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Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 40 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the City of Big Bear Lake and City of San Fernando. I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects. Several recent assignments are highlighted in the enclosed resume.

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Description of the Proposed Yosemite Slough Bridge

Page II-38 of the Project Description in the Draft EIR describes the proposed 81-foot wide, 900-foot long Yosemite Slough Bridge as having "...two dedicated 11-foot wide BRT lanes and a separate 12-foot wide Class I bicycle and pedestrian facility which would be open at all times. The bridge would also have a 40-foot wide greenway which would be converted to four peak direction auto travel lanes on 49ers game days only. Those four lanes would be open on game days to vehicle traffic in the peak direction of travel. The roadway would be planted with grass and would serve as an open space amenity on all non-game days."

47-103

Page III.D-46 of the Transportation and Circulation Section of the Draft EIR provides further information regarding this facility by stating:

- "The Yosemite Slough Bridge would not be used for vehicular traffic at any other time, including secondary events at the new stadium."
- "The Yosemite Slough Bridge is a fundamental component of the proposed BRT service between Hunters Point Shipyard and points to the west including Candlestick Point, the Bayshore Caltrain station, and the Balboa Park BART station. It... is designed to be "rail ready" (not to preclude possible conversion to light-rail)."
- "The bridge sidewalk and Class I bicycle path would provide a direct connection between Candlestick Point and Hunters Point Shipyard for pedestrians and bicyclists at all times, and would reduce the potential conflicts between BRT vehicles and motorists, pedestrians and bicyclists."
- During game days, the 40-foot wide landscaped median would serve as the primary and most direct route between the stadium parking areas and US-101. This would... reduce the duration of post-game congestion."

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This project description, as discussed further below, is inadequate as it (i) fails to indicate that the alleged traffic need for the bridge would change if the new 49ers stadium is not built; (ii) omits reasonably foreseeable future uses of the bridge; and (iii) fails to indicate that the bridge might be used for two NFL teams or otherwise change under project variants.

47-103
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Yosemite Slough Bridge Issues

Based on the information provided in the Draft EIR and the Transportation Study, my review indicates the following traffic issues and areas of concern regarding the proposed Yosemite Slough Bridge component of the Proposed Project:

47-104

1) Yosemite Slough Bridge Is Not Necessary to Accommodate Project Traffic

- a) Eleven Exiting Game Day Traffic Lanes Can Be Provided in Other Ways - In addition to the 11 reversible lanes shown on Figure II.D-13, two contra-flow lanes are proposed on surface streets to provide access to the area in the opposite direction during the 2 two-hour periods of peak demand to and from the new stadium. While the contra-flow lanes provide a convenience, they are not required for other purposes such as providing emergency services.

On 49ers game days, emergency vehicle access in to and out of the area is planned to occur in the two transit lanes on Palou Avenue. Localized police and fire/emergency medical services within the Project are also proposed. According to Page VI-49 of the Draft EIR analysis of "No Bridge" (Alternative 2), additional police facilities would be funded by the applicant and "...the SFPD would maintain acceptable levels of police service... This impact is considered less than significant, similar to the project." According to Page VI-49 of the Draft EIR analysis of "No Bridge" (Alternative 2), additional fire and emergency medical facilities would be funded by the applicant and "...access strategies for game day and non-game day scenarios would be required pursuant to the SFPD's plan review requirements. Therefore, development under Alternative 2 would not require new or physically altered fire protection facilities to maintain acceptable response times. Additionally, compliance with all applicable provisions of the *San Francisco Fire Code* would ensure that this impact is considered less than significant."

The Draft EIR has not analyzed removal of the two contra-flow lanes for 2 two-hour periods on game days from the Stadium Game Day Traffic Control Plan together with conversion of these two lanes to provide two additional reversible lanes. Eliminating the two contra-flow lanes and using the space for two more reversible lanes would improve the exiting time significantly over conditions at the existing stadium and would achieve 50

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percent of the parking lot exiting time reduction from the proposed traffic control plan.

Other opportunities also exist to provide additional lanes on surface streets. While most of the 10 AM to 6 PM game day parking prohibitions in the vicinity of Candlestick Park shown in Table 24 on Page 92 of the Transportation Study would be eliminated, restrictions should continue on Carroll Avenue, Gilman Avenue, and Ingerson Avenue between 3rd Street and Ingalls Street as well as on the north side of Paul Avenue from San Bruno Avenue to 3rd Street. To ease the impact on the adjacent properties, only restrictions on the north side of these streets would be needed to facilitate game day exiting conditions, and the hours could be reduced to only 3 PM to 6 PM on game days. It may also be possible to add a directional 49ers game day lane on Carroll Avenue and other portions of the route that will be improved to a "Modified" four-lane roadway as shown in Figure II-16 on Page II-51 of the Draft EIR. Additionally, there could certainly be similar opportunities on other streets that the Draft EIR has not evaluated or analyzed.

When discussing the elimination of all four reversible lanes on the Yosemite Slough Bridge, Page 342 of the Transportation Study concludes that "... the lower exit capacity would likely render the proposed new stadium site infeasible as a desirable option for an NFL football team." No evidence is presented to support this broad statement.

It appears feasible to provide at least nine of the 11 proposed reversible lanes, and there are other opportunities to spread exiting traffic to other streets. At the same time, the impacts that the adjacent properties have experienced with the existing stadium can be significantly reduced by prohibiting parking only from 3 PM to 6 PM rather than from 10 AM to 6 PM. The Draft EIR must evaluate the viable alternatives presented above before concluding that 11 reversible lanes are required for egress from the stadium.

- b) Eleven Game Day Traffic Lanes Are Not Necessary - Figure III.D-13 of the Draft EIR provides an illustration of the Stadium Game Day Traffic Control Plan. As shown on this plan and as described in the Draft EIR, 11 reversible lanes for vehicles are proposed to access the stadium, with these lanes operating inbound for about two hours before the game begins and then operating outbound for about two hours after the game ends.

In describing Pre-Game Conditions, Page II.D-22 of the Draft EIR states that "For a typical Sunday football game starting at 1:00 PM, vehicle arrival is spread over about six hours with approximately 40 percent of the

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vehicles arriving between one and two hours prior to the game start time, and 60 percent within the other five hours prior to the game. Since the arrival is spread out over a period of time, the game-related traffic does not substantially affect traffic flow... some localized congestion... The vehicles accessing the stadium from Third Street contribute to congestion and queues on the local residential streets..."

47-105
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While conditions are analyzed after 4 PM following the end of a 49ers game, the Draft EIR does not analyze conditions before the 49ers game starts at 1 PM. The Draft EIR recommends 11 reversible game day vehicle lanes operating inbound to the stadium for two hours before the game begins. Without analysis supporting this recommendation, operating 11 reversible lanes inbound to the stadium for two hours before 1 PM on 49ers game days does not appear to be justified.

Page 331 of the Transportation Study states that "One result of providing additional egress routes for the proposed new stadium is that traffic congestion is expected to clear the area quicker." Table 94 on Page 332 indicates the existing stadium has a clearance capacity of 7,700 vehicles per hour. The table assumes the new stadium would have a clearance capacity of 11,000 vehicles per hour with a new US101 Interchange at Geneva Avenue/Harney Way. The new stadium's clearance capacity would only be constrained by the parking lot exit gates. Table 94 provides clearance times for the existing and new stadiums, with clearance times under various attendance and departure scenarios reduced by about 40 percent.

While the parking lots will clear quicker at the new stadium, traffic congestion at intersections and freeways in the area will continue long after the parking lots clear. The lower exiting capacity at the existing stadium tends to meter traffic exiting the facility. Even with this metering effect at the existing stadium, congestion continues long after the event has ended, particularly on the US101 Freeway to the north as noted on Page III.D-23 of the Draft EIR. Unless the freeway is widened (and that is not planned), traffic leaving the stadium will experience about the same overall travel times to reach their destination when an additional 3,300 vehicles per hour are released and try to access facilities already operating at LOS "F" as shown in the Draft EIR.

2) Reasonably Foreseeable Future Conditions Include Opening the Yosemite Bridge to Private Automobiles Year Round

47-106

- a) Secondary Events Will Create Intense Pressure to Open Bridge to Vehicles - While the Draft EIR proposes to open the four vehicle lanes across the bridge only to expedite traffic to and from up to 12 49ers

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football games during the year, Page III.D-61 states "It is anticipated that other types of events, such as soccer games or concerts, may also be scheduled at the stadium. A typical secondary event at the new stadium could occur at any time of day and on any day of the week, with an expected crowd ranging from 15,000 (e.g., monster truck rally) to sell-out conditions. For purposes of the transportation analysis, an event with 37,500 spectators was analyzed, which reflects events such as a Metallica concert... Secondary events would be limited to 20 total occurrences per year."

For a sell-out secondary event at 7 PM on a weekday, the Draft EIR assumes there would be a small percentage of private charter busses and that most of the 25% transit mode share would be accommodated by Muni with its regularly scheduled service. According to the Draft EIR, this leaves nearly 4,700 private vehicles attempting to reach the stadium between 5 PM and 6 PM during the peak of the normal weekday afternoon commute hour.

Page III.D-145 of the Draft EIR indicates the one-way transit demand in the weekday PM peak hour when a special event is being held at the stadium could be up to 5,725 riders. At the same time, the one-way transit capacity serving the stadium site would be only 3,100 passengers per hour, leaving 2,625 riders that would not be accommodated. While MM TR-47 requires an increase in transit frequency to the maximum with five-minute headways, only an additional 828 passengers to the stadium can be carried, leaving a shortfall of almost 1,800 passengers in the weekday PM peak hour. From the bus loading data on Page III.D-66 of the Draft EIR, on the order of 40 50-passenger busses would be needed during the weekday PM peak hour to accommodate the shortfall. Page III.D-145 indicates that "Generally, the capacity of the express service should compensate for the shortfall..."

Traffic impacts caused by the additional 4,700 vehicles trying to reach the stadium between 5 PM and 6 PM during the peak of the normal weekday afternoon commute will be significant. According to Page III.D-142 of the Draft EIR, special event traffic will add trips to three freeway segments and two off-ramps already operating at LOS "E" or "F" and will cause one additional off-ramp to operate at LOS "F". Special event traffic will also add trips to eleven intersections already operating at LOS "E" or "F" and will cause nine more intersections to operate at LOS "E" or "F".

MM TR-47 requires implementation of a stadium transportation systems plan similar to that developed for game-day operations, and restates that "the Yosemite Slough Bridge shall not be available for private automobiles." However, with special events during the weekday PM peak

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hour causing grid-locked vehicle traffic together with inadequate transit capacity as an alternative to driving, it is reasonably foreseeable that there will be significant pressure to open the traffic lanes on the Yosemite Slough Bridge before and after many of the 20 annual special events.

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- b) Arena Events Will Create Further Pressure to Open Bridge to Vehicles - Once exceptions are made for opening the traffic lanes on the bridge to facilitate traffic for many of the special events at the stadium, other interests will call for opening the lanes for other causes such as events at the proposed arena.

According to Page III.D-147 of the Draft EIR, one-half of the vehicle trips generated by a weekday evening sell-out event at the 10,000 seat arena would arrive between 5 PM and 6 PM during the peak of the normal weekday afternoon commute hour. These additional 1,333 vehicles will add arena trips to three freeway segments and one off-ramp already operating at LOS "E" or "F". Arena traffic will also add trips to eleven intersections already operating at LOS "E" or "F" and will cause one more intersection to operate at LOS "F".

47-107

MM TR-51 requires implementation of an arena transportation systems plan. With arena events causing additional significant traffic impacts during the weekday PM peak hour, it is reasonably foreseeable that there will be further pressure to open the traffic lanes on the Yosemite Slough Bridge before and after many of the arena events.

- c) Project Traffic Will Create Additional Pressure to Open Bridge to Vehicles - Once exceptions are made for opening the traffic lanes on the bridge to facilitate traffic for special events at the stadium and events at the arena, the public will call for opening the lanes on the bridge at all times.

47-108

According to Page III.D-72 in the Draft EIR, the Proposed Project will cause 39 of the 60 intersections studied to operate at unacceptable levels during at least one of the peak traffic hours studied. No feasible mitigation measures have been identified in the Draft EIR for nine of the ten intersections where specific project-related impacts are forecast to occur. Page III.D-83 of the Draft EIR indicates no feasible mitigation measures have been identified for 16 of the 20 intersections where specific project-related cumulative impacts are forecast. The streets in the area will experience severe congestion.

With so many intersections in the project area forecast to operate at grid-locked conditions during peak hours together with the lack of feasible mitigation measures at nearly half of the impacted study intersections, it is

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reasonably foreseeable that there will be additional pressure from the public to open the traffic lanes on the Yosemite Slough Bridge at all times.

The Draft EIR, moreover, lacks any enforceable mechanisms for ensuring the bridge is not opened for use by private automobiles at all times.

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- 3) No Justification Is Provided for Constructing the Bridge to be "Rail Ready" – Page III.D-46 of the Draft EIR states that the two BRT lanes on the Yosemite Slough Bridge are "...designed to be 'rail ready' (not to preclude possible conversion to light-rail)."

The Draft EIR fails to provide any evidence that conversion of the BRT lanes to light-rail will be needed in the future. According to Table 16-20 on Page 756 of the Transportation Planning Handbook published by the Institute of Transportation Engineers, BRT has a vehicle capacity of 120 persons in seats plus standees. With 60 seconds headway between vehicles, a total of 7,200 persons in both directions can be accommodated each hour. With light rail running with 40 seconds headway between vehicles, 14,400 persons in both directions can be accommodated each hour if two vehicles per train unit are used, and 21,600 persons in both directions can be accommodated each hour if three vehicles per train unit are used.

47-109

Page 288 of the Transportation Study states: "If the Yosemite Slough Bridge were not in place, only one transit route (the 28L-19th Avenue/Geneva BRT route) would be affected." Under game-day conditions, Table III.D-24 on Page III.D-134 of the Draft EIR indicates the BRT lanes carrying transit line 28L across the Yosemite Slough Bridge will carry only 800 passengers in the peak hour per direction before and after the 49ers football games. From Footnote a) to Table III.D-24, the Sunday peak hour capacity is 75 percent of the weekday peak hour capacity, and the weekday peak hour capacity in the peak direction would be about 1,100 passengers. With this, only one-third of the theoretical BRT directional capacity of 3,600 passengers in the peak direction will be utilized in 2030 with full development of the area including the stadium. With parallel rail service nearby provided by Caltrain and Bart, conversion of the BRT lanes to light rail across the Yosemite Slough Bridge will not be needed.

Certainly, the structural support for future light rail carried by the bridge will need to be greatly enhanced in comparison to providing a bridge designed to carry only the BRT lanes. As such, more structural members and their bulk that are designed for light rail create additional aesthetic impacts as well as significant unnecessary cost for the Yosemite Slough Bridge.

- 4) The Bridge is Not Necessary for the BRT System - Alternatives to BRT Lanes on the Bridge have not been fully analyzed. In discussing Alternative 2 (No

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Bridge), Page 288 of the Transportation Study states: “Although the alternate route around Yosemite Slough would be technically feasible, it would not be the optimal configuration for a BRT system... BRT travel times, particularly between major development and the regional transit connections (e.g., Caltrain and BART) would increase by approximately five minutes. As a result, BRT ridership to and from the Hunters Point Shipyard would decrease by approximately 15 percent to the forecasts presented for the Project. However, because this represents a relatively small portion of the overall transit ridership, the additional traffic generated by the Project Alternative 2 would be minimal... As with the Project, Alternative 2 impacts on transit capacity would be *less than significant*.”

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In lieu of BRT lanes on the Yosemite Slough Bridge (and assuming the other proposed lanes on the bridge can be adequately accommodated elsewhere as indicated throughout this letter), the Draft EIR fails to consider or analyze the use of a tunnel for the two BRT lanes under Yosemite Slough. Policy 2 of the San Francisco Bay Plan states “If any additional bridge is proposed across the Bay, adequate research and testing should determine whether feasible alternative route, transportation mode or other operational improvement could overcome the particular congestion problem without placing an additional route in the Bay and, if not, whether a tunnel beneath the Bay is a feasible alternative.” The Draft EIR is flawed as it fails to analyze a tunnel as an alternative to BRT lanes on the bridge deck.

- 5) Bicycle/Pedestrian Lane on Bridge Duplicates Bay Trail Facility – Page III.D-19 of the Draft EIR states: “The San Francisco Bay Trail is designed to create recreational pathway links to the various commercial, industrial, and residential neighborhoods that surround San Francisco Bay.” Figure III.D-10 on Page III.D-51 of the Draft EIR, Project Bicycle Network and Bay Trail Improvements, shows a proposed Class I multi-use path across the bridge as part of the Project as well as the proposed California State Parks Bay Trail Yosemite Slough Project around the perimeter of the slough. Figure III.D-11 on Page III.D-53 of the Draft EIR, Project Pedestrian Circulation Plan, shows a proposed pedestrian multi-use path across the bridge as part of the Project as well as pedestrian facilities on the proposed California State Parks Bay Trail Yosemite Slough Project around the perimeter of the slough.

47-111

The San Francisco Bay Trail is intended to provide recreational opportunities rather than to be a facility designed to accommodate bicycle commuters. While providing an amenity on the Yosemite Slough Bridge with turnouts for viewing, the need to accommodate bicyclists and pedestrians is well served by the planned California State Parks Bay Trail Yosemite Slough Project that is planned around the perimeter of the slough.

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As concluded on Page VI-34 of the Draft EIR in the discussion of the “No Bridge” alternative, “The Alternative 2 bicycle trips would be accommodated within the proposed street and network... impacts on bicycle circulation would be less than significant.” As concluded on Page VI-35 of the Draft EIR in the discussion of the “No Bridge” alternative, “The Alternative 2 pedestrian trips would be accommodated within the proposed sidewalk and pedestrian network... impacts on pedestrian circulation would be less than significant.”

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- 6) Joint Use Bicycle/Pedestrian Lane on Bridge Violates Caltrans Guidelines – Page 1000-4 of the Highway Design Manual published by the California Department of Transportation (Caltrans) states “Class I bikeways (bike paths) are facilities with exclusive right of way, with cross flows by motorists minimized. Section 890.4 of the Streets and Highways Code describes Class I bikeways as serving ‘the exclusive use of bicycles and pedestrians’”. However, experience has shown that if significant pedestrian use is anticipated, separate facilities for pedestrians are necessary to minimize conflicts. Dual use by pedestrians and bicycles is undesirable, and the two should be separated wherever possible.”

47-112

The multi-use path across the bridge is proposed to be 12 feet wide, barely enough for a minimum 8-foot wide two-way bicycle facility and a minimum 4-foot wide area for pedestrians. While the Draft EIR does not quantify the number of bicyclists and pedestrians expected to use the multi-use facility on the bridge, certainly significant pedestrian and bicycle use can be expected on this recreational facility, especially with turnouts for viewing. The Draft EIR fails to address and analyze the conflicts that will occur in the proposed combined facility which has each component designed to barely meet the minimum guidelines for separate bicycle paths and sidewalks.

- 7) Bicycle/Pedestrian Crossings of Bridge Approaches Have Not Been Analyzed – To reach the proposed California State Parks Bay Trail Yosemite Slough Project around the perimeter of the slough from the Bay Trail, it will be necessary to cross the approaches to the bridge at both ends of this facility. Crossings will involve the BRT lanes at all times and will also include the four reversible auto lanes on 49ers game days. While the BRT crossing could be signalized in a conventional fashion, the crossing of the four reversible auto lanes will be especially challenging, even with traffic signals installed at both ends of the bridge. Traffic signals will also impede the BRT operation as well as the auto traffic in the four reversible lanes.

47-113

Page III.D-137 of the Draft EIR states “...during game days, access to state park facilities for vehicles, bicyclists, and pedestrians would be constrained, and heavy traffic congestion could discourage use of the park. However, access for vehicles, bicyclists, and pedestrians would be maintained.” The

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conclusion that this condition results in a “less than significant” impact is not supported by evidence in the Draft EIR.

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The Draft EIR fails to analyze bicycle and pedestrian crossings from the Bay Trail across the bridge approaches to and from the proposed California State Parks Bay Trail Yosemite Slough Project. There would be no safe way to connect these facilities without either a traffic signal for the at-grade crossings or via a grade separated facility with bicyclists and pedestrians going under the bridge approaches. Without analyzing these conditions, the Draft EIR cannot conclude that the Project has “less than significant” impacts to bicyclists and pedestrians trying to connect between the Bay Trail and the California State Parks Bay Trail, particularly during 49ers game days at the proposed stadium. Only with the elimination of the Yosemite Slough Bridge in Alternative 2 can the Draft EIR conclude that there are “less than significant” impacts to bicyclists and pedestrians for the state park access.

- 8) Incomplete Analyses of Post Football Game Conditions – With the sole exception of traffic conditions following a 49ers football game, each of the other analyses in the Draft EIR utilizes standard transportation planning methodology to identify the intersection levels of service during the peak hour as well as the locations that will be significantly impacted.

47-114

The Draft EIR did use traditional methodology for the analyses of all other scenarios including a secondary event at the new stadium beginning at 7 PM on a weekday as well as a weekday evening event at the proposed arena. After quantifying the additional significant traffic impacts that will occur during these scenarios, the Draft EIR includes identical mitigation as will be used after 49ers football games such as the preparation of a Transportation Management Plan including “...deploying traffic control officers in the Project vicinity to increase efficiency of pre- and post- event traffic...” In each of these cases, the Draft EIR was able to calculate intersection levels of service.

In attempting to justify why the traditional approach was not used for conditions following 49ers games, Page III.D-131 of the Draft EIR states: “...due to the unique circumstances following a football game, including manual and dynamic control of intersections by traffic control officers and complex travel patterns, traditional methods of calculating intersection levels of service are not appropriate. Instead, for post-game conditions, traffic impacts associated with the new stadium are described in terms of the magnitude, duration, and expected locations of congestion.”

The Draft EIR fails to explain why it is inappropriate to calculate levels of service and determine significant traffic impacts after 49ers games. By only listing “Locations of Congestion following San Francisco 49ers Football Games” in Table III.D-23 on Page III.D-132, the Draft EIR then fails to

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disclose, quantify, analyze, and mitigate the significant traffic impacts that will occur following 49ers football games.

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My review disclosed serious flaws and several significant unaddressed traffic issues regarding the Yosemite Slough Bridge, a major component of the Candlestick Point-Hunters Point Shipyard Phase II Development Plan. The various concerns outlined throughout this letter must be carefully considered in a recirculated environmental impact report. If you have questions regarding these comments, please call me at your convenience.

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47-115

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal

Enclosures



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TRANSPORTATION PLANNING HANDBOOK 3RD EDITION

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Table 16-20 Typical Vehicle and Line Capacities of Different Modes

| Mode | TU size n [veh/TU] | Vehicle capacity C_v [sps/veh] | Minimum headway h_{min} [s] | Maximum frequency f_{max} [TU/h] | Max offered line capacity C [sps/h] |
|---|-----------------------|---|--|---|--|
| 1. Standard bus, single stops | 1 | 75 | 70 – 50 | 51 – 72 | 3,800 - 5,400 |
| 2. Articulated bus, single stops | 1 | 120 | 80 – 60 | 45 – 60 | 5,400 - 7,200 |
| 3. 50% standard, 50% articulated bus, 4-lanes and multiple berthing | 1 | 75 - 120 | 40 – 20 | 90 – 180 | 8,800 - 17,500 |
| 4. Streetcar, ROW C, double stops | 2 | 180 | 60 | 60 | 10,800 |
| 5. BRT, North America | 1 | 120 | 60 | 60 | 7,200 |
| 6. BRT, developing countries | 1 | 180 | 30 | 120 | 21,600 |
| 7. Light rail transit, ROW B, single track, double stops | 2 - 3 | 180 | 90 | 40 | 14,400 - 21,600 |
| 8. AGT, rubber-tired - Siemens, Bombardier | 2 | 100 | 90 – 60 | 40 – 60 | 8,000 - 12,000 |
| 9. AGT – Rail | 6 | 100 | 100 - 75 | 36 – 48 | 21,600 - 28,800 |
| 10. Rapid Transit | 8 | 180 | 100 - 90 | 36 – 40 | 51,800 - 57,600 |
| 11. Rapid Transit | 10 | 240 | 150 - 120 | 24 – 30 | 67,200 - 72,000 |
| 12. Regional rail, diesel | 10 | 200 | 240 - 180 | 15 – 20 | 30,000 – 40,000 |
| 13. Regional rail, electric | 10 | 200 | 180 - 120 | 20 – 30 | 40,000 - 60,000 |

Source: Vuchic, V.R. *Urban Transit Operations Planning and Economics*. Hoboken, NJ, USA: John Wiley & Sons, 2005.

Transit Impacts on the Communities Served

As discussed earlier, transit systems influence a region's mobility, accessibility, economic vibrancy and character. The following considerations influence how well transit systems achieve their regional goals.

Passenger attraction and service quality. The main goal for a transit operator, providing service to passengers, is also the most direct impact of transit on the community or city served. Ridership in a region may be measured by mode split (the percent of trips by transit), which can be further differentiated by peak or off-peak periods. Additional measures of transit ridership are unlinked trips or passenger-miles (-km) traveled. High passenger volumes and high riding habits in a city (measured by the average number of annual trips per resident) reflect the role transit has in providing high population mobility and reducing the pressures of highway congestion and parking requirements, thus, improving quality of life in the city.

Economic, social and environmental impacts on population. The role of transit in supporting regional economies, promoting social objectives (accessibility) and enhancing the environmental health of the city is a direct result of attracting many passengers. Often, these impacts are measured qualitatively, described by the phrase "livability of cities." However, certain quantitative measures exist, including the following.

- Congestion is a measure of overall transportation system performance and can be correlated to regional competitiveness.
- The ratio of the composite cost of travel by transit compared to other modes (walking, private auto) for certain origin destination pairs (low income residences to high employment growth areas, for example) can measure how well transit service provides accessibility.
- Regional air quality (ozone levels, for example) is a measure of transportation impacts on environmental health.

1000-4

September 1, 2006

HIGHWAY DESIGN MANUAL

Topic 1003 - Design Criteria

1003.1 Class I Bikeways

Class I bikeways (bike paths) are facilities with exclusive right of way, with cross flows by motorists minimized. Section 890.4 of the Streets and Highways Code describes Class I bikeways as serving "the exclusive use of bicycles and pedestrians". However, experience has shown that if significant pedestrian use is anticipated, separate facilities for pedestrians are necessary to minimize conflicts. Dual use by pedestrians and bicycles is undesirable, and the two should be separated wherever possible.

Sidewalk facilities are not considered Class I facilities because they are primarily intended to serve pedestrians, generally cannot meet the design standards for Class I bikeways, and do not minimize motorist cross flows. See Index 1003.3 for discussion relative to sidewalk bikeways.

By State law, motorized bicycles ("mopeds") are prohibited on bike paths unless authorized by ordinance or approval of the agency having jurisdiction over the path. Likewise, all motor vehicles are prohibited from bike paths. These prohibitions can be strengthened by signing.

- (1) **Widths.** The minimum paved width for a two-way bike path shall be 8 feet. The minimum paved width for a one-way bike path shall be 5 feet. A minimum 2-foot wide graded area shall be provided adjacent to the pavement (see Figure 1003.1A). A 3-foot graded area is recommended to provide clearance from poles, trees, walls, fences, guardrails, or other lateral obstructions. A wider graded area can also serve as a jogging path. Where the paved width is wider than the minimum required, the graded area may be reduced accordingly; however, the graded area is a desirable feature regardless of the paved width. Development of a one-way bike path should be undertaken only after careful consideration due to the problems of enforcing one-way operation and the difficulties in maintaining a path of restricted width.

Where heavy bicycle volumes are anticipated and/or significant pedestrian traffic is expected, the paved width of a two-way path should be

greater than 8-feet, preferably 12 feet or more. Another important factor to consider in determining the appropriate width is that bicyclists will tend to ride side by side on bike paths, necessitating more width for safe use.

Experience has shown that paved paths less than 12 feet wide sometimes break up along the edge as a result of loads from maintenance vehicles.

Where equestrians are expected, a separate facility should be provided.

- (2) **Clearance to Obstructions.** A minimum 2-foot horizontal clearance to obstructions shall be provided adjacent to the pavement (see Figure 1003.1A). A 3-foot clearance is recommended. Where the paved width is wider than the minimum required, the clearance may be reduced accordingly; however, an adequate clearance is desirable regardless of the paved width. If a wide path is paved contiguous with a continuous fixed object (e.g., block wall), a 4-inch white edge line, 2 feet from the fixed object, is recommended to minimize the likelihood of a bicyclist hitting it. **The clear width on structures between railings shall be not less than 8 feet.** It is desirable that the clear width of structures be equal to the minimum clear width of the path (i.e., 12 feet).

The vertical clearance to obstructions across the clear width of the path shall be a minimum of 8 feet. Where practical, a vertical clearance of 10 feet is desirable.

- (3) **Signing and Delineation.** For application and placement of signs, see the Manual on Uniform Traffic Control Devices (MUTCD), Section 9B.01 and the MUTCD and California Supplement Section 9B.01 and Figure 9B-101. For pavement marking guidance, see the MUTCD, Section 9C.03.
- (4) **Intersections with Highways.** Intersections are a prime consideration in bike path design. If alternate locations for a bike path are available, the one with the most favorable intersection conditions should be selected.

