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August 16, 2022

Client-Matter: 23890-032

VIA ELECTRONIC SUBMISSION

San.Francisco_San.Jose@hsr.ca.gov
SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION
EIR/EIS COMMENT
100 Paseo de San Antonio, Suite 300
San José, CA 95141

Re: Comments by the City of Brisbane, California, on the Final Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose Section of the California High-Speed Rail Project

To Whom It May Concern:

On behalf of the City of Brisbane, California (the "City"), we hereby submit comments on the Final Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the San Francisco to San Jose section ("Project") of the California High-Speed Rail Project under the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").[1]

The City's Comments make it clear that the EIR/EIS is fatally flawed and is defective as a matter of law. This outcome was avoidable.

In 2020, when we demonstrated that the draft EIR/EIS for the Project was itself fatally flawed, we provided an extensive legal analysis and discipline-specific evidence in support of our position. The Authority could have used that record as a guide in restarting and conducting a legally-compliant environmental review process. Instead, it is clear from our review of the final EIR/EIS that the City's comments in 2020 were all but ignored.

In 2020, the City also demonstrated that the draft EIR/EIS was inconsistent with critical state policy priorities, including Governor Newsom's and the Legislature's commitments to

[1] The pronouns "we," "us" and "our" includes Manatt, Phelps & Phillips, LLP ("Manatt"), the Sohagi Law Group, PLC ("SLG"), Metis Environmental Group ("Metis"), and the numerous discipline-specific subcontractors referenced in the City's Comments. The phrase "City's Comments" includes this letter, the letter from the SLG of the same date, the work of Metis, and any and all of our work product included or incorporated by reference therein. References to the "Authority" are to the California High Speed Rail Authority.

environmental protection and environmental justice. The final EIR/EIS notes, but makes little progress, in bridging this yawning gap.

More recently, we understand that the California High Speed Rail Authority's Board has made a public commitment that "communities impacted by [high speed rail's] alignment and service shall be made better by the project's presence in that community."[2] The City welcomes this approach and respectfully submits that no community will be made better by a Project that is noncompliant with CEQA and NEPA.

As we have said repeatedly, in a state and region that are perhaps more committed to environmental responsibility and sustainability than any other in the nation if not the world, the City shares this commitment and has always been willing to work with the Authority to ensure a comprehensive and legally-compliant environmental review is completed for the City site *and alternative sites* so that the Authority can make a truly thoughtful and environmentally sound decision. Unfortunately, the Authority has never been willing to agree to this simple proposition.

Consequently, the City's Comments herein demonstrate that the EIR/EIS is fatally deficient. Moreover, these deficiencies are so foundational, systemic, and pervasive that a typical effort to correct deficiencies with minor revisions is not available as a cure. Barring a last minute but wise decision by the Authority to pull back from approving the EIR/EIS in favor of a CEQA/NEPA-compliant environmental review, the City is reserving its rights to require such a review.

Very truly yours,

Thomas R. McMorrow

Thomas R. McMorrow

cc: Governor Gavin Newsom
State Senator Josh Becker
Assembly Speaker Pro Tempore Kevin Mullin
Authority Board of Directors
Brisbane City Council
Clay Holstine, City Manager
John Swiecki, Community Development Director

[2] *See* August 9, 2022 letter from the California High Speed Rail Authority re "City of Brisbane Request Related to the San Francisco to San Jose Project Section," incorporated herein by reference.

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Re: Comments by the City of Brisbane, California, on the Final Environmental Impact Report/Environmental Impact Statement for the San Francisco to San José Section of the California High-Speed Rail Project

To Whom It May Concern:

On behalf of our client the City of Brisbane ("City"), The Sohagi Law Group submits these comments on the Final Environmental Impact Report/Environmental Impact Statement ("Final EIR/EIS") for the High-Speed Rail San Francisco to San José Project Section ("Project"). The Final EIR/EIS fails to meet numerous requirements of the California Environmental Quality Act ("CEQA," Pub. Resources Code, § 21000 *et seq.*) and the National Environmental Policy Act ("NEPA, 42 U.S.C. § 4321 *et seq.*).

The Final EIR/EIS, like the Draft EIR/EIS, fails to satisfy an EIR's fundamental objective: to provide a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. As demonstrated in the Metis letter (Attachment 1), the Final EIR/EIS does not cure the legal deficiencies of the Draft EIR/EIS but instead introduces a plethora of new violations and a great deal of contradictory information. Among other things, the Final EIR/EIS adds substantial new information to the project description that nevertheless remains incomplete, sets forth impact conclusions based on inadequate or nonexistent studies and plans, and has an inadequate evaluation of alternatives. Astonishingly, the Final EIR/EIS also fails to respond to many of the City's significant environmental comments on the Draft EIR/EIS in direct violation of CEQA Guidelines section 15088.[1]

[1] CEQA requires lead agencies to respond to each comment raising significant environmental issues received during the comment period. (CEQA Guidelines, § 15088, subd. (a).) A lead agency's failure to respond to significant comments violates its duty under CEQA "to inform both the public and the decision makers, before the decision is made, of

By way of example:

1. The Final EIR/EIS for the first time admits that construction of the proposed Light Maintenance Facility ("LMF") requires excavating over 2.0 million cubic yards of municipal solid waste from the former Brisbane landfill, including an estimated 208,300 cubic yards of hazardous waste that must be transported to a Class I landfill in Kern County. This represents a minimum of 125,000 truckloads of solid waste including 13,000 truckloads of hazardous materials to be excavated from the former landfill, loaded onto 690 trucks a day, creating significant impacts that were not disclosed in the Draft EIR/EIS. The to-be-expected safety impacts, along with impacts to the air quality, greenhouse gas emissions, and noise, to name a few, are staggering. Equally astounding is that the Final EIR/EIS fails to address odor and vector impacts associated with this "reverse landfilling" operation, nor does the EIR/EIS explain how hazardous wastes will be separated from non-hazardous wastes before being loaded onto trucks for offsite re-burial at Class I and Class III landfills. This "eleventh hour" disclosure presents new, an materially incomplete, information on a significant impact that must be disclosed in a recirculated Draft EIR/EIS document.

2. The Final EIR/EIS introduces an entirely new plan for relocating the Brisbane Fire Station, coupled with substantial revisions to the construction staging for the Tunnel Avenue bridge that creates myriad public safety impacts neither previously disclosed in the Draft EIR/EIS nor analyzed in the Final EIR/EIS. The North County Fire Authority's Chief, Ron D. Myers, reviewed the New Plan, finding the proposed Fire Station relocation "does not meet the minimum safety standards for fire station design, location, emergency response egress, and roadway entry and is unacceptable to the North County Fire Authority." (Metis, Exhibit F.)

3. The Final EIR/EIS also introduces new information that renders the Draft EIR/EIS impact analyses inadequate and requires revisions to previous impact determinations. For example, the Final EIR/EIS presents previously undisclosed information regarding the conversion of land use. Rather than minimizing the adverse effects of the proposed LMF on the community, the Final EIR/EIS exacerbates adverse effects by increasing the amount of land to be converted for the proposed LMF from the 103 acres documented in the Draft EIR/EIS to 120 acres. This 16 percent increase in the land proposed to be converted for LMF use and other changes in Project design required a multitude of resource topics, such as land use and biological resources, to be revised in the Final EIR/EIS. Even so, as documented in the attached Metis comment letter, the Final EIR/EIS fails to

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any reasonable means of mitigating the environmental impact of a proposed project." (*The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 617.)

recognize that the acreage of land required for LMF construction impacts extends outside of the LMF footprint and would adversely affect the developability of adjacent planned land uses.

4. The Authority has prematurely committed to the LMF site and has taken actions that foreclosed consideration of alternative projects prior to completion of CEQA review. An agency has no discretion to define approval so as to make its commitment to a project precede the required preparation of an EIR. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116 ("*Save Tara*").)

In addition to procedural and substantiative CEQA violations, the proposed Project is inconsistent with public policy. Notably, it constrains much-needed housing for Brisbane and runs afoul of the state-mandated sustainable communities strategy for the nine-county San Francisco Bay Area (a.k.a. Plan Bay Area 2050).

As briefly introduced above, and discussed further in the Metis letter attached, the Final EIR/EIS incorporates significant new information and must be recirculated for additional public review. CEQA is at its heart a disclosure statute, designed to inform the public about the environmental consequences of agency actions. An EIR "serves not only to protect the environment but also to demonstrate to the public that it is being protected." (CEQA Guidelines, § 15003, sub. (b) [citing *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795].) The Authority's failure to recirculate the document, as now revised, precludes meaningful public review and comment in violation of CEQA. (CEQA Guidelines, § 15088.5.)

At bottom, the Final EIR/EIS's procedural and substantive CEQA violations described in the City's comment letters render the Final EIR/EIS "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded".[2] The Authority is, therefore, legally required to cure the EIR/EIS's deficiencies and recirculate the EIR/EIS for additional public review.

Very truly yours,

Margaret Sohagi

MARGARET M. SOHAGI
THE SOHAGI LAW GROUP, PLC

[2] CEQA Guidelines, § 15088.5.

Attachments

1. **Metis Comment Letter**

Exhibit A. ***City of Brisbane's May 26, 2022 Comment Letter to the Federal Railroad Administration and Department of Transportation Regarding the Draft General Conformity Determination (Docket No. FRA-2022-0026) for the San Francisco to San José Project Section***

Exhibit B. ***Metis Resume***

Exhibit C. ***EKI Resume***

Exhibit D. ***Ten Over Studio Statement of Qualifications and Resumes***

Exhibit E. ***Ten Over Studio Exhibits:***

TOS – 1: Existing Conditions

TOS – 2: Initial Construction of the Lagoon Road Bridge and Extension

TOS – 3: Lagoon Road Completed; Start of Tunnel Avenue Demolition

TOS – 4: Interim Access to New Intersection North of Existing Fire Station

TOS – 5: Demolition of Existing Fire Station; Operation of New Fire Station

Exhibit F. ***North County Fire Authority Comment Letter***

Exhibit G. ***Brisbane Dept. of Public Works, 6-2.1A Plan***

Exhibit H. ***HSR Land Use Graphic***

cc: Governor Gavin Newsom
Senator Josh Becker
Assembly Speaker Pro Tempore Kevin Mullin
Authority Board of Directors
Brisbane City Council
Clay Holstine, City Manager
John Swiecki, Community Development Director

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Metis Environmental Group

Comments on the Final Environmental Impact Report /Environmental Impact Statement for the California High-Speed Rail Project San Francisco to San José Project Section

Metis Environmental Group has been retained by the City of Brisbane to review the Final Environmental Impact Report / Environmental Impact Statement (Final EIR / EIS) for the California High-Speed Rail Project, San Francisco to San José Project Section (Project).

As documented below, the Final EIR / EIS contains numerous substantive and procedural deficiencies that violate the California Environmental Quality Act (CEQA, Pub. Resources Code § 21000 *et seq.*). The only possible remedy for these deficiencies is to substantially revise the EIR / EIS project description, impact analyses, mitigation measures, and alternatives, and then recirculate the revised Draft EIR / EIS document for public review and comment. Deficiencies and CEQA violations that necessitate a thorough revision and recirculation of the Draft EIR / EIS include:

- Addition of significant new information, including new information regarding construction of the East Light Maintenance Facility (LMF);
- An incomplete, inconsistent, and unstable project description;
- A premature commitment to the Baylands LMF site and inadequate analysis of alternatives in violation of CEQA;
- Missing, inadequate, and inconsistent responses to comments;
- Impact determinations based on inadequate impact analyses that improperly rely on future studies and plans, along with deferred mitigation measures.

In addition to procedural and substantiative CEQA violations, the proposed Project is inconsistent with public policies, including the state-mandated sustainable communities strategy for the nine-county San Francisco Bay Area (Plan Bay Area 2050).

INTRODUCTION AND BACKGROUND

The California High Speed Rail Authority (Authority) proposes to construct and operate a 121.0-acre rail maintenance yard within the City of Brisbane. The Authority's proposed light

maintenance facility (LMF) would operate 24 hours per day, 7 days per week. In terms of size, the proposed Brisbane LMF site would:

- Accommodate a surface parking lot with a capacity 50% greater than that of Disneyland or Disneyworld Florida[1].
- Be eight times the size of Oracle Park, home of the San Francisco Giants.

The site selected by the Authority for the LMF lies at the center of a planned mixed-use residential/commercial office development known as the "Baylands." The Authority's EIR/EIS evaluated placement of the LMF within the Baylands both to the east and to the west of the Caltrain rail line (East LMF, West LMF, respectively).[2] To prepare the Baylands for development, the City of Brisbane amended its General Plan in 2018 to establish specific development policies for a large-scale transit-oriented planned community with 1800-2200 dwelling units, 6.5 million square feet of commercial/office development, 500,000 square feet of hotel use, and extensive open space and park land.[3] The 2018 General Plan amendment was the result of extensive planning and environmental studies of the Baylands and provided the requisite commitment on the part of the City to approximately double its resident population and thereby provide for development of Brisbane's fair share of regional housing needs for all economic segments of the community and comply with state Housing Element law. Prior to amending its General Plan in 2018 and approving GP-1-18, the City of Brisbane prepared and certified a first tier Environmental Impact Report (EIR) for the Brisbane Baylands project.

The extensive development approved for the Baylands in GP-1-18 was determined to be consistent with the regional growth projections and the state-mandated sustainable communities strategy for the nine-county San Francisco Bay area, known as "*Plan Bay Area*," that designates the Baylands along with adjacent proposed and approved development to the north in San Francisco as part of a bi-County "Priority Development Area."[4]

At the time Baylands-specific development policies were approved in 2018, the Baylands applicant agreed to modify its then-proposed Baylands Specific Plan to be consistent with GP-1-18. The modified Specific Plan is currently being reviewed by City staff and preparation of a second tier "project" EIR for the Baylands Specific Plan is underway.

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[1] The parking facilities at Disneyland and Disneyworld Florida have a capacity of approximately 10,000 and 11,000 vehicles, respectively. As a surface parking lot, the Brisbane LMF would have a capacity of approximately 15,000 vehicles.

[2] The Authority has identified the East LMF located along the east side of the Caltrain right-of-way within the former Brisbane landfill as its preferred site.

[3] In November 2018, Brisbane voters ratified the General Plan amendment (GP-1-18) for development of 1800-2200 dwelling units within the Baylands along with 6.5 million square feet of commercial/office development, 500,000 square feet of hotel use, and open space are park uses.

[4] The Brisbane Baylands, including the East and West LMF sites is designated as a priority development area in both Plan Bay Area 2040 and Plan Bay Area 2050.

Based on the above background, the City of Brisbane requests that the High-Speed Rail Authority (HSRA) prepare an EIR that fully discloses and mitigates significant impacts of the Brisbane LMF and other project features and examines alternatives pursuant to CEQA. As explained in detail in this letter and the City's prior comment letters,[5] the Authority's Final EIR/EIS utterly fails to accomplish this legal mandate.

THE FINAL EIR/EIS INTRODUCES SIGNIFICANT NEW INFORMATION THAT REQUIRES RECIRCULATION OF THE EIR/EIS

CEQA requirements for EIR recirculation

Recirculation is triggered when "significant new information" is added to an EIR. (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.) The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of the conclusions drawn from it. (*Silverado Modjeska Recreation and Park Dist. v. County of Orange* (2011) 197 Cal.App.4th 282, 305.) The CEQA Guidelines provide four examples of "significant new information" requiring recirculation. (CEQA Guidelines, § 15088.5, subds. (a)(1)-(4).) These include a disclosure showing that:

1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Final EIR/EIS introduces significant new information and impact analyses, as well as modifications to the project design in and around the Baylands LMF. Recirculation of the Draft EIR/EIS is required to provide the public with an opportunity to review and comment on the

[5] Please see the City's September 8, 2020 comment letter on the California High-Speed Rail Project, San Francisco to San José Project Section, Draft Environmental Impact Report/Environmental Impact Statement and the September 8, 2021 comment letter on the Supplemental Draft Environmental Impact Report/Environmental Impact Statement for the San Francisco to San José Section of the California High-Speed Rail Project, both incorporated here by reference. The City also provided a May 26, 2022 comment letter to the Federal Railroad Administration and Department of Transportation on the Draft General Conformity Determination (Docket No. FRA-2022-0026) for the San Francisco to San José Section. (See Exhibit A.)

new information and project revisions prior to the Authority taking an action to approve the project.

The Final EIR/EIS discloses that:

- Over 2 million cubic yards of "materials" to be excavated from the former Brisbane landfill for construction of the East LMF would, in fact, consist of municipal solid waste, over 200,000 cubic yards of which are anticipated to be hazardous. The Draft EIR/EIS failed to disclose that municipal solid waste would be excavated and stated that no hazardous materials would be excavated for the East LMF.
- The 100-acre East LMF would actually result in conversion of 120 acres of planned land use. Land use tables in the Draft EIR/EIS previously stated that only 103 acres of planned land use would be converted for development of the East LMF.
- Substantial revisions to the staging of bridge construction for the East LMF and proposed relocation of the Brisbane fire station would cause significant public safety impacts not disclosed in the Draft EIR/EIS nor fully evaluated in the Final EIR/EIS.

Construction of the East LMF would require excavation of over 2 million cubic yards municipal solid waste from the former Brisbane Landfill, over 200,000 cubic yards of which would consist of hazardous waste.

The Final EIR/EIS for the first time acknowledges (1) construction of the East LMF would, in fact, require excavation into the municipal waste matrix of the former Brisbane landfill and (2) a portion of waste materials excavated from the landfill could be hazardous and require transport to a Class I landfill as hazardous materials. Thus, the Final EIR/EIS discloses that 2.08 million cubic yards described as non-hazardous "materials" that would be excavated for construction of the East LMF would, in fact, consist of *municipal solid waste* rather than soil. In addition, the Final EIR/EIS for the first time estimates that 208,300 cubic yards of the solid waste excavated for the East LMF would require disposal at a Class I landfill as hazardous waste. This represents a minimum of 13,000 truckloads[6] of hazardous materials to be excavated from the former landfill, loaded onto trucks, and transported over 200 miles offsite to Kern County, creating significant impacts that were not disclosed in the Draft EIR/EIS (see Table 1, below). Because the Draft EIR/EIS specifically states that Alternative A would not have an additional demand or impact on hazardous waste facilities from excavation and grading activities, Response to Comment 1165-2071 is misleading and incorrect when it states that the Final EIR/EIS has been revised to include "refined assumptions regarding the amount of solid waste, including the amount of hazardous solid waste that would be generated from construction of the East

[6] This estimate is based on 16 cubic yards of material per truckload. Typical dump trucks can carry 10-14 cubic yards per load and tandem axel side haul dump trailers can carry up to 21-24 cubic yards. (See https://www.coopskw.com/learn-much-dirt-can-carry-kenworth-dump-trucks/; and https://www.demco-products.com/blog/demco-march-blog.)

Brisbane LMF and the amount of hazardous solid waste that would be hauled off to a Class I landfill." The assumption that 208,300 cubic yards of the solid waste excavated for the East LMF would require disposal at a Class I landfill as hazardous waste corrects a major error in the Draft EIR/EIS and does not merely "refine assumptions." It presents new information on a potentially significant impact that must disclosed in a recirculated Draft EIR/EIS document.

Table 1: Comparison of Draft and Final EIR/EIS Data in Relation to Excavation Within the Former Brisbane Landfill

	Draft EIR/EIS	Final EIR/EIS
Total Cubic Yards to be Disposed of Offsite	2,082,800 cubic yards of "materials"	2,082,800 cubic yards of municipal waste
Non-Hazardous material to be transported to Class III landfill in Half Moon Bay (23 miles per trip)	2,082,800 cubic yards	1,875,500 cubic yards
Hazardous material to be transported to Class I landfill in Kern County (210 miles per trip)	None	208,380 cubic yards 13,000 truckloads
Counties through which hazardous materials from the East LMF would be transported	None	5
Air Basins through which hazardous materials from the East LMF would be transported	None	3

The acknowledgement that over 2 million cubic yards of municipal solid waste, of which 208,300 cubic yards would be classified as hazardous required revisions in the following Draft EIR/EIS sections:

- 2.0, Alternatives
- 3.2, Transportation
- 3.3, Air Quality and Greenhouse Gases, including new analysis of construction truck trips hauling hazardous solid waste from the East LMF to the Kettleman Hills landfill through the San Francisco Bay Area Basin, North Central Coast, and San Joaquin Valley air basins.
- 3.6, Public Utilities and Energy
- 3.10, Hazardous Materials and Waste
- 3.8, Cumulative Impacts

The Authority's failure in the Draft EIR/EIS to disclose and evaluate the true nature of materials that would need to be excavated from the former Brisbane landfill and transported

offsite deprived the public and public agencies of the opportunity to meaningfully review and comment on the physical environmental effects of excavating and transporting 2.08 million cubic yards (130,175 truckloads) of solid waste, of which 208,300 cubic yards (13,000 truckloads) would consist of hazardous waste materials.

The analysis of the physical environmental effects of such excavation and offsite disposal in the Final EIR/EIS remains incomplete and inadequate.

The Final EIR/EIS fails to analyze the physical environmental effects of constructing the LMF within a former landfill that has not undergone final closure pursuant to Title 27 requirements (see Table 2). These effects are potentially significant, yet not disclosed or analyzed in the Final EIR/EIS.

Table 2: Comparison of Draft and Final EIR/EIS Process for Constructing the LMF Within a Former Landfill Requiring Final Title 27 Closure

Final Landfill Closure and LMF Construction Process	Addressed in:	
	Draft EIR/EIS	**Final EIR/EIS**
Open landfill and excavate soils for onsite reuse and solid wastes for offsite disposal.	Cubic yards of "materials" to be excavated, reused, and disposed of offsite.	Cubic yards of: · Soils to be reused onsite; · Non-hazardous solid waste to be disposed of at a Class II landfill in Half Moon Bay; and · Hazardous solid waste to be disposed of at the Kettleman Hills Class I landfill in Kern County.
Establishment and maintenance of odor and vector control programs once municipal solid wastes are exposed to open air.	Not addressed.	Not addressed.
Storage and testing of solid wastes excavated from the landfill to separate hazardous from non-hazardous waste.	Not addressed.	Not addressed.
Transport of excavated materials.	Transport of all materials to landfill in Half Moon Bay addressed.	Transportation of hazardous solid wastes to Kern County and non-hazardous wastes to Half Moon Bay addressed.
Title 27 final landfill closure (construction of an impermeable cap and placement of clean soil over remaining solid waste matrix.	Addressed only in terms of grading quantities needed to construct the landfill.	Future "removal action plan" to be prepared by contractor. No analysis of impacts related to import excavation of impermeable soils to construct the required landfill cap provided.

