahrenheit as insignificant although the difference is less than 10%. Obviously water may freeze at one temperature and may not freeze at the other even though the magnitude of the difference is similarly "small" by some measures. To continue with that analogy, one would also be unable to assess the significance of the two temperatures relative to impact on freezing without considering the atmospheric pressure, presence of solutes in the water, etc.

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In the case of windsurfing, the difference in wind force acting on a sail changes quadratically with wind speed. A 10% change in wind speed will produce a change in sail force larger than 10% ([20], [17]). For example, a decrease from 10 mph to 9 mph results in a 19% decrease in sail force<sup>4</sup>. A decrease from 16 mph to 15 mph, while only a 6% decrease in wind speed, results in a 12% decrease in sail force<sup>5</sup>.

In addition, the range between lulls and gusts generally increases given higher mean wind speeds and the same wind turbulence intensity. For example, a gust factor of 1.4x would predict gusts of 28 mph for a 20 mph mean wind speed (cf. [30], [19], [34], [26], [18], [9], [13]). After a 10% relative decrease in mean wind speed, the same gust factor would only predict gusts of 25 mph<sup>6</sup>. The decrease from a 28 mph gust to a 25

<sup>4</sup> $1 - 9^2/10^2$

<sup>5</sup> $1 - 15^2/16^2$

<sup>6</sup>1.4x gust factor applied to a mean wind speed of 18 mph



mph gust results in a 20% reduction in sail force<sup>7</sup>.

The reality is even more complex. Typically, a decrease in mean wind speed due to upwind obstruction is met with an increase in wind turbulence intensity (this is confirmed by the Analysis).

To capture the full extent of the potential change in the above example including wind turbulence intensity, consider in addition to a 10% relative mean wind speed decrease, a 10% relative wind turbulence intensity increase is also experienced<sup>8</sup>. This can be accounted for by changing the gust factor from 1.4x to 1.44x<sup>9</sup>.

In the above example, the pre-impact lull, mean and gust wind speeds would be in the range of 12, 20, and 28 mph respectively<sup>10</sup>. The post-impact lull, mean, and gust would be in the range of 10, 18, and 26 mph respectively.

So while this change would only suggest a 14% decrease in sail force from gusts, it would suggest a 31% decrease in sail force from lulls. Furthermore, the change would suggest going from pre-impact gusts providing 540% the force of lulls<sup>11</sup> to post-impact gusts providing 680% the force of lulls<sup>12</sup>.

|                 | 1 Minute<br>Observation |      |                        | 5 Minute<br>Observation |      |                        | 12 Minute<br>Observation |      |                        |
|-----------------|-------------------------|------|------------------------|-------------------------|------|------------------------|--------------------------|------|------------------------|
|                 | Lull                    | Gust | Sail<br>Force<br>Range | Lull                    | Gust | Sail<br>Force<br>Range | Lull                     | Gust | Sail<br>Force<br>Range |
| $TI_u = 0.10$   | 16                      | 20   | 1.6x                   | 15                      | 21   | 2.0x                   | 14                       | 22   | 2.5x                   |
| $TI_u = 0.16^*$ | 14                      | 22   | 2.5x                   | 12                      | 24   | 4.0x                   | 11                       | 25   | 5.2x                   |
| $TI_u = 0.20$   | 13                      | 23   | 3.1x                   | 11                      | 25   | 5.2x                   | 10                       | 26   | 6.8x                   |

Table 1: Wind Range and Sail Force Sensitivity Summary

Summary of sensitivity analysis tables showing predicted impact on wind range and sail force range when going from lull wind speed to gust wind speed due to change in turbulence. For example, over a 5 minute period, the difference between experiencing a turbulence intensity of 0.10 vs. 0.20 is the difference between dealing with gust sail force 2x that of lull sail force and dealing with gust sail force over 5x that of lull sail force. Existing conditions from sensor observations shown as " $TI_u = 0.16^*$ ." The mean wind speed used above is 18. Turbulence intensities are converted to gust factor using the methods described in Appendix H of these Comments. Numbers above reflect effects of rounding.

The conclusion shown by this example is that from a decrease in mean wind speed and an increase in wind turbulence intensity, all critical wind speeds would provide disproportionately less sail force while the sailor would simultaneously have to deal with a much wider range of forces on the sail<sup>13</sup>.

Lulls and gusts were not considered in the DEIR, although wind turbulence intensity was considered. Wind turbulence intensity can predict lull and gust values. No such analysis was done in the DEIR.

<sup>7</sup> $1 - 25^2/28^2$

<sup>8</sup>For the purposes of these Comments, an increase in wind turbulence intensity from 0.10 to 0.11 is referred to as a 10% increase in wind turbulence intensity, for example.

<sup>9</sup> $GF' = 1.4 + (1.4 - 1) \times 10\%$

<sup>10</sup>Lulls and gusts relative to a sufficiently strong mean wind speed are treated as symmetric about the mean, which is empirically supported.

<sup>11</sup> $28^2/12^2$

<sup>12</sup> $26^2/10^2$

<sup>13</sup>Windsurfing equipment has a fixed and limited range of wind speeds in which it can be safely and effectively operated.



For more information about lulls, gusts, and gust factors, see Appendix H and the References section of these Comments.

A 5% or 10% difference in mean wind speed around the critical sailability thresholds necessary for a windsurfing site is assuredly important. Such a difference can make or break a decision to commit to a 1.5 hour round-trip drive through traffic. It can mean a successful Sailable Day or a complete waste of time, money, and energy.

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#### Site-Specific Criteria for Sailability

The argument that there are no universal criteria in terms of wind speeds for acceptable windsurfing conditions at all locations is misleading. While it is true that there are no single criteria for all sites, there are absolutely specific criteria for specific locations tied to specific sensors. This is demonstrated by professional forecasting services that predict future sensor values and apply well-known thresholds for predicting future sailable conditions at specific sites.

Each windsurfing location has different requirements for sailability. These requirements include the mean wind speed, range of extreme wind speeds (lulls and gusts), variability in the wind, duration and frequency of the lulls and gusts, temperature, altitude, humidity, length of unobstructed sections of wind exposure, length of reaches, topographical constraints and obstructions, amount and direction of swell or chop in the water, tidal currents, and other factors. The precise relationships between these factors and the operation of a sailing vessel are well-studied in aerodynamic, hydrodynamic, and marine engineering (cf. [20], [17], [16]).

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While the DEIR does not consider such standards, it is clear that such standards can be defined. For example, in the related field of AC72 racing, the 34th America's Cup Regatta provided clear minimum and maximum wind ranges that were specific to time of year, tidal condition, and sea state [29]. These standards were relative to local sensors that had been calibrated and thresholded based on the experience of sailors operating at the racing site.

#### Appropriately Measuring Absolute Impact on Resource Availability

To meaningfully relate relative wind flow changes to absolute post-impact change in the availability of the Resource, several steps are required:

1. Identify a data source that measures absolute levels of wind flow that is calibrated and correlated with on-the-ground conditions at the Resource
2. Establish thresholds of these absolute wind flow levels to determine Required Conditions for use of the Resource prior to impact
3. Select either a historic set of the data or a projection of future data with which to assess impacts
4. Determine the pre-impact availability of the Resource by applying the Required Conditions to the selected data
5. Determine the post-impact availability of the Resource by applying the relative wind flow changes to the selected data and reapplying the Required Conditions to the modified data
6. Compare the change in pre-impact and post-impact availability of the Resource

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The DEIR includes none of these steps in the Analysis. However, these steps were performed in a "Sailable Day Impact Analysis" and reported in these Comments. Each step in this Sailable Day Impact Analysis is described below:



***Identify a data source that measures absolute levels of wind flow that is calibrated and correlated with on-the-ground conditions at the Resource***

In the case of the CPSRA, the single most representative measure for the condition of the Resource is an anemometer maintained by Weatherflow, Inc [35] for the CPSRA. Historic data from this CPSRA Sensor served as the data source required for the Sailable Day Impact Analysis.

CPSRA Sensor data points include lull wind speed, mean wind speed, gust wind speed, observation time, and wind direction. The CPSRA Sensor is calibrated to the Resource such that users of this Resource have intimate knowledge of how the absolute levels of various readings of this sensor correspond to specific on-the-ground sailing conditions.

The CPSRA Sensor is operated by the same company and provides the same level of information as the sensors used in the recent 34th America's Cup Regatta [28].

***Establish thresholds of these absolute wind flow levels to determine Required Conditions for use of the Resource prior to impact***

A set of absolute minimum Required Conditions for wind flow for a Sailable Day at the Resource relative to this CPSRA Sensor was obtained through a survey of local experts who collectively use the Resource thousands of times per year. These Required Conditions are conservative and reasonable.

Two sets of Required Conditions were considered in the Sailable Day Impact Analysis. One set of Required Conditions included only minimum mean wind speed. The second set included minimum mean wind speed, minimum lull wind speed, and minimum gust wind speed.

These Required Conditions are similar to those used by the 34th America's Cup Regatta in determining minimum acceptable as well as maximum safe racing conditions [29], [28].

*A Sailable Day is one on which there exists a two-hour window somewhere between the hours of 12pm and 7pm local time containing CPSRA Sensor observations such that 75% of the observations during that two-hour window are Sailable Observations.*

*A Sailable Observation is a CPSRA Sensor observation with a minimum lull wind speed of 10 mph, a minimum mean wind speed of 16 mph, and a minimum gust wind speed of 20 mph and a wind direction either West, West-Northwest, or Northwest.*

**Figure 22: Definition of Required Conditions for a Sailable Day**

This definition is based on actual historic data, analysis, surveys of the general public who use this resource, and information by expert weather forecasters. It is specific to CPSRA and tied directly to the CPSRA Sensor and its operating parameters. The definition is not transferable to any other sensor or any other sailing site.

***Select either a historic set of the data or a projection of future data with which to assess impacts***

Three years of historic anemometer CPSRA Sensor data was utilized (years 2011, 2012, and 2012 and months from April through September) [35].

***Determine the pre-impact availability of the Resource by applying the Required Conditions to the selected data***

Table 2 shows the number of Sailable Days per month and year by applying the Required Conditions to the three-year historic data set.

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***Determine the post-impact availability of the Resource by applying the relative wind flow changes to the selected data and reapplying the Required Conditions to the modified data***

Average impacts of 5% and 10% decrease in mean wind speeds and 5% and 10% increase in wind turbulence intensities<sup>14</sup> were considered as scaling factors to the historic data set. These scaling factors were applied to wind flow data points in the three-year historic data set. The Required Conditions were then reapplied. A sensitivity analysis approach was taken to isolate the impact of different degrees of potential wind changes and different degrees of Required Conditions strictness.

Regarding the selection of 5% and 10% scaling factors, 58% of data points reported in the Analysis for impacts to the Practical Sailing Area that were newly measured to account specifically for the Project show a 5% or greater mean wind speed reduction. Furthermore, the Analysis only measures new impact data points covering less than 25% of the Practical Sailing Area. The uncovered portions of the Practical Sailing Area with no new measurement data points are generally to the West and closer to the Project. According to the Analysis, impacts will be more severe closer to the Project.

This method of scaling historic data and re-applying the Required Conditions to assess impacts to a quantity such as Sailable Days is sanctioned by the reporting of relative wind flow changes in the DEIR. The DEIR states that the projected relative impacts can be applied to any baseline conditions to obtain projected absolute impacts.

***Compare the change in pre-impact and post-impact availability of the Resource***

Table 3 shows the changes that would have occurred over the past three years under a variety of possible applications of the projected impacts. This method of considering a range of possible impacts is called a sensitivity analysis and is meant to show a range of “best-case” to “worst-case” outcomes. A sensitivity analysis is more appropriate given the uncertainty involved here than projecting a single definitive outcome with no contingency factor as was done in the DEIR.

By considering the most conservative impact scenario of a 5% reduction applied to mean wind speed only, it was found that the number of average annual Sailable Days was reduced by 9%.

By considering a 10% reduction applied to mean wind speed only, a 20% reduction in Sailable Days was found.

By considering the same 5% and 10% wind speed reductions applied to lulls and gusts in addition to mean wind speeds (as is empirically supported by the models detailed in the Appendices to these Comments and by models used to study extreme values as found in [30], [19], [34], [26], [18], [9], and [13]), a reduction in Sailable Days of 22% to 44% respectively was found.

By keeping all data points unchanged except adjusting the lull values so that the lull-mean range was expanded by 5% or 10%, a reduction in Sailable Days of 15% to 16% respectively was found. This method of considering the increase in wind turbulence intensity by a direct proportional scaling of the lull-mean range is supported by models as found in [30], [19], [34], [26], [18], [9], and [13].

<sup>14</sup>For the purposes of these Comments, an increase in wind turbulence intensity from 0.10 to 0.11 is referred to as a 10% increase in wind turbulence intensity, for example.

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## IMPROPER DETERMINATION OF POTENTIAL IMPACT SIGNIFICANCE

|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 12               | 20   | 12   | 28   | 16                     | 8                      | 8                      |
|           | 2012 | 14               | 18   | 11   | 25   | 14                     | 7                      | 7                      |
|           | 2013 | 20               | 18   | 12   | 24   | 13                     | 7                      | 6                      |
| May       | 2011 | 15               | 20   | 12   | 28   | 16                     | 8                      | 8                      |
|           | 2012 | 19               | 19   | 12   | 25   | 13                     | 7                      | 6                      |
|           | 2013 | 22               | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| June      | 2011 | 9                | 19   | 12   | 26   | 13                     | 7                      | 6                      |
|           | 2012 | 19               | 19   | 12   | 26   | 14                     | 7                      | 7                      |
|           | 2013 | 17               | 19   | 12   | 25   | 13                     | 6                      | 7                      |
| July      | 2011 | 13               | 18   | 11   | 23   | 12                     | 6                      | 5                      |
|           | 2012 | 10               | 17   | 11   | 22   | 11                     | 5                      | 5                      |
|           | 2013 | 12               | 17   | 11   | 23   | 12                     | 6                      | 6                      |
| August    | 2011 | 3                | 17   | 12   | 21   | 9                      | 5                      | 4                      |
|           | 2012 | 13               | 17   | 11   | 23   | 11                     | 6                      | 5                      |
|           | 2013 | 13               | 18   | 12   | 26   | 14                     | 6                      | 7                      |
| September | 2011 | 15               | 17   | 11   | 22   | 10                     | 6                      | 5                      |
|           | 2012 | 11               | 17   | 11   | 21   | 10                     | 6                      | 5                      |
|           | 2013 | 18               | 18   | 12   | 26   | 14                     | 6                      | 7                      |
| 2011      |      | 67               | 19   | 12   | 25   | 13                     | 7                      | 6                      |
| 2012      |      | 86               | 18   | 12   | 24   | 12                     | 6                      | 6                      |
| 2013      |      | 102              | 18   | 12   | 25   | 13                     | 6                      | 7                      |
| All Years |      | 255              | 18   | 12   | 25   | 13                     | 7                      | 6                      |

Table 2: Sailable Days Existing Conditions (Base Case)

No adjustment to observed wind speeds. All wind speed values and ranges are averages over the specified time period. *Mean* is the average wind speed during an observation, *lull* is the minimum short-term wind speed during an observation, and *gust* is the maximum short-term wind speed during an observation. Each range is an average difference between the indicated variables during each included observation. The averages include only observations for days that are determined as sailable and within those days, only observations that qualify as sailable within the first two hour sailable window. The threshold for a sailable observation is lull minimum 10, mean minimum 16, and gust minimum 20 along with direction W, WNW, or NW. The threshold for a Sailable Day is a day having at least a single two hour window starting at 12pm and ending at 7pm such that 75% of the observations within the window are sailable. All wind speed values are in miles per hour. Some sums may not reconcile to their constituents due to rounding.

### 3.3 Significance of Resource Availability Impact

For unique, valuable, and irreplaceable recreational resources, reductions of availability of 10% or more have been considered to be significant under applications of CEQA guidelines.

These Comments make clear that applying such a threshold to relative mean wind speed reductions is non-sense. Impacts to mean wind speed are not the same thing as impacts to availability of the windsurfing Resource. Mean wind speed and windsurfing Resource availability are two different things. Changes to mean wind speed do not necessarily cause proportional changes to windsurfing Resource availability.

However, it is reasonable and meaningful to apply this threshold directly to impacts on actual availability of the Resource based on established Required Conditions as they currently exist.

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The Sailable Day quantity defined above adequately measures the availability of the Resource. Projected changes to this quantity directly project the change in availability of the Resource.

The Sailable Day Impact Analysis reported above projects a 9% to 44% decrease in Sailable Days using realistic requirements, analysis methods, and measurements reported in the DEIR.

Based on these findings, it is clear that there is strong potential that the Project as currently described without mitigation would likely have a significant impact on the Resource.

|  | Average<br>Days<br>Sailable<br>Per Year | Loss of<br>Days Sailable<br>Compared To<br>Existing Conditions |
|--|---|--|
| <b>100% of Lull, Mean, Gust Wind Speeds*</b> | <b>85</b>                               | <b>-</b>   |
| 95% of Lull, Mean, Gust Wind Speeds          | 68                                      | -17 (-20%)   |
| 90% of Lull, Mean, Gust Wind Speeds          | 48                                      | -37 (-44%)   |
| 95% Adjustment to Only Mean Wind Speeds      | 77                                      | -8 (-9%)   |
| 90% Adjustment to Only Mean Wind Speeds      | 66                                      | -19 (-22%)   |
| 5% Increase of Lull-Mean Range               | 72                                      | -13 (-15%)   |
| 10% Increase of Lull-Mean Range              | 72                                      | -13 (-16%)   |

Table 3: Sailable Day Impact Analysis Summary

Summary of sensitivity analysis tables showing predicted impact on days sailable from mean wind speed reductions and wind turbulence intensity increases. Existing conditions from sensor observations shown as "100% of Lull, Mean, Gust Wind Speeds\*." "Loss of Days" means average annual loss of Sailable Days over the past three years of data analyzed compared to existing conditions. Numbers above reflect effects of rounding.

**These projected reductions in Sailable Days, summarized in Table 3, represent a critical and as yet unmitigated threat to the availability and continued viability of this Resource.**

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## 4 Windsurfing Sensitivity to Development

The reality is that very few outdoor recreational activities are so impacted by human development than near-shore wind-oriented activities. Windsurfing is incredibly sensitive to environmental conditions and suffers immensely from an increase in turbulence, the introduction of wind shadows, and reduction in mean speeds.

### 4.1 Special Risk to Off-Shore Wind Sites

Many instances of upwind development have damaged or rendered downwind activities unusable in off-shore wind locations. The infamous case of Aruba, for example, demonstrates how the positioning of hotels along the beach can decimate nearby windsurfing serviced by off-shore wind flow (Figure 23). Even a 1/2 mile offshore, windsurfing in the wake of these hotels is almost impossible. Though wind does pass between the buildings, the wind speeds regularly range from nearly zero to 30 mph in a matter of a few feet along a reach. The minimum reach of unobstructed wind flow is not sufficient to sail. By contrast, the minimum distance between the Project and the Practical Sailing Area is roughly 500'.



Figure 23: Palm Beach, Noord, Aruba

Aruba windsurfing is world famous. It is the home training location for the top-ranked female freestyle windsurfer in the world (Sarah-Quita Offringa) and hosts annual windsurfing and kitesurfing racing and other competitions drawing entrants from the entire Caribbean region. Steady trade winds blow continually throughout the summer months. However development along Palm Beach (shown here) and Hadikurari Beach (to the North) has made windsurfing in the shadow of these buildings nearly impossible. Even low structure and vegetation is immediately distinguishable by the lulls and gusts that they create along ever shortening reaches.



Most remaining sailing locations in the Bay are shielded from potential damage due to shoreline development. This is because the wind source at most sites is on-shore or side-on-shore or there is an accessible "wind line" at a distance of a few hundred yards (e.g. Treasure Island, Crissy Field) to a few miles (e.g. Third Avenue). Candlestick, being one of the few remaining windy off-shore sailing locations, is extremely susceptible to shoreline development. Clean off-shore wind is highly desirable as it keeps wind swell from accumulating so the water state remains relatively calm even in high winds.

Simplifying assumptions used in impact modeling, the lack of contingency factors to account for unmodeled effects, or simply indifference can have devastating consequences on off-shore windsurfing locations. As evidence of this, consider how some former windsurfing sites near to CPSRA have been dramatically impacted by adjacent development. Despite tremendous accessibility and former regular use, sites such as Oyster Point Marina and Foster City Lagoon have been rendered unsailable due to upwind office building construction.

It is critical to avoid the mistakes that have been made in the past in projected impacts. Good engineering practice demands that modeling assumptions be realistic and validated with on-the-ground observations, that a sufficient nexus between the quantity being measured and the actual resource be established, and that a contingency factor for unmodeled effects is included. In our review of the DEIR, we found none of these provisions were included.

## 4.2 Importance of the Bay Area to Windsurfing in the United States

In the continental United States, only a handful of locations provide the right combination of steady strong wind, accessible and sufficient water, and proper temperature for windsurfing. The San Francisco Bay Area, the Columbia River Gorge in Oregon, Cape Hatteras in North Carolina, Corpus Christi area in South Texas, select locations on the Great Lakes, Lake Isabella in Southern California, and Long Island and Cape Cod on the Northeast Coast comprise nearly the entire list of regions that have more than a few sailable days per year. Within this list, the San Francisco Bay Area undoubtedly provides the highest number of high quality sailable days per year.

## 4.3 Importance of CPSRA to Windsurfing in the Bay Area

Within the San Francisco Bay Area, Candlestick point has been well known for over 30 years as one of the most consistent, most accessible, and most accommodating windsurfing spots for beginners, intermediates, and experts. It is one of only three windsurfing locations in San Francisco County and is the only one of the three sites that is not affected by tidal currents or dangerous shipping channels. Out of the entire Bay Area, only eight other sites provide usable access and fairly regular sailable conditions. See Table 4 for details.

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| Site         | County    | Current or<br>Water Level<br>Restrictions | Skill<br>Level | Water<br>Condition | Boats or<br>Stranding<br>Hazards | Sailable<br>Frequency |
|--------------|-----------|---|----------------|--------------------|----------------------------------|-----------------------|
| Candlestick  | S.F.      | None                                      | All            | Flat               | None                             | Very High             |
| Crissy Field | S.F.      | Current                                   | Expert         | Very Choppy        | Both                             | Medium                |
| Treasure Is. | S.F.      | Current                                   | Expert         | Very Choppy        | Both                             | Seasonal              |
| Third Ave    | San Mateo | Both                                      | Expert         | Large Swell        | Both                             | Medium                |
| Coyote Pt.   | San Mateo | Current                                   | All            | Chop/Swell         | Stranding                        | Medium                |
| Berkeley     | Alameda   | None                                      | Beg - Int      | Choppy             | None                             | Low                   |
| Alameda      | Alameda   | Level                                     | Beginner       | Small Chop         | None                             | Very Low              |
| Pt. Isabel   | Alameda   | Current                                   | Intermediate   | Choppy             | Stranding                        | Low                   |
| Larkspur     | Marin     | Level                                     | Int - Exp      | Choppy             | Boats                            | Low                   |

Table 4: San Francisco Windsurfing Locations

Of the nine San Francisco area sailing locations, Candlestick provides by far the highest number of high quality windy days regularly serving all skill levels without tidal concerns or hazards. It is also one of only three locations in San Francisco County. East Bay sailing sites have far weaker winds and much rarer adequate conditions. Other locations are seriously impacted by tidal restrictions, hazards, or limitations on required skill. Former sailing sites such as Oyster Point and Foster City Lagoon have been eliminated by upwind development. Only windsurfing launches in the vicinity that have frequent acceptable sailing conditions are shown. See [21] for more information.

On average, 85 Sailable Days per year (from April through September) are frequented by on average 20 sailors per Sailable Day. This past year (2013) saw 102 Sailable Days, far and away exceeding the number of sailable days at any other site around the Bay. Frequency of Sailable Days derived from recent CPSRA Sensor data is shown in Table 2.

The site is uniquely suited to all skill levels. Children in their early teens as well as seniors in their 70's regularly use this site. This site is also a training location for some of the world's best sailors including US National Champions Wyatt Miller, Tyson Poor, and Bryan Metcalf-Perez and World Top-10 ranked Freestyle sailor Phil Soltysiak. An on-line record of sailability of various San Francisco area locations is accessible through iWindsurf.com.

CPSRA is special because it has an amazing confluence of desirable factors found no where else in the Bay. The water condition is amazingly flat despite having some of the best winds in the Bay. This is because the winds are largely offshore, which prevents wind swell from building in the sailing area. By contrast, most other sites in the Bay suffer from unbuffered exposure to the swell and choppy conditions that predominate the Bay by virtue of the winds, topography, and boating traffic.

Candlestick's consistent winds are fed by the well-known topographical feature referred to as the Alemany Gap, which funnels wind like a wind tunnel directly from the Pacific Ocean. In the Spring, Candlestick is fed by strong Northwest wind weather systems. In the late summer and fall, thermal pressure gradients between the cooler Pacific Ocean and warmer inland valleys create a reliability that borders on clockwork. Very often, Candlestick will be the ONLY windy site in the Bay Area accessible within a reasonable distance.

Other factors that distinguish Candlestick include the fact that it is not dependent on tidal conditions. Virtually every other site in the Bay requires either a minimum water depth or tidal current direction (ebb or flood) in order to be sailable. This has the effect of eliminating many other sites from being sailable on days even when there is wind. Crissy Field, Treasure Island, and 3rd Avenue are typically only sailed during ebb tides. Sites such as Sherman Island are often only sailed on the ebb tide or during especially strong winds. Many of the sites in the North and South Bay are too shallow during low tides due to silt accumulation near the launches. Sites in the East Bay are much less windy in general. When these tidal conditions are adverse

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during favorable wind periods (typically mid-afternoon), the site is not sailable. However, Candlestick has plenty of water for safe sailing at even extreme low tides and because of the topographical configuration of the sailing area, it does not suffer the extreme limiting currents that accompany ebb or flood conditions at many other sites.

Finally, Candlestick is centrally located so as to service sailors regularly from the North Bay, East Bay, South Bay, Peninsula, and the City of San Francisco. It is at most a 45 minute drive for sailors coming from any of those areas even in most high-traffic periods.

In summary, Candlestick is a keystone to Bay Area windsurfing. No other site in the Bay Area provides such most universal access to high quality conditions on a such a frequent and dependable basis.



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Figure 24: Crissy Field Sailing Boating Hazards

Ocean liner freighters such as the one shown here include some of the many boating traffic hazards with which sailors in other sites around the Bay must contend. Ferries, commercial fishing, freighters, recreational traffic, and other vessels are commonplace throughout many locations in the Bay. Candlestick is a shallow basin that receives virtually no boating traffic.



## 5 Recommended Mitigation for Potential Project Impacts

There are five categories of mitigations proposed in these Comments. All are based on actual requirements used in other EIR and planning documents.

### 5.1 Site-Specific Final Wind Analysis Studies

Other projects for which similar wind tunnel wind impact studies were conducted were much smaller projects for which specific building footprints and site plan configurations were known or mostly known. Some of these other projects even had elevation sections or orientation and streamlining details depicted for analysis and consideration.

This Project, by contrast, is an order of magnitude larger and less defined. For this reason, the confidence level of the results of the Analysis must be less than for these other projects.

To ensure the same minimum confidence standards of other EIR analyses, prior to specific development within the Project, final wind impact analyses should be conducted to examine the individual development impact along with the surroundings, cumulative development programmed and approved up to that point, and future Project details as well as they are known at that time. These subsequent analyses should be directly tied to the impact on usability of the Resource as it exists today rather than thresholding a related but indirectly connected factor, such as wind speed.

### 5.2 Alemany Gap Wind Flow

The primary source of wind for the Resource is the Alemany Gap. This topographical feature channels and accelerates wind from the Pacific Ocean directly to CPSRA. Obstructions in the path of flow through and beyond the Alemany Gap would have the most impact on the Resource.

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Figure 25: Critical Upwind Section and Proposed Waterfront Preservation District  
The Critical Upwind Section and the proposed minimum Waterfront Preservation District immediately upwind of the Practical Sailing Area and downwind of the Alemany Gap. The waterfront is currently a mix of industrial operations but is slated in some proposed plans to be barricaded by a virtual wall of development up to 200' above sea level in some locations according to the DEIR. The Waterfront Preservation District shown at 900', which is half of the width of the Chicago Lakefront Park System. This figure includes areas outside of the Project scope to show non-residential areas that could also developed or redeveloped in the future into commercial or industrial uses.

- The minimum Waterfront Preservation District shown should established with only low vegetation and structures and minimal topographical variation or rise above sea level
- Filtration and catchment systems can be introduced in the Waterfront Preservation District to comprehensively filter and improve runoff and reduce litter that ends in the Bay
- All new development including building and parking areas should be located and clustered outside the Critical Upwind Section as much as possible or as far to the West and South as possible
- Vegetation, other structures, and topography that would present an impediment to wind flow or increase surface roughness should be kept at very low heights and uniform roughness to minimize increased wind turbulence
- Impervious surface area should be kept to an absolute minimum to avoid creating thermal conditions that create convection cells or otherwise interfere with the natural flow of wind through this area
- All industrial processes with the potential for discharging odor, dust, pollution, or other air or water quality impact should be prohibited from this area
- Trip generation that would result in diesel discharge or other air quality impact in this area should be discouraged

Project areas closest to the shoreline should be devoted to a substantial public open space to ensure the accessibility and utility of the shoreline for all. Such public access is critical to a successful waterfront development.

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cont.





Figure 26: Olympic Sculpture Park, Seattle

Another excellent example of waterfront development is the Olympic Sculpture Park in Seattle. It is a nine acre park on a former brownfield industrial site but is now one of the only green spaces in Downtown Seattle. The site is award-winning and has been called “the best thing to happen to Seattle in years” (Frommer’s travel guide). The potential scale of public waterfront preservation space on the Baylands is an order of magnitude larger.

### 5.3 Architectural Requirements

In addition to minimizing or eliminating impact in the Critical Upwind Section and proposed Waterfront Preservation District, the following architectural requirements are recommended to mitigate potential impact caused by development activities outside of no-build and open-space areas:

- Building heights and massing should be stepped such that the heights closest to the Bay are minimum and the heights rise as development proceeds West to reconnect air flow to the surface as gradually as possible
- Maximum building heights, topography, and other impacts to wind flow relative to mean sea levels should not exceed the current levels of the so-called “Brisbane dirt mounds”
- Structures should be oriented and streamlined to present minimal wind obstruction and minimal increase in wind turbulence consistent with similar efforts in other nearby jurisdictions
- Overall surface roughness impacts created by development activities should be kept to an overall minimum

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- Vegetation should be limited in height and scope to avoid creating additional surface roughness, sudden interruptions in wind flow, or exceptional height

Buildings and substantial development should begin to the West and should be stepped in height so that a wall of development does not obstruct views and access of the shoreline and wind flow to the Resource. This is a practice adopted along many of the most successful waterfronts in the largest cities. Parts of San Francisco's Embarcadero district provides an example of such stepped massing.



Figure 27: Litter from Industrial Operations

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cont.



#### 5.4 Use Limitations



Figure 28: Discharge of Dust and Particles

High winds carry pollutants throughout the air, water, and land downwind in the vicinity of the Project.

The steady strong winds in this site mean that air quality is particularly sensitive. Hundreds of complaints have been registered against odor and litter created by the existing Recology facility in this vicinity (Figures 33, 29, 27, and 30). This odor is created by transportation and processing of waste material (Figure 32). Litter is created as bits of waste are discharged onto roads and open space and carried by the wind ultimately to the Bay. The “dirt mounds” on this site that process and recycle dirt and construction material create an incredible dust discharge if uncontrolled (cf. Figures 31 and 28). This use also demonstrates the sensitivity of air quality given the high winds.

Users such as Recology have made promises in this and other jurisdictions but have failed to live up to promises. Part of this is due to the limited ability to monitor and enforce such vague but damaging concepts as “odor.” See, for example, [32] and [23], which discuss the high expectations and grandiose promises that have led to disgust, anger, and disappointment among the public.

The vast quantities of litter, dust, and incredibly frequency of wide-ranging noxious odor indicate that monitoring and enforcement is simply not working. The existing users have demonstrated how easy it is to circumvent the numerous layers of regulations designed to prevent just these types of abuses. For this reason, it is strongly recommended that these uses not be promoted in this area. Such polluting users are incompatible with the ecologically sensitive and residential surroundings.





Figure 29: Litter from Industrial Operations

As demonstrated by the discussion above, because of the high winds and proximity to the ecologically sensitive resource, the following restrictions are recommended:

- Uses that have will create odor, litter, dust, gas, fumes, irritants, particles, or exhaust either into the air or Bay should be prohibited
- Any such use that has the potential for such pollution should require a separate EIR process with a qualified expert to review the specific potential impact
- This also includes air turbines or other power generation facilities that could create additional wind turbulence or substantially alter the thermal dynamics of the Project area
- Existing violators should be brought into compliance before any further facility is considered
- Any use with the potential to generate long-ranging exceptional pollution of the sort discussed above should have specific monitoring provisions, budgets, thresholds, enforcement resources, penalties, and condition for use permit revocation and renewal

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cont.





Figure 30: Litter from Industrial Operations

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cont.

### 5.5 Funding for Monitoring, Testing, and Enforcement

Due to the proximity of possible intense industrial and commercial uses to existing and proposed residential and the San Francisco Bay, it is urged that special separately funded locally-administered monitoring, testing, and enforcement programs be established. The on-going funding for these should come from part of the revenue that the City of Brisbane and others will gain from the additional taxes and fees. It is anticipated that the proposed Recology expansion alone could generate hundreds of thousands or even millions of dollars in revenue for the City of Brisbane.

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**Locally Funded and Administered Monitoring, Testing, and Enforcement**

Figure 31: Discharge of Dust and Particles

High winds carry pollutants throughout the air, water, and land downwind in the vicinity of the Project.

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cont.

The City has recently experienced difficulties enforcing air quality problems with existing industrial users operating currently on the Baylands. Dust and particulates have been discharged regularly over and into the Bay for years in violation of air quality ordinances (see Figure 31). Numerous citations have been issued by authorities but the problem has continued unabated.

A recent thorough examination by the City of the circumstances that led to this situation revealed that a history of non-enforcement and lax specificity in permits were to blame [11]. Brisbane is a small city without the resources of its larger neighbors. It should take special measures to learn from this recent experience to ensure that future generations will not face similar aggravation, hazards, and difficulties.

Other regional enforcement agencies such as the Bay Area Air Quality Management District should not be expected to fill this responsibility. Those agencies are sorely overtaxed and do not have the resources or specific technology needed to institute monitoring systems. They also do not have the fine-grained enforcement authority needed to apply specific penalties to specific infractions.

In conversations with BAAQMD, it was revealed that they have no specific criteria to apply in determining when enforcement becomes an issue for things such as dust discharge or odor. They stated that they only take action "when the violation becomes a public nuisance." "Public nuisance" is not defined and is generally based on "how many people file complaints." At the time of this writing and to the best of our knowledge, there is one single BAAQMD field agent responsible for the entire San Francisco County.



## Specific Difficulties with Existing Odor



Figure 32: Discharge of Odor

The Recology processing facility creates incredible noxious odor. Hundreds of complaints have been registered with the Bay Area Air Quality Management District regarding this use. The high winds create an ideal situation for the propagation of noxious discharge through the downwind area. Trucks, open doors, and exhaust make it virtually impossible to contain such a use. These upwind uses are repeatedly cited but continue to pollute as it is virtually impossible to cost-effectively monitor and enforce ongoing compliance.

The existing Recology facility adjacent to the Project is one of the most noxious facilities in San Francisco. The high winds cause the odor to spread over many square miles almost every day in the Summer and Fall if not other times as well. This odor envelopes CPSRA (the land and water), adjacent highways and trails, the Candlestick Point stadium area slated for redevelopment, and even on some days as far as Sierra Point.

Commuters on Highway 101 who have the misfortune of having their windows down when passing by the Candlestick Park exit traveling South may notice an unfortunate coincidence: a sign that designates the Brisbane City limits and an overpowering nauseating odor of untreated garbage or the cloying revolting stench of perfume applied to the same. Users of the Bay Trail in this vicinity are also very familiar with this odor as well as the prolific litter that flies off of covered garbage trucks, snags in vegetation, and ultimately blows and washes over the Bay Trail (see Figure 33) and into the Bay.

The Internet forum iWindsurf.com provides a historical account of conditions at various windsurfing sites in the Bay Area from as early as 2008. Posts on this forum from as far back as Summer of 2009 discuss the garbage stench being produced at the current Recology facility. There is apparently no means or no will to hold violators of air quality standards to account in all cases.





Figure 33: Litter along the Bay Trail

Litter and discharge from industrial operations is carried by runoff, wind, or stormwater to the Bay. Uses that contribute such pollution should not be permitted to continue operating in violation.

While the existing Recology treatment facility is outside of the City of Brisbane, recent proposals submitted to the City indicate development on the order of an additional 750,000 square feet in Brisbane City limits. As far as we know, this would quadruple the size of the treatment plant and likely include other types of refuse such as biomass (compost). Biomass processing is notoriously the most noxious type of processing. Compost is literally “rotting garbage.”

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Figure 34: Recology Facility Receiving Compost Garbage for Processing  
124 acre existing Recology facility in the Central Valley receives municipal compost waste from Berkeley, Livermore, San Francisco, and other parts of Alameda County [31].

In conversations with current and former City of Brisbane officials, we were told that this facility would be “ultra-clean” and the “first of its kind.” We were told of assurances that there would be “no odor.” We are unsure how this is possible. If garbage is transported, there must be at some point where it is exposed to the air to be offloaded through doors, from trucks, and loaded into treatment systems and vice versa (see Figure 32).

The very idea that 1,000,000 square feet of garbage and compost processing would produce no odor would be mostly quite bizarre if it was not so especially sad that this is actually being seriously considered in exchange for huge potential revenues.

#### Current Composting Facilities

In Berkeley, municipal compost was processed in the landfill area that is now Cesar Chavez Park. For comparison, this park is 90 acres, substantially larger than the total area available to Recology (including existing facilities). This compost for Berkeley is now handled in the Central Valley in a 124 acre tract of land surrounded by farms. Material is processed in an open-air manner handling roughly 23 tons per day [31].

In order to encourage decomposition, heat, oxygen, and water is required. 540' long rows up to six feet in height are exposed to sunlight and air and are turned and watered constantly.

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Figure 35: Central Valley Recology Facility Processing Compost Material

When done incorrectly, the decomposition produces methane in addition to other byproducts of processing and sorting the raw waste that comes in to the facility. Even in a transfer station, it is clear that substantial odor and pollution can result as witnessed by the current Recology facility on the Baylands.

At this industrial scale in the Central Valley location, composting is economical and is efficient since the end product is largely used by the immediately surrounding farms. The idea that transport costs are saved by waste being processed close to where it is generated does not include all the facts. Portions of the waste still needs to be transported to landfills and the finished product still needs to be transported to end users.

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Figure 36: Central Valley Recology Facility Processing Compost Material

While there is the presumption that this expanded facility would handle municipal compost biomass, many of these lessons and issues would apply equally to the current facility and expansion to other types of waste processing.

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Figure 37: Central Valley Recology Facility Processing Compost Material

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### How to Enforce No-Odor Obligations

Setting aside the frustration of dealing with apparent short-sidedness, the practicality of ensuring such claims is daunting. We are sure that Brisbane would not simply take Recology at its word. We are sure that Brisbane would be very careful not to quadruple the size of an already incredibly and demonstrably noxious use presently at their doorstep.

Many other jurisdictions dealing specifically with Recology have received similar assurances only to find “nightmare” situations (cf. [32], [23]). The loophole that Recology and similar users seems to exploit is that there are no practical ways to monitor odor and there are no good laws that establish thresholds for odor violations. For example, Brisbane does not physically have the jurisdiction to install odor monitoring facilities and sensors downwind in the vicinity of the facility.

Furthermore, what possible monitoring technology could even be used and what are even acceptable odor limits? Odor is something that is carried by the wind and concentrations can be vastly different just a few meters away.

Notwithstanding the difficulty in even assessing compliance, what kind of penalties would be fair to offset possible odor? Why should the public suffer any odor at all, especially considering that the public most likely impacted will be to the East and South, outside of Brisbane, and not be receiving any stream of revenue?

Though we could not find specific records of requirements and assurances regarding odor during permitting, we were told by residents of the area that when the present Recology facility was first constructed, there were similar promises made that there would be no odor. One cannot imagine that the facility received a permit for operation that specific indicated it was permissible to create the level of pollution that it presently does. We were told there was in fact little or no odor during initial periods of operation. However over time, for



whatever reasons, the condition has obviously worsened to the present state.

There is also the issue that the present facility that currently produces incredible odor pollution is outside of the City of Brisbane jurisdiction, being located in the City of San Francisco. Brisbane has therefore no direct authority over those portions of the combined facilities. How can Brisbane require that Recology or its affiliates expend potentially huge sums to tear down or retrofit that facility to create a new supposedly "clean" comprehensive facility? What about the business interruption that would accompany such a modification?

On the other hand, is Brisbane willing to overlook the current noxious polluter at its border while it approves as massive new expansion for the same? What assurance could Brisbane receive that Recology won't simply transfer its "cleaner" processing to the Brisbane facilities while simultaneously taking on the dirtier processing in the adjacent facilities within the City of San Francisco?

We have registered our concern with this garbage treatment proposal on other occasions. In addition to the aforementioned assurances and despite no realistic plan or specificity for guaranteeing the same, we were given the final consolation that "garbage has to be processed somewhere." In the face of such apparently dedicated apologists for what would no doubt amount to a substantial future stream of revenue for Brisbane, we expect to have no productive discussion. Hence, we appeal for rational and objective consideration to the public, stakeholders, and those other officials who might read these Comments.

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## 6 Conclusion

To summarize, the DEIR Analysis incorrectly conflates the quantities of wind speed and turbulence intensity with that of Sailable Days. It measures the Project's impact on wind speed and turbulence intensity but does not measure the impact on Sailable Days or any other equivalently instructive quantity. Assuming that the wind speed and turbulence are interchangeable with or necessarily proportional to Sailable Days is arbitrary, lacks any foundation, does not meet the standards required by CEQA, is misleading, and is certainly not good and faithful professional engineering.

The Analysis does not specify a threshold for significant impact in terms of the Resource itself yet claims that there is no significant impact on the Resource. The Analysis conducted makes an overwhelming number of simplifying assumptions without justification or detail of alternatives or the consequence of these assumptions yet it reports extremely precise results with absolute confidence (i.e. no contingency for error in the assumptions made).

At the very start of the Analysis, the impact area examined does not match the area in which actual activity is predominantly conducted at the Resource and covers an arbitrary portion of the entire CPSRA. Furthermore, even within the possible area to examine, the Analysis only reports a handful of new potential impact measurement points that does not include areas closest to the Project and potentially most significantly impacted. The thoroughness of examining the potential impact area does not match with levels established in other smaller projects, even though this Project much larger scope and substantially less detail and certainty than those other projects.

These Comments demonstrate that especially within the Practical Sailing Area of critical importance, the true potential impact under a reasonable measure such as Sailable Days is between 9% and 44% given wind speed reductions of 5% to 10% and wind turbulence intensity increases of 5% to 10%. These level of wind speed reductions and wind turbulence intensity increases are found within a substantial portion of the Practical Sailing Area under a variety of wind conditions even considering that the Analysis does not analyze the most likely substantially impacted portions of the Practical Sailing Area or under certain wind conditions.

Taken individually or collectively, the risk of a substantial impact to the Resource is demonstrably great and substantially more significant than proposed by the DEIR Analysis. This sailing location is of paramount importance as it is one of the most consistent, most accessible, and highest quality of all of the San Francisco Bay Area, which places it among the very highest in the entire continental United States.

Careful mitigations should be included to ensure that potentially grave damage to this Resource is avoided. Multiple mitigation recommendations are proposed in these Comments. The most critical is to establish a minimum Waterfront Preservation District within the Critical Upwind Section between the Alemany Gap and the Practical Sailing Area and keep it as free from development and other interfering activities as possible.

Other considerations such as architectural streamlining, orienting, and stepped massing are also essential for both wind flow as well as to ensure public view preservation as much as possible.

The establishment of the recommended minimum Waterfront Preservation District will be the key to ensuring that all residents, visitors, and businesses of Brisbane benefit from this project in addition to increasing values for private project sponsors and maintaining recreational opportunities in the water at CPSRA.

Continued reassessment of wind and sailability impact should be conducted at subsequent stages of the Project's development once additional detail and options have been more firmly determined or stages of the Project developed. Not only is it critical to test what could actually be built, but it is critical to validate that some of the many assumptions made in the current Analysis prove to stand up to time and more thoughtful analysis methods.

Importantly, monitoring, testing, and enforcement programs with penalties should be established and funded

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## CONCLUSION

through the operations scheduled to be included in the Project. Air and water quality in such a sensitive high-wind area immediately adjacent to the Bay creates a special need that should be dealt at a higher level of scrutiny than that available from existing environmental authorities.

The Project should go above and beyond of what is required to preserve and foster natural resources and activities dependent on the same. The Project and community should embrace the extremely unique and highly sensitive windsports that take place just off of its shores. Benefits for both are not mutually exclusive with thorough consideration and a small amount of forethought. The penalty for failing to do so could be catastrophic for many.

The resources available in these Comments to measure the impact of the Project and propose mitigation are limited. It is the intent of these Comments to demonstrate the extreme need to carefully reevaluate the Analysis done in the DEIR and include substantial mitigation to prevent a disastrous taking of this valuable, unique, and highly sensitive environmental Resource.

It is not the intent to argue the fine points of the Analysis or to claim that the entire Analysis is incorrect. It is the spirit of these Comments that we hope is received and acted upon, that the Analysis should not be accepted without substantial modification and adoption of mitigation measures.

Accepting the DEIR Analysis as-is would not only result in serious unmitigated consequence to the Resource, it would help to establish an irresponsible precedent for accepting incomplete and unsubstantiated presumption in place of good and faithful professional engineering.

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## **PART III**

### **ADDRESSING MASTER RESPONSE OF 300 AIRPORT BOULEVARD PROJECT FINAL EIR**

## Introduction

The City of Burlingame also considered impacts on windsurfing recreational activities recently in the vicinity of the Coyote Point windsurfing launch. Burlingame has taken a proactive approach to identify a wind impact standard for future projects and applied this standard to the recently reviewed 300 Airport Boulevard project. As part of that EIR process, public comments were submitted and a Master Response [3] was produced in conjunction with the same consultants being used for this current Project as far as we know.

It is apparent that numerous similar methods and criteria are being applied from that 300 Airport Boulevard EIR to this current DEIR. This section is intended to point out the differences between this Project and that of 300 Airport Boulevard as well as address the differences between the discussion in the Master Response and these Comments.

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## 1 Adequacy of the Significance Threshold

### 1.1 Threshold Did Not Follow CEQA Adoption Process or Meet Requirements

The Master Response states that “the City, as lead agency, is permitted discretion in establishing significance thresholds and determining how to apply these thresholds in varying settings, so long as it is based on substantial evidence and the application does not foreclose consideration of potentially significant impacts.”

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It continues by pointing out that the City of Burlingame had adopted a significance threshold of 10% wind speed reduction “over large portions of the windsurfing transit routes or primary board sailing areas.” In adopting this significance threshold, the City of Burlingame provided an opportunity for public review and comment.

While there was apparently no public comment and this standard was adopted by the City of Burlingame, no such standard has been adopted or considered by the City of Brisbane, which is the lead agency for this Project. It is unclear why the general public and the City of Brisbane should not be afforded the same opportunity to cooperatively establish the most appropriate wind impact standard.

While these Comments do not speak specifically to the decision made by the City of Burlingame, for the present Project and DEIR, the adoption of this 10% wind speed reduction threshold for the current DEIR is inappropriate because there is not “substantial evidence” that the application of this standard would not “foreclose consideration of potentially significant impacts.”

As shown repeatedly in these Comments, based on an actual survey of users of this site that corresponds to the professionally operated and maintained CPSRA Sensor [35], wind speed reductions even in the range of 5% would have very large impacts. Furthermore, the Analysis conducted for this DEIR does not even examine substantial portions of the true area that would be most impacted by the proposed Project.

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In other words, there is substantial evidence that the application of this standard WOULD foreclose consideration of potentially significant impacts. The evidence to the contrary presented in the DEIR Analysis is incomplete and inconclusive.

### 1.2 Wind Turbulence Component Arbitrarily Dismissed

Considering wind turbulence in addition to wind speed reduction was dismissed in the Master Response because “the lack of an established standard for ascribing changes in turbulence to an effect on wind-related recreational activities make it a less appropriate and effective method for determining the significance of wind impacts.” If there is no known criteria for evaluating the impact then the responsibility of the DEIR is to determine what that appropriate criteria is or justify why the current body of research, methods, surveys, or resources is insufficient to establish such a criteria.

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There are ready models to bridge the gap between wind turbulence intensity and wind gust factors (and corresponding lull wind speeds), for which a windsurfing impact criteria can be established based on a survey of the users of the site or through other means. What minimum efforts were made to try and establish such a connection and criteria that included turbulence and why these efforts failed are unexplained and unclear.

### 1.3 Absolute Required Operating Conditions Not Identified

These Comments emphasize that the important criteria is not the wind speed reduction or turbulence intensity. These are intermediate factors that contribute to the continued viability of the site. The important quantity in these Comments are the availability of the Resource, herein referred to as Sailable Days, defined by Required Conditions that exist today and that are relative to the specific CPSRA Sensor, which has been operated for many years and is universally known by users of this Resource as the single best representative for sailing conditions at CPSRA.

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Relative wind speed reductions tell the public nothing about the ultimate impact on the site. Absolute operating conditions need to be first defined such as was done with the 34th America's Cup Regatta minimum and maximum racing standards relative to the local sensors operated by the same company that operates the CPSRA Sensor [29], [28].

Sensitizing impacts to the historic CPSRA Sensor data with a consistent set of Required Conditions for Sailable Day is a reasonable and practical method for translating the wind speed reduction and turbulence intensity increase to a quantity of importance, namely Sailable Days.

The Master Response does not address such a specific quantity as Sailable Days, it does not address any attempt to establish something like meaningful Required Conditions for use of the Resource in terms of an independently operated long-term sensor such as the CPSRA Sensor, and it does not address the attempt to employ reasonable empirically validated methods of incorporating turbulence intensity into the discussion. All of these things are done in these Comments.

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#### **1.4 Evidence of “No Impact” Does Not Consider Substantial Resource Area**

Finally, the Analysis in the DEIR does not even report on large sections of the CPSRA or the Practical Sailing Area. The Analysis makes numerous problematic assumptions in methodology highlighted in these Comments that we claim understate the true impact. Notwithstanding possible underestimation, the results as reported when considering the true Practical Sailing Area that is of paramount importance to the Resource, large portions of the Resource would be affected based on the DEIR Analysis.

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## 2 Adequacy of the Wind Study and Evaluation of Turbulence

### 2.1 Baseline Wind Data

The Master Response describes the use of baseline wind data from the San Francisco Airport sensor as sufficient for establishing “free-stream” wind condition. A similar method of establishing baseline wind data is used in the DEIR. The Master Response continues by saying that a particular local sensor cannot be used for wind tunnel analysis purposes because it does not meet requirements for measuring “free-stream” wind conditions.

These Comments make extensive use of the CPSRA Sensor data as the single most accurate and reliable representative of realistic sailing conditions over millions of square feet of water area at the CPSRA. It is not the intent of these Comments to suggest that the wind tunnel analysis conducted for the DEIR should have used the CPSRA Sensor as the “free-stream” representative sensor.

This CPSRA Sensor is used herein separately from the wind tunnel analysis to consider how direct impacts to changes in wind speeds and turbulence would impact Sailable Days based on actual historic data. The use of this CPSRA Sensor is intended to point out that while the wind tunnel analysis is one method of considering impacts to the Resource, it is not the only way, and because of the numerous simplifying assumptions and complexity of the modeled system that far exceeds that of the 300 Airport Boulevard project, the wind tunnel analysis does not even seem to be an appropriate method for the Analysis.

According to the Master Response, the wind tunnel analysis was conducted for a much smaller project at 300 Airport Boulevard. The current Project is hundreds of acres in scope and the Analysis attempts to model an incredibly varied, dynamic, and complex terrain and wind system. To consider the wind tunnel analysis for the Project as the only source for determining that the Project would have no significant impact is short-sighted and overly aggressive in light of the very simple and very clear demonstration of the sensitivity of this Resource to even small changes in wind speed or turbulence over substantial portions of the Resource through the use of the CPSRA Sensor data.

Lastly, as pointed out elsewhere in these Comments, good engineering practice requires that such a model be validated against the very real-world conditions it is attempting to model. To our knowledge based on discussion with ESA, there was explicitly no attempt to take on-the-ground measurements to validate their wind tunnel model.

### 2.2 Applicability of Wind Study Results to Range of Wind Speeds

The Master Response reiterates the appropriateness of use of relative wind speed analysis as sufficient for considering the impact on windsurfing sailing. A similar claim is made in the DEIR. Realistically, windsurfing is highly dependent on actual wind speeds such that sailability is not linearly affected by relative changes in the wind speed.

Much like aircraft have specific critical takeoff, stall, and landing speeds, windsurfing has critical planing board speeds required very specific minimums of wind speed. Below these minimum planing speeds, performance is not linearly diminished, but relegated to a completely separate behavior known as non-planing sailing. The Required Conditions specified herein describe the minimum set of conditions required to maintain planing conditions.

Another way to view this is to consider that although the America’s Cup boats would operate in some fashion below the minimum race wind speed and tidal conditions, their operation would be severely impacted and no longer indicative of the true capabilities for which the boats are primarily designed.

By failing to specify absolute wind speeds in the Analysis, there is no way to determine if the changes would result in board speed decreases that would fall below this minimum planing speed requirement. However, when applying the same relative wind speed reductions to the CPSRA Sensor historic data set, it is shown

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that such decreases would in absolute terms yield very substantial decreases in ability to sail in this planing state.

Furthermore, the wind tunnel analysis conducted for the DEIR does not employ wind speeds in the range actually experienced on the ground at CPSRA. This is yet one more simplifying assumption in a dynamic system that is already incredibly complex and difficult to model accurately.

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### 2.3 Measurements of Wind Direction and Turbulence

The Master Response dismisses the increase in wind turbulence intensity projected to occur much in the same fashion as the DEIR. However just a few paragraphs above, the Master Response states that there is a “lack of an established standard for ascribing changes in turbulence to an effect on wind-related recreational activities make it a less appropriate and effective method for determining the significance of wind impacts.” If there is no standard for measuring the impact on the increase in turbulence, then the increase they admit occurs should not be dismissed out of hand.

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These Comments show through the use of a simple and empirically validated model that has been peer-reviewed in the meteorological scientific community that turbulence intensity is connected to extreme wind values in a fashion than can be readily considered (cf. [9], [18], [24], [26], [34], [19], and [30]). These changes in extreme values (both gusts as well as lulls) can be evaluated against threshold required conditions for sailability as is done herein. Even a “relatively” small increase in turbulence (say from 0.10 to 0.11) would likely increase the range of lull-to-mean wind speeds by a comparable relative amount (0.10 to 0.11 is 0.01 absolute increase or a 10% relative increase).

### 2.4 Gusts or Gustiness

Gust used in these comments refers to the specific meteorological term defined as the maximum mean wind speed over a specified short-term duration within a longer-term observation. Lull is the minimum mean wind speed over a specified short-term duration within a longer-term observation. Gust or lull is not being used within these Comments interchangeably with turbulence. Turbulence (or turbulence intensity) used herein refers to a statistic of a series of mean wind speeds over a specified longer-term period. While gust and lull refer to extreme values within an observation period, turbulence refers to the distribution of values over a series of observations.

The Master Response states that “Gusts and longer-term changes in wind speed are not generated by wind passing by objects on the ground, and thus are independent of the 300 Airport Boulevard Project and need not be discussed in the Draft EIR.” Much scientific study has revealed a strong connection between wind turbulence intensity and gusts and lull. The Master Response and the DEIR both admit that the respective projects will increase turbulence intensity. This in turn will increase the range of gusts and lulls based on all scientific models reviewed ([9], [18], [24], [26], [34], [19], and [30]). In the model used in these Comments and described in Appendix H of these Comments, turbulence intensity is shown to be linearly proportional with the range between mean wind speed and gust wind speed and mean wind speed and lull wind speed.

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Importantly, critical parameters of the Required Conditions are minimum gust and lull. It is insufficient to describe sailable conditions simply by the mean wind speed. If the lull wind speed is too low or too frequent, sail force and board speed will be insufficient to maintain critical planing speed on a regular basis. Much additional energy is required to propel the board to the planing state. Once planing, the mean wind speed may be sufficient to maintain sufficient sail force to keep the board in planing conditions. This is why the minimum gust is essential to provide enough impulse to begin planing or maintain sufficient momentum.

Increasing turbulence increases the range of extreme values (lulls and gusts relative to the mean wind speed). The importance of lull and gust wind speed to windsurfing is just as important as mean wind speed. To dismiss either or both of these facts demonstrates a fundamental misunderstanding of the Resource being analyzed.



# **PART IV**

## **PUBLIC PETITION SUPPORTING CPA BAYLANDS DEIR COMMENTS**

## 1 Public Petition Supporting CPA Comments

On December 15th, 2013, an on-line public petition campaign entitled “Mitigate Baylands Impact on Candlestick Point” was created by the Candlestick Preservation Association (CPA) through the widely-used Change.org platform (hereinafter referred to as the “Petition”). The Petition was directed to the Planning Department for the City of Brisbane, California.<sup>15</sup>

Notices of the Petition were circulated to the local watersports community and were subsequently forwarded to interested parties who have since moved away from the Bay Area or who travel from time-to-time to the Bay Area to enjoy watersports activities. Each signature was obtained on a completely voluntary basis without any offer of compensation.

Petition campaigns created with and managed through the Change.org platform are recognized by many policy makers and business leaders as significant representation of general public sentiment. Petitions hosted by Change.org have been instrumental in changing policies in banking and lending institutions, environmental practices of large organizations, governmental affairs, and instances of public justice.

## 2 Direct Petitioner Baylands DEIR Public Comments

Those who signed the Petition not only support the public comments prepared by the Candlestick Preservation Association for the Baylands DEIR, but they also support that the following letter be submitted directly to the City of Brisbane for recording as each petitioner’s own public comments for the Baylands DEIR process:

The Baylands DEIR fails to identify potentially significant impacts on air quality and on the recreational windsurfing resource at Candlestick Point or adopt critical mitigation measures to preserve this recreational resource as well as substantial usable public open space along the edge of the Bay.