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Tom Brohard, PE

- Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577
1977 / Professional Engineer / California – Traffic, No. 724
2006 / Professional Engineer / Hawaii – Civil, No. 12321
- Education:** 1969 / BSE / Civil Engineering / Duke University
- Experience:** 39 Years
- Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life
1978 / Orange County Traffic Engineers Council - Chair 1982-1983
1981 / American Public Works Association - Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. Since May 2005, he has served as Consulting City Traffic Engineer three days a week to the City of Indio. He also currently provides "on call" Traffic and Transportation Engineer services to the Cities of Big Bear Lake and San Fernando. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower..... 1997 - 1998
- Bell Gardens..... 1982 - 1995
- Huntington Beach..... 1998 - 2004
- Lawndale..... 1973 - 1978
- Los Alamitos..... 1981 - 1982
- Oceanside..... 1981 - 1982
- Paramount..... 1982 - 1988
- Rancho Palos Verdes..... 1973 - 1978
- Rolling Hills..... 1973 - 1978, 1985 - 1993
- Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- San Marcos..... 1981
- Santa Ana..... 1978 - 1981
- Westlake Village..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$5 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

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In his service to the City of Indio since May 2005, Tom has accomplished the following:

- ❖ Oversaw preparation and adoption of the Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain constraints
- ❖ Oversaw preparation of plans and provided assistance during construction of a \$1.5 million project to install traffic signals and widen three of four ramps at the I-10/Jackson Street Interchange under a Caltrans encroachment permit issued under the Streamlined Permit Process
- ❖ Oversaw preparation of traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvement of the I-10/Monroe Street and the I-10/Golf Center Parkway Interchanges
- ❖ Oversaw preparation of plans and provided assistance during construction of 10 new traffic signal installations
- ❖ Reviewed and approved temporary traffic control plans as well as for signing and striping for all City and developer funded roadway improvement projects
- ❖ Oversaw preparation of a City wide traffic safety study of conditions at all schools
- ❖ Prepared over 300 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping
- ❖ Reviewed and approved traffic impact studies prepared for more than 15 major development projects

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients. Significant accomplishments during the last eight years include the following:

- ❖ Prepared critique of traffic and parking impacts identified in the Initial Study and Traffic Study for the 1960-1998 Market Street Project in the City of San Francisco for Adams Broadwell Joseph & Cardozo (12/2008)
- ❖ Prepared critique of traffic and circulation impacts identified in the Supplemental Draft EIR for the US Gypsum Wallboard Plant Project in the Port of Stockton for Lozeau/Drury LLP (11/2008 to 12/2008)
- ❖ Prepared critique of traffic and parking impacts identified in the Draft EIR for the Bentley School Major Conditional Use Permit in the City of Oakland for Veneruso & Moncharsh (11/2008 to 12/2008)

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- ❖ Prepared critique of the traffic impacts identified in the Addendum to the Master EIR and Initial Study for the Lane Field Development Project in the City of San Diego for Adams Broadwell Joseph & Cardozo (12/2007); prepared critique of parking and transit impacts for the Project's Coastal Development Permit Amendment (11/2008)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and Traffic Impact Study for the Delta Shores Project in the City of Sacramento for Adams Broadwell Joseph & Cardozo (10/2008)
- ❖ Served as an expert witness regarding work area traffic control during roadway construction at a traffic signal on State Route 111 in the City of Palm Desert for Workman Law Office (9/2008)
- ❖ Prepared Data Requests for traffic issues associated with the Application for Certification from the California Energy Commission for the Avenal Energy Power Plant in the City of Avenal for Adams Broadwell Joseph & Cardozo (9/2008)
- ❖ Prepared critique of traffic and parking impacts identified in the Initial Study and Traffic Study for the 5050 Mission Street Mixed Use Project in the City of San Francisco for Lozeau/Drury LLP (8/2008)
- ❖ Prepared critique of traffic and circulation impacts identified in the Draft EIR for the Altamont Motorsports Park Rezoning Project in the County of Alameda for Mark R. Wolfe & Associates (8/2008)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and Traffic Impact Study for the Fulcrum Property Development Project in the City of West Sacramento for Adams Broadwell Joseph & Cardozo (7/2008 to 8/2008)
- ❖ Conducted studies for STOP signs on Plumley Road at two intersections for the City of Cathedral City (5/2008 to 8/2008)
- ❖ Prepared critique of traffic and circulation impacts identified in the Draft EIR for the Concord Community Reuse Plan Project in the City of Concord for Lozeau/Drury LLP (6/2008 to 7/2008)
- ❖ Prepared critique of the Traffic Impact Study for the Sky Harbor Ranch Project for the Town of Yucca Valley (6/2008 to 7/2008)
- ❖ Prepared critique of the traffic impacts identified in the Revised Draft EIR and Traffic Impact Analysis for the Chula Vista Bayfront Master Plan in the City of Chula Vista for Adams Broadwell Joseph & Cardozo (7/2008)
- ❖ Prepared critique of traffic and circulation impacts identified in the Draft and Final EIRs for the River Oaks Crossing Specific Plan Project in the City of Oakley for Mark R. Wolfe & Associates (10/2007 to 5/2008)

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- ❖ Prepared critique of the Traffic Impact Study for the Downtown Revitalization Project (Bisno Development) for the City of Baldwin Park (4/2008 to 5/2008)
- ❖ Prepared critiques of traffic and circulation impacts identified in the Draft EIR, Final EIR and various supporting technical studies for the Bakersfield Winco in the City of Bakersfield for Mark R. Wolfe & Associates (4/2007 to 3/2008)
- ❖ Prepared critique of traffic and circulation impacts identified in the Draft and Final EIRs and Traffic Study for the Soledad Shopping Center Project in the City of Soledad for Weinberg, Roger & Rosenfeld (3/2008)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study for the Columbus Salami Manufacturing Plant Project in the City of Fairfield for Adams Broadwell Joseph & Cardozo (3/2008)
- ❖ Prepared critique of traffic and parking impacts identified in the Draft EIR and Traffic Impact Study for the Sherwin Project in the Town of Mammoth Lakes for Shute, Mihaly, & Weinberger (1/2008 to 2/2008)
- ❖ Prepared critiques of traffic and parking impacts identified in the Draft EIR and various supporting technical studies for the Solana Beach Train Station Mixed Use Project in the City of Solana Beach for area residents; presented findings to area property owners and to City Council; prepared rebuttal to responses to comments in the Final EIR for the project (6/2006 to 1/2008)
- ❖ Provided technical assistance for the Santa Monica Growth Limitation Ballot Initiative to Shute, Mihaly, & Weinberger (1/2008)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study for the United Spiral Pipe Manufacturing Plant Project in the City of Pittsburg for Adams Broadwell Joseph & Cardozo (10/2007 to 11/2007)
- ❖ Prepared critique of traffic and parking impacts identified in the Traffic Impact Study for the Initial Study for the Wilshire Parkview Hotel and Residences Project in the City of Los Angeles for Shute, Mihaly, & Weinberger (8/2007 to 9/2007)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study with Proposed Mitigated Negative Declaration prepared by Caltrans for the widening of State Route 74, Lower Ortega Highway, in the City of San Juan Capistrano for Shute, Mihaly, & Weinberger (8/2007)
- ❖ Prepared critique of traffic and parking impacts identified in the Traffic Impact Analysis for the Providence Medical Center Expansion Project in the City of Los Angeles for Weinberg, Roger & Rosenfeld (11/2006 to 8/2007)
- ❖ Prepared critique of the traffic impacts identified in the Draft and Final EIRs for the Rockville Trails Estates Project in Solano County for Shute, Mihaly, & Weinberger (7/2007)

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- ❖ Prepared critique of traffic and parking impacts identified in the Draft EIR for the La Bahia Hotel Expansion in the City of Santa Cruz for Mark R. Wolfe & Associates (6/2007 to 7/2007)
- ❖ Prepared preliminary critique of the traffic impacts identified in the Draft EIR for the Delano Marketplace Project in the City of Delano for Mark R. Wolfe & Associates; prepared rebuttal to responses in Final EIR (5/2006 to 7/2007)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Live Oak Master Plan Project in the City of Hanford for Adams Broadwell Joseph & Cardozo (5/2007)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and the supporting traffic study for the La Floresta Development Project in the City of Brea for the City of Yorba Linda (1/2007 to 4/2007)
- ❖ Prepared critique of the traffic impacts identified in the Addendum to the Program EIR and Transportation Analysis for the Davidon Homes Project in the City of Antioch for Adams Broadwell Joseph & Cardozo (1/2007)
- ❖ Prepared critique of the traffic and circulation impacts identified in the Monterey County 2006 General Plan Final EIR for Mark R. Wolfe & Associates (12/2006)
- ❖ Provided expert witness evaluation of traffic and circulation impacts identified in the EIS, Traffic Impact Report, and Updates for the Turtle Bay Resort Expansion Project on the North Shore of Oahu for Alston Hunt Floyd & Ing (9/2006 to 11/2006)
- ❖ Prepared trip generation study for a bank and separate drive through bank facility in Century City in the City of Los Angeles for Tract No. 7260 Association (11/2006)
- ❖ Prepared preliminary critique of the traffic impacts identified in the Draft EIR and Traffic Impact Study for the Rio Vista Riverwalk Project in the City of Rio Vista for Adams Broadwell Joseph & Cardozo (11/2006)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and Traffic Impact Analysis for the Chula Vista Bayfront Master Plan (Gaylord Resort Project) in the City of Chula Vista for Adams Broadwell Joseph & Cardozo (10/2006 to 11/2006)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and Traffic Impact Study for the Antioch Wal-Mart Expansion Project in the City of Antioch for Mark R. Wolfe & Associates (6/2006 to 8/2006); prepared rebuttal to responses to comments in the Final EIR (9/2006 to 10/2006)
- ❖ Prepared critique of the traffic and circulation impacts identified in the Revised Partial Draft EIR and the Traffic Study for the Gregory Canyon Landfill Project in San Diego County (7/2006 to 8/2006)

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- ❖ Prepared critique of the traffic and circulation impacts identified in the Conditional Use Permit Application for Altamont Motorsports Park in Alameda County for Mark R. Wolfe & Associates (6/2006)
- ❖ Prepared response to Initial Study/Notice of Preparation of a Draft EIR for 483 condominiums proposed in three high rise towers in Century City in the City of Los Angeles for Tract No. 7260 Association (6/2005); prepared critique of the Draft EIR for the 10131 Constellation Boulevard Project proposed by JMB (12/2005 to 1/2006); reviewed responses to comments in the Final EIR (5/2006)
- ❖ Conducted study which developed traffic engineering measures as well as potential enforcement and legislative actions to deter excessive speeding on Stunt Road adjacent to Calabasas in Los Angeles County for area residents (9/2005 to 4/2006)
- ❖ Prepared critique of the Draft EIR and Traffic Impact Analysis for the Rancho Santa Fe Elementary School Project in San Diego County for Coast Law Group (9/2005); prepared rebuttal to responses to comments in the Final EIR (2/2006 to 3/2006)
- ❖ Prepared critique of the traffic, circulation, and parking impacts identified in the Traffic Impact Analysis for Los Angeles Unified School District Valley Elementary School #8 in the City of San Fernando (1/2006)
- ❖ Prepared critique of the traffic impacts identified in the Focused EIR and Traffic Impact Analysis for the Temecula Regional Hospital Project in the City of Temecula for Adams Broadwell Joseph & Cardozo (10/2005); prepared rebuttal to responses to comments in the Final EIR (1/2006)
- ❖ Prepared critiques of the traffic impacts identified in the Draft EIR and in the Revised Draft EIR for the Central Larkspur Specific Plan in the City of Larkspur and prepared responses to comments in the Final EIR for Shute, Mihaly, & Weinberger (7/2002 to 8/2002, 12/2003 to 2/2004, 1/2005 to 3/2005, and 12/2005 to 1/2006)
- ❖ Conducted Traffic Impact Analyses for the Sacred Heart Church and School Master Plan in the City of Palm Desert including presentations to community residents and testimony at Public Hearings before the City Council (3/2005 to 12/2005)
- ❖ Prepared critique of traffic impacts identified in the Final EIR and Traffic Study for the Preserve at San Marcos Project in Santa Barbara County for the San Marcos Foothill Coalition (10/2005 to 11/2005)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and the Traffic Impact Analysis for the Borden Ranch Surface Mining Project in Sacramento County for Weinberg, Roger & Rosenfeld (11/2005)
- ❖ Prepared critiques of the Mitigated Negative Declaration and Traffic Impact Analysis and of these documents as revised for the Providence Center Specific Plan in the City of Fullerton for Shute, Mihaly, & Weinberger (6/2005 to 7/2005; 11/2005)

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- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Blue Rock Quarry Expansion near the Town of Forestville in Sonoma County for Weinberg, Roger & Rosenfeld (10/2005)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and Traffic Study for the Oak to Ninth Project in the City of Oakland for Mark R. Wolfe & Associates (9/2005 to 10/2005)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the East Cypress Corridor Specific Plan Project adjacent to the City of Oakley in Contra Costa County for Adams Broadwell Joseph & Cardozo (9/2005 to 10/2005)
- ❖ Prepared critique of the Mitigated Negative Declaration for the Providence Medical Center Expansion Project in the City of Los Angeles for Shute, Mihaly, & Weinberger (9/2005)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the University District Specific Plan Project adjacent to the City of Rohnert Park in Sonoma County for Mark R. Wolfe & Associates (9/2005)
- ❖ Prepared preliminary critique of the traffic impacts identified in the Draft Subsequent EIR for the Mare Island Specific Plan Project in the City of Vallejo for Adams Broadwell Joseph & Cardozo (9/2005)
- ❖ Prepared critique of the traffic portions of the Revised EIR and the traffic study of the Deer Creek Park 2 Project in the County of Nevada for Shute, Mihaly, & Weinberger and the City of Nevada City (8/2005 to 9/2005)
- ❖ Prepared preliminary critique of the traffic impacts identified in the Draft EIR and traffic study for the Prewett Ranch Project in the City of Brentwood for Adams Broadwell Joseph & Cardozo (7/2005)
- ❖ Prepared critique of the traffic and circulation sections of the Draft Subsequent EIR of the County of Ventura Focused General Plan Update and prepared rebuttal to responses for Shute, Mihaly, & Weinberger and the Community of Somis (12/2004 to 1/2005; 6/2005)
- ❖ Prepared critique of the traffic and parking impacts identified in the Draft EIR and Traffic Impact Analysis for the Long Beach Memorial Medical Center Expansion in the City of Long Beach for Weinberg, Roger & Rosenfeld (2/2005 to 5/2005)
- ❖ Prepared critique of the Draft EIR and traffic study for the Villages at Fairfield Project in the City of Fairfield for Adams Broadwell Joseph & Cardozo (4/2005 to 5/2005)
- ❖ Prepared critique of the traffic, circulation, and parking impacts identified in the Traffic Impact Analysis for Los Angeles Unified School District Valley High School #5 in the City of San Fernando (4/2005)

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- ❖ Prepared critique of the transportation, circulation, and parking impacts identified in the Draft EIR and the Final EIR for the Wood Street Project in the City of Oakland for the East Bay Community Law Center (3/2005)
- ❖ Conducted City wide engineering and traffic surveys confirming enforceable speed limits on 31 street segments for the City of San Fernando (1/2005 to 3/2005)
- ❖ Checked plans for traffic signal installations and modifications as well as signing and striping revisions for various projects for Engineering Resources of Southern California and the Cities of Hemet and Palm Springs (12/2003 to 3/2005)
- ❖ Prepared critique of the Initial Study and traffic study prepared for the Hidden Canyon (Greenfield) Quarry Use Permit and Reclamation Plan in Monterey County for Weinberg, Roger & Rosenfeld (2/2005)
- ❖ Prepared critiques of the traffic impacts identified in the Los Angeles International Airport Master Plan Draft EIS/EIR for Alternatives A, B, and C and in the Supplement Draft EIS/EIR for Alternative D, prepared responses to comments in the Final EIS/EIR, and reviewed Addendum #3 for Shute, Mihaly, & Weinberger and the City of El Segundo (2/2001 to 7/2001, 7/2003 to 10/2003, 11/2004, and 12/2004)
- ❖ Prepared critique of the Traffic Study for the 450-460 North Palm Drive Senior Housing Residential Project in the City of Beverly Hills for Luna & Glushon (11/2004)
- ❖ Prepared critique of the Draft EIR and traffic study and provided testimony at a public hearing regarding the West Los Angeles College Facilities Master Plan in Los Angeles County for Culver Crest Neighborhood Association (10/2004 to 12/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact analysis as well as subsequent rebuttal to responses to these comments in the Final EIR for The Ranch Plan in the County of Orange for the Endangered Habitats League (6/2004 to 7/2004 and 10/2004)
- ❖ Prepared preliminary critique of the Draft EIR and traffic study for the Chandler Ranch Specific Plan Project in the City of Paso Robles for Adams Broadwell Joseph & Cardozo (9/2004)
- ❖ Prepared critique of the Draft EIR and traffic report associated with the Magnolia Park Project in the City of Oakley for Adams Broadwell Joseph & Cardozo (9/2004)
- ❖ Prepared critique of the traffic impacts identified in the Recirculated Draft EIR and traffic study for the McKean Road Sports Complex in Santa Clara County for Shute, Mihaly, & Weinberger (9/2004)
- ❖ Prepared critique of the Environmental Assessment for Robie Ranch Reclamation Project in Calaveras County for Weinberg, Roger & Rosenfeld (9/2004)

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- ❖ Provided expert assistance to residents in the City of La Mirada during settlement negotiations regarding litigation involving the Big T Residential Development Project in the City of Buena Park (6/2004 to 9/2004)
- ❖ Prepared critique of the traffic impacts identified in the Recirculated Draft EIR and the associated traffic study for the Lake Jennings Ralph's Shopping Center in San Diego County for SOFAR and Shute, Mihaly, & Weinberger (8/2004)
- ❖ Reviewed Traffic Impact Study prepared for the San Fernando Corridors Specific Plan for the City of San Fernando (7/2004 to 8/2004)
- ❖ Prepared critique of the Negative Declaration for the Brisbane Recycling Project in the City of Brisbane for Weinberg, Roger & Rosenfeld (6/2004)
- ❖ Reviewed various alternative alignments for the extension of Lexington Drive from Cerritos Avenue to Katella Avenue, a proposed secondary highway, for the City of Los Alamitos; provided expert assistance to the City of Los Alamitos during settlement negotiations regarding litigation of the proposed Cottonwood Christian Center Project in the City of Cypress (4/2004 to 6/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact study for the Jaxon Enterprises Mine and Reclamation Expansion Project in the County of Merced for Weinberg, Roger & Rosenfeld (5/2004)
- ❖ Prepared critique of the Environmental Secondary Study for the Santa Fe Parcel 6 Mixed Use Project in the City of San Diego for Adams Broadwell Joseph & Cardozo (4/2004 to 5/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact analysis for the for the San Mateo Rail Corridor Plan & Bay Meadows Specific Plan Amendment in the City of San Mateo for Adams Broadwell Joseph & Cardozo (3/2004 to 5/2004)
- ❖ Reviewed the Edinger Corridor Specific Plan Traffic Analysis for the proposed redevelopment and intensification of adjacent land uses for the City of Huntington Beach (12/2003, 4/2004, and 5/2004)
- ❖ Conducted the Traffic Impact Study of the San Fernando Regional Pool Facility Project and the associated street improvements for the City of San Fernando (3/2004 to 4/2004)
- ❖ Prepared critique of the Initial Study/Mitigated Negative Declaration and the associated traffic study for the Pixar Headquarters Expansion in the City of Emeryville for Shute, Mihaly, & Weinberger (3/2004 to 4/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact analysis for the Lower Lagoon Valley Specific Plan in the City of Vacaville for Adams Broadwell Joseph & Cardozo (3/2004 to 4/2004)

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- ❖ Conducted the Traffic Study of Two Parking Alternatives for the City of San Dimas to provide on street parking to complement potential retail/residential development on the east side of San Dimas Avenue north of Arrow Highway (12/2003 to 4/2004)
- ❖ Prepared trip generation calculations for various retail and "Big Box" stores in conjunction with a March 2004 ballot measure in Contra Costa County for Mark R. Wolfe & Associates (1/2004 to 2/2004)
- ❖ Prepared critique of the Initial Study/Mitigated Negative Declaration and the associated transportation impact analysis for the S&S Farms and Hancock Property Residential Development Plan in the City of Brentwood for Adams Broadwell Joseph & Cardozo (2/2004)
- ❖ Prepared critiques of the traffic impacts identified in the Mitigated Negative Declarations as well as subsequent rebuttal to responses to these comments for the Bayfront Live Work Project in the City of Hercules for Adams Broadwell Joseph & Cardozo (4/2003, 10/2003, and 2/2004)
- ❖ Conducted the City Wide Traffic Calming Study of Residential Streets in the City of San Fernando including development of traffic calming guidelines and specific recommendations addressing over 70 "Hot Spots" throughout the City including monthly presentations at Transportation & Safety Commission meetings and a presentation of the Final Report to the City Council (5/2003 to 1/2004)
- ❖ Prepared critique of the Initial Study/Mitigated Negative Declaration and the associated transportation analysis for the Cottonwood Christian Center in the City of Cypress for the City of Los Alamitos (1/2004)
- ❖ Prepared critique of the Recirculated Draft EIR and the associated transportation analysis for the Sand Creek Specific Plan in the City of Antioch for Adams Broadwell Joseph & Cardozo (1/2004)
- ❖ Prepared critique of the Initial Study and the associated traffic impact studies for the West Dublin Transit Village in the City of Dublin for Adams Broadwell Joseph & Cardozo (11/2003 to 1/2004)
- ❖ Prepared critiques of the Initial Study and the Recirculated Initial Study/General Plan Amendment and Rezoning for the Jack Parker Trucking Site in the City of San Pablo for Adams Broadwell Joseph & Cardozo (9/2003 and 11/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and rebuttal to responses to comments in the Final EIR for the proposed Wal-Mart in the City of Fremont for Mark R. Wolfe & Associates (7/2002 to 10/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR, rebuttal to responses in the Final EIR, and testimony at a public hearing regarding the Alpine Village Shopping Center in San Diego County for Shute, Mihaly, & Weinberger (6/2002 to 10/2003)

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- ❖ Prepared critique of the traffic impacts identified in the Draft EIR, rebuttal to responses in the Final EIR, testimony at public hearings, and assistance during settlement negotiations regarding the 2000 Avenue of the Stars Project in Century City in the City of Los Angeles for Tract No. 7260 Association (9/2002 to 10/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Glen Loma Ranch Project in the City of Gilroy for Adams Broadwell Joseph & Cardozo (9/2003)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study and the Traffic Impact Analysis for the Ryder Homes Project in the City of Oakley for Adams Broadwell Joseph & Cardozo (9/2003)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study and the Traffic Impact Analysis for the Ravenswood Residential Project in Contra Costa County for Adams Broadwell Joseph & Cardozo (8/2003 to 9/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft Subsequent EIR for the proposed Boronda Crossing Commercial Project in the City of Salinas for Mark R. Wolfe & Associates (8/2002 to 9/2003)
- ❖ Prepared four grant applications to Caltrans for \$1,115,000 of Hazard Elimination Safety funding to modify traffic signals and to upgrade regulatory, warning, and street name signs in the City of Santa Ana (3/2003 to 8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and the Traffic Impact Analysis for the Bluerock Business Center Project in the City of Antioch for Adams Broadwell Joseph & Cardozo (8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Clark Road Residential Project in the City of Richmond for Adams Broadwell Joseph & Cardozo (8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study and the Traffic Impact Analysis for the Sky Ranch Residential Project in the City of Antioch for Adams Broadwell Joseph & Cardozo (7/2003 to 8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Cal Poly Student Housing North Project in the City of San Luis Obispo for Adams Broadwell Joseph & Cardozo (7/2003)
- ❖ Prepared critique of the traffic impacts identified in the Final EIR for the Lake Jennings Ralph's Shopping Center in San Diego County for SOFAR and Shute, Mihaly, & Weinberger (3/2003 to 7/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Cypress Grove Residential Project in the City of Oakley for Adams Broadwell Joseph & Cardozo (6/2003)

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- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the McKean Road Sports Complex in Santa Clara County for Shute, Mihaly, & Weinberger (5/2003)
- ❖ Prepared grant application to Caltrans for \$448,000 of Safe Route to School funding to upgrade all school signs at 68 public and private schools in the City of Santa Ana (3/2003 to 5/2003)
- ❖ Prepared critique of the traffic impacts identified in the Traffic Impact Analysis for the Blossom Valley Middle School for the Dunbar Lane Task Force in San Diego County (4/2003 to 5/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and the Traffic Impact Analysis for the Bettencourt Ranch Aggregate Mining Project in Merced County for Weinberg, Roger & Rosenfeld (4/2003)
- ❖ Conducted a complete review of the General Plan Circulation Element for the City of Huntington Beach including comparisons to the Orange County Transportation Authority's Master Plan of Arterial Streets and drafted a Request for Proposal to update the City's Circulation Element (8/2002 to 4/2003)
- ❖ Prepared critique of the traffic impacts identified in the Traffic Impact Analysis for the proposed Wal-Mart in the City of Gilroy for Mark R. Wolfe & Associates (2/2003 to 3/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Waterfront/Downtown Mixed Use Project in the City of Vallejo for Adams Broadwell Joseph & Cardozo (2/2003)
- ❖ Provided expert witness evaluation of the traffic impacts caused by simultaneous construction of various Alameda Corridor Transportation Authority projects for Sullivan, Workman, & Dee (12/2002 to 2/2003)
- ❖ Conducted 12 training sessions in Urban Street Design Fundamentals for the Engineering Department staff in the City of Torrance (4/2001 to 4/2002 and 10/2002 to 12/2002)
- ❖ Prepared critique of the traffic impacts identified in the Transportation Impact Study for the Western Research Campus in the City of Richmond in Contra Costa County for Adams Broadwell Joseph & Cardozo (11/2002)
- ❖ Evaluated Conditions of Approval for the proposed intersection of Mulholland Highway and Hazel Nut Court in Los Angeles County and provided testimony to the Board of Supervisors for Seminole Springs Mobile Home Park (11/2002)
- ❖ Reviewed the Traffic Impact Analysis prepared for the Pacific City Project for the City of Huntington Beach (9/2002)

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- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for North Yorba Linda Estates in the City of Yorba Linda for Shute, Mihaly, and Weinberger (9/2002)
- ❖ Conducted the Hacienda Road Traffic Calming Study and presented the final report at locally televised meetings of the Traffic Committee and the City Council in the City of La Habra Heights (10/2001 to 9/2002)
- ❖ Prepared critique of the traffic impacts identified in Initial Studies with Traffic Impact Analyses for three residential subdivisions in the City of Pittsburg for Adams Broadwell Joseph & Cardozo (8/2002)
- ❖ Conducted the City Wide Traffic Safety Study and presented the final report at meetings of the Traffic Committee and the City Council in the City of Rolling Hills Estates (4/2001 to 5/2002)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR, rebuttal to responses, and testimony at a public hearing regarding extensions of Corona and Valley View Avenues in the City of Norco for C. Robert Ferguson (1/2002 to 4/2002)
- ❖ Prepared critique of the traffic impacts identified in the Draft Initial Study and Environmental Assessment, rebuttal to responses, and testimony at public hearings before the Ventura County Board of Supervisors regarding intersection improvements proposed by Caltrans at State Route 118/State Route 34 in Ventura County for the Community of Somis (12/2000 to 10/2001)

Tom Brohard and Associates

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■ Letter 47: California State Parks Foundation (1/12/10)

Response to Comment 47-1

This comment contains introductory or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 47-2

The comment is acknowledged. No response is required.

Response to Comment 47-3

Following implementation of the Project, CPSRA will be protected by the same statutory scheme that protects the rest of the State Park System.

As the Draft EIR acknowledges, the proposed reconfiguration would remove 29.2 acres from CPSRA. Of this area, 21.4 acres are currently used as parking for events at Candlestick Park stadium. This land currently does not provide CPSRA with recreational benefit; as such removing it does not damage the Park. Similarly, the land that would be crossed by the proposed Yosemite Slough bridge is not presently available for recreation. As discussed in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), with identified mitigation, the Project will have less-than-significant impacts on biological resources in the slough currently or following the Yosemite Slough Restoration Project. The only direct loss to the Park is the 7.8 acres of recreation land (which includes several acres used for CPSRA parking) that would be removed and developed with residential uses essential to the Project's overall success.

In contrast to this relatively small loss, the reconfiguration would provide a substantial net increase in usable recreation land within CPSRA. The proposed reconfiguration would increase the recreational value of CPSRA, in part by providing substantial improvements to parkland in exchange for the land to be removed. The Project, moreover, would not damage any part of the post-reconfiguration park, as discussed more fully in Response to Comment 47-28. Overall the area of CPSRA usable for recreation will increase from the current area of 77.7 acres (about 64 percent of the park's total 120.2 acres, including the slough, which is of minimal recreational value in its unrestored state) to 96.7 acres (the entire future park), a clear improvement.

Response to Comment 47-4

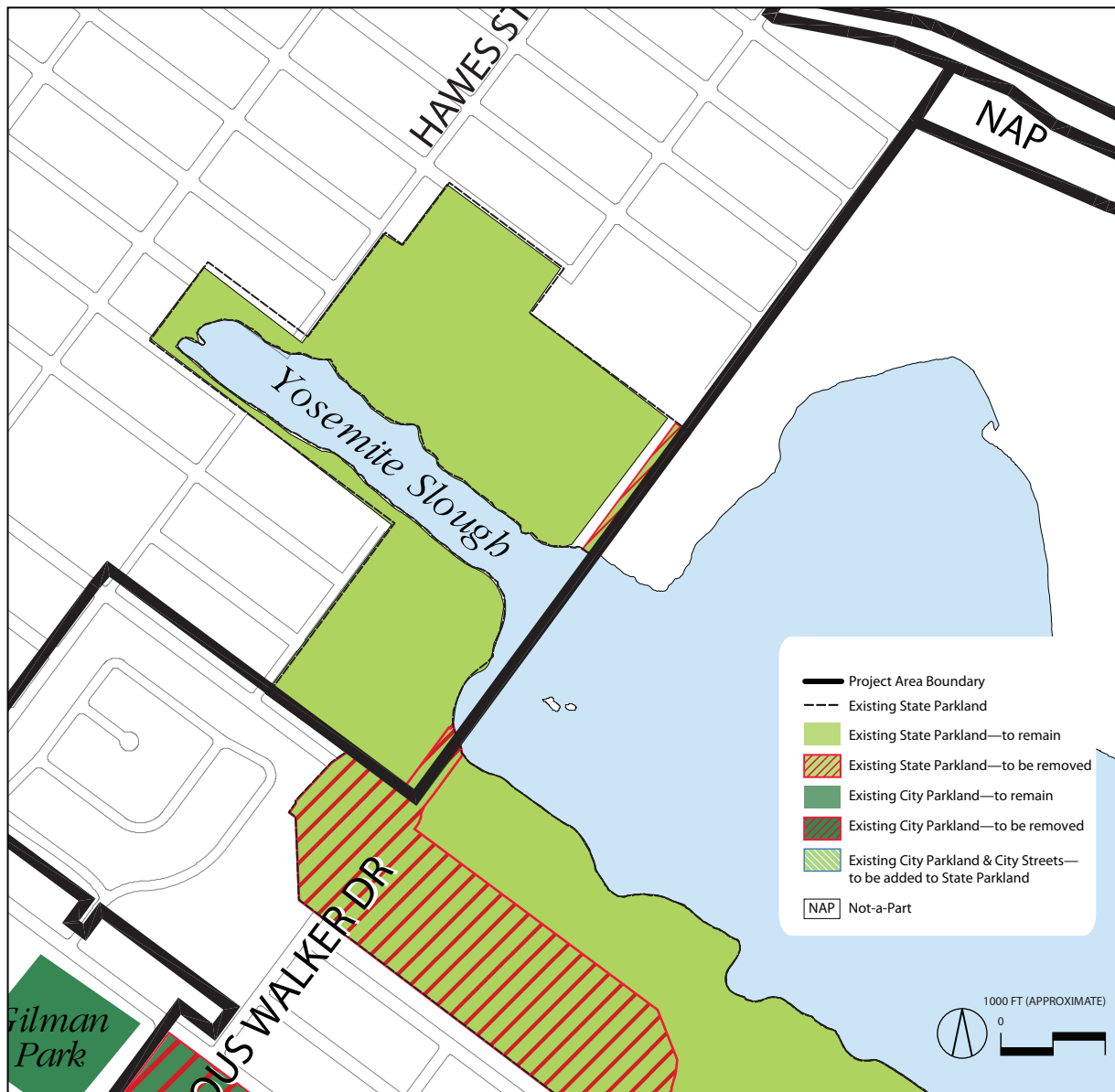
Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Yosemite Slough Wetlands Restoration Project and the biological impacts resulting from construction and operation of the Yosemite Slough bridge; and Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the traffic implications if the Yosemite Slough bridge were constructed.

Project Boundaries and the Yosemite Slough Bridge

As noted in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), confusion regarding whether or not Yosemite Slough was considered part of the Project and whether impacts to portions of Yosemite Slough outside the Project site were analyzed in the Draft EIR stemmed in part from reviewers' interpretations of various figures in the Draft EIR, particularly Figure III.N-1 (Biological Resources Study Area). This figure correctly depicted only the mouth of Yosemite Slough as being within the "Project Boundary," while showing that a slightly greater portion of the slough was within the "Study Area" and the entire slough was within the "Yosemite Slough Watershed Wildlife Study Area."

The purpose of Figure III.N-1 was to indicate the relationships of three different geographic areas: the boundary of the Project site (Project Boundary); the boundary of the area that was covered by the wetland delineation performed for the Project (Study Area); and the boundary of the area in which data on wildlife use had been collected during a study performed by LSA Associates, Inc. and volunteers in 2004 (Yosemite Slough Watershed Wildlife Study Area). The Study Area boundary extended beyond the Project boundary because impacts to wetlands and aquatic habitats, both existing and those that would be present after implementation of the Yosemite Slough Restoration Project, were anticipated to occur slightly upstream from the Project boundary during construction of the Yosemite Slough bridge. That the Study Area boundary did not include the entire slough does not indicate that the remainder of the slough was not considered in the impact analysis. Rather, as discussed in the following section, the impact analysis considered direct and indirect effects on all biological resources both within and adjacent to the Project boundary, including all of Yosemite Slough and relevant adjacent areas.

The figures in the EIR depict the location of the proposed Yosemite Slough bridge relative to the Project site boundaries and the CPSRA. In response to this comment, Figure C&R-8 (CPSRA and Project Boundaries) is provided as a larger-scale depiction to illustrate the Project boundaries relative to the slough. This illustration also clearly shows the proposed position of the bridge relative to the CPSRA boundary. The bridge footings on either side of Yosemite Slough would require removal of portions of parkland from the CPSRA (red hatched areas). On the north side of the slough, this would result in 0.8 acre, and on the south side of the slough it would be part of 2.6 acres that would be reconfigured. As evident in the figure, on the north end of the slough, the bridge footings on the north are located at the eastern edge of the park boundary and thus would not "split" the CPSRA. On the south end of the slough, the area removed for bridge footings would impinge on approximately 300 feet or less (270 feet) through the CPSRA. On the south side, the bridge would extend Arelious Walker Drive through a portion of the CPSRA. Persons using the Bay Trail would be able to cross Arelious Walker Drive and easily access the opposite portion of the CPSRA. Thus, while the road and bridge approach on the south side of the slough would cross the CPSRA, it would not act as a physical barrier preventing use of the entire CPSRA. While the proposed road and bridge would cut through the open space in one location, the majority of the restored slough area would remain unaffected and available for its intended use. Further, given the limited automobile use of the bridge (during stadium events only) crossing Arelious Walker Drive would not involve navigating a heavily traveled thoroughfare. Cross-traffic, except on stadium day events, would be limited to the BRT, bicycles, and pedestrians. The current condition of the



SOURCE: Lennar Urban, RHAA, 2010.

PBS&J 04.16.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR
CPSRA AND PROJECT BOUNDARIES

FIGURE C&R-8

south side of the slough (the larger shore area) is documented in the Draft EIR, page III.P-26, and states in part: “This area, which runs north along the shoreline from the Boat Launch to Arelious Walker Drive, is currently used for stadium parking and is not available as recreation or open space land. The Project would create grasslands and other habitats and make the area a functioning part of CPSRA’s open space.”

