

## **CHAPTER 5.0**

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### **Comments on the Draft EIR**

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**DEPARTMENT OF TRANSPORTATION**  
111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 711



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January 29, 2014

SM101425  
SM-101-23.38/25.914  
SCH#2005022136

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

Dear Mr. Swiecki:

**BRISBANE BAYLANDS SPECIFIC PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Brisbane Baylands Specific Plan project. The following comments are based on the Draft Environmental Impact Report.

***Highway and Traffic Operations***

- 1. Please include the following three intersections (I/S) on the study list:
  - a. Guadalupe Canyon Parkway/Carter Street
  - b. Bayshore Boulevard-Airport Boulevard/US-101 ramps
  - c. Airport Boulevard/Sister Cities Boulevard-Oyster Point Boulevard

1.b and 1.c are intersections from the south that inhibit project traffic going to-and-from the project site.

- 2. Please address the 6-lane arterial to be constructed from the Geneva Avenue/Bayshore Boulevard I/S to the US-101/Harney Way interchange at Candlestick Point. Also, address any contingencies that would mitigate any significant queuing traffic impact at this planned future interchange.

***Trip Generation Rates***

- 1. Project Peak Hour Vehicle Trip Generation – CPP AND CPP-V, Table 4.N-15, page 4.N-81. Table 4.N-15 (Table) demonstrates the AM (PM) generated trips referencing from the Institute of Transportation Engineers (ITE), Trip Generation, 8<sup>th</sup> edition. However, we find a significant under-estimation of AM (PM) generated trips, while comparing peak



generated traffic of Table 4.N-15 versus that of ITE for Community Proposed Plan (CPP) instance:

- a. Retail AM (PM) generated trips by equation as 587 (1440) in Table versus 950 (5059) vehicles per hour (vph) by ITE,
- b. Office AM (PM) generated trips by equation as 957 (866) in Table versus 1176 (1191) vph by ITE,
- c. R & D AM (PM) generated trips by equation as 1426 (1105) in Table versus 1755 (1519) vph by ITE,
- d. Hotel AM (PM) generated trips by rate as 1026 (1048) in Table versus 1333(1393) vph by ITE,
- e. Public/civic/cultural, land use code=814, AM (PM) generated trips by rate as 314 (286) in Table versus n/a (512) vph by ITE,
- f. Conference Exhibition, land use code=814, AM (PM) generated trips by rate as 457 (417) in Table versus n/a (745) vph by ITE,
- g. Entertainment/cultural , land use code=814, AM (PM) generated trips by rate as 1017 (928) in Table versus n/a (1605) vph by ITE,

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cont.

We recommend revising the study's AM (PM) generated traffic to the ITE Trip Generation, 8<sup>th</sup> edition, accordingly.

- 2. Turning Traffic Diagram per Study Intersection under Various Conditions. Please provide turning traffic diagrams for study intersection under Existing, Project Only, Cumulative, Cumulative+ Project Conditions.

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**Cultural Resources**

There are no known archaeological sites within the State right-of-way (ROW) in the project area. However, should ground-disturbing activities take place as part of this project within the State ROW and there is an inadvertent archaeological or burial discovery, in compliance with California Environmental Quality Act, Section 5024.5 of the California Public Resources Code, and Volume 2 of the Caltrans Standard Environmental Reference (<http://ser.dot.ca.gov>), all construction within 100 feet of the find shall cease. The Caltrans Office of Cultural Resource Studies, District 4, shall be immediately contacted at (510) 286-5416. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to, dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.

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**Hydraulics**

Please provide the Drainage Plans and Drainage Report containing the hydrological calculations showing the before and after for the post project runoff. Any increase in storm water runoff from this proposed development may impact the design capacity of the State's existing drainage system and will need to be mitigated.

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**Trip Reduction**

In order to reduce impacts on US-101, we suggest that the City of Brisbane refer to, "Reforming Parking Policies to Support Smart Growth," an Metropolitan Transportation

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Commission study funded by Caltrans, for sample parking ratios and strategies that support smart growth and Transit Oriented Development. Reducing parking standards will encourage alternate forms of transportation, reduce regional vehicle miles traveled and alleviate future traffic impacts on the State highways. Given these benefits, parking ratios should be lowered to reflect the site's close proximity to the existing Bayshore Caltrain Station and San Francisco Muni and Samtrans lines, in addition to the proposed transit improvements on page 4.N-46 (T-Third Line extension, Geneva Avenue Bus Rapid Transit, Bayshore Intermodal Station Access Study Improvements).

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***Encroachment Permit***

Please be advised that work that encroaches onto the State ROW requires an encroachment permit that is issued by the Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the following address: Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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Please feel free to call or email Sandra Finegan at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

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Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse



September 17, 2013

CHSRA-CIT-3708

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

Via Email: eir@ci.brisbane.ca.us

**RE: Draft Environmental Impact Report (EIR) for the Brisbane Baylands Specific Plan**

Dear Mr. Swiecki:

We have reviewed your Draft EIR for the Brisbane Baylands Specific Plan and we appreciate the acknowledgement and discussion of the California High-Speed Rail Authority's (Authority's) potential maintenance and storage facility in Chapter 6 the "Significant Unavoidable Impacts, Growth Inducement, Cumulative Impacts, and Other CEQA Considerations" section of your report. Little has changed since my November 20<sup>th</sup>, 2012, letter regarding the Authority's potential need for a maintenance facility on the San Francisco Peninsula. I would appreciate it if the City would continue to keep our project in mind as it moves forward with its Specific Plan analysis.

We look forward to continuing our coordination with the City of Brisbane on our respective projects. Please visit our website at <http://www.cahighspeedrail.ca.gov> for additional project information.

Please feel free to contact me at (408) 477-5631 or btripousis@hsr.ca.gov if you have any questions.

Sincerely,

Ben Tripousis

Northern California Regional Director  
California High-Speed Rail Authority

CC: Mark McLoughlin

Dominic Spaethling

EDMUND G. BROWN III,  
GOVERNOR



---

**From:** Chiang, Yen K. [<mailto:yen.chiang@cpuc.ca.gov>]  
**Sent:** Tuesday, July 09, 2013 4:11 PM  
**To:** Swiecki, John  
**Cc:** Munoz, Rosa; Wong, Leo; [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov); Ko, Felix  
**Subject:** SCH 2006022136 Brisbane Recology Brisbane Baylands DEIR January 4, 2011

Hi, John @ 415-508-2120:

Attached is a comment letter previously issued by CPUC in January 2011 on the subject project.  
Our comments still remain the same.  
If you have questions on the letter, pls contact me for clarifications/discussions.

Thanks for the opportunity to provide comments on the project.

(Yen) Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
California Public Utilities Commission  
320 West 4th Street, Suite 500  
Los Angeles, CA 90013

(213) 576-7076//FAX: 576-7029

CPUC Rail Crossings Engineering Section  
<http://www.cpuc.ca.gov/crossings/>

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 4, 2011

John A. Swiecki  
Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)  
Brisbane Bylands Phase 1 Specific Plan (Case SP-1-06)  
SCH# 200622136

Dear Mr. Swiecki:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The project applicant proposes approximately 7 million sf of office/retail/industrial uses, 4,434 residential units and approximately 205 acres of upland open space/open area and related grading and infrastructure on approximately 684 acres. A Community Preferred Plan also will be evaluated in the forthcoming draft EIR at the level of detail as the applicant's proposal. The Community Preferred Plan proposes up to approximately 8 million sf of office/retail/industrial and 330 acres of open space.

The CPUC recommends the Traffic Impact Study (T.I.S) and the Transportation/Circulation section of the DEIR specifically evaluate traffic safety issues to the at-grade railroad crossings in the project area. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings , i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings



John A. Swiecki  
 City of Brisbane  
 SCH # 2006022136  
 January 4, 2011  
 Page 2 of 2

- Installation of additional warning devices
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices, channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings
- Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.



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Please forward the traffic impact study *scope of services* from the traffic consultant when available so we can review the *assumptions/methodologies* and *thresholds of significance* and provide input early in the project. This will avoid future discrepancies on the traffic analysis for the at-grade railroad crossings and will expedite our review.

The Commission is a responsible agency under CEQA section 15381 with regard to this project. Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. As such, we greatly appreciate the opportunity to work with the City to improve public safety as it relates to the at-grade railroad crossings in the proposed project area.

Thank you for your consideration of these comments. If you have any questions, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

Moses Stites  
 Rail Corridor Safety Specialist  
 Consumer Protection and Safety Division  
 Rail Transit and Crossings Branch  
 180 Promenade Circle, Suite 115  
 Sacramento, CA 95834-2939

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

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1938 - 2013

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Contact Fax: (916) 574-1885

November 19, 2013

File Ref: SCH # 2006022136

John A Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**Subject: Draft Programmatic Environmental Impact Report (PEIR) for the  
Brisbane Baylands Project, San Mateo County**

Dear Mr. Swiecki,

The California State Lands Commission (CSLC) staff has reviewed the subject Draft PEIR for the Brisbane Baylands Project (Project), which is being prepared by the City of Brisbane (City). Because the Project would require the City's approval of a Concept Plan and adoption of a General Plan Amendment, amendments to the Zoning Ordinance, and a Specific Plan, the City is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

Comments on the Project's Notice of Preparation were previously submitted to the City on November 21, 2012 (attached).

**CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its

admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on the information provided in the Draft PEIR, it appears the proposed Project would occupy:

- Filled or partially filled and sold Board of Tideland Commissioners (BTLC) lots;
- Lands the State did not acquire, patented as Swamp and Overflow (S&O) Survey 28;
- Lands within Rancho Canada De Guadalupe Visitacion y Rodeo Canal; and
- Ungranted sovereign lands within the Guadalupe Canal.

Portions of the Project appear to occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State by the BTLC. Pursuant to the Court's holding in *City of Berkeley v. Superior Court*, 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. A CSLC lease is not required for use of lands underlying the State's Public Trust easement. This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

However, it has been determined that any portion of the proposed Project located within the Guadalupe Canal would require a lease from the CSLC. Therefore, CSLC staff requests that the City contact Grace Kato of the Land Management Division (see contact information below) as soon as possible to discuss leasing requirements. 1

### **Project Description**

The City proposes four potential Concept Plans for the Brisbane Baylands area to meet the City of Brisbane General Plan prerequisites for development. From the Project Description, CSLC staff understands that the Project (i.e., the four Concept Plans) would include the following components:

- Developer-Sponsored Plan (DSP). Designates approximately 7 million square feet of office, retail, industrial and institutional uses, 4,434 residential units, and approximately 169.7 acres of "open space" and 135.6 acres of "lagoon" area, all on the 684-acre portion of the Baylands within the City;

- Developer-Sponsored Plan – Entertainment Variant (DSP-V). Similar to the DSP, but replaces the retail and office/research and development uses proposed 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;
- Community Proposed Plan (CPP). Provides for approximately 7.7 million square feet of office, industrial, commercial and institutional uses concentrated in the northerly portion of the site adjacent to transit, along with approximately 330 acres of "open space" and 135.6 acres of "lagoon" area, and involves both the 684-acre area included in the DSP and the 49-acre Recology site, which spans the City and the city San Francisco; and
- Community Proposed Plan – Recology Expansion Variant (CPP-V). Similar to the CPP, but would expand Recology southward from its current boundary by 24 acres to a total of 73 acres, replacing the hotel and R&D uses proposed under the CPP.

Supplementary actions to the Project include:

- Amendment to the City's General Plan;
- Development of a Specific Plan for the Project (DSP and DSP-V concepts only);
- Relocation of existing lumber yards on the site;
- Remediation of hazardous materials contamination within the former railyard and landfill; and
- Importation of a water supply for the Project.

The Draft PEIR identifies the Renewable Energy Generation Alternative, as proposed, as the Environmentally Superior Alternative.

### Environmental Review

CSLC staff requests that the following potential impacts be analyzed in the PEIR.

#### Alternatives

1. No Project-General Plan Buildout Alternative. There appears to be a lack of consistency in the discussion of the No Project-General Plan Buildout Alternative. The Draft PEIR Executive Summary (page 2-15) states: "The No Project-General Plan Buildout would also not be environmentally superior since it provides for future development of the site without a reliable water supply." However, on page 5-66 to 5-67, the PEIR states: "The No Project-General Plan Buildout would be environmentally superior since it provides for future development of the site as envisioned in the General Plan, reduces or avoids many of the significant effects of Project Site development, provides for remediation of Project Site contamination, provides a firm water supply to support Project Site development as well as 400 acre-feet of firm supply to facilitate citywide buildout of the General Plan, and meets most of the basic Project objectives." 2

In addition, a statement is made on pages 5-6 that "the analysis of this alternative in Section 5 includes the site remediation and proposed water transfer agreement Project components described in Chapter 3 of the Draft PEIR;" however, CSLC staff suggests that the Executive Summary reflect the same alternative components as those analyzed in Section 5 to avoid confusion.

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- 2. Renewable Energy Generation Alternative. Page 5-67 of the Draft PEIR states that the Renewable Energy Generation Alternative would be environmentally superior as it is "consistent with the Brisbane General Plan, involves minimal impacts compared to other scenarios and alternatives, and meets key project objectives." To staff's knowledge, the Draft PEIR does not contain a statement declaring the Renewable Energy Generation Alternative to be infeasible.

Pursuant to CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Pub. Resources Code, § 21002). Therefore, barring specific evidence that the Renewable Energy Generation Alternative is economically, environmentally, legally, socially, or technologically infeasible, the City is obligated to select the Environmentally Superior Alternative over the Proposed Project.

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CSLC staff suggests that information be included in the Draft PEIR to explain why the Renewable Energy Generation Alternative is economically, environmentally, legally, socially, or technologically infeasible.

- 3. Public Trust Lands: The CSLC supports the proposed Project's efforts to remediate hazardous materials contamination within the former rail yard and landfill areas of the Project site (all alternatives) and perform wetland restoration (CPP and CPP-V), because those efforts are consistent with Public Trust values. However, construction related to these efforts could affect and/or further degrade public trust uses and values in and around the sites. Consequently, CSLC staff recommends that the Draft PEIR analyze any potentially significant impacts to surrounding public trust lands from development and increased public use resulting from Project construction. In particular, the Draft PEIR should evaluate both direct and indirect effects related to the intensity of these development activities adjacent to tidal wetlands and waterways.

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Programmatic Document

- 4. Section 3.5 reviews the overall concept plans, and states that a detailed construction activities and a phasing schedule will be included within a Master Deconstruction and Demolition Plan. However, even though the Project is being proposed as a "Programmatic" rather than a "Project-level" EIR, the CSLC expects the Project will be presented as a series of distinct but related sequential activities with sufficient detail to allow for adequate analysis (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of

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the timing and length of activities. The State CEQA Guidelines section 15168, subdivision (c)(5) states that a program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. Therefore, CSLC staff suggests that the Draft PEIR could be improved with a more detailed description of how remediation and construction activities would be conducted.

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Biological Resources

- 5. Impacts to Special-Status Fish: The Draft PEIR evaluates impacts to special-status fish due to water quality degradation; however, the PEIR should also evaluate noise and vibration impacts on fish from construction or restoration activities in the water and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by the California Department of Fish and Wildlife and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). Staff recommends early consultation with these agencies to minimize the impacts of the Project on aquatic species.

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Cultural Resources

- 6. Submerged Resources: As the Project involves in-water construction, the PEIR should evaluate potential impacts to submerged cultural resources in the Project area. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

The recovery of objects from any submerged archaeological site requires a salvage permit under Public Resources Code section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant.

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- 7. Title to Resources: The PEIR should also mention that the title to all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City consult with Senior Staff Counsel Pam Griggs (see contact information below) should any cultural resources on State lands be discovered during construction of the proposed Project.

Thank you for the opportunity to comment on the Draft PEIR for the Project. As a potentially responsible agency, the CSLC will need to rely on the Final PEIR for the issuance of any new or amended lease as specified above and, therefore, we request that you consider our comments prior to certification of the PEIR.

Please send copies of future Project-related documents, including electronic copies of the Final PEIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning

environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at [Cynthia.Herzog@slc.ca.gov](mailto:Cynthia.Herzog@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager, at (916) 574-1227, or via email at [Grace.Kato@slc.ca.gov](mailto:Grace.Kato@slc.ca.gov).

Sincerely,

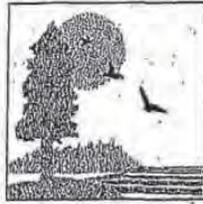


Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
Grace Kato, LMD, CSLC  
Cynthia Herzog, DEPM, CSLC  
Shelli Haaf, Legal, CSLC  
Pam Griggs, Legal, CSLC

Attachment

CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



CURTIS L. FOSSUM, *Executive Officer*  
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*from Voice Phone 1-800-735-2922*

**Contact Phone: (916) 574-1900**  
**Contact FAX: (916) 574-1885**

November 21, 2012

File Ref: SCH # 2006022136

John A Swiecki, Principal Planner  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**Subject: Revised Notice of Preparation (NOP) for a Programmatic Environmental Impact Report (PEIR) for the Brisbane Baylands Project, San Mateo County**

Dear Mr. Swiecki,

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for a PEIR for the Brisbane Baylands Project (Project), which is being prepared by the City of Brisbane (City). Because the Project would require the City's approval of a Concept Plan and adoption of a General Plan Amendment, amendments to the Zoning Ordinance, and a Specific Plan, the City is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

#### CSLC Jurisdiction and Public Trust Lands

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As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on the information provided in the NOP, it appears the proposed Project would occupy:

- Filled or partially filled and sold Board of Tidelands Commissioners (BTLC) lots;
- Lands the state did not acquire, patented as Swamp and Overflow (S&O) Survey 28;
- Lands within Rancho Canada De Guadalupe Visitacion y Rodeo Canal; and
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Portions of the Project appear to occupy filled and unfilled tidelands and submerged lands sold into private ownership by the State by its BTLC. Pursuant to the Court's holding in City of Berkeley v. Superior Court, 26 Cal. 3d 515, any such lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. A CSLC lease is not required for use of lands underlying the State's Public Trust easement.

As correctly stated in the NOP, any portion of the proposed Project located within the Guadalupe Canal will require a lease from the CSLC. This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

### **Project Description**

The City proposes four potential Concept Plans for the Brisbane Baylands area to meet the City of Brisbane General Plan pre-requisites for development. From the Project Description, CSLC staff understands that the Project (i.e., the four Concept Plans) would include the following components:

- Developer-Sponsored Plan (DSP). Designates approximately 7 million square feet of office, retail, industrial and institutional uses, 4,434 residential units, and approximately 169.7 acres of "open space" and 135.6 acres of "lagoon" area, all on the 684-acre portion of the Baylands within the city of Brisbane;
- Developer-Sponsored Plan – Entertainment Variant (DSP-V). Similar to the DSP, but replaces the retail and office/research and development uses proposed 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;

- Community Proposed Plan (CPP). Provides for approximately 7.7 million square feet of office, industrial, commercial and institutional uses concentrated in the northerly portion of the site adjacent to transit, along with approximately 330 acres of "open space" and 135.6 acres of "lagoon" area, and involves both the 684-acre area included in the DSP and the 49-acre Recology site, which spans the cities of Brisbane and San Francisco; and
- Community Proposed Plan – Recology Expansion Variant (CPP-V). Similar to the CPP, but would expand Recology southward from its current boundary by 24 acres to a total of 73 acres, replacing the hotel and R&D uses proposed under the CPP.

Supplementary actions to the Project include:

- Amendment to the City's General Plan;
- Development of a Specific Plan for the Project (DSP and DSP-V concepts only);
- Relocation of existing lumber yards on the site;
- Remediation of hazardous materials contamination within the former railyard and landfill; and
- Importation of a water supply for the Project.

### Environmental Review

CSLC staff requests that the following potential impacts be analyzed in the PEIR.

#### General Comments

1. Project Description: A thorough and complete Project Description should be included in the PEIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

As such, the PEIR should make an effort (to the extent feasible) to distinguish which activities and mitigation measures are being analyzed in sufficient detail to be covered under the PEIR without additional project specific environmental review, and which later activities will trigger the need for subsequent environmental analysis (See CEQA Guidelines §15168(c)).

2. Public Trust Lands: The CSLC supports the proposed Project's efforts to remediate contaminated soil and water, restore open space and public access, and establish a public trail system, because enhancing those uses is consistent

with Public Trust values. However, construction related to these efforts could affect and/or further degrade public trust uses and values in and around the site. Consequently, the CSLC recommends that the analyze any potentially significant impacts to surrounding public trust lands from the development and increased public use resulting from Project construction. In particular, the PEIR should evaluate both direct and indirect effects related to the intensity of these development activities adjacent to tidal wetlands and waterways.

3. Programmatic Document: Because the Project is being proposed as a "Programmatic" rather than a "Project-level" EIR, the CSLC expects the Project will be presented as a series of distinct but related sequential activities. The State CEQA Guidelines, section 15168, subdivision (c)(5)<sup>1</sup> states that a program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. In order to avoid the improper deferral of mitigation, a common flaw in program-level environmental documents, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, § 15126.4, subd. (b)). As such, the PEIR should make an effort to distinguish what activities and their mitigation measures are being analyzed in sufficient detail to be covered under the PEIR without additional project specific environmental review, and what activities will trigger the need for additional environmental analysis (See State CEQA Guidelines, § 15168, subd.(c)).

#### Climate Change

4. Greenhouse Gases (GHGs): A GHG emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the PEIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.
5. Sea Level Rise: The PEIR should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, <http://www.slc.ca.gov>). One of the Report's recommendations

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<sup>1</sup> The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

#### Water Quality

6. Potential impacts to water quality from the proposed Project, such as introduction of non-native plant and animal species, additional storm water runoff, and increased turbidity and sedimentation, should be analyzed and appropriate, feasible measures should be incorporated into the Project to reduce or eliminate any significant impacts.

#### Biological Resources

7. Sensitive Species: The City should conduct queries of the California Department of Fish and Game's (DFG) California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The PEIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify adequate mitigation measures.
8. Construction Noise: The PEIR should also evaluate noise and vibration impacts on fish and birds from construction or restoration activities in the water and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by DFG, USFWS, and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.
9. Indirect Impacts from Growth: Because all of the concept scenarios involve increased use of the site for work, recreation or residential use, the PEIR should analyze the reasonably foreseeable indirect impacts that such growth could have on biological resources. For example, the DSP and DSP-V concept plans would increase the number of residences in the area, which could introduce domestic pets (dogs and cats) into the area and invite opportunistic urban wildlife such as crows and coyotes. Increases in the populations of these species could adversely affect sensitive local biological resources such as ground-nesting birds and small mammals. Additional potential impacts could include degradation of

sensitive habitats along the Bay edge from trampling (walking, riding, dogs, etc.), an increase in trash and debris, and an increased potential for pollutants to be released or spilled into the water surrounding the development areas (pesticides/herbicides, paints, etc.). The PEIR should evaluate the potential effects associated with the introduction of domestic pets and urban wildlife, and, if should impacts be found significant, propose a range of feasible measures to avoid or substantially lessen those effects. Mitigation measures could include fencing, signage, or residential maintenance fees for cleanup.

### Cultural Resources

10. Submerged Resources: Should the Project involve in-water construction, the PEIR should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the City contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

The recovery of objects from any submerged archaeological site or shipwreck requires a salvage permit under Public Resources Code section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant.

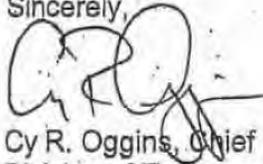
11. Title to Resources: The PEIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City consult with Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter, should any cultural resources on state lands be discovered during construction of the proposed Project.

### Recreation

12. Recreation and the Public Trust: The PEIR should evaluate the significance of any temporary or permanent loss of access, recreation and other Public Trust uses (e.g., fishing, bird watching, boating, etc.) of sovereign lands that may result from the Project's development and remediation/restoration activities. If impacts are found to be potentially significant, the PEIR should identify feasible mitigation, such as creation of facilities that promote Public Trust uses or construction of alternative public access points to the Bay.

Thank you for the opportunity to comment on the NOP for the Project. As a potentially responsible agency, the CSLC will need to rely on the Final PEIR for the issuance of any new or amended lease as specified above and, therefore, we request that you consider our comments prior to certification of the PEIR. Please send copies of future Project-related documents, including electronic copies of the Final PEIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at [Sarah.Sugar@slc.ca.gov](mailto:Sarah.Sugar@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager, at (916) 574-1227, or via email at [Grace.Kato@slc.ca.gov](mailto:Grace.Kato@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research,  
Grace Kato, LMD, CSLC  
Sarah Sugar, DEPM, CSLC  
Shelli Haaf, Legal, CSLC  
Pam Griggs, Legal, CSLC





November 20, 2013

Mr. John Swiecki  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94004

**Subject: Brisbane Baylands Project, Draft Environmental Impact Report,  
State Clearinghouse No. 2006022136**

Dear Mr. Swiecki,

Thank you for the opportunity to provide the following comments from the Bay Area Water Supply & Conservation Agency (BAWSCA). BAWSCA represents the interests of 24 cities and water districts, an investor-owned utility, and a university, that purchase water wholesale from the San Francisco Regional Water System. BAWSCA's membership includes the City of Brisbane and Guadalupe Valley Municipal Improvement District.

These comments address the City of Brisbane's Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project (Project) dated June 2013.

BAWSCA understands that the DEIR is a programmatic CEQA review of the Project, and that the City plans to undertake a subsequent California Environmental Quality Act (CEQA) analysis on the preferred water supply alternative for the development if the Project progresses. (See e.g. DEIR Section 3.10 Water Supply, section 5.2.3 Approval of Development in Absence of Approving a Water Supply Agreement.) As part of this future analysis, **BAWSCA expects that the subsequent CEQA document will address the impacts of the proposed water transfer from Oakdale Irrigation District (OID) on the San Francisco Regional Water System (Regional Water System) and its wholesale customers, and any potential uncertainties associated with the OID transfer.** The OID transfer is identified in the Water Supply Assessment (WSA) for the DEIR as the water supply source for the Project.

1

In *Preserve Wild Santee v. City of Santee*, the EIR was inadequate because it did not analyze water supply impacts and uncertainties in adequate detail. 210 Cal. App. 4th 260, 284-85 (2013) (citing *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal.4th 412, 432 (2007)) ("[t]o provide decision makers with sufficient facts to evaluate the pros and cons of fulfilling the project's water needs, the EIR must "address the impacts of likely future water sources," including providing "a reasoned analysis of the circumstances affecting the likelihood of the water's availability."). The EIR in the *Preserve Wild Santee* case failed to discuss "known contingencies to a reliable water supply, including the successful implementation of planned water development, water delivery, and water conservation projects." *Id.* BAWSCA expects to see this type of analysis in a future environmental document analyzing the impact of the selected water supply for the Project on the Regional Water System.

2

BAWSCA looks forward to providing additional detailed comments for the Project when the CEQA document for the proposed water supply is released. In an abundance of caution, however, BAWSCA provides the following comments regarding key impacts that must be analyzed in a subsequent CEQA document. These impacts include:

- **Water Supply Agreement Impacts:** The Regional Water System wholesale customers must understand how the OID transfer water will be managed and allocated in the Regional Water System. It is critical to understand how, in both normal water years and during drought, the transfer water will be accounted for as compared to the wholesale customer water deliveries

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Mr. John Swiecki  
November 20, 2013  
Page 2 of 3

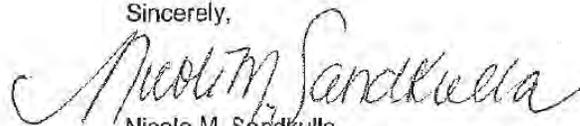
provided in accordance with the 2009 Water Supply Agreement, by and between SFPUC and the wholesale customers. Any potential impacts to the other wholesale customers due to the conveyance of this transfer water through the Regional Water System must be discussed and mitigated.

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cont.

- Raker Act Implications: A thorough description of the mechanics of the integration of the OID transfer into the Regional Water System must be analyzed, particularly as to how the transfer relates to the Raker Act, the status of the SFPUC and Modesto Irrigation District (MID) water rights on the Tuolumne River, and the Agreements that govern operation of the Don Pedro Water Bank. 4
- Technical Modeling Analysis: Modeling to demonstrate what, if any, impacts to the wholesale customer deliveries from the Regional Water System as a result of such a transfer/exchange must be completed with the results presented in the subsequent CEQA document. 5
- Impact of MID/SFPUC Exchange: The subsequent CEQA document must analyze the environmental impacts of the MID/SFPUC exchange as it relates to the proposed transfer with OID, as well as the environmental impacts of any associated arrangement between Brisbane and SFPUC to move the water through the Regional Water System. 6
- Reliability Analysis: The text of the WSA appended to the current DEIR states that the transfer water from OID is 100% reliable. However, the agreement to purchase water from OID has not yet been executed. Moreover, because the water is delivered via exchange, it is unclear with which agency the ultimate burden of responsibility for the reliability falls. The subsequent CEQA analysis must clarify in significant detail (through modeling or other presentations of results) how it is that SFPUC can guarantee the delivery of the transfer water 100% of the time without impacting deliveries to its existing wholesale customers, especially during dry years when the Regional Water System is experiencing shortfalls. The text must also clarify in what order the transfer water spills if it is to be stored in the Regional Water System's Hetch Hetchy Reservoir. 7
- Impact of FERC Relicensing and other Factors: Subsequent CEQA analysis must also include the impact of FERC relicensing and other factors outside of the control of OID, SFPUC and the City of Brisbane that may impact the supply reliability of the Regional Water System and OID transfer supplies. 8

BAWSCA appreciates the opportunity to provide the City of Brisbane with these comments, and looks forward to commenting further on any subsequent water supply documents the City releases related to the proposed Project.

Sincerely,



Nicole M. Sandkulla  
CEO/General Manager

cc: R. Breault, City of Brisbane  
A. Schutte, Hanson Bridgett



January 24, 2014

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

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EXECUTIVE DIRECTOR

Re: Peninsula Corridor Joint Powers Board comments on the Brisbane Baylands Draft EIR

Dear Mr. Swiecki:

The Peninsula Corridor Joint Powers Board (JPB) is pleased to provide the following comments on the Brisbane Baylands Draft Environmental Impact Report (DEIR). Caltrain supports the development of transit oriented uses that build ridership for our system and enhance our stations and their surroundings.

The JPB understands that the intent of the Brisbane Baylands Draft EIR is to achieve programmatic clearance of a broad set of potential development and infrastructure changes in the Baylands area of Brisbane. Given the programmatic nature of this analysis, the JPB has endeavored to focus its comments on clarifying our factual understanding of the proposed project and identifying issues where future coordination and study will be necessary as the Baylands development program moves forward. We have organized our comments into four broad subject areas that reflect our particular points of interest:

**1. Agency Jurisdiction**

The DEIR describes the jurisdictional relationship of the JPB to the Project on pages 3-35 through 3-38 in the section entitled "Agencies with Jurisdiction over Site Development, Studies to be Conducted, and Issues to be Resolved" as follows:

"Encroachment permits will be required if construction occurs in right-of-way owned by the California Department of Transportation (Caltrans District 4) or the Peninsula Corridor Joint Powers Board (Caltrain). Site-specific engineering designs for development and infrastructure within the Baylands would be required prior to determining whether any encroachment permits were, in fact, necessary"

Caltrain staff is concerned that this statement may not sufficiently capture the extent to which the JPB has jurisdiction and a need to be involved with various aspects of the project. All project elements and construction activities that incur over, through or under the JPB right-of-way (ROW) will require coordination and review with the JPB including a wide range of design coordination, engineering review,



**PENINSULA CORRIDOR JOINT POWERS BOARD**  
1250 San Carlos Ave. – P.O. Box 3006  
San Carlos, CA 94070-1306 650.508.6269

agreement and permitting from the JPB. Additionally, any of the proposed transportation improvements involving or related to Caltrain need to be coordinated directly with the JPB (in addition to coordination with SFCTA and C/CAG as indicated in the DEIR) to ensure compliance with JPB standards and plans as well as agreement on cost and maintenance responsibilities. In particular we strongly feel that the JPB should be included directly in any future engineering and architectural studies and funding discussions related to the Bayshore Intermodal station and associated access and egress elements. To that end, we believe the JPB should be listed along with the other agencies on page 3-37 as agencies where "Interagency Cooperation Agreements will be needed to coordinate and implement public facilities and infrastructure improvements."



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**2. Incursions into the JPB Right-Of-Way:**

The project description includes numerous physical structures and elements that will incur onto, under or over the ROW. Examples include the Roundhouse Arc street, pedestrian bridges, drainage systems and the possible wetlands expansion shown in the CPP and CPP-V scenarios. All of these project elements have the potential for a direct and significant impact to Caltrain infrastructure. As the project proceeds, close coordination with JPB is highly recommended to maintain the integrity of our system and comply with Caltrain design standards.



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**3. Transportation Improvements and Programs included or assumed within the Project**

The DSP, DSP-V, CPP and CPP-V scenarios all envision walkable, transit-oriented development with a relocated Bayshore Intermodal station serving as a mobility hub for the community. Achieving this outcome will require the successful coordination of multiple different infrastructure projects some of which are included in the project and others of which are separate undertakings. Caltrain is particularly interested in the following:



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- **Bayshore Intermodal Station and connecting transit improvements:** Caltrain understands that various transit improvements at and connecting to the Bayshore Intermodal Station are assumed within the DEIR analysis of the Baylands development but that these improvements do not constitute part of the actual Baylands project (see description on p.4-N.59). Caltrain participated in the SFCTA led Bayshore Intermodal Access Study (2012) and is supportive of improvements to the station that enhance intermodal connectivity and support surrounding land uses. However, station enhancement plans are at a conceptual stage and require further design and review. Caltrain also strongly feels that there needs to be agreement between all interested jurisdictions before it can support a change in the station's location. Finally, funding for station improvements is conceptually identified in the 2012 Bi-County Study Update but must still be secured.
- **Pedestrian access and egress improvements:** As described on page 4-N.60, each of the Project site development scenarios proposes a network of pedestrian and bicycle paths across the Project site that would enhance internal connectivity and improve connections to the Bayshore Intermodal Station. As described, pedestrian circulation would include sidewalks or single- or

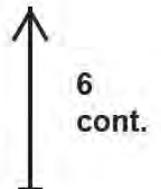


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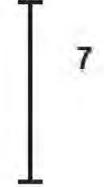


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multi-use paths adjacent to roadways. Each of the scenarios includes at least one pedestrian overcrossing over the ROW and Tunnel Avenue to minimize internal travel distances for pedestrians and bicyclists. Caltrain supports convenient, high quality connections to our stations, but notes that further coordination and detailed design will be required to ensure that bicycle and pedestrian facilities crossing the ROW are both functional and safe.

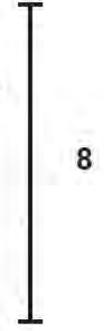


- **TDM Strategy:** Caltrain is pleased to see that the DEIR identifies an aggressive TDM strategy (p.4.N-66, 4.N-147-48) that will encourage members of the Baylands community to use alternative modes of transportation. Caltrain will work actively to assist with the implementation of any TDM efforts and looks forward to being involved in the planning and coordination of such a program.

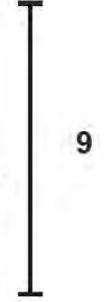


**4. Caltrain Ridership and Service Assumptions**

The Caltrain ridership numbers presented for all of the potential development scenarios suggest that the project will add 5,925 to 10,517 trips to the Caltrain system at the Bayshore Station (4.N-88). Counterintuitively, the DEIR also finds no impact to Caltrain’s capacity or station facilities despite the large projected increase in ridership. Caltrain staff has significant questions with the DEIR’s analysis of ridership and potential impacts to Caltrain capacity and facilities (as described below). Staff requests that further examination and explanation of the DEIR’s findings be provided. Staff is available to meet with project sponsors and provide any additional information that may be necessary.

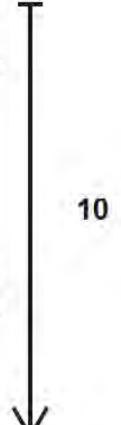


- **Analysis methodology:** The DEIR references the “Transit Capacity Utilization” methodology used by the City and County of San Francisco and indicates that the methodology is being applied using methods and forecasts derived for the “CPHPS EIR.” (pp. 4.N-86, 4.N-129, 4-N-132). The basis for the Existing and Cumulative transit numbers taken from this document is unclear and difficult to trace or evaluate (as of 2014, the referenced EIR is not easily accessed on line). Given the magnitude of the ridership increase projected and the importance of transit to the proposed Baylands development Caltrain staff feels that the methodology and ridership assumptions used should be clearly and directly documented in a technical appendix.



- **Impact on Caltrain Operations at Bayshore Station and on Bayshore/Brisbane Four-Track Rail Segment:** The DEIR indicates that the current level of service provided to the Bayshore station is expected to continue in the future (4.N-133-34). However the DEIR goes on to make the following statement:

*Given the increased ridership demand, changes to Caltrain operations would be required. For example, based on the level of service provided to other, high-ridership Caltrain stations, it is likely that all, or at least most, trains (including Baby Bullet trains) would stop at the Bayshore Station, and Caltrain would not continue its current use of the Bayshore Station’s four-track segment as a strategic “passing zone” for Baby Bullet service. This, however, would be part of a natural adjustment process of operational changes that Caltrain and other transit providers make in response to changes to ridership levels and would not represent an adverse effect on level of transit service (4.N-134)*



This statement is speculative and seems to contradict both prior and subsequent statements that no changes to Caltrain operations or level of service at the Bayshore station are assumed. The DEIR should analyze and clearly state whether changes to Caltrain’s existing and future anticipated schedule and operations are required to support the projected level of ridership. In particular the DEIR should explicitly indicate whether any required increase in service would have an operational impact on the four-track “passing zone.” Caltrain staff is available to assist with this analysis.

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- **Farebox Revenue:** The DEIR includes statements about the likely increases farebox revenue that will accrue to Caltrain resulting from anticipated ridership increases. Caltrain staff agrees that the added ridership is a benefit that will provide Caltrain with new revenues but suggests that the specific dollar amounts cited in this section may be overly specific (given the future timeframe of the development) and should be removed.

11

Thank you for the opportunity to review the DEIR for this important project. Caltrain looks forward to working closely with the City of Brisbane as the Baylands project advances. Our staff is available to answer questions and assist with analysis as you move forward preparing the final EIR.

12

Sincerely,



Marian Lee, Executive Officer  
Caltrain Modernization Program

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AUG 19 2013

# C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
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July 31, 2013

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

Dear Mr. Swiecki:

RE: C/CAG Staff Comments on the Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project Regarding Airport Land Use Compatibility

Thank you for the opportunity to comment on the above-referenced document. The DEIR addresses the consistency of the proposed Baylands Project with the airport land use compatibility plan for the environs of San Francisco International Airport (see text on pp. 4.1-51 and 4.1-52 of the document). The project site is bounded on the east by U.S. Highway 101, on the west and south by Bayshore Blvd., and on the north by the City and County of San Francisco. The site consists of 597 acres of land area and 136 acres of lagoon, for a total of 733 acres (see Enclosure No. 1).

The following are C/CAG staff comments that further address airport land use compatibility and real estate disclosure related to the proposed project.

### Airport Influence Area (AIA) Boundary

The C/CAG Board of Directors, in its designated role as the Airport Land Use Commission for the county, is required by state law to prepare and adopt airport land use compatibility plans for the environs of each airport within its jurisdiction. The Board adopted a document entitled *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* (SFO ALUCP). The content of the Plan was guided by the relevant provisions in the *California Airport Land Use Planning Handbook October 2011* published by the Caltrans Division of Aeronautics as required by state law.

State law also requires an airport land use commission to establish an airport influence area (AIA) boundary (PUC Section 21675 (c)). The AIA boundary defines a geographic area for ALUCP policy implementation. The adopted SFO ALUCP includes a two-part Airport Influence Area (AIA) boundary: Area A and Area B. Each area is described below.

**SFO Airport Influence Area A.** This area includes the entire county, all of which is overflowed by aircraft flying to and from SFO at least once a week at altitudes of 10,000 feet or less above mean sea level (see Enclosure No. 2). The following SFO ALUCP policy applies to Airport Influence Area A:

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**Letter to John Swiecki, Community Development Director, City of Brisbane, Re: C/CAG Staff Comments on the Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project Regarding Airport Land Use Compatibility**

July 31, 2013

Page 2 of 3

**“IP-1 Airport Influence Area A – Real Estate Disclosure Area**

Within Area A, the real estate disclosure requirements of state law apply. Section 11010 (b)(f) of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property. The law requires that if the property is located within an “airport influence area” designated by the airport land use commission, the following statement must be included in the notice of intention to offer the property for sale:

**NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what annoyances, if any, are associated with the property before your purchase and determine whether they are acceptable to you?”

(B) For purposes of this section, an “airport influence area”, also known as an “airport referral area”, is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

The entire project site is located within Area A and is therefore, subject to the real estate disclosure requirement shown above. Compliance with this requirement is the responsibility of the person(s) offering real property for sale or lease within Area A.

**SFO Airport Influence Area B.** This boundary defines a smaller area surrounding SFO within which local agencies must submit their proposed land use policy actions to the C/CAG Board for a consistency review related to the relevant the SFO ALUCP land use compatibility policies. The Area B boundary is also known as the airport referral boundary. Real estate disclosure is also required within Area B (see Enclosure No. 3).

The following SFO ALUCP policy applies to Area B:

**“IP-2 Airport Influence Area B – Policy/Project Referral Area**

Within Area B, the Airport Land Use Commission (the CCAG Board) shall exercise its statutory duties to review proposed land use policy actions, including new general plans, specific plans zoning ordinances, plan amendments and rezonings, and land development proposals. The real estate disclosure requirements in Area A also apply in Area B. For purposes of this policy, parcels along the edge of the Area B boundary that are split by the boundary shall be considered as fully being within Area B.”

None of the City of Brisbane is located within Area B and therefore, the Brisbane Baylands Project is not subject to a formal SFO ALUCP consistency review by the ALUC and C/CAG.



CCAG1  
-1  
cont.

CCAG1  
-2

**Letter to John Swiecki, Community Development Director, City of Brisbane, Re: C/CAG Staff  
Comments on the Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project  
Regarding Airport Land Use Compatibility**

July 31, 2013

Page 3 of 3

**Aircraft Overflight/Noise**

The Brisbane area, including the Baylands Project site, is subject to frequent overflight and related noise from commercial aircraft departing from Oakland International Airport and from San Francisco International Airport. More information about these flight paths is available from the SFO Noise Abatement Office. The staff can be reached at 650/821-5100.

CCAG1  
-3

**FAA Notification of Proposed Construction**

Exhibit IV-10 in the SFO ALUCP illustrates the configuration of the boundary for FAA notification of proposed development within the airspace near SFO (see Enclosure No. 4). The notification area extends into the Brisbane Lagoon but not into the project site where structures are proposed. The remainder of the project site is located outside of the FAA notification area.

CCAG1  
-4

If you have any questions about these comments, please contact me at 650/599-1453 (T-TH) or via email at [dcarbone@smcgov.org](mailto:dcarbone@smcgov.org)

Sincerely,

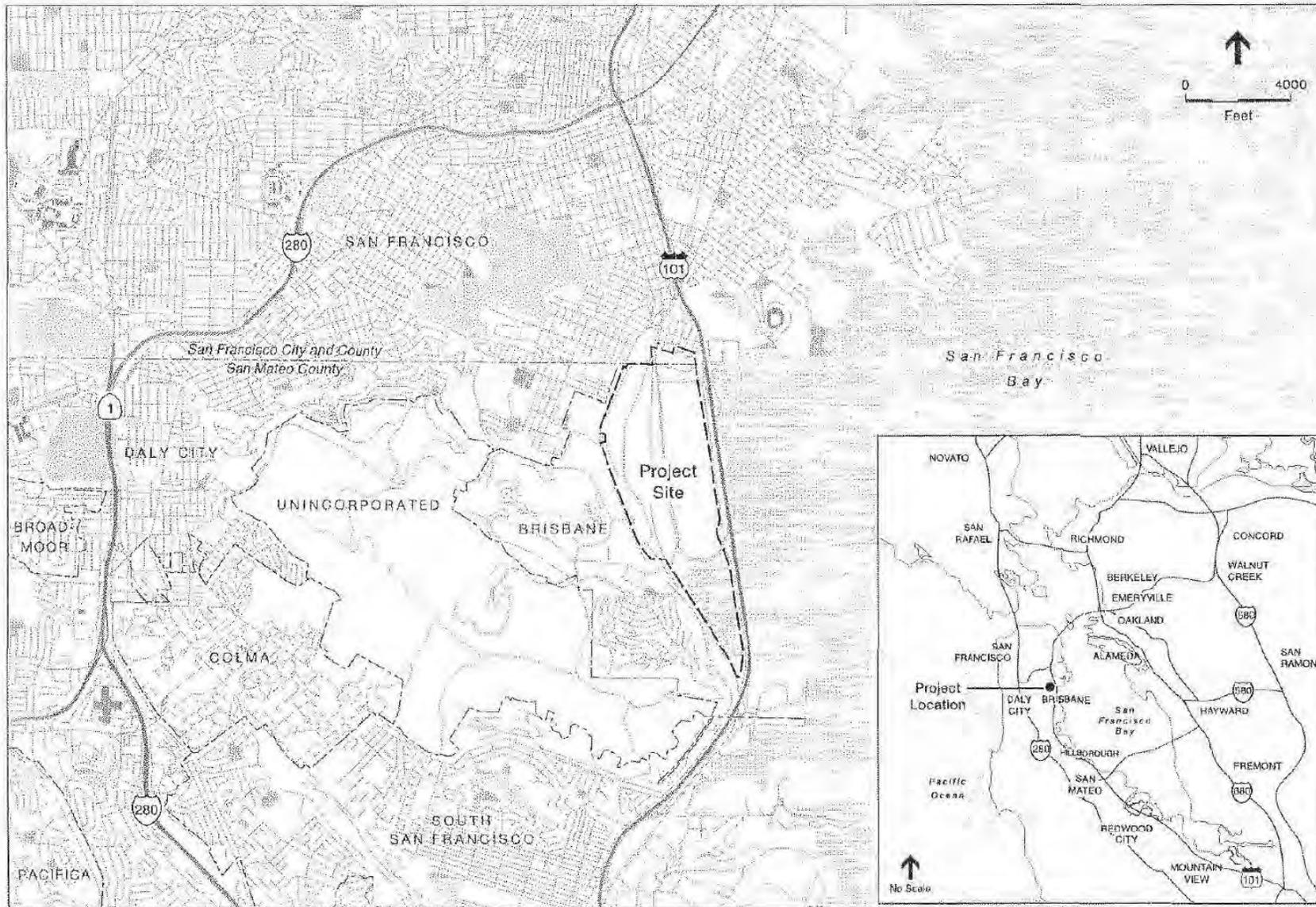


David F. Carbone, C/CAG Staff

- Enclosures:
- Enclosure No. 1: Figure 3-1 Project Site Location  
Source: *Brisbane Baylands Draft EIR June 2013*
  - Enclosure No. 2: Exhibit IV-1 Airport Influence Area A – Real Estate Disclosure Area  
Source: *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012*
  - Enclosure No. 3: Exhibit IV-2 Airport Influence Area B – Land Use Policy  
Action/Project Referral Area  
Source: *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012*
  - Enclosure No. 4: Exhibit IV-10 FAA Notification Form 7460-1 Filing Requirements  
Source: *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012*

cc: C/CAG Airport Land Use Committee (ALUC) w/enclosures  
John Bergener, SFO Bureau of Planning and Environmental Affairs w/enclosures  
Bert Ganoung, SFO Noise Abatement Office w/enclosures

CCAGstaffcomletBRISBANEBaylands0713.docx



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5-34

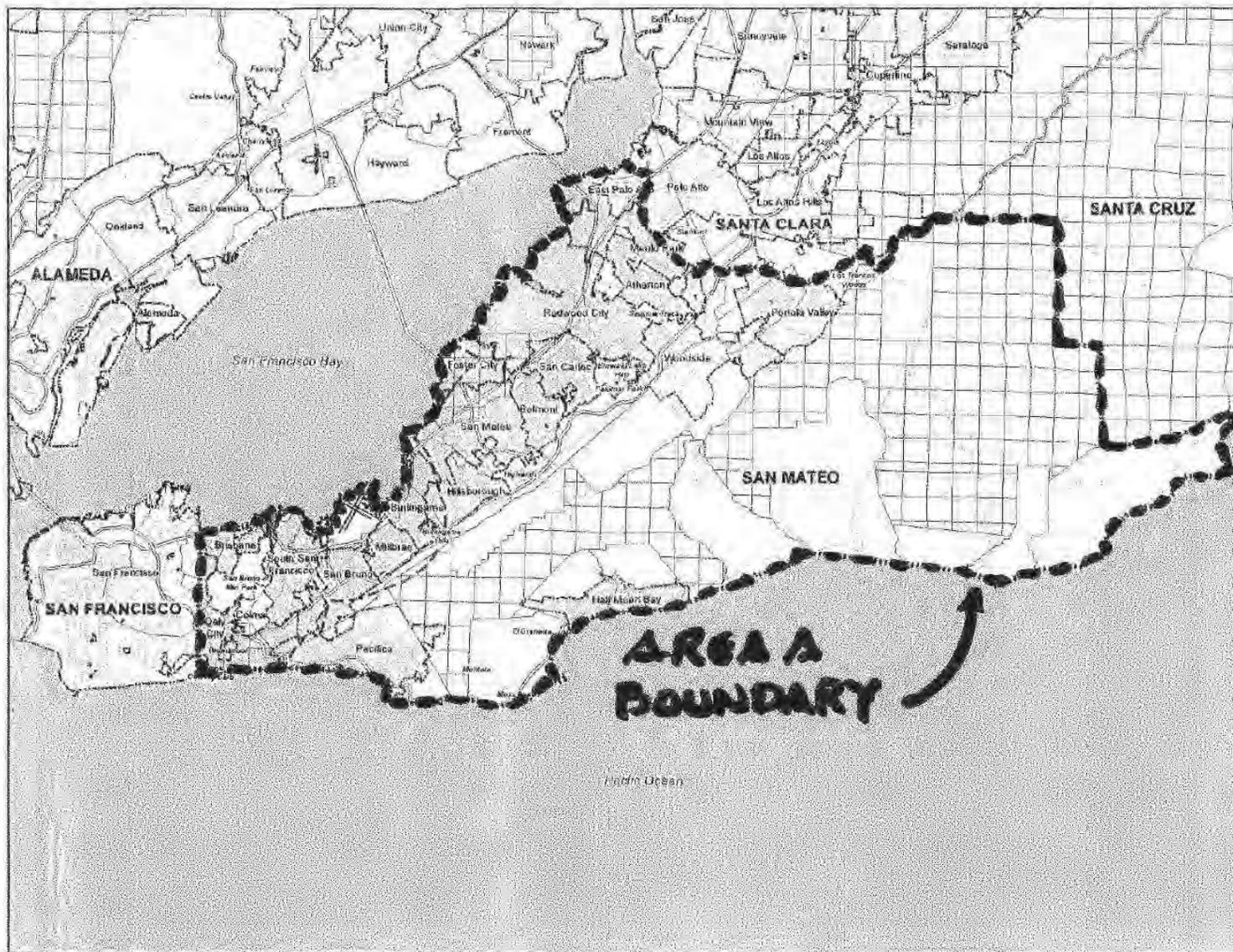
SOURCE: ESA

Brisbane Baylands, 206069

**Figure 3-1**  
Project Site Location

**Enclosure No. 1**

5-35

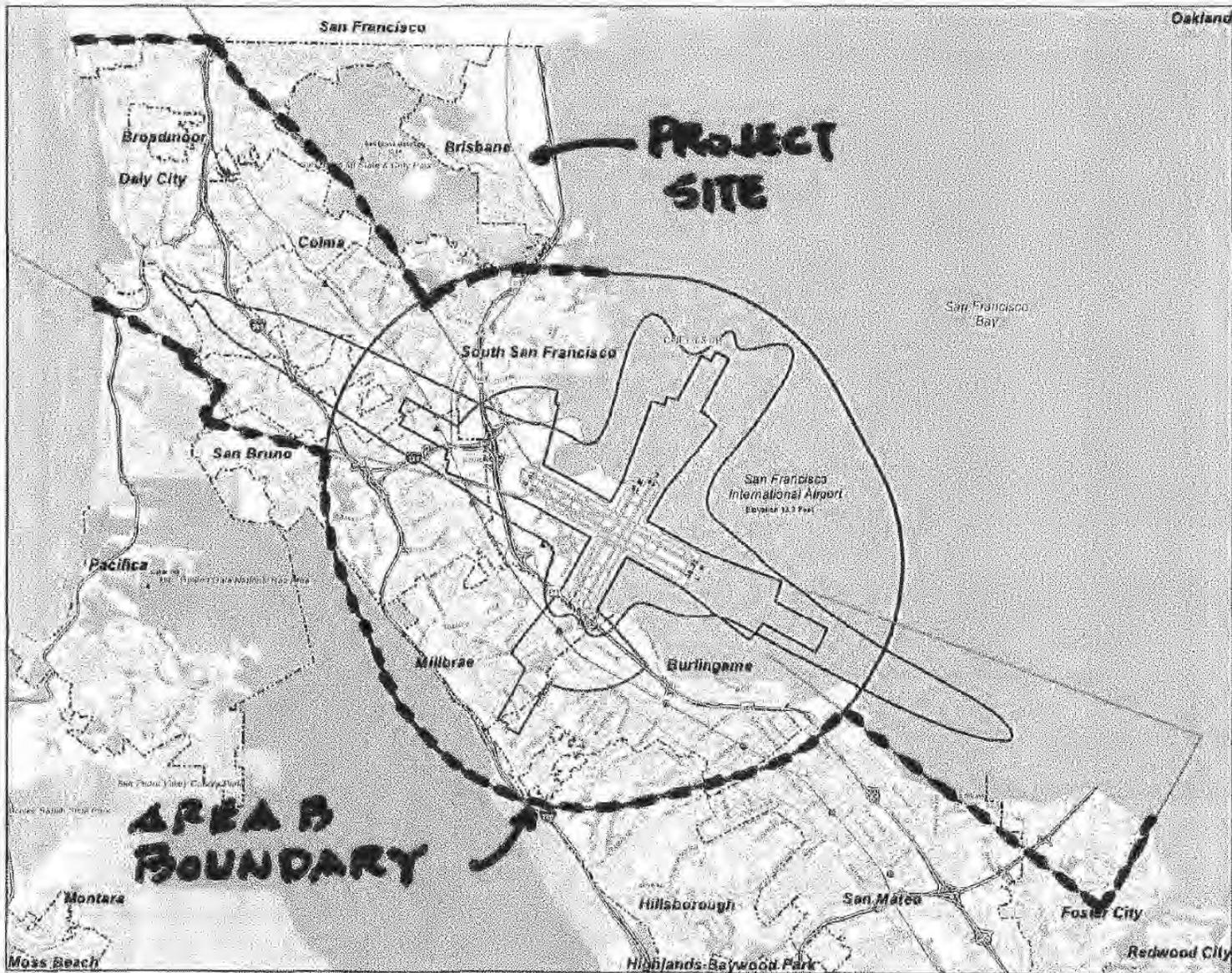


- LEGEND**
- Airport Influence Area A Boundary
  - Airport Influence Area A Boundary
  - County Boundary
  - City Boundary
  - Range / Township Section and Rancho Lines
  - Freeway
  - Road
  - Municipal Members of SFO/Community Responsibility
  - Unincorporated San Mateo County



ENR 14-1  
**AIRPORT INFLUENCE AREA A -  
 REAL ESTATE DISCLOSURE AREA**  
 Comprehensive Airport Land Use Plan  
 For The Environs of San Francisco International Airport  
**C/CAG**  
 City/County Association of Governments  
 of San Mateo County, California

5-36



- LEGEND**
- Boundary for Airport Influence Area B
  - Outer Boundary of Safety Zones
  - CNEC Contour, 2020 Forecast
  - 14 CFR Part 77 General Surface
  - Outer Boundary of TERPS Approach and CEI Dependent Surface
  - Airport Property
  - BART Station
  - CALTRAIN Station
  - Municipal Boundary
  - Railroad
  - Freeway
  - Road
  - Local Park, Golf Course, Cemetery
  - Regional Park of Recreation Area
  - Open Space

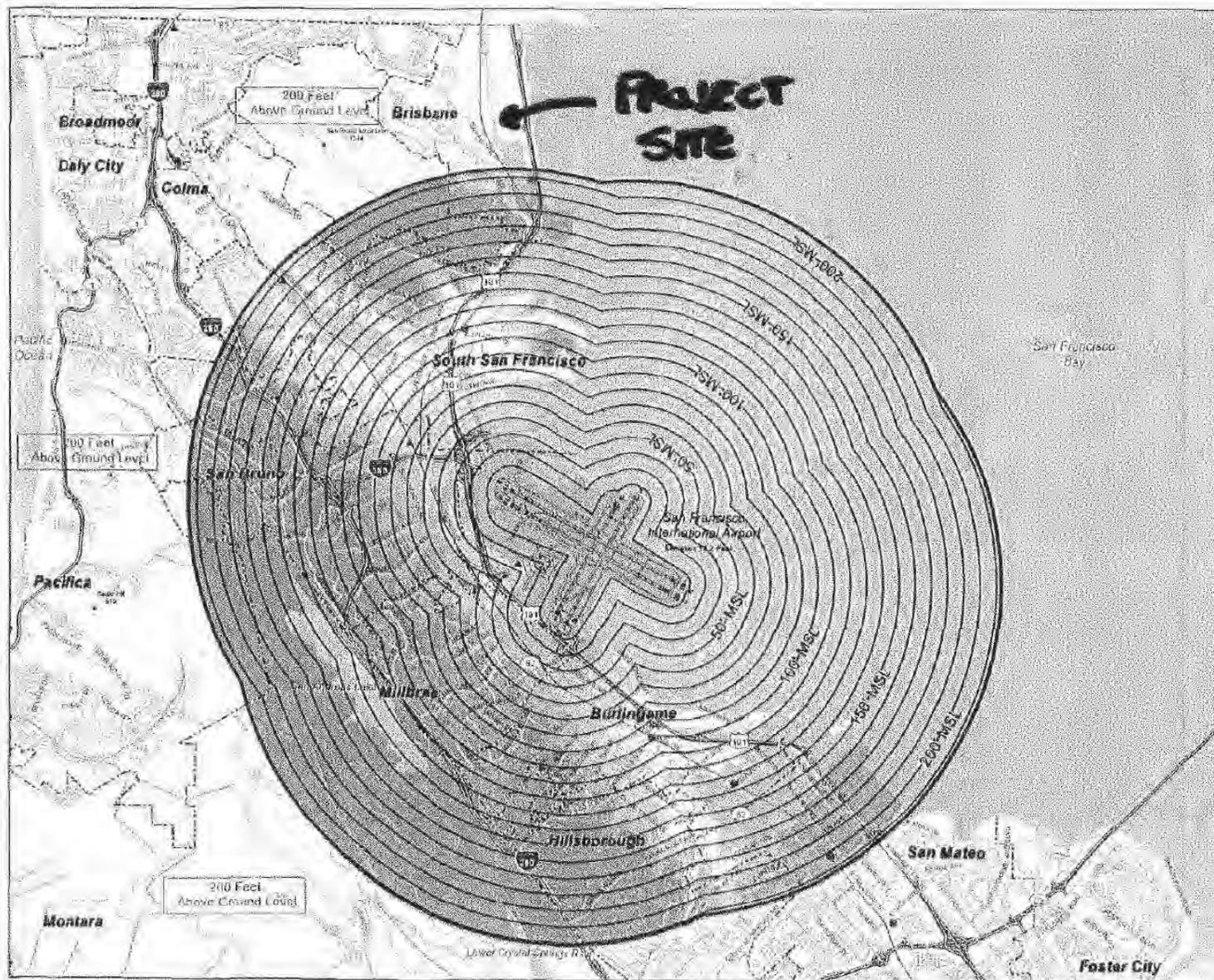
**Sources:**

- 14 CFR Part 77, Section 1.49, Vectors & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B Section 77.5.
- Outer Boundary of TERPS Approach and CEI Dependent Surface: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009.
- Safety Compliance Zones, Jacobs Consultancy Team, 2009; Reynolds & Associates, Inc., 2011.
- Noise Contour: URS Corporation and Bridgeman International Draft Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011.



Exhibit M-2  
**AIRPORT INFLUENCE AREA B -  
 LAND USE POLICY ACTION/PROJECT REFERRAL AREA**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport  
**C/CAG**  
 City/County Association of Governments  
 of San Mateo County, California

5-37



**FAA NOTIFICATION REQUIREMENTS**

A structure proposed must file FAA Form 7460-1, Notice of Proposed Construction or Alteration, for any proposed construction or alteration that meets any of the following Notification Criteria described in 14 CFR Part 77.9:

§77.9(a) - If height more than 200 feet above ground level (AGL) at its top.

§77.9(b) - When 25,000 feet of a runway more than 3,200 feet in length, and exceeding a 1.5% slope frequency surface (i.e., a surface rising 1 foot vertically for every 150 feet horizontally) from the nearest point of the nearest runway. The (00) surface is shown as follows:

25,000 Feet Level Front Horizontal Runway  
 100 - Elevation above Mean Sea Level

- Heights of 100:1 Surface Above Ground (AGL)**
- Terrain Penetrations of Airspace Surface**
- Less than 30
  - 30-60
  - 65-100
  - 100-150
  - 150-200
  - 200 and more

§77.9(c) - Roadways, bridges, and waterways are evaluated based on heights above surface providing for vehicles, by specified amounts or by the height of the highest mobile object normally traversing the transportation corridor.

§77.9(d) - Any construction or alteration on any structure to military airport (or airports).

Structural proposals or their representations may be via traditional paper forms via US mail, or submit to the FAA via e-Form within the Website (as per)

**LEGEND**

- A BART Station
- B CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road

**Note:**

For CFR Part 77, developers proposing structures taller than the indicated elevations must file Form 7460-1 with the FAA at least 30 days before the proposed construction, however, due to local requirements for a favorable FAA determination as a contingency for project approval, it is advisable to file the Form 7460-1 as soon as possible because the FAA can take several months to undertake aeronautical reviews.

**Sources:**

Woodward Clyde Inc. and Jacobs Consulting  
 based on 14 CFR Part 77, Subpart B Section 77.9.



Exhibit IV-10  
**FAA NOTIFICATION FORM 7460-1**  
**FILING REQUIREMENTS**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport  
**C/CAG**  
 City/County Association of Governments  
 of San Mateo County, California

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherion • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park  
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

November 12, 2013

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

RECEIVED  
NOV 13 2013  
Comm. Dev. Dept. Brisbane

**RE: Draft Environmental Impact Report for Brisbane Baylands Project**

Dear Mr. Swiecki:

Thank you for offering the City/County Association of Governments of San Mateo County (C/CAG) the opportunity to review the Draft Environmental Impact Report (EIR) for the Brisbane Baylands Project. Our review found the traffic and circulation section of the EIR to be consistent with the San Mateo County Congestion Management Program (CMP), which requires mitigation measures for land use changes and development projects that are projected to significantly impact or generate more than 100 new, net peak-hour trips on the CMP roadway network.

1

The requirements that developments within the Brisbane Baylands project site (1) contribute their fair share, as identified by the San Francisco/San Mateo Bi-County Transportation Study, to transportation infrastructure improvements on nearby facilities, such as Geneva Avenue and US 101, and (2) prepare, submit to C/CAG for approval, and establish a transportation demand management (TDM) program prior to the issuance of the first building occupancy permit both satisfy CMP policy.

2

We look forward to reviewing the TDM plans of new developments at the Brisbane Baylands project site and encourage the City of Brisbane to keep C/CAG informed of ongoing efforts to monitor trip generation and TDM implementation.

If you have any questions, please contact me at [wabrazaldo@smcgov.org](mailto:wabrazaldo@smcgov.org) or 650-599-1455.

Sincerely,

Wally Abrazaldo  
Transportation Programs Specialist

# Bayshore Sanitary District

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

BOARD OF DIRECTORS:  
IRIS GALLAGHER  
WALTER V. QUINTEROS  
NORMAN RIZZI  
MAE SWANBECK  
KENNETH TONNA

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

RECEIVED

OCT 03 2013

Comm. Dev. Dept. Brisbane

2 October 2013

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

Subject: Brisbane Baylands DEIR

Dear Mr. Swiecki:

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

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

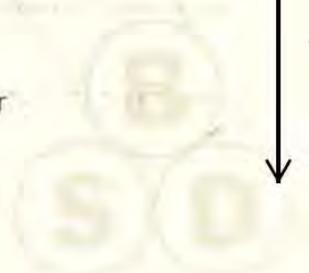
The District was contacted by the DEIR consultant team to obtain factual information regarding the District and this information was provided. However, the District was not contacted regarding the potential use of District facilities in the short-term. The conclusion was reached in the DEIR that the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

1

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

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

2



John Swiecki  
 City of Brisbane  
 2 October 2013  
 Page 2

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

↑ 2  
 cont.

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

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

3

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

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

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

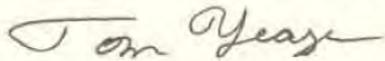
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John Swiecki  
City of Brisbane  
2 October 2013  
Page 3

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

Very truly yours,

BAYSHORE SANITARY DISTRICT



Thomas E. Yeager  
Kennedy/Jenks Consultants  
District Engineer

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

November 21, 2013

VIA ELECTRONIC MAIL AND U.S. MAIL  
eir@ci.brisbane.ca.gov

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

Re: Comments on Brisbane Baylands Project  
City File No: SP-1-06/GPA-2-10/State Clearinghouse No. 2006022136

Dear Mr. Swiecki:

The Modesto Irrigation District (MID) has reviewed the City of Brisbane Baylands Project Draft Environmental Impact Report (Draft EIR) and offers the following comments.

**GENERAL COMMENTS:**

To start with, MID prefers to have a positive and collaborative relationship with the City of Brisbane (the "City"). However, MID has not in any manner been involved in the consultation process regarding this Draft EIR and this moment offers the first serious statutorily created opportunity to express MID's issues.

As MID understands the project, it depends upon a number of public agencies entering into agreements with the City. Pursuant to the Term Sheet with Oakdale Irrigation District (OID), the City is responsible for developing and negotiating each of the required agreements. It is critical to note that MID has not been contacted by the City about this transfer; MID has not been involved in any aspect of designing or planning the water transfer and consequently MID has not considered, much less approved, the water transfer. There has been no formal request of MID, no discussion, no agreement, no commitment, no examination and no study of issues impacting MID. In fact, the first details MID has regarding the proposed project is through the Draft EIR.

The City should be aware that the likelihood of meaningful dialogue between the City and MID regarding this project lessens if the certified EIR neglects addressing environmental issues concerning MID in a positive and complete manner. In preparing these comments MID is mindful that CEQA is to be expansively interpreted in order to provide maximum evaluation and

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Mr. John Swiecki  
November 21, 2013  
Page 2 of 6

consideration of potential direct and indirect environmental effects of a proposed project. Title 14 California Code of Regulation § 15003(f) [hereinafter CEQA Guideline]; *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247,259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA." CEQA Guideline § 15003(a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795.

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cont.

The statutory policies are clearly expressed in Guideline section 15003 and relevant here is the fact that the lead agency must "consider the whole of the action, not simply its constituent parts" when complying with CEQA. CEQA Guideline § 15003(h).

SPECIFIC COMMENTS:

1. Failure of Lead Agency to Consult With or Otherwise Integrate Responsible Agencies into the CEQA Process.

The Draft EIR identifies MID as a Responsible Agency. (Indeed, the project apparently fails if MID does not approve various agreements with other public agencies.) As you know, a Responsible Agency means a "public agency which proposes to carry out or approve a project." CEQA Guideline §15381. In this instance the Lead Agency essentially ignored rather than included MID, a responsible agency, in the CEQA process thereby compelling MID to submit these more lengthy and critical comments about the legal deficiencies in the Draft EIR.

For purposes of illustration, CEQA provides at least six meaningful opportunities for the City to include a responsible agency in the CEQA process. The City ignored each of these vitally important opportunities to include a directly affected responsible agency in the CEQA process.

3

These instances include:

1. Guideline 15060.5. Lead Agency "may include" responsible agencies in pre-application consultation.
2. Section 15064(g). Lead Agency "shall" consult with responsible agencies after determining an initial study is required.
3. Section 15072(a). Lead Agency "shall" provide responsible agencies with notice of intent to adopt a negative declaration.

Mr. John Swiecki  
November 21, 2013  
Page 3 of 6

- 4. Section 15082(a). "Immediately" after deciding to prepare an EIR the Lead Agency "shall" send a notice of preparation to responsible agencies.
- 5. Section 15082(c). A responsible agency may ask for a consultation with the Lead Agency. See also section 15104.
- 6. Section 15086(a) (1). "The lead agency shall consult with and request comments on the draft EIR from: (1) responsible agencies."



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cont.

The inherent problem and obvious legal infirmity of ignoring these provisions of the CEQA Guideline is readily apparent when considering the terms "must" and "shall" are defined as identifying "a mandatory element which all public agencies are required to follow." CEQA Guideline §15005.

As the CEQA Guideline wisely observes, "**Many public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process.**" (Bolding added.) The present circumstance may illustrate the correctness of this Guideline statement.

2. Failure of EIR to Adequately Describe the Project Description and Adequately Address the Whole of the Action.

The Draft EIR neither fully describes the whole project nor adequately addressed the impacts of the project as a whole. These two failures are interrelated and individually and cumulatively contribute to a legally deficient Draft EIR.

4

First, an EIR must provide an adequate project description. Numerous cases repeatedly state a general principal that an accurate, stable, and finite project description is "the indispensable prerequisite to an informative and legally sufficient EIR." *Kostka & Zischke 1 Prac. under the California Environmental Quality Act* §12.2 at 577. A project description omitting integral components of the project may result in an EIR failing to disclose all project impacts. *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 829.

Second, an EIR must identify and evaluate environmental impacts produced by the whole of a project. CEQA defines a project to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." CEQA Guideline §15378(a). "A correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA." *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 267. Critically, the CEQA document must consider all phases of project planning, implementation, and operation, including phases planned for future implementation. CEQA Guideline §15063(a)(1). Under this rule a lead agency

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Mr. John Swiecki  
November 21, 2013  
Page 4 of 6

may not limit environmental disclosure by ignoring the development or other activities that will ultimately result from an initial approval. *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325.

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cont.

Here the proposed project clearly depends upon and is predicate upon a multitude of intermediate water agreements, and complex water exchanges and transfers. See Draft EIR at 1-2: "*The transfer from OID to Brisbane is unique and unprecedented.*" Essentially, it appears that OID would transfer water to MID through one conveyance facility, MID would then transfer water from a separate conveyance facility to the Don Pedro Reservoir and deposit the water into a metaphysical "water bank" held by the City and County San Francisco (SFPUC), and then, independently, San Francisco would convey water to the City through a completely separate conveyance system. Under the proposed project, the transfer water would originate from the Stanislaus River, however, the actual source of the transferred water would be from the Tuolumne River that is released into a SFPUC facility at the Hetch Hetchy. Draft EIR at 3-66 to 3-68. Presumably the project requires agreements between OID and MID, MID and SFPUC, SFPUC and the City, and OID and the City. Each agreement is a discretionary action subject to CEQA and relevant aspects of California water law.

6

This unique multi-layered, multi-agency water transfer is described in only sketchy terms in the Draft EIR's project description. See Draft EIR 1-2. And, as explained later, this incomplete description contributes to potential environmental impacts being unaddressed in the Draft EIR analysis. The truncated project description and subsequent incomplete analysis prevents CEQA from satisfying a basic statutory goal of informing "government decision makers and the public about the potential, significant environmental effects of proposed activities." CEQA Guideline § 15002(a)(1) and § 15003(c) (d) and (e).

7

The document professes to evaluate all impacts, including direct and indirect environmental effects arising from the water supply and transfer components of the project, see Draft EIR at 1-3, but the document's narrative dismisses any effects, other than effects from MID, as a responsible agency, when certifying the EIR.

8

A truncated project description plus omitting a meaningful evaluation of the method of transferring and storing the water constitutes a failure to proceed in a manner required by CEQA and compels the City to revise the Draft EIR.

9

3. The Draft EIR did not Meaningfully Evaluate the Water Source or Transfer of Water Contemplated by the Project.

Perhaps the Draft EIR's overarching failure revolves around an abject failure to evaluate in a meaningful fashion the source of water and the circuitous method of transferring water from OID to the City. Indeed the complete absence of

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Mr. John Swiecki  
November 21, 2013  
Page 5 of 6

analysis, to a certain extent, inhibits MID and others from participating in the process and offering comments about the Draft EIR. (Public participation, of course "is an essential part of the CEQA process." CEQA Guideline §15201. This incomplete Draft EIR thwarts meaningful public participation and does violence to one of CEQA's primary purposes.)

