

2.9 Individual Responses to Comments from Organizations

2.9.1 Brisbane Baylands Community Advisory Group (BBCAG)

BBCAG-1 [See page 5-86 for the original comment] This comment provides an introduction to the comments contained in BBCAG’s January 23, 2014 letter. As such, it does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

BBCAG-2 [See page 5-88 for the original comment] A master table of contents of the EIR Appendices has been provided, and can be found in Volume III of the Final EIR, *Revised Draft EIR*.

BBCAG-3 [See page 5-88 for the original comment] See Response BBCAG-2. References in the Draft EIR to appendices have been reviewed, and appropriate revisions are included in Volume III of the Final EIR, *Revised Draft EIR*. The underlying technical studies used to prepare the Draft EIR are included as Appendices to the Draft EIR. All other documents cited in the Draft EIR are available for review at the Brisbane Community Development Department, 50 Park Place, Brisbane, California.

BBCAG-4 [See page 5-88 for the original comment] The Mitigation Monitoring and Reporting Plan (MMRP) is included in Volume II, Chapter 4.0 of the Final EIR. See also Master Response 3 for discussion of the enforceability of mitigation measures.

BBCAG-5 [See page 5-89 for the original comment] The alternatives set forth in Chapter 5 of the Draft EIR demonstrate that reducing the intensity of proposed site development and increasing the area of open space would reduce or avoid significant environmental effects of Baylands development.

BBCAG-6 [See page 5-89 for the original comment] Because capping of the proposed landfill will be required, and the California Public Utilities Commission will not permit at-grade crossings of the Caltrain tracks, grading of the Baylands Project Site has been proposed that would raise ground levels within the Baylands.

Runoff and erosion issues are addressed in Draft EIR Section 4.H, *Surface Water Hydrology and Water Quality*. Site hydrology and drainage systems will be required to be designed to meet the performance standards set forth in Mitigation Measure 4.H-4a, recognizing proposed site elevations, including drainage of the area within and adjacent to the Caltrain right-of-way. In addition, grading of the

site will be required to avoid erosion, and to be designed so as to avoid long-term erosion hazards.

Noise issues are addressed in Section 4.J, *Noise and Vibration*, of the Draft EIR. Raising ground levels adjacent to the Caltrain tracks, along with the construction of buildings within the Baylands, will provide partial attenuation of noise generated by Caltrain operations. The analysis undertaken for the Draft EIR did not incorporate such attenuation into noise modeling when evaluating Project Site development-related impacts and is therefore conservative.

The visual simulations set forth in Table 4.A-1 include proposed site grading. As is evident from these visual simulations, the primary visual impacts of Project Site development result from building construction rather than site grading. Thus, additional visual modeling of proposed site elevations is unnecessary.

BBCAG-7 [See page 5-89 for the original comment] This comment provides no rationale as to why wastewater and drainage should be considered to be “major areas of controversy.” However, based on comments received on the Draft EIR from various agencies, a new bullet point is added to the listing of major areas of controversy on Page 2-17. The added bullet point reads as follows.

- Water Supply, including the diversion of water from rivers, along with the transport and storage of the proposed water supply for the Brisbane Baylands.

BBCAG-8 [See page 5-89 for the original comment] Because landfilling actually started in the 1930s, Photographs 2 and 3 in the Geosyntec report depict operations in the mid-1930s.

BBCAG-9 [See page 5-90 for the original comment] The portion of the OU-1 within San Francisco (Schlage Lock) is *not* a part of the Project Site. The portion of OU-1 within the City of Brisbane *is* part of the Project Site. The term “OU-1,” as used in the Draft EIR refers to the Brisbane portion of that operating unit. “OU-1” in the Draft EIR thus refers consistently to the portion of OU-1 within the Baylands Project Site. The portion of OU-1 that is north of and outside of the Baylands is consistently referred to in the Draft EIR as either the San Francisco portion of OU-1 or the Schlage Lock portion of OU-1.

Please note the contaminated groundwater underlying the San Francisco (Schlage Lock) portion of OU-1 has contributed to groundwater contamination underlying the Baylands Project Site.

BBCAG-10 [See page 5-90 for the original comment] The graphics provided in Chapter 3, *Project Description*, depict proposed open space features to the extent possible given the available detail of concept plan scenarios for Baylands development. In

addition, area landmarks, such as Brisbane Lagoon, the US 101 freeway, and Bayshore Boulevard are shown in Project Description graphics in Chapter 3 of the Draft EIR to help orient the reader.

BBCAG-11 [See page 5-90 for the original comment] See Master Response 29 for a discussion of supply reliability and delivery reliability for the OID water, and for MID and the SFPUC.

BBCAG-12 [See page 5-90 for the original comment] The two areas designated for renewable energy production in the DSP and DSP-V development scenarios are clearly identified in Figures 3-11 and 3-12 of the Draft EIR as being located immediately east of the Kinder Morgan Tank Farm and along the west side of the Caltrain line northeast of Icehouse Hill.

BBCAG-13 [See page 5-90 for the original comment] As noted on Draft EIR page 4.A-37, glare results from “sharply reflected light caused by sunlight or artificial light reflecting from highly finished surfaces such as paving, roofing, or glass.... In general, darker or mirrored glass would have a higher solar reflectivity -- or glare -- than clear glass.” While building heights would affect the *amount* of building surface area that could reflect light and thereby cause more or less glare depending on the amount of building surface area, heights are not the actual *source* of daytime glare.

While the Draft EIR recognizes that the greater amount of building area in the DSP and DSP-V scenarios will result greater impacts related to daytime glare than the CPP and CPP-V scenarios, the Draft EIR also concluded that significant glare impacts would result from all four development scenarios. Implementation of Mitigation Measure 4.A-4b is therefore required for all scenarios to require that building exteriors be “composed of textured and other non-reflective materials, including high-performance tinted non-mirrored glass.” To clarify its intent, Mitigation Measure 4.A-4b is revised to read as follows:

Mitigation Measure 4.A-4b: All building exteriors within the Baylands Project Site shall be composed of textured and other non-reflective materials, including high-performance tinted non-mirrored glass. Any ~~Reflective~~ materials on building exteriors that have a light reflectivity factor greater than 30 percent shall be positioned so as to not reflect daytime glare onto the 101 freeway or onto existing residential communities in Brisbane and Visitation Valley limited to less than 50 percent of any wall area. Mirrored glass shall be prohibited.

BBCAG-14 [See page 5-90 for the original comment] This comment does not raise any significant environmental issues regarding the Draft EIR or its analyses and conclusions. Whether the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios should be approved, modified, or

not approved will be considered by the City as part of its planning review for the Baylands.

BBCAG-15 [See page 5-91 for the original comment] The Draft EIR included an analysis of air quality health impacts from construction in Impact 4.B-3, beginning on page 4.B-29, and an assessment of air quality health impacts from Project Site development operation in Impact 4.B-5, beginning on Page 4.B-38. Localized air quality health impacts were found to be less than significant. Regional air quality impacts from ozone precursors and particulate matter are identified as significant on page 4.B-38 of the Draft EIR. See Response BBCAG-17 for discussion of the health risk assessment prepared for proposed Baylands development. The issues raised in relation to availability of proposed uses in other previously approved projects in the area will be considered by the City as part of its planning review for the Baylands.

BBCAG-16 [See page 5-91 for the original comment] The Draft EIR contained an analysis of air quality health impacts from Project Site development operation in Impact 4.B-5, beginning on Page 4.B-38. Localized air quality health impacts, including impacts to existing off-site receptors, were found to be less than significant (increased cancer risk less than 10 in one million). See Response BBCAG-17 for discussion of the health risk assessment prepared for proposed Baylands development. As required by CEQA, the conclusions set forth in the Draft EIR for Impact 4.B-5 are based on the impacts of proposed Baylands development, i.e., a comparison of Project Site development against the baseline physical conditions, and not the contributions of existing development. Cumulative air quality impacts are addressed in Chapter 6 of the Draft EIR starting on page 6-19.

BBCAG-17 [See page 5-91 for the original comment] The Health Risk Assessment (HRA) summarized in Impacts 4.B-3 and 4.B-5 and contained in Appendix D of the Draft EIR, was conducted in accordance with technical guidelines developed by federal, state, and regional agencies, including the US Environmental Protection Agency (USEPA), California Environmental Protection Agency (CalEPA), California Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxics Hot Spots Program Guidance*¹, and the Bay Area Air Quality Management District (BAAQMD)'s *Health Risk Screening Analysis Guidelines*.² Consistent with this OEHHA Guidance, the HRA used a 5-year span of meteorological data from a location within 5 miles of the Baylands Project Site. Until such time that OEHHA updates its guidance to recommend any future meteorological forecasts it deems reliable and available with the data necessary

¹ Office of Environmental Health Hazard Assessment (OEHHA), 2003. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, http://www.oehha.org/air/hot_spots/pdf/HRAguidefinal.pdf
² Bay Area Air Quality Management District (BAAQMD), 2005. *BAAQMD Health Risk Screening Analysis Guidelines* (http://www.baaqmd.gov/pmt/air_toxics/risk_procedures_policies/hrsa_guidelines.pdf), June 2005.

for dispersion modeling, the HRA analysis of the Draft EIR is consistent with the latest methodology of the State of California.

BBCAG-18 [See page 5-91 for the original comment] The comment is correct that there were 12 Spare the Air Days in December of 2013, an increase from what occurred in December 2012. During the last winter Spare the Air Season, from November 2013 through February 2014, there were a total of 30 Spare the Air Days. This is the most since the 2006-2007 season when there were also 30 Spare the Air Days³. This number of Spare the Air alerts is thus not unprecedented. The HRA analysis of the Draft EIR, summarized in Impacts 4.B-3 and 4.B-5 and contained in the Appendix D, used meteorological data that included the 2006-2007 season. Therefore, the health risk assessment included a worst-case meteorological year and represented a conservative analysis. Applying this conservative meteorological assumption, localized health risk impacts were identified in Impact 4.B-3 and Impact 4.B-5 as less than significant in the Draft EIR.

BBCAG-19 [See page 5-92 for the original comment] Anaerobic digestion, if ultimately approved for the Recology facility, would be contained within an enclosed vessel and the process itself is not a source of criteria or toxic air pollutants. Consequently, there would have no impact on air quality. Anaerobic digestion of organic material is not associated with substantial emissions of toxic air contaminants (TACs). Therefore, there would be no health risk impacts resulting from anaerobic digestion processes.

Any subsequent combustion of collected digester gas for the purposes of generating steam or electricity or operating vehicles would result in pollutant emissions. Similar to natural gas and other fuels, combusting digester gas results in emissions of criteria pollutants (oxides of nitrogen, NO_x; carbon monoxide, CO; volatile organic compounds, VOC; particulate matter, PM; and oxides of sulfur, SO_x) as well as greenhouse gases (CO₂, CH₄, and nitrous oxide, N₂O). Emissions of these pollutants from combusting digester gas vary depending on the type of combustion device, the presence of air pollution control equipment, and the composition of the gas, but would be similar to those of natural gas combustion and would offset natural gas combustion emissions for energy assumed in the analysis of the Draft EIR.

While it is unlikely that combustion of digester gas would be a source of TAC emissions, even if the composition of the gas were to result in TAC emissions, consistent with the requirements of its Policy and Procedure Manual, the BAAQMD would require that such combustion not exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0, and would deny an Authority to Construct or a Permit to Operate for any new or modified source of

³ <http://sparetheair.org/Stay-Informed/Particulate-Matter/PM-Box-Scores.aspx>

TACs that would exceed those performance standards. Therefore, combustion of collected digester gas would have a less than significant localized health impact.

The analysis contained in the Draft EIR is a programmatic level assessment based on the detail contained in the CPP-V scenario, which provides only that digestion is a potential renewable energy generation element. As such, details that would be necessary to estimate emissions from combustion of digester gas to operate a turbine or other stationary source are not available. Once the proposal for the anaerobic digestion collection facility and related combustion process is formally proposed it would have to undergo a project-level CEQA analysis as well as acquire an Authority to Construct and a Permit to Operate from the BAAQMD. Refer to Master Response 1 for more detail on the differences between program level and project level analysis.

BBCAG-20 [See page 5-92 for the original comment] The final paragraph on Draft EIR page 4.B-1 has been revised to read as follows to reference the Alemany Gap, which affects the wind condition on the north side of San Bruno Mountain:

Brisbane's proximity to the onshore breezes stimulated by the Pacific Ocean provides for generally very good air quality at the Project Site. These winds are the result of the presence of the ~~San Bruno~~ Alemany Gap to the west of the Project Site. The ~~San Bruno~~ Alemany Gap is oriented northwest to southeast, the same direction as the prevailing wind with elevations under 200 feet. Consequently, the Project Site receives some of the highest wind speeds along the peninsula. These winds maintain relatively good air quality in the flat valley portions of Brisbane.

BBCAG-21 [See page 5-92 for the original comment] Comment BBCAG-21 does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions

BBCAG-22 [See page 5-92 for the original comment] The Draft EIR contains an analysis of air quality and GHG emission impacts consistent with the latest (2012) guidance of the BAAQMD cited in Section 4.F, *Greenhouse Gas Emissions*. The Draft EIR presents the air quality monitoring data for the monitoring location nearest the project site. This monitoring station is located on Arkansas Street in the Mission Bay area of San Francisco. As discussed on page 4.B- of the Draft EIR, while the San Francisco data may not exactly reflect the meteorological environment of Brisbane nor the proximity of site-specific stationary and roadway sources, they do present the nearest available benchmark that is most applicable to regional pollutants such as ozone. As stated by BAAQMD, although resources do not allow placement of air pollution monitors in every city, it can be demonstrated that air pollution levels, in the absence of significant local

sources, are similar within each geographical region of the Bay Area. That is, cities within each of the major valleys of the Bay Area tend to have similar air quality levels. Consequently, a few sites can characterize an area⁴. Winds passing through the Alemany Gap result in more frequent winds and higher wind speeds than at the Arkansas Street Monitoring Station. Consequently, because wind disperses pollution, the existing pollution summary provided in Table 4.B-1 on Page 4.B-4 of the Draft EIR likely overestimates the pollution concentrations that exist at the Baylands Project site.

BBCAG-23 [See page 5-92 for the original comment] Air dispersion modeling conducted to the standards of OEHHA Guidance requires a 5-year collection of specific data sets that include not only hourly surface data such as wind speed and direction but also temperature, dew point, cloud cover, cloud layers, ceiling height, visibility, current weather, and precipitation as well as upper air data. Such data sets are limited in geographic availability, and for the Baylands site area consist of Mission Bay in San Francisco (surface data only) and the San Francisco Airport. Such data sets are not available for San Bruno Mountain, the elevation of which would result in much greater wind speeds and dispersion than occurs at the Brisbane Baylands. Consequently, data from San Francisco Airport less than five miles to the south and at a similar elevation as the Baylands site is the best available meteorological data for analysis and the most reflective of the Baylands Project Site because proximity and similar elevation both contribute to best characterizing the meteorological dispersion conditions.

BBCAG-24 [See page 5-92 for the original comment] This comment combines a consideration of criteria pollutant emissions and hazards, which are distinctly different. Criteria pollutants have been identified though the federal Clean Air Act and the US Environmental Protection Agency has promulgated and regularly revises National ambient air quality standards (NAAQS). These ambient air quality standards are intended to protect the public health and welfare, and they specify the concentration of pollutants to which the public can be exposed without adverse health effects. By contrast, hazards from toxic air contaminants (TACs) are different in that TACs do not have ambient air quality standards, but are regulated by BAAQMD using a risk-based approach. This approach uses a health risk assessment to determine what sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks.

With respect to criteria pollutant emissions and ozone, the Draft EIR analysis includes an estimate of ozone precursor emissions that would be generated by

⁴ BAAQMD, 2013 Air Monitoring Network Plan, July 1, 2014 Available online at http://www.baaqmd.gov/~media/Files/Technical%20Services/2013_Network_Plan.ashx?la=en

both construction and operation of the four proposed development scenarios in Draft EIR Tables 4.B-5 and 4.B-13, respectively. These estimates include emissions from natural gas combustion from all land uses for the purposes of space heating. Project Site development would not result in appreciable increased air transportation or increased landfill off-gassing at the Baylands Project Site (although GHG emissions from increased solid waste generation at off-site disposal locations are considered in the GHG section). Impact 4.G-2 of Section 4.G, *Hazards and Hazardous Materials*, in the Draft EIR identified significant hazard impacts with regard to landfill off-gassing and identified mitigation measures to reduce this impact to a less than significant level. An assessment of cumulative air quality hazard and exposure impacts is presented on page 6-19 of the Draft EIR, which indicates that cumulative cancer risks from stationary, roadway and rail sources would be less than the BAAQMD cumulative thresholds.

BBCAG-25 [See page 5-92 for the original comment] The cancer risk estimates provided in Table 4.B-3 of the Draft EIR are BAAQMD estimates at the property line of the facility. For diesel generators or other internal combustion sources these risks may be scaled down at receptor locations based on distance from the property line using the BAAQMD's diesel multiplier tool, which is what was done to estimate the risks on proposed residential uses as shown in Tables 4.B-20 and 6-3 of the Draft EIR. These risk calculations are based on upper end permit values. Compliance with BAAQMD permit conditions is assumed. If an operator added equipment or increased throughput a permit revision would be required, necessitating a re-calculation of risk.

BBCAG-26 [See page 5-93 for the original comment] The quoted text in the comment is an opinion of the California Air Resources Board (CARB, 2005) in reference to general recommendations for setbacks of sensitive land uses from railways and high volume roadways. These general recommendations do not take into account site-specific conditions or direction of prevailing winds. The Draft EIR assesses site- and scenario-specific risk levels on proposed receptors including residents and school children in Tables 4.B-15 through 4.B-18 of the Draft EIR for each Project Site development scenario. The results of the cumulative analysis of all stationary and transportation sources are presented in Table 6-3 of the Draft EIR. Scenario-specific and cumulative cancer risk and hazard impacts from these sources were found to be less than significant using BAAQMD recommended methodologies.

BBCAG-27 [See page 5-93 for the original comment] This comment does not provide documentation for the assertion that area winds are blowing contaminated soils over the Baylands as part of the site's existing setting. However, site remediation and landfill closure pursuant to the regulatory authority of the RWQCB and DTSC would preclude any such possibility.

BBCAG-28 [See page 5-93 for the original comment] The Draft EIR contains an assessment of hazard impacts from the former landfill in Section 4.G, *Hazards and Hazardous Materials*. Pages 4.G-4 through 4.G-18 of the Draft EIR documents 33 studies, reports and monitoring efforts conducted between 1977 through 2011 that cumulatively represent baseline⁵ studies under CEQA with respect to contamination from the former landfill as well as other historical on-site activities. These data were applied in the assessment of hazard impacts 4.G-1 through 4.G-7 from historical activities on the Baylands Project Site detailed on pages 4.G-86 through 4.G-103 of the Draft EIR.

Mitigation Measure 4.B-1 of the Draft EIR includes a menu of dust control measures relative to air quality impacts from generation of fugitive dust from construction activities that require “Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used” in addition to other BAAQMD-identified dust control measures.

BBCAG-29 [See page 5-93 for the original comment] The four development scenarios would each result in removal of existing soil piles within the former landfill, reducing the need for operational fugitive particulate management. Mitigation Measure 4.B-1 of the Draft EIR includes a menu of dust control measures identified by the BAAQMD to reduce fugitive particulate emissions during Project Site development construction. BAAQMD recommends the implementation of all *Basic Construction Mitigation Measures* as mitigation for dust and exhaust construction impacts. The BAAQMD 2011 CEQA Air Quality guidelines identify these measures as Best Management Practices for fugitive dust from construction and include implementation of Best Management Practices in the District’s threshold of significance for construction dust impacts relative to CEQA.

BBCAG-30 [See page 5-93 for the original comment] Chapter 5, *Alternatives*, notes that the No Project No Build Alternative would have no construction-related fugitive dust impacts. However, the Draft EIR also notes that existing contaminated soils would remain and the former landfill would not undergo formal closure under the No Project No Build alternative.

BBCAG-31 [See page 5-93 for the original comment] The Draft EIR contains an assessment of hazard impacts from the former landfill in Section 4.G, *Hazards and Hazardous Materials*. Hazard impact 4.G-2 on pages 4.G-97 addresses soil gas and vapor intrusion from legacy contamination in the Baylands area and identifies this potential as a significant impact. Mitigation Measures 4.G-2f through 4.G-2h would be required for all development scenarios to avoid a significant impact. Because landfill gas is primarily a combustion hazard and not a criteria or

⁵ Baseline is the existing physical conditions at the time of the NOP for the purposes of impact assessment under CEQA.

toxic air pollutant it is addressed in the Hazard section of the Draft EIR not in the air quality/health risk assessment analysis.

Reasonably foreseeable future rail projects in the vicinity of the Baylands Project Site are the electrification of Caltrain and the California High Speed Rail Project. Electrification of Caltrain would reduce localized diesel particulate matter (DPM) concentrations and have a net beneficial air quality impact in Brisbane. The proposed California High Speed Rail Project would also be electric powered and not increase localized pollutant concentrations. These projects are, however, not part of proposed Baylands development, and project/service decisions made by Caltrain and the California High Speed Rail Authority will be made by those agencies independent of any actions the City of Brisbane might make regarding proposed development of the Baylands. Thus, the Draft EIR does not address increases in rail service as a Baylands development-related impact, and addresses electrification of Caltrain and High Speed Rail as part of cumulative impacts analyses. The assertion that high-speed rail might require submerged tunnels is speculative and does not require analysis in the EIR.

- BBCAG-32** [See page 5-94 for the original comment] Implementation of the proposed Transportation Demand Management (TDM) program is a requirement of the countywide Congestion Management Program. While a prohibition on single-occupant vehicles within the Baylands would be unenforceable, the City will consider the appropriateness of various proposed uses as part of the planning review undertaken for the Baylands.
- BBCAG-33** [See page 5-94 for the original comment] As indicated on page 4.B-40, operational project emissions would need to be reduced by the 86 to 92 percent (for PM₁₀) or 60 to 86 percent (for NO_x and ROG) to reduce the air quality impacts to a less than significant level. This amount of traffic reduction exceeds the best reduction estimates for the transportation demand measures such as such as those suggested in Comment BBCAG-33 (BAAQMD, 2012). Consequently, the impact is identified as significant and unavoidable.
- BBCAG-34** [See page 5-94 for the original comment] Tables 4.B-15, 4.B-16, 4.B-17, and 4.B-18 identify transportation-related health impacts for the DSP, DSP-V, CPP-V, and CPP-V scenarios, respectively. The analysis estimates increases in cancer risks, including chronic and acute impacts that would result from proposed development of the Baylands, as well as transportation-related PM_{2.5} concentrations that would result from Baylands development.

Cumulative air quality impacts are addressed in Draft EIR Chapter 6, *Significant Unavoidable Impacts, Growth Inducement, Cumulative Impacts, and Other CEQA Considerations*. The cumulative cancer risk and hazard air quality impact of the proposed Plan is addressed on Draft EIR Page 6-19. Unlike a project level

assessment, for the cumulative assessment the risks from all sources are summed and compared to a cumulative significance threshold. A summary of the cumulative existing plus project health impacts is presented in Draft EIR Table 6-3 (page 6-20), which includes stationary sources, local roadway sources and Caltrain operations. It should be noted that US Highway 101 would be over 1,000 feet from the nearest proposed sensitive receptor for the DSP and DSP-V scenarios and, based on BAAQMD guidance, is sufficiently distant from the highway as to not warrant inclusion in the health risk assessment. As demonstrated in Table 6-3, health impacts from Project Site development plus other existing sources (permitted sources and roadways) in the area would have a cumulative impact below the BAAQMD threshold of 100 per million and would be less than significant.

The Draft EIR focuses on changes to the environment that would result from proposed Baylands development, analyzes the significance of those changes, and proposes mitigation measures for impacts that are determined to be significant.

Liquefaction resulting from an earthquake would result in loss of soils stability, but would not create measureable emissions of TAC that would be an impact of proposed Baylands development.

- BBCAG-35** [See page 5-94 for the original comment] The determination of significance in Impact 4.B-6 of the Draft EIR is made using BAAQMD recommended methodologies (BAAQMD, 2012) and input data. Risk estimates provided as inputs are either from formal facility-specific health risk assessments or are BAAQMD estimates at the property line of the facility and are based on maximum permitted emission levels, resulting in a conservative analysis. Because impacts were determined to be less than significant, no mitigation is required.
- BBCAG-36** [See page 5-94 for the original comment] The risk values presented in Table 4.B-20 for the Kinder Morgan facility and other stationary sources reflect the distance to the nearest sensitive receptor. The BAAQMD-reported property line cancer risk for the Kinder Morgan facility is 26.4 excess cancer cases per million, while the BAAQMD-reported property line cancer risk for the Bayshore Chevron Station is 13.4 excess cancer cases per million. Therefore, the at-property line risk from the Kinder Morgan facility is greater than this gasoline station. However, the distance of the Kinder Morgan facility from the nearest proposed sensitive receptor (approximately 1,300 feet) results in a lower risk than from the service stations which are significantly closer to sensitive receptors (approximately 200 feet).
- BBCAG-37** [See page 5-95 for the original comment] As stated on Draft EIR page 4.O-46, in Section 4.O, *Utilities, Service Systems, and Water Supply*, with construction of

the onsite recycled water plant, the recycled water plant would be designed to treat most of the liquid wastewater component generated from development within the Baylands Project Site.⁶ The remaining liquid waste and all of the solid waste would continue to be discharged to the Bayshore Sanitary District (BSD) system for treatment at the SFPUC Southeast Plant (SEP) and disposal by SFPUC.

Mitigation Measure 4.B-8 is revised to read as follows:

Mitigation Measure 4.B-8: Recycled Water Plant Odor Management Plan. Prior to the start of operation pursuant to issuance of a permit to operate from ~~San Francisco Public Utilities Commission~~ or RWQCB, the recycled water plant shall formulate and implement a progressive Odor Management Plan for review and comment by BAAQMD prior to review and approval by the City. The Odor Management Plan shall select a sufficient number of control measures from the following menu of options identified by BAAQMD to attain a performance standard which meets the odor detection thresholds of BAAQMD Regulation 7 as achieved and verified by the BAAQMD inspector.

- Activated carbon filter/carbon absorption
- Biofiltration/bio trickling filters
- Fine bubble aerator
- Hooded enclosures
- Wet and dry scrubbers
- Caustic and hypochlorite chemical scrubbers
- Ammonia scrubber
- Energy efficient blower system
- Thermal oxidizer
- Capping/covering storage basins and anaerobic ponds
- Mixed flow exhaust
- Wastewater circulation technology
- Exhaust stack and vent location with respect to receptors

BBCAG-38 [See page 5-95 for the original comment] The “thermal oxidizer,” “caustic and hypochlorite chemical scrubbers,” and “exhaust stack and vent location with respect to receptors” are presented in Mitigation Measure 4.B-8 which provides options identified by the BAAQMD to meet the odor thresholds of BAAQMD Regulation 7.

⁶ The onsite recycled water plant would be designed only for treatment of wastewater generated within the Baylands Project Site and would not accept flows from outside of the Baylands. Wastewater generated by the existing Recology facility, including the proposed Recology site expansion (CPP-V scenario), would be transported directly to the SFPUC and would not be treated at the onsite recycled water plant.

A thermal oxidizer is one available mitigation option recognized by BAAQMD as a method of air quality and odor abatement. They are operated throughout the Bay Area for coffee roasting operations to abate odors and require no permit but are used to abate emissions from other permitted sources. Heat for thermal oxidation is typically generated by natural gas combustion and has emissions similar to that of a small industrial boiler and would have negligible air quality impacts if selected as an odor abatement device. There are no policies of the City of Brisbane General Plan that would preclude operation of a thermal oxidation unit.

BBCAG-39 [See page 5-95 for the original comment] The statement referred to in Comment BBCAG-39 addresses the Draft EIR's conclusion regarding the odor impacts of proposed Baylands development, not to existing Baylands Project Site conditions such as algae blooms in the Brisbane lagoon. The analysis of odor impacts is presented starting on page 4.B-45. The conclusion that proposed Project Site development would result in less than significant impacts is based on (1) the types of uses proposed for the Baylands (other than the recycled water plant in all scenarios and the Recology expansion in the CPP-V scenario), do not typically emit obnoxious odors, (2) the proposed Recology expansion would be required to meet BAAQMD rules regarding odors including Regulation 1-301 (Public Nuisance) and Regulation 7 (Odorous Substances), and (3) the proposed onsite recycled water plant would be required to meet the odor detection thresholds of BAAQMD Regulation 7 (Odorous Substances).

BBCAG-40 [See page 5-95 for the original comment] This comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

BBCAG-41 [See page 5-95 for the original comment] Section 4.C, *Biological Resources*, of the Draft EIR adequately characterizes existing habitats, including habitat for birds and aquatic species. This characterization is depicted in Figure 4.C-1, and formed the basis of the Draft EIR analysis of impacts to Baylands habitats, including habitat for aquatic species and habitat used by migratory birds. Impacts to aquatic habitats would primarily occur as a result of site cleanup and remediation actions that will result in significant, mitigable impacts, but would have long term benefits to aquatic species because the habitat will be cleaned, restored, monitored, and managed, which is superior to the existing conditions at the site. After remediation, Project Site development impacts to aquatic habitats would be less than significant.

Aquatic habitats in the Baylands are treated in the Draft EIR as a sensitive habitat type. A discussion of aquatic habitats at the Baylands occurs on page 4.C-19, and page 4.C-47 introduces several mitigation measures as a means of mitigating impacts to sensitive habitats including aquatic habitats. Specifically, Measures 4.C-

2a, 4.C-2b and 4.C-2c would mitigate impacts from site cleanup activities and also site buildout; Measures 4.H-1a and 4.H-1b establish mitigation to reduce impacts to aquatic habitats during remediation and site buildout to a level that is less than significant by creating avoidance and minimization and offsetting any potential impacts with restoration and enhancement of wetlands including aquatic habitats to attain the performance standard of no net loss of this sensitive habitat type at the Baylands.

Analysis in the Draft EIR considers the potential for various aspects of the proposed Project Site development scenarios to impact avian species and identifies mitigation to avoid or reduce such impacts. Mitigation Measures 4.C-1d, 4.C-4d, 4.C-4e, and 4.C-4-f would ensure that impacts to birds related to interference with breeding, night migration, and collisions with buildings would be less than significant. Analysis in the Draft EIR also addresses potential impacts related to wind turbines, included in the DSP and DSP-V scenarios, and concludes impacts to raptors related to wind turbine operation would be significant, due to lack of knowledge and uncertainty regarding effectiveness of Mitigation Measures for this new and emerging field in Mitigation Measures 4.C-1e and 4C.1-f on pages 4.C-43 to 44.

Mitigation Measure 4.C-4-1a requires implementation of an open space plan that addresses the entire site and integrates habitat configurations that benefit aquatic species through restoration and long-term maintenance of seasonal wetlands and riparian habitats at the Baylands. Mitigation Measure 4.C-4-1b requires implementation of a Marsh Habitat Management Plan that would address habitat protection within all portions of the site subject to tidal action, and would therefore address avian and aquatic species that occur in tidal wetlands.

The Draft EIR notes that performance standards such as creating a migratory corridor configuration and design and implementing a marsh habitat protection plan for the site as described in Mitigation Measure 4.C-4b, would result in future habitat conditions that exceed the functions and values of current habitat conditions within the Baylands.

In addition, the Draft EIR includes performance standards that stipulate no in-water construction and no development at the Lagoon beyond passive trail uses and fishing. This performance standard limits potential impacts to aquatic species.

Impacts of site post-remediation site development on avian migration and navigation are discussed in the context of site build-out specifically related to buildings and structures including renewable energy components. These impacts are described in the Draft EIR as significant and unavoidable. Mitigation Measures 4.C-4d and 4.C-4e on page 4.C-43 require restrictions on lighting and

require non-reflective coatings and surfaces for buildings greater than 100 feet tall as a means of minimizing disturbance to migrating birds during night migration.

BBCAG-42 [See page 5-95 for the original comment] CEQA requires that the impacts of a project be evaluated by analyzing the changes that would occur from baseline conditions should the proposed project be implemented. The Draft EIR discussion of baseline conditions is based on field surveys, literature, and data base review, and professional judgment of qualified biologists, and adequately describes baseline conditions. As discussed in Master Response 7, the baseline year for the Brisbane Baylands is 2010. Thus, the Draft EIR examines the changes that would occur compared to 2010 conditions should any of the concept plan scenarios be selected and developed.

As discussed in Master Response 9, analysis of wetland conditions based on a review of twenty years of aerial photographs demonstrated that the extent of wetland within the Baylands has varied considerably over the past 20 years, and also confirmed that the 2010 baseline condition used in the Draft EIR (Figure 4.C-1) exceed by approximately 20 percent the “average” wetland expression (total area) observable over the past 20-year period. The graphic results of this 20-year review of air photo data of wetland area within the Baylands is presented in Master Response 9, confirming the adequacy of the Draft EIR’s characterization of baseline wetlands within the Baylands.

Recognizing the year to year variability of wetland area within the Baylands, Mitigation Measure 4.C-2c has been modified⁷ to require mitigation of wetlands impacts based on either (1) the wetland area identified in the Brisbane Baylands EIR (which is indicative of the “average” wetland expression within the Baylands) or (2) a current wetlands delineation, whichever is greater.

BBCAG-43 [See page 5-95 for the original comment] Baseline conditions were determined using various data sources and direct observations in addition to information from the 2003 wetland delineation. Results are shown in Figure 4.C-1. These reconnaissance level surveys, rather than a formal wetland delineation, confirmed the general boundaries of habitats, including wetland habitats. The months that occur during the spring season, including March and April, generally represent the appropriate timing that would maximize opportunities to observe site conditions across multiple habitat types during a site characterization effort. As discussed in Section 4.C on page 4.C-2, reconnaissance surveys were conducted in 2007, 2011 and 2013 during the months of March and April to establish baseline conditions for EIR analysis. These reconnaissance surveys considered wetlands in addition to other habitat types present within the Baylands. Direct observations of wetlands in 2007, 2011, and 2013 were considered in the Draft

⁷ The modified mitigation measure can be found as part of Master Response 9, Identification of Wetlands.

EIR is addition to a review of 2003 conditions. See Master Response 9 pertaining to wetlands for a more detailed discussion of the methods and approach to documenting wetlands at the Baylands for the Draft EIR.

The Draft EIR identifies that impacts to wetlands would occur as a result of site remediation efforts and site build-out. The Draft EIR concluded these impacts would be significant, as discussed in Impacts 4.C-2 and 4.C-3 (Pages 4.C-47 through 4.C-53). However, remediation of the Baylands Project Site, along with implementation of Mitigation Measures 4.C-1g, 4.C-2a, 4.C-2b, 4.C-2c, the open space and restoration required in Mitigation Measures 4.C-4a and 4.C-4b, and provision of open space and daylighting of Visitacion Creek, will create a greater amount of wetland/riparian habitat and higher quality habitat than currently exists.

BBCAG-44 [See page 5-95 for the original comment] See Master Response 9, Identification of Wetlands, for discussion regarding the extent of wetlands identified in the Draft EIR. As discussed in that Master Response, review of 20 years of aerial photography confirms that the wetlands area identified in the Draft EIR is representative of a 20-year average condition. To the extent the comment recommends expanding wetlands mitigation, CEQA requires that mitigation measures must be “roughly proportional” to the impacts of the project. (CEQA Guidelines Sec. 15126.4(a)(4)(B).)

BBCAG-45 [See page 5-95 for the original comment] The Draft EIR discusses sea level rise in Section 4.H, *Surface Water Hydrology and Water Quality*, starting on page 4.H-7. Sea level rise is anticipated to result in flooding in discrete locations at the Baylands and exacerbate tidal conditions that restrict out flow from adjacent offsite areas such as the Levinson Overflow Area, which is located across Bayshore Boulevard from the Baylands Project site. Areas within and adjacent to the Brisbane Baylands subject to sea level rise are indicated in Figure 4.H-4.

The hydrology section of the Draft EIR also notes in its sea level rise analysis that surface water elevations along tidally influenced areas would increase, which would not reduce the function of the tidal areas, but would likely result in an increase in overall footprint of tidal areas compared with 2010 baseline conditions. The Draft EIR states that the general location of the existing wetlands onsite, including the area proposed to be restored along Visitacion Creek (i.e.; daylighting the creek up to the roundhouse area) are at sufficient elevation so as not to be threatened by rising tides and sea level.

Pursuant to the requirements of CEQA, the Draft EIR evaluates changes to the environment that would result from proposed Baylands development. Mitigation Measures 4.H-4a and 4.H-4b require drainage improvements for the Baylands

that provide both protection from the 100-year flood, but also require that such flood protection take into account 100 years of projected sea level rise and correct known drainage deficiencies that would be exacerbated by development of lands within the Baylands Project Site.

In addition, as noted on page 4.C-53 of the Draft EIR, implementation of Mitigation Measures 4.C-2a, 4.C-2b, and 4.C-2c would reduce impacts on wetlands to a less-than-significant level by applying performance standards to Project Site development including no net loss of jurisdictional wetlands. Because these performance standards apply grading and development of buildings, as well as infrastructure development, site grading and drainage systems (which account for 100 years of sea level rise) would be subject to the “no net loss of wetland” performance standard, and wetland mitigation would be provided recognizing the effects of sea level rise within the Baylands. To clarify this requirement, Mitigation Measure 4.C-4b on Draft EIR page 4.C-56 has been revised to specifically address 100 years of sea level rise (see Final EIR Chapter 3.0 for text of the revised mitigation measure).

- BBCAG-46** [See page 5-96 for the original comment] The Draft EIR adequately describes baseline conditions on the site, and provides appropriate mitigation for significant impacts. See Master Response 9 for discussion of wetlands identification. The open space suggestions made by Dangermond Associates were incorporated into the CPP and CPP-V concept plan scenarios, were thus addressed in the Draft EIR, and will be included in open space planning for development within the Baylands.
- BBCAG-47** [See page 5-96 for the original comment] Protections for species and habitat that occur in the areas adjacent to the Lagoon and other wetland areas are incorporated in a number of mitigation measures. Mitigation Measures 4.C-1d, 4.C-4d, 4.C-4e, and 4.C-4f would ensure that impacts to birds related to interference with breeding, night migration, and collisions with buildings would be less than significant. Impact 4.C-4 addresses impacts to wildlife nursery sites and identifies Mitigation Measures 4.C-4a, b, and c that would require a Project-wide Open Space Plan, a Marsh Wildlife and Habitat Protection Plan, and require domestic pet restrictions for residential development. Predator control is specified for feral animals in wildlife areas including trapping animals to prevent bird harassment, injury, or death. (Mitigation Measure 4.C-4c.) The Marsh Wildlife and Habitat Protection Plan would also require residential and commercial leases to prohibit outdoor feeding stations to prevent feral cat colonies from establishing, and to prevent attracting other predatory wildlife (Mitigation Measure 4.C-4b).
- BBCAG-48** [See page 5-96 for the original comment] The comment states that noise and vibration impacts to sensitive species are not adequately discussed, and that many

species that do not live underwater will be affected. The comment does not, however, identify any particular species or noise sensitivity parameters.

Several mitigation measures in the Draft EIR protect terrestrial wildlife species from disturbance from construction noise and associated vibration, including Mitigation Measures 4.C-1c, 4.C-1d, and 4.C-1f, which all require preconstruction surveys for sensitive species prior to initiation of any ground disturbing activities. These measures require that if sensitive species are detected, the species would be protected from disturbance with buffers and construction work windows. The establishment of no-disturbance buffers would function to protect species from noise and vibration impacts.

BBCAG-49 [See page 5-96 for the original comment] As discussed in the Draft EIR, tidal marsh habitat features are located around the perimeter of Brisbane Lagoon, and consist of highly fragmented, isolated areas susceptible to predator and human access. In light of these conditions, tidal marsh areas are unlikely to support special status species that would nest in this habitat type. Tidal marsh habitat is depicted on Draft EIR Figure 4.C-1; however, precise dimensions of these habitat types were not included in the Draft EIR because they fall within the Lagoon and lagoon perimeter acreage area is provided in Section 3-4 (page 3-1) of the Draft EIR Project Description, which identifies the size of the Lagoon and lagoon perimeter (defined as the area bounded by the rights-of-way of Lagoon Road, Sierra Point Parkway, and the Caltrain rail line), as being 136.6 acres, including 119 acres of open water subject to muted tidal influence and an additional 17.6 acres of lagoon perimeter. See also revised Figure 4.C-1.

BBCAG-50 [See page 5-96 for the original comment] Physical alterations to the Brisbane Lagoon are not proposed under any Project Site development scenario. In the absence of a specific proposal that would affect waters of the Brisbane Lagoon, it is not possible to speculate regarding coordination with federal agencies related to such alterations.

BBCAG-51 [See page 5-96 for the original comment] Mitigation Measure 4.C-1 requires implementation of an on-going maintenance plan to ensure no reduction in water and environmental quality. In addition, the Draft EIR includes performance standards that stipulate no in-water construction and no development at the Lagoon beyond passive trail uses and fishing. This performance standard avoids significant impacts to aquatic species, and therefore baseline studies of lagoon water quality were unnecessary. Monitoring requirements are set forth in the Mitigation Monitoring and Reporting Program, Chapter 4.0 of the Final EIR.

BBCAG-52 [See page 5-97 for the original comment] Potential contamination of the Lagoon by the former landfill is an existing condition, and not a result of proposed development within the Baylands. Title 27 landfill closure under the

regulatory authority of the RWQCB would remove the possibility of contamination of the Lagoon by the former landfill. See Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR.

BBCAG-53 [See page 5-97 for the original comment] As noted in Master Response 12, Draft EIR Section 4.E, *Geology, Soils, and Seismicity*, explicitly recognizes that the composition of underlying soils, even those relatively distant from faults, can intensify groundshaking, and that significant amplification of strong groundshaking could occur within the Baylands.

The referenced study in the comment was conducted in order to study the 9.0 magnitude earthquake that occurred in Tohoku, Japan. The study did not make any scientific conclusions regarding the San Andreas Fault, but hypothesized that a larger-than-predicted earthquake could potentially occur on other fault systems such as the San Andreas Fault. Considering that further study is needed in order to better determine the likelihood of an earthquake that is substantially more powerful than what is currently accepted in accordance with building code regulations would be speculative and outside the scope of CEQA.

Section 4.E of the Draft EIR also states that although the City College fault is not categorized as an active fault, in accordance with the seismic design criteria of the California Building Code (CBC), all proposed improvements would be required to consider the anticipated groundshaking that could occur from a maximum credible earthquake considering a site's location relative to active faults in the region. Also, as discussed in Master Response 5, under CEQA, compliance with California Building Code seismic requirements serve as mitigation. The CBC provides specifications for design in locations with underlying soils that can amplify seismic groundshaking, and adherence to the CBC will adequately reduce seismic hazards and safety to less than significant levels.

BBCAG-54 [See page 5-97 for the original comment] See Master Response 12 for discussion of seismic risks, Master Response 5 for discussion of compliance with the law as mitigation under CEQA, and Master Response 15 for discussion of the adequacy of studies related to potential groundwater contamination for use in the Draft EIR.

BBCAG-55 [See page 5-98 for the original comment] See Master Response 12 for discussion of seismic risks and Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

BBCAG-56 [See page 5-98 for the original comment] Mitigation Measure 4.E-2.b states "To address recovery from damage to future structures and to the landfill itself

that may be caused by future earthquakes⁸, 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 building permit.”

The owner of the property on which the former landfill sits is required to have the inspection performed pursuant to the requirements of Title 27, and to report the results of the inspection within 72 hours of the event, which does not preclude repairs being performed in that time if needed. A specific timeline is not set in Title 27 for completion of repairs since the nature of repairs to each specific landfill after an earthquake cannot be known. Emergency repairs to address immediate threats to public health and the environment will be completed quicker than more complex long-term repairs. A 7.0 magnitude earthquake is the applicable design event pursuant to current state requirements.

The design of monitoring systems for formal landfill closure under the regulatory authority of the RWQCB will take into account the area’s seismic risks.

BBCAG-57 [See page 5-98 for the original comment] See Master Response 7 for discussion of the baseline year for Draft EIR analyses. The increase in soils heights within the former landfill is the result of soils processing operations that were ongoing a number of years prior to the Draft EIR’s 2010 baseline year, and the accumulation of such soils onsite are, therefore, not an impact of Project Site development. Any additional soils onsite beyond those estimated by 2011 grading plan mean that a lesser amount of soils will need to be imported to achieve proposed site elevations. The evaluation of the aesthetic impacts of proposed Project Site development would be unchanged since it is based on proposed site elevations that have not changed subsequent to 2011 grading studies. Thus, no re-evaluation is needed.

BBCAG-59 [See page 5-98 for the original comment] All new construction within the Baylands Project Site will be required to meet the most recent seismic standards set forth in applicable building codes at the time building permits are issued. See Mitigation Measures 4.E-2a, 4.E-2b, 4.E-3, 4.E-4a, and 4.E-4b. See also Master Response 5 for discussion of compliance with the law as mitigation.

BBCAG-59 [See page 5-99 for the original comment] The term “clean” refers to the 20 to 30 feet deep layer of soil used as cover over the landfill to prevent human contact with refuse from residential, commercial, industrial activities including shipyard

⁸ Because the required plan addresses specific structures that will be located and designed as part of subsequent actions, and also addresses specific yet to be approved by the RWQCB measures related to landfill closure, it cannot be prepared until after specific structures have been designed and a landfill closure plan has been approved.

waste, construction rubble, tires and sewage. It is a common term used in the construction industry to denote soils that are free of rubble and construction debris.

BBCAG-60 [See page 5-99 for the original comment] As stated in the Draft EIR on page 4.G-20, soil and groundwater investigations have occurred throughout the Baylands site dating back to 1987. Extensive site-specific data has been collected throughout the site in order to understand how site contamination moves through soil and groundwater. The work has been performed by multiple consulting firms and overseen by state licensed hydrogeologists and geologists. All of these investigations, modeling, and remediation treatment system designs have been subject to professional peer reviews and agency oversight from the Regional Water Quality Control Board or the Department of Toxic Substance Control. The Draft EIR relied upon the most specific and comprehensive data available for the Baylands Project Site (which overlies the Brisbane Landfill and Southern Pacific Railyard OU-1 and OU-2, but does not include the Schlage Lock Operating Unit). Regarding the reference to a report on the Schlage OU-1 site, which is outside of the Baylands Project Site boundary, as stated on page 4.E-14 of the Draft EIR, groundwater flows can be highly variable. As the ongoing monitoring and remediation activities continue, there may be further refinements in the understanding of groundwater flow, but for the purposes of understanding the underlying geology, all development would be required to adhere to site specific geotechnical investigations (as stated in Draft EIR Mitigation Measure 4.E-2a: “Prior to the issuance of a grading permit, applicants for all site-specific development and infrastructure projects within the Project Site, including structures, utilities, and roadways shall submit to the City Engineer a final design-level geotechnical report prepared by a licensed geotechnical or soil engineer experienced in construction methods on fill materials in an active seismic area. The report shall provide site-specific 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.”) See Master Response 17 for a discussion of construction activities and groundwater cross-contamination.

BBCAG-61 [See page 5-100 for the original comment] A “well-defined” aquifer is defined as an aquifer between two distinct layers of earth that “confine” the aquifer of interest. Such an aquifer would be readily visible in a cross section obtained from multiple boring logs. The statement there are no well-defined aquifers underlying the site indicates the lack of confining layers separating distinct water-bearing units, and does not imply there is no aquifer present. This is not surprising, as the

bulk of the site is comprised of fill consisting of earthquake rubble, landfill debris, and soil.

BBCAG-62 [See page 5-100 for the original comment] As noted in this comment, the Draft EIR makes clear that soil borings will be necessary to establish adequate foundations for buildings. To the extent that determining requirements for adequate building foundations requires establish how and where there is communication between the various water-bearing units, building foundation analyses will provide the requested information. In addition, to the extent that site remediation under the regulatory authority of the RWQCB and DTSC requires establishing how and where there is communication between the various water-bearing units, the requested information will be provided as part of remedial action plans and/formal landfill closure plans.

BBCAG-63 [See page 5-100 for the original comment] The Draft EIR statement cited in this comment was based on the numerous hazardous materials studies completed within the Baylands Project Site over the years. These studies are provided in the Draft EIR Appendix H.

BBCAG-64 [See page 5-100 for the original comment] The soils referred to in this comment were placed as the result of an ongoing soils processing operation on the former landfill that predates studies of waste characterization within the former landfill. No evidence has been provided or is known that soils processing has altered the thickness of wastes within the landfill or altered its characteristics. Formal closure of the former landfill under the regulatory authority of the RWQCB will address anticipated compaction, including compaction from future grading and building construction.

BBCAG-65 [See page 5-100 for the original comment] Draft EIR Section 4.E, *Geology, Soils, and Seismicity*, and Section 4.H, *Surface Water Hydrology and Water Quality*, demonstrate a functional understanding of the geology and hydrology geology of the Baylands Project Site appropriate to the programmatic nature of the Draft EIR. See Master Response 1 for discussion of program versus project analyses. Additional site-specific geologic and soils studies will be required as part of landfill closure activities and site-specific development projects within the Baylands.

BBCAG-66 [See page 5-100 for the original comment] As stated in the Draft EIR on pages 4.E-44 through 4.E-47, there are a number of geotechnical approaches (e.g., surcharging, deep foundation systems, dynamic compaction, etc.) that are available to address settlement hazards prior to building construction. In accordance with current building code requirements and site specific geotechnical design recommendations, site preparations and foundation design would occur at such time as specific building design(s) are prepared prior to

approval of building permits and commencement of construction, submitted to the City for review for consistency with stringent building code requirements such that any future settlement that might occur would be within accepted tolerance levels. For example, the use of surcharging methods or dynamic compaction prior to commencement of building construction causes the materials susceptible to settlement to compress and settle soils to a degree where the proposed new loading of the structure would not cause any further substantive settlement.

See Master Response 3 for a discussion of CEQA requirements for mitigation monitoring and reporting, and methods to ensure the successful implementation of EIR mitigation measures.

The suggestion that the applicant produce a public website that provides monitoring data of observed settlement at the landfill to measure against predictions represents a recommendation the applicant over and above CEQA mitigation requirements.

BBCAG-67 [See page 5-101 for the original comment] As noted on page 4.H-8 of the Draft EIR, current estimates on sea level rise have an upper range of 55 inches by the year 2100. As stated on page 4.H-37 and 4.H-38 of the Draft EIR, it is not possible to project exactly how sea level rise will affect groundwater movement and groundwater levels at the Baylands site. However, existing low-lying areas would be receiving engineered fill to raise the grade well above projected future sea levels. The engineered fill that would be placed as part of site grading operations would not be permitted to possess shrink swell characteristics pursuant to applicable building code requirements. Utilities and other subsurface improvements would not be permitted to be placed within any corrosive soils and would account for fluctuating groundwater levels including from potential sea level rise in accordance with industry standard geotechnical practices and building code requirements.

BBCAG-68 [See page 5-101 for the original comment] See Response BBCAG-67.

BBCAG-69 [See page 5-101 for the original comment] Seismic hazards for the Baylands site development are discussed in Section 4.E, and mitigation is recommended as set forth in Mitigation Measures 4.E-2a and 4.E-2b on pages 4.E-37 to 4.E-40 of the Draft EIR. These mitigation measures include methods that, when implemented, would reduce seismic hazards to less than significant levels as discussed on Draft EIR pages 4.E-37 to 4.E-40.

The pipelines referred to in the comment are existing facilities are not owned or operated by the Baylands development applicant, and are not part of the proposed Baylands development program. These pipelines are also required to adhere to

seismic safety standards and include safety measures that can react to any sudden changes should they occur. As stated on page 4.G-91 of the Draft EIR, the pipelines are continuously monitored 24 hours per day, 7 days per week both at Brisbane Terminal and at Kinder Morgan's regional headquarters in Orange, California, as well as by a Supervisory Control and Data Acquisition (SCADA) computer system that control all pumps and valves. See Master Response 19 regarding land use compatibility between Kinder Morgan's Brisbane Terminal and proposed development within the Baylands in relation to potential safety issues.

BBCAG-70 [See page 5-101 for the original comment] Mitigation Measure 4.E-2.b states "To address recovery from damage to future structures and to the landfill itself that may be caused by future earthquakes⁹, 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 building permit."

The owner of the property on which the former landfill sits is required to have the inspection performed pursuant to the requirements of Title 27, and to report the results of the inspection within 72 hours of the event, which does not preclude repairs being performed in that time if needed. A specific timeline is not set in Title 27 for completion of repairs since the nature of repairs to each specific landfill after an earthquake cannot be known. Emergency repairs to address immediate threats to public health and the environment will be completed quicker than more complex long-term repairs. A 7.0 magnitude earthquake is the applicable design event pursuant to current state requirements.

Responsibilities for the implementation and monitoring of all mitigation measures are outlined in the Mitigation Monitoring and Reporting Program (Final EIR Volume I, Chapter 4.0).

BBCAG-71 [See page 5-101 for the original comment] The site-specific geotechnical investigations required by Draft EIR Mitigation Measure 4.E-2a include conducting sufficient borings at appropriate depths to identify the geotechnical hazards present for each proposed structure. The specific number and depth of borings that would be required for any particular geotechnical study would depend on the specific area being studied and proposed uses at the site. For example, multi-story structures that may require deep foundation systems would require deeper borings to identify dense materials at depth that are capable of

⁹ Because the required plan addresses specific structures that will be located and designed as part of subsequent actions, and also addresses specific yet to be approved by the RWQCB measures related to landfill closure, it cannot be prepared until after specific structures have been designed and a landfill closure plan has been approved.

anchoring piles and shorter structures may not need exploratory borings to go as deep in order to design a foundation system that can adequately support the proposed structure. Therefore, the particulars of each geotechnical investigation would be dependent on proposed site and building designs, but each investigation would be required to be consistent with industry standard practices, conducted by a state licensed geotechnical engineer, in accordance with current building code requirements, and subject to review and oversight by the City Engineer and Building Official. See also Master Response 17 for a discussion of prevention of cross contamination.

BBCAG-72 [See page 5-101 for the original comment] “Failure” in this context refers to the risk that proposed fill slopes could move in unwanted ways as a result of new loadings (e.g. placement of new fills, or construction of new structures, etc.) placed on the relatively soft compressible Bay Mud deposits underlying the Baylands Project Site. These clay deposits can still be relatively impermeable to the vertical movement of water and yet not capable of supporting proposed improvements, as these are separate forces at work. Draft EIR Mitigation Measure 4.E-4b requires that slope stability evaluations be included as part of site specific geotechnical evaluations that would include measures to prevent any slope failures in accordance with building code requirements. With implementation of this mitigation measure, the potential for slope failure would be reduced to less than significant. See also Master Response 5 for a discussion of the applicability of building code requirements and applicability of compliance with the law as mitigation. See Master Response 17 for a discussion of prevention of cross contamination.

BBCAG-73 [See page 5-102 for the original comment] “Consolidation” refers to the reduction in volume of a soil unit when a stress load (such as fill or a building) is placed on top of it. A soil is said to be “overconsolidated” when the stress load at some point in its history exceeds the current stress load. The degree of consolidation of clay layers has the effect of changing the calculated responses to new loadings that might be associated with placement of new fills and/or structures. Overconsolidated layers would likely experience relatively little settlement unless new loadings in excess of its historical maximum are placed on it. Therefore, the implications are that proposed development of the Baylands would be required to be designed in accordance with a site-specific design level geotechnical evaluation that has adequately profiled underlying conditions to ensure that the improvements can be sufficiently supported over the design life of onsite buildings.

BBCAG-74 [See page 5-102 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 17 for discussion of cross-contamination. As discussed in Master Response 13, the use of any specific remediation method or technology has not been approved

by either the RWQCB or DTSC. Such approvals will not occur until after the City of Brisbane approves land uses for the Baylands, updated human health risk assessments are completed based on those land uses, and risk-based cleanup goals are established by the RWQCB and DTSC.

The Draft EIR text referenced in this comment notes that estimates of 21-26 feet of settlement within the former landfill determined by Geosyntec (2008) assumed use of wick drains to facilitate primary settlement in Young and Old Bay Mud and secondary settlement of municipal waste after use of deep dynamic compaction. Thus, use of wick drains was used for estimation purposes only. Wick drains are not specifically proposed, nor has the RWQCB approved any specific technologies for Title 27 closure of the former landfill.

BBCAG-75 [See page 5-102 for the original comment] Deep dynamic compaction consists of the use of heavy equipment to systematically and repeatedly drop a large weight onto the ground in order to condense the underlying materials to a density suitable for the proposed structure. Prior to commencement of any deep dynamic compaction activities that may be proposed, a site specific geotechnical investigation as required by Draft EIR Mitigation Measure 4.E-2a would be undertaken to provide a detailed understanding of the underlying materials and recommendations for site preparation methods. These recommendations would be in accordance with industry standard practices and building code standards that are subject to review by the City Engineer, and would be required to be implemented as part of site preparation and grading.

Deep dynamic compaction is not the only option available for building foundation design and would only be employed where appropriate as determined by site-specific data following review and approval by the City building official. Part of the consideration for employing this strategy is the potential effects on neighboring sites such that the process does not cause instability of the Bay Mud or adjoining exposed slopes, for example. Deep dynamic compaction and other methods of site preparations such as surcharging with stockpiled soils have been used successfully at numerous sites with similar underlying Bay Mud deposits to provide adequate building sites without causing underlying Bay Mud soils to fail. To clarify its intent, Mitigation Measure 4.E-2a is revised to read as follows:

Mitigation Measure 4.E-2a: Prior to the issuance of a grading permit, applicants for all site-specific development and infrastructure projects within the Project Site, including structures, utilities, and roadways shall submit to the City Engineer a final design-level geotechnical report prepared by a licensed geotechnical or soil engineer experienced in construction methods on fill materials in an active seismic area. The report shall provide site-specific 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, spread of leachate outside of the former landfill, and seismic hazards in accordance with current California Building Code requirements including Chapter 16, Section 1613.

The report shall also require that all subsurface improvements such as utilities that include any materials susceptible to corrosive effects would be engineered in conformance with the most recently adopted California Building Code requirements including the use of engineered backfill.

The report shall also include stability analyses of final design cut and fill slopes, including recommendations for avoidance of slope failure(s). The final grading plan and associated development elements including the landfill cap layer shall be designed and constructed in accordance with requirements of the final design-level geotechnical investigation as approved by the City Engineer prior to the issuance of any building permits.

Designers and contractors shall comply with recommendations of the design-level geotechnical investigation during pProject construction including any modifications required by the City Engineer. A licensed geotechnical or soil engineer shall monitor earthwork and construction activities to ensure that recommended site-specific construction methods are followed during Project construction. These recommendations shall be incorporated into all development plans submitted and approved for the Project Site development as conditions of approval.

BBCAG-76 [See page 5-102 for the original comment] As discussed in Master Response 13, regulatory authority for remediation and Title 27 landfill closure rests with the RWQCB and DTSC, including responsibility for post-landfill closure and post-remediation monitoring. Specific monitoring requirements will be established by the RWQCB and DTSC as part of Title 27 landfill closure and remediation plans based on the activities being undertaken at various development stages and the risk of toxic releases. Costs for such monitoring and insurance will be borne by the developer. See Master Response 17 for discussion of liability for site remediation.

BBCAG-77 [See page 5-102 for the original comment] Because groundwater is not being pumped for municipal water supplies, the current drought is not affecting groundwater levels or groundwater movement. It will, therefore, have minimal if any effect on the groundwater contamination defined onsite and offsite. The land that is now the Baylands Project Site was created by Bay infilling, i.e., the placement of solid materials and construction rubble onto tidal flats and waters. The shallow groundwater gradient has been identified as easterly towards San Francisco Bay and southerly towards Brisbane Lagoon; however the shallow groundwater is not in communication with the San Francisco Bay, and would therefore be unaffected by rising Bay levels over time.

BBCAG-78 [See page 5-102 for the original comment] That there have been a greater number of studies in one area than another provides no factual basis to support the assertion that there is a “general lack of knowledge of how groundwater flows on OU-2 and the Landfill.” The comment itself acknowledges the number of studies that have undertaken on each site. See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

BBCAG-79 [See page 5-102 for the original comment] See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. Mitigation Measure 4.E-2.b 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 building permit.”

The owner of the property on which the former landfill sits is required to have the inspection performed pursuant to the requirements of Title 27, and to report the results of the inspection within 72 hours of the event, which does not preclude repairs being performed in that time if needed. A specific timeline is not set in Title 27 for completion of repairs since the nature of repairs to each specific landfill after an earthquake cannot be known. Emergency repairs to address immediate threats to public health and the environment will be completed quicker than more complex long-term repairs. A 7.0 magnitude earthquake is the applicable design event pursuant to current state requirements.

BBCAG-80 [See page 5-102 for the original comment] See Master Response 15 regarding the adequacy of existing studies for use in the Draft EIR. The statement cited in this comment does not refer to the report prepared on behalf of the City of Brisbane in 2005¹⁰, but to CDM’s subsequent peer review of existing studies, including those prepared subsequent to 2005.

BBCAG-81 [See page 5-103 for the original comment] Pursuant to the requirements of CEQA, the Draft EIR analyzes the physical environmental effects that would result from proposed development of the Baylands Project site. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA, Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR, and Master Response 18 for discussion of the cumulative effects of multiple toxins.

¹⁰ Camp Dresser & McKee (CDM), *Final Report of Findings, Environmental Engineering Peer Review, Baylands Remediation Efforts*, November 2, 2005. This report can be found as part of the reference documents used in preparation of the Brisbane Baylands Draft EIR.

BBCAG-82 [See page 5-103 for the original comment] See Master Response 5 for discussion of compliance with the law as mitigation under CEQA. Source research and codes relied upon in preparation of Draft EIR Section 4.G, *Hazards and Hazardous Materials*, include:

- California Health and Safety Code, Sections 25316, 25320 and 25322.
- California Environmental Protection Agency (Cal-EPA) Department of Toxic Substances Control (DTSC), 1999. Preliminary Endangerment Assessment Guidance Manual.
- United States Environmental Protection Agency (USEPA), December 2004. Risk Assessment Guidance for Superfund (RAGs), Office of Emergency and Remedial Response, EPA/540/1-9/002.
- United States Environmental Protection Agency (USEPA), 2004. Risk Assessment Guidance for Superfund - Volume I - Human Health Evaluation Manual (Part B, Development of Risk-Based Preliminary Remediation Goals). Office of Emergency and Remedial Response, Publication 9285.7-01B.
- United States Environmental Protection Agency (USEPA), January 1992(a). Dermal Exposure Assessment: Principles and Applications. Office of Research and Development Response, EPA/600/8-91/011B.
- United States Environmental Protection Agency (USEPA), February 1992(b). Guidance on Risk Characterization for Risk Managers and Risk Assessors.
- United States Environmental Protection Agency (USEPA), August 1997(a). Exposure Factors Handbook, Volumes I, II and III. Office of Research and Development. EPA/600/P-95/002F.
- United States Environmental Protection Agency (USEPA), July 1997(b). Health Effects Assessment Summary Tables (HEAST). Office of Solid Waste and Emergency Response, EPA-540-R-97-036.

BBCAG-83 [See page 5-103 for the original comment] The statement cited in this comment is part of an introductory statement, explaining general hazardous materials concepts, and is not specific to the Baylands Project site. See Master Response 13 for discussion of the remediation review process for the Baylands, Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR, and Master Response 18 for discussion regarding exposure to multiple toxins. The various exposure pathways by which people may be exposed to hazardous substances are described on page 4.G-2 of the Draft EIR.

Constituents detected onsite include naturally occurring elements and synthetic compounds. Any constituent can be rendered toxic if the dose is sufficient. For example, a prescription drug taken in the correct dose and for the prescribed

duration is beneficial, yet the same drug is toxic if the dose exceeds that which is recommended. Deleterious impacts to human health from exposure to constituents detected in onsite media are evaluated as carcinogenic and non-carcinogenic. Exposure pathways are determined by the nature of the constituent. For example, volatile organic compounds volatilize, therefore the exposure pathway by which these constituents should be evaluated is inhalation, as this is the most conservative pathway.

BBCAG-84 [See page 5-103 for the original comment] Specific risks for illness related to hazardous constituents on the project site will be calculated by the regulatory agencies during the human health risk assessment and the process of setting risk-based cleanup goals and remediation requirements. See Master Response 14 for discussion of risk-based remediation standards.

BBCAG-85 [See page 5-104 for the original comment] Groundwater underlying OU-2 was investigated in 2010 (Appendix C, BFK 2011). Thirty-nine monitoring wells and piezometers were placed in OU-2 in 2010, which Harding Lawson determined to be a sufficient number to detect contamination in area groundwater as part of their study given the size of the area being tested and their research design. Groundwater samples collected from the shallow and deep groundwater and submitted for analysis of total petroleum hydrocarbons (TPH) (C6-C10) – gasoline range, TPH (C10-C28) – diesel range, TPH (C28-C40) – motor oil range, volatile organic compounds (VOCs) and total threshold limit concentration (TTLC) metals indicate that methyl tertiary butyl ether (MTBE) was detected in one sample at a low concentration, all other VOCs were not detected in concentrations greater than their respective reporting limits, i.e., were not detected (ND). TPH (C6-C10) – gasoline range was ND. TPH (C10-C28) – diesel range was detected in six groundwater samples at low concentrations. TPH (C28-C40) – motor oil range was detected in the same six groundwater samples also at low concentrations. Groundwater underlying OU-2 is being monitored per the RWQCB.

BBCAG-86 [See page 5-104 for the original comment] Vertical drilling is the standard of practice for VOC testing. See Master Response 13 for discussion of the remediation review and approval process. As discussed in Master Response 13, Title 27 closure of the former Brisbane Landfill must address the presence of leachate and the requirement to prevent any increases in leachate that exceed any regulatory thresholds, as well as the requirement for control of landfill gas.

Groundwater gradient has been measured consistently since 1982, and has been found to be variable depending upon its onsite location. The direction of groundwater gradient is reported as radial outward from the center of the northern tank farm, north-northeast toward the tree-lined channel in the northern portion of the site, westward along the eastern portion of the site and southeast along the south and southeastern portion of the site.

BBCAG-87 [See page 5-104 for the original comment] See Master Response 15 for discussion of the adequacy of the existing studies for use in the Draft EIR. See also Master Response 13 for discussion of the remediation review and approval process. Any chemicals found in a previous study at concentrations potentially constituting a health risk would be required to be evaluated in updated human health risk assessments, and to be remediated to risk-based health standards should the health risk assessment determine the existence of a health risk.

The first environmental assessment of fill was conducted in 1982 and included collection of soil and groundwater samples. Groundwater in 1982 was submitted for analysis of semi-volatile organic compounds (SVOCs) in addition to volatile organic compounds (VOCs) and metals. An additional investigation was conducted in 1985. Groundwater in 1985 was submitted for SVOCs, VOCs, and metals; SVOCs were not detected. Subsequent investigations, with the exception of the Kleinfelder 1987 investigation, focused on VOC and metals contamination in soils and groundwater.

As of 2010, the groundwater monitoring program around the landfill has included analysis of SVOCs in addition to VOCs, metals, and other constituents, from 20 groundwater monitoring wells and two leachate wells. SVOCs were not detected in the deep groundwater monitoring wells, were detected at stable concentrations in the shallow wells and at trace concentrations in the leachate monitoring wells. The comment provides no factual evidence to support the claim that “the characterization of the landfill is incomplete.”

BBCAG-88 [See page 5-104 for the original comment] See Master Response 15 for discussion regarding adequacy of the existing studies for use in the Draft EIR. Kleinfelder (1987, 1990) concluded the shallow groundwater was not influenced by tidal action, and deeper groundwater at the location of the well tested appeared to have some discharge to the Bay. Therefore the conclusion is reached that tidal influence on leachate recharge is less than significant because the solid waste received by the landfill was placed on top of the earthquake rubble that was placed on top of the marine sediments. Because the former landfill ceased operations in 1967, interactions between groundwater and leachate would have been apparent by the time of these studies

Groundwater gradients are variable depending upon onsite location. The direction of groundwater gradient is reported as radial outward from the center of the northern tank farm, north-northeast toward the tree-lined channel in the northern portion of the site, westward along the eastern portion of the site and southeast along the south and southeastern portion of the site.

BBCAG-89 [See page 5-104 for the original comment] Dr. Lee has identified the limitations of the state of existing environmental science and technology. These

limitations are universal and as such are not specific to the Baylands Project site or the studies undertaken for the Draft EIR.

Some laboratory analytical equipment can detect concentrations of constituents below parts per billion. While there may be potential effects due to exposure to constituents that have not been determined, the state of the existing science errs on the side of conservatism to account for unknowns as contaminated sites are remediated. Data is compared to threshold values determined by regulatory agencies to be conservatively protective of human and ecological health. Data is used in risk assessments to provide direction for remediation that is both protective of human and ecological health and feasible. Science is not static; this is reflected in the annual updates to regulatory agency threshold values and guidance. Technology is not static as reflected in more precise laboratory and field instruments and innovative remedial techniques. See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR and Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.

BBCAG-90 [See page 5-104 for the original comment] See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

BBCAG-91 [See page 5-105 for the original comment] See Master Response 13 for discussion of the remediation review process and Master Response 15 regarding the adequacy of existing studies for use in the Draft EIR.

Pursuant to the requirements of Regulation 8, Rule 34, USEPA 40CFR Part 60 725(b)(2)(i) and 40CFR Part 62.14356 (a)(1), a gas collection system was installed in 1991 on the landfill (Draft EIR Appendix B). The existing landfill gas control system has been operational since 2002. The flare station operates a single flare 7 hours/day (to comply with emission control limits) with a destruction efficiency of 98 percent and a temperature of 1400 degrees Fahrenheit (Draft EIR Appendix B). Test results from 2001 indicate generation of methane gas decreased from 140 SCFM in 1992 to approximately 40 SCFM in 2001 and VOCs, as measured with an OVA, were ND (Draft EIR Appendix B). To ensure the landfill gas control system continues to meet operational material, weekly monitoring of the flare station, monthly monitoring, and adjustment of the landfill gas extraction wells, and quarterly monitoring of emissions is performed. Repairs are performed during monitoring visits and as needed and are documented in monthly reports.

As part of its requirements for Title 27 landfill closure, the RWQCB will review the adequacy of the existing landfill gas control system to collect and combust methane and other landfill gases pursuant to Title 27 standards. Based on that

determination, the RWQCB will set specific requirements for needed upgrades, expansions, or replacement of the existing landfill gas control system.

BBCAG-92 [See page 5-105 for the original comment] The Burns & McDonnell 2005 report cited on page 4.G-13 of the Draft EIR provided a summary of existing OU-1 soil data, which led to additional investigation of soil and groundwater in 2005 and 2006 by Burns & McDonnell. The summary of the additional investigation is provided on page 4.G-13 of the Draft EIR.

It is unclear what specific report this comment is referencing, since there is no Appendix A-11 to the Draft EIR. Because the Burns & McDonnell 2005 report is included in the reference documents identified at the end of Draft EIR Section 4.G, a copy of that report is available for review at the City of Brisbane Community Development Department, 50 Park Place, Brisbane, California.

BBCAG-93 [See page 5-105 for the original comment] The comment refers to a statement on Page 4.G-13 of the Draft EIR, discussing a Wetland Mitigation Plan that was proposed in 2004, and asserts that the studies for that plan were minimal. The comment appears to assert that the 2004 Wetland Mitigation Plan represents an unmitigated impact of Project Site development.

As discussed in the Master Response 10, “Analysis of Previous Actions That May Have Impacted Wetlands,” the Draft EIR addresses impacts of the proposed development of the Baylands that would result from the Project Site development components discussed in Chapter 3, *Project Description*, of the Draft EIR. The impacts of activities that occurred prior to the 2010 baseline do not constitute Project Site development impacts, and are not, therefore the subject of this evaluation.

See Master Response 9, Identification of Wetlands, for discussion regarding the extent of wetlands identified in the Draft EIR. As discussed in that Master Response, review of 20 years of aerial photography confirms that the wetlands area identified in the Draft EIR is representative of a 20-year average condition. To the extent the comment recommends expanding wetlands mitigation, CEQA requires that mitigation measures must be “roughly proportional” to the impacts of the project. (CEQA Guidelines Sec. 15126.4(a)(4)(B).)

The City of Brisbane General Plan Section VII.2, Open Space, Aquatic Areas, and the Natural Environment, does not specify mitigation ratios for impacts to wetlands. Wetland mitigation ratios in the Draft EIR are compliant with requirements of the “no net loss” of wetlands policy maintained by the Corps of Engineers, RWQCB, and California Department of Fish and Wildlife, which translates into a minimum 1:1 mitigation ratio.

BBCAG-94 [See page 5-105 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. The issue of concern in this comment is whether groundwater is affecting the generation of leachate. Tidal influence of groundwater is documented along the margin of the former landfill, but not across the Project site. In addition, shallow groundwater gradient has been identified as easterly towards San Francisco Bay and southerly towards Brisbane Lagoon; however, the shallow groundwater is not in communication with the San Francisco Bay.

Kleinfelder (1987, 1990) concluded the shallow groundwater was not influenced by tidal action, and deeper groundwater at the location of the well tested appeared to have some discharge to the Bay. Therefore the conclusion is reached that tidal influence on leachate recharge is less than significant because the solid waste received by the landfill was placed on top of the earthquake rubble that was placed on top of the marine sediments. Because the former landfill ceased operations in 1967, interactions between groundwater and leachate would have been apparent at the time of these studies.

BBCAG-95 [See page 5-105 for the original comment] Final cover systems must be carried out in conformance with a construction quality assurance plan certified by an appropriately registered professional to satisfy the requirements of Title 27, Section 20324. The construction quality assurance program, including all relevant aspects of construction quality control, is required to provide evidence that materials and procedures utilized in the placement of any containment feature at a waste management unit will be tested and monitored to assure the structure is constructed in accordance with the design specifications approved by the RWQCB. Specific monitoring requirements will be established by the RWQCB as part of Title 27 landfill closure.

The design professional that prepares the construction quality assurance plan is required to be a registered civil engineer or certified engineering geologist. The construction quality assurance program is to be supervised by a registered civil engineer or certified engineering geologist who is required to be designated as the construction quality assurance officer.

BBCAG-96 [See page 5-105 for the original comment] The comment inaccurately characterizes information contained in the Draft EIR. The section of the Draft EIR referenced in this comment is specific to leachate movement into the groundwater underlying the landfill, while this comment addresses bedrock at Icehouse Hill. The information on page 4.G-17 referenced in the Draft EIR accurately summarizes the results of surface water and leachate monitoring undertaken at the former landfill.

The geology underneath the railyard west of the landfill is not uniform. The variability exists in both the fill and the native composition of the earth. This is not unexpected due to depositional effects of the San Francisco Bay and the resulting geologic upheavals from earthquakes. Thus, effects on the lower aquitard outside of the landfill area may be different than at the landfill itself.

BBCAG-97 [See page 5-106 for the original comment] Draft EIR Table 4.E-1 identifies the age of “Young Bay Mud” as dating to the Holocene age (less than 11,000 years old). Artificial fill, including rubble from the 1906 earthquake, was placed on Young Bay Mud to create the Baylands.

BBCAG-98 [See page 5-106 for the original comment] This comment quotes a portion of a sentence on Draft EIR 4.G-18, which states in full “Although the maximum concentration of chromium in the San Mateo County OU-1 is below the regional screening level for total chromium, testing for hexavalent chromium had not been conducted at this location.”

Typically hexavalent chromium is analyzed only when the prior use of the site is metal plating, which it was not. However, even though hexavalent chromium has not been analyzed, it will still be assessed in the required human health risk assessment pursuant to DTSC standards.

BBCAG-99 [See page 5-106 for the original comment] This comment refers to previously proposed risk-based cleanup levels proposed by MACTEC for OU-1 in 2009, but never adopted. See Master Response 13 for discussion of the remediation review process. Based on the land uses approved by the City of Brisbane, updated human health risk assessments will be prepared. These human health risk assessments will then be used by the RWQCB and DTSC to set site-specific risk-based cleanup goals for the Baylands.

BBCAG-100 [See page 106 for the original comment] The complete sentence on Draft EIR page 4.G-18 that is referred to in this comment states “The January 2009 cleanup levels recommended by MACTEC for the constituents of concern in soil at OU-1 are presented below.” It is important to note that these cleanup levels were a proposed forwarded by the landowner, and were not adopted by the regulatory agency.

See Master Response 13 for discussion regarding the remediation review and approval process for the Baylands. Based on the land uses approved by the City of Brisbane, updated human health risk assessments will be prepared. These human health risk assessments will then be used by the RWQCB and DTSC to set site-specific risk-based cleanup goals for the Baylands.

BBCAG-101 [See page 5-106 for the original comment] There is no factual basis provided in this comment to support its assertion. The Draft EIR text to which this comment

refers is a discussion of risk-based cleanup levels proposed by MACTEC for OU-1 in 2009 that were not adopted by the DTSC. See Master Response 13 for discussion of the remediation review and approval process. Based on the land uses approved by the City of Brisbane, updated human health risk assessments will be prepared. These human health risk assessments will then be used by the RWQCB and DTSC to set site-specific risk-based cleanup goals for the Baylands.

BBCAG-102 [See page 5-106 for the original comment] The Draft EIR text to which this comment refers is a discussion of risk-based cleanup levels proposed by MACTEC for OU-1 in 2009. See Master Response 13 for discussion of the remediation review and approval process. An updated risk assessment for the site will be required by the regulatory agencies prior to approval of remedial action plans and development of the Baylands Project site. The risk assessment would include calculation of risk-based cleanup goals for the future intended use of the site as a whole or for each area impacted by constituents and/or chemicals of concern. The risk assessment will be reviewed and ultimately approved by the regulatory agencies based on the regulatory standards in place at the time of such review and approval. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

BBCAG-103 [See page 5-106 for the original comment] This comment mischaracterizes the recommendations of the Draft EIR. See Master Response 13 for discussion of the remediation review and approval process. Pursuant to the requirements of Draft EIR Mitigation Measure 4.G-2a, site remediation and landfill closure will be required to meet the standards set by the RWQCB and DTSC, which are the state agencies having regulatory authority over remediation and landfill closure within the Baylands. See also Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

BBCAG-104 [See page 5-106 for the original comment] The term “clean soil” is a common term used in the construction industry to denote soils that are free of rubble and construction debris. As used in the Draft EIR, it refers to the 20 to 30 feet deep layer of soil used as final cover over the landfill to prevent human contact with refuse from residential; commercial; industrial activities including shipyard waste; and construction rubble, tires, and sewage. The statement in the Draft EIR to which this comment refers simply notes that in 2011, Geosyntec developed guidance for screening of fill materials to be used for landfill soil cover. Thus, such guidance did not exist prior to 2011.

See Master Response 13 for discussion regarding the remediation review and approval process. Imported soil materials will be required to be sampled for specific constituents of chemicals of concern relative to the source of the import. In addition, the number of samples that would be collected would correspond to

the volume of import being accepted. Sampling requirements will be established by the RWQCB as part of Title 27 closure requirements. All materials that will be used to form a permanent landfill cap will be screened to ensure that they meet the regulatory standards of Title 27 and the RWQCB.

BBCAG-105 [See page 5-107 for the original comment] See Response BBCAG-104.

BBCAG-106 [See page 5-107 for the original comment] See Response BBCAG-104.

BBCAG-107 [See page 5-107 for the original comment] The description of the artificial fill on Draft EIR page 4.G-19 was based on observations made from borings that were part of previous geotechnical investigations and were not meant to characterize the waste within the landfill or to provide a comprehensive list of the landfill waste (see Draft EIR Section 4.H, *Hazards and Hazardous Materials*, for a more detailed characterization of waste within the landfill). However, to further characterize the materials received by the landfill, the following information from the Hazardous Materials Summary Report for the Brisbane Landfill (contained in Appendix H of the Draft EIR) is added to paragraph 4 on page 4.G-19 of the EIR:

- **Artificial Fill**

- **Landfill.** Non-engineered fill material includes soils, concrete, bricks, tires, steel, and wood. The soil types range from sandy clay to gravel with sand and range in thickness from 6 to 40 feet. The majority of fill was composed of silty clay and concrete matrix. A clean soil layer approximately ten feet thick overlies the waste. The landfill was used for the disposal of solid wastes composed principally of domestic, industrial and shipyard waste, sewage, and rubble (Geosyntec, 2012c). Thickness ranges from 20 to 35 feet.

BBCAG-108 [See page 5-107 for the original comment] The text on page 4.G-19 provides a description of “Waste” as a geologic unit, and is not intended to characterize the wastes within the former landfill onsite. As noted above, refuse from residential; commercial; industrial activities including shipyard waste; and construction rubble, tires, and sewage were placed in the landfill prior to cessation of operations in 1967. A more complete description of the Brisbane Landfill is presented in the Draft EIR on pages 4.G-23 through 4.G-34.

BBCAG-109 [See page 5-107 for the original comment] Different terminology has been used throughout the history of assessments, investigations, and remedial activities by different consultants for the geologic formations and hydrology of the Baylands. The Draft EIR provides the terminology used in the original reports.

Basically, fill comprised of solid waste accepted by the landfill was placed on top of earthquake rubble that was placed on top of marine sediments to form land. Soil has been placed on top of the solid waste to prevent contact with the waste.

More than likely, soil was also placed on top of the solid waste during the operations of the landfill as “daily cover” to prevent the materials from being blown into the community or the Bay.

The marine sediments are comprised of Bay Muds. The railyard has between a 6 and 22 feet deep layer of undocumented fill on top of Bay Muds that are compressible and range from 0 to 50 feet deep. Underlying Bay Muds are layers of native sand, and in some areas, Old Bay Clay, colluvium, and/or weathered rock. The depth of the Bay Muds gradually increases from north to south (Draft EIR Appendix B). The geology, therefore, underneath the railyard is not uniform. The variability exists in both the fill and the native composition of the earth. This is not unexpected due to depositional effects of the San Francisco Bay and the resulting geologic upheavals from earthquakes.

The landfill has a 10 to 40 feet deep layer of fill on top of the solid waste. Due to the onsite soil recycling operations the depth and condition of the fill cover has changed over time based on demand for the recycled soil. Beneath this layer of fill is a 20 to 35 feet deep layer of solid waste disposed from the 1930s to 1967. The solid waste was deposited on top of Bay Muds. The first layer of Bay Muds is between 10 and 50 feet deep and is on top of a 50 to 200 feet deep layer of Bay Muds intermixed with layers of sand and weathered bedrock. At the northern edge of the site, a 30 to 100 foot deep sand layer has been identified (Draft EIR, Appendix B).

BBCAG-110 [See page 5-107 for the original comment] The *Overview of Project Site Hydrogeology* section referenced in this comment is a summary of regional groundwater conditions. Contaminants in groundwater are not discussed in this section since it addresses groundwater gradient and the potential for groundwater underlying the site to be influenced by tidal action and contribute to the generation of leachate from the landfill. See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. See Response BBCAG-88 for discussion of tidal action.

BBCAG-111 [See page 5-108 for the original comment] See Response BBCAG-88 for discussion of tidal action. See Master Response 13 for discussion of the remediation review and approval process. As discussed in that Master Response, Title 27 closure under the regulatory authority of the RWQCB will be required to prevent any increases in leachate that exceed any regulatory thresholds.

BBCAG-112 [See page 5-108 for the original comment] See Response BBCAG-88 for discussion of tidal action in relation to the former landfill. Title 27 closure of the former Brisbane Landfill will be required to prevent any increases in leachate that exceed any regulatory thresholds.

- BBCAG-113** [See page 5-108 for the original comment] See Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR. See also Response BBCAG-88 for discussion of tidal action in relation to the former landfill. Title 27 closure of the former Brisbane Landfill will be required to prevent any increases in leachate that exceed any regulatory thresholds.
- BBCAG-114** [See page 5-108 for the original comment] See Response BBCAG-88 for discussion of tidal action in relation to the former landfill. Title 27 closure of the former Brisbane Landfill will be required to prevent any increases in leachate that exceed any regulatory thresholds. As part of Title 27 landfill closure, the RWQCB will determine appropriate monitoring protocols.
- BBCAG-115** [See page 5-109 for the original comment] See Response BBCAG-88 for discussion of tidal action in relation to the former landfill. Title 27 closure of the former Brisbane Landfill will be required to prevent any increases in leachate that exceed regulatory thresholds. The elevations of groundwater, both shallow and deep, as reported by GeoSyntec underlying the landfill are found in the 10 to 40 feet of soil cover placed on top of the solid waste accepted by the landfill. Leachate is collected by the leachate seep collection system and conveyed via the sewer line to the Brisbane Sanitary District. The occurrence of leachate seeps has ceased since the leachate collection system has been operational. The purpose of the leachate wells is to monitor contaminants in the leachate.
- BBCAG-116** [See page 5-109 for the original comment] This comment references unidentified evidence regarding the effects of testing; however, no documentation is provided to demonstrate a cause and effect relationship between groundwater testing and the movement of contaminants. See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. As part of site remediation and Title 27 landfill closure, the RWQCB will require remediation of existing groundwater contamination.
- BBCAG-117** [See page 5-109 for the original comment] The sentence cited in this comment provides an introductory overview of historic hazardous materials and contamination within OU-2 the site. Bunker C fuel oil (also known as No. 6 fuel oil) is dense, viscous oil that is, in fact, *low* in solubility and mobility; the Draft EIR does not assert that Bunker C oil is completely insoluble and immobile. Lead is, in fact, also low in solubility and mobility; the Draft EIR does not assert that it is completely insoluble and immobile. The discussion of soil and groundwater contamination starting on Draft EIR page 4.G-52 identifies constituents of concern located within OU-2.

See Master Response 13 for discussion of the remediation review process. As part of required remediation for OU-2, the RWQCB will set risk-based cleanup goals for OU-2 based on the land uses determined by the City to be appropriate

for the Baylands, and will also determine the appropriate activities and technologies to achieve such goals.

BBCAG-118 [See page 5-109 for the original comment] See Master Response 13 for discussion of the remediation review process. Pursuant to their regulatory authority, the RWQCB and DTSC will oversee remediation of the Baylands and Title 27 closure of the former landfill in a manner that is protective of human health and the environment. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

BBCAG-119 [See page 5-109 for the original comment] While Brisbane was incorporated as a city on November 27, 1961, the book, *A Spirit of Independence* (1986), indicates that the town of “Visitacion” was renamed “Brisbane” in the 1920s.

The second complete paragraph on Draft EIR page 4.G-21 is revised to read as follows:

The eastern half of the Project Site north of the lagoon was contaminated from 1932 to 1967, when this area was operated as ~~the Brisbane Landfill a~~ landfill. 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. Some methane gas is still being generated by decomposing solid waste within the landfill. Currently, methane gas emissions are collected through wells and piping, and burned periodically in a flare. The San Mateo County Health Services Agency oversees the landfill site, along with the San Francisco Bay Regional Water Quality Control Board (RWQCB). Groundwater/leachate and stormwater quality is being regularly monitored by consultants for the landowner as described above at well and outfall locations and reported to the Regional Water Quality Control Board.

BBCAG-120 [See page 5-109 for the original comment] As part of its requirements for Title 27 landfill closure, the RWQCB will review the adequacy of the existing landfill gas control system to collect and combust methane and other landfill gases pursuant to Title 27 standards. Based on that determination, the RWQCB will set specific requirements for any needed upgrades, expansions, or replacement of the existing landfill gas control system.

BBCAG-121 [See page 5-110 for the original comment] The statement referenced in the Draft EIR identifies the purpose of the existing cover as being temporary and not the final landfill cover. The final cover must include a foundation layer, low hydraulic conductivity layer and erosion resistant layer, pursuant to Title 27 CCR 21090(a)(1) and CCR 21090(a)(2) (Draft EIR, Appendix B).

Since proposed development within the Baylands will significantly change the current activity of aboveground use of the landfill, the site will be required to comply with Title 27 CCR 21190. In accordance with Title 27 requirements, the closure of the landfill and such future development as may be approved by the City will need to be submitted to the California Integrated Waste Management Board (CIWMB), local enforcement agency (San Mateo County Health System), the San Francisco Bay Regional Water Quality Control Board, and the Bay Area Air Quality Management District for review and approval prior to any physical development of the project (Draft EIR Appendix B).

BBCAG-122 [See page 5-110 for the original comment] This comment is directed at the section of the Draft EIR that contains brief descriptions of the primary types of contaminants found within the Project site. That section is not intended to characterize specific contaminants found within the Project site, their locations, or concentrations.

The summarization of previous hazardous materials reports in the Draft EIR that was taken from a 2012 report by Geosyntec provides descriptions of the findings of numerous studies of hazardous materials undertaken since the 1980s by various consulting companies in different portions of the Baylands for different purposes. Pieced together, these studies paint a picture of soils and groundwater contamination within the Brisbane Baylands Project site. See Master Response 15 for discussion regarding the adequacy of these studies for use in the Draft EIR and Master Response 13 for discussion regarding the remediation review process for the Baylands.

The fifth paragraph on page 4.G-22 is revised to read as follows.

Bunker C fuel is technically any type of fuel oil used aboard ships or trains, getting its name from the containers on ships and in ports that it is stored in. Bunker C fuel oil is a high-viscosity residual oil that requires pre-heating before the oil can be pumped from a bunker tank. “Residual” refers to the material remaining after the more valuable cuts of crude oil have boiled off. The residue used for Bunker C fuel may contain various ~~undesirable~~ impurities including 2 percent water and one-half percent mineral soil that are undesirable in an oil product.

BBCAG-123 [See page 5-110 for the original comment] Wastes present in the landfill have been characterized as having origins from domestic, commercial, industrial, shipyard, and construction uses, as well as including sewage. Of the total amount of waste placed in the former landfill, an estimated 73 percent came from residential and commercial activities. As stated in paragraph 5 on page 4.G-23, other sources of solid waste included residential; commercial; industrial activities including shipyard waste; and construction rubble, tires, and sewage.

- BBCAG-124** [See page 5-110 for the original comment] Soil boring logs from various consultants taken at various times have identified the depth of soil cover placed on top of the landfill waste to prevent direct contact of refuse with humans as being an 20 feet to 30 feet thick. Specific locations for the thickness of the interim cover have not been reported. As part of Title 27 landfill closure, placement of a low permeability engineered landfill cap compliant with Title 27 that will prevent human contact with refuse within the former landfill will be required.
- BBCAG-125** [See page 5-111 for the original comment] See Response BBCAG-124.
- BBCAG-126** [See page 5-111 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. Human health risk assessments will be undertaken based on the land uses approved by the City of Brisbane for the Baylands. Risk-based cleanup goals will then be determined by the RWQCB and DTSC based on those land uses. Physical development within the Baylands Project site is predicated on remediation to human health standards under the oversight of State and local regulatory agencies. As such, all constituents of concern will be addressed as part of the remediation process. The RWQCB will determine appropriate monitoring protocols as part of Title 27 landfill closure. As part of OU-1 and OU-2 remediation, appropriate monitoring protocols will be established by the DTSC and RWQCB, respectively.
- BBCAG-127** [See page 5-114 for the original comment] A “well-defined” aquifer is defined as an aquifer between two distinct layers of earth that “confine” the aquifer of interest. Such an aquifer would be readily visible in a cross section obtained from multiple boring logs. The Draft EIR statement there are no “well-defined” aquifers underlying the Project site indicates the lack of confining layers separating distinct water-bearing units, and does not imply there is no aquifer present. The lack of confining layers defining the aquifer is to be expected, since the bulk of the site is comprised of fill consisting of earthquake rubble, landfill debris, and soil.
- BBCAG-128** [See page 5-114 for the original comment] The purpose of Draft EIR Table 4.G-1 is to identify groundwater elevations in the 2010 baseline year, measured relative to mean sea level, and not to identify the fluctuations in groundwater elevations that may occur over time between wet and dry years.

In addition, Table 4.G-1 is not intended to demonstrate tidal action or the lack thereof. Tidal influence on groundwater has been documented along the margin of the landfill, has not been documented as being significant across the site. Seasonal influence of surface water runoff has been documented in the tree-lined channel in the northern portion of the site; however, a significant connection between the water in the tree lined channel and groundwater underlying the site

has not been documented. The shallow groundwater gradient has been identified as easterly towards San Francisco Bay and southerly towards Brisbane Lagoon; however the shallow groundwater has not been documented as being in communication with the San Francisco Bay.

- BBCAG-129** [See page 5-114 for the original comment] The groundwater contour maps delineating groundwater gradients or flow direction were generated using known data points and computer software programs that use the measured elevations of groundwater in the groundwater monitoring wells, as well as depth to groundwater. The computer software model then mapped contours of modeled changes across the site where none have been measured, based on the nearest measured point. As such, the groundwater contour maps accurately reflect groundwater elevations within the Baylands.
- BBCAG-130** [See page 5-114 for the original comment] The concept of a groundwater contour map is to provide information based on modeled probability with regard to groundwater gradient. Maps showing groundwater sampling sites at the site provide information regarding the location of the sampling points relative to the site.
- BBCAG-131** [See page 5-114 for the original comment] See Response BBCAG-130. These maps are not intended to provide all of the information requested in the comment. Such information cannot be realistically presented in a graphic placed in a two-dimensional document. Available information for the items requested in this comment is, however, provided in the text of the Draft EIR, as well as in Appendices H.2 and H.3.
- **Depth of Young and Old Bay Mud.** See Table 4.E-1 on Draft EIR page 4.E-4.
 - **Constituents tested; how often tested?** The constituents tested within the Baylands are summarized in the Draft EIR on pages 4.G-23 through 4.G-25. More detailed information on testing within the landfill is presented in Appendix H.2. More detailed information on testing within Ou-1 and OU-2 is presented in Appendix H.3.
 - **Location of tire piles within the landfill.** Appendix H, page 1542. Photograph 5 on that page indicates the location of the tire piles being in the northwestern quadrant of the former landfill.
 - **Maps that provide a visual and 3-dimensional history of the underlying conditions.** The overall history of the filling of San Francisco Bay to create the Baylands is addressed on page 4.E-1 and illustrated in Figure 4.E-1.
- BBCAG-132** [See page 5-114 for the original comment] The section referenced in this comment summarizes the groundwater gradient as reported by other consultants

including the potential reason for gradient anomalies based on data reviewed. Current soils processing and recycling operations on the landfill will not impact the historic groundwater gradients summarized in this section. Furthermore, the existing operations on the landfill will cease with Title 27 landfill closure and proposed Project site development. The information presented on Draft EIR page 4.G-30 is provided as part of the existing setting, and does not refer to impacts of proposed Project site development. The discussion of Project site development-related impacts starts on Draft EIR page 4.G-86. Mitigation Measures 4.G-2a through 4.G-2d address the issues raised in this comment.

BBCAG-133 [See page 5-115 for the original comment] The list referenced in this comment is a list of analytes for which the leachate and groundwater samples were submitted in 2010. The Draft EIR states that groundwater has been impacted by a number of constituents. Neither the list of analytes nor the constituents detected in groundwater are limited.

BBCAG-134 [See page 5-115 for the original comment] The Draft EIR accurately reflects the results of studies conducted within the Baylands, including 2010 leachate monitoring results, which indicated the presence of VOCs, trace concentrations of SVOCs, and metals (barium and nickel), indicating a slight leachate buildup. The information presented for the 2010 baseline year is from the Geosyntec Consultants report entitled, *Semiannual Discharge Monitoring Report, Brisbane Landfill, Brisbane, CA*, October 30, 2010, which is on file with the City of Brisbane Community Development Department. See Master Response 13 for discussion regarding the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

The third paragraph on Draft EIR page 4.G-31 has been revised to read as follows:

A leachate seep collection and transmission system (LSCTS) was installed by the landowner as part of a leachate management system to meet the interim objective required by the Regional Water Quality Control Board. The system is located at the southern end of the Brisbane Landfill, intercepting leachate and conveying it to the Bayshore Sanitary District sewer line. 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~~ (Geosyntec, 2010). **Table 4.G-2** presents the maximum reported concentrations of chemical compounds in the leachate wells. Those chemical compounds not included in this table were not detected above the laboratory reporting limits. The Maximum Contaminant Level for California

drinking water is provided for context, but it should be noted that groundwater is not used for domestic water supply in Brisbane, and thus cleanup levels ultimately approved by the Regional Water Quality Control Board may not reflect drinking water standards.

Although no current groundwater use has been identified and no plans for future groundwater use have been proposed, in its review of groundwater contamination related to the Kinder Morgan tank farm site, the RWQCB determined that the potential for future groundwater use in the vicinity, including for drinking water from deeper water-bearing zones, should not be precluded. Therefore, applicable water quality objectives for tank farm groundwater remediation included drinking water standards, which are the more stringent of United States Environmental Protection Agency and State of California primary maximum contaminant levels. Cleanup to this level will protect all existing and potential future beneficial uses of groundwater (RWQCB, 2008).

BBCAG-135 [See page 5-115 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. As part of its requirements for Title 27 landfill closure, the RWQCB will review the adequacy of the existing leachate collection and control system to prevent leachate from spreading and exceeding regulatory standards. Based on that determination, the RWQCB will set specific requirements for any needed upgrades, expansions, or replacement of the existing leachate system.

BBCAG-136 [See page 5-115 for the original comment] No factual evidence is provided in the comment to support the comment assertion that it is “likely” that subsurface seeps into the Lagoon exist. The leachate seep collection and transmission system installed by the landowner as part of a leachate management system as required by the RWQCB is located at the southern end of the Brisbane Landfill, intercepts leachate from seeps and conveys the leachate to the Bayshore Sanitary District sewer. The system was reported effective as no leachate seeps were observed during the 2010 summer monitoring event. The conclusion was reached then, that if no leachate seeps were visible, no exposure to human or environmental receptors was occurring. The third paragraph on page 4.G-31 has been revised to read as follows:

A leachate seep collection and transmission system (LSCTS) was installed by the landowner as part of a leachate management system to meet the interim objective required by the Regional Water Quality Control Board. The system is located at the southern end of the Brisbane Landfill, intercepting leachate and conveying it to the Bayshore Sanitary District sewer line. Results from the summer 2010 monitoring event indicated that no leachate seeps were observed; therefore, it was determined that the leachate seep collection and transmission system is

operating as designed, ~~and no exposure to human or environmental receptors is occurring~~ (Geosyntec, 2010). **Table 4.G-2** presents the maximum reported concentrations of chemical compounds in the leachate wells. Those chemical compounds not included in this table were not detected above the laboratory reporting limits. The Maximum Contaminant Level for California drinking water is provided for context, but it should be noted that groundwater is not used for domestic water supply in Brisbane, and thus cleanup levels ultimately approved by the Regional Water Quality Control Board may not reflect drinking water standards.

See Response BBCAG-134 for discussion of groundwater cleanup standards. As part of its requirements for Title 27 landfill closure, the RWQCB will review the adequacy of the existing leachate collection and control system to prevent leachate from spreading and exceeding regulatory standards. Based on that determination, the RWQCB will set specific requirements for needed upgrades, expansions, or replacement of the existing leachate system.

BBCAG-137 [See page 5-115 for the original comment] As discussed in Master Response 13, while the City of Brisbane has land use authority over the Baylands Project site, the State of California Environmental Protection Agency, Regional Water Quality Control Board, and Department of Toxic Substances Control, as well as the San Mateo County Health System have regulatory authority over the remediation of OU-1 and OU-2, as well as Title 27 landfill closure regulatory oversight pursuant to State law and Corrective Action Orders enforceable by State law with non-compliance punishable by substantial monetary fines.

See Master Response 5. Regarding the City's ability to require mitigation measures, CEQA confers no independent grant of authority to impose mitigation measures on a project. Therefore, when imposing measures to mitigate a project's significant environmental effects, a lead agency may exercise only powers provided by legal authority independent of CEQA, i.e., the measure may not exceed the agency's statutory or constitutional authority. Thus, the City of Brisbane does not have the regulatory authority to approve cleanup standards or the power to require "higher" cleanup standards than those required under State law without substantial evidence demonstrating the need to do so to protect public health and safety, as discussed in Master Response 5.

As stated in the Draft EIR, cleanup levels approved by the RWQCB may not reflect drinking water standards because groundwater is not used for domestic water supply (drinking water) in Brisbane. See Response BBCAG-134 for discussion of groundwater cleanup standards.

BBCAG-138 [See page 5-116 for the original comment] Draft EIR Tables 4.2 and 4.3 list the maximum concentration of the constituents detected in groundwater and compares these concentrations to a regulatory threshold, in this instance the Maximum Contaminant Level (MCL), if the MCL is available, i.e., developed by the USEPA and/or the State of California Environmental Protection Agency, pursuant to standard practice. See Master Response 14 for discussion of risk-based health standards to be set by the RWQCB and DTSC. As discussed in that Master Response, human health risk assessments will be required to determine remediation goals for the specific constituents of concern within the Baylands, based on the land uses determined by the City of Brisbane to be appropriate within the Baylands.

BBCAG-139 [See page 5-116 for the original comment] See Master Response 18 for discussion of cumulative effects of multiple toxins.

BBCAG-140 [See page 5-116 for the original comment] The existing landfill gas control system was inspected by SCS in 2008 and found to require repairs even though it was operating correctly. The existing landfill gas control system flare station is monitored weekly, the landfill gas extraction wells are monitored monthly, and the emissions components are monitored quarterly.

As part of its requirements for Title 27 landfill closure, the RWQCB will review the adequacy of the existing landfill gas control system to collect and combust methane and other landfill gases pursuant to Title 27 standards. Based on that determination, the RWQCB will set specific requirements for needed upgrades, expansions, or replacement of the existing landfill gas control system.

BBCAG-141 [See page 5-116 for the original comment] Because methane can move underground in multiple directions that may change over time, determining the specific locations where methane was detected in the past is not relevant to the analysis or conclusions of the Draft EIR. Methane is generated as the organic matter in the landfill decomposes and as the organic material in the tidal flats on which the waste was placed decomposes. The rate of methane generation has been documented to have slowed during the methane gas monitoring conducted as part of the landfill gas control system. As methane is a product of decomposition and as it seeks the path of least resistance, it could be detected at any place within the landfill.

BBCAG-142 [See page 5-116 for the original comment] The Draft EIR does not state or imply that the current collection system will be adequate for long-term use following Title 27 closure of the landfill. See Response BBCAG-135.

Landfill gas is about 40-60% methane, with the remainder being mostly carbon dioxide (CO₂). Landfill gas also contains varying amounts of nitrogen, oxygen, water vapor, sulfur, and other “non-methane organic compounds.”

There is limited data comparing emissions from landfill gas flares to energy producing combustion devices (which includes boilers, turbines and internal combustion engines). According to very limited data in a 1995 EPA report, carbon monoxide and NO_x emissions are highest from internal combustion engines and lowest from boilers. Flares and gas turbines are in the middle.¹¹

Once collected, landfill gas “disposal” is typically focused around handling the methane (usually by burning). To address toxics issues, landfill gas can be filtered so that the halogenated compounds are segregated. Once filtered out, these compounds would not be combusted, but be handled as hazardous waste and isolated from the environment as best as is possible until there is a proven technology which can neutralize the toxics by converting the halogens to relatively harmless chemicals like salts.

BBCAG-143 [See page 5-116 for the original comment] When conducting investigations for contaminated sites, the focus is on identifying constituents of concern in the media, along with their concentrations. Because the responsible party (landowner) must provide for site remediation regardless of past users of the site, comprehensively identifying those past users is unnecessary.

BBCAG-144 [See page 5-116 for the original comment] The figures referenced in this comment do, in fact, pertain to OU-1 and OU-2, and show contamination in relation to land uses proposed throughout the site. Maps of the former landfill area are included in the Draft EIR as Figures 4.G-2a through 4.G-4.

BBCAG-145 [See page 5-117 for the original comment] Figure 4.G-6m is intended to show current TCE concentrations and does not purport to address the issues raised in the comment. Current concentrations of other chemicals of concern are shown in Figures 4.G-6a (volatile organic compounds), 4.G-6b (chlorinated ethenes), 4.G-6c (arsenic), 4.G-6d (cadmium), 4.G-6e (lead), 4.G-6f (mercury), 4.G-6g (PCBs), 4.G-6h (bunker C oil), 4.G-6i (tetrachloroethene), 4.G-6j (trichloroethene), 4.G-6k (dichloroethene), and 4.G-6l (vinyl chloride [historic maximum concentrations]).

The comment is correct that the testing referred to on page 4.G-47 was conducted pursuant to DTSC requirements. As discussed in Master Response 13, regulatory authority for remediation and landfill testing lies with the RWQCB and DTSC, rather than the City. Pursuant to their regulatory authority, the RWQCB and

¹¹ Methodologies for Quantifying Pollution Prevention Benefits from Landfill Gas Control and Utilization," EPA document #600SR95089, July 1995

DTSC will review characterization studies to determine constituents of concern to be remediated, and will review human health risk assessments to determine appropriate cleanup standards and remediation technologies.

BBCAG-146 [See page 5-117 for the original comment] See Appendix F.5 of the Draft EIR, which includes a station plan from 1950 identifying the former rail yard and the location of many of its associated structures. Draft EIR page 3-6 (Figure 3-4, Existing Project Site) also identifies the three former railroad structures on a map (Roundhouse, Lazzari Fuel Company Building, Machinery & Equipment Building). Draft EIR page 3-16 (Figure 3-5, Former Railyard Site Over Time), shows the location of former railroad structures on historic topographic maps from 1915 to 1995. Finally, Figures 4.D-3 – 6 on Draft EIR pages 4.D- 9–13, provide historical and contemporary photos of the former railroad structures. In addition, any contamination caused by individual uses within the former railyard would have been identified as part of previous hazardous materials investigations within the railyard. Thus, provision of additional mapping of specific buildings within the former railyard would not add to understanding of the area’s cultural resources, nor would it add to understanding of site contamination.

BBCAG-147 [See page 5-117 for the original comment] Paragraph 1 on page 4.G-48 is intended to identify the responsible party for the underlying groundwater contamination relative to proposed Baylands development, and states that groundwater contamination within the Brisbane portion of OU-1 largely originated from the San Francisco (Schlage Lock) portion of OU-1. Irrespective of the responsible party for the contamination, investigations, and remedial actions at OU-1 for the soil matrix, groundwater, and soil vapor have been ongoing since 1982. The landowner of the Brisbane portion of OU-1 will be responsible for remediation prior to physical development. Additionally, since OU-1 is under the oversight of the DTSC, cleanup of the affected media will be approved by DTSC.

The first paragraph on page 4.G-48 is revised to read as follows.

The Groundwater contamination the Brisbane portion of OU-1 largely originated from the San Francisco portion of OU-1 (Schlage Lock property) north of the Project Site ~~consists of soil and groundwater impacted by VOCs that underlie a portion of OU-1.~~ The Brisbane (Project Site) portion of OU-1 contains soil and groundwater impacted by contaminants of concern other than VOCs, including arsenic, lead, cadmium, and mercury in the soil, and nickel, total chromium, and hexavalent chromium in groundwater. ~~Groundwater contamination within the Brisbane portion of OU-1 largely originated from the San Francisco portion of OU-1 (Schlage Lock property).~~

BBCAG-148 [See page 5-117 for the original comment] The statement referenced in this comment is a factual statement regarding the constituents of concern analyzed in MACTEC's groundwater monitoring since 2008. This statement makes no assertions regarding the source of the contaminants that are identified, and thus neither confirms nor refutes any assertions by Kinder Morgan regarding the source of MTBE present on its property.

BBCAG-149 [See page 5-117 for the original comment] The in-situ groundwater treatment applied to the groundwater underlying OU-1 consisted of enhanced reductive dechlorination (ERD)¹², and was found effective when the chlorinated solvents were at high concentrations in the groundwater and less effective when the chlorinated solvents were at lower concentrations in the groundwater.

Reductive dechlorination of chlorinated alkenes in aquifers can be enhanced through the injection of readily degradable carbonaceous materials such as molasses, whey, or vegetable oil. Microbial degradation of the injected carbon consumes available electron acceptors such as oxygen and nitrates and forces the aquifer microbial communities into utilization of alternative electron acceptors such as ferric iron and sulfates. When sulfate-reducing or methanogenic conditions develop, chlorinated alkenes such as PCE, TCE, and cis-1,2-DCE can be rapidly dechlorinated (Payne et al.).

Ultimately, however, the regulatory authority and responsibility to determine the specific remedial technologies to be undertaken within the Baylands lies with the RWQCB and DTSC.

BBCAG-150 [See page 5-118 for the original comment] This comment provides no evidence in support of its assertion that the assessment in the Draft EIR is incorrect. The section of the Draft EIR referenced in the comment is specific to the soil excavation and removal at the sludge traps of the former Schlage Lock facility within San Francisco, placement of clean fill in the excavations, and subsequent testing of the soil matrix at that location. Additional remedial activities performed at that location include soil vapor extraction.

BBCAG-151 [See page 5-118 for the original comment] As shown in its heading, Table 4.G-4 reports the maximum concentration of total petroleum hydrocarbons mostly as Bunker C oil from sampling in August 2006 for groundwater wells in OU-1. Information on the specific wells generating the concentrations identified in Table 4.G-4 is not available, nor is the specific location of testing wells in 2006 critical to the analyses of the Draft EIR since groundwater was remediated by pump and treat technology from 1995 through 2008 when in-situ remedial activities were initiated.

¹² Enhanced reductive dechlorination (ERD) is a groundwater remedial technology that entails injection of a mixture of highly biodegradable, soluble, and colloidal organic carbon into a solvent-contaminated aquifer formation.

- BBCAG-152** [See page 5-118 for the original comment] DTSC is the regulatory agency with oversight of remediation within this portion of the Project site. Although the groundwater extraction and treatment system has been inactive since 2008, DTSC has approved using this system to process purge water and rinsate from ongoing investigations. This portion of the Project site will require remediation to the risk-based health standards to be imposed by DTSC for this area. Prior to development, the groundwater extraction and treatment system will be decommissioned with the approval of the regulatory agency, should the cleanup goals for groundwater already be met; although it is not uncommon for such systems to remain in place post development.
- BBCAG-153** [See page 5-118 for the original comment] The comment does not raise a significant environmental issue relevant to the Draft EIR's analysis or conclusions. Historic exposures of employees are not indicative of existing soil and groundwater conditions in the 2010 baseline year, nor are they an impact of proposed Project site development.
- BBCAG-154** [See page 5-118 for the original comment] The comment does not raise a significant environmental issue relevant to the Draft EIR's analysis or conclusions. Plant 3 was part of the Schlage Lock facility outside of the Baylands Project site in San Francisco. The Schlage Lock facility was expanded by the acquisition of Plant 2 in 1942, Plant 1-X in 1946, and lastly Plant 3 in 1950. Schlage Lock was acquired by Ingersoll-Rand Corporation in 1974. The manufacturing process included stamping and machining metal alloys; deburring brass, bronze, nickel, silver and steel parts; and cleaning brass and bronze parts with Safety Kleen 150, a petroleum naphtha solvent. The parts were electroplated using a non-chrome clear coat process to prevent corrosion. Zinc dichromate was formerly used in the electroplating process. In 1980, Plant 3 was sold to Pacific Lithograph Company. It used products containing trichloroethane and stoddard solvent in lithographic processing. Pacific Lithograph declared bankruptcy in January 1984. Pacific Lithograph was acquired by Touch-Plate International Corporation, a subsidiary of Schlage Lock, in November 1995 through bankruptcy (DTSC).
- BBCAG-155** [See page 5-118 for the original comment] No factual evidence is provided to support the assertion made in the comment. During the site investigations and remedial activities conducted on the various portions of the site, the full suite of analytes has been run by laboratories for constituents in the soil matrix, soil vapor, and groundwater underlying the site. Remediation to date has focused on those constituents that have impacted the media with the greatest detected concentrations. Remediation techniques are not surgical, and constituents other than those targeted in remediation activities also are remediated through excavation, extraction, and enhanced reduction remedial techniques.

To say that contamination within portions of the Baylands may be less than at other locations does not underplay human health risks associated with contamination within the Baylands. Pursuant to their statutory and regulatory authority, the RWQCB and DTSC will determine cleanup standards based on human health risk assessments for the land uses determined by the City of Brisbane to be appropriate within the Baylands. Those areas where remediation has not occurred to date or remedial objectives have not been achieved or where the remedial objectives will be more stringent due to proposed land uses will be remediated prior to site development.

BBCAG-156 [See page 5-119 for the original comment] See Master Response 15 for discussion regarding the adequacy of existing studies to characterize baseline hazardous materials conditions within the Baylands for use in the Draft EIR. As discussed in Master Responses 1 and 13, the Brisbane Baylands EIR is a programmatic document that analyzes the impacts of proposed development within the Baylands early in the planning process. Peer reviews of the hazardous materials studies previously undertaken for the Baylands by CDM Smith and Susan Mearns, Ph.D., as part of the preparation of the EIR determined that the information and level of detail provided in those previous studies, including the 2012 Geosyntec summary report, were adequate for use in the Brisbane Baylands EIR. Additional studies and analyses, including human health risk assessments and subsequent CEQA documentation, will be undertaken under the regulatory authority of the RWQCB and DTSC based on the land uses determined by the City of Brisbane to be appropriate for the Baylands.

Table 4.G-5 reports the maximum concentrations of constituents from a groundwater sampling event conducted in 2008 and reported in 2010, and identified as baseline data as the groundwater contamination in 2010 was stable when compared to these 2008 data.

The Draft EIR also states, “Regardless of the specific land uses as ultimately approved for the OU-2 area, remediation must occur” with regard to soil and groundwater contamination. The DTSC and RWQCB are the regulatory lead agencies for remediation within the Brisbane Baylands, and will independently set and ensure remediation objectives are met. Development within the Baylands will not be permitted until landfill closure and site remediation are completed as described in Mitigation Measure 4.G-2a.

BBCAG-157 [See page 5-119 for the original comment] The term “tank farm” is standard practice within the oil, refinery, environmental, and regulatory industry to describe aboveground tanks. A description of the Kinder Morgan tank farm and related contamination is provided on page 4.G-64 of the Draft EIR. Please also see Master Response 21 for discussion of land use compatibility between the tank farm and the Baylands.

- BBCAG-158** [See page 5-119 for the original comment] Page 4.C-46 of the Draft EIR describes the SWPPP mandate, which is not voluntary. The Draft EIR also references additional requirements and performance standards such as on-going maintenance, including identification of funding for long-term monitoring, maintenance and practical applications such as litter collection and removal that would be required to be established prior to advancing buildout of the Baylands. Mitigation Measure 4.C-1e requires the SWPPP to ensure “no reduction in water and environmental quality.”
- BBCAG-159** [See page 5-119 for the original comment] The South Disposal Area is discussed in greater detail in the Draft EIR on pages 4.G-9 and 4.G-10. During an investigation in 1990, the former railyard was separated into three areas of concern based on the constituents detected in the soil matrix and groundwater. These three areas were labeled as (1) the north area, (2) turntable and oil tank areas, and (3) south disposal area. The south disposal area is described as a former solid waste disposal area and was characterized by elevated concentrations of metals. Regardless of what may have been disposed at this location or what years such disposal may have occurred, the Draft EIR’s characterization of soil contaminants accurately describes conditions in the baseline year.
- BBCAG-160** [See page 5-120 for the original comment] No evidence or documentation is provided to support the assertion in the comment. Table 4.G-5 contains an accurate list of the maximum detected concentrations of constituents in groundwater from monitoring wells in OU-2 during sampling conducted in 2008 and reported in 2010, representing baseline conditions, since the groundwater contamination remained stable between 2008 and 2010.
- BBCAG-161** [See page 5-120 for the original comment] This comment refers to a recommendation cited in the Draft EIR by Burns & McDonnell in 2002 that a silica gel cleanup procedure should be used on all Total Petroleum Hydrocarbon (TPH) as gasoline within OU-2. Silica gel cleanup is used for cleanup of sample extracts containing polynuclear aromatic hydrocarbons, derivatized phenolic compounds, organochlorine pesticides, and PCBs, using silicic acid (silica gel) to separate hydrocarbons and polars. The term “total” petroleum hydrocarbons (TPH) is a standard term used in the oil, refinery, environmental, and regulatory industries. TPH encompasses the totality of the carbon chain ranges from C2-C55. TPH as gasoline, abbreviated as TPH-g, represents the carbon chain range C6-C12 (ALS Environmental).

The requirement of the RWQCB to use a silica gel cleanup procedure on all TPH-g samples was included in its response to comments to the proposed 2002 Conceptual Remedial Action Plan. See Master Response 13 for discussion of the remediation review and approval process. The RWQCB, which has regulatory

authority for remediation of OU-2, has not approved any specific remediation technologies to date.

BBCAG-162 [See page 5-120 for the original comment] The text in the Draft EIR referred to in this comment makes no reference to any regulatory approvals other than an *interim* approval from the RWQCB in 2004. The Draft EIR also clearly indicates that because the currently proposed land uses differ from those proposed in 2004, alternative remedial measures are being considered, and will be finalized in a remedial action plan. Such a remedial action plan will require review and approval by the RWQCB, which has regulatory authority for such remediation. Mitigation Measure 4.G-2a ensures that the remedial action plan will be reviewed and approved by the RWQCB, setting remediation objectives that the RWQCB will ensure are met prior to initiation of physical development. Potential remedial activities that may be considered by the RWQCB are described in Draft EIR Section 4.G.

BBCAG-163 [See page 5-120 for the original comment] No factual basis is provided in this comment to support the stated opinions that more studies of groundwater are required or that the area in question “may act differently” than other areas of the landfill due to differences in depth. See Master Response 15 for discussion of the adequacy of site characterization for use in the Draft EIR. Title 27 closure of the portion of the landfill within the Recology site, including methane collection and extraction and vapor intrusion mitigation to protect future buildings will be required.

See Master Response 15 for discussion of the adequacy of existing hazardous materials studies for use in the Brisbane Baylands EIR. The investigations of soil and groundwater at the Recology Solid Waste Transfer Facility portion of the site focused on the release of TPH to the media from the seven former underground storage tanks that were removed in the mid-1990s. Current remedial activities consist of extracting free product from the groundwater.

BBCAG-164 [See page 5-120 for the original comment] No data is provided to support the opinions stated in this comment. A database search for hazardous sites in the site vicinity was conducted and the results are summarized on pages 4.G-55 through 4.G-65. No violations by the San Francisco household hazardous waste facility were determined to exist. Mitigation Measure 4.G-2a requiring compliance with remediation objectives prior to initiating development will apply equally to all portions of the landfill, including the portion owned by Recology, and will ensure that impacts will be reduced to less than significant levels. See Master Response 15 for discussion of the adequacy of existing hazardous materials studies for use in the Brisbane Baylands EIR.

The San Francisco Household Hazardous Waste Facility, co-located with the Recology Solid Waste Transfer Facility, is an existing facility whose air emissions are regulated by the BAAQMD, which has responsibility for ensuring that air pollutant emissions from the Recology facility meet applicable standards and do not endanger the health of nearby residents and workers. As discussed in Master Response 13, risk-based cleanup goals will be set within the Baylands by the RWQCB and DTSC based on the land uses determined by the City of Brisbane to be appropriate within the Baylands. Whether it is appropriate to place new housing in proximity to the Recology facility will be considered as part of the planning review undertaken by the City.

BBCAG-165 [See page 5-120 for the original comment] The map depicted on Figure 4.G-7 is from a database search firm, Environmental Data Resources, Inc. and is intended to identify hazardous materials sites within one mile of the Project site boundary.

BBCAG-166 [See page 5-121 for the original comment] The backup information is identified in the references at the end of Section 4.G as “Environmental Data Report (EDR), Radius Map with GeoCheck, Brisbane Baylands, Brisbane, CA,” and is on file with the Brisbane Community Development Department as part of the reference documents for the Brisbane Baylands Draft EIR. The Draft EIR states “The remaining 11 Leaking Underground Storage Tank sites and 2 Spills, Leaks Investigation and Cleanup sites (identified in Table 4.G-8) are open cases overseen by the Regional Water Quality Control Board (RWQCB), San Francisco Bay Region.”

The purpose of using multiple databases to identify hazardous waste sites or generators is to ensure provision of a complete listing of such sites. There is no particular significance of a site being included or not included on multiple databases.

Table 4.G-8 identifies those LUST and SLIC sites that are under the oversight of the RWQCB and for which closure has not been granted

BBCAG-167 [See page 5-121 for the original comment] The Hazardous Materials Management Facilities in Project Site Vicinity section starting on page 4.G-60 of the Draft EIR includes a brief discussion of facilities within 2.5-mile radius of the project as identified on the EDR database. Three facilities are noted as having Notices of Violations: (1) Quicksilver Products, (2) VWR International LLC, and (3) SFPP, L.P/Chevron/Tosco Corp Brisbane Terminal. Although each of these facilities received Notices of Violations, they also attained compliance within two years, or less, of receipt of the Notice of Violation.

Substantial testing of soils and groundwater within the Baylands east of Bayshore has been undertaken subsequent to remediation of the Quicksilver Products facility in December 1998 and remediation of the VWR International facility in 1987. Thus, any contamination east of Bayshore that may have been caused by the Quicksilver Products would be included in the characterization of contamination within the Baylands. As noted on page 4.G-60, VWR International is in the process of terminating operations on a permanent basis. Because (1) such closure is an existing condition and not a result of proposed Baylands development, and (2) the environmental effects of facility closure will be required to meet applicable regulatory requirements, closure of that facility is not an impact of proposed Project site development subject to mitigation in the Baylands EIR.

Additional information on the Kinder Morgan facility is provided on page 4.G-64, as well as in Master Response 21.

BBCAG-168 [See page 5-121 for the original comment] The former Sierra Point landfill, which is located more than one mile from the Project Site boundary, has been partially redeveloped for commercial use and a marina, and is under post-closure oversight of the Department of Environmental Health Division of the San Mateo County Health System. Since there is no evidence that methane production from the former Sierra Point landfill is negatively affecting development within Sierra Point, let alone affecting the Brisbane Baylands more than one mile to the north, providing the supporting methane gas tests undertaken for the former Sierra Point landfill is unnecessary in the Brisbane Baylands EIR.

BBCAG-169 [See page 5-122 for the original comment] While the San Mateo County Health System oversees LUSTs, the reference on page 4.G-61 is to open violations being handled by the RWQCB under the Spills, Leaks Investigation and Cleanup (SLIC) Program. Table 4.G-8 lists 11 LUST and 2 SLIC sites under the regulatory oversight of the RWQCB that have not been closed.

BBCAG-170 [See page 5-122 for the original comment] The California EPA does not identify any “superfund” sites within Brisbane, Daly City, or South San Francisco. The Hunters Point Naval Shipyard is listed as a federal “superfund” site.

The south Levinson facility, located at Main Street and Bayshore Boulevard, is listed on the California Environmental Protection Agency DTSC EnviroStor database as “No Further Action.” The PG&E Martin Service Center, 731 Schwerin Street, is listed on the EnviroStor and GeoTracker databases. The listing on the EnviroStor database is “Certified, Operations & Maintenance.” Midway Village, 47 Midway Drive, is listed on the EnviroStor database as No Action Required and as Certified, Operations & Maintenance. Due to the location of these sites, west of Bayshore Boulevard, the status of ongoing regulatory agency oversight, and the status of the site investigation and remedial actions,

these sites are unlikely to result in adverse environmental conditions, such as contamination or additional environmental risk at the Project Site and there is no factual basis to support the request for additional study of these sites as part of this EIR.

BBCAG-171 [See page 5-122 for the original comment] The Northern California River Watch organization filed a suit against Kinder Morgan on February 21, 2012 and submitted a Notice of Intent to Sue under RCRA to Kinder Morgan on March 12, 2012 (www.ncriverwatch.org).

The Kinder Morgan facility is not a part of the Project Site, and is under the regulatory oversight of the Regional Water Quality Control Board. The Baylands Draft EIR relied on the investigative and remediation reports prepared by environmental consultants for the Kinder Morgan facility which were reviewed and accepted by the Regional Water Quality Control Board. These reports state “The total petroleum hydrocarbons groundwater plume extends off the Kinder Morgan site underneath the footprint of the Brisbane Landfill.” This statement reflects the facts as evidenced in environmental reports and groundwater monitoring that Kinder Morgan has impacted groundwater offsite. The Draft EIR also relied on the regulatory authority and responsibility of the RWQCB to enforce the law, including compelling Kinder Morgan to comply with applicable law and regulations for the protection of the public health and safety.

BBCAG-172 [See page 5-123 for the original comment] The Draft EIR summarizes information contained within the Semiannual Groundwater Monitoring Report July 1 to December 31, 2010 prepared for Kinder Morgan by Arcadis (2011). The report concludes that natural attenuation of petroleum hydrocarbon contamination in groundwater is an effective remedial strategy for the Kinder Morgan facility.

The sources of the hydrocarbons in this comment may be accurate as are the documented previous remedial actions that occurred from 1996 to 2008. The RWQCB has regulatory authority for ensuring that the Kinder Morgan facility complies with applicable laws and regulations regarding water quality protection.

The Draft EIR is intended to address the environmental changes that would occur should proposed development of the Baylands be approved under any of the four proposed development scenarios. Whether there is a threat for future leaks in Kinder Morgan’s facility will be considered as part of the City’s planning review; however, such potential would not be the result of any action the City might take in relation to proposed development within the Baylands. Further analysis of a potential threat of future leaks in Kinder Morgan’s facility is therefore not required for this Draft EIR since it would not constitute a physical environmental change brought about by approval of proposed Baylands development.

BBCAG-173 [See page 5-122 for the original comment] This comment mischaracterizes the conclusions of the Draft EIR, which do not assert that groundwater contamination is “harmless.” 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 absorption, 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 (SWRCB 2012).

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), (f) State Water Resources Control Board site closure orders, and (g) State Water Resources Control Board Resolution 2009-0081 (SWRCB 2012).

In general, these efforts have recognized that, depending on concentrations and threats to drinking water supplies, many petroleum release cases pose a low threat to human health and the environment (SWRCB 2012).

The State Water Board believes it is in the best interest of the people of the State that unauthorized releases be prevented, and requires such releases to be 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 (SWRCB 2012).

BBCAG-174 [See page 5-122 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

Please also see Response BBCAG-76. Remediation to the standards set by the DTSC and RWQCB is required prior to physical development within the Project

site per the requirements of Mitigation Measure 4.G-2a. Remedial activities will be determined by human health risk assessments based on the land uses that the City of Brisbane determines to be appropriate for the Baylands and up to date characterizations that will be reviewed and ultimately approved by the regulatory agencies.

BBCAG-175 [See page 5-123 for the original comment] The third paragraph following the bullet points on page 4.G-77 is revised to read as follows:

Appendix H of this EIR contains a complete list of the databases searched, information describing the governmental agencies and their databases, and a map showing all of the sites. Figure ~~4.G.7~~ ~~4.G-2~~ shows the location of these sites.

Site remediation would be necessary under all four development scenarios as would be ongoing monitoring of landfill off-gassing and leachate. Remediation objectives will be set by the RWQCB and DTSC based on health risks to proposed land uses, which would vary depending on the selected development scenario. Thus, any of the four proposed development scenarios presented in the Draft EIR will be provided with adequate remediation to protect human health and the environment, mitigating impacts to less than significant under each scenario.

BBCAG-176 [See page 5-122 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

BBCAG-177 [See page 5-124 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. The machinery and equipment building located at Icehouse Hill is not a part of proposed Project Site development. As shown in Draft EIR Figure 3-6, the Bayshore Industrial Park, areas adjacent to the machinery and equipment building, and Icehouse Hill are within OU-2 and therefore subject to the regulatory authority of the RWQCB.

Former Police Shooting Range. To address safety issues related to previous use of Icehouse Hill as a police shooting range, the following text is added following the conclusion at the bottom of page 4.G-98.

Former Police Shooting Range

The southerly slope of Icehouse Hill was previously used as a police shooting range, and has lead remaining from the leftover shells.
Development of trails along the southerly slope of Icehouse Hill could expose the public to health hazards from those spent shells.

Conclusion: To avoid significant health hazards associated with spent shells from the former police shooting range, implementation of Mitigation Measure 4.G-2i will be required.

Mitigation

Mitigation Measure 4.G-2i: Prior to any construction of trails on the southerly slope of Icehouse Hill, best management practices for lead removal consistent with United States Environmental Protection Agency Circular EPA-902-B-01-001, *Best Management Practices for Lead at Outdoor Shooting Ranges*, Revised June 2005, shall be implemented.

Conclusion with Mitigation: With implementation of **Mitigation Measure 4.G-2i**, lead hazard impacts from remaining spent shells from the former police shooting range would be reduced to less than significant.

Bayshore Industrial Park. To address issues related to previous uses within the Bayshore Industrial Park, the following text is added following the conclusion at the bottom of page 4.G-98.

Bayshore Industrial Park

The Bayshore Industrial Park consists of a series of metal building used for various industrial and service commercial purposes, such as warehousing/storage and auto repair. Based on the age of these buildings, there is a potential for the presence of asbestos and lead-based paint, as well as the potential for ground contamination undetected as part of previous studies within OU-2. The existing industrial park is planned for demolition to make way for new planned uses under each of the four development scenarios. Such demolition could result in the introduction of asbestos and lead-based paint, as well as potential other contaminants in the soils into the environment.

Conclusion: To avoid significant health hazards associated the Bayshore Industrial Park, implementation of Mitigation Measure 4.G-2j will be required.

Mitigation

Mitigation Measure 4.G-2j: Prior to approval of any demolition plan within the Bayshore Industrial Park, any building(s) proposed for demolition shall be tested for asbestos and lead-based paint. Should asbestos or lead-based paint be identified, the affected building(s) shall be remediated to the satisfaction of the RWQCB pursuant to the most current regulatory standards in effect at the time of remediation. Prior to site development within the Bayshore

Industrial Park, soils shall be tested for likely constituents of concern based on the site's use pursuant to the requirements of the RWQCB. Human health risk assessment(s) for sites proposed for demolition shall be prepared based on the future uses of the area approved by the City of Brisbane. Should risks to human health be identified, remediation to the risk-based remediation standards set by the RWQCB shall be completed prior to initiating grading or other onsite development.

Conclusion with Mitigation: With implementation of Mitigation Measure 4.G-2j, hazards from potential contamination within the Bayshore Industrial Park would be reduced to less than significant.

Human contact with the surface water within the lagoon would not be permitted pursuant to the Biological Resources mitigation measures set forth in the Draft EIR. The water quality of the Lagoon will be improved once the Baylands Project site is remediated, Title 27 landfill closure is completed, and best management practices are in place for stormwater pollution and prevention. That said, CEQA does not require, nor does the City have the authority to require, mitigation measures for impacts not created by the Project, such as existing water quality in the Lagoon.

Currently proposed remedial activities at OU-2 include: (1) excavation of approximately 16,000 CY of TPH contaminated soil and 1,000 CY of VOC contaminated soil for offsite disposal, (2) excavation of approximately 37,000 CY of TPH contaminated soil for onsite treatment and reuse, and (3) excavation of 12,000 CY of TPH contaminated soil for onsite reuse. Excavation of soil impacted with either TPH or VOCs will capture other constituents, including lead. Once development plans for the Project have been finalized an updated human health risk assessment will be prepared to evaluate development-specific exposure pathways. The human health risk assessment will identify needed investigations and assessments, and provide risk-based cleanup goals that are protective of human health and the environment that will determine site cleanup.

The remedial action currently proposed within the Draft EIR for the surface water management system as part of the remediation of the Brisbane Landfill includes restructuring the Central Drainage Channel and installing a layered lined system that includes a barrier membrane to ensure the Central Drainage Channel and Brisbane Lagoon are not impacted from leachate migration from the landfill.

The most effective remedial action for addressing contaminated sediments in a water body is to eliminate the source and secondary source of contamination and allow naturally capping of the contaminated sediments by the deposition of additional sediments.

BBCAG-178 [See page 5-125 for the original comment] Human contact with the surface water within the Lagoon would not be permitted pursuant to the Biological Resources mitigation measures set forth in the Draft EIR.

Remedial actions required for the former Brisbane Landfill, OU-1, and OU-2 must be completed prior to development of those portions of the Project site. Currently proposed remedial actions within the Draft EIR are described on pages 4.G-78 through 4.G-86. Additionally, the proposed remedial actions for the former Brisbane Landfill must be in compliance with Title 27 CCR 21190. The remedial action proposed within the Draft EIR for the surface water management system as part of the remediation of the Brisbane Landfill includes restructuring the Central Drainage Channel and installing a layered lined system that includes a barrier membrane to ensure the Central Drainage Channel and Brisbane Lagoon are not impacted from leachate migration from the landfill.

Remedial actions to be undertaken within the Baylands, including Title 27 landfill closure, will occur pursuant to the regulatory authority of the RWQCB, DTSC, and the San Mateo County Health system (landfill closure). Remediation of OU-1 and OU-2 will be required to meet the risk-based cleanup standards set by the RWQCB and DTSC based on human health risk assessments recognizing the land uses determined by the City of Brisbane to be appropriate within the Baylands. These human health risk assessments will address all relevant exposure pathways. The remedial technologies ultimately undertaken within the Baylands are subject to review and approval of the RWQCB and DTSC as discussed in Master Response 13.

BBCAG-179 [See page 5-126 for the original comment] This comment notes the various contaminants illustrated on Figures 4.G-6a through 4.G-6m, and does not raise any significant environmental issues regarding the adequacy of these graphics, the adequacy of the Draft EIR, or its analyses and conclusions.

BBCAG-180 [See page 5-126 for the original comment] This comment sets forth information from the Draft EIR and the February 2012 Geosyntec report. It does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

BBCAG-181 [See page 5-126 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Draft EIR, Master Response 13 for discussion regarding the review and approval process for remediation and landfill closure plans, and Master Response 15 for discussion of the adequacy of current studies for use in the Draft EIR. As discussed in those master responses, the Draft EIR provides a programmatic environmental analysis that will be followed by site-specific environmental documentation, addressing the specific remediation and landfill closure technologies to be implemented.

- BBCAG-182** [See page 5-126 for the original comment] See Master Response 13 for discussion regarding the review and approval process for remediation and landfill closure plans. Because the human health risk assessment upon which remediation standards and identification of specific remedial technologies will be based is dependent on the land uses determined by the City to be appropriate within the Baylands, such review is to be undertaken after the City of Brisbane identifies the land uses it deems to be appropriate within the Baylands. As discussed in Master Response 13 and required by Mitigation Measure 4.G-2a, completion of Title 27 landfill closure activities will be required prior to any development within the former landfill area, completion of remediation for OU-1 will be required prior to any development within OU-1, and completion of remediation for OU-2 will be required prior to any development within OU-2.
- BBCAG-183** [See page 5-126 for the original comment] A screening level ecological risk assessment will be performed prior to approval of Remedial Action Plans. The specific methodologies for such assessments will be determined by the RWQCB and DTSC pursuant to their regulatory authority over site remediation within the Baylands.
- BBCAG-184** [See page 5-127 for the original comment] As discussed in Master Response 13, remedial action objectives for the Baylands have not been formally set by the RWQCB or DTSC. Such standards will be set based on human health risk assessments to be undertaken following determination by the City of Brisbane as to what lands uses would be appropriate within the Baylands. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.
- BBCAG-185** [See page 5-127 for the original comment] See Response BBCAG-184.
- BBCAG-186** [See page 5-127 for the original comment] While an early Final Closure and Postclosure Maintenance Plan for the former landfill was conditionally approved by the RWQCB in 2003, due to changes in proposed land uses and available closure technologies, a new Final Closure and Postclosure Maintenance Plan will be required. See Master Response 13 for discussion of the remediation review and approval process.
- BBCAG-187** [See page 5-127 for the original comment] As discussed in Master Response 13 and required by Mitigation Measure 4.G-2a, completion of Title 27 landfill closure activities will be required prior to any development within the former land fill area, completion of remediation for OU-1 will be required prior to any development within OU-1, and completion of remediation for OU-2 will be required prior to any development within OU-2. Remediation of each area will be compliant with OSHA and Cal/OSHA requirements to protect workers, and will

also be required not to create any new exposure pathways that could adversely affect human health or the environment.

BBCAG-188 [See page 5-128 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. As discussed in that master response, site remediation and Title 27 landfill closure will consider potential exposure pathways related to the former landfill, OU-1, and OU-2; the land uses determined by the City to be appropriate within the Baylands; and human health risks associated with site contamination in relation to those land uses to develop risk-based cleanup goals. Title 27 landfill closure will be required to address operation and maintenance of a leachate seep collection and transmission system, as well as continued groundwater, surface water, and leachate quality monitoring and evaluation.

BBCAG-189 [See page 5-128 for the original comment] Monitoring and reporting of remedial actions at the former landfill will occur under the regulatory authority of the RWQCB, and not the City of Brisbane. The City will work with the RWQCB to keep City residents informed of remediation activities, monitoring, and results.

BBCAG-190 [See page 5-128 for the original comment] See Master Response 13 for discussion of the Title 27 landfill closure review and approval process. Although the required remedial actions for the former Brisbane Landfill have previously been described in the Burns & McDonnell 2002 Final Closure and Post-Closure Maintenance Plan, the regulatory agencies including the RWQCB and the CalRecycle/San Mateo County Health System will ultimately define the remediation and post-closure monitoring ensuring both are in compliance with Title 27 CCR 21190 and any new, applicable regulations.

See also Master Response 1 for discussion of the programmatic nature of the Draft EIR. As stated in that Master Response, approval of final remediation and landfill closure plans will be subject to project-level environmental analysis pursuant to the provisions of CEQA.

BBCAG-191 [See page 5-128 for the original comment] Because of the large landfill area that needs to be provided with a permanent cover, as well as the need to (1) provide adequate drainage within the site, (2) extend Geneva Avenue from Bayshore Boulevard to the US 101 freeway, and (3) remediate the former railyard, substantial grading is required, regardless of the land uses ultimately approved by the City within the Baylands. The impacts of site grading and mitigation measures to avoid or minimize those impacts are addressed throughout the Draft EIR as part of the analysis of construction impacts for air quality, greenhouse gas emissions, noise and traffic, and are also addressed in the Aesthetics section in terms of the visual effects of proposed final grades.

As discussed in Master Response 13, site remediation and Title 27 landfill closure will consider potential exposure pathways related to the former landfill, OU-1, and OU-2; the land uses determined by the City to be appropriate within the Baylands; and human health risks associated with site contamination in relation to those land uses to develop risk-based cleanup goals. The remedial action for the former Brisbane Landfill will be required to address: (1) lack of a low permeability engineered landfill cap compliant with Title 27, (2) the presence of leachate and the requirement to prevent any increases in leachate that exceed any regulatory thresholds, (3) hydrologic connectivity to groundwater and surface water, primarily the Central Drainage Channel, (4) ongoing consolidation of refuse and Bay Muds, and (5) control of landfill gas.

As required by Title 27 CCR 21190, long-term maintenance to ensure the integrity of the final cover system of the former Brisbane Landfill is required. The landfill cover will require: (1) excavation and removal of approximately 3.7 million CY of soil, (2) excavation and stockpiling of approximately 5 million CY of soil, (3) relocation of approximately 41,500 CY of refuse to achieve grade elevations for placement of the foundation layer and low hydraulic conductivity layer, and then (4) construction of the 2-foot foundation layer, (5) placement of low hydraulic conductivity layer at depths for building pads, utility corridors and designated open spaces, and (6) replacement of stockpiled material on the surface to bring the former landfill to final development grades.

BBCAG-192 [See page 5-128 for the original comment] Extensive grading is required to achieve elevations conducive for planned development of the Baylands Project site, including designated open spaces, in part because landfill closure must adhere to Title 27 CCR 21190 requirements for landfills. Preventing contact with wastes in the landfill by placing clean materials with low hydraulic conductivity layer on top of the landfill is the best method available to achieve this requirement. The impacts of site grading, and mitigation measures to avoid and minimize these impacts, are addressed throughout the Draft EIR as part of the analysis of construction impacts for air quality, greenhouse gas emissions, noise and traffic, and are also addressed in the Aesthetics section in terms of the visual effects of proposed final grades.

A total of 1.7-acres of saltwater marsh and 1.4-acres of freshwater marsh wetlands were identified as being potentially impacted by proposed site grading (Draft EIR Appendix B). The saltwater marsh wetlands are located along the existing landfill drainage channel and the presence of leachate seeps has reduced the sustainability, function, and potential for successful habitat development. The freshwater marsh wetlands are primarily located along the railyard area and developed due to man-made drainage ditches and depressions. The freshwater wetlands have been compromised due to the elevated concentrations of heavy metals, hydrocarbons, and petroleum by-products.

Additionally there is an absence of native aquatic habitat and local plant species due to the historic uses of the site and the impacts mentioned above. Due to the poor habitat quality of the wetlands local threatened and endangered species such as the California red-legged frog, the San Francisco garter snake and the salt marsh harvest mouse are not present at the site (Burns and McDonnell 2003).

See Mitigation Measures 4.C-2a through 4.C-2c and 4.C-4b for discussion regarding mitigation for loss of wetland areas. By imposing a “no net loss” of wetlands performance standard, these mitigation measures will result in less than significant impacts to wetlands within the Project site.

See Master Response 5 for discussion of compliance with the law as mitigation under CEQA. As discussed in Master Response 5, the Draft EIR relied on the regulatory authority and responsibility of the RWQCB and DTSC to enforce the law, and to ensure compliance with applicable law and regulations for the protection of the public health and safety.

BBCAG-193 [See page 5-129 for the original comment] This comment does not provide a factual basis to support the assertion that a barrier membrane is an inadequate remediation strategy. The leachate collection and control system will be required to adequately collect leachate from the former landfill to prevent any increases in leachate that exceed any regulatory thresholds and thereby reduce impacts to the Brisbane Lagoon and creeks. The RWQCB has regulatory authority to determine the specific methods that will be employed to accomplish such collection.

BBCAG-194 [See page 5-129 for the original comment] As discussed in Master Response 13, Title 27 closure of the former Brisbane Landfill must address: (1) lack of a low permeability engineered landfill cap compliant with Title 27, (2) the presence of leachate and the requirement to prevent any increases in leachate that exceed any regulatory thresholds, and (3) hydrologic connectivity to groundwater and surface water, primarily the Central Drainage Channel along with ongoing consolidation of refuse and Bay Muds, and control of landfill gas. The placement of low hydraulic conductivity layers will address the deeper seeps, and will be included in the regulatory review process.

BBCAG-195 [See page 5-129 for the original comment] See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA. As discussed in that Master Response, the Draft EIR relied on the regulatory authority and responsibility of the RWQCB and DTSC to enforce the law, and to ensure compliance with applicable laws and regulations for the protection of the public health and safety. BCDC input would be limited to its jurisdictional area, which is described in Draft EIR, Section 4.I, *Land Use*.

BBCAG-196 [See page 5-129 for the original comment] Residential development within the Baylands is proposed in the DSP and DSP-V scenarios, but not in the CPP or CPP-V scenarios. In the DSP and DSP-V scenarios, residential dwelling units are currently proposed by the applicant for those scenarios to be placed on podiums or over street level commercial use in order to reduce potential for human contact with the ground surface. However, development proposed in that manner could result in the use of commercial-, rather than residential-level, remediation objectives. While the RWQCB and DTSC have the regulatory authority to impose remediation objectives¹³, the City has the regulatory authority to approve or not approve residential use within the Baylands, as well as the authority to approve the design of any proposed residential use in the Baylands.

Title 27 closure of the portion of the landfill will require methane collection and extraction systems, along with ongoing monitoring within the Baylands. Specifically, Mitigation Measure 4.G-2h sets the following requirements:

Mitigation Measure 4.G-2h: Construction of all new structures within the former landfill footprint and within OU-1 and OU-2, as well as on site areas within 1,000 feet of the waste material footprint shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion into buildings. Further, all structures built on within 1,000 feet of the landfill footprint shall be equipped with automatic combustible gas sensors in sub-floor areas and in the first floor of occupied interior spaces of buildings. A centralized sensor monitoring and recording system shall also be provided. Gas monitoring for trace gases shall be conducted in accordance with the requirements of Title 27, for 30 years or until the operator receives authorization from the local enforcement agency (LEA) and CalRecycle to discontinue monitoring upon demonstration by the operator that there is no potential for trace gas migration into onsite structures.

BBCAG-197 [See page 5-130 for the original comment] See Master Response 15 for discussion of the adequacy of the studies undertaken to date for use in the Draft EIR.

BBCAG-198 [See page 5-130 for the original comment] See Master Response 13 for discussion of the remediation review and approval process for the Baylands and Master Response 15 for discussion of the adequacy of the existing studies for use in the Draft EIR. The studies completed to date will be used, along with any additional investigations required by the RWQCB or DTSC, to conduct human health risk assessments to determine risk-based remediation goals for the land uses identified by the City of Brisbane to be appropriate within the Baylands. The

¹³ Typically, two levels of remediation are considered: residential and commercial/industrial human health risk assessments, although such assessments may also address a number of scenarios involving construction and other onsite workers, as well as other special circumstances. See Master Response 5 for discussion of the regulatory authority for site remediation.

human health risk assessment will be reviewed and ultimately approved by regulatory agencies based on the land uses approved by the City of Brisbane, and will ensure the site can be developed safely and it is safe for the end uses as approved by the City. Risk-based cleanup goals will be derived from the human health risk assessment and used for remedial activities and confirmation samples.

- BBCAG-199** [See page 5-130 for the original comment] See Master Response 13 for discussion of the remediation review and approval process for the Baylands and Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR.
- BBCAG-200** [See page 5-131 for the original comment] See Response BBCAG-198.
- BBCAG-201** [See page 5-131 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. Risk-based remediation goals will be set for all constituents of concern that have been identified at levels higher than those determined by the RWQCB or DTSC to be protective of human health for the land uses approved by the City for the Baylands.
- BBCAG-202** [See page 5-131 for the original comment] Please see Response BBCAG-196.
- BBCAG-203** [See page 5-131 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. Risk-based remediation goals will be set for all constituents of concern that have been identified at levels higher than those determined by the RWQCB or DTSC to be protective of human health for the land uses approved by the City for the Baylands.
- BBCAG-204** [See page 5-131 for the original comment] The San Francisco portion of OU-1 is not within the Baylands Project site. As discussed in Section 4.G, regulatory authority for remediation within OU-1 rests with the California Department of Toxic Substances Control for both the San Francisco and Brisbane portions. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.
- BBCAG-205** [See page 5-131 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. Risk-based remediation goals will be set for all constituents of concern that have been identified at levels higher than those determined by the RWQCB or DTSC to be protective of human health for the land uses approved by the City within the Baylands.
- BBCAG-206** [See page 5-132 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

Risk-based remediation goals will be set for all constituents of concern that have been identified at levels higher than those determined by the RWQCB or DTSC to be protective of human health for the land uses approved by the City for the Baylands. Please see Master Response 13 for discussion regarding the remediation and landfill closure review and approval process. As discussed in that Master Response, the RWQCB and DTSC have the statutory authority to set risk-based remediation goals and to oversee Title 27 landfill closure and site remediation. The Draft EIR reaches no conclusions, nor does it make any assertions, regarding the community's attitude toward the RWQCB's and DTSC's role in site remediation and Title 27 landfill closure or toward any particular remediation method.

BBCAG-207 [See page 5-132 for the original comment] See Response BBCAG-144. Ultimately, the regulatory authority and responsibility to determine specific remedial technologies to be undertaken within the Baylands lies with the RWQCB and DTSC. As stated in the Draft EIR, cleanup levels approved by the RWQCB may not reflect drinking water standards because the groundwater basin is not used for domestic water supply (drinking water). See Response BBCAG-129 for discussion of groundwater cleanup standards.

BBCAG-208 [See page 5-132 for the original comment] See Master Response 13 for discussion of the review and approval process for site remediation and Master Response 5 for discussion of compliance with the law as mitigation under CEQA. The regulatory authority and responsibility to determine risk-based cleanup goals and the specific remedial technologies to be undertaken to meet those goals lies with the RWQCB and DTSC.

BBCAG-209 [See page 5-132 for the original comment] See Master Response 18 for discussion of cumulative effects of multiple toxins and Master Response 13 for discussion of the remediation review and approval process. Human health risk assessments assess the cumulative risks due to exposure to all constituents detected at least one time in the media sampled to human health and the environment.

BBCAG-210 [See page 5-132 for the original comment] The technologies cited in this comment are *potential* treatment technologies, not *proposed* treatment technologies, that may be employed within the Baylands. The regulatory authority and responsibility to determine risk-based cleanup goals and the specific remedial technologies to be undertaken to meet those goals lies with the RWQCB and DTSC. They are identified in the EIR to maximize public disclosure of potential treatment technologies that could be considered.

Plasma-arc centrifugal treatment (PACT) vitrification technology has advanced from the first experiments in 1985 to occupy a niche in the waste-treatment

market. The centrifugal action, the force of the plasma gas, and the water-cooled walls work together to generate a durable, homogenous, vitrified waste form coupled with the safe confinement of the hazardous feeds and high organic removal efficiency. This technology has been applied to treat wastes completely while achieving maximum volume reduction (Womack 1999).

Waste streams that have shown substantial benefit from the PACT process are low-level nuclear waste, paints, pharmaceutical sludges, pyrotechnics, military chemical agents, blast media, and solvents. Common features among these wastes are the presence of heavy metals and often-heterogeneous mixtures of organic materials, soils, metals, and water (Womack 1999).

The PACT system meets all of the U.S. Environmental Protection Agency's (USEPA) requirements for air emissions through high-temperature treatment and system design. Pilot-scale tests were performed for the USEPA Superfund Program on wastes from Silverbow Creek, the Montana Pole plant in Butte, Montana and the US Army Proving Grounds in Aberdeen Maryland (Womack 1999).

The STAR system is a self-sustaining treatment for active remediation based on principles of smoldering combustion that uses the contaminants as the fuel. It can be used below ground surface, that is *in-situ* or in chambers on the ground surface that is *ex-situ*. The advantages to the STAR system as compared to excavation and disposal include less environmental impact, greater efficacy, safer, quicker, and therefore more cost effective (Thompson and Grant 2014).

The STAR system has been used effectively on contaminants in the vadose zone, i.e., above groundwater, and below groundwater. It is effective on hydrocarbon contaminated soils, sludges, and oily wastes, and has effectively been used on a 37-acre cresol manufacturing facility in New Jersey (Thompson and Grant 2014).

BBCAG-211 [See page 5-132 for the original comment] This comment requests that unspecified earlier comments be noted. Responses to each comment provided in the BBCAG letter are provided.

BBCAG-212 [See page 5-132 for the original comment] The comment presents several opinions, but does not provide factual evidence supporting those opinions. The remediation of the landfill in compliance with Title 27 and geotechnical specifications to achieve desired grade and elevations for the proposed development and to minimize contact with leachate will also be developed to minimize ground settlement. In addition, the City will require compliance with California Building Code requirements standards related to grading and ground settlement as part of its planning review process. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

Vapor intrusion mitigation systems have been proven effective for Superfund sites (USEPA 2012), for sites with VOC impacted soil and groundwater (Folkes 2003) and for sites with methane in the subsurface (LADBS¹⁴ 2004) and constructed on fill (LADBS 2004).

- BBCAG-213** [See page 5-133 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. See also Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.
- BBCAG-214** [See page 5-133 for the original comment] This comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. See Response BBCAG-191. Residential uses are proposed only in the DSP and DSP-V scenarios, while day care facilities are a permitted use in all development scenarios. The City will determine what uses to approve or prohibit within the Baylands as part of its planning review.
- BBCAG-215** [See page 5-133 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. A human health risk assessment will be required by the DTSC as part of the process of setting risk-based cleanup goals based on the land uses determined by the City to be appropriate for the Baylands.
- BBCAG-216** [See page 5-134 for the original comment] See Master Response 13 for discussion of the remediation review process and Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR.
- An updated human health risk assessment will be required to evaluate site-specific exposure pathways based on the land uses determined by the City to be appropriate for the Baylands. The human health risk assessment will identify needs for additional investigation and assessment, and provide risk based cleanup goals that are protective of human health and the environment based on the land uses determined by the City to be appropriate for the Baylands.
- BBCAG-217** [See page 5-134 for the original comment] See Response BBCAG-216.
- BBCAG-218** [See page 5-134 for the original comment] See Master Response 13 for discussion of the remediation review process and Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR.

¹⁴ City of Los Department of Building and Safety

- BBCAG-219** [See page 5-135 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. Information on studies occurring after 2008 is presented in the Draft EIR on pages 4.G-17 and 18, 4.G-30 to 33. Information on contamination in the 2010 baseline year is presented starting on page 4.G-34 (see Master Response 7 for discussion of the use of 2010 as the baseline year for the Draft EIR). Data are included in Appendix H to the Draft EIR, commencing at page 1501.
- BBCAG-220** [See page 5-135 for the original comment] See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. The tables and text in the Draft EIR report constituents of concern that exceeded reporting limits.
- BBCAG-221** [See page 5-135 for the original comment] See Response BBCAG-211. Data are included in Appendix H to the Draft EIR, commencing at page 1501.
- BBCAG-222** [See page 5-135 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. Because the land uses currently proposed for OU-2 are different than those proposed in 2002, along with the advances in technologies, a new Remedial Action Plan will be required. The RAP for OU-2 will be required to meet current regulatory requirements, as well as comments received from the regulatory agency, recognizing changes in proposed future land use and updated risk-based cleanup levels based on the land uses determined by the City of Brisbane to be appropriate within the Baylands.
- BBCAG-223** [See page 5-135 for the original comment] See Master Response 5 for discussion of compliance with the law and applicable regulations as mitigation under CEQA. The RWQCB and DTSC have the regulatory authority for enforcement of cleanup actions within the Project site. The City of Brisbane retains land use authority and is responsible for ensuring implementation of each of the mitigation measures set forth in the Brisbane Baylands EIR. The specific methods that will be employed to implement EIR mitigation measures, along with responsibilities for implementation and enforcement of mitigation measures are set forth in the Mitigation Monitoring and Reporting Plan in Chapter 4.0 of the Final EIR. Applicants for the overall Baylands development and for site-specific development within the Baylands will be responsible for paying all costs related to implementation and enforcement of EIR mitigation measures.
- BBCAG-224** [See page 5-135 for the original comment] Per CEQA Guidelines, the Baylands EIR evaluates changes in the environment that would result from approval of the proposed project as it is described in Chapter 3, *Project Description*, including each of the four development scenarios described in that section of the Draft EIR. The section of the Draft EIR cited in this comment (page 4.G-86, Impact 4.G-1 “Project Site construction activities for each of the four development scenarios

would require the use and transport of hazardous materials.”) does not include evaluation of the *existing* Recology facility, which is part of the EIR’s existing setting. The Draft EIR does, however, evaluate the proposed modernization and expansion of the Recology facility as part of the CPP-V scenario. Because the transport and handling of hospital, medical, and research waste are highly regulated, and the amount of wastes handled by the Recology facility are not anticipated to increase as the result of proposed modernization and expansion under the CPP-V scenario, no significant impacts related to such wastes were determined to result from proposed Project site development.

BBCAG-225 [See page 5-135 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. While regulatory authority for site remediation and Title 27 landfill closure rests with the RWQCB and DTSC, those agencies do not have authority over land use. Authority for the review and approval of land uses within the Baylands rests with the City of Brisbane. The RWQCB and DTSC thus have the responsibility to set and enforce risk-based cleanup goals within the Baylands based on the land uses determined by the City of Brisbane to be appropriate within the Baylands. Site remediation to the standards set by the RWQCB and DTSC as the designated regulatory agencies for remediation of the Baylands is required prior to physical development within the Project site per the provisions of Mitigation Measure 4.G-2a.

BBCAG-226 [See page 5-136 for the original comment] Implementation of the General Permit for Discharges, NPDES General Construction Permits, and Regional Stormwater Permits address erosion control and quality of runoff water, and will be implemented in post-remediation conditions. All grading, construction, and infrastructure development will be required to be consistent with RWQCB and DTSC requirements set as part of those agencies’ remediation review and approval processes. See Master Response 13 for discussion of the remediation review and approval process.

Title 27 landfill closure and site remediation to the standards set by the RWQCB and DTSC as the designated regulatory agencies for remediation of the Baylands are required prior to physical development per the requirements of Mitigation Measure 4.G-2a. Site remediation will be required to prevent the creation of new exposure pathways, such as those that could occur during actual site remediation and subsequent activities such as site grading and development. Required remedial activities addressing potential exposure pathways for constituents of concern will bring the former landfill into compliance with existing State statutes. In addition, remediation of OU-1 and OU-2 to the site-specific cleanup goals set by regulatory agency requirements will also address potential exposure pathways for constituents of concern. Thus, Title 27 landfill closure and

remediation of OU-1 and OU-2 will result in less contamination potentially entering the Brisbane Lagoon and San Francisco Bay.