The Yosemite Slough Restoration Project

Commenters suggested that the Draft EIR did not adequately recognize the Restoration Project as an integral component of the CPSRA or adequately analyze effects of the bridge on the Restoration Project, and suggested that the bridge would conflict with the goals of the restoration. The Restoration Project was discussed in the cumulative context and was considered one of the “planned and in-process wetland Restoration Projects within the Bay area” in the cumulative impact analysis on page III.N-118 of the Draft EIR. In addition, the effects of the Project on the habitats and species that would be expected to use the restoration site were analyzed in the context of direct and indirect impacts to sensitive habitats and special-status/sensitive species both on- and off-site (Impact BI-3a through Impact BI-12c). Direct, explicit reference to the effects of the Project, including the Yosemite Slough bridge, on the Restoration Project itself was limited in the Draft EIR. Because the Draft EIR followed the CEQA requirement to assess impacts with respect to the change that the Project would cause to existing, baseline conditions (under which the Restoration Project has not been implemented), the descriptions of those impacts focused on existing conditions rather than explicitly discussing the Restoration Project. Nevertheless, as explained in more detail, below, the existing slough serves as an appropriate proxy for the restored slough in terms of type of habitat and species that could be impacted by the Project. Although the Restoration Project would increase the extent of tidal aquatic, mudflat, and (especially) tidal marsh habitat in Yosemite Slough, the type of the potentially affected habitats and species present after implementation of the Restoration Project would be similar to existing conditions, and the quantity of impacts to the new/restored habitats would not be substantially greater than the Project’s effects on existing Yosemite Slough conditions. Thus, the DEIR assessed impacts to the resources which are the focus of the Restoration Project. To enable the public to see how the analysis covered the impact areas, Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) more directly correlates the biological analysis with the details of the Restoration Project.

The Yosemite Slough Restoration Project was considered in the analysis of cumulative impacts in all technical sections. For clarity, text changes have been made to specifically call out the Restoration Project in the cumulative analysis of each technical section (refer to Section F [Draft EIR Revisions]).

As stated in the Initial Study/Mitigated Negative Declaration issued by the California State Parks Foundation¹¹⁰ for the Restoration Project, the goals and objectives of the restoration plan include the following:

- Increase the area subject to tidal influence.
- Restore habitat diversity by re-establishing tidal flats and marsh in areas of present upland fill.
- Improve local foraging and roosting habitat for migratory and resident birds.

¹¹⁰ California State Parks Foundation. 2006. Draft Initial Study/Mitigated Negative Declaration. Candlestick Point State Recreation Area Yosemite Slough Restoration Project. SCH # 2005122023, June.

- Improve quality of life for the surrounding community.
- Remediate, sequester, or remove contaminated soils to reduce potential for human and wildlife contact.
- Create a clean, beautiful, and local park that the public can visit and view wildlife habitat.
- Create an environmental area that local schools can use for educational field trips.
- Benefit local businesses by increasing the number of visitors coming to the area.
- Connect the Bay Trail through CPSRA with the Bay Trail that is proposed for Hunters Point.

As described in Section III.N (Biological Resources) and Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), all impacts to the slough, restored or unrestored, were analyzed. The Project would not interfere with any of the identified objectives of the Restoration Project. In numerous ways, the Project would further the objectives of the Restoration Project, particularly with respect to improving quality of life for the surrounding community, remediating, sequestering, or removing contaminated soils to reduce potential for human and wildlife contact, benefiting local businesses by increasing the number of visitors coming to the area, and connecting the Bay Trail through CPSRA with the Bay Trail that is proposed for Hunters Point. The Project would rehabilitate and replace dilapidated structures and vacant lots full of rubble and debris with high-quality development that would include numerous acres of open space and local parks. The Project would connect the Bay Trail along the shoreline on Hunters Point. The Project would increase the number of visitors and residents coming to the area, exposing residents and visitors to the CPSRA and the restored slough who might have otherwise not been provided the opportunity. The bridge itself would provide unique viewing opportunities of the slough wetlands and tidal habitat that would not otherwise be available. The area is urban now, although degraded. The Project would create a new, improved development that includes open space and parks that would complement the CPSRA, and would include shoreline improvements that would directly benefit visitors to the CPSRA. The Project and the Restoration Project are not mutually exclusive. The two projects can further the objectives of each other.

Analysis of the Yosemite Slough Bridge and Roadway

As noted in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) and Section III.N (Biological Resources), Section III.E (Aesthetics), and Section III.P (Recreation) of the Draft EIR, the placement of a bridge across the neck of the slough would not, as demonstrated in the EIR, result in significant and unavoidable impacts to wildlife habitat or recreational users of the slough, or in significant and unavoidable impacts to scenic resources. It is acknowledged that the bridge and roadway would present a structural element that would not otherwise be visible across the neck of the slough. The Project's proposed roadway and bridge through an otherwise entirely recreational open space area would have some adverse impact on the recreational experience, when compared to a natural open space area with no roadway or bridge running through it. Clearly, the introduction of a roadway and bridge, together with activity on and use of those features, would adversely affect the natural feel of this portion of the park. Nevertheless, the EIR does not consider the proposed roadway and bridge to result in a significant adverse impact on the proposed improved recreation area for a variety of reasons. The Slough is presently, and would continue to be, located with an urban environment, bordered in part by developed lots and roads. Hence, even without the proposed roadway and bridge, park users would be aware of and in close proximity to the roads and developed areas bordering the park. In addition, the

proposed road and bridge would provide some benefits to the restored park. The bridge would be carefully designed to maximize its integration with surrounding natural areas, including open work, low profile, and architectural finishes that would allow the bridge to blend to the maximum extent feasible with the surrounding environment. The Yosemite Slough is between two urbanized areas, and the “natural” view and feel of the slough as it currently exists would only be sensed if one were wearing blinders, providing the narrowest possible focus directly out from the slough. Otherwise, urban development as it exists would intrude on the “natural feel” of the area, even without the Project. Also refer to Response to Comment 47-20.

Yosemite Slough Bridge Benefits

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the need for the bridge and the benefits that it provides. Even without a stadium, the bridge would provide substantial benefits to bicyclists and pedestrians, and facilitates reduced transit times. With a stadium, the bridge would also provide acceptable access to the stadium on game days. The bridge, as noted, above, would provide viewing opportunities for visitors and residents that would not otherwise be available. The pedestrian and bicyclist paths on the bridge would provide unique opportunities for viewing wildlife and the improved wetlands upon completion of the Restoration Project that would otherwise be unavailable. The nesting island and restored wetlands would be highly visible from the bridge and would actually provide a better view in some respects than the view from on the ground. Wildlife traversing the slough could easily be watched from the bridge.

No-Bridge Options

The commenter indicates that there is no analysis in the EIR of a non-stadium option without the Yosemite Slough bridge. A range of development scenarios excluding the Yosemite Slough bridge has been analyzed in the Draft EIR. These include Alternative 2, Alternative 4, and Alternative 5, the analysis of which provides a range of impacts for development without a bridge, from a reduced development scenario without a stadium to a more intense development without a stadium as analyzed under Alternative 5. Alternative 2 analyzes the full Project land use program without construction of the Yosemite Slough bridge. Generally, travel demand associated with all Variants and Alternatives studied would be similar with or without the Yosemite Slough bridge. Because the Yosemite Slough bridge would not accommodate auto travel on non-game days, the traffic circulation patterns are expected to be the same under Alternative 2 as the Project. Similarly, since auto traffic would only use the bridge on game days for any Alternative or Variant considered, the typical non-game day travel patterns for any of the Alternatives or Variants that include the bridge would be the same under conditions without the bridge. If Variant 1 (R&D Variant), Variant 2 (Housing Variant), or Variant 2A (Housing/R&D Variant) were approved, and no bridge were constructed, the impacts would not increase from those identified for Variant 1, Variant 2, or Variant 2A with the bridge. In fact, all operational and construction impacts associated with the bridge, although identified as less than significant, would be eliminated.

Without the bridge across Yosemite Slough, additional travel distance and travel time would have a notable effect on passengers who use the BRT to travel to or from the Hunters Point Shipyard (the analysis indicates a reduction of 15 percent for these trips). However, because this represents a relatively small portion of overall Project-generated transit riders, the overall change in transit ridership and auto

trip generation is negligible. This conclusion applies to any Variant or Alternative that was analyzed assuming a bridge over Yosemite Slough.

Operation of the BRT within the rail right-of-way would not affect study intersection operations. Therefore, the traffic impacts associated with Alternative 2 would be the same as the Project. Similarly, traffic impacts associated with any Variant or Alternative that was analyzed assuming a bridge over Yosemite Slough would be the same as the equivalent Variant or Alternative without the bridge.

Table C&R-10 (Development Plan Assumptions for Alternatives 2, 4, and 5) describes the Project components that were analyzed for Alternatives 2, 4, and 5.

| Table C&R-10 Development Plan Assumptions for Alternatives 2, 4, and 5 | | | |
|---|-------------------------------|----------------|--|
| Alternative | Yosemite Slough Bridge | Stadium | Intensity of Development Plan |
| 2 | No | Yes | Same as Project |
| 4 | No | No | Reduced CP-HPS Phase II Development (approximately 30%) with Historic Preservation |
| 5 | No | No | Same as Project but less development at CP, more at HPS Phase II |

While Alternative 2 analyzed the impacts of a no-bridge scenario with the stadium at a similar development intensity as the Project, Alternatives 4 and 5 examined alternative development scenarios, one with a reduced development envelope compared to the Project and the other with the same development program, but different distribution of uses, as the Project, both without a stadium or inclusion of the Yosemite Slough bridge.

Alternative 4 is a reduced-development alternative. A total of 7,350 residential units would be constructed under this alternative, about 30 percent less than proposed with the Project. Consequently, the population growth anticipated under this alternative would be approximately 17,126 compared to approximately 24,465 under the Project. Land uses proposed under Alternative 4 would be similar to those proposed under the Project; however, residential densities and commercial intensities for most uses would be approximately 30 percent less at full build-out in comparison to build-out of the Project.

Alternative 5 would have the same overall land use program as the Project. The total number of housing units would be the same as for the Project. However, approximately 1,350 units would be shifted from Candlestick Point to HPS Phase II, because no State Parks agreement would occur, resulting in a smaller development footprint at Candlestick Point. No Yosemite Slough bridge would be constructed and there would be no stadium at HPS Phase II. As noted on page VI-126 of the Draft EIR, Alternative 5 would retain the existing configuration of the State Park boundary, and would not include improvements or ongoing funding for operations and maintenance as provided by the Project. As a result, the land area available for development at Candlestick Point would be smaller and 1,350 housing units would be shifted to HPS Phase II. A total of 6,500 residential units would be constructed at Candlestick Point with higher densities, resulting in more mid-rise structures and towers than under the Project. The amount of retail, office, community service, hotel, arena uses would remain as proposed under the Project. Research and development uses, neighborhood retail, community-serving uses, the artists' studios, and marina proposed by the Project are also proposed under Alternative 5. Residential development would increase

by 1,350 units, for a total of 4,000 units. The San Francisco 49ers football stadium would not be constructed at HPS Phase II.

Therefore, the EIR has analyzed alternatives without a bridge or stadium that range from a 70-percent of Project development to a full Project development with units shifted from Candlestick Point to HPS Phase II. The shifting of these residential units in Alternative 5 would result in more intense development at HPS Phase II than as analyzed for the Project. While the traffic patterns would be somewhat different under Alternatives 2, 4, and 5, the EIR has analyzed an equivalent, a reduced, and a more intense Project at HPS Phase II without inclusion of the bridge.

If the 49ers relocate to a city other than San Francisco, Variants 1, 2, or 2A could be developed. If any of these Variants is ultimately implemented, and there is no Yosemite Slough bridge, impacts with regard to Land Use and Plans, Population, Housing, & Employment, Aesthetics, Wind, Shadow, Cultural and Paleontological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Public Services, Recreation, Utilities, Energy, and Greenhouse Gas Emissions would not differ from the analyses in the EIR with respect to these Variants, as impacts on these resource areas are based on intensity of development, population/employment generation, extent of land disturbance, and types of land uses, and would not become more severe or result in additional environmental impacts if a bridge were not constructed. Therefore, the analyses contained in the EIR for any of these Variants would apply if neither the stadium nor the bridge is built.

The only resources that could be affected by routing traffic around the slough would be traffic, transit, air quality, and noise. Alternatives 2, 4, and 5 analyzed routing traffic around the Yosemite Slough rather than across a Yosemite Slough bridge. If Variants 1, 2, or 2A were approved without a bridge, the traffic impacts of routing traffic around the slough has been included in the EIR analysis of Alternatives 2, 4, and 5, and would be greater than the Project. The biological resource impacts would be reduced with no bridge compared to the Project. However, the benefits of the bridge would not be realized, such as decreased transit times and additional wildlife viewing opportunities.

The only area where transportation and circulation would be different without a stadium if the bridge were not built relates to transit travel times. The distance across the Yosemite Slough bridge (from Carroll Avenue to Shafter Avenue) is approximately 0.4 mile. The distance on the route around the slough is approximately 1 mile, a difference of 0.6 mile. The travel time for the BRT route across this distance (assuming an average 10 to 20 mph travel speed) would be approximately 1.25 to 2.5 minutes. The travel time for the BRT route around the slough (assuming an average 7 mph travel speed) would be 8.7 minutes, an increase of over 6 to 7.5 minutes. Therefore, the assumption of a 5-minute difference in travel time as disclosed in the Draft EIR is a reasonable estimate given the uncertainties in estimating actual transit travel time. Further, whether the actual difference in travel time is 5 minutes or 6 minutes, or perhaps even 7 minutes, it would not alter the significance conclusion relative to transit travel since the transit ridership generated would be similar to the Project with a no-bridge development scenario, and transit demand would be accommodated by available capacity, similar to the Project. Further, as described for Alternative 2 in the Draft EIR, traffic volumes would be similar under conditions with or without the bridge, since traffic would not typically be allowed to use the bridge. Therefore, impacts to transit associated with traffic congestion would be similar with or without the bridge.

Response to Comment 47-5

The Draft EIR considers the Project's impacts to recreation opportunities at CPSRA as a whole, while acknowledging that some area would be removed from the park. It concludes that because recreational opportunities would increase overall, the Project would not have a significant physical impact. Refer to Draft EIR at p. III.P-32. As discussed in Responses to Comments 47-20 and 47-26, below, the Project would not significantly degrade existing recreational opportunities at, or any other aspect of, Yosemite Slough as it exists today. Response to Comment 47-20 discusses potential impacts to future uses of the slough. Refer also to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) and to Draft EIR pages III.E-50 through III.E-51, concerning the Project's aesthetic impacts to the slough.

Response to Comment 47-6

This comment contains introductory, closing, or general background information and also reflects the commenter's opinions. No response is required. However, each of the commenter's general issues is specifically responded to in Responses to Comments 47-7 through 47-65.

Response to Comment 47-7

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) and Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge), which discuss the bridge's effects on biological resources and transportation, respectively. As noted in Master Response 4, although the bridge does provide an important function related to the stadium on game days, the bridge would also serve a vital role in providing effective BRT service to the Hunters Point Shipyard neighborhood and a key pedestrian and bicycle connection between the Hunters Point Shipyard and Candlestick Point neighborhoods. Therefore, the bridge is proposed under Project Variants 1 and 2, which do not include the stadium.

However, the Draft EIR Chapter VI includes an analysis of the Project without the Yosemite Slough Bridge. Alternative 2 (CP-HPS Phase II Development Plan; No Yosemite Slough Bridge) would have the same land use program proposed with the Project, including the State Parks agreement, but would not include the Yosemite Slough bridge. Discussion of impacts of Alternative 2, as compared to the Project, is presented on Draft EIR pages VI-30 to VI-59. Alternative 2 could also be combined for approval with Project land use Variants 1 and 2, also resulting in a Project without the Yosemite Slough bridge. Alternative 4 (Reduced CP-HPS Phase II Development; Historic Preservation; No HPS Phase II Stadium, Marina or Yosemite Slough Bridge) and Alternative 5 (Reduced CP-HPS Phase II Development; No HPS Phase II Stadium, State Park Agreement, or Yosemite Slough Bridge), presented on Draft EIR pages VI-93 to VI-159 also do not include the Yosemite Slough bridge.

The benefit of the bridge with respect to BRT service described above are similar for the land use plans as part of the Project, Project Variants, and Project Alternatives where BRT service is proposed.

Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open for public use.

Response to Comment 47-8

Refer to Responses to Comments 47-3 and 47-28 for discussions of the proposed park reconfiguration.

Response to Comment 47-9

This comment is an overview of the commenter's concerns, which are specifically described and responded to above and below in responses to this letter.

Response to Comment 47-10

The Draft EIR identifies both the City and County of San Francisco and the Agency as co-lead agencies for the purposes of carrying out or approving the Project and preparing the CEQA review document. Section 15051(a) of the CEQA Guidelines provides criteria for determining the Lead Agency, stating that it generally should be the agency that will carry out the Project. Section 15051(d) of the CEQA Guidelines also acknowledges that there may be times in which two or more public agencies have a substantial claim to be the Lead Agency, in which case, the agencies may designate one agency as the lead or may provide for cooperative efforts by two or more agencies, as is the case for the CP-HPS Phase II EIR.

The City and County of San Francisco has adopted guidelines for implementing CEQA, as required by the statute; and those guidelines are codified in its Administrative Code Article 31. Article 31.04 states that the City and all of its officials, boards, commissions, departments, bureaus, and offices shall constitute a single "local agency," "public agency," or "lead agency," as those terms are used in CEQA, except that the Agency shall be a separate "local agency" or "public agency" as specified in CEQA. With regard to the establishment of any redevelopment area, the City shall be the "Lead Agency." In other words, the City has authorized the Agency to be its own Lead Agency except in the instance of the establishment of a redevelopment area.

In this case, the Project does not establish a redevelopment area, so Article 31.04 does not mandate that the "City" serve as the Lead Agency; however, the Project proposes to amend two plans of existing redevelopment areas and that action requires Board of Supervisor approval. The Board also will take a number of other approval actions. The Agency, however, will carry out the Project. The facts here present a situation as recognized in Section 15051(d) where two or more agencies have a substantial claim to be the Lead Agency. Given the language in Article 31.04, it has been the City's experience that the Agency has a substantial claim to be the Lead Agency in circumstances where the Agency proposes to establish redevelopment areas or amend redevelopment plans. Consequently, in addition to having CEQA allow for cooperative efforts by two or more agencies, the City and Agency have long had the practice of jointly preparing CEQA documents for redevelopment plans and plan amendments.

Consistent with CEQA's basic purpose of informing decision-makers and the public about potential significant environmental effects, the identification of cooperative lead agencies increases the opportunity for public disclosure. Rather than creating a problem for the public, if anything, this process results in a better process for the public. It ensures that the Project is well defined, both by the City and the Agency. It requires two commissions to hold public hearings on the draft document, the Redevelopment Commission and the Planning Commission, following both the City's adopted guidelines for carrying out

CEQA and the Agency's adopted guidelines. It requires both commissions to certify to the adequacy, accuracy, and completeness of the Final EIR.

As a procedural matter, there is no additional burden on the part of the public by having additional hearings; instead, the public is afforded more opportunities to participate in the process, and any oral comments at any one or more of the hearings are provided equal weight. The public has embraced the practice, as is evident by the number of people who appeared to testify before the commissions. Further, the process does not produce administrative waste because the fact remains that both the City and the Agency have discretionary approval authority over the Project and both agencies must be fully informed as to the potential environmental impacts before acting on the Project.

Consistent with Section 15051(c) of the CEQA Guidelines, to the extent that the City would act first on the Project, it could be considered the primary Lead Agency, if a choice were to be made. However, if the City were designated as the primary Lead Agency and the Agency as a responsible agency (as opposed to designating co-lead agencies), the conclusions of the EIR would not change, nor would the process by which the EIR has been or will be heard and considered by the City and the Agency. The designation of the City as the primary Lead Agency would not trigger any of the conditions identified in Section 15088.5 of the CEQA Guidelines that require recirculation of an EIR, which include (1) a new significant environmental impact; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant impacts of the project (but the project's proponents decline to adopt it); or (4) precluding meaningful public review and comment.

Response to Comment 47-11

Use of a Project-Level vs. Programmatic EIR and Certainty with Respect to Project Features and/or Variant Features

As stated on page I-6 of the Draft EIR:

This EIR evaluates the development Project's environmental effects at a project level of detail and examines all phases of the Project, including planning, construction, and operation, as well as the direct, indirect, and cumulative impacts that might result. The Candlestick Point-Hunters Point Shipyard Phase II EIR is a Redevelopment Plan EIR pursuant to CEQA Guidelines Section 15180 and a project EIR pursuant to CEQA Guidelines Section 15161. The CEQA "Project" includes the proposed Candlestick Point-Hunters Point Shipyard Phase II Development project, the proposed amendments of the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans, and the proposed amendments of the San Francisco *General Plan* and the San Francisco *Planning Code*.

CEQA does not mandate the use of programmatic EIRs in most circumstances. Section 15168(a) of the CEQA Guidelines provides permissive language regarding the use of Program EIRs, stating, "A program EIR is an EIR which may [emphasis added] be prepared on a series of actions that can be characterized as one large project and are related. ..." Section 15165 of the CEQA Guidelines, in its section describing multiple and phased projects, provides guidance as to when a program EIR must be used, stating, "Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in Section 15168." The identification of a separate section of

the CEQA Guidelines to address multiple and phased projects is intended to make clear that an EIR must address the impacts associated with the whole of an action. If the approval of one particular activity could be expected to lead to many other activities being approved in the same general area, such as is the case with multiple or phased projects, the EIR must examine the expected effects of the ultimate environmental changes. Essentially, while CEQA and the CEQA Guidelines allow for different types of environmental documents, such as a program EIR or a project EIR, the type of environmental document ultimately selected must disclose all environmental impacts associated with a project or an action that leads to other reasonably foreseeable actions; impacts cannot be overlooked due to piecemeal development. As further explained in Practice Under the California Environmental Quality Act (Kostka and Zischke 2009), a Program EIR may be used to (1) avoid multiple EIRs, which could otherwise cause piecemeal environmental review or (2) consider broad programmatic issues for related actions at an early stage of the planning process.

The CP-HPS Phase II Project, while it would occur over a 20-year period of time due to the size of the site and magnitude of the undertaking, represents a single and discrete project, the whole of which has been fully analyzed in the CP-HPS Phase II Project EIR. With respect to the stadium, the EIR evaluates a project that includes a stadium, which is consistent with the development application submitted by Lennar Urban and jointly accepted by the City and County of San Francisco and the Agency. However, because it is possible that the 49ers may not choose to remain in San Francisco, which is a decision made by the 49ers and outside of the control of the lead agencies and the Applicant, it is possible that a stadium would not be necessary at the Project Site; therefore, the EIR evaluated a variant to the Project that did not include a stadium.

With respect to the Tower Variants, the document analyzes different locations and heights of the residential towers at Candlestick Point, while maintaining the same total number of residential units identified for the Project, in order to provide a range of options for the Planning Commission and Board of Supervisors to evaluate. Impacts related to all of the environmental topics, including shade, wind, and aesthetics impacts, are fully evaluated for all of the variants, including the Tower Variants. In fact, as stated on page IV-1 of the Draft EIR (and as revised in this document in Section F [Draft EIR Revisions]):

Most of the features of the variants would be similar to the features of the Project. None of the variants would alter the Project Objectives, which are provided in detail in Chapter II (Project Description). The Project could be approved in combination with Variants 3 (Tower Variants A, B, C, and D), 4, and/or 5, any of which can be overlaid on the Project. Variants 1, 2, and 2A represent variants of the Project without a stadium; either of these variants, if approved, could also include components of Variants 3 (Tower Variants A, B, C, and D), 4, and/or 5. For all of these variants, this ~~e~~Chapter IV (Project Variants) provides an environmental analysis such that this EIR would be adequate under CEQA for purposes of review and approval for any of the variants of the Project either individually or in combination with elements of the Project. The variants are analyzed at a project-level of detail, which is equal to the Project analysis included in Chapter III (Environmental Setting, Impacts, and Mitigation Measures) Section III.A through Section III.S of this document. The environmental impacts that would result from implementation of the variants are presented following the description of each variant. A comparison of the variant development programs to the Project is presented in Table IV-1 (Comparison of Variants to the Project). Table IV-2 (Impact Comparison of Project Variants) summarizes the effects of the Project compared to the variants. ~~As necessary, figures are included to illustrate key details of the Variants and are presented below with the variant descriptions.~~

The analysis of variants in the EIR does not reflect uncertainty or ambiguities, but, instead, provides flexibility and a range of options for the Lead Agency to consider. In all cases, the variants have been fully evaluated.

All potential components of the proposed development that could occur over the 20-year development schedule have been fully considered in the Draft EIR, either in the analysis of the Project or in the analysis of the variants.

It is acknowledged that some aspects of the Project will need to undergo further design and those further design details will be reviewed and approved by the Agency following the initial approval actions for the Project, consistent with the design review process set forth in the Project approval documents. It is anticipated that these later approvals would require additional environmental analysis only if the specific conditions provided for in CEQA for such later approval action were to occur. As stated on page I-7 of the Draft EIR:

It is anticipated that each discretionary approval related to the implementation of the Project would rely on this EIR and would not require preparation of subsequent environmental documentation, unless otherwise required by CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164. Anticipated approvals for the Project are included in Chapter II.

Recreational Impacts Associated with Variant 5

As stated on page IV-238 of the Draft EIR with respect to Variant 5 (49ers/Raiders Shared Stadium):

Development with the 49ers/Raiders Shared Stadium Variant would be similar to the Project. The Shared Stadium Variant would include the construction and improvement of new parks, recreational facilities, and open space. At build-out of this Variant, approximately 337.5 acres of parks, open space, and recreational uses would be provided, as described in Table IV-1, which is about 0.5 acre more than proposed with the Project.

As stated on page IV-238 of the Draft EIR:

The Shared Stadium Variant would have the same number of housing units as proposed with the Project, thereby resulting in the same residential population of 24,465, although 0.5 acres more of parkland would be provided. Operational impacts are determined based on a ratio of acres of parkland per resident. Currently, the City provides approximately 7.1 acres of parkland per thousand residents, and the standard used in Section III.P assumes a ratio of 5.5 acres of parkland per 1,000 population is sufficient to meet the demand for recreational facilities without causing or accelerating substantial physical deterioration of facilities or requiring the construction of further facilities. The parkland-to-population ratio associated with the Shared Stadium Variant would be 13.7, which is the same as the Project. The Shared Stadium Variant ratio would be considerably higher than the ratio of 5.5 acres of parkland per thousand residents, which is considered sufficient to meet demand for recreational facilities without causing or accelerating substantial physical deterioration of facilities or requiring the construction of further facilities. Impacts would be less than significant.

As stated on page III.P-29 of the Draft EIR (which provides the same information for Variant 5):

The Project would also provide approximately 10,730 jobs, which could result in a daytime population of 35,195 (adding the resident population of 24,465, and assuming that no residents were also employees, which is unlikely). Counting the entire daytime population as a part of the population served by the parks on the Project site, the parks-to-population ratio would be 9.5 acres

per 1,000 employees/residents, which still exceeds the benchmark ratio of 5.5 acres per 1,000 residents.

In summary, Variant 5 would provide 0.5 acre of additional park facilities, but would result in the same residential and daytime population and associated parks-to-population ratios as the Project, which are considered acceptable.

The Draft EIR assumed there would be 12 game days and 20 other stadium events for the Project, resulting in a total of 32 events. Variant 5 assumes 22 games and 20 other stadium events, for a total of 42 events, an increase of 10 events as compared to the Project.

Environmental Impacts of Shared Stadium and No Stadium Variants

As with the Project, Variant 5 would locate the stadium at Hunters Point, which is not proximate to the CPSRA for purpose of both attending a game and recreating at the CPSRA. As with the Project, it is assumed that individuals that attend a game may arrive early for the purpose of tailgating (refer to page III.D-26 of the Draft EIR), but would not also arrive early (or stay late) for recreation purposes at the CPSRA. Therefore, even with an increase of 10 events, it is unlikely that any of the individuals would impact the recreational values of the CPSRA.

In terms of how the Project will differ in terms of environmental impacts under the 49ers/Raiders Shared Stadium as compared to the Project, refer to the analysis for Variant 5, provided on pages IV-214 through IV-248 of the Draft EIR, as well as Table IV-2 (Impact Comparison of Project Variants). Table IV-2 has been revised to include Subalternative 4A and is presented in Section F (Draft EIR Revisions). In terms of how the Project will differ in terms of environmental impacts, if the stadium is not built, unlike the Project, refer to the analysis for Variants 1 and 2, provided on pages IV-4 through IV-139 of the Draft EIR, as well as Table IV-2 (Impact Comparison of Project Variants).

Response to Comment 47-12

All of the issues raised in this comment are addressed by the commenter in greater detail in subsequent comments. Therefore, refer to Response to Comment 47-4 for a discussion of why the Yosemite Slough was not included as part of the Project site. Refer to Response to Comment 47-11 for a discussion of reasonably foreseeable future activities associated with the Project. Refer to Response to Comment 47-14 for a discussion of the Project's objectives. Refer to Response to Comment 47-16 for a discussion of necessary federal approvals.

Response to Comment 47-13

Refer to Response to Comment 47-4 regarding the identification and analysis of Yosemite Slough.

Response to Comment 47-14

Chapter II (Project Description) of the Draft EIR clearly indicates that the Project includes construction of a new 49ers stadium, as first described on page II-14 and again described on page II-20. The conceptual design and cross-sections in Figure II-7 (49ers Stadium Conceptual Elevations) and Figure II-8 (Existing and Approved Parks and Open Space), pages II-22 and II-23, further reflect this

aspect of the Project. Figure II-8 has been revised and presented in Response to Comment 50-23 to correct the legend and clarify the park boundaries around the stadium site. The Project, including a new 49ers stadium, is evaluated in Chapter III (Environmental Setting, Impacts, and Mitigation Measures) within each environmental topic area.

In this comment, the commenter is identifying one of the six objectives of the Project. Objective 5 on page II-7 of the Draft EIR states:

5. The integrated development should encourage the 49ers—an important source of civic pride—to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure, and in so doing should:
 - Provide the parking necessary to operate the stadium.
 - Provide the necessary transportation infrastructure, including automobile, public transit and pedestrian connections between Candlestick Point, Hunters Point Shipyard, and the larger BVHP neighborhood, to facilitate the efficient handling of game day traffic.

The Project Objectives are designed to describe the underlying purpose of the Project, as a whole, and to guide in the selection of alternatives. While the City and Agency would like a stadium to be part of the Project, development of an NFL stadium is not the City's or Agency's decision, and is a business decision of the NFL. For the purpose of the analysis of Project impacts, the 49ers stadium is assumed as part of the Project. For example, Section III.D (Transportation and Circulation) evaluates the transportation impacts of a 49ers stadium and identifies mitigation measures to address them.

While the Project includes development of a stadium, several variants to the Project were developed to address a non-stadium scenario. To maintain the same major elements of the Project, while accounting for the potential for the 49ers to relocate to Santa Clara or another jurisdiction, the City identified Variant 1 (R&D Variant) and Variant 2 (Housing Variant), which would develop R&D or housing, respectively, in lieu of a stadium, at levels that would be consistent with population and employment levels associated with a stadium scenario. This analysis is presented in Chapter IV (Variants), and is presented separately from the analysis of a new 49ers stadium within Chapter III. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the need for, and benefit of, the Yosemite Slough bridge.

Project variants are addressed on page IV-1, second paragraph, of the Draft EIR. The Draft EIR states that the Project and one or more variants could be adopted ultimately by decision-makers. Nothing in CEQA precludes adoption of a Project that authorizes multiple land uses. The use of the variants in the Draft EIR was done to make it clear which portions of the Project might be developed in alternative ways. Text changes in Section F (Draft EIR Revisions) of this document show new text that has been added to the Executive Summary to discuss Project variants.

As addressed on page IV-214, last paragraph, of the Draft EIR, a stadium shared by two NFL teams would have limited new environmental effects compared to a one-team stadium:

Overall, the 49ers/Raiders Shared Stadium Variant would not change the amount or type of development compared to the Project. However, the 49ers/Raiders Shared Stadium Variant includes an increase in NFL events per season from 12 to 20 games. Development with this Variant is also likely to result in events occurring weekly for the entire NFL season. Thus, no construction-related environmental effects would occur in excess of those identified for the

Project. The potential operational effects of the 49ers/Raiders Shared Stadium Variant would be related to the increase of stadium use and would affect air quality, noise, transportation, utilities, energy, and aesthetics.

As stated in Appendix D of the Draft EIR, pages 35 and 36, the 49ers/Raiders Shared Stadium Variant would have the same impacts as the Project, except that transportation impacts would occur on ten additional days compared to the Project.

Refer to Response to Comment 17-1 for a discussion of allowing the bridge to be open year-round for automobile use.

Response to Comment 47-15

Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open to automobile traffic outside of game-day conditions.