Final Landfill Closure and LMF Construction Process	Addressed in:	
	Draft EIR/EIS	**Final EIR/EIS**
		Addressed only in terms of grading quantities needed to construct the landfill. While Title 27 final landfill closure requirements are cited in relation to methane control, no analysis is provided in relation to import of impermeable soils for construction of the required landfill cap.
Construction of the LMF on top of the former landfill.	Addressed in the absence of site-specific geotechnical information or identification/analysis of types of remedial measures that may be needed to address differential settlement and liquefaction hazards at the LMF site.	Addressed in the absence of site-specific geotechnical information or identification/analysis of types of remedial measures that may be needed to address differential settlement and liquefaction hazards at the LMF site.

The EIR/EIS also inappropriately separates design and construction of a landfill cap as part of final Title 27 landfill closure from (1) excavation within the landfill that occurs prior to final landfill closure and (2) construction of the LMF that can only occur after final landfill closure, leaving a gap in the construction process that is not addressed in the Final EIR/EIS. Thus, the Final EIR/EIS fails to address what happens after soils and solid waste are excavated and before construction of the LMF itself can commence.

Based on previously prepared and publicly available environmental documentation[7], the following information, including Title 27 landfill closure requirements should have been known to the Authority, disclosed to the public, and the related potentially significant environmental effects should have been thoroughly analyzed in the EIR/EIS:

- The Brisbane Landfill operated prior to establishment of modern waste disposal practices and operations ceased before formal regulatory design requirements for closure were established.[8] Waste containment at the former Brisbane Landfill was consistent with the practices of the industry at the time, including placement of waste directly on native soils. Thus, waste disposal design features such as liners, segregation of waste into disposal cells, and leachate collection systems were not incorporated into the design of the landfill.

[7] See the Brisbane Baylands, Draft EIR, Section 4.G *Hazards and Hazardous Materials*, June 2013, available here and incorporated by reference: http://archive.brisbaneca.org/sites/default/files/4g_hazards.pdf.

[8] California Regional Water Quality Control Board (RWQCB), *Order no. 01-041, Waste Discharge Requirements and Rescission of Order no. 58-278 and Abatement Order 94-134, Brisbane Class III Landfill, Brisbane, San Mateo County*, San Francisco Bay Region, April 18, 2001.

- For regulatory purposes, the former landfill site is overseen by the Environmental Health Division of the San Mateo County Health Agency, which serves as the Local Enforcement Agency and, along with the California Department of Resources Recycling and Recovery (CalRecycle), enforces Title 27 regulations related to landfill closure, post-closure maintenance, and landfill gas monitoring and control. Additional oversight of the former landfill is provided by the California Regional Water Quality Control Board - San Francisco Bay Region (RWQCB). The Final EIR/EIS fails to identify the responsibilities of the San Mateo County Health Agency and CalRecycle.
- The former landfill lacks a low permeability engineered landfill cap that is compliant with Title 27 of the California Code of Regulations (CCR). Placement of such a landfill cap would occur at different depths for the LMF's maintenance building, train storage areas, utility corridors, and open space areas.
- The Brisbane Baylands Program EIR noted that the required low hydraulic conductivity layer within the Baylands' landfill cap could be constructed of materials such as a minimum 1-foot deep compacted clay layer,[9] high-density polyethylene, an approved geo-membrane liner, or a geosynthetic clay liner.
- Actions need to be taken to prevent ponding of water and percolation through the cover system and into the waste to minimize the generation of leachate. A surface water management system to transport stormwater across the LMF must be provided including maintaining a minimum grade of 3 percent above all landfill surfaces. Providing a minimum 3 percent grade across the LMF to promote surface drainage and avoid ponding would be problematic for the maintenance facility, which requires a flat surface to keep rail cars stationary. While Title 27, Article 2, Section 21090 provides some exceptions to the 3 percent, the City's Title 27 landfill closure expert, Michelle King, President, EKI (resume attached, Exhibit C), stated that it is her experience that the RWQCB would require the open portions of the site other than the maintenance building itself to be sloped at 3 percent (pers. comm., August 3, 2022).
- The proposed location of the Brisbane LMF on a former landfill thus requires approval from the RWQCB for installation of "an effective system for diverting surface drainage from laterally-adjacent areas and preventing ponding in the allowed flatter portion" of the LMF. There is no assurance that even if the Authority could design such a drainage system that the RWQCB would approve flatter slopes across the open areas of the LMF, meaning that LMF construction at the former landfill would be infeasible.
- Additionally, as required by Title 27, long-term maintenance, would be required to ensure the continued integrity of the final cover system.

[9] Bay mud, such as that underlying the Baylands would be a suitable material for construction of the minimum 1-foot deep compacted clay layer in compliance with Title 27 requirements to cap the former landfill.

In light of this information, the Final EIR/EIS could have and should have analyzed the physical environmental effects of final landfill closure as part of the LMF, rather than impermissibly segmenting it from the Project to be addressed at some future time during the permitting process, and after the Authority's approval of the LMF. Such deferred impact analysis violates CEQA requirements for a EIR to disclose physical impacts from all phases of a proposed project.[10]

The Final EIR/EIS discloses that the proposed East LMF, which is the Authority's preferred site, will be substantially larger than previously disclosed in the Draft EIR/EIR.

Final EIR/EIS Table 3.13-12 documents that the LMF will actually result in the permanent conversion of 121 acres of planned land uses. This represents a substantial (over 16%) increase from the 103 acres of permanent land conversion that was reported in the Draft EIR/EIS, which substantially increases impacts on the Baylands not disclosed in the Draft EIR/EIS. (See discussion of these impact increases below, under the Section titled "*THE FINAL EIR/EIS CONTAINS IMPACT DETERMINATIONS BASED ON INADEQUATE IMPACT ANALYSES, and VAGUE or IMPROPERLY DEFERRED MITIGATION MEASURES*".) The actual area of the East LMF is not disclosed in the Final EIR/EIS project description and is mentioned only in a single table, Table 3.13-12 in the Station Planning section (3.13) of the Final EIR/EIS.

Substantial revisions to the staging of bridge construction for the East LMF and proposed relocation of the Brisbane fire station would cause significant public safety impacts not disclosed in the Draft EIR/EIS nor fully evaluated in the Final EIR/EIS. The Final EIR/EIS presents an inconsistent and confusing description of the Authority's new plan for staging of construction for relocating the existing Tunnel Avenue bridge and Brisbane Fire Station.

Construction of the Baylands LMF requires replacement of the City's existing Tunnel Avenue bridge over the Caltrain right-of-way with a new bridge to the north, which in turn requires relocation of the City's existing fire station. The Draft EIR/EIS disclosed a fatal flaw in the proposed construction staging for the new bridge and determined that a significant unavoidable safety impact would result during a 1-3 month period during which bridge construction would block emergency access for police and fire protection first responders to locations within those portions of Brisbane east of the Caltrain right-of-way.

[10] A significant environmental impact is ripe for evaluation in a EIR when it is a reasonably foreseeable consequence of the action proposed for approval and the agency has "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact." (*Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1028.) An EIR's discussion of significant impacts must analyze and describe both direct and indirect effects on the environment that will result from the project. (CEQA Guidelines, § 15126.2(a).)

To address this fatal flaw, the Final EIR/EIS asserts that the Authority has identified a "feasible" means of staging bridge construction so as to maintain access across the Caltrain right-of-way via keeping the Tunnel Avenue bridge open throughout construction and opening of a new bridge crossing. However, the Authority's revised plan for relocation of the Brisbane fire station (referred to here as the "New Plan") would result in a myriad of new public safety impacts that were not previously disclosed in the Draft EIR/EIS and not adequately analyzed in the Final EIR/EIS. As documented below, the New Plan for construction staging and fire station relocation would result in significant public safety impacts. The Final EIR/EIS fails to analyze alternative locations.

The Final EIR/EIS presents an inconsistent and infeasible plan for staging of construction of the relocated bridge crossing and temporary use of the existing Brisbane fire station during construction for the East LMF (Alternative A).

As stated in the Final EIR/EIS:

> Construction of the East Brisbane LMF under Alternative A would require realignment of Tunnel Avenue to the east to allow construction of the LMF. Construction of either the East or West Brisbane LMF would require realignment of the Tunnel Avenue overpass and extension of Lagoon Road in Brisbane. A feasible approach to phased construction of the realigned Tunnel Avenue overpass has been identified that would maintain access to Tunnel Avenue from Bayshore Boulevard throughout the construction process. Construction of the new Tunnel Avenue overpass under both project alternatives would occur prior to removing the existing Tunnel Avenue overpass from operation, eliminating the need for a temporary road closure. For Alternative A, the sequence of relocating the Tunnel Avenue overpass and realigning Tunnel Avenue and Lagoon Road is illustrated on Figures 3.11-11 through 3.11-13.

The various descriptions of construction staging and temporary fire station access in Section 3.11 do not disclose how long construction activities related to relocation of the Tunnel Avenue bridge and construction of a relocated fire station would take. Section 3.12, Socioeconomics and Communities, indicates that relocation of the existing Tunnel Avenue bridge could take a very long time, up to two years (Final EIR/EIS Table 3.12-6).

However, the Final EIR/EIS presents two different and inconsistent text descriptions of the Authority's New Plan for construction staging and temporary fire station access for Alternative A (East LMF) on pages 3.11-54 and 3.11-58, as indicated in Table 3, below.

Table 3: Authority's New Tunnel Avenue Bridge Construction Staging and Temporary Fire Station Access as Described in the Final EIR/EIS for Alternative A

Construction Stage	As described on Final EIR/EIS Page 3.11-54	As described on Final EIR/EIS Page 3.11-58
Introduction	The following summarizes the sequence of access to Tunnel Avenue and Lagoon Road during construction under Alternative A:	The following summarizes the sequence of access during construction for the existing Brisbane Fire Station and then Relocated Brisbane Fire Station (Alternative A):
Stage 1	"During Stage 1, access would be maintained as-is during construction of the relocated Tunnel Avenue overpass structure and approach embankments and the construction of the realigned Lagoon Road (Figure 3.11-11)."	"During the first stage of construction, **a relocated Tunnel Avenue would be built north of the existing Brisbane Fire Station with a new temporary signalized intersection at Bayshore Boulevard several hundred feet north of the existing Brisbane Fire Station access at the Bayshore Boulevard/Valley Drive intersection**[11]. During this initial stage of construction, the existing Brisbane Fire Station would remain in its current location and access to the street network from the station would be unchanged (Stage 1, Figure 3.11-11)." (emphasis added)
Stage 1 and 2		During construction of the relocated Tunnel Avenue intersection with Bayshore Boulevard, access to the existing Brisbane Fire Station would be maintained via the existing secondary access from the rear of the station. Temporary circulation from the front of the existing Brisbane Fire Station to the secondary access would also be maintained by means of improvements to the existing driveway on the south side of the station (Stages 1 and 2, Figures 3.11-11 and 3.11-12) ."
Stage 2	"During Stage 2, construction of the relocated Tunnel Avenue overpass and the Tunnel Avenue/Bayshore Boulevard intersection would be completed, and traffic would be routed to the relocated Tunnel Avenue overpass. At this point, construction of the Relocated Brisbane Fire Station (Alternative A) could commence,	

[11] The description of constructing a relocated Tunnel Avenue to connect to Bayshore Boulevard at a signalized temporary intersection several hundred feet north of the existing fire station is not shown in any of the Final EIR/EIS figures purporting to illustrate the Authority's New Plan for bridge construction staging as it would affect the Brisbane Fire Station. Neither does any portion of the Final EIR/EIS analyze the environmental or traffic safety impacts of such a temporary connection of the relocated overpass to Bayshore Boulevard or make any provision for removal of such temporary construction after a permanent intersection at Valley Drive is constructed.

Construction Stage	As described on Final EIR/EIS Page 3.11-54	As described on Final EIR/EIS Page 3.11-58
	and the existing Tunnel Avenue overpass could be removed, except for the two structure bents that are over the existing Brisbane Fire Station's secondary access roadway. The secondary access would continue to be used until the Relocated Brisbane Fire Station (Alternative A) is operational, at which point the existing Brisbane Fire Station and remaining portions of the existing Tunnel Avenue overpass would be removed (Figure 3.11-12).	
Stage 2 and 3		"Once the relocated Tunnel Avenue overpass is complete with the interim connection to Bayshore Boulevard, fire station vehicles would access Tunnel Avenue via the new temporary signalized intersection several hundred feet north of the existing Brisbane Fire Station access at Bayshore Boulevard/Valley Drive. The Relocated Brisbane Fire Station (Alternative A) would then be constructed (Stages 2 and 3, Figures 3.11-12 and 3.11-13). "
Stage 3	"Once construction of Lagoon Road realignment is complete, traffic would be routed to the realigned Lagoon Road (Figure 3.11-13). "	"During the final stage of construction, demolition of the existing Brisbane Fire Station would occur, followed by construction of the ultimate connection of the relocated Tunnel Avenue overpass to the east leg of the Bayshore Boulevard/Valley Drive intersection. During this last stage of construction, the Relocated Brisbane Fire Station (Alternative A) would be operational and access to the local street network would be similar to the access for the existing Brisbane Fire Station, as it would occur at a signalized intersection on Bayshore Boulevard approximately 800 feet south of the existing Brisbane Fire Station access, with exclusive use of the east leg of the intersection (Stage 3, Figure 3.11-13). "

Based on the description of construction staging provided on Final EIR/EIS page 3.11-58 and Figures 3.11-11 through 3.11-13, the City's public safety design experts, Ten Over Studio (resumes attached as Exhibit D) analyzed the Authority's New Plan for construction staging and relocation of the existing Brisbane fire station. The New Plan is difficult to understand, but to illustrate what the Authority might be proposing for Alternative A, Ten Over Studio

prepared the following set of exhibits illustrating the progression of construction for the temporary and relocated fire station. (See Exhibit E: TOS-1 through TOS-5).

- **Exhibit TOS-1: Existing Conditions**
  - **Emergency Response**
    - Under existing conditions, there are four fire apparatus assigned to Brisbane Fire Station 81
      - Front Line, Type 1 Engine. 10'-0" wide x 10'-1" high x 29'-6" long
      - Reserve, Type 1 Engine. 10'-0" wide x 9'-0" high x 28'-0" long
      - Brush Rig, Type 6. 9'-6" wide x 8'-0" high x 25'-0" long
      - OES State, Type 1 Engine.
    - Current fire operations have both Type 1 Fire Engines as front line apparatus. This means these vehicles are placed at front of the apparatus bays for emergency response. The other vehicles are parked "stacked" behind them, thus preventing drive-through operations. The rear of the apparatus bays house the exercise equipment, which also prevents drive-through operations.

    - Current emergency response is from the front of the station and apparatus bays onto the front apron.

§ The Bayshore Blvd. and Valley Drive intersection is signalized for emergency response.

§ The emergency response vehicles can proceed north or south on Bayshore Blvd. or proceed straight onto Valley Drive with no impediment.

o **Return to the Station**

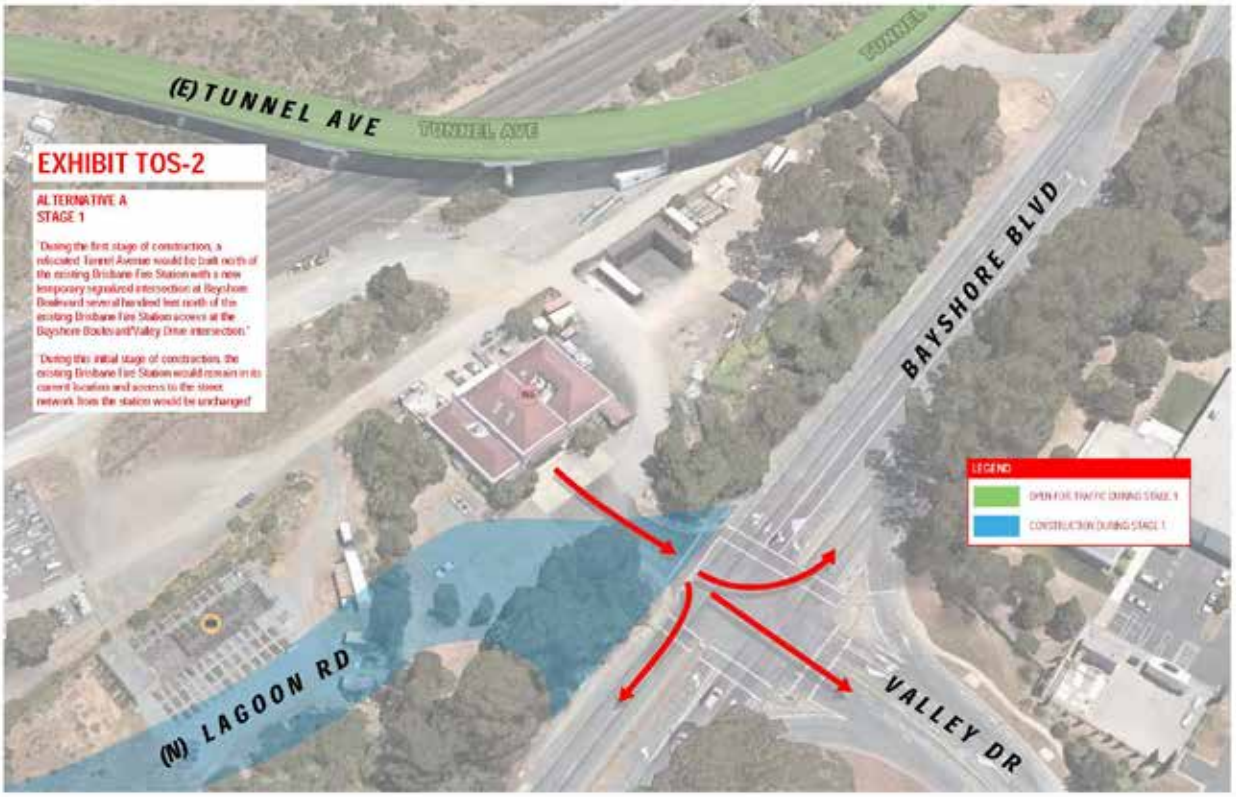
i. Emergency response vehicles can return back to the station via the Bayshore Blvd. and Valley Drive with no impediment.

ii. Northbound on Bayshore Blvd., the emergency response vehicles could use the access drive south of the station to return to the fire station site.

iii. Fire apparatus must back into the apparatus bays from the front of the station as there is no drive through access from the rear of the station.

· **Exhibit TOS-2: Initial Construction of the Lagoon Road Bridge and Extension**

TOS-2 illustrates the start of construction for the new Lagoon Road bridge and its connection to Bayshore Boulevard. To avoid the need for demolition of the existing fire station to accommodate the connection of Lagoon Road to Bayshore Boulevard, the proposed Lagoon Road right-of-way is moved to the north as compared to the plan set forth in the Draft EIR/EIS, which required removal of the existing fire station at the beginning of Lagoon Road construction.



o **Comments on Emergency Response**

i. For emergency response and egress from the site to remain unchanged as proposed by the Authority, there can be no obstructions to access from the existing fire station to Bayshore Boulevard permitted at any time during the construction of the new Lagoon Road.

ii. The Bayshore Blvd and Valley Drive intersection must be clear from any construction impediment and the existing traffic signals must remain operational.

iii. To protect the fire station and continued emergency response, construction fencing needs to be provided on the north side of the fire station property. This would prevent construction activities from interfering with emergency response and egress from the front of the station.

- **Comments on Return to the Station**

i. For the return of emergency response to the station to remain unchanged, there can be no construction obstructions permitted at any time between the station and Bayshore Boulevard during the construction of the new Lagoon Road.

ii. The Bayshore Blvd and Valley Drive intersection must be maintained clear from any construction impediment and the existing traffic signals must remain operational.

- **Additional Issues**

i. The Authority's New Plan avoids the need to demolish the City's existing fire station at the start of construction for the new bridge connection at Valley Drive by shifting the easterly roadway approach to Bayshore Boulevard to the north. Graphics presented in the Final EIR/EIS appear to show the Lagoon Road approach to Bayshore Boulevard offset from the existing Valley Drive approach, creating a non-standard offset intersection at Bayshore Boulevard/Valley Way/Lagoon Road. Only a civil engineer could deduce from engineering drawings in Draft EIR/EIS appendices that the intersection is not, in fact, offset and that Lagoon Road's approach to Bayshore Boulevard is proposed with a substandard 95-foot radius, which represents a substandard 20-mph design speed for the roadway intended to have a 25-mph design speed.

The existing Lagoon Road is posted with a 40-mph speed limit and the Authority proposes Lagoon Road as the primary access point into Brisbane from the US 101 freeway. Because of its intended function as the primary freeway access into Brisbane and the need to carry traffic from existing development in the Sierra Point and future development within the Baylands, maintaining a 40-mph design speed along Lagoon Road is important. City standard design and a 40-mph design speed should be implemented over as much of the realigned Lagoon Road as possible.

Only in the area west of the Caltrain right-of-way should tighter curves and lower design speeds be considered.

Review of the Authority's engineering plans for Lagoon Road reveal the following substandard conditions (see Exhibit G):

- Three curves along Lagoon Road east of the relocated bridge structure do not meet the City's standard for minimum roadway radius of 660 feet;
- The Authority proposes placing an intersection on a crest of the realigned Lagoon Road to provide access to the Kinder Morgan tank farm and the Authority's proposed relocation site for the City's corporation yard. This intersection as it is now proposed would provide access for slow moving trucks to and from the tank farm and corporation yard at an unsignalized intersection that may not have adequate site distance along the primary roadway currently providing access to and from the US 101 freeway; and
- Adding a substantial amount of through traffic to the Bayshore Boulevard / Valley Drive intersection by providing direct access to the US 101 freeway could cause traffic congestion and safety problems due to the existing short intersection spacing along Valley Drive between Bayshore Boulevard and Park Place. The Authority did not undertake traffic analysis of its current roadway plan to determine what improvements might be needed to have traffic flow safely through the Bayshore Boulevard / Lagoon Road / Valley Drive intersection.

ii. Construction of the new bridge is now proposed to occur immediately adjacent to the existing fire station throughout the entire construction of the new bridge structure. The Final EIR / EIS fails to evaluate the extent to which (1) construction of the Lagoon Road approach to Bayshore Boulevard would affect emergency response access from the fire station to Bayshore Boulevard or (2) bridge construction activities would disrupt daily operations and training activities at the fire station.