BBCAG-227 [See page 5-136 for the original comment] See Master Response 13 for discussion of the remediation review and approval process, Master Response 1 for discussion of the programmatic nature of the Draft EIR, and Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA. As discussed in Master Response 13, the RWQCB and DTSC will set and enforce risk-based cleanup goals based on the land uses determined by the City to be appropriate for the Baylands. Because Title 27 landfill closure and site remediation will not be permitted to create any new exposure pathways, and will be required to achieve the risk-based remediation standards set and enforced by the RWQCB and DTSC, no significant impacts will result.

BBCAG-228 [See page 5-136 for the original comment] See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA. The Mitigation Monitoring and Reporting Program contained in Final EIR Chapter 4.0 identifies the methods to be employed by the City of Brisbane to ensure implementation of mitigation EIR measures. The RWQCB and DTSC, as part of their regulatory authority for remediation and Title 27 landfill closure within the Baylands, have the authority to impose fines on any contractor not in compliance with the federal or State regulations. The RWQCB and DTSC will also impose monitoring requirements to address ongoing performance of site remediation and Title 27 landfill closure. In addition, the City of Brisbane retains the authority to halt Project site development if the contractor is not in compliance with applicable federal, State, or local regulations.

The specific technologies that will be used for Project site remediation will be determined by the regulatory agencies for the former landfill, OU-1, and OU-2 areas. These regulatory agencies will also determine the appropriateness of requiring performance bonds and back-up systems for site remediation and Title 27 landfill closure.

BBCAG-229 [See page 5-136 for the original comment] Pursuant to the requirements of CEQA, the Draft EIR evaluates changes to the environment that would result from approval of the proposed development of the Baylands under each of the four development scenarios described in Chapter 3, *Project Description*. The section of the Draft EIR referenced in this comment is specific to proposed future onsite uses, not current land uses adjacent to the Project site. While CEQA provides requirements for EIRs and an obligation on the part of the Lead Agency of an EIR to mitigate the significant impacts of a proposed project, CEQA does not provide authority for agencies to place requirements on existing adjacent uses. It should also be noted that the uses along Industrial Way referenced in this comment are proposed to be removed under each of the four development

scenarios. The determination as to the appropriateness of specific land uses within the Baylands rests with the City of Brisbane, and will be determined as part of the City's planning review, as discussed in Master Response 4. In addition, all permitted uses in any specific plan approved by the City within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan, which restricts the range of industrial uses and the types of uses permitted within the Baylands that might use or generate large quantities of hazardous materials.

The auto body uses and businesses along Industrial Way are existing uses, not part of proposed development within the Baylands, and are proposed to be removed from the Project Site.

BBCAG-230 [See page 5-137 for the original comment] The “uses” referenced on page 4.G-88 are those identified in the Draft EIR’s Project Description as permitted land uses within the Baylands. On page 4.G-88, the Draft EIR states, “‘wet’ lab functions, on the other hand, could involve a broad spectrum of activities involving hazardous materials, which would be used in controlled indoor environments. The types and volumes of hazardous materials that would be used in wet laboratories are difficult to predict because the specific businesses that would move to the Project Site are not known, and because hazardous materials use is subject to continuous change as technologies evolve and as businesses change. It is, however, reasonably foreseeable that hazardous materials would be used routinely.” Thus, the Draft EIR takes a conservative, worst case approach, as is appropriate under CEQA. Draft EIR Chapter 3, *Project Description*, provides a detailed description of what uses are proposed to be permitted within the Baylands under each development scenario.

The City retains authority to determine those specific uses that would and would not be appropriate within the Baylands. In addition, all permitted uses in any specific plan approved by the City within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan, which restricts the range of industrial uses and the types of uses permitted within the Baylands that might use or generate large quantities of hazardous materials. None of the project components described in Chapter 3, *Project Description*, proposes any modification to the City’s existing limits on industrial development within the Baylands. Thus the existing prohibitions cited in this comment against “certain types of hazardous materials users and infectious disease handling” would be unaffected by proposed Baylands development, and would be applied by the City to all new development within the Baylands. Uses that are prohibited by the Brisbane General Plan or City ordinance would be prohibited within the Baylands unless these regulations are otherwise amended.

BBCAG-231 [See page 5-137 for the original comment] On page 4.G-89, the Draft EIR states “Project Site development is not anticipated to include the type of large scale manufacturing or processing facilities that would use, store or transport use [*sic*] large quantities of hazardous materials that would present a substantial risk to people.” The Draft EIR acknowledges on page 4.G-89 that during operation of onsite uses “Hazardous materials would routinely be transported to, from, and with the Project Site, and small amounts of hazardous waste would be removed and transported offsite to licensed disposal facilities. The specific types and amounts of hazardous materials transported to or from the Project Site as a result of Project Site development cannot be quantified.”

As noted in Response BBCAG-225, the Draft EIR takes a conservative, worst case approach, as is appropriate under CEQA. Draft EIR Chapter 3, *Project Description*, provides a detailed description of what uses are proposed to be permitted within the Baylands under each development scenario. In addition, all permitted uses proposed in any specific plan approved by the City within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan, which restricts the range of industrial uses and the types of uses permitted within the Baylands that might use or generate large quantities of hazardous materials. None of the project components described in Chapter 3, *Project Description*, proposes any modification to the City’s existing limits on industrial development within the Baylands. Thus the existing prohibitions cited in this comment against “certain types of hazardous materials users and infectious disease handling” would be enforced for all new development within the Baylands. Uses that are prohibited by the Brisbane General Plan or City ordinance would be prohibited within the Baylands unless these regulations are otherwise amended.

Therefore, contrary to the commenter’s assertion, an additional mitigation measure prohibiting certain hazardous uses and practices is not required.

The first sentence on page 4.G-89 is revised to read as follows:

Project Site development is not anticipated to include the type of large-scale manufacturing or processing facilities that would use, store or transport ~~use~~ large quantities of hazardous materials that would present a substantial risk to people.

BBCAG-232 [See page 5-137 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process. Regulatory authority for remediation within OU-2 rests with the RWQCB. Because the land uses currently proposed within OU-2 are different than those proposed in 2002, along with advances in remedial technologies, a new Remedial Action Plan for OU-2 is required. As part of that plan, a human health risk assessment will be undertaken under RWQCB oversight to establish risk-based cleanup goals for the

land uses approved by the City of Brisbane for the Baylands. The updated RAP will address potential exposure pathways and all relevant constituents of concern. The specific remedial activities that will be permitted within the Baylands will be determined by the RWQCB as the designated regulatory agency for OU-2 based on the updated human health risk assessment, which will provide risk-based cleanup goals that are protective of human health and the environment. Thus, the Draft EIR concluded that impacts would be less than significant.

BBCAG-233 [See page 5-137 for the original comment] See Response BBCAG-215. The former Brisbane Landfill contains refuse from residential; commercial; industrial activities including shipyard waste; and construction rubble, tires, and sewage.

The fill materials underlying the former railyard (the 218-acre site west of the railroad tracks) are documented as comprised of earthquake rubble and were filled from 1906-1914 (Draft EIR Appendix B). The site east of the railroad tracks remained San Francisco Bay until the 1930s when demand for a landfill for municipal waste led to the gradual filling of this portion of the San Francisco Bay and by extension the creation of land. The completion of US Highway 101 in the 1950s delineated the eastern boundary of the landfill (Draft EIR Appendix B).

The third paragraph on page 4.G-90 is revised to read as follows.

Former landfill operations resulted in the disposal of 12.5 million cubic yards of ~~non-hazardous domestic, industrial, and shipyard~~ waste at the Brisbane Landfill ~~from between 1930 to and 1967~~ from residential, commercial, industrial activities including shipyard waste, as well as construction rubble, tires, and sewage. The thickness of the current soil cover ranges from a few feet to over 30 feet in some locations and soil movement or grading could take place in areas where the soil cover remains shallow. OU-1 still overlies a plume of VOC-impacted groundwater. Contaminants at OU-2 are widespread over the former railyard, with metals impacts in soil occurring in fill materials sitewide. Bunker C fuel impacts in soil and groundwater are limited to areas where fueling operations and disposal took place.

BBCAG-234 [See page 5-137 for the original comment] No factual evidence is included in this comment to support its conclusions. Regulatory authority for landfill closure rests with the RWQCB, which will determine the specific activities to be employed for landfill closure to meet Title 27 requirements. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA and Master Response 13 for discussion of the Title 27 landfill closure review and approval process. The Draft EIR text referenced in this comment addresses the potential for reasonably foreseeable upset or accident conditions to result in a release of hazardous materials.

BBCAG-235 [See page 5-138 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process. The Draft EIR is correct in its statement that regulatory authority for remediation and Title 27 landfill closure, including determination and approval of specific remedial technologies, rests with the RWQCB and DTSC. The City of Brisbane has regulatory authority over land uses within the Baylands. As discussed in Master Response 13, human health risk assessments and risk-based cleanup goals will be established by the RWQCB and DTSC based on the land uses determined by the City to be appropriate within the Baylands.

BBCAG-236 [See page 138 for the original comment] See Master Response 13 for discussion of the of the remediation review process for the Baylands and Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. The human health risk assessments to be undertaken under the oversight of the RWQCB and DTSC, along with risk-based cleanup goals and determination of remediation technologies will address possible exposure pathways, including seepage of leachate into the Brisbane Lagoon and the potential for encountering pockets of toxic gases.

BBCAG-237 [See page 5-138 for the original comment] Pursuant to the provisions of CEQA, the Draft EIR analyzes physical changes to the environment that would result from the proposed Baylands development, which is set forth in Chapter 3 of the Draft EIR, including impacts of site remediation and grading, infrastructure construction and operation, provision of water supply, and land use development and operations. No undercrossings of the Caltrain line are proposed as part of Baylands development and no proposals for rail line undercrossings within the Baylands are known. Any proposals to lower the Caltrain line as it runs through the Baylands are not a part of the project description being analyzed in the Draft EIR, nor have any such proposals by others been identified as being reasonably foreseeable, and therefore included in the analysis of cumulative impacts. “Burying” the historic roundhouse would result in a significant cultural resources impact, and is not included as part of proposed Baylands development. As stated in Master Response 13, determinations as to the specific technologies to be employed for Title 27 landfill closure and remediation of the landfill falls under the regulatory authority of the RWQCB and DTSC, and will require site-specific environmental evaluations once specific remediation technologies are selected. See Master Response 1 for discussion regarding environmental review of site-specific development proposals, including site remediation.

BBCAG-238 [See page 5-138 for the original comment] The comment provides no factual basis to support the assertion regarding waste layer infiltration through various pathways. The proposed remedial action for the former Brisbane Landfill will be required to address: (1) lack of a low permeability engineered landfill cap compliant with Title 27, (2) the presence of leachate and the requirement to

prevent any increases in leachate that exceed any regulatory thresholds, (3) hydrologic connectivity to groundwater and surface water, primarily the Central Drainage Channel, (4) ongoing consolidation of refuse and Bay Muds, and (5) control of landfill gas.

The former landfill remediation includes both Final Closure and Post-Closure Plans to be ultimately approved by the regulatory agencies, and in compliance with Title 27 will include: (1) operation and maintenance of a leachate seep collection and transmission system, (2) operation and maintenance of the landfill gas collection and control system, (3) continued groundwater, surface water and leachate quality monitoring and evaluation, (4) installation of a final cover system over the entire landfill, and (5) operation of a landfill gas collection and monitoring system. Additionally proposed development will be subject to land use controls such as deed restrictions and require notifications for any disturbances of the ground.

The proposed remedial action discussed in the Draft EIR for the surface water management system as part of the remediation of the landfill includes restructuring the Central Drainage Channel and installing a layered lined system that includes a barrier membrane to ensure the Central Drainage Channel and Brisbane Lagoon are not impacted from leachate migration from the landfill. However, that proposed action is subject to regulatory agency review and approval, which could result in a different remedial action being undertaken. Regardless of the ultimate remedial action taken by the applicable regulatory agency, the Draft EIR found that achievement of remediation goals (which must be confirmed prior to approval of a specific plan for any parcel within the Project site), compliance with federal, state and local regulations pertaining to the handling and disposal of hazardous waste, along with implementation of recommended mitigation measures, would reduce hazardous materials-related impacts to less than significant.

BBCAG-239 [See page 5-138 for the original comment] The comment speculates about potential exposures to unspecified substances and resulting implications. See Master Response 18 for discussion regarding cumulative effects of exposure to multiple toxins.

BBCAG-240 [See page 5-138 for the original comment] Pipeline operators such as Kinder Morgan are required by law to post brightly-colored markers along their right-of-way to indicate the presence of their underground pipelines and the comment provides no evidence in support of its assertion that the required markers “may be disallowed and/or in disrepair at the current time.” Furthermore, as stated in the Draft EIR, “[t]o ensure safety and avoid damage, anyone planning to dig or excavate is also required by law to contact the Underground Service Alert center at least 48 hours in advance so that utility operators, including Kinder Morgan,

can coordinate with the contractor to avoid any close contact with the pipeline.” The Draft EIR thus found that grading and construction operations conducted in accordance with applicable regulations would not result in significant impacts.

BBCAG-241 [See page 5-139 for the original comment] See Master Response 5 for discussion regarding compliance with regulatory requirements as mitigation under CEQA.

BBCAG-242 [See page 5-139 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. Remediation of existing contamination and Title 27 landfill closure are prerequisites for and must be completed prior to site-specific development within the former landfill and within OU-1 and OU-2. Pursuant to the requirements of Mitigation Measure 4.G-2a, completion of remedial action plans and the landfill closure plan is required to precede approval of a specific plan (and therefore development) within the Baylands. To clarify its intent, Mitigation Measure 4.G-2a is revised to read as follows.

Mitigation Measure 4.G-2a (Confirm Achievement of Remediation Goals): Prior to approval of a specific plan for any parcel within the Project Site, the project applicant shall provide confirmation to the City that the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Division as the Local Enforcement Agency, as applicable, have completed their reviewed and are prepared to approve and accepted the Remedial Action Plan or final closure and post-closure maintenance plans, have set clean-up goals, and are prepared to approve the Remedial Action Plan or final closure and post-closure maintenance plans upon certification of appropriate environmental documentation for that action.

Prior to issuance of a building or grading permit (other than for grading needed for remediation activities) for any parcel within the Project Site, the applicant shall provide the City with evidence that the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Division as the Local Enforcement Agency in relation to the landfill have approved applicable Remedial Action Plan(s) or final closure and post-closure maintenance plans.

Prior to commencement of building construction or site grading for any parcel within the Project Site, the project applicant shall obtain regulatory approval from the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Health System as the Local Enforcement Agency in relation to the landfill for the proposed land use, in the form of a Remediation Action Completion Report or equivalent closure letter stating that remediation goals have been achieved for proposed land uses.

In addition, as discussed in Master Response 1, approval of remedial action plans and a landfill closure plan by the RWQCB and DTSC require discretionary actions for which the RWQCB and DTSC will be required to undertake site-specific CEQA review, during which all CEQA requirements, including consideration of alternatives, will be met. The Draft EIR found that achievement of remediation goals for the Project site as approved by the applicable regulatory agency, in addition to compliance with federal, state, and local regulations pertaining to the handling and disposal of hazardous waste and related mitigation measures set forth in the Hazards and Hazardous Materials chapter, would reduce all hazardous materials-related impacts to a less than significant level. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

As a condition of approval for any development within the area of the former landfill, the City will require that landfill closure requirements as approved by the Regional Water Quality Control Board and San Mateo County Health System be completed for the area proposed for development prior to initiation of such development.

As a condition of approval for any development approved within OU-1, the City will require that remedial action plan requirements as approved by the California Department of Toxic Substances Control be completed prior to initiation of development within OU-1.

As a condition of approval for any development approved within OU-2, the City will require that remedial action plan requirements as approved by the Regional Water Quality Control Board be completed prior to initiation of development within OU-2.

The RWQCB and DTSC, as the regulatory agencies responsible for site remediation and landfill closure, will determine appropriate remediation objectives and remediation technologies, as well as appropriate bonding requirements to ensure performance of site remediation and landfill closure.

BBCAG-243 [See page 5-139 for the original comment] The EIR language referenced in the comment refers to temporary dewatering during construction. The design of infrastructure and construction requirements will include site-specific considerations regarding dewatering during construction and the potential for ground subsidence.

BBCAG-244 [See page 5-139 for the original comment] See Master Response 5 for discussion regarding reliance on regulatory agencies operating under their statutory authority to protect public health and the environment. See also Chapter 4.0 of the Draft EIR, *Mitigation Monitoring and Reporting Program*, for information as to how EIR mitigation measures will be implemented.

BBCAG-245 [See page 5-139 for the original comment] While the City may choose to utilize an alternative review procedure for deconstruction of existing buildings within the Baylands, such additional review is not required under CEQA since Draft EIR Mitigation Measure 4.D-1a already requires that the historic roundhouse be stabilized and restored. Each of the development scenarios also provides for incorporating the Roundhouse building into the Baylands' open space network. Mitigation Measure 4.D-1b also provides for protecting the historic setting of the Roundhouse by addressing the design of adjacent buildings. To clarify implementation of Mitigation Measure 4.G-2c, Mitigation Measure 4.G-2c is revised to read as follows:

Mitigation Measure 4.G-2c (Master Deconstruction and Demolition Plan): City review and approval of a specific plan per the requirements of the Brisbane General Plan shall be completed prior to submittal of any application for a demolition permit within the Project Site. Prior to issuance of a demolition permit for any parcel within the Project Site, a Master Deconstruction and Demolition Plan shall be submitted by the project applicant to the City Community Development Director and Building Official. The plan shall be reviewed and approved by the Community Development Director and Building Official prior to issuance of the requested demolition permit to ensure that the proposed demolition is consistent with applicable provisions of the Brisbane General Plan and the specific plan adopted pursuant to the General Plan. ~~This~~ The demolition plan shall include documentation of hazardous materials determinations (surveys) and demolition or deconstruction recommendations in accordance with local and state requirements. If the surveys conducted by licensed professionals prior to issuance of a demolition permit per the requirements above hazardous building materials¹⁵, demolition or deconstruction shall proceed in accordance with applicable BAAQMD, OSHA, and CalOSHA requirements, which may include air permits or agency notifications, worker awareness training, exposure monitoring, medical examinations and a written respiratory protection program.

BBCAG-246 [See page 5-139 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. Pursuant to their statutory authority, the RWQCB and DTSC will review and approve the technologies to be employed in site remediation and Title 27 landfill closure. Whether redundant systems will be required will be determined by the RWQCB and DTSC based on susceptibility of remediation systems to failure in and earthquake and other disaster situations, the level of human health risk, and the resulting need for such redundant systems. See also Master Response 5 for

¹⁵ Typical hazardous building materials include lead-based paint; asbestos-containing materials, such as insulation, paint, or fiberboards; PCBs in lighting ballasts or wiring; and mercury in thermostat switches. BAAQMD oversees the public health and environmental aspects of removal and disposal of asbestos-containing materials and other hazardous building materials. CalOSHA oversees worker protection and contractor licensing with respect to hazardous building materials.

discussion of compliance with the law as mitigation under CEQA, including reliance on building code standards to address seismic and geologic hazards.

BBCAG-247 [See page 5-140 for the original comment] The City retains authority to determine those specific uses that would or would not be appropriate within the Baylands. In addition, all permitted uses in any specific plan approved by the City within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan, which restricts the range of industrial uses and the types of uses permitted within the Baylands that might use or generate large quantities of hazardous materials. None of the project components described in Chapter 3, *Project Description*, proposes any modification to the City's existing limits on industrial development within the Baylands.

BBCAG-248 [See page 5-140 for the original comment] Worker safety is regulated by the federal Occupational Safety & Health Administration (OSHA) and the California Division of Occupational Safety and Health (Cal/OSHA).

The Kinder Morgan facility is not within the Project site and is not part of proposed Baylands development and therefore this EIR does not specifically analyze the operations or design of this facility. The mitigation measures set forth in the EIR apply to the significant impacts that would result from proposed development of the Baylands. The Kinder Morgan facility is not a part of the Project Site, and is under the regulatory oversight of the Regional Water Quality Control Board. The City has no authority under CEQA to require mitigation from a third party that is not part of the proposed project and has not requested a discretionary approval.

See Master Response 21 for discussion of land use compatibility in relation to the Kinder Morgan tank farm. As stated in that Master Response, appropriate setbacks from the tank farm and associated pipelines will be established as part of the planning review undertaken by the City for the Baylands.

The Kinder Morgan facility is under the regulatory oversight of the Regional Water Quality Control Board. The Draft EIR relied on the investigative and remediation reports prepared by environmental consultants for the Kinder Morgan facility which were reviewed and accepted by the Regional Water Quality Control Board.

The Draft EIR relied on the regulatory authority and responsibility of the RWQCB to enforce the law, including compelling Kinder Morgan to comply with applicable law and regulations for the protection of the public health and safety. The potential risk identified in the Draft EIR is related to leaks from aboveground storage tanks; however the Kinder Morgan facility has secondary containment around the aboveground storage tanks to mitigate leaks and the tanks are integrity tested to ensure compliance with applicable federal, State and local regulations.

The Draft EIR also relied on the regulatory authority and responsibility of the RWQCB to enforce the law, including compelling Kinder Morgan to comply with applicable law and regulations for the protection of the public health and safety. As explained in the Draft EIR page 4.G-95 “In addition, the existing regulatory requirements and hazardous material management of the Kinder Morgan Bulk Terminal facility reduce the potential for adverse effects from upset and accident conditions to less than significant levels.” See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.

BBCAG-249 [See page 5-140 for the original comment] See Master Response 21 for discussion of land use compatibility with the Kinder Morgan tank farm.

BBCAG-250 [See page 5-140 for the original comment] See Response BBCAG-244.

BBCAG-251 [See page 5-140 for the original comment] See Response BBCAG-244.

BBCAG-252 [See page 5-140 for the original comment] The City retains authority to determine those specific uses that would or would not be appropriate within the Baylands. In addition, all permitted uses in any specific plan approved by the City within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan, which restricts the range of industrial uses and the types of uses permitted within the Baylands that might use or generate large quantities of hazardous materials. None of the project components described in Chapter 3, *Project Description*, proposes any modification to the City’s existing limits on industrial development within the Baylands. Uses that are prohibited by the Brisbane General Plan or City ordinance would be prohibited within the Baylands unless those regulations were otherwise amended.

The conclusion on page 4.G-96 is revised to read as follows:

Conclusion with Mitigation: With implementation of **Mitigation Measure 4.G- 2e 2b** (Hazardous Materials Business Plan), the potential for accidental releases and upset conditions to occur as the result of storage or disposal of hazardous materials or wastes during operational phases of the development scenarios would be minimized. Thus, significant impacts related to hazards to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment will be reduced to a less-than-significant level.

BBCAG-253 [See page 5-140 for the original comment] The Draft EIR statement cited in this comment is specific to the placement of underground utility boxes, underground structures, and basements. Mitigation Measure 4.G-2h requires all new structures within the former landfill footprint and within OU-1 and OU-2, as well as locations within 1,000 feet of the waste material footprint, to incorporate

sub-slab vapor barriers to minimize potential vapor intrusion into buildings. In addition, all structures built on or within 1,000 feet of the landfill footprint are required to be equipped with automatic combustible gas sensors in sub-floor areas and in the first floor of occupied interior spaces.

BBCAG-254 [See page 5-141 for the original comment] See Response BBCAG-135.

BBCAG-255 [See page 5-141 for the original comment] See Master Response 13 for discussion regarding the Title 27 landfill closure review and approval process and 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. The first paragraph on page 4.G-97 is revised to read as follows:

The methane in landfill gases presents an explosion risk at certain concentrations. The methane and the carbon dioxide in landfill gases can also accumulate in confined spaces or low points such as utility vaults or utilities trenches during construction. Because landfill gas is denser than air, it is able to displace oxygen, posing an asphyxiation hazard. Non-methane organic compounds such as TCE, benzene, and vinyl chloride are typically found in very low concentrations in landfill gases, and of these, only benzene has been identified at the former Brisbane landfill which can present a toxic or carcinogenic hazard, or both, above certain concentrations.

Tests for benzene would have indicated the presence of these other compounds had they been present. The fact that benzene, but not TCEs or vinyl chloride, was detected in the landfill gases is not indicative that VOC gases were somehow “inadequately analyzed,” but is indicative of the relative “cleanliness” of refuse materials within the landfill. Contaminants such as dry cleaning fluids and other solvents containing PCEs break down over time into TCEs that further break down into DCEs, and ultimately into vinyl chloride. The presence of benzene within the former landfill would come from oils, tires, and other household wastes deposited within the landfill prior to 1967.

BBCAG-256 [See page 5-141 for the original comment] This comment acknowledges that VOCs and hydrogen sulfide gas were identified by Golder in their 2008 report. However, the Draft EIR statement to which this comment refers addresses non-methane carcinogenics (e.g., TCE, vinyl chloride).

BBCAG-257 [See page 5-141 for the original comment] As required by Title 27 CCR 21190, long-term maintenance to ensure the integrity of the final cover system to be placed on the former landfill is required. Due to the anticipated bearing strength of the landfill cover, it is anticipated that buildings within the landfill footprint may require construction of piers through the landfill and bay mud down to bedrock. Any piers would be required to be constructed within non-permeable

casings to prevent the spread of leachates from the landfill into groundwater. See Master Response 13 for discussion of the Title 27 landfill closure review and approval process and Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

BBCAG-258 [See page 5-141 for the original comment] Mitigation Measure 4.G-2f is intended to address the potential buildup of methane from landfill gas within underground utilities and utility vaults. In addition, Title 27 closure of the portion of the landfill will require methane collection and extraction systems, along with ongoing monitoring within the Baylands. Specifically, Mitigation Measure 4.G-2h requires that all new structures within the former landfill footprint and within OU-1 and OU-2, as well as on site areas within 1,000 feet of the waste material footprint, shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion into buildings. In addition, Mitigation Measure 4.G-2h requires that all structures built within 1,000 feet of the landfill footprint be equipped with automatic combustible gas sensors in sub-floor areas and in the first floor of occupied interior spaces of buildings. Mitigation Measure 4.G-2h further requires provision of a centralized sensor monitoring and recording system.

In addition, any installation of utilities in areas that have adopted soil capping remediation strategies are required to be located above the contaminated soil and groundwater areas in accordance with RWQCB and DTSC requirements. Where gravity and utility force mains require encroachment into contaminated areas, special construction details and mitigation measures are required to be developed during the preparation of the final RAPs for OU-1 and OU-2 as approved by the RWQCB and DTSC and in accordance with Soil and Groundwater Management Plans. Final RAPs will include regulatory agency (DTSC or RWQCB) approved Human Health Risk Assessments that address inhalation risks.

In accordance with the requirements of Title 27, monitoring for trace gases is required to be conducted for 30 years or until the operator receives authorization from the local enforcement agency (LEA), which is the San Mateo County Health System, and CalRecycle to discontinue monitoring upon demonstration by the operator that there is no potential for trace gas migration into onsite structures.

See Response BBCAG-207 for discussion regarding the efficacy of vapor intrusion mitigation.

BBCAG-259 [See page 5-141 for the original comment] See Response BBCAG-258. Methane will migrate from areas where it is present at higher pressures or concentrations to areas where it is present at lower pressures or concentrations. Since methane is lighter than air, it has a tendency to rise toward the ground surface where it dissipates into the atmosphere as it moves away from its source.

Because methane rises toward the surface as it moves away from its source, Mitigation Measure 4.G-2h requires vapor intrusion systems at a greater distance (1,000 feet) to protect buildings with concrete slabs at the ground surface than is required to protect subsurface vaults and other subsurface features (500 feet).

BBCAG-260 [See page 5-141 for the original comment] It is presumed that this comment refers to implementation of a centralized monitoring and recording system required by Mitigation Measure 4.G-2h. See Chapter 4.0, *Mitigation Monitoring and Reporting Program*, of the Final EIR for information regarding requirements for worker training related to that mitigation measure.

BBCAG-261 [See page 5-141 for the original comment] “Icehouse District” is a term used in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios. It refers to the area encompassing and north of Icehouse Hill, west of the Caltrain track, as shown in Draft EIR Figure 3-17. See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR and Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

The text referenced in this comment is Impact Statement 4.G-3, which is taken directly from CEQA Guidelines Appendix G. The environmental analysis related to this impact statement is intended to address whether a proposed project would emit hazardous emissions or handle acutely hazardous materials, substances, or wastes within ¼ mile of an existing or proposed school. As discussed in the Draft EIR project description, the proposed uses for each of the four development scenarios do not propose such uses within ¼ mile of an existing or proposed school. All proposed uses within the Baylands must be consistent with the City’s General Plan, which currently restricts such uses. In addition, since Mitigation Measure 4.G-2e requires Hazardous Materials Business Plans to be prepared and school siting to meet applicable state requirements, the Draft EIR determined that proposed Baylands development would have a less than significant impact in relation to Impact 4.G-3.

See also Response BCC-232 for discussion regarding the siting of school within ¼ mile of the Kinder Morgan tank farm.

BBCAG-262 [See page 5-142 for the original comment] The conclusions on Page 4.G-101 are revised to read as follows:

Conclusion: This impact would be significant, and implementation of **Mitigation Measures 4.G-12a** and **4.G-12b** is recommended under all four proposed development scenarios.

Conclusion with Mitigation: With the inclusion of **Mitigation Measures 4.G-12a** and **4.G-12b**, impacts related to being located on a

hazardous materials site pursuant to Government Code Section 65962.5 under any of the scenarios would be reduced to a less-than-significant level.

BBCAG-263 [See page 5-142 for the original comment] The applicable significance threshold for Impact 4.G-5, which is taken directly from State CEQA Guidelines Appendix G, refers to areas within 2 miles of a public use airport. The Brisbane Baylands Project site is located more than two miles from the San Francisco International Airport. The Sierra Point area is located south of the Baylands, and because it is closer to the Airport, would have greater sensitivity in terms of building heights. The proposed height of all buildings within the Baylands will be required to comply with applicable FAA requirements and will be prohibited from encroaching into any of the imaginary surfaces extending outward from San Francisco International Airport.

BBCAG-264 [See page 5-142 for the original comment] All proposed roadway crossings of the Caltrain rail line under each scenario will be grade-separated over-crossings. All grade-separated crossings needed for emergency access would be designed so as to remain functional following an earthquake.

Caltrain policy is to prohibit new at-grade crossings. Neither would an at-grade rail crossing of the Caltrain tracks be likely to be approved by the California Public Utilities Commission due to safety hazards inherent in at-grade crossings. Caltrain has established general policy in regard to vehicular grade crossings, and pedestrians-only grade crossings. As a general policy, Caltrain would consider new at-grade crossing(s) only in conjunction with closure of adjacent at-grade crossing(s).

BBCAG-265 [See page 5-142 for the original comment] Prior to initiating physical development within the Project Site, remediation of OU-1 and OU-2, as well as Title 27 closure of the former Brisbane Landfill, must occur. Thus, water quality monitoring during site development of the Baylands will be occurring *after* site remediation and landfill closure have been undertaken.

Human health risk assessments will be required by the RWQCB and DTSC to estimate the potential site-specific risks due to exposure to the constituents in the soil, soil vapor and groundwater to human health and the environment, based on the land uses determined by the City to be appropriate for the Baylands. The risk assessment will also be used by the regulatory agencies to provide risk-based cleanup goals.

The Municipal Storm Water Permitting Program regulates storm water discharges from municipal separate storm sewer systems (MS4s). Storm water is runoff from rain that runs off surfaces such as rooftops, paved streets, highways

or parking lots and can carry with it pollutants such as: oil, pesticides, herbicides, sediment, trash, bacteria and metals. The runoff can then drain directly into a local stream, lake, or bay. Often, the runoff drains into storm drains, which eventually drain untreated into a local water body (SWRCB).

Additionally, municipal or urban areas commonly include large impervious surfaces that contribute to an increase in runoff flow, velocity, and volume. As a result, streams are hydrologically impacted through streambed and channel scouring, in-stream sedimentation and loss of aquatic and riparian habitat. In addition to hydrological impacts, large impervious surfaces contribute to greater pollutant loading, resulting in turbid water, nutrient enrichment, bacterial contamination, and increased temperature and trash (SWRCB).

MS4 permits were issued in two phases. Under Phase I, which started in 1990, Regional Water Quality Control Boards statewide adopted National Pollutant Discharge Elimination System General Permit (NPDES) storm water permits for medium (serving between 100,000 and 250,000 people) and large (serving 250,000 people) municipalities. Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. These permits are reissued as the permits expire. The Phase I MS4 permits require the discharger to develop and implement a Storm Water Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in Section 402(p) of the Clean Water Act. The management programs specify what best management practices (BMPs) will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations. In general, medium and large municipalities are required to conduct monitoring (SWRCB).

On April 30, 2003 as part of Phase II, the State Water Resources Control Board issued a General Permit for the Discharge of Storm Water from Small MS4s (WQ Order No. 2003-0005-DWQ) to provide permit coverage for smaller municipalities (population less than 100,000), including non-traditional Small MS4s, which are facilities such as military bases, public campuses, prison and hospital complexes. The Phase II Small MS4 General Permit covers Phase II Permittees statewide. On February 5, 2013 the Phase II Small MS4 General Permit was adopted and became effective on July 1, 2013 (SWRCB).

The concept of keeping stormwater onsite and allowing it to percolate into the underlying media is generally regarded as a best management practice, and is regularly employed to comply with the new stormwater regulations. Various mechanisms are available, including but not limited to, infiltration ponds, bioswales, tree wells, and stormwater chambers. However, such percolation

would not be permitted within the footprint of the former landfill, nor would it be permitted elsewhere within the Baylands in locations where percolation could cause leachate or soils contaminants to enter groundwater.

The proposed development will be required to employ the best management practices to comply with applicable stormwater regulations that best fit the site-specific characteristics of the Baylands, as well as the land uses determined by the City to be appropriate for the Baylands.

- BBCAG-266** [See page 5-143 for the original comment] See Master Response 5 for discussion of compliance with the law as mitigation under CEQA. Implementation of the General Permit for Discharges, NPDES General Construction Permits, and Regional Stormwater Permits address erosion control and quality of runoff water, and will be implemented in post-remediation conditions. All grading, construction, and infrastructure development will be required to be consistent with RWQCB and DTSC requirements set as part of those agencies' remediation review and approval processes.
- BBCAG-267** [See page 5-143 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.
- BBCAG-268** [See page 5-144 for the original comment] The proposed remedial action for the former Brisbane Landfill will address provision of a low permeability engineered landfill cap compliant with Title 27 and requirements to prevent any increases in leachate that exceed any regulatory thresholds. As required by Title 27 CCR 21190, long-term maintenance to ensure the integrity of the final cover system of the former landfill will be provided.
- BBCAG-269** [See page 5-145 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process for the Baylands and Master Response 1 for discussion regarding the programmatic nature of the Brisbane Baylands EIR.
- BBCAG-270** [See page 5-145 for the original comment] RWQCB Order No. 01-041 is cited in the references for Section 4.G, and is available for review as part of the Draft EIR's references at the Brisbane Community Development Department, 50 Park Place, Brisbane, CA.

The fourth paragraph on page 4.G-23 is revised to add the following footnote.

Following closure of the landfill, the area was subsequently buried with a 20- to 30-foot cover of soil to prevent future direct human contact with refuse. As part of Title 27 landfill closure requirements and RWQCB

Waste Discharge Order 01-041¹⁶, the landfill is routinely monitored for offsite migration of contaminants in groundwater, leachate seeps, and soil gas. The landfill closure process is overseen Environmental Health Division of the by San Mateo County Health System and the RWQCB.

BBCAG-271 [See page 5-145 for the original comment] As stated in the Draft EIR, cleanup levels approved by the RWQCB may not reflect drinking water standards because the groundwater basin is not used for domestic water supply (drinking water). See Response BBCAG-129 for discussion of groundwater cleanup standards.

The description referenced in this comment is to the entirety of the watershed, which is far larger than the former wetland marsh. The final paragraph on page 4.H-1 is revised to read as follows.

Historically, the Project Site, commonly known as the Brisbane Baylands, was part of an estuarine ecosystem through which upland drainage flowed into tidal marshes and mudflats before reaching deeper waters of San Francisco Bay. The Project Site is located within the Visitacion-Guadalupe Valley Watershed, which topographically appears as a large cove or generally consists of a bowl straddling the San Francisco/ and San Mateo County line Counties. The watershed drains the area bounded by Bayview Hill, McLaren Ridge, and San Bruno Mountain. The two main drainages of the watershed are Visitacion Creek and Guadalupe Creek, which originate in the upland areas to the west and drain toward San Francisco Bay. Visitacion Valley has been divided into two unnamed subwatersheds due to the fact that the northern portion is pumped northward into the San Francisco combined sanitary/stormwater sewer system. The southern portion, which includes Visitacion Creek, drains by gravity to San Francisco Bay, but much of it is channelized. Guadalupe Creek also drains by gravity to the Bay via Brisbane Lagoon.

BBCAG-272 [See page 5-145 for the original comment] Pursuant to the provisions of CEQA, the Draft EIR analyzes physical changes to the environment that would result from proposed Baylands development, including impacts of site remediation and grading, infrastructure construction and operation, provision of water supply, and land use development and operations. Because specific impacts of offsite, up-slope, or upstream “polluters” would not be a result of proposed Project site development, such analysis is not provided in the Draft EIR, although the effects of these upstream uses are recognized as part of the Draft EIR’s existing conditions.

¹⁶ On April 18, 2001, the RWQCB issued Order No. 01-041 requiring the former Brisbane landfill to be brought into compliance with Title 27 requirements.

The statement that groundwater is not used as a potable water supply and is not proposed for use by Baylands development does not imply that groundwater is not contaminated or in need of remediation. Groundwater remediation will be undertaken under the regulatory authority of the RWQCB.

BBCAG-273 [See page 5-145 for the original comment] Figure 4.H-2 is intended to identify watershed boundaries in the vicinity of the Baylands, and is not intended to identify any agency's General Plan designations. Figure 4.H-2, Watershed Boundaries, includes a legend at the bottom of the figure, which lists the approximate boundaries of the watersheds next to the corresponding number that is shown on the map. Marshes and other surface water features are not shown on this figure; the figure was intended to indicate watershed boundaries. The boundaries are described by their common names, as described in the City of Brisbane's Storm Drainage Master Plan (included as reference RBF Consulting, 2003 in the Draft EIR). The last paragraph on page 4.H-2 is revised to read as follows:

The City of Brisbane Storm Drainage Master Plan divides the drainage area tributary to the 12-foot-by-12-foot culvert under US Highway 101 into six watersheds that are further subdivided as part of the detailed analysis in that plan (RBF, 2003). Land uses within the watersheds include undeveloped and open space areas, single-family residential, retail, government, and manufacturing districts. **Figure 4.H-2** illustrates ~~existing land uses and the~~ subwatershed boundaries from the City's Storm Drainage Master Plan.

BBCAG-274 [See page 5-145 for the original comment] Mitigation Measure 4.H-1a requires site-specific development to demonstrate compliance with the provisions of Brisbane's Municipal Regional Stormwater Permit Order No. 2011-0083. Mitigation Measure 4.H-1c requires site-specific development to implement a Stormwater Management plan consistent with the most recent NPDES C.3 requirements. Thus, compliance with discharge permits and prohibition of discharges of contaminated stormwater to the Bay is mandatory, not voluntary.

BBCAG-275 [See page 5-145 for the original comment] The Levinson marsh is often referred to as the Levinson "overflow" area in hydrologic reports. Identification of the area in hydrologic reports and the Levinson "overflow" area has no bearing on that site's biological resources functions. The title "Levinson Overflow Area" was used to describe this water feature in the City of Brisbane's Storm Drainage Master Plan prepared in 2003, which was included as a reference in the Draft EIR. This comment does not raise substantive issues regarding the adequacy of the analyses and conclusions contained in the Draft EIR, and although no further response is required under CEQA, the Baylands EIR will use the term "Levinson Overflow Area" only in reference to its flood management function described in the City's 2003 Storm Drainage Master Plan.

- BBCAG-276** [See page 5-145 for the original comment] The Draft EIR analyzes grading of the site as it is currently proposed. Proposed site grading is intended to provide for (1) a permanent cover for the former landfill, (2) the proposed Geneva Avenue extension and other grade-separated over-crossings of the Caltrain tracks, (3) remediation of the former railyard, and (4) adequate site drainage. Proposed site grading is discussed Chapter 3, *Project Description*, which also discusses floodplain management criteria on page 4.H-8 and identifies the portions of the Project Site that are at current risk and a future risk due to a sea level rise of 1.4 meters in Figure 4.H-4.
- BBCAG-277** [See page 5-146 for the original comment] The Mitigation Monitoring and Report Plan set forth in Section 4.0 of the Final EIR provides for enforcement of EIR mitigation measures, including those concerning water quality. See Master Response 3 for a discussion of the enforceability of the mitigation measures set forth in the Draft EIR.
- BBCAG-278** [See page 5-146 for the original comment] Pages 4.H-12 through 4.H-14 of the Draft EIR discuss the permit requirements that would apply to all proposed Project Site development construction activities. As required by Mitigation Measure 4.H-1a, “prior to issuance of a grading permit, an applicant for any site specific development project to be constructed within the Project Site shall file a Notice of Intent to the RWQCB to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities and shall prepare and implement a SWPPP for construction activities on the Project Site in accordance with the NPDES General Construction Permit and the demonstrate compliance with the City of Brisbane’s Municipal Regional Stormwater Permit Order No. 2011-0083 Provision C.3. The SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted as part of grading and construction permits. In addition to meeting the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay.” Adherence to this Mitigation Measure would require the preparation and implementation of a stormwater pollution prevention plan containing best management practices including erosion control measures that would minimize the transport of sediments offsite.

As discussed in the Draft EIR (p. 4.H-12), the monitoring and sampling requirements imposed by the General Permit depend on the final Risk Level category of the site, which is calculated by quantifying (1) the risk that Project Site development would produce sediment and (2) the sensitivity of the water features that could receive sediment eroded from the Baylands site. Adherence to the permit requirements, including water quality monitoring and sampling requirements, would ensure that water quality impacts associated with construction would be less than significant.

BBCAG-279 [See page 5-146 for the original comment] The method for selection of BMPs with agency review as to whether specified goals will be met is the commonly accepted method for implementing performance-based mitigation measures. See Master Response 3 regarding implementation of EIR mitigation measures.

In addition, as required by Mitigation Measure 4.H-1c on page 4.H-24 of the Draft EIR, all Project Site development shall “prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements.” The measure goes on to require that the SMP “shall 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.” Draft EIR page 4.H-23 describes examples of the treatment measures that “would vary from ‘local’ improvements at individual building sites to ‘areawide’ concepts such as stormwater treatment wetlands with large open space areas. The treatment BMPs would be required to include one or more of the following: bioretention areas (including bioretention swales), flow-through planters, tree well filters, vegetated buffer strips, infiltration trenches, extended detention basins, pervious paving, green roofs, and media filter.” With implementation of these treatment BMPs, the Project would be in compliance with BCDC Water Quality Policy 7 which calls for native vegetation buffer areas, whenever practicable, to be part of a project to control pollutants from entering the Bay.

BBCAG-280 [See page 5-146 for the original comment] Mitigation Measure 4.H-1c requires all “Applicants for site-specific development projects to be constructed within the Project Site shall prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements.” The Mitigation Measure also requires that the “SMP shall 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.” See Draft EIR pages 4.H-22 and 4.H-23 for a discussion of LID measures typically used to comply with Provision C.3 requirements. Compliance with the stormwater management plan, including LID measures, would ensure that operation of site specific development on the Baylands Project Site would result in less than significant impacts to water quality and would not violate waste discharge requirements.

BBCAG-281 [See page 5-146 for the original comment] There is no factual basis provided in the comment to support its assertion that the city’s current storm drainage master plan is inadequate. Storm drainage infrastructure to be developed for the Baylands will be required to be in compliance with all applicable regulatory requirements in place at the time construction plans are approved, and will be required to meet the performance standards set forth in EIR Mitigation Measure 4.H-4a. The physical

impacts of providing drainage facilities for the Baylands have been analyzed as part of proposed Project site development.

- BBCAG-282** [See page 5-147 for the original comment] Monitored Natural Attenuation is a remediation strategy for groundwater contamination and is discussed in the Hazards and Hazardous Materials section of the Draft EIR on page 4.G-83.
- BBCAG-283** [See page 5-147 for the original comment] A description of the environmental investigation and cleanup activities at the Recology site is located in the Draft EIR Hazards and Hazardous Materials chapter on page 4.G-54 and 4.G-55. See also Master Response 17 for a discussion of prevention of cross contamination.
- BBCAG-284** [See page 5-147 for the original comment] The appropriate process for ensuring site-specific analysis and implementation of BMPs is set forth in Mitigation Measure 4.H-1a, which requires that “prior to issuance of a grading permit, an applicant for any site specific development project to be constructed within the Project Site shall file a Notice of Intent to the RWQCB to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities and shall prepare and implement a SWPPP for construction activities.” The BMPs would be implemented on a site-specific basis and in consideration of local conditions such as existing contaminated materials, and would be conducted in coordination with the overseeing agencies, RWQCB or DTSC. These activities would be adequate to minimize any offsite transport of contaminants such that an individual NPDES permit beyond what is already required under the Construction General Permit would not be necessary. In addition, construction activities would be required to adhere to the City of Brisbane’s Municipal Regional Stormwater Permit Order No. 2011-0083 Provision C.3 as well as all provisions of the Erosion and Sediment Control Plan. With implementation of these existing regulatory requirements both at the state and local level, the potential for construction activities to result in significant water quality impacts would be reduced to less than significant levels. To clarify the site-specific nature of the SWPPP, Mitigation Measure 4.H-1a is revised to read as follows:

Mitigation Measure 4.H-1a: Prior to issuance of a grading permit, an applicant for any site specific development project to be constructed within the Project Site shall (1) file a Notice of Intent to the RWQCB to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities and shall prepare and implement a site-specific SWPPP for construction activities on the Project Site in accordance with the NPDES General Construction Permit and ~~the~~ (2) demonstrate compliance with the City of Brisbane’s Municipal Regional Stormwater Permit Order No. 2011-0083 Provision C.3. The site-specific SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted as part of grading and construction permits. In addition to meeting the regulatory requirements for the

SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay.

BBCAG-285 [See page 5-148 for the original comment] Mitigation Measure 4.H-1c states “Applicants for site-specific development projects to be constructed within the Project Site shall prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements.” The Mitigation Measure also states the “SMP shall 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.” See Draft EIR pages 4.H-22 and 4.H-23 for a discussion of LID measures typically used to comply with Provision C.3 requirements. Compliance with the stormwater management plan, including LID measures, would ensure that operation of site specific development within the Baylands would result in less than significant impacts to water quality and would not violate waste discharge requirements.

BBCAG-286 [See page 5-148 for the original comment] As described in Draft EIR Chapter 3, *Project Description*, a limited number of industrial uses are proposed as permitted uses under the four Project site development scenarios. As a result, the Draft EIR provides a discussion of countywide NPDES requirements related to industrial uses. All future development will be required to be consistent with the provisions of the Brisbane General Plan.

BBCAG-287 [See page 5-148 for the original comment] Mitigation Measure 4.H-1c specifies the City Engineer as the approval authority for Final Stormwater Management Plans (SMP) in accordance with NPDES C.3 requirements, as is the case for other SMPs in the City. The changes suggested in this comment are not required for CEQA compliance purposes.

BBCAG-288 [See page 5-148 for the original comment] The underlying assertion behind the comment is factually incorrect. The statement in the Draft EIR referred to in this comment addresses potable water supplies, and the City has no groundwater resources that provide a potable water source. Once groundwater enters the Bay, it is no longer groundwater. Thus, use of water in the Bay by fish, ducks, and invertebrates living in the Bay are not using groundwater. The threshold addressed on page 4.H-25 is taken from CEQA Guidelines Appendix G, and addresses whether a proposed project would result in depletion of groundwater tables such that there would be a net deficit in aquifer volume or a lowering of the groundwater table. Since groundwater is not proposed to be pumped as part of proposed Baylands development, no significant impact was determined to exist.

The objectives of the remediation activities at OU-1 and OU-2 are to reduce potential impacts to human health and the environment due to exposure to constituents in soil, soil vapor, and groundwater using remediation technologies, including, but not limited to, excavation and disposal, treatment of soil and disposal or treatment of soil and re-use on site, in-situ remediation of groundwater using enhanced technologies, pump and treat or natural attenuation.

The remedial strategy at the former Brisbane Landfill is different although the objective is the same, i.e., to reduce potential impacts to human health and the environment due to exposure to constituents in soil, soil vapor, and groundwater. Title 27 imposes additional restrictions on the remedial strategies applicable to the former landfill. Landfill gas must continue to be collected and removed, leachate must continue to be collected and removed, and placement of low hydraulic conductivity layers is required, in addition to a final impermeable cover.

The remedial action discussed in the Draft EIR for the surface water management system as part of the remediation of the former Brisbane Landfill includes restructuring the Central Drainage Channel and installing a layered lined system that includes a barrier membrane to ensure the Central Drainage Channel and Brisbane Lagoon are not impacted from leachate migration from the landfill.

Remediating the Project site will promote cleaner runoff into the Brisbane Lagoon and San Francisco Bay.

BBCAG-289 [See page 5-148 for the original comment] As stated in the Draft EIR Biological Resources section (page 4.C-48) and required by Mitigation Measure 4.C-2c, a performance standard has been established that requires the total area and overall functions and values of jurisdictional wetlands or waters of the U.S. would to be maintained. This performance standard applies to all site development, and is required to be incorporated into site plans such that there is no overall loss of wetlands as a result of Project Site development. As a result, impacts to wetlands would be less than significant. See Master Response 9 for discussion of wetlands mitigation.

BBCAG-290 [See page 5-148 for the original comment] The West Nile virus is spread largely through mosquito bites. Mosquitoes can breed in very small amounts of standing water. However, all mosquitoes that were trapped and tested in San Mateo County in 2014 have tested negative for the virus.

The drainage improvements evaluated in the Draft EIR include bioswales and culverts. Open channels and bioswales are generally designed to allow for rapid infiltration of stormwater runoff through the use of highly permeable soils and materials in order to reduce any offsite flows during high storm events. As a

result, they generally do not result in standing water very long after a storm event and can remain completely dry through extended summer months of little to no precipitation. For this reason, bioswales and culverts would not represent substantial new habitat for mosquitoes.

The San Mateo County Mosquito and Vector Control District manages San Mateo County's mosquito control program, which uses multiple methods to control the risk of disease in San Mateo County, including surveillance, prevention, and control of mosquito populations. Proposed Project site development would be consistent with the County's mosquito control program.

The engineering design of all proposed culverts and swales will be reviewed by the City to ensure that the design of culverts and swales minimizes the potential for standing water and areas for mosquito breeding.

- BBCAG-291** [See page 5-149 for the original comment] See Master Responses 9 and 10 pertaining to Identification of Wetlands.
- BBCAG-292** [See page 5-149 for the original comment] Mitigation Measures 4.H-4a through 4.H-4c address Baylands Project Site drainage patterns and runoff by requiring drainage improvements to accommodate all increased runoff and correct existing drainage deficiencies. Rather than relying on natural processes to filter sewage, Mitigation Measure 4.H-4a requires that drainage inlets fronting the Levinson Overflow Area be isolated from the Brick Arch sewer system. Doing so protects public health and safety, and is not intended to characterize the functionality of the Levinson Marsh. In addition, Mitigation Measures 4.C-2a, through 4.H-2c provide additional requirements to protect wetlands ensuring that maintenance of the total area and or overall functions and values of jurisdictional wetlands or waters of the U.S. would apply to site development. In compliance with CEQA, the above-referenced mitigation measures include performance standards to ensure that the significant effects of Project Site development are mitigated to less than significant levels.
- BBCAG-293** [See page 5-149 for the original comment] Final design plans would not be tied to the referenced BKF modeling that was completed as part of the 2011 Infrastructure Plan prepared as part of proposed Brisbane Baylands Specific Plan for the DSP and DSP-V scenarios, but rather to the requirements of Mitigation Measure 4.H-1c on page 4.H-24 of the Draft EIR, which would require adherence to a final Stormwater Management Plan that is consistent with the most recent NPDES C.3 requirements.
- BBCAG-294** [See page 5-149 for the original comment] The water quality of the Lagoon will be improved once the former landfill undergoes Title 27 closure and the Baylands Project site is remediated and best management practices are in place

for stormwater pollution and prevention. That said, CEQA does not require, nor does the City have the authority to require, mitigation measures for impacts not created by the Project, such as existing water quality in the Lagoon.

BBCAG-295 [See page 5-149 for the original comment] Flooding hazards are directly related to ground elevations and raising existing grades is a proven approach to avoiding flooding hazards as described in the Draft EIR on page 4.H-35. In addition, as stated in the Draft EIR on page 4.H-38, Mitigation Measure 4.H-8 specifically requires that “site-specific development within the Project Site shall incorporate protection measures that demonstrate ability to handle the flood levels expected by mid-century in accordance with the San Francisco Bay Plan.” As such, flooding hazards including those that would occur with future sea level rise would be reduced to less than significant levels.

Also, see Master Response 16 regarding issues of City liability.

BBCAG-296 [See page 5-149 for the original comment] The Draft EIR Hydrology section discusses the effects of rising sea levels on Project Site development and, as stated in Response BBCAG-296, Mitigation Measure 4.H-8 requires that project design be subject to preparation of a Sea Level Rise Risk Assessment in accordance with the San Francisco Bay Plan policies and oversight from BCDC. Specifically, Mitigation Measure 4.H-8 on page 4.H-39 of the Draft EIR requires that “site-specific development within the Project Site shall incorporate protection measures that demonstrate ability to handle the flood levels expected by mid-century in accordance with the San Francisco Bay Plan.” Seismic hazards, including groundshaking hazards and potential failure of the landfill cap, are addressed in the Draft EIR on page 4.E-38. See also Master Response 12 regarding seismic safety.

BBCAG-297 [See page 5-150 for the original comment] Section 3.12 of the Draft EIR, *Site Preparation and Grading*, provides information regarding the grading concepts used in the analysis of Project Site development starting on page 3-71. Finished grade elevations are anticipated being between 21 and 26 feet above mean sea level and would apply to all proposed buildings within the Baylands. Because first floor elevations of buildings within the Baylands will be raised above anticipated flood heights (accounting for 100 years of estimated sea level rise), elevations in relation to the berm at Bayshore and Main Street are not critical. As stated on Draft EIR page 4.H-28, proposed drainage facilities would be designed in accordance with the City of Brisbane Storm Drainage Master Plan (SDMP) requirements, which reflect a comprehensive approach to drainage control within the drainage basin. Mitigation Measure 4.H-4a states that “drainage improvements shall accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade

line water elevation with tidal flow and 100 years of estimated sea level rise” and would apply to all proposed buildings.

BBCAG-298 [See page 5-150 for the original comment] The mitigation measure cited in the comment is found in the Section 4.H, *Surface Water Hydrology and Water Quality*, of the Draft EIR. The measure is intended to provide an adequate level of protection for proposed development within the Baylands in relation to projected sea level rise, and is proposed in response to the Draft EIR’s determination of a significant impacts related to flooding. The commenter’s concern regarding wetlands is addressed by mitigation measures identified in Section 4.C, *Biological Resources*. In particular, implementation of Mitigation Measure 4.C-4b, which calls for preparation and implementation of a marsh enhancement plan, would be coordinated with projected sea level rise as it would affect future hydrology of existing and restored/enhanced wetlands within the Baylands Project Site. To clarify this expectation, Mitigation Measure 4.C-4b is revised to read as follows.

Mitigation Measure 4.C-4b: Development in the Baylands shall be subject to a requirement for a Marsh Wildlife and Habitat Protection Plan for the Project to be prepared as part of the specific plan process prior to approval of any site-specific development projects. The Habitat Protection Plan shall be prepared by a qualified biologist and subject to approval by the Brisbane Community Development Department and must be implemented prior to or concurrently with construction of development projects in the Baylands. The Plan shall provide for accommodating the hydrologic effects of 100 years of projected sea level rise, recognize potential negative effects of rodent population management programs, and include (but not be limited to), the following components:

- To minimize the effect of night lighting on wetland habitats adjacent to Project Site development, the following shall apply in the vicinity of wetlands located north of the lagoon, development north and south of the Visitacion Creek channel, and any development adjacent to freshwater wetlands in the western portion of the Project Site:
 - Street lighting shall be provided only at intersections.
 - Low-intensity street lamps and low elevation lighting poles shall be provided.
 - Internal silvering of the globe or external opaque reflectors shall be provided to direct light away from preserved wetland or open water habitats.
 - In addition, private sources of illumination around homes (for the DSP and DSP-V scenarios only) shall also be directed and/or shaded to minimize glare into these habitats.
- Residential and commercial leases within the Project Site shall prohibit building occupants from creating outdoor feeding stations

for feral cats to prevent feral cat colonies from establishing and to prevent the attraction of other predatory wildlife such as red fox, raccoon, or opossums. Such restrictions shall be monitored by a property owners association, which shall have the right to impose fines for violation of this requirement.

- If a buffer cannot be accommodated between development and habitat areas, cyclone fencing with vinyl slats (or an equivalent screening barrier) at a minimum height of three feet for screening shall be installed outside of wetland habitat and between any preserved wetland or open water habitat and all residential or commercial development. Appropriate native vegetation shall be planted both inside and outside of the fence to provide further screening. This fencing would provide a barrier to exclude cats, dogs, and other household pets, which are not effectively deterred by buffers.
- If control of rodent populations in open space areas becomes necessary trapping and use of non-poisonous methods will be utilized. Any rodent control actions would be coordinated and documented with the County Health department.
- An education program for residents shall be developed including posted interpretive signs and informational materials regarding the sensitivity of preserved habitats, the dangers of unleashed domestic animals in this area. Such restrictions shall be monitored by a property owners association, which shall have the right to impose fines for violation of the pet policy. Such information shall be provided in the vicinity of onsite marshes where public access is provided.

BBCAG-299 [See page 5-150 for the original comment] The analysis of seiche hazards is presented on pages 4.H-38 and 4.H-40 of the Draft EIR. No seiche waves have been recorded in the San Francisco Bay despite a history of substantial earthquakes in the past. Seismic hazards including groundshaking hazards and potential failure of the landfill cap is addressed in the Draft EIR on page 4.E-38. See also Master Response 12 regarding seismic safety.

BBCAG-300 [See page 5-150 for the original comment] The Draft EIR analyzes the public services impacts of development on the Baylands as required by CEQA. Applicable regulations pertaining to fire, police and other public services are listed in the Regulatory Setting of Section 4.L, *Public Services*. Because the purpose of CEQA is to address *physical* impacts to the environment, the Draft EIR's evaluation of public services, such as police, fire, schools, and libraries, focuses on the physical impacts of any new or improved facilities that would be required as the result of proposed Baylands development. Emergency access is addressed on page 4.N-150 of the Draft EIR. As discussed in Response BBCAG-316, Mitigation Measure 4.H-4a has been revised to ensure adequate emergency roadway access to the Baylands in the event of a 100-year flood.

For informational purposes, emergency management, including preparedness and activities during public emergencies is the responsibility of the City's Office of Emergency Services. The City's Emergency Operations Plan (EOP) defines preparedness and incident management activities, and describes organizational structures, roles and responsibilities, policies, and protocols for providing emergency support. The EOP is designed to be consistent with Homeland Security Presidential Directive (HSPS-5), the National Incident Management System (NIMS), the California Standardized Emergency Management System (SEMS), and Incident Command System (ICS) requirements. See:

www.ci.brisbane.ca.us/departments/emergency-services/emergency-operations-plan.

BBCAG-301 [See page 5-150 for the original comment] Whether residential uses should or should not be approved as proposed in the DSP and DSP-V scenarios will be determined by the Brisbane City Council following completion of the CEQA and planning review processes being undertaken by the City. As discussed in Master Response 13, human health risk assessments and risk-based cleanup goals will be prepared based on the land uses approved by the City of Brisbane. The human health risk assessments will provide risk-based cleanup goals that are protective of human health and the environment. Based on risk-based cleanup goals, the specific technologies to be employed in site remediation and landfill closure will be determined, and approved, by the RWQCB and DTSC.

BBCAG-302 [See page 5-151 for the original comment] Noise levels from the US 101 freeway, Caltrain, Bayshore Boulevard, and aircraft from San Francisco International Airport are addressed in Section 4.J, *Noise*, of the Draft EIR. As discussed in that section, noise impacts will be mitigated to less than significant levels with the exception of construction noise. Project construction activities would result in substantial temporary or periodic increases in ambient noise levels within the Project Site above levels that would exist without the Project, even with implementation of all feasible mitigation.

There is no scientific evidence to substantiate the assertion that climate change will redirect prevailing winds and thereby deteriorate area air quality. While some industrial uses, such as the Kinder Morgan tank farm and Recology, will remain, the existing Bayshore Industrial Park will be removed as part of proposed Baylands development under all four development scenarios. An air pollutant health risk assessment undertaken for proposed Baylands development did not indicate any significant impacts.

BBCAG-303 [See page 5-151 for the original comment] The comment does not address the Draft EIR's analysis or conclusions, but rather is directed to the Draft EIR Appendix B, Brisbane Baylands Infrastructure Plan section discussing possible secondary water supply sources for the Project Site development. As stated in the

Draft EIR Chapter 3, *Project Description*, water supply would come from a water supply agreement from OID through MID and the SFPUC to Brisbane, and not through desalination plants or through water wheeling as was described in the Infrastructure Plan prepared by the applicant for the DSP and DSP-V scenarios.

BBCAG-304 [See page 5-151 for the original comment] As stated in the Draft EIR on page 4.E-38, all proposed improvements including utilities and piping would be required to incorporate geotechnical recommendations from a design level geotechnical investigation in accordance with current California Building Code requirements subject to review and approval by the City Engineer. Until such time as specific engineering designs associated with site-specific projects are proposed, modeling the ability of such pipes to withstand projected settlement would be speculative.

BBCAG-305 [See page 5-151 for the original comment] This comment addresses the infrastructure plan set forth in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios; it does not address the EIR or the adequacy of its analyses and conclusions.

The information in the proposed Brisbane Baylands Specific Plan's infrastructure plan (Appendix B of the Draft EIR) for the DSP and DSP-V scenarios is included in the project description analyzed in the Draft EIR. As with all utility systems that would be required for future development on the Baylands, the wastewater system would be installed in phases, and will be required to meet applicable standards of the City of Brisbane and the applicable service agency (e.g., Bayshore Sanitary District) for each increment of development. No construction permits would be granted without review and approval of engineered plans. The wastewater system design would not generally include temporary connections or other equipment, but would replace existing components and install new facilities as needed for each development increment. However, some temporary connections may be required, which would have to undergo design approval and periodic operation monitoring in accordance with specifications of the City and Bayshore Sanitary District, including specifications for layout and sizing of wastewater lines, pump stations, and system phasing. For each development increment, the City and Bayshore Sanitary District would evaluate existing facilities to determine their condition and suitability for further use, and if found not to be adequate, would require those facilities to be replaced.

BBCAG-306 [See page 5-151 for the original comment] This comment references the applicant's proposed plan for the DSP and DSP-V scenarios to provide adequate infrastructure, including adequate water storage capacity for the water pressure zones serving the Baylands. Standard City requirements already require City of Brisbane to conduct an engineering review of infrastructure plans proposed by the applicant prior to any approval. Development of the water system for the

Baylands will be required to be compatible with the City's existing water system and to meet all City design requirements.

BBCAG-307 [See page 5-151 for the original comment] As discussed in Responses BBCAG-301 and 302, design plans for water and wastewater systems will be required to be reviewed and approved by the City of Brisbane (water and wastewater systems) and Bayshore Sanitary District (wastewater system). Standard design features to control leakage and other potential structural breakdowns would be required prior to issuance of any construction permits. It is also noted that Figure 7.4 in the proposed Brisbane Baylands Specific Plan Infrastructure Plan prepared by the applicant for the DSP and DSP-V scenarios illustrates a cross section of a manhole leak detection system for water valves.

BBCAG-308 [See page 5-151 for the original comment] The Draft EIR is a program document, which, as explained in Master Response 1, and in Section 1.1 of the Draft EIR, provides for disclosure of physical environmental impacts and feasible mitigation measures for proposed Baylands development to (1) facilitate the City's ability to determine appropriate types and intensity of land use within the Baylands, and (2) take appropriate actions in relation to the various components of the Baylands development program described in Chapter 3, *Project Description*. See Master Response 1 for discussion regarding the appropriate level of detail provided in the Program EIR and Master Response 4 for a description of the planning review process for the Brisbane Baylands and the relation of the planning review process to the CEQA review process.

BBCAG-309 [See page 5-152 for the original comment] As discussed in Draft EIR Chapter 3.0, *Project Description*, the proposed project analyzed in the Draft EIR is selection of a concept plan scenario for the Brisbane Baylands, a General Plan Amendment, and (if either the DSP or DSP-V scenario is selected), a specific plan, as well as site remediation and a proposed water supply agreement. The project description being analyzed for the Brisbane Baylands does not entail approval of infrastructure systems for future development. See Master Response 1 for discussion regarding the appropriate level of detail provided in the Program EIR and Master Response 4 for a description of the planning review process for the Brisbane Baylands and the relation of the planning review process to the CEQA review process.

BBCAG-310 [See page 5-152 for the original comment] This comment addresses the infrastructure plan set forth in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios; it does not address the EIR or the adequacy of its analyses and conclusions.

Drainage plan details such as locations and sizes of drainage areas for bioswales would be included in stormwater management plans required for approvals of

site-specific development within the Baylands. The stormwater management plans would be prepared in accordance with City design standards and the most recent National Pollutant Discharge Elimination System (NPDES) C.3 requirements. Stormwater management plans will be reviewed and approved by the City Engineer prior to approval of construction plans.

BBCAG-311 [See page 5-152 for the original comment] See Response BBCAG-165. Pursuant to the requirements of CEQA, the Draft EIR evaluates changes to the physical environment that would result from approval of proposed Baylands development. The locations referred to in the comment are upstream of the Baylands project site, and are therefore considered to be existing conditions rather than project-related. Responsibility for the monitoring of quality of upstream stormwater lies with the RWQCB.

BBCAG-312 [See page 5-152 for the original comment] The discussion contained in Response BBCAG-310 for wastewater systems would also apply to dry utilities and drainage systems serving Baylands development. Electrical and natural gas facilities would require review and approval from PG&E.

The level of information set forth in the EIR is consistent with CEQA's definition of program EIRs. (See Master Response 1, which discusses program-versus project-level analysis.) The mitigation measures incorporate the regulatory requirements and design standards by which the final design and management plans for the drainage and dry utility systems of the proposed developments will be required to meet prior to permit approvals.

BBCAG-313 [See page 5-152 for the original comment] The comment raises no significant environmental issues regarding the analyses or conclusions of the Draft EIR. The procedure prescribed in the Brisbane Baylands Specific Plan represents the applicant's proposed approval process for one particular type of permit. The City's authority will not be usurped because (1) the provisions of any specific plan within the Baylands must be consistent with the Brisbane General Plan, and undergo review and be approved by the City; (2) all development within the Baylands must be consistent with the specific plan as adopted by the City, and will be subject to the review and approval of the City; and (3) all development within the Baylands will be required to be consistent with all applicable provisions of the City's Municipal Code. In addition, the City's planning review process will ensure that any approved specific plan specifies appropriate obligations of developers, tenants, and successor occupants of Baylands development areas.

BBCAG-314 [See page 5-152 for the original comment] This comment addresses the Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios; it does not address the Draft EIR or the adequacy of its analyses and conclusions.

The analysis in the Draft EIR of police demands in Section 4.L, *Public Services*, utilized resident and employee population estimates based on the total number of residential units and square footage of retail, office, industrial, entertainment, recreational and other uses as analyzed Draft EIR Section 4.K, *Population and Housing*. The population estimates were used to calculate the potential additional police personnel needed to serve the Baylands at buildout. The analysis of police facilities needs was reviewed with the Brisbane Police Department, which concurred with the conclusions of the Draft EIR.

Analysis of fire protection needs was based on performance standards provided by the North County Fire District, as well as performance standards of the Insurance Services Office, Inc. and the National Fire Protection Association (see Draft EIR page 4.L-11) that were also reviewed by the North County Fire District. All development within the Baylands will be required to meet the performance standards set forth in the Draft EIR.

Draft EIR Section 4.L notes that future development will be required to prepare and implement both a Fire Protection Services Plan and a Police Services and Facilities Plan as part of the City's planning review process. Implementation of these plans would identify the specific means and methods to be employed to ensure that the performance standards set forth in the EIR are met and that sufficient police and fire service levels are maintained for development within the Baylands without affecting services provided to the balance of the community.

Responsibilities for the provision of services and maintenance of facilities will fall on the service agencies providing such services and facilities as discussed in Master Response 23. However, the cost of the additional services that Baylands development would require is not an environmental issue to be analyzed in the EIR. Per CEQA Guidelines Section 15131, unless economic or social effects of a project can be shown to cause a physical effect on the environment, economic impacts are not subject to analysis in CEQA documents. The Draft EIR addressed the physical impacts that proposed development of the Baylands could have on the environment, including public services.

As noted in Master Response 4, the City's planning and review process for the Baylands includes preparation of a fiscal impact analysis of proposed development to analyze the costs of providing services to Baylands development in relation to the municipal revenues that would be generated by such development.

BBCAG-315 [See page 5-152 for the original comment] This comment refers to the Figure 5.6 in the proposed Brisbane Baylands Specific Plan prepared by applicant for the DSP and DSP-V scenarios.

Mitigation Measure 4.H-4a requires that all site-specific development include systemwide drainage improvements to protect proposed development. Onsite drainage systems would be designed to tie into any related systems for U.S. 101, and would be in conformance with all applicable City and Caltrans design standards to prevent flooding the freeway. Mitigation Measure 4.H-4a requires that an on-site storm drainage system be installed that is capable of accommodating a 25-year storm event entirely within the piping system. Thus, the Bay Trail and Sierra Point Parkway would be provided with protection from a 25-year storm. To clarify required protection levels, Mitigation Measure 4.H-4a is revised to read as follows.

Mitigation Measure 4.H-4a: 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 (e.g., Levinson Overflow Area and the PG&E property). On-site storm drainage collection facilities shall be sized to convey the peak flow rate from a 25-year storm event entirely within the piping system such that Baylands roadways and recreational facilities are not flooded. Drainage improvements shall accommodate the 100-year peak storm event within the piping system and within streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise. Key roadways including Sierra Point Parkway, Lagoon Road, and Tunnel Avenue shall be designed such that these roadways are available as evacuation routes in the event of a 100-year storm event. The proposed system design shall be submitted to the City Engineer for approval and shall hydraulically isolate existing drainage inlets fronting Levinson Overflow Area and the PG&E property from existing Brick Arch Sewer system.

BBCAG-316 [See page 5-152 for the original comment] Under CEQA, an EIR must describe a reasonable range of alternatives to a proposed project that would feasibly attain most of the project's basic objectives while reducing or avoiding any of its significant effects. (CEQA Guidelines 15126.6(a).) A lead agency is not required to consider potential alternatives that would not reduce the project's environmental effects. The relocation of South Visitacion Park would not reduce or avoid any significant impacts of the DSP or DSP-V scenario due to site contamination, since remediation of such contamination is a prerequisite for site development. The appropriateness of the proposed location of South Visitacion Park will be considered as part of the planning review being undertaken by the City for the Baylands.

BBCAG-317 [See page 5-153 for the original comment] The comment raises no significant environmental issues regarding the analyses or conclusions of the Draft EIR. The appropriate location for the community garden proposed in the Brisbane

Baylands Specific Plan prepared by the applicant for the DSP and DSP development scenarios will be considered by the City as part of its planning review.

BBCAG-318 [See page 5-153 for the original comment] This comment addresses the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios. Although the comment does not specify which view corridor(s) would be impacted by the proposed windrow trees in the Specific Plan's Visitacion Creek Park (West) area, the Draft EIR concluded that structures proposed in the DSP and DSP-V concepts would cause significant impacts to scenic vistas from multiple viewpoints of and through the Baylands Project Site (ref. Draft EIR, page 4.A-28, Scenic Vista Impact Analysis). The windrow tree landscape component in the Specific Plan did not identify the species of tree(s) that would be used for windrows, as subsequent landscape plans for future development would provide that information, and would not be submitted until after specific plan approval. However, windrow trees would be substantially shorter and less dense than the proposed residential, commercial, office and other development structures that would reduce visibility of scenic resources such as San Bruno Mountain (ridge) across the Baylands site when viewed across the Baylands site. As such, windrow trees would not have significant impacts separate from those of proposed onsite buildings. The desirability of windrows as a project design feature can be considered by the City as part of its planning review and decision making.

2.9.2 Brisbane Citizens Committee

BCC-1 [See page 5-156 for the original comment] See Master Response 1 for discussion of requirements for concept plans and specific plans, including Brisbane General Plan requirements regarding when they are required to be prepared and applicable requirements for their content. As discussed in Draft EIR Chapter 1, Introduction, and Chapter 3, *Project Description*, the Brisbane Baylands EIR addresses proposed development of the Baylands as expressed in both the four Concept Plans (DSP, DSP-V, CPP, and CPP-V scenarios) and the proposed Specific Plan submitted to the City by Universal Paragon Corporation (UPC) for the DSP and DSP-V Concept Plan scenarios.

The concept plan scenarios and the Draft EIR cover the entire 733-acre Baylands Project Site. Whether recreational access to the lagoon is permitted or not in the concept plan scenarios is not relevant to the geographic extent of the concept plans.

BCC-2 [See page 5-156 for the original comment] Mitigation Measure 4.G-2a requires that remediation and formal landfill closure be undertaken prior to site remediation. See Master Response 13 for discussion of the remediation review and approval process for the Baylands. The Mitigation Monitoring and Reporting Program set forth in Chapter 4.0 of the Final EIR describes the requirements for implementing Mitigation Measure 4.G-2a and all other mitigation measures set forth in the EIR. See also Master Response 3 for discussion regarding the enforceability of EIR mitigation measures.

BCC-3 [See page 5-156 for the original comment] The purpose of the visual simulations is to address the extent to which proposed development within the Baylands would have an adverse effect on a scenic vista. Thus, the model developed for the visual simulation analyses in the Draft EIR demonstrates an overall worst-case potential for view obstruction of scenic vistas given applicable development requirements, such as total amount of allowable building area, allowable maximum building heights, setbacks, and floor area ratios (FARs). Proposed development for the visual simulations presented in Table 4.A-1 was based on the maximum allowable amount of development at the maximum building heights permitted as described on Draft EIR pages 3.A-14 and 15.

The Draft EIR analysis of visual/aesthetic impacts of the four proposed concept plan scenarios included 12 existing public viewpoints of the Baylands site, including vantage points from both close to the property boundary as well as more distant vantage points from San Francisco and Daly City. The public viewpoints selected by the City represent a reasonable range of directions and distances from the Baylands, as well as ground elevations to address impacts to

scenic vistas. These public viewpoints also include locations suggested during receipt of public input during the EIR scoping process.

Proposed site grading included in the visual simulations was based on the conceptual grading plan presented in the proposed Brisbane Baylands Infrastructure Plan (Draft EIR Appendix B). Interim (pre-development) fluctuations in soil levels on the Baylands site that would occur prior to site grading for the development analyzed in the Draft EIR, such as might occur for soil remediation, Baylands Soil Processing operations or formal landfill closure would not alter the visual impact conclusions as presented in the Draft EIR, since these interim uses would be completed, and final grades for Baylands development are anticipated to be those described in the grading plan set forth in Appendix B of the Draft EIR.

The viewpoints used in the visual simulations are taken at various distances from the Baylands Project Site as shown in Figure 4.A-1. Viewpoints 4, 5, 8, 9, and 10 are located in close proximity to the Baylands, while viewpoints 1, 2, 3, 6, and 7 represent longer distance views at higher elevations. Comparisons between viewpoints 1 & 4, 5 & 6, 7 & 8, and 10 & 11 illustrate the differences in view blockage and the perceived size of buildings between closer-in and longer distance views. Together, the visual simulations provide an analysis of changes in views of the Baylands from a reasonable range of direction and distances from the Baylands, as well as ground elevations such that additional viewpoints or preparation of an interactive “virtual 3D” model is not needed.

In addition, preparation of an interactive “virtual 3D” model would entail simulation of not only existing topography, but also heights of all existing and proposed buildings and trees over the area encompassing all vantage points to be modeled. While existing topography and the locations of existing buildings and trees can be modeled from available data, information on future building and tree heights over such an area is not available.

BCC-4 [See page 5-156 for the original comment] No factual evidence is provided to support the comment. Project Site preparation, remediation, and construction are anticipated to occur over a 20-year period. The Draft EIR, starting on page 4.B-22, analyzes particulate emissions associated with proposed project site activities, including PM₁₀ and PM_{2.5}, using the most recent available modeling software available. Starting on page 4.B-29, the Draft EIR provides a health risk assessment that includes evaluation of health risks associated with respirable particulate matter (PM_{2.5}). In addition, the Final EIR provides updated air pollutant emissions modeling based on the on the latest version of the CalEEMod model, which was released subsequent to the release of the Draft EIR (see Section 4.B, *Air Quality*, in Volume III of the Final EIR).

- BCC-5** [See page 5-156 for the original comment] See Master Response 8 for discussion regarding the level of detail undertaken in the biological resources analysis.
- BCC-6** [See page 5-156 for the original comment] Mitigation Measure 4.D-1a requires preparation of a stabilization plan for the Roundhouse building to be prepared and approved by the City prior to approval of the first grading or building permit within the Baylands, to be implemented immediately upon approval of that first grading or building permit. In addition, rehabilitation of the Roundhouse building is required by Mitigation Measure 4.D-1a to be completed prior to issuance of an occupancy permit for the Roundhouse building. See Chapter 4.0, *Mitigation Monitoring and Reporting Program*, for additional detail regarding implementation of Mitigation Measure 4.D-1a.
- As discussed in the Draft EIR, the entirety of the Baylands consists of fill materials that were placed during the historic period. Prior to the filling of the Baylands conducted for the railroad and later as a means of disposing of rubble following the 1906 earthquake, the area now known as the Brisbane Baylands was within San Francisco Bay. Thus, there is no potential for locating Native American artifacts or culturally significant areas within the Project site.
- BCC-7** [See page 5-157 for the original comment] As discussed in Section 4.E, *Geology, Soils, and Seismicity*, development of any structures within the former landfill area will be required to meet applicable California Building Code requirements to ensure a stable foundation. Please refer to Master Response 5 for a discussion of compliance with regulatory standards as mitigation under CEQA. In addition, the provisions of the required Landfill Closure Plan to be prepared under the regulatory authority of the RWQCB will include specifications for capping of the former landfill.
- BCC-8** [See page 5-157 for the original comment] Greenhouse gas emissions for vehicular trips were analyzed based on applicable greenhouse gas emissions models. The applicability of the SF CHAMP traffic model used to analyze vehicular travel demand is described in Section 4.N, *Traffic and Circulation*, of the Draft EIR.
- BCC-9** [See page 5-157 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Draft EIR and its analyses, as well as discussion of the applicability of the Draft EIR to, and requirements for, subsequent environmental review for site-specific development projects, including site remediation and landfill closure. Formal closure of the landfill will be accomplished under the regulatory authority of the RWQCB, which will specify the specific methodologies to be employed in landfill closure. See Master Response 15 for discussion of the adequacy of waste characterization studies for

use in the Draft EIR, Master Response 13 for discussion of the remediation review and approval process.

BCC-10 [See page 5-157 for the original comment] Comment BCC-10 is a general comment regarding Draft EIR Section 4.H, *Hydrology and Water Quality*. See Master Response 1 for discussion of the programmatic nature of the Draft EIR and its analyses. See Responses BCC-368 through BCC-408 for responses to specific hydrology and water quality issues raised in the BCC comment letter.

See Master Response 3 for discussion of the enforceability of EIR mitigation measures. The specific methods to be used to monitor implementation of flooding-related mitigation measures are contained in Final EIR Chapter 4.0, *Mitigation Monitoring and Reporting Program*.

BCC-11 [See page 5-157 for the original comment] See Response BCC-24 for discussion of the Speedway. Issues related to the compatibility of the Kinder Morgan facilities with proposed development within the Baylands are addressed in Master Response 19. Text has been added to the Draft EIR to address the police shooting range and presence of lead on Icehouse Hill. See text revisions to Draft EIR page 4.G-98 in Chapter 3.0 of the Final EIR for discussion of the former shooting range and potential lead contamination on Icehouse Hill.

BCC-12 [See page 5-157 for the original comment] The specific noise effects of potential pile driving activities are addressed in Section 4.J, *Noise and Vibration*, of the Draft EIR. See Response BCC-411 for discussion of the effects of Brisbane's topography on noise attenuation.

BCC-13 [See page 5-158 for the original comment] See Master Response 25 for discussion of the relationship between jobs and housing in relation to trip reduction and vehicle miles travelled and discussion of the analyses and evidence that improving the balance between jobs and housing in an area or region reduces average commute distances, with resulting reductions in air pollutant and greenhouse gas emissions. While housing near jobs does not guarantee that all residents would be employed locally, providing a balance of employment and housing opportunities in an area or region does reduce *average* commute distances. As described in Master Response 25, under the DSP and DSP-V scenarios that propose both residential and employment-generating uses within the Baylands, approximately 5 percent of all home-to-work trips associated with proposed Baylands development would remain within the Baylands.

BCC-14 [See page 5-158 for the original comment] Draft EIR Section 4.L, *Public Services*, provides analyses of proposed development on public services including police, fire protection, public schools, and libraries. The comment offers no information to support the assertion that the draft EIR analysis is not

adequate. Water (delivery and supply), wastewater, solid waste, and drainage were analyzed in Section 4.O, *Utilities, Services Systems, and Water Supply*. As with the public services analysis methods, demand estimates for these utilities were quantified based on the land use, population, and employment data developed for DSP, DSP-V, CPP, and CPP-V scenarios.

Using population projection data and other sources cited in Section 4.7, the Draft EIR concluded that each of the proposed development scenarios would have significant impacts to these public services. Multiple mitigation measures are also provided to reduce physical impacts from both operational and construction-related activities.

Health and social services and staffing for administrative services at the City of Brisbane are not environmental impacts subject to analysis in an EIR, unless they are shown to cause specific physical environmental effects (CEQA Guidelines Section 15131). The planning review process for proposed Baylands development would address municipal administrative needs in addition to the existing staffing and services at the City resulting from proposed Baylands development. Refer also to Master Response 4 regarding CEQA and planning reviews.

BCC-15 [See page 5-158 for the original comment] Biological resources mitigation measures calling for avoidance of impacts to wetlands, as well as for development of an Open Space Plan meeting specified performance standards would lead to restoration of shoreline wetland habitat along the edge of the lagoon. Implementation of these measures, along with Mitigation Measure 4.E-4a restricting development that requires the placement of fill materials within 600 feet of the Lagoon will preclude future recreational improvements and use of the lagoon for kayaking. Recreational use of the lagoon is not part of the concept plan scenarios, and the Draft EIR does not therefore analyze the impacts of such use, nor does it provide environmental clearance for recreational use of the lagoon.

BCC-16 [See page 5-158 for the original comment] This comment is correct in its observation that significant unavoidable traffic impacts would result from each of the four development scenarios under both existing plus project and cumulative conditions. See Master Response 25 for discussion of “internal capture” of trips. The greater traffic generation of the CPP/ CPP-V scenarios as compared to the DSP/DSP-V scenarios is also discussed in Master Response 25. Assumptions for the roadway systems analyzed in the Draft EIR are provide in Section 4.N, *Traffic and Circulation*, starting on page 4.N-52. Widening of the US 101 freeway is not included as mitigation since Caltrans has no plans to widen the freeway and the City of Brisbane has no authority to implement such a measure. In addition, widening of the freeway through the Brisbane Baylands would not solve existing or projected congestion problems.

BCC-17 [See page 5-158 for the original comment] Issues related to underground utilities within and adjacent to the former landfill were addressed in Draft EIR Section 4.G, *Hazards and Hazardous Materials*. See Master Response 13 for discussion of the remediation review and approval process. As part of Title 27 closure, the RWQCB will set requirements for future development within the footprint of the former landfill, including requirements for the placement of underground utilities. All underground utilities constructed within the Baylands will be required to be designed to meet applicable design requirements, including the ability to withstand anticipated settlement within the former landfill area.

Mitigation Measure 4.G-2f addresses the potential buildup of methane from landfill gas within underground utilities and utility vaults and is specifically designed to avoid the potential buildup of methane gas to potentially explosive concentrations in underground vaults and utility structures. In addition, Mitigation Measure 4.G-2h requires that all structures built within 1,000 feet of the landfill footprint be equipped with automatic combustible gas sensors in sub-floor areas and in the first floor of occupied interior spaces of buildings. Mitigation Measure 4.G-2h further requires provision of a centralized sensor monitoring and recording system.

BCC-18 [See page 5-158 for the original comment] Pursuant to the requirements of CEQA, the Draft EIR analyzes the physical environmental changes that would result from approval of the project (proposed Baylands development), as it is described in Draft EIR Section 3.0, *Project Description*. Where a significant impact is identified, the Draft EIR sets forth all feasible mitigation to reduce significant impacts to a less than significant level. As discussed in Section 4.P, *Energy Resources*, of the Draft EIR, a substantial amount of renewable energy generation is proposed under all development scenarios, and significant energy impacts will not result following implementation of EIR Mitigation Measures 4.P-2a through 4.P-2c, Mitigation Measures 4.B-4, 4.N-1f, 4.N-7, 4.N-11, and 4.N-13. The potential for utility-scale renewable energy generation is discussed in the Renewable Energy Generation alternative in Chapter 5 of the Draft EIR.

BCC-19 [See page 5-158 for the original comment] See Response BCC-407 for discussion of the “Community Prepared Plan.”

BCC-20 [See page 5-159 for the original comment] Chapter 6 of the Draft EIR addresses cumulative impacts for all environmental issues evaluated in the EIR, including traffic. The comment does not identify those “comprehensive systematic impacts” which it asserts were not adequately analyzed in the EIR.

See Master Response 22 for discussion of the proposed development analyzed as part of cumulative conditions. In the case of cumulative traffic impacts, Chapter 6.0 (page 6-44) provides a summary of and refers to the extensive

cumulative impact analysis provided in Section 4.N, *Traffic and Circulation* under Impact 4.N-3 and Impact 4.N-4. As discussed, roadway level of service standards would be exceeded, and significant cumulative impacts would result under Cumulative without Project conditions for roadway intersections and freeway mainline segments. Tables 4.N-31 and 4.N-32 identify the intersections that would experience unacceptable LOS under the cumulative with project conditions during weekday AM and PM peak hours. Even with incorporation of the recommended mitigation measures, impacts would remain significant and unavoidable for several intersections. Table 4.N-33 identifies the mainline segments that would experience unacceptable LOS under the cumulative with project conditions during AM and PM peak hours. Even with incorporation of the recommended mitigation measures, the impacts of Project Site development on freeway mainline operations would still remain significant. Chapter 6.0 accurately summarizes the cumulative analysis set forth in Section 4.N (page 6-45) by stating, “The addition of project site development-related traffic is cumulatively considerable due to the large amount of traffic that would be generated by each Project site development scenario, as demonstrated in Section 4.N.”

- BCC-21** [See page 5-160 for the original comment] See Master Response 1 for discussion of the use of the program EIR and requirements for environmental review for subsequent site-specific development projects within the Baylands, including site remediation and water supply.
- BCC-22** [See page 5-160 for the original comment] See Response BCC-407 for discussion of the Community Prepared Plan.
- BCC-23** [See page 5-161 for the original comment] This comment refers to the Summary Table provided in Chapter 2, *Executive Summary*, of the Draft EIR. Draft EIR Section 4.P, *Energy Resources*, provides a more detailed evaluation of the use of energy associated with proposed development of the Baylands. See Master Response 1 for discussion regarding adequacy of the programmatic analyses set forth in the Draft EIR and content requirements for specific plans and concept plans. The comment includes no information to support the assertion that “more study and more mitigation” are required.
- BCC-24** [See page 5-162 for the original comment] The former Champion Speedway, a 1/8-mile oval racetrack, once existed on the Baylands Project Site south of Beatty Avenue and west of the US 101 freeway from approximately 1963 to 1979.¹ The speedway held a number of events during this period, including automobile races and demolition derbies. After closure, the speedway was demolished and covered

¹ <http://www.wediditforlove.com/Champion-1.html>. Accessed April 16, 2014.

by fill. No traces of this former racetrack currently exist within the Baylands Project Site. While this former and temporary use on the Baylands Project Site is a part of the site's past, this information does not change the conclusions regarding impacts to historic resources in the Draft EIR.

To recognize the former Champion Speedway, the second paragraph on page 4.I-1 under the heading "Historic Setting" has been revised as shown in Final EIR Chapter 3.0.

- BCC-25** [See page 5-162 for the original comment] Prior to 2011 no guidance for screening of fill materials to be used for landfill soil cover existed. See Master Response 13 for discussion regarding the remediation review and approval process. Imported soil materials will be required to be sampled for specific constituents of chemicals of concern relative to the source of the import. In addition, the number of samples that would be collected would correspond to the volume of import being accepted. Sampling requirements will be established by the RWQCB as part of Title 27 closure requirements. All materials that will be used to form a permanent landfill cap will be screened to ensure that they meet the regulatory standards of Title 27 and the RWQCB.
- BCC-26** [See page 5-162 for the original comment] The spur track serving the existing lumberyards is proposed to be moved to serve the lumberyards in their new location on the west wide of the rail line. Thus, because proposed Project site development would not result in a shift of lumberyard deliveries from rail to trucks, there is no need to address removal of the rail spur serving the lumberyards.
- BCC-27** [See page 5-162 for the original comment] The intent of the project description is to describe the project that is being analyzed in the EIR. The existing ridership figures for Caltrain were obtained from Caltrain, and while it is the obligation of the EIR to analyze the physical environmental changes that would result from implementation of the project described in Chapter 3 of the Draft EIR, it is not the role of the EIR to speculate as to why Caltrain ridership at the Bayshore station may be low.
- BCC-28** [See page 5-162 for the original comment] See Response BCC-26. The existing spur only serves the lumberyards, and no uses are proposed within the Baylands that would expand rail use.
- BCC-29** [See page 5-163 for the original comment] The CPP and CPP-V concept plans described in Chapter 3, *Project Description*, cover the entirety of the 733-acre Brisbane Baylands Project site, including the entirety of the Brisbane Lagoon. The existing Recology facility is, however, identified as not a part of the DSP and DSP-V scenarios, which covers the entirety of the 684-acre portion of the

Baylands Project site outside of the Recology facility and adjacent rights-of-way. See Table 3-2A, as well as Figures 3-12 and 3-13. Environmental performance standards set forth in the Draft EIR to protect habitat areas within and adjacent to the lagoon would preclude increased recreational use of the lagoon.

BCC-30 [See page 5-163 for the original comment] The zoning map provided in Draft EIR Figure 3-10 accurately shows officially adopted zoning within the City as of the time of Draft EIR publication and as it currently exists.

BCC-31 [See page 5-163 for the original comment] The reference to renewable energy generation on Draft EIR page 3-25 is a land use designation proposed in the DSP development scenario. This comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

BCC-32 [See page 5-163 for the original comment] See Response BCC-407 for discussion of the Community Prepared Plan.

BCC-33 [See page 5-163 for the original comment] The Draft EIR analyzes the proposed water supply agreement as it is currently proposed. As discussed in the Draft EIR, a water supply assessment was prepared that demonstrated the reliability of water supply for the Baylands. The Draft EIR does not speculate as to whether modifications to the agreement might be proposed in the future or what would occur in the event of an unknown “failure.”

BCC-34 [See page 5-164 for the original comment] As noted in Draft EIR Table 4.I-1, General Plan Policy 337 requires development within Baylands to include “a phasing schedule for development to limit the adverse impacts of too rapid growth.” Table 4.I-1 notes that the DSP and DSP-V scenarios are inconsistent with this policy since the proposed Brisbane Baylands Specific Plan “does not tie the rate of land development to the availability of infrastructure, which could lead to the establishment of new uses outstripping the capacity of infrastructure during initial phases of development prior to project buildout.” Unless the City modifies or removes Policy 337 from the General Plan, any specific plan approved within the Baylands will be required to establish requirements and performance standards tying the pace of land development to the availability of services, facilities, and infrastructure, including the roadway and interchange improvements related to the Bi-County Program pursuant to the provisions of Draft EIR Mitigation Measure 4.I-1.

As part of the planning review for each site-specific development project, proposed development will be reviewed to determine the specific requirements needed to ensure project compatibility.

Implementation of BMPs will be based on best management practices available at the time they are implemented, rather than those in place at the time of EIR certification.

- BCC-35** [See page 5-165 for the original comment] See Master Response 2 for discussion of the role of “feasibility” in CEQA. Determinations as to the feasibility of mitigation measures and alternatives will be made by the City of Brisbane.
- BCC-36** [See page 5-166 for the original comment] See Response BCC-3 for discussion of the viewpoint locations used in the Draft EIR to evaluate aesthetic impacts.
- BCC-37** [See page 5-166 for the original comment] The San Francisco Bay Conservation and Development Commission (BCDC) map in Draft EIR Figure 4.I-2 is based upon data and mapping from the San Francisco Bay Plan, which is available as a reference document of the Draft EIR.
- BCC-38** [See page 5-166 for the original comment] The visual simulations provided in Figure 4.A-1 are based on the maximum building heights proposed in each development scenario. Unless a development scenario includes a specific proposal that is not consistent with the Brisbane General Plan, the Draft EIR does not speculate as to what would occur if General Plan policies were not adhered to. See Table 4.I-1 for discussion of inconsistencies with the City’s General Plan. The area subject to the General Plan’s six-story height limitation is the area south of Visitacion Creek, which is indicated in the concept plan scenarios as an east-west trending open space area extending east from Icehouse Hill on Figures 3-11 through 3-14.
- BCC-39** [See page 5-166 for the original comment] The graphics on page 4.A-20 accurately portray the visual differences between 80 and 160-foot tall buildings from the vantage point at which the photographs were taken. Photographs taken at closer location would appear to have a greater difference in building height, while photographs taken at more distance locations would appear to have less difference in building height due to line of site angles.
- BCC-40** [See page 5-166 for the original comment] Included in fire protection performance standards are standards to ensure adequate response time to multi-story buildings from a functioning fire agency ladder company. In addition, the California Building Code contains provisions for fire safety and emergency access with which all multi-story buildings within the Baylands will be required to comply. The North County Fire Authority maintains standards for equipment needed for fire suppression of multi-story buildings that new development will be required to meet.

Analysis of fire protection needs was based on performance standards provided by the North County Fire District, as well as performance standards of the Insurance Services Office, Inc. and the National Fire Protection Association (see Draft EIR page 4.L-11) that were also reviewed by the North County Fire District. All development within the Baylands will be required to meet the performance standards set forth in the Draft EIR.

- BCC-41** [See page 5-166 for the original comment] This comment provides no evidence as to why “more various viewpoints that estimate night time lighting effects should be listed.” Starting on page 4.A-37, the Draft EIR evaluates the impacts of nighttime lighting on land uses and views, as well as impacts on nocturnal species.
- BCC-42** [See page 5-166 for the original comment] The visual simulations illustrated in Figure 4.A-1 are based on the final grade elevations within the Baylands Project site. The grading plan is presented in Appendix B, starting on page 11 of the proposed Brisbane Baylands Infrastructure Plan.
- BCC-43** [See page 5-166 for the original comment] Subterranean parking structures are not proposed within the Baylands. In general, at-grade parking has substantially greater nighttime lighting impacts than structured parking since lighting standards for at-grade parking are located outdoors. Nighttime lighting of parking areas was included in the analysis of lighting impacts to the degree possible. Because no site-specific development plans are proposed at this time, the specific locations of parking areas cannot be known.
- BCC-44** [See page 5-167 for the original comment] Visual simulations from higher elevations or greater distances than those used for the photo simulations in Table 4.A-1 would show lesser impacts than the photo simulations presented in that Table by providing viewpoints that look over proposed Project site development and reducing the apparent size of buildings by using more distant viewpoints. As discussed in Response BCC-3, the visual simulations presented in Table 4.A-1 provide an analysis of changes in views from a reasonable range of directions, distances, and elevations such that additional viewpoints are not needed.
- BCC-45** [See page 5-170 for the original comment] The additional “Place Making” workshops requested in this comment will be considered as part of the planning review undertaken by the City for the Baylands.
- BCC-46** [See page 5-170 for the original comment] The inclusion of “living roofs” as illustrated in Comment BCC-46 will be considered as part of the planning review undertaken by the City for the Baylands.

BCC-47 [See page 5-172 for the original comment] Section 4.I, *Land Use and Planning Policy*, in the Draft EIR includes an evaluation of the four scenarios for consistency with existing Brisbane General Plan policies governing development of the area, as well as with the provisions of applicable land use plans, policies, and regulations of other agencies with jurisdiction over the Baylands Project Site (see Table 4.I-1). Regarding General Plan Policy 11, the proposed DSP and DSP-V development scenarios are consistent with the policy as they would maintain the area south of the Bayshore Basin drainage channel primarily in Open Space, with Research & Development, Retail and Renewable Energy Generation incorporating low-profile structures (two to three stories and maximum building heights of 25 to 35 feet).

The CPP and CPP-V concept plans are also consistent with Policy 11 since they designate a Public Use Envelope, Research and Development and Cultural/Entertainment uses south of the Bayshore Drainage Basin channel. Among these land use types, the Public Use Envelope and Lagoon Park Concession area allow a maximum building height of 25 feet, and for the other uses, a Public Space-Oriented Overlay limits building heights to 55 feet.

The recommendation for height limitations contained in Comment BCC-47 will be considered as part of the City's planning review for the Baylands.

BCC-48 [See page 5-173 for the original comment] Section 4.A, *Aesthetics and Visual Resources*, of the Draft EIR contains an analysis of visual/aesthetic impacts from the four proposed development concepts including 12 existing public viewpoints of the Baylands site, encompassing vantage points from both close to the property boundary as well as further out from San Francisco and Daly City (see Figure 4.A-1 for locations). As discussed in Response BCC-3, the public viewpoints selected by the City represent a reasonable range of directions, distances, and elevations such that additional viewpoints are not needed. These viewpoints also include locations suggested during receipt of public input during the EIR scoping process. The Draft EIR concluded that impacts from the four proposed development scenarios upon existing scenic vistas and view corridors across the Baylands Project site would be significant with the increased density of development and taller buildings on portions of the site. Implementation of Mitigation Measures 4.A-1a and 4.A-1b, which would require specific design limitations, including reductions in building heights to avoid blockage of the Bay shoreline from off-site viewpoints and mitigate impacts related to views of scenic vistas across the site to less than significant.

BCC-49 [See page 5-173 for the original comment] Table 4.I-1 is revised to add the following row:

Existing Plans and Policies	Project Consistency with Existing Policy	
	DSP/DSP-V	CPP/CPP/V
<p><u>Policy 15: Adopt development standards which protect and enhance the quality of life in Brisbane.</u></p> <p><u>Program 15a: When drafting development standards, consider preserving a sense of openness in the design of structures and sites and the access to sky and sunlight for both new construction and renovation projects.</u></p> <p><u>Program 330b: Specific Plans shall address the heights of buildings and building groups to achieve the following:</u></p> <ol style="list-style-type: none"> <u>diversity of height within the subarea;</u> <u>creative excellence in architectural and site design;</u> <u>visual acceptability when seen from above;</u> <u>a complementary relationship to the overall topography, especially the Lagoon, San Bruno Mountain and the Bay, and the entrance to Central Brisbane;</u> <u>open space and open areas.</u> <p><u>Development south of the Bayshore Basin drainage channel shall maintain a low profile permitting low or mid rise buildings, not to exceed six stories in height, in order to preserve the existing views of San Francisco and San Francisco Bay as seen from Central Brisbane, and to maximize the amount of landscape and open space or open area in this portion of the subarea.</u></p> <p><u>The following design approaches shall not be included in any specific plan or development proposal:</u></p> <p><u>Buildings or building groups that block view corridors to the Bay, or appear as "fortresses" or "walls" lining the Bayfront, the Lagoon or any arterial street.</u></p>	<p><u>Consistent. Development under the DSP and DSP-V scenarios will be required to implement Mitigation Measure 4.A-4a, which specifically calls for preserving a sense of openness, and includes a requirement to provide view corridors through the Project site. Mitigation Measure 4.A-4a also addresses diversity of building heights.</u></p> <p><u>The light industrial, mid-rise office, and office/R&D development proposed south of the channel is proposed to be 1-3 stories in height.</u></p> <p><u>The provisions of Program 330b, paragraphs b, c, and d will be addressed and implemented during the City's design review process for site-specific development within the Baylands.</u></p>	<p><u>Consistent. Development under the CPP and CPP-V scenarios will be required to implement Mitigation Measure 4.A-4a, which specifically calls for preserving a sense of openness, and includes a requirement to provide view corridors through the Project site. Mitigation Measure 4.A-4a also addresses diversity of building heights.</u></p> <p><u>The public use envelope south of the channel is proposed to have 1-2 story buildings.</u></p> <p><u>The provisions of Program 330b, paragraphs b, c, and d will be addressed and implemented during the City's design review process for site-specific development within the Baylands.</u></p>

BCC-50 [See page 5-173 for the original comment] Refer to Response BCC-39. Mitigation Measure 4.A-3 calls for maintaining a feeling of openness within the Baylands, and has also been revised to clarify that it requires maintenance of view corridors through the Baylands Project site.

BCC-51 [See page 5-173 for the original comment] See Master Response 19 for discussion of land use compatibility in relation to the Kinder Morgan site and Master Response 20 for discussion of land use compatibility in relation to the

Recology site. Analysis of the effects of trucks within the Project site are addressed in terms of air quality (Draft EIR Section 4.B), greenhouse gas emissions (Draft EIR Section 4. F), and traffic (Draft EIR Section 4.N). Odor impacts of the four scenarios are evaluated in the discussion of Impact 4.B-8, which begins on Draft EIR page 4.B-45.

BAAQMD was contacted to update the odor complaint history of the Recology facility from 2011 through 2014. There were no odor complaints received regarding the Recology facility in 2011 or 2012. During 2013 and 2014, there were 16 registered odor complaints, the majority of which occurred between June and October 2013. Of the 16 complaints received, only one was confirmed by BAAQMD on August 29, 2013. No notices of violation were issued by the BAAQMD during this period. BAAQMD considers a substantial number of odor complaints, specifically, more than five confirmed complaints per year averaged over the past three years as the indication of an odor impact. As there has been only one confirmed complaint over the past three years, the updated odor impact is not considered significant.

BCC-52 [See page 5-174 for the original comment] The traffic impact analysis presented in Section 4.N, *Traffic and Circulation*, evaluates traffic impacts of Baylands development in combination with traffic from proposed development projects in San Francisco and Daly City, based on existing and proposed access points into the Baylands. As discussed in Section 4.N, a number of significant unavoidable traffic impacts will result.

BCC-53 [See page 5-174 for the original comment] Mitigation Measure 4.A-1a identifies the 350-foot wide area in which building heights in the eastern portion of the Baylands Project site would be limited as extending from the US 101 freeway. The distance is clearly defined, and preparation of a graphic showing this distance is unnecessary. To ensure clarity, Mitigation Measure 4.A-1a is revised to read as follows:

Mitigation Measure 4.A-1a: Development within 350 feet of the westerly edge of US 101 freeway right-of-way (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. Each specific plan approved for development within the Project Site shall include development standards setting forth this requirement. These standards shall require that buildings within 350 feet of US Highway 101 be no taller than 80 feet in height.

BCC-54 [See page 5-174 for the original comment] On page 4.A-33, the Draft EIR concludes that impacts related to substantially degrading the existing visual character of the site and its surroundings would be significant due to the substantial differences in development intensity and building heights between

proposed Baylands development and surrounding lands. To mitigate impacts on the character of the Baylands Project Site and surrounding lands, Mitigation Measure 4.A-3 sets forth design guidelines that must be applied to all proposed development within the Baylands in addition to compliance with Brisbane General Plan policies and the City's design review process. The guidelines in Mitigation Measure 4.A-3 address landscaping and open space; development intensity, setbacks, stepbacks, and building heights; roof design; building materials and articulation, signage; building design; outdoor storage; and parking. The Draft EIR concluded that the combination of implementing General Plan policies, the City's design review process, and adherence to the guidelines set forth in Mitigation Measure 4.A-3 "would ensure development of a cohesive urban aesthetic across the site and support a well-designed urban environment and positive visual character" and would reduce the impact of the Project Site development on the visual character of the Baylands Project Site and its surroundings to a less-than-significant level.

The existing industrial and commercial uses within the Baylands Project site would be replaced as new development occurs; existing lumberyard operations will be relocated within the site. Thus, compatibility in scale between existing and proposed development within the Baylands is not relevant to the impact discussion starting on page 4.A-32. Compatibility of proposed development with surrounding uses, including the Kinder Morgan tank farm, is addressed in Master Response 19, while land use compatibility with the Recology site is addressed in Master Response 20.

The Draft EIR acknowledges on page 4.A-31 that "determinations about aesthetics and visual resources are subjective by nature." To clarify the meaning of "compatible," the last full paragraph on page 4.A-31 is revised to read as follows.

As discussed previously, determinations about aesthetics and visual resources are subjective by nature. Therefore, while it is recognized that one's assessment of whether a change from the existing conditions would be comparatively better (substantially improved) or worse (substantially degraded), this evaluation assumes that while well-designed and well-landscaped urban development that is compatible in scale and appearance with the surroundings may be substantially *different* from the surrounding visual character, it would not necessarily represent an *adverse* change (i.e., resulting in substantial degradation). "Compatible" in scale and appearance does not necessarily mean "the same as," but would indicate that two areas can exist together without conflict.

Moreover, while development proposed within the Project Site would not *directly* affect the visual character of its surroundings, if Project Site development would result in poorly designed buildings or development,

Project Site development could detract from nearby existing, relatively well-designed built or natural environments. This would be considered an adverse effect on the surrounding area.

The Draft EIR also acknowledges (page 4.A-32) that proposed Baylands development would be “substantially more intense” than existing development. Buildings constructed under each scenario “would be much taller, larger, and more abundant than existing buildings within Central Brisbane and nearby portions of Daly City and San Francisco.”

As discussed on Draft EIR page 4.A-33, Brisbane Municipal Code Chapter 17.42 would require design permits to be obtained for new buildings within the Baylands Project site prior to their construction. To grant such a permit requires that the Planning Commission first make findings, including, but not limited to (1) the proposal’s scale, form, and proportion are harmonious, and the materials and colors used complement the project; and (2) the orientation and location of buildings, structures, open spaces, and other features integrate well with each other and maintain a compatible relationship to adjacent development.

Thus, the Draft EIR concluded that implementation of the City’s Design Review process would ensure that individual buildings and the siting of groups of buildings would be compatible with adjacent development. As discussed on page 4.A-33, the City’s design review process would require, as conditions of approval for site-specific development projects, measures such as adjustments to building height or massing, building treatments, use of decorative building materials or fenestration, and landscaping or other treatments.

BCC-55 [See page 5-174 for the original comment] See Response BCC-54. As indicated in Final EIR Chapter 3.0, Mitigation Measure 4.A-3 has been revised to provide for maintenance of view corridors through the Baylands site.

BCC-56 [See page 5-174 for the original comment] See Final Chapter 3.0 for revisions to Mitigation Measure 4.A-3. The mitigation measure, as revised, requires appropriate setbacks and building height limitations “to maintain a feeling of openness within Project Site open space areas; to maintain compatibility with the scale of historic structures being preserved onsite; to reduce the perceived intensity of development as viewed from the Geneva Avenue extension, Bayshore Boulevard, US 101 freeway, and Viewpoints 1, 2, 3, 7, 8, and 11; and to provide view corridors through the Baylands so that development is not perceived as a solid mass of buildings when viewed from downtown Brisbane or the US 101 freeway.”

Because site-specific building locations and designs are not currently proposed, ground-level illustrations of what site development would look like from open space areas would be speculative.

- BCC-57** [See page 5-174 for the original comment] The lighting guidelines contained in Mitigation Measure 4.A-4a that set performance standards for light spillage from site-specific development projects apply to all light sources within the Baylands, and therefore also apply to signage.
- BCC-58** [See page 5-175 for the original comment] This comment does not raise any significant environmental issues regarding the adequacy of the EIR or its analysis and conclusions.
- BCC-59** [See page 5-175 for the original comment] All buildings, including proposed multi-story buildings, as well as proposed grading, the topography of the Baylands and vicinity, were modeled for each scenario evaluated in the Draft EIR. A description of the model is provided on Draft EIR page 4.M-12. Additional information regarding wind analysis conducted for the Draft EIR is provided in Master Responses 30 through 34. The wind analysis focused on the wind effects of Project Site development within the CPSRA, and did not measure wind effects near street level that might occur within the interior of the Project site.

The thresholds of significance used to analyze air quality impacts are identified on page 4.B-15, and does not include potential wind tunnel effects of tall buildings within the Baylands. Such effects are dependent upon the height, size, and location of buildings in relation to prevailing winds and other buildings, and cannot be accurately evaluated without site-specific information on the design and locations of buildings, which is not possible at this programmatic stage of review.

Winds vary at pedestrian levels within an urban area. Development patterns -- including street and building orientation with respect to prevailing wind directions -- building heights, and building massing can affect the winds experienced at the pedestrian level. Wind speeds are generally greater, on average, along streets that are oriented parallel to the prevailing wind direction (in the case of the Baylands Site, this orientation would be West-East or West Northwest-South Southeast). Wide streets bordered by tall buildings are especially vulnerable to the funneling effects that result when streets are oriented parallel to prevailing wind directions. The impact of wind funneling can often be reduced by the presence of tall, bushy trees along streets susceptible to wind to force the wind to stay above street level. Winding streets and streets oriented perpendicular to the prevailing wind direction tend to have lighter winds at pedestrian level. Building height, massing, and orientation also affect ground-level wind accelerations.

Tall, slab-like buildings tend to deflect wind downward. As wind flow comes over the edge of a roof or around a corner, it separates into streams at about three-quarters of the building height. Above this, the air flows up the face of the

building and over the roof; below, it flows down to form a vortex in front of the building before rushing around the windward corners. The resulting increased wind speeds and turbulence at ground level can represent a hazard to pedestrians. This phenomenon is greatest with a single tall building in an open area with no surrounding structures, and can vary substantially by building orientation, massing, and adjacency of other structures. A building that is surrounded by taller structures is not likely to cause adverse wind accelerations at ground level, while even a comparatively small building could cause wind effects if it were freestanding and exposed.

Massing is important in determining wind impacts because it controls how much wind is intercepted by the structure and whether building-generated wind accelerations occur above ground or at ground level. In general, slab-shaped buildings have the greatest potential for wind acceleration effects. Buildings that have an unusual shape, rounded faces, or utilize setbacks have a less noticeable wind effect. A general rule is that the more complex the building is geometrically, the less noticeable the probable wind impact at ground level.

Building orientation also affects how much wind is intercepted by the structure, a factor that directly determines wind acceleration. In general, buildings that are oriented with the wide axis across the prevailing wind direction will have a greater impact on ground-level winds than a building oriented with the long axis along the prevailing wind direction.

BCC-60 [See page 5-175 for the original comment] The risk values for the Kinder Morgan facility and other stationary sources at the nearest proposed sensitive receptors are presented in Table 4.B-20 of the Draft EIR. Impact 4.B-6 of the Draft EIR assesses the impacts of existing stationary sources such as the Kinder Morgan facility as well as roadway sources and railway contributions to increased cancer risk and hazard impacts on proposed receptors relative to BAAQMD identified criteria. This impact was determined in the Draft EIR to be less than significant.

The compatibility between proposed land uses within the Baylands and the Kinder Morgan Tank Farm is discussed in Master Response 19.

BCC-61 [See page 5-175 for the original comment] Both BAAQMD and CARB operate toxic air contaminant (TAC) monitoring networks in the San Francisco Bay Area. These stations measure 10 to 15 TACs, depending on the specific station. The nearest BAAQMD ambient TAC monitoring station to the Baylands site is the station at 16th and Arkansas Streets in San Francisco. The Arkansas Street station collects data for acetaldehyde, benzene, 1,3-butadiene, carbon tetrachloride, formaldehyde, perchloroethylene, methylene chloride, chloroform, trichloroethylene, and chromium.

BCC-62 [See page 5-175 for the original comment] The risk values for the Sunquest Properties (the operator on the BAAQMD permit for the landfill gas collection system and flare at the nearest proposed sensitive receptors) are presented in Table 4.B-20 of the Draft EIR. While methane combusted from the collection system burns relatively cleanly, the risk values in Table 4.B-20 reflect impurities in the landfill gas from constituents such as benzene, perchloroethylene, and vinyl chloride. Impact 4.B- 6 of the Draft EIR assesses the impacts of existing stationary sources such as Sunquest Properties facilities as well as roadway sources and railway contributions to increased cancer risk and hazard impacts on proposed receptors relative to BAAQMD identified criteria. This impact was determined in the Draft EIR to be less than significant.

Hazard impacts from the off-gassing of landfill gas are assessed in Section 4.G, *Hazards and Hazardous Materials*, of the Draft EIR. Impact 4.G-2 of the Draft EIR found that soil gas and vapor intrusion from legacy contamination represent a significant impact. Mitigation Measures 4.G-2f through 4.G-2h are identified for all development scenarios to reduce hazard impacts from landfill gas to a less than significant level, which include installation of soil vapor barriers and gas sensors.

There is no evidence to suggest that radioactive materials, either naturally occurring or deposited, exist within the Baylands Project site.

BCC-63 [See page 5-175 for the original comment] The risk values presented in Table 4.B-20 for the Kinder Morgan facility and other stationary sources reflect both risks associated with the facilities and distance to the nearest sensitive receptor. The BAAQMD-reported property line (onsite) cancer risk for the Kinder Morgan facility is 26.4 excess cancer cases per million while the BAAQMD-reported property line (onsite) cancer risk for the Bayshore Chevron Station is 13.4 excess cancer cases per million. Therefore, the property line (onsite) risk from the Kinder Morgan facility is greater than this gasoline station. However, the distance of the Kinder Morgan facility from the nearest proposed sensitive receptor (approximately 1,300 feet) results in a lower risk than the distance between the service stations which are closer to proposed sensitive receptors (approximately 200 feet away).

Emissions from the Kinder Morgan Facility are primarily the result of vapor loss during fuel transfer activities. The tanks and pipelines have very limited fugitive emissions. These emissions are primarily in the form of Reactive Organic Gases (ROG), which are not a localized pollutant, but rather, react in the atmosphere to form ozone at downwind locations. Consequently, health risks from emissions at this facility are primarily related to toxic air contaminants in the fuel and not from ROG.

BCC-64 [See page 5-176 for the original comment] The Draft EIR provides an analysis of the physical environmental impacts of proposed Baylands development by comparing existing (baseline) conditions to those that would occur with implementation of proposed development. The existing soils processing activities within the Baylands are being undertaken within the footprint of the former landfill. Proposed landfill closure, remediation, and grading activities, which will occur at the outset of Project Site development, will require cessation of the existing soils process activities. Thus, the air emissions impacts of existing soils processing activities will cease once the construction activities analyzed in the Draft EIR commence.

BCC-65 [See page 5-176 for the original comment] The referenced report by Dr. Fred Lee, *Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property*, was reviewed and was found to contain no references to air pollutants, ingestion of toxics from construction disturbance, or phyto remediation. That report is available as part of the proposed Baylands development public record at the Brisbane Community Development Department, 50 Park Place, Brisbane, California.

The Draft EIR contains a hazards assessment of construction-related hazards in Impact 4.G-2 on page 4.G-90 of Section 4.G, *Hazards and Hazardous Materials*. Project Site development and construction activities, including demolition and remediation activities, for all four scenarios will require disturbance of subsurface soils and groundwater. As discussed above, past land uses, including former Brisbane Landfill and Southern Pacific Railyard operations, resulted in soil and groundwater contamination at the former landfill, OU-1, and OU-2.

The analysis of this impact found that in addition to compliance with federal, state, and local regulations pertaining to the handling and disposal of hazardous waste, including preparation and implementation of a Soil and Groundwater Management Plan and a Master Deconstruction and Demolition Plan, hazards to the public through foreseeable upset or accident conditions involving the release of hazardous materials into the environment would be reduced to a less than significant level with implementation of Mitigation Measures 4.G-2a, 4.G-2b, 4.G-2c, 4.G-2d.

BCC-66 [See page 5-176 for the original comment] The first bullet under Mitigation Measure 4.B-1 on page 4.B-21 regarding fugitive dust is revised to read as follows:

Basic Controls that Apply to All Construction Sites

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered as needed, but no less than two times per day on days with no precipitation.

BCC-67 [See page 5-176 for the original comment] The analysis contained in Draft EIR Impact 4.B-3 assesses construction-related risk and hazard impacts on both adults and school children and, consistent with BAAQMD guidance, applies age sensitivity factors to account for increased sensitivity to children and reflect the risks at the maximally exposed sensitive receptor. As discussed in the Draft EIR, none of the thresholds defining a significant impact would be exceeded. See also Response BCC-68.

BCC-68 [See page 5-176 for the original comment] There is no evidence provided to support the assertion that the proposed mitigation measures are inadequate. The analysis contained in Draft EIR Impact 4.B-3 assesses construction-related air quality risk and hazard impacts using the results of a Health Risk Assessment (HRA). The HRA was conducted in accordance with technical guidelines developed by federal, state, and regional agencies, including US Environmental Protection Agency (USEPA), California Environmental Protection Agency (CalEPA), California Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxics Hot Spots Program Guidance*², and the BAAQMD's *Health Risk Screening Analysis Guidelines*.³ The results of this assessment identified a less than significant impact from construction-related air quality risks and hazards.

BCC-69 [See page 5-176 for the original comment] This comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. Differences in air pollutant emissions between proposed Baylands development and the alternatives evaluated in Chapter 5, *Alternatives*, of the Draft EIR will be considered as part of the City's planning review and decisionmaking for the Baylands.

BCC-70 [See page 5-178 for the original comment] The annual bird counts have been incorporated into the EIR and specific references to the data are included in Section 4.C. The setting section of the Draft EIR is updated to add the following reference the fifth paragraph on page 4.C-10:

Over 87 bird species have been recorded from the Brisbane lagoon between 1990 and 2013 as documented in the Audubon bird count data base known as eBird⁴ (eBird 2012) At least 45 species have been

² Office of Environmental Health Hazard Assessment (OEHHA), 2003. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, http://www.oehha.org/air/hot_spots/pdf/HRAguidefinal.pdf

³ Bay Area Air Quality Management District (BAAQMD), 2005. *BAAQMD Health Risk Screening Analysis Guidelines* (http://www.baaqmd.gov/pmt/air_toxics/risk_procedures_policies/hrsa_guidelines.pdf), June 2005.

⁴ Launched in 2002 by the Cornell Lab of Ornithology and National Audubon Society, eBird provides data sources for bird abundance and distribution at a variety of spatial and temporal scales. eBird documents the presence or absence of species, as well as bird abundance through checklist data. Individual recreational and professional bird watchers enter when, where, and how they went birding, and then fill out a checklist of all the birds seen and heard during the outing. Automated data quality filters developed by regional bird experts review all submissions before they enter the database. Local experts review unusual records that are flagged by the filters. eBird collects observations from birders through portals managed and maintained by local partner conservation organizations.

observed during the non-breeding season, when birds overwinter in the SF Bay region (National Audubon Society 2010).

BCC-71 [See page 5-178 for the original comment] As discussed in Master Response 8 pertaining to the level of detail in the biological resources analysis and Master Response 9 pertaining to identification of wetlands, the survey methodology and impact assessment included in Draft EIR Section 4.C, *Biological Resources*, provided an appropriate baseline and program level analysis of project-related impacts, based on reconnaissance level surveys, existing data going back to 2003.

As discussed in the Master Response 10 pertaining to previous actions, the Draft EIR addresses impacts of the environmental changes that would occur from the 2010 baseline should one of more of the proposed discretionary actions described in Chapter 3, *Project Description*, of the Draft EIR gain approval. As discussed in Master Response 10, past actions occurring within the Baylands Project site that may indicate that violations of past permits that are not the subject of the Draft EIR's project description and evaluation.

BCC-72 [See page 5-178 for the original comment] The reference materials referred to in Comment BCC-72 were provided as comments to the NOP and are thus part of the project record. They were reviewed prior to preparation of the Draft EIR and reviewed again in response to this comment. In addition, as noted in Master Response 9, a 20-year review of air photos was undertaken as part of the Final EIR, which substantiated the adequacy of the habitat characterization presented in the Draft EIR, including the extent of wetlands onsite. The materials referred to in this comment were prepared by private individuals and organizations not associated with the studies performed for the proposed project. The species and wetland habitat that private individuals presented as being present within the Baylands are consistent with the species occurrence potential and habitat mapping prepared for and presented in the Draft EIR. Please see the analysis of Impact 4.C-1 and the associated Mitigation Measures 4.C-1 a, b, c, d, e, f, and g for plants and animals and their habitats within proposed development areas. Please also see Response BCC-70.

BCC-73 [See page 5-178 for the original comment] Section 4.G of the Draft EIR assesses the hazardous conditions present at the project site, including presence of oil leaks. The presence of such leaks does not affect the characterizations of habitat types and vegetation communities within the Baylands, however, and are addressed in Section 4.G, *Hazards and Hazardous Materials*. Please see Master Response 9, Identification of Wetlands.

BCC-74 [See page 5-178 for the original comment] Wetlands that occur upstream and outside the Baylands Project Site that would not be affected by implementation of the various components of the Baylands program are not evaluated in the Draft EIR, since no project-related impacts would occur in these areas.

See Master Response 9, which addresses identification of wetlands within the Baylands Project Site. See also Master Responses 7 and 10 for discussion of the use of 2010 as the baseline year and discussion of the effects of actions undertaken prior to the 2010 baseline year.

Observations of wetlands within the Baylands were conducted in 2003, 2007, 2011, and 2013 by various professional individuals and consulting firms. All of this information was used to create the 2010 baseline conditions and habitat map in the Draft EIR, Figure 4.C-1, and used as the basis for determining impacts of proposed Baylands development.

Because the Kinder Morgan tank farm is not part of the 733-acre Baylands Project site, in-situ remediation within the Kinder Morgan site would be confined to the Kinder Morgan site, and would not affect the Baylands Project site.

The portions of the Baylands Project site in the area cited in the comment as containing vernal pools does not contain the undisturbed native substrate and “hard pan” soils needed for formation of a vernal pool. The area referred to in the comment is, however, part of a tidally influenced area identified in the Draft EIR for restoration and preservation. While the Draft EIR identifies both freshwater and saline wetlands, it did not attempt to characterize one type of wetlands as having more value than the other. Instead, the Draft EIR identifies mitigation for both types of wetland to ensure that impacts to restored wetland areas would be less than significant. (Please see discussion in the Draft EIR at pages 4.C-48 – 4.C-49.) The potential frog habitat referred to the comment was not observed during the numerous site surveys conducted in 2003, 2007, 2011, and 2013 by the various professional individuals and consulting firms conducting those surveys.

As set forth in Mitigation Measure 4.G-2a, remediation and landfill closure are required to precede development of contaminated lands and the former landfill.

BCC-75

[See page 5-179 for the original comment] The Draft EIR discussion of baseline conditions is based on field surveys, literature and data base review, and professional judgment of qualified biologists, and adequately describes baseline conditions. See Master Response 10 pertaining to analysis of past actions and loss of habitat within the Baylands. As noted within that response, the Baylands EIR focuses on changes to the physical environment that would occur should the proposed Baylands program be approved. The Draft EIR does not, therefore analyze past loss of habitat areas of the health and safety associated consumption of fish from Brisbane Lagoon, since both result from actions distinct and separate from the proposed development of the Baylands, and neither would result from implementation of proposed Baylands development.

- BCC-76** [See page 5-179 for the original comment] The Draft EIR describes existing conditions for wetland and open water areas at a level of detail appropriate for a programmatic EIR. Wetland and open water areas are identified on Draft EIR Figure 4.C-1. Detailed descriptions of open water features in the mid and southern portions of the Baylands Project site, Visitacion Creek, and Brisbane Lagoon, are provided in the Section 4.H, *Surface Water Hydrology and Water Quality*, of the Draft EIR. Visitacion Creek and Brisbane Lagoon are directly connected to San Francisco Bay, and are influenced by tidal conditions on the Bay. Tidal conditions create backwater conditions along Visitacion Creek that restrict outflow from the Levinson Marsh and higher tides can contribute to flooding along Bayshore Boulevard. The wildlife, especially shore birds, that inhabit Visitacion Creek and Brisbane Lagoon are discussed in Section 4.C, *Biological Resources*.
- BCC-77** [See page 5-179 for the original comment] The Levinson Marsh, also known as the Levinson Overflow area, is located upstream of the Baylands and outside of the Baylands Project area across Bayshore Boulevard. Issues related to detention and water flow control structures at or upstream of Levinson Marsh, do not involve impacts of proposed Baylands development, and are not therefore addressed in the Draft EIR; however, Mitigation Measure 4.H-4a requires that systemwide drainage improvements be provided, including correction of known deficiencies (e.g., Levinson Overflow area) that would affect the project site. Water drainage from Levinson Marsh would move through the Baylands Project site as depicted in Figures 3-11, 3-12, 3-13, and 3-14.
- BCC-78** [See page 5-179 for the original comment] The statement in the Draft EIR referenced in the comment is based on review of historical documentation of conditions within the Baylands area prior to establishment of the landfill and railyard. The exact location of the historic dunes was not disclosed, and this habitat type no longer exists within the Baylands Project site.
- BCC-79** [See page 5-180 for the original comment] Because the marsh area referenced in the comment is located upstream from the Baylands Project site, the marsh will be unaffected by proposed development within the Baylands. Analysis of projected sea level rise provided on page 4.H-8 and figure 4.H-4 indicate that projected sea level rise will not cause water to back up from the Baylands into the Levinson Marsh.
- BCC-80** [See page 5-180 for the original comment] As part of the Final EIR, biologists conducted additional field visits to the area adjacent to the US 101 freeway. The wetlands referenced in the comment have been mapped and are now part of the Final EIR. The wetlands identified by Comment BCC-80 are mapped in the revised Figure 4.C-1 included in Master Response 9.

BCC-81 [See page 5-180 for the original comment] The characterizations of habitat types and vegetation communities at the site are based on observations of habitats conducted in 2003, 2007, 2011, and 2013 by various professional biologists and consulting firms. A review of previous habitat assessments, and air photos undertaken as part of the Final EIR substantiated the characterization of habitat types and their extent within the Baylands.

BCC-82 [See page 5-180 for the original comment] The Draft EIR determined that impacts of each of the four concept plan scenarios on wildlife movement would be significant without mitigation (see discussion of Impact 4.C-4 beginning on page 4.C-53 of the Draft EIR). In response to the identified significant impact on wildlife movement, Mitigation Measures 4.C-4a and 4.C-4b set forth performance standards that would require preparation, approval by the City, and implementation of an Open Space Plan for the entirety of the Baylands Project site. Mitigation Measure 4.C-4a specifically requires the Open Space Plan to “incorporate designs to provide for wildlife movement corridors and to enhance habitat for native wildlife species” and to “promote both linkages between upland habitats and San Francisco Bay and linkages between upland habitats along the Bay shoreline.” Fencing or other buffers proposed must accommodate movement of small mammals, which would include the salt marsh harvest mouse, if that species colonizes the site in the interim before site buildout occurs. These standards would be achieved through implementation of the Open Space Plan, and the Draft EIR concluded that the identified significant impact on wildlife movement would be reduced to below a level of significance.

BCC-83 [See page 5-181 for the original comment] See Response BCC-84.

BCC-84 [See page 5-181 for the original comment] The comment states that more independent studies are required in relation to rare and endangered species, such as those mentioned in Comment BCC-83, and expresses disagreement with the conclusions presented in the Draft EIR regarding species’ potential to occur. Biological resources studies of the Baylands Project site were undertaken under contract to the Lead Agency, the City of Brisbane in 2007, 2011, and 2013. The “developer” did not direct these studies, and the determinations set forth in the Draft EIR and in these responses were not subject to developer direction or approval.

Please see Responses BCC-70, BCC-75, and Master Response 9 regarding the specificity of biological resources analyses. As noted in the Table 4.C-1, great blue heron, golden eagle, and brown pelican could potentially be present within the Baylands for the purposes of foraging. Great blue heron are widespread throughout North America. Although not listed as, or considered endangered or threatened, this species is considered a special status species in the Draft EIR because the heron is protected under the Migratory Bird Treaty Act, which

prohibits (among other things) take of active nests. In addition, nest sites (rookeries) are also protected under state Fish and Wildlife Code Section 3503. There were no rookeries for great blue heron identified within the Baylands Project Site. The Baylands Project site is entirely unsuitable for golden eagle or brown pelican nesting. Mitigation Measures 4.C-1d and 4.C-4f set forth protective measure consistent with the Migratory Bird Treaty Act should cliff, bank, or barn swallows establish nests within the Baylands. However, none of the four concept plan scenarios propose development in areas that provide suitable habitat for swallow nests (e.g., east face of Icehouse Hill and the railroad bridge).

The endangered unarmored three-spine stickleback (*Gasterosteus aculeatus williamsoni*), a subspecies of three-spine stickleback (*Gasterosteus aculeatus*), is restricted to three areas: the upper Santa Clara River and its tributaries in Los Angeles County, San Antonio Creek on Vandenberg Air Force Base in Santa Barbara County, and the Shay Creek vicinity (which includes Shay Pond, Sugarloaf Pond, Juniper Springs, Motorcycle Pond, Shay Creek, Wiebe Pond, and Baldwin Lake), in San Bernardino County. Historically, this subspecies *williamsoni* was found throughout a much larger area including the Los Angeles, San Gabriel, and Santa Ana Rivers, but were extirpated from these areas as a result of the effects of urbanization (e.g., dewatering of streams, habitat alteration, introduction of exotic predators, and pollution) (USFWS, 2009).

Two other species of three-spine stickleback occur in southern California. The resident three-spine stickleback (*Gasterosteus aculeatus microcephalus*) is protected only south of Pt. Conception south of San Louis Obispo, California. Santa Ana (Shay Creek) three-spine stickleback (*Gasterosteus aculeatus santaannae*) is endemic only to Shay Creek in Southern California as well. Neither the stickleback ssp. *microcephalus* or ssp. *santannae* are State or federally listed.

Based on the historical record for the agency-listed subspecies of unarmored three-spine stickleback (ssp. *williamsoni*), it is presumable that this species has never occurred within the San Francisco bay region. The references among Draft EIR comments regarding observation of “unarmored three-spine stickleback” within the Baylands Project area presume the presence of a subspecies only known from southern California. The stickleback fish that may occur in the San Francisco Bay area would be classified under the more common three-spine stickleback with nomenclature of (*Gasterosteus aculeatus*), with no subspecies. Other comments that refer generically to “stickleback” are presumed to reference the unarmored three-spine stickleback. Regardless, the need for evaluation of “stickleback” is unwarranted due to the more common nature of the three-spine stickleback (*Gasterosteus aculeatus*), which is the only subspecies that might be found in the San Francisco Bay.

References: USFWS Endangered Species search, CDFW Biogeographic Data Branch, California Natural Diversity Database, Special Animals (898 taxa) January 2011. USFWS, *Unarmored Threespine Stickleback (Gasterosteus aculeatus williamsoni) 5-Year Review: Summary and Evaluation*, May 2009.

BCC-85 [See page 5-181 for the original comment] The Draft EIR statement cited in the comment is part of the existing setting discussion, Bayshore Boulevard presents an existing barrier to wildlife species movement, and is not, therefore, a project impact that would require mitigation. However, proposed development within the Baylands, including construction of new roadways, was considered in the evaluation of impacts related to wildlife movement. As stated in Response BCC-82, Mitigation Measure 4.C-4a (which requires preparation, City review, approval, and implementation of an Open Space Plan) would provide for wildlife movement through the Baylands and reduce impacts to a less than significant level.

BCC-86 [See page 5-181 for the original comment] Based on the habitat suitability assessments conducted for the Baylands Project site, review of the CNDDDB (March 2014), and a review of existing information and information provided by biologists (see Response BCC-72), it was determined that special-status plant species do not occur within the Baylands. Please also see Master Response 9 in relation to mitigation for loss of wetland areas. As noted in that Master Response, mitigation requirements set forth in the Draft EIR are in accordance with State and Federal standards for “no net loss” of wetlands, and require replacement at a minimum ratio of 1:1 as required in relation to state and federal policy.

BCC-87 [See page 5-181 for the original comment] The discussion of special status fish within the project site starting on page 4.C-14 of the Draft EIR is revised to read as indicated below. In addition, Table 4.C-1 is revised to reflect the following revisions. These revisions provide additional detail regarding existing conditions of and for migratory fish. Although presence of each of these species is assumed, potential to occur in the Brisbane Lagoon was determined to be low. (This reflects a change for Sacramento winter-run Chinook salmon, and Central Valley spring-run Chinook salmon from moderate to low.) However, these revisions do not change the conclusions in the Draft EIR.

Special-Status Fish

The special-status fish species discussed below are assumed to be present in the Brisbane Lagoon, although species-specific surveys were not conducted, based on their known presence in the adjacent Bay waters and the lack of barriers between the lagoon and the Bay. It is plausible that individuals of the species could freely move between these two water bodies. The two large sized concrete box culverts located at the northeastern corner of the lagoon are tidally influenced with brackish conditions prevailing within the water body.

San Francisco Bay serves as a migratory pathway for two anadromous salmonid species: chinook salmon (*Oncorhynchus tshawytscha*) and steelhead (*O. mykiss*). Williams (2006) stated, “Chinook salmon and steelhead have highly variable life-history patterns, with age at spawning in Chinook varying from one year to seven years, and age at emigration to estuaries or the ocean ranging from a few days to two years. Steelhead have even more variable life histories and may omit ocean rearing altogether...” Both species spawn in gravel-bed, freshwater streams. Juveniles return (as smolts) to the ocean. A biologically profound difference between the two species is that chinook die after spawning once (semelparous), whereas steelhead have the capacity to survive the spawning run, return to sea, and spawn again in future years (iteroparous) (for recent reviews of biological literature see Williams 2006, 2012; for recent data and discussions of out-migration of juveniles through San Francisco Bay see Hearn et al. 2010, Jahn 2011a, Hearn et al. 2013). The following salmonid evolutionary significant units⁵ (ESUs) (NOAA Fisheries 2005a) have the potential to be near the project site.

Central California coast steelhead trout (*Oncorhynchus mykiss*) Federally Threatened, ~~California Species of Special Concern~~. Steelhead populations in what is known as the Central California Coast “evolutionarily significant unit” are listed as threatened under the Federal Endangered Species Act (FESA). Anadromous rainbow trout, or steelhead, occur in California from the Smith River in Del Norte County south along the coast to San Mateo Creek, San Diego County, and in streams of the San Francisco Estuary and Central Valley (Moyle, 2002).

All Central Valley steelhead are considered winter steelhead. Busby et al. (1996) wrote, “Steelhead within this ESU have the longest freshwater migration of any population of winter steelhead. There is essentially a single continuous run of steelhead in the upper Sacramento River. River entry ranges from July through May, with peaks in September and February; spawning begins in late December and can extend into April.”

The timing of steelhead outmigration is less well known, but trawl capture data are consistent with a late-winter and spring migration (Jahn 2011a). Steelhead smolts, like chinook smolts, migrate mainly in deep water, but steelhead tend to wander into shallow water more than chinook (Jahn 2011a). Thus, there is some chance that steelhead, especially of the coastal ESU that spawn in some south Bay tributaries, may enter the Brisbane Lagoon in small numbers. Because numbers are low, and most smolts are

⁵ Evolutionary significant unit (ESU) refers to a population of organisms that is considered to be distinct from other populations for purposes of conservation.

expected to remain in the deep channel, the probability of encounter within the lagoon at any given time would be low.

~~The “headwaters” of Visitacion Creek terminate in the former railyard area to the east of the round house and consist of shallow stagnant drainages which are dry during approximately half of the year. The drainage channels in this vicinity are not suitable for spawning steelhead due to the lack of appropriate spawning substrates and absence of sufficient attracting water flows for steelhead.~~

~~Spawning habitat for anadromous fish does not exist within Brisbane Lagoon or within the tributary channels to the lagoon. Guadalupe Creek does not provide spawning habitat because it is located underground within culverts for significant portions of its length to the west of the outfall at the northwest corner of the lagoon. The unnamed drainage that enters the southern corner of the lagoon likewise runs through underground storm drain culverts which have eliminated the potential for spawning habitat to occur upstream from the lagoon.~~

~~Although species-specific surveys for steelhead were not conducted and there have been no documented occurrences of this species in the vicinity of the Project Site, individuals of the species could gain access to the lagoon via the box culvert that connects the Project Site to the Bay. These individuals could potentially use the lagoon for foraging. Therefore, for the purposes of this analysis the species is presumed to be present at least on an occasional basis.~~

~~Sacramento River winter-run, and Central Valley spring-run, and Central Valley fall/late fall run Chinook salmon (*Oncorhynchus tshawytscha*) Federally Endangered, and California Threatened Endangered. The population of Chinook salmon in San Francisco Bay consists of ~~three~~ four, more-or-less, distinct races: winter-run, spring-run, and fall run, and late fall-run (Williams 2012). ~~Sacramento River winter-run Chinook salmon, listed as endangered by both the state and the federal government, migrate through San Francisco Bay from December through July with a peak in March (Moyle, 2002).~~ These races are distinguished by the seasonal differences in adult upstream migration, spawning, and juvenile downstream migration. Chinook salmon are anadromous fish, spending three to five years at sea before returning to fresh water to spawn. These fish pass through San Francisco Bay waters to reach their upstream spawning grounds. In addition, juvenile salmon migrate through the Bay en route to the Pacific Ocean.~~

~~The steelhead and Adult chinook typically occur in the Bay waters north and east of the Project Site during in-migration to freshwater, gravel-bed~~

streams, where they die after spawning. Chinook appear to make little use of near shore habitats in San Francisco Bay (as opposed to the brackish marshes upstream of San Pablo Bay; Williams 2006). This is because the fish (at least in modern times) migrate rapidly through the lower bays on their way to the ocean (MacFarlane and Norton 2002, Hearn et al. 2010, Jahn 2011a, Hearn et al. 2013). In the CDFW Bay study, trawl captures of juvenile chinook of all sizes/stages (fry/fingerling/smolt) were mainly in the deep channels of San Pablo and Central Bay (Jahn 2011a). Chinook considered by CDFW not to be fall-run fish (i.e., the larger fish believed to represent winter-, spring-, and late fall-run ESUs) were taken in CDFW's Bay study mainly in the months of April through early June (Jahn 2011a), although the size-at-date criteria by which the fish were assigned to runs are not reliable (Williams 2006, Jahn 2011b).

Chinook smolts tend to migrate through San Pablo and Central Bays in a few days' time (Hearn et al. 2010, Jahn 2011a, Hearn et al. 2013). The fish also tend not to enter South Bay, and are not taken in significant numbers south of Hunters Point (Jahn 2011a). Because of their low abundance in South Bay and their tendency to remain in deep water while emigrating from their rearing habitats, it is very unlikely that any of the listed chinook ESUs will enter Brisbane Lagoon.

The only likely occurrence of the species at the project site is ~~spawning sites in the South Bay and during out-migrations of anadromous~~ juveniles heading from freshwater to ocean habitat. Although the great majority of outmigrating juveniles never enter South Bay, it is possible that individuals of this these species could occasionally enter Brisbane Lagoon via the box culvert that connects the Project Site with the Bay. Therefore, the analysis in this section is based on presumed occurrence. Smolts and juveniles would not be prevented from entering the Project Site as part of their known behavior to remain in estuarine habitats before migrating to the ocean.

Longfin Smelt (*Spirinchus thaleichthys*) California Threatened. The life history and distribution of longfin smelt in the San Francisco Estuary are best described in a recent paper by Merz and others (2013). These authors characterize the species as estuarine, but with many individuals undergoing a migration to the ocean for several months. The species exhibits a 2-year life cycle and spawns in the low salinity zone and fresh water of the Delta in winter and early spring. The larvae gradually spread into the lower bays in spring and summer as they transform into juveniles.

A well-documented decline in numbers of this species (Rosenfield and Baxter 2007) occurred in about 2001 and is the reason for the State listing. From 2001 to 2011, the average otter trawl catch of longfin smelt

in South San Francisco Bay stations nearest the Project site has been about one fish per hectare (Table 4.C-2); data courtesy of CDFW's San Francisco Bay Study and the Interagency Ecological Program for the San Francisco Estuary). The catch rate is somewhat less than abundance *per se*, because of inefficiencies in the sampling gear. However, longfin smelt are an open water species and would be expected to be even less abundant near shore, where the CDFW trawling vessel could not venture. This expectation is borne out by the CDFW beach seine program, which ran from 1980 to 1986 and consisted of monthly sampling at eight South Bay Stations (Orsi 1999). This effort yielded only 7 specimens of longfin smelt, at a time when longfin smelt were approximately six times as abundant in South Bay as they are now (Table 4.C-3).

TABLE 4.C-2
AVERAGE MONTHLY CATCH (FISH PER HECTARE) OF LONGFIN SMELT
(ALL LIFE STAGES COMBINED) AT CDFW SOUTH BAY OTTER
TRAWL STATIONS*, 2001-2011

101	102	103	104	105	106	107	108	140*
49.2	4.6	2.1	8.5	2.4	5.1	8.4	56.9	4.8
19.5	0	1.1	1.1	2.4	0	105.4	18.6	0
15.1	0	0	0	4.1	7.5	12.0	14.7	4.2
7.5	0	0	4.0	2.5	0	1.1	7.0	2.9
0	0	0	0	0	0	0	11.8	0
0	0	5.9	0	0	0	0	0	0
0	0	0	0	0	0.8	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0.8	0
3.1	0.8	0	2.0	0	0	4.4	12.4	0
8.1	0	2.4	9.5	3.9	0	4.8	20.8	0.9
8.2	0.4	1.0	2.1	1.3	1.0	11.5	11.5	1.0

* Station 140 was added to the program in 1988.

TABLE 4.C-3
AVERAGE MONTHLY CATCH (FISH PER HECTARE) OF LONGFIN
SMELT (ALL LIFE STAGES COMBINED) AT CDFW SOUTH BAY
OTTER TRAWL STATIONS*, 1980-1986

Month	101	102	103	104	105	106	107	108
Jan	28.2	14.6	1.3	8.0	10.4	4.5	48.6	392.6
Feb	74.4	5.7	2.5	37.1	55.1	4.9	214.9	42.3
Mar	876.0	0	0	0	0	2.0	24.6	7.3
Apr	8.2	8.6	5.9	0.9	3.1	4.5	0	6.1
May	11.3	1.9	2.0	27.4	9.0	0	0	1.8
Jun	15.6	0	0	1.8	0	0	3.8	7.2
Jul	0	0	0	0	0	1.1	1.0	0
Aug	0	0	0	0	0	4.8	0	0
Sep	5.4	0	0	0	0	8.0	0	0
Oct	0	0	0	0	2.2	17.4	0	6.3
Nov	3.8	4.7	1.0	0	0	0	0	3.8
Dec	30.3	8.2	1.4	10.4	17.4	35.9	63.2	110.6
Total	88.5	3.6	1.2	6.9	8.1	6.4	29.3	49.6

* Data courtesy of CDFW's San Francisco Bay Study and the Interagency Ecological Program for the San Francisco Estuary.

From the above, it is only reasonable to conclude that there is a low probability of longfin smelt entering Brisbane Lagoon through the box culverts and remaining in the vicinity in significant numbers during the proposed site development. Longfin smelt listed as a California threatened species in 2009, is a small schooling fish that inhabits the freshwater section of the lower Delta and has been observed from south San Francisco Bay to the Delta, with the bulk of the San Francisco Bay population occupying the region between the Carquinez Straight and the Delta (CDFW, 2009; Miller and Lea, 1972). They have been collected in large numbers in Montezuma slough, Suisun Bay and near the Pittsburg and Contra Costa power plants. In the fall, adults from San Francisco and San Pablo Bays migrate to fresher water in the Delta to spawn. The spawning habits of longfin smelt are similar to the delta smelt and both species are known to school together. Larval stages are known to inhabit Suisun Bay and move south within the Bay Delta as they grow larger in April and May (CDFW, 2009; Ganssle 1966). The larvae are pelagic and found in the upper layers of the water column. Data (CDFW, 2006) indicate that longfin smelt are present to a small extent in the Central Bay and are may be seasonally transient within the Brisbane Lagoon and shoreline of San Francisco Bay.

Green Sturgeon (*Acipenser medirostris*) Federally Threatened. Green sturgeon is the most widely distributed member and the most marine-oriented of North American sturgeons, entering rivers only to spawn. Adults (age 15 yrs. +) of the southern “distinct population segment” (DPS) of green sturgeon enter the Sacramento River in winter and spawn in spring and early summer; juveniles remain in fresh and estuarine waters for one to four years and then begin to migrate out to the sea (Moyle et al 1995, Moyle 2002, Israel et al. 2004). Sub-adult green sturgeon present in San Francisco Bay in summer are probably a mix of Northern and Southern DPSs (NOAA 2005b), although most of them are of the southern DPS (Israel et al. 2009). The summertime aggregations in San Pablo Bay, and in estuaries in general, are not associated with spawning (Lindley et al. 2008, Israel et al. 2009).

Although South Bay is not on the regular migration route of this species, green sturgeon are expected to occur in small numbers as strays in South Bay. It is not possible to estimate their abundance there, because no appropriate sampling programs exist for this large species, and the few small individuals that have been taken, e.g., in CDFW’s Bay study, do not provide a basis for quantitative estimation. Hearn et al. (2010) reported that known scientific collecting captures of green sturgeon were in or upstream of San Pablo Bay. At the time of their report, there were more than 400 acoustically tagged green sturgeon in the San Francisco Estuary, with the promise of increasing numbers in the future. Some of

~~these fish have been detected at the San Francisco waterfront monitors, but not in the first two years of monitoring at an array in South San Francisco Bay near the Dumbarton Bridge (Tom Keegan, personal communication to A. Jahn, July 2011). It is possible, though it seems unlikely, that green sturgeon could occasionally wander into Brisbane Lagoon. The southern Distinct Population Segment of the green sturgeon has federal threatened status, with the only known spawning habitat available in the upper Sacramento River. The green sturgeon is the most widely distributed member of the sturgeon family and the most marine-oriented of the sturgeon species. Green sturgeons use nearshore areas from Mexico to the Bering Sea and are common occupants of bays and estuaries along the western coast of the United States (Moyle et al., 1995). Adults in the San Joaquin Delta are reported to feed on benthic invertebrates including shrimp, amphipods and occasionally small fish while juveniles have been reported to feed on opossum shrimp and amphipods (Moyle et al., 1995). Adult green sturgeons migrate into freshwater beginning in late February with spawning occurring in March through July, and peak activity in April and June. After spawning, juveniles remain in fresh and estuarine waters for one to four years and then begin to migrate out to the sea (Moyle et al., 1995). Although green sturgeon are caught and observed in the lower San Joaquin River, spawning is not known to occur within that river. Green sturgeons are uncommon in the Central Bay, and therefore would uncommonly occur in the Brisbane Lagoon or shoreline areas in San Francisco Bay adjacent to the Project Site (NMFS, 2008).~~

BCC-88 [See page 5-181 for the original comment] Protocol-level surveys for California clapper rail were conducted throughout marshes in San Francisco Peninsula Region in connection with the Invasive Spartina Project from 2010-2013. No clapper rails were detected at Brisbane Lagoon or Sierra Point during those protocol-level surveys. One rail was detected in 2011 at Candlestick Cove, which is located across the US 101 freeway, approximately 0.1-mile north of the Baylands Project Site (ISP 2013). The Spartina Project report concluded that Brisbane Lagoon – in addition to Sierra Point and Candlestick Cove – contains poor quality and insufficient habitat to support this species (ISP 2013). Due to poor habitat conditions and lack of detections during surveys, the California clapper rail is not expected to occur on or near the Brisbane Baylands Project Site.

Draft EIR Table 4.C-1 has been updated to include 2011 California clapper rail results of the Spartina Project report.

BCC-89 [See page 5-182 for the original comment] Surveys of wetlands and other habitats within the Baylands were conducted in 2003, 2007, 2011, and 2013 and used to determine the 2010 baseline conditions and prepare a habitat map,

Figure 4.C-1. The Draft EIR text referred to in the comment addresses a formal wetland delineation conducted in 2003, and noted that reconnaissance level site surveys conducted in 2011 confirmed that the earlier wetland delineation could be used as a source of information to establish the baseline used in the Draft EIR to assess impacts.

As discussed in the Master Response 10 pertaining to Past Actions and Response BBCAG-41, the Draft EIR addresses impacts of future development actions. Activities that occurred prior to the 2010 baseline are not the subject of this evaluation.

The draft recovery plan for Callippe silverspot butterfly referenced in Comment BCC-89 is not relevant to the Draft EIR's reference to the 2003 wetland delineation. The draft recovery plan is currently under development by USFWS, and has not as of this date been finalized. Because host plants have been known to occur on Icehouse Hill, once a public draft is released and ultimately approved, implementation of the provisions of the recovery plan would be applied to trail construction on Icehouse Hill pursuant to the provisions of the federal Endangered Species Act in addition to the mitigation measures set forth in the Baylands EIR.

- BCC-90** [See page 5-182 for the original comment] The Draft EIR addresses flooding, migratory animals, nighttime lighting, and impacts of horses at a level of detail appropriate for a programmatic EIR. As discussed above in Master Response 8, the Draft EIR provides habitat-level analyses that are sufficient for analysis of impacts related to proposed Baylands development at this time. Additional analysis will be required as part of site-specific development proposals, when precise areas of ground disturbance and building placement are known.
- BCC-91** [See page 5-182 for the original comment] The host plants cited in Comment BCC-91 refer to species in the genera, *Lupinus*. As they were not observed during reconnaissance, they were not evaluated in the Draft EIR. *Viola pendunculata* is acknowledged as occurring on the Baylands Project Site on page 4.C-4 of the Draft EIR. The Draft EIR's discussion of Impact 4.C-1 regarding special status species indicates that Icehouse Hill is considered suitable habitat for the species referred to in Comment BCC-91 based on the potential occurrence of compatible, associated species such as silver lupine (*Lupinus albifrons* var. *collinus*), summer lupine (*L. formosus* var. *formosus*), and varied lupine (*L. variicolor*). Analysis for Impact 4.C-1 concludes that butterfly larval host plants are potentially present on Icehouse Hill, and Mitigation Measure 4.C-1a requires preconstruction surveys to ensure impacts to host plants are avoided.
- BCC-92** [See page 5-182 for the original comment] See Response BCC-84 regarding stickleback. See Response BCC-87, which updates the discussion of special

status fish within the Baylands Project Site. Based on the updated information, the likelihood that special status fish are present is very low, and since proposed Baylands development-related physical changes to the Brisbane Lagoon are limited to adjacent passive uses, species-specific surveys for special status fish are not warranted.

BCC-93 [See page 5-182 for the original comment] Several mitigation measures in the Draft EIR protect terrestrial wildlife species from disturbance from construction noise and associated vibration. Mitigation measures 4.C-1c, 4.C-1d, and 4.C-1f all require preconstruction surveys for sensitive species prior to initiation of any ground disturbing activities to avoid or minimize impacts. If sensitive species are detected, the species would be protected from disturbance with buffers and construction work windows. The establishment of no-disturbance buffers as required in these mitigation measures would function to protect species from noise and vibration impacts. While proposed Baylands development will not impact habitat connectivity that does not now exist, the bridging of on- and off-site habitats could have biological resource benefits. Opportunities for habitat enhancement and increasing connectivity of existing habitats, such as those suggested in Comment BCC-93, can be addressed as part of the planning review undertaken for proposed Baylands development, but are not required as mitigation.

BCC-94 [See page 5-182 for the original comment] The south end of the Brisbane Lagoon supports wetland habitat, which is shown in Figure 4.C-1, and is not suitable habitat for burrowing owl residence. Suitable habitat for burrowing owl is described in the Draft EIR at pages 4.C-17 – 4.C-18. The south end of the lagoon lacks burrow sites as it is primarily tidal marsh and is subject to inundation, making nesting impossible, especially with high groundwater associated with the lagoon's tidal inundation. Thus, no further studies were or are warranted based on the lack of suitable habitat for burrowing owl in the south end of the lagoon.

BCC-95 [See page 5-182 for the original comment] The overall assessment of habitat suitability for San Francisco garter snake was done using appropriate analysis parameters and the discussion on pages 4.C-19 and 4.C-20 accurately and adequately describes existing conditions related to this species. The Baylands Project site was not found to support suitable habitat for the San Francisco garter snake based on those parameters as described in the second paragraph of page 4.C-20, which provides more detail in addition to the lack of sufficient permanent water.

Additionally, as stated by the San Bruno Mountain Habitat Conservation Plan, Year 2013 Activities Report for Covered Species, "There have been no confirmed observations of San Francisco garter snake on San Bruno Mountain in

the 30 years of the HCP monitoring program. Based on the lack of significant ponds and other aquatic habitats, this species is unlikely to be present.” San Bruno Mountain represents higher quality habitat with significantly less disturbance than the Baylands. The assessment that San Francisco garter snake is not currently present appears to be scientifically accurate based on field work at San Bruno Mountain and the study conducted on the Baylands Project site.

BCC-96 [See page 5-183 for the original comment] Past remediation efforts, or lack of such efforts, including past agreements associated with such remediation would not occur as a result of proposed Baylands development, and are therefore not addressed in the EIR as impacts of proposed Project Site development. See Master Response 10 for discussion regarding analysis of past actions within the Baylands that may have affected wetlands. See Master Response 9 for discussion of the variability of wetland areas over time. As noted in Master Response 9, Mitigation Measure 4.C-2c has been revised to provide for mitigation for loss of wetlands, recognizing changes in wetland areas over time.

The surveys conducted for the Draft EIR consisted of reconnaissance level surveys used to characterize the onsite habitats shown in Figure 4.C-1. The surveys were used to help identify the general boundaries of multiple habitats including wetland habitats, not to produce a formal delineation of wetlands. The months that occur during the spring season, including March and April, represent appropriate timing that maximize opportunities to observe site conditions across multiple habitat types during a site characterization effort to establish a baseline condition for a program EIR analysis. As discussed in on page 4.C-2 of the Draft EIR, reconnaissance surveys were conducted in 2007, 2011 and 2013 during the months of March and April. Please see Master Response 9 pertaining to wetlands for a more detailed discussion of the methods and approach to documenting wetlands at the Baylands.

BCC-97 [See page 5-183 for the original comment] The comment cites the statement in the Draft EIR that “Wetlands and Waters are regulated by both the Corps and RWQCB.” Section 4.C, *Biological Resources*, of the Draft EIR includes a discussion of the Clean Water Act which is the mandate enforced by the Corps of Engineers and the RWQCB. Also included in Section 4.C is a discussion of BCDC jurisdiction, which is based on State statutes, rather than the federal Clean Water Act as suggested in this comment.

BCC-98 [See page 5-183 for the original comment] Page 4.C-26 of the Draft EIR notes that state policy “... prefers mitigation which would expand wetland acreage and enhance wetland habitat values.” However, although expansion of wetland acreage and enhancement of wetland habitat values may be *preferred*, there is no state *requirement* for a mitigation ratio greater than 1:1. The federal Clean Water Act requires no net loss of wetlands as a result of project development. Please see

the Draft EIR's discussion of Impacts 4.C-2 and 4.C-3 and the associated mitigations in 4.C-2a, 2b, and 2c for further information on the replacement of wetland values in in relation to impacts of proposed Baylands development.

BCC-99 [See page 5-183 for the original comment] Development within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan. General Plan policies 130 through 134, which address protection of the Brisbane Lagoon and waterways in the City, are identified in Table 4.I-1.