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cont.

Furthermore, it is not MID's duty to perform the lead agency's obligations and perform studies and evaluations of potential environmental effects of the project. This is the City's non-delegable obligation. It is a lead agency's duty and not a judicial (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 159 n.6) or public (*Sunstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296,311) duty to specify what should be in an Draft EIR. Simply stated, "[w]hat will be the result of that study is not our concern....We require only that respondents comply with the mandates of CEQA." *Association for a Cleaner Environment v. Yosemite Community College District* (2004) 116 Cal. App.4th 629, 641. This Draft EIR does not comply with CEQA's mandates.

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Substantially exacerbating this problem is the fact that obvious environmental effects could potentially occur as part of the water supply and water transfer component of the project. While MID has no responsibility to frame or identify the project's potential environmental effects, for purposes of illustration only, these environmental effects could include but are not limited to:  
1) transevaporation of water from OID to MID to SFPUC to the City; 2) the amount of water that each public agency needs to release, taking into account transevaporation and other loss of water due to transportation and holding of water, to provide the City with an amount of water consistent with the OID-Brisbane agreement; 3) the quality and capacity of the various water transport vehicles; 4) Brisbane needs water year round, how can the transfer be facilitated when MID canals only operate during irrigation season; 5) the environmental effect to fish and wildlife from removing water from the Stanislaus and Tuolumne Rivers at certain times in order to comply with the water supply agreement; 6) the effect on agricultural and urban water supplies, including groundwater tables, from removing water from the Stanislaus and Tuolumne Rivers at certain times in order to comply with the water supply agreement; and 7) the environmental effects of introducing Stanislaus River water into the Tuolumne River drainage.

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A faulty project description and sketchy evaluation of the water transfer raises numerous questions and suggests numerous environmental effects. Moreover, there is no discussion or analysis of the potential legal constraints related to the complicated legal and institutional requirements of the Raker Act and the Fourth Agreement between MID, Turlock Irrigation District and SFPUC. Indeed the Draft EIR, without disclosing evidence and analysis, dismisses the entire legal and physical water transfer scheme as inconsequential: "There are no known issues other than certification of this EIR to address the environmental impacts of the

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Mr. John Swiecki  
November 21, 2013  
Page 6 of 6

water transfers that will implement the agreements that require resolution." Draft EIR 3-37.

The slender evidentiary support for this statement is flimsy and incorrect. The Draft EIR incorporates by reference the OID Programmatic EIR (PEIR) for OID's Water Resources Plan and asserts this document fully evaluates direct and indirect impacts of the water transfer, water supply and water delivery. Draft EIR 4.O-6 through 4.O-7. However, this is not a true statement; this assertion is too broad and is erroneous. In fact, the Draft EIR readily concludes the OID PEIR's scope of analysis was substantially narrower than the environmental effects of the City's project. The OID PEIR did not study the City's proposal but merely "concluded that there were no significant impacts on OID's service area from transfers to customers outside its service area." Draft EIR at 4.O-7. Even this Draft EIR is forced to concede that OID's PEIR "did not analyze impacts of specific water transfers to specific recipients outside OID in the future". Draft EIR at 4.O-7. Further, the Draft EIR impliedly concedes that the scope of the OID PEIR did not take into account any environmental issues arising from MID's role in the instantly proposed project.

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cont.

4. Other Environmental Issues.

MID has numerous other environmental issues that could be raised during the comment period or could be presented subsequently during the public hearings concerning the EIR and project. In the interest of time and space, and on the basis of comity with a fellow public agency, MID concludes these comments on the Draft EIR and urges the City to seriously consider the concerns presented in this comment letter and thereafter approach MID, a responsible agency that would be requested to approve contracts deemed essential for implementing the project, directly and openly.

14

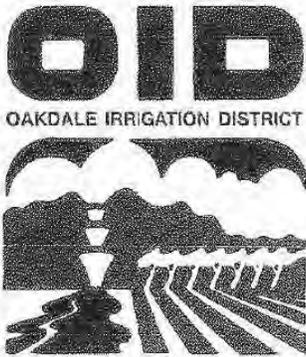
If MID's comments are ignored or addressed in a cursory manner MID reserves the right to assert these concerns and other concerns during the public hearing process. It is, however, hopeful that the City and MID will be able to work together on the issues raised in this comment letter.

15

Very truly yours,

Joy Warren  
General Counsel

Copy: Roger VanHoy, General Manager



RECEIVED

JUL - 2 2013

Comm. Dev. Dept. Brisbane

June 25, 2013

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

RE: Baylands Development- Draft CEQA Document Comments

Dear Mr. Swiecki:

Oakdale Irrigation District (OID) appreciates the opportunity to respond with comments to the City of Brisbane's Draft Environmental Impact Report for the Baylands Development Project. OID is providing the following comments based upon its initial review of the document. More comments may be forthcoming as we review the document in detail, but OID felt an early response to some minor issues would help to clarify details of the water supply being provided for this project. OID's comments are specific to Volume 4, Appendix L, Water Supply Assessment, Section 4-Water Supplies:

1

Page 4.5, Section 4.3.3

The second sentence in this section reads, "The proposed Agreement between the City and OID would guarantee the transfer of up to 2,400 acre-feet per year (AFY), without restrictions on permitting from the State Water Resources Control Board, for a term of 50 years."

For clarity, OID would prefer the following re-write of that sentence to be, "The proposed Agreement between the City and OID would guarantee the transfer of up to 2,400 acre-feet per year (AFY) for a term of 50 years."

2

The term sheet does not contemplate any State Water Resources Control Board approvals for this transfer.

Mr. John Swiecki, AICP  
June 25, 2013  
Page -2-

Page 4.6, Section 4.3.3

This first paragraph has a number of clarifying corrections. OID would propose a re-write of that paragraph to read as follows:

"OID is located in the northeast portion of the San Joaquin Valley within Stanislaus and San Joaquin Counties. The majority of OID's water supplies come from a mix of pre-1914 adjudicated and post-1914 appropriative water rights. Pursuant to the 1988 Stipulation and Agreement between OID and South San Joaquin Irrigation District (SSJID) and the United States Bureau of Reclamation, OID has the ability, with SSJID, to divert the first 600,000 acre feet of flow in a water year on the Stanislaus River. OID's water is diverted out of the river at Goodwin Dam upstream of the city of Oakdale. To effectuate the water transfer to Brisbane, OID would physically deliver up to 2,400 AFY of water into the Modesto Irrigation District (MID) system, via existing facilities (i.e., released from OID's Claribel Lateral, generally located just east of the Albers Road and Dusty Lane intersection, south of the city of Oakdale, into MID's Main Canal). MID would make use of the 2,400 AFY for irrigation purposes and in turn credit an equivalent amount in storage in New Don Pedro Reservoir, located on the Tuolumne River northeast of LaGrange. Through a similar exchange, MID would forego delivery of 2,400 AFY from the SFPUC's Hetch Hetchy system, which generally runs from the Sierra Nevada in Yosemite National Park through the Central Valley and South San Francisco Bay to San Francisco. The SFPUC has a water bank account in New Don Pedro Reservoir (in Tuolumne County), from which MID would credit the SFPUC with the annual amount provided by OID to the City, up to the maximum 2,400 AFY. The SFPUC would, in turn, deliver up to 2,400 AFY from its regional water supply system to the City using its existing water supply infrastructure and operational plans."

3

OID thanks you for the opportunity to have made these comments. Should you have any questions on what is presented, please contact our offices. We look forward to working with you further and providing additional comments, as may be necessary, during the public review phase of this document.

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Sincerely,  
OAKDALE IRRIGATION DISTRICT



Steve Knell, P.E.  
General Manager

SK;fp



**CITY OF BRISBANE**

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Brisbane, California 94005-1310  
(415) 508-2100  
Fax (415) 467-4989

**BPRC**

RECEIVED

JAN 0 8 2011

Comm Law Dept. Brisbane

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

Dear Mr. Swiecki

Below are the comments from the Parks and Recreation Commission for the Draft Environmental Report for the Baylands Project.

**COMMENTS TO CHAPTER 4M – RECREATIONAL RESOURCES**

Table 4.M-1 Parks Serving Brisbane: add specific (in-town) walkways to Table 4.M-1: Bicentennial (Sierra Point/Klamath – Solano/Mendocino), Independence (Humboldt – Sierra Point), Mono (Sierra Point Canyon), and Central (Sierra Point – Alvarado).

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Table 4.M-2 Recreational Facilities in Brisbane: (1) add dog park & community garden and remove teen center (2) change the name of the Brisbane Senior Center Sunrise Room to Brisbane Sunrise Room.

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Page 4.M-4 Recreational Facilities: remove teen center and gymnasium from the first sentence.

3

Page 4.M-5 Candlestick Point State Recreation Area: remove gardening from the second sentence in the first paragraph.

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If you have any questions about these comments please contact me at either (415) 508-2151 or [Schillinger@ci.brisbane.ca.us](mailto:Schillinger@ci.brisbane.ca.us)

Respectfully submitted,

Stuart Schillinger  
Staff to Parks and Recreation Commission  
City of Brisbane





# CITY OF DALY CITY

333 - 90TH STREET  
DALY CITY, CA 94015-1895  
PHONE: (650) 991-8000

January 22, 2014

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

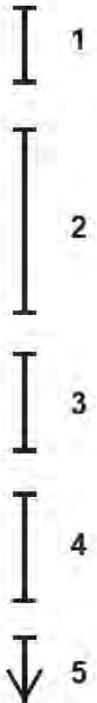
**RE: Brisbane Baylands Phase I Specific Plan (Case SP-1-06) – Draft Environmental Impact Report**

Dear Mr. Swiecki:

Thank you for providing the City of Daly City an opportunity to comment on the proposed Brisbane Baylands Specific Plan Draft Environmental Impact Report. The City of Daly City would like to offer the following comments:

Traffic and Circulation

1. Page 4.N-7: LOS analysis should include the intersections of (1) E. Market St./Mission St./San Pedro Rd. and (2) Hillside Blvd./E. Market St.
2. The analysis assumes transit and roadway improvements that have not been approved nor funded. Some mitigation measures assume that Daly City will pay for the improvements. This mitigation relies upon the actions of an outside government agency rather than the required actions of the project developer or government agency where the project is located. Mitigation of project impacts is/are the responsibility of the project to fund, obtain approval for and construct.
3. Table 4.N-14: For the land uses where the sizes are the same for DSP and DSP-V scenarios, the net vehicle trips are not consistent (i.e., 3,950 apartment units generates 621 PM trips under DSP, but 701 PM trips under DSP-V scenario).
4. Table 4.N-15: For the land uses where the sizes are the same for the CPP and CPP-V scenarios, the net vehicle trips are not consistent (i.e., 2,210 ksf of general retails generates 1,446 PM trips under CPP, but 1,460 PM trips under CPP-V scenario).
5. Page 4.N-96: Mitigation Measure 4.N-1a, requires removing the median and restriping the eastbound approach and modification to the signal timing. The text states "would



require action by the City of Daly City” – this means that the Daly City City Council would have to take action to approve these changes, but does not specify which entity would be required to finance these changes to ensure that the mitigation measure is undertaken.

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cont.

6. Table 4.N-27 shows that the intersection of Geneva Avenue/Bayshore Boulevard is expected operate at the same LOS with or without a sold-out arena event (showing a shorter delay). This statement does not seem reasonable if the analysis assumes that 50% of the attendants would arrive during the 5-6pm time period. Is this presumption regarding LOS at the intersection include and require police directed special event traffic patterns and controls in order to maintain the LOS as described?

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7. Page 4.N-114: Mitigation Measure 4.N-3a shows six eastbound lanes, six southbound lanes and seven northbound lanes – is there enough right-of-way to widen Geneva Avenue and Bayshore Boulevard? Additional phases at the intersection would require signal timing modifications and would impact the adjacent intersections. The mitigation measure also calls for the applicant to initiate a corridor plan for Bayshore Boulevard. The corridor plan should also include Geneva Avenue since the mitigation measure calls for widening it to include six eastbound lanes.

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The City of Daly City would like to continue to receive project information and updates as they are available and again we would like to thank you for the opportunity to be included in this process.

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Regards,



Tatum Mothershead, Interim Director of Economic and Community Development  
City of Daly City



January 21, 2014  
John Swiecki, AICP  
Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

via e-mail: eir@ci.brisbane.ca.us

**Re: Draft Environmental Impact Report (DEIR) for the Brisbane Baylands**

Dear Mr. Swiecki:

Enclosed are comments from San Francisco Agencies and Departments on the above-referenced Draft EIR. Included are comments from the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco County Transportation Authority (SFCTA), and the San Francisco Planning Department. It is our understanding that you will also be receiving a separate comment letter from the San Francisco Public Utilities Commission.

1

In addition to the enclosed comment letters, we would like to highlight several issues of local and regional importance:

San Francisco strongly supports Recology's desire to modernize and consolidate its existing facilities to meet San Francisco's goal of achieving zero waste by 2020. Recology's plan to expand its operations on 21.3 acres of the Brisbane Baylands project area, as reflected in the CPP-V variant, is critical to achieving this goal. We applaud Recology's thoughtful expansion plan and would not support alternative uses at the proposed Recology expansion location.

2

San Francisco does not support moving the Caltrain Bayshore Station farther south from its current location. With the coming electrification of Caltrain and more frequent service, tens of thousands of future San Francisco households and workers in Visitation Valley, Executive Park, Hunters Point Shipyard and Candlestick Point will increasingly depend on a convenient and accessible Caltrain Bayshore Station. The attached letter from SFMTA expands upon this concern and related technical issues.

3

San Francisco appreciates acknowledgement in the Baylands DEIR that the California High Speed Rail Authority (CHSRA) has identified the Baylands as the recommended location for an approximately 100-acre High Speed Rail Terminal Storage and Maintenance Facility (TSMF), as the HSR service will be a blended service, with facilities jointly used by California High Speed Rail and Caltrain (Bay Area to Central Valley High Speed Rail EIR – Supplemental Alternatives Analysis, 2010). We suggest a more in-depth analysis of the implications of the Baylands proposals upon the CHSRA project. We suggest that you combine the future storage facility with the Renewable

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Energy Alternative already analyzed in the DEIR (Chapter 5) into a new Variant on that Alternative.

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cont.

We disagree with the statement in the Draft EIR that the CHSRA project is premature and speculative. Construction contracts for the first 29 miles of rail have already been signed and requests for qualifications for construction of the next 60 mile segment of rail have been released by the CHSRA. Summary of Requirements for Operations and Maintenance Facilities for that project has also been prepared in April of 2013. That document identifies the need for and conceptual design of an approximately 100 acre railyard facility in the vicinity of San Francisco. The Baylands was the recommended location for such a railyard in the CHSRA EIR.

↑ 7

Thank you for the opportunity to comment on this important and transformative project. Please feel free to contact the undersigned if you have any questions.

Sincerely,



Ken Rich  
Director of Development

Office of Economic and Workforce  
Development



Gillian Gillett  
Director of Transportation  
Policy

**Office of Community  
Investment and Infrastructure**  
(Successor to the San Francisco  
Redevelopment Agency)

One South Van Ness Avenue  
San Francisco, CA 94103  
415.749.2400



EDWIN M. LEE, Mayor

Christine Johnson, Chair  
Mara Rosales, Vice-Chair  
Theodore Ellington  
Marilyn Mondejar  
Darshan Singh  
Tiffany Bohee, Executive Director

January 21, 2014

450-004.14-021

John Swiecki  
City of Brisbane  
50 Park Place  
Brisbane, CA. 94005

RE: Draft EIR for the Brisbane Baylands Specific Plan

Dear Mr. Swiecki:

Thank you for the opportunity to review and comment on the Draft EIR for the Brisbane Baylands Specific Plan, June 11, 2013. The Brisbane Baylands project is of interest to the Office of Community Investment and Infrastructure (OCII), Successor Agency to the San Francisco Redevelopment Agency, as the project site adjoins the Visitacion Valley/Schlage Lock Site to the north and is close to the Candlestick Point & Hunters Point Shipyard (Phase 2) Project area and the Executive Park, which involves demolition of an existing 230,000 square feet office building and conversion to 1,600 residential units. In addition, there are a number of existing and planned transportation facilities that require close coordination between Brisbane and San Francisco.

1

**Program level vs Project Level**

Because the Draft EIR has been prepared as a "programmatic" rather than a "Project-level" EIR, OCII requests that future development that may occur within the Project Site must be subject to preparation and adoption of project level CEQA analysis. Specifically, an environmental impact analysis of potential increases in air pollutants and noise at intersections, such as Bayshore Blvd., at Sunnydale Avenue and Bayshore at Leland Avenue and other major intersections near existing and future residential neighborhoods should be properly identified and mitigated.

2

**Transportation**

The Draft EIR primarily uses traffic counts recorded in 2007 and traffic counts "taken in November 2012 confirmed that volumes in pre-recession 2007 were higher than current volumes. Thus, the use of pre-recession 2007 traffic counts in this EIR results in a more conservative analysis of Project impacts than would re-running traffic models based on post-recession 2010 or 2012 traffic counts" (pg. 4.N-42). It is unclear whether or not the traffic counts utilized take into consideration the adopted Candlestick Point & Hunters Point Shipyard plans, which no longer includes a stadium option. If so, the proposal to relocate the existing Caltrains station to the south should be independently analyzed. The EIR prepared for the Candlestick Point & Hunters Point Shipyard (Phase 2) assumed the existing Caltrain Station would remain at the same location.

3

**Specific comments for the Transportation Resources analysis.**

- No reasonable justification has been provided for the proposed relocation of the Caltrain station to the south. No assumption should be made that moving the Caltrain platform to the south, as stipulated in the Draft EIR, would be supported by the Office of Community Invest and Infrastructure, Successor Agency to the San Francisco Redevelopment Agency.

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- The Candlestick Point & Hunters Point Shipyard (Phase 2), Visitacion Valley and Executive Park plans based their traffic circulation analysis on the fact that Caltrain would, at the very minimum, remain in its present location. Relocation of the station to the south would result in loss of access and increased travel time to the transit station, which would result in diminished transit usage from existing communities and planned and approved projects within San Francisco. The cumulative traffic impact analysis, and proposed mitigation measures, should reflect diminished transit usage that would result from moving the existing Caltrain station to the south. The DEIR does not clarify or acknowledge loss of ridership.

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- The bicycle diagram, depicted on **Figure 4.N-6**, raises a concern: no bicycle access to BRT/Caltrain hub is provided. In addition, the proposed unclassified bike routes should be clearly classified as part of the overall circulation plan. Because the growth concept scenarios involve increased use of the site for work, recreation or residential use, the a program level EIR should be prepared and should analyze the reasonable foreseeable indirect impacts that such growth could have on bike travel lanes and long term storage capabilities at the Caltrain station. It is unclear whether or not adequate bike parking and storage facilities are planned to accommodate the anticipated growth.

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- **Outdated Information:** The DEIR employs exhibits from the Project described in the Candlestick Point/Hunters Point Shipyard Phase 2 ("CP/HPS2") EIR. However, the CP/HPS2 EIR also contained a non-stadium variant project, which will be under construction starting in March 2014. The Baylands DEIR should be revised to reflect the implementation of the non-stadium variant at CP/HPS2, including land use and transportation diagrams and the analysis contained in this variant. For example, the non-stadium variant introduces a different street grid on Hunters Point Shipyard, shifts density among the sites, and incorporates additional commercial square footage. As a result, the cumulative analysis contained in the Baylands DEIR may underestimate PM peak traffic demand generated by the CP/HPS2 Project.

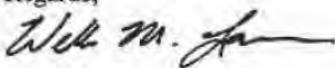
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- **Recommended Revision:** The transportation analysis in the Draft EIR should be revised to appropriately reflect the impacts of the proposed Caltrain station location on existing and already approved development and overall transit ridership in the interim and horizon years. In particular the analysis must take a finer-grained approach toward understanding the impacts of location on planned and existing development within ½ mile of the current station and on the ridership of the BRT, which depends on timely transfers to attract riders. Implementation of the Baylands project should take into account the development phasing so that station relocation does not precede appropriate development triggers, in effect diminishing transit performance among existing and already approved development for the sake of potential development which phasing may depend on a variety of factors including subsequent approvals, market demand and land acquisition.

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Thank you for the opportunity to comment on the Draft EIR. We request that your agency consider our comments prior to certification of the Draft EIR. Please send us copies of all future project level documents, including Mitigation Monitoring and Reporting Program (MMRP) for the project, CEQA findings and, if applicable, statement of Overriding Considerations.

9

Regards,  
  
 Wells M. Lawson  
 Senior Project Manager



# SAN FRANCISCO PLANNING DEPARTMENT

SFPD

January 21, 2014

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

Re: Comments on Brisbane Baylands Draft EIR

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CA 94103-2479

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Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Brisbane Baylands Draft EIR. This letter contains the Planning Department comments, both from a technical CEQA perspective and also from a policy perspective.

As stated in the cover letter from our Mayor's Office, San Francisco strongly supports the proposed expansion and modernization of the Recology site, as included in one of the Draft EIR Alternative Plans. We believe that there could be conflicts that would arise out of siting high intensity commercial, office, institutional, residential or open space uses in close proximity to the Recology site. Traffic increases from future Baylands activities could conflict with necessary truck and vehicular access to and from the Recology site on nearby streets. This could result in transportation impacts not only with respect to truck and vehicle traffic, but also to planned Bus Rapid Transit (BRT), pedestrian and bicycle routes through the area. Additionally, noise, odor or air quality complaints or impacts could arise from siting proposed Baylands uses immediately adjacent to an active industrial use.

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We believe that the EIR needs to look more closely at the potential for future development on the Baylands site to cause such conflicts with the Recology operations, and then more rigorously discuss and analyze potential Mitigation Measures or Alternatives that may be available and necessary to reduce or avoid potential impacts in order to ensure smooth co-existence of the various activities in the area. We did not find sufficient analysis unique to the potential impacts of siting future Baylands development in close proximity to the expanded Recology operations in the Draft EIR.

Regarding transportation impacts, the Draft EIR states that the Cumulative Without Project travel demand forecasts utilize the Candlestick Point/Hunters Point Study forecasts, developed by the SFCTA CHAMP 3 Model, as part of the analysis for the Candlestick Point/Hunters Point Shipyard EIR. The CHAMP 3 Model included certain assumptions about transportation mode splits, in particular transit and vehicular mode splits, based upon the proximity of existing neighborhoods and other area plans (such as Visitacion Valley, Executive Park and Candlestick Point/Hunters Point) to transit, which would have encouraged pedestrian trips from those areas to an intermodal transit hub connected to the Caltrain Station. The Brisbane Baylands Alternatives propose to move the Caltrain Station south of its current location (i.e., south of the location assumed in the CHAMP 3 Model.) We believe such a relocation of the Caltrain Station would reduce the attractiveness of transit for many

2

San Francisco residents, and the likelihood of pedestrian trips to the transit hub in particular. This would require a corresponding shift in mode split assumptions for the transportation analysis in the Baylands Draft EIR. We did not see any discussion or analysis of that in the Draft EIR.

↑  
2 cont.

Similarly, the Draft EIR lists several transit improvements as being included within its future cumulative scenario (e.g., T-Third Line extension to Caltrain Station; Geneva Avenue BRT; Bayshore Intermodal Station Improvements.) The Baylands proposal to relocate the Caltrain Station further to the south, and the Baylands Alternatives which do not include any new housing, could create significant barriers to the substantial funding that would be required for those transit improvements, based upon MTC's funding criteria. That could seriously jeopardize the construction of those transit improvements. The Draft EIR did not examine whether relocation of the Caltrain Station to the south or adoption of project Alternatives without housing could hinder or preclude construction of the assumed transit improvements, which would in turn require a change in the assumptions built into the transportation methodology and analysis.

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Regarding Mitigation Measures, as pointed out in the enclosed letter from SFMTA, the transit mitigation measures in the Draft EIR (4.N-7 and 4.N-9) are too vague and lack the specificity or clarity necessary to understand what is being proposed, how the measures would be implemented or funded, or how effective they would be in terms of mitigating identified impacts. Those measures defer the mitigation to future study, plan development and agreement, without presentation of specific performance criteria, feasible mitigation options potentially available or the effectiveness of such measures. Information regarding the necessary timing, funding requirements or implementation of such measures is also lacking. For example, Mitigation Measure 4.N-7 requires the project sponsor to work with San Francisco's Municipal Transportation Agency to reach an agreement to provide a fair share contribution to capital costs for increased transit service. However there are no performance objectives, no parameters for the types of improvements, no addressing of feasibility and no recognition of the significant lead time required for development, approval, funding and implementation of any such measures. Nevertheless, the Draft EIR concludes that the mitigation measures could reduce impacts to less than significant. We do not see how those conclusions can be reached based upon the level of information provided in the Draft EIR.

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Regarding Alternatives analysis, the Draft EIR examines four main Alternative Specific Plan build schemes, each of which results in a large number of significant unavoidable transportation and air quality impacts. The Draft EIR examines a No Project, existing General Plan Build Out Alternative (approximately 2 Million square feet of industrial and commercial development) and the Draft EIR concludes that this No Project Alternative would avoid the significant transportation and air quality impacts of the Build Alternatives. The Draft EIR also analyzes two Reduced Intensity development Alternatives (approximately 5.3 Million – 6.8 Million square feet of development) and the Draft EIR concludes that such Alternatives would not avoid the significant impacts related to transportation and air quality. Hence, all Specific Plan mixed-use Build Alternatives analyzed in the EIR have substantial significant unavoidable environmental impacts, and the only transit-oriented mixed-use Alternative that reduces or avoids those impacts is a No Project Alternative. This leaves a hole in the EIR, whereby the readers and decision-makers are left guessing as to what level of mixed-use development, including residential, could constitute a Specific Plan Build Alternative and still avoid many of the significant transportation and air quality impacts identified for the four main Alternatives and the Reduced Intensity Alternatives analyzed in the Draft EIR.

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Given the enclosed comments from other San Francisco agencies, we suggest that the EIR should include within its range of Alternatives a Specific Plan Mixed-Use with Housing Build Alternative that furthers the stated project objectives related to environmental protection, sustainability, contribution to regional housing, transportation and air quality solutions, but minimizes the significant impacts to surrounding communities identified for all of the Specific Plan Build Alternatives presently analyzed. The parameters for such an Alternative would include the following:

Mixed-use development, including housing, at reduced levels (amount of development to be determined by further analysis, presumably somewhere between 2 Million and 5.3 Million square feet) which substantially reduce or avoid the significant and unavoidable transportation and air quality impacts identified for all other mixed-use Build Alternatives;

Transit/transportation infrastructure changes to encourage transit use and reduce potential transportation conflicts: See SFMTA enclosed letter for suggested transportation infrastructure improvements; two variants analyzed, one with Caltrain station moved north, and one with Caltrain station moved south, to compare impacts between different intermodal connection locations;

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Expansion of Recology site; and

Revised site layout (or alternative layouts) to maximize transit utilization and minimize or mitigate potential conflicts arising due to proximity of surrounding mixed uses to the Recology site.

We believe that such an Alternative would not only further the stated project objectives, but would also be more in keeping with the regional plans of ABAC, MTC and the BAAQMD, as presented in the Draft EIR. For a project at the size, scale, location and regional importance of the Baylands, we believe that the EIR should provide the public with analysis of a feasible reduced impact Build Alternative such that decision-makers are not left with a choice only between significant, unavoidable impacts of a new plan, or no project.

As also indicated in the enclosed comments from our Mayor's Office, we note that the Draft EIR provides very little information and calls little attention to the conflicts between all Alternatives considered in the EIR and the California High Speed Rail Authority (CHSRA) proposal to use a portion of the Baylands site as an operations and maintenance yard. For the reasons pointed out in the cover letter from our Mayor's Office, we believe that the CHSRA project is reasonably foreseeable rather than speculative. Since the CHSRA project has potential statewide and regional significance and contemplates use of the Baylands site, it would seem that decision-makers and the public should be provided with that information and analysis of potential conflicts between the CHSRA and Baylands proposals in the Baylands EIR. That would require additional impact analysis for each of the Baylands Alternatives, as well as possible inclusion of a new Alternative (or perhaps a Variant to an existing EIR Alternative such as the Renewable Energy Generation Alternative) which would include the CHSRA operations and maintenance yard on a portion of the Baylands site.

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The Brisbane Baylands DEIR highlights the Renewable Energy Generation Alternative as the environmentally superior alternative for the Baylands. The DEIR also states that the City of Brisbane must balance economic, social and environmental objectives in establishing a development plan for

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the Baylands. The Planning Department supports these objectives, especially as they pertain to bi-county and regional impacts on housing and transportation.

↑ 8 cont.

The Planning Department supports analyzing impacts on housing and transportation infrastructure and reducing them through alternatives that maximize housing, retail and office in a mixed-use centers near high capacity transit. The City of San Francisco does not support moving the Caltrain station south, especially with over 1,600 units planned adjacent to the station, just north of the county line at the old Schlage lock site. Similar transit-oriented development is supported in the Baylands as well. Local transportation impacts should also be considered in light of maximizing regional opportunities in new facilities for California High Speed Rail, Caltrain and Recology.

↑ 9

Additional impacts of concern include:

1) The impacts of uses linked to a high drive-alone mode share and underutilization of transit. These tend to be:

- a. Retail and entertainment uses that are not part of a mixed-use development are frequently linked to a high auto mode share.
- b. Industrial uses are frequently linked to high auto mode share/low transit usage.

↑ 10

These impacts are greatest with both of the CPP alternatives. In some scenarios, providing mixed-uses that are linked to higher transit use, or a transit-oriented development alternative, may reduce impacts on the regional environment and transportation systems.

2) The Visitation Valley/Schlage Lock site plans just to the north of the Baylands include open space, housing and commercial development. The impacts on the mixed-use neighborhoods within that site should be considered in each alternative.

↑ 11

3) Demand for housing is high in the Bay Area, especially in and near the City of San Francisco. While development to the north of the county line is increasing regional supply, the City of Brisbane should also address impacts on bi-county and regional housing demand by including housing to the maximum feasible extent.

↑ 12

Lastly, a correction to the Draft EIR should be made at page 4.I-13. The Visitation Valley/Schlage Lock site plan is being revised: The plan for the site now proposes 1,679 residential units and 43,700 square feet of commercial and institutional development.

↑ 13

Once again, thank you for the opportunity to comment on the Draft EIR for this large and important project on our border. San Francisco looks forward to working together and helping Brisbane create the best possible project for this site.

Sincerely,  
  
John Rahaim  
Director of Planning

**Brisbane Baylands DEIR  
Comments  
San Francisco County Transportation Authority  
October 11, 2013**

Thank you for the opportunity to comment on the Brisbane Baylands Draft Environmental Impact Report (DEIR). The Authority recognizes the strong vision in the plan and supports the efforts of the city of Brisbane to encourage quality development of much needed housing and job space. We are also glad to see acknowledgement in the DEIR of key previous planning efforts in the area, including the Bayshore Intermodal Station Access Study and the Bi-County Transportation Study.

1

Strong connections are needed between the work done on the Bi-County Study and the proposed Baylands development, and we appreciate the city of Brisbane's previous cooperation on and commitment to the cost-sharing concepts agreed upon in the Bi-County Study. We see it as an important function for the DEIR to contain language committing development to be responsible for its fair share. We would appreciate clarification on whether the current language is sufficient, in light of observations we make below.

2

The DEIR's *Cumulative Without Project* (baseline) scenario assumes completion of several projects proposed by the Bi-County study, including the Geneva Ave extension, the US 101 Candlestick interchange re-configuration, the T-Third Light Rail Line extension, and the Bayshore Intermodal Station re-configuration. These projects are not fully funded and in fact rely on public and private contributions, including from the Baylands development, which raises a question about whether they should be included in the baseline scenario, and whether the DEIR can commit the development project to contribute its fair share to these transportation projects.

3

The area is a joint Priority Development Area (PDA) between San Mateo and San Francisco counties. In order to retain its designation as a PDA and to be eligible for certain regional transportation funds, housing must be included in the development. We understand there to be multiple land use options under consideration, only some of which would result in housing. We strongly suggest that housing be included in the development, as its absence would affect our ability to advocate for funds to build the transportation projects outlined in the Bi-County Study, ones that are assumed to be built in the *Cumulative Without Project* (baseline) scenario.

4

The DEIR identifies multiple local traffic impacts as significant and unavoidable, including some intersections in San Francisco. Given that finding, we propose that the development project contribute funds toward efforts to address increases in traffic congestion. We acknowledge and support the DEIR's mention of TDM measures as one such effort. However, the DEIR does not provide any detail of such measures. How will TDM measures and commitments to those measures be codified? We would like to see the inclusion of stronger and more specific descriptions of TDM programs and projects that would be implemented. The Bayshore Intermodal Station Access Study included discussion on TDM concepts that is relevant here. Also, we suggest that an on-demand, area-wide traffic calming program, such as the one proposed as one of the Bi-County Study's list of jointly-funded projects, could also be a developer commitment.

5



SFO

San Francisco International Airport

August 19, 2013

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

RECEIVED

AUG 21 2013

Comm. Dev. Dept. Brisbane

**Subject: Draft Environmental Impact Report for the Brisbane Baylands Project – City of Brisbane**

Dear Mr. Swiecki:

Thank you for notifying San Francisco International Airport (SFO or the Airport) of the availability of a Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project (the Project). We appreciate this opportunity to coordinate with the City of Brisbane (the City) in considering and evaluating potential land use compatibility issues that this and similar projects may pose.

1

As discussed under Impact 4.I-1 in the DEIR, land use compatibility of proposed projects within the environs of SFO is governed by the Airport Land Use Compatibility Plan (ALUCP) for SFO, which was adopted by the City/County Association of San Mateo County (C/CAG) in November 2012. Proposed projects located within the Airport Influence Area are subject to the policies of the ALUCP.

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The Project Site is located in Airport Influence Area A, which includes the entirety of San Mateo County. The narrative for Impact 4.G-5 of the DEIR incorrectly states that the project site is not located in an airport land use plan area. Although the Project is not subject to the specific noise, safety, and airspace protection policies applicable to Airport Influence Area B, which is a subarea within Area A, there are select policies that apply to the Project. Within Area A, the real estate disclosure requirements of state law apply, as stated in ALUCP Policy IP-1. Property owners are required to provide real estate disclosure regarding airport impacts.

With respect to noise compatibility, the Project Site is located outside of the projected 2020 CNEL 65 dB noise contour. The noise compatibility policies of the ALUCP do not apply to areas outside the CNEL 65 dB noise contour. Under Noise Impact 4.J-5, the DEIR, therefore, concludes that noise exposure of future residents and workers under all development scenarios is less than significant. The DEIR notes, however, that the City of Brisbane consistently generates the highest number of noise complaints and complainants from single event aircraft noise (with more than one half of the 1,331 noise complaints received by SFO in September and October 2012 received from Brisbane residents). Complaints from Brisbane residents continue to be received by the Airport. The most recent Airport Director's Report for the month of June 2013 reports that 984 of 1,479 total calls were received by the SFO Aircraft Noise Abatement Office from 20 unique individuals in Brisbane.

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AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE MAYOR    LARRY MAZZOLA PRESIDENT    LINDA S. CRAYTON VICE PRESIDENT    ELEANOR JOHNS    RICHARD J. GUGGENHIME    PETER A. STERN    JOHN L. MARTIN AIRPORT DIRECTOR

John Swiecki, AICP  
August 19, 2013  
Page 2 of 2

The Federal Aviation Administration (FAA) requires notification of proposed construction for any project that may have a potential effect on air navigation facilities, pursuant to CFR Title 14 Part 77.9, as discussed under Impact 4.I-1 of the DEIR. FAA Form 7460-1, Notice of Proposed Construction or Alteration, may be submitted by the project sponsor through the FAA's Obstruction Evaluation/Airport Airspace Analysis website (<http://oeaaa.faa.gov>). A Determination of No Hazard from the FAA should be obtained prior to project approval.

4

Please include SFO Planning and Environmental Affairs on the distribution of the Final EIR. The Airport appreciates your consideration of these comments. If I can be of assistance as the City considers airport land use compatibility as they relate to this project or future projects, please do not hesitate to contact me at (650) 821-7867 or at [john.bergener@flysf.com](mailto:john.bergener@flysf.com).

5

Sincerely,



John Bergener  
Airport Planning Manager  
Bureau of Planning and Environmental Affairs

cc: Nixon Lam, SFO BPEA  
Bert Ganoung, SFO ANAO  
Dave Carbone, San Mateo County Airport Land Use Committee



January 17, 2014

Mr. Paul Maltzer  
Senior Planner  
San Francisco Planning Department  
1650 Mission Street (No. 400)  
San Francisco, CA 94103

Re: Brisbane Baylands DEIR

Dear Mr. Maltzer:

Thank you for the opportunity to comment on the Brisbane Baylands Specific Plan DEIR. We understand the following San Francisco Municipal Transportation Agency (SFMTA) comments will be attached to a City and County of San Francisco letter to the City of Brisbane.

The development of the Brisbane Baylands (“The Project”) will have a critical effect on San Francisco’s transportation system and other infrastructure. Not only does the site border San Francisco, but it is immediately adjacent to three major San Francisco development sites (Candlestick/Hunters Point, Executive Park and Visitacion Valley/Schlage Lock). These are all envisioned to provide affordable housing, economic revitalization and major transportation improvements that will benefit the entire San Francisco Bay Area region.

In this letter, we first cover broad concerns that apply to all variants and scenarios. Then we review concerns specific to different variants. Finally, we discuss some changes that Brisbane could consider to better ensure the integrity and sustainability of the San Francisco and regional transportation network while accommodating the Project goals and broad land use principles.

**GENERAL COMMENTS**

**Need for Effective Transit-Oriented Development**

The SFMTA supports Transit-Oriented Development (TOD) concepts where development is proposed in and near San Francisco, for four essential reasons:

- 1) **Reduced environmental impact:** TOD encourages use of transit, bicycle and walking over the private automobile and therefore reduces emissions, sprawl, impacts on other infrastructure, and related degradation of open space.

Edwin M. Lee  
*Mayor*

Tom Nolan  
*Chairman*

Cheryl Brinkman  
*Vice-Chairman*

Leona Bridges  
*Director*

Malcolm Heinicke  
*Director*

Jerry Lee  
*Director*

Joél Ramos  
*Director*

Cristina Rubke  
*Director*

Edward D. Reiskin  
*Director of Transportation*

One South Van Ness Ave.  
Seventh Floor  
San Francisco, CA 94103  
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- 2) **Reduced automobile congestion:** TOD provides an alternative growth prototype that would be less likely to add cars that in turn would clog local streets and undermine multi-modal transportation access.
- 3) **Increased use of transit:** provided that resources are provided to ensure sustainable transit operations and reduce transit overcrowding, SFMTA supports development that invest in growth in transit ridership, particularly so when Muni is the service provider.
- 4) **Compliance with local and regional planning and funding priorities:** TOD that meets regional (MTC) land use mix and density criteria, as well as multi-modal access criteria, is readily supported by numerous planning and legislative policies and related funding programs that sustain and support current and future operating needs and capital investments, Development near transit facilities that do not meet these criteria face great policy and funding challenges, including failure to compete well in competitive regional, state or federal grant and financing award programs.



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The Project as described in this DEIR does not comply with the metrics and criteria that measure “successful” TOD as described above. Land use proposals and multi-modal access characteristics of several Project variants (including the Community Proposed Plan and its Recology Expansion Variant) do not reflect regionally-accepted minimums of density and land-use mix that support “viable” TOD. These proposals incentivize rather than discourage use of the automobile for transit station access, and (as a direct contradiction to regional TOD guidelines), jeopardize the long-term funding sustainability of Caltrain station and the related operations that rely on compliance to attract and secure vital regional funding.



The Project must sustain the critical environmental infrastructure, understandably of regional importance, of Recology's existing large recycling and transfer station facility and as well as Recology's proposal for a modernized expanded recycling facility as reflected in the CPP-V variant. The DEIR, however, does not acknowledge or resolve the challenges of transforming the Bayshore Caltrain Station into a regional Bus Rapid Transit (BRT)/Light Rail Transit (LRT)/commuter rail station at its current site, or by moving the Caltrain station south. Instead, it should consider moving the station closer to existing transit-oriented land uses (with a higher density of employee, services and/or residents than the recycling facility) and the existing pedestrian-oriented multi-modal access network and bus hubs to the north that connect to Visitacion Valley and Executive Park. The recycling facility would still remain within walking distance for its employees if the station were to move north, but the truck access it must depend upon would not be impeded by the multi-modal access paths to the Caltrain station needed for more robust ridership. Moving Bayshore Caltrain a few hundred feet north to connect to the east-west access routes that serve the above neighborhoods and the new mixed-use developments at Candlestick

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Point and the Hunters Point Shipyard would allow the transformation of Bayshore Station into a regional transit hub while allowing Recology's facility to expand to the south, benefitting both transit function and recycling operations.

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**Caltrain Bayshore Station; Location, Access and Future Funding Sustainability**

The Caltrain Bayshore Station provides an outstanding opportunity to construct an intermodal station supporting all adjacent development and the effective integration of commuter rail, light rail, bus transit, and pedestrian/bicycle networks. The *Bayshore Intermodal Station Access Study Final Report* (March 2012) states that the station "has the potential to transform into a vibrant, central hub for regional and local transit connections... The Bayshore Station represents a rare and important opportunity to truly coordinate transportation with land use to integrate a regional transit station into the surrounding neighborhood at the same time that the neighborhood itself is taking shape" (p. 5). However, the treatment of this station in the Baylands Specific Plan does not support a high-quality transit hub, and the DEIR does not adequately address this issue.

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In fact, the DEIR is excessively vague about the station changes. The Caltrain Bayshore Station upgrade to an intermodal station is not detailed sufficiently to show how it could function as a true multi-modal facility. There is a lack of attention to how existing light rail (T Third), planned bus rapid transit and Caltrain service would interface with the Bayshore Station.

The DEIR shows the station moving south by an unspecified distance. This is inconsistent with the current plans for the approved projects at Candlestick Point/Hunters Point Shipyard Phase II, Visitacion Valley and Executive Park, all of which assumed immediate pedestrian access to Caltrain that would be compromised by moving the station platform south. Furthermore, this is inconsistent with the strong support from San Francisco agencies supporting these projects for the "interim" Bayshore Station configuration described in the *Bi-County Transportation Study*, which relies on access to the existing station site – or a future northern relocation of this platform -- to better connect Caltrain with the T Third light rail and the 9 San Bruno bus at the Arleta Station, and the proposed Geneva/Harney bus rapid transit service that connects via Blanken and Tunnel Avenues from the east and south and avoids the freeway interchange and recycling yard traffic closer to Alana Way. A concept graphic is attached to illustrate the following key features of this configuration.

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- Closer to existing, mixed-use neighborhoods, with a high proportion of transit-dependent residents;

- Closer to planned high-density development, especially residential (in Candlestick Point, Schlage Lock/Visitacion Valley and Executive Park); and, by focusing on the light rail-to-Caltrain connection at the existing Arleta station,
- Eliminating the need or the unfunded, unresolved connection of the existing T-Third light rail (A station near Blanken and Tunnel would be walking distance from the Arleta T-Third station, probably less than 1,000 feet away.)



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A move south would significantly drive up costs of transportation improvements such as the light rail connection and the Geneva Avenue extension and bus rapid transit that make the Bayshore station an essential transit hub (e.g., as shown in Fig 4.N-15, -16). The extended light rail track in Fig 4.N-16 suggest further, undiscussed and unresolved traffic conflicts between light rail and the Geneva Extension. This extra cost is a concern to Brisbane's partners in the Bi-County Study who must share the costs of this extension. This cost burden is especially inequitable and financially untenable because the lower intensity of the Brisbane Project means the Project would not likely have to contribute as much to capital improvements (nor to eventual ridership) as other developments.



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Moving the station location north so it would no longer be surrounded by non-residential uses, and a recycling facility (under the Community Plan, Renewable Energy Generation Alternative and Community Proposed Plan Recology Expansion Variant Alternatives), helps ensure that the transit station can remain competitive for regional, state and federal funding. A northern location would be adjacent to the Executive Park development (planned for 1,600 residential units) and Schlage Lock/Visitacion Valley (planned for 1,250 residential units and about 120,000 square feet of commercial space in mixed-use buildings) and close to the Candlestick/Hunters Point development (planned for 10,500 residential units and roughly 4 million square feet of commercial development). The Sunnydale Hope housing project would also add some 900 affordable and market rate residential units to replacement of 785 subsidized units. Thus the northern location would serve true transit-oriented developments that depend on proximity to Caltrain, BRT and light rail; that have lower parking supply; and that benefit from pedestrian/bicycle networks providing better connections.



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The DEIR does not clarify the ridership impacts and increased travel time for the transit, bike and pedestrian networks operated by San Francisco created by moving the station south. No discussion or suggestion is provided regarding mitigating the ridership or loss-of-access impacts from this station move to the historic, existing neighborhoods (Little Hollywood, Visitacion Valley, Executive Park) and to their proposed neighborhood plans



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that rely upon – and will rely more upon – direct access to Caltrain. The Visitacion Valley/Schlage Lock, Executive Park and Candlestick/Hunters Point Phase II Environmental Impact Reports did not account for a move south to a less convenient location. (For example, the Executive Park DEIR assumed access to the Bayshore Station via Blanken and Beatty Avenues.)

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**Muni Transit Circulation, Capacity and Funding Sustainability**

The transportation analysis should consider BRT use of Blanken Avenue to cross under the freeway, rather than via the Harney Way interchange and Geneva Avenue extension. This would allow a connection with Caltrain without a conflict with the Recology site.

9

Muni transit operating and capacity impacts 4.N-7 and -8 are identified as “significant and unavoidable” because Muni is not operated by the City of Brisbane, and capital improvements to the Muni system are not assured. However, the potential mitigation measures to address these impacts are limited to the references of the Bi County fair-share contributions to SFMTA; certainly a capital cost concern, but a future operating cost concern as well. The Project should go beyond the investment in infrastructure it should share with other area developments to include its contributions to extra rolling stock needed to avoid overcrowding and extra maintenance facility space to ensure these vehicles have adequate operational support. These factors were addressed and critical contributions to support these needs were included in the Candlestick Point/Hunters Point Shipyard (CP/HPS) EIR: procurement of additional vehicles, construction of transit non-revenue facilities to accommodate the need to expand capacity. The CP/HPS EIR models the kind of support this Project should also provide. Additionally, the Project should consider the benefits of the more functional, suggested Caltrain and bus rapid transit alignments (and related bike/pedestrian access) moved further north as described in the Bi County Study “interim” plan, bringing transit closer to a land-use mix that complies with MTC’s funding criteria for sustaining intermodal facilities. This in turn would help address the related transit operational funding deficiencies of the Project as proposed.

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Muni delays due to automobile and truck congestion generated by the development and the relatively low transit mode share (projected as under 15% on page 4.N-82) are likely to be significant (and should also be mitigated through the procurement and facility expansion recommendations). Alternatively, the Project should consider the more functional, suggested Caltrain and bus rapid transit alignments (and related bike/pedestrian access). It would be particularly valuable to separate these networks from freeway traffic and arterial congestion.

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Even with the Harney Way double-lane turns and widening in Mitigation Measures 4N-1d and -1e, traffic impacts are deemed "significant and unavoidable" because the street is in San Francisco. However, the mitigation measures do not address the extra impacts and conflicts to the transit, bicycle, and pedestrian networks the widening would create. Alternatively, the Project should consider increasing transit mode share to reduce congestion by such means as recommending the more functional Caltrain and bus rapid transit alignments (and related bike/pedestrian access) described above, particularly those that separate these networks from freeway traffic and arterial congestion.

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The discussion of Caltrain capacity for Bayshore-serving trains on p. 4N-14 should clarify the unused capacity of about 800 seats per hour. It isn't clear if this is an all-day average. A peak hour capacity by direction should be provided.

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**Pedestrian and Bicycle Circulation Access to Caltrain and between Projects**

Pedestrian and bicycle needs are not adequately addressed in the DEIR. Some of these issues are discussed above. Additional concerns include the following:

The pedestrian and bicycle connections to Caltrain and between the large, proposed development projects are not made clear. The figure on p. 4.N-20 does not show the route of the planned bike path and bike lanes near the planned Geneva Avenue Extension clearly, making it harder to understand potential conflicts with land use proposals. If the Geneva Extension/Overpass is intended as the main bicycle and pedestrian connection to Caltrain, this would force these vulnerable modes to use a wide, heavily-trafficked arterial and contend with voluminous on-ramp and through traffic of freeway-bound cars and trucks. These concerns are not acknowledged in the discussion of Mitigation Measures 4.N-10 and -11.

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Pedestrian connections to Executive Park, Candlestick Point State Park and Candlestick Point development are not shown in Fig. 4.N-17. While bike lanes are shown, apparently crossing under the freeway on Alana to Beatty, the route is not clearly explained in the text on p. 4N-61. The text refers to an extension of the Bay Trail to Alana and Beatty, yet the accompanying figure shows bike lanes instead of a Class I path. The figure title (Proposed DSP/DSP-V and Presumed CPP/ CPP-V Project Site Pedestrian and Bicycle Circulation) suggests that a reasonably detailed pedestrian and bicycle has not been developed for the CPP and CPP-V alternatives.

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Table 4.N-7 refers to peak hour vehicular use of new bike lanes on the Geneva Avenue Extension in a footnote. This seems highly undesirable and should be addressed as an impact to bicycle circulation.

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The DEIR needs to be updated as the Cesar Chavez bike lanes have been implemented. On San Bruno Avenue, sharrow markings have been added in both directions between Mansell and Paul. Striping at the Mansell/I280 Off-Ramp has been upgraded.

18

**Errors or Inconsistencies in Text, Graphics and Tables**

There are a number of erroneous and outdated assumptions about related projects that have recently been (or are close to being) environmentally cleared, such as Phase II of the Candlestick Point/Hunters Point Project, Executive Park, the SFMTA Transit Effectiveness Project, and the Visitacion Valley/Schlage Lock redevelopment project.

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The transportation network shown on maps and in text contains some inconsistencies. For example, the representation of the Candlestick Point/Hunters Point Shipyard (CP/HPS) Bus Rapid Transit, and Caltrain pedestrian and bicycle access network assumes Alana and Beatty Avenues will reach Caltrain (map on page 4.N-31, description of Bayshore Station site and BRT route on page 4N-46, Fig. 4.N-11), but several scenarios make this connection impossible since Beatty is not shown as a through connection to Tunnel Avenue/Caltrain. Perhaps it is assumed that this critical connection will be made through a "streetless" path system in the Recology site for the Community and Recology Variants, yet this lack of connectivity is not discussed in the section describing Mitigation Measures 4.N-10 and -11. The Bayshore Station Access and CP/HPS "interim" Bus Rapid Transit path to Caltrain via Blanken and Bayshore is not reflected in the DEIR.

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Critical transit facilities such as stations for the Bus Rapid Transit, Light Rail Transit and Caltrain are not shown on many of the key land use plans. (For example, Figure 3-11, the DSP land use plan shows the Bayshore station site as "retail" and does not show any BRT station sites.) This makes it especially difficult to understand how the Project's land use development patterns would facilitate or impede immediate access to these stations. This lack of clarity makes it difficult to support assumptions of mode-split shifts that are essential to the DEIR. Direct, convenient access to these stations for existing and proposed land uses should be an essential priority of this Project.

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Assumptions and related graphics for adjacent projects, such as Candlestick/Hunters Point are outdated. The DEIR shows exhibits from the

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Candlestick/Hunters Point EIR, but the project has changed significantly since then. In particular, the bus rapid transit, other Muni transit routes and bicycle network have changed.

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**Mitigation Measures**

The Project has many significant unavoidable impacts, but the mitigation measures are often not specific enough. In particular, several mitigation measures for impacts to San Francisco transit operations require the developer to work with the SFMTA to reach agreement prior to the first occupancy permit. These include fair share contribution to capital costs for additional transit service; the operating costs of additional bus and train service; and the shuttle bus service plan. These mitigation measures are not specific or clear. What if agreements are not reached? Performance goals and a feasible menu of specific measures to attain goals should be identified. Without this, how can the EIR conclude whether impacts are mitigated to less than significant levels? Additional service may require several years of lead time, to procure additional vehicles and prepare detailed operations plans and schedules. A Memorandum of Understanding between the developer and the SFMTA would be desirable.

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Transportation demand management (TDM) incentives, such as bundled or mandatory transit pass purchases for employees and residents, could be a valuable mitigation measure for transit impacts, helping provide the funding needed to increase service.

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Mitigation measures are proposed to address pedestrian impacts, but no funding mechanisms or commitments are included to ensure implementation.

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The Bicycle impacts mitigation measure (4.N-11) is expected to reduce impacts to less than significant, but no specifics are provided. The DEIR states that: "A detailed bicycle circulation plan for the CPP and CPP-V would be specified as part of preparation of the required specific plan should either the CPP or CPP-V Concept Plan scenario be approved, which makes the type of network improvements defined for the DSP and DSP-V scenarios a reasonable assumption for the CPP and CPP-V scenarios in this assessment." Without having this bicycle circulation plan included in the DEIR, it is not possible to assess the feasibility of the mitigation.

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**COMMENTS ON SPECIFIC VARIANTS**

Below are variant-specific comments reflecting the concerns and issues unique to each variant. These comments highlight where undisclosed

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potentially significant impacts might be created, or where discussion and analysis might be lacking to adequately assess potential impacts.

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**Developer-Sponsored Plan (and Entertainment Variant)**

This proposals in Figures 4 and 5 show a mix of land uses in the northwest quadrant that seem to best reflect the regional priorities for TOD, but don't seem to support the station siting and networks shown in Figures 4.N 15, 16 and 17. They do not show the Caltrain station location or BRT/LRT stations. Nor do they clarify the relation between these land uses and the transit stations and other multi-modal networks that would demonstrate how they mutually support each other to support the mode-split assumptions consistent with the essential and related expectations of the recently-approved projects at Hunters Point/Candlestick Point, Visitacion Valley, Executive Park. They do not address the range of Caltrain and bus rapid transit issues cited in the Bayshore Access Study and Bi-County Study. At the very least, the bus rapid transit station at Geneva and Bayshore should be shown, as should the range of Caltrain station locations consistent with the above-mentioned recently approved projects and studies.

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**Community Plan and Renewable Energy Generation Alternative**

The land use proposal does not sustain TOD primarily because it inhibits the functionality (access and passenger environment) and funding sustainability of the Bayshore Caltrain station hub. The Preferred Renewable Energy Generation Alternative, Community Plan and Recology Variant would obliterate the pedestrian, bike and BRT paths to Caltrain as shown in Figure 6. The elimination of Beatty as a public right-of-way is not described as an impact to the bicycle and pedestrian access that would benefit critically from being separated from the freeway interchange: this discussion is missing from the description of mitigation measure 4N-3f and other text on page 4.N-104.

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**Community Proposed Plan Recology Expansion Variant**

San Francisco supports expanding the Recology property as needed to meet the needs of this critical facility. Moving Caltrain north, not south, from its present location helps avoid any conflicts with this plan: this allows the expansion of Recology south to the Geneva Extension while allowing adequate land and access connections to Caltrain to the north to ensure compliance with what MTC and other funding agencies would consider land suitable for TOD to be incompatible for mixed-use development. Viable pedestrian/bike access networks should then be shown to clarify no conflicts with a recycling facility along much of the station frontage. These access routes include bus, bicycle and pedestrian connections that should accordingly be re-routed to the north using Blanken and Bayshore. This would avoid conflicting with the vital truck and auto access routes needed to

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support an expanded Recology facility. This also avoids conflicts with the elimination of Beatty Avenue as a public right-of-way, which currently is not described as an impact to the bicycle and pedestrian access, and if it were to remain the primary access to Caltrain from the east, might present added conflicts for bicyclists and pedestrians with freeway interchange and recycling truck traffic.



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**RECOMMENDED CHANGES**

We recognize the challenge in balancing the complex land uses and infrastructure networks of the Project. However, the SFMTA hopes Brisbane would consider the refinements and revisions to the Project as described below that could better support and ensure the integrity and sustainability of our transportation network while supporting the Project land use options. In particular, the following recommendations, based on experience with analyses for major neighboring development projects, would maintain the integrity of an essential, regional transit hub and its immediacy and connectivity to established and approved TODs.

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- Consider the Blanken Avenue BRT alignment as long-term, rather than interim, allowing BRT to better serve the existing, higher-density communities at Executive Park, Little Hollywood and Visitacion Valley. This would also allow BRT vehicles to avoid conflicts with the freeway ramps and with the industrial, truck-“primary” access needs of Recology as it currently functions and expands.
- Enhance the fundability and integrity of the Bayshore Caltrain hub by shifting the platform north toward the tunnel, closer to the MTC-conforming, TOD-compatible land uses to the north, and thereby avoiding the conflicts between multi-modal circulation networks and the traffic/truck circulation and access needs of Recology and the freeway ramps. This also provides a better response to the transit capacity and operation impacts the Project deems as “significant and unavoidable” than the proposed vague mitigation measures alone.
- These recommendations would avoid the expensive, unfunded T Third extensions that are exacerbated by the Project’s southern relocation of Caltrain and the BRT routes by developing the Arleta LRT/BRT stop as the regional transit hub instead. This alternative would provide direct Caltrain connections to the adjacent, existing mixed-use neighborhoods, and rapid connections to the Geneva-Harney BRT (interim and long-term), the 9 San Bruno. This would create a true local-regional transit hub where land uses and access networks best justify it, a location more likely to attract sustainable funding

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- These recommendations also allow for the deletion of the unfunded (and Project-exacerbated) T Third extension to Caltrain south of Sunnydale, thereby saving millions for the Bi-County partners, and avoiding undesirable, additional Caltrain connection time. 35
- The Project should promote as its main transit hub the proposed BRT stop at Bayshore and Geneva. This is the only quadrant with appropriately-mixed land uses and densities to sustain TOD funding and functionality, and this station provides the convenient connections via rapid, frequent and flexible service to Caltrain, BART and LRT. This should be promoted as an essential gateway to Project, and is appropriately farthest from the east side of the Caltrain tracks and the interchange dominated by Recology and other non-TOD land uses. As stated above, siting a major, regional transit hub and the supportive TOD land uses and access networks away from this non-TOD quadrant would best balance transportation and land uses. 36
- The T Third terminal at Sunnydale represents a similar transit access opportunity within immediate walking distance of the northwest corner of the Project. More intensive land uses would ideally be located adjacent to this station. 37

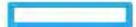
Thank you again for the opportunity to comment on this important document and Project.

Sincerely,



Peter A. Albert  
Manager, Urban Planning Initiatives  
attachment



- |   |                                    |   |                                  |
|---|------------------------------------|---|----------------------------------|
|  | Proposed Geneva Extension          |  | Caltrain Station Existing        |
|  | Blanken BRT, Bike and Ped Route    |  | Caltrain Station in DEIR         |
|  | Approved TOD projects              |  | Caltrain Station – TOD preferred |
|  | Recology site w proposed expansion |  | T Third transfer to Caltrain     |
|  | County Line                        |  | Other T Third –BRT stops         |
|  | Future 101 Interchange             |  | Other proposed BRT/bus stops     |
|   |                                    |  | T Third & unfunded Caltrain link |



January 24, 2014

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

Via e-mail: eir@ci.brisbane.ca.us

RE: San Francisco Public Utilities Commission's Comments on  
 City of Brisbane's Baylands Project Draft Environmental Impact Report

Dear Mr. Swiecki:

Thank you for the opportunity to comment on the City of Brisbane's Baylands Project Draft Environmental Impact Report (EIR). After reviewing the document San Francisco Public Utilities Commission (SFPUC) is submitting the following comments related to real estate, wastewater, and water supply.

Real Estate

Following are SFPUC comments related to Real Estate.

**Comment RE-1**

This project has a very large area. In order for SFPUC's Real Estate Division to provide more specific comments to the proposed project, a preliminary title report with copies of underlying exceptions is required for the SFPUC to determine whether or not the project will impact upon SFPUC utilities, easements and property. In absence of the title report and the detailed exceptions to title, the SFPUC Real Estate Division does not have any comments at this time, but is also not waiving any of its rights or interests in the subject property that the title report and the exceptions may reveal. In addition, the SFPUC does not waive any rights that may exist by law.

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Edwin M. Lee  
 Mayor

Vince Courtney  
 President

Ann Moller Caen  
 Vice President

Francesca Viotor  
 Commissioner

Anson Moran  
 Commissioner

2

Art Torres  
 Commissioner

Harlan L. Kelly, Jr.  
 General Manager

Wastewater

Following are SFPUC comments related to Wastewater.

**Comment WW-1**

Page 40-11 states "The established protocol between the BSD and the SFPUC for any new development that would generate wastewater in excess of 0.200 mgd is for the BSD to notify staff at the SFPUC to confirm available capacity." Since all project scenarios would generate wastewater in excess of 0.200 mgd, the BSD needs to contact the SFPUC to confirm available capacity. The project sponsor and the City of Brisbane should be aware that if a development project alternative is selected which would discharge wastewater into the City and County of San Francisco sewer system, then the development area is subject to compliance with applicable San Francisco Public Works Code requirements (such as Article 4.1: Industrial Waste and Article 4.2: Sewer System



Management). Also, as per the terms of the existing Joint Exercise of Powers Agreement, the project sponsor would be responsible for payment of applicable capacity charges.

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**Comment WW-2**

In the SFPUC's comment letter on the NOP dated January 14, 2011, we requested that the EIR evaluate impacts of additional wastewater and stormwater flows on our sewer system. The EIR discusses the treatment capacity of the Southeast Pollution Control Plant in relation to the project's additional dry weather sanitary flows, but does not discuss potential impacts on SFPUC's collection system, including impacts from stormwater flows from the portion of the project site that drains into the SFPUC's sewer system (DEIR Page 4O-18), which may result in flooding and combined sewer overflow discharge events, and compliance issues with the SFPUC's NPDES permit. To determine whether the project would affect our collection capacity, hydraulic modeling would need to be performed in conformance with SFPUC standards. Please contact Kent Eickman, SFPUC Wastewater Enterprise, at (415) 298-9071 regarding hydraulic modeling and other requirements.

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**Comment WW-3**

The DEIR does not discuss potential impacts from construction activities to the SFPUC's infrastructure. Potential impacts of construction activities, including vibration effects (from activities such as pile driving, compaction, and excavation) on SFPUC infrastructure within the project's area of influence should be analyzed. If additional analysis identifies any potential impacts on SFPUC infrastructure, we recommend that the mitigation measures be developed in coordination with SFPUC and include preparation and implementation of a vibration monitoring plan and a pre- and post-project condition assessment of SFPUC infrastructure. These plans should identify affected infrastructure, protection measures, and methods to video, inspect, and test this infrastructure to ensure that it has been adequately protected during construction.

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**Comment WW-4**

The DEIR describes a recycled water facility that would remove most of the liquid waste, but does not discuss potential impact of the recycled water facility on SFPUC's wastewater collection system, especially with respect to impacts on hydraulics. In addition to fully describing all the impacts of this facility, development of the recycled water facility would require consultation and approval from the SFPUC as it would have a direct impact on our sewer system.

5

Water Supply

Following are SFPUC comments related to water supply.

The main concern from the SFPUC's Water Enterprise is that an EIR be prepared, circulated and certified at some time that adequately describes the project's proposed water supply and associated potential environmental effects and recommends feasible measures to avoid or reduce those potential adverse effects. The SFPUC would expect to rely upon such an EIR to adequately describe its role in implementing the project's proposed water supply, including changes in SFPUC diversions, storage or other operations, and address environmental effects from a proposed water supply transfer in order to enter an agreement or agreements to implement the water supply. The SFPUC would

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require an EIR that includes environmental analyses that are sufficient to prepare CEQA findings related to entering into such water supply agreements.

It is unclear if this Draft EIR is intended to provide project level evaluation of the proposed off-site water supply component of the project. The Draft EIR states in several places that the evaluation of environmental effects of importation of water supply was conducted at a program level (pages 1-5, 1-7, 1-8, 2-3, 3-1). Page 3-77 states "This EIR evaluates at a program level the environmental effects of implementation of the Project Site development components described below and previously presented in Table 3-1" This statement is followed by a series of bullets including "Importation of water supply to the Baylands and the City, which is proposed for each of the Concept Plan scenarios." However, regarding the water supply transfer by OID, MID and SFPUC, it also states (page 3-78) "The approval of these actions would rely upon the analysis presented in this EIR, provided that the information related to such actions that is analyzed herein is sufficient and remains current." Page 3-37 states "Following certification of this EIR, implementation of the proposed water transfer/supply agreement will require approvals of final Water Supply and Conveyance Agreements between Brisbane and OID, between Brisbane and the Modesto Irrigation District (MID), and Brisbane and SFPUC for individual portions of the proposed water transfer. There are no known issues other than certification of this EIR to address the environmental impacts of the water transfers that will implement the agreements that require resolution."

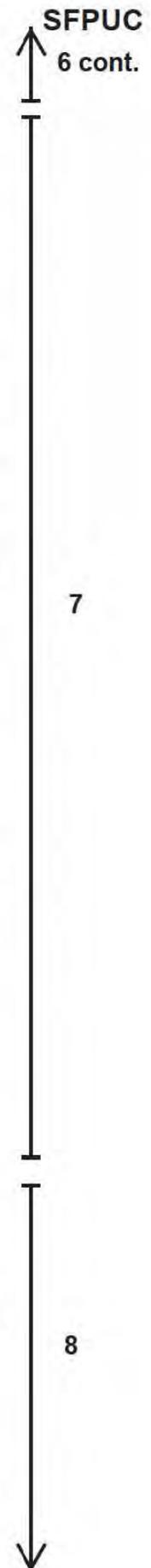
For the SFPUC to rely on this EIR to enter into water supply agreements the potential environmental impacts related to the water supply transfer, storage, delivery, and operations would need to be evaluated at a project level. Environmental effects of the water supply transfer, particularly the proposal to increase diversions from the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir, must be analyzed at a project level and should describe potential specific impacts for the following topics; stream flow and reservoir water levels, geomorphology, surface water quality, surface water supplies, groundwater, fisheries, terrestrial biological resources, recreational and visual resources, and energy resources.

If the analysis in this Draft EIR is intended to provide a project level analysis to allow agencies to rely on it to perform actions of entering into water supply agreements the following items should be addressed:

**Comment WS-1**

The Draft EIR's project description of the proposed water supply transfer is insufficient. It is too general, not allowing specific project level impact analysis. The project description combines all water supply transfer agreements, conveyance agreements, and wheeling/conveyance agreements into one bullet in Chapter 3 (page 3-2). The project description (Chapter 3) and Section 4.O, Utilities, Service Systems, and Water Supply do not provide sufficient information on how the OID/Brisbane water transfer would be operated and what its impacts would be.

Each required agreement should be listed separately. A full description of each agreement should be provided including actions that are required for each agreement to be implemented and a complete operational description.



The City of Brisbane has not begun to work with the SFPUC on how the water supply component will be implemented, much less agreements related to the proposed water supply. The SFPUC assumes a separate agreement between the SFPUC, Modesto Irrigation District, and Turlock Irrigation District would be required to account for adjustments to San Francisco's water bank account. A separate agreement between MID and TID may be required to account for their respective shares of storage in Don Pedro Reservoir as affected by the OID transfer. Finally, a separate agreement between the City of Brisbane and the SFPUC would be required for advancement of water supply or storage of water in the SFPUC's local reservoirs during those times when Hetch Hetchy Aqueduct capacity is unavailable due to being fully used to deliver water to existing customers or to meet operational needs, maintenance of the Regional Water System, or outages in emergency shutdowns.

SFPUC  
8 cont.

**Comment WS-2**

This Draft EIR identified some impacts related to the water supply program resulting in increased diversions from the Tuolumne River and decreased flows between O'Shaughnessy Dam and Don Pedro Reservoir; however, potential impacts in all topic areas related to providing water through the water transfer are not adequately addressed as described below.

An adequate EIR for the SFPUC's purposes must perform a project level analysis of the proposed increase in diversion from the Tuolumne River of 2.14 mgd. Significance criteria should be established to analyze potential impacts that may result on the Tuolumne River from operation of the proposed water agreement. Potential impacts related to the increase in diversions from the Tuolumne River and mitigation measures to reduce impacts must be identified. Potential impacts from the proposed water supply must be described for the following topics; stream flow and reservoir water levels, geomorphology, surface water quality, surface water supplies, groundwater, fisheries, terrestrial biological resources, recreational and visual resources, and energy resources.

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**Comment WS-3**

It appears that this EIR is relying on the SFPUC to use SFPUC system water stored in Hetch Hetchy Reservoir to implement controlled releases to mitigate for the increased diversion of water from the Tuolumne River resulting from the OID-Brisbane water transfer. This method of mitigation is unacceptable to the SFPUC.

Mitigation Measure 4.01b repeats a mitigation measure identified in the SFPUC's Final Programmatic EIR on the Water System Improvement Program (WSIP). Under the project level evaluation of water supply conducted in the SFPUC's WSIP PEIR it was determined that the increase in diversions from the Tuolumne River of 2 mgd from the SFPUC's WSIP resulted in potential impacts on alluvial features that support meadow and riparian habitat. To mitigate for the impact of increase diversions from the Tuolumne River from implementation of SFPUC's WSIP, the SFPUC adopted a mitigation measure to implement controlled releases to recharge groundwater in streamside meadows and other alluvial deposits. The SFPUC is actively developing this mitigation measure based on current diversions from the Tuolumne River. The SFPUC is developing the flow release plan in coordination with U. S. Fish and Wildlife Service, National Parks Service, and National Forest Service. The flow plan that is being developed does not account for increased diversions from the

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Tuolumne River described as the "OID-Brisbane water transfer" in the Draft EIR.

This EIR should not rely on the SFPUC's implementation of the WSIP PEIR mitigation measure of managing releases from Hetch Hetchy Reservoir to mitigate effects on Tuolumne River resources from the OID-Brisbane water transfer. The SFPUC is implementing managed releases from Hetch Hetchy Reservoir to mitigate for the SFPUC's increase in diversion of 2 mgd.<sup>1</sup> This EIR should identify mitigation measures to mitigate for impacts resulting from this project's proposed increase in diversion from the Tuolumne River of 2.14 mgd.

A mitigation measure that does not rely on the SFPUC or SFPUC system water should be identified to reduce the impacts caused by the reduction in flow in the Tuolumne River that results from implementing the OID-Brisbane water supply transfer. If no feasible mitigation exists to reduce impacts to a level of less than significant, the impact determination should be significant and unavoidable.

**Comment WS-4**

The Term Sheet with Oakdale Irrigation District and City of Brisbane for the water supply transfer (Appendix L) includes alternative arrangements between OID and Brisbane that utilize the CCSF system, the State Water Project and/or Central Valley facilities, or through another means of transfer. All of these water supply alternatives should be analyzed in this EIR. The actions identified in the Term Sheet associated with the water transfer should be analyzed in this EIR.

Page 5-1 describes that the CEQA Guidelines require that "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." As mentioned above, the OID-Brisbane Term Sheet includes alternatives for transmission of water supply from the OID-Brisbane transfer. The alternatives include transmission of water supply using the State Water Project and/or Central Valley facilities. These should be considered feasible alternatives because the OID-Brisbane Term Sheet states that delivery may be made pursuant to an alternative agreement with CCSF, the State Water Project and/or Central Valley facilities.

Please provide an analysis of using the State Water Project and/or Central Valley facilities for transmission of water supply from the OID-Brisbane transfer. Use of these other systems for water supply transmission would eliminate impacts to the upper Tuolumne River due to the fact that the proposed transfer would not result in a reduction of flow on the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir.

**Comment WS-5**

With regard to water supply, several places in the EIR state that no new facilities would be built; however, there are statements such as approvals required for water supply infrastructure improvements (page 2-4), mitigation

<sup>1</sup> The SFPUC's adopted WSIP includes a 2 mgd transfer from MID and/or TID and the WSIP mitigation measures address all impacts associated with the program including this transfer.

SFPUC

10 cont.

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measure 4.O-1a which requires that water storage facilities are constructed and connected to the project site's water delivery system (page 4.O-38) and the Project would require the construction of new or expanded local water storage and conveyance infrastructure (page 4.O-47).

12 cont.

The EIR should identify facility improvements and new facilities that would be required for reliable water supply. Impacts related to facility improvements and new water supply facilities should be identified in this EIR.

**Comment WS-6**

Page 4.O-44 states that at times the SFPUC system is operating at full capacity and may not have the capacity to deliver the water transfer to the City of Brisbane. How the water supply transfer would be operated during these times should be described in the project description.