Further, the purpose of making the BRT route “rail-ready” is not as a precursor to anticipated implementation of light-rail on this route; rather, it is a common citywide approach to providing new infrastructure, including new BRT routes, that seeks to avoid precluding future modifications or conversions as technology or demands change. Generally, the concept of “rail-ready” implies that roadway designs, including available right-of-way, curve radii, grades, potential station platform areas, and overhead clearances proposed by the Project would not preclude implementation of light rail along the route.

However, there is currently no proposal to implement light rail along the BRT route. If such a proposal were made at a later date, any such proposal would need to go through appropriate environmental review prior to being considered by SFMTA. Such a project is not foreseeable and cannot, therefore, be analyzed because no such project has been defined or proposed.

Response to Comment 47-16

Table ES-1 (Major Project Approvals), Draft EIR page ES-6, and Table II-16 (Major Project Approvals), Draft EIR page II-82, include the major Project approvals, including regional, state, and federal approvals. The table is not an exhaustive list, as identified in the table note, but describes the major approvals that would be required of the Project. In response to this comment, Table ES-1 and Table II-16 are revised:

Table ES-1

Major Project Approvals [Revised]

...

Redevelopment Agency Commission

...

- ~~Approves~~ Reports to the Board of Supervisors on the amendments to Redevelopment Plans

...

- Approves land transfer agreements with Port Commission, State Lands Commission, and California Department of Parks and Recreation (CDPR)

...

Table ES-1 Major Project Approvals [Revised]

...

Bay Conservation and Development Commission

- Approves amendments of the Bay Plan and Seaport Plan
- Approves permits for activities within BCDC's jurisdiction, including the proposed Yosemite Slough bridge
- Reviews Project land use plan for federal consistency under the Coastal Zone Management Act for activities not previously authorized in Consistency Determination No. CN 1-99

...

US Army Corps of Engineers

- Approves permit for fill related to the Yosemite Slough bridge, shoreline improvements, and other activities-
- Consults with USFWS or NMFS regarding federally listed species prior to carrying out its discretionary authority under Section 404 of the CWA, pursuant to Section 7 of federal ESA
- Consults with NMFS regarding pile-driving and harbor seal and California sea lion prior to carrying out its discretionary authority under Section 404 of the CWA, pursuant to Marine Mammal Protection Act
- Consults with NMFS regarding modifying designated EFH prior to carrying out its discretionary authority under Section 404 of the CWA, pursuant to the Magnuson-Stevens Act

...

Each federal agency required to take approval actions would determine its NEPA requirements for those actions. The Navy, for example, is preparing a Supplemental Environmental Impact Statement (SEIS) with a Draft SEIS expected to be published in June 2010 and the Final SEIS expected in December 2010.

Response to Comment 47-17

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the potential impacts from construction of the Yosemite Slough bridge on wetlands that are restored as part of the Yosemite Slough Restoration Project as mitigation for impacts from other projects.

Response to Comment 47-18

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's consistency with, and potential effects of the Yosemite Slough Restoration Project. The Yosemite Slough Restoration Project is not an adopted land use plan of a local or regional agency within the meaning of Section 15125(d) or (e) of CEQA.

Response to Comment 47-19

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the project on the Yosemite Slough Restoration Project and its biological goals.

Mitigation measures pertaining to impacts to jurisdictional habitats (i.e., MM BI-4a.1, MM BI-4a.2, and MM BI-4c) would apply to any impacts to the resources present when the project is constructed, whether

they currently exist or whether they will exist as a result of the Yosemite Slough Restoration Project. Therefore, no revisions to these mitigation measures are necessary.

Response to Comment 47-20

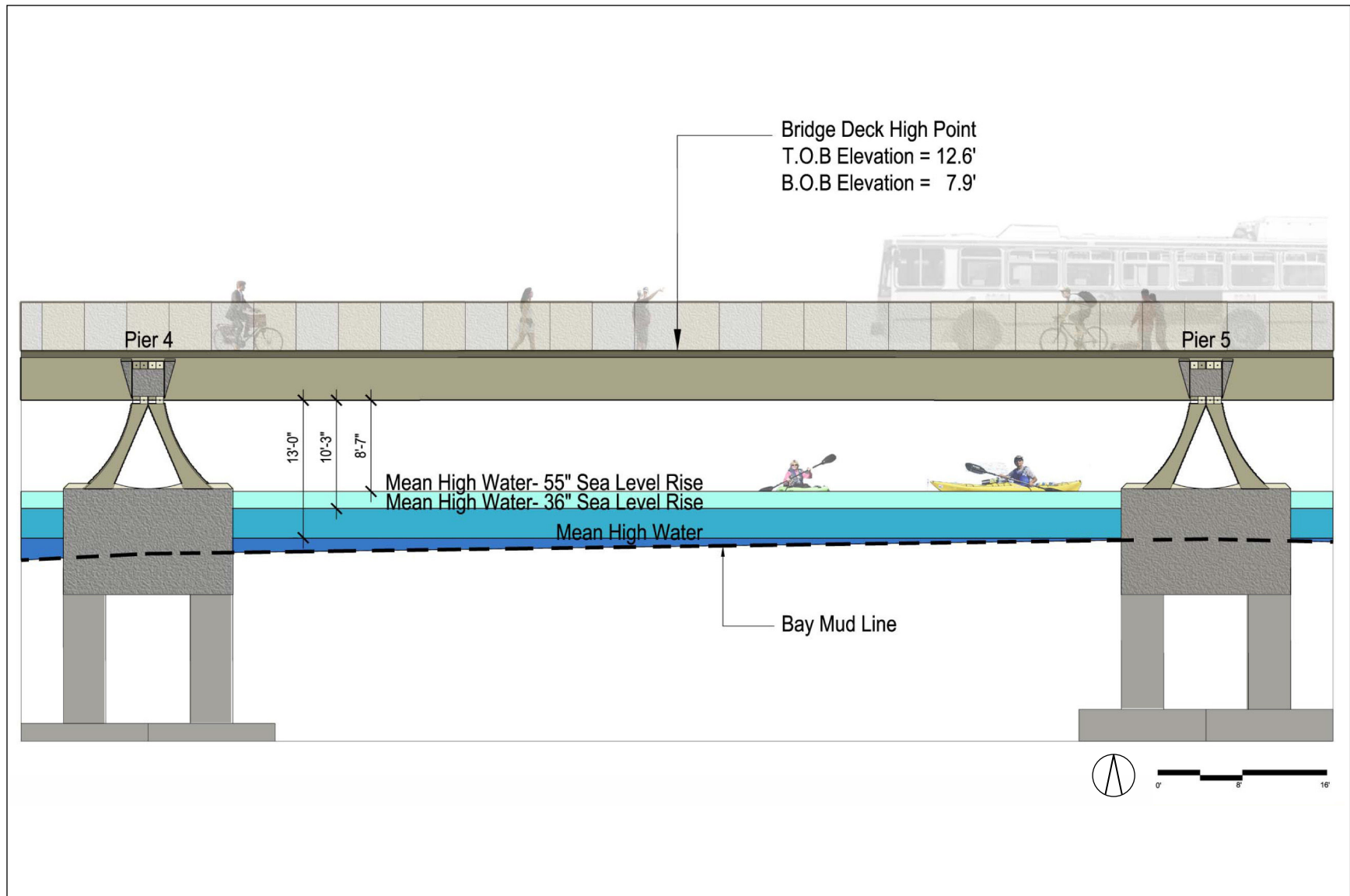
The Draft EIR considers, as CEQA requires, the Project's impact on the existing physical environment, which includes Yosemite Slough in its existing, unrestored state. For example, Draft EIR pages III.E-50 through -51 analyze the Project's aesthetic impacts related to the slough. Yosemite Slough currently does not support substantial recreational use, including recreational boating or trails. Thus, the Project would not have a negative impact on existing recreational use.

Analysis of the Project's impact on the future recreational uses associated with the slough and the Restoration Project is difficult. Because these uses do not currently exist, such analysis requires one to project how future visitors may use and experience the slough, and then to project how the Project, particularly the proposed bridge across the slough, would alter those experiences. CEQA normally discourages such speculation. Nevertheless, the commenter has provided information about the proposed future project to create a wetland restoration area around Yosemite Slough and expressed concern that the Project is inconsistent with various elements of the project. Although no such uses exist at this time, assuming the Restoration Project as described by the commenter is eventually constructed, the Project would not have a significant adverse impact on future recreation in the slough, as explained below.

Recreational Boating in the Slough

The proposed bridge across Yosemite Slough would not impede the passage of recreational paddle crafts from the slough into the open bay. Although the precise details of the bridge's design have not been finalized at this time, preliminary plans estimate that under current conditions, the bridge would provide approximately 13 feet of clearance at mean high water—that is, during an average high tide, as illustrated by Figure C&R-9 (Yosemite Slough Bridge—Paddle Craft Clearances). This is sufficient clearance to allow unimpeded navigation by human-powered craft. If sea level rises by 55 inches—a projection at the high end of many estimates of the effects of climate change—clearance would be 8 feet, 7 inches at mean high water, which is still sufficient for paddle craft navigation. And in a more moderate seal level rise scenario of 36 inches, clearance would be 10 feet, 3 inches at mean high water. Thus, there will be no physical impediment to navigation.

Some paddlers may feel that their experience is less “natural” because of the bridge and is therefore diminished. Bridges are a frequent feature of water recreation areas in California. For example, most paddlers visiting Elkhorn Slough in Monterey County, a very popular human-powered boating area, pass under Highway 1 at the beginning of their outing. Moreover, the recreational experiences offered by CPSRA and other parks within the Project area involve a mosaic of natural and developed parklands, all connected to urban development. The restored slough will be a more-natural part of the patchwork, but will not be isolated from the developed and urban areas nearby. People visiting the slough, including paddlers, will be aware that they are in an urban park and could expect to see features like the bridge. Thus, while the bridge may detract from the sense of nature that some visitors hope for, on the whole it



SOURCE: RHAA; Lennar Urban, 2010.

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FIGURE C&R-9



Candlestick Point — Hunters Point Shipyard Phase II EIR
YOSEMITE SLOUGH BRIDGE – PADDLE CRAFT CLEARANCES

will not have significant adverse impacts on boaters', or other visitors' recreational experiences, as described below.

The Bay Trail Along the Slough Shoreline

As discussed in Response to Comment 47-28, the Bay Trail alignment proposed in the Draft EIR has been amended in response to public comments. The amended alignment traces the slough shoreline and connects with the proposed Bay Trail alignments on Candlestick Point and Hunters Point. The Bay Trail must cross Arelious Walker Street on both sides of the slough. On the north side, the crossing would be possible without substantial deviation from the shoreline alignment. On the south side, visitors walking the Bay Trail would need to walk along Arelious Walker for a block inland (southward) in order to cross the street, then return to the shoreline. The trail alignment along Arelious Walker would be clearly marked. While this crossing is not exactly the same as identified in the Restoration Project's plans, it is not a significant inconsistency. The Bay Trail will remain a continuous shoreline trail.

Vista Points in the Slough

Proposed vista points associated with the planned Yosemite Slough restoration may also provide recreational experiences in the future. The footprint of proposed bridge may include the areas planned for vista points. While the precise location and nature of these vista points are not known (and CEQA does not require such speculation), it is likely that the proposed bridge will have a less than significant impact on the experience they would offer. On most days of the year, the bridge will be open only to pedestrians, cyclists, and transit vehicles. In this pedestrian-dominated mode, the bridge will be effectively an aspect of the Project's parkland, linking CPSRA with the open space on Hunters Point. The entire length of the bridge will offer scenic vistas both towards the Bay and inward toward the restored slough. The availability of these views essentially provides the experience that the vista points would have offered. Moreover, the bridge's final design may be able to accommodate widened portions of the sidewalks that project over the water and serve as observation decks at either end of the span. These would similarly be effective replacements for the vista points, and would be available at all times, even on those occasions when the bridge is open to private vehicles.

To the extent that the surroundings of a vista point—rather than simply the views on offer—are considered an essential part of the experience, the proposed sites could be relocated within the slough restoration area. For example, overlooks could be constructed along the Bay Trail at points on either side of the slough west of the bridge. These points would provide views of the slough comparable to those from the originally proposed vista sites. Views toward the Bay would include the bridge, which may detract from some viewers' experience. The points would nevertheless offer substantial views of the Bay, the mouth of the slough, Double Rock, and shoreline features. In light of these views and of viewers' expectations of the urban nature of these parklands, the bridge's impact on views from the slough, and of the recreational experience of Slough viewpoints, would be less than significant.

Overall, while the proposed bridge would result in a different, more urban recreational experience than Slough visitors would obtain without it, the Project would not have a significant adverse impact on potential future recreational opportunists in Yosemite Slough.

Other Elements of Slough Restoration Project

The commenter points to several elements of the Restoration Project and concludes that the Project is inconsistent with these elements. The Project will remove from CPSRA approximately 1.5 acres of the 34 acres in the proposed restoration area, which includes the slough itself. Consequently, the large majority of the Restoration Project is not directly affected by the Project. The Project will not have any effect on recreational access to the slough, one of the Restoration Project's stated purposes; in fact, the connection of Arelious Walker Street across the slough will enhance access to the restoration area and result in more, not fewer visitors to the area. The Project will not prevent the construction of the Restoration Project's proposed interpretative center, fencing, lighting, benches, or drinking fountains. With the exception of the small acreage affected by the bridge construction, the Project will not affect the addition of 2.5 acres of passive public use areas, new interpretative trails, and vista points along those trails. As explained above, small portions of trails and vista points affected by the bridge could be relocated within the slough restoration area without a substantial effect on the recreational opportunity that the Yosemite Slough Restoration Project presents to visitors to the area.

The Project would construct a bridge and roadway in an area that otherwise would, after the restoration project, be used solely for recreation and open-space uses. The construction of these facilities, together with their use and operation, would adversely affect visitor's experience of the restored natural state of the area. However, the slough is now, and would continue to be, located in an urban environment, bordered by roads and developed lands. The bridge would have limited automobile use, primarily serving as a BRT, bicycle, and pedestrian route. Even without the bridge and roadway, users would always be near and aware of the urban environment in addition to the more natural immediate surroundings in the restoration area. Moreover, the majority of the restored slough area would be unaffected. Therefore, any adverse impact would be less than significant.

Response to Comment 47-21

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Project on wetlands created as part of the Yosemite Slough Restoration Project.

Refer to Response to Comment 47-20 for a discussion of the Project's impacts on future recreation in the slough, and Response to Comment 47-73 for a discussion of the aesthetic impacts of the Project on the restored slough.

Response to Comment 47-22

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the project's potential effects on the Yosemite Slough Restoration Project. As discussed in Master Response 3, impacts on the biological resources that are expected to occur within the Restoration Project area were addressed in the Draft EIR. Also, refer to Responses to Comments 47-67 through 47-101 for responses to individual comments in WRA's letter, and refer to Master Response 3 for a discussion of text added to quantify potential impacts of the Yosemite Slough bridge on wetlands proposed to be created as part of the Restoration Project.

Response to Comment 47-23

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the reasons why different study areas were depicted on Figure III.N-1 (Biological Resources Study Area) and Figure III.N-2 (Study Area Habitats) and for clarification regarding the scope of the project's analysis of impacts to biological resources in on-site and off-site areas (i.e., the impacts to resources in all of Yosemite Slough were included in the impact analysis).

With respect to whether the biological resources impact analysis included Yosemite Slough, page III.N-1 of the Draft EIR states:

The Study Area for this biological resources analysis includes both developed and undeveloped portions of HPS Phase II and Candlestick Point, including the entire Candlestick Point State Recreation Area (CPSRA), as well as off-site open waters adjacent to the Project site that would be impacted by Project components (i.e., breakwater, pier, etc.); refer to Figure III.N-1 (Biological Resources Study Area). The off-site aquatic resources discussed include Yosemite Slough (except the area of construction), the open water area between Candlestick Point and HPS Phase II (known as South Basin), and adjacent open waters that would be impacted by Project components (i.e., breakwaters, gangways, floats, etc.). For purposes of the evaluation of sensitive species, the Study Area is defined as the Project site and a radius of up to 5 miles beyond the Project site.

Thus, the Draft EIR included Yosemite Slough in the off-site areas in which impacts were analyzed. The phrase "(except the area of construction)" was not intended to indicate that the area of construction was excluded from the impact analysis; rather, this parenthetical phrase was intended to indicate that the area of construction was included in the on-site impact analysis. In response to this comment, Section III.N (Biological Resources), third paragraph, second sentence, page III.N-1, has been revised as follows for clarification purposes:

... The off-site aquatic resources discussed include Yosemite Slough (except the area of construction, which is included in the on-site impact analysis), the open water area between Candlestick Point and HPS Phase II (known as South Basin), and adjacent open waters that would be impacted by Project components (i.e., breakwaters, gangways, floats, etc.). ...

Response to Comment 47-24

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the project's potential effects on the existing biological resources of Yosemite Slough, and the potential effects on the wetlands planned for restoration under the Yosemite Slough Restoration Project.

Response to Comment 47-25

Refer to Responses to Comments 47-26 through 47-30 for discussions of the Draft EIR's analysis of the Project's impacts on existing recreational resources and facilities.

Response to Comment 47-26

The majority of the CPSRA shoreline would not be affected by the proposed bridge. Please refer to Response to Comment 47-20 regarding the bridge's impacts on recreational opportunities in Yosemite Slough.

Response to Comment 47-27

Current recreation in CPSRA consists primarily of windsurfing and land-based uses such as picnicking and walking. The Draft EIR analyzes the Project's impacts on such users. It analyzes the Project's impacts on windsurfing on page III.P-33. The Draft EIR analyzes the Project's impacts on existing land-based uses by considering the area that will be available for such uses. It considers construction-related impacts in Impact RE-1, beginning on page III.P-12. Regarding impacts on future recreational uses in Yosemite Slough, please refer to Response to Comment 47-20. As discussed in Response to Comment 47-3, the Project will enhance the rest of CPSRA (outside the slough), and therefore will not have an adverse impact on future recreational uses.

Response to Comment 47-28

The Draft EIR analyzes recreational impacts in part by considering whether the Project would "adversely impact existing recreational opportunities." This standard goes well beyond what is required by the CEQA Guidelines, which include recreation standards that only address impacts to the physical environment; they do not require any consideration of impacts to recreational users' experiences. Refer to CEQA Guidelines, Appendix G Section XIV. This qualitative standard was selected to acknowledge and analyze the changes that current users of CPSRA will encounter during and after implementation of the Project. In applying this standard to the Project, the Draft EIR recognizes that the proposed reconfiguration of CPSRA would remove some land from the Park. As the Draft EIR shows, and as further identified in Table C&R-11 (CPSRA Recreation Land), this land does not for the most part support recreational uses presently. Specifically, of the 29.2 acres to be removed, only 7.8 acres is presently used for recreation. The remainder is not recreation land, but is used for parking for Candlestick Park stadium events.

| Table C&R-11 CPSRA Recreation Land | | | | | |
|---|---|--|--|---|--|
| | Current CPSRA Land (acres) | Current CPSRA Land to be Removed by Reconfiguration | CPSRA Land to Be Improved | Land to be Added to CPSRA and Improved | Total Following Reconfiguration (Current Improved Land + CPSRA Land to be Improved + Land Added to CPSRA) |
| Improved Recreation Land | 51.5 | [3.9] | | 5.7 | 96.7 |
| Unimproved Recreation Land | 26.2 | [3.9] | 22.3 | | |
| Land Unavailable for Recreation | 42.5 | [21.4] | 21.3 | | |
| Total | 120.2 | [29.2] | 43.6 | 5.7 | |

At the same time, the Project would provide substantial improvements to CPSRA. These proposed improvements are not mitigation measures. Rather, they are an essential part of the Project. The Draft EIR acknowledges that land would be removed from CPSRA, but concludes that following implementation of the Project, including the improvements, the Park as a whole will not suffer an adverse effect on recreational opportunities. The table below demonstrates that the Project would remove only small amounts of actual recreation land, while improving large areas of land currently inaccessible or underused.

Specifically, of the 77.7 acres of CPSRA currently in use for recreation, approximately 51.5 acres is developed with facilities and actively used. The remaining 26.2 acres is undeveloped and used less frequently. Following the reconfiguration, 69.9 acres of this land would be improved and available for recreation. Further, 5.7 acres of improved land would be added. The removal of actual recreation land would be minimal: only 7.8 acres, half of which is unimproved. Against that small loss, CPSRA would gain large areas of improved land.

Overall, the reconfiguration and associated park improvements would increase, rather than diminish, recreational opportunities at CPSRA. In short, CPSRA will provide a better recreational experience after the Project than it does now.

Response to Comment 47-29

The Draft EIR considers the Project's impacts on the existing physical environment, and therefore analyzes the impact of increased use on existing recreational facilities. It does not analyze the impacts of increased use of areas that are currently unused for recreation purposes, such as areas of CPSRA that are currently used for stadium parking but will, following the Project, be used for recreation. Because these areas are presently parking lots, future use cannot degrade them to worse-than-current conditions. In other words, future use cannot make these parts of CPSRA worse than the parking lots they currently are.

Thus, the Draft EIR's analysis of CPSRA is concerned solely with the Project's impacts on the 77.7 acres of CPSRA currently available for recreation. Of this area, 7.8 acres would be removed from the park, which, the Draft EIR acknowledges. The remaining 69.9 acres will likely experience increased visitation due to the Project, although CEQA does not require the Draft EIR to speculate about or quantify the precise level of increased visitation. The Draft EIR's analysis thus must take account of the combined impact of the removal of 7.8 acres and increased usage of the remaining 69.9 acres. The Draft EIR reasonably concludes that the park will be able support the increase in visitation without substantial degradation, on the basis of many aspects of the Project: the improvements to the 69.9 acres that will increase the amount of use the area can support, the addition of 26.8 acres to CPSRA's stock of improved recreation land, the Project's funding for CPSRA operations and maintenance, and the availability of large areas of new parkland throughout the Project area. Refer to Draft EIR on page III.P-32. As such, this substantial improvement in the quality of parkland at CPSRA would outweigh the impact of the loss of 7.8 acres of recreation land, thus rendering any impact less than significant.

Moreover, in this context increased visitation is a benefit of the Project: bringing additional visitors to this unique and important state park advances the goals of the City, the Agency, and the State Park System.

Regarding the standard of significance for this impact, CEQA requires analysis of a project's impacts on the physical environment. Thus standards of significance measure whether a project would make the environment—in this case, recreational facilities—significantly worse than it is without the project. Here, the ratio of parkland to acres to 1,000 residents is used as a way of measuring whether the Project will increase park usage to such a degree that substantial physical degradation would occur or accelerate. The current ratio at the Project site is very high because there is a small population as compared to the size of

CPSRA. The Project will inevitably reduce this ratio, but such reduction would not lead to degradation of existing facilities and thus would not cause a significant environmental impact. The Draft EIR selected its standard of 5.5 acres of parkland per 1,000 residents because this was the ratio existing in the City at the time of the 1986 General Plan. Although an improvement in this ratio would be a benefit, maintenance of the ratio would allow the ongoing maintenance of parkland without accelerated degradation. In fact, as demonstrated on pages III.P-30 and -31 of the Draft EIR, parkland ratios at the Project site will be well above 5.5 acres per 1,000 residents at all phases of the Project.

Response to Comment 47-30

In response to the comment, the text in Section III.P (Recreation), page III.P-1, paragraph 1, sentence 3 has been revised as follows:

... The analysis in this section concludes that ~~no the Project could have potentially significant or significant environmental impacts development would result from the Project related to the timing of proposed park~~; therefore, ~~no a mitigation measures are is~~ included.

Also in response to the comment, the text in Section III.P (Recreation), page III.P-25, last paragraph, has been revised as follows:

... In addition, The Last Rubble would contain a new beach area ~~and marshland (refer to Figure H-21)~~. Other features here may include parking, picnic areas, overlook terraces, restrooms, and a restaurant/café.

Noise impacts to CPSRA are encompassed by the analysis in Section III.I (Noise and Vibration). Park users are not considered sensitive receptors.

Response to Comment 47-31

This comment contains introductory information and summarizes an attached letter from Tom Brohard and Associates (Comments 47-102 through 47-115). Responses to specific comments from that letter are provided in Responses to Comments 47-67 through 47-101. Also refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of transportation issues relating to the Yosemite Slough bridge.

Response to Comment 47-32

The Draft EIR considered impacts of the Project to scenic vistas and scenic resources, including the CPSRA, impacts from increased light and glare, and analyzed whether the Project would substantially degrade the visual character or quality of the site. Regardless of whether the CPSRA is called out specifically in the Draft EIR as a scenic resource or not, impacts to the CPSRA were considered in all applicable technical sections, including Aesthetics, Hazards and Hazardous Materials, Hydrology and Water Quality, Geology and Soils, Noise, Biological Resources, Traffic, Air Quality, and Recreation. The Draft EIR does not underplay the significance of the CPSRA as a resource, contrary to the commenter's assertion. If that were the case, there would be no analysis in the Draft EIR of impacts to the CPSRA at all or the CPSRA would be briefly mentioned here and there. The fact that the CPSRA, when built out, will dwarf all other park resources in the area, as commenter states, actually provides some substantiation for the fact that the Project, although large, would not adversely affect the CPSRA from a visual

standpoint. There are no impacts to the CPSRA that are not disclosed in the Draft EIR, and the commenter does not cite any such specific impacts that were not analyzed. Instead, the commenter relies on the fact that the Draft EIR does not specifically identify the CPSRA as a “scenic resource” in exactly those words. The Draft EIR references the CPSRA repeatedly throughout every section of the document; thus, the impacts of the Project were considered in the full environmental context, pursuant to *Kings County Farm Bureau v. City of Hanford* (1990), 221 C.A.3d 692.

Response to Comment 47-33

Refer to Responses to Comments 31-14, 47-34, 47-36, 47-58, 47-73, and 47-76 for discussion of the proposed bridge and its aesthetic impacts on views. Response to Comment 47-46 also contains additional simulations of the proposed Yosemite Slough bridge from four additional reference points. Impacts on CPSRA would be less than significant.

Response to Comment 47-34

Section III.E (Aesthetics) of the EIR contains 30 figures. Viewpoints were selected for inclusion in the EIR that are representative of the wide range available on such a large site. It is not necessary to include every possible view of a project feature to make a determination of the significance of an impact. Refer to Responses to Comments 31-14, 47-34, 47-36, 47-58, 47-73, and 47-76 for discussion of the proposed bridge and its aesthetic impacts on views. Response to Comment 47-46 also contains additional simulations of the proposed Yosemite Slough bridge from four more reference points. The analysis in the EIR and the amplification of that analysis in the Responses to Comments demonstrates that the Project would have a less-than-significant aesthetic impact on the CPSRA.

Response to Comment 47-35

Construction equipment for the bridge would not block views except from very close up, and the presence of construction equipment would be temporary and intermittent. Views of, across, and from the slough would remain from many vantage points during and after construction of the bridge. Pages III.E-51 and III.E-52 of the Draft EIR state that impacts from construction are potentially significant, and less than significant with mitigation measure MM AE-2 (requiring strict control and storage of construction equipment and staging). With regard to lighting, most recreational users of the CPSRA are on site during daylight hours (the park is open from 8:00 A.M. to 5:00 P.M. daily and slightly longer during summer). Therefore, security lighting at night would not disturb recreational users of the CPSRA. All potentially significant impacts from construction of the Yosemite Slough bridge have been identified and determined to be less than significant in the EIR. Also refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of impacts of lighting in the bridge area on biological resources.

Response to Comment 47-36

Impact AE-4 analyzes long-range views across the site. From a distance, the Yosemite Slough bridge will not appear as a prominent feature of the Project. Facts to support the conclusions of the EIR as to long-range views were presented on pages III.E-53 through -56, which discussed eight different viewpoints in

addition to views across the Bay towards Oakland. With regard to Impact AE-5, the commenter fails to quote the remainder of the paragraph (page III.E-58, second paragraph of the Draft EIR), which sets forth the reasons the potentially significant impact of the bridge would not substantially damage a resource that contributes to a scenic public setting. The bridge would contain “green” auto lanes, with plantings in the middle providing a green boardwalk. Page III.N-95 of the Draft EIR indicates that the bridge would be low enough in profile to easily allow birds to fly over the bridge, and the bottom of the bridge deck would be high enough that swimming birds could swim under during tidal currents that currently allow that. The bridge would be low in profile (9 feet above water at the arch of the span and extending to 16 feet above water at its tallest point) and integrated into the open space on either side of the slough, and would contain piers and pedestrian and bicycle paths for a pedestrian viewing experience. Yosemite Slough would continue as a waterway bordered by open space opening from a narrow channel to the west to the wider South Basin to the east and would remain a scenic resource on the site. Placement of a low-profile bridge at one end of the slough would not substantially damage the scenic resource, as the vast majority of the slough would be untouched, and the impact would be less than significant. Visual simulations included in the Draft EIR show that the bridge would not, in the context of the entire expanse of the slough, substantially damage the resource.

For a discussion of the bridge and aesthetic impacts, refer to Responses to Comments 31-14, 47-34, 47-36, 47-46 (including four new graphics depicting the bridge), 47-58, 47-73, and 47-76. Whether a visual impact is substantial is largely a subjective determination based on an evaluation of facts. The Lead Agencies have made the determination that the bridge would not substantially impede views of the Bay or substantially damage a scenic resource because the bridge would have a small footprint relative to the expanse of the slough, and because its design would be visually integrated into the environment to a substantial degree. The Lead Agencies have determined that the Project, and the bridge in particular, would not result in a substantial adverse change in the visual character or quality of the site. The visual simulations and the extensive analysis contained in this section provide substantial evidence of the nature and magnitude of the change in visual character. The Lead Agencies have concluded based on substantial evidence that the change is not substantially adverse and the impact would be less than significant.

Response to Comment 47-37

Refer to Response to Comment 47-35 regarding light and glare impacts. The CPSRA is not open at night. Therefore, Project lighting would have no adverse effect on recreational users of the CPSRA, which would be on site only during daylight hours. With regard to bridge lighting and vehicle headlight impacts on biological resources, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]).

Response to Comment 47-38

The comment states that the evaluation of potential noise impacts is flawed for three reasons: (1) the CPRSA was not included as a noise sensitive receptor, (2) the proposed Yosemite Slough bridge is not analyzed as a source of noise, and (3) no potentially significant or significant noise impacts from noise to recreational users are identified. Refer to Responses to Comments 47-39, 47-40, and 47-41 for full responses to these issues. Also refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]).

Response to Comment 47-39

The comment states that the Draft EIR does not disclose potentially significant impacts to recreational users of the CPSRA, and that the Draft EIR provides no significance threshold for analyzing potential noise-related impacts to recreational users of the CPSRA. While it is true that the Draft EIR characterizes parks and open space as noise-sensitive uses, this characterization is based upon the City of San Francisco General Plan's "Land Use Compatibility Chart for Community Noise" presented in the Environmental Protection Element of the *San Francisco General Plan*. The General Plan Land Use Compatibility Chart indicates that new construction of parks should generally not be undertaken in areas where ambient noise levels exceed 75 dBA. As shown in the Draft EIR and further explained in Response to Comment 47-41, implementation of the project would result in an increase in 24-hour noise levels to the areas adjacent to the CPSRA; however, the future ambient noise levels are estimated to be well below the 70 dBA noise exposure that is considered satisfactory by the General Plan. It should also be pointed out that noise-sensitive uses, as per the General Plan, are not the same as noise-sensitive receptors under CEQA. Noise-sensitive receptors are generally considered to be those individuals for whom a long-term exposure to excessive noise could be detrimental to their health or welfare. Uses with noise-sensitive receptors in San Francisco are generally considered to be uses such as residences, schools, hospitals, and rest homes.

The commenter states that no noise measurements were taken within the CPSRA. Noise measurements were taken in close proximity to uses that would experience permanent long-term increases in ambient noise levels as a result of project implementation. As described in Section III.I (Noise and Vibration), existing long-term (24-hours over the course of three days in January 2009 and July 2009) and short-term (15-minute) noise measurements were taken at locations that were identified as having sensitive receptors that would potentially be permanently impacted by implementation of the Project. These noise-sensitive receptors represented residential and educational uses as identified in Table III.I-3 through Table III.I-6. Consistent with the City's Noise Ordinance and General Plan, the A-weighted decibel scale (dBA) was used to measure potential noise impacts. Residential and educational uses were selected, as these uses would have the highest degree of sensitivity to increases in noise levels, and increases in exterior noise levels above 75 dBA L_{\max} (L_{\max} is the highest peak noise) would result in interference with indoor speech and sleep disruption, and would impact the educational environment of the schools in the vicinity of the Project. While users of the CPSRA would experience a change in ambient noise levels, these recreationists are not considered noise sensitive receptors. Implementation of the Project would not result in ambient noise levels in excess of 70 dBA within the CPSRA, as noise levels along adjacent roadways were modeled to be below 65 dBA L_{dn} . As roadway noise is the predominant source of ambient noise in the Project vicinity, and as the CPSRA is generally located either equal to or further from roadways than the noise measurement locations used for the EIR, ambient noise levels within the CPSRA would be equal to or less than the noise levels identified at those noise measurement locations. Recreational users of the CPSRA would not be exposed to 24-hour increases in noise levels as would residential uses located along the Project roadways, nor would they be exposed to temporary increases above 75 dBA L_{\max} that would occur during stadium events at the new stadium site. In addition, as noted, the CPSRA is not open after dark, which is when most non-football-related stadium events would likely occur. Therefore, the locations selected for both long- and short-term noise measurements meet the

requirements of the City of San Francisco and provide an accurate baseline for evaluation of potential project impacts to sensitive receptors as required by CEQA.