For these reasons, I respectfully submit the following four comments relative to the DEIR:

1: The actual water area most frequently used by windsurfers at Candlestick Point State Recreation Area and most critical to this recreational resource for safety and viability was misidentified in the DEIR. The rectangular true critical area is bordered by the Eastern edge of the Baylands and Southern edge of Candlestick Point and begins immediately at the Western edge of the Bay along Highway 101 and extends approximately 3,300’ East then moves North a length of approximately 3,000’ to terminate at the South edge of the Candlestick Point State Recreation Area.

GPS sailing records used in part to determine the study area reported in the DEIR also show sailing in this area. The GPS sailing records are skewed by the particular prevailing wind direction when the records were made. Furthermore, the GPS sailing records do not necessarily reflect the area typically used by most windsurfers for reasons such as safety or access to stronger wind or smoother water conditions.

The DEIR also did not measure any new impact points in this critical area specific to the Baylands project closer than approximately 1,500’ from the East edge of the Baylands project site unlike both the Executive Park and 300 Airport Boulevard projects, for which impacts were considered immediately adjacent to and downwind of the project sites. This critical area was also sparsely covered by new impact measurement points made in 2012 specific to the Baylands project and the

<sup>15</sup>The URL for the Petition is <https://www.change.org/petitions/city-of-brisbane-california-mitigate-baylands-impact-on-candlestick-point>



most impacted Western areas of this critical area were not measured at all. Only the Eastern or South-Eastern portions of this critical area were studied in newly measured Baylands project-specific impact points, covering only 25% of the total critical area on average for the primary wind directions of West, West-Northwest, and Northwest.

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cont.

2: The significance test used in the DEIR to assess impacts to the windsurfing resource at Candlestick Point is invalid. The DEIR measures relative change in wind speed. However it does not establish what the absolute pre-impact or post-impact wind speed levels are or will be. Without this information, it is impossible to determine what change in availability in the recreational resource will result post-impact. This relative wind speed significance test has not been adopted by Brisbane under an appropriate CEQA adoption process subject to public review.

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Determining acceptable absolute minimum wind levels is easily established by a survey of existing users, discussion with professional forecasters, or consulting historical data. Without absolute pre-impact and post-impact wind levels and without criteria for acceptable use of the recreational resource in terms of these absolute wind levels, the DEIR cannot and does not determine the potential actual impact on the availability of the resource.

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Windsurfing is not proportionally impacted by relative wind speed changes. Beyond certain minimum thresholds, the resource is no longer viable. An example of where minimum absolute wind standards have been identified is the 34th America's Cup Regatta. Using the same data provider employed by the 34th America's Cup Regatta and a conservative definition of minimum acceptable conditions as they exist today, an analysis of three years of historic data was conducted by the Candlestick Preservation Association. They found that a 5% to 10% decrease in the average wind speed at this site would reduce the number of sailable days at Candlestick Point by 9% to 44% per year on average based on scaling historic wind levels and reapplying the minimum acceptable conditions criteria. This scaling of absolute wind speeds is a method suggested in the DEIR to translate the relative reported changes into absolute wind levels.

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3: The current trash processing facilities upwind of Candlestick Point have been generating incredible noxious odor and air pollution for many years. Many complaints have been registered, but the trend continues unabated. Monitoring, testing, and enforcing odor and other air quality issues requires access to jurisdictions that are outside of Brisbane. Furthermore, current regional air quality and pollution control agencies are unwilling or unable to stop air pollution in this vicinity as witnessed by the perpetual odor. No meaningful provisions have been included in the DEIR for the local establishment of air quality standards, prevention of dissemination of odor and carcinogens into the air, monitoring and testing of the same, enforcement of such standards, and penalties for violations. Despite incredible continual odor discharge from July to September of 2013, for example, the Bay Area Air Quality Management District levied a total of only \$300 in fines against Recology facilities on the Baylands.

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4: For the maximum long-term benefits for both public welfare and private value, a substantial minimum Waterfront Preservation District should be established along the length of the Eastern edge of the Baylands adjacent to Highway 101 and the Bay. Not all open space is equal and waterfront enjoyment cannot be replicated by patches of green space scattered behind buildings that dominate and monopolize the shoreline. Research has shown that great value accrues to municipalities that

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use setbacks to keep buildings well away from the water and use stepped massing to gradually increase building heights in moving away from the water.

For the sake of Brisbane residents, visitors, businesses, tourists, and the general public, a substantial setback and public open space allowance should be made along the water. In addition, maximum height limits should be substantially lowered to be commensurate with existing structures in the vicinity. Orientation and streamlining should also be incorporated to minimize wind turbulence increase and wind speed reduction impacts to the windsurfing area. Once this open space is committed to development it will likely be lost to the public in perpetuity.

Finally, I concur with the public comments for this DEIR prepared and submitted by the Candlestick Preservation Association.

Thank you for your consideration and your diligence in this matter.

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cont.

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### 3 List of Petitioners

The following is a list of the 153 petitioners who electronically signed the Petition via the Change.org platform. The final column is the date (in YYYY-MM-DD format) that indicates when the signature was received.

#### United States – California

|    |                     |              |            |
|----|---------------------|--------------|------------|
| 1  | Siskind, Dan        | Alameda      | 2013-12-16 |
| 2  | Delwig, Anton       | Albany       | 2013-12-17 |
| 3  | Kane, Jason         | Atherton     | 2013-12-18 |
| 4  | Buckley, Heather    | Berkeley     | 2013-12-18 |
| 5  | Fielder, David      | Berkeley     | 2013-12-16 |
| 6  | Iens, Sof           | Berkeley     | 2013-12-15 |
| 7  | Iverson, Erik       | Berkeley     | 2014-01-20 |
| 8  | Johnson, Jennifer   | Berkeley     | 2013-12-16 |
| 9  | Mui, Peter          | Berkeley     | 2013-12-18 |
| 10 | Shuman, Derek       | Berkeley     | 2013-12-17 |
| 11 | Spencer, Chris      | Berkeley     | 2013-12-17 |
| 12 | Stone, Rob          | Berkeley     | 2013-12-19 |
| 13 | Vallentin, Matthias | Berkeley     | 2013-12-17 |
| 14 | Yribarren, Pedro    | Berkeley     | 2013-12-16 |
| 15 | Zelinski, Michael   | Berkeley     | 2013-12-16 |
| 16 | Block, Brad         | Brisbane     | 2013-12-15 |
| 17 | Chandler, Ellen     | Brisbane     | 2013-12-16 |
| 18 | Dettmer, Linda      | Brisbane     | 2013-12-17 |
| 19 | Bachmann, Philippe  | Burlingame   | 2013-12-19 |
| 20 | Santiago, Bric      | Burlingame   | 2013-12-19 |
| 21 | Mazzanti, Walter    | Corte Madera | 2013-12-16 |
| 22 | Yearwood, Bradley   | Cotati       | 2013-12-17 |
| 23 | Luehrs, Dave        | Danville     | 2013-12-16 |
| 24 | Filiz, Onur         | El Cerrito   | 2013-12-16 |
| 25 | Elliott, Steve      | Fairfax      | 2013-12-19 |
| 26 | King, Madeleine     | Fairfax      | 2013-12-17 |
| 27 | Menshikov, Sergey   | Foster City  | 2013-12-16 |
| 28 | Luk, George         | Fremont      | 2013-12-18 |
| 29 | Tarantino, Tristram | Goleta       | 2013-12-17 |

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## LIST OF PETITIONERS

|    |                        |                |            |
|----|------------------------|----------------|------------|
| 30 | McMenamin, Sean        | Granite Bay    | 2013-12-20 |
| 31 | Simmons, Phil          | Hercules       | 2013-12-16 |
| 32 | Lloyd, Sarah           | Los Altos      | 2013-12-16 |
| 33 | Bertoni, Nestor        | Los Angeles    | 2013-12-17 |
| 34 | Haye, George           | Los Gatos      | 2013-12-17 |
| 35 | C., Evan               | Menlo Park     | 2013-12-16 |
| 36 | Allen, Karla           | Mill Valley    | 2013-12-18 |
| 37 | Phillips, David        | Mountain View  | 2013-12-16 |
| 38 | Aviram, Ady            | Oakland        | 2013-12-16 |
| 39 | Fluckiger, Evelyn      | Oakland        | 2013-12-18 |
| 40 | G., Kati               | Oakland        | 2013-12-16 |
| 41 | Jones, Ian             | Oakland        | 2013-12-15 |
| 42 | Lilla, Brian           | Oakland        | 2013-12-24 |
| 43 | Locht, Ardaan          | Oakland        | 2013-12-17 |
| 44 | Sauvain, Cyrille       | Oakland        | 2013-12-21 |
| 45 | Singer, D.             | Oakland        | 2013-12-16 |
| 46 | StClair, Lisa          | Oakland        | 2013-12-16 |
| 47 | Stewart, Amy           | Oakland        | 2013-12-16 |
| 48 | Vera, Adriana          | Oakland        | 2013-12-18 |
| 49 | Von Bucher, Peter      | Oakland        | 2013-12-16 |
| 50 | Voss, Jason            | Oakland        | 2013-12-29 |
| 51 | Hilow, William         | Pacifica       | 2013-12-16 |
| 52 | Montagne, Dan          | Pacifica       | 2013-12-16 |
| 53 | Duffie, Colin          | Palo Alto      | 2013-12-16 |
| 54 | LeBlanc, Candy         | Placerville    | 2013-12-17 |
| 55 | Ganapathi, DevaPrakash | Rancho Corodva | 2013-12-16 |
| 56 | Sinclair, Dwayne       | Redondo Beach  | 2013-12-19 |
| 57 | Kaven, Ole             | Redwood City   | 2013-12-16 |
| 58 | Zimmermann, Guiso      | Redwood City   | 2013-12-17 |
| 59 | Robert, Meredith       | Richmond       | 2013-12-19 |
| 60 | Mathias, John          | Sacramento     | 2013-12-16 |
| 61 | Ting, Ethan            | Sacramento     | 2013-12-18 |
| 62 | Brittain, David        | San Carlos     | 2013-12-15 |
| 63 | McKenna, Robert        | San Carlos     | 2013-12-17 |
| 64 | Alderton, Louise       | San Diego      | 2013-12-16 |
| 65 | DeWitt, Greg           | San Diego      | 2013-12-17 |
| 66 | Andor, Noemi           | San Francisco  | 2013-12-17 |
| 67 | Aubin, Marylene        | San Francisco  | 2013-12-16 |
| 68 | Beck, John             | San Francisco  | 2013-12-17 |
| 69 | Buckner, Clark         | San Francisco  | 2014-01-07 |
| 70 | Cook, Jeff             | San Francisco  | 2013-12-17 |
| 71 | Fisher, Abigail        | San Francisco  | 2013-12-18 |
| 72 | Gifford, Dave          | San Francisco  | 2013-12-16 |
| 73 | Kan, Kevin             | San Francisco  | 2013-12-16 |
| 74 | Leverich, Jacob        | San Francisco  | 2013-12-15 |
| 75 | Lueck, Derek           | San Francisco  | 2013-12-17 |
| 76 | Meleney, David         | San Francisco  | 2013-12-17 |
| 77 | Mlika, Zdenek          | San Francisco  | 2013-12-16 |
| 78 | Monchiero, Matteo      | San Francisco  | 2013-12-17 |
| 79 | Oppedal, Jonas         | San Francisco  | 2013-12-17 |
| 80 | Portnoy, Diane         | San Francisco  | 2013-12-18 |
| 81 | Rosenblum, Diane       | San Francisco  | 2013-12-17 |
| 82 | Samborsky, Dmytro      | San Francisco  | 2013-12-17 |
| 83 | Schwagler, Brad        | San Francisco  | 2013-12-20 |

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cont.

## LIST OF PETITIONERS

|     |                       |                  |            |
|-----|-----------------------|------------------|------------|
| 84  | Thole, Tim            | San Francisco    | 2013-12-16 |
| 85  | Tse, Karen            | San Francisco    | 2013-12-16 |
| 86  | Turcot, Panu          | San Francisco    | 2013-12-16 |
| 87  | Umur, Nesrin          | San Francisco    | 2013-12-16 |
| 88  | VanderMarck, Paul     | San Francisco    | 2013-12-17 |
| 89  | Verotta, Davide       | San Francisco    | 2013-12-16 |
| 90  | Vestel, Leora         | San Francisco    | 2013-12-16 |
| 91  | Younger Rosse, Dianne | San Francisco    | 2013-12-17 |
| 92  | Rooke, Matt           | San Jose         | 2014-01-03 |
| 93  | Dias, Tiago           | San Mateo        | 2013-12-17 |
| 94  | Rost, Guido           | San Mateo        | 2013-12-16 |
| 95  | Ter Schure, Arnout    | San Mateo        | 2013-12-16 |
| 96  | Carter, Scott         | San Pedro        | 2013-12-16 |
| 97  | Bayles, Jeff          | San Rafael       | 2013-12-17 |
| 98  | Finn, Jeffrey         | San Rafael       | 2013-12-16 |
| 99  | Rice, Menachem        | San Rafael       | 2013-12-17 |
| 100 | Zehtabfard, Shirin    | San Rafael       | 2013-12-17 |
| 101 | Zorzynski, Roberta    | San Ramon        | 2013-12-16 |
| 102 | Hume, David           | Santa Clara      | 2013-12-16 |
| 103 | Jutkins, Charles      | Santa Cruz       | 2013-12-25 |
| 104 | Proca, Adrian         | Santa Cruz       | 2013-12-17 |
| 105 | Gray, David           | Santa Rosa       | 2013-12-23 |
| 106 | Kayne, Julian         | Santa Rosa       | 2013-12-17 |
| 107 | Pitt, Stephen         | Sausalito        | 2013-12-17 |
| 108 | Gales, Geoffrey       | Scotts Valley    | 2013-12-16 |
| 109 | Chuang, Jason         | Stanford         | 2013-12-17 |
| 110 | Khatiwala, Tejas      | Sunnyvale        | 2013-12-16 |
| 111 | Najim, Zoe            | Tahoe City       | 2013-12-17 |
| 112 | Miller, Andy          | Vallejo          | 2013-12-16 |
| 113 | Caven, Carl           | Walnut Creek     | 2013-12-17 |
| 114 | Pray, Thorsten        | Walnut Creek     | 2013-12-20 |
| 115 | Holland, John         | Westlake Village | 2013-12-16 |
| 116 | Do, Kevin             | Westminster      | 2013-12-23 |
| 117 | Dev, Gita             | Woodside         | 2013-12-19 |

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cont.

## United States – Outside California

|     |                        |                          |            |
|-----|------------------------|--------------------------|------------|
| 118 | Judge, Lisa            | Tucson, Arizona          | 2013-12-17 |
| 119 | Vrouletis, Gregory     | Boynton Beach, Florida   | 2013-12-16 |
| 120 | Boland, Pam            | Grovetown, Georgia       | 2013-12-23 |
| 121 | Devanney, Kieran       | Haiku, Hawaii            | 2013-12-24 |
| 122 | Watson, D.             | Kailua, Hawaii           | 2013-12-17 |
| 123 | Hill, Meghan           | Baltimore, Maryland      | 2013-12-16 |
| 124 | Feddersen, Graham      | Harvard, Massachusetts   | 2013-12-17 |
| 125 | Feddersen, Jeff        | Harvard, Massachusetts   | 2013-12-17 |
| 126 | Plante, Norman         | Holliston, Massachusetts | 2013-12-17 |
| 127 | Patton, Liz            | Kingston, Massachusetts  | 2013-12-17 |
| 128 | Benoit Percq, Violaine | Milton, Massachusetts    | 2013-12-17 |
| 129 | Steele, Michael        | Morrice, Michigan        | 2014-01-04 |
| 130 | Groner, Matt           | Bridgeton, Missouri      | 2013-12-17 |
| 131 | Pogzeba, Mike          | Albuquerque, New Mexico  | 2013-12-17 |
| 132 | Collins, Christopher   | Staten Island, New York  | 2013-12-27 |



|     |                  |                              |            |
|-----|------------------|------------------------------|------------|
| 133 | McKinney, Andrew | Avon, North Carolina         | 2013-12-17 |
| 134 | Berrios, Shedy   | Jacksonville, North Carolina | 2013-12-16 |
| 135 | Kaplan, Dennis   | Mayfield Heights, Ohio       | 2013-12-18 |
| 136 | Weintraub, Dana  | Beaverton, Oregon            | 2014-01-01 |
| 137 | Henley, Holly    | Ninety Six, South Carolina   | 2014-01-06 |
| 138 | Bonner, Charles  | Austin, Texas                | 2013-12-16 |
| 139 | Henley, Cynthia  | Houston, Texas               | 2014-01-07 |
| 140 | Lough, Garry     | Wylie, Texas                 | 2013-12-21 |
| 141 | Arnold, Tyler    | Harrisonburg, Virginia       | 2013-12-16 |
| 142 | Finnerty, Liann  | Sequim, Washington           | 2013-12-17 |

### Outside of the United States

|     |                         |             |            |
|-----|-------------------------|-------------|------------|
| 143 | Lupi, Jorge             | Argentina   | 2013-12-17 |
| 144 | Pojar, Sam              | Australia   | 2013-12-17 |
| 145 | Braeuer, Toby           | Brazil      | 2013-12-16 |
| 146 | Spiess, Carl            | Canada      | 2014-01-05 |
| 147 | D'Avezac de Moran, Anne | France      | 2013-12-20 |
| 148 | Pinocheau, Romain       | France      | 2013-12-16 |
| 149 | Dunkel, Alexander       | Germany     | 2013-12-16 |
| 150 | Dunkel, Johannes        | Germany     | 2013-12-31 |
| 151 | Wever, Chris            | Netherlands | 2013-12-16 |
| 152 | Shikarkhane, Nikhil     | Sweden      | 2013-12-17 |
| 153 | Cusin, Pierre           | Switzerland | 2013-12-18 |

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cont.

## 4 Additional Petitioners Comments

In addition to the aforementioned letter intended as public comments to the Baylands DEIR process from each petitioner, some petitioners also submitted additional comments via the Change.org platform. A selection of these additional comments is included below:

I spent every weekend and some weekdays out at Candlestick windsurfing. I've done this for 20 years. Many of my friends I have met there. It is a wonderful recreational area and very beautiful. The water is warm and the windsurfing is fantastic. I love it there. The recycling place near the Stick is leftover from the days when we used to put all the dumps near the bay. We had no regard for what we had. The bay is a fabulous resource.

Ellen Chandler  
Brisbane, California

I moved here from NY State in 2009 so that I would be able to sail at Candlestick. Please keep it windy.

Michael Zelinski  
Berkeley, California

I'm a windsurfer and I really very much care about candlestick park. It is most amazing windsurfing spot.

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## ADDITIONAL PETITIONERS COMMENTS

Tejas Khatiwala  
Sunnyvale, California

It's a main windsurfing destination and it would be a shame to see it go. It provides windsurfers in the bay area with many windsurfing days of the season. I probably windsurf there more than any other spot in the bay area.

Pedro Yribarren  
Berkeley, California

I am a San Francisco windsurfer who makes use of Candlestick on a regular basis (roughly 70 days from February through August). Having lived in a variety of cities (Vancouver, Toronto, Boston, Los Angeles) as a windsurfer, I quickly realized that Candlestick is a unique resource and I am deeply concerned that it would be irrevocably impacted by the proposed changes. This would be the loss of a premier windsurfing destination/location that is un-matched in any major city in North America!

Jay Turcot  
San Francisco, California

This is a great spot to enjoy the sport of windsurfing for locals or out of towners like myself.

JP Holland  
Westlake Village, California

Candlestick is one of the most reliable windsurfing spots in the Bay area. It features a long sailing season.

Andy Miller  
Vallejo, California

I've enjoyed sailing at Candlestick Point many times and value this public resource. Being able to walk along the Bay's shore is also a benefit for current and future generations that should not be compromised by allowing private businesses to lower the quality of our landscapes.

Amy Stewart  
Oakland, California

I sail there. This is also one of good places for beginners and learning at any level.

Sergey Menshikov  
Foster City, California

I'm one of the windsurfers who enjoy every windsurfing sessions there. Candlestick is a great windsurfing spot for all level windsurfers.

Karen Tse  
San Francisco, California

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Candlestick Point is an incredibly rare resource that must be protected. Candlestick is one of the few truly great windsurfing locations on San Francisco Bay. The wind quality and quantity at Candlestick Point must be protected by requiring the developers to minimize their 'wind footprint' at this location -- where windsurfing is a long-time established recreational use.

George Haye  
Los Gatos, California

I windsurf here roughly 20 days per year.

Carl Caven  
Walnut Creek, California

Candlestick is a gem of San Francisco. I've had my best times in the city there.

John Beck  
San Francisco, California

Help make Candlestick a world-class windsurfing spot. It is perfectly situated for consistently good winds in the Bay Area.

Anton Delwig  
Albany, California

To preserve the important recreational and beautiful offering of candlestick cove.

Linda Dettmer  
Brisbane, California

I think we should preserve all Bay area windsurfing and kitesurfing spots. Windsurfing is one of the few completely green sports that is harnessing the wind energy. Note to the Developer from a Realtor: Please include windsurfing as part of the bigger picture for this project.

Shirin Zehtabfard  
San Rafael, California

A great deal of development (and the developers) try to severely mitigate the environmental impact they have on natural habitat of all kinds. Take a closer look. Humans need to be much more cognizant before it's too late they destroy the very environment they claim they appreciate and want to enjoy.

Mike Pogzeba  
Albuquerque, New Mexico

Protecting beach and water recreation areas for windsports is critical in order to preserve an unique advantage to residing in the Bay Area verses other metropolitan areas in the US.

Karla Allen  
Mill Valley, California

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## ADDITIONAL PETITIONERS COMMENTS

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The bay is a shared regional resource and recreational space needs to be protected.

Gita Dev  
Woodside, California

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Candlestick Point has an established use for windsurfing that dates back into the early 1980's. That's 30 years of use as a premier windsurfing site. Please don't let this site be ruined by upwind development.

Steve Elliott  
Fairfax, California

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My family and I use this place for windsurfing.

Kevin Do  
Westminster, California

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I have enjoyed this spot for 15 years. It's the best Windsurfing Spot in the Bay. Development is ruining all the natural and free to the public recreational opportunities in our civilization.

Charles Jutkins  
Santa Cruz, California

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## References

- [1] State of California, Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387.
- [2] Executive park amended subarea plan and the yerby company and universal paragon corporation development projects draft eir. 2010.
- [3] 300 airport boulevard project final eir–master response. May 2012.
- [4] The boat that could sink the america’s cup. May 9 2013.
- [5] K. Alexander. Fire burns overnight at s.f. recology plant. *San Francisco Chronicle*, December 10, 2013.
- [6] C. Bennett and C. Barringhaus. Potential wind conditions at brisbane baylands specific plan, windsurfing area testing. Technical Report ESA 206069, Environmental Science Associates, November 2012.
- [7] U. Boldes, J. Colman, J. Maran Di Leo, and J. S. Delnero. Low speed turbulent boundary layer wind tunnels. 2011.
- [8] W. M. Bulleit. Uncertainty in structural engineering. *Practice Periodical on Structural Design and Construction*, 13(1):24–30, 2008.
- [9] T. Burton, N. Jenkins, D. Sharpe, and E. Bossanyi. *Wind energy handbook*. John Wiley & Sons, 2011.
- [10] C. Carlsson. Height limit revolt saves waterfront vistas. *Found SF*.
- [11] City of Brisbane, Community Development Director via City Manager. *Baylands Dirt Stockpiling and Soil Recycling Operations–Status Report*, August 2013.
- [12] Colliers. *Office Peninsula Report*. Colliers International – Redwood City, August 2013.
- [13] N. J. Cook. Designers guide to wind loading of building structures. 1986.
- [14] C. Cox and W. Munk. Measurement of the roughness of the sea surface from photographs of the sun’s glitter. *J. Opt. Soc. Am.*, 44(11):838–850, 1954.
- [15] M. A. Donelan, F. W. Dobson, S. D. Smith, and R. J. Anderson. On the dependence of sea surface roughness on wave development. *Journal of Physical Oceanography*, 23(9):2143–2149, 1993.
- [16] J. Drake. *An Introduction to the Physics of Windsurfing*. Starboard, 2005.
- [17] R. Eliasson, L. Larsson, and M. Orych. *Principles of Yacht Design*. A&C Black, 2014.
- [18] P. Friederichs, M. Göber, S. Bentzien, A. Lenz, and R. Krampitz. A probabilistic analysis of wind gusts using extreme value statistics. *Meteorologische Zeitschrift*, 18(6):615, 2009.
- [19] B. A. Harper, J. D. Kepert, and J. D. Ginger. Guidelines for converting between various wind averaging periods in tropical cyclone conditions. Technical report, World Meteorological Organization, October 2008.
- [20] S. F. Hoerner. *Fluid-dynamic lift*. Eigenverl., 1985.
- [21] iWindsurf.com. *San Francisco, California Local Info*, November 2013.
- [22] L. Kusisto. Office parks get a makeover. *The Wall Street Journal*, May 21 2013.
- [23] S. Learn. Oregon fails to enforce rules against foul odors from industry, compost plants. *The Oregonian*, February 25 2013.
- [24] L. Lyles, L. A. Disrud, and R. K. Krauss. Turbulence intensity as influenced by surface roughness and mean velocity in a wind-tunnel boundary layer. *Trans. ASAE*, 14:285–289, 1971.
- [25] D. Malmuth. 5 cities that went big on the waterfront. *San Diego Magazine*, April, 2011.

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- [26] F. Masters. *Measurement, Modeling and Simulation of Ground-Level Tropical Cyclone Winds*. PhD thesis, University of Florida, Department of Civil and Coastal Engineering, 2004.
- [27] J. Mullin and Z. Kotval. When the mall comes to a small town: how to shape development with carrots and sticks. *Small Town*, 23(2):14–21, 1992.
- [28] I. Murray. Meteorological and oceanographic data system. *34th America's Cup Regatta Notice*, May 4, 2011.
- [29] I. Murray. Regatta director presents safety recommendations. *34th America's Cup Press Release*, May 22, 2013.
- [30] J. P. Palutikof, B. B. Brabson, D. H. Lister, and S. T. Adcock. A review of methods to calculate extreme wind speeds. *Meteorological Applications*, 6(2):119–132, 1999.
- [31] J. Rosenau. Where does berkeleys green waste go? *Berkeleyside*, June 23, 2011.
- [32] M. Schulz. Washington county's 'dream agreement' on recology's food waste composting project a nightmare for north plains. *The Oregonian*, January 30 2013.
- [33] F. A. A. (US). *Pilot's Handbook of Aeronautical Knowledge*. Government Printing Office, 2009.
- [34] P. Vickery and P. Skerlj. Hurricane gust factors revisited. *Journal of Structural Engineering*, 131(5):825–832, 2005.
- [35] WeatherFlow, Inc. *Candlestick Point Sensor Data (Site 412)*, October 2013. Years 2011–2013; Months April–September.
- [36] J. Wiernga. Representative roughness parameters for homogeneous terrain. *Boundary-Layer Meteorology*, 63(4):323–363, 1993.

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cont.



## Appendix

### A Definitions of capitalized words and phrases

The following capitalized words and phrases used in these Comments have the meaning as shown.

|                                  |   |
|----------------------------------|---|
| 300 Airport Boulevard            | 300 Airport Boulevard project/EIR in City of Burlingame [3]             |
| Alemaný Gap                      | Well-known topographical features that funnel wind to the CPSRA         |
| Analysis                         | Analysis of Project impact on CPSRA for the DEIR                        |
| Appendix G                       | Official "CEQA Environmental Checklist Form"                            |
| Article 5                        | Official "Guidelines for implementation of CEQA"                        |
| Baylands                         | Section of Brisbane, CA and surrounds also including the Project        |
| Brisbane Dirt Mounds             | Soil processing mounds on Baylands as of 2nd half of 2013               |
| CEQA                             | California Environmental Quality Act                                    |
| Comments                         | This document providing formal written comments                         |
| CPA                              | Candlestick Preservation Association, author of these Comments          |
| CPSRA                            | Candlestick Point State Recreation Area                                 |
| CPSRA Sensor                     | Anemometer sensor for CPSRA operated by WeatherFlow, Inc.               |
| Critical Upwind Section          | Section of the Project between the Alemaný Gap and the CPSRA            |
| DEIR                             | Draft Project EIR and its appendices and supporting memos               |
| ESA                              | Environmental Sciences Associates, who prepared the Analysis            |
| Executive Park                   | Executive Park project/EIR in City of San Francisco [2]                 |
| Impact                           | Potential impact of the Project on the Resource                         |
| Master Response                  | Master response to 300 Airport Boulevard DEIR public comments           |
| Mitigation                       | Mitigation measures proposed herein to offset the Impact                |
| Practical Sailing Area           | Realistic portion of the CPSRA critical to the Resource                 |
| Project                          | Proposed Brisbane Baylands project and related projects                 |
| Required Conditions              | Minimum existing conditions for a Sailable Day                          |
| Resource                         | Collective recreational windsurfing resources at the CPSRA              |
| Sailable Day                     | Positive application of Required Conditions to CPSRA Sensor data        |
| Sailable Day Impact Analysis     | Realistic Resource availability impact study reported herein            |
| Sailing Area                     | Entire sailing area of the CPSRA  |
| SFBA                             | San Francisco Boardsailing Association                                  |
| Survey                           | Survey of actual users of the Resource defining the Required Conditions |
| Waterfront Preservation District | Proposed public space along Bay similar to Chicago lakefront            |

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cont.

## B Lull, mean, and gust wind speed reduction impact analysis

Tables in this section were produced by scaling lull, mean, and gust wind speed values in the CPSRA Sensor historical data observations to 95% or 90% of their recorded values and then reapplying the Sailable Day criteria.

|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 10 (-2, -17%)    | 20   | 12   | 27   | 15                     | 8                      | 8                      |
|           | 2012 | 11 (-3, -21%)    | 18   | 11   | 25   | 13                     | 7                      | 7                      |
|           | 2013 | 14 (-6, -30%)    | 19   | 12   | 25   | 13                     | 7                      | 6                      |
| May       | 2011 | 14 (-1, -7%)     | 20   | 12   | 28   | 16                     | 8                      | 8                      |
|           | 2012 | 18 (-1, -5%)     | 19   | 12   | 25   | 13                     | 7                      | 6                      |
|           | 2013 | 19 (-3, -14%)    | 18   | 12   | 26   | 14                     | 7                      | 7                      |
| June      | 2011 | 8 (-1, -11%)     | 19   | 12   | 25   | 13                     | 7                      | 6                      |
|           | 2012 | 16 (-3, -16%)    | 18   | 11   | 25   | 13                     | 7                      | 7                      |
|           | 2013 | 14 (-3, -18%)    | 19   | 13   | 27   | 14                     | 7                      | 7                      |
| July      | 2011 | 12 (-1, -8%)     | 18   | 12   | 24   | 12                     | 6                      | 6                      |
|           | 2012 | 6 (-4, -40%)     | 18   | 12   | 24   | 12                     | 6                      | 6                      |
|           | 2013 | 7 (-5, -42%)     | 17   | 11   | 23   | 11                     | 6                      | 6                      |
| August    | 2011 | 2 (-1, -33%)     | 17   | 11   | 21   | 10                     | 5                      | 4                      |
|           | 2012 | 11 (-2, -15%)    | 17   | 12   | 23   | 11                     | 6                      | 5                      |
|           | 2013 | 12 (-1, -8%)     | 18   | 12   | 25   | 13                     | 6                      | 7                      |
| September | 2011 | 9 (-6, -40%)     | 17   | 12   | 22   | 11                     | 6                      | 5                      |
|           | 2012 | 4 (-7, -64%)     | 17   | 12   | 23   | 11                     | 6                      | 5                      |
|           | 2013 | 16 (-2, -11%)    | 18   | 12   | 25   | 13                     | 7                      | 7                      |
| 2011      |      | 55 (-12, -18%)   | 19   | 12   | 25   | 13                     | 7                      | 6                      |
| 2012      |      | 66 (-20, -23%)   | 18   | 12   | 24   | 13                     | 6                      | 6                      |
| 2013      |      | 82 (-20, -20%)   | 18   | 12   | 25   | 13                     | 6                      | 7                      |
| All Years |      | 203 (-52, -20%)  | 18   | 12   | 25   | 13                     | 7                      | 6                      |

Table 6: All Wind Speeds At 95% of Observed Value

Lull, mean, and gust values adjusted. Differences and percent differences in days sailable are relative to the base case (Table 2).

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cont.



|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 7 (-5, -42%)     | 20   | 12   | 28   | 15                     | 8                      | 8                      |
|           | 2012 | 8 (-6, -43%)     | 19   | 12   | 25   | 13                     | 7                      | 7                      |
|           | 2013 | 9 (-11, -55%)    | 19   | 12   | 25   | 13                     | 7                      | 6                      |
| May       | 2011 | 10 (-5, -33%)    | 20   | 12   | 28   | 16                     | 8                      | 8                      |
|           | 2012 | 10 (-9, -47%)    | 19   | 12   | 26   | 14                     | 7                      | 7                      |
|           | 2013 | 18 (-4, -18%)    | 18   | 12   | 25   | 13                     | 6                      | 7                      |
| June      | 2011 | 6 (-3, -33%)     | 19   | 13   | 26   | 14                     | 7                      | 7                      |
|           | 2012 | 10 (-9, -47%)    | 18   | 12   | 25   | 14                     | 7                      | 7                      |
|           | 2013 | 11 (-6, -35%)    | 20   | 12   | 27   | 15                     | 7                      | 8                      |
| July      | 2011 | 9 (-4, -31%)     | 18   | 12   | 23   | 11                     | 6                      | 5                      |
|           | 2012 | 6 (-4, -40%)     | 18   | 12   | 24   | 12                     | 6                      | 6                      |
|           | 2013 | 2 (-10, -83%)    | 18   | 12   | 23   | 12                     | 6                      | 6                      |
| August    | 2011 | 1 (-2, -67%)     | 17   | 11   | 21   | 10                     | 6                      | 4                      |
|           | 2012 | 6 (-7, -54%)     | 18   | 12   | 23   | 11                     | 5                      | 6                      |
|           | 2013 | 9 (-4, -31%)     | 18   | 12   | 25   | 12                     | 5                      | 7                      |
| September | 2011 | 6 (-9, -60%)     | 17   | 11   | 22   | 11                     | 6                      | 5                      |
|           | 2012 | 2 (-9, -82%)     | 17   | 11   | 24   | 13                     | 6                      | 6                      |
|           | 2013 | 13 (-5, -28%)    | 18   | 11   | 25   | 14                     | 7                      | 7                      |
| 2011      |      | 39 (-28, -42%)   | 19   | 12   | 25   | 14                     | 7                      | 7                      |
| 2012      |      | 42 (-44, -51%)   | 18   | 12   | 25   | 13                     | 7                      | 6                      |
| 2013      |      | 62 (-40, -39%)   | 18   | 12   | 25   | 14                     | 7                      | 7                      |
| All Years |      | 143 (-112, -44%) | 19   | 12   | 25   | 13                     | 7                      | 7                      |

Table 7: All Wind Speeds At 90% of Observed Value

Lull, mean, and gust values adjusted. Differences and percent differences in days sailable are relative to the base case (Table 2).

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cont.

### C Mean wind speed reduction impact analysis

Tables in this section were produced by scaling only the mean wind speed values in the CPSRA Sensor historical data observations to 95% or 90% of their recorded values and then reapplying the Sailable Day criteria. Lull and gust wind speed values were not adjusted.

|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 12 (0, 0%)       | 19   | 12   | 28   | 16                     | 7                      | 9                      |
|           | 2012 | 14 (0, 0%)       | 17   | 11   | 25   | 14                     | 6                      | 8                      |
|           | 2013 | 17 (-3, -15%)    | 18   | 12   | 25   | 13                     | 6                      | 7                      |
| May       | 2011 | 15 (0, 0%)       | 19   | 12   | 28   | 16                     | 7                      | 9                      |
|           | 2012 | 19 (0, 0%)       | 18   | 12   | 26   | 14                     | 6                      | 8                      |
|           | 2013 | 22 (0, 0%)       | 18   | 12   | 26   | 14                     | 6                      | 8                      |
| June      | 2011 | 9 (0, 0%)        | 18   | 13   | 26   | 13                     | 6                      | 7                      |
|           | 2012 | 19 (0, 0%)       | 18   | 12   | 26   | 14                     | 6                      | 8                      |
|           | 2013 | 15 (-2, -12%)    | 18   | 13   | 26   | 14                     | 6                      | 8                      |
| July      | 2011 | 12 (-1, -8%)     | 18   | 12   | 24   | 12                     | 5                      | 7                      |
|           | 2012 | 8 (-2, -20%)     | 17   | 12   | 24   | 12                     | 5                      | 7                      |
|           | 2013 | 9 (-3, -25%)     | 16   | 11   | 23   | 12                     | 5                      | 7                      |
| August    | 2011 | 2 (-1, -33%)     | 16   | 11   | 22   | 10                     | 5                      | 5                      |
|           | 2012 | 11 (-2, -15%)    | 17   | 12   | 23   | 11                     | 5                      | 6                      |
|           | 2013 | 13 (0, 0%)       | 18   | 12   | 26   | 13                     | 5                      | 8                      |
| September | 2011 | 12 (-3, -20%)    | 17   | 12   | 22   | 11                     | 5                      | 6                      |
|           | 2012 | 6 (-5, -45%)     | 16   | 11   | 22   | 11                     | 5                      | 6                      |
|           | 2013 | 17 (-1, -6%)     | 18   | 12   | 26   | 14                     | 6                      | 8                      |
| 2011      |      | 62 (-5, -7%)     | 18   | 12   | 26   | 14                     | 6                      | 8                      |
| 2012      |      | 77 (-9, -10%)    | 18   | 12   | 25   | 13                     | 6                      | 7                      |
| 2013      |      | 93 (-9, -9%)     | 18   | 12   | 26   | 14                     | 6                      | 8                      |
| All Years |      | 232 (-23, -9%)   | 18   | 12   | 25   | 13                     | 6                      | 8                      |

Table 8: Mean Wind Speeds At 95% of Observed Value

Only mean wind speed values adjusted. Differences and percent differences in days sailable are relative to the base case (Table 2).

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cont.



|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 12 (0, 0%)       | 18   | 12   | 28   | 16                     | 6                      | 10                     |
|           | 2012 | 10 (-4, -29%)    | 18   | 12   | 27   | 15                     | 5                      | 9                      |
|           | 2013 | 13 (-7, -35%)    | 18   | 13   | 26   | 13                     | 5                      | 8                      |
| May       | 2011 | 15 (0, 0%)       | 19   | 12   | 29   | 16                     | 6                      | 10                     |
|           | 2012 | 18 (-1, -5%)     | 18   | 13   | 26   | 14                     | 5                      | 9                      |
|           | 2013 | 20 (-2, -9%)     | 18   | 12   | 27   | 15                     | 5                      | 10                     |
| June      | 2011 | 8 (-1, -11%)     | 18   | 13   | 27   | 14                     | 5                      | 9                      |
|           | 2012 | 19 (0, 0%)       | 17   | 12   | 26   | 14                     | 5                      | 9                      |
|           | 2013 | 13 (-4, -24%)    | 19   | 13   | 29   | 16                     | 6                      | 10                     |
| July      | 2011 | 10 (-3, -23%)    | 17   | 13   | 25   | 12                     | 5                      | 8                      |
|           | 2012 | 6 (-4, -40%)     | 17   | 12   | 25   | 13                     | 5                      | 8                      |
|           | 2013 | 5 (-7, -58%)     | 16   | 12   | 24   | 12                     | 4                      | 8                      |
| August    | 2011 | 1 (-2, -67%)     | 17   | 12   | 23   | 11                     | 4                      | 6                      |
|           | 2012 | 9 (-4, -31%)     | 17   | 13   | 24   | 12                     | 4                      | 8                      |
|           | 2013 | 12 (-1, -8%)     | 17   | 13   | 26   | 13                     | 4                      | 9                      |
| September | 2011 | 9 (-6, -40%)     | 16   | 12   | 23   | 12                     | 4                      | 7                      |
|           | 2012 | 4 (-7, -64%)     | 16   | 12   | 24   | 12                     | 4                      | 7                      |
|           | 2013 | 14 (-4, -22%)    | 18   | 13   | 27   | 15                     | 5                      | 10                     |
| 2011      |      | 55 (-12, -18%)   | 18   | 12   | 27   | 14                     | 5                      | 9                      |
| 2012      |      | 66 (-20, -23%)   | 17   | 12   | 26   | 14                     | 5                      | 9                      |
| 2013      |      | 77 (-25, -25%)   | 18   | 13   | 27   | 14                     | 5                      | 9                      |
| All Years |      | 198 (-57, -22%)  | 18   | 12   | 26   | 14                     | 5                      | 9                      |

Table 9: Mean Wind Speeds At 90% of Observed Value

Only mean wind speed values adjusted. Differences and percent differences in days sailable are relative to the base case (Table 2).

100  
cont.

## D Wind turbulence intensity increase impact analysis

Tables in this section were produced by decreasing the lull values in the CPSRA Sensor historical data observations such that the difference between the lull and mean wind speed values of each observation was increased by 5% or 10%. This is consistent with the behavior predictor by the gust factor models detailed in Appendix H. For small changes in wind turbulence intensity, the increase in the difference between mean and gust can be expected to change proportionally to the change in the wind turbulence intensity. Furthermore, the empirical range of lull to gust is roughly symmetric about the mean. Following this change, the Sailable Day criteria was reapplied. Mean and gust wind speed values were not adjusted.

|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 10 (-2, -17%)    | 21   | 12   | 29   | 17                     | 9                      | 8                      |
|           | 2012 | 11 (-3, -21%)    | 19   | 12   | 26   | 14                     | 7                      | 7                      |
|           | 2013 | 14 (-6, -30%)    | 19   | 12   | 26   | 14                     | 7                      | 6                      |
| May       | 2011 | 14 (-1, -7%)     | 21   | 12   | 29   | 17                     | 9                      | 8                      |
|           | 2012 | 19 (0, 0%)       | 19   | 12   | 26   | 14                     | 7                      | 7                      |
|           | 2013 | 20 (-2, -9%)     | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| June      | 2011 | 9 (0, 0%)        | 19   | 12   | 26   | 13                     | 7                      | 6                      |
|           | 2012 | 16 (-3, -16%)    | 19   | 12   | 26   | 14                     | 7                      | 7                      |
|           | 2013 | 14 (-3, -18%)    | 20   | 12   | 28   | 15                     | 8                      | 8                      |
| July      | 2011 | 12 (-1, -8%)     | 18   | 12   | 24   | 12                     | 7                      | 6                      |
|           | 2012 | 8 (-2, -20%)     | 17   | 11   | 23   | 12                     | 6                      | 6                      |
|           | 2013 | 10 (-2, -17%)    | 17   | 12   | 23   | 12                     | 6                      | 6                      |
| August    | 2011 | 2 (-1, -33%)     | 17   | 11   | 22   | 10                     | 6                      | 4                      |
|           | 2012 | 11 (-2, -15%)    | 18   | 12   | 23   | 11                     | 6                      | 5                      |
|           | 2013 | 12 (-1, -8%)     | 19   | 12   | 26   | 13                     | 6                      | 7                      |
| September | 2011 | 11 (-4, -27%)    | 17   | 11   | 22   | 11                     | 6                      | 5                      |
|           | 2012 | 7 (-4, -36%)     | 18   | 12   | 22   | 11                     | 6                      | 5                      |
|           | 2013 | 17 (-1, -6%)     | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| 2011      |      | 58 (-9, -13%)    | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| 2012      |      | 72 (-14, -16%)   | 19   | 12   | 25   | 13                     | 7                      | 6                      |
| 2013      |      | 87 (-15, -15%)   | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| All Years |      | 217 (-38, -15%)  | 19   | 12   | 26   | 14                     | 7                      | 7                      |

Table 10: Lull-to-Mean Range Increased by 5%

Only lull wind speed values adjusted. Differences and percent differences in days sailable are relative to the base case (Table 2).

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cont.



|           |      | Days<br>Sailable | Mean | Lull | Gust | Lull-<br>Gust<br>Range | Lull-<br>Mean<br>Range | Mean-<br>Gust<br>Range |
|-----------|------|------------------|------|------|------|------------------------|------------------------|------------------------|
| April     | 2011 | 10 (-2, -17%)    | 21   | 12   | 29   | 17                     | 9                      | 8                      |
|           | 2012 | 11 (-3, -21%)    | 19   | 11   | 26   | 15                     | 8                      | 7                      |
|           | 2013 | 14 (-6, -30%)    | 19   | 12   | 26   | 14                     | 8                      | 6                      |
| May       | 2011 | 13 (-2, -13%)    | 21   | 12   | 29   | 17                     | 9                      | 8                      |
|           | 2012 | 19 (0, 0%)       | 19   | 12   | 26   | 14                     | 8                      | 7                      |
|           | 2013 | 20 (-2, -9%)     | 19   | 12   | 26   | 15                     | 8                      | 7                      |
| June      | 2011 | 9 (0, 0%)        | 19   | 12   | 26   | 14                     | 7                      | 6                      |
|           | 2012 | 16 (-3, -16%)    | 19   | 11   | 26   | 14                     | 8                      | 7                      |
|           | 2013 | 14 (-3, -18%)    | 20   | 12   | 28   | 16                     | 8                      | 8                      |
| July      | 2011 | 12 (-1, -8%)     | 18   | 11   | 24   | 12                     | 7                      | 6                      |
|           | 2012 | 8 (-2, -20%)     | 18   | 11   | 23   | 12                     | 7                      | 6                      |
|           | 2013 | 9 (-3, -25%)     | 17   | 12   | 23   | 12                     | 6                      | 6                      |
| August    | 2011 | 2 (-1, -33%)     | 17   | 11   | 22   | 10                     | 6                      | 4                      |
|           | 2012 | 11 (-2, -15%)    | 18   | 11   | 23   | 11                     | 6                      | 5                      |
|           | 2013 | 12 (-1, -8%)     | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| September | 2011 | 11 (-4, -27%)    | 17   | 11   | 22   | 11                     | 6                      | 5                      |
|           | 2012 | 7 (-4, -36%)     | 18   | 11   | 22   | 11                     | 6                      | 5                      |
|           | 2013 | 17 (-1, -6%)     | 19   | 11   | 26   | 14                     | 8                      | 7                      |
| 2011      |      | 57 (-10, -15%)   | 19   | 12   | 26   | 14                     | 8                      | 7                      |
| 2012      |      | 72 (-14, -16%)   | 19   | 11   | 25   | 13                     | 7                      | 6                      |
| 2013      |      | 86 (-16, -16%)   | 19   | 12   | 26   | 14                     | 7                      | 7                      |
| All Years |      | 215 (-40, -16%)  | 19   | 12   | 26   | 14                     | 7                      | 7                      |

Table 11: Lull-to-Mean Range Increased by 10%

Only lull wind speed values adjusted. Differences and percent differences in days sailable are relative to the base case (Table 2).

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cont.

## E Predicted wind lulls and gusts due to wind turbulence intensity

To illustrate the relationship between lull, mean, and gust wind speed values over different observation periods and different turbulence intensities, the model in Appendix H was applied to 1, 5, and 12 minute observation periods with mean wind speeds ranging from 12 to 28 and wind turbulence intensities ranging from 0.10 to 0.20. These tables predict the range of extreme winds at different variables.

| 3 Second Wind Lull Speed Over 1 Minute Observation Period |      |      |      |      |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|------|------|------|------|
| Turbulence Intensity                                      |      |      |      |      |      |      |      |      |      |      |      |
| Mean  | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.15 | 0.16 | 0.17 | 0.18 | 0.19 | 0.20 |
| 12  | 10   | 10   | 10   | 10   | 10   | 10   | 10   | 9    | 9    | 9    | 9    |
| 14  | 12   | 12   | 12   | 12   | 12   | 11   | 11   | 11   | 11   | 11   | 10   |
| 16  | 14   | 14   | 14   | 13   | 13   | 13   | 13   | 13   | 12   | 12   | 12   |
| 18  | 16   | 16   | 15   | 15   | 15   | 15   | 14   | 14   | 14   | 14   | 13   |
| 20  | 17   | 17   | 17   | 17   | 16   | 16   | 16   | 16   | 15   | 15   | 15   |
| 22  | 19   | 19   | 19   | 18   | 18   | 18   | 18   | 17   | 17   | 17   | 16   |
| 24  | 21   | 21   | 20   | 20   | 20   | 19   | 19   | 19   | 19   | 18   | 18   |
| 26  | 23   | 22   | 22   | 22   | 21   | 21   | 21   | 20   | 20   | 20   | 19   |
| 28  | 24   | 24   | 24   | 23   | 23   | 23   | 22   | 22   | 22   | 21   | 21   |

| 3 Second Wind Gust Speed Over 1 Minute Observation Period |      |      |      |      |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|------|------|------|------|
| Turbulence Intensity                                      |      |      |      |      |      |      |      |      |      |      |      |
| Mean  | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.15 | 0.16 | 0.17 | 0.18 | 0.19 | 0.20 |
| 12  | 14   | 14   | 14   | 14   | 14   | 14   | 14   | 15   | 15   | 15   | 15   |
| 14  | 16   | 16   | 16   | 16   | 16   | 17   | 17   | 17   | 17   | 17   | 18   |
| 16  | 18   | 18   | 18   | 19   | 19   | 19   | 19   | 19   | 20   | 20   | 20   |
| 18  | 20   | 20   | 21   | 21   | 21   | 21   | 22   | 22   | 22   | 22   | 23   |
| 20  | 23   | 23   | 23   | 23   | 24   | 24   | 24   | 24   | 25   | 25   | 25   |
| 22  | 25   | 25   | 25   | 26   | 26   | 26   | 26   | 27   | 27   | 27   | 28   |
| 24  | 27   | 27   | 28   | 28   | 28   | 29   | 29   | 29   | 29   | 30   | 30   |
| 26  | 29   | 30   | 30   | 30   | 31   | 31   | 31   | 32   | 32   | 32   | 33   |
| 28  | 32   | 32   | 32   | 33   | 33   | 33   | 34   | 34   | 34   | 35   | 35   |

Table 12: Prediction of 3 Second Lull and Gust Wind Speeds Over 1 Minute

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cont.



| 3 Second Wind Lull Speed Over 5 Minute Observation Period |      |      |      |      |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|------|------|------|------|
| Turbulence Intensity                                      |      |      |      |      |      |      |      |      |      |      |      |
| Mean  | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.15 | 0.16 | 0.17 | 0.18 | 0.19 | 0.20 |
| 12  | 10   | 9    | 9    | 9    | 9    | 9    | 8    | 8    | 8    | 8    | 7    |
| 14  | 11   | 11   | 11   | 10   | 10   | 10   | 10   | 9    | 9    | 9    | 9    |
| 16  | 13   | 13   | 12   | 12   | 12   | 11   | 11   | 11   | 10   | 10   | 10   |
| 18  | 15   | 14   | 14   | 13   | 13   | 13   | 12   | 12   | 12   | 11   | 11   |
| 20  | 16   | 16   | 15   | 15   | 15   | 14   | 14   | 13   | 13   | 13   | 12   |
| 22  | 18   | 17   | 17   | 16   | 16   | 16   | 15   | 15   | 14   | 14   | 13   |
| 24  | 19   | 19   | 18   | 18   | 18   | 17   | 17   | 16   | 16   | 15   | 15   |
| 26  | 21   | 20   | 20   | 19   | 19   | 18   | 18   | 17   | 17   | 16   | 16   |
| 28  | 23   | 22   | 22   | 21   | 20   | 20   | 19   | 19   | 18   | 18   | 17   |

| 3 Second Wind Gust Speed Over 5 Minute Observation Period |      |      |      |      |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|------|------|------|------|
| Turbulence Intensity                                      |      |      |      |      |      |      |      |      |      |      |      |
| Mean  | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.15 | 0.16 | 0.17 | 0.18 | 0.19 | 0.20 |
| 12  | 14   | 15   | 15   | 15   | 15   | 15   | 16   | 16   | 16   | 16   | 17   |
| 14  | 17   | 17   | 17   | 18   | 18   | 18   | 18   | 19   | 19   | 19   | 19   |
| 16  | 19   | 19   | 20   | 20   | 20   | 21   | 21   | 21   | 22   | 22   | 22   |
| 18  | 21   | 22   | 22   | 23   | 23   | 23   | 24   | 24   | 24   | 25   | 25   |
| 20  | 24   | 24   | 25   | 25   | 25   | 26   | 26   | 27   | 27   | 27   | 28   |
| 22  | 26   | 27   | 27   | 28   | 28   | 28   | 29   | 29   | 30   | 30   | 31   |
| 24  | 29   | 29   | 30   | 30   | 30   | 31   | 31   | 32   | 32   | 33   | 33   |
| 26  | 31   | 32   | 32   | 33   | 33   | 34   | 34   | 35   | 35   | 36   | 36   |
| 28  | 33   | 34   | 34   | 35   | 36   | 36   | 37   | 37   | 38   | 38   | 39   |

Table 13: Prediction of 3 Second Lull and Gust Wind Speeds Over 5 Minutes

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cont.

| 3 Second Wind Lull Speed Over 12 Minute Observation Period |      |      |      |      |      |      |      |      |      |      |      |
|--|------|------|------|------|------|------|------|------|------|------|------|
| Turbulence Intensity                                       |      |      |      |      |      |      |      |      |      |      |      |
| Mean   | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.15 | 0.16 | 0.17 | 0.18 | 0.19 | 0.20 |
| 12   | 9    | 9    | 9    | 8    | 8    | 8    | 8    | 7    | 7    | 7    | 6    |
| 14   | 11   | 10   | 10   | 10   | 9    | 9    | 9    | 9    | 8    | 8    | 8    |
| 16   | 12   | 12   | 12   | 11   | 11   | 10   | 10   | 10   | 9    | 9    | 9    |
| 18   | 14   | 13   | 13   | 13   | 12   | 12   | 11   | 11   | 11   | 10   | 10   |
| 20   | 15   | 15   | 14   | 14   | 14   | 13   | 13   | 12   | 12   | 11   | 11   |
| 22   | 17   | 16   | 16   | 15   | 15   | 14   | 14   | 13   | 13   | 12   | 12   |
| 24   | 18   | 18   | 17   | 17   | 16   | 16   | 15   | 15   | 14   | 14   | 13   |
| 26   | 20   | 19   | 19   | 18   | 18   | 17   | 16   | 16   | 15   | 15   | 14   |
| 28   | 22   | 21   | 20   | 20   | 19   | 18   | 18   | 17   | 16   | 16   | 15   |

| 3 Second Wind Gust Speed Over 12 Minute Observation Period |      |      |      |      |      |      |      |      |      |      |      |
|--|------|------|------|------|------|------|------|------|------|------|------|
| Turbulence Intensity                                       |      |      |      |      |      |      |      |      |      |      |      |
| Mean   | 0.10 | 0.11 | 0.12 | 0.13 | 0.14 | 0.15 | 0.16 | 0.17 | 0.18 | 0.19 | 0.20 |
| 12   | 15   | 15   | 15   | 16   | 16   | 16   | 16   | 17   | 17   | 17   | 18   |
| 14   | 17   | 18   | 18   | 18   | 19   | 19   | 19   | 19   | 20   | 20   | 20   |
| 16   | 20   | 20   | 20   | 21   | 21   | 22   | 22   | 22   | 23   | 23   | 23   |
| 18   | 22   | 23   | 23   | 23   | 24   | 24   | 25   | 25   | 25   | 26   | 26   |
| 20   | 25   | 25   | 26   | 26   | 26   | 27   | 27   | 28   | 28   | 29   | 29   |
| 22   | 27   | 28   | 28   | 29   | 29   | 30   | 30   | 31   | 31   | 32   | 32   |
| 24   | 30   | 30   | 31   | 31   | 32   | 32   | 33   | 33   | 34   | 34   | 35   |
| 26   | 32   | 33   | 33   | 34   | 34   | 35   | 36   | 36   | 37   | 37   | 38   |
| 28   | 34   | 35   | 36   | 36   | 37   | 38   | 38   | 39   | 40   | 40   | 41   |

Table 14: Prediction of 3 Second Lull and Gust Wind Speeds Over 12 Minutes

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cont.



## F Background on the DEIR Process

For the DEIR process, an environmental engineering firm (ESA) made an effort to *study the project's effects on wind conditions at the windsurfing launch site in the Candlestick Point State Recreation Area and in the adjacent sailing area that lies to the east of the project site in the San Francisco Bay*. Their results were provided to the City of Brisbane and the public through the body of the DEIR in Chapter 4 Section M and Appendix J as well as a "Windsurf Tech Memo" dated November 2nd, 2012 prepared by Charles Bennett and Cory Barringhaus [6].

The DEIR attempted to satisfy certain requirements of CEQA [1] including Article 5 and Appendix G. Elements of these documents relevant to these Comments include Article 5 sections 15064 (Determining the significance of the environmental effects caused by a project), 15064.7 (Thresholds of significance), and 15065 (Mandatory findings of significance), as well as Appendix G § Evaluation of Environmental Impacts paragraph (9).

For reference, excerpts of these sections are reproduced below:

Article 5 § 15064 subparagraph (e): "If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect."

Article 5 § 15064.7 subparagraph (a): "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant."

Article 5 § 15064.7 subparagraph (c): "When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

Appendix G § Evaluation of Environmental Impacts paragraph (9): "The explanation of each issue should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significance."

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cont.

