

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 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 (USEPA) Tier 2 engine outfitted with California ARB Level 3 Verified Diesel Emission Control Strategies (VDECS) as a USEPA 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 "USEPA 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 USEPA 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 USEPA 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 USEPA 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 USEPA Tier 4 engine 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 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 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 CDPR 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 ~~CPDR~~CDPR 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 ~~0.96~~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 ~~0.94~~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 ~~effect~~effect 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

2 of 3

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.

3 of 3

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

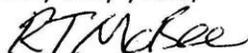
A more effective EIR could help encourage the San Francisco 49ers to become the *"Greenest Team in the League"* by staying here, improving Candlestick, and extending the life of the historic stadium. By doing so, they would:

- 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.

■ 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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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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