Table 4.I-1 is revised to add the following:

Existing Plan and Policies	Consistency of Project Components with Existing Policy	
	DSP/DSP-V Scenarios	CPP/CPP-V Scenarios
<u>Policy 130.1</u> The City requires restoration of wetland losses. The determination of which land areas are wetlands will be done by those Federal and State agencies having jurisdiction. The City, however, is especially concerned with those wetlands surrounding the perimeter of the Brisbane Lagoon, the Bay shoreline, the Levinson Marsh and the Quarry sediment ponds. The ratios of restoration may exceed the regulatory agencies' mitigation minimums.	Consistent. The DSP and DSP-V scenarios provide for protection of Brisbane Lagoon and wetland areas, as confirmed by the evaluations undertaken as part of this EIR (see Section 4.C, <i>Biological Resources</i> , and Section 4.H, <i>Surface Water Hydrology and Water Quality</i>). Implementation of EIR Mitigation Measures 4.C-2a through 4.C-2c will ensure that impacts are less than significant, and will implement General Plan Policy 103.1 in relation to the impacts resulting from proposed Baylands development. The DSP/DSP-V scenarios do not specify that only the regulatory agencies' mitigation minimum requirements be met.	Consistent. The DSP and DSP-V scenarios provide for protection of Brisbane Lagoon and wetland areas, as confirmed by the evaluations undertaken as part of this EIR (see Section 4.C, <i>Biological Resources</i> , and Section 4.H, <i>Surface Water Hydrology and Water Quality</i>). Implementation of EIR Mitigation Measures 4.C-2a through 4.C-2c will ensure that impacts are less than significant, and will implement General Plan Policy 103.1 in relation to the impacts resulting from proposed Baylands development. The DSP/DSP-V scenarios do not specify that only the regulatory agencies' mitigation minimum requirements be met.
<u>Policy 130.2</u> Consider wetland restoration as a part of flood control projects.	Consistent. Mitigation requirements for impacts to wetland address not only remediation, grading, and development of buildings within the Project Site, but also address required infrastructure development, including drainage facilities.	Consistent. Mitigation requirements for impacts to wetland address not only remediation, grading, and development of buildings within the Project Site, but also address required infrastructure development, including drainage facilities.
<u>Policy 130.3</u> Seek grant funding for a wetland restoration plan in Brisbane.	Consistent. While the City may still seek grant funding for a citywide wetland restoration plan, proposed new development within the Baylands will be required to implement applicable wetlands mitigation measures.	Consistent. While the City may still seek grant funding for a citywide wetland restoration plan, proposed new development within the Baylands will be required to implement applicable wetlands mitigation measures.
<u>Policy 130.4</u> Wetland and mitigation areas that are mitigations for project impacts must be protected by recorded deed restrictions.	Consistent. Enforceable deed restrictions will be required to ensure preservation of protected and restored wetland areas.	Consistent. Enforceable deed restrictions will be required to ensure preservation of protected and restored wetland areas.
<u>Policy 130.5</u> It is Brisbane's desire that mitigation for Brisbane's wetland losses occur somewhere within the jurisdictional boundaries or sphere of influence of the City of Brisbane, if feasible.	Consistent. Implementation of Mitigation Measures 4.C-2c, 4.C-4a, and 4.C-4b, calling for replacement and restoration of wetlands, will be required to be consistent with General Plan Policy 130.5.	Consistent. Implementation of Mitigation Measures 4.C-2c, 4.C-4a, and 4.C-4b, calling for replacement and restoration of wetlands, will be required to be consistent with General Plan Policy 130.5.

BCC-100 [See page 5-184 for the original comment] See Master Response 7 regarding use of the 2010 baseline year and Master Response 10 for discussion of past activities. Since the analyses in the Draft EIR incorporate landfill closure and grading of the entire Baylands Project Site, these analyses and related mitigation measure address the concerns set forth in Comment BCC-100.

BCC-101 [See page 5-184 for the original comment] Mitigation Measure 4.C-4a identified in Draft EIR Section 4.C, *Biological Resources*, mandates implementation of a comprehensive multi-habitat approach to integrating ecosystem function across the Baylands for the benefit of wildlife movement. The Draft EIR also references additional requirements and performance standards of on-going maintenance, including identification of funding for long-term maintenance as described in Mitigation Measure 4.C-1g. In addition to the Mitigation Measures set forth in the Draft EIR, CEQA requires preparation of a Mitigation Monitoring and Reporting Plan to ensure implementation of required mitigation measures. Please see Master Response 3 for a discussion of relevant CEQA requirements for mitigation monitoring and Section 4.0 of the Final EIR for the specific provisions for monitoring implementation of biological resources mitigation measures.

BCC-102 [See page 5-184 for the original comment] Please see Master Response 1 for a discussion of programmatic analysis and requirements for future CEQA review of site-specific development proposals. To the extent that new techniques and technologies become available and are feasible, these may be incorporated into future environmental documents to avoid or reduce the physical impacts of site-specific development as required by CEQA.

BCC-103 [See page 5-184 for the original comment, Participation in regional Bay restoration projects would not mitigate the specific physical impacts of proposed Baylands development and is not, therefore, included in the Draft EIR. The City will consider such a requirement as part of its planning review for the Baylands.

BCC-104 [See page 5-184 for the original comment] All building construction within the Baylands will be required to comply with the most recent adopted California Building Code in effect at the time building permits are issued, including applicable energy conservation requirements.

Comment BCC-104 suggests including overcrossings for terrestrial wildlife species that would be located with infrastructure or transportation facilities to facilitate wildlife movement at the Baylands. The Draft EIR acknowledges the values of contiguous habitats that allow for animals to move across the Baylands Project site without conflicting with urban development or infrastructure. Mitigation Measure 4.C-1g includes the requirement for designing and implementing contiguous open space and animal movement corridors. This

measure will address wildlife movement, and does not preclude building designs or overcrossings that would provide for wildlife movement through developed areas. Furthermore, there are no special status terrestrial species known to occur within the Baylands that would trigger the need to require overcrossing of the existing Caltrain tracks. Locally occurring species navigate existing infrastructure at the site and the performance standards and mitigation measures included in the Draft EIR would result in overall improvement across the site in terms of wildlife movement compared to the existing condition.

BCC-105 [See page 5-185 for the original comment] As discussed under Impact 4.C-1 at pages 4.C-35 and 4.C-36, suitable habitat for special status plants occurs at the western edge of the Baylands Project Site on Icehouse Hill. No special status plants were found or expected to occur in other areas on the Baylands Project site, based on reconnaissance level surveys, database review, and the professional judgment of qualified biologists. The comment does not include any additional information regarding special status plants.

In addition to the rare plant habitat and suitable special status invertebrate habitat discussed in Section 4.C of the Draft EIR, species of concern with the potential to occur within the Baylands include fish species and raptors or migratory birds.

BCC-106 [See page 5-185 for the original comment] While encouragement of beekeeping operations to “support a healthy native bee population” may have positive environmental benefits, there are no impacts resulting from proposed Baylands development to support imposition of such a mitigation requirement pursuant to the provisions of CEQA.

BCC-107 [See page 5-185 for the original comment] This comment cites the statement in the Draft EIR that calls for “establishing a buffer zone of no less than 25 feet...” adjacent to construction areas, and raises the concern that dust and fine particulate matter are known to impact the health of butterflies, their larvae, and insects by sealing off avenues of respiration.

Mitigation Measure 4.C-1b is revised to read as follows:

Mitigation Measure 4.C-1b. Documented plant occurrences on Icehouse Hill shall be avoided by establishing a buffer zone of no less than 25 feet prior to Project trail construction, or other ground-disturbing activities having the potential to disturb or result in mortality of special-status plant populations. This buffer zone, whose specific width shall be determined based on site-specific analysis of proposed construction techniques and their potential for dust creation, shall be demarcated using flagging, orange fencing, or any other visual barrier between plant populations and the active disturbance footprint. Buffer distances may be increased if hydrology features would be altered as a result of train construction.

Trail configurations shall be sited to avoid special-status plants and *Viola pedunculata*. In the event the City determines that trail construction cannot be accomplished without disturbance or mortality then trail construction would be abandoned and Icehouse Hill would remain closed for public uses, special status plants shall be restored onsite in either the annual grassland or coastal scrub habitat located on Ice House Hill. Restoration would be at a 1:1 ratio consistent with typical CDFW requirements in areas that are to remain as post-development open space, as is Icehouse Hill. The 1:1 replacement ratio shall be met at the end of five years, and may therefore require initial plantings at a greater than 1:1 ratio, as determined by a qualified botanist. If feasible, special status plants and/or seeds shall be salvaged from on-site plants and used for any replacement plantings.

Trail configurations shall be sited to avoid special-status plants and *Viola pedunculata*. In the event If the City determines that trail construction cannot be accomplished without disturbance or mortality, no trails would be constructed and Icehouse Hill would remain closed to public uses is unavoidable, special status plants shall be restored onsite in either the annual grassland or coastal scrub habitat located on Ice House Hill. Restoration would be at a 1:1 ratio consistent with typical CDFW requirements in areas that are to remain as post-development open space, as is Icehouse Hill. The 1:1 replacement ratio shall be met at the end of five years, and may therefore require initial plantings at a greater than 1:1 ratio, as determined by a qualified botanist. If feasible, special status plants and/or seeds shall be salvaged from on-site plants and used for any replacement plantings.

To reduce impacts from off-trail use, and increased horse use in association with trail riding, trail head signage shall be required to educate the public regarding sensitive resources and restoration that would be affected by off-trail use. Mitigation areas shall be fenced or marked for three years. Protected areas shall be marked in perpetuity. Trail use rules shall be developed prior to trail construction, and in addition to limiting use to identified trails, may include other requirements to limit the possibility that sensitive species would be impacted.

As part of trail construction, native grasses, and host plant species for special status butterflies shall be planted to enhance the existing habitat and assist in soil stabilization on Icehouse Hill. A planting palette shall be designed by a qualified botanist in coordination with the San Bruno Mountain Habitat Conservation Plan using plant species that are known to have high survival rates and are compatible with the flora and fauna of the region, as proven by successful restoration efforts on San Bruno Mountain.

To avoid indirect impacts to special status plant species that could occur if slope drainage or surface hydrology is modified as a result of trail construction **Mitigation Measure 4.C1-g** shall also be applied.

~~Prior to issuance of project approvals, and in coordination with state and federal permitting requirements, a five-year restoration mitigation and monitoring program shall be developed and implemented for any planting areas established to mitigate impacts to special status species plants. Restoration success criteria shall include:~~

- ~~1) Establishment of mitigation site(s) at or near the location of impacts where plant restoration will occur.~~
- ~~2) A qualified botanist shall identify an appropriate plant palette and restoration methodology compatible with the specific impacted special status species. Mitigation sites could include existing annual grassland or coastal scrub habitat areas on Icehouse Hill, depending on site conditions and locations of special status plants found.~~
- ~~3) No loss in total number of individual plants in a special status plant population found on Project Site shall be verified at the end of the five-year monitoring period established in coordination with state and federal agencies with jurisdiction over these resources.~~

Through continuing efforts of the teams engaged in management and maintenance of habitats at the San Bruno Mountain State Park, the knowledge of species' requirements and effective enhancement measures continue to evolve. Throughout the 20-year build-out proposed at the Baylands, adaptive management and further refinement of effective management measures may become known and may be incorporated by reference or directly into any future CEQA analysis for Baylands project-specific analysis. For some projects, concurrence or permits from federal and state regulatory agencies with jurisdiction over plant and wildlife resources may be required. This means that direct and indirect impacts, including potential impacts of project-specific dust production, would be addressed and mitigated using current knowledge and practices at the time of project implementation. Consistent with the comment, revised Mitigation Measure 4.c-1b would require site-specific analysis of development projects, including the potential for dust generation determine appropriate buffer distances.

BCC-108

[See page 5-186 for the original comment] The Mitigation Measure referred to in this comment specifically addresses special status plants, including those within upland habitats. Mitigation requirements for impacts to riparian and upland habitats are addressed in Mitigation Measures 4.C-2a through 4.C-2c. The state and federal policy for replacement of impacted wetland area is a minimum of 1:1 replacement as measured in acres of impacted wetland. Where restoration or replacement of wetlands is proposed, success criteria for the replacement area is measured in terms of the number of plants surviving over time.

On page 4.C-37, Mitigation Measure 4.C-1b includes this restoration success criterion 3): "No loss in total number of individual plants in a special status plant

population found on the Project Site shall be verified at the end of the five-year monitoring period established in coordination with state and federal agencies with jurisdiction over these resources.” This success criterion is consistent with standard practice for determining impacts to rare plants. Standard practice for determining impacts to rare plants addresses each individual plant and the outcome of that plant’s response to direct and indirect impact, with the stated goal of no net loss because individual special status plants are protected. It is expected that at the time of analysis for site-specific development projects and coordination with the state and federal regulatory agencies with jurisdiction over these resources that acreage calculations could be included in mitigation requirements, where appropriate, when more detailed information about the specific plants, including their setting and relationship to adjacent vegetation becomes known. Direct impacts to be mitigated would include direct take of one or more individual plants, while indirect impacts to be mitigated would include changes to drainage patterns or other adjacent area conditions that would result in loss or degradation of existing habitat, which is determined for each affected plant to determine the overall acreage of impact and needed mitigation, which provides for a more precise delineation of impacts than could be addressed at this time.

Mitigation ratios for impacts such as impacts to rare plants or suitable habitat for special status invertebrates typically *start* at a 1:1 replacement ratio⁶, as discussed in the General Plan and Open Space Policies, and recognize that 1:1 is a minimum⁷. As part of the regulatory process required for all site-specific development reviews, state and federal regulatory agencies will weigh in and determine their mitigation ratios, which are typically greater than 1:1. The City’s General Plan and Open Space policies provide a minimum ratio, but do not mandate the actual appropriate mitigation ratios, since those ratios are determined by regulatory agency staff per the mandates of the state and federal Endangered Species Acts. Mitigation Measure 4.C-1b states, “The 1:1 replacement ratio shall be met at the end of five years, and may therefore require initial plantings at a greater than 1:1 ratio...” This language is included in the Draft EIR as a means of establishing the expectation that 1:1 mitigation ratio may be exceeded, but will not be permitted to fall below this minimum requirement.

BCC-109 [See page 5-186 for the original comment] The San Bruno Mountain Habitat Management Plan indicates that, “due to the high cost and difficulty of propagating viola, restoration of callippe habitat at this time is likely better served through large scale brush removal that opens up grassland habitat and

⁶ No policies exist that specifically address mitigation ratios. While the Clean Water Act is based on a “no net loss of wetlands” policy, depending upon the quality of wetland habitat being impacted, a range of mitigation ratios may be appropriate.

⁷ Success criteria are established for mitigation monitoring purposes after the mitigation ratio (replacement/restoration of *x* acres for each acre impacted). If success criteria are not met, the mitigation measure is not considered to be successful, no matter what mitigation ratio was originally established.

allows for natural recruitment of viola.” (SBMHMP 2007). Based on additional data regarding the unsuccessful restoration efforts at San Bruno Mountain for johnny jump-up (*Viola pedunculata*) Mitigation Measure 4.C-1b has been updated to reflect current understanding of this host plant species. Revised Mitigation Measure 4.C-1b requires trail configurations to *Viola pedunculata*. (see Response BCC-107).

BCC-110 [See page 5-186 for the original comment] No native grassland habitat areas other than Icehouse Hill have been identified within the Baylands Project site. With the exception of Icehouse Hill, Baylands upland habitats occur on fill material deposited after landfill operations ceased. Therefore, native, undisturbed soils that could support native upland habitats do not exist except on Icehouse Hill.

BCC-111 [See page 5-186 for the original comment] Grazing of horses on Icehouse Hill is an existing condition. Grazing is acknowledged to be an existing condition and it is not currently managed for the benefit of host plants or special status butterflies. The grazing on Ice House hill that is on-going contributes to habitat degradation. The Draft EIR includes mitigation measures that would address horse use of Ice House Hill once site development occurs and the area is established as open space with passive use trails. The following is hereby added as the final bullet point of Mitigation Measure 4.C-1c.

- “Establishment of seasonal restrictions or a period during which horses would be permitted to occur on Ice House Hill associated with passive recreation areas shall be implemented in a manner that coordinates best with the use pattern of special status butterflies, under consultation with a Lepidopterist.”

BCC-112 [See page 5-186 for the original comment] Contrary to the assertion in Comment BCC-112, lighting impacts are addressed as part of the analysis of Impact 4.C-4. Mitigation Measure 4.C-4b on page 4.C-65 and Mitigation Measure 4.C-4d on page 4.C-57 address impacts of night lighting on biological resources within the Baylands.

None of the four concept scenarios analyzed in the Draft EIR include plans for development of cell phone or radio towers. In addition, because the Baylands Project site currently has full cell and radio coverage, construction of additional cell or radio towers is not a reasonably foreseeable result of proposed Project Site development, and is not therefore analyzed in the Draft EIR.

BCC-113 [See page 5-186 for the original comment] “Promenades” are included in the definition of open space for concept plan scenarios to promote alternatives to the use of automobiles, including bicycling and walking. The Draft EIR identifies *existing* undeveloped areas as potential raptor foraging habitat, and discusses the

loss of that habitat as an impact. The second full paragraph on page 4.C-40 is revised to read as follows.

Build out of Project Site development would result in grading and developing existing ruderal, and non-native annual grassland habitats as well as remediation of the unpaved, non-vegetated developed areas under current commercial use (i.e. the landfill area). Resident and migratory raptors currently use ruderal, non-native annual grassland and land fill areas for foraging. Initial loss of these habitats would occur during site remediation and grading as the existing substrates will be modified. Over time the newly graded and developed site would be used by raptors species and although the total overall amount of foraging area would be reduced by approximately one third under the CPP/ CPP-V scenarios and approximately one half under the DSP/DSP-V scenarios, raptors would continue to use open space areas within the Project Site for foraging after Project Site development build out is complete. ~~The CPP/ CPP-V scenarios would result in approximately 203 acres of habitat enhancement and open space areas that would provide potential foraging habitat for raptors after site build out is complete. The DSP/DSP-V scenarios would include approximately 150 acres of open space, habitat areas and promenades that would provide potential foraging habitat for raptors.~~

BCC-114 [See page 5-186 for the original comment] While the County maintains vector control programs, calls and communication with County Health System staff indicate that no such actions are currently occurring at the Baylands. Poisoning and trapping of small rodents could have a negative effect on habitat values for birds of prey in open space areas at the Baylands. Thus, Mitigation Measure 4.C-4b has been revised (see Final EIR Chapter 3.0).

BCC-115 [See page 5-186 for the original comment] While information on the range and habitats of certain fauna may be known, such knowledge does not support a conclusion that the loss of any food source or habitat constitutes a significant impact. The paragraph cited in this comment notes that in the vicinity of the Baylands Project site, the San Bruno Mountain State and County Park “provides more than 2,000 acres of significantly higher quality foraging habitats that are protected in perpetuity.” The Draft EIR’s conclusion that is cited in Comment BCC-115 is based on the conclusion that large areas of foraging habitat will remain available during Project site remediation and construction, as well as after completion of development within the Baylands. In addition, implementation of Mitigation Measures 4.C-4a (Project-wide Open Space Plan) and 4.C-4b (Marsh Wildlife and Habitat Protection Plan) will provide for enhancement of onsite raptor foraging habitat.

- BCC-116** [See page 5-187 for the original comment] See Response BCC-108. The mitigation ratio cited in the Draft EIR -- “not less than 1:1” is a *minimum* permitted mitigation ratio, and does not preclude the City from requiring a higher replacement ratio where needed to provide suitable replacement habitat that would protect onsite habitat values, and reduce the project’s impacts to less than significant. Please also note that under CEQA, mitigation must be “roughly proportional” to the impacts of the project. (CEQA Guidelines Section 15126.4(a)(4)(B).)
- BCC-117** [See page 5-187 for the original comment] Mitigation identified in the Draft EIR would reduce impacts to raptors related to habitat modification or loss to less than significant; the strategies suggested in the comment to require “denser” planting of trees, vegetation strategies for roofs, parking, and other areas, or nesting platforms for raptors or migratory birds is not necessary. The evaluation of Impact 4.C-5 and the corresponding mitigation measures in the Draft EIR require compliance with City of Brisbane tree ordinance. Please see Mitigation Measure 4.C-4a, page 4.C-56 which specifically requires replacement of removed trees at a 1:1 ratio (substituting native species whenever possible), requires landscaped areas to contain a mosaic of native habitat types that support fauna (including raptors) in the surrounding area. Mitigation Measure 4.C-4a also provides that “Nest boxes for bats and cavity-nesting bird species shall be installed in passive recreational areas.”
- BCC-118** [See page 5-187 for the original comment] The comment cites the statement on page 4.C-43 and 44 of the Draft EIR that while micrositing of wind turbines is believed to avoid or reduce impacts, it “*does not ensure that the impact [to raptors and bats] would be reduced to a less than significant level....*” Mitigation Measures 4.C-1e and 4.C-1f provide for micrositing of wind turbines, which would ensure appropriate separation of wind turbines from sensitive areas. In addition, Draft EIR Mitigation Measures 4.C-4b and 4.C-4d provide for light reduction measures within the Baylands Project site. Micrositing is the current standard for avoiding impacts to birds and bats resulting from renewable energy projects, and would include the modeling requested in the comment to address shrouds, housing or other specific features associated with the energy facility design, once a specific proposal for wind energy generation within the Baylands is brought forward.
- BCC-119** [See page 5-187 for the original comment] Characterizing “Industrial Discharge Permits” as allowing “the highest level of contaminants to enter the Bay” is not an accurate statement. One of the key objectives of the SWPPP is to avoid introducing construction run-off and post-construction run-off including any potential contaminants into adjacent water bodies. The methods by which this is accomplished are discussed in Section 4.H, *Surface Water Hydrology and Water Quality*, and 4.C, *Biological Resources*, of the Draft EIR. Mitigation

Measure 4.C-1g requires implementation of erosion control and water pollution control measures consistent with SWPPP requirements, and an on-going maintenance plan, to ensure “no reduction in water and environmental quality.” To provide for a broader application of Mitigation Measure 4.C-1e, its first paragraph is revised to read as follows:

Mitigation Measure 4.C-1g: Construction and operation of proposed ~~recreational uses~~ and open space areas along Visitation Creek or adjacent to the northern lagoon edge shall include implementation of erosion control and water pollution control measures consistent with Storm Water Pollution Prevention Program (SWPPP) requirements, and implementation of an on-going maintenance plan to ensure no reduction in water and environmental quality ~~as a result of recreational uses adjacent to~~ within the Creek and lagoon.

BCC-120 [See page 5-187 for the original comment] The comment states that it is also problematic that a SWPPP is a “voluntary compliance” program, and that monitoring required is not necessarily testing the first draw of stormwater from the new rainy season, but that testing is only required if the first rains happen in a convenient 9-5 business time. As a result, the comment notes that the accuracy of tests can be challenged and should not be considered a true reflection of run-off conditions at the Baylands.

Page 4.C-46 of the Draft EIR describes the construction SWPPP mandate, which is not voluntary. The Draft EIR also includes requirements and performance standards beyond the period of construction such as on-going maintenance, including identification of funding for long-term monitoring, maintenance and practical applications such as litter collection and removal that would be required to be established prior to advancing buildout of the Baylands and that would result in water quality benefits by preventing introduction of debris into adjacent water bodies. To clarify how water quality monitoring is to be conducted as part of the SWPPP, the final bullet point in Mitigation Measure 4.C-1g is revised to read as follows.

- Identify a funding mechanism to ensure site maintenance and implementation of environmental quality monitoring at the creek and lagoon as part of the open space interpretive center. Monitoring parameters ~~may~~ shall include ~~but would not be limited to~~ water quality monitoring that at a minimum tests the first draw of stormwater from the new rainy season, and may include, but not be limited to vegetation monitoring, and passive observation and recording of fish species present.

BCC-121 [See page 5-187 for the original comment] The bullet point referred to in this comment is one of several options to protect water quality in the Brisbane Lagoon. Any construction of diversion dikes or drainage swales as part of Baylands development would be required to comply with the provisions of

Brisbane's NPDES stormwater discharge permit, as well as the provisions of Draft EIR Mitigation Measures 4.C-2a through 4.C-2c so as to protect water quality in the lagoon.

The full text of the 6th bullet in Mitigation Measure 4.C-1g reads, "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." The bullet point referred to in the comment is one of several options for implementation of a SWPPP. Any construction of diversion dikes or drainage swales would need to be in compliance with the Brisbane's NPDES stormwater drainage permit, the mitigation measures set forth in Draft EIR Sections 4.C, *Biological Resources*, and Section 4.H, *Surface Water Hydrology and Water Quality*, to ensure that both wetland areas and water quality are protected.

The purpose of Mitigation Measure 4.C-1g is to reduce overall increases in runoff from the Baylands Project site, as well as to minimize the potential for urban pollutants to enter the lagoon and San Francisco Bay. In such cases as the potential for runoff from the site to impact water quality in the lagoon, to address the heating effects of large paved areas, the Draft EIR will identify areas anticipated to have large impermeable surfaces, and recommend mitigation measures that may include requirements for use of permeable surfaces. Because each of the four scenarios evaluated in the Draft EIR have only been designed at a concept level, the Baylands EIR cannot provide a precise delineation of where permeable and impermeable surfaces will be developed until site-specific development projects are actually designed and proposed. At that time, the specific impacts of using permeable or impermeable surface materials can be evaluated in relation to the program-level evaluations contained in the present EIR for Baylands development. This level of detail in the project design facilitates a much more detailed analysis of biological resources and the mechanisms and potential for project-specific impacts to occur, including the placement of permeable and impermeable surfaces within the developments. It is likely that a combination of subsurface drainage combined with surface filtration mechanisms will be utilized as a means of providing passive treatment to runoff without promoting infiltration into underlying materials such as the waste layer.

BCC-122 [See page 5-188 for the original comment] As noted in Response BCC-121, the purpose of Mitigation Measure 4.C-1g is to reduce overall increases in runoff from the Baylands Project site, as well as to minimize the potential for urban pollutants to enter the Lagoon and San Francisco Bay. By minimizing increases in runoff, sediments, and urban pollutants entering the Lagoon, impacts on sensitive plants and animals will likewise be minimized.

- BCC-123** [See page 5-188 for the original comment] The sixth bullet point in Mitigation Measure 4.C-1g calls for establishment of vegetated swales and use of permeable pavement materials, where appropriate. The seventh bullet point in Mitigation Measure 4.C-1g calls for provision of native vegetation buffers and substitution of vegetation for rip rap, concrete, and other hard shoreline and bank erosion control methods where practical. The Draft EIR does not preclude implementation of “phytoremediation” or other techniques as advances in technology become available.
- BCC-124** [See page 5-188 for the original comment] Issues of sedimentation in the Lagoon and Bay are addressed in Mitigation Measure 4.C-1g.
- BCC-125** [See page 5-188 for the original comment] The fill to be imported for Title 27 landfill closure is different than the fill materials currently being processed as an interim use within the Baylands. Title 27 landfill closure will be undertaken under the authority of the RWQCB, and will not be permitted to create new exposure pathways.
- BCC-126** [See page 5-188 for the original comment] Please see Master Responses 9 and 10 pertaining to identification of wetlands and impacts of past actions that may have impacted wetlands. Impacts to wetlands within the Baylands would occur initially as a result of site remediation activities, and the Draft EIR includes mitigation measures 4.C-2a, 4.C-2b, and 4.c-2c, to offset this impact. Restoration of wetlands impacted by remediation and development activities will be implemented according to current federal and state standards as described in the Draft EIR, including “no net loss” of wetlands. Furthermore, Mitigation Measure 4.c-1g identified in the Draft EIR requires preparation and implementation of comprehensive Open Space and Wildlife Habitat and Marsh Protection plans, which will provide for a mosaic of habitat types including wetlands and riparian habitat to be preserved within the Baylands Project site. Development and implementation of such plans would include analysis of hydrology and availability of water to support on-site constructed wetlands as part of the wetland restoration design process required in Mitigation 4.C-2c. Although coordination with other regulatory agencies like the U.S. Army Corps of Engineers pursuant to the Clean Water Act and the CDFW pursuant to California Endangered Species Act and Fish and Game Code will occur, the City of Brisbane will retain authority over the Baylands Project site, including approval of any habitat creation plans.
- BCC-127** [See page 5-188 for the original comment] The comment cites the statement on page 4.C-48 of the Draft EIR that “*Overall the restored wetlands would exceed the ecological functions-and-values currently present,*” and states that “creating ‘natural assemblages’ and 1:1 mitigation ratios without a stewardship program, is not the same as mitigated habitat restoration.” Mitigation Measure 4.C.4-1a

requires implementation of an open space plan that addresses the entirety of the Baylands Project Site to integrate habitat configurations that facilitate wildlife movement and provide wildlife habitat, including specialized habitats for avian and aquatic species such as seasonal wetlands and riparian habitats. Mitigation Measure 4.C.4-1b requires implementation of a Marsh Habitat Management Plan that would address all portions of the Baylands Project Site subject to tidal action, including and aquatic species that occur in tidal wetlands. Performance standards are built into these mitigation measures, as well as in Mitigation Measure 4.C-2c to support the Draft EIR's conclusion that the ultimate configuration of wetlands within the Baylands, following the restoration required by the Draft EIR will exceed the habitat values present under existing conditions. If any offsite mitigation is proposed, it would be at a higher replacement ratio than the onsite ratio established during regulatory consultation, and would need to be consistent with General Plan Policy 130.5, which specifies the City's preference is for onsite mitigation. It is recognized that improvements will not be immediate, and that habitat restoration and improvements will take a number of years to establish. In addition to the meeting the requirements and performance standards in the mitigation measures set forth in the Baylands EIR, Baylands remediation and development activities that would impact existing wetlands will be subject to the requirements of state and federal regulatory agencies that do not approve permits or implementation of mitigation actions without stringent performance standards for plant survival, vegetation coverage, and mitigation area acreage specified in agency-approved Mitigation and Monitoring Plans.

BCC-128 [See page 5-189 for the original comment] The comment notes that the State's no net loss of wetland policy includes "area," and that both State criteria and the Brisbane General Plan policy have the goal of "increasing" function and value. Through implementation of the open space and marsh enhancement plans and the regulatory agency permitting requirements cited in Response BCC-127, along with implementation of the Brisbane General Plan as part of the City's planning review process will ensure that no net loss of wetland function and value occurs as part of the Project Site development. See Master Responses 3 and 5 for discussion of mitigation monitoring requirements and implementation of legal applicable requirements, such as regulatory permitting for potential impacts to wetlands. By achieving no net loss of wetland area, function, or value, wetlands impacts resulting from proposed Baylands development would be less than significant.

BCC-129 [See page 5-189 for the original comment] Chapter 4.O of the Draft EIR describes the proposed water transfer agreement in detail; provides background information on SFPUC water supply, distribution, and water quality; OID water supply and water rights; the mechanisms for transferring the water from OID through MID and SFPUC to Brisbane; and a water supply assessment (Draft EIR Appendix L) prepared for proposed Project Site development. In addition, the

Draft EIR provides 13 pages of analysis of impacts of the water transfer agreement on pages 4.O-31 through 4.O-44, including analysis on the operation of OID, MID, and SFPUC facilities and distribution systems, and effects on the Tuolumne River.

This comment claims that Tuolumne River water quality does not meet Clean Drinking Water Standards at times and that this is an unmitigable situation for proposed Project Site development. On the contrary, SFPUC constantly monitors water quality for all of its customers receiving drinking water through its distribution system pursuant to the US Environmental Protection Agency and California Department of Public Health standards for drinking water, as stated on pages 4.O-7 to 4.O-8, 4.O-20, and 4.O-21.

BCC-130

[See page 5-189 for the original comment] In relation to Mitigation Measure 4.C-2a, the comment states “fencing, silt-fencing and straw wattles may impede the movement of some animals.” The comment requests that consideration be made for low “breaks” in barrier fences, animal-crossings or trapping and reintroduction of resident species.

The considerations noted in this comment are components of the regulatory permitting process. The open space plan required by Mitigation Measure 4.C-4a, which requires implementation of an open space plan and development designs that provide for wildlife movement and enhance habitat for native wildlife would occur after construction impacts are defined at the project-specific level. Mitigation Measure 4.C-2a on page 4.C-54 is revised to read as follows:

Mitigation Measure 4.C-2a: The applicant shall avoid or minimize adverse effects on sensitive natural communities and restored wetland mitigation areas created to comply with remediation permit requirements or any restored habitat that may have been created as part of site clean-up actions. After Project Site remediation has concluded, measures shall be implemented to avoid impacts to sensitive natural communities or restored habitat areas, including the installation of silt fencing, straw wattles, or other appropriate erosion and sediment control methods or devices to prevent runoff and construction debris from entering these areas. Such measures shall also be employed where pre-construction grading and post-remediation development may require work adjacent to sensitive natural communities, either prior to or after restoration of those areas occurs. Where construction activities occur in the vicinity of sensitive natural communities onsite, the following shall be implemented to ensure no loss of restored mitigation sites:

- Fencing shall be erected adjacent to the areas where construction is occurring to avoid unintended impacts to sensitive natural area that occur just outside the construction area, and shall be constructed in a manner that will not impede wildlife access to wetland areas. Construction workers will be educated about local resources and

instructed to avoid sensitive habitats during construction including limiting any human intrusion into natural areas.

- If work in the vicinity of natural communities cannot be avoided, work within these areas shall be conducted during the dry season, typically between May 1 and October 15, and shall occur under permit authority of CDFW, Corps and RWQCB pursuant to the CWA Section 404 requirements for avoidance, mitigation and monitoring. **Mitigation Measures 4.2-2b** and **4.C-2c** shall also apply if work cannot be avoided in or directly adjacent to sensitive natural areas or restored habitats created as part of site cleanup actions.

BCC-131

[See page 5-189 for the original comment] The phrase “compensation shall be detailed on an impact-specific basis” as used in Mitigation Measure 4.C-2c means that the mitigation that would be required of each site-specific development project must be commensurate with the specific impacts of the site specific development in recognition of CEQA requirements that there be a nexus between the impacts created by a project and requirements for mitigation, and that the extent of required mitigation be “roughly proportional to the amount of project-related impact. (CEQA Guidelines Section 15126.4(a)(4)(A), (B).)

The mitigation measure referenced in the comment is, in fact, broader than “just wetlands,” and requires mitigation for “disturbance to sensitive natural communities” to include compensation for both temporary and permanent loss to “ensure that there is no overall loss of sensitive communities including coastal scrub, willow scrub, tidal marsh, freshwater emergent wetlands, and lined manmade drainages that have bed and bank characteristics,” since these are the onsite communities for which temporary or permanent loss would constitute a significant impact. Please also note that the “impacts” as used in this mitigation measure takes into account indirect impacts, which means impacts to adjacent uplands that would reduce the or impact the hydrologic conditions needed to support existing wetlands. It is in that context that uplands adjacent to wetland habitats are addressed during environmental analysis and permitting for site-specific development projects.

BCC-132

[See page 5-189 for the original comment] The comment notes that the potential use of “offsite mitigation...through an approved mitigation bank” as set forth in Mitigation Measure 4.C-2c would be contrary to Brisbane General Plan policies. The comment states that because “impacts occur here, they should be mitigated here,” and that in either case, mitigation ratios may need to be higher than 1:1.

Development within the Baylands will be required to be consistent with the provisions of the Brisbane General Plan, which states: “It is Brisbane's desire that mitigation for Brisbane's wetland losses occur somewhere within the

jurisdictional boundaries or sphere of influence of the City of Brisbane, if feasible.” There are, however, no provisions of the Brisbane General Plan policies that prohibit the use of offsite mitigation banks (see Brisbane General Plan Policies 81, 81.1, 82, and 85). Mitigation Measure 4.C-2c provides the potential for offsite mitigation through an approved mitigation bank as an alternative, explicitly states that the mitigation banking option may result in a higher mitigation ratios for compensation. Ultimately, whether the use of offsite banking is acceptable is a policy decision to be made by the City of Brisbane, and that on-site replacement and mitigation for habitat loss would be preferred and therefore pursued as part of the site-wide habitat plans called for in Mitigation Measure 4.C-4a.

BCC-133 [See page 5-189 for the original comment] The sensitive natural communities listed in Mitigation Measure 4.C-2c include coastal scrub, willow scrub, tidal marsh, freshwater emergent wetlands, and lined manmade drainages that have bed and bank characteristics,” since these are the onsite communities for which temporary or permanent loss would constitute a significant impact. As stated in Response BCC-131, “impacts” as used in this mitigation measure takes into account indirect impacts, which means impacts to adjacent uplands that would reduce or impact the hydrologic conditions needed to support existing wetlands. It is in that context that uplands adjacent to wetland habitats are addressed during environmental analysis and permitting for site-specific development projects.

The performance standards included in the Draft EIR are consistent with the methods utilized by State and Federal regulatory agency mitigation requirements, compliance with which represents adequate actions resulting in a reduction of impacts to a level that is less than significant. However, based on the comment, the Draft EIR has been revised as follows: The performance standards in the third bullet of Mitigation Measure 4.C-2c have been revised as part of Master Response 9, Identification of Wetlands to provide for 90, rather than 70 percent survival of installed plants for each of the first three years following planting and a requirement for a minimum of 50 percent vegetation cover in Year 5.

BCC-134 [See page 5-189 for the original comment] Meeting the performance standards (success criteria) set forth in Mitigation Measure 4.C-2c is the central purpose of the measure. The monitoring effort included in Mitigation Measure 4.C-2c is intended to document conditions at the site after restoration occurs for the purpose of determining if the mitigation measure has, in fact been implemented (success criteria defined in the permit have been met) and requiring additional work if success criteria are not met. To meet the requirements of this mitigation measure, as well as for regulatory agency permitting, the site *must* meet the success criteria at the five-year monitoring event. If mitigation fails to meet the success criteria, then re-planting, re-grading/re-contouring, or other alterations that would lead to long-term success would be required. The wetland mitigation

sites are subject to monitoring and annual monitoring report submittal to the City and to regulatory agencies such as the Corps, RWQCB, and BCDC until such time as the established success criteria have been met, as approved by these agencies. The applicant is responsible for demonstrating that revegetation criteria are met as part of required mitigation monitoring, and will also be pursued by State and Federal regulatory agencies if the conditions are not met resulting in on-going additional costs including an extended duration of monitoring and reporting to demonstrate compliance. See Final EIR Chapter 4.0, Mitigation Monitoring and Reporting Program, for the specific measures that will be taken to enforce implementation and success of Mitigation Measure 4.C-2c.

BCC-135 [See page 5-190 for the original comment] Mitigation Measure 4.C-2c sets performance standards that *must* be met, including ensuring that the total area and/or overall functions and values of jurisdictional wetlands or waters of the US is maintained. Because that mitigation measure *requires* the total area and/or overall functions and values of jurisdictional wetlands or waters of the US to be maintained impacts associated with filling jurisdictional wetlands during site remediation would be less than significant. In addition to Mitigation Measure 4.C-2c, the impacts discussed on page 4.C-53 of the Draft EIR involve impacts to jurisdictional wetlands or waters of the United States, which require compliance with the provisions of the federal Clean Water Act. The regulatory process defined in the Clean Water Act includes and requires detailed site information pertaining to soils, hydrology, and plants and animals present in wetland habitats to be prepared and evaluated in relation to the precise area of proposed disturbance. However, until actual site-specific grading plans and development projects are proposed, precise areas of proposed disturbance cannot be identified, and the specific area and the overall functions and values of jurisdictional wetlands or waters of the US that might be affected cannot be determined. Thus, the studies called for in the comment would not be of value in relation to implementation of required mitigation until actual site-specific grading plans and development projects are actually proposed. However, the Draft EIR can and does set forth the performance standards that will be required to mitigate impacts and demonstrate compliance with the Clean Act regulatory process,. The regulatory agency mandate of “no net loss” is reflected in Draft EIR Mitigation Measure 4.C-2a, and it is incumbent upon the applicants of specific actions that would disturb wetlands and waters of the United States to develop the detailed studies and materials required to comply with provisions of the Clean Water Act and achieve applicable performance standards. As stated in Response BCC-134, if restored habitats do not meet applicable performance standards, additional work would be required to ensure performance standards are met.

BCC-136 [See page 5-190 for the original comment] The assertions in this comment are incorrect and unsubstantiated. On page 4.C-54, the Draft EIR states that wildlife habitat is present in the Brisbane Lagoon. The lands between the Roundhouse

west to Bayshore, north to Beatty Avenue, and south of the Roundhouse to the Lagoon are vegetated by non-native weed species. The bare ground and invasive weeds that occupy the majority of these areas are not highly valued habitat. Discussion on pages 4.C-3 through 4.C-11 of the Draft EIR correctly and adequately describes the habitats to which the comment refers, including the non-native annual grassland and ruderal, coastal scrub, and invasive scrub habitats and the wildlife species that occur there. Revised Figure 4.C-1 depicts the habitat types in these areas.

To clarify the statement referred to in the comment BCC, the first full paragraph on page 4.C-54 of the Draft EIR is revised to read as follow:

Open space areas in the vicinity of the Project Site that support large wildlife populations and attract wildlife movement include the San Bruno Mountain area to the west of the Project Site, and wetland and aquatic habitats in San Francisco Bay located to the east of the site. Currently, suitable ~~wildlife~~ upland habitat for special status wildlife at the site is limited to Icehouse Hill, which could attract butterfly species present in the San Bruno Mountain area. ~~and~~ In addition, aquatic habitat in the lagoon ~~which~~ may attract fish species present in San Francisco Bay. Butterflies would be attracted by host species that could colonize Icehouse Hill, and fish would potentially be attracted to open water lagoon habitats at the site. Within the interior of the site currently much of the area is open, but habitat quality is low with large expanses of compacted bare ground and not likely to attract or facilitate animal movements in its current condition.

It should also be noted that Mitigation Measure 4.C-4a requires preparation and implementation of a Project wide Open Space Plan that incorporates “designs to provide for wildlife movement corridors and to enhance habitat for native wildlife species.”

BCC-137

[See page 5-190 for the original comment] The Baylands Project Site is adjacent to the existing multi-track Caltrain rail line and Bayshore Boulevard. Both the existing rail facilities and roadway represent substantial barriers to wildlife movement. These existing barriers to wildlife movement presented by the Caltrain line and Bayshore Boulevard are existing conditions, and are not a result of proposed Project Site development. In addition, increased use of the Caltrain line, its potential use for high speed rail, and any means Caltrain may employ to protect the public from rail operations (e.g., fencing) are likewise not a result of proposed Project Site development, and therefore not impacts of proposed Baylands development.

However, as part of Project Site development, new interior roadways will be constructed. Suitable mitigation for Baylands development-related impacts associated with interior roadways to convey onsite traffic are established in Mitigation Measure 4.C-4a, which includes performance standards that require post remediation establishment of wildlife corridors and open space areas that accommodate and provide linkages and habitat assemblies for the purpose of maintaining wildlife movement corridors across the site, minimizing conflicts with roadways and infrastructure. Implementation of this performance standard will benefit wildlife and will serve to limit wildlife interactions with roadways, thereby reducing wildlife movement impacts related to proposed Baylands development to a less than significant level. Performance standards in the Draft EIR associated with implementation of open space designs that incorporate wildlife movement will result in an improvement over existing conditions and focus on riparian, wetlands and restoration of natural features that are far superior in terms of habitat value and habitat connectivity compared to existing conditions, even considering construction of additional roadways on site, which would occur outside of wetlands, riparian or restored habitat areas that would be buffered from roadways and infrastructure using appropriate fencing, vegetation, or non-intensive uses.

If cliff, bank, or barn swallows are found nesting as described in Comment BCC-139, then protective measures would be required to be implemented as specified in Mitigation Measures 4.C-1d and 4.C-4f (per the Migratory Bird Treaty Act) if their nesting area was subject to alteration. Please also see Response BCC-84.

BCC-138 [See page 5-190 for the original comment] Mitigation Measure 4.C-4a requires not just preparation, but also implementation of an open space plan that integrates habitat configurations, facilitates wildlife movement, and provides enhanced wildlife habitat, including specialized habitats for avian and aquatic species such as seasonal wetlands and riparian habitats. As stated in Master Response 3 regarding mitigation monitoring and reporting requirements, EIR mitigation measures must be supported by a Mitigation Monitoring and Reporting Plan that specifies how all EIR mitigation measures will, in fact, be implemented. Chapter 4.0 of this Final EIR sets forth the Mitigation Monitoring and Reporting Program for the Brisbane Baylands EIR, and provides assurance that EIR mitigation measures, including information as to how implementation of Mitigation Measure 4.C-4a will be assured.

BCC-139 [See page 5-191 for the original comment] The comment mischaracterizes the findings of the Draft EIR, which states on page 4.C-55 that “potential impacts to migratory birds associated with increased collision with mid-rise and high-rise buildings would be mitigated to a level that is considered less than significant with application of Mitigation Measures 4.C-4d and 4.C-4.e.” Mitigation Measure 4.C-4d sets forth requirements for buildings taller than 100 feet to reduce lighting

impacts on birds, including a requirement to “extinguish all exterior lighting (i.e. rooftop floods, perimeter spots) not required for public safety.” In addition, Mitigation Measure 4.A-4a sets forth lighting design standards to minimize lighting to that required for safety and comfort, including the requirement that “exterior lighting shall be kept to the minimum required for safety.”

BCC-140 [See page 5-191 for the original comment] The provisions of Mitigation Measure 4.C-4a apply to any specific plan prepared within the Brisbane Baylands. To clarify this intent, Mitigation Measure 4.C-4a is revised to read as follows.

Mitigation Measure 4.C-4a: Development in the Baylands shall be subject to a requirement for a Project wide Open Space Plan to be prepared by a landscape architect in coordination with a qualified habitat restoration biologist and included as a component of ~~the~~ any Specific Plan within the Brisbane Baylands. The Plan shall incorporate designs to provide for wildlife movement corridors and to enhance habitat for native wildlife species. Specific requirements shall include the following:

- Landscaped areas shall contain a mosaic of native habitat types that support fauna of the surrounding area, including coastal scrub, grassland, and willow scrub habitats. Tree plantings shall be limited to native species whenever possible, as these species could create more nesting and roosting habitat for native birds and bats.
- Landscape plans shall incorporate both east-west and north-south open space areas, to promote both linkages between upland habitats and San Francisco Bay and linkages between upland habitats along the Bay shoreline.
- Removed trees shall be replaced at a minimum ratio of 1:1 (native trees shall be substituted for non-native trees whenever possible). The minimum ratio of 1:1 shall be met five years after planting; initial plantings may require greater than 1:1 ratio to achieve this standard.
- Nest boxes for bats and cavity-nesting bird species shall be installed in passive recreational areas.

BCC-141 [See page 5-191 for the original comment] The lighting requirements in Mitigation Measure 4.C-4b represent one component of the overall program to mitigate impacts of proposed development within the Baylands Project Site. Other components to protect sensitive natural communities include:

- Avoidance of impacts, along with minimizing effects where avoidance cannot be accomplished (Mitigation Measure 4.C-2a);
- Maintaining water quality and preventing siltation and urban runoff from entering the lagoon (Mitigation Measure 4.C-2b);

- Habitat replacement where disturbance cannot be avoided (Mitigation Measure 4.C-2c);
- Provision of a mosaic of native habitat types that support fauna or the surrounding area (Mitigation Measure 4.C-4a);
- Provision of habitat linkages between upland habitats and the San Francisco Bay, and between upland habitats long the Bay shoreline (Mitigation Measure 4.C-4a); and
- Programs to avoid attraction of feral cats and other predators (Mitigation Measure 4.C-4b).

Chapter 4 of the Final EIR sets forth how these mitigation measures will be implemented and monitored. As presented in Final EIR Chapter 4.0, all plans and monitoring involving implementation of these mitigation measures are required to be undertaken by qualified biologists. The City's procedures for determining completion of these mitigation measures will be considered by the City Council as part of its review and approval of the Mitigation Monitoring and Reporting Program.

BCC-142 [See page 5-191 for the original comment] The recommendations set forth in this comment will be considered by the City Council as part of its review and approval of the Mitigation Monitoring and Reporting Program.

BCC-143 [See page 5-191 for the original comment] Mitigation Measure 4.C-4b addresses separation between development and habitat areas. As stated in that measure fencing would be provided *only* if adequate separation could not be provided. Thus, providing needed separation is preferred over use of fencing. However, in the case of the DSP and DSP-V concept plan scenarios, both of which proposed residential uses, Mitigation Measure 4.C-4b notes that "fencing would provide a barrier to exclude cats, dogs, and other household pets, which are not effectively deterred by buffers." Thus, physical separation through use of fencing would only be provided where adequate separation cannot be feasibly provided. The fence type specified in Mitigation Measure 4.C-4c would only be provided where perimeter fences or walls would not be appropriate and therefore not required for the adjacent development area.

BCC-144 [See page 5-192 for the original comment] All buildings within the Baylands Project Site will be subject to the City's design review process, and will be required to utilize the most current practices in aviation-strike protection that are available at the time buildings permits are applied for. The recommendations set forth in this comment for additional reviews by City committees and outside entities will be considered by the City Council as part of its review and approval of the Mitigation Monitoring and Reporting Program.

Mitigation Measure 4.C-4e is revised to read as follows:

During design of any building greater than 100 feet tall, the applicant and architect shall consult with a qualified biologist experienced with urban building bird strikes design issues (as approved by the City of Brisbane Planning Department) to identify measures related to the external appearance of the building to minimize the risk of bird strikes. Such measures, which may include the following and/or other measures, shall reflect most current practice in in bird strike protection, and be incorporated into the building's design:

- Treat all windows to decrease reflectivity, including ~~Use of non-reflective tinted glass and~~
- ~~Use~~ window films to make windows visible to birds from the outside.
- Use external surfaces/designs that break up reflective surfaces.
- Use of outdoor lighting and colors of lighting that increase visibility of buildings to birds without substantially increasing energy consumption or decreasing public safety.
- Place bird attractants, such as bird feeders and baths, at least three feet and preferably 30 feet or more from windows in order to reduce collision mortality.
- A report of the design measures considered and adopted shall be provided to the City of Brisbane Planning Department for review and approval prior to construction. The City of Brisbane Planning Department shall ensure that building design related measures to reduce the risk of bird collisions have been incorporated to the extent practicable.

Future site-specific development proposals involving discretionary actions would also be subject to appropriate environmental review. Consistent with CEQA, the City, as lead agency, would be required to consult with trustee agencies with resources affected by the project and other state, federal, and local agencies which have jurisdiction by law or exercise authority over resources which may be affected by the project. (CEQA Guidelines Section 15086(a)(2), (3).) Depending on the future development proposal, this may require consultation with various agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife, and/or the San Francisco Bay Conservation and Development Commission (BCDC). Organizations, such as Audubon Society, may file written requests for notices of preparation of EIRs. (Public Resources Code Section 21092.2, CEQA Guidelines Section 15082(c)(2)(D).)

BCC-145 [See page 5-192 for the original comment] Mitigation Measures to address noise impacts are provided in Section 4.J, *Noise and Vibration*, and include Mitigation Measures 4.J-1a, 4.J-1b, 4.J-3a, 4.J-4a, and 4.J-4b.

Increased use of the railroad facilities or the Bus Rapid Transit system would occur as a result of projects initiated by Caltrain, High Speed Rail, or the San Francisco Transportation Authority and impacts associated with those projects will be disclosed and mitigated at the time such projects are advanced. These potential future projects are not the subject of the Draft EIR. Section 4.J, *Noise and Vibration*, of the Draft EIR identifies impacts and mitigation associated with future noise levels for each concept plan scenario at the Baylands. This evaluation was completed by noise evaluation experts.

Section 4.J includes measures designed for minimization of noise impacts according to current standards and requirements for human populations. Existing conditions at the Baylands include noise and disturbance associated with on-going activities such as the Soils Processing facility, on-going operation of the Recology facility, local traffic, and existing Caltrain and Highway 101 freeway operational noise. Local wildlife populations will have already acclimated to these conditions in order to continue occupying the site. Insomuch as site development activities and occupation of the site after buildout will impact special status wildlife including breeding birds protected under the Migratory Bird Treaty Act or the California Fish and Wildlife Code, these items are addressed in the Draft EIR. Page 4.C-49 of the Draft EIR evaluates the potential for Baylands development-related noise to impact breeding birds, both during construction and as a result of site build-out. Mitigation measure 4.C-4f includes performance standards to offset impacts of noise on nesting birds and sensitive natural communities, including limitations on construction during the breeding season, and separation of construction activities from construction activities. Mitigation Measure 4.C-4f recognizes that surveys alone will not mitigate noise impacts, and therefore requires that should surveys of “all trees in line-of-sight and within 500 feet of construction for raptors, and all vegetation (including bare ground within 250 feet) for all other species” find active nests are found, “tree removal or tree trimming and construction activities, including soil disturbance, construction noise, increased human presence, would be halted and the nest would be monitored by a qualified biologist who shall verify when the nestlings have fledged and left the nest” before construction activities could be resumed. Furthermore, the Draft EIR includes restrictions on pile driving which anticipates and prohibits and prevents potential impacts to wildlife associated with sound or vibration in the Lagoon aquatic habitat.

In addition, Mitigation Measure 4.J-4a sets forth standards to reduce noise from Baylands Project Site construction activities. Section 4.N, *Traffic and Circulation*, includes requirements for implementation of San Mateo County Congestion Management Plan requirements to reduce the number of vehicle trips generated by new development (see page 4.N-27). This measure reduces site generated vehicle trips to the extent practicable. And the performance standards that require establishment of contiguous habitats, open areas and wildlife

movement areas will reduce the potential for conflicts or noise effects upon resident wildlife in the open space area, beyond the buffer or appropriate fencing intended to separate open space from roads or high use areas that would generate noise or even lighting.

BCC-146 [See page 5-192 for the original comment] The San Bruno Elfin, Bay Checkerspot, Mission Blue, Callippe Silverspot, and Myrtle Silverspot are all included in Appendix E. The species with the potential to occur at the Baylands are discussed in the Draft EIR text and addressed in Impact 4.C-1 and Mitigation Measures 4.C-1 a, b, and c, addresses potential impacts to sensitive butterfly species with moderate to high potential to occur within the Baylands Project Site because source populations are known from nearby (i.e., Mission blue butterfly and Callippe silverspot butterfly), or suitable habitat is present. Also, the Draft EIR states on page 4.C-4, “Johnny jump-up (*Viola pedunculata*), the host plant for the federally listed endangered callippe silverspot butterfly (*Speyeria callippe callippe*), was observed in a patchy but relatively abundant distribution” within the Baylands Project Site. In addition, Table 4.C-1 observes, “One unidentified lupine species, (i.e. *Lupinus* sp. not keyed to the species level) was observed on Icehouse Hill during ESA’s 2011 reconnaissance site visit” for mission blue butterfly.

BCC-147 [See page 5-192 for the original comment] Please see analysis of Impact 4.C-1 and Mitigation Measures 4.C-1 a, b, and c. Please also note that Mitigation Measure 4.C-1b has been revised as described in Response BCC-107 to reflect current understanding of restoration actions and their effectiveness. This change essentially recognizes that some native plant species are difficult to propagate and require specific management techniques. Native plants are encouraged by the City of Brisbane in landscape vegetation, please see Brisbane General Plan Policy 128 discussion on page 4.C-28 of the Draft EIR. Please also see Response BCC-146.

BCC-148 [See page 5-192 for the original comment] The anise swallowtail (*Papilio zelicaon*) is included on the checklist of Butterflies and Moths of San Francisco County (Opler et al. 2012). Counts of anise swallowtail recorded during the 2011 San Francisco Annual butterfly counts (count radius included Brisbane) were an all-time national record high (NABA 2014), and Anise Swallowtail and has been one of the most commonly observed species on Annual Butterfly Count for San Bruno Mountain from 2009-2012 (San Bruno Mountain Watch 2014). This species is not listed as threatened or endangered, and is not considered locally rare. Populations of the anise swallowtail (*Papilio zelicaon*) at sea level have several generations (late February or March-October) and breed primarily on non-native plants including, sweet fennel (*Foeniculum vulgare*), poison hemlock (*Conium aculatum*), and Queen Anne’s lace (*Daucus carota*) (ICE 2014). This ecotype may have originally inhabited tule marshes and bred on water hemlock

(*Cicuta douglasii*) and *Oenanthe*; these plants are still used, but far less frequently than non-native host plant species (ICE 2014). Both sexes exhibit a wide array of nectar flowers.

Sources:

- [NABA 2014]. North American Butterfly Association. 2014. <http://www.naba.org/>. (Accessed: April 11, 2014).
- San Bruno Mountain Watch. 2014. <http://www.mountainwatch.org/naba-sbm-butterfly-count>. (Accessed: April 11, 2014).
- Opler, P. A., K. Lotts, and T. Naberhaus, coordinators. 2012. Butterflies and Moths of North America. <http://www.butterfliesandmoths.org/>. (Accessed April 11, 2014).
- [ICE 2014]. Information Center for the Environment (ICE). Art Shapiro's Butterfly Site. University of California, Davis. <http://butterfly.ucdavis.edu/butterfly>. (Accessed April 11, 2014).

Table 4.C-1 has been updated in the Final EIR to include recent detection of this species (see Chapter 3.0 of the Final EIR).

BCC-149

[See page 5-192 for the original comment] The San Francisco forktail damselfly (*Ischnura gemina*) is considered an IUCN Vulnerable (VU) species and has a state rank of S2 which is defined as 1,000-3,000 individuals or 2,000-10,000 acres. This species is not listed as threatened or endangered by CDFW or USFWS, but is considered rare in its range. This species is endemic to the San Francisco Bay Area. The San Francisco forktail damselfly requires permanent freshwater marshes or other open aquatic habitats for mating and reproduction. This species has been known to inhabit temporary urban pools found at construction sites, and has also been sighted at the base of steep hills where freshwater has seeped down and accumulated.

In March 2014 biologists attempted to contact Dr. John Hafernick to discuss this comment regarding the reported find of a forktail damselfly in local wetlands; however, there has been no response to date. The California Natural Diversity Database (CNDDDB) indicates a forktail damselfly population was observed in a marsh near the Southern Pacific Railroad across from Industrial Boulevard, by Bayshore Boulevard in Brisbane in April 1978 (CDFW 2014). Two male and two female larvae were collected by R. Garison in 1978.

There are no CNDDDB records or other known observations to support presence of this species on the Baylands Project Site for over thirty years, and Dr. Hafernick is unavailable to provide additional detail regarding when and where he observed this species more recently. San Francisco forktail damselfly is included in the CNDDDB list in Appendix E, and this response provides additional detail regarding the CNDDDB record that supports historical presence of this species on the project site.

However, this additional information is insufficient to support a determination that the species currently has a moderate to high potential to occur on site, or to alter the conclusions or impact determinations presented in the Draft EIR.

Source: California Department of Fish and Wildlife (CDFW). 2014. California Natural Diversity Database. Query March 4, 2014.

Despite the uncertainties regarding this comment, Table 4.C-1 has been updated to include recent detection of this species.

- BCC-150** [See page 5-192 for the original comment] Larval host plant for San Bruno elfin butterfly is *Sedum spathulifolium*, which has not been identified on Icehouse Hill. *Sedum* is a perennial forb species that would be identifiable if present within the Baylands during the various floristic survey periods undertaken for the Draft EIR. Because there are no sightings of this plant during any study period, the Draft EIR concluded that there was low potential for the San Bruno elfin butterfly within the Baylands Project area.
- BCC-151** [See page 5-192 for the original comment] Existing feral animal populations at the site are part of the Existing Setting, and not an impact of Project Site development addressed in the Draft EIR. The Draft EIR does, however, analyze the Project site development-related impacts of feral cats and dogs as well as the introduction of household pets if residential development is ultimately permitted within the Baylands. Mitigation Measure 4.C-4b, page 4.C-57 and in Mitigation Measure 4.C-4c, page 4.C-57 both address impacts of household pets on area wildlife.
- BCC-152** [See page 5-192 for the original comment] The Draft EIR recognizes impacts associated with increased foot traffic during construction and as a result of build-out. This is considered and addressed in the performance standards that establish wildlife migratory corridors. Buffers have been established around such corridors for the purpose of limiting wildlife-human interaction as a result of recreational uses. With respect to dog walking, the pet policy required by Mitigation Measure 4.C-4c would require dogs to be kept on a leash while outdoors or on passive use trails, except in dog parks revised to read as follows:

Mitigation Measure 4.C-4c: All development on the Baylands shall be required to have a no pets policy for construction workers. All development within the Baylands that includes a residential component shall also include a pet policy that requires residents to adhere to the measures of this policy to prevent impacts on wildlife from domestic animals. The policy shall become a part of the Covenants, Conditions, and Restrictions (CC&Rs) attached to each property deed for for-sale residential properties and enforced through the homeowners association or other entity specified in the CC&Rs, and made part of leases for residential rental properties and commercial leases within the Project

Site. The pet policy shall limit the number of animals per residence and require adult cats, dogs, and rabbits to be spayed or neutered. Cats and dogs shall be required to be kept inside the residences and allowed outside residences only if on a leash and under the tenant's control and supervision, except within areas specifically designed as dog parks. Pet owners shall be required to remove any pet waste from trails or any other areas within the Baylands to prevent potential introduction of pathogens to local wildlife populations via transmittal through fecal matter. To provide effective predator control, feral animal trapping may be necessary.

BCC-153 [See page 5-192 for the original comment] Revised Mitigation Measure 4.C-2c includes performance standards that must be met, consistent with (and more stringent than) the commenter's recommendation that "measurable habitat goals" should be established. See -BCC-133 for discussion of required survival rates in restoration projects. However, mitigation also provides for additional methods of separation, such as barriers, where it is not possible to provide a large enough setback. Mitigation Measure 4.C-4b would allow fencing if adequate separation could not be provided, although separation is preferred. (See Response BCC-143.) Revised Mitigation Measure 4.C-1b requires that trail configurations provide a minimum 25-foot setback from special status plant populations, consistent with the commenter's recommendation. (See Response BCC-107.)

BCC-154 [See page 5-193 for the original comment] The Draft EIR recognizes that the Brisbane Lagoon provides valuable habitat for avian species, and includes a performance standard of no in-water construction and no development in the lagoon as a means of protecting the habitat and preserving it even as the site-build out occurs. Because of the value of this habitat, even construction related to the creation of islands or any type of restoration action proposed in the Lagoon waters would require extensive coordination with resources agencies, and permitting for such an action would be a long process which may or may not be ultimately secured because there is no basis in the Draft EIR or related to site development as proposed for requiring such an improvement at the Lagoon. Altering sensitive aquatic habitat is subject to a very high degree of regulatory oversight, was not proposed, and is therefore not evaluated in the Draft EIR.

BCC-155 [See page 5-193 for the original comment] Table 4.C-1 of the Draft EIR, which evaluates potential for the Baylands Project Site and surrounding habitat to support spawning has been revised to better recognize that spawning is a critical life phase known to demand very specific conditions (see Final EIR Chapter 3.0). See also Response BCC-87 for an expanded discussion of special status fish within the Project Site that more clearly explains the reason for the conclusion that no spawning habitat occurs.

- BCC-156** [See page 5-193 for the original comment] This comment reflects an understanding of the connected nature of watersheds and habitats since such features often occur across multiple political boundaries. As the comment acknowledges, habitats referenced in the comment have been altered as a result of past actions at the Baylands. However, these past actions did not occur as part of the actions currently proposed. The Draft EIR analyzes the effects of the proposed Project Site development scenarios. It is entirely likely that as part of implementation of Mitigation Measures 4.C-4a and 4.C-4b, which require site-wide wildlife migration corridors and marsh habitat protection, cooperation and collaboration between the City and other entities will occur. Furthermore, the proximity of the Baylands to the State Park at San Bruno Mountain and the regional understanding of the value of remaining habitat areas in close proximity to dense urban development make the Baylands an ideal location for multi-agency collaboration pertaining to habitat. However, actions of this nature go beyond the physical environmental changes that would result from proposed development of the Baylands under the Project development scenarios evaluated in this EIR.
- BCC-157** [See page 5-193 for the original comment] See Response BCC-84 for a discussion of the unarmored three-spine stickleback and its known distribution in California and at the Baylands.
- BCC-158** [See page 5-193 for the original comment] See Response BCC-87 for a discussion of special status fish movement and connectivity.
- BCC-159** [See page 5-193 for the original comment] The comment includes no factual basis to support the assertion that the Draft EIR conclusions are incorrect. The overall assessment of habitat suitability for San Francisco garter snake was completed using appropriate analysis parameters provided by WRA, with details found on page 4.C-19 and 4.C-20 of the Draft EIR. The Baylands Project Site was found to have a low potential for suitable habitat based on those parameters. If no suitable habitat including sufficient permanent water source is present, the species will not be drawn to the site to forage and would not use the site for breeding or other life stages and additional study is not warranted. See page 4.C-20, paragraph 2, which provides more detail about the lack of habitat quality, in addition to the lack of sufficient permanent water sources. Red-legged frogs were not observed during site surveys. Additionally, annual reports for the San Bruno Mountain Conservation Plan area, which contains more suitable habitat to support these animals, has not recorded this species' presence in 30 years.
- BCC-160** [See page 5-193 for the original comment] Two box culverts currently allow twice daily tidal exchange between the Lagoon and the San Francisco Bay. The influx of Bay waters at high tide creates open water foraging habitat for species such as the Brown pelican. Brown pelican could potentially be present on the site

for foraging, but the site is unsuitable for brown pelican nesting (see Draft EIR Table 4.C-1). Please see Response BCC-88 for discussion of California clapper rail. If bank swallows are found nesting as described in the comment, protective measures would be implemented as specified in Mitigation Measures 4.C-1d and 4.C-4f. Salt-marsh harvest mouse habitat is not present on the site in the south end of the Lagoon as discussed in Table 4.C-1, page 4.C-65 of the Draft EIR.

BCC-161 [See page 5-194 for the original comment] Swallows utilize manmade structures as nesting substrate and if the species is found nesting on manmade structures in the project area protective measures would be implemented as specified in Mitigation Measures 4.C-1d and 4.C-4f.

BCC-162 [See page 5-194 for the original comment] Brown pelican could potentially be present foraging at the Lagoon within the Baylands, but the site is unsuitable for brown pelican nesting as discussed in Table 4.C-1. Development of the site would not encroach upon existing potential pelican foraging habitat as none of the alternatives include encroachment upon the Lagoon open water habitats.

BCC-163 [See page 5-194 for the original comment] See Response BCC-78 for discussion of the former sand dunes.

This comment appears to indicate that plants in the genera *Arctostahylos* (manzanita is a common name for plants in this genus) and *Lessingia* should be studied more closely, but does not link this recommendation to any specific concern regarding description of existing conditions or impact analysis in the Draft EIR. However, the location for any potential occurrence for manzanitas and lessingia would be within Icehouse Hill as suitable native substrate does not occur beyond Icehouse Hill.

The presence of invasive plant species within the Baylands is an existing condition, and therefore, not an impact of proposed Project Site development. Under all project alternatives, site remediation would remove existing substrate including existing invasive plant populations and replace the existing condition with native species and non-invasive horticultural varieties.

See Response BCC-149 for discussion regarding the San Francisco forktail damselfly.

BCC-164 [See page 5-194 for the original comment] Based on the commenter's remarks in Comment BCC-106, the commenter appears to be concerned about European honeybees. Please note that the Draft EIR does not evaluate the potential occurrence of honeybees. See Response BCC-106 for a discussion of bees.

Pacific herring are noted as having a low potential to occur within the Brisbane Lagoon (see Table 4.C-1 for further details on the low potential for occurrence).

Please see Response BCC-149 for discussion of the San Francisco Forktail Damselfly in the vicinity of the project site. The sightings referenced in the comment have not been documented, and it is not possible to know who observed the species, when the observation may have occurred, or the precise location of the observation.

BCC-165 [See page 5-194 for the original comment] The Draft EIR discloses the potential occurrence of species at the Baylands based on an analysis of existing habitat and documented occurrences of species or sources populations within 5 miles of the site. Surveys and direct observation combined with review of relevant data and databases, including information provided following release of the NOP, constitute substantial evidence and are the basis of the analysis included in Section 4.C, *Biological Resources*, in the Draft EIR.

The comment appears to be based on a misunderstanding of how occurrence potential for these species of birds is determined, and how it is used to evaluate potential impacts. For these bird species, potential occurrence in nesting habitat is determined, in general, nesting birds are considered more vulnerable to potential impacts including construction disturbance. Potential impacts related to forage habitat for the species identified in the comment are not anticipated or would be less than significant because avian species can easily gain access to adjacent or even further afield habitats that provide suitable forage. As shown in Table 4.C-1 of the Draft EIR, rookeries for great blue heron and great egret have not been identified within the Baylands Project Site, and potential nesting habitat for the great blue heron and great egret is not available within the Baylands Project Site, and rookery formation is therefore unlikely. While the large eucalyptus trees present at the margins of the Baylands Project Site represent potential nesting locations, high levels of existing disturbance preclude nesting activity. No rookeries were observed or are recorded in the immediate vicinity. However, individual birds are likely to forage within area wetland habitats and at Brisbane Lagoon. See Response BCC-131 for discussion of temporary impacts to wetland habitats associated with site remediation.

As shown in Table 4.C-1, barn owls have been observed nesting in abandoned and underused buildings on the Baylands Project Site. The potential for owl nesting has been recognized in the Draft EIR's evaluation of Impact 4.C-1, and protection measures are set forth in Mitigation Measures 4.C-1d and 4.C-4f.

BCC-166 [See page 5-194 for the original comment] Title 12, Chapter 12.12 of the Brisbane Municipal Code requires a permit for removal of protected trees, or any other tree having a trunk that is greater than 30 inches in diameter at a height of 24 inches above grade. Municipal Code Section 12.12.050 F states that tree removal permits may granted subject to conditions including, but not limited to, requiring planting one or more replacement trees. In addition, Mitigation

Measure 4.C-4a specifically requires that “Nest boxes for bats and cavity-nesting bird species shall be installed in passive recreational areas.”

BCC-167 [See page 5-194 for the original comment] The Draft EIR discloses the presence of the salt marsh common yellow throat and one of the species that could potentially use the freshwater drainage habitat within the Baylands (Draft EIR page 4.C-10).

BCC-168 [See page 5-194 for the original comment] The comment states there is a resident population of bats and that, “in the evenings, a flutter of activity, especially in spring, has been observed.” The comment also states that more studies should be required, but does not link the request for more studies to any particular discussion in the Draft EIR.

Mitigation Measure 4.C-1f includes a provision consistent with the commenter’s request for more studies. Mitigation Measure 4.C-1f requires additional studies that contribute to the body of knowledge on bat/turbine interactions.

BCC-169 [See page 5-194 for the original comment] General Plan Policies 123 and 123a read as follows:

Policy 123: Conserve important biological communities through sensitive project design.

Policy 123a: In land use development applications, consider the siting of structures and utilities so as to conserve identified biological communities.

Natural communities within the Baylands Project Site have been identified in Figure 4.C-1 and are addressed in Section 4.C of the Draft EIR, which states that the general location of the existing wetlands, including the area proposed to be restored along Visitacion Creek (i.e., daylighting the creek up to the roundhouse area). As shown in Draft EIR Figures 3-11 through 3-14 all four concept plan scenarios avoid development within Icehouse Hill, Brisbane Lagoon, Visitacion Creek, as well as other sensitive areas.

BCC-170 [See page 5-195 for the original comment] Impacts to any wetlands that would result from proposed Baylands development are required to be mitigated so as to result in no net loss. In addition, mitigation will be subject to City and regulatory agency approval. Please see Impact 4.C-2, Mitigation Measures 4.C-2a, b, c and Impact 4.C-3 for the Performance Standards to be applied to all Project Site development-related mitigation.

BCC-171 [See page 5-196 for the original comment] Draft EIR pages 4.D-3 and 4 note that no previously identified archaeological resources have been recorded within the Baylands Project Site, and a records search of the Native American Heritage Commission’s (NAHC’s) Sacred Lands Files did not indicate the presence of

Native American cultural resources on or near the Baylands Project Site. Except for Icehouse Hill, the Baylands Project Site was previously in Bay waters or tidal wetlands during the prehistoric period up to the early 20th century. Because the vast majority of the site was previously submerged, and is now covered with modern artificial fill, the potential to contain any unrecorded prehistoric or Spanish Mission-period archaeological deposits is low. With the inclusion of Mitigation Measure 4.D-2, on Draft EIR pages 4.D-33–34, Project Site development would not cause a substantial adverse change in the significance of archaeological resources.

BCC-172 [See page 5-196 for the original comment] Please see Response BCC-171. As described above, with the inclusion of Mitigation Measure 4.D-2, on Draft EIR pages 4.D-33–34, Project Site development would not cause a substantial adverse change in the significance of archaeological resources.

BCC-173 [See page 5-196 for the original comment] Since the archaeological sensitivity of the Baylands Project Site is low, there would be no need to monitor during ground disturbing construction. Regardless, Mitigation Measure 4.D-2, on Draft EIR pages 4.D-33–34, is included to ensure Project Site development would not cause a substantial adverse change in the significance of archaeological resources. Please also see Response BCC-171.

BCC-174 [See page 5-196 for the original comment] Most of the Baylands Project Site was formerly within San Francisco Bay and is currently comprised of thick layers of artificial fill. The comment is correct in noting that there are portions of the former railyard west of the Caltrain tracks that include shallow fill over bay deposits or terrestrial deposits that were formerly located at the Bay margins. In those areas where ground disturbance would occur during project implementation, Mitigation Measure 4.D-2, on Draft EIR pages 4.D-33 and 34 would apply.

The comment also states that archaeological remains related to the railroad-era should be considered historic resources. Information about the SPRR at the Baylands Project Site, including railroad design, engineering, and construction, is well documented at the Millbrae Historical Society and the California State Railroad Museum, among other repositories of historical information. Because of existing substantial documentation of the historical resources at the former SPRR railyard, any 20th century SPRR features or remnants that may be encountered at the Baylands Project Site during construction, such as railroad ties, tracks, spikes, or other remnant features would likely not yield any information beyond what is already known that would be considered significant to history, nor would it substantially add to the body of academic knowledge about railroads that is already available. Thus, any features or remnants that might be found would not

meet CRHR criterion D – information potential, and would not be considered historical resources as defined by CEQA.

In the event that unidentified archaeological deposits related to the railroad-era were encountered during project-related ground-disturbing activities, Mitigation Measure 4.D-2 would apply.

BCC-175 [See page 5-196 for the original comment] All correspondence related to Native American consultation is included in Appendix F.6 of the Final EIR, and is also part of the Administrative Record on file with the City Brisbane and may be viewed at the City of Brisbane Planning Division, 50 Park Place, Brisbane, CA 94005. In summary, the correspondence indicates that in response to an inquiry about the potential presence of sacred lands or traditional cultural properties within the Baylands Project Site, the NAHC stated that a record search of the NAHC sacred land file had failed to indicate the presence of Native American cultural resources within the immediate Baylands Project Site.

The NAHC also included a list of seven Native American contacts that might have knowledge of cultural resources within the Baylands Project Site and recommended contacting each. A letter was sent to each Native American contact requesting information about potential cultural resources within the Baylands Project Site. A follow-up telephone call was placed to each contact two weeks after sending the letters. No responses were received to any of the inquiries.

No archaeological testing was conducted due to a low potential for the presence of archaeological deposits within the Baylands Project Site. Please see Response BCC-171. Should previously unrecorded resources be discovered during project-related ground-disturbing activities, Mitigation Measure 4.D-2 would apply.

BCC-176 [See page 5-196 for the original comment] Draft EIR page 4.D-5 notes that artificial fill that is obtained in one location and deliberately dumped in a different location to raise the land surface, such as the 1906 earthquake debris used to reclaim land west of the SPRR railroad corridor within the Baylands Project Site, is not informative from an archaeological perspective and is therefore unlikely to meet the standards set forth in CEQA for historical or archaeological resources. In order to meet CEQA's definitions of historical resource or unique archaeological resource (see Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5), archaeological deposits must be able to yield information important in history or contain information needed to answer important scientific research questions. Although fill deposits may contain numerous historic-era artifacts, because the objects are no longer in their original context, they would be unable to address historical themes and research questions, and therefore would not qualify as historical resources or unique archaeological resource pursuant to CEQA.

- BCC-177** [See page 5-196 for the original comment] Figure 4.D-5 on Draft EIR page 4.D-12 provides a photograph of the exterior of the Lazzari building. Descriptive text about the interior of the building is provided on page 4.D-11, which states, “The interior of the building consists of exposed wood trusses and posts and the remains of steel I-beams that supported a 30-ton traveling gantry crane used for locomotive repair. The crane and internal tracks are no longer extant.” The building is essentially an empty warehouse without interior walls or other features. Except for its exposed structure including the remnants of a gantry crane, there are no other interior features of this building. As noted on Draft EIR pages 4.D-17 and 18, the Lazzari building would not qualify as a historical resource under CEQA. The analysis took into account the extant interior features. As such, additional interior photographs of this building would not provide further evidence or change the conclusions presented in the Draft EIR. Please also see Response BCC-184, below.
- BCC-178** [See page 5-196 for the original comment] Draft EIR page 4.D-16 notes that all buildings on the Baylands Project Site that were not previously recorded as historical resources, as well as the former freight yard as a whole, were evaluated for their potential historical significance by applying the federal and state criteria for listing, defined in Subsection 4.D.3, *Regulatory Setting*. Only the Roundhouse and the Machinery & Equipment Building were identified as historical resources. All other buildings or structures were found ineligible for listing as historical resources as they did not meet the standard state and federal evaluation criteria.
- BCC-179** [See page 5-197 for the original comment] As stated in Response BCC-6, Mitigation Measure 4.D-1a requires preparation of a stabilization plan for the Roundhouse building to be prepared and approved by the City prior to approval of the first grading or building permit within the Baylands, to be implemented immediately upon approval of the first grading or building permit. Rehabilitation of the Roundhouse building is required by Mitigation Measure 4.D-1a to be completed prior to issuance of an occupancy permit for the Roundhouse building. The Draft EIR statement referred to in Comment BCC-179 acknowledges that proposed development in the vicinity of the Roundhouse could occur as late as 2035.
- BCC-180** [See page 5-197 for the original comment] See Response BCC-179. Restoring rail access from the Roundhouse building to the main line is not proposed. While laying track within the building could be part of its rehabilitation, such details regarding the ultimate design of Roundhouse restoration are not available. Mitigation Measure 4.D-1a requires that rehabilitation of the Roundhouse building comply with the Secretary of the Interior’s Standards for Rehabilitation, the National Park Service’s Preservation Brief #117, and the National Park Service’s Preservation Brief #118, which addresses rehabilitating the interiors of historic buildings and preserving character-defining elements.

- BCC-181** [See page 5-197 for the original comment] Restoring rail access from the Roundhouse building to the main line is not proposed. While laying track within the building could be part of its rehabilitation, such details regarding the ultimate design of Roundhouse restoration are not available. See Response BCC-180.
- BCC-182** [See page 5-197 for the original comment] Standard construction and grading practices with the potential to cause vibration damage to historic structures include pile driving, drilling, and trenching using heavy earthmoving equipment, and vibratory (dynamic) compaction. These activities generally attenuate ground-borne vibration to a less-than-significant threshold beyond 25 feet from their sources, according to accepted standards⁸. Draft EIR Mitigation Measure 4.J-2b, *Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring*, requires that any development within 85 feet of the Roundhouse solicit a pre-construction assessment and implement recommendations from a qualified geotechnical engineer before a building permit is issued. If recommended by the pre-construction assessment, nearby historic structures including the Roundhouse would be monitored for groundborne vibrations. The combination of natural attenuation of groundborne vibration at distances greater than 25 feet, and the conservative implementation of pre-construction evaluations and mitigation for construction within 85 feet of the Roundhouse as specified in Mitigation Measure 4.J-2b would reduce any construction-related impacts to the Roundhouse to a less-than-significant level.
- Please also see Draft EIR Section 4.J, *Noise and Vibration*, for discussions of groundborne vibration impacts.
- BCC-183** [See page 5-197 for the original comment] See Response BCC-6. Mitigation Measure 4.D-1a requires preparation of a stabilization plan for the Roundhouse building to be prepared and approved by the City prior to approval of the first grading or building permit within the Baylands, to be implemented immediately upon approval of that first grading or building permit.
- BCC-184** [See page 5-197 for the original comment] The presence of wetlands at the roundhouse are discussed on page 4.C-9 of the Draft EIR, which states, “freshwater emergent wetland habitat is found within the former rail yard area in the middle of the property and at the center of the roundhouse structure where the turntable once operated. The depression within which the turntable would have rotated accumulates water runoff and has developed wetland vegetation.” Figure 4.c-1 has been updated to depict the location of this wetland, which was discussed in the text but inadvertently omitted from the graphic.

⁸ Wilson, Ihrig & Associates, Inc. et al, *Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects*, September, 2012.

- BCC-185** [See page 5-197 for the original comment] The Machinery & Equipment Building, located to the south of the Roundhouse, was identified in the Draft EIR as a historical resource for CEQA purposes. The Lazzari Charcoal Building / Tank and Boiler Shop, located to the north of the Roundhouse, was evaluated and determined ineligible for listing as a historic resource. Please see Draft EIR page 4.D-17 which provides a full description and evaluation of this building.
- BCC-186** [See page 5-197 for the original comment] Please see Response BCC-178, which notes that only the Roundhouse and the Machinery & Equipment Building were identified as historical resources, and that all other buildings or structures were evaluated but found ineligible for listing as historical resources because they did not meet the standard state and federal evaluation criteria. The Roundhouse turntable, as well as the vast majority of the former railyard tracks, poles, lights, and other hardware are no longer extant at the Baylands Project Site and thus do not meet CRHR eligibility criteria 1 – 4 either individually, or as part of a district.
- BCC-187** [See page 5-197 for the original comment] Mitigation Measure 4.D-1a on Draft EIR pages 4.D-27 - 28 states that “[t]he rehabilitation plans shall meet a minimum of 7 out of 10 of the standards.” Draft EIR page 4.D-23 notes that a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, is considered to have mitigated a significant impact on the historical resource to a less-than-significant level. While there is no specific number of Standards that a project should meet, accepted industry practice means that a project should meet ‘most’ or approximately 7 out of the 10 Standards for Rehabilitation. For example, the project should meet Standard #1 which states that a property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships. The project should also meet Standard #6, which states that deteriorated historic features will be repaired rather than replaced, and where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.⁹ Finally, the project should also meet Standards 2, 5, 7, 9, and 10. Mitigation Measure 4.D-1 is adequate to reduce the impacts to the Roundhouse resulting from rehabilitation to a less-than-significant level.
- BCC-188** [See page 5-197 for the original comment] Draft EIR pages 4.D-2–3 note that site P-41-000496 is a large midden site that included human burials. The site was

⁹ <http://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

identified near the United States Postal Service Annex west of Bayshore Boulevard, approximately 600 feet west of the Baylands Project Site. Recorded site P-41-000496 is outside of the Baylands Project Site, and therefore will not be impacted by project implementation.

- BCC-189** [See page 5-197 for the original comment] Although there are no recorded cultural resources within the Baylands Project Site, with the inclusion of Mitigation Measure 4.D-2, on Draft EIR pages 4.D-33–34, Project Site development would not cause a substantial adverse change in the significance of archaeological resources. As stated in Draft EIR Mitigation Measure 4.D-2, “Preservation in place, i.e., avoidance, is the preferred method of mitigation for impacts on cultural resources and shall be required unless there are other equally effective methods.”
- BCC-190** [See page 5-198 for the original comment] As noted on Draft EIR pages 4.E-35 and 4.E-36, there have been a number of geotechnical investigations conducted at the Baylands site that have provided an understanding of the existing subsurface materials and their geotechnical characteristics. As is commonplace for preliminary geotechnical investigations conducted by state licensed professionals, the investigations have considered both static and seismic hazards that may result from future development. The goals of these investigations are to determine overall geotechnical feasibility and provide preliminary recommendations that would be necessary for proposed improvements to be designed and constructed to mitigate these hazards in accordance with building code and seismic design requirements.
- BCC-191** [See page 5-198 for the original comment] As discussed on page 4.E-40 of the Draft EIR, a high potential for liquefaction at the former railyard portion of the site has been identified; however “site-specific investigations would be required for all Baylands site development to determine the site specific risk and appropriate foundation system design.” As required by Draft EIR Mitigation Measure 4.E-3, a final design-level geotechnical report would address liquefaction and lateral spreading potential at each development site and provide site-specific recommendations to reduce the potential damage in accordance with building code requirements. Implementation of the mitigation measure would ensure that final design would consider site specific data which is in accordance with industry standard protocols and consistent with building code requirements.
- BCC-192** [See page 5-198 for the original comment] The first paragraph of Draft EIR page 4.E-46 is devoted to a discussion of differential settlement within the Baylands as a result of both ongoing decomposition of the refuse within the landfill, as well as from consolidation of the Bay Mud deposits. Differential settlement for particular developments will depend on site-specific characteristics where a structure might be placed over an area where variances in the underlying

conditions could result in differing rates of consolidation if not addressed appropriately. However, as stated in this paragraph of the Draft EIR, “these effects, if calculated to be a potential hazard, could be mitigated as part of the final site design through widely accepted geotechnical engineering practices” including surcharging techniques that accelerate the anticipated consolidation prior to construction or use of pile foundations that are anchored in more competent materials at depth. These techniques are widely used in areas of similar conditions and all site-specific development would be required to adhere to building code requirements, reducing ground settlement impacts to less than significant.

BCC-193 [See page 5-198 for the original comment] See Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR. Studies characterizing wastes within the landfill and the soils lying on top of the landfill were conducted subsequent to the closure of the Champion Speedway, and would therefore account for any contamination caused by the Speedway.

BCC-194 [See page 5-198 for the original comment] See Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR. While the Draft EIR identifies remediation technologies that have been proposed to date, neither the RWQCB nor the DTSC have approved use of any specific technology for site remediation. Responsibility for approving specific requirements for Title 27 landfill closure rests with the RWQCB. It is neither possible nor required under CEQA for the Baylands Draft EIR to identify all possible methods that may be considered by the RWQCB for Title 27 landfill closure. See Master Response 1 for discussion regarding the programmatic nature of the Baylands EIR and requirements for subsequent environmental review, including subsequent environmental for site remediation and Title 27 landfill closure.

BCC-195 [See page 5-198 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process. As part of its review and approval of Title 27 landfill closure, the RWQCB will set specific requirements for the materials and thickness of the final landfill cap. Based on currently available information, the visual simulations provided in Table 4.A-1 of the Draft EIR are based on final grades within the former landfill that provide for a landfill cap and site grading and development on top of that cap. The thickness of currently proposed engineered fill to be placed within the former railyard is based on required grading to provide for drainage and site development, and cannot be used as an indication of the thickness of the final landfill cap.

BCC-196 [See page 5-199 for the original comment] See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.

- BCC-197** [See page 5-199 for the original comment] See Response BCC-192. All structures within the former landfill area will be required to be provided with foundations meeting applicable CBC requirements, including resistance to potential subsidence.
- BCC-198** [See page 5-199 for the original comment] As described above in Response BCC-193, differential settlement has been clearly identified as a potential hazard at the Baylands site for all proposed improvements. Requirements for proposed roadways and sidewalks would be included as part of site-specific design level geotechnical reports and recommendations provided for site preparation to ensure that these improvements are protected from substantial damage as a result of differential settlement. In general, roadways and sidewalks represent much lighter loading as compared to multi-story structures and typically do not require the same amount of site preparations. Pursuant to Mitigation Measure 4.E-2a, all roadways and sidewalks to be constructed on the Baylands site would be evaluated for all geotechnical hazards including settlement and differential settlement at such time as specific locations and engineering designs for such roadways are proposed. All roadways and sidewalks would receive appropriate geotechnical site preparations such as use of engineered fill, compaction requirements, and surcharging as well as other design features including hinged slabs such that the impacts from differential settlement would be less than significant.
- BCC-199** [See page 5-199 for the original comment] “Deep dynamic compaction” is a geotechnical method of increasing the density of underlying materials such that new loadings (e.g., placement of fill or construction of a building) can be adequately supported. The process involves dropping of a heavy weight repeatedly on the ground at regularly spaced intervals. The weight used and the height from which it is dropped depends on the degree of compaction desired. This technique is widely used in a variety of areas including dense urban development such as is proposed in the Baylands development scenarios.
- Prior to commencement of any deep dynamic compaction activities that may be proposed, a site specific geotechnical investigation as required by Draft EIR Mitigation Measure 4.E-2a would be undertaken to provide a detailed understanding of the underlying materials and recommendations for site preparation methods. These recommendations would be in accordance with industry standard practices and building code standards that are subject to review by the City Engineer, and would be required to be implemented as part of site preparation and grading.
- Deep dynamic compaction is not the only option available for building foundation design and would only be employed where appropriate as determined by site-specific data following review and approval by the City building official.

Part of the consideration for employing this strategy is the potential effects on neighboring sites such that the process does not cause instability of the Bay Mud or adjoining exposed slopes, for example. Deep dynamic compaction and other methods of site preparations such as surcharging with stockpiled soils have been used successfully at numerous sites with similar underlying Bay Mud deposits to provide adequate building sites without causing underlying Bay Mud soils to fail. To clarify its intent, Mitigation Measure 4.E-2a is revised to read as indicated in Final EIR Chapter 3.0.

Groundborne vibrations generated during construction are addressed in Section 2.27.2 of the Final EIR and in Responses BCC-419 through BCC-422.

BCC-200 [See page 5-199 for the original comment] Section 4.E, *Geology, Soils, and Seismicity*, of the Draft EIR provides detailed descriptions of the geotechnical hazards that are present at the Baylands Project Site including seismic hazards, settlement, differential settlement, liquefaction, sand boils, lateral spreading, slope stability, decomposition of refuse, and Bay Mud consolidation. These hazards are widespread throughout the San Francisco Bay Area since numerous developments have been placed on artificial fill materials and Bay Mud deposits of varying thicknesses. Current geotechnical practices and building code requirements are based on the best available science that incorporates research and observed effects of older structures. The history of development in the Bay Area has included many areas around the Bay perimeter where marshlands have been filled with a variety of materials and debris and subsequently developed. As a result, much is known about geotechnical engineering characteristics of the Bay Mud deposits as well as older refuse filled areas. As included in the Draft EIR, Mitigation Measures 4.E-2a, 4.E-2b, and 4.E-3 would require that all project development be designed and constructed in accordance with industry practices and current California Building Code requirements.

BCC-201 [See page 5-199 for the original comment] Pursuant to the requirements of CEQA, the Baylands EIR evaluates the environmental changes that would result from implementation of the proposed development program described in Chapter 3, *Project Description*. Where Project Site development would result in a significant impact, mitigation measures are required to be implemented as part of Baylands development. Since the Kinder Morgan site is not within the Baylands Project site, and no development is proposed for the Kinder Morgan facility, the City does not have authority to impose mitigation measures on Kinder Morgan in the Baylands EIR. See Master Response 19 for discussion of land use compatibility between proposed Project Site development and the Kinder Morgan tank farm.

BCC-202 [See page 5-200 for the original comment] See Response BCC-201. All development within the Project site will be required to be designed and

constructed in accordance with industry practices and the performance standards set forth in current California Building Code requirements. See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.

BCC-203 [See page 5-201 for the original comment] The BAAQMD CEQA website now identifies CalEEMod as the model to be used in CEQA analysis as of August 5, 2013. The Draft EIR was published in June of 2013 prior to the release of the updated version of CalEEMod and the BAAQMD’s specification. The Final EIR now includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model. The updated emission inventory is provided as a text revision in Section 4.F, *Greenhouse Gas Emissions*. GHG emissions under the CPP and CPP-V scenarios evaluated based on the latest version of the CalEEMod model are estimated to be 3.2 metric tons per year per service population, and are below the GHG significance threshold. Consequently, the CPP and CPP-V scenarios would have a less than significant impact with regard to GHG emissions.

BCC-204 [See page 5-201 for the original comment] The data presented in pages 4.F-4 and 4.F-5 of the Draft EIR are intended to provide the existing setting information relative to GHGs, i.e., existing conditions on the project site. Presentation of this data does not restrict the City’s ability to require mitigation measures consistent with CEQA.

GHG emissions from manufacturing and transport of goods are considered life-cycle emissions. Although there is no regulatory definition for “lifecycle emissions,” the term is generally used to refer to all emissions associated with the creation and existence of a project, including emissions from the manufacture and transportation of component materials, and even emissions from the manufacture of the machines required to produce those materials. However, since it is impossible to accurately estimate the entire chain of emissions associated with any given project, lifecycle analyses are not required under CEQA¹⁰. In December 2009, the California Natural Resources Agency (CNRA) issued new energy conservation guidelines for EIRs that make no reference to lifecycle emissions¹¹. CNRA explained that: (1) there exists no standard regulatory definition for lifecycle emissions, and (2) even if a standard definition for ‘lifecycle’ existed, the term might be interpreted to refer to emissions “beyond those that could be considered ‘indirect effects’” as defined by CEQA

¹⁰ California Natural Resources Agency, 2009. *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, pp. 71–72. http://ceres.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed February 4, 2010.

¹¹ State CEQA Guidelines, Appendix F. These new guidelines were part of amendments issued pursuant to SB97. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0903E.

Guidelines, and therefore, beyond what an EIR is required to estimate and for which mitigation can be proposed.

BCC-205 [See page 5-202 for the original comment] The data presented in pages 4.F-7 of the Draft EIR present the existing GHG regulatory background relative to CEQA. The quoted text in the comment is directly from CEQA Guidelines Section 15064(h)(3). A previously approved plan or mitigation program could consist of the State of California's Climate Change Scoping Plan. Pursuant to AB 32, the CARB adopted a Climate Change Scoping Plan in December 2008. Such a Plan may also include a local Climate Action Plan. Currently, the City of Brisbane has not adopted a local Climate Action Plan. Consistency with the Climate Change Scoping Plan is assessed in Impact 4.F-2 of the Draft EIR, which identified a less than significant impact with regard to consistency with the state Scoping Plan for scenarios DSP and DSP-V and a significant impact with regard to scenarios CPP and CPP-V.

The Final EIR now includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was not available at the time of Draft EIR publication. The updated emission inventory is provided as a text revision in Section 4.F, *Greenhouse Gas Emissions*. GHG emissions under the CPP and CPP-V scenarios evaluated based on the latest version of the CalEEMod model are estimated to be below the GHG significance threshold. Consequently, the CPP and CPP-V scenarios would not only have a less than significant impact with regard to GHG emissions but also would be consistent with the AB32 and the state Scoping Plan because the GHG efficiency metrics were developed for the emissions rates at the state level for the land use sector that would accommodate projected growth (as indicated by population and employment growth) under trend forecast conditions, and the emission rates needed to accommodate growth while allowing for consistency with the goals of AB 32 (i.e., 1990 GHG emissions levels by 2020) (BAAQMD, 2009). As a result, all four scenarios would not impair attainment of GHG reduction goals established pursuant to AB 32 in the *Climate Change Scoping Plan*. BAAQMD thresholds were crafted in a manner that defined a project's emissions significant if the Project Site development would emit GHG in excess of the level needed to facilitate achievement of AB 32 goals.

BCC-206 [See page 5-202 for the original comment] The BAAQMD has identified a *potential* bright-line threshold of 1,100 metric tons per year of CO₂e as discussed on page 4.F-12 of the Draft EIR. As a practical matter, this threshold is relatively stringent and is exceeded by most development projects of more than 500 residential units or 100,000 square feet of retail or 350,000 square feet of office. In an effort to encourage mixed-use development, focus on the efficiency of

proposed development, and provide for analysis and mitigation of numerous smaller development projects, BAAQMD identified the service population¹²-based efficiency threshold used in this analysis, which is more applicable to assessing the impacts of a Specific Plan. BAAQMD indicates its intent to have the efficiency threshold apply to Specific Plans in Table 2-5, Thresholds of Significance for Plans, in its 2011 CEQA Air Quality Guidelines, which specifically states that specific plans should use the project-level threshold of 4.6 CO₂e per service population per year.

BCC-207 [See page 5-203 for the original comment] The differences in GHG emissions between the four scenarios are explained on Draft EIR page 4.F-19, which immediately follows Table 4.F-2. As described on Draft EIR page 4.F-19, the difference between the number of trips in the CPP/ CPP-V scenarios and the DSP/DSP-V scenarios is primarily a function of the types of land uses proposed for the Baylands site under each scenario. The following cross reference to Draft EIR Chapter 4.N, Traffic and Circulation, has been added to the discussion of the differences in GHG emissions on Draft EIR page 4.F-19:

The CPP and CPP-V scenarios would produce between 1 and 25 percent more GHG emissions than the DSP and DSP-V scenarios. The primary reason for this difference in impact is that 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. The methodology used to determine vehicle trips generated by each scenario is described starting on page 4.N-72 of this Draft EIR. The larger number of 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.

See Master Response 25 for a discussion of the linkage between jobs and housing and how that linkage affects traffic and vehicles miles travelled, including related air pollutant and GHG emissions.

BCC-208 [See page 5-203 for the original comment] The ICLEI model is a tool used for inventorying community-wide GHG emissions and is used primarily for the purposes of developing Climate Action Plans. The BAAQMD now identifies CalEEMod as the model to be used in CEQA analyses of GHG emissions as of August 5, 2013. The Draft EIR was published in June of 2013 prior to the release of the updated version of CalEEMod and the BAAQMD's specification.

¹² "Service Population" (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. SP is determined by adding the number of residents to the number of jobs estimated for a given point in time.

Consequently, the Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model. See Section 4.F, *Greenhouse Gas Emissions*, of Volume III of the Final EIR.

- BCC-209** [See page 5-204 for the original comment] Refuse from residential, commercial, and industrial activities including shipyard waste; construction rubble; tires; and sewage were placed in the landfill prior to cessation of operations in 1967. A more complete description of the Brisbane Landfill is presented in the Draft EIR on pages 4.G-23 through 4.G-34. The type of waste, solid or liquid, by volume of total waste has been estimated as 73 percent solid, 25 percent inert fill such as earthquake rubble and soil used as daily cover and 2 percent as liquid. See Master Response 13 for discussion regarding the remediation review and approval process and master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.
- BCC-210** [See page 5-204 for the original comment] See Master Response 15 regarding the adequacy of existing studies for use in the Draft EIR. The statement cited in this comment does not refer to the report prepared on behalf of the City of Brisbane in 2005¹³, but to CDM's subsequent peer review of existing studies, including those prepared subsequent to 2005.
- BCC-211** [See page 5-204 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.
- BCC-212** [See page 5-205 for the original comment] The exposure pathways -- ingestion, inhalation, and dermal contact -- are mechanisms whereby people come into contact with constituents of concern. Specifically, people can be exposed to substances in soil, sediment, and dust by ingesting soil particles, touching the media or inhaling fine particulates entrained in dust. Exposure pathways are assessed in human health risk assessments that are used to develop site-specific risk based cleanup goals and determine the specific remediation technologies to be implemented. As discussed in Master Response 13, the RWQCB and DTSC have the regulatory responsibility to determine risk-based cleanup goals and the specific technologies (including phytoremediation if deemed appropriate) that will be employed to achieve those goals.

¹³ Camp Dresser & McKee (CDM), *Final Report of Findings, Environmental Engineering Peer Review, Baylands Remediation Efforts*, November 2, 2005. This report can be found as part of the reference documents used in preparation of the Brisbane Baylands Draft EIR.

BCC-213 [See page 5-206 for the original comment] The reference quote in this comment attributed to paragraphs 1-3 on page 4.G-3 of the Draft EIR does not actually appear in the Draft EIR. The Draft EIR does, however, state “Activities within a site can result in spills or leaks of hazardous materials to the ground, causing soil and/or groundwater contamination. This occurs for various reasons, due to (1) activities occurring in violation of regulatory standards, (2) past activities that occurred prior to the establishment of regulatory standards or (3) past activities that occurred legally under previous, less stringent regulatory controls than currently exist.” The first sentence of paragraph two states “Exposure to some chemical substances may harm internal organs or systems in the human body, ranging from temporary effects to permanent disability or death.”

The three paragraphs on page 4.G-3 explain how constituents can impact media, the differences between risk and hazard from a toxicity perspective, and probability of exposure and severity of harm due to exposure. Those paragraphs do not refer specifically to proposed Baylands development.

The section of the Draft EIR referenced in this comment does not discuss “drilling, pile driving or moving earth.” Landfill closure pursuant to the requirements of Title 27 necessitates placement of an impermeable cap on the former landfill. In addition, any development of the Project site will involve some degree of grading. Thus, earth movement within the Baylands is unavoidable. Because site remediation will be required prior to grading activities, and the fill material used for Title 27 closure will be prohibited from creating any new exposure pathways that could harm public health or the environment, site grading will result in less than significant hazardous materials impacts. Any drilling needed to provide for adequate building foundations will be required to comply with Title 27 and the requirements of the RWQCB. Such drilling will be required to avoid permitting the movement of leachates or other contaminants into the groundwater basin. Any pile driving activities occurring within the Baylands will be regulated so as to minimize vibrations per the requirements of Mitigation Measures 4.J-2a and 4.J-2b. As a result, impacts related to pile driving would be less than significant.

BCC-214 [See page 5-206 for the original comment] The section of the Draft EIR cited in this comment discusses historic investigations and assessments onsite. Existing contamination and assessment within the Project site are addressed in the Draft EIR on pages 4.G-4 through 4.G-18. An overview of hazardous materials and contamination within the Baylands is presented on pages 4.G-20 through 4.G-55. See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

See Master Response 13 for discussion of the remediation review and approval process. Potential remedial activities for Title 27 closure of the former Brisbane Landfill are discussed on pages 4.G-78 through 4.G-81. As discussed in Master Response 13, regulatory authority for Title 27 landfill closure rests with the RWQCB, which will determine the specific technologies to be used for landfill closure.

Landfill remediation will include both Final Closure and Post-closure Plans in compliance with Title 27 addressing: (1) prevention of leachates from entering the groundwater, (2) landfill gas collection and control system, and (3) continued monitoring and evaluation. Additionally, proposed development will be subject to land use controls such as deed restrictions and require notifications for any disturbances of the ground.

BCC-215 [See page 5-206 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

BCC-216 [See page 5-207 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. Please also see Master Response 13 for discussion regarding the remediation review and approval process.

BCC-217 [See page 5-207 for the original comment] This comment refers to a report prepared by Dr. Fred Lee, and does not raise any significant environmental issues regarding the adequacy of the EIR or its analyses and conclusions.

BCC-218 [See page 5-207 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

The first environmental assessment of fill was conducted in 1982 and included collection of soil and groundwater samples. Groundwater in 1982 was submitted for analysis of semivolatile organic compounds (SVOCs) in addition to volatile organic compounds (VOCs) and metals. An additional investigation was conducted in 1985. Groundwater in 1985 was submitted for SVOCs, VOCs, and metals; SVOCs were not detected. Subsequent investigations, with the exception of the Kleinfelder 1987 investigation, focused on VOC and metals contamination in soils and groundwater.

As of 2010, the groundwater monitoring program around the landfill has included analysis of SVOCs in addition to VOCs, metals and other constituents, from 20 groundwater monitoring wells and two leachate wells. SVOCs were not detected in the deep groundwater monitoring wells but were detected at stable concentrations in the shallow wells and at trace concentrations in the leachate monitoring wells.

A groundwater treatment system has been in place within the northwestern portion of the former Southern Pacific Railroad railyard property (OU-1) since 1995. Groundwater is being monitored at the southwestern portion of the former Southern Pacific Railroad railyard property (OU-2). The railyard, in addition to the fill area, was sampled in 1987 by Kleinfelder. The portion of the site therefore where SVOCs were detected by Kleinfelder in 1987 has been undergoing remediation under the oversight of DTSC (OU-1) and the RWQCB (OU-2). Most of the groundwater cleanup and remedial activities have focused on VOCs, metals, and Bunker C fuel oil. Metal contamination in media onsite has been characterized, investigated, remediated, is undergoing remediation and is well understood.

BCC-219 [See page 5-207 for the original comment] See Response BCC-218. PCBs have, in fact, been located within both OU-1 and OU-2, as reported by Geosyntec and illustrated in Draft EIR Figure 4.G-6g. The detected concentrations of PCBs are also illustrated on Figure 10 of the Hazardous Materials Summary Report – Operable Units 1 and 2, Former Southern Pacific Railyard, Brisbane, San Mateo County, California (GeoSyntec, March 1, 2012). PCBs were detected in the oil tank and turntable areas, the most likely sources. See Master Response 13 for discussion of the remediation review and approval process. As discussed in that Master Response, based on existing evidence regarding the potential for presence of PCBs, the RWQCB and DTSC have not, to date, deemed additional studies for PCBs to be necessary.

BCC-220 [See page 5-207 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. See also master Response 13 for discussion of the remediation review and approval process. Pursuant to its regulatory authority, the RWQCB will determine the specific activities and technologies to be implemented for Title 27 closure of the former landfill.

BCC-221 [See page 5-207 for the original comment] Please see Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

Pursuant to the requirements of Regulation 8, Rule 34, USEPA 40CFR Part 60 725(b)(2)(i) and 40CFR Part 62.14356 (a)(1) a gas collection system was installed in 1991 on the landfill (Draft EIR Appendix B). The existing landfill gas control system has been operational since 2002 and will be required to continue to operate in accordance with Title 27 regulations. The flare station operates a single flare 7 hours/day (to comply with emission control limits) with a destruction efficiency of 98 percent and a temperature of 1400 degrees Fahrenheit (Draft EIR Appendix B). Test results from 2001 indicate generation of methane gas decreased from 140 SCFM in 1992 to approximately 40 SCFM in 2001 and VOCs, as measured with an OVA, were ND (Draft EIR Appendix B).

To ensure the landfill gas control system continues to meet operational material, weekly monitoring of the flare station, monthly monitoring and adjustment of the landfill gas extraction wells and quarterly monitoring of emissions are performed. Repairs are performed during monitoring visits and as needed and are documented in monthly reports.

BCC-222 [See page 5-208 for the original comment] See Response BBCAG-93.

BCC-223 [See page 5-208 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process. As discussed in Master Response 13, Title 27 closure of the former Brisbane Landfill must address the presence of leachate and the requirement to prevent any increases in leachate that exceed any regulatory thresholds.

BCC-224 [See page 5-208 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process. As discussed in Master Response 13, Title 27 closure of the former Brisbane Landfill must address the presence of leachate and the requirement to prevent any increases in leachate that exceed any regulatory thresholds.

BCC-225 [See page 5-208 for the original comment] See Response BBCAG-96.

BCC-226 [See page 5-209 for the original comment] See Response BBCAG-99.

BCC-227 [See page 5-209 for the original comment] See Response BBCAG-113.

BCC-228 [See page 5-209 for the original comment] The landfill gas control system, which monitors methane production from the landfill flare station, is monitored weekly, the landfill gas extraction wells are monitored monthly, and the emissions components are monitored quarterly. The landfill gas control system is in place to collect and combust methane and other landfill gases and must continue to operate pursuant to the Title 27 requirements.

Golder's landfill characterization study (2008), which is cited on Draft EIR page 4.G-32, indicated the rate of decomposition of organic material in the landfill and subsequent generation of methane has decreased over time, as expected and evidenced in the monitoring. Because the greatest organic decomposition typically occurs during the initial 20- to 30-year period after solid waste is deposited and the landfill ceased receiving refuse in 1967, decomposition of the organic fraction of the waste will continue to occur over time, albeit with an ongoing decline in the rate of production of landfill gas.

BCC-229 [See page 5-209 for the original comment] Investigations and remedial actions at OU-1 for the soil matrix, groundwater, and soil vapor have been ongoing since 1982. Soil was excavated in 1993 adjacent to and underneath sludge traps of the

former Schlage Lock facility, groundwater was remediated using pump and treat technology in 1995 through 1998 and was replaced with *in-situ* treatment of groundwater, and a soil vapor extraction and treatment system was installed in 1999 and operated through 2008. Volatiles and solvents in groundwater would have been remediated using the pump and treat technology.

The *in-situ* groundwater treatment applied to the groundwater underlying OU-1 consisted of enhanced reductive dechlorination and was found effective when the chlorinated solvents were at high concentrations in the groundwater and less effective when the chlorinated solvents were at lower concentrations in the groundwater.

Although no current groundwater use has been identified and no plans for future groundwater use have been proposed, in its review of groundwater contamination related to the Kinder Morgan tank farm site, the RWQCB determined that the potential for future groundwater use in the vicinity, including for drinking water from deeper water-bearing zones, should not be precluded. Therefore, applicable water quality objectives for tank farm groundwater remediation included drinking water standards, which are the more stringent of United States Environmental Protection Agency and State of California primary maximum contaminant levels. Cleanup to this level will protect all existing and potential future beneficial uses of groundwater (RWQCB, 2008).

Additionally, as OU-1 is under the oversight of the DTSC, cleanup of the affected media will be overseen and approved by DTSC.

See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR. As part of the remediation of OU-1, the DTSC will review existing studies for OU-1, and require preparation of a human health risk assessment based on the land uses determined by the City of Brisbane to be appropriate for the Baylands. The DTSC will then set risk-based cleanup goals appropriate those land uses. Remediation and achievement of the risk-based cleanup goals set by the DTSC for OU-1 will be required prior to any development within OU-1.

BCC-230

[See page 5-209 for the original comment] This comment refers to a recommendation cited in the Draft EIR by Burns & McDonnell in 2002 that a silica gel cleanup procedure should be used on all Total Petroleum Hydrocarbon (TPH) as gasoline within OU-2. Silica gel cleanup is used for cleanup of sample extracts containing polynuclear aromatic hydrocarbons, derivatized phenolic compounds, organochlorine pesticides, and PCBs, using silicic acid (silica gel) to separate hydrocarbons and polars. The term “total” petroleum hydrocarbons (TPH) is a standard term used in the oil, refinery, environmental, and regulatory

industries. TPH encompasses the totality of the carbon chain ranges from C2-C55. TPH as gasoline abbreviated as TPH-g, represents the carbon chain range C6-C12 (ALS Environmental).

The requirement of the RWQCB to use a silica gel cleanup procedure on all TPH-g samples was included in its response to comments to the proposed 2002 Conceptual Remedial Action Plan. See Master Response 13 for discussion of the remediation review and approval process. The RWQCB, which has regulatory authority for remediation of OU-2, has not approved any specific remediation technologies to date.

BCC-231 [See page 5-209 for the original comment] The RWQCB Conditional Approval Letter dated May 9, 2002, which was specific to OU-2 regarding the Conceptual Remedial Action Plan (Burns & McDonnell 2002), sets forth eight requirements, including but not limited to proposing and implementing deed restrictions that properly address the residual contamination. Human health risk assessments are used to derive cleanup goals and direct remedial actions of impacted media based on specific land uses, since cleanup goals can be to either residential standards or to commercial/industrial land use standards. See Master Response 13 for discussion of the remediation review and approval process. Based on the land uses determined by the City of Brisbane to be appropriate for the Baylands, the RWQCB and DTSC will oversee human health risk assessments that will form the basis for risk-based cleanup goals that would be used in updated RAPs. The State regulatory agency reviewing and ultimately providing approval of the human health risk assessments and update RAPs would determine whether deed restrictions to limit uses to those indicated in the RAPs were warranted based on the cleanup goals.

BCC-232 [See page 5-209 for the original comment] It has been well documented in the literature and through experience at individual UST release sites that petroleum fuels (including TPH and VOCs) 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 (SWRCB 2012).

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), (f) State Water Resources Control Board site closure orders, and (g) State Water Resources Control Board Resolution 2009-0081 (SWRCB 2012).

In general, these efforts have recognized that many petroleum release cases pose a low threat to human health and the environment (SWRCB 2012).

BCC-233 [See page 5-210 for the original comment] Title 5, California Code of Regulations Division 1, Chapter 13, Subchapter 1, School Facilities Construction, Article 2 School Site Selection §14010 Standards for School Site Selection states,

“All Districts shall select a school site that provides safety and that supports learning. The following standards shall apply:

- d. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.
- h. The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.”

Thus, Title 5 does not impose a prohibition against location of a high school within ¼ mile of the Kinder Morgan Tank Farm, unless it is determined through preparation of a “risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission” that the tank farm poses a safety hazard to the proposed school.

Mitigation Measure 4.G-3 (page 4.G-100) states a grade K-12 school shall not be constructed within ¼ miles of a facility that handles hazardous or acutely hazardous materials, substances or waste, unless approved by School Facilities Planning Division of the California Department of Education in conformance with the above cited Title 5 requirements. Should the required risk analysis study determine that the Kinder Morgan tank farm pose a safety hazard to the high school, the school would not be permitted to be constructed at that location.

BCC-234 [See page 5-210 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. See Master Response 13 for discussion regarding the Title 27 landfill closure review and approval process. Final remedial actions at the former Brisbane Landfill will be defined and approved by the RWQCB and CalRecycle/San Mateo County

Health System as identified in Closure and Post Closure Plans. The remedial activities will include but not be limited to the following: (1) operations and maintenance of the existing Leachate Seep Collection and Transmission System, (2) operation and maintenance of the landfill Gas Collection and Control System, (3) continued groundwater, surface water and leachate quality monitoring and evaluation, (4) installation of a final cover system over the entire landfill. While the Draft EIR identifies likely technologies that might be employed in the remediation and Title 27 closure of the former landfill, because the RWQCB has the ultimate authority to determine the technologies to be employed, the Draft EIR does not close off alternatives beyond “cap in place.”

- BCC-235** [See page 5-210 for the original comment] A federal and State database search of records for the site was conducted as part of the Draft EIR by using the search firm Environmental Data Resources, Inc. No federal records regarding disposal of hazardous materials regardless of source were identified.
- BCC-236** [See page 210 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. Because the land uses currently proposed for OU-2 are different than those originally proposed in 2002, along with advances in technologies, a new Remedial Action Plan will be required. The RAP for OU-2 will be required to meet current regulatory requirements, as well as comments received from the regulatory agency, recognizing changes in proposed future land use and updated risk-based cleanup levels based on the land uses determined by the City of Brisbane to be appropriate within the Baylands.
- BCC-237** [See page 5-210 for the original comment] See Master Response 19 for discussion regarding land use compatibility and the Kinder Morgan tank farm. The potential risk identified in the Draft EIR is related to leaks from aboveground storage tanks rather than unpredictable catastrophic events such as lightning strikes and train derailments. The Kinder Morgan facility has secondary containment around the aboveground storage tanks to mitigate leaks and the tanks are integrity tested to ensure compliance with applicable federal, State, and local regulations.
- The Draft EIR relied on the regulatory authority and responsibility of the RWQCB to enforce the law, including compelling Kinder Morgan to comply with applicable laws and regulations for the protection of the public health and safety. See Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.
- BCC-238** [See page 5-210 for the original comment] See Master Response 19 for discussion regarding land use compatibility and the Kinder Morgan tank farm. Pursuant to the requirements of CEQA, the Draft EIR analyzes the physical

environmental changes that would result from approval of the project (proposed Baylands development), as it is described in Draft EIR Section 3.0, *Project Description*. The Kinder Morgan tank farm is not part of the Project site, nor is any development of the Kinder Morgan part of the Draft EIR project description.

BCC-239 [See page 5-210 for the original comment] The former Brisbane Landfill will be remediated as part of the development of the Project site in compliance with Title 27 CCR 21190. It is not necessary to provide the text of applicable laws in the Draft EIR Appendices.

BCC-240 [See page 5-211 for the original comment] Vapor intrusion mitigation systems have been proven effective for Superfund sites (USEPA 2012), for sites with VOC impacted soil and groundwater (Folkes 2003), and for sites with methane in the subsurface (LADBS¹⁴ 2004) and constructed on fill (LADBS 2004). There are five basic components to effective sub-slab vapor barrier construction: (1) permeable sub-slab support material, (2) venting all occupied ground contact slab areas, (3) properly sized under slab and riser piping, (4) a sealed vapor barrier and (5) if an active system is required, a properly sized blower is needed to maintain sufficient negative pressure beneath the slab. See Master Response 1 for discussion of the programmatic nature of the Draft EIR and its analyses and mitigation measures. The specific design of sub-slab vapor barriers within the Baylands will occur as part of the design of individual buildings and infrastructure components within the Project site.

BCC-241 [See page 5-211 for the original comment] In relation to interfering with emergency response or an emergency evacuation plan, the Draft EIR's conclusion that no significant impacts will result is based on the analysis set forth on page 4.G-102, including the following:

- Improving access between the Baylands, Bayshore Boulevard and the NCFCA fire station, and the US 101 freeway will improve the ability of emergency personnel to access the Baylands;
- Reserving an onsite location for fire and police services, upgrading fire protection services, and establishment of a second police beat serving the Baylands; and
- Review of roadway improvement plans by the City and emergency services providers to ensure adequate emergency access.

In relation to wildland fires, the Draft EIR conclusion on page 4.G-103 is based on the fact that the Project Site is located in an urban environment and is served by the North County Fire Authority Fire Station No. 81 located at 8445 Bayshore Boulevard, which is adjacent to the Project Site. There are no wildlands with

¹⁴ City of Los Angeles Department of Building and Safety.

high fire hazards in the vicinity of the Project site; therefore, there are no impacts related to wildland fire hazards.

BCC-242 [See page 5-211 for the original comment] Draft EIR Appendix H.3 is available in searchable format on the City of Brisbane’s website:

http://www.ci.brisbane.ca.us/sites/default/files/App-H_hazards.pdf

BCC-243 [See page 5-211 for the original comment] Pursuant to the requirements of CEQA, the Baylands EIR evaluates the environmental changes that would result from implementation of the proposed development program for the Baylands. Since the Kinder Morgan site is not within the Baylands Project Site, and no development is proposed for the Kinder Morgan facility, the City does not have authority to impose mitigation measures on Kinder Morgan in the Baylands EIR. See Master Response 19 for discussion of land use compatibility between proposed Project Site development and the Kinder Morgan tank farm.

BCC-244 [See page 5-211 for the original comment] The Regulatory Setting starting on page 4.I-3 of the Draft EIR identifies relevant state, regional, and local plans and programs affecting Project Site development, and identifies the agencies charged with implementing those plans. Reference documents are identified at the end of Section 4.I, *Land Use and Planning Policy*.

BCC-245 [See page 5-211 for the original comment] Mitigation Measure 4.C-1g sets forth requirements that would prevent activities adjacent to the lagoon from resulting in significant impacts on avian species. Because (1) Mitigation Measure 4.C-1g, along with Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4a through 4.C-4g would reduce impacts to avian species to less than significant levels and (2) construction of a “sanctuary island within the lagoon would impact the lagoon’s tidal functions and negatively affect aquatic resources, a mitigation measure to requires such an island was not proposed.

BCC-246 [See page 5-211 for the original comment] See Response BBCAG-80.

BCC-247 [See page 5-212 for the original comment] Pursuant to the requirements of CEQA, the Draft EIR analyzes the physical environmental effects that would result from proposed development of the Baylands Project site. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA, Master Response 15 for discussion regarding the adequacy of studies for use in the Draft EIR, and Master Response 18 for discussion of the cumulative effects of multiple toxins.

BCC-248 [See page 5-212 for the original comment] See Response BBCAG-83.

- BCC-249** [See page 5-212 for the original comment] See Response BBCAG-83. See also Master Response 17 for discussion of the cumulative effects of multiple toxins.
- BCC-250** [See page 5-212 for the original comment] See Response BBCAG-88.
- BCC-251** [See page 5-213 for the original comment] See Response BBCAG-91.
- BCC-252** [See page 5-213 for the original comment] See Response BBCAG-93.
- BCC-253** [See page 5-213 for the original comment] See Response BBCAG-94.
- BCC-254** [See page 5-213 for the original comment] See Response BBCAG-96.
- BCC-255** [See page 5-214 for the original comment] This comment refers to previously proposed risk-based cleanup levels proposed by MACTEC for OU-1 in 2009. See Master Response 13 for discussion of the remediation review and approval process. Based on the land uses approved by the City of Brisbane, updated human health risk assessments will be prepared. These human health risk assessments will then be used by the RWQCB and DTSC to set site-specific risk-based cleanup goals for the Baylands.
- BCC-256** [See page 5-214 for the original comment] See Response BCAG-100.
- BCC-257** [See page 5-214 for the original comment] See Response BCAG-101.
- BCC-258** [See page 5-214 for the original comment] See Response BCAG-102.
- BCC-259** [See page 5-214 for the original comment] This comment mischaracterizes the recommendations of the Draft EIR. See Master Response 13 for discussion of the remediation review and approval process. Pursuant to the requirements of Draft EIR Mitigation Measure 4.G-2a, site remediation and landfill closure will be required to meet the standards set by the RWQCB and DTSC, which are the state agencies having regulatory authority over remediation and landfill closure within the Baylands. See also Master Response 5 for discussion of compliance with the law as mitigation under CEQA.
- BCC-260** [See page 5-214 for the original comment] See Response BBCAG-110.
- BCC-261** [See page 5-215 for the original comment] This comment references unidentified evidence regarding the effects of testing; however, no documentation is provided to identify a cause and effect relationship between groundwater testing and the movement of contaminants. See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. As part of site remediation and Title 27 landfill closure, the RWQCB will require remediation of existing groundwater contamination.

BCC-262 [See page 5-215 for the original comment] The sentence cited in this comment provides an introductory overview of historic hazardous materials and contamination within the OU-2 site. Bunker C fuel oil also known as No. 6 fuel oil is a dense, viscous oil that is, in fact, *low* in solubility and mobility; the Draft EIR does not assert that Bunker C oil is insoluble and immobile. Lead is also, in fact, also low in solubility and mobility. The discussion of soil and groundwater contamination starting on Draft EIR page 4.G-52 identifies constituents of concern located within OU-2.

See Master Response 13 for discussion of the remediation review process. As part of required remediation for OU-2, the RWQCB will set risk-based cleanup goals for OU-2 based on the land uses determined by the City to be appropriate for the Baylands, and will also determine the appropriate activities and technologies to achieve such goals.

BCC-263 [See page 5-215 for the original comment] See Response BCC-262.

BCC-264 [See page 5-215 for the original comment] See Response BBCAG-118.

BCC-265 [See page 5-216 for the original comment] See Response BBCAG-119.

BCC-266 [See page 5-216 for the original comment] See Response BBCAG-120.

BCC-267 [See page 5-216 for the original comment] See Response BBCAG-122.

BCC-268 [See page 5-216 for the original comment] See Response BBCAG-122.

BCC-269 [See page 5-216 for the original comment] See Response BBCAG-122.

BCC-270 [See page 5-216 for the original comment] See Response BBCAG-123.

BCC-271 [See page 5-217 for the original comment] See Response BBCAG-124.

BCC-272 [See page 5-217 for the original comment] See Response BBCAG-128.

BCC-273 [See page 5-217 for the original comment] See Response BBCAG-129.

BCC-274 [See page 5-217 for the original comment] See Response BBCAG-130.

BCC-275 [See page 5-217 for the original comment] See Response BBCAG-131.

BCC-276 [See page 5-217 for the original comment] The source report (Geosyntec 2012c) used to prepare Figure 4.G-5 uses the term “Drainage Channel” rather than “Visitacion Creek” for the same feature. The Draft EIR uses the nomenclature of the source reports to ensure accurate reporting of the information in those reports.

- BCC-277** [See page 5-217 for the original comment] See Response BBCAG-132.
- BCC-278** [See page 5-218 for the original comment] See Response BBCAG-133.
- BCC-279** [See page 5-218 for the original comment] See Response BBCAG-134.
- BCC-280** [See page 5-218 for the original comment] See Response BBCAG-135.
- BCC-281** [See page 5-218 for the original comment] See Response BBCAG-137.
- BCC-282** [See page 5-219 for the original comment] See Response BBCAG-138.
- BCC-283** [See page 5-219 for the original comment] See Master Response 18 for discussion of cumulative effects of multiple toxins.
- BCC-284** [See page 5-219 for the original comment] See Response BBCAG-140.
- BCC-285** [See page 5-219 for the original comment] See Response BBCAG-142.
- BCC-286** [See page 5-219 for the original comment] See Response BBCAG-142.
- BCC-287** [See page 5-219 for the original comment] See Response BBCAG-143.
- BCC-288** [See page 5-220 for the original comment] See Response BBCAG-144.
- BCC-289** [See page 5-220 for the original comment] See Response BBCAG-145.
- BCC-290** [See page 5-220 for the original comment] See Response BBCAG-145.
- BCC-291** [See page 5-220 for the original comment] See Response BBCAG-145.
- BCC-292** [See page 5-220 for the original comment] See Response BBCAG-146.
- BCC-293** [See page 5-220 for the original comment] See Response BBCAG-148.
- BCC-294** [See page 5-221 for the original comment] See Response BBCAG-149.
- BCC-295** [See page 5-221 for the original comment] This comment provides no evidence in support of its assertion that the assessment in the Draft EIR is incorrect. See Response BBCAG-150.
- BCC-296** [See page 5-221 for the original comment] See Response BBCAG-151.
- BCC-297** [See page 5-221 for the original comment] See Response BBCAG-152.
- BCC-298** [See page 5-221 for the original comment] See Response BBCAG-153.

- BCC-299** [See page 5-221 for the original comment] See Response BBCAG-157.
- BCC-300** [See page 5-222 for the original comment] See Response BBCAG-158.
- BCC-301** [See page 5-222 for the original comment] See Master Response 13 for discussion of the Title 27 landfill closure review and approval process. Although proposed remedial actions for the former Brisbane Landfill have previously been described in the Burns & McDonnell 2002 Final Closure and Post-Closure Maintenance Plan, the regulatory agencies including the RWQCB and the CalRecycle/San Mateo County Health System will ultimately define remediation and post-closure monitoring activities, ensuring both are in compliance with Title 27 CCR 21190 and any new, applicable regulations. As discussed in Master Response 13, while the City of Brisbane has regulatory authority over land use within the Baylands, the RWQCB has regulatory authority over Title 27 landfill closure, including remedial technologies. The City will work with the RWQCB to achieve consistency between remedial technologies and Brisbane General Plan policies.
- BCC-302** [See page 5-222 for the original comment] See Response BBCAG-160.
- BCC-303** [See page 5-222 for the original comment] See Response BBCAG-162.
- BCC-304** [See page 5-223 for the original comment] See Response BBCAG-163.
- BCC-305** [See page 5-223 for the original comment] See Response BBCAG-164.
- BCC-306** [See page 5-223 for the original comment] See Response BBCAG-165.
- BCC-307** [See page 5-223 for the original comment] See Response BBCAG-166.
- BCC-308** [See page 5-223 for the original comment] See Response BBCAG-167.
- BCC-309** [See page 5-223 for the original comment] See Response BBCAG-167.
- BCC-310** [See page 5-224 for the original comment] See Response BBCAG-167.
- BCC-311** [See page 5-224 for the original comment] See Response BBCAG-168.
- BCC-312** [See page 5-224 for the original comment] See Response BBCAG-169.
- BCC-313** [See page 5-224 for the original comment] See Response BBCAG-170.
- BCC-314** [See page 5-224 for the original comment] See Response BBCAG-172.
- BCC-315** [See page 5-225 for the original comment] See Response BBCAG-175.

- BCC-316** [See page 5-225 for the original comment] See Response BBCAG-175.
- BCC-317** [See page 5-225 for the original comment] See Response BBCAG-187.
- BCC-318** [See page 5-225 for the original comment] See Response BBCAG-188.
- BCC-319** [See page 5-225 for the original comment] See Response BBCAG-190.
- BCC-320** [See page 5-226 for the original comment] See Response BBCAG-191.
- BCC-321** [See page 5-226 for the original comment] See Response BBCAG-192.
- BCC-322** [See page 5-226 for the original comment] See Response BBCAG-192.
- BCC-323** [See page 5-226 for the original comment] See Master Response 5 and Response BBCAG-192.
- BCC-324** [See page 5-226 for the original comment] See Response BBCAG-193.
- BCC-325** [See page 5-227 for the original comment] See Response BBCAG-195.
- BCC-326** [See page 5-227 for the original comment] See Response BBCAG-196.
- BCC-327** [See page 5-227 for the original comment] See Response BBCAG-204.
- BCC-328** [See page 5-227 for the original comment] See Response BBCAG-205.
- BCC-329** [See page 5-228 for the original comment] See Response BBCAG-206.
- BCC-330** [See page 5-228 for the original comment] See Response BBCAG-206.
- BCC-331** [See page 5-228 for the original comment] See Response BBCAG-206.
- BCC-332** [See page 5-228 for the original comment] See Response BBCAG-209.
- BCC-333** [See page 5-228 for the original comment] See Response BBCAG-210.
- BCC-334** [See page 5-229 for the original comment] See Response BBCAG-212.
- BCC-335** [See page 5-229 for the original comment] See Response BBCAG-213.
- BCC-336** [See page 5-229 for the original comment] See Response BBCAG-214.
- BCC-337** [See page 5-229 for the original comment] See Response BBCAG-225.
- BCC-338** [See page 5-229 for the original comment] See Response BBCAG-226.

- BCC-339** [See page 5-230 for the original comment] See Response BBCAG-227.
- BCC-340** [See page 5-230 for the original comment] See Response BBCAG-228.
- BCC-341** [See page 5-230 for the original comment] See Response BBCAG-229.
- BCC-342** [See page 5-230 for the original comment] See Response BBCAG-230.
- BCC-343** [See page 5-231 for the original comment] See Response BBCAG-231.
- BCC-344** [See page 5-231 for the original comment] See Response BBCAG-234.
- BCC-345** [See page 5-231 for the original comment] See Response BBCAG-236.
- BCC-346** [See page 5-232 for the original comment] See Response BBCAG-237.
- BCC-347** [See page 5-232 for the original comment] See Response BBCAG-239.
- BCC-348** [See page 5-232 for the original comment] See Response BBCAG-240.
- BCC-349** [See page 5-232 for the original comment] See Response BBCAG-241.
- BCC-350** [See page 5-232 for the original comment] See Response BBCAG-242.
- BCC-351** [See page 5-233 for the original comment] See Response BBCAG-243.
- BCC-352** [See page 5-233 for the original comment] See Response BBCAG-244.
- BCC-353** [See page 5-233 for the original comment] See Response BBCAG-245.
- BCC-354** [See page 5-233 for the original comment] See Response BBCAG-246.
- BCC-355** [See page 5-233 for the original comment] See Response BBCAG-247.
- BCC-356** [See page 5-233 for the original comment] See Response BBCAG-248.
- BCC-357** [See page 5-233 for the original comment] See Response BBCAG-250.
- BCC-358** [See page 5-234 for the original comment] See Response BBCAG-252.
- BCC-359** [See page 5-234 for the original comment] See Response BBCAG-253.
- BCC-360** [See page 5-234 for the original comment] See Master Response 13 for discussion regarding the Title 27 landfill closure review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

- BCC-361** [See page 5-234 for the original comment] See Response BBCAG-257.
- BCC-362** [See page 5-234 for the original comment] See Response BBCAG-258 for discussion of the requirements imposed by the Draft EIR for vapor intrusion barriers.
- BCC-363** [See page 5-234 for the original comment] See Responses BBCAG-259 and BBCAG-260.
- BCC-364** [See page 5-235 for the original comment] See the following responses:
- Master Response 15 for discussion of the adequacy of existing hazardous materials studies for use in the Draft EIR;
 - Response BBCAG-261 for discussion regarding the “Icehouse District” and school development standards;
 - Response BCC-233 for discussion regarding location of schools within ¼ mile of the Kinder Morgan tank farm; and
 - Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA.
- BCC-365** [See page 5-235 for the original comment] See Response BBCAG-262.
- BCC-366** [See page 5-235 for the original comment] See Response BBCAG-262.
- BCC-367** [See page 5-235 for the original comment] See Response BBCAG-264.
- BCC-368** [See page 5-236 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR.
- BCC-369** [See page 5-236 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR.
- BCC-370** [See page 5-236 for the original comment] See Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR.
- BCC-371** [See page 5-236 for the original comment] The text cited in this comment refers to berm containing flood flows within the Levinson Overflow area. The maximum elevation of flood flows detained within the overflow area is determined by the height of the weir and the berm forming the overflow area; the elevation of flooding in the event of failure of that berm during a 100-year storm event is not related to sea level rise.
- Coastal flood zones include factors that consider such effects as wave heights and high tides. Establishing a requirement to provide one foot of additional height (also known as freeboard) above the 100-year flood zone elevation is commonly

recommended by FEMA to account for provide an appropriate margin of safety in relation to any other factors. In addition, Mitigation Measure 4.H-4a requires that 1-foot of freeboard be maintained above the 100-year storm event hydraulic grade line water elevation *with* tidal flow *and* 100 years of estimated sea level rise. Therefore, the proposed minimum ground floor elevations combined with the required BCDC Bay Plan policies and Mitigation Measure 4.H-4a would ensure that flooding hazards are reduced to less than significant levels.

BCC-372 [See page 5-237 for the original comment] See Master Response 4 for discussion of the use of thresholds and determinations of significance under CEQA, which requires an EIR to focus on the “significant environmental effects” of the proposed project. A “‘significant effect on the environment’ means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” (CEQA Guidelines Section 15382.) The lead agency, here, the City of Brisbane, is responsible for deciding whether an adverse environmental effect identified in an EIR should be classified as “significant” or “less than significant.” (CEQA Guidelines Section 15064(b).) Under CEQA Guidelines Section 15064(b), the significance of an activity may vary with the setting, and therefore an inflexible definition of significant effects is not possible. CEQA gives the lead agency discretion to formulate standards of significance, also known as significance thresholds or criteria, for use in an EIR, against which to measure the impacts of a project, and determine their significance. The Draft EIR specifically identifies each of the criteria used in its analyses to determine the significance of each impact. These significance criteria, which are outlined in Appendix G of State CEQA Guidelines can be found in each section of Chapter 4 immediately following the Regulatory Setting at the beginning of the Impacts and Mitigation Measures section. For example, in Section 4.H, *Surface Water Hydrology and Water Quality*, the significance criteria used to determine the significance of impacts can be found in Section 4.H.4, starting on page 4.H-18 of the Draft EIR.

As stated in the Draft EIR, the determination of each impact’s significance was based on expert analysis in each individual resource area including site-specific data collected by licensed professionals, reports and studies prepared by experts in the field, and publicly available data from agencies including ABAG, FEMA, and the RWQCB. The data was summarized, analyzed and the significance determinations made based on substantial evidence, applicable significance criteria and the EIR preparers’ professional judgment and expertise.

BCC-373 [See page 5-237 for the original comment] This comment states that the mitigation measures do not adequately address identified impacts, but provides no evidence in support of this assertion. The flooding analysis that begins on

page 4.H-30 of the Draft EIR recognizes that while much of the Baylands Project Site is located outside of the 100-year flood zone, there are some low-lying areas that could be subject to flooding if left at current ground elevations. However, as required by Mitigation Measure 4.H-4a on page 4.H-30, “Drainage improvements shall accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise.” In addition, the City’s standard conditions of approval for site-specific development requires that site grading and drainage be designed to as to avoid standing water, expect in basins specifically designed for that purpose. By ensuring that finished floor elevations of all proposed development are a minimum of one foot above the 100-year flood zone with tidal flow and 100 years of estimated sea level rise, and positive drainage is provided, flooding impacts would be reduced to less than significant levels.

BCC-374 [See page 5-237 for the original comment] As stated in the Draft EIR on page 4.H-5, the FEMA flood maps that were updated in October 2012 were used as a source for the flood analysis in the Draft EIR. The sources listed for Figure 4.H-3 are modified as follows:

Source: ESA, 2012 and FEMA, ~~1983~~ 2012

Although BCDC does not provide flood mapping, it does maintain standards for flood protection. As stated on page 4.H-15, BCDC has jurisdiction within the Baylands Project Site that “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 proposed development at the Baylands. The proposed developments would be required to adhere to the San Francisco Bay Plan policies where applicable.

BCC-375 [See page 5-238 for the original comment] Sea level rise is a global phenomenon that will affect all coastal areas within the geographic area analyzed for cumulative impacts in the Draft EIR. Implementation of the mitigation measures developed for the proposed developments at the Baylands, specifically Mitigation Measure 4.H-8, would reduce impacts from sea level rise and flooding to a less than significant level through incorporation of the Sea Level Rise Risk Assessment and any subsequent requirements that result from it.

BCC-376 [See page 5-238 for the original comment] The Draft EIR text cited in this comment provides a “regulatory setting” to identify relevant General Plan requirements with which proposed Baylands development must comply. The comment incorrectly concludes that the Draft EIR relies solely on General Plan policies to address water quality issues.

In addition to compliance with General Plan policies related to drainage facilities and flood hazards (with which future site-specific development will be required to be consistent), there are numerous regulatory requirements applicable to Project Site development, including without limitation NPDES General Construction Permit requirements, NPDES MS4 and Provision C.3 requirements, and BCDC Bay Plan policies. In addition, the Draft EIR imposes mitigation measures that include specific performance standards to reduce impacts related to the issues raised in this comment. These regulatory requirements and mitigation measures include the formation and implementation of best management practices, including current strategies to handle stormwater runoff. Combined with implementation of General Plan policies through required Specific Plan(s) for development within the Baylands, the regulatory requirements and Draft EIR mitigation measures reduce the potential impacts to less than significant levels. See Master Response 5 for discussion of compliance with the law as mitigation under CEQA.

BCC-377 [See page 5-238 for the original comment] Bunker C oil was released at the Baylands site in the past and is present in the subsurface materials, but does not exist as a point source within the Baylands site. The remediation of Bunker C oil is discussed in Section 4.G, *Hazards and Hazardous Materials*, of the Draft EIR.

BCC-378 [See page 5-238 for the original comment] As the comment acknowledges, the Kinder Morgan Tank Farm is not part of the Baylands Project Site that is analyzed in the Draft EIR. Any discharges or runoff from the Kinder Morgan Tank Farm represent existing conditions at the Baylands Project Site and development on the Baylands will not have any effect on such discharges from the Kinder Morgan Tank Farm. Issues related to management of point source discharges from the Kinder Tank Farm and the potential for contamination within the Tank Farm are appropriately addressed directly between Kinder Morgan and the Regional Water Quality Control Board as part of Kinder Morgan's operating permits, rather than as an impact of proposed Baylands development. See Master Response 19 for a discussion of land use compatibility between proposed Baylands development and the Kinder Morgan Tank Farm.

BCC-379 [See page 5-239 for the original comment] The Levinson marsh is often referred to as the Levinson "overflow" area in hydrologic reports. Identification of the area in hydrologic reports and the Levinson "overflow" area has no bearing on that site's biological resources functions. The title "Levinson Overflow Area" was used to describe this water feature in the City of Brisbane's Storm Drainage Master Plan prepared in 2003, which was included as a reference in the Draft EIR.

The purpose of the improved drainage control of the Levinson Overflow area (Levinson Marsh) as described in the City's Master Drainage Plan is to alleviate

some existing flooding issues. The drainage improvements required in the Draft EIR include LID drainage features, which could include detention basins or cisterns as required by C.3 requirements to minimize the amount of offsite flow. The requirements are designed to ensure that existing water resources and receiving waters of offsite stormwater discharges are protected from degradation of water quality. See Section 4.C, *Biological Resources*, for a full analysis of biota impacts related to the proposed improvements.

BCC-380 [See page 5-239 for the original comment] As stated in the Draft EIR on page 4.H-21, any dewatering activities that would occur as part of construction would be temporary in nature and conducted in accordance with RWQCB requirements, which would address any concerns regarding influences on existing contaminated groundwater. In addition, considering that the dewatering would only be temporary, any effects would also be temporary and would cease once that stage of construction is complete. In addition, dewatering activities would be planned in accordance with the recommendations of the design level geotechnical report as required by law which would include safeguards to ensure that secondary effects such as “slumping” would not occur. To clarify its intent, Mitigation Measure 4.H-1b is revised to read as follows

Mitigation Measure 4.H-1b: Prior to issuance of a grading permit, an applicant for any site specific development project to be constructed within the Project Site shall comply with any site-specific NPDES permit requirements for dewatering activities, as administered by the RWQCB. The RWQCB could require compliance with certain provisions in the permit, such as treatment of the flows prior to discharge, depending on the particular site conditions. Discharge of the groundwater generated during dewatering to the sanitary sewer or storm drain system shall only occur with authorization of and required permits from the applicable regulatory agencies, including the Bayshore Sanitary District or the RWQCB. Site dewatering activities shall also be monitored by a state licensed geotechnical engineer in such a manner as to avoid the potential for damaging buildings or infrastructure due to potential subsidence of the ground surface in accordance with any requirements from the City Engineer.

BCC-381 [See page 5-239 for the original comment] Mudflows are debris flows that involve large volumes of water mixed with soil, and are typically associated with heavy rainfall or sudden snow melts. While an existing waterline break could theoretically occur, it would be speculative to assume such an event would actually occur within an area that is outside of the Baylands Project Site. The relatively flat topography of the area, even with the presence of Icehouse Hill, is not prone to substantive debris flows or mudflows due to the lack of any substantive nearby upland slopes.

BCC-382 [See page 5-239 for the original comment] As stated in the Draft EIR on page 4.G-78, proposed development on contaminated sites requires an approved remedial action plan to be completed and certified by the overseeing agency (DTSC or RWQCB) prior to development or any change in existing land use. The former landfill would be closed in accordance with Title 27 requirements, which would include isolating any of the refuse materials from surface waters. As stated on page 4.G-80, “a surface water management system would facilitate surface transport of stormwater across the final cover and off of the landfill surface. Leachate seeps in the Central Drainage Channel and Brisbane Lagoon ... would be addressed by reconstructing the channel and installing a layered lining system that includes a barrier membrane to ensure that the Central Drainage Channel and Brisbane Lagoon are fully isolated from any leachate migration as part of the ongoing remedial activities at the landfill.”

See Master Response 13 for discussion of the remediation review and approval process and Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA. The RWQCB and DTSC, as the responsible regulatory authorities for site remediation and Title 27 landfill closure, are obligated to prevent the spread of hazardous waste and leachate in accordance with risk-based cleanup goals designed to protect human health and environment. Because sea level rise can be reasonably forecasted, it will need to be taken into account in relation to remedial technologies and monitoring.

BCC-383 [See page 5-239 for the original comment] The use of deep foundation pilings in a brackish environment is a condition that is commonly encountered throughout the San Francisco Bay shoreline and elsewhere. Current design standards and industry standard practices can prevent corrosive hazards through isolation of pilings from contact with brackish water and use of corrosive resistant materials that have proven effective. Specific design details for deep foundation design have not yet been completed as these would depend on site-specific conditions and building designs that would be determined on a case-by-case basis. Standard structural design parameters that would be required by the City would ensure the durability and safety of deep foundation pylons in a brackish environment (as described in Draft EIR Mitigation Measure 4.E-2a: “Prior to the issuance of a grading permit, applicants for all site-specific development and infrastructure projects within the Project Site, including structures, utilities, and roadways shall submit to the City Engineer a final design-level geotechnical report prepared by a licensed geotechnical or soil engineer experienced in construction methods on fill materials in an active seismic area. The report shall provide site-specific 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.”).

BCC-384 [See page 5-240 for the original comment] As stated in the Draft EIR on page 4.G-80, prior to development on the former landfill, the existing leachate seeps in the Central Drainage Channel and Brisbane Lagoon (including the northern edge), would be addressed by installing a layered lining system that includes a barrier membrane to ensure that both are fully isolated from any leachate migration. The specific design and regulatory requirements for the lining system will be established when a specific landfill closure plan is reviewed by the Regional Water Quality Control Board and the San Mateo County Health System (as described in Draft EIR Mitigation Measure 4.G-2a: “Prior to approval of a specific plan for any parcel within the Project Site, the project applicant shall provide confirmation to the City that the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Division as the Local Enforcement Agency, as applicable, have reviewed and are prepared to approve a Remedial Action Plan or final closure and post-closure maintenance plans upon certification of appropriate environmental documentation for that action.”).

BCC-385 [See page 5-241 for the original comment] The comment is correct that the former Champion Speedway, a 1/8 mile oval racetrack, once existed on the Baylands Project Site south of Beatty Avenue from approximately 1963 to 1979.¹⁵ The speedway held a number of events during this period, including automobile races and demolition derbies. After closure, the speedway was demolished and covered by fill. No traces of this former racetrack currently exist within the Baylands Project site. While this former and temporary use is a part of the Baylands Project site’s history, this information does not change the conclusions regarding impacts to historic resources in the Draft EIR. Waste characterization studies undertaken subsequent to the closure of the speedway in 1979 would address any remnant contamination from that use. To recognize this former use, the second paragraph on page 4.I-1 under the heading “Historic Setting” is revised to read as follows.

Historic uses of the Project Site include the former Brisbane Landfill and the former Southern Pacific Bayshore Railyard. The former landfill area is located on the east side of the Caltrain tracks which bisect the Project Site. This area was operated as a landfill from 1932 to 1967; after its closure, the landfill was buried with 20 to 30 feet of soil cover. Several buildings have been constructed on the former landfill, including portions of the Recology facility, Sierra Point Lumber and Van Arsdale

¹⁵ <http://www.wediditforlove.com/Champion-1.html>. Accessed April 16, 2014.

Lumber, which still remain. Much of the former landfill is used for soil and construction material recycling. Champion Speedway, a 1/8 mile oval racetrack operated on a portion of the landfill from approximately 1963 to 1979, holding a number of events, including automobile races and demolition derbies. After closure, the speedway was demolished and covered by fill.

See also Master Response 7 for discussion of changes in ground elevations occurring due to ongoing soils processing operations within the former landfill. The visual impacts associated with formal closure of the landfill and future grading are captured in Section 4.A, *Aesthetics and Visual Resources*, in Table 4.A-1, which provides photosimulations of changes in ground elevations from existing conditions in the 2010 baseline year and with-project ground elevations for each concept plan scenario. As noted in Master Response 7, the 2010 baseline represents a worst-case analysis for assessment of environmental impacts of the proposed Baylands site development as required by CEQA.

A description of active interim uses within the Baylands Project Site is provided on page 3-18 of the Draft EIR. Landfill monitoring activities are discussed in Section 4.H, *Hazards and Hazardous Materials*, of the Draft EIR.

BCC-386 [See page 5-241 for the original comment] The Draft EIR states on page 4.I-2 that most of Icehouse Hill consists of undisturbed natural area based on archival research and biological resources reconnaissance studies conducted for the Draft EIR. While it is recognized that horse grazing, a communications facility, and use as a shooting range have resulted in degradation of habitat, Icehouse Hill provides habitat for special status butterfly species. While the comment notes that past activities occurring prior to 2010 resulted in habitat degradation on Icehouse Hill, such degradation did not occur as the result of any action related to the proposed Baylands development that is the subject of the Brisbane Baylands EIR. The impacts of past activities on Icehouse Hill are not, therefore, impacts of the proposed Baylands development program. As part of the City planning review of proposed Baylands development, the City will consider programs for restoration of habitat on Icehouse Hill.

Text has been added to the Draft EIR to address the police shooting range and presence of lead on Icehouse Hill. See text revisions to Draft EIR page 4.G-98 in Chapter 3.0 of the Final EIR for discussion of the former shooting range and potential lead contamination on Icehouse Hill.

BCC-387 [See page 5-241 for the original comment] See Master Response 19, Land Use Compatibility, for a discussion of the Kinder Morgan tank farm and land use compatibility.

- BCC-388** [See page 5-241 for the original comment] A listing of relevant federal, state, regional and local regulations is provided in the Regulatory Setting Section for each environmental issue addressed in Chapter 4 of the Draft EIR. A summary list of relevant regulations, including references to relevant documents is provided in Section 3.0 of the Final EIR.
- BCC-389** [See page 5-241 for the original comment] Any development approved by the City within the Baylands, including development within the former landfill site, will be required to be consistent with the provisions of the Brisbane General Plan. While the Brisbane City Council has committed that any development project being considered for approval will be submitted to the voters for approval, the provisions of the General Plan do not require Baylands area development to be approved by public vote (see Master Response 18 for a discussion of public vote requirements).
- BCC-390** [See page 5-241 for the original comment] This comment attributes a statement of BCDC's mission to its San Francisco Bay Plan; however, a review of the San Francisco Bay Plan determined that the description of BCDC's mission is not, in fact, included in the Plan. Major Conclusions and Policies of the San Francisco Bay Plan #3 identify priority uses by stating: "Uses of the Shoreline. All desirable, high-priority uses of the Bay and shoreline can be fully accommodated without substantial Bay filling, and without loss of large natural resource areas. But shoreline areas suitable for priority uses -- ports, water-related industry, airports, wildlife refuges, and water-related recreation-exist only in limited amount, and should be reserved for these purposes."
- Policy 1 under "Other uses of the Bay and Shoreline" states, "Shore areas not proposed to be reserved for a priority use should be used for any purpose (acceptable to the local government having jurisdiction) that uses the Bay as an asset and in no way affects the Bay adversely. This means any use that does not adversely affect enjoyment of the Bay and its shoreline by residents, employees, and visitors within the site area itself or within adjacent areas of the Bay or shoreline."
- As part of its mission statement, the BCDC states it "is dedicated to the protection and enhancement of San Francisco Bay and to the encouragement of the Bay's responsible use" and states, "The most important uses of the Bay are those providing substantial public benefits and treating the Bay as a body of water, not as real estate." The BCDC recognizes that some filling would be justified for purposes providing substantial public benefits if these same benefits could not be achieved equally well without filling. According to the BCDC, substantial public benefits are provided by developing: port terminals, land for industries that require access to shipping channels, new recreational opportunities (parks, marinas, fishing piers, beaches, hiking and bicycling paths, and scenic drives, expanded airport

terminals and runways, new freeway routes, new public access to the Bay and enhancing shoreline appearance (<http://www.bcdc.ca.gov/mission.shtml>). Furthermore, the RWQCB - San Francisco Bay Region, which has adopted the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) defines “beneficial uses” of the Central San Francisco Bay as: ocean, commercial and sport fishing, estuarine habitat, industrial service supply, fish migration, fish spawning, navigation, rare and endangered species preservation, recreation, shellfish harvesting, and wildlife habitat.

The Draft EIR Land Use Section (4.I) discusses each of the Project Site development scenarios’ consistency with the BCDC San Francisco Bay Plan in Table 4.I-1. As discussed, the scenarios are consistent with the policies of the San Francisco Bay Plan.

BCC-391 [See page 5-241 for the original comment] Greenhouse gas emissions models account for projected emissions changes related to the vehicle fleet mix within the state based on current state and federal regulations that require manufacturers to achieve increasing fuel efficiency over time. These models also account for both mobile and stationary sources of GHG emissions.

BCC-392 [See page 5-242 for the original comment] The Regional Housing Needs Allocation addresses needs for future housing within the region based on projected household growth. The current adopted RHNA and the City’s current adopted Housing Element address housing needs for the period of January 2015 through January 2023. See Responses BCC-493 and BCC-498 for discussion of Brisbane’s housing needs.

BCC-393 [See page 5-242 for the original comment] See Master Response 25 for a discussion of the effects of proximity between jobs and housing in relation to travel within the Baylands.

BCC-394 [See page 5-242 for the original comment] The San Francisco Bay Conservation and Development Commission (BCDC) map in Draft EIR Figure 4.I-2 is based upon data from the San Francisco Bay Plan, which is available as a reference document of the Draft EIR. This comment does not otherwise raise significant environmental issues regarding the analyses or conclusions of the Draft EIR, and as such requires no further response.

BCC-395 [See page 5-242 for the original comment] Page 17 of the General Plan states that the “Brisbane 1994 General Plan is a ten year plan. This time frame was chosen because it represents a foreseeable future.” Since the General Plan projects development only over a 10-year time frame (1994-2004) and Plan Bay Area projects household and employment from 2010 through 2040, no direct comparison of General Plan and Plan Bay Area projections is possible.

BCC-396 [See page 5-242 for the original comment] The discussion of the City’s General Plan and zoning in the Draft EIR accurately depicts current designations. Baylands zoning is consistent with the General Plan, and there is, therefore, no need to “correct” the zoning map shown in Draft EIR Figure 3.10. As shown in Figure 3.9 of the Draft EIR, the General Plan designation for the Baylands Subarea is “Planned Development-Trade Commercial” (PD-TC). The “Trade Commercial” designation allows for a mix of commercial uses including warehouses, distribution facilities, offices, retail users, restaurants, commercial recreation, personal services, as well as light industrial, research and development, and uses of a similar character” along with “public and semi-public facilities and educational institutions.” The General Plan also provides that “repair and maintenance services, such as auto body repair shops, may be conditionally permitted in the implementing zoning districts” designated for Trade Commercial use.¹⁶ Residential use is inconsistent with the General Plan’s land use designation for the Baylands, and is expressly prohibited within the Baylands by General Plan Policy 330.1.

The zoning designation shown in Draft EIR Figure 3.10, is based on the City’s officially adopted zoning map maintained by the Community Development Department, and identifies the zoning designation of the Baylands Subarea as C-1, Commercial Mixed Use District. Although the City’s Zoning Ordinance permits residential use within the C-1 zoning district subject to approval of a conditional use permit, the City’s Zoning Ordinance expressly requires that any development in a C-1 district requires a Specific Plan to first be approved by the City Council. The General Plan further expressly prohibits residential use within the Baylands under General Plan Policy 330.1.

Since California Government Code Section 65454 requires the adoption of any specific plan to be consistent with the local General Plan, the City would be precluded by law from approving a Specific Plan that would provide for any residential use within the Baylands subarea. As such any application for a conditional use permit to allow for residential use within the Baylands would be subject to denial on the basis that it is inconsistent with both the underlying General Plan and the implementing Specific Plan.

BCC-397 [See page 5-242 for the original comment] See Master Response 18 for discussion of public vote requirements.

BCC-398 [See page 5-242 for the original comment] See Response BCC-374. The 1983 flood maps originally used to create the flood map shown in the Brisbane

¹⁶ The General Plan also sets forth certain subarea policies for the Baylands area. These policies require submission of a Concept Plan and once again make explicit that a Specific Plan must be adopted prior to the development of the Baylands area. (General Plan, p. 238.)

General Plan were updated in 2012. The flood map in the Draft EIR reflects the 2012 update. Discussion of flood hazards in relation to proposed Baylands Project Site development is analyzed in Draft EIR Section 4.H, *Surface Water Hydrology and Water Quality*. See Master Response 9 for discussion of historic wetlands and wetland mitigation requirements.

BCC-399 [See page 5-242 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. The Brisbane General Plan and zoning ordinance both require preparation and adoption of a specific plan prior to development within the Baylands Subarea. Since state law requires specific plans to be consistent with the locally adopted General Plan, all development within the Baylands will be required to be consistent with the Brisbane General Plan.

BCC-400 [See page 5-243 for the original comment] See Master Response 9 for discussion of historic wetlands and wetland mitigation requirements.

BCC-401 [See page 5-243 for the original comment] The paragraph referred to in this comment is the introduction to a section entitled, “Plans and Programs of Surrounding Jurisdictions.” While the purpose of this section is to identify the various development plans and programs surrounding the Baylands to “provide an understanding of the surrounding context of the Project Site,” the paragraph inadvertently uses the word “regulations.” To clarify the intent of the “Plans and Programs of Surrounding Jurisdictions,” section starting on page 4.I-12 of the Draft EIR, the second paragraph on that page is revised to read as follows.

While most of the San Francisco, Daly City, and San Mateo County plans and ~~regulations~~ development programs listed below are not directly applicable to the Project Site development, they provide an understanding of the surrounding context of the Project Site. ~~The portion of the Recology site that is within San Francisco is subject to San Francisco regulations, however.~~

BCC-402 [See page 5-243 for the original comment] The comment asserts there will be considerable conflicts with two significance thresholds related to Land Use, but does not include specifics on what those conflicts would be, or why impacts would occur and be significant. Draft EIR Section 4.I, *Land Use and Planning Policy*, sets forth a detailed impact analysis for each significance threshold, concluding that although inconsistencies with the General Plan exist for each scenario, none of the Project site development scenarios would result in a significant impact related to either of the significance criteria described in the comment.

As stated on Draft EIR page 4.I-14, a significant impact would result if Project site development would “physically divide an established community.” A significant impact related to dividing an established community will not result from proposed development within the Baylands because (1) the Baylands is already physically divided from the rest of the Brisbane community and surrounding lands by Bayshore Boulevard, the Recology facility, and Brisbane Lagoon; (2) there is no existing community on the east side of Bayshore Boulevard or within the Baylands that could be divided by proposed Project site development; and (3) the Baylands is already divided into east and west areas by the existing Caltrain rail line.

The Baylands Project Site is not subject to a habitat conservation plan, and therefore the Project Site development would not create any direct conflicts with such a plan. Icehouse Hill, is, however, situated adjacent to the boundary of the San Bruno Mountain Habitat Conservation Plan (SBMHCP) area. While the SBMHCP provides recommendations for some lands outside of the actual Conservation Plan area, those lands are situated on the west side of Bayshore Boulevard. Thus, the Baylands is neither within the SBMHCP, nor do its recommendations extend to the Baylands.

BCC-403

[See page 5-243 for the original comment] The Draft EIR includes the East Daly City-Cow Palace (Bayshore Redevelopment Project Area Plan) as cumulative project #12 in Table 6-2, and analyzes that project as part of the evaluation of cumulative effects in Chapter 6. For informational purposes, the current Daly City General Plan (adopted March 25, 2013) describes the Cow Palace as follows.

“**Cow Palace (2150 Geneva Avenue).** This property is owned by the State of California and consists of a State-operated indoor arena on an approximately 70-acre site (partially located within the City of San Francisco). The site is designated by the General Plan Land Use Map as G - Government Facility. Redevelopment of the site for private purposes would require a General Plan amendment, and would ideally occur together with an 11-acre private owned property and 12-acre Daly City Housing Development Finance Agency property. Both the privately-owned and Agency-owned properties are situated immediately west of the State-owned parcel. In support of a cohesive and integrated redevelopment plan for the site, Land Use Element Task LU-3.2 identifies the preparation of comprehensive land use, infrastructure, and streetscape plan for the Geneva Avenue Corridor, including the Cow Palace property. For purposes of the General Plan traffic model, the City has assumed the ultimate buildout of the three aforementioned properties to include 1,700 new dwelling units in a higher density format and 300,000 square feet of retail/office commercial in a multi-story and possibly mixed-use (residential above) format.”