## G Definitions of technical symbols and terms

The following technical symbols and terms used in these Comments have the meaning as shown.

|                          |  |
|--------------------------|--|
| $T$                      | Duration of observation period   |
| $t$                      | Duration of peak gust wind speed $u_{max}$   |
| $\bar{u}, \bar{u}(T)$    | Mean wind speed during an observation period $T$   |
| $u_{max}, u_{max}(t, T)$ | Peak gust wind speed of length $t$ during an observation period $T$                                |
| $\sigma_u$               | Root mean square of the longitudinal turbulence component to the mean wind speed $\bar{u}$         |
| $TI_u$                   | Wind turbulence intensity (longitudinal, in direction of flow), ratio of $\sigma_u$ over $\bar{u}$ |
| $GF(t, T)$               | Gust factor, ratio of $u_{max}$ over $\bar{u}$ given $t$ and $T$                                   |
| $z_0$                    | Surface roughness length in meters   |
| $z$                      | Observation height in meters   |
| $Gust(t, T)$             | Peak wind speed of length $t$ during an observation period $T$                                     |
| $Lull(t, T)$             | Minimum wind speed of length $t$ during an observation period $T$                                  |
| $F$                      | sail force   |
| $\rho$                   | air density, varies with temperature and pressure  |
| $S$                      | sail area  |
| $C$                      | aerodynamic coefficient depending on angle of sail to wind and sailing angle                       |
| $V$                      | speed of the wind relative to the sail (apparent wind)   |

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cont.



## H Selected formulas

Standard practice of relating turbulence intensity to extreme wind speeds known as gusts and lulls is based on elements of “Extreme Value Theory.” Simple models from Extreme Value Theory are used to populate the sensitivity analysis tables in these Comments. Though much of this science is explored in the context of hurricane and other violent storms, the winds experienced at CPSRA do range in the near gale category [18] and empirically, these models do reasonably predict the range of values experienced at CPSRA as shown below.

The starting point for this analysis is a simple gust factor formula proposed by [13] that is consistent with empirical observations and assumes a linear dependence on the longitudinal turbulence intensity and a logarithmic dependence on the gust duration  $t$ :

$$GF(t = 3 \text{ seconds}, T = 12 \text{ minutes}) = 1 + 0.42 \times TI_u \times \ln(720 / 3) \quad (1)$$

Given sensor observations from sailable periods of an average mean wind speed of 18 mph and average gust of 25 (see Table 2), an implied  $TI_u$  of 0.16 is found using the above model. This is within the range found by the wind tunnel tests. This implied turbulence intensity presumably reflects the additional effect of wind swell, which is well known to increase turbulence, in addition to other factors that were not modeled in the wind tunnel test.

Next, a surface roughness length formula given by [36]:

$$z_0 = \exp[\ln(z) - 1/TI_u(z)] \quad (2)$$

At a height  $z$  of 2 meters and a turbulence intensity  $TI_u$  of 0.16, a surface roughness length  $z_0$  of 0.0039 meters (0.39 cm) is found. This is on the order of [?] for inland seas and WMO (2008) and substantiates the use of the Eq 1 sensitivity analysis calculations in these comments.

Gust wind speeds are predicted from mean wind observations ( $\bar{u}$ ) by:

$$Gust(t, T) = GF(t, T) \times \bar{u}(T) \quad (3)$$

Sailable observations show lulls and gusts to be roughly symmetric around the mean wind speed. Mean wind speeds were far enough from zero so that such symmetry did not suggest negative numbers. Lull wind speeds are predicted by:

$$Lull(t, T) = 2\bar{u}(T) - Gust(t, T) \quad (4)$$

Predicted lull and gust values using this method are consistent with sensor observations. A consequence of this model is that regardless of the actual turbulence intensity, the effect of proportional changes to the turbulence intensity can be examined by simply scaling the range of the mean-gust or lull-mean ranges.

Finally, force exerted on the sail from these wind speeds is given by Bernoulli’s equation and is proportional to the square of the apparent wind speed. Apparent wind speed can be greater or less than true wind depending on sailing angle.

$$F = \frac{1}{2} \times \rho \times S \times C \times V^2 \quad (5)$$

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cont.

## I Miscellaneous

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cont.



January 24, 2014

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

Re: Development around the Bayshore Caltrain Station (Brisbane Baylands)

Dear Mr. Swiecki:

Thank you for this opportunity to comment on future development around the Bayshore Caltrain station. We encourage the city to promote the redevelopment of this underutilized brownfield site with compact development that provides new homes at a range of incomes and creates walkable transit-friendly neighborhoods with a vibrant mix of homes, shops, offices, and open space. Such a development pattern will help address the region's housing crisis, provide opportunities for healthy living for residents and workers, support the local economy, relieve development pressure on the region's open spaces, and provide other environmental benefits.

Addressing the region's housing crisis

The Brisbane Baylands site offers one of the last large-site infill development opportunities in the Bay Area. Providing new homes for a range of incomes in a compact development style in this strategic location will help meet the region's significant housing needs. It will also allow more residents to live near where they work rather than face a grueling commute home, thus improving the quality of life for all Bay Area residents.

Providing healthy transportation choices

The land around the Bayshore Caltrain Station provides a unique opportunity to allow those who live and work in the area to access to an array of transportation choices, including heavy-rail, buses, biking, and walking. Numerous studies demonstrate that access to transportation choices results in high usage of those amenities. For example, according to a recent MTC study, Bay Area residents are ten times more likely to

use transit if they live and work within a half mile of a major transit stop (1). Likewise, San Francisco has documented a 96% increase in number of individuals biking since 2006, with highest usage in those areas where the city has invested in bicycling infrastructure (2). Increasing the use of transportation options improves community health outcomes, minimizes time stuck in traffic, helps ease the strain on the regional transportation network, and reduces air pollution and greenhouse gas emissions.

### Supporting the local economy

By promoting compact, mixed-use development within the existing urbanized area, Brisbane could tap into an array of well-documented economic benefits (3). For example, studies show developing in focused growth patterns provide a savings of 9.2% in local lane-miles constructed and 11.8% in local road costs as well as 8.6% reductions in water and sewer infrastructure (4). These savings would benefit the whole region, with more resources available to build our local economies and improve our quality of life.

### Providing environmental benefits

Jurisdictions around the Bay Area are increasingly recognizing the significant positive environmental effects of compact infill development. For example, in the City of Mountain View, the Environmental Impact Report (EIR) for the city's General Plan 2030 concluded that providing more infill homes within the city would improve commute patterns, reduce overall vehicle miles traveled (VMT) and greenhouse gas emissions, and minimize the need for single-occupancy car trips.

Greenbelt Alliance's 2012 report *At Risk: The Bay Area Greenbelt* concluded that over 322,000 acres of open space—the equivalent of 10 cities the size of San Francisco—remain at risk of sprawl development in

1  
cont.

<sup>1</sup> New Places, New Choices: Transit-Oriented Development in the San Francisco Bay Area, 2006 - Metropolitan Transportation Commission  
[http://www.mtc.ca.gov/planning/smart\\_growth/tod/TOD\\_Book.pdf](http://www.mtc.ca.gov/planning/smart_growth/tod/TOD_Book.pdf)

<sup>2</sup> <http://www.sfbike.org/main/city-city-bicycle-count-report-shows-a-dramatic-96-increase-in-ridership/>

<sup>3</sup> For examples, see:

Smart Growth America's *Building Better Budgets: A National Examination of Fiscal Benefits of Smart Growth Development* (2013)  
<http://www.smartgrowthamerica.org/building-better-budgets>

Center for Clean Air Policy's *Growing Wealthier: Smart Growth, Climate Change and Prosperity* (2011)  
<http://www.growingwealthier.info/index.aspx>

American Lung Association in California's *Land Use, Climate Change & Public Health Issue Brief* (2010)  
<http://www.lungusa.org/associations/states/california/assets/pdfs/advocacy/land-use-climate-change-and.pdf>

TransForm's *Windfall for All: How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy* (2009) <http://www.transformca.org/windfall-for-all>

Bartholomew, Winkelman, Walters, and Chen *Growing Cooler: The Evidence on Urban Development and Climate Change* (2008) <http://www.smartgrowthamerica.org/documents/growingcoolerCHI.pdf>

<sup>4</sup> TCRP Report 74: *Costs of Sprawl*



the Bay Area (5). To ease development pressure on these lands, we must all work together to encourage infill development while we work to increase protections for our natural lands.

### Conclusion

Compact walkable development around the Bayshore Caltrain station can provide significant environmental, social, and economic benefits to the City of Brisbane and the larger Bay Area region. We encourage the city to examine these benefits as it explores future land uses in this area.

1  
cont.

Sincerely,



Matt Vander Sluis  
Interim Program Director  
Greenbelt Alliance  
mvandersluis@greenbelt.org

<sup>5</sup> <http://www.greenbelt.org/at-risk/>



**Housing Leadership Council  
of San Mateo County**

139 Mitchell Avenue, Suite 108  
South San Francisco, CA 94080  
T: (650) 872-4444 / F: (650) 872-4411  
www.hlcsmc.org

December 2, 2013

Mr. John Swiecki, AICP, Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA 94005  
Attention: Mr. Swiecki and City Council

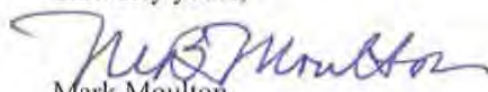
Dear Mr. Swiecki,

At our meeting on October 7, 2013, the HLC Board of Directors unanimously supported the proposed revised Baylands Specific Plan from February 2011 for a Planned Development that includes 4,434 housing units.

Housing Leadership Council's 70 membership organizations include nonprofits, business groups, real estate firms, labor unions, educators, environmentalists, and other concerned community members. HLC endorsed the Universal Paragon Specific Plan because it will result in a planned transit hub, commercial and office development, the inclusion of a mix of market-rate and affordable housing units, quality design at efficient densities, as well as other benefits it will provide to the community, such as jobs for local construction workers and a home for many permanent jobs. 1

HLC believes this plan will result in a high-quality development that will truly serve the residents of Brisbane. The plan will help Brisbane to grow in ways that enhance and support the existing community, while creating a positive future. With regard to the residential component, HLC desires to see homes created at all affordability levels. We hope the City of Brisbane will be able to provide for a range of income levels in the BMR units. Housing costs have outstripped income growth in San Mateo County. This proposed residential development is greatly needed to help meet the existing need as well as projected future need based on population and job growth. Providing a significant component of housing to accommodate people who will work nearby, have grown up here or who want to stay and/or retire in Brisbane, is good for the community. 2

Sincerely yours,

  
Mark Moulton  
Executive Director





RECEIVED

RSF

JAN 21 2014

Comm. Dev. Dept. Brisbane

January 23, 2014

John A. Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005  
e-mail: [jswiecki@ci.brisbane.ca.us](mailto:jswiecki@ci.brisbane.ca.us)

**Re: Recology's Comments to the Draft EIR for the Brisbane Baylands**

Dear Mr. Swiecki:

Recology appreciates the opportunity to comment on the draft EIR for the Brisbane Baylands.

The draft EIR evaluates the following four Concept Plans: *Developer Sponsored Plan (DSP)* – proposes total new development of 12.1 million square feet of residential, office/retail, industrial, and institutional on 684 acres. Recology's 44.2-acre site is excluded; *Developer Sponsored Plan – Entertainment Variant (DSP-V)* – this is the same 684-acre area of DSP but replaces retail and office/R&D uses with a variety of entertainment uses; *Community Proposed Plan (CPP)* – Includes the 684-acre site of DSP plus Recology's existing 44.2-acre area. New development is reduced to 7.7 million square feet with no residential development; and *Community Proposed Plan – Recology Expansion Variant (CPP-V)* – This plan differs from the CPP by expanding the Recology site by 21.3 acres to a total of 65.5, and allows for the expansion and modernization of Recology's existing facility by replacing CPP's hotel and R&D uses with Recology's uses.

Most of Recology's comments are directed at the environmental analysis, findings and conclusions related to the DSP and DSP-V project scenarios ("DSP projects") which exclude Recology's property and proposed expansion project. These comments, prepared with assistance of engineers and other expert consultants, focus on the DSP projects' incompatibility with Recology's land use, the lack of analysis of DSP projects negative impacts on Recology's existing facility and operation, and the DEIR's inadequate analysis of traffic and its impacts on Recology and on greenhouse gas (GHG) emissions relating to Recology's proposed expansion.

In determining the adequacy of the DEIR's analysis it is important to recognize the vital public service provided by Recology's facility at Tunnel and Beatty Avenues in solid waste collection, transfer, recycling and resource recovery for the City and County of San Francisco. In addition, San Francisco is now dependent on the modernization and expansion

In determining the adequacy of the DEIR's analysis it is important to recognize the vital public service provided by Recology's facility at Tunnel and Beatty Avenues in solid waste collection, transfer, recycling and resource recovery for the City and County of San Francisco. In addition, San Francisco is now dependent on the modernization and expansion of Recology's facility, included in the CPP-V project, to provide the infrastructure for the resource recovery facilities needed for San Francisco to achieve its zero waste goal. As discussed below, there also exists the potential, for Recology's expansion project, to assist the City of Brisbane in achieving one of its project objectives "to maximize solid waste diversion with the goal of achieving zero waste." (DEIR, K. at p. 2.7.)

2  
cont.

#### **A. DEIR's Inadequate Analysis of DSP Projects' Impacts on Recology's Existing Facility**

The DEIR does not adequately analyze the potential impacts on Recology's existing operation and use from the proposed DSP projects which would border Recology's site to the south and west. The Draft Brisbane Baylands Specific Plan shows that these projects propose to develop high density residential, retail, commercial, and entertainment land uses adjacent to Recology. It is Recology's position that the DSP projects' proposed land uses are incompatible with the General Plan designation and zoning on the Recology property and would negatively impact Recology's operation and use.

3

#### **1. Recology's Existing Facility and Land Uses**

Recology's existing 44.2-acre facility, which straddles the Brisbane/San Francisco boundary, has approximately 232,888 square feet of building, and a fleet of 558 vehicles. The DEIR describes the uses as being "waste transfer, materials recovery, public disposal and recycling, vehicle weighing and maintenance, organics transfer, fueling, temporary hazardous materials storage, fleet parking, cart and container maintenance and storage and administration activities." (DEIR at p. 3-17.) The Recology site has a long history in solid waste disposal, transfer and resource recovery. Recology's predecessor used the site for landfill back in the 1930s and beginning in the 1970s the operation moved towards waste transfer and recycling resource recovery.

4

Recology's use conforms to Brisbane's General Plan. The property is located in the Beatty Subarea and is designated Heavy Commercial which is described in the General Plan as providing "for the bulk sales, offices, meeting halls, vehicle storage and equipment maintenance. It also allows outside storage of vehicles and equipment." (DEIR at p. 4.1-9.)

General Plan Policy 374 states: "Development in the subarea shall have as its primary purpose the accommodation of Heavy Commercial uses that need large areas of land to accommodate goods and equipment and may involve outdoor storage of goods and equipment."



The zoning of the Recology site of Heavy Commercial (C-3) is consistent with the General Plan. The purpose of the C-3 District is to “provide for heavy commercial uses that need large areas of land to accommodate outdoor storage of goods and equipment. (DEIR at p. 4.1-11). In 2005, Brisbane granted Recology a conditional use permit allowing for organics reload operation. For that portion of the Recology site located in San Francisco, the site is similarly zoned for Light Industrial with a Light Industrial General Plan designation (DEIR at p. 4.1-12).

4  
cont.

Recology is located in the only area in Brisbane which is designated and zoned for Heavy Commercial use.

## **2. DSP Land Uses Are Incompatible with Heavy Commercial Land Uses and Recology's Use.**

To evaluate the potential environmental impacts from the DSP projects, the Brisbane City Council and the community need the DEIR to fully disclose and analyze the issue of land use incompatibility and the potential negative impacts the DSP's residential, retail and commercial uses may have on existing and future industrial and commercial businesses located in the Heavy Commercial (C-3) district. For the Heavy Commercial use to survive in Brisbane, it must be protected from the encroachment and intrusion of residential, office and retail uses as proposed by DSP which are not compatible with the industrial-related uses allowed in the Heavy Commercial district. This analysis is in accord with CEQA Guidelines section 15125 subd. (a) which provides in pertinent part: “An EIR must include a description of the environment in the vicinity of the project as it exists before the commencement of the project . . . .” The environmental analysis should generally compare the impacts of a project against existing physical conditions. The reason for this is if there is an inadequate description of the environmental setting for the project, a proper analysis of project impacts is impossible. (*Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4<sup>th</sup> 1109, at 1122.

5

While the DEIR includes a general description of Recology's facilities and the uses, it does not compare the impacts of DSP project against the existing physical conditions of Recology's site. The existing physical condition of Recology's land use must be considered in analyzing the DSP's projects' potential impacts. The DEIR should analyze whether the presence of DSP's more sensitive land uses next to the Heavy Commercial District would impose more regulatory burdens and restrictions on these industrial-related business operations as to noise, air quality, traffic and hours of operation which would negatively impact the businesses. The DEIR should specifically analyze the potential impacts the DSP projects may have on Recology's operation, creating inefficiencies which may have environmental impacts such as increasing landfilling and truck hauling.

The impact of the non-compatible DSP project uses on the adjacent Heavy Commercial property uses are environmental issues, not solely economic issues, as they may result in physical changes which reduce or restrict businesses like Recology which depend on the Heavy Commercial zoning. The burden of the project on the neighboring industry is potentially a CEQA significant impact (Guidelines 15064(d) and (e)). An EIR is required to analyze the economic and social impacts of a project if it causes a physical impact (Guidelines 15064(e)). In *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445, the court held that the City's environmental review was flawed for failure to evaluate the potential impact of rezoning of a parcel for commercial manufacturing uses in the loss of business and physical deterioration of existing businesses in the downtown, and that was an impact that had to be analyzed in the EIR. (See also *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 197 when a waste management facility was proposed next to a religious retreat center, CEQA required a study whether the physical impacts associated with the new facility would disturb worship in the natural environment of the retreat center caused by increased project traffic and noise.) The 6th District Court of Appeal, in *Galante Vineyards v. Monterey Peninsula Water Management District*, *supra* 60 Cal.App.4th at 1122-1124 held inadequate the EIR's description of the environmental setting for the project which failed to address viticulture or wineries in the surrounding areas finding that an EIR must consider the economic impacts from a district water supply project on the local viticulture industry, particularly in the areas of traffic, air quality, and climate.

6

### 3. DSP and CPP Projects' Traffic Impacts on Recology's Operation

The DSP and CPP projects would negatively impact Recology's operations by increasing traffic at key intersections to an unacceptable level of service creating traffic congestion and resulting in increased route times and increased emissions from Recology's collection trucks, negatively impacting air quality and increasing Greenhouse Gas (GHG) emissions. Increased route times (i.e., reduced collection system efficiency) would result in increased costs to San Francisco's refuse ratepayers (as well as Brisbane's refuse ratepayers, should Recology become the provider for the Baylands zone).

7

The DEIR should explain that as to the CPP-V project, the degradation of the level of service at the intersections shown in DEIR Table 4.N-25 is principally caused by the development in the Baylands from the DSP and CPP projects, not Recology's expansion project. The increase in Recology's traffic flow from existing to the expansion project is due to assumptions of a 20% growth in the waste stream over the coming decades. This waste stream growth and resulting increased traffic will occur regardless of Recology's expansion project. In fact, the Recology expansion would consolidate operations from Pier 96 and would reduce outgoing long-haul truck trips because the volume of the organics shipped to compost is reduced through onsite dewatering. These increases in efficiency will help offset trip increases associated with growth in the waste stream.

8



We recommend the development of an expanded southern entrance to the Baylands site to reduce reliance on Intersection #9, Intersection #10, and Geneva Avenue. Given the size of the proposed project, it is inappropriate to concentrate the traffic impacts on just the northern side of the site. Furthermore, existing land uses are present along the northern side of the site, while the southern side is undeveloped. The existing land uses to the north are bearing most of the traffic impacts from the project. A southern entrance would reduce impacts on the land uses to the north and shift traffic to an area that has no adjacent land uses.

9

Recology's additional comments to the DEIR's traffic analysis are as follows:

**Page 4.N-44**

The DEIR lists the Geneva Avenue/Harney Way Extension as one of the "Improvements assumed in the Cumulative Without Project" analysis. However, it appears that extension of Geneva Avenue from Bayshore Boulevard to at least Sierra Point Parkway is a fundamental part of the Project (as shown in Figures 3-11 and 3-12 for the DSP and DSP-V scenarios, respectively). The EIR should clarify which segments of the Geneva Avenue Extension are included as part of the Project.

10

**Page 4.N-54**

It is not clear from Figure 4.N-12 how the roadway network will be configured in the vicinity of the Geneva Avenue crossing of US-101. The EIR should illustrate more clearly how the roadways and intersections will be configured in the Existing With Project and Cumulative With project conditions for each alternatives.

11

**Page 4.N-55**

Figure 4.N-14 should show Tunnel Avenue continuing north of the Geneva Avenue Extension along the west side of the Recology Site. The analysis should have taken this into account.

12

**Page 4.N-62**

The Bay Trail alignment shown on Figure 4.N-17 is incompatible with the CPP-V Alternative. This figure shows the trail passing through the proposed Recology Site.

13

**Page 4.N-78**

The EIR analysis includes a number of significant assumptions for internalization of trips and mode share that substantively affect the analysis results. The DEIR describes the general methodology used to generate these assumptions, but no supporting calculations are provided. As a result it is not possible to review the applicability of these assumptions.

14

**Page 4.N-91**

Intersection #9 (Beatty/Alana/US 101 SB Ramps) currently operates at LOS B in the AM peak hour and LOS A in the PM peak hour. It is projected to operate with LOS F in the AM and PM peak hours under Existing With Project conditions. As stated on page 4.N-98, Mitigation 4.N-1c would improve operations to acceptable levels (LOS C) for the DSP and DSP-V scenarios, however operations under the CPP and CPP-V scenarios would remain at LOS E. This intersection is the principal point of access for to the Recology site. Unacceptable levels of congestion at this intersection will negatively affect Recology operations.

15

Intersection #10 (Harney/Alana/Thomas Mellon Drive) currently operates at LOS A in both AM and PM peak hours. It is projected to operate with LOS F in the PM peak hours under Existing With Project conditions. As stated on page 4.N-98, Mitigation 4.N-1c would improve operations to acceptable levels (LOS C) for the DSP and DSP-V scenarios, however operations under the CPP and CPP-V scenarios would remain at LOS F. This intersection is on a major service route from the Candlestick Point/Hunters Point Area. Unacceptable levels of congestion at this intersection will negatively affect Recology operations.

16

**Page 4.N-98**

Mitigation 4.N-1c is described as “legally infeasible”. However without this mitigation measure, unacceptable levels of congestion at this intersection will negatively impact Recology operations under all four Project scenarios.

17

**Page 4.N-103**

Mitigation 4.N-1.g states that “Should full-access intersections along the Geneva Avenue extension with spacing of less than 1,200 feet be proposed, a microsimulation of all proposed intersections along the extension shall be undertaken.” Figures 4.N-12, 4.N-13 and 4.N-14 show intersection spacing less than 1,200 feet. If these intersections are proposed to provide full access, a microsimulation analysis should be completed as part of the EIR in order to adequately assess the traffic circulation impacts. If the intersections are not proposed to provide full access (i.e. if they are proposed as right-in/right-out only), then this should be stated explicitly.

18

**Page 4.N-105**

Table 4.N-28 indicates that US 101 SB between Third/Bayshore and Harney Way will operate at LOS F in the AM peak hour under Existing + Project conditions. It also indicates that US 101 NB between Harney Way and Third/Bayshore will operate at LOS F in the PM peak hour under Existing + Project conditions. As stated on page 4.N-106, “There is no mitigation available to reduce this impact to a less-than-significant level”. This segment of freeway is on the principal route of access between the Recology site and its service area. Unacceptable levels of congestion at this intersection will negatively affect Recology operations.

19



**Page 4.N-109**

Intersection #6 (Sierra Point Parkway/US 101 NB Ramps) is projected to operate with LOS F in the AM peak hours under Cumulative With Project conditions. As stated on page 4.N-119, the intersection would still operate at LOS F even with mitigation measure 4.N-3c. This intersection is an important secondary access to the Project from the site from the south, serving as an alternative route to the proposed Geneva/Harney interchange and would allow site traffic to exit the congested freeway sooner. Additional mitigation measures should be planned for this location, including additional traffic lanes to improve LOS to acceptable levels.

20

Intersection #19 (Tunnel Avenue/Geneva Avenue) is listed as an intersection that “would operate acceptably under Cumulative With Project conditions during both AM and PM peak hour”. This is inconsistent with the results for this intersection in Table 4.N-32.

21

**Pages 4.N-111 and 4.N-113**

Tables 4.N-31 and 4.N-32 provide results for the intersection #19 (Tunnel Avenue/Geneva Avenue) with the CPP-V scenario. However, supporting capacity analysis calculations are not included in the document. As a result it is not possible to review the accuracy of these results.

22

**Page 4.N-123**

Mitigation 4.N-1.g states that “Should full-access intersections along the Geneva Avenue extension with spacing of less than 1,200 feet be proposed, a microsimulation of all proposed intersections along the extension shall be undertaken.” Figures 4.N-12, 4.N-13 and 4.N-14 show intersection spacing less than 1,200 feet. If these intersections are proposed to provide full access, a microsimulation analysis should be completed as part of the EIR in order to adequately assess the traffic circulation impacts. If the intersections are not proposed to provide full access (i.e. if they are proposed as right-in/right-out only), then this should be stated explicitly.

23

**Page 4.N-145**

Impact 4.N-12 states that “Construction activities would result in significant impacts on existing and cumulative traffic flow”. The Construction Management Plans identified in Mitigation 4.N-12 should be developed in coordination with Recology as any disruption in access to its existing facility would negatively affect solid waste collection in San Francisco.

24

**B. DSP Projects are Inconsistent with Brisbane's General Plan Policies**

The EIR must include a discussion of any inconsistency between the proposed project and applicable general plans, specific and regional plans. (CEQA Guidelines § 15125.) As discussed in the DEIR, the primary inconsistency of the DSP projects is to General Plan Policy 330.1 which prohibits housing on the Baylands. The DSP project proposes the construction of 4,434 housing units within the Baylands subarea.

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Recology believes there is another significant inconsistency between DSP projects and the General Plan as to Policy 338, which seeks to lessen the problems that may arise between incompatible land uses. Policy 338 states: "Buffer Development from the Heavy Commercial use in the Beatty Sub Area." Recology disagrees with the DEIR's conclusion that the DSP projects provide for adequate buffer.

The DEIR in support of its finding of consistency, states that the DSP "... scenarios propose less sensitive uses such as parking, service access and storage of commercial uses north of Geneva Avenue to buffer office and residential uses to the south and west of the Beatty Subarea." (DEIR at p. 4.1-38.) The land use maps in the Draft Brisbane Baylands Specific Plan do not show these other less sensitive uses. And, no other detail is given in the DEIR which would inform the decisionmakers, the public and Recology as to the specifics of these proposed buffer uses, their locations and configuration, and how effective they would be in providing a buffer to Recology's existing facilities and operation to which they are adjacent.

26

**C. Incomplete Accounting in DEIR's Analysis of the GHG Emissions of the CPP-V Project**

It is our opinion, based on the analysis done by our consultant ARUP that DEIR Section 4.F (GHG) does not holistically account for local and regional GHG reductions that will occur as a result of certain activities associated with Recology's expansion project and that the inclusion of these activities in the DEIR should result in emissions below the significance threshold for the CPP-V project. In order to aid the clarity of this comment, some of the clarifications below have been incorporated into the attached *Comment C: Supporting Calculations*. The supporting calculations use the DEIR tabulated data, scaled and translated based on DEIR data, to demonstrate how some of the clarifications below reduce the emissions below the significance threshold for the CPP-V project. The elements Recology would expect to see clarified in the GHG analysis are as follows (some, but not all of which, are included in the supporting calculations):

27



- *Increased energy efficiency and on-site renewable energy production, including recovery and local reuse of energy from the material stream.*

Section 4.F-15 of the DEIR acknowledges that the installation of photovoltaic generation results in “negative” GHG emissions, but it appears the renewable energy sources planned at the Recology site were not fully included in the DEIR calculations.

The expanded Recology site is planned as a zero net energy facility, fully self-powered by renewable energy. It includes highly passive and energy efficient buildings (which already include several of the proposed mitigation measures listed in section 4.F-18). The low energy buildings are then supplied by several roof-mounted photovoltaic installations, as well as heat and electricity generated from wastestream-based biogas using clean fuel cell generators. The net zero GHG emissions resulting from the operation of the project should be included in the “unmitigated” calculation results as they will occur as part of the base Recology site master plan. Additionally, since the current EIR analysis only considers net increases in building square footage and because this action by Recology will reduce the emissions from the entire Recology facility (including existing buildings remaining and to be replaced), the EIR should fully account for the resulting reduction in GHG emissions across the site.

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Lastly, regarding the baseline for comparison, it appears that 400,000 kWh equivalent of natural gas was not included in existing usage due to units of measurement confusion. The EIR should account for this energy sum, as it increases GHG reductions represented by the CPP-V. It also appears that the EIR analysis did not account in the baseline for Recology operations that are outside of the Brisbane site boundaries (i.e. adjacent property in San Francisco, consolidated Recology sites presently in San Francisco but being relocated to the Beatty site). The EIR should account for all impacted operations in buildings not under the long term control of Recology.

29

- *Reduction in potable water use and water import.*

While the URBEMIS/BGM models address the GHG emissions associated with the water use, it is not clear that Recology has been credited with full supply of all its own nonpotable water. Recology will do this through dewatering of organics digestate, essentially squeezing water from the organics waste stream. Recology will not only meet its own nonpotable water demands, but will produce surplus water that can be treated to significantly reduce water use in the rest of the CPP-V project. These savings should be estimated and included in the DEIR GHG assessment. The DEIR has assumed a non-potable water treatment plant in the DSP. The DEIR should provide additional information on the certainty of the plant and the timing of its completion.

30

Further GHG reductions will occur as a result of dewatering the organic stream and the ensuing reduction in the volume and mass of trucked material. However, this volume reduction was accounted for in the Recology trip generation estimate, so it is assumed that this has been accordingly counted already in the DEIR.

31

- *Reduction in vehicle miles traveled (VMT) through operation consolidation.*

Section 4.F-13 of the DEIR suggests that default URBEMIS 2007 trip lengths for urban land-uses are used to estimate vehicle mobile combustion emissions. However, consolidation of Recology operations is one of the primary drivers for site expansion, and will result in a reduction of trip lengths for Recology owned and leased vehicles. In addition, Recology commute VMT are expected to decrease, which should result in a reduction in the non-Recology travel-related GHG emissions, since Recology commutes have been lumped into that category. Proper accounting of these reduced trip lengths should be included in the “unmitigated” calculation results as they will occur as part of the base Recology site master plan.

32

- *Reduction in vehicle emissions through conversion of fleet to low carbon fuels.*

Section 4.F-13 of the DEIR suggests that vehicle mobile combustion emissions are calculated using Payley vehicle fuel emission standards. The DEIR therefore acknowledges that lower-carbon fuel results in lower GHG emissions, but does not capture the truly low carbon nature of the fuel that is to be used in Recology owned vehicles as a result of site expansion.

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Recology will fully convert its collection truck fleet vehicles to natural gas (from bio-diesel) by 2025. Since the current EIR analysis only considers net increases in fleet vehicles and because this action by Recology will reduce the emissions from the entire Recology fleet, the EIR should fully account for the resulting reduction in GHG emissions across the fleet.

Additionally, site expansion will enable Recology to recover CNG as a 100% renewable biofuel from the material stream for use in its fuel-converted vehicles. Bio-CNG originating from food and landscape waste is a net zero carbon fuel because the amount of carbon released when it is used is equal to the carbon absorbed over the life of the plants upon which it is based. The combination of CNG vehicle conversion and bio-CNG made possible by the Project will result in “unmitigated” GHG emissions for the Recology fleet much lower than that currently captured and reported in the DEIR. Since the current EIR analysis only considers net increases in fleet vehicles and because this action by Recology will reduce the emissions from the entire Recology fleet, the EIR should fully account for the resulting reduction in GHG

34



emissions across the fleet. Lastly, it appears that the energy value of AD derived bio gas has been applied to offset only electricity rather than fleet vehicle emissions. Because electricity is less GHG intensive than bio-diesel, Recology should be credited with GHG reductions from bio-diesel fuel elimination for all biogas-derived CNG proposed for use in fleet vehicles.

34  
cont.

- *Reduction in landfill and reduction in organic material going to landfill (also see Section F. of this document).*

Section 4F-14 of the DEIR acknowledges the GHG emissions resulting from landfill disposal of operational solid waste, but the DEIR does not holistically account for the reduction in landfill disposal that will occur as a result of Recology site expansion.

Currently, the “black can” fraction of the material stream passing through the Recology site is sent entirely to landfill. Site expansion will enable on-site treatment and diversion of black can materials away from landfill, converting the Recology site into a “resource recovery station” whose construction is a critical step to achieving the City of San Francisco and Brisbane goals of zero waste. Therefore, the diversion of the majority of San Francisco’s black can waste stream from landfill would be directly attributable to this project. Thus, the Recology expansion variant should account for the full GHG emissions reduction associated with diversion of the served waste stream.

35

A further reduction in GHG emissions will occur due to the secondary effect of the on-site treatment and increased landfill diversion, in that most organic materials will be removed from the landfill stream. Since organic materials are the primary source of methane emissions from landfills, the resulting GHG emissions per ton of residual landfill material will be significantly lowered from the assumed rate noted in the DEIR.

In the Recology variant (CPP-V), it is also likely that all “black can” materials produced by the rest of the CPP-V projects would be treated and diverted on the expanded Recology site. In all other scenarios, these materials are assumed to be sent to landfill so the resulting emission reduction should be included in the CPP-V as additional “negative emissions.” If a franchise agreement between Recology and Brisbane is concluded before the final EIR, the GHG analysis should be updated to credit the CPP-V with the additional solid waste diversions for the served area.

36

Together, these three elements will result in a diversion rate and GHG emissions step change, which should be reflected in the “unmitigated” calculation results as they will occur as part of the base Recology site master plan.

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#### **D. Recology’s Purchase of the Van Arsdale-Harris Property**

The DEIR identifies the property at 595 Tunnel Avenue to be owned by Van Arsdale-Harris Lumberyard. (Figure 3-8 at p. 3-17.) Recology purchased the property at 595 Tunnel Avenue in October 2013. As a result of Recology’s purchase, a portion of the DSP, DSP-V and CPP projects include land now owned by Recology. There will be no relocation of the Van Arsdale lumberyard. The DEIR needs to be revised to reflect this ownership change.

38

#### **E. Correction Needed on Significant Unavoidable (SU) Biological Resources Impact 4.C-1**

The DEIR concludes that as to Biological Resources Impact 4.C-1, the impact with mitigation is reduced to a less than significant level for all four projects, DSP, DSP-V, CPP and CPP-V. (DEIR at p. 4.C-35 and Table 2-1 at p. 2-24.) But, Table 6-1 and pages 5-11 and 12 incorrectly state that there is a SU impact on 4.C-1, biological resources for the CPP-V scenario. These pages in the DEIR need to be corrected to conform to the findings of Chapter 4.C.

39

#### **F. Brisbane’s Establishment of Solid Waste Collection Zones**

The DEIR’s discussion on Non-Hazardous Solid Waste (DEIR at pp. 4.0-18-4.0-20) should include information on Brisbane’s recent establishment of solid waste collection zones.

In May 20, 2013, the City of Brisbane adopted Ordinance No. 581 amending Chapter 8.24 of the Municipal Code to allow for the establishment of multiple solid waste collection zones in the City and the award of separate franchise agreements for each zone. As a result of the creation of new collection zones, Recology will be applying to the City of Brisbane for the franchise of the new Baylands collection zone. An award of the franchise to Recology will assist Brisbane with its project objective to maximize waste diversion with the goal of achieving zero waste. (DEIR Section 2.5.1 at p. 2.7)

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### **CONCLUSION**

The CEQA Guidelines provide that: “An EIR should be prepared with sufficient degree of analysis to provide decisionmakers with information which enables them . make a decision which intelligently takes account of environmental consequences.” (Guidelines §15151.)

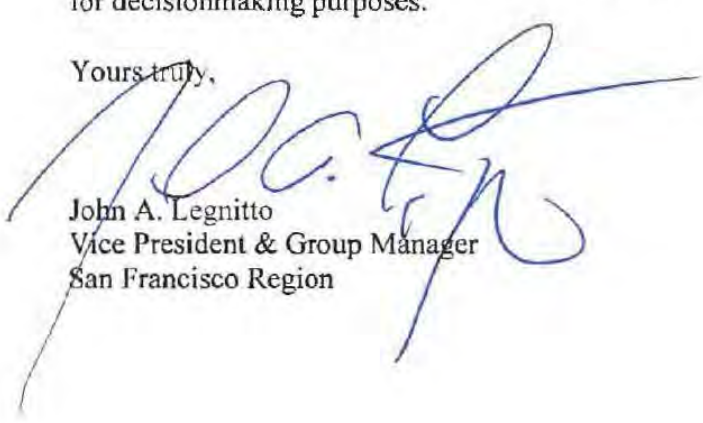
41



The Baylands DEIR fails as an informative document because there is no detailed evaluation of the impacts of the DSP projects on the actual physical environment of Recology's existing facilities and uses, which provide a vital public service to San Francisco in the collection, recycling, and diversion of its waste stream. It is Recology's position that the information and considerations identified in this document must be added to the DEIR before it is used for decisionmaking purposes.

41  
cont.

Yours truly,



John A. Legnitto  
Vice President & Group Manager  
San Francisco Region

# RSF Attachment

## Recology | Brisbane Baylands Specific Plan

### Arup GHG Calculation Modification

Community Proposed Project-Recology Expansion Variant (CPP-V)

1/24/2014

AN

| Emission Category  | Emissions<br>(metric tons of CO <sub>2</sub> e per year) | Arup Comments  | Revised Emissions<br>(metric tons of CO <sub>2</sub> e per year) |
|--|--|--|--|
| Construction (Amortized Annual)                                | 1,656  | Not changed  | 1,656  |
| Motor Vehicle Trips (non-Recology "Fleet")                     | 64,213   | The DEIR proposes this number represent the differential emissions from additional vehicle miles traveled (excluding Recology "fleet" vehicles) resulting from the project. However, the consolidation of Recology operations from 3 sites to a single more southerly site will mean that Recology employees will drive less overall (both in trips and VMT given majority south to north morning commute assumption).<br><i>Quantification of this reduction is not known, but for the purposes of this calculation a conservative 2% reduction in VMT is assumed.</i>  | 62,287   |
| Recology Vehicle Trips (excluding employee vehicles)           | 748  | The DEIR proposes this number represent the differential emissions from additional Recology fleet trips resulting from the project. However, the project will 1) enable full fleet conversion from diesel to natural gas and 2) enable full fleet conversion to 100% renewable bio-gas (to be supplemented with directed biogas if supply from onsite is insufficient), which would not only zero out these 748 tons, but should contribute towards a further reduction credit in the amount of the total existing fleet trips as well. <i>Assumption is that new trips are a 60% increase above existing trips, and average trip length stays constant.</i>   | (1,700)  |
| Electricity  | 10,839   | The DEIR proposes this number represent the differential emissions associated with the use of gas in newly built buildings. However, the Recology project buildings will be net zero energy buildings (or better) and will therefore have no emissions associated with their energy use. Additionally, these buildings will largely replace existing buildings which should result in a credit in emissions as the existing buildings are replaced with net zero energy (or better) buildings. <i>Assumes that the new buildings replace 92% of the existing buildings on the Recology site, and that the existing buildings are 40% the size of the new buildings, and Recology represents 12% of the built up of the CPP-V. Number also credits CPP-V with emissions of Recology buildings to be removed (taking them on ESA's typical emissions/ft<sup>2</sup> - alternative would be to credit CAR reported emissions from energy use of office existing Recology buildings.)</i>  | 8,056  |
| Natural Gas  | 4,974  | The DEIR proposes this number represent the differential emissions associated with the use of gas in newly built buildings. However, the Recology project buildings will be net zero energy buildings (or better) and will therefore have no emissions associated with their energy use. Additionally, these buildings will largely replace existing buildings which should result in a credit in emissions as the existing buildings are replaced with net zero energy (or better) buildings. Also, 13,651 therms of natural gas were omitted from the DEIR baseline, and have been subtracted as a credit with PG&E's conversion factor to CO <sub>2</sub> e. <i>Assumes that the new buildings replace 92% of the existing buildings on the Recology site, and that the existing buildings are 40% the size of the new buildings, and Recology represents 12% of the built up of the CPP-V. Number also credits CPP-V with emissions of Recology buildings to be removed (taking them on ESA's typical emissions/ft<sup>2</sup> - alternative would be to credit CAR reported emissions from energy use of office existing Recology buildings.)</i> | 3,624  |
| Solid Waste  | 24,824   | The DEIR proposes this number represent the differential emissions from solid waste going to landfill as a result of the development. However, the project will enable Recology to expand its operations and achieve an increase in landfill diversion from current (~47-51%) to future (80%-85%) and achieve net zero emissions from landfill not only for the development, but for the whole city of San Francisco. These emissions should therefore be credited accordingly, and a credit associated with San Francisco solid waste diversion should also be applied.<br><i>The DEIR appendix counts Baylands' production as 21,080 tpy. Total Recology throughput production for the entire plan (which does not include Baylands explicitly) is 1,162,018 tpy, so the Baylands tonnage is about 2% of the magnitude of the Recology tonnage.</i>  | (1,241,200)  |
| Other Sources (i.e., area sources, water/wastewater)           | 1,336  | Recology will not only meet its own nonpotable water demands, but will produce surplus water that can be treated to significantly reduce water use in the rest of the CPP-V project. <i>Calculation assumes a 93% reduction in other sources of GHG emissions as related to Recology use and a 20% supply of the remaining project non-potable uses.</i>   | 949  |
| Existing land uses to be removed (Industrial Park)             | -2,762   | Not changed.   | (2,762)  |
| Renewable Energy Generation (non-Recology PV)                  | -3,116   | The DEIR proposes this number to reflect solar power production outside of the Recology site, and is consistent across all variants. Not changed.  | (3,116)  |
| Recology Renewable Energy                                      | -11,022  | Adjusted to account only for the predicted renewable electricity export (paired with electricity and gas reductions assumed above from PV and biogas) - 24,700MWh  | (3,236)  |
| Total Mitigated Operational GHG Emissions                      | 91,690   |  | (1,172,207)  |
| Operational GHG Emissions per Service Population (16,073 jobs) | 5.7  |  | (73)   |
| BAAQMD Efficiency Threshold                                    | 4.6  |  | 4.6  |
| Significant (Yes or No)?                                       | Yes  |  | No   |

From ESA DEIR

Arup Comments





## SBMW Baylands DEIR Comments

Please record these comments in the EIR.

### General Comments:

1. There are many impacts discussed in this EIR with many complex mitigation measures designed to remediate the impacts. These mitigations will only have their desired outcomes if they are carefully enforced and paid for. **Monitoring, enforcement and funding are themselves, therefore, mitigations that should be covered in this EIR.**

2. Since this is a large complex project projected to take 20+ years to complete, chances are great that new conditions will develop -- or be discovered -- during the life span of the project that will impact the environment. **A mechanism for adjusting to these changing conditions should be an additional mitigation for the project.** Such a mitigation should include planned review periods, provisions for emergency reviews, and plans for paying the costs of these reviews.

Chapter 4. Environmental setting, impacts and mitigation measures.

### Air Quality

#### Page 4.B-6

"The current attainment status for the San Francisco Bay Area Air Basin, with respect to federal standards, is summarized in Table 4.B-2. In general, the Bay Area Basin experiences low concentrations of most pollutants when compared to federal standards, except for ozone and particulate matter (PM10 and PM2.5), for which standards are exceeded periodically."

**Comment:** This may be changing -- the Bay Area has had 18 Spare the Air days this winter. Warmer winters, with more high pressure days may increase the number of high pollution days. How will the EIR adjust for conditions that change?

**Comment:** Not all dust is the same. Because of the landfill, Baylands dust may contain more contaminants. How is this addressed?

#### Page 4.B-23

**Comment:** The history of the revisions for air quality standards illustrates of how standards are evolving. How does the EIR address possible future changes?

#### Page 4.B-26

Mitigation Measure 4.B-2a: To reduce construction vehicle emissions, the following provisions shall be incorporated into construction specifications for all projects on the Baylands:

**Comment:** Reducing engine idle times and keep up with a stringent vehicle maintenance schedule -- these mitigations may be difficult to enforce. For example, most large diesel truck drivers leave motors running though standards already call for them to be turned off.

**Comment:** This impact is inconsistent with the 2010 Clean Air Act -- this in itself is an impact.



Page 4.B-30

**Comment:** Table 4.B-8 through 4.B-12: None of the tables take into account background pollution as a result of the landfill. Nowhere are the cumulative effects of pollution considered.

8

Page 4.B-48

“Because all four of the proposed development scenarios would result in significant construction or operational emission impacts even with implementation of all feasible mitigation measures (**Mitigation Measures 4.B-2, 4.B-4, and 4.B-9**), Project Site development would be considered to be inconsistent with *2010 Clean Air Plan*, and the resulting impact would be considered to be significant and unavoidable.”

9

**Comment:** Though the air quality section ends on this note, this points to a significant problem with all for plans in the DEIR that have received the most scrutiny. The citizen’s renewable energy alternative should be given more scrutiny in light of this finding

**4.C Biological Resources**

**Comment:**

Even though the Baylands represent degraded habitat, life has found a ways to use the limited resources there to the best advantage. The various species that use the Baylands should be encouraged. Habitat should be enhanced whenever possible. Present habitat, though in poor condition should be discounted.

10

Page 4.C-1

On March 2, 2007, June 20, 2007, April 20, 2011, and April 19, 2013 reconnaissance-level field surveys covering the entire Project Site were conducted by ESA biologists. The 2011 survey confirmed that site conditions in terms of biological resources remain consistent with no appreciable changes in distribution or condition of existing habitats between 2007 conditions and 2011, and also consistent with the earlier site surveys described above.

11

**Comment:** The number of trips to the Baylands for observations of species seems quite inadequate.

Page 4.C-2

“2The Project Site was originally an estuarine ecosystem supporting tidal marshes, tidal mud flats, and open Bay waters. The estuarine habitat was filled in with debris and refuse, beginning with the advent of the railroad and the need to dispose of debris from the 1906 earthquake.”

12

**Comment:** Though the original habitat was destroyed, nature has had several decades to recolonize the site and many species use it despite the degraded conditions.

Page 4.C General Comment

Birds (and other animals)make heavy use of the Baylands, especially the waterways like Visitacion Creek. The description of Visitacion Creek as bird habitat is inadequate.

13

Page 4.C-4

**Comment:** *Lupinus* sp., a Mission Blue butterfly host plant, is found on Icehouse hill.

14



Page 4.C-5

**SBMW**

**Comment:** At least one wetlands area has been omitted or mischaracterized: There area wetlands near the former railroad yard.

**Comment:** Native plants are distributed among non-natives on a lot of the Baylands. It would be helpful to have a complete vegetation map and plant list so that a strategic plan for expanding existing native plant habitat could be developed.

Page 4.C-9

"The freshwater emergent wetlands on the Project Site typically lose surface water or completely dry up during the summer months..."

**Comment:** During normal rainfall years, there are some freshwater wetlands that last throughout the year. These should be distinguished from the truly seasonal wetlands. Both are valuable.

Page 4.C-14

**Comment:** There is no mention of Stickle Back Fish -- these were seen in the Baylands within the last 6 years.

Page 4.C-19

**Comment:** Four disparate days is not enough time for biologist to do surveys for the following species that could be present: Garter Snake, San Francisco Damsel Fly, Stickle Back, Mountain Salt Marsh Mouse and the California Red-Legged Frog.

Page 4.C-37 ; 4.C-39

Mitigation measure 4.C-1b states: "If the City determines that disturbance or mortality is unavoidable, special-status plants shall be restored onsite in either the annual grassland or coastal scrub habitat located on Icehouse Hill."

**Comment:** *Viola pedunculata* has not been cultivated successfully on San Bruno Mountain. It will not work to mitigate for habitat loss by planting this viola. Therefore, there is no acceptable mitigation for destroying any Callippe silverspot habitat.

**Comment:** If a water tank is required for this project, where else besides Icehouse Hill, could it be placed? While trails may be found that avoid Callippe habitat, this would not be the case for a water tank? Are other options for location, for example, on sensitive habitat elsewhere on San Bruno Mountain, being considered and if so, what are the impacts of that?

Page 4.C-60

**Comment:** If habitat is removed and not replaced, the result will NOT be less than significant. Mitigation measure 4.C-4g should include replacement of habitat.

**Comment:**

There are a number of significant impacts on the biological resource and therefore there are a number of mitigations proposed to lessen or eliminate the impacts -- I counted 19.

The impacts and mitigations should be listed in a table. The table should include the timeline for each mitigation, its estimated cost, the agency responsible for overseeing and enforcing each mitigation, and the consequences if the mitigations are not followed through on.

Money should be placed in escrow to cover all these costs before the action creating the impact is allowed.

**Chapter 6: Impact Overview, Growth Inducement and Cumulative Impacts**

**Page 6-1**

In Table 6-1 displays that only the CPP-V scenario has significant and unavoidable impacts for Impacts 4.C-1. This contradicts page 6-20 where all projects display an LCS impact.

24

**Page 6-13**

**Comment:** Figure 6.1B. It appears that only projects within approximately an eight mile radius were considered. Give the average mobility of Bay Area workers, a larger area should be considered for these impacts. A reasonable area would be 12-24 miles for housing, population and traffic.

<http://blogs.kqed.org/newsfix/2013/03/05/san-francisco-bay-area-nations-capital-for-megacommuting/>

25

**Page 6-19**

**Comment:** A larger area is needed for considering cumulative impacts of air pollution and greenhouse gases, since they are airborne. -- The Bay Area is being impacted by air pollution from China, and the East Bay is often impacted by pollution generated on the Peninsula.

26

**Page 6-21**

**“Conclusion:** The continuing loss of upland habitat that would occur as part of Project Site development, in combination with other past, present, and reasonably foreseeable projects would result in a significant cumulative impact.”

**Comment:** Because of its size and the nature of the DSP (many housing units), the Baylands development would encourage and influence development of the surrounding open space, such as the Levinson Property. Therefore, this EIR should consider the Baylands development project impacts on uplands adjacent to the Baylands.

27



January 24, 2014

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

Via electronic mail to eir@ci.brisbane.ca.us

**RE: Brisbane Baylands Draft Environmental Impact Report (EIR)**

Dear Mr. Swiecki:

On behalf of San Francisco Baykeeper and our 2,300 members, please accept these comments to the Draft Environmental Impact Report (DEIR) for the Baylands Project, located in the City of Brisbane.

Baykeeper views redevelopment of the proposed project site as an exciting opportunity to remediate and enhance a contaminated landfill for the benefit of the community and San Francisco Bay and hoped to provide positive feedback on the DEIR. However, for areas of critical importance to Baykeeper, namely hydrology, biological resources, geology, and hazards, we find the DEIR lacking in meaningful detail to an extent that precludes adequate public review.

This DEIR consistently defers mitigation, preparation of studies, and initiation of consultation with agencies in a manner inconsistent with CEQA. Numerous courts have held that reliance on tentative studies for future mitigation after project approval, or reliance on overly vague and speculative mitigation measures, undermines and violates CEQA. See *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal.App.4<sup>th</sup> 1252, 1260, 100 CR2d 301. Although assured compliance with laws and regulations may be adequate mitigation, such reliance is only proper where compliance can be reasonably expected. See *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4<sup>th</sup> 260, 148 CR3d 310; *Stanislaus Natural Heritage Project v County of Stanislaus* (1996) 48 Cal.App.4<sup>th</sup> 182, 195, 55, CR2d 625.

The DEIR repeatedly defers analysis and mitigation to future studies and permits, as summarized in the table below. We encourage the Applicant to provide significant updates in the Final EIR and permit an adequate comment period to inform the public on the full range of alternatives, impacts, and mitigation measures.

| Impact                         | Mitigation Measure (MM) | Method of Deferral   |
|--------------------------------|-------------------------|--|
| Biological Resources:<br>4.C-1 | MM 4.C-1e               | Defers the preparation of a 'site-specific micrositing report' prior to construction of wind turbines. Approvals for turbine installations require extensive consultation and analysis, which has not been fully assessed in the DEIR. |



|  |           |   |    |
|--|-----------|---|----|
| Biological Resources:<br>4.C-1         | MM 4.C-1f | This measure states 'Prior to construction or operation of wind turbines within the Project Site, the applicant shall implement the following mitigation measure, which is based upon the California Bat Working Group <i>Guidelines for Assessing and Minimizing Impacts to Bats at Wind Energy Development Sites in California</i> (CBWG, 2006)'.<br><br>The measure listed is limited to surveys and monitoring and fails to identify measures to minimize impacts to bats.  | 3  |
| Biological Resources:<br>4.C-1         | MM 4.C-1g | Compliance with Provision C.3 of the San Francisco Regional MS4 permit is contingent on development of a stormwater compliance plan at some unidentified date, utilizing unidentified mitigation measures to manage municipal stormwater.   | 4  |
| Biological Resources<br>4.C-2          | MM 4.C-2b | Mitigation measures to fulfill requirements of the NPDES General Permit for Construction Activities are inconsistent with the requirements of this permit and rely on analyses and reports that have not yet been developed.  | 5  |
| Biological Resources<br>4.C-2          | MM 4.C-2c | This catch-all mitigation measure for potential impacts to natural communities presumes such impacts cannot be foreseen or managed. Any impacts to natural communities should be identified and mitigated accordingly, in consultation with the appropriate resource agencies.  | 6  |
| Biological Resources<br>4.C-4a         | MM 4.C-4a | This mitigation measures states 'Development in the Baylands shall be subject to a requirement for a Project -wide Open Space Plan.' No specific details for the plan are identified, particularly how the objectives would be fulfilled to promote habitat linkages and create a 'mosaic of native habitat types'.   | 7  |
| Biological Resources<br>4.C-4b         | MM 4.C-4b | This mitigation measures states 'Development in the Baylands shall be subject to a requirement for a Marsh Wildlife and Habitat Protection Plan'. This plan has not been provided and approval must be contingent of the review and approval of the appropriate resource agencies.  | 8  |
| Cultural Resources<br>4.D-1            | MM 4.D-1a | Applicant defers the development of a 'stabilization plan' to protect and stabilize the Roundhouse from further deterioration and future vandalism. Given the Applicant has not prepared this document to date the public cannot determine the scale of impacts to cultural resources.  | 9  |
| Geology, Soils and Seismicity<br>4.E-2 | MM 4.E-2a | This measure calls for the development of a 'design-level geotechnical report to provide construction methods and recommendations regarding grading activities, fill placement, soil corrosivity/expansion/erosion potential, compaction, foundation construction, drainage control (both surface and subsurface), and avoidance of settlement, liquefaction, differential settlement, and seismic hazards in accordance with current California Building Code requirements including Chapter 16, Section 1613'.<br><br>Although final designs have not been established, geotechnical investigations should be carried out prior to approval and recommendations can be made regardless of the approved alternative. | 10 |
| Geology, Soils and Seismicity<br>4.E-2 | MM 4.E-2b | This mitigation measures states 'To address recovery from damage to future structures and to the landfill itself that may be caused by future earthquakes, a Post-Earthquake Inspection and Corrective Action Plan (Plan) for the site-specific development projects within the former landfill portion of the Project Site shall be prepared and implemented by all Project applicants in accordance with Title 27 landfill closure requirements as approved by the RWQCB and the San Mateo County Department of Environmental Health prior to issuance of a   | 11 |

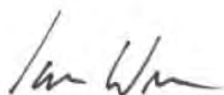


|   |           |   |             |
|---|-----------|---|-------------|
|   |           | building permit.’<br>Significant earthquake risks pose a significant threat to public safety and the environment that should be identified and planned for in advance of any project approvals.   | 11<br>cont. |
| Greenhouse Gas Emissions 4.F-1                  | MM 4.F-1  | This measure impermissibly defers the preparation and approval of a Greenhouse Gases Emissions Reduction Plan prior to EIR approval.  | 12          |
| Hazards and Hazardous Materials 4.G-2           | MM 4.G.2b | This measure impermissibly defers the preparation of a Soil and Groundwater Management Plan until final grading plans have been approved. Given the sensitive nature of this project site, which sits atop a decommissioned landfill, soil and groundwater management should be addressed at the outset. Final grading plans are not required to conduct the appropriate analyses and seek consultation with the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and the San Mateo County Environmental Health Division.   | 13          |
| Hazards and Hazardous Materials 4.G-2           | MM 4.G-2C | This measure impermissibly defers the preparation and approval of a Master Deconstruction and Demolition Plan. Deconstruction and demolition activities are unlikely to vary considerably from one alternative to the other. Accordingly, this plan should be prepared in advance of EIR approvals.   | 14          |
| Surface Water Hydrology and Water Quality 4.H-1 | MM 4.H-1c | This measure impermissibly defers the preparation and approval of a Final Stormwater Management Plan (SMP), in accordance with C.3 provision requirements of the San Francisco Regional MS4 permit. The EIR completely fails to adequately identify stormwater impacts for the various alternatives or how they would be managed, consistent with the C.3 provisions.<br><br>As the EIR currently stands, the public is unable to determine likely water quality impacts to the lagoon, adjacent creeks or San Francisco Bay - particular concerns for San Francisco Baykeeper.   | 15          |
| Surface Water Hydrology and Water Quality 4.H-1 | MM 4.H-4a | This measure states ‘Prior to issuance of a building permit, all site-specific development plans within the Project Site shall include systemwide drainage improvements that shall accommodate all increased runoff in accordance with City requirements and correct known existing deficiencies’.<br><br>This overly-vague mitigation measure is unsupported by any hydrologic or hydraulic studies to determine what improvements or modifications are required. The intention of the C.3 provisions of the San Francisco Regional MS4 permit is to reduce peak discharges so that such modifications are unnecessary and that water quality is maintained. It is impossible, however, to determine how stormwater shall be managed and whether it is the intention of the Applicant to manage stormwater with traditional grey-infrastructure approaches or low impact development techniques. | 16          |
| Surface Water Hydrology and Water Quality 4.H-1 | MM 4.H-4b | This measure calls for ‘additional conveyance capacity by incorporating new storm drain facilities along Bayshore Boulevard north of Industrial Avenue. Development plans shall also require addition of a new inlet near the Bayshore Boulevard and Industrial Way intersection that is large enough to intercept surface flows from Levinson Overflow Area and the PG&E property in accordance with and as approved by the City’.<br><br>No details have been provided regarding how such structures shall be sized, or how they will function as a treatment train to reduce stormwater discharges in  | 17          |

|   |           |  |            |
|---|-----------|--|------------|
|   |           | a manner consistent with the San Francisco Regional MS4 permit.<br>This measure also states finished floor levels shall 'provide a minimum of 1-foot of freeboard above the 100-year storm event with tidal flow and 100 years of estimated sea level rise'. The DEIR makes some reference to estimated flood heights in the DEIR but fails to provide definitive finished floor levels or other design heights intended to minimize flood risk. | 17<br>cont |
| Surface Water Hydrology and Water Quality 4.H-8 | MM 4.H-8  | This measure impermissibly defers the preparation and approval of a Sea Level Rise Risk Assessment Report to the City. Given the proximity of the site to San Francisco Bay and a tidal lagoon, this plan should accompany the EIR to facilitate adequate public review prior to review by the Bay Conservation and Development Commission (BCDC).   | 18         |
| Noise and Vibration 4.J-1                       | MM 4.J-2a | This measure impermissibly defers the preparation and approval of a 'detailed vibration design study'. Given the proximity of the project to Caltrain and Interstate 101 to anticipated sensitive receptors the public should have the opportunity to review such a study and inform the mitigation measure selection process.   | 19         |
| Traffic and Circulation 4.N-1                   | MM 4.N-1f | This measure calls for the development of a Transportation Management Plan (TMP) prior to issuance of the building occupancy permit for an arena within the Project Site. Given the likely traffic impacts resulting from the project alternative including an entertainment arena, plus the need to encourage a range of transit options for the project, the public should have the opportunity to review this TMP prior to EIR approval.      | 20         |

Thank you for considering Baykeeper's comments. We hope the Applicant takes this opportunity to re-evaluate the range of impacts and seek necessary consultations to permit adequate public review of this project.