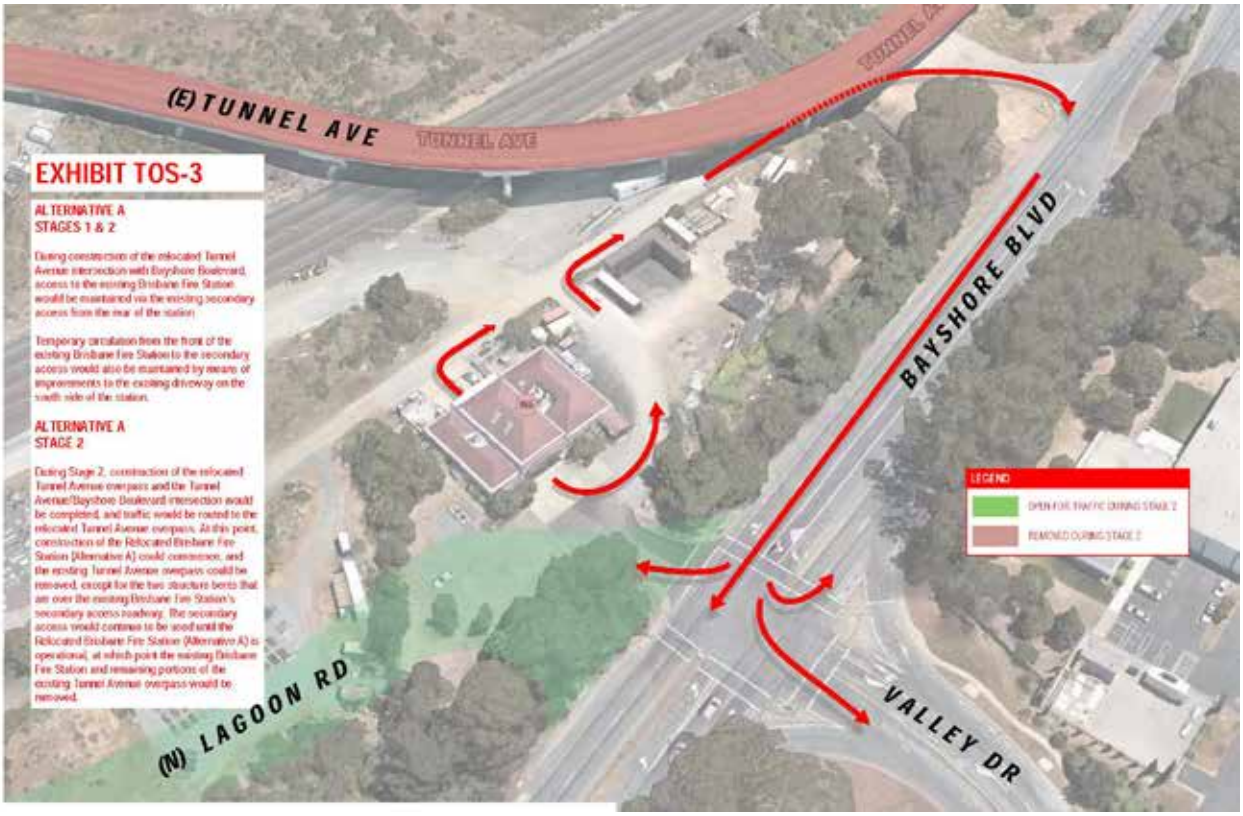
- **Exhibit TOS-3: Lagoon Road Completed; Start of Tunnel Avenue Demolition**

When the new Lagoon Road connection is completed, demolition of the existing Tunnel Avenue bridge will commence. With the new Lagoon Road connection to Bayshore Boulevard open, emergency response will no longer be possible from the front of the fire station directly to Bayshore Boulevard.

- **Comments on Emergency Response**

i. With placement of the front line apparatus parked at the front of the apparatus bays, the fire engines must exit and clear the building completely

to prevent damage to the building and vehicle before beginning the required left-hand turn.



ii. With placement of the front line apparatus parked at the rear of the apparatus bays, the fire engines must exit and clear the building completely to prevent damage to the building and vehicle before beginning the required right hand turn onto the secondary access road. This would also require the Fire Authority to re-arrange the placement of fire apparatus vehicles and exercise equipment within the apparatus bays.

iii. Fire apparatus must travel an additional 200 feet before reaching the existing southern driveway along Bayshore Blvd.

iv. The southern driveway and access onto Bayshore Boulevard is not signalized and therefore will require fire personnel to wait until it is safe to merge onto Bayshore to proceed northbound on Bayshore Blvd. There is a significant response time impact at this point in the emergency response scenario.

v. This Stage would require emergency response vehicles to drive past the construction zone to the south and the remaining sections of the existing Tunnel Avenue.

vi. It is uncertain that continuous, 24/7/365 clear and unobstructed access can be maintained for fire emergency vehicles along the secondary access road at this point in the construction process. Construction activities, deliverables, and regular job site traffic could create obstructions during regular business hours if they share this secondary access road.

vii. Construction fencing needs to be provided to protect the emergency response and egress along the secondary access road and the emergency egress access onto Bayshore Blvd.

viii. Construction access to the Authority's construction site cannot share the secondary access road nor the emergency response egress without hindering emergency response times.

ix. The southern driveway and access only provide northbound access onto Bayshore Blvd. Any emergency response requiring travel southbound on Bayshore Blvd or onto Valley Road would require fire personnel to use the left-hand turn lanes at the Bayshore Blvd. and Valley Road intersection.

x. The Type 1 fire engines are 28 feet and 30 feet in length. The U-turn turning radius requirement is approximately 50 feet to complete maneuver. The Bayshore Blvd street width, from the left-most turn lane to the bike lane on the southbound lanes may not have the width to accommodate the U-turn maneuver, necessitating additional travel distance and delay for emergency vehicles needing to respond to calls south of the existing station.

xi. The added travel distance to the southern driveway access onto Bayshore Blvd and the intersection turning maneuvers required to travel southbound on Bayshore Blvd or onto Valley Drive would result in a significant increase in the Fire Authority's average response time of 6 minutes and 59 seconds to 90% of their emergency calls.

xii. It is unclear how the Fire Authority would use the new Lagoon Road and Bayshore Blvd intersection. It is also unclear how the new intersection could be completed at this stage while maintaining operations out of the existing fire station.

- **Comments on Return to the Station**

i. Upon return to the fire station, the fire apparatus must use the Old County Road and Bayshore Blvd. intersection and travel northbound to approach the southern driveway and secondary access road.

ii. At the front of the existing fire station, fire personnel must back the fire apparatus into the apparatus bays using 75% of the front apron to perform this procedure safely. From the Final EIR/EIS Exhibit 3.11-12, the area for the new Lagoon Road and intersection connect appears to eliminate the front parking lot and the majority of the front apron as well.

iii. At the rear of the existing fire station, fire personnel must back the fire apparatus into the apparatus bays and use the entirety of the secondary access road and the rear apron to perform this procedure safely.

- **Additional Issues**

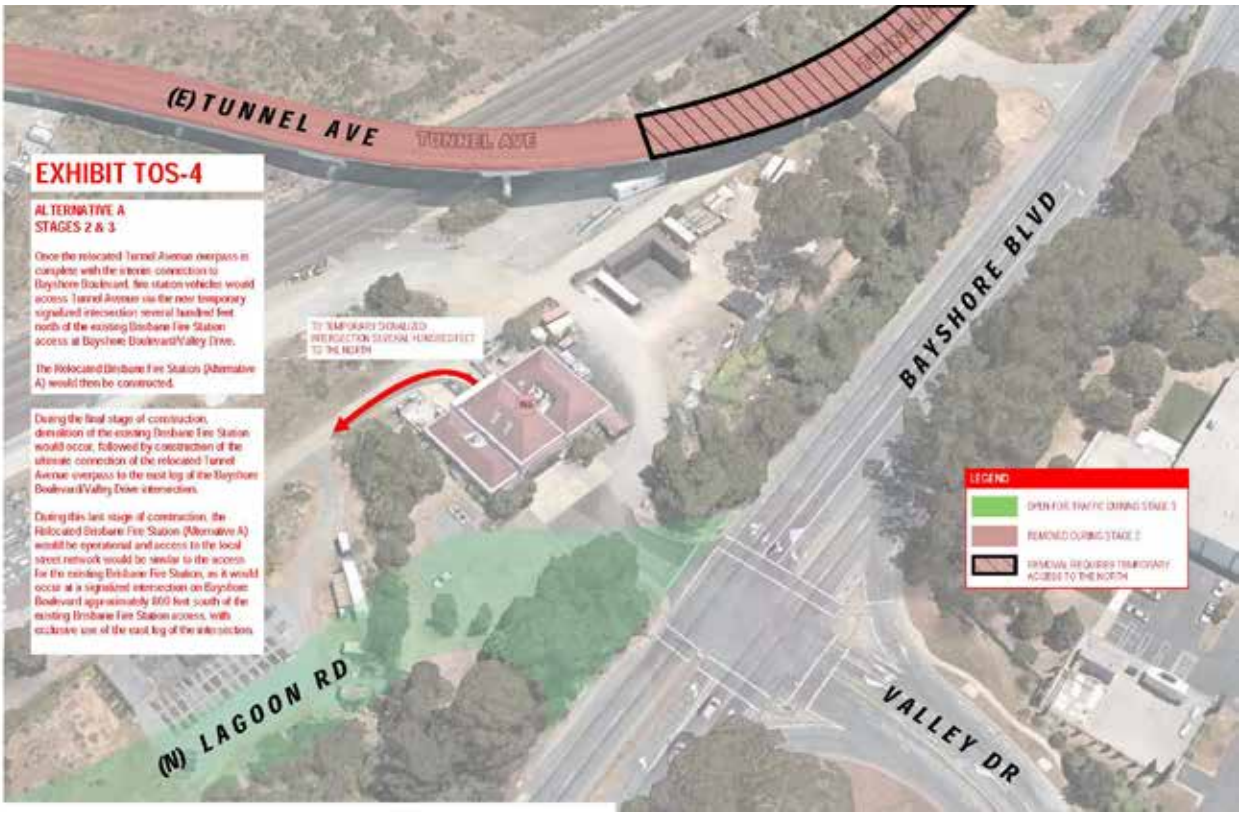
i. The Final EIR/EIS fails to disclose the length of time that this condition is expected to last.

ii. The Final EIR/EIS fails to adequately evaluate the impacts this interim condition would have on emergency response times despite the fact that the Draft EIR/EIS (page 3.11-17) establishes "inadequate emergency access" as a CEQA significance threshold and defines "inadequate emergency access" as "either a substantial blockage of physical access for emergency response purposes or a substantial increase in emergency vehicle response times (defined as greater than 30 seconds)." In addition, the Final EIR/EIS states on page 3.11-66 that the "loss of exclusive access to a signalized intersection with Bayshore Boulevard would result in additional delay for exiting fire trucks and delays in emergency access and response times for trucks".

The Final EIR/EIS reaches a contradictory conclusion under Alternative B. Under that scenario, the permanent loss of access to a signalized intersection is a significant impact that must be mitigated by proposed Mitigation Measure SS-MM#2. The Final EIR/EIS nevertheless concludes that under Alternative A, the exact same loss of access to a signalized intersection on Bayshore Boulevard on a temporary basis would not be significant impact and not require mitigation. The Final EIR/EIS fails to analyze delays the proposed temporary access would cause despite the fact that (1) the document's methodology for determining the significance of delays to emergency response does *not* distinguish between permanent and temporary delays and (2) over what period of time (e.g., number of days, weeks, months) that that a significant public safety impact due to disruption to emergency access would be significant.

- **Exhibit TOS-4: Interim Access to New Intersection North of Existing Fire Station**

Once the most southerly portion of existing Tunnel Avenue is removed, construction of the relocated fire station can commence. However, to accommodate demolition of the existing Tunnel Avenue bridge above the fire station's secondary access, the temporary access illustrated in Exhibit TOS-3 will no longer be possible and new temporary access the fire station will be required. The Final EIR/EIS states that a new temporary signalized intersection will be constructed "several hundred feet to the north" of the existing station. The Final EIR/EIS does not provide a graphic illustration of this temporary access or otherwise inform the reader of the precise location of the new signalized intersection.



- **Comments on Emergency Response**

  i. Emergency response and egress would continue to use of the fire station rear egress and require emergency response vehicles to travel north to a new temporary signalized intersection several hundred feet north of the fire station's exiting access onto Bayshore Boulevard at Valley Drive.

  ii. With the added travel distance to the north and turning movements to access Bayshore Blvd., a significant increase in the Fire Authority's average response time of 6 minutes and 59 seconds to 90% of their emergency calls would result.

  iii. It is unclear how the Fire Authority would be able to use the new temporary Tunnel Avenue and Bayshore Blvd. intersection.

- **Comments on Return to the Station**

  i. Return to the fire station would be similar to Exhibit TOS-3. The fire apparatus must use the Old County Road and Bayshore Blvd. intersection and travel northbound to approach the southern driveway and secondary access road.

  ii. At the rear of the existing fire station, fire personnel must back the fire apparatus into the apparatus bays along the secondary access road and the rear apron to perform this procedure safely.

- **Additional Issues regarding the New Plan**

  i. The Final EIR/EIS fails to disclose the length of time that this interim condition is expected to last.

  ii. Although the Authority's description of its New Plan on page 3.11-58 states, "Once the relocated Tunnel Avenue overpass is complete with the interim connection to Bayshore Boulevard, fire station vehicles would access Tunnel Avenue via the new temporary signalized intersection several hundred feet north of the existing Brisbane Fire Station access at Bayshore Boulevard/Valley Drive," the Final EIR/EIS fails to disclose:

  · The actual location of the temporary signalized intersection, as well as the various turning movements and added distance and additional time required for emergency response vehicles to maneuver from the station to the temporary intersection.

  · Physical conditions along Bayshore north of the existing 200-foot long Bayshore Boulevard median. As shown in the July 13, 2022 photograph, below, Bayshore Boulevard is heavily landscaped, and the adjacent ground level is 12-24 feet or more below the roadway. The Final EIR/EIS fails to analyze the physical environmental effects of constructing this temporary intersection in difficult terrain.

Shoulder of northbound Bayshore Boulevard approximately 225 feet north of Valley Drive.

  · Southbound traffic on Bayshore Boulevard frequently backs from the Valley Drive intersection up to the end of the existing median and occasionally outside AM and PM peak travel hours.

  The Final EIR/EIS fails to adequately evaluate the impacts this interim condition would have on emergency response times. See comment number 3(c)(ii) above for details.

- **Exhibit TOS-5: Demolition of Existing Fire Station; Operation of New Fire Station**

  Once the Tunnel Avenue bridge and connection to Bayshore Boulevard at Old County Road have been removed, and the new fire station is constructed and operational, the existing fire station will be removed.

  - **Comments on Emergency Response**

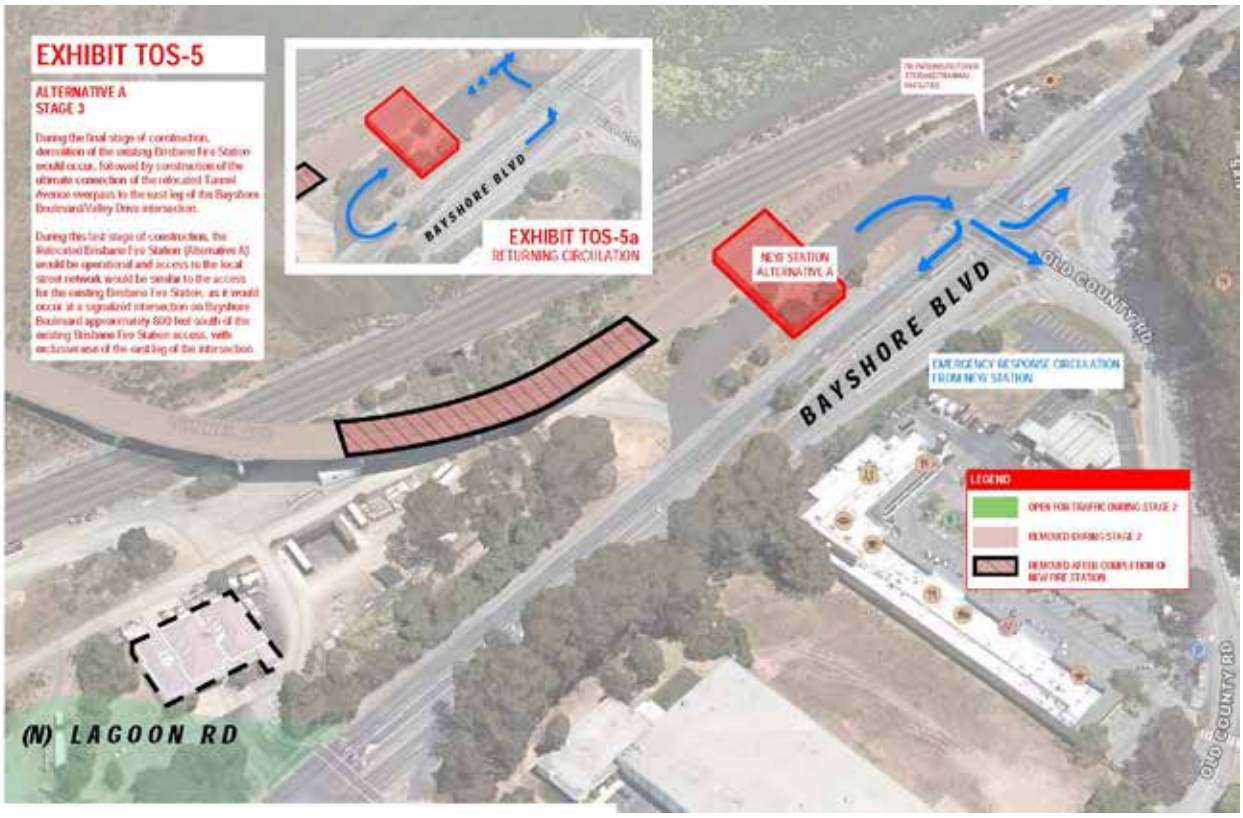
    i. Emergency response and egress from the new fire station would use the Old County Road and Bayshore Blvd intersection. Traffic signalization would be maintained at the intersection.

  - **Comments on Return to the Station**

    i. Return to the fire station from Old County Road and on Bayshore Blvd., would require the fire apparatus to use the Old County Road and Bayshore Blvd. intersection. Fire personnel will need to use the new fire department parking lot to maneuver the fire apparatus to back into the apparatus bays

    ii. Fire personnel could choose to travel northbound to approach the northern driveway to access the rear of the new Replacement Fire Station and pull through the apparatus bays.

    This would require the emergency response vehicles to drive past the construction zone and the remaining sections of the existing Tunnel Avenue.



- **Additional Issues**.
  i. Because the Final EIR/EIS fails to respond to Draft EIR/EIS comments from Ten Over Studio,[12] the Authority fails to address the need for the relocated fire station to be larger than the existing station in order to meet current design standards.
  ii. While the Final EIR/EIS asserts the relocated fire station would be closer to Old County Road than the previous design identified in the Draft EIR/EIS, the Final EIR/EIS fails to disclose whether there is adequate separation between Bayshore Boulevard and the Caltrain right-of-way to fit a one-story fire station with its apparatus bays oriented toward Old County Road in the location cited by Final EIR/EIS. The Final EIR/EIS fails to commit to providing the relocated fire station with outdoor training and other facilities equivalent to the existing facility.
  iii. No analysis is provided to address the loss of the existing park-and-ride lot and its conversion to fire station use.
  iv. The proposed relocated fire station would have the undesirable orientation of access into and from the station occurring parallel to Bayshore Boulevard.[13] This requires emergency response to make a 90O turn after exiting the station before accessing Bayshore Boulevard.

The Final EIR/EIS presents an inconsistent and infeasible plan for staging of construction of the relocated bridge crossing and temporary use of the existing Brisbane fire station during construction for the West LMF (Alternative B).

Final EIR/EIS page 3.11-59 describes the Authority's plan for construction staging for the West LMF (Alternative B) that is intended to provide uninterrupted emergency vehicle access to the local street network as follows.

- "During Stage 1, when the Tunnel Avenue overpass would be relocated to the north of the existing Brisbane Fire Station with a new temporary signalized intersection at Bayshore Boulevard several hundred feet north of the existing station access at Bayshore Boulevard/Valley Drive, the existing Brisbane Fire Station would remain and access to the street network would be unchanged (Figure 3.11-14)."
- **Comments:**
  - Figure 3.11-14 does not indicate any relocation of the Tunnel Avenue overpass to connect to connect to Bayshore Boulevard at a new temporary signalized intersection several hundred feet north of the existing station access.

[12] Attachment Metis-E to Response to Comments Submission 1165 from Lloyd Zola, Metis Environmental Group.
[13] See letter from City of Brisbane Fire Chief, Ron D. Myers, Exhibit F.

- The Final EIR/EIS does not undertake any environmental or traffic safety analysis of the Tunnel Avenue overpass being "relocated to the north of the existing Brisbane Fire Station with a new temporary signalized intersection at Bayshore Boulevard several hundred feet north of the existing station access at Bayshore Boulevard/Valley Drive.

- "In Stage 2, construction of the Relocated Brisbane Fire Station (Alternative B) immediately south of the existing station would proceed. The existing Brisbane Fire Station and access would be retained during construction of the Relocated Brisbane Fire Station (Alternative B) (Figure 3.11-15)."

  During Stage 2, demolition of the existing Brisbane Fire Station would occur followed by construction of the ultimate connection of the relocated Tunnel Avenue overpass alignment to the east leg of the Bayshore Boulevard/Valley Drive intersection (Figure 3.11-15)."

- **Comments:**
  - The Final EIR/EIS text fails to disclose that during Stage 2, the existing fire station would be sandwiched between construction of the relocated Tunnel Avenue overpass and construction of the relocated fire station as illustrated in Figure 3.11-15.
  - The Final EIR/EIS also fails to disclose that the concurrent construction of the relocated Tunnel Avenue overpass and relocated fire station would remove the existing fire station's parking lot, as well as its existing outdoor storage and training areas.
  - The Final EIR/EIS provides no analysis of the extent to which concurrent construction of the relocated Tunnel Avenue overpass and relocated fire station would have on fire station operations or emergency access.
  - Final EIR/EIS Figure 3.11-15 indicates that emergency response access to and from the existing fire station during Stage 2 would be from the side of the existing station and not from its front or rear doors. The Alternative B Stage 2 access indicated in Figure 3.11-15 is impossible given the current design of the existing fire station.

- "In Stage 3, the Relocated Brisbane Fire Station (Alternative B) would be operational and the primary access to Tunnel Avenue would occur via a temporary connection to the east leg of the signalized intersection of Bayshore Boulevard/Valley Drive intersection (Figure 3.11-16)."

- **Comments:**
  - As illustrated in Final EIR/EIS Figure 3.11-16, the primary access from the relocated fire station in Alternative B is to a currently unsignalized right-in/right-out mid-block driveway on Bayshore Boulevard south of the relocated Alternative B fire station. The Final EIR/EIS concludes that this access would constitute a significant impact and proposes Mitigation Measure SS-MM#2,

which requires the Authority's contractor to develop a modified driveway access control plan with specified improvements for access to for the Relocated Brisbane Fire Station (Alternative B). This mitigation measure is ineffective and improperly deferred, for the reasons stated below.

This measure requires a driveway access control plan to be prepared and for that plan to "provide for the installation of a new mid-block signalized intersection;" however, the measure only requires the contractor to prepare the plan and to "obtain the approval of the City of Brisbane for this improvement." The Mitigation Measure does not assure City of Brisbane approval nor require the Authority's contractor to actually construct the improvements should they be approved by the City of Brisbane. Because the Mitigation Measure as written does not guarantee installation of the physical improvements required to reduce public safety impacts to less than significant, the Final EIR/EIS cannot conclude that Impact S&S#3 would be mitigated to a less than significant level. Instead, the impact would be significant and unavoidable since the physical improvements needed to avoid a significant impact cannot be guaranteed by the Authority.