The SFPUC uses the San Joaquin Pipeline (SJPL) as the metric for determining capacity of the SFPUC's Regional Water System and illustrating diversions from the Tuolumne River (WSIP Program EIR, Appendix O3, page O3-12). There are three occurrences when the SJPL would not have supplemental capacity to allow for transmission of the proposed water supply component of this project; 1) SJPL is operated at full capacity to meet customer demand and local reservoir replenishment (See WSIP Program EIR pages 2-23, 3-28 and 29, 3-46, and 5.1-10 regarding local reservoir replenishment), 2) SJPL capacity is reduced due to maintenance (See WSIP Program EIR pages 2-27 and 3-45 through 3-48 regarding WSIP maintenance), and 3) emergencies.

The operations of the OID-Brisbane water transfer should be described in greater detail and take into account times when the SFPUC's Regional Water System is operating at full capacity and at reduced capacity due to maintenance. The water transfer component should be described in greater detail and potential environmental impacts associated with the water transfer component of the project should be identified in the EIR.

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In addition to providing a more detailed description of the water supply component of the project, answers for the following questions should be provided. Do you have an estimate of the amount storage that would be required, either in one of SFPUC's reservoirs or in a storage facility developed by this project, when the SFPUC system is operating at full capacity or will be shut down for maintenance? Would the sizing of the storage facility account for times of emergency or water quality events that may result in being unable to implement the transfer? Would the new storage facility be sized to meet fire protection needs and peak day demand? Would the storage facility be used for dry year or drought supply? What are the sizing requirements for the new storage facility? To meet project water needs during all times, including times of drought, emergency, or peaking would storage in one of SFPUC's reservoirs be required?

For the SFPUC to use this EIR to enter into agreements with the City of Brisbane on water supply this EIR should describe the proposed water supply operations and identify any direct, indirect and secondary effects of providing a new water supply, including impacts associated with construction of new storage tanks, other facility improvements or new facilities, and any other storage or conveyance requirements.

**Comment WS-7**

Page 4.O-34, Table 4.O-8 identifies projected water demands for the project. The projected City of Brisbane water demand is 2.671 mgd in 2015 for concept plan DSP-V(D). The summer demand for concept plan DSP(D) is 2.6118 mgd in 2015. The water demands for these concept plans are greater than the proposed transfer. Please identify the water supply source to meet the demands for these concept plans.



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Table 4.O-8 also shows that projected water demands for most of the concept plans that include the Sierra Point Development would be higher than the proposed water transfer. Please identify the water supply source to meet the demand for these concept plans and Sierra Point Development.



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**Comment WS-8**

This EIR addresses drought water supply in section 4.O Utilities, Service Systems, and Water Supply. Pages 4.O-35 and 36 identify that 100 percent of the water transfer of 2.143 mgd would take place in all years including every year of a three year drought. Table 4.O-9 identifies the reduction in deliveries of SFPUC system water to wholesale customers during droughts that result in rationing for the wholesale customer.



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The SFPUC uses an 8.5 year design drought to plan water supply delivery reliability. The SFPUC uses the same design drought to identify potential impacts resulting from water system operations, such as changes in diversions from rivers or reservoir water levels. This EIR should identify potential impacts associated with drought year water deliveries and transfers using, at minimum, the longest drought on record.

Potential impacts on the Tuolumne River from the transfer of 100 percent of the 2.143 mgd during multiyear droughts resulting in increased diversions from the Tuolumne River should be analyzed for all topic areas identified in Comment 2 above, and feasible mitigation measures proposed for any identified adverse impacts.

**Comment WS-9**

Page 3-67, Project Description, describes that the water transfer agreement is considered an independent component of the Project Site development and provides for an approval scenario where the City of Brisbane can approve the water supply transfer without approving any of the development scenarios included in this EIR.



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Please identify potential impacts associated with approval of the water supply component of the project without approval of any of the development scenarios.

Please provide a growth inducement analysis including potential direct, indirect, and secondary impacts related to growth inducement for the independent water supply component of the project described in the Project Description.

**Comment WS-10**

Pages 6-46 and 47 include a cumulative analysis of water supply; however, it is unclear how the analysis was conducted, including what was assumed for baseline conditions and what cumulative projects were considered. The



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cumulative analysis for the proposed water transfer resulting in additional diversion from the Tuolumne River should assume that the SFPUC WSIP is completed and in place; therefore assuming the Regional Water System is delivering 265 mgd annual average and the SFPUC's 2 mgd transfer with MID/TID is a reasonably foreseeable project.

Page 4.O-40 acknowledges that implementing the OID-Brisbane transfer results in a reduction in flow on the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir. Page 6-47 also acknowledges that transfers that would make use of the SFPUC's system could result in flow effects on the Tuolumne River.

This EIR should identify the flow effects on the Tuolumne River if the proposed OID-Brisbane water transfer agreement was to go forward. The effects on the Tuolumne River flow should be described at a project level and should identify mitigation measures to reduce potential impacts and a cumulative analysis which takes into consideration reasonably foreseeable projects should be conducted. Project level and cumulative potential impacts in topic areas listed in Comment 2 should be addressed and mitigation measures should be identified for those impacts. The analysis should include a description of potential impacts that may occur during a multiyear drought. Please conduct the analysis assuming the longest drought on record.

**Comment WS-11**

The project includes construction and operation of an onsite recycled water plant, which would provide tertiary treatment of wastewater for recycled water re-use within the Project Site. Will the recycled water be used for other non-potable uses in addition to irrigation? Please provide a brief description of how the recycled water plant would be operated. Please provide estimates of irrigation requirements for each development scenario.

The recycled water plant may not be constructed until year 15 of the 20 year build out (page 3-64). Would water from the proposed water supply agreement be used for irrigation or other non-potable water use during the first 15 years of development? Please break down the water supply needs of each development scenario and describe how the water supply demands will be met. For example identify the irrigation needs under each development scenario and describe if the irrigation needs will be met with water from the proposed water supply transfer or with recycled water.

**Comment WS-12**

As mentioned in the comments above, the analysis of the proposed water supply agreement should identify potential impacts at a project level that may result from increased diversion of water from the Tuolumne River between O'Shaughnessy Dam and Don Pedro Reservoir. The following sections of the EIR should be revised to include a project level analysis of potential impacts of the water supply agreement; 4.A Aesthetics and Visual Resources, 4.C Biological Resources, 4.E Geology, Soils, and Seismicity, 4.H Surface Water Hydrology and Water Quality, 4.M Recreational Resources, 4.O Utilities, Service Systems, and Water Supply, and 4.P Energy Resources. A cumulative analysis for each of these topic areas should also be conducted. Project level and cumulative analyses should identify potential impacts of operating the water supply transfer during normal years and multiyear droughts.



18 cont.

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When conducting the analysis please consider comments related to baseline assumptions and development of mitigation measures to address impacts caused by this project's water supply agreement, comments related to drought year water supply, and comments related to the cumulative analysis.

Thank you for the opportunity to review and comment on the City of Brisbane's Baylands Project Draft EIR. If you have any questions on SFPUC comments please contact Kelley Capone at 415-934-5715 or [kcapone@sfwater.org](mailto:kcapone@sfwater.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Carlin".

Michael Carlin  
Deputy General Manager  
San Francisco Public Utilities Commission



Date: January 23, 2014

From: Brisbane Baylands Community Advisory Group

To: City of Brisbane

Re: Brisbane Baylands Draft Environmental Impact Report

Following you will find a number of comments on the DEIR.

A subject has been provided for each comment, but many comments apply to a broader subject than the particular page or section of the DEIR which is cited. Just as the DEIR has been divided into sections somewhat arbitrarily, we have cited just one (or a few) of the many places in the DEIR to which each comment relates. The reviewer should consider the broad and general implications of each comment.

These comments were prepared by different individuals, each of whom has an unique perspective. Please give each comment a complete response, even if there is some duplication and redundancy.

I produced this document in one program and exported it as an old (.doc) Word document. It is possible this caused some problems that I did not catch; if so, please contact me. I can be reached at maryc@gutekanst.com or 415-468-1548 if any clarification would be helpful.

Thank you for your attention,

Mary Gutekanst  
Chairperson  
Brisbane Baylands Community Advisory Group

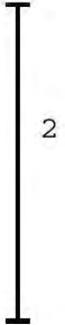
1



Unless otherwise noted, references to a document by Dr. G. Fred Lee are to the "Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property" by Dr. G. Fred Lee and Dr. Anne Jones-Lee, dated November 1, 2010. Reference is also made to "Flawed Technology of Subtitle D Landfilling of Municipal Solid Waste," by G. Fred Lee and Anne Jones-Lee, February 2013 and available at <http://www.gfredlee.com/Landfills/SubtitleDFlawedTechnPap.pdf>. Both of these documents are incorporated by reference.

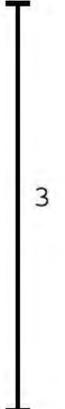
Subject: Ability to locate reference materials, appendices, etc.

Comment 1: Here are quotes from members of the BBCAG: "I have not been able to find Appendix A-11." "Appendix A-12 could not be located. Where is Appendix A-12? It is not in the Infrastructure Plan where there is an Appendix A. A reader should be able to find all the Appendices." "Appendix A-13 cannot be located."



All the Appendices should be able to be located. There should be a master Table of Contents that allows sections to be found. The material in all the Appendices should be placed with the DEIR because as a Planner pointed out, the DEIR and the Appendices, if kept separately tend to get separated and lost over time.

Comment 2: References to appendices have to be more specific. There are probably at least 50 instances of an Appendix A in the DEIR material, Specific Plan, Infrastructure Plan, etc. This ends up being extremely confusing for members of the public.



A master Table of Contents that can be searched is needed.

Reference documents need to be included in their entirety. The DEIR in several places quotes a document and then the appendix reproduces a couple of pages of that document. The public cannot evaluate the DEIR's use of these documents if they are not able to read the full document.

Several referenced documents are not included in the DEIR material. Examples are two Kleinfelder reports (1987 and 1992). More attention needs to be given to including all relevant documents and making them available to the public.

Subject: Mitigation monitoring and reporting

Comment: The DEIR does not include any means to provide public reassurance that the mitigations have been done and that they work as planned.



The mitigation monitoring and reporting plan for the Baylands should require a very conservative schedule to catch problems that arise as soon as possible and the public should be made aware of the monitoring and its results in a lay person friendly way. There needs to be a body or agency that is charged with the enforcement of the mitigation monitoring and reporting plan. It must be independent of the property owner to avoid a conflict of interest and to assure that human health and the environment are aggressively protected. It could be a Mello-Roos District or another type of Hazard Mitigation District or it could take some other form. It must be staffed

with a professional environmental scientist(s) with administrative support. The staff could either be hired or contracted. The monitoring of the Chemicals of concern, other hazardous chemicals and priority polluting metals must be monitored as long as they are present. Dr. Lee stated that necessity in his report which is included in the DEIR Appendices. The idea that future residents or workers should be left unprotected is unreasonable. Their health and the quality of the future environment must be taken into account.

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cont.

Subject: Project alternatives

Comment: Twelve million square feet is too large. Open space and open areas should total 49% of the land area instead of 34%. The result would be less pressure on everything and less need for water supply capacity, sewer capacity, more of the cleansing effects of wetlands which are important for environmental quality, less pressure to place buildings or sensitive receptors in contaminated areas.

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Subject: Topography

Comment: The artificial topography proposed has the potential to create multiple problems. It may create runoff and erosion problems. It will create other connective problems with streets and perhaps utilities. How can it be sustainable to have to pump water and wastewater up and down hills?

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I don't think the railroad tracks are moving so they will have to have a lined ditch and that may create a noise problem or a flooding problem. An impermeable ditch will make contaminants accumulate on the upland side of the train ditch.

There are aesthetic impacts. It may be that the elevation changes occur too closely together. The DEIR should provide an animated model of the proposed site topography for people to judge whether they are going to feel uncomfortable in the artificial topography.

Subject: 2-16, Section 2.9, Areas of Controversy and Issues to be Resolved

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Comment: DEIR omits water and wastewater sources, delivery and removal, and excess water drainage and storage.

Subject: 3-7ff, Section 3.2.1 Site History

Comment: On the CD that accompanied paper copies of the DEIR, under Volume 3, on page 850 (following the 2012 Geosyntec Hazardous Materials Summary Report for the Landfill), are historic photos of the landfill.

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Photo 3 purports to show phase 1 of Landfill in the 1920's, but the Landfill didn't begin until 1930 so what is this fill and where did it come from? This means that rail-yard where the tracks are located is underlain by a landfill of some kind and that it was being filled in the 1920's well after the 1906 earthquake. How far north is this photo? Is it San Francisco? An explanation of this contradiction is needed.

Subject: Terms used to describe different sections of the proposed project site

Comment: Prior to the DEIR and ongoing during the DEIR review, both UPC-Sunquest and the CA DTSC have used more than one name to describe the portion of the Rail-yard, OUI, that is located north of San Mateo County and it has complicated trying to understand what is being discussed.

This area should be consistently called by one name such as UPC OU. Note Geosyntec (2012 Hazardous Materials Summary Report, OU-1 and OU-2) chose not to do that following the example of DTSC which seems intent on creating confusion by using two different names to describe the same piece of land. I think it is regrettable that DTSC has done this. It was done to make it easier to follow groundwater pollution but it leads to widespread confusion and it should be repeated each time the different names are used what the purpose of overlapping nomenclature is.

Subject: Project description, open space and open areas

Comment: The DEIR should provide a coherent map that shows all the items mentioned as part of open space and open areas, along with landmarks.

Subject: 3-66, section 3.10, Water Supply

Comment: What will be done if the Oakdale/Modesto Irrigation Districts withhold some of the promised water during a drought? Will SF supply water? If sufficient water delivery failure occurs who will bear the cost of any consequences that follow?

Subject: 3-32,33, Proposed Land Use Plans for DSP and DSP-V

Comment: A solar farm is mentioned in the text but the map makes it hard to see where it is because the colors look similar (blue, grey, purple). Please include an additional map which shows just the proposed extent of the solar farm and of other renewable energy generation.

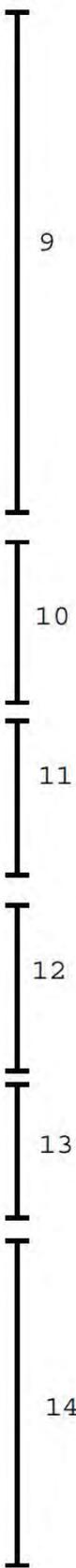
Subject: 4.A-36ff, Impact 4.A-4, Nighttime Lighting and Daytime Glare

Comment: DEIR does not give building heights as a significant source of glare.

Subject: Chapter 4, Section B, Air Quality, and F, Greenhouse Gas Emissions

Comment: The significant impacts of the developer submitted Specific Plan are so destructive and degrading to the health of the local human population that it is impossible to envision overriding considerations that could be cited to allow its construction. The air quality and traffic impact stress inducing changes to the Baylands area would alter and degrade the local environment.

The size of the project is entirely at odds with the plentiful open space and usually, clean air found in Brisbane. The air quality will suffer significantly as a result of the traffic caused by this project.



The cumulative impacts of other nearby projects and predicted general increases in traffic on Hwy 101 at the county line made by ABAG and MTC indicate that Air quality will be degraded for the people of Visitacion Valley, Little Hollywood, Daly City- Bayshore neighborhood and the people of Brisbane. This degradation will result in more illness and greater chance of death among the population in these areas. Air Resources Board Studies of people living along heavily traveled freeways in the southern central valley indicate greater chance of miscarriages for women living in proximity to those freeways. The residential neighborhoods proposed here place women in a similar situation with regard to freeway traffic and air quality impact. There are no overriding circumstances that justify this project’s construction. Everything that is proposed here is readily available nearby in previously approved projects. Vacancy rates in existing office buildings and biotech facilities on the northern S.F. peninsula demonstrate the lack of overriding necessity to build those facilities.

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Impact 4.B-5, for which the document states that no mitigation is required, is important because there are more significant receptors in this area than the average neighborhood. The residences near this project are already burdened by having 10 lanes of traffic near them as well as train tracks and a variety of small industrial uses. Bayshore Blvd, the largest non-freeway route north and south, is also nearby. These are all sources of air pollution. The closest residential neighborhood consists mostly of older homes, with a significant population of minorities, immigrants, the elderly and people with incomes that are less than the mean for San Francisco or northern San Mateo County. This demographic reality means that there are likely to be many older residents who bought their homes decades ago. The incidence of respiratory illness is higher in the elderly and in some immigrant populations. The lower income level and industrial businesses in the area are a predictor of asthma for children and adults in those households. It is cavalier of the preparers to make assumptions about the number of sensitive receptors in the area. Impacts : 4.B-2, 4.B-4, 4.B-9 will make their ability to breathe more difficult. The Air Quality and greenhouse gas emissions of this project when combined with existing and planned projects result in a cumulative impact that indicates the only healthy alternative is either no build or the renewable energy alternative.

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The March 2012 Health Risk Assessment, relating to Air Quality, is outdated because it ignores the changes in wind patterns that are being caused by climate change. The British Government through its Met Office in Hadley, the Intergovernmental Panel on Climate Change and the North American Windpower industry magazine all acknowledge the importance of recognizing changing wind patterns and see the need to study the changes and use them to make responsible decisions about development.

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The San Francisco Bay Area suffered a change in the prevailing winds in December 2013. The result of the change meant a degradation of our air quality causing more than 12 Spare the Air days that month.

The City of Brisbane, located south of Visitacion Valley and Little Hollywood, enjoys better air quality. It is a bit further from the freeway and benefits from the prevailing winds. New Wind patterns, like the ones we experienced in December will significantly degrade our air and it will bring the pollution from any Baylands project directly into our lungs. It will mean that our children will be more likely to suffer asthma and that our elderly will find it more difficult to breathe. Anyone suffering chronic respiratory illness will struggle. I am one of those people.

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Health Risk Assessment of 3/29/12 did not include a project that has been proposed by Recology Inc in Brisbane. It proposes the addition of anaerobic digesters to its Brisbane facility and on land in the Baylands. There is a potential air pollution issue with this type of use.

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The DEIR states that we are frequently affected by the winds coming through the San Bruno gap but that is not true. The gap impact area is located south of San Bruno Mountain. The gap has a great impact on the S.F. Airport not in Brisbane. This error indicates a lack of knowledge of the local area.

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Residents of Brisbane consider the quality of our environment with its abundance of clean air, open space, beautiful views and the presence of wildlife essential to our lives here. This huge project threatens all of that and more.

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The DEIR evaluation of the impact of air quality and greenhouse gas emissions is incomplete and more study is needed. I also believe that the BAAQMD air quality monitoring for Brisbane and southern San Francisco is grossly inadequate. Given the nature of the current local wind patterns made famous by Candlestick Park, how could a monitor located several miles away where the topography is quite different, possibly tell what is going on in this area?

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Subject: 4.B-2, Climate and Meteorology: *“The nearest publicly operated meteorological monitoring facility to the Project Site ...[is at the airport]... through the San Bruno Gap and are therefore comparable in terms of ambient air quality.”*

23

Comment: The nearest station may not be the most accurate for local air quality comparison. Everyone in Brisbane has observed the fog conditions that are stronger south of the Brisbane border, that hover over the wetlands in San Bruno, to know that conditions are different out at the airport than the northern, San Francisco County end of the Baylands. If meteorological equipment is present on Radio Road, San Bruno Mountain, it might more closely reflect conditions in Brisbane.

Subject: 4.B-2, Criteria Air Pollutants/Ozone

24

Comment: This document identifies automobiles as the *“single largest source of ozone precursors”* while failing to note that industrial plant emissions (new and proposed), air transportation, office building heating and cooling, and landfill off-gassing are major contributors. Cumulative impacts associated with these hazards and this project have not been reviewed.

Subject: 4.B-7 thru 9, TACs, Table 4.B-3

Comment: While the DEIR adequately lists known stationary sources, a map of projected fall-out of particulate matter from these facilities (and US 101) would be beneficial.

25

The cited Cancer Risk figures are based on industrial uses with no adjacent residential use or sensitive receptors allowed. While the permits state the TAC constituents and levels anticipated by the polluter at the time of their application, it doesn't indicate overall compliance or trends.

The fact that the Diesel Risk Reduction Plan and subsequent CARB recommendations are considered “*advisory and should not be interpreted as defined ‘buffer zones...’*” raises the question of the ability for this document to evaluate planning policies and mitigation measures adequate to protect human health. Ignoring the planning opportunity is contrary to Brisbane’s General Plan Program 203a as well as Caltrans and school authorities who have established specific setback requirements, away from freeways and industrial dischargers for housing, schools, hospitals, etc. The transit-friendly, mixed-use planning for this area fails to acknowledge that traffic and existing toxic air contaminant dischargers will have multiplying impacts on the new, proposed densities and users.

26

Subject: 4.B-17 to 18, Impact Assessment Methodology

Comment: Methodologies and underlying assumptions are important. The Environmental Setting did not mention air conditions, such as “dust devils” and high winds that occur out on the Baylands, that circulate contaminated soils from areas that have not been capped or contained by any remediation program. It doesn’t mention that air-borne soils coming from the Northeast Ridge contain arsenic levels not suitable for residential uses even though they are not identified as a stationary source polluter because it is naturally occurring.

27

Subject: 4.B-17 to 18, Health Risks and Hazards

Comment: Communities near contaminated landfills should have Community Health Surveys and baseline studies done before the use of modeling of future health risks and hazards. Understated impacts, the myriad of impacts from unregulated chemicals, the gaps in regulatory leadership ALL means the public has greater health risks than calculated with these methods.

28

A mitigation measure to require a local dust monitoring program and control of dust through hydro-seed planting large un-vegetated areas should be considered.

Subject: 4.B-21, Mitigation Measure 4.B-1, Basic Controls, Item 1.

Comment: Soil piles and exposed Baylands ground surfaces need better dust control, both interim and long range. Occasional watering is not adequate. Tarping and tenting exposed ground, limiting the number of trips or times soil is moved (Impact 4.B-2, The Grading Plan) and requiring landscaping/hydroseeding programs would be beneficial mitigation measures not considered in this document.

29

Subject: 4.B-26 to 27, Conclusion, Mitigation Measures 4.B-2a and 4.B-2b

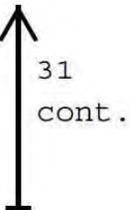
Comment: Air Quality impacts from construction, while significant, can be avoided 100% by the no project alternative. Disallowing earth-moving activities on windy days and requiring all earth-moving and infrastructure to be completed before any occupancy or new uses are permitted, are measures which would reduce exposure to particulates and associated public health risks.

30

Subject: 4.B-29 to 31, Impact 4.B-3 Toxic air exposure

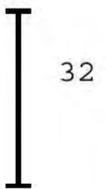
31

Comment: There is no mention of modeling for accidental releases from pockets of volatile and lethal gasses present in the landfill. There also has been no consideration of air quality impacts from proposed increased rail usage, which might require submerged tunnels, a more massive project. It is truly counter-intuitive to believe all developments will have no significance on sensitive receptors being exposed to cancer risks.



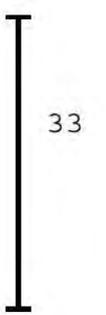
Subject: 4.B-35, Impact 4.B-4

Comment: A mitigation measure that requires a TDM program for each site-specific development project creates a piecemealed solution. An alternative program would be to prohibit single-occupant car use, or prohibit uses that create a lot of vehicle trips.



Subject: 4.B-37 to 38, Mitigation Measure 4.B-4

Comment: Significant and unavoidable impacts? Job sharing, short workweeks, teleconferencing, and telecommuting are all employment strategies that can reduce greenhouse gas emissions or need to travel to work.



Installation of more than just solar water heaters should be considered. Passive solar orientation of buildings and natural air flow designs could also be part of a mitigation strategy.

Subject: 4.B-39 to 42, Impact 4.B-5, Substantial concentrations of TAC or PM2.5

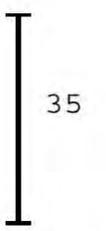
Comment: Tables 4.B-15, -16, -17, -18 seem to treat the entire Baylands as one homogenous land where potential for exposure to toxic airborne particulates and vapors is considered insignificant. Without a proper mapping of the more dangerous areas, where the highest concentrations of particulate matter fallout from burners or where underground toxins are overlain with each other, without considering air quality impacts from US Highway 101, without considering accidental system failure(s) at Kinder Morgan or future proposed waste water treatment plants... this analysis is incomplete.



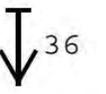
The Conclusion that “each scenario would have a less-than- significant impact in relation to [exposing sensitive receptors to toxic air contaminants and cancer risks.] No mitigation is required,” is dangerous. Each use and chance of exposure(s) to toxic air contaminants varies by area in and adjacent to the Baylands. An analysis of exposure to TAC’s from unmitigated areas, from liquefaction from earthquake and underground fuel pipe rupture does not appear to have been done which renders the DEIR analysis incomplete.

Subject: 4.B-43, Impact 4.B-6

Comment: DEIR states persons would not be exposed to substantial levels of toxic air contaminants which may lead to adverse health as the result of project site development. What is the basis of this assumption and what monitoring will be used? BAAQMD figures represent a measurement approximation and not a testing method.



Subject: 4.B-44, Table 4.B-20



Comment: The cancer risk for the Kinder Morgan facility and flare is less than nearby gas stations or cleaners? Seriously? Since the Kinder Morgan release is a mélange of constituents of concern, something must be missing in this evaluation.

↑ 36  
cont.

Subject: 4.B-47, Mitigation Measure 4.B-8 Recycled Water Plant

↓ 37

Comment: Why is the San Francisco Public Utilities Commission considered regulatory for a Brisbane plant?

There are no discussions of environmental impacts from proposed “caustic chemical scrubbers,” “thermal oxidizers,” and “exhaust stack and vents.”

↓ 38

A thermal oxidizer is a hazardous waste burner. Hazardous waste burners are not currently allowed in the Brisbane General Plan and the environmental impacts have not been adequately covered.

There are no documents to support the conclusion that “objectionable odors would be less than significant for Project Site development,” as seasonal algae blooms and impacts to the Lagoon aren’t recognized as objectionable odor conditions.

↓ 39

Subject: 4.B-52, Conclusion with Mitigation

Comment: The significant and unavoidable air quality impacts from the proposed developments are not acceptable. The NO PROJECT ALTERNATIVE is the preferable alternative.

↓ 40

Subject: 4.C, Biological Resources

Comment 1: This section of the DEIR does not reflect the extent to which the habitat of birds and aquatic species would be changed under the various scenarios. There is barely any mention of migratory birds, although the baylands is on the Pacific flyway.

↓ 41

Probably the biggest single change will be the overall reduction in freshwater wetlands compared to the recent past. The landowner’s grading activities, along with the continued uses of the area for storage of dirt, gravel, rock, and other substances, have filled in large areas of wetland. Interim remedial measures have contributed even more to degradation and shrinking of wetland areas.

↓ 42

The surveys cited in the DEIR to identify wetlands were all performed when the wetlands had substantially dried, even though seasonal freshwater wetlands are used by migrating birds. The baseline for wetlands cited on 4.C-12 uses a survey conducted in July 2003, when the size of wetlands had already been reduced enormously. There is no recognition in the DEIR of the serious reduction in usable wetlands that would result from implementation of the various scenarios.

↓ 43

The DEIR needs to consult aerial surveys over the last 20 years, and require mitigation to expand rainy season wetlands as well as year-round freshwater wetlands.

↓ 44

In addition, the DEIR needs to take into account sea level rise in relation to wetlands. Wetlands have to be designed so that wetlands in general, fresh water wetlands, marsh areas, and tidelands

↓ 45

are not reduced in area or in function as sea level rises. This subject is not raised at all in the DEIR and must be included.

↑ 45  
cont.

Comment 2: Burns & McDonnell in 2004 (Geosyntec, 2012 HMSR OU1 and OU2, p. 35) “identified 27 potential wetland areas, one tidally influenced drainage area (the IDC), and one tidal water body (Guadeloupe Lagoon) within the Brisbane Baylands boundaries.”

46

Any project on this land should contain numerous wetlands to reflect the actual character of this tideland. Suggestions were made by Dangermond Assoc. who consulted with City of Brisbane on open space on the Baylands. It would benefit the health of the environment.

Subject: 4.C, Biological Resources

Comment: Resident bird species in the lagoon nest and raise their young on and adjacent to the mud-flats in the northwest corner of the lagoon. A buffer zone around this sensitive area needs to be kept off-limits during and after construction. Improvements to vegetation need to be accomplished outside of nesting and migrating seasons. Dogs and other household pets must be banned from the lagoon area and buffer zone, and from areas close to other wetlands.

47

Subject: 4.C, Biological Resources

Comment: Noise and vibration impacts to sensitive species are not adequately discussed. Many species that do not live underwater will be affected.

48

Subject: 4.C-10,11, Tidal Marsh and Tidal Wetland Drainage

Comment: What are the square footage and dimensions of the tidal marsh?

49

Subject: 4.C-35ff, Impact 4.C-1

Comment: The lagoon is considered U.S. waters. What coordination will take place between project development and federal government?

50

Subject: 4.C-46, Mitigation measure 4.C-1, “...implementation of an on-going maintenance plan to ensure no reduction in water and environmental quality ....”

Comment 1: Such an on-going maintenance plan needs to include sampling water quality and sediment at regular intervals. The DEIR does not establish a baseline for water quality in the lagoon, for possible contamination of aquatic life in the lagoon, or for potential exposure to toxins in the lagoon sediment. Since some plans call for increased activity in the vicinity of the lagoon, including activities that could stir up sediment that could be harmful to aquatic life, birds, and humans, the lagoon water and its sediment must be adequately characterized, and the potential for bioaccumulation of toxins in birds and aquatic species analyzed. The Sequoia Audubon Society recommends water monitoring include studies of winter benthic conditions to include counts of shellfish and other bottom life that serve as food for birds and other species.

51

Comment 2: The Lagoon which is partially underlain by refuse from the Landfill, has not been studied for a possible effect of Landfill contamination on benthic organisms. The understanding of the degree of contamination and the harm being done to the Bay waters cannot be calculated unless more testing is done on the water and the benthic organisms in the Lagoon waters. The DEIR is incomplete because the studies have not been done. The only studies were on the soil of the Lagoon bottom.

52

Subject: 4.E, Geology, Soils and Seismicity

Comment 1: The DEIR states that the Baylands will be subject to strong shaking and goes on to say that most of the City of Brisbane will be subject to strong shaking but that is misleading in its implications that the geologic circumstances are the same. The maps provided by the USGS and CGS indicate otherwise. The appendices of the DEIR state that San Bruno Mountain, where the majority of developed Brisbane is located is underlain by sandstone and shale. The Baylands sit atop large deposits of bay mud, both young and old. The mud, the un-engineered fill and municipal waste, in the case of the landfill, will amplify the impact of seismic waves and potentially cause more damage. It seems strange that there is no mention in the DEIR of the well known characteristic of mud's amplification of seismic waves. Mexico City is located in a lake bottom and suffers from that amplification. The map of San Francisco properties, which suffered more damage in the 1989 Loma Prieta quake, overlays exactly with the covered creeks and those built on fill over mud.

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The San Andreas faultline is located 5 miles west of the Baylands. The City College fault extends half way across the Baylands from the west. It is an inactive fault. In Jan 2013, a USGS geophysicist acknowledged that a study by Hiroyuki Noda of the Institute on Earth Evolution Yokohama, Japan and Nadir Lappets of the California Institute of Technology, Pasadena, CA that the Northern section of the San Andreas fault could credibly produce a 9.0M (richter) earthquake is a warning message. In 2008, when the Geosyntec report was written, the maximum credible earthquake was thought to be 8.0 (They say 7.9). The significance of this change is that a 9.0 is an earthquake ten times more powerful than an 8.0 and the building code does not adequately protect structures from significant damage or destruction in such a great quake especially when constructed on top of mud. The City College Fault could be activated by a great quake of 8.0-9.0M emanating from the San Andreas which would place a source of seismic energy that much closer. The report mentions that the City College fault was not activated by the 1906 7.9 quake but that occurrence does not address the impacts of a possible quake of significantly greater energy with an epicenter 70-80 miles closer than Loma Prieta.

The Geosyntec 2008 report states that the elevated land forms created by surcharging the land create unsupported faces of dirt. The surcharging simply compresses and compacts the dirt from above. Shaping and landscaping these unsupported faces of surcharged dirt does not inhibit the ground spreading that occurs in earthquakes and any building sitting on land (underlain by mud) with unsupported faces would be subject to significant damage unless it were also sitting on piles driven into bedrock. The Specific Plan places numerous buildings atop landforms that have unsupported dirt faces that are 20 or 30 feet high in some places. If non-pile supported structures were torn apart by the ground spreading, it could result in catastrophic loss of life.

54

The infrastructure and utilities will be at great risk in an 8.0-9.0M earthquake. The risk to the utilities is mentioned in the DEIR but since the maximum credible quake is more than 10 times

greater than was evaluated, the conclusion is not useful and the analysis is incomplete. The plan is to leave metal contamination (arsenic, lead, nickel) under roadways or parking lots. Those roadways and the sidewalks bracketing them will be in pieces after a great quake potentially exposing the public to the heavy metals and hydrocarbons. Additional study and analysis is needed to understand how buildings (whether on piles or not), infrastructure and utilities will be impacted by a ten times larger earthquake. A study and understanding are needed of what will be the impact on the rail lines, trains, gasoline/aviation pipelines, gasoline storage tanks on or adjacent to the Baylands of a quake that is much stronger than they were designed for. This project places thousands of people in greater risk.

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The DEIR under-represents the risk of loss of life and property damage due to a seismic event. Further investigation and analysis is needed to represent the actual risk.

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The DEIR appendices state that extensive excavation could cause alterations to the groundwater flow regimen and ground water recharge. Comment: This kind of alteration could also be caused by a major earthquake. The result of this type of alteration would mean that monitoring wells might no longer function and remediation efforts could not be judged effective or not. A mitigation is needed for this possibility. A system must be devised that would allow for a rapid replacement of monitoring wells to determine if chemicals of concern and heavy metals were moving toward the Bay. In the past, circumstances have occurred related to remediation injection techniques that altered the artesian effects that are present beneath the site. Since some of the remediation effectiveness is predicated on the current regime and recharge, it won't be as effective as planned. Mitigation is required. The hazard applies to all areas of the Baylands.

56

Comment 2: The applicant's Infrastructure Plan, p. 10, under site grading, records a net increase of 700,000 cubic yards of material accumulated on the landfill since 2007 when the aerial topographic survey was done. This information originates in the Infrastructure Plan that was done in early 2011.

57

Much more material has accumulated in the 2-1/2 years since the Plan was written. Current information is needed to understand current conditions. A new aerial topographical map is needed. The mitigation measures must be applied to the conditions that exist when the mitigation measures are taken otherwise there is no reason to believe they will be effective. The analysis that was used to create them no longer applies. It should be redone since this deficit means the DEIR is incomplete.

Comment 3: In regard to recommendation in Geosyntec Landfill report (2012, Hazardous Materials Summary Report) about using deep or shallow building foundations, it seems clear that the recommendations in this landfill report do not take into account the seismic risks of either a richter 8M or 9M earthquake on the nearby San Andreas Fault. Seismic issues are not mentioned at all. Maximum credible earthquake has been predicted as possible.

58

A 1977 J.V. Lowney & Assoc. report regarding geotechnical issues concluded that commercial and industrial development was possible. The level of knowledge of geology/hydrology of the Baylands and of Seismology has changed and the standards in geotechnical engineering have changed significantly since 1977. A conclusion made 36 years ago should not be relied on today. The information on earthquake risk is outdated and new analysis is needed to include the

advances mentioned above as well as the more detailed information regarding bay mud, the behavior of unengineered fill and of waste in earthquakes. There is information in the Infrastructure report appendices about the behavior of buildings under stress on the landfill but it isn't clear what those analyses used as the basis for their conclusions. Did it include calculations for a larger earthquake and any geotechnical studies more recent than 1977? They should be less than 5 years old and critical changes in predictions should be included, if they are available.

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cont.

**Subject:** 4E-1: *“At the time of closure of the landfill in 1967, a soil cap was placed over the landfill and additional clean soil has also been placed over much of the site....”* Also 4E-8, *“...the landfill operator placed a clean soil layer over the waste....”* and 4G-19, *“A clean soil layer....”*

59

**Comment:** It is not accurate to use the word “clean” here. Most of the soil and other materials that have been placed over the landfill and other areas was never tested for contaminants. Testing of fill began only recently and that testing is just sniffer tests, not analysis for toxic contaminants.

**Subject:** 4E-11ff, and figure 4E-3, discussion of Bay Mud, Groundwater, sediments, aquifers, etc., and 4E-35, 36, discussion of geotechnical investigations, and sections 4E and 4G in general.

60

**Comment:** The DEIR is misleadingly definitive about the underlying geology of the site. The underlying geology is not well understood, and the various water-bearing units are nowhere near as uniform nor as distinct as suggested in various parts of the DEIR.

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

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

It would be useful for the DEIR to reproduce MACTEC/AMEC’s cross-sections of the Schlage OU area to demonstrate how much the underlying hydrogeology varies across a relatively small portion of the site.

MACTEC/AMEC also decided to use a different terminology (see report quoted above, p. 2-1), i.e., Young Bay Margin Deposit, Colma Formation, Old Bay Margin Deposit, Merced Formation, Franciscan Formation bedrock. That is, the terms “A zone” and “B zone” were discarded because they were not sufficiently descriptive of the water-bearing layers.

Another issue occurs in connection with the term “aquifer.” At one point it is asserted that there are no “well-defined” aquifers beneath the site (4.G-24), yet again and again a water-bearing unit is identified as an upper aquifer or lower aquifer. If by “well-defined aquifers” you mean aquifers whose extent and contents are well understood, this is an accurate statement, but if you mean there are no water-bearing layers composed of stone, silt, gravel, etc., then it is wrong.

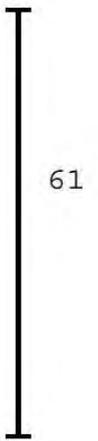
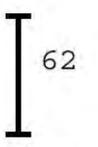
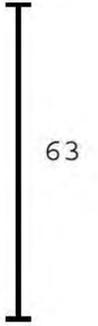


Figure 4E-3 uses the Burns and McDonnell (2002) stratigraphy, and it is used throughout sections 4E and 4G (esp. 4G-19, 20), but it is at best a general guideline and not a functional description. The first paragraph on 4G-20 under “Overview of Project Site Hydrogeology” confuses the matter even more by citing upper and lower water-bearing units separated by Young Bay Margin Deposits. At least in the Schlage OU portion of the Baylands, this is not the case.

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

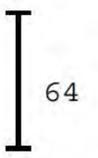


In the section on “Use of Previous Geotechnical Investigations,” the DEIR states that “...geologic hazards ... have been well studied and documented in numerous geotechnical investigations...” and “As a result of these previous geotechnical studies, much is known about the underlying conditions including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

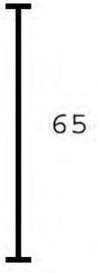


This may be true in the Schlage OU portion of the site, and it may be true in areas where there have been recent borings, but the subsurface layers are not uniform in thickness or depth, witness the cross-sections developed by MACTEC/AMEC for the Schlage OU (see the report referenced above).

Previous investigations also were done before the recent addition of very large amounts of material on top of the landfill and other areas, changing the thickness of underlying layers, and contributing even more to differences across the site. Geosyntec (Preliminary Geotechnical Report, 2008) expects bay mud consolidation, and such consolidation will certainly be uneven.



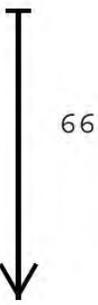
It is entirely possible that water-bearing formations across the site communicate in one or several places, as they do in the northwest corner of the site. Since testing of underground water shows features of bay water, it is likely that all or most of the water-bearing formations communicate with the lagoon and/or bay.



Additional study will be necessary to develop a functional understanding of the geology and hydrogeology of the site.

Subject: 4.E-23,24, settlement

Comment: Landfill Settlement Evaluation Program should monitor yearly the actual settlement to verify it against the predicted settlement to assure that the model was appropriate and the results of the comparison should be published on a Baylands Prediction Reconciliation and Confirmation Website paid for by the developer and landowner and verified by an oversight agency to be created for the Baylands and the appropriate regulators. It would be real evidence to the



public that the developer had been held accountable by the City of Brisbane and the State and County regulators. The DEIR does not include any means to provide public reassurance that the mitigations have been done and that they work as planned.

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cont.

Subject: 4E-24, 25, characterization of soils

Comment: Will sea level rise have an impact on shrink-swell behavior on or near the site? What additional hazards could be encountered with a 10 foot rise in sea level, and what changes might be necessary to avoid them?

67

If the amount of moisture in the soil affects the severity and rate of corrosion, then what measures need to be taken to anticipate sea level rise?

68

Subject: 4.E-36,37, Impact 4.E-1

Comment: DEIR states there are no known earthquake faults with the project site and the proposed development will not expose people or structures to substantial adverse effects, etc.

The project is on landfill and mud as are the SF and Berkeley marinas. No fault line runs through either location but both were severely damaged in a recent 7.0 earthquake. The 7.0 quake was listed by Berkeley as 9.0 on their marina. The city of SF experienced conflagration fires in their marina, a lack of water delivery with subsequent fireboat use to stop the fires. DEIR should state mitigation IS required.

69

In addition, the pipeline traversing the bay to move petroleum into the tank farm definitely does fall into a quake zone, and these pipelines could cause quite a problem for the baylands.

Subject: 4.E-38, Impact 4.E-2: "...strong groundshaking could potentially compromise the stability of the final landfill cap...."

70

Comment: How would the landfill cap be checked for damage or deterioration? What would signify a breach? Who would be qualified to determine whether a breach occurred?

Subject: 4.E-38, Mitigation measure 4.E-2a, requiring a site-specific geotechnical report

Comment: Please add more detail on what would be required for a site-specific geotechnical report. How many borings would be required, i.e., borings will be required at what intervals? How deep would they have to go? How far outside the building footprint should borings be required? What measures would have to be taken to ensure that cross-contamination of water-bearing layers does not result from the process of boring or driving piles or other foundation work?

71

Subject: 4.E-41,42, Impact 4.E-4, discussion of landslides

Comment: The DEIR cites a Treadwell & Rollo report from 2008 that "...concluded that the placement of engineered fill may cause underlying Bay Mud to fail." Exactly what does "failure" mean in this context? For many years, consultants for the landowner have argued that Bay Mud

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is a relatively impermeable layer that prevents contamination in the fill from reaching the underlying water-bearing layers. How would a failure of the Bay Mud layer impact groundwater quality? What can be done to prevent cross-contamination?

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cont.

Subject: 4.E-45: "Young and Old Bay Mud are generally to slightly over-consolidated...."

Comment: What does over-consolidated mean? Does it mean they would be subject to swelling when in contact with liquid? What are the implications of over-consolidation?

73

Subject: 4.E-45, discussion of wick drains and deep dynamic compaction

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

74

Could deep dynamic compaction cause a failure in the Bay Mud layer(s)? Could compaction of all kinds cause a failure in the Bay Mud layers? Please analyze the possibility that compaction will result in pushing fill/waste/Bay Mud/sand laterally rather than or in addition to shrinking these substances in area.

75

Subject: 4.G, Hazards and Hazardous Materials

Comment: How will the site be monitored for toxic releases throughout the various building stages? With what frequency will testing occur? Who will be the reviewing authority? Who will pay for and hold the insurance to cover any lawsuit brought against the development for toxic liability?

76

How does the current drought affect movement of the toxic plumes? The Bay Area is currently in a moderate drought which is projected to continue for a very long period of time. Projected moisture in Bay Area soil content is expected to decrease. Bay waters will rise and soil moisture will decrease. What does that mean to any remediation and tracking practice? What does that mean to the stability of structures built on less than solid ground?

77

Subject: Hazards and Hazardous Materials, Groundwater

Comment: The detailed groundwater pathways and depths in the landfill and OU-2 have not been studied as much as OU-1 groundwater. The DEIR Appendix speculated that might have been because development was, at one time, planned to begin in that area. There have been more than 90 studies of OU-1 and fewer than 47 each on the Landfill and OU-2. It speaks of a general lack of knowledge of how groundwater flows on OU-2 and the Landfill.

78

There are toxic contaminants in the groundwater. The filled ground is subject to subsidence. The DEIR appendix says that extensive excavation may very well affect the pathways of the groundwater thereby undermining remediation attempts. Earthquakes could do the same thing. It is essential to protect public health and the environment that we have a clear detailed understanding of the groundwater pathways in all three sections of the Baylands. The DEIR is incom-

79

plete because it does not contain that information and there is no monitoring and mitigation included which would provide for the swift repair of this likely problem that is present one way or another across the entire site.

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cont.

Subject: 4.G-1, Introduction: "...scenarios were independently reviewed by CDM Smith on behalf of the City and determined to be adequate for the purposes of CEQA analysis."

Comment: This is an incorrect analysis of the CDM Smith report. The report is analyzed by Dr. G.F. Lee where many deficiencies are noted. Areas which are not adequate include human health and ecological risk as "[the] level of investigation does not preclude the possibility that there are unrecognized, unmonitored hazardous chemicals that pose a risk to public health and environmental quality at the site." (pg 22) And "CDM did not address the adequacy of the stormwater runoff monitoring from this area."

80

Subject: 4.G-2, "Remedial action" or "remediation"

Comment 1: While the document refers to state and local laws for clean-up and monitoring toxins, it fails to assess whether these laws are adequate. Dr. Lee addresses some of the issues involved as follows:

"This limited monitoring program [BMP for SWPP] highlights the grossly inadequate federal and state requirements for stormwater runoff monitoring programs for landfill areas." (pp. 29-30)

81

"The environmental pollution by PBDEs [Polybrominated diphenyl ethers] is but one example of the significant deficiencies in conventional water quality monitoring for detecting the wide range of hazardous chemicals that are in wastes and in their leachates." (p. 16)

"... [T]he current approach for developing water quality criteria does not consider even known additive and synergistic properties of mixtures of chemicals; the toxicity of a mixture of such chemicals is greater than the sum of the toxicity caused by each chemical alone." (p. 18)

Comment 2: DEIR fails to state both source research and Codes proving adequacy of laws under similar project conditions.

82

Subject: 4.G-3; "Exposure to some chemical substances may harm internal organs or systems in the body, ranging from temporary effects to permanent disability or death."

Comment 1: Conditions purported from exposure to toxic substances found on the Brisbane Baylands include endocrine disruption, infertility, neurological development disorders, chronic diseases and more.

83

Underplaying the multiple toxins and multiple chances of exposure (inhalation, absorption, ingestion) render this DEIR insufficient.

Comment 2: What percentage of illness has been calculated as acceptable and if this estimate is not stated in DEIR why is it omitted?

84

Subject: 4.G-4,6, Harding Lawson fill assessment, railyard

Comment: In 1982, a study was done that found SVOC's in 24 shallow wells and one deep boring in an area that covered part of OU-1 and part of OU2. It also found chromium, mercury and bis(2-ethylhexyl)phthalate. The results of this study have not been included in recent studies. There should be follow up on these results and a master study to reconcile all of the results of the OU-2 studies in order to comprehend this land and its contamination better.

85

Subject: 4.G-7: Geosyntec 2012: *"With the exception of 3 semi-volatile organic compounds ... chemical constituents detected were found at low levels which should not be of environmental concern."*

Comment 1: Why was the practice of vertical placement (holes) used to validate VOC testing with no accompanying horizontal tracking per testing event? Since horizontal flow of the leachate shows VOC contamination, what justification is used to determine that only vertical placement testing is necessary and superior without continual horizontal flow tracking?

86

Comment 2: In 1987, Kleinfelder (p.71) found semi-volatile organic compounds, phenanthrene, pyrene and chrysene in the soil. Why haven't there been tests for these specific chemicals at the sites where they were found in the past or at sites that would be consistent with groundwater movement near the location where they were found?

The absence of effort to check for these contaminants means that the subsequent characterization of the Landfill is incomplete. The priority pollutant metals that were found: antimony, arsenic, beryllium cadmium, chromium, copper, iron (soil samples only), lead, mercury nickel, selenium, silver, thallium and zinc. Tests should be again in the same location and in locations at the same depth that are downstream according to the groundwater flow to confirm if the metals are in the same location. The retesting should occur in all three landfill areas. The lack of retesting means that the understanding of metal contamination is incomplete.

87

Subject: 4.G-10, Water Quality Solid Waste Assessment 1992: *"the report also concluded that the refuse layer of the landfill did not appear to be tidally influenced and that contamination at the site would not be classified as hazardous waste under California regulations."*

88

Comment 1: Lack of tidal influence from this assessment is contradicted in the Hydrology section and this assessment is limited to the few wells and few chemicals tested.

Dr. G.F. Lee states that "[i]t should never be assumed that leachate from landfills (even 'non-hazardous' municipal solid waste landfills) or other complex mixtures of wastes, represents no threat to human health or the environment on the basis of the reporting that all chemicals measured in the characterization of a waste are below detection limits or below current regulatory limits."

89

Comment 2: The soil and subsoil of the landfill's project site are not adequately characterized by testing a few wells and a few chemicals. Project analysis has been based on vertical testing. Horizontal testing should be implemented to detect tidal influence and communication with bay waters.

90

**Subject:** 4.G-9, Air Quality Solid Waste Assessment-1990: *“The analytical results indicated that air contaminants apparently were not emitted from the landfill into the ambient atmosphere at levels that would be likely to pose a potential threat to public health or safety or the threat to the environment.”*

91

**Comment:** It is incorrect to assume that a few-day readings leads to “no threat to the public.” The methane system works by keeping a vacuum on the volatile vapors. The system shuts down, the methane and toxic gas vapors escape into the atmosphere. A mitigation system greater than a few-foot clay cap needs to be required.

**Subject:** 4.G-13, Soil Conditions Summary - 2005, *“Metals were detected in shallow soils in all of the 51 locations sampled across the entirety of OU-1.... the metals are widespread because the area was filled with rubble and debris in the early 1900s.”*

92

**Comment:** This report is supposed to be in Appendix A-11, but Appendix A-11 includes only the first page of a report plus some tables. Why was the portion of the report that was cited not included in the appendix?

**Subject:** 4.G-13, Wetland Mitigation Plan-2004: *“Proposed maintenance activities focused on promoting wetland habitat establishment... The wetland mitigation plan was not implemented and federal permits have since lapsed.”*

93

**Comment:** The wetland studies were minimal at best. They did not include upland areas that support the wetlands that were measured. This is an unmitigated impact of an interim measure. The City of Brisbane has a General Plan ordinance that allows for mitigation for the loss of wetlands in excess of 1:1. This has had a significant impact on wildlife and should be mitigated.

**Subject:** 4.G-16, Leachate Management Plans 2002-2008: *“The primary method for long-term leachate management at the Brisbane Landfill is to reduce leachate generation through the construction of a low-permeability final cover. Construction of the final cover will reduce leachate generation by approximately 90 percent.”*

94

**Comment 1:** This statement is incorrect. When groundwater passes through the landfill, leachate is generated. Preventing it from infiltration from above “is pointless” per Dr. G.F.Lee.

**Comment 2:** What is the life of the cover and what research shows this time-frame use under project conditions? What steps will be taken to monitor integrity of cover and how will cover be replaced? In sections or in entirety at one time? How will this be paid for? Also, the need for such cover advises leachate and pollution WILL continue to be a problem during the life of the project. How is this conveyed in the DEIR?

95

**Subject:** 4.G-17, Landfill Groundwater, Surface-Water and Leachate Monitoring, 2002-Present: *“the Young Bay Mud that separates the shallow and deep groundwater zones, along with the upward hydraulic gradient prevents contamination of the deep groundwater zones.”*

96

Comment 1: This may be true in many places, however the cuts into bedrock along Icehouse Hill and potential other places indicate this isn't an 100% effective barrier. There are toxins that have migrated to the lower aquitard.

96  
cont.

Comment 2: Where does the DEIR give the age of "Young Bay Mud" as opposed to the original Bay Mud existing before overlay of biodegradable waste from the 1906 SF earthquake?

97

Subject: 4.G-18, Risk-Based Cleanup Levels:

Comment: "testing for hexavalent chromium had not been conducted at this location." ... "clean-up levels recommended by MACTEC for the constituents of concern..."

98

Subject: The Hazardous Materials Summary (Geosyntec 2012) indicates that the constituents of concern for the railyard include barium, hexavalent chromium, copper, zinc, nickel, and others. This information applies to a very specific area to the north and should not be considered appropriate for the Baylands.

99

Subject: 4.G-18, "clean-up levels recommended by MACTEC for the constituents of concern in soil at OUI" [UPC.]

Comment: These are primarily Industrial/Commercial use levels and are not reflective of the goals of protecting the environment, human health and groundwater as required through the Clean Water Act to meet primary and secondary drinking water goals.

<http://water.epa.gov/drink/contaminants/index.cfm#List>

100

While the landowners and regulators are accepting that there is no future use for the groundwater, and therefore no reason to clean up to a higher standard, they fail to identify ANY groundwater as presently being clean. Additionally, future technologies may resolve the contamination issues. It is irresponsible to not consider higher cleanup standards.

Too few chemicals of concern are listed.

101

MCL levels change over time and should be acknowledged here. For example, Cal EPA has just completed the public comment period review for the change in MCL's for Hexavalent Chromium.

102

A mitigation measure to utilize the highest safety standard or the Precautionary Principle in absence of regulation(s) should be required. The safest health-risk standards may be state, federal, local, or from international regulations, such as Europe's REACH laws, not the minimums suggested in the DEIR.

103

Subject: 4.G-18, Preliminary Fill Soil Import Criteria - 2011: "Guidance was developed by Geosyntec to screen fill materials accepted as Brisbane Landfill cover soil."

Comment: Please correct all references to a clean soil layer on the landfill. In fact, as noted here, there was no recommended procedure to screen deposits on the landfill prior to 2011. The DEIR should also describe the "guidance" developed by Geosyntec, i.e., describe exactly what

104

screening was recommended. Do they use a gas detector that reads petroleum hydrocarbons? What is an acceptable reading? Does screening include other substances? What are the acceptable readings for those substances?

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cont.

Has Geosyntec’s recommendation been accepted? What, if any, confirmation is available that screening was and continues to be performed? What evidence is there that the criteria is being followed?

105

**Subject:** 4.G-19ff, Overview of Project Site Geology

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

106

Par 3: “Underlying the landfill and former railyard. Non-engineered fill ... consists of a heterogeneous mixture of clay, silt, coarse sand, and gravel with fragments of brick, stone, and wood from the 1906 San Francisco earthquake rubble.”

107

This is an inadequate characterization of the deposits. The landfill received wastes from industrial and shipyard uses, as well as household and office wastes. It is likely that the fill underlying the railyard contained a wide range of substances, including hazardous chemicals.

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

108

Par 5ff and p. 4G-20: The terminology used in the DEIR is not consistent, and very confusing. On page 4G-19 the terms “bay margin deposits” and “bay mud” are both used, but it is unclear if they are referring to the same layer.

MACTEC/AMEC use for the Schlage OU the terms Fill, Young Bay Margin Deposit, Colma Formation, Old Bay Margin Deposit, Merced Formation, Franciscan Formation bedrock. Figure 4E-3 uses the Burns and McDonnell (2002) stratigraphy, and it is used in sections 4E and 4G. The first paragraph on p. 4G-20 under “Overview of Project Site Hydrogeology” is taken directly from the 2012 Geosyntec report, and is in direct conflict with Figure 4E-3, which shows the B water bearing zone beneath the Old Bay Mud layer. Apparently “shallow water bearing zone” sometimes means fill zone, and sometimes Colma Formation, and while these two zones communicate, at least on the northwestern edge of the site, they are also separated in other areas by Young Bay Margin Deposits.

109

Whatever terminology is used needs to distinguish between the fill zone and Colma Formation. It is impossible to understand the hydrology of the site if several sets of terminology are intermingled.

**Subject:** 4.G-20, Project Site Hydrology, 2<sup>nd</sup> paragraph: “The influence of tidal cycles on water levels in shallow and deep groundwater wells was studied by Kleinfelder in 1987 and 1991.” “The study concluded that...the deep groundwater basin, at least in the vicinity of the tested well, appeared to have some discharge to San Francisco Bay.” Yet Geosyntec’s summary is that

110  
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*“it appears that tidal influence is not likely a significant contributor to recharge of leachate in the landfill.”*

Comment 1: It does not mention what constituents were measured and if measured, what protection level(s) were considered. Leachate entering the Bay has a different list of constituents of concern than those for human health. Fish and amphibians are impacted by unionized ammonium and salts. Humans are impacted by heavy metals and endocrine disrupting chlorinated solvents. Other studies state that chlorides ARE a problem with groundwater quality on the Baylands. The presence of chlorides is directly related to Bay salts from infiltration of sea water, a point which shouldn't be missed.

Tidal action HAS been noticed in the wells near Kinder Morgan Tank Farm, so this is an inaccurate assessment of the hydrology of the area and should be required to be tested by zone or quadrant to be clear, not using generalized conclusions.

Comment 2: What Federal or State agency states from independent research that tidal influence is relative only to a water basin?

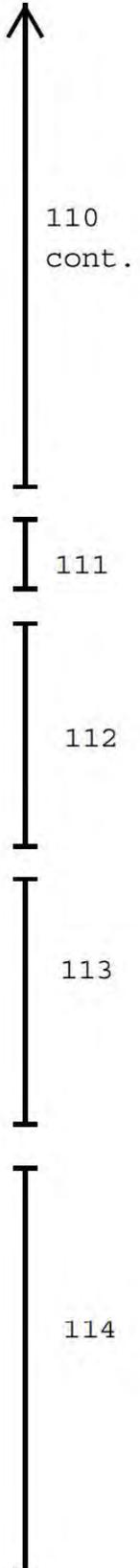
Comment 3: This entire paragraph is a direct quote from Geosyntec's 2012 Summary, except for the use of the word "basin" after "groundwater." The sentence quoted above contains several qualifiers, "it appears" and "not likely ... significant....". Even so, it is misleading to repeat the contention (even if it only "appears" and "is not likely") that Bay water is not entering the fill area. Further study is required to determine the extent of Bay infiltration, and to assess the impacts of sea level rise on Bay infiltration.

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

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

Geosyntec's February 2010 report is also contradictory: *“Shallow groundwater flow in the vicinity of Brisbane Landfill is likely controlled by the location of two nearby surface water bodies: San Francisco Bay to the east of the site and Guadalupe Lagoon south of the site. Additionally, it appears that the Interior Drainage Channel (IDC), which crosses the landfill in the east-west direction, also influences shallow (Zone A) groundwater flow. Therefore, beneath the landfill, shallow groundwater appears to be recharged from the west and north and flows towards the IDC, Guadalupe Lagoon and San Francisco Bay, with a local component of westward flow along portions at the west boundary.”*

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



Comment 4: How is it possible that the flow of Upper groundwater Zone A is influenced (as states in the report) by both the IDC and SF Bay but the report says that the waste is not immersed in water. Have the leachate wells been evaluated for the presence of sea water? The question must be answered to dismiss the possibility that the landfill isn't polluting bay waters. The 1992 Kleinfelder water quality SWAT concluded that the refuse layer did not appear to be tidally influenced but their basis did not address the movement of the tide at the depth of the waste only layers below .

115

Subject: 4.G-20

Comment: Note the 1992 "Site Cleanup Requirement" (Endangerment Order No.92-141) only required 13 groundwater wells and did not include Bunker "C" in its review but mostly fuels from the Brisbane Terminal (tank farm.) Furthermore, there is a prohibition (A.3) in the order that "*activities associated with subsurface investigation and cleanup which will cause significant adverse migration of pollutants are prohibited.*" Yet there is evidence that the testing has caused migration of toxic compounds between aquitards.

116

Subject: 4.G-21: "*Operable Unit 2.... contains Bunker C fuel oil and heavy metals...*" "*both Bunker C oil and lead have low solubility and mobility...*"

Comment: These are inaccurate, misleading statements. OU2 has an area contaminated by VOC's and multiple contaminant concentrations referred to as the "South Disposal Area" which is not mentioned here. There are also never-studied areas along Industrial Way, which were known to have chrome-6 and acids from former tannery operations. (Not properly characterized in the Project Description.) Studies of residual contamination from the former Stauffer Chemical Plant and other Industrial Way properties need to be done before any generic claims about OU2 contamination are acceptable.

117

Claims that Bunker "C" oil and lead do not migrate are erroneous. Bunker C is only less mobile in colder temperatures. Most studies on the Baylands indicate that the contaminated soils are warmer than air temperatures when tested. This is due to energy/heat transfers during chemical decomposition. Therefore, the cooler conditions, which would slow movement are not correct for Bunker C oil to "*have low solubility and mobility.*" Additionally, CPEO observed an active leak in May 2006 as previously cited. A mitigation measure for this would be the removal of the Bunker C, not to allow it to remain buried or be considered benign.

Lead is a detected constituent in Brisbane Baylands leachate (particularly in the seeps along Visitation Creek), therefore it travels in the groundwater. The presence of Bunker C oil and lead is a risk to the public's health and the quality of groundwater, which ultimately impacts shellfish, fish, and the food chain. It needs to be properly noted and addressed.

118

Subject: 4.G-21: "*1932 to 1967, when the area was operated as the Brisbane Landfill.*"

Comment: That is not the correct name of the operation. Brisbane did not exist until the 1960's.

119

Subject: 4.G-21: "*methane gas emissions... burned periodically in a flare.*"

120

Comment: Reports state that when the methane system shuts down from mechanical failures, methane and other toxic gases are released through the unclosed landfill surface. Constant vacuum pressure is required to prevent those releases. This statement is misleading because it makes it appear that the system is more effective than it is. The methane system is an interim measure, it should be noted as such. Whether it needs to be, or is considered to be improved in the future, needs to be disclosed.

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120  
cont.

Subject: 4.G-21: *“Following cessation of landfill operations, the landfill was buried with a soil cover approximately 20-30 feet deep to prevent future human contact with contamination.”*

Comment: The landfill cover has not prevented future human contact with contamination, and it is inaccurate to say so. The depth of the landfill cover is a moving target and it is misleading to say that the landfill was covered with a specific depth of soil at some indeterminate time in the last 45+ years.

121

Subject: 4.G-22, VOCs, Bunker C Fuel: *“VOCs are numerous, varied, and ubiquitous.”*

Comment: Ubiquitous? Is this a condition of the Baylands or commentary on 21<sup>st</sup> Century life? Which VOC’s? Where? In what quantities? This needs to be better described to be more effective for a planning tool.

The summarizations in the Geosyntec 2012 Hazardous Materials Summary Reports for the Landfill and Railyard are scattered and random. They mix tests and theories done in the northern section with those done further south. These two appendix materials are inadequate to be helpful for planning purposes (to be discussed later.)

122

*“...residue used for Bunker C fuel may contain various undesirable impurities including 2 percent water and one-half percent mineral soil.”*

How is water “undesirable” and why is it singled out? Is this a boilerplate response? The impurities from Bunker C are numerous. Ones that should be noted are sulfur, (sulfuric acid,) cadmium, arsenic, lead, zinc, polychlorinated biphenyls, PAHs, and halogens. Multiple toxins are present in Bunker C, glossing over the fact is not helpful. Proposed plans are to leave these hazardous constituents in place, an accurate understanding of them is paramount.

Subject: 4.G-23, Brisbane Landfill, Paragraph 3: *The total volume of waste disposed at the landfill has been estimated to be ...73 percent was produced by residential and commercial activities, with inert fill accounting for approximately 25 percent, and the remaining 2 percent assumed to be liquid waste (Geosyntec 2012.)*

123

Comment: This is an inaccurate assessment with respect to the 01-041 Cleanup and Abatement Order. The statement in paragraph 5 more correctly lists the contents, which is also what the Cal EPA RWQCB clean-up order states. They are *“domestic, industrial, and shipyard waste; construction rubble and sewage...”*

Subject: 4.G-23, Brisbane Landfill, Paragraph 3: *“The depth of the waste layer is estimated to range from 20 to 30 feet.” “...the area was subsequently buried with a 20- to 30- foot cover of soil to prevent future direct human contact with refuse.”*

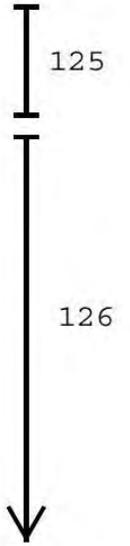
124

Comment: This is incorrect. Near the lagoon, the waste layer is thinner and hardly has 20 feet of soil cover. Again, accurate information is needed, not Geosyntec's version of reality.

Subject: 4.G-24, Soil/groundwater contamination from Brisbane Landfill

Comment: Geosyntec's April 2011 figures (reproduced below) indicate that there are 9 locations on the Landfill where dichloroethene is found in concentration and an additional 7 locations on the Landfill where it is found in amounts below the reporting limit. Vinyl chloride was also detected.

It appears nothing will be done to closely monitor or mitigate the presence of these toxic contaminants. This area is slated for extensive excavation. It is subject to great movement in an earthquake and there must be a method to detect whether the groundwater pathways have moved after an earthquake. There is no provision for this likelihood in the DEIR. It is incomplete without it.





126  
cont.



126  
cont.

Subject: 4.G-24: "... there are no well-defined aquifers underlying the site."

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

127

If by "well-defined aquifers" you mean aquifers whose extent and contents are well understood, this is an accurate statement, but if you mean there are no water-bearing layers composed of stone, silt, gravel, etc., then it is wrong.

Subject: 4.G-24, Table 4.G-1

Comment: This table is meaningless. Averages over a few wells in 350 acres done only two times in the same year? Was this a dry or wet year? Were they done on a full moon? The groundwater wells appear to be shallow, because of tidal interaction, not the upward pressure as noted in footnote 14.

128

Subject: 4.G-25, Figure 4.G-2a, Shallow Groundwater Contours

Comment: The map of groundwater contours is inaccurate. Visitation Creek is omitted and should reflect flows toward it or change of depth of shallow groundwater around it. Reports of the Kinder Morgan area state there are changes of direction around the farm. Incorrect, inaccurate maps must be removed from this document.

129

Subject: 4.G-25 to 29, Figure 4.G-2b, Figure 4.G-3, Figure 4.G-5

Comment: Explain the purpose of these maps (pgs 25 – 29.)

130

Pg 4.G-24 mentions the Young and Old Bay muds but the maps don't state that is what they are.

The maps don't tell depth, constituents tested, how often tested, or location of the tire piles referenced in this chapter, which may change direction of groundwater. Kinder Morgan tests show different groundwater flow and may related to fractured bedrock below. Maps, which give a visual and 3-dimensional history of the underlying conditions, would be extremely helpful.

131

Subject: 4.G-30, 1<sup>st</sup> paragraph

Comment: The DEIR states three reasons to be concerned about current operations on the landfill, but no mitigation measures to improve these conditions are mentioned.

132

They suggest damage from the testing wells and reasons to discontinue the landfilling operation:

- 1.) *"Tidal influences or leakage between water-bearing zones may be the cause for this condition"*
- 2.) *"An upward gradient occurs naturally in association with groundwater discharge at the Bay margin. In addition, the upward gradient is significantly increased due to the weight of the landfill materials consolidating the underlying Bay Mud," and*

- 3.) *“the elevation of the groundwater surface is higher than that of the overlying shallow groundwater.”*

No mitigation measure to discontinue this practice? No mitigation measure to seal the break between the aquifers? No mitigation measure to reduce the volume impact from the landfilling (surcharging) operation?

Subject: 4.G-31, 1<sup>st</sup> paragraph: *“This suggests that no new releases are occurring.”*

Comment: Since this list is so limited, it only suggests that the limited constituents tested are being tested. Each day arsenic, barium, cadmium, selenium, lead, mercury, nickel, tin, antimony and other toxic elements and compounds leak into the Bay from the seeps. Nothing new? Refer to Dr. Lee’s assessment of the regulatory process. It is only because of lack of regulations that nothing new has been noted.

Subject: 4.G-31, Leachate Generation

Comment 1: Geosyntec has mischaracterized the leachate wells and leachate seep collection system along the lagoon. *“In general, the 2010 sampling indicated a slight leachate buildup.”* And *“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....”*

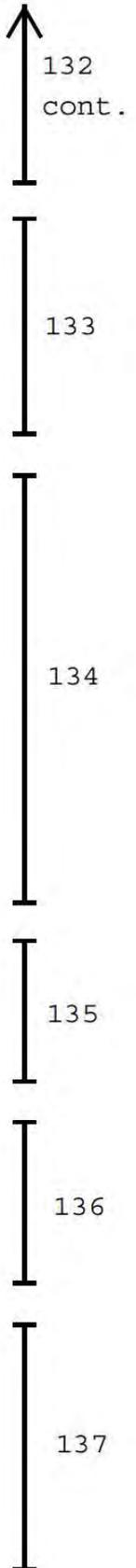
This is blatantly incorrect. Leachate seeps are only observable at a negative tide. What time of day and what were the local tide conditions during this summertime (dry season) observation? The seeps continue to leak along the lagoon, they just aren’t gushing as before. (Documents provided to RWQCB by Dana Dillworth.) The technique has improved the seeps along the lagoon, but not discontinued them.

Secondly, the leachate system mentioned was one of two proposed. A second system is proposed to be installed along Visitacion Creek, but has not been. Therefore, the assertion that no sensitive receptors are exposed any longer to the constituents of concern is an inaccurate assessment.

Comment 2: The conclusion that no exposure is occurring is not warranted. First, it is likely that subsurface seeps exist in the lagoon and east of Highway 101. Second, seeps exist and are flowing to the Bay through Visitacion Creek (also referred to as the Interior Drainage Channel). Finally, one monitoring event conducted during the summer is not enough to make the conclusion of “no exposure.”

Subject: 4.G-31, 3<sup>rd</sup> paragraph: *“thus cleanup levels ultimately approved by the Regional Water Quality Control Board may not reflect drinking water standards.”*

Comment: As stated earlier, the City of Brisbane is the lead agency. The City of Brisbane and its voting residents ultimately will be approving the cleanup levels. The City and its citizens have the power to require higher standards or greater mitigation measures than the lowest possible. The City will *“ultimately approve”* the cleanup levels.



Subject: 4.G-32 and 33, Table 4.G-2 and Table 4.G-3

Comment: While the DEIR notes how many of the listed substances don't have MCL's, it fails to tell how many substances have not been tested or exactly which "chemical compounds [are] not included in this table." Refer to G.F. Lee's report regarding exposure to untested, unknown substances.

138

Secondly, there is no discussion of cumulative impacts of exposure to multiple toxins.

139

Subject: 4.G-33, 2<sup>nd</sup> paragraph": "The landfill gas control system has been in place since at least 2002..."

Comment 1: The Waste Discharge Requirements and Abatement Order 01-041 states that the LFG system was installed "between 1990 and 1991...which consisted of perimeter horizontal headers with vertical extraction wells and horizontal 'finger' wells encircling Sunquest's portion of the site." (pg 4, item 15 of 01-041)

140

This is important information. It speaks to the age and the technological limitation of what the LFG system can do. It is not all-inclusive of the landfill portion, because it wasn't installed in areas in the north (the Van Arsdale and Recology operations,) and is limited by the times the system shuts down.

Comment 2: Please provide documentation of the landfill areas in which methane gas is and was detected.

141

Subject: 4.G-33: "LFG control facilities at the former Brisbane Landfill were operating satisfactorily."

Comment: It is incorrect to leave the impression that the interim methane system is adequate. Refer to comments about off-gassing during mechanical shutdowns.

142

What would be beneficial is discussion of the location of the burner and what toxic, hazardous substances the public is exposed to and for what duration of time. Discussion as to whether there might be other systems needed, or improved existing systems and their scale is required and beneficial.

Subject: 4.G-34: "although other subsequent uses may have also contributed."

Comment: Proper characterization of the site is important and those "subsequent uses" include a Stauffer Chemical Company, which produced herbicides and elemental phosphorus during that period and a Frey's Tannery. Other areas include jet fuel leaks (PCE) along the lagoon and a sewerage plant (bacteria) which were cited for releases and overflows. This omitted information would help determine what contaminants should be tested and remediated. Near the Stauffer Chemical plant, they only tested for Bunker C and VOC's. Lack of this information could put the public at risk due to unrecognized hazards.

143

Subject: 4.G-35 to -47, Figures 4.G-6a through -6m

144

Comment: These maps are barely useful. They are limited to OU-1 and OU-2, which occupies less than one-fourth of the page. (Issue of scale.)

Transparencies, which could be overlain with each other would give a greater impression of the presence of the toxic compounds. The heavy metals could be combined in one figure with different colors as well as the chloroethenes could be combined in one figure since they are related by-products of degradation of the chemicals.