BCC-404 [See page 5-243 for the original comment] See Response BCC-20. See also Master Response 22 for discussion of the proposed development analyzed as part of cumulative conditions. The Visitacion Valley Redevelopment Mixed Use Project (Schlage Lock site) is listed as Project #10 in Table 6-2, Cumulative Projects, in Chapter 6.0 *Significant Unavoidable Impacts, Growth Inducement, Cumulative Impacts, and Other CEQA Considerations*. Therefore, this project has been considered in the cumulative analysis for development of the Baylands. As noted in Chapter 6.0, the cumulative analyses for air quality, greenhouse gas emissions, and traffic rely on projections contained in adopted local, regional, or statewide plan or related planning documents. Cumulative Greenhouse Gas Emissions are discussed on page 6-25 and Section 4.F *Greenhouse Gas Emissions*, of the Draft EIR. The has EIR concluded that because GHG emissions would be below the Bay Area Air Quality Management District's (BAAQMD) "efficiency threshold," all four development scenarios would not make a substantial contribution to cumulative GHG impacts.

Cumulative traffic impacts are discussed on page 6-44 and in Section 4.N, *Traffic and Circulation*, Impact 4.N-3 and Impact 4.N-4. As discussed, roadway level of service standards would be exceeded, and significant cumulative impacts would result under Cumulative without Project conditions. The addition of project site development-related traffic is cumulatively considerable due to the large amount of traffic that would be generated by each Project Site development scenario, as demonstrated in Section 4.N.

BCC-405 [See page 5-243 for the original comment] The potential handling and storage of hazardous materials by proposed uses within the Baylands is addressed in Section 4.G, *Hazards and Hazardous Materials*. See Master Response 19 for a discussion of land use compatibility in relation to the Kinder Morgan tank farm.

BCC-406 [See page 5-243 for the original comment] All infrastructure needed to support Baylands development that is to be maintained by the City of Brisbane will be constructed to the most current City standards in effect at the time infrastructure improvements are constructed. Infrastructure that will be maintained by other agencies (e.g., San Francisco PUC, Bayshore Sanitary District) will be constructed to the standards of those agencies. All structure to be built within the Baylands will be required to meet the City's most current building standards at the time building permits are issued.

BCC-407 [See page 5-243 for the original comment] The "Community Prepared Plan" (CPP) scenario was developed through extensive community input, including a series of public meetings that focused on the types and distribution of developed land and open space uses rather than on proposed development intensity. The development intensity was established to allow for a worst-case analysis of potential environmental impacts. The CPP scenario was designated for study in this

EIR at an equal level of detail to the developer-sponsored plans (DSP and DSP-V scenarios) by the Brisbane City Council in 2010. The name of the CPP scenario is not intended to denote community acceptance or any recommendation by the Brisbane community.

BCC-408 [See page 5-244 for the original comment] Figure 3-16 of the Draft EIR identifies the proposed relocation site for the Sierra Point lumberyard within the Baylands. As shown in that figure, this facility would be moved south and west of its existing location to the other side of the existing Caltrain tracks. This would include relocating the existing rail spur from its current location to the south, and from the east side of the existing railroad right-of-way to the west side. The traffic implications of this relocation have been factored into the traffic analysis prepared for the Baylands. With the exception of the relocated lumberyard, the types of industrial uses that would typically receive and ship goods by rail are not proposed under any of the concept plan development scenarios proposed for the Baylands.

BCC-409 [See page 5-245 for the original comment] Long-term noise measurements presented in Table 4.J-1 of the Draft EIR were collected between June 27th and June 29th, 2007¹⁷, and recorded hourly average noise levels and maximum noise levels for every hour over a 48-hour period. The purpose of the long-term measurements is to establish the existing ambient noise levels at a number of representative locations in the Project Site development area to assess the compatibility of proposed land uses with the existing noise environment.

Unusual wind and atmospheric conditions may influence noise levels from distant sources (Caltrans, 2013). However, because the noise sources of concern within and surrounding the Baylands Project Site such as vehicle traffic and railroad operations would be relatively close year round, the potential for unusual atmospheric conditions to meaningfully affect noise levels from these sources is not substantial and seasonal long-term noise monitoring is not warranted.

BCC-410 [See page 5-245 for the original comment] Noise monitoring locations at off-site receptors were selected based on proximity to the project site in order to establish the existing noise levels at the closest sensitive receptors that would be most impacted by construction activities or operations within the Baylands Project Site. More distant receptors would be affected to a lesser degree due to the attenuation of sound with distance.

¹⁷ Measurements were taken in 2007 and, based on a review of changes in area traffic volumes, remain representative of conditions for the project site and its vicinity at the time of the Notice of Preparation in 2010. A review of traffic volumes for the section of US Highway 101 adjacent to the project site indicates that a 0.7 percent increase in peak hour traffic has occurred between 2007 and 2010. Noise models indicate that such a modest increase in traffic volumes would not have an appreciable effect on roadside noise levels (less than 0.1 dBA).

Noise monitoring location 7 in the Draft EIR was selected as the closest existing receptor to the southern end of the Project Site development area. It was selected based on its elevation above other buildings having direct line-of-sight with the Project Site development area, which is interrupted by a single row of eucalyptus trees with 5 to 6 feet of separation between each tree. Caltrans research has shown that for a vegetative strip to have a noticeable effect on noise levels, it must be dense and wide. A stand of trees must be at least 100 feet wide and dense enough to completely obstruct a visual path to the source to attenuate traffic noise by 5 dBA (Caltrans, 2013). Because the noise monitor microphone was not obstructed by these intervening trees, it would be expected that no meaningful reduction in noise as a result of the trees would be realized. Ambient noise was monitored at eight locations all of which are within the City of Brisbane, six of which were on the flatlands and two of which were at elevations of 75 and 225 feet above mean sea level, respectively.

BCC-411 [See page 5-245 for the original comment] A third party acoustical consultant was retained to consider the acoustical effects of Brisbane’s topography and the effects it may have on the analysis of noise impacts of the Draft EIR. The following information was provided by Rosen, Goldberg, Der & Lewitz, Acoustical Consultants (see Appendix I-3):

There is a perception by some residents that sounds are louder in Brisbane than in other communities because they are amplified due to the topography of the city. In particular, there is reference to “amphitheater-like conditions.” The perception of sounds being louder or amplified is best explained by the effect of the terrain on ambient noise and sound propagation rather than amplification.

First, the shape of the terrain tends to act as a noise barrier for ground based noise sources in all directions except toward the mouth of the valley to the east. For example, the hillsides around Brisbane act as noise barriers, blocking noise from US 101 east and south of the city. This tends to reduce the background sound level and make other sounds more noticeable. Second, the slope of the valley means that homes, like seats in an amphitheater, have a “good view” of noise sources. This means that noise will propagate better than in a typical flat community because buildings are less likely to intercept the line-of-sight to a noise source. However, the noise predictions in the Draft EIR do not take into account any acoustical shielding, and therefore, are appropriate for the analysis (Rosen et al., 2014).

Noise monitoring locations at off-site receptors in the Draft EIR were selected based on proximity to the Baylands Project Site in order to establish the existing noise levels at the closest sensitive receptors that would be most impacted by

construction activities or operations on the Baylands site. More distant receptors would be affected to a lesser degree due to the attenuation of sound with distance.

BCC-412 [See page 5-245 for the original comment] Ambient noise was monitored at eight locations all of which are within the City of Brisbane, six of which were on the flatlands and two of which were off-site at elevations of 75 and 225 feet above mean sea level, respectively. Noise monitoring locations at off-site receptors were selected based on proximity to the project site in order to establish the existing noise levels at the closest sensitive receptors that would be most impacted by construction activities or operations on the Baylands Project Site. More distant receptors would be affected to a lesser degree due to the attenuation of sound with distance.

Kings Road is located over 4,000 feet from the Project Site development area and would be impacted to a much lesser degree than other locations analyzed and therefore more distant sites such as this were not included in the noise monitoring effort. The following analysis is a demonstration of why more distant sites were not included. As stated on page 4.J-33 of the Draft EIR, pile driving noise of 103 dBA at the southern end of the project site would be attenuated to 73 dBA at the nearest receptor 1,600 feet away. At a distance of 4,000 feet where Kings Road is located, the noise would be further attenuated to 65 dBA.

BCC-413 [See page 5-245 for the original comment] The comment refers to the discussion of local regulations, and in particular, General Plan Policy 179, which calls for “incorporation, when feasible, of new road or landscaping features that buffer impacts on adjacent areas.” For a vegetative strip to have a noticeable effect on noise levels, it must be dense and wide. A stand of trees with a height that extends at least 16 feet above the line of sight between source and receiver must be at least 100 feet wide and dense enough to completely obstruct a visual path to the source to attenuate traffic noise by 5 dBA (Caltrans, 2013). A vegetative barrier of this extent along the northern portion of the Baylands site is not proposed in any scenario. Thus, the primary method of buffering noise between adjacent uses would be physical separation of noise sensitive uses from noise generators.

BCC-414 [See page 5-245 for the original comment] Site 7 is an existing residence at the terminus of San Francisco Street adjacent to Bayshore Boulevard, which is identified in Table 4.J-1 as having an *existing* Community Noise Equivalent Level (CNEL) of 70 dBA. According to Table 4.J-1, the existing CNEL of 70 would require noise reduction mitigations for residential and certain other land uses *proposed* in such an area. However, the project does not propose to develop new land uses at this location. The noise data at this location serves to establish the existing noise level so that an assessment can be made of the potential noise increases *generated by Project Site development* from construction or increased traffic volumes.

While the existing CNEL is 70 dBA at monitoring location 7, Project Site development would result in a 0.8 dBA increase in noise in the DSP and DSP-V scenarios (0.5 dBA in the CPP and CPP-V scenarios) Such differences in noise levels would not be detectable by the human ear and operational traffic increases resulting from the proposed project were identified as being less than significant at this location.

BCC-415 [See page 5-245 for the original comment] Page 4.J-12 and Table 4.J-2 of the Draft EIR present the City of Brisbane Noise Ordinance (Chapter 8.28) restrictions, and is not intended to provide a comparison of anticipated noise levels from different types of construction equipment. Table 4.J-7 illustrates differences in noise levels of various types of construction activities. All construction activities will be required to meet the City's noise standards set forth in Chapter 8.28 of the Municipal Code.

BCC-416 [See page 5-245 for the original comment] All construction activities will be required to meet the City's noise standards set forth in Chapter 8.28 of the Municipal Code. The noise standards set forth in the City's Noise Ordinance based on generation of noise levels above ambient are typical of noise standards throughout the state. Brisbane's ordinance is designed to address generation of noise from specific noise sources, recognizing that noise levels equal to or less than ambient are not heard above ambient noise. Programs for reduction of ambient noise levels are addressed as communitywide policy, rather than as mitigation measures attached to a specific project, since under CEQA, proposed projects can be required to mitigate the impact they may create, but not to mitigate the impact of existing conditions.

BCC-417 [See page 5-245 for the original comment] The CEQA Appendix G significance criteria that apply to noise and groundborne vibration are presented on page 4.J-17 of the Draft EIR and are sequentially addressed in the impact statements of the Noise Impact section.

BCC-418 [See page 5-246 for the original comment] Mitigation Measure 4.J-4a on Draft EIR page 4.J-34 would implement a construction Noise Control Plan to address identified significant noise impacts related to construction. Human annoyance impacts from construction-related vibration are assessed on pages 4.J-23 and 4.J-24 of the Draft EIR and were determined to be a less-than-significant impact.

BCC-419 [See page 5-246 for the original comment] The Draft EIR text referred to in Comment BCC-420 describes the methodology used to analyze vibration impacts. Analysis of anticipated vibration impacts that would result from Baylands development is presented starting on Draft EIR page 4.J-22. Mitigation Measure 4.J-2b on Draft EIR page 4.J-25 requires any development within 85 feet of the Roundhouse that would require pile driving or other construction

techniques that could result in vibrations of 0.25 in/sec to engage a qualified geotechnical engineer, subject to City approval, to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of the nearby historic structures subject to pile-driving or other vibration-inducing activity before a building permit is issued to demonstrate that the proposed construction activities would not result in vibration-induced damage to the Roundhouse building.

BCC-420 [See page 5-246 for the original comment] The Draft EIR text referred to in Comment BCC-420 describes the methodology used to analyze vibration impacts. Analysis of human annoyance impacts from construction-related vibration is presented on pages 4.J-23 and 4.J-24 of the Draft EIR and was determined to be less-than-significant.

BCC-421 [See page 5-246 for the original comment] Draft EIR page 4.J-16 to which the comment refers presents the methodology for assessing construction-related noise impacts. Noise impacts related to construction activity are presented on Draft EIR pages 4.J-31 through 4.J-34. This analysis addresses existing offsite noise-sensitive uses nearest the proposed demolition and construction activity including the residents of the Mission Blue Drive development, residents on San Francisco and Santa Clara Streets in Brisbane, residents on Linda Vista Drive and MacDonald Street in Daly City, and residents on Desmond Street and in the Little Hollywood neighborhood in San Francisco. The northeast ridge of Brisbane is located over 4,000 feet from the Project Site development area and therefore more distant sites such as this were not included in the noise monitoring effort.

The following analysis is a demonstration of why more distant sites were not included. As stated on page 4.J-33 of the Draft EIR, pile driving noise of 103 dBA at the southern end of the project site would be attenuated to 73 dBA at the nearest receptor 1,600 feet away. At a distance of 4,000 feet where Kings Road exists, the noise would be further attenuated to 65 dBA.

BCC-422 [See page 5-246 for the original comment] The Draft EIR does not identify pile-driving noise as a “nuisance” impact. The only reference in the Draft EIR to a “nuisance” noise impact is on Draft EIR page 4.J-36, which addresses aircraft noise.

Planning for acceptable noise exposure takes into account the types of activities and corresponding noise sensitivity in a specified location for a generalized land use type. Some general guidelines are as follows: sleep disturbance can occur at levels above 35 dBA; interference with human speech begins at about 60 dBA; and hearing damage can result from prolonged exposure to noise levels in excess of 85 to 90 dBA (USEPA, 1974).

The World Health Organization (WHO) is a reputable source of current knowledge regarding the health effects of noise impacts because European nations have continued to study noise and its health effects, while the United States Environmental Protection Agency all but eliminated its noise investigation and control program in the 1970s (WHO, 1999).

Potential health effects of noise identified by WHO include decreased performance for complex cognitive tasks, such as reading, attention span, problem solving, and memorization; physiological effects such as hypertension and heart disease (after many years of constant exposure, often by workers, to high noise levels); and hearing impairment (again, generally after long-term occupational exposure).

Based on reference noise levels for construction equipment at a distance of 50 feet such as presented in Table 4.J-7 and 4.J-8 of the Draft EIR, the only construction activity noise that would have the potential to reach unhealthful levels (90 dBA or greater) would be pile driving. Prolonged exposure of receptors within approximately 100 feet of pile driving could have adverse health effects. The Draft EIR identifies a significant construction noise impact and Mitigation Measure 4.J-4a which requires all applicants for site-specific development within the Baylands site to implement site-specific noise attenuation measures during all construction-related activities under the supervision of a qualified acoustical consultant as a prerequisite to issuance of site grading(s), to ensure that construction noise does not exceed the standards set forth in the City's noise ordinance. These measures are to be included in a Noise Control Plan that shall be submitted for review and approval by the City of Brisbane Building Department.

BCC-423 [See page 5-246 for the original comment] Existing aircraft noise is captured in the noise monitoring data presented in Table 4.J-1 of the Draft EIR, which cover a 48-hour period. The status of aircraft noise complaints is presented on page 4.J-5 of the Draft EIR. California aircraft noise standards are set in terms of CNEL which is a cumulative noise descriptor that averages hourly noise levels over a one day period, and penalizes evening and nighttime hourly contributions, as described on Draft EIR page 4.J-3.

BCC-424 [See page 5-246 for the original comment] The potential for future increases in flight activity at SFO and proposed development within the Baylands are independent activities whose review and possible approval are not related to each other. Future noise contours for year 2020 at SFO indicate that the nearest CNEL 65 contour is over one mile to the south of the City of Brisbane (C/CAG, 2012). Attempting to quantify any increase in aircraft activity beyond that which SFO currently projects through 2020 would be speculative.

- BCC-425** [See page 5-246 for the original comment] Cumulative noise impacts addressing high-speed rail are discussed on Draft EIR page 6-35. Given the cumulatively significant roadway and retail loading impacts described in the Draft EIR, and the potential significant noise impacts of the High Speed Rail project, cumulative noise impacts would affect the community at large, although the magnitude of this overall increase would be different for different portions of the community. Consequently the cumulative noise impact was qualitatively identified because it would be speculative to quantify changes in rail activity and estimate the contribution of proposed Project Site development relative to the potential noise impact of high-speed rail operations. It would be incumbent upon the High Speed Rail Authority to provide mitigation, to the extent feasible, for the noise impact contributions of that foreseeable project.
- BCC-426** [See page 5-246 for the original comment] See BCC-93 and BCC-145. Several mitigation measures in the Draft EIR protect terrestrial wildlife species from disturbance from construction noise and associated vibration, including Mitigation Measures 4.C-1c, 4.C-1d, and 4.C-1f, which all require preconstruction surveys for sensitive species prior to initiation of any ground disturbing activities. These measures require that if sensitive species are detected, the species would be protected from disturbance with buffers and construction work windows. The establishment of no-disturbance buffers would function to protect species from noise and vibration impacts.
- BCC-427** [See page 5-247 for the original comment] The nearest structures referred to on Draft EIR page 4.J-23 are single-story concrete warehouses occupied by Recology for the purposes of truck maintenance. The predicted vibration level of 0.01 inches per second at this building would be below structural damage thresholds for even fragile buildings, and therefore would have no impact on the identified structures.
- BCC-428** [See page 5-247 for the original comment] As discussed in Response BCC-178, Draft EIR page 4.D-16 notes that only the Roundhouse and the Machinery & Equipment Building were identified as historical resources. All other buildings or structures were found ineligible for listing as historical resources as they did not meet the state and federal evaluation criteria. As such, none of these other buildings are considered historical resources for purposes of CEQA. Therefore, no additional considerations would be given to these buildings in terms of vibration effects beyond those caused by standard construction methods.
- BCC-429** [See page 5-247 for the original comment] Data used for assessment of vibration impacts from pile driving were derived from the U.S. Department of Transportation's document Transit Noise and Vibration Impact Assessment. This document identifies vibration levels from a variety of construction equipment at a reference distance of 25 feet. These reference values were used to calculate the

resultant vibration levels expected at the nearest receptors using vibration propagation equations also contained in this document.

Soil and subsurface conditions are known to have an influence on the levels of ground-borne vibration. Experience with ground-borne vibration is that vibration propagation is more efficient in stiff clay soils. The reference vibration levels inventoried by U.S. DOT were developed to include a reasonable estimate for a wide range of soil conditions (FTA, 2006), including those present on the Baylands Project Site.

BCC-430 [See page 5-247 for the original comment] The nearest structures referred to on page 4.J-23 with regard to on-site receptors would be the proposed residential units proposed to be constructed as part of the DSP and DSP-V scenarios. Specifically, these would be proposed high-density flats indicated in dark gold at the eastern terminus of the proposed O Street and M Street in Figures 3-11 and 3-12 of Chapter 3, *Project Description*.

BCC-431 [See page 5-247 for the original comment] The Draft EIR presented the impact data for residences at a distance of 400 feet on page 4.J-23 and identified a less-than-significant impact. Therefore it can be assumed that even a lesser impact would be experienced at a distance of 1,000 feet.

Data used for assessment of vibration impacts from pile driving were derived from the U.S. Department of Transportation's document Transit Noise and Vibration Impact Assessment. This document identifies vibration levels from a variety of construction equipment at a reference distance of 25 feet. For pile driving this reference vibration level is 0.644 inches per second at 25 feet. Applying a vibration propagation equation of $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ results in a vibration level of 0.0025 inches per second at 1,000 feet. At this distance, pile-driving vibration would be less than 0.01 in/sec (barely perceptible), and therefore the vibration would have a less-than-significant impact with regard to human annoyance.

BCC-432 [See page 5-247 for the original comment] The Draft EIR identifies a significant impact with regard to vibration impacts to proposed residences within 200 feet of the Caltrain right-of-way under the DSP and DSP-V scenarios. Mitigation Measure 4.J-2a establishes a vibration performance standard for residential developments within 200 feet of the Caltrain Station and mainline track and requires that detailed project-level vibration analyses be prepared to ensure that a standard of 72 VdB will be met. This quantitative standard was developed by the Federal Transit Administration as acceptable ground borne vibration levels specifically for assessing impacts related to vibration from rail projects on residential uses and other uses where people sleep. This criterion was developed based on passenger train operations such as Caltrain.

BCC-433 [See page 5-247 for the original comment] Mitigation Measure 4.J-2b on Draft EIR page 4.J-25 is revised to read as follows:

Mitigation Measure 4.J-2b: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring. Any development within 85 feet of the Roundhouse and the Machinery & Equipment Building that would require pile driving or other construction techniques that could result in vibrations of 0.25 in/sec shall engage a qualified geotechnical engineer subject to City approval to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of the nearby historic structures subject to pile-driving or other vibration-inducing activity before a building permit is issued to demonstrate that the proposed construction activities would not result in vibration-induced damage to the Roundhouse building or the Machinery & Equipment Building.

BCC-434 [See page 5-247 for the original comment] Methods to achieve the performance standards identified are described in the U.S. Department of Transportation's document *Transit Noise and Vibration Impact Assessment*. The effectiveness of wave barriers has been documented in the paper *Field Experiments on Wave Propagation and Vibration Isolation by Using Wave Barriers* (Firat et.al., 2010)

The references at the end of Section 4.J, *Noise and Vibration*, are revised to read as follows:

Alberts, Daniel J., Primer for Addressing Wind Turbine Noise, Revised Oct. 2006

AASHTO, *Evaluation of Transportation-Related Earthborne Vibrations*, 2004.

Bolt, Baranek, and Newman, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, December 1971.

California Air Pollution Control Officers Association (CAPCOA), 2010. Quantifying Greenhouse Gas Mitigation Measures : a resource for local government to assess emission reductions from greenhouse gas mitigation measures. August. <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*, August, 2010

California Department of Transportation (Caltrans), *Transportation and Construction-induced Vibration Guidance Manual*, June 2004.

California Department of Transportation (Caltrans), *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

City/County Association of Governments (C/CAG) of San Mateo County, *Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November, 2012.

City of Brisbane, *The 1994 General Plan*, adopted June 21, 1994.

City of Brisbane, Brisbane Municipal Code, Title 8: Health and Safety, Chapter 8.28: Noise Control, <http://library.municode.com/index.aspx?clientId=16223&stateId=5&stateName=California>, accessed April 4, 2012.

City of San Francisco Planning Department, *Visitacion Valley Redevelopment Program Draft Environmental Impact Report*, June 2008.

Federal Interagency Committee on Noise (FICON), *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992.

Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, May 2006.

Firat, Seyhan et.al. *Field Experiments on Wave Propagation and Vibration Isolation by Using Wave Barriers* January, 2010

Illingworth & Rodkin, Inc., San Carlos Train Depot, Site Noise and Vibration Assessment, San Carlos, California, August 8, 2006; cited in Wilson, Ihrig & Associates, INC., San Carlos Village Groundborne Vibration Study Project Memorandum, October 21, 2009.

Renewable Energy Research Laboratory, *Wind Power: Siting in Communities, Community Wind Power Fact Sheet #4*, 2004.

Rosen, Goldberg, Der & Lewitz, Acoustical Consultants. 2014.

San Francisco International Airport (SFO), Airport Directors Report, September and October 2012.

San Francisco International Airport (SFO), Aircraft Noise Abatement Office, SFO Interactive Community Noise Map Application, www.flyquietsfo.com/mapping_tools.asp, accessed April 4, 2012.

State of California, Office of Planning and Research, *General Plan Guidelines*, Appendix C, Figure 2, October 2003.

U.S. Environmental Protection Agency (U.S. EPA), 1974. *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. March 1974.

U.S. Department of Transportation, Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, May 2006.

World Health Organization, *Guidelines for Community Noise*. Geneva, 1999. <http://www.who.int/docstore/peh/noise/guidelines2.html>

Wilson Ihrig & Associates, Construction Practices to Address
Construction Vibration and Potential Effects on Historic Buildings
Adjacent to Transportation Projects, September, 2012

BCC-435 [See page 5-247 for the original comment] The National Highway Cooperative Research Program has funded preparation of a guidance document *Construction Practices to Address Construction Vibration and Potential Effects on Historic Buildings Adjacent to Transportation Projects* (Wilson Ihrig, 2012). This document outlines a recommended approach for addressing and mitigating potential vibration impacts to historic structures. The first four of these measures were conducted as part of the Draft EIR in Impact 4.J-2, while the following three measures were identified as part of the pre-construction assessment identified in Mitigation Measure 4.J-2b. The remaining measures (below) are added as elements to be considered in the Pre-construction assessment identified in Mitigation Measure 4.J-2b of the Draft EIR. Mitigation Measure 4.J-2b is revised to read as follows.

Mitigation Measure 4.J-2b: Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts on Adjacent Historic Buildings and Structures and Vibration Monitoring. Any development within 85 feet of the Roundhouse that would require pile driving or other construction techniques that could result in vibrations of 0.25 in/sec shall engage a qualified geotechnical engineer subject to City approval to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of the nearby historic structures subject to pile-driving or other vibration-inducing activity before a building permit is issued to demonstrate that the proposed construction activities would not result in vibration-induced damage to the Roundhouse building.

If recommended by the pre-construction assessment, groundborne vibration monitoring of nearby historic structures shall be required. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary. The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities. Monitoring shall be maintained while construction occurs within 85 feet of historic structures, and results shall be submitted to the City Engineer. In the event of unacceptable ground with the potential to cause structural damage movement (in excess of 0.25 in/sec PPV at historic structures), as determined by the City Engineer, all impact work shall cease until corrective measures (e.g., installation of vibration wave barriers) are implemented to reduce ground movement to below 0.25 inches PPV.

In addition, the following measure shall be implemented:

- Evaluate and implement feasible measures for reducing vibration, such as alternative pile driving methods (e.g., cast- in-drilled-hole

piles versus driven piles), alternative foundation types for the new construction (e.g., spread footings versus driven piles), alternative compaction methods, and physical measures (intervening trench, increased distance).

- Require monitoring to be conducted at the building during construction. This monitoring can include crack gages on existing cracks and vibration amplitude monitoring. Establish warning and stop work thresholds for monitoring. Implement visual and audible signals that are triggered by a vibration monitor when exceedances of warning and stop work thresholds occur. If warning thresholds are exceeded routinely, consider alternative construction approaches.
- If the stop work threshold is exceeded, evaluate the condition of the building for damage. If no damage is indicated consult with structural engineer and/or architectural historian to assess whether higher thresholds are possible and adjust as appropriate.
- If damage occurs determine if any other construction approaches are feasible to reduce vibration. If none is available examine the severity of the damage to determine if damage is minor and repair is feasible. If repair is feasible continue with construction, but monitor vibration and damage closely to ensure that damage remains repairable. Consider whether a lower stop work threshold is feasible.
- If damage approaches becoming unrepairable and vibration levels have approached or exceeded the stop work threshold repeatedly, reconsider construction of the project.
- Repair any damage that has occurred.

BCC-436 [See page 5-247 for the original comment] The purpose of monitoring is to ensure the effectiveness of mitigation measures. The measures added to Mitigation Measure 4.J-2b in Response BCC-435 will establish both warning and stop-work thresholds. The warning threshold would provide a direct feedback to the equipment operators when vibration limits are being approached and allow equipment operators to adjust their activity. See Response BCC-435.

BCC-437 [See page 5-247 for the original comment] Noise increases presented in Draft EIR Table 4.J-4 are based on a comparison of roadway traffic volumes with and without development of the Baylands under each scenario. For Roadway #3 (Old County Road), average daily traffic volumes on Old County Road are estimated to increase from 6,045 under existing conditions to 10,490 under the DSP-V scenario with an event. This increase translates to an increase of 2.4 dBA, which would be a less-than-significant impact, as identified in the Draft EIR (a less than 3 dBA increase in an area where existing levels are less than 65 dBA).

BCC-438 [See page 5-247 for the original comment] Noise increases presented in Table 4.J-4 of the Draft EIR are based on a comparison of roadway traffic

volumes with and without development of the Baylands under each scenario. These are roadside noise levels and no reduction for attenuation or reflection from building is assumed. Traffic volumes were calculated in the transportation analysis presented in Section 4.N. As stated on Draft EIR page 4.N-59, transit circulation features include the transit hub. Thus, the proposed transit hub is included in the analysis of noise. Although the proposed transit hub is not part of Baylands Project Site development, it is included as part of cumulative without project background noise levels.

BCC-439 [See page 5-247 for the original comment] The results presented in Table 4.J-4 on page 4.J-27 are based on the noise modeling effort in Appendix K for existing and existing plus Project Site development. The inputs to the modeling efforts are described on page 4.J-26 and in Appendix K.

Draft EIR page 4.J-28 identifies the mechanism for reducing traffic noise on Geneva Avenue to a less-than-significant level. Mitigation Measure 4.N-13, (see Section 4.N.4, *Impacts and Mitigation Measures*, of the Draft EIR) calls for the DSP-V scenario to adopt additional transportation demand management (TDM) measures to reduce Project Site development-generated traffic, as required by the County Congestion Management Program. TDM measures would reduce vehicle trips generated by project site development and the associated increases in roadway noise on Geneva Avenue. The efficacy of TDM programs is estimated to range from at best 5 to 15 percent of overall vehicle miles travelled (CAPCOA, 2010). Therefore the needed 2.3 percent volume reduction to reduce the impact would be attainable.

BCC-440 [See page 5-247 for the original comment] The traffic noise analysis presented in Table 4.J-4 of the Draft EIR analyzes potential traffic noise increases along ten road segments that would experience the greatest increase in traffic volume and/or that would pass through residential or other noise-sensitive areas. The only road segment predicted to experience a significant increase in roadway noise was Geneva Avenue. The reference to other roadways is directed to the other roadways that were analyzed and are shown in Table 4.J-4.

BCC-441 [See page 5-248 for the original comment] CEQA requires that an EIR evaluate changes in the physical environment as compared to existing conditions. Existing daytime noise levels referenced on page 4.J-29 of the Draft EIR are thus used to assess the relative increase in noise from future commercial deliveries at proposed retail and commercial uses that would result from proposed development within the Baylands. The analysis compares noise levels generated under development of the Baylands to existing levels. After development of the Baylands and addition of future traffic to roadways, ambient noise levels will increase and the resultant change would be less than if compared to the existing

condition. Consequently the analysis as presented in the Draft EIR is more conservative than if compared to a future baseline.

BCC-442 [See page 5-248 for the original comment] A third party acoustical consultant was retained to consider the acoustical effects of Brisbane's topography and the effects it may have on the analysis of noise impacts of the Draft EIR. Please refer to Response BCC-411.

BCC-443 [See page 5-248 for the original comment] The first paragraph of Draft EIR page 4.J-33, which addresses pile driving noise impacts at on-site receptors 1,600 feet away under the CPP and CPP-V scenarios, is in error as there are no on-site sensitive receptors under this scenario. The discussion in this paragraph belongs in the previous section that addresses pile driving noise impacts to off-site receptors after the last paragraph of page 4.J-32. The nearest off-site receptor sensitive referred to here is on Desmond Street and in the Little Hollywood neighborhood in San Francisco. The following text revision is to be moved from the first paragraph of page 4.J-33 of the Draft EIR to the last paragraph of page 4.J-32.

The first paragraph on page 4.J-33 is revised to read as follows.

~~Pile driving may be necessary for mid- and high-rise office or hotel structures in later phases of site development. Under the CPP and CPP-V scenarios, the closest sensitive land use to pile driving would be offsite receptors approximately 1,600 feet away. At this distance, pile driving noise would be attenuated to 73 dBA which, while noticeable, would be of similar intensity as high volume roadway traffic and would not be considered significant in an urban environment, as it would be below the 86 dBA construction noise standard of the City of Brisbane Noise Ordinance. Pile driving noise from construction of the CPP or CPP-V scenario would therefore be considered a less than significant impact.~~

A new paragraph is to be added following the last paragraph on page 4.J-32 to read as follows.

Pile driving may be necessary for mid- and high-rise office or hotel structures in later phases of site development. Under the CPP and CPP-V scenarios, the closest offsite sensitive land use to pile driving would be receptors approximately 1,600 feet away on Desmond Street in San Francisco. At this distance, pile-driving noise would be attenuated to 73 dBA, which, while noticeable, would be of similar intensity as high-volume roadway traffic and would not be considered significant in an urban environment, as it would be below the 86-dBA construction noise standard of the City of Brisbane Noise Ordinance. Pile-driving noise

from construction of the CPP or CPP-V scenario would therefore be considered a less-than-significant impact.

BCC-444 [See page 5-248 for the original comment] Construction noise is of a temporary nature, whereas roadway noise is permanent. Data used for assessment of construction noise impacts from pile driving were derived from the U.S. Department of Transportation’s document *Transit Noise and Vibration Impact Assessment*. This document identifies noise levels from a variety of construction equipment at a reference distance of 50 feet. For pile driving this reference vibration level is 101 dBA at 50 feet. Applying a noise propagation equation of $L_q(\text{equip}) = L(\text{ref}) - 20 \log(D/50)$ results in a noise level of 73 dBA at 1,600 feet. The reference to high-volume roadway traffic on Draft EIR page 4.J-33 comes from the City of San Francisco’s Citywide Noise Map available at <https://www.sfdph.org/dph/files/EHSdocs/ehsPublsdocs/Noise/noisemap2.pdf>, which shows portions of Geneva Avenue in excess of 70 dBA as well as numerous roadway sections throughout San Francisco.

With regard to Brisbane General Plan Policy 176 (minimize the intrusion of unwarranted and intrusive noise on community), Mitigation Measure 4.J-4a of the Draft EIR includes a measures to implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions. The intent of this measure is to minimize the intrusion of unwarranted and intrusive noise on the community generated by pile driving, consistent with Policy 176.

With regard to General Plan Policy 183 (Coordinate land uses and construction conditions to minimize noise impacts of the Caltrain corridor and major highway arterials on adjacent land uses), Mitigation Measure 4.J-4a of the Draft EIR includes several measures intended to coordinate construction conditions to minimize noise impacts.

General Plan Policy 184, in conjunction with development applications and other land use decisions, considers the potential for noise generation from, as well as noise impacts on, the project or area, is addressed within the five impact statements and analysis contained in Draft EIR Section 4.J, *Noise and Vibration*.

BCC-445 [See page 5-248 for the original comment] As discussed in the Response BCC-411, the shape of the terrain in Brisbane and the slope of the valley means that homes, like seats in an amphitheater, have a “good view” of noise sources. This means that noise will propagate better than in a typical flat community because buildings are less likely to intercept the line-of-sight to a noise source. Because the noise predictions in the Draft EIR do not assume any acoustical shielding by intervening buildings, they are therefore appropriate for the analysis, given

Brisbane's terrain. Similar noise predictions would tend to be more conservative for more low-lying areas of the community.

BCC-446 [See page 5-248 for the original comment] Please refer to Response BCC-411.

BCC-447 [See page 5-248 for the original comment] The first bulleted measure of Mitigation Measure 4.J-4a of the Draft EIR restricts the hours of construction for standard construction activities (between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on weekends and holidays). Mitigation Measure 4.J-4a provides even more restrictive limits on pile driving (between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise-generating activity permitted between 12:30 p.m. and 1:30 p.m. No extreme noise-generating activities would be allowed on weekends and holidays).

Health-related impacts from exposure to noise would be a concern for people exposed to prolonged (8-hour/day) noise levels in excess of 90 dBA. This would primarily be a concern for construction workers who may be in close enough proximity to pile drivers (200 feet) to warrant a health concern. Restrictions of the Occupational Safety and Health Administration would require implementation of a hearing conservation plan for workers, including hearing protection. The nearest sensitive receptor to a land use likely requiring pile driving would be proposed residences of the DSP and DSP-V scenarios, as discussed on Draft EIR page 4.J-33. For safety reasons, not related to noise, standard construction practice is for construction crews to secure the immediate area around the pile driver to avoid public access to this activity.

BCC-448 [See page 5-248 for the original comment] Pile-driving noise from construction in the CPP or CPP-V scenarios is identified in the first paragraph of page 4.J-33 of the Draft EIR as a less-than-significant impact. Pile-driving noise from construction in the DSP or DSP-V scenario is identified in the third paragraph of page 4.J-33 of the Draft EIR as a significant impact. This is because the DSP and DSP-V scenarios proposed residential development that would locate new on-site sensitive receptors within 400 feet of areas mid- and high-rise office, entertainment uses or hotel structures that may require pile driving. Under the CPP and CPP-V scenarios, the nearest off-site receptors to areas of mid- and high-rise office, entertainment uses or hotel structures would be 1,600 feet away (Desmond Street and in the Little Hollywood neighborhood in San Francisco) at which distance noise from pile driving would be attenuated to a less-than-significant level.

BCC-449 [See page 5-248 for the original comment] The last paragraph of Draft EIR page 4.J-33 and the first bullet of Mitigation Measure 4.J-4a define "extreme noise-generating activities" as those generating greater than 90 dBA. As a practical matter, this would include impact pile driving and some vibratory pile driving

activities. The duration of pile driving activities depends on a number of factors including building design and location, as well as depth to bedrock. It can reasonably be expected that a substantial multi-story structure may require multiple weeks of pile driving during which *peak* noise levels will exceed 90 dBA.

BCC-450 [See page 5-248 for the original comment] Typical noise levels from pile driving were presented in Table 4.J-7 of the Draft EIR. Standard construction equipment (i.e., equipment other than pile drivers) would generate the noise levels shown in Table 4.J-8.

BCC-451 [See page 5-248 for the original comment] Mitigation Measure 4.J-4b is presented on Draft EIR page 4.J-35. The first paragraph of page 4.J-34 is revised to read as follows:

To ensure that construction noise is minimized under construction of Project Site development, ~~Mitigation Measure 4.J-5b~~ **4.J-4b** below is recommended.

BCC-452 [See page 5-249 for the original comment] Please refer to Response BCC-449.

BCC-453 [See page 5-249 for the original comment] The intent of the mid-day restriction on pile driving discussed in Mitigation Measure 4.J-4a of the Draft EIR is to accommodate a relief from pile driving noise during a typical lunch hour. The mitigation measure would permit pile driving and/or other extreme noise-generating activities (greater than 90 dBA) between 8:00 a.m. and 12:30 p.m. and between 1:30 p.m. and 4:00 p.m. Monday through Friday.

BCC-454 [See page 5-249 for the original comment] The following table is added as a text amendment after the first paragraph of Draft EIR page 4.J-36 to read as follows:

**TABLE 4.J-9
 CONSTRUCTION HOURS ALLOWED BY MITIGATION MEASURE 4.J-4A**

<u>Day of the Week</u>	<u>Monday through Friday</u>	<u>Saturday, Sunday and Holidays</u>
<u>Standard Construction Permitted:</u>	7:00 a.m. to 7:00 p.m.	9:00 a.m. to 7:00 p.m.
<u>Pile Driving and other extreme noise-generating activities (greater than 90 dBA) permitted:</u>	8:00 a.m. 12:30 p.m. and 1:30 p.m. to 4:00 p.m.	<u>None</u>

BCC-455 [See page 5-249 for the original comment] Long-term construction activities under development plans typically occur in isolated phases as discussed in Section 3.14 of the Draft EIR. The first phase of development would occur on the former railyard portion of the Baylands Project Site and would proceed eastward from there. These structures constructed in earlier phases would provide some

shielding from noise generated by subsequent future phase construction activities. Phasing would therefore necessitate breaks in the noisiest construction activities that are generally associated with excavation and foundation preparation activities. Consequently, it can reasonably be expected that there would be quiet weeks, months, or years when no substantial construction noise would be generated.

BCC-456 [See page 5-249 for the original comment] The first bulleted measure of Mitigation Measure 4.J-4a of the Draft EIR restricts the hours of construction for standard construction activities (between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on weekends and holidays) and provides even more restrictive limits on pile driving (between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise-generating activity permitted between 12:30 p.m. and 1:30 p.m. No extreme noise-generating activities would be allowed on weekends and holidays). This measure also imposes several other measures on construction activity, as does Mitigation Measure 4.J-4b of the Draft EIR. Please refer to Response BCC-422 for a discussion of health effects.

BCC-457 [See page 5-249 for the original comment] This comment asserts potential effects on property values. However, unless an economic effect would itself result in a physical environmental effect, such economic effects are not subject to analysis under CEQA. Furthermore, because the Draft EIR mitigation measures ensure that proposed development within the Baylands would meet noise attenuation requirements set forth in the General Plan and Municipal Code, there is no basis to conclude that noise impacts from Baylands construction would lead to the economic effects cited in this comment.

BCC-458 [See page 5-249 for the original comment] The intent of Mitigation Measure 4.J-4b of the Draft EIR is to ensure construction activities meet applicable requirements, and to provide a mechanism for contractors to respond to community concerns regarding excessive noise levels. Mitigation Measure 4.J-4b would implement a complaint, advisory, and response mechanism that would be implemented through the Building Department. Contact numbers posted on the construction site as well as through a neighborhood notice would provide the community with a point of contact. As complaints are received, the Building Department would then contact the contractor to advise them of the issue. The contractor would then have a period to take corrective action, typically 24-hours. The Building Department would maintain a log of complaints and contractor responses.

BCC-459 [See page 5-250 for the original comment] As stated on Draft EIR page 4.J-16 with regard to noise impact methodology, assessment of noise from construction activities resulting from Project Site development in Impact 4.J-4 employs the restrictions established by Section 8.26.060 of the Brisbane Municipal Code.

Page 4.J-33 of the Draft EIR assesses noise impacts under the DSP and DSP-V scenarios, where intermittent pile-driving noise of up to 91 dBA would be expected to occur for several weeks, depending on the size of the buildings constructed. This noise increase would be more than 10 dBA in excess of existing ambient levels and would exceed the 86-dBA construction noise standard of the City of Brisbane Noise Ordinance. Consequently, a significant construction noise impact was identified for these scenarios.

Under the CPP and CPP-V scenarios, the nearest off-site receptors to areas mid- and high-rise office, entertainment uses or hotel structures would be 1,600 feet away (Desmond Street and in the Little Hollywood neighborhood in San Francisco) at which distance noise from pile driving would be attenuated to a less-than-significant level.

BCC-460 [See page 5-250 for the original comment] The Draft EIR analyzes impacts of proposed Baylands development in relation to whether people residing or working within the Baylands would be subject to “excessive noise levels related to operations of a public airport.” The term “excessive noise levels” is defined as a CNEL¹⁸ in excess of 65 dBA, consistent with the provisions of the City’s General Plan Noise Element. Future noise contours for year 2020 at SFO indicate that the nearest CNEL 65 contour is over one mile to the south of the City of Brisbane (C/CAG, 2012).

Noise levels at sensitive receptor locations proposed under the DSP and DSP-V scenarios would, at some locations exceed the planning noise compatibility standards of the Brisbane General Plan Noise Element. However, these elevated noise levels are the result of proximity to Caltrain operations. As shown in Table 4.J-1 of the Draft EIR, existing noise levels on the western Baylands site vary from 60 to 66 CNEL, depending on distance from the Caltrain alignment. This potential impact is addressed in Draft EIR Impact 4.J-1. Draft EIR Impact 4.J-5, which addresses solely aircraft noise, identifies a less-than-significant impact. A noise monitoring station operated by SFO on Kings Road on San Bruno Mountain, well away from Caltrain, reports monitored noise levels for 2013 of 55.4 CNEL, well below the state and federal threshold for noise abatement pursuant to Caltrans and FAA guidelines and within the noise compatibility standards of the City of Brisbane General Plan Noise Element (SFO Aircraft Noise Abatement Office, 2014).

¹⁸ CNEL is the Community Noise Exposure Level which adds a 5-dBA “penalty” for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to a 10-dBA penalty between the hours of 10:00 p.m. and 7:00 a.m. CNEL is the noise metric used by both the Federal Aviation Administration and the State of California to assess noise compatibility with noise sensitive uses. However, the CNEL noise metric may not fully reflect annoyance caused by short-term single event aircraft noise.

BCC-461 [See page 5-251 for the original comment] The statement made in the Draft EIR is that population and housing conditions “frequently involve economic and social issues, which under CEQA are not considered to be significant effects on the environment.” As discussed in Master Response 4, CEQA addresses physical changes to the environment. Economic and social issues are only addressed under CEQA where changes to the physical environment occur as the result of those economic and social issues. Economic and social issues that do not result in physical environmental effects are appropriately addressed as part of the planning review of the proposed project itself. The Draft EIR makes this distinction by stating that the analysis of population and housing impacts in the Draft EIR addresses population and housing in the context of being “precursors of physical changes that would result from Project implementation.” While all of the impacts addressed in the Draft EIR would result from the construction of buildings and operation of uses associated with planned increases in population and employment within the Baylands Project Site, it is the physical environmental effects of Project Site development that must be analyzed under CEQA.

BCC-462 [See page 5-251 for the original comment] The purpose of Section 4.K, *Population and Housing*, is to analyze impacts of the proposed Baylands development program in relation to the following significance threshold set forth in Appendix G of State CEQA Guidelines, which states that a project would have a significant environmental effect related to population and housing if it were to:

- Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Discussion regarding existing site contamination and impacts of remediation are addressed in Draft EIR Section 4.G, *Hazards and Hazardous Materials*. See Master Response 13 and Master Response 14 for discussion of site remediation and the subsequent “habitability” of the site as determined by risk-based remediation standards. While CEQA requires analysis of the physical environmental impacts of proposed Baylands development, analysis of the “appropriateness” of proposed development is undertaken as part of the City’s planning review, as discussed in Master Response 4. Dr. Lee’s report was reviewed as part of preparation of the Brisbane Baylands EIR, and is cited in the references for the document.

BCC-463 [See page 5-251 for the original comment] See Master Response 25 for discussion of the relationship between jobs and housing in relation to trip reduction and vehicle miles travelled, as well as resulting reductions in air pollutant and greenhouse gas emissions.

BCC-464 [See page 5-252 for the original comment] See Master Response 25 for discussion of the relationship between jobs and housing in relation to trip

reduction and vehicle miles travelled, as well as resulting reductions in air pollutant and greenhouse gas emissions.

- BCC-465** [See page 5-252 for the original comment] Analysis of impacts related to greenhouse gas emissions resulting from home to work commutes is provided in Draft EIR Section 4.F, *Greenhouse Gas Emissions*.
- BCC-466** [See page 5-252 for the original comment] See Master Response 25 for discussion of the relationship between jobs and housing in relation to trip reduction and vehicle miles travelled, as well as resulting reductions in air pollutant and greenhouse gas emissions.
- BCC-467** [See page 5-252 for the original comment] The Draft EIR addresses vacancy rates as an indicator of housing availability and the relationship between demand and supply. As noted in the Draft EIR, a vacancy rate of for-sale homes below 2.0 percent indicates a constrained housing market in which residents will have difficulty finding appropriate units and competition for units will drive up housing prices. In markets such as Silicon Valley, where low vacancy rates are driven by high levels of local employment opportunities in relation to available housing, workers have the choice of paying high rates for housing or commuting from a longer distance to find housing that is more affordable, with the result of increased traffic congestion and emissions of air pollutants and greenhouse gases.
- BCC-468** [See page 5-252 for the original comment] The text provided on Draft EIR page 4.K-5 and the information provided in Table 4.K-3 do not question Brisbane's "intent" for providing the community's fair share of regional housing need. That Brisbane's population increased by 45 percent over the 20-year period between 1990 and 2010 while the number of housing units in the community increased by 40 percent is based on 1990 and 2010 US Census reports. This difference can be accounted for by a decrease in the City's overall vacancy rate from 5.9 to 5.8 percent, and an increase in the number of persons per household in Brisbane from 2.27 to 2.35 persons per household.
- BCC-469** [See page 5-253 for the original comment] The total change in population between 1990 and 2010 in Brisbane was 1,330, which represents a 45 percent increase in the City's 1990 population of 2,952. From 1990 to 2000, Brisbane's population increased by 645, which is a 21.8 percent increase over the City's 1990 population of 2,952. From 2000 to 2010, Brisbane's population increased by 685, which is a 19.0 percent increase over the City's 2000 population of 3,597.
- BCC-470** [See page 5-253 for the original comment] According to the 2010 US Census, every city in San Mateo County with the exception of East Palo Alto (2.1%) has a homeowner (for sale) vacancy rate of less than 2 percent (see table below). The Census also reports that every "census designated place" within the County has a

homeowner (for sale) vacancy rate of less than 2 percent with the exceptions of La Honda (2.3%) and Pescadero (2.3%) (see table below).

	Total Housing Units	Occupied Housing Units	Vacancy Rate	Homeowner Vacancy Rate	Rental Vacancy Rate
San Mateo County	271,031	257,837	4.9%	1.3%	4.6%
Atherton town	2,530	2,330	7.9%	1.6%	3.9%
Belmont city	11,028	10,575	4.1%	0.7%	5.2%
Brisbane city	1,934	1,821	5.8%	1.3%	5.5%
Broadmoor CDP	1,392	1,349	3.1%	0.7%	1.9%
Burlingame city	13,027	12,361	5.1%	1.3%	4.5%
Colma town	586	564	3.8%	1.7%	2.3%
Daly City	32,588	31,090	4.6%	1.9%	4.2%
East Palo Alto city	7,819	6,940	11.2%	2.1%	13.3%
El Granada CDP	2,198	2,098	4.5%	0.7%	4.0%
Emerald Lake Hills CDP	1,614	1,550	4.0%	1.1%	7.4%
Foster City	12,458	12,016	3.5%	0.8%	3.5%
Half Moon Bay city	4,395	4,149	5.6%	1.0%	1.9%
Highlands-Baywood Park CDP	1,467	1,425	2.9%	0.5%	7.6%
Hillsborough town	3,912	3,693	5.6%	1.3%	4.2%
Ladera CDP	539	525	2.6%	0.2%	2.2%
La Honda CDP	472	411	12.9%	2.3%	3.3%
Loma Mar CDP	67	54	19.4%	0.0%	0.0%
Menlo Park city	13,085	12,347	5.6%	1.1%	5.2%
Millbrae city	8,372	7,994	4.5%	0.7%	4.8%
Montara CDP	1,167	1,109	5.0%	0.9%	5.3%
Moss Beach CDP	1,154	1,062	8.0%	1.2%	6.3%
North Fair Oaks CDP	4,107	3,919	4.6%	1.0%	5.1%
Pacifica city	14,523	13,967	3.8%	0.9%	4.8%
Pescadero CDP	216	195	9.7%	2.3%	4.4%
Portola Valley town	1,895	1,746	7.9%	1.0%	9.8%
Redwood City	29,167	27,957	4.1%	1.3%	3.9%
San Bruno city	15,356	14,701	4.3%	1.1%	3.9%
San Carlos city	12,018	11,524	4.1%	1.4%	5.3%
San Mateo city	40,014	38,233	4.5%	1.5%	3.7%
South San Francisco city	21,814	20,938	4.0%	1.3%	4.0%
West Menlo Park CDP	1,422	1,356	4.6%	0.9%	5.3%
Woodside town	2,157	1,977	8.3%	0.9%	3.7%

SOURCE: US Census, 2010

BCC-471

[See page 5-253 for the original comment] See Master Response 7 for a discussion of the 2010 baseline year used for the Draft EIR. The purpose of the Draft EIR is to provide an evaluation of the environmental changes from the baseline year that would occur as the result of the proposed development of the Baylands. Since 2010 represents the baseline year for the Brisbane Baylands EIR

and is also the base year used by ABAG and MTC for the regional projections set forth in Plan Bay Area, use of 2010 demographic information as the existing setting for Section 4.K, *Population and Housing*, was determined by the City to be appropriate.

- BCC-472** [See page 5-253 for the original comment] The City’s obligation under Housing Element Law (California Government Code Article 10.6) is to provide adequate opportunities, including an adequate inventory of developable land and development regulations that facilitate the production of housing to meet the City’s “fair share” of regional housing needs for all economic segments of the community. Housing elements are required to be updated on a regular, eight-year cycle. For each housing element cycle, new Regional Housing Needs Assessment figures are provided to the City. Brisbane is a member of the Association of Bay Area Governments (ABAG), and ABAG is responsible for preparing the Regional Housing Needs Assessment for the nine-county territory that it represents. Vacancy rates are one of many inputs into the Regional Housing Needs Allocation (RHNA) prepared by ABAG to define Brisbane’s fair share of regional housing needs.
- BCC-473** [See page 5-253 for the original comment] As noted in the first paragraph on page 4.K-7, employment data from the 2010 Census was not available at the time of publication of the Draft EIR (June 2013). However, because 2010 census data is currently available, and Projections 2013 have been approved by ABAG as part of Plan Bay Area, all references to the older Projections 2009 are removed from the Brisbane Baylands EIR.
- BCC-474** [See page 5-253 for the original comment] The characterization of Brisbane as “jobs rich” is based on the ratio of between the number of jobs within Brisbane in 2010 (estimated at 7,222) and the number of Brisbane residents (4,282), indicating that there are substantially more jobs in the City than Brisbane residents in the work force. Employment and population projections used in the Draft EIR were prepared by ABAG based on commonly accepted demographic methodology.
- BCC-475** [See page 5-254 for the original comment] None of the analyses provided in the Draft EIR assume that most residents would actually live in close proximity to their place of work. See Master Response 25 for a discussion of the relationship between housing and employment in relation to commute distances. As stated on page 4.H-8 of the Draft EIR, the “mix of who lives in the community and who works in the community and the extent to which these are the same individuals results from a complex set of interactions, decision factors, opportunities, and constraints that determine where people choose to live and work, how much they spend for housing, and their travel patterns.” In general, the greater the balance of jobs and housing in an area or region, the greater the opportunity for workers to live closer to their place of employment than there is in an area or region with an

imbalance between jobs and housing. As a result, while a balance of jobs and housing does not result in all workers living in close proximity to their place of employment, it does result in shorter *average* commute distances than areas without such a balance. As described in Master Response 25, under the DSP and DSP-V scenarios that propose both residential and employment-generating uses within the Baylands, approximately 5 percent of all home-to-work trips associated with proposed Baylands development would remain within the Baylands.

- BCC-476** [See page 5-254 for the original comment] See Master Response 25 for a discussion of the relationship between housing and employment in relation to commute distances and for the actual assumptions regarding the number of residents and workers in the DSP and DSP-V scenarios that would both live and work within the Baylands.
- BCC-477** [See page 5-254 for the original comment] The information in Table 4.K-6 for adjacent communities was provided for informational purposes, and indicates that the adjacent cities of San Francisco and South San Francisco also have a high ratio of jobs to population.
- BCC-478** [See page 5-254 for the original comment] Discussion of ABAG's 2009 projections series are provided in the Draft EIR because ABAG's more recent 2013 projections were not adopted until after publication of the Draft EIR, which also discussed then-draft 2013 projections. References to ABAG's 2009 projections are deleted from the Final EIR.
- BCC-479** [See page 5-254 for the original comment] Because Projections 2013 were approved by ABAG as part of Plan Bay Area subsequent to the time of Draft EIR publication, all references to the earlier Projections 2009 are removed from the EIR.
- BCC-480** [See page 5-254 for the original comment] While Plan Bay Area represents the Bay Area region's Sustainable Community Strategy and provides projections for housing, employment and population, land use decisions within Brisbane remain under the City's authority.
- BCC-481** [See page 5-254 for the original comment] The footnote referred to in the comment states that ABAG's 2009 projections used a higher figure for the Bay Area's population (as well as the number of households and housing units) in 2010 than the US Census actually measured. However, with the adoption of Plan Bay Area in 2013, the 2009 projections have been superseded, and are deleted from the Final EIR. As discussed in Section 4.K, *Population and Housing*, proposed development under each of the development scenarios exceeds Plan Bay Area's population and employment projections.

- BCC-482** [See page 5-254 for the original comment] With the adoption of Plan Bay Area in 2013, the 2009 projections have been superseded, and are deleted from the Final EIR.
- BCC-483** [See page 5-254 for the original comment] Table 4.K-9 provides Plan Bay Area jobs and housing projections for Brisbane and surrounding communities. As shown in that table, no housing is projected for the Baylands, which is identified in the table as the “San Francisco/San Mateo Bi-County PDA.”
- BCC-484** [See page 5-254 for the original comment] With the adoption of Plan Bay Area in 2013, the 2009 projections have been superseded, and are deleted from the Final EIR.
- BCC-485** [See page 5-254 for the original comment] Draft EIR Section 4.K, *Population and Housing*, addresses population and housing issues. Issues related to contamination within the Baylands Project Site are addressed in Section 4.G, *Hazards and Hazardous Materials*. See Master Responses 13, 14, and 15 for discussion of site remediation.
- BCC-486** [See page 5-255 for the original comment] Draft EIR Section 4.K, *Population and Housing*, addresses population and housing issues. Issues related to contamination within the Baylands Project Site are addressed in Section 4.G, *Hazards and Hazardous Materials*. See Master Responses 13, 14, and 15 for discussion of site remediation. Dr. Lee’s report was reviewed as part of preparation of the Brisbane Baylands EIR, and is cited in the references for the document.
- BCC-487** [See page 5-255 for the original comment]. The graphic referred to in Comment BCC-488 is taken directly from Plan Bay Area, and does not have any practical effect on the future location of the Caltrain station. See Master Response 28 for discussion of the location of the Caltrain station.
- BCC-488** [See page 5-255 for the original comment] The 266 dwelling unit projection shown in Table 4.K-9 is for the City of Brisbane as a whole. That Plan Bay Area does not project housing within the Baylands does not negate its projection for housing being developed elsewhere in the City.
- BCC-489** [See page 5-255 for the original comment] The discussion of State Regulations starting on page 4.K-15 provides a factual description of SB 375 and State Housing Element law. A discussion of cumulative impacts is provided in Chapter 6 of the Draft EIR.
- BCC-490** [See page 5-256 for the original comment] In addition to analysis of the development proposed for the Baylands described in Chapter 3, *Project Description*, Chapter 6, *Significant Unavoidable Impacts, Growth Inducement*,

Cumulative Impacts, and other CEQA Considerations, of the Draft EIR provides an analysis of cumulative impacts, including development of the entire Bi-County PDA.

BCC-491 [See page 5-256 for the original comment] Figure 4.K-1 illustrates Plan Bay Area’s assumed land uses within the Bi-County PDA. It was not, however, adopted as part of the final Plan Bay Area document. Table 4.K-9 of the Draft EIR clearly identifies that Plan Bay Area does not project new housing within the Baylands. While Plan Bay Area represents the Bay Area region’s Sustainable Community Strategy and provides projections for housing, employment, and population, it has no regulatory authority over local land use decisions. Within Brisbane, local land use decisions remain under the City’s authority.

BCC-492 [See page 5-256 for the original comment] The projections contained in Plan Bay Area for housing and employment as shown in Table 4.K-9 are for the period 2010-2040. These are not directly comparable to the 5th Cycle RHNA, which is for the 2015-2023 period. According to ABAG’s Regional Housing Need Plan, the “jurisdictions in Napa, San Mateo, and Solano counties each chose to form a subregion to carry out the RHNA process.” The RHNA numbers presented in the Regional Housing Need Plan “reflect the final allocations adopted by each of the three subregions.” For informational purposes, the final 5th cycle RHNA numbers for San Francisco and Daly City are as follows.

	Daly City	San Francisco
Very Low Income	400	6,234
Low Income	188	4,639
Moderate Income	221	5,460
Above Moderate Income	541	12,536
Total	1,350	28,869

BCC-493 [See page 5-256 for the original comment] The City’s obligation under Housing Element Law (California Government Code Article 10.6) is to provide adequate housing opportunities, including an adequate inventory of developable land and development regulations that facilitate the production of housing to meet the City’s “fair share” of regional housing needs for all economic segments of the community. Brisbane’s Housing Element that was in effect at the time of the Draft EIR’s public review period was adopted on January 28, 2011, and was found to be in compliance with State law by the California Department of Housing and Community Development (HCD).

State law requires the Housing Element to be updated on a regular cycle. Brisbane’s Housing Element that was in effect at the time of the Draft EIR’s public review period was prepared for the “Fourth Cycle” of housing elements.

Housing elements within the ABAG region are required to be updated for the “Fifth Cycle” by January 31, 2015. The City of Brisbane adopted its “Fifth Cycle” Housing Element update on April 2, 2015. The final adopted RHNA for the Fifth Cycle (January 2015 through January 2023), which is reflected in the City’s current Housing Element, indicates the following as Brisbane’s fair share of regional housing needs:

- Very Low Income: 25 households
- Low Income: 13 households
- Moderate Income: 15 households
- Above Moderate Income: 30 households
- Total Needs (2015-2023): 83 households

Brisbane’s obligation is to ensure that an adequate inventory of land is available for development of housing to meet these needs over the 2015-2023, along with preparation and implementation of an 8-year strategy facilitate the development of housing to meet the needs of all economic segments of the community, including the economic groups cited above. The comment’s statement that “no additional housing is needed in Brisbane” is inconsistent with the above-referenced adopted Regional Housing Needs Allocation for Brisbane and the City’s requirement under the law to provide opportunities for the development of housing to meet the needs set forth in the Regional Housing Needs Allocation for Brisbane.

BCC-494 [See page 5-256 for the original comment] The Draft EIR text referred to in the comment discusses state housing element requirements. References to a subregion or Priority Development Area are not relevant to the discussion of state requirements for housing elements.

BCC-495 [See page 5-256 for the original comment] The comment does not raise any substantive issues regarding the adequacy of the EIR or its analyses and conclusions.

BCC-496 [See page 5-256 for the original comment] Draft EIR Table 4.I-1 clearly indicates that Policy 330.1 of the Brisbane General Plan prohibits housing within the Baylands, and that this inconsistency would need to be resolved for the DSP and DSP-V scenarios by either (1) amending the General Plan to eliminate Policy 330.1 or (2) removing any residential use from development within the Baylands.

BCC-497 [See page 5-256 for the original comment] See Master Response 25 for a discussion of the relationship between housing and employment.

BCC-498 [See page 5-257 for the original comment] The first and second full paragraphs on page 4.K-19 are revised to read as follows.

California Housing Element Law (Government Code Section 65580, et seq.) requires cities and counties to include, as part of their general plans, a housing element to address housing conditions and needs in the community. The housing element law requires the California Department of Housing and Community Development, in consultation with each regional council of governments,¹⁹ to determine each region's existing and projected housing need. The regional council of governments in turn develops a regional housing allocation plan that includes the actual allocation of housing need to the cities and counties within the region. Allocations are based on factors that consider existing employment, employment growth, household growth, and the availability of transit; need is determined for households in all income categories from very-low to above-moderate (ABAG, 2008). The jurisdictions are required to plan for their allocated number of housing units within the housing elements of their general plans. Housing elements are required to be updated every ~~seven to~~ eight years, following timetables adopted by the state. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. Changes to Housing Element law, specifically, AB 1233 passed in January 2006, require "communities that failed to comply with requirements to make available sufficient sites to meet their regional housing need in the previous planning period must, within the first year of the new planning period, zone or rezone enough sites to accommodate the RHNA not accommodated from the previous planning period."

~~The housing element law also allows for the establishment of a subregion, consisting of at least two cities and a county, for the purpose of allocating the subregion's existing and projected need for housing among its members. The purpose of establishing a subregion is to recognize the community of interest and mutual challenges and opportunities for providing housing within a subregion. For the current (2007-2014) allocation period, San Mateo County, in partnership with all its cities, formed such a subregion for the purpose of allocating the projected housing need in the county, and has formed a subregion for the 2014-2022 allocation process that is currently in progress (ABAG, 2012, p.5). This is discussed in conjunction with Brisbane's regional housing need allocation below. Housing Elements within the ABAG region are required to have their elements updated for the "Fifth Cycle" by January 31, 2015. The final adopted RHNA for the Fifth Cycle (January 2015 through January 2023) indicates the following as Brisbane's fair share of regional housing needs:~~

¹⁹ ABAG is the council of governments for the Bay Area.

- Very Low Income: 25 households
- Low Income: 13 households
- Moderate Income: 15 households
- Above Moderate Income: 30 households
- Total Needs (2015-2023): 83 households

BCC-499 [See page 5-257 for the original comment] Draft EIR Section 4.K, *Population and Housing*, addresses population and housing issues. Issues related to contamination within the Baylands Project Site are addressed in Section 4.G, *Hazards and Hazardous Materials*. See also Master Responses 13, 14, and 15 for discussion of site remediation.

BCC-500 [See page 5-257 for the original comment] See Master Response 25 for a discussion of the relationship between housing and employment and for the actual assumptions regarding the number of residents and workers in the DSP and DSP-V scenarios that would both live and work within the Baylands.

BCC-501 [See page 5-257 for the original comment] Draft EIR Section 4.K, *Population and Housing*, addresses population and housing issues. Issues related to traffic and other impacts are addressed in the relevant sections of Chapter 4. As discussed in Section 4.N, *Traffic and Circulation*, the model used to analyze traffic resulting from proposed Baylands development incorporates regional commuting patterns, as well as the effects of future development. See Master Response 22 for discussion of area growth and development projects included in the Baylands traffic analysis.

BCC-502 [See page 5-257 for the original comment] See Master Response 25 for a discussion of the relationship between housing and employment and for the actual assumptions regarding the number of residents and workers in the DSP and DSP-V scenarios that would both live and work within the Baylands.

BCC-503 [See page 5-258 for the original comment] The Draft EIR concludes that the DSP and DSP-V scenarios are inconsistent with Plan Bay Area projections, and would be consistent with the forecasted increase in households “only if household growth now projected for the Bayview/Hunters Point/Candlestick Point PDA was spread over both that PDA and the PDA encompassing the Baylands or residential development was drawn from housing now projected to be constructed in other portions of San Francisco, or in Daly City, South San Francisco, or elsewhere in the Bay Area, to the Baylands.” The Draft EIR concluded that a significant unavoidable population and housing impact would result. Anticipated regional growth and specific developments proposed and approved within the vicinity of the Baylands have been incorporated into the Baylands traffic analysis of cumulative traffic conditions as discussed in Master Response 22.

- BCC-504** [See page 5-258 for the original comment] Estimation of the number of jobs that would be created under each development scenario is based on the use of commonly accepted employment generation factors developed by the Natelson Company, which is referenced in Table 4.K-9 and included in the References at the end of Draft EIR Section 4.K, *Population and Housing*. The Natelson report is available for inspection at the Brisbane Community Development Department during regular business hours. The figures cited in Table 4.K-9 represent the number of jobs that are estimated to be created within the Baylands Project Site for each scenario at buildout, which is identified on page 3-76 of the Draft EIR as being 20 years.
- BCC-505** [See page 5-258 for the original comment] See Master Response 25 for a discussion of the relationship between housing and employment and for the actual assumptions regarding the number of residents and workers in the DSP and DSP-V scenarios that would both live and work within the Baylands.
- BCC-506** [See page 5-258 for the original comment] As discussed on page 4.F-13, the methodology used to analyze GHG impacts recognizes the cumulative nature of GHG emissions. The analysis of GHG emissions in relation to mobile sources specifically accounts for the interrelationships between housing and employment as they affect commute distances and resulting GHG emissions from mobile sources. See Master Response 25 for a discussion as to how the relationship between housing and employment opportunities in an area or region affect average commute distances, which in turn affect GHG emissions from mobile sources.
- BCC-507** [See page 5-258 for the original comment] The significant unavoidable impacts of proposed Baylands development in relation to traffic and air quality are clearly presented in Sections 4.N and 4.B of the Draft EIR, respectively. The Candlestick Point-Hunters Point Shipyard Phase II EIR also identifies significant unavoidable traffic and air quality impacts.
- BCC-508** [See page 5-258 for the original comment] The Draft EIR analyzes the significant environmental impacts of proposed Baylands development for four concept plan scenarios, as well as a specific plan prepared by the applicant of the DSP and DSP-V scenarios. Economic effects and fiscal responsibilities of proposed development are addressed in the planning review being undertaken by the City (see Master Response 4, which discusses the relationship between the environmental and planning processes). See also Master Response 21 for a discussion of responsibilities for the construction of needed infrastructure and maintenance of facilities. As discussed in Master Response 21, new development will be required to pay for the infrastructure and equipment needed to support the development of the Baylands.
- BCC-509** [See page 5-259 for the original comment] See Master Response 18 regarding requirements for a public vote to modify the City's General Plan.

- BCC-510** [See page 5-259 for the original comment] Refer to Response BCC-14. Public transportation and recreation are addressed in Sections 4.N and 4.M of the Draft EIR, respectively.
- BCC-511** [See page 5-260 for the original comment] The methodology used to project calls for service within the Baylands was determined in conjunction with the Brisbane Police Department, and represents the best judgment of the Police Department as to the number of calls for service that would result from proposed Baylands development under each of the four development scenarios.
- BCC-512** [See page 5-260 for the original comment] The Draft EIR clearly states that development within the Baylands other than expansion or relocation of an existing facility would stretch the existing capabilities of the Brisbane Police Department beyond the point that its current one beat system could maintain adequate response times. Thus, as stated on page 4.L-6 of the Draft EIR, the specific plan for development of the Baylands will be required to provide for establishment of a new 24/7 officer shift (for all development scenarios) and one civilian daytime shift (for the DSP and DSP-V scenarios) prior to issuance of the first certificate of occupancy for any development other than expansion or relocation of an existing facility. In addition, construction and provision of a storefront police substation would be required.
- BCC-513** [See page 5-260 for the original comment] The distances provided are straight-line measurements from the Baylands boundary. The purpose of the information set forth in Table 4.L-3, is to describe baseline conditions as to where existing library facilities are in approximate relation to the Baylands. The EIR analysis of impacts to library services does not rely on travel distance and travel times to reach existing libraries, but focuses on whether additional library facilities are needed to accommodate proposed development of the Baylands.
- Social and economic effects of a proposed development (e.g., specific needs of lower income residents) are not required for analysis under CEQA, unless the social or economic effects of a particular action (proposal) would cause physical impacts on the environment (CEQA Guidelines Section 15130).
- BCC-514** [See page 5-260 for the original comment] The information in the environmental setting for library services in Draft EIR Section 4.L, *Public Services*, regarding inter-library loan capabilities is intended to provide baseline information about the current library system and facilities to form the basis for analysis to assess what significant impacts may occur from proposed development of the Baylands. It is not anticipated that proposed development would cause a substantial increase in volume of inter-library loans such that a physical impact under CEQA would result, particularly with the myriad of options available for obtaining information via internet research. Mitigation Measure 4.L-4 requires that development of the DSP and DSP-V scenarios (if

either are ultimately selected by the City) include development of a library facility within the Baylands to serve its resident population. The size of the facility and hard copy collection, as well as necessary equipment for the library facility would be determined by the San Mateo County Library, which is a Joint Powers Authority (JPA) comprised of the cities of Atherton, Belmont, Brisbane, East Palo Alto, Foster City, Half Moon Bay, Millbrae, Pacifica, Portola Valley, San Carlos, Woodside, and the County of San Mateo.

BCC-515 [See page 5-260 for the original comment] The Draft EIR section cited in the comment is the environmental setting for fire protection. The mention of a ladder truck on page 4.L-9 refers to the staffing of an aerial ladder truck company (minimum three firefighters), and is not specific to any station. North County Fire Authority (NCFA) service standards cited on Draft EIR page 4.L-11 indicate that new development should be within 2.0 miles of a ladder truck company. Because the Baylands does not currently meet that standard, the City will require, as part of its planning review, preparation and implementation of a Fire Protection Services Program that will ensure all buildings within the Baylands that are three stories or greater in height are located within two miles of a fully staffed (four-person minimum) and equipped ladder truck company. Because there are multiple options for the specific location of that ladder truck company, the Draft EIR does not specify at which fire station the ladder truck company must be located (see Draft EIR page 4.L-15).

BCC-516 [See page 5-261 for the original comment] Pursuant to the provisions of CEQA, the Draft EIR evaluates the environmental changes that would result from implementation of proposed development of the Baylands as described in Chapter 3, *Project Description*, of the Draft EIR. The Kinder Morgan site is not located within the Baylands Project Site, nor is any development of the Kinder Morgan tank farm proposed. There is no basis to support the comment suggestion that a fire engine with foam-dispensing capability needs to be permanently stationed at the Kinder Morgan tank farm as a mitigation measure of Baylands development.

BCC-517 [See page 5-261 for the original comment] While the comment suggests that an at-grade rail crossing and emergency helicopter landing area be provided, it does not include evidence to support a conclusion that such facilities are required as mitigation for proposed Baylands development. In fact, California Public Utilities Commission policy is to not approve new at-grade rail crossings, unless an existing at-grade rail crossing is retired. As such the comment does not raise any significant environmental issues regarding the Draft EIR or its analyses and conclusions.

Emergency access is addressed on page 4.N-150 of the Draft EIR. As indicated in Final EIR Chapter 3.0, Mitigation Measure 4.H-4a has been revised to ensure adequate emergency roadway access to the Baylands in the event of a 100-year flood.

For informational purposes, emergency management, including preparedness and activities during public emergencies is the responsibility of the City's Office of Emergency Services. The City's Emergency Operations Plan (EOP) defines preparedness and incident management activities, and describes organizational structures, roles and responsibilities, policies, and protocols for providing emergency support. The EOP is designed to be consistent with Homeland Security Presidential Directive (HSPS-5), the National Incident Management System (NIMS), the California Standardized Emergency Management System (SEMS), and Incident Command System (ICS) requirements. See: www.ci.brisbane.ca.us/departments/emergency-services/emergency-operations-plan.

BCC-518 [See page 5-262 for the original comment] The revisions made to Draft EIR Table 4.M-1 are shown below.

**TABLE 4.M-1
PARKS SERVING BRISBANE**

Park Classification	Park/Resource Name	Approximate Acreage	Park/Resource in Figure 4.M-1
Mini Parks			
Public	Sierra Point Par Course/Picnic Area	0.25	1
	Community Center/Library Park	0.11	2
	Plug Reserve	0.01	3
	Silver Spot Nursery Center Tot Lot (formerly Kids and Things Playground)	0.25	4
	Skateboard Park and Basketball Courts	0.25	5
	<u>Dog Park (behind City Hall)</u>	<u>0.25</u>	<u>6</u>
	<u>Brisbane Community Garden</u>	<u>0.10</u>	<u>7</u>
	<u>Fisherman's Park</u>	<u>0.25</u>	<u>8</u>
Private	Joy Condominium Yard Area	0.60	<u>69</u>
	Northeast Ridge Altamar Tot Lot	0.25	<u>710</u>
	Northeast Ridge Altamar Rec. Bldg. Site	0.23	<u>811</u>
	Northeast Ridge Viewpoint Tot Lot/Park and Rec. Bldg.	0.67	<u>912</u>
Total		<u>2.62</u> <u>3.22</u>	
Neighborhood Parks			
Public	Lipman School Fields and Playground (including tennis courts)	12.30	<u>4013</u>
	Brisbane Elementary School Fields	4.89	<u>4414</u>
	Firth Park	0.50	<u>4215</u>
Total		<u>17.69</u>	
Linear Parks			
Public	Sierra Point Public Access Trails	7.00	<u>4316</u>
	<u>Independence Walkway (Humboldt – Sierra Point)</u>		<u>4417</u>
	<u>Brisbane Bicentennial Walkways (Sierra Point/Klamath – Solano/Mendocino)</u>	0.37	
	Crocker Park Recreational Trail	10.00	<u>4518</u>

**TABLE 4.M-1
PARKS SERVING BRISBANE**

Park Classification	Park/Resource Name	Approximate Acreage	Park/Resource in Figure 4.M-1
	<u>Mono Walkway (Sierra Point Canyon)</u>		<u>19</u>
	<u>Central Walkway (Sierra Point – Alvarado)</u>		<u>20</u>
	<u>San Francisco Street to Old County Road Walkway</u>		<u>21</u>
	<u>Solano to San Francisco Street Steps</u>		<u>22</u>
Outside City Limits	Old Quarry Road	9.80	<u>1623</u>
	Total	27.17	
Community Parks			
Public	The Community Park	2.00	<u>1724</u>
	Mission Blue Park (including tennis courts and baseball diamond)	6.50	<u>1825</u>
	Community Swimming Pool	0.66	<u>1926</u>
	Total	9.16	

SOURCE: City of Brisbane, 2001; Carpenter, 2013.

BCC-519 [See page 5-262 for the original comment] See Response BCC-518.

BCC-520 [See page 5-262 for the original comment] See Response BCC-518.

BCC-521 [See page 5-262 for the original comment] Draft EIR Table 4.M-2 has been revised to read as follows:

**TABLE 4.M-2
RECREATIONAL FACILITIES IN BRISBANE**

Name	Location	Operator
Brisbane Elementary School Activity Room and Fields	500 San Bruno Avenue	Brisbane ESD
Community Center	250 Visitacion Avenue	City of Brisbane
Mission Blue Center	475 Mission Blue Drive	City of Brisbane
Brisbane Community Pool	2 Solano Street	City of Brisbane
Lipman Middle School Gym/Field	1 Solano Street	Brisbane ESD
Recreation Activity Room	500 San Bruno Avenue	City of Brisbane
Brisbane Marina/fitness course	400 Sierra Point Parkway	City of Brisbane
Brisbane Senior Center Sunrise Room	2 Visitacion Avenue	City of Brisbane
Brisbane City Teen Center	22 San Bruno Avenue	City of Brisbane
Brisbane Community Garden	Inyo Street and San Francisco Avenue	City of Brisbane

BCC-522 [See page 5-262 for the original comment] The reference to gardening in the description of recreational opportunities at Candlestick Point State Recreation Area on page 4.M-5 was removed as follows:

Less than one mile northeast of the Project Site is Candlestick Point State Recreation Area (CPSRA), a 252-acre regional open space. Recreational opportunities include ~~gardening~~, hiking, jogging, bicycling, bird watching, fishing, and picnicking (California State Parks, 2011).

- BCC-523** [See page 5-262 for the original comment] Biological resources mitigation measures calling for avoidance of impacts to wetlands, as well as for development of an Open Space Plan meeting specified performance standards would lead to restoration of shoreline wetland habitat along the edge of the lagoon. Implementation of these measures, along with Mitigation Measure 4.E-4a restricting development that requires the placement of fill materials within 600 feet of the Lagoon will preclude future recreational improvements and use of the lagoon for kayaking. Recreational use of the lagoon is not part of the concept plan scenarios, and the Draft EIR does not therefore analyze the impacts of such use, nor does it provide environmental clearance for recreational use of the lagoon.
- BCC-524** [See page 5-263 for the original comment] This comment references the potential for an update to the 1994 General Plan Open Space Element. As such, it does not raise any significant environmental issues regarding the adequacy of the EIR or its analyses and conclusions. No further response is required.
- BCC-525** [See page 5-263 for the original comment] The reference made to “renewable energy research” on Draft EIR page 4.M-15 is based on the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios which identifies “environmental research” as a permitted and intended use within the Roundhouse building. The specific plan does not provide specific examples of the types of “environmental research” that might occur within the Roundhouse building, and there are no site-specific development plans available for the Roundhouse building. Please see Master Response 1 for more information related to the level of detail appropriate for a program level EIR.
- BCC-526** [See page 5-263 for the original comment] The Draft EIR has been revised on page 4.M-16 to read as follows.

The park would feature a restored tidal channel and wetland area, native scrub and grasslands, and sites for community gardens in raised planter beds and groves of native fruit trees.

Additionally, page 137 of the Brisbane Baylands Specific Plan prepared for the DSP and DSP-V scenarios (Draft EIR Appendix C) includes a discussion of community gardens and groves within Specific Plan Goal 5.5, which is “Opportunities for community gardens that can provide access to healthy food options and an enhanced connection to the natural environment.” The description of this goal states: “Many communities are including sites for community

gardens in open space as a means of both increasing access to healthy foods for urban inhabitants and for enhancing recreational and social infrastructure.”

BCC-527 [See page 5-263 for the original comment] A diagram of community gardens and the small amphitheater that the developer envisioned for Visitacion Creek Park (West) in the proposed Brisbane Baylands Specific Plan for the DSP and DSP-V scenarios is included on page 147 of that plan (Draft EIR Appendix C). A picture of a small amphitheater is provided in the lower right hand corner of Specific Plan page 147 along with the following description: “A small amphitheater may be included in the northern portion of Visitacion Creek Park (West) for community events and performances.” The goal for providing sites for community gardens was explained in Response BCC-526. More specific detail regarding the “small amphitheater” and “community gardens in raised beds” is not available or required at this point in the planning and environmental review process. Please See Master Response 1 for more information related to the level of detail appropriate for a program level EIR.

The Draft EIR has been revised on page 4.M-16 as follows:

Visitacion Creek Park (West) would feature passive wetlands, native plantings, picnic facilities, multiuse paths, trails, overlooks, a small amphitheater (for community events and performances), and interpretive features.

BCC-528 [See page 5-263 for the original comment] The description of “vegetative habitat areas” in relation to South Visitacion Park on Draft EIR page 4. M-16 was taken from the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios. Page 149 of the Specific Plan includes a diagram of South Visitacion Park including vegetated areas. The diagram identifies seasonal wetlands/detention zones, windrows (including plants/trees that are ornamental and provide wildlife habitat), and chaparral mounds. See Table 4-6 of the Specific Plan for a listing of recommended trees for windrows. Additional proposed landscaping requirements for open space areas are included on page 157 of the Specific Plan. As stated on that page, “in general, landscape materials should match the native species of the coastal grassland, scrub, woodlands, and marshland typical to the San Francisco Bay.”

The Draft EIR has been revised on page 4.M-16 to read as follows:

This 47-acre park would feature significant vegetative habitat areas (e.g., constructed wetlands, windrows and chaparral mounds) and open space connected by a network of trails.

BCC-529 [See page 5-263 for the original comment] The discussion of “multipurpose recreation fields” at Lagoon Park, as well as parking, restroom, and other support

facilities is taken from the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios, as were Draft EIR references to the potential for playgrounds, concessionaire, and fishing facilities.

The proposed Brisbane Baylands Specific Plan (Draft EIR Appendix C) provides some additional detail for what the Specific Plan applicant envisions for Lagoon Park. On page 77, the Specific Plan reads, “The upland area at the north end of the Lagoon will be the primary recreation area and may include facilities such as picnic areas, informal turf areas, multi-use paths, viewing platforms, boardwalks, interpretive features, a non-motorized craft storage and launching facility, restrooms, and parking. A proposed Lagoon Nature Center, to be located in this area, would provide the City of Brisbane with community meeting space. Improvements in other areas of the park generally would be restricted to low-impact trails, landscaping, seating, and overlooks.” A view of the proposed Lagoon Park is provided on page xii of the proposed Specific Plan.

While the above description illustrates the developer’s vision and development request, more specific detail is not available or required at this point in the planning and environmental review process. Please See Master Response 1 for more information related to the level of detail appropriate for a program level EIR.

Biological resources mitigation measures calling for avoidance of impacts to wetlands and Mitigation Measure 4.E-4a restricting development that requires the placement of fill materials within 600 feet of the Lagoon will preclude future recreational improvements and use of the lagoon for kayaking. Recreational use of the lagoon is not part of the concept plan scenarios, and the Draft EIR does not therefore analyze the impacts of such use, nor does it provide environmental clearance for recreational use of the lagoon.

BCC-530 [See page 5-263 for the original comment] Impacts related to siting a new charter high school in the general area of Icehouse Hill are addressed in Section 4.L, *Public Services*, and Section 4.G, *Hazards and Hazardous Materials*. In the CPP and CPP-V scenarios, the charter school would be located at the base of Icehouse Hill within 0.25 mile of the Kinder Morgan site. Section 4.G includes an analysis of impacts related to the appropriateness of the siting of schools with respect to the presence and potential for disturbance of hazards and hazardous materials (see Impact 4.G-3). As discussed, remedial actions and cleanup levels for parcels within the former landfill and railyard portions of the Baylands Site will be finalized with preparation of Remedial Action Plans. The Remedial Action Plans may require deed restrictions on certain uses, including schools, to limit human exposures to contaminants above levels considered protective of unrestricted use. Therefore, the results of the remediation process may preclude construction of schools within certain areas of the Baylands.

In addition, mandatory adherence to City and school district requirements; the provisions of CCR Title 5, Section 14010, Standards for School Site Construction; requirements of California Department of Education School Facilities Planning Division; and requirements of site remediation as overseen by DTSC and detailed further in Mitigation Measure 4.G-3 would further ensure that hazardous materials impacts on proposed schools would be less than significant. MM 4.G-3 precludes siting of a school near an above-ground fuel storage tank or within 1,500 feet of the easement of an above-ground or underground pipeline that can pose a safety hazard.

BCC-531 [See page 5-263 for the original comment] The proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios states that the charter high school site “may offer the opportunity for shared-use recreational fields, such as tennis and basketball courts.” The inclusion of athletic fields for baseball, football, soccer, and other team sports is not precluded from the future design of the school facility. While the charter high school proposed in each scenario provides opportunities for public recreation, a site plan for the school has not been prepared nor is required at this point in the environmental and development review process. See Master Response 1 for discussion of the programmatic analyses undertaken for the Draft EIR, as well as discussion of the content requirements of the proposed specific plan and concept plans analyzed in the Draft EIR.

BCC-532 [See page 5-264 for the original comment] The comment does not raise any significant environmental issues regarding the adequacy of the EIR or its analyses and conclusions. This comment can be considered by the City as part of its planning review for the Baylands.

BCC-533 [See page 5-264 for the original comment] Draft EIR page 4.M-19 has been revised to read as follows:

Group Use Area

The Group Use Area would be located immediately north of Icehouse Hill. The recreational component of this area would be primarily oriented toward organized groups. A concessionaire agreement would be established with the City in order to provide a source of revenue generation that would help support the public space. Picnic and recreational activity services would be oriented to accommodate corporate picnics and business retreats, as well as large family celebrations and events. This type of operation would provide food services and barbeques and recreational opportunities such as softball/baseball, volleyball, horseshoes, bocce ball, tetherball, croquet, and other group and family-oriented outdoor activities.

BCC-534 [See page 5-264 for the original comment] The Commercial Land Use Area section on page 4.M-19 of the Draft EIR correctly describes the uses proposed under the CPP and CPP-V development scenarios. The CPP and CPP-V concept plans do not include an alternative land use within this commercial area for a 9-hole golf course. However, as discussed in Chapter 3.0, *Project Description* (page 3-44), golf training facilities may be included in the regional use area located just south of the commercial land use area. Whether a golf course would be appropriate within the area cited in Comment BCC-534 could be considered as part of the planning review undertaken by the City for the Baylands.

BCC-535 [See page 5-264 for the original comment] As noted starting on page 4.M-19 of the Draft EIR, the City of Brisbane maintains two distinct and different standards for the provision of parks and open space within the City. The 1994 General Plan (Open Space Element Policy 87 and Program 87a) set a *goal* for the total amount of parks and open space desired within the community as follows:

- 10.5 acres of mini, neighborhood, and linear parks per 1,000 residents; and
- 8.0 acres of community parks per 1,000 residents.

However, state law limits the ability of communities to require dedication of parkland by new development. The Quimby Act (California Government Code Section 66477), which authorizes cities to require the dedication of land or payment of fees for park or recreational purposes by ordinance, establishes a standard of 3.0 to 5.0 acres of parkland dedication per 1,000 residents. Cities with less than 3.0 acres of dedicated parkland per 1,000 people are limited to requiring a maximum dedication of 3.0 acres of park land per 1,000 residents from new development.

In 2013, the City adopted Ordinance 566 (contained in Section 16.24.010-16.24.070 of the Municipal Code) that authorized the City to implement the Quimby Act and require new development to dedicate 3.0 acres of parkland per 1,000 residents.

Thus, while the City of Brisbane seeks to achieve a *goal* of 18.5 acres of parkland per 1,000 residents, state law limits the amount of land Brisbane can require new development to dedicate, and the Municipal Code thus *requires* new development to dedicate 3.0 acres of park land per 1,000 residents.

BCC-536 [See page 5-264 for the original comment] The Project Site development-related changes in wind speed and its effects on wind sailing in the CPSRA are described in detail in the Draft EIR Section 4.M, *Recreational Resources*. See master Response 31 for discussion regarding analysis of impacts on wind speeds at the CPSRA.

- BCC-537** [See page 5-264 for the original comment] All buildings, including proposed multi-story buildings, as well as proposed grading and the topography of the Baylands and vicinity, were modeled for each scenario evaluated in the Draft EIR. Project Site development's changes in wind speed and its effects on wind sailing in the CPSRA are described in detail in the Draft EIR Section 4.M, *Recreational Resources*. See also Response BCC-59 and Master Response 31.
- BCC-538** [See page 5-265 for the original comment] This comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. Public safety for recreation areas will be considered as part of the City's planning review and decisionmaking for the Baylands.
- BCC-539** [See page 5-266 for the original comment] Currently, the only Baylands use that utilizes rail service are the lumberyards that are proposed to be relocated along with their rail spur to the west side of the rail lines. The types of heavy industrial and warehouse uses that can take advantage of rail deliveries are not proposed for the Baylands. Thus, analysis of the potential for substantially increasing rail use within the Baylands Project Site is unnecessary and no additional discussion of freight loading is needed in the EIR.
- BCC-540** [See page 5-266 for the original comment] Figure 4.N-1 is intended to show the transportation study area. It depicts the existing Caltrain line, and is not intended to depict the existing or relocated rail spur.
- BCC-541** [See page 5-266 for the original comment] While shipping via rail is, overall, more energy efficient than shipping by truck, the efficiency of shipping by rail to individual businesses can only be gained by businesses that receive or ship in large quantities. Thus, the only existing use within the Baylands that can take advantage of rail shipments is the existing lumberyard. The types of heavy industrial and warehouse uses that can take advantage of rail deliveries are not proposed for the Baylands.
- BCC-542** [See page 5-266 for the original comment] Unless shipped in massive quantities at a single time, shipping inexpensive bulk commodities such as dirt is not typically economically feasible, and is not proposed. Thus, analysis of shipping dirt by rail for site preparation and grading is unnecessary.
- BCC-543** [See page 5-266 for the original comment] Industrial uses such as those identified in this comment are not proposed under any of the proposed development scenarios, nor are they currently permitted by the Brisbane General Plan. The suggestion set forth in the comment will be considered as part of the City's planning review for the Baylands.

- BCC-544** [See page 5-266 for the original comment] For discussion of what future development projects were included in the analysis of Cumulative Conditions representing year 2030 conditions, see Master Response 22.
- BCC-545** [See page 5-266 for the original comment] For discussion of impacts of proposed Baylands development on the US 101 freeway, see Master Response 23.
- BCC-546** [See page 5-266 for the original comment] The authority that designated Bayshore Boulevard as a Congestion Management Program (CMP) Route is the City/County Association of Governments of San Mateo County (C/CAG), which is the designated Congestion Management Agency for San Mateo County. In response to this comment, the following text changes have been made to the first bullet point under the “Local Roadways” heading on page 4.N-4 of the Draft EIR:
- The road is designated as a Congestion Management Program (CMP) Route by the City/County Association of Governments of San Mateo County (C/CAG) in both San Francisco and San Mateo Counties.
- BCC-547** [See page 5-266 for the original comment] The final report for the Bi-County Transportation Study was released in 2013. The following text changes have been made to the second bullet point under the “Local Roadways” heading on page 4.N-4 of the Draft EIR:
- Proposed plans were identified in the San Francisco and San Mateo Bi-County Transportation Study (2001 and ~~current update 2013~~) to extend Geneva Avenue through the Project Site to a proposed interchange with US 101 that would replace the current interchange at Beatty Avenue.
- BCC-548** [See page 5-267 for the original comment] The comment correctly notes that the US 101 interchange at Beatty Avenue is currently unfunded and being studied by Caltrans. The interchange is also part of the San Francisco and San Mateo Bi-County Transportation Study. CEQA does not require an agency to await the outcome of a pending study prior to completing an EIR, nor does it require that a certified EIR be updated on a regular basis with new information. Rather CEQA requires that EIRs be prepared based on the best data and information available at the time they are drafted and/or on reasonable forecasts and estimates supported by expert opinion. As of this date, the proposed interchange at Beatty Avenue is planned, but unfunded. As subsequent site-specific development proposals within the Baylands are submitted and considered by the City, current conditions in relation to funding of the US 101 interchange at Beatty Avenue will be updated.
- As noted in Draft EIR Table 4.I-1, General Plan Policy 337 requires development within Baylands to include “a phasing schedule for development to limit the

adverse impacts of too rapid growth.” Table 4.I-1 notes that the DSP and DSP-V scenarios are inconsistent with this policy since the proposed Brisbane Baylands Specific Plan “does not tie the rate of land development to the availability of infrastructure, which could lead to the establishment of new uses outstripping the capacity of infrastructure during initial phases of development prior to project buildout.” Unless the City modifies or removes Policy 337 from the General Plan, any specific plan approved within the Baylands will be required to establish requirements and performance standards tying the pace of land development to the availability of services, facilities, and infrastructure, including the roadway and interchange improvements related to the Bi-County Program pursuant to the provisions of Draft EIR Mitigation Measure 4.I-1.

BCC-549 [See page 5-267 for the original comment] For discussion of the future developments included in the analysis of cumulative traffic conditions in the Draft EIR, see Master Response 22.

BCC-550 [See page 5-267 for the original comment] As stated in Master Response 22, the traffic analysis undertaken for the Baylands includes specific traffic generation information for the following projects:

- Visitacion Valley Redevelopment Program (Schlage Lock)
- Executive Park Development Plan
- Candlestick Point/Hunters Point Shipyard
- India Basin Shoreline
- Daly City Cow Palace

Because the traffic analyses for these projects were prepared at different times, earlier analyses do not include traffic generation for subsequently proposed projects. Thus, a “concurrent and detailed analysis/comparison of traffic studies from all developers in the Bi-County” area would not provide useful information regarding the impacts of the Baylands development on traffic.

With regard to a comparison of mitigation measures from developments in the bi-county area, the Draft EIR assumes the construction of the roadway improvements required as mitigation measures for the projects cited above concurrent with buildout of those projects. Also, as noted on page 4.N-29-31 of the Draft EIR, the Bi-County Study provides a framework through which funding and fair-share allocations for transportation improvements in the northeast section of San Mateo County and southeast section of San Francisco County would be allocated to specific development proposals.

BCC-551 [See page 5-267 for the original comment] The comment refers to an “unacceptable and irreversible unmitigable impact” which is not a CEQA standard of significance. The Draft EIR did find significant and unavoidable

impacts to US 101. See Master Response 4 for discussion of “significant and unavoidable” impacts, as compared to “unacceptable” impacts. The appropriateness of proposed development in relation to its contribution to unmitigable traffic impacts will be considered as part of the planning review undertaken by the City for the Baylands. Should the level of development ultimately considered by the Brisbane City Council to be “appropriate” for the Baylands result in one or more significant and unavoidable impacts, CEQA requires that the City adopt a “statement of overriding considerations.” As stated in Master Response 4, “Only if a lead agency determines that the benefits of a project outweigh its unavoidable adverse environmental effects, may those significant unavoidable impacts be considered ‘acceptable’ (CEQA Guidelines Section 15093(a)).”

The Draft EIR specifically does consider the vehicular traffic contribution of Project Site development on Bayshore Boulevard and US 101. See Master Response 23 regarding impacts along the US 101 freeway mainline.

BCC-552 [See page 5-267 for the original comment] The comment is correct in stating that no proposal has been made for widening of US 101, and that the freeway is already congested. Widening of US 101 as mitigation is infeasible for the reasons stated in the comment. Even if spot widening was possible in the general vicinity of the project site, physical constraints north and south of the project site would preclude additional widening and would not increase the freeway’s overall throughput. See Master Response 23 for discussion of impacts along the US 101 freeway.

BCC-553 [See page 5-267 for the original comment] The comment provides no factual basis to support the suggestion that the intersection of Airport Blvd and Sister Cities Boulevard should have been studied in the Baylands EIR. The intersection of Airport Boulevard and Sister Cities Boulevard is located approximately two miles south of the Baylands. Because traffic demand volumes and area conditions indicate the shortest and most reasonable path to destinations, it is reasonable to assume that trips heading toward South San Francisco would be routed via US 101 either via Beatty Avenue or Lagoon Road, and therefore would not pass through the intersection of Airport and Sister Cities except in nominal amounts.

BCC-554 [See page 5-267 for the original comment] The comment claims that if US 101 is backed up, vehicles frequently use Bayshore Boulevard as an alternate route and this would contribute to significant additional traffic through Brisbane on Bayshore and will affect site.

The comment is directed at the Existing Intersection Operations, which uses observed traffic counts collected at both the local intersections and the freeway mainline. Therefore, any drivers diverting to Bayshore Boulevard due to

congestion are captured by the counts themselves and are reflected in the reported intersection and mainline freeway operations.

With the addition of Project Site development traffic, both the freeway mainline and the local intersections would experience increased congestion. The resulting intersection operations do not indicate that Bayshore Boulevard would become a more attractive route than the freeway mainline for regional trips.

BCC-555 [See page 5-267 for the original comment] The text on Draft EIR page 4.N-7 to which the comment describes existing conditions as they were in the 2010 baseline year. See Master Response 7 for discussion of 2010 as the baseline year for the Baylands EIR.

Future land use is based on ABAG P07 Projections, which includes expected development throughout the nine-county Bay Area region between 2005 and 2030, including South San Francisco and the development (Centennial Towers) to which this comment refers. South San Francisco's job growth is projected to increase by approximately 12,000 jobs between 2010 and 2030.

BCC-556 [See page 5-267 for the original comment] See Master Response 27.

BCC-557 [See page 5-268 for the original comment] See Master Response 27. The comment incorrectly characterizes the baseline condition. The baseline represents existing conditions, and does not include traffic generated by future development projects. Future traffic conditions are captured in the cumulative analysis.

BCC-558 [See page 5-268 for the original comment] See Master Response 22 for discussion as to how future development projects are incorporated into the analysis of future, cumulative impacts.

BCC-559 [See page 5-268 for the original comment] The following text changes have been made to the last paragraph on page 4.N-11 of the Draft EIR:

As shown in **Table 4.N-4**, all analysis segments currently experience LOS E ~~or LOS F~~ conditions during the commute periods – either in the AM or PM peak hours, with the segment of US 101 southbound between Third Street/Bayshore Boulevard and Sierra Point Parkway experiencing LOS E conditions during both the AM and PM peak hours.

BCC-560 [See page 5-268 for the original comment] See Master Response 23. Mitigation Measure 4.N-13 is primarily recommended to satisfy the requirements set forth in the San Mateo County Congestion Management Plan. Mitigation Measure 4.N-13 is also recommended for Impact 4.N-2, significant impacts to the freeway mainline segments. The mitigation concludes that the measure “would reduce the impact but not to a less-than-significant level” on page 4.N-106.

BCC-561 [See page 5-268 for the original comment] The comment incorrectly characterizes the content of the Draft EIR. The referenced “100 net new vehicle trips during peak hours” is a threshold used in the San Mateo County Congestion Management Plan used to impose requirements for traffic analysis and the establishment of transportation demand management programs.

The DSP scenario would result in 5,351 new vehicle trips during the AM peak period and 4,946 new vehicle trips during the PM peak period. The DSP-V scenario projects 4,890 new vehicle trips during the AM peak period and 4,697 vehicle trips during the PM peak period. The CPP scenario projects 5,835 new vehicle trips during the AM peak period and 6,180 new vehicle trips during the PM peak period. The CPP-V scenario projects 5,444 new vehicle trips during the AM peak period and 5,847 new vehicle trips during the PM peak period. See Table 4.N-14 and 4.N-15, pages 4.N-80 and 4.N-81 of the Draft EIR, for more information.

As stated on page 4.N-72 of the Draft EIR, trip generation for the Recology land use was based on the trip generation study for the *Recology Master Plan* (Recology, 2010). Trucks are included as a percentage of vehicle composition for the impact analysis.

BCC-562 [See page 5-268 for the original comment] See Master Response 24 for discussion of Mitigation Measure 4.N-13, TDM programs, and their enforceability.

BCC-563 [See page 5-268 for the original comment] The first bullet under San Mateo County Transit District (SamTrans) on page 4.N-15 of the Draft EIR has been revised to read as follows:

- Route #292 provides service from downtown San Francisco, through Brisbane, to South San Francisco, San Francisco International Airport, and Burlingame, and ends at Hillside Shopping Center in San Mateo. In Brisbane along the Project Site’s western edge, the bus stops on Bayshore Boulevard at Geneva Avenue, Industrial Way, Guadalupe Canyon Parkway, and Valley Drive. It also stops at the Park-n-Ride lot located at Old County Road and Bayshore Boulevard, just outside the Project Site boundary. This service provides about 43 buses per weekday between the hours of 5:00 AM and 2:00 AM with headways of approximately 20 minutes during peak periods. There are approximately 4,000 weekly boardings of Route #292, which is the fourth highest ridership in the SamTrans system.

BCC-564 [See page 5-268 for the original comment] No factual evidence is provided to support the comment assertion that traffic conditions for bicyclists were not adequately studied. Section 4.N.2 of the Draft EIR describes the environmental setting for existing transportation facilities serving the Baylands site and

conditions for motor vehicle, bicycle, and pedestrian travel, as well as for public transit. The subsection on bicycle facilities provides an overview of the types of facilities present and other routes accessible by bicyclists that do not contain bicycle facilities due to the gaps in coverage within the study area.

BCC-565 [See page 5-269 for the original comment] The comment lacks documentation to support the assertion that bicycle facilities in Brisbane are unsafe and dangerous, nor does it demonstrate that existing conditions will be adversely impacted by development within the Baylands.

For clarity, bicycle lanes physically separated from traffic are termed “bicycle paths.” Existing bicycle facilities are described on pages 4.N-19 through 4.N-22 of the Draft EIR. Class II (striped) bicycle lanes are provided on Tunnel Avenue (south of Lagoon Road), Lagoon Road and Sierra Point Parkway; Tunnel Avenue north of Lagoon Road is a designated Class III (identified by signs) bicycle route. There are also various multi-use paths provided within the Baylands site at Roundhouse Circle, Ice House Hill, and the southeastern portion of the site.

In response to this comment, the Statewide Integrated Traffic Records System database was consulted to determine the severity of bicycle accidents near the Baylands site. Over the seven-year period beginning January 1, 2007 and ending December 31, 2013, there were 10 reported bicycle collisions in the City of Brisbane. None were within the Baylands site. Five accidents were recorded on Bayshore Boulevard at San Bruno Avenue (2), Industrial Way (1), Old County Road (1), and Guadalupe Canyon (1).

BCC-566 [See page 5-269 for the original comment] The first bullet on page 4.N-21 has been revised to read as follows:

- Bayshore Boulevard provides north-south circulation connecting Brisbane with San Francisco to the north and South San Francisco to the south. Bayshore Boulevard is striped with Class II bicycle lanes north of Geneva Avenue (within the San Francisco city limits), as well as south of Geneva Avenue (within Brisbane) where rumble strips are installed between the bikeway and outside travel lane. Within Brisbane, relatively high travel speeds may discourage the use of ~~Brisbane~~ Bayshore Boulevard by inexperienced bicyclists.

BCC-567 [See page 5-269 for the original comment] The Metropolitan Transportation Commission (MTC) 2000 Bay Area Travel Survey is the latest survey data available. For more information, visit:

http://www.mtc.ca.gov/maps_and_data/datamart/survey/

- BCC-568** [See page 5-269 for the original comment] As stated on the first paragraph of page 4.N-22 of the Draft EIR, the planned Bay Trail segment between Lagoon Road and Beatty Avenue is currently unfunded. Completion of this segment of the Bay Trail will be an obligation of the developer, required as a condition of approval for new development within the Baylands.
- BCC-569** [See page 5-269 for the original comment] The pedestrian path noted on page 4.N-23 of the Draft EIR is an informal pedestrian path located south of Lagoon Road and north of the lagoon. The second paragraph on page 4.N-23, “Project Site Facilities,” is revised to read as follows:
- Informal ~~P~~pedestrian paths ~~are provided~~ exist along the lagoon at the southern end of the Project Site. The rest of the Project Site currently lacks dedicated pedestrian facilities. Internal roadways provide vehicle and truck access within the site, and to/from the US 101 freeway, but do not include sidewalks. As noted above, the northern portion of the Project Site represents a gap in the San Francisco Bay Trail.
- BCC-570** [See page 5-269 for the original comment] The first paragraph on page 4.N-24 under “Local Programs’ is revised to read as follows:
- As noted above, the ALLIANCE offers a variety of commuter programs including coordinating with employers to provide commuter shuttles from BART and Caltrain to within easy walking distance of many San Mateo County employers (e.g., many business parks). The Brisbane-Crocker Park BART Shuttle bus service (see **Figure 4.N-7**), managed by the ALLIANCE, provides service between the Balboa Park BART Station and Brisbane via Geneva Avenue and Bayshore Boulevard, including a stop at the Muni Metro T-Third Street terminus. The shuttle operates adjacent to the Project Site on Bayshore Boulevard and provides afternoon-only connections to the Bayshore Caltrain Station within the Project Site.
- BCC-571** [See page 5-269 for the original comment] The discussion of Local Programs on Draft EIR page 4.N-24 describes the existing service schedule of the Brisbane-Crocker Park BART Shuttle (provision of service to the Bayshore Caltrain Station only in the afternoon and not in the morning), and does not speculate on the rationale ALLIANCE used to determine its service schedule or stops.
- BCC-572** [See page 5-269 for the original comment] This comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analysis and conclusions.
- BCC-573** [See page 5-269 for the original comment] The Draft EIR section to which the comment refers describes existing conditions as they were at the time of the NOP for the Baylands EIR. A potential transit improvement option as part of Project

Site development, described on page 4.N.68, would be to provide a shuttle connecting the Baylands site with Executive Park, the housing development on the Schlage Lock site, and the Balboa Park BART Station. As discussed in Master Response 1, the Baylands EIR provides program-level analyses. Detailed route and service planning for project specific transit features does not yet exist at the programmatic level of analysis undertaken in this EIR. This detail, and ultimate timing, would likely result from a developer agreement.

BCC-574 [See page 5-269 for the original comment] Although the existing Recology solid waste transfer facility is a unique use and is not subject to traditional TDM requirements, Recology offers a commuter benefit program to its employees that includes participation in the Executive Park/BART Shuttle which is utilized by a small number of mechanics. However, most employees arrive between 5:00 AM and 6:00 AM, and most vehicle trips are sanitation/recycle truck pickup/drop off, which would not apply to a TDM program.

BCC-575 [See page 5-269 for the original comment] The 100 net new peak-hour vehicle trips for the site is a threshold for analysis and the requirement to implement TDM programs, not a representation of traffic associated with development on the Baylands. See Master Response 24 for discussion of C/CAG's *San Mateo County Congestion Management Plan*. Actual peak hour traffic generation in both AM and PM peak hours would be substantially higher under each development scenario (see Response BCC-562).

In regard to calculating increased traffic due to Project Site development, there are standard methods set forth by the Institute of Transportation Engineers' (ITE) *Trip Generation Handbook* to calculate trip generation by general land use type. The trip generation estimates for proposed Baylands development follows these standards, and also account for internal capture of trips within the Baylands. See Master Response 25 for discussion regarding internal capture of trips within the Baylands.

BCC-576 [See page 5-269 for the original comment] The 14,800 residential units proposed for adjacent development in San Francisco and Daly City are included in the cumulative conditions analysis. See Master Response 22 for further description of how the cumulative baseline conditions were developed. Impacts and required mitigation measures for proposed Baylands development were analyzed and formulated in recognition of future cumulative increases in traffic from surrounding development. While analysis of cumulative projects is included in the EIR, proposed Project Site development is only responsible for mitigating its incremental contribution to any cumulative impacts.

BCC-577 [See page 5-270 for the original comment] See Responses BCC-564 and BCC-565 for discussion of existing bicycle safety and accident records. Determination

of appropriate bicycle facilities for proposed Baylands development will be undertaken as part of the City's planning review and decisionmaking for the Baylands.

BCC-578 [See page 5-270 for the original comment] Evaluation of parking issues and determination of the adequacy of parking for proposed development will be undertaken as part of the City's planning review and decisionmaking for the Baylands. Site-specific development projects within the Baylands have not been proposed that would allow for an analysis of secondary impacts resulting from an undersupply of parking if such an undersupply would exist. As discussed in Master Response 1, the Baylands EIR provides program-level analyses. Site-specific analysis will be required to determine appropriate design and supply of parking for each development project. Because such analysis must be site-specific to each proposed parking facility, this requirement will be applied to subsequent site-specific development projects within the Baylands. All such development will be subject to the provisions of the City's General Plan and zoning, which will be reflected in the provisions of the Specific Plan(s) ultimately adopted by the City and the Mitigation Measures set forth in the Baylands EIR, unless an applicant for the Specific Plan or a site-specific development project clearly demonstrates to the City that other parking standards would be appropriate and would not result in secondary impacts such as, but not limited to, drivers creating congestion on streets while looking for parking spaces.

BCC-579 [See page 5-270 for the original comment] As discussed in Master Response 1, the Baylands EIR provides program-level analyses. Site-specific analysis will be required to determine appropriate design and any needed remediation for proposed underground parking, should any be proposed. Because such analysis must be site-specific to each proposed underground parking facility, this requirement will be applied to subsequent site-specific development projects within the Baylands. All such development will be subject to the provisions of the City's General Plan and zoning, as well as to the provisions of the Specific Plan(s) ultimately adopted by the City and the Mitigation Measures set forth in the Baylands EIR.

BCC-580 [See page 5-270 for the original comment] The comment states that intermodal alternatives for transportation should take into account all areas impacted by Project Site development, including San Francisco, Daly City, South San Francisco, and Brisbane, and that all means of transportation in these areas must cooperate to help traffic congestion.

The baseline transit improvements included in the Draft EIR are based on the best available information at the time of publication, including the 2012 Bayshore Intermodal Access Study and 2013 Bi-County Transportation Study (both published by the San Francisco County Transportation Authority (SFCTA)).

The Bi-County Study proposes a cost-participation framework for large land sites development, which includes Project Site development.

BCC-581 [See page 5-270 for the original comment] Figure 4.N-15, page 4.N-57 of the Draft EIR, includes the Bayshore Intermodal Station.

BCC-582 [See page 5-270 for the original comment] Figure 4.N-10 is not intended to provide a scaled representation of the width of the proposed Geneva Avenue extension. As currently proposed, Geneva Avenue at the US 101 overcrossing would contain 12 lanes of traffic and two Class II bicycle lanes. A Class I multi-use path is not currently proposed on the overcrossing. The exact engineering design configuration of Geneva Avenue at Bayshore Boulevard has not yet been determined.

BCC-583 [See page 5-270 for the original comment] Figure 4.N-11 is deleted from the EIR. The last bullet point on page 4.N-47 under “Transit Improvements” is revised to read as follows:

- **Improvements Described in the Candlestick Point-Hunters Point Shipyard EIR:** Planned and/or proposed service improvements in the vicinity of the Project Site (~~see Figure 4.N-11~~), although none beyond those described above would directly serve the Project Site.

BCC-584 [See page 5-270 for the original comment] A travel demand model such as SF-CHAMP forecasts trips based on future network and land use development conditions. The initial step, trip generation, is based upon the intensity and types of land use in each travel analysis zone (TAZ). The SF-CHAMP model forecasted the trips generated for all planned network changes and land use developments to provide the baseline Cumulative *Without* Project traffic volumes on major roadways. The SF-CHAMP model provides high level forecasting between TAZ’s that are typically large in size. To provide better detail for trips generated by the proposed Baylands development, trip generation was calculated separately from the travel demand model, as the proposed land uses offer more fine-grained data in both the types of land use and the location of the land use on the project site. Those trips were then manually added and assigned to the street network. Details on Project Site development-generated trip forecasting is presented in the “Project Travel Demand” section starting on page 4.N-71 of the Draft EIR.

BCC-585 [See page 5-270 for the original comment] The transportation analysis in the Draft EIR represents conditions using the best information available during the environmental review process. The comment’s assertion that updated land use projections should be used is noted; however, their potential inadequacy in future transportation impact analysis is not a valid claim as all significant proposed land use in the project vicinity is included in travel demand model used for this

analysis. See Master Response 22 and Response BCC-584 regarding use of the SF-CHAMP model.

BCC-586 [See page 5-271 for the original comment] The proposed roadway network for the DSP and DSP-V scenarios was based on the proposed Brisbane Baylands Specific Plan prepared by the applicant for those scenarios. The roadway network prepared for the CPP and CPP-V scenarios did not include the northerly extension of Sierra Point Parkway from Lagoon Road to the proposed Geneva Avenue extension, and it was therefore not included in the Draft EIR's impact analysis. The City will consider the appropriateness of the frontage road and whether it should be included in the CPP and CPP-V scenarios as part of its planning review and decisionmaking for the Baylands. See Master Response 4 for more information on the relative roles of the CEQA and planning review processes.

BCC-587 [See page 5-271 for the original comment] Figure 4.N-13, CPP Conceptual Road Network Improvements, has been revised to include Beatty Avenue.

BCC-588 [See page 5-271 for the original comment] The comment lacks a factual basis to support the assertion that peak hour backups onto the Tunnel Avenue Bridge will result. The traffic analysis undertaken for the Draft EIR indicated that reconfiguration of the intersection of Tunnel Avenue and Lagoon Road would not substantially alter travel patterns to the Baylands site. Under both No Project and With Project conditions, the intersection is a 3-way stop sign controlled intersection and would not substantially change intersection operations.

Delay due to increased traffic and congestion at Old County Road/Bayshore Boulevard is presented in the Draft EIR in Tables 4.N-25 and 4.N-26 (pages 4.N-91 to 4.N-94) for existing conditions and Tables 4.N-31 and 4.N-32 (pages 4.N-110 to and 4.N-113) for cumulative conditions.

Any proposal to terminate Tunnel Avenue in a T-intersection at Lagoon Road would be subject to its own environmental review.

BCC-589 [See page 5-271 for the original comment] The DSP scenario provides for access to Bayshore Boulevard from the Baylands Project Site along Tunnel Avenue via Roundhouse Arc north of Icehouse Hill. The CPP and CPP-V scenarios do not permit this access due to the planned open space within that area. Because the exact internal network configurations are not confirmed, the trip assignment uses only the major access points to the Baylands Project Site, providing a conservative estimate for traffic impacts at the access points. As discussed in Master Response 1, the Baylands EIR provides program-level analyses and review of the most appropriate termination point for Tunnel Avenue, as well as the desirability of egress north of Icehouse Hill will be

considered as part of the program-level analysis and planning review undertaken by the City for the Baylands.

BCC-590 [See page 5-271 for the original comment] Figure 4.N-12, DSP/DSP-V Project Site Road Network Improvements, is intended to illustrate proposed roadway improvements, and has been revised to delete the Caltrain station.

BCC-591 [See page 5-271 for the original comment] Figure 4.N-13 CPP, Conceptual Road Network Improvements, and Figure 4.N-14 CPP-V, Conceptual Road Network Improvements, have been revised to correctly label “Tunnel Road.”

BCC-592 [See page 5-271 for the original comment] As stated on page 4.N-60 of the Draft EIR, “Given the location of the key transit facilities at the north end of the site, the land use plans for each Project scenario cluster a significant portion of proposed development near proposed transit facilities.” Further, most development is located within ½ mile of the Bayshore Intermodal Station. This statement in the Draft EIR is based on the location of proposed transit *facilities* within the Baylands under each of the four development scenarios. The Draft EIR does not address transit routes within the Baylands, since transit agencies have not defined future routes within the Baylands, and are not likely to do so until after development is actually approved.

While impacts of proposed development on transit services is addressed under CEQA, the extent to which a project’s design places new development within ¼ to ½ mile of transit services is a planning, rather than an environmental issue. The Draft EIR contains an analysis of transportation-related impacts for all modes using an established mode split methodology incorporating best available data. This has been used to fully identify and disclose project transit impacts throughout the site. The Draft EIR acknowledges that additional transit-related improvements may become elements of a TDM program, including shuttle service. The need for enhancing transit service to the southerly portion of the site or for further concentrating development within the northern portion of the site will be considered in the City’s planning review and decision making for the Baylands.

BCC-593 [See page 5-272 for the original comment] The Draft EIR on page 4.N-59 clearly states, “funding for the proposed transit facilities has not been secured, and is subject to negotiation.” Mitigation Measure 4.N-3f notes “Mitigations and associated fair-share funding measures for cumulative regional roadway system impacts will be formulated through the current inter-jurisdictional Transportation Study effort being led by the SFCTA. Development within the Baylands Project Site shall contribute its fair share to the Geneva Avenue & US 101 SB Ramps intersection and improvements.”

As noted in Draft EIR Table 4.I-1, General Plan Policy 337 requires development within Baylands to include “a phasing schedule for development to limit the adverse impacts of too rapid growth.” Table 4.I-1 notes that the DSP and DSP-V scenarios are inconsistent with this policy since the proposed Brisbane Baylands Specific Plan “does not tie the rate of land development to the availability of infrastructure, which could lead to the establishment of new uses outstripping the capacity of infrastructure during initial phases of development prior to project buildout.” Unless the City modifies or removes Policy 337 from the General Plan, any specific plan approved within the Baylands will be required to establish requirements and performance standards tying the pace of land development to the availability of services, facilities, and infrastructure, including the roadway and interchange improvements related to the Bi-County Program pursuant to the provisions of Draft EIR Mitigation Measure 4.I-1.

BCC-594 [See page 5-272 for the original comment] The comment provides no factual basis to support the assertion that the number of bicycle and pedestrian overpasses proposed is ‘inadequate’. The Draft EIR discloses environmental impacts based on CEQA Guidelines Appendix G thresholds which states that significant pedestrian impacts can be found if the project would:

Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities.

The Draft EIR determined in relation to Impact 4.N-10 that pedestrian circulation would be improved under all four development scenarios and they would not interfere with (i.e., prevent) planned pedestrian facilities in existing and/or planned areas, main streets, or pedestrian districts, nor would any of the four development scenarios conflict with or create inconsistencies with adopted pedestrian system plans, guidelines, policies, or standards. While not a CEQA issue, the appropriate number of pedestrian/bicycle overpasses and bridges will be considered as part of the City’s planning review and decisionmaking for the Baylands.

BCC-595 [See page 5-272 for the original comment] Detailed street design standards proposed for Project Site development under the DSP and DSP-V scenarios are contained in Chapter 6 of the proposed *Brisbane Baylands Draft Specific Plan* prepared by the applicant for those scenarios. Analysis of the CPP and CPP-V scenarios in the Draft EIR assumes the same roadway widths as the DSP and DSP-V scenarios. The suggested provision of a Class I bicycle path would require improvements along Tunnel Avenue, as is noted on page 4.N-61 of the Draft EIR.

BCC-596 [See page 5-272 for the original comment] The design speed used in the Draft EIR for the proposed Geneva Avenue extension (35 mph) is based on its classification as an arterial and balance of multi-modal access. The actual speed limit to be posted on Geneva Avenue once it is constructed is determined by the City of Brisbane.

BCC-597 [See page 5-272 for the original comment] See Master Response 24 for discussion of the enforceability of TDM programs.

The draft TDM program for Project Site development (adapted from the proposed Specific Plan prepared by the applicant for the DSP and DSP-V scenarios), described on pages 4.N-66 through 4.N-69 of the Draft EIR, will be required by the San Mateo County Congestion Management Plan, but is not relied on to mitigate Project Site development impacts to less-than-significant levels.

BCC-598 [See page 5-272 for the original comment] The comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The recommendation to provide employee rideshare and park-and-ride lots to discourage proliferation of parking lots and single passenger vehicle usage will be considered during the City's planning review and decision making for the Baylands.

Within a mixed-use urban setting such as is proposed for the Baylands, reduced single passenger vehicle usage is typically most effectively achieved through increased transit usage by clustering development within walking distance of transit and providing convenient pedestrian and bicycle facilities to access transit stations. Rideshare lots and park-and-ride lots are typically not suited for a mixed-use urban setting as they tend to increase the number of vehicle trips to, from, and within development sites.

BCC-599 [See page 5-272 for the original comment] As stated in the Draft EIR on page 4.N-66, the goal of the DSP and DSP-V scenario would be to would maximize the potential job/housing "matches" onsite and with the 11,500 residential dwelling units proposed north of the Baylands site within San Francisco. Large employers would be encouraged to offer relocation assistance to employees who agree to become Brisbane residents. While the Draft EIR makes no claim as to the absolute number of local residents who are also employees, providing a mix of housing and employment types in one area increases the opportunities for local job-housing linkage. The placement of new housing and employment opportunities in close proximity to each other is a key component of the San Francisco Bay Area's Sustainable Communities Strategy, *Plan Bay Area*. By increasing the proximity of housing and employment to each other, opportunities are created to decrease average commute lengths by giving worker a realistic opportunity and choice to live within walking or bicycling distance of home.

BCC-600 [See page 5-272 for the original comment] Mandatory Baylands Project Site TDM measures may include encouraging large employers to offer relocation assistance. Relocation assistance is just one tool in the TDM toolkit of reducing the overall magnitude of trips, shifting trips away from single occupant vehicles, and shortening trip lengths. See Master Response 24 for more information on the enforcement of TDM programs.

BCC-601 [See page 5-273 for the original comment] The proposed roadway network for the DSP and DSP-V scenarios was based on the proposed Brisbane Baylands Specific Plan prepared by the applicant for those scenarios. The roadway network for the CPP and CPP-V scenarios was based on the concept plan prepared for those scenarios. Roadway widths for the CPP and CPP-V scenarios were assumed to be same as for similar roadways in the DSP and DSP-V scenarios. Roadways were assumed to have the following configurations.

Street	R.O.W	Travel Lanes	Transit	Street Parking	Bicycle Facilities	Pedestrian Facilities	Bioswale
Arterial Streets							
Geneva Avenue	140'	6	22' BRT	Yes	Class I	Sidewalks	In median
Sierra Point Parkway	87'	4	--	No	Multi-use Class I		In median
Collector Streets							
Roundhouse Circle	74'	2	Bus	Yes	Class I	Sidewalks	Yes
Tunnel Avenue	64'	2	--	--	Multi-use Class I		Yes
Lagoon Road	74'	2	--	Yes	Class II	Sidewalks	Yes
Office/Commercial	56' – 107'	2	Bus/None	Yes	Class II	Sidewalks	Yes
Residential	56' - 70'	2-4	Bus	Yes	Class II	Sidewalks	Yes
Local Streets							
Office /R&D	64' – 66'	2	Bus/None	Yes	On street	Sidewalks	Yes
Residential	40' – 68'	2	--	Yes	On street	Sidewalks	Yes

BCC-602 [See page 5-273 for the original comment] See Response BCC-601.

BCC-603 [See page 5-273 for the original comment] The TDM section on “Streets Designed for Alternative Transportation Modes,” page 4.N-66 of the Draft EIR, is general in its description of alternatives. Based on the conceptual transit network, the southern portion of the site would be further from transit facilities than the northern portion of the site, as documented on pages 4.N-59 to 4.N-60 of the Draft EIR. The Draft EIR acknowledges that additional transit-related improvements may become elements of a TDM program, including shuttle service. The Draft EIR does not address transit routes within the Baylands, since transit agencies have not defined future routes within the Baylands, and are not likely to do so until after development is actually approved. The need for enhancing transit facilities within the southerly portion of the site or for further

concentrating development within the northern portion of the site will be considered in the City's planning review and decision making for the Baylands.

The land use plans for each development scenario cluster a substantial portion of proposed development near proposed transit facilities. Studies show that travel by walking declines as distance to transit increases, so it is expected that the northwest quadrant would have a higher propensity for transit usage than areas outside of a convenient walking distance. Most of the land uses are within ½-mile of the Bayshore Intermodal Station.

The last paragraph on page 4.N-67 is revised to read as follows:

All new streets and intersections within the Project Site would be designed in consideration for the convenience and the safety of pedestrians and bicyclists. Project Site development would provide extensive Class I, II, and III bicycle routes within the Project Site and a "Safe Routes to School" program. Exclusive bike lanes and ~~frequent~~ bus rapid transit service provided by existing transit agencies, and bus rapid transit operating in dedicated lanes along the Geneva Avenue extension with signal priority constructed as part of Project Site development would offer convenient alternatives to driving to, from, and within the Project Site. Additional transit service would include extended Muni routes, increased Muni frequencies, and enhanced connections to the regional network (BART and Caltrain). Project Site development would provide rights-of-way for BRT route and stations/stops.

BCC-604

[See page 5-273 for the original comment] The Draft EIR (on page 4.N-67) does not claim that people would walk rather than drive when provided with close, high-quality transit. Rather, it states that by providing development easily accessible by a short walk from major transit corridors, it *increases the attractiveness* of walking and alternative travel modes. The link between distance to transit and transit usage is documented in several studies, which are reviewed in the *Technical Background Document on the Impacts of Transit Access (Distance to Transit) Based on a Review of the Empirical Literature* by Tal, Handy, and Boarnet (2013) (http://www.arb.ca.gov/cc/sb375/policies/transitaccess/transit_access_bkgd120313.pdf). Ceverero (2002) focused on commute trips and explored the impact of the proximity of destinations to transit stations and transit mode share in the Bay Area. Other studies, including the *2005 Development-Related Ridership Survey* by the Washington Metropolitan Area Transit Authority, show that people are much more likely to walk, use a bicycle, or take transit if these modes of transportation are convenient and available close by.

- BCC-605** [See page 5-273 for the original comment] Modal split is the percentage share of trips made by each travel mode, typically categorized by drive alone, carpool, transit, walk/bike, and other (such as taxi, motorcycle, etc.). A “modal split goal” is a target percentage of mode of travel for residents, employees, or visitors of the project site. In practice, the goal would be to achieve a lower drive alone automobile mode share. The exact target modal split goal would be established by the required TDM program.
- BCC-606** [See page 5-273 for the original comment] Travel surveys are designed to assess the travel behavior of a certain population. For the TDM implementation and monitoring strategies, a regularly conducted survey would allow monitoring of the population’s travel behavior, including mode of travel, to better target the TDM efforts. The frequency of surveys would be biannual, twice a year.
- BCC-607** [See page 5-273 for the original comment] Because the TDM program that would be required of new development has not yet been prepared, the exact data collection and funding mechanisms for travel surveys cannot be determined at this time. Typically, they are designed to collect origin/ destination and mode data. The data would be used to benchmark the efficacy of proposed of TDM strategies. The TDM plan, including travel survey and funding, would be a future agreement between the developer, the City of Brisbane, and C/CAG as part of the development agreement process.
- BCC-608** [See page 5-273 for the original comment] As stated in Impact 4.N-13, the TDM program proposed in Mitigation Measure 4.N-13 “must be ongoing for the occupied life of the development” and would be subject to the policies set forth by C/CAG in the San Mateo County Congestion Management Plan.
- BCC-609** [See page 5-273 for the original comment] As outlined in Mitigation Measure 4.N-13, the implementation of the TDM strategies, including the transit strategies, is required and enforceable, and would be subject to the provisions of the San Mateo County Congestion Management Plan. The strategies are designed to incentivize employees and residents to change their travel behavior, not force them to change their travel behavior, which is why the program would include a wide range of strategies.
- BCC-610** [See page 5-273 for the original comment] The comment refers to a “menu” of possible TDM strategies, and does not raise any substantive environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.
- The provision of off-street parking by land use type will be addressed as part of the City’s planning review process.

BCC-611 [See page 5-273 for the original comment] The comment refers to a menu of strategies that could be included in the required TDM program. See Master Response 24 for discussion of the enforceability of TDM programs.

BCC-612 [See page 5-273 for the original comment] The comment refers to a menu of strategies that could be included in the required TDM program. See Master Response 24 for discussion of the enforceability of TDM programs.

BCC-613 [See page 5-274 for the original comment] The comment refers to a menu of strategies that could be included in the required TDM program. See Master Response 24 for discussion of the enforceability of TDM programs.

The strategy of unbundling parking is designed to provide choice for renters and homebuyers to purchase a parking space separate from the dwelling unit. This provides the opportunity for those without cars to pay a lower amount of rent or mortgage. The parking ratio is enforceable, as is done in development agreements across the nation through reserved spaces.

Determination as to the specific provisions of a TDM program will be undertaken as part of the planning review, as well as during the review of the required TDM program itself.

BCC-614 [See page 5-274 for the original comment] “Parking technologies” refers to the broad set of technological tools available for parking management, including but not limited to: demand-based parking pricing, real-time parking occupancy displays, and applications that locate vacant parking spaces. “Parking wayfinding” is signage in key areas that directs motorists to parking areas.

BCC-615 [See page 5-274 for the original comment] The term “on-street visitor parking” use on page 4.N-69 is inclusive of all streets, regardless of the land uses that front the street.

BCC-616 [See page 5-274 for the original comment] See Response BCC-578 for discussion of parking requirements. The text referenced in the comment identifies the proposed parking standards contained in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios. As noted in Response BCC-578, all development will be subject to the provisions of the City’s General Plan and zoning, which will be reflected in the provisions of the Specific Plan(s) ultimately adopted by the City and the Mitigation Measures set forth in the Baylands EIR, unless an applicant for the Specific Plan or a site-specific development project clearly demonstrates to the City that other parking standards would be appropriate and would not result in secondary impacts such as, but not limited to, drivers creating congestion on streets while looking for parking spaces.

- BCC-617** [See page 5-274 for the original comment] See Response BCC-578. The text referenced in Comment BCC-617 identifies the proposed parking standards contained in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios.
- BCC-618** [See page 5-274 for the original comment] Off-street parking standards for each of land use type that might be developed within the Baylands are set in the City's zoning ordinance. Should the required Specific Plan for development within the Baylands request customized parking standards, the appropriateness of such standards will be evaluated as part of the City's planning review for the Baylands.
- BCC-619** [See page 5-274 for the original comment] No information is provided in this comment to support its assertions that shuttle service is needed to address a parking problem. Onsite development within the Baylands will be required to meet the parking standards established by the City, provision of which will ensure adequate parking with the Project site.

The Draft EIR acknowledges that additional transit-related improvements may become elements of a TDM program, including shuttle service. The need for enhancing transit facilities within the southerly portion of the site or for further concentrating development within the northern portion of the site will be considered in the City's planning review and decision making for the Baylands. The Draft EIR does not address transit routes within the Baylands, since transit agencies have not defined future routes within the Baylands, and are not likely to do so until after development is actually approved.

While inadequate parking supply or alternate travel mode accessibility can lead to motorists searching for parking, adding to congestion and pollution, as discussed in Master Response 1, the Baylands EIR provides program-level analyses. Site-specific analysis will be required to determine appropriate design and supply of parking in order to ensure adequate roadway operations and accessibility.

- BCC-620** [See page 5-274 for the original comment] ITE *Trip Generation* is used to estimate the number of trips generated only by proposed uses within the Baylands Project site. Trips generated by other developments are included in the forecasts of cumulative conditions. See Master Response 22 for more information regarding development of cumulative conditions.

As noted on page 4.N.73 of the Draft EIR, pass-by trips were considered in total trip generation. Because pass-by trips are already on the roadway network, they are not counted as trip generation for Project Site development. The comment requests that pass-by trips be increased, but this would result in lower trip generation at the study intersections, leading to a less conservative analysis. The

comment does not refer to or recommend an alternate accepted methodology reflecting the approach suggested in the comment.

BCC-621 [See page 5-274 for the original comment] According to the *ITE Trip Generation Handbook*, it is standard procedure that pass-by trips be removed from the net external trips. The very definition of a pass-by trip is that the trip was already on the adjacent roadway network before entering the project site, and thus the trip would not be attributed to the project upon exiting the project site. Pass-by trips are assigned to local access points, and not to external intersection, where pass-by trips are part of cumulative without project traffic volumes.

BCC-622 [See page 5-274 for the original comment] The trip assignment process does not reassign trips based on anticipated congestion. For CEQA purposes, demand volumes are used for operations analysis.

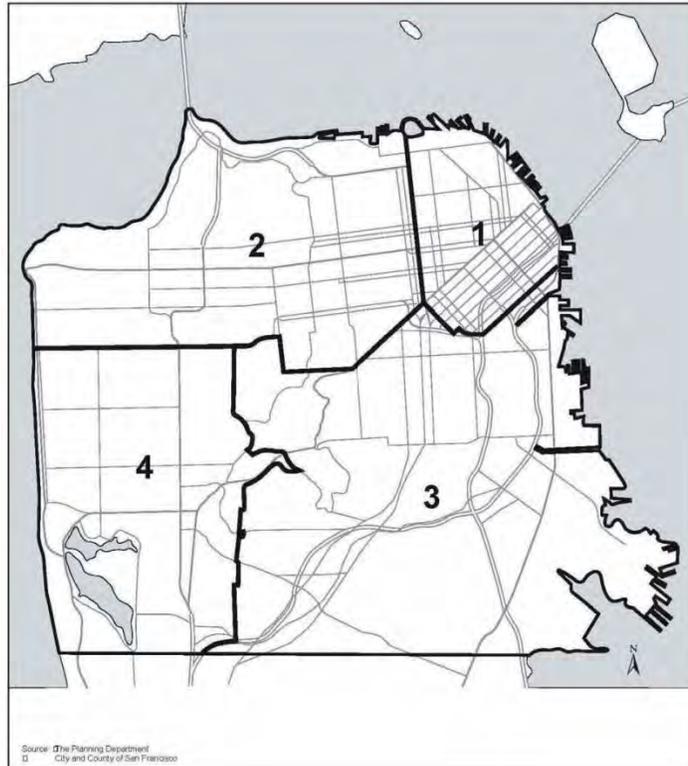
According to the *ITE Trip Generation Handbook*, it is standard procedure that diverted linked trips be removed from the estimated net external trips. The very definition of a diverted linked trip is that the trip was already on the roadway network in the vicinity, and thus the trip would not be attributed to the project. Diverted linked trips are still assigned to the roads connecting the project site with the road from which the trip would divert, and therefore are, in fact, included in the operations analysis.

BCC-623 [See page 5-275 for the original comment] The second paragraph on page 4.N-74 is revised to read as follows:

The travel demand analysis assumes implementation of the improvements to transit service under each of the development scenarios, as described above. Transit improvements would be in addition to those currently proposed as part of the ~~San~~ San Francisco Municipal Transportation Agency (SFMTA) Transit Effectiveness Program.

BCC-624 [See page 5-275 for the original comment] The transportation analysis in the Draft EIR represents conditions using best available information at the time of analysis through to publication of the Final EIR. As stated on page 4.N-74 of the Draft EIR, the MTC Region Travel Demand Model informs trip distribution for the City of Brisbane, which has not had substantial land use changes since 2009. See Master Response 22 for discussion of how major future development projects have been accounted for in the Draft EIR's traffic analysis.

BCC-625 [See page 5-275 for the original comment] Please see the map below of San Francisco Superdistricts, from the San Francisco Planning Department's *Transportation Impact Analysis Guidelines For Environmental Review*, 2002.



BCC-626 [See page 5-275 for the original comment] The Candlestick Point/Hunters Point travel demand forecasting result is one of many data sources that were reviewed to develop the trip distribution and assignment portions of the Baylands traffic impact study. The Candlestick Point/Hunters Point project differs from Brisbane Baylands in size and location to the north of the Baylands; however, the development proposals make an appropriate comparison as they are (1) both large-scale planned developments located in proximity to each other that utilize US 101 as the main highway access and (2) share some existing and planned transit lines.

BCC-627 [See page 5-275 for the original comment] The transportation analysis in the Draft EIR represents conditions using best available information at the time of analysis through to publication of the Final EIR. The Bay Area Travel Survey is one of many data sources that were reviewed to develop the trip distribution and assignment portions of the traffic impact study. The 2000 survey was the most recent version available at time of publication; an update has yet to be published by MTC.

BCC-628 [See page 5-275 for the original comment] The current C/CAG travel demand model is based on the corridor model developed for the Grand Boulevard Initiative (GBI) Multi-modal Corridor Study by the Santa Clara VTA in 2009.

- BCC-629** [See page 5-275 for the original comment] The C/CAG Travel Demand Model was one of five data sources used to develop trip distribution and assignment parameters for the Baylands traffic analysis. The land use inputs for the C/CAG Travel Demand Model were adjusted for the Traffic Analysis Zones (TAZs) containing the Brisbane Baylands site. This included updating land use data based on the information contained in the four development scenarios.
- BCC-630** [See page 5-275 for the original comment] Data compiled for use in San Francisco is relevant to the trip distribution and trip assignment portion of the traffic impact analysis undertaken in the Brisbane Baylands Draft EIR since the Baylands site is directly adjacent to the City and County of San Francisco. There are no physical features that separate the Brisbane Baylands site from adjacent lands within San Francisco. The roadway and transit networks are shared between Brisbane and adjacent lands in San Francisco, and therefore the travel behavior would be similar. The congestion management data requested in Comment BCC-630 does not contain information regarding Trip Distribution and Assignment in San Mateo County, to which this comment refers.
- BCC-631** [See page 5-275 for the original comment] While mode split for a large and long-term project such as the Brisbane Baylands may be difficult to precisely predict, multiple sources were used to develop a conservative mode split to be used in the analysis. Transit mode share was developed independently of exact transit frequencies, and inputs were described based on best available information.
- BCC-632** [See page 5-276 for the original comment] The comment is correct that using mode share data cited in paragraph 2 of page 4.N-76, automobiles still account for 80% of work trips and 70% of non-work trips. This mode split was used for the traffic impact analysis.
- BCC-633** [See page 5-276 for the original comment] Data compiled for use in San Francisco is relevant to the trip distribution and trip assignment portion of the traffic impact analysis undertaken in the Brisbane Baylands Draft EIR as the Baylands site is directly adjacent to the City of San Francisco. There are no physical features that separate the Brisbane Baylands site from adjacent lands within San Francisco. The roadway and transit networks in Brisbane and adjacent lands in San Francisco are shared, and therefore the travel behavior would be similar. In-lieu of specific guidelines developed by the City of Brisbane, best available information was used, including information from the bordering jurisdiction of San Francisco.
- BCC-634** [See page 5-276 for the original comment] See Master Response 25 for information regarding how trip generation and internal capture trips were calculated. The internal capture calculations take into account distance to transit;

however, existing transit service, rather than future transit expansion, was used for the calculation in order to provide a conservative internal capture reduction.

BCC-635 [See page 5-276 for the original comment] The traffic impact analysis uses commonly accepted methods of systematically determining traffic impacts of a proposed development project. The Draft EIR follows this traffic impact analysis process, and the results are presented starting on page 4.N-89, *Project Impacts and Mitigation Measures*.

The existing operational performance of US 101 is presented starting on page 4.N-7, Freeway Mainline Operations. Impacts to US 101, from Baylands site traffic and other proposed and approved development projects under existing and cumulative conditions, are presented in Tables 4.N-28 (page 4.N-105) and 4.N-33 (page 4.N-125).

The comment is correct that the widening of US 101 has not been studied as part of this Draft EIR. Impacts to freeway mainline segments are based on the existing configuration of the freeway, since Caltrans has no plans for widening the US 101 freeway. The addition of HOV/HOT lanes from the San Francisco County border to Whipple Avenue (southern San Mateo County) are part of Caltrans District 4 *Transportation System Development Plan* (2011), but is neither planned nor funded.

BCC-636 [See page 5-276 for the original comment] See Master Response 25 for discussion of internal trip capture.

BCC-637 [See page 5-276 for the original comment] The comment suggests an internal shuttle that serves the southern portion of the site, but does not specify the impact to be mitigated. An internal shuttle would be considered as a part of the TDM program or as a part of the project-level review for specific development proposals. The southern portion of the site in the DSP and DSP-V scenarios is connected to the balance of the Baylands via Sierra Point Parkway and Tunnel Avenue. In addition, a retail area is proposed in the southeastern portion of the site that would be a prime candidate for providing the types of commercial services that might be frequented by employees of the area.

BCC-638 [See page 5-276 for the original comment] Use of traffic models to forecast traffic that would be generated by large-scale projects, such as General Plan amendments and updates, specific plans, and developments for which specific commercial, office, or residential tenants cannot be known at the time of analysis has long been commonly accepted as the only viable methods of analyzing the impacts of such projects.

As stated on pages 4.N-71 to 4.N-84 of the Draft EIR, trip generation estimates were based upon *Trip Generation*, published by the Institute of Transportation

Engineers (ITE) in 2008, a publication that provides nationally-studied trip generation rates derived from surveys for a variety of land uses.

Trip distribution estimates for proposed Baylands development were derived from several reputable sources, including the MTC Regional Travel Demand Model, the *Candlestick/Hunters Point EIR*, the Bay Area Travel Survey 2000, the C/CAG Travel Demand Model, and the *San Francisco Transportation Impact Analysis Guidelines* to ensure the applicability of trip generation and distribution estimates to proposed Baylands development within the City of Brisbane.

BCC-639 [See page 5-276 for the original comment] As stated on page 4.N-74 of the Draft EIR, trip distribution was derived from several reputable sources, including the MTC Regional Travel Demand Model, the *Candlestick/Hunters Point EIR*, the Bay Area Travel Survey 2000, the C/CAG Travel Demand Model, and the *San Francisco Transportation Impact Analysis Guidelines*.

Mode split calculations were refined to differentiate between work and non-work trip purposes. They were applied uniformly to the aggregate external trips, regardless of destination. Further refinement of mode split could result in variations, both higher and lower, of walk/bike/other trip percentages to specific destinations; however the uniform approach is appropriate for the project-level analysis and further disaggregation would not have substantive effect on the traffic impact analysis conducted for the Draft EIR.

BCC-640 [See page 5-276 for the original comment] As stated on page 4.N-84 of the Draft EIR, approximately 2,267 vehicles would arrive for the arena event during the PM peak hour of 5:00 PM to 6:00 PM. The intersection operation impact results are presented for Existing Plus Project with Sold-Out Arena Event in Table 4.N-27 and for Cumulative Plus Project with Sold-Out Arena Event in Table 4.N-34.

Highway segment LOS analysis is an important component for the sold-out arena scenario, and has now been included on Tables 4.N-28, 4.N-33, and included in the discussions for the sold-out arena scenarios under existing conditions on page 4.N-105 and under Cumulative conditions on page 4.N-125.

Impacts of special event traffic are provided in the Draft EIR starting on page 4.N-126. Impacts of sold out events were determined to be significant and unavoidable.

BCC-641 [See page 5-277 for the original comment] The intersection operation impact results are presented for Existing Plus Project with Sold-Out Arena Event in Table 4.N-27 and for Cumulative Plus Project with Sold-Out Arena Event in Table 4.N-34.

The proposed mitigation to maintain acceptable operations during an event is that the arena operator shall develop and implement a Transportation Management Plan (TMP) for coordination with the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Police Department, and the City of Brisbane, developing incentives to increase transit ridership to the arena, and deploying traffic control officers at the unsignalized intersection of Blanken Avenue and Tunnel Avenue to approximate traffic control with traffic signals of LOS C. Impacts of sold out events were determined to be significant and unavoidable.

BCC-642 [See page 5-277 for the original comment] The comment is not relevant to the cited Section of the Draft EIR. Table 4.N-19 identifies projected loading demands for proposed development within the Baylands, not truck trips, as is asserted in Comment BCC-643. The effect of trucks on roadway operations is included in the operations analysis, and is represented by a percentage of roadway volume.

The proposed development being analyzed includes concept plan and General Plan level information for all four scenarios and specific plan level information regarding development for the DSP and DSP-V scenarios. No site-specific development projects have been proposed, neither have any specific tenants for onsite development been identified with the exception of Recology modernization and expansion in the CPP-V scenario. Because the types of businesses that would be permitted under each scenario are known, reasonable assumptions regarding the truck loading demands for these types of businesses were evaluated.

The City of Brisbane has not adopted standards for the number of loading docks that would be required for non-residential development. Instead, the City analyzes site-specific development on a case-by-case basis to determine the required number of loading docks a development needs. The City will undertake site-specific analysis of loading dock requirements at such time as site-specific projects are proposed.

To analyze potential impacts related to loading areas, data compiled for use in San Francisco was used. Such data can reasonably be applied to the Brisbane Baylands since the site is located directly adjacent to San Francisco and there are no physical features that separate the Brisbane Baylands from adjacent lands within San Francisco, and Brisbane and adjacent lands in San Francisco share roadway. The density and design of the proposed Brisbane Baylands development is similar to much of the new development in San Francisco, therefore it is expected that loading demand would also be similar. Loading demand identified in the Draft EIR is calculated based on land uses that are also present in San Francisco, such as residences, retail, and office. Table 4.N-19 forecasts the number of loading spaces needed at the Baylands Project Site.

BCC-643 [See page 5-277 for the original comment] As noted in Response BCC-642, the analysis presented on page 4.N-85 is relates to projected demand for loading spaces. The effect of trucks on roadway operations, including by the Kinder Morgan tank trucks and Recology trucks, is included in the operations analysis, and is represented by a percentage of roadway volume.

Kinder-Morgan tanker trucks will continue loading and unloading within the tank farm, and will not create a demand for loading docks outside of the tank farm. Similarly, Recology trucks will unload and load within the Recology site, and will also not create a demand for loading docks outside of the Recology site.

BCC-644 [See page 5-277 for the original comment] The proposed development being analyzed includes concept plan and General Plan level information for all four scenarios and specific plan level information regarding development for the DSP and DSP-V scenarios. No site-specific development projects have been proposed, neither have any specific tenants for onsite development been identified with the exception of Recology modernization and expansion in the CPP-V scenario. Because the types of businesses that would be permitted under each scenario are known, reasonable assumptions regarding transit trip distribution for these types of uses were evaluated.

As stated in footnotes a and b of Table 4.N-20, transit trip distribution by origin and destination is derived from the motor vehicle trip distribution. The transit destinations were then assigned to transit corridors based on destination accessibility and transit attractiveness. While transit attractiveness may have a subjective component, transit attributes such as travel time, frequency, and cost are not subjective. The trip distribution of residents and employees traveling to and from the Baylands site are derived from similar data obtained for nearby neighborhoods, and is therefore provides a reasonable approximation of origin and destinations, which satisfies the CEQA requirement of using best available information in the environmental analysis. The comment provides no factual basis to support the assertion that the San Francisco figures “seem inflated.”

BCC-645 [See page 5-277 for the original comment] The page referenced in the comment, 4.N-87, provides information regarding the assignment of transit trips to various direction and specific transit routes. The San Francisco Transit Screenline Analysis assessment was conducted for four quadrant screenline locations within San Francisco: northeast, northwest, southeast, and southwest. The Geneva-Harney BRT Line that would serve the Baylands site and east-west travel was included in the cumulative analysis. Existing Muni routes that serve Balboa Park BART, such as 8X and 8BX would not provide direct access to the Baylands site, and it can be expected for transit customers to utilize the Geneva-Harney BRT Line.

Impact 4.N-7, starting on page 4.N-135 provides the actual evaluation of Baylands development-related impacts on Muni services.

The Draft EIR states on page 4.N-39: “trips associated with Project Site development would contribute to total transit volumes exceeding Muni’s capacity threshold of 85 percent at the Northeast and Southeast screenlines (based on the Year 2030 transit volumes and capacities at those screenlines as described in the CPHPS EIR),” and concludes that the impact of all four Site development scenarios would be significant and unavoidable. The Draft EIR further concludes on page 4.N-140 that all four development scenarios would contribute to cumulatively significant impacts on Muni operations at San Francisco transit screenline locations and would result in significant unavoidable impacts on San Francisco Muni transit service along the Geneva Avenue corridor.

BCC-646 [See page 5-277 for the original comment] The comment is correct that should the proposed transit expansions described in Section 4.N, *Traffic and Circulation*, pages 4.N-53 through 4.N-58 not occur, development of the Baylands would result in more vehicle trips than forecast in the analysis. Should the proposed transit improvements described on pages 4.N-53 through 4.N-58 not be implemented at a pace equal or greater than that of Baylands Project Site development, site-specific development proposals within the Baylands could not be approved in reliance of the traffic analysis contained in the Brisbane Baylands EIR. In such a case, updated traffic analyses and mitigation measures would be required prior to the approval of subsequent site-specific development proposals within the Baylands.

BCC-647 [See page 5-277 for the original comment] See Master Responses 22 and 27 for information on the inclusion of future development in the Baylands traffic analysis. Analysis of “existing” conditions represents current traffic volumes and the addition of Baylands development-generated traffic to current volumes. Thus, analysis of existing and existing plus project conditions does not include any future development. Future development from proposed and approved projects surrounding the Baylands is, however, included in the analysis of “cumulative” conditions.

BCC-648 [See page 5-277 for the original comment] The last paragraph on page 4.N-84 is revised to read as follows:

The number of person trips made by spectators to the proposed arena in the DSP-V scenario was analyzed for a special event. Trip generation was estimated based on the proposed 17,000 seats and a sell-out condition. The arena would be used for theater productions, concerts, speaking engagements, educational events, or sporting events. Although no specific program has been developed for events at the arena, it is anticipated that

up to 150 events per year could occur at the arena (e.g., Wednesday, Friday, and Saturday every week per year). Assuming an approximate weekday evening start time of about 7:00 PM, the weekday PM peak hour (5:00 to 6:00 PM) was analyzed for pre-event conditions to address transportation impacts associated with possible sold-out events occurring at the arena. ~~Although no specific program has been developed for events at the arena~~ Of the up to 150 events that could occur at the arena, it is unknown how many sell-out events with 17,000 attendees would occurring during weekday evenings ~~would likely be infrequent~~.

Footnote 15 on page 4.N-91 is revised to read:

The analysis of Existing plus Project conditions assumes typical traffic conditions (i.e., not those conditions when the proposed arena under the DSP-V scenario would have a weekday evening sell-out event). Traffic impacts resulting from ~~an infrequent occurrence of~~ a weekday evening special event at the arena are described separately in Impact 4.N-5.

The paragraph starting at the bottom of page 4.N-126 and ending at the top of page 4.N-128 is revised to read as follows:

The impact analysis of arena events under Cumulative (2030) conditions with the DSP-V scenario assumed a weekday evening sold-out event at the approximately 17,000-seat arena.²² ~~Although no specific program has been developed for events at the arena, it is anticipated that up to 150 events could occur at the arena annually. It is no known how many~~ sold-out events with 17,000 attendees would occurring during weekday evenings ~~would likely be infrequent~~. Smaller-sized events during weekday evenings and events occurring during the day and on weekends would have fewer impacts due to the lower traffic volumes demands on the study area roadways.

BCC-649 [See page 5-277 for the original comment] The Existing Plus Project scenarios do not include trips from future development and represent current conditions with the Brisbane Baylands Project Site development trips added. See Table 4.N-31 in the Draft EIR for LOS analysis under Cumulative Conditions, which includes traffic generated by nearby development and overall background traffic growth. LOS for unsignalized intersection is based upon the delay experienced at the stop-controlled approaches. In this case, only the northbound approach is stop controlled, and the added volume adds little delay, as the conflicting movement volumes are low.

There is no direct access between Bayshore Boulevard and the Sierra Point Parkway / US 101 ramps. Traffic impacts (which are inclusive of auto and transit

operations) at intersections on Bayshore Boulevard are documented in the Draft EIR under Impact 4.N-1 and Impact 4.N-3. There is neither existing nor proposed transit that utilizes the Sierra Point Parkway / US 101 ramps, therefore the traffic impacts would not affect transit operations.

- BCC-650** [See page 5-278 for the original comment] See Master Response 27 for information on the inclusion of future development for existing analysis. The projects noted in the comment are included in the cumulative analysis, which takes the impacts of the project in conjunction with the impacts of past, present and reasonably foreseeable future development into account, and determines whether the project's contribution to the cumulative impact is cumulatively considerable, i.e., significant. See Master Response 26 for information on queue spillback from other road facilities at study intersections.
- BCC-651** [See page 5-278 for the original comment] The intersection of San Bruno Avenue/Bayshore Boulevard is projected to degrade from LOS D to LOS E or F depending on the development scenario. The intersection is a side-street stop-controlled intersection that does not meet the Caltrans peak hour signal warrant under Existing Plus Project conditions. Because Project Site development would add less than 5 percent of trips to the critical movement at this intersection, the impact would be less than significant. Although the impact of Baylands development was determined to be less than significant under CEQA, which identifies and evaluates the physical changes of projects on the environment, the Draft EIR makes no assertion as to whether the resulting level of service is "acceptable" to the community. The determination as to whether Project Site development traffic's contribution to LOS E or F at this intersection is "acceptable" will be made as part of the City's planning review and decision making for the Baylands. See Master Response 6 for discussion of differences between "significant unavoidable" and "unacceptable" impacts.
- BCC-652** [See page 5-278 for the original comment] The comment refers to Intersection #12, Tunnel Avenue / Bayshore Boulevard in San Francisco, as a primary exit-entry point for central Brisbane. Comment BCC-652 likely means to refer to Intersection #4, Old County Road / Bayshore Boulevard. As summarized on pages 4.N-96-97, this intersection would worsen from LOS C to LOS D for both the AM and PM under all development scenarios. Mitigation Measure 4.N-1b would improve operations under the DSP and DSP-V scenarios to LOS C. Under the CPP and CPP-V scenarios, LOS would remain at LOS D, even with the implementation of Mitigation Measure 4.N-1b. The analysis concludes that the project impact would be less than significant under the DSP and DSP-V scenarios and significant and unavoidable under the CPP and CPP-V scenarios.
- BCC-653** [See page 5-278 for the original comment] The Draft EIR's impact analysis found that the intersection of Tunnel Avenue/Bayshore Boulevard would

experience a significant and unavoidable impact due to Project Site development. The severity of the impact was determined based on the significance criteria defined on pages 4.N-39-40. The Draft EIR makes no assertion as to whether the resulting level of service is “acceptable” to the community. The determination as to whether Project Site development traffic’s contribution to LOS F at this intersection is “acceptable” will be made as part of the City’s planning review and decision making for the Baylands. See Master Response 6 for discussion of differences between “significant unavoidable” and “unacceptable” impacts.

BCC-654 [See page 5-279 for the original comment] While congestion along Bayshore Boulevard at analyzed study intersections would degrade performance of public transit, the operable thresholds for analysis under CEQA address transit capacity. Transit mixed-flow operations were thus not evaluated in the Draft EIR. Traffic impacts (which are inclusive of auto and transit operations) at intersections on Bayshore Boulevard are documented in the Draft EIR under Impact 4.N-1 and Impact 4.N-3.

BCC-655 [See page 5-279 for the original comment] General Plan Policy 38.1 sets the roadway level of service standard as follows:

“The level of service for all arterial streets within the City shall not be less than LOS ‘D’ except for the intersections on Bayshore Boulevard at Old County Road and San Bruno Avenue, which shall not be less than LOS ‘C.’ The two intersections having LOS ‘C’ shall not be degraded below that level as a result of increased impacts from other intersections within the City and such impacts shall be mitigated as necessary to maintain the LOS ‘C’ standard at the identified intersections.”

As stated under the conclusion on page 4.N-96, with implementation of Mitigation Measure 4.N-1a, the intersection of Geneva Avenue at Bayshore Boulevard would improve intersection operations under *Existing plus Project conditions* in the DSP, DSP-V, CPP, and CPP-V scenarios to an acceptable LOS D during both AM and PM peak hours. However, such implementation would require action by the City of Daly City. Thus, the acceptable level of service can only be achieved under Existing plus Project Conditions with the concurrence of Daly City, which is not within Brisbane’s power to impose. As shown in Table 4.N-29, traffic generated from outside the Baylands will cause intersection levels of service to deteriorate to LOS E with the proposed Geneva Avenue extension in place, even if *no development* occurs within the Baylands. Under cumulative conditions, analysis of all four scenarios as presented in Tables 4.N-29 and 4.N-30 shows that the Brisbane General Plan level of service goal (LOS D) for the intersection of Geneva Avenue at Bayshore Boulevard would be maintained only if the Geneva Avenue extension is not constructed and none of the proposed development scenarios are approved.

As stated under the conclusion on page 4.N-97, with implementation of Mitigation Measure 4.N-1b, the intersection of Old County Road at Bayshore Boulevard would improve to improve intersection operations under *Existing plus Project conditions* only in the DSP and DSP-V scenarios to an acceptable LOS C during both AM and PM peak hours. No feasible mitigation is available to achieve LOS C for the CPP and CPP-V scenarios. As shown in Table 4.N-29, traffic generated from outside the Baylands will cause intersection levels of service to deteriorate to LOS D without the proposed Geneva Avenue extension, even if *no development* occurs within the Baylands.

