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Comments on FEIR Hazardous Materials, Air Quality etc. (11/4/15)

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Com. Dev. Dept. Brisbane

Thank Mr. Zola and others for bringing many details and requests to light. I appreciate that Mr. Zola informed us that we have the opportunity to set higher standards than this DEIR recommends. We can also deny the application as being insufficient and not recommend changes to our General Plan.

This is the time to assert local authority and the study by Dr. G.F. Lee and the findings of the European Union on chemical toxicities all point to the fact that, in the Public's interest, we need to proceed with caution about the assumptions made in this document.

- 1.) There is the mistaken assumption that the Baylands are stable land. It is high in salt, corrosive to building materials and the high groundwater levels make it unsuitable for dense development.
- 2.) A reason to have a Peer/Community Advisory Board rather than leave details to State regulatory agencies and City employees is because standards change over time. The Water Board and DTSC do not have the ability to remedy things once developments have occurred (cite examples of Midway Village and Alameda Waterfront housing.) Additionally exposure levels can be manipulated numerically a number of ways including comparing to background levels, dividing/multiplying by unknown variables to the level of "less significant," but doesn't multiple and synergistic effects.
- 3.) The term Cleanup is a misnomer. Currently there are no permanent remediations out there. They are all interim remediations. The methane burner for the landfill doesn't cover the whole area and the equipment is often in shut-down, or disrepair. There is insufficient mapping of the toxic burners, or future burners that are secretly considered for Recology expansion, and certainly no discussion of what MIXED-Uses are appropriate near toxic gas burners.
- 4.) The State of California recommends wetland buffers and wetland natural attenuation as mitigation for toxic soils, but the plan includes taking water from the Visitacion watershed and piping it northward. Correct planning would be watershed-based and keep that precious Public resource of rainwater exposed in a natural system. That is a poor infrastructure design.
- 5.) Biological Resource studies are inadequate, especially for the baseline year suggested. There should be multi-season, multi-year studies of wildlife. Ice House Hill should not be the only resource to be considered for environmental impacts to wildlife. As Barbara Ebel pointed out, there are frogs near the roundhouse and many both migratory and resident birds.
- 6.) You need to review the language in the actual so-called Specific Plan. It says that all land uses and scenarios can change (at will) based on market and other factors. You may not want that provision. You may not want to certify this planning document.

7.) I too am concerned about the flagrant use of over-riding considerations and who determines that impacts have been reduced to the level of insignificance.

You can reduce impacts by not allowing the use. You can reduce traffic impacts by reducing the project. You can reduce carbon usage by requiring an internal, all electric vehicle system. You can reduce the impact of night glare, by not allowing lights to be on at night. It is really refreshing to be able to see the stars... that is an impact that your suggested mitigation, special down-lights, will not render insignificant.

8.) I thank Mr. Zola for recommending LEED Silver, but why not platinum? It's 50% better. What is not understood is that Mr. Zola said that this DEIR looks at buildout, but that the Specific Plan is not available to understand what buildout would be. That sounds like an admission that this product isn't adequate and one should err on the side of what's best for the community, what's best for the planet.

In closing, I think you should look at how Universal Paragon has acted in the past. At the Schlage Lock site, they proposed something grandiose. They said they would not put housing below the ground. The community asked for vapor monitors in the buildings regardless of use, but were denied.

The final approved plan was reduced and EIR certified. But before a shovel hit the ground, Universal Paragon came back and asked for more housing and to drop the buildings below the surface. There were no mitigation measures in place for housing below ground level. That was also the time they proposed swapping the most toxic core of land to become the playground.... Their reasoning was because kids won't be there 24-7... You have to ask yourself, is this responsible planning at the hands of a state agency? Will this happen here? And if the answer is yes, even maybe, then the mitigation measures that are proposed in this EIR are not adequate.