Subject: 4.G-47, Current TCE Concentrations in Groundwater

Comment: This figure is misleading. It shows only one chemical of concern and does not reflect what MCL standard is being used. It doesn't mention what wells have been abandoned over time or reasons for not testing, such as consistently high, no need to keep testing. It also doesn't mention that very little testing is being done on the OU-2 section.

Testing has been done primarily under DTSC requirements for remediation of the Schlage Lock site. The BBCAG has problems with the way that the elimination of testing wells occurs. Only ONE test in February 2011 or 2012, registering non-detect or below MCLs for soil gas, does not speak to the dynamics of an evolving chemical morass. It is dangerous to leave the impression that all is well. It only means that it has tested low on one occasion.

See

[http://www.envirostor.dtsc.ca.gov/public/final\\_documents2.asp?global\\_id=38340157&doc\\_id=60334140](http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=38340157&doc_id=60334140) The actual document was posted on 9/13/2013.

Subject: 4.G-47

Comment: Since this section talks about “ a machine shop, a powerhouse, a coach repair shop, a lumber shed, a storage shed, loading platforms, ... ” An historical map of these locations should be provided. In particular, the chemical storage shed(s) (lye shed) that are marked in the old records of the railyard.

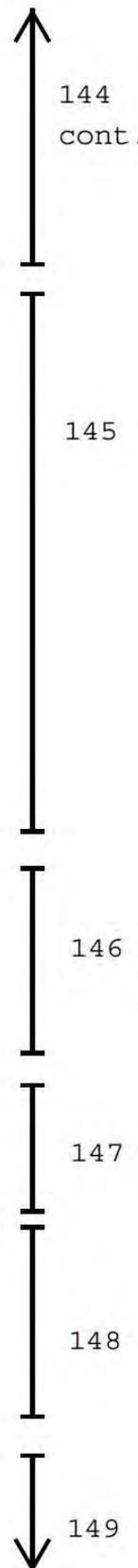
Subject: 4.G-48, Soil/Groundwater Contamination in OU-1

Comment: Paragraph 1 is garbled and unclear.

Subject: 4.G-48: “Since 2008, groundwater monitoring...samples collected from all wells have been analyzed for... methyl tert-butyl ether (MTBE).”

Comment: Is this true of OU-1? Kinder Morgan asserts that presence of MTBE on their property comes from outside or upstream sources. Is this confirmed by this statement or is the statement erroneous?

Subject: 4.G-49: “Existing groundwater conditions indicate that conditions in the groundwater plume are favorable for application of a remediation technology known as enhanced reductive dechlorination.”



Comment: Adding chemicals through ERD didn't work, it in fact increased the contamination levels because it was thought to have killed off the naturally occurring chemical-eating bacteria. EVO technique, Emulsified Vegetable Oil did a better job because it stimulated the natural bacteria into reproducing and precipitated breakdown of some of the chemicals of concern. Evidence of Vinyl Chloride is evidence of the degradation of TCE.

↑ 149 cont.

Subject: 4.G-49 to -50, Completed Environmental Remediation Investigations: "Details on the nature and extent of the remaining contamination at this location [San Francisco] ... showed remaining concentrations of metals and limited detections of VOC's in the soil (BFK, 2011.)"

150

Comment: This is an incorrect assessment, even less so in 2011. There is an area that they call persistent and unresponsive to treatment.

Subject: 4.G-50, Table 4.G-4: "TPH mostly Bunker C Oil (Aug. 2006)" and the BTEX tests

151

Comment: Is this for OU-1 or OU-2? Please disclose the location of the wells and reference to appropriate maps.

Subject: 4.G-50: "The groundwater extraction and treatment system has been kept in operational condition and on a stand-by status to process well development purge water..."

Comment: Is this incorrect? Hasn't it been decommissioned, abandoned, and filled? If it is still in existence, provide its location on a map. This is necessary for planning purposes, since it would not be a good area for housing and sensitive receptor businesses. This would be a poor mixed-use business for receiving toxic chemicals for processing in a major arterial hub. What are the "foreseeable future" plans of this groundwater treatment system? Are more needed to be created for other areas?

152

Subject: 4.G-51

Comment 1: There is no mention of Pacific Lithograph's employees being exposed to high concentrations of solvents in "Plant 3." It is part of the early DTSC public record during the first remediation talks of 1989.

153

Comment 2: Please note that Pacific Lithograph also operated at this site, and probably contributed to the contamination.

154

Subject: 4.G-52ff, Soil/Groundwater Contamination in OU-2

Comment 1: Geosyntec (2012 HMSR OU1 and OU2, p. 34), states that a "chlorinated solvent investigation was conducted at OU2 in November 2000 and June 2001 to further delineate the extent of HVOC impact in the Southern Area [of OU2] [B&M, 2002b]. A total of 20 soil borings were completed to depths of 6 to 12 ft bgs... and groundwater samples were collected from six of the 20 borings for VOC analyses. The S-11 soil sample, obtained at 1 ft bgs, contained PCE at a concentration of 4,500 mg/kg and represented the highest HVOC detection in soil. Groundwater from boring S-9 contained TCE at 960 ug/L, PCE at 1,200 ug/L, cis-1,2-DCE at 44,000 ug/L, trans-1,2-DCE at 700 ug/L and vinyl chloride at 9,700 ug/L [B&M 2002b]."

155 ↓

There has been an attempt by the developer and even the regulators to underplay the level of contamination on the Baylands and it may be less than some other sites but it is still dangerous and it still is only partially investigated because so many chemicals were not tested for.

↑ 155  
cont.

**Comment 2:** Table 4.G-5, as labeled in the DEIR “shows the highest reported concentrations of chemical compounds in groundwater.” However, there are no figures for VOCs and VOC concentrations in 2000-2001 were very high (see comment 1). The DEIR should report the latest VOC information.

156

In general, the DEIR needs to make its own analysis of the adequacy of investigations so far and the many areas where more information is needed. Instead, the DEIR’s Hazards and Hazardous Materials section essentially reproduces the 2012 Geosyntec summary reports and presents Geosyntec’s analysis as fact. An independent analysis is needed.

**Subject:** 4.G-52: “contamination of soil with petroleum hydrocarbons and heavy metals within OU-2 is thought to have originated from the oil tank farm operations (Geosyntec , 2010)”

**Comment:** This is a different way to describe the “Oil Tank Area” as an “oil tank farm operation?”

157

A better description should be required. An oil tank was removed but there may still be some unidentified fuel tanks underground, known as UST’s. Some of the heavy metals are from scraping residual ore from the cars and the historical use of arsenic- and PCB- laden oils for herbicides.

**Subject:** 4.G-52: “Semi-annual groundwater and surface water sampling is conducted by the landowner and reported to...RWQCB... as part of ongoing remediation efforts.”

**Comment:** Refer to comments in Biological Resources about the SWPPP reporting requirements. Due to the “voluntary nature” of the testing, they do not provide an accurate assessment of the contamination at first rain event of the year. Secondly, the reporting is later, at the landowner’s convenience. It is not the same as having an independent body required to carry out a responsive maintenance and operation of the clean-up(s). Refer to Dr. G.F. Lee’s recommendations for a third-party independent monitoring body.

158

**Subject:** 4.G-52: Soil/Groundwater Contamination in OU-2: “Leachate seeps ... would be addressed ... to ensure that the Central Drainage Channel and Brisbane Lagoon are fully isolated from any leachate migration....”

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

159

Subject: 4.G-53: *“The RWQCB provided a conditional Approval Letter dated May 9, 2002 with the following requirements: ...Close the existing drainage ditch ... addition of 7 to 10 feet of imported clean fill across the site....”*

Comment: In the same way that Table 4.G-4 is inadequate, this table seems to have missed a few wells, a few chemicals of concern, or confused them with another area. Their reference is to 2010 Geosyntec Reports, which are scattered and inaccurate. Barium was a constituent of concern at the landfill area, the southern railyard too? Check the accuracy of the maps in relationship to the information in these tables.

160

Subject: 4.G-53, OU-2 Remediation Measures: *“Use silica gel cleanup procedure on all Total Petroleum Hydrocarbons as gasoline samples.”*

Comment: What is meant by “total” petroleum hydrocarbons, with what frequency are the samples taken by an independent source and what independent source reviews the resultant data?

161

Subject: 4.G-54: *“ Remedial Action plans for OU-2 were originally proposed by the landowner... then revised in the 2004 Interim Remedial Measures (IRMs)”*

Comment: These are mere correspondences between the landowner and RWQCB, not regulatory approvals. The landowner had also proposed installing slurry walls underground to isolate the Bunker C Oil. They were not adopted. NO RAP for the railyard has been developed or approved, no CEQA public notice to responsible agencies have been circulated. Since alternative remedial activities are being considered, elaborate what they are.

162

Subject: 4.G-54: *“The Recology site is partly located over former landfill...”*

Comment: This is a fact that should aid in a conclusion that more studies of the groundwater are required in this area. There is no methane extraction system in place or consideration of the quality/compaction of the underground fill. This area may act differently than the deeper and more recently filled areas to the south.

163

Subject: 4.G-56, SF Household Hazardous Waste Facility

Comment: You are lacking details here. Namely, whether any violations or spills have been identified or reported.

164

If you are ever downwind from the shed that houses SF’s household hazardous materials on the Recology property, you are certain to inhale many solvents, VOC cocktails. Current conditions are not safe for residential communities so the consideration of expansion and the inclusion of housing in the northern end need to be discussed in the context of public health and safety, evacuation during accidents, etc. Mitigation measures will be required so site conditions need to be properly described. More studies are needed.

Subject: 4.G-58, Figure 4.G-7

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**Comment:** This does not appear to be an accurate map. The power transmission lines that leave PG&E’s Martin Substation that go over the mountain (and in some cases are underground,) are absent, the oil pipeline along the south end of the lagoon is missing, and the “A,B,C” list that corresponds to the sites is not present.

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cont.

On the other hand, this is the first time that the National Wetland Inventory is posted and should show up in the appropriate Hydrological and Biological Resources sections.

**Subject:** 4.G-59

**Comment:** The detail that backs the NPL, CERCLIS, numbers and locations of the UST and LUST sites is needed. 12 out of 1,000+ listed hazardous waste sites or generators in the area is disconcerting. If there is overlap, disclose which ones show up in more than one database, more than one category.

166

**Subject:** 4.G-60

**Comment:** **Quicksilver** is no longer in operation. They had dumped mercury and fluorescent bulb waste materials into Guadalupe Creek behind their building. They removed materials in the creek west of Bayshore Boulevard but were never asked to test or clean-up east of Bayshore. Residual contamination may exist in the channel near the fire station to the alluvial fan pouring into the lagoon. This is another reason to test soils, waterways, and wildlife and an accurate project/site description is necessary.

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**VWR** - Studies should be required to confirm they are leaving the area in a clean condition. Test-before-you-go policy should be in place. According to law, the polluter remains the responsible party if any contamination is found later on the property.

**SFPP, et al.** This is an inaccurate assessment of notices of violation for the Tank Farm. Fuel leaks have occurred and are reported over time. A flare was installed to burn off VOC gases, required by the Bay Area Regional Air Quality Control Board. A mitigation plan to reduce underground leak impacts has been approved by RWQCB. One Notice of Violation in 2005 is only one of many. Please accurately disclose the danger and hazardous conditions of aging steel tanks and mitigation measures that might be necessary for the protection of human and environmental health. This should be cross-referenced with the Kinder Morgan listing on page 4.G-64.

It should be noted that this project is also described on page 4.G-64 as “*Kinder Morgan/SFPP/Brisbane Terminal (also known as Kinder Morgan Tank Farm) (Map ID#S177-194, 950 Tunnel Avenue).*”

**Subject:** 4.G-61, Sierra Point Landfill

**Comment:** Cite the current status of tests and how frequent monitoring is done. In what ways is this landfill similar, what ways is it different than the Brisbane Baylands? While there are claims that they are monitoring for gas generation at the perimeter, there are no references to the supporting tests.

168

Subject: 4.G-61: “open cases overseen by the Regional Water Quality Control Board...”

169

Comment: San Mateo County Department of Environmental Health oversees LUST’s.

Subject: 4.G-63

Comment: Where are the Cal EPA “Superfund” sites west of Bayshore? The Levinson/ PG&E / Bayshore Childcare, Midway Village, and adjacent properties are all known to have PAH contamination. Natural attenuation is selected, but lampblack remains in the soil and may impact the project area. The technique takes time and assessment of the remediation technique needs current evaluation. More studies are required.

170

Subject: 4.G-64,65: Kinder Morgan tank farm

Comment: The 3/29/12 Notice of Violations brought by Northern California River Watch against Kinder Morgan for the discharge of pollutants into navigable waters from the 950 Tunnel Avenue location in Brisbane with subsequent notice to the court of no NPDES permit allowing for such discharge. This case was settled between NCRW and KM via court notice issued 12/10/2012 without announcing to the public or surrounding area of the settlement terms.

171

What criteria has the DEIR used to determine that the KM tank farm does not pollute and is at this time not entitled to continue polluting surrounding areas of both land, subsoil and bay?

Subject: 4.G-65, 2<sup>nd</sup> and 4<sup>th</sup> paragraphs: “BTEX compounds, and MTBE were generally stable or decreasing .... Recent trends showing decreasing total petroleum hydrocarbons... and the overall decreasing plume size are largely the result of natural processes where the contaminants degrade into harmless elements.”

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Comment 1: This is far too simplistic. It fails to mention that the “natural processes” produce toxic, volatile, sometimes lethal gases (CO, H2S) in the process of becoming “harmless elements”.

There is also no mention of the source of the plume (s), which was an unreported leak in 1999, (under a tank that needed to be repaired) and an October 2003 spill of “2400 gallons, but 1600 were contained in a second concrete basin.” (Correspondence Alec Naugle to Charles Ice 10/31, 2003 4:55 pm) Ten years later, they might be decreasing, yet the threat of insidious leaks in an aging system is not mentioned in this document.

Comment 2: Cite independent source that considers toxic plume pollutants “harmless” and “naturally biodegradable,” explaining each process and the time frame for each to become “harmless.”

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Subject: 4.G-68ff, Section 4.G.3 Regulatory Setting, State Regulations

Comment: When was the Landfill soil last tested for Chemicals of Concern? Numerous chemicals, perhaps 2000, are being added to the State of California’s list of Chemicals of Concern and will appear on it before this EIR is likely to be certified. The Baylands three areas should be

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tested for those chemicals and if they are present, then a re-evaluation of the contamination of the land should take place and all regulatory decisions should take into account the additional evidence of contamination and what it will mean for land use and what additional mitigation will be needed. The DEIR is not complete without the inclusion of the newly regulated chemicals present and an investigation of how to prevent them from further endangering human health and the environment. This project should not be excused from compliance with a higher standard to protect us. This means that both the soil and groundwater will need to be tested for them.

174  
cont.

Subject: 4.G-77, Impact Assessment Methodology, General Approach: *“The EDR database was used to identify hazards...” “Figure 4.G-2 shows the location of these sites.” and “...regardless of potential differences in cleanup levels...other hazards, ... would be similar for all four development scenarios.”*

Comment: There is no Figure 4.G-2. Figure 4.G is now a -.2a and -.2b. You might be referring to Figure 4.G-7.

175

This is not correct. Lower commercial use densities, fewer industrial uses, fewer sensitive receptors, and reduced transportation of toxic or hazardous substances would make the Community desired plan have fewer impacts. More open space would mean fewer chances for exposure to toxins. Grouping all plans as equal means their differences are unrecognized and therefore not mitigated.

Subject: 4.G-77, Impact Assessment Methodology

Comment 1: The methodology described under “Impact Assessment Methodology” (p. 4G-77) results in an inaccurate portrayal of hazardous materials on the site. Section 4G relies heavily on Geosyntec’s two 2012 Summary Reports, often quoting whole sections word-for-word. No additional sampling or testing was performed, and hazardous materials outside the boundaries of OUI, OU2, and the landfill, were not investigated.

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

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

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“...typical hazardous chemical monitoring programs focus on 100 to 200 or so chemicals ... of the many thousands of chemicals that can be present in wastes. Every year new hazardous chemicals are found in wastes and the environment that have been there for many years but have not been detected by the limited-scope monitoring programs that have been and are continuing to be used today.

“An example of a group of unrecognized unregulated hazardous chemicals that has existed in wastes and in the environment for many decades is the polybrominated diphenyl ethers (PBDEs) which have characteristics similar to PCBs....PBDEs have been found in aquatic organisms in ... San Francisco Bay. Studies have shown that PBDEs have been bioaccumulating in archived hu-

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

“Perchlorate is another unregulated/unmonitored chemical that has long been, and continues to be a widespread environmental pollutant that is highly mobile in groundwaters....

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

“Factors other than cancer risk, such as the cost to remove a chemical from drinking water, are used to establish MCLs. An example of the implications of that approach is the MCL for arsenic....

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

“.... It is important to understand that hazardous chemicals contained on a site will be a threat effectively forever; they do not necessarily become innocuous over time, and as the containment systems deteriorate, the containment diminishes. Therefore, a key to long-term protection of public health and environmental quality associated with ‘remediated’ sites will be the effectiveness and reliability of the implementation of the restrictions on land-use activities....

“As long as hazardous chemicals are present on the site, proper land-use restrictions, as well as systems and water quality maintenance and monitoring must be continued. All of these issues should be understood by those interested in the remediation/development of the UPC Brisbane Baylands area and addressed in formulating the plans for developing this area.”

**Comment 2:** The DEIR overlooks the portions of the project site that are not included in OU-1, OU-2, or the landfill.

Several areas need additional investigation:

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(1) the police firing range on Icehouse Hill, which is contaminated with lead. Icehouse Hill is proposed to be a public recreation area. The myriad potential adverse health effects of lead poisoning, even in low doses, and especially poisoning of children, are only recently becoming well known in the US. It is essential that humans and other species sensitive to lead be protected from direct contact with lead or contact through contaminated water.

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

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

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

“One of the issues of particular concern with regard to stormwater runoff from hazardous chemical sites/landfills is the potential for the transport of chemicals from the site to nearby waterbodies where the chemicals bioaccumulate in edible organisms....[landfill leachate and runoff] monitoring has not employed sufficiently sensitive analytical procedures to detect the chemicals at levels that could be of concern for bioaccumulation in edible organisms. As discussed by Lee and Jones-Lee (2010) in their report on stormwater runoff from hazardous chemical sites... the edible flesh of aquatic organisms in waters near ... landfills should be monitored for the chlorinated hydrocarbon legacy pesticides (such as DDT), PCBs, ...PBDEs, mercury, and other chemicals that tend to bioaccumulate in edible organisms.... If ... the concentrations of such chemicals in edible organisms are found in levels of concern to human health or to other aquatic life/terrestrial life that use aquatic life as food, then studies need to be done to determine if the hazardous chemical site is the source of those chemicals.”

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

At least three other Stauffer Chemical Co. plants (Cold Creek, AL; Tarpon Springs, FL; Black Mountain Industrial Complex in Henderson, Nevada) are known to have been heavily contaminated, and the first two are Superfund sites.

Subject: 4.G-78, Approach to Analysis: *“The following impact analyses focus on whether the physical development of the Project Site would expose construction and maintenance workers, visitors, existing and future residents, employees, or ecological systems to hazards associated with identified contaminants throughout the life of proposed Project site uses.”*

Comment: There is no mention of dermal exposure to surface water and/or groundwater, such as in a wetland. It should be included as an exposure pathway in the public open space areas.



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The Figures on p. 4.G-35ff, along with similar Figures prepared by Geosyntec in April 2011 show that there is widespread contamination of Dichloroethene, Trichloroethene and Tetrachloroethene in the ground water under the area proposed for medium density residential flats, and there is widespread lead and arsenic deposited from 1914-1960, and there are unnamed other volatile organic compounds in the soil under the proposed flats.

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Subject: 4.G-78ff, Remedial Actions at the Project Site

Comment 1: The following description is from the February 2012 Geosyntec Summary Report on hazardous materials in the landfill: The Landfill is located in a discharge area which is generally characterized by upward groundwater vertical hydraulic gradient on Francisco complex, Old Bay Mud (OBM) and Young Bay Mud (YBM). Above YBM are located Zone A alluvial materials and the area below YBM contains Zone B as does the bedrock. Zone B represents gradients in discontinuous lenses of Aeolian/alluvial sand and OBM. The Zone A groundwater direction and flow is influenced by the SF Bay and the IDC. It flows from the north and west to IDC, Guadalupe lagoon and SF Bay. Zone B flows to north and south in the dry season away from a mound near MW35B and in the wet season it flows southeastward toward Lagoon and Bay.

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Comment: Much is made of the artesian conditions under the landfill and it is used as a justification to believe that contaminants are not entering Zone B groundwater but no explanation is given for the presence of unionized ammonia in the Zone B deep wells in August 2011 (MW 38B). There should be an explanation or at least an admission that the reason for the presence of the unionized ammonia is unknown and if that is true then more investigation is needed to explain it. It also means that the EIR is not complete because of this data gap.

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When unexpected contaminants appear without explanation, it means there is a lack of understanding of the contamination and the physical conditions. The Landfill and OU-2 need further study of the details of groundwater flow and the location of contaminants. A study and report that reconciles contradictory evidence and statements in past environmental reports is needed. It should also contain explanations of anomalous occurrences involving chemicals of concern.

Comment 2: Geosyntec’s 2012 HMSR on the Landfill (Section 4.6.1) states that “A human health risk assessment [HHRA] has not been performed for the Brisbane Landfill. It is anticipated that once landfill redevelopment plans are finalized, the HHRA will be performed....”

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This intention does not protect human health because it isn’t clear what the phrase “development plans are finalized” means. In relation to the possibility of workers excavating before that time, the HHRA needs to be done before workers begin excavating, grading, etc.

Comment 3: Screening Level Ecological Risk Assessments (SLERAs) were performed in 2003 and 2005 [see Geosyntec’s 2012 HMSR on the Landfill (Sections 4.6.2.1 and 4.6.2.2)]. These SLERAs are out of date. August 2005 is nearly nine years ago. The screening should be done at known seeps and at suspected but yet unverified seep locations both in the IDC and the Lagoon. Screening should be done in the wet season after rain events. The screening is out of date and incomplete and more should be done to adequately understand extent and complete nature of seep contaminants. There should be testing of benthic organisms in the lagoon to check for con-

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tamination by COC's that are known to be in groundwater in the Landfill (or for successor chemicals derived from those COC's).

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Comment 4: The Remedial Action Objectives sadly reflect an attempt to balance the interest of those who would allow toxic contaminants to remain where they can harm human health and the environment in order to save profits for themselves against the interest of residents and workers whose health and environment is being sacrificed for those profits. The way the regulatory framework is designed allows that to happen. The BBCAG has objectives that are not compromised by the need to balance profits against health. The remedial action objectives should be guided by a precautionary principle that allows for some margin of error when it comes to exposing people and nature to contaminants and so the clean- up goals should be aggressive to the point that the clean-up is complete when conditions are as though the contamination never took place rather than to MCL's. The consequences of misguided regulatory policy are that we are surrounded by partially cleaned toxic areas and the environment is allowed to become more polluted as these projects multiply. There will be contamination that will take place in the future and all the remnant contamination will still be there.

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Comment 5: Proposed remedial actions are inadequate and monitoring time line is inadequate. Contaminants will remain in place forever and monitoring and maintenance must continue as long as contaminants are in place.

This entire project is based on barely meeting regulatory levels that do not take into consideration the additive and synchronistic effect of harmful chemicals and only take into account a small fraction of the harmful chemicals that are a part of this environment. It is not advisable to expose thousands of people to risks that are not fully understood. There should be large margins of error and redundant systems to keep people safe. The project violates the precautionary principle and should not be built as proposed by the developer. Anything that is built here should be very small and very carefully planned to keep people separated from contaminants or only exposed for limited periods of time with warnings provided.

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Subject: 4.G-78-82, Remedial Actions at the Former Brisbane Landfill

Comment: A Final Closure and Postclosure Maintenance Plan for the Landfill (completed in 2002) received Conditional Approval by RWQCB in 2003. The Final Closure plan should be redone to take into account changes in knowledge about the Landfill, the underlying soils, changes in technology and changes in the understanding of the degree of toxicity of chemicals of concern and priority metals that are present. Since this project won't be built for several years, the new list of Chemicals of Concern Section 69502 of the Health and Safety Code should be used and the additional chemicals should all be reviewed and evaluated for their impacts on human health and the environment.

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Subject: 4.G-78, Remedial Actions on the Project Site: "Remedial actions required for the former Brisbane Landfill, OU-1, and OU-2 would be completed prior to development... "

Comment: Prior to ALL development? Would be or should be? The discussion of phasing cleanups needs to occur under "Approach to Analysis." Phased development with phased remediation may put current and new workers at risk of several avenues of exposure.

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Subject: 4.G-78, 3rd bullet: *“Hydrologic connectivity to groundwater and surface water (primarily the Central Drainage Canal),”*

188

Comment: Refer to G.F. Lee’s comments about the underlying groundwater issues. Failure to consider the impacts of the surcharging operation and lack of waste containment will continue to put the public and environment at risk.

Subject: 4.G-79, Remedial Actions at the Former Brisbane Landfill

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Comment: In general, all of the monitoring and reporting should be accomplished with more thorough techniques actively looking for missed contamination and with frequency that is realistic at a time when great change is taking place, such as when all future construction is taking place, whether for remediation or development. The public should be informed regularly and in an appropriate fashion that they can comprehend what is happening and why.

Subject: 4.G-79-80: *“ These Final Closure and Post-Closure Plans would include: Operation and maintenance of the existing Leachate Seep Collection and Transmission System... [Continued] Operation and maintenance of the landfill Gas Collection and Control System....”*

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*“These actions ... have been generally described in the Final Closure and Post-Closure Maintenance Plan (Burns and McDonnell, 2002b)....”*

Comment: Just the continuation of the operation and maintenance of the **existing** measures is inadequate. This DEIR fails to recognize that improved, newly designed systems may be necessary or desirable. This utilizes a 12 year-old document, which has not had proper environmental review. All proposed plans should be carefully reviewed for environmental impacts, rather than be determined to be adequate on face value.

Subject: 4.G-79-80, Landfill Final Cover System: *“2-foot thick foundation layer using onsite cover material would be graded over the entire site...” overall “without the need to excavate into the refuse material...”*

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Comment: The excavation and movement of a near ten million cubic yards (2010 estimate) of soil will have great impacts. There are no mitigation measures to reduce these impacts, such as a more modest approach. There is no recognition that the underground hydrology might need to be intercepted by the impacts of grading (as the surcharging operation has done on the landfill portion causing artesian effect); instead there is a mistaken assertion that the ground cover technique proposed will resolve a great percentage of groundwater issues. It will not. (Refer to GF Lee’s Report and experiences at Love Canal where the cover forces the groundwater and their contamination upwards.)

Subject: 4.G-80: *“Placement of the low-hydraulic-conductivity layer at depths as described in the Infrastructure Plan...”*

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Comment: The impacts of this and an additional 14 feet of fill [filling of current wetlands] needs to be reviewed for environmental impacts. Consideration of alternatives to this practice needs to be done.



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The ability for natural attenuation remediation, phyto-, myco-, and hyper-accumulative plant remediation strategies are overlooked and should be considered an alternative to this proposed fill (cover-up) remedial action approach. For example, would the introduction of organic acid citrate to soils cause the heavy metals to be bound or released from the soil, which can then be removed through harvested plants? Is that more desirable than leaving the heavy metals in place and so-called trying to prevent future exposures?

Refer to and revise all parts of this document that claims the current regulatory process is adequate in protecting human health.

Subject: 4.G-80, Surface Water Management System: *“Leachate seeps in the Central Drainage Channel and Brisbane Lagoon.... 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, unrelated to the Project Site development.”*



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Comment 1: While this is a required goal, it is not honoring any other laws and community goals of a functioning wetland system at water’s edge. It is disrespectful of the two creeks, Guadalupe and Visitacion that are impacted. It fails to understand that citizens, particularly involved with the BBCAG, would like there to be redundant systems to isolate the landfill. A mere “barrier membrane” is not an adequate response to the remedial actions required for this site.

Comment 2: Fully isolating the lagoon from leachate cannot occur unless underwater seeps are prevented. Please discuss mitigation measures for underwater seeps.



194

Subject: 4.G-80, Post-Closure Monitoring and Worker Safety: *“Per the Final Closure and Post-Closure Maintenance Plan, which received conditional approval from the RWQCB and the San Mateo County Environmental Health Division, the site specific safety plan would include, but not be limited to....”*



Comment: Refer to Dr. Lee’s comments on the need for an independent third-party body to review and determine the efficacy of proposed remediation plans and the recent reports determining inadequacy of the current regulatory process.

195

CalRecycle monitors Waste Discharge Requirements and the County Department of Environmental Health oversees landfill closures, not just the RWQCB. Since these plans impact the Bay, BCDC would have some input in this process as well. Limiting discussion of the regulatory setting will have impacts on regional plans and community goals. An independent, locally elected or appointed body should be involved in all aspects of mitigation compliance.

Subject: 4.G-81, Proposed Remedial Actions for OU-1



196

**Comment:** In OU1, residential units are to be built over podium and street level commercial uses. If the example of what DTSC allowed in San Francisco is followed then there won't be any monitoring of soil gas in the parking areas below the residential units or in the units themselves raising the possibility that people will be exposed in their homes without even knowing it. The plans that were approved by DTSC allow contamination just outside the building perimeter to seep under and cause inhalation of VOC's indoors without benefit of detectors in the building. It is not prudent to build residential units on contaminated, only partially cleaned land without soil gas detectors in the building.

196  
cont.

**Subject:** 4.G-81, Proposed Remedial Actions for OU-1, data gaps

**Comment 1:** Burns and McDonnell performed soil sampling at OU1 in December 2005 and January 2006. Geosyntec's 2012 Hazardous Materials Summary Report OU-1 and OU-2 (p. 18) summarizes the soil sample results: "Soil samples from 25 borings were analyzed for metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver.... The analytical results ... indicated the presence of metals, at concentrations exceeding screening levels or background across the site, in 15 (out of 25) borings."

197

Some of these metals are ignored other than in this report. Why does that happen? Isn't it important to follow up on the silver, selenium and cadmium which are not mentioned again or are barely mentioned. What happened to them? How will they impact human health?

The Geosyntec report continues (pp. 18-19) with a summary of a subsequent B&M investigation performed in August 2006. It involved soil and groundwater, 33 borings, 12 to 15 ft bgs and both types of samples taken. "Selected soil samples were analyzed for metals (arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium and silver) and CVOCs, while groundwater samples were analyzed for CVOCs only. The laboratory results of 19 soil samples indicated that concentrations of a number of metals exceeded their respective background concentrations. Maximum concentrations of metals that exceeded their background concentrations were: 350 mg/kg (arsenic), 4,400 mg/kg (chromium), 8,000 mg/kg (lead), and 100 mg/kg (mercury). Eight out of 33 soil samples analyzed for VOCs indicated the presence of TCE (at the maximum concentration of 160 ug/kg), PCE (110 ug/kg), and toluene (11 ug/kg). Groundwater samples ... indicated the presence of nine VOCs in the A-Fill groundwater, including acetone, cis-1,2-DCE (6.9 to 1,300 ug/L), ethylbenzene, PCE (19 to 750 ug/L), TCE (6.9 to 1,100 ug/L), toluene, trans-1,2-dichloroethene (ND to 18 ug/L), vinyl chloride (0.61 to 160 ug/L) and xylenes. Additionally, [the five whose range is shown above] exceeded their respective MCLs."

198

This B&M 2006 investigation shows some very high values. Where is an explanation of what happened next when these results were evaluated? Look at the arsenic, lead and chromium and the VOC numbers!

Ibid, p. 19: "Generally, the investigation results indicated that impacts of CVOCs to groundwater were limited to the area near the northern boundary of OU1, related to the Schlage Lock site.... Copies of relevant analytical results summary tables and figures are included in Appendix A-13."

199

If CVOC's coming from Schlage are located only near the SF-San Mateo Border Area then where are the SVOC's referred to in the Appendix coming from?

**Comment 2:** Geosyntec’s 2012 HMSR for OU1 and OU2 (p. 28) states that results of soil sample analyses “were not described in recent reports,” referring to ten soil samples that were “submitted for chemical analysis” during a 1982 Harding Lawson Associates assessment of the Brisbane Railyard; similarly, 136 soil samples “collected and analyzed” during a 1984 Ecology and Environment, Inc. investigation of the Railyard, are also “not discussed in the recent reports.”

200

There need to be studies done of OU1 and OU2 that will resolve and reconcile all of the other studies of contamination in soil and groundwater. The fact that studies were ignored in subsequent studies does not reassure the public that we know what the level of contamination actually is, not to mention the lack of consideration of additive and synergistic effects among the chemicals and metals present. There may be more harmful chemicals present than those that were tested for and the 2013 changes in the law should be reflected in future studies.

**Comment 3:** As reported in Geosyntec’s 2012 HMSR OU1 and OU2, Burns & McDonnell found SVOCs in OU2 (p. 32), not only the HVOCs referred to elsewhere. Where are they originating?

201

B&M also found benzo(a)pyrene and purene in OU2 (p. 32). What is their level now?

In 1999, B&M found “Low levels (i.e., below 50 ug/kg) of PCBs were detected in three of the eight soil samples collected. However, since the detected concentrations were below the residential preliminary remediation goals, they were not considered a COC at this site.” (Geosyntec, p. 33) Shouldn’t they be considered a COC now? Are PCBs still present? Further investigation is needed.

202

Also in reference to the 1999 B&M study (p. 33) “analytical results for SVOCs did not exceed site-specific RAOs...” Were RAOs site specific to this area higher than the MCL in other areas? There is some hint of that. How is that justified to endanger some people more than others?

203

**Subject:** 4.G-81, Proposed Remedial Actions for OU-1: “*The Remedial Action Objectives for groundwater for the Schlage San Francisco OU are California maximum contamination levels (MCL’s)*”

204

**Comment:** While this is a true statement, these levels have also been determined to not be attainable and therefore, are not being met by the proposed plans. This is not acceptable to the community. These techniques were primarily used in San Francisco and were not subject to Brisbane local authority approval.

Secondly, the description of the Feasibility Study for “*excavation and onsite treatment*” of VOC contaminated soils fails to mention the technique(s) used. They smeared the TCE-laden soils around until they off-gassed into the environment (prior techniques captured the TCE in carbon filters) until they tested lower than MCL detection levels. The Soil Gas Sampling report for Phase II (previously cited) seems to require only a one-time, below MCL test to indicate it is “clean.” Refer to Dr. Lee’s comments about how close to MCL and how multiple gasses, not just the tested one(s), increase the impact and exposure to human and environmental health.

205

The technique of “one-time-clean” testing is inadequate. It doesn’t recognize that the under-ground matrix is evolving and tests around “the castle” were never done. By not requiring frequent, then annual tests, as most State and Federal monitoring programs do, as build-out impacts to hydrology unfold, you won’t detect future gasses or substances that pass the matrix over time. A comprehensive soil-gas monitoring plan should be developed and not left to piecemealed future specific plans.

206

To imply that this level of (or lack of) oversight and chosen mitigation measure is acceptable to Brisbane’s citizens and local authority is incorrect.

Subject: 4.G-82

Comment: Discussion of the ERD and lack of concern for future “*beneficial uses of groundwater*” have been noted.

207

References to 2012 Hazardous Materials Summary Report(s) (Geosyntec) and now, non-disclosed e-mails are objectionable and have been noted.

208

Setting Community Health, Cancer Risk Levels is not the job of Geosyntec or the landowner. It is the jurisdiction of the local agency, the City of Brisbane, and its citizens.

“...*generally considered negligible and acceptable by the U. S. EPA and sufficiently small so further remediation is not required...*” This may be acceptable for an individual element or compound, but does not acknowledge the cumulative impacts of multiple toxins in gas and particulate form.

It doesn’t consider the additional burden of toxins, which aren’t tested or are unregulated. It doesn’t consider the exposure to environmental toxins considered by the state to be “Emerging Contaminants” [http://dtsc.ca.gov/emerging\\_issues.cfm](http://dtsc.ca.gov/emerging_issues.cfm) or PPCP’s (Pharmaceuticals and Personal Care Products <http://dtsc.ca.gov/AssessingRisk/PPCP/>.) It doesn’t include analysis of the trend cited (footnote 34.) It doesn’t include analysis of cumulative impacts of multiple toxin exposures to Public and Environmental Health in addition to the proposed light, noise and vibration impacts. Community Health Cancer Risk Level determination must consider all current and proposed conditions.

209

Subject: 4.G-83, Plasma Arc and Smoldering Treatments

Comment: Zap and Burn-- Plasma arc centrifugal and Smoking Bar-b-que Crud treatment systems are proposed remediation techniques, on-site, in Brisbane, without further discussion? Please disclose where these treatments are considered, what volume of what substances, what prior remediation techniques have been considered, how close to transportation?... etc.

210

Subject: 4.G-83, In Situ

Comment: Note earlier comments for IVO update.

211

Subject: 4.G-84, Vapor Intrusion Minimization

212

Comment: Vapor Intrusion Minimization is not proven to be safe in earthquake areas where landfill is subject to liquefaction and multiple toxins. Consideration of sub-slab, podium-style, passive and active vents are meaningless when systems shut down or are not understood by users. They put the Public and workers at risk. Articles have been submitted by Dana Dillworth which tell of recent failures where “Google workers at Superfund site exposed.” (<http://www.sfgate.com/business/article/Google-workers-at-Superfund-site-exposed-4368421.php>) Papers produced by Dr. G.F. Lee and observations by Lenny Seigel of CPEO all speak to inadequate technologies to ensure protection of human and environmental health.

212  
cont .

Subject: 4.G-84, Capping: “Contaminated soil can be consolidated and covered on site under buildings, roads, clean soil, or other areas approved by the regulatory agencies.”

213

Comment: Again, more discussion is required in this document and the City of Brisbane and its citizens decide whether leaving, melting, burning, fracking, or covering contamination is acceptable.

Subject: 4.G-84, Inst. Controls

214

Comment: “No first floor residences or daycare facilities” should clearly be stated for all scenarios.

Subject: 4.G-85ff, Proposed Remedial Actions for OU-2, data gaps

Comment 1: There is still not a clear articulation of the extent of the risk for OU2. The precautionary principle should guide regulators especially since the site is surrounded by other plumes of contaminants. The communities surrounding this site deserve a rigorous current delineation of the contaminants, their physical location, the depth of their spread, how they threaten surface water, and all the pathways to exposure. Geosyntec states that “In general, the hydrogeology is better understood for OU1 due to recent, intensive clean up and remediation activities that have been implemented since 2008.” This observation was made in 2012. The hydrogeology for OU2 needs to be better refined and understood. UPC has stated in the past that the nature of the soil in OU2 differs from OU1 and therefore it is not appropriate to make assumptions based on OU1 observations as well as the not-well-understood hydrogeology. More detailed study of groundwater and soil conditions are needed for OU2.

215

YBM (young bay margin deposits) occur in OU1 but not generally in OU2 so the groundwater behaves differently. It occurs in unconfined conditions within the A fill, and the underlying A sand and the groundwater are in direct hydraulic communication.

The water table in OU2 is shallow groundwater over most of it; sand occurs from 1 to 10 ft below ground surface. Water table elevation range is 5-8 ft above mean sea level. The water table is nearly flat and drains toward the railyard drainage ditch (the north ditch which connects with the interior drainage channel through the landfill) to the south and southeast. There are very low seasonal water fluctuations and little change in water levels.

The groundwater here is quite different from the adjacent areas and note how close it is to the surface. Contaminants are within easy reach.

↑ 215  
cont.

**Comment 2:** If the results of the investigations done in the mid 80's, including the 1982 study mentioned above, were used in current studies, how would it change their conclusions? It might make a big difference and therefore it should be re-examined to include those Kleinfelder mid-80's (1982 on) and any others. It may indicate further studies are needed.

There needs to be a Remedial Investigation Report done for OU2 like the one done for the groundwater in the Schlage OU and OU1. A master report should contain all the reports for groundwater in one place that will allow the nature and extent of the groundwater contamination to be evaluated.

216

A master report will allow an evaluation of the hydrogeology and geology of the sites as related to groundwater and contamination migration. It will compile all available groundwater data into a single document along with a representative summary of hydrogeological data and information. It will better characterize the nature and extent of the contamination of the site. It will allow the evaluation of transport routes of the chemicals present in groundwater at the site and develop a foundation of data for the health risk analysis and subsequent RAP such as COC's in A-fill, A-sand and B-sand, and should provide an outline of the objectives for any suggested remediation.

**Comment 3:** Geosyntec (2012, HMSR OU1 and OU2, p. 35) states a 2007 additional investigation in the area of the HVOC Plume was done on OU2 by B&M. "...six borings were advanced to approximately 6 to 12 ft bgs, and two soil samples and two grab groundwater samples were collected...Four HVOCs were detected in shallow boring samples collected from depths of 1/5 to 5 ft bgs, including cis-1,2-DCE (with a maximum concentration of 490 mg/kg), TCE (40 mg/kg), PCE (310 mg/kg) and vinyl chloride (2.3 mg/kg). The same four HVOCs were also identified at the highest concentrations in deep samples obtained from depths of 3.5 to 8.5 ft bgs, including cis-1,2-DCE (960 mg/kg), TCE (860 mg/kg), PCE (9,400 mg/kg) and vinyl chloride (3.1 mg/kg)."

217

These are high values. Where is there further investigation of these HVOCs?

In 2008 Weiss Associates conducted a soil and groundwater investigation at 250 and 350 Industrial Way (Geosyntec, 2012 HMSR OU1 and OU2, p. 35). High concentrations of total petroleum hydrocarbons were found. "... the extent of TPH and VOCs was found to be limited and the CRWQCB issued a "No Further Action" letter for the USTs.... However, the elevated concentrations of metals and Bunker C impacts may need to be evaluated depending on anticipated site grading and use." Groundwater and surface water monitoring in OU2 by B&M in 2011 showed high levels of TPH and metals (Ibid., p. 36).

218

There needs to be further investigation of the HVOCs, SVOCs and TPH in OU2. As stated elsewhere a reconciliation of all the reports is needed so that the contamination will be well understood and adequately remediated. The public is not served by taking a cavalier attitude toward the contamination.

**Comment 4:** Geosyntec (2012, HMSR OU1 and OU2, p. 36ff) reports Contaminants of Concern in soil in OU2 through 2008, more than five years ago. TPH, lead, arsenic, barium, chromium, copper and zinc were present. Lead levels were above the 2002 CUL. PCBs and VOCs were detected. The DEIR reproduces in Figures 4.G-6a through -6m, the distribution of COCs shown in Geosyntec’s 2012 report. High CVOC concentrations are reported only through 2008.

219

What are the levels of these contaminants in these locations currently? The public has a right to better regulation of their environment than this haphazard disorganized puzzle. What is current condition of contamination?

Data for 2008 and later should be part of the DEIR in order for the public to understand current toxic contamination.

**Comment 5:** “Previous investigations indicate that the extent of Bunker C oil and lead in groundwater is limited to localized areas in the A-Fill groundwater. Although the lateral extent of CVOCs in groundwater in OU2 appears to be generally defined, the vertical extent of the CVOC plume will need to be evaluated.” (Ibid., p. 37)

220

The extent of the CVOC, Bunker C and lead contamination in the groundwater should be studied and evaluated in the DEIR.

**Comment 6:** Geosyntec (Ibid., p. 37) reports that surface water samples from the drainage ditch “collected in February 2011 are below the laboratory reporting limits for TPH.”

221

Current and historic sample results should be reported in the DEIR.

**Subject:** 4.G-85, DEIR OU2 “*Remedial Action Objectives established 2002 as per Revised RAP.*”

222

**Comment:** Updated Federal and State Code requirements have superseded 2002 RAP contents. “To be determined” is not a response and becomes its own issue.

**Subject:** 4.G-86, Project Impacts and Mitigation Measures

**Comment:** Please explain why compliance with regulations is considered to assure a less than significant impact. Please also explain why there is no discussion of the enforceability of mitigation measures, who will enforce these measures and who will pay for their enforcement.

223

**Subject:** 4.G-86ff, Impact 4.G-1: “*Project site construction activities for each of the four development scenarios would require the use and transportation of hazardous materials.*”

224

**Comment:** Not owned by the project but intruding into the project is a waste disposal operation that also is a transport handoff for hospital, medical and research waste. DEIR does not take into account possibility of emergency event at this adjacent facility.

**Subject:** 4.G-86, Significant Hazard to the Public or Environment

225

Comment: Human Health Risk Assessment (and Cancer Risk Levels as previously noted) standards are set by the City of Brisbane. RWQCB’s oversight is to meet the standards set by the Local Agency. A 23-year old assessment by Levine-Fricke (1990) absent knowledge about Kinder Morgan spills, with different land uses, and absent a valid General Plan at the time is not relevant. Current, full-scope studies need to be done.

225  
cont.

A statewide General Permit for Discharges, NPDES General Construction Permits, and Regional Stormwater Permits are not adequate for working on a site that will unearth contaminated soils. The stormwater system on the Baylands is crude and rudimentary. There are no barriers or modern filtration systems between the proposed construction area(s) and the Bay. Hundreds of cubic yards of multiple-contaminated soils may be carried off by rain and required dust mitigation techniques (spraying down the roads, trucks and tools.) This general permit mitigation measure strategy is not adequate. Mitigation Measures should require a plan that isolates, tests, and treats runoff; that monitors particulates; that tents and keeps contaminated dirt from leaving the area. Otherwise, contaminated runoff that enters and fills the Bay requires a permit from BCDC.

226

Subject: 4.G-86 to 87, Project Construction, *“Following remediation activities,”*

Comment: Proposed remediation activities need to be disclosed in greater detail than references to preliminarily approval letters. Environmental impacts need to be discussed in terms of phases, phasing, time-of-the-year, and Brisbane’s General Plan goals and policies.

227

Subject: 4.G-86 to 87, Mitigation Measure 4.H-1a (Hydrology): *“However, the contractor’s compliance with federal, state and local requirements...”*

Comment: There are numerous documents in the public record that speak to the failure of contractors and regional agencies to protect public and environmental health. Some are systemic issues, others are local leaks from Kinder Morgan, the Railyard, and along the lagoon, etc. The recent Love Canal experience of contractors causing greater exposure to multiple chemical compounds due to techniques used to flush a sewer clog [[http://www.buffalonews.com/20130209/113\\_million\\_love\\_canal\\_lawsuit\\_is\\_history\\_repeating\\_itself.html](http://www.buffalonews.com/20130209/113_million_love_canal_lawsuit_is_history_repeating_itself.html)] and discoveries of problems at Treasure Island, San Francisco are a few to mention. Staging and timing of clean-up remediations may put workers and migratory wildlife at risk. “Business as usual” is not an adequate mitigation measure. Bonds for performance, even redundant back-up systems should be considered and required.

228

Subject: 4.G-87, Project Operations: *“wide variety of commercial products formulated with hazardous materials, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides.” ... “small quantities...” “typically handled...” “generally not as serious...”*

Comment: Such a casual way to describe an acceptable life of small quantity toxic generators but not all uses should be mixed. Auto-body paints are extremely noxious and can be detected coming from businesses along Industrial Way. This document should recognize that adjacent land uses, their scale of use, and types of hazardous chemicals used all have different impacts and should be measured or have protective restrictions in place. While a bakery and biotech fa-

229

cility may both use yeast, an accidental spill at one would require a different response than an accidental spill at the other.

↑ 229  
cont.

Subject: 4.G-88: *“Industrial Uses” “difficult to predict because the specific businesses that would move to the Project Site are not known... however reasonably foreseeable that hazardous materials would be used routinely,”*

Comment: This is a dangerous assertion. Allowed industrial uses are minimal in Brisbane’s 1994 General Plan, just the Beatty subarea. Brisbane has ordinances that disallow certain types of hazardous materials users and infectious disease handling found in some research and development. The DEIR should include where industrial uses are planned, the potential impacts to or from adjacent uses, particularly from a wastewater facility (with PPCP’s) and various proposed remediation techniques. Are the existing flares considered industrial uses? They are not listed here or recognized as hazards elsewhere in the DEIR.

230

Subject: 4.G-89, Conclusion: *“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 specific types and amounts of hazardous materials... cannot be quantified...”*

Comment: Without prohibition of certain practices, there is no protection of risk to the public and wildlife through *“periodic inspections.”* The conclusions that people will be properly trained and that the regulators will properly monitor, without recognition that liquefaction poses an extra risk to all future scenarios, means that adequate mitigation measures have not been considered. Any scenario could propose a waste-burner or certain medical experimentation under this laissez faire conclusion. A mitigation measure that prohibits certain hazardous uses and practices and that requires greater than average separation between those uses is necessary.

231

Subject: 4.G-90, Impact 4.G-2

Comment 1: The 2002 Revised RAP for OU2 proposed to cap soil containing metals and Bunker C oil in concentrations exceeding 46,000 mg/kg. Previous plans to excavate areas with high concentrations of Bunker C were changed “ due to additional analytical data that Bunker C was far more widespread in soil than thought previously, making soil excavation impractical.” (Geosyntec, 2012 HMSR OU1 and OU2, p. 34)

232

The danger of exposure to Bunker C oil caused by excavation and earthquake makes capping an unreliable solution. Dr. Lee has questioned the assumption that Bunker C oil would not move because he says that Bunker C is actually made up of compounds, some of which may move with groundwater. Mitigation for Impact 4.G-2 must be required accordingly.

Comment 2: Paragraph 3 contains another reference to “non-hazardous” waste. There is no basis for asserting that the waste is non-hazardous.

233

Subject: 4.G-90, Impact 4.G-2, “foreseeable upset”, Construction: *“soil movement or grading could take place in areas where the soil cover remains shallow...”*

↓ 234

Comment: The referenced RWQCB letter on page 4.G-53 indicates an overall 7 feet (or greater) of fill proposed on OU-2 (and other areas?). Documents have been provided that indicate that mere placing of a soil cover is not an adequate protective measure. Placing soil over un-engineered soils, such as the landfill surcharging operation on the Baylands, has been shown to consolidate the toxins below and force them to the surface, sometimes as visible seeps. In addition, the presumed protective surface barrier breaks as settlement occurs.

234  
cont.

*“While the remediation technologies that will ultimately be approved by DTSC and the RWQCB...”*

235

As previously stated, the clean-up levels and technologies are to be approved by the City of Brisbane.

*“Encountering contaminated soils or groundwater either during or following remediation...”* misses the fact that exposures to pockets of toxic gases are possible.

236

There is no indication that mitigation measures are being required or tested for the lagoon, for those groundwater seeps that are not obvious to the visible eye, particularly when the groundwater table is lower.

Plans to lower the train bed and various over/under crossings have been circulated. Yet, there is no reference to these as possible foreseeable impacts. Some proposals, regional goals, and mitigation measures conflict with each other. RWQCB’s seven feet of fill would bury our Historic National Treasure, the Round House. Lowering the groundwater table to lower the rail bed may cause slumping throughout the Baylands. These items need to be considered and mitigation measures be considered as a whole, not piecemealed by investigations for individual projects.

237

Subject: 4.G-91: *“... final closure and remediation of the former landfill would require ... prevention of liquid percolation through to the underlying waste, and prevention of LFG emissions.”*

238

Comment: While a landfill cap is envisioned, reduction of liquid percolation and of LFG emissions is not the same as prevention. Liquid will continue to enter the waste layer of the landfill from the bay, the lagoon, and from OU1 and OU2. This assertion is misleading.

Subject: 4.G-91: *“Chronic exposure could result in systemic damage or damage to organs...”*

Comment: There is no mention of an acute exposure being potentially lethal, yet piercing a pocket of volatile gases or exposure to certain substances may be deadly. There is no mention of cumulative impacts from multiple toxins and the impacts that are most insidious such as endocrine, nervous, and reproductive system disruptions. Studies indicate that learning differences are associated with exposure to neurotoxins, the chemicals of concern are previously mentioned as ubiquitous on the Baylands.

239

Subject: 4.G-91: *“Markers contain information about the nearby pipeline...”* *“contact the Underground Service Alert center...”*

240

Comment: Since 9-11, the maps and public information for the Kinder Morgan Tank Farm underground pipes were considered classified National Security information. The required markers may be disallowed and/or in disrepair at the current time. Since there are potential abandoned USTs and connecting pipes and much of the information about underlying conditions at the Baylands is not available, radar and/or metal surveys should be required of all areas before penetration of surface soils. An assessment of actual conditions needs to be done, not reliance of a system that may not have up-to-date information.

240  
cont.

Subject: 4.G-92, Conclusion: *“With compliance with federal, state and local regulations...”*

Comment: These mitigation measures, as stated, will not reduce impacts to less than significant, as stated earlier and below.

241

Subject: 4.G-92, 4.G-2a Confirm Achievement of Remediation Goals: *“the project applicant shall provide confirmation to the City that the [responsible agencies] have reviewed and are prepared to approve a Remedial Action Plan or final closure... upon certification of appropriate environmental documentation for that action.”*

242

Comment: Change the language. Confirmation of preparation to approve is not the same as achieving a goal. Success of a remediation measures should have guarantees or bonds to ensure performance. As stated earlier, preliminary approvals have not undergone a full CEQA process. There has been no consideration of remediation alternatives or impacts to groundwater from the “leave-in-place cover-and-fill” proposed remediation.

Subject: 4.G-93, 4.G-2b, Soil and Groundwater Management Plan: *“temporary dewatering activities...”*

Comment: Dewatering for the Sunnydale Sewer project caused a depression cone. It also required connection to a sewer system able to process the contaminants. This might require infrastructure to be completed before groundwater purging can commence.

243

As stated earlier, Dr. G.F. Lee recommends an independent body to assess and oversee design, performance, and maintenance of remediation systems.

244

Subject: 4.G-93, 4.G-2c, Master Deconstruction and Demolition Plan: *“Master Deconstruction and Demolition Plan shall be submitted by the project applicant to the City Building Official...and approved by the Building Official...”*

245

Comment: This mitigation measure, absent the review of the Planning Commission, Parks and Recreation Commission, or other third-party is not adequate for the protection of historical buildings. All environmental impacts need to be discussed and mitigated.

Subject: 4.G-93, 4.G-2d, NPDES Permit: *“...industry standard spill prevention and protection procedure plan...”*

246

Comment: Review comments regarding redundant systems, necessity for independent review and concern about liquefaction during an earthquake.

Subject: 4.G-94, Operation: *“Businesses associated with industrial ...Industrial uses could include storage...”*

247

Comment: Note prior comment about Brisbane’s general plan not allowing many industrial uses.

Subject: 4.G-94, Kinder Morgan Bulk Terminal: *“Upset and accident conditions could result in the release of large quantities of gasoline...and any damage would result in leakage rather than an explosion.”*

248

Comment 1: While the potential for accidents are mentioned, no mitigation measures to require substantial set backs for protection of workers have been suggested.

Comment 2: DEIR should note container architecture, electronic safety equipment and operational compliance history of tank farm operations.

249

Subject: 4.G-95, Mitigation Measure 4.G-2e, Hazardous Materials Plan: *“...in the unlikely event of leakage including substantial damage from an earthquake, any released fuels would remain at the terminal within the containment areas.”*

Comment: This is incorrect. The secondary “bermed” containment system can only handle the contents of two fuel tanks; there are twenty-one tanks at the farm. Tank number 16 is not on bedrock. The hazmat foam truck is not always on site, so protection of human health is overstated. There is no mention of measures to mitigate releases from the burners.

250

A mitigation measure requiring redesign of the containment system(s) or requirement of protective safety “blast” setback zones should be developed.

251

Subject: 4.G-96: *“With implementation of Mitigation Measure 4.G-2b (Hazardous Materials Business Plan), the potential for accidental releases... would be minimized.... significant impacts ... will be reduced to a less-than-significant level.”*

252

Comment: This is not correct.

Subject: 4.G-96, Soil Gas and Vapor Intrusion: *“... the waste materials associated with the former Brisbane Landfill are still undergoing decomposition... which creates landfill gases.... Accumulation of landfill gases within confined spaces such as underground structures, basements, or utility vaults ....”*

253

Comment 1: This statement seems to imply that the only area that will require soil gas vapor intrusion measures are utility boxes on the former landfill. This is not the case. Degradation of certain chemicals will produce toxic gas byproducts and fuel leaks from Kinder Morgan need protective barriers or mitigation measures disallowing certain practices, such as subterranean garages.

Comment 2: The entire methane collection system must be rebuilt since there is evidence that it is not continuous. It should be monitored continuously and frequently tested for the presence of gases other than Methane. Mitigation required. 254

Subject: 4.G-97: *“Non-methane organic compounds such as TCE, benzene, and vinyl chloride are typically found in very low concentrations in landfill gases and only benzene has been identified at the Brisbane landfill...”* 255

Comment 1: This may indicate that VOC gases have not been fully tested, that the INTERIM measure of burning off the gases has required no further investigation.

Again, there is no mention of the location and impacts of the methane flare.

Comment 2: VOCs and hydrogen sulfide have been found in landfill gases, per Golder Associates, 2008, p. 5: *“On November 4, 2008, a Golder technician obtained samples of landfill gas .... Six VOCs and hydrogen sulfide were detected in the landfill gas sample...”* 256

Subject: 4.G-97: *“If the future final designs for the foundation systems require additional depths, the low-hydraulic-conductivity layer would be removed and replaced to accommodate deeper structures...”* 257

Comment: This provision doesn't recognize the hydro-geologic conditions of Bay fill. This action may pierce the presumed old bay mud barriers. Independent review of altering groundwater patterns should be required as part of an overall remediation strategy, not a project by project approval by RWQCB.

Subject: 4.G-98, Mitigation Measure 4.G-2f: *“proposed underground utilities and utility vaults located within 500 feet of the landfill footprint...”* 258

Comment: Vapor intrusion mitigation measures are unproven, guesstimates at best. If they are effective, they should be for ANY area that has degradation of chemicals underground, not just within 500 feet of the landfill footprint. Their efficacy should also be under the purview of an independent third-party body.

Subject: 4.G-98, Mitigation Measure 4.G-2h: *“shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion...”* 259

Comment: Same comment about within 1,000 feet of the landfill footprint vs. any place in the Baylands with VOC's underground. Why is the “set-back” 1,000 feet for this measure and 500 feet for 4.G-2f?

A mitigation measure requiring workers to be trained in understanding and being responsive to the *“centralized sensor monitoring and recording system”* should be required. 260

Subject: 4.G-99, Impact 4.G-3, .25 miles of a school: *“within areas in the Icehouse District...”* 261

Comment: Is this a new planning area? These areas have not been adequately assessed for presence of toxins and while you skirt this issue by saying it's up to the Standards for School Site Construction guidelines to decide, it doesn't have a fallback position should a school need to be constructed off site.

261  
cont.

Subject: 4.G-101, Conclusion, Impact 4.G-5

Comment 1: There does not appear to be any mitigation measure named 4.G-1a and 4.G-1b.

262

The Airport had concerns for building heights out at Sierra Point. While not within 2 miles of an airport, the proposed heights of buildings may need to be reviewed.

Comment 2: DEIR states the project site is located more than two miles from the nearest public airport and is not located within an airport land use plan. Since the tank farm is a major part of airport use and located within the project, this DEIR statement is incorrect or misleading.

263

Subject: 4.G-102, Impact 4.G-6, emergency plan

Comment: The discussion of at-grade rail crossings vs overpasses are required in this section to consider conditions in the event of an earthquake. Elevated, engineered roads need to be considered.

264

Subject: Section 4.H, stormwater runoff

Comment: Storm runoff has the potential to convey heavy metals, VOCs, hydrocarbons, and other contaminants into the lagoon and the bay. The DEIR states (p. 4H-5) that water quality is monitored for pH, total suspended solids, specific conductance, and oil and grease. The "Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property" by Dr. G. Fred Lee and Dr. Anne Jones-Lee, dated November 1, 2010, concluded that "The water quality monitoring of stormwater runoff during the development of the Brisbane Baylands area should be significantly expanded to enable a reliable determination of the extent to which development activities result in the mobilization of hazardous chemicals into the runoff waters" (Lee, p. 3). "There is no monitoring of stormwater runoff for potentially hazardous chemicals associated with the concrete rubble recycling [specifically PCBs from caulk] or the landfill surface" (Lee, p. 29). Dr. Lee recommends the following changes to the stormwater monitoring program.

265

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

"U.S. Environmental Protection Agency (U.S. EPA). (1992). NPDES Stormwater Sampling Guidance Document (EPA/833/B-92/001) for implementing the Agency NPDES stormwater management program.

[<http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/SW+guidance+&+fact+sheets+-+Region+10/>]

“The monitoring program recommended by the US EPA for industrial sites involves collecting samples of true first-flush runoff as well as samples of runoff at several times during the runoff event. Further, a sufficient number of events must be so-monitored each year to properly characterize the hazardous chemical content of the stormwater runoff. The parameters that are to be monitored include a fairly comprehensive suite of chemicals that could potentially be present in stormwater runoff from the area. This is the type of monitoring that should be conducted at the Baylands Landfill area during and following the development of the property.”

266

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

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

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

267

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

Subject: Section 4.H, Leachate

Comment 1: The DEIR repeats Geosyntec’s contention that leachate from the landfill will be greatly reduced with the installation of a clay cap. For several reasons, the DEIR should assume that significant amounts of leachate will continue to be generated. First, the contents of the landfill will be present on the site forever, and a cap has a limited life span. Second, the lagoon and the bay will provide additional sources of water to the landfill.

268

It is entirely possible that subsurface seeps are present or may develop, or may become more severe as a result of compaction of the surface of the landfill. Increased monitoring of water quality in the lagoon and the Creek, and particularly, of aquatic organisms residing in the lagoon, is required to determine the risks to human health and the environment from landfill leachate.

On page 48, Dr. Lee explains: "... the integrity of a landfill cap is critical to the prevention of leachate generation. Well-designed and installed clay caps (often combined with plastic sheeting in Subtitle D landfills as discussed below) for landfills can, especially at the time of construction, be effective in reducing the rate of infiltration of moisture through the cap and thereby serve to aid in the delay [of] leachate generation that would otherwise be promoted by moisture from infiltration. However, as discussed in Lee and Jones-Lee's 'Flawed Technology' review referenced elsewhere, many factors affect the integrity and hence functionality of even a well-designed and installed clay cap.

268  
cont.

**Comment 2:** Dr. G. Fred Lee concluded that the waste was submerged in water since the landfill is not lined and the water infiltration takes place through the banks of the interior drainage channel and the shores of the Lagoon. There may be infiltration under Hwy 101 as well. Dr. Lee stated that it didn't make sense to place a cap over the Landfill since it is already sitting in water. Chemist Dr. Ron Oremland commented that the result of the decaying waste being in contact with sea water would create hydrogen sulfide and so it may be forming in the landfill and needs to be monitored and removed. The contradictory nature of the reports included in the DEIR indicates the need for further study of the waste. There needs to be a resolution to a number of issues and that requires a new study to reconcile the previous studies along with the detailed mapping of the groundwater in the Landfill and an explanation of what will be done with VOC's that are being ignored. The DEIR is not complete because it does not resolve these issues. How can you reduce the leachate when the waste rests partially in water? How does it make sense to think that leachate can be reduced? It appears that there is a strong need to re-grade the entire landfill area to make a surface that is uniform and to reach a level just above the waste so that fill above that level can be engineered and have an integrity that will be well understood by geotechnical engineers and regulators rather than the confused mish mosh it is now. A goal of the DLMP is to collect leachate from existing and future identified leachate seeps. If monitoring of the areas where seeps were not found previously only occurs during an annual or semi-annual walk by, how will future seeps be found? It sounds like a minimal effort to locate unknown seeps rather than a careful thorough effort. There needs to be a requirement for a more aggressive method to identify seeps at the IDC, on the shores and under the surface of shoreline lagoon water and on the east side of the Landfill by Hwy 101. The monitoring for seeps must occur during and after the wet season including after rain events and in the dry season. When a seep is found there must be prompt action to ID it and begin to divert it. None of these more prudent measures are being done or are planned for and that does not guard human health or the environment. It should be done.

269

The Landfill Leachate diversion system is deficient in the following ways: It rests on top of the ground and is therefore not secure and the possible underground (under water surface) seeps in the Lagoon have not been investigated despite the mention in the appendix that they probably exist. The characterization of the seeps won't be complete until that Lagoon investigation is done.

Geosyntec's 2012 Hazardous Materials Summary Report for the Landfill (p. 17) discusses the 2008 Draft Leachate Management Plan (DLMP) and states that final mitigation measures will be made final when the EIR is certified, but the final mitigation measures should appear in the Draft EIR so that they may be viewed and commented on by the public and other agencies.

Subject: 4.H

Comment: This document does not mention that there are several endangerment orders issued for ground and surface water contamination on/in the Project Site.

270

Subject: 4.H-1, Introduction, Environmental Setting

Comment: While “no groundwater use is proposed under Project Site development,” the intent of the Clean Water Act would require developers to identify any clean water resources and in good faith, remediate contaminated, unsafe surface and groundwater to drinking water standards. Water, groundwater is a public resource that should be carefully identified, protected and responsibly managed.

271

A more accurate description of the “large bowl straddling San Francisco and San Mateo Counties” is a former wetland marsh.

Subject: 4.H-2, last paragraph

Comment: It should be noted that “The Brisbane Storm Drainage Master Plan” has not been studied for environmental impacts. Studies have not been done to determine any impacts from off-site, up slope, up stream polluters, like PG&E.

272

Subject: 4.H-4, Figure 4.H-2

Comment: This figure renames Visitacion Creek as “tributary to open channel at Highway 101” and another segment as “area tributary to Brick Arch at Oil Channel” and renames the Levinson Marsh as “a detention basin northwest of Main”. It is also missing legends. It is insensitive to Brisbane’s General Plan Marsh and wetland designations.

273

Subject: 4.H-5, Surface Water Quality

Comment: “General Industrial Permit for Dischargers” regulatory programs are voluntary and results are only reflective of the limited information collected. Enforcement has been perfunctory.

274

Any mitigation measures to prevent discharges to the Bay have been interim and have reduced, not eradicated the problem areas. This information should be somewhere in the Introduction, Environmental Setting section of this document.

Subject: 4.H-7

Comment: The DEIR again, mistakenly calls the Levinson Marsh an “Overflow Area (the off-channel detention basin...)”

275

Subject: 4.H-8 to 10, Federal and State Regulations

Comment: This document does not recognize the flood plain, ever-present hydraulic conditions in portion(s) of the Baylands, which serves the community and environment. An accurate de-

276

scription of the seasonal and persistent wet conditions needs to be done, rather than assume a filling and re-grading of the entire area meets the regulatory safeguards listed here. The DEIR fails to note “the actual and potential beneficial uses and water quality problems.”

276  
cont.

Subject: 4.H-11, NPDES Program

Comment: Follow-up and enforcement of water quality issues in the Brisbane Baylands have been, in some cases lax, others, long to come into compliance. Due to the length of time impacts are anticipated from this project, the number of types of discharges and discharger opportunities, a stronger oversight board, a third-party independent reviewer as Dr. G.F. Lee recommends should be considered a mitigation measure. Interpretation of the law sometimes comes into question, as has been the case for the interim use permits for the soil importation operations on the Baylands. It shouldn’t be left up to chance or self-monitoring.

277

Subject: 4.H-12, General Permit Provisions

Comment: “Likely” project sediment risk fails to consider the sheer volume of particles that can be carried as sediment on this large an area, especially with one half of it with active earth moving and rock crushing operations.

278

Subject: 4.H-13, SWPPPs

Comment: Because “the NPDES General Permit gives the owner the discretion to determine the most economical, effective, and innovative BMP’s to achieve the performance-based goals...” oversight is difficult and one caseworker of one division may not discuss the impacts of their project with another in another oversight agency. The use of natural attenuation and day-lighting creeks is not recognized as a BMP for stormwater pollution prevention here, but is in BCDC’s Water Quality Policy 7. An independent, third-party oversight board is recommended to integrate the environmental regulation goals for this site.

279

Subject: 4.H-17, Brisbane General Plan Policies

Comment: Policy 228, program 228a refers to stormwater being “collected in City facilities” but fails to mention the use of cisterns or ponds, and if any planned, where they are in the plan.

Most issues in communities relate to the storage of water, or the ability to slow the flow of runoff, not the absence of water. Rain collecting cisterns under buildings or roads could serve as fire-suppression reserves, for landscaping purposes and dust suppression purposes. Ponds could be rest stops for migratory birds. There is no mention of any drainage studies or comprehensive plan for responsible stormwater protections other than to comply with Provision C.3 requirements.

280

A regional design competition or stormwater brainstorming event could produce amazing solutions to create uninterrupted natural drainage solutions.

Subject: 4.H- 19, Impact Assessment Methodology

281

Comment: To repeat earlier concerns about the use of the Brisbane Storm Drainage Master Plan, it has not had full environmental review utilizing conformance with all General Plan Policies and programs. The recommendations may be technically feasible, confirmed by BKF, but environmentally destructive. The Baylands may need wider and less uniform 20-foot wide channels as found in Appendix P, Infrastructure Plan. The City’s 2003 master storm drainage plan does not reflect current regulatory requirements. The master storm drainage plan would not be adequate to address the changed conditions that would result from implementation of the DSPs or CPPs. In particular, raised and/or lowered roadways and drainage of train beds are not considered in the Brisbane Storm Drainage Master Plan, and therefore using this plan for impact analysis is inadequate.

281  
cont.

Subject: 4.H-20: *“The proximity of the Project Site to the Bay reduces the chances that the pollutants in stormwater runoff...would be naturally attenuated prior to discharge to the Bay.”*

282

Comment: Natural attenuation is a current remediation technique on/adjacent to the Project Site and should be noted somewhere in discussion of hydrology and water quality issues at the Baylands.

Subject: 4.H-20, Contaminated Groundwater Encountered During Construction: *“In addition, the Recology site and Schlage Lock site located north of the Project Site are also undergoing active groundwater remediation...”*

Comment: Describe the active groundwater remediation occurring at the Recology site. The DEIR does not address any active remediation activities out there. Is the Recology remediation related to an underground storage tank?

283

Groundwater levels vary seasonally and hundreds of acres are sometimes inundated by surface water in excess of thirty-day wetland criteria. The ponds serve for contaminant sequestration, filtering duties through plant remediation. All proposed digging or land alteration in the area may put workers or residents at risk.

The document seems to indicate that just shallow zones would encounter contaminated groundwater during construction, however deeper pylons, the supports needed for the building sizes, heights, and densities proposed, could cause cross-contamination between aquifers. The Bay Bridge and other recent construction in SF use multiple spiral pylons sunk into bedrock. If the proposed structures for the Baylands would have to penetrate the lower aquifer/water-bearing zone then the plans should be changed. Contamination of the lower aquifer should not be allowed.

Subject: 4.H-21, Mitigation Measures 4-H1a and 1b

284

Comment: A Statewide General SWPP Permit is not adequate for a site with seven State Superfund projects on, adjacent, or upstream of the Project Site with wetland qualities. The potential release of contaminated ground and storm water during and post construction makes this project **require an individual permit.**

BBCAG members recommend natural and engineered, duplicate and redundant containment and filtration systems because of the variety of pollutants that may be discharged from this site during and post construction.

285

Dewatering to the storm drain system was not allowed for the Sunnydale Sewer Project and for similar reasons, should not be suggested or allowed here.

Subject: 4.H-23

Comment: “Activities that take place at industrial facilities within the Project Site...” are limited and the increase of proposed industrial uses must be spelled out in this document. Only a small area along Beatty Way is designated for industrial uses in our current General Plan.

286

Subject: 4.H-24, Mitigation Measure 4.H-1c: “... 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...” and later ... “The SMP shall be developed in conjunction with the Storm Drain Master Plan...”

287

Comment: These are the kinds of plans that need to be reviewed by Environmental Engineers in addition to civil engineers. Input should come from BCDC and San Francisco Bay Estuary Project Scientists or the City’s own advisory groups, Open Space and Ecology Committee or association with a non-profit group. Using technological support from Bay conservation communities would improve the mitigations suggested.

Subject: 4.H-25, Depletion of Groundwater Supplies

Comment: “The City does not have its own groundwater supplies” and “there are no downstream users of groundwater...” are inaccurate statements. The City doesn’t utilize its authority to use groundwater in the public’s interest and fish, ducks, invertebrates living in the Bay where the groundwater meets the sea are all downstream users of groundwater passing through the Baylands.

288

Opportunities to recharge or chemically change groundwater have been used in remediation strategies on the northern, Schlage, UPC OU areas. They may be considered in several places in the Baylands Project Site and must get adequate environmental review rather than assume that any impacts “may be a negligible effect.”

Subject: 4.H-26, Changes to Existing Drainage Patterns: “... a modified storm drainage system that would be constructed in accordance with the City’s requirements... [impacts] would be less than significant.”