Thus, Brisbane's General Plan level of service standards cannot be achieved *even if no development were to occur within the Baylands*. If the Geneva Avenue extension is not constructed, traffic generated by development in Daly City and San Francisco will cause the level of service at the intersection of Old County Road at Bayshore Boulevard to deteriorate to an unacceptable LOS D, even if no development occurs within the Baylands. If the Geneva Avenue extension is constructed, traffic generated by development in Daly City and San Francisco will cause the level of service at the intersection of Geneva Avenue at Bayshore Boulevard to deteriorate to an unacceptable LOS E, even if no development occurs within the Baylands.

BCC-656 [See page 5-279 for the original comment] As stated in Response BCC-655, due to continued generation of traffic in Daly City and San Francisco, Brisbane's General Plan level of service standards cannot be achieved *even if no development were to occur within the Baylands*.

BCC-657 [See page 5-279 for the original comment] The comment restates the Draft EIR's conclusion that each of the development scenarios is inconsistent with the Brisbane General Plan because they result in levels of service in excess of General Plan standards. The comment does not, therefore, raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

BCC-658 [See page 5-279 for the original comment] As part of the City's planning review and decision making, necessary measures to maintain General Plan level of service standards will be evaluated. Approval, modification, or denial of proposed Baylands development will ultimately be decided by the Brisbane City Council based on information provided in the EIR and the City's planning review being undertaken in addition to CEQA review. See Master Response 4 for discussion of the relationship between the environmental analysis provided in the EIR and the various planning review activities the City will undertake before making a decision regarding proposed Baylands development.

BCC-659 [See page 5-279 for the original comment] See Response BCC-655 for discussion of compliance with General Plan level of service standards and Master Response 26 for discussion of traffic backing up from one intersection to the next.

BCC-660 [See page 5-279 for the original comment] As noted in the comment, the Draft EIR concludes that because Mitigation Measure 4.N-1a for the intersection of Geneva Avenue and Bayshore Boulevard requires approval and implementation by Daly City that Brisbane cannot compel, significant impacts at this intersection are unavoidable.

BCC-661 [See page 5-279 for the original comment] The comment does not include documentation supporting the claim that the significant and unavoidable impacts at Intersection 1, Geneva Avenue and Bayshore Boulevard, would have a major adverse effect on all public transit in vicinity, thereby negating effectiveness of mitigation.

Transit has not been proposed as mitigation for this impact. The proposed mitigation involves increasing the number of approach lanes and to modify the signal timing of the traffic signal. Furthermore, the planned Bus Rapid Transit line on Geneva Avenue is proposed to have dedicated transit lanes, allowing buses to run independent of congestion in mixed-flow lanes.

BCC-662 [See page 5-280 for the original comment] Mitigation Measure 4.N-1c is revised to read as follows:

Mitigation Measure 4.N-1a: Prior to issuance of the first building occupancy permit for new development within the Project Site other than relocation or improvement of an existing use, The following physical improvements shall be constructed and accepted for public maintenance prior to occupancy of any development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. The eastbound approach on Geneva Avenue to Bayshore Boulevard shall be restriped to create one additional through lane. One of the existing two right-turn lanes shall also be modified to become a shared through/right-turn lane. In addition, existing AM signal timing setting shall be modified by shifting 8 seconds of green time from the protected eastbound left and westbound left phases to the protected southbound left and southbound through phases. For the PM signal timing settings, 6 seconds of green time shall be shifted from the protected eastbound left and westbound left phases to the protected northbound left and southbound left phases.

Mitigation Measure 4.N-1b is revised to read as follows:

Mitigation Measure 4.N-1b: ~~Prior to issuance of the first building occupancy permit for new development within the Project Site other than relocation or improvement of an existing use,~~ The following physical improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. ¶~~The intersection of Bayshore Boulevard and Old County Road shall be improved, including modifications to the tunnel Tunnel Avenue to provide additional lanes and modify signal timing to improve intersection operations to achieve, at a minimum, LOS C during both AM and PM peak hours under the DSP and DSP-V scenarios and ensure that LOS remains at LOS D or better under the CPP and CPP-V scenarios.~~

Mitigation Measure 4.N-1c is revised to read as follows:

Mitigation Measure 4.N-1c: ~~Prior to issuance of the first building occupancy permit for new development within the Project Site other than relocation or improvement of an existing use,~~ The following physical improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. ¶~~The intersection of Alana Way/Beatty Avenue Road/US 101 Southbound Ramps shall be signalized and longer green time shall be allowed for the eastbound/westbound traffic than for the northbound/southbound traffic. In addition, the southbound (Alana Way) approach shall be restriped to provide an additional exclusive right-turn pocket, and the westbound (off-ramp) approach shall be restriped to provide an additional through lane to increase the capacity at the off-ramp.~~

Mitigation Measure 4.N-1d is revised to read as follows:

Mitigation Measure 4.N-1d: ~~Prior to issuance of the first building occupancy permit for new development within the Project Site other than relocation or improvement of an existing use,~~ The following physical improvements shall, to the extent permitted by agencies with jurisdiction over this intersection, be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. ¶~~The eastbound approach to the Alana Way/Harney Way/Thomas Mellon Drive intersection shall be restriped to provide an additional right-turn lane. Harney Way shall be widened to the south of its existing alignment to accommodate this change.~~

Mitigation Measure 4.N-1e is revised to read as follows:

Mitigation Measure 4.N-1e: ~~Prior to issuance of the first building occupancy permit for new development within the Project Site other than relocation or improvement of an existing use,~~ The following physical improvements shall, to the extent permitted by agencies with jurisdiction over this intersection, be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. A a signal phase shall be provided for the westbound right approach at the intersection of Tunnel Avenue & Bayshore Boulevard, and signal timing settings for the AM and PM peak periods shall be modified by changing the southbound left phase from the existing permitted to protected phase, and shifting 20 seconds of green time from the northbound and southbound movements to each of the southbound left and westbound right phases.

Mitigation Measure 4.N-1f is revised to read as follows:

Mitigation Measure 4.N-1f: ~~Prior to issuance of the building occupancy permit for an arena within the Project Site, the arena operator shall develop a Transportation Management Plan (TMP) for coordination with the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Police Department, and the City of Brisbane, developing incentives to increase transit ridership to the arena, and deploying traffic control officers at the unsignalized intersection of Blanken Avenue and Tunnel Avenue to approximate traffic control with traffic signals of LOS C.~~ Prior to issuance of a building occupancy permit for an arena within the Project Site, the City of Brisbane shall complete its review and approve the proposed TMP.

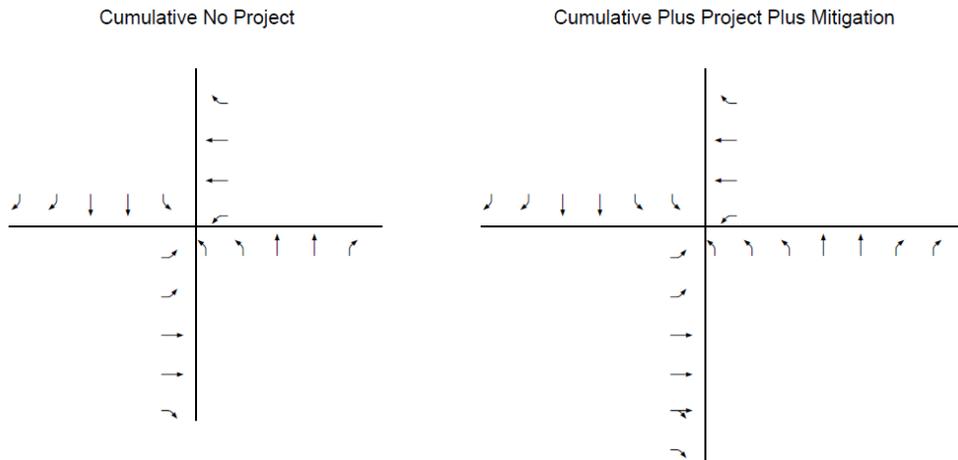
Mitigation Measure 4.N-3a is revised to read as follows:

Mitigation Measure 4.N-3a:²⁰ ~~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,~~ In addition to the improvements required by Mitigation Measure 4.N-1a (which addressed Existing Plus Project conditions) shall be supplemented the following physical improvements shall be constructed and accepted for public maintenance to account for cumulative traffic conditions prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable

²⁰ Mitigation Measure 4.N-1a provides for mitigation of Project Site development-related impacts in the Existing plus Project condition, while this mitigation measure provides for mitigation in the Cumulative With Project condition. This mitigation measure is based on needed modification to the existing, baseline configuration of the intersection and does not assume that Mitigation Measure 4.N-1a is implemented.

LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard. Thus, the full extent of improvements shall include the following:

The eastbound approach at the signalized intersection of Geneva Avenue & Bayshore Boulevard shall be restriped to create one additional through lane and to modify one of the existing two right-turn lanes to become a shared through/right-turn lane. In addition, the southbound approach shall be restriped to provide an additional exclusive left-turn pocket. Finally, the northbound approach shall be restriped to provide two additional lanes: an additional left-turn pocket and an added right-turn lane.



As a condition of approval for the first discretionary action taken for development within the Project Site, the applicant shall be required to initiate a corridor plan for Bayshore Boulevard in cooperation with Daly City and San Francisco to determine the suite of improvements necessary to resolve long-term cumulative traffic issues along the corridor. Because the effectiveness of such a corridor plan would necessitate participation by Daly City and San Francisco in recognition of increases in traffic along the Bayshore corridor that will be generated by future development within those two jurisdictions, Brisbane will also make its best efforts to assist the developer in securing the agreement of Daly City and San Francisco to participate in the corridor study and its implementation.

Mitigation Measure 4.N-3b is revised to read as follows:

Mitigation Measure 4.N-3b:²¹ At the signalized intersection of Old County Road & Bayshore Boulevard,²² the eastbound approach shall be

²¹ Mitigation Measure 4.N-1b provides for mitigation of Project Site development-related impacts in the Existing plus Project condition, while this mitigation measure provides for mitigation in the Cumulative With Project condition. This mitigation measure is based on needed modification to the existing, baseline configuration of the intersection, and does not assume that Mitigation Measure 4.N-1b is implemented.

²² Existing Bayshore Boulevard at Old County Road is approximately 80 feet wide and includes two through lanes for each direction and a median. Dedicated right-turn yield lanes are currently provided at all four approaches.

restriped to create one additional exclusive through lane. In addition, the southbound approach shall be restriped to create two additional lanes: an added exclusive left-turn pocket and an added through lane for the southbound approach. Eastbound Tunnel Avenue shall be widened to the east of its existing alignment to accommodate two receiving lanes for the southbound left and eastbound through traffic. These improvements shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard ~~completed 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.~~

Mitigation Measure 4.N-3c is revised to read as follows:

Mitigation Measure 4.N-3c: Installation of a traffic signal at the intersection of Sierra Point Parkway and the US 101 freeway ramps shall be required when the peak hour signal warrant is met in the AM or PM peak hour. The signal shall be shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would cause signal warrants to be met in the AM or PM peak hour.

Mitigation Measure 4.N-3d is revised to read as follows:

Mitigation Measure 4.N-3d: A traffic signal shall be installed when the peak hour signal warrant is met in either the AM or PM peak period. In addition, widening and restriping of the intersection approaches to provide one through lane and one left-turn lane in the southbound direction, one through lane and one right-turn lane in the northbound direction, and one shared left/through and one right-turn lane in the westbound direction shall be provided. The signal shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would cause signal warrants to be met in the AM or PM peak hour. The other improvements cited in this measure shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard.

Mitigation Measure 4.N-3e is revised to read as follows:

Mitigation Measure 4.N-3e: A traffic signal shall be installed when the peak hour signal warrant is met in either the AM or PM peak period. In addition, the Lagoon Road/Sierra Point Parkway intersection shall be widened and intersection approaches shall be restriped to provide two through lanes and one right-turn lane in the southbound direction, one through lane and two left-turn lanes in the northbound direction, and two

left-turn lanes and one right-turn lane in the eastbound direction. Additional road widening on Lagoon Road & Sierra Point Parkway would also be required. The signal shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would cause signal warrants to be met in the AM or PM peak hour. The other improvements cited in this measure shall be constructed and accepted for public maintenance prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard.

Mitigation Measure 4.N-3g if revised to read as follows:

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~~ Prior to issuance of occupancy permits for any site-specific development that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard, 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.

In addition, site-specific development projects that would (1) result in reducing the intersection to below the acceptable LOS standard, or (2) contribute additional traffic to the intersection if it is already operating below the acceptable LOS standard for facilities outside of the City of Brisbane, as identified in Mitigation Measures 4.N-1d through 4.N-1f, and Mitigation Measures 4.N-3f through 4.N-3h will be conditioned as part of Brisbane's planning review process to demonstrate a good faith effort to install or provide fair share payment for needed improvements prior to issuance of building permits.

BCC-663 [See page 5-280 for the original comment] See Response BCC-662.

BCC-664 [See page 5-280 for the original comment] The impact analysis uses quantitative inputs to determine the intersection delay and LOS. As stated on page 4.N-97, Mitigation Measure 4.N-1b would improve intersection operations at Old County Road/Bayshore Boulevard to operate at LOS C for the DSP and DSP-V scenarios and LOS D for the CPP and CPP-V scenarios. By improving intersection operations, issues of traffic backing up onto the Tunnel Avenue bridge would be reduced.

BCC-665 [See page 5-280 for the original comment] A prescriptive mitigation measure involves listing specific improvements to mitigate impacts, such as adding one

additional northbound left turn lane, while a performance standard requires a specific level of performance to be achieved without specifying the exact physical improvement(s) needed to meet the standard.

As stated on page 4.N-97, an “evaluation of engineering design considerations to mitigate traffic impacts at this intersection indicated that needed improvements might not be feasible without removal of the existing median at this location.” To provide for mitigation of intersection operations impacts, rather than require one or more specific physical improvements, such as adding one additional northbound left turn lane (prescriptive mitigation measure), Mitigation Measure allows for alternative intersection designs that might allow the existing median to remain. However, even with removal of the median, improvements at this intersection under the CPP and CPP-V scenarios would result in LOS D traffic conditions.

BCC-666 [See page 5-280 for the original comment] See Master Response 26 for information on queue spillback from other road facilities at study intersections.

BCC-667 [See page 5-280 for the original comment] See Master Response 26 for information on queue spillback from other road facilities at study intersections. The Draft EIR concludes that no feasible mitigation measures are available to address weekday arena traffic from a sold out event.

BCC-668 [See page 5-280 for the original comment] The comment correctly notes that Mitigation Measure 4.N-1d at Intersection 10, Alana Way/Harney Way/Thomas Mellon Drive, though feasible, is under the jurisdiction of San Francisco, and therefore mitigation implementation cannot be assumed and a significant impact is unavoidable.

The Draft EIR makes no assertion as to whether the resulting level of service at Intersection 10 is “acceptable” to the community. The determination as to whether Project Site development traffic’s contribution to traffic at this intersection is “acceptable” will be made as part of the City’s planning review and decision making for the Baylands.

See Master Response 4 for discussion of the relationship between the City’s environmental and planning reviews for the Baylands. See also Master Response 6 for discussion regarding the differences between “significant unavoidable” and “unacceptable” impacts.

BCC-669 [See page 5-280 for the original comment] The comment correctly notes that Mitigation Measure 4.N-1e at Intersection 12, Tunnel Avenue/Bayshore Boulevard, is subject to San Francisco’s approval and implementation. As a result, impacts of proposed Baylands development are significant and unavoidable.

The Draft EIR impact analysis uses quantitative inputs to determine the intersection delay and LOS. As stated on page 4.N-100, Mitigation Measure 4.N-1e would improve intersection operations at Tunnel Avenue/Bayshore Boulevard to operate at LOS D for the DSP and DSP-V during the AM peak period and for DSP-V during the PM peak period. For the CPP and CPP-V scenarios, the intersection would improve to LOS E or remain at LOS F. The impacts would be significant and unavoidable under the DSP, CPP, and CPP-V scenarios.

As stated in Master Response 27, trips that will be generated by future development outside of the Baylands are not included in the Existing or Existing plus Project scenario. As noted in Master Response 22, approved and proposed projects in the vicinity of the Baylands are included in cumulative impact analyses.

As part of the City's planning review and decision making, necessary measures to maintain General Plan level of service standards will be evaluated. Approval, modification, or denial of proposed Baylands development will ultimately be decided by the Brisbane City Council based on information provided in the EIR and the City's planning review being undertaken in addition to CEQA review. See Master Response 4 for discussion of the relationship between the environmental analysis provided in the EIR and the various planning review activities the City will undertake before making a decision regarding proposed Baylands development.

BCC-670

[See page 5-280 for the original comment] The comment asserts that the numbers shown in the referenced table "appear understated" but no evidence is provided in support of the assertion. The methodology for arena trip generation and trip distribution is described starting on page 4.N-83. The traffic impact analysis uses quantitative data to inputs to determine the intersection delay and LOS. The recommended mitigation to maintain acceptable operations during an event is that the arena operator shall develop a Transportation Management Plan (TMP) for coordination with the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Police Department, and the City of Brisbane, developing incentives to increase transit ridership to the arena, and deploying traffic control officers at the unsignalized intersection of Blanken Avenue and Tunnel Avenue to approximate traffic control with traffic signals of LOS C.

As part of the City's planning review and decision making, necessary measures to maintain General Plan level of service standards will be evaluated. See Master Response 4 for discussion of the relationship between the environmental analysis provided in the EIR and the various planning review activities the City will undertake before making a decision regarding proposed Baylands development.

BCC-671 [See page 5-281 for the original comment] As stated in Mitigation Measure 4.N-1f, a Transportation Management Plan would improve operating conditions to acceptable levels of service. However, the conclusion is that the impact is significant and unavoidable because the mitigation would require action outside of the lead agency. As stated on page 4.N-150, emergency vehicle access for Project Site development has been determined to be less than significant. No reference is made to Candlestick Park; rather the Draft EIR uses inputs from the arena analyzed in the Candlestick Point/Hunters Point Shipyard project, which is proposed to have a similar mix of density, business, and retail establishments as the Baylands.

BCC-672 [See page 5-281 for the original comment] As stated in the conclusion for Mitigation Measure 4.N-1f, the impact from a sold-out arena event is significant and unavoidable.

BCC-673 [See page 5-281 for the original comment] As stated in the conclusion for Mitigation Measure 4.N-1f, the impact from a sold-out arena event is significant and unavoidable because it must rely on San Francisco for implementation. The proposed Transportation Management Plan would be developed by the operator and be subject to approval by San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Police Department, and the City of Brisbane.

BCC-674 [See page 5-281 for the original comment] Mitigation Measure 4.N-1g specifies that a microsimulation analysis of all proposed intersections along the Geneva Avenue extension be conducted if intersection spacing is less than 1,200 feet.

As stated in Master Response 26, the microsimulation analysis called for in Mitigation Measure 4.G-1g was conducted, and concluded that signal timing could be achieved such that (1) traffic would not back up from one intersection to another along the proposed Geneva Avenue extension, even where intersections were closely spaced, and (2) roadway level of service performance standards along Geneva Avenue would be met.

See Master Response 6 for discussion of “significant unavoidable” impacts in relation to “unacceptable” impacts. The Draft EIR makes no assertions as to whether project impacts are acceptable or unacceptable, nor does it make assertions as to whether development scenarios or alternatives are appropriate or inappropriate. Determinations as to the acceptability of impacts and the appropriateness of scenarios and alternatives are part of the City’s planning review for the Baylands and not part of the environmental review process under CEQA.

BCC-675 [See page 5-281 for the original comment] The paragraph starting at the bottom of page 4.N-103, ending on page 4.N-104 is revised to read as follows:

As show in Figures 3-11 through 3-14 in Chapter 3, *Project Description*, of this EIR, Beatty Avenue would provide access to a small area of land east of the Caltrain tracks between the existing Recology site and the Geneva Avenue extension under the DSP and DSP-V scenarios, whereas, Beatty Avenue would be eliminated under the CPP and CPP-V scenarios. Thus, proposed land uses east of the Caltrain tracks between the existing Recology site and the Geneva Avenue extension in the CPP scenario would not be able to take access from Beatty Avenue, and would instead be required to take access from north/south local street intersecting with Geneva Avenue to the south. In the CPP-V scenario, the Recology expansion would encompass the entire area east of the Caltrain tracks and north of the Geneva Avenue extension. Should Beatty Avenue be abandoned prior to the completion of Geneva Avenue extension, non-Recology lands east of the Caltrain tracks between the existing Recology site and the future Geneva Avenue extension would be left without access until the Geneva Avenue extension was completed, and traffic that would have otherwise used Beatty Avenue would be forced onto other streets, adversely affecting traffic flow. As a result, the City of Brisbane would not be able to make the necessary findings required for abandonment of Beatty Avenue prior to the completion of Geneva Avenue extension.

BCC-676 [See page 5-281 for the original comment] As stated in Master Responses 22 and 27, future development of approved and proposed projects is not included in the analysis of existing and existing plus project conditions. However, future development of approved and proposed projects *is* included in the analysis of cumulative without and with project conditions. Table 4.N-28 reports existing plus project traffic volumes along US 101 freeway mainline segments for existing plus project conditions, and therefore does not include traffic from future development of approved and proposed developments in the vicinity of the Baylands. Results of intersection LOS analysis under cumulative conditions are presented in Tables 4.N-31 and 4.N-32. Results of freeway mainline segment LOS under cumulative conditions are presented in Table 4.N-33.

BCC-677 [See page 5-281 for the original comment] The comment refers to topographic conditions along US 101 in the vicinity of the Baylands site, and does not raise any substantive issues regarding the adequacy of the EIR or its analyses and conclusions. The addition of HOV/HOT lanes from the San Francisco County border to Whipple Avenue (southern San Mateo County) is part of Caltrans District 4 *Transportation System Development Plan* (2011), but is neither planned nor funded.

- BCC-678** [See page 5-281 for the original comment] The Draft EIR analyzed traffic and transportation-related impacts of proposed Baylands development, and concluded that each of the proposed development scenarios would result in significant and unavoidable impacts. The Draft EIR makes no assertions regarding the appropriateness of Baylands development scenarios or alternatives, nor does it make any recommendations as to whether any scenario or alternative should or should not be approved. Determination as to the appropriateness of Baylands development scenarios and alternatives and whether any scenario or alternative should be approved, modified, or not approved will be undertaken as part of the City's planning review for the Baylands. See Master Response 4 for discussion of the relationship between the Baylands environmental and planning reviews.
- BCC-679** [See page 5-282 for the original comment] The comment does not provide factual information to support the assertion that the severity of congestion is understated. Quantitative data were used for the segment impact analysis presented in Table 4.N-28. As stated on page 4.N-106, the conclusion with Mitigation Measure 4.N-13 is that the impact to freeway mainline operations would be significant and unavoidable under all four development scenarios. Policy 38.1 in the Brisbane General Plan does not address freeway mainline operations. See Response BCC-655 for discussion of cumulative impacts in relation to General Plan Policy 38.1.
- BCC-680** [See page 5-282 for the original comment] Traffic generated by the Candlestick Point-Hunters Point Shipyard project was included in the cumulative baseline analysis. As stated in Tables 4.N-31 and 4.N-32, Intersection 9, Geneva Avenue/US 101 Southbound Ramps, would operate at LOS F under all development scenarios for the AM and PM peak periods, respectively. The trip assignment process takes into account the desirability of specific routes based on the shortest and most reasonable path to destinations. Multiple assignment paths from a specific origin (i.e. development area and land use type) are applied based on the estimated percentage of motorists choosing one route over another.
- BCC-681** [See page 5-282 for the original comment] The forecasted intersection operations analyses with and without the Geneva Avenue Extension used standard trip generation and assignment techniques. The results of the analysis are presented in Table 4.N-29. All analyses under Cumulative Conditions include trips generated by proposed projects in the vicinity and in the region. For information on Cumulative Conditions, see Master Response 22.
- BCC-682** [See page 5-282 for the original comment] The comment reflects the Draft EIR's conclusions that each development scenario would result in significant unavoidable impacts, and would be inconsistent with Brisbane General Plan Policy 38.1, which sets roadway level of service standards. See Response BCC-655 for discussion of cumulative impacts in relation to General Plan Policy 38.1.

- BCC-683** [See page 5-282 for the original comment] Tables 4.N-31 and 4.N-32 reflect traffic that would be generated by the approved and proposed projects in Daly City and San Francisco listed in Master Response 22.
- BCC-684** [See page 5-282 for the original comment] The design geometry for Geneva Avenue is based on its classification as an arterial and balance of multi-modal access. The design includes bicycle lanes and sidewalks (see Response BCC-601). Signalized intersections would allow for pedestrian phases with appropriate lengths given the crossing distances.
- The City will consider the planning- and development-oriented comments set forth in this and other comments as part of the its planning review and decision making for the Baylands.
- BCC-685** [See page 5-282 for the original comment] The intersections operations analysis takes into account the pedestrian crossing times. The Bus Rapid Transit line on Geneva Avenue is proposed to have dedicated transit lanes, allowing buses to run independent of congestion in mixed-flow lanes.
- BCC-686** [See page 5-282 for the original comment] A HAWK (High-Intensity Activated crossWalk) beacon, also known as a Pedestrian Hybrid Beacon, is a special traffic signal designed to protect pedestrian crossings by stopping vehicular road traffic when activated.
- BCC-687** [See page 5-282 for the original comment] A buffered bike lane is a bicycle facility that is separated from vehicular traffic with a designated buffer space (width). The buffer space is typically striped to indicate to drivers that vehicles should not use the space. A buffered bike lane is typically safer than a conventional bicycle lane as it puts the cyclist farther from vehicular traffic.
- BCC-688** [See page 5-282 for the original comment] Under Cumulative Without Project conditions, the SF-CHAMP model accounts for local and regional growth, as well as trip patterns in response to congestion on US 101. Trips that divert to Bayshore Boulevard due to congestion are captured in the Cumulative Without Project intersection volumes. See Master Response 22 for more information on Cumulative Conditions.
- BCC-689** [See page 5-283 for the original comment] No supporting documentation or substantial evidence is provided to support the comment’s assertion that the traffic model results “appear understated.” The impact analysis uses quantitative data inputs to determine the intersection delay and LOS. As stated on page 4.N-116, Mitigation Measure 4.N-3b would improve intersection operations at Old County Road/Bayshore Boulevard in the AM peak hour to acceptable (LOS C) levels under each of the four development scenarios. In the PM peak hour, the mitigation would improve the operations to LOS E, which still exceeds the maximum

allowable standard (LOS C) for this intersection per the Brisbane General Plan under each of the four development scenarios. Therefore, Project Site development impacts under cumulative traffic conditions would be significant and unavoidable.

BCC-690 [See page 5-283 for the original comment] The impact analysis uses quantitative inputs to determine the intersection delay and LOS. As stated on page 4.N-116, Mitigation Measure 4.N-3b would improve intersection operations at Old County Road/Bayshore Boulevard to operate at LOS C during the AM peak hour, but would operate at LOS E during the PM peak hour under each of the four development scenarios. By improving intersection operations, issues of traffic backing up onto the Tunnel Avenue bridge would be reduced. As stated on page 4.N-117, the “Project Site development impacts on the cumulative traffic conditions at the intersection of Old County Road & Bayshore Boulevard would be significant and unavoidable based on the maximum allowable standard (LOS C)” under each of the four development scenarios.

See Response BCC-655 for discussion of cumulative impacts in relation to General Plan Policy 38.1.

BCC-691 [See page 5-283 for the original comment] While congestion along Bayshore Boulevard at analyzed study intersections would degrade performance of public transit, the operable thresholds for analysis under CEQA address transit capacity. Transit mixed-flow operations were thus not evaluated in the Draft EIR.

Traffic impacts (which are inclusive of auto and transit operations) at intersections on Bayshore Boulevard are documented in the Draft EIR under Impact 4.N-1 (Existing Plus Project) and Impact 4.N-3 (Cumulative With Project). As described under Impact 4.N-1, the impact of Project Site development at the intersection cited in the comment would be less than significant. As described under Impact 4.N-3, the cumulative impact of Project Site development at that intersection would be significant and unavoidable because no feasible measures that would mitigate the impact to a less than significant level.

The suitability of proposed development in relation to its contribution to unmitigable traffic impacts will be considered as part of the City’s planning review for the Baylands.

BCC-692 [See page 5-283 for the original comment] Trips generated by reasonably foreseeable future projects are included in the analysis of cumulative conditions. See Master Response 22 for information on projects included in the cumulative analysis and cumulative conditions.

BCC-693 [See page 5-283 for the original comment] Discussion of the potential for widening of Bayshore Boulevard is not a proposal, and is not programmed or

funded. As stated on page 4.N-118, “Reconfiguring Bayshore Boulevard would require major right-of-way acquisition and result in secondary impacts pertaining to transit operations, pedestrian and bicycle circulation, and safety due to longer crossing distances.” The Draft EIR recommends that Brisbane, Daly City, and San Francisco undertake a joint investigation of potential capacity solutions in the area. Because the outcome of such an investigation cannot be known, and CEQA does not require speculative analysis, Draft EIR traffic analyses do not assume any increases in roadway carrying capacity along Bayshore Boulevard.

- BCC-694** [See page 5-283 for the original comment] See Response BCC-693.
- BCC-695** [See page 5-283 for the original comment] Trips generated by local and regional development, including buildout of Sierra Point, are included in the baseline Cumulative Conditions. See Master Response 22 for information on cumulative conditions.
- BCC-696** [See page 5-283 for the original comment] As stated in the conclusion to Mitigation Measure 4.N-3d on page 4.N-119, the cumulative traffic impacts at this intersection would be significant and unavoidable. While additional traffic along Tunnel Avenue would put a greater number of vehicles in proximity to Kinder Morgan tanker trucks, design speeds and posted speed limits are sufficient to avoid significant impacts under CEQA thresholds for substantially increasing hazards due to a design feature.
- BCC-697** [See page 5-283 for the original comment] As stated in the conclusion to Mitigation Measure 4.N-3d on page 4.N-119, the cumulative traffic impacts at the Lagoon Road/Tunnel Avenue intersection would be significant and unavoidable. The intersection would operate at LOS F only during the PM peak period. Impact 4.N-16 concluded that each development scenario would include a circulation plan designed to ensure appropriate emergency access to and from the Baylands site and to provide access to all development areas through the above-cited new roadways (specifically to facilitate North County Fire Authority’s emergency response within the Baylands). Further, all development will be required to be designed in accordance with City of Brisbane and North County Fire Authority standards, which include provisions that address emergency access (e.g., minimum street widths, minimum turning radii). In addition, emergency vehicles would be able to use transit lanes when streets are congested. The comment includes no evidence to support the conclusion that emergency vehicular access will be severely impaired, or that the number of roads creates a significant danger.
- BCC-698** [See page 5-284 for the original comment] As stated in the conclusion to Mitigation Measure 4.N-3e on page 4.N-120, the development impact to this

intersection would be significant and unavoidable. See Master Response 26 for information on queue spillback from other road facilities at study intersections.

- BCC-699** [See page 5-284 for the original comment] The comment provides an unsubstantiated conclusion regarding emergency vehicle access and safety. As stated in the conclusion to Mitigation Measure 4.N-3e on page 4.N-120, the development impact to this intersection would be significant and unavoidable. See Response BCC-697 regarding emergency vehicle access.
- BCC-700** [See page 5-284 for the original comment] Mitigation Measure 4.N-3f is designed to address the specific impact identified at Intersection 9, Geneva Avenue/US 101 Southbound Ramps. It does not address impacts on the freeway mainline segments. As stated in the conclusion to Mitigation Measure 4.N-3f, the implementation of the measure is uncertain and outside of the City of Brisbane's jurisdiction, and that the traffic impact would be significant and unavoidable. See Master Response 23 for discussion of mainline freeway impacts.
- BCC-701** [See page 5-284 for the original comment] The comment disputes the LOS after mitigation conclusions, but provides no factual evidence to support this assertion. The impact analysis set forth in the Draft EIR uses quantitative inputs to determine intersection delay and LOS. Furthermore, because the mitigation measure requires designing the intersection and ramps to meet forecasted demand, the LOS results are reasonable. Trips generated by local and regional development are included in the baseline Cumulative Conditions. See Master Response 22 for information on Cumulative Conditions.
- BCC-702** [See page 5-284 for the original comment] As stated in the conclusion for Mitigation Measure 4.N-3g and Mitigation Measure 4.N-3h, the mitigation measures improve the intersection performance, but not enough to reduce impacts to less than significant levels.
- Regardless of the improvements proposed in the mitigation measures noted above, both intersections are outside of the City of Brisbane's jurisdiction and implementation of the measures cannot be guaranteed. As stated in the conclusions for both Mitigation Measures, impacts would therefore be significant and unavoidable.
- BCC-703** [See page 5-284 for the original comment] Trips generated by local and regional development are included in the baseline Cumulative Conditions. See Master Response 22 for information on Cumulative Conditions.
- BCC-704** [See page 5-284 for the original comment] The comment correctly states that Mitigation Measures 4.N-3g and 4.N-3h rely on implementation by San Francisco and Daly City, respectively. However, the comment is incorrect in its assertion that San Francisco and Daly City would be required to fund the

improvements set forth in Mitigation Measures 4.N-3g and 4.N-3h, since both of these measures require the Baylands development applicant to provide the improvements. Because both intersections are outside of the Brisbane’s jurisdiction, concurrence of San Francisco and Daly City to permit the Baylands development applicant to implement the measures cannot be guaranteed. Thus, impacts would be significant and unavoidable.

- BCC-705** [See page 5-284 for the original comment] See Master Response 26 and Response BCC-674.
- BCC-706** [See page 5-284 for the original comment] The statement on Draft EIR page 4.N-124, “None of the development scenarios would cause any freeway mainline segments to deteriorate from acceptable LOS D or better to LOS E or LOS F conditions” addresses one of the criteria that triggers a significant impact, and indicates that this particular criterion is not met. The next sentence, “Project Site development would also contribute cumulatively considerable amounts of traffic to three freeway mainline segments expected to operate at LOS E or LOS F...” addresses additional criteria that indicate a significant impact on freeway mainline segments will result from each Baylands development scenario.
- BCC-707** [See page 5-285 for the original comment] The comment restates the Draft EIR’s findings in Table 4.N-33 and on page 4.N-124 the Draft EIR states that Project Site development would contribute “cumulatively considerable amounts of traffic” at three freeway segments. As such the comment does not raise any significant issues regarding the adequacy of the Draft EIR or its analyses and conclusions.
- BCC-708** [See page 5-285 for the original comment] The comment refers to the proposed Geneva Avenue extension that is a regional improvement whose funding is expected to come from a combination of sources, including development within San Francisco, Daly City, and Brisbane. Because the proposed extension is currently unfunded, its implementation is uncertain. As a result, the Draft EIR concludes that while Mitigation Measure 4.N-4 is feasible, its implementation cannot be guaranteed, and that Baylands development impacts are therefore significant and unavoidable.
- BCC-709** [See page 5-285 for the original comment] See Master Response 25 for discussion regarding the approval and enforcement of TDM programs. The conclusion of the mainline segment analysis is that Project Site development would contribute cumulatively considerable amounts of traffic to three highway segments on US 101.
- BCC-710** [See page 5-285 for the original comment] The Draft EIR evaluates the environmental impacts of each of the four development scenarios, but makes no

assertions or recommendation as to whether any particular development scenario or alternative should be approved, modified (other than required mitigation measures), or not approved. See Master Response 4 for discussion of the relationship between the CEQA review and planning review being undertaken for the Baylands. Determinations as to whether any particular development scenario or alternative should be approved, modified, or not approved is part of the City's planning review and not its environmental review.

BCC-711 [See page 5-285 for the original comment] See Response BCC-662.

BCC-712 [See page 5-285 for the original comment] See Response BCC-648.

BCC-713 [See page 5-285 for the original comment] As stated in the conclusion for Mitigation Measure 4.N-5 on page 4.N-129, even with implementation of the mitigation measure, impacts on the study roadway network during a sold-out event at the arena would be significant and unavoidable.

The Draft EIR evaluates the environmental impacts of each of the four development scenarios, but makes no assertions as to whether any particular development scenario or alternative is “appropriate.”

BCC-714 [See page 5-285 for the original comment] Trips generated by local and regional development are included in the baseline Cumulative Conditions. See Master Response 22 for information on cumulative conditions.

BCC-715 [See page 5-285 for the original comment] As shown on Tables 4.N-36, 4.N-37, 4.N-38, and 4.N-39, the increase in regional transit due to Project Site development would be less than 2 percent of the forecasted transit demand. The Draft EIR evaluates the transit impacts for future development in San Francisco through the SF-CHAMP model, and was supplemented with the projects included in the cumulative analysis cited in Master Response 22. The combined demand from local and regional developments is taken into consideration for Cumulative conditions.

BCC-716 [See page 5-285 for the original comment] The transportation analysis in the Draft EIR provides analysis using the best available information during the environmental review process. The 2010 San Francisco transit screenlines shown in Table 4.N-40 are the most recent available information of projected future transit usage in San Francisco across the screenlines, and also correlate with the identification of existing conditions in the 2010 baseline year.

BCC-717 [See page 5-286 for the original comment] See Response BCC-715.

BCC-718 [See page 5-286 for the original comment] The combined demand from local and regional developments is taken into consideration for cumulative conditions.

See Response BCC-715 and Master Response 22 for information regarding cumulative conditions. While it is reasonable to assume that there would be transit demand growth in the off-peak direction, Muni transit screenline analysis does not take into account off-peak direction as capacity constraints are in the peak direction.

BCC-719 [See page 5-286 for the original comment] The cumulative impact analysis undertaken for the Draft EIR includes reasonably foreseeable future transit and infrastructure improvements. The Geneva-Harney BRT has been part of multiple studies, including the Bi-County Transportation Study, and was included in the list of transportation improvements used in the analysis. Geneva-Harney BRT is also a project feature of the Candlestick Point-Hunters Point Shipyard project, and SFMTA has committed to its operation.

Should the proposed transit improvements described on pages 4.N-53 through 4.N-58, including the Geneva-Harney BRT, not be implemented at a pace equal or greater than that of Baylands Project Site development, site-specific development proposals within the Baylands may not be able to be approved in reliance of the traffic analysis contained in the Brisbane Baylands EIR as there may be new, previously unidentified or more severe traffic impacts. In such a case, updated traffic analyses and mitigation measures would be required prior to the approval of subsequent site-specific development proposals within the Baylands.

BCC-720 [See page 5-286 for the original comment] The specific route for an onsite shuttle is currently undetermined. For the purpose of impact mitigation and to reduce transit demand on San Francisco transit screenlines, the shuttle was assumed to connect to the Balboa Park BART Station and the Baylands site. Actual routing would be proposed as part of site-specific development reviews following approval of a land use plan for the Baylands as part of the required specific plan(s) for the Baylands.

BCC-721 [See page 5-286 for the original comment] The comment restates the Draft EIR's conclusion from Mitigation Measure 4.N-7 on page 4.N-139 that the City of Brisbane cannot control the way fair-share contributions that Baylands development would be required to provide toward SFMTA capital improvements. The Draft EIR therefore concludes that the Impact 4.N-7 is significant and unavoidable.

BCC-722 [See page 5-286 for the original comment] The comment restates the Draft EIR's conclusion that Mitigation Measure 4.N-7 is beyond the jurisdiction and control of Brisbane to ensure implementation, and that Impact 4.N-7 is therefore significant and unavoidable.

BCC-723 [See page 5-286 for the original comment] The combined demand from local and regional developments is taken into consideration for cumulative conditions through projected growth included in the SF-CHAMP model and the projects included in the cumulative analysis cited in Master Response 22.

BCC-724 [See page 5-286 for the original comment] This comment requests establishment of some pedestrian-only streets and squares. As such, the comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the planning recommendation set forth in this comment as part of its planning review and decisionmaking.

BCC-725 [See page 5-286 for the original comment] The comment claims that it is speculative to assume sidewalks will be able to “safely permit pedestrian access to all uses within project site” considering the number of lanes on the Geneva Avenue Extension, the width of the roadway, and anticipated congestion.

The proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios sets forth Policy 6-8: “Provide pedestrian routes – sidewalks, trails, or single- or multi-use paths – and provide for pedestrian improvements on all roadway corridors within the Planning Area.” Because the CPP and CPP-V scenarios are intended to provide an equal or better level of pedestrian and bicycle mobility as the DSP and DSP-V scenarios, a similar policy would be required of the CPP and CPP-V scenarios, should either be selected by the City.

None of the proposed development scenarios would interfere with (i.e., prevent) planned pedestrian facilities in existing and/or planned areas, main streets, or pedestrian districts, nor would any of the four scenarios conflict with or create inconsistencies with adopted pedestrian system plans, guidelines, policies, or standards. Geneva Avenue would be one of many streets within the Baylands site facilitating pedestrian access (see Response BCC-601). Signal timing for the study intersections along Geneva Avenue in the transportation impact analysis takes into account the pedestrian crossing times.

BCC-726 [See page 5-287 for the original comment] Anticipated traffic impacts during the Baylands 20-year construction period are addressed in Impact 4.N-12. Mitigation Measure 4.N-12 on page 4.N-145 requires preparation, City review and approval, and implementation of Construction Management Plans that specify measures to reduce impacts on motor vehicle, bicycle, pedestrian, and transit resulting from Baylands construction activities.

BCC-727 [See page 5-287 for the original comment] Mitigation Measure 4.N-12 on page 4.N-145 prescribes the minimum content for required Construction

Management Plans. Construction deliveries typically occur in early morning hours prior to the AM peak hour. The suggestion that deliveries occur during off-peak hours will be considered during review of proposed Construction Management Plans. The Construction Management Plans will also focus on mitigating, to the effect possible, any peak hour impacts.

- BCC-728** [See page 5-287 for the original comment] The need for temporary bicycle lanes and pedestrian walkways to ensure safety during Project Site construction will be considered during review of proposed Construction Management Plans.
- BCC-729** [See page 5-287 for the original comment] The need for establishing temporary speed limits during construction will be considered during review of proposed Construction Management Plans.
- BCC-730** [See page 5-287 for the original comment] Requirements for coordinating construction activities and providing sufficient advance notice to Caltrans, San Francisco, Daly City, San Mateo County, and area transit agencies will vary depending upon the location and type of construction activities ongoing at any given time. Appropriate requirements for such coordination will be considered during review of proposed Construction Management Plans.
- BCC-731** [See page 5-287 for the original comment] See Master Response 24 for discussion of C/CAG's Transportation Demand Management program requirements and their enforceability.
- BCC-732** [See page 5-287 for the original comment] The C/CAG source cited in the TDM trip credit table, Table 4.N-45, is from Appendix I of the *Final San Mateo County Congestion Management Program, 2011*. Appendix I is a set of guidelines dated September 21, 2004. The source at the bottom of Table 4.N-5 is revised to read as follows:

SOURCE: UPC, 2011; C/CAG, 2004 (*Appendix I of the Final San Mateo County Congestion Management Program, 2011*)

- BCC-733** [See page 5-287 for the original comment] The C/CAG requirement cited on page 4.N-147 of the Draft EIR is the requirement for preparation of a TDM plans for site development generating 100 vehicle trips or more on the CMP network. Mitigation Measure 4.N-13 requires preparation of TDM plans meeting C/CAG CMP guidelines.

The Draft EIR sets forth all feasible mitigation to address identified significant impacts. In the case of several traffic impacts, while physical modification to roadways or intersection configurations could reduce significant impacts to less than significant levels, these roadways and/or intersections are located outside of Brisbane; the City does not have jurisdiction to ensure implementation of

mitigation measures within Daly City or San Francisco. These impacts are thus identified in the Draft EIR as being “significant and unavoidable.” Since mitigation measures are required to be implemented as the need for such measures arise, there is not a 20 year or more “lag time” between the creation of a significant impact and the implementation of mitigation measures, as is implied in this comment.

- BCC-734** [See page 5-287 for the original comment] The comment mischaracterizes the chart on page 4.N-150. The chart matches the conclusion for Impact 4.N-16, which is that the impact would be less than significant (i.e., each of the four Project Site development scenarios would include the construction of new roadways to facilitate emergency access to locations within the Baylands site, and existing emergency response routes in the vicinity of the Baylands site would either be maintained as is or rerouted as necessary). The availability of adequate access for each stage of development would be a requirement of construction management plans prepared pursuant to Mitigation Measure 4.N-12.
- BCC-735** [See page 5-287 for the original comment] The comment requests additional study regarding site ingress/egress points without identifying a specific purpose. The Draft EIR states on page 4.N-150, “As described in Section 4.L, *Public Services*, each development scenario includes a circulation plan designed to ensure appropriate emergency access to and from the Baylands site and to provide access to all development areas through the above-cited new roadways (specifically to facilitate North County Fire Authority’s emergency response within the Baylands).”
- BCC-736** [See page 5-288 for the original comment] Kinder Morgan is an existing use whose operations are subject to a federal, state, and local requirements to ensure public safety. See Master Response 19 for discussion regarding the land use compatibility between proposed uses within the Baylands and the Kinder Morgan tank farm.
- BCC-737** [See page 5-288 for the original comment] See Comment BCC-697.
- BCC-738** [See page 5-288 for the original comment] Impact 4.N-17 and Mitigation Measure 4.N-17 address loading demand during the peak hour of loading activities. A significant impact would occur if such loading activities could not be “accommodated within proposed onsite loading facilities or within convenient on-street loading zones, creating potentially hazardous conditions or significant delays affecting traffic, transit, bicycles, or pedestrians.” Mitigation Measure 4.N-17 would avoid impacts related to onsite truck loading activities, and ensure that such activities do not spill out into areas not intended for truck loading.

The proposed development being analyzed includes concept plan and General Plan level information for all four scenarios and specific plan level information regarding development for the DSP and DSP-V scenarios. No site-specific development projects have been proposed, nor have any specific tenants for onsite development been identified with the exception of Recology modernization and expansion in the CPP-V scenario. Because the types of businesses that would be permitted under each scenario are known, reasonable assumptions regarding the truck loading demands for these types of businesses were made and evaluated. See Response BCC-642 for more discussion regarding analysis of truck loading impacts.

- BCC-739** [See page 5-288 for the original comment] Mitigation Measure 4.N-17 addresses the supply of truck loading spaces. It does not address the traffic impacts created by trucks, which is captured in the traffic impact analysis (as a percentage of overall vehicular traffic).
- BCC-740** [See page 5-288 for the original comment] See Response BCC-578 for discussion on determination of parking supply for project-specific developments. Roadway operations analyzed in the Draft EIR include delivery vehicles.
- BCC-741** [See page 5-289 for the original comment] The draft EIR specifically states on page 3-67 that the proposed water supply agreement “is being considered as an independent component of the Project Site development and could be approved or not regardless of any action taken by the City to approve, modify, or not approve any of the proposed Concept Plans or the Specific Plan proposed by UPC” for the DSP and DSP-V scenarios.
- BCC-742** [See page 5-289 for the original comment] The existence of water mains does not affect calculation of the supply of water to a project site. The proposed water supply for the Brisbane Baylands is from the Oakdale Irrigation District, as described in Section 3.10 of the Draft EIR. The existing Recology site, a portion of which is located within San Francisco, will continue to receive water from the SFPUC.
- BCC-743** [See page 5-289 for the original comment] Discussion of Impact 4.O-3 beginning on Draft EIR page 4.O-47 addresses whether proposed Baylands development would result in the construction of new water, wastewater treatment, and/or stormwater drainage facilities or expansion of existing facilities that could cause significant environmental effects. The mitigation measures needed to avoid or reduce the severity of the physical impacts of new or expanded facilities are identified on Draft EIR pages 4.O-50 and 4.O-52.

In relation to water storage, the text on Draft EIR pages 4.O-47 and 48 acknowledges that all four scenarios would require construction of new or

expanded water storage facilities and conveyance infrastructure. On page 4.O-48, the Draft EIR states that in the “absence of information regarding location, design, and method of water storage facility construction, it must be assumed that constructing a new storage tank on a hillside could result in significant environmental impacts in areas such as visual resources, slope stability, erosion and water quality, and possibly biological resources. While it is likely that impacts of siting and constructing such a storage facility could be avoided or mitigated to less-than-significant levels through a combination of siting options and mitigation measures, at this time without site-specific information these impacts are considered to be significant unavoidable.”

CEQA Guidelines, Section 15168 (c)(1) states that “If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared” along with appropriate environmental documentation depending on the results of the Initial Study. Thus, the design and construction of needed water storage facilities would be treated the same as a subsequent site-specific development project (see Master Response 1 for discussion of subsequent site-specific projects). Because even the initial increments of development would require expansion of the City’s existing water storage capacity, construction permits for new development within the Baylands would not be approved by the City until a location for needed water storage facilities was identified, the facilities were designed, environmental review of the impacts of their construction was completed, and funding agreements were in place for the facilities.

BCC-744

[See page 5-289 for the original comment] Mitigation Measure 4.B-8 requires implementation of an odor management plan at the proposed recycled water plant with sufficient control measures to meet BAAQMD odor detection thresholds.

The text on page 4.O-58 that is cited in the comment addresses solid waste management during construction and operation of proposed Project Site development. The comment more likely addresses the second paragraph on page 4.O-49, which is revised to read as follows:

Air quality impacts of the onsite recycled water plant are included in the air quality impacts evaluated in Section 4.B, *Air Quality*. While the recycled water plant would be required to meet Bay Area Air Quality District (BAAQMD) emissions standards and therefore be considered to have less-than-significant air quality impacts, the plant would contribute to the significant unavoidable air quality impacts identified in that section. To address odor impacts, Mitigation Measure 4.B-8 requires implementation of an odor management plan at the proposed recycled water plant with sufficient control measures to meet BAAQMD odor detection thresholds. At a minimum, the following requirements would be included in the design of the recycled water plant:

- Odor control using activated carbon canister shall be provided for all air that is vented from lift stations.
- For treatment units, all odor control systems shall be two stage – biological technology, such as bulk media bio-filtration, followed by activated carbon.
- Any conventional recycled water plant shall be fully enclosed in a building and ventilated through a two-stage odor scrubbing system.

BCC-745 [See page 5-289 for the original comment] This comment provides no explanation as to its characterization of Mitigation Measure 4.G-2f as “extreme.” Mitigation Measure 4.G-2f is intended to address the potential buildup of methane from landfill gas within underground utilities and utility vaults and is specifically designed to avoid the potential buildup of methane gas to potentially explosive concentrations in underground vaults and utility structures. Specifically, Mitigation Measure 4.G-2h requires that all new structures within the former landfill footprint and within OU-1 and OU-2, as well as on site areas within 1,000 feet of the waste material footprint, shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion into buildings. In addition, Mitigation Measure 4.G-2h requires that all structures built within 1,000 feet of the landfill footprint be equipped with automatic combustible gas sensors in sub-floor areas and in the first floor of occupied interior spaces of buildings. Mitigation Measure 4.G-2h further requires provision of a centralized sensor monitoring and recording system.

BCC-746 [See page 5-289 for the original comment] All underground utilities constructed within the Baylands will be required to be designed to meet applicable design requirements, including the ability to withstand anticipated settlement within the former landfill area.

BCC-747 [See page 5-289 for the original comment] The Draft EIR clearly states on page 4.O-37 that additional storage capacity is needed to provide adequate service to Baylands development. On page 4.O-48, the Draft EIR states that the:

“location, design, and method of construction for future water storage facilities to serve Project Site development has not been determined, but it can be assumed that in order to provide for sufficient water pressure to the Project Site, a new storage tank would need to be located at an elevation higher than the Project Site, most likely in a hillside location. Construction of a new storage tank could result in environmental impacts due to (1) siting, which could affect slope stability or visual, biological, land use, and/or cultural resources; and (2) construction, which could result in noise, dust, other air pollutant emissions, soil erosion, and possible water quality effects. While it is likely that impacts of siting and constructing such a storage facility could be avoided or mitigated to less-

than-significant levels through a combination of siting options and mitigation measures, at this time without site-specific information these impacts are considered to be significant unavoidable.”

See Master Response 1 for discussion regarding the programmatic nature of the Draft EIR and for discussion regarding requirements for environmental CEQA review.

BCC-748 [See page 5-289 for the original comment] On page 4.O-48, the Draft EIR concludes that “in the absence of information regarding location, design, and method of water storage facility construction, it must be assumed that constructing a new storage tank on a hillside could result in significant environmental impacts in areas such as visual resources, slope stability, erosion and water quality, and possibly biological resources. While it is likely that impacts of siting and constructing such a storage facility could be avoided or mitigated to less-than-significant levels through a combination of siting options and mitigation measures, at this time without site-specific information these impacts are considered to be significant unavoidable.”

BCC-749 [See page 5-289 for the original comment] The comment includes quoted text from page 3-18 of the Draft EIR’s *Project Description* discussing Recology, which operates landfill diversion and resource recovery services. In the event that the City ultimately approves modernization and expansion of the Recology site, utility plans would be engineered to meet modern design standards for each required utility service, and existing substandard onsite private utility lines would be replaced. In addition, the City would impose requirements for maintenance of private onsite utility systems. The project-specific design plans for the utility systems would be reviewed by the City and service agencies for compliance with regulatory design requirements (e.g., adequate sizing of pipes and sufficient water pressure for fire suppression as well as routine daily uses).

BCC-750 [See page 5-290 for the original comment] Design plans for underground utilities within the Baylands would be required to account for site-specific conditions, such as existing corrosive soils in the Bay Mud portions of the Baylands. The Draft EIR (Impact 4.E-7) requires that a geotechnical hazards analysis of future engineered fill be conducted for proposed building and infrastructure systems areas. As stated in the EIR, “Final design-level site specific geotechnical evaluations would be submitted to the City for final approval which would include an assessment of potentially corrosive soils on the Project Site. Development elements would be designed and constructed in accordance with requirements of the final design level geotechnical report and would be verified prior to the issuance of building permits. Based on that report, all concrete in contact with the soil would be designed in accordance with local building code requirements. All metals in contact with corrosive soil would be

designed based on the results of the soil corrosivity testing and subsequent recommendations of the manufacturer or a corrosion engineer. The City Engineer would approve all final design and engineering plans prior to any construction.”

As described above, and in compliance with the California Building Code, geotechnical investigations (design level geotechnical report mentioned above) would evaluate existing site soils and any related constraining qualities such as corrosiveness, and would specify engineered backfill and other corrosive-resistant materials to mitigate potential impacts to project utilities from soil materials. All final design and engineering plans required to be submitted by a licensed geotechnical engineer would be subject to review and approval by the City Engineer, as discussed in the Draft EIR Impact 4.E-2 and Mitigation Measure 4.E-2a.

BCC-751 [See page 5-290 for the original comment] Mitigation Measure 4.E-2a requires design plans for underground utilities within the Baylands would be required to account for site-specific conditions, such as potential ground settlement and shifting.

BCC-752 [See page 5-290 for the original comment] The water supply proposed for Baylands development is the proposed transfer of water supply from the Oakdale Irrigation District. The water supply assessment and evaluation in Section 4.O of the Draft EIR determined that the proposed water supply agreement provided an assured supply of water for proposed development of the Baylands. In the unlikely event that the Brisbane City Council would approve development of the Baylands in the absence of a water supply agreement to provide potable water to support Baylands development, a significant unavoidable impact would result. The Draft EIR does not speculate as to what the water supply for the Baylands would occur should such an action be taken.

BCC-753 [See page 5-290 for the original comment] This comment raises issues about the SFPUC existing Southeast Treatment Plant. The SFPUC provides wastewater treatment service to the portion of Brisbane that includes the Baylands Project Site. The project does not involve changes in the SFPUC’s facilities or operations; the SFPUC has embarked on its own improvement program for its Southeast Treatment Plant (<http://sfwater.org/index.aspx?page=616>). There is no basis to support the comment assertion that “a new facility must be built.”

For proposed Baylands development, as described in Chapter 3, *Project Description*, and as analyzed on pages 4.O-44 to 4.O-47, proposed Project Site development includes the construction of a recycled water plant that would treat a portion of Project Site development’s wastewater to provide recycled water for irrigation use within the Baylands. Until the recycled water plant is constructed, all wastewater flows would be discharged to the existing Bayshore Sanitary

District wastewater collection system and sent to the SFPUC system for treatment and discharge. Furthermore, a Wastewater System Master Plan would be prepared in coordination with the City, SFPUC, and BSD, and include details on the system infrastructure and operation.

BCC-754 [See page 5-291 for the original comment] The existing lumberyards receive materials via the rail line that bisects the Baylands Project Site in a north-south direction. Because the lumberyards will be relocated along the rail line, but the existing use will not be expanded, energy used to deliver materials to the yards will not increase, and there is therefore no energy-related impact that will result from Project Site development due to rail deliveries to the lumberyards.

BCC-755 [See page 5-291 for the original comment] Retail sellers of electricity, including PG&E, are required to serve 33 percent of their electrical load from renewable energy sources by 2020. Because (1) Baylands Project Site development will not change the type of energy acquired by PG&E, (2) the energy that will be delivered to the Baylands will not be from any single source (specific percentage of renewable energy to the Baylands cannot be determined), and (3) losses from transmission of electricity from their generation sources are not an impact of Project Site development, discussion of such energy losses are not required in the Draft EIR.

BCC-756 [See page 5-291 for the original comment] “Community Choice Aggregation” (CCA) is a system adopted into law in California and other states that allows cities and counties to aggregate the buying power of individual customers within a defined jurisdiction in order to secure alternative energy supply contracts on a community-wide basis, while also allowing consumers not wishing to participate to opt-out. Also known as “Municipal Aggregation” and “Community Aggregation,” Community Choice Aggregations are de facto public utilities of a new form that aggregate areawide energy demand and negotiate with competitive energy suppliers, rather than using the traditional utility business model based on purchase and delivery of energy supplies to retail customers by a regulated utility.

California’s AB 117, which was adopted in 2002, focuses on provision of renewable energy, rather than on merely providing energy cost discounts. San Francisco adopted a CCA Ordinance in 2004, creating a CCA program to build 360 megawatts of solar and wind energy. A number of California local government agencies have considered or are considering CCAs to increase the percentage of renewable energy delivered to customers above the State’s 33 percent goal. Marin County, for example, offers both a 50% renewable energy option and a 100% renewable energy option to customers.

Because of the large proportion of proposed Baylands development's energy that will be generated onsite from renewable sources (see Draft EIR Table 4.P-1) and the resulting less than significant impacts, adoption of a Community Choice Aggregation for the Baylands is not needed as mitigation. The desirability of establishing a Community Choice Aggregation for the Baylands can, however, be considered as part of the City's planning review.

BCC-757 [See page 5-291 for the original comment] All references to Brisbane Municipal Code Section 15.80 contained in the EIR are based on the Section as it existed during the 2010 Baseline year and as it existed at the time of distribution of the Draft EIR (June 2013 – January 2014). Any revisions to Municipal Code Section 15.80 that may be adopted subsequent to the public review period for the Baylands EIR, but prior to certification of the Final EIR, will be incorporated into the Final EIR.

As noted at the outset of Draft EIR Chapter 7, *Sustainability*, a discussion of sustainability is not required under CEQA, and therefore is included in the Draft EIR for informational purposes only. The chapter discusses sustainability principles, provides background information on the development of such principles, and identifies (1) sustainability-related measures that would be provided by Project Site development and (2) mitigation measures set forth in the EIR that further the principles of sustainability described in this chapter, thereby demonstrating the relationship of the proposed Project Site development scenarios to sustainability. Pursuant to the provisions of CEQA, the Draft EIR evaluates impacts of proposed Baylands development in relation to the threshold questions set forth in Appendix G of CEQA Guidelines.

As noted in Master Response 4, in addition to the EIR for the Baylands, the City is engaged in an effort to prepare a sustainability plan for the Baylands and, as part of that process, may choose a definition of sustainability that is suitable to the City's unique setting and character. However, the sustainability plan has not been adopted and its planning effort is separate from the City's review of proposed development as discussed in the Brisbane Baylands EIR.

Draft EIR Table 7-1 identifies the relationship between the 10 sustainability principles identified in the One Planet Living Concept used in the City's draft sustainability goals for the Brisbane Baylands (*Sustainability Goals for the Baylands*, April 2013), relevant CEQA topics addressed in the Draft EIR, and required mitigation measures. For each of the 10 sustainability principles identified in the One Planet Living Concept listed in the first column of Table 7-1, related EIR sections are identified in the third column, and related EIR mitigation measures are listed in the fourth column.

- BCC-758** [See page 5-291 for the original comment] The comment cites a statement in the Draft EIR, and does not raise any significant environmental issues regarding the adequacy of the EIR or its analyses and conclusions. Further response is not required.
- BCC-759** [See page 5-292 for the original comment] Discussion of the EPA/NREL study recently conducted for the Baylands is provided in Chapter 5, *Alternatives*, as part of the Renewable Energy Alternative. As stated at the bottom of page 5-25, “The modeled scenarios in the U.S. EPA study did not include available renewable energy incentive programs, and concluded that the economics of ‘all systems were favorable without these incentives, and their inclusion will only make the economics even better.’”
- BCC-760** [See page 5-292 for the original comment] The discussion in Section 4.P, *Energy Resources*, is based on analysis and conclusion in the Draft EIR that energy resources and energy infrastructure will be adequate to support development and operation of proposed uses within the Baylands. In addition, there is no factual evidence to support the potential for brownouts or other major disruptions of power as a potentially significant impact to be addressed in the Draft EIR. The comment’s suggestion of a local, self-contained “Microgrid” with direct connection from generation to consumption within the Baylands may be considered as part of the planning review being undertaken by the City for the Baylands.
- BCC-761** [See page 5-292 for the original comment] The Draft EIR analyzes the physical environmental impacts of project buildout consistent with the applicant’s proposed time frame for buildout and applicable traffic, air quality, and greenhouse gas models (20 years). While the City’s experience with the pace of development at Sierra Point and Baylands development projections contained in the 1994 General Plan may indicate a longer time for development of the Baylands, the pace of development experience in those areas may or may not be indicative of Baylands buildout.

Spreading buildout of the Baylands over a 50 year period as suggested in Comment BCC-762 would require speculative analysis of long range future background traffic and noise conditions, as well as speculation as to future increases in the energy efficiency and emissions of automobiles, as well as future mode splits between automobile use and transit. Analysis of the Baylands over a 20-year period provides for disclosure of the impacts of Baylands development based on established analysis models without requiring speculation of future conditions. In the case of sea level rise, where scientific evidence of long-term (50-100 year) trends is available the Draft EIR evaluates impacts over that time period.

BCC-762 [See page 5-292 for the original comment] The purpose of Table 4.P-1 is to provide a comparison of net energy consumption (total demand minus renewable energy generated onsite) for each of the four scenarios analyzed in the Draft EIR. The evaluation of net energy consumption was, in turn, intended to facilitate a conclusion as to the significance of impacts for each scenario in relation to the following significance threshold: would Project buildings or other onsite operations use large amounts of energy, or use energy in a wasteful manner. While the total production of renewable energy is key to determining whether a significant impact would exist in relation to Impact 4.P-2, separately quantifying renewable energy generation for solar, wind, and biogas sources is not germane to determining whether a significant impact would result from proposed Baylands development.

BCC-763 [See page 5-292 for the original comment] See Master Response 25 for a discussion of internal capture of vehicular trips. See Response BCC-639 for discussion of procedures for estimating mode splits between vehicular and travel and transit.

BCC-764 [See page 5-293 for the original comment] As shown in in Table 4.P-1, each of the four development scenarios would provide the majority of its electrical demand from renewable source generated onsite (58.9%, 56.6%, 64.4% and 80.8%, for the DSP, DSP-V, CPP, and CPP-V scenarios, respectively). In addition, by 2020, one-third of the energy delivered by PG&E will also be derived from renewable energy sources. Because of the high proportion of energy to be provided from renewable energy sources, mitigation measures to encourage transit use, and applicable mitigation measures to reduce building-related energy consumption, the Draft EIR concluded that energy resources impacts would be less than significant.

BCC-765 [See page 5-293 for the original comment] See Master Response 2 for a discussion of “feasibility” Under CEQA, the alternatives analyzed in an EIR must be potentially feasible, i.e., “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Res. Code Section 21061.1.) The CEQA Guidelines generally repeat this definition verbatim, but add the term “legal” to the list of factors to take into account. (CEQA Guidelines Section 15364.)

The reference to economic and social effects cited in the comment is incomplete. CEQA Guidelines Section 15131 states, “Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.” In addition, the full text of CEQA Guidelines Section 15131 (a), (b), and (c) identify circumstances under which discussion of economic or social effects might be appropriate in an EIR as follows:

- (a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.
- (b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.
- (c) Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.

CEQA Guidelines Section 15126.6 (f)(1) states that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).”

The reference to “property control (ownership)” addresses alternatives that were considered, but rejected from further consideration. A new bullet point is added at the end of Section 5.2.4 to read as follows.

- **Alternative Site.** This alternative was rejected since it could not meet the City’s overarching objective of an “active, vibrant place which strengthens the community of Brisbane; contributes to its sense of place; and demonstrates environmental, social, and

economic considerations can be harmonized to the betterment of the natural environment, the Brisbane and regional community, and the individuals who will use the Baylands.” The only land controlled by the applicant in the vicinity of the Baylands is within San Francisco (Schlage Lock property), and would not, therefore, satisfy any of Brisbane’s objectives. In addition, development of the Schlage Lock property would involve similar impacts are for the Brisbane Baylands, and would not eliminate any of the significant impacts identified for the Baylands.

- BCC-766** [See page 5-294 for the original comment] See Response BCC-407 for discussion regarding the CPP scenario and its development intensity. CEQA Guidelines Section 15126.6 requires EIRs to describe a “range of reasonable alternatives to the project,” and states that an EIR “need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation....” The 4.0 million square feet of development cited in Comment BCC-767 is within the range of alternatives presented by the Renewable Energy Generation Alternative (1.98 million s.f. of building area), No Project-General Plan Buildout Alternative (2.02 million s.f. of building area), Reduced Intensity Non-Residential Alternative (5.32 million s.f. of building area), and the Reduced Intensity Mixed-Use Alternative (6.81 million s.f. of building area). Thus, inclusion of an additional alternative with 4.0 million s.f. of building area is unnecessary.
- BCC-767** [See page 5-294 for the original comment] A table comparing each alternative to the scenarios and other alternatives is provided in Chapter 3.0 of the Final EIR.
- BCC-768** [See page 5-294 for the original comment] The analysis provided in the Brisbane Baylands EIR is of sufficient detail as to allow the City Council to select the Renewable Energy Generation Alternative as the preferred scenario for the Brisbane Baylands should the Council so desire.
- BCC-769** [See page 5-295 for the original comment] A table comparing each alternative to the scenarios and other alternatives is provided in Chapter 3.0 of the Final EIR.
- BCC-770** [See page 5-295 for the original comment] Because ABAG adopted the projections contained in Plan Bay Area Sustainable Communities Strategy, superseding Projections 2009 subsequent to the public distribution of the Draft EIR, all references to Projections 2009 are stricken from the Final EIR, and only references to the projections contained in Plan Bay Area Sustainable Community Strategy remain.
- BCC-771** [See page 5-295 for the original comment] The first paragraph on page 5-7 is revised to read as follows.

The Renewable Energy Generation Alternative is based on a proposal by the Committee for Renewable Energy for the Baylands (CREBL) to develop utility-scale renewable energy generation at the Baylands. CREBL's goal for this alternative was to not only offset the energy demand for development of the entire Project Site, but also to produce additional electricity for consumption by Brisbane homes, businesses, and City-owned facilities. Land uses under the Renewable Energy Generation Alternative would include 170 acres of alternative energy uses consisting of a large photovoltaic (PV) solar farm, small vertical-axis wind turbines, wind turbines placed within the development, and rooftop PV solar panels; 654,900 square feet of research and development facilities on 59 acres; and 173,800 square feet of retail/entertainment uses on 26 acres. Other uses at the Project Site would include a new water treatment plant (seven acres) and relocated industrial uses (three acres). The remainder of the Project Site would be designated open space/public uses. The Recology expansion, relocation of the existing lumberyards, adaptive reuse of the Roundhouse and Lazzari Fuel Company buildings, Geneva Avenue extension, site remediation, and approval of the proposed water supply agreement would also occur as part of this alternative. The portion of the 2,400 acre-feet of water supply contemplated for Project Site development use in the proposed water transfer agreement would be reduced to accommodate the actual water demand associated with this alternative (approximately 300 acre feet); the 400 acre-feet of water to be used for citywide purposes would remain in its entirety. The recycled water plant would not be developed under this alternative. Overall, this alternative would reduce or avoid significant traffic, air quality, greenhouse gas (GHG), noise, public services, and population/housing impacts, and develop a project that would be consistent with the development intensity contemplated by the General Plan and its EIR, while meeting most Project objectives.

The second paragraph on page 5-28 is revised to read as follows.

Land uses under the Renewable Energy Generation Alternative would include 170 acres of alternative energy uses consisting of a large PV solar farm, small vertical-axis wind turbines, wind turbines placed within development, and rooftop PV solar panels; 654,900 square feet of research and development facilities on 59 acres; and 173,800 square feet of retail/entertainment uses on 26 acres. Other uses at the site would include a new water treatment plant (seven acres) and relocated industrial uses (three acres). The remainder of the Project Site would be designated open space/public uses. The Recology expansion, adaptive reuse of the Roundhouse and Lazzari Fuel Company buildings, relocation of the

existing lumberyards, site remediation, and water supply agreement would occur as part of this alternative.

- BCC-772** [See page 5-295 for the original comment] As stated on Draft EIR page 5-28, “While no specific wind energy program is set forth in the CREBL proposal, or in the Energy Solutions or NREL reports, a number of wind energy options are outlined.” Several wind energy technologies options were set forth in the CREBL proposal and the Energy Solutions and NREL reports that could be used at the Baylands Project Site including vertical-axis turbines, building mounted turbines, low wind-speed turbines, and turbines optimized for high wind. From these alternative technologies and information presented in the CREBL plan and the Energy Solutions and NREL reports, the Draft EIR analyzed the alternative based on the assumption that it would provide for installation of 8 to 10 small-scale turbines generating a total of 100 kW or less.
- BCC-773** [See page 5-295 for the original comment] The comment’s opinions regarding the environmental benefits of the renewable energy alternative are acknowledged. The comment does not raise significant environmental issues regarding the EIR analysis. Pursuant to the requirements of CEQA, alternatives are analyzed in relation to their ability to avoid or reduce significant impacts of the proposed project (e.g., Baylands concept plan development scenarios). These comparisons are provided in Section 5.3.2 of the Draft EIR.
- BCC-774** [See page 5-295 for the original comment] Table 5-5 of the Draft EIR demonstrates that the Renewable Energy Generation Alternative would result in a net annual reduction of 6,661 metric tons of CO₂e annually.
- BCC-775** [See page 5-296 for the original comment] The discussion on page 5-37 cited in this comment focuses on impacts of the Renewable Energy Generation Alternative on wildlife movement, noting that the placement of solar energy fields would inhibit wildlife movement between the lagoon to the south and the shoreline of San Francisco Bay to the east. The alternatives analysis is not intended to provide a complete description of existing onsite or surrounding biological resource habitats. The description of existing conditions for purposes of the analyses of impacts to biological resources is included in Section 4.C.2 of the Draft EIR.
- BCC-776** [See page 5-296 for the original comment] CEQA Guidelines require an EIR to include alternatives that avoid or reduce the significant impacts of the proposed project while attaining its basic objectives. To reduce significant traffic and air quality impacts, the comment suggests that an alternative emphasizing energy and employment generation be considered. The Draft EIR provides evaluation of such alternatives, including the:

- Renewable Energy Generation Alternative, which stresses minimizing impacts by maximizing renewable energy generation;
- Reduced Intensity Non-Residential Alternative, which reducing the intensity of overall development within the Baylands compared to the project development scenarios, while emphasizing employment-generation and increasing the amount of renewable energy generation compared to the CPP scenario; and
- Reduced Intensity Mixed-Use Alternative, which reduces development intensity while still providing substantial employment and also providing residential use in proximity to onsite employment.

Evaluation of project scenarios and the Reduced Intensity Non-Residential and Reduced Intensity Mixed-Use alternatives indicates that alternatives proposing reduced development intensities will be most effective at reducing the significant unavoidable impacts of the proposed development scenarios. Because of the large amount of employment-generating development proposed to the north of the Baylands and within San Francisco, adding high levels of employment-generating uses to the Baylands in the absence of also increasing local housing opportunities does not provide for “regional balancing,” and will not be effective at reducing the severity of project-related traffic impacts.

BCC-777 [See page 5-296 for the original comment] See Response BCC-768. As required by CEQA, the EIR’s discussion of the Renewable Energy Generation Alternative includes sufficient information to allow meaningful evaluation, analysis, and comparison with the four proposed development scenarios. The Renewable Energy Generation Alternative will generate approximately 76 percent less traffic than would the CPP-V scenario and approximately 83 percent less traffic than the DSP scenario. However, because significant unavoidable traffic impacts occur even under the Cumulative-No Project conditions, the Renewable Energy Generation Alternative would substantially reduce, but not eliminate, significant unavoidable traffic impacts of proposed Baylands development.

BCC-778 [See page 5-296 for the original comment] See Master Response 2 for discussion of the role of “feasibility” in CEQA. While new and more efficient renewable energy technologies can be expected over the next 20 years, the form of such technologies cannot be known or evaluated at this time.

BCC-779 [See page 5-296 for the original comment] The comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. While new and more efficient renewable energy technologies can be expected over the next 20 years, the form of such technologies cannot be known or evaluated at this time.

- BCC-780** [See page 5-296 for the original comment] The comment does not raise any significant environmental issues regarding the adequacy of the EIR or its analyses and conclusions.
- BCC-781** [See page 5-297 for the original comment] The Draft EIR draws no conclusions as to whether any scenario or alternative is more or less “palatable” than any other scenario or alternative. As required by CEQA, the Draft EIR identifies and discusses the impacts of each alternative, and includes sufficient information such that these impacts may be compared to those of the proposed Project site development scenarios. A table comparing each alternative to the scenarios and other alternatives is provided in Chapter 3.0 of the Final EIR.
- BCC-782** [See page 5-297 for the original comment] A table comparing each alternative to the scenarios and other alternatives is provided in Chapter 3.0 of the Final EIR.
- BCC-783** [See page 5-298 for the original comment] All development within the Baylands will be required to meet Title 24, Brisbane Municipal Code requirements, and applicable EIR mitigation measures. Should the City Council select one of the alternatives set forth in Chapter 5 of the Draft EIR, all feasible mitigation will be required to mitigate the impacts of that alternative.
- BCC-784** [See page 5-300 for the original comment] Table 6-1 has been updated, and can be found in Chapter 3.0 of the Final EIR.
- BCC-785** [See page 5-300 for the original comment] Widening of the US 101 freeway is not proposed as part of Baylands development nor is it within the purview of the City of Brisbane to require or implement such a measure. Thus, the impacts of such widening have not been analyzed in the Baylands EIR. There are no reasonably foreseeable future plans to widen the freeway by the agencies with jurisdiction, and such widening has therefore not been included as a cumulative project in Chapter 6.
- BCC-786** [See page 5-300 for the original comment] With the adoption of the projections contained in Plan Bay Area by ABAG subsequent to the release to the Draft EIR, Projections 2009 have been superseded, and therefore stricken from the Final EIR. The projections from Plan Bay Area were analyzed parallel to Projections 2009, and are therefore included in the Draft EIR.
- BCC-787** [See page 5-300 for the original comment] The cumulative analysis in Chapter 6 addresses each of the impacts where proposed Baylands development was determined in Chapter 4 to result in *some* impact, whether significant or less than significant, but does not address the cumulative effects related to environmental effects where the Draft EIR concluded that proposed Baylands development would have *no* impact. Issues for which Baylands development was determined to have less than significant or significant unavoidable impacts are thus

addressed in Section 6.3, *Cumulative Impacts*. As stated on page 6-7 of the Draft EIR, those portions of past projects that were constructed prior to 2010 are addressed as part of existing conditions, rather than as part of cumulative project impacts, since impacts of the previously constructed portion of projects are already accounted for in the EIR baseline.

BCC-788 [See page 5-300 for the original comment] See Master Response 22 regarding use of the SF-CHAMP model.

BCC-789 [See page 5-300 for the original comment] Table 6-2 reflects conditions, including the Northeast Ridge project, as of the 2010 baseline year used for analysis in the Baylands EIR.

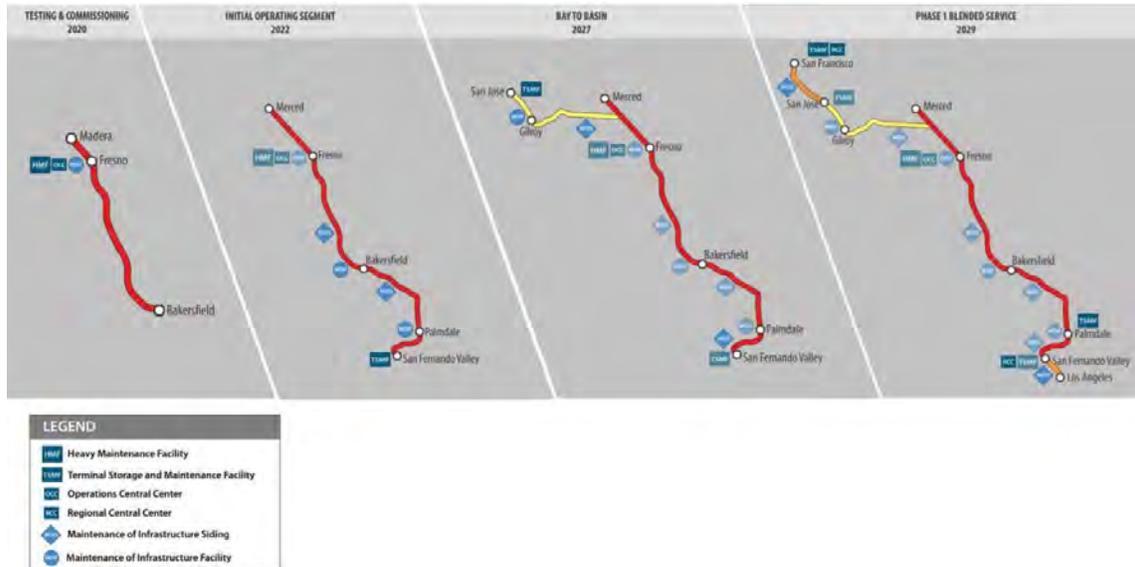
BCC-790 [See page 5-300 for the original comment] See Master Response 23 for discussion of impacts on the US 101 freeway. The Bi-County transportation study undertaken by the cities of San Francisco, Daly City, and Brisbane, along with San Mateo County, proposed interchange improvements, but not widening along the 101 freeway. In addition, Caltrans has no plan or fee program in place for widening of the 101 freeway, widening of the freeway only as it passes through the Baylands would have little practical effect on easing congestion, and the City of Brisbane has no jurisdiction over freeway improvements.

BCC-791 [See page 5-301 for the original comment] The additional track cited in the comment is being provided as part of Caltrain's electrification program (Cumulative Project 19 on Table 6-2).

BCC-792 [See page 5-301 for the original comment] The California High Speed Rail Authority's *Summary of Requirements for O&M Facilities* (April 30, 2013), states, "It should be noted that the siting of the O&M facilities has not been determined at this time. For illustrative purposes only, hypothetical locations of each facility are shown in Figure 1 and Table 1 for the progression of the phased development of the Project." Thus, it is clear that the Authority does not have a recommended location for the high-speed rail maintenance yard.

Table 1 of the high-speed rail O&M needs analysis is labeled "Summary of O&M Facilities (For Illustrative Purposes Only)," and identifies the need for an approximate 100-acre site at a San Francisco location. Neither Brisbane nor the Baylands are mentioned in Summary of Requirements document. Figure 1 from the 2013 *Summary of Requirements for O&M Facilities* is included below. As shown, neither Brisbane nor the Baylands are identified in that figure.

Thus, the City of Brisbane concluded that addressing the potential for a high-speed rail maintenance and storage facility prior to the time the Authority completes its operational re-evaluation would be premature and speculative.

**BCC-793**

[See page 5-301 for the original comment] Construction-related emissions presented in Table 4.B-4 of the Draft EIR include diesel truck emissions associated with transport of soil assuming 2.6 million cubic yards of soil transported over a 5-year period to move earth from the eastern to the western portion of the site. Construction-related emissions presented in Table 4.B-5 of the Draft EIR include diesel truck emissions associated with soil transport assuming 1.13 million cubic yards of soil transported over a 5-year period to dispose of the remaining soils off-site from the eastern portion of the site, consistent with page 14 of the proposed Brisbane Baylands Infrastructure Plan. The overall amount of grading identified in discussed on Draft EIR page 3-71 includes grading activities associated with site remediation and landfill closure. However, it should be noted as stated on page 3-35 of the Draft EIR, that the specific methods to be employed to cap and close the landfill and for methane control are still to be finalized.

The air quality impacts of site grading and remediation are addressed in Section 4.b, *Air Quality*, of the Draft EIR, and are quantified in Tables 4.B-4 and 4.B-5, including emissions of both PM₁₀ and PM_{2.5}. The Draft EIR concludes on page 6-18 that cumulatively significant construction and operation emissions impacts will result from proposed Baylands development in combination with other past, present, and reasonably foreseeable future projects, and also concludes that the contribution of Baylands development to those cumulatively significant will be considerable. Mitigation Measures for air quality impacts include:

- **Mitigation Measure 4.B-1.** Construction requirements to reduce fugitive dust emissions primarily during soil movement, grading, and demolition activities but also during vehicle and equipment movement on unpaved project sites.

- **Mitigation Measure 4.B-2a.** Construction requirements to reduce vehicle emissions.
- **Mitigation Measure 4.B-2b.** All off-road construction equipment used for site improvements to be equipped with Tier 3 (Tier 2 if greater than 750 hp) diesel engines or better. All diesel generators used for project construction must meet Tier 4 emissions standards. If new emissions standards are adopted by U.S. EPA during project construction, construction contract specifications shall incorporate whichever standard is more stringent.
- **Mitigation Measure 4.B-4.** Implementation of emissions reduction measures identified in the 2012 BAAQMD *CEQA* Guidelines for site-specific development projects.
- **Mitigation Measure 4.B-9.** Transportation demand management.
- **Mitigation Measure 4.F-1:** Greenhouse Gases Emissions Reduction Plan.
- **Mitigation Measure 4.P-1:** Energy efficiency during construction activities.
- **Mitigation Measure 4.P-2a:** New buildings to achieve a LEED Gold rating, rather than the LEED Silver rating now required by the Municipal Code. All appliances installed as part of original building construction to be ENERGY STAR rated or equivalent.
- **Mitigation Measure 4.P-2b:** Energy efficient street and parking lot lighting.
- **Mitigation Measure 4.P-2c:** Renewable energy production of 42,000 to 45,000 megawatt hours (CPP and CPP-V scenarios).

As identified on page 6-1 of the Draft EIR, air quality impacts will remain significant, even after implementation of all feasible mitigation measures.

BCC-794 [See page 5-301 for the original comment] See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR, Master Response 13 for discussion of the remediation review and approval process, and Master Response 5 for discussion of the use of regulatory requirements to mitigate potential impacts.

BCC-795 [See page 5-301 for the original comment] The Draft EIR specifically acknowledges on page 6-32 that the “cumulative project as a whole would result in a substantially different built environment than currently exists,” and that “cumulative development would increase development intensities.” The draft EIR also recognizes that General Plan policies in both the Brisbane and San Francisco General Plans “set forth policies to protect the character of existing development.” Thus, the Draft EIR concluded that because “requirements for General Plan consistency would result in development patterns that include transitions from low-density to higher density uses,” a substantial adverse change

in the existing land use character would not result. The Draft EIR text cited in the comment addresses a single issue (land use character). Traffic and other cumulative impact issues are addressed separately in Draft EIR Chapter 6.

The referenced Brisbane comment on the traffic impacts of the Candlestick Point-Hunters Point EIR and response from San Francisco addresses the feasibility of mitigation measures for the southbound US 101 off-ramp at Sierra Point. San Francisco's response cited in Comment BCC-796 states:

“As noted above, the traffic forecasts include traffic associated with the Project and other planned or proposed development in the area, including the Brisbane Baylands project; however, the analysis does not include the roadway improvements that would likely be required of said development. Although the project's contribution to this impact would be cumulatively considerable, the proposed Brisbane Baylands project would also be a substantial contributor.

The Draft EIR does not identify specific improvements for this facility because they are currently being developed as part of the Bi-County Study. The Project would contribute a fair share contribution to these improvements as determined as part of the Bi-County study.”

The primary purpose of discussion of cumulative impacts in an EIR is to evaluate the impacts of a project in combination with past, present, and reasonably foreseeable future projects, analyze whether these cumulative impacts are significant, and to determine if the project's contribution to a significant cumulative impacts is “cumulatively considerable,” meaning that *the incremental effects of an individual project are significant when viewed in connection with past projects, the effects of other current projects, and the effects of probable future projects* (CEQA Guidelines Section 15065 (a)(3)). Table 6-2 in the Draft EIR lists other current as well as probable future projects in the City of Brisbane and surrounding jurisdictions. As permitted by CEQA, the Draft EIR uses both a list of past, current and probable future projects as well as projections from local, regional or statewide planning documents, depending on which method was determined most applicable for each of the environmental topics/resources in the cumulative impacts analysis. These two methods were used to describe the cumulative effects of past, present, and reasonably future projects to which the proposed Baylands development would contribute.

The list of cumulative projects in Table 6-2 includes five local projects in San Francisco, including the Hunters Point Shipyard (Phase 2), Candlestick Point, Executive Park, Visitacion Valley Redevelopment Mixed Use/Schlage Lock site, and Sunnydale Housing Redevelopment. Several regional projects in San Francisco further away from the Baylands project site than these local San

Francisco projects) are also included: Mission Bay, Treasure Island and Park Merced. Each of these projects has been or will be reviewed under CEQA to assess their potential significant environmental impacts, as well as a review of consistency with the San Francisco General Plan policies and objectives.

The available EIRs for the projects in Table 6-2 were consulted as part of the analysis of cumulative impacts and the Baylands potential contribution to those impacts. Thus, the cumulative impacts analysis presented in Chapter 6 includes cumulative impacts analysis from the EIRs cited in the comment. The traffic analysis for the proposed Baylands development, for example, included forecasting information from the regional traffic models as well as the Candlestick Point/Hunters Point study (see Master Response 22). As stated in the Draft EIR, Section 4.N, *Traffic and Circulation*, Analysis Approach:

“The Cumulative Without Project travel demand forecasts use the Candlestick Point/Hunters Point Study (CPHPS) forecasts, developed using the SFCTA CHAMP 3 Model as a part of the analysis for the Candlestick Point-Hunters Point Shipyard EIR (San Francisco Planning Department, 2009). The study intersections analyzed in the CPHPS EIR have considerable overlap with the Project Site study intersections due to the proximity of the two development areas. A set of forecasts consistent with this methodology were developed for this EIR by backing out the trips generated by the land uses for each of the development scenarios assumed for the CPHPS EIR and then adding in the newly calculated trips.... The cumulative development program assumed in these forecasts includes large projects such as CPHPS (over 10,000 housing units, 2.5 million square feet of research and development, and almost 1 million square feet of local- and regional-serving retail), Executive Park, Schlage Lock site, India Basin Shoreline, and Visitacion Valley. These projects represent at least 20 years of development.”

BCC-796 [See page 5-302 for the original comment] The analysis of project-specific impacts on library resources contained in Section 4.L of the Draft EIR concluded that the residential development proposed as part of the DSP and DSP-V scenarios would generate a need for additional library space and services beyond what currently exists in the City in order to maintain existing services to the Brisbane community and not impact libraries in surrounding communities. Mitigation Measure 4.L-4 requires that a new library facility be provided within the Baylands in the DSP and DSP-V scenarios to serve the needs of Baylands residents.

The text on page 6-41 of the Draft EIR is hereby revised to clarify this information:

Cumulative development would increase residential population and generate new employment, which would increase the demand on library

services. However, public library facilities in San Francisco are in a system separate from that of San Mateo County, and are intended to serve the needs of San Francisco residents. Development of the Baylands with residential uses as proposed in the DSP and DSP-V scenarios would cause a significant impact on existing Brisbane and San Mateo County library facilities; therefore, Mitigation Measure 4.L-4 requires a new library to be provided within the Baylands to reduce that impact to below the level of significance. With implementation of Mitigation Measure 4.L-4, the proposed DSP and DSP-V scenarios would avoid a substantial contribution from the Baylands to cumulative impacts on area libraries given the increased availability of electronic materials and materials through inter-library loans, and an associated reduced reliance on large stored collections, an increased demand for library services can be met without requiring new or physically altered library facilities. As noted above, adequate provision of library services cannot be evaluated by measuring the collection size within a specific branch against the number of registered borrowers or per capita. It is therefore concluded that the Project Site development, in conjunction with past, present, and reasonably foreseeable future projects, would not result in a significant cumulative effect.

BCC-797 [See page 5-302 for the original comment] See Response BCC-796. Mitigation Measure 4.L-4 requires provision of a new library within the Baylands should residential development be permitted within the Baylands. The final paragraph on page 6-41 of the Draft EIR is revised to read as follows.

Cumulative development would increase residential population and generate new employment, which would increase the demand on library services. However, given the increased availability of electronic materials and materials through inter-library loans, and an associated reduced reliance on large stored collections, an increased demand for library services can be met without requiring new or physically altered library facilities beyond those already proposed as part of cumulative development projects, including the Baylands (DSP, DSP-V scenarios). The impacts of these facilities have been analyzed as part of the cumulative projects, and no significant impacts would occur as the result of library construction. As noted above, adequate provision of library services cannot be evaluated by measuring the collection size within a specific branch against the number of registered borrowers or per capita. It is therefore concluded that the Project Site development, in conjunction with past, present, and reasonably foreseeable future projects, would not result in a significant cumulative effect.

BCC-798 [See page 5-302 for the original comment] Draft EIR Section 4.M, *Recreational Resources*, provides a more detailed discussion about the use of recreational facilities and resources by both residential and non-residential land uses. The Cumulative impact analysis pertaining to recreational resources in Chapter 6.0 also summarizes some of the key points in Section 4.M. As discussed in Section 4.M, the standards in Brisbane's General Plan and Municipal Code, as well as the State's Quimby Act for parkland provision are based on residential population, and not non-residential uses (office, commercial, industrial etc.). This is because the primary demand for park and recreation facilities comes from local residents, rather than workers who would use parks and recreational facilities for informal activities on weekdays before and after work, as well as during lunch breaks. These weekday times do not represent the peak hours for park use, which occur on weekends and holidays when workers are not present. The exception to this is for organized team sports (i.e., softball and other athletic leagues) where fees are required and availability of facilities can be controlled by the City.

Nevertheless, the Draft EIR (page 4.M-21) acknowledges in the DSP and DSP-V scenarios that area workers will use public parks and recreational facilities. As noted on page 4.M-21, applying the Municipal Code requirement of 4.5 acres of park land to *both* Baylands resident and employment population would result in a need for up to 122 acres of parkland in the DSP and DSP-V scenarios. By comparison, the DSP and DSP-V scenarios provide a total of 133.6 acres of park and recreational land, exclusive of habitat preservation and enhancement areas that would not qualify as park or recreational land. Thus, parks and recreational facilities in the DSP and DSP-V scenarios are sufficient to accommodate both resident and worker populations.

Draft EIR page 4.M-21 notes that the CPP and CPP-V scenarios, which do not propose any residential use, would generate 14,707 and 14,590 employees, respectively. The Draft EIR also notes that the CPP and CPP-V scenarios would provide more than 300 acres of parks and open space at buildout. The discussion of parks for the CPP and CPP-V scenarios starting on page 4.M-21 is hereby revised to read as follows:

Under the CPP or CPP-V scenario, no residential units would be constructed; therefore, there would be no resident population within the Project Site, although the employee population would increase. Development under the CPP or CPP-V scenario would result in approximately 14,707 employees or 14,590 employees working at the Project Site, respectively. The CPP or CPP-V scenario would provide more than 300 acres of parks and open space at buildout, with no residential uses on the Project Site. As noted above, standards addressing the amount of parks needed to serve new development refer only to new resident populations. ~~The~~ Although the park standards in the Brisbane

General Plan, Municipal Code, and the Quimby Act are not intended for application to the employment population of a proposed development, applying the Municipal Code standard of 4.5 acres of park land per 1,000 population to workers in the CPP and CPP-V scenarios would result in a presumed need for 66.2 and 66.7 acres of park land, respectively. By comparison, the CPP and CPP-V scenarios provide 330 acres of parks and open space in addition to the lagoon and lagoon perimeter. Thus, sufficient open space to meet the needs of workers would be provided by the CPP and CPP-V scenarios.

While there would be no residents living within the Project Site under the CPP and CPP-V scenarios, it is nevertheless recognized that employees working at the Project Site could use recreation and open spaces in Brisbane during certain times of the day (e.g., lunch breaks) and immediately after work. However, because employees at the Project Site would have limited opportunities to use recreation and open spaces during working hours, they would typically use parks and recreational facilities for informal activities during weekday lunch breaks and immediately before and after work. These weekday times do not represent the peak hours for park use, which occur on weekends and holidays when workers are not present. Because of the limited times available to workers for recreation, and therefore they would tend to use only parks and recreational areas that are in close proximity to their place of work, with the exception of ball fields used for organized team sports (i.e., softball and other athletic leagues). In cases where parks are not in close proximity (walking distance), increases in employment do not affect park use. As a result, increased employment within the Project Site would not be expected to result in the use of existing parks and recreational facilities to a degree that degradation of such facilities would occur. ~~Further, proposed recreational amenities would be available for use by Project Site employees. Therefore, no substantial degradation of recreational facilities would occur under the CPP or CPP-V scenario.~~

BCC-799 [See page 5-302 for the original comment] See Response BCC-798.

BCC- 800 [See page 5-303 for the original comment] Because a large portion of Baylands-related trips would be to San Francisco, evaluation of impacts to San Francisco Muni services are relevant to the CEQA threshold regarding impacts on transit.

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2.9.3 City of Brisbane Open Space and Ecology Committee

OSEC-1 [See page 5-304 for the original comment] The comment provides an introduction to the comments provided by the Open Space and Ecology Committee (OSEC).

OSEC-2 [See page 5-304 for the original comment] In preparing the EIR for the Brisbane Baylands, the City has met not only the specific requirements of CEQA but also its basic purposes and “spirit.” Section 15002 (a) of CEQA Guidelines states that the basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

As further described in Section 21000 of the California Resources Code, in adopting CEQA, the state legislature found and declared that:

- (a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.
- (b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.
- (c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.
- (d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.
- (e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
- (f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted

efforts by public and private interests to enhance environmental quality and to control environmental pollution.

- (g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

The “spirit” of CEQA is described in Section 21001 of the California Resources Code in which the state legislature, in adopting CEQA found and declared that it is the policy of the state to:

- (a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.
- (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to man’s activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
- (d) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.
- (e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
- (f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.
- (g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

OSEC-3 [See page 5-304 for the original comment] Comment OSEC-3 does not raise significant environmental issues, but speaks to the planning review and deliberations that the City would undertake following certification of an EIR for the Baylands. As noted in Master Response 4, the CEQA analysis undertaken in the Baylands EIR is one of several inputs that the City Council will use when it comes time for considering whether to approve, modify, or not approve proposed development within the Baylands.

OSEC-4 [See page 5-305 for the original comment] Definitions for the terms identified in Comment OSEC-4 are as follows. Page numbers within the parentheses refer to the page number cited in Comment OSEC-4.

Open Space/Open Area (page 1-1) refers to a land use designation set forth in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios.

Existing development (page 1-2), includes those buildings, structures, and uses present within the Baylands during the 2010 baseline year.

New development (page 1-2) refers to the buildings, structures, and uses proposed under each of the scenarios, including the total amount of new building area.

Total development (page 1-2) is not a term used on the page cited in Comment OSEC-4, but means the total amount of building area proposed under each of the scenarios.

Reasonably feasible (page 1-8) is taken from State CEQA Guidelines Section 15151. Under CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Developed area (page 2-2) as used on page 2-2 refers to the building area within the Recology site.

Public sources (page 3-60) as used on page 3-60 refers to public funding mechanisms such as, but not limited to highway and roadway funds, to be used for funding of Bi-County transportation improvements.

Private sources (page 3-60) as used on page 3-60 refers to private sector funding sources for Bi-County transportation improvements such as, but not limited to development fair share funding contributions.

Baseline height (Chapter 4.A). Although Comment OSEC-4 requests a definition of this term as it is used in Chapter 4.A, the term “baseline height” is not used in the Draft EIR.

Urban (page 4.A-1) refers to development of residential uses at a density greater than 2 dwelling units per acre, commercial, business park, commercial entertainment and other similar uses, along with associated open space and other amenities. As used in the Draft EIR, “urban” encompasses densities that may commonly be considered to be “suburban.”

Limited (with respects to quantity, quality, biodiversity) (page 4.A-4) refers to areas of sparse vegetation and areas where natural vegetation is broken up by larger areas of open or barren ground.

ROG (Reactive Organic Gases) (page 4.B-18) or volatile organic compounds are as defined in 40 CFR Part 51 Section 51.100 as any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than those identified in 40 CFR Part 51 Section 51.100 (1), which have negligible photochemical reactivity.

Topographical change (page 4.C-1) Although this term does not appear on page 4.C-1, depending on the context of its use, “topographical change” refers to differences in topography, such as differences between hillside and flat valley lands, or differences in elevations that would occur as the result of site grading.

Native soil (Section 4.D) refers to soils native to the site that were not placed by humans to fill the Bay or to cover pre-existing soils.

Clean soil (page 4.E-1) The term “clean soil” is a common term used in the construction industry to denote soils that are free of rubble and construction debris. As used in the Draft EIR, it refers to the 20 to 30 feet deep layer of soil used as final cover over the landfill to prevent human contact with refuse from residential, commercial, industrial activities including shipyard waste, construction rubble, tires, and sewage.

Primarily (with respect to Old Bay Mud and New) (page 4.E-1) as used with respect to the location of Bay Mud soils refers to the locations at which the Bay Mud soils unit is most commonly present at shallow depths (along the Bay shoreline and lagoon perimeter).

Typical (page 4.J-4, page 4.E-25) “Typically,” as used on page 4.E-25 and page 4.J-4 is interchangeable with “in general.”

Breached (page 4.E-38), as used on page 4.E-38 means pierced.

Over consolidated (page 4.E-45) “Consolidation” refers to the reduction in volume of a soil unit when loading (such as fill or a building) is placed on top of it. When stress is removed from a consolidated soil, the soil will rebound, regaining back some of the volume it had lost in the consolidation process. If the stress is reapplied, the soil will consolidate again. The soil which had its load removed is considered to be *over-consolidated*.

Well-defined aquifer (page G-24) is defined as an aquifer between two distinct layers of earth that “confine” the aquifer of interest. Such an aquifer would be readily visible in a cross section obtained from multiple boring logs.

BMPs (Section 4.H) is the acronym for “best management practices.” In relation to stormwater management, BMPs are control measures taken to mitigate changes to both quantity and quality of urban runoff caused through changes to land use. BMPs are designed to reduce stormwater

volume, peak flows, and/or nonpoint source pollution through evapotranspiration, infiltration, detention, and filtration or biological and chemical actions. Stormwater BMPs are often classified as “structural” (i.e., devices installed or constructed on a site) or “non-structural” (procedures, such as modified landscaping practices). The US EPA publishes lists of stormwater BMPs for use by local governments, builders, and property owners.

Clean fill (Section 4.H) is a common term used in the construction industry to denote fill soils that are free of rubble and construction debris.

NPDES (page 4.H-11) is the acronym for the National Pollutant Discharge Elimination System, which is described in detail on page 4.H-11.

Pest (page 4.H-34) as used in Mitigation Measure 4.H-5 on page 4.H-34, “pests” refers to nuisance animals, such as mice, rats, and mosquitos that threaten the public health by spreading diseases.

Centrally located facilities (page 4.I-19) is a term used in Brisbane General Plan Policy 27, which reads in whole, “Provide centrally located public facilities for public services and community events so as to maximize use by Brisbane residents and businesses.” “Centrally located facilities” is not defined in the General Plan beyond its use in Policy 27. The evaluation of consistency with General Plan Policy 27 on page 4.I-19 is based on a working definition that centrally located public facilities consist of public facilities located so as to be convenient to the Brisbane residents and businesses they serve.

Podium parking (page 4.N-69) refers to a semi-subterranean or above ground parking structure built as an integral part of a multi-story commercial, mixed-use, or residential building that forms the base of the building.



Qualifying phase of development (page 4.N-146) The phrase “qualifying phase of development” is not actually used in the Draft EIR. A “qualifying development project,” as the term is used on page 4.N-146 refers to a project that would generate 100 or more net new trips during the AM or PM peak hour, and would thus be required to mitigate the impacts of net increases in trips pursuant to the County’s Congestion Management Program (CMP).

Habitable (page 4.O-38) As used in Mitigation Measure 4.O-1a on page 4.O-38, “habitable structures” refers to structures designed for human occupancy, including residential, and non-residential (e.g., commercial) structures.

OSEC-5 [See page 5-306 for the original comment] The DSP and DSP-V scenarios both propose 4,434 residential dwelling units, which is consistently used where the number of proposed dwelling units is identified.

OSEC-6 [See page 5-306 for the original comment] See Master Response 15 for discussion regarding the adequacy of existing contamination studies of the Baylands for use in the EIR. As part of EIR preparation, Dr. Lee’s report was considered. Thus, Dr. Lee’s report is included with EIR reference documents, and is on file with the Brisbane Community Development Department.

OSEC-7 [See page 5-306 for the original comment] The CPP and CPP-V scenarios each encompass the same 733 acres. The acreage callouts for the CPP and CPP-V scenarios consistently describe 733 acres when an acreage figure is given. All figures in the Draft EIR indicate the same boundaries for the 733-acre Brisbane Baylands Project Site, including **Figure 3-14**, which illustrates the land uses proposed in the CPP and CPP-V scenarios.

OSEC-8 [See page 5-306 for the original comment] Tables 3-2A through 3-2C provide the correct information regarding proposed development within the Baylands.

The square footages described in Chapter 1 of the Draft EIR starting on page 1-1 are intended to reflect new, rather than total, building area. The description of the four concept plan scenarios starting on page 1-1 is revised to read as follows.

The proposed Project consists of the following components:

- A **Concept Plan** for the development of the Baylands, as required by the Brisbane General Plan prior to development within the Baylands. Development of the following four Concept Plans are evaluated in the EIR at an equal level of detail:
 - ***Developer-Sponsored Plan (DSP)***. The DSP scenario was proposed by Universal Paragon Corporation (UPC), the primary landowner at the Project Site, and is defined within the February 2011 *Draft Brisbane Baylands Specific Plan* (Specific Plan). The DSP includes only the 684-acre portion of the Baylands within the Brisbane city limits and excludes the 44.2-acre Recology site and adjacent road rights-of-way. The DSP proposes approximately 7 million square feet of office/ retail /industrial/ institutional uses, 4,434 residential units, approximately 169.7 acres of “open space/open area,” and approximately 135.6 acres of “lagoon” area.

Total new development under the DSP would be approximately 12.1 million square feet of new building area.

- ***Developer-Sponsored Plan – Entertainment Variant (DSP-V)***. The DSP-V scenario is also proposed by UPC and defined within the Specific Plan. The DSP-V encompasses the same 684-acre area as the DSP. It is similar to the DSP in its development intensity and land use pattern, but replaces the retail and office/research and development (R&D) uses proposed under the DSP in the northeast portion of the Project Site with entertainment-oriented uses, including a 17,000- to 20,000-seat sports arena, a 5,500-seat concert theater, a multiple-screen cinema, and more conference/ exhibition space and hotel rooms than are proposed under the DSP. New development under the DSP-V also includes 4,434 residential units, and would total approximately 12.0 million square feet of new building area.
- ***Community Proposed Plan (CPP)***. The CPP scenario was developed through extensive community input and designated for study in this EIR by the Brisbane City Council in 2010. The CPP provides for approximately 7.7 million square feet of office, industrial, commercial, and institutional uses, along with approximately 330 acres of open space/open area and the 135.6-acre lagoon. In addition to the 684-acre area included as part of the DSP, the CPP includes the 44.2-acre Recology site, which spans the cities of Brisbane and San Francisco, encompassing the Beatty Subarea designated in the City of Brisbane General Plan and adjacent roadway rights-of-way for a total area of 733 acres. The CPP does not include residential development. New development under the CPP would total approximately 7.7 million square feet of new building area.
- ***Community Proposed Plan – Recology Expansion Variant (CPP-V)***. The CPP-V scenario encompasses the same 733-acre area as the CPP scenario, and differs from the CPP in that it proposes expansion of the existing Recology facility in the northeast portion of the Brisbane Baylands within the Brisbane city limits. Under the CPP-V scenario, Recology would expand southward from its current boundary, replacing the hotel and R&D uses proposed under the CPP just north of Geneva Avenue and east of Tunnel Road. The existing 44.2-acre Recology site would expand by 21.3 acres to a total of 65.5 acres, consolidating existing offsite recycling and corporation yard facilities into one location within the Baylands. The square footage of the developed areas on the Recology site would increase from the existing 260,000 square feet to 1,011,000 square feet. Total new development under the CPP-V scenario would be approximately 8.1 million square feet of new building area.

OSEC-9 [See page 5-306 for the original comment] The comment mistakenly assumes that the project site acreage and proposed development (building) square footage are interchangeable. Acreage is used consistently and exclusively throughout the Draft EIR to measure the size of the Baylands Project site and land areas within the Baylands Project Site. Square footage is used consistently and exclusively throughout the Draft EIR to measure building area. Comment OSEC-9 is correct in stating that the Draft EIR describes the size of the Baylands Project site as being 733 acres. It is incorrect, however, that 7.7 million square feet is used to describe the size of the Baylands Project site. 7.7 million square feet is the total square footage of new building area under the CPP scenario.

OSEC-10 [See page 5-306 for the original comment] Each analysis section within Chapter 4 (Sections 4.A through 4.O) contains a Regulatory Setting Section that describes the laws, regulations, and policies germane to the environmental issues addressed in that section, along with a description of the agencies implementing these laws, regulations, and policies. In addition, Section 3.5.1 of the Draft EIR provides a single location for the listing of the various permits and approvals required for implementation of proposed Baylands development, along with an identification of the agencies providing such permits and approvals.

OSEC-11 [See page 5-306 for the original comment] The proposed General Plan Amendment needed to achieve consistency with the Brisbane General Plan is identified on pages 1-2, 2-3, 2-4, 3-2, 3-40, 3-46, 3-52, 3-53, 3-77, and 3-79 of the Draft EIR. In addition, the proposed General Plan Amendment to remove the existing General Plan prohibition on housing within the Baylands (Policy 330.1) to achieve General Plan consistency for the DSP and DSP-V scenarios as they are currently proposed is identified in the Draft EIR on pages 2-53, 3-53, 4.I-16, and Table 4.I-1. Mitigation Measure 4.I-1 requires amending the General Plan to remove Policy 330.1 as a prerequisite for approval of residential uses within either the DSP or DSP-V scenario.

Because of the numerous mentions of the need for a General Plan Amendment to achieve consistency, including specific references to the need to remove the existing General Plan prohibition against housing within the Baylands for the DSP and DSP-V scenarios to be consistent with the General Plan, addition of a footnote on page 2-29 to that effect is not necessary.

OSEC-12 [See page 5-306 for the original comment] See Master Response 6 for discussion of Statements of Overriding Considerations.

OSEC-13 [See page 5-306 for the original comment] As discussed in Master Response 7, the baseline year for analysis in the Draft EIR is 2010. Thus, unless otherwise specified in the Draft EIR, all impact statements are analyzed in relation to the changes in 2010 baseline conditions that would occur should proposed Baylands

development is approved. It is therefore unnecessary to cite the 2010 baseline year in any particular Impact Statement.

OSEC-14 [See page 5-307 for the original comment] The Hunters Point – Candlestick Point development is included in the analysis of traffic under cumulative conditions and is also included in the cumulative projects addressed in the cumulative impacts analysis set forth in Draft EIR Chapter 6.

The second paragraph on page 3-4 of the Draft EIR within Section 3.1, *Regional Setting*, is revised to read as follows:

The area surrounding the Project Site includes residential areas in San Francisco, Daly City, and the western portion of Brisbane, and commercial/industrial uses near the San Francisco/San Mateo County line and along Bayshore Boulevard. The Visitacion Valley neighborhood of San Francisco adjoins the northwestern border of the Brisbane Baylands. Candlestick Park, an ~~existing~~ former National Football League venue, is approximately 0.5 mile northeast of the Brisbane Baylands, east of US Highway 101. Candlestick Park is anticipated to be demolished in 2015 to allow for future redevelopment including a mix of retail, housing, and entertainment venues. Central Brisbane lies directly west of Brisbane Lagoon, separated by Bayshore Boulevard. Sierra Point, an office/commercial/hotel development with access to the Brisbane Marina, lies just to the southeast of Brisbane Lagoon on the east side of US Highway 101. Caltrain, a major commuter line connecting San Francisco with communities in the Peninsula region and San Jose, has tracks that bisect the Brisbane Baylands, with the nearest Caltrain station (Bayshore Station) located at the northern end of the Baylands. The Brisbane Fire Station (Station Number 81), operated by the North County Fire Authority, is located on Bayshore Boulevard just outside of the southwestern edge of the Project Site.

OSEC-15 [See page 5-307 for the original comment] Figures 3-2 and 4.I-1 illustrate the existing Baylands site and surrounding land uses. As shown on these maps, the Visitacion Valley residential neighborhood is located north of the northern boundary of the Baylands Project site. The second paragraph on page 3-4 is revised to read as follows.

The area surrounding the Project Site includes residential areas in San Francisco, Daly City, and the western portion of Brisbane, and commercial/industrial uses near the San Francisco/San Mateo County line and along Bayshore Boulevard. The Visitacion Valley neighborhood of San Francisco ~~adjoins the~~ is located northwestern border of the Brisbane Baylands. Candlestick Park, an ~~existing~~ former National

Football League venue, is approximately 0.5 mile northeast of the Brisbane Baylands, east of US Highway 101. Central Brisbane lies directly west of Brisbane Lagoon, separated by Bayshore Boulevard. Sierra Point, an office/commercial/hotel development with access to the Brisbane Marina, lies just to the southeast of Brisbane Lagoon on the east side of US Highway 101. Caltrain, a major commuter line connecting San Francisco with communities in the Peninsula region and San Jose, has tracks that bisect the Brisbane Baylands, with the nearest Caltrain station (Bayshore Station) located at the northern end of the Baylands. The Brisbane Fire Station (Station Number 81), operated by the North County Fire Authority, is located on Bayshore Boulevard just outside of the southwestern edge of the Project Site.

- OSEC-16** [See page 5-307 for the original comment] **Figure 3-3** identifies topography for the Baylands Project site, which does not extend to or beyond the San Francisco Bay shoreline. No revisions to that figure are therefore needed.
- OSEC-17** [See page 5-307 for the original comment] The portions of the Baylands Project site within the former landfill were, in fact, filled prior to the dates shown on Figure 3-4. Since the dates that the Bay was filled are accurately described in the Section 3.2.1 of the Draft EIR, *Site History*, Figure 3.4 is unnecessary, and is deleted from the EIR.
- OSEC-18** [See page 5-307 for the original comment] The four maps shown in **Figure 3-5** were extracted from U.S. Geological Survey maps, specifically the San Mateo quadrangle, 15-minute series. This information is provided at the bottom of the figure under “Source.”
- OSEC-19** [See page 5-307 for the original comment] See Master Response 13 for discussion of the adequacy of existing hazardous materials characterization studies for use in the Draft EIR. Any contamination from the facility identified in this comment would be included in the hazardous materials studies undertaken for the Baylands Project Site.
- OSEC-20** [See page 5-307 for the original comment] See Master Response 9 for discussion regarding identification of wetlands within the Baylands Project site. The frog habitat referred to in Comment OSEC-20 was not observed during the numerous site surveys conducted in 2003, 2007, 2011, and 2013 by various professional individuals and consulting firms.
- OSEC-21** [See page 5-307 for the original comment] The Brisbane Bayshore Industrial Park is specifically identified and described on page 3-17. Since buildings within the industrial park are proposed to be removed during site construction under all

four development scenarios, no analysis of project impacts on park occupants or structures is required.

OSEC-22 [See page 5-307 for the original comment] Baseline ridership for Caltrain at the Bayshore station was collected in February 2011. The Baby Bullet service bypassed the Bayshore station then, as it does today. The February 2011 counts are appropriate, as Baby Bullet service has not substantially changed since 2005. As stated on page 4.N-14, the Baby Bullet train does not serve the Bayshore Station, nor has it historically served that station.

OSEC-23 [See page 5-307 for the original comment] Caltrain is responsible for maintaining elevators at the Bayshore Caltrain Station. Elevator access on the pedestrian overpass does not, however, affect the demand analysis presented in Section 4.N, *Traffic and Circulation*.

OSEC-24 [See page 5-307 for the original comment] The existing conditions section describes key arterials and collector streets near to the Baylands site. Carter Street connects Geneva Avenue to Guadalupe Canyon Parkway and was not considered to be a major thoroughfare to access the Baylands site, though it is included as part of study intersection 16, where it intersects with Geneva Avenue. Industrial Way is a minor dead-end street, which was not considered to be a major thoroughfare to access the Baylands site. Old County Road does provide major access between Central Brisbane and the Baylands site.

The following text is added following the second bullet point on page 3-19 and following the last bullet point on page 4.N-4:

- Old County Road is a two-lane east-west collector street that connects Bayshore Boulevard and Tunnel Avenue with Central Brisbane.

OSEC-25 [See page 5-308 for the original comment] Figure 3-8 is intended to show site ownership and easements, not regulatory authority or the boundaries of the lagoon. The lagoon and lagoon edge, consisting of submerged lands and upland areas, encompass all lands south of the “city-owned Right-of-Way (Lagoon Road).

OSEC-26 [See page 5-308 for the original comment] As described by California Government Code Section 56076, the sphere of influence represents the probable ultimate physical boundaries and service area of a local government agency. Thus, the “Brisbane Sphere of Influence” notation on page 3-25 identifies an unincorporated area of San Mateo County that could some day be annexed into the City. The San Mateo County Local Agency Formation Commission (LAFCO) has sole responsibility for establishing a city's sphere of influence within the County.

OSEC-27 [See page 5-308 for the original comment] An updated listing of land ownership within the Baylands Project site is provided in Final EIR Chapter 3.0.

OSEC-28 [See page 5-308 for the original comment] An updated listing of land ownership within the Baylands Project site is provided in Final EIR Chapter 3.0. Information on the dates that individual property owners acquired their land is not relevant to the analysis of physical impacts of proposed development within the Baylands.

OSEC-29 [See page 5-308 for the original comment] A review of the map on page 61 of the General Plan indicates that the boundary line between the Trade Commercial and Lagoon designations appears to be near, but does not touch, Lagoon Road. Given the scales of the map on page 61 of the General Plan and Draft EIR Figure 3-9, no revision to **Figure 3-9** is warranted.

OSEC-30 [See page 5-308 for the original comment] **Figure 3-9** illustrates General Plan land use designations. The Brisbane General Plan's "Open Space" designation does not distinguish between public and private open space areas. Thus, no revision to **Figure 3-9** is warranted.

OSEC-31 [See page 5-308 for the original comment] Existing land uses are mapped in **Figure 4.I-1**.

OSEC-32 [See page 5-308 for the original comment] As set forth in Brisbane Municipal Code Section 17.02.400, building height is defined and measured as follows.

“Structures. As applied to structures, height means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped or vaulted roof. The reference datum shall be the lowest point of elevation of the finished grade between the building and the property line when the property line is five (5) feet or less from the building. When the property line is more than five (5) feet from the building, the reference datum shall be the lowest point of elevation of the finished grade between the building and a line five (5) feet from the building. When the finished grade results from fill, the reference datum shall be the lowest point of elevation of the natural grade prior to the placement of the fill. In the case of a stepped or terraced building, each segment of the building shall be separately measured and the height of the building shall be the maximum height of the highest segment.”

However, because (1) the entirety of the Baylands consists of fill material, (2) “natural grade” is well below ground, and (3) landfill closure will require capping of the landfill with additional soil materials, the definition of building height set forth in Municipal Code Section 17.02.400 would be ineffective for

use within the Baylands. Thus, “building height” as it will be used in the Baylands will be measured from the final grades approved by the City of Brisbane, which will be indicated based on elevation above mean sea level.

OSEC-33 [See page 5-308 for the original comment] The last paragraph on page 3-40 is revised to read as follows.

As shown in Table 3-4C 3-2C above, the CPP includes 7,742,600 square feet of new non-residential development. No residential development is proposed in the CPP. The CPP includes the existing 44.2-acre Recology facility. The CPP scenario emphasizes maximizing the quality of public space and concentrating development near transit. Under the CPP scenario, almost all of the land area south of Visitacion Creek would be designated for passive open space and active recreational use (see **Figure 3-13**).

OSEC-34 [See page 5-308 for the original comment] None of the colors in **Figures 3-13** and **3-14** are intended to indicate private open space. The use of hashed colors is necessary to indicate both the underlying proposed land use and the proposed overlay area.

OSEC-35 [See page 5-308 for the original comment] The Draft EIR does not provide environmental clearance for recreational use of the lagoon. It is anticipated that Biological Resources Mitigation Measures 4.C-2a, 4.C-4a, and 4.C-4b, calling for avoidance of impacts to wetlands, as well as for development of an Open Space Plan meeting specified performance standards will lead to restoration of shoreline wetland habitat along the edge of the lagoon, precluding future recreational improvements and use of the lagoon for kayaking.

OSEC-36 [See page 5-308 for the original comment] Table 3-3 of the Draft EIR provides information on proposed development intensity for the DSP and DSP-V scenarios, including maximum building heights, density (dwelling units per acre for proposed residential uses), and maximum floor area ratio (for non-residential uses). The information presented in that table is taken from the proposed Brisbane Baylands Specific Plan, which was prepared by the applicant for the DSP and DSP-V scenarios.

Table 3-4 provides information on proposed development intensity for the CPP and CPP-V scenarios, including maximum building heights and floor area ratios (minimum and maximum) for non-residential uses.

Information on minimum floor area ratios for non-residential uses in the DSP and DSP-V scenarios was not provided in either the DSP and DSP-V concept plan scenarios or Brisbane Baylands Specific Plan. Typically, establishment only of maximum floor area ratios is required. Because residential development is not

proposed in the CPP or CPP-V scenario, information on dwelling units per acre was not presented in Table 3-4. Also, the CPP and CPP-V scenarios set requirements for maximum building heights, not number of stories. Information regarding the maximum number of stories permitted for buildings in the CPP and CPP-V scenarios was not developed, and was therefore not presented in Table 3-4 as it was for the DSP and DSP-V scenarios in Table 3-3.

OSEC-37 [See page 5-308 for the original comment] Section 4.L, *Public Services*, notes that because state law permits parents to register their children for school based on either their place of residence or their place of employment, non-residential development can, in fact, generate new students to a school district. As discussed on page 4.L-27, “considering the declining enrollment and the excess capacity currently available in JUHSD schools, it is likely that students generated by the CPP or CPP-V scenario would not result in the need for new or expanded high school facilities beyond what is already underway and planned within the JUHSD (see Table 4.L-2).” Although a new high school facility would not be required under the CPP and CPP-V scenarios, a site for a charter high school was nevertheless included in the land use plan for those scenarios.

OSEC-38 [See page 5-308 for the original comment] The relevant CEQA threshold of significance related to schools addresses whether a proposed project would “emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within 0.25 mile of an existing or proposed school.” The Draft EIR addresses this issue in Section 4.G.

As noted in Mitigation Measure 4.G-3 on page 4.G-100, California Code of Regulations (CCR) Title 5, Section 14010 sets forth California Department of Education criteria for school site locations. Mitigation Measure 4.G-3 also requires that Grade K-12 school facilities comply with California Education Code Sections 17210 - 17224 and related statutory provisions related to risk to human health or the environment at proposed school properties as overseen by the Department of Toxic Substances Control (DTSC). Final design plans for schools are required to be approved by the School Facilities Planning Division of the California Department of Education prior to commencement of construction. In addition, all required remediation within 0.25 miles of a proposed K-12 school site within the Project Site is required to be completed prior to occupancy of the school.

Impacts related to toxic air contaminants, including the release of diesel particulate matter from construction truck trips and/or delivery truck trips (when the haul routes are located within one-quarter mile of an existing or proposed school) are identified in Section 4.B, *Air Quality*.

CEQA has special requirements for analysis of proposed school facilities and siting of schools in relation to hazardous materials, wastes and other substances, in that any potential health impacts must be examined and disclosed in a CEQA document and that the lead agency must consult with other agencies in this regard. CEQA Guidelines Section 15186, School Facilities, states, in part:

“(c) When the project involves the purchase of a school site or the construction of a secondary or elementary school by a school district, the negative declaration or EIR prepared for the project shall not be adopted unless:

- (1) the negative declaration, mitigated negative declaration, or EIR contains sufficient information to determine whether the property is:
 - (A) the site of the current or former hazardous waste or solid waste disposal facility, and if so, whether wastes have been removed;
 - (B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 253000) of Division 20 of the Health and Safety Code.
 - (C) The site of one or more buried above ground pipelines which carry hazardous substances, acutely hazardous materials, or hazardous wastes, as defined in Division 20 of the Health and Safety Code.
 - (D) Within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.
- (2) The lead agency has notified in writing and consulted with the county or city administering agency (as designated pursuant to Section 25502 of the Health and Safety Code) and with any air pollution control district or air quality management district having jurisdiction to identify facilities within one-fourth mile of the proposed school site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous material, substances or waste.”

As discussed in Section 4.G, *Hazards and Hazardous Materials*, remedial actions and cleanup levels for parcels within the former landfill and railyard portions of the Baylands would be finalized with preparation of Remedial Action Plans and a formal landfill closure plan. The Remedial Action Plans and may require deed restrictions on certain uses, including schools, to limit human exposures to contaminants above levels considered protective of unrestricted use. Therefore, the results of the remediation process may also preclude construction of schools within certain areas of the Baylands Project Site.

OSEC-39 [See page 5-309 for the original comment] No revision is needed to the description of Program 330b of the adopted 1994 Brisbane General Plan, which reads as follows:

Program 330b: Specific Plans shall address the heights of buildings and building groups to achieve the following:

- a. diversity of height within the subarea;*
- b. creative excellence in architectural and site design;*
- c. visual acceptability when seen from above;*
- d. a complementary relationship to the overall topography, especially the Lagoon, San Bruno Mountain and the Bay, and the entrance to Central Brisbane;*
- e. open space and open areas.*

Development south of the Bayshore Basin drainage channel shall maintain a low profile permitting low or mid rise buildings, not to exceed six stories in height, in order to preserve the existing views of San Francisco and San Francisco Bay as seen from Central Brisbane, and to maximize the amount of landscape and open space or open area in this portion of the subarea.

See Response OCEC-32 for discussion regarding the Zoning Ordinance's definition of building height and requirements for measuring building height within the Baylands. Because the entirety of the Baylands consists of fill materials, building heights will be measured from the finished grades approved by the City of Brisbane.

OSEC-40 [See page 5-309 for the original comment] Moderation of temperatures and changes in the amount of light received by vegetation resulting from shading by proposed buildings can result in indirect impacts to the growth of vegetation and shade-intolerant species along the interface between habitat and development areas. Shading that moderates water temperatures and available light of water bodies has also been known to result in indirect impacts on aquatic vegetation and species. However, to analyze such impacts would require information on the site-specific location, shape, and height of proposed buildings and a detailed understanding of their location in relation to proposed habitat areas, along with an understanding of the specific vegetative species that would be subject to shading from proposed building development. Such analysis can only be performed once site-specific development projects are proposed, and would be included in the environmental review of subsequent site-specific development projects where shading from buildings could negatively affect habitat areas and result in a significant indirect impact.

In the case of proposed Baylands development, the Baylands Project Site would be subject to substantial remediation and earthwork during grading (with the

exception of Brisbane Lagoon). Consequently, many existing habitat areas would be removed, the impacts of which are addressed in Section 4.C, *Biological Resources*. Section 4.C sets forth performance standards for biological restoration to occur once the Site has been graded with new fill. As part of those performance measures, the Applicant is required to implement an Open Space Plan (Mitigation Measure 4.C-4a) and Marsh Wildlife and Habitat Protection Plan (Mitigation Measure 4.C-4b) to provide for wildlife movement corridors and to enhance habitat from native wildlife species. Once those two requirements have been fulfilled, development of the site may occur. Large buildings, i.e., hotel and conference space, are proposed in the northern portion of the site along Geneva Avenue. The open space where biological restoration would occur is proposed in the southern portion of the site away from the most intense development with the tallest buildings. In addition, requirements for lowering building heights within 350 feet of the US 101 freeway, along with the separation of future development from the Bay shore by the US 101 freeway, Sierra Point Parkway, and its future extension north to the Candlestick interchange will minimize shading effects on aquatic habitats.

OSEC-41 [See page 5-309 for the original comment] Comment OSEC-41 provides no factual basis for its assertion that two proposed overcrossings of the Caltrain tracks seem inadequate and may result in a circulation impact. The overcrossing of the Caltrain tracks are proposed along Geneva Avenue with another overcrossing aligned with the Roundhouse building. These overcrossings are in addition to the existing overcrossing at the current Caltrain platform and an additional potential overcrossing north of Geneva Avenue to access the relocated Caltrain platform (see **Figure 4.N-17**). The text on Draft EIR page 3-62 is part of the Draft EIR's project description, and is not intended to provide analysis of impacts. Evaluation of impacts regarding pedestrian and bicycle circulation is provided in Section 4.N as part of Impact 4.N-10, *Pedestrian Access*, and Impact 4.N-11, *Bicycle Access*, both of which conclude that impacts to pedestrian and bicycle circulation would be less than significant based on the proposed configuration.

To clarify the text on page 3-62, the first full paragraph on that page is revised to read as follows.

The Specific Plan proposes a network of pedestrian and bicycle paths within the Baylands. Pedestrian circulation is proposed to include sidewalks and single- or multi-use paths adjacent to roadways within the Specific Plan area. The Specific Plan also establishes streetscape standards and guidelines for the provision of these facilities. Enhanced pedestrian street crossings are proposed in the Specific Plan to provide traffic calming effects and reduced distances at pedestrians crossing streets by using curb extensions or similar features that allow pedestrians

and approaching vehicle drivers to see each other when vehicles parked in a parking lane would otherwise block visibility. The Specific Plan also proposes ~~one pedestrian~~ overcrossings over the Caltrain right-of-way and Tunnel Avenue for pedestrians and bicyclists along the Geneva Avenue extension and Roundhouse Street in addition to the overpasses at the existing and proposed relocated Caltrain platform (see Figure 4.N-17).

While the proposed overcrossings would not result in any significant impacts to pedestrian or bicycle access, as determined in the Draft EIR, whether additional overcrossings would be desirable to promote pedestrian movement within the Baylands will be considered as part of the City's planning review and decisionmaking.

OSEC-42 [See page 5-309 for the original comment] Wind data for the Baylands Project Site indicate that winds from the west and northwest blow more than 75 percent of the time and calm wind scenarios only occur 13 percent of the time. Consequently, the pollutants are dispersed primarily to the east out over San Francisco Bay. Heavier pollutants such as particulate matter could eventually be deposited into the Bay. Other pollutants such as ozone precursors could be transported into the atmosphere under warmer conditions and combine to form ozone.

The Draft EIR identified significant and unavoidable construction-related and operational air quality impacts would result from implementation of all four development scenarios. Thresholds applied in the assessment of impact significance in the Draft EIR were derived by BAAQMD based on federal and state Clean Air Act stationary source limitation levels for non-attainment pollutants and precursors and represent what would constitute cumulatively considerable contributions to air quality.

The health implications of this significant impact would consist of the potential for increased violations of the air quality standards for ozone and particulate matter (both PM₁₀ and PM_{2.5}). As stated on Draft EIR page 4.B-2, elevated ozone concentrations can cause eye irritation, airway constriction, and shortness of breath and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. As stated on page 4.B-5 of the Draft EIR, both long-term and short-term exposure to PM_{2.5} can cause a wide range of health effects (e.g., aggravating asthma and bronchitis, causing visits to the hospital for respiratory and cardiovascular symptoms, and contributing to heart attacks and deaths).

The extent to which these significant emissions would result in adverse health effects is not readily quantifiable on a regional scale. As stated in the 2011 BAAQMD CEQA Guidelines,

“Past, present and future development projects contribute to the region’s adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project’s contribution to the cumulative impact is considerable then the project’s impact on air quality would be considered significant.”

Although Table 4.B-1 of the Draft EIR indicates that the most stringent applicable ozone standards were not exceeded at the nearest (San Francisco) monitoring station between 2006 and 2010, the San Francisco Bay Area Air Basin (SFBAAB) region as a whole experienced an average of nine days of exceedance per year between 2009 and 2013. Project Site development’s ROG, NO_x and PM₁₀ emission increases could contribute to air quality violation in the SFBAAB region by contributing to more days of ozone exceedance or result in air quality index levels that are unhealthy for sensitive groups and other populations. The SFBAAB has averaged between 8 and 19 days per year that are considered unhealthy for sensitive groups and has had 2 unhealthy (red) days in the last 5 years. On unhealthy days, persons are recommended to avoid both prolonged outdoor activities and activities requiring heavy exertion outdoors.

- OSEC-43** [See page 5-309 for the original comment] Brisbane Lagoon is within the boundaries of the Baylands Project site, and is therefore discussed as part of the Baylands Project Site on page 4.A-2, rather than in the Surrounding Area subsection.
- See Final EIR Chapter 3.0 for a revision to Draft EIR page 4.A-1 to indicate the location of San Bruno Mountain is to the south/southwest.
- OSEC-44** [See page 5-309 for the original comment] For consistency, all call-outs of figures (e.g., “Figure 4.A-1”) are shown in the EIR in **bold type**.
- OSEC-45** [See page 5-309 for the original comment] See Final EIR Chapter 3.0 for revised text on Draft EIR pages 4.A-1 and 4.A-2 describing Brisbane’s setting.
- OSEC-46** [See page 5-309 for the original comment] The Cow Palace area is subject to substantial redevelopment, including potential relocation. The Draft EIR includes the East Daly City-Cow Palace (Bayshore Redevelopment Project Area Plan) as cumulative project #12 in Table 6-2, and analyzes that project as part of the evaluation of cumulative effects in Chapter 6.
- OSEC-47** [See page 5-309 for the original comment] The statement on page 4.A-2 of the Draft EIR is intended to describe existing conditions without delving into whether the existing vegetation may have been deliberately planted to screen the Baylands Project Site from Highway 101 or not. The Draft EIR’s description of

the existing visual setting of the site does not involve value judgments regarding whether vegetation along US 101 *should* screen views of the Baylands Project Site or whether the health condition of the vegetation would require replacement *if* it should be decided as part of the planning review process that the vegetation needs to be replaced to provide a visual screen from US Highway 101.

Regardless of its original purpose, existing vegetation does, in fact, partially screen views of the Baylands Project Site, particularly the views of southbound traffic along US 101. The screening effect of existing vegetation is far less pronounced for northbound traffic than it is for southbound traffic along US 101. To better describe the screening effect of existing vegetation along the freeway, the fourth paragraph on page 4.A-2 is revised to read:

The western edge of the Project Site is bordered by Bayshore Boulevard, while US Highway 101 and San Francisco Bay border the Project Site to the east. Existing views of the Project Site is partially screened from view along US Highway 101 and as well as Bayshore Boulevard are partially screened due to vegetative growth along the highway and the boulevard. Views of However, the northern approach to the Project Site along from US Highway 101 are far more available for northbound freeway motorists than for southbound traffic, since northbound freeway motorists are does afforded a brief but encompassing view of the Project Site, with San Bruno Mountain in the background.

OSEC-48 [See page 5-309 for the original comment] The purpose of the visual simulations is to address the extent to which proposed development within the Baylands would have an adverse effect on a scenic vista. The viewpoint locations shown in **Figure 4.A-1** were selected to provide representative locations from which to assess the impacts of Project Site development on scenic vistas of San Bruno Mountain and the San Francisco Bay, and include a mix of ground elevations above mean sea level and distances from the Baylands Project site.

The Draft EIR analysis of visual/aesthetic impacts of the four proposed concept plan scenarios included 12 existing public viewpoints of the Baylands site, including vantage points from both close to the property boundary as well as more distant vantage points from San Francisco and Daly City. Viewpoints 4, 5, 8, 9, and 10 are located in close proximity to the Baylands, while viewpoints 1, 2, 3, 6, and 7 represent longer distance views at higher elevations. Comparisons between viewpoints 1 & 4, 5 & 6, 7 & 8, and 10 & 11 illustrate the differences in view blockage and the perceived size of buildings between closer-in and longer distance views. Together, the visual simulations provide an analysis of changes in views of the Baylands from a reasonable range of direction and distances from the Baylands, as well as ground elevations. Together, the photo simulations effectively demonstrate that significant impacts on scenic vistas will result. For

the large majority of readers, the map of view point locations (**Figure 4.A-1**), combined with the before and after development photo simulations contained in Table 4.A-1 will provide a better understanding of the visual effects of Project site development than would provision of ground elevations for the Baylands and selected viewpoints.

OSEC-49 [See page 5-309 for the original comment] As demonstrated in Table 4.A-1, significant impacts of proposed Baylands development will be evident at the following viewpoints: 1, 2, 3, 4, 5, 7, 8, 9, and 11. Mitigation for these impacts is provided in Mitigation Measure 4.A-1a, Mitigation Measure 4.A-1b, and Mitigation Measure 4.A-3.

OSEC-50 [See page 5-309 for the original comment] The purpose of the visual simulations is to address the extent to which proposed development within the Baylands would have an adverse effect on a scenic vista. The Draft EIR analysis of visual/aesthetic impacts of the four proposed concept plan scenarios included 12 existing public viewpoints of the Baylands site, including vantage points from both close to the property boundary as well as more distant vantage points from San Francisco and Daly City.

The public viewpoints selected by the City represent a reasonable range of directions and distances from the Baylands, as well as ground elevations to address impacts to scenic vistas. These public viewpoints also include locations suggested during receipt of public input during the EIR scoping process. The Draft EIR concluded that impacts from the proposed development scenarios upon existing scenic vistas and view corridors across the Baylands Project site would be significant with the increased intensity of development and taller buildings proposed on portions of the site. Implementation of Mitigation Measures 4.A-1a and 4.A-1b, which would require specific design limitations to avoid blockage of the Bay shoreline from off-site viewpoints, would protect these existing views of scenic vistas across the site.

The additional viewpoints suggested by the comment are substantially covered by the viewpoints analyzed in the Draft EIR (shown on **Figure 4.A-1**):

- **Views from the Bay towards Brisbane:** Viewpoint 6 from Candlestick Point State Recreational Area across the Bay towards the Project Site, while not at a point out in the middle of open water, captures an across-the-water view corridor within which sailing and windsurfing participants would be active. This vantage point is also more likely to be accessed by the general public¹, and as such, represents a reasonable view corridor as part of the analysis of project effects.

¹ As noted in Response CPA2-43, the Candlestick Preservation Association as reported an average of 85 windsurfing days annually, with an average of 20 windsurfers at the Candlestick Point State Recreation Area during sailable days.

- **Views from the entrance to Brisbane near Highway 101 and Lagoon Road:** Viewpoint 9 in the Draft EIR analysis is located on northbound Highway 101 very close to Lagoon Road.
- **View from downtown Brisbane toward the Project Site:** Viewpoints 10 and 11 are from downtown Brisbane looking towards the Project Site.
- **View from the southbound 101 freeway towards central Brisbane:** Viewpoint 5 is located southbound on the 101 freeway at the northeastern corner of the Project Site looking across the site towards downtown Brisbane.

Subsequent site-specific development plans would be subject to additional environmental review, including analysis of visual impacts analysis to ensure implementation of applicable visual resources mitigation measures, and the effectiveness of proposed mitigation measures.

OSEC-51 [See page 5-310 for the original comment] The statement from page 4.A-4 of the Draft EIR is accurate in its summary of existing conditions in terms of vegetation and wildlife habitat at the Baylands Project site. As a result of former and interim land uses within the Baylands Project site, including a rail yard and a landfill that encompassed the large majority of the site's land area, the large majority of natural vegetation within the Baylands Project site was removed. As of 2010, the Draft EIR's baseline year, and continuing to the present time, the large majority of the site's land area consists of open ground, buildings, and active work areas, leading the Draft EIR to describe the majority of on-site habitat as "disturbed." Please see pages 4.C-3 through 4.C-11 of the Draft EIR for further details regarding the quality of the habitat in the Baylands Project site.

OSEC-52 [See page 5-310 for the original comment] The statement on page 4.A-4 of the Draft EIR that "... the riprap embankment supporting the railroad tracks along the eastern edge..." is correct since the eastern edge of the railroads tracks is also the western edge of the lagoon. To ensure clarity, the next to last sentence of the last paragraph on page 4.A-4 is revised to read as follows:

The lagoon shoreline is characterized by low grasses, occasional shrubbery, and ~~the a~~ riprap embankment supporting the railroad tracks ~~along the eastern edge.~~

OSEC-53 [See page 5-310 for the original comment] Visitacion Creek, as mapped in **Figure 4.C-1**, and as observed in reconnaissance studies undertaken for the Draft EIR, did not support abundant riparian vegetation along its banks except for willow trees north of the tank farm in association with emergent wetland habitat. A cluster of trees is also present on the north bank near Highway 101. Given the length of the channel and the limited extent of riparian vegetation the patch is best characterized as discrete in size and location, and thus the word "limited" was appropriately used to describe it. To call the riparian vegetation "a lot"

would require the presence of trees along the majority or substantive portions of the length of the channel, which, in fact, does not occur.

OSEC-54 [See page 5-310 for the original comment] On page 4.C-10, the Draft EIR describes vegetation along Visitacion Creek as a type of tidal marsh, which is a specialized wetland habitat. The referenced photograph, 4.A-2b, is supported by text within the Draft EIR that identifies the location of existing wetland habitats in **Figure 4.c-1**, including the area proposed to be restored along Visitacion Creek (i.e., daylighting the creek up to the roundhouse area). The photograph cited on page 4.A-5 is intended only to provide a visual reference to the setting of the creek, and not to make any claim of the creek's visual appeal. The value of the creek as riparian habitat is discussed in Draft EIR Section 4.C, *Biological Resources*.

OSEC-55 [See page 5-310 for the original comment] The photographs included on page 4.A-6 accurately illustrate existing conditions within the Baylands site, including the roundhouse building and the Kinder Morgan tank farm. The aerial view of the roundhouse was provided, since ground level photographs cannot capture the round shape of the building.

OSEC-56 [See page 5-310 for the original comment] Mitigation Measures 4.A-1a and 4.A-1b reduce building heights in the eastern portion of the Baylands Project site as a means of mitigating impacts related to blockage of views of scenic vistas (bluewater views of San Francisco Bay). This measure reduces maximum building heights within 350 feet of the US 101 freeway.

In addition to Mitigation Measure 4.A-1a, Mitigation Measure 4.A-3 addresses design issues for future development, and is intended to provide for lower building heights and a feeling of openness within the Baylands Project site. To clarify this intent and also address views from the US 101 freeway, the second bullet point in Mitigation Measure 4.A-3 (page 4.A-35) is revised to read as follows.

- ***Development Intensity, Setbacks, Steppbacks, and Building Heights:*** Variations, including reductions in the development intensity of site-specific development sites within the Project Site from the maximum allowable development intensity, shall be provided to maintain compatibility with the development intensity of surrounding neighborhoods and community areas. Variations in building heights (~~including~~ reductions from maximum allowable heights), along with appropriate building setbacks and ~~provision of~~ provision of buildings steppbacks in height, shall be employed to maintain a feeling of openness within Project Site open space areas; to maintain compatibility with the scale of historic structures being preserved onsite; ~~and~~ to reduce the perceived intensity of development as viewed from the Geneva Avenue extension, Bayshore Boulevard, US 101 freeway, and Viewpoints 1, 2, 3, 7, 8,

and 11; and to provide view corridors through the Baylands so that development is not perceived as a solid mass of buildings when viewed from downtown Brisbane or the US 101 freeway.

OSEC-57 [See page 5-310 for the original comment] The final paragraph on page 4.A-34 is revised to read as follows:

Although there are differences that could occur under the DSP, DSP-V, CPP, and CPP-V scenarios, ~~the following~~ Mitigation Measure 4.A-3 sets forth design guidelines to address the design elements that largely contribute to the overall visual character and continuity of a site as large as the Baylands Project Site. Adherence to these specific guidelines, in combination with the City's Design Review process, would reduce the impact of the Project Site development on the visual character of the Project Site and its surroundings to a less-than-significant level.

OSEC-58 [See page 5-310 for the original comment] The last paragraph on page 4.A-38 is revised to read as follows:

Migrating birds such as songbirds can be affected by human-built structures because of their propensity to migrate at night, their low flight altitudes, and their tendency to be disoriented by artificial light, making them vulnerable to collision with obstructions. Both tall structures such as wind turbines and windows on buildings provide collision hazards to migrating birds. A majority of bird strikes occur when birds do not recognize windows on buildings. Thus, operation of the wind turbines and tall residential (DSP and DSP-V scenarios) and non-residential buildings would pose collision hazards to migratory birds since effects associated with the lighting of the towers can alter the flight patterns of migratory birds and substantially increase bird strike collisions with the structures. As discussed in Section 4.C, *Biological Resources*, of this EIR, due to the potential for bird strikes at tall buildings associated with construction of dense urban development with many windows adjacent to the Bay and within the Pacific Flyway, an increase in bird strikes would occur. Mitigation measures are set forth in Section 4.C, *Biological Resources*, ~~would~~ to reduce impacts related to bird strikes tall structures and increased night lighting. The following measures would reduce bird strike impacts to below a level of significance 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.

- **Mitigation Measure 4.C-4d to minimize the effects of a building's lighting on birds.**

- Mitigation Measure 4.C-4e addressing the external appearance of buildings to minimize the risk of bird strikes. Such measures, which may include the following and/or other measures, shall be incorporated into the building’s design:

These measures require the City to ensure that building design related measures to reduce the risk of bird collisions have been incorporated to the extent practicable.

In addition to the mitigation measures set forth in Section 4.C, *Biological Resources*, Mitigation Measure 4.A-4a requires the following:

“Limit light spill across the property lines, such that illumination at the property line of any use within the Project Site that is attributable to the subject property does not exceed 0.1 foot-candles on business properties and 0.05 foot-candles on residential properties and open space areas. Onsite lighting of site-specific development within the Project Site shall result in zero direct-beam illumination leaving the site.”

OSEC-59 [See page 5-311 for the original comment] Draft EIR Section 4.C, *Biological Resources*, identified the potential for tall buildings to result in bird strikes (i.e., birds flying into windows). Section 4.C includes mitigation measures that, when implemented would result in less than significant impacts through incorporation of design features that would make glass surfaces more visible from the outside, so birds will not fly into them. See revised wording in Response OSEC-58.

OSEC-60 [See page 5-311 for the original comment] Section 4.A *Aesthetics and Visual Resources*, of the Draft EIR cited the nighttime lighting guidelines included within the Brisbane Baylands Specific Plan prepared for the DSP and DSP-V scenarios on page 4.A-39. One of the guidelines for accent lighting states, “In-ground up-lights with diverter shields should be used where vandalism is a greater concern.” In-ground up lights can also be described as recessed outdoor lights that are used to illuminate walkways. This type of lighting frequently uses LED or halogen globes, and can be fitted with shields (or caps) to prevent vandalism.

OSEC-61 [See page 5-311 for the original comment] The requirement for parking lot lighting to be the same color as street lighting comes from Mitigation Measure 4.A-4a within the list of lighting design standards, specifically stated as follows:

- A master plan for street and parking lot lighting shall be approved by the City prior to final approval of design plans for roadways within the Brisbane portion of the Project Site.
 - All streets within the Brisbane portion of the Project Site shall have uniform lighting standards with regard to style, colors, and materials in order to ensure consistency with design.

- Parking lot lighting shall be of the same source of illumination as street lighting so as to ensure uniformity of night lighting color.

As explained within the mitigation measure, uniform lighting standards with regard to color are required to ensure consistency of design and uniformity in night lighting. As stated in the introduction to Mitigation Measure 4.A-4a, these design standards have been provided to minimize Project Site development lighting to that which is required for safety and comfort only. Consistency in color between parking lot lighting and street lighting is intended for safety purposes as it reduces the potential for darker locations, as well as the potential for locations with similar level of light to appear lighter or darker than others. Additional review of street and parking lot lighting will occur as part of planning review. Approval of a Lighting Plan is required prior to final approval of design plans for roadways.

OSEC-62 [See page 5-311 for the original comment] Glare and the “albedo concept” are described on page 4.A-37 in Section 4.A *Aesthetics and Visual Resources*. As explained in the text, “Glare results from sharply reflected light caused by sunlight or artificial light reflecting from highly finished surfaces such as paving, roofing, or glass. The level of glare is measured using the albedo concept, which calculates the relative reflectivity of surfaces. For example, soil cover has an albedo of 0.17, which indicates that approximately 17 percent of solar radiation hitting a soil-covered ground would be reflected. Grass cover has an albedo of 0.20, indicating a solar reflectivity of approximately 20 percent, or slightly more glare than soil cover.”

In other words, the higher the albedo rating, the greater the glare that results. Later in Section 4.A, the EIR analyzes potential impacts related to glare from implementation of the four development scenarios. In that analysis, it is explained that in an effort to increase energy efficiency, Energy Star “cool roofs” would be used on buildings, but these roofing materials would result in higher albedo and glare. For instance, the United States Environmental Protection Agency Energy Star rating for cool roofs is up to 0.65 for slightly sloped surfaces. This means that 65 percent of the solar radiation hitting the Energy Star “cool roofs” would be reflected, creating glare.

OSEC-63 [See page 5-311 for the original comment] Section 4.A *Aesthetics and Visual Resources*, includes an analysis of daytime glare and identifies potential impacts to surrounding neighborhoods and motorists on nearby U.S. Highway 101. Mitigation Measure Mitigation Measure 4.A-4b applies to all building surfaces, not just those that might cast glare onto the US 101 freeway. Thus, mitigation for visual impacts to Brisbane residents and freeway motorists is provided.

The Draft EIR explains that high albedo or glare can cause daytime interference with activities in sensitive land use areas, as well as public roadways or air travel

patterns where drivers and pilots could be temporarily blinded by glare, thus causing a safety concern. As such, analysis of the effects of daytime glare considers whether new development would result in an adverse effect by creating a new source of substantial glare. On page 4.A-41, the Draft EIR explains each development scenario (though more intensely for DSP and DSP-V) would increase daytime glare from new building materials, exterior glass, and roofing materials with a high solar reflectivity index. New buildings and structures that include highly finished surfaces would result in a substantial increase in daytime glare that could be seen from nearby U.S. Highway 101, air traffic, and the Brisbane community. Glare impacts to U.S. Highway 101 are specifically called out in the text because of potential safety concerns. Nuisance effects to nearby residences are called out also. As stated on page 4.A-42, “The glare resulting from Project Site development could adversely affect motorists along US Highway 101 by impairing vision, as well as produce nuisance effects in adjacent residential neighborhoods to the north of the Project Site and (in the DSP and DSP-V scenarios) residential neighborhoods of the Project Site itself.”

To clarify that neighborhoods both to the north and west of the Baylands would be affected, the second paragraph on page 4.A-42 is revised to read as follows.

Overall, a substantial amount of new development would occur on the Project Site (as illustrated in Table 4.A-1). New buildings and structures would include highly finished surfaces that could be seen from nearby US Highway 101, air traffic, and nearby residential neighborhoods, causing a substantial increase in glare. The glare resulting from Project Site development could adversely affect motorists along US Highway 101 by impairing vision, as well as produce nuisance effects in adjacent residential neighborhoods to the north and west of the Project Site, including Central Brisbane, and (in the DSP and DSP-V scenarios) within the residential neighborhoods of the Project Site itself.

The design features required by Mitigation Measure 4.A-4b would reduce glare impacts for all surrounding uses to be less than significant.

OSEC-64 [See page 5-311 for the original comment] Sound walls are not proposed as part of any of the four development scenarios analyzed in the Draft EIR.

OSEC-65 [See page 5-311 for the original comment] The distribution lines serving the Baylands Site are currently all above ground. The City of Brisbane and PG&E (Rule 20) require that all new power distribution lines be undergrounded. The proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios (Appendix C to the Draft EIR) specifies that proposed electrical lines would be installed in a joint trench with gas lines and communications infrastructure. The Specific Plan also states, “Based on the final

Tunnel Road alignment and future land uses, the existing overhead line will be undergrounded or located in an underground joint trench elsewhere in the Planning Area. In addition, overhead lines running through Icehouse Hill and along Bayshore Boulevard may require undergrounding to comply with PG&E Rule 20. The final designs and composite plan will be coordinated with PG&E during the design process” (pages 238-239 of the Specific Plan). Similar requirements would be placed on the CPP and CPP-V scenarios should either be selected by the City. Thus, aboveground power lines were not included in the visual simulations.

It should be noted that the Renewable Energy Alternative would require major transmission lines connecting solar farms to the PG&E electrical grid that may be of sufficiently high voltage to require being installed above ground. If that alternative is adopted, a new visual resources analysis would be required to analyze project-specific visual impacts.

OSEC-66 [See page 5-311 for the original comment] Section 4.A *Aesthetics and Visual Resources* concludes that development of the Baylands Site would create new sources of substantial nighttime lighting that would adversely affect nighttime views in adjacent residential areas, thereby resulting in a significant impact.

Mitigation Measure 4.A-4a is set forth to address lighting of the night sky and to reduce the nighttime lighting effects that would occur under each development scenario. Mitigation Measure 4.A-4a designed based on the International Dark-Sky Association’s dark sky philosophy that, while a community’s lighting system needs to adequately illuminate and provide for vehicular and pedestrian movement, outdoor lighting should only be used where needed with lighting levels kept to the minimum necessary.

In addition, Mitigation Measure 4.C-4b includes methods to minimize the effect of night lighting on wetland habitats adjacent to the Baylands Site development. Mitigation Measure 4.C-4d requires that the design of any building greater than 100 feet in height include design features that minimize the effects of the building’s lighting on bird strikes into buildings.

The Draft EIR concludes that implementation of Mitigation Measure 4.A-4a would not reduce night lighting impacts to a less-than-significant level. Impacts would remain significant after mitigation, primarily given the level of nighttime lighting levels typical of the proposed uses (especially the entertainment-oriented uses proposed in the DSP-V scenario that would involve prominent, lighted displays), and the existence of nearby surrounding nighttime light-sensitive uses (residences) that would be affected.

To further reduce night lighting impacts, Mitigation Measure 4.A-4a is revised to read as follows:

Mitigation Measure 4.A-4a: All development within the Project Site shall comply with the following lighting design standards in order to minimize project lighting to the extent required for safety and comfort only in order to reduce nighttime lighting effects:

- Exterior lighting shall be kept to the minimum required for safety; purely decorative lighting displays shall be prohibited.
- Limit light spill across the property lines, such that illumination at the property line of any use within the Project Site that is attributable to the subject property does not exceed 0.1 foot-candles on business properties and 0.05 foot-candles on residential properties and open space areas. Onsite lighting of site-specific development within the Project Site shall result in zero direct-beam illumination leaving the site.
- Street lighting shall be comprised of shorter, pedestrian-scaled fixtures, rather than tall cobra head fixtures.
- Off-street pedestrian walkways and trails shall have bollard-type lighting to ensure visibility and safety for pedestrians, cyclists, and others.
- Laser source lights and searchlights, and any other high-intensity light for outdoor advertising or entertainment used to attract attention to commercial activities or community events, shall be prohibited.
- Light fixtures that produce a warm light and focus the light downward onto the pedestrian zone shall be selected.
- Landscape lighting shall be unobtrusive and shielded to prevent glare such as bollard-type fixture or ground-mounted up-lights for trees.
- Entry monuments shall be lighted with low-level lights with fixtures concealed to highlight the names, maps, etc.
- All parking lot, recreational area, walkway, and trail lighting shall have no light emitted above 90 degrees.
- Project lighting shall be designed to control light energy and ensure that exterior lighting is directed downward and away from adjacent streets and buildings in a manner designed to minimize offsite light spillage.
- A master plan for street and parking lot lighting shall be approved by the City prior to final approval of design plans for roadways within the Brisbane portion of the Project Site.
 - All streets within the Brisbane portion of the Project Site shall have uniform lighting standards with regard to style,

colors, and materials in order to ensure consistency with design.

- Parking lot lighting shall be of the same source of illumination as street lighting so as to ensure uniformity of night lighting color.
- Due to their high-energy efficiency, long life, and spectral characteristics, Narrow-Spectrum Amber LEDs shall be the preferred illumination source throughout the Brisbane portion of the Project Site.
- A photometric analysis and lighting plan shall be prepared for each development project. The photometric analysis shall include an assessment of potential lighting impacts based on the height, location, light fixtures, direction, illumination intensity, and hours of operation. This analysis shall identify any potential light spill beyond the boundary of the specific plan, as well as light spill beyond the boundaries of individual sites within the Project Site. Lighting performance standards as described above shall apply. The lighting plan shall demonstrate maintenance, to the maximum extent feasible, of ambient light levels as measured from 100 feet from the individual site. The lighting plan shall be submitted to the Community Development Department and City Engineer for final approval prior to approval of a building permit.

When reviewing illumination plans, the City will review the following factors to determine the level of illumination required.

- Purpose: The function and activities for the planned area;
- Safety: The level of comfort and security needed to be provided; and
- Aesthetics: The overall appearance of proposed lighting with respect to the Baylands and surrounding community.
- Impacts: The extent to which proposed lighting minimizes impacts on adjacent land uses, maintains the area's dark night sky, and conserves energy.

OSEC-67 [See page 5-311 for the original comment] As discussed in Response OSEC-4, “urban” refers to development of residential uses at a density greater than 2 dwelling units per acre, commercial, business park, commercial entertainment, and other similar uses, along with associated open space and other amenities. As used in the Draft EIR, “urban” encompasses densities that may commonly be considered to be “suburban.”

OSEC-68 [See page 5-311 for the original comment] Night lighting impacts to bats and birds are addressed in Section 4.C *Biological Resources*, within the discussion for Impact 4.C-4. There are several performance measures included within biological resources mitigation measures to reduce identified impacts to less than significant. (See MM 4.C-4b, MM 4.C-4d, and 4.C-4e).

Site-specific plans for building locations and outdoor lighting are not available at this initial stage of development planning (concept plan and specific plan), and have not been proposed. It is therefore not possible to undertake a photometric analysis of night lighting of the Baylands at buildout. While it was possible to create visual simulations for building placement by identifying building envelopes and using maximum height parameters to create a worst-case scenario, to simulate night lighting for those building envelopes would require pure speculation as to the location, type, and intensity of night lighting, and CEQA does not require analysis of speculative impacts. Thus, the qualitative assessment set forth in the Draft EIR, accompanied by mitigation measures with performance standards, provides an appropriate and adequate level of analysis of night lighting.

OSEC-69 [See page 5-311 for the original comment] While high ozone concentrations have been documented to result in adverse effects on vegetation², consistent with CEQA Guidelines Appendix G the Draft EIR air quality analysis assessed the potential for Project Site development to result in a violation of an air quality standard or exacerbate an existing violation of an air quality standard. Both state and federal air quality standards are human health-based standards. Until such time that U.S. EPA or the California Air Resources Board promulgates an air quality standard that addresses other biota or degradation of materials, the thresholds applied in the Draft EIR are adequate for impact assessment under CEQA.

OSEC-70 [See page 5-313 for the original comment] Footnote (d) on page 4.B-4 applies only to particulate matter, which is monitored every six days. Ozone is monitored daily and the number of violations shown in Draft EIR Table 4.B-1 is fully representative of ozone violations for each given year. The text on page 4.B-5 of the Draft EIR discusses the estimated number of days that particulate matter standards may have been exceeded.

OSEC-71 [See page 5-313 for the original comment] The referenced CARB web page presents the data available at the time of the adoption of state law (AB2588) regarding TACs (1993). Since that time, the state Office of Environmental Health Hazard Assessment has evaluated health affects individually for most of these TACs and determined cancer potency slope factors (cancer risk per mg/kg-day) as well as reference exposure levels, as applicable (available online at <http://www.arb.ca.gov/toxics/id/finalstaffreport.htm>)

With regard to the assessment of TAC impacts from construction and operation of the proposed development scenarios, the health risk assessment conducted for Project Site development analyzes the TACs that would be generated by the project, principally diesel particulate matter. In addition, the cumulative health risk assessment presented in Chapter 6 of the Draft EIR considered existing

² US, EPA 2012, Ground Level Ozone Ecosystem Effects, <http://www.epa.gov/groundlevelozone/ecosystem.html>

sources of TACs such as Santa Fe Pacific Pipeline (Kinder Morgan), which generates benzene.