THE PROJECT DESCRIPTION CONTINUES TO BE INCOMPLETE, INCONSISTENT, AND UNSTABLE

CEQA requires project descriptions to be accurate, stable, and finite. (CEQA Guidelines, § 15124). "A project description that gives conflicting signals to decision makers and the public about the nature of the project is fundamentally inadequate and misleading." (*Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154.)

The Final EIR/EIS Alternatives Chapter, which serves as the CEQA project description, fails to provide key information needed for an understanding of what is being proposed by the Authority. This in turn precludes an adequate and complete impact analysis. The Alternatives Chapter does not, for example, disclose that:

- The construction of the East LMF would, in fact, require (1) excavation into the municipal waste matrix of the former Brisbane landfill and (2) a portion of waste materials excavated from the landfill could be hazardous and require transport to a Class I landfill as hazardous materials.
- The East LMF, which is variously described in the Final EIR/EIS as being 100 acres or 100 to 110 acres, would, in fact, permanently convert 121 acres of planned land use for the facility. That the East LMF would actually encompass 121 acres is not disclosed in the CEQA project description.
- The number of trains to be serviced at the Baylands LMF on a daily basis is described inconsistently. The Alternatives Chapter (Table 2-19) discloses that that 22 trains will operate between San Francisco and the Baylands LMF on a daily basis in 2040. However,

a footnote to Table 2-19 states, "non-revenue train trips include the operation of trains entering or leaving service at a terminal station to and from a maintenance facility, test runs, and operation of on-track maintenance equipment" and would therefore include train operations other than those to and from the LMF. To find the number of anticipated number of trains into and out of the Baylands LMF, the reader needs to read Final EIR/EIS Page 3.4-63, which states: "The HSR operations schedule of train movements into and out of the LMF identified 29 planned HSR train movements during the daytime and 7 movements during the nighttime."

- Whereas Final EIR/EIS page 3.4-59 discloses the number of daytime and nighttime train movements into and out the Brisbane LMF, the Final EIR/EIS does not disclose the relative amount of daytime and nighttime maintenance activities and train movements within the LMF. Because there will be more daytime than late night revenue trains operating between San Jose and San Francisco, there likely will be more nighttime than daytime maintenance activities within the LMF. The Final EIR/EIS does not disclose when the majority of maintenance activities would occur.
- The existing Brisbane fire station would be relocated to accommodate the realigned Tunnel Avenue bridge crossing. That information is presented in Section 3.11, Safety and Security. As discussed above, the Final EIR/EIS presents an inconsistent and infeasible plan for staging of construction of the relocated bridge crossing and temporary use of the existing Brisbane Fire Station during construction.
- The proposed realignment of Sunnydale Avenue through the Schlage Lock property within the Baylands is misleading as described.
    - The Final EIR/EIS Transportation Chapter identifies the "extension of Sunnydale Avenue east through Schlage Lock project includes a new pedestrian route to the Bayshore Caltrain Station platforms" from existing and future neighborhoods in San Francisco.
    - Final EIR/EIS Page 3.2-95 states, "For Caltrain riders walking or biking to the Bayshore Station from the west side of the tracks via the planned extension of Sunnydale Avenue through the Schlage Lock project that would provide a new bicycle and pedestrian connection to the Bayshore Station, the walking or biking distance to the southbound Bayshore Caltrain Station platform would be extended by about 550 feet."
    - A footnote to Table 3.13-3 states, "The footprint for the extension of Sunnydale Avenue is included in the modified Bayshore Station footprint because this extension would provide access to the modified Bayshore Caltrain Station."
    - The Final EIR/EIS fails to acknowledge:
        i. The Authority's proposed extension of Sunnydale Avenue traverse not only through the Schlage Lock property in San Francisco but also through the Bay property in Brisbane;

ii. The developer of the Baylands and Schlage Lock properties had already planned to construct a public plaza at the Bayshore station providing a vehicular drop-off area along Sunnydale Avenue, as well as pedestrian and bicycle access directly from residential and commercial uses through the plaza; and;

iii. The design of the southerly lead track and flyover design for the East LMF would place a retaining wall up to 19 feet in height adjacent to the Sunnydale Avenue extension and place the drop off area at the terminus of Sunnydale Avenue adjacent to bridge piers and below the flyover bridge. These discussions also fail to disclose that the proposed extension of Sunnydale Avenue runs through the City of Brisbane, and that it would (1) increase the loss of land within Brisbane having General Plan approval for the development of housing and (2) separate the remaining housing area within the Baylands from the west platform of the Bayshore Caltrain Station.

THE FINAL EIR/EIS CONTAINS IMPACT DETERMINATIONS BASED ON INADEQUATE IMPACT ANALYSES, AND VAGUE OR IMPROPERLY DEFERRED MITIGATION MEASURES

CEQA Requirements for adequate impact analyses and mitigation measures

An EIR must disclose all of a proposed project's direct and indirect impacts. (CEQA Guidelines, § 15126.2 subd. (a).) When reviewing an EIR's adequacy, courts look for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines, § 15151.) However, as shown by the examples below as well as other examples throughout this letter, many of the Final EIR / EIS impact analyses either omit the proposed Project's impacts altogether or misleadingly downplay their severity.

An EIR's mitigation measures must be capable of avoiding or substantially reducing a project's significant impacts. They must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines § 15126.4, subd. (a)(2).) Formulation of mitigation measures may not be not be improperly deferred until sone future time. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) However, as shown by the examples below as well as other examples throughout this letter, many of the Final EIR / EIS mitigation measures are ineffective because they are vague or are improperly deferred.

Section 3.2 Transportation

1. While Impact TR#3, Temporary Congestion / Delay Consequences on Major Roadways and Intersections from Construction Vehicles, analyzes temporary congestion and traffic delay, which are not significant impacts under CEQA, it fails to address traffic safety

issues, which are a significant impact under CEQA. As noted on page 3.2-64 of the Revised Draft EIR/EIS, construction of the East LMF (Alternative A) would "generate 690 daily truck trips to the off-site waste facilities and 140 daily employee trips using personal vehicles during the excavation stage of construction… Based on a 10-hour excavation period from 7:00 a.m. to 5:00 p.m., a total of about 35 inbound truck trips and 35 outbound truck trips would occur during a PM peak hour…" No analysis is provided as to whether the addition of 35 inbound trucks per hour would cause traffic on the existing interchange to back onto the freeway mainline. In the absence of a queueing analysis at the interchange serving the East LMF, the EIR/EIS cannot disclose whether adding 35 inbound trucks per hour during LMF construction would cause a safety impact on the US 101 freeway. In addition, the EIR/EIS does not analyze whether the hourly addition of 35 slow moving trucks hauling hazardous and non-hazardous solid waste from the East LMF would cause safety hazards on the US 101 freeway as they attempt to merge onto the freeway's southbound lanes. In the absence of these studies, the conclusion in the Final EIR/EIS that Impact TR#3 would be less than significant is not supported by substantial evidence related to traffic safety impacts.

2. Final EIR/EIS page 3.11-58 states, "During the first stage of construction, a relocated Tunnel Avenue would be built north of the existing Brisbane Fire Station with a new temporary signalized intersection at Bayshore Boulevard several hundred feet north of the existing Brisbane Fire Station access at the Bayshore Boulevard/Valley Drive intersection." The Final EIR/EIS transportation analysis is incomplete because it does not evaluate any of the transportation impacts associated with such a roadway relocation.

3. Similar to Impact TR#3, Impact TR#4, Permanent Congestion/Delay Consequences on Intersections from Permanent Road Closures and Relocations analyzes non-CEQA congestion and delay impacts, but fails to address traffic safety issues, which are a significant impact under CEQA. As a result, the Final EIR/EIS fails to note that the Authority proposes to construct a substandard turn radius on the approach of Lagoon Road to Bayshore Boulevard. The proposed intersection configuration and tight curve radius do not meet City of Brisbane roadway design standards and this could result in traffic safety hazards that are not evaluated in the Final EIR/EIS. In the absence of a specific analysis of safety issues associated with the non-standard design of the proposed Lagoon Road approach to Bayshore Boulevard, the conclusion in the Final EIR/EIS that Impact TR#4 would be less than significant is not supported by substantial evidence related to traffic safety impacts.

4. Revised text on page 3.2-82 states: "In accordance with a specific construction management plan (CMP) (TR-IAMF#11) and CTP (TR-IAMF#2), the contractor will **attempt to provide** temporary bus stops, parking areas, and access with the same features and amenities of the relocated facility, such as lighting, seating, shelters, and signage." (Emphasis added.) It further states: "The contractor will **attempt to minimize** disruption or shorten the length of time that transit facilities are inoperable and will

provide signage to alternate facilities. Upon completion of construction, the contractor will restore parking areas, bus stops, and roadway travel lanes." (Emphasis added.) Having a contractor "attempt to provide" or "attempt to minimize" is not an adequate commitment that impacts will actually be mitigated; this language cannot support a determination that an impact would be less than significant under CEQA.

Section 3.4 Noise and Vibration

1. Page 3.4-12 implies that although the "Authority is a state agency and therefore is not required to comply with local land use and zoning regulations," construction noise will actually comply with local standards by stating the Authority "has endeavored to design and build the HSR system to be consistent with land use and zoning regulations. For example, the project alternatives incorporate IAMFs that require the contractor to prepare a plan to demonstrate how construction noise levels will be maintained below applicable standards."

   A review of Final EIR/EIS Appendix 2-E demonstrates that the Authority is proposing only one IAMF for noise and that NV-IAMF#1 makes no mention of any applicable standard other than Federal Transit Administration and FRA guidelines for minimizing construction noise and vibration impacts. As a state agency preparing an EIR pursuant to state law, consistency with State of California Land Use Compatibility Guidelines (Final EIR/EIS Figure 3.4-4) should also have been assessed in the EIR/EIS in order for it to be legally adequate, and should be a requirement of the high-speed rail project. These guidelines are also incorporated into Brisbane's General Plan.

2. Table 3.4-5, Detailed Assessment Criteria for Construction Noise, includes 8-hour Leq and 30-day average Ldn standards. Unless the Authority proposes maintaining a 7 day/week construction schedule, averaging daily noise generated by construction activities during a typical 5-day work week (22/days per month) over a 30-day period would result in the EIR/EIS reporting lower average daily noise levels than would actually occur in a typical work week. In addition, the 30-day Ldn noise levels cited in Table 3.4-5 as "detailed assessment criteria for construction noise" are unacceptable for noise in residential areas as documented in Table 3, below. Therefore, noise impacts are more severe than disclosed in the Final EIR/EIS.

Table 3: Comparison of California Land Use Compatibility Guidelines for Noise and FRA Noise Assessment Criteria Used In the Final EIR/EIS

Land Use	Ldn (dBA) 30-day Average Per Final EIR/EIS Table 3.4-5	California Land Use Compatibility Guidelines (Ldn)
Residential	75	Normally Unacceptable to Clearly Unacceptable[1]
Commercial	80[1]	Normally Unacceptable
Industrial	85[1]	Normally Unacceptable

Source: Governor's Office of planning and Research, 2017, as presented in Final EIR/EIS Figure 3.4-4.

[1] 75 dBA is the maximum for "Normally Unacceptable" and the starting point for "Clearly Unacceptable;

Clearly Unacceptable: New Construction or development should generally not be undertaken.

Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Conditionally Unacceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

3. The Final EIR/EIS states that "for construction of stations and the Brisbane LMF, the residential nighttime 8-hour Leq criterion of 70 dBA could be exceeded up to 354 feet from the superstructure, building shell, and landscaping construction activity and as far away as 706 feet from the pile-driving activity during the foundation work, or 446 feet from non-pile-driving activity during foundation work." Because the 8-hour Leq is an averaged noise level that will be exceeded at times throughout an 8-hour period, nighttime LMF construction activities would likely cause sleep disturbance at distances greater than the distances at which the 8-hour average would be exceeded, particularly given Brisbane's geography, which facilitates noise transmission from the Baylands to the City's hillside residential areas. Therefore, noise impacts are more severe than disclosed in the Final EIR/EIS. Given how intrusive pile-driving activities would be in the community, that nighttime pile driving is even being considered shows the Authority has no regard for community impacts .

Section 3.6 Public Utilities and Energy

1. The Final EIR/EIS discloses that the 2,129,570 cubic yards of soil and solid waste to be disposed of at the Corinda Los Trancos Landfill represents 9.6 percent of that facility's remaining capacity as of 2018-2019. The Final EIR/EIS thus concludes that adequate landfill capacity exists for construction of the East LMF. The Final EIR/EIS does not, however disclose whether the Corinda Los Trancos Landfill is subject to any daily capacity limits that might restrict the Authority's ability to deliver up to 690 truckloads of solid waste daily.

   A 2017 analysis of the Corinda Los Trancos Landfill states that "based upon current waste disposal rates, average density of the waste, and daily cover usage at the facility, the estimated closure date for the landfill is 2034[14]." San Mateo County's Solid Waste Facility Permit for the landfill, issued in 2017, also includes a projected closure date of

[14] Republic Services and SWT Engineering, Ox Mountain Landfill Environmental Impact Report Technical Addendum – Clarification of Landfill Capacity, March 2017, p. 2.

2034[15]. As stated in a report by the 2018-2019 San Mateo County Civil Grand Jury, "between 2012 and 2018, the amount of MSW (municipal solid waste) disposed each year at Ox Mountain (Corinda Los Trancos Landfill) has increased by about 20 percent. Other factors staying constant, **continued increases in waste disposal will shorten the landfill's life**." (emphasis added)

Because the Authority's plan to excavate 2,082,800 cubic yards of municipal waste from the former Brisbane landfill for reburial at the Corinda Los Trancos Landfill was not known at the time the Corinda Los Trancos permit was approved, municipal waste from the former Brisbane landfill was not accounted for in projected closing dated for Corinda Los Trancos. Thus, the Authority's plan to excavate over 2.0 million cubic yards of solid waste in Brisbane for transport to Half Moon Bay would adversely affect the expected lifespan of the Corinda Los Trancos facility and be inconsistent with the San Mateo County CIWMP. The EIR/EIS solid waste impact analysis is therefore inadequate and fails to disclose the project's inconsistency with the state's recycling goals and CIWMP.

2. The Final EIR/EIS discloses that the hazardous waste to be generated by construction of Alternative A represents approximately 2 percent of the total remaining hazardous waste landfill disposal capacity in California. Excavations within the former Brisbane landfill for LMF construction would generate nearly three-fourths of Alternative A's hazardous waste (representing 1.4 percent of the State's entire hazardous waste landfill disposal capacity).

3. As stated on Final EIR/EIS page 3.6-65, the "Authority's Sustainability Policy minimizes the amount of solid waste generated during construction by requiring construction waste practices that divert at least 75 percent from a landfill." The Final EIR/EIS demonstrates no attempt to reduce the amount of hazardous and non-hazardous solid waste proposed to be extracted from the former Brisbane Landfill or to divert any of that waste from being transported for disposal at Corinda Los Trancos and Kettleman Hills landfills.

4. The Final EIR/EIS discloses that eight major utility fuel lines owned by Kinder Morgan cross the alignment for Alternative A in Brisbane and six fuel lines cross the alignment for Alternative B. The Final EIR/EIS fails to disclose, however, whether excavations within waste matrix of the former Brisbane Landfill or the proposed realignment of Lagoon Road north from its current alignment adjacent to Brisbane Lagoon could disrupt or require relocation of an existing Kinder Morgan jet fuel line known to be located in the vicinity of existing Lagoon Road.

5. The Final EIR/EIS does not disclose that an existing high-pressure liquid gas line conveying jet fuel from the Kinder Morgan Tank Farm to the San Francisco Airport (SFO) runs parallel to the Brisbane Lagoon adjacent to the existing Lagoon Road. Kinder Morgan's buried pipes across the northern shoreline of the lagoon adjacent to Lagoon

[15] SMC Health System, Solid Waste Facility Permit No. 41-AA-0002, "Corinda Los Trancos Landfill (Ox Mountain)," p. 1. www.calrecycle.ca.gov/SWFacilities/Directory/41-AA-0002/Document/315790

Road is currently requiring construction associated with the realignment of Lagoon Road and removal of existing pavement to be conducted with low impact methods to avoid disruption to the flow of jet fuel to SFO and related public safety / water quality hazards. Because of the importance of the pipeline and the potential serious hazards that could result from an accident during the realignment of Lagoon Road and removal of existing pavement, the Final EIR / EIS is inadequate because it fails to analyze these hazards and require appropriate mitigation.

Section 3.7 Biological and Aquatic Resources

1. As previously noted, the Final EIR / EIS contains discrepancies between LMF-related impact acreages presented in the Final EIR / EIS and the technical studies upon which it is based. Therefore, the Final EIR / EIS biological impact analyses relying on 103 acres of permanent land conversion rather than 120 acres are incorrect.
2. Mitigation Measure BIO-MM#1 calls for preparation of a "restoration and revegetation plan" prior to "any ground-disturbing activity." Because this measure is intended to apply to all ground-disturbing activities to be undertaken by the Authority between San Francisco and San José "within areas that potentially support special-status species, wetlands, or other aquatic resources," the measure is open- ended and does not contain any specific performance standards other than limits on an increase in invasive species compared to pre-construction conditions. Mitigation Measure BIO-MM#1 does not set a performance standard that ensures temporary disturbance of areas that potentially support special-status species, wetlands, or other aquatic resources would be mitigated such that the net loss of habitat acreage or values would be less than significant, and does not identify the potential actions that could feasibly achieve that performance standard. Therefore, BIO-MM#1 constitutes impermissible deferred mitigation and cannot be used as a basis for reducing impacts to less than significant. To be adequate, deferred mitigation is allowable only when the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)
3. Mitigation Measure BIO-MM#8 calls for future preparation of a "Compensatory Mitigation Plan for Species and Habitat." While the measure specifies the content of a future mitigation plan, it does not set a valid performance standard for each biological impact that the Project would create between San Francisco and San José, nor does the measure describe potential mitigation locations for each of the Project's biological resources impacts. By not providing an enforceable performance standard for each project-related biological and aquatic resources impact and demonstrating that adequate, comparable mitigation land would actually be available to mitigate impacts, BIO-MM#8 constitutes impermissible deferred mitigation and cannot be used as the basis for determining impacts would be avoided or reduced to less than significant.

4. Mitigation Measure BIO-MM#10 is intended to provide "compensatory mitigation for direct impacts on federally and state-listed plant species based on the number of acres of plant habitat directly affected." The measure establishes a "one size fits all" mitigation ratio intended to apply to each project-related impact to each federally and state-listed plant species from San Francisco to San José. The EIR/EIS presents no evidence that a single mitigation ratio would adequately mitigate each of the Project's impacts on listed plant species.
5. Mitigation Measure BIO-MM#8 establishes a 1:1 ratio intended to offset all direct impacts to federally-listed plant species under the Federal Endangered Species Act and a 1:1 ratio to intended to offset all direct impacts to state-listed plant species under the California Endangered Species Act. The 1:1 ratio is intended to be applied to each impacted site between San Francisco and San Jose regardless of the highly variable per acre quality of habitat being impacted and the equally variable peer-acre quality of the habitat being considered for mitigation. The Final EIR/EIS presents no evidence that a 1:1 acreage acre mitigation ratio would adequately mitigate the Project's impacts on each listed species. Because of this lack of evidence, the Final EIR/EIS lacks substantial evidence to support its conclusion that BIO-MM#10 would avoid or reduce significant impacts on listed plant species to less than significant.
6. Mitigation Measure BIO-MM#37 calls for future preparation of a "Compensatory Mitigation Plan for Impacts on Aquatic Species." BIO-MM#37 establishes "one size fits all" mitigation ratios for various types of aquatic resource types. The suggested mitigation ratio for seasonal wetlands is actually a range, with the final mitigation ratio to be based on "impact type, function, and values lost." This mitigation ratio recognizes the variable habitat quality of impacted and mitigation sites and that appropriate mitigation ratios need to vary accordingly. However, BIO-MM#37 establishes "one size fits all" mitigation ratios for impacts on other types of aquatic resources, thereby not accounting for variable habitat quality of both the impacted and mitigation sites. With this approach, there is no assurance that impacts to high-quality aquatic resources would be reduced to less than significant levels.

Section 3.8 Geology, Soils, Seismicity, and Paleontological Resources

Final EIR/EIS Section 3.9 discloses that the Brisbane LMF will be subject to the following hazards:

1. **Construction Below the Groundwater Table.** Table 3.9-11 discloses that foundations and below-grade structures and modifications to the Bayshore Caltrain Station could involve excavations and construction below the area's groundwater level;
2. **Construction to be Affected by Soft Soils**. Table 3.9-12 discloses that the East LMF and associated track and right-of-way modifications, modifications to the Bayshore Caltrain Station, and relocation of the Tunnel Avenue bridge could all be adversely affected by soft soil conditions;

3. **Construction of Structures in Areas with Expansive Soils.** Table 3.9-13 discloses that the East LMF and associated track and right-of-way modifications, modifications to the Bayshore Caltrain Station, and relocation of the Tunnel Avenue bridge would be constructed in areas with expansive soils;
4. **Construction Involving Concrete or Steel in Contact with Potentially Corrosive Soils.** Table 3.9-14 discloses that the East LMF and associated track and right-of-way modifications, modifications to the Bayshore Caltrain Station, and relocation of the Tunnel Avenue bridge would place steel and/or concrete in contact with potentially corrosive soils;
5. **Potential for Construction to Result in Erosion**. Table 3.9-15 discloses that the East LMF and associated track and right-of-way modifications, modifications to the Bayshore Caltrain Station, and relocation of the Tunnel Avenue bridge would have the potential for causing soil erosion;
6. **Potential for Liquefaction.** Table 3.9-16 discloses that the East LMF and associated track and right-of-way modifications, modifications to the Bayshore Caltrain Station, and relocation of the Tunnel Avenue bridge would all be subject to liquefaction; and
7. **Potential for Construction on Soils Subject to Lateral Spreading.** Table 3.9-17 discloses that the East LMF and associated track and right-of-way modifications, and relocation of the Tunnel Avenue bridge would be subject hazards associated with construction on soils subject to lateral spreading.

Rather than evaluate the extent of public health and safety hazards related to construction of the LMF in an area subject to all of these hazards, the Final EIR/EIS indicates that geotechnical conditions will not be evaluated to determine the extent of hazards that LMF construction might cause until sometime after Project approval "prior to construction." Other than desktop research and mapping along with generic descriptions of potential hazards, the Final EIR/EIS fails to provide the public with an understanding of the extent to which geotechnical hazards associated with the Brisbane LMF could impact public health and safety. Despite not undertaking geotechnical studies of the area proposed for the Brisbane LMF or any other portion of the San Francisco to San José segment, the Final EIR/EIS determined the Project would not result in any "significant impacts on geology, soils, seismicity."