289

Comment: See comments on 4.H-1c SMP (pg -24) Changing drainage and groundwater patterns may drain valuable wetland areas and must be studied properly.

Subject: 4.H-28ff, Impact 4.H-4

290

Comment 1: With culverts and swales proposed what is proposed to mitigate West Nile Virus whose carriers live in this environment?

↑ 290  
cont.

Comment 2: See comments on 4.H-1c SMP (pg -24) Changing drainage and groundwater patterns may drain valuable wetland areas and must be studied properly to meet CEQA compliance.

↓ 291

Subject: 4.H-29 to 30, Mitigation Measures 4.H-4a,-4b and -4c

Comment: These mitigation measures “to hydraulically isolate existing drainage inlets fronting the Levinson Overflow Area and the PG&E property from the existing Brick Arch Sewer System” and “incorporating new storm drain facilities along Bayshore Boulevard” don’t consider LID techniques of using cisterns and natural mitigation measures such as slow-moving creeks.

↓ 292

It understates the functionality of the Levinson Marsh located upstream. Alterations proposed may kill the remnant historical wetland by lowering the groundwater table and impacting wild-life dependent on water upstream. Some inhabitants include rare and endangered species.

A greater, regional environmental planning and review process is required for CEQA and NEPA requirements, rather than “review and approval by the City engineer...” If anything, bonds or assurances that wetlands will be improved and off-site impacts will be corrected if they occur, should be included in these mitigation measures. Performance standards and damages for non-compliance should also be considered to ensure that mitigations are carried out.

↓ 293

Subject: 4.H-31, middle page, BKF modeling on the “Central Drainage Canal”

Comment: Is this the BKF 2003 model? That was for interim measures and is over ten years old. The Brisbane Sewer Master Plan didn’t include a wastewater treatment plant, and has not been presented to nor reviewed by the community.

↓ 294

Subject: 4.H-33

Comment: There are no measures for improving the water quality of the Lagoon even though there is mention of “conserv[ing] natural areas.”

↓ 295

Subject: 4.H-35 to -36

Comment: The solution to flood dangers doesn’t mean you slap some soil on top of un-engineered fill and consider it no longer a danger. The underlying hydrology from being a floodplain and impacts from sea level rise will dictate what is safe.

Since this is ignored in the DEIR, a mitigation measure to add would require future occupants/users of the Baylands to indemnify the City from loss of property or use if these calculations are wrong or alternatively suggest the no project alternative.

↓ 296

Subject: 4.H-36ff, Impact 4.H-8

Comment: The issue of sea level rise is not considered seriously in the DEIR. It is completely inadequate. New projects adjacent to the S.F. Bay are required to consider what sea level rise

will mean to their project (BCDC). The presence of so many chemicals of concern and priority pollutant metals along with a municipal waste landfill located on bay mud in earthquake Zone 4 with a credible maximum earthquake of more than 8M makes it essential that this predicted occurrence be thoroughly investigated since it will have significant and unhealthy consequences for human health and the environment.

296  
cont.

Subject: 4.H- 37, Flooding Due to Levee or Dam Failure

Comment: Does this say that ALL future buildings on the Baylands will have finished first floor elevations a few feet higher than the berm on Bayshore at Main? Buildings are one story (14 feet) off the ground along US Highway 101 too? Is there a visual model of this aesthetic in relation to surrounding landscapes? Are there other solutions like more comprehensive storm water control plans up stream? A simulation of this groundwater, high storm flooding-event, utilizing data about cumulative development impacts from upstream projects would be helpful.

297

Subject: 4.H-38 to -39, Mitigation Measure 4.H-8

Comment: The practice of “ *adding fill materials so that the site would be more resilient to flooding from sea level rise.*” See comments on pages 4.H-35 to -36. This mitigation measure misses the need to plan for future wetlands as well. It only sees the presence of water as a detriment to the project, verses a gift for natural stewardship opportunities: to plan wetland nurseries of the future. These mitigation measures should be reconsidered and protection of the future watershed required.

298

Subject: 4.H-39, Impacts from Seiche

Comment: While the reports thinks risks to tsunami to be low because we are not along the coast, it fails to recognize impacts from seiche and current knowledge about earthquakes being preceded by supershear shock waves. Any earthquake occurrence in close proximity will render the Baylands into a bowl of toxic jelly. A few more truckloads of dirt will not change that and renders this mitigation measure inadequate.

299

Subject: 4.L-11,12, Regulatory Setting, State Regulations

Comment: Types of emergency evacuations should be defined and directly conform to the 2013 CalOES Multi-Hazard Mitigation Plan from the Governor’s Office of Emergency Services.

300

Subject: Proposal for residential uses in the Baylands

Comment: Residential uses should not be allowed in the Baylands for the following health reasons:

301

There is a lack of a reasonably complete understanding of the impact of exposure to toxic contamination that could take place through the air or dermal contact over time. It is particularly risky for children, those afflicted with respiratory problems and the elderly.

The noise from Hwy 101, the rail line, Bayshore Blvd and aircraft in this area will be very high and will cause physical and mental stress reactions especially when joined with the stress caused by greatly deteriorated traffic and air quality conditions. The climate change possibility of changes in the prevailing winds will further deteriorate air quality. The area is surrounded by air polluting industrial uses.

302

Subject: Infrastructure Plan, Section 7.2.2.2 Secondary Water Supply Sources, p. 51

Comment: Secondary water supplies “water wheeling” and/or bay water desalination would face significant regulatory hurdles and could be very costly when compared with other options. We tend not to think about things such as water rates skyrocketing because of the problems providing and maintaining infrastructure on the Baylands.

303

Subject: Infrastructure Plan, Section 4.3 Site Designs to Accommodate Anticipated Settlement, p. 17ff

Comment: HDPE fusion-welded pipe is recommended because it is flexible and reduces the likelihood of pipes shearing off. How much does it reduce that likelihood? Can’t they compact the soil more effectively?

304

The DEIR should require modeling for the conditions that the pipes and vault connections will have to endure to see if they are going to last more than a short time.

Subject: Infrastructure Plan, Section 8.4 Phases for Wastewater System Construction, p. 69

Comment: It does not sound feasible to keep the existing wastewater system running over a long phased development. The wastewater system should be changed over relatively quickly. There is an inherent risk in setting up a temporary connection for so long a time and there is an increased possibility of an upset event like an earthquake. The DEIR should require timely construction and implementation of a new wastewater system.

305

Subject: Infrastructure Plan, Section 7.2 and 7.3, water pressure zones

Comment: The DEIR should require a peer review analysis of the proposed solutions to the water pressure zone problems that are expected and those that already exist and which might be exacerbated by the new uses, tanks (2) and pressure relief valves.

306

Subject: Infrastructure Plan, water and wastewater systems

Comment: The DEIR should require that all system elements, both water and wastewater, that have the potential to cause environmental damage, should be equipped with sensors to detect leaks.

307

Subject: Infrastructure Plan, 8.5, master utility system plan

308

Comment: It is not practical to create a master plan so late in the game, i.e., “during the development of the final design documents.” The DEIR should require more detailed plans from the landowner.

↑ 308  
cont.

Subject: Infrastructure Plan, wastewater systems

Comment: The DEIR should contain an actual sanitary sewer plan. The conceptual plan is inadequate to base a decision on.

309

Subject: Infrastructure Plan, stormwater treatment, pp. 86-87

Comment: There doesn't seem to be any bioswale drainage area except for a reference to effluent. Please clarify.

310

Subject: Infrastructure Plan, stormwater treatment, pp. 86-87

Comment: The stormwater coming from Midway Village through the Levinson marsh may already contain contaminants from previous PG&E lampblack deposits. Please clarify in the DEIR how this stormwater will be monitored and treated.

311

Subject: Infrastructure Plan, p. 93, Conceptual Dry Utility System; and p. 217, Conceptual Storm Drainage System.

Comment: These plans are not adequate. They are described too generally to base an analysis on them. The DEIR should contain a more detailed description of the proposed utility system.

312

Subject: Draft Specific Plan, p. 249, section 8.3.7 Minor Administrative Permits

Comment: This suggested procedure from the applicant usurps City authority. The DEIR should make clear that tenant or successor occupants of the Baylands will be required to observe restrictions as imposed by the City of Brisbane.

313

Subject: Draft Specific Plan, p. 234, section 7.6 Emergency Service

Comment: The police and fire resources that will be needed are very vague and the cost could not be determined from the information here. There is no innovative disaster preparation described despite the tank farm, probably liquefaction in the event of an earthquake, and a train track down the middle of the site.

314

The DEIR should contain detailed plans for emergency services.

Subject: Draft Specific Plan, 5.4.3.12 Bay Trail Greenway

Comment: As shown in Figure 5.6, the Bay Trail Greenway/Sierra Point Parkway could flood U.S. 101. Figure 5.6 shows Sierra Point parkway 17 feet above 101.

315

Subject: Draft Specific Plan, 5.4.3.7 South Visitacion Park

↓ 316

Comment: Methane, VOCs and other contaminants may underlie this area. The DEIR should propose alternatives for open space in areas that are not contaminated.

↑ 316  
cont.

Subject: Draft Specific Plan, 5.4.3.5 Visitacion Creek Park (West)

Comment 1: A community garden is identified on the map on p. 147. Why would you place a community garden in such close proximity to toxic contamination?

↑ 317

Comment 2: The proposed windrow trees will destroy the view corridor and will be blown over to one side by the prevailing winds. They are not a good idea.

↑ 318

# Brisbane Citizens Committee

## Baylands Draft Environmental Impact Report

### Collective Comments



21 January 2014

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## Key Findings by the Citizens Committee

### Overall Concerns

No clear differentiation is presented between a Concept Plan and a Specific Plan. Which one is this DEIR about? Similarly, the intended eventual use of the document as a Program EIR and subsequent Project EIRs is not clear. The plan does not cover the entire site, as no recreational access to the Lagoon is included.

1

The developer should be required to provide plan and timeline for soil and groundwater remediation and risk assessment for each potential land use scenario, including the alternatives, and explain fully how reliable long-term monitoring and mitigation programs can be implemented, using potential new technologies as they develop. The results of long-term monitoring should be made available to the public using an online platform.

2

### 4A Aesthetics

It is unclear how the base elevation for development and grading, the addition of the clay cap, et. al. will have on the final absolute height of buildings on the project over time. The visual portrayals of the project are inadequate; most of the viewpoints were taken from a high elevation which would be least impacted by the new development. A virtual 3D model that showed different vantage points is necessary to adequately assess the visual impacts.

3

### 4B Air Quality

Control of the sheer volume of particulate matter generated during preparation, remediation and construction of the proposed development is inadequately addressed.

4

### 4C Biological Resources

Impacts to biological communities are based on assumptions drawn from infrequent observations, erroneous analyses, and lack comprehensive biological studies of both land and aquatic species. More adequate studies are absolutely necessary.

5

### 4D Cultural Resources

No mention is made of stabilizing or otherwise preventing the deterioration of the historic Roundhouse in the near future. According to the DEIR, renovation is not projected until 2035. Further, there is insufficient study of potential Native American artifacts and culturally significant areas.

6

**4E Geology**

The issues of soil settlement and seismic stability deserve more thorough analysis and explanation when building large structures on unstable, unregulated, non-engineered landfill. There is minimal description regarding what the soil cap would be, since it is commonly as high as 30 feet.

7

**4F Greenhouse Gas**

Most state and nationwide greenhouse gas emissions are produced by buildings (industrial, residential, power plants) and activities therein, not transportation. However, the most significant factor driving the calculations for greenhouse gas emissions reported in this section is the daily number of trips to and from the project site. Moreover, these figures are assumptions based on San Francisco traffic studies not applicable to Brisbane.

8

**4G Hazards**

The DEIR lacks current and comprehensive analytical data, and lacks a comprehensive and reasonable characterization of the contamination within the Project Site. It does not provide a clear suite of mitigation measures, ranging from complete removal of contamination, in-situ treatment, or cap-in-place. Also, the unregulated soils operations since the closure of the landfill have not been studied.

9

**4H Hydrology**

Especially with regard to flood hazards, the data are inadequate and include mischaracterizations. The mitigation measures cited for sea level rise, stormwater pollution prevention, water conservation, drainage, maintenance, and flood hazard lack specificity and enforceable language.

10

**4I Land Use**

The DEIR did not mention the use of the Champion Speedway, operating until 1979, or the shooting range on Icehouse Hill that left lead bullets and cartridges. Kinder Morgan should also be covered; even though this facility is not part of the project site, it is an important generator of impacts.

11

**4J Noise**

The analysis of noise was expressed only in terms of the intensity of the noise over a given period of time, without regard to the kind or source of the noise. Pile driving produces intense noise for a very short duration of time per impact; high-intensity pile driving could go on for a very long time without exceeding the established parameters. No study of the effects of Brisbane's bowl-shaped topography on Bayland-sourced noise was done.

12

**4K Population and Housing**

The principal assumption that the DSP scenario variants would generate less local pollution than the CPP is not proven by existing data. Housing near jobs does not guarantee that the residents would be employed locally and therefore drive less. 13

**4L Public Services**

The DEIR does not adequately discuss the impacts development would have on police, fire, school, and library, and entirely omits impacts and requirements for public works (e.g., sanitation, water), social services for teenagers/elderly, health services, and increased staffing and administration needs at City Hall. 14

**4M Recreation**

The DSP plan to develop recreational water-related activities on the Brisbane Lagoon contains no analysis on human health impacts related to those activities. 15

**4N Transportation**

Under all UPC scenarios, the General Plan restriction of mitigable impact on local arteries and intersections will be exceeded. This is true even without consideration of the severe unavoidable impacts expected to be generated by developments outside Brisbane. The assumption of a large number of “internal capture” trips created by a new transit center calls for independent professional review to determine whether they are in fact plausible and likely outcomes. A larger total number of daily trips under the CPP / CPP-V is unsubstantiated; furthermore, some proposed access roads (e.g. North / South frontage road along U.S. 101) are smaller under these variants. The widening of U.S. 101 must be included as a mitigation. 16

**4O Utilities**

The potential impacts caused by installing utilities underground on the soil cap and differential settlement was not studied. 17

**4P Energy Resources**

The potential energy savings of utility-scale renewable energy generation on site must be fully analyzed for each development scenario and alternative. 18

**5 Alternatives**

The CPP is called the “Community Proposed Plan”; however, the community never selected an 8 million square feet development plan, so this name is a misnomer. The only *completely* and *exclusively* community-proposed plan is the Renewable Energy Alternative, which is in compliance with the Brisbane General Plan. The City Council subcommittee called for the Renewable Energy Alternate to be studied equally with the developer-proposed scenarios; 19

however, in the current DEIR it is relegated to the Alternatives chapter. The EIR should be rewritten so that the real community-proposed energy plan is compared with all other impact studies in every section.

↑ 19  
cont.

**6 Cumulative Impacts**

Even with no project on the Baylands, Brisbane will experience significant, unavoidable cumulative impacts, including traffic gridlock, from development projects already approved in San Francisco and Daly City (25,000+ housing units). The proposed Baylands plan would only exacerbate these impacts. The Cumulative Impacts section did not study the comprehensive systematic impacts of this project with the effects anticipated from surrounding projects.

↑ 20

## Chapter 1: Introduction

DEIR (Section; page #)	Comments	
<b>p. 1-1</b>	<p><i>“This program environmental impact report (EIR)”</i></p> <p>The introduction of this DEIR introduces it as a program-level EIR, and this is how it has been reviewed. Is it the intent of this program EIR to be used as the project EIR for separate developments over a time span of potentially 50 years?</p>	 <p>21</p>
<b>p. 1-2 par. 1</b>	<p><i>“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.”</i></p> <p>All the Brisbane citizens who volunteered their time to help design a reasonable development on the blighted bayfill were never allowed to discuss or voice their opinion on the later proposed 8 million square feet of buildings, which is much more than the buildout allowed in the city’s General Plan. Therefore the name of this scenario and its variant are misleading and should be changed to Non-Residential Plan.</p>	 <p>22</p>

## Chapter 2: Executive Summary

DEIR (Section; page #)	Comments
<b>TABLE 2-1 (Continued) Summary of Impacts, Mitigation Measures, and Residual Impacts Pg. 2-75</b>	<p><i>Impact 4.P-1: Project Site construction would result in substantial consumption of energy, which is considered to be a significant impact under all four proposed development scenarios.</i></p> <p>All scenarios are “Significant”. The mitigation measures listed in this table are simple and just make sense. This needs more study and more mitigation and any and all measures should be used in construction to produce and use energy, including solar and wind.</p>



### Chapter 3: Project Description

<b>DEIR</b> (Section; page #)	<b>Comments</b>	
<b>3.2.1</b> <b>Site History</b>	Omitted from the description is the use of the landfill by the Champion Speedway, 1962-1979, first as a car racing track and later as a drag strip, and including a reviewing grandstand. This activity can be assumed to have resulted in several kinds of toxic debris, including lead from wheel weights, asbestos from brake linings, lead paint, and petroleum liquids, left on the site as well as a tire dump nearby. Reference should be made to any city permits or archival records up till ca. 1979 for adequate indication of what was buried when the site was abandoned.	24
<b>3-12</b> <b>Former Brisbane Landfill</b>	<p><i>“Since closure of the landfill in 1967, recycled fill and inert construction waste have been placed on large portions of the site which has served to accelerate consolidation of the refuse within the landfill”</i></p> <p>This description has to be revised and expanded. The asphalt raceways, tire dumps and potential other hardly “inert” materials added to the landfill in connection with the 1979 Champion Speedway demolition should be detailed and the necessary mitigations described. Furthermore, the soils recycling activities since 1976 have been subject to only occasional and highly selective testing and enforcement of the potentially hazardous content of soils stored and handled on site. Much more comprehensive testing of these deposits must be done, and the tests results made publicly available.</p>	25
<b>3-17</b> <b>3.2.3</b> <b>Existing Land Uses:</b> <b>Lumberyards</b>	<p><i>“The lumberyards . . . receive pre-formed lumber by truck and rail.”</i></p> <p>The Union Pacific spur track serving these businesses is an important method of mitigating heavy traffic. It does not appear to be included, nor the impact of its intended removal analyzed, in any of the UPC scenarios. Why?</p>	26
<b>3-18</b> <b>Caltrain</b> <b>Bayshore Station</b>	<p>The description of this station should include an explanation why relatively few of the potential passengers actually use it: Currently the only direct access to the station is from the east, from Tunnel Avenue. Access from the west, the more heavily populated Visitacion Valley is blocked by fences surrounding the UPC property. With expected access from the west provided, increased ridership figures should be calculated under all scenarios and alternatives.</p>	27
<b>3-19</b> <b>3.2.4</b> <b>Existing</b>	<p>“Infrastructure” by definition does include rail access, which is omitted here as above. The existence of the spur track should be recognized here and everywhere else in the DEIR where relevant, and its planned future</p>	28

<p><b>Infrastructure and Services</b></p>	<p>fully disclosed..</p>	<p>↑ 28 cont.</p>
<p>3-27 3.5 Footnote 2</p>	<p><i>Brisbane General Plan Policy 329:</i> Prior to or in conjunction with the first Specific Plan for the Baylands subarea, a Concept Plan shall be submitted, which shows the <b>disposition of the entire site</b>. The Concept Plan shall include the following; . . . 2. a general description of conceptual uses, densities, intensities and locations <b>consistent with the adopted General Plan;</b> [bolding added]</p> <p>The Baylands area consists of ca. 684 acres, including the Lagoon. The various concept plan scenarios discussed in this DEIR cover only 588 of those acres north of the Lagoon. No plans for recreational access to the Lagoon are shown or analyzed.</p>	<p>29</p>
<p>3-27-28 Fig. 3-10</p>	<p>The references to and descriptions of the current zoning here are completely out of date and inconsistent with the General Plan.. The map in Fig. 3-10 predates the 1994 General Plan, and is therefore incorrect. The correct current zoning for the entire Baylands subarea is PD, as in Fig. 3-9.</p>	<p>30</p>
<p>3.-35</p>	<p><i>Renewable Energy Generation</i> is recognized on this page for recreation and open space reserve. It should also be recognized and used for Project site construction phases and throughout the project when complete.</p>	<p>31</p>
<p>3-40 3.5.3 Community Proposed Plan (CPP)</p>	<p><i>The CPP was developed . . . based upon a series of community workshops, input from community groups and city advisory commissions, . . . As shown in Table 3-1 above, the CPP includes 7,742,600 square feet of new non-residential development.</i></p> <p>As noted elsewhere, Brisbane citizens who participated in this process were never allowed to voice their opinion on the approx. 8 million square feet of development, which is significantly more than the buildout allowed in the city’s General Plan. Thus, it is misleading to call this a “Community Proposed Plan.”</p>	<p>32</p>
<p>3-66 Section 3.10</p>	<p><i>“While the Agreement has been proposed to provide an ensured water supply for the Baylands, the 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.”</i></p> <p>The impact of the potential failure or modification of the proposed agreement should be discussed.</p>	<p>33</p>

<p><b>3-76</b> <b>3.14 Phasing and Implementation</b></p>	<p><i>The analysis in this EIR assumes that Project Site Development . . . to occur over 20-year period . . . .Post-grading construction of buildings, infrastructure, and open space would occur over the course of Project buildout, <b>depending on market conditions.</b> [bolding added]</i></p> <p>It appears that the timeline for implementation of much of the development is left vague and open to “market conditions.” The City should put clear guidelines in place so that during this lengthy process, any incomplete work does not create blight or negatively impact the citizens or the orderly functioning of the city. In addition, any referenced “best management practices (BMPs)” should be current BMPs at the time of development, not at the time the DEIR was written.</p>
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34

### Chapter 4: Environmental Setting

DEIR (Section; page #)	Comments	Submitted By
4-1 2nd par.	<p><i>. . . this chapter identifies <b>feasible</b> mitigation measures to reduce the impacts of Project Site buildout [bolding added]</i></p> <p>Here as throughout the document, “feasibility” seems to be allowed as an excuse for failure to implement necessary mitigations. There should be a thorough discussion of what exactly would make such a lack of mitigation infeasible. Who would determine the feasibility or lack thereof?</p>	AM

35

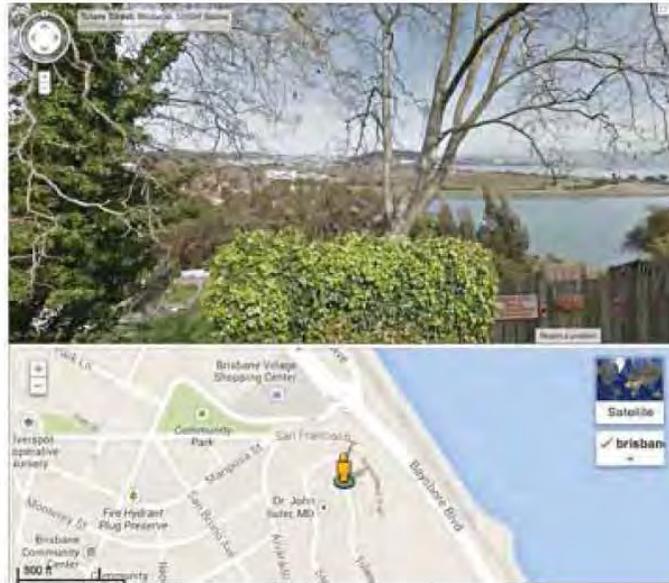
**4.A: Aesthetics and Visual Resources**

<b>DEIR</b> (Section; page #)	<b>Comments</b>	
<b>4. A-3 Viewpoint Locations</b>	These views emphasize optimal, high-end views and don't reflect what most residents will see from day-to-day. None reflect the appearance within the proposed site itself. Request additional views (see locations in appendix [e.g., Bayshore nr. Main Southbound; Bayshore nr Main Northbound; End of Tulare, San Benito Rd., Lake St., Tunnel Ave. & Creek, Tunnel Ave. & Beatty, etc.)	36
<b>4. A-9 "San Francisco Bay Plan"</b>	The San Francisco Bay Conservation & Development Commission's "100-foot shoreline band" limit is mentioned. We are missing a map that makes clear what parts of the project site are within this 100-foot shoreline band. (There is a map – Figure 4.I-2 on page 4.1-7 indicates the "areas subject to BCDC Jurisdiction" but it does not appear to address the 100 foot limit as the area defined appears to be irregular in width.)	37
<b>4. A-11 Brisbane General Plan Land Use Policy 15</b>	This refers to a 'six-story limit' for development south of the Bayshore Drainage Channel (aka Visitation Creek). Is there a map that defines this area?  Where does the report explicitly indicate if this height limit is honored? If this is mentioned elsewhere in the DEIR, provide a reference.	38
<b>4. A-20 Viewpoints:</b>	On the Eastern portion of the property there is a major discrepancy between the allowable heights proposed on the DSP's (160') and the CPP's (80'). Request a graphic showing side by side comparison of proposed maximum building heights. Comparative photographs of similar sized existing buildings could also be utilized. [Need 3D models to see impact of development from various angles/heights.] <b>Check:</b> Reference to Brisbane General Plan. What about firefighting capabilities limitations on maximum building heights?	39 40
<b>4.A-37</b>	Several more various viewpoints that estimate night time lighting effects should be listed..	41
<b>General Comment</b>	Will visibility be additionally impacted by grade changes required by added fill/clay caps for structural or remediation purposes? What will the final grade heights be relative to existing and to what degree and has this been factored into the representations? Did DEIR take final grading elevation into consideration?	42
<b>General Comment</b>	Will under-structure parking garages be feasible given the existing soils and landfill? If not, has the high light output and other visual impacts of	43

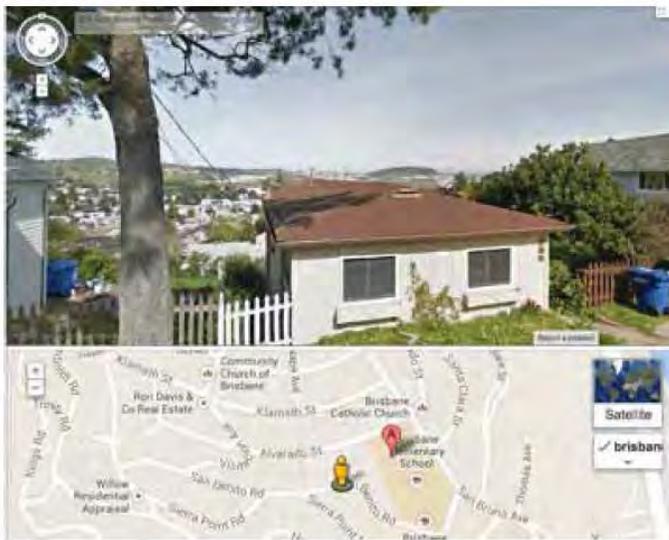
	parking garages been considered and addressed?
<p><b>4. A-20- onward</b></p>	<p>Additional viewpoints from Brisbane needed, especially from higher elevations on Kings Road and the Northeast Ridge in addition to the following:</p>
<p><b>Bayshore nr. Main Southbound</b></p>	
<p><b>Bayshore nr. Main Northbound</b></p>	

44

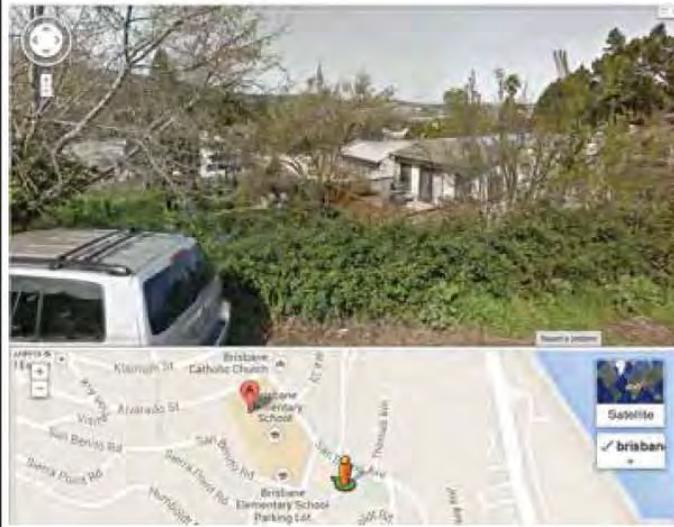
**End of Tulare**



**San Benito Rd.**

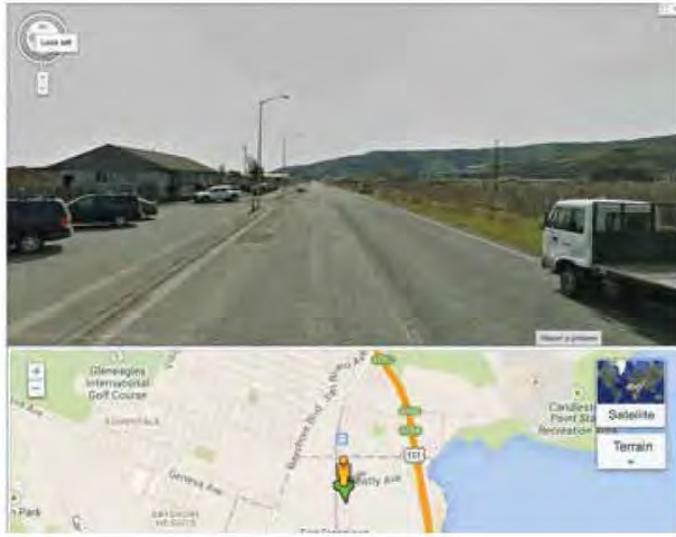
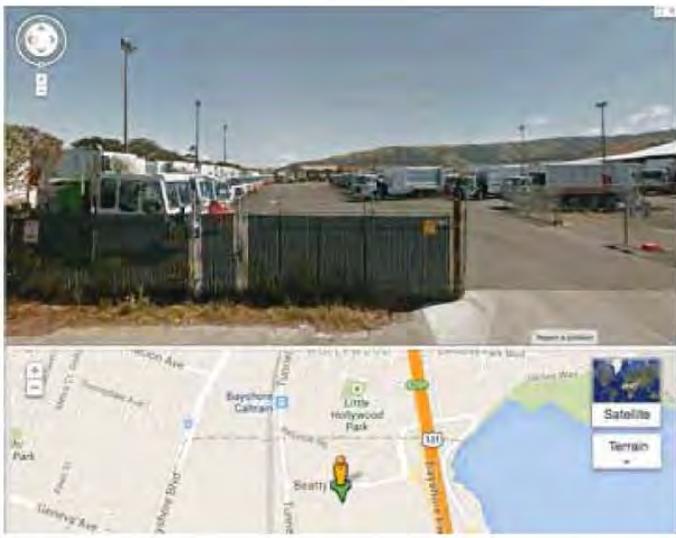


Lake St.



Tunnel Ave & creek



<p><b>Tunnel Ave &amp; Beatty Ave.</b></p>		
<p><b>Beatty Ave.</b></p>		
<p><b>General</b></p>	<p>Brisbane has held a major public workshop entitled “Place Making,” in which concepts of focusing on collective vision and inspiration of “destination” were discussed. In order to forestall more urban sprawl at our front door, new Place Making public workshops specific to the Project are necessary. Reference: City of Brisbane’s web page <a href="http://www.brisbaneca.org/community-visioning-workshops">http://www.brisbaneca.org/community-visioning-workshops</a></p>	<p>45</p>
<p><b>General</b></p>	<p>A view-enhancing concept that should be included is the exterior design of buildings with living roof structures as in the photos below.</p>	<p>46</p>



These roofs could be planted with native species, particularly geared to creating habitat for rare and endangered species.



<p><b>General Comment</b></p>	<p><i>General Plan Policy 11: 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.</i></p> <p>Height limitations should be even more restrictive to protect view corridors to the bay.</p>  <p><i>View from 1035 Humboldt Road</i></p>  <p><i>View from 50 Kings Road</i></p>

47

	 <p><i>View from 221 Kings Road</i></p> <p>Upon searching the DEIR no statements were found regarding protection of existing views. A study and remedial proposals to protect view corridors is needed.</p>	48
<p><b>4.A-11 Brisbane General Plan</b></p>	<p>Per Policy 15 of General Plan, the DSP, DPS-V, CCP, and; CPP-V do not comply with Program 15a (preserving access to sky and sunlight) or Program 330b (addressing heights of buildings and building groups). Item d. <i>“a complementary relationship to the overall topography”</i>. Building heights and density proposed for the northern part of the site are completely out of scale with existing buildings and topography.</p> <p>Item e. <i>“open space and open areas”</i> Though open space is proposed for the southern portion of the site, density in the proposed buildings in the north may create narrow corridors with complete obstruction of views. Additionally, the 160’ heights proposed on the eastern portion will completely obscure views of the bay due to density of buildings and lack of open space.</p>	49
<p><b>4.A-12 Brisbane Municipal Code</b></p>	<p>B. <i>“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.”</i></p> <p>Proposed residential housing and offices or entertainment complex seems incompatible with odors emanating from Recology operations and are inconsistent in character with a lumberyard and a nearby tank farm.</p> <p>Trucks from Recology and Kinder Morgan gasoline trucks are a steady stream of traffic through the site. At present this is not an issue because of the lack of development. Not clear how they will have a compatible</p>	51

	relationship to traffic ensuing from proposed housing, commercial buildings and/or an entertainment complex.	
<b>4.A-12 Brisbane Municipal Code</b>	F. <i>"The site plan minimizes the effects of traffic on abutting streets..."</i>  Site has relatively few entrance and egress streets for large scale development, and will pose a major mitigation challenge, particularly in view of development already approved for San Francisco and Daly City.	52
<b>4.A-29 Scenic Vista Impact Analysis - DSP and DSP-V Mitigation</b>	Mitigation Measure A.A.-1a: Need a site map with an overlay showing the area <i>"350 feet of the eastern boundary of Project Site"</i> where development would be designed to avoid blockage of views of the Bay shoreline.	53
<b>4.A-31 par.2 Impacts on Visual Character - Assessment Methodology</b>	The assertion that the proposed development is compatible in scale and appearance with the surroundings is unsupported. It is in fact dramatically disparate from anything surrounding the site. Existing business on the site is industrial and commercial.  It is also incorrect to assert that the project would not directly affect the visual character of its surroundings. The existing topography and buildings are a gentle slope to the Bay. Proposed development creates a wall of monoliths effectively eclipsing all surrounding structures and blocking all views of the Bay in the northern portion.	54  55
<b>4.A-32 Visual Character Impact Analysis</b>	Open space designated by development plans for northern portion of the site is negated by the density and height of new buildings. The open space is essentially "walled-in".  There should be ground level illustrations of what open-space would look like when surrounded by 80-160' tall buildings.	56
<b>4.A-37 Light and Glare Impact Analysis</b>	Must provide specific guidelines to be implemented for illuminated signage on top or sides of new buildings to reduce or minimize light spill.	57

**4.B: Air Quality**

DEIR (Section; page #)	Comments
<p><b>4. B-1 &amp; 2 Climate and Meteorology</b></p>	<p><i>“The project Site receives some of the highest winds along the peninsula”</i></p> <p>The power of the wind in the Baylands has been measured and found sufficiently strong to power low-rise wind turbines, as proposed in Chapter 5. Alternatives.</p> <p>The wind-tunnel effects of high buildings should be analyzed and documented.</p>
<p><b>4. B-3</b></p>	<p>Emissions from the Kinder Morgan tank farm and other immediately off-site or adjacent facilities are not studied or addressed. Comprehensive analysis of unplanned releases from the tank farm should be included.</p>
<p><b>4. B-7</b></p>	<p>Toxic Air Contaminants (TACs) are not identified. Need reference.</p>
<p><b>4. B-8, par. 4. B-45 Impact</b></p>	<p><i>“Odors generated from landfills and composting facilities are typically associated with methane production from the anaerobic decomposition of waste.”</i></p> <p>Odor from methane is mentioned here, but no mention is made of the methane burning currently operating on site and expected to continue. Was this taken into account in the study of air quality? Also Is methane the only substance that is outgassing on the site? Does it only emanate from the burners on the site, or is methane and other pollutants being emitted from the ground in other locations, particularly when the system shuts down due to mechanical failure? If there are gases being emitted from the land on the project site, is it uniform or intermittent? What about radiation? How long is this expected to continue? Some buildings constructed on sites where methane, radon, other potentially harmful gases may be emitted are equipped with ventilation fans to disperse potentially harmful gasses and prevent buildup that may otherwise become trapped in enclosed spaces. Was the need for this studied in any section of the DEIR?</p>
<p><b>4. B-8 Table 4. B-3</b></p>	<p>On this table, the Kinder Morgan Tank Farm reportedly has about the same cancer risk index as the nearby Chevron Gas station. This result seems odd if the primary contributor to this factor is diesel particulate emissions, as there are presumably more diesel truck visits to Kinder Morgan than the Chevron, and more idling. Were these BAAQMD numbers studied at all, or only transcribed? An explanation / summary would be helpful. Also, no mention is made of emissions from the fuel storage tanks themselves, or</p>

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	from the pipelines running to the tank farm. Are these completely emission-free? Has this been studied at all?	
	There is no adequate mention of air quality impacts of current and ongoing soil operations and concrete crushing (e.g., re-grading, removal), particularly if buildout is staged and it remains a continual operation.	64
<b>4B-16 Significant Unavoidable Air Quality Impacts</b>	<p><i>Impact 4.B-2: The Project would generate construction emissions that would result in a cumulatively considerable net increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard.</i></p> <p>Refer to and incorporate report of Dr. Fred Lee prepared for BBCAG. Air pollutants from toxic unknowns in this site, ingested by humans and all wildlife can cause illness and death. Phytoremediation of the landfill portion of this site should be primary, in order to collect pollutants and toxins prior to construction.</p>	65
<b>4. B-21 Mitigation Measure</b>	Mitigation Measure 4.B-1 regarding inadequate watering proposed for the high wind site; proposal is for twice a day only, but should be done as needed to control dust.	66
<b>4.B-29</b>	<p><i>Impact 4.B-3: Project Site development would not expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter. No mitigation needed.</i></p> <p>According to the EPA, sensitive receptors include, but are not limited to, hospitals, schools, day care facilities, elderly housing and convalescent facilities. These are areas where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals, pesticides, and other pollutants. Extra care must be taken when dealing with contaminants and pollutants in close proximity to areas recognized as sensitive receptors.</p> <p>There is no guarantee that sensitive receptors will not be exposed. More study and mitigation measures acceptable to the City of Brisbane and meeting EPA standards must be implemented.</p> <p>The mitigation measures on this table are insufficient and do not address winds and airborne substances that can adversely affect all humans and wildlife subject to exposure.</p>	67
<b>4. B-51 Energy &amp; Climate Measures,</b>	<p><i>“The DSP and DSP-V scenarios would allot 25 acres to renewable generation”.</i></p> <p>That proposal is for PV panels only. The Alternative Renewable Energy</p>	68
		69

<b>Renewable Energy</b>	plan proposed by CREBL contains approximately 137 acres of clean energy production by both a PV farm and wind turbines. This capacity would result in significant mitigation of impacts to air quality and energy demand and should be mentioned here. Reference: Appendix: NREL/EPA Study.
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<p><b>Surveys used</b></p>	<p>consultants include the in-situ wetland remediation for the Kinder Morgan Tank Farm? (It should not be included as part of this Project if there is no proper consideration of the impacts of the Kinder Morgan facility.) Did the consultants include the vernal pooling south of Lagoon Way? Were fresh and saline water wetlands mixed together without determining or weighting value? Restoration of one, say freshwater, might be more important than the other. Was the hydrological connection between the freshwater marsh at Bayshore and Main Street and the floodplain qualities of the former railyard recognized and studied? Was the connection of the vibrant frog habitat area from the Guadalupe Creek behind the Tank Farm south of Ice House Hill to the Baylands recognized in the Northeast Bayshore subarea)?</p> <p>It doesn't appear so. These important areas are not present in the maps. Wetland plants present today will confirm that these areas are persistently wet and possess a rich biotic value.</p> <p>The DEIR is inadequate in failing to determine impacts to biological communities because the assumptions are based on infrequent observations and lack comprehensive biological studies for both land and aquatic species. A baseline must be determined in order to measure impacts with actual, up-to-date information and consideration of loss of habitat due to the grading and degrading of the area for decades. (Reference Dr. Lee, p. 3. <i>“aquatic life in the lagoon has not been evaluated for the bioaccumulation of chemicals that are a threat to the health of people and other animals who consume them.”</i>)</p> <p>The public’s documentation of formerly abundant resident life forms must be considered and further studies are necessary.</p>	<p>↑</p> <p>74 cont.</p> <p>75</p>
<p><b>4.C-2 3rd paragraph</b></p>	<p><i>“filling the Bay eventually completely removed or substantially altered much of the natural habitat areas...”</i></p> <p>While this statement is true, it fails to acknowledge that some remnant wetlands remain, particularly in what would be called Visitacion Creek north of Ice House Hill <a href="http://museumca.org/creeks/1610-RescVisitacion.html">museumca.org/creeks/1610-RescVisitacion.html</a> Historical watershed information assists in watershed planning and remediation efforts. This DEIR is deficient.</p>	<p>76</p>
<p><b>Reference back to Hydrology Section</b></p>	<p>Levinson Marsh waterflow control should be resolved between the two cities of Brisbane and Daly City and include more upstream detention areas. Fragmentation of this drainage system will have environmental impacts to wildlife and native flora not identified or considered in this document.</p>	<p>77</p>
<p><b>4.C-2; par. 4 Project Site</b></p>	<p><i>“there were also small areas of sandy beach.....[at Ice House Hill] and to the north that may have supported dune habitat.”</i></p> <p>Precisely where this was observed should be indicated. This precious</p>	<p>78 ↓</p>

<p><b>Setting</b> <b>Sandy Beaches</b></p>	<p>resource shouldn't be squandered. It might offer water percolation recharging options, remnant seed stock, cultural artifacts such as shell middens, fossil remains, or present a danger to building foundations. Without the information defining size, depth and location of this resource/potential hazard, environmental considerations and mitigation measures have not been adequately considered.</p>	<p>↑ 78 cont.</p>
<p><b>4.C-3</b> <b>paragraph 2</b>  <b>Vegetation</b> <b>Communities</b> <b>and Wildlife</b> <b>Habitats</b></p>	<p>California Native Plant Society surveys and San Francisco State University student observations have been done for the marsh at Bayshore and Main, which is hydrologically connected to the Baylands Project, even though off-site. More site-specific surveys may be available from other sources not identified. While generic statements about Bay Area wildlife habitats are entertaining, Project Site Settings should be more accurate. Site-specific studies are needed.</p>	<p>↑ 79</p>
<p><b>4.C-5</b> <b>Figure 4.C-1</b></p>	<p>As stated earlier, this map does not portray the biological conditions accurately. It fails to recognize the true character of the floodplain. It neglects to include upland areas which are necessary to support wetlands. The area identified on the railyard as emergent wetlands is conservatively ten times that size with connected pools east of Industrial Way. Additional acreage of wetlands is in the area identified as Borow [sic] Site/Material Removal and Willow scrub, the south end of Ice House Hill. Photographic evidence of these wetlands is part of the public record, prior testimony and scoping meeting comments. There is mention of wetlands on the north end of the property, but little of the wetlands and native areas close to US101 are shown in this map. There are also ponds, utilized by wildlife, parallel and adjacent to the west side of the train tracks which are not shown. This map is inaccurate and inadequate.</p> <p>Invasive scrub is much greater in acreage than the few patches provided. Invasive scrub better describes the present overall surface habitat due to neglect. The "landscaped" perimeter of the dump-portion of the landfill is a poor characterization of the near-dead, non-native random plantings. On the other hand, the area defined as "ruderal" (especially north of Ice House Hill) still shows their native origin. Elderberry, Toyon, sedges, native bunch grasses and shrubs are quite abundant. The characterization of this area is inaccurate.</p>	<p>↑ 80  ↑ 81</p>
<p><b>4.C-7</b> <b>Landscaped</b> <b>Par. 2</b></p>	<p>The admission that "<i>higher human activity levels in these areas [landscaped areas often called wildlife corridors] are not often compatible with native wildlife</i>", is appreciated, yet there is no indication that this is a significant impact. No further mention of what uses are incompatible uses, such as roadways, rail easements, rock-crushing, 24-hour lighted facilities, etc. or the adequacy or inadequacy of current or proposed setback standards to support wildlife corridors. Constructing a fence should only be a last choice solution, which might inhibit the</p>	<p>↑ 82 ↓</p>

<p><b>Table 4.C-1</b></p>	<p>movement of endangered salt marsh harvest mice. This area should be revisited and meaningful mitigation or planning measures provided.</p> <p>The discussion of Rare and Endangered Species is devoid of controlled studies. The table makes incorrect assignments of potential for occurrence of species of concern. Great Blue Heron, Cliff (or Bank?) Swallows (under the railroad bridge and along the east face of Ice House Hill,) Brown Pelican, Golden Eagle, 3-Spined Unarmored Stickleback fish and more have been observed on the Baylands in spite of low-observation developer-directed surveys.</p> <p>More independent studies are required.</p>	<p>82 cont.</p> <p>83</p> <p>84</p>
<p><b>4.C-8 last par.</b></p>	<p><i>“Connectivity of this patch to coastal scrub habitat to habitat on the west at San Bruno Mountain may be possible, but Bayshore Boulevard represents a barrier to movement for mammals.”</i></p> <p>Mitigation measures to remediate this impact are inadequate because they (4.C-1a,b,c) refer only to development <i>“activities on Ice House Hill”</i> and not at every road and rail crossing within the project.</p>	<p>85</p>
<p><b>4.C-9 4th par.</b></p> <p><b>4.C-10 last par.</b></p>	<p><i>“Due to past disturbance and the nature of these wetlands (small size, and in some cases, isolation), it is highly unlikely that they would support special-status plants or wildlife.”</i></p> <p>As stated earlier, special-status species have been documented and the remnant, or isolated nature of these wetlands becomes all the more reason to require full, year-round studies and continuing mitigation measures that are greater than a 1:1 ratio.</p> <p><i>“It is possible that the Brisbane marshes once were inhabited by what are now special-status species. However, it is unlikely that any of these species would currently be found in the tidal marsh or tidal marsh drainage due...”</i></p> <p>Tides have been observed to surge past the gates, up the “timber-lined” channel (and Guadalupe Creek) to west of Bayshore, into the Levinson Marsh. There are still migratory mating and spawning fish observed in these so-called man-made channels. Have any traps, nets or any multi-year, multi-season studies been done to support the DEIR conclusions?</p>	<p>86</p> <p>87</p>
<p><b>4.C-11 1st and 2nd paragraphs Spartina</b></p>	<p><i>“Clapper rail was not detected during surveys... 2010, 2013”</i></p> <p>Surveys that include ATV’s and humans in boats on the lagoon are not likely to spot the elusive Clapper rail. Clapper rail have been observed at a similarly isolated wetland north of here, at Heron’s Head Park. No</p>	<p>88</p>

<p><b>Project</b></p>	<p>observation during a few isolated events cannot provide the conclusion of “not likely to occur.” The DEIR is inadequate in not requiring complete studies of the biological resources.</p>	
<p><b>4.C-12 3rd par.</b></p>	<p>“2011 reconnaissance-level surveys confirmed that the information contained in the 2003 delineation remains a valid source of information ...”                  Since 2003, there has been new information, there is a recovery plan for the Callippe Silverspot, there have been grading and stream-altering activities, and there are public records documents that support different conclusions.                   More studies, including historical flooding patterns, migratory animals including fishes, night activity, and impacts of the horses on Ice House Hill should be required.</p>	<p>89</p> <p>90</p>
<p><b>4. C-14 chapters 1- 2 Mission Blue Butterfly</b></p> <p><b>Special -Status Fish</b></p>	<p>“None of these [lupine] larval host plants have, however, been documented as occurring on the Project Site and individual plants were not observed during reconnaissance surveys.”                  Lupine, both bi-color and <i>albifrons</i> have been documented and submitted to the City of Brisbane by Dana Dillworth. The pictures also included <i>viola pedunculata</i> and sunflowers. Absent studies or multi-season observations, you cannot make the conclusion they are not present.                   Reference: Letter by James McKissock on sighting stickleback fish in response to the NOP, dated 1/7/2011..                   An explanation is needed why “<i>species-specific surveys were not conducted.</i>”                  The DEIR is inadequate in determining impacts to special-status fish absent any species-specific surveys.</p>	<p>91</p> <p>92</p>
<p><b>4.C-16</b></p>	<p>“however, there is only a small amount of potential nesting habitat [for California least tern] (a sandy/shell beach) at the south end of Brisbane Lagoon...”                   This document fails to recognize that there is a greater potential nesting area just east of the site, east of 101 at Sierra Point. Bridging these habitats would be a mitigation measure for impacts to these species if species-specific studies and habitat restoration technologies/strategies had been an appendix to this report.</p>	<p>93</p>
<p><b>4.C-18 3<sup>rd</sup> par. Burrowing Owl</b></p>	<p>“burrowing owls were not observed during reconnaissance surveys”                  The southern end of the lagoon is another place that the owl may live, but has not been adequately studied.</p>	<p>94</p>
<p><b>4.C-19 to 20</b></p>	<p>“no prey species were found in the ditches,”... “unlikely because of the</p>	<p>95</p>

<p><b>San Francisco Garter Snake and Red-legged Frogs</b></p>	<p><i>disturbed nature of the railyard,” “appeared to be only shallow winter-spring surface water,”...</i></p> <p>This sounds dismal, because it was a dry year. By May, things are dried up. The reconnaissance missions failed to notice the “glory holes” (former weigh station, round table, and the south end of Ice House Hill.) These areas are wet year-round and provide a longer breeding season for animals whose habitat may appear, on the surface, to dry out. The surveyors were not present when the whole area is engorged with water and therefore their observations are not adequate to make the assumption that the species of concern are not present.</p>	<p>95 cont.</p>
<p><b>4.C-20, paragraph 3 and elsewhere</b></p>	<p><i>“no significant changes to the habitats have occurred on site since the last specific analysis in since 2003.”</i></p> <p>This is incorrect. Interim remediation efforts which included grading and lowering the water table (Army Corps Stream Alteration Permit) have taken place. As stated earlier, a ten- year-old survey by Burns and McDonnell who declare they have not been at the site during a wet season, is not adequate for evaluation of the environmental setting.</p>	<p>96</p>
<p><b>4.C-24 last par.</b></p>	<p><i>“Wetlands and Waters are regulated by both the Corps and RWQCB”</i></p> <p>This sentence listing jurisdictional agencies should include the State of California’s Bay Conservation and Development Commission (BCDC.)</p>	<p>97</p>
<p><b>4.C-26 2nd par. 2005 CA F&amp;G policy</b></p>	<p><i>“is to seek and provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat...” ‘no net loss’... “of either wetland habitat values or acreage, and prefers mitigation which would expand wetland acreage and enhance wetland habitat values.”</i></p> <p>It should be noted here that the State mentions the technique for “expansion” of wetlands are mitigation measures requiring greater than 1:1 replacement ratios.</p>	<p>98</p>
<p><b>4.C-27 to 28 Brisbane General Plan Policies</b></p>	<p>There is no mention of General Plan water conservation policies 130 a-f, 130.1-.5, through Policy 132, which speaks to the importance of wetlands habitat conservation. (These policies are only partially mentioned in the DEIR Hydrology and Water Quality section page 4.H-16.)</p> <p>Important passages in these policies include statements that <i>“ratios of restoration may exceed the regulatory agencies’ mitigation minimums,”</i> and that it is a <i>“desire that mitigation for wetland losses occur somewhere within the jurisdictional boundaries or sphere of influence of the City of Brisbane.”</i></p> <p>They should be included here as measures to enhance the environment, as required by the local jurisdiction.</p>	<p>99</p>

<p><b>4.C-29 Open Space Plan</b></p>	<p>Since the Brisbane General Plan was adopted in 1994 and the Open Space Plan was adopted in 2001, the height and cumulative impacts of the continuous fill operation on the landfill had not been subject to any environmental review. Discussions about current or 2010 baseline conditions should require corrective remediation measures to reduce those impacts to the environment. Examples might be to dredge the area east of 101 where the particulate matter has settled out or a requirement to create new tidal-influenced mud flats within the project. Another (perhaps interim-) mitigation measure would be to remove the invasive weeds and re-landscape with native plants in the areas identified in the Community Generated Open Space Concept Plan and restore connectivity to San Bruno Mountain through the Wetlands River Park. A thorough discussion and investigation of the issue of the 2010 baseline for biological resources needs to be done at this time.</p>	
<p><b>4.C-35 to -46 Mitigation Measures 4.C-1a through 4.C-1g</b></p>	<p>Mitigation measures do not have any guarantee for performance. A performance bond, habitat assessment district, and/or an independent field biologist should be required to assist in designing, monitoring, assessing and ensuring the productivity of systems designed to create or improve habitat. Improvements should be required as techniques become available. A mitigation measure of requiring participation in regional Bay restoration projects should be required.</p>	<p>100 101 102 103</p>
<p><b>4.C-35 Mitigation Measures</b></p>	<p>Brisbane’s building code must conform to the newly adopted State Title 24 requirements, which are much more strict than LEED Silver. Additionally, it should contain measures advancing biota in any/every development. For example, plant-cladded / living roof structures, habitat corridor overpasses (of the train tracks,) would be an important mitigating factor and should be included in the plan.. (see photos below)</p> 	<p>104</p>



This building approach could use native species, particularly those geared to creating habitat for our endangered species.



<p><b>4.C-36 Mitigation Measure 4.C-1a</b></p>	<p><i>“Prior to construction, or any other Project Site development related ground disturbance activities on Ice House Hill...” “before commencement of any development activities on Ice House Hill...”</i></p> <p>This document only identifies Ice House Hill to be the potential area for discovery of species of concern. This is insufficient as noted earlier and should include the entire Baylands. In addition, there is no mention of concern for bee populations, the encouragement of beekeeping, or mitigation measures to support a healthy native bee population. etc.</p>
<p><b>4.C-37</b></p>	<p><i>“establishing a buffer zone of no less than 25 feet prior to...”</i></p>

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<p><b>Mitigation Measure 4.C-1b</b> 1<sup>st</sup> par.</p> <p>2<sup>nd</sup> and last paragraphs</p>	<p>Dust, fine particulate matter, is known to impact the health of butterflies, their larvae, and insects by sealing off avenues of respiration. The buffer depth and construction technique (a meer fence) is inadequate for protection of the species of concern. Dust may need to be monitored with sensors.</p> <p><i>“No loss in total number of individual plants”</i></p> <p>1:1 ratio of restoration is low. This measure should speak in terms of restoration of acres of habitat, not individual plants. This measure, and the underlying minimal protection philosophy, should be revisited. Refer to earlier GP and Open Space Plan Policies which indicate mitigation can be greater than 1:1 due to the need and in this case, consideration of unmitigated impacts from recent interim land uses. As a policy, it should require the inclusion and calculation of upland areas, not just linear creek calculations and call them adequate to protect wetlands.</p>	<p>↑</p> <p>107 cont.</p> <p>108</p>
<p><b>4.C-38 Conclusion of Mitigation Measures 4.C-1a and 1b</b></p> <p>4.C-39 4.C-1c 6<sup>th</sup> bullet</p>	<p><i>“and compensate for direct loss of individual special status plants...”</i></p> <p>The measure doesn’t recognize that attempts to re-populate viola, the host plant for the Callippe have not been successful. In fact, it is incorrectly stated as having been successful. Rather than accept significant and unavoidable impacts, the Ice House Hill trail might have to abandoned or redesigned for less impacts and area conserved as a reserve.</p> <p><i>“Grassland habitat on Ice House Hill”</i></p> <p>Revise this to include that there are other native habitats throughout the Baylands that need protective mitigation measures.</p>	<p>109</p> <p>110</p>
<p><b>4.C-38 Impacts on Special-Status Animals</b></p>	<p>While there is mention of impacts from horses, there is no mention of a mitigation measure to lessen that impact.</p> <p>There is no mention of impacts from increased lighting or the cell and radio tower placement on Ice House Hill or for other future areas.</p>	<p>111</p> <p>112</p>
<p><b>4.C-40</b> 2<sup>nd</sup> par. last sentence</p> <p>3<sup>rd</sup> par.</p>	<p>The term “open space areas” used here should be noted that, of the 150 acres cited in the DSP scenarios, “promenades” do not qualify as foraging habitat for raptors. They are death traps as birds get hit by vehicles. Reduce the street-setback calculations from the DSP open space totals. It should also be noted that there are County Health programs to eradicate the small rodent populations on the Baylands. These programs may conflict with other habitat management goals. It should be recognized and cited what impacts poisoning and trapping rodents may have to raptors, scavengers and other wildlife.</p> <p><i>“Removal of existing unpaved areas under any of the Project Site development would not represent a substantial reduction in available foraging habitat and thus would not have a substantial effect on local populations of raptors.”</i></p>	<p>113</p> <p>114</p> <p>115</p> <p>↓</p>

	This is incorrect. There are general formulas of the range and habitat needed for each species. Any reduction in available food source or loss of habitat is a significant impact.	↑ 115 cont.
<b>4.C-42 6<sup>th</sup> paragraph</b>	<i>“on site mitigation... at a ratio not less than 1:1”</i> As stated earlier, this is not adequate and fails to recognize Brisbane’s right to require higher than the minimal CDFW mitigation measure mentioned. One potential mitigation measure for raptors is to require denser plantings of trees or vegetation strategies for roofs, parking, over-crossing bridges, etc.; a more creative use of setbacks. Simultaneously, concern must be given to root penetration of the fill and water-thirsty plants and the shading of open grasslands. Another unconsidered mitigation measure would be providing nesting platforms or boxes for raptors and migratory birds. A full plan must be developed.	116 117
<b>4.C-43-44</b>	<i>“does not ensure that the impact [to raptors and bats] would be reduced to a less than significant level...”</i>  A mitigation measure to consider would be shrouds our housings around wind energy generators and/or relocation of the proposed farm from any sensitive areas. The whole discussion of wind turbines should be subject to modeling and lighting impact studies.	118
<b>4.C-46 Mitigation Measure 4.C-1g</b>	<i>“ implementation of erosion control and water pollution control measures consistent with Storm Water Pollution Prevention Program (SWPPP) requirements,”</i> It should be noted here that the SWPPP program and permits proposed for all scenarios are Industrial Discharge Permits. This allows the highest levels of contaminants to enter the Bay. This choice should be reconsidered from a Biological Resources perspective.  It is also problematic that SWPPP is a “voluntary compliance” program. The monitoring required is not necessarily testing the first draw of stormwater from the new rainy season. Instead, the testing is only required if the first rains happen in a convenient 9-5 business time. Accuracy of tests can be challenged and should not be considered a true reflection of run-off conditions at the Baylands.	119 120
<b>Last bullet</b>	<i>“Construct diversion dikes and drainage swales to channel runoff around the site and away from bodies of water.”</i> This measure will have impacts, which are not studied and need to be further refined in this document. Specially designed basins would have to be constructed and permeable plazas may be prohibited due to trying to keep water from infiltrating the waste matrix of the fill. Cisterns and	121

	a series of naturalized retention basins and wetlands can be designed for double-duty flood-control and water storage.	
<b>4.C-46 Mitigation</b>	<p>There is much discussion on this page about mitigation of drainage and sediments into the water with no mention of the many species of animals or plants, and how soil movements will impact the delicate habitats of animal and plant species. Please refer to EPA <a href="http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/MNR_Guidanc..">http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/MNR_Guidanc..</a></p> <p>Phytoremediation and other remediation techniques have not been adequately studied for this site and need to be viable alternatives. Reference: John Roach, “<i>Gene Altered Plant, Tree Can Suck Up Toxins,</i>” National Geographic News October 15, 2007. <a href="http://news.nationalgeographic.com/news/2007/10/071015plantstoxic.html">http://news.nationalgeographic.com/news/2007/10/071015plantstoxic.html</a></p>	<p>122</p> <p>123</p>
<b>4.C-46</b>	<p>Below is a partial list of what the EPA considers potential effects of contaminated sediments that could pertain to the Project. Unacceptable levels of sedimentation to the wildlife and aquatic life can not be allowed to happen and this habitat must be preserved and bettered by any project.</p> <p><b>Potential Effects of Contaminated Sediments include:</b> Ecological impacts on wildlife and aquatic species Loss of recreational and subsistence fishing opportunities</p> <p>Reference: <a href="http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/MNR_Guidance.pdf">http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/MNR_Guidance.pdf</a></p>	124
<b>4.C-47 Substantial Impact on riparian habitat</b>	<p><i>“development of the project site would be preceded by remediation activities”</i></p> <p>The mentioned remediation with importation and placement of clean fill to achieve clean-up goals is a misnomer for many reasons. The fill that has been stockpiled, east of Tunnel Road has not been tested and cannot be considered clean. The impacts of the plan to fill wetlands have not been studied and should be coordinated with watershed management from Daly City and San Francisco.</p>	<p>125</p> <p>126</p>
<b>4.C-48 last paragraph</b>	<p><i>“Overall the restored wetlands would exceed the ecological functions-and-values currently present.”</i></p> <p>Creating “<i>natural assemblages</i>” and 1:1 mitigation ratios without a stewardship program, is not the same as mitigated habitat restoration.</p>	127

	<p>These statements indicate a misunderstanding of the current ecological values and functions of large areas on the Baylands and the magnitude of the mitigation measures needed. Contact Mountain Watch to find out how many years it takes to improve habitat on creeks in Brisbane. Without understanding, proper design, and proper phasing of the remediation measures, there will be a great impact on biological resources, which would go unmitigated.</p> <p>The State’s No Net [wetland] Loss Policy includes “area” in the criteria of their protection and the Brisbane General Plan policy both have the goal of “increasing” function and value. There is no guarantee that these proposed remediation measures will reduce the impact to less than significant.</p>	<p>↑ 127 cont. ↓</p> <p>↓ 128 ↓</p>
<p><b>4.C-49 OID-Brisbane Water Transfer</b></p>	<p>Impacts of the water transfer agreement have not been studied. You are unable to confirm that this is mitigable, particularly because the agreements are not firm and the Tuolumne River has had times where they do not meet Clean Drinking Water Standards.</p>	<p>↓ 129 ↓</p>
<p><b>4.C-50 Mitigation Measure 4.C-2a</b></p>	<p>Note: fencing, silt-fencing and straw wattles may impede the movement of some animals. Consideration for low “breaks” in the barrier fence, animal-crossings or trapping and reintroduction of resident species should be made.</p>	<p>↓ 130 ↓</p>
<p><b>4.C-51 Mitigation Measure 4.C-2c</b></p> <p><b>First paragraph</b></p>	<p>“compensation shall be provided for temporary impacts and permanent loss to ensure that there is no overall loss of sensitive natural communities...”</p> <p>Please further define compensation “on an impact-specific basis.” This document should be broader than just wetlands to include whole natural communities including the upland areas. It also sets up a piecemealed approach to mitigation that is frowned upon by the California Office of Planning and Research.</p>	<p>↓ 131 ↓</p>
	<p><i>“Alternatively, offsite mitigation may be pursued through an approved mitigation bank.”</i></p> <p>This is contrary to Brisbane General Plan policies as stated earlier. The impacts occur here, they should be mitigated here. In either case, mitigation ratios may need to be higher than 1:1.</p>	<p>↓ 132 ↓</p>
<p><b>Performance and Success Criteria</b></p>	<p>-Performance measures should be for all habitats, not just wetlands.</p> <p>-The ratios are very inadequate. 70% survival of only 40% coverage equals 28% habitat creation, at which point you have no further requirement.</p> <p><i>“ At the end of the five-year monitoring period the wetland must be self-sufficient and capable of persistence without supplemental water”</i></p>	<p>↓ 133 ↓ 134 ↓</p>

	<p>This measure is inadequate. There is no guarantee of performance, just monitoring. This could be rectified with a habitat easement district, performance bond or dedication to a non-profit, which will take on the task of restoration.</p>	<p>↑ 134 cont.</p>
<p><b>4.C-53 Summary Impacts to Wetlands</b></p>	<p><i>“impacts associated with filling jurisdictional wetlands during site remediation would be less than significant.”</i></p> <p>For the reasons previously stated, without proper biological studies, without proper acreage, without a continuous protection and enhancement of habitat plans, without a better understanding of the hydrology, these proposed mitigation measures are inadequate and will not be less than significant.</p>	<p>↑ 135</p>
<p><b>4.C-54 Wildlife Corridors and Bird Migration Navigation</b></p>	<p><i>“Currently, suitable wildlife habitat at the site is limited to Icehouse Hill.”</i></p> <p>This is incorrect. There are numerous areas abundant with life that have been previously mentioned, documented, and remain improperly mapped. Areas from the Lagoon to north of the Roundhouse, from west of Bayshore to the rails are teeming with native plant and animal communities.</p> <p><i>“Development of the Project Site would not create barriers to site access for species present in the vicinity and would not inhibit on-site animal movement corridors...”</i></p> <p>This is incorrect. The increased use of the rail corridor for high speed rail (fenced,) potential goods movement, and other light-rail uses will have a significant impact on wildlife movement. Placement of roads near wildlife corridors will have impacts. Above ground vs. below ground choices for the trains and passages, the height of the fill, will all have impacts on animal movement.</p> <p>Nesting swallows currently using the rail overpass could be considered in the design of future rail crossings or buildings in the area. Absence of studies acknowledging their presence and measures to support wildlife makes this document inadequate.</p>	<p>↑ 136</p> <p>↑ 137</p>
	<p><i>“open space dedication and open area planning should be incorporated as part of the specific planning portion of the planned development process.”</i></p> <p>Without the goals clearly articulated, it might be like the Northeast Ridge Project... Twenty-plus years later, no dedication of public open</p>	<p>↑ 138 ↓</p>

	<p>space land for conservation has taken place. This needs a clearer action plan.</p>	<p>↑ 138 cont.</p>
<p><b>4.C-55 Migration of Birds</b></p>	<p><i>“their tendency to be disoriented by artificial light”</i></p> <p>While there is mention of the impact of light on migratory birds, the conclusion is to declare this unmitigatable. This is a false conclusion because there could be a “no-lights-at-night” policy. Certainly the discussion of a stadium or arena in a sensitive habitat area would require relocation to a less sensitive area.</p>	<p>139</p>
<p><b>4.C-56 Mitigation Measure 4.C-4a</b></p>	<p><i>“component of the Specific Plan”</i></p> <p>This statement is vague, which specific plan? Future, multiple specific plans? The current document under review has been declared a Project-level Plan, not a Specific plan even though it has been presented as such.</p>	<p>140</p>
<p><b>Mitigation Measure 4.C-4b Lighting Impacts</b></p>	<p><i>“[lighting plan] shall be prepared by a qualified biologist and subject to approval by the Brisbane Community Development Department”</i></p> <p>As stated earlier, reducing impacts from lighting is not the solution. Prohibiting uses that would impact the migration and well-being of resident wildlife should be the mitigation measure. No lights, no impacts. These are issues that should go before the Open Space and Ecology Committee, a qualified biologist, rather than be the responsibility of Planning Department officials.</p>	<p>141</p>
<p><b>4.C-57 Mitigation Measure 4.C-4c Pet Policies</b></p>	<p><i>“restrictions shall be monitored by a property owners association which shall have the right to impose fines for violation of this requirement.”</i></p> <p>Pets are not limited to residential establishments. Property-owner associations are proven to be ineffective at “self-policing”. There is no requirement of these associations as a condition of occupancy, so it remains an ineffective mitigation measure.</p> <p>Any collection of fees should go to spay and neuter programs or have some relevant association to the impact. An educational program that is on-going, etc.</p> <p>Any monitoring and design of wildlife habitat should be done by qualified biologists under the review of CA F&amp;G.</p> <p><i>“if a buffer cannot be accommodated between development and habitat areas, cyclone fencing with vinyl slats ...at a minimum height of three feet for screening”</i></p>	<p>142</p>

	Certainly there are other possible mitigation measures. Greater separation between uses is a must.	↑ 143 cont.
<b>4.C-58 Mitigation Measure 4.C-4e</b>	Design of 100-foot tall buildings should be subject to design review by the Planning Commission and the Open Space and Ecology Committee with notification to CA Fish and Game, BCDC, the Audubon Society, and the Bay Joint Ventures organizations to ensure the protection of the valuable public resource. This mitigation measure should utilize the most current practices in aviation-strike protection.	144
<b>4.C-59 High Levels of Noise</b>	Due to the increased use of the rails and proposed Bus Rapid Transit system, noise will be an impact on all wildlife. Surveys of trees confirming bird presence will not change the impact of noise. Noise calming, reduced traffic trips, increased tree planting, and keeping the Community noise levels at 65 CNEL or less would reduce the impacts. These are not discussed and the measures cited are not adequate.	145
<b>4.C-63 Table 4.C1</b>	San Bruno Elfin, Bay Checkerspot, Mission Blue, Callippe Silverspot and Myrtle Silverspot are all butterflies on chart as Federally endangered species, with habitat in this area. The occurrence of Mission Blue Butterfly host plants have been confirmed, documented and submitted.	146
	Mitigation measures for loss of habitat for these species should be included in Project development such as planting native host habitat in all landscaped areas throughout Project.	147
	There is no mention about the Anise Swallowtail Butterfly or its habitat in Brisbane, which has been recently observed.	148
	In addition, the San Francisco Forked Tail Damselfly has been observed in local wetlands by Dr. John Hafernick and students from San Francisco State University.	149
	The assertion that there is low potential for San Bruno Elfin is not correct. There is potential habitat in the outcroppings of rock in the eastern and southern cuts of Ice House Hill.	150
<b>General Comment</b>	The impact of feral cats and dogs existing on the site were not studied, and should be.	151
<b>General Comment</b>	c.f. Domestic dog walking in recreation section. Studies on how recreational activities impact biological resources should be done.	152
	Measurable habitat goals should be established which include	↓ 153

	quantifiable setbacks intended solely for wildlife habitat to provide adequate separation between conflicting uses. Those stated, 40% are minimal.	153 cont.
<b>General Comment</b>	Any activity planned for public use around the lagoon should account for avian and other wildlife. Potentially with great care an island for the Avian life should be created further into the lagoon to protect and propagate all the species living here now.	154
<b>General Comment: Fish</b>	<p>General Comment about “no spawning habitat available” is that the project site hasn’t been fully evaluated.</p> <p>Habitats exist presently in the Brisbane Baylands (including Lagoon) and upstream. In the recent past they have been fragmented by the railroad, Bayshore Boulevard and interim-remediation obligations. One mitigation measure not required is for the property owners to provide stewardship through working with Bay Conservation programs and watershed improvement grants, which might need multi-city collaboration. It may need to include Daly City and San Francisco day-lighting creeks and providing cleaner upstream flows to the Bay.</p> <p>There are reports that saline waters tested as far west as the Levinson Marsh at Bayshore and Main. The unarmored 3-spined Stickleback were discovered, stranded in pools on the Baylands. (See J. McKissock letter in response to NOP.)</p> <p>Connectivity and habitats exist, just not obvious to the limited testing and observations done to date. More studies need to be required.</p>	155  156  157  158
<b>4.C-64 Amphibians Reptiles</b>	Low potential for Red-legged Frog and San Francisco Garter Snake is cited. This is incorrect. While some areas are still contaminated and probably not supporting life, the flat plains that flood every year are home to numerous resident and migrating species. There are areas that stay permanently wet (the north and south end of Ice House Hill for example). More studies are required.	159
<b>4.C-65 Birds and Mammals</b>	Low potential for California Brown Pelican, California Clapper Rail, Bank Swallow and Salt-marsh Harvest Mouse are cited. These are all incorrect. The southern end of the lagoon may have resident populations due to the monthly tidal flux.	160

	<p>Swallows are nesting under the Caltrain overpass of Tunnel Road and in the hollows on the eastern slope of Ice House Hill.</p> <p>Nests have been observed on the North end of the Lagoon. These may be representative of Pelican habitat and mitigation measures of sensitivity to planning in this area are paramount. Further studies are needed.</p>	161
<p><b>4.C-66 Plants and Invertebrates</b></p>	<p>Manzanitas and lessingia are two plants that should be studied more closely. There is reference to a former sand dune, but no reference to its existence on this checklist. Invasive plant removal of the entire Baylands should be a required mitigation measure. Refer to pictures submitted in the response to the NOP of the success of Earthcare in the area that connects Crocker/Guadalupe Creek to the Baylands.</p>	162
<p><b>4.C-67 Invertebrates and Fish</b></p>	<p>Low occurrence of bees, SF Forktail Damselfly, and Pacific Herring again is incorrect. The Forktail Damselfly have been observed and studied in the adjacent Levinson Marsh. Other sightings have been on the south end of Ice House Hill.</p>	163
<p><b>4.C-68 Birds</b></p>	<p>The statement of low occurrence of Great Blue Heron, Owls, and others is incorrect. Great Egrets have been observed roosting in the Eucalyptus around the Roundhouse. Great Blue Herons have been observed in the eucalyptus on Ice House Hill, the area near the tank farm and the Levinson Marsh. Owls have been observed using the Roundhouse for nesting but are quiet while rearing their brood.</p> <p>There must be a mitigation measure to compensate for the loss of mature nesting trees beyond making sure the birds are not nesting when trees are cut down. In some communities, bird boxes or nesting platforms are created for sensitive species.</p>	164
<p><b>4.C-69 Birds</b></p>	<p>Salt-marsh Common Yellow Throat are observed at the Levinson Marsh, adjacent to Industrial Way.</p>	165
<p><b>4.C-70 Bats</b></p>	<p>There is a resident population of bats. In the evenings, a flutter of activity, especially in spring, has been observed. More studies should be required.</p>	166
<p><b>4.C-28</b></p>	<p>Program 123a: Naturally occurring biological communities must be identified, conserved and protected in any land use scenario, as provided by the General Plan.</p>	167

