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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.

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.

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.

4B Air Quality

Control of the sheer volume of particulate matter generated during preparation, remediation and construction of the proposed development is inadequately addressed.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

4O Utilities

The potential impacts caused by installing utilities underground on the soil cap and differential settlement was not studied.

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.

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;

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.

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.

Chapter 1: Introduction

DEIR (Section; page #)	Comments
p. 1-1	<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. 1-2 par. 1	<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>

Chapter 2: Executive Summary

DEIR (Section; page #)	Comments
<p>TABLE 2-1 (Continued) Summary of Impacts, Mitigation Measures, and Residual Impacts Pg. 2-75</p>	<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

DEIR (Section; page #)	Comments
3.2.1 Site History	<p>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.</p>
3-12 Former Brisbane Landfill	<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>
3-17 3.2.3 Existing Land Uses: Lumberyards	<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>
3-18 Caltrain Bayshore Station	<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>
3-19 3.2.4 Existing	<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>

Infrastructure and Services	fully disclosed..
3-27 3.5 Footnote 2	<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 disposition of the entire site. The Concept Plan shall include the following; . . .</p> <p>2. a general description of conceptual uses, densities, intensities and locations consistent with the adopted General Plan; [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>
3-27-28 Fig. 3-10	<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>
3.-35	<p><i>Renewable Energy Generation</i> is recognized on this page for recreation and open space reserve.</p> <p>It should also be recognized and used for Project site construction phases and throughout the project when complete.</p>
3-40 3.5.3 Community Proposed Plan (CPP)	<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>
3-66 Section 3.10	<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>

3-76
3.14 Phasing and Implementation

*The analysis in this EIR assumes that Project Site Development . . . to occur over 20-year periodPost-grading construction of buildings, infrastructure, and open space would occur over the course of Project buildout, **depending on market conditions.** [bolding added]*

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.

Chapter 4: Environmental Setting

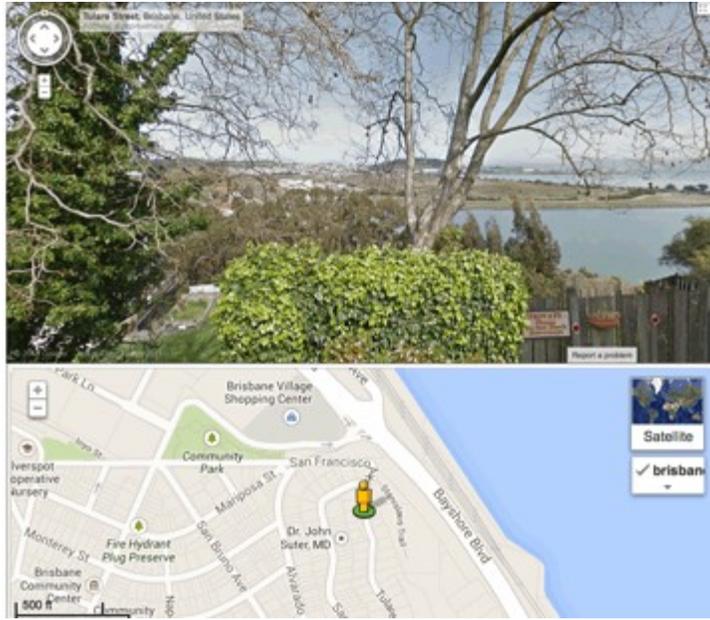
DEIR (Section; page #)	Comments	Submitted By
4-1 2nd par.	<p><i>. . . this chapter identifies feasible mitigation measures to reduce the impacts of Project Site buildout [bolding added]</i></p> <p>Here as throughout the document, “feasibility” seems to be allowed as an excuse for failure to implement 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

4.A: Aesthetics and Visual Resources

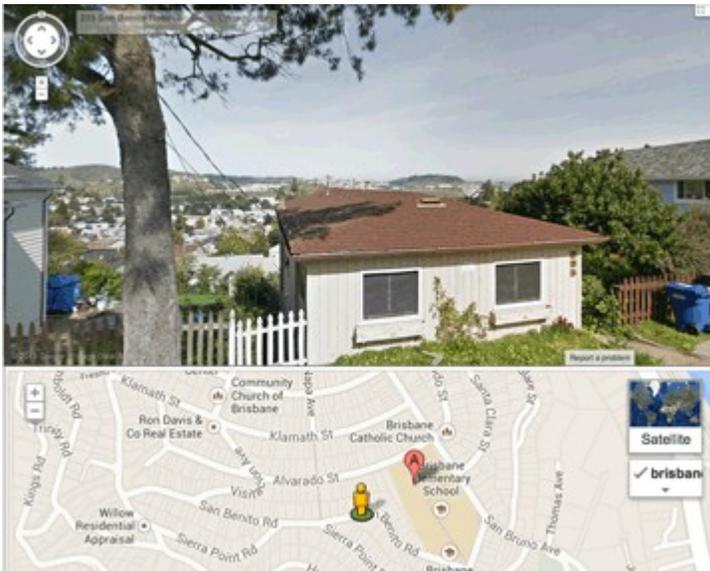
DEIR (Section; page #)	Comments
4. A-3 Viewpoint Locations	These views emphasize optimal, high-end views and don't reflect what most residents will see from day-to-day. None reflect the appearance within the proposed site itself. Request additional views (see locations in appendix [e.g., Bayshore nr. Main Southbound; Bayshore nr Main Northbound; End of Tulare, San Benito Rd., Lake St., Tunnel Ave. & Creek, Tunnel Ave. & Beatty, etc.]
4. A-9 "San Francisco Bay Plan"	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.)
4. A-11 Brisbane General Plan Land Use Policy 15	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.
4. A-20 Viewpoints:	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.] Check: Reference to Brisbane General Plan. What about firefighting capabilities limitations on maximum building heights?
4.A-37	Several more various viewpoints that estimate night time lighting effects should be listed..
General Comment	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?
General Comment	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

	parking garages been considered and addressed?
4. A-20- onward	Additional viewpoints from Brisbane needed, especially from higher elevations on Kings Road and the Northeast Ridge in addition to the following:
Bayshore nr. Main Southbound	
Bayshore nr. Main Northbound	

End of Tulare



San Benito Rd.



<p>Tunnel Ave & Beatty Ave.</p>	
<p>Beatty Ave.</p>	
<p>General</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.</p> <p>Reference: City of Brisbane’s web page http://www.brisbaneca.org/community-visioning-workshops</p>
<p>General</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>



These roofs could be planted with native species, particularly geared to creating habitat for rare and endangered species.



**General
Comment**

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.

Height limitations should be even more restrictive to protect view corridors to the bay.



View from 1035 Humboldt Road



View from 50 Kings Road



View from 221 Kings Road

Upon searching the DEIR no statements were found regarding protection of existing views. A study and remedial proposals to protect view corridors is needed.

**4.A-11
Brisbane
General Plan**

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. *“a complementary relationship to the overall topography”*. Building heights and density proposed for the northern part of the site are completely out of scale with existing buildings and topography.

Item e. *“open space and open areas”*

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.

**4.A-12
Brisbane
Municipal Code**

B. *“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.”*

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.

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

	relationship to traffic ensuing from proposed housing, commercial buildings and/or an entertainment complex.
4.A-12 Brisbane Municipal Code	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.
4.A-29 Scenic Vista Impact Analysis - DSP and DSP-V Mitigation	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.
4.A-31 par.2 Impacts on Visual Character - Assessment Methodology	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.
4.A-32 Visual Character Impact Analysis	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.
4.A-37 Light and Glare Impact Analysis	Must provide specific guidelines to be implemented for illuminated signage on top or sides of new buildings to reduce or minimize light spill.

4.B: Air Quality

DEIR (Section; page #)	Comments
4. B-1 & 2 Climate and Meteorology	<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>
4. B-3	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.
4. B-7	Toxic Air Contaminants (TACs) are not identified. Need reference.
4. B-8, par. 4. B-45 Impact	<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>
4. B-8 Table 4. B-3	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

	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.
4B-16 Significant Unavoidable Air Quality Impacts	<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>
4. B-21 Mitigation Measure	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.
4.B-29	<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>
4. B-51 Energy & Climate Measures,	<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>

**Renewable
Energy**

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.