Sincerely,



Ian Wren  
Staff Scientist  
San Francisco Baykeeper



BRAD BLOCK  
209 Kings Road  
Brisbane, California 94005

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June 25, 2013

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

Dear Mr. Swiecki:

My name is Brad Block. I am a Brisbane resident and speaking on behalf of the San Francisco Boardsailing Association, as the designated Site Steward for Candlestick Point (also known as Windsurfer Circle) for that organization.

I'm representing thousands of boardsailors who have used and continue to use Candlestick Point as one of the premier sailing venues in the United States for the past 20 years.

We appreciate that the Draft EIR already recognizes this sensitive recreational resource. However the public documents fall well short of explaining or considering critical details regarding methodology, assumptions, derivations, standards, and conclusions.

Though we already have many questions, it is impossible to provide substantive comments without additional information from the City and the engineers who prepared the study.

The Baylands project and the recently proposed separate Recology expansion project are complex and intense. There are few universal standards for significance of impact to this sort of recreation, and there is a vast range of options for studying such impacts. There is also a precedent of higher scrutiny and cooperation for projects affecting this sort of recreational resource in the Bay Area.

For these reasons, we strongly insist the City and their engineers meet with us as soon as possible.

There has been a steady degradation of this resource through continued development along the adjacent 101 corridor contributing not only diminished and turbulent wind but also toxic industrial inflows into the Bay.

By embracing this resource rather than perpetuating its demise, Brisbane has the opportunity to foster an incredibly unique and attractive amenity similar to world-class sites such as Crissy Field or the Columbia River Gorge in Oregon.

We look forward to working together with the City to strive to uphold the highest standards for preserving and cultivating this valuable and irreplaceable resource.

Sincerely,

Brad Block  
(617)504-5075

## SAN FRANCISCO BOARDSAILING ASSOCIATION

January 22, 2014

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

Subject: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BRISBANE  
 BAYLANDS PROJECT (City File No: SP-1-06/GPA-2-10; State Clearinghouse No.  
 2006022136)

Dear Mr. Swiecki:

The following are the comments of the San Francisco Boardsailing Association on the subject EIR. We endorse the comments already made by the Candlestick Preservation Association. We find the document fundamentally flawed in its characterization of the impacts on windsurfing in the waters immediately offshore of the proposed project. We think the EIR is flawed in 1) not recognizing the unique and scarce nature of the windsurfing resource that will be affected; 2) using significance thresholds that do not give full recognition to the body of State policies that protect recreational resources; and 3) using a model which underestimates the impacts of the project on the windsurfing resources.

1

#### CANDLESTICK REPRESENTS A RARE AND VALUABLE WINDSURFING RESOURCE

When Bay Access published their initial map of the "San Francisco Bay Area Water Trail", in an effort that became legislation that is cited more specifically below, they identified 86 different existing sites that provide access to the water. But for those who engage in windsurfing, only a handful of those sites provide sufficient wind, water depth, and parking to allow significant use by windsurfers and kite boarders. Most of the use occurs on a handful of the sites, including Candlestick, Crissy Field, Third Avenue, Coyote Point, Berkeley, Alameda, Pt. Isabel, Treasure Island and Larkspur. So only nine of the 86 identified Bay Trail sites provide high value windsurfing access.

2

Windsurfing in the West Bay is particularly rare, and threatened by both development projects and erosion. Only Crissy Field and Candlestick provide windsurfing access in San Francisco County. The two popular sites in San Mateo County, Coyote Point and Third Avenue, are both threatened by ongoing erosion, even without the expected impacts of sea level rise. The EIR does not recognize the relative scarcity of the access points, and use that scarcity in developing thresholds of significance that protect this rare resource.



The nature of the wind resource at Candlestick is different from all of the other access points cited above. At Candlestick, wind comes through the Alemany gap in the hills, but weakens as it moves eastward and particularly southward. The gap acts like a nozzle on a hose, and the wind weakens, as a stream of water would, the further it gets from that nozzle. So in the case of Candlestick, the windsurfing resource, which is accurately shown in GPS tracks on page 4.M-13, is only the small area measuring about 5000 feet by 2000 feet. All of the other windsurfing launch points identified above provide access to a much larger area suitable for windsurfing. In those areas, disturbance of the wind field near the shore may make it more difficult, but not impossible, to sail. In the case of Candlestick substantial alteration of the wind field in the small area that is heavily used can essentially eliminate the ability to sail from the site, at least on some of the days that are now suitable for sailing. The document fails to recognize the scarce and unique resource, and the small area suitable for high wind sailing, and thus fails to analyze the potential of the Baylands Project to significantly impact windsurfing.

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cont.

### SIGNIFICANCE THRESHOLDS AS A STANDARD FOR IMPACT ANALYSIS

CEQA defines significant effects on the environment as “a substantial, or potentially substantial, adverse change in the environment.” Until 2005, the CEQA guidelines advised that recreational impacts were generally considered significant. While that was changed, this provision in Section 15064(e) of the CEQA Guidelines is of particular importance:

If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect

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Thus, in considering the impact on recreation, the actual impact of the physical changes on human activities must be considered. Further, the relative scarcity of the resource must be considered, and the analytical gap between the nature of the project and the physical impacts on existing recreational uses must be bridged. The EIR fails to do this. It establishes this criteria for significance (page 4.M-9):

- Substantially degrade the existing windsurfing recreational resource at CPSRA.

There is no discussion of the relative scarcity of the resource; in our minds a fatal flaw.

The starting point for considering impacts on access to the water must be the California Constitution; recreational access to the Bay is different from other forms of recreation that may be evaluated under CEQA because it has Constitutional standing. Section 4 of Article X of the State Constitution provides, in most relevant part:

4

**No ... corporation ... possessing the frontage .... of a... bay... in this State, shall be permitted to exclude the right of way to such water** whenever it is



required for any public purpose, **nor to destroy or obstruct the free navigation of such water** (emphasis added)

Thus, a policy that prohibits obstructing the free navigation of the publicly owned waters in the Bay has already been established in the Constitution, and should be used in consideration of this project, which will obstruct the free flow of wind necessary to enjoy the existing recreation on the bay along the site frontage.

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cont.

The City limits its consideration of adverse windsurfing impacts to one of substantial impairment of prime windsurfing areas, which ignores both the nature of the current recreational use, and its relative scarcity. For perspective, San Francisco Bay has an area of about 400 square miles, or 16,000,000 acres. Yet only a relatively small part of that area is suitable for windsurfing.

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The Constitutional language cited above further provides direction that the "...Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof." The MacAteer-Petris Act, which established BCDC and the nation's first Coastal program, and the recently passed Bay Trail are two examples of such legislation. The Bay Plan, developed by BCDC under the MacAteer-Petris Act, includes the following policy language as part of the mapping of Candlestick as a protected waterfront park and beach: "Preserve ...windsurfing...opportunities" (Plan Map 5 notes). It is axiomatic under CEQA that the consistency of a project with adopted planning policies such as these is a threshold of significance.

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The Water Trail Act, passed by the legislature to increase public access onto the Bay, is now included in the Public Resources Code, and establishes policies that should have been used in formulating thresholds of significance, including "The San Francisco Bay Area Water Trail, established pursuant to this chapter, shall be implemented consistent with the goals of **improving access to, within, and around the bay**" (Section 6691(f), and "**Water-oriented recreational uses of the San Francisco Bay, including kayaking, canoeing, sail boarding, sculling, rowing, car-top sailing, and the like, are of great benefit to the public welfare of the San Francisco Bay Area.**" (emphasis added)

7

The City's effort to establish significance thresholds does not include consideration of any of these policies. That effort must be revised, recognizing that state policy is to improve, not degrade access to the water. These policies must then be used as a benchmark in establishing significance thresholds, that is, to preserve and improve access to the Bay, not allow damage to that resource if such damage falls below a rather nebulous "substantial" level.

8

#### USING WIND TUNNEL STUDIES TO PROVIDE A FAIR ASSESSMENT OF IMPACT

We appreciate the effort in the EIR to evaluate the impact of the proposed land use plan on wind flow. In many circumstances, such an approach would be adequate to assess the likely impact. However, in this particular geographic location, the inherent limitations of the physical model used to predict impacts lead to an incomplete and misleading analysis. A physical model relies on a steady state windfield, using fans or similar devices to compare wind velocities with and

9



without the proposed development. Such a model is incapable of replicating the nature of compressed flow that is present at the site. As noted above, the wind through the Alemany gap operates as a compressed flow, and the movement of that windfield from west to east, and to the south, diminishes the intensity of the wind in the field. The physical model does not replicate this phenomenon, and thus has weaknesses in predicting impacts, particularly as the field moves south. Second, the resource is very limited in physical area; sailors typically turn around as they move to the south when the wind strength weakens. So the northern portion of the identified windfield is in fact the resource area, and is quite sensitive to disruption in overall strength, as well as increases in gustiness, presented in the model results as turbulence. We believe that the only appropriate metric that should be used to gauge the impact, and whether or not it is in fact “substantial”, is to assess the suitability of the remaining windfield for sailing.

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cont.

You have already received detailed comments from the Candlestick Preservation Association demonstrating that, in summary, even a 5% wind speed reduction at Candlestick will likely result in a 20% decrease in number of sailable days per year while a 10% decrease will likely cause a 40% decrease in the number of sailable days per year. These are substantial impacts to the pattern of use at the site, and must be addressed as such.

10

#### MITIGATION MEASURES

Under CEQA, all significant impacts must be reduced to a level that is less than significant, unless it is infeasible to do so. Further, the public is entitled to an opportunity to comment on the sufficiency of mitigation measures to actually reduce impacts. While we have raised major issues with the nature of the analysis in the EIR, we do believe that those issues are resolvable with careful mitigation. This EIR covers a land use plan, not a specific site. It has an overall intensity that is not so great that it is infeasible to carefully cluster development in order to prevent impacts to windsurfing. As noted above, the northern portion of the site closest to the Candlestick Park is the area where the windsurfing resource is located. We have demonstrated that it is much more sensitive to disruption than the model has shown. However, clustering of multi-story development on the southern portion of the plan area has the potential to greatly reduce, if not eliminate, the significant impacts to windsurfing. Further, planning policies could be adopted by the City which require a specific plan for, in particular the northern portion of the plan area, with detailed wind flow analysis that better reflect the available data on wind currently at the site, and the potential for impact.

11

#### CONCLUSION

We believe that the document is fatally flawed in its analysis of recreational impacts because it failed to adequately describe the existing use at the site, develop thresholds of significance that reflect all established State policies that protect and encourage improved access, or use analytical tools that reflect the unique nature of the compressed flow. While we believe that the impacts on protected recreational use can be mitigated, we think that a revised draft EIR must first be prepared and circulated for comment to correct these shortcomings.

12

Very truly yours,

Jim McGrath,  
Vice President  
San Francisco Boardsailing Association





January 24, 2014

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

**Subject: Brisbane Baylands Draft Environmental Impact Report**

Dear Mr. Swiecki:

On behalf of the San Francisco Bay Trail Project, I am submitting comments on the Draft Environmental Impact Report for the Brisbane Baylands project. The San Francisco Bay Trail is a visionary plan for a shared-use bicycle and pedestrian path that will one day allow continuous travel around San Francisco Bay. Currently, 334 miles of trail have been completed. Eventually, the Bay Trail will extend over 500 miles to link the shoreline of nine counties, passing through 47 cities and crossing seven toll bridges.

We are particularly interested in this development project and its circulation because it will complete a significant gap in the regional Bay Trail system, extend Brisbane's existing Bay Trail corridor and define bicycle-pedestrian connections between San Francisco and San Mateo counties.

The following comments focus on the Bay Trail alignment, safety, continuity and experience as analyzed in the DEIR:

#### **Bay Trail Alignment**

Both the Community Proposed Plan (CPP) and the Development Sponsored Plan (DSP) identify a north-south alignment for the Bay Trail across the site, linking existing Bay Trail adjacent to the Brisbane Lagoon to existing Bay Trail near Candlestick Park in San Francisco. Both plans propose to complete the 1.5-mile Bay Trail gap in Brisbane. The DSP identifies the Bay Trail alignment along the eastern edge of the development adjacent to the Highway 101 corridor. The trail is shown as a Class I facility, separated from traffic, extending from Lagoon Way, transitioning back to Class II bike lanes and sidewalks at Geneva Avenue. The CPP shows the Bay Trail integrated into proposed new parks, public spaces and along a linear greenway between Lagoon Way and Geneva Avenue. The trail crosses a few intersections within the new development grid. It is not clear whether the Bay Trail is a Class I or Class II in the CPP scenario.

- The programmatic DEIR did not provide a detailed analysis of the two proposed trail alignments. A Bay Trail alignment integrated into the development grid as a Class I facility will likely be a quieter and more visually appealing experience, but may introduce safety issues for bicyclists and pedestrians at intersection crossings. A trail along the highway corridor may be a preferred alignment for a commuting cyclist, but could be visually uninviting and noisy if placed between buildings and the freeway. Our preference is for the designated Bay Trail alignment to be safely integrated into the development as a Class I multi-use path rather than along the edge of the highway.

2  
cont.

#### **Bicycle and Pedestrian Safety and Experience**

The DEIR assumes that certain bicycle and pedestrian circulation network improvements shown in the DSP and DSP-V scenarios also apply to the CPP and CPP-V scenarios. Both plans have a combination of Class I multi-use paths and bicycle lanes/sidewalks for the Bay Trail. The proposal requires bicyclists and pedestrians to transition from a Class I multi-use path to bicycle lanes and sidewalks at N Street, along 8<sup>th</sup> Street and on the Geneva Avenue overpass.

The *San Francisco Bay Trail Plan* encourages the siting and design of the Bay Trail to accommodate the widest range of trail user skill levels.

Trail Design Policy 12. Provide access wherever feasible to the greatest range of trail users on each segment.

Trail Design Policy 13. Wherever possible, new trails should be physically separated from streets and roadways to ensure the safety of trail users.

3


The following changes are recommended:

- Class I multi-use paths are the preferred facilities in the development area and along the proposed new Geneva Avenue extension over Highway 101. A separated pathway for bicyclists and pedestrians is necessary for safe and continuous access between Brisbane and San Francisco.
- In Table 4.N.7, the footnote indicates that on the Geneva Avenue Extension, the Class II bicycle lanes will be open to through vehicular traffic during peak hours. Shifting vehicles into bike lanes causes confusion and a loss of consistent use of the facility. It also defeats the purpose of encouraging bicycle commute options by shifting bicyclists onto the narrow shoulder during peak commute hours.
- Mitigation Measures 4.N.19 and 4.N.11 should require fully-separated Class I multi-use paths throughout the development area, including the Geneva Avenue Extension.

I would like to be involved in future discussions about bicycle and pedestrian circulation and decisions about the new Bay Trail alignment in Brisbane. Thank you for considering these comments and please contact me at 510-464-7935 or laurat@abag.ca.gov if you have questions.

4

Sincerely,



Laura Thompson  
Bay Trail Project Manager





# SAMCEDA

San Mateo County Economic Development Association

**SAMCEDA**

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November 12, 2013

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

RE: Brisbane Baylands DEIR

Dear John,

The San Mateo County Economic Development Association (SAMCEDA) represents a contingent of leading Bay Area businesses, institutions, organizations, and entrepreneurs. We are recognized for our experienced, impact-driven approach as a business advocacy organization; as well as being supportive of projects that have the potential to contribute to the overall economy of San Mateo County.

We understand that the Brisbane Baylands project is currently undergoing its environmental analysis and the Draft Environmental Impact Report (DEIR) was released on June 11, 2013. Please accept this letter and include in the Final Environmental Impact Report (FEIR).

SAMCEDA supports the DSP and DSP-V alternatives listed in the DEIR. The DSP and DSP-V scenarios propose new development totaling approximately 12 million square feet. Proposed uses for the DSP and DSP-V scenarios include office, retail, industrial, institutional, approximately 4,400 residential units, open space/open area, lagoon, hotel, conference/exhibition and entertainment/sports arena (DSP-V only).

These two alternatives as proposed would help ensure that Brisbane contributes to the reduction of greenhouse gas emissions as specified by SB 375 and AB 32. By meeting these targets, the City has an opportunity to set an example of sound regional planning that meets the housing, job, and transportation growth of the area.

In each of these scenarios there exists a balance between various land use objects including creating a variety of housing stock for existing and new residents; commercial, industrial and retail space close to where people live, transportation options that can move them up and down the Peninsula and a conscious focus on the need for open areas and dedicated open space for the community. For these reasons, these two alternatives should be identified as the environmentally superior alternatives.

SAMCEDA encourages the City of Brisbane to take all this into consideration as the process continues for the ratification of the Final EIR and subsequent project approval for the Brisbane Baylands project.

Sincerely,

Rosanne Foust  
President & CEO

January 13, 2014

Mr. Jonathan Scharfinan  
Universal Paragon Corporation  
150 Executive Park Blvd, Suite 1180  
San Francisco, CA 94134

Re: Proposed Brisbane Baylands Development, Brisbane, CA

Dear Mr. Scharfinan,

On behalf of the members of the SPUR Project Review Committee, we would like to thank your team for bringing the proposed development of Brisbane Baylands to our group for consideration and review at our September 17, 2013 meeting and for presenting the project at the November 14, 2013 Lunchtime Forum. We are writing in response to the September meeting of the Project Review Committee and to the Brisbane Baylands Draft Environmental Impact Report.

The mission of the SPUR Project Review Committee is to consider projects that are of citywide importance and to evaluate them according to criteria related to land use, public realm interface, building design and environmental effects. In all cases, we are seeking a combination of excellent planning and design solutions that will ensure the positive contribution of each project to a safe, visually appealing, and vibrant urban setting for the people who live and work in San Francisco.

After our review and discussion, we provide the following specific comments for your information and action:

The Project Review Committee has historically focused its review process on developments located within San Francisco city limits. However, in keeping with SPUR's growing interest and activity in Bay Area regional planning, this committee agreed that it was appropriate to comment on this unique development site. Both the scale of the development and its adjacency to the City's southern border, along major regional transportation routes, may have profound impacts on San Francisco proper, and will most certainly have significant impacts on the Peninsula over the next several generations.

### Land Use and Transportation

The 680-acre Brisbane Baylands is one of the largest brownfield sites under majority private ownership in the San Francisco Bay Area. The plan calls for reclamation and remediation of the former Southern Pacific railyard and the municipal landfill, which will

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in part be funded by development proceeds. The 12-million square feet of mixed-use, transit-oriented-development will host a tech-hub, office and retail, mixed-income housing, a charter high-school and recreation fields, solar farms, as well as approximately 200+ acres of public open space, and provide some 20,000 permanent jobs at build-out.

By concentrating the high-density uses in the northernmost districts—housing on the former railyard in the northwest quadrant of the site, office and R&D facilities on the former landfill in the northeast quadrant—the TOD plan will provide some 4,000 housing units within a 10-15 minute walk of 6 million sf of commercial development. Retail will be introduced along Third Street and Geneva Avenue, easily accessible by public transportation. The project sponsor is working closely with the various transportation entities to maximize the potential of a new multi-modal station that will connect CalTrain, the Geneva Avenue BRT, and the T-Third light rail, as well as SamTrans and MUNI buses. Furthermore, the project would construct an extensive biking network, including a missing segment of the Bay Trail and connections to other regional bike routes.

The goals of the Brisbane Baylands project are very much in keeping with SPUR's sustainable design principals, as well as SB 375 goal of reducing vehicle miles travelled and the associated greenhouse gases. We strongly encourage transportation-oriented development throughout the region. On a site already served by several major public transit arteries, such development is imperative.

We understand that the topography and history constrain the allocation of uses throughout the site, concentrating the residential and commercial uses in the north and open space to the south. That being said, however, we are concerned that this assignment of use may introduce a tension between the established community of Brisbane, south of the lagoon, and what will be its new residents and businesses to the north. We encourage the project sponsor to seek out ways to mitigate the bifurcation of the population of Brisbane as it moves forward with development plans.

### **Open Space and Environmental**

The bulk of the open space will be located in the southern half of the site, in close proximity to the Brisbane lagoon. The passive and active, publically accessible open space includes a comprehensive network of pedestrian and bike trails, a community sports field, a regional sports park, a new segment of the Bay Trail, the Lagoon Park with a tidal/freshwater wetland, coastal meadow and upland habitat restoration, and a wildlife refuge. In addition, a network of open space throughout the community will connect residential and commercial development areas to the natural environs surrounding the Brisbane Lagoon.

The project sponsors aspire to transform the existing brownfield into a zero-net waste community. Beyond the site remediation, transportation enhancements, and ecological restoration mentioned above, the project's sustainability plans include a the introduction of a large solar farm and other renewable energy sources, an advanced wastewater and stormwater system, and following best practices in building design.

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SPUR agrees that the establishment of easily accessible open space is a valuable and necessary part of any successful community. That over 40% of the Brisbane Baylands project is dedicated to open space in the form of wetlands restoration and the transformation of the industrial landfill into extensive, usable green space, is a notable and laudable component of the plan. We are especially impressed by the thought given to the transition zones, from existing industrial uses (rail right-of-way and tank farm) through renewable energy uses (solar farm) to urban agriculture and finally public open space.

SPUR is very concerned with the effects of global warming and resultant sea-level rise in the Bay area. The Brisbane Baylands shows an exceptional effort to address those issues with its goals of reclamation and enhancement of the natural land-forms, significant reduction in greenhouse-gas emissions, and a zero-net waste community.

### **Conclusion**

We appreciate the trade-offs inherent in redeveloping a site of this size and complexity, and we understand that the ultimate decision, regarding the plans, is solely in the hands of the City of Brisbane and its voters. But while land use decisions remain the province of the local governance, the effects of those decisions impact the entire region. It is with these impacts in mind that the SPUR Project Review committee declares its support of the proposed development of the Brisbane Baylands site. We encourage the project sponsor to use this incredible opportunity to make this a model of sustainability and community.

We thank you for committing your time and resources to the presentation at SPUR, appreciate the fact that you have presented your proposal to us at an early stage in its development so that you may take our recommendations into consideration. We will follow further refinements of this project with great interest and invite you to keep us informed on its progress.

### **Consideration for Endorsement**

Should you intend to request SPUR to consider this project for endorsement, you should contact the Committee co-chairs at the appropriate time. Endorsement by SPUR is reserved for projects of the highest quality and significance to the city. Consideration for endorsement begins with a formal response by projects sponsors to this review letter, including an update on any significant changes to the project program or design since the project was initially presented at SPUR. The project is then taken up for discussion by an endorsement subcommittee of SPUR board members who serve on committees in the areas of project review, urban policy, housing, sustainability, and transportation. We normally require a month's lead-time to schedule a meeting of the endorsement subcommittee.

Please do not hesitate to contact us for questions/clarifications.

Sincerely,

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cont.

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Charmaine Curtis Mary Beth Sanders Reuben Schwartz  
SPUR Project Review Committee Co-Chairs

cc: SPUR Board of Directors

cc: John A. Swiecki, City of Brisbane



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January 23, 2014

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

Dear Mr. Swiecki:

The Tuolumne River Trust (TRT) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project.

TRT was founded in 1981 to serve as the voice for the River. We seek a healthy and vibrant River that is teeming with fish and wildlife, safe for drinking, fishing and swimming, and held in trust as a refuge for our children and grandchildren. TRT represents 2,000 members in the Sierra Nevada, Central Valley and Bay Area, as well as many others who enjoy and appreciate the beauty and bounty of the Tuolumne River.

TRT is concerned about the potential impact of the proposed Oakdale Irrigation District water transfer on the 36-mile stretch of the "Wild & Scenic" Tuolumne River between Hetch Hetchy and Don Pedro Reservoirs. The transfer, which would be necessary for approval of the Baylands Project, would result in a decrease of 2 million gallons of water per day (mgd) from this section of the Tuolumne.

The DEIR fails to adequately analyze the potential environmental impacts of the water transfer. It relies on stale information and analysis from the Water System Improvement Program (WSIP) PEIR adopted by the SFPUC in 2008. Since the WSIP was approved, important new information has become available.

For example, in 2012 the SFPUC released a report titled "Sensitivity of Upper Tuolumne River Flow to Potential Climate Change Scenarios." It states:

"The future climate condition in year 2040 of climate change scenario 3B (high temperature increases with precipitation decrease) results in reductions in median runoff of 8.6% at O'Shaughnessy Dam."

The report estimates a potential reduction in runoff of up to 29.4% by 2100.

The report also concludes:

"As climate change increases temperatures, rainfall replaces snow in the fall and winter and reduced snowpacks melt earlier in the spring. Evapotranspiration increases in the fall and winter and begins earlier in the spring."



The Brisbane Baylands DEIR must analyze the impact of the 2 mgd water transfer under the projected future climate change scenario.

↑ 2 cont.

Conditions related to management of the SFPUC's Bay Area reservoirs also have changed since the WSIP was approved. Most notably, the SFPUC will be required to release an additional 7.4 mgd into Alameda and San Mateo Creeks for fish and wildlife upon completion of upgrades to the Calaveras and Crystal Springs Dams. These watersheds currently provide 15% of the SFPUC's water supply.

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Presumably, to make up for this shortfall, diversions from the Tuolumne River might have to increase in order to meet the SFPUC's contractual obligations to its wholesale customers. The cumulative impact of diverting an additional 2 mgd from Hetch Hetchy must be analyzed.

After the WSIP was approved, the SFPUC embarked on its Upper Tuolumne River Ecosystem Program (UTREP) that is studying biological conditions on the stretch of the Tuolumne River between O'Shaughnessy Dam and Early Intake. This stretch includes the ecologically-sensitive Poopenaut Valley.

The UTREP is "An ongoing effort to conduct long-term, collaborative, science-based investigations designed to: 1) Characterize historical and current river ecosystem conditions; 2) Assess their relationship to Hetch Hetchy Project operations; and 3) Provide recommendations for improving ecosystem conditions on a long-term, adaptively managed basis."

The UTREP is a legally-required program that the SFPUC agreed to implement in order to comply with its obligations under the 1987 "Kirkwood Agreement," which allowed the SFPUC to add a power turbine to its Kirkwood Powerhouse on the Tuolumne. Information provided by the UTREP must be incorporated into the environmental review for the Brisbane Baylands Project. An up-to-date analysis, with current data, using current analysis protocol, needs to be part of the Project EIR.

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One requirement of the Kirkwood Agreement is that San Francisco, or the U.S. Fish and Wildlife Service (USFWS), undertake a study "...to determine what, if any effect, the Kirkwood Powerhouse and Kirkwood Addition would have or have had on the habitat for and populations of resident fish species, between O'Shaughnessy Dam and Early Intake..." The Stipulation specifies that adjustments to minimum flow releases must be implemented if the USFWS determines that flow in the Tuolumne River should be increased.

The USFWS released a draft report in 1992 titled "Instream Flow Requirements for Rainbow and Brown Trout in the Tuolumne River Between O'Shaughnessy Dam and Early Intake." The report was never finalized, however, it states, "In 1988, the U.S. Fish and Wildlife Service's Instream Flow Incremental Methodology (IFIM) was applied to the Tuolumne River below





Hetch Hetchy Reservoir...An annual fishery allocation of between 59,207 acre-feet and 75,363 acre-feet is recommended, based on the findings of the instream flow study."

The report recommends increasing instream flows from O'Shaughnessy Dam. For example, during the months of December and January, it recommends an increase in flows from a minimum of 35 cfs to 50 cfs in dry years, from a minimum of 40 cfs to 70 cfs in normal years, and from a minimum of 50 cfs to 85 cfs in wet years.

However, Table 5.3.1-2 of the WSIP PEIR (Vol. 3, Section 5.3, pp. 5.3.1-13) shows the "Schedule of Average Daily Minimum Required Releases to Support Fisheries Below O'Shaughnessy Dam" based on a 1985 agreement. The attached document compares flows listed in the WSIP PEIR with those recommended by the draft USFWS report.

To meet the requirement of the Kirkwood Agreement, the SFPUC agreed to work with the USFWS, the National Park Service, the US Forest Service, the California Department of Fish and Wildlife and others to gather the information necessary to develop physical and biological objectives for an adaptive management plan for O'Shaughnessy Dam flow releases. The UTREP is the mechanism for meeting this obligation.

Until the adaptive management plan for O'Shaughnessy Dam is approved and a new instream flow schedule is adopted, it will be impossible to assess the potential impacts of diverting an additional 2 mgd from Hetch Hetchy. We request that release of the Final EIR for the Brisbane Baylands Project be postponed until this information is available and included.

Thank you for considering our comments.

Sincerely,



Peter Drekmeier  
Bay Area Program Director

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## Current vs. Recommended Minimum Flows from O'Shaughnessy Dam

Table I. The minimum amounts of water to be released from Hatch Hatchy Reservoir to the Tuolumne River at O'Shaughnessy Dam by water year schedule along with additional "mitigation" water provided under agreement in 1985.

| Month  | Minimum Monthly Release Schedule (CFS) |        |        | Cumul. Precip. (in.) or runoff (AF) |         |   |
|--|--|--------|--------|-------------------------------------|---------|---|
|  | A                                      | B      | C      | A                                   | B       | C |
| January  | 50                                     | 40     | 35     | 8.8                                 | 6.1     |   |
| February                                       | 60                                     | 50     | 35     | 14.0                                | 9.9     |   |
| March  | 60                                     | 50     | 35     | 18.6                                | 14.2    |   |
| April  | 75                                     | 65     | 35     | 23.0                                | 18.0    |   |
| May  | 100                                    | 80     | 50     | 26.6                                | 19.5    |   |
| June   | 125                                    | 110    | 75     | 28.6                                | 21.3    |   |
| July   | 125                                    | 110    | 75     | 875,000                             | 390,000 |   |
| August   | 125                                    | 110    | 75     | 640,000                             | 400,000 |   |
| September 1-15                                 | 100                                    | 80     | 75     | ---                                 | ---     |   |
| September 16-30                                | 80                                     | 65     | 50     | ---                                 | ---     |   |
| October  | 60                                     | 50     | 35     | ---                                 | ---     |   |
| November                                       | 60                                     | 50     | 35     | ---                                 | ---     |   |
| December                                       | 50                                     | 40     | 35     | ---                                 | ---     |   |
| MINIMUM RELEASE (AF)                           | 84,207                                 | 49,994 | 35,197 |                                     |         |   |
| Added "mitigation" release for water year (AF) | 10,000                                 | 6,500  | 4,400  |                                     |         |   |
| TOTAL ANNUAL FISHERY ALLOCATION (AF)           | 74,207                                 | 56,494 | 39,597 |                                     |         |   |

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HATCH HATCHY IFIM

ROUGH DRAFT

07/17/92  
10:00am

Table VI. Annual instream flow schedule recommended for the maintenance of rainbow and brown trout within the Tuolumne River between O'Shaughnessy Dam and Early Intake.

| Month           | Days | Minimum Instream Flow Schedules |       |     |       |     |       |
|-----------------|------|---------------------------------|-------|-----|-------|-----|-------|
|                 |      | A                               |       | B   |       | C   |       |
|                 |      | cfs                             | Ac-Ft | cfs | Ac-Ft | cfs | Ac-Ft |
| January         | 31   | 85                              | 5,227 | 70  | 4,304 | 50  | 3,074 |
| February        | 28   | 85                              | 4,721 | 70  | 3,688 | 60  | 3,332 |
| March           | 31   | 85                              | 5,227 | 70  | 4,304 | 50  | 3,689 |
| April           | 30   | 100                             | 5,951 | 70  | 4,163 | 75  | 4,463 |
| May             | 31   | 100                             | 6,149 | 70  | 4,304 | 100 | 6,149 |
| June            | 30   | 125                             | 7,438 | 125 | 7,438 | 125 | 7,438 |
| July            | 31   | 150                             | 9,223 | 133 | 8,301 | 125 | 7,686 |
| August          | 31   | 150                             | 9,223 | 133 | 8,301 | 125 | 7,686 |
| September 1-15  | 15   | 125                             | 3,719 | 100 | 2,975 | 100 | 2,975 |
| September 16-30 | 15   | 100                             | 2,975 | 70  | 2,062 | 50  | 2,380 |
| October         | 31   | 85                              | 5,227 | 70  | 4,304 | 60  | 3,689 |
| November        | 30   | 85                              | 5,058 | 70  | 4,165 | 60  | 3,570 |
| December        | 31   | 85                              | 5,227 | 70  | 4,304 | 50  | 3,074 |


**UNIVERSAL PARAGON CORPORATION**

150 Executive Park Blvd., Suite 1180  
San Francisco, CA 94134

January 23, 2014

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

**Re: Comments of Universal Paragon Corporation on Traffic Analysis in Draft Environmental Impact Report (State Clearinghouse #2006022136), dated June 2013 (the "DEIR")**

Dear Mr. Swiecki:

This letter constitutes comments from Universal Paragon Corporation ("Developer") on the Traffic and Circulation chapter (Chapter 4.N) of the Brisbane Baylands Draft Environmental Impact Report dated June 2013 (State Clearinghouse #2006022136). We will also submit additional comments on other sections of the Draft EIR by separate letter.

DEIR Comments

Based on our review of the Draft EIR Traffic and Circulation section, we ask for the following revisions to the Draft EIR:

- a. ***Baseline Transit Assumptions included in the Final EIR should include all of the TDM measures proposed as part of the Specific Plan that are within the control of Developer as well as actual transit connectivity between the project and specific neighborhoods/regions based on the proposed land uses and transit infrastructure in the baseline DSP and DSP-V. In connection with this exercise, the Final EIR should specifically identify which elements of the Specific Plan Circulation Element, including the TDM measures, were included in the Draft EIR analysis and which were not included due to uncertainty, lack of information or other reasons.***

The Draft EIR analyzes a Developer-Sponsored Plan ("DSP" and Developer-Sponsored Plan – Entertainment Variant ("DSP-V") based on Developer's 2011 Specific Plan submittal, attached to the Draft EIR as Appendix C. The Circulation Element of the Specific Plan describes the transportation and circulation network proposed for the DSP and DSP-V scenarios, including the components and design standards proposed for access and movement of pedestrians, bicyclists, transit, and vehicles. It establishes specific standards and guidelines for Specific Plan area roadways and includes a robust Transportation Demand Management (TDM) program (see Specific Plan, Chapter 6.4).

Table 6.4 on p. 179 and 180 of the Specific Plan includes a wide range of detailed TDM measures that could be implemented by the project to reduce vehicle miles traveled and increase transit. These include measures designed to establish a TDM program, parking policies aimed at reducing vehicle use, policies designed to promote car- and vanpools, carsharing, bicycle use and transit usage, a shuttle between Executive Park, Baylands, the Schlage Lock site and the Balboa Park BART Station, jobs-housing linkage, street design to promote pedestrians and bicycles, and policies designed to encourage walking. Of these numerous measures, almost all of them could be implemented through



the Developer and enforced by the City. Only the establishment of a transit center and implementation of the bus rapid transit (BRT) within the site would require cooperation, planning, and implementation by third-party agencies, subject to the availability of funding.

Despite the comprehensive program proposed in the Specific Plan to reduce vehicular trips and increase transit, pedestrian and bicycle trips, the Draft EIR traffic analysis does not appear to have included many of these measures in its analysis on overall trip generation for DSP and DSP-V on both a project and cumulative level. The Draft EIR specifically states that it did not include many TDM measures in its analysis due to uncertainty as to effectiveness (p. 4.N.-73). However, at the same time, the Draft EIR includes a Table 4.N-45 that calculates trip credits for a wide range of TDM measures.

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To address this inconsistency, and because the range of TDM measures included in the Specific Plan are almost all within the control of the Developer and can be implemented, the Final EIR should identify which TDM and transit investments are included in the modal split calculation, and then, to the extent such measures were not included, make adjustments as appropriate. For example, the DEIR only shows 8.5% to 11.5% transit usage during the PM and AM peak hours. This is not consistent with the robust TDM program and mix of land uses proposed in the Specific Plan.

We also find that the transit mode share assumptions in the Draft EIR are unduly conservative and do not take into account the proposed mix of land uses proposed in the DSP and DSP-V and the actual transit connectivity included in the DSP and DSP-V. For example, we do not believe that the analysis in the Draft EIR properly accounts for the significant increase in transit use that would be accomplished through the residential land uses located within ½ mile of transit, as proposed in the DSP and DSP-V. The Draft EIR assumes a minimal increase in transit usage for the DSP and DSP-V compared to the CPP and CPP-V, neither of which have any residential land use that would be in close proximity to jobs and transit. We believe that these assumptions should be re-evaluated in light of other statistical models developed for similar large-scale projects in the area, such as Candlestick Point/Hunter Point Shipyard.

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Therefore, the Final EIR should revisit the modal split calculation with these matters in mind, and make adjustments as appropriate.

b. *In addition to adjusting the analysis to account for the TDM measures and land use and transit connectivity within the developer's control, as discussed in item a above, the Final EIR should include an "Enhanced Transit Scenario" that incorporates the proposed elements of the Specific Plan intended to improve transit usage and reduce vehicle trips that could be feasibly implemented but are outside of the control of the Developer/City.*

As described on p. 3-60 of the Draft EIR, the Circulation Element of the Specific Plan states that, in the near term, transit services would be available from the existing Caltrain Bayshore Station, which would connect to the Baylands via Tunnel Avenue and Sunnydale Avenue or 5th Street, and to San Francisco Municipal Railway (Muni) and SamTrans buses along Bayshore Boulevard. However, long-term development contemplated by the Circulation Element of the Specific Plan for both the DSP and the DSP-V proposes a number of key improvements to the existing transit infrastructure and transportation demand management measures that should be analyzed in the Final EIR that follow the basic principles of maximizing transit alternatives and minimizing the walking distance from station or stop to origin or destination. This enhanced transit scenario should include the following features:

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- **Caltrain Station Relocation:** The Specific Plan relies on a proposed new intermodal transit station, incorporating Caltrain's Bayshore Station, to be located near the intersection of Caltrain tracks and



the Geneva Avenue extension that would directly connect transit services by accommodating more frequent Caltrain services, the proposed BRT on Geneva Avenue, the southern terminus of the Muni T-Third Street light rail, and Muni and SamTrans buses.

- **Caltrain Service Frequency:** Given the density of proposed commercial and residential uses around the relocated Bayshore Station, Caltrain's commuter rail service should be increased to be commensurate with other high-ridership, non-terminus stations along commuter rail corridor (such as Palo Alto, Redwood City, and Hillsdale).
- **Geneva BRT:** Geneva Avenue would be designed to accommodate long-term planned Muni BRT service, which would provide connection from the BART Balboa Park Station through the Brisbane Baylands to Candlestick Point. This transit feature should include routing the BRT east of Caltrain into the southeast quadrant with a station at J Street/7<sup>th</sup> Street to serve employment areas (deviates off Geneva Avenue extension between Tunnel Avenue and Sierra Point Parkway), and to add an additional station at Geneva/2<sup>nd</sup> Street to serve residents. East of Caltrain, the BRT would be routed into southeast quadrant with station at J Street/7th Street to serve employment area (deviates off Geneva Avenue extension between Tunnel Avenue and Sierra Point Parkway). An additional station at Geneva/2nd Street would serve Brisbane residents.
- **Muni BBX:** This new service would provide downtown San Francisco weekday AM/PM peak express service at 10 minute headways. The route would serve Brisbane residents with a start at Bayshore Boulevard & Old County Road, run through the residential area of Brisbane Baylands, and then continue unto the freeway into downtown.
- **Muni 56:** Along with the route changes proposed under the TEP Program, the existing local service bus would be extended to the Bayshore Station to increase local access to Caltrain.
- **SamTrans 120:** The existing bus service to and from Daly City would be extended from its current terminus at Mission Street & Acton Street to serve Brisbane Baylands and provide a one-seat ride between Brisbane Baylands and Daly City, as well as its BART station. Route extension would travel along Mission Street and Geneva Avenue and circulate within Brisbane Baylands.
- **SamTrans 292X:** This proposed express bus service would supplement the existing 292 route. With 15-minute headways, 292X would be a peak-period, limited-stop service between Hillsdale Shopping Center and Brisbane Baylands. It would provide access to all four quadrants in the area north of the Visitacion Creek, with the route terminating at Bayshore Intermodal Station.
- **Baylands Shuttle:** This shuttle would provide high-frequency, daily internal shuttle connection between areas north of Visitacion Creek and Bayshore Intermodal Station.
- **Lagoon Shuttle:** This would be a peak-period (AM/PM) weekday shuttle to office and industrial uses between Creek Parkway and Lagoon Way.

We understand that many of these measures would require the cooperation and approval of third-party agencies, including Caltrain, the City and County of San Francisco, its Transportation Authority and Municipal Transportation Agency, San Mateo County Transportation Authority, and SamTrans.

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Nevertheless, because these transit-improvement measures could result in a significant reduction in vehicle trips and an increase in transit trips for the DSP and DSP-V, we believe that an analysis of these enhanced transit improvements in the Final EIR will provide the decision-makers with important information in considering a final Specific Plan for approval. We believe that the EIR traffic consultants in their expert judgment can provide reasonable assumptions with respect to these possible transit improvements that would provide the decision-makers with an informed and useful analysis.

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Thank you for your consideration of these comments.

Sincerely,



Jonathan Scharfman  
General Manager/Land Development Director  
Universal Paragon Corporation


**UNIVERSAL PARAGON CORPORATION**

150 Executive Park Blvd., Suite 1180  
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January 24, 2014

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

**Re: Comments of Universal Paragon Corporation on Draft Environmental Impact Report (State Clearinghouse #2006022136), dated June 2013 (the "DEIR")**

Dear Mr. Swiecki:

This letter constitutes the written comments from UPC on the above-referenced DEIR. This letter is in addition to a separate letter submitted by UPC dated January 23, 2014 that addresses the Traffic and Circulation chapter (Chapter 4.N). This letter is organized by DEIR Chapter and topic.

**1. Aesthetics and Visual Resources (Chapter 4A)**

a. **Views of the Bay.** The first and last sentences of Mitigation Measure MM 4.A-1a appear to be inconsistent. We believe that it would not be possible to implement the proposed DSP and DSP-V scenarios to avoid all blockage of views of the Bay shoreline from View #1. However, it appears that the second and third sentences of this Mitigation Measure are designed to implement the proper mitigation. Therefore, we would suggest redrafting this Mitigation Measure as follows:

- **Mitigation Measure 4.A-1a:** Concurrently with the approval of the Specific Plan, or if appropriate, prior to the approval of any specific development plans, the City shall adopt design and development standards for buildings within the Project Site that will include provisions intended to minimize view blockage of the Bay shoreline, including a standard that any buildings within 350 feet of US Highway 101 not exceed 80 feet in height. Variances to this height requirement may be permitted so long as the City determines that the building as designed would minimize view blockage of the Bay shoreline.

b. **Visual Character Impact Analysis.** As written, Mitigation Measure MM.4.A-3 is unnecessarily restrictive with respect to the DSP and DSP-V. The design guidelines set forth in the Brisbane Baylands Specific Plan already include detailed design guidelines that have been crafted to ensure development of a cohesive urban aesthetic across the site and support a well-designed urban environment and positive visual character. In addition, the Brisbane Baylands Specific Plan sets forth a design review process that permits the City to review projects for consistency with the Specific Plan and applicable provisions of the City's Zoning Code. We believe these restrictive guidelines set forth in MM.4.A-3 are duplicative and unnecessary, and do not allow flexibility in the design review process that would allow the decision-makers to approve appropriate design that may vary from these strict standards.



We suggest that the proposed design guidelines described in this Mitigation Measure allow for a process to allow exceptions to these standards based on a finding that any exceptions promote and are otherwise consistent with the intent of the Specific Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons and properties in the neighborhood of such proposed use.

2  
cont.

We also find that the second bullet in Mitigation Measure MM.4.A-3 provides no clear standards for implementation and is not warranted with respect to the DSP and DSP-V, due to its inclusion of comprehensive design standards and a design review process. Alternatively, this bullet should be revised to require City approval of further refinements to the design standards and guidelines that will set standards that set forth circumstances and standards by which development intensity, setbacks, stepbacks and building heights may be reviewed on a site-specific level.

3

The bullet entitled "building articulation" should either defer to the Brisbane Baylands Specific Plan that identifies differing building façade articulation dependent upon product type; or should provide that standards regarding building articulation will be adopted by the City in accordance with sound land use planning principles prior to approval of any site-specific project. The standard, as written, would not apply equally to all building types within the Project Site, and is overly restrictive.

4

c. **Glare.** As written, mitigation measure MM4.A-4b is overly broad in its prohibition; specific building design should be reviewed by the City on a case by case basis. We recommend modifying Mitigation MM 4.A-4b to read as follows:

- **Mitigation Measure 4A-4b:** Proposed new structures shall be designed to maximize the use of textured or other non-reflective materials for exterior building surfaces and shall maximize the use of non-reflective glass for windows. Mirrored glass will be prohibited. Building materials shall be reviewed by the City Planning prior to issuance of building permits for each project for consistency with the Specific Plan, including the design guidelines, and the mitigation measures.

5

## 2. Air Quality (Chapter 4.B)

a. **Showers and Changing Facilities.** Mitigation Measure 4.B-4 requires the implementation of a number of measures for site-specific development. As a practical matter, not all buildings or leases will be able to accommodate showers and changing facilities. We recommend revising the third bullet to read as follows:

6

- Provide and maintain showers and changing facilities for office, R&D and industrial uses having 25,000 square feet or more of leaseable space.

b. **Zero-emission vehicles:** Mitigation Measure 4.B-9 requires implementation of TDM measures, including a neighborhood electric vehicle program. To allow for future changes in technology, we recommend rephrasing this Mitigation Measure as follows:

- Adopt as part of a TDM program applicable to all new development policies designed to promote zero-emission vehicles, such as a neighborhood electric vehicle program to the extent feasible or other programs or policies designed to reduce the need to have a car or second car vehicles.

7



### 3. Historic Resources (Chapter 4.D)

a. **Roundhouse.** Mitigation Measure 4.D-1a includes a requirement to "submit a rehabilitation plan for the historic Roundhouse to the City, which must be implemented prior to the first occupancy permit for the area subject to the planning or development permit approved encompassing the area of the historic Roundhouse." This Mitigation Measure is unclear as to what encompasses the "area subject to the planning or development permit encompassing the area of the historic Roundhouse." Further, so long as the mitigation measure includes submittal and approval of a stabilization plan and compliance with Secretary Standards, we do not see the necessity that the rehabilitation plan be approved and implemented prior to development in the area.

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The timing of the rehabilitation plan approval and implementation should be revised so that it is required prior to the issuance of any development permit (other than required simply for the stabilization of the existing structure) allowing for the rehabilitation and reuse of the Roundhouse. That revision will ensure that any adaptive reuse of the Roundhouse will be carried out in accordance with Secretary Standards, thereby mitigating any adverse impacts to a level below significance.

### 4. Geology, Soils and Seismicity (Chapter 4.E)

Mitigation Measure 4.E-4a provides that site-specific development projects shall not place new fill materials within 600 feet of Brisbane Lagoon. The Infrastructure Plan attached as Appendix D of the Specific Plan requires some measure of fill within this 600 foot radius for the purpose of roadway improvements, habitat enhancement, and other types of site improvements. Therefore, we recommend a revision to Mitigation Measure 4.E-4a to read as follows:

10

- **Mitigation Measure 4.E-4a:** No permit for site-specific development projects within the Project Site that involve new fill materials, including new fill within 600 feet of the Brisbane Lagoon, shall be issued unless the design of the proposed new fill has been reviewed and approved by the City Engineer to ensure that a slope stability factor of safety of at least 1.5 for static conditions and 1.2 under dynamic conditions will be achieved.

### 5. Hazards and Hazardous Materials (Chapter 4.G)

a. **MM 4G-2a (Remedial Action Plan).** It is unlikely that the Remedial Action Plan for the entire Project Site will have been completed at the time of approval of the Specific Plan. Please clarify Mitigation Measure 4.G-2a to track what appears to be intended, so that the term "specific plan" refers instead to any "development plan or permit for any site-specific development within the Project Site."

11

b. **MM 4G-2c (Demolition Plan):** Please revise the first sentence of this mitigation measure so that it applies only to a particular property owner: "Prior to issuance of a demolition permit for any parcel within the Project Site, the applicable property owner shall submit a Master Deconstruction and Demolition Plan to the City Building Official."

12



6. **Surface Water Hydrology and Water Quality (Chapter 4.H)**

a. **Funding for Ongoing Maintenance.** The second to last sentence of Mitigation Measure 4.H-1c should be revised as follows:

The SMP shall provide operations and maintenance guidelines for all of the BMP's identified in the SMP, provide operations and maintenance guidelines for all of the BMPs identified in the SMP, including LID measures and other BMPs designed to mitigate potential water quality degradation of runoff from all portions of the completed development, and shall clearly identify the entity responsible ~~the funding sources~~ for the required ongoing maintenance.

b. **Timing of Systemwide Drainage Improvements.** Mitigation Measure 4.H-4a, b and c could be read to require implementation of systemwide improvements as a condition to issuance of any building permit within the Project Site. As a practical matter, the City would approve a master drainage plan for the Project prior to issuance site-specific development plans, but actual implementation and installation of drainage improvements will be determined in accordance with a project phasing plan to be adopted by the City in connection with the Specific Plan and Development Agreement approvals, as well as by applicable regulatory approvals from BCD, Army Corps and the California Department of Fish and Wildlife. These mitigation measures should be revised to reflect the phased implementation of the master drainage plan when and as needed to accommodate site-specific development over time. To the extent that required improvements would require the cooperation of PG&E and the owner of the Levinson Overflow Area, the EIR should identify this.

7. **Noise and Vibration (Chapter 4.J).**

a. **Truck Loading:** Mitigation Measure 4.J-3a requires formal truck delivery areas (e.g. loading bays) to be located at least 100 feet from residences to maintain noise levels of less than 5 dBA over existing monitored noise levels. DSP and DSP-V includes mixed-use development, with residential in close proximity or within the same structure as commercial use, and implementation of this mitigation measure may be infeasible in such instances. We would recommend revising this mitigation measure to require a noise study in cases where this mitigation measure cannot be implemented, to achieve project design as necessary to mitigate noise impacts from loading activities prior to issuance of a building permit.

8. **Population and Housing (Chapter 4.K)**

a. **ABAG Projections.** The DEIR finds significant and unavoidable impacts related to the exceedance of ABAG's population and employment projections. Since the publication of the DEIR, ABAG has adopted new population and employment projections in the 2013 Plan Bay Area. ABAG is also required to adopt new projections in the upcoming 2017 Plan Bay Area. Should the 2017 Plan Bay Area increase ABAG's population and employment projections, then this significant impact would be avoided. We suggest the following clarifications (additions shown in underline) to be added in the EIR:

**DEIR Pages 4.K-28 and 4.K-30 and -31**

**Conclusion:** *The growth in employment and households resulting from the DSP scenario would accommodate a substantial portion of the housing and employment needs projected by ABAG for Brisbane and surrounding cities but would greatly exceed ABAG projections for Brisbane. The impact of exceeding housing and employment projections is manifested in the DSP's significant unavoidable traffic and air quality impacts. Because the DSP scenario proposes a*



*mix of housing and employment-generating uses within the Project Site, per capita vehicle miles traveled resulting from the mix of onsite housing and employment would be less than for the CPP and CPP-V scenarios, leading to significant but mitigable GHG impacts for the DSP scenario (compared to significant unavoidable GHG impacts for the CPP and CPP-V scenarios). Because no feasible mitigation measures to bring project buildout into line with the 2009 ABAG projections for Brisbane are available other than increasing existing or future ABAG projections, such as the next Plan Bay Area anticipated in 2017, for the San Francisco/San Mateo Bi-County PDA within Brisbane<sup>20</sup> or substantially reducing the buildout represented in project alternatives,<sup>21</sup> the DSP scenario would induce substantial population growth in the area, which is considered to be significant unavoidable.*

**Conclusion:** *The growth in employment and households resulting from the DSP-V scenario would accommodate a substantial portion of the housing and employment needs projected by ABAG for Brisbane and surrounding cities but would exceed ABAG projections for Brisbane. The impact of exceeding housing and employment projections is manifested in the DSP-V's significant unavoidable traffic and air quality impacts. Because the DSP-V scenario proposes a mix of housing and employment-generating uses within the Project Site, per capita vehicle miles traveled resulting from the mix of onsite housing and employment would be less than for the CPP and CPP-V scenarios, leading to significant but mitigable GHG impacts for the DSP-V scenario (compared to significant unavoidable GHG impacts for the CPP and CPP-V scenarios). Because no feasible mitigation measures to bring project buildout into line with the 2009 ABAG projections for Brisbane are available other than increasing existing or future ABAG projections, such as the next Plan Bay Area anticipated in 2017, for the San Francisco/San Mateo Bi-County PDA within Brisbane<sup>22</sup>, or substantially reducing the buildout represented in project alternatives,<sup>23</sup> the DSP-V scenario would induce substantial population growth in the area, which is considered to be significant unavoidable.*

b. The lack of housing would further exacerbate Brisbane's existing above-average jobs-housing imbalance, which is shown in Table 4.K-6. We suggest the following clarifications (shown in underline):

**DEIR Page 4.K-32 and 4.K-34:**

**Conclusion:** *The growth in employment resulting from the CPP scenario would accommodate a substantial portion of the employment needs projected by ABAG for Brisbane and surrounding cities but would greatly exceed ABAG projections for Brisbane. The impact of exceeding employment projections is manifested in the CPP's significant unavoidable traffic and air quality impacts. Because the CPP scenario proposes only employment-generating uses within the Project Site and further intensification of Brisbane's jobs/housing imbalance, resulting per capita vehicle miles traveled would be greater than for the DSP and DSP-V scenarios, leading to significant unavoidable GHG impacts under both the CPP and CPP-V scenarios. Because no feasible mitigation measures to bring project buildout into line with the 2009 ABAG projections for Brisbane are available other than increasing existing or future ABAG projections, such as the next Plan Bay Area anticipated in 2017, for the San Francisco/San Mateo Bi-County PDA within Brisbane<sup>24</sup> or substantially reducing the buildout represented in project alternatives,<sup>25</sup> employment generation under the CPP scenario would induce substantial population growth in the area, which is considered to be significant unavoidable.*

**Conclusion:** *The growth in employment resulting from the CPP-V scenario would accommodate a substantial portion of the employment needs projected by ABAG for Brisbane and surrounding cities but would greatly exceed ABAG projections for Brisbane. The impact of*

16  
cont.

17



*exceeding employment projections is manifested in the CPP-V's significant unavoidable traffic and air quality impacts. Because the CPP-V scenario proposes only employment-generating uses within the Project Site and further intensification of Brisbane's jobs/housing imbalance, resulting per capita vehicle miles traveled would be greater than for the DSP and DSP-V scenarios, leading to significant unavoidable GHG impacts under both the CPP and CPPV scenarios. Because no feasible mitigation measures are available to bring project buildout into line with the 2009 ABAG projections for Brisbane other than increasing existing or future ABAG projections, such as the next Plan Bay Area anticipated in 2017, for the San Francisco/San Mateo Bi-County PDA within Brisbane<sup>26</sup> or substantially reducing the buildout represented in project alternatives,<sup>27</sup> the employment generation of the CPP-V scenario would induce substantial population growth in the area, which is considered to be significant unavoidable.*

17  
cont.

## 9. Public Services (Chapter 4.L)

a. **Library Facilities.** The DEIR concludes that the Project will have a significant impact related to the provision of library services in the DSP and DSP-V scenario and require mitigation, proposed as a new library facility of sufficient size to serve the Project Site population. However, the impact analysis does not set forth any specific demand threshold that was crossed to require the new facility. The DEIR should specifically set forth the demand analysis that was used to conclude a significant impact exists, and the requirement for a new library should be tied to this demand threshold.

18

## 10. Traffic and Circulation (Chapter 4.N)

a. **Timing of Mitigation Measures.** A number of mitigation measures reference traffic and intersection improvements, such as new land, new signalization, signal timing/phasing modification, striping, TMP/TDM, shuttle service, trails and sidewalks, bike facilities, and payment of fees. As written, these Mitigation Measures are tied to the issuance of the first building occupancy permit for new development. As a practical matter, few if any of these measures will be needed to mitigate impacts upon the issuance of the first building occupancy permit for development within the Project Site, but will be triggered by phases of development as they occur in connection with the approved Specific Plan and Development Agreement. The Response to Comments should recognize that the timing of delivery for these Mitigation Measures will be determined in accordance with a project phasing plan to be adopted by the City in connection with the Specific Plan and Development Agreement approvals when and as needed to accommodate site-specific development over time. Relevant Mitigation Measures to which this comment applies include MM 4.N-1a through 4.N-1e; 4.N-3g, 4.N-7, 4.N-9, 4.N-10, 4.N-10, 4.N-11 and 4.N-13. 4.n-1c.