<b>General Comment</b>	The DEIR minimizes the impact to the wetlands. Due to the the delicate nature of the returning avian population, all wetland areas must be protected to the fullest, and alternative recreation resources discussed.
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4.D: Cultural Resources

DEIR (Section; page #)	Comments	
<p><b>4. D-3 Paleontological Settings par. 4</b></p>	<p><i>“However neither the artificial fill material nor the underlying bay mud deposits that comprises the project site would contain significant paleontological deposits.”</i></p> <p>Noting that the Ohlone Indians as well as Spanish missionaries may have occupied this site separately and/or together before or during a period in history known as the Mission Period (1770-1835), It is important to monitor this site during excavations for artifacts including but not limited to tools, shell mounds, sharp objects, pottery shards and human remains which may be Native American. Also religious artifacts from the Spanish missionaries that would be of valuable importance to the history of Brisbane and the entire state of California.</p> <p>It may be necessary to treat the entire Project as a possible historical/archeological site and use methods in line with archeological field procedures.</p> <p>An appropriate mitigation measure should be that any excavation be professionally monitored and overseen.</p>	<p>171</p> <p>172</p> <p>173</p>
<p><b>4.D-3</b></p>	<p>Some of the fill is only 5’ deep, on top of land that was not bay mud. The soil underneath may contain artifacts of historic significance. Artifacts from railroad era, e.g., tools, parts, etc., should be considered historic.</p>	<p>174</p>
<p><b>4-D-3</b></p>	<p>The DEIR study citing a lack of archaeological significance on the site relies on a Native American letter (Native American Heritage Commission, Debbie Pilas-Treadway, Mar. 7, 2007, to ESA), which cannot be located. The letter should be placed in Appendix. There is no evidence that, beyond a records search, archeological testing of the soil for artifacts was done.</p>	<p>175</p>
<p><b>4-D-5 Historic Period Archaeological Site</b></p>	<p>The supposition that historic items are insignificant are not justified. There is a need to explain this conclusion.</p> <p>Fill from earthquake debris from 1906 is likely to contain historic items from San Francisco and should be inventoried.</p>	<p>176</p>
<p><b>4.D-12</b></p>	<p>Figure 4.D-5 is misleading. Interior pictures of the Lazzari building should also be included to demonstrate the historic value of the interior and furnishings therein..</p>	<p>177</p>
<p><b>4.D-16 Table 4.D-1</b></p>	<p>Table 4.D-1 is inaccurate, data needs to be challenged. The test is too narrow.</p>	<p>178</p>

<p><b>4.D-26</b></p>	<p>Why is the restoration of the Roundhouse projected to be completed in 2035? This is an urgent matter requiring earlier action because section 3.11.1 discusses demolition and deconstruction of the Lazzari Building.</p>	<p>179</p>
<p><b>4. D-27 Roundhouse Mitigation</b></p>	<p>As the Roundhouse has been declared a historic resource but allowed to fall into disrepair due to abandonment, vandalism and fire, and since Project includes mitigation and use of this resource, mitigation measures as mentioned in this section must become a priority under National Parks Service Brief #31 “Mothballing Historical Buildings.” This should be done prior to any building permit being issued. Adequate rail access from the main line to the Roundhouse should be included in any projected restoration plans</p>	<p>180 182</p>
<p><b>4.D-27 Conclusion cf. 4.J Noise and Vibration</b></p>	<p>What effects will adjacent construction have on the stability of the Roundhouse? Sensors should be installed on the Roundhouse in order to monitor if adjacent construction and grading will have an impact on the Roundhouse. Prior to any renovation, the need to stabilize the structure is imperative; also of concern is the future sea level rise, which adds to the urgency.</p>	<p>182 183</p>
	<p>The Roundhouse turntable is currently holding wildlife and should be considered wetlands. There is a need to add a new wetlands site to make up for lost wetlands at the Roundhouse.</p>	<p>184</p>
	<p>Buildings in the periphery of the Roundhouse may contain historical significance; lost habitat should be restored.</p>	<p>185</p>
<p><b>4.D-28</b></p>	<p>Lazzari Charcoal Building / Tank and Boiler Shop, turntable and associated tracks, poles, lights and other hardware should be recognized as historic structures containing unique cultural resources. Why are these structures not given historical significance in the DEIR? These should be in the National Register as historic sites. [Note: Per CEQA section 5020.1(j),(g), (k) or 5024.1, City Council can determine historical significance of any site.]</p>	<p>186</p>
<p><b>4.D-28</b></p>	<p>The rehabilitation plans are expected to meet a minimum of 7 out of 10 of the standards. Which 7 standards will be met?</p>	<p>187</p>
<p><b>4. D-33 par. 3</b></p>	<p>More information will be needed on the recorded archeological site (<i>a large midden site with burials - site designation P-41-00496</i>). This site may be historically important and be designated as a cultural resource and is so preserved as such.</p>	<p>188</p>
<p><b>4. D-34 par.2</b></p>	<p>Preservation in place is appropriate as the preferred method of mitigation for impacts on cultural resources, unless there is a threat to human or wildlife health and safety.</p>	<p>189</p>

4.E: Geology, Soils and Seismicity

DEIR (Section; page #)	Comments	
<b>4E General Comment</b>	The DEIR does not contain a static and seismic geotechnical investigation of the fill over soft bay mud. Such investigation should be done. Some assurance is needed to investors, business owners, banks, etc., as to who would bear responsibility and costs of mitigation in the unlikely event that the present stratification of the landmass is significantly altered and all structures are unstable. Insufficient data is provided on the potential impact of the City College Fault traversing the northern area of the site.	190
<b>4.E-3 Impact</b>	The potential public health impacts of seismic effects such as liquefaction and sand boils need to be better analyzed than Geosyntec’s report, which is inadequate.	191
<b>4.E-3: seismic-related ground failure including liquefaction, 4.E-40</b>	Very little, if any, reference is made to deterioration of soil stability due to the differential settlement of the ground caused by ongoing decomposition of organic materials in the landfill and waste stratas. Projected effects of the differential settlement and the required long-term mitigation measures should be specified.	192
<b>4.E-8 3rd par. Artificial Fill</b>	“ <i>Within the former landfill area, the waste material consists primarily of wood, paper, plastic, glass, wires, metals, and gravelly soils (Geosyntec, 2008). The majority of waste material was composed of wood and paper.</i> ” The hazardous waste left from the construction, operation and demolition of the Champion Speedway, located on the landfill from 1962 to 1979, should be thoroughly researched and documented. The facilities included a concrete oval race car track, a hot-rod strip, a large spectator grandstand, and a vehicle maintenance pit. Reference: <a href="http://wediditforlove.com/Champion-1.html">http://wediditforlove.com/Champion-1.html</a>	193
<b>4.E-8 3rd par. Artificial Fill</b>	The Geosyntec 2008 testing completely ignored the extent of various materials contained in the unregulated landfill, including Navy shipyard waste, tires and oil, medical waste, and other hazardous materials dumped there. Only complete, inch-by-inch testing, vertically and horizontally, can reveal all the toxics potentially buried in the landfill. According to expert advice, the only way to adequately “clean up” an unregulated landfill is to remove all of it and place it at an engineered, regulated fill site. This mitigation measure should be listed as an option.	194
<b>4.E-37 Significance</b>	Toward the end of the section is a reference to a final clay cap over the landfill materials and undeveloped or open space areas. Additional	195

<p><b>Criterion- Seismic Groundshaking,</b></p>	<p>description is needed, such as typical thickness and/or reference where to find additional information in the report. There should be a reference to the visual impact of grade elevation gain in other impacted sections, i.e. Visual Impact. Note: p. 4.E-45 references placement of up to 26' of engineered fill at railyard.</p>	<p>↑ 195 cont.</p>
<p><b>4.E-37</b></p>	<p>Significant Criterion – Seismic ground shaking For all UPC scenarios analyzed, the risk is called “significant but mitigable” for a “major earthquake (Richter scale 6.7 or higher)” through use of a “geotechnical engineering methods . . . in accordance with California Building Code requirements.” Results of studies on the effectiveness of current California Building Codes in high magnitude earthquakes should be referred to.</p>	<p>196</p>
<p><b>4.E-45 Post Construction Development</b></p>	<p>Soil subsidence mitigation such as dynamic compaction and soil surcharging will compact the soils, but such mitigation will not protect against the potential for future soil subsidence and loss of load-bearing capacities due to decomposition of organic materials in the soil. Potential impacts of this decomposition and any suggested mitigations should be specified.</p>	<p>197</p>
<p><b>4.E-45 Post-Constructio n Development</b></p>	<p>Building foundation design and flexible utilities connections will help to mitigate damage to structures, but does not address long- term differential settling at site hardscapes (concrete sidewalks and road asphalt). The potential long-term impacts and mitigations required to avoid future dips in roads or safety during emergencies, offset sidewalk cracks, and misaligned intersections of hardscapes to buildings (i.e. entry walkways and wheelchair ramps) should be included.</p>	<p>198</p>
<p><b>4.E-45</b></p>	<p>Deep dynamic compaction is mentioned and described very briefly. Additional description of this process and/or references where to find additional info in the report should be included. What are the potentials for the deep ground vibrations to create other unforeseen damages to nearby structures?</p>	<p>199</p>
<p><b>General Comment</b></p>	<p>What related issues/problems have other similarly designed intensive developments on refuse-infilled bay shallows encountered and mitigated over their long term existence? What commensurate mitigations could be included in this DEIR?</p>	<p>200</p>
<p><b>General question:</b></p>	<p>The Kinder–Morgan fuel depot and associated underground pipelines represent a potential hazard during a major earthquake. The Project area surrounds the property and a major access/egress road borders the facility. The location of all the pipelines serving the tank farm should be shown on appropriate maps. Plans to monitor and mitigate the potential major hazards inherent in these facilities must be included in the final EIR.</p>	<p>201</p>

<b>4E-4b p. 4E-42</b>	This report says that best practices for building will be used when constructing commercial and residential buildings on the project site, but does not describe how the kinds of soils and conditions described here can be safely built on. More specific information, along with references to other sites where these sorts of conditions exist, should also be provided.
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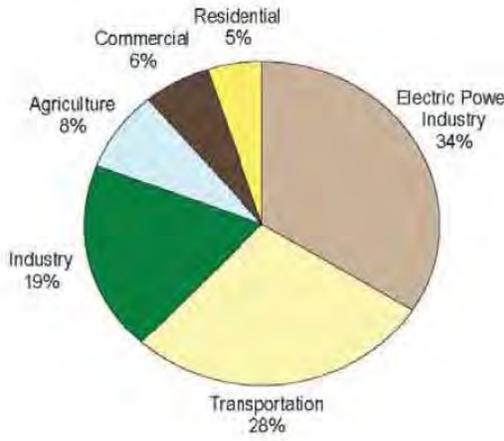
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**4.F: Greenhouse Gas Emissions**

<p><b>DEIR</b> (Section; page #)</p>	<p><b>Comments</b></p>
<p><b>4.F-1 Impact</b></p>	<p>The data for CPP and CPP-V render a significant unavoidable impact finding. How can reductions and mitigation be done for these plan variants?</p>
<p><b>4.F-4</b></p>	<p><i>“of the sources in this total, the largest contributors include transportation sources, industrial energy, and solid waste disposal...”</i></p> <ol style="list-style-type: none"> <li>1. This economic sector-based view limits the tools available to Brisbane to mitigate the Greenhouse gas emissions from the project.</li> <li>2. A systems-based view uses the same data used in the sector-based analysis, but, this view provides the greenhouse gas emissions used to manufacture and transports goods and food.</li> <li>3. When a city uses a system-based inventory, in addition to a sector-based inventory, more remedies are available to them including source reduction, zero waste policies, design for deconstruction, product stewardship policies and programs, and green procurement.</li> </ol>

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	 <p>Reference:          Environmental Protection Agency (U.S. EPA)          Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices. September, 2009.  <a href="http://www.epa.gov/oswer/docs/ghg_land_and_materials_management.pdf">http://www.epa.gov/oswer/docs/ghg_land_and_materials_management.pdf</a></p>	
<p><b>4.F-7          CEQA          Guidelines</b></p>	<p><i>“a project’s incremental contribution ... is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program”</i></p> <p>What is the previously approved plan? BAAQMD was not approved, and the Brisbane General Plan would need to be amended for the DSP, DSP-V, CPP and CPP-V. As mentioned below, absolute and cumulative GHG emissions should be studied.</p>	<p>205</p>
<p><b>4.F-12          second par.</b></p>	<p><i>“nothing in the court’s decision prohibits an agency’s use of the thresholds to assess the significance of a project’s air quality impacts.”</i></p> <p>Basing the threshold of significance for GHG emissions on the BAAQMD criteria, which are calculated per capita, ignores the effect of the total emissions from the project. Evaluating all of the future development plans of multiple communities in a region independently, and considering only per-capita effects leads to a “tragedy of the commons” situation, where the maximum buildout appears to be best. Efficient plans that reduce per-capita levels are of course good, and per-capita emission levels should be studied. However, absolute GHG emissions should also be jointly considered.</p>	<p>206</p>

<p><b>4.F-17</b>  <b>Table 4. F-1</b>  <b>“Motor</b>  <b>Vehicle Trips:</b>  <b>39,457”, and</b>  <b>4.F-18</b>  <b>Table 4.F-2,</b>  <b>“Motor Vehicle</b>  <b>Trips: 67,252”</b></p>	<p>It is surprising and unexpected that a larger project should produce substantially fewer increases in motor vehicle trips. Presumably this result is derived from section 4.N, Traffic and Circulation. It would be helpful if the DEIR cross-referenced the pages and figures in other sections used in calculations. The calculations shown in Appendix G numbers were not helpful in explaining the assumptions used here.</p>
<p><b>4. F-21</b>  <b>Mitigation</b>  <b>measures</b></p>	<p>These measurable reductions are valid, but incomplete. The reductions are based on one type of inventory, which different kinds of inventories will provide multiple reduction actions.          ICLEI’s newly published U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions provides innovative and state-of-the-art methodologies for ways to account and report GHG emissions that include sector-based, consumption, supply chain, and transboundary emissions.</p> <p><i>ICLEI U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. October 4, 2012</i></p> <p><a href="http://www.icleiusa.org/tools/ghg-protocol/community-protocol/us-community-protocol-for-accounting-and-reporting-of-greenhouse-gas-emissions">http://www.icleiusa.org/tools/ghg-protocol/community-protocol/us-community-protocol-for-accounting-and-reporting-of-greenhouse-gas-emissions</a></p>

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4.G: Hazards and Hazardous Materials

DEIR (Section; page #)	Comments
<p><b>General Comment</b></p>	<p><b>CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION ORDER NO. 01-041 of April 18,2001:</b></p> <p><i>“SITE WASTE DISPOSAL HISTORY 16. The landfill was filled in three areas with refuse composed of primarily <b>non-hazardous solid wastes such as rubble, municipal, and shipyard waste</b>. The total volume of waste disposed of at the landfill is estimated to be 12.5 million cubic yards. Of this volume an estimated 73 percent was produced by residential and commercial activities, with inert fill accounting for approximately 25 percent, and the remaining 2 percent was assumed to be liquid waste.” [bolding added]</i></p> <p>The specific assumption that this unregulated waste, specifically medical and shipyard waste, was non-hazardous, is completely unsupported due to inadequate testing practices by Geosyntec and others.</p>
<p><b>4.G-1 Introduction</b></p>	<p><i>“...scenarios were independently reviewed by CDM Smith on behalf of the City and determined to be adequate for the purposes of CEQA analysis.”</i></p> <p>This is an incorrect analysis. CDM report indicated there were many things that have not been studied. The same report analyzed by Dr. G.F. Lee identifies many deficiencies including: human health and ecological risk as “[the] level of investigation does not preclude the possibility that there are unrecognized, unmonitored hazardous chemicals that pose a risk to public health and environmental quality at the site.” (See <i>Report on the Adequacy of the Investigation/ Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property</i>, Dr. G.F. Lee.)</p> <p>Further, “CDM did not address the adequacy of the stormwater runoff monitoring from this area.” (G.F.L. pg 28)</p>

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<p><b>4.G-2</b> <b>“Remedial action” or “remediation”</b></p>	<p>While the document refers to state and local laws for cleanup and monitoring toxins, it fails to assess whether these laws are adequate to protect the public. The city is empowered to require higher standards in these areas.</p> <p>According to Dr. Lee: “This limited monitoring program [BMP for SWPP] highlights the grossly inadequate federal and state requirements for stormwater runoff monitoring programs for landfill areas.” (GFL pg 29)</p> <p>“The environmental pollution by PBDEs [Polybrominated diphenyl ethers] is but one example of the significant deficiencies in conventional water quality monitoring for detecting the wide range of hazardous chemicals that are in wastes and in their leachates.” (GFL pg 16)</p> <p>“The current approach for developing water quality criteria does not consider even known additive and synergistic properties of mixtures of chemicals; the toxicity of a mixture of such chemicals is greater than the sum of the toxicity caused by each chemical alone.” (GFL pg 18)</p> <p>Simply requiring state regulations and overburdened State agencies to monitor may be insufficient. These concerns should be addressed in the EIR.</p>
<p><b>4.G-2-3</b> <b>Soil, Sediment, Dust</b></p>	<p><i>“Soil, Sediment, Dust: People will be exposed to hazardous substances in soil, . . . <b>children can be highly susceptible to exposure through these pathways.</b>”</i></p> <p>Phytoremediation is the direct use of green plants and their associated microorganisms to stabilize or reduce contamination in soils, sludges, sediments, surface water, or groundwater. First implemented in the early 1990s, phytoremediation has been tested at more than 200 sites nationwide. Because it is a natural process, phytoremediation can be an effective method to address numerous contaminants. Sites with low concentrations of contaminants at shallow depths over large cleanup areas are suitable conditions for phytoremediation.</p> <p>Source: EPA Website <a href="http://www.epa.gov/superfund/accomp/news/phyto.htm">http://www.epa.gov/superfund/accomp/news/phyto.htm</a> EPA <i>Brownfields Technology Primer: Requesting and Evaluating Proposals That Encourage Innovative Technologies for Investigation and Cleanup</i> <a href="http://www.clu-in.org/s.focus/c/pub/i/677/">http://www.clu-in.org/s.focus/c/pub/i/677/</a></p> <p>This advent of phytoremediation must be added to alternatives with much promise. Native plants used for phytoremediation would serve dual purposes in reintroducing native species to this area and creating another way to propagate the species.</p>



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cont.

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	<p><u>Sources</u></p> <ul style="list-style-type: none"> <li>-"Memorandum on Environmentally Beneficial Landscaping," April 26, 1994.</li> <li>-Executive Order 13112 of February 3, 1999 - Invasive Species.</li> <li>-Scott Fredericks, U.S. EPA, (703) 603-8771, fredericks.scott@epa.gov.</li> <li>-See also research conducted at University of Washington</li> </ul>	
<p><b>4.G-3 par. 1-3</b></p>	<p><i>“Activities (drilling, digging, pile driving, moving earth) may result in leaks of hazardous materials. Exposure may cause harm (i.e., temporary, permanent or death) to humans, aquatic, terrestrial or avian species. “</i></p> <p>Safer methods than the activities described above need to be analyzed and explored and implemented.</p>	<p>213</p>
<p><b>4.G-7 Detection Monitoring Program Investigation – 1987</b></p>	<p>Considering the acreage of the site and unregulated waste materials placed on this landfill, sampling to date has been very inadequate. Evidence exists of a large former tire dump (which later burned), Navy shipyard waste, medical waste, and residue from the operations of the Champion Speedway (1962-79). There is insufficient discussion about mitigation measures that will be required to address these contaminants. These should include complete removal of the landfill and depositing it in a new engineered landfill (also see Section 4.E).</p>	<p>214</p>
<p><b>4.G-7</b></p>	<p><i>Geosyntec, 2012: “With the exception of three semi-volatile organic compounds . . . chemical constituents detected were found at low levels which should not be of environmental concern.</i></p> <p>The testing program reported was completely inadequate, as areas of radioactive, corrosive, and/or other hazardous materials may exist undetected by “standard” methods. This has recently been proven on Treasure Island, where highly radioactive materials have been discovered in supposedly “remediated” landfill. No mention of tests for radioactive materials is contained in the Geosyntec report in Appendix B, Appendix F. The number of test “wells” in the entire landfill acreage is clearly</p>	<p>215</p>

	<p>inadequate. Reference: <i>Report on the Adequacy of the Investigation/ Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property</i>, Dr. G.F. Lee</p> <p>Dr. Lee questions the validity of the Geosyntec report (p. 23, par. 6) that no data was shared in a previous report, as noted by Geosyntec in 2006, and that some of their assessments were incomplete.</p> <p>Dr. Lee asserts: “A single measurement of this type is not necessarily adequate to conclude that there will not be, at other times, release of landfill gas or, for that matter, other volatile organics, from the landfill that would pose a threat to humans and wildlife. Near-surface landfill gas monitoring needs to be done over several seasons to properly measure the release of landfill gas.”</p> <p>Reliable and up-to-date information needs to be provided.</p>	<p>↑ 215 cont.</p> <p>216</p>
<p><b>4.G-7 Detection Monitoring Program Investigation 1987</b></p>	<p>A report by Dr. Fred Lee discusses Landfill Failure Issues in contaminated sediment. Reference: <a href="http://www.gfredlee.com/plandfil2.html#failure">http://www.gfredlee.com/plandfil2.html#failure</a></p>	<p>217</p>
<p><b>4.G-4 thru -30</b></p>	<p>The DEIR does not demonstrate a clear and robust analysis of: history, monitoring, analysis and characterization of contaminants, risk analysis. The information is inconsistent, and the authors do not provide a transparent analysis of evidence. The DEIR must demonstrate a comprehensive assessment with clear sitemaps, systematic descriptions of contaminants, mitigation goals, and remediation.</p> <p>Need more specificity about the testing and characterization of PCB contamination in the site. It was a common practice to use PCB-concentrated coatings for railroad ties during the era of active use for OU-1 and OU-2. The DEIR does describe sporadic assessment of SVOC’s and little mention is made of PCB contamination. The DEIR fails to adequately discuss the presence or effects of PCB contamination and why they have not been found as a contaminant on the site.</p> <p>Also, the satellite-confirmed (Appendix H, Photographs) presence of a large tire dump in the landfill, as well as the residue from a long-lasting fire at the site, must be fully analyzed and proper mitigation described.</p>	<p>218</p> <p>219</p> <p>220</p>
<p><b>4.G-9 Air Quality</b></p>	<p><i>“The analytical results indicated that air contaminants apparently were not emitted from the landfill into the ambient atmosphere at levels that would be</i></p>	<p>221 ↓</p>

<p><b>Solid Waste Assessment-1990</b></p>	<p><i>likely to pose a potential threat to public health or safety or the threat to the environment.”</i></p> <p>The DEIR incorrectly assumes that a few-days readings leads to “no threat to the public.” The methane system works by keeping a vacuum on the volatile and toxic vapors. When the system shuts down, the methane and toxic gas vapors escape into the atmosphere. A mitigation system greater than a few-foot thick clay cap needs to be required.</p> <p>Furthermore, under earthquake conditions, clay is known to fracture and exposure to pockets of explosive or toxic gases cannot be prevented.  <a href="http://www.ejnet.org/landfills/">http://www.ejnet.org/landfills/</a></p>	<p>↑</p> <p>221 cont.</p>
<p><b>4.G-13 Wetland Mitigation Plan -2004</b></p>	<p><i>“Proposed maintenance activities focused on promoting wetland habitat establishment... The wetland mitigation plan was not implemented and federal permits have since lapsed.”</i></p> <p>The wetland studies were minimal at best. They did not include upland areas that support the wetlands that were measured. This is an unmitigated impact of an interim measure. The City of Brisbane has a General Plan ordinance that allows for mitigation for the loss of wetlands in excess of 1:1. This has had a significant impact on wildlife and should be mitigated.</p>	<p>222</p>
<p><b>4.G-16 Leachate Management Plans 2002-2008</b></p>	<p><i>“The primary method for long-term leachate management at the Brisbane Landfill is to reduce leachate generation through the construction of a low-permeability final cover. Construction of the final cover will reduce leachate generation by approximately 90 percent.”</i></p> <p>This statement is incorrect. When groundwater passes through the landfill, leachate is generated. Preventing it from infiltration from above “is pointless” per Dr. G.F.Lee. (GFL, <i>supra</i>, pg 6)</p>	<p>223</p>
<p><b>4.G-16</b></p>	<p><i>“Leachate will be managed in accordance with ... the revised Leachate Management Plan (LMP).”</i></p> <p>The DEIR should include a cross reference to LMP.</p>	<p>224</p>
<p><b>4.G-17 Landfill Groundwater, Surface-Water and Leachate Monitoring – 2002 - Present</b></p>	<p><i>“the Young Bay Mud that separates the shallow and deep groundwater zones, along with the upward hydraulic gradient prevents contamination of the deep groundwater zones.”</i></p> <p>This may be true in some places, however the cuts into bedrock along Icehouse Hill and potentially other places, indicate this is not a 100% effective barrier for the entire 600+ acre Baylands. There are toxins that have migrated to the lower aquitard and the presence of Bay Mud has not prevented that movement.</p>	<p>225</p>

<p><b>4.G-18 Risk-Based Cleanup Levels</b></p>	<p><i>“testing for hexavalent chromium had not been conducted at this location.” ... “clean-up levels recommended by MACTEC for the constituents of concern...”</i></p> <p>The Hazardous Materials Summary (Geosyntec 2012) indicates that the constituents of concern for the railyard include barium, hexavalent chromium, copper, zinc, nickel, and others. This information applies to very specific areas and should not be considered an appropriate assessment for the entire Baylands.</p>	<p>226</p>
<p><b>4.G-20</b></p>	<p>[Kleinfelder 1987 and 1991] study <i>“concluded . . . Therefore, it appears that tidal influence is not likely a significant contributor to recharge of leachate in the landfill (Geosyntec, 2012).”</i></p> <p>Assessment based on data that is 25 years old, and needs re-evaluation. The DEIR fails to mention what methods were used to conduct the study.</p>	<p>227</p>
<p><b>4.G-33</b></p>	<p>There should be a graph of evidence to support assertion that rate of methane gas production from the site has diminished over time.</p>	<p>228</p>
<p><b>4-G-48</b></p>	<p>Despite the fact that groundwater is not earmarked for human consumption, it appears that Vinyl Chloride and COCs above their target level are entering the Bay, and should be analyzed and remediated.</p>	<p>229</p>
<p><b>4-G-53</b></p>	<p><i>OU-2 Remediation measures: Use silica gel cleanup procedure on all Total Petroleum Hydrocarbon as gasoline samples</i></p> <p>What is the silica gel cleanup procedure? This needs to be described in detail.</p>	<p>230</p>
<p><b>4-G-53</b></p>	<p><i>“Propose and implement deed restrictions that properly address the residual contamination (Geosyntec, 2008)”</i></p> <p>Are there any requirements on what these restrictions should be? Is there more information available on this? There does not appear to be Geosyntec 2008 in the references; only Geosyntec 2012a-c, 2010, etc. Need to identify appropriate agencies to issue deed restrictions. Also, Geosyntec 2008 is missing and should be replaced with more current information.</p>	<p>231</p>
<p><b>4.G-65</b></p>	<p><i>“recent trends showing decreasing total petroleum hydrocarbons and volatile organic compounds (VOC) concentrations and the overall decreasing contamination plume size are large the result of natural processes where the contaminants degrade into harmless elements (Arcadis 2011).”</i></p> <p>Need further description and explanation of “natural processes” and</p>	<p>232</p>

	“harmless elements.”	
<b>4.G-76 &amp; 4.G-100</b>	Mitigation Measure 4.G-3 is not adequately addressed. Pursuant to CCR Title 5, section 14010 (d)(h), a high school is not legally permitted to be located within 0.25 miles of the Kinder Morgan Tank Farm. If the risk analysis deems the site inappropriate due to potential hazards, alternative mitigation measures should be provided so that the school can safely be built. Currently, Kinder Morgan does not support this. The developer should conduct the necessary study.	233
<b>4.G-78 Par. 4:</b>	<p>“current issues to be addressed in future landfill remediation include ...”</p> <p>Although there is a list of potential remediation plans, there is currently no certified, comprehensive plan that explores alternatives beyond “cap in place.” Thus far, the review of conditions needing remediation have been inadequate, as well as the monitoring and data collection. The DEIR needs to address this and include all options for landfill remediation.</p>	234
<b>General Comment</b>	Any federal records pertaining to disposal of hazardous materials during and after WWII from shipyard operations should be located, obtained and analyzed in the DEIR	235
<b>4.G-85</b>	<p>OU2 “Remedial Action Objectives established in the 2002 Revised RAP”</p> <p>The goals are over 20 years old and obsolete and need to be reassessed to reflect the current and anticipated future requirements, including new technologies, as the project develops in conjunction with the evolving community and development needs.</p>	236
<b>4.G-94 Par. 4</b>	<p>“The tanks are kept at atmospheric pressure and any damage would result in leakage rather than an explosion.”</p> <p>This gross misstatement indicates a lack of understanding of basic science and likely does not accurately reflect the design of the tank system and emission control technologies that would be implemented in the event of a fire. This inaccurate language needs to be revised to include the full extent of potential hazards, e.g. extreme weather, lightning strikes, seismic activity, train derailment, and other catastrophic events.</p> <p>The DEIR should also include a discussion of operational compliance history of Tank Farm operations.</p>	237 238
<b>4.G-97 Par. 1</b>	The text of Title 27 California Code of Regulations can be found at <a href="http://www.calrecycle.ca.gov/laws/Regulations/Title27/ch1.htm#top">http://www.calrecycle.ca.gov/laws/Regulations/Title27/ch1.htm#top</a> and must be added to the appendices of the DEIR to insure proper remediation, which method (excavation or capping) is appropriate, and to protect the public and employees of the Project from health and safety	239

	hazards.	
<b>4.G-98</b>	<p>Mitigation Measure 4.G-2h “<i>shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion into buildings.</i>”</p> <p>The DEIR needs to describe the technology of sub-slab vapor barrier. Need to provide the anticipated lifespan of the barrier and replacement plans, and whether there will be any negative effects from interaction with corrosive soil.</p>	240
<b>4.G-103</b>	This conclusion is unsubstantiated.	241
<b>Appendix H.3</b>	Appendix H.3, Hazardous Materials Summary Report, Operable Units 1 and 2, which is nearly 400 pages long, is composed primarily of non-searchable pages. Could these documents be obtained from their original source in a searchable form?	242
<b>4.I-3 Surrounding Development</b>	<p>Because the Project Site completely surrounds Kinder Morgan, the environmental effects of the fuel tanks, the highly flammable, hazardous materials stored therein and the exhaust burner will continue to present constant hazards to the project, as proven by past data of violations listed in Appendix H. The major pipelines and diesel truck traffic associated with the tank farm operation will also have major impacts on the Project. All these impacts should be thoroughly described, analyzed and mitigated.</p>	243
<b>Regulatory Setting</b>	For compliance with federal, state, regional and local regulations a list of all relevant regulations is needed, as well as references to all relevant documents.	244
<b>General Comment</b>	Any activity that may endanger avian or other wildlife around the lagoon should be completely mitigated. A sanctuary island for the avian population should be implemented as a mitigation.	245

<b>4.G-1 Introduction</b>	<p>“...scenarios were independently reviewed by CDM Smith on behalf of the City and determined to be adequate for the purposes of CEQA analysis.”</p> <p>This is an incorrect analysis of the CDM Smith report. The report is analyzed by Dr. G.F. Lee, where many deficiencies are noted. Areas which are not adequate include human health and ecological risk as “[the] level of investigation does not preclude the possibility that there are unrecognized, unmonitored hazardous chemicals that pose a risk to public health and environmental quality at the site.” (G.F. Lee, PhD, BCEE, F.ASCE “Report on the Adequacy of the Investigation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property” 11/1/10, pg 22.)</p>	246
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	<p><i>“CDM did not address the adequacy of the stormwater runoff monitoring from this area.”(pg</i></p>
<p><b>4.G-2 “Remedial action” or “remediation”</b></p>	<p>While the document refers to state and local laws for cleanup and monitoring toxins, it fails to assess whether these laws are adequate.</p> <p><i>“This limited monitoring program [BMP for SWPP] highlights the grossly inadequate federal and state requirements for stormwater runoff monitoring programs for landfill areas.” (G.F. Lee, pg 29.)</i></p> <p><i>“The environmental pollution by PBDEs [Polybrominated diphenyl ethers] is but one example of the significant deficiencies in conventional water quality monitoring for detecting the wide range of hazardous chemicals that are in wastes and in their leachates.” (G.F. Lee, pg 16.)</i></p> <p><i>“The current approach for developing water quality criteria does not consider even known additive and synergistic properties of mixtures of chemicals; the toxicity of a mixture of such chemicals is greater than the sum of the toxicity caused by each chemical alone.” (G.F. Lee, pg 18.)</i></p>
<p><b>4.G-3</b></p> <p><b>Comment</b></p>	<p><i>“Exposure to some chemical substances may harm internal organs or systems in the body, ranging from temporary effects to permanent disability or death.”</i></p> <p>Conditions purported from exposure to toxic substances found on the Brisbane Baylands include endocrine disruption, infertility, neurological development disorders, chronic diseases and more.</p> <p>Underplaying the multiple toxins and multiple chances of exposure, (inhalation, absorption, ingestion ) render this DEIR insufficient.</p>
<p><b>4.G-10 Water Quality Solid Waste Assessment 1992</b></p>	<p><i>“the report also concluded that the refuse layer of the landfill did not appear to be tidally influenced and that contamination at the site would not be classified as hazardous waste under California regulations.”</i></p> <p>Lack of tidal influence from this assessment is contradicted in the Hydrology section and this assessment is limited to the few wells and few chemicals tested.</p> <p>Dr. G.F. Lee states that “ [i]t should never be assumed that leachate from landfills (even “nonhazardous” municipal solid waste landfills) or other complex mixtures of wastes, represents no threat to human</p>

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	<p>health or the environment on the basis of the reporting that all chemicals measured in the characterization of a waste are below detection limits or below current regulatory limits.” (G.F. Lee, pg 16.)</p>	
<p><b>4.G-9 Air Quality Solid Waste Assessment-19 90</b></p>	<p><i>“The analytical results indicated that air contaminants apparently were not emitted from the landfill into the ambient atmosphere at levels that would be likely to pose a potential threat to public health or safety or the threat to the environment.”</i></p> <p>It is incorrect to assume that a few-day readings leads to “no threat to the public.” The methane system works by keeping a vacuum on the volatile vapors. The system shuts down, the methane and toxic gas vapors escape into the atmosphere. A mitigation system greater than a few-foot clay cap needs to be required.</p>	<p>251</p>
<p><b>4.G-13 Wetland Mitigation Plan -2004</b></p>	<p><i>“Proposed maintenance activities focused on promoting wetland habitat establishment... The wetland mitigation plan was not implemented and federal permits have since lapsed.”</i></p> <p>The wetland studies were minimal at best. They did not include upland areas that support the wetlands that were measured. This is an unmitigated impact of an interim measure. The City of Brisbane has a General Plan ordinance that allows for mitigation for the loss of wetlands in excess of 1:1. This has had a significant impact on wildlife and should be mitigated.</p>	<p>252</p>
<p><b>4.G-16  Leachate Management Plans 2002-2008</b></p>	<p><i>“The primary method for long-term leachate management at the Brisbane Landfill is to reduce leachate generation through the construction of a low-permeability final cover. Construction of the final cover will reduce leachate generation by approximately 90 percent.”</i></p> <p>This statement is incorrect. When groundwater passes through the landfill, leachate is generated. Preventing it from infiltration from above “is pointless.” (G.F. Lee, pg 6.)</p>	<p>253</p>
<p><b>4.G-17 Landfill Groundwater, Surface-Water and Leachate Monitoring – 2002 - Present</b></p>	<p><i>“the Young Bay Mud that separates the shallow and deep groundwater zones, along with the upward hydraulic gradient prevents contamination of the deep groundwater zones.”</i></p> <p>This may be true in many places, however the cuts into bedrock along Icehouse Hill and potential other places indicate this isn’t an 100% effective barrier. There are toxins that have migrated to the lower aquitard.</p>	<p>254</p>

<p><b>4.G-18 Risk-Based Cleanup Levels</b></p>	<p><i>“testing for hexavalent chromium had not been conducted at this location.” ... “clean-up levels recommended by MACTEC for the constituents of concern...”</i></p> <p>The Hazardous Materials Summary (Geosyntec 2012) indicates that the constituents of concern for the railyard include barium, hexavalent chromium, copper, zinc, nickel, and others. This information applies to a very specific area to the north and should not be considered appropriate for the Baylands.</p>	<p>255</p>
<p><b>4.G-18</b></p>	<p><i>“clean-up levels recommended by MACTEC for the constituents of concern in soil at OU1” [UPC.]</i></p> <p>These are primarily Industrial/Commercial use levels and are not reflective of the goals of protecting the environment, human health and groundwater as required through the Clean Water Act to meet primary and secondary drinking water goals.  <a href="http://water.epa.gov/drink/contaminants/index.cfm#List">http://water.epa.gov/drink/contaminants/index.cfm#List</a>          While the landowners and regulators are accepting that there is no future use for the groundwater, and therefore no reason to clean up to a higher standard, they fail to identify ANY groundwater as presently being clean. Additionally, future technologies may resolve the contamination issues. It is irresponsible to not consider higher cleanup standards.</p> <p>Too few chemicals of concern are listed.</p> <p>MCL levels change over time and should be acknowledged here. For example, Cal EPA has just completed the public comment period review for the change in MCL’s for Hexavalent Chromium. A mitigation measure to utilize the highest safety standard or the Precautionary Principle in absence of regulation(s) should be required. The safest health-risk standards may be state, federal, local, or from international regulations, such as Europe’s REACH laws, not the minimums suggested in the DEIR.</p>	<p>256</p> <p>257</p> <p>258</p> <p>259</p>
<p><b>4.G-20 Project Site Hydrology 2<sup>nd</sup> paragraph</b></p>	<p><i>“ The influence of tidal cycles on water levels in shallow and deep groundwater wells was studied by Kleinfelder in 1987 and 1991.”</i>  <i>“The study concluded that...the deep groundwater basin, at least in the vicinity of the tested well, appeared to have some discharge to San Francisco Bay.”</i> Yet Geosyntec’s summary is that <i>“tidal influence is not likely a significant contributor to recharge of leachate in the landfill.”</i></p> <p>It does not mention what constituents were measured and if measured, what protection level(s) were considered. Leachate entering the Bay</p>	<p>260</p>

	<p>has a different list of constituents of concern than those for human health. Fish and amphibians are impacted by unionized ammonium and salts. Humans are impacted by heavy metals and endocrine disrupting chlorinated solvents. Other studies state that chlorides ARE a problem with groundwater quality on the Baylands. The presence of chlorides is directly related to Bay salts from infiltration of seawater, a point which shouldn't be missed.</p> <p>Tidal action HAS been noticed in the wells near Kinder Morgan Tank Farm, so this is an inaccurate assessment of the hydrology of the area and should be required to be tested by zone or quadrant to be clear, not using generalized conclusions.</p>	<p>↑ 260 cont.</p>
<p>4.G-20</p>	<p>Note the 1992 "Site Cleanup Requirement" (Endangerment Order No.92-141) only required 13 groundwater wells and did not include Bunker "C" in its review but mostly fuels from the Brisbane Terminal (tank farm.) Furthermore, there is a prohibition (A.3) in the order that "<i>activities associated with subsurface investigation and cleanup which will cause significant adverse migration of pollutants are prohibited.</i>" Yet there is evidence that the testing has caused migration of toxic compounds between aquitards.</p>	<p>↑ 261</p>
<p>4.G-21</p>	<p><i>"Operable Unit 2... contains Bunker C fuel oil and heavy metals..."</i>  <i>"both Bunker C oil and lead have low solubility and mobility..."</i>          These are inaccurate, misleading statements. OU2 has an area contaminated by VOC's and multiple contaminant concentrations referred to as the "South Disposal Area" which is not mentioned here. There are also never-studied areas along Industrial Way, which were known to have chrome-6 and acids from former tannery operations. (Not properly characterized in the Project Description.) Studies of residual contamination from the former Stauffer Chemical Plant and other Industrial Way properties need to be done before any generic claims about OU2 contamination are acceptable.</p> <p>Claims that Bunker "C" oil and lead do not migrate are erroneous. Bunker C is only less mobile in colder temperatures. Most studies on the Baylands indicate that the contaminated soils are warmer than air temperatures when tested. This is due to energy/heat transfers during chemical decomposition. Therefore, the cooler conditions, which would slow movement are not correct for Bunker C oil to "<i>have low solubility and mobility.</i>" Additionally, CPEO observed an active leak in May 2006 as previously cited. A mitigation measure for this would be the removal of the Bunker C, not to allow it to remain buried or be considered benign.</p> <p>Lead is a detected constituent in Brisbane Baylands leachate</p>	<p>↑ 262</p> <p>↑ 263</p> <p>↓ 264</p>

	(particularly in the seeps along Visitacion Creek), therefore it travels in the groundwater. The presence of Bunker C oil and lead is a risk to the public’s health and the quality of groundwater, which ultimately impacts shellfish, fish, and the food chain. It needs to be properly noted and addressed.	264 cont.
4.G-21	“1932 to 1967, when the area was operated as the Brisbane Landfill.” That is not the correct name of the operation. Brisbane did not exist until the 1960’s.	265
4.G-21	“methane gas emissions... burned periodically in a flare.” Reports state that when the methane system shuts down from mechanical failures, methane and other toxic gases are released through the unclosed landfill surface. Constant vacuum pressure is required to prevent those releases. This statement is misleading because it makes it appear that the system is a more effective than it is. The methane system is an interim measure, it should be noted as such. Whether it needs to be, or is considered to be improved in the future, needs to be disclosed.	266
4.G-22 VOCs	“VOCs are numerous, varied, and ubiquitous.” Ubiquitous? Is this a condition of the Baylands or commentary on 21 <sup>st</sup> Century life? Which VOC’s? Where? In what quantities? This needs to be better described to be more effective for a planning tool.	267
Bunker C Fuel	The summarizations in the Geosyntec 2011 <i>Hazardous Materials Summary Report(s)</i> for the Landfill and Railyard are scattered and random. They mix tests and theories done in the northern section with those done further south. These two appendix materials are inadequate to be helpful for planning purposes (to be discussed later.)	268
	“...residue used for Bunker C fuel may contain various undesirable impurities including 2 percent water and one-half percent mineral soil.” How is water “undesirable” and why is it singled out? Is this a boilerplate response? The impurities from Bunker C are numerous. Ones that should be noted are sulfur (sulfuric acid), cadmium, arsenic, lead, zinc, polychlorinated biphenyls, PAHs, and halogens. Multiple toxins are present in Bunker C, glossing over the fact is not helpful. Proposed plans are to leave these hazardous constituents in place, an accurate understanding of them is paramount.	269
4.G-23 Brisbane Landfill Paragraph 3	The total volume of waste disposed at the landfill has been estimated to be ...73 percent was produced by residential and commercial activities, with inert fill accounting for approximately 25 percent, and the remaining 2 percent assumed to be liquid waste (Geosyntec	270

	<p>2012.)”                  This is an inaccurate assessment with respect to the 01-041 Cleanup and Abatement Order. The statement in paragraph 5 more correctly lists the contents, which is also what the Cal EPA RWQCB clean-up order states. They are “<i>domestic, industrial, and shipyard waste; construction rubble and sewage...</i>”</p> <p>“<i>The depth of the waste layer is estimated to range from 20 to 30 feet.</i>” “<i>...the area was subsequently buried with a 20- to 30- foot cover of soil to prevent future direct human contact with refuse.</i>”                  This is incorrect. Near the Lagoon, the waste layer is thinner and hardly has 20 feet of soil cover. Again, accurate information is needed, not Geosyntec’s version of reality.</p>	<p>↑ 270 cont.   271  </p>
<p><b>4.G-24 Table 4.G-1</b></p>	<p>This table is meaningless. Averages over a few wells in 350 acres done only two times in the same year? Was this a dry or wet year? Were they done on a full moon? The groundwater wells appear to be shallow, because of tidal interaction, not the upward pressure as noted in Footnote 14.</p>	<p>  272  </p>
<p><b>4.G-25 Figure 4.G-2a Shallow Groundwater Contours</b></p>	<p>The map of groundwater contours is inaccurate. Visitation Creek is omitted and should reflect flows toward it or change of depth of shallow groundwater around it. Reports of the Kinder Morgan area state there are changes of direction around the farm. Incorrect, inaccurate maps must be removed from this document.</p>	<p>  273  </p>
<p><b>4.G-26 to 29 Figure 4.G-2b</b></p> <p><b>Figure 4.G-3</b></p> <p><b>Figure 4.G-5</b></p>	<p>Explain the purpose of these maps (pgs 25 – 29.)                  Pg 4.G-24 mentions the Young and Old Bay muds but the maps don’t state that is what they are.</p> <p>The maps do not tell depth, constituents tested, how often tested, or location of the tire piles referenced in this chapter, which may change direction of groundwater. Kinder Morgan tests show different groundwater flow and may related to fractured bedrock below. Maps giving a visual and 3-dimensional history of the underlying conditions would be extremely helpful.</p> <p>The “Drainage Channel” is better described as Visitacion Creek.</p>	<p>  274   275   276  </p>
<p><b>4.G-30 1<sup>st</sup> paragraph</b></p>	<p>The DEIR states three reasons to be concerned about current operations on the landfill, but no mitigation measures to improve these conditions are mentioned.</p> <p>They suggest damage from the testing wells and reasons to discontinue the landfilling operation:</p> <ul style="list-style-type: none"> <li>● 1.)“<i>Tidal influences or leakage between water-bearing zones</i></li> </ul>	<p>  277 ↓</p>

	<p><i>may be the cause for this condition”</i></p> <ul style="list-style-type: none"> <li>● 2.)...”An upward gradient occurs naturally in association with groundwater discharge at the Bay margin. In addition, the upward gradient is significantly increased due to the weight of the landfill materials consolidating the underlying Bay Mud,” and</li> <li>● 3.) “the elevation of the groundwater surface is higher than that of the overlying shallow groundwater.”</li> </ul> <p>No mitigation measure to discontinue this practice? No mitigation measure to seal the break between the aquifers? No mitigation measure to reduce the volume impact from the landfilling (surcharging) operation?</p>	<p>↑ 277 cont.</p>
<p><b>4.G-31 1<sup>st</sup> paragraph</b></p>	<p><i>“This suggests that no new releases are occurring.”</i></p> <p>Since this list is so limited, it only suggests that the limited constituents tested are being tested. Each day arsenic, barium, cadmium, selenium, lead, mercury, barium, nickel, tin, antimony and other toxic elements and compounds leak into the Bay from the seeps. Nothing new? Refer to Dr. Lee’s assessment of the regulatory process. It is only because lack of regulations that nothing new has been noted.</p>	<p>↑ 278</p>
<p><b>4.G-31 Leachate Generation</b></p>	<p>Geosyntec has mischaracterized the leachate wells and leachate seep collection system along the lagoon. <i>“In general, the 2010 sampling indicated a slight leachate buildup.”</i> And <i>“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.”</i></p> <p>This is blatantly incorrect. Leachate seeps are only observable at a negative tide. What time of day and what were the local tide conditions during this summertime (dry season) observation? The seeps continue to leak along the lagoon, they just aren’t gushing as before. (Documents provided to RWQCB by Dana Dillworth.) The technique has improved the seeps along the lagoon, but not discontinued them.</p> <p>Secondly, the leachate system mentioned was one of two proposed. A second system is proposed to be installed along Visitacion Creek, but has not been. Therefore, the assertion that no sensitive receptors are exposed any longer to the constituents of concern is an inaccurate assessment.</p>	<p>↑ 279</p> <p>↑ 280</p>
<p><b>4.G-31 3<sup>rd</sup> paragraph</b></p>	<p><i>“thus cleanup levels ultimately approved by the Regional Water Quality Control Board may not reflect drinking water standards.”</i></p>	<p>↑ 281 ↓</p>

	<p>As stated earlier, the City of Brisbane is the lead agency. The City of Brisbane and its voting residents ultimately will be approving the cleanup levels. The City and its citizens have the power to require higher standards or greater mitigation measures than the lowest possible. The City will “ultimately approve” the cleanup levels.</p>	<p>↑ 281 cont.</p>
<p><b>4.G-32 and 33 Table 4.G-2 and Table 4.G-3</b></p>	<p>While the DEIR notes how many of the listed substances don’t have MCL’s, it fails to tell how many substances have not been tested or exactly which “chemical compounds [are] not included in this table.” Refer to G.F. Lee’s report regarding exposure to untested, unknown substances.</p> <p>Secondly, there is no discussion of cumulative impacts of exposure to multiple toxins.</p>	<p>282</p> <p>283</p>
<p><b>4.G-33 2<sup>nd</sup> paragraph</b></p>	<p>“The landfill gas control system has been in place since at least 2002...”</p> <p>The Waste Discharge Requirements and Abatement Order 01-041 states that the LFG system was installed “between 1990 and 1991... which consisted of perimeter horizontal headers with vertical extraction wells and horizontal ‘finger’ wells encircling Sunquest’s portion of the site.” (pg 4, item 15 of 01-041)</p> <p>This is important information. It speaks to the age and the technological limitation of what the LFG system can do. It is not all-inclusive of the landfill portion, because it wasn’t installed in areas in the north (the Van Arsdale and Recology operations,) and is limited by the times the system shuts down.</p> <p>“LFG control facilities at the former Brisbane Landfill were operating satisfactorily.”</p> <p>It is incorrect to leave the impression that the interim methane system is adequate. Refer to comments about off-gassing during mechanical shutdowns.</p> <p>What would be beneficial is discussion of the location of the burner and what toxic, hazardous substances the public is exposed to and for what duration of time. Discussion as to whether there might be other systems needed, or improved existing systems and their scale is required and beneficial.</p>	<p>284</p> <p>285</p> <p>286</p>
<p><b>4.G-34</b></p>	<p>“although other subsequent uses may have also contributed.”</p> <p>Proper characterization of the site is important and those “subsequent uses” include a Stauffer Chemical Company, which produced herbicides and elemental phosphorus during that period and a Frey’s Tannery. Other areas include jet fuel leaks (PCE) along the lagoon</p>	<p>287</p> <p>↓</p>

	<p>and a sewerage plant (bacterias,) which were cited for releases and overflows. This omitted information would help determine what contaminants should be tested and remediated. Near the Stauffer Chemical plant, they only tested for Bunker C and VOC's. Lack of this information could put the public at risk due to unrecognized hazards.</p>	<p>287 cont.</p>
<p><b>4.G-35 to -47 Figures 4.G-6a through -6m</b></p>	<p>These maps are barely useful. They are limited to Ou-1 and Ou-2, which occupies less than one-fourth of the page. (Issue of scale.) Transparencies, which could be overlain with each other would give a greater impression of the presence of the toxic compounds. The heavy metals could be combined in one figure with different colors as well as the chloroethenes could be combined in one figure since they are related by-products of degradation of the chemicals.</p>	<p>288</p>
<p><b>4.G-47 Current TCE Concentrations in Groundwater</b></p>	<p>This figure is misleading. It shows only one chemical of concern and does not reflect what MCL standard is being used. It doesn't mention what wells have been abandoned over time or reasons for not testing, such as consistently high, no need to keep testing. It also doesn't mention that very little testing is being done on the OU-2 section.</p> <p>Testing has been done primarily under DTSC requirements for remediation of the Schlage Lock site. The BBCAG has problems with the way that the elimination of testing wells occurs. Only ONE test in February 2011 or 2012, registering non-detect or below MCLs for soil gas, does not speak to the dynamics of an evolving chemical morass. It is dangerous to leave the impression that all is well. It only means that it has tested low on one occasion.</p>	<p>289</p> <p>290</p>
	<p><a href="http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=38340157&amp;doc_id=60334140">http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=38340157&amp;doc_id=60334140</a> (Please note a space has been added because this address changed the formatting to the entire document. The actual document was posted on 9/13/2013.</p>	<p>291</p>
<p><b>4.G-47</b></p>	<p>Since this section talks about “ a machine shop, a powerhouse, a coach repair shop, a lumber shed, a storage shed, loading platforms, ...” An historical map of these locations should be provided. In particular, the chemical storage shed(s) (lye shed) that are marked in the old records of the railyard.</p>	<p>292</p>
<p><b>4.G-48</b></p>	<p>“Since 2008, groundwater monitoring...samples collected form all wells have been analyzed for ....and... (MTBE.)” Is this true of OU-1? Kinder Morgan asserts that presence of MTBE on their property comes from outside or upstream sources. Is this confirmed by this statement or is the statement erroneous?</p>	<p>293</p>

<p><b>4.G-49</b></p>	<p><i>“Existing groundwater conditions indicate that conditions in the groundwater plume are favorable for application of a remediation technology known as enhanced reductive dechlorination.”</i>                  Adding chemicals through ERD didn’t work, it in fact it increased the contamination levels because it was thought to have killed off the naturally occurring chemical-eating bacteria. EVO technique, Emulsified Vegetable Oil did a better job because it stimulated the natural bacteria into reproducing and precipitated breakdown of some of the chemicals of concern. Evidence of Vinyl Chloride is evidence of the degradation of TCE.</p>	<p>294</p>
<p><b>4.G-49 to -50</b>   <b>Completed Environmental Remediation Investigations</b></p>	<p><i>Details on the nature and extent of the remaining contamination at this location [San Francisco] ... showed remaining concentrations of metals and limited detections of VOC’s in the soil (BFK, 2011.)”</i>                  This is an incorrect assessment, even less so in 2011. There is an area that they call persistent and unresponsive to treatment.</p>	<p>295</p>
<p><b>4.G-50</b>  <b>Table 4.G-4</b>   <b>1<sup>st</sup> paragraph</b></p>	<p><i>“TPH mostly Bunker C Oil (Aug. 2006)”</i> and the BTEX tests.                  Is this for OU-1 or OU-2? Please disclose the location of the wells and reference to appropriate maps.   <i>“The groundwater extraction and treatment system has been kept in operational condition and on a stand-by status to process well development purge water...”</i>                  Is this incorrect? Hasn’t it been decommissioned, abandoned, and filled? If it is still in existence, provide its location on a map. This is necessary for planning purposes, since it would not be a good area for housing and sensitive receptor businesses. This would be a poor mixed-use business for receiving toxic chemicals for processing in a major arterial hub.                  What are the “foreseeable future” plans of this groundwater treatment system? Are more needed to be created for other areas?</p>	<p>296                    297</p>
<p><b>4.G-51</b></p>	<p>There is no mention of Pacific Lithograph’s employees being exposed to high concentrations of solvents in “Plant 3.” It is part of the early DTSC public record during the first remediation talks of 1989.</p>	<p>298</p>
<p><b>4.G-52</b></p>	<p><i>“contamination of soil with petroleum hydrocarbons and heavy metals within OU-2 is thought to have originated from the oil tank farm operations (Geosyntec , 2010)”</i>                  This is a different way describe the “Oil Tank Area” as an “oil tank farm operation?”                   A better description should be required. An oil tank was removed but there may still be some unidentified fuel tanks underground, known as</p>	<p>299</p>

	<p>UST's. Some of the heavy metals are from scraping residual ore from the cars and the historical use of arsenic- and PCB- laden oils for herbicides.</p>	<p>299 cont.</p>
4.G-52	<p><i>“Semi-annual groundwater and surface water sampling is conducted by the landowner and reported to...RWQCB... as part of ongoing remediation efforts.”</i> Refer to comments in Biological Resources about the SWPPP reporting requirements. Due to the “voluntary nature” of the testing, they do not provide an accurate assessment of the contamination at first rain event of the year. Secondly, the reporting is later, at the landowner’s convenience. It is not the same as having an independent body required to carry out a responsive maintenance and operation of the clean-up(s). Refer to Dr. G.F. Lee’s recommendations for a third-party independent monitoring body.</p>	<p>300</p>
4.G-53	<p><i>“The RWQCB provided a conditional Approval Letter dated May 9, 2002 with the following requirements...”...:Close the existing drainage ditch,” ... “addition of 7 to 10 feet of imported clean fill across the site...” etc.</i> It should be noted that this so-called conditional approval letter has not been subject to any environmental review. It is not consistent with Brisbane’s General Plan and Brisbane’s Open Space Plan that refer to the day-lighting of creeks and requiring remediation methods that include the Wetlands River Park concept. The City of Brisbane can require a different approach utilizing the most current technologies to improve the environment.</p>	<p>301</p>
Table 4.G-5	<p>In the same way that Table 4.G-4 is inadequate, this table seems to have missed a few wells, a few chemicals of concern, or confused them with another area. Their reference is to 2010 Geosyntec Reports, which are scattered and inaccurate. (To be discussed later.) Barium was a constituent of concern at the landfill area, the southern railyard too? Check the accuracy of the maps in relationship to the information in these tables.</p>	<p>302</p>
4.G-54	<p><i>“ Remedial Action plans for OU-2 were originally proposed by the landowner... then revised in the 2004 Interim Remedial Measures (IRMs)”</i> These are mere correspondences between the landowner and RWQCB, not regulatory approvals. The landowner had also proposed installing slurry walls underground to isolate the Bunker C Oil. They were not adopted. NO RAP for the railyard has been developed or approved, no CEQA public notice to responsible agencies have been circulated. Since alternative remedial activities are being considered, elaborate what they are.</p>	<p>303</p>

<p><b>4.G-54</b></p>	<p><i>“The Recology site is partly located over former landfill...”</i>                  This is a fact that should aid in a conclusion that more studies of the groundwater are required in this area. There is no methane extraction system in place or consideration of the quality/compaction of the underground fill. This area may act differently than the deeper and more recently filled areas to the south.</p>	<p>304</p>
<p><b>4.G-56 SF Household Hazardous Waste Facility</b></p>	<p>Details are lacking here. Namely, whether any violations or spills have been identified or reported.                  Anyone standing downwind from the shed that houses SF’s household hazardous materials on the Recology property is certain to inhale many solvents, VOC cocktails. Current conditions are not safe for residential communities so the consideration of expansion and the inclusion of housing in the northern end need to be discussed in the context of public health safety, evacuation during accidents, etc. Mitigation measures will be required so site conditions need to be properly described. More studies are needed.</p>	<p>305</p>
<p><b>4.G-58 Figure 4.G-7</b></p>	<p>This does not appear to be an accurate map. The power transmission lines that leave PG&amp;E’s Martin Substation that go over the mountain (and in some cases are undergrounded,) are absent, the oil pipeline along the south end of the lagoon is missing, and the “A,B,C” list that corresponds to the sites is not present.                  On the other hand, this is the first time that the National Wetland Inventory is posted and should show up in the appropriate Hydrological and Biological Resources sections.</p>	<p>306</p>
<p><b>4.G-59</b></p>	<p>The detail that backs the NPL, CERCLIS, numbers and locations of the UST and LUST sites is needed. 12 out of 1,000+ listed hazardous waste sites or generators in the area is disconcerting. If there is overlap, disclose which ones show up in more than one database, more than one category.</p>	<p>307</p>
<p><b>4.G-60</b></p>	<p><b>Quicksilver</b> is no longer in operation. They had dumped mercury and fluorescent bulb waste materials into Guadalupe Creek behind their building. They removed materials in the creek west of Bayshore Boulevard but were never asked to test or clean-up east of Bayshore. Residual contamination may exist in the channel near the fire station to the alluvial fan pouring into the lagoon. This is another reason to test soils, waterways, and wildlife and an accurate project/site description is necessary.</p> <p><b>VWR</b> - Studies should be required to confirm they are leaving the area in a clean condition. Test-before-you-go policy should be in place. According to law, the polluter remains the responsible party if any contamination is found later on the property.</p>	<p>308  309</p>

	<p><b>SFPP, et al.</b> This is an inaccurate assessment of notices of violation for the Tank Farm. Fuel leaks have occurred and are reported over time. A flare was installed to burn off VOC gases, required by the Bay Area Regional Air Quality Control Board. A mitigation plan to reduce underground leak impacts has been approved by RWQCB. One Notice of Violation in 2005 is only one of many. Please accurately disclose the danger and hazardous conditions of aging steel tanks and mitigation measures that might be necessary for the protection of human and environmental health. This should be cross-referenced with the Kinder Morgan listing on page 4.G-64.</p> <p>It should be noted that this project is also described on page 4.G-64 as “Kinder Morgan/SFPP/Brisbane Terminal (also known as Kinder Morgan Tank Farm) (Map ID#S177-194, 950 Tunnel Avenue).”</p>		310
<p><b>4.G-61 Sierra Point Landfill</b></p>	<p>Cite the current status of tests and how frequent monitoring is done. In what ways is this landfill similar, what ways is it different than the Brisbane Baylands? While there are claims that they are monitoring for gas generation at the perimeter, there are no references to the supporting tests.</p>		311
<p><b>4.G-61</b></p>	<p>“open cases overseen by the Regional Water Quality Control Board...” San Mateo County Department of Environmental Health oversees LUST’s.</p>		312
<p><b>4.G-63</b></p>	<p>Where are the Cal EPA “Superfund” sites west of Bayshore? The Levinson/ PG&amp;E / Bayshore Childcare, Midway Village, and adjacent properties are all known to have PAH contamination. Natural attenuation is selected, but lampblack remains in the soil and may impact the project area. The technique takes time and assessment of the remediation technique needs current evaluation. More studies are required.</p>		313
<p><b>4.G-65 2<sup>nd</sup> and 4<sup>th</sup> paragraphs</b></p>	<p>”BTEX compounds, and MTBE were generally stable or decreasing...”Recent trends showing decreasing total petroleum hydrocarbons... and the overall decreasing plume size are largely the result of natural processes where the contaminants degrade into harmless elements.”</p> <p>This is far too simplistic. It fails to mention that the “natural processes” produce toxic, volatile, sometimes lethal gases (CO, H2S) in the process of becoming “harmless element[s]”</p> <p>There is also no mention of the source of the plume (s), which was an</p>		314

	<p>unreported leak in 1999, (under a tank that needed to be repaired) and an October 2003 spill of “2400 gallons, but 1600 were contained in a second concrete basin.” (Correspondence Alec Naugle to Charles Ice 10/31,2003 4:55pm) Ten years later, they might be decreasing, yet the threat of insidious leaks in an aging system is not mentioned in this document.</p>	<p>↑ 314 cont.</p>
<p><b>4.G-77 Impact Assessment Methodology General Approach</b></p>	<p><i>“The EDR database was used to identify hazards...” “Figure 4.G-2 shows the location of these sites.”</i></p> <p>There is no Figure 4.G-2. Figure 4.G is now a -.2a and -.2b. You might be referring to Figure 4.G-7.</p> <p><i>“...regardless of potential differences in cleanup levels...other hazards,... would be similar for all four development scenarios.”</i></p> <p>This is not correct. Lower commercial use densities, fewer industrial uses, fewer sensitive receptors, and reduced transportation of toxic or hazardous substances would make the Community desired plan have fewer impacts. More open space would mean fewer chances for exposure to toxins. Grouping all plans as equal means their differences are unrecognized and therefore not mitigated.</p>	<p>315</p> <p>316</p>
<p><b>4.G-78 Remedial Actions on the Project Site</b></p> <p><b>3rd bullet</b></p>	<p><i>“Remedial actions required for the former Brisbane Landfill, OU-1, and OU-2 would be completed prior to development...”</i></p> <p>Prior to ALL development? Would be or should be? The discussion of phasing cleanups needs to occur under “Approach to Analysis.” Phased development with phased remediation may put current and new workers at risk of several avenues of exposure.</p> <p><i>“Hydrologic connectivity to groundwater and surface water (primarily the Central Drainage Canal),”</i></p> <p>Refer to G.F. Lee’s comments about the underlying groundwater issues. Failure to consider the impacts of the surcharging operation and lack of waste containment will continue to put the public and environment at risk.</p>	<p>317</p> <p>318</p>
<p><b>4.G-79-80</b></p>	<p><i>“Operation and maintenance of the existing Leachate Seep Collection and Transmission System... [Continued] operation and maintenance of the landfill Gas Collection and Control System...”</i></p> <p><i>“Final Closure and Post-Closure Maintenance Plan (Burns and McDonnell, 2002b),</i></p> <p>Just the continuation of the operation and maintenance of the</p>	<p>319</p> <p>↓</p>

<p><b>Landfill Final Cover System</b></p>	<p><b>existing</b> measures is inadequate. This DEIR fails to recognize that improved, newly designed systems may be necessary or desirable. This utilizes a 12 year-old document, which has not had proper environmental review. All proposed plans should be carefully reviewed for environmental impacts, rather than be determined to be adequate on face value.</p> <p><i>“2-foot thick foundation layer using onsite cover material would be graded over the entire site...” overall “without the need to excavate into the refuse material...”</i></p> <p>The excavation and movement of a near ten million cubic yards (2010 estimate) of soil will have great impacts. There are no mitigation measures to reduce these impacts, such as a more modest approach. There is no recognition that the underground hydrology might need to be intercepted by the impacts of grading (as the surcharging operation has done on the landfill portion causing artesian effect,) instead there is a mistaken assertion that the ground cover technique proposed will resolve a great percentage of groundwater issues.</p> <p>It will not. (Refer to GF Lee’s Report and experiences at Love Canal where the cover forces the groundwater and their contamination upwards.)</p>	<p>↑</p> <p>319 cont.</p> <p>320</p>
<p><b>4.G-80</b></p>	<p><i>“Placement of the low-hydraulic-conductivity layer at depths as described in the Infrastructure Plan...”</i></p> <p>The impacts of this and an additional 14 feet of fill [filling of current wetlands] needs to be reviewed for environmental impacts. Consideration of alternatives to this practice needs to be done.</p> <p>The ability for natural attenuation remediation, phyto-, myco-, and hyper-accumulative plant remediation strategies are overlooked and should be considered an alternative to this proposed fill (cover-up) remedial action approach. For example, would the introduction of organic acid citrate to soils cause the heavy metals to be bound or released from the soil, which can then be removed through harvested plants? Is that more desirable than leaving the heavy metals in place and so-called trying to prevent future exposures?</p> <p>Refer to and revise all parts of this document that claims the current regulatory process is adequate in protecting human health.</p>	<p>321</p> <p>322</p> <p>323</p>
<p><b>4.G-80 Surface Water Management</b></p>	<p><i>“Leachate seeps in the Central Drainage Channel and Brisbane Lagoon.... reconstructing the channel and installing a layered lining system that includes a barrier membrane to ensure that the Central</i></p>	<p>324</p> <p>↓</p>

<p><b>System</b></p>	<p><i>Drainage Channel and Brisbane Lagoon are fully isolated from any leachate migration as part of the ongoing remedial activities at the landfill, unrelated to the Project Site development.”</i></p> <p>While this is a required goal, it is not honoring any other laws and community goals of a functioning wetland system at water’s edge. It is disrespectful of the two creeks, Guadalupe and Visitacion that are impacted. It fails to understand that citizens, particularly involved with the BBCAG, would like there to be redundant systems to isolate the landfill. A mere “barrier membrane” is not an adequate response to the remedial actions required for this site.</p>	<p>↑</p>
<p><b>4.G-80 Post-Closure Monitoring and Worker Safety</b></p>	<p><i>“Per the Final Closure and Post-Closure Maintenance Plan, which received conditional approval from the RWQCB and the San Mateo County Environmental Health Division, the site specific safety plan would include, but not be limited to...”</i></p> <p>Refer to Dr. Lee’s comments on the need for an independent third-party body to review and determine the efficacy of proposed remediation plans and the recent reports determining inadequacy of the current regulatory process.</p> <p>CalRecycle monitors Waste Discharge Requirements and the County Department of Environmental Health, not just the RWQCB. Since these plans impact the Bay, BCDC would have some input in this process as well. Limiting discussion of the regulatory setting will have impacts on regional plans and community goals. An independent, locally elected or appointed body should be involved in all aspects of mitigation compliance.</p>	<p>↑</p> <p>324 cont.</p> <p>↑</p> <p>325</p> <p>↑</p> <p>326</p>
<p><b>4.G-81 Proposed Remedial Actions OU-1</b></p>	<p><i>“The Remedial Action Objectives for groundwater for the Schlage San Francisco OU are California maximum contamination levels (MCL’s)”</i></p> <p>While this is a true statement, these levels have also been determined to not be attainable and therefore, are not being met by the proposed plans. This is not acceptable to the community. These techniques were primarily used in San Francisco and were not subject to Brisbane local authority approval.</p> <p>Secondly, the description of the Feasibility Study for “excavation and onsite treatment” of VOC contaminated soils fails to mention the technique(s) used. They smeared the TCE-laden soils around until they off-gassed into the environment (prior techniques captured the TCE in carbon filters) until they tested lower than MCL detection levels. The Soil Gas Sampling report for Phase II (previously cited) seems to require only a one-time, below MCL test to indicate it is</p>	<p>↑</p> <p>327</p> <p>↑</p> <p>328</p> <p>↓</p>

	<p>“clean.” Refer to Dr. Lee’s comments about how close to MCL and how multiple gasses, not just the tested one(s,) increase the impact and exposure to human and environmental health.</p> <p>The technique of “one-time-clean” testing is inadequate. It doesn’t recognize that the underground matrix is evolving and tests around “the castle” were never done. By not requiring frequent, then annual tests, as most State and Federal monitoring programs do, as build-out impacts to hydrology unfold, you won’t detect future gasses or substances that pass the matrix over time. A comprehensive soil-gas monitoring plan should be developed and not left to piecemealed future specific plans.</p> <p>To imply that that is level of (or lack of) oversight and chosen mitigation measure is acceptable to Brisbane’s citizens and local authority is incorrect.</p>	<p>↑ 328 cont.</p> <p>329</p> <p>330</p>
<p>4.G-82</p>	<p>Discussion of the ERD and lack of concern for future “<i>beneficial uses of groundwater</i>” have been noted.</p> <p>References to 2012 Hazardous Materials Summary Report (s) (Geosyntec) and now, non-disclosed e-mails are objectionable and have been noted.</p> <p>Setting Community Health, Cancer Risk Levels is not the job of Geosyntec or the landowner. It is the jurisdiction of the local agency, the City of Brisbane, and its citizens.</p> <p>... “<i>generally considered negligible and acceptable by the U.S.EPA and sufficiently small so further remediation is not required...</i>” This may be acceptable for an individual element or compound, but does not acknowledge the cumulative impacts of multiple toxins in gas and particulate form.</p> <p>It doesn’t consider the additional burden of toxins, which aren’t tested or are unregulated. It doesn’t consider the exposure to environmental toxins considered by the state to be “Emerging Contaminants”_ <a href="http://dtsc.ca.gov/emerging_issues.cfm">http://dtsc.ca.gov/emerging_issues.cfm</a> or PPCP’s (Pharmaceuticals and Personal Care Products <a href="http://dtsc.ca.gov/AssessingRisk/PPCP/">http://dtsc.ca.gov/AssessingRisk/PPCP/.</a>) It doesn’t include analysis of the trend cited (footnote 34.) It doesn’t include analysis of cumulative impacts of multiple toxin exposures to Public and Environmental Health in addition to the proposed light, noise and vibration impacts. Community Health Cancer Risk Level determination must consider all current and proposed conditions.</p>	<p>331</p> <p>332</p>
<p>4.G-83</p>	<p>Zap and Burn-- Plasma arc centrifugal and Smoking Bar-b-que Crud</p>	<p>↓ 333</p>

<p><b>Plasma Arc and Smoldering Treatments</b></p> <p><b>In-Situ</b></p>	<p>treatment systems are proposed remediation techniques, on-site, in Brisbane, without further discussion? Please disclose where these treatments are considered, what volume of what substances, what prior remediation techniques have been considered, how close to transportation?... etc.</p> <p>Note earlier comments for IVO update.</p>	<p>333 cont.</p>
<p><b>4.G-84 Vapor Intrusion Minimization</b></p>	<p>Vapor Intrusion Minimization is not proven to be safe in earthquake areas where landfill is subject to liquefaction and multiple toxins. Consideration of sub-slab, podium-style, passive and active vents are meaningless when systems shut down or are not understood by users. They put the Public and workers at risk. Articles have been submitted by Dana Dillworth which tell of recent failures where “Google workers at Superfund site exposed.”</p> <p><a href="http://www.sfgate.com/business/article/Google-workers-at-Superfund-site-exposed-4368421.php">http://www.sfgate.com/business/article/Google-workers-at-Superfund-site-exposed-4368421.php</a>. Papers produced by Dr. G.F. Lee and observations by Lenny Seigel of CPEO all speak to inadequate technologies to ensure protection of human and environmental health.</p>	<p>334</p>
<p><b>4.G-84 Capping</b></p>	<p><i>“Contaminated soil can be consolidated and covered on site under buildings, roads, clean soil, or other areas approved by the regulatory agencies.”</i></p> <p>Again, more discussion is required in this document and the City of Brisbane and its citizens decide whether leaving, melting, burning, fracking, or covering contamination is acceptable.</p>	<p>335</p>
<p><b>4.G-84 Inst. Controls</b></p>	<p><i>“No first floor residences or daycare facilities should clearly be stated for all scenarios.</i></p>	<p>336</p>
<p><b>4.G-86</b></p> <p><b>Significant Hazard to the Public or Environment</b></p>	<p>Human Health Risk Assessment (and Cancer Risk Levels as previously noted) standards are set by the City of Brisbane. RWQCB’s oversight is to meet the standards set by the Local Agency. A 23-year old assessment by Levine-Fricke (1990) absent knowledge about Kinder Morgan spills, with different land uses, and absent a valid General Plan at the time is not relevant. Current, full-scope studies need to be done.</p> <p>A statewide General Permit for Discharges, NPDES General Construction Permits, and Regional Stormwater Permits are not adequate for working on a site that will unearth contaminated soils. The stormwater system on the Baylands is crude and rudimentary. There are no barriers or modern filtration systems between the proposed construction area(s) and the Bay. Hundreds of cubic yards of multiple-contaminated soils may be carried off by rain and</p>	<p>337</p> <p>338</p>

	<p>required dust mitigation techniques (spraying down the roads, trucks and tools.) This general permit mitigation measure strategy is not adequate. Mitigation Measures should require a plan that isolates, tests, and treats runoff; that monitors particulates; that tents and keeps contaminated dirt from leaving the area. Otherwise, contaminated runoff that enters and fills the Bay requires a permit from BCDC.</p>	<p>338 cont.</p>
<p><b>4.G-86 to 87 Project Construction</b></p> <p><b>Mitigation Measure 4.H-1a (Hydrology)</b></p>	<p><i>“Following remediation activities,”</i> Proposed remediation activities need to be disclosed in greater detail than references to preliminarily approval letters. Environmental impacts need to be discussed in terms of phases, phasing, time-of-the-year, and Brisbane’s General Plan goals and policies.</p> <p><i>“However, the contractor’s compliance with federal, state and local requirements...”</i> There are numerous documents in the public record that speak to the failure of contractors and regional agencies of protection of public and environmental health. Some are systemic issues, others are local leaks from Kinder Morgan, the Railyard, and along the lagoon, etc. The recent Love Canal experience of contractors causing greater exposure to multiple chemical compounds due to techniques used to flush a sewer clog <a href="http://www.buffalonews.com/20130209/113_million_love_canal_lawsuit_is_history_repeating_itself.html">http://www.buffalonews.com/20130209/113_million_love_canal_lawsuit_is_history_repeating_itself.html</a> and discoveries of problems at Treasure Island, San Francisco are a few to mention. Staging and timing of clean-up remediations may put workers and migratory wildlife at risk. “Business as usual” is not an adequate mitigation measure. Bonds for performance, even redundant back-up systems should be considered and required.</p>	<p>339</p> <p>340</p>
<p><b>4.G-87 Project Operations</b></p>	<p><i>“wide variety of commercial products formulated with hazardous materials, including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides.” ... “small quantities...” “typically handled...” “generally not as serious...”</i> Such a casual way to describe an acceptable life of small quantity toxic generators but not all uses should be mixed. Auto-body paints are extremely noxious and can be detected coming from businesses along Industrial Way. This document should recognize that adjacent land uses, their scale of use, and types of hazardous chemicals used all have different impacts and should be measured or have protective restrictions in place. While a bakery and biotech facility may both use yeast, an accidental spill at one would require a different response than an accidental spill at the other.</p>	<p>341</p>
<p><b>4.G-88</b></p>	<p><i>“Industrial Uses” “difficult to predict because the specific businesses that would move to the Project Site are not known... however</i></p>	<p>342</p>

	<p><i>reasonably foreseeable that hazardous materials would be used routinely,</i></p> <p>This is a dangerous assertion. Allowed industrial uses are minimal in Brisbane’s 1994 General Plan, just the Beatty subarea. Brisbane has ordinances that disallow certain types of hazardous materials users and infectious disease handling found in some research and development. The DEIR should include where industrial uses are planned, the potential impacts to or from adjacent uses, particularly from a wastewater facility (with PPCP’s) and various proposed remediation techniques. Are the existing flares considered industrial uses? They are not listed here or recognized as hazards elsewhere in the DEIR.</p>
<p><b>4.G-89</b></p> <p><b>Conclusion</b></p>	<p><i>“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.”... “The specific types and amounts of hazardous materials... cannot be quantified...”</i></p> <p>Without prohibition of certain practices, there is no protection of risk to the public and wildlife through <i>“periodic inspections.”</i> The conclusions that people will be properly trained and that the regulators will properly monitor, without recognition that liquefaction poses an extra risk to all future scenarios, means that adequate mitigation measures have not been considered. Any scenario could propose a waste-burner or certain medical experimentation under this laissez faire conclusion. A mitigation measure that prohibits certain hazardous uses and practices and that requires greater than average separation between those uses is necessary.</p>
<p><b>4.G-90</b> <b>Impact</b> <b>4.G-2</b> <b>“foreseeable upset”</b></p> <p><b>Construction</b></p>	<p><i>“soil movement or grading could take place in areas where the soil cover remains shallow...”</i></p> <p>The referenced RWQCB letter on page 4.G-53 indicates an overall 7 feet (or greater) of fill proposed on OU-2 (and other areas?) Documents have been provided that indicate that mere placing of a soil cover are not adequate protective measures. Placing soil over un-engineered soils, such as the landfill surcharging operation on the Baylands, have been shown to consolidate the toxins below and force them to the surface, sometimes as visible seeps. In addition, the presumed protective surface barrier breaks as settlement occurs.</p> <p><i>“While the remediation technologies that will ultimately be approved by DTSC and the RWQCB...”</i> As previously stated, the clean-up levels and technologies are to be approved by the City of Brisbane.</p> <p><i>“Encountering contaminated soils or groundwater either during or following remediation...”</i> misses the fact that exposures to pockets of toxic gases are possible.</p>

↑ 342 cont.