4.C: Biological Resources

DEIR (Section; page #)	Comments
4.C-1 Introduction also 4.C-16	<p>The Audubon Society has conducted annual bird counts in the Lagoon environment for more than 12 years. Reference to the records of these regular bird counts conducted by experts should be made and the results compared with the surveys cited.</p>
4.C-1 Introduction paragraph 2 General Comment	<p>The list of project site surveys in the DEIR is a hodgepodge of 1-day (daylight, no night or 24-hour) observations, generic Bay Area-wide reports, and off-season wetland walks after the landowner has destroyed biological communities through grading and interim remediation measures. There is no mention of this interim stream-alteration tragedy nor its unremediated impacts with the exception of admitting that the property owners never complied with their wetland mitigation obligation.</p> <p>There does not appear to be any review of materials provided by the Public at numerous NOP Public Planning sessions to fill in missing data gaps on wetlands, biological resources and/or resource management. These documents include annual Audubon bird counts, ten-plus years of photographs documenting wetlands on the Baylands and the Levinson Marsh submitted by Dana Dillworth, and letters in the public record regarding invertebrate and avian species observed by James McKissock of Earthcare (NOP Response dated 1/7/2011), Dominik Mosur of the Randall Museum, and Josiah Clark of Habitat Potential. The assessment of biotic values is insufficient and would be higher than indicated if the public documents submitted in earlier scoping sessions were utilized (and incorporated herein by reference). This is evidence of significant, but unrecognized and unmitigated impacts.</p> <p>Following a site visit in March 2006, Lenny Siegel of Center for Public Environmental Oversight observed active Bunker C oil leaks on the Baylands: http://www.cpeo.org/brownfields/brown.html (March 2006) At that time, the consultant for Burns and McDonnell admitted that they had never visited the site in a wet season. These observations should be cited and taken into account.</p>
4.C-1 Introduction 2nd paragraph Project Site	<p>Burns and McDonnell's 2003 and 2004 minor assessment of <6 acres of emergent wetlands (vs. remnant wetlands) does not indicate what areas were viewed or if any upland areas were included in their figures. Out of context, this assessment cannot be used for the entire 600+ acres. Did the</p>

<p>Surveys used</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>4.C-2 3rd paragraph</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 museumca.org/creeks/1610-RescVisitacion.html Historical watershed information assists in watershed planning and remediation efforts. This DEIR is deficient.</p>
<p>Reference back to Hydrology Section</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>4.C-2; par. 4 Project Site</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>Setting</p> <p>Sandy Beaches</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>4.C-3</p> <p>paragraph 2</p> <p>Vegetation</p> <p>Communities</p> <p>and Wildlife</p> <p>Habitats</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>4.C-5</p> <p>Figure 4.C-1</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.</p> <p>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>4.C-7</p> <p>Landscaped</p> <p>Par. 2</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>Table 4.C-1</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>4.C-8 last par.</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>4.C-9 4th par.</p> <p>4.C-10 last par.</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>4.C-11 1st and 2nd paragraphs Spartina</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>

Project	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.
4.C-12 3rd par.	<p>“2011 reconnaissance-level surveys confirmed that the information contained in the 2003 delineation remains a valid source of information ...”</p> <p>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.</p> <p>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>
4. C-14 chapters 1- 2 Mission Blue Butterfly Special -Status Fish	<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.”</p> <p>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.</p> <p>Reference: Letter by James McKissock on sighting stickleback fish in response to the NOP, dated 1/7/2011..</p> <p>An explanation is needed why “species-specific surveys were not conducted.”</p> <p>The DEIR is inadequate in determining impacts to special-status fish absent any species-specific surveys.</p>
4.C-16	<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...”</p> <p>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>
4.C-18 3rd par. Burrowing Owl	<p>“burrowing owls were not observed during reconnaissance surveys”</p> <p>The southern end of the lagoon is another place that the owl may live, but has not been adequately studied.</p>
4.C-19 to 20	<p>“no prey species were found in the ditches,” ... “unlikely because of the</p>

<p>San Francisco Garter Snake and Red-legged Frogs</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>4.C-20, paragraph 3 and elsewhere</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>4.C-24 last par.</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>4.C-26 2nd par. 2005 CA F&G policy</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>4.C-27 to 28 Brisbane General Plan Policies</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>4.C-29 Open Space Plan</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>4.C-35 to -46 Mitigation Measures 4.C-1a through 4.C-1g</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>4.C-35 Mitigation Measures</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> 



This building approach could use native species, particularly those geared to creating habitat for our endangered species.



**4.C-36
Mitigation
Measure 4.C-1a**

“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...”

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.

4.C-37

“establishing a buffer zone of no less than 25 feet prior to...”

<p>Mitigation Measure 4.C-1b 1st par.</p> <p>2nd 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>4.C-38 Conclusion of Mitigation Measures 4.C-1a and 1b</p> <p>4.C-39 4.C-1c 6th 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>4.C-38 Impacts on Special-Status Animals</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>4.C-40 2nd par. last sentence</p> <p>3rd 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>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.</p>
<p>4.C-42 6th paragraph</p> <p>Conclusion of Mitigation Measure 4.C-1d</p>	<p><i>“on site mitigation... at a ratio not less than 1:1”</i></p> <p>As stated earlier, this is not adequate and fails to recognize Brisbane’s right to require higher than the minimal CDFW mitigation measure mentioned.</p> <p>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.</p> <p>Another unconsidered mitigation measure would be providing nesting platforms or boxes for raptors and migratory birds. A full plan must be developed.</p>
<p>4.C-43-44</p> <p>Mitigation Measure 4.C-1e</p>	<p><i>“does not ensure that the impact [to raptors and bats] would be reduced to a less than significant level...”</i></p> <p>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.</p>
<p>4.C-46 Mitigation Measure 4.C-1g</p> <p>Last bullet</p>	<p><i>“ implementation of erosion control and water pollution control measures consistent with Storm Water Pollution Prevention Program (SWPPP) requirements,”</i></p> <p>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.</p> <p>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.</p> <p><i>“Construct diversion dikes and drainage swales to channel runoff around the site and away from bodies of water.”</i></p> <p>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</p>

	<p>a series of naturalized retention basins and wetlands can be designed for double-duty flood-control and water storage.</p>
<p>4.C-46 Mitigation</p>	<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.</p> <p>Please refer to EPA http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/MNR_Guidanc..</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. http://news.nationalgeographic.com/news/2007/10/071015plantstoxic.html</p>
<p>4.C-46</p>	<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>Potential Effects of Contaminated Sediments include: Ecological impacts on wildlife and aquatic species Loss of recreational and subsistence fishing opportunities</p> <p>Reference: http://www.epa.gov/superfund/health/conmedia/sediment/pdfs/MNR_Guidance.pdf</p>
<p>4.C-47 Substantial Impact on riparian habitat</p>	<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>4.C-48 last paragraph</p>	<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>

	<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>
4.C-49 OID-Brisbane Water Transfer	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.
4.C-50 Mitigation Measure 4.C-2a	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.
4.C-51 Mitigation Measure 4.C-2c First paragraph	<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><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>
Performance and Success Criteria	<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>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>4.C-53 Summary Impacts to Wetlands</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>4.C-54 Wildlife Corridors and Bird Migration Navigation</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><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>space land for conservation has taken place. This needs a clearer action plan.</p>
<p>4.C-55 Migration of Birds</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>4.C-56 Mitigation Measure 4.C-4a</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>Mitigation Measure 4.C-4b Lighting Impacts</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>4.C-57 Mitigation Measure 4.C-4c Pet Policies</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&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>Certainly there are other possible mitigation measures. Greater separation between uses is a must.</p>
<p>4.C-58 Mitigation Measure 4.C-4e</p>	<p>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.</p>
<p>4.C-59 High Levels of Noise</p>	<p>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.</p>
<p>4.C-63 Table 4.C1</p>	<p>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.</p> <p>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.</p> <p>There is no mention about the Anise Swallowtail Butterfly or its habitat in Brisbane, which has been recently observed.</p> <p>In addition, the San Francisco Forked Tail Damselfly has been observed in local wetlands by Dr. John Hafernack and students from San Francisco State University.</p> <p>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.</p>
<p>General Comment</p>	<p>The impact of feral cats and dogs existing on the site were not studied, and should be.</p>
<p>General Comment</p>	<p>c.f. Domestic dog walking in recreation section. Studies on how recreational activities impact biological resources should be done.</p> <p>Measurable habitat goals should be established which include</p>