19

b. **SFMTA.** DEIR Page 4.N-140 states that the Project would cause a significant and unavoidable impact on SFMTA's transit operations, since Brisbane has no control over SFMTA's operations and cannot implement service changes in response to increased service demand. It should be noted that SFCTA and SFMTA strongly support locating new development near transit lines and have programs, including the SFMTA's Transit Effectiveness Project (TEP), to improve operations in response to changing service demand. For example, The TEP proposes to increase the AM frequencies of the nearby 56, 8BX and 9L bus routes.

20

Another example is SFCTA's newly adopted San Francisco Transportation Plan (SFTP), which calls for funding and implementation of the extension of the T-Third light rail to the Bayshore Station. This plan states the following on its Page 31:

*San Francisco agencies have identified PDAs, generally in the eastern part of the city. The [SFTP's] Transportation Investment and Growth Strategy identifies the transportation needs to*

*support this growth. As area plans and major developments are contemplated, such as along the Eastern Waterfront, transportation needs in all categories—operations and maintenance, safety and enhancements, and efficiency and expansion— should be identified and prioritized.*

20  
cont.

#### 11. Energy Resources (Chapter 4.P)

a. **Title 24.** Title 24 energy efficiency standards have become increasingly strict and protective of the environment. The paragraph that begins at the bottom of page 4.P-17 and continues at the top of page 4.p-18 does not relate to any mitigation measure set forth in the DEIR and should be stricken.

21

b. **LEED Standards.** Nothing in the DEIR suggests that compliance with the Brisbane Municipal Code regarding green building standards is not sufficient, when combined with the other mitigation measures set forth in 4.P-2a, b and c, to reduce the impacts to a level below significance. There appears to be no justification to require the Project to comply with green building standards in excess of that required by City Code (currently LEED Silver). We recommend that Mitigation Measure 4.P-2a be redrafted as follows:

22

- **Mitigation Measure 4.P-2a:** All new buildings within the Project Site shall comply with the provisions of Brisbane Municipal Code Section 15.80, as amended from time to time (LEED Silver), or shall meet the green building standards of an equivalent program approved by the City in connection with the Project. In addition, all appliances installed within the Project Site as part of the original building construction shall be ENERGY STAR rated or equivalent.

Thank you for your consideration of these comments.

Sincerely,

  
Jonathan Scharfman  
General Manager/Land Development Director  
Universal Paragon Corporation



ATTN: City Clerk  
City of BRISBANE

DRAFT EIR Comments

Submitted Anonymously

1-23-2014

RECEIVED

JAN 27 2014

Comm. Dev. Dept. Brisbane

Brisbane Baylands Draft EIR comments

Transportation and circulation:

Table 4.N-2:

Intersection level of service existing conditions-

This table fails to identify or rate the intersection/on ramp of Bayshore Blvd @ hwy 101 southbound, and the intersection/onramp from Bayshore blvd south bound onto 101 near Oyster Point Blvd. These two freeway entry points will be very important to the traffic circulation for this project and should be included in the DEIR. This table also incorrectly ID's the intersection of Tunnel Ave at Bayshore Blvd (SF) approach as a signal, when it is a stop sign only when turning onto Northbound Bayshore. (This intersection has only signal control from Bayshore Blvd turning South onto Tunnel. This intersection is very congested in the AM and PM peak hours, and has delay once onto Bayshore Blvd of greater than 1 minute making it an E or F intersection rating.

1

Table 4.N-4 freeway mainline LOS.

This table does not adequately extend LOS ratings for vehicles that must use US101 NB to exit the project area or the on ramp that the 101 uses. This area has a very poor LOS under the current conditions in AM and PM peak commute periods. Further study of this traffic controlled ramp should be studied, including the traffic that will be present when the Meyers Building is fully occupied and the 2nd tower is

2

**Anonymous**

constructed that is approved, but not yet built. The Traffic impacts for the permitted buildings out at the Sierra Point Sub Area should also be considered in this traffic study as there is a 8 building campus and another large project that is also already permitted.

2 cont.

Table 4.N-29

Intersection LOS cumulative - with and without project and with and without Geneva Extension

3

Table 4.N-31 LOS after Mitigation, information at last column is blank.

All tables regarding mitigation assume that the Geneva Ave Extension will be built prior to development, while there is no funding or commitment to build that project at this time. This should be a requirement prior to any development in the Baylands Project. (noted on the San Francisco EIR mitigation measures for the Candlestick / Hunters Point projects, the extension is show on there maps as "to be built by others".

4

Table 4.N-32: only some of the numbers in the LOS after mitigation.

5

Mitigation measures on Geneva Ave offered are to remove the center divider and make a six (6) lane roadway. This mitigation measure would put a high risk low income area at higher risk, and this mitigation measure should be questioned in this document. The mitigation does not identify the impacts to street safety due to increased speeds and reduced vehicular and pedestrian safety. This is also an area with proposed housing/project development on the way that will have a stake in their traffic mitigations and should be better designed in this DEIR.

6

Bart / Caltrain table 4.N-6 and 4.N-35 : show that Caltrain could handle cumulative impacts without the project. This fact is in direct conflict of the statement from the San Francisco EIR that states that Caltrain cannot meet the needs of the Hunters Point / Candle Stick development needs as Caltrain does not have the capacity to do so.

7

Mitigation measures for this project includes the Geneva Ave Extension project-- Stated to be an 12 lane roadway (freeway) when it crosses the Baylands on its race to 101, that will feed vehicle into highway 101 which will not able to absorb that amount of traffic into the flow. This method of moving traffic into and out of the project must be further studied as to where the traffic goes when it leave the project area and the net impact of the mainline roads and their LOS.

8

Per footnote 5 on page 4.N-30 : the basis for the study used 2012 data with only 800 units of housing for the basis of their study, not the 4400 units that are in the

9



**Anonymous**

Developers plan, this is poor usage of numbers to create the data that is a study of numbers and there ratios. This should be extrapolated with the correct numbers and adjuster in your DEIR. Also the 1700 Units at the Cow Place development should also be considered in all your traffic projections and needed mitigation measures



9 cont.

The numbers of units that was listed in your data for Candle Stick and Hunters Point developments is incorrectly listed at 9250 units and it is listed in their EIR that ~~STATES~~ 10500 housing units.



10

**DEIR Traffic and Circulation Comments**

Citizen Comments Submitted by Linda M. Dettmer

**Table 2-1** Note: This table contains SU (Significant Unavoidable) situations too  
**P. 2-67** numerous to count. This suggests that not enough mitigation for the  
 traffic scenarios represented here have been investigated. Any items presented as SU  
 must be mitigated for safety and continued ease of traffic flow. \*see end of comments -  
 excerpts from DEIR

1

**4.B-7 Diesel Particulate Matter DPM** The CARB identified DPM as *a toxic air contaminant.... primarily based on evidence of demonstrating **cancer** effects in humans. (bold added) Exhaust from diesel engines includes hundreds of different gaseous and particulate components which are toxic. Mobile sources such as trucks and buses are among the primary sources of diesel emissions, and concentrations of DPM. DPM sources are higher near heavily traveled highways ...The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other toxic air pollutant routinely measured in the region. (Excerpt from American Cancer Society, 2009)*

2

The number of routine diesel vehicle trips created by building of any Project will be a significant producer of DPM. Also future increased vehicular traffic by buses, cars, trucks etc. will add to the DPM in our air. Mitigation suggested would be to require Developer to use clean air vehicles during any permitted build-out or other mitigation as described and enforced by the City .

**4.B-11** Diminished air quality is a major factor of traffic increase due to Project build-out.

3

**4.B-38** Mitigation measures and enforcement must be described.

4

**4.N-12 Table** This transportation analysis estimates that development of the Project Site would result in approximately 44,985 new vehicle trips per day for the DPS scenario and almost twice as many for the CPP scenarios.

Such levels of traffic congestion as suggested in DEIR are unacceptable to health and safety during and after build-out. Emergency vehicles in particular must have acceptable access to all areas at all times, before during and after Project build-out. As well, traffic flow must remain at a pace where gridlock is avoided. (LOS C) Mitigation needs must be described and enforced.

5



- 4.N-1** DEIR states we are regionally served by three major freeways. Geographically **Freeways** only one freeway (101) is readily available for quick access to freeways 280 and 380. The Project along with other major development in close proximity of the Site will compromise driveability and commute, particularly during peak hours. Mitigation proposals and measures must be described and enforced to avoid permanent gridlock. 6
- 4.N-4** No one likes to mention it, but many of the roadways proposed for use as **Local** additional relief to the congestion are through what are known as "socially obsolete" **Roadways** areas beset by crime and in transition. Mitigation measure must be described and instituted to make these roadways safer for travelers. 7
- 4.N-14** CAL TRAIN and Transit Districts are overviewed on this page with current ridership and schedules. No projections for future needs or how to meet them are included. Projections and mitigation measure for any future increased ridership are needed. 8
- 4.N-28** Critical focus areas for pedestrians must consider of safety first and create easily traversable pedestrian and bicycle corridors to Project site, well away from vehicle traffic, while still being connected to current downtown Brisbane. This should be a transition that creates connectivity between current and future Brisbane and appears logical and natural. 9
- 4.N-31** Traffic Calming Program (initiated for 2010-2015) must be included in this project. The EIR should define a plan of exact measures to ensure smooth traffic flow and bicycle and pedestrian safety. 10
- 4.N-34** An additional Caltrain station would be an asset to relieving traffic and encourage connectivity and use by local residents. Paragraph 1 of this page indicates that Caltrain intends to minimize the number of stops. This contradicts the intention of a *transit centered* development and will add to less than desirable mobility of residents and other users of Caltrain. A plan to mitigate congestion must be in place prior to Project commencement. 11
- 4.N-37** Policy 69. Consider making some streets **one way** during emergency or disaster situations. 12
- 4.N-39** **City and County of SF** In order to effect a huge change to commute and transportation congestion, mitigation by formation of mutual transit districts should be formed allowing the San Francisco Muni T line to serve Brisbane and South San 13



|  |               |
|--|---------------|
| Francisco.   | 13<br>↑ cont. |
| <b>4.N-40</b> Changes in air traffic patterns due to Project will result in impacts on the quality of life in Brisbane, and mitigation measures must be described and implemented well in advance of changes to air traffic.   | 14<br>        |
| <b>4.N-46 Bayshore Intermodal Station Access Study Improvements:</b> In addition to taking into account all impacted areas including SF, Daly City, SSF, and Brisbane, these improvements will have far reaching implications for the entire Bay Area and should be studied for mitigation actions that will be implemented to keep traffic and people moving easily with the increased use projections.   | 15<br>        |
| <b>4.N-50 Bicycle Improvements:</b> Use of protected, safe, designated, separated bicycle lanes away from speeding traffic are absolutely necessary and must be designed, instituted and enforced as one mitigation measure.   | 16<br>        |
| <b>4.N-61</b> Bioswales are landscape elements designed to remove silt and pollution from surface water runoff. (Wikipedia) Pathogens from bioswales containing chemical or other waste can lead to a variety of diseases in humans and aquatic life. Mitigation must be studied and implemented to protect pedestrian and aquatic life from the pathogens inherent in bioswales. Please refer to report for BBCAG by Dr. Fred Lee.  | 17<br>        |
| <b>4.N-63</b> Any areas used by pedestrians must be completely remediated to ensure safety from airborne toxic or other potential chemical harm. Please refer to report for BBCAG by Dr. Fred Lee.   | 18<br>        |
| <b>4.N-64</b> Funding has not been established for the needed and projected transportation scenarios and should be established and in place prior to any build-out of Project. This would ensure, in advance, that gridlock does not occur for residents and <u>particularly emergency vehicles.</u>   | 19<br>        |
| <b>4.N-66 Linkage: Transportation Demand Management Program</b> looks to combining trips through employer relocation assistance and job/housing linkage. Without knowing who the future employers are and housing affordability, it is not dependable to rely on these projections to decrease daily trips. More study is needed and projections must be based in fact.  | 20<br>        |
| <b>4.N-68 Parking Strategies Un-bundling:</b> Residential parking that is not included with the purchase of a residence may be a direct cause of parking difficulties for future populations. Streets are needed today and will be needed for parking and as populations increase leading to more demand upon the area for parking, possibly creating a frustrating parking situation. As witnessed here in Brisbane's downtown and residential areas, parking has become a dilemma at peak business hours and in the evening when residents return home from work. Mitigation measures taking into account the changing/growing populations of the future must be studied, described and implemented. | 21<br>        |
| <b>4.N-70</b> All parking in Project should conform to the City of Brisbane's General Plan.  | 22<br>        |



|               |  |    |
|---------------|--|----|
| <b>4.N-71</b> | Parking places should be provided for all employees instead of as described, 2 spaces for 3 employees. As this Project has a long term build-out scenario, parking should be generous and planned for the full load of expected employees. This must be mitigated with worst case scenarios in mind.   | 23 |
| <b>4.N-83</b> | Transportation and parking impacts of a sold out arena event (17,000 attendees) must be studied with mitigation measures described and implemented, not only for adequate parking, but for the traffic flow conditions that will be created.   | 24 |
| <b>4.N-85</b> | <b>Footnote:</b> Projecting peak traffic using San Francisco's methodology does not work in this case for the DEIR, as San Francisco's methodology only accounts for traffic leaving the area. Mitigation measures for traffic leaving and also entering the area must be described and implemented.   | 25 |
| <b>4.N-90</b> | <b>Conflict with applicable plan, Ordinance or Policy Establishing Measure of Effectiveness for the Performance of the Circulation System.</b> All traffic circulation scenarios shown are Significant Unmitigable and will not prevent traffic congestion. Mitigation measures must be determined and implemented to avoid gridlock or less than LOS C movement at all times.   | 26 |
| <b>4.N-94</b> | Current and existing traffic are all at less than LOS D. All projections on this table <b>Table 4.N-26</b> show LOS D except at Geneva Avenue and Carter. LOS D is described as, <i>Operations with increasingly unacceptable delays</i> . LOS D is currently acceptable in the General Plan in certain areas of Brisbane. These projections if allowed will create constant traffic congestion and difficulty of movement throughout the Brisbane area. Mitigation measures for better than LOS D must be described and implemented.  | 27 |
| <b>4.N-95</b> | <i>Impact at San Bruno Avenue &amp; Bayshore Boulevard ( Intersection 5)...the un-signalized intersection of San Bruno Avenue and Bayshore Boulevard...</i><br>This intersection is already performing poorly. With projected increases in traffic and congestion, this could become a dangerous intersection. Measures must be taken to provide safe medians, traffic signals and monitoring of motorist's speed. As well safe bicycle and pedestrian passage throughout this strip of highway (as at Old County Road and Bayshore) must be a primary consideration. With increased projections in traffic on Old Bayshore, this would most importantly help mitigate safety needs for pedestrians, bicyclists and allow those making a left turn on to and off of San Bruno Avenue, more of an ability to turn safely. | 28 |
|               | <i>Footnote 16: As noted in Section 4. Land Use and Planning, each of the Project Site development scenarios are inconsistent with the General Plan in that they result in levels of service in excess of General Plan standards.</i>  | 29 |
|               | Excessive levels of traffic are unacceptable at any of the points of intersection and must be mitigated to levels enforced <u>at minimum</u> , consistent with the General Plan or LOS C.  |    |



**Table 4.N-27 ...DSPV SCENARIO...ARENA EVENT...** *Traffic associated with a sell-out event at the arena would exacerbate traffic operations at six intersections that would operate at LOS E or LOS F conditions under Existing plus Project with DSP-V scenario.*

30

Traffic levels of LOS E or LOS F are unacceptable and unsafe in an emergency situation. Further study of mitigations must be done and implemented prior to issuance of permits for such a situation.

**4.N-115 3rd Par.** *To provide the capacity to accommodate the northbound left-turn traffic, the northbound approach would be restriped by either removal of the existing median or widening to add the third left-turn pocket.*

31

Removal of the center median would create an unsafe situation, similar to the left turn area onto San Bruno Avenue at Bayshore at which speeding traffic is divided by simple lines and little space. This mediation method does not account for safety of traffic. An additional lane with separated pedestrian and bicycle lane should be studied and implemented as a preferred mitigation.

**4.N-122** *Mitigation Measure 4.N-3g: Prior to the issuance of the first building occupancy permit for new development other than relocation or improvement of an existing use within the Project Site, signal timing settings at the Carter Street/Geneva Avenue intersection shall be modified by the City and County of San Francisco to provide longer green time on eastbound/westbound permitted movements and longer cycle length.*

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It is this commenter's opinion that the financial burden of creating and modifying streets for the benefit of the Project should be borne by the Developer. While these mitigation measures are very necessary, they do pose a burden on already financially stressed cities impacted by this development. It seems unfair that UPC will be the only entity that will gain financially. Unless financial assurances are in place ensuring the surrounding cities can and are willing make the needed changes to streets, this Project should not be approved.

**4.N-125** *Table 4.N-33 shows traffic levels at LOS E and F in all scenarios. This unacceptable congestion level must be better mitigated to LOS C and mitigations enforced.*

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**4.N-126** *Conclusion with Mitigation: While implementation of Mitigation Measures 4.N-13 and 4.N-4 would reduce this impact, Mitigation Measure 4.N-4 requires participation or and decisions by agencies over which Brisbane has no authority, and it is not within the City's power to impose such mitigation.*

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Footnote 17: Page 4.N-106

Mitigation Measure 4.N-13 reads as follows: "Prior to issuance of the first building occupancy permit for new development other than improvement or relocation of an existing use within the Project Site, the developer(s) and/or tenants of Project Site land uses shall prepare, submit to the City/County Association of Governments of San Mateo County (C/CAG) for approval, and establish a Transportation Demand Management (TDM) program to mitigate the C/CAG project impact of generating more than 100 net new vehicle trips during the peak traffic hours.

Implementation of TDM programs shall be made a condition of approval for all new development within the Project Site that generates 100 or more net new trips during the AM or PM peak hour. A summary of TDM strategies can be found in Table 4.N-45."

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cont.

This disturbing conclusion virtually eliminates the lead agency, Brisbane, and the community most impacted, Brisbane, from imposing mitigation measures as recommended. Mitigation measures that do not include the approval of Brisbane and that directly affect the quality of life in Brisbane should give sufficient cause to Brisbane for rejection of this project in its entirety.

**4.N-133** Footnote 23: As discussed in Section 4.N.4 in relation to transit use, project site development would have a significant effect on the environment if it would: Cause an increase in transit demand that: **could not be accommodated** by adjacent transit capacity (i.e., **would exceed 100-percent capacity**), or **would necessitate changes to Caltrain operations at the Bayshore Station and on the Bayshore/Brisbane four-track rail segment, resulting in unacceptable levels of transit service**; or cause an increase of more than 2 percent in transit demand on transit lines where transit demand exceeds 100-percent capacity under Existing or Cumulative Without Project conditions; or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result (e.g., require additional buses or trains due to project transit trips); or cause an onsite transit demand that would not be adequately served by adjacent transit service (i.e., project generated demand for transit service would be located more than one-third mile from transit service at the Caltrain stations).

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This entire footnote speaks to the possible frustration and congestion of the Site not being able to handle the influx of users to the transit system. This is unacceptable planning that must be re-planned for additional mitigation measures describing what is acceptable, why and be implemented and enforced to bring this to acceptable levels.

**4.N-139** **Conclusion:** Transit ridership under all four proposed development scenarios would contribute to cumulatively significant impacts on Muni operations at San Francisco transit screenline locations and would result in significant impacts...

36

Additional mitigations must be in place and enforced to ease the projected significant impacts on transit ridership and must be enforced.



**4.N-140**      **Conclusion:** *Project Site development would cause an increase in delays or operating costs such that significant adverse impacts on Muni transit service levels could result (i.e., additional buses or trains could be required due to Project transit trips).*

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A proposed mitigation plan must be derived and enforced to avert delays and adverse impacts prior to issuance of permits.

**4.N-141**      **Conclusion:** *Project Site development would cause an onsite transit demand that would not be adequately served by adjacent transit service for those proposed land uses that would be located more than one-third mile from the Caltrain and Muni T-line stations. This would result in significant baseline and cumulative impacts under all four proposed development scenarios.*

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A proposed mitigation plan must be derived and enforced to avert delays and adverse impacts prior to issuance of permits.

**4.N-142**      **Pedestrian Access (Existing plus Project and Cumulative with Project)**  
Any pedestrian or bicycle activity on Project site must be carefully protected from traffic and toxins. Mitigation measures are unclear must be clarified and enforced.

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**4.N-143**      *Sidewalks shall be provided along the Project Site frontage on Bayshore Boulevard between Sunnydale Avenue and Tunnel Avenue.*

For pedestrian and bicycle safety, sidewalks must be separated from streets with landscaped medians. This is a safety mitigation that cannot be ignored when one considers the increase in traffic and traffic speeds in the noted area. (Preferably medians will be landscaped with native, hosts to help propagate endangered species.)

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**4.N-145**      **Conclusion:** *Construction activities would result in significant impacts on existing and cumulative traffic flow and transit service and interfere with pedestrian and bicycle circulation patterns. Mitigation Measure 4.N-12 below is recommended.*

In addition to Mitigation Measure 4.N-12 Limits must be set on construction activities for traffic, congestion, noise, dust as well as protections measures to ensure that pollution from disturbed toxins are properly contained and do not affect the health of any person working on or living near the project. Also due to the long term and yet undetermined build-out time, the effect on the quality of life in Brisbane must be considered and mitigations offering respite from constant construction must be investigated and enforced.

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**Note:**      Since the project build-out is over such a protracted period of time, the door for future adjustments should remain open. As new alternative mitigation measures

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are discovered it is prudent to have language allowing for adjustments to be incorporated. Evolving of sciences warrant a stronger stance on the predictability of values and standards changing and making an inevitable impact. The potential unknown toxins in the Site may need to be dealt with differently as science progresses and this process of approvals should not be grandfathered to this decade's knowledge. Any scenarios that are significant but mitigable should contain a planned and enforced mitigation prior to issuance of any permits. Scenarios that are planned but unmitigable must be replanned to bring them to the highest standards of safety and public comfort, with as little intrusion to the way life is now enjoyed by the people of Brisbane.

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Respectfully submitted,  
Linda Dettmer

**\*2-10**

Significant Unavoidable Traffic and Circulation Impacts (DEIR)

**Impact 4.N-1:** The Project would result in a substantial increase in traffic under Existing plus Project conditions at intersections in the vicinity of the Project Site.

**Impact 4.N-2:** The Project would contribute to significant existing traffic impacts at freeway mainline segments.

**Impact 4.N-3:** The Project would result in a significant increase in traffic under Cumulative With Project conditions at the study intersections.

**Impact 4.N-4:** The Project's contribution to future cumulative traffic impacts at freeway mainline segments would be cumulatively considerable.

**Impact 4.N-7:** The Project would cause an increase in transit demand that could not be accommodated by San Francisco Muni or SamTrans transit capacity.

**Impact 4.N-8:** The Project would cause an increase in delays or operating costs resulting in substantial adverse effects on transit service levels (i.e., additional buses or trains could be required due to Project transit trips).

Appendix H.3  
HAZARDOUS MATERIALS SUMMARY REPORT – OU1 and OU2 RAILYARD  
Geosyntec 2012

| Report<br>(page #, paragraph)                         | Comments  | Submitted By |   |
|---|---|--------------|---|
| General<br>Comment                                    | Please note that the figures and tables were either not present, not obvious, not well labeled, or not adequate enough to understand the contents of this report.   | DD           | 1 |
|   | Omission of information about Kinder Morgan and Industrial Way properties (whether known or unknown) should be discussed here.  |              | 2 |
| Page 7  | <i>“No Franciscan rocks are known to crop out on the site...”</i><br>Is this correct? Ice House Hill and road cuts adjacent to Bayshore may be greenstone. It might be arsenic-laden rock similar to that on the Northeast Ridge. If it is, or is not known but could be, it should be properly mentioned.  | DD           | 3 |
| Page 12   | <i>“SPTC’s major railroad operations began in 1914...”</i><br>Historical rail use included chemical and lye storage sheds in OU1. The map of historical rail uses should be included in the main DEIR to assist in planning and determine areas that may need additional groundwater and soil studies.  | DD           | 4 |
|   | <i>“The San Francisco County portion of OU1 has been rented periodically since before...”</i><br>It’s important to mention that the Pacific Lithographic operation was a post-Schlage renter because the products used contributed to the contamination load of the area.   |              | 5 |
| Page 14<br>Groundwater<br>Monitoring<br>Program -1989 | <i>“...analyzed two samples of water from the onsite ditch [L-F, 1990]”</i><br>This is where mixing the reports from OU1 and OU2 are problematic... isn’t the “onsite ditch” in OU2? If this refers to an onsite ditch in OU1, then please give the location.   | DD           | 6 |
| Page 17   | <i>“This investigation included historical research of the Schlage, Bodinson, Norton Trust, and SPTC properties...”</i><br>It would be helpful to list which properties these businesses represent, what type of historical research? The type of earlier businesses may dictate the types and locations of toxins that should be studied and remediated. It is valuable information for planning purposes. | DD           | 7 |
| Page 18   | <i>“the metals are widespread because the area was filled with rubble and debris in the early 1900’s”</i><br>There is a letter in the DTSC file that indicates that the rail cars contained lead and asbestos ore. They were scrubbed down and waste was placed in debris piles until they got so high, they were then spread around. It explains the pockets of lead more than from herbicide sprays.      | DD           | 8 |
| Page 19<br>Groundwater                                | <i>“Since the third quarter of 2008... Mactec has conducted quarterly groundwater monitoring events for the Schlage OU...”</i>  | DD           | 9 |



|                        |   |    |                |
|------------------------|---|----|----------------|
| Monitoring-<br>Ongoing | <p>This is accurate but refers to only a small portion of OU1. It makes it seem that there is a more comprehensive groundwater-monitoring program than actually exists. Residents have been concerned that the number of wells per acre being studied and depths of wells on the Brisbane side is not adequate to detect deposits of other chemicals of concern. Most of the focus has been on the migrating plume of TCE.</p> <p>There are some constituents of concern that are no longer tested because they know they are present and ubiquitous. For various reasons, they are no longer counted in the totals or included in maps. Reasons such as being equal to background levels, or an industrial designation, or are naturally produced toxins, or not part of the Project Site all contribute to the present studies as being inadequate. The figures represent a limited amount of information from a limited number of tests from a vast area.</p> <p>They claim that there are few fluctuations in groundwater levels but don't mention studies along Visitacion Creek and Kinder Morgan properties that observe tidal influence in the groundwater wells. A more comprehensive report is necessary.</p> |    | 9<br>co<br>nt. |
| Page 21                | <p>Metals- Where is the total chrome and hexavalent chromium, copper, barium, and nickel information? There is no discussion as to why the whole panel of COC's, as required by EPA, was not done.</p> <p>PCB's - PCB studies are limited and infrequent. Additional studies are necessary.</p>   | DD | 10             |
| Page 25                | <p><i>"Sampling results.... indicated that, after soil remediation, the levels of CVOC's in soil gas are not expected to pose an unacceptable vapor intrusion risk to indoor air, given the current redevelopment plans for the Initial Development Area."</i></p> <p>Things have changed. There is a persistent area, a "hot spot" where the wells haven't tested clean. An <u>"Explanation of Significant Differences"</u> has been issued by DTSC to require land use controls, because they wish to begin construction before the <i>"groundwater has reached cleanup standards."</i> MCL's haven't been achieved on the Brisbane side; they are doing rounds of IVO.</p>   | DD | 11             |
| Page 26                | <p><i>"assumptions are the most restrictive and will be applied to the entire site."</i></p> <p>This is not true. The most restrictive assumptions would be drinking water standards/residential soil standards rather than leave-in-place commercial use clean up with risk-based CUL's (Clean up Levels.) Federal and State MCL's are more restrictive. One should consider the multiple and cumulative risks including naturally occurring toxins, the multiple products one can be exposed to, including calculations with sea-level rise as it creates avenues of exposure to the waste matrix and consideration of organochlorides being a synergistic impact of chemical decomposition. Etc.</p>   | DD | 12             |
|                        |   |    | 13             |



|  |   |    |    |
|--|---|----|----|
| Page 21<br>History of<br>Operations OU2                          | Outside of the mention of “ <i>two former UST sites located at 250/350 Industrial Way</i> ” there is no mention of the Consolidated Chemical/Stauffer Chemical Plant or the Frey’s Boot Tannery. Certainly this document doesn’t suggest to cover the Industrial Way properties, but this document cannot be used to determine adequate studies for all of the railyard, only be an informative list of activities to date.   | DD | 14 |
| Page 28 to 32  | These are verbatim, redundant transcripts of pages 13-16. It would be helpful to break out what was OU1 and what was OU2 in the earlier work. “Additional Site Characterization -1997” begins the new information.  | DD | 15 |
| Page 32  | Note this is one of the last places they talk about copper. This is a toxin that is less dangerous to humans than to fish. Only on page 38 do they rate the cleanup levels to be more restrictive for “ <i>Eco Receptors.</i> ”   |    | 16 |
| Page 33<br><br>Supplemental<br>Bunker C<br>Delineation -<br>2001 | <p>“<i>Bunker C concentrations were generally steady or decreasing over time... the plume was relatively stable... and consistent since 1995,</i>” is stated with no explanation for decreasing or stability. Both in 1999 RAP, as noted in this report, and 2006 Citizen-reported visible product (Siegel – CPOE (Center for Public Environmental Oversight)) observed travelling down the drainage “tributaries.” (Cross reference Biological Resources)</p> <p>At the time, an underground slurry wall was proposed to contain and prevent TPH’s from the Bunker C Oil from leaving the site. That was dismissed due to underground groundwater mounding issues, not because the Bunker C oil is stable.</p> | DD | 17 |
| Page 34<br>Revised RAP   | This revised RAP was never approved, it was merely proposed.  | DD | 18 |
| Page 35<br>Wetland<br>Mitigation Plan –<br>2004                  | This wetland mitigation plan was proposed, not adopted. The recommendations were not carried out and CA Fish and Game was never consulted. The wetland delineation was in linear feet, not calculating acres of upland habitat as the State requires. The delineation was not intended to research all properties under consideration of this plan, but to assist in a stream alteration permit.  | DD | 19 |
| OU2 Additional<br>Investigation in<br>Area of HVOC<br>Plume      | This appears to be data for OU1.  |    | 20 |
| Soil and<br>Groundwater  | <p>“<i>No Further Action letter for the UST</i>” only means the underground storage tanks were removed safely and the contaminants tested (TPH’s) were ok for industrial uses vs. an “all clear” of contamination card. “<i>As noted on Figure 15, no current analytical data are available for the high CVOC concentration area.</i>”</p> <p>Studies of residual contamination from prior industrial uses, like Stauffer Chemical, need to be completed before there is adequate understanding of the COC’s out there. Industrial Way properties are largely untested.</p>   |    | 21 |



**Dilworth1**

|  |  |    |                             |
|--|--|----|-----------------------------|
| Page 38 to 39<br>Risk-Based<br>Cleanup Level | <p>Define Eco Receptor. If it means that wildlife gets a cleaner cleanup level, then let's cleanup to Eco-receptor level, particularly in the margins where the contamination and project meet, however, that is not how the information reads.</p> <p>Has the San Mateo County Department of Environmental Health weighed in? This is a matter of public opinion and public health. Clean up levels should be within the discussion of alternatives rather than something formulated by a consultant.</p> | DD | <div>22</div> <div>23</div> |
| Page 40<br>Data Gaps                         | <p><i>"No data gaps were identified for the San Francisco County portion of OUI"</i> doesn't recognize that remediation under the "Bayshore castle" property and train right-of-way was not considered because it wasn't within the boundary of the Schlage project site.</p>  | DD | 24                          |
| Page 41 to 42                                | <p>The Bunker C Oil is not immobile and the information is not <i>"likely sufficient" for update of risk assessment.</i> More studies are necessary and discussion of cleanup levels should be community-driven.</p>   | DD | 25                          |
|  |  |    |                             |

## Appendix H.2

HAZARDOUS MATERIALS SUMMARY REPORT – BRISBANE LANDFILL  
Geosyntec 2012

| Report<br>(page, section)            | Comments  | Submitted By<br>( |    |
|--------------------------------------|---|-------------------|----|
| Page 1<br>Background                 | <i>"No waste has been disposed of at the Brisbane Landfill since 1967."</i> This is incorrect. When the detention basins were dug for the Landfill, tires and other debris were imbedded in the matrix. No waste has been <u>legally</u> disposed of, but the new fill cannot be characterized as 100% clean.   | DD                | 1  |
| Page 2                               | Background does not include former uses like the Champion Raceway, metals recycling, etc.   | DD                | 2  |
| Page 4<br>Regulatory<br>Oversight    | IDC is more appropriately named Visitacion Creek.   | DD                | 3  |
| Page 5                               | BCDC's jurisdiction also includes the tidally influenced Visitacion Creek, (AKA the interior drainage channel.)   | DD                | 4  |
| Applicable<br>Regulatory<br>Criteria | It is not certain whether these regulatory criteria documents are for interim or future uses. Some are over 12 years old and may not reflect current knowledge or approaches to landfill closures, knowledge about sea-level rise, etc. There are SWATs (Solid Waste Assessment Tests) and an interim leachate interception program along the Lagoon that don't seem to be reflected here. Has a baseline Health Risk Assessment been done?   |                   | 5  |
| Page 6 and 7<br>Regional Setting     | It would be helpful to repeat the Fill, YBM, Colma Formation, OBMD, Merced Formation, and Franciscan bedrock designations utilized in the "Railyard Hazardous Materials Summary Report" for consistency.<br><i>"[bedrock] occurs at a depth of greater than 50 ft. beneath most of the landfill..."</i> This is a twenty-two year old document. Does it recognize the current fill heights and years of compaction? What is the current information on this? Where is the bedrock in relation to the City College Fault Line?   | DD                | 6  |
| Page 7                               | <i>"The refuse layer consists of relatively clean soil intermixed with household waste and rubble."</i> Note that the landfill never required testing of the incoming fill and it oozes hazardous substances. <i>"Relatively clean"</i> is an incorrect characterization of the presumed-to-be-clean fill materials in the landfill.<br><br><i>"There are no aquifers underlying the site."</i> Aren't the different sand zones aquifers? Perhaps the aquifers are not intended for use, but they exist. Alternatively, does the plane flatten out to the point it is negligible? Explain this comment. | DD                | 7  |
| Page 8                               | Tidal influence is based on a few studies in a limited area. They were not done recognizing lunar cycles, negative tides, or seasonal rain conditions. Studies for the Kinder Morgan site concluded that there is tidal action on the groundwater wells near Visitacion Creek   | DD                | 8  |
|                                      |   |                   | 9  |
|                                      |   |                   | 10 |



|  |  |    |                |
|--|--|----|----------------|
| Page 9                                 | (IDC) and the “wood-covered” ditch, upstream. Tidal action/influence is observed as far west as the Levinson Marsh.<br><br>Note that there are 22 stations for a 364-acre area. Are the interior leachate wells LW-1 and LW-2 deep enough given the continued surcharging, compacting the waste layer? Should a third and fourth well be required on the northern end of the project area? Do any of the testing wells occur in the current Beatty Subarea?  |    | 10<br>cont.    |
| Page 10                                | <i>“petroleum storage tanks, have been constructed on the fill.”</i><br>Few are “on” fill as most of the Kinder Morgan tanks are reported to be anchored on bedrock. The dangerous petroleum tanks are/were leaking underground storage tanks (UST) and if known, are represented in the UST/LUST lists.<br><br>[Surcharging operation] <i>“to provide bearing capacity for future development.”</i><br>Are there studies identifying the load-bearing capacity of Old Bay Mud?  | DD | 11<br>12<br>13 |
| Page 12                                | <i>“seven surface-water samples, obtained from the IDC...” “were ‘well below designated level to protect marine waters and should not be a concern’...”</i><br>This does not mention whether heavy metals and other chemicals of concern were tested, including unionize ammonia. (RWQCB required a program for interception of seeps along the Lagoon and if effective, the IDC.)<br><br>There is no mention of the methods done and whether they utilized dilution factors of 10 for these readings. What are the assumptions made to come to the conclusion that seeps emanating from the landfill aren’t worthy of concern? Where is the benzene location? Did they consider copper and lead entering the food chain with studies of the native shellfish? | DD | 14<br>15<br>16 |
| Page 13-14<br>Final Closure            | It should be noted that there is no Landfill Gas System in place south of Lagoon Way, nor west of Tunnel Road. There is no discussion whether any other vapor extraction or methane burners are planned, particularly with relationship to impacts from sea-level rise. These are impacts not considered in 2002.  | DD | 17             |
| Page 15<br><br>Wetland Mitigation Plan | The Final Closure and Postclosure Maintenance Plan <i>“were conditionally approved by the CRWQCB...”</i><br>Note this is eleven years old and new regulations are in place, new conditions and knowledge of the site exists.<br><br>Numerous objections to this plan have been previously stated. 1:1 mitigation does not meet Brisbane's General Plan or the state’s “success criterion” to include upland calculations. Greater protections, greater assurances should be included in the wetland mitigation plan in a public process. It is the citizens of Brisbane that get to decide the plan. The DEIR should not assume this earlier plan is adequate.   | DD | 18<br>19       |



|  |  |    |    |
|--|--|----|----|
| Page 16                                      | <p><i>Structural Fill and Retaining Wall Fill shall be compacted at 95% relative compaction. The top 5 ft (1.5m) of fill should be compacted to 95% ...</i></p> <p>Only five feet of engineered foundation over a fifty-foot deep bowl of toxic sandy jelly? That sounds dangerous. Are these requirements adequate to mitigate impacts of anchoring buildings on land subject to liquefaction? The Bay Bridge had considered spiral pattern supports that could withstand earthquake impacts from any direction. Won't the Baylands require special attention to how each building or Land Use weighs down the fill underneath? How many cars and trucks can the Baylands fill handle?</p> <p><a href="http://www.mtc.ca.gov/news/photos/saddle_fabrication.htm">http://www.mtc.ca.gov/news/photos/saddle_fabrication.htm</a><br/> <a href="http://www.mtc.ca.gov/news/current_topics/4-13/sfobb.htm">http://www.mtc.ca.gov/news/current_topics/4-13/sfobb.htm</a></p> <p>Shallow foundation, slab on grade – see comments above.</p> | DD | 20 |
| Page 17                                      | <p><i>“the [Draft Leachate Management Plan] is to be provided to the regulatory agencies and the public and it is intended for this DLMP to remain in “draft” status until completion and certification of the EIR. At that time, any applicable mitigation measures from the EIR can be incorporated into the Final LMP.” ... “unless otherwise required by the agency.”</i></p> <p>Full studies need to be done to determine whether additional or deeper leachate wells are necessary. This DEIR does not go into the specificity necessary to make this judgment. Interception of the leachate seeps along Visitacion Creek still needs to be done, the measures mentioned are interim solutions, however there are no updates on the efficacy of the leachate interception program along the Lagoon. The City of Brisbane decides whether the DLMP is adequate.</p>   | DD | 21 |
| Page 18                                      | <p><i>“the DLMP anticipates that following construction of the final cover, no additional leachate management action will be required.”</i></p> <p>The technique of capping from above does not take into consideration the lateral movement of groundwater and where those impacts will show up. See comments about leachate management plan in Dr. G.F. Lee's “Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property.”</p> <p><i>“Results of the surface water monitoring in the Guadalupe Lagoon and IDC indicate low concentrations of the target chemicals.”</i></p> <p>Refer to prior comments about needing full panels of constituents and subsequent work and programs.</p>   | DD | 22 |
| Page 19 to 20<br>Contaminant<br>Distribution | Are these figures for Kinder Morgan? If so, they need to be in the Railyard's Hazardous Materials Summary Report.  | DD | 24 |
| Page 22<br>Ecological<br>Assessment          | <i>“did not support the conceptual model of the landfill significantly affecting surface water by flow through the seeps or upwelling into the lagoon.”</i>  | DD | 25 |



|  |   |    |
|--|---|----|
| SLERA  | <p>This conceptual model was proven true when video sequences of leachate percolation were provided to RWQCB.</p> <p>The Shoreline Seep Mitigation is not 100% effective; it has reduced seeps and upwelling, but upwelling is dependent upon groundwater levels. These festering seeps wheezing, toxic leachate sludge should be sealed and leachate extracted into perpetuity, not covered and called clean. These assessments, from 2005 cannot have considered sea-level rise and the multitude of, rather cumulative chemicals of concern.</p> |    |
| Table 1<br>Maximum<br>Concentrations<br>of COC's | <p>This table is missing Barium, Beryllium, Cadmium, Copper, Arsenic... all on other Constituents of Concern that are present in the landfill. This again appears to be testing near the Kinder Morgan spill area. Are any recommendations made about building in these areas?</p>  | DD |
|  |   |    |
|  |   |    |

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cont.

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18 November 2013

John Swiecki, AICP, Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA 94005  
Fax: 415.467.5547

Dear Mr. Swiecki:

I am writing to provide comment on the Brisbane Baylands Draft EIR and data on wildlife present on the land and water. I am a professional ornithologist who leads birding trips, teaches ornithology at multiple levels, I am a board member of the Golden Gate Audubon Society, and employed at the California Academy of Sciences. I am committed to preserving natural habitats and helping make the SF Bay Area as bird and wildlife friendly as possible, and I believe that our natural areas are a big part of what makes the Bay Area attractive to people as well as wildlife.

1

I am enclosing two spreadsheets that document the diversity of birds that use the Brisbane Lagoon. The first is a data from eBird – an online citizen science resource that many birders use for keeping track of their observations, but it also allows researchers to quickly and reliably extract data about particular regions. For many months of the year, there is insufficient data; however even with the limited data, birders have documented that between 1990 and 2013 over 87 species of birds have been recorded using the Brisbane Lagoon. The second document I am sending is data from the Audubon Society's annual Christmas Bird Count. These data document 45+ species using the area during the winter non-breeding season, when many ducks and migrant shorebirds overwinter in the SF Bay region.

2

These lists clearly document the importance of the Brisbane Lagoon for many species – over 12 species of ducks, 5 species of grebe, cormorants, pelicans, herons, shorebirds, raptors, gulls, terns, as well as many songbirds that use the habitat surrounding the lagoon. Many species use the lagoon for breeding, feeding, and resting, and I am not sure that your DEIS has fully considered this full diversity of birds and their diverse uses of the lagoon. The area and its habitats are vital resources for these species. Furthermore, the increased presence of people, cats, dogs, and activity will certainly have an impact on the Lagoon, and it will be important to make sure that adopted plans will protect these critical resources, reduce disturbance and impact, and provide some buffer from the increased activity.

3

I also see that there are proposals to generate alternative energy on the land, including solar and wind farms. While I generally applaud the efforts to reduce the need for fossil fuels, I also encourage you to make sure that the choice of generators and the placement of these on the land are environmentally safe for birds and do not unnecessarily reduce available bird and wildlife habitat. Large turbines with rapidly spinning propellers can have devastating effects on soaring raptors or flocks of

4



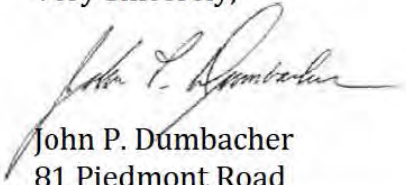
migrating shore birds. More wildlife-friendly options are available, and should be used wherever possible.

↑ 4 cont.

I urge you to choose a development option that will protect wildlife and the vital habitats that they require. The beauty, functionality, and hence the value of the development, relies largely on a healthy surrounding environment and the animals and plants living in it. Please feel free to contact me if you have any questions about these data or if you would like additional information (additional years, more information about particular seasons, etc.)

↑ 5

Very Sincerely,



John P. Dumbacher  
81 Piedmont Road  
Larkspur, CA 94939  
jdumbacher@calacademy.org

| CBC Brisbane Lagoon                      | 2008   | 2009   | 2010   | 2011   | 2012   | observed |
|--|--------|--------|--------|--------|--------|----------|
| Species Name                             | Number | Number | Number | Number | Number |          |
| Common loon                              | 1      | 0      | 0      | 1      | 0      |          |
| Clark's grebe                            | 4      | 0      | 5      | 1      | 0      |          |
| Western grebe                            | 6      | 3      | 5      | 8      | 13     |          |
| Eared grebe                              | 4      | 3      | 0      | 3      | 1      |          |
| Horned grebe                             | 6      | 1      | 1      | 0      | 1      |          |
| Double-crested cormorant                 | 8      | 2      | 2      | 0      | 0      |          |
| Great blue heron                         | 2      | 1      | 0      | 0      | 0      |          |
| Great egret                              | 2      | 0      | 1      | 0      | 0      |          |
| Snowy egret                              | 2      | 0      | 8      | 4      | 1      |          |
| Mallard                                  | 7      | 5      | 4      | 1      | 7      |          |
| Gadwall                                  | 1      | 0      | 0      | 0      | 0      |          |
| Greater scaup                            | 5      | 0      | 5      | 25     | 0      |          |
| Lesser scaup                             | 107    | 47     | 11     | 25     | 11     |          |
| Surf scoter                              | 9      | 2      | 30     | 5      | 9      |          |
| Common goldeneye                         | 5      | 7      | 1      | 3      | 0      |          |
| Bufflehead                               | 54     | 29     | 51     | 50     | 15     |          |
| Ruddy duck                               | 50     | 47     | 84     | 73     | 22     |          |
| Turkey vulture                           | 1      | 0      | 0      | 0      | 1      |          |
| Northern harrier                         | 2      | 2      | 0      | 1      | 0      |          |
| Osprey                                   |        | 0      | 0      | 0      | 1      |          |
| Coopers hawk                             | 1      | 1      | 1      | 0      | 0      |          |
| Sharp-shinned hawk                       | 1      | 0      | 0      | 0      | 0      |          |
| Merlin                                   |        | 0      | 0      | 1      | 0      |          |
| Red-tailed hawk                          | 1      | 1      | 2      | 1      | 1      |          |
| American kestrel                         | 4      | 0      | 3      | 0      | 1      |          |
| Brown Pelican                            |        | 2      | 0      | 2      | 1      |          |
| American coot                            | 25     | 21     | 37     | 50     | 12     |          |
| Black-necked stilt                       | 6      | 7      | 0      | 1      | 2      |          |
| Spotted sandpiper                        | 2      | 2      | 0      | 1      | 2      |          |
| Ring-billed gull                         | 1      | 1      | 2      | 2      | 1      |          |
| California gull                          | 4      | 0      | 22     | 7      | 2      |          |
| Glaucous-winged gull                     | 3      | 0      | 1      | 0      | 0      |          |
| Western gull                             | 12     | 14     | 19     | 10     | 12     |          |
| Brandt cormorant                         |        | 2      | 0      | 0      | 0      |          |
| Common Merganser                         |        | 2      | 0      | 0      | 0      |          |
| Willet                                   |        | 8      | 15     | 10     | 15     |          |
| Mockingbird                              |        | 1      | 3      | 1      | 3      |          |
| Least sandpiper                          |        | 0      | 29     | 150    | 0      |          |
| Belted kingfisher                        |        | 0      | 1      | 0      | 1      |          |
| Red-breasted Merganser                   |        | 0      | 0      | 2      | 0      |          |
| Canvas back                              |        | 0      | 0      | 2      | 0      |          |
| Ruddy turnstone                          |        | 0      | 0      | 0      | 10     |          |
| Kildeer                                  |        | 0      | 0      | 1      | 0      |          |
| Long-billed curlew                       |        | 0      | 0      | 1      | 0      |          |
| Marbled Godwit                           |        | 0      | 0      | 1      | 0      |          |
| Dowitcher (sp)                           |        | 0      | 0      | 50     | 0      |          |
| Forester's tern                          |        | 0      | 0      | 1      | 0      |          |
| Pied-billed grebe                        |        | 0      | 0      | 0      | 2      |          |
| Total species: 30<br>Observed by<br>year |        | 24     | 25     | 32     | 25     |          |

Total birds

48 species



eBird

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## Bird Observations

▼ **Date Range:** 1/1 - 12/31, 1990-2013 **Combine Years**▼ **For** [ [Brisbane Lagoon](#) ]

87 species (+5 other taxa)

|  |                                    | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|--|------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <a href="#">Canada Goose</a>             | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Mallard</a>                  | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Green-winged Teal</a>        | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Canvasback</a>               | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Ring-necked Duck</a>         | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Greater Scaup</a>            | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Lesser Scaup</a>             | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Greater/Lesser Scaup</a>     | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Surf Scoter</a>              | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Bufflehead</a>               | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Common Goldeneye</a>         | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Red-breasted Merganser</a>   | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Ruddy Duck</a>               | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">duck sp.</a>                 | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Pied-billed Grebe</a>        | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
|  |                                    | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| <a href="#">Horned Grebe</a>             | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Eared Grebe</a>              | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Western Grebe</a>            | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Clark's Grebe</a>            | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Western/Clark's Grebe</a>    | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Brandt's Cormorant</a>       | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Double-crested Cormorant</a> | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Brown Pelican</a>            | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Great Blue Heron</a>         | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Great Egret</a>              | <input type="button" value="MAP"/> |     |     |     |     |     |     |     |     |     |     |     |     |

6  
cont.



87 species (+5 other taxa)

|  |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <a href="#">Snowy Egret</a>            | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Turkey Vulture</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Osprey</a>                 | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">White-tailed Kite</a>      | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Northern Harrier</a>       | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
|  |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| <a href="#">Red-shouldered Hawk</a>    | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Red-tailed Hawk</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">American Coot</a>          | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Black-necked Stilt</a>     | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">American Avocet</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Black-bellied Plover</a>   | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Semipalmated Plover</a>    | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Killdeer</a>               | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Spotted Sandpiper</a>      | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Greater Yellowlegs</a>     | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Willet</a>                 | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Whimbrel</a>               | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Long-billed Curlew</a>     | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Marbled Godwit</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Black Turnstone</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
|  |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| <a href="#">Dunlin</a>                 | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Least Sandpiper</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Western Sandpiper</a>      | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">peep sp.</a>               | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Mew Gull</a>               | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Ring-billed Gull</a>       | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Western Gull</a>           | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">California Gull</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Herring Gull</a>           | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Glaucous-winged Gull</a>   | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">gull sp.</a>               | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Caspian Tern</a>           | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Forster's Tern</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Rock Pigeon</a>            | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Eurasian Collared-Dove</a> | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
|  |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| <a href="#">Mourning Dove</a>          | MAP |     |     |     |     |     |     |     |     |     |     |     |     |

6  
cont.



87 species (+5 other taxa)

|   |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <a href="#">Anna's Hummingbird</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Belted Kingfisher</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Red-breasted Sapsucker</a>    | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">American Kestrel</a>          | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Black Phoebe</a>              | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Steller's Jay</a>             | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">American Crow</a>             | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Common Raven</a>              | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Barn Swallow</a>              | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Cliff Swallow</a>             | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Chestnut-backed Chickadee</a> | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Bushtit</a>                   | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">American Robin</a>            | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Northern Mockingbird</a>      | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
|   |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| <a href="#">European Starling</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Orange-crowned Warbler</a>    | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Nashville Warbler</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Yellow Warbler</a>            | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Yellow-rumped Warbler</a>     | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">California Towhee</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Savannah Sparrow</a>          | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Song Sparrow</a>              | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Lincoln's Sparrow</a>         | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">White-crowned Sparrow</a>     | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Golden-crowned Sparrow</a>    | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Red-winged Blackbird</a>      | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Western Meadowlark</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">Brewer's Blackbird</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">House Finch</a>               | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
|   |     | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| <a href="#">Lesser Goldfinch</a>          | MAP |     |     |     |     |     |     |     |     |     |     |     |     |
| <a href="#">American Goldfinch</a>        | MAP |     |     |     |     |     |     |     |     |     |     |     |     |

KEY: = insufficient data | = rare to widespread

[Download Histogram Data](#)



January 23, 2014

To: City of Brisbane

Re: DEIR

From: Mary Gutekanst

Below please find some personal comments on the DEIR. Thank you for giving them your attention.

Re: Impact 4.O-1

Mitigation measures were prescribed to offset the impacts of the water transfer proposed. First, the adequacy of those mitigation measures has not been determined, and the City of Brisbane should require that those measures are adequate before embarking on a water transfer.

1

Second, Governor Brown has declared a State of Emergency in connection with the drought we are experiencing. This means that the streams, rivers, estuaries, etc., for which water was to be allocated for the purpose of providing habitat, will not get the water they have been promised. It is not clear that Mitigation Measure 4.O-1b, for example, will actually be put into effect. In fact, the drought may very well get much more severe. What are the prospects for environmental degradation in that case? The DEIR must analyze the adequacy of the EIR on which it is relying.

2

Third, it is possible that Brisbane's already-existing water supply will be reduced. How will that affect the ability to supply water to the Baylands in an emergency?

3

The DEIR should consider alternative supplies of water, specifically, offsets acquired by funding water-saving measures in SF and the Peninsula.

4

Re: Mitigation measures

California code section 21081.6 provides that a lead agency "shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation....A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures."

5

Therefore, the City of Brisbane is responsible for enforcing each and every measure to mitigate a significant effect that is not enforced by another agency. It is difficult to imagine that the City of Brisbane is going to monitor and enforce some of the mitigation measures listed in the DEIR. On the Northeast Ridge, the City did not enforce several measures specified in development agreements. What provision will be made for such monitoring and enforcement? How many persons will be required and what training will



they need? How will it be paid for? Who will oversee monitoring and enforcement? What penalties will be levied? The DEIR needs to address the actual, practical measures that the City must take.

5  
cont.

Re: Alternatives

The DEIR should analyze including industrial uses on additional areas of the Baylands. The present land uses, such as the tank farm, Recology operation, lumber yards, etc., would all be compatible with such uses, as would a high speed rail maintenance yard and renewable energy generation. Industrial uses would result in less traffic, and could be chosen so as to use modest amounts of water. Multi-story buildings could be eliminated and view corridors preserved to a greater extent. Water treatment could be designed specifically for each industrial use, and might incorporate regular monitoring and maintenance. Many adverse effects could be reduced or eliminated.

6

**Swiecki, John**

---

**From:** Ken Hanson [kenhanson157@yahoo.com]

**Sent:** Saturday, September 07, 2013 12:44 PM

**To:** Swiecki, John

**Subject:** Comments for Baylands Project

Dear Mr. Swiecki,

Dear Mr. Swiecki,

My major concerns for the project are : 1) the reputation of the owner ; 2) the credit of the company and 3) the financial capability of the company.

1.The UPC'S major investors are Mr. Chen You-hao and his family. Below is the news article regarding Mr. Chen from Taiwan.

2.Does or did UPC own any taxes to IRS?

3.Does UPC have enough financial capacity for the project? The property located at Sierra Point, owned by UPC, has been sitting for over 15 years without development.

Those issues should be concerned before the project is approved.

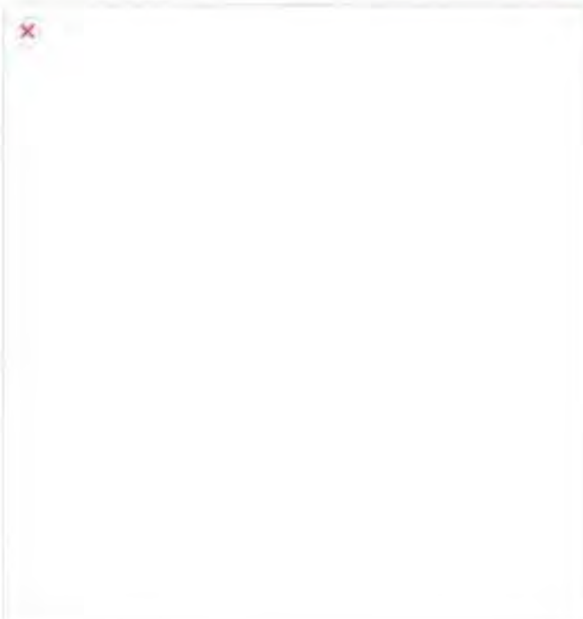
Best Regards,

Ken

1

[Repatriation campaign contributions to Chen? Taiwan Affairs Office of the State Council: Do not cover up the crime / Chen](#)

[Junshuo](#)





The Ministry of Justice confirmed yesterday that the debt Tuntex Group President campaign contributions to Chen in Taiwan, has obtained an identity card of the People's Republic of China.

Map / newspaper INFORMATION photos

The Ministry of Justice confirmed yesterday that the debt in Taiwan Tuntex Group President campaign contributions to Chen, an identity card for citizens of the People's Republic of China; Ministry of Justice sent last week to Beijing, told the mainland's Taiwan Affairs Office and the public security department asked that the campaign contributions to Chen, the mainland campaign contributions to Chen mainland citizen identity card, did not respond specifically to the issue of repatriation.

The Dharma Realm believes that the mainland identity card seems to have become the umbrella of the Lam wanted man, these people can not be sent back to Taiwan, the two sides signed a mutual legal assistance agreement is still a big loophole. The Ministry of Justice of international and cross-strait Legal Secretary Chen Wenqi pointed out yesterday, "continental identity card should not be an obstacle to repatriation campaign contributions to Chen, we will continue to" strongly request the repatriation of "mainland campaign contributions to Chen.

Tuntex Group founder campaign contributions to Chen Lu Ji identity card, Mainland Affairs Council spokesman Wu Mei-hong said, according to the cross-strait provisions of these Regulations, "continental identity card, will lose the nationality of the Republic of China, but does not absolve their judicial responsibilities and obligations.

Wu Mei-hong said, the us authorities continued efforts to contact with the other side, I hope the mainland side attaches importance to the Taiwan people's aspirations and social perception, as soon as it is indicative of fugitives sent back to Taiwan.

Chen Wenqi, said: "They have internal factors considerations, they are very understanding of the aspirations of Taiwan," the Ministry of Justice will continue to actively urge the implementation of the repatriation of our fugitives on the mainland, but also hope that the mainland for indicative commit, to return to the laws and protocol architecture face execution .

The group's husband and wife Chen You-hao allegedly emptied the building of its Donghua more than eight hundred million yuan prosecuted couple of campaign contributions to Chen fled to the United States refused to appear in court, wanted by the court so far; addition to involving more than breach of trust case, campaign contributions to Chen is still on the list of large tax arrears, tax arrears a billion dollars campaign contributions to Chen as China's top ten most wanted fugitives.

Debt in Taiwan tens of billions of dollars in campaign contributions to Chen, God hidden USA, mainland China for many years after the end of last year to be photographed by the media he set up their own

Xiamen Xianglu Grand Hotel Crystal Room, organized by the Alumni Association of the Department of Economics, hosted a dinner from as far away as Taiwan travel to the mainland of the Department of Economics old school.