The Final EIR/EIS reaches this conclusion on the basis of IAMFs that call for the Authority's contractor to prepare a construction management plan "addressing how the contractor will address geologic constraints and minimize or avoid impacts related to geologic hazards during construction." While GEO-IMF#1 and #10 refer to "underlying standards set forth in guidance and other manuals" listed in GEO-IAMF#10, neither measure defines specific performance standards for each of the hazards identified above, addresses what specific standard would be met in the event of any discrepancy between the eight (8) documents listed in GEO-IAMF#10, including potential discrepancies between the most recent California Building Code in effect at the time of construction and the seven (7) other listed documents. These IMFs are mitigation

measures rather than project design features. They improperly defer analysis and disclosure of site-specific potentially significant soils and geology impacts, as well as development of specific mitigation measures to avoid or reduce those impacts.

THE FINAL EIR/EIS DEMONSTRATES A PREMATURE COMMITMENT TO THE BAYLANDS LMF SITE AND CONSEQUENTLY ANALYZES AN INADEQUATE RANGE OF ALTERNATIVES

The range of alternatives in the Final EIR/EIS continues to be inadequate.

CEQA Guidelines section 15126.6, subsection (a) requires an EIR to "consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." CEQA does not require EIRs to consider alternatives that are not feasible. "Feasible" is defined in CEQA Guidelines section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

In addition, as recognized by Standard Response-ALT-1: Alternatives Selection and Evaluation Process, an "EIS prepared for NEPA must rigorously explore and objectively evaluate a reasonable range of alternatives along with the proposed action. Reasonable alternatives are those that may be feasibly carried out based on technical, economic, environmental, and other factors."

Options for an LMF location outside Brisbane may have a less than optimal, but still functional, design and may be more expensive to construct or operate than the Brisbane LMF. These are not valid reasons under CEQA or NEPA to reject that such alternative sites as infeasible and avoid evaluating its environmental effects in the EIR/EIS. An EIR's conclusion that an alternative is infeasible must be supported by substantial evidence. (See, e.g., *City of Fremont v. San Francisco Bay Area Rapid Transit* (1995) 34 Cal. App. 4th 1780, 1788.)

It is clear that the Authority from the very outset identified the Baylands as meeting its criteria for optimal LMF design, and prematurely committed to this site in violation of CEQA. It then rejected alternative sites that would meet its maintenance needs (albeit with a less than optimal design and perhaps greater construction and/or operating costs) without demonstrating that such alternatives were, in fact, not feasible. Documenting that potential alternatives may have a less than optimal design or result in increased construction and/or operation costs does not mean they cannot be reasonably carried out because they are infeasible. When considering economic feasibility, the issue is not whether an alternative is more costly or less profitable than the proposed project. Rather, the issue is whether an alternative's increased costs make it infeasible to proceed with the project as proposed. (See, e.g., *Center for Biological Diversity v. County of San Bernardino (*2010) 184 Cal. App. 4th 1342, 1356–1357.)

Alternatives using two adjacent portions of the same property (Brisbane Baylands) does not constitute a reasonable range of alternatives for either CEQA or NEPA. The Draft and Final

EIR/EIS and the various documents cited in support of rejecting alternative sites for the Brisbane LMF consistently demonstrate that alternative sites are rejected because they do not meet the Authority's design criteria despite the fact that the Authority's own documents (e.g., Final EIR/EIS Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities) explicitly provide for consideration of less than optimal design criteria or that alternative sites would cost more than an LMF on the Baylands site in Brisbane.

To reject an alternative as "infeasible" pursuant to CEQA Guidelines section 15126.6 because it is "infeasible," the Authority must demonstrate on the basis of substantial evidence that the potential alternative is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines, § 15364) and cannot be feasibly carried out based on technical, economic, environmental, and other factors (NEPA, 40 C.F.R. 1502.14). The authority did not demonstrate this.

The Authority began its Northern California LMF site selection process by reviewing only two alternatives to Brisbane, both of which were obviously undesirable for a rail maintenance yard.

The Authority's Supplemental Alternative Analysis (August 2010) considered only two sites other than Brisbane for the LMF: the Port of San Francisco (Piers 90-94) and San Francisco International Airport (SFO). These were both "straw man" alternatives. The Port of San Francisco site was found to be operationally deficient because of its size, distance from the mainline tracks, and need to be stub-ended (i.e., single access and egress), all of which should have been known before the site was even considered for potential LMF use. The SFO site, although 100 acres in size, was determined to be operationally deficient because of (1) its distance from the mainline track and need for a stub-end increased the cost to provide the lead tracks from the SFO and (2) the fact that the existing lease to the site had been renewed with the current tenants. Both of these facts should have been known before the site was even considered for potential LMF use.

Thus, from the very beginning, the Authority gave realistic consideration only to the Brisbane Baylands property as a site for the Northern California LMF, in violation of the Supreme Court's decision in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116 ("*Save Tara*").[16] It was only after the Authority's 2016 Business Plan called for the second segment of the high-speed rail system to extend west from the Bakersfield to Merced segment to the San José-Gilroy area ("Valley-to-Valley" approach) that the Authority considered other sites for a Northern California LMF. When the 2018 Business Plan changed the order of construction such that the San Francisco to San Jose segment would be built before the Valley-to-Valley segment, there was no need for an LMF between San José and Morgan Hill and the Authority dismissed

[16] "The CEQA Guidelines define 'approval' as 'the decision by a public agency which commits the agency to a definite course of action in regard to a project.' (CEQA Guidelines, § 15352, subd. (a).)" Approval occurs "when the agency *first* exercises its discretion to execute a contract or grant financial assistance, not when the *last* such discretionary decision is made." (*Save Tara, supra,* 45 Cal.4th 116, 134.)

consideration of any site other than Brisbane Baylands. This conclusion is demonstrated by Final EIS/EIR Response to Comments 1164-1409, 2016 Business Plan, EIR/EIS Appendix 2-F Section 2.3.1.1, EIR/EIS Appendix 2-F Table 2 and Response to Comment 1164-1409, the 2018 Business Plan.

The EIR/EIS and its supporting documents reject alternative LMF sites because they are less than 100 acres in size but do not demonstrate that a functional LMF could not be designed and constructed on a site that is less than 100 acres, depending on the specific location, dimensions, and setting of the site.

As noted in Comment 1165-1987: "The 2010 Supplemental Alternative Analysis identified the following facility design and location criteria to meet the functional requirements for an LMF between San Francisco and San Jose:

- Site Size – The site shall be large enough to accommodate storage and maintenance operations. The Authority estimates approximately 100 acres.
- Proximity to the Mainline Tracks – LMF should be immediately adjacent to the mainline tracks, to minimize the length of the lead track.
- Double-ended Lead Tracks –The LMF should be a double-ended facility (i.e., capable of dispatching and receiving trains from both ends of the facility)."

As further stated in Comment 1165-1990, "The Authority's size criterion states that the site needs 'to be large enough to accommodate storage and maintenance operation.' (Draft EIR/EIS, Chapter 2, page 2-35). The Authority estimated this site size to be approximately 100 acres; however, this criterion does not specifically state that the site must be 100 acres in order to be considered, only that it be large enough to support the proposed operation. Thus, sites less than 100 acres in size should not have been rejected without specific design analysis as to whether a less-than-100-acre site was 'large enough to accommodate storage and maintenance operation.'"

While the Final EIR/EIS states that an area of approximately 100 acres is required to accommodate all necessary components of an LMF and Standard Response ALT-3 illustrates the typical size of various LMF components that add up to 100-acres, the Authority's responses to City of Brisbane comments fail to disclose that page 17 of Final EIR/EIS Appendix 2-F, Summary of Requirements for Operations and Maintenance Facilities, directly contradicts the Authority's assertions that the LMF must be a minimum of 100 acres, making these responses incomplete and inaccurate:

- "The LMFs will require yard tracks, each capable of holding two complete trainsets, plus two runaround/transfer tracks to move from one end of the facility to the other. In the case of Level III LMFs, speed through the train wash will be limited, so one dedicated train wash track should be added so as to not create a bottleneck at the facility."
- "The recommended LMF configuration includes direct main track access achieved through double-ended yard leads to facilitate movements both north and south without

changing direction, grade separated flyovers to access the main track opposite the LMF without affecting main track traffic, 60 MPH interlockings with universal crossovers at the main tracks (on both ends, immediately adjacent to the main track turnouts), and 1,700-foot transition tracks to reduce/increase speed to/from stop and to transition the automatic train control system."

- "The result is a total estimated length of about 7,500 feet (not including transition tracks) with a width dependent on the number of tracks required at each facility, and an overall estimated minimum footprint of ranging from about 40 to about 110 acres." (Emphasis added.)

As is clear from Final EIR/EIS Appendix 2-F, an area of approximately 100 acres is not required to accommodate the necessary components of an LMF. Based on the criteria set forth in Final EIR/EIS Appendix 2-F, no LMF site should be rejected on the basis of size without a specific determination based on a conceptual design demonstrating whether the site can meet the specific requirements set forth in the Authority's Requirements for Operations and Maintenance Facilities.

Thus, the Final EIR/EIS and its related documents do not demonstrate that a functional LMF could not feasibly be designed and constructed on a site that is less than 100 acres, depending on the specific location, dimensions, and setting of the site. The Authority has also not demonstrated that any of the alternative LMF sites it has rejected due to size could not be custom-designed to serve the Authority's maintenance needs. The Authority rejected alternative sites for not meeting "optimal criteria", despite the LMF design criteria allowing for consideration of less than optimal designs. However, the Authority simply rejected all alternatives that relied on less than optimal designs by simply concluding they were infeasible, and did not analyze whether sites with a less than optimal design could be feasibly constructed.

The EIR/EIS and its supporting documents reject alternative LMF sites because they are not immediately adjacent to the mainline tracks or do not meet certain design criteria. The Authority does not, however, demonstrate that a functional LMF could not be designed and constructed on a site not that is adjacent to the mainline tracks, depending on the specific location, dimensions, and setting of the site.

Comment 1165-1997 identifies a potentially feasible alternative LMF site within the Bayview Industrial District of San Francisco that is generally bound by Napoleon Street on the North, Industrial Street on the South, US-101 to the west and I-280 and the Caltrain Corridor on the east. This site would not require the excavation of 2.0+ million cubic yards of waste from the landfill in Brisbane in addition to hauling and reburial. Impacts on Baylands development and constraints on the production of housing within Brisbane would also be eliminated.

Final EIR/EIS Standard Response Section 17.3.3.4 (Pages 17-38 and 17-39) rejects the Bayview Industrial District site for the following reasons:

- Circulation impacts—Construction of the tunnel would sever Cesar Chavez Street, a major arterial in San Francisco, which connects approximately 200 to 250 acres of medium-density industrial neighborhoods east of the US 101 freeway to much of San Francisco. The loss of this connection would overburden the next available access point to US 101, which is approximately 1.5 miles north of the existing on/off ramps.
- Circulation impacts—The relocation of I-280 freeway structures would severely disrupt traffic operations on an extremely busy freeway. Construction of this magnitude would require either freeway closure until construction is complete, or a set of temporary structures for detours which would be extremely expensive. The California Department of Transportation (Caltrans) would be unlikely to support such a relocation.
- Aquatic resource impacts—The relocation of six piers in Islais Creek Channel associated with the relocation of an elevated portion of I-280 would result in approximately 5.1 acres of permanent and temporary impacts on aquatic resources.
- Conclusion - An LMF at the Bayview Industrial District would result in major impacts on street circulation elements in San Francisco. Impacts on the I-280 freeway and associated ramps would likely be unacceptable to Caltrans. For these reasons, the Authority does not consider the Bayview Industrial District a potentially feasible site for the LMF.

The Authority's response to the Bayview Industrial District is based on the optimum criteria described in Appendix 2-F such as use of grade-separated transition tracks being used for trains accessing the LMF from the mainline. It is such a grade-separated transition track that necessitates the requirement for tunneling and resulted in the conflicts cited in the Final EIR/EIS.

The Bayview Industrial District alternative suggested in Comment 1165-1997 and on page 39 of Attachment Metis-F envisioned the use of either flat interlocking or single slower speed crossovers at the main track and shorter transition tracks. While EIR/EIS Appendix 2-F identifies such a design as "less optimal," it also states, "The operational and cost impacts of these less optimal configurations must be analyzed further in order to evaluate the trade-off of the additional yearly operating costs versus the increased capital construction costs and the potential increase in environmental impacts."

This "further study" statement clearly demonstrates the lack of substantial evidence for the Final EIR/EIS to reject the Bayview Industrial District site as infeasible. The Authority improperly rejected the potentially feasible Bayview Industrial District site by failing to evaluate a less optimal design which would have avoided conflict with existing transportation infrastructure. Any inefficiency in the utilization of less-than-optimal LMF configuration at this San Francisco location would be at least partially mitigated by a reduction in deadhead miles[17]

[17] "Deadhead miles" is defined as the miles and hours that a vehicle travels when out of revenue service, and includes leaving or returning to the yard facility, changing routes, or are devoid of carrying revenue-producing passengers. (See Federal Transit Administration, National Transit Database Glossary, available at: https://www.transit.dot.gov/ntd/national-transit-database-ntd-glossary.) A reduction in deadhead

due to the site's location closer to the Authority's San Francisco interim and ultimate terminal stations. An LMF within the Bayview Industrial District would move the LMF closer to the San Francisco terminal station and eliminate the need to: (1) excavate over 2.0 million cubic yards of hazardous and non-hazardous waste from the former Brisbane landfill to be reburied at active Class I and Class III landfills; (2) fill nearly 1,000 linear feet of the tidally influenced Visitacion Creek; (3) construct and operate the LMF in an area subject to liquefaction and other geologic hazards; (4) relocate the City of Brisbane's fire station and corporation yard; and (5) create an array of constraints on the production of housing and commercial office development within the Baylands.

THE FINAL EIR/EIS FAILED TO RESPOND TO ALL COMMENTS SUBMITTED ON THE DRAFT EIR/EIS AND CONTAINS MANY LEGALLY DEFICIENT RESPONSES TO COMMENTS

CEQA Requirements for Responses to Draft EIR Comments

CEQA requires the lead agency to respond to each comment raising significant environmental issues received during the comment period. (CEQA Guidelines, § 15088 subd. (a).) One court provides that a lead agency's failure to respond to significant comments violates its duty under CEQA, the purpose of which "is to inform both the public and the decision makers, *before the decision is made*, of any reasonable means of mitigating the environmental impact of a proposed project." (*The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 617, emphasis added.)

In some cases, the Final EIR/EIS failed to respond to Draft EIR/EIS comments at all. In other cases, such as those noted below, the Authority provided insufficient evidence to support its conclusions, in violation of the clear mandate in CEQA Guidelines section 15088 subd. (c) (emphasis added):

> The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good fair, reasoned analysis in response. *Conclusory statements unsupported by factual information will not suffice.*

miles would increase operational efficiency because it would reduce the time, effort, and costs associated with trains moving empty loads for longer distances.

The Final EIR/EIS fails to acknowledge or respond to any comments on the Draft EIR/EIS provided by Ten Over Studio, and responded to only selected comments on significant environmental issues by the City of Brisbane Department of Public Works

1. Comments provided by Ten Over Studio were not acknowledged or responded to in the Final EIR/EIS. The Ten Over Studio comment letter was submitted to the Authority as Attachment E to the Metis Environmental Group comment letter. Whereas the Authority responded to comments provide in the other attachments to the Metis comment, the Final EIR/EIS failed to respond to the any comments that raised significant environmental issues on the Draft EIR/EIS contained in the Ten Over Studio comment letter (Attachment Metis-E), including but not limited to Comment Letter, Section 2, Page 2; Section 2, Pages 6-7; Section 3, page 7 (Alternative A); Section 3, Page 8 (Alternative A); Section 3, Page 9 (Alternative B); and Section 3, pages 9-10 (Alternative B).
2. In addition, the Final EIR/EIS did not respond to many City of Brisbane Public Works comments that raised significant environmental issues. For example, there were no responses to the following comments:
    - Specific comments on Geneva Avenue extension project options that would reduce impacts (see pp. 19-25 of Department of Public Works letter).
    - Specific comments on alternatives to reduce impacts to Golden State Lumber's lay down yard (see pp. 19-25 of Department of Public Works letter).
    - Specific comments on alternative sites for the LMF that would reduce impacts (see pp. 28-30 of Department of Public Works letter).

The Final EIR/EIS contains incomplete, inconsistent, and incorrect responses to comments

Response to Comment 1164-1429: The comment notes that "Alternative A" is the proposed Project, and there is only one "real" alternative analyzed: "Alternative B." The comment states that "For a project of this size and scope, it is patently unreasonable to analyze only one build alternative." The response, however, fails to address this point.

Response to Comment 1164-1449: The comment notes that "Similarly, none of the individual resource area sections of the Draft EIR/EIS identify whether impacts under the No Project scenario would be significant nor do they address the No Project Alternative in the summary of CEQA significance conclusions at the end of each section. This makes it impossible for the public and the decision makers to understand the impact of not approving the Project." The response does not address the lack of No Project analysis in each resource section, nor does it note any changes made to the DEIR/EIS in this respect**.**

Response to Comment 1164-1451: The comment notes a statement by Authority CEO Brian Kelly on August 13, 2020, saying the Authority had "settled" on Brisbane as a location for the LMF," as evidence of pre-selection in violation of CEQA. The response does not directly address this statement.

Response to Comment 1164-1491: The comment notes the noise and vibration analysis does not even mention the term "human health," and that the analysis fails to disclose generalized health impacts from noise and vibration, and what the Project's impacts on health would be. The response simply refers back to the FRA guidance manual, stating that the impact criteria "protect public health and welfare." However, this response does not address the central comment: the Draft EIR/EIS does not explain to the public what health effects there are from noise and vibration, and how the Project's additional noise and vibration will impact health.

Response to Comment 1164-1549: The comment notes that the analysis in GEO#6 fails to include details about the existence of a prior landfill on the East LMF site, specifically, that such a landfill was "unclassified" and filled prior to the distinction between hazardous and non-hazardous waste. The response fails to address the "unclassified" nature of this landfill, and the additional hazards it may pose, or the fact that the Draft EIR/EIS did not include any additional analysis of the impacts from construction on this site.

Response to Comment 1164-1566: The comment notes that HMW-IAMG#9 claims it will "replace hazardous substances with nonhazardous substances," but contains no further details about how this would be done. The response merely says that "[i]t is not possible at this time to evaluate the full inventory of hazardous materials that may be included in the material selection process for construction, operation, and maintenance of the HSR system." But it does not explain why identification of a specific hazardous substance is necessary before explaining how a hazardous substance would be replaced with a non-hazardous substance. No Draft EIR/EIS revisions were made, not even to include an example of how this process would take place for a common hazardous substance like to be located on the site.

Response to Comment 1164-1643 states "The Metis survey data is not publicly available and could not be obtained by the Authority, and so could not be incorporated into the Final EIR/EIS."

The entire Metis survey was, in fact, promptly provided to the Authority by the City after it was requested. The Authority, however, chose to ignore the findings of the Metis survey because its mapping was not available in GIS format.

Responses to Comments 1164-1674 through 1164-1676: HYD-IAMF#1 and HYD-IAMF#2 remain improperly deferred mitigation notwithstanding these responses. The site-specific stormwater and flooding impacts of the Project, whether they are significant, and how any significant impacts would be mitigated with site-specific measures are never disclosed. Regarding HYD-IAMF#1, it is not sufficient for "inherent" performance measures to be

"embedded" within applicable MS4 permits; these should be fully disclosed in IAMF#1, in order for EIR/EIS reviewers to understand how stormwater impacts would be reduced.

Response to Comment 1164-1677: This response does not provide evidence that drainage impacts of the LMF would be less than significant. The response that runoff would continue to drain to Visitation Creek and San Francisco Bay does not preclude substantial changes to drainage patterns to upstream of these receiving waters. There continues to be no EIR/EIS analysis of site-specific drainage impacts and mitigation measures associated with the LMF. Instead, the response provides a vague promise that the Authority will fix any drainage problems identified in future studies after project approval; using circular reasoning, the response states that the capacity of existing or planned drainage systems would not be ceded because "the capacity of receiving drainage systems would be evaluated and features would be incorporated to maintain drainage capacity."

Response to Comment 1164-1683: This response does not directly address the comment that the EIR/EIS lacks a water quality analysis and substantial evidence showing impacts associated with hazardous materials and wastes would be less than significant. Instead, it relies on future "testing and appropriately managing contamination" to assure impacts are less than significant. It vaguely states that "further evaluation of the level of contamination" may be required, as well as site remediation. To avoid improperly-deferred impact analysis and mitigation, this work should have been done as part of the EIR/EIS, to disclose the type of site remediation that will be required and evaluate its effectiveness and impacts.

Response to Comment 1164-1686: This response does not address unique site-specific impacts associated with the unique soil types of the LMF sites. As stated in our Draft EIR/EIS comment: "The LMF sites are located in an area of wetlands and tidally influenced zones, and the soil is a mix of native soils, marine sediment, and layered with trash. This unique soil composition must be analyzed in conjunction with the release of pollutants during Project operations because tidally influenced areas will likely make it easier for pollutants to reach waterways."

Response to Comments 1164-1696 and 1697: This response totally ignores the point being made in these comments, that it violates CEQA, and is poor public policy as well, to delay the preparation of a long-term vulnerability assessment and adaptation plan until a later, unspecified time. Standard Response F J-Response-HYD-1, which is cross referenced, does nothing to remedy this defect The Standard Response continues to state that a long-term vulnerability assessment and adaptation plan will be prepared after project approval.

Response to Comment 1164-1699: This response ignores that legal requirement that the determination of whether a project's contribution to a significant cumulative impact is cumulatively considerable must be made pre-mitigation. Mitigation measures in an EIR/EIS may not be considered because they are just mitigation proposals by the report authors, which could be rejected before the lead agency decision makers approve a project. If a project has a significant direct impact pre-mitigation, it will ordinarily have a cumulatively considerable cumulative impact.

Responses to Comments 1164-1700 and 1701: These responses fail to address the comment that the aesthetics IAMFs lack performance standards.

Response to Comment 1164-1705: The response does not cure the improper deferral of mitigation measures. For example, the response states that AVQ MM#3 requires the submittal of technical memo which documents coordination with local jurisdictions on design of non-station structures, so they fit in with the existing visual context. This is deferred mitigation.

Response to Comment 1164-1711 perpetuates the incorrect assertion that an adequate water supply exists for the Brisbane LMF since the San Francisco Public Utilities Commission (SFPUC) has an adequate supply. However, the analysis provided in the EIR/EIS and the Authority's Response to Comment 1164-1711 both are inadequate because:

- As stated in Response to Comment 1164-1711, "for three to five dry year scenarios, the SFPUC water supply would be short for cumulative demand in future years." The response attempts to dismiss the fact there is not, in fact, available water supply by stating that "the project's demand is minimal compared to cumulative demand. However, the fact remains that water supply is not available to the Brisbane LMF during three to five dry year scenarios.
- Response to Comment 1164-1711 claims that because SFPUC has adequate water supply (which is itself an inaccurate claim for three to five dry year scenarios), water supply can be transferred to Brisbane from SFPUC "administratively." This assertion is wrong. While SFPUC's water supply agreement with local San Mateo County agencies permits the transfer of water between local water agencies, the SFPUC does not have the authority to administratively transfer water supply between agencies. Transfer of water supply from one agency to another requires agreement between the agency from which water is sought and the agency seeking a water supply.
- After years of effort, the City of Brisbane and the Baylands project applicant determined that no other San Mateo County water agency was willing to even negotiate release any portion of their contracted SFPUC water supply.[18] Thus, water from the San Mateo County water agencies portion of the SFPUC's portfolio is not available for use at the Brisbane LMF.