	<p>quantifiable setbacks intended solely for wildlife habitat to provide adequate separation between conflicting uses. Those stated, 40% are minimal.</p>
General Comment	<p>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.</p>
General Comment: Fish	<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>
4.C-64 Amphibians Reptiles	<p>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.</p>
4.C-65 Birds and Mammals	<p>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.</p>

	<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>
4.C-66 Plants and Invertebrates	<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>
4.C-67 Invertebrates and Fish	<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>
4.C-68 Birds	<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>
4.C-69 Birds	<p>Salt-marsh Common Yellow Throat are observed at the Levinson Marsh, adjacent to Industrial Way.</p>
4.C-70 Bats	<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>
4.C-28	<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>

General Comment	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
4. D-3 Paleontological Settings par. 4	<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>
4.D-3	<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>
4-D-3	<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>
4-D-5 Historic Period Archaeological Site	<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>
4.D-12	<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>
4.D-16 Table 4.D-1	<p>Table 4.D-1 is inaccurate, data needs to be challenged. The test is too narrow.</p>

4.D-26	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.
4. D-27 Roundhouse Mitigation	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
4.D-27 Conclusion cf. 4.J Noise and Vibration	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.
	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.
	Buildings in the periphery of the Roundhouse may contain historical significance; lost habitat should be restored.
4.D-28	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.]
4.D-28	The rehabilitation plans are expected to meet a minimum of 7 out of 10 of the standards. Which 7 standards will be met?
4. D-33 par. 3	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.
4. D-34 par.2	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.

4.E: Geology, Soils and Seismicity

DEIR (Section; page #)	Comments
4E General Comment	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.

4.E-3 Impact	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.
4.E-3: seismic-related ground failure including liquefaction, 4.E-40	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.
4.E-8 3rd par. Artificial Fill	<p><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></p> <p>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.</p> <p>Reference: http://wediditforlove.com/Champion-1.html</p>
4.E-8 3rd par. Artificial Fill	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.
4.E-37 Significance	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

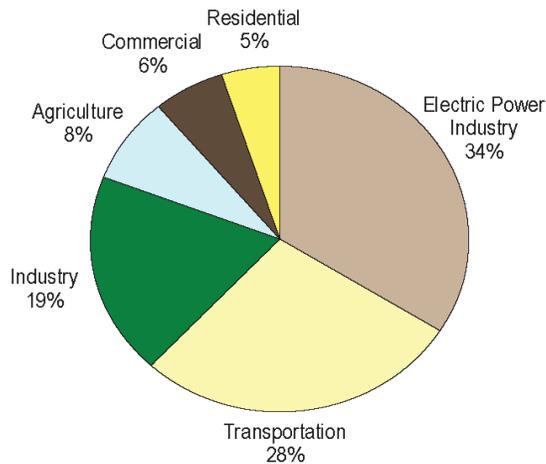
Criterion- Seismic Groundshaking,	description is needed, such as typical thickness and/or reference where to find additional information in the report. There should be a reference to the visual impact of grade elevation gain in other impacted sections, i.e. Visual Impact. Note: p. 4.E-45 references placement of up to 26’ of engineered fill at railyard.
4.E-37	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.
4.E-45 Post Construction Development	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.
4.E-45 Post-Constructio n Development	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.
4.E-45	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?
General Comment	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?
General question:	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.

4E-4b p. 4E-42

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.

4.F: Greenhouse Gas Emissions

DEIR (Section; page #)	Comments
4.F-1 Impact	The data for CPP and CPP-V render a significant unavoidable impact finding. How can reductions and mitigation be done for these plan variants?
4.F-4	<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">1. This economic sector-based view limits the tools available to Brisbane to mitigate the Greenhouse gas emissions from the project.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.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.



Reference:

Environmental Protection Agency (U.S. EPA)
 Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices. September, 2009.

http://www.epa.gov/oswer/docs/ghg_land_and_materials_management.pdf

**4.F-7
 CEQA
 Guidelines**

“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”

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.

**4.F-12
 second par.**

“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.”

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>4.F-17 Table 4. F-1 “Motor Vehicle Trips: 39,457”, and 4.F-18 Table 4.F-2, “Motor Vehicle Trips: 67,252”</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>4. F-21 Mitigation measures</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.</p> <p>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.</i> October 4, 2012</p> <p>http://www.icleiusa.org/tools/ghg-protocol/community-protocol/us-community-protocol-for-accounting-and-reporting-of-greenhouse-gas-emissions</p>

4.G: Hazards and Hazardous Materials

DEIR (Section; page #)	Comments
<p>General Comment</p>	<p>CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION ORDER NO. 01-041 of April 18,2001:</p> <p><i>“SITE WASTE DISPOSAL HISTORY</i> <i>16. The landfill was filled in three areas with refuse composed of primarily</i> <i>non-hazardous solid wastes such as rubble, municipal, and shipyard</i> <i>waste. The total volume of waste disposed of at the landfill is estimated to</i> <i>be 12.5 million cubic yards. Of this volume an estimated 73 percent was</i> <i>produced by residential and commercial activities, with inert fill accounting</i> <i>for approximately 25 percent, and the remaining 2 percent was assumed to</i> <i>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>4.G-1 Introduction</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>

<p>4.G-2 “Remedial action” or “remediation”</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>4.G-2-3 Soil, Sediment, Dust</p>	<p><i>“Soil, Sediment, Dust: People will be exposed to hazardous substances in soil, . . . children can be highly susceptible to exposure through these pathways.”</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 http://www.epa.gov/superfund/accomp/news/phyto.htm EPA <i>Brownfields Technology Primer: Requesting and Evaluating Proposals That Encourage Innovative Technologies for Investigation and Cleanup</i> http://www.clu-in.org/s.focus/c/pub/i/677/</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>

	<p><u>Sources</u></p> <ul style="list-style-type: none"> -"Memorandum on Environmentally Beneficial Landscaping," April 26, 1994. -Executive Order 13112 of February 3, 1999 - Invasive Species. -Scott Fredericks, U.S. EPA, (703) 603-8771, fredericks.scott@epa.gov. -See also research conducted at University of Washington
<p>4.G-3 par. 1-3</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>4.G-7 Detection Monitoring Program Investigation – 1987</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>4.G-7</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>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 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>4.G-7 Detection Monitoring Program Investigation 1987</p>	<p>A report by Dr. Fred Lee discusses Landfill Failure Issues in contaminated sediment. Reference: http://www.gfredlee.com/plandfil2.html#failure</p>
<p>4.G-4 thru -30</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>4.G-9 Air Quality</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>Solid Waste Assessment-1990</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. http://www.ejnet.org/landfills/</p>
<p>4.G-13 Wetland Mitigation Plan -2004</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>4.G-16 Leachate Management Plans 2002-2008</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>4.G-16</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>4.G-17 Landfill Groundwater, Surface-Water and Leachate Monitoring – 2002 - Present</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>4.G-18 Risk-Based Cleanup Levels</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>4.G-20</p>	<p>[Kleinfender 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>4.G-33</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>4-G-48</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>4-G-53</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>4-G-53</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>4.G-65</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>

	“harmless elements.”
4.G-76 & 4.G-100	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.
4.G-78 Par. 4:	<p>“<i>current issues to be addressed in future landfill remediation include ...</i>”</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>
General Comment	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
4.G-85	<p>OU2 “<i>Remedial Action Objectives established in the 2002 Revised RAP</i>”</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>
4.G-94 Par. 4	<p>“<i>The tanks are kept at atmospheric pressure and any damage would result in leakage rather than an explosion.</i>”</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>
4.G-97 Par. 1	The text of Title 27 California Code of Regulations can be found at http://www.calrecycle.ca.gov/laws/Regulations/Title27/ch1.htm#top 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

	hazards.
4.G-98	<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>
4.G-103	This conclusion is unsubstantiated.
Appendix H.3	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?
4.I-3 Surrounding Development	<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>
Regulatory Setting	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.
General Comment	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.