The Ministry of Justice several times through the cross-strait common fight against crime and mutual legal assistance agreement ", asked that the campaign contributions to Chen failed to mainland China, last week, the Ministry of Justice and the Criminal Investigation Bureau, the Bureau of Investigation, the Mainland Affairs Council delegation to Beijing intended the two sides together to combat cross-border crime strategy when, once again asked the Taiwan Affairs Office of the State Council and the public security departments repatriation campaign contributions to Chen and Zhang Lok indicative figures hope that the mainland to implement the cross-strait agreement to help the latter to arrest wanted criminals back.

It is understood that the campaign contributions to Chen is a large tax on the mainland, there is a huge investment, and friendly to the CPC leadership. In addition to campaign contributions to Chen, wanted to escape Taiwan to the mainland citizens "wanted criminals as well as former president of the Legislative Yuan Liu Sung-fan, Kozo Group president Tseng's Kaohsiung Speaker Zhuan Xiong dozens of people.

}; I asked that the campaign contributions to Chen Yong mainland identity card | campaign contributions to Chen naturalization continent | Domestic News | BBC News  
[http://translate.googleusercontent.com/translate\\_c?depth=1&hl=en&prev=/search%3Fq%3D%25E9%2599%25B3%25E7%2594%25B1%25E8%25B1%25AA%25E6%2593%2581%25E5%25A4%25A7%25E9%2599%25B8%25E8%25BA%25AB%25E5%2588%2586%25E8%25AD%2589%2B%25E6%2588%2591%25E8%25A6%2581%25E6%25B1%2582%25E9%2581%25A3%25E8%25BF%2594%26safe%3Dactive%26hl%3Den%26biw%3DI024%26bih%3D471&rurl=translate.google.com&sl=zh-TW&u=http://udn.com/NEWS/NATIONAL/NAT4/7851805.shtml&usg=ALkJrhjqNipxyHenim2l09qWRTJ-uojZCw#ixzz2RjNjIke](http://translate.googleusercontent.com/translate_c?depth=1&hl=en&prev=/search%3Fq%3D%25E9%2599%25B3%25E7%2594%25B1%25E8%25B1%25AA%25E6%2593%2581%25E5%25A4%25A7%25E9%2599%25B8%25E8%25BA%25AB%25E5%2588%2586%25E8%25AD%2589%2B%25E6%2588%2591%25E8%25A6%2581%25E6%25B1%2582%25E9%2581%25A3%25E8%25BF%2594%26safe%3Dactive%26hl%3Den%26biw%3DI024%26bih%3D471&rurl=translate.google.com&sl=zh-TW&u=http://udn.com/NEWS/NATIONAL/NAT4/7851805.shtml&usg=ALkJrhjqNipxyHenim2l09qWRTJ-uojZCw#ixzz2RjNjIke)



To: John Swiecki, AICP, Community Development Director  
City of Brisbane  
50 Park Place, Brisbane, CA. 94005  
Email: eir@ci.brisbane.ca.us

From Cris Hart 223 Mariposa Street Brisbane CA 94005

January 23<sup>rd</sup>, 2014

RE: My Comments of the Bayshore Draft EIR of 2014

Dear Mr. Swiecke,

Please accept my comments on the Baylands Draft EIR

Regarding Section 4 Cultural:

**Lazzari Building Eligibility:**

Where is a report that says the tank and boiler shop is not considered eligible for historic listing under HRHP or CRHR criteria? How was this statement arrived at?

Re: page 4-D-7 *"The Lazzari Charcoal Building has not been previously identified on any federal, state, or local registers of historical resources. This warehouse building, while historically associated with the SPRR, does not have sufficient historical or architectural significance to be considered individually eligible for listing under NRHP/CRHR criteria"*

Also see conclusion on 4-D-28 *Conclusion: The Lazzari Charcoal Building is not considered a "historical resource"*

1

**Landscape**

Is the cultural landscape of the Roundhouse and Tank & Boiler Shop(Lazzari) examined as unique landscape examined on own?

2

Are the roundhouse and Tank and Boiler shop not a cultural landscape on their own?

3

Why does the Roundhouse not have its own cultural landscape when it has proven cultural and architectural significance?

4

What exact proof is there that Caltrain alignment is 'substantially modified' (Given existence of historic maps).

RE: 4.D-18 *The double-track rail line now used by Caltrain was also substantially modified from the railroad's original alignment. The removal of the railroad tracks in the late 1980s, as well as the destruction of a definitive majority of the historical structures associated with the railyard following its closure in the 1960s, has eliminated the physical, visual, and spatial features that contributed to and defined the character of the space during its use by the SPRR. The remaining buildings and associated altered landscape are not sufficient to qualify as a potential cultural landscape. Therefore, the Project Site does not appear to constitute a cultural landscape as defined by the National Park Service.*

5

## “Roundhouse Circle” Road

Does the proposed “Roundhouse Circle” road surrounding the roundhouse detract from the cultural significance, sensory experience ? If the roundhouse is a traffic circle without railroad presence how can its designed purpose be shown?

RE: 4-D-27 *Encircling the outside of the existing Roundhouse and the proposed Roundhouse Green would be “Roundhouse Circle,” a new two-lane road.*

6

## Landscape Summary

Does the conclusion that no cultural landscape exists exclude the ability to use development funds from restoring part of a railroad landscape?

RE: 4.D-29 *Conclusion: No cultural landscape exists on the Project Site, and therefore Project Site development would not cause a substantial change in the significance of a historical resource as defined in Section 15064.5*

7

## Archaeological Resources as yet unfound

Not listed among archaeological resources are artifacts from the railroad and railroad craftsman including tools, train or locomotive parts that may be uncovered. What provision is there for exploring the site or building interior, buried in pits and reclaiming those artifacts by an appropriate cultural institution for preservation?

RE 4.D-33-34 *Historic-era materials subject to this measure might include in-situ (in place) stone, concrete, or adobe footings and walls; filled wells or privies; and in-situ deposits of metal, glass, and/or ceramic refuse.*

8

## Other:

## Elevation and Sea Level

Potential sea level rise and the 100 year floods is discussed in several places but I’m not clear if any elevation changes are proposed at the Roundhouse. If there are, has an exemption as a historic structure been investigated to exclude it from any such modification?

*Sorry I do not have a section to reference for this*

9

## Water Supply

Is desalinization plant considered as option to bringing in water from other districts?

*Sorry I do not have a section to reference for this*

10



End of my comments on the draft EIR. Thank you for your attention.

/s/ Cris Hart January 23, 2014

JAN 06 2014

General Comments on the DEIR Baylands

Comm. Dev. Dept. Brisbane

Submitted by Clara Johnson

The Specific Plan, the developers proposal and its alternatives with the exception of the Renewable Energy Alternative make a mockery of many of the goals of the 1994 General Plan.

1

The chapters of the General Plan list the goals at the beginning. This is a list of the primary goals that are violated by this proposal.

The City of Brisbane

1. "will remain a place independent and distinct",

Comment: This project will erase any physical distinction by placing residents and businesses contiguous to San Francisco.

2

2. "With a small town quality ....."

Comment: The addition of 12 or 8 or 7 Million square feet will obliterate any small town quality."

3

3. "provides sufficient revenues for necessary City services"

Comment: I have asked for a fiscal analysis of the short medium and long term effects of development on the Baylands and while they are thought to be coming soon, there is no reason to believe they will be favorable. The cost of maintaining the mitigations to prevent further impacts on human health and the environment will offset revenue gained from property tax. The nearby Visitacion Valley has crime problems typical of a lower middle income area and will require a much more aggressive police presence. The fill is constantly compacting and roads need frequent repair. The settlement of the fill will result in high maintenance costs for the utility infrastructure. Sea Level rise will result in the need for expensive measures to try to protect the people the buildings and the systems installed to try to remediate toxic contamination on the site.

4

4. "Sees sustainable growth as dependent on preservation and replenishment of natural resources"

Comment: This project has: air quality, greenhouse gas emissions, and traffic creation significant impacts that cannot be mitigated. It will degrade the air quality. Our air quality is a natural resource and the project will create an unhealthy environment when combined with all the other nearby projects in San Francisco. Climate Change is impacting the prevailing winds which may come from the northeast, as they have in December 2013 instead of from the northwest and this change will blow the pollution directly into residential Brisbane. The wetland areas of the Baylands are a natural resources, 27 the wetland areas identified in a survey, the north ditch( where stickleback fish live), the interior drainage ditch and the Lagoon and its shores. The project does not preserve the natural qualities of these areas. It treats them as adjunct areas to their buildings and roads.

5

5. "Preserve the mountain for its own sake and as the symbol of the unique character and identity of Brisbane."

6



5. Cont. Comment: The mountain is known for its endangered butterflies who feed on specific plants on the mountain. The increased air pollution caused by the project and the cumulative effect of all the planned projects plus climate change caused wind direction changes will result in contaminated the butterflies food plants and pushing the endangered insects to extinction. **6 cont.**
6. "incorporate and reflect the natural environment as an integral part of land use"  
Comment: The project was not allowed to destroy the natural resources mentioned above but it does not reflect them or seem to value them and their role in our ecosystem. **7**
7. "Design infrastructure and public facilities to be efficient, cost effective and to contribute to the cohesion and character of the community."  
Comment: There isn't any evidence in the design that the cohesion or character of Brisbane was considered at all. The project actively works to destroy Brisbane's character by placing an estimated 10,000 new residents in an entirely different urban, noisy, pollution filled environment in contrast with the 4000 current residents who live in a village on hillsides surrounded by open space. **8**
8. "Where citizens can travel safely and comfortably from north to south, from mountain to the bay"  
Comment. All of the intersections are going be at level E or F and the freeway will be very slow as a result of this development and those being built nearby. It will be a stressful time wasting polluting nightmare. It will not be comfortable and it will be less safe than it is currently by virtue of the volume of traffic. **9**
9. "Where open space lands have been set aside to protect the natural environment" "Where  
10. Open space and natural area provide respite to both residents and businesses"  
Comment: The intent of the 1994 General Plan was to leave about 50% of the Baylands in open space and the developer has that down to 23%. It is difficult to find respite from 12 million/8/7 million square feet of development. **10**
11. "And there is an awareness of the finite nature of resources"  
Comment: There is no awareness of the finite nature of resources when you seek to build a project with significant air pollution, greenhouse gas emissions and traffic impacts that cannot be mitigated because they are so extreme. The project overwhelms the City. **11**
12. "The City acts to prevent the loss of life and property and damage to the  
13. environment by addressing hazards in the use of the land." And "There is peace and quiet"  
Comment: There are many contaminated areas on the Baylands the full extent of the contamination is not clearly understood despite many studies. The nature of the underlying **12**

land is that it composed of un-engineered fill, bay mud and refuse in the landfill and rubble in the northern railyard. This land presents many challenges. It is subject to tremendous shaking in an earthquake. The current maximum credible earthquake is from 8 to 9M richter. The ground compacts. It also has a very high water table and will be impacted by sea level rise. This land is subject to many hazards and should be only lightly developed. There will be no peace and quiet here because of the 10 or more traffic lanes of Hwy 101 and The four lanes of Bayshore Blvd and the trains on the rail line that runs through the property. There may be high speed trains on the rails. The proximity of SFO means there will be frequent aircraft noise. The light rail and numerous busses will pass through the development creating more noise plus the traffic on the local streets.

12  
cont.

The above comments indicate how the proposed development is at odds with major goals of the 1994 General Plan.

13

The Baylands has its own list of policies in the General Plan. One of those Policy 330.1 Prohibits housing on the Baylands . It is for good reason.

14

Policy 335 calls for giving aesthetic consideration to views of San Bruno Mountain, the Bay and the Baylands development itself from Central Brisbane.....Comment: The development plants windrows of trees on its eastern side to prevent views of the bay. There are a number of surface parking lots that won't look great from central Brisbane.

15

Policy 357 requires the identification of wildlife habitats and encourages retention and/or enhancement of their natural feature and habitat values in consultation with responsible agencies and independent professionals. This project denies the existence of wildlife habitat and with that denial runs roughshod over any that exists. They confuse wildlife with endangered species or perhaps they are prescient.

16

Policy 359 calls for wetlands restoration which they seem to interpret as bulldozing it.

17

Policy 362 calling for improved water quality is not addressed adequately in the proposed project. Nor is there any mention of plans to improve water circulation and water quality in the Lagoon as required by Policy 363.

18

Policy 370 has not been adequately done since not all of the potentially harmful man made chemicals have been tested for. Neither has Policy 371 been satisfied since the underlying assumptions of the risk analysis for toxic lands and lands of possible liquefaction potential have not been clearly articulated to the public in lay terminology.

19



The proposed project will destroy the character of Brisbane because of its size, its configuration and the 10,00 strong residential component of it. It will degrade the local environment with its pollution and traffic and the quality of life in Brisbane will degrade.

20

A finding of overriding consideration for this project is not justified for the following reasons.

The significant impacts of the developer submitted Specific Plan are so destructive and degrading to the health of the local human population that it is impossible to envision overriding considerations that could be cited to allow its construction. The air quality and traffic impact stress inducing changes to the Baylands area would alter and degrade the local environment. The size of the project is entirely at odds with the plentiful open space and usually, clean air found in Brisbane. The air quality will suffer significantly as a result of the traffic caused by this project

21

The cumulative impacts of other nearby projects and predicted general increases in traffic on Hwy 101 at the county line made by ABAG and MTC indicate that Air quality will be degraded for the people of Visitation Valley, Little Hollywood, Daly City- Bayshore neighborhood and the people of Brisbane. This degradation will result in more illness and greater chance of death among the population in these areas. Air Resources Board Studies of people living along heavily traveled freeways in the southern central valley indicate greater chance of miscarriages for women living in proximity to those freeways. The residential neighborhoods proposed here place women in a similar situation with regard to freeway traffic and air quality impact. There are no overriding circumstances that justify this projects construction. Everything that is proposed here is readily available nearby in previously approved projects. Vacancy rates in existing office buildings and biotech facilities on the northern S.F. peninsula demonstrate the lack of overriding necessity to build those facilities.

22

Overall comment, All the Appendices should be able to be located. There should be a master Table of Contents that allows sections to be found. The material in all the Appendices should be placed with the DEIR because as a Planner pointed out, the DEIR and the Appendices, if kept separately tend to get separated and lost over time.

23

A comment has been made that this program EIR is written in such a way that it will be used to claim that there is no need for a project EIR. Since this EIR lacks specificity about the nature of the project, it is impossible to understand the impacts of something unknown and therefore substantial work will be required for each project EIR.

24

This project is inappropriate for its location. The comments written above explain why. It is irresponsible to build it from a human health and environmental point of view and from the perspective of the 1994 Brisbane General Plan.

25

Thank-you Clara Johnson

**Swiecki, John**

---

**From:** Steven Johnson [jsteven116@yahoo.com]  
**Sent:** Sunday, September 01, 2013 5:08 PM  
**To:** Swiecki, John  
**Subject:** Fw: EIR's comments  
**Attachments:** rs2006\_0008\_rev\_rs88\_63-1.pdf; IMG\_1431.jpg

Dear Mr. Swiecki,

I sent you several emails for EIR's comments because the file with the pictures is too big to be delivered to you. Sorry for the inconvenience.

Steven

----- Forwarded Message -----

**From:** Steven Johnson <jsteven116@yahoo.com>  
**To:** "eir@ci.brisbane.ca.us" <eir@ci.brisbane.ca.us>  
**Sent:** Sunday, September 1, 2013 4:36 PM  
**Subject:** Fw: EIR's comments

----- Forwarded Message -----

**From:** Steven Johnson <jsteven116@yahoo.com>  
**To:** "eir@ci.brisbane.ca.us" <eir@ci.brisbane.ca.us>  
**Sent:** Sunday, September 1, 2013 4:10 PM  
**Subject:** EIR's comments

Dear Mr. Swiecki,

I've been made aware of environmental issues at Sunquest's property in Brisbane, and have exchanged several emails with Water Board (see below) to discuss my concern for the upcoming OU2 remediation at the site.

I visited the site through my friend, who was an engineer for the contractor when the oil ditch was being remediated. My friend told me that Sunquest's Project Manager mentioned that some of the oil seems to be mobile in open space( see the pictures below, Sunquest also had those pictures from my friend) , but he wasn't certain because of the complexity of the soil composition. He thought that they could resolve the issue by building a slurry and capping the plume.

From practical perspective, this could be an appropriate approach. However, I've done a little research and I'm not sure if this approach would meet the requirements set in regulations



such as the Draft Low-threat UST Closure Policy (7-14-2011) ( see the link:  
[http://www.swrcb.ca.gov/ust/policy/lt\\_elsplev071411.pdf](http://www.swrcb.ca.gov/ust/policy/lt_elsplev071411.pdf) ) and State Water Board Resolution  
No. 2006-008( see attached).

So far, Sunquest has not established any criteria for the soil and groundwater cleanup at OU1.  
I'm worried that the high concentration of heavy metals such as arsenic and lead in the soil could  
potentially leachate into the groundwater. The TPH and metals in groundwater should be  
addressed according to the Risk Assessment and Remedial Action Plan.

Best Regards,

Steven

----- Forwarded Message -----

**From:** "Pal, Vic@Waterboards" <Vic.Pal@waterboards.ca.gov>  
**To:** Steven Johnson <jsteven116@yahoo.com>  
**Sent:** Wednesday, May 1, 2013 3:13 PM  
**Subject:** RE: OU2 remediation at Baylands Project

Hi Steven,

Thanks for sharing your comments regarding the development of the Brisbane Baylands site. Please see  
my response below:

When finalized, the EIR for the site will provide remedial alternatives for different land uses and  
therefore exposure scenarios. Once the EIR is certified, it will designate specific land uses for the  
various areas throughout the site. The Water Board typically does not interfere in land use decisions as  
we are not a land use agency. However, once land uses are known, remedial approaches and plans will  
be developed for Water Board review based on assessment of risk for the specific exposure scenarios.  
The Water Board is aware of current site conditions, and reviews results of ongoing monitoring. Until  
more information is provided regarding future land uses and development requirements, decisions  
regarding final remedial requirements are considered premature.

The points you raise in your email are examples of the kinds of review we go through in evaluating  
remedial alternatives and requirements for a site impacted by residual chemicals. A thorough review of  
site data and risk assessment will be accomplished for this site during our evaluation of remedial  
alternatives and subsequent requirements.

**From:** Steven Johnson [mailto:jsteven116@yahoo.com]  
**Sent:** Friday, April 26, 2013 2:57 PM  
**To:** Pal, Vic@Waterboards  
**Cc:** Roberson, Keith@Waterboards  
**Subject:** Re: OU2 remediation at Baylands Project

5-574

Dear Mr. Pal,

Thank you again for your response. I have a few questions and comments, which I have written below in red:

---

**From:** "Pal, Vic@Waterboards" <Vic.Pal@waterboards.ca.gov>  
**To:** Steven Johnson <jsteven116@yahoo.com>  
**Cc:** "Roberson, Keith@Waterboards" <Keith.Roberson@waterboards.ca.gov>  
**Sent:** Wednesday, April 3, 2013 4:21 PM  
**Subject:** RE: OU2 remediation at Baylands Project

Hi Steven,

Thanks for your email outlining your concerns with respect to the OU2 remediation at the Brisbane Baylands site. I've addressed each item below:

A) The default cleanup standard for most sites are MCLS. However, with respect to petroleum, the State Board has shifted its policy in recent years and now will consider closure of petroleum sites above MCLs provided certain conditions are met. Here is a link to the 2011 Policy document: [http://www.swrcb.ca.gov/ust/policy/lt\\_clspley071411.pdf](http://www.swrcb.ca.gov/ust/policy/lt_clspley071411.pdf). Additionally, it's not clear at this point whether the groundwater at this location is considered a drinking water source. Total Dissolved Solids have to be below 3000 throughout the site. Given that the Baylands and Landfill are adjacent to the Bay, the TDS might be high enough to exceed that threshold.

a). I am not sure if the new policy (Draft Low-Threat UST Closure Policy) can be applied to the site for the following reasons:

1. The site doesn't meet the items d, e, and f (see below) in General Criteria (see page 3):

d. Free product has been removed to the maximum extent practical.

e. A conceptual site model has been addressed.

f. Secondary source removal has been addressed.

2. The site doesn't meet the scenarios 1 and 2 of item 2 (Petroleum Vapor Intrusion to Indoor Air, see page 6) in the Media-specific Criteria, because the TPH concentrations in soil within 30' from the potential foundation at the site are much higher the allowable maximum concentrations.

b) The reports at the City library, prepared by Levin Fricke, showed that the most of TDS concentrations at Railyard were below 3,000 ppm. However, field tests should be conducted to verify the current TDS concentration to determine whether the groundwater at the site can be used for drinking water when necessary.

c) MCLs were deemed necessary to meet remedial goals for Schlage OU. The remedial goal for OU2 should follow this precedent.

3  
cont.



B) The mobile fractions of TPH need to be mitigated prior to development at the site. The immobile fractions will need to be evaluated under the previously referenced closure policy.

a). I am wondering how we can determine where the mobile fractions of TPH are, and where the immobile fractions of TPH are during the design stage (RAIP) . Is it possible to take this approach after the developer cap the site based on the revised OU2 RAP?

b). See my previous comments regarding whether the new closure policy can be applied to this site.

C) The leaching of metals into groundwater will certainly need to be evaluated, especially if it turns out that groundwater at this site is considered a drinking water source. The Dischargers will need to meet appropriate cleanup numbers (MCLs, Environmental Screen Levels, etc.).

D) To my knowledge, any development above the Bunker C plume will not be residential. If the final approved development plan changes substantially and this area is rezoned to residential, the water board will need to reconsider the potential incremental human health risk.

a) Will the concentration of the Bunker C plume be taken into consideration for any other type of development?

b) How close to a residential area would this plume have to be to be considered a health risk?

Cheers  
Vic

**From:** Steven Johnson [mailto:jsteven116@yahoo.com]  
**Sent:** Friday, March 29, 2013 3:15 PM  
**To:** Pal, Vic@Waterboards  
**Cc:** Roberson, Keith@Waterboards; Seward, Terry@Waterboards  
**Subject:** Re: OU2 remediation at Baylands Project

Dear Mr. Pal,

Thank you for your explanation. Below are our thoughts for the OU2 remediation approaches after we finished reviewing the revised OU2 RAP:

A. Based on Resolution No. 2006-008, the site could be suitable for municipal or domestic water supply. Under this scenario, the groundwater should be remediated to the MCL level. Is this one of the various mitigation measures being discussed?

B. Based on the pictures I provided, it could be not appropriate to conclude that Bunker C oil is a non-liquid, immobile mass. Additional remedial approach should be taken if the Bunker C cannot be considered as a non-liquid, immobile mass.

C. Does the area impacted with heavy metal in soil over 2,500 ppm concentration need to be remediated because of the leaching issue? Did the owner do the STCL tests to make sure if it could have any potential leaching issues?

D. Is it appropriate to have residential project situated adjacent to the Bunker C impacted area?

Best Regards,

Steven

---

**From:** "Pal, Vic@Waterboards" <Vic.Pal@waterboards.ca.gov>  
**To:** Steven Johnson <jsteven116@yahoo.com>  
**Cc:** "Roberson, Keith@Waterboards" <Keith.Roberson@waterboards.ca.gov>; "Seward, Terry@Waterboards" <Terry.Seward@waterboards.ca.gov>  
**Sent:** Tuesday, January 8, 2013 2:03 PM  
**Subject:** RE: OU2 remediation at Baylands Project

Hi Steven,

Thanks for your interest and concern in the matter. I am the project manager for the site. The purpose of the OU2 ditch interim remediation project was to protect the ditch from historical releases of bunker C emanating from the subsurface. The interim measure has been effective in stopping the ongoing releases of bunker C into the ditch. Investigations done over the years has pinpointed the source of the petroleum contamination to several acres within OU2.

In the draft EIR, we included language that identified the petroleum in OU2 and described the various mitigation measures that could be required to mitigate the impairment. I would be happy to hear your thoughts on the matter. However, please note that any email or written comments we receive would be part of the public record. The public and/or the developer would have access to this information.

Cheers  
Vic





STATE WATER RESOURCES CONTROL BOARD

**RESOLUTION NO. 88-63**

(as revised by Resolution No. 2006-0008)

ADOPTION OF POLICY ENTITLED  
"SOURCES OF DRINKING WATER"

WHEREAS

1. California Water Code section 13140 provides that the State Board shall formulate and adopt State Policy for Water Quality Control; and,
2. California Water Code section 13240 provides that Water Quality Plans "shall conform" to any State Policy for Water Quality Control; and,
3. The Regional Boards can conform the Water Quality Control Plans to this policy by amending the plans to incorporate the policy; and,
4. The State Board must approve any conforming amendments pursuant to Water Code section 13245; and,
5. "Sources of drinking water" shall be defined in the Water Quality Control Plans as those water bodies with beneficial uses designated as suitable, or potentially suitable, for municipal or domestic water supply (MUN); and,
6. The Water Quality Control Plans do not provide sufficient detail in the description of water bodies designated MUN to judge clearly what is, or is not, a source of drinking water for various purposes.
7. On February 1, 2006, the State Board adopted Resolution No. 2006-0008, which amended this policy to establish a site-specific exception for Old Alamo Creek.

THEREFORE BE IT RESOLVED:

All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply and should be so designated by the Regional Boards<sup>1</sup> with the exception<sup>2</sup> of:

---

<sup>1</sup> This policy does not affect any determination of what is a potential source of drinking water for the limited purposes of maintaining a surface impoundment after June 30, 1988, pursuant to Section 25208.4 of the Health and Safety Code.

<sup>2</sup> This policy contains general categories for exceptions from the policy. On February 1, 2006, the State Board adopted Resolution No. 2006-0008, which established a site-specific exception from the policy for Old Alamo Creek. The rationale for the site-specific exception is contained in the resolution and in State Board Order WQO 2002-0015, II.A.2.d.

1. Surface and ground waters where:

- a. The total dissolved solids (TDS) exceed 3,000 mg/L (5,000 uS/cm, electrical conductivity) and it is not reasonably expected by Regional Boards to supply a public water system, or
- b. There is contamination, either by natural processes or by human activity (unrelated to the specific pollution incident), that cannot reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices, or
- c. The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day.

2. Surface Waters Where:

- a. The water is in systems designed or modified to collect or treat municipal or industrial wastewaters, process waters, mining wastewaters, or storm water runoff, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards; or,
- b. The water is in systems designed or modified for the primary purpose of conveying or holding agricultural drainage waters, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards.

3. Ground water where:

The aquifer is regulated as a geothermal energy producing source or has been exempted administratively pursuant to 40 Code of Federal Regulations, section 146.4 for the purpose of underground injection of fluids associated with the production of hydrocarbon or geothermal energy, provided that these fluids do not constitute a hazardous waste under 40 CFR, section 261.3.

4. Regional Board Authority to Amend Use Designations:

Any body of water which has a current specific designation previously assigned to it by a Regional Board in Water Quality Control Plans may retain that designation at the Regional Board's discretion. Where a body of water is not currently designated as MUN but, in the opinion of a Regional Board, is presently or potentially suitable for MUN, the Regional Board shall include MUN in the beneficial use designation.

The Regional Boards shall also assure that the beneficial uses of municipal and domestic supply are designated for protection wherever those uses are presently being attained, and assure that any changes in beneficial use designations for waters of the State are



consistent with all applicable regulations adopted by the Environmental Protection Agency.

The Regional Boards shall review and revise the Water Quality Control Plans to incorporate this policy.

**CERTIFICATION**

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a policy duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 1988, and amended on February 1, 2006.

A handwritten signature in black ink, reading "Selica Potter", is written above a horizontal line.

Selica Potter  
Acting Clerk to the Board



SJohnson



5-581



SJohnson



5-582











**DRAFT Low-Threat UST Closure Policy**  
**7-14-11**

**Preamble**

The State Water Resources Control Board (State Water Board) administers the petroleum UST (Underground Storage Tank) Cleanup Program, which was enacted by the Legislature in 1984 to protect health, safety and the environment. The State Water Board also administers the petroleum UST Cleanup Fund (Fund), which was enacted by the Legislature in 1989 to assist UST owners and operators in meeting federal financial responsibility requirements and to provide reimbursement to those owners and operators for the high cost of cleaning up unauthorized releases caused by leaking USTs.

The State Water Board believes it is in the best interest of the people of the State that unauthorized releases be prevented and cleaned up to the extent practicable in a manner that protects human health, safety and the environment. The State Water Board also recognizes that the technical and economic resources available for environmental restoration are limited, and that the highest priority for these resources must be the protection of human health and environmental receptors. Program experience has demonstrated the ability of remedial technologies to mitigate a substantial fraction of a petroleum contaminant mass with the investment of a reasonable level of effort. Experience has also shown that residual contaminant mass usually remains after the investment of reasonable effort, and that this mass is difficult to completely remove regardless of the level of additional effort and resources invested.

It has been well-documented in the literature and through experience at individual UST release sites that petroleum fuels naturally attenuate in the environment through adsorption, dispersion, dilution, volatilization, and biological degradation. This natural attenuation slows and limits the migration of dissolved petroleum plumes in groundwater. The biodegradation of petroleum, in particular, distinguishes petroleum products from other hazardous substances commonly found at commercial and industrial sites.

The characteristics of UST releases and the California UST Program have been studied extensively, with individual works including:

- a. Lawrence Livermore National Laboratory report (1995)
- b. SB1764 Committee report (1996)
- c. UST Cleanup Program Task Force report (2010)
- d. Cleanup Fund Task Force report (2010)
- e. Cleanup Fund audit (2010)

In general, these studies have recommended establishing “low-threat case closure criteria” to maximize the benefits to the people of the State of California through judicious application of available resources.

The purpose of this policy is the establishment of low-threat petroleum site closure criteria. The policy is consistent with existing statutes, regulations, State Board precedential decisions and resolutions, and is intended to provide clear direction to responsible parties, their service



providers, and regulatory agencies. The policy seeks to increase UST cleanup process efficiency. A benefit of improved efficiency is the preservation of limited resources for mitigation of releases posing a greater threat to human and environmental health.

This policy is based in part upon the knowledge and experience gained from the last 25 years of investigating and remediating unauthorized releases of petroleum from USTs. While this policy does not specifically address other petroleum release scenarios such as pipelines or above ground storage tanks, if a particular site with a different release scenario exhibits attributes similar to those which this policy addresses, the criteria for closure evaluation of these non-UST sites should be similar to those in this policy.

This policy is a state policy for water quality control and applies to all sites governed by Health and Safety Code section 25296.10. The term “regulatory agencies” in this policy means the State Water Board, regional water boards and local agencies authorized to implement Health and Safety Code section 25296.10.

Definitions: Unless expressly provided in this policy, the terms in this policy shall have the same definitions provided in Chapter 6.7 of Division 20 of the Health and Safety Code and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations.

#### **Criteria for Low-Threat Case Closure**

In the absence of site-specific conditions that demonstrably increase the risk associated with residual petroleum constituents, cases that meet the general and media-specific criteria described in this policy do not pose a threat to human health, safety or the environment and are appropriate for UST case closure pursuant to Health and Safety Code section 25296.10. Cases that meet the criteria in this policy do not require further corrective action and shall be issued a uniform closure letter consistent with Health and Safety Code section 25296.10. Periodically, or at the request of the responsible party or party conducting the corrective action, the regulatory agency shall conduct a review to determine whether the site meets the criteria contained in this policy.

It is important to emphasize that the criteria described in this policy do not attempt to describe the conditions at all low-threat sites in the State. Regulatory agencies should issue a closure letter for a case that does not meet these criteria if the site is determined to be low-threat based upon a site specific analysis.

This policy recognizes that some petroleum-release sites may possess unique attributes and that some site specific conditions may make the application of policy criteria inappropriate. It is impossible to completely capture those sets of attributes that may render a site ineligible for closure based on this low-threat policy. This policy relies on the regulatory agency’s use of the conceptual site model to identify the special attributes that would require specific attention prior to the application of low-threat criteria. In these cases, it is the regulatory agency’s responsibility to identify the conditions that make closure under the policy inappropriate.



**General Criteria**

General criteria that must be satisfied by all candidate sites are listed as follows:

- a. The unauthorized release is located within the service area of a public water system;
- b. The unauthorized release consists only of petroleum;
- c. The unauthorized (“primary”) release from the UST system has been stopped;
- d. Free product has been removed to the maximum extent practicable;
- e. A conceptual site model has been developed;
- f. Secondary source removal has been addressed and
- g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code section 25296.15.

***a. The unauthorized release is located within the service area of a public water system***

This policy is protective of existing water supply wells. New water supply wells are unlikely to be installed in the shallow groundwater near former UST release sites. However, it is difficult to predict, on a statewide basis, where new wells will be installed, particularly in rural areas that are undergoing new development. This policy is limited to areas with available public drinking water supplies to reduce the likelihood that new wells in developing areas will be inadvertently impacted by residual petroleum in groundwater. Case closure outside of areas with a public water supply should be evaluated based upon this policy and a site specific evaluation of developing water supplies in the area.

***b. The unauthorized release consists only of petroleum***

For the purposes of this policy, petroleum is defined as crude oil, or any fraction thereof, which is liquid at standard conditions of temperature and pressure, which means 60 degrees Fahrenheit and 14.7 pounds per square inch absolute, including the following substances: motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils, including any additives and blending agents such as oxygenates contained in the formulation of the substances.

***c. The unauthorized release has been stopped***

The tank, pipe, or other appurtenant structure that released petroleum into the environment (i.e. the primary source) has been removed, repaired or replaced. It is not the intent of this policy to allow sites with ongoing leaks from the UST system to qualify for low-threat closure.

***d. Free product has been removed to the Maximum Extent Practicable***

At petroleum unauthorized release sites where investigations indicate the presence of free product, free product shall be removed to the maximum extent practicable. In meeting the requirements of this section:

- (a) Free product shall be removed in a manner that minimizes the spread of the unauthorized release into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable laws; (b) Abatement of free product migration shall be used as a minimum objective for the design of any free product removal system; (c) Flammable products shall be stored for disposal in a safe and competent manner to prevent fires or explosions.



***e. A conceptual site model has been developed***

The Conceptual Site Model (CSM) is a fundamental element of a comprehensive site investigation. The CSM establishes the source and attributes of the unauthorized release, describes all affected media (including soil, groundwater, and soil vapor as appropriate), describes local geology, hydrogeology and other physical site characteristics that affect contaminant environmental transport and fate, and identifies all confirmed and potential contaminant receptors (including water supply wells, surface water bodies, structures and their inhabitants, etc.). The CSM is relied upon by practitioners as a guide for investigative design and data collection. Petroleum release sites in California occur in a wide variety of hydrogeologic settings. As a result, contaminant fate and transport and mechanisms by which receptors may be impacted by contaminants vary greatly from location to location. Therefore the CSM is dynamic and unique to each individual release site. All relevant site characteristics identified by the CSM should be assessed such that the nature, extent and mobility of the release have been established to determine conformance with applicable criteria in this policy.

***f. Secondary source removal has been addressed***

“Secondary source” is defined as petroleum-impacted soil or groundwater located at or immediately beneath the point of release from the primary source. Unless site attributes prevent secondary source removal (e.g. physical or infrastructural constraints exist whose removal or relocation would be technically or economically infeasible), petroleum-release sites are required to undergo secondary source removal to the extent practicable as described herein. “To the extent practicable” means implementing a cost-effective corrective action which removes or destroys-in-place the most readily recoverable fraction of source-area mass. It is expected that most secondary mass removal efforts will be completed in one year or less. Following removal/destruction of the secondary source, additional removal and/or active remedial actions shall not be required by regulatory agencies unless (1) necessary to abate a demonstrated threat to human health or (2) the groundwater plume does not meet the definition of low threat as described in this policy.

***g. Soil and groundwater have been tested for MTBE and results reported in accordance with Health and Safety Code section 25296.15***

Health and Safety Code section 25296.15 prohibits closing a UST case unless the soil, groundwater, or both, as applicable have been tested for MTBE and the results of that testing are known to the regional water board. The exception to this requirement is where a regulatory agency determines that the UST that leaked has only contained diesel or jet fuel. Before closing a UST case pursuant to this policy, the requirements of section 25296.15, if applicable, shall be satisfied.



### **Media-Specific Criteria**

Releases from USTs can impact human health and the environment through contact with any or all of the following contaminated media: groundwater, surface water, soil, and soil vapor. Although this contact can occur through ingestion, dermal contact, or inhalation of the various media, the most common drivers of health risk are ingestion of groundwater from drinking water wells, inhalation of vapors accumulated in buildings, contact with near surface contaminated soil, and inhalation of vapors in the outdoor environment. To simplify implementation, these media and pathways have been evaluated and the most common exposure scenarios have been combined into three media-specific criteria:

1. Groundwater
2. Vapor Intrusion to Indoor Air
3. Direct Contact and Outdoor Air Exposure

Candidate sites must satisfy all three of these media-specific criteria as described below.

#### ***1. Groundwater***

This policy describes criteria on which to base a determination that risks to existing and anticipated future beneficial uses of groundwater have been mitigated or are de minimus, including cases that have not affected groundwater.

State Water Board Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* is a state policy for water quality control and applies to petroleum UST cases. Resolution 92-49 directs that water affected by an unauthorized release attain either background water quality or the best water quality that is reasonable if background water quality cannot be restored. Any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, not unreasonably affect current and anticipated beneficial use of affected water, and not result in water quality less than that prescribed in the water quality control plan for the basin within which the site is located. Resolution No. 92-49 does not require that the requisite level of water quality be met at the time of case closure; it specifies compliance with cleanup goals and objectives within a reasonable time frame.

Water quality control plans (Basin Plans) generally establish “background” water quality as a restorative endpoint. This policy recognizes the regulatory authority of the Basin Plans but underscores the flexibility contained in Resolution 92-49.

It is a fundamental tenet of this low-threat closure policy that if the closure criteria described in this policy are satisfied at a release site, water quality objectives will be attained through natural attenuation within a reasonable time, prior to the need for use of any affected groundwater.

If groundwater with a designated beneficial use is affected by an unauthorized release, to satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed below. A plume that is “stable or decreasing” is a contaminant mass that has expanded to its maximum extent: the distance from the release where attenuation exceeds migration.



- (1) a. The contaminant plume that exceeds water quality objectives is less than 100 feet in length.  
 b. There is no free product.  
 c. The nearest existing water supply well and/or surface water body is greater than 250 feet from the defined plume boundary.
- (2) a. The contaminant plume that exceeds water quality objectives is less than 250 feet in length.  
 b. The nearest existing water supply well and /or surface water body is greater than 1000 feet from the defined plume boundary.  
 c. The dissolved concentration of benzene is less than 3000 µg/l and the dissolved concentration of MTBE is less than 1000 µg/l.
- (3) a. The contaminant plume that exceeds water quality objectives is less than 250 feet in length.  
 b. Free product may be present below the site but does not extend off-site.  
 c. The plume has been stable or decreasing for a minimum of five years.  
 d. The nearest existing water supply well and/or surface water body is greater than 1000 feet from the defined plume boundary.  
 e. The property owner is willing to accept a deed restriction if the regulatory agency requires a deed restriction as a condition of closure.
- (4) a. The contaminant plume that exceeds water quality objectives is less than 1000 feet in length.  
 b. The nearest existing water supply well and/or surface water body is greater than 1000 feet from the defined plume boundary.  
 c. The dissolved concentration of benzene is less than 1000 µg/l and the dissolved concentration of MTBE is less than 1000 µg/l.
- (5) a. An analysis of site specific conditions determines that the site under current and reasonably anticipated near-term future scenarios poses a low threat to human health and safety and to the environment and water quality objectives will be achieved within a reasonable time frame.

*Sites with Releases That Have Not Affected Groundwater*

Sites with soil that does not contain sufficient mobile constituents (leachate, vapors, or LNAPL) to cause groundwater to exceed the groundwater criteria in this policy shall be considered low-threat sites for the groundwater medium. Provided the general criteria and criteria for other media are also met, those sites are eligible for case closure.

For older releases, the absence of current groundwater impact is often a good indication that residual concentrations present in the soil are not a source for groundwater pollution.

**2. Petroleum Vapor Intrusion to Indoor Air**



Exposure to petroleum vapors migrating from soil or groundwater to indoor air may pose unacceptable human health risks. This policy describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks. In many petroleum release cases, potential human exposures to vapors are mitigated by bioattenuation processes as vapors migrate toward the ground surface. For the purposes of this section, the term “bioattenuation zone” means an area of soil with conditions that support biodegradation of petroleum hydrocarbon vapors.

The low-threat vapor-intrusion criteria described below apply to release sites and impacted or potentially impacted adjacent parcels when: (1) existing buildings are occupied or may be reasonably expected to be occupied in the future, or (2) buildings for human occupancy are reasonably expected to be constructed in the near future. Appendices 1 through 4 (attached) illustrate four potential exposure scenarios and describe characteristics and screening criteria associated with each scenario. Petroleum release sites shall satisfy the media-specific screening criteria for petroleum vapor intrusion to indoor air and be considered low-threat for the vapor-intrusion-to-indoor-air pathway if:

- a. Site-specific conditions at the release site satisfy all of the characteristics and screening criteria of scenarios 1 through 3 as applicable, *or* all of the characteristics and screening criteria of scenario 4 as applicable; *or*
- b. A site-specific risk assessment for the vapor intrusion pathway is conducted and demonstrates that human health is protected to the satisfaction of the regulatory agency.

Exception: Exposures to petroleum vapors associated with historical fuel system releases are comparatively insignificant relative to exposures from small surface spills and fugitive vapor releases that typically occur at active fueling facilities. Therefore, satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose an unacceptable health risk.

### ***3. Direct Contact and Outdoor Air Exposure***

This policy describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses an insignificant threat to human health. Release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat if they meet any of the following:

- a. Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth below ground surface;
- b. Maximum concentrations of petroleum constituents in soil are less than levels that a site specific risk assessment demonstrates will have no significant risk of adversely affecting human health; *or*



- c. As a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls, the regulatory agency determines that the concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health.

**Table 1**  
Concentrations of Petroleum Constituents In Soil That Will Have No Significant Risk Of  
Adversely Affecting Human Health

| Depth<br>(feet) | Benzene<br>(mg/kg) | Naphthalene<br>(mg/kg) | PAH*<br>(mg/kg) |
|-----------------|--------------------|------------------------|-----------------|
| 0 to 5          | 2.3                | 13                     | 0.038           |
| 5 to 10         | 100                | 1500                   | 7.5             |

\*Notes: Based on the seven carcinogenic PAHs as benzo(a)pyrene toxicity equivalent [BaPe]. The PAH screening level is only applicable where soil was affected by either waste oil and/or Bunker C fuel.

### Low-Threat Case Closure

Cases that meet the general and media-specific criteria established in this policy satisfy the case-closure requirements of Health and Safety Code section 25296.10, including the requirement in State Water Board Resolution 92-49 that requires that cleanup goals and objectives be met within a reasonable time frame. If the site has been determined by the regulatory agency to meet the criteria in this policy, the regulatory agency shall notify responsible parties that they are eligible for case closure and that the following items, if applicable, shall be completed prior to the issuance of a uniform closure letter specified in Health and Safety Code section 25296.10. After completion of these items, the regulatory agency shall issue a uniform closure letter within 30 days.

- a. Notification Requirements – Public water supply agencies with jurisdiction over the water impacted by the petroleum release, permitting agencies with authority over the land affected by the petroleum release, owners of the property, and the owners and occupants of all adjacent parcels and all parcels that are impacted by the unauthorized release shall be notified of the proposed case closure and provided a 30 day period to comment. The regulatory agency shall consider any comments received when determining if the case should be closed or if site specific conditions warrant otherwise.
- b. Monitoring Well Destruction – All wells and borings installed for the purpose of investigating, remediating, or monitoring the unauthorized release shall be properly destroyed prior to case closure unless a property owner certifies that they will keep and maintain the wells or borings in accordance with applicable local or state requirements.

- c. Waste Removal – All waste piles, drums, debris and other investigation or remediation derived materials shall be removed from the site and properly managed in accordance with regulatory agency requirements.

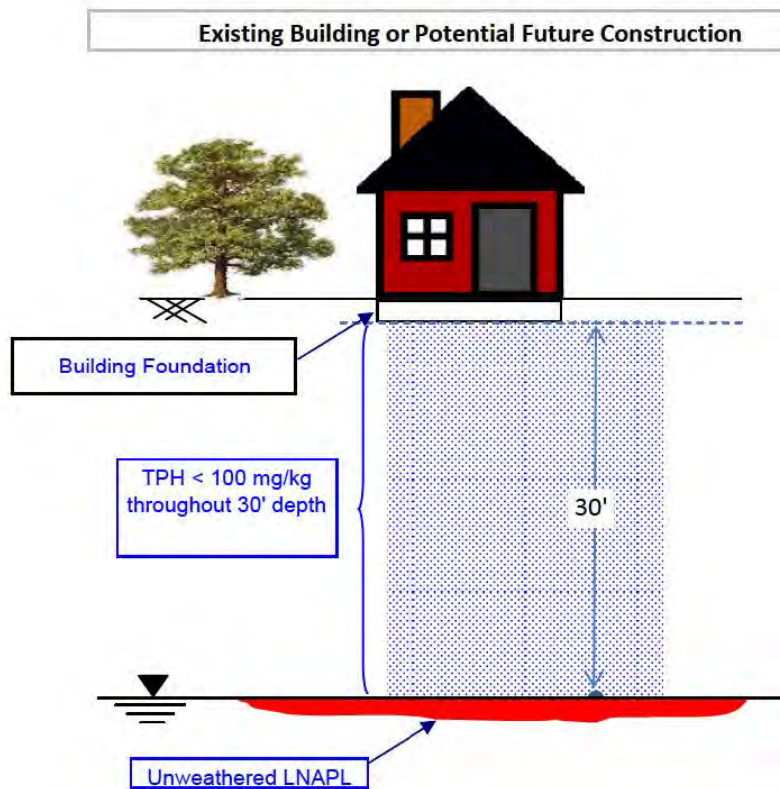
**Closing Comments**

This concludes the Low-Threat UST Closure Policy. This policy is based on existing statutes, regulations and State Water Board resolutions. This policy clarifies aspects of prior guidance and establishes criteria to be used by technical practitioners and all regulatory agencies in California.



**Appendix 1**  
**Scenario 1: Unweathered\* LNAPL in Groundwater**

**Required Characteristics of the Bioattenuation Zone**



**Required Characteristics of the Bioattenuation Zone:**

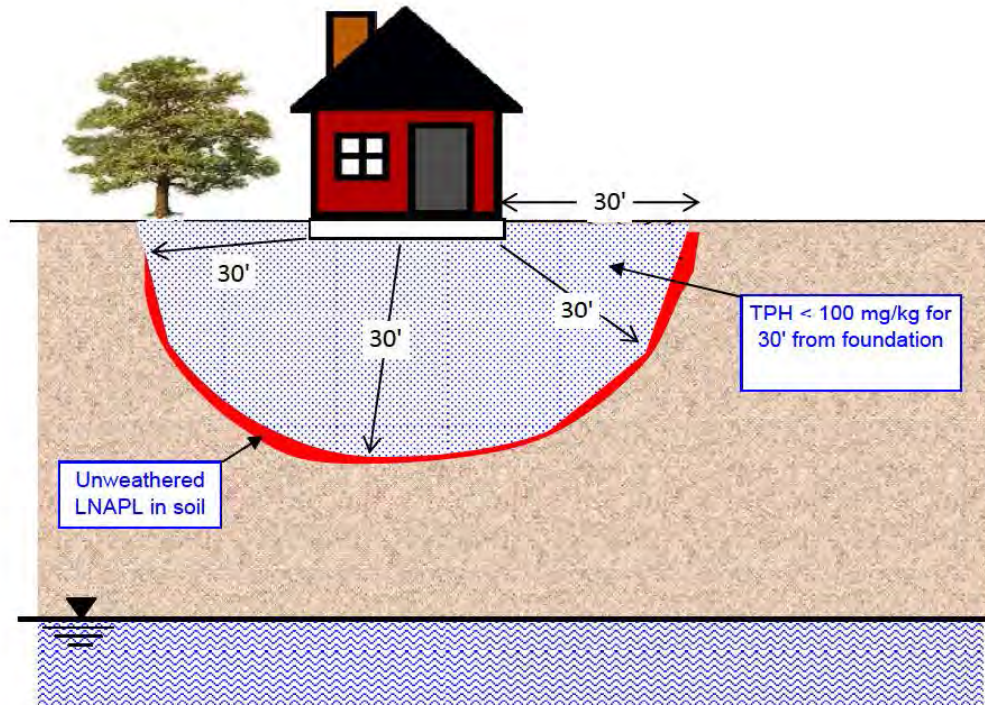
1. The bioattenuation zone shall be a continuous zone that provides a separation of at least 30 feet vertically between the LNAPL in groundwater and the foundation of existing or potential buildings; and
2. Total TPH (TPH-g and TPH-d combined) are less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

\*As used in this context, unweathered LNAPL is generally understood to mean petroleum product that has not been subjected to significant volatilization or solubilization, and therefore has not lost a significant portion of its volatile or soluble constituents (e.g., comparable to recently dispensed fuel).

**Appendix 2**  
**Scenario 2: Unweathered\* LNAPL in Soil**

**Required Characteristics of the Bioattenuation Zone**

Existing Building or Potential Future Construction



**Required Characteristics of the Bioattenuation Zone:**

1. The bioattenuation zone shall be a continuous zone that provides a separation of at least 30 feet both laterally and vertically between the LNAPL in soil and the foundation of existing or potential buildings, and
2. Total TPH (TPH-g and TPH-d combined) are less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

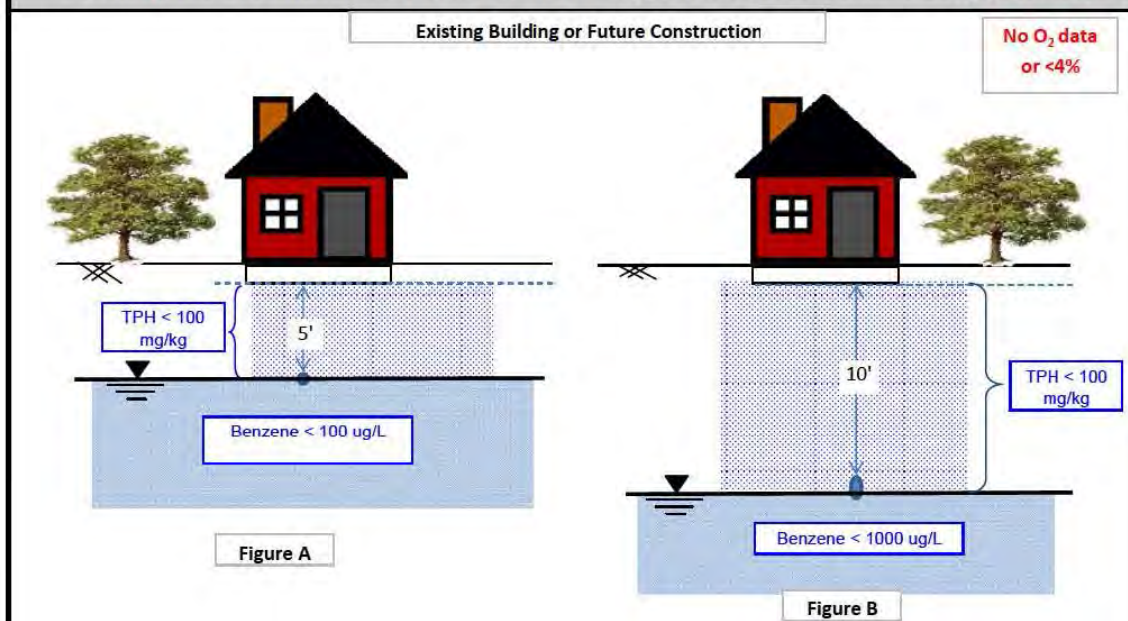
\*As used in this context, unweathered LNAPL is generally understood to mean petroleum product that has not been subjected to significant volatilization or solubilization, and therefore has not lost a significant portion of its volatile or soluble constituents (e.g., comparable to recently dispensed fuel).



## Appendix 3

**Scenario 3 - Dissolved Phase Benzene Concentrations Only in Groundwater**  
 (Low concentration groundwater scenarios with or without O<sub>2</sub> measurements)

**Defining the Bioattenuation Zone Without Oxygen Measurements or Oxygen <4%**



**Required Characteristics of Bioattenuation Zone For Sites Without Oxygen Measurements**

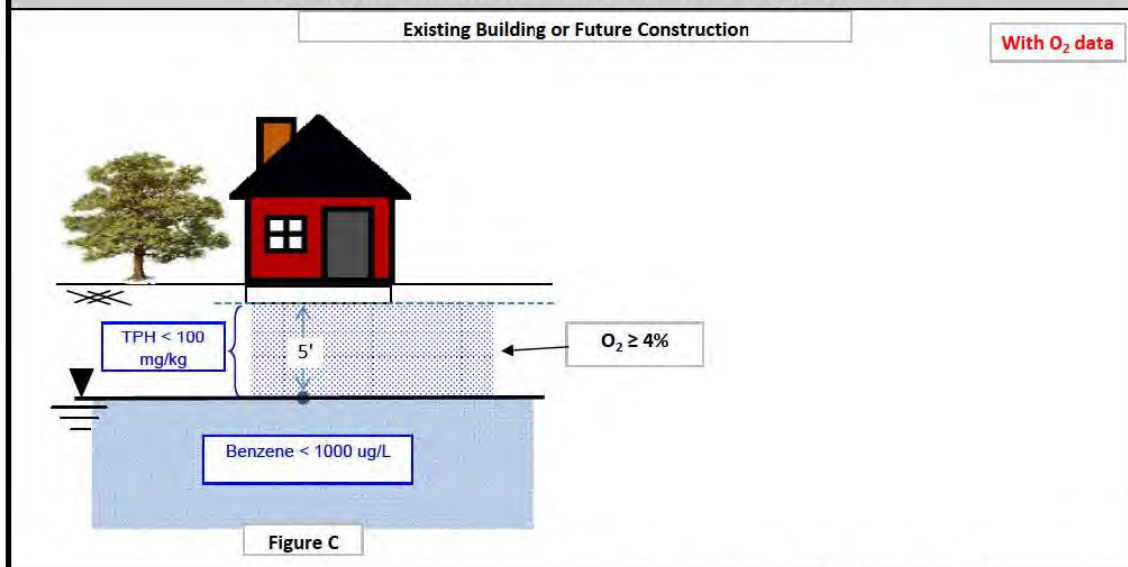
**Figure A:** 1) Where benzene concentrations are less than 100 ug/L, the bioattenuation zone:

- Shall be a continuous zone that provides a separation of at least 5 feet vertically between the dissolved phase Benzene and the foundation of existing or potential buildings; and
- Contain Total TPH (TPH-g and TPH-d combined) less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

**Figure B:** 1) Where benzene concentrations are greater than 100 ug/L but less than 1000 ug/L, the bioattenuation zone:

- Shall be a continuous zone that provides a separation of at least 10 feet vertically between the dissolved phase Benzene and the foundation of existing or potential buildings; and
- Contain Total TPH (TPH-g and TPH-d combined) less than 100 mg/kg throughout the entire depth of the bioattenuation zone.

**Defining the Bioattenuation Zone With Oxygen ≥ 4%**



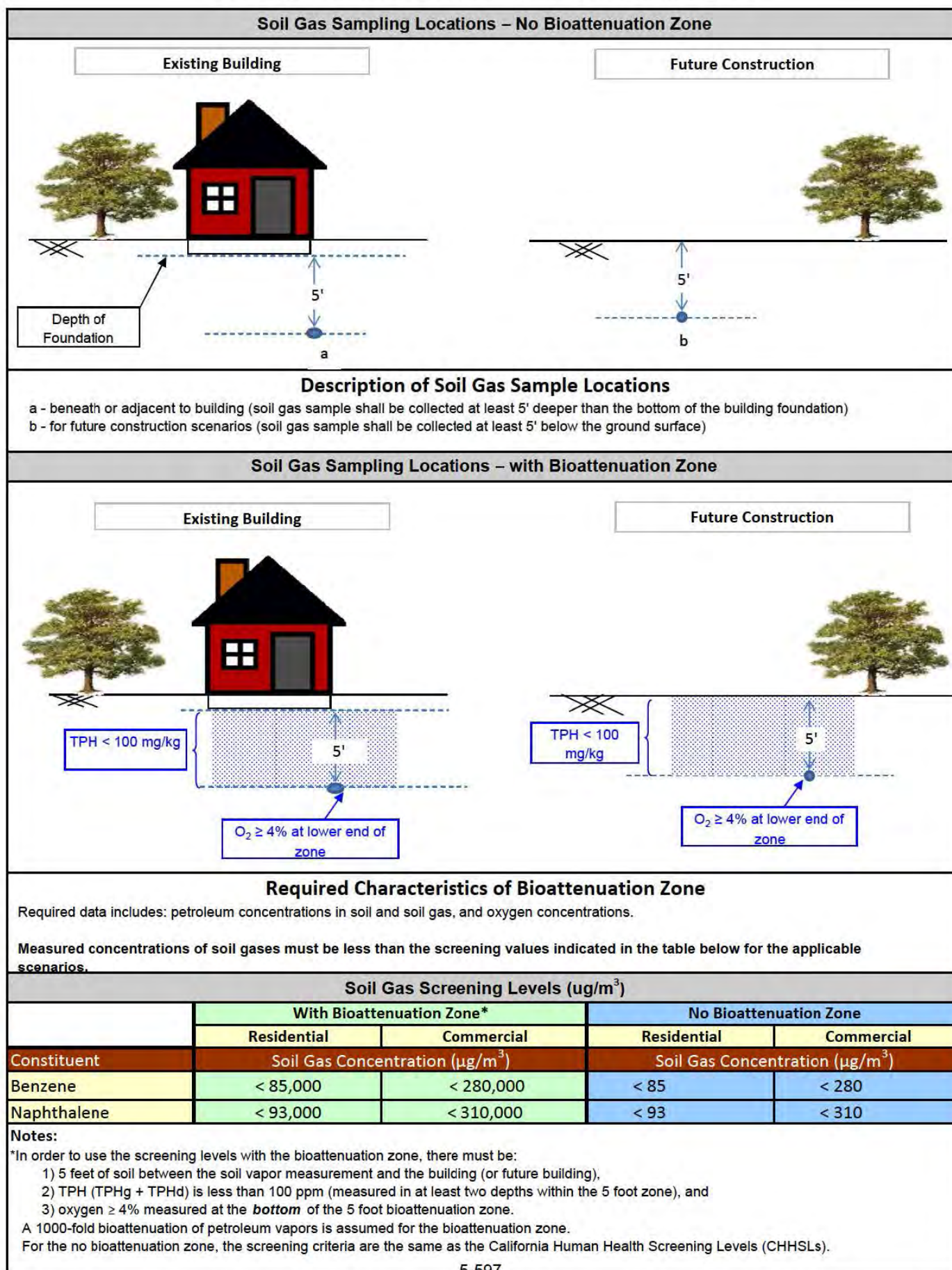
**Required Characteristics of Bioattenuation Zone For Sites With Oxygen ≥ 4%**

Where benzene concentrations are less than 1000 ug/L, the bioattenuation zone:

- Shall be a continuous zone that provides a separation of least 5 feet vertically between the dissolved phase Benzene and the foundation of existing or potential buildings; and
- Contain Total TPH (TPH-g and TPH-d combined) less than 100 mg/kg throughout the entire depth of the bioattenuation zone.