OSEC-72 [See page 5-313 for the original comment] The U.S. EPA has established requirements for a new monitoring network to measure NO₂ concentrations near major roadways in urban areas with a population of 500,000 or more. Sixteen new near-roadway monitoring sites will be required in California, three of which will be in the Bay Area. These monitors have only recently been deployed. Additionally, the U.S. EPA has established requirements for a new monitoring network to measure SO₂ concentrations to be operational by January 2013. No additional SO₂ monitors are required for the Bay Area because BAAQMD jurisdiction has never been designated as non-attainment for SO₂ and no SIP or maintenance plans have been prepared for SO₂ (BAAQMD, 2013).

The U.S. EPA revised the monitoring requirements for lead in December 2010. These requirements focus on general aviation airports and large urban areas resulting in an increase in 76 monitors nationally (USEPA, 2010). Lead monitoring stations in the Bay Area are located at Palo Alto Airport, Reid-Hillview Airport (San Jose), and San Carlos Airport. Non-airport locations for lead monitoring are Redwood City and San Jose.

OSEC-73 [See page 5-313 for the original comment] Intermune operates a permitted back-up diesel generator. Emergency generators are operated approximately once a week for maintenance.

OSEC-74 [See page 5-313 for the original comment] Within the Bay Area, air pollutant emissions of NO₂ and SO₂ are primarily a concern from petroleum refineries. Table 4.B-1 shows that the current State standard for NO₂ is being met in San Francisco. The Bay Area Air Basin has never been designated as non-attainment for SO₂. Acidification of ecosystems is primarily a concern as a result of emissions from coal-fired power plants that do not exist in the Bay Area. Consequently, air pollutant emissions from development under the Project Site development scenarios, which would primarily be related to combustion of vehicle fuels natural gas and potentially biogas, would not result in adverse effects due to acidification or other substantial ecological degradation.

OSEC-75 [See page 5-314 for the original comment] Impacts from PM₁₀ are addressed in the Draft EIR by comparing daily or annual emissions generated by Project Site development to thresholds developed by the BAAQMD (82 pounds per day and 15 tons per year). However, BAAQMD developed separate, concentration-based thresholds specifically for localized exposure to PM_{2.5}. The localized *Thresholds of Significance* focus on PM_{2.5} because more so than PM₁₀, these emission types pose significant health impacts at the local level (BAAQMD, 2012). Compelling evidence suggests that PM_{2.5} is by far the most harmful air pollutant in the

San Francisco Bay Area Air Basin (SFBAAB) in terms of the associated impact on public health. A large body of scientific evidence indicates that both long-term and short-term exposure to PM_{2.5} can cause a wide range of health effects (e.g., aggravating asthma and bronchitis, causing visits to the hospital for respiratory and cardio-vascular symptoms, and contributing to heart attacks and deaths). BAAQMD recommends characterizing potential localized health effects from exposure to PM_{2.5} emissions through comparison to applicable concentration thresholds.

- OSEC-76** [See page 5-314 for the original comment] The text on page 4.B-18 correctly refers to Table 1-1 that identifies the Project components analyzed in the Draft EIR.
- OSEC-77** [See page 5-314 for the original comment] As shown in Final EIR Chapter 3.0, the first bullet under Mitigation Measure 4.B-1 on page 4.B-21 regarding fugitive dust has been revised to require watering of construction sites as needed, but no less than two times per day on days with no precipitation.
- OSEC-78** [See page 5-314 for the original comment] Construction-related emissions presented in Draft EIR include diesel truck emissions associated with transport of soil for grading and remediation. Additionally construction emissions in the Draft EIR include 22,000 cubic yards of soil excavation of contaminated soil at UPC OU-1.
- OSEC-79** [See page 5-314 for the original comment] Paragraph 3 of Draft EIR page 4.B-23 alludes to the updating of emission factors, not air quality standards. As new regulations of the U.S. EPA and CARB are promulgated air emissions from vehicle and construction equipment fleets decrease over time as older vehicles and equipment are replaced with cleaner operating vehicles and equipment.

The analysis contained in the Draft EIR is a programmatic level assessment based on the available detail contained in the Project Site development scenarios and currently available modeling. Once the City receives a site-specific development proposal, that project would be subject to environmental review under CEQA using updated data points, if appropriate at that time. Please refer to Master Response 1 for discussion of the differences between program-level and project-level analysis under CEQA.

- OSEC-80** [See page 5-314 for the original comment] Cumulative air quality impacts are assessed on pages 6-17 through 6-20 of the Draft EIR. Emissions from the landfill (which are from the existing landfill gas collection system) are an existing source that would be replaced or renovated as part of Project Site development. As stated on page 4.G-79 of the Draft EIR, final remedial actions

implemented at the former Brisbane Landfill ultimately will be defined by the RWQCB, CalRecycle/San Mateo County Department of Health Services, and the City of Brisbane within the Final Closure and Post-closure Plans and would be influenced by the nature of the proposed development. These Final Closure and Post-closure Plans would include operation and maintenance of a landfill gas collection and monitoring system. Operators of this system would need to obtain a permit from the BAAQMD. Consistent with the requirements of its Policy and Procedure Manual, the BAAQMD would deny an Authority to Construct or a Permit to Operate for any new or modified source of TACs that exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0. Consequently, implementation of Project Site development would have a beneficial impact on landfill emissions by upgrading the existing landfill gas collection system, which has an existing excess cancer risk of 54 in one million, with an updated system that would have an excess cancer risk of 10 in one million or less.

OSEC-81

[See page 5-314 for the original comment] Page 4.B-34 of the Draft EIR addresses the impact of construction emissions on existing off-site residents and school children as well as proposed on-site residents on the west side of the Baylands site that could be occupied during construction of the east side of the Baylands site.

The vehicle trip numbers cited in this comment are daily vehicle trip generation estimates from the Transportation analysis, and are used in the assessment of operational air quality impacts of Project Site development scenarios. Please refer to Draft EIR pages 4.N-71 through 4.N-78 for the methodology behind the derivation of the trip generation numbers. The trip generation numbers cited in the comment and on page 4.B-34 of the Draft EIR (44,985 net new vehicle trips per day for the DSP scenario, 42,446 net new vehicle trips per day for the DSP-V scenario, 82,176 net new vehicle trips per day for the CPP scenario, and 79,196 net new vehicle trips per day for the CPP-V scenario) are from an earlier iteration of the Transportation analysis. The estimates cited in Tables 4.N-12 and 4.N-13 of the Draft EIR (42,528 net new vehicle trips per day for the DSP scenario, 41,893 net new vehicle trips per day for the DSP-V scenario, 79,514 net new vehicle trips per day for the CPP scenario, and 76,447 net new vehicle trips per day for the CPP-V scenario) are the most updated estimates.

The Final EIR includes an updated estimation of Project Site development-related air quality and GHG emissions based on the latest version of the CalEEMod model and the most updated trip generation estimates. The updated emission inventory is provided as a text revision in Section 4.F, *Greenhouse Gas Emissions*, in Volume II of the Final EIR.

- OSEC-82** [See page 5-314 for the original comment] The first bullet on page 4.B-41 of the Draft EIR identifies requiring use of electrically powered landscape equipment through CC&Rs as an element of Mitigation Measure 4.B-4.
- OSEC-83** [See page 5-314 for the original comment] The nine-year exposure duration for school children is recommended by BAAQMD in its *Air Toxics NSR Program Health Risk Screening Analysis (HRSA) Guidelines*.³ The presumption is that school attendance at a single geographical location is split between (1) elementary (Kindergarten through 6th grade) and (2) middle and high school (7th grade through 12th grade) with two to three years of additional buffer as a conservative assumption.
- OSEC-84** [See page 5-314 for the original comment] The analysis in the Draft EIR assumes that there would be no increase in passenger rail operations. As a practical matter, Caltrain is currently scheduled to be transferred from diesel to electrical power starting in 2021. Consequently, the risks presented in the Draft EIR are conservative because, depending on occupation of proposed residences under the DSP and DSP-V development scenarios, exposure duration to diesel particulate matter would likely be less than 5 years and not the 70 years assumed in the health risk assessment. Once Caltrain is fully electrified, there will no longer be TAC exposure associated with its operations.
- OSEC-85** [See page 5-314 for the original comment] The main goals of the 2010 Bay Area Clean Air Plan (CAP), the current air quality plan to date, are to:
- Attain air quality standards;
 - Reduce population exposure and protecting public health in the Bay Area; and
 - Reduce greenhouse gas emissions and protect the climate

Alternative energy generation would satisfy these goals. However, all four of the development scenarios would result in significant and unavoidable operational air quality impacts for non-attainment pollutants and precursors. Thresholds applied in the assessment of significance in the Draft EIR were derived by BAAQMD based on federal and state stationary source limitation levels for non-attainment pollutants and precursors and represent cumulatively considerable contributions to air quality. Consequently, all four Project Site development scenarios would not support the primary goal of the 2010 CAP to attain air quality standards.

³ BAAQMD, 2010. *BAAQMD Air Toxics NSR Program Health Risk Screening Analysis (HRSA) Guidelines*. January 2011. (http://www.baaqmd.gov/~media/Files/Engineering/Air%20Toxics%20Programs/hrsa_guidelines.ashx)

OSEC-86 [See page 5-314 for the original comment] Tree planting could occur on the western area of the Baylands site without affecting the landfill cap. The specific restrictions to be contained in the landfill closure plans will be determined by the Regional Water Quality Control Board and DTSC. The analysis of Control Strategy ECM 4: Shade Tree Planting in Table 4.B-21 on Draft EIR page 4.B-51 is revised to read as follows:

The overall Landscape Guidelines of the Specific Plan prepared for the DSP and DSP-V scenarios provide for substantial tree planting throughout the Project Site's developed and open areas in order to enhance the area's visual quality and identity, visually buffer new development, and provide environmental benefits such as micro-climate control. The CPP and CPP-V scenarios are intended at a minimum to provide equivalent landscaping including tree planting. Restrictions to protect the landfill cap may be contained in the Landfill Closure Plan to restrict tree planting within the former landfill area.

OSEC-87 [See page 5-314 for the original comment] Wind data for the Baylands Site indicate that winds from the west and northwest blow more than 75 percent of the time and calm wind scenarios only occur 13 percent of the time. Consequently, the pollutants are dispersed primarily to the east over San Francisco Bay. Heavier pollutants such as particulate matter could eventually be deposited into the Bay. Other pollutants such as ozone precursors could be transported into the atmosphere under warmer conditions and combine to form ozone. See also Response OSEC-42.

The California Clean Air Act directs the California Air Resources Board (CARB) to identify each district in which transported air pollutants from upwind areas outside the regional air quality management district cause or contribute to a violation of the ozone standard and to identify the district of origin of transported pollutants. The information regarding the transport of air pollutants from one basin to another was to be quantified to assist interrelated basins in the preparation of plans for the attainment of State ambient air quality standards. Numerous studies conducted by CARB have identified air basins that are impacted by pollutants transported from other air basins (as of 1993). Among the air basins affected by air pollution transport from the San Francisco Bay Area Air Basin (SFBAAB) are the North Central Coast Air Basin, the Mountain Counties Air Basin, the San Joaquin Valley Air Basin, and the Sacramento Valley Air Basin. The SFBAAB was also identified as an area impacted by the transport of air pollutants from the Sacramento region (BAAQMD, 2012). Transported pollutants consist primarily of ozone and its precursors and not particulate matter.

The Draft EIR identified significant and unavoidable construction-related and operational air quality impacts as a result of implementation of all four

development scenarios. Thresholds applied in the assessment of impact significance in the Draft EIR were derived by BAAQMD based on federal and state Clean Air Act stationary source limitation levels for non-attainment pollutants and precursors and represent what would constitute cumulatively considerable contributions to air quality. The implications of the transported air pollution would consist of the potential for increased violations of the air quality standards for ozone. As stated on Draft EIR page 4.B-2, elevated ozone concentrations can cause eye irritation, airway constriction, and shortness of breath and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

OSEC-88 [See page 5-315 for the original comment] The diesel idling rule applies only to diesel fueled commercial motor vehicles with a gross vehicular weight rating in excess of 10,000 pounds. Enforcement of the 5-minute idling restriction is established in California Code of Regulations Title 13, Section 2485 (f) which states that this section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, Title 3, Chapter 4.5, Sections 830 *et seq.* and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

OSEC-89 [See page 5-315 for the original comment] Water trucks typically obtain their water from local fire hydrants. The source of water available within the Baylands is discussed in Draft EIR Section 4.O, *Utilities, Services Systems, and Water Supply*.

OSEC-90 [See page 5-316 for the original comment] Water truck emissions were considered as an off-road equipment source in the URBEMIS modeling conducted for the Draft EIR. Updated modeling has been conducted in the Final EIR using CalEEMod, which considers water trucks as a vendor truck trip. See Section 4.B, *Air Quality*, of Volume III of the Final EIR. The vehicle count factor (vehicles per unit/square foot) was based on an average of the construction projects surveyed by the South Coast Air Quality Management District, which provides a conservative estimate for use in the San Francisco Bay Area.

OSEC-91 [See page 5-316 for the original comment] Water trucks sourced from fire hydrants use treated, potable water and do not represent a health hazard.

OSEC-92 [See page 5-316 for the original comment] The following paragraph has been added to Mitigation Measure 4.B-1 on page 4.B-22:

9. Construction foreman and crew shall receive training from contractors on implementation of the above emissions reduction techniques prior to each development phase.

OSEC-93 [See page 5-316 for the original comment] In response to this comment, the following text changes have been made to the first paragraph on page 3-7 of the Draft EIR:

The Project Site is bisected in the north-south direction by the Caltrain railroad tracks and in the east-west direction by a central drainage channel, which is a part of the Visitacion Creek alignment. ~~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.~~ The Baylands topography is variable due to current and historic industrial activities at the site; elevations generally range from 10 to 60 feet above mean sea level with the exception of: A prominent hill (Icehouse Hill), located at the southeastern end of the Project Site, which ranges from 25 to 200 feet above mean sea level with steep cuts adjacent to the Caltrain railroad and more gently sloping cuts along Bayshore Boulevard.

OSEC-94 [See page 5-316 for the original comment] This subsection of the Project Description provides a brief summary of the site's natural setting, and is not intended to characterize the Baylands' potential for sensitive biological resources. Page 3-19 of the Draft EIR specifically states "Natural resources existing on the Project Site are described in greater detail in Chapter 4, Section 4.C, *Biological Resources*, of this EIR."

OSEC-95 [See page 5-316 for the original comment] Additional suggested design techniques are added to Mitigation Measure 4.C-4e, which is revised to read as follows:

Mitigation Measure 4.C-4e: During design of any building greater than 100 feet tall, the applicant and architect shall consult with a qualified biologist experienced with urban building bird strikes design issues (as approved by the City of Brisbane Planning Department) to identify measures related to the external appearance of the building to minimize the risk of bird strikes. Such measures, which may include the following and/or other measures, shall be incorporated into the building's design:

- Treat all windows to decrease reflectivity, including ~~Use of non-reflective tinted glass and~~
- ~~Use~~ Use window films to make windows visible to birds from the outside.
- Use external surfaces/designs that break up reflective surfaces.
- Use of outdoor lighting and colors of lighting that increase visibility of buildings to birds without substantially increasing energy consumption or decreasing public safety.

- Place bird attractants, such as bird feeders and baths, at least three feet and preferably 30 feet or more from windows in order to reduce collision mortality.
- A report of the design measures considered and adopted shall be provided to the City of Brisbane Planning Department for review and approval prior to construction. The City of Brisbane Planning Department shall ensure that building design related measures to reduce the risk of bird collisions have been incorporated to the extent practicable.

OSEC-96 [See page 5-316 for the original comment] In addition to the US 101 freeway, the analysis on page 4.A-41 addresses “nearby residential neighborhoods.” Mitigation Measure 4.A-4b addresses daytime glare by requiring building exteriors to be composed on non-reflective materials, limiting the amount of reflective glass permitted on any wall, and setting performance standards for the reflectivity of such glass. Thus, daytime glare impacts will be reduced to less than significant along the US 101 freeway and within Brisbane’s residential neighborhoods.

OSEC-97 [See page 5-316 for the original comment] See Master Response 9 for discussion of survey methods for identification of wetlands. As noted in that Master Response, the biological resources analysis included in the Draft EIR was developed using 2010 as the baseline year, meaning that the analysis was based on conditions at the Baylands in the year 2010. (Please also see Master Response 7 for a discussion of the rationale for the 2010 base year used in the Draft EIR.) It is acknowledged that wetlands within the Baylands have established over time and continue to change annually in response to rainfall patterns. Thus, the appearance year-over-year of a given wetland area can vary depending on rainfall and duration of inundation. The reconnaissance surveys conducted at the Baylands for the Draft EIR were timed to maximize observations of all biological resources including wetlands. Biologists surveying the site observed vegetation, soils, and any existing hydrology and used professional judgment to determine the extent of wetlands on the Baylands. The level of field study and review of existing data undertaken for the Draft EIR was thus sufficient to provide the basis for an impact analysis of the four Concept Plan scenarios.

As discussed in Master Response 9 regarding wetlands, a new performance standard is included in revisions to page 4.C-50 of the Draft EIR, requiring the mitigation for wetlands be based on (1) the wetland area indicated in the Brisbane Baylands Final EIR, which reflects the average extent of wetland area present over a 20-year period *or* (2) the wetland areas mapped as part of the formal delineation process specified under the Clean Water Act, whichever is larger.

As stated in Master Response 9, biologists mapped the maximum and minimum expressions of wetlands and identified a midpoint or average wetland area. The result clearly demonstrated that the wetland habitat boundaries identified in the Draft EIR are in line with the 20-year average wetland expression at the Baylands, and substantiates the adequacy of the Draft EIR baseline characterization of wetlands on the Baylands.

OSEC-98 [See page 5-321 for the original comment] The site conditions addressed on Draft EIR page 4.C-1 refer to biological resources. Three field surveys were conducted at the Baylands site between 2007 and 2013 in order to observe plant and animal life present, as discussed on Draft EIR pages 4.C-1 and 4.C-2. The results of these surveys provided biologists with the data necessary to determine whether biological resources conditions had changed during that time. The biologists concluded that “no appreciable changes in distribution or condition of existing habitats (occurred) between 2007 conditions and 2011...” Thus, whatever topographic changes may have occurred between 2007 and 2011 did not appreciably affect onsite biological resources. No changes to the Draft EIR are required.

OSEC-99 [See page 5-321 for the original comment] The use of the CNDDDB to evaluate specific species and their potential based on known occurrences within a five-mile radius is standard practice in the biological assessment process. The reports generated by the CNDDDB are considered the accurate and useful in predicting the potential for occurrence of special status species and biologists use them as an accepted standard practice to supplement site-specific biological surveys. In the case of Baylands biological resources analyses, CNDDDB searches were used to supplement onsite characterization of habitats before determining the likelihood a sensitive species would have of occurring within the Baylands Project site. In general, direct observation of a particular species is not required to support a determination that the species has a moderate or high potential to occur; this is a precautionary approach in favor of the species.

OSEC-100 [See page 5-321 for the original comment] The comment is correct in stating that most grasses in the Bay Area are non-native. Since the text cited in the Draft EIR describes conditions within the Baylands Project site, the revision requested in Comment OSEC-100 is unnecessary.

OSEC-101 [See page 5-321 for the original comment] The last sentence of the first full paragraph on page 4.C-4 is revised to read as follows.

“Even though biologists observed that the Johnny jump-up plants had been grazed by herbivores such as ~~deer~~ rabbits or other fossorial rodents, these plants represent a potential host for the callippe silverspot butterflies.

OSEC-102 [See page 5-321 for the original comment] Page 4.C-4 of the Draft EIR states that a "... variety of native grasses and forbs on Icehouse Hill include lupine..." The Draft EIR does not intend to characterize lupine as a grass, but uses the word "forb," which means herbaceous broadleaf, and is an acceptable and standard term for a plant like a lupine. Page 4.C-4 states, "Johnny jump-up (*Viola pedunculata*), the host plant for the federally listed endangered callippe silverspot butterfly (*Speyeria callippe callippe*), was observed in a patchy but relatively abundant distribution." No revisions to the Draft EIR in relation to the issues raised in Comment OSEC-102 are needed.

OSEC-103 [See page 5-321 for the original comment] Please see revised **Figure 4.C-1** in Final EIR Chapter 3.0. Revised **Figure 4.C-1** includes a circular shaped wetland that occurs within the roundhouse turntable area was described in the Draft EIR text on page 4.C-9. This feature was unintentionally left off **Figure 4.C-1** and is included in the final map for the Final EIR. Please note subsection heading under which this text appears reflects the presence of wetland at that location.

Please also see the full description of habitat on page 4.C-8 that states, "Few natives remain in the invasive scrub community and consist of the "tree-like" specimens or the larger shrubs which were likely well established prior to the invasion of non-native shrubs. The native shrubs toyon (*Heteromeles arbutifolia*), buckeye (*Aesculus californica*), and coyote brush are still present in the invasive shrub community."

OSEC-104 [See page 5-321 for the original comment] It is true that other native plant species can be found scattered around the Baylands Project site; however, because they comprise such a low percentage of the vegetation, the habitat types are not named solely for their presence. (Please also see Response OSEC-103.) Additionally, it is not standard practice or practical for a habitat map to show each specific place where a native plant is found. "Native plants" by themselves are not uniformly monitored by the regulatory agencies and the level of analysis within the Draft EIR is intended to provide a basis for understanding habitats within the Baylands, and establish performance standards for the management and mitigation of impacts to biological resources that will occur as part of proposed Baylands development.

OSEC-105 [See page 5-321 for the original comment] The Douglas iris is not a listed species, and occurs commonly in northern California. Because **Figure 4.C-1** identifies habitat areas rather than individual plants, it is not necessary that a population of Douglas iris in the vicinity of Icehouse Hill be mapped. In addition, there is proposed an open space area around Icehouse Hill that would result in the protection of this area. Please see also Response OSEC-104.

- OSEC-106** [See page 5-321 for the original comment] Since red-tail hawks were observed during the various surveys at the Baylands Project site, it was reasonable to also include anecdotal evidence of nesting. The description of bats on page 4.C-7 is included based on the specific habitats present, and where habitat is found, it is standard practice to include their potential for occurrence. Please see paragraph 1 on page 4.C-7 where it indicates that coyote are potentially located on the Baylands Project site. Please also see Mitigation Measure 4.C-4b which specifies that feeding stations are not to be allowed as they could attract predators such as red fox into the Baylands Project site. While the non-native red fox could potentially occur on site, they would also be subject to removal as a non-native predator per Mitigation Measure 4.C-4c.
- OSEC-107** [See page 5-321 for the original comment] See Master Response 9 regarding identification of wetlands within the Baylands Project site.
- OSEC-108** [See page 5-321 for the original comment] Where preliminary work determined that habitat to support special-status species exists, further studies were conducted, and the result were incorporated in the Draft EIR as part of the discussion of Impact 4.C-1 and the associated mitigation measures. Based on specific biology requirements for special-status species, determinations of potential occurrence can be made based on observed habitats. The absence of highly specific habitat conditions that are required for a special-status species can be used to determine their absence or low potential for occurrence. Please also see Response OSEC-99.
- OSEC-109** [See page 5-322 for the original comment] The last full paragraph on page 4.C-11 is revised to read as follows:
- Brisbane Lagoon is a tidal lagoon feature composed of approximately 119 acres of open water subject to muted tidal influence and an additional 17.6 acres of lagoon perimeter, located at the southern end of the Project Site. The lagoon's shorelines are a dynamic environment and depending on the tide can include some beach during low tides. During high tides, open water can extend up to the riprap edges of the Lagoon, inundating any beach or tidal habitat contain little beach during high tides and most of the shoreline exposed during low tides is protected by riprap. Marsh areas are present at the southern end of the lagoon, which has attained marsh plain elevations and supports tidal marsh habitat dominated by pickleweed (Salicornia sp). This also occurs at the northern most portion of the Lagoon where the Guadalupe Channel drains to the Lagoon.
- OSEC-110** [See page 5-322 for the original comment] See Master Response 9 for a discussion of the methodology used to determine the extent of wetland area

within the Baylands Project site. As noted in that response, a formal wetland delineation prepared in 2003 was used along with several reconnaissance site visits to map wetland areas within the Baylands Project site. A review of 20 years of air photos conducted as part of the Final EIR confirmed the adequacy of the wetland mapping provided in the Draft EIR.

OSEC -111 [See page 5-322 for the original comment] The larval host plant for San Bruno elfin butterfly is *Sedum spathulifolium*, which has not been identified on Icehouse Hill. *Sedum* is a perennial forb species that would be identifiable if present on the site during the various floristic survey periods. Because there were no sightings of this plant during any study periods, it was determined that the San Bruno elfin butterfly could not lay eggs within the Baylands Project area.

OSEC-112 [See page 5-322 for the original comment] The only stickleback fish that may occur in the San Francisco Bay area would be classified as the more common three-spine stickleback with nomenclature of (*Gasterosteus aculeatus*), with no subspecies. While comments that refer generically to “stickleback” are presumed to reference the unarmored three-spine stickleback, based on the historical record for the agency-listed subspecies of unarmored three-spine stickleback (ssp. *williamsoni*), it appears that this species has never occurred within the San Francisco Bay region. The endangered unarmored three-spine stickleback (*Gasterosteus aculeatus williamsoni*), a subspecies of three-spine stickleback (*Gasterosteus aculeatus*), is restricted to three areas: the upper Santa Clara River and its tributaries in Los Angeles County, San Antonio Creek on Vandenberg Air Force Base in Santa Barbara County, and the Shay Creek vicinity (which includes Shay Pond, Sugarloaf Pond, Juniper Springs, Motorcycle Pond, Shay Creek, Wiebe Pond, and Baldwin Lake), in San Bernardino County. Two other species of three-spine stickleback occur in southern California.

Regardless, the need for evaluation of “stickleback” is unwarranted due to the more common nature of the three-spine stickleback (*Gasterosteus aculeatus*), which is the only subspecies that might be found in the San Francisco Bay.

OSEC-113 [See page 5-322 for the original comment] The sentence on page 4.C-14 immediately preceding the sentence quoted in the comment states, “Icehouse Hill is the only location on the Baylands Project Site where the substrate is suitable to support these three species,” which indicates it is potential habitat for the host species, Under these circumstances presence of host plant species was assumed, and in the Draft EIR (and as revised) Mitigation Measure 4.C-1c requires pre-construction plant surveys to ensure avoidance of host plants, including *Viola pedunculata*, *Lupinus albifrons*, and *L. formosus* and *L. versicolor*.

OSEC-114 [See page 5-322 for the original comment] An assessment of habitat suitability for San Francisco garter snake was undertaken using appropriate analysis

parameters as discussed on Draft EIR pages 4.C-19 and 4.C-20, which accurately and adequately describe existing conditions related to this species. The Baylands Project site was not found to support suitable habitat for the San Francisco garter snake based on those parameters as described in the second paragraph of page 4.C-20, which provides more detail in addition to the lack of sufficient permanent water. Additionally, as stated by the San Bruno Mountain Habitat Conservation Plan, Year 2013 Activities Report for Covered Species, “There have been no confirmed observations of San Francisco garter snake on San Bruno Mountain in the 30 years of the HCP monitoring program. Based on the lack of significant ponds and other aquatic habitats, this species is unlikely to be present.” San Bruno Mountain represents higher quality habitat with significantly less disturbance than the Baylands. The Draft EIR’s assessment that San Francisco garter snake is not currently present thus appears to be scientifically accurate based on fieldwork at San Bruno Mountain and the study conducted on the Baylands Project site.

The San Francisco forktail damselfly (*Ischnura gemina*) is considered an IUCN Vulnerable (VU) species and has a state rank of S2 which is defined as 1,000-3,000 individuals or 2,000-10,000 acres. This species is not listed as threatened or endangered by CDFW or USFWS, but is considered rare in its range. This species has been known to inhabit temporary urban pools found at construction sites, and has also been sighted at the base of steep hills where freshwater has seeped down and accumulated.

In March 2014 biologists attempted to contact Dr. John Hafernick to discuss this comment regarding the reported find of a forktail damselfly in local wetlands; however, there has been no response to date. The California Natural Diversity Database (CNDDDB) indicates a forktail damselfly population was observed in a marsh near the Southern Pacific Railroad across from Industrial Boulevard, by Bayshore Boulevard in Brisbane in April 1978 (CDFW 2014). Two male and two female larvae were collected by R. Garison in 1978.

There are no CNDDDB records or other known observations to support presence of this species on the Baylands Project Site for over thirty years, and Dr. Hafernick is unavailable to provide additional detail regarding when and where he observed this species more recently. San Francisco forktail damselfly is included in the CNDDDB list in Appendix E, and this response provides additional detail regarding the CNDDDB record that supports historical presence of this species on the project site. However, this additional information is insufficient to support a determination that the species currently has a moderate to high potential to occur on site, or to alter the conclusions or impact determinations presented in the Draft EIR.

Despite the uncertainties regarding this comment, Table 4.C-1 has been updated to include recent detection of this species.

See Response OSEC-112 for discussion of the stickleback fish.

Regarding California red legged frog, Table 4.C-1 states that aquatic habitat exists in freshwater wetlands in the old railyard, in the Roundhouse wetland and the westernmost drainage and associated wetlands, but that these wetlands are contaminated with hazardous materials that are potentially damaging to amphibians. The table also notes that extant upstream populations are absent on San Bruno Mountain, and habitat fragmentation, primarily in the form of development, freeways, and other infrastructure, act as barriers to prevent access to the Baylands Project site from other potentially suitable habitat, or other extant populations.

The Brisbane Baylands are outside of the range of the Salt Marsh Mouse, which need not be addressed in the Draft EIR, since it does not have the potential to occur within the Baylands Project site. The salt marsh harvest mouse, which occurs in suitable habitat in the San Francisco Bay, is not present at the Baylands as stated in the Draft EIR.

OSEC-115 [See page 5-322 for the original comment] Although it is not clear from Comment OSEC-115 what the commenter would consider a “full biological assessment,” CEQA does not require specific survey methodologies to support analysis and conclusions in an EIR. (Association of Irrigated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1396.) Nor does CEQA require a lead agency to conduct every test or perform all possible research, study, and experimentation recommended by commenters on an EIR. (CEQA Guidelines Section 15204(a).) The collected research and surveys described in the Draft EIR and throughout these responses to comments provide substantial evidence in support of the analysis and conclusions in the Final EIR.

However, for clarity, the conclusions paragraph on page 4.C-36 is revised to read as follows:

Conclusions: Special status plant species are assumed to occur within the Project Site ~~only where~~ where suitable conditions occur on Icehouse Hill. Damage to or mortality of special-status plants caused by construction of trails on Icehouse Hill and an anticipated post-construction increase in recreation-related activities including equestrian uses would be a significant impact. Adherence to performance standards during construction and operation of the proposed trails set forth in **Mitigation Measures 4.C-1a** and **4.C-1b** would reduce the impacts on special-status plants to a less-than-significant level.

OSEC-116 [See page 5-322 for the original comment] This comment cites the statement in the Draft EIR that calls for “establishing a buffer zone of no less than 25 feet...”

adjacent to construction areas, and raises the concern that dust and fine particulate matter are known to impact the health of the Callippe silverspot butterfly and its host plant (*Viola pendunculata*). The comment also addresses the difficulty of habitat restoration for these species.

Through continuing efforts of the teams engaged in management and maintenance of habitats at the San Bruno Mountain State Park, the knowledge of species' requirements and effective enhancement measures continue to evolve. Throughout the 20-year build-out proposed at the Baylands, adaptive management and further refinement of effective management measures may become known and may be incorporated by reference or directly into any future CEQA analysis for Baylands project-specific analysis. For some projects, concurrence or permits from federal and state regulatory agencies with jurisdiction over plant and wildlife resources may be required. This means that direct and indirect impacts, including potential impacts of project-specific dust production, would be addressed and mitigated using current knowledge and practices at the time of project implementation. Consistent with this comment, revisions to Mitigation Measure 4.c-1b are set forth in Final EIR Chapter 3.0 that would require site-specific analysis of development projects, including the potential for dust generation to determine appropriate buffer distances.

- OSEC-117** [See page 5-323 for the original comment] The proposed fencing would occur along the perimeter of the open space area. The fence is not intended to impede wildlife movement within the wildlife movement and open space areas designated at the site, but instead is intended to prevent access to and from wildlife movement areas and other adjacent uses that might introduce non-native species or pets. The fence would not impede access to the open space areas by avian species or butterflies.
- OSEC-118** [See page 5-323 for the original comment] Mitigation Measures 4.C-1a and 4.C-1b address impacts of potential trail use on Icehouse Hill, and permit trail construction only if trail routing and construction can be accomplished in a manner that will not deplete habitats on Icehouse Hill. The trails proposed for the four development scenarios are intended to be for hiking only (non-equestrian). The Draft EIR includes performance standards that require on-going maintenance and management of open space areas, which includes management and removal of invasive species. In addition, Mitigation Measures 4.C-4b and 4.C-4c provide for implementation on restrictions on pets within the Baylands.
- OSEC-119** [See page 5-323 for the original comment] The mitigation requirements cited in the comment are consistent with current regulatory agency requirements related to protection of sensitive species and implementation of the Migratory Bird Treaty Act. Compliance with the Migratory Bird Treaty Act would reduce impacts to a less than significant level to avian species and their young by

preventing removal or trimming of trees if occupied nests are present. Compliance with General Plan Guidelines requiring replanting trees removed would result in less than significant impacts since the loss of habitat is temporary and since avian species are mobile and can access habitats adjacent and in the vicinity until such time as replanted trees can be occupied for nesting. Compliance with the Fish and Game Code as described in the Draft EIR pertaining to burrowing owl mitigation includes utilization of passive removal techniques under specific conditions during non-nesting periods and reduces impacts to the species to a less than significant level.

OSEC-120 [See page 5-323 for the original comment] See Master Response 9 pertaining to specificity of biological resources studies for a discussion of surveys for special status species.

Mitigation measure 4.C-1g provides for control of runoff to protect water quality in the lagoon, consistent with the commenter's recommendation. In addition, all concept scenarios include implementation of erosion control and other best management practices to avoid and minimize introduction of run-off or sediment into the lagoon . . . consistent with NPDES permit conditions. (See Draft EIR page 4.C-45, second full paragraph.)

OSEC-121 [See page 5-323 for the original comment] See Master Response 1 for discussion regarding the programmatic nature of the Draft EIR. For purposes of flood management, use of permeable surfaces is preferred over impermeable surfaces, which would tend to increase overall runoff and flooding hazards. Thus, the Draft EIR calls for use of impermeable surfaces where feasible. However, Title 27 closure of the former landfill within the Project site will require that stormwater not be permitted to infiltrate into the landfill. Thus, development within the former landfill area will require impermeable underground barriers and drainage systems to prevent such infiltration from landscaped areas and other impermeable surfaces.

The full text of the 6th bullet in Mitigation Measure 4.C-1g reads, "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." The bullet point referred to in the comment is one of several options for implementation of a SWPPP. Any construction of diversion dikes or drainage swales would need to be in compliance with the Brisbane's NPDES stormwater drainage permit, the mitigation measures set forth in Draft EIR Sections 4.C, *Biological Resources*, and Section 4.H, *Surface Water Hydrology and Water Quality*, to ensure that both wetland areas and water quality are protected.

The purpose of Mitigation Measure 4.C-1g is to reduce overall increases in runoff from the Baylands Project site, as well as to minimize the potential for urban pollutants to enter the lagoon and San Francisco Bay. In such cases as the potential for runoff from the site to impact water quality in the lagoon, to address the heating effects of large paved areas, the Draft EIR will identify areas anticipated to have large impermeable surfaces, and recommend mitigation measures that may include requirements for use of permeable surfaces. Because each of the four scenarios evaluated in the Draft EIR have only been designed at a concept level, the Baylands EIR cannot provide a precise delineation of where permeable and impermeable surfaces will be developed until site-specific development projects are actually designed and proposed. At that time, the specific impacts of using permeable or impermeable surface materials can be evaluated in relation to the program-level evaluations contained in the present EIR for Baylands development. This level of detail in the project design facilitates a much more detailed analysis of biological resources and the mechanisms and potential for project-specific impacts to occur, including the placement of permeable and impermeable surfaces within the developments. It is likely that a combination of subsurface drainage combined with surface filtration mechanisms will be utilized as a means of providing passive treatment to runoff without promoting infiltration into underlying materials such as the waste layer.

OSEC-122 [See page 5-323 for the original comment] Landfill closure under the regulatory authority of the RWQCB will require capping of the landfill to prevent infiltration of storm water.

OSEC-123 [See page 5-323 for the original comment] The mitigation measure is consistent with regulatory agency requirements used to implement provisions of the Clean Water Act and Endangered Species Acts, both of which require offsetting loss of habitat. Also, since Mitigation Measure 4.C-2c requires in kind replacement for loss of sensitive habitats and Mitigation Measures 4.C-4a and 4.C-4b require preparation and implementation of open space and marsh enhancement plans that will define the future configuration of open space for biological habitats within the site, and thereby define the locations where habitat would be lost as part of site-specific development, adding an additional requirement to Mitigation Measure 4.C-4g for replacement of habitat is not needed.

In terms of bat habitat, which at the Baylands includes abandoned structures and large trees, Mitigation Measure 4.C-4a, specifies that placement of boxes or substrate for roosting bats in passive recreational areas.”

OSEC-124 [See page 5-323 for the original comment] Icehouse Hill is the single location in the Baylands that has the potential to support the Callippe butterfly. In its current configuration Ice House Hill sustains sufficient water through

precipitation to support the host plant assemblages associated with the Callippe silverspot butterfly. Icehouse Hill is not proposed for development, and no changes to the existing water regime in that location would occur.

OSEC-125 [See page 5-323 for the original comment] Native oyster occur in very limited locations within San Francisco Bay. This is primarily due to the presence of non-native species that prey upon or compete with the native species. Furthermore, native oysters require a substrate not found within the Brisbane Lagoon.

OSEC-126 [See page 5-324 for the original comment] Draft EIR Table 4.D-1 revised to read as follows.

**TABLE 4.D-1
 HISTORICAL SIGNIFICANCE OF RESOURCES WITHIN OR ADJACENT TO PROJECT SITE**

Current Name / Description	Historic Name / Use	Eligibility
Roundhouse	Former Southern Pacific Roundhouse	Considered to be a "historical resource" as defined by CEQA Guidelines Section 15064.5(a).
Machinery & Equipment Building	Former SPRR Ice Manufacturing Plant	Considered to be a "historical resource" as defined by CEQA Guidelines Section 15064.5(a).
Lazzari Charcoal Building	Former Southern Pacific Tank and Boiler Shop	Not considered "historical resources" for purposes of CEQA Guidelines Section 15064.5(a).
Industrial Way warehouses	<u>Former Bone Storage House. No other historic names present or (not applicable)</u>	Not considered "historical resources" for purposes of CEQA Guidelines Section 15064.5(a).
Lumberyard buildings	(not applicable)	Not considered "historical resources" for purposes of CEQA Guidelines Section 15064.5(a).
Freight Yard Cultural Landscape	Former Southern Pacific Freight Yard	Not considered a "historical resource" for purposes of CEQA Guidelines Section 15064.5(a).
Recology site	Landfill diversion and resource recovery services	Not considered a "historical resource" for purposes of CEQA Guidelines Section 15064.5(a).

SOURCE: ESA, 2012, 2013.

OSEC-127 [See page 5-324 for the original comment] In response to this comment, page 4.D-25 of the Draft EIR has been amended as follows:

A reconnaissance-level pedestrian field survey of the entire Project Site was completed by ESA architectural historian, Brad Brewster, on June 14, 2007 to identify potentially significant historic architectural resources that could be directly or indirectly affected by the Project Site development.

- OSEC-128** [See page 5-324 for the original comment] Page 4.D-25, Impact Assessment Methodology, notes that many mapping sources were used, including historic aerial and topographic maps of Brisbane from 1946 to 2005. The year 1946 is the earliest year that is available to researchers using online aerial photography and topographic maps of the Baylands Project Site. Other, earlier maps were also consulted, as described in the same section, such as the 1915 San Mateo USGS Quadrangle, and the 1906 Coast and Geodetic Survey Nautical Chart of San Francisco Bay. Please also see Draft EIR page 3-16 (**Figure 3-5**, Former Railyard Site Over Time), which shows the location of former railroad structures on historic topographic maps from 1915 to 1995.
- OSEC-129** [See page 5-324 for the original comment] Standard construction and grading practices with the potential to cause vibration damage to historic structures include pile driving, drilling, and trenching using heaving earthmoving equipment, and vibratory compaction. The effects of groundborne vibration on buildings are discussed on page 4.J-22 of Section 4.J, *Noise and Vibration*, of the Draft EIR. As explained in that Section, the nearest existing offsite structure (the 7 Mile House) that could be affected by Project Site development-related pile driving is located 360 feet from planned high-rise locations (which are areas where pile-driving is expected). At this distance, pile-driving vibration would be well below the threshold (25 feet) of architectural damage for both modern and historic and older buildings. No significant vibration with the potential to affect this historic resource would occur, and therefore no vibration testing or monitoring would be necessary.
- OSEC-130** [See page 5-324 for the original comment] The comment is correct in inferring that geological coring is a technique often used by archaeologists to test for the presence or absence of archaeological deposits in subsurface strata. The Draft EIR does not include specific text on use of core sampling for archaeological testing as sampling would not be required due to the low archaeological sensitivity of the Baylands Project Site.
- OSEC-131** [See page 5-324 for the original comment] Draft EIR **Figure 3-4** illustrates the dates of historic fill at the Baylands site. **Figure 3-6** identifies remediation areas at the Baylands site, one of which is called the Former Landfill. The use of the term “Landfill” in **Figure 3-6** describes a specific period of time during which waste materials were discarded into the Former Landfill area shown on the map; the use of the term “fill” in **Figure 3-4** describes all artificial filling that occurred in the Baylands site vicinity. Site hazards related to liquefaction, including discussion of liquefaction at the former railyard, are included in Draft EIR Section 4.E, *Geology, Soils, and Seismicity*, pages 4.E-27 through 4.E-28. No changes to the Draft EIR have been made.

- OSEC-132** [See page 5-324 for the original comment] Soil liquefaction describes a phenomenon whereby a saturated or partially saturated soil substantially loses strength and stiffness in response to an applied stress, usually earthquake shaking, causing it to behave like a liquid. Subsidence refers to the sinking of the ground surface. These definitions do not change with native or different types of fill soil.
- OSEC-133** [See page 5-324 the original comment] See Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR. Because these existing studies provide adequate characterization of the contents of the landfill for use in the Draft EIR, an additional search of Sunset Scavenger Waste records is not necessary.
- See also Master Response 13 for discussion of the remediation review and approval process. Leachate and landfill gas collection and control systems will be required to adequately collect leachate and landfill gas from the former landfill to prevent any increases in leachate that exceed any regulatory thresholds and thereby reduce impacts to the Brisbane Lagoon and creeks.
- OSEC-134** [See page 5-324 for the original comment] Because the former Brisbane landfill operated prior to current permitting requirements, the contents of the landfill were not formally documented as they were deposited into the landfill. Borings and testing of landfill contents have therefore been necessary to identify the contents of the former landfill and provide information on potential health risks. See Master Response 13 for discussion of the remediation review and approval process.
- OSEC-135** [See page 5-324 for the original comment] See Master Response 13 for discussion of the Title 27 landfill closure review and approval process. The term “clean soil” is a common term used in the construction industry to denote soils that are free of rubble and construction debris. As used in the Draft EIR, it refers to the 20 to 30 feet deep layer of soil used as cover over the landfill to prevent human contact with refuse from residential, commercial, industrial activities including shipyard waste, construction rubble, tires, and sewage. It is not likely that soils used for the interim landfill cover were tested prior to their being placed on the former landfill. However, Title 27 landfill closure will be designed so as to avoid creation of new exposure pathways, including pathways from the interim cover placed on the former landfill during final closure as required by Title 27. Because the final landfill cover will require excavation and stockpiling of the interim cover, testing (and if required remediation) of the existing soil cover will be included as part of formal landfill closure.
- OSEC-136** [See page 5-324 for the original comment] Based on records of the waste placed in the former Brisbane Landfill, the waste stream has been classified as

“primarily non-hazardous” as the landfill was used primarily for municipal waste. See Master Response 13 for discussion of the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of the existing waste characterization studies for use in the Draft EIR.

- OSEC-137** [See page 5-324 for the original comment] Discussion regarding existing site contamination and impacts of remediation are addressed in Draft EIR Section 4.G, *Hazards and Hazardous Materials*. See Master Response 13 and Master Response 15 for discussion of site remediation and the adequacy of existing waste characterization studies for use in the Draft EIR. Dr. Lee’s report was reviewed as part of preparation of the Brisbane Baylands EIR, and is cited in the references for the document.
- OSEC-138** [See page 5-324 for the original comment] The Draft EIR states, “As discussed above, the Bay margin natural topography of the site has been covered by rubble, solid waste, and soil fill. The elevation of the flat-lying portion of the Project Site ranges from approximately 10 to 50 feet above mean sea level (msl), with the majority of the site being flat or gently sloping toward the Bay (see Figure 4.E-2). Icehouse Hill, located in the southwestern portion of the Project Site, rises to approximately 200 feet with steep cuts adjacent to the existing railroad tracks and more gently sloping cuts along Bayshore Boulevard.” (GeoSyntec 2012). The Draft EIR thus indicates the varied topography of the Project Site.
- OSEC-139** [See page 5-325 for the original comment] The referenced figure does not purport to represent the site topography as asserted in the comment. Rather, Figure 4.E-5 depicts contours of depth to bedrock used to estimate Old Bay Mud thickness. The top of bedrock in relation to mean sea level has not changed appreciably since the maps used to create Figure 4.E-5 were prepared.
- OSEC-140** [See page 5-325 for the original comment] See Response BBCAG-60.
- OSEC-141** [See page 5-325 for the original comment] There are no tables in the Draft EIR with this numbering. It is assumed the commenter was referring to **Figures 4.E-9** and **4.E-10**, which were developed from different sources, and are not meant to be directly compared with one another. These two figures graphically represent the seismic hazards present at the Baylands Site and vicinity as discussed in the text of the document. No changes to the document are required.
- OSEC-142** [See page 5-326 for the original comment] The peak ground acceleration values shown in Table 4.E-4 are shown for comparison purposes to provide the reader a numerical context between the descriptive scale of the Modified Mercalli Scale and the mathematically-derived peak ground acceleration values. The values shown in Table 4.E-5 are the calculated values produced for the Baylands area.

- OSEC-143** [See page 5-326 for the original comment] A discussion of the potential for landslide hazards at Icehouse Hill is provided on Draft EIR page 4.E-23. No landslide hazards other than one on the west side of the hill, which has already been identified by the City, have been identified for the entire Baylands area. No improvements under any of the development scenarios would be located at the base of Tulare Hill located west of the lagoon and outside of the Baylands Project Site.
- OSEC-144** [See page 5-326 for the original comment] The site-specific geotechnical evaluations required by Mitigation Measure 4.E-2a would include an assessment of the potential for corrosive soils.
- OSEC-145** [See page 5-326 for the original comment] All proposed improvements on the Baylands Project Site, including the high school, would be required by Mitigation Measure 4.E-2a to receive a site-specific geotechnical evaluation to determine the geotechnical hazards present and provide recommendations for site preparation and foundation design to minimize the effects of these hazards. Because the Draft EIR addresses the physical impacts of proposed development within the Baylands, and the Kinder Morgan Tank Farm is within the Project site, EIR mitigation measures do not apply to the Kinder Morgan tank farm.
- OSEC-146** [See page 5-326 for the original comment] CEQA requires the EIR to evaluate the physical environmental changes that would result from implementation of the proposed development program described in Chapter 3, *Project Description*. Discussion of sea level rise and related flooding impacts within the Baylands Project site is provided in Section 4.H, *Hydrology and Water Quality*. Mitigation measures within that section require that new development be protected from flooding hazards, including 100 years of projected sea level rise.
- OSEC-147** [See page 5-326 for the original comment] As stated on Draft EIR page 4.E-48, “all metals in contact with corrosive soil would be designed based on the results of the soil corrosivity testing and subsequent recommendations of the manufacturer or a corrosion engineer. The City Engineer would approve all final design and engineering plans prior to any construction.” Typically, conservative assumptions are made regarding moisture content and the potential for fluctuating groundwater conditions. As a result, the effects of sea level rise will be accounted for in the design of any metals placed below ground surface.
- OSEC-148** [See page 5-325 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA. The RWQCB and DTSC, as the responsible regulatory authorities for site remediation and Title 27 landfill closure, are obligated to prevent the spread of hazardous waste and leachate in accordance with risk-based cleanup goals designed to protect human health and environment. Because sea level rise can be reasonably

forecasted, it will need to be taken into account in relation to remedial technologies and monitoring. As a result, additional mitigation measures as requested in this comment are not necessary.

OSEC-149 [See page 5-326 for the original comment] “Undocumented fill” refers to fill materials that were placed without record of their compaction level and therefore are generally assumed to be relatively loose and more susceptible to settlement and erosion. The potential for erosion is reduced when exposed soils are covered with concrete or other impervious surfaces largely because they are no longer exposed to the effects of wind and water.

OSEC-150 [See page 5-326 for the original comment] As stated on Draft EIR page 4.E-36, “the foundation system for each building site within the Baylands must be designed in accordance with the site-specific engineering properties of the materials beneath the proposed structure, combined with the intended loading (weight) of the proposed structure.” This holds true for areas where liquefaction hazards are present as well as other seismic hazards. Therefore, with implementation of Draft EIR Mitigation Measure 4.E-2a, a site-specific geotechnical approach would be required for developments where pilings are not recommended. Standard geotechnical approaches can include replacing liquefiable soils with engineered fill, treatment of soils, dynamic compaction, or even soil-cement mixing where cement grout is injected into the ground. These can all be effective at minimizing the potential for liquefaction. As to the potential for corrosion, evaluating soils for corrosion potential would be included as part of final design-level site-specific geotechnical evaluations. All subsurface improvements including deep foundation systems such as pilings would also be evaluated for potential corrosion and designed to ensure that potential damage from corrosion is minimized.

OSEC-151 [See page 5-326 for the original comment] The text on page 3-8 of the Draft EIR is part of a description of the history of the Baylands Project Site, and is not intended to describe either present conditions or future activities. Section 3.2.2 of the Draft EIR starting on page 3-12 describes areas subject to remediation and landfill closure. Proposed remedial actions, including landfill closure are described in Section 3.11, *Remedial Actions*, starting on page 3-68, including a description of landfill closure procedures. The closure of the former landfill is discussed in detail in Section 4.G Hazards and Hazardous Materials of the Draft EIR. Section 4.E, *Geology, Soils, and Seismicity*, describes the geology, soils, and the seismicity of the Project Site and vicinity. It also analyzes and evaluates the impacts of Project site development to those resource areas, specifically, geology, soils, and seismicity.

OSEC-152 [See page 5-326 for the original comment] The paragraph on page 4.E-33 of the Draft EIR under the heading “San Mateo County Health System – Solid

Waste Program” is a description of existing regulations enforced by San Mateo County Environmental Health Division at the time of Draft EIR publication. The Draft EIR identifies federal, state, and local regulations that apply to the Baylands site because these regulations would affect how future development may proceed at the site. In this case, the San Mateo County Health Division is included because it has the authority to regulate construction on former landfill sites. A discussion of the landfill site history, including information about the history of landfill regulation at the site, is included in Draft EIR Section 4.G, *Hazards and Hazardous Materials*, starting on page 4.G-23. No changes to the Draft EIR have been made.

OSEC-153 [See page 5-326 for the original comment] Use of dynamic compaction is one of a number of options that would be considered for preparation of site soils for foundation construction and would not necessarily be appropriate for all proposed development. It would only be employed where appropriate as determined by site-specific data following review and approval by the City building official. Part of the consideration for employing this strategy is the potential effects on neighboring sites such that the process does not cause instability of the Bay Mud or adjoining exposed slopes, for example. Deep dynamic compaction and other methods of site preparation such as surcharging with stockpiled soils have been used successfully at numerous sites with similar underlying Bay Mud deposits to provide adequate building sites without causing underlying Bay Mud soils to fail. To clarify its intent, Mitigation Measure 4.E-2a is revised to read as indicated in Final EIR Chapter 3.0.

Prior to commencement of any deep dynamic compaction activities that may be proposed, a site specific geotechnical investigation as required by Draft EIR Mitigation Measure 4.E-2a would be undertaken to provide a detailed understanding of the underlying materials and recommendations for site preparation methods. These recommendations would be in accordance with industry standard practices and building code standards that are subject to review by the City Engineer, and would be required to be implemented as part of site preparation and grading.

Mitigation Measures to address vibration impacts are set forth in Mitigation Measure 4.J-2b.

OSEC-154 [See page 5-327 for the original comment] The seismic design criteria of the California Building Code (CBC) requires all proposed improvements to calculate the anticipated groundshaking that could occur from a maximum credible earthquake considering a site’s location relative to the active faults in the region which are considered in the context of the characteristics of the underlying materials. As stated on page 4.E-37, “Chapter 16, Section 1613 of the CBC provides earthquake loading specifications for every structure and associated

attachments that must also meet ASCE 07-05.” The comment’s reference to the Modified Mercalli scale that is used in the Draft EIR (Table 4.E-4 on page 4.E-21) should not be interpreted as what would necessarily be experienced for new structures that are constructed to current building code standards (See also Response to OSEC-164). The Mercalli scale is a qualitative descriptive scale provided as reference to qualitatively describe the severity of an earthquake. Table 4.E-5 shows the estimated PGA for the Baylands Project site as 0.56g, which is in the range of a VIII on the MMI scale. The less than significant impact determination with incorporation of the required mitigation measure to construct buildings to withstand expected ground motions in accordance with building code requirements is appropriate.

OSEC-155 [See page 5-327 for the original comment] The third paragraph on page 4.E-38 of the Draft EIR is revised to read as follows:

Under Order 01-041 from the RWQCB (2001), clay cap material must be maintained over landfill materials and undeveloped or open space areas. “If the cap should be breached (i.e., damaged such that its original purpose is compromised) by any means (differential settlement, construction, plantings, etc.), adequate restorative measures are required by Order 01-041 to maintain the integrity of the cap.”

No further mitigation is necessary because, as stated in the same sentence above, Order 01-041 already provides the legal requirement for ensuring that repairs are made and integrity restored.

OSEC-156 [See page 5-327 for the original comment] See Response BBCAG-71.

OSEC-157 [See page 5-327 for the original comment] Mitigation Measure 4.E-2.b states “To address recovery from damage to future structures and to the landfill itself that may be caused by future earthquakes⁴, 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 building permit.”

The owner of the property on which the former landfill sits is required to have the inspection performed pursuant to the requirements of Title 27, and to report the results of the inspection within 72 hours of the event, which does not

⁴ Because the required plan addresses specific structures that will be located and designed as part of subsequent actions, and also addresses specific yet to be approved by the RWQCB measures related to landfill closure, it cannot be prepared until after specific structures have been designed and a landfill closure plan has been approved.

preclude repairs being performed in that time if needed. A specific timeline is not set in Title 27 for completion of repairs since the nature of repairs to each specific landfill after an earthquake cannot be known. Emergency repairs to address immediate threats to public health and the environment will be completed quicker than more complex long-term repairs. A 7.0 magnitude earthquake is the applicable design event pursuant to current state requirements.

Responsibilities for the implementation and monitoring of all mitigation measures are outlined in the Mitigation Monitoring and Reporting Program (Final EIR Volume I, Chapter 4.0).

- OSEC-158** [See page 5-327 for the original comment] See Response OSEC-154.
- OSEC-159** [See page 5-327 for the original comment] Mitigation measure 4.E-3 set forth in the Draft EIR requires all proposed improvements to include a site-specific design level geotechnical evaluation with recommendations to address any identified liquefaction hazards in accordance with current building code requirements. The comment includes no factual basis to support the comment suggestion for extending the investigation 500 or 1,000 feet away from a proposed building. Such a requirement would only apply if there were any other structures or appurtenances such as a utility corridor proposed in which case the geotechnical investigation would cover that area in accordance with building code requirements.
- OSEC-160** [See page 5-327 for the original comment] The final paragraph on page 4.E-40 is revised to read as follows:
- Conclusion:** Because the potential for liquefaction ~~may be~~ is present at the site and would require site-specific analysis to determine the amount of potential settlement that could occur this impact would be significant. **Mitigation Measure 4.E-3** is recommended to minimize impacts under all of the proposed development scenarios.
- OSEC-161** [See page 5-327 for the original comment] See Response OSEC-160.
- OSEC-162** [See page 5-327 for the original comment] The current status of compressible Bay Mud at the Baylands site with regards to slope failure is described on Draft EIR page 4.E-23. The discussion of the potential for Bay Mud to fail under potential new loadings from fill or building placement is discussed on pages 4.E-41 and 4.E-42, disclosing the potential hazard that would require further quantitative analysis in a site-specific geotechnical investigation. As required by Draft EIR Mitigation Measures 4.E-4a and 4.E-4b, all proposed development would require site specific geotechnical analysis, including implementation of recommended measures to prevent any slope failures in accordance with building code requirements.

- OSEC-163** [See page 5-328 for the original comment] See Response BBCAG-72.
- OSEC-164** [See page 5-328 for the original comment] Table 4.E-4 is the Modified Mercalli Intensity Scale, which is a qualitative scale that provides a descriptive measurement of likely observed effects from a range of earthquake magnitudes. The factor of safety measurements provided in the discussion on Draft EIR page 4.E-42 are widely accepted geotechnical thresholds that are used throughout the San Francisco Bay Area.
- OSEC-165** [See page 5-328 for the original comment] Assuming the comment is referencing the factor of safety thresholds discussed on page 4.E-42 of the Draft EIR, the measurements apply to bedrock or unconsolidated deposits, as noted in the footnote, and are widely used across the San Francisco Bay Area.
- OSEC-166** [See page 5-328 for the original comment] Mapping under the Seismic Hazards Zonation Program is produced by the California Geological Survey (CGS). The Baylands site is located in an area where preparation and publication of the map is still in progress. Mitigation Measures 4.E-4a and 4.E-4b require that site-specific geotechnical investigations include slope stability evaluations that would be very comparable to any requirements that would be made for areas located in a Seismic Hazard zone for landslides. Implementation of the recommendations from these evaluations would be required as part of mitigation. As such, these mitigation measures would be effective in reducing impacts to less than significant levels regardless of the outcome of the seismic hazard mapping to be produced under the Zonation Program.
- OSEC-167** [See page 5-328 for the original comment] The text of the second paragraph on page 4.E-44 is revised as follows:
- “Policy 152 requires, among other things, that soil and geologic investigations be done in areas identified as prone to slope instability. Program 152e specifically addresses areas that may be prone to erosion. Since protection of slope stability is often related to drainage control and prevention of soil erosion, adherence to Policy 152 could also be effective in minimizing the potential for soil erosion.”
- OSEC-168** [See page 5-328 for the original comment] See Response BBCAG-73.
- OSEC-169** [See page 5-328 for the original comment] The Draft EIR text referenced in this comment notes that estimates of 21-26 feet of settlement within the former landfill determined by Geosyntec (2008) assumed use of wick drains to facilitate primary settlement in Young and Old Bay Mud and secondary settlement of municipal waste after use of deep dynamic compaction. The reference to wick drains is limited to providing a basis for estimating settlement within the former landfill, and is not specifically proposed. See Master Response 13 for discussion

regarding the Title 27 landfill closure review and approval process. The RWQCB approved any specific technologies for Title 27 closure of the former landfill. See also Master Response 17 for discussion of cross-contamination.

OSEC-170 [See page 5-328 for the original comment] See Master Response 13 for discussion regarding the remediation review and approval process. Human health risk assessments, risk-based cleanup goals, and the technologies to be employed in site remediation and Title 27 landfill closure, will be developed and approved by the RWQCB and DTSC. These risk-based cleanup goals and remedial technologies will account for the development of uses determined by the City to be appropriate within the Baylands, and will address grading activities and related soils compaction. As discussed in Master Response 13, both the RWQCB and DTSC are obligated as part of their remediation review and approval authority to prevent the spread of hazardous materials within or from the Baylands in concentrations in excess of approved risk-based cleanup goals. Thus, compaction of soils on top of the landfill would not result in materials within the landfill moving offsite.

OSEC-171 [See page 5-328 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. As discussed in that Master Response, the use of any specific remediation method or technology has not been approved by either the RWQCB or DTSC. Such approvals will not occur until after the City of Brisbane determines what land uses are appropriate within the Baylands, updated human health risk assessments are completed based on those land uses, and risk-based cleanup goals are established by the RWQCB and DTSC.

The Draft EIR text referenced in this comment notes that estimates of 21-26 feet of settlement within the former landfill determined by Geosyntec (2008) assumed use of wick drains to facilitate primary settlement in Young and Old Bay Mud and secondary settlement of municipal waste after use of deep dynamic compaction. Thus, wick drains are not specifically proposed, nor has the RWQCB approved any specific technologies for Title 27 closure of the former landfill.

OSEC-172 [See page 5-328 for the original comment] The recycled water plant would receive a site-specific geotechnical evaluation just as would any other site-specific project associated with the Baylands development. As such, any recommended site preparations and foundation design recommendations would be made in accordance with current building code requirements such that the recycled water plant could avoid any substantive damage from any identified geotechnical hazards.

OSEC-173 [See page 5-328 for the original comment] See Master Response 13 for discussion of the remediation review and approval process and Master Response 5 for discussion regarding compliance with the law as mitigation under CEQA. The RWQCB and DTSC, as the responsible regulatory authorities for site

remediation and Title 27 landfill closure, are obligated to prevent the spread of hazardous waste and leachate in accordance with risk-based cleanup goals designed to protect human health and environment. Because sea level rise can be reasonably forecasted, it will need to be taken into account in relation to remedial technologies and monitoring.

The Draft EIR section cited in this comment addresses greenhouse gas emissions, which are identified as a cause of global climate change and sea level rise. The projected rise in sea level is not relevant to the analysis of greenhouse gas emissions, and is therefore not discussed in Section 4.F, *Greenhouse Gas Emissions*. Estimated sea level rise and its effects on the Baylands is, however, addressed in Draft EIR Section 4.H, *Hydrology and Water Quality*.

The specific text that Comment OSEC-173 refers to in relation to global warming is specific to average temperature, which is not site-specific. The intent of this text is to inform the reader of the underlying consideration relative to climate change.

OSEC-174 [See page 5-329 for the original comment] All values for GHG emissions reported in Section 4.F, *Greenhouse Gas Emissions*, of the Draft EIR are in terms of metric tons, not short tons. The text is revised in five locations of pages 4.F-3 and 4.F-4 to add the term “metric” in the discussion of global, U.S., state and regional GHG inventory estimates, as follows:

Worldwide emissions of GHGs in 2004 were 30 billion metric tons of CO₂e per year (UNFCCC, 2012).

In 2009, the United States emitted about 6.7 billion metric tons of CO₂e or about 21 metric tons per year per person. Of the four major sectors nationwide -- residential, commercial, industrial, and transportation -- transportation accounts for the highest fraction of GHG emissions (approximately 33 percent); these emissions are entirely generated from direct fossil fuel combustion (U.S. EPA, 2011).

In 2004, California emitted approximately 550 million metric tons of CO₂e, or about 6 percent of the U.S. emissions.

In the San Francisco Bay Area, the transportation sector and industrial/commercial sector represent the largest sources of GHG emissions, accounting for 36.4 percent each of the Bay Area’s 95.8 million metric tons of CO₂e in 2007.

OSEC-175 [See page 5-329 for the original comment] The first sentence of this paragraph allocates 36.4 percent *each* to the transportation sector and the industrial/commercial sector. Thus, the combined contribution of these two sectors

in 72.8 percent. Electricity/co-generation sources account for about 15.9 percent of the Bay Area's GHG emissions, followed by residential fuel usage at about 7.1 percent. Off-road equipment and agricultural/farming sources currently account for approximately three percent and 1.2 percent, respectively, of the total.

OSEC-176 [See page 5-329 for the original comment] The following text is added to page 4.F-6 of the Draft EIR following the two bullet points regarding the endangerment finding:

In making the endangerment finding, the Administrator considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food- and water-borne pathogens, and changes in aeroallergens. It was determined that the evidence concerning adverse air quality impacts provides strong and clear support for an endangerment finding. Increases in ambient ozone are expected to occur over broad areas of the country, and they are expected to increase serious adverse health effects in large population areas that are and may continue to be in nonattainment. (Federal Register, Volume 74 No. 239, 2009).

OSEC-177 [See page 5-329 for the original comment] The cited text is presented verbatim from the state *CEQA Guidelines*.

OSEC-178 [See page 5-329 for the original comment] As stated in the Draft EIR on page 4.B-14, BAAQMD is no longer recommending use of its 2011 thresholds as a generally applicable measure of a project's significant air quality impacts, and lead agencies are not required to use these thresholds in their environmental documents. However, nothing in the court's decision *prohibits* an agency from using the thresholds so long as substantial evidence supports that decision. Therefore, BAAQMD identifies a number of resources for lead agencies to consider in their determination regarding whether the 2011 thresholds may be used to assess a project's impacts, including BAAQMD's 1999 Thresholds of Significance, the CEQA handbooks and guidelines of other air quality districts in California, a white paper on CEQA and Climate Change prepared by the California Air Pollution Control Officers Association (CAPCOA) in 2008, and BAAQMD's 2009 document Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.

Based on the foregoing substantial evidence, the City of Brisbane determined that the 2011 BAAQMD thresholds were appropriate for use in the Draft EIR.

OSEC-179 [See page 5-329 for the original comment] Page 3-7 of the Draft EIR Project Description states that a "portion of the Project Site west of the Caltrain line is

mostly undeveloped and dominated by the former Southern Pacific Railyards, but also includes a developed industrial park with 231,400 square feet of building area” This specific land use is noted on Table 4.GF-1 as an industrial park to be removed (i.e. to be displaced by Project Site development).

The analysis in the Draft EIR looks at the effects of Project Site development on the environment. Climate change impacts are exclusively cumulative impacts that affect the global concentrations of GHGs (i.e., there would be no localized “hot spot” of elevated GHG concentrations). Consequently, the focus of the analysis is to determine what would be the net increase in GHG that would result from implementation of the four development scenarios and to determine whether that net increase represents a cumulatively considerable contribution to the environment.

OSEC-180 [See page 5-329 for the original comment] A description of the line item emission sources considered in the calculations is provided on page 4.F-14 through 4.F-16 of the Draft EIR. Appendix G of the Draft EIR provides the URBEMIS and BGM output files for the calculations in Table 4.F-1. The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October of 2013 subsequent to the release of the Baylands Draft EIR. The new estimate shows substantially lower projected emissions, primarily due to updated assumptions in the model for future motor vehicle emission factors. The updated emission inventory is provided as a text revision Section 4.F, *Greenhouse Gas Emissions*, in Volume II, Chapter 3.0 of the Final EIR.

OSEC-181 [See page 5-329 for the original comment] As discussed in Master Response 25, internal capture reductions for proposed development within the Baylands were estimated to be:

- Home-based work trips
 - DSP/DSP-V: 5 percent
 - CPP/PPP-V: 0 percent
- Home-based other trips
 - DSP/DSP-V: 16 percent
 - CPP/DSP-V: 0 percent
- Non-home based trips:
 - DSP/DSP-V: 39 percent
 - CPP/DSP-V: 39 percent

Thus, the differences in the number and average length of external trips between the DSP/DSP-V and CPP/PPP-V scenarios result from capture of home-based trips to non-work locations and a modest amount of home to work trips (5 percent) within the Baylands.

OSEC-182 [See page 5-329 for the original comment] The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October of 2013 subsequent to the release of the Baylands Draft EIR. Table 4.F-2 is revised to reflect the recalculations and add the missing parenthesis bracket, as shown on the following page.

**TABLE 4.F-2
ESTIMATED EMISSIONS OF GREENHOUSE GASES (YEAR ~~2040~~2035)
FROM OPERATION OF THE CPP AND CPP-V SCENARIOS**

Source	Emissions (metric tons of CO ₂ e per year)
Community Proposed Project (CPP)	
Construction (Amortized Annual Emissions)	1,682 <u>2,382</u>
Motor Vehicle Trips	67,252 <u>41,927</u>
Electricity	11,503 <u>11,647</u>
Natural Gas	5,564 <u>9,415</u>
Solid Waste	26,766 <u>2,759</u>
Other Sources (i.e., area sources, water/wastewater)	1,336 <u>2,254</u>
Existing land uses to be removed (Industrial Park)	-2,762 <u>-1,159</u>
Renewable Energy Generation (PV)	-3,116
Total Unmitigated Operational GHG Emissions	108,222 <u>66,109</u>
Operational GHG Emissions per Service Population (16,191 jobs)	6.74 <u>.0</u>
<i>BAAQMD Efficiency Threshold</i>	4.6
<i>Significant (Yes or No)?</i>	YesNo
Community Proposed Project–Recology Expansion Variant (CPP-V)	
Construction (Amortized Annual Emissions)	1,656 <u>2,322</u>
Motor Vehicle Trips (non-Recology)	64,213 <u>39,786</u>
Recology Vehicle Trips	748
Electricity	10,839 <u>10,500</u>
Natural Gas	4,974 <u>7,844</u>
Solid Waste	24,824 <u>2,625</u>
Other Sources (i.e., area sources, water/wastewater)	1,336 <u>2,254</u>
Existing land uses to be removed (Industrial Park)	-2,762 <u>-1,159</u>
Recology Renewable Energy Implementation	-11,022 <u>-10,723</u>
Renewable Energy Generation (non-Recology PV)	-3,116
Total Unmitigated Operational GHG Emissions	91,690 <u>51,081</u>
Operational GHG Emissions per Service Population (16,073 jobs)	5.73 <u>.2</u>
<i>BAAQMD Efficiency Threshold</i>	4.6
<i>Significant (Yes or No)?</i>	YesNo

NOTE: GHG emissions from vehicles and area sources (including natural gas combustion) associated with Project Site development were calculated using the CalEEMod model, URBEMIS2007 model and BGM and trip generation data from the CPP and CPP-V scenarios traffic analysis. Additional data and assumptions are included in Appendix G of this EIR.

- OSEC-183** [See page 5-329 for the original comment] As discussed in Section 4.N, *Traffic and Circulation*, a Transportation Demand Management (TDM) program would be developed and implemented under each scenario to reduce use of single-occupant vehicles and to increase the use of rideshare, transit, bicycle and walk modes for trips to and from, as well as within, the Baylands Project Site as required by the San Mateo County Congestion Management Plan. Because of the difficulty of precisely quantifying the trip reductions associated with implementing TDM strategies without knowing the specific businesses that will occupy the Project site, the travel demand analysis used as a basis for calculating vehicle emissions does not assume additional trip reduction due to specific TDM strategies beyond those associated with internal, pass-by, and diverted linked trips.
- OSEC-184** [See page 5-330 for the original comment] Residents of the DSP and DSP-V scenarios were not assumed in the GHG analysis to work in the Baylands site. Transportation-related GHG emission were calculated assuming an average residential commute trip distance of 12.4 miles, a residential shopping trip distance of 4.3 miles and a default trip distance of 5.4 miles for other trips. Trip lengths in CalEEMod model are supplied by the BAAQMD as a region-wide average. See Master Response 25 for a discussion of the relationship between jobs and housing and its effect on internal capture of traffic within the Baylands.
- OSEC-185** [See page 5-330 for the original comment] See Master Response 25 for discussion of internal capture reductions for proposed development within the Baylands. See also Response OSEC-181.
- OSEC-186** [See page 5-330 for the original comment] The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October of 2013 subsequent to the release of the Draft EIR. Table 4.F-2 has been prepared to reflect the recalculations. These updated calculations indicate that the CPP and CPP-V scenarios would not have a significant impact with regard to GHG emissions (See Response OSEC-192). Consequently, Mitigation Measure 4.F-1 is no longer required based on these updated emission estimates.

~~**Mitigation Measure 4.F-1:** All new development within the Project Site shall be required to develop and implement a Greenhouse Gases Emissions Reduction Plan (GHG Plan) containing strategies to increase energy efficiency and reduce GHG emissions to the greatest extent feasible with a minimum performance standard of five percent (as reflected in Table 4.F-3). The GHG Plan shall be submitted to the City for approval as part of the initial application process for building permits so that the measures will be verified as present in building specifications. The GHG Plan, as implemented, shall include strategies that exceed those already identified in the project description or required by law. The GHG Plan shall include strategies designed to reduce emissions generated by motor vehicles, as well as strategies to reduce stationary source emissions from energy~~

consumption. Strategies shall include, but not be limited to, the following types of GHG reduction measures:

- ~~Motor Vehicle Emissions~~
 - ~~Provide free transit passes to employees and onsite residences;~~
 - ~~Provide secure bike parking (at least one space per 20 vehicle spaces);~~
 - ~~Provide showers and changing facilities for employees;~~
 - ~~Provide information on transportation alternatives to employees;~~
 - ~~Establish a dedicated employee transportation coordinator; and~~
 - ~~Include preferential carpool and vanpool parking.~~
- ~~Stationary Source Emissions~~
 - ~~Provide stand alone or rooftop solar, wind, or other renewable energy generation facilities (e.g., co-generation) to accommodate at least 3,600 MT per year of GHG offset within the Project Site;~~
 - ~~Upgrade buildings within the Project Site to achieve a LEED Gold rating, rather than the LEED Silver rating now required by the Brisbane Municipal Code;~~
 - ~~Increase solid waste diversion from landfills by 10 percent beyond state and local diversion requirements;~~
 - ~~Employ “cool roof” technology for buildings; and~~
 - ~~Use electrically powered landscape equipment.~~

~~Additional measures that are not identified within the BGM may be feasible but would require the GHG Emissions Reduction Plan to develop and commit to effective GHG emission reductions and provide GHG reduction estimates for each measure. These additional measures are presented below in **Table 4.F-4**, along with the type of information needed to estimate further reductions in GHG emissions. Additionally, measures recommended by the state Attorney General’s office that are not proposed or have not been considered by other mitigation above are also identified. These measures could be implemented as part of the required specific plan by developers of site specific development projects as a condition of building permit to be verified by the City through the permit process. Many of these measures are also identified in **Mitigation Measure 4.B-4** of Section 4.B, *Air Quality*, of this EIR to address regional criteria air pollutant impacts.~~

~~**Conclusion with Mitigation:** With the inclusion of **Mitigation Measure 4.F-1**, implementation of the CPP or CPP V scenarios would result in a reduction of GHG emissions (approximately 4.5 percent), but that reduction would not reduce GHG emissions to the degree necessary (a~~

**TABLE 4.F-4
ADDITIONAL GREENHOUSE GAS EMISSION REDUCTION STRATEGIES AND DATA REQUIRED**

Strategy	Data Required
Bay Area Greenhouse Gas Model (BGM) Measures	
Institute recycle and compost services	Percent waste reduction
Install water-efficient landscape	Gallons/year
Use reclaimed water	Percent use inside/outside
Water conservation strategy (precludes above two strategies)	Percent reduction inside/outside
Install high-efficient lighting	Percent energy reduction
Provide ridesharing program	Percent employees eligible
Limit parking supply	Percent reduction
Increase on-street parking fee	Percent increase in price
Implement trip reduction program	Percent employees eligible
Charge for workplace parking	Percent employees eligible and amount
Implement employee vanpool/shuttle program	Percent employees eligible
State Attorney General's Office Measures	
Meet recognized green building standards, such as Leadership in Energy and Environmental Design (LEED), for individual buildings	
Use passive solar design to reduce energy demand for space heating and cooling.	
Reduce unnecessary outdoor lighting	
Build solar ready structures where solar systems cannot feasibly be incorporated at the outset	
Include energy storage to optimize renewable energy generation and avoid peak energy use	
Use onsite landfill gas in energy applications	
Reuse and recycle demolition and construction wastes	
Accommodate recycling collection areas in business spaces	

SOURCE: ESA, 2012.

28 to 31 percent reduction) to achieve a less than significant environmental effect, as indicated by Table 4.F-3. Implementation of additional emissions reduction strategies such as those identified in Table 4.F-4 above could further reduce the impact of GHG emissions. However, because it is unclear to what extent such measures could feasibly be implemented and would reduce GHG emissions to levels below the threshold of significance, the impact of GHG emissions from the CPP and CPP-V scenarios would remain significant unavoidable.

OSEC-187 [See page 5-330 for the original comment] Please see Response OSEC-186.

- OSEC-188** [See page 5-330 for the original comment] The first 12 pages of Draft EIR Section 4.F, *Greenhouse Gas Emissions*, address the setting context for GHGs inclusive of a general introduction to the topic, the physical setting of the country, state and region and a synopsis of the existing regulatory background as it pertains to GHGs. This is a standardized format for Draft EIRs throughout California pursuant to Section 15125 of the State CEQA Guidelines. A discussion of methodology for the impact analysis is presented on pages 4.F-13 and 4.F-14 of the Draft EIR. This section has been updated in this Final EIR to reflect the use of the updated CalEEMod model. The methodology used for analysis of GHG impacts is that recommended by the Bay Area Air Quality Management District in its most recent (2012) update of its CEQA Air Quality Guidelines.
- OSEC-189** [See page 5-330 for the original comment] Information from Draft EIR Section 4.N, *Traffic and Circulation*, relevant to the analysis of potential GHG impacts consist primarily of the vehicle trips generation assumed for each development scenario. This data was presented in Tables 4.N-12 and 4.N-13 of the Draft EIR.
- OSEC-190** [See page 5-331 for the original comment] The last paragraph of page 4.F-2 is revised to read as follows.

Global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include the displacement of thousands of coastal businesses and residences, impacts on agriculture, changes in disease vectors, and changes in habitat and biodiversity. As the California Air Resources Board (CARB) *Climate Change Scoping Plan* noted, the legislature in enacting Assembly Bill (AB) 32 found that global warming would cause detrimental effects to some of the state's largest industries, including agriculture, winemaking, tourism, skiing, commercial and recreational fishing, forestry, and the adequacy of electrical power generation. The *Climate Change Scoping Plan* states as follows (CARB, 2011): "The impacts of global warming are already being felt in California. The Sierra snowpack, an important source of water supply for the state, has shrunk 10 percent in the last 100 years. It is expected to continue to decrease by as much as 25 percent by 2050. World-wide changes are causing sea levels to rise – about eight inches of increase has been recorded at the Golden Gate Bridge over the past 100 years – threatening low coastal areas with inundation and serious damage from storms."

- OSEC-191** [See page 5-331 for the original comment] The following is added following the first full paragraph on page 4.F-3 of the Draft EIR:

Uptake of anthropogenic CO₂ results in gradual acidification of the ocean. The pH of surface seawater has decreased by 0.1 since the beginning of the industrial era, corresponding to a 26% increase in hydrogen ion concentration. The observed pH trends range between a –0.0014 and –0.0024 reduction per year in surface waters. In the ocean interior, natural physical and biological processes, as well as uptake of anthropogenic CO₂, can cause changes in pH over decadal and longer time scales (IPCC, 2013).

While more than half of the CO₂ emitted is currently removed from the atmosphere within a century, some fraction (about 20%) of emitted CO₂ remains in the atmosphere for many millennia. Because of slow removal processes, atmospheric CO₂ will continue to increase in the long term even if its emission is substantially reduced from present levels. Methane (CH₄) is removed by chemical processes in the atmosphere, while nitrous oxide (N₂O) and some halocarbons are destroyed in the upper atmosphere by solar radiation. These processes each operate at different time scales ranging from years to millennia. A measure for this is the lifetime of a gas in the atmosphere, defined as the time it takes for a perturbation to be reduced to 37% of its initial amount. While for CH₄, N₂O, and other trace gases such as hydrochlorofluorocarbon-22, a refrigerant fluid, such lifetimes can be reasonably determined (for CH₄ it is about 12 years, for N₂O about 110 years and for HCFC-22 about 12 years). A lifetime for CO₂ cannot be defined (IPCC, 2007).

OSEC-192 [See page 5-331 for the original comment] The assumptions and calculations for vehicle trips in all scenarios is presented in Section 4.N, *Traffic and Circulation*, starting on page 4.N-71. Calculations of trip generation are presented in Tables 4.N-12 through 4.N-16.

OSEC-193 [See page 5-331 for the original comment] Cumulative impacts of proposed Baylands development, in combination with other past, present, and reasonably foreseeable future projects on specific segments of the US 101 freeway is presented in Table 4.N-33.

Congestion on US 101 results from the combination of trips generated by Brisbane residents and businesses, as well as residents and businesses in San Francisco, San Mateo and Santa Clara counties, and elsewhere.

As stated on page 4.N-74, trip distribution was derived from several reputable sources, including the MTC Regional Travel Demand Model, the *Candlestick/Hunters Point EIR*, the Bay Area Travel Survey 2000, the C/CAG Travel Demand Model, and the *San Francisco Transportation Impact Analysis Guidelines*.

The Draft EIR follows the freeway mainline impact assessment methodology of determining whether Project Site development would contribute to substantial existing traffic delays at freeway mainline segments. Table 4.N-28 presents “existing” and “existing plus project” conditions to determine the impact of project trips to selected highway mainline segments on US 101. The volume-to-capacity (V/C) metric represents the projected volume of vehicles compared to the capacity of the freeway facility. For that comparison table, the traffic added by surrounding projects included in the cumulative analysis is not included.

Table 4.N-33 presents “cumulative without project” and “cumulative with project” conditions to determine the impact of project trips to selected highway mainline segments on US 101 under cumulative conditions. This analysis does take into account local and regional future projects. See Master Response 22 for more information on how cumulative baseline traffic forecasts were developed.

OSEC-194 [See page 5-331 for the original comment] As part of the environmental review process, and pursuant to the Water Code, a water supply assessment was prepared for proposed Project Site development. This water supply assessment was included in the Draft EIR as Appendix L, and assessed the water supplies available for Project Site development. Water supply and demand were estimated through 2035, which represents the target build out date when the full water demand resulting from Project Site development would occur. Water supply assessments are required by law to include a discussion with regard to whether the total projected water supplies determined to be available by the lead agency for the project during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses (California Water Code Sections 10910-10915).

Water supply agencies throughout California are evaluating the potential effects of climate change on their supply sources. The SFPUC, the wholesale water supplier to the Bay Area peninsula communities that supplies most of Brisbane’s water, has been a leader in assessing climate change affects. As reported in the SFPUC 2010 Urban Water Management Plan (SFPUC 2011, Chapter 7 – Climate Change, p 91.), the SFPUC has conducted a detailed review of the current scientific literature regarding climate change and potential effects on water supply resources and identified several anticipated trends including reductions in average annual snowpack, a shift in snowmelt runoff to earlier in the year, changes in timing, intensity, and variability of precipitation, and an increased amount of precipitation falling as rain instead of snow. The SFPUC report notes that while general trends have been identified, “there is no clear scientific consensus on exactly how global warming will quantitatively affect the state’s water supplies, and current models of State water systems generally do not reflect the potential effects of global warming.” (SFPUC 2011)

The SFPUC conducted its own initial technical assessment of the potential effects of climate change on its Regional Water System and found that through 2025 a projected temperature increase of 1.5 degrees Celsius would result in about 7 percent of the runoff that now drains into Hetch Hetchy Reservoir shifting from the spring/summer season to the fall/winter season. The percentage change is within the annual variation in spring/summer runoff that already occurs and is accounted for by the SFPUC's supply system management and planning such that it would not adversely affect supply delivery projections or capabilities. The SFPUC is now proceeding in partnership with other water utilities across the country and research programs to develop additional evaluation methods to further evaluate potential climate change effects on water supply.

- OSEC-195** [See page 5-331 for the original comment] Information from Draft EIR Section 4.N, *Traffic and Circulation*, relevant to the analysis of potential GHG impacts consist primarily of the vehicle trips generation assumed for each development scenario. This data was presented in Tables 4.N-12 and 4.N-13 of the Draft EIR.
- OSEC-196** [See page 5-331 for the original comment] Please see Responses OSEC-190 and OSEC-191.
- OSEC-197** [See page 5-331 for the original comment] The BAAQMD CEQA website identifies CalEEMod as the model to be used in CEQA analysis as of August 5, 2013, which was subsequent to the release of the Draft EIR in June of 2013. The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model. The updated emission inventory is provided Section 4.F, *Greenhouse Gas Emissions*, of Volume III of the Final EIR. Based on the latest version of the CalEEMod model, GHG emissions under the CPP and CPP-V scenarios are estimated at 3.2 metric tons per year per service population, and are below the GHG significance threshold. Consequently, the CPP and CPP-V scenarios are now identified as having a less than significant impact with regard to GHG emissions.
- OSEC-198** [See page 5-332 for the original comment] Models used to calculate GHG emissions from the developer-sponsored plan included in the Draft EIR were URBEMIS and the Bay Area Greenhouse Gas Model. The CalEEMod land use emissions model of the California Air Pollution Control Officers Association was also used for the revised calculations included in this Final EIR. These models were the recommended models for GHG analysis at the time of the Draft EIR and Final EIR, respectively. Input data for vehicle trip generation was derived in the Transportation analysis using the Institute of Transportation Engineers (ITE) *Trip Generation*.

See Master Response 25 for discussion of internal capture reductions for proposed development within the Baylands.

OSEC-199 [See page 5-332 for the original comment] Calculations of GHG emissions from the developer-sponsored plans assumed trip generation estimates of the Transportation analysis, the basis of which is presented on pages 4.N-72 and 4.N-73 of the Draft EIR. It should be noted that both the URBEMIS and CalEEMod models weigh internal trips the same as any other vehicle trip by assuming a region-wide average trip length for each trip type (see Responses OSEC-184 and OSEC-185). The Draft EIR makes no assertion as to whether impacts are “acceptable” or unacceptable,” only whether impacts exceed the significant thresholds identified in the Draft EIR. See Master Response 4 for discussion of the relationship between the CEQA and planning reviews being undertaken for the Baylands, as well as for discussion of “significant unavoidable” impacts and “unacceptable” impacts.

OSEC-200 [See page 5-332 for the original comment] Mode share for proposed Baylands development is described on page 4.N-76 of the Draft EIR, and is based on local data and projections. Mode share was evaluated and compared among several resources including the Candlestick Point/Hunters Point Shipyard EIR, San Francisco CEQA Guidelines, BATS 2000, the American Community Survey 2005-2009, 2010 Census, and travel characteristics of comparable transit-oriented developments in California. From these sources, the mode split used for the Baylands Draft EIR was developed.

Replacing auto trips with transit trips is an effective way to reduce the GHG emissions of a project. Increasing the use of transit is, in fact, a key component of the Bay Area’s regional plan for GHG emissions reduction, the Plan Bay Area sustainable communities strategy.

OSEC-201 [See page 5-332 for the original comment] While these projects are unfunded, the Draft EIR assumes reasonably foreseeable transportation infrastructure projects that have previously been proposed and included in environmental analyses for nearby projects as cumulative 2030 baseline improvements, including the Candlestick Point–Hunters Point Shipyard EIR (approved development), with the exception of the Bayshore Caltrain Station relocation and T-Third Light Rail Extension. Implementation of these improvements would be based on fair-share funding measures through inter-jurisdictional study and cooperation. The 2013 Bi-County Transportation Study, prepared in consultation with San Mateo County and the cities of Brisbane and Daly City and published by the San Francisco County Transportation (SFCTA), “represents a consensus approach among the public partners to project development and funding for the Bi-County transportation investment program and a commitment to continue efforts and discussions on Bi-County funding...” Because the transit

improvements included in the transportation analysis are considered to be reasonably foreseeable, they were included as a cumulative 2030 baseline condition.

OSEC-202 [See page 5-332 for the original comment] It is acknowledged that Caltrain would be the preferred choice of transit for trip ends to the south. According to Table 4.N-21 (page 4.N-87 of the Draft EIR), a very small percentage (between 1-2%) of transit trips would occur between the Baylands site and Central Brisbane. The news article dated May 2013 from Palo Alto Online identified by Comment OSEC-202 states that Caltrain is operating above capacity; however, pursuant to CEQA Guidelines Section 15125(a) the existing conditions used in the transit impact analysis were documented at the time of the NOP for Project Site development.

The traffic impact analysis in the Draft EIR assumes the transit improvements described starting on page 4.N-53. The baseline conditions assumed in the impact analysis are based on the best information available at the time of the Notice of Preparation. It should also be noted that the EIR for the Brisbane Baylands analyzes Baylands development at a program level as discussed in Master Response 1, and provides a starting point for subsequent planning, design, and environmental analysis of site-specific development and future implementation activities. As discussed in Master Response 1, future site-specific development proposals within the Baylands will be subject to further environmental review. At that time, the need for new mitigation measures or adjustments to existing mitigation measures would be considered and could be imposed if necessary to mitigate significant impacts.

OSEC-203 [See page 5-333 for the original comment] The CalEEMod model used to calculate GHG emissions uses countywide emission factors for San Mateo County. These are composite emission factors comprised of adjusted VMT weighted emission factors for each speed within a given vehicle class. Consequently, the model indirectly assumes an “average” vehicle speed within the county, which typically is somewhere around 30 to 35 miles per hour. This includes freeway travel.

OSEC-204 [See page 5-333 for the original comment] While new nearby developments would likely house Brisbane Baylands workers, this would occur for both the DSP and CPP development scenarios. The worker pool would also be drawn from nearby existing neighborhoods, intra-city, intra-county, and inter-county residences. That is why vehicle trip lengths for home-to-work trips, as well as all other trip types, must rely on average trip lengths for aggregate level analyses such as a GHG assessment. For the Baylands, vehicle trips assumed default trip lengths for urban land uses, which are embedded in the CalEEMod model. Because the GHG analysis uses vehicle trip generation projections for each

development scenario as one input variable, the development scenarios with higher trip generation will have higher GHG emissions.

OSEC-205 [See page 5-333 for the original comment] The CPP-V scenario would consolidate Recology operations from Recology's 7th Street and Pier 96 operations onto its Tunnel Avenue site as part of its proposed modernization and expansion project. However, planning for Recology's expansion is still in its early stages, and sufficient information does not yet exist at the programmatic level of analysis undertaken in this EIR to analyze what changes to Recology's routing of vehicles might be. As discussed in Master Response 1, the Baylands EIR provides program-level analyses. As such, the traffic, air quality, and GHG analyses undertaken for the Baylands EIR include analyses of trips to and from the Baylands, including Recology's Tunnel Avenue facility for existing conditions, as well as for future with project conditions. Evaluation of the project-specific changes in Recology's vehicle miles travelled would be undertaken as part of subsequent environmental review for the Recology modernization and expansion project.

The Final EIR now includes an updated estimation of project-related GHG emissions based on the latest version of the CalEEMod model. The updated emission inventory is provided as a text revision in Chapter 3.0 of the Final EIR. GHG emissions under the CPP-V scenario are now estimated at 3.2 metric tons per year per service population and would be below the significance threshold. Consequently, the CPP-V scenario is now identified as having a less than significant impact with regard to GHG emissions.

OSEC-206 [See page 5-333 for the original comment] The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October of 2013 subsequent to the release of the Draft EIR. A text revision to Table 4.F-2 has been prepared to reflect the recalculations. These updated calculations indicate that the CPP and CPP-V scenarios would not have a significant impact with regard to GHG emissions. Consequently, Mitigation Measure 4.F-1 is no longer required for any project scenarios based on these updated emission estimates. See Response OSEC-186. A combination of reduced development intensity and increased renewable energy generation is explored in the Renewable Energy Generation Alternative and the Non-Residential Reduced Intensity Alternative.

OSEC-207 [See page 5-333 for the original comment] Please refer to Section 4.N, *Traffic and Circulation*, of the Draft EIR for assessment of impacts with regard to traffic delays, emergency vehicle access resulting from development under the four Project Site development scenarios.

OSEC-208 [See page 5-333 for the original comment] The relative trip generation percentages cited in the comment and on page 4.F-19 of the Draft EIR (“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”) are calculated from an earlier iteration of the Transportation analysis. The estimates cited in Tables 4.N-12 and 4.N-13 of the Draft EIR (42,528 net new vehicle trips per day for the DSP scenario, 41,893 net new vehicle trips per day for the DSP-V scenario, 79,514 net new vehicle trips per day for the CPP scenario, and 76,447 net new vehicle trips per day for the CPP-V scenario) are the most updated estimates and result in the number of vehicle trips generated by the CPP and CPP-V scenarios to be 87 and 83 percent greater than the number generated by the DSP and DSP-V scenarios, respectively.

Table 4.N-12 and Table 4.N-13 of the Draft EIR provide the assumed square footage of each land use type (or number of units for residential development) and the number of vehicle trips generated by each of these land use types of the given size based on the Institute of Transportation Engineers (ITE) *Trip Generation*.

OSEC-209 [See page 5-334 for the original comment] The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October of 2013 subsequent to the release of the Draft EIR. A text revision to Table 4.F-2 has been prepared to reflect the recalculations. See Responses OSEC-182 and OSEC-186. These updated calculations indicate that the CPP and CPP-V scenarios would not have a significant impact with regard to GHG emissions. Consequently, Mitigation Measure 4.F-1 is no longer required for any of the Project Site development scenarios based on these updated emission estimates.

OSEC-210 [See page 5-334 for the original comment] See Master Response 15 for discussion regarding the characterization of contamination within the Project site. Section 4.G.2 of the Draft EIR discusses the existing contamination within the Project Site. Chapter 3 is the Project Description and Section 3.2 describes the site setting. Characterization of wastes within the Project site is based on studies of actual landfill wastes, while characterization of soils contamination is based on soils testing. Thus, descriptions of landfill wastes and soils contamination are not dependent on identification of specific past uses within the Baylands Project Site.

OSEC-211 [See page 5-334 for the original comment] The existing soil cover on top of the landfill was placed as an interim measure to prevent direct contact of refuse with humans. Soil boring logs from various consultants have identified the depth of soil cover placed on top of the landfill waste. A new, permanent cover that is compliant with Title 27 will be required as part of landfill closure prior to any development being permitted. The RWQCB’s review of the Title 27 landfill

closure will be conducted in light of the land uses approved by the City for the Baylands, including the former landfill area. Land uses proposed within the former landfill area will be required to be designed and constructed in compliance with Title 27 requirements. See Master Response 13 for discussion regarding the landfill closure review and approval process.

OSEC-212 [See page 5-334 for the original comment] See Master Response 15 for discussion regarding the characterization of contamination within the Project site. Characterization of wastes within the Project site is based on studies of actual landfill wastes, while characterization of soils contamination is based on soils testing. Thus, descriptions of landfill wastes and soils contamination are not dependent on identification of specific past uses within the Baylands Project Site.

OSEC-213 [See page 5-334 for the original comment] See Response OSEC-212.

OSEC-214 [See page 5-334 for the original comment] See Response OSEC-211.

OSEC-215 [See page 5-334 for the original comment] The former Brisbane Landfill received waste streams from 1932 to 1967, prior to the classification of wastes as hazardous or nonhazardous; prior to the segregation of waste streams; and prior to the identification of landfills as Class I, II, or III. Based on records of the waste placed in the former Brisbane Landfill, the waste stream has been classified as “primarily nonhazardous” as the landfill was used primarily for municipal waste. See Master Response 15 for discussion regarding the characterization of contamination within the Project site.

Characterization of wastes within the Project site is based on studies of actual landfill wastes, while characterization of soils contamination is based on soils testing. Descriptions of the contaminants within the former landfill and former railyard are presented in Draft EIR Section 4.G, *Hazards and Hazardous Materials*, starting on page 4.G-23.

See Master Response 13 for discussion regarding the remediation review and approval process. EIR Mitigation Measure 4.G-2a requires completion of Title 27 landfill closure plans prior to development within the former landfill area, completion of the remedial action plan for OU-1 prior to development within OU-1, and completion of the remedial action plan for OU-2 prior to development within OU-2.

OSEC-216 [See page 5-335 for the original comment] “Failure” in the context of Section 4.E-4 (page 4.E-41 and 4.E-42) is used to describe soil stability when additional loads, or weight, have been placed, and not permeability. Both GeoSyntec (2008) and Treadwell & Rollo, Inc. (2008) determined if constructed slopes were not engineered appropriately they could slide (fail) and potentially

impact site improvements. Treadwell & Rollo recommends additional geotechnical surveys be conducted prior to final design and construction.

See Master Response 18 for discussion of “cross-contamination.”

- OSEC-217** [See page 5-335 for the original comment] This comment expresses a general opinion about site investigations that have occurred over the past 35 years, and states that specific comments will be provided later in the comment letter.
- OSEC-218** [See page 5-335 for the original comment] See Responses BBCAG-112, BBCAG-113, and BBCAG-113. Title 27 closure of the former Brisbane Landfill will be required to prevent any increases in leachate that exceed any regulatory thresholds.
- OSEC-219** [See page 5-335 for the original comment] See Response BBCAG-176.
- OSEC-220** [See page 5-337 for the original comment] See Response BBCAG-177.
- OSEC-221** [See page 5-337 for the original comment] Human contact with the surface water within the Lagoon would not be permitted pursuant to the Biological Resources mitigation measures set forth in the Draft EIR. The water quality of the Lagoon will be improved once the Baylands Project site is remediated and best management practices are in place for stormwater pollution and prevention. CEQA does not require, nor does the City have the authority to require, mitigation measures for impacts not created by the Project, such as existing water quality in the Lagoon.
- OSEC-222** [See page 5-337 for the original comment] As shown in Draft EIR Figure 3-6, the Bayshore Industrial Park, areas adjacent to the machinery and equipment building, and Icehouse Hill are within OU-2 and therefore subject to the regulatory authority of the RWQCB. To address issues related to previous uses within the Bayshore Industrial Park, text has been added following the conclusion at the bottom of page 4.G-98 as shown in Final EIR Chapter 3.0.
- OSEC-223** [See page 5-337 for the original comment] As discussed in Master Response 13 and required by Mitigation Measure 4.G-2a, completion of Title 27 landfill closure activities will be required prior to any development within the former land fill area, completion of remediation for OU-1 will be required prior to any development within OU-1, and completion of remediation for OU-2 will be required prior to any development within OU-2. Remediation of each area will be compliant with OSHA and Cal/OSHA requirements to protect workers, and will also be required not to create any new exposure pathways that could adversely affect human health or the environment.

- OSEC-224** [See page 5-338 for the original comment] See Master Response 17 for a discussion of potential cross-contamination. Any drilling will be required to comply with the requirements of the RWQCB, and to be conducted within non-permeable casings to avoid permitting the movement of leachates or other contaminants into the groundwater basin.
- OSEC-225** [See page 5-338 for the original comment] The Pipeline and Hazardous Materials Safety Administration (PHMSA) is the primary federal regulatory agency responsible for ensuring the pipelines are safe, reliable and environmentally sound. Federal regulations require pipeline operators to ensure integrity assessment methods are used, including inspection, pressure testing, and direct assessment to address threats on pipeline segments. See also Master Response 19 for discussion regarding land use compatibility between the Kinder Morgan tank farm and the Baylands.
- OSEC-226** [See page 5-338 for the original comment] See Response BBCAG-104.
- OSEC-227** [See page 5-338 for the original comment] The term “clean soil” is a common term used in the construction industry to denote soils that are free of rubble and construction debris. As used in the Draft EIR, it refers to the 20 to 30 feet deep layer of soil used as final cover over the landfill to prevent human contact with refuse from residential, commercial, industrial activities including shipyard waste, construction rubble, tires, and sewage.
- OSEC-228** [See page 5-338 for the original comment] See Master Response 15 for discussion regarding the adequacy of waste characterization studies for use in the Draft EIR.
- OSEC-229** [See page 5-339 for the original comment] See Response BBCAG-109.
- OSEC-230** [See page 5-339 for the original comment] See Response BBCAG-121.
- OSEC-231** [See page 5-339 for the original comment] See Response BBCAG-127.
- OSEC-232** [See page 5-340 for the original comment] The Draft EIR accurately reflects the results of studies conducted within the Baylands, including 2010 leachate monitoring results, which indicated the presence of VOCs, trace concentrations of SVOCs, and metals (barium and nickel), indicating a slight leachate buildup. The information presented for the 2010 baseline year is from the Geosyntec Consultants report entitled, *Semiannual Discharge Monitoring Report, Brisbane Landfill, Brisbane, CA*, October 30, 2010, which is on file with the City of Brisbane Community Development Department. See Master Response 13 for discussion regarding the remediation review and approval process and Master Response 15 for discussion regarding the adequacy of existing studies for use in the Draft EIR.

No factual evidence is provided in the comment to support the comment assertion that it is “likely” that subsurface seeps into the Lagoon exist. The leachate seep collection and transmission system installed by the landowner as part of a leachate management system as required by the RWQCB is located at the southern end of the Brisbane Landfill, intercepts leachate from seeps and conveys the leachate to the Bayshore Sanitary District sewer. The system was reported effective as no leachate seeps were observed during the 2010 summer monitoring event. The conclusion was reached then, that if no leachate seeps were visible, no exposure to human or environmental receptors was occurring.

- OSEC-233** [See page 5-340 for the original comment] See Response BBCAG-147.
- OSEC-234** [See page 5-340 for the original comment] See Response BBCAG-154.
- OSEC-235** [See page 5-340 for the original comment] See Response BBCAG-159.
- OSEC-236** [See page 5-340 for the original comment] See Responses BBCAG-194.
- OSEC-237** [See page 5-340 for the original comment] See Master Response 3 for discussion regarding implementation of EIR mitigation measures. Chapter 4.0 of the Final EIR contains the Mitigation Monitoring and Reporting Program that details how each EIR mitigation measure will be implemented. Remedial action plans and landfill closure plans approved by the RWQCB and DTSC will include specification requirements for implementation.
- OSEC-238** [See page 5-340 for the original comment] See Response BBCAG-233.
- OSEC-239** [See page 5-340 for the original comment] The proposed remedial action for the former Brisbane Landfill will be required to address: (1) lack of a low permeability engineered landfill cap compliant with Title 27, (2) the presence of leachate and the requirement to prevent any increases in leachate that exceed any regulatory thresholds, (3) hydrologic connectivity to groundwater and surface water, primarily the Central Drainage Channel, (4) ongoing consolidation of refuse and Bay Muds, and (5) control of landfill gas.

The former landfill remediation includes both Final Closure and Post-Closure Plans to be ultimately approved by the regulatory agencies, and in compliance with Title 27 will include: (1) operation and maintenance of a leachate seep collection and transmission system, (2) operation and maintenance of the landfill gas collection and control system, (3) continued groundwater, surface water and leachate quality monitoring and evaluation, (4) installation of a final cover system over the entire landfill, and (5) operation of a landfill gas collection and monitoring system. Additionally proposed development will be subject to land use controls such as deed restrictions and require notifications for any disturbances of the ground.

- OSEC-240** [See page 5-340 for the original comment] See Response BBCAG-256.
- OSEC-241** [See page 5-341 for the original comment] The mitigation measures referred to in this comment address landfill gas migration, and not the leachate issues raised in the comment. See Master Response 13 for discussion of the remediation review and approval process. As discussed in that Master Response, Title 27 closure under the regulatory authority of the RWQCB will be required to prevent any spread or increases in leachate that exceed any regulatory thresholds.
- OSEC-242** [See page 5-342 for the original comment] The Draft EIR text correctly describes the connection between the Beatty Avenue Storm Drain and the Sunnydale line, which heads north to connect with the San Francisco wastewater treatment plant. **Figure 4.H-1** is edited to show the connection of the Beatty Avenue Storm Drain line connection.
- OSEC-243** [See page 5-342 for the original comment] The sampling mentioned on Draft EIR page 4.H-5 pertains to required monitoring that has been conducted on the Baylands Project site in accordance with the referenced Industrial NPDES General Permit. The sampling is targeted towards current industrial activities on the site and is not intended to measure all the historical contamination (also called legacy pollution) associated with the Baylands Project site. As explained in Section 4.G, *Hazards and Hazardous Materials*, the legacy pollutants are found in the groundwater and soils and are in varying stages of investigation and cleanup under the regulatory oversight of either the RWQCB or the DTSC. However, remediation would be either completed or at a stage that is conducive for development (with full knowledge that the use of infiltration LID strategies are included as part of the design) prior to construction of proposed improvements (as described in Draft EIR Mitigation Measure 4.G-2a: “Prior to approval of a specific plan for any parcel within the Project Site, the project applicant shall provide confirmation to the City that the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Division as the Local Enforcement Agency, as applicable, have reviewed and are prepared to approve a Remedial Action Plan or final closure and post-closure maintenance plans upon certification of appropriate environmental documentation for that action.”)
- OSEC-244** [See page 5-342 for the original comment] As explained in the Draft EIR in Section 4.G, *Hazards and Hazardous Materials*, legacy contaminants associated with past uses at the Baylands Project site have been the subject of investigation and cleanup for many years. As a result, there are numerous existing groundwater monitoring wells throughout the site that have been used to characterize the extent of the contamination. There is no known pending legislation to increase the water quality monitoring. All current monitoring activities and reporting are subject to the oversight of the regulatory agencies (RWQCB or DTSC).

OSEC-245 [See page 5-342 for the original comment] The FEMA data shown on **Figure 4.H-3** was used to represent existing conditions at the Baylands Project site, and represents the best available science for areas prone to the 100-year flood. Areas subject to the 100-year floods, however, do not necessarily include areas subject to local ponding. Mitigation Measures 4.H-4a, -4b, and -4c were based on an understanding of areas with local problems (e.g., Levinson Marsh and the PG&E property) and were written specifically to require corrective measures to address ponding issues. As stated in the Draft EIR, raising the existing grade levels combined with Mitigation Measures 4.H-4a, -4b, and -4c which require improvements to existing drainage problem areas, adequate protection from flood hazards and ponding areas would be provided.

As required by Mitigation Measure 4.H-4a on page 4.H-30, “Drainage improvements shall accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise.” In addition, the City’s standard conditions of approval for site-specific development requires that site grading and drainage be designed to as to avoid standing water, expect in basins specifically designed for that purpose. By ensuring that finished floor elevations of all proposed development are a minimum of one foot above the 100-year flood zone with tidal flow and 100 years of estimated sea level rise, and positive drainage is provided, flooding impacts would be reduced to less than significant levels.

OSEC-246 [See page 5-342 for the original comment] See Response OSEC-243 for a discussion of stormwater monitoring and the use of LID stormwater features.

OSEC-247 [See page 5-342 for the original comment] FEMA flood hazard maps are based on 100-year flood flows. As stated in the Draft EIR on page 4.H-5, the FEMA flood maps that were updated in October 2012 were used as a source for the flood analysis in the Draft EIR. The sources listed for **Figure 4.H-3** are modified as shown in Final EIR Chapter 3.0 to reflect FEMA’s 2012 flood mapping.

OSEC-248 [See page 5-343 for the original comment] See Response OSEC-247.

OSEC-249 [See page 5-343 for the original comment] As discussed on page 4.H-17, General Plan Policy 155 requires “regular maintenance to remove silt and debris from storm drain facilities” of which trash would be included as part of any debris removal. In addition, the Final Stormwater Management Plan would include requirements for operational maintenance, which would include BMPs that address removal of trash (as described in Draft EIR Mitigation Measure 4.H-1c: “The SMP shall 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 funding sources for the required ongoing maintenance.”).

OSEC-250 [See page 5-344 for the original comment] As described on pages 4.H-19 to -24, the combination of BMPs under a SWPPP that are required for construction and post-construction NPDES requirements would be designed to protect water quality of receiving waters. Although nonpoint source pollutants are considered the greatest threat to water quality, maintenance of drain inlets and removal of trash is also important and would be included as part of the Final Stormwater Management Plan required by Mitigation Measure 4.H-1c (“The SMP shall 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 funding sources for the required ongoing maintenance.”). See also Response OSEC-249.

OSEC-251 [See page 5-344 for the original comment] As noted on Draft EIR page 4.H-12, the Risk Level at a site is evaluated by determining the project sediment risk (based on the location and duration of construction activities) and the receiving water risk (based on whether a project drains to a sensitive water feature) which would be determined by the construction contractor in accordance with the General Construction Permit requirements. The risk level determined for a project by the RWQCB will dictate the water monitoring and sampling requirements associated with a project. This overall risk assessment is part of the General Permit Application process and final determination of the Risk Level would be made as part of that permit process (as described in Draft EIR Mitigation Measure 4.H-1a: “Prior to issuance of a grading permit, an applicant for any site specific development project to be constructed within the Project Site shall file a Notice of Intent to the RWQCB to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities and shall prepare and implement a SWPPP for construction activities on the Project Site in accordance with the NPDES General Construction Permit”).

Because the required sediment risk assessment will be undertaken as part of the General Permit Application process, the third paragraph on page 4.H-12 is modified to read as follows:

The General Construction Permit authorizes the discharge of storm water to surface waters from construction activities that result in the disturbance of one or more acres of land, provided that the discharger satisfies all permit conditions. The General Construction Permit establishes three possible levels of risk for a construction site: Risk Level 1, Risk Level 2 and Risk Level 3. The Risk Level is calculated in

two parts: (1) project sediment risk, and (2) receiving water risk. Project sediment risk is based on the location and duration of construction activities. Receiving water risk is based on whether a project drains to a sediment-sensitive water body that (1) is on the most recent 303d list for water bodies impaired for sediment, (2) has a U.S. EPA-approved TMDL implementation plan for sediment, or (3) has the beneficial uses of cold, spawn, and migratory. The risk level calculated for Project Site development will dictate monitoring and sampling requirements. Project sediment risk requires site specific calculations based on a number of factors which have not been calculated for the Project Site, ~~but will likely end up as Risk Level 2.~~

- OSEC-252** [See page 5-344 for the original comment] Structural BMPs could include use of flow through planters for roof runoff or bioswales for parking lot runoff. Nonstructural BMPs could include maintenance practices such as street sweeping/catch basin cleaning or priorities on maximizing open spaces.
- OSEC-253** [See page 5-344 for the original comment] As stated on Draft EIR page 4.H-15, BCDC has jurisdiction within 100 feet of the shoreline and all areas of tidal action. This means that BCDC's area of jurisdiction will move as sea levels rise and the shoreline moves landward. Beyond this shoreline boundary, there is no direct agency with jurisdiction regarding sea level rise. However, FEMA is responsible for updating their FIRM flood hazard maps and the City of Brisbane and San Mateo County must meet the requirements necessary to remain in the National Flood Insurance Program (NFIP) administered by FEMA.
- OSEC-254** [See page 5-344 for the original comment] Provision C.3 of the San Mateo Countywide Water Pollution Prevention Program requires that drainage improvements include LID measures that could include rainwater harvesting (use of planter boxes, vegetated swales, etc.). Site-specific drainage control features have not yet been designed for the proposed development within the Baylands as is typical for large scale development, but would be required prior to approval of site-specific development projects pursuant to Mitigation Measure 4.H-1c ("Applicants for site-specific development projects to be constructed within the Project Site shall prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements to be reviewed and approved by the City Engineer prior to approval of final design plans."). As discussed on page 4.H-22 and -23 of the Draft EIR," the project applicant would incorporate LID strategies, such as stormwater reuse, onsite infiltration, and evapotranspiration as initial stormwater management strategies. Secondary methods would include the use of natural, landscape based stormwater treatment measures, as identified by Provision C.3.

Stormwater treatment measures would also be required in the final design plans in accordance with the San Mateo Countywide Water Pollution Prevention Program C.3 Stormwater Technical Guidebook. The treatment measures would vary from “local” improvements at individual building sites to “areawide” concepts such as stormwater treatment wetlands with large open space areas. The treatment BMPs would be required to include one or more of the following: bioretention areas (including bioretention swales), flow-through planters, tree well filters, vegetated buffer strips, infiltration trenches, extended detention basins, pervious paving, green roofs, and media filter.”

OSEC-255 [See page 5-344 for the original comment] As stated in the Draft EIR on page 4.G-91, no construction activities within affected areas would commence until completion of formal landfill closure and remediation of OU-1 and OU-2 is achieved (as stated in Draft EIR Mitigation Measure 4.G-2a: “Prior to commencement of building construction or site grading for any parcel within the Project Site, the project applicant shall obtain regulatory approval from the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), and/or the San Mateo County Environmental Health Division”). Thus, regulatory approval would not be granted for activities including construction of pile supports in a manner that would cause or allow for future cross contamination. Construction methods to isolate vertical groundwater zones are commonly employed in these types of conditions (see Master Response 17 for discussion of the potential for “cross-contamination”). In addition, as required by Mitigation Measure 4.G-2b on page 4.G-93, construction activities including the construction of pile supports would occur in accordance with a Soil and Groundwater Management Plan, which would include “site-specific safety plans [that] shall include necessary training, operating and emergency response procedures, and reporting requirements to regulate all activities that bring workers in contact with potentially contaminated soil or groundwater, landfill gas, or leachate to ensure worker safety and avoid impacts to the environment. The Soil and Groundwater Management Plan would be “reviewed and approved by DTSC and the RWQCB and implemented by the project applicant.” Therefore, these reporting requirements and regulatory approval would cover all construction activities including any core sampling and pile driving activities and measures would be required to ensure that all construction activities do not result in adverse effects related to any presence of legacy contaminants.

OSEC-256 [See page 5-344 for the original comment] The discussion under Impact 4.H-3 of the Draft EIR beginning on page 4.H-26 is directly related to proposed drainage patterns, and provides the mitigation (Mitigation Measure 4.H-1c) necessary to reduce impacts to less than significant levels. The analysis of Impact 4.H-4 directly addresses the proposed changes related to the potential for flooding and provides detailed mitigation (Mitigation Measures 4.H-4a, 4.H-4.b,

and 4.H-4c) to require the proposed drainage improvements to adequately handle the increased runoff even during heavy storms such that the impact is less than significant.

OSEC-257 [See page 5-344 for the original comment] As stated in Mitigation Measure 4.H-1a, the notice of intent to comply with the NPDES General Construction permit and the required SWPPP would be submitted to the RWQCB who has regulatory oversight authority of the NPDES program. In addition, the mitigation requires that the SWPPP include measures such as the Erosion and Sediment Control Plan as per the City's grading permit requirements. All monitoring and reporting requirements are contained within these permit requirements and both agencies can enforce corrective actions if performance standards are not met. See also See Master Response 5 for discussion of reliance on regulations as mitigation.

OSEC-258 [See page 5-344 for the original comment] The statements in the 3rd bullet item from Draft EIR Mitigation Measure 4.C-1g and statements made on Draft EIR page 4.H-22 regarding increases in impervious surfaces are not contradictory. The discussion on page 4.H-22 identifies an impact related to proposed development increasing the amount of impervious surface area onsite, while Mitigation Measure 4.C-1g addresses how such an increase would be mitigated. Both the 3rd bullet from Mitigation Measure 4.C-1g and the statements on page 4.H-22 indicate the priority of ensuring that any increases in impervious surfaces also include LID features such as vegetated swales and flow-through planter boxes, which would be required as part of Provision C.3 requirements of the NPDES permit.

OSEC-259 [See page 5-345 for the original comment] While rooftop materials can contain urban pollutants, impervious surfaces themselves do not contribute as much pollution as the activities and uses they promote such as automobile and landscaping uses (e.g., pesticides, herbicides, and fertilizers). However, as stated in the Draft EIR, the proposed improvements would be required to include LID development measures which would limit the amount of impervious surfaces and use features such as permeable paving, vegetated swales, and landscaping where possible. While environmental analysis under CEQA requires evaluation of both direct and indirect impacts of a project, it would be speculative to determine construction material sources for a building program that will occur over 20 years, and CEQA does not require an EIR to evaluate speculative impacts.

OSEC-260 [See page 5-345 for the original comment] As stated on Draft EIR page 4.H-25, groundwater at the Baylands Project site is not currently used for water supply purposes and proposed development within the Baylands would not include any extraction of groundwater supplies beyond temporary dewatering activities during construction. The Baylands Project site is in close proximity to San Francisco Bay and recharge to the site occurs not only from infiltration of

precipitation, but also from groundwater movement from upgradient sources as well as Bay intrusion. Proposed improvements would also be required to include LID drainage features that encourage onsite infiltration to the extent possible (as stated in Draft EIR Mitigation Measure 4.H-1c: “The SMP shall 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). Therefore, with the absence of any groundwater extraction and the inclusion of LID measures, there would be little likelihood for subsidence resulting from groundwater extraction or from a reduction in the amount of onsite groundwater recharge. Thus, the environmental effects of proposed Baylands development in relation to Impact 4.H-2 are less than significant with implementation of required Mitigation Measure 4.H-1c.

- OSEC-261** [See page 5-345 for the original comment] Subsidence associated with the lowering of the groundwater is generally observed in areas where substantial groundwater or petroleum extraction is occurring. This has occurred in the past from excessive groundwater pumping in other areas such as the Santa Clara Valley and the Central Valley. No such groundwater pumping is proposed for Baylands development. In addition, the cover materials on the former landfill area, by design, would have a very low permeability in order to prevent vertical migration of contamination. Completion of the final cap would be required to adhere to Title 27 specifications, which would ensure that the entire cap across the former landfill be sufficiently thick enough and designed to prevent infiltration of precipitation. As stated on page 4.G-78 of the Draft EIR, the hydrologic connection of the former landfill to groundwater will also be addressed by the required remediation activities for final closure approval. See also Response OSEC-260.
- OSEC-262** [See page 5-345 for the original comment] See Responses OSEC-260 and OSEC-261.
- OSEC-263** [See page 5-345 for the original comment] Draft EIR Mitigation Measures 4.H-4a, -4b, and -4c require that drainage improvements be able to accommodate runoff produced from a 100-year storm event with an additional one-foot of freeboard “above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise.” This design standard has more to do with precipitation averages and amount of new impermeable surfaces than sea level rise, but as quoted above does take future sea level rise into account (“100 years of estimated sea level rise”). The ground surface level used in determining compliance with these measures would include anticipated subsidence addressed through geotechnical site preparation measures such as surcharging and dynamic compaction such that once construction is complete on the Baylands Project site, additional subsidence would fall within specified tolerances.

OSEC-264 [See page 5-345 for the original comment] As stated in Draft EIR Chapter 3, *Project Description*, and Section 4.I, *Land Use and Planning*, the Brisbane General Plan requires that development within the Baylands be preceded by preparation and adoption of a specific plan. Requirements for the contents of a specific plan are contained in Government Code Section 65451, which mandates in subsection (a)(2) that every specific plan specify in detail the “proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.” Thus, preparation of a systemwide drainage plan for the Baylands would be undertaken as part of the required specific plan in order to comply with the provisions of the City’s General Plan and state law. The proposed specific plan prepared by the applicant for the DSP and DSP-V scenarios contains a proposed drainage plan. Preparation of a detailed systemwide drainage plan for the Baylands for the CPP or CPP-V scenario would be undertaken as part of the required specific plan should either of those scenarios be selected by the City Council.

In addition, as stated in the Draft EIR on page 4.H-24, all drainage plans for proposed improvements shall be prepared in accordance with NPDES C.3 requirements and receive approval from the City Engineer consistent with existing regulations (as stated in Draft EIR Mitigation Measure 4.H-1c: “Applicants for site-specific development projects to be constructed within the Project Site shall prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements to be reviewed and approved by the City Engineer prior to approval of final design plans.”) Existing regulations stipulate requirements for drainage control during and post-construction.

OSEC-265 [See page 5-345 for the original comment] The fifth bullet in Mitigation Measure 4.H-5 is revised to read as follows:

- **Biological Controls:** Provide for use of natural biological processes and materials for control, including promoting beneficial insects that prey on ~~eat~~ target pests and biological insecticides derived from naturally occurring microorganisms.

OSEC-266 [See page 5-346 for the original comment] While it is not possible at a programmatic level of analysis to identify the precise drainage improvements that would be required for future site specific development, Mitigation Measure 4.H-4a requires improvements to such offsite drainage systems as are required to achieve the performance standards set forth in the Mitigation Measure without increasing flood hazards either on- or off-site.

OSEC-267 [See page 5-346 for the original comment] As stated in Mitigation Measure 4.H-4b, no building permits will be issued unless the site-specific development plan for such building provides for such systemwide improvements as are necessary to provide adequate flood protection as specified in the mitigation measure. While construction of the overall drainage systems may be phased, phased development of infrastructure must be consistent with the phasing plan required by General Plan Policy 337. The performance standards set forth in Mitigation Measure 4.H-4b to ensure adequate conveyance capacity in the storm drain system will be required to be met throughout the phased development of the drainage system. See Chapter 4.0, *Mitigation Monitoring and Reporting Program*, for the specific implementation requirements for Mitigation Measure 4.H-4b.

As noted in Draft EIR Table 4.I-1, General Plan Policy 337 requires development within Baylands to include “a phasing schedule for development to limit the adverse impacts of too rapid growth.” Table 4.I-1 notes that the DSP and DSP-V scenarios are inconsistent with this policy since the proposed Brisbane Baylands Specific Plan “does not tie the rate of land development to the availability of infrastructure, which could lead to the establishment of new uses outstripping the capacity of infrastructure during initial phases of development prior to project buildout.” Unless the City modifies or removes Policy 337 from the General Plan, any specific plan approved within the Baylands will be required to establish requirements and performance standards tying the pace of land development to the availability of services, facilities, and infrastructure, including the roadway and interchange improvements related to the Bi-County Program pursuant to the provisions of Draft EIR Mitigation Measure 4.I-1.

As part of the planning review for each site-specific development project, proposed development will be reviewed to determine the specific requirements needed to ensure project compatibility.

OSEC-268 [See page 5-346 for the original comment] Mitigation Measure 4H-4c states that Visitacion Creek is to be extended west of Tunnel Avenue to the Roundhouse building area, but does not identify a specific alignment. The specific alignment of Visitacion Creek will be subject to all requirements set forth in applicable remedial action plans and EIR mitigation measures.

OSEC-269 [See page 5-346 for the original comment] The specific timing for implementation of Mitigation Measure 4.C-4c will be determined by the required development phasing plan to ensure that adequate conveyance capacity is available throughout the phased development of the Baylands. Drainage improvements are to be provided concurrent with site-specific development and completed prior to issuance of a certificate of occupancy. See Chapter 4.0, *Mitigation Monitoring and Reporting Program* for specific requirements.

- OSEC-270** [See page 5-346 for the original comment] See Response OSEC-268.
- OSEC-271** [See page 5-346 for the original comment] A master drainage plan for the Baylands Project site must be included as part of the required specific plan for the Baylands. The specific timing for implementation of drainage improvements will be determined by the required development phasing plan to ensure that adequate conveyance capacity is available throughout the phased development of the Baylands. Drainage improvements are to be provided concurrent with site-specific development and completed prior to issuance of a certificate of occupancy. See Chapter 4.0, *Mitigation Monitoring and Reporting Program* for specific requirements.
- OSEC-272** [See page 5-346 for the original comment] The text cited in this comment describes applicable NPDES MS4 requirements adopted pursuant to the federal Clean Water Act. All development within the Baylands is subject to the applicable EIR mitigation measures.
- OSEC-273** [See page 5-346 for the original comment] Detention basins are commonly used in California. Their primary benefit is to reduce peak flood flows to protect downstream lands from the effects of increased runoff from development sites. Given existing contamination issues within the Baylands and lack of downstream properties requiring flood protection, use of detention basins have not been identified as required mitigation measures.
- OSEC-274** [See page 5-346 for the original comment] See Response OSEC-265.
- OSEC-275** [See page 5-347 for the original comment] Mitigation Measure 4.H-5 provides for alternatives to use of poisons in pest management. The effectiveness of such programs is dependent on the extent of infestation, the design of the pest management plan, and implementation efforts. Properly designed and managed integrated pest management programs can be as effective as use of poisons.
- OSEC-276** [See page 5-347 for the original comment] As stated in Draft EIR Mitigation Measure 4.H-4a, all proposed development is to be designed with “drainage improvements [that] shall accommodate the 100-year peak storm event within the piping system and streets such that building finished floor elevations provide a minimum of 1-foot of freeboard above the 100-year storm event hydraulic grade line water elevation with tidal flow and 100 years of estimated sea level rise.” As such, proposed development would be designed to take into consideration sea level rise by ensuring that finished floor elevations are a minimum of 1 foot above the projected sea level 100 years into the future.

As noted on page 4.H-7 of the Draft EIR, the magnitude of projected sea level rise is difficult to predict and varies substantially among the thousands of scientific research documents available on climate change and sea level rise.

Based on widely accepted literature from the Intergovernmental Panel on Climate Change, California Climate Change Center, BCDC, examples of plausible low, medium, and high estimates of climate-induced sea level rise likely to occur within the Bay are provided. As stated on Draft EIR page 4.H-8, according to maps compiled by BCDC, an increase of 16 inches (medium rate of sea level rise) would not affect the Baylands Project Site outside of Brisbane Lagoon. However, a projected sea level rise of 55 inches (high rate of sea level rise) would inundate areas near the Roundhouse and along Visitacion Creek under current topographic conditions, as shown in Draft EIR **Figure 4.H-4**.

While a substantial amount of scientific research has focused on the effects of global climate change in relation to the melting of polar ice caps and resulting sea level rise, far less research has been undertaken regarding changes in weather patterns within specific locations. Thus, any projections regarding how the frequency and intensity of storm events within the Bay Area will change over the ensuing decades would be speculative, and is therefore not required by CEQA. See Response OSEC-263 regarding subsidence in relation to flood management.

OSEC-277 [See page 5-340 for the original comment] See Master Response 13 for discussion of the Title 27 landfill closure review and approval process and Master Response 15 for discussion of the adequacy of existing studies for use in the Draft EIR. The term “clean soil” refers to the 20 to 30 foot layer of soil used as cover over the landfill to prevent human contact with refuse from residential, commercial, industrial activities including shipyard waste, construction rubble, tires and sewage. It is a common term used in the construction industry to denote soils that are free of rubble and construction debris.

OSEC-278 [See page 5-347 for the original comment] The page referenced in this comment discusses the effects of sea level rise in relation to flooding within the Baylands Project site. See Response OSEC-148 for discussion of sea level rise in relation to site remediation. The comment’s discussion of mobilized contaminants is therefore unclear. Effects of sea level rise have been addressed in the Draft EIR in Section 4.H, *Surface Water Hydrology and Water Quality*. All landfill closure and remediation activities are required to be designed in such a manner as to not create new exposure pathways from mobilized contaminants that could endanger public health. Specific requirements for site remediation and landfill closure will be determined and enforced by the RWQBC and DTSC.

See Master Response 13 for discussion of the remediation review and approval process. As discussed in that master response, site remediation and Title 27 landfill closure will consider potential exposure pathways related to the former landfill, OU-1, OU-2, and any other portions of the site where contamination is determined to exist; the land uses determined by the City to be appropriate within

the Baylands; and human health risks associated with site contamination in relation to those land uses to develop risk-based cleanup goals.

- OSEC-279** [See page 5-347 for the original comment] See Response OSEC-278.
- OSEC-280** [See page 5-347 for the original comment] See Response OSEC-148 for discussion of sea level rise in relation to site remediation.
- OSEC-281** [See page 5-347 for the original comment] See Response OSEC-277.
- OSEC-282** [See page 5-348 for the original comment] A glossary of terms and acronyms is provided in Final EIR Chapter 3.0.
- OSEC-283** [See page 5-348 for the original comment] Chapter 4.0, *Mitigation Monitoring and Reporting Program* identifies implementation requirements for the integrated pest management program required in Mitigation Measure 4.H-5.
- OSEC-284** [See page 5-348 for the original comment] The City has committed to the Regional MS4 NPDES permit as a co-signee, and is complying with all of its obligations as a participant. EIR mitigation measures require compliance with NPDES permit requirements. The question as to whether the City has a contingency plan in the event the applicant “defaults” and does not meet their legal obligations is outside of the scope of analysis required under CEQA; however, the City’s standard requirements for performance bonds for grading and infrastructure improvements provides the City with the ability to complete or repair work undertaken as part of site development prior to its acceptance by the City for maintenance. See Final EIR Chapter 4.0, *Mitigation Monitoring and Reporting Plan* for discussion of actions to be taken in the event EIR mitigation measures are not implemented.
- OSEC-285** [See page 5-348 for the original comment] **Figure 4.I-1** is intended to illustrate existing land uses within the Baylands and surrounding lands, not show General Plan land use designations. Existing General Plan designations are illustrated in Draft EIR **Figure 3-9**.
- OSEC-286** [See page 5-348 for the original comment] A potential location for a pedestrian crossing of the US 101 freeway would be at the Candlestick interchange since this is the only location within the Baylands with destinations for pedestrians to the east of the freeway. That interchange has not been designed to the degree that details of a pedestrian crossing can be described at this time.
- OSEC-287** [See page 5-348 for the original comment] The second and third paragraphs on page 4.I-8 are revised to read as follows:

Land Use Designations. Brisbane General Plan land use diagram (City of Brisbane, 1994) indicates that the Project Site is designated primarily as *Planned Development-Trade Commercial* (Baylands Subarea), with one small section on the western border adjacent to Bayshore Boulevard (Northeast Bayshore Subarea) designated *Trade Commercial* with no planned development overlay (see Figure 3-9 in Chapter 3, *Project Description*, of this EIR) and the portion of the Project Site occupied by Recology designated *Heavy Commercial*. The *Trade Commercial* designation provides for a mix of commercial uses including warehouses, distribution facilities, offices, retail uses, restaurants, commercial recreation, personal services, as well as light industrial, research and development, retail sales, offices, residential uses, bulk sales, open space, recreational facilities, statutory, public and quasi-public facilities, services and utilities, commercial services, hotels, research and development, educational institutions, and lagoon/bayfront.

The *Planned Development* (PD) designation, which applies to the Baylands Subarea, requires that a specific plan be prepared and adopted prior to development of the property. The PD designation also requires that a minimum of 25 percent of the surface land within any of the subareas designated PD shall be in open space and/or open area. ~~The *Trade Commercial* designation allows a mix of commercial uses including warehouses, distribution facilities, offices, retail uses, restaurants, commercial recreation, personal services, light industrial uses, research and development, and uses of a similar character.~~ Brisbane Municipal Code Section 17.15.040A, which sets forth development regulations for the Beatty Subarea, also requires preparation of a specific plan prior to expansion of the square footage of building area within that subarea.

OSEC-288 [See page 5-348 for the original comment] The Draft EIR (Table 4.I-1) determined that each of the four concept plan scenarios was consistent with General Plan Policy 27, which states “Provide centrally located public facilities for public services and community events so as to maximize use by Brisbane residents and businesses,” finding that the facilities within the Baylands Project Site proposed for public services are “centrally located within the area east of Bayshore Boulevard and designed to serve the Baylands.” As discussed in Response OSEC-4, “centrally located facilities” is not defined in the General Plan beyond its use in Policy 27. The evaluation of consistency with General Plan Policy 27 on page 4.I-19 is based on a working definition that centrally located public facilities consist of public facilities located so as to be convenient to the Brisbane residents and businesses they serve.

Public facilities proposed to serve the Baylands include utilities (water, sewer, recycled water, drainage, electricity, natural gas, telephone), roadways and

highways, fire and police protection facilities (including establishment of a second police beat within the City), parks, and (for the DSP and DSP-V scenarios) schools and libraries. Each of these facilities is designed to serve proposed development within the Baylands. In addition, the provision of fire and police protection facilities (including establishment of a second police beat within the City) within the Baylands will improve the provision of services to existing development within Sierra Point and the Brisbane Marina.

OSEC-289 [See page 5-348 for the original comment] As stated in the Draft EIR on page 4.E-23, no landslide hazards other than one on the west side of Icehouse Hill have been identified within the Baylands Project Site, and that hazard has already been addressed by the City. The comment includes no factual information to support the assertion that the proposed high school location is in an area subject to damage due to slides from Ice House Hill. Regardless, Mitigation Measure 4.E- 4b requires all site-specific geotechnical evaluations including the one for the proposed high school to include a slope stability analysis to address the stability analyses of final design cut and fill slopes, including recommendations for avoidance of slope failure(s), which would sufficiently reduce potential impacts to less than significant.

OSEC-290 [See page 5-348 for the original comment] Remediation of existing contamination and formal landfill closure is a prerequisite for, and must be completed prior to, site-specific development within the former landfill and within OU-1 and OU-2. Pursuant to the requirements of Mitigation Measure 4.G-2a, completion of remedial action plans and the landfill closure plan is required to precede approval of a specific plan (and therefore development) within the Baylands.

Prior to approval for any site-specific development within the area of the former landfill, landfill closure requirements as approved by the Regional Water Quality Control Board and San Mateo County Health System must be completed.

Prior to approval for any site-specific development within OU-1, remedial action plan requirements as approved by the California Department of Toxic Substances Control must be completed.

Prior to approval for any site-specific development within OU-2, remedial action plan requirements as approved by the Regional Water Quality Control Board must be completed.

OSEC-291 [See page 5-348 for the original comment] General Plan Policy 336 states “Consider methods for enhancing interaction between the residential community in Central Brisbane and uses on the Baylands. Methods may include pedestrian, bicycle and vehicular connections, recreational uses and educational facilities.”

Table 4.I-1 concludes that all four concept plan scenarios provide for these connections through the provision of new roadways, including the proposed Geneva Avenue extension, along with proposed bicycle and pedestrian trails, as well as the potential for a third roadway and pedestrian connection between the Baylands and Central Brisbane. Because of the location of the Baylands to the east of Central Brisbane, only east-west corridors will provide connectivity with Central Brisbane.

OSEC-292 [See page 5-348 for the original comment] General Plan Policy 388 applies only to the Beatty Subarea, and requires that any specific plan for the Beatty Subarea “include programs for odor and litter reduction.” Since the boundaries of the Beatty Subarea are coterminous with those of the existing Recology site, General Plan Policy 388 applies only to the Recology facility. The discussion of consistency with General Plan Policy 388 is revised to read as follows.

	DSP/DSP-V	CPP/PP-V
<i>Policy 388: The Specific Plan shall include programs for odor and litter reduction.</i>	Consistent <u>Not Applicable.</u> <u>General Plan Policy 388 applies only to the Beatty Subarea (Recology site), which is not a part of the DSP/DSP-V scenarios.</u> The Specific Plan for the DSP and DSP-V scenarios contains programs to minimize solid waste generation.	Potentially Consistent. Implementation of this policy would occur through a specific plan, which is not proposed at this time for the CPP and CPP-V scenarios.

Discussion of odor generation within the Baylands is provided in the Draft EIR starting page 4.B-9 (existing conditions) and page 4.B-45 (analysis of impacts).

OSEC-293 [See page 5-349 for the original comment] The Bayshore Industrial Park consists of metal buildings with roll-up doors that will be demolished and replaced with new uses under each of the proposed development scenarios. These buildings will not therefore need to be shored up or stabilized during construction. Noise from demolition and construction would be generated during daytime hours and may result in elevated exterior noise levels during the noisiest construction phases that may be noticeable to surrounding workers. Since uses within this area are industrial in nature, they are considered noise-tolerant for purposes of CEQA assessment, and would not be impacted during Baylands construction prior to demolition and replacement of existing uses.

OSEC-294 [See page 5-349 for the original comment] It is unclear what the comment means by “heavy tamping.” Geotechnical stabilization techniques, such as deep dynamic compaction (i.e., repeatedly dropping a large weight onto the soil) and vibro-

compaction (i.e., using a vibrating probe) are not proposed at this time. It is probable that many development sites will require the use of standard soil compactors. Such equipment operates at a noise level of 82 dBA at a distance of 50 feet and would be commensurate with the noise levels generated by standard construction equipment presented in Table 4.J-8 of the Draft EIR (FTA, 2006). Consequently, soil compaction activities for the purposes of standard foundation work would not result in any different noise impacts than reported in the Draft EIR.

OSEC-295 [See page 5-349 for the original comment] Planning for acceptable noise exposure must take into account the types of activities and corresponding noise sensitivity in a specified location for a generalized land use type. Some general guidelines are as follows: sleep disturbance can occur at levels above 35 dBA; interference with human speech begins at about 60 dBA; and hearing damage can result from prolonged exposure to noise levels in excess of 85 to 90 dBA (USEPA, 1974).

The World Health Organization (WHO) is a reliable source of current knowledge regarding the health effects of noise impacts because European nations have continued to study noise and its health effects. (WHO, 1999). Potential health effects of noise identified by WHO include decreased performance for complex cognitive tasks, such as reading, attention span, problem solving, and memorization; physiological effects such as hypertension and heart disease (after many years of constant exposure, often by workers, to high noise levels); and hearing impairment (again, generally after long-term occupational exposure).

Health-related impacts from exposure to noise would be a concern people exposed to prolonged (8-hour/day) noise levels in excess of 90 dBA. This would primarily be a concern for construction workers who may be in close enough proximity to pile drivers (200 feet) to warrant a health concern. Restrictions of the Occupational Safety and Health Administration would require a hearing conservation plan for workers, including hearing protection. The nearest sensitive receptor to a land use likely requiring pile driving would be proposed residences of the DSP and DSP-V scenarios, as discussed on Draft EIR page 4.J-33.

The only construction activity noise that would have the potential to reach unhealthful levels would be pile driving. Prolonged exposure of receptors within approximately 100 feet of pile driving could have adverse health effects. The Draft EIR identifies a significant construction noise impact and Mitigation Measure 4.J-4a which requires all applicants for site-specific development within the Baylands Site shall to implement site-specific noise attenuation measures during all construction-related activities under the supervision of a qualified acoustical consultant as a pre-requisite to issuance of site grading(s). These measures are to be included in a Noise Control Plan that shall be submitted for review and approval by the City of Brisbane Building Department.

“Sound power” and “sound pressure or level” are two distinct and commonly confused characteristics of sound. Both share the same unit of measure, the decibel (dB), and the term “sound level” is commonly substituted for each.

Sound power is the acoustical energy emitted by the sound source, and is an absolute value. Unlike sound pressure, “sound power” is neither affected by the ambient noise environment nor distance dependent. Sound power belongs strictly to the sound source, and is not affected by its location or setting.

Sound pressure or sound level is a measurement at a point in space near enough the source to hear the source. Sound pressure or sound level is influenced not only by the strength of the source (sound power), but also by the surroundings and the distance from the source to the receiver. Sound pressure or level is what the human ear hears, and what sound meters measure. Sound pressure is commonly used in the assessment of environmental noise, while sound power is used as a specification for design of stationary sources such as turbines. Sound power is thus not a useful descriptor for the purposes of environmental noise assessment.

Sound power can be thought of as analogous to the wattage rating of a light bulb; both measure a fixed amount of energy at the source. Sound pressure or sound level would then correspond to the level of brightness in a particular location; both can be measured with a meter at a specific distance from the source, and possible blockages between the source and receptor, as well as the immediate surroundings at the receptor influence the magnitude of each. As in the case of light, where brightness is more than a matter of bulb wattage and cannot be measured by bulb wattage, loudness is more than a matter of sound power at the source, and cannot be measured at a receptor by sound power. “Sound power” may be perceived as being louder than sound levels since sound power is measured at the source, while sound levels are measured at receptors some distance from the sound source. However, “sound power” is not inherently more dangerous than sound pressure or sound levels.

OSEC-296 [See page 5-349 for the original comment] The discussion on page 4.J-2 of the Draft EIR is general introductory information on noise and its descriptors and is not intended to be specific to the City of Brisbane. The discussion of noise specific to the City of Brisbane and its environs is presented in Section 4.J-2, Environmental Setting, of the Draft EIR beginning on page 4.J-5.

The unique environment of the City of Brisbane is not that it amplifies sound, but rather that it is an efficient transmitter of sound. The slope of the valley means that homes, like seats in an amphitheater, have a “good view” of noise sources. This means that noise will propagate more efficiently to the receptor (with less loss) than in a typical flat community because buildings are less likely to intercept the line-of-sight of the receptor to a noise source. As the noise

predictions in the Draft EIR do not take into account any acoustical shielding by intervening buildings, they therefore are appropriate for the analysis at elevated receivers, given Brisbane's terrain. Similar noise predictions would tend to be more conservative for more low-lying areas of the community, which would experience shielding by intervening buildings.

- OSEC-297** [See page 5-349 for the original comment] Soil and subsurface conditions are known to have an influence on the levels of ground-borne vibration. Experience with ground-borne vibration is that vibration propagation is more efficient in stiff clay soils, which are not present within the existing landfill. The reference vibration levels inventoried by U.S. DOT were developed to include a reasonable estimate for a wide range of soil conditions (FTA, 2006). Noise levels propagate through air and would be unaffected by soil conditions, although hard surfaces such as pavement can result in an added reflective contribution of one to two decibels.
- OSEC-298** [See page 5-349 for the original comment] The discussion on page 4.J-6 accurately states that the Baylands Project site does not "immediately border" residential areas, but that the nearest existing residential uses are within 0.25 miles of the Baylands Project Site. The only residential uses that would be adjacent to Baylands construction activities would be the residential uses proposed in the DSP and DSP-V scenarios.
- OSEC-299** [See page 5-349 for the original comment] The Roundhouse is considered with respect to structural damage from construction-related vibration in Impact 4.J-2 of the Draft EIR. Because it is not currently occupied, the Roundhouse is not a sensitive receptor with respect to noise.
- OSEC-300** [See page 5-350 for the original comment] Ambient noise was monitored at eight locations all of which are within the City of Brisbane, six of which were on the flatlands and two of which were off-site at elevations of 75 and 225 feet above mean sea level, respectively. Noise monitoring locations at off-site receptors were selected based on proximity to the Baylands Project site in order to establish the existing noise levels at the closest sensitive receptors that would be most impacted by construction activities or operations on the Baylands site. More distant receptors would be affected to a lesser degree due to the attenuation of sound with distance. The off-site noise monitoring locations shown in Draft EIR **Figure 4.J-2** represent those locations that are nearest to the Baylands site area and, therefore, would be the most highly impacted. Other more distant receptors of the Northeast Ridge would be impacted to a lesser degree due to the attenuation of noise with distance.
- OSEC-301** [See page 5-350 for the original comment] Draft EIR Section 4.J, *Noise and Vibration*, analyzed operational noise from proposed Baylands development, and

concluded that potential school sites designated in the DSP, DSP-V, CPP, and CPP-V scenarios would be exposed to future with-project noise of normal to conditionally acceptable levels (Draft EIR, pages. 4.J-19 and 4.J-20).

Noise Monitoring location 6 on **Figure 4.J-2** represents the location of the proposed school under the DSP and DSP-V scenarios. The noise level of 67 CNEL at this location would be in the conditionally acceptable noise exposure category for school land uses based on the acceptable noise exposures for land use compatibility chart published by the State of California and presented in **Figure 4.J-3** of the Draft EIR. As stated on Draft EIR page 3-46, prior to acquiring land for the school, specific siting studies for the proposed school facility within the Baylands will need to be undertaken to evaluate site remediation and noise conditions. Thus, potential future school sites were not overlooked by the EIR noise analysis.

OSEC-302 [See page 5-350 for the original comment] Draft EIR page 4.J-16 referenced by Comment OSEC-303 addresses the methodology used to assess impacts related to temporary construction noise. The actual analysis of construction noise begins on Draft EIR page 4.J-31 and identifies a significant impact with regard to pile driving noise as well as mitigation of pile driving noise. Vibration impacts related to pile driving are assessed beginning on Draft EIR page 4.J-22. The duration of pile driving activities depends on a number of factors including building design and depth to bedrock. It can reasonably be expected that a substantial multi-story structure may require multiple weeks of pile driving.

OSEC-303 [See page 5-350 for the original comment] Building details and design heights are not known for purposes of this programmatic level of assessment of Project Site development, and therefore, noise impacts associated with the construction of specific buildings will be analyzed during the environmental review of site-specific development proposals. The unique environment of the City of Brisbane is not that it amplifies sound, but rather that it is an efficient transmitter of sound. The slope of the valley means that homes, like seats in an amphitheater, have a “good view” of noise sources. This means that noise will propagate better than in a typical flat community because buildings are less likely to intercept the line-of-sight to a noise source. The effect of construction of buildings within the Baylands site area would be to reduce noise contributions from distant sources, such as U.S. 101 and Caltrain, by providing a line-of-sight interruption which would more than outweigh any contributions of building reflection⁵.

⁵ The decibel scale (dB) expresses the difference in loudness between two sounds. A perfect reflector is limited to doubling of sound energy, which translates to a sound level increase of 3 dB because the decibel scale is a logarithmic scale. Because of absorption, reflected sound level increases are always less than 3 dB. Comparatively, Caltrans estimates that shielding by intervening houses or buildings in an urban environment can provide 5 to 10 dBA of reduction. (Caltrans, 2013).

OSEC-304 [See page 5-350 for the original comment] The nearest off-site sensitive receptor referred to here is on Desmond Street and in the Little Hollywood neighborhood of San Francisco.

OSEC-305 [See page 5-350 for the original comment] The mitigation measures on Draft EIR page 4.J-25 are identified to address vibration impacts. Sound monitoring and recording, as suggested in this comment, would not serve to reduce vibration levels. Mitigation measure 4.J-2a establishes a vibration performance standard to be applied to proposed residential development in the DSP and DSP-V scenarios. To ensure proposed residential development in the DSP and DSP-V scenarios meets those requirements, the developer would be required to prepare an acoustical study that would be verified by the City's Building Department. Mitigation measure 4.J.2b requires the developer to prepare Pre-Construction Assessment to Minimize Structural Pile-Driving Vibration Impacts and establishes performance standards to protect historic structures.

OSEC-306 [See page 5-350 for the original comment] A text revision is hereby added to Mitigation Measure 4.J-3b on Draft EIR page 4.J-31, based on recommendations of the Renewable Energy Research Laboratory (RERL, 2004):

Mitigation Measure 4.J-3b: Small wind turbines shall be sited a minimum of 50 feet from the property line of noise sensitive land uses (e.g., residential, schools, religious institutions), ~~and~~ Utility scale wind turbines shall be ~~sited~~ sited a minimum of 100 feet from the property line of noise sensitive land uses and separated from one another by a distance no less than a minimum of two times the rotor diameter of the larger turbine.

OSEC-307 [See page 5-350 for the original comment] The data presented in Draft EIR Table 4.J-7 presents noise generation by construction phase for the information of the reader. The pile driving noise generation estimates of this table are also corroborated by:

- Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, May 2006.
- California Department of Transportation (Caltrans), *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

Additionally, as stated on Draft EIR page 4.J-12, to further define the level of pile-driving noise, monitoring was conducted during pile-driving activities at Sierra Point in Brisbane, approximately one mile southeast of the Baylands site where soil conditions could be similar to conditions at the Baylands site. Maximum noise levels monitored were 91 dBA at a distance of 200 feet, which is consistent with the data presented in Table 4.J-7.

- OSEC-308** [See page 5-350 for the original comment] Central Brisbane is located more than 4,000 feet from areas likely to be developed with structures requiring pile driving within the Project Site development area. The following analysis is a demonstration of why more distant sites were not included. As stated on page 4.J-33 of the Draft EIR, pile-driving noise of 103 dBA at the southern end of the Baylands Project site would be attenuated to 73 dBA at the nearest receptor 1,600 feet away. At a distance of 4,000 feet, the noise would be further attenuated to 65 dBA. The Caltrain bridge project was located substantially closer to Central Brisbane, and noise impacts on Central Brisbane from that project would be expected to be much greater than those of Project Site development.
- OSEC-309** [See page 5-350 for the original comment] The comment fails to demonstrate the suggested revision to Mitigation Measure 4.J-4a to restrict pile driving to four rather than five days of the week is any more effective in mitigating potential noise impacts that the measure as currently proposed. Limiting pile driving activities to four rather than five days per week would extend the overall duration of pile driving activity. The City Council can consider the trade-off between fewer days of pile driving per week and extending the time pile driving might occur as part of its decision making for the Baylands.
- OSEC-310** [See page 5-350 for the original comment] Section 4.J, *Noise and Vibration*, of the Draft EIR makes no assertion that Brisbane is located out of the “fly-zone,” but does note that the Baylands and City of Brisbane are outside of the 65 dB CNEL of airport operations. Section 4.J provides information related to aircraft operations activity at San Francisco International Airport (SFO) in two locations. First, as stated on pages 4.J-5 and 4.J-36, the 2012 Noise Exposure Map for SFO shows that all portions of the City of Brisbane are outside the Community Noise Equivalent Level (CNEL) 65 decibel (dB) noise contour associated with aircraft operations at SFO. This fact is also documented in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* adopted in October of 2012, which includes CNEL noise contour exhibits for 2020. Secondly, on page 4.J-36, the Draft EIR states that, as noted in Section 4.I, *Land Use and Planning*, the Baylands Project Site is located within Airport Influence Area A. Airport Influence Area A is defined as an area that is overflown by SFO-related aircraft at an altitude of 10,000 feet or less above mean sea level at least once a week.
- OSEC-311** [See page 5-351 for the original comment] The data source and content referred to in Comment OSEC-312 are not defined. The Margaret Road water tank is located over 4,000 feet from the Baylands site and noise impacts from construction and roadway traffic under Project Site development would be expected to be substantially less at this location than identified than for the closest sensitive receptors examined in the Draft EIR.

OSEC-312 [See page 5-351 for the original comment] The transport of soil from the eastern Baylands site area would employ loaders, bulldozers, and trucks. This activity would be akin to that occurring during grading of a development site. Truck trips would incrementally add to the roadway noise levels along Tunnel Avenue, the Beatty Avenue/Geneva Avenue extension, Lagoon Road and potentially Bayshore Boulevard, depending on deposition location. These activities, and associated noise impacts, have been analyzed as part of site grading and construction activities.

OSEC-313 [See page 5-351 for the original comment] The Draft EIR makes no assertion that the Baylands or City of Brisbane are not subject to overflights of aircraft from SFO. On page 4.J-36, the Draft EIR states that, as noted in Section 4.I, *Land Use and Planning*, the Baylands site is within Airport Influence Area A, which is defined as an area that is flown by an aircraft at an altitude of 10,000 feet or less above mean sea level a minimum of once weekly.

The unique environment of the City of Brisbane is not that it amplifies sound, but rather that it is an efficient transmitter of sound. The slope of the valley means that homes, like seats in an amphitheater, have a “good view” of noise sources. This means that noise will propagate better than in a typical flat community because buildings are less likely to intercept the line-of-sight to a noise source.

Noise monitoring locations at off-site receptors in the Draft EIR were selected based on proximity to the Baylands Project site in order to establish the existing noise levels at the closest sensitive receptors that would be most impacted by construction activities or operations on the Baylands Project site. More distant receptors would be affected to a lesser degree due to the attenuation of sound with distance. Draft EIR page 4.J-6 presents noise monitoring data for eight locations all in the City of Brisbane, either on or adjacent to the Baylands Project area, two of which are at higher elevations than the area. A noise monitoring station operated by SFO on Kings Road on San Bruno Mountain, well away from Caltrain, reports monitored noise levels for 2013 of 55.4 CNEL (SFO Aircraft Noise Abatement Office, 2014), which indicates that the existing noise levels at the more elevated areas of central Brisbane are lower than in the flatlands areas surrounding Caltrain, U.S. 101 and Bayshore Boulevard.

Mitigation measures are identified in the Draft EIR to minimize the exposure of people within the Baylands Project Site (Mitigation Measure 4.J-1a and 4.J-1b), reduce vibration impacts to proposed residences of the DSP and DSP-V scenarios (Mitigation Measure 4.J-2a), reduce vibration impacts to existing structures (Mitigation Measure 4.J-2b), reduce noise impacts from stationary sources and truck loading under the Specific Plan (Mitigation Measure 4.J-3a), reduce noise impacts from wind turbines proposed under the CPP and CPP-V scenario

(Mitigation Measure 4.J-3b), and reduce construction noise impacts to existing and proposed receptors (Mitigation Measure 4.J-4a and 4.J-4b).

- OSEC-314** [See page 5-351 for the original comment] Both the DNL and CNEL noise descriptors are defined on Draft EIR page 4.J-3. The Draft EIR uses both descriptors because the FAA uses the DNL for its criterion related to aircraft noise, while the State of California uses the CNEL for its criterion related to aircraft noise. Except under unusual circumstances the calculated CNEL and DNL are very similar and, as demonstrated in Table 4.J-1, they differ by no more than 1 dBA.
- OSEC-315** [See page 5-351 for the original comment] A third party acoustical consultant was retained to consider the acoustical effects of Brisbane’s topography and the effects it may have on the analysis of noise impacts of the Draft EIR. Please also refer to Response OSEC-296.
- OSEC-316** [See page 5-352 for the original comment] The significance threshold used to evaluate the impact of proposed Baylands development is discussed in detail in Master Response 30, which also discusses the ability of the lead agency to define significance thresholds under CEQA. There are no known critical thresholds in wind speed or wind speed reduction that cause a substantial degradation of the CPSRA windsurfing resource (see Draft EIR page 4.M-11). The thresholds offered in the “Required Conditions” as defined by the CPA comment letter (CPA2) are subjective and conflate considerations of gust and lull wind speeds, which are weather phenomena not related to proposed Project Site development, with the wind speed and turbulence caused by changes in surface roughness at the Baylands Project site. See the discussion in Master Response 33.
- OSEC-317** [See page 5-352 for the original comment] The first paragraph under “Roadway Network” on Draft EIR page 4.N-1 is revised to read as follows:
- This subsection describes the freeways and streets that provide vehicle access and circulation within the Project Site and vicinity (see **Figure 4.N-1** and **Figure 4.N-2**). Cumulative projects are described in Chapter 6 (see Figure 6-1A for the locations of these cumulative projects). With the exception of the freeways, each of the facilities described in this subsection also provides the primary means of bicycle and pedestrian circulation (described in greater detail in the subsections describing travel by those modes).
- OSEC-318** [See page 5-352 for the original comment] Study intersections were identified by the City of Brisbane as lead agency at the time of the NOP to fully capture the impacts of Project Site development. The intersections were selected based on traffic patterns, modeling results, and engineering judgment. The Bayshore

Boulevard/Airport Boulevard/US 101 Ramps and Airport Boulevard/Sister Cities Boulevard/Oyster Point Boulevard intersections were not included for study since the majority of the land use is concentrated at the northern section of the Baylands site and would be most logically accessed via the Beatty Avenue/Alana Way/Harney Way interchanges.

OSEC-319 [See page 5-352 for the original comment] The Bayshore Boulevard/Third Street interchange at the US 101 crossing was included for analysis in the Candlestick Point/Hunters Point EIR. According to that document, the intersection of Bayshore Boulevard/US 101 Southbound off ramp/Hester Avenue operates as follows under Existing and Cumulative conditions:

Time Period	Existing (Delay) LOS	Cumulative (Delay) LOS
AM Peak Hour	(28 sec.) C	(>80 sec.) F
PM Peak Hour	(13 sec.) B	(>80 sec.) F

Given the geometry of the intersection, southbound trips come off US 101 and make a right turn onto Third Street. Trips added to this movement would not add to the overall intersection delay as this right turn has two lanes and appears to be a free right for most of the signal cycle. Therefore, northbound trips are examined. Under existing conditions, Project Site development is expected to generate upward of 400 northbound trips through the intersection during the AM peak period and upward of 500 northbound trips during the PM peak period. Given that the intersection operates well under existing conditions, it is unlikely that Baylands development-related trips would degrade the intersection to unacceptable levels.

The cumulative conditions in this case include both the Candlestick Point/Hunters Point project as well as Brisbane Baylands Project Site development. Under cumulative conditions, the Geneva Avenue extension and improvements to the Candlestick interchange would be in place, providing convenient access to northbound US 101 and reducing northbound traffic impacts related to proposed Baylands development.

OSEC-320 [See page 5-352 for the original comment] The Brisbane-Crocker Park BART Shuttle stops at the Bayshore Caltrain station only during afternoon and evening commute times.

At the time of the 2010 NOP (EIR baseline), a separate shuttle that specifically served the Bayshore Station via the Baylands site was proposed, but was not yet funded, which is the Brisbane-Bayshore commuter shuttle referenced in Comment OSEC-321. The proposed Brisbane-Bayshore commuter shuttle provides three outbound (AM) and three inbound (PM) trips. Routing within the City of Brisbane is identical to the Brisbane-Crocker Park BART shuttle.