4.G-1 Introduction	<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>
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	<p><i>“CDM did not address the adequacy of the stormwater runoff monitoring from this area.”(pg</i></p>
<p>4.G-2 “Remedial action” or “remediation”</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>4.G-3</p> <p>Comment</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>4.G-10 Water Quality Solid Waste Assessment 1992</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>

	<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>4.G-9 Air Quality Solid Waste Assessment-19 90</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>4.G-13 Wetland Mitigation Plan -2004</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>4.G-16</p> <p>Leachate Management Plans 2002-2008</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>4.G-17 Landfill Groundwater, Surface-Water and Leachate Monitoring – 2002 - Present</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>4.G-18 Risk-Based Cleanup Levels</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>
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<p>4.G-18</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. http://water.epa.gov/drink/contaminants/index.cfm#List</p> <p>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>
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<p>4.G-20 Project Site Hydrology 2nd paragraph</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>
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	<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>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>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></p> <p>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>(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.</p>
4.G-21	<p><i>"1932 to 1967, when the area was operated as the Brisbane Landfill."</i> That is not the correct name of the operation. Brisbane did not exist until the 1960's.</p>
4.G-21	<p><i>"methane gas emissions... burned periodically in a flare."</i> 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.</p>
4.G-22 VOCs Bunker C Fuel	<p><i>"VOCs are numerous, varied, and ubiquitous."</i> Ubiquitous? Is this a condition of the Baylands or commentary on 21st Century life? Which VOC's? Where? In what quantities? This needs to be better described to be more effective for a planning tool.</p> <p>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.)</p> <p><i>"...residue used for Bunker C fuel may contain various undesirable impurities including 2 percent water and one-half percent mineral soil."</i> 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.</p>
4.G-23 Brisbane Landfill Paragraph 3	<p><i>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</i></p>

	<p>2012.)”</p> <p>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>”</p> <p>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>4.G-24 Table 4.G-1</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>4.G-25 Figure 4.G-2a Shallow Groundwater Contours</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>4.G-26 to 29 Figure 4.G-2b</p> <p>Figure 4.G-3</p> <p>Figure 4.G-5</p>	<p>Explain the purpose of these maps (pgs 25 – 29.)</p> <p>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 Visitation Creek.</p>
<p>4.G-30 1st paragraph</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"> ● 1.)“<i>Tidal influences or leakage between water-bearing zones</i>

	<p><i>may be the cause for this condition”</i></p> <ul style="list-style-type: none"> ● 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.” <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>4.G-31 1st paragraph</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>4.G-31 Leachate Generation</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>4.G-31 3rd paragraph</p>	<p><i>“thus cleanup levels ultimately approved by the Regional Water Quality Control Board may not reflect drinking water standards.”</i></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>4.G-32 and 33 Table 4.G-2 and Table 4.G-3</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 “<i>chemical compounds [are] not included in this table.</i>” 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>4.G-33 2nd paragraph</p>	<p>“<i>The landfill gas control system has been in place since at least 2002...</i>”</p> <p>The Waste Discharge Requirements and Abatement Order 01-041 states that the LFG system was installed “<i>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.</i>” (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>“<i>LFG control facilities at the former Brisbane Landfill were operating satisfactorily.</i>”</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>4.G-34</p>	<p>“<i>although other subsequent uses may have also contributed.</i>”</p> <p>Proper characterization of the site is important and those “<i>subsequent uses</i>” 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>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>4.G-35 to -47 Figures 4.G-6a through -6m</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>4.G-47 Current TCE Concentrations in Groundwater</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>http://www.envirostor.dtsc.ca.gov/public/final_documents2.asp?global_id=38340157&doc_id=60334140 (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>4.G-47</p>	<p>Since this section talks about “ a <i>machine shop, a powerhouse, a coach repair shop, a lumber shed, a storage shed, loading platforms, ...</i>” 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>4.G-48</p>	<p>“<i>Since 2008, groundwater monitoring...samples collected form all wells have been analyzed forand... (MTBE.)</i>” 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>4.G-49</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></p> <p>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>4.G-49 to -50</p> <p>Completed Environmental Remediation Investigations</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></p> <p>This is an incorrect assessment, even less so in 2011. There is an area that they call persistent and unresponsive to treatment.</p>
<p>4.G-50</p> <p>Table 4.G-4</p> <p>1st paragraph</p>	<p><i>“TPH mostly Bunker C Oil (Aug. 2006)”</i> and the BTEX tests.</p> <p>Is this for OU-1 or OU-2? Please disclose the location of the wells and reference to appropriate maps.</p> <p><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></p> <p>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.</p> <p>What are the “foreseeable future” plans of this groundwater treatment system? Are more needed to be created for other areas?</p>
<p>4.G-51</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>4.G-52</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></p> <p>This is a different way describe the “Oil Tank Area” as an “oil tank farm operation?”</p> <p>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>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>4.G-52</p>	<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></p> <p>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>4.G-53</p>	<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></p> <p>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>Table 4.G-5</p>	<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>4.G-54</p>	<p><i>“ Remedial Action plans for OU-2 were originally proposed by the landowner... then revised in the 2004 Interim Remedial Measures (IRMs)”</i></p> <p>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>4.G-54</p>	<p><i>“The Recology site is partly located over former landfill...”</i></p> <p>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>4.G-56 SF Household Hazardous Waste Facility</p>	<p>Details are lacking here. Namely, whether any violations or spills have been identified or reported.</p> <p>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>4.G-58 Figure 4.G-7</p>	<p>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 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.</p> <p>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>4.G-59</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>4.G-60</p>	<p>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.</p> <p>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.</p>

	<p>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.</p> <p>It should be noted that this project is also described on page 4.G-64 as “<i>Kinder Morgan/SFPP/Brisbane Terminal (also known as Kinder Morgan Tank Farm) (Map ID#S177-194, 950 Tunnel Avenue).</i>”</p>
<p>4.G-61 Sierra Point Landfill</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>
<p>4.G-61</p>	<p><i>“open cases overseen by the Regional Water Quality Control Board...”</i> San Mateo County Department of Environmental Health oversees LUST’s.</p>
<p>4.G-63</p>	<p>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.</p>
<p>4.G-65 2nd and 4th paragraphs</p>	<p><i>”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.”</i></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 “<i>harmless element[s]</i>”</p> <p>There is also no mention of the source of the plume (s), which was an</p>

	<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>4.G-77 Impact Assessment Methodology General Approach</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>4.G-78 Remedial Actions on the Project Site</p> <p>3rd bullet</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>4.G-79-80</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>Landfill Final Cover System</p>	<p>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.</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>4.G-80</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>4.G-80 Surface Water Management</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>System</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>4.G-80 Post-Closure Monitoring and Worker Safety</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>4.G-81 Proposed Remedial Actions OU-1</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 “<i>excavation and onsite treatment</i>” 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>“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>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” _ 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.</p>
<p>4.G-83</p>	<p>Zap and Burn-- Plasma arc centrifugal and Smoking Bar-b-que Crud</p>

<p>Plasma Arc and Smoldering Treatments</p> <p>In-Situ</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>4.G-84 Vapor Intrusion Minimization</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>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.</p>
<p>4.G-84 Capping</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>4.G-84 Inst. Controls</p>	<p><i>“No first floor residences or daycare facilities should clearly be stated for all scenarios.</i></p>
<p>4.G-86</p> <p>Significant Hazard to the Public or Environment</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>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>4.G-86 to 87 Project Construction</p> <p>Mitigation Measure 4.H-1a (Hydrology)</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 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.</p>
<p>4.G-87 Project Operations</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>4.G-88</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><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>4.G-89</p> <p>Conclusion</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>4.G-90 Impact 4.G-2 “foreseeable upset”</p> <p>Construction</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>