**Appendix 4**  
**Scenario 4 - Direct Measurement of Soil Gas Concentrations**





Roland Lebrun

[ccss@msn.com](mailto:ccss@msn.com)

Brisbane Baylands Draft EIR

January 19 2014

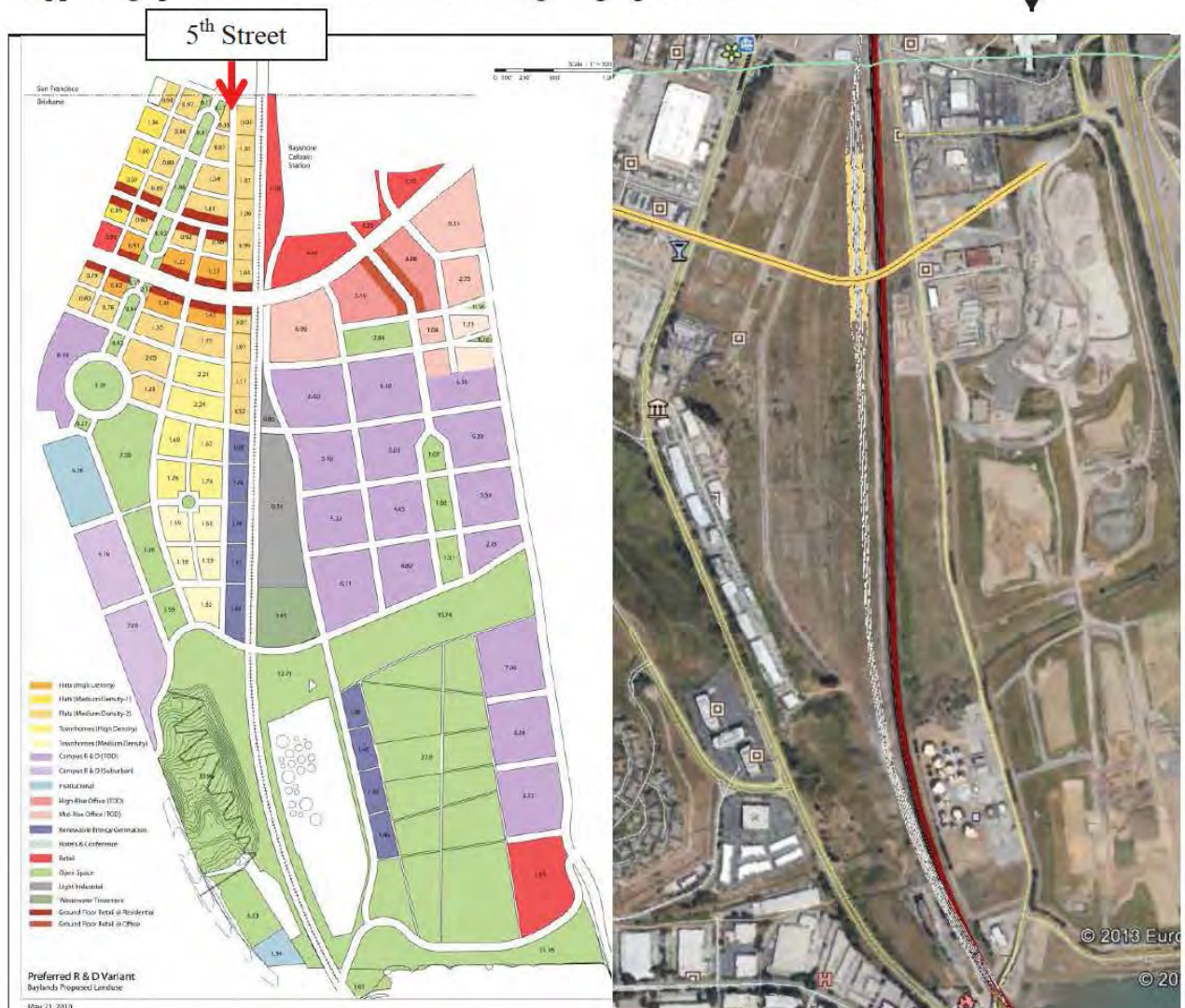
Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Brisbane Baylands Draft EIR.

While it is generally accepted that 200 MPH high speed trains will not appear in the Peninsula for at least another 20 years, plans for land use adjacent to the rail corridor should consider future higher speeds in the Peninsula with an eventual objective to connect San Jose to San Francisco in 30 minutes or less.

It is in this context that the DEIR should consider a new rail alignment capable of supporting speeds in excess of 100 MPH along the proposed future 5<sup>th</sup> Street.

1



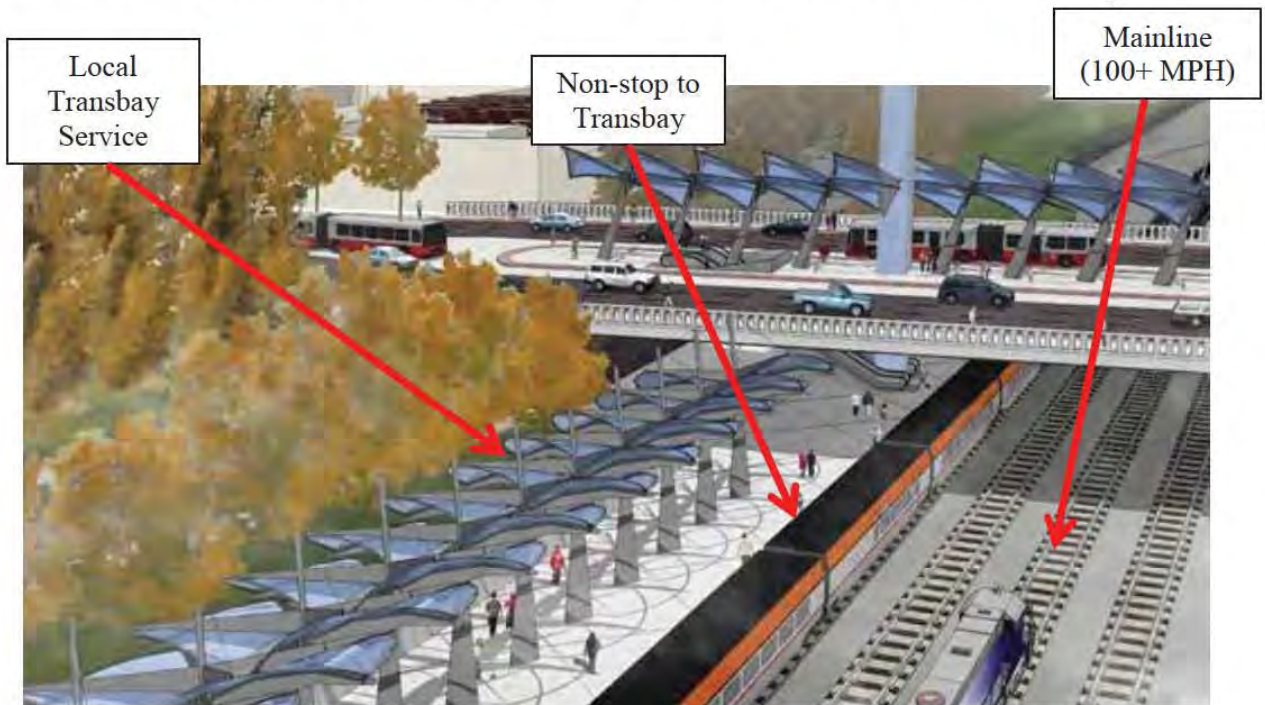


The relocation of the tracks and the Bayshore station to the 5<sup>th</sup> Street alignment would also significantly enhance transfers between Caltrain and the proposed Muni T-Third light rail station on 5<sup>th</sup> Street.

The relocated Bayshore station would have two additional tracks to facilitate cross-platform transfers between Baby Bullets (5-minute non-stop to Transbay) and locals stopping at Oakdale, 22<sup>nd</sup> Street, Mission Bay and the Transbay Terminal. The additional station and turnaround tracks would support a capacity of 12 trains/hour between Brisbane and Transbay, 10-20 years ahead of the rest of the Peninsula (Policy 6-12).

The impacts caused by the higher speeds of express trains should be mitigated by creating embankments on both sides of the tracks thereby giving the impression that the proposed Geneva Avenue extension is at grade while the platforms and the tracks are in a trench.

1  
cont.



The proposed new alignment would have the following additional advantages:

- Faster, safer and more cost-effective construction of the relocated Bayshore station, including connections to MUNI light rail and Geneva Avenue BRT.
- No construction impacts on Caltrain service.
- Foundation for a future 5-minute connection to San Francisco International (Transbay to SFO in 10 minutes, including a one-minute stop in Brisbane).

1  
cont.



Platform lengths.

Please refer to "Platform Dimensions" on page 13 of Chapter 3 of the Caltrain Engineering Standards: <http://www.caltrain.com/assets/engineering/engineering-standards-2/criteria/CHAPTER3.pdf> : *"The standard platform length shall be 700 feet to accommodate a six (6) car train consist. Platform design shall consider or not preclude a possible expansion of platform length to 1000 feet"*

2

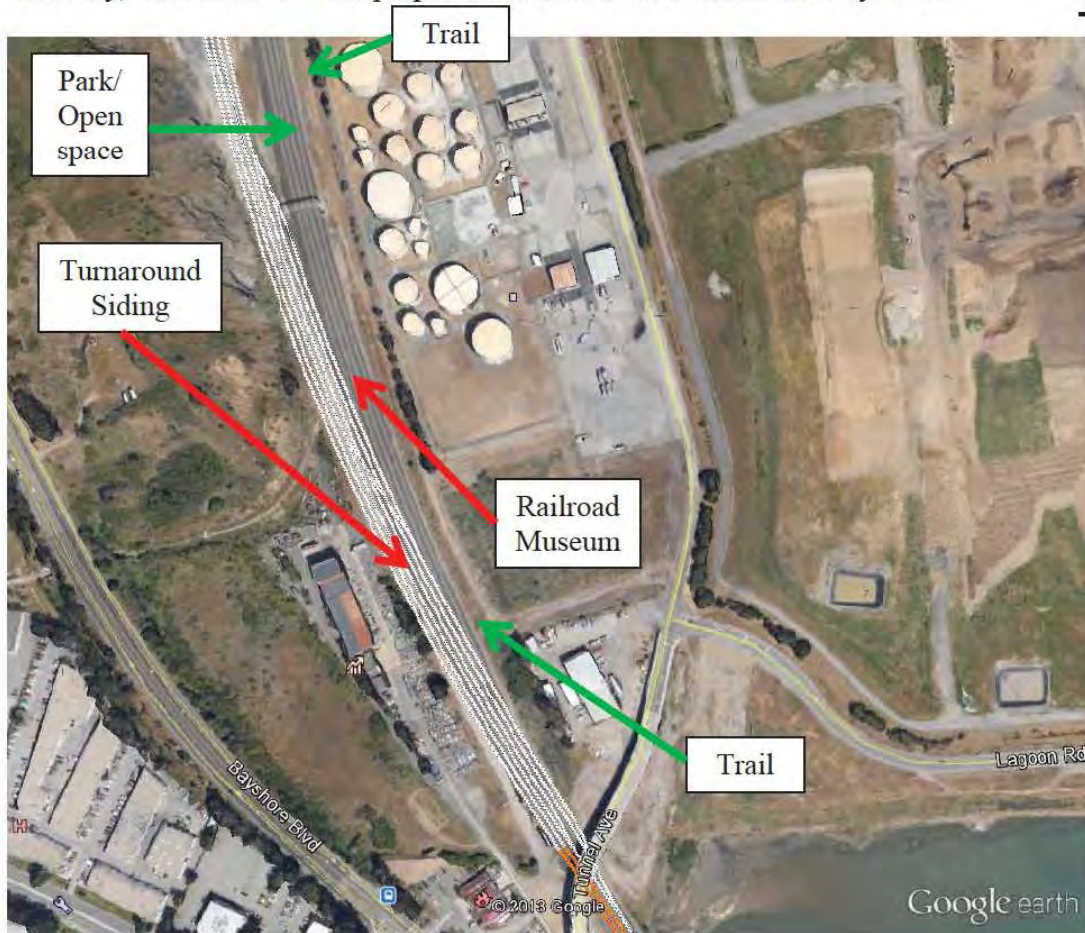
The DEIR should consider this 1,000-foot requirement because it would enable a Bayshore Caltrain station entrance at Beatty Avenue which is within walking distance of the Schlage Lock development. The DEIR should also consider extending the platforms south of Geneva Avenue to match Transbay's 1,330-foot platform lengths for two reasons: support for double-length Caltrain consists capable of transporting 2,000 passengers to/from special events in downtown San Francisco and/or Brisbane and the ability to disembark and turn around full-length HSR trains in case of an emergency between Brisbane and the Transbay terminal.





- Relocation of the mainline would also facilitate the repurposing of the existing tracks between Ice House Hill and the Kinder Morgan Energy Tank Farm into a siding yard and a location for the future railroad Museum while maintaining an opportunity for a linear park and trail connection between the siding yard and the Tank Farm. The siding yard could provide off-peak storage for up to 8 Caltrain consists as well as the ability to turnaround additional train service (up to 6 additional trains/hour between Bayshore and Transbay) over and above the proposed maximum six Caltrains/hour by 2019.

3



Thank you for considering these enhancements to this exciting project.

Sincerely,

Roland Lebrun



**Swiecki, John**

**From:** Ross Libenson [ross.libenson@gmail.com]

**Sent:** Thursday, November 14, 2013 10:16 AM

**To:** Swiecki, John

**Subject:** Keep Candlestick Windy

Mr. Swiecki-

I am a member of the San Francisco Boardsailing Association and an active user of the Candlestick windsurfing site. I am writing you with grave concern about the adverse impact on water recreational opportunities at Candlestick Park by the proposed Brisbane Baylands Project. I am particularly concerned about building height and reduction of wind/recreational opportunity by the proposed project.

Please support the mitigation suggested by SFBA as follows:

- Clustering of multi-story development on the southern portion of the plan area well to the south of the Alemany Gap.
- Streamlining all buildings and orienting them to limit their impact on winds at the Candlestick Sailing Area.
- Requiring a specific plan for any development on the northern portion of the site, which repeats the wind analysis by wind tunnel for that development, and includes such measures as lowering the overall height of the development and/or streamlining to prevent any reduction in wind speed or increase in turbulence and extreme wind conditions.
- Ensuring that multistory buildings are built as far west and as far from the water as possible.
- Reducing the maximum allowable building height to a level that does not exceed the sites current maximum elevation from sea level (i.e. max height of the existing mounds of dirt on the site or existing buildings where no dirt mounds exist).

Ross.

**Ross Libenson**

**300 Lakeside Drive, Suite 1000**

**Oakland, CA 94612**

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# Brisbane Baylands

## Draft Environmental Impact Report

### Comments from Fran Martin, Visitacion Valley Resident

It is expected that one address issues of concern in a DEIR in an impersonal and detailed manner. Given the enormity and massive amount of information in the Brisbane Baylands DEIR, I am going to give an overall impression. I have concentrated on traffic, aesthetic, open space and Recology expansion issues and left the details and myriad issues to others better qualified.

Visitacion Valley is the neighborhood that will be most impacted by each of the development proposals for the Brisbane Baylands. The overall tenor of the DEIR does not take into account the needs of Visitacion Valley residents (as well as the Daly City/Bayshore neighborhood). Each of the plans disregards the health, well-being and rights of those living in Visitacion Valley, which includes Little Hollywood, Executive Park and the future Schlage Lock development. Ultimately, this is a question of social justice.

The least harmful plan to our neighborhood is the Community Proposed Plan. However, I am not adverse to housing where safe on the Baylands.

Even though the Baylands development is directly adjacent to Visitacion Valley, there is no formal governing body for planning issues that encompasses and represents the 3 cities and 2 counties in the greater Visitacion Valley Watershed. For the most part there has been no formal vehicle to share our viewpoints and little empathy towards those most heavily impacted by this massive development.

This development will create an overwhelming disruption of Visitacion Valley's character. In the aesthetic section (4.A) viewpoints of the site did not include any from the vantage of a major number of households on streets which look out on the site from the Visitacion Valley's amphitheater-like topography. The Sunnydale Avenue viewpoint is not representative enough of a sample to show the actual visual impact on the greater neighborhood. Yet, the Brisbane viewpoint from a hillside a mile or so away takes precedence over much more important vantage points that exist in Visitacion Valley. Perhaps, if our neighborhood were in Brisbane, much more attention would be paid to nearby viewing sites and the welfare of those living there.

Visitacion Valley's identity will be completely reconfigured to its detriment with a wall of buildings between it and the Bay, as well as Brisbane proper. When looking across Bayshore Boulevard from homes in Visitacion Valley (and Daly City), one will be confronted by a fortress of buildings out of context with the local neighborhood architecture and landscape. All along Bayshore Boulevard and other main arteries, buildings need to be stepped back. The tallest buildings should be in the center of the massing and not have massive, blocky footprints.

All of the proposals create a barrier between Visitacion Valley and Brisbane. Intrinsic to the DEIR is the attitude that what is not desired in Brisbane will be built at the northern end of the Valley adjacent to and at the social/economic/aesthetic/health expense of Visitacion Valley. All the site scenarios create a green barrier between Brisbane and its proposed dense development, as well as Visitacion Valley.

Meanwhile, the green connection to the southern portion of the site from the population center in Visitacion Valley is minimal. There should be a significant open space component in the northern



part of the site where people will live in order to insure a healthy environment and environmental justice.

4  
cont.

This development will exacerbate the already intractable traffic problems that Visitacion Valley endures. (Section 4.N) So many of the intersections and 101 access and egress will be LOS F that traffic movement will be at a standstill in Visitacion Valley during peak hours. Yet, Brisbane proper will not be as affected since it will not be directly in the line of fire.

5

The negative aspects of the development are being concentrated in the north next to Visitacion Valley far from the view and experience of Brisbane residents. Again, this is an issue of social justice. Arguably, Visitacion Valley is the most neglected neighborhood in San Francisco. In the North, abandoned by city government, it lacks proper representation and has become the repository for what the City does not want in its other, more affluent and influential neighborhoods. To the South is Brisbane, which also seems from the DEIR to view Visitacion Valley less than benevolently. So our neighborhood is sandwiched between 2 entities that do not have its welfare in mind. Every proposal views both literally and figuratively the site from the perspective of what is best for Brisbane without proper regard for those most affected.

6

Visitacion Valley is going to bear the burden of outdated planning methods based on the sovereignty of each city rather than looking at planning from a regional standpoint. Since Brisbane will benefit from State, County and Federal funding, there should be a mechanism for regional planning that will include both Visitacion Valley and Daly City in the planning for the enormously important Baylands site. Brisbane's integrity could still be protected, but so could the Visitacion Valley and Daly City residents who at this time have no voice in Brisbane's planning decisions.

The plans we have seen for the Recology expansion definitely will be harmful on many levels to those living in Visitacion Valley. The aesthetic, environmental, traffic, air quality and noise issues are of great concern. However, our neighborhood, which will be profoundly affected, has not been a part of the planning process. The current plans place the Recology office building on the southern edge of its property and parking for the garbage trucks will be directly across Tunnel Avenue from Schlage Lock, which will have 1,650 new housing units. The office building should be built on the northwestern edge to act as a visual and sound barrier for the rest of the Recology expansion. The garbage trucks should be hidden and not contribute to visual blight and exacerbate noise and light pollution.

7

In spite of recalcitrant government support, our community has built the Visitacion Valley Greenway, the Leland Avenue Streetscape Improvement Project, a new Library, begun planning for Sunnydale Housing Project and led the way for development at Schlage Lock. Visitacion Valley has demonstrated again and again its desire for new development that will create a healthy community and bring prosperity to our neighborhood. All we ask is a chance to have a voice in planning for the Baylands. We want to insure the best possible outcome for our future residents in Visitacion Valley, as well as Brisbane and Daly City.

8

Thank you.

Fran Martin

186 Arleta Avenue  
San Francisco, CA 94134  
415-216-8560

RECEIVED

Nelson

JAN 6 2 2014

Copy

January 1, 2014

Re: Brisbane Baylands  
Draft Environmental Impact Report  
State Clearinghouse #2006022136

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

cc. Brisbane City Council

Dear Mr. Swiecki,

I have restricted my comments below to the format and issues raised regarding the DEIR submitted and circulated as a "Program DEIR" for the Baylands subarea. I recommend that the City Council submit my comments to the City Attorney for consideration and advice.

1

*CEQA Guidelines 15168. Program EIR-An EIR that may be prepared on a series of actions that can be characterized as one large project and are related either geographically, or are "logical parts in the chain of contemplated action, or are in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."*

Compare this to the definition of a "Project EIR."

*CEQA Guidelines 15161. The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction and operation.*

2

A program DEIR typically generates controversy because it anticipates future submissions and because each time a subsequent submission is made for a project in the program, or the program or project is changed, one or more of the former environmental determinations gets reconsidered at length or should be reconsidered. But CEQA requires that a strong case must be made that a substantial increase in impacts over that identified in the program DEIR must occur in order to have the matter reexamined.

*CEQA Guidelines 15162. Where an EIR or Negative Declaration has been prepared it is not necessary to prepare an additional EIR or Negative Declaration unless substantial changes occur with respect to the circumstances under which the project is undertaken, and these changes will require important revisions in the previous EIR or Negative Declaration due to the involvement of new significant environmental impacts not covered in a previous document.*

1



Therefore, citizens and City officials should not be lulled into certifying a DEIR based on a promise that future environmental reviews will be forthcoming on one or more projects or individual factors.

2  
cont.

CHAPTER I introduces the DEIR as a "program environmental impact report." The argument for the appropriateness of this level of analysis is presented on page 1-7. It is based on the assumed ability of the DEIR to assess future impacts based on the current level of analysis. I recommend that the City be very conservative in this regard, given the number of sensitive and severe constraints on this site.

3

The "Project Site" encompasses 733 acres primarily within the Brisbane city limits. A portion is within the limits of the City and County of San Francisco.

The Brisbane General Plan requires that a Concept Plan for the entire property be submitted to the City prior to any development within the property. The intent of this requirement is to assure that the City understands the proposed future of the entire property so that it not be developed piecemeal without consideration of matters that would affect other portions of the property or the property as a whole. This is critical because the site has no infrastructure or services.

4

Two "Developer-Sponsored" Concept Plans have been submitted to the City. The First (DSP), according to the DEIR, was defined in the February 2011 Draft Baylands Specific Plan , which includes only the 684-acre portion within the City limits. It proposes 7 million square feet of office/retail /industrial /institutional uses, 4,434 residential units, and 135.6 acres of "lagoon" generating 12.1 million square feet of development. The second Developer-Sponsored Plan is an "Entertainment Variant" (DSP-V) which replaces the retail and office/research and development uses with entertainment-oriented uses, including a 17,000 to 20,000 seat sports arena, a 5,500 seat concern theater, a multiple-screen cinema, conference/exhibition space and hotel rooms and 4,434 residential units generating 12.0 million square feet.

5

Table 1-1 lists the "Project Components" included in both concept plans and analyzed in the DEIR. These are described in more detail in Chapter Three. The Components listed in the Table are: Concept Plan, General Plan Amendments, Specific Plan, Site-Specific Development, Site Remediation, Importation of Water Supply and Onsite Recycled Water Plant. The Table has an important footnote explaining that the requirement for a Specific Plan would require preparation of a future environmental analysis. However, this is not supported in the text. What is included in the text is that the analysis contained in this DEIR will be reviewed to see if additional environmental review is required for subsequent City actions. It also says that the City would expect to use the information in this DEIR to support any future environmental review. This is a critical assumption.

I am sure that all reviewers would say that it is a struggle to understand what is covered in this DEIR. The difficulty comes because the document is massive and

6

combines a Program DEIR with Project analyses. There is no clear separation of the two. So reviewers must always ask themselves whether a proposal is at the programmatic level or is actually a project and, if a project, is the description and the analysis sufficient to evaluate the environmental impacts. Are the mitigations identified truly pertinent to the project or are they part of a laundry list of potential impacts and mitigations that may or may not apply. Are the mitigations real actions or simply platitudes? Two small examples of the difficulties follow.

6 cont.

**Example #1: Aesthetics and Visual Resources.** The DEIR suggests a number of aesthetic mitigations for the impacts of the project/program on aesthetics and visual resources, including one that requires "variations in building height." The analysis does not include hard information on how the building height would be measured from grade and which grade. The final grade of the site could well be 30 feet or more above the "ground" given the interest in using fill in any remediation plan and this could well be ten or more feet above Tunnel Road. So certainly more specific information regarding final grade of the fill and how drainage will be handled in regard to Tunnel Road should be available before "variations in building height" could be considered as a mitigation.

7

**Example #2: Lighting Impacts.** The project area is directly downslope from a small-scale residential area. It is within the visual corridor of a State and County Park with endangered species and directly adjacent to a lagoon with tidal action. The factor analysis says that a number of typical mitigations (cobra-head lights, restrictions on decorative lighting etc.) reduce the impacts to less than significant. The typical mitigations listed are banal (does anyone use cobra-heads in new development now and will they in 20 years?), do not address the types of lighting that would be required for DSP-V, which includes a sports arena, multiple screen multiplex etc. which would certainly result in discomfort for residents and perhaps adversely affect biological resources.

8

Those examples aside, another concern that the City should consider is that this project is expected to develop over at least 20 years, during which time additional technical information and new technologies and understanding of the issues will no doubt become available, not only in regard to construction practices, but especially in regard to toxic substances and remediation. See the text on page 1-8, 5<sup>th</sup> paragraph, which assumes no further environmental consideration once the DEIR is certified. Should the City approve mitigation measures that stretch over such a long term without an ability to reevaluate or intervene with different or additional measures if necessary?

9

In regard to the Section on Alternatives Intended to Avoid Significant Impacts of the Proposed Project, since the DEIR covers General Plan Amendments and describes them as projects, I would like to see a clear and detailed analysis comparing the proposals for the full project and "reduced intensity" to the existing 1994 General Plan EIR analysis in terms of traffic (trips per type of use and square footage), water

10



use, intersection analysis and air quality, so the changes proposed and their impacts can be clearly understood.

↑ 10  
cont.

Another concern: Because of the potential for argument in terms of subsequent determinations of impacts and mitigations, pertinent hard data should be included in the DEIR which should be as precise as possible. Do not leave the pertinent data in the appendixes which tend to disappear over the years. Thresholds should be identified.

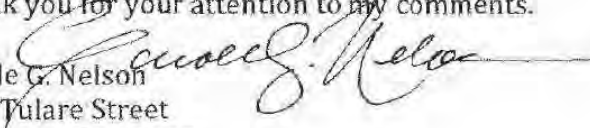
↑ 11

In conclusion, I raise concerns about whether it is a responsible action to certify a DEIR with unclear proposals, lack of analysis, unresponsive mitigation measures etc. Can the City identify issues and actions that must be deferred until there is more information so that additional environmental review is guaranteed? This is a legal matter.

↑ 12

Thank you for your attention to my comments.

Carole G. Nelson  
257 Tulare Street  
Brisbane, CA 94005



**Alissa C. Perrucci, PhD, MPH**

812/818 Sierra Point Road  
Brisbane, CA 94005-1741  
(415) 613-8882  
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January 23, 2014

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

RE: Comments on the Draft EIR

Impact 4.B-1: *Project Site development would result in substantial localized dust during the anticipated 20-year construction period.* Mitigation Measure 4.B-1 includes watering two times per day and the use of a wet power vacuum. These measures themselves will lead to increased water use and depletion of water stores. Chemicals within the dust and dirt will not simply disappear due to the use of water; water application will temporarily abate dust only to return once the water has evaporated. Water run-off will transfer the chemicals to the watershed. The Draft EIR should have reached the conclusion of SU for Significance after Mitigation.

1

Impact 4.B-5-7: *Sensitive receptors would not be exposed to substantial concentrations of toxic air contaminants or respirable particulate matter (PM<sub>2.5</sub>) as the result of Project Site development.* The potential for human exposure to toxic air contaminants, particulate matter, carbon monoxide is vast and the breadth and depth of which is not entirely known. The Site is contaminated with chemicals known to be harmful to human health and chemicals whose negative impact is still to be determined. The Draft EIR should have reached the conclusion of SU for Significance before and after Mitigation.

2

Impact 4.M-1: *The DSP and DSP-V scenarios provide for park and recreational land in excess of Brisbane Municipal Code requirements, and would therefore not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.* The Draft EIR should have reached a conclusion for SU for Significance before and after Mitigation. Proposed parks and recreation facilities in the Developer-Sponsored Plans notwithstanding, the increase in population to the area will result in an increase in persons using San Bruno Mountain State and County Park as well as the San Bruno Mountain trails accessible in Brisbane. Soil erosion on mountain trails will be accelerated. Influx of additional persons will result in congestion in Brisbane street parking, car emissions from the traffic, increased noise, and growth in litter and garbage accumulation. The increase in persons residing in the area will result in an increase in the use of the Brisbane pool; this will result in accelerated deterioration of the facility.

3



RECEIVED

Ridley

OCT 09 2013

Comm. Dev. Dept. Brisbane

San Francisco  
26 September 2013

John Swiecki, AICP  
Communications Development Director  
City Of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki,

We have been monitoring bird populations on San Bruno Mountain and Brisbane Lagoon each December for the past 16 years as part of the annual San Francisco Christmas Bird Count, Area 12. We are both Biologists who have been teaching about birds, leading field trips and observing birds throughout the Bay Area for the past 40 years.

We are enclosing two spreadsheets of species observed on the Brisbane Lagoon for the past 5 years. We have observed 45+ species using Brisbane Lagoon during these mid-winter counts. As the data indicate, there are an abundance and diversity of birds utilizing the lagoon for feeding and resting. We have found considerable differences in the presence of bird species depending on the stage of the tides. Diving species such as Grebes, Bufflehead, Ruddy Ducks and Surf Scoters prefer incoming or falling tides whereas shoreline probers such as Sandpipers, Stilts, Curlews, Godwits, Plovers, Herons & Egrets, enjoy the lower tides with exposed mudflats. Much of the variation in species we record year to year, reflect differences in tidal stage at the time of our count visits. It is clear, even from these limited annual observations, that Brisbane Lagoon is a vital feeding & resting place for considerable numbers of diverse species of migrating and overwintering birds.

Recreational boating and the increased presence of dogs and cats, that would likely accompany development of Brisbane Lagoon's shoreline habitat would be extremely disruptive to the birdlife presently utilizing this small, quiet and defined tidal lagoon.

Please feel free to contact us if you have further questions on the bird observation data we've included or if you would like to see numerical data from earlier years.

Yours truly,



Allan Ridley & Helen McKenna-Ridley  
519 Belvedere St.  
San Francisco, CA 94117  
[allanrid@pacbell.net](mailto:allanrid@pacbell.net)  
415-516-5999

cc:  
Jack Dumbacher, Cal. Academy  
Mike Lynes, GG Audubon  
Dan Murphy, GG Audubon, CBC Chair  
Ginny Marshall, Sequoia Audubon

12/20/07

Brisbane Lagoon  
Christmas Bird Count

Ridley

Golden Gate Audubon Society

Species presence

| Species                                      | 1999 | 2001 | 2005 | 2006 |
|--|------|------|------|------|
| 1 Common Loon                                | 1    | 1    | 1    | 1    |
| 2 Red-throated Loon                          | 1    |      |      |      |
| 3 Pied-billed Grebe                          | 1    |      |      | 1    |
| 4 Horned Grebe                               | 1    |      |      | 1    |
| 5 Clark's Grebe                              | 1    |      |      | 1    |
| 6 Western Grebe                              | 1    | 1    |      | 1    |
| 7 Brown Pelican                              | 1    |      | 1    | 1    |
| 8 Double-crested Cormorant                   | 1    |      | 1    | 1    |
| 9 Great Blue Heron                           | 1    |      | 1    | 1    |
| 10 Great Egret                               |      |      |      | 1    |
| 11 Snowy Egret                               | 1    | 1    | 1    | 1    |
| 12 Black-crowned Night Heron                 | 1    |      |      |      |
| 13 Canada Goose                              |      |      | 1    | 1    |
| 14 Lesser Scaup                              | 1    | 1    | 1    | 1    |
| 15 Surf Scoter                               | 1    | 1    | 1    |      |
| 16 Bufflehead                                | 1    | 1    | 1    | 1    |
| 17 Common Goldeneye                          | 1    | 1    | 1    | 1    |
| 18 Red-breasted Merganser                    | 1    | 1    |      | 1    |
| 19 Ruddy Duck                                | 1    | 1    | 1    | 1    |
| 20 Mallard                                   |      | 1    |      |      |
| 21 Canvasback                                | 1    | 1    |      | 1    |
| 22 Sharp-shinned Hawk                        |      |      |      | 1    |
| 23 Red-shouldered Hawk                       |      |      |      | 1    |
| 24 American Coot                             | 1    | 1    | 1    | 1    |
| 25 Black-necked stilt                        | 1    | 1    | 1    | 1    |
| 26 American Avocet                           | 1    |      | 1    | 1    |
| 27 Willet                                    | 1    |      | 1    |      |
| 28 Greater Yellow Legs                       |      | 1    |      |      |
| 29 Whimbrel                                  |      | 1    |      |      |
| 30 Black-bellied Plover                      | 1    |      |      |      |
| 31 Least Sandpiper                           |      |      |      | 1    |
| 32 Dunlin                                    | 1    |      |      | 1    |
| 33 Common Snipe                              |      |      |      | 1    |
| 34 Long-billed Curlew                        |      |      |      | 1    |
| 35 Western Sandpiper                         | 1    |      |      |      |
| 36 Mew Gull                                  | 1    |      |      |      |
| 37 California Gull                           | 1    | 1    | 1    | 1    |
| 38 Herring Gull                              |      |      |      |      |
| 39 Glaucous-winged Gull                      |      |      | 1    |      |
| 40 Western Gull                              |      |      | 1    |      |
| 41 Forrester's Tern                          | 1    | 1    |      | 1    |
| 42 Belted Kingfisher                         | 1    | 1    |      | 1    |
| 43 Northern Harrier Hawk                     |      |      |      | 1    |
| 44 Ring-billed Gull                          |      | 1    |      |      |
| 45 Common Loon                               | 1    |      | 1    |      |
| 46   |      |      |      |      |
| 47 TOTAL SPECIES <i>observed<br/>by year</i> | 30   | 19   | 19   | 30   |



| CBC Brisbane Lagoon      | 2008   | 2009   | 2010   | 2011   | 2012   |          |
|--------------------------|--------|--------|--------|--------|--------|----------|
| Species Name             | Number | Number | Number | Number | Number | observed |
| Common loon              | 1      | 0      | 0      | 1      | 0      |          |
| Clark's grebe            | 4      | 0      | 5      | 1      | 0      |          |
| Western grebe            | 6      | 3      | 5      | 8      | 13     |          |
| Eared grebe              | 4      | 3      | 0      | 3      | 1      |          |
| Horned grebe             | 6      | 1      | 1      | 0      | 1      |          |
| Double-crested cormorant | 6      | 2      | 2      | 0      | 0      |          |
| Great blue heron         | 2      | 1      | 0      | 0      | 0      |          |
| Great egret              | 2      | 0      | 1      | 0      | 0      |          |
| Snowy egret              | 2      | 0      | 6      | 4      | 1      |          |
| Mallard                  | 7      | 5      | 4      | 1      | 7      |          |
| Gadwall                  | 1      | 0      | 0      | 0      | 0      |          |
| Greater scaup            | 5      | 0      | 5      | 25     | 0      |          |
| Lesser scaup             | 107    | 47     | 11     | 25     | 11     |          |
| Surf scoter              | 9      | 2      | 30     | 6      | 9      |          |
| Common goldeneye         | 5      | 7      | 1      | 3      | 0      |          |
| Bufflehead               | 54     | 29     | 51     | 50     | 15     |          |
| Ruddy duck               | 50     | 47     | 84     | 73     | 22     |          |
| Turkey vulture           | 1      | 0      | 0      | 0      | 1      |          |
| Northern harrier         | 2      | 2      | 0      | 1      | 0      |          |
| Osprey                   |        | 0      | 0      | 0      | 1      |          |
| Coopers hawk             | 1      | 1      | 1      | 0      | 0      |          |
| Sharp-shinned hawk       | 1      | 0      | 0      | 0      | 0      |          |
| Merlin                   |        | 0      | 0      | 1      | 0      |          |
| Red-tailed hawk          | 1      | 1      | 2      | 1      | 1      |          |
| American kestrel         | 4      | 0      | 3      | 0      | 1      |          |
| Brown Pelican            |        | 2      | 0      | 2      | 1      |          |
| American coot            | 25     | 21     | 37     | 50     | 12     |          |
| Black-necked stilt       | 6      | 7      | 0      | 1      | 2      |          |
| Spotted sandpiper        | 2      | 2      | 0      | 1      | 2      |          |
| Ring-billed gull         | 1      | 1      | 2      | 2      | 1      |          |
| California gull          | 4      | 0      | 22     | 7      | 2      |          |
| Glaucous-winged gull     | 3      | 0      | 1      | 0      | 0      |          |
| Western gull             | 12     | 14     | 19     | 10     | 12     |          |
| Brandt cormorant         |        | 2      | 0      | 0      | 0      |          |
| Common Merganser         |        | 2      | 0      | 0      | 0      |          |
| Willet                   |        | 8      | 15     | 10     | 15     |          |
| Mockingbird              |        | 1      | 3      | 1      | 3      |          |
| Least sandpiper          |        | 0      | 29     | 150    | 0      |          |
| Belted kingfisher        |        | 0      | 1      | 0      | 1      |          |
| Red-breasted Merganser   |        | 0      | 0      | 2      | 0      |          |
| Canvas back              |        | 0      | 0      | 2      | 0      |          |
| Ruddy turnstone          |        | 0      | 0      | 0      | 10     |          |
| Killdeer                 |        | 0      | 0      | 1      | 0      |          |
| Long-billed curlew       |        | 0      | 0      | 1      | 0      |          |
| Marbled Godwit           |        | 0      | 0      | 1      | 0      |          |
| Dowitcher (sp)           |        | 0      | 0      | 50     | 0      |          |
| Forrester's tern         |        | 0      | 0      | 1      | 0      |          |
| Pied-billed grebe        |        | 0      | 0      | 0      | 2      |          |
| Total species:           | 30     | 24     | 25     | 32     | 25     |          |
| Observed by year         |        |        |        |        |        |          |

Total birds

48 species

RECEIVED

JAN 24 2014

Comm. Dev. Dept. Brisbane

LSalmon  
Rcvd  
1/25/14  
AMER

22 January 2014

To: The City of Brisbane

RE: Draft EIR Brisbane Baylands #2006022136

Honorable Planning Commissioners and City Council Members:

As a native of Brisbane and former Planning Commissioner and co-author of the old, but still legal and effective, current voter ratified General Plan for the City of Brisbane, I urge you to see the inherent inconsistencies and lack of real data and actual mitigations for possible potential impacts in this proposed Environmental Impact Report and to find this draft E.I.R. to be inadequate. 1

As admitted over and over in these 3,000 or so pages, no real determination can be made at this time as to any environmental impacts, or mitigations, for this conceptual proposal because, in reality, there is NO SPECIFIC PLAN as required by Brisbane's General Plan. A Project E.I.R, by its very nature, puts the cart before the horse.

UPC is attempting to circumvent CEQA safeguards for our community and the State of California, in asking for carte blanche approval of any and all future "development" of this area by using a Project E.I.R to approve a phantom project, yet-to-be-determined. And it is exactly this that our current General Plan specifically and deliberately prevents by requiring an absolutely Specific Plan for the entire area.

Piecemeal unspecified mitigations and approvals are being asked for unknown building, and if granted, will put all of the responsibilities for the future build-out of a variety of such projects, in a hodge-podge, patchwork, inconsistent pattern, onto the City of Brisbane, rather than on the shoulders of the "developer," which is where such responsibilities lie. This would pave the way for UPC to sell off bits and pieces of the project and their responsibility for it, here and there, potentially leaving Brisbane with a wrecked environment, unfinished or unoccupied buildings, disconnected or inadequate infrastructure, and no economic or other benefits over time, especially given the fluctuating nature of our economy. 2

It is our duty to make sure that any and all such proposals meet all CEQA guidelines (p. 7-2), with which, despite claims to the contrary, this conceptual proposal has serious issues regards transportation; water; open space and habitat; economic vitality with equity and ecology; and health, safety and happiness.

To give an idea of some of the inherent inconsistencies in trying to create an E.I.R in the absence of a specific plan, p. 3-38, in reference to one of the people's major concerns, the biological environment, we find ***"Issuance of an Incidental Take Permit [for the killing of an endangered species], if necessary, for special status species from CDFW will require completion of specific engineering designs for site-specific development and infra-structure to determine whether such permits would, in fact, be required"*** as a way of not having to actually address this issue in the draft E.I.R. because there is no specific plan. In fact, the entire issue of habitat and its conservation is sidestepped in this report, on p. 4.I-15, in claiming the 'project site' is not subject to any Habitat Conservation Plan, except for Ice House Hill, thereby obviating any responsibility for their erroneous claims that there are no species to protect, e.g. p. 4.C-64, 4.C-13, etc. 3



Although the draft E.I.R in question claims this phantom project to be consistent with things like protecting habitat and endangered species, the entire biological assessment is sorely lacking both truth and adequate detail. See p. 4.I-25 for example: It assumes there are no red-legged frogs in the area because of ground (4-C-64) water contaminants, and ignores the fact that this species, along with the chorus frog, and other, rare, amphibians, is indeed found in and around this 'project site.' (At willfully undisclosed locations; we cannot risk the repeat of UPC's poisoning of the 'glory hole of the frogs' in 2009 as noted on page 4.C-11 through their application of "herbicides.")

Just as this "report" doesn't really consider the nature of our wetlands, it assumes that there are no rookeries for the Blue Heron and the Egrets, even though their nests are all over the old rail yard areas – and the birds do in fact roost in the eucalyptus trees. One has only to observe the magnificent Blue Herons flying in, under the cloaking disguise of blue on blue, to the blue gum trees at dusk... How can any biologist miss what is so apparent to a local observer? Perhaps it's only about timing and length of observations?

Their people consistently miss all of the native plants in the area as well, claiming there are only invasive species. Let them see what we have done on our little patch of wetlands on the Crocker Park side, just by weeding out the non-native invasive species and encouraging the natives, with a little helpful seed gathering and propagation. Among the many native species in existence here, but not on their lists, their biologists completely miss the SF Damselfly. I can only guess that they don't know what one looks like, or when to observe them.

Furthermore, where this draft E.I.R. acknowledges that the proposal falls "short" on meeting various CEQA criteria for General Plan consistency, such as providing adequate recreational open space (p. 4.I-23), it claims this is "Not Applicable" with regard the CPP, because there are no residential units in that plan. This E.I.R. asserts that it need not address the shortfall in the UPC proposed concept which includes residential homes that are currently forbidden by Brisbane's current General Plan. This also ignores the residential units that UPC has already built and plans to build in the surrounding areas in San Francisco, not to mention that which is currently being proposed at the Candlestick site, Bayview/Hunter's Point and Daly City.

In fact, the lack of concern and consideration over what's going on in neighboring areas, e.g. at Candlestick, adjacent to this particular phantom Baylands project, calls into question the whole idea of "economic vitality with equity and ecology." Can it really be economically sustainable for the region to have such similar projects side by side, albeit in different counties, in one of the poorer areas of the region, or is everyone assuming that the poor will be successfully driven from the area? What about equity? What are the consequences of adding more and more residents, and buildings, without providing the required open space? That is why I refer to these "developers" as "devious envelopers."

Likewise, Traffic Impacts are effectively ignored in this report, because no specific plans have been proposed. On p. 4.I-39, this draft E.I.R. claims some impacts are consistent with the General Plan ***"...Because concept plans focus on land use and issues to be resolved, this policy would be applied to specific plans, rather than to concept plans."*** In other words, by trickery of language, aka

'doublespeak,' it absolves itself of any responsibility in actually studying impacts such as the traffic congestion and nitrogen output that would result from the current idea of a Geneva extension carving a swath right through some of the most sensitive seasonal wetland habitat (see map on p. 4.H-9—all the area in purple, subject to flooding now, a greater problem with rising sea levels, is prime and rare marshland).

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cont.

By the way, most of the Brisbane citizens attending Brisbane's architectural consultant-driven workshop, were against this extension of Daly City into Brisbane. Our opinions that were expressed during the workshop have been conveniently ignored by those paid to write up the output from the workshop. We were thinking that since Geneva has historically ended in a T-intersection at Bayshore, that kind of intersection should be preserved, routing any traffic up or down Bayshore to the freeway entrances at Beatty or at Sierra Point. Brisbane does not need another freeway, carrying traffic currently traveling from the center of San Francisco to 280 to 380, pouring through Brisbane, shoved down our throats. Again, any possible traffic mitigations in this draft E.I.R. are all subsumed under the need for specific plans, of which there are none.

8

Many real safety issues are pretty much ignored, such as the idea of building schools (p. 3-57) on toxic grounds. There seems to be even a lack of mention of previous land uses, e.g. Stauffer Chemical, the old slaughterhouses, boneyards, and a glue factory, the stench of which actually helped to preserve our little community for so long. Other safety issues include using old data (p. 4-H-7) on expected rising sea levels. Not to mention the previously noted piecemeal unspecified mitigations on issues of water quality affecting San Francisco Bay; p. 4.H-34 allows the use of pesticides in sensitive habitat! Nor have real water supply issues been addressed, nor can they be without knowing what is actually being proposed. Likewise, the entire explosive issue of the tank farm, in conjunction with Landfill Gas control problems (c.f. p. 4-6-80) is completely ignored. The whole seismic problem is likewise sidestepped. What is in this report is not even the complete version of the work as found on-line, where basically, there really are no mitigations for liquefaction – all bets are off in any major seismic activity, downslope of the Levinson property and Ice House Hill.

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Other health and happiness issues that are mentioned, but not adequately dealt with, are things like daytime glare (p. A-41), a direct result of large scale parking lots and rooftops, if we're to be looking at the kind of construction UPC has already built. And this report is woefully inadequate with regard to issues of artificial light at night (pp. A-39; A-35, etc.). What is really needed to address this issue is actual architecture for larger buildings on small footprints with controlled orientation and light leakage. This issue is essential for preserving the dark of our night sky, as well as for the diurnal health of plants and animals, including the humans in our environment. This was the whole reason we designated the current unusual FARs in the General Plan.

14

I do believe that UPC erred in the "bait and switch" of offering us the lyrical architect James Wines, and then trying to pawn off a miss-assortment of imaginary, empty blocks for building their 'conceptual' land use plan. Regrettably, much time and effort has been wasted.

15



Any proposed uses and building on this site clearly requires the vision and artistry of an architect, as well as competent engineering of any such plans to be submitted for the project in whole by the current land title holder, before impacts can be assessed, or mitigations offered.

15  
cont.

This rather large bit of land is vitally important not only to our future as a small community nestled against the bay at the foot of San Bruno Mountain, but to the sustainability of the bay and the entire region.

16

The use of this land must be carefully considered, regionally, and in its entirety. And that means putting everything in the proper order. The cart does not drive the horse.

We must trust that the City of Brisbane will not buy this emperor's new clothing and will shelve this draft Project E.I.R. on a concept, as well as the whole idea of accepting a Project E.I.R.

17

We continue to await an actual specific plan from an (hopefully world renowned) architect, as previously requested of and promised us by UPC, on which a real, specific, study of Environmental Impacts can be conducted responsibly.

18

Very truly yours,



Linda K. Salmon

111 #B Junior Street, Santa Rosa, CA 95404

**Swiecki, John**

---

**From:** Dan Siskind [dsiskind2@gmail.com]  
**Sent:** Monday, November 11, 2013 12:36 PM  
**To:** Swiecki, John  
**Subject:** Baylands Development EIR Comment  
Dear Mr. Swiecki and concerned parties-

I write in support of the comments due to be submitted by the San Francisco Boardsailing Association and the Candlestick Preservation Association regarding the proposed Baylands Development project.

I am an avid windsurfer and Candlestick State Park is my favorite sailing site. Building in the zone proposed for development, especially the area downwind of the Alemany Gap (which amplifies the wind at the stick), has the potential to significantly degrade the wind quality for windsurfing. The potential damage includes creating wind shadows, decreased average wind speeds, increased turbulence, and more extreme gusts and lulls. Most critically, with the 5% to 10% decrease in wind speed due to this development as currently predicted by the engineering firm ESA, a 20% to 40% decrease in the number of sailable days is likely.

There are some important mitigation steps that should be taken to preserve the valuable and scare natural resource that the wind at Candlestick represents. They are:

- Clustering of multi-story development on the southern portion of the plan area well to the south of the Alemany Gap.
- Streamlining all buildings and orienting them to limit their impact on winds at the Candlestick Sailing Area.
- Requiring a specific plan for any development on the northern portion of the site, which repeats the wind analysis by wind tunnel for that development, and includes such measures as lowering the overall height of the development and/or streamlining to prevent any reduction in wind speed or increase in turbulence and extreme wind conditions.
- Ensuring that multistory buildings are built as far west and as far from the water as possible.
- Reducing the maximum allowable building height to a level that does not exceed the sites current maximum elevation from sea level (i.e. max height of the existing mounds of dirt on the site or existing buildings where no dirt mounds exist).
- Incorporation of all SBFA/CPA comments to determine and evaluate thresholds for future windsurfing impact.

It is my hope that by incorporating these mitigations Brisbane can achieve a development that both meets the needs of its citizens and preserves the sailing area at Candlestick for all those members of the Bay Area community who enjoy it.

Thank you in advance for your serious consideration of this request.

Dan Siskind  
510-290-4804  
[dsiskind2@gmail.com](mailto:dsiskind2@gmail.com)



Swiecki, John

**From:** tony@verreos.com  
**Sent:** Friday, November 08, 2013 9:08 PM  
**To:** Scharfman, Jonathan  
**Cc:** Swiecki, John; Raymond Miller; Lentz, Cliff <at> gmail; Terry OConnell; Conway, Clarke; Liu, Lori  
**Subject:** NOV 8, 2013 RE: Draft EIR Comments

Hi Jonathan:

I imagine some of my concerns, if not all may be answered by the DEIR, which I have not yet completed studying. My concerns are based on both long personal experience as a person who grew up in Visitation Valley where the San Bruno Mt. was a constant presence that had the power to stir our young imaginations and draw us to climb it. I've learned that all developments no matter how good or bad, were all the product of professional designers, and that leads me to clearly understand the inherent conflicts that exist between pure profit, and the legacy of vision: ie: the Eiffel Tower, and Golden Gate Park vs. filling in the bay and building ugly boxes. Building the Transamerica Pyramid and the Embarcadero Ctr. compared with the massive China Basin complex and its new cousins in the box world of Mission Bay. The opportunity to build anything on 660 acres in most highly populated urban areas is uncommon. Let's not blow it by thinking conventionally, small, and short sighted. UPC could be courting the Golden State Warriors to ditch their pier plans for an even better stadium shops and hotels complex in Brisbane right at the Cal-Train station - create your transit hub around that! Then Brisbane could receive the year round tax revenues from all of the other events that used to book into the Cow Palace. Of course in order to do any of this you have to think like a Donald Trump or Mark Cuban and the Sharks on TV.

1> I share the "think BIG" ability and philosophy of UPC even though I'm not a multi billionaire developer.

2> I fully support government shifting the tax structure as a means of encouraging what it knows will be positive environmental, economic, and social development.

3> Though the currently UPC owned properties in S.F. and Brisbane may generate some income to the state, I don't think they generate much income for the Cities: I see nothing about that on the Bayland's website. Can you advise me on that?

4> As one who grew up only a long stone's throw from the S.P. rail yard, it's hard to believe that what we always knew as the S.F. Dump (not the Brisbane landfill) has been closed for 46 years! Harder still to imagine that pollutants have made those areas so toxic that they require extensive clean-up. The wildlife that enjoyed living there up until UPC began grading operations some years ago, was thriving. So much so that it seems many of those inhabitants found their way up the hill to Viewpoint At The Ridge: coyote, raccoon, skunk, jack rabbits, and opossum.

Land and water pollution may not impact those species as much as it would humans who live many

more years? What does the science tell us?

5> You can't find a bigger safety advocate than me as Brisbane's best insurance broker. However, as a resident of a home overlooking the Baylands, I'm

not pleased by the piercing back-up beepers of trucks and other equipment pushing dirt, or the sound of rock crushers and conveyors etc. Those noises,

and the night time work lights are even less appreciated when I come home after dark to find them still working. I've called the BPD twice in about the

past six weeks or so. I would've contacted you instead if I had known the permit was held by UPC, and not the tenant contractor. I don't know what the

need or justification for them working until 11:00pm may be, but for all anyone knows, they could be burying murder victims out there, and no one would ever know!

I hope you have the power, and agree to put a stop to the work outside of normal business hours.

I'd like to know what the current permit allows.

The BPD tell me they do not have a key to access that work area, and that would seem to be something you and the contractor would want them to have

in order to respond to a potential theft of construction equipment, and emergency entry in case of a on the job injury.

I'm surprised the BPD and BFD have not already included that as a permit requirement since they would be the normal first responders.

6> I've put off reviewing the DEIR and site proposals closely until now, understanding that the process would be many years long, and go through many

substantive changes. Now that the public comment period is set to close, I've begun studying closely. These are my thoughts so far:

a) The UPC and Brisbane Baylands websites are nothing more than the typical minimalist professional sales jobs.

I'm sure that UPC is capable of producing far higher quality information (which may indeed be found in the DEIR - I'll let you know soon).

b) The artist's renderings appear to be very selectively chosen to highlight what UPC views as positive key selling points to the community's diverse

members, while cutting out, obscuring due to perspective, or airbrushing out items that may be more controversial i.e.: the Tunnel Bridge, the entry

to Kinder- Morgan's facility, and the Machinery & Equip. Co. facility.

c) None of the various maps or renderings shown attempt to allow the viewer to see the whole project and zoom in on aspects of it as people are now

commonly used to being able to do via Google Earth. Perspective is a critical factor applied to at least the aesthetic considerations noted in the DEIR.

A failure to provide people a clear understanding of building heights, and positions relative to existing landmarks, as well as the new construction

proposed around them makes critical judgment impractical at best.

d) The housing component of the proposal will not fly. Whether due to sound logic, totally unjustified fear, or the practical knowledge that housing is a

net drain on community resources as opposed to businesses which generate dramatic local tax revenue, everyone would be better served if UPC 5-619

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chose to work with Brisbane and San Francisco to craft a plan better designed to satisfy the needs of all parties: allowing San Francisco to build the high density low to moderate income housing it so badly needs, while allowing UPC to develop the Bayshore corridor to the existing industrial park on Industrial Way for retail and office space that would set a new standard, and help both cities.

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cont.

e) Some of the more fantastic things done in Dubai, and Hong Kong would not be allowed here, but other equally magnificent creations could be:  
Imagine anyone who would say San Francisco should not have built Golden Gate Park.  
Imagine anyone who would say Carmel should not have built Pebble Beach.  
Imagine the wealthiest people on the planet flying in to play the world's best golf course in Brisbane! Far too expensive for most locals, but they would all be able to stay in it's hotels, purchase from it's shops, and enjoys it's world class restaurants. Even though a public casino was shot down for the Sierra Pt. proposed hotel project (due I think to concerns for traffic and crime), a private members only casino could be like Monte Carlo, and assure Brisbane of major tax revenue that are proven sustainable. Surrounding these private facilities with high quality public park spaces would then create a permanent open space buffet similar to what we have now, but far more attractive.

10

f) Energy. Everyone likes the idea of free wind and solar power until you show them what it looks like across from their house. NIMBY is the common acronym used to blame people for not wanting someone else's great idea to damage the neighborhood they already enjoy living in .

Wind: The freight train winds that roar through Visitacion Valley almost every day like clock work argue for wind mills. The non traditional type appear more like modern art than the old propeller blades that kill birds and take up so much space while being ugly as sin and expensive to maintain. Maybe that's an option?

11

Geothermal wells could be placed in many areas where the above ground apparatus could be essentially hidden by trees. Chevron has all of the technological abilities to pursue this idea.

Solar on every roof top: sounds great, look terrible. What's the impact of all of those panels reflecting glaring light that we don't want into our homes?  
And why would anyone recommend placing a solar power plant next to the Kinder-Morgan facilities which present a major catastrophic explosion hazard? Move them Bayside, and we'd barely notice them.

g) Buy-offs:

1> Wet lands - man has never successfully created any habitat on this planet. Remediation has been done successfully, but then if it's going to be designed by professionals who think Disneyland is natural, it will only be a near miss.

12

2> Industrial: I guess the current land owners who are not UPC will want to keep their current operations, but none of those are properly presented in UPC's online renderings. I'd imagine that all but Kinder-Morgan could actually be moved to better locations freeing up more open

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space on Tunnel Rd.?

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cont.

3> Many of the categories of the colored parcels noted online are too small to read, and in my opinion represent too much in fill rather than more sustainable two or three story higher density similar to a multi occupancy shopping mall or mixed use office complex.

14

4> High Tech/Bio Tech - why would Brisbane willingly cede firms like Genentech and others to South San Francisco when it can re-zone for them both on the Baylands and in Crocker Industrial Park? As an alternative to freight forwarding warehouses this seems ideal.

