

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,