Response to Comment 1164-1715: This response does not remedy that fact that within the text of the EIR/EIS, there continues to be no site-specific analysis of the availability and adequacy of existing water, wastewater, natural gas, and telecommunications infrastructure to serve the Brisbane LMF.

Response to Comment 1164-1721: This response states that specific sustainability requirements that might be included in the Project would be identified after Project approval, by the design-build contractor. Nevertheless, the EIR/EIS energy impact analysis

[18] Water supply for the Baylands is proposed from the Contra Costa County Water District's Los Vaqueros Expansion project.

continues to be inadequate, in part because it does not analyze the specific renewable energy features that will or could be incorporated into the Project, as part of determining whether the Project's impacts on energy resources are significant. This is required by CEQA case law. (*League to Save Lake Tahoe Mountain Area Preservation Foundation. v. County of Placer* (2022) 75 Cal.App.5th 163, 168.)

Response to Comment 1164-1722: The response states that each cumulative development project would be required by state law to demonstrate that its water demand would not result in the need for additional water supplies that would cause a significant impact.

Comment 1164-1727 and **Comment 1165-2171** address issues related to loss of the Golden State Lumber's existing lay-down area on the west side of Tunnel Avenue across from the existing Golden State Lumber facility. These comments explained why the Draft EIR/EIS did not sufficiently analyze the economic and displacement impacts of the East LMF removing Golden State Lumber's existing laydown area for off-loading and storing lumber shipped by rail.

The Authority's responses to these comments acknowledge that "Construction of the lead track for the East Brisbane LMF under Alternative A would require the permanent acquisition of right-of-way on the west side of Tunnel Avenue across from Golden State Lumber (APN 005-340-040)." Neither the Draft nor the Final EIR/EIS acknowledge that this area is currently be used by Golden State Lumber to unload lumber delivered by rail. While the Authority acknowledges it will acquire this area, such acquisition is not analyzed in the EIR/EIS because, as it asserts on page 3.12-12 of the Draft EIR/EIS, this type of acquisition "would consist of minor sliver acquisitions of parcels that are currently adjacent to the Caltrain corridor, which would not substantially affect communities and neighborhoods."

Despite the evidence presented by the City's comments that Golden State Lumber would lose its laydown yard, which could adversely affect its operations, the Authority responds to City comments only that:

- The Authority has "coordinated" with the landowner, Baylands Development Company, and that the "Authority would develop a relocation mitigation plan prior to acquisition, in consultation with cities, counties, and property owners in the future. The Final EIR/EIS also states that, if warranted, this could include assistance to relocate the laydown yard to a mutually agreeable location."
- Without evidence or analysis, the Final EIR/EIS states that the "prospect raised by the comment of Tunnel Avenue requiring blockage to immediately offload materials from trains is highly speculative."

The Final EIR/EIS fails to accurately describe the permanent take of land now leased to Golden State Lumber for loading and unloading of lumber shipped by rail to and from that business. The Authority's responses also fail to accurately describe the displacement of business activities vital to its operation because the Authority's proposed take of the existing

Golden State Lumber laydown yard would prevent the business from being able to unload lumber from rail cars and eliminate a substantial amount of its outdoor lumber storage area.

By permanently acquiring right-of-way on the west side of Tunnel Avenue across from Golden State Lumber (APN 005-340-040), the Authority would construct a fence immediately adjacent to the west side of right-of-way for the rail spur Golden State Lumber uses to unload lumber from rail cars. Because lumber is shipped on "center beam" rail cars, (loading or unloading lumber requires access to both side of the car.[19]

By acquiring the land immediately west of the spur line used by Golden State Lumber, the Authority will effectively deny Golden State Lumber the ability to unload lumber from the west side of center beam rail cars parked on the existing spur line. By having access to only the east side of center beam rail cars, Golden State Lumber would find it impossible to load or unload lumber shipments via rail.

Because Golden State Lumber currently receives approximately 30 percent of its stock by rail, loss of their ability to receive shipments by rail would have a substantial adverse effect on the business and its ability to remain in its current location. As noted in the City's comments on the Draft EIR/EIS, "Golden State Lumber is vital part to the City's economic health, contributing more than 20 percent of Brisbane's sales tax revenue." Yet, without analysis, the Final EIR/EIS dismisses likely major economic effects on Golden State Lumber and the City of Brisbane.

Also, the Final EIR/EIS fails to acknowledge or respond to a comment from the Brisbane Public Works Department (page 25 of Attachment Metis-F) regarding impacts to Golden State Lumber's lay-down yard. The auxiliary lay-down area that Golden State Lumber uses would be eliminated by the proposed LMF. To eliminate this impact, the City of Brisbane proposed a potential alternate location for the rail off-loading. This area would have the capacity to receive and unload two (2) rail cars with an approximate 2-acre new lay-down area to replace the area eliminated by the LMF. The proposed solution, to which the Final EIR/EIS does not respond, was presented in *Appendix A: TC1-A7 – Brisbane – Golden State Lumber Relocation Exhibit*, to the Brisbane Public Works Department's comments

[19] See https://www.up.com/customers/track-record/tr081021-what-is-a-centerbeam.htm#:~:text=Not%20surprisingly%2C%20a%20centerbeam%20is,in%20place%20on%20either%20side, accessed August 6, 2022.

(Attachment Metis-F) and is presented below.

4. Response to Comment 1165-1880 acknowledges that the Draft EIR/EIS did, in fact, mistakenly identify the City of Brisbane's Corporation Yard as a private sector industrial use. The response notes that Section 3.12, Socioeconomics and Communities, "has been revised in the Final EIR/EIS to clarify that a governmental facility, the Brisbane Corporation Yard, would require relocation." However, as illustrated in Figure 3.11-13, the site to which the Authority proposes relocating the City's corporation yard is smaller than the facilities' current site and would not provide sufficient room for outdoor storage and work areas.

5. Response to Comment 1165-1895 makes the misleading statement that the "design of both (Brisbane) alternatives locates the LMF at the site's most contaminated areas—the existing landfill and former rail yard—to minimize impacts to existing land uses." This statement is misleading, and in fact the LMF sites were not selected to minimize land use impacts, because:

- The siting of the East and West LMF sites based on engineering design considerations to fit a 7,000+ foot linear area adjacent to the east and west sides of the existing Caltrain right-of-way as much as possible within the Baylands property;
- No analyses of site contamination or solid waste characterization were undertaken by the Authority prior to preparation of the Draft EIR/EIS; and

- Modifications to the design of the Brisbane LMF completed by the Authority after public release of the Draft EIR/EIS increased, rather than decreased the amount of land needed within the Baylands to construct the East LMF.

Comment 1165-2015 states, "Impacts to habitat for the dusky-footed woodrat are indicated on page 3.7-11 as 0.8 acres for the West LMF and 2.7 acres for East LMF but this species is not addressed in the technical study bringing into question the source for this impact calculation."

The Authority attempts to explain the discrepancy between the San Francisco to San José EIR/EIS and its technical report related to LMF-specific impacts within Brisbane by asserting without evidence that impacts occurring in Brisbane are addressed in a technical report for a completely different segment of the Authority's system more than 50 miles to the south of Brisbane. The Authority's response to comment 1165-2015 states:

> "Impacts on the species noted by commenter are discussed are provided in the San Jose to Merced Project Section Biological and Aquatic Resources Technical Report (Authority 2020f), because all of these species are located in the San Jose Diridon Station Approach Subsection; this includes the San Francisco dusky-footed woodrat (see p. 6-42), least Bell's vireo, yellow warbler, and tricolored blackbird see (p. 6-37)."

That impacts occurring within the Brisbane LMF and disclosed in the EIR/EIS for the San Francisco to San José segment are not addressed in the biological technical report for the same segment of the system but in a technical report for a completely different segment of the system makes the Final EIR/EIS response to comment 1165-2015 legally inadequate.

Comment 1165-2016 points out inconsistencies in Draft EIR/EIS wetland impact calculations identified for the Baylands LMF. Rather than explain the inconsistencies in impact calculations identified for the Baylands LMF, the Authority's response merely refers back to Response to Comment 1165-2104 which illogically attempts to explain differences in impact acreages for the Brisbane LMF between the Draft EIR/EIS and its biological resources technical report as being the result of differences in the boundaries of the EIR/EIS and technical report occurring more than 40 miles to the south in Santa Clara County.

Response to Comment 1164-1738: This response incorrectly assumes that the baseline for an EIR *must* be the environmental conditions at the time of NOP publication. Instead, the time of NOP publication is "normally" the baseline, but more updated baselines should be used to provide the "most accurate picture practically possible" of the project's impacts. CEQA Guidelines §15125(a)(1).

Response to Comment 1164-1739: Standard response incorrectly assumes that effects of COVID-19 on ridership will be short-term, and cites recoveries from past recessions that are nothing like the long-term changes in economic activity likely to occur due to COVID-19. In particular, increased telecommuting is likely to be a long-term trend in the Bay Area.

Response to Comment 1164-1741: The response still fails to provide site-specific details on exactly how access to the Los Gatos Creek Trail would be maintained.

Response to Comment 1164-1752: This response focuses on the cumulative hazardous materials and waste analysis that was used as an example in the comment. The response ignores the important general point made in the comment: the Draft EIR/EIS simply fails to explain which, if any, of the more than 338 future land use projects identified in Appendix 3.18-A were considered as part of the future cumulative scenario for each resource area. Without such information, it is impossible to understand nature and significance of each resource area's cumulative impacts.

Response to Comment 1164-1754: Including examples or types of projects that might contribute to cumulative impacts for each resource area, as described in the response, is an inadequate approach under CEQA. The specific related projects contributing to cumulative impacts for each resource area should have been identified.

Response to Comment 1164-1755: Development of the Baylands consistent with the Baylands NOP is not "speculative," as stated in the response. It is reasonably foreseeable. Under well-established CEQA case law, a proposed project can be reasonably foreseeable for purposes of cumulative impact analysis if is actively undergoing CEQA review, even if it has not yet been approved. (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74.)

Response to Comments 1164-1758 and 1761: The response assumes compliance with state and federal laws and regulations will always guarantee that impacts of related cumulative projects would be less than significant. This assumption is incorrect. A project's environmental impacts may be significant even if it complies with standards in applicable federal and state environmental laws and regulations. (See *Communities For a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 114.)

Response to Comment 1164-1760: The response does not cite a specific EIR page number or section for the assertion that the EIR methodology did consider the likelihood that even if all of the cumulative projects result in individually insignificant impacts, the combined impact of these projects may be cumulatively significant.

Response to Comment 1164-1767: This response does not adequately respond to the comment, because it does not state specific grounds for not recirculating the Draft EIR. For example, it does not have specific responses to the four specific grounds for recirculation included in our letter. Instead, the response merely includes a vague reference to previous comment responses as the reason why recirculation is not required.

Response 1164-1768: This response does not respond to our specific comment that the Draft EIR/EIS must be rewritten to demonstrate that, to "the fullest extent possible," CEQA review has been integrated with all related review and consultation requirements, so that all these procedures, "to the maximum extent feasible," run concurrently rather than consecutively. Instead, the response merely asserts that was developed in compliance with CEQA and NEPA. The response does not demonstrate that the Draft EIR/EIS integrated related review and consultation requirements to the fullest extent possible.

Response to Comment 1164-1772: This response is incomplete because it addresses only the wetland definition portion of the State Waters Policy. As noted in our comment, the State Waters Policy includes other provisions, such as alternatives analysis and climate change analysis, that differ from federal wetlands permitting requirements and could affect Project state wetlands permitting.

Response to Comment 1164-1776: The response fails to demonstrate that the EIR/EIS mitigation measures would completely avoid the take of the two fully-protected species, the San Francisco garter snake and the white-tailed kite. Asserting that the take would be avoided is not sufficient. There is no evidence showing it would be feasible for the mitigation measures to completely avoid the take, even of one individual of these species.

Response to Comment 1165-2036 states that the noise analysis provided in the EIR/EIS follows FRA noise impact criteria which are based on comparing existing conditions to future "with project" conditions. Thus, "future noise levels were predicted by combining project train noise from all trains operating in the corridor (i.e., HSR, Caltrain, Amtrak, and freight), all trains sounding horns approaching at-grade crossings, noise from passenger station parking facilities, and noise from LMF operations." The future predicted noise levels including all noise sources, including the proposed Project "were then compared to the existing noise levels and the FRA noise impact criteria were applied to determine the severity of each impact."

However, CEQA requires analysis of the physical environmental changes caused by the project. Thus, future noise increases that may be caused by Caltrain, Amtrak, and freight are not relevant to determining physical changes to the environment that would be caused by the proposed high-speed rail project and should not be included in a CEQA analysis, of the Project's direct noise impacts, regardless of FRA guidance. To provide an adequate analysis of the Project's physical effects to the environment in relation to noise, the EIR/EIS must disclose the increased noise levels that would result from addition of high-speed rail traffic under 2029 and 2040 conditions as well as increase noise levels caused by the increased speed of Caltrain rail traffic, since it is only because of the high-speed project that Caltrain would operate at 110 mph in the future.

As a state agency preparing an environmental impact report pursuant to the California Environmental Quality Act (CEQA), the EIR/EIS is obligated to comply with CEQA by disclosing the project-specific increases in noise levels caused by the high-speed rail project. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App. 5th 814, 894.) If following FRA guidance that calls for a different noise methodology was necessary to meet NEPA requirements, the Authority should have provided both (1) a CEQA analysis identifying the projects direct and indirect noise impacts and (2) a noise analysis following FRA guidelines comparing future noise conditions resulting from all future rail-related noise sources to exiting noise conditions.

Comment 1165-2042 identifies inconsistencies in the computation of the number of cars, length of each car, and the length of a trainset.

The Authority's response confirms both that "the analysis in the Draft EIR/EIS is based on an assumption that HSR trains would have a length of 660 feet" and that "longer trainsets in the future are possible." Response to Comment 1165-2042 attempts to reconcile those two conflicting positions by stating if, in the future, the Authority decides to operate double trainsets then, consistent with NV-MM#7, the Authority would prepare additional noise and vibration analyses as required by CEQA and NEPA, to reassess noise and vibration impacts and mitigation."

Since EIR/EIS Appendix 2-F specifically reserves the potential to operate in double trainset configuration of 1,320-foot total length sometime in the future, the noise and vibration impacts of 1,320-foot trainsets should have been analyzed in the Draft EIR/EIS and not deferred.

Response to Comment 1165-2060 states: "Water tanker truck trips were accounted for in the construction air quality analysis and the construction transportation analysis presented in the Draft EIR/EIS." However, since water infrastructure is currently available within the Baylands and the Authority would be required to secure a new source of water for the Brisbane LMF, the energy consumed by trucking water into the Baylands for dust suppression purposes should be considered wasteful and addressed as such in the EIR/EIS analysis of the project's energy impacts. In addition, because delivery of water by truck would be unnecessary, the air quality and GHG impacts of these truck trips could be eliminated. The EIR/EIS does not, however, even consider the potential to eliminate water truck trips to and from the LMF site.

Comment 1165-2192 notes that "Impact AVQ#1 presents a misleading and incomplete analysis of Project impacts based on the false premise that visibility of the Baylands area and the LMF sites is limited," providing evidence to substantiate the comment.

The Final EIR/EIS Response to Comment 1165-2192 asserts that the "sensitivity of these residential viewers is limited by their distance from the (LMF) construction activity; their view covers a wide area but with limited detail" and that viewers McClaren Park and on San Bruno Mountain would "see the railway as a line running through the adjacent environment, clearly defined because of its continuous path, but overshadowed by the larger forms of the bay, mountains, US 101 causeway, and larger industrial buildings, making their exposure low."

This response displays a complete lack of understanding of Brisbane's geography, existing scenic vistas, and the visual prominence of the Baylands. Brisbane is a hillside community perched on the west facing slopes of San Bruno Mountain. Much of the existing community is shaped like an amphitheater with homes having unobstructed views of the San Francisco Bay and Oakland Hills beyond. The Baylands and proposed Brisbane LMF sit in foreground of an important scenic vista that is an important part of Brisbane's community identity, sitting in the foreground of views of the San Francisco Bay and the Oakland Hills beyond. Introduction of a large-scale industrial rail maintenance yard that will be lighted throughout the night in the foreground of this scenic vista would, in fact, degrade an important scenic vista.

The following photographs taken by the firm of Environmental Vision in June 2022 as part of the Baylands Specific Plan Administrative Draft EIR to serve as the baseline for visual impact analysis demonstrate the visual prominence of the Baylands as part of important scenic vistas. These photographs also demonstrate the inadequacy of one of the two viewpoints of the Brisbane LMF provided in the Draft and Final EIR/EIS (KVP 3) and the inadequacy of Response to Comment 1165-2192 regarding the visual prominence of the Baylands and LMF site to Brisbane residents.

Viewpoint B: Overlook point at John McLaren Park, facing southeast

Viewpoint C: Goettingen Street at Wilde Avenue in Visitacion Valley, facing south

Viewpoint H: Mission Blue Drive off Guadalupe Canyon Parkway (Northeast Ridge), facing east

Viewpoint I: Icehouse Hill, facing northeast

Viewpoint T: San Bruno Mountain Ridge Trail, facing northeast

Comment 1165-2195 states that the photograph taken at location KVP 3 (Figure 3.15-22) was not representative of views of the Baylands, and was not representative even of current views, let alone the "2029 baseline" Figure 3.15-22 attempted to portray. The Authority's response states:

> "As explained in Appendix A, Key Viewpoint Selection and Analysis, of the Aesthetics and Visual Quality Technical Report (Authority 2019a), the location at KVP 3 was researched and selected to provide views of the two Brisbane LMF sites and the Bayshore Caltrain Station from the north, to reflect existing views and to highlight the differences between the two project alternatives. The Authority is not required to simulate potential future situations where aesthetics could be affected by unconstructed projects proposed by other entities. The location suggested in the comment letter as a representative view would fail to show the larger context of either LMF site, the differences between the two project alternatives, and their relationship to the surrounding land uses….."

This response fails to address the issues raised in Comment 1165-2195, which is that the photograph taken at location KVP 3 was not representative of views of the Baylands, and was not representative even of current views, let alone the "2029 baseline" Figure 3.15-22 attempted to portray." The building in Figure 3.15-22 has been restored. As shown below, the "2029 baseline" portrayed in Figure 3.15-22 is not even indicative of conditions existing at the time of the Final EIR/EIS.

As shown in the July 27, 2022 photograph, the graffiti has been removed from the Schlage building, which has been restored and is now in use and occupied. What is also clear that viewpoint KVP 3 is a poor vantage point for views of the Baylands.

Final EIR/EIS Figure 3.15-22

Same view of Schlage Lock building as Final EIR/EIS Figure 3.15-22. Taken by Jeremiah Robbins, Brisbane Planning Department staff, July 27, 2022.

Response to Comment 1165-2245 mistakenly asserts that General Plan Policy 174 "is specific to requirements for a development project in an area designated for planned residential and commercial uses on Brisbane Baylands and would not apply to the HSR project." Policy 174 is contained in the City's Community Health and Safety Element of the General Plan and is not specific to Baylands development. Policy 174 is a well-founded, practical policy that applies to all land use determinations and proposed development within contaminated areas. It states in full:

> "Include the remediation requirements of Federal, State and local agencies in the process of making determinations on land use designations and development applications."

In the case of a City of Brisbane land use decision or development project, the City would ensure that the remediation requirements of Federal, State and local agencies were known before making a land use determination or approving a development project involving contaminated land. Only by knowing such requirements could the City ensure that the proposed land use decision or development project was consistent with such requirements or required modifications.

In the case of land use decisions or development proposed by other agencies that affect the Brisbane community, Policy 174 provides a basis for Brisbane's comments to the decision-making agency. The purpose of Comment 1154-2245 is to note that the proposed Brisbane LMF is inconsistent with this policy, and that the Authority seeks to place its East LMF within a former landfill, excavate over 2.0 million cubic yards of solid waste, 10 percent of which is assumed to be hazardous, and approve development of the East LMF without knowing the requirements of Federal, State and local regulatory agencies with authority over the landfill. By so doing, the Authority cannot know whether the East LMF as it is currently proposed would

be consistent with the requirements of regulatory agencies or require modifications, and if modifications would be required, just how extensive they may be.

Rather than respond to the Project's inconsistency with Policy 174, the Authority responds that it "is required to comply with all federal and state laws and regulations and to secure all applicable federal and state permits prior to initiating construction on the selected alternative" without providing any explanation of the rationale for designing the LMF and related facilities, without knowing what specific requirements placing the LMF within the former landfill might be, and without knowing whether the LMF as currently designed could actually meet those requirements.

Response to Comment 1165-2246 asserts that the project is consistent with General Plan Policy 175, which calls for assuring that development proposed on a former landfill is safe by requiring "evidence that scientific testing and verification has taken place to the satisfaction of regulatory agencies." The Final EIR/EIS states that "appropriate remediation, including removal of contamination, in-situ treatment, or soil capping, would be conducted prior to acquisition." This statement is a promise, not evidence. No explanation is provided in Response to Comment 1165-2246 as to why it is prudent or consistent with CEQA to move forward with certification of the EIR and approval of the Project, including the East LMF in the absence of any scientific testing and verification regarding the Final EIR/EIS' assumption that only 208,300 cubic yards, 10 percent of the total amount of solid waste to be excavated for construction of the East LMF would be hazardous and require disposal in a Class 1 landfill. Without scientific testing of the former landfill's contents and characterization of the domestic, industrial, and shipyard waste placed in the landfill between from 1932 to 1967, neither the public nor Authority decisionmakers can understand the environmental consequences of opening up the landfill, excavating over 2.0 million yards of buried solid waste, and hauling that waste to Class 1 and Class 3 landfills.

Comment 1165-2257 specifically mentioned removal of Icehouse Hill as a visual appearance impact related to General Plan Policy BL-11. The response to this comment states:

> "While some trees at the top of this high slope would be removed as part of the removal of the hill, new views across the Baylands to the Bay and East Bay would be created, or landscaping could be planted along the east side of Bayshore Boulevard that is consistent with the existing landscaping."

The response fails to acknowledge that Alternative B proposes removal of the entirety of Icehouse Hill.