	<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>4.G-91</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>4.G-92 Conclusion</p> <p>4.G-2a Confirm Achievement of Remediation</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>Goals</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>4.G-93 4.G-2b Soil and Groundwater Management Plan</p>	<p><i>“temporary dewatering activities...”</i> 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. As stated earlier, Dr. G.F. Lee recommends an independent body to assess and oversee design, performance, and maintenance of remediation systems.</p>
<p>4.G-2c Master Deconstruction and Demolition Plan</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>4.G-2d NPDES Permit</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>4.G-94 Operation Kinder Morgan Bulk Terminal</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>4.G-95 Mitigation Measure 4.G-2e</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>Hazardous Materials Plan</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.)</p> <p>A mitigation measure requiring redesign of the containment system(s) or requirement of protective safety “blast” setback zones should be developed.</p>
<p>4.G-96</p>	<p>“ <i>[Hazardous Materials Business Plan] the potential for accidental releases... would be minimized....will be reduced to a less-than-significant level.</i>” This is not correct.</p>
<p>4.G-96 Soil Gas and Vapor Intrusion</p>	<p>“...<i>the former Brisbane Landfill are still undergoing decomposition... which creates landfill gases.</i>”</p> <p>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>4.G-97</p>	<p>“<i>only benzene has been identified at the Brisbane Landfill...</i>” 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.</p> <p>Again, there is no mention of the location and impacts of the methane flare.</p>
	<p>“<i>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...</i>” 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>4.G-98 Mitigation Measure 4.G-2f 4.G-2h</p>	<p>“<i>proposed underground utilities and utility vaults located within 500 feet of the landfill footprint...</i>”</p> <p>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.</p> <p>“<i>shall incorporate sub-slab vapor barriers to minimize potential vapor intrusion...</i>”</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?</p> <p>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>4.G-99 Impact 4.G-3 .25 miles of a school</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>4.G-101 Conclusion Impact 4.G-5</p>	<p>There does not appear to be any mitigation measure named 4.G-1a and 4.G-1b.</p> <p>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>4.G-102 Impact 4.G-6 Emergency plan</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>

4.H: Hydrology and Water Quality

DEIR (Section; page #)	Comments
<p>P. 4. H-5, Par. 1-2; Surface Water Quality</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>4.H-5 par. 3</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>4. H-36, 37</p>	<p><i>“[under existing conditions, during a 100-year design storm event, the</i></p>

<p>Fig. 4.H-3 100-Year Flood Zones & 4.H-9 Fig. 4.H-4 Projected Sea Level Rise</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>4. H-16,17 Hydrology- and Water Quality- Related Policies and Programs</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"> (1) Policy 130: <i>Conserve water resources ...</i> (2) Policy 133 <i>“Reduce the amount of sediment ...</i> (3) Policy 134 Program 134c <i>Encourage wetlands restoration projects ...</i> (4) Policy 134 Program 134d <i>Utilize wetlands restoration projects ...</i> <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>4. H-13 Stormwater Pollution Prevention Plans Paragraph 4</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><i>“A point source discharge usually refers to waste emanating from a single, identifiable point.”</i></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>4. H-29 Mitigation Measures 4. H-4a and 4. H-4b</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>4. H-21 Contaminated Groundwater Encountered During Construction</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>4. H-40 Mudflow Impacts</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>4. H-37 Flooding Due to Sea Level Rise Par. 4</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>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>
General Comment	<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>

4.I: Land Use and Planning Policy

DEIR (Section; page #)	Comments
4.I-1 Historic Setting	<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></p> <p>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>
4.I-2 Other project Site Features last par.	<p><i>“to the west of the rail corridor is Icehouse Hill, most of which is undisturbed natural area.”</i></p> <p>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>
4.I-3 Surrounding Development Regulatory Setting	<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.</p> <p>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>
Par 2. & 3 San Francisco Bay Plan	<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></p> <p>Such potential “responsible” uses should be identified and prioritized.</p>
4.I-6 Plan Bay Area Par. 2	<p>The Sustainable Communities Strategy <i>“aims to reduce greenhouse gas emissions from cars and light trucks.”</i></p> <p>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>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>
Par. 3	<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>
4.I-7 Figure 4.I-2	<p>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.</p>
4.I-8	<p>Are the Plan Bay Area projections consistent with the Brisbane’s General Plan?</p>
4.I-10 Zoning Ordinance	<p>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.</p>
4.I-10	<p>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.</p>
4.I-10	<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><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>4.I-12 Par. 1</p> <p>Par. 2</p>	<p>Historical marshlands should be included in the preservation defining features.</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>4.I-14 Par. 3</p>	<p>There will be considerable conflicts with physically dividing the community, our General Plan and Habitat conservation.</p>
<p>4.I-13</p>	<p>An update of the former plan to relocate the Cow Palace to the Baylands is necessary.</p>
<p>4.I-13 Par. 2</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>4.I-29 Table 4.I-1, Policy 166</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>4.I-34 Table 4.I-1, Policy 208</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>4.I-51 1st par.</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>

4.I-53 Impacts of Proposed Lumberyard Relocation	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
General Comment	All noise measurements should include a variety of wind directions, times of days, and seasons.
4.J-6 Sensitive Receptors	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.
Fig. 4.J-1	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.
4.J-7 Fig. 4-J-1	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).
4.J-10 Local Regulations Policy 179	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?
4.J-6 4.J-11 Fig. 4.J-1 Fig. 4.J-3	Noise measurements at site 7 already measuring CNEL of 70, “Normally Unacceptable,” requiring detailed analysis of noise reduction mitigations.
4. J-12 Table 4. J-2 and last paragraph	<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>
4. J-13 Impacts and Mitigation Measures Significance	Appendix G of CEQA guidelines indicates a potential significant effect on the population of Brisbane with all of the following... -Exposure of persons to ...noise levels in excess of standards established in ...the City of Brisbane...

Criteria	<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>
4.J-14-15 Exposure of Persons to or Genera- tion of Ground- borne Vibra- tion	<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>
4.J-16 Sub- stantial Temporary or Periodic Increases in Noise Levels in Vicinity of Project Site	<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>
4.J-16 Exposure of People to Excessive Airport Noise	<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>
4.J-17 Project Im- pacts and Mitigation Measures DSP and DSP-V	<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>
4.J-22 Impact 4.J-2:	<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>

4.J-23 Vibration Effects on Buildings Par. 2 &3	<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>
4.J-23 On-site Pro- posed Re- ceptors	<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>
4.J-24 Off-site Ex- isting Recep- tors	<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>
4.J-24 Exposure of People to Vi- bration from Rail Opera- tions	<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>
4.J-25 Impact 4.J-2b	<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>
4.J-25 Miti- gation Mea- sure 4.J-2a	<p>References to studies of residential developments successfully mitigating vibration through methods cited should be provided.</p>
4.J-25 Miti- gation Mea- sure 4.J-2b p.2	<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>
4.J-26 Traf- fic Gener- ated Noise Par. 1 Table 4.J-4	<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>
4. J-26 Table	<p>Significant but Mitigable is listed for DSP-V, but leaves out an explanation of how the noise will be produced.</p>
4.J-28 Miti- gation Mea- sure 4.N-13	<p>Need to identify what “other roadways” are being referenced in statement asserting that impact of increased noise would be less than significant.</p>

4.J-29 Mitigation Measure 4.N-13 Par. 1	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.
4.J-32 Table 4.J-7 Typical Construction Activity Noise Levels	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.
4.J-33 Construction Noise Impacts to On-site Receptors Par. 1	<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>
4.J-33 Construction Noise Impacts to On-site Receptors Par. 2-3	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.
4.J-33 Mitigation 4.J-4A	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.
4. J-34, Conclusion	<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>
4.J-34 Table 4.J-8	The list of equipment causing noise omits pile driving, and should be included.
4.J-34	There is no Mitigation measure “below,” as cited in paragraph.