As noise levels adjacent to the CPSRA would be substantially below the 70 dBA noise, implementation of the proposed Project would be considered compatible with CPSRA uses. The potential for the project to create permanent increases in ambient noise levels that would exceed the 70 dBA noise exposure limit were evaluated under Impact NO-4, which analyzed operational impacts such as the use of mechanical cooling systems, deliveries of retail and commercial products and activities such as trash collection and Impact NO-6, which analyzed operational impacts due to increase in roadway noise levels. As detailed under these impacts, ambient noise levels associated with the Project would not exceed 70 dBA and noise measurements were not required to be taken in the CPSRA as impacts to users within the CPSRA would be less than significant.

The commenter claims that the Draft EIR provides no significance threshold for determining significant impacts on the CPSRA, in addition to claiming that no quantitative or qualitative analysis was made for determining potential Project-related noise impacts to the CPSRA. As neither the CDPR nor the CPSRA General Plan has established significance criteria for increases in ambient noise levels, the lead agencies utilized the thresholds of significance identified in Section III.I.4 (and further detailed below), in order to determine potential impacts to both existing and future noise-sensitive receptors both on and off site with regard to construction and operational increases in noise. The Lead Agencies utilized the City of San Francisco Noise Ordinance standards for residential uses to evaluate potential permanent increases in noise levels that would occur with implementation of the project for off-site uses, including users of the CPSRA. The residential noise standards are the most restrictive identified in the Noise Ordinance, and, therefore, afford the most protection to off-site users in the vicinity of the Project.

The Draft EIR's significance thresholds are clearly identified on under Section III.I.4 (Impacts) on pages III.I-21 and III.I-22. Specifically, with regard to impacts relating to increase in ambient noise increases that would potentially impact noise-sensitive receptors the following thresholds were identified based upon the City of San Francisco General Plan or Noise Ordinance:

■ During Construction

- > Generate construction noise between the hours of 8:00 P.M. and 7:00 A.M. that exceeds the ambient noise level by 5 dBA at the nearest property line (unless a special permit has been granted by the Director of Public Works or the Director of Building Inspection); or produce noise by any construction equipment (except impact tools) that would exceed 80 dBA at 100 feet. (Criteria I.a and I.d)

■ During Operation

- > Cause an increase in noise (i.e., as produced by "any machine or device, music or entertainment or any combination of same") greater than 5 dBA or 8 dBA above the local ambient (i.e., defined as the "lowest sound level repeating itself during a minimum 10-minute period as measured with a sound level meter, using slow response and A-weighting") at any point outside the property plane of a residential, commercial/industrial or public land use, respectively, containing the noise source. (Criteria I.a, I.c, or I.d)
- > In the case of noise or music generated from a "licensed Place of Entertainment," cause an increase in low frequency ambient noise (i.e., defined as the "lowest sound level repeating itself during a 10-minute period as measured with a sound level meter, using slow response and C-weighting") by more than 8 dBC. (Criteria I.a, I.c, or I.d)

Additionally, the Draft EIR considered noise impacts where quantitative significance thresholds may not be included in the City of San Francisco *General Plan* or Noise Ordinance. The Draft EIR states that the Project would cause or be subject to a significant noise or vibration impact if it would:

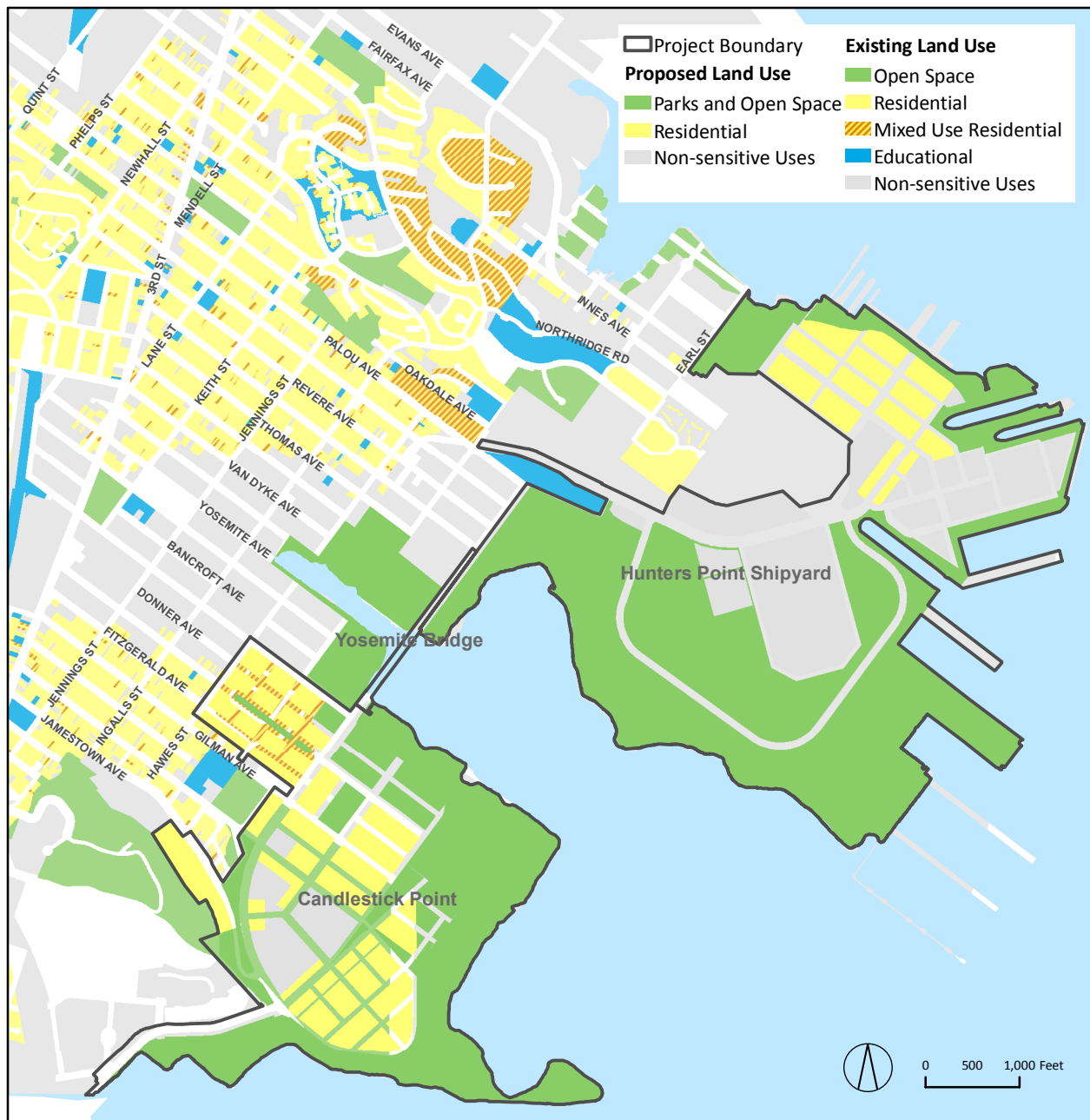
- Cause outdoor traffic noise levels at existing or proposed residential and other noise-sensitive uses to increase by more than the FTA criteria specified in Table III.I-9, which vary depending on the baseline ambient noise levels. (Criterion I.c)
- Cause excessive annoyance, activity disruption, or sleep disturbance due to noise from SFO-related aircraft operations at the proposed residential uses to be located on the Project site according to FAA criteria (i.e., aircraft noise level of 65 dBA L_{dn} or greater). (Criteria I.e, I.f, and I.g)

The lead agencies utilized the FTA criteria to evaluate noise impacts from surface transportation modes (i.e., passenger cars, trucks, buses, and rail). The incremental noise allowances established by the FTA extended the EPA's incremental impact criteria to higher baseline ambient levels. As baseline ambient levels increase, smaller and smaller increments are allowed to limit increases in community annoyance (e.g., in residential areas with a baseline ambient noise level of 50 dBA L_{dn} , a 5 dBA increase in noise levels would be acceptable, while at 70 dBA L_{dn} , only a 1 dBA increase would be allowed). Again, these standards, which are designed to protect the most noise-sensitive uses, such as residential and educational uses, were applied to all off-site uses, including users of the CPSRA.

As such, the Draft EIR evaluated potential impacts to all on- and off-site users that would occur due to construction and operation of the Project. As there would be no development within the CPSRA and noise levels from roadways adjacent to the CPSRA (e.g., Harney Way and Gilman Avenue) would be well below the 70 dBA compatibility range, no noise measurements were required to be taken within the CPSRA. No new or additional analysis would be required as suggested in the comment. Further, in response to this comment Figure III.I-5 (Existing and Future Noise Sensitive Land Uses in Project Site and Vicinity) has been modified to more accurately depict land uses identified as noise sensitive by the City of San Francisco's General Plan or Municipal Code.

Response to Comment 47-40

As stated in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), ambient noise levels at Yosemite Slough are currently high, due to the industrial and storage uses of the properties on the south side of Yosemite Slough (that are outside both the Yosemite Slough Restoration Project area and the CP/HPS project site, and will thus not be subject to change as a result of either project) that are the source of considerable ambient noise. The Yosemite Slough bridge will be used only by BRT buses except during the 10 to 12 days (or if Variant 5 is approved) annually in which vehicles entering or exiting the new stadium will be using the bridge. The hybrid buses that would be used on this BRT route would have a maximum noise level (from pull-away to 35 mph) of 70 to 75 dBA, roughly equivalent to the sound of freeway traffic at a distance of 50 feet. The roadway noise modeling performed for the project in the Draft EIR accounts for the total increase in daily vehicle trips to predict the 24-hour increases in roadway noise levels along existing uses that would potentially be impacted by implementation of the project. Development of the Yosemite Slough bridge would result in BRT buses



SOURCE: Lennar, 2009; CCSF, 2007; PBS&J, 2010.

PBS&J 04.21.10

FIGURE III.I-5  **Candlestick Point - Hunters Point Shipyard Phase II EIR**
EXISTING AND FUTURE NOISE SENSITIVE LAND USES
IN PROJECT SITE AND VICINITY [REVISED]

traveling along the bridge over undeveloped portions of the CPSRA, and would not result in an increase in 24-hour noise levels that would exceed standards for sensitive receptors established by the City's Noise Ordinance or the *City of San Francisco General Plan*.

As described below in Response to Comment 47-41, implementation of the project would result in an increase in 24-hour noise levels in the CPSRA that are within the noise exposure that is considered satisfactory with no special noise insulation requirements according to the "Land Use Compatibility Chart for Community Noise" presented in the Environmental Protection Element of the *San Francisco General Plan*. Additionally, while noise levels would increase in the vicinity of the Yosemite Slough bridge, there are no permanent noise sensitive receptors within the vicinity of the bridge (residential, educational, or convalescent uses). While recreationists would be exposed to a new source of noise in the vicinity of the bridge, their exposure would be temporary and below the thresholds of significance identified in the Draft EIR. Refer to Response to Comment 47-41 for greater details regarding potential construction impacts to recreationists within the CPSRA.

Response to Comment 47-41

Permanent increases in ambient noise levels were evaluated and identified in the Draft EIR utilizing the significance standards identified in the City of San Francisco Noise Ordinance, as described in Response to Comment 47-39 above. While the Noise Ordinance does incorporate the World Health Organization Guidelines (WHO), the City utilizes the Environmental Protection Element of the *San Francisco General Plan* in determining compatibility of proposed land uses with existing adjacent uses. Specifically, Objective 11 of the Environmental Protection Element states:

Promote land uses that are compatible with various transportation noise levels.

| | |
|-------------|--|
| Policy 11.1 | Discourage new uses in areas in which the noise level exceeds the noise compatibility guidelines for that use. |
| | The "Land Use Compatibility Chart for Community Noise" included in Policy 11.1 specifies the compatibility of different land use types within a range of ambient noise levels. |

The "Land Use Compatibility Chart for Community Noise" specifies that for new development to be compatible with Parks and Playgrounds:

- Noise exposure is considered "satisfactory, with no special noise insulation requirements" where the L_{dn} is 70 dBA or less.
- "New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design" where the L_{dn} is between 68 dBA and 78 dBA.
- "New construction or development should generally not be undertaken" where L_{dn} is over 75 dBA.

As shown in Table III.I-14 (Modeled Noise Levels along Major Project Site Access Roads), the only two roadways in the vicinity of the CPSRA that would experience increases in roadway noise levels are Harney Way west of Jamestown Avenue, which is modeled to have a noise level of 59.6 L_{dn} in the year 2030 and Gilman Avenue east of Third Street, which is modeled to have a noise level of 64.6 L_{dn} in the

year 2030. These noise levels are within the noise exposure that is considered satisfactory with no special noise insulation requirements according to the “Land Use Compatibility Chart for Community Noise” presented in the Environmental Protection Element. Therefore, impacts from increased roadway noise levels are identified and would be less than significant to users of the CPSRA.

Existing CPSRA users are frequently exposed to noise levels that are likely above the 75 dBA maximum identified in the “Land Use Compatibility Chart for Community Noise.” These would include football games and special events at the existing stadium site, the Blue Angels flying show that occurs during Fleet Week, and fireworks shows on the Fourth of July. Project-related business and residential uses would be required to comply with the noise limits established by the City of San Francisco Noise Ordinance, and therefore, operational impacts to users of the CPSRA would be less than significant, as identified in the Draft EIR.

Upon approval of the Project, no construction activity associated with development of Candlestick Point would occur within the CPSRA. Further, page 48 of the CPSRA General Plan acknowledges that construction activity associated with proposed CPSRA improvements would be short-term and less than significant. As construction of the Candlestick Point area would comply with the regulations of Section 29 of the Noise Ordinance and identified in mitigation measures MM NO-1a.1 and MM NO-1a.2, construction-related impacts would be less than significant with regard to exposure of persons to or generation of noise levels in excess of standards established in the Environmental Protection Element of the *San Francisco General Plan* or San Francisco Noise Ordinance (Article 29, *San Francisco Police Code*) as identified in the Draft EIR.

The Draft EIR did identify that construction activities occurring within the Project site and in the Project vicinity for roadway and infrastructure improvements would last throughout the 18-year construction phasing, and, therefore, this temporary increase in ambient noise levels would be noticeable and would likely be cause for human annoyance. Implementation of the above-mentioned mitigation measures would reduce the noise levels associated with the loudest construction activities identified above, but not to a less-than-significant level. Therefore, construction-related temporary increases in ambient noise levels for users of the CPSRA would be considered significant and unavoidable as identified in the Draft EIR.

No substantial sources of groundborne vibration would be built as part of the Project; therefore, operation of the Project would not expose sensitive receptors on site or off site to excessive groundborne vibration or groundborne noise levels, and this impact would be less than significant to users of the CPSRA, as identified in the Draft EIR. Construction related vibration would likely not occur within 50 feet of users of the CPSRA, as the general vicinity of the construction area would be secured and CPSRA users would not be located directly adjacent to these construction activities. As such, construction related vibration impacts would be less than significant to users of the CPSRA.

Refer also to Response to Comment 47-40 for a discussion of traffic noise impacts associated with the Yosemite Slough bridge.

Response to Comment 47-42

Contrary to the comment, the Draft EIR does calculate the significance of the risks due to fugitive dust, including contaminated fugitive dust. With regard to the identification of significance thresholds, the thresholds used to evaluate toxic air contaminants (TACs) associated with contaminated dust are discussed on page III.H-17:

Though not explicitly required by the BAAQMD CEQA Guidelines,¹⁸¹, a HRA was conducted to evaluate the human health effects from emissions of DPM and TAC-containing soil-PM₁₀ associated with Project construction activities. This analysis was deemed appropriate due to the scale (multi-year time horizon utilizing extensive construction equipment over a large area) and location (e.g., brownfield redevelopment on land which may contain residual chemicals in soil) of the Project. Therefore, the BAAQMD CEQA significance thresholds as described below were used to evaluate the possibility that emissions of DPM or soil-PM₁₀ emissions from Project construction activities would expose the public to potential airborne health risks:

- Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 1×10^{-5} (10 in a million)
- Ground level concentrations of noncarcinogenic air contaminants/pollutants resulting in a HI greater than 1 for the MEI

While the thresholds presented are not specifically designated by the BAAQMD for use in evaluating impacts from construction activities, they are the de facto risk and hazard levels used by the BAAQMD and virtually all other local and state agencies in California in determining whether a project, process or facility would have an adverse health impact. In respect to the supporting calculations, refer to Appendix H3, Attachment II of the Draft EIR, entitled *Human Health Risk Assessment of Chemicals Bound to Airborne PM₁₀* for a complete description of the methodology and supporting calculations used to estimate cancer risks and noncancer hazards associated with construction dust emissions.

The control measures applied in the Draft EIR relating to fugitive dust are appropriate and are consistent with the City of *San Francisco Health Code* and BAAQMD CEQA Guidelines. The mitigations are not optional and are required by the City of San Francisco, as discussed on page III.H-16:

San Francisco Health Code Article 22B, Construction Dust Control, requires, for construction projects within 1,000 feet of sensitive receptors (residence, school, childcare center, hospital or other health-care facility or group-living quarters), preparation of a site-specific dust control plan. That plan must include a number of equivalent measures to minimize visible dust. These measures contain all the dust control measures presented in the BAAQMD CEQA Guidelines; however the *San Francisco Health Code* requirements increase the watering frequency as well as adding monitoring, recordkeeping, third-party verification, and community outreach requirements not found in the BAAQMD guidelines.

As discussed in Impact AQ-3, on page III.H-28 of the Draft EIR:

Emissions of soil-PM₁₀ from construction activities were estimated assuming the mitigation measures discussed in MM HZ-15.

The specific mitigation measures to be implemented are defined in MM HZ-15 of the Draft EIR. In summary, a dust mitigation plan must be submitted and approved by the BAAQMD prior to issuance of a grading, excavation, site building, or other permit from the City. Mitigation is not deferred; rather specific standards that the dust plans must meet are set out in the mitigation measure. The mitigation measure MM HZ-15 to be implemented in the Project is defined on Draft EIR pages III.K-99 to -101,

(underlined text shows revisions outlined in Master Response 16 [Notification Regarding Environmental Restrictions and Other Cleanup Issues]), as follows:

MM HZ-15

Asbestos Dust Mitigation Plans and Dust Control Plans. *Prior to obtaining a grading, excavation, site, building or other permit from the City that includes soil disturbance activities, the Project Applicant shall obtain approval of an Asbestos Dust Mitigation Plan (ADMP) from BAAQMD for areas over 1 acre that potentially contain naturally occurring asbestos and approval of a Dust Control Plan (DCP) from SFDPH for all areas at HPS Phase II and for areas over 0.5 acre at Candlestick Point. Compliance with the ADMP and DCP shall be required as a condition of the permit.*

The ADMP shall be submitted to and approved by the BAAQMD prior to the beginning of construction, and the Project Applicant must ensure the implementation of all specified dust control measures throughout the construction Project. The ADMP shall require compliance with the following specific control measures to the extent deemed necessary by the BAAQMD to meet its standard:

For construction activities disturbing less than one acre of rock containing naturally occurring asbestos, the following specific dust control measures must be implemented in accordance with the asbestos ATCM before construction begins and each measure must be maintained throughout the duration of the construction Project:

- *Limit construction vehicle speed at the work site to 15 miles per hour*
- *Sufficiently wet all ground surfaces prior to disturbance to prevent visible dust emissions from crossing the property line*
- *Keep all graded and excavated areas, around soil improvement operations, visibly dry unpaved roads, parking and staging areas wetted at least three times per shift daily with reclaimed water during construction to prevent visible dust emissions from crossing the property line. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour.*
- *Adequately wet all storage piles, treat with chemical dust suppressants, or cover piles when material is not being added to or removed from the pile*
- *Wash down all equipment before moving from the property onto a paved public road*
- *Clean all visible track out from the paved public road by street sweeping or a HEPA filter equipped vacuum device within 24 hours*

For construction activities disturbing greater than one acre of rock containing naturally occurring asbestos, construction contractors are required to prepare an ADMP specifying measures that will be taken to ensure that no visible dust crosses the property boundary during construction. The plan must specify the following measures, to the extent deemed necessary by the BAAQMD to meet its standard:

- *Prevent and control visible track out from the property onto adjacent paved roads. Sweep with reclaimed water at the end of each day if visible soil material is carried out from property.*
- *Ensure adequate wetting or covering of active storage piles*
- *Hydroseed or apply non-toxic soil stabilizers to disturbed surface areas and storage piles greater than ten cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil that will remain inactive for seven days or more*
- *Control traffic on on-site unpaved roads, parking lots, and staging areas: including a maximum vehicle speed of 15 miles per hour or less*

- *Provide as much water as necessary to control dust (without creating run-off) in any area of land clearing, earth movement, excavation, drillings, and other dust-generating activity.*
- *Control dust emissions from off-site transport of naturally occurring asbestos containing materials*
- *Stabilize disturbed areas following construction*

If required by the BAAQMD, air monitoring shall be implemented to monitor for off-site migration of asbestos dust during construction activities and appropriate protocols shall be established and implemented for notification of nearby schools, property owners and residents when monitoring results indicate asbestos levels that have exceeded the standards set forth in the plan.

The DCP shall be submitted to and approved by the SFDPH prior to the beginning of construction, and the Project Applicant must ensure the implementation of all specified dust control measures throughout the construction Project. The DCP shall require compliance with the following specific mitigation measures to the extent deemed necessary by the SFDPH to achieve no visible dust at the property boundary:

- *Submission of a map to the Director of Health showing all sensitive receptors within 1,000 feet of the site.*
- *Keep all graded and excavated areas, areas around soil improvement operations, visibly dry unpaved roads, parking and staging areas wetted at least three times per shift daily with reclaimed water during construction to prevent visible dust emissions from crossing the property line.*
- *Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour.*
- *Analysis of wind direction and placement of upwind and downwind particulate dust monitors.*
- *Record keeping for particulate monitoring results.*
- *Requirements for shutdown conditions based on wind, dust migration, or if dust is contained within the property boundary but not controlled after a specified number of minutes.*
- *Establishing a hotline for surrounding community members who may be potentially affected by Project-related dust. Contact person shall respond and take corrective action within 48 hours. Post publicly visible signs around the site with the hotline number as well as the phone number of the BAAQMD and make sure the numbers are given to adjacent residents, schools, and businesses.*
- *Limiting the area subject to construction activities at any one time.*
- *Installing dust curtains and windbreaks on windward and downwind sides of the property lines, as necessary. Windbreaks on windward side should have no more than 50% air porosity.*
- *Limiting the amount of soil in trucks hauling soil around the job site to the size of the truck bed and securing with a tarpaulin or ensuring the soil contains adequate moisture to minimize or*
- *prevent dust generation during transportation.*
- *Enforcing a 15 mph speed limit for vehicles entering and exiting construction areas.*
- *Sweeping affected streets with water sweepers at the end of the day.*
- *Installing and using wheel washers to clean truck tires.*
- *Halting all construction activities during periods of sustained strong winds, hourly average wind speeds of 25 miles per hour.*
- *Applying soil stabilization methods to inactive areas.*
- *Sweeping off adjacent streets to reduce particulate emissions.*

- *Hiring an independent third party to conduct inspections for visible dust and keeping records of those inspections.*
- *Minimizing the amount of excavated material or waste materials stored at the site.*
- *Prevent visible track out from the property onto adjacent paved roads. Sweep with reclaimed water at the end of each day if visible soil material is carried out from property.*

For all areas, this measure shall be implemented through Article 22B (areas over one half acre) or for HPS Phase II through a requirement in the potential additions to Article 31 imposing requirements to parcels other than Parcel A or through an equivalent process established by the City or Agency.

The Draft EIR concludes that with mitigation measure MM HZ-15, the impacts would be less than significant (page III.H-29):

As the carcinogenic and noncarcinogenic health risks posed by soil-PM₁₀ emissions during construction activities associated with development of HPS Phase II have been determined to be below established thresholds, this impact is less than significant with mitigation measure MM HZ-15 discussed above. ...

The Draft EIR goes on to indicate, that in the absence of mitigation measure MM HZ-15, the impacts would likely be significant (page III.H-29) (text has been revised as shown by underline and strikethrough):

As the carcinogenic and noncarcinogenic health risks posed by soil-PM₁₀ emissions during construction activities associated with development of Candlestick Point have been determined to be below established thresholds, this impact is less than significant with mitigation measure MM HZ-15 discussed above. An analysis was not conducted to determine the impact of Project construction activities without the dust control mitigation measures described in MM HZ-15; ~~however,~~ because the dust controls described in MM HZ-15 are required by *San Francisco Health Code* Article 22B or BAAQMD regulations. ~~Due to the scale of the construction activities and proximity to adjacent receptors, without these dust control measures, the impacts from TACs bound to soil PM₁₀ would likely be above the BAAQMD's significance threshold and would, therefore, be potentially significant.~~

The BAAQMD significance thresholds used in the Draft EIR to evaluate air quality impacts are current and appropriate for use. The current guidelines, as specified in the 1999 BAAQMD CEQA Guideline document, are recommended for use until the implementation of updated guidelines. Since the publication of the Draft EIR, the BAAQMD has released additional information pertaining to the updated BAAQMD CEQA Guidelines. During the BAAQMD Public Meeting on January 6, 2010, the Board decided to postpone adoption of the updated CEQA Guidelines to a future meeting. Future consideration of the updated BAAQMD CEQA Guidelines is postponed until June 2010 at the earliest. Therefore, the adoption and implementation of the updated BAAQMD CEQA Guidelines is not expected until after June 2010.

Even so, the proposed BAAQMD CEQA Guidelines as available at the time the Draft EIR were considered in the Draft EIR, as specified in the first full paragraph on page III.H-39 and, further, Master Response 19 (Proposed BAAQMD Guidelines) provides an updated analysis based on the most recent guidance.

The conclusions stated in the Draft EIR with respect to soil-PM₁₀ due to construction activities are outlined on page III.H-38, third paragraph, as follows:

As stated under Impact AQ-1, fugitive dust associated with Project construction would not be expected to cause violations of AAQS with the inclusion of a City mandated and approved dust control plan. As stated under Impact AQ-2 and Impact AQ-3, emissions of DPM and soil-PM₁₀ from construction activities associated with the Project would not exceed BAAQMD's thresholds for determining potential impacts to human health. With this plan in place, Project dust emissions would be controlled consistent with BAAQMD CEQA Guidelines and, therefore, construction fugitive dust emissions would be considered to have a less-than-significant project impact. With Project emissions well controlled, the Project would not make a considerable contribution to a cumulative impact.

Response to Comment 47-43

As discussed in Response to Comment 47-42, the BAAQMD significance thresholds used in the Draft EIR to evaluate air quality impacts are current and appropriate for use. The current guidelines, as specified in the 1999 BAAQMD CEQA Guideline document, are to be used until the implementation of updated guidelines. Refer to Master Response 19 (Proposed BAAQMD Guidelines) for an updated analysis based on the most recent guidance.

Response to Comment 47-44

The California Air Resources Board (ARB) considers a United States Environmental Protection Agency (US EPA) Tier 2 engine outfitted with California ARB Level 3 Verified Diesel Emission Control Strategies (VDECS) as a US EPA Tier 4 equivalent engine. The Draft EIR used these two terms interchangeably; however, in response to this comment and to clarify the description, the text in Section III.H (Air Quality) has been revised to always refer to the mitigation as "US EPA Tier 2 standards outfitted with California ARB Level 3 VDECS or equivalent." Changes have been made in the following locations:

- Page III.H-24, Impact AQ-2, first and second bullets:
 - Construction equipment used for the Project ~~will~~would utilize a phased-in emission control technology in advance of a regulatory requirement such that 50 percent of the fleet will meet US EPA Tier ~~4-engine~~2 standards outfitted with California ARB Level 3 VDECS (Verified Diesel Emission Control Strategies) for particulate matter control (or equivalent) during ~~2010 and 2011~~the first two years of construction activities, increasing to 75 percent of the fleet in ~~2012~~the third year and 100 percent of the fleet starting in ~~2013~~the fourth year and for the duration of the Project
 - Construction equipment used in the Alice Griffith parcels (CP01 through CP06) would utilize equipment which meets the US EPA Tier ~~4-engine~~2 standards outfitted with California ARB Level 3 VDECS (Verified Diesel Emission Control Strategies) for particulate matter control (or equivalent) throughout the entire duration of construction activities on those parcels.
- Page III.H-25, mitigation measure MM AQ-2.1 has been revised to reflect the correct standard:

MM AQ-2.1 Implement Emission Control Device Installation on Construction. To reduce DPM emissions during Project construction, the Project Applicant shall require construction equipment used for the Project to utilize emission control technology such that 50% of the fleet will meet US EPA Tier 2 standards outfitted with California ARB Level 3 VDECS (Verified Diesel Emission Control Strategies) for particulate matter control (or equivalent) during ~~2010 and 2011~~the first two years of construction activities, increasing to 75% of the fleet in ~~2012~~the third year and 100% of the fleet starting in ~~2013~~the fourth year and for the duration of the Project.

Appendix H3, Attachment 1, of the Draft EIR, entitled *Human Health Risk Assessment of Construction-Related Diesel Particulate Matter* discusses the evaluation analysis used to evaluate Impact AQ-2. Though not explicitly discussed in the Draft EIR, the Appendix provides the necessary information to determine the health impacts without mitigation. In response to this comment, the unmitigated impacts have been added to the Draft EIR in the following locations:

■ Page III.H-25, Impact AQ-2a discussion:

As noted earlier, BAAQMD CEQA Guidelines has an established threshold of 10 in one million for carcinogenic health risks. The HRA, which took into account the mitigation measures described above, concluded that the cancer risk at the MEI would be 3.3 in one million. This represents the maximum level of DPM experienced by all off-site sensitive receptors during Candlestick Point construction activities. Exposure to DPM from construction activities associated with Candlestick Point would not exceed the threshold. In addition, the HRA concluded the maximum chronic noncancer HI to be 0.007, which is below the BAAQMD's significance threshold of 1.0. ~~An analysis was not conducted to determine the impact of Candlestick Point construction activities without the mitigation described above; however, due to the scale of the construction activities and proximity to adjacent receptors, without mitigation the impacts would be potentially above the BAAQMD's significance threshold and would therefore be potentially significant.~~

The impact of Candlestick Point construction activities without the mitigation described above would result in an estimated cancer risk at the MEI of 11 in one million, above the significance threshold of 10 in one million and, therefore, significant without mitigation. The corresponding chronic noncancer HI for the unmitigated emissions was estimated to be 0.027, which is below the BAAQMD's noncancer HI significance threshold of 1.0.

Due to the scale of the construction activities and proximity to adjacent receptors, without mitigation the impacts would be potentially above the BAAQMD's significance threshold and would, therefore, be potentially significant.

As the carcinogenic and noncarcinogenic health risks posed by DPM emissions during construction activities associated with development of Candlestick Point have been determined to be below established thresholds with mitigation, this impact is less than significant with mitigation measure MM AQ-2.1:

■ Pages III.H-25 to -26, Impact AQ-2b discussion:

As noted above, BAAQMD CEQA Guidelines has an established threshold of 10 in one million for carcinogenic health risks; the HRA which took into account the mitigation measures described above concluded that the cancer risk at the MEI would be 3.8 in one million. This represents the maximum level of DPM experienced by all off-site sensitive receptors during HPS-Phase II construction activities. Construction activities associated with HPS-Phase II would not exceed the threshold. In addition, the HRA concluded the maximum chronic non-cancer HI to be 0.01, which is below the BAAQMD's significance threshold of 1.0. ~~An analysis was not conducted to determine the impact of Candlestick Point HPS Phase II construction activities without the mitigation described above; however, due to the scale of the construction activities and proximity to adjacent receptors, without mitigation the impacts would be potentially above the BAAQMD's~~ result in an estimated cancer risk at the MEI of 8.4 in one million, which is below the significance threshold of 10 in one million and would be potentially, therefore, less than significant without mitigation. The corresponding chronic noncancer HI for the unmitigated emissions was estimated to be 0.024, which is below the BAAQMD's noncancer HI significance threshold of 1.0.

Due to the scale of the construction activities and proximity to adjacent receptors, without mitigation the impacts would be potentially above the BAAQMD's significance threshold and would, therefore, be potentially significant.

As the carcinogenic and noncarcinogenic health risks posed by DPM emissions during construction activities associated with development of HPS-Phase II have been determined to be below established thresholds with and without mitigation, this impact is less than significant with implementation of mitigation measure MM AQ-2.1.