↑ 343

↑ 344

↓ 345

	<p>There is no indication that mitigation measures are being required or tested for the lagoon, for those groundwater seeps that are not obvious to the visible eye, particularly when the groundwater table is lower.</p> <p>Plans to lower the train bed and various over/under crossings have been circulated. Yet, there is no reference to these as possible foreseeable impacts. Some proposals, regional goals, and mitigation measures conflict with each other. RWQCB's seven feet of fill would bury our Historic National Treasure, the Round House. Lowering the groundwater table to lower the rail bed may cause slumping throughout the Baylands. These items need to be considered and mitigation measures be considered as a whole, not piecemealed by investigations for individual projects.</p>	<p>↑ 345 cont.</p> <p>346</p>
<p><b>4.G-91</b></p>	<p><i>“Chronic exposure could result in systemic damage or damage to organs...”</i></p> <p>There is no mention of an acute exposure being potentially lethal, yet piercing a pocket of volatile gases or exposure to certain substances may be deadly. There is no mention of cumulative impacts from multiple toxins and the impacts that are most insidious such as endocrine, nervous, and reproductive system disruptions. Studies indicate that learning differences are associated with exposure to neurotoxins, the chemicals of concern are previously mentioned as ubiquitous on the Baylands.</p> <p><i>“Markers contain information about the nearby pipeline...” “contact the Underground Service Alert center...”</i></p> <p>Since 9-11, the maps and public information for the Kinder Morgan Tank Farm underground pipes were considered classified National Security information. The required markers may be disallowed and/or in disrepair at the current time. Since there are potential abandoned USTs and connecting pipes and much of the information about underlying conditions at the Baylands is not available, radar and/or metal surveys should be required of all areas before penetration of surface soils. An assessment of actual conditions needs to be done, not reliance of a system that may not have up-to-date information.</p>	<p>347</p> <p>348</p>
<p><b>4.G-92 Conclusion</b></p> <p><b>4.G-2a Confirm Achievement of Remediation</b></p>	<p><i>“With compliance with federal, state and local regulations...”</i></p> <p>These mitigation measures, as stated, will not reduce impacts to less than significant, as stated earlier and below.</p> <p><i>“the project applicant shall provide confirmation to the City that the [responsible agencies] have reviewed and are prepared to approve a Remedial Action Plan or final closure... upon certification of appropriate environmental documentation for that action.”</i></p>	<p>349</p> <p>350</p> <p>↓</p>

<p><b>Goals</b></p>	<p>Change the language. Confirmation of preparation to approve is not the same as achieving a goal. Success of a remediation measures should have guarantees or bonds to ensure performance. As stated earlier, preliminary approvals have not undergone a full CEQA process. There has been no consideration of remediation alternatives or impacts to groundwater from the “leave-in-place cover-and-fill” proposed remediation.</p>	<p>350 cont.</p>
<p><b>4.G-93 4.G-2b Soil and Groundwater Management Plan</b></p>	<p>“<i>temporary dewatering activities...</i>” Dewatering for the Sunnysdale Sewer project caused a depression cone. It also required connection to a sewer system able to process the contaminants. This might require infrastructure to be completed before groundwater purging can commence. As stated earlier, Dr. G.F. Lee recommends an independent body to assess and oversee design, performance, and maintenance of remediation systems.</p>	<p>351 352</p>
<p><b>4.G-2c Master Deconstruction and Demolition Plan</b></p>	<p>“<i>Master Deconstruction and Demolition Plan shall be submitted by the project applicant to the City Building Official...and approved by the Building Official...</i>”  This mitigation measure, absent the review of the Planning Commission, Parks and Recreation Commission, or other third-party is not adequate for the protection of historical buildings. All environmental impacts need to be discussed and mitigated.</p>	<p>353</p>
<p><b>4.G-2d NPDES Permit</b></p>	<p>“<i>...industry standard spill prevention and protection procedure plan...</i>” Review comments regarding redundant systems, necessity for independent review and concern about liquefaction during an earthquake.</p>	<p>354</p>
<p><b>4.G-94 Operation  Kinder Morgan Bulk Terminal</b></p>	<p>“<i>Businesses associated with industrial ...Industrial uses could include storage...</i>” Note prior comment about Brisbane’s general plan not allowing many industrial uses. “<i>Upset and accident conditions could result in the release of large quantities of gasoline...and any damage would result in leakage rather than an explosion.</i>” While the potential for accidents are mentioned, no mitigation measures to require substantial set backs for protection of workers have been suggested.</p>	<p>355 356</p>
<p><b>4.G-95  Mitigation Measure 4.G-2e</b></p>	<p>“<i>...in the unlikely event of leakage including substantial damage from an earthquake, any, released fuels would remain at the terminal within the containment areas.</i>” This is incorrect. The secondary “bermed” containment system can</p>	<p>357</p>

<p><b>Hazardous Materials Plan</b></p>	<p>only handle the contents of two fuel tanks; there are twenty-one tanks at the farm. Tank number 16 is not on bedrock. The hazmat foam truck is not always on site, so protection of human health is overstated. There is no mention of mitigation measures of releases from the burner(s.) A mitigation measure requiring redesign of the containment system(s) or requirement of protective safety “blast” setback zones should be developed.</p>	<p>357 cont.</p>
<p><b>4.G-96</b></p>	<p>“ [Hazardous Materials Business Plan] the potential for accidental releases... would be minimized...will be reduced to a less-than-significant level.” This is not correct.</p>	<p>358</p>
<p><b>4.G-96 Soil Gas and Vapor Intrusion</b></p>	<p>“...the former Brisbane Landfill are still undergoing decomposition... which creates landfill gases.” This statement seems to imply that the only area that will require soil gas vapor intrusion measures are utility boxes on the former landfill. This is not the case. Degradation of certain chemicals will produce toxic gas byproducts, and fuel leaks from Kinder Morgan need protective barriers or mitigation measures disallowing certain practices, such as subterranean garages.</p>	<p>359</p>
<p><b>4.G-97</b></p>	<p>“only benzene has been identified at the Brisbane Landfill...” This may indicate that VOC gases have not been fully tested, that the INTERIM measure of burning off the gases has required no further investigation. Again, there is no mention of the location and impacts of the methane flare.</p>	<p>360</p>
	<p>“If the future final designs for the foundation systems require additional depths, the low-hydraulic-conductivity layer would be removed and replaced to accommodate deeper structures...” This provision doesn’t recognize the hydro-geologic conditions of Bay fill. This action may pierce the presumed old bay mud barriers. Independent review of altering groundwater patterns should be required as part of an overall remediation strategy, not a project by project approval by RWQCB.</p>	<p>361</p>
<p><b>4.G-98 Mitigation Measure 4.G-2f  4.G-2h</b></p>	<p>“proposed underground utilities and utility vaults located within 500 feet of the landfill footprint...” Vapor intrusion mitigation measures are unproven, guestimates at best. If they are effective, they should be for ANY area that has degradation of chemicals underground, not just within 500 feet of the landfill footprint. Their efficacy should also be under the purview of an independent third-party body. “shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion...”</p>	<p>362  363</p>

	<p>Same comment about within 1,000 feet of the landfill footprint vs. any place in the Baylands with VOC's underground. Why is the "set-back" 1,000 feet for this measure and 500 feet for 4.G-2f? A mitigation measure requiring workers to be trained in understanding and being responsive to the "<i>centralized sensor monitoring and recording system</i>" should be required.</p>	<p>↑ 363 cont.</p>
<p><b>4.G-99</b> <b>Impact 4.G-3</b> <b>.25 miles of a school</b></p>	<p>"<i>within areas in the Icehouse District...</i>" Is this a new planning area? These areas have not been adequately assessed for presence of toxins and while you skirt this issue by saying it's up to the Standards for School Site Construction guidelines to decide, it doesn't have a fallback position should a school need to be constructed off site.</p>	<p>↑ 364</p>
<p><b>4.G-101</b> <b>Conclusion</b> <b>Impact 4.G-5</b></p>	<p>There does not appear to be any mitigation measure named 4.G-1a and 4.G-1b. The Airport had concerns for building heights out at Sierra Point. While not within 2 miles of an airport, the proposed heights of buildings may need to be reviewed.</p>	<p>↑ 365 ↑ 366</p>
<p><b>4.G-102</b> <b>Impact 4.G-6</b> <b>Emergency plan</b></p>	<p>The discussion of at-grade rail crossings vs overpasses are required in this section to consider conditions in the event of an earthquake. Elevated, engineered roads need to be considered.</p>	<p>↑ 367</p>

4.H: Hydrology and Water Quality

DEIR (Section; page #)	Comments
<p><b>P. 4. H-5, Par. 1-2; Surface Water Quality</b></p>	<p><i>[surface water quality data have been collected from various locations on the Project Site,] and that “[stormwater runoff samples have been collected from eight storm drain locations throughout Project Site since 2002 (GeoSyntec, 2010).”</i></p> <p>The DEIR fails to specify what “various locations” the samples were taken from, when they were collected, and how many storm drains went untested (i.e., 8 out of how many?). Also, as the study by GeoSyntec was in 2010; are there more up-to-date data?</p> <p><i>“four indicator water quality parameters are required to be monitored, including PH, total suspended solids (TSS), specific conductance (SC), and oil and grease.”</i></p> <p>Also stated is that most of PH values were within normal range, but that <i>“a few samples exceeded the maximum contaminant level (MCL)”</i>, and that the <i>“TSS concentrations generally exceed the U.S. EPA Parameter Benchmark and the SC data generally exceeds its MCL.”</i></p> <p>Once again, the DEIR fails to specify where samples were taken from and when, and talks in generalities about contaminants “exceeding” normal levels, but does not state to what degree. This section fails to clearly state whether there was testing for heavy metals (e.g., Cd, Pb, Mg, Ar, Cu).</p> <p>A map overlay of test sites should be included.</p>
<p><b>4.H-5 par. 3</b></p>	<p><i>“An assessment of sediment sources for Brisbane Lagoon identified the Project Site as a significant source of sediment. In 2004, stormwater best management practices (BMPs) began to be implemented, . . . Oil and grease appear to be a more localized water quality issue (GeoSyntec, 2010).”</i></p> <p>More attention should be paid to the historic contaminated sediments in the Lagoon and environs. A reference not found but should be included for Lagoon and shoreline cleanup mitigations is the <i>Technical Guide, Monitored Natural Recovery at Contaminated Sediment Sites</i> prepared for the U.S. Department of Defense.</p>
<p><b>4. H-36, 37</b></p>	<p><i>“[under existing conditions, during a 100-year design storm event, the</i></p>

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<p><b>Fig. 4.H-3 100-Year Flood Zones &amp;</b></p> <p><b>4.H-9 Fig. 4.H-4 Projected Sea Level Rise</b></p>	<p>present in the section. FEMA will be providing new 100 year flood data in 2013. Flood zones should take into account new flooding information as well as projected flooding due to impacts of climate change (such as likelihood of severe storms, etc). The map should be updated and the development strategies adapted to account for larger flooding than this map currently indicates.</p> <p>Cumulative effects from Sea Level Rise and Flooding should be discussed and mitigation factors should be clearly articulated.</p>	<p>374 cont.</p> <p>375</p>
<p><b>4. H-16,17 Hydrology- and Water Quality- Related Policies and Programs</b></p>	<p>The current strategy employed in the DEIR for implementation and enforcement of stormwater pollution prevention, water conservation, drainage, maintenance, and flood hazard mitigation lays these responsibilities on the City of Brisbane General Plan. The General Plan, completed in 1994, lacks specificity and enforceable language. Relying on Industrial, County- and Statewide SWPP permitting is not adequate to ensure adequate stormwater pollution prevention for the Baylands or the protection of public and environmental health, nor does it reach toward best in class practices for water quality protection and conservation. Examples of include:</p> <ul style="list-style-type: none"> <li>(1) Policy 130: <i>Conserve water resources ...</i></li> <li>(2) Policy 133 <i>“Reduce the amount of sediment ...</i></li> <li>(3) Policy 134 Program 134c <i>Encourage wetlands restoration projects ...</i></li> <li>(4) Policy 134 Program 134d <i>Utilize wetlands restoration projects ...</i></li> </ul> <p>The General Plan should either be updated with the City developing a rigorous design and testing program, the Baylands Specific plan be updated and referenced on effective techniques, or the DEIR should be revised to provide specific, measurable and enforceable mitigation measures with bonds or guarantees for protection of the public.</p> <p>Contemporary best management practices may not be adequate given the potential for future technologies.</p>	<p>376</p>
<p><b>4. H-13 Stormwater Pollution Prevention Plans Paragraph 4</b></p>	<p><i>“A non-point source discharge usually refers to waste emanating from diffused locations.”</i></p> <p>Point source discharges from bunker C oil are not discussed in this section.</p>	<p>377</p>
	<p><i>“A point source discharge usually refers to waste emanating from a single, identifiable point.”</i></p>	<p>378</p>

	<p>Point source discharges from the Kinder Morgan Tank farm are not discussed in this section. The Citizens Committee recognizes that the Tank Farm is not a part of the parcel under review, however the Tank Farm point source discharge is an existing condition and poses a significant risk to water quality of the Baylands project. The water quality risks due to the Kinder Morgan tank farm are not adequately discussed, and should be discussed in tandem with water quality risks and mitigations due to proposed development.</p>	<p>378 cont.</p>
<p><b>4. H-29 Mitigation Measures 4. H-4a and 4. H-4b</b></p>	<p><i>“Levinson Overflow Area”</i></p> <p>Levinson Overflow Area is mischaracterized – revise to “Levinson Marsh” [also in P.4.H-7 Paragraph 2] which accurately characterizes and emphasizes the biotic value of the water body. In changing the storm drainage patterns to better address the stormwater runoff, the hydrology of the system will be separated, which will damage the downstream hydrology and biota. The DEIR should include a mitigation measure that includes use of cisterns, more detention basins upstream, likely in coordination with Daly City, and the creation of a sub-regional watershed plan.</p>	<p>379</p>
<p><b>4. H-21 Contaminated Groundwater Encountered During Construction</b></p>	<p><i>“The excavations would have to be dewatered through temporary pumping to enable construction.”</i></p> <p><u>Comment:</u> The mitigation measures described do not adequately address the expected slumping and “cone of influence” impacts to the area as experienced in the Sunnydale Sewer Upgrade (SF.)</p>	<p>380</p>
<p><b>4. H-40 Mudflow Impacts</b></p>	<p><i>“The Project Site development is located in a relatively low-lying area in a developed urbanized region that is not susceptible to mudflows, and therefore the impact of Project Site development would be less than significant.”</i></p> <p>The Levinson and Handicraft properties have large SFPUC water lines that run through the Site and are susceptible to water line breaks, creating a potential for significant mudflows, and are not adequately addressed. Mudflows from Icehouse Hill or their potential are also not adequately addressed.</p>	<p>381</p>
<p><b>4. H-37 Flooding Due to Sea Level Rise Par. 4</b></p>	<p><i>“It is not possible to project what the future effects of sea level rise will be within the Brisbane Baylands, largely due to uncertainty surrounding groundwater movements that would occur in response to gradual rise in sea level. BCDC is currently researching this issue but has not completed that work. ....”</i></p>	<p>382</p>

	<p>Mitigation measures do not address the effects on underground toxins due to flooding and sea level rise. This is a significant issue that is not addressed in the DEIR and is instead delegated to the BCDC.</p> <p>Additionally, if metal pylons are going to be put through the contaminated soil, then salt water will mix in and make a slurry . What is the impact of saltwater on the structural supports/metal? Even with protective casing, what is the material and its thickness?</p>	<p>↑ 382 cont.</p> <p>383</p>
<p><b>General Comment</b></p>	<p>Leachate along the northern edge of Lagoon, and along the creek channel, must be studied and appropriate mitigation defined and implemented, especially since construction will impact existing leachate monitoring operation.</p>	<p>384</p>

**4.I: Land Use and Planning Policy**

DEIR (Section; page #)	Comments	
<p><b>4.I-1 Historic Setting</b></p>	<p><i>“The area was operated as a landfill from 1932 to 1967; after the closure, the landfill was buried with 20 to 30 feet of soil cover.”</i>                      This description has to be revised to include the Champion Speedway, operating on the landfill from 1962 to 1979. Also, the current elevation of the soils and crushed concrete atop the fill should be disclosed. There should be a reference to the city’s permit records and lists of monitored contents in the landfill.</p>	<p>385</p>
<p><b>4.I-2 Other project Site Features last par.</b></p>	<p><i>“to the west of the rail corridor is Icehouse Hill, most of which is undisturbed natural area.”</i>                      This statement is unsubstantiated. Icehouse Hill’s natural vegetation has been severely disturbed by grazing by horses stabled immediately adjacent to the hill. The south slope has a communications facility and has been graded and continues to be used as a shooting range, which produces hazardous waste from lead bullets and cartridges. These impacts and their mitigation should not be glossed over.</p>	<p>386</p>
<p><b>4.I-3 Surrounding Development</b></p> <p><b>Regulatory Setting</b></p>	<p>Because the Project Site completely surrounds the Kinder Morgan tank farm, the environmental effects of the fuel tanks themselves, the highly flammable, hazardous materials stored therein and the exhaust burner present significant impacts on the project, as proven by the record of past violations. Also, the major pipelines and diesel truck traffic associated with the tank farm operation have major impacts on the Project. All of these should be thoroughly described, analyzed and mitigated.                      For compliance with federal, state, regional and local regulations a list of all regulations available is needed, as well as references to all relevant documents.</p>	<p>387</p> <p>388</p>
<p><b>Par 2. &amp; 3</b></p> <p><b>San Francisco Bay Plan</b></p>	<p>In addition to the CalRecycle and other state agencies, development plans for any post-closure landfill site must also adhere to the City’s General Plan, which is subject to approval by vote by the citizens of Brisbane. The San Francisco Bay Plan includes a segment confirming the BCDC purpose of protecting and enhancing bay shores <i>“...for public and environmental benefit, and to encourage responsible use.”</i>                      Such potential “responsible” uses should be identified and prioritized.</p>	<p>389</p> <p>390</p>
<p><b>4.I-6 Plan Bay Area Par. 2</b></p>	<p>The Sustainable Communities Strategy <i>“aims to reduce greenhouse gas emissions from cars and light trucks.”</i>                      In the foreseeable future, much of these emissions are likely to be reduced by the increased number of electric and hybrid vehicles. Also, several</p>	<p>391</p>

	<p>studies have demonstrated that overall most of the GHG emissions are produced by buildings and activities associated with them, not cars and trucks. This fact should be acknowledged and explicated with reference to the Project Site scenarios and alternatives.</p> <p>The Regional Housing Need Allocation does not address the fact that ca. 40% of total current housing in Brisbane has been recently constructed (in the Northeast Ridge) and represents proportionally major housing growth compared to other Bay Area: cities. This responsible land use should be cited.</p>	<p>391 cont.</p> <p>392</p>
<b>Par. 3</b>	<p><i>“the goals of SB 375, Plan Bay Area calls for future development to be walkable and bikeable and in close proximity to public transit, jobs, schools, shopping, parks, recreation and other amenities.”</i></p> <p>The CalTrain station in Brisbane could promote this goal. However, it is highly questionable to assume that enough people for adequate mitigation could walk to work or that transit would be accessible both from where they live and where they work.</p>	393
<b>4.I-7 Figure 4.I-2</b>	The BCDC map is inadequate in view of the planned Visitation Creek Park West (wetlands park) that will maintain watershed connectivity to the bay, thus expanding BCDC’s jurisdiction and ability to plan for climate change impacts.	394
<b>4.I-8</b>	Are the Plan Bay Area projections consistent with the Brisbane’s General Plan?	395
<b>4.I-10 Zoning Ordinance</b>	The zoning map referred to in this section is out of date, inconsistent with the 1994 General Plan, and incorrect. The correct present zoning of the entire Baylands is PD, Planned Development. The descriptions should be revised to be consistent with the General Plan PD zoning. The same corrections should be made in Chapter 3, <i>Project Description</i> , Fig. 3-9 on page 3-26, and related text.	396
<b>4.I-10</b>	Removal of Policy 330.1 from the General Plan for inconsistency with the DSP and DSP scenarios would require a vote of the Brisbane constituency, and should be so stated.	397
<b>4.I-10</b>	<p>Figure XH from General Plan on Baylands should be overlaid with the Project map to compare flood areas to the proposed plan scenarios. Historical marshlands in this site should be restored and this mitigation included.</p> <p>Whatever the outcome of the EIR and subsequent studies they must comply with General Plan policies 172 and 173, as follows:.</p> <p><i>Policy 172: Establish that it is of the highest priority that contaminated</i></p>	<p>398</p> <p>399</p>

	<p><i>lands in Brisbane be remediated.</i></p> <p><i>Policy 173: The City shall not grant approval of a development project on a contaminated site unless a plan for remediation of the site has first been approved and adopted by all Federal, State and local agencies having jurisdiction over the remediation plan.</i></p> <p>Reference: Study by Dr. Lee for projections of dangers inherent in not remediating this land to the highest extent, prior to habitation.</p>	<p>399 cont.</p>
<p><b>4.I-12</b> <b>Par. 1</b></p>	<p>Historical marshlands should be included in the preservation defining features.</p>	<p>400</p>
<p><b>Par. 2</b></p>	<p>Reference should be made to the most up-to-date regulations from the jurisdictions surrounding and impacted by the Project site.</p>	<p>401</p>
<p><b>4.I-14</b> <b>Par. 3</b></p>	<p>There will be considerable conflicts with physically dividing the community, our General Plan and Habitat conservation.</p>	<p>402</p>
<p><b>4.I-13</b></p>	<p>An update of the former plan to relocate the Cow Palace to the Baylands is necessary.</p>	<p>403</p>
<p><b>4.I-13</b> <b>Par. 2</b></p>	<p>The paragraph states that San Francisco’s Visitation Valley Redevelopment Program will include 1,585 units of housing and 122,600 sq. ft. of commercial space on 40 acres, including 20 acres on the former Schlage Lock property immediately adjacent to the project site. A project of that size will generate considerable traffic, greenhouse gases and other impacts on Brisbane. The implications of the necessary interaction between the two projects should be addressed.</p>	<p>404</p>
<p><b>4.I-29</b> <b>Table 4.I-1,</b> <b>Policy 166</b></p>	<p>The EIR should also evaluate impacts related to the potential handling and storage of hazardous materials adjacent to the Baylands, and should therefore evaluate impacts related to the Kinder Morgan Energy Tank Farm.</p>	<p>405</p>
<p><b>4.I-34</b> <b>Table 4.I-1,</b> <b>Policy 208</b></p>	<p>The EIR should reflect that all new infrastructure required to support Project Site Development should be constructed to the standard of the City, including the updated standards of the City of Brisbane’s Green Building Ordinance (and CA Title 24).</p>	<p>406</p>
<p><b>4.I-51</b> <b>1st par.</b></p>	<p><i>“The CPP and CPP-V scenarios propose 8,030,800 square feet of commercial development (8,100,800 square feet in the CPP-V scenario) and 142,500 square feet of industrial development.”</i></p> <p>As noted elsewhere, at the time the CPP was being designed with extensive community input, the total square footage of buildings proposed was never discussed. Therefore, it is misleading to portray this scenario as “Community-Proposed.” The community did not intend the development to exceed the general plan.</p>	<p>407</p>

<b>4.I-53 Impacts of Proposed Lumberyard Relocation</b>	Any description of the proposed relocation of the lumberyard should include the extension or relocation of the rail spur (Union Pacific 30' right of way, as cited in Section 3.3, page 3-24) currently serving the site. If the spur is proposed to be removed, since no mention is made of it in any of the Plan Scenarios or maps related to them, the impact of such removal action should be reflected in all traffic analyses related to increased heavy truck traffic. Consideration of multiple additional spurs for future business uses and as mitigation for truck traffic, have not been discussed, but should be.
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4.J: Noise and Vibration

DEIR Section; page #	Comments	
<b>General Comment</b>	All noise measurements should include a variety of wind directions, times of days, and seasons.	409
<b>4.J-6 Sensitive Receptors</b>	Noise metering at Site 7 not necessarily indicative of Brisbane as a whole. Site 7 has ample vegetation and trees to absorb sound and not all locations match those site conditions.	410
<b>Fig. 4.J-1</b>	Topography is a parabolic basin and as such noise amplifies. Noise monitoring should be done at other appropriate locations, and should be identified, studied, and observed over time, throughout Brisbane and at different elevations, and different seasonal conditions. Additional stations should be recommended on the basis of topography of Brisbane.	411
<b>4.J-7 Fig. 4-J-1</b>	Only one noise receptor is included in central Brisbane (number 7). At least one receptor should be included at a higher elevation (e.g. Kings Road).	412
<b>4.J-10 Local Regulations Policy 179</b>	Taking into account density and heights of structures proposed for DSP and DSP-V on northern portion of site, how will landscaping be incorporated in that area to buffer noise impacts on adjacent areas?	413
<b>4.J-6 4.J-11 Fig. 4.J-1 Fig. 4.J-3</b>	Noise measurements at site 7 already measuring CNEL of 70, “Normally Unacceptable,” requiring detailed analysis of noise reduction mitigations.	414
<b>4. J-12 Table 4. J-2 and last paragraph</b>	<p>“... or a noise level of more than 20 dBA above the ambient level for more than three minutes per hour.”</p> <p>To take the example of pile driving again, since the actual duration that each strike of the pile driver is over 20 dBA above ambient levels is extremely short, even continuous, non-stop pile driving would still likely fall under this threshold. Again, it is insufficient to measure the impact of pile driving as only being inside or outside of this threshold, as this criteria does not allow for a reasonable comparison to be made between this kind of noise, and other typical / continuous construction noise (jackhammers, heavy equipment use, etc.).</p> <p>For long-term developments, there should be restrictions in place to prevent continuous pile driving. Also, limits should not be specified relative to ambient noise, which may already exceed community accepted levels.</p>	415 416
<b>4. J-13 Impacts and Mitigation Measures Significance</b>	<p>Appendix G of CEQA guidelines indicates a potential significant effect on the population of Brisbane with all of the following...</p> <p><i>-Exposure of persons to ...noise levels in excess of standards established in ...the City of Brisbane...</i></p>	417

<b>Criteria</b>	<p>Due to the exposure of people in Brisbane during the building of the train bridge, pile driving and the physical discomfort experienced by some of the population from sleep deprivation etc, a noise mitigation plan should be described to ensure that the sound levels and “future cumulative” levels are consistent with current ambient noise levels during and after construction phases.</p> <p>This plan should include mitigation of exposure to excessive groundborne vibration.</p>	418
<b>4.J-14-15 Exposure of Persons to or Generation of Groundborne Vibration</b>	<p>Caltrain used 0.25 in/sec as threshold for architectural damage to historic and sensitive older buildings. To avert damage to the Roundhouse and other culturally significant structures in vicinity, necessary calculations of potential groundborne vibrations during construction must be determined prior to and monitored during site construction.</p> <p>Since construction at site is anticipated to be ongoing over many years, studies on groundborne vibration and impact on human health should be included in this section.</p>	419 420
<b>4.J-16 Substantial Temporary or Periodic Increases in Noise Levels in Vicinity of Project Site</b>	<p>Noise generated by construction activities and pile-driving is not adequately addressed in this section. Existing residential areas (e.g. Little Hollywood, Visitation Valley and Geneva/Daly City neighborhoods) would be affected and studies need to be done to ascertain potential impact to those communities. Also, there is no mention of impact on Central Brisbane and the Northeast Ridge. With topography, noise could amplify and be a significant impact.</p> <p>Chronic noise from pile-driving is mischaracterized as a “nuisance.” The DEIR should cite the many existing studies regarding exposure to noise/vibration and its effects on mental and physical health and productivity.</p>	421 422
<b>4.J-16 Exposure of People to Excessive Airport Noise</b>	<p>S.F. Airport Noise Abatement Office logs of complaints by Brisbane residents documents fact that airport noise is already a significant annoyance. Airport operations use “averages” of noise events rather than addressing the cumulative disturbance of noise/vibration.</p> <p>Aircraft overflights will increase. SFO has publicly stated plans to increase number of daily flights. The effect of those increased numbers should be projected and mitigations cited.</p>	423 424
<b>4.J-17 Project Impacts and Mitigation Measures DSP and DSP-V</b>	<p>With high speed rail potentially crossing the Site, the DEIR should include citation of whether noise will be higher or similar to that of current Caltrain operations. If high speed rail operations become part of site development, proposed designs and their noise effects should be evaluated, and mitigation measures recommended.</p>	425
<b>4.J-22 Impact 4.J-2:</b>	<p>The impact on wildlife by machinery creating noise and particularly groundborne vibrations must be analyzed. The depicted chart is not accurate in evaluating this impact as Significant but Mitigable groundborne vibration or groundborne noise levels during construction under the DSP and DSP-V scenarios.</p>	426

<p><b>4.J-23 Vibration Effects on Buildings Par. 2 &amp;3</b></p>	<p>“ . . . Industrial Building approximately 360 feet northwest of the High-rise office area” needs to be identified. The age and type of construction of the building should also be noted.</p> <p>There are buildings adjacent to the Roundhouse of historical or cultural significance and should be included when discussing the impact of vibration and mitigation measures to prevent damage during construction.</p>	<p>427</p>
<p><b>4.J-23 On-site Pro- posed Re- ceptors</b></p>	<p>Need to cite data used for the assertion that pile-driving vibration would have a less-than-significant impact. The soil structure on the site is complex.</p> <p>Need to clarify exact location where “nearest sensitive land uses that are 400 feet away”.</p>	<p>428</p> <p>429</p> <p>430</p>
<p><b>4.J-24 Off-site Ex- isting Recep- tors</b></p>	<p>The DEIR needs to cite data behind the assertion that off-site area 1000 ft. north of proposed hotel and high-rise offices would have a less-than-significant impact from vibration during project site development.</p>	<p>431</p>
<p><b>4.J-24 Exposure of People to Vi- bration from Rail Opera- tions</b></p>	<p>The FTA suggests a buffer distance of 200 ft. from rail tracks for residences, hotels, and hospitals. The DSP and DSP-V scenarios have residences on the site situated too close to the tracks and should not be permitted. A larger setback as a mitigation measure should be studied, including the potential of future wider setback required by high-speed rail.</p>	<p>432</p>
<p><b>4.J-25 Impact 4.J-2b</b></p>	<p>Mitigation measure 4.J-2b: Pre-Construction Assessment to Minimize Structural Pile Driving Vibration impacts on Cultural Resources should include the Machinery and Equipment Building, which is made of un-reinforced masonry.</p>	<p>433</p>
<p><b>4.J-25 Miti- gation Mea- sure 4.J-2a</b></p>	<p>References to studies of residential developments successfully mitigating vibration through methods cited should be provided.</p>	<p>434</p>
<p><b>4.J-25 Miti- gation Mea- sure 4.J-2b p.2</b></p>	<p>No mention made of measures being taken to preserve historic buildings during construction activities other than underpinning of foundations “as necessary.” Monitoring vibration, ground settlement or lateral movement in the vicinity of pile driving activities, as an approach, is unacceptable as damage may occur before activities are ceased. These mitigations should be listed.</p>	<p>435</p> <p>436</p>
<p><b>4.J-26 Traf- fic Gener- ated Noise Par. 1 Table 4.J-4</b></p>	<p>Table 4.J-4 projects an increase in noise at site. #3 road segment shows substantial increase. What is this increase based on?</p> <p>#7 shows +2.5 increase and needs notation explaining what that is attributed to. This location is on Tunnel Ave. between Beatty and Blanken. Does projection take into account acoustics created by density of tall buildings at this location and do projections assume transit hub might be located at this site?</p>	<p>437</p> <p>438</p>
<p><b>4. J-26 Table</b></p>	<p>Significant but Mitigable is listed for DSP-V, but leaves out an explanation of how the noise will be produced.</p>	<p>439</p>
<p><b>4.J-28 Miti- gation Mea- sure 4.N-13</b></p>	<p>Need to identify what “other roadways” are being referenced in statement asserting that impact of increased noise would be less than significant.</p>	<p>440</p>

<p><b>4.J-29 Mitigation Measure 4.N-13 Par. 1</b></p>	<p>Current daytime monitored noise levels on the site are not relevant since activities are presently quite limited compared to what would be anticipated after development. These projections should be analyzed.</p>	<p>441</p>
<p><b>4.J-32 Table 4.J-7 Typical Construction Activity Noise Levels</b></p>	<p>Noise levels cited in table appear to be understated as they do not take into account unique topography of Brisbane being a parabolic basin. These should be revised.</p>	<p>442</p>
<p><b>4.J-33 Construction Noise Impacts to On-site Receptors Par. 1</b></p>	<p>Need to identify where closest sensitive land use receptors to pile-driving “1600 feet away” would be located.</p> <p>Need to cite source of assertion that noise at this location would be attenuated to 73 DBA, that being similar intensity to high-volume roadway traffic and not considered significant. Refer to Brisbane General Plan policy 176, 183, and 184.</p> <p>Further studies/research are necessary in this section. Highway 101 noise is often more perceptible in Central Brisbane on streets at higher elevation, and may experience more noise from pile-driving. This fact should be stated.</p>	<p>443</p> <p>444</p> <p>445</p>
<p><b>4.J-33 Construction Noise Impacts to On-site Receptors Par. 2-3</b></p>	<p>Noise estimates cited for pile-driving are based on proximity to site. Topography does not appear to have been factored into these calculations and must be considered.</p>	<p>446</p>
<p><b>4.J-33 Mitigation 4.J-4A</b></p>	<p>Pile-driving and construction activities should not be permitted during nighttime hours because it may exceed the CNEL and sleep/habitability of residents not only in Brisbane but also adjacent communities. The construction projected to last for many years could have serious health consequences from the effects of noise/vibration.</p>	<p>447</p>
<p><b>4. J-34, Conclusion</b></p>	<p><i>“pile-driving activities would result in a significant impact”</i></p> <p>Earlier, pile-driving is said to not be significant (p. 4.J-33; see above). Is the previous statement incorrect?</p> <p><i>“No extreme noise-generating activities would be allowed on weekends and holidays;”</i></p> <p>What is meant by “extreme,” and should we expect extreme noise to be generated during the week over the whole long Project process?</p>	<p>448</p> <p>449</p>
<p><b>4.J-34 Table 4.J-8</b></p>	<p>The list of equipment causing noise omits pile driving, and should be included.</p>	<p>450</p>
<p><b>4.J-34</b></p>	<p>There is no Mitigation measure “below,” as cited in paragraph.</p>	<p>451</p>

<p><b>Mitigation</b>  <b>4.J-5B</b>  <b>Par. 1</b></p>		452
<p><b>4.J-34 Mitigation</b>  <b>4.J-4a</b></p>	<p>Need to explain specifically what “extreme noise generating activities (greater than 90 DBA) would be.</p> <p>Need explanation of what criteria were used to qualify restriction of extreme noise generating activity between 12:30 pm to 1:30 pm., and why. That restriction leads to conclusion that such activities would be earlier in day or late afternoon.</p> <p>There should be a table included which shows times for construction activities since they are being proposed for 7 days a week including weekends and holidays.</p>	453
<p><b>4. J-35 Mitigation</b></p>	<p>It is unclear whether the City’s Noise Ordinance has considered the effects of protracted large-scale construction, with potential pile-driving spanning years, if not decades. The proposed mitigation measures therefore may not go far enough to alleviate the impacts to nearby neighborhoods. The noise and vibration studies should therefore study the effects of long-term noise-inducing projects, and consider whether additional mitigation measures (e.g. enforcing periodic breaks in the noise with quiet weeks / quiet months, requiring coordination of unrelated projects in the development, and so on) would be effective or beneficial to nearby residents.</p>	454
<p><b>4. J-35 Mitigation</b></p>	<p>As noted in section 4J2 pp 4J5 <i>A most recent complaint summary in the Directors Report for SFO indicates that more than half of the 1331 complaints received in September and October 2012 were from residents in the City of Brisbane.</i></p> <p>Due to its topographic bowl shape, downtown Brisbane and the surrounding residential hillsides are highly noise-sensitive. During the Tunnel Avenue overpass construction, the community was greatly impacted by the pile-driving, causing widespread loss-of-sleep and other difficulties for residents.</p> <p>Concerns for a continuously degraded quality of life in Brisbane by long term construction noise during a 30 to 50-year buildout could create stress of life to the point of illness if the noise is not regulated with scheduled breaks and enforced quiet hours, weeks and months. Studies showing long-term effects of comparable noise stress on human health should be included and mitigation measures imposed.</p> <p>A long-term project that changes the usual accepted noise levels in Brisbane would have a negative impact on property values.</p>	455
<p><b>4.J-35 Mitigation</b>  <b>4.J-4b</b></p>	<p>The DEIR refers to tracking of “complaints” pertaining to construction noise, but no mention is made of consequences for infractions. Neighborhood residents must be apprised of name and contact information for designated “onsite complaint manager” to notify about infractions of noise regulations for project site. This mitigation implementation should be described in detail.</p>	456
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<p><b>4. J-36 Conclusion with Mitigation:</b></p>	<p><i>“Under the CPP and CPP-V scenarios, temporary construction-related noise would represent a less-than-significant impact with implementation of Mitigation Measure 4.J-4b.”</i></p> <p>This implies that under any of the development scenarios, residents in Brisbane and nearby neighborhoods in Daly City and San Francisco would experience a less-than-significant impact from construction noise and vibration, with the implementation of mitigation measures. This seems unlikely, given the proximity of some of the neighborhoods to the construction, in relation to the proximity of the proposed housing developments in the DSP and DSP-V. It should be clearly demonstrated at what distance from construction the presumed impact would rise from “less than significant” to “significant.”</p> <p>See 4J-9 Federal Regulations (Noise)  <i>“Local needs and values may dictate further delineation based on requirements or determinations.”</i></p>
<p><b>4. J-36 DSP, DSP-V, CPP and CPP-V</b></p> <p><b>Impact 4.J-5</b></p>	<p>DEIR <i>“(i.e., aircraft operations from the airport contribute less than 65 dBA to ambient noise levels in Brisbane ) (SFO 2012) which is the state and federal threshold for noise abatement..”</i></p>
<p><b>4.J-36 Impact 4.J-5 Par. 2</b></p>	<p>Though project site is outside the airport’s 65 CNEL noise contour, aircraft consistently detour on unauthorized paths outside that contour. That is the basis for the complaints SFO operations receive from Brisbane residents. To say that impacts from aircraft noise flyovers would not be significant is inaccurate based on current facts. Consideration of design and mitigation is required.</p>

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**4.K: Population and Housing**

<p><b>DEIR</b> (Section; page #)</p>	<p><b>Comments</b></p>
<p><b>4.K-1</b> <b>Introduction</b> <b>2<sup>nd</sup> par.</b></p>	<p>The DEIR contradicts itself in these paragraphs:</p> <p><i>“Population and housing...under CEQA are not considered to be significant effects on the environment”.</i></p> <p><i>“In fact all of the impact... in EIR would result from the construction of buildings and uses associated with planned increases in population and employment...”</i></p> <p>Housing is not in the General Plan for Brisbane for this area. Without significant remediation of the landfill, this can not be allowed to happen.</p>
<p><b>4.K-1</b> <b>Introduction</b> <b>2<sup>nd</sup> par.</b></p>	<p>No mention of habitability or appropriateness is made in this section. Whether the site can be successfully remediated is questionable.</p> <p>The report by Dr. Fred Lee, in November 2010, for BBCAG, states there are extreme amounts of landfill and contamination that require remediation.</p> <p><i>Also, “Those areas and chemicals will need to receive proper containment/treatment/removal and proper monitoring in surface waters, ground waters, ambient air, and air within structures for as long as the chemicals remain on site for the protection of public health and environmental quality.”</i></p> <p>One must conclude from this that the only safe way to remediate is to <b>remove the contamination and replace with clean fill</b>. Dr. Lee states further, any <i>“development in this area should be done cautiously”</i>. <i>[bold added]</i></p> <p>Taken into account also are VOCs inside and out of the buildings and the heavy metal concentrations in the Schlage Lock and SP rail yard areas combined with surface water collection particularly near the railyard.</p> <p>Dr. Lee’s report should be referred to and included as an Appendix in the Final EIR.</p>
<p><b>4.K-1-</b> <b>Introduction</b> <b>3<sup>rd</sup> par</b></p>	<p>Assertion is made that GHG will be decreased by improving the proximity between jobs and housing on the site. This assumes that employees of businesses will be able to afford housing there. It also</p>

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	<p>assumes that residents will have the skills to be employable in a business on the site. Provide data to back up aforementioned statement using examples of recent developments in “transit friendly” corridors, specifically the MTC BATS 2000 analysis of transit use by residents near train stations. This has not been adequately backed up with facts and needs further investigation and facts.</p>	<p>↑ 463   ↑</p>
<p><b>4. K-1 Introduction 3<sup>rd</sup> par</b></p>	<p>Paragraph alludes to decrease in GHG and gives no data points to back this up.</p> <p>The assertion,  <i>“...number of jobs and amount of housing in a given area affects vehicle miles traveled and associated emissions of air pollutants and greenhouse gases (GHGs), as well as energy consumption related to vehicular travel”</i> is unsupported. Need further study to back up assertions.</p>	<p>464   ↑</p>
<p><b>4. K-1 Introduction 3<sup>rd</sup> par</b></p>	<p>According to PolicyLink.org, <i>“Brownfields are disproportionately located in low-income communities.”</i></p> <p>While Brisbane would not be considered a low-income community, some of the neighboring areas in San Francisco’s Bayview, Hunter’s Point, Geneva Avenue, Little Hollywood, and Visitacion Valley likely have less income per capita than Brisbane. Though these surrounding communities might benefit by jobs at the site, residents might not have the skills necessary for the jobs, therefore in-commuting may be necessary. The influence of congestion and ensuing GHG’s with in-commuting must be considered and mitigated.</p>	<p>465   ↑</p>
<p><b>4. K-2 1st Par. Environmental Setting Regional Housing Conditions</b></p>	<p>Statement <i>“...imbalance between local housing and local employment opportunities is a major contributor to long commute distances”</i> is very generalized and does not take into account that current local housing is not always “affordable” and often that is the primary factor in long commute distances. Further, without mitigation to require it, there is no guarantee that additional new housing will be affordable to anyone employed in new jobs at the site. Need more data and actual plans for affordable housing.</p>	<p>466   ↑</p>
<p><b>4. K-2 2nd &amp; 3rd par. Table 4. K-2 Regional Housing Conditions</b></p>	<p>Homes for sale show a lower than “ordinary” vacancy rate at 1.3%, compared to the “ordinary” rate of 2.0%.</p> <p>Silicon Valley is a very large employer of residents of San Francisco and San Mateo County, many of whom choose to live here and commute south to work, thus contributing to the imputed lower vacancy factor in this area. This factor, and statistics of the number of such commuters involved, should be included.</p>	<p>467   ↑</p>
<p><b>4. K-5 1st par</b></p>	<p><i>“Housing production between 1990 and 2010 did not keep pace with the city’s 45-percent increase in population over this period, which could be</i></p>	<p>468   ↓</p>

<p><b>&amp; Table 4.K=4</b></p> <p><b>Area Population and Housing Growth Rates</b></p>	<p><i>the result of such factors as the availability of existing housing units or an increase in the number of families and/or family and household sizes. In 2010, 1,821 of a total of 1,934 housing units were occupied, indicating a total vacancy rate of approximately 5.8 percent. Brisbane’s 2010 vacancy rate is substantially lower than its 2000 rate (11.5 percent) and about the same as its 1990 rate (5.9 percent).”</i></p> <p>This assertion is vague and unsubstantiated by facts. How could the population increase by 45% without sufficient housing? The recent development of the 478 units in the Northeast Ridge neighborhood of Brisbane, with another 6% increase currently under way process Brisbane’s serious intent of providing its share of the regional housing demand.</p> <p>Table 4.K4 indicates 40.8% population change from 1990-2010. The paragraph below the table cites 45% increase in same period. Which is correct?</p> <p>Since San Mateo County is such a large geographic area with many cities and unincorporated areas, it should be indicated specifically where in the county housing is “constrained”.</p>
<p><b>4. K-5 1st par. Regional Employment Conditions</b></p>	<p>There were significant changes in the economy over the past three years. Citing the number of jobs in Brisbane in 2010 may not accurately reflect the current business climate. More current statistics should be provided.</p>
<p><b>4. K-5 2<sup>nd</sup> par Regional Employment Conditions</b></p>	<p>Regarding vacancy rates of which our 5.0% is “ordinary”, this paragraph refers to the current vacancy rate in the area of 5.8%. Brisbane has met the regionally assigned planned numbers considered to be adequate and reasonable in view of the population and should not be expected to add more housing.</p>
<p><b>4. K-7 Environmental Settings Employed Residents and Jobs/Housing Relationship</b></p>	<p>To Assume “<i>a full employment economy with unemployment rates returning to normal levels within a successful national economy,</i>” is based on outdated statistics (ABAG 2009) and should be updated with more current statistical information such as ABAG 2013, <i>Plan Bay Area..</i></p> <p>Using the 2000 Census data to discuss Brisbane residents and the jobs/housing relationship is very much out of date since it does not take into account more than a decade of economic factors or the increase in the population of Brisbane due to the addition of more housing units. The data from the 2010 Census needs to be employed in this discussion.</p>
<p><b>4. K-7</b></p>	<p>Current and projected job “richness” in Brisbane is speculative at best.</p>

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<p>5<sup>th</sup> par</p>	<p>Assuming that most residents would want to live in close proximity to where they work is a myth shown clearly with the large numbers of people commuting from San Francisco and elsewhere to Silicon Valley.</p> <p>See also comment on Footnote 18</p>	<p>475</p>
<p>4. K-8 Table 4. K-6</p>	<p>The implied assumption here that people would both live and work in the Baylands is not substantiated by any factual reference.</p> <p>The ratio of jobs and employed residents shown on Table 4K-6 is not relevant because the comparison was between cities with large populations and the small population in Brisbane.</p>	<p>476</p> <p>477</p>
<p>4. K-10 Table 4-7</p> <p>Footnote 10</p>	<p>The table is outdated and should be replaced with ABAG 2013 information.</p> <p>Footnote 10 of this page: <i>“ABAG had higher projections than the actual 2010 Census for the purposes of this report.”</i> ABAG’s projections need to be reviewed for accuracy.</p>	<p>478</p> <p>479</p>
<p>4. K-11 1st par. Environmental Setting Projected Population, Housing, and Employment Growth</p>	<p>Plan Bay Area Sustainable Communities Strategy, which addresses housing potentials, recognizes that all development must be consistent with local decisions.</p> <p>ABAG has overestimated the need for housing and job projections, as noted in footnote 10 of page 4.K10.</p> <p>ABAG Projections 2009 do not incorporate the 2010 census data nor does it reflect subsequent years of economic volatility. New projections issued in ABAG 2013 should be employed for this analysis.</p>	<p>480</p> <p>481</p> <p>482</p>
<p>4. K-12 1st par. Environmental Setting Plan Bay Area Fig. 4.K-1</p>	<p>The ABAG/MTC San Francisco/San Mateo Bi-County Area Priority Development Area does not indicate any housing on the Baylands “site”; this is consistent with the Brisbane General Plan. There is “substantial housing growth” projected to the north in San Francisco (less than 1 mile from “site”), as well as to the northwest in Daly City and to the south in South San Francisco. Even with additional jobs potentially being added to the site, the related housing needs may in fact be balanced by housing already being built in nearby communities that are also within the PDA.</p>	<p>483</p>
<p>4. K-13 2<sup>nd</sup> par.</p>	<p>Plan Bay Area projects that the Bay Area will <i>“experience more modest growth than in past decades”.</i></p> <p>ABAG continues to project <i>“healthy economic growth of 1.1 million jobs</i></p>	<p>484</p>

	<p><i>and 2 million people by 2040”. This projection “assumes a full employment economy with unemployment rates returning to normal levels within a successful national economy”</i></p> <p>ABAG 2009 projections should be updated with ABAG 2013 statistics, because current economic conditions may not support previous projections.</p>	484
<p><b>4. K-13 Regulatory Setting</b></p> <p><b>4. K-3 4<sup>th</sup> &amp; 5<sup>th</sup> par,</b></p>	<p><i>“Development within the Project Site must comply with federal, state, regional and local regulations.”</i></p> <p>The impacts of the <u>special nature</u> of this contaminated land as a health and safety issue must be evaluated and should be addressed in this section. No statistics showing long-term exposure to “remediated” brownfield sites (such as the Love Canal studies) are included as reference here, but should be.</p> <p>Cancers and exposures to heavy metals, and combinations of unknown contaminants emissions and VOCs inside and outside of buildings and continued monitoring of same are referenced in Dr. Fred Lee’s Report of November 2010.</p> <p>Dr. Lee’s article referred to earlier also alludes to studies of long-term effects.</p>	485
<p><b>4. K-14 Fig. 4. K-1</b></p>	<p>The map of the Bi-County Priority Development Area, dated 2009, shows the CalTrain Bayshore station located in San Francisco, not Brisbane.</p> <p>This location is in conflict with all Project scenarios and Alternatives and should be explained. All proposals by the San Francisco Bi-County Transportation Study have concerned only moving the station southward in Brisbane.</p>	486
<p><b>4. K-15 Table 4. K9 Plan Bay Area Employment and Household Projections</b></p>	<p>The statistics cited for the Bi-County PDA project ZERO increase in households for Brisbane, thereby negating the projected need for 266 more households in Brisbane as shown on the City portion of the table. This is a contradiction and should be corrected.</p>	487
<p><b>4. K-15 1<sup>st</sup> &amp; 2<sup>nd</sup> par. State Regulations</b></p>	<p>The responsibility for the Bay Area Sustainable Communities Strategy assigned to MTC and ABAG must consider public safety as a primary consideration for any population on the Project site. In view of the very extensive development occurring in Brisbane’s neighboring jurisdictions,</p>	488

<p><b>Senate Bill 375</b></p> <p><b>Fig. 4.K-1</b></p>	<p>the impacts of the entire PDA on Brisbane should be included. No additional housing is needed in Brisbane.</p> <p>Figure 4.K-1, prepared by MTC and ABAG, clearly excludes housing from the Baylands site.</p>	<p>490</p> <p>491</p>
<p><b>4.K.15, 4.K-18, 4.K-19</b></p> <p><b>Table 4.K.9</b></p> <p><b>Regulatory Setting</b></p>	<p>San Francisco, Daly City, and Brisbane are a subregional geographic area. With thousands of new housing projects slated for Daly City and San Francisco, there should be data covering the Regional Housing Needs Allocation (RHNA) for those cities since their projected increase in jobs and households is cited in the Priority Development Area.</p> <p><u>Also reference 4.K-15 Table 4K-9 PDA.</u></p>	<p>492</p>
<p><b>4. K-16</b></p> <p><b>1<sup>st</sup> par.</b></p> <p><b>State of California</b></p> <p><b>Housing Element Requirements</b></p>	<p>Government code 65580 requires cities and counties to include as part of their General Plans, a Housing Element to address conditions and needs in the community. Brisbane’s Housing Element is up-to-date.</p> <p>Brisbane has already done its share over and above the requirements by adding a 40% growth in housing in the Northeast Ridge and other sites in Brisbane, that included low-income housing in keeping with current regulations. No additional housing is needed in Brisbane.</p>	<p>493</p>
<p><b>4. K-16</b></p> <p><b>2nd par.</b></p>	<p>The subregion is addressed both by SMC and the bi-county SF/SMC PDA.</p>	<p>494</p>
<p><b>4. K-16</b></p> <p><b>3rd par.</b></p> <p><b>Local Regulations</b></p> <p><b>City of Brisbane</b></p> <p><b>General Plan</b></p>	<p>As stated in this report, <i>“the 1994 General plan continues to represent the City’s planning policies, goals and programs, guiding its future land use and development”</i>.</p> <p>Any changes to the General Plan should completely take into account the major work of Dr. Fred Lee, of November 2010 referencing the Brownfield site for the proposed Project. Housing in the Baylands is not permitted by the Brisbane General Plan Policy 330.1. Any change to the housing element would require amending the General Plan and removing Policy 330.1.</p>	<p>495</p> <p>496</p>
<p><b>4. K-17</b></p> <p><b>Chapter IV:</b></p> <p><b>Local Economic Development</b></p>	<p>Policy 9 of the General Plan aims <i>“to seek fuller employment of Brisbane residents”</i>.</p> <p>The General Plan has accomplished this as referenced above on 4.K-6 1st par: Brisbane is a <i>“jobs rich” “importer of labor.”</i> According to the City of Brisbane’s General Plan Survey of 2005, the percentage of employees of Brisbane businesses who were also Brisbane residents was 19%, even though according to Table 4.K-6 the figure could theoretically be ca. 50%. Conversely, 100% of working-age Brisbane</p>	<p>497</p>

	residents could theoretically be employed locally. These approximate actual ratios reinforce the overall comment that people do not necessarily <u>choose to work</u> nearby or have skills matching the requirements of those jobs.	497
<b>4.K-19 Regulatory Setting Local Regulations</b>	Allocations for the 2014-2022 Brisbane General Plan Housing Element, fifth cycle, finalized and adopted in 2013, should be cited in this section.	498
<b>4. K-22 top of page. Impacts and Mitigation Measures Significance Criteria</b>	No data in this section references the long-term effects of populations living in “remediated” brownfield sites. References to such studies should be included.	499
<b>4.K-23 Footnote 18</b>	Statements on in-commuting, referred to here and also on p. K-7 above, <i>“Despite the substantial number of jobs located in Brisbane, ...the city has a relatively high rate of unemployment...”</i> and further states <i>“It would be speculative to assume that there would be a better match between future jobs generated by the Project Site development and workers living nearby.”</i>  Availability of jobs in proximity to housing does not necessarily eliminate the need for commuting, for reasons that should be listed in this report and future reports for accuracy of traffic predictions.	500
<b>4. K-23 Top of page</b>	<i>Incommuting</i> will be necessary as Brisbane has been identified already as a “jobs rich”, “importer of labor”. (4.K6 1st par.)  Impacts of potential in commuting from planned new households in the PDA and other areas immediately adjacent to Brisbane’s city limits should be analyzed.	501
<b>4.K-23 Regulatory Setting  DSP Scenario: Jobs Footnote 18:</b>	Footnote 18: <i>“Despite the substantial number of jobs located in Brisbane, ...the city has a relatively high rate of unemployment...”</i> and further states <i>“It would be speculative to assume that there would be a better match between future jobs generated by the Project Site development and workers living nearby.”</i> Availability of jobs in proximity to housing does not necessarily eliminate the need for commuting. Ample documentation of this fact should be referred to.	502

<p><b>4.K-27 Regulatory Setting</b></p> <p><b>Residential Households</b></p>	<p>The DSP scenario of 4,217 households projected for the site is more than the Plan Bay Area projection off 266 [??] households. This has significant implications for all the communities in the PDA. Reference 4.N-29/30 Transportation Study by the SF Transit Authority PDA 2012, indicates currently approximately 15,000 more dwelling units and over seven million square feet of commercial development.</p>	<p>503</p>
<p><b>4.K-28 Regulatory Setting DSP-V Scenario Jobs</b></p>	<p>Need to cite the methodology or source for the assertion that 15,466 new jobs will be created and clarify the time period during which those jobs would be realized.</p>	<p>504</p>
<p><b>4.K-28 2nd par.</b></p>	<p><i>“Because the DSP scenario proposes a mix of housing and employment-generating uses within the Project Site, per capita vehicle miles traveled resulting from the mix of onsite housing and employment would be less than for the CPP and CPP-V scenarios, leading to significant but mitigable GHG impacts for the DSP scenario (compared to significant unavoidable GHG impacts for the CPP and CPP-V scenarios). Because no feasible mitigation measures to bring project buildout into line with ABAG projections for Brisbane are available other than increasing ABAG projections for the San Francisco/San Mateo Bi-County PDA within Brisbane<sup>20</sup> or substantially reducing the buildout represented in project alternatives<sup>21</sup>, the DSP scenario would induce substantial population growth in the area, which is considered to be significant unavoidable.”</i></p> <p>Mix of onsite housing and employment does NOT lead to significant but mitigable impacts for the DSP scenario compared to CPP and CPP-V. See comment to 4.K-17 regarding realistic potential ratio of residents to jobs within the community.</p> <p>Housing and employment generating GHG impacts would be mostly cumulative and include the approved San Francisco projects in particular. This should be clearly shown.</p>	<p>505</p> <p>506</p>
<p><b>4. K-32 4<sup>th</sup> par. Conclusion</b></p>	<p>ABAG projections do not consider the small-town character of Brisbane and the impact of projects slated for neighboring jurisdictions in the PDA. Even with the “No Project” alternative, Brisbane will experience significant unmitigated impacts due to increased traffic and degradation of air quality as a result of the Candlestick/Hunter’s Point and other developments in the subregion.</p>	<p>507</p>
<p><b>Comment on Section</b></p>	<p>There is no discussion about impact to the city if even one dwelling is constructed - the city will be responsible for putting in all infrastructure to</p>	<p>508</p>

	support the housing.
<b>Chapter XII: Policies and Programs by Subarea</b>	General Plan Policy 330.1 prohibits housing on the Baylands. Any change in the General Plan policy regarding housing will be subject to a vote of the citizens of Brisbane and should be so cited.

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4.L: Public Services

DEIR (Section; page #)	Comments
4.L-1 thru 34	The DEIR discusses the impacts the development would have on the following 4 public services: police, fire department, school, and library, but omits impacts and requirements for other services and departments: public works (e.g., sanitation, water), social services for teenagers and the elderly, health services, public transportation, recreation, and increased staffing and administration needs at City Hall. These should be listed and calculated.
4.L-2 4.L.2 Police Services (Service Demand)	The DEIR makes a projection of crime rate and corresponding police demand based upon current crime statistics in Brisbane which is relatively low. As much of the commercial and proposed residential development is located at the north end of the site, it is prudent to apply the current crime statistics for Visitacion Valley to the projections. For example, police call response times should be based upon crime statistics in Visitacion Valley.
4.L-5 Police Services Increased Demand for Services	The DEIR notes that budget cuts have required the elimination of a detective position in the current Brisbane police force. But the analysis doesn't examine if this cut will still be tolerable with the proposed increases in population, schools, and commercial activities.
4.L-29 4.L.5 Public Libraries	<p><i>"There are 14 branch libraries within a 3.5-mile radius of the Project Site (see Table 4.L-3)."</i></p> <p>This assertion appears to be based on an 'as the crow flies' measurement and does not reflect actual miles that need to be traveled on existing or planned roads to reach the library location. These distances should be corrected to reflect actual mileage. Also, libraries are especially needed by lower income residents. Therefore, the tables should include the distances required via public transit with average times required to complete the one-way trip to the nearest library.</p> <p>It is noted in the text that interlibrary loans augment the library collections as if this were a no-impact expansion of the library resources. There is no mention on the impact of increased volume of interlibrary loans, in terms of storage of this materials, absorption of the interlibrary loan fees (by the city and Friends of the Brisbane Library) or other services required.</p>
4.L-9 Fire Protection Facilities and	It is unclear which station is proposed to have the aerial ladder truck. With building heights being proposed for structures on site (some six stories and higher), would Brisbane require a ladder truck to be a permanent part of

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<b>Staffing</b>	BFD?
<b>4.L-9</b>	A fire engine with foam-dispensing capability should be onsite to mitigate a potential fire emergency at Kinder Morgan Tank Farm since such equipment is currently privately owned and shared by two tank farm sites, Brisbane and San Jose, and not always available.
<b>4.L-12 Regulatory Setting Local Regulations</b>	Citing Transportation and Circulation Element of the City of Brisbane General Plan, Policies 39.2, 44, and 50, all address alternative and safe access routes for emergency vehicles and evacuations. If a disaster rendered the bridge inoperable, access or evacuation routes seem woefully inadequate based on the major arterial routes mapped for all four development scenarios. There should be an at-grade crossing of the rail line for emergency purposes. There should be a plan for an emergency helicopter landing area.