Response to Comment 1165-2268 asserts that construction of the Brisbane LMF would not preclude future development within the Baylands in the area "since development has and will continue to occur near train tracks and facilities due to the limited supply of land in the Bay Area." This response fails to specifically address residential development occurring adjacent to rail maintenance yards. The response also states that the Authority will coordinate with the City

of Brisbane and Baylands developers "to minimize potential incompatibilities between the Brisbane LMF and future planned development on the site" of the Baylands, implying that potential incompatibilities do, in fact, exist. These incompatibilities, which are not analyzed in the EIR/EIS are discussed later in this letter.

Response to Comment 1165-2329 states the "Authority acknowledges that site remediation would be required with appropriate regulatory agency oversight (i.e., DTSC, RWQCB, and San Mateo County Health Systems)." However, as noted above, for regulatory purposes, the former landfill site is overseen by the Environmental Health Division of the San Mateo County Health Agency, CalRecycle, and the RWQCB. The Final EIR/EIS fails to include CalRecycle or San Mateo County Health as responsible agencies and fails to include the RWQCB as a responsible agency for landfill closure approval.

Comment 1165-2348 notes that the US EPA establishes noise standards for trainsets to reduce impacts on nearby residences to protect the public health and welfare, but that the Draft EIR/EIS states the US EPA noise standard may not apply to HSR trainsets and that the analysis will use a trainset similar to the European TSI standard used in Europe. The comment asks whether the European standard used in the Draft EIR/EIS is stricter or more lenient than the US EPA noise standard.

Rather than disclose whether the HSR is subject to or exempt from US EPA noise standards and whether the European noise standard used to analyze noise is more strict or lenient than US EPA noise standards, Response to Comment 1165-2348 notes that Draft EIR/EIS Section 3.1.3.2, Railroad Noise Emission Compliance Regulations (49 C.F.R. Part 210), of Appendix 3.4-A, states **"[t]he analysis in this technical report assumes a trainset generating noise in compliance with the European TSI standard, because trainsets currently in manufacture and operation in Europe can meet this standard; the analysis does not assume a trainset that would meet the USEPA standard."** (Emphasis added.) In addition, Response to Comment 1165-2348 states that pursuant to Mitigation Measure NV-MM#5 "the Authority would require bidders to meet federal regulations for noise standards at the time of procurement of HSR vehicles."

Thus, the Final EIR/EIS fails to respond directly to Comment 1165-2348 and fails to disclose to the public and Authority decisionmakers whether the noise levels assumed for HSR trains and used to analyze the Project's noise impacts would comply with current US EPA noise standards that are designed to prevent significant noise impacts.

Responses to comments on Geneva Avenue extension are inconsistent. Some responses state that Geneva Avenue extension is included as a cumulative project but not as part of baseline (project analysis.) (See Standard Response Gen-3, and response to comments 1165-2269.) However, Response to Comment 1165-2213 states, "The Geneva Avenue Extension is funded only for planning and environmental analysis by 2040 in Plan Bay Area 2040. As such, funding is not currently programmed to construct either the Geneva Avenue Extension or the Geneva-Harney BRT project along the extension. Thus, there is no inadequacy in not including that project in the cumulative analysis."

Response to Comment 1160-2553: The CPUC recommends pedestrian crossings all be perpendicular to the railroad crossings, as this minimizes the time pedestrians spend crossing, and prevents wheelchairs from getting stuck. The response states only "The level of engineering presented in Volume 3, Preliminary Engineering Plans, of the Draft EIR/EIS is at a preliminary level sufficient for the environmental analysis. The final level of engineering design will be considered in coordination with the CPUC." This does not address the central issue in comment 1160-2553.

THE PROPOSED BRISBANE LIGHT MAINTENANCE FACILITY IS INCONSISTENT WITH PUBLIC POLICIES

The Final EIR/EIS fails to address the current state-mandated sustainable communities strategy for the nine-county San Francisco Bay, Plan Bay Area 2050.

Throughout the document and its appendices, the Final EIR/EIS refers to Plan Bay Area 2040 as the state-mandated sustainable communities strategy for the nine-county San Francisco Bay Area. Analyses of the Project's consistency with regional policies provided in the Final EIR/EIS therefore address Plan Bay Area 2040. However, Plan Bay Area 2040 was replaced by Plan Bay Area 2050 on October 21, 2021, when it was adopted by the Metropolitan Transportation Commission and the Association of Bay Area Governments Executive Board. Thus, the analyses of the high-speed rail project's consistency with the policies and programs set forth in Plan Bay Area 2040 refer to an outdated document that is no longer in effect.[20]

The Final EIR/EIS for the San Francisco to San José high-speed rail segment makes no mention of the Bay Area's current sustainable communities strategy, Plan Bay Area 2050, nor is any analysis of the Project's consistency with Plan Bay Area 2050 provided. Therefore, the analysis of the project's consistency with regional plans, as required by CEQA Guidelines section 15125, subsection (d), as well as the projects consistency with plans for the reduction of greenhouse gas emissions, is legally inadequate.

The Brisbane LMF would be incompatible with adjacent land uses within the Baylands and would substantially constrain the production of housing.

Land use "compatibility" is a planning concept that speaks to the extent to which adjacent or proximate land uses can function harmoniously and thereby minimize impacts on each other.

[20] It should be noted, however, that the Final EIR/EIS states that both the East and West LMFs would be inconsistent with Plan Bay Area 2040 because they would "reduce the amount of land available for TOD in the Brisbane priority development area." Because Plan Bay Area 2050 continues to include the Baylands as a priority development area, the high-speed rail project is also inconsistent with Plan Bay Area 2050.

Whereas Final EIR/EIS Section 3.13 evaluates impacts related to the introduction of incompatible uses in relation to the track alignment and at stations, no evaluation related to the introduction of incompatible land uses in Brisbane is undertaken for the LMF.

Final EIR/EIS Impacts LU#3 and LU#4 evaluate the permanent alteration of land use patterns in relation to land use conversion and introduction of incompatible uses along the track alignment and at stations, respectively. However, when analyzing similar impacts in relation to the LMF and Brisbane, Impact LU#5 addresses only the permanent alteration of land use patterns in relation to land use conversion, while Impact LU#6 evaluates the permanent alteration of land use patterns from increased noise, light, and glare for the entire Project area, providing a subsection for impacts associated with the Baylands. Thus, the Final EIR/EIS looks only at the effects the LMF would have on Baylands development and the production of housing within the Baylands in terms of the acreage of land to be taken by the Authority and whether LMF impacts related to noise, light, and glare would result in a "permanent alteration of land use patterns" (i.e., prevent or make development). The evaluations undertaken in the Final EIR/EIS address only direct impacts of the LMF (acreage to be taken by the Authority), fail to adequately address its indirect impacts, and also fail to address land use incompatibilities and constraints on the production of housing and other uses within the Baylands caused by LMF construction and operation that the Authority leaves to others to address. This makes the Final EIR/EIS analysis of land use impacts legally inadequate.

Final EIR/EIS page 3.13-65 states that construction of the Brisbane LMF would reduce the amount of land available for development by approximately 19.1 percent for the East Brisbane LMF under Alternative A and by 19.7 percent for the West Brisbane LMF under Alternative B. Without analysis or evidence other than the Authority would leave land that could still be used for development, the Final EIR/EIS concludes:

> "Nonetheless, this reduction in areas of planned commercial development would not necessarily impede the planned development envisioned in the Brisbane 2018 General Plan Amendment. The Brisbane 2018 General Plan Amendment accommodates 6.5 million square feet of commercial areas, with an additional 500,000 square feet for a hotel (City of Brisbane 2018). Although the East Brisbane LMF and West Brisbane LMF would reduce the area where this development could occur, this development could still occur in the areas not affected by the project.

Final EIR/EIS page 3.13-66 states that construction of the Brisbane LMF would "result in a 3.7-acre permanent impact on lands planned for a combination of commercial and residential development, which "could affect the City of Brisbane's ability to meet its required Housing Element and RHNA"[21] (Regional Housing Needs Allocation). The Final EIR/EIS cites an

[21] Footnote 6 on page 3.13-66 of the Final EIR/EIS describes the RHNA as follows: "As part of RHNA, the California Department of Housing and Community Development, determines the total number of new homes the Bay Area needs to build—and how affordable those homes need to be—in order to meet the

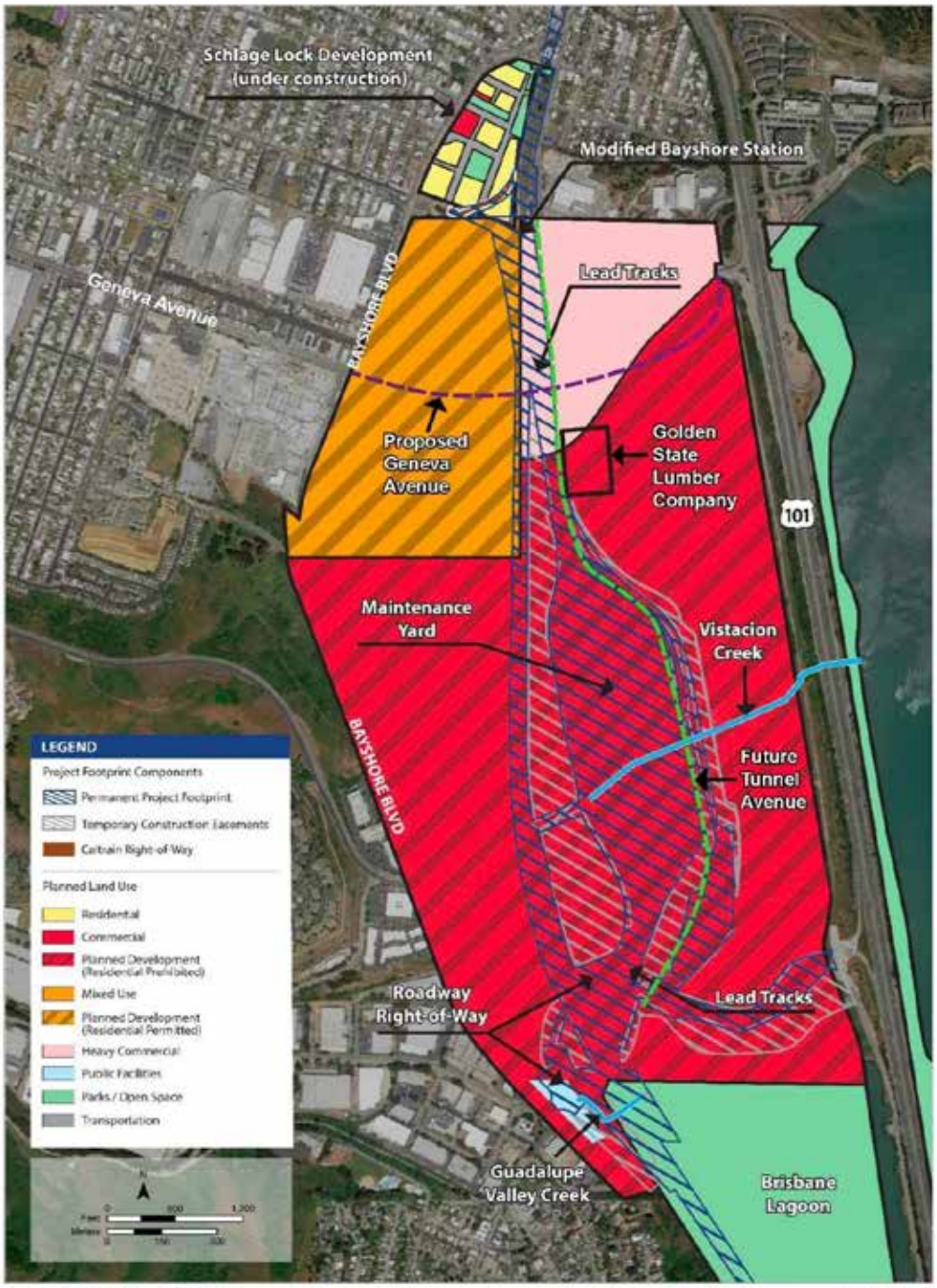
outdated RHNA requirement for Brisbane, 293 housing units, and states "ABAG increased the City of Brisbane's RHNA for the 2023-2031 planning period." The Final EIR/EIS fails to identify the updated RHNA numbers for Brisbane, which were adopted as part of the RHNA for the nine-county Bay Area ABAG Executive Board on December 16, 2021 to accommodate 441,176 additional housing units in the Bay Area between 2023 and 2031. The City of Brisbane outside of the Baylands is a largely built out hillside community with very little opportunity for housing development. As demonstrated in the Draft City of Brisbane 2023-2031 Housing Element, the lower end of General Plan permitted housing development within the Baylands (1,800 dwelling units) represents 80 percent of the City's available housing inventory (2,246 dwelling units) and is necessary for the City to meet its RHNA obligation through 2031 and beyond.

	Very Low Income	Low Income	Moderate Income	Above-Moderate Income	Total
Percentage of Area Mean Income	<50%	51-80%	81-120%	>120%	
2023-2031 Brisbane RHNA	317	183	303	785	1,588

Curiously, the Final EIR/EIS concludes that the grading and removal of Icehouse Hill would "introduce" an incompatible use resulting in a permanent change of land use in Alternative B and a significant impact, but that the introduction of the 100+ acre industrial rail maintenance facility itself would not be an incompatible use and would not cause a substantial change in land use patterns. However, as described below, the LMF itself would be an incompatible land use that would have profound implications on the pattern of development and the production of housing within the Baylands beyond just the acres of land to be taken by the Authority for its construction.

Final EIR/EIS Figure 3.13-7 identifies the temporary and final footprint of the East LMF facility. For purposes of these comments, Metis Environmental Group has added the proposed Geneva Avenue alignment through the Baylands and location of Golden State Lumber. As is clear from Figure 3.13-7, removal of the LMF facility from the Baylands is, by definition, a permanent change in planned land use patterns.

housing needs of people at all income levels. ABAG then distributes a share of the region's housing need to each city, town and county in the region. Each local government must then update the Housing Element of its general plan to show the locations where housing can be built and the policies and strategies necessary to meet the community's housing needs."



Sources: City of Brisbane 2003, 2018 SEPTEMBER 2021

Figure 3.13-7 Planned Land Uses—East Brisbane Light Maintenance Facility Area with Baylands Specific Plan boundaries and Brisbane General Plan land use categories added.

The LMF creates several specific constraints on the production of housing

As shown in Figure 3.13-7, construction of the East LMF would result in the Authority would take not only a substantial portion of the area east of the Caltrain right-of-way but also the northeastern portion of the area with General Plan approval for development of 1,800 to 2,200 transit-oriented dwelling units. The residential land the Authority proposes to take would be used for construction of a rail "flyover" bridge over the Caltrain right-of-way to provide rail access for southbound trains into the LMF. The Authority also proposes to extend Sunnydale Avenue from San Francisco into Brisbane through the Baylands' planned residential area to create vehicular access to a proposed drop-off area for the Bayshore Caltrain station's west platform. The terminus of Sunnydale Avenue as proposed by the Authority would be beneath the LMF' s rail flyover bridge.

The most northerly portion of the flyover will be located on an embankment contained by a retaining wall up to 19 feet in height facing the Baylands residential area. South of this retaining wall, the flyover will be on a bridge structure up to 30 feet high crossing over the existing Caltrain rail line. Because the up to 19-foot retaining wall and bridge structure will be constructed just a couple of feet from edge of the Authority's the right-of-way, additional land within the Baylands outside of the Authority's right-of-way will needed to buffer Baylands residential development from the Authority's flyover's, including its retaining wall and bridge structure.

Additional constraints on the production of housing within the Baylands consists of (1) noise that will be generated at the LMF by trains moving in and out of the LMF, (2) nighttime lighting of the entire 100+ acre LMF, visual impacts, and (3) disruption to connectivity of residential neighborhoods within the Baylands caused by forcing the profile of the Geneva Avenue extension to be raised by 30 feet higher than was analyzed in the PSR for the Geneva Avenue extension. Each of these constraints is discussed below.

LMF Generated Noise

Final EIR/EIS Impact LU#6 concludes that "increased noise associated with operation of Alternatives A and B would be significant under CEQA because increased train service would result in noise levels that exceed the conditionally acceptable noise limits established in the Brisbane General Plan and could result in a change in planned land use patterns by pushing planned development further out from the mainline track alignments." The Final EIR/EIS fails to disclose, however, that the Brisbane General Plan established noise standards by including the state's Land Use Compatibility figure in the General Plan. In addition, as previously noted, even though the LMF is proposed to operate on a 24/7 basis, the Final EIR/EIS fails to analyze and disclose the actual nighttime noise levels that would be generated at the Brisbane LMF or whether peak nighttime noise levels from LMF operations would cause sleep disturbance for future Baylands and Brisbane residents. While the Final EIR/EIS analyzes noise impacts in

relation to General Plan noise guidelines, it fails to analyze whether noise generated by the LMF, and its operations would exceed the noise generation standards set forth in the City's Municipal Code. This makes the Final EIR/EIS noise impact analysis, and land use impact analysis that relies on it, legally inadequate. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 894.)

To mitigate noise impacts, the Final EIR/EIS proposes Mitigation Measure LU-MM#1, which identifies three options, one of more of which would be implemented to meet City noise standards. The first option identified in the EIR/EIS is construction of noise barriers up to 16 feet in height. The Final EIR/EIS modeled the effectiveness of noise barriers up to 16 feet in height. Such noise barriers could be visually intrusive and would not be effective above the second floor of a residential structure . The Final EIR/EIS fails to acknowledge that use of noise barriers up to 16 feet in height would require use of land otherwise available for housing development to be devoted to buffering the visual intrusiveness of these barriers.

Recognizing the visual intrusiveness of walls as noise barriers, the Final EIR/EIS states, "Berm and berm/wall combinations are the preferred types of noise barriers where space and other environmental constraints permit." The Final EIR/EIS does not, however, disclose that using berms for noise attenuation will require additional loss of land to crate side slopes along the berms.

The third option overed as part of Mitigation Measure LU-MM#1 consists of installing building sound insulation. As sated on Final EIR/EIS page 3.13-77, noise reductions of 5 to 10 dBA "can often be achieved by adding an extra layer of glazing to windows, by sealing holes in exterior surfaces that act as sound leaks, and by providing forced ventilation and air conditioning **so that windows do not need to be opened**. With noise barriers and building sound insulation, residential uses within 40 feet of the tracks can be conditionally acceptable for first and second floors but may not be for third floors" (emphasis added).

The final option mitigation option identified in Mitigation Measure LU-MM#1 is "building placement," i.e., pushing residential uses away from the Caltrain rail corridor. As stated on Final EIR/EIS page 3.13-77:

> "Noise barriers and building insulation will be able to reduce noise levels for residential and commercial uses within 40 feet of the tracks on the first and second floors as well as third floors for commercial uses. Noise levels within 40 feet of the tracks for third-floor residences may still be unacceptable if noise barriers are limited to 16 feet. In mixed-use areas, commercial uses could be placed closer to the tracks to buffer residential uses and/or residential uses could be set back from track areas to attenuate noise from trains to a conditionally acceptable level."

Pushing residential development away from the rail line would substantially reduce the area available for residential development within the Baylands. Placing a series of commercial

buildings along the west side of the Caltrain corridor as a noise buffer for Baylands would also have the effect of eliminating views of San Francisco Bay from the Baylands residential areas.

Thus, no matter what solution is ultimately implemented, noise generated by high-speed rail and LMF operations would substantially constrain the production of housing within the Baylands.

LMF Generated Nighttime Lighting

Final EIR/EIS states that LMF nighttime lighting "would be visible from future planned uses in adjacent areas. The maintenance building and other facilities would be lit through the night, contributing to increases in nighttime light levels." The Final EIR/EIS addresses the impacts of nighttime lighting solely in terms of light spillage, asserting that because lighting of the 100+ acre facility for worker safety and security would be directed downward, lighting from the LMF would not spill over onto adjacent land uses within the Baylands and "would not be expected to affect the habitability of planned uses (e.g., residences) such that a substantial change in planned land use patterns would occur."

However, no information is provided in the Final EIR/EIS regarding proposed nighttime lighting levels across the 100+ acre LMF and the extent to which the nighttime lighting of such a large area would be visible from adjacent residential uses within the Baylands. As a result, the Final EIR/EIS fails to analyze the extent to which nighttime lighting of the LMF might adversely affect the areas dark night sky and nighttime views of lights in the Oakland Hills beyond San Francisco Bay. While the Final EIR/EIS states that LMF lighting design will limit the radiance of its nighttime lighting, the EIR/EIS does not provide any enforceable standards to prevent adverse effects on the area's dark night sky and nighttime views of distant lights. Thus, nighttime lighting of an area as large as the proposed Brisbane LMF would make Baylands housing substantially less desirable and marketable, and constitute a constraint on the production of housing on adjacent lands within the Baylands.

Forcing the profile of the Geneva Avenue extension to be raised by 30 feet

As previously discussed, the Authority's proposed flyover rail access to the LMF requires substantial changes to the proposed Geneva Avenue extension for which a Project Study Report was prepared in 2014. This is a vital part of Bi-County (San Francisco, San Mateo) vehicular and transit transportation plans, and has long been including in Brisbane's General Plan Transportation Element. Construction of the Geneva Avenue extension from Bayshore Boulevard to the US 101 freeway is vital to provide adequate access for Baylands development and the approved Schlage Lock development, as well as to provide access from large-scale developments such as redevelopment of the Hunters Point Shipyard to the Bayshore Caltrain Station via dedicated lands along the extension for bus rapid transit.

As discussed above, raising the profile of the Geneva Avenue bridge by 30 feet to provide adequate clearance above the Authority's flyover rail access to the LMF, would more than double the height of the Geneva Avenue bridge as much as approximately 70 feet above adjacent grade and require the previously designed Geneva Avenue bridge structure to be lengthened 1,000 to 1,200 feet. The taller, longer bridge structure needed for Geneva Avenue because of the LMF would significantly increase the visual intrusiveness of the bridge.

In addition, because it would not be feasible to raise the ground level of lands within the residential portion of the Baylands, opportunities for commercial frontage within mixed use buildings along much of Geneva Avenue west of the Caltrain right-of-way would be lost. The ability to provide vehicular, pedestrian, and bicycle access between residential areas to the north and south of the Geneva Avenue extension via at-grade crossings would generally be limited to the western half of the Baylands' residential areas, requiring some north-south streets crossing Geneva Avenue to be grade-separated and pass under the bridge. The overall result would be an inefficient internal roadway system serving the Baylands' residential areas which will be divided north from south by a large and visually foreboding bridge structure.

Based on the above analysis forcing the profile of the Geneva Avenue extension to be raised by 30 feet would cause land use conflicts that make Baylands housing substantially less desirable and marketable and would thereby constitute a constraint on the production of housing on lands within the Baylands.

Development of the East LMF would also result in a substantial loss of open space available for future Baylands residents and reduce the desirability of a proposed park along the north side of the Brisbane Lagoon. This, in turn, would result in a corollary loss of open space that is critical for a housing development. Visitation Creek has long been planned as part of a passive park featuring habitat restoration and enhancement with adjacent pedestrian and bicycle trails from Bayshore Boulevard to Sierra Point Parkway. This valuable open space resource would be largely lost when the Authority places nearly 1,000 linear feet of the creek into an underground channel. In addition, the recreational experience of a passive park adjacent to restore habitat along the north side of the Brisbane Lagoon would be marred by continuous rail maintenance activities in the LMF north of the park.