■ Page III.H-26, Impact AQ-2c discussion:

As noted earlier, BAAQMD CEQA Guidelines has an established threshold of 10 in one million for carcinogenic health risks; the HRA which took into account the mitigation measures described above concluded that the cancer risk at the MEI inside Alice Griffith would be 4.5 in one million. This represents the maximum level of DPM experienced by all on-site sensitive receptors during Project construction activities. Exposure to DPM from construction activities associated with the Project would not exceed the threshold. In addition, the HRA concluded the maximum chronic non-cancer HI to be 0.02, which is below the BAAQMD's significance threshold of 1.0. ~~An analysis was not conducted to determine the impact of Candlestick Point construction activities without the mitigation described above; however, due to the scale of the construction activities and proximity to adjacent receptors, without mitigation the impacts would be potentially above the BAAQMD's significance threshold and would therefore be potentially significant.~~

The impact of Candlestick Point and HPS Phase II construction activities without the mitigation described above would result in an estimated cancer risk at the on-site MEI (sensitive receptors inside Alice Griffith) of 20 in one million, above the significance threshold of 10 in one million and therefore significant without mitigation. The corresponding chronic noncancer HI for the unmitigated emissions was estimated to be 0.09, which is below the BAAQMD's noncancer HI significance threshold of 1.0.

Due to the scale of the construction activities and proximity to adjacent receptors, without mitigation the impacts would be potentially above the BAAQMD's significance threshold and would therefore be potentially significant.

As the carcinogenic and noncarcinogenic health risks posed by DPM emissions during construction activities associated with development of the Project have been determined to be below established thresholds with mitigation, this impact is less than significant with implementation of mitigation measure MM AQ-2.1 and mitigation measure MM AQ-2.2:

MM AQ-2.2 Implement Accelerated Emission Control Device Installation on Construction Equipment Used for Alice Griffith Parcels. In addition to mitigation measure MM AQ-2.1, in order to minimize the potential impacts to residents living in Alice Griffith from the construction activities in that area, the Project Applicant will require that all construction equipment used in the Alice Griffith parcels (CP01 through CP06) ~~would~~ utilize equipment which meets the US EPA Tier 4 ~~engine~~ 2 standards outfitted with California ARB Level 3 VDECS (Verified Diesel Emission Control Strategies) for particulate matter control (or equivalent) throughout the entire duration of construction activities on those parcels.

Response to Comment 47-45

Refer to Response to Comment 47-42 for a discussion of the application of mitigation measures used to evaluate impacts associated with construction dust. The analysis in the Draft EIR demonstrates that the impacts would be less than significant with mitigation; therefore, the analysis complies with CEQA.

Response to Comment 47-46

Double Rock is a formation of two rock outcroppings visible in the waters of South Basin, approximately 500 feet from the shoreline of CPSRA. Double Rock is visible from some shoreline areas of CPSRA and Hunters Point Shipyard. Double Rock as a local name was adopted for the Double Rock War Dwellings, developed in 1943/44 as part of Hunters Point Shipyard housing. The Alice Griffith

public housing now at Candlestick Point replaced the Double Rock dwellings in 1964; Double Rock Street is a short cul-de-sac within the Alice Griffith site. Double Rock Community Garden near Griffith Street and Fitzgerald Avenue is maintained at the Alice Griffith public housing site. It is noted that the Alice Griffith housing is often referred to as “Double Rock” by local residents. Double Rock Baptist Church is at 1595 Shafter Avenue, one block east of Third Street, and almost a mile west of South Basin. Double Rock Grocery is at 2830 Ingalls Street, about one-half mile from South Basin. Other than the local use of the name, Double Rock does not have documented cultural associations.

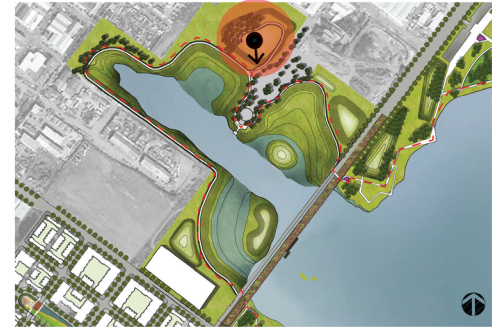
The Project would not alter the existing Double Rock formation in any way. Double Rock would continue to be visible from the CPSRA shoreline, including the improved CPSRA lands near Yosemite Slough and from shoreline open space proposed as part of Hunters Point Shipyard Phase II. The east side of the Yosemite Slough bridge would include pedestrian-bicycle lanes that would provide views of Double Rock. Visitors to the proposed restored Yosemite Slough area west of the bridge would in some cases have views of Double Rock blocked by the bridge. Figure C&R-10 through Figure C&R-13 of this document presents visual simulations of views of the Yosemite Slough bridge from the Yosemite Slough area. From some of those locations, as shown in Figure C&R-10 and Figure C&R-12, Double Rock would be seen below the bridge structure. Overall, however, the Project would maintain or enhance views of Double Rock. Refer also to Response 47-20 above, discussing viewpoints of the Bay and shoreline that would be available from the proposed Bay Trail and from the Yosemite Slough bridge. The Project would have a less-than-significant adverse effect on Double Rock as visual or cultural resource.

Response to Comment 47-47

Please see Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) with respect to the Draft EIR’s analysis of the bridge’s potential impacts. Moreover, Yosemite Slough is a tidally dominated system with a large flow area within which tidal waters move in and out during ebb and flood tides. The proposed Yosemite Slough Restoration Project will make the tidal prism substantially larger than present conditions. The size and orientation of the proposed bridge piers will not constrict tidal flow in or out of Yosemite Slough, which will not result in an alteration of tidal currents. Even if the Restoration Project does not move forward, the effects of tidal constriction posed by bridge construction can be eliminated by sizing the bridge piers appropriately, which is the Project’s intent. Evidence of this intent is shown in “Impact of Yosemite Slough Bridge,” pages III.M-104 to -105 of the Draft EIR, which states (as revised in Section F [Draft EIR Revisions]):

The bridge across Yosemite Slough would not place structures within a SFHA that could generate high-velocity flood forces that could cause damage to the structure itself or adjacent structures. The Yosemite Slough bridge would be designed such that the superstructure would be well above the current 100-year flood hazard elevation in Zone V, to account for future sea level rise. Because ~~The bridge was~~ the bridge ~~was~~ would be designed to avoid potential impedance of flood flows; ~~therefore, the~~ impacts would be less than significant. No mitigation is required.

It is recognized that there is a tidal restoration project for the Yosemite Slough area. It is not uncommon to design bridge piers and openings such that the net effect on tidal hydraulics is minimal or non-existent. The bridge project will incorporate this criterion into its design.



SOURCE: RHAA; Endres Ware, 2010.

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FIGURE C&R-10



Candlestick Point — Hunters Point Shipyard Phase II EIR
YOSEMITE SLOUGH BRIDGE
PANORAMIC VIEW FROM NORTHSIDE PICNIC KNOLL



SOURCE: RHAA; Endres Ware, 2010.

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FIGURE C&R-11



Candlestick Point — Hunters Point Shipyard Phase II EIR
YOSEMITE SLOUGH BRIDGE
PANORAMIC VIEW FROM NORTHSIDE PLAZA



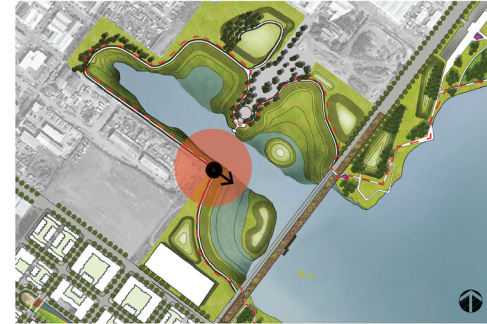
SOURCE: RHAA; Endres Ware, 2010.

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FIGURE C&R-12



Candlestick Point — Hunters Point Shipyard Phase II EIR
YOSEMITE SLOUGH BRIDGE
PANORAMIC VIEW FROM NORTHSIDE BAY TRAIL



SOURCE: RHAA; Endres Ware, 2010.

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FIGURE C&R-13



Candlestick Point — Hunters Point Shipyard Phase II EIR
YOSEMITE SLOUGH BRIDGE
PANORAMIC VIEW FROM SOUTHSIDE BAY TRAIL

Response to Comment 47-48

Draft EIR Section III.F (Shadows), analyzes Project shadow effects on existing and proposed open space in the Project site and vicinity, including CPSRA. The analysis conclusions are based on significance criteria presented on Draft EIR page III.F-5 (the underlined text corrects only a typographical error):

The CCSF and Agency have not formally adopted significance standards for impacts related to shadows, but generally consider that implementation of the Project would have significant impacts if it were to:

F.a Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas

In addition, shadow effects would be significant if they would affect, in an adverse manner, the use of any park ~~of or~~ open space under the jurisdiction of the SFRPD, or significantly detract from the usability of other existing publicly accessible open space.

The comment requested that the Draft EIR apply *Planning Code* Section 295 criteria and methodology to evaluate Project effects on CPSRA. The Draft EIR discusses *Planning Code* Section 295, “The Sunlight Ordinance,” on pages III.F-4 to -5; Draft EIR page III.F-5 states:

As noted above, parks and open space within the Project site or in the Project vicinity that are under the jurisdiction of the SFRPD include Candlestick Park, Bayview Park, Gilman Park, India Basin Shoreline Park, and India Basin Open Space. Development near these parks is subject to shadow review under *Planning Code* Section 295, except for Candlestick Park, which would be removed from the jurisdiction of the Recreation and Park Department as a result of the Project.

CPSRA is not under SFRPD jurisdiction, and Draft EIR page III.F-8 describes the approach to shadow effects on CPSRA (the deleted text in the first sentence of the second paragraph corrects only typographical errors in the Draft EIR):

For parks and open space that are not subject to the review requirements of *Planning Code* Section 295, only ~~provides~~ a qualitative assessment of shadow effects is provided, to determine whether enjoyment of the park or public space by users would be substantially and adversely affected by shadow effects. ...

Consistent with the significance criteria, the Draft EIR evaluates the shadow effects on CPSRA based on the extent of the area shaded, the time of day, and shade patterns at different seasons. Draft EIR pages III.F-9 through III.F-26 and Figure III.F-3 through Figure III.F-14 present the range of shadow conditions that would occur at the CPSRA throughout the year from 10:00 A.M. to 3:00 P.M., that are, as stated, the periods of most intensive open space use. As noted in the text and figures, other than winter months, when the sun angles are lowest and buildings shadows would therefore be at their longest extent, new shading in midday and afternoon periods would affect only 1 percent or less of the CPSRA. In December, midday shading would affect about 2 percent of the CPRSA, increasing to about 12 percent at 3:00 P.M. Refer to Figure III.F-4 (Candlestick Point: Shadow Patterns: December 21 [Noon PST]), and Figure III.F-5 (Candlestick Point: Shadow Patterns: December 21 [3 PM PST]), illustrating those December shadow conditions. As shown in Figure III.F-5, during mid-afternoon in winter (the period with the longest shadows), most of the shoreline of CPSRA would be in sun, including the proposed Bay Trail alignment and other waterfront activity areas that may be developed at CPSRA, such as windsurfing launch areas.

In general, the maximum winter conditions would occur from November to January. The Project would not add substantial shade to CPSRA during most of the year.

Therefore, the Draft EIR concluded on page III.F-26 that Project shade would not have a significant adverse effect on use of CPSRA:

The CPSRA would be affected by new shade in the afternoons, but most areas would experience limited to no new shadow from the Project. Other areas of the CPSRA would largely continue to remain in sun throughout the year. Project shadow would not interfere with the public's use or enjoyment of the CPSRA. Activities in these areas, such as windsurfing launching, walking, jogging, and fishing, would not be affected by the new shade.

With respect to comments on Section 295 criteria and methodology, Figure III.F-2 (Candlestick Point: Proposed Project Year-Round Shadow Trace) identifies the maximum extent of all Project-generated shadows from one hour after sunrise to one hour before sunset over an entire year at Candlestick Point, the periods specified in Section 295. While the shadow trace provides information on parks and open space that could be affected by new shading from Project structures over an entire year, it does not provide information on the shadow effects experienced by a park or open space at any particular time of the day or year. The trace is a "time-lapse" image of all shading during the year. The trace does indicate that in afternoon, up to hour before sunset, Project shade could affect CPSRA, extending across the CPSRA to the shoreline. Those effects would occur after 3:00 P.M., after the typical time of intensive use. (During late spring, summer and early fall months, after 3:00 P.M., some Project shading would occur, but most of CPSRA would not be affected.) Actual conditions would be as shown, for example, in Figure III.F-5 (Candlestick Point: Shadow Patterns: December 21 [3 PM PST]), when about 12 percent of CPRSA would be in shade, and the shade would not extend to the shoreline.

Adopted Section 295 criteria include a 1 percent limit for increased shading of larger parks (greater than two acres and having less than a 20 percent existing shadow load), and the commenter stated that this criterion should be applied to analysis of shading of CPSRA. As discussed on Draft EIR page III.F-5, the adopted Section 295 criteria use "Annual Available Sunlight" expressed in "square-foot-hours." That 1 percent limit is a calculation of change in square-foot-hours in sunlight on an SFRPD open space on an annual basis, and that approach is specific to Section 295. For the reasons noted above, that methodology was not applied to CPSRA. Further, page III.F-5 states that Section 295 criteria also consider shadow effects in light of "existing shadow profiles, important times of day, important seasons in the year, location of the new shadow, size, and duration of new shadows and the public good served by buildings casting new shadow." The Draft EIR evaluated shadow effects on CPSRA considering important times of day, important seasons in the year, location of the new shadow, size, and duration of new shadows.

A comment noted that CPSRA has typically cool and windy conditions and that shadow effects could preclude public use and enjoyment of any areas that are shaded for extended hours during park operating hours. As discussed above, the Draft EIR found that Project shade would occur on limited areas of the park, at limited times of day, and for limited periods of the year. Most of CPSRA would not be shaded, even during winter months when shadows are longest, and Project effects would not be expected to preclude public use and enjoyment of CPSRA.

Therefore, as discussed in this response, the Draft EIR does not require revision with regard to conclusions on shadow effects on CPSRA. Project effects on CPSRA would be less than significant.

Refer to Section F (Draft EIR Revisions) of this document, which presents a revised Tower Variant 3C. The revised Tower Variant would include changes in tower locations and heights at Candlestick Point that would reduce shade effects at CPSRA, compared to Project shadow effects presented in Draft EIR Section III.F, and discussed in the response above.

Response to Comment 47-49

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the potential effects of shading impacts on biological resources of Yosemite Slough, as discussed in Impact BI-4c of the Draft EIR.

Response to Comment 47-50

The commenter suggests that the Draft EIR defers to laws protecting resources such as wetlands rather than independently analyzing impacts. However, Impact BI-4a of the Draft EIR analyzes impacts to jurisdictional habitats, quantifying them in Table III.N-4 (Impacts to Wetlands and Other Jurisdictional Waters of the United States [Section 404]), Draft EIR page III.N-57. Table III.N-4 has since been modified and is presented in Section F (Draft EIR Revisions). Although mitigation measure MM BI-4a.1 on pages III.N-59 to -62 requires the applicant to obtain regulatory permits and indicates that mitigation for impacts to jurisdictional habitats will be identified by regulatory agencies during the permitting process, this measure also independently prescribes the minimum mitigation that will be required for CEQA compliance purposes, as follows:

Compensation for impacts to wetlands and jurisdictional waters shall be required to mitigate any permanent impacts to these habitats to less-than significant-levels. Such mitigation shall also be developed (separately from the CEQA process) as a part of the permitting process with the USACE, or for non-USACE-jurisdictional wetlands, during permitting through the SFRWQCB, BCDC, and/or CDFG. The exact mitigation ratio shall be established during the permitting process, and depends on a number of factors, including the type and value of the wetlands permanently affected by the Project; however, mitigation shall be provided at a ratio of no less than 1:1 (at least 1 acre of mitigation for every 1 acre of waters of the US/State permanently filled).

Likewise, mitigation for shading impacts to jurisdictional/regulated waters is described in mitigation measure MM BI-4c on page III.N-68 of the Draft EIR as follows:

Mitigation for Shading Impacts to Jurisdictional/Regulated Waters. Mud flats and aquatic habitats impacted by permanent shading from the Yosemite Slough bridge shall be mitigated by the creation or restoration, either on site, off site, and/or via purchase of mitigation bank credits, at a 0.5:1 (mitigation:impacted) ratio. Aside from the mitigation ratio, such mitigation shall be provided as described for mitigation measure MM BI 4a.1.

Shading impacts of the Yosemite Slough bridge are further discussed in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]).

Refer to Response to Comment 17-1 for a discussion of how the City would prohibit use of the bridge by private automobiles.

Response to Comment 47-51

Under CEQA, an analysis of cumulative impacts must consider whether “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” CEQA Guidelines Section 15065(a)(3). The Yosemite Slough Restoration Project will not have any adverse impacts related to recreation. Thus, it will have no effects that might combine with the incremental effects of the Project to create significant cumulative impacts. Regarding the Project’s potential impacts on the slough, refer to Response to Comment 47-20 (regarding impacts on future recreational uses) and Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]). As Master Response 3 demonstrates, the Project will not have a significant impact on the Restoration Project area itself or on the slough’s ecology or habitat, and therefore will not impede its mitigation of prior projects’ impacts.

Response to Comment 47-52

This is a summary of comments in this letter, specifically that the full scope of impacts to the slough and CPSRA have not been examined, and the project objectives need to be clarified regarding the 49ers stadium. With regard to defining the Project Objectives regarding the 49ers stadium, refer to Response to Comment 47-14. With regard to examining the full scope of impacts to the slough and CPSRA, refer to Responses to Comments 47-18 through 47-51, which are specific comments on the EIR analysis relative to the slough and CPSRA. No new substantive changes to the Draft EIR analysis have been identified and therefore no changes are necessary for the analysis of alternatives. Refer to Response to Comment 48-3 regarding the selection and evaluation of alternatives.

With regard to clarifying the Project objective relative to the 49ers stadium, page VI-3 of the Draft EIR includes within the list of Project Objectives “the integrated development should encourage the 49ers: an important source of civic pride: to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure.” While the City and Agency would like a stadium to be part of the Project, development of a NFL stadium is not within the City’s or Agency’s control, and is a business decision of the NFL. Therefore, while the Project includes development of a stadium, several variants and alternatives to the Project were developed to address a non-stadium scenario. To maintain the same major elements of the Project, while accounting for the very real potential for the 49ers to relocate to Santa Clara or another location, the City identified Variant 1 and Variant 2, which would develop R&D or housing, respectively, in lieu of a stadium, and at levels that would be consistent with population and employment levels associated with a stadium scenario. Similarly, the alternatives analysis includes both stadium and non-stadium scenarios. Alternative 2 addresses a new stadium, without a bridge and Alternative 3 re-uses the existing stadium. Alternatives 4 and 5 include no-stadium scenarios.

As discussed previously in responses to this letter, the impacts to the CPSRA were adequately identified and disclosed in the Draft EIR. A re-examination of the alternatives analysis is not required and no changes to the Draft EIR are proposed.

Response to Comment 47-53

This comment contains introductory information and summarizes an attached letter from Tom Brohard and Associates (Comments 47-101 through 47-114). Responses to specific comments from that letter are provided in Responses to Comments 47-101 through 47-114. Also refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of transportation issues relating to the Yosemite Slough bridge.

Response to Comment 47-54

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) with regard to impacts on CPSRA and the slough from the bridge. With regard to the three no-bridge options outlined by the commenter, most of these are addressed by existing analysis in the Draft EIR (the tunnel option is not). CEQA does not require a comprehensive evaluation of every conceivable alternative. Alternatives can be rejected because they are infeasible and/or if they fail to meet most of the Project objectives. Chapter VI (Alternatives) of the EIR describes several alternatives that were considered but rejected from further consideration. The range of development options of stadium or no stadium, and bridge or no bridge, [stadium/bridge is the Project; no stadium/bridge are Variant 1 and 2; stadium/no bridge is Alternative 2; and no stadium/no bridge are Alternatives 4 and 5] are covered by the existing analysis in the Draft EIR. Refer to Response to Comment 48-3 regarding the selection and analysis of alternatives. Because the Draft EIR includes no-bridge alternatives, these issues are addressed within the EIR.

Response to Comment 47-55

Section III.B (Land Use and Plans) discusses the Project's consistency with all applicable land use plans on pages III.B-7 through III.B-32. This comment is an introduction to the more detailed comments regarding plan consistency that follow. Refer to Responses to Comments 47-56 through 47-59 for responses to these concerns.

Response to Comment 47-56

The Lead Agencies have determined that the Project would not degrade scenic values. In fact, as noted on page III.B-12 of the Draft EIR, the Project would result in an overall benefit to the CPSRA. Two-thirds of the park that is currently unused, underutilized, or that is used for Candlestick Park stadium parking would be substantially improved to enhance overall park aesthetics and landscape ecology; reconnect visitors to the Bay shoreline; and provide direct access to the Bay for swimming, fishing, kayaking, and windsurfing. Proposed improvements include shoreline restoration and stabilization, a bio-filtration pond to cleanse stormwater, the provision of habitat and opportunities for environmental education, 'Eco-Gardens,' and salt-marsh restoration (refer to III.P [Recreation]).

The commenter states that the Project is inconsistent with the CPSRA General Plan and misinterprets the statement in the Draft EIR, page III.B-12, that, "To the extent that the final improvements to the reconfigured CPSRA would be inconsistent with the CPSRA General Plan, these improvements would be addressed through the State Parks General Plan amendment process." Prior to this sentence, these

“inconsistencies” are identified as a boundary change and proposed new uses that would be located on lands removed from the park following the reconfiguration. The amendment to the CPSRA General Plan would correct the inconsistency that would arise over the boundary changes and the lands removed from the CPSRA by the Project. Pursuant to SB 792, no CPSRA General Plan amendment is required for the reconfiguration of the recreation area.

As explained in the Draft EIR, page III.B-12, the Project would be inconsistent with the CPSRA General Plan to the extent that it would result in a park boundary different from that shown in the General Plan and to the extent that it proposes new uses to be located on lands removed from the park following the reconfiguration. An amendment to the CPSRA General Plan would eliminate these inconsistencies. Pursuant to SB 792, no CPSRA General Plan amendment is required for the reconfiguration of the recreation area.

As discussed above and in Response to Comments 47-3 and Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), the Project would not have a significant impact on the Park’s scenic values, natural resources, or recreational value. The Project therefore is not inconsistent with the referenced General Plan policy.

Response to Comment 47-57

As noted on page III.B-12 of the Draft EIR, consistent with the goals and objectives of the CPSRA General Plan, the Project would develop recreational resources, including parks, picnic areas, shade shelters, tidal marsh restoration; park ranger station/visitor’s center, a meadow, a bio-filtration pond, and a restaurant/café at The Last Rubble; pedestrian pathways, upgraded restrooms, overlooks, an interpretive amphitheater, parking, and a windsurf/kayak launch at Heart of the Park, The Point, and The Neck; and swimming, kayaking, and windsurfing at The Last Port. The Project also would connect the Bay Trail through the Project site, resulting in 9.6 miles of continuous public access through a diversity of natural and historic environments. The Project’s passive and active recreation areas that would be accessed along the Bay Trail would encourage a longer stay than walking or bicycling would occasion. The Project would, therefore, benefit the CPSRA and further its objectives, and would be consistent with SB 792.

Response to Comment 47-58

Chapter VI (Alternatives) of the Draft EIR includes an analysis of Alternatives 2, 4, and 5, all of which do not include a bridge over Yosemite Slough and route traffic upland of the slough. Also refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge), which includes the rationale for providing the bridge.

With regard to the aesthetic impacts of the Yosemite Slough bridge, refer to Responses to Comments 31-14, 47-34, 47-36, 47-46, 47-73, and 47-76. The bridge would contain pedestrian paths from which pedestrians can view the slough and the Bay. In fact, the bridge would provide an intimate viewing experience from its position over the water from which to watch ducks, water birds, and other wildlife that utilize the slough. While the Draft EIR included a preliminary design of the Yosemite Slough bridge, the final design would be fully developed through consultation with BCDC and CDPR. The bridge design would be integrated with its surroundings visually and spatially, and would only partially obstruct

views of the Bay from close-up vantage points. From a mid- and long-range distance, the Bay would remain visible. With regard to the second policy quoted by the commenter, that towers, bridges or other structures near or over the Bay should be designed as landmarks that suggest the location of the waterfront when it is not visible, especially in flat areas, the bridge would act as a landmark. Visitors to the slough inland from the bridge could utilize the bridge as a landmark of the Bay entrance, and, similarly, boaters and kayakers could use the bridge as a visual landmark of the entrance to the Yosemite Slough when using the Bay. As noted in Section III.E (Aesthetics), the bridge would not have a substantial adverse impact on views of the large expanse of the Bay; views would be obstructed only partially and from close-in viewpoints.

The CDPH would ultimately establish the configuration of improvements to various areas of the CPSRA through the public general plan process. Page III.B-15 of the Draft EIR states:

The Project is consistent with the intent of the Bay Plan as it relates to the Candlestick Point area. The Project would provide park improvements, and on-going funding for park operation and maintenance. The ultimate configuration of improvements to various areas of the CPSRA would be determined by the ~~CDPR~~CDPH but the Project would not preclude a water trail camping site or fishing, windsurfing, hiking and viewing opportunities. The inclusion of the Yosemite Slough bridge would not conflict with the Bay Plan's policy regarding additional bridges over the Bay, which aims to preserve the visual impact of the large expanse of the Bay. Expansive views of the Bay would remain from numerous vantage points, even with inclusion of the bridge over the neck of the slough.

The Project is also consistent with the Bay Plan policies to minimize Bay fill and to preserve the shoreline for uses that are regionally important, water-oriented uses needing or historically located on shoreline sites, such as ports, water-related industry, water-related recreation, airports, and wildlife refuges. The Project involves minimal filling associated with the Yosemite Slough bridge, a marina and improvement of the existing shoreline, waterfront bulkhead, piers and seawall structures. The Project includes improved access to the shoreline through shoreline improvements, open spaces and a waterfront promenade. ...

With respect to the Project's inconsistency with the Bay Plan's biological resources policies, a summary of the Bay Plan policies related to wildlife, wetlands, and other biological resources are provided in the Regulatory Framework in Section III.N (Biological Resources) on pages III.N-44 and -45 of the Draft EIR:

Policies Concerning Fish, Other Aquatic Organisms and Wildlife in the Bay, Tidal Marshes and Tidal Flats Around the Bay, and Subtidal Areas in the Bay⁷⁷⁷

The SFBCDC shall protect native fish species, other aquatic organisms, other listed wildlife species and their specific habitats under the *California Endangered Species Act* or *federal Marine Mammal Protection Act* within the Bay's tidal marshes, tidal flats, and subtidal habitat. To the greatest extent feasible, specific habitats such as tidal marsh, tidal flats, and subtidal habitats shall be conserved, restored, and increased. Specific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered, species that the CDFG has determined are candidates for listing as endangered or threatened under the *California Endangered Species Act*, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes. In reviewing or approving habitat restoration programs the SFBCDC should follow the recommendations in the Baylands Ecosystem Habitat Goals and provide a diversity of habitats for native aquatic and terrestrial plant and animal species. For projects that may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species the SFBCDC should consult and give appropriate consideration to the recommendations of the California Department of Fish and Game and the US Fish and Wildlife Service or the

National Marine Fisheries Service and not authorize projects that would result in the “taking” of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal endangered species acts, or species that are candidates for listing under the CESA, unless the project applicant has obtained the appropriate “take” authorization from the US Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Game. However, the SFBCDC may permit a minor amount of fill or dredging in wildlife refuges, shown on the Plan Maps, necessary to enhance fish, other aquatic organisms and wildlife habitat or to provide public facilities for wildlife observation, interpretation and education.

In consideration of these and other policies protecting biological resources, an analysis of the effects of Project construction activities on wetlands (including tidal marshes, tidal flats, and non-tidal marshes) and jurisdictional waters is provided in Impacts BI-4a, BI-4b, and BI-4c of the Draft EIR, pages III.N-56 through III.N-68. Mitigation measure MM BI-4a.1 on page III.N-59 of the Draft EIR explicitly states that wetlands and jurisdictional waters shall be avoided to the maximum extent practicable, and that permits shall be obtained only where avoidance of existing wetlands and drainages is not feasible:

MM BI-4a.1 Wetlands and Jurisdictional/Regulated Waters Mitigation for Temporary and/or Permanent Impacts. Wetlands and jurisdictional waters shall be avoided to the maximum extent practicable for all Project components. For example, any measures taken to improve the existing shoreline of Candlestick Point or HPS Phase II for purposes of flood control, erosion control, or repair or stabilization of existing structures shall minimize the amount of fill to be placed in jurisdictional areas.

Where avoidance of existing wetlands and drainages is not feasible, and before any construction activities are initiated in jurisdictional areas, the Applicant shall obtain the following permits, as applicable to the activities in question: ...

Therefore, the Project is consistent with the Bay Plan policies provided by the commenter.

In response to the comment that the bridge does not provide adequate clearance for vessels navigating the waterway, the bridge has been designed to facilitate passage of non-motorized recreational vessels, such as canoes and kayaks. The clearance at the middle of the span would be over 18 feet at mean tide levels (accounting for sea level rise), which would be adequate for this type of use. During 100-year flood events, the clearance would decrease to approximately nine feet. Thus, the bridge would allow sufficient clearance for kayaks to continue to navigate the slough.

Response to Comment 47-59

The Project would not impede or obstruct implementation of the Yosemite Slough Restoration Project. Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]). Refer to Response to Comment 47-4 with regard to no-bridge alternatives that include routing traffic around the slough that are analyzed in the EIR.

Response to Comment 47-60

With respect to recirculation, Section 15088.5 of the CEQA Guidelines requires recirculation of an EIR if any one of the following circumstances arise after circulation of a Draft EIR: (1) a new significant environmental impact; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed that

would clearly lessen the significant impacts of the project (but the project's proponents decline to adopt it); or (4) precluding meaningful public review and comment. These circumstances must be supported by substantial evidence in the record. The comments raised on the Draft EIR, beyond those submitted by just this commenter, have not resulted in any of the circumstances described by items (1) through (3), above, as demonstrated by this Comments & Responses document. Further, in terms of providing meaningful public review and comment, refer to Responses to Comments 80-1 and 84-11 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR. In addition, refer to Response to Comment 96-1 for a discussion of the other opportunities for providing public comment prior to publication of the Draft EIR. Refer to Response to Comment 85-5 for a discussion of the extensive planning process for the Project.

Response to Comment 47-61

With respect to the preparation of a joint CEQA/NEPA document, there are several reasons why a joint document was not prepared, as follows:

- While Section 15170 of the CEQA Guidelines allows the use of joint document where a Project must comply with both NEPA and CEQA, CEQA does not require the use of a joint document. Similarly, while CEQA allows the use of an Environmental Impact Statement (EIS) in lieu of an EIR where a project requires both, it does not require use of an EIS. On both points, CEQA provides permissive, rather than prescriptive, language.
- The City/Agency and Navy previously made efforts to produce a joint EIS/EIR for the original HPS Redevelopment Plan. While a joint draft EIS/EIR was produced, the final documents were separated due to a schedule limitation of the City/Agency that was not shared by the Navy. At the time of the adoption of the HPS Redevelopment Plan, the City and Agency relied upon 1996 legislation (AB 2736) that granted a temporary exception of up to 18 months after the effective date of the ordinance adopting the Redevelopment Plan to satisfy the provisions of CEQA. In 1998, SB 1615 extended the temporary exception for another 12 months for a total of 30 months after the effective date of the ordinance adopting the Redevelopment Plan to complete the CEQA process. The original Redevelopment Plan was adopted on July 14, 1997, and it became effective 30 days later. Thirty months after the effective date meant that the City/Agency deadline for adopting a final CEQA document was February 14, 2000. The Final EIR was certified on February 8, 2000. The Navy did not issue a ROD for the FEIS until October 16, 2000. While every endeavor was made to produce the final documents according to the same schedule, the practical reality was that the City/Agency and the Navy had different schedule considerations.
- For the CP-HPS Phase II Project, and with the previous experience in mind, the City/Agency consulted with the Navy early on to determine whether a joint document should be prepared, and it was mutually agreed that it would be best to produce separate documents for several reasons. First, the project that the City/Agency proposed encompassed more than the HPS Redevelopment Plan area. Therefore, rather than producing a subsequent EIR, the City/Agency determined that a new EIR that would address the expanded Project site (to include Candlestick Point) would be more appropriate. Second, the CP-HPS Phase II Project would include amendments not only to the HPS Plan, but also to the BVHP Plan, which was not a project element over which the Navy had any involvement. The Navy saw its NEPA task as more limited. It determined that the only reason it needed to do a supplement to its FEIS was because the land uses at HPS were changing sufficiently (e.g. the stadium use) to require them to do a supplemental EIS before they transferred the property. The Navy intends to use its 2000 FEIS as a starting point to produce a supplement,

focusing only on the HPS area. Third, the schedule considerations for both processes are different, with the City/Agency CP-HPS Phase II EIR proceeding ahead of the Navy's HPS Supplemental EIS. While the Navy needs its Supplemental EIS before it transfers more property to the Agency, the City/Agency undertaking involves many more approval actions than the Navy's single transfer action. Therefore, the City desired to go through its local approval process for amendments to two redevelopment plans and related documents before the Navy was expected to be in a position to transfer more property.