15

5> A new high school: that's more of a Brisbane School Dist issue as another stake holder than it is a matter for the City planner, however, again, who in their right mind would suggest placing a school and it's associated athletic facilities in close proximity to (?) 1M gallons of liquid fuel which is normally up-wind! A better idea would've been to take over the warehouse located next to the Chevron station on Bayshore for a new San Francisco High School that would better serve the needs of a large portion of Visitation Valley, the small section of Daly City near Geneva, and all of Brisbane, and that would create no burden on Brisbane or the Brisbane School Dist.

16

h) Historic Landmarks - I call them Ourstoric to be all inclusive.

1> I'm not sure how many there actually are other then the one that's already been thorough trashed - the round house. The rendering makes the round house look like a visitor center primarily aimed at being a railroad themed tourist restaurant rather than a real tourist attraction as a working railroad museum. I understand this would be a multi million dollar project, yet the Steinhart and DeYoung Museums prove that bigger things can be done where there is vision to appreciate their value.

At present the closest railroad museum is GGRM in Sunol, and then the next is Sacramento which is why I've never been to either one.

17

Brisbane should've sought out collectors with the deep pockets and love of steam who would raise the money to make this museum happen forty or fifty years ago, but it just wasn't on anyone's list of priorities. This should rightly be the crowning jewel of the Baylands development, not it's most important feature, just one of it's most profitable with the added bonus of preservation. San Francisco brings the tourists, all we need to do is build the attractions, and the profits will follow.

No I would not propose a Disney or Great America theme park any more than a line of car dealerships.

2> Maybe light pollution and noise are both covered well, I need to check the DEIR, but we currently seem to have no enforcement of any standards for lighting at the Recology, Cal-Train or Sierra Pt. Lumber facilities. Where they require security lights, they do not have them shielded to direct the light down, and prevent it from shining up where we do not want to

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see it.

The Dark Sky movement seeks to get people to understand the value of not lighting up the night sky like all major cities do. One of the great beauties of small towns like Brisbane is the rare ability to see stars as if you were out camping. There is a priceless value to the quality of life in Brisbane as opposed to San Francisco only one short mile away.

I hope everyone is dedicated to working for wise progress, and never selling out those things we can never replace!

Tony Verreos  
122 Warbler  
Brisbane

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cont.

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1 BEFORE THE CITY OF BRISBANE PLANNING DIVISION  
2 PANEL OF THE PLANNING COMMISSION  
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7 RE: DRAFT E.I.R. PUBLIC COMMENT MEETING  
8 TUESDAY, OCTOBER 22, 2013  
9 7:01 P.M.  
10  
11  
12  
13  
14

15 TRANSCRIPT PREPARED BY:

16 JENNIFER M. RODRIGUES

17 CERTIFIED SHORTHAND REPORTER NO. 9484  
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20

21 BONNIE L. WAGNER & ASSOCIATES  
22 CERTIFIED SHORTHAND REPORTERS  
23 41 SUTTER STREET, SUITE NO. 1605  
24 SAN FRANCISCO, CALIFORNIA 94104  
25 (415) 982-4849



1 COMMISSIONER PARKER: Welcome to the  
2 Planning Commission Draft E.I.R. Public Comment  
3 Meeting. Our meeting is open at this time, but  
4 presently there are no speakers, and so we will --

5 VOICE: Wait.

6 COMMISSIONER PARKER: Wait, and this  
7 the meeting is actually is starting at 7:00. So  
8 please feel free to come on down. Thank you.

9 (Whereupon, from 7:01 P.M. until  
10 7:14 P.M., a recess was taken.)

11 COMMISSIONER PARKER: Hello. This  
12 is the Planning Commission Draft E.I.R. Public  
13 Comment Meeting, and presently we have no one who  
14 is speaking. So if you want to come down and  
15 introduce yourself and make some public comment,  
16 we'd love to hear from you. Thank you.

17 (Whereupon, from 7:15 P.M. until  
18 7:32 P.M., a recess was taken.)

19 COMMISSIONER PARKER: Welcome. This  
20 is the Planning Commission Draft E.I.R. Public  
21 Comment Meeting. Presently there is no one here.  
22 Please feel free to come down, and -- and we'll be  
23 waiting for you. Thank you.

24 (Whereupon, from 7:32 P.M. until  
25 7:46 P.M., a recess was taken.)

1 COMMISSIONER PARKER: Hello. This  
2 is the Baylands Draft E.I.R. Public Comment  
3 Meeting. The Public Comment Meeting is now  
4 underway; however, no comments have been received.  
5 We will keep the Community Room open until 9:30  
6 P.M. to accept comments. So if you wish, please  
7 come down.

8 Thank you very much, and upcoming  
9 meetings are going to be Thursday at 7:00 P.M.,  
10 October 24; and then the following Tuesday,  
11 October 29, at seven o'clock; and we welcome you  
12 to come and make public comments. Thank you very  
13 much.

14 MICHELE SALMON: Okay. Michele  
15 Salmon, Baylands resident. I was home, watching  
16 on T.V. I was very surprised that there was  
17 absolutely no people in the audience, waiting to  
18 speak; and I was home, reading the D.A. -- the  
19 draft E.I.R. in preparation for the ecology  
20 committee.

21 Well, I thought, "Well, this is a  
22 perfect opportunity to not have to write up my own  
23 comments but let them be transcribed and also to  
24 point out some things that maybe we won't point  
25 out in the committee."



1 First of all, I was surprised  
2 because in -- on in Chapter 1, there is  
3 discrepancies between the number of million square  
4 feet that are mentioned in the various plans and  
5 the tables; and I'm wondering why there's a  
6 discrepancy between you mentioning 7.7 million  
7 square feet; 8.1 million square feet; and the  
8 various tables.

9 I feel that, throughout the entire  
10 document that I've read so far, many of the  
11 project site descriptions have been lacking in  
12 detail.

13 They have not been what I would  
14 consider to be complete, and maybe because of  
15 that, the analysis may not be as complete as it  
16 should be; and it's one of the -- those  
17 double-edge sword things where you've lived in a  
18 place for a really long time where you know what  
19 was there and you know -- and you've seen the  
20 different changes.

21 Some of the examples that come to  
22 mind are the discrepancies between the site  
23 characterizations. For example, there's no  
24 mention of Van Waters & Rogers's 50-year occupancy  
25 along the lagoon.

1           The lagoon is part of the site, and  
2       Van Waters & Rogers put a tremendous amount of  
3       pollutants into the lagoon into the early years --  
4       fluorescent yellow for the amount of affluent that  
5       they put into the lagoon; and yet I don't see  
6       anywhere where they've tested any part of the  
7       lagoon for contaminants and hazards, and yet in  
8       the draft E.I.R. there's mentions about  
9       possibility of recreational activities in the  
10      lagoon; and I feel that that would be extremely  
11      unwise without further testing.

12           So I'm wondering why -- why this was  
13      not addressed in the draft E.I.R. I question  
14      again, as I've questioned before, why the Notice  
15      of Preparation goes to the 2010 date and not the  
16      2012 date or the 2006 date.

17           This has been asked, but one of my  
18      concerns are how the situation's changed a lot  
19      from 2006 until 2010 in particular with the soils  
20      processing and soils recycling activities that  
21      have been going on out there.

22           I also -- sorry. I wasn't really  
23      prepared to speak, but I'm going to anyway. Just  
24      running through, one of the things in Section --  
25      on Page 2 dash 6, it says sustainable development

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1 is simply defined as development that meets the  
2 needs of the present without compromising the  
3 ability of future generations to meet their own  
4 needs.

5 I think that's a very simplistic  
6 view of sustainability, and I think there needs to  
7 be a lot more definition around that because I  
8 don't think that any part of this project is  
9 sustainable for future generations, and so I  
10 question where they derived their definition of  
11 sustainable development and what makes them think  
12 that this is sustainable.

13 The -- on Page 2.9, Section DOT, it  
14 comes under sustainable living. It says include  
15 sufficient residential proximity to transit and  
16 jobs to create a sustainable community to support  
17 retail and encourages the use of walking and  
18 public transportation to minimize the use of  
19 impact of private automobiles, and yet that is  
20 inconsistent with the general plan.

21 And as I looked at the plan, there  
22 was not much encouragement of the use of walking  
23 in public transportation, in particular walking  
24 and bicycles because there's still only two  
25 overcrossings of the railroad tracks -- one at

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15                   The project would generate  
16       construction emissions that would result in a  
17       cumulative considerable net increase of criteria  
18       pollutants and precursors for which the air basin  
19       in nonattainment under applicable ambient quality  
20       standards, but a lot of the different things that  
21       they've put in here is on a per capita basis,  
22       and I'm wondering why they're choosing a per  
23       capita basis when really we should be looking at  
24       overall cumulative negative impacts to the  
25       environment and not on a per capita basis.

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cont.

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1           Look on it as a per capita basis, I  
2 believe encourages overpopulation of the area and  
3 beyond sustainability, and I think that comes up  
4 quite a bit when you talk about the different uses  
5 that they -- that they have.

6           One thing that I'm concerned about  
7 is that many of the things in the draft E.I.R. --  
8 maybe it's not the place that it addresses it, but  
9 what it would pay for the various infrastructures  
10 and when there's housing involved, the burden  
11 falls on the public; and when there's not, I  
12 believe the burden falls more on the developer,  
13 and that really is not addressed.

14           Maybe that's not supposed to be  
15 addressed here, but it certainly should be looked  
16 at. In Chapter 3 project description was an area  
17 where I really felt it had started to be lacking.

18           In 3.1 it talks about the regional  
19 setting on the Visitacion Valley neighborhood of  
20 San Francisco that joins the northwestern border  
21 of the Baylands.

22           Candlestick Park is a half mile  
23 northeast of Brisbane. Of course, that won't be  
24 there anymore once this site won't be there next  
25 year -- the year after when after they blow it up,

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cont.

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1 but there's inconsistency here with the map; and  
2 then talking about it adjoining the neighborhood  
3 where it is -- in actuality it does not, on that  
4 site, adjoin the neighborhood.

5 The San Francisco part of the  
6 project does join a neighborhood, but the Brisbane  
7 part does not really adjoin any neighborhood at  
8 this time.

9 They -- I don't feel that they  
10 adequately addressed the seasonal wetlands in the  
11 western portion of the site.

12 They sort of mention, but there is a  
13 lot of wetlands in the western and southern parts  
14 of the site in particular near the machinery and  
15 equipment place and also in what's been referred  
16 to as the "Glory Hole," where the roundhouse with  
17 the -- in turntable for the engines used to be.

18 It's a large deep hole in the ground  
19 that has had seasonal and almost year-round  
20 wetlands, and that -- I don't see anywhere in the  
21 draft E.I.R. where that was addressed.

22 On Page 3.8 it mentions the 1906  
23 earthquake. The area was filled primarily with  
24 demolition rubble. It doesn't specify where the  
25 demolition rubble came from or whether it was from

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1 the 1906 earthquake or not. It's my  
2 understanding, from photographs that I've seen  
3 from the -- from Chris Hart's rails project, that  
4 perhaps this is a mischaracterization also.

5 Also on 3.8 it says, after the  
6 closure of the landfill in 1967, the area is  
7 buried with 20 to 30 feet cover of soil; and were  
8 lands used for soil and construction material  
9 since the 1980's, the landfill was actually never  
10 officially closed, and I think that's another  
11 mischaracterization of the site.

12 On Page 3.12 it talks about, upon  
13 completion of disposal operations refuge, fill  
14 materials were covered with earth and other inert  
15 debris since closure of the landfill in 1967  
16 recycled filled in insert construction have been  
17 placed on large portions of the site, which has  
18 been used to consolidate refuse within the  
19 landfill; and actually this has not much placed on  
20 this site really until 1980's.

21 So in 1967 when the landfill wasn't  
22 actually closed until the late 1980's and in  
23 particular not really until after 2000, there  
24 wasn't much dirt placed on the site.

25 It was actually used for Champion

11  
cont.

12

13

1 Speedway and the Brisbane Flea Market and numerous  
2 other uses that have not been mentioned at all  
3 that I can find in the draft E.I.R. in particular  
4 Champion Speedway that was at a raceway that had  
5 destruction derbies, and I don't know if you are  
6 familiar with destruction derbies; but destruction  
7 derbies are where they would take a hundred cars  
8 and smash until all into each other and destroy  
9 them, and basically all of the oil and debris and  
10 everything would just soak right into the earth,  
11 and there's no mention of that in this -- in the  
12 characterization.

13 I don't understand why the landfill  
14 has not -- had to be closed -- officially closed.  
15 Even at this late date, it seems that that was  
16 1967 -- '77, '87, '97, 2007. Boy, that's forty --  
17 forty -- 47 years, and the landfill is -- still  
18 isn't officially closed; and I'm wondering why.

19 Then it talks about the former  
20 Southern Pacific Railyard, but I didn't find  
21 anything that mentioned about the bone-rendering  
22 plant that was in that area. Growing up, that was  
23 an extremely stinky proposition and a lot of  
24 materials, and it was just horrible.

25 You could hardly drive by there, and

13  
cont.

14

15



1 I know that there had to be some kind of impact  
 2 from having a bone rendering right there on the  
 3 site; and yet there is no mention of it at all,  
 4 and I'm surprised at that. There's no mention of  
 5 whether -- they talk about historical resources.  
 6 There's no mention of -- there's a brick building  
 7 on Industrial Way.

8 That's been there for a very, very  
 9 long time and is in use right now. I saw a "For  
 10 Lease" or a "For Sale" sign on it, and there's no  
 11 mention of that; and there's really not a lot of  
 12 mention of some of the other possibilities of  
 13 finding any, shall I say, Native American sites.

14 There's probably a small likelihood;  
 15 but as we all know, a couple of years ago, when  
 16 they excavated to put in the sewer extension over  
 17 by the on-ramp to Candlestick Park, they  
 18 discovered two buried flatbed Schooners like the  
 19 Alma.

20 So there's no mention of any  
 21 possibility of finding any archaeological or  
 22 anthropological things when they talk about the  
 23 historic of the site, and I'm wondering why there  
 24 hasn't been any mention of that at all. Existing  
 25 project site land ownership on Page 3 dash 24 --

15  
cont.

16

1 it says shown on Figure 3.8. U.P.C. owns a vast  
2 majority and lagoon portions of the site.

3 Consistently asked for a list of all  
4 of the land owners of the site, the people who  
5 actually own the land, not leaseholders or other  
6 agreements; and I have yet to see an actual list  
7 of all of the land owners of the project site or  
8 the whole site, and I don't know why, but I would  
9 like to see that in the draft E.I.R. -- an actual  
10 list of all of the land owners.

11 One thing that concerns me a lot is  
12 they talk a lot about the oversight at B.C.D.C.,  
13 and yet in the definitions that the B.C.D.C. has a  
14 very limited amount of land that they are  
15 responsible for, and I'm wondering who's  
16 responsible for the other parts of the oversight.

17 Again, the Table 3 dash 2-C is  
18 inconsistent in terms of the number of square feet  
19 listed in its site compared to the site  
20 descriptions. One thing that's not discussed and  
21 is a huge problem already is the wind shadow of  
22 the -- of the proposed site.

23 Already the large piles of dirt are  
24 creating a wind shadow over San Francisco Bay and  
25 affecting the wind surfers there, and I wonder

16  
cont.

17

18

19

20



1 what else is affecting the birds.

2 The amount of siltation -- there's a  
3 huge amount of dust coming off of the site  
4 currently. That's already been beginning to  
5 affect siltation in the little cove there at  
6 Candlestick, and also I think it's affecting  
7 siltation in our own marina because all of the  
8 dirt coming off of the site is going right into  
9 the bay.

21

10 There's a huge amount of dust on the  
11 road that leads from the soils processing and the  
12 soils recycling to the freeway on-ramp, and then  
13 and all of that dirt and dust gets stirred up  
14 every time a truck goes by, and it goes right into  
15 the air and into the bay; and so there's another  
16 section here that talks about oversight and all of  
17 the different entities, and I'm wondering if all  
18 entities are looked, clearly defined in the  
19 appendices and where -- who has oversight over  
20 each agency and what enforcement mechanisms there  
21 are that for each agencies for the next 50 years.

22 On the community-proposed plan that  
23 they talk about a lot, I'd like to know who paid  
24 for the studies.

22

25 I think that should be clearly

1 outlined in the draft E.I.R. because I do feel  
2 that it wasn't really a community-derived plan  
3 or -- well, it was derived; but what methodology  
4 used to derive it is another story because I don't  
5 know anyone who is a community member that  
6 attended those workshops that agreed with building  
7 12 million square feet or even 8 million square  
8 feet on the Baylands, and so I'd like to know why  
9 they call it the community-proposed plan who paid  
10 for it, and were there conflicts of interest?

22  
cont.

11 On the charts on Figure 3 dash 13,  
12 I'm finding not all of the colors in the key.  
13 It's very hard to read, and that should really be  
14 clarified. It -- on Page 3 dash 44, it talks  
15 about kayak rentals near the lagoon area as a  
16 possible use of public open space and open space  
17 connection to the wetlands.

23

18 There again the lagoon is not  
19 suitable for kayak use; it's too shallow in many  
20 places, and there has been no studies that they  
21 could find about the possible -- the probable  
22 amount of really hazardous materials that are in  
23 the lagoon that are probably right now covered  
24 over by siltation, but as soon as they're  
25 disturbed that, I think you'll say there's a

24



1 problem there.

2 Van Waters & Rogers used that site  
3 for 50 years, and they were a very heavy  
4 polluter. A lot long before a lot of modern day,  
5 shall we say, rules and regulations were in  
6 effect. They were pretty much allowed to dump  
7 whatever they wanted; and they did, and the lagoon  
8 is highly contaminated, and the whole site around  
9 Van Waters & Rogers is just contaminated.

10 The -- one of the other things that  
11 I noticed is they don't talk anything about the  
12 instability of the backside of Tulare Hill, and  
13 while that is not part of the project site, it  
14 does have impact on the project site because  
15 historically landslides from the backside of  
16 Tulare Hill actually intruded onto the project  
17 site in the lagoon; and I find that that's a huge  
18 sort of area that really should be taken into  
19 consideration for the project site because, when  
20 we talked about seismology, which I also felt was  
21 inadequate, it did not cover any of the seismology  
22 surrounding the lagoon; the landfill of the  
23 lagoon; and the potential hazards to the lagoon.

24 From the backside of Tulare Hill and  
25 the hazards of the railroad tracks to the backside

24  
cont.

25

26

1 of Tulare Hill, that's a very unstable piece of  
2 land, and that has not been addressed in here.

3 On Page 3 dash 53 under delete  
4 references to former owner of U.P.C. property, if  
5 there was a former owner of the U.P.C. property,  
6 I'm wondering if there was a tax change of  
7 ownership under proposition of 13. There should  
8 have been a tax change.

9 If indeed the property changed  
10 ownership, I'm questioning what it says. Modify  
11 policy 38 dash 1 roadway level of service  
12 standards -- what does that mean exactly?

13 Also on Page 3 dash 53, it says  
14 delete general plan policy 3.00.1, which prohibits  
15 housing within the Baylands. I don't think that  
16 that was a good idea; but very right below, it  
17 says the phrase, "not to exceed six stories in  
18 height." With the phrase "not to exceed 40 feet  
19 in height," I think that needs to be defined where  
20 the height is from.

21 We've obviously had a problem with  
22 that in the past, defining where the starting  
23 place is for a height, especially in the Baylands.  
24 So I think that needs to be clearly defined from  
25 height like sea level and not just a height from

26  
cont.

27

28

29

30



1 somewhere, and I'm wondering why they didn't  
2 define that better.

3 I'm also concerned about shading of  
4 the bay. There was a lot of talk about viewsheds  
5 and the viewsheds from Brisbane toward the bay,  
6 but really there's minimal talk about the  
7 viewsheds from the bay towards the mountain and  
8 towards Brisbane; and already in the viewshed  
9 towards the mountain is severely impacted by the  
10 piles and piles of soil in the Baylands processing  
11 and soils-recycling area, and I saw a lot of the  
12 bay and look from San Bruno mountain from the bay,  
13 and I'm wondering why this hasn't been addressed  
14 more adequately and why we're not talking --  
15 looking at equal viewsheds from the bay from wind  
16 surfers' perspective; from people driving on the  
17 freeway perspective; and from people who sail.

18 That's a very important viewpoint  
19 from looking at the mountain, and that hasn't been  
20 adequately addressed, I don't think. I think it  
21 needs to be.

22 On Page 3 dash 62, this is also all  
23 still under project description, which, I think,  
24 will really felt was not adequate and not really  
25 addressing the project -- the actual project.

30  
cont.

31

32

33

1           It talks about pedestrian and  
2 bicycle paths, and it says enhanced pedestrian  
3 street crossings are proposed in the specific plan  
4 to provide traffic-calming effects and reduced  
5 distances at pedestrian crossings streets by using  
6 curb extensions, et cetera, et cetera; but I'm  
7 really understanding -- not understanding how this  
8 works because it kind of conflicts with the very  
9 next sentence, which says the specific plan  
10 proposes one pedestrian overcrossing over the Cal  
11 Train right of way and Tunnel Avenue for  
12 pedestrian and bicyclists, and I'm not sure:

13           How does this promote pedestrians'  
14 circulation and bicycle circulation? That's a  
15 huge area with only the two basically existing  
16 crossings, and it goes on the next place to talk  
17 about the same thing. I'm very concerned. It  
18 talks about the water agreement and being able to  
19 supply water for the Baylands.

20           This is on 3 dash 66, and I'm not  
21 sure that the water agreement would actually go  
22 through because there's -- I'm not sure that  
23 there's a lot of inducement for the Modesto Air  
24 Irrigation District to accept the conditions that  
25 the Oakdale Irrigation wants, and I'm wondering

34

35



1 what other contractual agreements have been made  
2 already against this same quantity of water and  
3 what happens when that quantity of water is not  
4 available especially during drought years and the  
5 coming extreme water shores of that California is  
6 facing.

7 So I don't see what other  
8 contractual agreements and commitments have been  
9 made against this water, and I think that should  
10 be included in the draft E.I.R. so that we have  
11 a -- or in the E.I.R. so that we -- we have a  
12 really clear picture of who we'll be competing  
13 with for what would be a finite amount of water.

14 I think it's important to explain on  
15 Page 3 dash 68. There's remedial sections, and it  
16 says, "While the need of ongoing remediation and  
17 fill yard does not result under any of the  
18 proposed," et cetera, et cetera, I'm wondering why  
19 they don't already have to do this with or without  
20 any development.

21 They bought a site that is  
22 basically -- should be a super-fund site, and I'm  
23 wondering why all of the cleanup is contingent  
24 upon them being able to develop it.

25 They knew what they were buying and

35  
cont.

36

1 as a health hazard even in its current state, and  
2 as a matter of fact, it's a big health hazard in  
3 its current state; and I don't understand why  
4 that's not being addressed already and why they  
5 don't have to do a minimum level of safety cleanup  
6 even without any development at all; and I don't  
7 see where that's really addressed; and on Page 3  
8 dash 69 to bring the former Brisbane landfill in  
9 compliance with the appropriate portions of  
10 Title 27 and to establish, et cetera, et cetera --  
11 and I'm not sure why they don't already have to do  
12 that.

13 Why do we have to wait to have that  
14 cleaning done? That's not clearly explained.  
15 Should already be -- being done. It should have  
16 been being done over the last 47 years, and I -- I  
17 don't see why we should be held hostage, and it's  
18 not adequately explained why this isn't already  
19 being done.

20 On 3 dash 670 it talks about  
21 remedial actions. Under O.U. 2 it represents a  
22 range potential technologies for remediating these  
23 areas to meet cleanup levels acceptable for  
24 proposed future development, but I have to  
25 question: How well were these potential

36  
cont.

37



1 technologies tested?

2 I am also -- is one of the potential  
3 technologies just to cement everything over  
4 because it was my understanding that that's  
5 basically what they're doing in the San Francisco  
6 section -- is they're just bearing it all and  
7 covering it with concrete, and there will be  
8 actually no plant to soil; plant to actual native  
9 soil, or natural soil; or uncontained soil.

10 There will be no plant to soil  
11 contact in that area. Every tree; every blade of  
12 grass will be, if above ground, container; and it  
13 talks about the soil in the San Mateo portion  
14 of -- O.U. 1 has not yet been remediated. That's  
15 on Page 3 dash 71, but they're already moving dirt  
16 through there.

17 So it's kind of a concern, and then  
18 under landfill area -- again, under care and  
19 project description, it says proposed grade for  
20 the former landfill areas based on large amount of  
21 the existing landfill area.

22 It says 18 to 30 inches over a  
23 20-year period -- is amount of sediment and finish  
24 grades, et cetera; and I'd like to know how all of  
25 this was calculated because when it talks about 18

37  
cont.

38

39

1 to 30 year -- 30 inches subsidence over a 20-year  
2 period, it seems to me that the subsidence today  
3 has been a lot more than that; and I'm wondering  
4 if they've actually tested the subsidence and  
5 measured the subsidence in this area, or are they  
6 modeling it off of some other area?

7 It seems to me that a lot of the --  
8 of them statistics and remediation remedies  
9 recommended in this are based on areas other than  
10 Brisbane and not our unique set of  
11 characteristics. I found this to be really true  
12 when I read the noise section.

13 They didn't really not take into  
14 account the unique characteristics of Brisbane's  
15 bowl shaped and how vibration travels here, and  
16 I'm wondering how much testing has actually been  
17 done, and could they please state how much testing  
18 has actually been done here on site with these  
19 current conditions?

20 One thing that most people don't  
21 realize is that San Bruno mountain has a lot of  
22 crystals as very crystal in structure. So it  
23 vibrates differently than the surrounding areas.  
24 It's different than the church underlaying San  
25 Francisco.

39  
cont.

40

41

42



1           It's different because of this high  
2           crystalline structure. It's one of the reasons  
3           why it's so disturbing -- why the airplanes go  
4           over and vibrate the mountain. When you live here  
5           a long time, you actually understand that.

6           I don't think that any testing has  
7           been done on our mountain, but it will react to a  
8           lot of these different things -- in particular  
9           sound, vibration, et cetera. I didn't really read  
10          much yet about the former railyard and how they're  
11          going to work on the sediment issue of the  
12          subsidence of the earth, but the transport via  
13          truck on Tunnel Avenue on Bayshore Boulevard would  
14          require approximately 173,400 truck trips.

15          That's a huge amount of truck trips,  
16          and I'm wondering: Has that really been analyzing  
17          what the temporary impact that would be on the  
18          traffic and the community and the dust level?  
19          Just the amount of trucks that I deal with every  
20          day getting onto the freeway at Candlestick is  
21          horrific. So I'm really concerned about that.

22          Under Section Equity Issues on 3  
23          dash 74, they said, "Incorporate significant open  
24          space and related improvements."

25          I'd like open space to be very

42  
cont.

43

44

1 clearly defined. Do you mean open paved space?  
2 Do you mean open space that surrounded on four  
3 signs by a building? Do you mean open space  
4 that's open on one side and enclosed on three  
5 sides, or do you mean open space that's not  
6 enclosed on any sides?

7 I think that really very clearly  
8 needs to be defined, and I didn't see where that  
9 was defined at the level that I'd like to see it  
10 defined.

11 Right now we have a very large house  
12 that is under -- people want to know whether  
13 they're going to be able to build it, and they  
14 have a 650 square feet courtyard that's included  
15 on four sides that they're considering is open  
16 space and not lot coverage.

17 I disagree with that definition;  
18 and, therefore, I would like it really clearly  
19 defined. Item M says, "Provide employment  
20 opportunities for Brisbane residents and residents  
21 of nearby communities" but there is absolutely no  
22 way to ensure that.

23 As a matter of fact, it probably  
24 won't happen that way at all, knowing the way  
25 things are in the Bay Area, because people tend to

44  
cont.

45



1 drive to where the job is and live where they  
2 live; and I don't see there's any way to ensure  
3 that social equity objective.

4 Contribute to critically needed  
5 solutions -- there's no way that to ensure that  
6 either; and it says, "Recognize that the project  
7 is a regional significance and provide for the  
8 well-being of surrounding communities," and yet it  
9 seems that the characterizations of the project is  
10 really very localized and not areawide.

11 One of the things that disturbs me a  
12 lot, when we were going through the instructions  
13 on the draft E.I.R., was that instead of using San  
14 Mateo County as a baseline for a lot of the per  
15 capital, which I also disagree with things, they  
16 used a statewide average because they felt that  
17 they were going to use Bayshore and Candlestick  
18 and something; and that didn't quite pan out, and  
19 so they used their statewide average, and I don't  
20 think that's right because Brisbane is part of San  
21 Mateo County and San Mateo County is the second  
22 highest median income county in the State of  
23 California; and that's what those numbers should  
24 be based on and not San Francisco or Hunters View,  
25 Hunter, and Hunters Point and Bayview.

45  
cont.

46

47

1 I think that is a really gross  
2 mischaracterization of the area even if it is a  
3 dump.

47  
cont.

4 There's a lot of it's used in here  
5 where different things are talking about different  
6 timelines for buildout, and I think those needed  
7 to be more clearly defined especially when it  
8 comes to doing things like, "What are you going to  
9 do before you're able to put in a recycling --  
10 water-recycling plant?" "How are you going to  
11 handle it?"

48

12 I'm not seeing a lot of that. They  
13 talk about, "What are we going to talk about there  
14 in the future about what are we going to do now  
15 during the construction process?" It talks about  
16 that there's -- it indicates a low likelihood of  
17 significant mineral resources. That's on Page 2.

18 I don't know if they've checked for  
19 mineral resources, but one of the significant  
20 mineral resources that has come to light in recent  
21 years is actually recovering mineral resources  
22 from landfill, and that's not mentioned at all;  
23 and I know this meant the part of environmental  
24 settlements, impacts, and mitigation measures; but I  
25 do feel that that needs to be looked at because

49



1 there is a lot of mineral resources that could be  
2 recovered from a landfill of this nature --  
3 probably not likely, but it should definitely be  
4 discussed and explored.

5 They talk about, on Page 4 dash  
6 A-2 -- about the visual character of nearby areas  
7 in Daly City and San Francisco and Geneva Avenue  
8 and Bayshore Boulevard, but there again they  
9 don't -- they really do not talk about the  
10 characterization of San Bruno mountain being  
11 there. They call it as under project side.

12 They say San Bruno mountain as well  
13 as urbanized areas of San Francisco and Daly City,  
14 and I would never consider Brisbane as a  
15 suburbanized area. It's a suburban area at best  
16 as it's becoming every day, but it's not urbanized  
17 yet.

18 We still have property around  
19 housing. It's still considered the suburbs even  
20 though it's a mere nine miles from Downtown San  
21 Francisco. So I think that's a  
22 mischaracterization, and to talk about the  
23 characterization of Daly City and San Francisco  
24 and Cow Palace and Candlestick Hill is ridiculous  
25 when comparing it to Brisbane.

49  
cont.

50

1                   There again it's a  
2                   mischaracterization. In the next paragraph, it  
3                   talks the -- the -- about the project site due to  
4                   vegetative growth along the highway with San Bruno  
5                   mountain in the background.

6                   That's really a mischaracterization.  
7                   The vegetation growth is really nasty, ugly --  
8                   wind-blown trees that you can see right through,  
9                   and I drive it -- by it every day; and you can see  
10                  now the graffiti-laden K-rails that they've put up  
11                  on the dirt piles.

12                 So I don't understand how they can  
13                 characterize it that way in this document -- there  
14                 again, a mischaracterization of the site  
15                 description. It's not screened at all, and that's  
16                 a case where the baseline should be adjusted.

17                 On the next part, it talks on A dot  
18                 A-4, and it talks about there being no native  
19                 vegetation types. It's except for relatively  
20                 small areas in Icehouse Hill and the western  
21                 portion of the site and along the drainage  
22                 channels of the lagoon, but that's not quite true.

23                 There's still a lot of habitat  
24                 interspersed especially in the old railyard areas.  
25                 There's back grass; there's native viola; there is



1 Douglas Iris; there are a lot.

2 Despite efforts of Pampas grass that  
3 take over everything that's been allowed to run  
4 rampant, there's still a bit -- quite a bit of  
5 individual vegetation in that area that could be  
6 recovered in the area, and it could be a lot  
7 better than it is; and there is a lot on Icehouse  
8 Hill; and when you talk about native vegetation,  
9 you're not talking about, like, microflowers; it  
10 feeds a lot of smaller animals and insects.

11 Right here on Page -- in  
12 Illustration 4-A dash 2-D, as an aerial view of  
13 the roundhouse, and right there in the very center  
14 of it, you can see what my sister refers to as  
15 "The Glory Hole," which was a huge frog habitat  
16 and have a lot of little -- I forgot what kind of  
17 stickleback fish, I think, in it; and that's not  
18 mentioned anywhere that I can find yet in this.

19 So I really think that that's been a  
20 lot of mischaracterization here, and I'm running  
21 out of energy to do more than that so far; but  
22 really throughout the entire book, what I've seen  
23 is a lot of glossing over of actual descriptions  
24 of the area -- a lot of things left out.

25 There's no mention of Stauffer

52  
cont.

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54

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1 Chemical that operated there for years, and yet we  
2 don't mention it at all.

55  
cont.

3 We really haven't talked about any  
4 of the pollutants from the industrial uses of the  
5 site along Industrial Way in Brisbane. I don't  
6 see where they've really talked about the  
7 potential of P.C.P. flow from -- or any other  
8 contaminant flow -- from the Midway Village area  
9 that's adjacent to the site.

56

10 So there's just a lot of really  
11 gaping holes, and I have to go home and read the  
12 chapters that I need to do for tomorrow night.

13 So thank you, and sorry more people  
14 haven't shown up, but I wish they would because  
15 this document has the program E.I.R. in it, and  
16 this is the over-arching document of which all  
17 things after this must refer to.

57

18 So even though they'll be  
19 environmental review when we got to the project  
20 level and the specific view level, if it's not  
21 already in this over-arching document some way;  
22 shape; or form, then the threshold for being able  
23 to address it is a lot different; and I think  
24 people really need to be aware of that, and really  
25 they need to speak up now and come and say your



1 peace even if it's -- even if -- you need to ask  
2 the questions because, if you don't ask the  
3 questions, they don't get answered; and you can't  
4 leave it up to a few people to do because it's an  
5 owner's task.

6 The whole document is over 6,000  
7 pages long, and I'm having a hard time reading the  
8 whole thing; and I know there are a lot of people  
9 who are reading it, but you should read it for  
10 yourselves -- that your future is involved, too.

11 Thank you, and thank you for the  
12 planning commission for hosting an almost empty  
13 room. (laughter)

14 (Whereupon, from 8:36 P.M. until  
15 9:08 P.M., a recess was taken.)

16 MICHELE SALMON: I think that the  
17 amount of lead pollution from Highway 101 has not  
18 been properly addressed.

19 The lead from gasoline that was used  
20 for years and years and years along the 101 left a  
21 lot of lead deposits in the underlying soil and  
22 all around the area along the highway, and I don't  
23 think that's been properly addressed when stirring  
24 that up with what that will cause and having  
25 people out there next to all of that lead and the

57  
cont.

58

1 deleterious affects of low-level lead of children  
2 and people.

↑ 58  
cont.

3 (Meeting was adjourned at 9:09 P.M.)  
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1 BEFORE THE CITY OF BRISBANE PLANNING DIVISION  
2 PANEL OF THE PLANNING COMMISSION  
3  
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7 RE: DRAFT E.I.R. PUBLIC COMMENT MEETING  
8 THURSDAY, OCTOBER 24, 2013  
9 7:00 P.M.  
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14

15 TRANSCRIPT PREPARED BY:

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1 COMMISSIONER PARKER: Hello, and  
2 welcome to the Planning Commission Draft E.I.R.  
3 Public Comment Meeting.

4 Presently at this time, we are open  
5 for anyone who wishes to make comments to please  
6 come forward and introduce yourself and state your  
7 name and give us your comments; and if there's no  
8 one here who wants to do that, then anyone from  
9 town please feel welcome to come down and -- and  
10 make your comments. Thank you.

11 (Whereupon, from 7:00 P.M. until  
12 7:13 P.M., a recess was taken.)

13 COMMISSIONER PARKER: Hi. Our  
14 Speaker No. 1 for tonight is Dana Dillworth at  
15 41 Humboldt Road, Brisbane.

16 Dana?

17 DANA DILLWORTH: Thank you, Madam  
18 Chairperson, or -- given -- excuse me?

19 COMMISSIONER PARKER: I sense there  
20 is not a large group of people waiting to speak.  
21 Speak as long as you want.

22 DANA DILLWORTH: I actually am  
23 choosing to be brief because there will be  
24 hundreds of pages of comments in writing that are  
25 coming from citizens' committees and different





1 organizations.

2 So what I wanted to say were just  
3 kind of some brief observations of -- I observed  
4 the presentations from home, and I really think  
5 it's interesting that the City has never asked the  
6 citizens to go through the specific plan with the  
7 same line-by-line detail or chapter-by-chapter by  
8 the way we're approaching it in the Draft E.I.R.

9 COMMISSIONER CUNNINGHAM: Excuse me,  
10 Dana. I didn't understand that. Can you rephrase  
11 that a little.

12 DANA DILLWORTH: We have not, as a  
13 citizen body, sat and looked through the specific  
14 plan. As a citizen body, we have sat and looked  
15 through the draft E.I.R. So -- or are in the  
16 process of -- and I'm -- what I want to say is  
17 that this ends up being like a game of telephone.

18 We are -- if you remember the  
19 childhood game where one person refers to  
20 something to the first person and then it goes to  
21 the next person and then the next person, by the  
22 time you get around the circle, it is not anywhere  
23 near what it was; was originally said; or the  
24 intention; and that's what I get by looking at the  
25 reports.

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cont.

1 A report which may have been  
2 inadequate from the beginning then gets summarized  
3 by another and summarized by another so that the  
4 essence of the entire study is -- has been  
5 crystallized to something that makes -- it sounds  
6 wonderful, mitigated to less than significant  
7 impacts, and I don't believe -- and we'll state  
8 later on that that's the case.

9 I'm really concerned about the  
10 baseline at 2010, given that very little reports  
11 and very little 2010 information is being used.

12 When they go to the FEMA map, it's  
13 an 18 -- I was going to say 1830. You can tell  
14 this is wearing on me; but, hey, it's -- I  
15 think -- in 1983 map for FEMA and other multiple  
16 places within the draft E.I.R. that the baseline  
17 has -- the baseline of 2010 hasn't really truly  
18 been studied properly; and I hope that, through  
19 this process, that you will ask or require more  
20 studies.

21 I hope that you can flesh out the  
22 parts of our general plan, and I know Jamil and I  
23 were in the three years of general plan meetings  
24 and there are some really important parts that  
25 they skip over -- some really important things

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cont.

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1 that say, "This is what makes us Brisbane; and,  
2 oh, well, we're not even going to consider it  
3 relevant as the policies that we need to adhere  
4 to."

5 That will be mentioned later on in  
6 writing.

7 The one part that they failed to  
8 flesh out is the part of the general plan policy  
9 that says that Brisbane can have higher standards  
10 and higher mitigation than the state minimum's  
11 required, and very often the way the mitigation  
12 measure is worded goes back to the most minimal  
13 thing that we can do, and I think Brisbane's  
14 better; and I hope, as a potentially deciding  
15 body, when you can make decisions, that you will  
16 take that into consideration.

17 I'm considered that the baseline  
18 that they speak of also says that our general plan  
19 allows 5 million square feet of industrial uses.  
20 We worked tirelessly on our general plan. It's  
21 plan, development, trade commercial.

22 We made very certain that industrial  
23 uses weren't a primary use out there, and yet it's  
24 being quoted and would hope again that you refer  
25 back to our general plan and that you remember the

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cont.

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1 "Have Your Say" days because they're barely  
2 reflected in the plan, as proposed, or the  
3 considerations that we could do to mitigate the  
4 plan, as proposed; and I hope you remember the  
5 public and why you've chosen to live here in  
6 Brisbane and why it's unnerving to have somebody  
7 come in and say, "Well, we should just change the  
8 laws because, you know, gridlock is going to  
9 happen."

10 That should be okay with everybody,  
11 and it's not. Those aren't the levels that we've  
12 set for our town, and I'm -- was a little  
13 concerned when I was -- we were being told that  
14 the logic in this is counterintuitive. There are  
15 other words for it. I'm sure you have your own.

16 I think that, when you only use  
17 trips traveled as your measurement of what's  
18 acceptable and what's not, perhaps the developers'  
19 proposal is the best scenario; but if you look at  
20 overall impacts, there is great concern for the  
21 outcome of what has been said in this draft E.I.R.

22 Thank you.

23 COMMISSIONER PARKER: Thank you very  
24 much.

25 (Whereupon, from 7:20 P.M. until

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cont.



1 7:25 P.M., a recess was taken.)

2 COMMISSIONER PARKER: The community  
3 room will remain open until 8:30 P.M. to accept  
4 comments. The next comment night to be Tuesday,  
5 October 29, starting at 7:00 P.M. Thank you very  
6 much. Come on down.

7 (Whereupon, from 7:25 P.M. until  
8 7:49 P.M., a recess was taken.)

9 COMMISSIONER PARKER: The Planning  
10 Commission Draft E.I.R. Public Comment Meeting --  
11 welcome.

12 Tonight, October 24, 2013, the  
13 public comment meeting is now underway; however,  
14 no comments are currently being received. The  
15 community room will remain open until 8:30 P.M. to  
16 accept comments. Please join us if you want to  
17 make comments. Thank you very much.

18 PREM LALL: Hi. My name is Prem  
19 Lall. My name is Prem Lall, Brisbane resident;  
20 and first and foremost, I will admit that I have  
21 not read the entire draft Environmental Impact  
22 Report.

23 COMMISSIONER CUNNINGHAM: Really.

24 PREM LALL: And I would have liked  
25 to, but it just didn't happen; but I do have some

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1 concerns that I will like to address, Madam  
2 Chairwoman, and Council members --

3 COMMISSIONER CUNNINGHAM: Planning  
4 commission.

5 PREM LALL: Commission members,  
6 excuse me -- one of them being that that whole  
7 area that is scheduled for development is a  
8 potential firestorm in that you have a PG&E gas  
9 pipeline running under Bayshore Boulevard; and  
10 from what we have seen from San Bruno, PG&E is not  
11 maintaining its pipelines, and you also have  
12 Kinder Morgan fuel pipelines running to the tank  
13 farm and underneath that -- that land area; and  
14 we've also heard rumors that Kinder Morgan is not  
15 maintaining its fuel pipelines.

16 So I think we all need to consider  
17 what will happen and who will be responsible for  
18 rebuilding and paying for the repair of those --  
19 of that area.

20 If you have a firestorm from either  
21 a rupture of the PG&E gasline or the Kinder Morgan  
22 pipeline or a combination of both, because, if it  
23 one explodes, it will set the other off, I don't  
24 really know whether any of that -- any -- any  
25 issue like that has been addressed in the

5  
cont.



1 Environmental Impact Report with regard to the  
2 developer and development of that area; and  
3 another issue that -- I don't know whether it was  
4 addressed or not, but it might be of benefit -- if  
5 there were a trust fund established up front on  
6 the part of the developer so that, were there  
7 potentially problems with the development, whether  
8 it be because of toxins leeching into the soil  
9 from beneath the dirt piles that they have out  
10 there or otherwise, that funds could be taken from  
11 that trust fund directly as opposed to resorting  
12 to lawsuits of what or whatever you -- whatever  
13 methodology would be available to the City of  
14 Brisbane to avoid taxpayers' being responsible for  
15 making repairs or what have you to those areas.

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16 If we could set up some kind of fund  
17 in advance and request that the developer place a  
18 few million dollars in that fund so that, if  
19 something goes wrong in the next 25 years, the  
20 funds will come from that trust instead of from  
21 Brisbane taxpayers, I'm sure a lot more people  
22 would be interested and would welcome development  
23 in that area if they knew that there was some type  
24 of fail-safe measure, which, to my knowledge,  
25 there isn't. Correct me if I'm wrong.

1 Now, I'm sure that the developer  
2 would not be too interested in doing that because  
3 they don't want to put that type of money out  
4 there for, say, 25 -- 25 years; but if they would,  
5 I'm sure many more people in Brisbane would be  
6 willing to support their development.

7 So that's pretty much what I have to  
8 say.

9 COMMISSIONER REINHARDT: Thank you.

10 COMMISSIONER PARKER: Thank you very  
11 much;

12 (Whereupon, from 7:55 P.M. until  
13 8:09 P.M., a recess was taken.)

14 COMMISSIONER PARKER: Okay,  
15 everybody. The third speaker tonight is Dennis  
16 Busse at 443 Mendocino, Brisbane.

17 Dennis, anytime you're ready.

18 DENNIS BUSSE: Could you correct  
19 that to Brisbane, Australia. I don't want any  
20 hate mail or people knocking on my door.

21 I don't know what's appropriate.

22 I don't know what to say or how to  
23 phrase it, but what I want to get off my chest --  
24 in prior developments no matter where they be,  
25 like, over the mountain; Hillside Boulevard; there

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cont.

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1 were a couple of developers that bellied up, or  
2 took a hike, for whatever reason including here in  
3 Brisbane; but what they got out of it, on the  
4 other side of the hill, was a firehouse and a  
5 beautiful gymnasium if you've never been to it.

6 There's a bus stop; firehouse; and  
7 an incredible gymnasium. If you haven't checked  
8 it out, you should; but at least South City got  
9 that before the developer took a hike, and I'm  
10 just curious:

11 In all this planning, do we have  
12 some givens that are locked in stone? We're not  
13 going to give up. This is what we want whether  
14 it's a lawn bowling for old people like me or a  
15 horseshoe pit or a senior citizens' home because  
16 all of you will be able to qualify for that by the  
17 time anything happens out there, in my opinion, if  
18 that makes sense.

19 I'd like to know that we're not even  
20 going to negotiate or sit down unless this is a  
21 given, and we want it built first before you drive  
22 one nail in your development. So however that's  
23 phrased and if it makes sense -- and I don't need  
24 a reply from anybody -- but thank you.

25 COMMISSIONER PARKER: Thank you very

7  
cont.

1 much.

2 Again, this is the Baylands Draft  
3 E.I.R. Public Comment Meeting, and it is -- we are  
4 going to be here until 8:30 to receive comments.  
5 So if anyone wants to come down, please feel free.  
6 Thank you very much.

7 (Whereupon, from 8:11 P.M. until  
8 8:16 P.M., a recess was taken.)

9 PREM LALL: Okay. Thank you once  
10 again, Madam Chairwoman, and the commission  
11 members.

12 I don't recall seeing, as far as the  
13 development plans are concerned, any kind of  
14 overpass to 101 North.

15 COMMISSIONER PARKER: Could you --  
16 I'm sorry. Could you restate your name.

17 PREM LALL: My name -- sorry --  
18 Prem. Prem Lall. I am a Brisbane resident.

19 COMMISSIONER PARKER: And he's  
20 Speaker No. 1.

21 Okay. Go ahead. I'm sorry. I  
22 should have --

23 PREM LALL: Something like that.  
24 Anyway it's all right.

25 So am I correct that there's no plan

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1 for an overpass to 101 North from, say, Lagoon  
2 Road, or Lagoon Way, where there is a -- there is  
3 a, you know, exit?

4 There's an entrance point to 101  
5 South, but there's no entrance point to 101 North.  
6 If this whole area is, in fact, developed and  
7 they're saying that they're going to extend Geneva  
8 into the Baylands, that's going to create an  
9 enormous amount of traffic that I don't -- that  
10 I -- that our current Bayshore Boulevard route and  
11 101 South access only will be able to handle.

12 So I would say that if this  
13 development is going to be approved, not saying  
14 that it will; but if it is, there should be a  
15 requirement that there be an overpass built to 101  
16 North from Lagoon Way.

17 The same access point to 101 South  
18 should also have an access point to 101 North; and  
19 also I don't know whether the whole development is  
20 planned with the idea that 101, in itself, is  
21 going to last in perpetuity because with sea-level  
22 change perhaps in 15 to 25 years, that -- I don't  
23 know what it's called, but I'm not sure what the  
24 term is -- that the geological term is -- but that  
25 artificial roadway that is currently 101 that

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cont.

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1 exists next to the Brisbane Lagoon -- that could  
2 simply be washed away.

3 It's not a very solid structure  
4 because it's man-made. So I don't know if that is  
5 taken into consideration either in this  
6 development plan. So if it hasn't been, I think  
7 it should be. So that's the end of what I've got  
8 to say.

9 COMMISSIONER PARKER: Thank you very  
10 much.

11 (Whereupon, from 8:20 P.M. until  
12 8:29 P.M., a recess was taken.)

13 COMMISSIONER PARKER: This concludes  
14 the October 24 Baylands Draft E.I.R. Public  
15 Meeting. We will have another public meeting  
16 Tuesday, October 29, from seven o'clock until  
17 10:00 P.M.; and please feel free to come down and  
18 make your comments at that time, and thank you  
19 very much. Bye-bye. Good night.

20 (Meeting was adjourned at 8:29 P.M.)  
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1 BEFORE THE CITY OF BRISBANE PLANNING DIVISION  
2 PANEL OF THE PLANNING COMMISSION  
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7 RE: DRAFT E.I.R. PUBLIC COMMENT MEETING  
8 TUESDAY, OCTOBER 29, 2013  
9 7:01 P.M.

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1 to understand those questions.

2 So I think it's just really tough,  
3 and I expect to be spending more time and make  
4 written comments before the deadline. My comments  
5 and questions tonight are just basically pretty  
6 general. One is in the biological section.

7 At the beginning it mentions that  
8 there were four reconnaissance field trips over  
9 six years, three or more in the spring, and one  
10 was in June; and I really question whether that's  
11 enough, surveying to really capture the biological  
12 resources in the Baylands.

13 So that's one question, and then  
14 I've always had a lot of questions about the  
15 ability of humans to build structures that are  
16 going to hold up in the Baylands with the -- an  
17 area that's subject to liquefaction and strong  
18 shaking, and it's not just that.

19 You might be able to, you know, put  
20 some pilings into the ground and have the building  
21 stand up, but then every piling is going through  
22 toxic material and has to be -- every piling has  
23 to be sealed; and I just don't see how, the more  
24 buildings you put up, the more -- the more problem  
25 you're going to have after an earthquake resealing

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cont.

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18 Just from my experience in the San  
19 Bruno Mountain Watch during the -- the northeast  
20 ridge battle couple of years ago and having read  
21 the habitat conservation plan, huge document that  
22 gets amended all the time, (indicating) and seeing  
23 all of the plans; all of the mitigations; this is  
24 what we're going to do here; and that's going  
25 to -- what we're going to do there and seeing that

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cont.

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**cont.**

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1 It's not producing much, if any,  
2 pollution; and it's a resource. It should be in  
3 there. Thank you.

4 COMMISSIONER REINHARDT: Thank you.

5 COMMISSIONER PARKER: Thank you.

6 COMMISSIONER CUNNINGHAM: Thanks,  
7 Ken.

8 Would anyone else like to speak at  
9 this time?

10 KANJI NISHIJIMA: Oh, that's it? I  
11 mean, I want to have a chance eventually but --

12 COMMISSIONER CUNNINGHAM: Come on.  
13 (indicating)

14 KANJI NISHIJIMA: You know what?

15 COMMISSIONER PARKER: Did you fill  
16 out one of these cards?

17 KANJI NISHIJIMA: No. I don't see  
18 them.

19 COMMISSIONER PARKER: Yeah. Come on  
20 up and start speaking.

21 KANJI NISHIJIMA: Okay. Yeah. I  
22 had some question:

23 One was I tried to go through as  
24 much as I could about in these different  
25 documents.



1           It seems impossible, but I did my  
2       best, and I didn't notice anything regarding the  
3       rising sea levels that are predicted -- what  
4       measures are being taken to address those, and I  
5       don't know what they were going to be expecting;  
6       but, you know, once I had heard that it was going  
7       to be like, I don't know it was realistic or not;  
8       but it seems like a 50-foot rise in the sea  
9       levels.

10           I don't know what it is, but I was  
11       just wondering if it was addressed in some manner  
12       in the E.I.R., and another -- another that  
13       isn't -- you know, I read through different  
14       mitigations and different -- you know, different  
15       ways that they were going to address the increased  
16       traffic and an increased population and impact on  
17       the community, and I -- it's just -- I can't  
18       imagine it being as clean and as well thought out  
19       as this plan suggested it will be.

20           Just doesn't seem possible, and so I  
21       don't know if that can be answered because I know  
22       there are -- you know, what they talked about the  
23       different ideas about carpooling and all of that  
24       kind of, you know, giving people bus passes -- it  
25       doesn't seem like it's going to be very effective

6  
cont.

7

1 in addressing the increased traffic and, you know,  
2 the kind of growth that they're expecting.

3 I mean, it did say something about,  
4 you know, it's going to be a substantial impact  
5 on -- on the, you know -- the number of houses and  
6 number of people and all the -- all of that going  
7 on. I just didn't understand how that addressed  
8 that question very well.

9 It just seemed to be kind of  
10 unrealistic, and I think that was it. You know, I  
11 assumed. I didn't see it, but I assumed there the  
12 earthquake issues are being addressed and that in  
13 there somewhere, and I couldn't find that either;  
14 but it must be in there somewhere, I would assume,  
15 because -- because, you know, the Hayward  
16 earthquake is ready to go any second now; and when  
17 that happens, how does the -- how do these plans  
18 basically address -- address the inevitable?  
19 Okay. Thank you.

20 COMMISSIONER PARKER: So, Kanji, can  
21 you state your name.

22 KANJI NISHIJIMA: Oh, I'm sorry.  
23 Kanji Nishijima -- I'm a Brisbane resident --  
24 102 Monterey Street.

25 COMMISSIONER PARKER: And then fill

7  
cont.

8

9



1 the card out.

2 KANJI NISHIJIMA: Okay. Thanks.

3 COMMISSIONER REINHARDT: Thank you.

4 COMMISSIONER PARKER: Thank you very  
5 much.

6 At this time would anyone else like  
7 to speak?

8 FRAN MARTIN: I'm not prepared. I  
9 just came to see what's happening tonight, but  
10 I'll say something. I can't help myself.

11 I haven't read the thing, you know.  
12 I'm Fran Martin from the Visitation Valley. I'm  
13 with the Visitation Valley Grooming Project and  
14 Visitation Valley Planning Rights.

15 COMMISSIONER CUNNINGHAM: Okay.

16 FRAN MARTIN: As I said, I haven't  
17 read it, but I'm -- I've been saying this all  
18 along. I hope that Brisbane pays attention to the  
19 needs of Visitation Valley. I do know that most  
20 of the development is going to be in the northern  
21 part of the site; and that's really, you know,  
22 more consequence to our neighborhood than it is to  
23 Brisbane.

24 So we're concerned about traffic,  
25 about the aesthetics, just -- just all of those

10

11

1 things -- excuse me -- that -- I'm catching a  
2 cold -- that if there's going to be housing, even  
3 if there's not going to be housing, we would like  
4 to have a green connection with all the green that  
5 you're going to have, all the open space that  
6 you're going to have in the southern part of the  
7 site.

8 So and we're also very, very  
9 concerned about ecology particularly since we're  
10 putting 650 units of housing at Schlage Lock. I  
11 know that all that whole process is coming up, but  
12 I would hope that you would pay attention to the  
13 needs of your neighborhood particularly Schlage  
14 Lock and the neighborhood particularly the  
15 aesthetics to what's going to happen with ecology.

16 There needs to be some kind of  
17 barrier, physical barrier between physical --  
18 visual barrier between -- and noise barrier  
19 between that new development, that ecology, you  
20 know, upgrading their facility. We're not against  
21 that happening, and we're not against development,  
22 and that's it. I don't have anything, you know,  
23 specific until I look at that document.

24 COMMISSIONER CUNNINGHAM: Thanks,  
25 Fran.

11  
cont.

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### Meeting3

1                   FRAN MARTIN:  Do I give this to you?

2 COMMISSIONER PARKER: Thank you,  
3 Fran.

4                   So, again, this is the City of  
5 Brisbane and the planning commission; and we are  
6 here for the Draft E.I.R. Public Comment Meeting,  
7 and if you wish to make a comment, please come and  
8 state your name; and we'll be thrilled to hear  
9 from you. Thank you.

10 (Whereupon, from 7:15 P.M. until  
11 7:38 P.M., a recess was taken.)

12 COMMISSIONER PARKER: Welcome. On  
13 behalf the City of Brisbane and the planning  
14 commission, we are here currently to accept public  
15 comment for the draft E.I.R.

16 At this point we've had three  
17 speakers. If anyone else wants to come down,  
18 please feel free and bring your thoughts. If we  
19 do not have anyone in the next 20 minutes or so, I  
20 think we will probably decide that we will not  
21 have anyone and close up the meeting, but please  
22 feel to come down and make comments. Thank you  
23 very much.

24 (Whereupon, from 7:39 P.M. until  
25 8:01 P.M., a recess was taken.)

1 COMMISSIONER PARKER: Did you want  
2 to come, speak one more time?

3 COMMISSIONER CUNNINGHAM: Are we on?

4 COMMISSIONER PARKER: Kanji?

5 KANJI NISHIJIMA: Hi, Kanji  
6 Nishijima.

7 I wanted to add to my previous  
8 comments or questions. What I wanted to do was  
9 basically -- now that I've had a chance to, at  
10 least, go through the summary, it -- it -- this  
11 seems to confirm my concerns; and that is that the  
12 traffic -- the issues with all the traffic and all  
13 the disruption to the different roadways  
14 apparently will be significant and unavoidable,  
15 and I don't think that's acceptable at all.

16 Also the air quality -- apparently  
17 it's going to be higher than considered  
18 acceptable; and, you know, certainly the fact that  
19 we are in a situation where global warming is a  
20 factor, is a fact, we need to take every measure  
21 possible to do our part to try and minimize things  
22 as they get worse; and this -- apparently  
23 according to this, according to the summary, these  
24 projects will, in fact, be significant -- these  
25 projects will, in fact, adversely impact our air



### Meeting3

1 quality, contrary to the -- what is it? -- clean  
2 air plan; and for those reasons, I, as a resident  
3 of Brisbane, would choose not to see these  
4 projects go ahead. Okay. Thank you.

5 COMMISSIONER PARKER: Thank you very  
6 much.

7 Does anyone else wish to speak?

8 Well, at this time, I think we will  
9 close the public comment for the draft E.I.R.; and  
10 thank you very much for your participation, and  
11 thank you very much. Bye-bye.

12 (Meeting was adjourned at 8:04 P.M.)  
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