Mitigation 4.J-5B Par. 1	
4.J-34 Mitigation 4.J-4a	<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>
4. J-35 Mitigation	<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>
4. J-35 Mitigation	<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>
4.J-35 Mitigation 4.J-4b	<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>

<p>4. J-36 Conclusion with Mitigation:</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>4. J-36 DSP, DSP-V, CPP and CPP-V</p> <p>Impact 4.J-5</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>4.J-36 Impact 4.J-5 Par. 2</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>

4.K: Population and Housing

DEIR (Section; page #)	Comments
<p>4.K-1 Introduction 2nd par.</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>4.K-1 Introduction 2nd par.</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>Also, <i>“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 remove the contamination and replace with clean fill. 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>4.K-1- Introduction 3rd par</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>

	<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>4. K-1 Introduction 3rd par</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>4. K-1 Introduction 3rd par</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>4. K-2 1st Par. Environmental Setting Regional Housing Conditions</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>4. K-2 2nd & 3rd par. Table 4. K-2 Regional Housing Conditions</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>4. K-5 1st par</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>& Table 4.K=4 Area Population and Housing Growth Rates</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>4. K-5 1st par. Regional Employment Conditions</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>4. K-5 2nd par Regional Employment Conditions</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>4. K-7 Environmental Settings Employed Residents and Jobs/Housing Relationship</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>4. K-7</p>	<p>Current and projected job “richness” in Brisbane is speculative at best.</p>

<p>5th 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>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>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>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>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>4. K-13 2nd 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><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>
<p>4. K-13 Regulatory Setting</p> <p>4. K-3 4th & 5th par,</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>
<p>4. K-14 Fig. 4. K-1</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>
<p>4. K-15 Table 4. K9 Plan Bay Area Employment and Household Projections</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>
<p>4. K-15 1st & 2nd par. State Regulations</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>

<p>Senate Bill 375</p> <p>Fig. 4.K-1</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>4.K.15, 4.K-18, 4.K-19 Table 4.K.9</p> <p>Regulatory Setting</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>4. K-16 1st par. State of California Housing Element Requirements</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>4. K-16 2nd par.</p>	<p>The subregion is addressed both by SMC and the bi-county SF/SMC PDA.</p>
<p>4. K-16 3rd par. Local Regulations City of Brisbane General Plan</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>4. K-17 Chapter IV: Local Economic Development</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></p> <p>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>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.</p>
<p>4.K-19 Regulatory Setting Local Regulations</p>	<p>Allocations for the 2014-2022 Brisbane General Plan Housing Element, fifth cycle, finalized and adopted in 2013, should be cited in this section.</p>
<p>4. K-22 top of page. Impacts and Mitigation Measures Significance Criteria</p>	<p>No data in this section references the long-term effects of populations living in “remediated” brownfield sites. References to such studies should be included.</p>
<p>4.K-23 Footnote 18</p>	<p>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></p> <p>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.</p>
<p>4. K-23 Top of page</p>	<p><i>Incommuting</i> will be necessary as Brisbane has been identified already as a “<i>jobs rich</i>”, “<i>importer of labor</i>”. (4.K6 1st par.)</p> <p>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.</p>
<p>4.K-23 Regulatory Setting DSP Scenario: Jobs Footnote 18:</p>	<p>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.</p>

<p>4.K-27 Regulatory Setting Residential Households</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>4.K-28 Regulatory Setting DSP-V Scenario Jobs</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>4.K-28 2nd par.</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 Brisbane²⁰ or substantially reducing the buildout represented in project alternatives²¹, 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>4. K-32 4th par. Conclusion</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>Comment on Section</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>

	support the housing.
Chapter XII: Policies and Programs by Subarea	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.

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

Staffing	BFD?
4.L-9	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.
4.L-12 Regulatory Setting Local Regulations	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.

4.M: Recreational Resources

DEIR (Section; page #)	Comments
4. M-2 Table M-1	<p>Mini Parks – Public:</p> <p>The Dog Park should be included on this list</p> <p>The Community Garden should be included on this list.</p> <p>The Fisherman’s Park at the Lagoon should be included on this list.</p> <p>The terrace at the Mission Blue Center should be included.</p>
4. M-2 Table M-1	<p>Neighborhood Parks – Public.</p> <p>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.</p> <p>The baseball field and tennis court at the Mission Blue Center should be included and included in Fig. M-1</p>
4. M-2 Table M-1	<p>Linear Parks – Public.</p> <p>This list, and Fig. M-1, should include</p> <ul style="list-style-type: none"> -- 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	<p>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.</p>
4. M-5; Candlestick Point State Rec. Area, Par. 1	<p>No “gardening opportunities offered” at this location are known to exist. Documentation needed</p>
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>

	<p>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.</p>
<p>4. M-8, Recreational Resources, Par. 1</p>	<p>The City Council is scheduled to consider updating the Open Space Element of the General Plan of 1994.</p>
<p>4. M-15, Roundhouse Green</p>	<p>Examples of the types of “renewable energy research” at the Roundhouse should be given.</p>
<p>4. M-16, Visitation Creek Park (East)</p>	<p>Descriptions of “community gardens” and “groves”.should be provided.</p>
<p>4. M-16, Visitation Creek Park (West)</p>	<p>Descriptions and diagrams of the proposed “small amphitheater” as well as “community gardens in raised beds.” should be provided.</p>
<p>4. M-16, South Visitation Park</p>	<p>Need a description of “vegetative habitat areas”.</p>
<p>4. M-17, Lagoon Park</p>	<p>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.</p>
<p>4. M-17, Charter High School:</p>	<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>
<p>4. M-18, Charter High School / Community Use Area</p>	<p>Baseball and football/soccer fields should be included.</p>

4. M-18	<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 http://www.brisbaneca.org/community-visioning-workshops</p>
4. M-19, Group Use Area	Barbeque facility, Bocce Ball court and Baseball field should be included.
4.M-19 Commercial Land Use Area	The proposed potential alternative land use of this site as a 9-hole golf course should be listed.

<p>4. M-20</p> <p>vs.</p> <p>4. I -50</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>
4. M-26 Conclusion	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.
4.M General Comment	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.

General Comment	Adequate public safety must be implemented in all areas of recreation.
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4.N: Traffic and Circulation

DEIR (Section; page #)	Comments
4.N-1 Introduction	<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>
4.N-1 Introduction Footnote 1	What future development projects were included in analysis of “cumulative conditions” representing year 2030 conditions?
4.N-1 Freeways	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.
4.N-4 Local Roadways Para. 3 Bullet Pt. 1,2	<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>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>4.N-7 Existing Intersection Operations Par. 1 Location #6 and Figure 4.N-3</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>4.N-7 Existing Intersection</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>

<p>Operations Par. 2</p>	<p><i>“...traffic counts provide an appropriate, conservative baseline for the purposes of the traffic impact analyses undertaken in this EIR.”</i></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>4.N-11 and able 4.N-4</p>	<p>Contradiction in statement, <i>“As shown in Table 4.N-4, all analysis segments currently experience LOS E or LOS F conditions during the commute periods...”</i></p> <p>Table 4.N-4 does not in fact show any LOS F conditions.</p>
<p>4.N-12 Table 4.N-4 Existing Freeway Mainline Operating Level of Service Conditions</p>	<p>Existing freeway conditions are all LOS “D” and “E”, with Level “E” indicating operations at capacity.</p> <p>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”, <i>“Volumes exceed capacity causing bottlenecks and queue formation.”</i></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>4.N-15 San Mateo County Transit District (Sam Trans) Bullet Pt. 1</p>	<p>Route #292 also stops at Bayshore Blvd. and Industrial Way. This must be included as one of the service stops.</p>
<p>4.N-19 Bicycle Facilities</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>

	Brisbane are inadequate and dangerous. Safe bicycle lanes should be provided, and ideally separated from traffic by trees or a landscaped area.
4.N-21 Local Facilities Bullet Pt. 1	Last sentence should read “Bayshore Blvd.,” not “Brisbane Boulevard.”
4.N-21 Footnote 4	Metropolitan Transportation Commission (MTC) 2000 Bay Area Travel Survey is outdated and should be replaced with more current, seasonally-adjusted information.
4.N-22 Project Site Facilities	Funding source for new Bay Trail segments should be cited.
4.N-23 Project Site Facilities	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.
4.N-24 Local Programs Para. 1	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?
4.N-25 Local Programs Para. 2 Bullet Points	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.
4.N-25 Project Site Programs	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.
4.N-27 San Mateo County Congestion Management Program (CMP)	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.