- Since the City/Agency was going to be studying a larger area than the Navy would need to study, it was agreed that the City would provide all background data that it collected to the Navy, so that the Navy would not need to duplicate the City/Agency work and that both documents would be consistent with one another.

Further, other federal agencies (beyond the Navy) with approval authority over an aspect of the Project, such as the USACE, would follow their respective federal regulatory procedures for compliance with NEPA, as needed.

Response to Comment 47-62

Section III.N.3 (Biological Resources, Regulatory Framework) of the Draft EIR discusses Section 404 Clean Water Act permitting beginning on page III.N-37, and indicates that the USACE grants three types of permits: individual, general and nationwide, and that Project-specific individual permits would be required for certain activities that may have a potential for more than a minimal impact. Section III.M.3 (Hydrology and Water Quality, Regulatory Framework) indicates on page III.M-32, that Section 404(b)(1) Guidelines (Guidelines for Specification of Disposal Sites for Dredged or Fill Material) are in 40 CFR 230.

40 Code of Federal Regulations (CFR) Part 230.5 states that if a General Permit is applicable, the applicant needs merely to comply with its terms, and no further action by the permitting authority is necessary. An examination of practicable alternatives to the proposed discharge is not required for activities covered by General Permits.

The types of permits that would be issued for the Project by the USACE would be determined during the Clean Water Act (CWA) Section 404 permitting process. The Nationwide permits are considered to be a type of General Permit, and do not require an alternatives analysis. For Project activities for which USACE determines that an individual permit is required, the Project Applicant would comply with CWA Section 404(b)(1) by supplying the USACE with an evaluation of practicable alternatives during the permit application process. The USACE would issue individual permits following a full public interest review of the permit application, and the USACE may only issue a permit for the least environmentally damaging practicable alternative.

Per 40 CFR Part 230.10 (a)(5), to the extent that practicable alternatives have been identified and evaluated under a Coastal Zone Management program or other planning process, such evaluation would be considered by the permitting authority as part of the consideration of alternatives under the Section 404(b)(1) guidelines. The USACE determines the completeness of the alternatives analysis and may require for it to be supplemented accordingly. Therefore, in summary a practicable alternatives analysis for CWA Section 404 permitting is not required to be included in the Draft EIR, but would be

conducted during the CWA Section 404 permitting process (if an individual permit is required), under the direction of the USACE. If the General Permit were found to be applicable, no practicable alternatives analysis would be required.

Response to Comment 47-63

The federal *Land and Water Conservation Fund Act of 1965*, 16 USC 460l-4 (LWCFA) provides for federal grants to assist in the acquisition and development of state and local public outdoor recreation land. Lands that have received LWCFA assistance may be converted to uses other than public outdoor recreation only if replacement outdoor recreation land is provided and approved by the National Park Service. Parts of the CPSRA were developed with LWCFA funds and are therefore subject to the conversion requirement, including a portion of the lands to be removed from the CPSRA as part of the proposed CPSRA reconfiguration. It is anticipated that the Project's substantial acreage of new public outdoor recreation land, illustrated in Figure III.P-2 (Proposed Parks and Open Space), will be sufficient to meet the LWCFA's requirement for replacement public outdoor recreation land. Consistent with the requirements of the LWCFA and SB 792, any agreement implementing the proposed park reconfiguration will require compliance with CPSRA and approval by the National Park Service prior to any removal of LWCFA land from the CPSRA for non-park purposes.

Response to Comment 47-64

These statutory requirements are preempted by Section 26(f) of SB 792, and therefore do not apply to the proposed CPSRA reconfiguration.

Response to Comment 47-65

These statutory requirements are preempted by Section 26(f) of SB 792, and therefore do not apply to the proposed CPSRA reconfiguration.

Response to Comment 47-66

This comment contains closing or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 47-67

This comment contains introductory or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 47-68

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on the existing biological resources of Yosemite Slough, and potential impacts of the Yosemite Slough bridge on wetlands proposed to be created as part of the Yosemite Slough Restoration Project. Refer to Response to Comment 31-5 for a discussion of Project effects on views, and Response to Comment 47-20 for a discussion of Project effects on pedestrian trails.

Response to Comment 47-69

Refer to Response to Comment 47-4 about excluding the bridge from the Project site and analysis of Project impacts on Yosemite Slough.

Response to Comment 47-70

The Draft EIR considered the City's General Plan policies and CPSRA policies, as required by Section 15125(d) of the Public Resources Code, and the Yosemite Slough Restoration Project is not a local general plan or a regional land use plan within the scope Section 15125 (d).

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's consistency with, and potential effects on, the biological resources proposed as part of the Yosemite Slough Restoration Project. Also, refer to Master Response 3 for a discussion of text added to quantify potential impacts of the Yosemite Slough bridge on wetlands proposed to be created as part of the Restoration Project. Refer also to Response to Comment 47-4 for discussion of the Project's consistency with the goals and objectives of the Yosemite Slough Restoration Project.

Response to Comment 47-71

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the project on the Yosemite Slough Restoration Project and its biological goals.

Response to Comment 47-72

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Project, including a quantitative analysis, on the wetlands that will be constructed as part of the Yosemite Slough Restoration Project.

Response to Comment 47-73

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) and Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge), which contain a discussion of the Project's impacts on the slough, including the Yosemite Slough Restoration Project. The Yosemite Slough Restoration Project was considered in the cumulative analyses for the technical sections of the Draft EIR. Refer to Response to Comment 47-20 for a comprehensive discussion of the recreational experience in the slough.

With regard to the aesthetic impacts of the Project on the restored slough, the Yosemite Slough bridge would change the appearance of a portion of the slough, with the addition of a bridge structure and roadway approaches (refer to Figure III.E-8). The Project would alter the scenic nature of the Project site in that it would create a dense urbanized setting where one does not currently exist. The bridge would cross the extreme eastern edge of the area to be improved under the Yosemite Slough Restoration Project and would replace views of open water as seen from some nearby locations. The bridge would contain "green" auto lanes, with plantings in the middle providing a green boardwalk. The bridge would

be low profile and integrated into the open space on either side of the slough to blend as much as possible into the environment through the use of openwork, materials, and color. Further, it would contain piers and lookout points for a pedestrian viewing experience that would not otherwise be provided. Yosemite Slough would continue as a waterway bordered by open space opening from a narrow channel to the west to the wider South Basin to the east and would remain a scenic resource on the site. The Project would complete the Bay Trail along the waterfront and provide substantial areas of parks and open space that would complement the slough restoration. The mid- and close-range views of the entire area would include the restored slough and the high-quality development of the Project, including substantial parks and open space. Inclusion of the bridge would not substantially damage a resource that contributes to a scenic public setting. The Slough restoration could proceed with or without the Project, and the inclusion of the bridge would not adversely affect the goals of the Restoration Project.

As shown by the various photographs and simulations presented in Section III.E (Aesthetics), the Project would provide extensive areas of open space integrated with new development and existing open space that would enhance the positive features of Bayview Hunters Point, with its immediate proximity to the shoreline, and would not substantially obstruct views of the Bay, the East Bay hills, and the San Bruno Mountains from adjacent neighborhoods. It should be pointed out that the visual simulations prepared for the Project do not include already approved development, including HPS Phase I (not part of the Project) and other cumulative projects, which would substantially increase the amount of development in the vicinity of the Project site. The simulations also do not show conditions that would exist with completion of the Yosemite Slough Restoration Project, as that project is still undergoing design and it would be speculative to provide graphics of an assumed condition. The discussion provided in the analysis of the Project's consistency with the Urban Design Element of the City's General Plan supplements the impact analysis by providing a narrative discussion of the visual character of each of the Project's districts with respect to design patterns, connectivity, neighborhood image, and visual compatibility with existing development. While the bridge would insert a structure into an improved open space area on completion of the Restoration Project, it would connect two already urbanized areas immediately adjacent. Taking into consideration the context of the entire site, not just the slough, the bridge would not be an element that is out of character or scale with surrounding development.

The proposed shoreline improvements would improve the aesthetic quality of the shoreline along the Project frontage, reducing erosion, including marsh plantings where appropriate, and removing debris. These improvements would correlate with the improvements to the tidal wetlands planned under the Yosemite Slough Restoration Project to provide expanded open space opportunities, including recreational trails linked to other regional trails and wildlife viewing. These improvements would represent a beneficial impact of the development, improving the overall visual character of the shoreline.

Development of the Project would not substantially block publicly accessible views of the Bay or other scenic areas. The Project would provide a continuation of the existing street grid, thereby maintaining existing view corridors to the Bay and East Bay hills. The Project would also provide new parks and open space facilities. Public access areas (City and State parks) would provide views from the Project site toward the East Bay and the Bay. The Yosemite Slough Restoration Project would include continuation of the Bay Trail and viewpoints/interpretative signage. The bridge component of the Project would place

a low bridge structure across the neck of the slough that would partially obstruct a scenic view from the slough toward the Bay from some vantage points. Views of the Bay and the remainder of the slough would be retained from numerous other vantage points, including along the shoreline, from the view corridors within the Project site, the CPSRA, and the proposed bridge itself. The Project would improve access to the entire area, allowing a greater number of people to take advantage of the scenic resources at CPSRA and the slough.

Lighting impacts on biological resources of the slough are discussed in Master Response 3 (Impacts of the Project on the Yosemite Slough [Biological Resources]). With regard to lighting impacts on recreational users of the slough, the increase in ambient light as a result of the Project would be consistent with the urban character and associated ambient lighting of the City as a whole. Because the Project site is located immediately adjacent to a developed urban area, existing views of the night sky are diminished as is typical in all urban areas. Nighttime lighting from the Project structures, the stadium, and traffic would not affect users of the restored Yosemite Slough after completion of the Yosemite Slough Restoration Project, as the CPSRA is closed after dark. Therefore, the light and glare as a result of the Project would not substantially interfere with these currently limited views.

Response to Comment 47-74

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Project, including a quantitative analysis, on the wetlands that will be constructed as part of the Yosemite Slough Restoration Project.

Response to Comment 47-75

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Yosemite Slough bridge, including noise effects, on wildlife use of Yosemite Slough under the Yosemite Slough Restoration Project. Refer also to Responses to Comments 47-39, 47-40, and 47-41 regarding noise-related impacts during construction and operation of the proposed project to recreational users and noise-sensitive receptors.

Response to Comment 47-76

It is acknowledged that the bridge would partially obstruct views of the Bay, including Double Rock, and the slough from some vantage points, particularly short-range views. The bridge would also block views from the slough to the open water. However, the bridge would be designed to be as open as possible to maximize views, and views of the Bay, Yosemite Slough, Double Rock, and the East Bay skyline would remain from numerous other vantage points. Four graphics (Figure C&R-10, Figure C&R-11, Figure C&R-12, and Figure C&R-13) of various viewpoints of the Yosemite Slough bridge are provided in Response to Comment 47-46 within this document. For this reason, it was determined that the impact of the bridge on views is less than significant.

Response to Comment 47-77

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Yosemite Slough bridge, including shading effects, on wetlands.

Response to Comment 47-78

Refer to Responses to Comments 31-14, 47-34, 47-36, 47-46, 47-58, 47-73, and 47-76 for discussions relating to the obstruction of views resulting from construction of the Yosemite Slough Bridge. Figure C&R-10, Figure C&R-11, Figure C&R-12, and Figure C&R-13 provide various viewpoints of the Yosemite Slough bridge, as provided in Response to Comment 47-46.

Response to Comment 47-79

Refer to Responses to Comments 31-14, 47-34, 47-36, 47-46, 47-58, 47-73, and 47-76 for discussion regarding the obstruction of views resulting from construction of the Yosemite Slough Bridge. Views of Double Rock would remain from numerous vantage points in the area.

Response to Comment 47-80

The commenter states that the Project is inconsistent with *San Francisco Bay Plan* Policies 2, 4, 6, and 10. These policies state the following:

- | | |
|-----------|--|
| Policy 2 | All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore. To this end, planning of waterfront development should include participation by professionals who are knowledgeable of the (Planning) Commission's concerns, such as landscape architects, urban designers, or architects, working in conjunction with engineers and professionals in other fields. |
| Policy 4 | Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline. In particular, parking areas should be located away from the shoreline. However, some small parking areas for fishing access and Bay viewing may be allowed in exposed locations. |
| Policy 6 | Additional bridges over the Bay should be avoided, to the extent possible, to preserve the visual impact of the large expanse of the Bay. The design of new crossings deemed necessary should relate to others nearby and should be located between promontories or other land forms that naturally suggest themselves as connections reaching across the Bay (but without destroying the obvious character of the promontory). New or remodeled bridges across the Bay should be designed to permit maximum viewing of the Bay and its surroundings by both motorist and pedestrians. Guardrails and bridge supports should be designed with views in mind. |
| Policy 10 | Towers, bridges, or other structures near or over the Bay should be designed as landmarks that suggest the location of the waterfront when it is not visible, especially in flat areas. But such landmarks should be low enough to assure the continued visual dominance of the hills around the Bay. |

With regard to the aesthetic impacts of the Yosemite Slough bridge, refer to Responses to Comments 31-14, 47-34, 47-36, 47-46, 47-73, and 47-76. The Project has been designed to preserve view corridors. The Project will connect the existing street grid in an orientation that will allow an uninterrupted view toward the Bay from numerous area streets. Project towers have been situated in zones that would allow the provision of view corridors. Numerous open space areas and waterfront pedestrian pathways would

provide expansive viewing opportunities as well. Buildings and structures have been designed to be complementary to the surroundings. Parking structures are not proposed for the shoreline areas. Policy 6 likely refers to large bridges across the Bay such as the Golden Gate Bridge and not to small, local bridges as is proposed under the Project. However, the proposed bridge would be low in height and would connect two urban areas and relates to the adjacent developed and to be redeveloped land uses. The proposed bridge would provide unique viewing opportunities that are not currently available. The bridge would not substantially obstruct views of the Bay or affect the visual dominance of the hills around the Bay. The Project and, in particular, the Yosemite Slough bridge, would not be inconsistent with the policies of the Bay Plan, as commenter asserts.

Response to Comment 47-81

The commenter suggests that Figure III.N-2 (Study Area Habitats) does not indicate any mapped habitat types within the portion of the Study Area overlapping the Yosemite Slough Restoration Project area. In actuality, this figure does show habitats within this area. The habitats currently present within this area are mapped as tidal salt marsh and mud flat and open water, though at the scale of the figure, the tidal salt marsh habitat may be difficult to discern on this figure.

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Project after implementation of the Yosemite Slough Restoration Project, the Draft EIR's analysis of impacts to areas both on-site and off-site, including Yosemite Slough, and clarification of the study areas shown on Figure III.N-1 (Biological Resources Study Area) and Figure III.N-2. Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) also provides a discussion of text added to quantify potential impacts of the Yosemite Slough bridge on wetlands proposed to be created as part of the Restoration Project.

Response to Comment 47-82

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the project on the Yosemite Slough Restoration Project, the Draft EIR's analysis of impacts to areas both on-site and off-site, including Yosemite Slough, and clarification of the study areas shown on Figure III.N-1 and Figure III.N-2. Also, refer to Response to Comment 47-23 for a discussion of the Draft EIR's analysis of biological impacts to Yosemite Slough, including clarification of the statement that off-site aquatic resources analyzed included "Yosemite Slough (except the area of construction)."

Response to Comment 47-83

In response to the comment, the text in Section III.N (Biological Resources), page III.N-40, first paragraph after the four bullets, has been revised:

The tidal aquatic habitats adjacent to the Project site are considered EFH by NMFS for a species assemblage that includes anchovies, sardines, rockfish, sharks, sole, and flounder.^{768,769} Areas supporting the native Olympia oyster found in San Francisco Bay are also considered EFH by NMFS because oyster beds generally increase fish abundance. In addition, eelgrass beds are considered EFH. ...

Response to Comment 47-84

The commenter requests that impacts to wetlands that are considered self-mitigating be explicitly shown on the impacts map and identified in Table III.N-4. Table III.N-4 has since been modified and is presented in Section F (Draft EIR Revisions). As discussed in Impact BI-4a, page III.N-59 of the Draft EIR:

Shoreline improvements at Candlestick Point would result in the removal of approximately 2.86 acres of fill, and the placement of approximately 3.46 acres of fill. A net decrease of approximately 0.42 acre of open waters would occur at Candlestick Point. These impacts would occur entirely along the Candlestick Point shoreline as a result of construction of revetments to minimize flooding and shoreline erosion, and as a result of the placement of soils or sand to enhance beach or marsh habitat. For example, along most of the northern and southern edges of Candlestick Point, marsh soils would be placed in jurisdictional areas following completion of the revetment to provide a gentler slope than is currently present, which would allow for colonization by marsh vegetation. As a result, much of the fill of jurisdictional areas (as reflected in Table III.N 4 and Figure III.N 5) would result in an enhancement of habitat and, thus, would be self-mitigating.

The precise locations of wetland impacts that will be self-mitigating will be determined as detailed project design occurs, and as potential wetland creation areas are determined in greater detail. Wetlands that are impacted by beneficial shoreline improvement activities that allow for wetland restoration *in situ* will be considered self-mitigating, while all other wetland impacts will require compensatory mitigation *ex situ*. Although the precise locations of self-mitigating wetlands cannot be known at this time, the Draft EIR identifies the process by which mitigation will be required for permanently impacted wetlands (i.e., those wetland impacts that are not self-mitigating) in MM BI-4a.1 on pages III.N-59 to III.N-62. Thus, no further clarification or specificity can be provided at this stage of the Project.

Response to Comment 47-85

In response to the comment, the text in Section III.N (Biological Resources), MM BI-4a.1, pages III.N-61 to -62, last bullet on page III.N-61 and first bullet on page III.N-62, has been revised as follows:

...

- Year 3 after restored areas reach colonization elevation: 50 percent combined area and basal cover (rhizomatous turf) of all vegetation; prevalence of hydrophytic species in terms of both cover and dominant species composition of the vegetation; native vascular species shall comprise ~~40~~95 percent of the vegetation in the preserve wetland.
- Year 5 after restored areas reach colonization elevation: 70 percent combined area and basal cover (rhizomatous turf) of all vegetation; more than 50 percent dominance in terms of both cover and species composition of facultative (FAC), facultative wetland (FACW), and obligate (OBL) species; native vascular species shall comprise ~~65~~95 percent of the vegetation in the preserve wetlands.

...

Response to Comment 47-86

In response to the comment, the Impact BI-4c discussion, Draft EIR page III.N-67, last paragraph, fourth sentence, has been revised as follows:

... The “shadow fill” produced by the Yosemite Slough bridge may change the biological functions and values of aquatic and mud flat habitats below to some extent; such an impact would cover approximately ~~0.961~~1.48 acres based on the acreage of mud flat below the immediate bridge surface.
...

Also, the Impact BI-4c discussion, Draft EIR page III.N-68, second paragraph, fourth sentence, has been revised as follows:

... However, shading of ~~0.941~~1.48 acres of mud flats and aquatic habitats would have only moderate effects on the functions and values of these habitats and would not result in the loss of these habitats. Mitigation measure MM BI-4a.2 shall be implemented to minimize indirect construction-related impacts on wetlands and other jurisdictional waters. Further, shading impacts to mud flats and aquatic habitats would be reduced by implementation of mitigation measure MM BI-4c.

Also, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of shading from the Yosemite Slough bridge on sensitive habitats.

Response to Comment 47-87

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of shading from the Yosemite Slough bridge on sensitive habitats.

Response to Comment 47-88

In response to the comment, Impact BI-5b and its following discussion, Draft EIR pages III.N-69 and -70 (and Table ES-2, pages ES-97 to -98), have been revised as follows:

Impact of Hunters Point Shipyard Phase II and Yosemite Slough Bridge

Impact BI-5b **Construction at HPS Phase II and construction of the Yosemite Slough bridge would not have a substantial adverse effect on eelgrass beds, a sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS. (Less than Significant with Mitigation) [Criterion N.b]**

Within HPS Phase II a total of 1.99 acres of eelgrass ~~occurs~~has been mapped at two locations (refer to Figure III.N-2). A small eelgrass occurrence was reported along the north shore of the South Basin directly across from Candlestick Point. The only other reported occurrence of eelgrass within HPS Phase II is on the north shore, east of the northern end of Earl Street. This eelgrass bed extends from the end of Earl Street to the pier that forms Drydock 5. These eelgrass beds are mapped as being below mean sea level and, therefore, are spatially separated from areas where shoreline treatments would occur. There are no mapped eelgrass beds where the marina improvements would occur or where the Yosemite Slough bridge would be constructed. However, because the locations of eelgrass occurrence may vary over time, eelgrass not detected during previous surveys could potentially occur in the shallow waters in or near the Yosemite Slough bridge construction footprint, either now or in the future.

The shoreline improvements associated with HPS Phase II include transforming the revetment edge in wave-protected reaches to a more natural looking shoreline by placing suitable fill to cover the revetment that would be constructed by the Navy, which may include Articulated Concrete Block (ACB) mats and/or marsh soils. Shoreline wave berms may be included along the southwest facing shoreline at the bayward end of the ACB mats. If wave berms or other shoreline improvements, or the Yosemite Slough bridge, were constructed in ~~either of the two areas where eelgrass beds are known to exist~~, they could directly impact them through excavation/removal or

placement of fill material. Construction of these features or other shoreline treatments near eelgrass beds could also result in the mobilization of some sediment, which, if it were to settle out on eelgrass, could reduce photosynthesis and, therefore, productivity and survival. Because of the ecological importance but regional scarcity of eelgrass beds and the potential contribution of eelgrass beds in the Study Area to populations of aquatic species (and their predators) throughout larger portions of the Bay, any impacts would be considered a substantial reduction in the local population and, therefore, a substantial adverse effect.

To reduce this impact, the following mitigation measures shall be implemented.

MM BI-5b.1 Avoidance of Impacts to Eelgrass. As the design of shoreline treatments progresses, and a specific Shoreline Treatment Plan is determined, the Plan shall minimize any in-water construction required for installation of any treatment measures near either of the two eelgrass locations noted above. If in-water work is completely avoided within 750 feet of these areas, there would be no impact and no further mitigation would be required. If complete avoidance of work within 750 feet of these areas is not feasible, measure MM BI-5b.2 shall be implemented.

MM BI-5b.2 Eelgrass Survey. If avoidance of work within 750 feet of two known eelgrass locations is not feasible, Prior to the initiation of construction of the Yosemite Slough bridge or construction of shoreline treatments, an update to the existing eelgrass mapping shall be conducted to determine the precise locations of the eelgrass beds. For the shoreline treatments, this survey shall occur when a final Shoreline Treatment Plan has been prepared. The survey shall be conducted by a biologist(s) familiar with eelgrass identification and ecology and approved by NMFS to conduct such a survey. The area to be surveyed shall encompass the mapped eelgrass beds, plus a buffer of 750 feet around any in-water construction areas on Hunters Point or associated with the Yosemite Slough bridge. Survey methods shall employ either SCUBA or sufficient grab samples to ensure that the bottom was adequately inventoried. The survey shall occur between August and October and collect data on eelgrass distribution, density, and depth of occurrence for the survey areas. The edges of the eelgrass beds shall be mapped. At the conclusion of the survey a report shall be prepared documenting the survey methods, results, and eelgrass distribution within the survey area. This report shall be submitted to NMFS for approval. The survey data shall feed back into the shoreline treatment design process so that Project engineers can redesign the treatments to avoid or minimize any direct impacts to eelgrass beds.

If the shoreline treatments can be adjusted so that no direct impacts to eelgrass beds would occur, no further mitigation under this measure would be required for shoreline treatment construction. Management of water quality concerns is addressed through mitigation measure MM BI-5b.4 and shall be required to minimize sediment accumulation on the eelgrass. If direct impacts to eelgrass beds cannot be avoided, either by Hunters Point shoreline treatments or Yosemite Slough bridge construction, mitigation measure MM BI-5b.3 shall be implemented.

Response to Comment 47-89

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Yosemite Slough bridge, including noise effects, on wildlife near the bridge. Even if noise were to impact birds nesting or roosting on Double Rock, the impact would be less than significant due to the low effects such impacts would have on regional populations of the species in question. Double Rock supports fewer than 10 pairs of western gulls. If these birds were displaced as a result of noise associated with the bridge, they would likely find alternative nesting habitat (possibly on the piers that will be enhanced as waterbird habitat on Hunters Point Shipyard, providing vastly more potential nesting habitat than Double Rock). In addition, roosting habitat for waterbirds that might roost on Double Rock does not limit regional waterbird populations; again, the piers that will be enhanced by being separated from the mainland on Hunters Point Shipyard would provide extensive potential

roosting habitat for shorebirds, gulls, terns, or other birds that might roost on Double Rock. Thus, noise associated with the Yosemite Slough bridge would not result in a significant impact to birds.

Response to Comment 47-90

With respect to whether project impacts to the western red bat could reach the threshold of significance, Impact BI-8a discusses in detail the reasons why such impacts, if they were to occur at all, would be considered less than significant. Therefore, no further response is required.

Response to Comment 47-91

The commenter suggests that low-frequency noise emitted by construction equipment may not be detectable by western red bats, and thus may not be sufficient to alert bats to disturbance in sufficient time to allow them to flee the area before individuals are impacted. The bats may hear the noise or feel the vibrations of approaching heavy equipment and flush, but even if they do not, they will flush as soon as any tree in which they are roosting is disturbed. As a result, there is a very low potential for mortality of individual western red bats due to project activities.

Response to Comment 47-92

The commenter suggests that temporal loss of oyster habitat should be considered a significant impact requiring mitigation. Based on examination of riprap and other hardened substrates along the Candlestick Point and Hunters Point Shipyard shorelines, there is no evidence that large or mature oyster beds are present anywhere in the project area, and ample hard substrate providing potential oyster habitat will be present during any project activities that result in modification or replacement of hard substrate along the project's shoreline areas. Therefore, any temporal impacts to oysters resulting from shoreline modifications are expected to affect only small, low-density, and/or immature oyster beds rather than large, high-density, long-established beds. Impacts to oysters will be less than significant.

Response to Comment 47-93

The commenter suggests that shading from the Yosemite Slough bridge will adversely affect Essential Fish Habitat (EFH) and special-status fish species and that mitigation should be proposed to offset these impacts. Potential shading impacts to aquatic habitats were discussed in Impact BI-4c, pages III.N-67 to III.N-68 of the Draft EIR, and MM BI-4c on page III.N-68 of the Draft EIR will help to offset any adverse effects of shading from the bridge on aquatic species, including fish. Shading impacts from the bridge are further discussed in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]).

In response to the comment, the Impact BI-12c discussion, Draft EIR page III.N-93, first and second paragraphs, has been revised as follows:

Construction of the Yosemite Slough bridge would impact EFH through the construction of pilings required to support the bridge. As detailed in Table III.N-4, the amount of area impacted is approximately 1.28 acres of temporary impacts and 0.40 acre of permanent impacts, which includes both on site and off site areas. These impacts would have a substantial adverse affect on EFH because the function of portions of the impacted habitat would be permanently altered by

the Project, a significant impact. In addition, shading from the bridge could adversely affect aquatic and mud flat habitat, and fish that use these habitats, under the bridge (refer to Impact BI-4c).

Any loss or modification of EFH that would result from the Yosemite Slough bridge would be mitigated via the compensatory mitigation for impacts to jurisdictional waters (mitigation measures MM BI-4a.1 and MM BI-4c). ...

Also, in the discussion following Impact BI-11c, Draft EIR page III.N-87, a sentence has been added to the first paragraph after the sixth sentence, and the second sentence of the second paragraph has been revised, as follows:

Construction of the Yosemite Slough bridge would impact designated critical habitat for green sturgeon and ... loss of 0.11 acre of mudflat and aquatic habitat in the footprints of the bridge piers. In addition, shading from the bridge could adversely affect aquatic and mud flat habitat, and fish that use these habitats, under the bridge (refer to Impact BI-4c). Because of the regional rarity of all these special-status fish, any impacts to individuals or to habitat used by these fish would be significant.

As described under Impact BI-11b above, some Project components would benefit these fish by increasing the extent of open water in the Project area through removal of existing structures and by reducing coastal erosion. In addition, compensatory mitigation for impacts of the bridge to aquatic habitat would be provided as described by mitigation measures MM BI-4a.1 and MM BI-4c, and mitigation measure MM BI-4a.2 shall be implemented to minimize impacts to wetlands, aquatic habitats, and water quality during construction. Implementation of mitigation measure MM BI-12a.1 and MM BI-12a.2 would reduce effects of construction activities on special-status fish by avoiding in-water construction during periods when sensitive species are most likely to be present in waters of the Project site and by educating construction personnel regarding measures to be implemented to protect fish and their habitats. Implementation of these measures would reduce potential adverse effects on special-status fish species to less-than-significant levels.

Response to Comment 47-94

The commenter suggests that creation of EFH in San Francisco Bay has not generally been successful, and that this mitigation measure has thus not proven to be feasible. For the purpose of the impact assessment in the Draft EIR, all tidal aquatic and mud flat habitats were considered EFH without regard for habitat quality. With the exception of a small amount of permanent impact within Yosemite Slough, areas of permanent project impacts to EFH will be limited to relatively low-quality habitat along developed/disturbed shorelines of Candlestick Point and Hunters Point Shipyard. In contrast, restoration of tidal waters of equal or greater quality to fish, which would be feasible by removing fill and restoring natural habitat in any number of areas within the Bay, would feasibly mitigate Project impacts to EFH. The Project applicant will be consulting with the NMFS regarding project impacts to federally listed fish and EFH and associated mitigation.

Response to Comment 47-95

The commenter suggests that long-term impacts to EFH may occur as a result of operation of the marina aside from maintenance dredging but that such impacts, such as fuel spillage and motorized boat use, were not analyzed in the Draft EIR. However, MM BI-12b.1, page III.N-91 of the Draft EIR includes the following measure:

- *Use Best Management Practices (BMPs) for controlling pollution from marina operations, boatyards, and fueling facilities that meet, as applicable, the BMPs listed in the National*

Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating⁸¹⁹

Thus, mitigation for such impacts has already been identified. Nevertheless, for purposes of clarification, the text for Impact BI-12b, pages III.N-89 to -90 of the Draft EIR has been revised as follows in response to this comment:

The same three fishery management plans and the species covered in those plans discussed in the previous impact statement apply to HPS Phase II. The modifications to EFH that could arise from HPS Phase II are associated with the proposed marina, placement of rock fill to buttress existing bulkheads, and the shoreline treatments. Marina operations could affect EFH through potential impacts to water quality and fish habitat resulting primarily from spills or intentional discharges of fuel or other harmful substances from boats using, or fueling facilities associated with, the marina. The most substantial loss of EFH would result from the placement of rock buttress fill necessary to protect the integrity of existing bulkheads. Although aquatic habitat would remain above the buttresses, this rock would occupy existing fish habitat, and the Project would thus substantially modify EFH within the waters adjacent to the HPS Phase II site.

Response to Comment 47-96

Refer to Response to Comment 47-58 for a discussion of the project's consistency with the BCDC San Francisco Bay Plan.

Response to Comment 47-97

As discussed in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), the Project will not cause any significant harm to the slough. Refer to Response to Comment 47-47 for a discussion of the potential for the proposed bridge pilings to impede or alter currents in Yosemite Slough.

Response to Comment 47-98

Please refer to Response to Comment 47-20 regarding the bridge's impact on future recreational boaters using Yosemite Slough. As noted in that discussion, clearance under the bridge would be between 8 feet 7 inches and 13 feet, depending on the magnitude of future sea level rise. The commenter refers to a diagram from Appendix N2 to the Draft EIR, showing a 4-foot clearance under the bridge. As explained in the annotations to this diagram depicts the bridge with Yosemite Slough at its 100-year flood level and assumes the sea level rise of 55 inches—the high end of the range of seal level rise estimates used in the Draft EIR. Although some amount of sea-level rise is likely, this scenario was chosen to represent extreme conditions in order to determine the bridge's design parameters and is not meant to be a prediction about the typical future level of the slough surface, nor an analysis of its effect on navigation. A 100-year flood is a very rare event, and such conditions do not represent the recreational experience. In any event, it is highly unlikely that recreational boaters would attempt to navigate the slough during a 100-year flood event. On the vast majority of days, as explained in Response to Comment 47-20, the bridge would not pose an obstacle to watercraft.

Response to Comment 47-99

Refer to Responses to Comments 47-3 and 47-28 for a discussion of the role of the proposed improvements in the analysis of impacts to CPSRA.

Response to Comment 47-100

Refer to Responses to Comments 31-9 and 31-11 regarding the Bay Trail alignment.

Response to Comment 47-101

This comment contains introductory, closing, or general background information and also reflects the commenter's opinions. No response is required. However, each of the commenter's general issues is specifically responded to in Responses to Comments 47-67 through 47-101.