BRISBANE/CROCKER PARK BART SHUTTLE													
WEEKDAY SERVICE - EFFECTIVE 7/1/09													
(CALTRAIN SERVICE IN AFTERNOON ONLY)													
Morning Service	Balboa Park BART Station	Bayshore & Geneva	Bayshore & Guadalupe Cyn	140 Valley	West Hill Dr & West Hill Pl	Old County & San Francisco	3745 Bayshore	Bayshore & Guadalupe Cyn (Northbound Stop)	Balboa Park BART Station				
	Stop Order	A	B	C	D	E	F	G	H	A			
	AM-A1	6:46a	6:53a	6:55a	6:57a	6:01a	6:07a	6:14a	6:18a	6:33a			
	AM-B1	8:16a	6:23a	6:25a	6:27a	6:31a	6:37a	6:44a	6:48a	7:03a			
	AM-A2	8:40a	6:49a	6:51a	6:53a	6:57a	7:03a	7:10a	7:14a	7:29a			
	AM-C1	8:56a	7:05a	7:07a	7:09a	7:13a	7:19a	7:26a	7:30a	7:45a			
	AM-B2	7:06a	7:15a	7:17a	7:19a	7:23a	7:29a	7:36a	7:40a	7:55a			
	AM-A3	7:36a	7:45a	7:47a	7:49a	7:53a	7:59a	8:06a	8:10a	8:25a			
	AM-C2	7:46a	7:55a	7:57a	7:59a	8:03a	8:09a	8:16a	8:20a	8:35a			
	AM-B3	8:06a	8:15a	8:17a	8:19a	8:23a	8:29a	8:36a	8:40a	8:55a			
	AM-A4	8:30a	8:38a	8:40a	8:42a	8:46a	8:52a	8:59a	-	-			
	AM-C3	8:46a	8:53a	8:55a	8:57a	9:01a	9:07a	9:14a	9:18a	9:33a			
	AM-B4	8:06a	9:13a	9:15a	9:17a	9:21a	9:27a	9:34a	-	-			
	Afternoon Service	Balboa Park BART Station	Bayshore & Geneva	Bayshore & Guadalupe Cyn	Old County & San Francisco	3745 Bayshore	140 Valley	West Hill Dr & West Hill Pl	Bayshore & Guadalupe Cyn (Southbound Stop)	Bayshore Caltrain Station (Tunnel & Recycle)	Northbound Caltrain (To S.F)	Southbound Caltrain (To S.J)	Balboa Park BART Station
		Stop Order	A	B	C	F	G	D	E	C	J		A
PM-A1		-	-	-	-	2:45p	2:48p	2:52p	2:56p	3:03p	155 3:27p	156 3:17p	3:14p
PM-A2		3:18p	3:25p	3:27p	3:31p	3:45p	3:48p	3:52p	3:56p	4:03p	159 4:24p	No Service	4:16p
PM-B1		-	-	-	-	4:05p	4:08p	4:12p	4:17p	4:24p	No Service	264 4:40p	4:37p
PM-C1		-	-	-	-	4:25p	4:28p	4:32p	4:37p	4:44p	No Service	No Service	4:67p
PM-A3		4:20p	4:30p	4:33p	4:37p	4:45p	4:48p	4:52p	4:57p	5:04p	263 5:13p*	No Service	5:17p
PM-B2		4:42p	4:52p	4:55p	4:59p	5:05p	5:08p	5:12p	5:17p	5:24p	No Service	274 5:40p	5:37p
PM-C2		5:02p	5:12p	5:15p	5:19p	5:25p	5:28p	5:32p	5:37p	5:44p	No Service	No Service	5:67p
PM-A4		5:22p	5:32p	5:35p	5:39p	5:45p	5:48p	5:52p	5:57p	6:04p	273 6:13p*	No Service	6:17p
PM-B3		5:42p	5:52p	5:55p	5:59p	6:05p	6:08p	6:12p	6:16p	6:23p	No Service	284 6:40p	6:36p
PM-C3		6:02p	6:12p	6:15p	6:19p	6:32p	6:35p	6:39p	6:43p	6:60p	283 7:13p*	No Service	7:03p
PM-B4		6:40p	6:48p	6:50p	6:54p	7:00p	7:03	7:07	7:11	7:18	No Service	190 7:40pm	7:29p

*Train may leave up to 5 minutes early
Balboa BART Station: On Geneva North-West corner of Geneva & San Jose Avenue
Red Bold Italic: Drop off only.

How To Use the Timetable: Not all shuttle stops are listed, please visit www.commuter.ca for complete shuttle stop listing or call the Alliance office at (950) 585-8170. Locate a "lettered" time point on the map prior to where you want to board the shuttle, then find the same "lettered" time point on the schedule. The shuttle will arrive at or shortly after the time point.

BAYSHORE/BRISBANE COMMUTER CALTRAIN SHUTTLE																
WEEKDAY SERVICE - EFFECTIVE 5/5/08																
Morning Service		Northbound Caltrain (To 317)	Southbound Caltrain (To 5.0)	Bayshore Caltrain Station	Bayshore & Leland	Bayshore & Geneva	Bayshore & Guadalupe Cyn	140 Valley	West Hill Dr & West Hill Pl	Old County & San Francisco	3745 Bayshore	Bayshore & Guadalupe Cyn	Bayshore & Blanken	Bayshore Caltrain Station	Northbound Caltrain (To 317)	Southbound Caltrain (To 5.0)
Stop Order	Train # Time	Train # Time		K	L	B	C	D	E	F	G	H	I	K	Train # Time	Train # Time
AM 1	No Shuttle	No Shuttle						5:52a	5:57a	6:02a	6:08a	6:11a	6:15a	6:17a	103-6:22a	208-6:34a
AM 2	103-6:22a	208-6:34a		6:40a	6:42a	6:44a	6:46a	6:48a	6:53a	6:58a	7:04a	7:07a	7:12a	7:14a	214-7:33a	219-7:34a
AM 3	214-7:33a	219-7:34a		7:40a	7:42a	7:44a	7:46a	7:48a	7:53a	7:58a	8:04a	8:07a	8:12a	8:14a	224-8:33a	229-8:34a
AM 4	224-8:33a	229-8:34a		8:40a	8:42a	8:44a	8:46a	8:48a	8:53a	8:58a	8:59a				No Shuttle	No Shuttle
Afternoon Service		Northbound Caltrain (To 317)	Southbound Caltrain (To 5.0)	Bayshore Caltrain Station	Bayshore & Leland	Bayshore & Geneva	Bayshore & Guadalupe Cyn	Old County & San Francisco	3745 Bayshore	140 Valley	West Hill Dr & West Hill Pl	Bayshore & Guadalupe Cyn	Bayshore & Blanken	Bayshore Caltrain Station	Northbound Caltrain (To 317)	Southbound Caltrain (To 5.0)
Stop Order	Train # Time	Train # Time		K	L	B	C	F	G	D	E	H	I	K	Train # Time	Train # Time
PM 1	159-4:24p	204-4:40p		4:45p	4:47p	4:49p	4:51p	4:54p	5:00p	5:03p	5:08p	5:13p	5:17p	5:18p	See Note	274-5:40p
PM 2	263-5:13p	274-5:40p		5:45p	5:47p	5:49p	5:51p	5:54p	6:00p	6:03p	6:08p	6:13p	6:17p	6:18p	See Note	284-6:40p
PM 3	273-6:13p	284-6:40p		6:45p	6:47p	6:49p	6:51p	6:54p	7:00p	7:03p	7:07p				See Note	See Note

NOTE: See the Brisbane/Crocker Park BART Shuttle schedule for additional afternoon-only connections to the Bayshore Caltrain Station.
 *Train may leave up to 5 minutes early.
 Red Bold Italic: Drop off only.

OSEC-321 [See page 5-352 for the original comment] The Draft EIR analyzes the proposed development within the Baylands as it has been proposed in each of the four development scenarios. Suggested modification to proposed Project Site development, including modifications to proposed bicycle facilities, will be considered as part of the City’s planning review for the Baylands. As described on page 4.N-61 of the Draft EIR, a Class I off-street multi-use path is proposed along the east side of Tunnel Avenue from Lagoon Road to the boundary of the Baylands Project site (just south of Beatty Avenue).

OSEC-322 [See page 5-352 for the original comment] The Draft EIR analyzes the proposed development within the Baylands as it has been proposed in each of the four development scenarios. The westerly jog in the Class I bicycle trail is intended to provide for a safe crossing of the Geneva Avenue extension.

OSEC-323 [See page 5-352 for the original comment] **Figure 4.N-6** illustrates the existing and currently planned bicycle network within and around the Baylands site. The bicycle network proposed for Baylands development is provided in **Figure 4.N-17** and Table 4.N-7. Text description of planned bicycle facilities is provided starting on page 4.N-60. While it is reasonable that cyclists may arrive via public transit with their bicycles, the Draft EIR analyzes the proposed development within the Baylands as it has been proposed in each of the development scenarios. Suggested modification to proposed Project Site development,

including modifications to proposed bicycle facilities, will be considered as part of the City's planning review for the Baylands.

- OSEC-324** [See page 5-352 for the original comment] Comment OSEC-325 refers to the existing Class III bicycle trail within Tunnel Avenue and Beatty Avenue, which is shown in its correct location on **Figure 4.N-6**.
- OSEC-325** [See page 5-353 for the original comment] Transportation Demand Management (TDM) is a general term for strategies that increase overall transportation system efficiency by encouraging a shift from single-occupant vehicle trips to ridesharing, use of transit and non-vehicular modes of travel, or shifting auto trips out of peak periods.
- OSEC-326** [See page 5-353 for the original comment] **Figure 4.N-9** is clearly identified as being Alternative 1 from the Bayshore Intermodal Station Access Study as it was published in 2012.
- OSEC-327** [See page 5-353 for the original comment] General Plan Policy 39.2, which states in its entirety, "Establish an alternative access route to the Tunnel Avenue overcrossing for emergency vehicles" is cited in the Regulatory Setting Section on page 4.N-34 of the Draft EIR. The purpose of this policy is to establish an additional overcrossing of the Caltrain ROW from Bayshore Boulevard into the Baylands. This would be accomplished with the proposed extension of Geneva Avenue. The construction and availability of all infrastructure serving proposed Baylands development must be consistent with the phasing plan required by General Plan Policy 337. See Response OSEC-267.
- OSEC-328** [See page 5-353 for the original comment] Walking and bicycling paths are, in fact, proposed in each of the development scenarios, and illustrated in the following figures:
- 4.N-15: DSP/DSP-V Proposed Transit Circulation
 - 4.N-16: CPP/PP-V Proposed Transit Circulation
 - 4.N-17: Proposed DSP/DSP-V and Presumed CPP/PP-V Project Site Bicycle and Pedestrian Circulation
- OSEC-329** [See page 5-353 for the original comment] The network changes referred to on page 4.N-42 are those required for major projects in the vicinity of the Baylands, including: Candlestick Point/Hunters Point Shipyard, Executive Park, Schlage Lock site, India Basin Shoreline, and Visitacion Valley.
- OSEC-330** [See page 5-353 for the original comment] Because buildout of the Candlestick Point/Hunters Point Shipyard, Executive Park, Schlage Lock site, India Basin Shoreline, and Visitacion Valley projects is assumed to occur over a 20-year

period, the network changes associated with those projects are assumed to occur over the same time period.

- OSEC-331** [See page 5-353 for the original comment] For purposes of analyzing cumulative impacts of Baylands development along with development of major projects in the surrounding area, it is assumed that the roadway network changes required for the projects cited in Response OSEC-330 would occur.
- OSEC-332** [See page 5-353 for the original comment] Draft EIR Figures 4.N-9 and 4.N-10 have been updated in response to this comment as shown in Final EIR Figures 4.N-9 and 4.N-10.
- OSEC-333** [See page 5-353 for the original comment] The discussion of proximity to transit and likelihood of transit use discusses greater propensity for uses up to 1/3-mile versus ¼- to ½-mile. The ¼- and ½-mile buffers shown in Figure 4.N-15 were intended to convey distance from the Caltrain Station to surrounding Project Site development land uses and do not contradict the research on transit walking tolerances described on page 4.N-59 and page 4.N-60.
- OSEC-334** [See page 5-353 for the original comment] The existing rail spurs serving the existing lumberyards would be removed, and new spurs would be constructed to serve the lumber yards along the west side of the Caltrain line south of the existing lumberyards.
- OSEC-335** [See page 5-353 for the original comment] Draft EIR Figure 4.N-17 has been updated to illustrate the extent of existing Caltrain tracks, as shown in Final EIR Figure 4.N-16.
- OSEC-336** [See page 5-353 for the original comment] The jobs-housing linkage reference on page 4.N-66 is a potential TDM program whereby large employers would “offer relocation assistance to employees who agree to become Brisbane residents.” The reference does not presume housing within the Baylands, only that large employers would provide incentives for their employees to move closer to their jobs, and live within the Brisbane city limits.
- OSEC-337** [See page 5-353 for the original comment] The parking strategies identified on page 4.N-69 refer only to the DSP and DSP scenarios that proposed housing within the Baylands.
- OSEC-338** [See page 5-353 for the original comment] As discussed in Response OSEC-4, “podium parking” refers to a semi-subterranean or above ground parking structure built as an integral part of a multi-story commercial, mixed-use, or residential building that forms the base of a residential, mixed-use, or commercial/office building.

- OSEC-339** [See page 5-354 for the original comment] Table 4.N-12 presents the trip generation for the DSP and DSP-V scenarios. Trip generation for a sold-out arena scenario is different than traditional peak-hour trip generation, so it is calculated separately in Table 4.N-18.
- OSEC-340** [See page 5-354 for the original comment] The analysis of arena traffic includes both traffic generated by the arena and background evening traffic. Table 4.N-12 presents the trip generation for the DSP and DSP-V scenarios. Trip generation for the sold-out arena scenario is different than traditional peak-hour trip generation, so it is calculated separately in Table 4.N-18. The impacts of the sold-out arena scenario are presented in Table 4.N-27 under existing conditions and in Table 4.N-34 under cumulative conditions.
- OSEC-341** [See page 5-354 for the original comment] Intersections exceeding City LOS standards are identified in bold type in the tables provided in Section 4.N, *Traffic and Transportation*. Given the limited amount of space available for this Table 4.N-12 and others, the minimum standard of LOS set forth by the Brisbane General Plan is described in text on page 4.N-5.
- OSEC-342** [See page 5-354 for the original comment] The bulk of the volume contributed by a sold out arena event is to the eastbound through movement, which has excess capacity. By adding vehicles to an approach at the intersection that experiences less delay, the average delay for that intersection actually decreases.
- OSEC-343** [See page 5-354 for the original comment] The information contained in the Draft EIR is correct. Mitigation Measure 4.N-3b is for Intersection 4, labeled as the intersection of Old County Road and Bayshore Boulevard, has Tunnel Avenue on the westbound approach. The measure refers to “Eastbound Tunnel Avenue” as the eastbound *receiving* lanes of traffic.
- OSEC-344** [See page 5-354 for the original comment] The number of trains that currently stop at the Bayshore Caltrain Station is noted in the existing conditions section on page 4.N-12 to page 4.N-14. Baby Bullet service does not stop at the Bayshore station, although the ridership on the Baby Bullet service is necessary for the analysis of screenline impact. Under screenline impact analysis, ridership for all service that passes through the screenline (in this case, the Bayshore Caltrain Station) is examined, and the project impact is based upon the contribution of project trips to those ridership figures. In response to the comment, the last paragraph on page 4.N-136 of the Draft EIR is revised to read:

During most hours of operation, two trains per hour operate in both directions, with one Local train making all stops including the Bayshore Station and one Limited train that does not stop at the Bayshore Station. During peak commute periods, additional Baby Bullet trains provide two

to three additional trains per hour in both directions, although the Baby Bullet trains do not currently serve the Bayshore Station. Assuming the inclusion of Limited and Baby Bullet service for purposes of performing the screenline analysis, the Bayshore Station would have for a total of four to five trains per hour in the peak commute directions. Following electrification, which is scheduled for completion in 2019, Caltrain would operate six trains per peak hour per direction. Service at the Bayshore Station without Project Site development is expected to remain the same as today, although no schedules have been finalized.

OSEC-345 [See page 5-354 for the original comment] The statement that the majority of transit trips would be in the reverse peak direction is correct. Table 4.N-17 does not contradict the statement, as the distribution table shows the external trip end, not the direction of the trip (i.e., inbound or outbound to the Baylands site). Tables 4.N-14 and 4.N-15 illustrate the direction of trips, which shows for all development scenarios a much larger portion of trips heading inbound to the Baylands site during the AM peak period and heading outbound from the Baylands site during the PM peak period. This trip pattern is used regardless of mode, and therefore confirms that the majority of transit commute trips would be in the reverse peak direction.

OSEC-346 [See page 5-354 for the original comment] The term “improvement” is used to describe the change between pedestrian facilities under existing conditions and under Plus Project conditions. Because pedestrian facilities under existing conditions are either minimal or non-existent, Project Site development would improve them.

OSEC-347 [See page 5-354 for the original comment] According to the state law (AB 471, AB 1791, AB 1963, AB 2419 and SB 45), every urban county in the state is required to adopt and maintain a Congestion Management Plan (CMP) to alleviate or control anticipated increases in roadway congestion and to ensure that “ federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.” The City/County Association of Governments (C/CAG), as the Congestion Management Agency for San Mateo County, is required to prepare and adopt a Congestion CMP on a biennial basis to identify strategies to respond to future transportation needs, develop procedures to alleviate and control congestion, and promote countywide solutions.

This comment appears to address transportation demand management programs, rather than the countywide CMP. The CMP includes C/CAG programs and policies regarding transportation demand management (TDM), which address efforts to encourage utilization of alternative modes of transportation. The

C/CAG CMP requires the owner and tenants of projects that will generate more than 100 peak hour trips to implement TDM programs that mitigate the new peak hour trips. These programs, once implemented, must be ongoing for the occupied life of the development.

Transportation demand management programs are developed for site-specific conditions. Given the unique nature of the Baylands location, size, and mix of uses, provision of a “sample” congestion management program from another project site would not be of value in evaluating the impacts of proposed Project Site development or the ability of a congestion management program to mitigate impacts of proposed development.

- OSEC-348** [See page 5-354 for the original comment] Ferry service is not described in the existing conditions section, as there is no existing ferry service that serves the Baylands site. South San Francisco Ferry and Golden Gate Ferry services are included as transit options in the transit trip distribution and assignment tables: 4.N-21, 4.N-22, 4.N-23, and 4.N-24. These would be linked trips on transit with a first leg made by a Baylands site-serving transit line, which are described in existing conditions.
- OSEC-349** [See page 5-354 for the original comment] Study intersections were identified to fully capture the impacts of Project Site development, and were selected based on traffic patterns, modeling results, and engineering judgment. The intersection of Oyster Point Boulevard/ US 101 Ramps was not included for study since the majority of the land use is concentrated at the northern section of the Baylands Project site and would be most logically accessed via the Beatty Avenue/Alana Way/Harney Way interchanges.
- OSEC-350** [See page 5-354 for the original comment] The trip distribution percentages were based on the San Francisco CEQA Guidelines, as the Baylands site is directly adjacent to San Francisco Superdistrict 3. Data compiled for use in San Francisco is relevant to the Brisbane Baylands Draft EIR since the Baylands site is directly adjacent to the City and County of San Francisco. There are no physical features that separate the Brisbane Baylands site from adjacent lands within San Francisco. The roadway and transit networks are shared between Brisbane and adjacent lands in San Francisco, and therefore the travel behavior would be similar. Based on trip distribution developed for Project Site development, 27-28% of Project Site development trips were assigned to Superdistrict 3, not all of them as asserted in the comment.
- OSEC-351** [See page 5-354 for the original comment] The City will consider this comment as part of the planning review and decisionmaking for the Baylands.

- OSEC-352** [See page 5-354 for the original comment] See Response OSEC-319 regarding the Bayshore crossing of US 101.
- OSEC-353** [See page 5-354 for the original comment] Although Baby Bullet trains do not stop at the Bayshore Station, local Caltrain service does serve the Bayshore Station. In regard to the relevancy of Baby Bullet service for the transit impact analysis, see Response OSEC-344.
- OSEC-354** [See page 5-354 for the original comment] As stated on page 4.N-138 of the Draft EIR, reverse commute is defined as “southbound to the Project Site during the AM peak period and northbound from the Project Site during the PM peak period.” The “regular commute” would be the opposite direction, northbound from the Baylands Project Site during the AM peak period and southbound to the Baylands Project Site during the PM peak period.
- OSEC-355** [See page 5-355 for the original comment] The analysis of projected SamTrans ridership (Impact 4.N-7) from Baylands development does not state that SamTrans buses are at capacity. In addition the description of SamTrans Route 292 on page 4.N-15 states there are “approximately 4,000 weekly boardings of Route #292, which is the fourth highest ridership in the SamTrans system,” but does not state that the bus line is at capacity.
- OSEC-356** [See page 5-355 for the original comment] On page 4.N-146, the Draft EIR discusses that TDM plans would be prepared for each qualifying development project as it undergoes site-specific development review. A qualifying development project is defined as any project that generates 100 or more net new trips during the AM or PM peak hour. The term “qualifying phase” was not used in Section 4.N, *Traffic and Circulation*, of the Draft EIR.
- OSEC-357** [See page 5-355 for the original comment] Sidings for the proposed lumberyard relocation site would be designed as part of future site-specific development plans. Analyses in the Draft EIR assume that existing rail to the lumberyards will be provided at the relocated lumberyard sites.
- OSEC-358** [See page 5-355 for the original comment] Information on jobs and housing, as well as other socio-economic inputs including, auto ownership, trip generation, trip distribution, mode choice and trip assignment forecasts for the entire MTC designated 34 Superdistrict Bay Area regions can be found at:
- http://www.mtc.ca.gov/maps_and_data/datamart/forecast/
- For information on the trip distribution to Superdistrict 3, see Response OSEC-350.
- OSEC-359** [See page 5-355 for the original comment] See Response OSEC-348.

- OSEC-360** [See page 5-355 for the original comment] The SF-CHAMP model includes growth projections for future development. In addition, future projects in the Baylands vicinity, including the Candlestick/Hunter’s Point development are assessed in the cumulative impact analysis. See Master Response 22 for discussion of the development projects included in the Draft EIR’s cumulative traffic analysis.
- OSEC-361** [See page 5-355 for the original comment] As explained in text on pages 4.O-5 and 4.O-6, Table 4.O-5 was not based on historical usage but rather is an estimation of water demand modeled by data provided by all SFPUC customers to predict future population increases and, thus, future increases in water demands.
- OSEC-362** [See page 5-355 for the original comment] The color of the lagoon boundary in Draft EIR Figure 4.O-1 has been changed to distinguish it from water lines.
- OSEC-363** [See page 5-355 for the original comment] To make the order of columns in Draft EIR Table 4.O-6 better correspond to the format of other tables in Section 4.O, Table 4.O-6 has been changed to read as follows:

**TABLE 4.O-6
ANNUAL WASTEWATER FLOWS FOR BAYSHORE SANITARY DISTRICT, 2007-2011**

	For Period Ending June 30				
	2014 <u>2007</u>	2010 <u>2008</u>	2009	2008 <u>2010</u>	2007 <u>2011</u>
Total Annual Flow (MG)	148.17 <u>141.75</u>	144.57 <u>140.80</u>	137.30	140.80 <u>144.57</u>	141.75 <u>148.17</u>
Daily Flow (mgd)	0.41 <u>0.39</u>	0.40 <u>0.39</u>	0.38	0.39 <u>0.40</u>	0.39 <u>0.41</u>

NOTES: MG = million gallons, mgd = million gallons per day

SOURCE: Adapted from Yeager, 2012

- OSEC-364** [See page 5-355 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. As discussed in that Master Response, the use of any specific remediation method or technology has not been approved by either the RWQCB or DTSC. Such approvals will not occur until after the City of Brisbane determines what land uses are appropriate within the Baylands, updated human health risk assessments are completed, and risk-based cleanup goals are established by the RWQCB and DTSC. Please also see Responses OSEC-169 and OSEC-171 for a specific discussion of the potential use of “wick drains.”
- OSEC-365** [See page 5-355 for the original comment] As discussed in Draft EIR Section 4.H, *Surface Water Hydrology and Water Quality*, onsite storm drainage

for proposed Baylands development would discharge to an improved Visitacion Creek. As described in Chapter 3, *Project Description*, of the Draft EIR, a separate stormwater drainage system would be constructed within the Baylands to collect and discharge stormwater runoff from Project Site development to meet City of Brisbane Storm Drainage Master Plan and stormwater treatment requirements. With the exception of the Recology site that currently has a wastewater/stormwater system discharging into SFPUC's system, stormwater runoff will not be discharged into the SFPUC's dual wastewater/stormwater system.

The onsite storm drain system would be designed to meet the requirements of the NPDES permit, as stated on Draft EIR page 3-63. Project Site development's wastewater flows would be treated by an onsite recycled water plant to meet onsite irrigation water demand, with the remaining wastewater collected by the Bayshore Sanitary District and pumped to SFPUC for treatment and discharge according to SFPUC's NPDES discharge permits.

OSEC-366 [See page 5-356 for the original comment] The onsite recycled water plant would be constructed once sufficient wastewater flows were being generated within the Baylands to provide for efficient plant operations. Because technologies for recycled water plant design continually evolve, a specific numerical threshold that would trigger plant construction has not been set. A specific target flow that would trigger the required construction of the onsite recycled water plant will be determined by the City as part of its review of proposed water and wastewater plans. This target flow will be based on a combination of the amount of wastewater generated within the Baylands and the demand generated by Baylands development for recycled water. The combination of available wastewater for recycling and demand for recycled water supply will be evaluated to determine the level of Baylands development needed to provide for efficient operation of the recycled water plant. The Draft EIR acknowledges that as much as 75 percent of Project Site development could occur prior to construction of the recycled water plant.

OSEC-367 [See page 5-356 for the original comment] As opposed to impermeable surfaces that block infiltration of stormwater, the proposed Water Savings Program includes the use of hardscape in landscaping design that would allow infiltration of stormwater (e.g., porous asphalt, paving blocks, cobble, decomposed granite, etc.). The word "increase" as quoted by the commenter from page 4.O-31, was used as a comparison to non-permeable surfaces that would block infiltration.

OSEC-368 [See page 5-356 for the original comment] Comment OSEC-369 recommends using native vegetation instead of turf to reduce water demands. As described on Draft EIR pages 4.O-30 and 4.O-31, water demands for irrigation of turf and other landscaping would be served by the recycled water plant during the dry

season of the year. Furthermore, the proposed Water Saving Program includes the use of native plant landscaping, which includes native turf grasses, that requires low to no irrigation.

- OSEC-369** [See page 5-356 for the original comment] As stated on page 4.O-35, Table 4.O-10 includes the total supply with the proposed OID water transfer and SFPUC water supplies.
- OSEC-370** [See page 5-356 for the original comment] The proposed OID-Brisbane water transfer would not alter or adversely affect the SFPUC's current work with the USFWS to establish updated flow management standards or implementation of new standards. The transfer would introduce 2 mgd of new supply into the Tuolumne system by OID transferring 2 mgd of its supply to MID for use, and allowing MID to forgo use of 2 mgd of its Tuolumne River supply. Thus, there would be no net increase in diversion from the Tuolumne River. To implement the proposed water supply agreement, Brisbane, MID and the SFPUC will develop a detailed transfer operation plan based on the water supply demands of land uses approved by the City of Brisbane that will be evaluated in a subsequent project-level CEQA document.
- OSEC-371** [See page 5-356 for the original comment] See Response OSEC-370.
- OSEC-372** [See page 5-356 for the original comment] Please see Master Response 29 for a discussion of OID water supply reliability.
- OSEC-373** [See page 5-356 for the original comment] As stated on page 4.O-49, Section 4.E addresses the geologic, soil, and seismic conditions on the Baylands Project Site and the effects of project grading, design, and engineering to address potential impacts from unstable conditions on the Baylands Project Site, including buildings and structures such as the recycled water plant. The mitigation requirements set forth in the Draft EIR apply to construction of the recycled water plant in the same manner as they apply to all other buildings within the Baylands. For example, the onsite recycled water plant will be required to meet applicable geologic and seismic standards of the California Building Code, as well as mitigation measures for grading and construction of buildings set forth in Section 4.E, *Geology, Soils, and Seismicity*.
- OSEC-374** [See page 5-356 for the original comment] Given that 60+ years of landfill capacity is remaining and that solid waste management agencies maintain a 20-year lead time for facilities planning and development, use of an additional 0.014 to 0.022 percent of remaining landfill capacity will not have a substantial effect on long term landfill capacity, and the Draft EIR therefore correctly concluded that a less than significant impact would result. See also Response OSEC-423.

- OSEC-375** [See page 5-357 for the original comment] The fourth bullet under Requirements for Operational Waste at the bottom of page 4.O-58 provides for all buildings, open spaces, parking lots, and trails to be equipped with recycling containers to separate plastic, paper, aluminum, glass, cardboard, and other commercially recyclable materials.
- OSEC-376** [See page 5-357 for the original comment] Pursuant to the requirements of CEQA, the Draft EIR analyzed the physical environmental changes that would result from proposed Baylands development as it is described in Chapter 3, *Project Description*. Since Recology does not proposed capturing methane from the former landfill or from the proposed recycled water facility, the Draft EIR did not address the environmental effects of such methane capture. Greenhouse gas emissions from the Project Site development, including from solid waste, were analyzed in Section 4.F, *Greenhouse Gas Emissions*. A proposal to capture landfill methane and transport it to the Recology facility for economic use would be subject to its own separate environmental review process pursuant to CEQA.
- OSEC-377** [See page 5-357 for the original comment] There are no defined or adopted CEQA standards for defining health risk from electromagnetic fields (EMF). Thus, the Notices of Preparation distributed in 2006, 2010, and 2013 for the Brisbane Baylands EIR did not include EMF as a source of potentially significant impacts for proposed Baylands development.

For informational purposes, electric and magnetic fields (EMF) are invisible lines of force that surround any electrical device. Power lines, electrical wiring, and electrical equipment (microwave ovens, televisions, cellular phones, hair dryers, etc.) all produce EMF. Electric fields are produced by voltage and increase in strength as the voltage increases. Electric fields are shielded or weakened by materials that conduct electricity, even materials that conduct electricity poorly (e.g., trees, buildings, and human skin). Magnetic fields result from the flow of current through wires or electrical devices and increase in strength as the current increases. Magnetic fields pass through most materials and are therefore more difficult to shield.

Both electric and magnetic fields decrease rapidly as the distance from the source increases. Overhead power lines produce both electric fields and magnetic fields. Underground lines do not produce electric fields above ground, but may produce magnetic fields above ground.

Even though electrical equipment, appliances, and power lines produce both electric and magnetic fields, most recent research has focused on potential health effects of magnetic field exposure. This is because some epidemiological studies have reported an increased cancer risk associated with magnetic field exposure. No similar associations have been reported for electric fields.

A person standing directly under a high-voltage transmission line may feel a mild shock when touching something that conducts electricity. These sensations are caused by the strong electric fields from the high-voltage electricity in the lines. They occur only at close range because the electric fields rapidly weaken as distance from the line increases.

Electric fields in the home, on average, range from 0 to 10 volts per meter. By comparison, electric fields directly beneath power lines may vary from a few volts per meter for some overhead distribution lines to several thousands of volts per meter for extra high voltage power lines. Electric fields from power lines rapidly become weaker with distance, and can be greatly reduced by walls and roofs of buildings. Electric fields may be shielded and further weakened by buildings, trees, and other objects that conduct electricity.

Magnetic fields are not blocked by most materials. Magnetic fields produced by AC electricity can induce the flow of weak electric currents in the body. However, such currents are smaller than the measured electric currents produced naturally by the brain, nerves, and heart. Magnetic fields rapidly weaken with distance from the source.

Over the past 25 to 35 years, research has addressed the question of whether exposure to EMF might adversely affect human health. For most health outcomes, there is no evidence that EMF exposures have adverse effects. There is some evidence from epidemiology studies that exposure to power-frequency EMF is associated with an increased risk for childhood leukemia. This association is difficult to interpret in the absence of reproducible laboratory evidence or a scientific explanation that links magnetic fields with childhood leukemia. EMF exposures are complex and come from multiple sources in the home and workplace in addition to power lines. Scientists are still debating whether EMF is a hazard to health.

The California Public Utilities Commission (CPUC) issued Decision 93-11-013, in 1993, establishing EMF policy for California's regulated electric utilities. Decision 93-11-013 acknowledged that scientific research had not demonstrated that exposures to EMF caused health hazards, and stated that it would be inappropriate to set numeric standards to limit exposure. In 2006, the CPUC updated its EMF Policy in Decision 06-01-042, which reaffirmed that health hazards from exposure to EMF have not been established and that state and federal public health regulatory agencies have determined that setting numeric exposure limits is not appropriate.

In recognizing the scientific uncertainty, the CPUC addressed public concern over EMF by establishing a no-cost and low-cost EMF reduction policy that utilities would follow for proposed electrical facilities.

OSEC-378 [See page 5-357 for the original comment] See Response OSEC-366.

OSEC-379 [See page 5-357 for the original comment] As described on Draft EIR page 3-2, the proposed water supply agreement between OID and Brisbane is for a 50-year term with the option for extension of the agreement in 25-year increments before the term date. See also Response OSEC-194 for discussion as to why water supply analysis is based on 20-year projections.

OSEC-380 [See page 5-357 for the original comment] As described in Chapter 3, *Project Description*, and reiterated on pages 4.O-6 and 4.O-7, OID and Brisbane have agreed to a term sheet (option) for a water transfer from OID to Brisbane with terms that guarantee delivery of the specified amount for Project Site development of up to 2,400 acre-feet per year from the available amount of water it has to deliver to customers outside of its service area.

OSEC-381 [See page 5-357 for the original comment] The provision of telephone and internet services will be addressed in the planning review process undertaken by the City for the Baylands. The 1994 Brisbane General Plan contains several requirements designed to address issues related to infrastructure serving new development. These policies are assessed in greater detail in Draft EIR Section 4.I, *Land Use and Planning Policy*, and include:

- Policy 146, which requires that developers and property owners in undeveloped areas who wish to build on their land provide infrastructure at their own expense;
- Policy 208, which requires infrastructure for new development to be installed to City standards; and
- Policy 337, which requires that development in the Baylands Subarea include a phasing schedule for development to limit the adverse impacts of too rapid growth.

Phasing of infrastructure during Baylands development is addressed in Mitigation Measure 4.I-1 on Draft EIR page 4.I-54. While infrastructure construction may be phased, phased development of infrastructure must be consistent with the phasing plan required by General Plan Policy 337. See Response OSEC-267 for discussion of phasing requirements.

Regarding communications utilities, page 92 of the Infrastructure Plan prepared by the applicant for the proposed Specific Plan for the DSP and DSP-V scenarios describes the applicant's proposed strategy for upgrading infrastructure to provide additional telephone or internet service. Similar infrastructure plans are not required at the concept plan stage, and were therefore not prepared for the CPP and CPP-V scenarios.

- OSEC-382** [See page 5-357 for the original comment] Comment OSEC-383 correctly states that the mitigation measures in Section 4.O, *Utilities, Service Systems, and Water Supply* reduce impacts from the water supply agreement from OID through MID through SFPUC to Brisbane. The statement in OSEC-383 regarding whether mitigation measures are meaningful does not reference specific mitigation measures, nor does it include any factual basis to support the assertion. As such, no response is required.
- OSEC-383** [See page 5-357 for the original comment] The comment does not make any reference to the analysis contained in the Draft EIR and therefore does not raise any significant environmental issues regarding the adequacy of the EIR. See Response OSEC-259 for discussion of rooftop runoff.
- OSEC-384** [See page 5-357 for the original comment] Existing 24” natural gas pipelines and jet fuel pipelines are shown in Appendix B, *Draft Brisbane Baylands Infrastructure Plan*, in Figure 11.1. The presence of this pipeline was confirmed with pipeline location data from the U.S. Energy Information Administration and the National Pipeline Mapping System. The 6” pipeline along Tunnel Avenue is also described in Appendix B, and is proposed to be relocated as shown in Figure 11.1 of Appendix B.
- OSEC-385** [See page 5-357 for the original comment] Executive Order S-14-08 was inadvertently described twice in the Regulatory Setting of Section 4.P, *Energy Resources*, of the Draft EIR. Two text changes are incorporated into the Draft EIR as a result. The less-detailed, duplicate, description of Executive Order S-14-08 on page 4.P-6 is removed:

~~Executive Order S-14-08~~

~~Executive Order S-14-08, signed by then-Governor Arnold Schwarzenegger in 2008, established a Renewable Portfolio Standard (RPS) target for California that requires all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020.~~

The regulatory setting text in the Draft EIR describing Executive Order S-14-08 on page 4.P-8 has been revised as follows:

In November 2008, Governor Schwarzenegger signed Executive Order S-14-08, which raises California’s renewable energy goals to requires retail sellers of electricity to serve 33 percent of their electrical load by 2020 from renewable energy sources. This enhanced target is intended to help California meet statewide greenhouse gas emission reduction targets (refer to Section III.S). This has been reiterated by California Executive Order S-21-09 which charges the California Air Resources Board (CARB), by July 31, 2010, to establish a regulation

consistent with this 33 percent target by 2020. This is a further increase in renewable portfolio standards (RPS) over SB 1078 and SB 107. On a quarterly basis, the California Public Utilities Commission reports to the state legislature on progress toward the Renewable Energy Portfolio standards. At the end of 2012, the three largest retail sellers of electricity in California served 19.6% of their retail electric load with RPS-eligible renewable energy (CPUC, 2013).

In addition, the following reference has been added to the references of Section 4.P, *Energy Resources*:

California Public Utilities Commission (CPUC), 2013. *Renewables Portfolio Standard Quarterly Report, 1st Quarter 2013.*

OSEC-386 [See page 5-358 for the original comment] As described on Draft EIR page 4.P-9, electrical loads for all four Project Site development scenarios were based upon preliminary electrical demand estimates provided in Appendix B of the Draft EIR, *Draft Brisbane Baylands Infrastructure Plan*. Updated electrical loads will be calculated as specific future site-specific development projects are proposed within the Baylands. The Draft EIR states that these preliminary estimates are based on “commonly accepted consumption factors.” These are the consumption factors provided by PG&E, who was consulted during preparation of the proposed *Infrastructure Plan* and provided the electrical load estimates based on the factors it uses throughout its service area. These estimates are based on current energy demands experienced by PG&E within their service area, and do not factor in projected future decreases in per capita energy use, thus providing for a worst case analysis.

In addition, a copy of the Draft EIR was provided to PG&E, who did not comment on the Draft EIR.

See also Response OSEC-387 for discussion of natural gas consumption estimates.

OSEC-387 [See page 5-358 for the original comment] Estimates of natural gas loads for the DSP and DSP-V scenarios were determined in consultation with PG&E, as described on page 91 of Draft EIR Appendix B, *Draft Brisbane Baylands Infrastructure Plan*. PG&E made these estimates based on the types and areas of proposed land uses for each of these scenarios. PG&E provided the natural gas load estimates based on the energy consumption factors the utility uses to estimate demands from new development throughout the PG&E service area, including recognition of the energy consumption effects of buildings being constructed in compliance with Title 24. Information on projected energy consumption on a per unit of development basis was extracted from the information provided by PG&E for the DSP and DSP-V scenarios and applied to the CPP and CPP-V scenarios based the proposed land uses in those scenarios.

Information on projected energy use from expanded Recology facilities in the CPP-V scenario was provided directly by Recology.

A copy of the Draft EIR was provided to PG&E, which did not comment on the Draft EIR.

OSEC-388 [See page 5-358 for the original comment] The Bay Area Greenhouse Gas model (BGM) was used to calculate GHG emissions and fuel consumption in the Draft EIR. BGM accounts for the following future year regulatory improvements:

- Improvements to the vehicle fleet in future years as a result of continued implementation of Corporate Average Fuel Efficiency (CAFÉ) standards.
- Improvements to the vehicle fleet in future years from implementation of California’s more stringent Pavley Standards (AB 1493); and
- Improvements to fuels resulting from future implementation of the Low Carbon Fuel Standard.

OSEC-389 [See page 5-358 for the original comment] The “broken link” referred to in this comment is part of a separate published document prepared by the United States Environmental Protection Agency. While this document is included in Appendix N of the Draft EIR, the link cannot be changed because the document was published by the United States EPA. The document, *RE-Powering America’s Land: Evaluating the Feasibility of Siting Renewable Energy Production on Potentially Contaminated Land, Brisbane, California* (U.S. EPA, 2013) was located using the Internet Wayback Machine and has been added as a reference in this response. The document can be viewed upon request at the City of Brisbane. A single page summary can be found at the following web address:

http://www.epa.gov/oswercpa/docs/fs_brisbane_ca.pdf

OSEC-390 [See page 5-358 for the original comment] The following revisions have been made to Draft EIR pages 4.P-11 and 4.P-12:

Two subsurface natural gas pipeline pressure regulation pits would be constructed on the Project Site near the tap and would require an approximately 20-foot-long-by-45-foot-wide area for installation and access easements (see “Proposed Natural Gas System” on page 91 of Appendix B, Draft Brisbane Baylands Infrastructure Plan).

OSEC-391 [See page 5-358 for the original comment] As described in Appendix B of the Draft EIR, the 20’ long by 45’ wide area referred to in this comment describes the surface area needed to ensure adequate access to install the new natural gas pipeline, including regulation pits, and link it to the 24” pipeline under Bayshore Boulevard. The regulation pits themselves are not 20’ long by 45’ wide. The

pressure regulation pits would be as deep as the natural gas pipeline, which would be installed above any cap layer that may be required for remediation of the former Railyard area. The exact parameters of trenches and pits to be dug as part of Project Site development would be defined and evaluated as part of subsequent site-specific development projects and their environmental review. See Master Response 1, for a discussion of Program and Project EIR analyses.

OSEC-392 [See page 5-358 for the original comment] Details regarding the dimensions of electrical and natural gas lines and the installation of infrastructure for the DSP and DSP-V scenarios are provided in Appendix B of the Draft EIR, *Draft Brisbane Baylands Infrastructure Plan*. Concept Plans only were prepared for the CPP and CPP-V scenarios as required by the Brisbane General Plan and authorized by the City Council. Thus, equivalent detailed infrastructure plans are not required and were not prepared for the CPP and CPP-V scenarios. Should either the CPP or CPP-V scenario be selected by the City Council, the next step in the planning review process would be preparation of a specific plan, including detailed infrastructure planning. The exact parameters of trenches and pits to be dug as part of Project Site development would be defined as part of the required specific plan and subsequent site-specific development projects and evaluated as part of the environmental review for those projects. See Master Response 1 for a discussion of Program and Project EIR analyses.

OSEC-393 [See page 5-358 for the original comment] Impacts related to the construction of electrical and natural gas infrastructure are included in the analyses of construction impacts throughout the Draft EIR. The statement referred to in Comment OSEC-385 addresses the operational impacts of energy generation infrastructure (i.e., wind turbines).

To clarify the statement referred to in Comment OSEC-385, the second paragraph on Draft EIR page 4.P-13 is revised to read as follows.

Construction activities related to installation of proposed electric, gas, and renewable energy facilities would result in significant impacts related to ground disturbance, damage to existing vegetation, and construction-related traffic, air emissions, and noise. These construction-related impacts are discussed, and specific mitigation measures are proposed, as follows, in other sections of this EIR: **Mitigation Measures 4.B-2a and 4.B-2b** (construction air emissions); **Mitigation Measures 4.C-1a through 4.C-1c, Mitigation Measures 4.C-2a through 4.C-2c, and Mitigation Measures 4.C-4d, 4.C-4e, and 4.C-4f** (biological resources); **Mitigation Measures 4.D-2 and 4.D-4** (archaeological resources and human remains); **Mitigation Measure 4.E-2a** (ground settlement); **Mitigation Measures 4.G-2a, 4.G-2b, 4.G-2d and 4.G-2f through 4.G-2h** (hazardous materials); **Mitigation Measures 4.J-4a and 4.J-4b** (construction period

noise); and **Mitigation Measure 4.N-12** (construction circulation patterns). Implementation of these measures is recommended to reduce construction impacts related to the installation of energy infrastructure to less-than-significant levels.

See Sections 4.A (*Aesthetics and Visual Resources*), 4.B (*Air Quality*), 4.C, (*Biological Resources*), and 4.F (*Greenhouse Gas Emissions*) for a discussion of operational impacts of renewable energy generation infrastructure and facilities (e.g., wind turbines, solar panels) in relation to potential light and glare, air quality, bird strike, and greenhouse gas emissions impacts.

OSEC-394 [See page 5-358 for the original comment] See Master Response 3, Monitoring and Enforcement of Mitigation Measures, for a discussion of methods for implementation and enforcement of EIR mitigation measures. The specific methods for ensuring implementation of Mitigation Measure 4.P-1 are set forth in the Mitigation Monitoring and Reporting Program (MMRP) contained in Chapter 4.0 of the Final EIR. As shown in the MMRP, the provisions of Mitigation Measure 4.P-1 will be required to be included in construction contracts within the Baylands. Prior to issuance of construction permits, relevant contracts will be reviewed by the City to ensure that the provisions of Mitigation Measure 4.P-1 are set forth as contractual requirements.

OSEC-395 [See page 5-358 for the original comment] While the intent of Mitigation Measure 4.P-2a is to establish the minimum performance standard as exceeding the Title 24 energy efficiency standards effective as of the date of certification of the Baylands EIR by at least 20 percent and to require new buildings to achieve a LEED Gold rating, rather than the LEED Silver rating now required by the Municipal Code, discussion of Title 24 energy efficiency standards was inadvertently omitted from the measure.

A 15-20 % increase in energy efficiency compared to current Title 24 standards is currently being implemented as part of climate action plans throughout the state as a means of reducing energy consumption and resulting greenhouse gas emissions. Because the specific standards that may be adopted in the future as part of Title 24 cannot be known, the feasibility of exceeding the efficiency of those future standards by 20 percent also cannot be known. For that reason, proposed energy efficiency standards are tied to the current provisions of Title 24.

The final paragraph on page 4.P-17 is revised to read as follows.

The threshold for this impact also considers whether Project Site development's energy consumption would be wasteful. To reduce natural gas consumption rates, and ensure that wasteful use of natural gas is avoided, Mitigation Measure 4.P-2a 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~~ all new buildings subject to the provisions of Brisbane Municipal Code Chapter 15.80 to achieve a LEED Gold rating, rather than the LEED Silver rating now required by the Municipal Code. In addition, all appliances installed as part of original building construction are to be ENERGY STAR rated or equivalent.

OSEC-396 [See page 5-359 for the original comment] Mitigation Measure 4.P-2b is hereby revised to read as follows.

Mitigation Measure 4.P-2b: All street and parking lot lighting within the Project Site shall be energy efficient light emitting diode (LED) based lighting, until a more efficient technology for street and parking lot lighting acceptable to the City of Brisbane becomes commercially available, at which time all street and parking lot lighting shall be the most energy efficient technology that is commercially available for street and parking lot lighting and that is also acceptable to the City of Brisbane.

OSEC-397 [See page 5-359 for the original comment] Since the DSP and DSP-V scenarios specify a minimum amount of renewable energy production to be provided, the intent of Mitigation Measure 4.P-2c was to ensure that an equivalent amount of renewable energy production be provided by the CPP and CPP-V scenarios. Because the operable performance standards in the mitigation measure are to provide an equivalent amount of renewable energy production, rather than the number of megawatts hours, Mitigation Measure 4.P-2c is revised to read as follows.

Mitigation Measure 4.P-2c: Should the CPP scenario be selected, Project Site development shall provide for an equivalent amount of onsite renewable energy generation as is proposed in the DSP scenario (currently estimated to be 42,000 to 45,000 megawatt hours annually). Should the CPP-V scenario be selected, Project Site development shall provide for an equivalent amount of onsite renewable energy generation as is proposed in the DSP scenario (currently estimated to be 42,000 to 45,000 megawatt hours annually) in addition to the renewable energy generation proposed as part of the Recology expansion.

OSEC-398 [See page 5-359 for the original comment] Starting on page 4.P-2, the Draft EIR states, “it is estimated that 1,784.6 megawatt hours of electricity and 10,002.5 million British Thermal Units (Btu) of natural gas are used annually on the Baylands Project Site, exclusive of Recology’s operation. Recology has reported its 2010 baseline energy use as 6,300 megawatt hours of electricity and 400,000 cubic feet of natural gas (406 million Btu) annually (Arup, 2010).” The electrical consumption figure cited in the fifth paragraph of page 4.P-16 includes the electrical consumption of the Recology facility (1,784.6 mwh + 6,300 mwh = 8,084.6 mwh). The two statements in the Draft EIR are thus consistent.

The final paragraph on page 4.P-2 is hereby revised to read as follows:

Specific historical energy usage was not available for all existing uses on the Project Site. To provide an estimate of this usage, the Bay Area Air Quality Management District (BAAQMD) greenhouse gas model BGM (Version 1.1.9 Beta) was used to estimate annual electricity and natural gas usage based on industrial land uses at the Project Site and their square footage. Based on this model, it is estimated that 1,784.6 megawatt hours of electricity and 10,002.5 million British Thermal Units (Btu) of natural gas are used annually on the Project Site, exclusive of Recology's operation. Recology has reported its 2010 baseline energy use as 6,300 megawatt hours of electricity and 400,000 cubic feet of natural gas (406 million Btu) annually (Arup, 2010). Thus, total current energy usage within the Baylands is estimated to be 8,084.6 megawatt hours of electricity and 10,408.5 million British Thermal Units (Btu) of natural gas.

The fifth paragraph on page 4.P-16 is hereby revised to read as follows:

As previously noted, existing electrical consumption within the Project Site is 8,084.6 megawatt hours, including the Recology facility. Thus, under all Project Site development scenarios, even with proposed onsite renewable energy generation, increases in electrical consumption would be substantial.

OSEC-399 [See page 5-359 for the original comment] The specific thresholds used to analyze energy in the Draft EIR are based on CEQA Guidelines Appendix F, and focus on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. The extent to which renewable energy production can be maximized within the Baylands is a planning, rather than CEQA issue, and will be considered as part of the City planning review and decisionmaking for the Baylands. Because Recology's renewable energy production is a by-product of their primary waste processing operations, it is unreasonable to anticipate that office, commercial, or residential (DSP, DSP-V scenarios) could duplicate Recology's level of renewable energy production.

OSEC-400 [See page 5-359 for the original comment] The federal, state, and local regulations summarized in Draft EIR Section 4.P, *Energy Resources*, do not necessarily apply to specific impacts; these regulations generally apply to Project site development as a whole. While the Draft EIR refers to the regulations at times as part of the impact analysis to indicate how compliance with specific regulations would avoid or reduce impacts, all applicable regulations and standards apply to Project Site development. Section 4.P.3, *Regulatory Setting*, is included in Draft EIR Section 4.P specifically to be used as a reference when reading the impact analyses. The rules and regulations mentioned in the impact

analyses in Section 4.P include: PG&E Rule 20A; Title 13 CCR Section 2485; Title 24 CCR; and Brisbane Municipal Code Section 15.80.

OSEC-401 [See page 5-359 for the original comment] The term “lifecycle” in the context of resource use and environmental impacts is generally used to refer to all resource use and emissions associated with the creation and existence of a project, including resource use and emissions from the manufacture and transportation of component materials (referred to as embodied energy), and even the resource use and emissions from the manufacture of machines required to produce those materials. Prior to 2009, this term was used in the guidelines for preparing energy conservation analyses under CEQA (contained in Appendix F of the CEQA Guidelines). In 2009, the California Natural Resources Agency (CNRA) issued new energy conservation guidelines in Appendix F. In its statement of reasons for amending these guidelines, CNRA stated that lifecycle analyses are not required under CEQA for multiple reasons (CNRA, 2009). CEQA requires analysis of impacts that are directly or indirectly attributable to the project under consideration. In some instances, materials may be manufactured for many different projects as a result of general market demand, regardless of whether one particular project proceeds, and different manufacturers may use different processes and materials or change processes and materials over time. Similarly, a lead agency may not be able to require mitigation for impacts that result from offsite manufacturing processes. For these reasons, an analysis of lifecycle energy consumption is not included in the Draft EIR.

OSEC-402 [See page 5-359 for the original comment] This comment correctly notes that a substantial increase in onsite electrical demand (and related CO₂ emissions) will result from proposed Baylands development. The BAAQMD has identified a *potential* bright-line threshold of 1,100 metric tons per year of CO₂e as discussed on page 4.F-12 of the Draft EIR. As a practical matter, this threshold is relatively stringent and is exceeded by most development projects of more than 500 residential units or 100,000 square feet of retail or 350,000 square feet of office. In an effort to encourage mixed-use development, focus on the efficiency of proposed development, and provide for analysis and mitigation of numerous smaller development projects, BAAQMD identified the service population⁶-based efficiency threshold used in this analysis, which is more applicable to assessing the impacts of a Specific Plan. BAAQMD indicates its intent to have the efficiency threshold apply to Specific Plans in Table 2-5, Thresholds of Significance for Plans, in its 2011 CEQA Air Quality Guidelines, which specifically states that specific plans should use the project-level threshold of 4.6 CO₂e per service population per year.

⁶ “Service Population” (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. SP is determined by adding the number of residents to the number of jobs estimated for a given point in time.

As described in Response OSEC-401, lifecycle emissions analyses are not required under CEQA. The exact types of solar technology to be installed as part of Project site development and the sources of the solar technology materials have not yet been defined and could not be known during preparation of the Draft EIR. In addition, materials may be manufactured in response to market demand may change over time, and different manufacturers may use different processes and materials or change processes and materials over time. Quantification of lifecycle emissions of the solar technology would thus be speculative, and was not undertaken for the Draft EIR.

OSEC-403 [See page 5-360 for the original comment] See Response OSEC-384.

OSEC-404 [See page 5-360 for the original comment] Groundborne vibrations generated during construction are addressed in Section 4.J, *Noise and Vibration*. The 2004 American Association of State Highway and Transportation Officials (AASHTO) guidelines include references for underground utility criteria, citing studies indicating that vibration under the ground surface is lower than that measured at the ground surface.

The Caltrans measure of the threshold of architectural damage for conventional sensitive structures is 0.5 in/sec PPV for new residential structures and modern commercial buildings and 0.25 in/sec PPV for historic and older buildings was used in analyzing vibration impacts. Underground or restrained concrete structures can withstand vibration of 10.0 in/sec (254 mm/s) before the appearance of threshold cracks. Thus, underground utilities are less sensitive than surface structures.

As discussed on Draft EIR page 4.J-22, pile driving can result in peak particle velocity (PPV) of up to 1.5 in/sec at a distance of 25 feet (FTA, 2006), but typically average about 0.644 PPV at that distance. All other construction activities would have substantially lower vibration inducing potential. Vibration from pile driving could potentially reach levels in excess of the 4.0 in/sec AASHTO criteria at distances between 10 to 15 feet. Thus, pile driving within 10-15 feet of an underground pipeline could cause damage to the pipeline, resulting in a significant impact. Consequently, Mitigation Measure 4.J-2c is hereby added to the Draft EIR:

Mitigation Measure 4.J-2c: All development sites requiring pile driving shall have underground utility⁷ surveys completed before a building permit is issued to demonstrate that pile driving will be located a minimum 15 feet from buried utilities. Underground utilities surveys

⁷ Underground utilities include electrical lines, irrigation lines, reclaimed water lines, municipal water lines, sewer lines, gravity flow facilities (storm, sanitary and laterals), cable/communication lines and gas lines.

shall be submitted to the City for review and consultation with affected utilities a minimum of two weeks prior to commencement of construction activities. If underground utilities are identified within 15 feet of proposed pile driving activities, alternative pile installation methods shall be required. Alternative methods may include use of sonic drivers or drilled and cast-in-place piles. All pile driving shall be designed so as to result in peak particle velocity of less than 4.0 in/sec (100 mm/s) at the location of underground utilities.

Within one week following completion of pile driving activities, a post-construction assessment of all underground utilities within 30 feet of the pile driving activity shall be submitted to the City by the contractor, confirming that no damage to any underground utilities occurred as the result of the pile driving activity. Should the post-construction assessment determine that underground utilities were damaged by pile driving activities, such damage shall be repaired by the contractor to the satisfaction of the City and affected utility.

In addition, the first full paragraph on page 4.J-26 is hereby revised to read:

Conclusion with Mitigation: With implementation of **Mitigation Measures 4.J-2a, and 4.J-2b, and 4.J-2c**, groundborne vibration impacts on multi-family housing under the DSP and DSP-V scenarios, and on the Roundhouse and underground utilities and pipelines for Project Site development would be less than significant.

- OSEC-405** [See page 5-360 for the original comment] The Draft EIR statement on page 5-26 cited in this comment makes no value judgment as to whether the amount of onsite population under the No Project – General Plan Buildout Alternative is beneficial or detrimental. The cited statement notes only that the reduced amount of development within the Baylands under that alternative would not likely meet one of Project Site development’s objectives – supporting a robust expansion of transit.
- OSEC-406** [See page 5-360 for the original comment] A “fixed axis” PV system is one whose photovoltaic panels are constructed at a stationary angle and do not move during the day. A “single axis” tracking PV system is one whose photovoltaic panels are constructed so as to turn along a single axis during the day to maximize capture of sunlight.
- OSEC-407** [See page 5-360 for the original comment] The reasoning behind the identification of the environmentally superior alternative is set forth in Draft EIR Section 5.4. As stated on page 5-66, the No Project-No Build Alternative “would not be environmentally superior since it allows existing site contamination to continue without remediation.”

OSEC-408 [See page 5-360 for the original comment] The rationale for the selection of alternatives to be evaluated in the Draft EIR is provided starting at the end of page 5-1. Alternatives that were considered, but rejected, are described starting on page 5-8. Alternatives that were rejected from further reconsideration were not evaluated for their environmental impacts. The reasoning behind the identification of the environmentally superior alternative is set forth in Draft EIR Section 5.4.

OSEC-409 [See page 5-360 for the original comment] Table 6-1 identifies the significant of impacts for proposed Baylands development, whereas the information presented on page 6-20 identifies the cumulative significance of proposed Baylands development in combination with past, present, and reasonably foreseeable future projects.

Table 6-1 identifies the significant impacts of proposed Project Site development, while the table on page 6-20 identifies cumulative, rather than Baylands Project site development impacts. As discussed in the conclusion on page 4.C-47, implementation of Mitigation Measures 4.C-1g, 4.H-1a, 4.H-1b, and 4.H-4 would reduce Impact 4.C-1 to less than significant. Table 6-1 is therefore revised to read as follows:

**TABLE 6-1
SIGNIFICANT UNAVOIDABLE (SU) IMPACTS BY PROJECT DEVELOPMENT SCENARIO**

SU Impacts / Significance Criteria	DSP	DSP-V	CPP	CPP-V
A. Aesthetics and Visual Resources				
Impact 4.A-4: Would the Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<u>Nighttime Lighting</u>			
	SU	SU	SU	SU
B. Air Quality				
Impact 4.B-2: Would the Project generate construction emissions that would result in a cumulatively considerable net increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard?	SU	SU	SU	SU
Impact 4.B-4: Would the Project generate operational emissions that would result in a considerable net increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard?	SU	SU	SU	SU
Impact 4.B-9: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	SU	SU	SU	SU
C. Biological Resources				
Impact 4.C-1: Would the Project have a substantial adverse effect, either directly or indirectly, on any species identified as a candidate, sensitive, or special-status plant and wildlife species, including species which meet the definition of endangered, rare or threatened in CEQA Guidelines Section 15380, either through direct injury or mortality, harassment, or elimination of plant or wildlife communities?	<u>SU</u>	<u>SU</u>	<u>SU</u>	SU
D. Cultural Resources – None				
E. Geology, Soils, and Seismicity – None				
F. Greenhouse Gas Emissions - <u>None</u>				

**TABLE 6-1
SIGNIFICANT UNAVOIDABLE (SU) IMPACTS BY PROJECT DEVELOPMENT SCENARIO**

SU Impacts / Significance Criteria	DSP	DSP-V	CPP	CPP-V
Impact 4.F-1: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	-	-	SU	SU
Impact 4.F-2: Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	-	-	SU	SU
G. Hazards and Hazardous Materials – None				
H. Surface Water Hydrology and Water Quality – None				
I. Land Use and Planning Policy – None				
J. Noise and Vibration				
Impact 4.J-4: Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project above levels existing without the Project?	SU	SU	-	-
K. Population and Housing				
Impact 4.K-1: Would the Project induce substantial population growth in the area either directly or indirectly?	SU	SU	SU	SU
L. Public Services – None				
M. Recreational Resources – None				
N. Traffic and Circulation				
Impact 4.N-1: Would the Project result in a substantial increase in traffic under Existing plus Project conditions at intersections in the vicinity of the Project Site?	SU	SU	SU	SU
Impact 4.N-2: Would implementation of the Project contribute to significant existing traffic delays at freeway mainline segments?	SU	SU	SU	SU
Impact 4.N-3: Would the Project result in a substantial increase in traffic under Cumulative With Project conditions at the study intersections?	SU	SU	SU	SU
Impact 4.N-4: Would the Project's contribution to future cumulative traffic impacts at freeway mainline segments be significant?	SU	SU	SU	SU
Impact 4.N-5: Would the Project (DSP-V scenario) result in a substantial increase in PM peak hour traffic at study intersections and freeway mainline segments that would operate unacceptably due to weekday evening events at the arena?	-	SU	-	-
Impact 4.N-7: Would the Project cause an increase in transit demand that could not be accommodated by San Francisco Muni or SamTrans transit capacity?	SU	SU	SU	SU
Impact 4.N-8: Would the Project 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)?	SU	SU	SU	SU
O. Utilities, Service Systems, and Water Supply				
Impact 4.O-3: Would the Project result in the construction of new water, wastewater treatment, and/or stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	SU	SU	SU	SU
P. Energy Resources – None				

OSEC-410 [See page 5-360 for the original comment] As stated on Draft EIR page 6-17, the cumulative impact analysis for air quality “relies on projections contained in an adopted local, regional, or statewide plan or related planning document, in particular, the San Mateo County Transportation Plan and relevant regional plans developed by C/CAG.” Thus, the cumulative impact analysis for air quality is not limited to an eight-mile radius. In addition, greenhouse gas impacts were analyzed on a cumulative basis since no single project can cause a discernible change to climate. As stated on Draft EIR page 6-26, “the area in which a proposed project in combination with other past, present, or future projects, could contribute to a significant cumulative climate change impact would not be defined by a geographical boundary such as a project site or combination of sites, city or air basin.”

OSEC-411 [See page 5-360 for the original comment] The full statement provided on page 6-16 of the Draft EIR states “As discussed in Section 4.A, *Aesthetics and Visual Resources*, **without mitigation**, buildout 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 overall adverse effect on the existing visual character.” (Emphasis added) The relevant discussion in Section 4.A identifying the significant impact on community character and the need for mitigation is presented starting on page 4.A-31 of the Draft EIR.

OSEC-412 [See page 5-360 for the original comment] While the comment refers to “air pollution and greenhouse gases” the discussion on page 6-19 cited in Comment OSEC-413 refers to health risk assessments, which are analyzed for proposed Baylands development in Impact 4.B-3, starting on page 4.B-29 of the Draft EIR. The methodology used to evaluate health risks is based on BAAQMD’s *Health Risk Screening Analysis Guidelines*, as stated on page 4.B-17. As noted on page 6-19, because concentrations of toxic air contaminants dissipate with distance from the source, the BAAQMD requires analysis of health risks from proximate source (i.e., within a 1,000 foot radius). Therefore, for analysis of cumulative impacts, only cumulative projects that would combine to affect a single receptor within 1,000 feet were analyzed to determine cumulative effects.

OSEC-413 [See page 5-361 for the original comment] The full text of the Draft EIR statement referenced in this comment is as follows:

Although more mobile species might be able to survive continuing habitat loss by moving to new areas, movement corridors are limited, and less mobile species could simply be lost with remaining habitats limited to preservation areas such as San Bruno Mountain. As a result, the availability and accessibility of remaining natural habitats would dwindle and smaller remaining natural areas, such as disjunct habitat areas preserved within development sites may not be able to support additional

plant or animal populations at their current carrying capacities. Thus, the cumulative conversion of plant and wildlife habitat would result in a significant cumulative impact on special-status species and their habitats.

The statement is intended to address cumulative impacts of continuing loss of habitats within the area surrounding the Baylands, and is not specific to the Baylands Project site. Since it is already included in the Draft EIR, it is not necessary to repeat this statement in Section 4.C, *Biological Resources*.

- OSEC-414** [See page 5-361 for the original comment] Please see pages 4.C-58 and 4.C-59 of the Draft EIR, which include mitigation measures 4.C-4d and 4.C-4e addressing lighting mitigation for native species.
- OSEC-415** [See page 5-361 for the original comment] The analysis referred to on page 6-21 addresses cultural resources. The comment is unclear as to what “land” is being referred to, and does not include any factual basis to support the assertion that the “land itself” is a cultural resource.
- OSEC-416** [See page 5-361 for the original comment] The mitigation measure referred to in Comment OSEC-417 is Mitigation Measure 4.I-1, which states that each of the General Plan inconsistencies identified in Draft EIR Table 4.I-1 shall be resolved through either modifications to proposed development or amendments to the General Plan. The final decision as to which of these methods will be undertaken to address the General Plan inconsistencies of proposed Baylands development rests with the Brisbane City Council. Thus, no determination has been made as to whether the Brisbane General Plan will, in fact, be amended. The cumulative projects listed in Table 6-1 have been analyzed as they are currently proposed or approved, based on the understanding that no amendment to local General Plans have been proposed that would alter the analysis or affect the conclusions set forth on page 6-32 of the Draft EIR.
- OSEC-417** [See page 5-361 for the original comment] “Cumulative,” as used in Table 6-4, is not a single project, but the combination of all known past, present, and reasonably foreseeable cumulative projects. Table 6-4 thus identifies cumulative noise impacts, which are defined in CEQA as the impacts of the proposed project in combination with past, present, and reasonably foreseeable projects.
- OSEC-418** [See page 5-361 for the original comment] Brisbane’s geography does not heighten the propagation of noise, but acts to reduce noise attenuation over distance by minimizing barriers to noise. See Response OSEC-296.
- OSEC-419** [See page 5-361 for the original comment] Draft EIR Section 4.M, *Recreational Resources*, provides a more detailed discussion about the use of recreational facilities and resources by both residential and non-residential land uses. The Cumulative impact analysis pertaining to recreational resources in

Chapter 6.0 also summarizes some of the key points in Section 4.M. As discussed in Section 4.M, the standards in Brisbane’s General Plan and Municipal Code, as well as the State’s Quimby Act for parkland provision are based on residential population, and not non-residential uses (office, commercial, industrial etc.). This is because the primary demand for park and recreation facilities comes from local residents, rather than workers who would use parks and recreational facilities for informal activities on weekdays before and after work, as well as during lunch breaks. These weekday times do not represent the peak hours for park use, which occur on weekends and holidays when workers are not present. The exception to this is for organized team sports (i.e., softball and other athletic leagues) where fees are required and availability of facilities can be controlled by the City.

Nevertheless, the Draft EIR (page 4.M-21) acknowledges in the DSP and DSP-V scenarios that area workers will use public parks and recreational facilities. As noted on page 4.M-21, applying the Municipal Code requirement of 4.5 acres of park land to *both* Baylands resident and employment population would result in a need for up to 122 acres of parkland in the DSP and DSP-V scenarios. By comparison, the DSP and DSP-V scenarios provide a total of 133.6 acres of park and recreational land, exclusive of habitat preservation and enhancement areas that would not qualify as park or recreational land. Thus, parks and recreational facilities in the DSP and DSP-V scenarios are sufficient to accommodate both resident and worker populations.

Draft EIR page 4.M-21 notes that the CPP and CPP-V scenarios, which do not propose any residential use, would generate 14,707 and 14,590 employees, respectively. The Draft EIR also notes that the CPP and CPP-V scenarios would provide more than 300 acres of parks and open space at buildout.

OSEC-420 [See page 5-361 for the original comment] The statement cited in Comment OSEC-421 on page 5-16 of the Draft EIR addresses the No Project-No Build Alternative, and draws no conclusions as to the adequacy of parkland within Brisbane. The discussion on Draft EIR page 6-42 concludes that each of the proposed development scenarios would provide adequate recreational and open space area.

OSEC-421 [See page 5-361 for the original comment] The quote cited in Comment OSEC-422 does not address impacts of proposed Baylands development. It is taken from a discussion of cumulative impacts on page 6-43 of the Draft EIR, and describes a less than significant impact of the Executive Park project, in San Francisco, which reads as follows:

“As a part of the environmental review for the Executive Park project, wind testing was performed to assess the individual effects of the Executive Park developments and their cumulative effects together with

the Candlestick Point/Hunters Point development on the Candlestick Point State Recreational Area (CPSRA) windsurfing resource. For the Executive Park project, direct wind impacts, including wind speed reductions of as much as 20 percent would occur over small areas near the shore at the CPSRA windsurfing launch site; however, the EIR for Executive Park determined that these direct impacts would be less than significant.”

A wind reduction of 20% or more would not occur over the CPSRA windsurfing area as a result of proposed Baylands development or cumulative projects (see Draft EIR pages 4.M-24 to 4.M-26). The greatest reduction in wind speed at any single point in the CPSRA windsurfing area that was identified in the wind analysis is 12%. Wind reductions at more than half the locations would be 5% or less.

OSEC-422 [See page 5-361 for the original comment] The first paragraph in Section 7.2 on page 7-2 has been revised to read as follows:

7.2 Principles of Sustainable Community Development

The principles of sustainable development are predicated on a long-term vision and ethic of environmental stewardship that incorporates environmental, societal, and economic needs. Sustainability is concerned with inter-related systems (human and societal, economic, and ecological) and actions to foster positive outcomes by enhancing connections between those systems. Sustainable development principles focus on an envisioned future more than preservation of an existing present, and can be applied effectively in the Project ~~Site~~ Site development design phase to maximize positive outcomes.

OSEC-423 [See page 5-361 for the original comment] Landfill capacity and projected closing dates are measured based on existing solid waste being transferred to landfills, projected growth within the area generating solid waste, and projected solid waste diversion from landfills. The year 2077 is the projected closing year for the Recology Hay Road landfill as cited by CalRecycle based on projected solid waste generation and available landfill capacity.

Solid waste management agencies maintain a 20-year planning horizon, providing a 20-year lead time for the establishment of needed facilities. Thus, the 60+ years of remaining landfill capacity provides for adequate capacity for the proposed development of the Baylands, as well as for establishment of new facilities and diversion programs.

OSEC-424 [See page 5-362 for the original comment] Usage and conservation of electricity and other utilities are heavily regulated by both the federal government

and State of California and any future development of the Baylands Project site would be required to comply with these regulations, which include:

- The federal Energy Independence and Security Act of 2007 that requires increased vehicular fuel efficiency for cars and light trucks by the year 2020. In addition to vehicular fuel efficiency, the regulation includes renewable fuel standards, appliance and lighting fixture efficiencies, and building energy efficiency.
- California Green Building Standards Code (Title 24 California Code of Regulations [CCR] Part 11), also known as the CALGreen Code, which establishes mandatory minimum green building standards as well as voluntary packages of green actions. Specific energy efficiency standards apply to all residential and non-residential buildings, per Title 24 California Code of Regulations [CCR] Part 6.
- California's Appliance Efficiency Regulations (20 CCR Part 160-1608)
- Executive Order S-14-08, signed by then-Governor Arnold Schwarzenegger in 2008, which established a Renewable Portfolio Standard (RPS) target for California that requires all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020.
- Senate Bill (SB) 1078, which established an RPS for electricity supply. The RPS requires that retail sellers of electricity provide 20 percent of their supply from renewable sources by 2017. This was amended in 2011 by SB X1-2 to increase the amount of electricity generated from eligible renewable energy resources per year, so that amount equals at least 33 percent of total retail sales of electricity in California per year by December 31, 2020.
- Senate Bill (SB) 1389, the *California Integrated Energy Policy*, was adopted in August 2002 and requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report (IEPR) for electricity, natural gas, and transportation fuels.
- Executive Order S-03-05 mandates that California emit 80 percent fewer greenhouse gases in 2050 than it emitted in 1990.
- Executive Order S-14-08, which raises California's renewable energy goals to 33 percent by 2020.

As required by CEQA, the Draft EIR analyzes the anticipated changes to the environment that would result from Project Site development. In relation to Impact 4.P-1 (project construction) and Impact 4.P-2 (onsite operations), the Draft EIR evaluate whether the manner in which proposed Baylands development would consume energy resources, rather than the energy efficiency of the statewide and national energy transmission systems over which the proposed Project Site development has no control and would not change in any manner.

OSEC-425 [See page 5-362 for the original comment] The cumulative impact analysis of each environmental topic for the four evaluated project development scenarios determined whether, based on the Baylands development in combination with other area developments, there would be a significant cumulative impact without and with the project development. For certain environmental topics, the EIR analysis concluded that the proposed Project Site development scenarios would significantly contribute to cumulative environmental impacts in the vicinity of the Baylands. Mitigation measures for the cumulative contributions were evaluated for feasibility, in addition to those prescribed in Chapter 4.0 for the project-specific impacts. It will be the City decision-makers' responsibility to consider the whole of the action represented by each of the Baylands development scenarios in terms of potential significant project-specific and cumulative impacts, in combination with other projects in the vicinity of the Baylands, and any alternative developments of a smaller size, such as those evaluated in Chapter 5.0 of the Draft EIR, in order to reduce environmental impacts after mitigation. The City will determine in light of the facts and analysis provided in the Final EIR, the planning review being undertaken by the City, and public comment what type and intensity of development might be appropriate for the Baylands.

OSEC-426 [See page 5-362 for the original comment] The Quimby Act (California Government Code Section 66477) does not itself require the provision of parkland by proposed development projects. The Act authorizes cities and counties to require the dedication of land or payment of fees for park or recreational purposes by ordinance and establishes a standard of 3 to 5 acres of parkland dedication per 1,000 residents, depending on the amount of existing parkland within a jurisdiction. If a city has existing dedicated parkland in excess of 3 acres of parkland for each 1,000 residents, the Quimby Act authorizes agencies to adopt requirements that new development dedicate land or pay fees for new parkland at a rate up to 5 acres of parkland for each 1,000 residents that would reside with the proposed project.

Pursuant to the Quimby Act, the City of Brisbane adopted an implementing ordinance in 1982 (Ordinance 282, contained in Sections 16.24.010-16.24.070 of the Brisbane Municipal Code) that authorized the City to require dedications to "provide for adequate and appropriate recreational facilities," setting a standard of 4.50 acres per 1,000 residents. Thus, Brisbane requires parkland to be dedicated within a proposed development project based on the following formula:

$$\textit{Anticipated project site residents} \div 1,000 \times 4.5 \textit{ acres} = \textit{required parkland dedication}$$

Thus, if a proposed development project were anticipated to have 2,000 residents, the required parkland dedication would be calculated as follows:

2,000 anticipated residents ÷ 1,000 x 4.5 acres = 9.0 acres parkland dedication

In the case of proposed Baylands development, the DSP and DSP-V scenarios are anticipated to result in 9,888 new residents. Thus, the parkland dedication requirement pursuant to Sections 16.24.010-16.24.070 of the Municipal Code (Quimby Act implementation) would be calculated as follows:

9,888 anticipated residents ÷ 1,000 x 4.5 acres = 44.5 acres parkland dedication

OSEC-427 [See page 5-362 for the original comment] See Master Response 13 for discussion of the remediation review and approval process. As discussed in that master response, remedial actions required for the former Brisbane Landfill, OU-1 and OU-2 must be completed prior to grading and site development as follows:

- Remedial actions required for the former Brisbane Landfill must be completed prior to grading or development within the area of the former landfill. If the RWQCB and the San Mateo County Environmental Health Division determine that phased closure and remediation of the former landfill would be protective of workers and the public and permit phased closure and remediation, phased grading and development of the former landfill may be permitted subsequent on areas where closure and remediation has been completed to the satisfaction of the RWQCB and the San Mateo County Environmental Health Division.
- Remedial actions within OU-1 must be completed to the satisfaction of DTSC prior to initiation of any grading or development within OU-1.
- Remedial actions within OU-2 must be completed to the satisfaction of the RWQCB prior to initiation of any grading or development within OU-2.

To protect the public health, site remediation will not be permitted to create new ingestion pathways such as airborne contaminants that would exceed the risk-based remediation goals approved by regulatory agencies in RAPs for the Baylands. Although Project Site development construction activities are anticipated to occur over a 20-year period, and site remediation and grading are required to occur prior to site development, OU-1, OU-2, and the former landfill will each need to be remediated over large areas. Thus, new development within the Baylands will not be proximate to unremediated areas. In addition, because balancing site grading activities requires grading to occur over large areas, and not be undertaken in small increments over extended periods of time, remediation and grading will occur over a short time period relative to site construction activities.

OSEC-428 [See page 5-363 for the original comment] As noted at the outset of Draft EIR Chapter 7, *Sustainability*, a discussion of sustainability is not required under

CEQA, and therefore is included for informational purposes only. The chapter discusses sustainability principles, provides background information on the development of such principles, and identifies (1) sustainability-related measures that would be provided by Project Site development and (2) mitigation measures set forth in the EIR that further the principles of sustainability described in this chapter, thereby demonstrating the relationship of Project Site development to sustainability. Pursuant to the provisions of CEQA, the Draft EIR identifies and evaluates the physical impacts of proposed Baylands development and identifies feasible mitigation measures and alternatives to reduce the project's significant effects. It is thus not the purpose of the Baylands EIR nor does CEQA require the EIR to establish the "overall ecological limits" of the community's resources.

OSEC-429 [See page 5-363 for the original comment] The City is engaged in an effort to prepare a sustainability plan for the Baylands and, as part of that process, may choose a definition of sustainability that is suitable to the City's unique setting and character. However, the sustainability plan has not been adopted and its planning effort is separate from the City's review of proposed development as discussed in the Brisbane Baylands EIR.

The source of the APA statement is provided in the references section of Chapter 7, and is the American Planning Association's *Policy Guide on Planning for Sustainability*, www.planning.org/policy/guides/adopted/sustainability.htm, 2000.

OSEC-430 [See page 5-363 for the original comment] See Response OSEC-422.

OSEC-431 [See page 5-363 for the original comment] While Chapter 7, *Sustainability*, refers to the One Planet Living principles embodied in the City's draft Sustainability Framework for the Brisbane Baylands, there are no references in that Chapter of the Draft EIR to "benchmarks." Pursuant to the provisions of CEQA, the Draft EIR evaluates impacts of proposed Baylands development in relation to the threshold questions set forth in Appendix G of CEQA Guidelines. It is thus not the purpose of the Baylands EIR, nor does CEQA require the EIR to establish sustainability benchmarks. Subsequent to the release of the Draft EIR, the name of the City's draft "Sustainability Framework for the Brisbane Baylands" was changed from "Sustainability Plan for the Brisbane Baylands." All references to "Sustainability Plan" are revised to "Sustainability Framework."

OSEC-432 [See page 5-363 for the original comment] Transit passes would be paid for by employers pursuant to requirements of the C/CAG Congestion Management Program.

OSEC-433 [See page 5-363 for the original comment] As discussed in the Draft EIR on page 4.P-19, "inefficient, wasteful, and unnecessary consumption of energy would avoided or reduced with implementation of Mitigation Measure 4.F-1 (see Section

4.F, *Greenhouse Gas Emissions*), which sets energy efficiency performance standards. In addition, Mitigation Measures 4.P-2a through 4.P-2c would further reduce energy use by ongoing operations of Baylands Project site uses. For these reasons, with mitigation, Project site development's impact with respect to fuel use would be less than significant, and no further mitigation is required.”

Building commissioning is the process of verifying, in new construction, that all (or some, depending on scope) of the subsystems for mechanical (HVAC), plumbing, electrical, fire/life safety, building envelopes, interior systems, cogeneration, utility plants, sustainable systems, lighting, wastewater, controls, and building security will achieve the owner's project requirements as intended by the building owner and as designed by the building architects and engineers. Thus, building commissioning could be used to ensure initial construction meets applicable regulatory requirements and mitigation measures, but is not itself a mitigation measure. See Chapter 4.0 of the Final EIR for the Mitigation Monitoring and Reporting Program for specific methods that will be used to ensure implementation of EIR mitigation measures.

OSEC-434 [See page 5-363 for the original comment] Mitigation Measures 4.P-2a through 4.P-2c establish performance standards that reduce energy consumption-related impacts to a less than significant level. Achievement of these performance standards will reduce impacts to less than significant. “Smart meters,” as suggested in Comment OSEC-435 represent a means of monitoring energy use that are among a wide variety of tools that could be used to achieve the performance standards set forth in Mitigation Measures 4.P-2a through 4.P-2c. The use of “in-building displays,” which, as stated in Comment OSEC-435, are a complement to smart meters, represent a monitoring system, and would not reduce energy use or mitigate identified impacts of proposed Project Site development. While use of in-building displays could be incorporated into building construction to complement the use of smart meters, requiring these displays as a CEQA mitigation measure would not reduce Project Site development energy use, and is therefore is not appropriate as a mitigation measure.

OSEC-435 [See page 5-364 for the original comment] Mitigation Measures 4.P-2a through 4.P-2c establish performance standards that reduce energy consumption-related impacts to a less than significant level. Achievement of these performance standards will reduce impacts to less than significant. “District-wide heating,” as suggested in Comment OSEC-436 represents one means of reducing energy among a wide variety of tools that could be used to achieve the performance standards set forth in Mitigation Measures 4.P-2a through 4.P-2c. Because Mitigation Measures 4.P-2a through 4.P-2c will reduce energy impacts to less than significant, additional mitigation measures are unnecessary.

- OSEC-436** [See page 5-364 for the original comment] Conditions of approval for site-specific development within the Baylands will require irrigation systems to be maintained in proper working order. Installation of alarm or monitoring systems would be one means of achieving that requirement.
- OSEC-437** [See page 5-364 for the original comment] Burrowing owl surveys would be implemented prior to implementation of the site remediation at the Baylands, preceding construction or development of the site. All actions taken to prepare the site for remediation are under the purview of the City of Brisbane as a responsible agency pursuant to the Remedial Action Plan and the overall development program for the Baylands. As such, the City will be notified as a matter of course whenever surveys are implemented leading up to the remediation. The remediation actions will remove substrate over the majority of the Baylands.
- OSEC-438** [See page 5-364 for the original comment] The proposed location of tall buildings is in the northern portion of the site, and in a concentrated area. The conservative threshold of 100 feet was set in the Draft EIR. Given that industrial buildings that are typically 40-60 feet tall do not require accommodation for avian flight, lowering the standard to 50 feet has no technical basis or precedence. Because the proposed location of tall buildings within the Baylands focuses on the northern portion of the site that contains existing industrial buildings (although of a height less than 40-60 feet), a building height of 100 feet was selected as the threshold for requiring consultation with a biologist.
- OSEC-439** [See page 5-364 for the original comment] Cogeneration is the process whereby a single fuel source, such as natural gas, is used to produce both electrical and thermal energy. By definition, an onsite cogeneration system is more efficient than a utility operated central power plant since thermal energy that would otherwise be wasted is captured for use at the facility. The result is a much more efficient use of fuel. While the use of co-generation could reduce the energy use and air pollutant/GHG emissions associated with Project Site development scenarios, BAAQMD's *CEQA Guidelines* do not list this method as a feasible mitigation measure to include in EIRs, but rather recommend "cooperation between neighboring development projects to use on-site renewable energy supplies or combined heat and power co-generation facilities." The City will nevertheless include consideration of cogeneration facilities in Mitigation Measures 4.B-4 and 4.F-1.

Table 7-1 is organized so as to identify the relationship between the 10 sustainability principles identified in the One Planet Living Concept used in the City's draft sustainability goals for the Brisbane Baylands (*Sustainability Goals for the Baylands*, April 2013), relevant CEQA topics addressed in the Draft EIR, and required mitigation measures. For each of the 10 sustainability principles

identified in the One Planet Living Concept listed in the first column of Table 7-1, related EIR sections are identified in the third column, and related EIR mitigation measures are listed in the fourth column.

OSEC-440 [See page 5-364 for the original comment] Neither CEQA law nor State CEQA Guidelines explicitly include “sustainability” as an issue. State guidelines do, however, require CEQA documents to address a number of issues commonly associated with the concept of “sustainability” including:

- **Agricultural and Forest Resources:** loss of important agricultural and forest lands;
- **Air Quality:** consistency with applicable air quality management plans, contribution of emissions to violations of air quality standards, increase of any criteria pollutant emissions;
- **Biological Resources:** effects on sensitive habitat areas and connectivity of habitat areas;
- **Energy Resources:** potential for wasteful use of energy resources;
- **Greenhouse Gas Emissions** (global climate change): GHG emissions, consistency with applicable GHG emissions reduction plans;
- **Hydrology and Water Quality:** protection of surface and groundwater quality; potential for overdrafting of groundwater basins; availability of adequate water supply; and
- **Mineral Resources:** loss of important mineral resources.

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2.9.4 Candlestick Preservation Association

Letter Dated December 16, 2013

- CPA 1-1** [See page 5-365 for the original comment] This is an introductory, general comment that is detailed in the comments that follow. See Responses CPA 1-2 through CPA 1-7 for response to the air quality and windsurfing issues raised in this comment.
- CPA 1-2** [See page 5-365 for the original comment] CPA provides another description of the sailing area. The sailing area evaluated in the Draft EIR is addressed in Master Response 32. As is further explained in Master Response 32, it is not necessary to measure wind speeds at all points in every part of the described sailing area to determine the wind effects of Project Site development. Given the predictability of the phenomenon, Project Site development's wind effects in adjacent areas of the Bay (both nearer and farther from the shoreline) can be determined with reasonable accuracy, as described in Master Response 32.
- CPA 1-3** [See page 5-365 for the original comment] As noted on Draft EIR page 4.M-5, the accumulative GPS tracks used in the Draft EIR were provided by the San Francisco Boardsailing Association identifying the area that it considered to be representative of the primary sailing area in this portion of the Bay. See Master Response 32 for discussion of the windsurfing area analyzed in the Draft EIR.
- CPA 1-4** [See page 5-365 for the original comment] Draft EIR page 4.M-5 explains how the area analyzed in the Draft EIR was chosen. The northern part of the area was exactly the same as was studied for the Executive Park EIR. See also Responses CPA 1-2 and CPA 1-3.
- CPA 1-5** [See page 5-366 for the original comment] See Master Response 30, which discusses the significance criterion used in the Draft EIR. See Master Response 33 for additional discussion of the alternative impact analysis method proposed by the Candlestick Preservation Association (CPA).
- CPA 1-6** [See page 5-366 for the original comment] Odor impacts of the four scenarios are evaluated in the discussion of Impact 4.B-8, which begins on Draft EIR page 4.B-45. Under the DSP, DSP-V, and CPP scenarios, the existing Recology Tunnel Avenue facility would remain unchanged, resulting in no additional sources of odor. Also, as described on page 4.B-46, the Recology expansion included in the CPP-V scenario would not result in increased organic material throughput (which would be the source of objectionable odors, if any), and therefore the expansion would not result in additional sources of odor. Therefore, because the number of existing complaints received regarding current Recology operations is not substantial, according to the BAAQMD, there would be no

significant odor impact associated with Project Site development. As no odor impact was identified for the four scenarios, and no impact was identified as the result of an updated review of verified complaints with BAAQMD, no odor mitigation is required in the Draft EIR.

The Bay Area Air Quality Management District typically receives about 2,000 general air pollution complaints each year. Every complaint is investigated individually by a field inspector. During regular business hours, complaints are typically assigned to an investigator within 30 minutes. Inspectors proceed directly to the area of the suspected source to determine the cause of the odor or emission, and are often able to identify the source very quickly. Inspectors contact complainants in person (unless the complainant has asked not to be contacted), and whenever possible they confirm odor complaints in the presence of the complainant. BAAQMD was contacted to update the odor complaint history of the Recology facility from 2011 through 2014. There were no odor complaints received regarding the Recology facility in 2011 or 2012. During 2013 and 2014, there were 16 registered odor complaints, the majority of which occurred between June and October 2013. Of the 16 complaints received, only one was confirmed by BAAQMD on August 29, 2013. No notices of violation were issued by the BAAQMD during this period. BAAQMD considers a substantial number of odor complaints, specifically, more than five confirmed complaints per year averaged over the past three years as the indication of an odor impact. As there has been only one confirmed complaint over the past three years, the updated odor impact is not considered significant.

- CPA 1-7** [See page 5-366 for the original comment] This comment recommends a specific land use configuration for Baylands development, but does not raise significant environmental issues regarding the adequacy of the Draft EIR and its analyses and conclusions. The City will consider the comment as part of its planning review and decisionmaking for the Baylands.
- CPA 1-8** [See page 5-367 for the original comment] This notes concurrence with the comments submitted in the Candlestick Preservation Association's December 31, 2013 comment letter, for which responses are provided in Responses CPA 2-1 through CPA 2-100.
- CPA 1-9** [See page 5-368 for the original comment] This is a summary comment that is detailed in the comments that precede it. See Responses CPA 1-2 through CPA 1-7 for response to the windsurfing and air quality issues raised in this comment. See Master Response 30 for discussion of significance criteria, allowable building heights within the Baylands, the project description considered, and the models used to analyze the worst-case wind impact of the project. See Master Response 32 for discussion of the windsurfing area used in the Draft EIR.

Letter Dated December 2013

- CPA 2-1** [See page 5-372 for the original comment] This comment does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR. The City will consider the development potential of the site, along with appropriate means to protect resources and enhance recreational opportunities as part of the City’s planning review and decisionmaking process.
- CPA 2-2** [See page 5-372 for the original comment] This comment does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR. The City will consider the planning- and development-oriented comments set forth in this comment as part of the City’s planning review and decisionmaking process.
- CPA 2-3** [See page 5-372 for the original comment] In responding to the comments of the Candlestick Preservation Association and other comment letters, the City has focused on addressing the issues raised in each comment. However, in responding to comments on the Draft EIR, the City must address comments as they are presented and refrain from interpreting what any unstated “spirit” or “intent” of the comment may be. For comments, such as Comment CPA 2-3, which raise planning issues outside of the CEQA process, as well as comments expressing opinions as to whether individual project components should be approved or not, the City’s responses identify where in the overall Baylands project review process the comment will be considered.
- CPA 2-4** [See page 5-372 for the original comment] In preparing the Draft EIR and responding to comments on that document, the City has addressed the myriad of environmental effects that would result from the proposed development of the Baylands Site. These impacts, along with feasible measures to avoid or reduce the severity of impacts are set forth in Chapter 4 of the Draft EIR. When mitigating or avoiding the significant effects of a project on the environment, however, public agencies must adhere to laws other than CEQA, including the state and federal Constitutions. For that reason, like any government exaction or condition of approval, a mitigation measure must have a “reasonable relationship” or “nexus” to the project impact it is designed to mitigate, i.e., the measure must relate or be connected to the impact for which it is required. In addition, the amount of mitigation required must be commensurate with the extent of the impact. In addition, the extent of mitigation requirements must also be “reasonably proportional” to the severity of impacts being mitigated. Thus, a lead agency cannot simply apply a margin-of-error in favor of preservation where a “reasonable relationship” to preservation does not exist or apply mitigation measures requiring preservation where such requirements are not “reasonably proportional” to the severity of impacts.

Following the completion of the CEQA and planning review processes, the City Council will take into consideration the issues raised in both review processes, including management of natural resources, as well as the extensive community input received throughout these processes, in determining appropriate land uses/intensities and environmental protection for the Baylands.

CPA 2-5 [See page 5-372 for the original comment] This comment clarifies the structure of the comment letter CPA-2, and does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR. As such, CEQA requires no further response.

CPA 2-6 [See page 5-377 for the original comment] Overall, this comment is a critique of broader bay front development patterns within the region and does not raise any significant environmental issues or issues regarding the adequacy of the analyses or conclusions of the Draft EIR. Thus, CEQA requires no further response. The City will consider the planning- and development-oriented comments set forth in this comment as part of the City's planning review and decisionmaking process.

CPA 2-7 [See page 5-387 for the original comment] This comment generally advocates alternative development concepts for the Baylands, citing Chicago's waterfront area as an example, including a preservation zone along the waterfront. As such, the comment does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. Thus, CEQA requires no further response. The City will consider the planning- and development-oriented comments set forth in this and other comment letters as part of the City's planning review and decisionmaking.

CPA 2-8 [See page 5-396 for the original comment] This comment provides an introduction to the comments that follow, and reiterates the CPA's land use recommendation, but does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The land use recommendation set forth in Comment CPA 2-8 will be considered as part of the City's planning review for the Baylands.

The comment inaccurately characterizes the height and extent of development evaluated in the EIR as a "wall of buildings." See Master Response 34 for a discussion of allowable building heights within the Baylands, the project description considered, and the models used to analyze the worst-case wind impact of the project.

CPA 2-9 [See page 5-396 for the original comment] The comment incorrectly asserts that the Draft EIR does not address windsurfing resources. The Draft EIR describes assessment methods and evaluates the physical changes in wind speed

and turbulence that would result from Project Site development scenarios on windsurfing. This information is presented on pages 4.M-10 through 4.M-14 and in Impact 4.M-3 on Draft EIR page 4.M-24. See also Master Responses 30 through 34 for discussion of the threshold of significance and related analyses used to evaluate impacts of proposed development on windsurfing resources.

The City's responsibility under CEQA, as Lead Agency, is to identify and evaluate the environmental effects of proposed Baylands development, evaluate whether any of those environmental effects would be "significant," provide measures to mitigate significant environmental effects, and identify a reasonable range of alternatives to the proposed development. The City will consider windsurfing resources as part of the City's planning review being undertaken for the Baylands.

CPA 2-10 [See page 5-396 for the original comment] A description of the windsurfing use patterns and unique nature of the Candlestick Point State Recreation Area (CPSRA) is included on Draft EIR page 4.M-5.

CPA 2-11 [See page 5-397 for the original comment] See the discussion of the wind sailing area and the wind effects of Project Site development in Master Response 32.

See Response CPA 2-19 for a discussion of allowable building heights within the Baylands.

CPA 2-12 [See page 5-398 for the original comment] See Draft EIR Section 4.M, *Recreational Resources*, and see also the discussion of impact significance thresholds in Master Response 30.

CPA 2-13 [See page 5-398 for the original comment] As discussed in Draft EIR Chapter 1, *Introduction*, and Chapter 3, *Project Description*, the Brisbane Baylands EIR is a "Program EIR" that analyzes the impacts of proposed development of four different development scenarios at an equal level of detail. See Master Response 1 for discussion of purposes of a Program EIR and use of program levels of analysis.

Development of any of the four Project Site development scenarios would change the "surface roughness" of the Baylands site, thereby affecting the speed and turbulence of the winds in the lower part of the Atmospheric Boundary Layer. Wind tunnel testing is able to reliably identify and quantify these physical changes in the structure of the wind. The analysis of impacts on windsurfing resources relied on physical modeling and wind tunnel testing of each of the four development scenarios in an Atmospheric Boundary Layer wind tunnel, as described in detail in the Draft EIR starting on page 4.M-10, and discussed further in Master Responses 30, 31, and 33. Like the wind testing performed for the Executive Park project in San Francisco, wind testing for the larger area of

the Baylands Project Site development required that Project and CPSRA test areas be segmented to complete the physical measurements for each of the four wind important directions, because the geographic areas of concern are so large. However, such segmenting is common practice, and does not introduce appreciable error into the measurement process.

The test point spacing and locations used in identifying and evaluating the effects on the windsurfing resource at CPSRA included and expanded on the test grid used for the Executive Park wind test, and were appropriate for obtaining the level of detail needed to identify and fully describe the wind effects that each of the proposed development scenarios would have within the windsurfing area.

The results of the wind tunnel tests, including the changes in wind speed and turbulence that would result from each of the four development scenarios are presented in the EIR, starting on page 4.M-24. The EIR then evaluated these physical changes using the City's selected impact significance threshold. The study methodology and impact significance threshold used to evaluate the result are the same as used to evaluate wind impacts on the CPSRA windsurfing resource due to nearby development at Executive Park in San Francisco. For these reasons, the results of these different tests may be compared one to another.

In addition to the detailed information presented in Draft EIR Section 4.M and Appendix J.1, see also the supporting Wind Tunnel Testing Technical Memorandum, dated November 2, 2012, from Environmental Science Associates to the City of Brisbane (Appendix J.2). In addition, see Master Response 1 for a discussion of the programmatic nature of the Brisbane Baylands EIR. See Master Response 31, regarding use of a wind tunnel in analyzing wind impacts. See Master Response 34 for a further discussion of the project description and test scenarios. See also Master Response 30 for a discussion of the significance threshold used to evaluate the impacts to wind in windsurfing areas.

CPA 2-14 [See page 5-398 for the original comment] Modeling proposed Baylands development as a maximum height wall would not constitute a reasonable worst case analysis under CEQA, because it would not represent any potential configuration of Baylands development. The methodology used to evaluate impacts to windsurfing are described starting on page 4.M-10 of the Draft EIR. See Master Response 34 for a discussion of the project description used to analyze project impacts on windsurfing resources.

CPA 2-15 [See page 5-398 for the original comment] Per the requirements of CEQA, the Draft EIR analyzes changes to the environment that would result from proposed Baylands development. Refer to Master Response 30 for discussion of the impact thresholds used in the Draft EIR's impact analysis. Refer to Master Response 33 for discussion as to why the analysis undertaken for the EIR provides a reasonable

basis for determining the significance of impacts, as well as discussion of an alternative windsurfing impact analysis proposed by the CPA. In addition to the discussion regarding thresholds and methodologies set forth in the Draft EIR and Master Responses 30 and 32, a meeting was held with representatives of the San Francisco Boardsailing Association early during the public review period for the Draft EIR preceding receipt of comment letter CPA2.

- CPA 2-16** [See page 5-398 for the original comment] The EIR study involved new wind tunnel testing and analysis to determine all of the wind effects of the proposed Project Site development on the CPSRA. Prior wind test results were included, where justified and appropriate, to assist in determining the wind effects on the CPSRA of cumulative development to the north, within San Francisco. Refer to Master Response 31 and Master Response 34 for discussions about the adequacy of the level of detail of the wind models used for analysis of Project Site development impacts on windsurfing.
- CPA 2-17** [See page 5-398 for the original comment] Comment CPA 2-17 provides a transition between previous comments and comments in the subsequent section of CPA's comment letter. It does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.
- CPA2-18** [See page 5-399 for the original comment] Comment CPA 2-18 introduces comments regarding methodology and assumption deficiencies that follow in the comment letter, and does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.
- CPA 2-19** [See page 5-400 for the original comment] See the discussion regarding adequacy of the project description and land use details used in the wind models in Master Response 34. See Master Responses 31 and 32 for discussions of the adequacy of wind tunnel testing and the windsailing area.

Contrary to the statement in Comment 2-19, as the 300 Airport Boulevard project Final EIR clearly shows, the relative obstruction of the wind is substantially greater for that project than for proposed development of the Baylands Site. This is primarily because the buildings that comprise the 300 Airport Boulevard development are massed close together, and are centered closer to the water and to the sailing area at Coyote Point recreation area.

Regarding the significance criterion, independent of the Baylands Draft EIR, the City of Burlingame's 2012 Final EIR for the City-approved Burlingame Point (300 Airport Boulevard) project¹ used the following significance criterion (page 3.11-9) to evaluate wind impacts on the Bay at the Coyote Point recreation area:

¹ City of Burlingame, *300 Airport Boulevard Project Final EIR*, SCH# 2010122012, May 2012.

“A project could physically degrade a windsurfing or kite boarding recreational resource if it were to reduce wind speeds to the point where the reductions would substantially impair windsurfing in prime windsurfing areas or substantially impair access to or from those areas from existing launch sites.”

The 2012 criterion, above, differs from the numerical criterion the City of Burlingame used to evaluate the potential wind impacts of previously proposed office development projects at that same 300 Airport Boulevard site. The City considered the 2012 criterion to be more appropriate for use in evaluating the wind impact than the previous criterion.

Finally, models of the scenarios tested in the wind tunnel included the underlying existing and proposed finished grade topography of the project site. Therefore, it is not necessary to add 25 feet to “account for the projected finished grade elevation above sea level.” The bulk models and the wind tunnel analysis were sufficient to simulate the worst-case wind effects of the proposed project on the CPSRA windsurfing area.

CPA 2-20 [See page 5-401 for the original comment] See Master Responses 31 and 32 for discussions of the adequacy of wind tunnel testing and the windsailing area and why the same methods as were used by the City and County of San Francisco for analysis of windsurfing impacts of the Executive Park project result in an accurate analysis. As noted in Response CPA 2-13 above, this analysis used the same methods used to evaluate impacts on the same CPSRA windsurfing resource that were used by proposed development at Executive Park in San Francisco.

For additional discussion regarding the adequacy of project description details used in the wind models, refer to Master Response 34.

CPA 2-21 [See page 5-402 for the original comment] For a discussion of potential wind effects in CPA’s “practical sailing area,” which appears to include the “wind shadow” area noted by others, see the discussion in Master Response 32.

Note that as wind direction shifts to become “angled to the north,” the wind effects of the project within the “practical sailing area” diminish. For such winds, the part of the Bay affected by Project Site development winds would be in the south section of the measurement grid, south of the “practical sailing area”, since that would be the only part of the sailing area actually downwind of developed portions of the Baylands site. The comment states that when winds are “angled to the north,” areas of the Western shore are used for returning to the launch site. This corridor would be unaffected by Project Site development when winds are “angled to the north,” since it would not be downwind of the Baylands site.

See the discussion of the wind sailing area analyzed in the Draft EIR provided in Master Response 32. Please also see Response CPA 2-11 regarding the winds in the near-shore sailing area and their relation to winds within the test grid area.

CPA 2-22 [See page 5-404 for the original comment] According to the wind rose produced from data collected from 4/17/2008 to 12/30/2010 at the meteorological tower on the Brisbane Baylands at a height of 59 meters, the predominant wind directions were West and West-northwest. These data indicate that Northerly winds occur relatively infrequently. Nonetheless, as noted in Response CPA 2-21, and as is clear from CPA2 Figure 7, only a small part, if any, of the “practical sailing area” would be downwind of any Project Site development structures for Northwest winds and no part of the “practical sailing area” would be downwind of the Baylands site for North-northwest or North winds.

See also the November 2, 2012 technical memo from Environmental Science Associates to the City of Brisbane, in Appendix J.2 of this Final EIR. See also the discussion of the wind sailing area provided in Master Response 32.

CPA 2-23 [See page 5-404 for the original comment] Refer to Master Response 30 and Response CPA 2-21 regarding the wind sailing area analyzed in the Draft EIR. See also responses to CPA 2-8, CPA 2-12, and CPA 2-13.

CPA 2-24 [See page 5-404 for the original comment] Due to proximity of the Executive Park project to the CPSRA sailing and launch areas and the magnitude of the wind reduction expected, a sufficient downwind distance was evaluated in an attempt to include the entire downwind wake. The downwind areas of concern for the Executive Park project are primarily defined for NW and WNW winds blowing over the project and toward the CPSRA, so they were measured to the southeast and east-southeast of the project.

Unlike the Executive Park project, the Brisbane Baylands project is not close to the existing CPSRA launch site or SFBA’s identified primary windsurfing area. For Brisbane, the downwind area is primarily defined by West winds that blow over the full length of the site and have the shortest distance to travel before reaching the Bay, so “downwind” lies to the east of the Baylands site. Therefore, evaluating the entire downwind wake (which would extend eastward into the Bay) is unnecessary, because the fact that wind speed recovers over a fetch of open water is proven and well known. This judgment about the eastern part of the wake is supported by inspection of the plots of wind speed at locations in the test grid, which reveal that very little change in wind speed or turbulence occurs near the eastern-most edge of the test grid. These data show conclusively that Project Site development has very little effect there and would have even smaller effects at locations east of the grid.

Areas between the west side of the grid and the shoreline were not measured at regularly spaced points covering a wide area, nor was it necessary to do so in order to describe the effects of Project Site development. To characterize the relative wind speeds over the transition from the land surface to the grid, a series of measurements of wind speed were made along a 2000 scale-foot east-west transect that included the Baylands site and the Bay. These show the differences in wind speed between the land and the “wind shadow” area at the shore, as well as the recovering wind speed found at the east end of the “wind shadow” area, approximately 1,100 feet from the shoreline. The lowest wind speed was recorded in the region from the shoreline west to at least 750 feet from the shore. This is discussed in more detail in Master Response 32. See also the discussion of wind sailing areas provided in that Master Response.

CPA 2-25 [See page 5-405 for the original comment] As described in Master Response 32 and again in Response CPA 2-24, it is not necessary to measure at many points to accurately characterize the wind speed and turbulence in and around the sailing area. Once the wind has been slowed by passing over a rough surface such as the landforms resulting from Project Site development, buildings and trees, and then begins passing over a smoother surface, such as a fetch of open water, the wind immediately begins to recover speed as it moves over the water, until it reaches a higher speed that is determined by the smoothness of the water surface. Only two or three measurement points are needed to characterize this speed change for one wind direction, but more points were provided in order to characterize four wind directions over the area of the entire grid and to provide redundancy to enable the segmented measurements required by the large project and test area. By covering the entire grid, the wind speed measurements also necessarily cover the CPA “practical sailing area.”

Please see page 4.M-12 of the Draft EIR which explains the process of identifying the primary sailing area evaluated in the Draft EIR wind analysis. See also the discussion of the wind sailing area provided in Master Response 32 and Response CPA 2-21.

CPA 2-26 [See page 5-405 for the original comment] New wind tunnel test measurements and analysis were used to determine all of the wind effects of proposed Baylands development on the CPSRA. Prior wind test results were included, where appropriate, to assist in determining the wind effects on the CPSRA of other development to the north, within San Francisco.

These extensive measurement data are provided in Appendix J.1 of the Draft EIR. See Response CPA 2-27 and see also the responses regarding project description data and model adequacy in Master Responses 31 and 34, along with discussion regarding the windsurfing area in Master Response 31.

CPA 2-27 [See page 5-405 for the original comment] It appears that approximately 40 of the points measured in the wind tunnel study for the Draft EIR lie within the “practical sailing area” (PSA) identified in Comment CPA-2. Figure 11, *WNW Wind - % Change in R, Project – Existing*, in Draft EIR Appendix J.1 shows that the points cited by CPA are in the west-southwest portion of the PSA. Figure 11 also shows that at the other 28 points to the north in the PSA, the winds would be unaffected by Project Site development. Furthermore, the northwest portion of the PSA also would be unaffected by Project Site development for WNW winds, because it is not downwind of the Baylands site for WNW winds. New measurements in the northwest portion of the PSA, closer to the freeway, would not change that fact.

CPA Figures 9 and 10 imply that there is little or no valid information about wind effects in the PSA for Northwest winds. It seems to imply that a Northwest wind – a wind that, by definition, flows from the northwest toward the southeast – could flow over the Baylands site and then, somehow, affect wind conditions in the northeast quadrant of the PSA.

Consider a “stream-line” of NW wind. If, on one hand, it passes over the center of the Baylands Site, it would not cross the “practical sailing area” but would pass over the southern portion of the grid. On the other hand, if the NW wind passes over the northern-most tip of the Baylands site, it would have a relatively long distance to travel over land, including the freeway and the off-ramp, before it could reach the waters of the Bay. However, the NW winds that would most affect the largest fraction of the “practical sailing area” would pass over the Little Hollywood neighborhood, Bayview Hill, and the Executive Park developments in San Francisco. For these reasons, the overall wind effects of development on the “practical sailing area” are reasonably characterized by the data and analysis in the Draft EIR. (See Figure 4 *NW Wind - R Values, Project*, in Appendix J.1 of the Draft EIR.)

With respect to Project Site development’s effects on the “practical sailing area” with a West wind, most of the effects on the “practical sailing area” would result from proposed Project Site development. See Figure 14 *W Wind - R Values, Project*, in Appendix J.1 of the Draft EIR. In the area between the data points on CPA Figure 11 and the western shore of the Bay, the transect testing discussed in Master Response 32 and CPA 2-24 provides evidence of the lowered wind speed that now occurs over the “wind shadow” area at the shoreline and out to 750 feet from the shore. Beyond that, the wind speeds increase with the distance travelled over water. With the Project, a further decrease in wind speed of approximately 4% to 6% due to the buildings, offset by a 2% to 4% recovery of speed due to removal of trees along the roadways, could occur close inshore (see the discussion in Master Response 32).

These cumulative project issues and the implications of directional wind effects were all considered and discussed in Section 4.M of the Draft EIR.

As discussed in the Draft EIR and as previously noted, wind tunnel test data from prior wind analyses for the proposed Executive Park project were included for Baylands development only for portions of the grid not affected by Baylands development. See Master Response 32 for a detailed discussion of the windsurfing area analyzed in the Draft EIR.

CPA 2-28 [See page 5-408 for the original comment] Responses to issues raised in this comment and others regarding the physical modeling of Project Site development and upwind topography are provided in Master Responses 31 and 33.

CPA 2-29 [See page 5-409 for the original comment] See Master Response 32 for a discussion of the project description analyzed in the Brisbane Baylands Draft EIR and see Master Response 31 for a discussion of the modeling.

CPA 2-30 [See page 5-410 for the original comment] Comment CPA 2-30 notes, under the Figure 12 caption, many changes in the site over time and the many factors that could affect winds. CEQA requires an EIR to measure the changes to the environment that will result from a proposed project and determine whether those environmental effects are significant. Such an analysis was performed in the Draft EIR.

Separate models were built for the existing site, the Brisbane Baylands Specific Plan, and each variant. Additional models of areas upwind of the site (to the Northwest, WNW, West, and Southwest) also were built to allow the atmospheric boundary layer of each approaching wind to develop correctly before it reached the site.

It is important to note that the structure of the atmospheric boundary layer can be characterized by factors such as wind speed and turbulence as well as air temperature, pressure, and humidity, but its physical attributes are all that the boundary layer can “remember” after passing over all upwind terrain and every physical object. At the upwind edge of the site, it does not matter *how* or *where* these characteristics were acquired. As it passes over the site, the boundary layer gradually adjusts its structure in response to the actual surface roughness of the site over which it is passing. Although solar heating on the site also affects the boundary layer and can change the stability of the airflow, such heating is typically associated with lower wind speeds (i.e., Pasquill stability classes A and B are defined as “very unstable” and “unstable”, respectively, and associated with lower wind speeds – less than 11 mph. These less-stable flows can be modeled in the wind tunnel, but it is not necessary in this study because unstable conditions are not good for windsurfing. As noted in Master Response 33,

Pasquill stability classes of D, E and F, which are “neutral ”to“ stable, are the classes of interest to wind surfers in Brisbane, where daytime solar radiation is moderate or slight, and the accompanying surface wind speeds would be 11 mph or more.

The commenter may intend that the series of anecdotes and observations in Comment CPA 2-31 would offer proof of the assertion in Comment CPA 2-30 that “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.” However, neither Comment CPA 2-30 nor Comment CPA 2-31 provide any substantial evidence to support that assertion.

Ultimately, proposed development within the Baylands can only affect the wind that passes over the site. If the wind does not pass over the site, Project Site development will have no effect on that wind.

For a discussion of how surrounding topography influences wind in the CPSRA windsurfing area, see Draft EIR page 4.M-13. See also Master Response 31 for discussion regarding topography used in the wind modeling.

The wind analysis in the Draft EIR evaluated the effects of winds from those upwind directions that could be adversely affected by Project Site development (see page 4.M-13 to 4.M-14 of the Draft EIR), including the wind directions that were considered generally good for surfing (see Draft EIR page 4.M-5). The commenter provides no evidence that the results of the Draft EIR’s analysis would change if more than one wind direction prevailed over the CPSRA area.

CPA 2-31 [See page 5-412 for the original comment] See Response CPA 2-30. Wind shadows caused by existing topography and buildings appear at the north and west ends of the sailing area under existing conditions. CPA 2 Figure 15 shows the Recology facility, a structure that was modeled in the existing setting and Project Site development cases for wind testing. The magnitude of the existing “wind shadows” from this and other existing buildings and landforms is evident in the Draft EIR Appendix J.1 contour plots, especially for northwest winds. See Master Response 32 for a further discussion of wind speeds at points closer to the shoreline and the Baylands site, and in the “wind shadow” for West winds.

The commenter states, but provides no evidence, that the photo shows effects that are “substantially more pervasive and extensive than what is predicted by the Analysis even for existing conditions.”

In the caption for CPA 2 Figure 16, the commenter does not note the wind speed and direction over the Bay at the time the photo was taken, or at what wind speed such visual effects occur in the water. Otherwise, if this were taken under a

Northwest wind, this photo could be used to confirm the general shape and extent of the wind speed and turbulence measurements made for the existing setting.

It is expected that Project Site development will cause wind speed reductions in addition to those wind speed reductions that now result from the shore and lands to the west, which is the “wind shadow” close to the shore along the Baylands site that is cited in the CPA comment letter (see Figure 15 in Comment Letter CPA2). However, the Draft EIR analysis shows primary sailing areas further from the shoreline and, hence, less affected by “wind shadow effects,” as not adversely impacted by Project Site development. These areas were considered the primary sailing area, and were specified as described in Master Response 32.

CPA 2-32 [See page 5-417 for the original comment] See Master Response 31 for a discussion of wind tunnel analysis conducted for the Draft EIR. The wind analysis measured the effect within the atmospheric boundary layer that would result from a change in surface roughness due to Project Site development scenarios. Relative wind speed (R-Values) and Turbulence Intensity (TI) accurately characterize a change in the flow within the ABL for each wind direction.

Non-stationary wind conditions, as well as seasonal, daily, and hour-by-hour variations in wind speed and turbulence that occur in the sailing area are larger scale phenomena that are independent of the small-scale effects of the Baylands Site’s surface roughness, although all are affected by local topographic features, such as Bay View Hill. The small-scale wind effects of increases in surface roughness due to adding proposed Project Site development to the existing Baylands site are accurately represented by the changes in R-value and TI presented in the Draft EIR analysis.

Regardless of the variable speed wind conditions that exist over the CPSRA windsurfing area, the R-value results determined during the wind tunnel analysis apply uniformly to any wind speed of concern over the CPSRA windsurfing area, including the winds observed at CPSRA. A detailed explanation of the R-value is included on Draft EIR page 4.M-12.

The conversions between these different time scales are well understood and errors are easily controlled. The time scale factor between the wind tunnel and full-scale is determined from the ratio of length scales between the full-scale and model divided by the ratio of test speeds between the full-scale and model testing. The scale used for the wind analysis was 1 inch equals 50-foot scale, or a ratio of 1:600. Thus, testing a 40 mph full-scale mean wind speed with a 4 mph reference wind-tunnel speed would yield a time scale factor of 1:60, indicating that 1 second measurement in the wind tunnel would represent about 1 minute measurement in full scale (real time).

The uncertainty of the hot-wire anemometer close to the surface of the model is $\pm 5\%$ of the true values. However, experience shows that within a series of comparative tests such as these, the repeatability of measurements of R-Values for project and existing scenarios typically is better than $\pm 1\%$. Since the Draft EIR comparisons are between the R-values or ratios of R-values, the resulting uncertainty is estimated to be close to $\pm 1\%$.

Finally, the natural range of variation of the winds in the boundary layer is simply not a factor in the accuracy of the wind speed measurements. The wind tunnel measurements apply equally well over the entire range of wind speeds that windsurfers would encounter when sailing in the CPSRA, with the exception of wind speeds that are less than a couple of miles per hour.

CPA 2-33 [See page 5-418 for the original comment] This comment introduces the comments that follow in letter CPA2 by stating that the CEQA guidelines were improperly applied in determining potential significant impacts. Specific responses to specific issues raised in the comment letter are presented below.

CPA 2-34 [See page 5-418 for the original comment] See Master Response 30, which provides a detailed discussion of the thresholds of significance used in the windsurfing impact analysis. See also Response CPA 2-19.

CPA 2-35 [See page 5-418 for the original comment] The comment states that “Impacts on availability of the Resource due to changes in mean wind speed are assuredly non-linear” and cites the Drake article, *An Introduction to the Physics of Windsurfing*, which is intended to help the reader in understanding the physical processes involved. However, the comment’s statements that immediately follow are conclusions that are not supported.

The comment describes “Basic Requirements of Windsurfing,” noting that it requires “...minimum gusts to provide enough impulse to achieve a state of hydro-planing (planing) and perform maneuvers...,” “...requires minimum mean speeds to continue in this planing state”, and “...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.” Comment 2-35 does not include appropriate numbers that describe the “minimum planing speed” in Figure 20.

See Master Response 33 for discussion of the “alternate analysis” provided in the CPA comment letter.

CPA 2-36 [See page 5-420 for the original comment] Comment 2-36 argues the need for “Calibrated Absolute Measurements,” stating that

“The (Draft EIR) 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.”

Calibration is not required in order to understand the effects of Project Site development on winds in the CPSRA.

Although there may be no “calibrated” meteorological stations available to guide windsurfers at Brisbane, it is still possible for each wind surfer to correlate his or her personal experience with the reported wind speeds from one or more nearby “informal” meteorological stations or anemometers, regardless of calibration. In effect, windsurfers learn by experience how to apply such wind speed information to their personal wind sailing activities.

For windsurfers, the relevant questions are “What’s the wind prediction for this afternoon?” and “Is it windy enough or too windy to go out today?” The results of the wind testing provide a simple and straightforward approach to determining the relative effects of proposed Baylands development for many recreational windsurfers. If a windsurfer’s experience indicates that a wind, which may be reported by a certain anemometer as being (for example) 13 mph, enables them to easily achieve planing at their favorite sailing location, this fact is useful in a very practical sense, even if it does not necessarily mean that the wind speed that actually occurs over the water where the windsurfer is sailing is the same as the speed actually recorded at the anemometer, or is actually 13 mph.

Measurements of relative wind speed and turbulence intensity were made for the existing scenario and project scenarios in an atmospheric boundary layer wind tunnel and the wind speed ratios were then calculated. It is well documented in the scientific literature (Davenport and Isyumov, 1968; Cermak, 1971; Cook, 1975; Hunt and Fernholz, 1975; and others) that the atmospheric boundary layer wind tunnel can correctly represent wind velocity, wind turbulence, and the power spectrum of the wind. For more detail about the wind tunnel analysis, see Master Response 31.

The surface roughness of landforms and buildings slows the prevailing winds approaching the CPSRA and the differences in surface roughness result in natural variations in wind speed and turbulence along the shoreline that then extend over the surface of the CPSRA and the test grid (i.e., including effects such as “wind shadow”). The wind tunnel measurements provide data that quantify the surface-roughness-generated variations in wind speed and turbulence in the CPSRA for any given, constant approaching wind speed. (See the plots in Appendix J.1 of the Draft EIR).

These data allow each wind sailor to determine the percentage change in wind speed and the change in turbulence that would occur at specific locations or regions across the surface of the test grid due to the construction of the Specific Plan or the variants. Each windsurfer can then judge, based on his or her experience, whether the wind speed change would substantially adversely affect their windsailing experience.

See also Master Response 33.

CPA 2-37 [See page 5-421 for the original comment] Discussion regarding gusts and lull wind speeds is provided in Master Response 33.

CPA 2-38 [See page 5-421 for the original comment] The wind test measurements, which are well suited to determining wind turbulence, show expected turbulence changes with all of the relevant upwind obstructions present in the model. The wind turbulence that now occurs in the sailing area is “natural,” and consist of two components – the first component is the turbulence that it is inherent in the atmospheric boundary layer when it reaches the site (as evidenced by wind data recorded at 59 m height on the Baylands site meteorological tower) and the second component is the turbulence that is contributed by surface roughness as the wind passes over the site. In terms of scale, the boundary layer winds at 59 m height had TI values that ranged from 0.17 for West winds, 0.14 for WNW winds, and 0.20 for NW winds, while the wind tunnel values for the existing surface roughness TI values range from 0.20 near shore to 0.10 offshore for west wind (Figure 28 of Draft EIR Appendix J.1) and 0.28 near shore to 0.11 offshore for northwest wind (Figure 22 of Appendix J.1). These independent measurement values are quite consistent with each other and therefore add to the confidence that the wind tunnel simulation matches the boundary layer at the site.

Further, see Response CPA 2-32 for discussion of the structure of the boundary layer. As indicated in that response, as it passes over the site, the boundary layer gradually adjusts its structure in response to the actual surface roughness of the surface over which it is passing. Therefore, when the wind reaches into the Bay, the lesser surface roughness of the water will enable the wind to recover speed and to decrease TI, which can be seen in Figures 22 and 28 of Draft EIR Appendix J.1.

For Project Site development, the wind tunnel values for the Project TI range from 0.20 near shore to 0.10 offshore for west wind (Figure 29 of Draft EIR Appendix J.1), with the major difference between existing and Project Site development being TI increases of as much as 0.03 at the near shore and along a 500 foot wide band across the south central part of the grid. The wind tunnel values for Project TI range from 0.28 near shore to 0.11 offshore for northwest wind (Figure 23 of Appendix J.1), with the major difference being that Project

Site development-related increases of 0.01 occur in the near shore areas of the southern part of the grid. Again, when the wind reaches into the Bay, the lesser surface roughness of the water will enable the wind to recover speed and to decrease TI, which can be seen in Figures 23 and 29 of Draft EIR Appendix J.1.

For further discussion regarding wind speed, see Master Response 33.

CPA 2-39 [See page 5-423 for the original comment] Whereas no commonly accepted threshold for “sailable conditions” is known or could be found in a certified environmental impact report (see page 4.M-11 of the Draft EIR), the threshold of significance used in the Baylands Draft EIR was the same as was used by the City and County of San Francisco for the Executive Park EIR, which also analyzed wind effects at CPSRA. For additional discussion of the thresholds of significance, see Master Response 30.

CPA 2-40 [See page 5-423 for the original comment] The CPA2 comment letter describes an alternative method of assessing the impacts of the proposed development on the CPSRA windsurfing area. Master Response 33 evaluates and responds to the CPA’s alternative method of assessing impacts. See also the Response CPA 2-36.

CPA 2-41 [See page 5-426 for the original comment] The relative wind speed (R-Value) measurement was used in the Draft EIR to support a qualitative evaluation of the effects of Project Site development on the wind resources of the CPSRA, as evidenced by the measurement test grid (See Draft EIR page 4.M-11), but was not used to support a quantitative evaluation, as suggested by Comment CPA 2-41 (see also Response CPA 2-35).

See Master Response 33 for a discussion of the alternative analysis methodology suggested by the CPA. There is no evidence that the “Sailable Day Impact Analysis” can reliably determine the impact on the CPSRA windsurfing resource due to Project Site development. As described further in Master Response 33, the suggested alternative wind analysis considers wind lulls and gusts that are not affected by Project Site development and evaluates data with an unknown calibration and correlation to the Resource against absolute thresholds of significance, referred to as “Required Conditions” as defined in the comment letter, that are not demonstrated to be necessary and/or appropriate for all users of the CPSRA windsurfing resource. See Master Response 33 for additional detail regarding this topic.

In contrast to the threshold of significance used in the Draft EIR, the threshold of significance suggested by CPA appears not to have been previously used in an EIR to evaluate the wind impact of a proposed project on the CPSRA windsurfing resource (see also Master Response 30 for more discussion).

Furthermore, the comment letter does not substantiate the statement that “Sailable Days” as defined by the CPA in terms of the “Required Conditions” for a “Sailable Day Impact Analysis” actually is capable of identifying and measuring the physical wind impacts of Project Site development, as opposed to characterizing the much larger variability of the winds that enable windsailing at the CPSRA. Furthermore, it is questionable whether the local wind record is sufficiently long to provide a basis for understanding the variability of winds on the water in the CPSRA.

See Master Response 33 for additional discussion about the alternative analysis proposed by the CPA.

CPA 2-42 [See page 5-428 for the original comment] The wind analysis in the Draft EIR shows the wind-related changes that would result in the surface winds that first pass over the proposed development within the Baylands site and then pass over the measurement grid in the Bay. Areas that are closer to the shore near the Baylands site are of concern to some commenters (See comments CPA1-2 and CPA2-11) Wind speeds within these areas are discussed in Master Response 31 and Responses CPA 2-24 and CPA 2-27. These areas are already affected by noticeable wind shadow effects according to some commenters (see Comment CPA 2-31).

As stated in the Draft EIR, all known potential shoreline development that could affect winds in the sailing area was included in the model. The development is represented by three shoreline area projects: proposed Baylands development to the west; the approved and under-construction Executive Park development to the north and northwest; and the proposed Candlestick Point–Hunters Point Shipyard development to the north and northeast of the sailing area. The Candlestick Point–Hunters Point Shipyard development would not affect the sailing area only in North or Northeast wind conditions. See the results of the wind analysis on pages 4.M-24 to 4.M-26 of the Draft EIR.

CPA2-43 [See page 5-429 for the original comment] A description of windsurfing use patterns and the unique nature of the Candlestick Point State Recreation Area (CPSRA) is included on Draft EIR page 4.M-5. Based on the information provided in Comment CPA2-43, the third paragraph on page 4.M-5 is revised to read as follows.

CPSRA is also a popular entry point for windsurfing on the Bay and is considered one of the premier windsurfing sites in the San Francisco Bay Area (Thorner, 2008). The windsurfing launch site is located on the shoreline of Candlestick Cove near the southern end of the CPSRA parking lot, a turnaround known as “Windsurf Circle.” According to the San Francisco Boardsailing Association (SFBA), CPSRA is an ideal

location for beginning- and intermediate-level windsurfers, because there is very little swell (wave action). These flat-water conditions allow windsurfers to develop skills that are more difficult to master in choppy water. Candlestick Point is not dependent on tidal conditions, and has adequate water depth for safe sailing at low tides. According to the Candlestick Preservation Association, on average, Candlestick Point has 85 “Sailable Days” per year (from April through September), and is frequented, on average, by 20 sailors per Sailable Day. In 2013, the Candlestick Preservation Association stated that Candlestick Point had 102 Sailable Days, which was more than other sites around the Bay.

The SFBA provided accumulated GPS tracks that it considers representative of the primary sailing area in this area of the Bay (Thorner, 2008). The SFBA considers westerly wind conditions to be generally good for windsurfing at CPSRA, with the best conditions during west-northwest winds (Thorner, 2008). Alternate windsurfing sites such as Crissy Field (San Francisco), Ocean Beach (San Francisco), and Oyster Point (South San Francisco) feature heavy surf, offshore winds, or strong currents – wind and water conditions that are not appropriate for beginners and intermediates. However, the CPA recommends extending the sailable area westward to the shoreline for about half of its north-south length. See Master Response 32 for discussion of the area analyzed in the Draft EIR.

CPA 2-44 [See page 5-432 for the original comment] Please see Master Response 34 for a discussion of how the project description informed the analysis of impacts to windsurfing. Mitigation, as suggested by the commenter, is not required under CEQA unless the Lead Agency finds that a significant impact would occur; however, for the reasons discussed in Master Responses 30-34 and responses to comments from the Candlestick Preservation Association and San Francisco Boardsailing Association, the Baylands EIR has determined that no significant impacts to windsurfing resources would result.

CPA 2-45 [See page 5-432 for the original comment] This comment recommends establishment of a 900-foot wide “Waterfront Preservation District,” as “mitigation for potential project impacts.” This Waterfront Preservation District would consist of “only low vegetation and structures and minimal topographical variation.” Implementation of such a “Waterfront Preservation District” is not included as mitigation for impacts on windsurfing resource. While CEQA requires implementation of all feasible mitigation measures when a significant impact is determined to result from a proposed project, CEQA also does not provide the Lead Agency with authority to require mitigation measures when no significant impact is determined to exist. As discussed in Section 4.M, *Recreational Resources*, of the Draft EIR, impacts on windsurfing resources were determined to be less than significant, and no mitigation is required.

Similarly, inclusion of a 900-foot wide district as part of a new EIR alternative was also determined to be inappropriate. Since a significant impact on windsurfing resources was not determined to exist, analysis of an alternative primarily designed to address impacts on windsurfing resources would be unnecessary. In addition, the Renewable Energy Alternative would establish a large area within the eastern portion of the site with minimal structures, similar to the suggestion in Comment CPA 2-45. However, a 900-foot wide Waterfront Preservation District would encompass the eastern portion of the existing Recology facility, necessitating demolition of a large portion of the existing facility. Unless Recology were to be able to acquire additional land to relocate existing facilities, their ability to continue processing San Francisco's solid waste would be jeopardized. For these reasons, neither a mitigation measure nor an alternative establishing a Waterfront Preservation District is provided in the Baylands EIR.

The City will consider the recommendations provided in Comment CPA 2-45 as part of its planning review and decisionmaking.

CPA 2-46 [See page 5-434 for the original comment] This comment recommends architectural requirements to reduce the wind effects of Project Site development, which the City has determined do not need to be incorporated in the Baylands EIR either as mitigation or as part of a new alternative. Such measures can be considered as part of the planning review undertaken by the City for the Baylands.

While CEQA requires implementation of all feasible mitigation measures when a significant impact is determined to result from a proposed project, CEQA also does not provide the Lead Agency with authority to require mitigation measures when no significant impact is determined to exist. As discussed in Section 4.M, *Recreational Resources*, of the Draft EIR, impacts on windsurfing resources were determined to be less than significant, and no mitigation is required. In addition, since a significant impact on windsurfing resources was not determined to exist, analysis of an alternative primarily designed to address impacts on windsurfing resources would be unnecessary.

Reducing building heights in the easterly portion of the site (the area closest to the Bay), is already required by Mitigation Measure 4.A-1, although not to the degree requested by Comment CPA 2-46. A requirement for future development not to exceed existing elevations within the former landfill area could constrain the ability to provide the required landfill cap as part of formal landfill closure and potentially eliminate any economic use of the former landfill area following formal closure.

CPA 2-47 [See page 5-436 for the original comment] As stated on Draft EIR page 4.B-9, the Bay Area Air Quality Management District was contacted to review the odor complaint history of Recology, SF Recycling and Disposal, and Brisbane Recycling. According to BAAQMD records, these facilities had received no odor complaints within the three years prior to the records review². It should also be noted that the two references in Comment CPA 2-47 cited as demonstration of limited ability to monitor odor from Recology facilities refer to facilities in Oregon, including a food composting demonstration project, and not to the Recology facility within the Baylands.

The “dirt mounds” referred to in this comment are existing recycling operations, both of which would be replaced by the proposed Baylands development program.

The land use recommendations set forth in this comment will be considered by the City as part of its planning review and decisionmaking for the Baylands.

CPA 2-48 [See page 5-438 for the original comment] Regulatory responsibility for monitoring and enforcement of air emissions rests with the Bay Area Air Quality Management District, and not the City of Brisbane. The comment is misleading in that it refers to “air quality ordinance” violations when discussing interim recycling operations on the former landfill within the Baylands.

CPA 2-49 [See page 5-440 for the original comment] See Response CPA 2-47 for discussion of the odor complaint history at Tunnel Avenue site. As stated in Chapters 1 and 3 of the Draft EIR, Recology’s existing Tunnel Avenue site spans the boundary between San Francisco and Brisbane, with portions in both communities. The proposed modernization and expansion of the Recology facility would result in the addition of 751,000 square feet of building area, along with expansion of the site from 44.2 acres to 65.5 acres in the CPP-V scenario only. The DSP, DSP-V, and CPP scenarios do not propose expansion of the Recology facility.

Section 3.5.5 of the Draft EIR, starting on page 3-49, provides a description of the proposed Recology modernization and expansion in the CPP-V scenario. Biomass processing (composting) is not part of the project description of the proposed Recology expansion.

The City of Brisbane has zoning authority over the Brisbane portion of the site, while San Francisco has zoning authority over the portions of the Recology facility that are outside of Brisbane.

² Bay Area Air Quality Management District (BAAQMD), 2011a, email response to public record request, June 6, 2011a.

The recommendations set forth in Comment CPA 2-49 will be considered as part of the planning review undertaken by the City for the Baylands.

- CPA 2-50** [See page 5-448 for the original comment] Responses to the summary statements in this comment are provided in Master Responses 30 through 34 and in the responses to individual comments to the CPA 2 December 2013 comment letter.
- CPA 2-51** [See page 5-448 for the original comment] See Responses CPA 2-45 and 2-46. Mitigation is not required under CEQA unless the Lead Agency finds that a significant impact would occur otherwise. Architectural Requirements to reduce the wind effects of Project Site development are recommended by the commenter, and can be considered as part of the planning review undertaken by the City for the Baylands. Responses to the statements in this comment are also provided in Master Responses 30 through 34.
- CPA 2-52** [See page 5-448 for the original comment] See Master Response 1 for discussion of environmental review for subsequent development projects within the Baylands. The Draft EIR’s analysis on page 4.M-26 demonstrates that there would be no significant impact to the CPSRA windsurfing area as a result of the proposed development on the Baylands.
- With respect to the need for “continued reassessment of wind and sailability impact,” see Response CPA 2-44 and Master Response 34.
- CPA 2-53** [See page 5-448 for the original comment] No impact is identified in Draft EIR Section 4.B, *Air Quality*, that would require an alteration of the existing regulatory environment as a mitigation measure. See Master Response 3 for discussion of implementation and the enforceability of mitigation measures.
- CPA 2-54** [See page 5-449 for the original comment] Responses to the statements in this comment are provided in Master Responses 30 through 34.
- CPA 2-55** [See page 5-449 for the original comment] Responses to the statements in this comment are provided in Master Responses 30 through 34.
- CPA 2-56** [See page 5-451 for the original comment] This comment introduces comments that follow in the CPA comment letter regarding the 300 Airport Boulevard Final EIR, prepared by the City of Burlingame for a project located in Burlingame more than 10 miles south of the Baylands. Comment 2-56 does not address proposed development within the Baylands, nor does it address the Baylands Draft EIR. As such, this comment raises no significant environmental issues regarding the Baylands EIR or its analyses and conclusions.

CPA 2-57 [See page 5-452 for the original comment] The “Master Response” referred to in this comment is from the Final EIR prepared by the City of Burlingame for the 300 Airport Boulevard project, which is located more than 10 miles south of the Baylands.

For additional discussion regarding the significance threshold applied in the Baylands Draft EIR, see Master Response 30 in this document. While it is correct that there is no wind speed reduction significance threshold adopted by the City of Brisbane, there is also no relevant threshold in CEQA Guidelines Appendix G with which to analyze wind impacts at sailboarding areas. Evaluation of impacts on windsurfing was added to the Baylands EIR to address comments received from the San Francisco Boardsailing Association in response to the Baylands Notice of Preparation. There was no request from any person or group to use (or not use) a specific criterion to assess the level of impact to the CPSRA windsurfing area received by the City of Brisbane in response to Notices of Preparation distributed in 2006, 2010, and 2012, nor is there a requirement under CEQA for the City of Brisbane to formally adopt a new CEQA threshold before analyzing windsurfing impacts in the Baylands EIR. As noted in Response CPA 2-19 and Master Response 30, the Baylands EIR used the threshold and methodology used in a CEQA analysis conducted by the City and County of San Francisco for the Executive Park project, which considers wind impacts on the same windsurfing area (CPSRA) as the Baylands EIR.

CPA 2-58 [See page 5-452 for the original comment] The comment provides no substantial evidence to show that the threshold of significance used in the Draft EIR failed to consider potentially significant impacts of Project Site development. See Master Response 30, regarding the significance criterion used in the EIR.

CPA 2-59 [See page 5-452 for the original comment] Proposed Baylands development will not affect gale and lull wind speeds, since gales and lulls are weather-related events. For additional discussion, see Master Response 33.

In addition, although statistical correlations can be made between project turbulence intensity and mean wind speed and naturally occurring gust and lull wind speeds, correlations do not prove causation (see also Response CPA 2-100).

Simply evaluating the changes in relative wind speed and turbulence intensity, factors that are proven to be caused by a change in upwind surface roughness, is necessary.

Furthermore, the application of the models used to relate wind turbulence intensity with gust factors in CPA’s suggested “Sailable Day Impact Analysis” is not supported by evidence. CPA does not demonstrate that models based on

Mean Value Theory are able to determine the wind impacts of Project Site development (see Master Response 33). See also Master Response 30 for discussion regarding the significance criterion used in the Draft EIR.

CPA 2-60 [See page 5-452 for the original comment] Discussion regarding the concept of “sailable days” and the alternative wind impact analysis proposed in Comment Letter CPA2 are provided in Master Response 33.

CPA 2-61 [See page 5-453 for the original comment] Refer to Master Response 32 for information regarding the sailing area analyzed in the Draft EIR.

CPA 2-62 [See page 5-454 for the original comment] The “Master Response” referred to in this comment is from the Final EIR prepared by the City of Burlingame for the 300 Airport Boulevard project, which is located more than 10 miles south of the Baylands.

The important upwind features for each primary wind direction affecting the Brisbane Baylands were modeled in the wind tunnel analysis (see Response CPA 2-28). This effort was sufficient to characterize the physical changes in the atmospheric boundary layer. Much care was taken to evaluate proposed Project Site development’s effects on the resource, because the area was larger than Executive Park and 300 Airport Boulevard. However, Executive Park has more tall buildings, is denser, and is closer to the water.

CPA 2-63 [See page 5-454 for the original comment] The “Master Response” referred to in this comment is from the Final EIR prepared by the City of Burlingame for the 300 Airport Boulevard project, which is located more than 10 miles south of the Baylands.

It is not possible to determine minimum acceptable wind conditions for windsurfing over the CPSRA area, because these vary depending on the individual windsurfer (see Draft EIR page 4.M-11). Therefore, the Draft EIR evaluated relative wind speed changes due to Project Site development. Furthermore, there is no evidence that the “Required Conditions” defined in the CPA comment letter are necessary and appropriate to all users of the CPSRA resource. Refer to Master Response 33 for discussion of the “Required Conditions” defined in Comment Letter CPA2.

As described in greater detail in Master Response 33, the comment letter’s calibration of the “CPSRA Sensor” and correlation of the data with “on-the-ground conditions at the Resource” is unknown. In addition, the comment provides no evidence that the “Required Conditions” are necessary and appropriate to evaluation of the impacts of a development project on windsurfing.

The wind tunnel tests typically use wind speeds of 6 to 10 mph. The resulting measurements of relative speeds (R-Values) remain accurate when scaled to the speeds of concern to windsurfers within CPSRA. As stated in the Draft EIR, “Due to the methodology of wind tunnel testing and the basic physical properties of air, the R-values or the calculated percentage changes in wind speed apply uniformly to any wind speed of concern at the site, from the lower speeds to the highest.” See page 4.M-12 of the Draft EIR.

See also Master Response 33, which responds in detail to the alternative wind analysis proposed by the CPA.

CPA 2-64 [See page 5-455 for the original comment] The “Master Response” referred to in this comment is from the Final EIR prepared by the City of Burlingame for the 300 Airport Boulevard project, which is located more than 10 miles south of the Baylands.

As stated in Baylands Final EIR Master Response 33, unlike wind speed and turbulence, gusts and lulls are weather events that are not affected by surface roughness (e.g., Project Site development). Furthermore, the thresholds for “Sailability” developed by the commenter and referred to in comment letter CPA2 as “Required Conditions” are presented without evidence that they are necessary and/or appropriate for all of the users of the CPSRA windsurfing resource. See Master Response 33 for an evaluative discussion of the “Required Conditions” defined in Comment Letter CPA2.

Although the comment letter may seek to correlate wind turbulence and wind speed to lull and gust wind speeds, it does not show how proposed Baylands development would cause changes in the lull and gust wind speeds. Furthermore, the range of turbulence intensity cited in the comment letter as having a significant impact on the resource is much smaller than the natural range of variability that now occurs within the CPSRA windsurfing area under different source wind direction conditions (described in greater detail in Master Response 33). Despite this natural range, the CPSRA area remains a “premier” windsurfing area. Moreover, the comment letter’s reference to an increase in turbulence intensity (TI, where TI is expressed as a percentage of mean wind speed) from a value of 10% to a value of 11% as being a 10% increase, rather than the 1% increase it is, is misleading. See also Master Response 33, which responds to the alternative wind analysis proposed by the CPA.

CPA 2-65 [See page 5-455 for the original comment] As discussed in Master Response 33, proposed Baylands development would not affect the wind gusts and lulls that are part of the atmospheric boundary layer winds that power windsurfing at the CPSRA.

- CPA 2-66** [See page 5-457 for the original comment] This comment introduces an online public petition created by the Candlestick Preservation Association, and does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.
- CPA 2-67** [See page 5-457 for the original comment] This comment presents the contents of the online public petition created by the Candlestick Preservation Association, and does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The petition will be considered by the City as part of its planning review for the Baylands.
- CPA 2-68** [See page 5-457 for the original comment] Impacts of Baylands Project Site development on air quality are identified starting on Draft EIR page 4.B-20. Impacts of Project Site development on the recreational windsurfing resource are identified in the discussion of Impact 4.M-2 starting on Draft EIR page 4.M-22.
- CPA 2-69** [See page 5-457 for the original comment] Discussion of the water area evaluated in the Draft EIR is addressed in Master Response 32.
- CPA 2-70** [See page 5-457 for the original comment] Discussion of the water area evaluated in the Draft EIR is addressed in Master Response 32.
- CPA 2-71** [See page 5-458 for the original comment] See Master Response 30 for discussion of the significance threshold used in the Draft EIR.
- CPA 2-72** [See page 5-458 for the original comment] See Master Response 30 for a discussion of the significance threshold used in the Draft EIR.
- CPA 2-73** [See page 5-458 for the original comment] See Master Response 30 for a discussion of the significance threshold used in the Draft EIR. See Master Response 33 for a discussion of the alternative wind impact analysis proposed by the CPA.
- CPA 2-74** [See page 5-458 for the original comment] See Response CPA 1-6.
- CPA 2-75** [See page 5-458 for the original comment] See Response CPA 2-45. The City will consider the comment as part of its planning review and decisionmaking.
- CPA 2-76** [See page 5-459 for the original comment] This comment expresses concurrence with Comments CPA 2-1 through CPA 2-65 for which responses are available in Responses CPA 2-1 through CPA 2-65.
- CPA 2-77** [See page 5-459 for the original comment] A list of 153 petitioners who electronically signed the online public petition created by the Candlestick Preservation Association is provided in this comment, which does not raise

significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

- CPA 2-78** [See page 5-462 for the original comment] This comment does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the comment added by a signer of the CPA petition via the change.org petition as part of its planning review and decisionmaking.
- CPA 2-79** [See page 5-462 for the original comment] Please see Response CPA 2-78.
- CPA 2-80** [See page 5-462 for the original comment] Please see Response CPA 2-78.
- CPA 2-81** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-82** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-83** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-84** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-85** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-86** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-87** [See page 5-463 for the original comment] Please see Response CPA 2-78.
- CPA 2-88** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-89** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-90** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-91** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-92** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-93** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-94** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-95** [See page 5-464 for the original comment] Please see Response CPA 2-78.
- CPA 2-96** [See page 5-465 for the original comment] Please see Response CPA 2-78.
- CPA 2-97** [See page 5-465 for the original comment] Please see Response CPA 2-78.

CPA 2-98 [See page 5-465 for the original comment] Please see Response CPA 2-78.

CPA 2-99 [See page 5-465 for the original comment] Please see Response CPA 2-78.

CPA 2-100 [See page 5-466 for the original comment] Comment CPA 2-100 provides information on wind speeds and lulls, along with the CPA's opinion regarding the number of "days sailable" in 2011, 2012, and 2013. Comment CPA 2-100 also references the technical memo provided in Appendix J.2, and provides citations from State CEQA Guidelines. As such, the comment does not raise any significant environmental issues regarding the Draft EIR or its analyses and conclusions. See Master Response 33 for a discussion of gust and lull wind speeds and CPA's "Extreme Value Theory."

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2.9.5 Greenbelt Alliance

GA-1 [See page 5-482 for the original comment] This comment provides support for Baylands development around the Bayshore Caltrain station, and cites the environmental benefits that it believes would be derived from such development. While the comment does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR, the City will consider the planning- and development-oriented comments set forth in this comment as part of its planning review and decisionmaking process.

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2.9.6 Housing Leadership Council of San Mateo County

HLCSMC-1 [See page 5-485 for the original comment] The comment does not raise any significant environmental issues regarding the analyses, conclusions, or adequacy of the Draft EIR and therefore no further response is required. The City will consider the commenter's support for the developer sponsored plan as part of its planning review and decisionmaking process.

HLCSMC-2 [See page 5-485 for the original comment] The City of Brisbane is committed to providing its fair share of housing opportunities for all economic segments of the community as outlined in the Regional Housing Needs Allocation and the City's General Plan Housing Element. The City will consider the commenter's support for the developer sponsored plan as part of its planning review and decisionmaking process.

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2.9.7 Recology San Francisco

- Recology-1** [See page 5-486 for the original comment] This comment provides an introduction to Recology’s comment letter, and does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. Thus, no further response is required.
- Recology-2** [See page 5-486 for the original comment] The importance of solid waste diversion and San Francisco’s dependence on the proposed Recology expansion to meet its zero waste goals is recognized, and will be considered as part of Brisbane’s planning review and decisionmaking. Brisbane’s determination regarding the adequacy of the Baylands EIR will be based on the requirements of CEQA, rather than the importance of any particular component of the proposed Baylands development program.
- Recology-3** [See page 5-487 for the original comment] See Master Response 20 for a discussion of the compatibility of proposed land uses adjacent to the Recology site with Recology’s existing and proposed uses.
- Recology-4** [See page 5-487 for the original comment] The comment provides a description of the existing Recology facilities and city general plan and zoning regulations, and does not raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. No further response is required under CEQA.
- Recology-5** [See page 5-488 for the original comment] See Master Response 20 regarding land use compatibility.
- Recology-6** [See page 5-489 for the original comment] See Master Response 20 regarding land use compatibility.
- Recology-7** [See page 5-489 for the original comment] Comment Recology-7 asserts that the traffic congestion identified in the Draft EIR for the DSP and CPP scenarios would create hardships on Recology’ existing and potential future operations. The comment does not, however, raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The issues raised in Comment Recology-7 will be considered by the City in its planning review and decisionmaking for the Baylands.
- Recology-8** [See page 5-489 for the original comment] The Draft EIR analyzes traffic impacts of proposed Baylands development on a programmatic basis, and does not attempt to separate out which specific uses within the Baylands cause what impacts at what locations. The traffic generation used in the analysis for Recology’s Tunnel

Avenue facility in the CPP-V scenario is based on information provided by Recology and peer reviewed by the City for use in this EIR.

- Recology-9** [See page 5-490 for the original comment] The Draft EIR evaluates the four development scenarios as they have been proposed and the concentration of land use in the northern portion of the site would result in project trip-ends concentrated in this area. However, Project Site development does have three entrances at the southern area of the site under the development proposals which would also provide ingress/egress for project trips: Tunnel Avenue at Bayshore Boulevard, Sierra Point Parkway, and southbound US 101 access at Lagoon Road. The limiting factor for usage of these entrances would likely be due to the strong attraction of San Francisco to the north as a destination, as well as limited access to and from northbound US 101 (it is a further distance from northbound US 101 via Sierra Point Parkway or Airport Boulevard, and not accessible via Lagoon Road. Given the location of the Caltrain tracks in the southerly portion of the Baylands and the need for a grade-separated crossing, as well as the current location of the Tunnel Avenue intersection, Icehouse Hill, Kinder Morgan facility, and the existing NCFD fire station, provision of an additional southerly entrance to the Baylands would not be feasible.
- Recology-10** [See page 5-490 for the original comment] The proposed Geneva Avenue extension is included in the San Francisco and San Mateo Bi-County Transportation Study along with a proposed interchange with US 101 that would replace the current interchange at Beatty Avenue. These improvements are included as part of the future area transportation system to which new development within the Baylands would contribute fair share funding. However, the proposed Geneva Avenue extension and new interchange are not part of the Baylands project description analyzed in this EIR.
- Recology-11** [See page 5-490 for the original comment] As stated on page 4.N-31 of the Draft EIR, the San Francisco/San Mateo Bi-County Transportation Study identifies the US 101 Candlestick interchange re-configuration as a future transportation improvement project. The Geneva Avenue/Harney Way crossing of US 101 (which was assumed in the Cumulative baseline for the analysis) is described on page 4.N-46 of the Draft EIR. Design of the interchange and crossing of US 101 is not a component of the Baylands project.
- Recology-12** [See page 5-490 for the original comment] Figure 4.N-14, CPP-V Conceptual Road Network Improvements, has been updated to show Tunnel Avenue continuing north of the Geneva Avenue Extension along the west side of the Recology Site. The Tunnel Avenue connection to Bayshore Boulevard is included in the trip assignment step of the transportation impact analysis, and no change to the impact analysis is needed as a result of this change to Figure 4.N-14.

Recology-13 [See page 5-490 for the original comment] Figure 4.N-17 depicts the conceptual location of the future Bay Trail as it was originally proposed in the Concept Plans for the CPP and CPP-V scenarios. As stated in Comment Recology-13, under the CPP-V scenario, the alignment shown in Figure 4.N-17 would traverse through the expanded Recology facility, necessitating an alignment that would follow the Geneva Avenue extension rather than the existing Beatty Avenue.

Recology-14 [See page 5-490 for the original comment] See Master Response 25 for information regarding how trip generation and internal capture trips were calculated.

Recology-15 [See page 5-491 for the original comment] The Draft EIR concludes that the Beatty Avenue/Alana Way intersection would remain at LOS E under the CPP and CPP-V scenarios with the implementation of Mitigation Measure 4.N-1c. However, the analysis and conclusion set forth in the Draft EIR are for the peak periods assuming full build out. Recology truck operations generally do not coincide with peak hour traffic.

The hardships that Recology asserts would result from Baylands development will be considered by the City in its planning review and decisionmaking for the Baylands. The comment does not, however, raise any significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

Recology-16 [See page 5-491 for the original comment] The Draft EIR concludes that the Harney Way/Alana Way/Thomas Mellon Drive intersection would remain at LOS F under the CPP and CPP-V scenarios with the implementation of Mitigation Measure 4.N-1d. However, the analysis and conclusion set forth in the Draft EIR is for the peak periods assuming full build out. Recology truck operations generally do not coincide with peak hour traffic.

The hardships that Recology asserts would result from Baylands development will be considered by the City in its planning review and decisionmaking for the Baylands. The comment does not, however, raise any substantive issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

Recology-17 [See page 5-491 for the original comment] As stated on page 4.N-98, implementation of Mitigation Measure 4.N-1c is beyond Brisbane's jurisdiction and requires Caltrans approval. Thus, although a good faith effort will be made to implement this measure, such implementation cannot be guaranteed.

The hardships that Recology asserts would result from Baylands development will be considered by the City in its planning review and decisionmaking for the Baylands. The comment does not, however, raise any substantive issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

Recology-18 [See page 5-491 for the original comment] The microsimulation analysis called for in Mitigation Measure 4.G-1g was conducted and concluded that signal timing could be achieved such that (1) traffic would not back up from one intersection to another along the proposed Geneva Avenue extension, even where intersections were closely spaced. See Master Response 26.

Recology-19 [See page 5-491 for the original comment] The Draft EIR concludes that the US 101 southbound segment between Third Street / Bayshore Boulevard and Harney Way will operate at LOS F in the AM peak hour, and that the northbound segment will operate at LOS F in the PM peak hour under Existing Plus Project conditions, and that impacts to the freeway mainline would be significant and unavoidable under all four development scenarios. However, the analysis and conclusion set forth in the Draft EIR are for the peak periods assuming full build out. Recology truck operations generally do not coincide with peak hour traffic.

The hardships that Recology asserts would result from Baylands development will be considered by the City in its planning review and decisionmaking for the Baylands. The comment does not, however, raise any substantive issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

Recology-20 [See page 5-492 for the original comment] The Draft EIR concludes that the intersection of Sierra Point Parkway / US 101 NB Ramps would remain at LOS F under the CPP and CPP-V scenarios with the implementation of Mitigation Measure 4.N-1c. However, the analysis and conclusion set forth in the Draft EIR is for the peak periods assuming full build out. Recology truck operations generally do not coincide with peak hour traffic.

The Draft EIR concludes that the impact to this intersection would be significant and unavoidable. Additional mitigation measures were explored such as roadway widening, but were deemed infeasible due to constrained right-of-way both on the bridge off-ramp and north of the intersection between the Brisbane Lagoon and US 101.

The hardships that Recology asserts would result from Baylands development will be considered by the City in its planning review and decisionmaking for the Baylands. The comment does not, however, raise any substantive issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

Recology-21 [See page 5-492 for the original comment] The LOS for intersection 19, Tunnel Avenue/Geneva Avenue, was incorrectly reported in Table 4.N-31. The intersection operates at LOS F during the AM peak hour and LOS C during the PM peak hour. In response to this comment, Table 4.N-31 has been revised to reflect the correct LOS (see Chapter 3 of the Final EIR. The second paragraph on page 4.N-110 of the Draft EIR is revised to read as follows:

As shown in those tables, among the intersections analyzed in this document, the following four would operate acceptably under Cumulative With Project conditions during both AM and PM peak hour, and the cumulative impact would be less than significant:

2. Guadalupe Canyon Parkway & Bayshore Boulevard
3. Valley Drive & Bayshore Boulevard
10. Harney Way & Thomas Mellon Drive
13. Blanken Avenue & Tunnel Avenue
19. Tunnel Avenue & Geneva Avenue

- Recology-22** [See page 5-492 for the original comment] The Traffix worksheets for this location were erroneously omitted from Technical Appendix K. Please see Final EIR Appendix K-26 for these level of service worksheets.
- Recology-23** [See page 5-492 for the original comment] The microsimulation analysis called for in Mitigation Measure 4.G-1g was conducted, and concluded that signal timing could be achieved such that (1) traffic would not back up from one intersection to another along the proposed Geneva Avenue extension, even where intersections were closely spaced. See Master Response 26.
- Recology-24** [See page 5-492 for the original comment] The City's review of Construction Management Plans will take into consideration the need for maintaining appropriate access to the Recology facility, as well as other businesses within the Baylands.
- Recology-25** [See page 5-493 for the original comment] Table 4.I-1 of the Draft EIR provides a detailed analysis of the consistency of each concept plan scenario with the provisions of the Brisbane General Plan. Table 4.I-1 clearly states that the DSP and DSP-V are inconsistent with General Plan Policy 330.1, which prohibits housing within the Baylands.
- Recology-26** [See page 5-493 for the original comment] See Master Response 20 for a discussion of land use compatibility. In the DSP scenario, retail uses are proposed to the south of the Recology site between the Geneva Avenue extension and Recology. Retail uses are also proposed to the west of Recology along the east side of the Caltrain right-of-way. In the DSP-V scenario, a multi-plex theater complex and office uses replace some of the retail areas lying between Recology and the Geneva Avenue extension. These uses are similar to uses proposed in the CPP scenario (cultural/ entertainment, office/instructional) to which the comment letter does not object.

The proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios states on page 287 that development adjacent to the

Recology facility will be designed to “back-up to the Beatty Subarea, locating less sensitive site functions such as parking, service access, and storage at the rear of the site adjacent to the Beatty subarea.” The residential uses proposed in the DSP and DSP-V scenarios are separated from the Recology facility by a proposed strip of retail uses between Recology and the Caltrain right-of-way and the Caltrain right-of-way itself, and are located further from Recology than residential uses to the north of Recology in San Francisco.

Recology-27 [See page 5-493 for the original comment] The specific responses to each of the assertions in this comment are addressed in the following 10 responses. The analysis of GHG emissions contained in the Draft EIR relative to the CPP-V development scenario inclusive of the Recology expansion project considered GHG reductions from photovoltaics and waste-stream-based biogas in the category entitled *Recology Renewable Energy Implementation* in Tables 4.F-2 and 4.F-3.

The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October 2013 subsequent to the release of the Draft EIR. The updated emission inventory is provided as a text revision in Section 3.4, *Greenhouse Gas Emissions* in Volume III of the Final EIR. GHG emissions under the CPP-V scenario are now estimated at 3.2 metric tons per year per service population, and would be below the significance threshold. Consequently, the CPP-V scenario is identified in the Final EIR as having a less than significant impact with regard to GHG emissions.

Recology-28 [See page 5-494 for the original comment] The Final EIR includes an updated estimation of Project Site development-related GHG emissions based on the latest version of the CalEEMod model, which was released in October 2013 subsequent to the release of the Draft EIR. This updated estimation of energy use considers the Recology expansion to have a net zero power demand. Reductions in GHG from photovoltaics and waste-stream-based biogas are considered separately in the category entitled *Recology Renewable Energy Implementation* in Table 4.F-2 and Table 4.F-3.

Recology-29 [See page 5-494 for the original comment] The Final EIR includes an updated estimation of Project Site development-related GHG emissions. This updated emissions estimation now reflects a 73 metric ton reduction in GHG from the CPP-V scenario as a result of offset natural gas use resulting from the integrated renewable energy portfolio.

Comment Recology-29 requests that the Baylands EIR consider the reduction in emissions from other existing Recology sites that would be consolidated at the proposed expanded facility under the CPP-V scenario. While there would be a

decrease in operational emissions at other sites currently occupied by Recology should they be vacated under the proposed consolidation of facilities, it was conservatively assumed in the Draft EIR and Final EIR that the potential exists for these sites to be back-filled with new uses and no GHG emission reduction would result.

Recology-30 [See page 5-494 for the original comment] As stated on page 3-2 of the Draft EIR and presented in Table 3-1 of the Draft EIR, all four project scenarios, including the CPP-V scenario, are assumed to include acquisition of a supplemental water supply of up to 2,400 acre-feet per year (AFY) via a water transfer agreement with the Oakdale Irrigation District. Consequently, calculation of water and wastewater-related GHG emissions are based on this water acquisition rate of 2,400 acre-feet per year in both the Draft EIR and updated Final EIR calculations. No additional water demand was assumed related to any land use or other project scenario.