<p>4.N-38 Bicycle Policies, Programs, and Funding</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>4.N-40</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>4.N-46 Bayshore Intermodal Station Access Study Improvements</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>4.N-48 Figure 4.N-10 Bayshore Intermodal Station Access Study (Alternative 2)</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>4.N-49 Fig. 4.N-11</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>4.N-51 SF-Champ Model Growth Projections</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>4.N-51 Footnote 10</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>

	several development proposals recently receiving approval.
4.N-52	<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>
4.N-53 Roadway Improvements Figure 4.N-13	<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>
4.N-53 Bullet Pt. 3	<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>
4.N-54 Fig. 4.N-12 and 4.N-57 Fig. 4.N-15	Caltrain station shown north of Beatty on 4.N-12 and South of Beatty on 4.N-15. Maps need to have uniformity.
4.N-55 Figures 4.N-13 and 4.N-14	“Tunnel Road” should read “Tunnel Avenue.”
4.N-57 Fig/ 4.N-15 DSP/DSP-V and 4.N-58 Fig. 4.N-16 CPP/ CPP-V Proposed Transit	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.

Circulation	
4.N-59 Par. 2	<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>
4.N-60 Proposed Transit Access	The number of pedestrian/bicycle overpasses and bridges cited is inadequate, especially for the disabled, and further study is needed.
4.N-61 Par. 2, 3	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.
4.N-65 Table 4.N-8 Pedestrian Components for the DSP and DSP-V Scenarios	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.
4.N-66 Transportation Demand Management (TDM) Program Para. 1, 2	<p>TDM program relies on voluntary participation and compliance cannot be assured.</p> <p>The impact of inadequate TDM programs should be described.</p>
4.N-66 TDM Program	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.
4.N-66 Jobs-Housing Linkage	<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>

	<p><i>relocation assistance to employees who agree to become Brisbane residents</i>” is speculative. Since business on the site is undetermined, these statements are baseless.</p>
<p>4.N-66 Streets Designed for Alternative Transportatio n Modes</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 <i>“All new streets and intersections within project site would be designed in consideration for the convenience and safety of pedestrians and bicyclists.”</i></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 <i>“convenient alternatives to driving from and within the project site”</i> is not substantiated.</p>
<p>4.N-67 Encourage Walking</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>4.N-67 Implementatio n and Monitoring Strategies</p>	<p>The DEIR needs to describe what <i>“modal split goals”</i> means.</p> <p>Explain <i>“conduct employees and visitor travel surveys on bi annual basis.”</i></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>4.N-67 Implementatio n and Monitoring Strategies</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>4.N-68 Transit Strategies</p>	<p>Strategies listed assume employers and residents willingness to participate.</p>
<p>4.N-68 Support Strategies</p>	<p>One “off-street” parking space per dwelling assumes voluntary compliance and will be unenforceable.</p> <p><i>“Guaranteed ride home services for employees paid for by employers”</i> is speculative and nothing ensures participation.</p> <p><i>“Reduced cost memberships in City Car Share Memberships (or similar) for employees and residents”</i> is unfounded as no evidence shown that such</p>

	agreements have been secured.
4.N-69 Parking Strategies	<p>Unbundled parking will encourage street parking (free). There is no way to enforce the “single off-street space.”</p> <p>Brisbane does not have a residential parking permit program and that would have to be approved by the City.</p> <p>Need definition of “parking technologies” and “parking wayfinding”.</p>
4.N-69 Parking Par. 2	Need clarification whether on-street visitor parking refers to residential areas, commercial, or both.
4.N-69 Parking Roundhouse District	<p>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.</p>
4.N-70 Parking East Geneva District	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.
4.N-70-71	<p>Unclear whether office, research & development assumes visitors will use on-street parking only and must be clarified.</p> <p>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.</p>
4.N-72	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.
4.N-73 Pass-By Trips Bullet Pt. 1	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.
4.N-73 Non Pass-By	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)

Trips	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).
4.N-73 Par. 2	“Sam Francisco” should read “San Francisco”.
4.N-74 #3 Trip Distribution and Assignment a. Metropolitan Transportatio n Commission	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. A list of “Superdistricts” in a table format would be helpful here. Table should indicate the neighborhoods contained in each Superdistrict.
4.N-74 b. Candlestick/ Hunters Point EIR	The Candlestick/Hunters Point EIR is not relevant to this project. Characteristics of Baylands are different and unique.
4.N-74 c. Bay Area Travel Survey 2000 (BATS 2000)	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.
4.N-74 d. C/CAG Travel Demand Model	Need to clarify date of C/CAG TDM. Unclear what adjustments were made to “land use inputs” or basis for specific changes.
4.N-74 e. San Francisco Transportatio n Impact Analysis Guidelines	Data was compiled specifically for San Francisco has no relevance. San Mateo County congestion management data should be included.
4.N-76 4. Mode Share	Future transit expansions have no level of service guarantees.

4.N-76 Para. 2	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.
4.N-76 Footnote 12	Using San Francisco guidelines is not relevant to this site. San Francisco has its own unique commercial, retail and residential characteristics and requirements.
4.N-77 Para. 2	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.
4.N-77 Table 4.N-14 and Table 4.N-15 Peak Hour Vehicle trip Generation DSP, DSP-V, CPP, CPP-V	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.
4.N-77 Table 4.N-16	<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>
4.N-77 Table 4.N-17	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?
4.N-83 Par. 1, 2	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.
4.N-83 Arena Trip Generation (DSP-V	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.

Scenario Only)	<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.</p> <p>Brisbane residents depend on this transit corridor to get home, and it will be severely impaired. This is an unmitigable and unacceptable condition.</p>
4.N-85 Loading Demand	<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>
4.N-87 Table 4.N-21 Transit Trip Distribution by Transit Corridor	<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>
4.N-89 Transit Rip Assignment (PM Peak Hour Trips) Table 4.N-24	<p>Site will significantly impact Muni westbound public transportation (serves Balboa Bart station). The existing line is crowded.</p> <p>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>
4.N-90 Traffic conditions existing plus project	<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>
4.N-90 Footnote 15	<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>
4.N-91 Intersection Level of Service - Existing Plus	<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.</p> <p>This is a major northbound access. All impacts at Bayshore Avenue</p>

<p>Project Conditions - Weekday AM Peak Hour #6 Sierra Point Parkway / US 101 NB Ramp</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>4.N-91 Intersection Level of Service - Existing Plus Project Conditions - Weekday AM Peak Hour #4 Old County/ Bayshore Blvd.</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>4.N-91 Intersection Level of Service - Existing Plus Project Conditions - Weekday AM Peak Hour #5 San Bruno Ave./Bayshore Blvd.</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>4.N-91 #12 Tunnel Ave. /Bayshore Blvd.</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>4.N-93 Table 4.N-26</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>

<p>Intersection Level of Service - Existing and Existing Plus Project Conditions - Weekday PM Peak Hour #12 Tunnel Avenue/ Bayshore Blvd.</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>4.N-95 Footnote 16</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>4.N-95 Mitigation Measure 4.N-1a Impact at Geneva Avenue and Bayshore Blvd.</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 (Response7-14 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>