Response to Comment 47-102

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 47-103

The comment is acknowledged. No response is required.

Response to Comment 47-104

The game-day stadium traffic control plan, as shown in Figure III.D-13 in the Draft EIR and revised in Response to Comment 7-17 to reflect a transit only lane along Harney Way to Bayshore Boulevard, includes a total of eleven traffic lanes exiting the Hunters Point Shipyard site as well as two travel lanes entering the site (one on Griffith Street/Crisp Avenue providing access to the south side of the Hunters Point Shipyard site and another on Innes Avenue providing access to the north side of the Hunters Point Shipyard site). The commenter suggests that these lanes that are proposed to provide "inbound" traffic access to the Hunters Point Shipyard site following football games could be reversed to provide additional "outbound" traffic capacity exiting the stadium. In this case there would be no vehicular traffic lanes providing "inbound" access to the Hunters Point Shipyard site. The commenter notes that if this were done, emergency vehicle access would continue to be provided via the transit only lanes along the BRT route and along Palou Avenue, which would be closed to through traffic on game days.

However, these two "inbound" lanes provide the only vehicular access to the Hunters Point Shipyard, which in addition to the NFL stadium, would include:

- 2,650 residential dwelling units
- 125,000 square feet of neighborhood retail
- 2,500,000 square feet of research and development space
- 255,000 square feet of artists studios
- 50,000 square feet of community services facilities
- 231 acres of public parks

It is unclear from the comment how non-stadium traffic, particularly residents of the 2,650 residential units, would access their destinations in the Hunters Point Shipyard if the only two inbound travel lanes providing access were reversed. Therefore, the modification to the game-day traffic configuration proposed is considered infeasible.

The commenter also suggests that on-street parking be prohibited on the north side of Carroll Avenue, Gilman Avenue, and Ingerson Avenue, between Third Street and Ingalls Street, as well as on Paul Avenue, between San Bruno Avenue and Third Street. The parking lanes on Carroll Avenue and Gilman Avenue are planned to be seven feet wide. This would not be adequate width to provide an additional travel lane on either of these streets.

However, even if additional travel lanes were possible on these streets, stadium exit capacity would not be increased. The exiting capacity of the stadium is limited by the number of lanes exiting the stadium area on Crisp Road. Without the Yosemite Slough bridge, there would only be three exiting lanes on the route along Crisp Road, Griffith Street, Thomas Avenue, and Ingalls Street. These three lanes then split into one lane along Carroll Avenue and two lanes on Gilman Avenue. If additional east-west capacity were provided along Carroll Avenue, Gilman Avenue, and/or Ingerson Avenue, there would continue to be just three lanes exiting the route along Crisp Road, Griffith Street, Thomas Avenue, and Ingalls Street, which represents the exiting capacity constraint. It is not feasible to widen these streets to provide additional exit capacity along this route because that would involve severe reductions in sidewalk width, which would be inconsistent with the City's Draft Better Streets Plan, or require acquisition of private property. This would be considered infeasible, particularly because the property in question is a PDR use, which the City has made considerable effort to retain. In particular, the *San Francisco General Plan Policy 8.1* (Maintain industrial zones for production, distribution, and repair activities in the Northern Gateway, South Basin, Oakinba, and India Basin Industrial Park subdistricts) supports retention of PDR uses in the Bayview.

The commenter also questions whether there is evidence to support the statement that the NFL would not be willing to consider a stadium with severely increased exit times as would be the case without the Yosemite Slough bridge. This statement was the product of previous conversations between the City of San Francisco and the NFL. Further evidence is provided in Comment 92-1, a letter drafted by the NFL to the City of San Francisco dated January 12, 2010. In this letter, the NFL notes that the Yosemite Slough bridge is a critical piece of infrastructure for providing access to the stadium.

Also, refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) regarding the necessity of the Yosemite Slough bridge.

Response to Comment 47-105

The commenter suggests that the "reverse" of the post-game lane configuration shown in Figure III.D-13 in the Draft EIR (i.e., the pre-game configuration) would not be required to provide eleven inbound lanes since traffic arrival patterns would be dispersed over time. (Figure III.D-13 has been revised in Response to Comment 7-17 to reflect a transit only lane along Harney Way to Bayshore Boulevard.) While the commenter is correct in one sense, that is, that pre-game conditions are not as critical as post-game conditions, traffic volumes prior to games are still substantially increased over non-

game-day conditions and additional inbound capacity is certainly warranted. The pre-game configuration has been designed to be similar to the post-game configuration because it reduces driver confusion since patrons know they can exit the way in which they arrive. Further, anecdotal evidence suggests that patrons have a higher tolerance for traffic congestion following a major sporting event than prior to the event. Thus, fans expect to be able to enter the venue reasonably quickly, but typically expect some congestion leaving the event. So, even if arriving patrons are spread out over a longer time, the additional capacity is warranted to maximize ingress. Ultimately, though, the game-day roadway configuration was primarily designed for the critical post-game period, in which eleven travel lanes would be required.

The commenter notes that although the Yosemite Slough bridge allows for a quicker clearance time, congestion on regional facilities may last for some time following the clearance of the parking lot and that fans would still have the same overall travel times between the proposed stadium and their homes as they do today. The commenter is partially correct, that congestion along primary exit routes, including freeway facilities, may not dissipate immediately following the parking lot clearance. However, providing additional egress routes would spread out the post-game congestion, and provide a quicker parking lot clearance time, and therefore the overall travel times for patrons to leave the stadium would be improved over existing conditions. Refer to the discussion associated with Impact TR-38: (Stadium 49ers Game Site Access and Traffic Impacts) on Draft EIR pages III.D-127 to III.D-133.

The improved stadium exit capacity is due to its location (combined with the proposed infrastructure, including the Yosemite Slough bridge). Whereas the existing stadium is connected to regional freeway facilities through a single primary connection, at Harney Way, the new stadium site offers both a northern and southern exit route. The Yosemite Slough bridge provides the needed connection to the southern route at the Harney Way interchange, and Innes Avenue/Evans Avenue/Cargo Way offer an alternate northern exit route toward I-280 and US-101 north of the stadium. By spreading out the traffic to multiple freeway interchanges, rather than overloading a single interchange as is the case today, egress from the stadium would be more efficient and travel times would improve.

Response to Comment 47-106

Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open for public use.

Response to Comment 47-107

Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open for public use.

Response to Comment 47-108

Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open for public use.

Response to Comment 47-109

Refer to Response to Comment 47-15 for discussion of rail-readiness of the bridge. Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open for public use.

Response to Comment 47-110

Refer to Master Response 4 (Purpose and Benefits of Yosemite Slough Bridge) regarding the necessity of the Yosemite Slough bridge. It would be prohibitively costly to tunnel under the neck of the slough for a BRT crossing due to the relatively short length (less than 1,000 feet) of the crossing. In general, tunnel construction is several times more expensive than the cost of a bridge. Tunnel construction at the site would require boring through soft soil conditions, rubble fill, and bedrock, which would require several different tunneling methods, and would likely add significant additional costs.

In addition, a tunnel would require more extensive approaches than an aboveground bridge—a tunnel would need to be approximately 2,400 feet long, and would extend 700 feet into Candlestick Point and about 800 feet into Hunters Point Shipyard—which could create additional environmental impacts or increase the severity of impacts identified for the Project. On the Hunters Point Shipyard side, extending the tunnel 800 feet would bring the tunnel into an area that will require substantial remedial actions under the Navy's cleanup program, due to the presence of a landfill. Trying to place a tunnel through this area raises a number of issues concerning hazardous materials, water quality, and geology.

Response to Comment 47-111

Although, as noted by the commenter, a scenario without the bridge would not constitute a significant impact to pedestrian circulation, the Yosemite Slough bridge does provide a substantial benefit to cyclists and pedestrians. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) regarding the necessity of the Yosemite Slough bridge.

In conversations with ABAG Bay Trail planners in January 2010, SFMTA staff confirmed that one of the purposes of the Bay Trail extends beyond recreational function and is indeed to provide attractive bicycle and pedestrian circulation alternatives to driving as a form of commuting and meeting other transportation and access needs. At that meeting, it was recognized that the directness and short length of the Yosemite Slough bridge's exclusive bicycle and pedestrian lanes as links between the two neighborhoods (Candlestick Point and Hunters Point Shipyard) would make them a more useful and convenient path for this purpose than the much longer and more circuitous path along the shoreline.

Response to Comment 47-112

Under conditions with a new NFL stadium, the proposed Yosemite Slough bridge would be 81 feet wide, and would provide a 12-foot-wide Class I bicycle path and 7-foot-wide sidewalk on the east side and a 40-foot bicycle/pedestrian promenade on the west side. Under conditions without a new stadium, the bridge would provide a bicycle path and a sidewalk on the east side of the bridge. In either case, the proposed facilities would comply with minimum design standards, including the Caltrans Highway Design Manual, as cited by the commenter. Although the Highway Design Manual notes that pedestrians

and bicycles should be separated if significant volumes are expected, it does not specify a threshold at which separate facilities are recommended; instead, the Highway Design Manual relies on the engineering judgment of designers and planners. Although the facility is expected to form an important connection between Candlestick Point and the Hunters Point Shipyard, bicycle and pedestrian volumes are not expected to be so high as to warrant separating the uses.

On game days, pedestrian and bicycle travel on the bridge would be limited to the 12-foot shared path on the east side of the bridge. As noted in Impact TR-41 on page III.D-137 of the Draft EIR, before and after games, pedestrian travel near the new stadium would experience crowding. However, the Draft EIR notes that pedestrian crowding and conflicts with traffic and bicycles is expected and understandable for large events. This phenomenon would apply also to the facility on Yosemite Slough bridge, where pedestrian volumes would be heavy before and after games. However, these circumstances are expected at large events and no special treatment to the 12-foot facility is required.

Response to Comment 47-113

The commenter notes that the Yosemite Slough bridge would cross the Bay Trail route around Yosemite Slough. South of Yosemite Slough, it is anticipated that the Bay Trail would veer to the south of the edge of the slough by about 250 feet to the signalized intersection of Arelious Walker Drive and Carroll Avenue. Pedestrian- and bicycle-actuated signals and crosswalks would be provided at the intersection. A separate path would also be provided to connect with overlook decks on either side of the bridge, to the 12-foot wide Class I bicycle lane and 7-foot-wide sidewalk on the east side of the bridge, and to the 40-foot-wide bicycle/pedestrian pathway on the west side of the bridge. North of Yosemite Slough, it is anticipated that the Bay Trail would veer to the south of the proposed Bay Trail alignment to a pedestrian- and bicycle-actuated crossing of Yosemite Slough Bridge about 150 feet north of the slough. The crossing would also connect with the Class I bicycle path and the sidewalk that would be provided on the east side of the Yosemite Slough Bridge and to the 40-foot wide bicycle/pedestrian parkway.

Response to Comment 47-114

Intersection LOS is a qualitative description of traffic operating conditions commonly used to assess traffic operating conditions because intersections typically form the constraints to traffic flow in a network. Crossing streams of pedestrians, bicycles, transit, and vehicular traffic create the need to control certain movements through the use of signals and stop signs. These periodic stops in traffic flow create “bottlenecks” and as a result, intersection capacity typically dictates the capacity of the overall transportation network.

Although intended as a qualitative description as described in the Highway Capacity Manual, intersection LOS is determined based on average vehicular delay, which is calculated based on traffic volumes, pedestrian and bicycle volumes, parking maneuvers, and intersection control devices (i.e., signals or stop signs). The calculations account for the statistical variation in vehicle arrivals over time and the regularity of control devices at restricting vehicular capacity.

In the approximately one to two hour period following a football game at the new stadium, at many locations, intersection control would be manually overridden, either by an on-site traffic control officer or remotely through the proposed Traffic Management Center at the stadium. This manual control

would allow the controller to prioritize large streams of traffic exiting the stadium for longer than normal periods of time. As a result of these unique circumstances, it is impossible to forecast the resulting average delay per vehicle at intersections using methodologies that were developed for application in more typical settings.

Rather, the analysis describes traffic operating conditions along primary stadium exit routes qualitatively, based on magnitude, duration, and location of congestion. Although not based on average vehicular delay, which is not possible to calculate under these circumstances, this qualitative description is consistent with the intent of automobile LOS as defined by the Highway Capacity Manual (Transportation Research Board 2000), which is to provide:

... a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience.

Response to Comment 47-115

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

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■ Letter 48: McRee, Richard (1/12/10)

1 of 3

Letter 48

January 12, 2010

Richard McRee, Architect
4417 18th Street
San Francisco, CA 94114

Mr. Stanley Muraoka
Environmental Review Officer Environmental Review Officer
San Francisco Redevelopment Agency
City and County of San Francisco
One South Van Ness Avenue
San Francisco, CA 94103,

Mr. Bill Wycko
Environmental Review Officer Environmental Review Officer
Fifth Floor San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II - Draft EIR

San Francisco Redevelopment Agency File No. ER06.05.07
City and County of San Francisco Planning Department File No. 2007.0946E
State Clearinghouse No. 2007082168

Gentlemen,

As a San Francisco Architect since the Fuel Crisis of the 1970's, I have had intensive experience with the Master Planning of sizable projects and with EIR's. So it was with great interest that I reviewed the referenced Draft EIR - particularly in regards to Energy, Alternatives, and History. With ever-growing urgency to reduce our Country's over-dependence on fossil fuels, it is my hope that these comments will serve to facilitate effective consideration by the relevant Agencies.

CEQA Guidelines, Section 15021 charge the Agency with the "duty" to:

- "...avoid or minimize environmental damage",
- "...not knowingly release a deficient document",
- "...give major consideration to preventing environmental damage,
- "...not approve a project ... if there are feasible alternatives ... that would substantially lessen any significant effects."

This EIR arrives at a crucial turning point for our Economy and the Public's realization of the serious choices our leaders must make as they regard Global Warming. The extensive coverage of many subjects in the EIR was quite impressive. Nevertheless, and for the sake of future generations, I believe that this EIR must more effectively weigh Alternatives and the Project's Impact related to Greenhouse Gasses.

In the mid-1970's, the Planning Commission required extended consideration for the planning and design of Levi's Plaza ("Greenwich Square") - an augmented study that resulted in a greatly-improved Project despite moderate delay. Similarly, the Agency now has an opportunity to encourage a more responsive and exemplary development for this major Project that is appropriate for a City widely-respected for its forward thinking regarding important issues.

48-1

COMMENTS ON C&R'S DRAFT EIR - MR. McRee - 1/12/2010

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Proposition G:

Although Proposition G authorized provisional study of a new stadium, there was no mandate to destroy and replace Candlestick Park stadium. One of its objectives was to provide an *"integrated development (that) should incorporate environmental sustainability concepts and practices"*. Another, was to *"...encourage the San Francisco 49ers—an important source of civic pride—to remain in San Francisco"*

48-2

With a fair and complete study and comparison of alternatives, the 49er's might realize that an exciting new development can harmoniously integrate new planning components with a rejuvenated Candlestick Park stadium, one which has meant much to San Franciscans for many years.

Alternatives:

Contrary to CEQA Guideline Section 15126.6, this Draft EIR fails completely to describe a *"reasonable alternative"* that both retains the long-time use of Candlestick Park and meets *"most of the basic objectives"* of the Project.

Alternative 3 is the only alternative that retains Candlestick Park stadium, which has the same seating capacity and function of the proposed new stadium, plus added obvious advantages of location and history. Any possibility of harmoniously integrating the existing stadium with new developments for the Project is completely overlooked.

48-3

Unfortunately, this alternative does not permit a *"reasoned choice"* (p.VI-1). First, it *intentionally reduces* the total amount of desired residential use, and then rejects the entire plan out of hand on the basis that its *"minimal development"* at Candlestick Point *"would not meet several 'Project objectives'"*. That rapid conclusion ignores the fact that the open area northeast of the existing stadium is denied significant housing components indicated for the Project. It also ignores the fact that the area at HPS-II designated for a new stadium is large enough to accommodate the remainder of the desired housing component.

From a Planning standpoint, "Reason" requires that Alternatives offered should be practically comparable to each other and provide a full consideration of their relative impacts and merits. A proper Master Plan will also indicate phasing of critical elements so the fortunes of the residents at Alice Griffith Housing, for example, do not worry that their future depends on the fortunes of a football team and a daunting 700 acres.

Energy and Greenhouse Gasses:

While this EIR's treatment of GHG's appears admirable, it essentially dismisses out of hand the issue of GHG's for Embodied Energy in materials. While the EIR repeatedly acknowledges that material manufacturing and handling do indeed constitute major GHG-producing activities, this Draft EIR seeks repeatedly to sidestep the issue with arguments that such energy is expended *"out-of-state"*, by *"other industries"*, or purporting that any such accounting would be *"purely voluntary"* - despite the fact that, as of last week, the 2010 Title 24 Code requires exactly such study.

48-4

However, the immediacy and reality of Global Warming - and the clear intention of related legislation - fully enacted or not - does not allow further avoidance of this consideration when weighing the decision to replace, in kind, any useful facility. Rejuvenation of existing facilities provides meaningful, labor-intensive jobs for many people while it conserves the intensive fossil fuel energy otherwise spent for high-energy replacement materials like concrete, steel, glass, and aluminum.

Comments on the Draft EIR - Hunters Point Shipyard

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Both the existing stadium and its replacement represent considerable Embodied Energy that deserves to be appropriately quantified before making an informed choice. San Francisco has an EIR precedent for doing so. The certified 1978 Nieman-Marcus Final EIR was perhaps the very first EIR to provide a quantification of the Embodied Energy needed to construct a new building. The Responses in that Final EIR revealed that the fossil fuel energy expended for creating and placing the materials for the major 60,000 square-foot Department Store equaled the power needed to operate th at energy-heavy occupancy for nearly 60 years.

48-4
cont'd.

By extrapolation, I estimate the total mass of a major sports stadium to be approximately 15 to 20 times that of the Department Store. Consequently, any stadium – whether new or old – represents the past or present expenditure of enough fossil fuel to operate all of the lights, heating, air-conditioning, elevators, escalators and displays at a Department Store for roughly **1,000 years**.

Contrary to the intention of much legislation and the growing urgency to do otherwise, it can only be concluded that this DRAFT EIR endorses nothing less than *"the expenditure of energy in a wasteful manner"*.

Cultural Resources:

The history of Candlestick Park stadium is completely disregarded *"(because it was not quite 50 years old)"* during the writing of the EIR. However, it is a well-designed structure and perhaps the only contemporary sports stadium to endure a major earthquake with a full load of people, yet suffer minimal damage. It has periodically housed the best team in the league, which young football players might consider inspiring. Last, but not least, it even hosted the final performance of the Beatles as their final venue for their last World Tour in August of 1966.

48-5

49ers:

For the past twenty years, the NFL has been inclined to replace existing football stadia and build replacements across the country. Today, both the Economy and Energy issues challenge them to embrace environmentally-responsive goals.

48-6

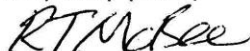
A more effective EIR could help encourage the San Francisco 49ers to become the *"Greenest Team in the League"* by staying here, improving Candlestick, and extending the life of the historic stadium. By doing so, they would:

- a) Spend less money, helping to keep ticket prices affordable,
- b) Conserve 1,000 "Department Store Years" (see above) worth of Embodied Energy,
- c) Conserve another "1,000 years" of fossil fuel by not building a replacement that will soon enough itself get "old", and
- d) Conserve a further estimated "300 years" of GHG's for additional infrastructure needed to accommodate 20,000 vehicles traveling to two extra miles to a distant site 12 times each year.

Most promising perhaps, rejuvenation of Candlestick would provide meaningful labor-intensive jobs that challenge designers and workmen alike.

Thank you for your attention to all of these matters.

Very truly yours,



Richard McRee, Architect

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■ Letter 48: McRee, Richard (1/12/10)

Response to Comment 48-1

This comment contains introductory or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 48-2

Alternative 3, which is presented and analyzed on pages VI-60 through VI-92 of the Draft EIR, evaluates an alternative that retains the existing Candlestick Stadium.

Response to Comment 48-3

With regard to the range of alternatives and alternatives considered and rejected, as described in Chapter VI (Alternatives), page VI-1, of the Draft EIR, alternatives are by definition supposed to address the impacts of the Project. Alternatives should provide alternative designs or features that would reduce the Project's impacts, including reduced development scenarios. Chapter VI states:

In accordance with CEQA Guidelines Section 15126.6, EIRs are required to include a discussion of alternatives to a proposed Project. Section 15126.6(a) states that an EIR should describe a range of reasonable alternatives to a Project that would attain most of the basic objectives of a Project while reducing one or more of the significant impacts of the Project, and should evaluate the comparative merits of those alternatives.

Public Resources Code Section 21002 states, in pertinent part:

In determining the nature and scope of alternatives to be examined in an EIR, the Legislature has decreed that local agencies shall be guided by the doctrine of "feasibility." It is the policy of the state that public agencies should not approve Projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects. In the event specific economic, social, or other conditions make infeasible such Project alternatives or such mitigation measures, individual Projects may be approved in spite of one or more significant effects thereof.

California has declared that the statutory requirements for consideration of alternatives must be judged against a rule of reason. CEQA Guidelines Section 15126.6(f) defines the "Rule of Reason," which requires that an EIR set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to those that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only those that the lead agency determines could feasibly attain most of the basic objectives of the Project. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is (i) failure to meet most of the basic Project Objectives, (ii) infeasibility, or (iii) inability to offer substantial environmental advantages over the Project proposal (CEQA Guidelines Section 15126.6(c))."

The methodology for identifying alternatives involved a several step process.

The general process for identifying alternatives for consideration in the document included these steps:

1. Review the significant effects resulting from the Project and identify possible strategies to avoid or lessen such impacts

2. Review ideas and alternative concepts suggested during the Project scoping process and any presented to the lead agencies during the preparation of the DEIR
3. Categorize and evaluate strategies and concepts for the ability to meet the basic Project Objectives and avoid or lessen significant impacts
4. Develop preliminary alternatives based on the strategies and concepts retained from preliminary screening and evaluate feasibility with respect to technical, institutional, costs and regulatory considerations
5. Select and refine a final set of alternatives for CEQA analysis

From this process, four alternatives, in addition to the required No Project Alternative, were selected for further evaluation and comparison to the Project and the Project Variants. Together, this set of five alternatives represents a broad range of options in terms of how key aspects of the proposed Project could be implemented. Each alternative differs from the Project in one or more of the following ways:

1. In the treatment of the Yosemite Slough bridge, either by changing the design or removing the Bridge proposal from the Project and substituting an alternative transportation component
2. In the intensity of development
3. In the location and type of land uses
4. In the treatment of the Candlestick Point State Recreation Area (CPSRA), either by changing the reconfiguration proposed or removing the CPSRA from the Project
5. In the treatment of the 49ers Stadium, either by changing the location of the Stadium or removing the Stadium from the Project
6. In the preservation of historic structures

The alternatives selected were judged the best to represent the range of identified strategies and concepts. Mitigation measures that have been identified for Project impacts would apply to impacts of the alternatives if the alternatives analysis indicates that mitigation is required to minimize a similar significant impact.

CEQA Guidelines require that the range of alternatives addressed in an EIR be governed by a rule of reason. Not every conceivable alternative must be addressed, nor do infeasible alternatives need to be considered (CEQA Guidelines Section 15126.6). Section 15126.6 of the CEQA Guidelines states that the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, other plans or regulatory limitations, and jurisdictional boundaries. The discussion of alternatives must focus on alternatives capable of either avoiding or substantially lessening any significant environmental effects of the Project, even if the alternative would impede, to some degree, the attainment of the Project Objectives or would be more costly. The alternatives discussion should not consider alternatives whose implementation is remote or speculative, and the analysis need not be presented in the same level of detail as the assessment of the Project.

A full analysis of alternatives is provided in Chapter VI (Alternatives to the Proposed Project) of the Draft EIR. The alternatives evaluated in the Draft EIR constitute a reasonable range of alternatives that would accomplish the major objectives of the Project, while avoiding or lessening the magnitude of the physical environmental effects of the Project, as is required under CEQA. The alternatives analysis includes an evaluation of five alternatives to the Project, including the No Project alternative. To develop the alternatives analysis, the objectives of the Project, as identified on page VI-3, and the significant impacts of the Project, as identified in Chapter V (Other CEQA Considerations), pages V-1 through V-4, were considered. The alternatives were developed to reduce the identified impacts with consideration for

the Project Objectives. For each alternative, the purpose of the alternative is identified on page VI-3 through VI-5, as the second paragraph under each alternative. As stated on page VI-3, Alternative 1 is required by CEQA as a comparison with baseline development; Alternative 2 is intended to reduce biological impacts from bridge construction; Alternative 3 is intended to reduce construction impacts and growth-related operational impacts by reducing the total development and using the existing stadium; Alternative 4 is intended to reduce construction impacts and growth-related operational impacts by reducing the total development by 30 percent and would also preserve historical resources; Subalternative 4A is intended to provide a preservation alternative combined with the land use plan of the Project, and Alternative 5 is intended to reduce construction impacts and growth-related operational impacts by reducing not constructing the stadium or affecting the biological resources adjacent to the Yosemite Slough bridge.

Chapter VI, Section VI.D.1 (Alternatives Considered but Eliminated from Further Analysis in the Draft EIR), describes why certain alternatives identified during the public scoping process were not evaluated in the EIR. As stated on page VI-161:

Alternatives considered, but eliminated from further analysis in the EIR, were evaluated in concept, but were eliminated for one or more factors, including (1) they did not reduce significant environmental effects; (2) they did not achieve most of the basic Project Objectives; and/or (3) they were not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. As stated above, according to CEQA Guidelines Section 15126.6(f)(1), factors that may be considered when a Lead Agency is assessing the feasibility of an alternative include:

[S]ite suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (Projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent) (CEQA Guidelines, Section 15126.6(f)(1)).

The alternatives considered but eliminated from further analysis in this EIR include:

- Alternative San Francisco 49ers stadium locations (City of Brisbane or Port of San Francisco sites)
- Alternative land use plans and locations for the 49ers Stadium on HPS Phase II
- Alternative land use plan for Candlestick Point
- Develop Candlestick Point for parks and open space only
- Alternative locations for the Project within the City of San Francisco

Alternative locations for the Project outside the City of San Francisco are discussed in Chapter VI (Alternatives) (pages VI-160 through VI-173). Page VI-167 states:

Overall, the Arc Ecology land use alternatives are rejected because they do not reduce or avoid environmental effects of the Project in ways different from the Alternatives examined above. ...

Response to Comment 48-4

As stated on page III.S-24:

Short-Term (One-Time) Impacts

Short-term or one-time emissions from the development of this Project are associated with vegetation removal and re-vegetation on the Project site and construction-related activities. Construction activities also include a life-cycle analysis estimating the GHG associated with the manufacture and transport of building materials and infrastructure. As previously mentioned, this estimate for life-cycle emissions is used for comparison purposes only and is not included in the final inventory as these emissions would be accounted for under AB 32 in other industry sectors.

Further, on pages III.S-25 and -26, the Draft EIR identifies that an analysis of the embedded energy is speculative for the purposes of CEQA analysis:

... Furthermore, somewhat arbitrary boundaries must be drawn to define the processes considered in the life-cycle analysis of building materials.¹¹⁵⁴ Recognizing the uncertainties associated with a life-cycle analysis, the California Air Pollution Control Officers Association (CAPCOA) released a white paper that states: “The full life-cycle of GHG emissions from construction activities is not accounted for in the modeling tools available, and the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level.”¹¹⁵⁵

The Draft EIR did utilize a Life Cycle Assessment (LCA) for the embedded energy for the production of the materials that would be used to develop the Project’s commercial and residential structures, including the new stadium. As stated, on page III.S-26:

The LCA estimated the life-cycle GHG emissions for buildings by conducting an analysis of available literature on LCAs for buildings. According to these studies, approximately 75 to 97 percent of GHG emissions from buildings is associated with energy usage during the operational phase; the other 3 to 25 percent of the GHG emissions is due to material manufacture and transport. Using the GHG emissions from the operation of buildings, 3 to 25 percent of building emissions corresponds to approximately 0.9 to 9 percent of the Project emissions.

Further, the Project would be required to comply with the City of San Francisco Construction and Demolition Debris Recovery Ordinance, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65 percent of the material from landfills, and the City’s Green Building Ordinance. The City’s Green Building Ordinance includes a requirement to redirect at least 75 percent of construction and demolition waste from landfills. As such, the majority of the construction debris would be recycled, which would offset the loss of the embedded energy utilized in the construction of the original Candlestick Stadium.

Response to Comment 48-5

Refer to Response to Comment 39-4 on the evaluation of Candlestick Park stadium under NRHP and CRHR criteria. As discussed in that Response, Candlestick Park stadium would not meet NRHP or CRHR criteria as an historic resource.

Response to Comment 48-6

Refer to Response to Comment 47-14 about the 49ers stadium as a Project Objective. One of the Project Objectives is to “encourage the 49ers—an important source of civic pride—to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure.” The comment regarding the retention of Candlestick Park stadium for NFL use is not a direct comment on the content or adequacy of the Draft EIR.

Alternative 3 (Reduced CP-HPS Phase II Development; San Francisco 49ers Stay at Existing Candlestick Park Stadium; Limited State Parks Agreement; Yosemite Slough Bridge Serving Only Transit, Bicycles, and Pedestrians), Draft EIR pages VI-60 through VI-92, would be a Project Alternative that would retain Candlestick Park Stadium.

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■ Letter 49: Neighborhood Parks Council (1/12/10)

1 of 2

Letter 49



January 12, 2010

Stanley Muraoka
San Francisco Redevelopment Agency
One South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

Bill Wycko, Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Re: Candlestick Point - Hunters Point Shipyard Phase II DEIR
SFRA File No. ER06.05.07, Planning Dept Case No. 2007.0946E

Gentlemen:

The Neighborhood Parks Council has concerns about the adequacy of the environmental review of the captioned project, particularly as respects the Blue Greenway, which is a segment of both the Bay Trail and the Bay Area Water Trail between AT&T Park and Candlestick Point.

49-1

The DEIR should include reference to and appropriate proposed locations for elements of the Bay Area Water Trail in the Land Use section (IIIB).

Chapter III. D. Transportation and Circulation

This entire section should be rewritten. The focus of the DEIR is the traditional vehicle LOS analysis, without taking into consideration the new 2009 SB 97 Rules (http://ceres.ca.gov/ceqa/guidelines/proposed_guidelines_amendments_and_related_materials.html), where there's not only a requirement to reduce greenhouse gas emissions (Section VII), but a revised Transportation section (XVI). This project is expected to be built out over 20 years, and the transportation analysis should reflect current CEQA guidelines; most significantly, the criteria that determine whether the project would:

49-2

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, **taking into account all modes of transportation including mass transit and non-motorized travel** and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

49-3

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

49-4

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A Project of Urban Resource Systems

2 of 2

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation?

49-5

The Bicycle Plan outlined in the DEIR (Figure II-14) does not provide near-term improvements to the bicycle network between Innes Avenue (India Basin/Area C) and Crisp Avenue. Bicycle improvements should also be constructed in Phase I connecting Crisp Avenue, through the Shipyard to Candlestick Point. Class III bike markings will not be safe or adequate, particularly on streets with high vehicle traffic. Since the planned Bay Trail alignment along the shoreline is dependent on environmental remediation, and development of much of this area will not occur until at least Phase III, construction of an interim Class I bike path to provide a short-term connection that is not dependent on the possible Yosemite Slough bridge is very important. A comparable interim bicycle and pedestrian connection in Mission Bay on the south side of Mission Creek under the 280 freeway has been critical to the hundreds of residents and workers in that new neighborhood.

49-6

Chapter III. P – Recreation

While Mitigation measure RE-2 is a good beginning, in that phasing of parks and open space should be linked to residential and employment-generating uses, it does not adequately address the need.

49-7

Table III.P-3 should be amended to show, at each phase of development, the park-to-population ratio including the employee population, and should be maintained throughout the development at no less than 5.5 acres per 1,000 residents and employees. In addition, there should be an adjacency requirement, so that parks and recreation facilities (including facilities for families and children, if appropriate) are built adjacent to and concurrently with infrastructure and vertical development parcels, and connecting with existing open spaces (India Basin Shoreline Park and Hillside Park and Open Space, for example).

49-8

The proposed Marina and waterfront recreation areas should be sited to provide protection from summer winds (Chapter III.G – Wind) and southern surge in the winter. In addition to an analysis of Windsurfing in the Recreation section, there should be an analysis of appropriate conditions for kayaking and other non-motorized vessel operations along the Bay Area Water Trail.

49-9

Sincerely yours,

NEIGHBORHOOD PARKS COUNCIL


Corinne W. Woods
Blue Greenway Coordinator

For Meredith Thomas, Executive Director

■ Letter 49: Neighborhood Parks Council (1/12/10)

All of the comments provided in this letter are exactly the same as the comments provided in Letter 44. Letter 49 was submitted to the Agency, while Letter 44 was submitted to the San Francisco Planning Department. Full responses are provided in Letter 44.

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