The proposed onsite recycled water plant would be constructed once sufficient wastewater flows were being generated within the Baylands to provide for efficient plant operations. Because technologies for recycled water plant design continually evolve, a specific numerical threshold that would trigger plant construction has not been set. A specific target flow that would trigger the required construction of the onsite recycled water plant will be determined by the City as part of its review of proposed water and wastewater plans. This target flow will be based on a combination of the amount of wastewater generated within the Baylands and the demand generated by Baylands development for recycled water. The combination of available wastewater for recycling and demand for recycled water supply will be evaluated to determine the level of Baylands development needed to provide for efficient operation of the recycled water plant. The Draft EIR acknowledges that as much as 75 percent of Project Site development could occur prior to construction of the recycled water plant.

Recology-31 [See page 5-495 for the original comment] The GHG reductions that would be realized by reduced truck travel associated with reduced removal of dewatering the organic waste stream is based on trip generation estimates provided by Recology's transportation consultant and the GHG emissions reductions cited in Comment Recology-31 are therefore already accounted for in the Draft EIR.

Recology-32 [See page 5-495 for the original comment] No quantifiable evidence was identified that vehicles miles travelled would be reduced as the result of proposed consolidation of Recology facilities under the CPP-V development scenario. In addition, because (1) the extent to which Recology's existing San Francisco facilities would be consolidated at their Tunnel Avenue site and (2) those facilities would be used for other non-Recology purposes following

consolidation, vehicle miles travelled were not assumed to be reduced following consolidation of Recology facilities.

Recology-33 [See page 5-495 for the original comment] The potential for conversion of Recology's truck fleet from biodiesel to CNG is acknowledged on page 4.P-20 of the Draft EIR in relation to energy use. See Response Recology 35.

Recology-34 [See page 5-495 for the original comment] At the time the Draft EIR air quality analysis was being prepared for the CPP-V scenario, Recology provided a technical report presenting its anticipated CNG generation, stating that CNG would be used for on-site electricity and energy. However, the relative percentage distribution of collected CNG for various uses would depend on the future decision making of operators of the Recology facility and, likely, market considerations for energy. Since, CNG could, in reality be used in any manner chosen by Recology, the Draft EIR used a conservative assumption (electricity replacement) that has lesser GHG benefits than replacing vehicle fuel, which would provide a greater GHG benefit.

This is conservative because PG& E emission factors for electricity assume a relatively high percentage of renewable energy sources in its future energy source portfolio that do not generate GHGs and hence result in a lesser GHG reduction provided by offsetting electricity rather than biodiesel.

Recology-35 [See page 5-496 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Draft EIR. The potential conversion of Recology's truck fleet to fuels produced onsite as part of the CPP-V scenario is acknowledged on page 4.P-20 of the Draft EIR in relation to energy resources. In addition, diversion of the black-can waste has the potential to result in a substantial reduction of solid waste transported to landfills, which would further reduce use energy consumption. The result of reducing vehicle miles travelled and conversion of its truck fleet to use of renewable energy sources would be reduced air energy consumption and air pollution emissions. While Comment Recology-35 provides an estimate of the GHG emissions that may be attributable to this proposed waste diversion, information provided by Recology consists of a single number that could not be verified. The second paragraph on Draft EIR page 4.P-20 is revised to read as follows.

To reduce fuel use, each of the four Project Site development scenarios includes a number of transit, bicycle, and pedestrian improvements that would encourage alternative modes of travel, along with implementation of a Transportation Demand Management (TDM) program to further reduce the number of vehicle trips. (See Chapter 3, *Project Description*, and Section 4.N, *Traffic and Circulation*, for a discussion of these features.) The overall result of the CPP and CPP-V scenarios would be a

significant unavoidable greenhouse gas emissions impacts (see Section 4.F, *Greenhouse Gas Emissions*), largely resulting from increased vehicular fuel consumption over a substantially larger number of vehicle miles traveled than the DSP and DSP-V scenarios, which were determined to have less-than-significant greenhouse gas emissions impacts. In the CPP-V scenario, the proposed Recology expansion would produce biogas fuels as a by-product of its operations that would be used to fuel the Recology truck fleet and would also produce excess energy that could be exported for use outside the Project Site. In addition, recycling of black-can waste has the potential to result in a substantial reduction of solid waste transported to landfills, which would further reduce use energy consumption. The result of reducing vehicle miles travelled and conversion of its truck fleet to use of renewable energy sources would be reduced air energy consumption and air pollution emissions.

- Recology-36** [See page 5-496 for the original comment] See Response Recology-35.
- Recology-37** [See page 5-497 for the original comment] See Response Recology-35.
- Recology-38** [See page 5-497 for the original comment] See Response Meeting 1-17 for an updated listing of Baylands land ownership as reported by the San Mateo County Assessor's Office in May 2014. As noted in the comment, Recology's purchase of the Van Arsdale-Harris Lumberyard occurred in October 2013, several months after the start of the Draft EIR public review period. All references to current ownership of the property at 595 Tunnel Avenue will reflect Recology's ownership of that property.
- Recology-39** [See page 5-497 for the original comment] See Response SBMW-24.
- Recology-40** [See page 5-497 for the original comment] The City's action to allow for the establishment of multiple solid waste zones in the City and for the award of separate franchise agreements for each zone did not change the City's current franchise agreement with San Francisco Scavenger Company until January 2015. San Francisco Scavenger Company continues to collect solid waste from all areas within Brisbane outside of the Baylands, and also collects solid waste from the Bayshore Industrial Park along Bayshore. That Recology now holds a franchise to collect solid waste within the majority of the Baylands does not affect the accuracy of the existing setting information set forth on Draft EIR pages 4.O-18 through 4.O-20.
- Recology-41** [See page 5-497 for the original comment] See Master Response 22 for discussion of land use compatibility and impacts related to proposed development adjacent to the existing Recology facility.

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2.9.8 San Bruno Mountain Watch

SBMW-1 [See page 5-500 for the original comment] See Master Response 3 for discussion regarding the enforceability of EIR mitigation measures. Chapter 4.0 of the Final EIR contains the Mitigation Monitoring and Reporting Program for the Brisbane Baylands, detailing how each mitigation measure will be implemented.

SBMW-2 [See page 5-500 for the original comment] The Mitigation Monitoring and Reporting Program contained in Final EIR Chapter 4.0 provides for monitoring implementation of mitigation measures. See Master Response 1 for a discussion of the programmatic nature of this EIR, and requirements for future environmental review of site-specific development projects.

SBMW-3 [See page 5-500 for the original comment] Under CEQA, when determining whether a project's impacts are significant, an EIR compares those impacts with existing environmental conditions, referred to as the "baseline" for the impact analysis. Page 4.B-6 of the Draft EIR presents the existing setting with regard to the air quality conditions, consistent with Section 15125 of the State CEQA Guidelines. Project impacts are analyzed in the Draft EIR per CEQA guidelines as the physical environmental changes (e.g., increased emission of criteria air pollutants) that would result from approval of proposed Baylands development.

There were 12 Spare the Air Days in December 2013. There was total of 30 Spare the Air Days during the Spare the Air Season from November 2013 through February 2014. This is the most since the 2006-2007 season when there were also 30 Spare the Air Days¹. The single year increase is not necessarily indicative of an upward trend. This level of Spare the Air alerts is thus not unprecedented. The HRA analysis of the Draft EIR used meteorological data that included the 2006-2007 season.

SBMW-4 [See page 5-500 for the original comment] Potential impacts related to exposure to contaminated soil is addressed in Section 4.G, *Hazards and Hazardous Materials*, of the Draft EIR. Impact 4.G-2 on page 4.G-90 of the Draft EIR assesses whether Project Site development would create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Remediation of the known contaminated areas including the former Brisbane Landfill, OU-1, and OU-2 needs to be completed prior to commencement of construction for future development under any of the four scenarios. The remediation technologies would be designed to both (1) effectively remediate contaminated soils and groundwater and (2) protect the environment and health of workers during remediation (e.g., given the age of existing onsite buildings,

¹ <http://sparetheair.org/Stay-Informed/Particulate-Matter/PM-Box-Scores.aspx>

hazardous materials such as asbestos-containing materials and lead-based paint are likely to be encountered during demolition of structures). In addition, hazardous materials may still be encountered during Project Site construction activities following remediation. Encountering contaminated soils or groundwater either during or following remediation could expose construction workers, the environment, or the public to adverse effects of either known or previously unidentified contamination. Consequently this was identified in the Draft EIR as a significant impact and mitigation was identified.

Mitigation Measure 4.G-2b (Soil and Groundwater Management Plan) requires that, prior to issuance of a building or grading permit for any parcel within the Baylands Project Site a Soil and Groundwater Management Plan is to be prepared by a qualified environmental consulting firm, reviewed and approved by DTSC and the RWQCB and implemented by the project applicant. The Soil and Groundwater Management Plan also includes a requirement for development and implementation of site-specific safety plans to be prepared prior to commencement of construction consistent with Occupational Safety and Health Administration (OSHA) Safety and Health Standards 29 CFR 1910.120 as well as management of groundwater produced through temporary dewatering activities.

SBMW-5 [See page 5-500 for the original comment] As required by CEQA, the Draft EIR uses the existing environmental conditions at the time of the Notice of Preparation as the baseline for analysis of the project's impacts. As discussed in Master Response 7, the baseline year for EIR analysis is 2010. The methodologies and thresholds applied in the Draft EIR relative to air quality impact assessment are those from the most recent sources available. It should be noted that the BAAQMD CEQA website now identifies CalEEMod as the model to be used in CEQA air quality analysis as of August 5, 2013. The Draft EIR was published in June of 2013 prior to the release of the updated version of CalEEMod and the BAAQMD's specification. The Final EIR includes an updated estimation of Project Site development-related air pollutant and GHG emissions based on the latest version of the CalEEMod model.

SBMW-6 [See page 5-500 for the original comment] The diesel idling rule applies only to diesel fueled commercial motor vehicles with a gross vehicular weight rating in excess of 10,000 pounds. Enforcement of the 5-minute idling restriction is established in California Code of Regulations Title 13, Section 2485 (f), which states that this section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, Title 3, Chapter 4.5, Sections 830 *et seq.* and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

The following bullet is added to Mitigation Measure 4.B-1 on Draft EIR page 4.B-22:

Construction foreman and crew shall receive training from contractors on implementation of the above emission reduction techniques prior to each development phase.

- SBMW-7** [See page 5-500 for the original comment] Consistency of Project Site development with the Clean Air Act is addressed in Impact 4.B-9 of the Draft EIR, and the impact related to this criterion was found to be significant and unavoidable. As discussed in Draft EIR Impacts 4.B-2 and 4.B-4, Project Site development would result in significant and unavoidable emissions of criteria pollutants during both construction and operations, and there is no feasible mitigation to reduce or avoid this impact. Consequently, applying methodology of BAAQMD, Project Site development as currently proposed would not support the primary goals of the Clean Air Plan.
- SBMW-8** [See page 5-501 for the original comment] Cumulative air quality impacts are assessed on pages 6-17 through 6-20 of the Draft EIR. Emissions from the landfill (which are from the existing landfill gas collection system that would be replaced or renovated during Title 27 landfill closure) are an existing source that would be replaced or renovated as the remediation component of Project Site development. As stated on page 4.G-79 of the Draft EIR, final remedial actions implemented at the former landfill ultimately will be defined by the RWQCB, CalRecycle/San Mateo County Department of Health Services, and the City of Brisbane within the Final Closure and Post-closure Plans, and would be influenced by the nature of the proposed development within and adjacent to the former landfill. These Final Closure and Post-closure Plans would include operation and maintenance of a landfill gas collection and monitoring system. Operators of this system would need to obtain a permit from the BAAQMD. Consistent with the requirements of its Policy and Procedure Manual, the BAAQMD would deny an Authority to Construct or a Permit to Operate for any new or modified source of TACs that exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0. Consequently, implementation of Project Site development would have a beneficial impact on landfill emissions by upgrading the existing landfill gas collection system which has an existing excess cancer risk of 54 in one million, with an updated system that would have an excess cancer risk of 10 in one million or less.
- SBMW-9** [See page 5-501 for the original comment] Comment SBMW-9 acknowledges the air quality conclusions of the Draft EIR, and does not raise any significant environmental issues.
- SBMW-10** [See page 5-501 for the original comment] The Draft EIR recognizes that site remediation, a pre-requisite to actual development within the Baylands, would

result in impacts to nearly all of the existing habitats at the Baylands when existing soils are removed or remediated in place, the landfill is capped and formally closed, and clean fill material is brought in to establish a new substrate. Performance standards included in mitigation measures in the Draft EIR include implementation of an Open Space Plan, which is specified to include habitats and wildlife movement corridors as part of the design criteria. A marsh habitat enhancement plan is also required to be prepared, approved by the City, and implemented prior to site development. These two plans, included in Mitigation Measures 4.C-4a and 4.C-4b, will result in reconfiguration of planned development areas in the selected concept plan scenario, and are required in addition to compliance with and implementation of the regulatory permitting process overseen by state and federal resources agencies, which share the “no net loss” of wetlands mandate referenced in the Draft EIR. Please see Draft EIR Section 3.0, *Project Description*, and the concept plan scenario maps which show at a conceptual level what proposed protection of the site’s most valuable resources including Icehouse Hill, Visitacion Creek, and the Brisbane Lagoon might include.

SBMW-11 [See page 5-501 for the original comment] On March 2, 2007; June 20, 2007; April 20, 2011; and April 19, 2013 reconnaissance-level field surveys covering the entire Baylands Project Site were conducted by ESA biologists. The surveys were timed to maximize opportunities to see average conditions across all the habitats on-site and were not aimed at any one habitat type or species. This type of reconnaissance survey, combined with a review of existing data pertaining to the site dating back to the early 2000’s is sufficient to support analysis of the Baylands development program which will result in construction actions spanning an approximately 20-year period. The analysis describes the habitats present, the species likely to occur or use such habitats, and includes performance standards and mitigation measures to protect, enhance and restore habitats impacted as part of site build-out. See Master Response 1 for discussion of the programmatic nature of the Draft EIR and Master Response 8 for discussion regarding the level of detail required for biological resources analysis.

SBMW-12 [See page 5-501 for the original comment] The comment references a brief description of the history of the Baylands Project site related to analysis presented in Section 4.C, *Biological Resources*, of the Draft EIR, but does not address or comment on the analysis presented in the Draft EIR. Description of baseline conditions and analysis in the Draft EIR is consistent with this comment

SBMW-13 [See page 5-501 for the original comment] Section 4.H, *Surface Hydrology and Water Quality*, of the Draft EIR discusses the mid and southern portions of the project site as supporting two primary open water features, Visitacion Creek and the Brisbane Lagoon. Common wildlife, especially shore birds, that inhabit Visitacion Creek and Brisbane Lagoon are discussed under the tidal marsh and tidal drainage habitat section of the Draft EIR. (Draft EIR, page 4.C-10.) These

species are also addressed in Table 4.C-1. The Draft EIR discusses the fact that creeks and riparian areas represent important movement corridors for wildlife including avian species. The Draft EIR also discusses avian uses and high habitat values of riparian habitats including willow scrub, emergent wetlands, and freshwater drainages. Discussion and analysis in the Draft EIR captures existing avian uses and identifies mitigation for significant impacts that set performance standards requiring site-wide restoration and enhancement of such habitats as a precursor to site build-out (Mitigation Measure 4.C-2c), including daylighting Visitacion Creek up to the roundhouse (Mitigation Measure 4.C-1g), resulting in a much greater extent of riparian habitat at the Baylands compared to existing conditions. See Final EIR Chapter 4.0, *Mitigation Monitoring and Reporting Program*, for a description of implementation requirements for these and all other mitigation measures.

- SBMW-14** [See page 5-501 for the original comment] Please page 4.C-4, paragraph 2 of the Draft EIR for a discussion of the Mission Blue butterfly host plant, and its distribution at the Baylands. *Viola pendunculata* is acknowledged as occurring on the Baylands Project Site on page 4.C-4 of the Draft EIR. The Draft EIR's discussion of Impact 4.C-1 regarding special status species indicates that Icehouse Hill is considered suitable habitat for the species based on the potential occurrence of compatible, associated species such as silver lupine (*Lupinus albifrons* var. *collinus*), summer lupine (*L. formosus* var. *formosus*), and varied lupine (*L. variicolor*). Analysis for Impact 4.C-1 concludes that butterfly larval host plants are potentially present on Icehouse Hill, and Mitigation Measure 4.C-1a requires preconstruction surveys to ensure impacts to host plants are avoided.
- SBMW-15** [See page 5-502 for the original comment] The roundhouse wetland was not included in the Draft EIR graphic in error. However, the wetland area referenced in this comment was included in the analysis and discussed in Draft EIR text on page 4.C-9. Figure 4.C-1 has been corrected to depict the wetland area near the former rail yard.
- SBMW-16** [See page 5-502 for the original comment] Mapping of individual plants that are native is not required for generalized habitat mapping as provided in this Draft EIR. The Draft EIR addresses habitat types at the Baylands and identifies potential for special status species to occur in those habitats, including rare plants, based on the presence of existing habitats and the viability and distance to source populations. Remediation and site cleanup that must occur prior to development will require removal and replacement of existing substrate across large portions of the Baylands. Once replaced, new clean substrate will be utilized for establishment of restored habitats across the site within a site-wide open space plan design resulting in habitat mosaics and connectivity that exceeds existing conditions for both plants and wildlife. Performance standards included in the Draft EIR in Mitigation Measures 4.4-1b and 4.4-1c, respectively, stipulate that site-wide habitat enhancement to accommodate wildlife movement, special

status species and wetlands, including tidally influenced habitats. The designs and plans for habitat enhancement will be subject to review and approval by the City and shall be a precursor for any development at the site.

SBMW-17 [See page 5-502 for the original comment] The Draft EIR recognizes that wetlands, no matter the characterization, are valuable and dynamic ecological resources. The Draft EIR discusses emergent freshwater wetlands and open water wetlands at the site, both of which are also presented in Figure 4.C-1. See Master Response 9 for discussion regarding identification of wetlands within the Project site.

SBMW-18 [See page 5-502 for the original comment] The endangered unarmored three-spine stickleback (*Gasterosteus aculeatus williamsoni*), a subspecies of three-spine stickleback (*Gasterosteus aculeatus*), is restricted to three areas in Southern California. Two other species of three-spine stickleback occur exclusively in Southern California: (*Gasterosteus aculeatus microcephalus*) and (*Gasterosteus aculeatus santaannae*) is endemic only to Shay Creek in Southern California as well. Neither the stickleback ssp. *microcephalus* or ssp. *santannae* are State or federally listed.

Based on the historical record for the agency-listed subspecies of unarmored three-spine stickleback (ssp. *williamsoni*), it is unlikely that this species has ever occurred within the San Francisco bay region. The references among Draft EIR comments regarding observation of “unarmored three-spine stickleback” within the Baylands Project area presume the presence of a subspecies only known from southern California. The stickleback fish that may occur in the San Francisco Bay area would be classified under the more common three-spine stickleback with nomenclature of (*Gasterosteus aculeatus*), with no subspecies. Regardless, the need for evaluation of “stickleback” is unwarranted due to the more common nature of the three-spine stickleback (*Gasterosteus aculeatus*), which is the only subspecies that might be found in the San Francisco Bay.

SBMW-19 [See page 5-502 for the original comment] Based on evaluation of habitat present on the site and the results from the CNDDDB searches, it was determined that San Francisco garter snake and California red-legged frog would not likely be present as shown in Table 4.C-1.

The overall assessment of habitat suitability for San Francisco garter snake was done using appropriate analysis parameters and the discussion on pages 4.C-19 and 4.C-20 accurately and adequately describes existing conditions related to this species. The Baylands Project site was not found to support suitable habitat for the San Francisco garter snake based on those parameters as described in the second paragraph of page 4.C-20, which provides more detail in addition to the lack of sufficient permanent water. Additionally, as stated by the San Bruno Mountain Habitat Conservation Plan, Year 2013 Activities Report for Covered

Species, “There have been no confirmed observations of San Francisco garter snake on San Bruno Mountain in the 30 years of the HCP monitoring program. Based on the lack of significant ponds and other aquatic habitats, this species is unlikely to be present.” San Bruno Mountain represents higher quality habitat with significantly less disturbance than the Baylands. The assessment that San Francisco garter snake is not currently present appears to be scientifically accurate based on fieldwork at San Bruno Mountain and the study conducted on the Baylands Project site.

The San Francisco forktail damselfly (*Ischnura gemina*) is considered an IUCN Vulnerable (VU) species and has a state rank of S2 which is defined as 1,000-3,000 individuals or 2,000-10,000 acres. This species is not listed as threatened or endangered by CDFW or USFWS, but is considered rare in its range. This species is endemic to the San Francisco Bay Area. The San Francisco forktail damselfly requires permanent freshwater marshes or other open aquatic habitats for mating and reproduction. This species has been known to inhabit temporary urban pools found at construction sites, and has also been sighted at the base of steep hills where freshwater has seeped down and accumulated.

In March 2014 biologists attempted to contact Dr. John Hafernick to discuss this comment regarding the reported find of a forktail damselfly in local wetlands; however, there has been no response to date. The California Natural Diversity Database (CNDDDB) indicates a forktail damselfly population was observed in a marsh near the Southern Pacific Railroad across from Industrial Boulevard, by Bayshore Boulevard in Brisbane in April 1978 (CDFW 2014). Two male and two female larvae were collected by R. Garison in 1978.

There are no CNDDDB records or other known observations to support presence of this species on the Baylands Project Site for over thirty years, and Dr. Hafernick is unavailable to provide additional detail regarding when and where he observed this species more recently. San Francisco forktail damselfly is included in the CNDDDB list in Appendix E, and this response provides additional detail regarding the CNDDDB record that supports historical presence of this species on the project site. However, this additional information is insufficient to support a determination that the species currently has a moderate to high potential to occur on site, or to alter the conclusions or impact determinations presented in the Draft EIR.

Please see Response SBMW-18 regarding stickleback.

SBMW-20 [See page 5-502 for the original comment] This comment reflects a working knowledge of plant restoration, and is correct in stating that unlike standard rare plant mitigation efforts that include restoration in place for impacted plants, efforts to replant the *Viola* species in question have not been successful. In response to this and other comments, Mitigation Measure 4.C-1b has been revised (see Final EIR Chapter 3.0). As revised, Mitigation Measure 4.C-1b

addresses the concern expressed in this comment and is consistent with current knowledge of the Viola species' limitations in terms of replanting. See Final EIR Chapter 3.0 for the revised wording of Mitigation Measure 4.C-1b.

SBMW-21 [See page 5-502 for the original comment] Potential issues related to siting for a water storage tank are discussed in the Draft EIR at page 4.O-48. This discussion acknowledges that construction of a new water storage tank could result in impacts to biological resources. While it is likely that impacts of siting and constructing such a storage facility could be avoided or mitigated to less-than-significant levels, the Draft EIR concludes that at this time without site-specific information these impacts are considered to be significant unavoidable.

SBMW-22 [See page 5-502 for the original comment] Mitigation Measure 4.C-4g focuses specifically on avoiding direct mortality to bat species during site development. It establishes measures to be taken prior to removal of bat habitat within the Baylands. The Draft EIR's significance determination was not based solely on Mitigation Measure 4.C-4g. Direct loss of habitat for bats is addressed separately in Mitigation Measure 4.C-1a, requiring placement of nest boxes at the Baylands to provide roosting habitat for bats that use cavities or manmade structures that would be removed during site development.

In addition, Mitigation Measures 4.C-1e and 4.C-1f establish measures to address impacts related to bat flight patterns that may occur as a result of operation of energy generation equipment after the site has been developed.

A mitigation monitoring plan is provided in Final EIR Chapter 4.0, listing the responsible parties, and conditions needed for approval to demonstrate that these measures will, in fact, be implemented. The City of Brisbane will retain enforcement authority throughout the development process.

Implementation of the performance standards set forth in the mitigation measures provided in Section 4.C mandate implementation of a comprehensive intra-species, multi-habitat approach to integrating ecosystem function across the Baylands for the benefit of wildlife movement and subject to City approval. Mitigation Measure 4.C.4-4a requires implementation of an open space plan that addresses the entire site and integrates habitat configurations that facilitate wildlife movement and provide wildlife habitat, including specialized habitats for avian and aquatic species such as seasonal wetlands and riparian habitats. Mitigation Measure 4.C.4-4b requires implementation of a Marsh Habitat Management Plan that would address all portions of the site subject to tidal action as a precursor to project approvals and would address avian and aquatic species that occur in tidal wetlands.

The Draft EIR notes that implementation of identified Mitigation Measures and performance standards described in Mitigation Measure 4.C-4b, will result in

future habitat conditions that exceed the functions and values of current habitat conditions at the Baylands. This is because the created habitats will be designed to include features based on planting plans, elevations, hydrologic conditions, suitable irrigation and include on-going maintenance to create and support long-term viability of habitat mosaics that meet multiple species' requirements for movement across the site. Currently habitat fragmentation associated with past uses of the site creates barriers for movement and the performance standards will improve this condition at that site.

SBMW-23 [See page 5-502 for the original comment] The Mitigation Monitoring and Reporting Program set forth in Chapter 4.0 of the Final EIR requires that the developer bear all costs associated with implementing mitigation measures. The timeline, implementation methods, and the responsibility for implementing, monitoring, and enforcing each mitigation measure are set forth in the Mitigation Matrix in that Chart, which also describes actions to be taken if any mitigation measure is not effectively implemented or completed.

SBMW-24 [See page 5-503 for the original comment] Table 6-1 identifies the significant impacts of proposed Project Site development, while the table on page 6-20 identifies cumulative, rather than Baylands Project site development impacts. As discussed in the conclusion on page 4.C-47, implementation of Mitigation Measures 4.C-1g, 4.H-1a, 4.H-1b, and 4.H-4 would reduce Impact 4.C-1 to less than significant. Table 6-1 is therefore revised to read as follows.

SU Impacts / Significance Criteria	DSP	DSP-V	CPP	CPP-V
C. Biological Resources				
Impact 4.C-1: Would the Project have a substantial adverse effect, either directly or indirectly, on any species identified as a candidate, sensitive, or special-status plant and wildlife species, including species which meet the definition of endangered, rare or threatened in CEQA Guidelines Section 15380, either through direct injury or mortality, harassment, or elimination of plant or wildlife communities?	-	-	-	SU -

SBMW-25 [See page 5-503 for the original comment] For those impacts where cumulative effects would be experienced beyond an 8-mile radius, such as air quality, a larger cumulative impact area based on projections contained in an adopted local, regional, or statewide plan were used as the basis for cumulative impacts analysis. The cumulative impact analysis area used for each cumulative impact analysis is specified at the outset of the analysis.

SBMW-26 [See page 5-503 for the original comment] As stated on page 6-7, the cumulative analysis for air quality, greenhouse gas emissions, and traffic relies on projections contained in adopted local, regional, or statewide plan or related planning documents, such as the San Mateo County Transportation Plan and

relevant regional plans developed by the City/County Association of Governments (C/CAG) of San Mateo County.

SBMW-27 [See page 5-503 for the original comment] Analysis in Chapter 6 of the Draft EIR appropriately concludes that the continuing loss of upland habitat is a significant cumulative impact, but that the contributions of the Project development scenarios would not make a cumulatively considerable contribution to this significant cumulative impact. As discussed in the analysis, sensitive upland habitat on the Baylands Project site (Icehouse Hill) would be preserved as open space. (Draft EIR, page 6-21.)

The Draft EIR also analyzes the growth inducing effects of proposed Baylands Project site development. The Draft EIR concluded that with the exception of major roadway improvements designed to serve regional development in the Bi-County San Francisco/Daly City/Brisbane area, infrastructure improvements associated with Baylands development would only serve the Baylands Project Site, and would not result in a growth-inducing impact. The Draft EIR also concluded that, by improving access to US Highway 101, the major roadway improvements designed to serve regional development in the Bi-County San Francisco/Daly City/Brisbane area would remove a major obstacle to development and facilitate population growth in Daly City, as well as development of the San Francisco/San Mateo Bi-County and Bayview/Hunters Point/Candlestick Point PDAs described in Plan Bay Area. However, while these regional roadway improvements would remove a major obstacle to development and facilitate population growth, future development proposals would still be required to provide for mitigation of project-related impacts. (Draft EIR, page 6-4.) Finally, the Draft EIR concluded that the 400 acre-feet of water allocated in the proposed water supply agreement for use outside of the Baylands was for use in portions of the City for which development has already been approved (e.g., Sierra Point) and would not, therefore, result in significant growth inducing effects.

2.9.9 San Francisco Baykeeper

SFB-1 [See page 5-504 for the original comment] Please also see Master Response 1 for a detailed discussion of program and project level analysis in an EIR and Master Response 5 for a discussion of compliance with regulations as mitigation under CEQA. As discussed in Master Response 1, this program EIR *does not* evaluate site-specific development within the Baylands. Consistent with CEQA’s requirements, the specificity of the program-level analysis in the EIR corresponds to the level of detail that is currently available for the Baylands Project components. (See CEQA Guidelines Section 15146.) As stated by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the...program, leaving project-specific details to subsequent EIRs when specific projects are considered” (*In re Bay Delta* (2008) 43 Cal.4th 1143, 1174). Until specific development projects are actually proposed through subdivision maps, conditional use permits, site development permits, or similar actions, project-level analysis would be speculative and therefore is not required under CEQA.

As further discussed in Master Response 3, because CEQA requires that mitigation measures be formulated as early in the process as possible, often before site-specific engineering and design details are available, CEQA allows Lead Agencies to defer the implementation of mitigation measures in such cases as long as they specify performance standards for mitigating a significant impact that might be accomplished in various ways (CEQA Guidelines Section 15126.4(a)(1)(B)). The establishment of performance standards allows the agency to ensure that the impact will be mitigated, without forcing it to design the specific components of the mitigation measure at an early stage of the planning process before sufficient detail is available. The Brisbane Baylands EIR thus includes performance standards in its mitigation measures to allow for detailed development and engineering design, as well as implementation of mitigation measures at the appropriate time in the planning review and development process, which is common practice for large projects being reviewed at the General Plan or specific plan stage.

CEQA does not require a formal public review period for a Final EIR, requiring only that public agencies providing a comment on a Draft EIR be provided with the lead agency’s proposed response to the agency’s comment a minimum of 10 days prior to certification of the EIR. The City of Brisbane, as Lead Agency for the Baylands EIR recognizes the importance of public review and input to the CEQA process and will provide the public with an adequate period for review of the Baylands Final EIR prior to taking formal action on its certification.

SFB-2 [See page 5-504 for the original comment] The Draft EIR analyzes the environmental effects of a 20-year build-out of the Baylands based on the four

conceptual development scenarios presented in the Draft EIR Project Description. No site-specific development projects are proposed at this time. Thus, the evaluation of biological resources presented in the Draft EIR captures impacts at a level of detail commensurate with the detail currently available for proposed development.

As noted above, no site-specific development projects, including wind energy project, have been proposed. Thus, Mitigation Measure 4.C-1e on Draft EIR page 4.C-45 was developed in recognition that yet-to-be-designed future wind energy projects could impact the area's biological resources and establishes the requirement that micrositing studies must incorporate the study of special status avian and bat species and that their flight patterns be considered and incorporated into designs of the proposed turbine layout. This measure is included in the Draft EIR to authorize the Lead Agency with a CEQA mechanism to verify that biological resources have been protected, even if knowledge and technology is still very new and success criteria have yet to be defined by State and Federal agencies required to protect biological resources under Federal or State mandates. Including the CEQA performance standard is a means of proactively ensuring the design of any future wind turbine projects using as of yet unspecified technology will prevent impacts to migratory birds and locally-occurring bats from becoming caught up in turbines, or experiencing challenges with flight and navigation as a result of light and glare of solar panels from yet to be designed future development of energy production technologies at the Baylands. The Draft EIR concludes that impacts to these species will be significant, and acknowledges that due to lack of existing data to confirm the effectiveness of micrositing, even with the mitigation measure applied, the impacts to birds and bats will be significant.

The Draft EIR stipulates that at the time a site-specific development project is proposed, should a wind energy project be included, additional studies will be performed to capture site-specific conditions at the site in real-time, rather than relying on an EIR that was prepared as much as 20 years prior. This makes it possible to identify site-specific issues when more detail is known about the type of energy project and when a larger data set and possibly additional technologies to address birds and bats.

To clarify its intent, Mitigation Measure 4.C-1e is revised to read as follows.

Mitigation Measure 4.C-1e: ~~Prior to~~ Concurrent with applications for construction of any wind turbines within the Project Site, the applicant for such wind turbines shall ~~prepare~~ provide a site-specific micrositing report ~~in addressing~~ designing the proposed turbine layout that incorporates modeling of raptor species' flight patterns, hovering or kiting patterns, bat roosting habitat areas and foraging areas. The report shall provide micrositing recommendations to reduce avian collision and

impacts to bat species that shall be implemented in the final design and placement of wind turbines. Utilization data; digital elevation modeling; slope attributes; techniques to identify saddles, notches, and benches; and associations between bird utilization and topography may be included, for example. The report shall include adaptive management during and after Project Site construction using information gathered in the pre-construction assessment to guide possible Project modifications, mitigation, or the need for and design of post-construction studies; post-construction studies can test design modifications and operational activities to determine their effectiveness in avoiding or minimizing significant adverse impacts (USFWS, 2010b). The design of wind turbines shall minimize the use of above ground electrical cabling; be designed with solid surfaces that are not conducive to perching; not run when visibility is poor, such as at night and during periods of heavy fog; and be designed with low rotor speeds (20 rpm maximum).

SFB-3 [See page 5-505 for the original comment] This comment, which focuses on Mitigation Measure 4.C-1f ignores the specific requirements of Mitigation Measure 4.C-1e, which requires wind turbines be designed to address site-specific bird and bat flight patterns, and to:

- Minimize the use of above ground electrical cabling;
- Be designed with solid surfaces that are not conducive to perching;
- Not run when visibility is poor, such as at night and during periods of heavy fog; and
- Be designed with low rotor speeds (20 rpm maximum).

Please note that even with implementation of Mitigation Measures 4.C-1e and 4.C-1f, the Draft EIR states that impacts to raptors and bats would be significant and unavoidable on page 4.C-43. Mitigation Measure 4.C-1f would help develop information that could change this situation, but analysis in the Draft EIR acknowledges on page 4.C-43 that impacts to raptors and bats would nevertheless be significant due to uncertainties in our understanding of the biology of localized flight patterns for birds and bats, and the current state of knowledge in terms of managing the interface between them. The commenter does not identify or recommend any mitigation that could reduce this impact to less than significant. Further, the Draft EIR acknowledges that energy facilities and their current technologies are relatively new and their impacts are still little understood in terms of bird and bat interactions with turbines and solar panels. The body of data is growing consistently as energy projects are monitored, studied, and used to create and test site-specific and technology-specific means of avoiding impacts to bats and birds. Nevertheless Mitigation Measure 4.C-1f would require pre- and post-construction surveys for raptors and bats, and post-construction monitoring of these species that would apply to all future Baylands energy generation development. Mitigation Measure 4.C-1e and 4.C-1f are designed to provide for

incorporating current site-specific and species-specific information into the design of renewable energy facilities as a means of avoiding future impacts as the facility is designed.

SFB-4 [See page 5-505 for the original comment] Contrary to the comment's characterization, Mitigation Measure 4.C-1g, where it applies, requires implementation of erosion control and water pollution control measures that are consistent with SWPPP requirements, regardless of whether a SWPPP permit is required. Mitigation Measure 4.C-1g also includes minimum requirements that must be met, even if not required under a Municipal Stormwater Permit. Development of a stormwater compliance plan as described in Mitigation Measure 4.C-1g is a requirement of law that must be implemented prior to construction, and project applicants are required to provide the City with proof that appropriate stormwater permits have been obtained. Given these requirements, analysis in the Draft EIR appropriately concludes that compliance with applicable law can be reasonably expected, and that the minimum required erosion control and water pollution control measures specified in the mitigation measure would be implemented and are adequate to ensure that impacts would be less than significant.

In addition, Mitigation Measure 4.C-1g requires applicants to prepare and implement, subject to City review and approval, a maintenance program for water quality pollution-control features such as swales, sediment traps, or other passive applications of pollution-prevention measures required as part of NPDES permitting. The maintenance program also includes required minimum elements. Again, under these conditions, the City may reasonably expect compliance with the maintenance program.

Thus, Mitigation Measure 4.C-1g sets forth specific requirements, and does not constitute improperly deferred mitigation.

SFB-5 [See page 5-505 for the original comment] Similar to the discussion in Response SFB-4 regarding Mitigation Measure 4.C-1g, Mitigation Measure 4.C-2b requires implementation of a list of minimum requirements, regardless of what is required through the NPDES permitting. Mitigation Measure 4.C-2b also coordinates with Mitigation Measures 4.H-1a and 4.H-1b. Both of these mitigation measures require compliance with NPDES permit requirements, and Mitigation Measure 4.H-1a specifically requires that project applicants demonstrate compliance with the City's Municipal Regional Stormwater Permit Order. Under these conditions, the mitigation measure sets minimum performance standard requirements and the City reasonably expects compliance with those standards, Mitigation Measure 4.C-2b does not constitute improperly deferred mitigation. The NPDES permit and verification of compliance with the permit conditions falls within the authority of the Regional Water Quality

Control Board as part of their mandate to implement the Clean Water Act in California. Studies prepared to support submittal of a request for an NPDES permit will be conducted on a project-by-project basis as the Baylands site is developed. It is appropriate that these studies are conducted in the future as they will reflect existing conditions at the site concurrent with actual construction and reflect actual site-specific development projects at such time as they are proposed. The NPDES permit requires avoidance of wetlands and special status species habitats and natural water bodies and avoids impacts to sensitive habitats by preventing introduction of debris and stormwater. Compliance with the permitting requirements results in avoidance of impacts to water bodies and sensitive habitats at the site and is therefore included in Section 4.C, *Biological Resources*, of the Draft EIR.

SFB-6 [See page 5-505 for the original comment] The Draft EIR discusses natural communities and their distribution and analyses the potential for such communities to be impacted by the four concept scenario scenarios in the Project Description, and analyzes impacts at a level of detail commensurate with the detail of proposed development design. Comment SFB-6 mischaracterizes the Draft EIR, since the Draft EIR is not based on any assumption that “impacts to natural communities cannot be foreseen or managed.” The Draft EIR was, in fact, developed based on reasoned analysis and the judgment that all biological resources would be removed from areas planned for future development under each of the four concept plan scenarios, and that the concept plan scenarios would preserve habitats only within those areas specifically designated for such preservation. Analysis in the Draft EIR also reasonably assumes that any development activities that would impact wetlands, waters of the US, or waters of the state would be subject to regulatory agency review and permit requirements, including compliance with the state and federal policy mandate of “no net loss” of wetlands.

As stated in Master Response 8, Level of Detail in the Biological Resources Analysis, a key finding of the Draft EIR was that each of the four development scenarios would result in significant impacts to biological resources, and that a reconfiguration of development and conservation areas was needed to mitigate impacts of future development.

In addition, the performance standards included in the mitigation measures set forth in Section 4.C, *Biological Resources*, including the performance and success criteria contained in Mitigation Measure 4.C-2c, establish conditions and requirements that will be applied to all future projects implemented on the Baylands. The Draft EIR identifies impacts associated with the future development of the Baylands including site remediation, which would be the precursor to any development projects. The analysis is based on habitats mapped in Figure 4.C-1 and the potential for special status species to occur given the

conditions of the habitat and the presence or absence of source populations that could colonize the Baylands over the anticipated 20-year buildout at the site. The analysis is commensurate with the level of detail available at the current time pertaining to the concepts for developing the Baylands. As site-specific development projects are proposed, impacts to biological resources will be evaluated and mitigation measures included in the Draft EIR implemented in consultation with appropriate resources agencies.

SFB-7 [See page 5-505 for the original comment] Information regarding methods for implementing the “Project-wide Open Space Plan” required by Mitigation Measure 4.C-4a is provided in the Mitigation Monitoring and Reporting Program, Chapter 4.0, of the Final EIR.

Draft EIR Mitigation Measure 4.C-4a includes performance standards to define methods to protect habitat and biological resources prior to initiating any development at the Baylands. These requirements include:

- Provision of a mosaic of native habitat types within landscaped areas that support fauna of the surrounding area, including coastal scrub, grassland, and willow scrub habitats.
- Limiting tree plantings to native species whenever possible, as these species could create more nesting and roosting habitat for native birds and bats.
- Incorporating into landscape plans both east-west and north-south open space areas, to promote both linkages between upland habitats and San Francisco Bay and linkages between upland habitats along the Bay shoreline.
- Replacement of trees at a minimum ratio of 1:1 (native trees shall be substituted for non-native trees whenever possible) as determined by the number of living trees five years after planting.
- Installation of nest boxes for bats and cavity-nesting bird species in passive recreational areas.

Since the Project-wide Open Space Plan must be completed prior to initiating individual development projects, site-specific development will be required to be consistent with the approval Open Space Plan. This represents an opportunity to prioritize habitat protection, particularly in terms of creating contiguous restored natural areas for wildlife movement, on a site-wide basis even before project development occurs.

SFB-8 [See page 5-505 for the original comment] The Marsh Wildlife and Habitat Protection Plan required in Mitigation Measure 4.C-4b is required to be prepared and approved by the City prior to initiating site remediation or construction that would disturb ground surfaces and impact habitat areas. The plan, once

developed, will be available for public review as part of the planning process for the Baylands overall development program. Specific implementation requirements for the plan are set forth in the Mitigation Monitoring and Reporting Program in Chapter 4.0 of the Final EIR and require that plan implementation occur concurrent with site development in the following areas: west of the Caltrain line, east of the Caltrain line north of Visitacion Creek, and east of the Caltrain line from Visitacion Creek to the southerly Project site boundary.

Because of the sensitive nature of tidal areas and the associated wetlands, waters and special aquatic sites found there, multiple regulatory agencies provide regulatory oversight of any proposal to enhance, restore, or manage for protection of marshes. In addition, potentially present wildlife including benthic organisms, aquatic species and fish, birds, and mammals, which are afforded protections under the State and Federal Endangered Species Acts and the Coastal Zone Management Act. Therefore, resources agency review and approval of the Marsh Wildlife and Habitat Plan cannot be avoided. Specifically, regulatory agency review and approval of the Marsh Wildlife and Habitat Plan will occur as part of obtaining permits to construct the habitats. Issuance of the permits prior to construction demonstrates compliance with the regulatory process because it demonstrates agency approval of the action.

SFB-9 [See page 5-505 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR. Pursuant to the requirements of CEQA, the EIR is required to analyze the physical environmental changes that would result from implementation of the proposed Baylands development program described in Chapter 3, *Project Description*, should one or more of the program components described in that Chapter be approved. Mitigation Measure 4.D-1a is intended to provide for short-term stabilization of the Roundhouse building to prevent its further deterioration prior to rehabilitation of the building. Preparation of this plan is not required “determine the scale of impacts to cultural resources” as the comment asserts.

SFB-10 [See page 5-505 for the original comment] A number of geotechnical investigations have, in fact, been undertaken within the Baylands over the years, references for which are cited at the end of Section 4.E, *Geology, Soils, and Seismicity*. These studies are provided in EIR Appendix H. See Master Response 12 for discussion regarding the adequacy of geotechnical studies for use in the Draft EIR.

SFB-11 [See page 5-505 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR and environmental review for subsequent site-specific actions, including site remediation. See also Master Response 5 for discussion regarding compliance

with the law and applicable regulations as mitigation under CEQA and Master Response 13 for discussion regarding the Title 27 landfill closure review and approval process.

The Draft EIR identifies seismic hazards as a significant impact requiring mitigation. The mitigation measure cited in this comment is one of several measures to be implemented to reduce seismic hazards to less than significant. Mitigation Measure 4.E-2b specifically addresses seismic hazards related to the former landfill and its Title 27 closure¹. In addition to Mitigation Measure 4.E-2b, the Draft EIR requires compliance with California Building Code requirements addressing seismicity and its secondary impacts (Mitigation Measures 4.E-2a, 4.E-3, 4.E-4b).

See Final EIR Chapter 4.0, *Mitigation Monitoring and Reporting Program*, for identification of implementation requirements for Mitigation Measures 4.E-2a, 4.E-2b, 4.E-3, and 4.E-4b.

SFB-12 [See page 5-506 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR. Consistent with CEQA, because Mitigation Measure 4.F-1 specifies a specific performance standard (minimum five percent reduction in GHG emissions as reflected in Table 4.F-3), and a set of GHG reduction strategies to be considered and implemented to meet the performance standard, the measure does not constitute deferred mitigation.

SFB-13 [See page 5-506 for the original comment] Comment SFB-13 is incorrect in its assertion that Mitigation Measure 4.G-2b defers preparation of a Soil and Groundwater Management Plan until final grading plans have been approved. Mitigation Measure 4.G-2b clearly states that the Soil and Groundwater Management Plan shall be reviewed and approved by the RWQCB and DTSC, and that they be implemented by the applicant prior to issuance of a building or grading permit. See Final EIR Chapter 4.0, *Mitigation Monitoring and Reporting Program*, for identification of implementation requirements for Mitigation Measure 4.G-2b. See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR.

SFB-14 [See page 5-506 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR and environmental reviews for subsequent site-specific development review. No applications for demolition permits have been proposed to date and therefore, the development of a Master Deconstruction and Demolition Plan to mitigate the specific impacts of such permits would be premature. Consistent with CEQA,

¹ Title 27 landfill closure and preparation/approval of the Post-Earthquake Inspection and Corrective Action Plan is under the regulatory authority of the RWQCB

Mitigation Measure 4.G-2c sets forth the required contents of the mitigation plan, and includes a performance standard (meeting applicable BAAQMD, OSHA, and CalOSHA requirements). It does not, therefore, constitute deferred mitigation.

SFB-15 [See page 5-506 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR and environmental reviews for subsequent site-specific development proposals. Compliance with Mitigation Measure 4.H-1c would be required prior to approval of final design plans for future site-specific development. Consistent with CEQA's requirements for mitigation measures, the measure sets for the required contents of the stormwater management plan, and specifies performance standards that must be met in order to ensure that impacts are mitigated. These include meeting applicable NPDES C.3 requirements, implementing best available technology economically available, and best conventional control technology in accordance with the General Industrial Permit).

The water quality impacts of proposed Baylands development are clearly described in Draft EIR Section 4.H, *Hydrology and Water Quality*. These impacts include the potential for erosion during and following site construction and increases in urban pollutants in site stormwater runoff. Compliance with applicable NPDES C.3 requirements, including implementation of best technology economically available, and best conventional control technology in accordance with the General Industrial Permit would reduce water quality impacts to less than significant. See Master Response 5 for discussion regarding compliance with the law and applicable regulations as mitigation under CEQA. In addition, Title 27 landfill closure would provide for assurance that leachate from the former landfill would not seep into the lagoon in violation of applicable water quality standards. Thus, the Draft EIR provides sufficient analysis to allow the public to understand the likely water quality impacts of proposed site development. See Master Response 1 for discussion of the programmatic nature of the Draft EIR and the provision of analysis at a level of detail commensurate with level of detail available at this early planning stage.

SFB-16 [See page 5-506 for the original comment] Contrary to the commenter's assertion, the level of detail included in Mitigation Measure 4.H-4a is consistent with program-level environmental analysis, which requires consideration of broad programmatic issues for related actions at an early stage of the planning process. See Master Response 1 for a detailed discussion of program EIRs and requirements for analysis of future site-specific development projects. Consistent with CEQA's requirements for mitigation measures, MM 4.H-4a includes specific performance standards to be met to ensure that impacts are mitigated. Specifically, the measure requires that all increased runoff associated with the Project be accommodated and requires drainage improvements to convey 25-year storm event completely within a piping system, and convey 100-year storm

events within the piping system and streets such that buildings are protected from the 100-year storm with 1 foot of freeboard, including consideration of 100 years of sea level rise.

SFB-17 [See page 5-506 for the original comment] CEQA recognizes that, in certain instances, it may be impractical to devise specific mitigation measures during the planning process. In these instances, a lead agency may defer the specific design of a mitigation measure if there is a reasonable basis for the agency to conclude that the impacts will be adequately mitigated. Mitigation Measure 4.H-4b is based on a specific, enforceable performance standard (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), and compliance with this standard, among others, will ensure that impacts from flooding are less than significant. It is not possible to specify definitive finished floor elevations or design heights at a program level of analysis, since such elevations and heights would vary throughout the Baylands Project Site. In addition, specifying definitive finished floor elevations or design heights would not be desirable, since it would preclude specific site design options such as grading techniques and landscaped berms. Mitigation Measure 4.H-4b is intended to address flooding and not water quality, which is addressed separately in Mitigation Measure 4.H-1c.

SFB-18 [See page 5-507 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR and environmental review requirements for subsequent site-specific development projects. Sea level rise is assessed in the Draft EIR in Section 4.H, *Surface Water Hydrology and Water Quality*, and areas within the Baylands Project Site subject to 100 years of sea level rise are identified in Figure 4.H-4. Mitigation Measure 4.H-8 is intended to address a BCDC requirement for preparation of sea level rise risk assessment for site-specific development projects, none of which are currently proposed. Consistent with CEQA's requirements, the measure specifies the required contents of the assessment, and further requires site-specific development on the Baylands to incorporate measures that demonstrate ability to convey 25-year storm event completely within a piping system, and convey 100-year storm events within the piping system and streets such that buildings are protected from the 100-year storm with 1 foot of freeboard, including consideration of 100 years of sea level rise in accordance with the San Francisco Bay Plan.

SFB-19 [See page 5-507 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR. Mitigation Measure 4.J-2a requires all residential development in the Baylands to be designed to avoid vibration from Caltrain operations in excess of 72 VdB. Consistent with CEQA, the measure relies upon future vibration studies to devise

the specific design components which must be integrated into site-specific development in order to meet the 72 VdB performance standard.

- SFB-20** [See page 5-507 for the original comment] See Master Response 1 for discussion of the programmatic nature of the Brisbane Baylands Draft EIR. Consistent with CEQA, Mitigation Measure MM 4.N-1f incorporates a specific performance standard that would mitigate transportation impacts associated with arena operation (implementation of demand management and employing manual traffic control to approximate LOS C). Because event traffic management is specific to the size of the event venue, type of events being held, and their particular arrival and departure travel patterns, the traffic management plan required by Mitigation Measure MM 4.N-1f cannot be prepared until the event venue is designed and specific types of events to be held at the venue are known.
- SFB-21** [See page 5-507 for the original comment] Comment SFB-21 is a concluding remark, and does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, or its analyses and conclusions.

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2.9.10 San Francisco Boardsailing Association

June 25, 2013 Comment Letter

SFBA 1-1 [See page 5-508 for the original comment] The most important details concerning the wind analysis for Project Site development are provided in the Draft EIR. A similar level of detail in the wind analysis was carried out by the City and County of San Francisco in the EIR for the Executive Park project. Furthermore, land use plans for proposed Baylands development scenarios were modeled conservatively to produce the greatest effect on the wind.

The complexity and intensity of the effect of Project Site development and the Recology expansion on the CPSRA windsurfing area is sufficiently modeled in the wind analysis (see Master Response 30 through Master Response 34 for discussion of the wind analysis used in the Draft EIR). The effects of proposed Baylands development and Recology expansion (CPP-V scenario only) on the CPSRA windsurfing resource were determined in the Draft EIR to be less-than-significant (see the results of the wind analysis for the CPP-V scenario on page 4.M-25 to 4.M-26 of the Draft EIR).

SFBA 1-2 [See page 5-508 for the original comment] This comment does not raise significant environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the comment as part of its planning review and decisionmaking for the Baylands.

January 22, 2014 Comment Letter

SFBA 2-1 [See page 5-509 for the original comment] Responses to this comment, which introduces the remaining comments in Comment Letter SFBA 2 are provided in the Responses SFBA 2-2 through SFBA 2-12 and in Master Responses 30 through 34.

SFBA 2-2 [See page 5-509 for the original comment] The San Francisco Bay Area Water Trail Act primarily focuses on protecting launching and landing sites for human-powered boats and beachable sail craft. The impact analysis for the Draft EIR evaluated the impacts of Project Site development on the existing CPSRA launching and landing site and determined that a significant impact on the resource would not result due to Project Site development (see results on pages 4.M-25 to 4.M-26 of the Draft EIR and Master Responses 30 through 34).

Regarding the water area where windsurfing impacts were analyzed, the area of the windsurfing resource was provided by SFBA in response to Baylands Notices

of Preparation. Additional discussion of the water area evaluated in the Draft EIR is provided in Master Response 32.

SFBA 2-3 [See page 5-510 for the original comment] CEQA requires that an EIR address the *physical* impacts that would result from a project. For that reason, the Draft EIR has considered the physical impacts – the changes in wind speed and turbulence in the CPSRA windsurfing resource – that would result due to the project.

Wind analysis undertaken for the Draft EIR states on Draft page 4.M-26 states “Project Site development would not reduce wind speeds enough to substantially impair windsurfing in prime windsurfing areas on San Francisco Bay or substantially impair access to or from those areas from the CPSRA launch site.” Because windsurfing would not be substantially impaired, an adverse economic or social effect would not result.

Information on the significance thresholds used in the Draft EIR is provided in Master Response 30.

SFBA 2-4 [See page 5-510 for the original comment] The citation of Section 4 of Article X of the California Constitution or the San Francisco Water Trail Act (Assembly Bill 1296) in Comment SFBA 2-4 is not relevant to proposed development within the Brisbane Baylands. The basic requirement of Article X, Section 4 is a prohibition against impairing the public’s right to gain access to the shoreline.

The Baylands Project Site is located inland of San Francisco Bay, separated from the shoreline by the US 101 freeway. Completion of the stretch of the San Francisco Bay Trail through the Baylands is included in each concept plan scenario. Thus, proposed Baylands development would not impede public access to the shoreline. For this same reason, the San Francisco Water Trail Act also would not apply to Project Site development. The primary purpose of the San Francisco Water Trail Act is to create a network of launch and landing sites to allow people in human-powered boats and beachable sail craft to enjoy the Bay through single and multiple-day trips on the Bay (Draft EIR, San Francisco Bay Area Water Trail Plan, SCH# 2007112080, June 2008).

Furthermore, in evaluating an action's compliance with Article X Section 4, the necessary inquiry is whether the proposed project would prevent people from going to the seashore, not what people may do on the water once they reach it.

Moreover, proposed Project Site development would not pose an obstruction to free navigation of the Bay by means of sailboards in the Candlestick State Park Recreation Area. The general focus in Article X, Section 4 is on actions impeding the public's access to waterways rather than impediments within

waterways. The few cases that have discussed obstruction to navigation focused on physical impediments such as dams, which deprive otherwise navigable waters of sufficient water to permit navigation at all, or other physical impediments to all forms of navigation. Project Site development poses no such physical impediment to navigation of the Bay within the CPSRA area.

Thus, Article X, Section 4 does not affect the wind analysis of Project Site development under CEQA, and similarly, the San Francisco Bay Plan and San Francisco Bay Area Water Trail Act have no effect in determining whether the significance criterion used in the Draft EIR is correct for assessing impacts to wind-related recreation.

See Master Response 30 for additional discussion of the CEQA thresholds used in the Draft EIR analysis.

- SFBA 2-5** [See page 5-511 for the original comment] The wind analysis in the Draft EIR recognizes the CPSRA as an important windsurfing area. A description of windsurfing use patterns and the unique nature of the Candlestick Point State Recreation Area (CPSRA) is included on Draft EIR page 4.M-5. Therefore, the threshold of significance and methods that were used in the Draft EIR were appropriate for this windsurfing area. See Master Response 30 for a discussion of the significance criterion used in the analysis.
- SFBA 2-6** [See page 5-511 for the original comment] See Response SFBA 2-3.
- SFBA 2-7** [See page 5-511 for the original comment] See Response SFBA 2-3.
- SFBA 2-8** [See page 5-511 for the original comment] The wind analysis in the Draft EIR recognizes CPSRA as an important windsurfing area (see Draft EIR page 4.M-5). The Draft EIR provides analysis of the physical effects of proposed Baylands development. The importance of the windsailing resource and consistency with applicable regional and state policies will be considered as part of the planning review undertaken for the Baylands. See Master Response 30 regarding the CEQA thresholds used in the Draft EIR analysis.
- SFBA 2-9** [See page 5-511 for the original comment] The suitability of wind tunnel testing is discussed in detail in Master Response 31 and in responses to the individual comments on wind testing in comment letter CPA 2. As noted in the Response SFBA 2-3, above, the Draft EIR focused on the physical changes in wind speed and turbulence in the CPSRA windsurfing resource that would result due to the project. Conflating these identifiable changes with highly variable natural wind conditions would obscure the actual changes due to proposed Baylands development.

The commenters statements about compressed flow at the site indicate a lack of understanding about the flow of air in the atmospheric boundary layer when stating:

“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.”

At speeds less than two hundred miles-per-hour, air behaves as an incompressible fluid. Therefore, no compression of the air occurs in the Alemany Gap. When the colder air in the Marine layer spills through the Alemany Gap, it may seem as if it were compressed, but it is simply more dense than the air above it and moves to displace that warmer air. However, in moving downhill from the Gap into the wider valley, it displaces and mixes with some of the warmer air, and slows in the process.

It is not necessary to account for far upwind conditions in the atmospheric boundary layer, which is correctly simulated in these tests by the wind tunnel, which is designed to establish an initial, carefully structured boundary layer that then passes over the test model that includes all upwind topography and features within roughly 3000’ of the test grid. This upwind distance is sufficient to simulate the atmospheric boundary layer that would reach the Baylands site and to simulate the physical change that the boundary layer would undergo while traversing the Baylands site. As a result the boundary layer is correctly formed when it passes over the CPSRA windsurfing area. The changes in wind conditions due to Project Site development, compared to the existing conditions, are properly simulated in the wind tunnel.

The SFBA comment letter does not reveal how this site “sensitivity” can be known or what its effect would be on the atmospheric boundary layer. It is well known that certain wind flows around Bayview Hill can produce larger scale turbulence, which can manifest as gustiness at ground-level.

As stated in the Draft EIR, there will be changes in wind speed and turbulence that would result from development of the Baylands site. However, the area identified as the primary surfing area will not be significantly affected by Project Site development (see Draft EIR page 4.M-26).

SFBA 2-10 [See page 5-512 for the original comment] See Master Responses 30 through 34.

SFBA 2-11 [See page 5-512 for the original comment] Comment SFBA 2-11 summarizes SFBA’s overall conclusion, for which responses are provided in Responses SFBA 2-1 through SFBA 2-11 and Master Responses 30 through 34. The City can consider this comment as part of its planning review for the Baylands.

SFBA 2-12 [See page 5-512 for the original comment] Responses to this conclusion statement are provided in Responses SFBA 2-1 through SFBA 2-11 and Master Responses 30 through 34.

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2.9.11 San Francisco Bay Trail

- SFBT-1** [See page 5-514 for the original comment] Comment SFBT-1 provides an introduction to the San Francisco Bay Trail’s comment letter. It does not raise any substantive environmental issues regarding the adequacy of the Draft EIR or its analyses and conclusions.
- SFBT-2** [See page 5-514 for the original comment] The San Francisco Bay Trail is intended to be a Class I facility as it passes through the Baylands Project Site. The design of intersection crossing will be determined as part of the design of the Bay Trail and roadway improvement plans within the Baylands Project Site. The alignment preference as stated in the comment is noted and will be taken into consideration in the City’s Baylands planning process.
- SFBT-3** [See page 5-515 for the original comment] A paragraph is added page 4.N-145 preceding the conclusion to read as follows.

As noted in Table 4.N-7, the currently proposed configuration for the Geneva Avenue extension would open bicycle lanes to vehicular traffic along the Geneva Avenue extension. Five-foot-wide bicycle lanes would be provided adjacent to the curb, next to the sidewalk. Shifting the location of bicycle lanes along the proposed Geneva Avenue extension during peak and non-peak travel times could cause safety problems along the roadway.

Mitigation Measure 4.N-11 is revised to read as follows.

Mitigation Measure 4.N-11: 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, roadways and trails shall provide for safe accessibility for bicycles to buildings and recreational areas throughout the Project Site, including connections to offsite bicycle routes and trails. In addition, Project Site land uses shall provide bicycle parking in appropriate areas (i.e., where they will get the most use, where security is maximized, and where pedestrian circulation is minimally affected by their presence).

The minimum standards contained in this mitigation measure, along with the equivalent bicycle access as that shown in Table 4.N-7, shall be included in any specific plan approved for development within the Project Site provided, however, that shifting of the location of bicycle lanes between peak and non-peak hours shall not be permitted. In addition, the Bay Trail connection through the Baylands Project site shall be designed as a multi-use Class I facility where feasible.

In addition, details of Project Site development-provided bicycle parking spaces (number and location) shall be determined at the time when site-specific development projects are proposed pursuant to the adopted Specific Plan, and shall adhere to the following guidelines which shall also be included in any specific plan adopted for development within the Project Site:

- Bicycle parking shall be placed within 50 feet of building and facility entrances, where it can be well-lit, clearly visible, and out of the primary travel path of pedestrians. Retail shopping centers and supermarkets shall include one Class I rack (covered bicycle locker for long-term parking) per 30 employees, and one Class II rack (able to secure both the frame and at least one wheel of a bicycle for short-term parking) per 6,000 square feet of retail space.
- Parks and recreational fields normally shall include one Class I rack per 30 employees and one Class II rack per 9 users (during peak daylight times of peak season).
- Transit centers normally shall include individual parking spaces equal to 2 percent of daily boardings (75 percent Class I and 25 percent Class II).

Mitigation Measure 4.N-11 requires that trails provide for safe accessibility. The specific design of such trails, including intersection crossings, will be determined as part of trail and roadway improvement plans within the Baylands Project Site.

SFBT-4

[See page 5-515 for the original comment] The City will provide additional detail regarding the design of the Bay Trail through the Brisbane Baylands to the San Francisco Bay Trail organization as it becomes available.

2.9.12 San Mateo County Economic Development Association

SMCEDA-1 [See page 5-516 for the original comment] This comment focuses on the commenter's support for the DSP and DSP-V scenarios and does not address any significant environmental issues regarding the adequacy of the EIR or its analyses and conclusions. The planning issues raised in this comment will be considered by the City as part of its planning review and decisionmaking.

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2.9.13 SPUR

- SPUR-1** [See page 5-517 for the original comment] The comment takes a position regarding the approval of Baylands development, and does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the comment's position regarding Baylands development as part of its planning review and decision-making
- SPUR-2** [See page 5-517 for the original comment] The comment takes a position regarding the approval of Baylands development, and addresses a potential social effect that may result from the land use plan for the DSP scenario, which concentrates the residential and commercial uses in the north and open space to the south. Comment SPUR-2 does not assert that any physical environmental effects might result from the social effect raised in the comment, and is also incorrect in its description of the location of the established community of Brisbane, which is located west of Bayshore Boulevard from the Baylands, not south of the lagoon. As a result, Comment SPUR-2 does not raise any significant issues regarding the environmental analyses or conclusions set in the Draft EIR.
- SPUR-3** [See page 5-518 for the original comment] The comment takes a position regarding the approval of Baylands development, and does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the comment's position regarding Baylands development as part of its planning review and decision-making.
- SPUR-4** [See page 5-519 for the original comment] The comment takes a position regarding the approval of Baylands development, and does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the comment's position regarding Baylands development as part of its planning review and decision-making.
- SPUR-5** [See page 5-519 for the original comment] The comment takes a position regarding the approval of Baylands development, and does not raise any significant environmental issues or issues regarding the adequacy of the Draft EIR or its analyses and conclusions. The City will consider the comment's position regarding Baylands development as part of its planning review and decision-making.

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2.9.14 Tuolumne River Trust

TRT-1 [See page 5-521 for the original comment] Comment TRT-1 provides an introduction and describes the Tuolumne River Trust. The comment does not raise any substantive issues regarding the adequacy of the Draft EIR or its analyses and conclusions.

TRT-2 [See page 5-521 for the original comment] See Master Response 29 for discussion of the environmental effects of the proposed water supply agreement.

Water supply agencies throughout California are evaluating the potential effects of climate change on their supply sources. The SFPUC, the wholesale water supplier to the Bay Area peninsula communities that supplies most of Brisbane's water, has been a leader in assessing climate change affects. As reported in the SFPUC 2010 Urban Water Management Plan (SFPUC 2011, Chapter 7 – Climate Change, p 91.), the SFPUC has conducted a detailed review of the current scientific literature regarding climate change and potential effects on water supply resources and identified several anticipated trends including reductions in average annual snowpack, a shift in snowmelt runoff to earlier in the year, changes in timing, intensity, and variability of precipitation, and an increased amount of precipitation falling as rain instead of snow. The SFPUC report notes that while general trends have been identified, "there is no clear scientific consensus on exactly how global warming will quantitatively affect the state's water supplies, and current models of State water systems generally do not reflect the potential effects of global warming." (SFPUC 2011)

The SFPUC conducted its own initial technical assessment of the potential effects of climate change on its Regional Water System and found that through 2025 a projected temperature increase of 1.5 degrees Celsius would result in about 7 percent of the runoff that now drains into Hetch Hetchy Reservoir shifting from the spring/summer season to the fall/winter season. The percentage change is within the annual variation in spring/summer runoff that already occurs and is accounted for by the SFPUC's supply system management and planning such that it would not adversely affect supply delivery projections or capabilities. The SFPUC is now proceeding in partnership with other water utilities across the country and research programs to develop additional evaluation methods to further evaluate potential climate change effects on water supply.

TRT-3 [See page 5-522 for the original comment] The only reasonably foreseeable additional diversion from the Tuolumne River by the SFPUC is the 2 mgd water transfer proposed and approved as part of the WSIP. The SFPUC has not proposed additional diversion increases at this time. As part of the SFPUC approval of the WSIP, the Commission deferred a decision meeting customer supply needs beyond 2018 and indicated that it would address the future water

supply demands of its customers beyond 2018 at a later date. The SFPUC has no current proposal to increase diversions from the Tuolumne River, and has stated that it will take a fresh look at demand and supply options. In addition, SFPUC staff has indicated that long-term demand from wholesale customers may be down from where it was during the WSIP planning process. Such reduced demand is not surprising since the recent recession has pushed growth projections down in some communities and the current drought is also reducing demand.

TRT-4 [See page 5-523 for the original comment] The proposed OID-Brisbane water transfer would not alter or adversely affect the SFPUC's current work with the USFWS to establish updated flow management standards or implementation of new standards. The transfer would introduce 2 mgd of new supply into the Tuolumne system by OID transferring 2 mgd of its supply to MID for use, and allowing MID to forgo use of 2 mgd of its Tuolumne River supply. Thus, there would be no net increase in diversion from the Tuolumne River. To implement the proposed water supply agreement, Brisbane, MID and the SFPUC will develop a detailed transfer operation plan based on the water supply demands of land uses approved by the City of Brisbane that will be evaluated in a subsequent project-level CEQA document.

TRT-5 [See page 5-524 for the original comment] For discussion of in-stream flow agreements, see Response TRT-4.

2.9.15 Universal Paragon Corporation

January 23, 2014 Comment Letter

UPC 1-1 [See page 5-525 for the original comment] As stated on page 4.N-72 of the Draft EIR, adjustments have already been made to the raw ITE trip generation in order to account for trips internal to the Baylands Site. The magnitude of internal trips was based on the development scale, density of Project Site development, diversity of uses, and design of project. These aspects of Project Site development do account for certain systemic attributes built into the Project design, some of which overlap with the TDM measures in Table 6-4 of the Specific Plan. This overlap includes, by broad TDM element:

- Promote Transit Usage
- Jobs-Housing Linkage
- Streets Designed for Alternative Transportation Modes
- Encourage Walking

The internal trip adjustment does not account for programmatic TDM elements, such as having a TDM coordinator or guaranteed ride home. Despite the potential for these elements to be enforced by the City, they are not built into the physical scenario design, and therefore the effects were not calculated.

The inclusion of Table 4.N-45 of the Draft EIR does not contradict the approach described above, as the list of trip credits for TDM measures specifically mitigates Impact 4.N-13. Both the impact and the mitigation are specified by C/CAG.

UPC 1-2 [See page 5-526 for the original comment] See Master Response 25 for discussion of internal capture of trips based on mixed use. The mere presence of residential land uses does not automatically correlate with higher transit use. The distance from transit of both home and work are factors in the probability of using transit.

The mode splits used in the Draft EIR were developed from several sources of data. Mode share for proposed Baylands development is described on page 4.N-76 of the Draft EIR, and is based on local data and projections. Mode share was evaluated and compared among several resources including the Candlestick Point/Hunters Point Shipyard EIR, San Francisco CEQA Guidelines, BATS 2000, the American Community Survey 2005-2009, 2010 Census, and travel characteristics of comparable transit-oriented developments in California. From these sources, the mode split used for the Baylands Draft EIR was developed.

The mix of residential, office, and commercial land uses in the DSP scenarios causes a greater reduction of external trips because there is more likelihood that trips might be internalized. Because of this, the DSP/DSP-V scenarios have a substantially lower amount of external trip generation compared to the CPP/PP-V scenarios. The actual transit service and infrastructure is the same between the two scenario types, so as a conservative estimate, the mode share was assumed to be identical between them.

Transit mode share for Candlestick Point-Hunters Point Shipyard analysis was approximately 20%, compared to the 15% used in the Baylands Draft EIR. The transit service at the Candlestick Point/Hunters Point site is more robust, with two downtown express buses, downtown ferry service, five regular service buses, and a light-rail line. Although the Brisbane Baylands site is served by a BRT line and Caltrain, neither of these lines provides direct service to large employment centers such as downtown San Francisco.

UPC 1-3

[See page 5-526 for the original comment] In response to Comment UPC 1-3, additional analysis was prepared to clarify what potential transit improvements for the Brisbane Baylands, if implemented, would increase the transit mode share of the DSP and DSP-V scenarios and achieve a transit mode share in line with the Candlestick Point-Hunters Point Shipyard project.

The additional analysis assumes a theoretical enhanced transit network beyond that which is currently proposed for the DSP scenario, and applies this scenario to the DSP scenario to determine whether enhanced transit improvements for the Baylands could achieve a transit mode split as high as that achieved by the Candlestick Point-Hunters Point Shipyard project in San Francisco. The combination of such enhanced transit and the DSP scenario is referred to in the tables below as “Enhanced Transit” or “ET.” Because the enhanced transit analysis envisions a transportation network beyond what has been committed to by local and regional transportation agencies and cities, it was not addressed in the Draft EIR impact analyses or as a potentially feasible alternative, and is presented in Response UPC 1-3 for informational purposes only.

Increasing transit usage, and thereby the transit mode share, would rely upon a number of transit improvements being implemented by regional transit agencies that would enhance existing and proposed transit services operating within, or adjacent to, the Baylands Project Site. However, such an increase would also rely upon specific modifications to those transit improvements to maximize mobility and accessibility for the entire Baylands Project Site, add new regional transit routes, and add new internal shuttles that would enhance connectivity to regional transit facilities.

In the Draft EIR, the majority of transit service for the four development scenarios would be concentrated in the northwest quadrant of the Baylands. Providing enhanced transit builds upon the improvements described in the Draft EIR by developing an enhanced transit network that is specifically designed to provide greater transit mobility, accessibility, and connectivity to the entirety of the Baylands Project Site than was assumed in Draft EIR and thereby result in a higher transit mode share for both work and non-work trips.

Response UPC 1-3 includes analysis of transit and auto impacts only. The enhanced transit improvements would not have an effect on pedestrian or bicycle access, construction, congestion management program, air traffic patterns, hazards, emergency access, or truck loading.

The transit and automobile traffic implications of enhanced transit improvements are assessed below for the weekday AM and PM commute periods for cumulative conditions.

The structure of the enhanced transit analysis is as follows:

- Description of the enhanced transit improvements.
- Explanation of the assumptions used to determine travel demand with enhanced transit and the transit capacity utilization methodology used.
- Discussion of the effects of an enhanced transit network on transit usage and traffic congestion.

While transit usage would increase under the ET scenario, implementation of enhanced transit would not reduce two of the DSP scenario's six significant unavoidable traffic impacts (Impacts 4.N-3 and 4.N-4) identified in the Draft EIR to less than significant levels. Because capacity would expand at a greater rate than ridership growth in the DSP scenario, provision of enhanced transit improvements would result in the reduction of three significant and unavoidable DSP scenario transit impacts to less-than-significant (Impacts 4.N-7, 4.N-8, and 4.N-9). Transit Impact 4.N-6 would remain less-than-significant with enhanced transit, which is the same finding as in the Draft EIR for the DSP scenario. However, because the enhanced transit improvements assumed in the enhanced transit analysis below are not currently proposed by area transit agencies, these potential improvements were not included in the Draft EIR as feasible mitigation measures.

Description of the Enhanced Transit System

The transportation improvements described in the Draft EIR for the DSP development scenario were included in the proposed February 2011 Draft Brisbane Baylands Specific Plan ("Specific Plan") prepared by the applicant for the DSP and DSP-V scenarios. The enhanced transit analysis undertaken in Response UPC 1-3

assumes a range of transit enhancements greater than those currently proposed by area transit agencies and greater than those proposed for the DSP scenario. Because this enhanced transit analysis focuses on transit improvements, the transit improvements assumed in the Draft EIR for the DSP scenario are set forth below, followed by a description of the enhanced transit improvements.

Transit Improvements Presently Assumed in the Brisbane Baylands Draft EIR

Draft EIR cumulative transit network improvement assumptions include existing Muni (8X, 8BX, 9) and SamTrans (292, 397) routes serving the periphery of the project site area, as well as the following planned transit infrastructure improvement projects within or near the project site:

- **T-Third line Extension** – Proposed extension of T-Third line from Sunnydale Station to provide a direct connection to Caltrain at Bayshore Station.
- **Geneva-Harney Bus Rapid Transit (BRT)** – Proposed transit service between Balboa Park BART Station and Hunters Point Shipyard via Geneva Avenue and the Bayshore Intermodal Station. The Geneva Avenue extension design would reserve a right-of-way to accommodate long-term planned Muni Geneva-Harney BRT service.
- **Bayshore Intermodal Station Access Study Improvements** – Proposed reconfiguration of the Bayshore Caltrain Station to accommodate the proposed BRT.
- **Shuttle Service** – Provide shuttle bus connecting Executive Park, the Baylands Site, the housing development on the Schlage Lock Site, and Balboa Park BART Station.

Enhanced Transit Improvements Included in Additional Analysis

The enhanced transit analysis includes specific modifications and additions to the planned transit improvements of those agencies to maximize mobility and accessibility for the entire Baylands Project Site, addition of new regional transit routes, and addition of new internal shuttles that would enhance connectivity to regional transit facilities. **Figure UPC 1-3.1** illustrates the proposed transit improvements that would complement Project Site development under enhanced transit conditions.

The enhanced transit improvements used in following analysis encompass the basic principles of maximizing transit alternatives and frequency of service (mobility) and minimizing the walking distance from station or stop to origin or destination (accessibility).

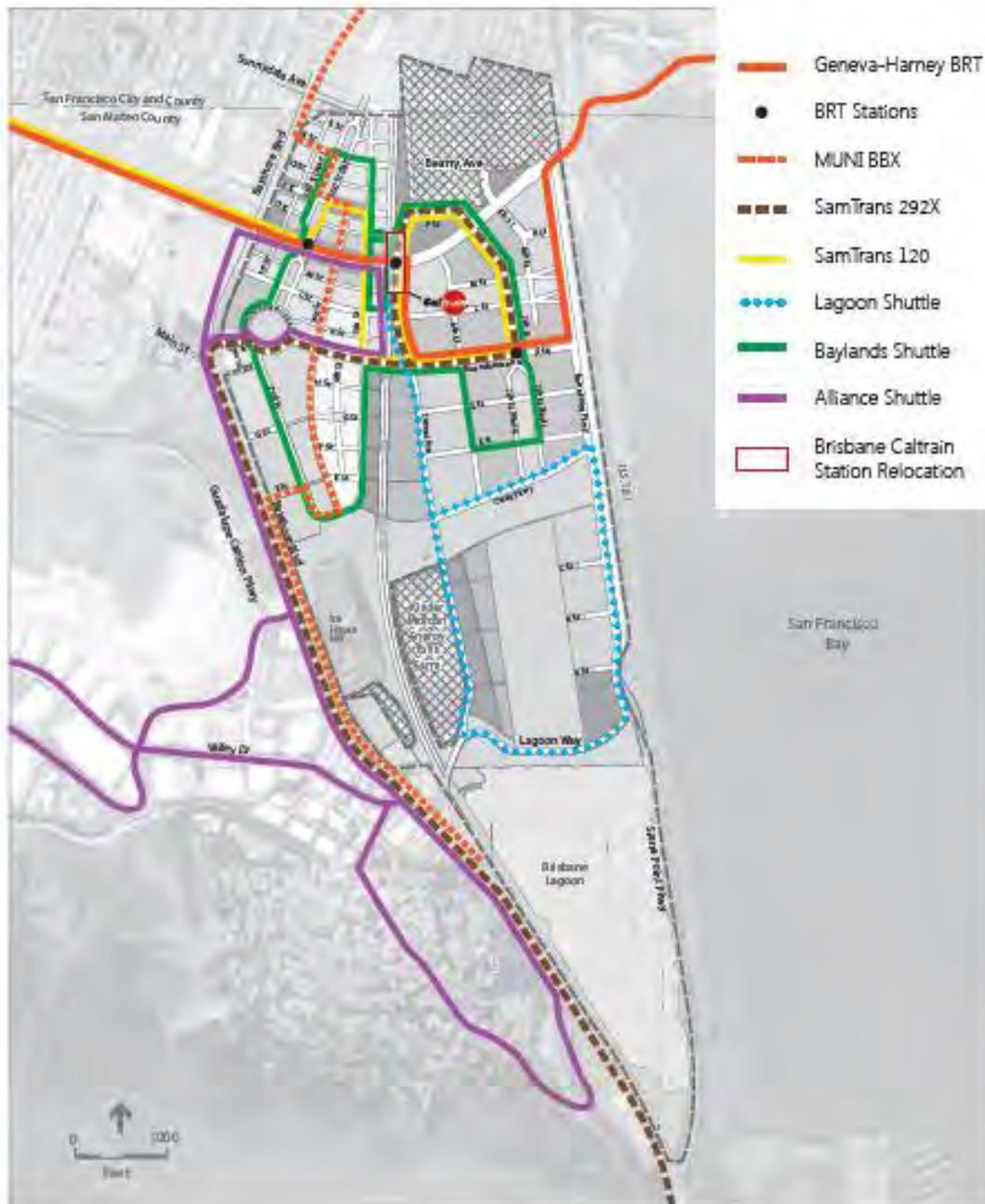


Figure 1
 Brisbane Baylands Enhanced Transit Scenario
 Developer-Sponsored Plan (DSP)

Figure UPC 1-3.1
 Brisbane Baylands Enhanced Transit

Enhanced transit features in addition to those currently planned by transit agencies and used in the Draft EIR's transit analysis would include the following:

- **The Bayshore Intermodal Station would be relocated directly under the Geneva Avenue extension** – This enhanced transit improvement would provide comparable access to all four quadrants of the project site and maximize connectivity to the Geneva-Harney BRT. The Bayshore Station would be upgraded to serve as an inter-modal transit hub to accommodate more frequent Caltrain service and allow convenient transfers between Caltrain, the proposed bus rapid transit on the Geneva Avenue corridor between the Balboa Park BART Station and Hunters Point Shipyard, the proposed new southern terminus of the Muni T-Third light rail line, and other Muni and San Mateo County Transit District (SamTrans) bus routes and internal shuttles that could use the multi-modal transit hub.
- **Caltrain Service frequency at the Bayshore Intermodal Station would be increased** – The enhanced transit service frequency would be commensurate with high-ridership non-terminus stations along the commuter rail corridor (such as Palo Alto, Redwood City, and Hillsdale).
- **Muni Geneva-Harney BRT service would be enhanced to offer greater Project Site accessibility** – East of the Caltrain station, BRT would be routed into the southeast quadrant of the Project site with an additional station to be located within the southeastern portion of the Baylands to serve the adjacent employment area (the route deviates off its currently proposed route along the Geneva Avenue extension between Tunnel Avenue and Sierra Point Parkway). The enhanced transit network also includes an additional station along the Geneva Avenue extension to serve nearby residents.
- **A new transit route, named Muni Route BBX, would be added to provide peak period express service to downtown San Francisco on weekdays** – This enhanced transit route would travel from the Bayshore Boulevard/Old County Road end of the southwest quadrant of the Project Site through the residential area of Brisbane Baylands (primarily along 3rd Street) and then express to Downtown San Francisco. The new service would operate at 10-minute headways for enhanced transit analysis purposes.
- **Muni Route 56 would be extended to serve the Bayshore Intermodal Station** – The route extension would be consistent SFMTA Transportation Effectiveness Project (TEP) changes.
- **Peak period, limited stop service between Hillsdale Shopping Center and Brisbane Baylands would be added to the existing SamTrans 292 route** – This route enhancement (named 292X) would provide access to all four quadrants of the Baylands Project Site with the route terminating at Bayshore Intermodal Station. The new route would operate at 15-minute headways for enhanced transit analysis purposes.

- **SamTrans Route 120 would be extended route from its current terminus at Mission Street & Acton Street to serve Brisbane Baylands** – This route extension would provide a one-seat ride between the Brisbane Baylands and Daly City. It would travel along Mission Street and Geneva Avenue and circulate within the Brisbane Baylands.
- **A new high-frequency internal shuttle, “Baylands Shuttle,” would be added to connect all four quadrants of the Brisbane Baylands with Bayshore Intermodal Station** – The shuttle would operate all-day on weekdays and weekends for enhanced transit analysis purposes.
- **A new high-frequency internal shuttle, “Lagoon Shuttle,” would be added to connect office and industrial uses between Creek Parkway and Lagoon Way** – The shuttle would operate during the weekday AM and PM peak periods, aimed primarily at employees for enhanced transit analysis purposes.
- **All-day weekday and weekend service would be added to the Brisbane-Bayshore Alliance Shuttle.** This would enhance the connection between the Bayshore Intermodal station and the Valley Drive and San Bruno Avenue areas of Brisbane. The frequency would be every 15 minutes. The Brisbane-Crocker Park BART Alliance Shuttle, which currently connects the Valley Drive and San Bruno Avenue areas of Brisbane with the Balboa Park BART Station and the Crocker-Amazon neighborhood, would be discontinued owing to the transit improvements proposed along this corridor.

Enhanced Transit Travel Demand

This section of the response presents the methodology used to estimate travel demand for enhanced transit conditions. The land uses are assumed to be the same as those set forth in Tables 3-2A of the Draft EIR for the DSP scenario. Trip generation, trip purpose, trip distribution, and trip assignment key assumptions are also assumed to be unchanged from the DSP scenario as it was analyzed in the Draft EIR; mode choice is the only module which has been revisited in the analysis of enhanced transit.

Enhanced Transit Mode Choice

To predict transit mode share for enhanced transit, a model initially developed for the Candlestick Point/Hunters Point Shipyard (CPHPS)¹ project was used. This model provides a high level of detail and accuracy for transit mode share. This model was developed to estimate transit mode shares for projects with medium residential and job densities that are relatively remote to Downtown San Francisco. The outer neighborhoods of San Francisco have a comparatively unrefined zone structure within the SF CHAMP travel demand model. The CPHPS model was created to better reflect transit connectivity and modal

¹ The EIR was certified by the City of San Francisco in July 2010.

attributes for outlying areas. The CPHPS model was calibrated on four outlying areas of San Francisco, each with overlapping travel characteristics to Bayshore (Richmond, Outer Mission, Hill Districts, and Sunset). While the Baylands Project Site is not located within San Francisco, it does border San Francisco, and travel characteristics are similar to outlying areas of San Francisco, ensuring that the model is appropriate for use at Bayshore and the Baylands.

Pedestrian/bicycle/other mode shares were determined using the SF Guidelines (in-lieu of City of Brisbane guidelines, which have not been developed). Auto mode shares were derived as the remaining share of trips.

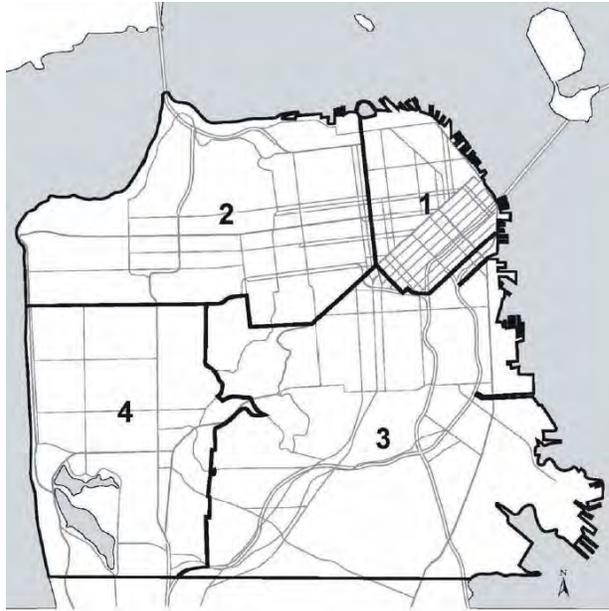
Transit Mode Share

The CPHPS model was used to determine the correlation between a number of variables that may influence mode choice for travel between a specified origin and destination. Since mode choice for work and non-work trips were found to be different for a given origin/destination (OD) pair, unique models were developed to predict transit mode share for work and non-work trips. The data used to construct the model included the 2000 Bay Area Travel Survey (BATS)², U.S. Census Journey-to-Work data, outputs from the SF-CHAMP model, and travel time data provided by SFMTA.

Five neighborhoods in San Francisco and their corresponding travel characteristics were used to construct the model. The neighborhoods used – Downtown, Richmond, Outer Mission, Hill Districts, Sunset – were chosen because they cover a range of transit and drive travel characteristics. For each origin-destination pair, base year auto travel time data from the SF CHAMP model, transit travel time data from Muni, and known travel costs between zones (e.g., tolls, transit fares, and parking costs) were compiled. This data was entered into SPSS statistical software and used to perform regression analysis to predict transit mode share for an origin-destination pair, for both work and non-work trips.

The work trip model predicts that 76 percent of work trips between Brisbane Baylands and Superdistrict 1 (downtown San Francisco) will be made by transit. A map of Superdistricts is shown in **Figure UPC 1-3.2**. This is a particularly high transit mode share and is influenced by the high cost of parking in downtown San Francisco and the direct transit alternatives provided by Caltrain and the proposed concept Muni BBX route. The transit mode share between the Brisbane Baylands and the South Bay (inclusive of the area between San Jose and Millbrae) is also quite high (31 percent for work trips and 28 percent for non-work trips). This is influenced by the direct connection between the project site (either walk or shuttle) and the South Bay via Caltrain, making transit travel

² 2000 Bay Area Travel Survey, Public Data Release #3, Metropolitan Transportation Commission (MTC), March 2005.



Source: The Planning Department
City and County of San Francisco

Figure UPC 1-3.2
San Francisco Superdistricts

times competitive with auto. Transit mode share is considerably lower between Brisbane Baylands and North San Mateo County (21 percent for work and 6% for non-work trips). This is due to a combination of low parking costs, fast auto travel times, and longer wait times for transit, making transit moderately competitive with auto to this area. However, without the extension of SamTrans Route 120, transit mode share would be even lower.

The model predicts that 28 percent of work trips to and from Brisbane Baylands will be made by transit and 17 percent of non-work trips under enhanced transit conditions. Overall, the average transit mode share is highest in the AM peak, at 24 percent when work trips dominate. In the PM peak, non-work trips outnumber work trips, and the average transit mode share declines to 22 percent. For daily trips, which are nearly 2 to 1 in favor of non-work trips, the average transit mode share is 20 percent.

Pedestrian/Bicycle/Other Mode Share

The work trip mode share for pedestrian/bicycle/other modes was derived from the *SF Guidelines* based on the origin-destination pair within the *Guidelines* adjudged to be most similar to the origin-destination pair in question. For Brisbane Baylands travel to/from Superdistrict 4 and the South Bay, the same mode share as used for travel to/from Superdistrict 3 was assumed (3 percent and 3 percent, respectively). This is because the distance and travel choices associated with travel to/from these places are very similar for both Superdistrict 3 in San Francisco, and Brisbane Baylands. In particular, Superdistrict 3 was chosen for its adjacency to Brisbane Baylands. For Brisbane Baylands travel to/from the North Bay where travel by bicycle and on foot is extremely unlikely due to the distances in question (cycling the distance would reasonably take at least two hours one-way), this mode share has been assumed to be zero. For Brisbane Baylands travel to/from the East Bay, due to the absence of a pedestrian or bicycle facility across San Francisco Bay to connect the two areas, this mode share has also been assumed to be zero.

For Brisbane Baylands travel to/from Superdistrict 1, the mode share for travel between Superdistricts 3 and 4 (3 percent) was used. This is because the inter-centroid distance (i.e. the straight-line distance between the two midpoints) and travel choices are similar. For travel to/from Superdistrict 2, the mode share for travel between Superdistricts 3 and 4 (3 percent) was also used for similar reasons. For travel to/from Superdistrict 3, which borders Brisbane, the mode share for travel between Superdistricts 2 and 3 (9 percent) was used because the two pairs are similar in that they are adjacent and there are a similar array of travel choices available. For travel to/from the rest of Brisbane and to/from South San Francisco and San Bruno, the mode share for travel within Superdistrict 3 (20 percent) was used, as for both cases travel is essentially short-distance and “intra-district.” For travel to/from Daly City and Colma, the mode share for travel between Superdistricts 3 and 4 (3 percent) was used, because both pairs are adjacent, most trips are of a distance of a few miles, and there is hilly terrain separating the two areas.

The non-work trip mode share for pedestrian/bicycle/other modes was derived from the *SF Guidelines* based on the origin-destination pair within the *Guidelines* adjudged to be most similar to the origin-destination pair in question. Again, Superdistrict 3 was chosen to represent the Baylands Project Site for its adjacency to Brisbane Baylands. Because the sample size of non-work trips by pedestrian/bicycle/other modes is very small, work trip mode share was used as the basis for non-work trip mode share to ensure reasonable results. Work trip mode shares were scaled upward according to the typical relationship between non-work mode shares and work mode shares. The scaling factor used was 280 percent, which encapsulates the common observation of a higher non-work walk/bike/other mode split when compared to work trips. This factor was determined by dividing the ‘walk+other’ mode share for visitor trips to/from Superdistrict 3 by the overall work trip ‘walk+other’ mode share for Superdistrict 3. (The visitor trip category represents non-work trips and mode share was calculated as the average of retail and ‘other’ categories.) Upon scaling, non-work mode shares were capped at a limit of 40 percent of overall non-work trips for a particular district to reflect the maximum share that could reasonably be anticipated.

Auto Mode Share

Mode share by automobile was then derived to be the remainder of trips when transit, bicycle, walk, and other trips were deducted.

Transit Trip Assignment. After estimating the transit mode share of Project Site development-related trips among each of the districts, the number of transit riders was assigned to specific transit routes serving or proposed to serve the study area.

For transit trips to Superdistrict 1, it was assumed that during the AM and PM peak periods, half of the trips would use Caltrain (which would be an approximate 15 minute duration to Fourth & King Station with a 10-12 minute headway), 40 percent would be use Muni route BBX (which would be an approximate 30-40 minute trip to Montgomery Street BART Station with a ten minute headway), and 10 percent would use the T-Third, whose travel time is 45 minutes, but whose headway is nine minutes and fare is cheaper than that of Caltrain. The Central Subway was assumed to be operational, although the Caltrain Downtown Extension was not assumed. During the off-peak period, Muni BBX would not be operational, and it was assumed that 80 percent would use Caltrain, and 20 percent would use the T Third.

For transit trips to Superdistrict 2, it was assumed that during the AM and PM peak periods 60 percent would use the Muni BBX with a transfer on Market Street to the Muni routes on the northwest and southwest screenlines that serve the Richmond District, Western Addition, and Marina neighborhoods. It was assumed that 30 percent would take the westbound Geneva-Harney BRT followed by a continuation on the Muni 28L at Balboa Park BART Station (to access the Richmond District, Golden Gate Park, and the Presidio). It was assumed that the remaining 10 percent would use the T Third and change at Union Square station to the Muni routes on the northwest and southwest screenlines. During the off-peak period, the Muni BBX would not be operational, and it was assumed that 75 percent would take the westbound Geneva-Harney BRT and 25 percent would take the Muni T Third.

Superdistrict 3 is the district with the most transit choices available for people traveling to/from Brisbane Baylands. In the sector within Superdistrict 3 bounded by Cesar Chavez Street to the south and US 101 to the west, it was assumed that half the people would use Caltrain, as this route offers the quickest and most direct option, and half would use the T Third as this option is a higher frequency and has more stops closer to more destinations. It was assumed that people would exclusively use the Muni T Third to access the sector bounded by Cesar Chavez Street to the north, US 101 to the west, and Ingalls Street to the east as this route offers the most direct option. It was assumed that people would use Muni Route 56 to access the sector bounded by Mansell Street to the north, US 101 to the east, and Sunnysdale Avenue to the south. It was assumed that people would use the Geneva-Harney BRT to access the sector in the Shipyard neighborhood east of Ingalls Street, as it would offer a more direct option than the T Third. It was assumed that people would use the Geneva-Harney BRT to access the remainder of Superdistrict 3 that is not part of the other aforementioned sectors. In this sector, many of the trips would include a transfer to other routes, such as a transfer to BART at Balboa Park Station to access areas around Glen Park, 16th Street Mission, and 24th Street Mission stations. To determine the share of trips to each of these defined sectors, the total population plus jobs contained

within these sectors according to the City of San Francisco's 2030 SF CHAMP travel demand forecasting model was calculated, and it was assumed that transit trips to these sectors are distributed proportionally.

For Superdistrict 4, it was assumed that people would use the Geneva-Harney BRT and either continuation on Route 28L at Balboa Park Station or a transfer to Muni Metro routes K, L, or M to access Superdistrict 4.

For those traveling to/from other parts of Brisbane, San Bruno, and South San Francisco, it was assumed that 60 percent would use Caltrain, 20 percent would use the Alliance Shuttle, and 20 percent would use SamTrans 292X.

For those traveling to/from Daly City, it was assumed that they would take SamTrans Route 120, as it is the only direct service to this area.

For travelers to/from the North Bay, it was assumed that the majority (80 percent) would take Muni BBX to Market Street and transfer to Golden Gate Transit buses or ferries. The remaining 20 percent would take Caltrain to Fourth and King and transfer to Golden Gate Transit on Folsom Street four blocks from that location.

For those traveling to/from the South Bay (inclusive of all cities in San Mateo County with the exception of Brisbane, Daly City, Colma, San Bruno, and South San Francisco, and inclusive of the entirety of Santa Clara County), it was assumed that 60 percent would travel using Caltrain, 20 percent would travel on Geneva-Harney BRT and transfer to BART at Balboa Park Station, and 20 percent would use SamTrans Route 292X (to reach destinations in South San Francisco, Burlingame, and San Mateo). At off-peak times, Route 292X riders would use Route 292.

For those traveling to the East Bay, it was assumed that everyone would take Geneva-Harney BRT to Balboa Park BART Station and transfer to BART for East Bay destinations.

The result of the above steps is a projected person and vehicle trip generation, by land use and by mode, for the weekday daily, AM, and PM peak hours.

Table UPC 1-3.1 presents the daily person trip generation for enhanced transit by land use category.

**TABLE UPC 1-3.1
PROJECT DAILY PERSON TRIP GENERATION – ENHANCED TRANSIT**

Land Use	Size	Units	ITE Land Use Code ^a	Rate or Eqn. ^b	Person-Trip Generation			Total Net Vehicle Trips ^e
					Raw Trips Total ^c	Total Net Trips ^d	Percent Reduction	
Developer-Sponsored Plan – Enhanced Transit								
Non-Residential								
General Retail	566	ksf ^f	820	Eqn	38,778	20,449	47%	6,852
General Office	2,651	ksf	710	Eqn	30,789	25,105	18%	10,543
Research & Development	3,328	ksf	760	Eqn	33,043	26,943	18%	11,315
Hotel	369	rooms	310	Rate	5,577	4,790	14%	2,412
Public / Civic / Cultural	28	ksf	814	Rate	2,312	1,615	30%	541
Conference / Exhibition	21	ksf	814	Rate	1,746	1,220	30%	409
Schools								
High School	1,000	students	530	Rate	3,164	2,753	13%	1,151
Elementary School	300	students	520	Rate	716	623	13%	260
Residential								
Apartment	3,950	units	232	Eqn	27,963	19,967	29%	7,524
Multi-Family	484	units	220	Eqn	5,655	4,038	29%	1,521
Grand Total					149,743	107,503	28%	42,528

^a Institute of Transportation Engineers, *Trip Generation*, 8th Edition (2008).

^b *Trip Generation* generally provides both average rates and fitted curve equations for forecasting trip generation. The choice of which method to use is described in the *Trip Generation Handbook*. The analysis described in this table is consistent with the ITE methodology. When available, rates are based on "peak hour of adjacent street traffic."

^c Results are based on ITE trip generation methodology.

^d Results are based on MXD trip reduction analysis tool developed by Fehr & Peers.

^e Mode split for work trips is assumed to be 80% auto, 15% transit, and 5% walk/bike/others, whereas mode split for non-work trips is assumed to be 70% auto, 10% transit, and 20% walk/bike/others.

^f ksf = thousand square feet.

SOURCE: Fehr & Peers, 2014

Table UPC 1-3.2 presents the peak hour vehicle trip generation for Project Site development by land use category.

Table UPC 1-3.3 summarizes peak hour person trips by mode and vehicle trips for the weekday daily, AM, and PM peak hours. Under enhanced transit conditions, an average of 21 percent of weekday AM and PM peak hour person trips would be internal or linked trips that would remain within the Baylands Project Site and would occur primarily by walking and bicycling. External trips would occur via automobile, transit, and bicycle.

**TABLE UPC 1-3.2
PROJECT PEAK HOUR VEHICLE TRIP GENERATION – ENHANCED TRANSIT**

Land Use	Size	Units	ITE Land Use Code ^a	Rate or Eqn. ^b	Net Vehicle Trips ^c					
					AM Peak Hour			PM Peak Hour		
					Total Trips	In	Out	Total Trips	In	Out
Developer-Sponsored Plan – Enhanced Transit										
Non-Residential										
General Retail	566	ksf ^d	820	Eqn	168	103	66	385	189	196
General Office	2,651	ksf	710	Eqn	1,539	1,354	185	1,653	281	1,372
Research & Develop.	3,328	ksf	760	Eqn	1,615	1,341	275	1,247	187	1,060
Hotel	369	rooms	310	Rate	139	85	54	144	76	68
Public / Civic / Cultural	28	ksf	814	Rate	30	14	16	28	16	12
Conference / Exhibition	21	ksf	814	Rate	23	11	12	21	12	9
Schools										
High School	1,000	students	530	Rate	202	137	64	70	33	37
Elementary School	300	students	520	Rate	65	36	29	24	12	12
Residential										
Apartment	3,950	units	232	Eqn	581	110	471	587	364	223
Multi-Family	484	units	220	Eqn	119	24	95	123	80	43
Grand Total					4,481	3,215	1,266	4,282	1,250	3,034

^a Institute of Transportation Engineers, *Trip Generation*, 8th Edition (2008).

^b *Trip Generation* generally provides both average rates and fitted curve equations for forecasting trip generation. The choice of which method to use is described in the *Trip Generation Handbook*. The analysis described in this table is consistent with the ITE methodology. When available, rates are based on "peak hour of adjacent street traffic."

^c Results based on ITE trip generation methodology and MXD trip reduction analysis tool developed by Fehr & Peers.

^d ksf = thousand square feet.

SOURCE: Fehr & Peers, 2014

**TABLE UPC 1-3.3
PROJECT PERSON AND VEHICLE TRIPS BY MODE**

	Person Trips					Vehicle Trips
	Auto	Transit	Bicycle/Walk	Internal/Linked	Total	
Enhanced Transit						
Weekday AM Peak	7,071	2,589	1,184	1,524	12,368	4,481
Weekday PM Peak	7,550	2,539	1,572	4,860	16,521	4,282
Daily	69,320	22,151	16,030	42,241	149,743	35,531
DSP (for comparison purposes)						
Weekday AM Peak	8,265	1,421	1,158	1,524	12,368	5,351
Weekday PM Peak	8,655	1,412	1,595	4,859	16,521	4,946
Daily	78,587	12,418	16,496	42,242	149,743	42,528

NOTE: "Person trips" refers to the number of people using various modes of transportation. "Vehicle trips" identifies the number of vehicle trips associated with the auto person trips, and accounts for automobile trips with more than one occupant in the vehicle.

SOURCE: Fehr & Peers, 2014

Transit Capacity Utilization Analysis Methodology

Changes to the project trip distribution and assignment of transit trips are explained in this section of the response. The same general methodology was used as in the Draft EIR.

Project Trip Distribution and Assignment of Transit Trips

Based on the trip generation and trip assignment forecast that identified the origin and destination pattern for travel demand generated by Project Site development, the distribution and assignment pattern for transit trips was extrapolated as summarized on the following tables:

- Mode share by origin/destination is shown in **Table UPC 1-3.4**;
- Peak period, off-peak period, and daily transit trip assignment by transit operator and corridor is shown in **Table UPC 1-3.5A**, **Table UPC 1-3.5**, and **Table UPC 1-3.5**;
- Daily transit trip assignment is shown in **Table UPC 1-3.6**; and
- PM peak hour transit trip assignment is shown in **Table UPC 1-3.7**.

Enhanced transit would generate a high proportion of transit trips to and from downtown San Francisco (located within San Francisco Superdistrict 1 as defined for transportation analysis purposes) as the result of trips to work in downtown San Francisco by Baylands residents.

**TABLE UPC 1-3.4
MODE SHARE BY ORIGIN/DESTINATION**

Origin/Destination	Percent Mode Share							
	Work Trips				Non-work Trips			
	Transit	Walk/ Bike/ Other	Auto	Total	Transit	Walk/ Bike/ Other	Auto	Total
SF Superdistrict 1	76%	3%	21%	100%	48%	8%	44%	100%
SF Superdistrict 2	24%	3%	73%	100%	21%	8%	71%	100%
SF Superdistrict 3	28%	9%	63%	100%	13%	25%	62%	100%
SF Superdistrict 4	31%	3%	66%	100%	20%	8%	72%	100%
Brisbane, San Bruno, SSF	21%	20%	59%	100%	6%	40%	54%	100%
Daly City/Colma	21%	3%	76%	100%	6%	8%	86%	100%
North Bay	2%	0%	98%	100%	4%	0%	96%	100%
South Bay	31%	3%	66%	100%	28%	8%	64%	100%
East Bay	18%	0%	82%	100%	19%	0%	81%	100%

SOURCE: Fehr & Peers, 2014

**TABLE UPC 1-3.5A
AM AND PM PEAK PERIOD TRANSIT TRIP ASSIGNMENT BY TRANSIT OPERATOR AND CORRIDOR**

Transit Operator and Corridor	Trips To/From District								
	SF SD1	SF SD2	SF SD3	SF SD4	Brisbane/San Bruno/SSF	Daly City/Colma	North Bay	South Bay	East Bay
Caltrain (to San Francisco)	50%		5%				20%		
Caltrain (to San Jose)					60%			60%	
Muni BBX (to San Francisco) ¹	40%	60%					80%		
Alliance Shuttle (to Brisbane)					20%				
Muni 9/9L (to San Francisco)			20%						
Muni T Third (to Downtown SF)	10%	10%	14%						
Muni 56 (to McLaren Park)			4%						
Geneva-Harney BRT (to Balboa Park)		30%	46%	100%				20%	100%
Geneva-Harney BRT (to Hunters Point)			11%						
SamTrans 120 (to Daly City)						100%			
SamTrans 292X (to South Bay)					20%			20%	
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

NOTES:

¹ Peak direction only. In off-peak direction, these trips are apportioned to the other routes according to their proportions.

SOURCE: Fehr & Peers, 2014

**TABLE UPC 1-3.5B
OFF-PEAK TRANSIT TRIP ASSIGNMENT BY TRANSIT OPERATOR AND CORRIDOR**

Transit Operator and Corridor	Trips To/From District								
	SF SD1	SF SD2	SF SD3	SF SD4	Brisbane/San Bruno/SSF	Daly City/Colma	North Bay	South Bay	East Bay
Caltrain (to San Francisco)	80%		5%				60%		
Caltrain (to San Jose)					60%			60%	
Muni BBX (to San Francisco)									
Alliance Shuttle (to Brisbane)					20%				
Muni 9/9L (to San Francisco)			20%						
Muni T Third (to Downtown SF)	20%	25%	14%						
Muni 56 (to McLaren Park)			4%						
Geneva-Harney BRT (to Balboa Park)		75%	46%	100%			40%	20%	100%
Geneva-Harney BRT (to Hunters Point)			11%						
SamTrans 120 (to Daly City)						100%			
SamTrans 292 (to South Bay)					20%			20%	
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

SOURCE: Fehr & Peers, 2014

**TABLE UPC 1-3.5C
DAILY TRANSIT TRIP ASSIGNMENT BY TRANSIT OPERATOR AND CORRIDOR**

Transit Operator and Corridor	Trips To/From District								
	SD1	SD2	SD3	SD4	Brisbane/ San Bruno/ SSF	Daly City/ Colma	North Bay	South Bay	East Bay
Caltrain (to San Francisco)	67%		5%				41%		
Caltrain (to San Jose)					60%			60%	
Muni BBX (to San Francisco)	18%	28%					37%		
Alliance Shuttle (to Brisbane)					20%				
Muni 9/9L (to San Francisco)			20%						
Muni T Third (to Downtown SF)	15%	18%	14%						
Muni 56 (to McLaren Park)			4%						
Geneva-Harney BRT (to Balboa Park)		54%	46%	100%			22%	20%	100%
Geneva-Harney BRT (to Hunters Point)			11%						
SamTrans 120 (to Daly City)						100%			
SamTrans 292/292X (to South Bay)					20%			20%	
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

SOURCE: Fehr & Peers, 2014

**TABLE UPC 1-3.6
DAILY TRANSIT TRIP ASSIGNMENT BY TRANSIT OPERATOR AND CORRIDOR**

Transit Operator and Corridor	Proposed Project Scenarios (Trips)	
	DSP (from DEIR)	Enhanced Transit
Caltrain (to/from north)	3,105	3,055
Caltrain (to/from south)	2,980	4,008
Total Caltrain	6,085	7,063
Muni (Geneva to/from west and BART)	2,856	7,254
Muni (T-line to/from north)	1,614	1,658
Muni (BBX along US 101 to/from north)	-	1,211
Muni (San Bruno Avenue to/from north)	497	1,069
Muni (to/from Candlestick Point/Hunters Point)	993	588
Muni (to Visitacion Valley)	-	214
Total Muni	5,961	11,994
SamTrans (via direct service to Baylands Project Site)	124	2,063
Alliance Shuttle	248	330
South San Francisco Ferry	0	-
TOTAL	12,418	21,450

SOURCE: Nelson\Nygaard, 2012; Fehr & Peers, 2014

**TABLE UPC 1-3.7
TRANSIT TRIP ASSIGNMENT (PM PEAK HOUR TRIPS)**

Transit Operator and Corridor	Project Scenarios (PM Peak Trips)	
	DSP (from DEIR)	Enhanced Transit
Caltrain (inbound from north)	104	79
Caltrain (outbound to north)	249	302
TOTAL (Caltrain NORTH)	353	381
Caltrain (inbound from south)	100	136
Caltrain (outbound to south)	239	320
SCREENLINE (Caltrain SOUTH)	339	456
Total Caltrain	692	837
Muni (Muni Geneva inbound from west)	96	234
Muni (Muni Geneva outbound to west)	229	608
TOTAL (Muni Geneva WEST)	325	842
Muni (T-line inbound from north)	54	44
Muni (T-line outbound to north)	129	146
TOTAL (Muni Third Street T-Line)	184	190
Muni (BBX inbound on US 101 from north)	-	89
Muni (BBX outbound on US 101 to north)	-	0
TOTAL (Muni US 101)	-	89
Muni (San Bruno Avenue inbound from north)	17	36
Muni (San Bruno Avenue outbound to north)	40	85
TOTAL (Muni San Bruno Avenue)	56	121
SCREENLINE (Muni Third Street / San Bruno Avenue)	240	311
Muni (Muni Geneva inbound from Candlestick Point/Hunters Point)	33	20
Muni (Muni Geneva outbound to Candlestick Point/Hunters Point)	80	47
TOTAL (Muni Geneva EAST)	113	67
Muni (56 inbound from Visitacion Valley)	-	7
Muni (56 outbound from Visitacion Valley)	-	17
TOTAL (Muni to/from Visitacion Valley)	-	24
Total Muni	678	1,333
SamTrans (Bayshore inbound from south)	4	46
SamTrans (Bayshore outbound to south)	10	106
SamTrans (Bayshore total)	14	152
SamTrans (Daly City inbound from south)	-	26
SamTrans (Daly City outbound to south)	-	66
SamTrans (Daly City total)	-	92
Alliance Shuttle inbound from Brisbane (west of Bayshore)	8	12
Alliance Shuttle outbound to Brisbane (west of Bayshore)	20	28
Alliance Shuttle	28	40
South San Francisco Ferry	-	-
TOTAL INBOUND	416	729
TOTAL OUTBOUND	996	1,725
TOTAL PEAK HOUR TRANSIT TRIPS	1,412	2,454

SOURCE: Nelson\Nygaard, 2012; Fehr & Peers, 2014

Table UPC 1-3.7 shows the change in transit trips on each route. In general, transit trips for each route increase when compared to the DSP scenario. The largest increase is for Muni service to/from the west and Balboa Park Station. This is largely due to the enhanced service (BRT) encouraging more people to use it to connect to BART (to access areas around Glen Park, and Mission BART stations in San Francisco, and also because the line would interline with the 28L service which serves the entire west side of San Francisco along 19th Avenue and Presidio Parkway. In the DSP scenario, many trips to Superdistrict 2 on the west side of San Francisco would be via downtown San Francisco, whereas under enhanced transit conditions, the Geneva BRT/28L service would capture many of these trips.

Table UPC 1-3.7B shows the change in transit trips to each origin/destination. Major changes from the DSP scenario to enhanced transit conditions include significant reductions in the proportion of transit trips going to/from Daly City and Colma as a percentage of all transit trips, and a significant increase in transit trips to the remainder of the South Bay as a percentage of all transit trips. While the revised methodology leads to shifts in transit and automobile traffic in some corridors as trips distribution and assignment percentages are revised, these changes in both modes are fully reflected in the revised impact assessments within this response. This percentage increase in trips to the South Bay occurs because, while trip distribution to the region is similar in the enhanced condition to the DSP scenario, the mode split for transit under enhanced transit conditions is much higher at 31 percent for work trips and 28 percent for non-work trips, compared to 15 for work trips and 10 percent for non-work trips in the DSP. The reduction in trip distribution to/from Daly City and Colma is because while work and non-work mode splits both average around 12 percent, the trip distribution to Brisbane/San Bruno/South San Francisco compared to Daly City/Colma is larger for the DSP scenario than under enhanced transit.

**TABLE UPC 1-3.7B
TRANSIT TRIP DISTRIBUTION (DAILY TRIPS)**

Origin/Destination	Proposed Project Scenarios (Daily Trips)			
	Trips		Trip Proportion	
	DSP (from DEIR)	ET	DSP (from DEIR)	ET
San Francisco Superdistrict 1	2,359	4,131	17%	19%
San Francisco Superdistrict 2	745	1,603	6%	7%
San Francisco Superdistrict 3	3,105	5,347	23%	25%
San Francisco Superdistrict 4	497	975	4%	5%
Brisbane/San Bruno/South San Francisco	1,118	1,650	9%	8%
Daly City/ Colma	1,118	727	9%	3%
North Bay	0	48	0%	0%
South Bay	2,235	5,030	17%	23%
East Bay	1,242	1,937	9%	9%
Total	13,536	21,449	100%	100%

SOURCE: Nelson\Nygaard, 2012; Fehr & Peers, 2014

Implications of Enhanced Transit Conditions

This section of the response provides a discussion of how enhanced transit conditions might relate to the impacts and mitigation measures identified in the Draft EIR for transit and automobile impacts under “Cumulative With Project” conditions.

Enhanced Transit Traffic Conditions (Cumulative With Project)

Under the Cumulative With Project enhanced transit conditions, intersection delay at the study intersections changes slightly as shown in **Tables UPC 1-3.8 and UPC 1-3.9** (AM and PM scenarios, respectively). The only LOS improvement that might be gained from enhancing transit in relation to the DSP scenario (Cumulative With Project conditions) occurs at Guadalupe Canyon Parkway/Bayshore Boulevard, at which enhancing transit could improve LOS from C to B in the AM period. Aside from this, enhancing transit would have a negligible effect on intersection LOS. There would be no effect on the significance of Draft EIR-identified Impact 4.N-3 whose impact statement addresses whether “the Project (would) result in a substantial increase in traffic under Cumulative with Project conditions at the study intersections.” Enhancing transit would not change the Draft EIR conclusion that cumulative with project impacts would be significant and unavoidable, even after implementation of Draft EIR Mitigation Measures 4.N-3a through 4.N-3h.

Traffic Impact: Freeways

Under Cumulative With Project conditions, enhancing transit could generally provide a small level of service improvement along the freeway mainline at the study segments compared to the DSP scenario as shown in **Table UPC 1-3.10**. Enhancing transit would not result in any letter-grade LOS improvements compared to the DSP scenario as addressed in the Draft EIR). Enhancing transit would have no effect on the significance of Impact 4.N-4 whose impact statement states: “Would the Project’s contribution to future cumulative traffic impacts at freeway mainline segments be significant?” Even under enhanced transit conditions, cumulative with project impacts of [what?] would be significant and unavoidable, even after implementation of Mitigation Measure 4.N-4.

**TABLE UPC 1-3.8
INTERSECTION LEVEL OF SERVICE – CUMULATIVE WITHOUT PROJECT AND CUMULATIVE WITH PROJECT ENHANCED TRANSIT CONDITIONS –
WEEKDAY AM PEAK HOUR**

	Intersection	Existing		Cumulative Without Project		Cumulative With DSP (from DEIR)		Cumulative With Enhanced Transit		Impact	LOS after Mitigation
		Delay ^a	LOS ^b	Delay	LOS	Delay	LOS	Delay	LOS		
1	Geneva Avenue/ Bayshore Boulevard	25	C	58	E	> 80	F	> 80	F	SU	-
2	Guadalupe Canyon Parkway/ Bayshore Boulevard	15	B	18	B	21	C	20	B	-	-
3	Valley Drive/ Bayshore Boulevard	16	B	20	B	28	C	26	C	-	-
4	Old County Road/ Bayshore Boulevard	31	C	32	C	66	E	57	E	SU	-
5	San Bruno Avenue/ Bayshore Boulevard	29	D _(EB)	> 50	F_(EB)	> 50	F_(EB)	> 50	F_(EB)	LTS	-
6	Sierra Point Parkway/ US 101 NB Ramps	20	C _(NB)	>50	F_(EB)	> 50	F_(EB)	> 50	F_(EB)	SU	-
7	Lagoon Way/Tunnel Avenue	<10	A	> 50	F_(WB)	> 50	F_(WB)	> 50	F_(WB)	SU	-
8	Lagoon Way/ Sierra Point Parkway	<10	A _(WB)	> 50	F_(WB)	> 50	F_(WB)	> 50	F_(WB)	SU	-
9	Geneva Avenue/ US 101 SB Ramps^c	10	B _(EB)	> 80	F	> 80	F	> 80	F	SU	-
10	Harney Way/ Thomas Mellon Drive ^d	<10	A	34	C	35	D	35	D	-	-
11	Jamestown Avenue/ Third Street	19	B	54	D	72	E	69	E	SU	-
12	Tunnel Avenue/ Bayshore Boulevard	27	C	> 80	F	> 80	F	> 80	F	SU	-
13	Blanken Avenue/ Tunnel Avenue ^e	<10	A	18	B	19	B	19	B	-	-
14	Blanken Avenue/ Bayshore Boulevard	<10	A	36	D	54	D	52	D	-	-
15	Sunnydale Avenue/ Bayshore Boulevard	19	B	> 80	F	> 80	F	> 80	F	SU	-

TABLE UPC 1-3.8 (Continued)
INTERSECTION LEVEL OF SERVICE – CUMULATIVE WITHOUT PROJECT AND CUMULATIVE WITH PROJECT ENHANCED TRANSIT CONDITIONS – WEEKDAY AM PEAK HOUR

	Intersection	Existing		Cumulative Without Project		Cumulative With DSP (from DEIR)		Cumulative With Enhanced Transit		Impact	LOS after Mitigation
		Delay ^a	LOS ^b	Delay	LOS	Delay	LOS	Delay	LOS		
16	Geneva Avenue/ Carter Street	28	C	> 80	F	> 80	F	> 80	F	SU	-
17	Geneva Avenue/ Mission Street	18	B	> 80	F	> 80	F	> 80	F	SU	-
18	E. Market Street/ Orange Street	12	B _(EB)	> 50	F_(EB)	> 50	F_(EB)	> 50	F_(EB)	SU	-

^a Delay in seconds per vehicle.

^b Intersections operating at unacceptable level of service (LOS) conditions highlighted in **bold**.

^c Year 2030 analysis includes signalization at Geneva Avenue & US 101 Southbound Ramps as part of the Geneva Avenue extension project.

^d Year 2030 analysis includes signalization at Harney Way & US 101 Northbound Ramps as part of the Harney Way widening project.

^e Year 2030 analysis includes signalization at Blanken Avenue & Tunnel Avenue.

- = No Impact

LTS = Less than Significant

SM = Significant but Mitigable

SU = Significant Unavoidable

SOURCE: Fehr & Peers, 2012, 2014

**TABLE UPC 1-3.9
INTERSECTION LEVEL OF SERVICE – CUMULATIVE WITHOUT PROJECT AND CUMULATIVE WITH PROJECT ENHANCED TRANSIT CONDITIONS –
WEEKDAY PM PEAK HOUR**

	Intersection	Existing		Cumulative Without Project		Cumulative With DSP (from DEIR)		Cumulative With Enhanced Transit		Impact	LOS after Mitigation
		Delay ^a	LOS ^b	Delay	LOS	Delay	LOS	Delay	LOS		
1	Geneva Avenue/ Bayshore Boulevard	24	C	> 80	F	> 80	F	> 80	F	SU	-
2	Guadalupe Canyon Parkway/ Bayshore Boulevard	13	B	47	D	48	D	47	D	-	-
3	Valley Drive/ Bayshore Boulevard	13	B	39	D	45	D	44	D	-	-
4	Old County Road/ Bayshore Boulevard	30	C	> 80	F	> 80	F	> 80	F	SU	-
5	San Bruno Avenue/ Bayshore Boulevard	27	D _(EB)	> 50	F _(EB)	> 50	F _(EB)	> 50	F _(EB)	LTS	-
6	Sierra Point Parkway/ US 101 NB Ramps	<10	A _(NB)	> 50	F _(WB)	> 50	F _(WB)	> 50	F _(EB)	SU	-
7	Lagoon Way/Tunnel Avenue	<10	A	> 50	F _(WB)	> 50	F _(SB)	> 50	F _(SB)	SU	-
8	Lagoon Way/ Sierra Point Parkway	12	B _(NB)	> 50	F _(EB)	> 50	F _(EB)	> 50	F _(EB)	SU	-
9	Geneva Avenue/ US 101 SB Ramps^c	<10	A _(SB)	> 80	F	> 80	F	> 80	F	SU	-
10	Harney Way/ Thomas Mellon Drive ^d	<10	A	26	C	26	C	26	C	-	-
11	Jamestown Avenue/ Third Street	18	B	>80	F	> 80	F	> 80	F	SU	-
12	Tunnel Avenue/ Bayshore Boulevard	20	B	> 72	E	> 80	F	> 80	F	SU	-
13	Blanken Avenue/ Tunnel Avenue ^e	<10	A	25	C	25	C	25	C	-	-
14	Blanken Avenue/ Bayshore Boulevard	11	B	35	D	54	D	51	D	-	-
15	Sunnydale Avenue/ Bayshore Boulevard	20	C	> 80	F	> 80	F	> 80	F	SU	-

TABLE UPC 1-3.9 (Continued)
INTERSECTION LEVEL OF SERVICE – CUMULATIVE WITHOUT PROJECT AND CUMULATIVE WITH PROJECT ENHANCED TRANSIT CONDITIONS – WEEKDAY PM PEAK HOUR

Intersection		Existing		Cumulative Without Project		Cumulative With DSP (from DEIR)		Cumulative With Enhanced Transit		Impact	LOS after Mitigation
		Delay ^a	LOS ^b	Delay	LOS	Delay	LOS	Delay	LOS		
16	Geneva Avenue/ Carter Street	31	C	> 80	F	> 80	F	> 80	F	SU	-
17	Geneva Avenue/ Mission Street/	20	C	> 80	F	> 80	F	> 80	F	SU	-
18	E. Market Street/ Orange Street	<10	A	16	C _(WB)	23	C _(WB)	22	C _(WB)	SM	-

^a Delay in seconds per vehicle.

^b Intersections operating at unacceptable level of service (LOS) conditions highlighted in **bold**.

^c Year 2030 analysis includes signalization at Geneva Avenue & US 101 Southbound Ramps as part of the Geneva Avenue extension project.

^d Year 2030 analysis includes signalization at Harney Way & US 101 Northbound Ramps as part of the Harney Way Widening project.

^e Year 2030 analysis includes signalization at Blanken Avenue & Tunnel Avenue.

- = No Impact

LTS = Less than Significant

SM = Significant but Mitigable

SU = Significant Unavoidable

SOURCE: Fehr & Peers 2012, 2014

**TABLE UPC 1-3.10
US-101 MAINLINE SEGMENT LEVEL OF SERVICE –
CUMULATIVE WITHOUT PROJECT AND CUMULATIVE WITH PROJECT CONDITIONS**

Freeway Segment	Cumulative Without Project		Cumulative With DSP		Cumulative With Enhanced Transit	
	LOS	V/C ^a	LOS	V/C	LOS	V/C
Weekday AM Peak Hour						
NB—Sierra Point to Harney/Geneva	D	0.88	E	0.91	E	0.90
NB—Harney/Geneva to Third/Bayshore	F	1.01	F	1.05	F	1.04
SB—Third/Bayshore to Harney/Geneva	F	1.19	F	1.31	F	1.29
SB—Harney/Geneva to Sierra Point	F	1.14	F	1.16	F	1.16
Weekday PM Peak Hour						
NB—Sierra Point to Harney/Geneva	F	1.03	F	1.05	F	1.05
NB—Harney/Geneva to Third/Bayshore	F	1.12	F	1.23	F	1.21
SB—Third/Bayshore to Harney/Geneva	F	1.12	F	1.15	F	1.15
SB—Harney/Geneva to Sierra Point	E	0.93	E	0.97	E	0.96

Segments operating at Level of Service (LOS) F conditions highlighted in bold

LOS determinations for freeway mainline segments were based on HCM 1994 LOS V/C Methodology per C/CAG guidelines.
Freeway directions: NB = Northbound; SB = Southbound

SOURCE: Fehr and Peers, 2012

Transit Conditions (Cumulative With Project, Enhanced Transit)

Transit Impact: BART/Caltrain

Under Cumulative With Project Enhanced Transit conditions, the additional transit service generally increases ridership on these expanded transit services compared to the DSP scenario analyzed in the Draft EIR. Enhancing transit as described in this comment could reduce two previously identified transit impacts from significant and unavoidable to less-than-significant as compared to the DSP scenario.

Impact 4.N-5 does not apply under enhanced transit conditions as it is specific to the DSP-V scenario.

Enhancing transit would have no effect on the significance of Impact 4.N-6 whose impact statement states: “Would the Project cause an increase in transit demand that could not be accommodated by train transit capacity (BART and Caltrain), or would require changes to Caltrain operations at the Bayshore Station and on the Bayshore/Brisbane four-track rail segment, resulting in unacceptable levels of transit service?” The conclusion remains that the cumulative impact of enhanced transit conditions would be less-than-significant.

The results of the screenline analysis that was used to reach this conclusion are presented below. The regional screenline analysis was conducted for the following three screenline locations (see **Table UPC 1-3.11** [Enhanced Transit] Project Site development screenline analysis). In general, capacity utilization for enhanced transit conditions is similar to the DSP scenario, and is between zero and two percent higher.

- ***BART East Bay (Transbay Tube)***: Project Site development's contribution to the BART East Bay screenline (based on Transbay Tube transit ridership and capacity) reflects the forecasted volume of Project Site development-generated transit trips to and from the East Bay (approximately 9 to 10 percent of generated trips, which is around one percent less than the DSP scenario). As in the Draft EIR, The Cumulative Without Project transit volumes and capacity assumptions are derived from the CPHPS EIR.
- ***BART South Bay (Daly City/Colma/South San Francisco)***: Project Site development's contribution to the BART South Bay screenline is based on transit ridership and capacity on the BART line at the peak load point south of the Daly City Station (based on the Cumulative Without Project volumes and capacity as described in the CPHPS EIR) to account for Project Site development transit trips to/from Daly City, Colma, and adjacent locations in the northern San Mateo County area.
- ***Caltrain***: Project Site development's contribution to the Caltrain South Bay screenline is based on transit ridership and capacity on the Caltrain line at the peak load point south of San Francisco. The increase in ridership under Cumulative Without Project conditions is based on the net increase in ridership described in the CPHPS EIR (including trips generated by the approved CPHPS development). Because the Baylands Project Site is located roughly at the peak load point, Project Site development-related trips would be dispersed, such that northbound and southbound Project Site development-related trips would not affect the peak load volume (i.e., passengers traveling to and from the south would occupy different trains from passengers traveling to and from the north).

Impact on BART Capacity: For BART, there would be no change to the impact identified in the Draft EIR for the DSP scenario under enhanced transit conditions. Because the contribution of Project Site development under enhanced transit conditions would still represent less than 2 percent of the forecasted *increase* in transit demand, the Project site development's contribution to the cumulative impact under enhanced transit conditions would remain less than significant.

Impact on Caltrain Capacity: A more detailed and accurate approach was undertaken to assess Caltrain capacity for enhanced transit conditions, as explained below.

**UPC 1-3.11
 CUMULATIVE WITHOUT PROJECT AND WITH ENHANCED TRANSIT
 REGIONAL TRAIN TRANSIT SCREENLINES**

Cumulative Without Project – AM Peak Hour				Cumulative With Enhanced Transit – AM Peak Hour			
	Ridership	Capacity	Utilization		Ridership	Capacity	Utilization
BART East Bay	36,202	19,569	185%	BART East Bay	36,454	19,569	186%
BART South Bay	12,416	13,951	89%	BART South Bay	12,525	13,951	90%
Caltrain South Bay	5,478	6,500	84%	Caltrain South Bay	5,937	6,500	91%

Cumulative Without Project – PM Peak Hour				Cumulative With Enhanced Transit – PM Peak Hour			
	Ridership	Capacity	Utilization		Ridership	Capacity	Utilization
BART East Bay	30,268	19,655	154%	BART East Bay	30,500	19,655	155%
BART South Bay	10,707	14,088	76%	BART South Bay	10,819	13,951	78%
Caltrain South Bay	5,442	6,500	84%	Caltrain South Bay	5,898	6,500	91%

SOURCE: Fehr & Peers, 2014

It is assumed that under enhanced transit conditions, project trips are distributed equally over the trains that operate through Brisbane Station during the peak hour. According to Existing Conditions chapter in the Draft EIR, the maximum load on Caltrain is 355 in the northbound AM, 286 in the southbound AM, 305 in the northbound PM, and 389 in the southbound PM. It is conservatively assumed that the maximum load point occurs both immediately north and immediately south of Brisbane Station such that the maximum load point upon additional of Project trips would be located at the side of the Station where more trips are added. Under enhanced transit conditions, 326 Project trips per hour are added in the northbound AM (towards Brisbane), 311 Project trips per hour are added in the southbound AM (towards Brisbane), 302 Project trips per hour are added in the northbound AM (away from Brisbane), and 320 Project trips per hour are added in the southbound PM (away from Brisbane) (see **Table UPC 1-3.11B**).

Following Caltrain electrification, which is scheduled for completion between the winter of 2020 and the spring of 2021, Caltrain would operate six trains per peak hour per direction. Frequency of service at the Bayshore Station under Cumulative Plus Project enhanced transit conditions is assumed to be increased under enhanced transit conditions to be commensurate with high-ridership non-terminus stations along commuter rail corridor (such as Palo Alto, Redwood City, and Hillsdale).

Project Site development under enhanced transit conditions would generate a daily increase in Caltrain ridership of 7,063 riders. This level of ridership exceeds that of most stations on the Caltrain line today. In addition, additional ridership

**TABLE UPC 1-3.11B
CUMULATIVE WITHOUT PROJECT AND WITH ENHANCED TRANSIT CALTRAIN SCREENLINES**

	2030 No Project			Project trips per train	2030 plus Enhanced Transit			Location of Maximum Load
	Max Load	Capacity	Capacity Utilization		Max Load	Capacity	Capacity Utilization	
Northbound AM	355	650	55%	54	409	650	63%	Immediately south of Brisbane
Southbound AM	286	650	44%	52	338	650	52%	Immediately north of Brisbane
Northbound PM	305	650	47%	50	355	650	55%	Immediately north of Brisbane
Southbound PM	389	650	60%	53	442	650	68%	Immediately south of Brisbane

SOURCE: Fehr & Peers, 2014

demand via the Bayshore Station would be generated by the planned CPHPS project, while improved connectivity between Bayshore Boulevard and the Bayshore Station would allow for increased use of the Bayshore Station to accommodate transfers from the Muni T-line, San Bruno Avenue bus routes, the planned Geneva-Harney BRT line, and from adjacent neighborhoods.

Ridership volume with or without Project Site development under enhanced transit conditions is not forecasted to exceed capacity on the Caltrain line, based on the peak hour service levels proposed for Caltrain in the Cumulative Plus Project (five-to-six trains in each direction during the AM and PM peak hours which each stop at Brisbane Station). This finding does not require an increase in the total number of trains operated by Caltrain.

Conclusion: Enhancing transit conditions would not cause an increase in transit demand that could not be accommodated by train transit capacity (BART and Caltrain), nor would enhanced transit conditions require changes to Caltrain operations at the Bayshore Station. The cumulative impacts would be less than significant under enhanced transit conditions, and no mitigation would be required. This conclusion is unchanged from the DSP scenario as it is analyzed in the Draft EIR.

Transit Impact: San Francisco Muni/SamTrans Demand

Enhancing transit would reduce the significant and unavoidable impact of the DSP scenario for Impact 4.N-7 whose impact statement states: “Would the Project cause an increase in transit demand that could not be accommodated by

San Francisco Muni or SamTrans transit capacity?” from significant and unavoidable to less-than-significant.

Impact on San Francisco Transit Screenline Capacity

The enhanced transit results for the San Francisco screenline analysis is shown in **Table UPC 1-3.12**. In general, capacity utilization decreases slightly under enhanced transit conditions compared to the DSP scenario, with the largest decrease being six percent for the northeast screenline in the AM and PM peak hours. The decrease under enhanced transit conditions compared to the DSP scenario is driven by trips shifting onto the Geneva BRT, which partly serves as a feeder line to BART. By virtue of its location far from downtown, the Geneva BRT line is not included in any of the screenlines.

**TABLE UPC 1-3.12
 ENHANCED TRANSIT CONTRIBUTION TO SAN FRANCISCO TRANSIT SCREENLINES**

AM Peak Hour									
	Cumulative Without Project			Cumulative With DSP			Cumulative With Enhanced Transit		
	Ridership	Capacity	Utilization	Ridership	Capacity	Utilization	Ridership	Capacity	Utilization
Northeast	3,008	3,856	78%	3,378	3,856	88%	3,151	3,856	82%
Northwest	8,949	11,932	75%	9,063	11,932	76%	8,988	11,932	75%
Southeast	7,536	10,184	74%	7,891	10,184	77%	7,642	10,184	75%
Southwest	7,674	10,097	76%	7,731	10,097	77%	7,674	10,097	76%
Total	27,167	36,069	75%	28,062	36,069	78%	27,455	36,069	76%

PM Peak Hour									
	Cumulative Without Project			Cumulative With DSP			Cumulative With enhanced Transit		
	Ridership	Capacity	Utilization	Ridership	Capacity	Utilization	Ridership	Capacity	Utilization
Northeast	3,140	4,026	78%	3,507	4,026	87%	3,279	4,026	81%
Northwest	8,155	10,873	75%	8,268	10,873	76%	8,194	10,873	75%
Southeast	8,223	9,907	83%	8,576	9,907	87%	8,331	9,907	84%
Southwest	8,829	10,767	82%	8,885	10,767	83%	8,829	10,767	82%
Total	28,347	35,573	80%	29,237	35,573	82%	28,632	35,573	80%

SOURCE: City and County of San Francisco, 2010; Fehr & Peers 2014

Based on the anticipated trip distribution pattern, roughly one-fourth of trips under enhanced transit conditions would be made to or from the southeastern quadrant of San Francisco (including the Mission Bay, Bernal Heights, Bayview, Hunters Point, and Candlestick Point districts). Trips associated with Project Site development under enhanced transit conditions would contribute to total transit volumes without exceeding Muni’s capacity threshold of 85 percent on any screenlines (based on the Year 2030 transit volumes and capacities at those

screenlines as described in the CPHPS EIR). For the DSP scenario, the threshold was exceeded for two of the four screenlines. The impact of enhanced transit conditions would be less than significant.

Impact on T-Line and San Bruno Avenue Transit Corridors

The effect of enhancing transit on these corridors would be unchanged from the DSP scenario. The proposed Project Site development under enhanced transit conditions would not result in unacceptable levels of transit service or increased operating costs to the Muni T-line or San Bruno Avenue bus lines due to the anticipated pattern of Project Site development travel; therefore, the impact of the development scenario would be less than significant. The introduction of the BBX route would relieve demand on the T Third route and Caltrain service, since providing an express service between the Baylands and Downtown San Francisco would attract many of the commuters that would otherwise use the T Third and Caltrain services.

Impact on Geneva Avenue Transit Corridor

Project Site development under enhanced transit conditions would have a less-than-significant impact on available transit capacity along the Geneva Avenue corridor, instead of the significant unavoidable impact found in the Draft EIR for the DSP scenario. This is due to an increase in capacity that is greater than the increased ridership on this corridor (when compared to DSP), as shown below:

- Approximately 7,800 daily riders under enhanced transit conditions, including approximately 900 PM peak hour riders (total for both directions)

Current service on that corridor consists of:

- Muni Route 8X and 8BX service between the Sunnydale Station and the Balboa Park Station (8 buses in peak hours in each direction)
- Alliance Shuttle Service (six buses per day between the Sunnydale Station and the Balboa Park Station)

Implementation of the proposed Geneva BRT, as described in the San Francisco TEP, and CPHPS EIR (San Francisco Planning Department, 2009), would provide a significant increase in transit service and capacity on the Geneva Avenue corridor, with 12 peak hour buses in each direction (5 min service frequency) operating between the Balboa Park BART Station and Hunters Point Shipyard.

Portions of the Geneva BRT would operate within an exclusive right-of-way, including segments within the Baylands Project Site. Funding for the Geneva BRT has not yet been obtained, with a portion of funding to be contingent on the timeline for redevelopment of Candlestick Point and Hunters Point.

Assuming 60-foot articulated motor coaches (which have a seated plus standing capacity of 94 persons), the capacity of the Geneva BRT during the peak hour would be 1,128 persons per direction per hour. The largest maximum load in the PM peak hour would be in the outbound direction toward the Balboa Park BART Station. This load would be 608 persons per hour, which is a capacity utilization of 54%, and well below the 85% capacity threshold of significance. Note that if 40-foot motor coaches were to be assumed that this threshold would nearly be reached.

Due to the enhancement of transit service on Geneva Avenue due to the implementation of BRT, the part of the Alliance Shuttle, which operates between the Brisbane Intermodal Station and Balboa Park BART Station, would be discontinued.

Impact on SamTrans Service

Even with the increased ridership provided by enhancing transit, Project Site development would have a less-than-significant impact on available transit capacity on SamTrans service, which is the same conclusion as for the DSP scenario. As noted in **Table UPC 1-3.5**, 11 percent of Baylands Project Site transit riders are anticipated to use SamTrans service. This would result in around 250 trips during the PM peak hour under enhanced transit conditions. Otherwise, Baylands Project Site transit riders would be accommodated on the BART, Caltrain, and Muni systems. Given the projected low ridership on SamTrans, no significant impacts would result from Project Site development under enhanced transit conditions.

Conclusion: Transit ridership under enhanced transit conditions would contribute to cumulatively less-than-significant impact on Muni operations at San Francisco transit screenline locations, the Geneva Avenue corridor, T-Line corridor, San Bruno Avenue corridor, Caltrain, and SamTrans.

Transit Impact: Transit Operations

Due to transit service improvements, enhanced transit conditions would result in a less-than-significant impact, as compared to the significant and unavoidable impact found in the Draft EIR under the DSP scenario for Impact 4.N-8 (“Would the Project 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]?”)

As described above (Impact 4.N-6), enhancing transit conditions would not cause transit ridership volume to exceed 100 percent of seated capacity on Caltrain, and although the scenario would contribute to cumulative ridership exceeding

100 percent seated capacity on BART, Project Site development's contribution to cumulative BART ridership under enhanced transit conditions would represent less than 2 percent of the cumulative ridership increase³. Because this would not require any additional trains, as this increase could be accommodated within current service levels, there would be no resulting operations and maintenance costs (associated with the additional trains). The marginal cost for operations is negligible with a 2 percent ridership increase as a result. Therefore the increase or ridership under enhanced transit conditions would not result in additional operating costs for Caltrain or BART that would exceed farebox revenue resulting from Baylands Project Site-generated trips.

As described above (Impact 4.N-7), enhanced transit conditions would not cause Muni's capacity threshold of 85 percent to be exceeded on any of the four Muni screenlines.

Conclusion: Enhanced transit for the Baylands contains additional bus transit service supplied by the proposed diversion of the Muni Geneva-Harney BRT Line into the project's southeast quadrant, Muni BBX, SamTrans 120, and SamTrans 292X routes. The increase in transit that is proposed as part of Baylands development under enhanced transit conditions would reduce the DSP's significant unavoidable impact on Muni and SamTrans to less-than-significant.

Transit Impact: Onsite Demand

Enhancing transit conditions would reduce the significance of the previously-identified Impact 4.N-9 ("Would the Project 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 station(s)?") Due to provision of more transit service, enhanced transit conditions would result in a less-than-significant impact, compared to the significant and unavoidable impact identified in the Draft EIR for the DSP scenario.

Enhancing transit for the Baylands would generate a substantial increase in cumulative transit demand on Caltrain and the Muni T-line. Proposed land uses south of proposed Geneva Avenue and east of the Caltrain line would be located more than one-third mile from those station locations, with some proposed land uses located over one mile from those stations. The transit network proposed for

³ As noted in Section 4.N.4, a two percent increase in ridership and resulting in increased operating costs for Caltrain or BART that would exceed farebox revenue resulting from Project Site development-generated trips is the criterion used to determine whether a significant impact would result.

enhanced transit conditions ensures that all residents, employees, and visitors of within the Baylands are within reach of a one- or two-seat ride from all regional destinations with the following changes to the transit network.

- East of the Caltrain station, Geneva-Harney BRT would be routed into the southeast quadrant of the Baylands Project site with a station at J Street/7th Street to serve the adjacent employment area (the route deviates off Geneva Avenue extension between Tunnel Avenue and Sierra Point Parkway). The enhanced transit network also includes an additional station at Geneva Avenue/2nd Street to serve nearby residents.
- Muni Route BBX (new) would be added to provide period hour express service to downtown San Francisco on weekdays for project residents – The route would travel from the Bayshore Boulevard/Old County Road end of the southwest quadrant of the Baylands Project Site through the residential area of Brisbane Baylands (primarily along 3rd Street) and then express to Downtown San Francisco. The service would operate at 10-minute headways.
- Muni Route 56 would be extended to serve the Bayshore Intermodal Station
- A route enhancement to the existing SamTrans 292 route, named 292X, would provide access to all four quadrants of the Baylands Project Site with the route terminating at Bayshore Intermodal Station. The route would operate at 15-minute headways.
- SamTrans Route 120 would be extended route from its current terminus at Mission Street & Acton Street to serve Brisbane Baylands and circulate within Brisbane Baylands.
- A new high-frequency internal shuttle, named the Baylands Shuttle, would be added to connect all four quadrants of Brisbane Baylands with Bayshore Intermodal Station
- A new high-frequency internal shuttle, named the Lagoon Shuttle, would be added to connect office and industrial uses between Creek Parkway and Lagoon Way.
- All-day weekday and weekend service would be added to the Brisbane-Bayshore Alliance Shuttle. The route would operate at 15-minute headways.

Conclusion: Project Site development under enhanced transit conditions would increase onsite transit demand for transit compared to the DSP development scenario, and would be adequately served by the enhanced transit network proposed.

January 24, 2014 Comment Letter

UPC 2-1 [See page 5-529 for the original comment] The second sentence in Mitigation Measure 4.A-1 is intended to set forth a performance standard to meet the requirement in the first sentence. To clarify, Mitigation Measure 4.A-1 is revised to read as follows.

Mitigation Measure 4.A-1a: Development within 350 feet of the eastern boundary of the Baylands 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 by limiting the height of buildings within 350 feet of US Highway 101 to a maximum height of 80 feet based on the grading plan included in the proposed Brisbane Baylands Infrastructure Plan. Each specific plan approved for development within the Baylands Project Site shall include development standards setting forth this requirement. ~~These standards shall require that buildings within 350 feet of US Highway 101 be no taller than 80 feet in height.~~

UPC 2-2 [See page 5-529 for the original comment] The intent of Mitigation Measure 4.A-3 is to ensure that development proposed for the Baylands would not substantially degrade the existing visual character of the Project site, Central Brisbane, or surrounding areas, and that Project site development would be visually appealing, well integrated, and compatible with adjacent development. The changes proposed by the commenter are unnecessary, as the measure does not preclude the City's consideration of appropriate design that may vary from these standards, as long as it finds that the proposed design does not substantially degrade the existing visual character of the Project site. Such consideration would occur upon the submittal of site-specific development projects, at which time the City would conduct further environmental review under CEQA. See Master Response 1 for discussion of subsequent project-specific environmental review.

UPC 2-3 [See page 5-530 for the original comment] See Response UPC 2-2. See also Final EIR Chapter 4.0, *Mitigation Monitoring and Reporting Program*, for a description as to how compliance with Mitigation Measure 4.A-3 will be determined.

UPC 2-4 [See page 5-530 for the original comment] See Response UPC 2-2. The changes proposed in this comment are unnecessary, as the measure does not preclude the City's consideration of different designs, as long as it finds that the proposed design does not substantially degrade the existing visual character of the Project site. Such consideration would occur as part of site-specific development projects, which would be subject to further environmental review under CEQA. See Master Response 1 for discussion of subsequent project-specific environmental review.

UPC 2-5 [See page 5-530 for the original comment] Because of the large building surface area proposed under each of the four development scenarios, a mitigation measure that would “maximize” the use of textured and other non-reflective materials would provide a greater opportunity for the provision of reflective materials, and would not likely be effective at addressing the cumulative effect of daytime glare impacts from overall development of the Baylands.

The revised Mitigation Measure 4.A-4b would provide for the use of some reflective materials, but would ensure daytime glare impacts would be less than significant.

Mitigation Measure 4.A-4b: All building exteriors within the Baylands Project Site shall be composed of textured and other non-reflective materials, including high-performance tinted non-mirrored glass. Any reflective materials on building exteriors that have a light reflectivity factor greater than 30 percent shall be positioned so as to not reflect daytime glare onto the 101 freeway or onto existing residential communities in Brisbane and Visitacion Valley limited to less than 50 percent of any wall area. Mirrored glass shall be prohibited.

UPC 2-6 [See page 5-530 for the original comment] The intent of the cited mitigation measure is to provide an incentive for employees to walk or ride a bicycle to work. By referring to the types of buildings rather than employees, the mitigation measure could be interpreted to include facilities for visitors, as well as employees, which is not the intent of the mitigation measure. The third bullet in Mitigation Measure 4.B-4 is revised to read as follows.

- Provide and maintain showers and changing facilities for employees in buildings having a gross leasable area of 25,000 square feet or more as a condition of final building permit;

UPC 2-7 [See page 5-530 for the original comment] The suggested wording provided in Comment UPC-7 appears to have a similar effect as the existing wording of Mitigation Measure 4.B-9. To maintain flexibility regarding future technologies and to clarify its intent, Mitigation Measure 4.B-9 is revised to read as follows.

Mitigation Measure 4.B-9: The following TDM measures shall be implemented:

- Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations.
- As a potential element of a required TDM program, promote zero-emission vehicles by providing such as through a neighborhood electric vehicle program or other programs or policies to reduce the need to have a car or second car vehicles as of a TDM program that would be required of all new developments.

See also Table 4.B-21.

UPC 2-8 [See page 5-531 for the original comment] The area encompassing the historic Roundhouse would be defined as the proposed new “Roundhouse Circle” as shown in the proposed Brisbane Baylands Specific Plan prepared by the applicant for the DSP and DSP-V scenarios and the proposed new mixed use development immediately facing Roundhouse Circle, as well as the equivalent area for the CPP and CPP-V scenarios, as described in Draft EIR Chapter 3.0, Project Description.

Mitigation Measure 4.D-1a requires submittal and implementation of both a stabilization plan and a rehabilitation plan for the historic Roundhouse.

Mitigation Measure 4.D-1a: Within 90 days of Specific Plan adoption or prior to the issuance of the first grading or building permit within the Project Site (whichever occurs first), the property owner shall prepare and implement a stabilization plan subject to review and approval by the Brisbane Planning Department to protect and stabilize the Roundhouse from further deterioration and future vandalism. Such a plan may include, but is not limited to, additional protective fencing, signage, installation of temporary roof coverings to protect the interior from rainwater intrusion, and covering of all window and door openings with plywood. In preparation of the stabilization plan, the property owner shall use the National Park Service’s *Preservation Brief #31, Mothballing Historic Buildings*.

~~Prior to Within 90 days of the issuance of any planning or development approval for use of the historic Roundhouse (e.g., site remediation, grading, site development plan, building permit) encompassing the area of the historic Roundhouse, the property owner shall also submit a rehabilitation plan for the historic Roundhouse to the City for review and approval by the Brisbane Planning Commission. Implementation of the rehabilitation plan shall be completed prior to the first issuance of an occupancy permit for the area subject to the planning or development permit approved encompassing the area of the historic Roundhouse.~~

The rehabilitation plan shall be consistent with the performance standards contained in the following documents:⁴

- The Secretary of the Interior’s Standards for Rehabilitation. Such standards call for the retention of significant, character-defining features of the building while finding a new use for the structure that is compatible with its historic character;
- The National Park Service’s *Preservation Brief #17, Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Architectural Character*; and

⁴ The 10 Standards for Rehabilitation and Preservation Briefs #31, 17 18 and 31 are provided in **Appendix F** of this EIR.

- The National Park Service's *Preservation Brief #18, Rehabilitating Interiors in Historic Buildings - Identifying and Preserving Character-Defining Elements*.

To ensure compliance with the Secretary of the Interior's Standards for Rehabilitation, rehabilitation plans shall also be reviewed by a qualified consulting architectural historian who meets the Secretary of the Interior's Standards for Architectural History prior to action by the Planning Commission. The rehabilitation plans shall meet a minimum of 7 out of 10 of the standards.

The Secretary of the Interior's Standard #6, specifically, requires that replacement of missing features will be substantiated by documentary and physical evidence. As nearly 50 percent of the building is missing due to fires and vandalism, such evidence is key to its successful rehabilitation. Original plans and early photographs of the Roundhouse are available at the Library and Collections Department of the California State Railroad Museum in Sacramento. These original plans and early photographs shall be used when preparing the rehabilitation plan for this building to ensure that rehabilitation efforts will adequately preserve the historic architectural and structural integrity of the building.

UPC 2-9 [See page 5-531 for the original comment] Mitigation Measure 4.E-4a is revised to read as follows.

Mitigation Measure 4.E-4a: Site-specific development projects within the Baylands Project Site shall not place new fill materials within 600 feet of Brisbane Lagoon, except when required for roadway improvements, habitat enhancement, or other approved site improvements. Placement of new fill materials within 600 feet of the Brisbane Lagoon shall be designed to prevent erosion of soils into the lagoon during and subsequent to construction. All manufactured slopes shall require certification by a licensed geotechnical engineer to the satisfaction of the City Engineer that a factor of safety of at least 1.5 for static conditions and 1.2 under dynamic conditions will be achieved.

UPC 2-10 [See page 5-531 for the original comment] See Master Response 3 for discussion of the remediation review and approval process and how it relates to the timing of the City's planning and development review and approval process. As discussed in that Master Response, the City would consider adoption of a specific plan for lands within the former landfill, OU-1, and OU-2 following completion of the Title 27 landfill closure and remedial action plans for those areas of the Baylands.

UPC 2-11 [See page 5-531 for the original comment] The first sentence of Mitigation Measure 4.G-2c is revised to read as follows.

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 ~~shall be submitted by the project applicant~~ to the City Community Development Director and Building Official.

UPC 2-12 [See page 5-532 for the original comment] To clarify its intent, Mitigation 4.H-1c is revised to read as follows.

Mitigation Measure 4.H-1c: Applicants for site-specific development projects to be constructed within the Baylands Project Site shall prepare and implement a Final Stormwater Management Plan (SMP) in accordance with the most recent NPDES C.3 requirements to be reviewed and approved by the City Engineer prior to approval of final design plans. The SMP shall be prepared by licensed professionals and act as the guiding document detailing best management practices for mitigating water quality impacts in the post-construction phase. Industrial uses shall prepare a SMP in accordance with NPDES permit requirements for Industrial Activity. Industrial applicants shall include management measures that will achieve the performance standard of best available technology economically achievable and best conventional pollutant control technology in accordance with the General Industrial Permit as approved by the RWQCB and shall demonstrate compliance within an annual report be submitted each July 1. The SMP shall 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 ~~funding sources~~ entity responsible for the required ongoing maintenance. The SMP shall be developed in conjunction with the Storm Drain Master Plan to ensure that the treatment designs support the hydraulics and hydrology of the proposed storm drainage system.

UPC 2-13 [See page 5-532 for the original comment] The phased implementation of Mitigation Measures 4.H-4a, b, and c is already permitted by those measures, provide that the applicable performance standards are met within developed areas without increasing offsite flowing hazards. No revisions to those measures are necessary to provide for phased implementation of drainage facilities.

UPC 2-14 [See page 5-532 for the original comment] Mitigation Measure 4.J-3a is revised to read as follows.

Mitigation Measure 4.J-3a: All development within the Baylands Project Site shall incorporate the following design features into the final site plans prior to issuance of a building permit:

- Building equipment (e.g., heating, ventilation, and air conditioning units) shall be located away from nearby residences, on building rooftops, or adequately shielded within an enclosure that effectively blocks the line of sight of the source from receivers in order to meet a performance standard of 5 dBA over existing ambient noise levels (generally perceptible increase to most

persons) for this source which would potentially operate more than 20 minutes in a given hour.

- Formal truck delivery areas (e.g. loading bays) shall be located at least 100 feet from residences to maintain noise levels of less than 5 dBA over existing monitored levels, except within mixed-use buildings containing both residential and commercial uses. Truck delivery bays and waste collection areas shall be located so that they are blocked by Project Site development buildings or designed with noise reduction barriers to reduce noise impacts on residences or other sensitive receptors.
- Where truck delivery bays are provided within mixed-use buildings containing both residential and commercial uses, they shall be located and designed so as to minimize the effects of noise from loading activities on residential uses within the building.

UPC 2-15 [See page 5-532 for the original comment] As noted in this comment, subsequent to publication of the Draft EIR, Plan Bay Area, including its updated housing and employment projections, was adopted. Thus, references to the now superseded Projections 2009 will be removed from the Baylands EIR. While the City recognizes that ABAG will be required to update its housing and employment projections in 2017, it is speculative to address what projections to be prepared in the future might show for the Baylands. As of this date, the officially adopted housing and employment projections for the San Francisco Bay Area are those approved as part the Plan Bay Area Sustainable Community Strategy.

UPC 2-16 [See page 5-533 for the original comment] The current statements on Draft EIR pages 4.K-32 and 4.K-34 that exceeding adopted employment projections is physically manifested in significant unavoidable traffic and air quality impacts is a correct and accurate assessment. The additional text suggested in this comment regarding intensification of a local jobs/housing imbalance is unnecessary. See Response UPC 2-15 for discussion of future (2017) housing and employment projections.

UPC 2-17 [See page 5-534 for the original comment] As noted in Section 4.L.5, page 4.L-31, there is no feasible method to accurately and quantitatively measure demand for additional library facilities and services in a community. Recent inter-library loan programs and expansion of internet research have reduced the need for physical libraries to store large collections. Therefore, adequate provision of library services cannot be evaluated by measuring the collection size within a specific branch against the number of registered borrowers or per capita. As such, the proposed development scenarios were qualitatively analyzed for potential impacts to existing library facilities. With Brisbane's 2010 population of 4,282, the estimated 9,888 new residents (including additional student

population) that would result from the DSP and DSP-V scenarios represents approximately 2.3 times the existing population of the City. Considering that the existing Brisbane community is served by a single branch library on Visitacion Avenue, it was reasonably concluded that the residential population projected for the DSP and DSP-V scenarios would result in the need for additional library space in Brisbane and a new library facility within the Baylands to maintain existing services to the Brisbane community without impacting existing libraries in Brisbane and surrounding communities.

UPC 2-18 [See page 5-534 for the original comment] See Final EIR Chapter 3.0 for revisions to the timing of improvements required in Mitigation Measure 4.N-1a through 4.N-1e and 4.N-3g. The timing for implementation of Mitigation Measures 4.N-7, 4.N-9, 4.N-10, 4.N-11, and 4.N-13 is described in Chapter 4.0 of the Final EIR, *Mitigation Monitoring and Reporting Program*.

UPC 2-19 [See page 5-534 for the original comment] As required by CEQA, the Draft EIR analyzes the physical environmental changes that would occur should proposed development of the Baylands as described in Chapter 3, *Project Description*, be approved. The EIR recognizes that proximity of development to transit has a beneficial impact on air quality, GHG emissions, energy use, and traffic, and therefore includes a significance threshold addressing proximity to transit (Impact 4.N-9). The Draft EIR concluded that with the inclusion of Mitigation Measure 4.N-9, impacts on transit accessibility would be less than significant under all four proposed development scenarios.

UPC 2-20 [See page 5-535 for the original comment] The statement at the end of page 4.P-17, continuing to page 4.P-18 is intended to provide a transition between the analysis preceding the statement and the mitigation measure that follows. As such, it is relevant to the discussion of the Draft EIR. Because Mitigation Measure 4.P-2a does not set energy efficiency requirements in relation to Title 24, the final paragraph on page 4.P-17, continuing onto page 4.P-18 is revised to read as follows.

The threshold for this impact also considers whether Project Site development's energy consumption would be wasteful. To reduce natural gas consumption rates, and ensure that wasteful use of natural gas is avoided, Mitigation Measure 4.P-2a 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~~ all new buildings subject to the provisions of Brisbane Municipal Code Section 15.80 to achieve a LEED Gold rating, rather than the LEED Silver rating now required by the Municipal Code. In addition, all appliances installed as part of original building construction are to be ENERGY STAR rated or equivalent.

UPC 2-21 [See page 5-535 for the original comment] Given the high intensity nature of proposed Baylands development under each scenario, and considering that each development scenario exceeds ABAG’s development projections for the Baylands, implementation of mitigation measures for energy consumption in addition to implementation of Title 24 and Brisbane Municipal Code requirements is appropriate.

The threshold for Impact 4.P-2 addresses not only the efficiency of Project site development’s energy use (i.e., use energy in a wasteful manner), but also whether Project site buildings and other onsite operations would use “large amounts of energy.” The intent of Mitigation Measure 4.P-2a is to establish the minimum performance standard as exceeding the Title 24 energy efficiency standards effective as of the date of certification of the Baylands EIR by at least 20 percent, using the LEED Gold rating, rather than the LEED Silver rating now required by the Municipal Code, as one measurement for achievement of that standard.

A 15-20 % increase in energy efficiency compared to current Title 24 standards is currently being implemented as part of climate action plans throughout the state as a means of reducing energy consumption and resulting greenhouse gas emissions. Because the specific standards that may be adopted in the future as part of Title 24 cannot be known, the feasibility of exceeding the efficiency of those future standards by 20 percent also cannot be known. For that reason, proposed energy efficiency standards are tied to the current provisions of Title 24.

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