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**4.M: Recreational Resources**

DEIR (Section; page #)	Comments
4. M-2 Table M-1	Mini Parks – Public: The Dog Park should be included on this list The Community Garden should be included on this list. The Fisherman’s Park at the Lagoon should be included on this list. The terrace at the Mission Blue Center should be included.
4. M-2 Table M-1	Neighborhood Parks – Public. Lipman School field and Playground and the Brisbane Elementary School fields are the property of the Brisbane Elementary School District, not the City of Brisbane. They cannot be assumed to serve any new developments. The Lipman Field also includes a tennis court that should be listed. The baseball field and tennis court at the Mission Blue Center should be included and included in Fig. M-1
4. M-2 Table M-1	Linear Parks – Public. This list, and Fig. M-1, should include -- the Independence Walkway (Humboldt to Sierra Point) -- the Sierra Point Rd to Mono St, walkway -- the San Francisco St to Old County Rd walkway -- the Solano to San Francisco steps -- the Central walkway from Humboldt to Alvarado to Klamath to Mendocino to Monterey to Mariposa to San Francisco St
4. M-4, Table 4. M-2; Recreational facilities in Brisbane	Brisbane City Teen Center @ 22 San Bruno Ave was closed on July 1, 2013. If retained as a recreational facility, it should be listed with its appropriate designation.
4. M-5; Candlestick Point State Rec. Area, Par. 1	No “gardening opportunities offered” at this location are known to exist. Documentation needed
4. M-8 Policy 349	<p><i>“After the water environment is determined to be safe for public access, develop public water-related passive recreation at the Brisbane Lagoon, with due concern for the preservation and enhancement of the wetlands.”</i></p> <p>If the DSP contains a plan, compatible with the Brisbane General Plan</p>

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	policy 349, to develop recreational water-related activities on the Brisbane Lagoon, the DEIR should show the proposed access to the Lagoon and study the impact of doing so. No such study was found in either 4.C Biological Resources, or elsewhere.	↑ 523
<b>4. M-8, Recreational Resources, Par. 1</b>	The City Council is scheduled to consider updating the Open Space Element of the General Plan of 1994.	↑ 524
<b>4. M-15, Roundhouse Green</b>	Examples of the types of “renewable energy research” at the Roundhouse should be given.	↑ 525
<b>4. M-16, Visitacion Creek Park (East)</b>	Descriptions of “community gardens” and “groves”.should be provided.	↑ 526
<b>4. M-16, Visitacion Creek Park (West)</b>	Descriptions and diagrams of the proposed “small amphitheater” as well as “community gardens in raised beds.” should be provided.	↑ 527
<b>4. M-16, South Visitacion Park</b>	Need a description of “vegetative habitat areas”.	↑ 528
<b>4. M-17, Lagoon Park</b>	Need definition and scope of “Multipurpose recreation fields” at Lagoon Park, as well as the parking and restroom and other support facilities required. Playground, concessionaire and fishing facilities should be included.	↑ 529
<b>4. M-17, Charter High School:</b>	<p><i>“The Charter High School Community Use Area is proposed as an open area associated with the charter high school to be located at the base of Icehouse Hill.”</i></p> <p>Icehouse Hill is directly adjacent to the Kinder Morgan Tank farm. No sections of the DEIR analyzed the suitability of this location vis-a-vis the potential danger of a large-scale industrial fuel storage location, especially with respect to emergency response in the case of an incident (fire, major earthquake, etc.)</p>	↑ 530
<b>4. M-18, Charter High School / Community Use Area</b>	Baseball and football/soccer fields should be included.	↑ 531

<p><b>4. M-18</b></p>	<p>Brisbane has held a major public workshop entitled Place Making, in which concepts of focusing on collective vision and inspiration of destination are commonplace. In order to create something beautiful and not more urban sprawl at our front door, the concepts learned at the Place Making workshop incorporated through new Place Making public workshops that are specific to the Project are necessary. One of the most inspiring things discussed was “destination.” Making a destination a place where multiple actions occur in public places. Generally, ten reasons to go to an area are the formula for a destination.</p> <p>For Brisbane’s City Link to Placemaking please go to <a href="http://www.brisbaneca.org/community-visioning-workshops">http://www.brisbaneca.org/community-visioning-workshops</a></p>	<p>532</p>
<p><b>4. M-19, Group Use Area</b></p>	<p>Barbeque facility, Bocce Ball court and Baseball field should be included.</p>	<p>533</p>
<p><b>4.M-19 Commercial Land Use Area</b></p>	<p>The proposed potential alternative land use of this site as a 9-hole golf course should be listed.</p>	<p>534</p>
<p><b>4. M-20</b>  vs. <b>4. I -50</b></p>	<p><i>“the Brisbane Municipal Code established a standard of 4.5 acres of parkland per 1,000 residents... Applying the Quimby Act standard to both Project Site resident and employment population would result in a need for up to 122 acres of parkland under 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.”</i></p> <p><u>Land Use and Planning Policy</u>, p. 4-I 50: <i>“Policy 87 and Policy 95, establishing standards for the provision of parks. The amount of actual park land proposed in the DSP and DSP-V scenarios is less than applicable standards</i></p> <p>The above two statements appear to be contradictory. This needs to be corrected, or explained better, as appropriate.</p>	<p>535</p>
<p><b>4. M-26 Conclusion</b></p>	<p>Exactly how can the change in wind speed and turbulence be too small to degrade the use of windsurfing? The opinions of the wind-surfer community must be sought.</p>	<p>536</p>
<p><b>4.M General Comment</b></p>	<p>The existing windsurfing activity at Candlestick Cove of San Francisco Bay, immediately adjacent to the Project site and largely within the city limits of Brisbane, can be negatively impacted by the lack of prevailing winds caused by building heights, design and shape. These impacts should be analyzed and studied.</p>	<p>537</p>

<b>General Comment</b>	Adequate public safety must be implemented in all areas of recreation.
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**4.N: Traffic and Circulation**

DEIR (Section; page #)	Comments	
<p><b>4.N-1 Introduction</b></p>	<p>Discussion of freight loading in this section is inadequate. DEIR must include rail transportation as a viable sustainable business at site. Utilizing rail for moving freight and goods would also mitigate some of the increase in traffic and congestion anticipated at site.</p> <p>The Union Pacific rail spur serving Golden State Lumber already exists and should be mentioned. The 30' spur right of way is also missing from Figure 4.N-1 with no explanation.</p> <p>Trains can move a ton of freight 500 miles on a gallon of diesel and are thereby more efficient and sustainable than trucks.</p> <p>Dirt and reusable resources could also be moved more efficiently and economically from site by rail transportation during site preparation and construction activities.</p> <p>Expansion of rail and freight forwarders on site could create a hub to move goods within region. This would be far more appropriate usage of a toxic site than residential uses and more compatible with the industrial businesses already in existence on site.</p>	<p>539</p> <p>540</p> <p>541</p> <p>542</p> <p>543</p>
<p><b>4.N-1 Introduction Footnote 1</b></p>	<p>What future development projects were included in analysis of “cumulative conditions” representing year 2030 conditions?</p>	<p>544</p>
<p><b>4.N-1 Freeways</b></p>	<p>DEIR states we are regionally served by three major freeways. Geographically only one freeway (101) is readily available for quick access to freeways 280 and 380. While they are nearby, they are not necessarily an easy commute particularly during peak hours and as a result of the expected added congestion created by development outside Brisbane and served by the same freeways. Unless more freeway lanes on Hwy 101 are proposed as mitigation, the impact on Brisbane and the rest of San Mateo County will be gridlock.</p>	<p>545</p>
<p><b>4.N-4 Local Roadways Para. 3 Bullet Pt. 1,2</b></p>	<p>Name the authority that designated Bayshore Blvd. a “Congestion Management Program (CMP) Route.”</p> <p>The San Francisco and San Mateo Bi-County Transportation Study (2001 and current update) should be referenced by year.</p>	<p>546</p> <p>547</p>

	<p>Reference in bullet point 2 to replacement of the 101 interchange at Beatty Avenue says:  <i>“The replacement and roadway extension is currently unfunded. Preliminary design studies for the interchange are currently being conducted by Caltrans.”</i></p> <p>Since interchange is such an integral part of all development plans and traffic circulation, this section needs to be updated on a regular basis with current information.</p> <p>All site plans depend on interchange being built to move traffic, but little if any information about traffic from proposed and approved surrounding developments.</p> <p>A concurrent and detailed analysis/comparison of traffic studies from <u>all</u> developers in the Bi-County area must be made to identify and implement appropriate mitigation measures.</p> <p>All discussions of appropriate development for site must hinge on whether use will contribute to an unmitigable traffic impact to the area. Any use increasing the number of automobiles and trucks adding to traffic on highway 101 will add to the already existing gridlock. Congestion on 101 encourages motorists to exit the highway and use surface streets. Access to Brisbane is completely dependent on Bayshore Boulevard. Adding additional traffic to this thoroughfare may create an unacceptable and irreversible unmitigable impact.</p> <p>No proposal has been made for widening of interstate 101. The highway is already congested and cannot be expected to carry additional traffic adequately. Topography and existing development surrounding highway makes widening the road difficult, but should be described as a mitigation.</p>
<p><b>4.N-7 Existing Intersection Operations Par. 1 Location #6 and Figure 4.N-3</b></p>	<p>Additional study must be made of traffic at intersection of Airport Blvd. and Sister Cities as an impact on Bayshore Blvd.</p> <p>If the highway is backed up, vehicles frequently use Bayshore Boulevard as an alternate route. This contributes to significant additional traffic through Brisbane on Bayshore and will affect site.</p> <p>Future development/expansion of Centennial Towers (So. S.F.) will contribute additional traffic to both Bayshore and 101 Northbound traffic.</p>
<p><b>4.N-7 Existing Intersection</b></p>	<p><i>“Pre-recession traffic counts will also provide a more accurate depiction of future background traffic volumes as they would be reflective of traffic generated by post-recession economic activity.”</i></p>

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<p><b>Operations Par. 2</b></p>	<p>“...traffic counts provide an appropriate, conservative baseline for the purposes of the traffic impact analyses undertaken in this EIR.”</p> <p>Baseline is inaccurate as it does not take into account impact of surrounding developments that may precede site development.</p> <p>Calculation of future traffic volumes must include impact of surrounding developments as they will all use Bayshore Boulevard and Highway 101. These are arterial roadways and all additional traffic will have a significant impact rendering access to Brisbane extremely difficult to untenable. Baseline will need to be updated on a consistent basis.</p>	<p>557</p>
<p><b>4.N-11 and able 4.N-4</b></p>	<p>Contradiction in statement, “As shown in Table 4.N-4, all analysis segments currently experience LOS E or LOS F conditions during the commute periods...”</p> <p>Table 4.N-4 does not in fact show any LOS F conditions.</p>	<p>559</p>
<p><b>4.N-12 Table 4.N-4 Existing Freeway Mainline Operating Level of Service Conditions</b></p>	<p>Existing freeway conditions are all LOS “D” and “E”, with Level “E” indicating operations at capacity. Mitigation Measure 4.N-13 to establish a Transportation Demand Management (TDM) Program is entirely inadequate to address increasing conditions projected to increase to LOS Level “F”, “Volumes exceed capacity causing bottlenecks and queue formation.”</p> <p>Projection of only 100 net-new vehicle trips during the peak traffic hours seems understated. The DEIR needs to cite the basis for that calculation. Expansion of Recology operations under CCP and CCP-V would contribute to additional trucks operating out of site during AM peak hour and it is not clear whether that was incorporated into the projection.</p> <p>Implementation of TDM programs does not ensure compliance or participation by residents or employees of businesses on site and therefore cannot be cited alone as a reliable mitigation strategy.</p>	<p>560</p> <p>561</p> <p>562</p>
<p><b>4.N-15 San Mateo County Transit District (Sam Trans) Bullet Pt. 1</b></p>	<p>Route #292 also stops at Bayshore Blvd. and Industrial Way. This must be included as one of the service stops.</p>	<p>563</p>
<p><b>4.N-19 Bicycle Facilities</b></p>	<p>The traffic conditions for bicycles were not adequately studied in this section. Many of the references in this section expect people to bicycle from home either to work or to access transit. Current bicycle facilities in</p>	<p>564</p>

	Brisbane are inadequate and dangerous. Safe bicycle lanes should be provided, and ideally separated from traffic by trees or a landscaped area.	565
<b>4.N-21 Local Facilities Bullet Pt. 1</b>	Last sentence should read “Bayshore Blvd.,” not “Brisbane Boulevard.”	566
<b>4.N-21 Footnote 4</b>	Metropolitan Transportation Commission (MTC) 2000 Bay Area Travel Survey is outdated and should be replaced with more current, seasonally-adjusted information.	567
<b>4.N-22 Project Site Facilities</b>	Funding source for new Bay Trail segments should be cited.	568
<b>4.N-23 Project Site Facilities</b>	The DEIR needs to cite the source showing where pedestrian path currently exists along the Lagoon at southern end of the Project. Need to clarify whether such path exists, and whether it is paved and marked with proper signage.	569
<b>4.N-24 Local Programs Para. 1</b>	Reference to “T-Line Terminals” is unclear. Does this refer to the Third Street Light Rail Line?  Why does the Brisbane-Crocker Park Bart Shuttle Bus provide connection to the Bayshore Caltrain Station “afternoon-only” and not morning service as well?	570 571
<b>4.N-25 Local Programs Para. 2 Bullet Points</b>	Existing Bayshore Station has potential to be a bus turnaround.  Clarify route of separate shuttle proposed to serve Bayshore Station via Project site. Route should be illustrated on Figure 4.N-5, and go through proper environmental study.	572 573
<b>4.N-25 Project Site Programs</b>	Recology “Commuter Benefit Program” is unclear. Clarification is needed of “ <i>most trips are truck pickup/dropoff</i> ” and cite number of employees commuting to Recology either by commuter program or other means.	574
<b>4.N-27 San Mateo County Congestion Management Program (CMP)</b>	Mitigation of only 100 project-related net new peak-hour vehicle trips for site is unexplained and clearly understated. With no identifiable businesses slated for the site, there is no reliable means of calculating increased traffic at this time.  With 14,800 residential units earmarked for adjacent San Francisco and Daly City developments, (see figures on 4.N-30), mitigation for site must take into account traffic spillover from such developments.	575 576

<p><b>4.N-38 Bicycle Policies, Programs, and Funding</b></p>	<p>The current bike paths described are inadequate for safe travel out of Brisbane, particularly to the south. Dedicated and separate lanes with safety medians need to be included in the plan.</p>	<p>577</p>
<p><b>4.N-40</b></p>	<p><i>Parking Issues</i> While CEQA does not require this EIR to address parking issues, it remains a vital part of the traffic and circulation of the Project. Parking issues must be addressed in the EIR and mitigations measures found and taken.</p> <p>It also needs to be noted that soil conditions including buried toxins may prevent the use of underground parking. Raised parking structures do impact the overall project environment.</p>	<p>578</p> <p>579</p>
<p><b>4.N-46 Bayshore Intermodal Station Access Study Improvements</b></p>	<p>Intermodal alternatives for transportation should take into account all areas impacted by the project, including San Francisco, Daly City, South San Francisco, and Brisbane, and all means of transportation in these areas must cooperate to help traffic congestion. Including, but not limited to, the Muni T line becoming multi-county and the addition of buses and train stops.</p>	<p>580</p>
<p><b>4.N-48 Figure 4.N-10 Bayshore Intermodal Station Access Study (Alternative 2)</b></p>	<p>Intermodal Station should be overlaid on DSP and DSP-V Maps.</p> <p>Map shows Geneva/ Harney crossing point over 101 as only slightly wider than Geneva @ Bayshore. This should be amended (or a separate detail provided) for the proposed 12 lanes of traffic described at the top of page 4.N-46, plus the class 2 bicycle lane and class 1 multi-use path shown on figure 4.N-6 on page 4.N-20. Any additional width needed for medians, public transportation needs, etc. should also be included.</p>	<p>581</p> <p>582</p>
<p><b>4.N-49 Fig. 4.N-11</b></p>	<p>The Bayshore Transit Center is shown as being north of the San Francisco City and County line. This diagram apparently came from the Candlestick Point-Hunters Point Shipyard EIR, Figures II-12 and 13 and III.D-14), and is not part of the DSP, DSP-V, CPP, CPP-V or Alternative Energy Plan, and therefore should be removed.</p>	<p>583</p>
<p><b>4.N-51 SF-Champ Model Growth Projections</b></p>	<p>Erroneous statement to assert that the SF-Champ model can be used: “to forecast future transportation conditions in around San Francisco, including in Brisbane.”</p> <p>Since development plan for Baylands site has not been determined, there is no way the Champ model could adequately predict conditions in and around Brisbane.</p>	<p>584</p>
<p><b>4.N-51 Footnote 10</b></p>	<p>SF-Champ Model used for this analysis used ABAG Projections 2007. This is outdated and a more current ABAG projection should be incorporated. Underscores how inadequate the 2007 baseline counts are (and will be) with</p>	<p>585</p>

	several development proposals recently receiving approval.	
<b>4.N-52</b>	<p><i>“the only substantive difference in the roadway improvements between DSP/DSP-V and CPP/ CPP-V scenarios is that the frontage road would not continue to provide access to Geneva Avenue under the CPP/ CPP-V scenarios”</i></p> <p>The Geneva Avenue/Harney Way US101 onramp improvement (p. 4.N-44) and the commercial developments in the CPP can be expected to also pull traffic through this area; therefore, the frontage road should not be removed from the CPP/ CPP-V study.</p>	<p>↑585</p> <p>586</p>
<b>4.N-53 Roadway Improvements Figure 4.N-13</b>	<p>According to bullet point 2: <i>“Beatty Road access would be maintained and would provide a linkage to Tunnel Avenue (DSP, DSP-V, and CPP scenarios only)”</i></p> <p>Figure 4.N-13, CPP Conceptual Road Network Improvements map does not show Beatty Road and should be corrected.</p>	<p>587</p>
<b>4.N-53 Bullet Pt. 3</b>	<p>The proposal to terminate Tunnel Avenue to a “T” intersection with Lagoon Way would result in site traffic using Old County/Bayshore intersection as a primary access point to and egress from the Site. Since this intersection is a primary entry point to central Brisbane, increased traffic/congestion will result in backups on the bridge during peak hours and residents of central Brisbane will not be able to get home in a reasonable amount of time.</p> <p>Study/investigation of another termination for Tunnel Avenue with egress north of Icehouse Hill is recommended. This may be a significant impact and mitigation of this problem is necessary to site development under all development proposals.</p>	<p>588</p> <p>589</p>
<b>4.N-54 Fig. 4.N-12 and 4.N-57 Fig. 4.N-15</b>	Caltrain station shown north of Beatty on 4.N-12 and South of Beatty on 4.N-15. Maps need to have uniformity.	590
<b>4.N-55 Figures 4.N-13 and 4.N-14</b>	“Tunnel Road” should read “Tunnel Avenue.”	591
<b>4.N-57 Fig/ 4.N-15 DSP/DSP-V and 4.N-58 Fig. 4.N-16 CPP/ CPP-V Proposed Transit</b>	Public transportation service to southern portion of site is conspicuously absent and must be incorporated into transit plans or commuting by automobile will be necessary. Lack of a comprehensive plan for the southern portion of site creates a significant but mitigable impact and must be addressed in all site plans.	592

<b>Circulation</b>	
<b>4.N-59 Par. 2</b>	<p><i>“Funding for the proposed transit facilities has not been secured, and is subject to negotiation, but has been proposed to include a “Bi-County” funding agreement between the two counties (San Francisco and San Mateo) and neighboring cities (Brisbane, Daly City, and San Francisco).”</i></p> <p>It should be highlighted that there is no guaranteed bi-county funding agreement in place. Proposed agreement should be in place prior to development to ensure traffic and circulation transitions.</p>
<b>4.N-60 Proposed Transit Access</b>	The number of pedestrian/bicycle overpasses and bridges cited is inadequate, especially for the disabled, and further study is needed.
<b>4.N-61 Par. 2, 3</b>	Need to incorporate discussion of Tunnel Avenue in this section. Unclear whether roadway would remain one lane each direction as a major thoroughfare serving site. Improvements will be necessary if the roadway will be restituted as a Class I bike path, (as it was originally designated), and share that space with daylong truck traffic consisting of: petroleum delivery trucks, lumber delivery trucks, and Recology trucks.
<b>4.N-65 Table 4.N-8 Pedestrian Components for the DSP and DSP-V Scenarios</b>	Speed designated for Geneva Avenue extension at 35 mph, is too high for an area near a transit hub with anticipated pedestrian traffic/crossings and bicyclists present.
<b>4.N-66 Transportatio n Demand Management (TDM) Program Para. 1, 2</b>	<p>TDM program relies on voluntary participation and compliance cannot be assured.</p> <p>The impact of inadequate TDM programs should be described.</p>
<b>4.N-66 TDM Program</b>	To be truly transit efficient, site should employ rideshare and park-and-ride lots to discourage proliferation of parking lots and single vehicle usage at site.
<b>4.N-66 Jobs-Housing Linkage</b>	<p>Potential job/housing matches are speculative. No assurance or evidence to prove that employers on site would find qualified employees living at site.</p> <p>Likewise, statement that <i>“large employers would be encouraged to offer</i></p>

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	<p>relocation assistance to employees who agree to become Brisbane residents” is speculative. Since business on the site is undetermined, these statements are baseless.</p>	<p>↑ 600</p>
<p><b>4.N-66 Streets Designed for Alternative Transportatio n Modes</b></p>	<p>A table should accompany this section showing number of lanes on major streets proposed for site. Without such information, there is nothing to substantiate assertion that “All new streets and intersections within project site would be designed in consideration for the convenience and safety of pedestrians and bicyclists.”</p> <p>Table should also indicate “transit dedicated lanes”.</p> <p>There is no public transit indicated on the southern portion of the site, therefore, assertion that site would offer “convenient alternatives to driving from and within the project site” is not substantiated.</p>	<p>601</p> <p>602</p> <p>603</p>
<p><b>4.N-67 Encourage Walking</b></p>	<p>It is presumptive to believe that people will walk rather than drive because 50% of the site development is within a quarter mile of transit and neighborhood services. Documentation is needed to support this assumption.</p>	<p>604</p>
<p><b>4.N-67 Implementatio n and Monitoring Strategies</b></p>	<p>The DEIR needs to describe what “modal split goals” means.</p> <p>Explain “conduct employees and visitor travel surveys on bi annual basis.”</p> <p>Need clarification of data being secured in survey, and what if any use data will be employed for practical use. Need clarification of how surveys be conducted and funded.</p>	<p>605</p> <p>606</p> <p>607</p>
<p><b>4.N-67 Implementatio n and Monitoring Strategies</b></p>	<p>The TDM does not provide a mechanism to sustain it beyond the development construction process. Without someone designated to monitor the program, and ensure strategies are implemented in an ongoing basis, the program is speculative.</p>	<p>608</p>
<p><b>4.N-68 Transit Strategies</b></p>	<p>Strategies listed assume employers and residents willingness to participate.</p>	<p>609</p>
<p><b>4.N-68 Support Strategies</b></p>	<p>One “off-street” parking space per dwelling assumes voluntary compliance and will be unenforceable.</p> <p>“Guaranteed ride home services for employees paid for by employers” is speculative and nothing ensures participation.</p> <p>“Reduced cost memberships in City Car Share Memberships (or similar) for employees and residents” is unfounded as no evidence shown that such</p>	<p>610</p> <p>611</p> <p>↓ 612</p>

	agreements have been secured.	↑612
<b>4.N-69 Parking Strategies</b>	Unbundled parking will encourage street parking (free). There is no way to enforce the “single off-street space.”  Brisbane does not have a residential parking permit program and that would have to be approved by the City.  Need definition of “parking technologies” and “parking wayfinding”.	613 614
<b>4.N-69 Parking Par. 2</b>	Need clarification whether on-street visitor parking refers to residential areas, commercial, or both.	615
<b>4.N-69 Parking Roundhouse District</b>	More study is needed on traffic impact of “visitor parking.” One parking space for each residential High and Medium density unit will force many residents to use the limited on-street parking that is proposed for “visitors.” It is unrealistic to assume residents will only have one vehicle per unit. Lack of parking will force cars to circulate, looking for parking, thereby adding to noise, congestion, and degradation of air quality. This will also impede public transportation.	616
<b>4.N-70 Parking East Geneva District</b>	One parking space per 1000 sq. ft. for the conference center is inadequate and will result in cars taking limited “visitor” on-street parking and/or circulating to look for parking.	617
<b>4.N-70-71</b>	Unclear whether office, research & development assumes visitors will use on-street parking only and must be clarified. A shuttle service to transit-hub would mitigate parking problems in southern portion of site. Without adequate parking, public transit, or shuttles, visitors will be circulating, looking for parking, adding to congestion and diminished air quality.	618 619
<b>4.N-72</b>	ITE trip rates are calculated for site only and do not take into account adjacent developments slated for Daly City and San Francisco, both of which have potential to increase “pass-by trips.” Calculations need to be redone and reflect the real conditions around the site.	620
<b>4.N-73 Pass-By Trips Bullet Pt. 1</b>	Illogical to remove pass-by trips from estimated net external trips since there is limited amount of retail development currently existing in the area. Adding new retail would attract intermediate stops to new retail establishments on the site.	621
<b>4.N-73 Non Pass-By</b>	Illogical to remove diverted linked trips from estimated net external trips since highway 101 is currently at LOS Level “D” and “E” (see Fig. 4.N-4)	↓622

<p><b>Trips</b></p>	<p>during peak hours and worsening according to recent news reports (Mercury News, 11-11-13, pg. 1) with resurgent economy. With development slated for site and surrounding areas, increased traffic diversion will occur from highway 101 onto surface streets both on-site and adjacent to site as LOS Levels reach level “F” on highway (as anticipated).</p>	<p>↑ 622</p>
<p><b>4.N-73 Par. 2</b></p>	<p>“Sam Francisco” should read “San Francisco”.</p>	<p>623</p>
<p><b>4.N-74 #3 Trip Distribution and Assignment a. Metropolitan Transportatio n Commission</b></p>	<p>The MTC Regional Travel Demand Model was adopted in 2009 and may no longer be relevant to the fluid development plans subsequent to that time. A more recent analysis is required for accurate information in calculating trip distribution.</p> <p>A list of “Superdistricts” in a table format would be helpful here. Table should indicate the neighborhoods contained in each Superdistrict.</p>	<p>624 625</p>
<p><b>4.N-74 b. Candlestick/ Hunters Point EIR</b></p>	<p>The Candlestick/Hunters Point EIR is not relevant to this project. Characteristics of Baylands are different and unique.</p>	<p>626</p>
<p><b>4.N-74 c. Bay Area Travel Survey 2000 (BATS 2000)</b></p>	<p>Utilizing a 13-year-old survey is irrelevant with significant changes since that data collection. It should be required that updated information be used in the final EIR.</p>	<p>627</p>
<p><b>4.N-74 d. C/CAG Travel Demand Model</b></p>	<p>Need to clarify date of C/CAG TDM.</p> <p>Unclear what adjustments were made to “land use inputs” or basis for specific changes.</p>	<p>628 629</p>
<p><b>4.N-74 e. San Francisco Transportatio n Impact Analysis Guidelines</b></p>	<p>Data was compiled specifically for San Francisco has no relevance. San Mateo County congestion management data should be included.</p>	<p>630</p>
<p><b>4.N-76 4. Mode Share</b></p>	<p>Future transit expansions have no level of service guarantees.</p>	<p>631</p>

<p><b>4.N-76 Para. 2</b></p>	<p>Using mode share data cited in this paragraph, automobiles still account for 80% of work trips (70% for non-work trips) and so these same characteristics would be anticipated.</p>	<p>632</p>
<p><b>4.N-76 Footnote 12</b></p>	<p>Using San Francisco guidelines is not relevant to this site. San Francisco has its own unique commercial, retail and residential characteristics and requirements.</p>	<p>633</p>
<p><b>4.N-77 Para. 2</b></p>	<p>Assertion of DSP generating fewest trips “due to internal capture of travel within project site” is subjective and erroneous as it relies on unfunded transit expansion being built and voluntary compliance with TDM Program (with emphasis on walking and bicycles as mode of travel). Southern portion of site is not served by public transit and therefore calculations are not accurate.</p>	<p>634</p>
<p><b>4.N-77 Table 4.N-14 and Table 4.N-15 Peak Hour Vehicle trip Generation DSP, DSP-V, CPP, CPP-V</b></p>	<p>The significant vehicle trips indicated during peak hours on both tables illustrates the significant congestion and air quality impacts that will be created at site. Traffic currently cannot be handled adequately by Highway 101, and there will be additional traffic added from site and other projects in Daly City and San Francisco. The widening of Highway 101 has not been studied.</p>	<p>635</p>
<p><b>4.N-77 Table 4.N-16</b></p>	<p>The DEIR needs to provide basis for its calculation that “27% of weekday AM and PM peak hour person trips would be internal or linked trips that would occur primarily by walking and bicycling.”</p> <p>Southern portion of site is isolated and not close in proximity to services that might be frequented by employees; therefore this assertion is speculative. Mitigation would be a site-based internally circulating shuttle.</p>	<p>636</p> <p>637</p>
<p><b>4.N-77 Table 4.N-17</b></p>	<p>Distribution of trips is subjective as written. The DEIR needs to cite its method of calculating destinations in San Francisco. Destinations would depend on types of business located on site and residence of those working at site. Are the assumptions in the model appropriate to Brisbane?</p>	<p>638</p>
<p><b>4.N-83 Par. 1, 2</b></p>	<p>The DEIR needs to cite basis for assumptions of South Bay and East Bay destinations. The assertion that 20% of non-work trips would be made by walking, bicycling and other modes to outside immediate project area is questionable.</p>	<p>639</p>
<p><b>4.N-83 Arena Trip Generation (DSP-V</b></p>	<p>The anticipated 150 events per year on site (only Wednesdays, Fridays and Saturdays) and estimated 4,500 vehicles added to the narrow transit corridor will impact highway 101 and Bayshore Blvd. significantly. Based on other event centers in the region, traffic could be anticipated to back up for miles.</p>	<p>640</p>

<p><b>Scenario Only)</b></p>	<p>Figures in Table 4.N-18 still show a major contribution to gridlock that would occur on two commute days at peak hours. This backup will also have an adverse effect on public transit operating on Bayshore Blvd. or within site. Brisbane residents depend on this transit corridor to get home, and it will be severely impaired. This is an unmitigable and unacceptable condition.</p>	<p>641</p>
<p><b>4.N-85 Loading Demand</b></p>	<p>Number of daily truck trips in Table 4.N-19 is inaccurate because of the nature of businesses for site has not yet been determined. Using San Francisco guidelines demand rates is not relevant as sites are different. Table should include Kinder-Morgan tanker trucks and Recology trucks. Without their inclusion these figures are vastly understated.</p>	<p>642 643</p>
<p><b>4.N-87 Table 4.N-21 Transit Trip Distribution by Transit Corridor</b></p>	<p>Information on table is subjective and dependent on type and location of businesses on site. If businesses rely on skilled employees residing in San Mateo County, the San Francisco public transit numbers will be lower. The San Francisco figures listed seem inflated.</p>	<p>644</p>
<p><b>4.N-89 Transit Rip Assignment (PM Peak Hour Trips) Table 4.N-24</b></p>	<p>Site will significantly impact Muni westbound public transportation (serves Balboa Bart station). The existing line is crowded.  Unfunded but proposed transit expansion would lead many on site to use automobiles for trips due to lack of transit and existing transit being crowded.</p>	<p>645 646</p>
<p><b>4.N-90 Traffic conditions existing plus project</b></p>	<p>Unclear whether tables accompanying this section include any data adding anticipated increased volume of traffic from proposed developments: Sierra Point, South San Francisco Centennial Towers Phase II, Candlestick/Hunters Point (SF) and Daly City. The narrow transit corridor between highway 101 and Bayshore Blvd. and limited number of arterial roadways means that all development in area will utilize these roadways and must be factored into these calculations. Tables must clearly indicate whether this data has been included.</p>	<p>647</p>
<p><b>4.N-90 Footnote 15</b></p>	<p>Unclear why weekday evening special event is cited as “infrequent” at the proposed arena. No way to ascertain whether weekday events would be frequent or infrequent. As stated, it mischaracterizes and understates potential impacts of arena operations or traffic implications.</p>	<p>648</p>
<p><b>4.N-91 Intersection Level of Service - Existing Plus</b></p>	<p>Table exhibits no change from existing LOS level of “C” at any of four development scenarios. This seems unrealistic given the development slated for San Francisco.  This is a major northbound access. All impacts at Bayshore Avenue</p>	<p>649</p>

<p><b>Project Conditions - Weekday AM Peak Hour #6 Sierra Point Parkway / US 101 NB Ramp</b></p>	<p>intersections will have a direct bearing on public transit (existing and proposed) including commute shuttles and school buses. Impairment of public transit dispels effectiveness of proposed mitigation measure.</p>
<p><b>4.N-91 Intersection Level of Service - Existing Plus Project Conditions - Weekday AM Peak Hour #4 Old County/ Bayshore Blvd.</b></p>	<p>LOS level after mitigation stated as “C.” Figures are understated; they should include projected development at Sierra Point (potential for 5000 employees), development slated for Daly City, and Centennial Towers in South San Francisco.</p> <p>Traffic spills onto Bayshore from NB and SB 101 when highways are congested, and can be expected to increase dramatically.</p>
<p><b>4.N-91 Intersection Level of Service - Existing Plus Project Conditions - Weekday AM Peak Hour #5 San Bruno Ave./Bayshore Blvd.</b></p>	<p>With LOS increase at location #4 and #12, this location would be an alternate egress from Central Brisbane but is shown to reach LOS Level “F” or “E” depending on development scenario. This is not acceptable and mischaracterized as “LTS”. This intersection is a major access point for commuters, buses, and Brisbane Elementary School. This is a health/safety danger, and impairs access by emergency vehicles.</p>
<p><b>4.N-91 #12 Tunnel Ave. /Bayshore Blvd.</b></p>	<p>Going from LOS “C” to LOS “D,” even after mitigation, is not acceptable. This is a primary exit-entry point for central Brisbane and will affect residents daily lives significantly.</p>
<p><b>4.N-93 Table 4.N-26</b></p>	<p>Going from LOS Level “B” to “F” and “SU” is unacceptable. The impact is significant if Brisbane residents are unable to get home in a reasonable</p>

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<p><b>Intersection Level of Service - Existing and Existing Plus Project Conditions - Weekday PM Peak Hour #12 Tunnel Avenue/ Bayshore Blvd.</b></p>	<p>amount of time.</p> <p>All impacts at Bayshore Boulevard will have a direct bearing on public transit, commuter shuttles and school buses. Public transit is no longer a viable mitigation to traffic at site when impaired by congested intersections.</p> <p>The proposed mitigation is contrary to the General Plan, Policy 38.1 specifying: “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”.</p> <p>Traffic mitigations must meet applicable level standards set for entire project without exception.</p>
<p><b>4.N-95 Footnote 16</b></p>	<p>As clearly stated in footnote, each of the development project scenarios are inconsistent with the Brisbane General Plan because they result in levels of service in excess of General Plan standards.</p> <p>Plans must be re-examined or modified to comply with the General Plan, as no mitigation measure cited will render them in compliance. This is a clear illustration that the proposed development scenarios are out of scope of what is workable for the site and not compatible with site conditions and the surrounding area.</p>
<p><b>4.N-95 Mitigation Measure 4.N-1a Impact at Geneva Avenue and Bayshore Blvd.</b></p>	<p>Assertion that the impact on this intersection under all development scenarios would be less than significant on the eastbound approach to site does not take into account congestion within the site on the proposed Geneva extension, particularly near transit hub, parking and retail operations and backup at and near Highway 101 access ramp. If Geneva backs up within site, the intersection will operate at LOS levels “E” or “F” and is in violation of Brisbane General Plan Policy 38.1, stating: “Maintain a level of service on arterial streets that allows Brisbane residents and businesses to comfortable travel across town and to gain access to US 101.”</p> <p>As stated, the mitigation would require voluntary approval and implementation by Daly City, and no such compliance can be assured. San Francisco’s Candlestick Point-Hunter’s Point EIR (Response 7-14 to Brisbane’s comment) confirms that no mitigations of any traffic impacts on Brisbane’s local intersections are proposed in that approved major project</p> <p>The significant unavoidable congestion at this intersection will have a major adverse effect on all public transit in vicinity, thereby negating effectiveness of mitigation.</p>

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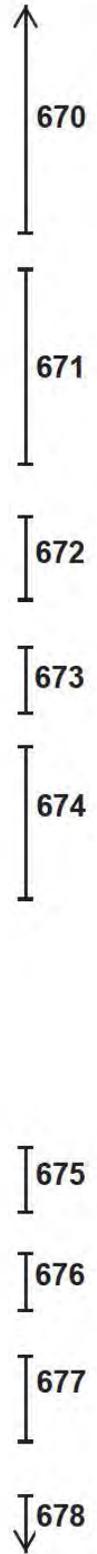
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	Note: "Building permit" should replace phrase "occupancy permit" in mitigation measure.	662
<b>4.N-97 Mitigation Measure 4.N-1b</b>	<p>Reads: "...including modifications to the tunnel..."                  Since there is no tunnel at location cited, this should have read, "Tunnel Avenue".</p> <p>Bridge has limited width so additional lanes can only be added near Bayshore Boulevard. Traffic already backs up on Tunnel Avenue overpass at times, therefore significant unavoidable congestion would occur at intersection under all development scenarios. Mitigation is inadequate to address problem, even with removal of median.</p> <p>Explain: "Performance standard rather than a prescriptive mitigation measure is proposed."                  Unclear as stated.</p>	663 664 665
<b>4.N-98 Mitigation Measure 4.N-1c</b>	<p>Mitigation effective only if the main thoroughfares within site are capable of handling inbound and outbound traffic without congestion. Congestion would be anticipated in vicinity of transit hub on Geneva Avenue and render mitigation inadequate.</p> <p>Significant congestion is anticipated on highway 101 from proposed arena development and mitigation will not achieve stated effectiveness when traffic backs up on site.</p>	666 667
<b>4.N-99 Mitigation Measure 4.N-1d</b>	Regarding impact at Alana Way, Harney Way, and Thomas Mellon Drive (intersection 10), as clearly stated, though feasible, mitigation is legally under jurisdiction of San Francisco and implementation cannot be assumed. The impacts of development projects CPP and CPP-V are stated as significant unavoidable, therefore traffic from site development is unacceptable and plans should be re-examined or modified.	668
<b>4.N-99-100 Mitigation Measure 4.N-1e Impact at Tunnel Avenue and Bayshore Blvd. (Intersection 12)</b>	<p>Again, the mitigation measure is dependent and subject to San Francisco's approval and implementation.</p> <p>Mitigation improving operations at intersection from projected LOS Level "F" to either "D" or "E" seems unrealistic since traffic at this intersection feeds into the already congested Bayshore Boulevard and onto Highways 101 and 280 onramps. Future adjacent development projects in San Francisco and Daly City will bring additional congestion to this narrow corridor. At LOS Levels "E" or "F" this will be in violation of Brisbane General Plan Policy 38.</p> <p>Site plans should be re-examined for this reason to determine their appropriateness and design.</p>	669
<b>4.N-101 Table 4.N-27</b>	The assertions made in the table appear understated. Methodology for reaching conclusions needs to be cited. With access to site limited to	670

	<p>available and proposed roads, it is likely a “no-arena event” would affect congestion and LOS Levels significantly.</p> <p>Los Levels of “F” with no arena event at intersections 9,10, and 12 are unacceptable and clearly illustrate that proposed project design has significant flaws and is in direct conflict with Brisbane’s General Plan Policy 38.</p>
<p><b>4.N-102 Mitigation Measure</b> <b>4.N-1f</b></p>	<p>Mitigation does not remedy significant congestion created by arena. Candlestick Park, used as a comparison is inappropriate. Candlestick is surrounded by minimal business or retail establishments. Baylands site is proposed to have high-density buildings in northern sector. Placement of an arena in this location will create serious impediment to access by emergency vehicles.</p> <p>Impact on traffic flow and public transit will not be mitigable. During a weekday PM commute, congestion will be significant and render some streets impassable.</p> <p>As stated, the mitigation measure relies on voluntary implementation by San Francisco and therefore no compliance can be assured.</p>
<p><b>4.N-102-103 Intersection spacing along the Geneva Avenue extension (DSP and DSP-V Scenarios) Mitigation Meas. 4.N-19</b></p>	<p>Proposal for retail, transit hub and designated transit lanes will create congestion at intersections noted. Mitigation measure cannot resolve anticipated congestion at intersections. Significant and unavoidable impact on traffic, as clearly cited, is not acceptable, and underscores that proposed DSP and DSP-V projects are inappropriate.</p>
<p><b>4.N-104 Par. 1</b></p>	<p>Reference to “the City” should be clarified and clearly stated as City of Brisbane so as to avoid confusion with San Francisco.</p>
<p><b>4.N-104-105 Table 4.N-28 US 101 Mainline Segment Level of Service -Existing and Existing Plus Project</b></p>	<p>Unclear whether LOS Levels cited incorporate additional traffic anticipated to be generated by development surrounding site.</p> <p>Topography at narrow transportation corridor leaves little if any room for highway improvements to carry a substantial increase in traffic when present pre-development conditions are already poor.</p> <p>The significant and unavoidable impact under all four development scenarios clearly illustrates these projects are inappropriate and should not</p>



<p><b>Conditions</b></p>	<p>be permitted.</p> <p>Data listed appear to understate severity of congestion. The assertion that implementation of a TDM program (Mitigation Measure 4.N-13) would be an effective resolution to congestion is unrealistic. Impacts from any of four proposed plans would be in direct violation of the Brisbane General Plan Policy 38.</p>	<p>↑ 678</p> <p>679</p>
<p><b>4.N-106-107-108 Traffic Conditions (Cumulative With Project) Table 4.N-29 and Table 4.N-30</b></p>	<p>Candlestick/Hunters Point project will contribute significant traffic to highway 101 and SB ramps will back up to Level “F”. Traffic will defer (as it currently does) to Bayshore Boulevard to access alternate SB 101 entry ramps.</p> <p>Uncertain that Geneva extension will significantly improve LOS Levels as indicated. Need to cite whether data included projected increase in traffic from adjacent projects.</p>	<p>680</p> <p>681</p>
<p><b>4.N-109-113 Traffic Impact: Intersections Tables 4.N-31 and 4.N-32</b></p>	<p>Traffic impact due to site development is significant and unavoidable as illustrated on all tables and in violation of Brisbane General Plan.</p> <p>Unclear whether tables include data reflecting increased traffic from adjacent projects in Daly City and San Francisco.</p>	<p>682</p> <p>683</p>
<p><b>4.N-114-116 Mitigation Measure 4.N-3a</b></p>	<p>Proposed Geneva extension with six lanes of traffic (east of Bayshore Boulevard), will create dangerous conditions for pedestrians and bicyclists anticipated to be in this area close to transit hub and proposed retail establishments.</p> <p>The duration of traffic signals required to enable pedestrians to cross six lanes of traffic at crosswalks will create backups at signaled intersections. Efficiency of public transit will be impeded by traffic signals and result will be congestion.</p> <p>Need explanation of “hawk beacons”.</p> <p>Safety of bicyclists is questionable with six lanes of traffic.</p> <p>Need explanation of “buffered bike lanes”.</p>	<p>684</p> <p>685</p> <p>686</p> <p>687</p>
<p><b>4.N-116 Impact at Old County &amp; Bayshore Blvd. (Intersection)</b></p>	<p>Assumptions based on development scenarios but intersection will also be affected by Daly City, San Francisco and South San Francisco projects contributing significant traffic on Bayshore Boulevard. Anticipated congestion on highway 101 will also result in traffic diverting to Bayshore Boulevard.</p>	<p>688</p>

<p><b>4) Mitigation Measure 4.N-3b</b></p>	<p>Anticipated LOS Level of “E” at PM peak hour appears understated.</p> <p>Widening of eastbound Tunnel Avenue at intersection does not resolve capacity of bridge limited by its width. Unless bridge were widened, congestion will be significant and unacceptable. Congestion at this primary access to central Brisbane will impair residents from getting home. This impact is in direct violation of Brisbane General Plan Policy 38.1 requiring level of service not less than “C”.</p>
<p><b>4.N-117 Impact at Sunnydale Avenue &amp; Bayshore Blvd. (Intersection 15)</b></p>	<p>Proposed project will severely impact flow of traffic and operations of Muni T-Third and Sam Trans. Lack of any reasonable mitigation to address problem illustrates unsuitability of all proposed projects.</p> <p>Unclear whether traffic generated from proposed Daly City and San Francisco projects are included in analysis of this intersection.</p>
<p><b>4.N-118 Overall Conclusion for Impacts at Bayshore Boulevard Intersections</b></p>	<p>Proposal to widen Bayshore at cost of displacing existing businesses is speculative. Widening roadway will create a safety hazard to pedestrians and bicyclists since traffic already moves at a high rate of speed on this major thoroughfare.</p>
<p><b>4.N-118-119 Impact at Sierra Pt. Parkway &amp; US 101 Ramps (Intersection 6) Mitigation Measure 4.N-3c</b></p>	<p>Unclear whether projected development at Sierra Point was included with this analysis.</p>
<p><b>4.N-119 Impact at Lagoon Way &amp; Tunnel Avenue (Intersection 7)</b></p>	<p>The proposed widening and lane additions do not resolve the flow of traffic limited by the width of the bridge. Impact will have serious safety consequences with Kinder -Morgan tanker trucks carrying highly flammable liquids 24/7 and navigating additional congestion at this intersection.</p> <p>Access to site for emergency vehicles will be severely impaired when this intersection becomes LOS Level “F” under all development scenarios. The limited number of roads leading into site creates a significant danger and deems further study.</p>

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<p><b>4.N-120 Impact at Lagoon Way &amp; Sierra Point Parkway (Intersection 8) Mitigation Measure 4.N-3e</b></p>	<p>Anticipated LOS Level “F” or “E” during PM peak hour creates significant impact to Sierra Point access if this intersection were backed up as anticipated. Backup at this intersection would also affect eastbound traffic from the Tunnel/Lagoon intersection. Impact creates serious impediment to emergency vehicle access. Life/safety issue warrants mandate for further study as this impact could have dire consequences.</p>
<p><b>4.N-120 Impact at Geneva Ave./US 101 SB Ramps (Intersection 9) Mitigation Measure 4.N-3f</b></p>	<p>Mitigation measure does not address problem of congestion created by all development projects. Designing ramps to accommodate traffic does not ensure that SB highway 101 will be able to handle increased flow of traffic from site.</p> <p>LOS Levels cited “after mitigation” appear understated, and unclear whether surrounding development projects in San Francisco and Daly City were factored into data.</p>
<p><b>4.N-121-123 Mitigation Measures 4.N-3g and 4.N-3h</b></p>	<p>Neither mitigation measure resolves additional congestion/traffic created by site development.</p> <p>Unclear whether Daly City and San Francisco projects were factored into study of these intersections.</p> <p>Both mitigation measures admittedly rely on compliant funding and implementation by San Francisco and Daly City. With no guarantee of mitigation implementation, this could create a significant impact for subject areas.</p>
<p><b>4.N-123-124 Intersection Spacing along the Geneva Avenue Extension</b></p>	<p>Erroneous assumption to conclude that mitigation measure 4.N-19 would “ensure that significant impacts related to interactions between intersection operations do not occur...”</p> <p>Uncertain that mitigation would resolve impact of congestion particularly due to increased traffic from adjacent roadways and developments.</p>
<p><b>4.N-124-125 Impact 4.N-4 Would projects contribution to future</b></p>	<p>4.N-124 states: “None of the development scenarios would cause any freeway mainline segment to deteriorate from acceptable LOS D or better to LOS E or LOS F conditions.”</p> <p>While statement is correct it is misleading.</p>

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<p><b>cumulativ e impact at freeway mainline segments be significant Table 4.N-33</b></p>	<p>As illustrated on Table 4.N-33, all mainline segments examined are already at LOS Levels “E” or “F”.</p> <p>Also stated is that project site development would contribute “<i>cumulatively considerable amounts of traffic</i>” at three freeway segments.</p> <p>Mitigation measure 4.N-4 assumes voluntary funding contributions, participation, and decision-making by agencies over which Brisbane has no authority. Therefore -mitigation, while feasible, cannot be guaranteed.</p> <p>Mitigation 4.N-13 proposes a TDM program that relies on voluntary participation. The vehicular traffic anticipated to be generated from site will contribute a significant and unmitigable impact to freeway mainline segments already at LOS Levels “E” and “F”.</p> <p>All four development scenarios create significant impacts.. This is a clear indication that plans are flawed and should not be permitted.</p> <p>Note: “Building permit” should replace phrase “occupancy permit” in mitigation measure.</p>
<p><b>4.N-126-129 Traffic Impact: DSP-V (Sold Out Arena Event) Impact 4.N-5 and Table 4.N-34 and Mitigation Measure 4.N-5</b></p>	<p>Cite basis for statement that “<i>sold-out events with 17,000 attendees occurring during weekday evenings would likely be infrequent.</i>” Since specific nature of arena has not been determined, it would appear this conclusion has no basis. A sports arena could in fact have fairly frequent weekday sold-out events.</p> <p>Mitigation Measure 4.N-5, admits there would be significant and unavoidable impacts on the roadway network despite proposed TDM Plan. Clearly illustrates this proposal is inappropriate and incompatible at the narrow transit corridor and not compliant with the Brisbane General Plan Policy 38.</p> <p>Unclear whether data cited in Table 4.N-34 factored in other developments slated for surrounding area.</p>
<p><b>4.N-132 Impact on Bart Capacity</b></p>	<p>Project site development stated to contribute less than 2 percent of forecasted increase in transit demand, however there will be a cumulative impact from development projects in San Francisco. That combined impact must be studied and cited in greater detail than is currently covered in this section.</p>
<p><b>4.N-135 San Francisco Transit Screen lines</b></p>	<p>Data on table is from 2010 and more current figures must be sourced and listed.</p>

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<b>Table 4.N-40</b>	
<b>4.N-135 Tables 4.N-40-44</b>	Capacity with all four site development projects appears acceptable but ridership from adjacent San Francisco development projects are anticipated to significantly increase demand on public transit.
<b>4.N-138 Impact on T-Line and San Bruno Avenue Transit Corridors</b>	Assumption that none of proposed development scenarios would impact Muni T-Line or San Bruno Bus lines is erroneous due to ridership anticipated from nearby Daly City and San Francisco projects. Riders from these projects would also add to “reverse peak ridership.”
<b>4.N-138-139 Impact on Geneva Avenue Transit Corridor</b>	Implementation of Geneva BRT line is stated to be contingent on funding concurrent with redevelopment of Candlestick/hunters Point project. Development scenarios on site could have a significant impact if Muni BRT was not built in conjunction with site development.  Need map showing proposed route for shuttle on site.
<b>4.N-139 Mitigation Measure 4.N-7</b>	“Fair-share contribution” to capital costs toward additional S.F. Muni transit service is cited as a mitigation to site development-related ridership demand. While feasible, implementation of mitigation is uncertain, since as noted, it would be beyond Brisbane’s control as to how SFMTA would actually use such funds.
<b>4.N-140 Transit Impact: Transit Operations</b>	Development at site is expected to contribute 17-24% of forecasted transit ridership growth, exceeding Muni’s 85% capacity threshold at Northeast and Southeast screenlines. This is a significant unavoidable impact especially where Mitigation 4.N-7 while feasible, admittedly is beyond jurisdiction and control of Brisbane to ensure implementation.  Taking into account adjacent development in Daly City and San Francisco, this impact may be vastly understated. Anticipated increase in ridership from such development should be included in this section to clarify full impact.
<b>4.N-142</b>	<b><i>Pedestrian Access (Existing plus Project and Cumulative With Project)</i></b>  Additionally some streets should be pedestrian only streets/squares with parking away from the area to create a people-friendly destination.
<b>4.N-142 Pedestrian access</b>	Due to number of lanes on proposed Geneva Avenue extension, width of roadway, presence of anticipated congestion due to proximity to transit hub, it is speculative to assume sidewalks will be able to “safely permit

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<p><b>Mitigation Measure</b>  <b>4.N-10</b>  <b>Bullet Pt. 2</b></p>	<p><i>pedestrian access to all uses within project site...</i></p> <p>Density and traffic congestion created by any of four proposed projects may create unsafe conditions for pedestrians, particularly at intersections.</p>
<p><b>4.N-145</b>  <b>Construction Impact</b>  <b>4.N-12</b>  <b>Mitigation Measure</b>  <b>4.N-12</b></p>	<p>Traffic impacts from construction activities must be addressed.</p> <p>Whenever possible, delivery of materials to site should avoid peak hours of traffic and use existing rail access.</p> <p>Provisions must be made for temporary bicycle lanes and pedestrian walkways that ensure safety.</p> <p>Lowering of speed limits should be employed to ensure optimal safety conditions.</p> <p>Developer must coordinate construction activities with sufficient advance notice to Caltrans, San Francisco, Daly City, and San Mateo County, particularly any transit agencies serving site or roadways adjacent to site.</p>
<p><b>4.N-146-147</b>  <b>Conflict with an Applicable Transportation Demand Management Program (C/CAG)</b>  <b>Mitigation Measure</b>  <b>4.N-13</b>  <b>Table 4.N-45</b></p>	<p>While TDM Program proposed as a mitigation is estimated to have sufficient trip credits, this program relies on voluntary compliance. Effectiveness of program reducing traffic from site onto local roadways is speculative and uncertain.</p> <p>Table 4.N-45 shows data from 2004 and should be updated with more current information from CCAG when available.</p>
<p><b>4.N-147</b></p>	<p><i>“Conclusion: Project site development would generate more than 100 vehicle trips during the AM and PM peak hours, resulting in significant existing and cumulative impacts and <b>triggering the C/CAG requirement to mitigate the impacts of these trips.</b> “[bolding added]</i></p> <p>The projected, optimistic buildout time for this Project is 20 years. Twenty or more years of significant and cumulative unmitigable impacts are unacceptable. Acceptable mitigation measures must be in place.</p>
<p><b>4.N-150</b></p>	<p><i>“Each of the four Project Site development scenarios would include the construction of new roadways to facilitate emergency access to locations within the Project Site.”</i></p>

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	<p>The chart for this section shows, significant but mitigable impact for emergency services. Roads should be accessible through each stage of development to ensure public safety.</p>
<p><b>4.N-150 Result in Inadequate Emergency Access</b></p>	<p>Limited number of entry/egress points must have further study and possible redesign.</p> <p>A major emergency or disaster at the Kinder Morgan site has not been addressed and must be studied as this poses a significant hazard to health and safety of everyone on site.</p> <p>Need to study impact of increased traffic from site flowing onto Lagoon Way and creating potential congestion, thereby limiting emergency access to Sierra Point.</p>
<p><b>4.N-150 Loading Mitigation Measure 4.N-17</b></p>	<p>The DEIR needs to specify the range of vehicles/trucks that would be at site depending on the types of businesses occupying the various scenario buildouts. Depending on the total volume of such traffic, there could be public safety issues to bicyclists and pedestrians.</p> <p>Mitigation 4.N-17 inadequately addresses traffic. It overlooks the sheer number of trucks anticipated.</p> <p>Development plans unclear about number and location of on-street parking spaces and parking structures and needs to address trucks/delivery vehicles as well as cars.</p>

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**4.O: Utilities and Service Systems**

<b>DEIR</b> (Section; page #)	<b>Comments</b>
<b>4.O-6</b> <b>Water Supply</b>	It should be stated here as well as in Section 3.10, page 3-66, that the completion of the Oakdale transfer agreement is not guaranteed and that such an agreement would be independent of the Project. See also Appendix L, p. 7-1
<b>4.O-11</b> <b>Water Supply</b>	There is an existing 12” main connected to SFPUC--how is it going to be used? What is the current supply allocation for this main? Was it used in the calculation for the total water supply available for the project?
<b>4.O-47</b> <b>Table 4.O-3</b> <b>(See also 2-10)</b>	<i>Significant Unavoidable Impacts Impact 4.O-3 ...the constructions of which could cause significant environmental effects...</i>  This section needs to clearly address what kind of environmental impacts and what solutions are necessary to avoid them, or not do them.
<b>4.O-58</b> <b>Table 2-1 Air</b> <b>Quality</b>	<i>Impact 4.B-8: Objectionable odors would be generated by the proposed onsite recycled water plant.</i>  As cited in 4.B-8, scrubbers for the air may not be enough to completely protect people from contaminants in the air.
<b>4.O</b> <b>Table 2-1</b>	Mitigation Measure 4.G-2f. A buildup of methane gas trapped near utility vaults could create an explosion. The mitigation measure mentioned in this section is extreme and ignores the fact that an explosion is possible.
<b>4.O</b> <b>Table 2-1</b>	Mitigation Measure 4.G-2g: Utilities installed in landfill are subject to settling and movement. Is it safe to install utilities underground in a landfill? Inherent risks are evident in this proposal.
<b>4.O-47</b> <b>Table 2-1</b>	Impact 4.O-1: There is no discussion regarding location of the required water tank to serve the project.  Impact 4.O-3: The impacts of the construction of the tank should be described, e.g, slope stability, visual, noise, biological, land use and cultural resources.
<b>General</b> <b>Comment</b> <b>(See also</b> <b>3-18)</b>	<i>“All infrastructure and utilities systems are currently in place; however, utilities at the site have failed repeatedly in recent years due to differential settlement and corrosion.”</i> The DEIR fails to analyze mitigation measures to prevent future failures. Developer must propose and implement other permanent viable options.

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<p><b>General Comment (See 4.E-34)</b></p>	<p>All underground utilities must take into account site specific conditions, such as corrosive landfill materials.</p>	<p>750</p>
<p><b>General Comment (see 3.-65 top of page)</b></p>	<p>As stated under Project Description, p. 3-65, “. . . <i>underground combined joint trench with electric and natural gas facilities...</i>”</p> <p>The degree of potential land mass shifting and safety of underground utilities must be studied with safety remediation recommendations and implementation. In addition, toxic releases from trenching must be studied with remediation and implementation of same.</p>	<p>751</p>
<p><b>4.-O-6</b></p>	<p><i>It is projected that the City’s demand will ultimately exceed its current water allocation from the SFPUC. By 2035. . .</i></p> <p>If no agreement with Oakdale is completed, how does the developer propose to get water to the site? The DEIR must assure an adequate water supply.</p>	<p>752</p>
<p><b>4.O-15</b></p>	<p>A new waste water treatment facility will be required as the current one is outdated with failing equipment. There are issues with ineffective mixing of the digesters. A new facility must be built and guaranteed agreements for the system with the Bayshore Sanitary District must be described.</p>	<p>753</p>

**4.P: Energy Resources**

<p><b>DEIR (Section; page #)</b></p>	<p><b>Comments</b></p>
<p><b>4. P-1, par. 2 Regional Energy Infrastructure</b></p> <p><b>Electricity</b></p>	<p>Important infrastructure serving the existing lumberyards is the rail spur bringing materials to the businesses. It should be included in this as well as all other descriptions of project infrastructure.</p> <p>PG&amp;E’s sources of electricity cited do not include the renewable solar and wind-generated power transmitted via the Western Grid from remote sites such as Wyoming. The renewable energy available from such sources should be listed, including the EIA data on energy loss from long-distance transmission.</p>
<p><b>4. P-4. State Regulations</b></p>	<p>Recent state legislation governing local government authority to provide electricity services without a privately-owned intermediary, under the rubric Community Choice Aggregate, should be described in the DEIR and its potential implementation as a feasible component of the Renewable Energy Alternative included in this EIR.</p>
<p><b>4. P-4. Footnote 3 State Regulations: Title 24;</b></p> <p><b>4. P-8 Local Regulations: Brisbane Municipal Code; &amp; p. 1166 Cumulative Impacts;</b></p> <p><b>4. P-18, par. 2 Conclusion; Mitigation Measure; and</b></p> <p><b>4. P-2a; par. 1, Conclusion with Mitigation</b></p>	<p>Pursuant to Title 24, Brisbane’s Municipal Code Section 15.80 is currently under revision and therefore should be referred to in the Final EIR in its appropriate form. Also, by adopted Council policy, sustainability standards higher than any LEED measures will be required for Baylands development. Those proposed standards, consistent with the Sustainability goals listed in that chapter herein, should be included in the Final EIR.</p>
<p><b>4. P-10 Impact Assessment Methodology</b></p>	<p><i>“ . . . projected renewable energy generation on the Project Site is based on the findings of the Feasibility Study of Economics and Performance of Solar Photovoltaics at the Brisbane Baylands Brownfield Site in Brisbane, California, a study conducted by the United States Environmental Protection Agency (U.S. EPA) to assess the Project Site for a possible photovoltaic (PV) system installation and estimate the cost, performance, and site impacts of different PV options.”</i></p>

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	<p>An appropriate addition here should be the key finding by the EPA/NREL study recently conducted in the Baylands (Appendix 4.N) that the large solar farm proposed under the Renewable Energy Alternative would be <b>feasible</b> both technically and economically [bolding added].</p>	759
<p><b>4. P-11 par. 2 Proposed Energy Infrastructure</b></p>	<p>Missing from the discussion on energy are any mitigation measures in case of brownouts or other major disruptions of access to power. The option of a local, self-contained Microgrid with direct connection from generation to consumption within the Project area and beyond should be included.</p> <p>Reference: Sierra Club Magazine, July/August 2013, pp. 26-27.</p> <p>In this option PG&amp;E power would be used only when needed.</p> <p>Implementation of the Microgrid could be created by either the City of Brisbane or the Guadalupe Valley Municipal Improvement District under the Community Choice Aggregate legislation. This method of ensuring the power infrastructure within the Renewable Energy Alternative should be fully described and its beneficial impacts on the entire community included.</p>	760
<p><b>4. P-13, par. 4 Impacts of Installation of Energy Infrastructure</b></p>	<p>The projected buildout of the DSP and CPP scenarios is unrealistic in view of the City’s experience at the Sierra Point development site, which after 30 years of initial site plan approval is still only 60% complete. Complete build out estimate of 50 years should be used throughout the EIR. Other evidence of projected, but not achieved development can be seen in the City’s 1994 General Plan, which projects an initial 10-year new non-residential development of the Baylands to consist of 650,000 sq.ft.</p>	761
<p><b>4. P-15 Table 4.P-1</b></p>	<p>The table should be expanded to include separate columns for projected renewable energy produced by sun, wind, and biogas. Studies and data on all exist in City archives and should be appended hereto.</p>	762
<p><b>4. P-19 Table 4. P-2 also 6-49 Cumulative Impacts</b></p>	<p>While there is evidence from large, dense urban areas that transit access reduces driving and lowers GHG emissions, assumptions under the DSP scenarios that sufficient numbers of residents would walk or bike or take transit to work are not validated. As long as there are no legal requirements for people to live close to their work (such as in the case of thousands of Silicon Valley workers living in San Francisco), and the levels of future residents’ skills compared to the job skills required by projected businesses in the area are unknown, such assumptions are highly questionable. Other assumptions, such as per-dwelling unit transit use, should <u>not</u> be based on data from San Francisco, but suburban areas. The data on such rail transit use in the MTC BATS 2000 study should be included and the corresponding</p>	763

	document section appended. Reference MTC Planning Section,; <i>Characteristics of Rail and Ferry Station Area Residents in the San Francisco Bay Area</i> , September 2006.
<b>4.P -20 par. 4 Mitigation</b>	For reasons cited above it is highly unlikely, even if the proposed mitigation measures were actually implemented, that their enforcement would be sufficient to result in “less than significant” impacts on fossil fuel consumption and greenhouse gas emissions.

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## Chapter 5: Alternatives

DEIR Section; page #	Comments
<p>5-2 Alternatives Sec. 5.1 Introduction</p>	<p>DEIR: “<i>The potential feasibility of the alternative, taking into account site suitability, <b>economic viability</b>, availability of infrastructure, <b>property control (ownership)</b>, and consistency with applicable plans and regulatory limitations</i>” [bolding added]</p> <p><b>CEQA 15126.6:</b>  <i>“ . . . the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, <u>even if</u> these alternatives would impede to some degree the attainment of the project objectives, <b>or would be more costly.</b>”</i></p> <p><b>CEQA 15131 Economic and Social Effects:</b>  <i>“Economic or social effects of a project shall not be treated as significant effects on the environment.”</i></p> <p>No references to “economic viability” or “property control” exist in the CEQA section cited. They are inappropriate and should be removed from this exclusively environmental report.</p>
<p>5-3</p>	<p>The CPP should not have been set at 8 million square feet because the community was never given a chance to discuss, approve or suggest such a high level of development. Therefore, the titles of the plans are a misnomer.</p> <p>The CPP and CPP-V calculations should be redone at a level consistent with the limits set in the Brisbane General Plan, at a maximum of 4 million square feet. This should not be called a “Community Proposed Plan” because the community never proposed it</p>
<p>5-7</p>	<p>The Reduced Intensity Non-Residential alternative is compared only against the CPP. It should also be compared fully to the DSP. Even though some comparisons to DSP are made later, such as in the section on Geology and Population and Housing, this should be done more consistently.</p>
<p>5-7</p>	<p>The City Council’s subcommittee on the Baylands has called for the Alternative Energy Plan to be studied prominently and equally with the DSP, DSP-V, CPP and CPP-V plans. While the impacts of the Alternative Energy Plan are outlined on a section-by-section basis later in this chapter, it would be more in keeping with the community preference to include the Alternative Energy Plan alongside the others throughout the DEIR.</p>

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<p>5-7</p>	<p>The Reduced-Intensity Non-Residential alternative is compared only against the CPP. It should also be compared fully to the DSP. Even though some comparisons to DSP are made later, (such as in the section on Geology and Population and Housing), this should be done more consistently.</p>	<p>769</p>
<p>5-23 <b>Population and Housing</b></p>	<p><i>“While the No Project-General Plan Buildout Alternative would thus be consistent with Projections 2009, it would be considered consistent with Plan Bay Area projections only if employment growth in excess of projections was drawn from surrounding communities.”</i></p> <p>Because the massive developments approved and located within a short distance from the Project site, the “extra” jobs developed in the Baylands would surely “draw from those surrounding communities”and therefore serve them.</p>	<p>770</p>
<p>5-28 <b>par. 2</b></p> <p><b>par. 5</b></p> <p><b>cf. 5-29 par. 4</b></p>	<p>Included in the listed land uses proposed should be the Roundhouse restoration as a historical showplace.</p> <p><i>“. . . no specific wind energy program is set forth in the CREBL proposal”</i> This statement is inconsistent with the later descriptions of “assumed” wind turbine installations. It should be noted that the wind power generation proposed is based on anemometer measurements on the Baylands and their analysis over a 1.5-year period. This study report should be included in the Appendices of this DEIR. Reference: <i>Brisbane wind study 2008-2009</i> by D. F. Matson/R. L. Simon/V-Bar, LLC, 20 May 2009</p>	<p>771</p> <p>772</p>
<p>5-32</p>	<p>A significant environmental benefit inherent in the Renewable Energy Alternative is that the PV and wind turbine installations on the Baylands would call for a minimum transmission distance, to the PG&amp;E Martin Substation across Bayshore Boulevard. This benefit should be cited and compared with the current very long transmission distances from renewable and other energy-generating plants. The energy losses and vulnerability to disruptions associated with such traditional long-distance transmission should be factored in these calculations. According to the Energy Information Administration (EIA) data, national, annual electricity transmission and distribution losses average about 7% of the electricity that is transmitted in the United States.</p>	<p>773</p>
<p>5-34-36 <b>Tables 5-6</b></p> <p><b>also 5-43 par. 5</b></p>	<p>All calculations of emissions and GHG from construction and operation of the Renewable Energy Alternative development should include the beneficial <b>reduction of emissions</b> and savings in total energy use resulting from the proposed PV and wind power energy production at the site.</p>	<p>774</p>

<p>5-37 par. 2</p>	<p>“... the Project site is situated between two wildlife habitats: a lagoon on the south and the shoreline of San Francisco Bay to the east.”</p> <p>Omitted here are important habitats, i.e., the various existing wetlands as well as Icehouse Hill and the San Bruno Mountain watershed including Visitacion Creek crossing the site west to east.</p>	<p>775</p>
<p>5-40 par. 2</p>	<p>Due to the unavoidable, highly significant unmitigated <b>negative impacts</b> on traffic and pollution levels resulting from outside developments recognized here and elsewhere, a Baylands alternative that can add environmental, social, and economic <b>benefits</b> such as energy and job generation, should be included here as regionally balancing plan.</p>	<p>776</p>
<p>5-42</p>	<p><i>Impacts on existing roadways and transit systems would be substantially reduced under the Renewable Energy Generation Alternative, as compared to the significant unavoidable impacts of Project Site development</i></p> <p>The full impacts of traffic and circulation under the Alternative Energy plan should be studied at the same level of detail as the other scenarios, so that a comparison against the DSP and CPP can be made.</p>	<p>777</p>
<p>5-44 Table 5-6</p>	<p>IF any definition of “feasibility” herein is to include “economic viability,” the project’s energy facilities construction would include the most recent technological improvements and benefit from the costs of solar power generation continuing to decline from the current levels. Reference: “Solar Energy: This is What Disruptive Energy Looks Like.” <a href="http://www.resilience.org/stories/2013-04-25/solar-energy-this-is-what-a-disruptive-technology-looks-like">http://www.resilience.org/stories/2013-04-25/solar-energy-this-is-what-a-disruptive-technology-looks-like</a></p> <p>See also: <a href="http://inhabitat.com/worlds-first-molten-salt-solar-plant-produces-power-at-night/2/">http://inhabitat.com/worlds-first-molten-salt-solar-plant-produces-power-at-night/2/</a></p>	<p>778</p>
	<p>Since the development buildout is projected to last many decades, the many innovations in renewable energy technology now under development and probably available in the future should be mentioned as potentially significant components of implementation in the Baylands..</p>	<p>779</p>
<p>5-44 Environmental Protection and Enhancement Objectives also see 4.G</p>	<p>“A. Remediate the Baylands to a level which ensures the safety of all who use this site, and eliminates ongoing ecological damage.”</p> <p>Reference: <i>Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property</i> by Dr. Fred Lee; an exhaustive analysis of the required mitigations of the contaminated site.</p>	<p>780</p>

<p><b>5-57 to 5-62 Reduced Intensity Mixed Use Alternative</b></p>	<p><i>The Reduced Intensity Mixed Use Alternative is intended to substantially reduce the significant unavoidable traffic impacts of the DSP and DSP-V scenarios, and also reduce significant unavoidable air quality and noise impacts resulting from project-generated traffic. (p. 5-57 at ¶ 1.)</i></p>
<p><b>Table 5-3</b></p>	<p>The DEIR generally concludes that the Mixed Use Alternative (which includes 2,400 units of housing) would be environmentally more palatable than “proposed Project scenarios” (p. 5-57 at ¶ 7), since it would have less impact on aesthetics, biological resources, population &amp; housing, recreation resources, public services, etc. (p. 5-57 to 5-62.) While it is true that this alternative would result in less impacts than DSP and DSP-V, the comparisons are only made with two of the proposed project scenarios. There is virtually no discussion comparing the impacts of this alternative with either the CPP or CPP-V Project scenarios.</p> <p>In fact, if the Mixed Use Alternative is compared with the CPP scenarios, it is debatable whether the impacts would be any fewer. While the Mixed Use Alternative has less square feet of development (approx. 6,800,000 sqft. vs. 8,300,000 anticipated under the CPP scenarios), it also reserves less land for open space (196 acres under Mixed Use vs. 330 acres under CPP). This difference in available open space amounts to approximately 134 acres or 5,837,040 sqft. Thus, the Mixed Use plan would likely not have less impact than both CPP Project scenarios when it comes to such things as aesthetics or biological resources. Further, since the Mixed Use plan incorporates 2,400 units of housing and the CPP plans have none, it cannot be said that the Mixed Use Alternative would have less impact on such things as population &amp; housing, recreational resources, or public services. The record must be corrected to show the true extent of the impacts compared.</p>

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**5  
General  
Comment**

While minimum Silver LEED standards are the current Brisbane code requirement, the newly-adopted State Title 24 standards should be applied here on all Alternatives. City codes must either meet or exceed these standards. Photos below illustrate innovative construction methods such as plant-cladded roof structures, which can serve as mitigation of several impact categories..

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## Chapter 6: Cumulative Impacts

DEIR section page No.	Comments	784
6-1 Table 6-1	This table should be updated based on all the comments submitted regarding the various impact categories. Grave doubts have been expressed about the judgment used in determining which impacts are mitigable and which are not.	785
6-4	<p><i>“by improving access to US Highway 101, ... would remove a major obstacle to development”</i></p> <p>The DEIR addresses <i>access</i> to Highway 101, but does not discuss the potential benefit of <i>widening</i> the Highway. With this roadway already at capacity at peak traffic hours, improving access from all of the developments in the PDA would still severely impact local area roads. Any information on plans for the potential mitigation achievable through widening 101 should be included -- or the absence of such potential analyzed.</p>	786
6-6	References to ABAG 2009 projections here, and elsewhere in the DEIR, are out-of-date. 2013 projections have been available since July 2013, and should be used throughout the EIR.	787
6-7 6.3.1 Approach to Cumulative Impact Analysis	<p><i>“Pursuant to CEQA Guidelines Section 15130(a)(1), an EIR should not discuss impacts which do not result at least in part from the project being evaluated in the EIR.”</i></p> <p>It should be made clear how this CEQA restriction is applied in this DEIR. The cumulative impacts on Brisbane by the approved developments already under way in the adjacent areas of San Francisco and Daly City, as listed in Table 6-2 (p. 6-9 thru 6-11), must be taken into consideration.</p>	788
6-8	SF-CHAMP model travel demand estimates are based on increased sensitivity to San Francisco conditions. The conditions in and around Brisbane are drastically different from San Francisco. What are the assumptions made in this model, and how do they apply to Brisbane?	789
6-9 Table 6-2, Project 3	The Northeast Ridge development project has been completed. Thus, the table should be updated to reflect this.	790
6-9 Table 6-2	As previously mentioned, a Highway 101 widening project should be included as an necessary mitigation in this table.	

<p><b>6-11</b> <b>Table 6-2,</b> <b>Project 21</b></p>	<p>Additional CalTrain tracks for allowing high-speed trains to bypass local trains have already been laid for the anticipated Brisbane portion of the planned high-speed system. This should be included in connection with the table.</p> <p><i>“The Bayshore Caltrain Station will not be a stop for high-speed rail; however, on the current supplemental alternatives analysis report, Brisbane/Bayshore is the recommended site for one 100 acre high-speed train maintenance and storage facility.”</i></p> <p>While this potential land use in the Project Area has not yet been formally presented to the City of Brisbane, its status must be reviewed and taken into account in the final EIR before it is certified.</p>	<p>791</p>
<p><b>6-18</b></p>	<p><i>“. . . combining Project Site development emissions with emissions from other projects, including at least one other nearby development project that would contribute to an air quality violation result would result in cumulatively significant air quality construction and operational impacts.”</i></p> <p>Nowhere is there a mention of the massive earth moving and hauling operations that will be required in order to cap the landfill. It should be noted that this operation will significantly contribute to both PM 2.5 and PM 10.</p> <p>Since there will be a significant degradation of air quality through the cumulative impacts of project construction, appropriate mitigation measures should be implemented.</p>	<p>792</p>
<p><b>6-28 thru 6-29</b></p>	<p><i>“Project Site development . . . would be required to adhere to current regulatory requirements and would therefore not result in a significant cumulative impacts related to the release of hazardous materials.”</i></p> <p>There is an unknown risk posed by the constituent parts of the soil and rock recycling operations, because for years there has been no formal operating permit and no adequate enforcement procedures. The material needs to be tested for hazardous content prior to any moving, capping, or using for development purposes, and proper mitigations described.</p>	<p>793</p>
<p><b>6-32</b></p>	<p><i>“However, because each community’s General Plan sets forth policies to protect the character of existing development, it is anticipated that cumulative projects adopted in a manner consistent with those General Plans would not cumulatively degrade the existing character of area land uses.”</i></p> <p>Because jurisdictional boundaries are artificial, the San Francisco General</p>	<p>794</p>
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	<p>Plan has historically impacted and will increasingly continue to impact Brisbane. Therefore it is likely to cumulatively seriously degrade Brisbane’s environment. These cumulative impacts must be fully laid out.</p> <p>Reference: San Francisco’s Candlestick Point-Hunter Point EIR, Response 7-14 to Brisbane’s comment on Traffic impacts.</p>	<p>↑ 795 cont.</p>
<p><b>6-41</b> <b>Last par.</b></p>	<p><i>“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.”</i></p> <p>This uninformed opinion is not supported by any reliable data, which is essential to a proper impact assessment. An urgent demand for added library space in Brisbane was recognized years ago due to an ever-increasing need for after-school work stations in particular. Efforts and City expense spent for the purpose of creating a new library building have been another victim of severely reduced public funds as a result of the demise of the Redevelopment Agency funding mechanism.</p> <p>As the DEIR has noted elsewhere, <i>“these libraries offer important community services such computer and Internet access. Community rooms and spaces within these libraries provide for a variety of services including adult lecture series, programs for children and teens, early and adult literacy programs, and teacher services.”</i> (See section 4.L.5 Public Libraries, p. 4.L-29.)</p> <p>Thus, the DEIR contradicts itself by asserting that additional library space is not needed despite an expected increase in residential use.</p> <p>Modern libraries function as educational information-sharing, multi-media, multi-use facilities, more so than to house books. An example of a multi-use facility to meet this demand can be seen in the recent reconstruction and expansion of the San Francisco Main Library.</p>	<p>796</p>
<p><b>6-42</b> <b>(also 4.M)</b></p>	<p><i>“non-residential development does not typically generate the need for additional recreational facilities.”</i></p> <p>This is another “noted” opinion of what is considered “typical” with no documented proof or attention to the existing local situation. Brisbane’s experience has shown that its community swimming pool, basketball court, picnic facilities in the parks, and even public parking lots at Sierra Point are much used by employees of local businesses for recreation and health maintenance both before and after work as well as during their lunch hour.</p> <p>The same false assumption is made later:</p>	<p>797</p> <p>798</p>

	<p><i>“Project Site development under the CPP and CPP-V scenarios would not include residential use, and would therefore not generate a need for park facilities.”.</i></p>
<p><b>6-45</b></p>	<p><i>“Project Site development would contribute [sic] that would reduce cumulative impacts on Muni to a less than significant level.”</i></p> <p>Cumulative impacts on SF Muni are irrelevant to Brisbane with respect to this project.</p>

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