	Note: “Building permit” should replace phrase “occupancy permit” in mitigation measure.
4.N-97 Mitigation Measure 4.N-1b	<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: “<i>Performance standard rather than a prescriptive mitigation measure is proposed.</i>” Unclear as stated.</p>
4.N-98 Mitigation Measure 4.N-1c	<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>
4.N-99 Mitigation Measure 4.N-1d	<p>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.</p>
4.N-99-100 Mitigation Measure 4.N-1e Impact at Tunnel Avenue and Bayshore Blvd. (Intersection 12)	<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>
4.N-101 Table 4.N-27	The assertions made in the table appear understated. Methodology for reaching conclusions needs to be cited. With access to site limited to

	<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>4.N-102 Mitigation Measure 4.N-1f</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>4.N-102-103 Intersection spacing along the Geneva Avenue extension (DSP and DSP-V Scenarios) Mitigation Meas. 4.N-19</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>4.N-104 Par. 1</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>4.N-104-105 Table 4.N-28 US 101 Mainline Segment Level of Service -Existing and Existing Plus Project</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>Conditions</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>4.N-106-107-108 Traffic Conditions (Cumulative With Project) Table 4.N-29 and Table 4.N-30</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>4.N-109-113 Traffic Impact: Intersections Tables 4.N-31 and 4.N-32</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>4.N-114-116 Mitigation Measure 4.N-3a</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>4.N-116 Impact at Old County & Bayshore Blvd. (Intersection</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>4) Mitigation Measure 4.N-3b</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>4.N-117 Impact at Sunnydale Avenue & Bayshore Blvd. (Intersection 15)</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>4.N-118 Overall Conclusion for Impacts at Bayshore Boulevard Intersections</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>4.N-118-119 Impact at Sierra Pt. Parkway & US 101 Ramps (Intersection 6) Mitigation Measure 4.N-3c</p>	<p>Unclear whether projected development at Sierra Point was included with this analysis.</p>
<p>4.N-119 Impact at Lagoon Way & Tunnel Avenue (Intersection 7)</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>

<p>4.N-120 Impact at Lagoon Way & Sierra Point Parkway (Intersection 8) Mitigation Measure 4.N-3e</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>4.N-120 Impact at Geneva Ave./US 101 SB Ramps (Intersection 9) Mitigation Measure 4.N-3f</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>4.N-121-123 Mitigation Measures 4.N-3g and 4.N-3h</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>4.N-123-124 Intersection Spacing along the Geneva Avenue Extension</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>4.N-124-125 Impact 4.N-4 Would projects contribution to future</p>	<p>4.N-124 states: <i>“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.”</i></p> <p>While statement is correct it is misleading.</p>

<p>cumulative impact at freeway mainline segments be significant Table 4.N-33</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>.</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>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</p>	<p>Cite basis for statement that “<i>sold-out events with 17,000 attendees occurring during weekday evenings would likely be infrequent.</i>”</p> <p>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>4.N-132 Impact on Bart Capacity</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>4.N-135 San Francisco Transit Screen lines</p>	<p>Data on table is from 2010 and more current figures must be sourced and listed.</p>

Table 4.N-40	
4.N-135 Tables 4.N-40-44	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.
4.N-138 Impact on T-Line and San Bruno Avenue Transit Corridors	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.”
4.N-138-139 Impact on Geneva Avenue Transit Corridor	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.
4.N-139 Mitigation Measure 4.N-7	“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.
4.N-140 Transit Impact: Transit Operations	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.
4.N-142	<i>Pedestrian Access (Existing plus Project and Cumulative With Project)</i> Additionally some streets should be pedestrian only streets/squares with parking away from the area to create a people-friendly destination.
4.N-142 Pedestrian access	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

<p>Mitigation Measure 4.N-10 Bullet Pt. 2</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>4.N-145 Construction Impact 4.N-12 Mitigation Measure 4.N-12</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>4.N-146-147 Conflict with an Applicable Transportation Demand Management Program (C/CAG) Mitigation Measure 4.N-13 Table 4.N-45</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>4.N-147</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 triggering the C/CAG requirement to mitigate the impacts of these trips. “[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>4.N-150</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>

	<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>4.N-150 Result in Inadequate Emergency Access</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>4.N-150 Loading Mitigation Measure 4.N-17</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>

4.O: Utilities and Service Systems

DEIR (Section; page #)	Comments
4.O-6 Water Supply	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
4.O-11 Water Supply	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?
4.O-47 Table 4.O-3 (See also 2-10)	<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.
4.O-58 Table 2-1 Air Quality	<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.
4.O Table 2-1	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.
4.O Table 2-1	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.
4.O-47 Table 2-1	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.
General Comment (See also 3-18)	<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.

<p>General Comment (See 4.E-34)</p>	<p>All underground utilities must take into account site specific conditions, such as corrosive landfill materials.</p>
<p>General Comment (see 3.-65 top of page)</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>4.-O-6</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>4.O-15</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>

4.P: Energy Resources

DEIR (Section; page #)	Comments
<p>4. P-1, par. 2 Regional Energy Infrastructure</p> <p>Electricity</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&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>4. P-4. State Regulations</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>4. P-4. Footnote 3 State Regulations: Title 24;</p> <p>4. P-8 Local Regulations: Brisbane Municipal Code; & p. 1166 Cumulative Impacts;</p> <p>4. P-18, par. 2 Conclusion; Mitigation Measure; and</p> <p>4. P-2a; par. 1, Conclusion with Mitigation</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>4. P-10 Impact Assessment Methodology</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>

	<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 feasible both technically and economically [bolding added].</p>
<p>4. P-11 par. 2 Proposed Energy Infrastructure</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&E power would be used only when needed. 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>
<p>4. P-13, par. 4 Impacts of Installation of Energy Infrastructure</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>
<p>4. P-15 Table 4.P-1</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>
<p>4. P-19 Table 4. P-2 also 6-49 Cumulative Impacts</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>

	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.
4.P -20 par. 4 Mitigation	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.

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, economic viability, availability of infrastructure, property control (ownership), and consistency with applicable plans and regulatory limitations</i>” [bolding added]</p> <p>CEQA 15126.6: <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, or would be more costly.”</i></p> <p>CEQA 15131 Economic and Social Effects: <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>

5-7	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.
5-23 Population and Housing	<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>
5-28 par. 2 par. 5 cf. 5-29 par. 4	<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>
5-32	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&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.
5-34-36 Tables 5-6 also 5-43 par. 5	All calculations of emissions and GHG from construction and operation of the Renewable Energy Alternative development should include the beneficial reduction of emissions and savings in total energy use resulting from the proposed PV and wind power energy production at the site.

<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>5-40 par. 2</p>	<p>Due to the unavoidable, highly significant unmitigated negative impacts on traffic and pollution levels resulting from outside developments recognized here and elsewhere, a Baylands alternative that can add environmental, social, and economic benefits such as energy and job generation, should be included here as regionally balancing plan.</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>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.” http://www.resilience.org/stories/2013-04-25/solar-energy-this-is-what-a-disruptive-technology-looks-like</p> <p>See also: http://inhabitat.com/worlds-first-molten-salt-solar-plant-produces-power-at-night/2/</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>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: Report on the Adequacy of the Investigation/Remediation of the Brisbane Baylands UPC Property Contamination Relative to Development of this Property by Dr. Fred Lee; an exhaustive analysis of the required mitigations of the contaminated site.</p>

**5-57 to 5-62
Reduced
Intensity
Mixed Use
Alternative**

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.)

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 & 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.

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 & housing, recreational resources, or public services. The record must be corrected to show the true extent of the impacts compared.

Table 5-3

**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..





Chapter 6: Cumulative Impacts

DEIR section page No.	Comments
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.
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>
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.
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>
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?
6-9 Table 6-2, Project 3	The Northeast Ridge development project has been completed. Thus, the table should be updated to reflect this.
6-9 Table 6-2	As previously mentioned, a Highway 101 widening project should be included as an necessary mitigation in this table.

<p>6-11 Table 6-2, Project 21</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>6-18</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>6-28 thru 6-29</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>6-32</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>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>6-41 Last par.</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>6-42 (also 4.M)</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><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>
6-45	<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>