Excavation and disposal of massive amounts of landfill solid waste violate public policies

Excavation of more than 2.0 million cubic yards of solid waste within the former Brisbane Landfill for re-burial at the Corinda Los Trancos (23 miles from Brisbane) and Kettleman Hills (210 miles from Brisbane) landfills is inconsistent with statewide policies for the diversion of solid waste from landfills. The energy required for the more than 125,000 truck trips to those landfills to haul solid waste for re-burial would be highly wasteful.

The State of California has a long-standing policy to reduce the generation of solid waste and to divert the solid waste that is generated in the state from being landfills through implementation of reuse and recycling programs. Despite this longstanding state policy, the High-Speed Rail Authority proposes excavate over 2.0 million cubic yards of solid waste within the former Brisbane Landfill and re-bury it in the Corinda Los Trancos Class I Landfill (1,875,500 cubic yards of non-hazardous waste) and the Kettleman Hills Class I Landfill (208,380 cubic yards of hazardous waste). The Final EIR/EIS concludes that impacts related to temporary solid and hazardous waste generation would be a less-than-significant impact under CEQA because (1) solid waste generated by the Project would not exceed the total permitted disposal capacity of existing solid waste disposal facilities between San Francisco and San Jose, (2) hazardous waste generation would not exceed the total permitted disposal capacity of existing hazardous waste disposal facilities in California, and (3) the Project would not require construction and permitting of any new solid waste disposal or hazardous waste.

The entire discussion relevant to the Project's consistency with state policy for reduction of solid waste consists of the following text on pages 3.6-9 and 3.6-10 of the Final EIR/EIS:

> "As indicated in Section 3.1.5.3, Consistency with Plans and Laws, CEQA and Council on Environmental Quality (CEQ) regulations require a discussion of inconsistencies or conflicts between a proposed undertaking and federal, state, regional, or local plans and laws. Accordingly, this Final EIR/EIS describes the inconsistency of the project alternatives with federal, state, regional, and local plans and laws to provide planning context.
>
> "There are a number of federal and state laws and implementing regulations listed in Section 3.6.2.1 and Section 3.6.2.2, State, that direct the use of public utilities and energy. A summary of the federal and state requirements considered in this analysis follows:
>
> · "The Integrated Waste Management Act regulates generation and disposal of waste in California, and mandates a reduction of waste being disposed. The Local Government Construction and Demolition Guide assists jurisdictions with diverting their C&D material, with a primary focus on CalRecycle."
>
> "The Authority, as the lead agency proposing to construct and operate the HSR system, must comply with all federal and state laws and regulations, and secure all applicable federal and state permits prior to initiating construction on the selected alternative. Therefore, there would be no inconsistencies between the project alternatives and these federal and state laws and regulations."

The Final EIR/EIS provides no analysis or explanation as to how excavation of 2,083,880 cubic yards of solid waste from the former Brisbane Landfill to be re-buried in the Corinda Los Trancos Class I Landfill (1,875,500 cubic yards of non-hazardous waste) and the Kettleman Hills Class I Landfill (208,380 cubic yards of hazardous waste) can be considered consistent with the

Integrated Waste Management Act, which mandates a reduction of waste being disposed. At a minimum, the Final EIR/EIS fails to acknowledge that excavation of solid waste from the former Brisbane Landfill for re-burial in other landfills is inconsistent with state policy and therefore would cause a significant unavoidable because it would "generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure**, or otherwise impair the attainment of solid waste reduction goals.**" (See to CEQA Guidelines Appendix G, Question XI d, emphasis added.)

manatt

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May 26, 2022

Client-Matter: 23890-033

VIA EMAIL AND ELECTRONIC SUBMISSION TO REGULATIONS.GOV

Federal Railroad Administration and Department of Transportation
Draft General Conformity Determination (Docket No. FRA-2022-0026)
California High-Speed Rail System – San Francisco to San José Project Section

Re: Comments by the City of Brisbane, California, on the Draft General Conformity Determination (Docket No. FRA-2022-0026) for the San Francisco to San José Section of the California High Speed Rail System

To Whom It May Concern:

We represent the City of Brisbane (City) in the above-reference matter and, on its behalf, provide this comment letter regarding the Draft General Conformity Determination (Draft GCD) for the California High-Speed Rail (HSR) System's San Francisco to San José Project Section (Project). The Draft GCD (Docket No. FRA-2022-0026) for the Project utilizes the Project's Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS),[1] which is "where appropriate, integrated into this draft General Conformity Determination." (Draft GCD, p. 1-1.)

The Draft GCD concludes that "Project-generated emissions will either be offset for its construction phase or will be less than zero for its operational phase, and that the Project's emissions can be accommodated in the Statewide Implementation Plan for the San Francisco Bay Area Air Basin."[2] However, as discussed below, the Draft GCD findings are erroneous because it is based upon the Project's EIR/EIS, which provides inaccurate and incomplete information. The EIR/EIS's deficiencies related to the analysis of air quality impacts prohibit the Federal Railroad Administration (FRA) and

[1] The San Francisco to San José Project Section Draft Environmental Impact Report/Environmental Impact Statement is available at the following link: https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-francisco-to-san-jose-project-section-draft-environmental-impact-report-environmental-impact-statement/.

[2] Notice of Draft General Conformity Determination for the California High-Speed Rail System San Francisco to San José (Docket No. FRA-2022-0026), available here: https://www.govinfo.gov/content/pkg/FR-2022-05-02/pdf/2022-09331.pdf.

Department of Transportation (DOT) from making a sufficient General Conformity Determination.

I. THE HIGH-SPEED RAIL SAN FRANCISCO TO SAN JOSÉ PROJECT SECTION DRAFT EIR/EIS CONTAINS DEFICIENCIES THAT PROHIBIT A GENERAL CONFORMITY DETERMINATION

The City submitted a comment letter dated September 8, 2020 on the Draft EIR/EIS for the HSR San Francisco to San José Project Section. (City of Brisbane Draft EIR/EIS Comment Letter [referenced as "BCL"], provided as an Attachment to this correspondence.) The City's comments demonstrate that the Draft EIR/EIS fails to meet the requirements of the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 et seq.), the National Environmental Policy Act (NEPA, 42 U.S.C. § 4321 et seq.), and numerous other environmental laws. The Draft EIR/EIS fails to include a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences.

Specifically, the deficiencies of the EIR/EIS's air quality impact analysis that prohibit an accurate GCD include the following:

1. The EIR/EIS fails to recognize that construction of the Light Maintenance Facility (LMF) requires truck hauling of approximately 3 million cubic yards of contaminated soils for the West LMF. (BCL, pp. 3, 99; Draft EIR/EIS, Table 3.8-16.) The EIR/EIS also fails to recognize that the East LMF is located on the site of a former landfill and requires an undisclosed amount of truck hauling to remove soil cover and municipal waste to bring the East LMF to grade, which would cause significant impacts on air quality, as well as transportation, greenhouse gas, and solid waste disposal systems. (BCL, pp. 9, 70; Draft EIR/EIS, Table 2-25; Draft EIR/EIS *Geology, Soils, and Seismicity Technical Report*, pp. 5-33.)

2. The EIR/EIS lacks information regarding site remediation for sites UPC-OU-SM and UPC-OU-2 (West LMF) as well as Title 27 landfill closure requirements (East LMF), which is necessary for a comprehensive air quality analysis. (BCL, pp. 3, 9-11, 60, 66, 69-71, 81; Draft EIR/EIS, p. 3.10-39.)

3. The EIR/EIS's air quality impact analysis improperly relies on artificially inflated estimates of HSR ridership to offset the Project's significant

operational impacts and avoids implementation of sufficient mitigation measures. (BCL, pp. 14, 30, 122; Draft EIR/EIS, pp. 2-111-113, Table 2-18.)

a. Insufficient evidence is presented to show that the ridership estimates are accurate, especially in light of the long-term reductions in intercity travel and rail transit likely to be caused by COVID-19 changes in travel behavior. (Draft EIR/EIS, pp. 2-111-113, Table 2-18.)

b. The Draft EIR/EIS only uses medium and high ridership numbers to analyze Project benefits; a low ridership scenario analysis adjusted for long-term effects of COVID-19 on ridership (e.g., reduced business travel due to increased use of virtual meetings) is required to sufficiently inform the decision makers and public. (Draft EIR/EIS, pp. 2-111-113, Table 2-18.)

4. The EIR/EIS also lacks certainty regarding the hauling of offsite LMF construction waste, including the number of truck trips for such hauling, the waste classifications, and the Vehicle Miles Traveled (VMT) associated with these truck trips. (BCL, pp. 43-48.) The additional discussion of this necessary information would likely result in substantial changes to the air quality analysis, which relies on estimated construction VMT by vehicle type, as well other resource areas such as traffic analysis, noise, and greenhouse gas analysis.

   a. To provide adequate analysis, the EIR/EIS should have, but failed to, quantify the number of truck trips, based on the volume of excavated materials to be hauled, and analyze their impacts on intersection impacts and traffic delays. (BCL, pp. 43-48; See Draft EIR/EIS, Sections 3.2 *Transportation*.) The EIR/EIS also failed to describe the duration of the hauling of material, the number of trucks per day, planned truck routes, and time periods during the day when hauling trucks are allowed.

5. Air quality construction mitigation measures are inadequate because they are too uncertain to be effective. (BCL, pp. 48, 51; Draft EIR/EIS, pp. 3.3-90-91.)

   a. The EIR/EIS's Mitigation Measure AQ-MM#1 (Offset Project Construction Emissions in the San Francisco Bay Area Air Basin) lacks essential information such that it is not effective mitigation. The amount of the mitigation fee, the timing of payment, and the offset projects to which it

would be applied are not specified such that there is no evidence presented to demonstrate that mitigation will actually result. (BCL, pp. 48, 51; Draft EIR/EIS, pp. 3.3-90-91.)

b. Mitigation Measure AQ-MM#1 inappropriately resorts straight to an uncertain and improperly deferred mitigation fee approach without first proposing implementation of all feasible onsite mitigation measures, which includes the Bay Area Air Quality Management District (BAAQMD) list of construction mitigation measures. These BAAQMD measures are commonly used as CEQA construction mitigation measures in Bay Area projects because such measures' implementation is more certain and enforceable. (BCL, pp. 51.) The BAAQMD measures should have been added to Mitigation Measure AQ-MM#1 and their effectiveness in reducing emissions should be quantified using BAAQMD guidance before offset fees are considered to mitigate residual impacts that cannot be mitigated onsite.

II. CONCLUSION

As described in the Draft GCD, a federal agency's conformity determination must demonstrate that the federal action would not cause or contribute to new violations of air quality standards, exacerbate existing violations, or interfere with timely attainment or required interim emissions reductions towards attainment. (Draft GCD, p. 1-1.) Because the Draft EIR/EIS utterly fails to provide a sufficient degree of analysis to allow an adequate assessment of environmental impacts, including air quality impacts, the Draft GCD is based on inadequate information and its conclusions and findings are erroneous. FRA and DOT must reevaluate the findings within the Draft GCD after the EIR/EIS is corrected and updated with more accurate and complete information necessary for a sufficient General Conformity Determination.

Sincerely,

David C. Smith

DCS:dcs

Attachment: City of Brisbane's September 8, 2020 Comment Letter on the California High Speed Rail San Francisco to San José Project Section Draft EIR/EIS

cc: City Council Members
Thomas McMorrow, City Attorney
Clay Holstine, City Manager

Metis Environmental Group

437 Alcatraz Avenue
Oakland, CA 94609

Lloyd Zola

EDUCATION

Bachelor of Arts, Urban Studies, 1974

California State University, Los Angeles

Professional Experience

As a consulting planner, Lloyd provides expertise in resolution of complex planning, environmental, and development issues; general plans and public policy formulation; public participation programs; environmental documentation; and the coordination of environmental, project design, and policy formulation and implementation.

Lloyd has been retained as an expert witness, assisting cities in defense of adult business ordinances, religious land use claims, hillside ordinances, and inverse condemnation.

Lloyd's planning expertise has evolved through the preparation of general plans, specific plans, commercial/industrial development projects, and related environmental documents as a private consultant, public agency planner, and private development company project manager. He has considerable experience in "environmental strategy," assisting in the coordination of development design with up-front environmental analysis and mitigation. Lloyd has a unique ability to organize and manage public participation programs and consensus building efforts, and is a trained mediator. He has managed environmental analyses for large-scale residential, commercial/industrial, recreation, and public works projects, as well as public community planning projects.

Awards

- *Outstanding Planning Award – Small Jurisdiction*: Sixth Street Specific Plan. Awarded by the Inland Empire Section, American Planning Association.
- *Outstanding Planning Award – Small Jurisdiction*: Ojai General Plan Land Use and Circulation Elements. Awarded by the California Chapter, American Planning Association.
- *Outstanding Planning Award – Large Jurisdiction*: California Speedway and Speedway Business Park. Awarded by the Inland Empire Section, American Planning Association.
- *Outstanding Planning Award – Comprehensive Planning*: Calabasas General Plan. Awarded by the Los Angeles Section, American Planning Association.
- *Distinguished Leadership Award:* Awarded by the Inland Empire Section, American Planning Association.

Work History

Metis Environmental Group

Oakland, California
Partner
2014 - Present

Serving as project director or project manager of large, complex community and environmental planning projects. Responsible for development of environmental analyses and mitigation strategies; preparation of environmental evaluations and documentation pursuant to CEQA; Specific Plan and ordinance preparation; and assistance with local, regional, state, and federal permitting and entitlement processes.

Environmental Science Associates

Los Angeles, California
Sr. Vice President, Community Development Practice Leader
2010 - 2014

Responsible for organization development, strategic planning, and training for ESA's Community Development program; development of comprehensive plans for entire communities, coastal planning, and site planning for individual properties; environmental evaluations and documentation pursuant to CEQA, NEPA, and other agency regulations; entitlement processing; and assistance with local, regional, state, and federal permitting and entitlement processes.

HDR, INC.

Riverside, California
West Region Director of Community Planning
2005 - 2010

Responsible for management and preparation of planning and environmental documents for large, complex land development and infrastructure projects. Also responsible for organization development and strategic planning for HDR's Community Planning program throughout the western United States.

LSA Associates, Inc.

Riverside, California
Principal/Associate/Project Manager
1994 - 2005

Responsible for management and preparation of planning documents for complex planning programs, including multi-jurisdictional planning efforts, community-wide General Plan efforts, and site-specific development plans. Served as project manager of the award-winning Ojai General Plan Land Use and Circulation General Plan Elements.

Also served as project manager for the California Speedway and adjacent business park on the former site of the Kaiser steel mill in Fontana, California.

Planning Network

Rancho Cucamonga, California
President,
1983 - 1994

In addition to administrative responsibilities, responsible for overall project strategy and quality control, design and implementation of public participation programs, and presentations before administrative and legislative bodies. Directly prepared all or portions of planning documents and reports of unusual complexity, including General Plans, specific plans, and performance standards for new development. Served as project manager of general plans, specific plans, and environmental impact reports. Prepared hillside development guidelines for the cities of Lancaster, Hemet, and Calabasas as part of General Plan update programs. Served as project manager for the preparation of commercial/industrial specific plans covering several thousand acres of land in the cities of Ontario, Rancho Cucamonga, Chino, Palmdale, and Fontana.

L. D. King Engineering

Ontario, California
Project Manager/Director of Planning
1980 - 1983

Responsible for management and preparation of planning documents, including specific plans and environmental impact reports. As Director of Planning, supervised staff of six project managers, planners, and graphic technicians. Prepared analysis and provided expert testimony for the Quechan Tribe of the Fort Yuma Indian Reservation as part of the adjudication of water rights along the Colorado River, including determination of those lands within the reservation which were “practicably irrigable” (could be commercially farmed).

Covington Technologies

Fullerton, California
Project Manager
1979 - 1980

Responsible for securing entitlements for residential developments ranging in size from 10 to 1,280 acres, including specific plans, tentative and final tract maps, infrastructure improvement plans, and building permits. Supervised and administered the contracts of civil engineers and other consultants.

Riverside County, California
Senior Planner/Planner II,
1976 - 1979

Prepared and later supervised the preparation of area general plans as part of the County's overall general plan program. Prepared a manual for department use on the methodology for area general plan formulation. Responsible for review and recommendations on general plan amendments being processed by the County. Served as staff to the County Open Space Resources Committee whose responsibility was to review and make recommendations to the Board of Supervisors regarding the creation, enlargement, and cancellation of agricultural preserve contracts pursuant to the Williamson Act.

San Joaquin County, California
Planner I
1975 - 1976

Responsible for preparation of the Safety, Seismic Safety, and Scenic Highways elements of the County General Plan. Conducted detailed studies and provided land use recommendations for portions of the Land Use Element, which were later incorporated into the plan. Prepared analyses of proposed state legislation affecting agricultural land preservation.

City of Concord, California
Junior Planner
1974-1975

Prepared a citywide neighborhood analysis to be used for evaluating Community Development Block Grant requests. As part of this analysis, conducted a demographic and land use analysis of the City to identify residential, commercial, and industrial planning areas and their distinguishing characteristics.

Community Planning Selected Experience

Building Industry Association of Southern, San Bernardino County General Plan Update Review, San Bernardino, CA. The Baldy View Chapter of the Building Industry Association (Baldy View BIA) retained Lloyd to represent Baldy View BIA in review of the 2007 County of San Bernardino General Plan Update. Lloyd was responsible for reviewing proposed updated General Plan, Community Plans, and Development Code. Lloyd represented the Baldy View BIA at meetings with County planning and Supervisors' staffs to discuss concerns and solutions to potential problems in the General Plan update program. Through a series of meetings, suggested revisions, and

additional review, consensus was achieved concerning the General Plan update. Lloyd also represented the Baldy View BIA at the public hearings before the Planning Commission and Board of Supervisors.

Colonies Partnership, The Colonies at San Antonio, Upland, California. Lloyd was responsible for preparation of the Colonies at San Antonio Specific Plan, involving a multi-disciplinary team to plan and design the community. A key part of the design of the specific plan involved reuse of an abandoned surface mine and negotiations for mitigation of wetlands and waters of the United States that were present within the project site. Lloyd developed and implemented a strategy that demonstrated independent utility for Phase 1 development, facilitating development of Phase 1 and creating cash flow for the project while more complex planning and regulatory permit processing was undertaken for subsequent phases of development. Lloyd also prepared comprehensive zoning regulations for the specific plan area, and provided design guidelines for high-density mixed-use development within one of the specific plan's development areas. He was subsequently retained to develop design regulations and environmental documentation to prepare freeway-oriented LED changeable message board regulations and integrate those regulations into the project's sign program.

City of Malibu, Local Coastal Program, Malibu, CA. The City of Malibu retained Lloyd to provide technical input and represent the City as Coastal Commission staff prepared the Local Coastal Program for the City. Lloyd represented the City in meetings with Coastal Commission staff, undertook planning review of the Coastal Land Use Plan prepared by Coastal Commission staff, and advised City staff and elected officials regarding the proposed provisions of the Coastal Land Use Plan. As part of this effort, Lloyd also prepared substantial portions of the Coastal Local Implementation Plan (zoning ordinance), and worked with Coastal Commission staff to integrate City-prepared and Commission staff-prepared sections into a cohesive document.

Ontario Mills, Ontario, CA. Lloyd served as the project manager and primary author for Specific Plan and related Environmental Impact Report for development of the 1.0+ million square foot Ontario Mills mall at the junction of the I-10 and I-15 freeways. The Specific Plan involved coordination between the four property owner/developers involved in the development and their proposed land exchanges. Key project-related issues included traffic, road alignments, and coordination of proposed roadway improvements with the City of Rancho Cucamonga, whose city limits were immediately north of the mall.

City of Pico Rivera, General Plan Update and EIR, Pico Rivera, CA. Lloyd served as the project director for the 2014 update of the City's General Plan, having previously served as the project manager and primary author of the City's 1993 General Plan. A key feature of the update programs was extensive bilingual community outreach.

San Bernardino County Commercial Solar Energy Generation Facilities Ordinance, San Bernardino County, CA. Lloyd was retained by the County of San Bernardino to prepare an ordinance governing the development of commercial solar energy generation facilities in the County. Lloyd produced the ordinance, which contains detailed development standards to address substantial land use compatibility issues occurring under the County's previous ordinance, on a fast track schedule to meet the County's need to replace its previous emergency ordinance.

City of San Dimas Hillside Development Regulations, San Dimas, California. Lloyd was retained by the City of San Dimas to prepare hillside development regulations for the northern portion of the City, replacing existing hillside zoning requirements.

City of Shafter General Plan Update and EIR, Shafter, CA. Lloyd served as the project manager and primary author for the City's General Plan update and EIR. As part of this effort, Lloyd also supervised preparation of a Municipal Services Review in support of the City's request to LAFCO for a substantial increase in its sphere of influence and subsequent annexations. The EIR prepared for the General Plan addressed not only the impacts of the proposed General Plan update, but also the impacts of expanding the City's boundaries by approximately 50 percent, two large scale specific plans, and a proposed cancellation of agricultural preserve contracts covering approximately 1,000 acres within the proposed annexation area. As part of this effort, Lloyd assisted the City to develop a streamlined CEQA process that has successfully streamlined review of development projects consistent with the updated General Plan.

City of Shafter Housing and Air Quality Elements, Shafter, CA. Lloyd served as project manager for the successful update of the City's Housing Element, including securing the California Department of Housing and Community Department's concurrence with the updated element. Lloyd also prepared the City's required Air Quality Element, including securing approval of the element by the San Joaquin Valley Air Quality Protection District.

City of Shafter Environmental Justice Element, SB 743 Implementation, and AB 617 Assistance, Shafter, CA. Lloyd has been retained to prepare an Environmental Justice Element for the City to implement the provisions of SB 1000. As part of this effort, he developed goals, objectives, and policies related to providing meaningful opportunities for civic involvement by disadvantaged residents, promoting social equity in public policy decisions, maintaining a healthy community, and simultaneously addressing both

reduce the unique and compounded health risks the community's disadvantaged residents face, and at the same time increase residents' access to employment opportunities. Lloyd is currently engaged in developing environmental thresholds and methodologies for CEQA transportation impact analyses addressing vehicle miles travelled rather than traditional level of service congestion metrics. Lloyd also provided technical and strategy assistance to public officials in relation to the City's participation in a Community Emissions Reduction Program conducted by the San Joaquin Valley Air Quality Protection District for the Shafter community.

Sixth Street Specific Plan, Norco, California. Lloyd was retained to prepare a specific plan for the Sixth Street corridor. Sixth Street served as Norco's primary local business area, encompassing the majority of the City's equestrian-oriented businesses. As part of the specific plan, Lloyd developed special home occupation requirements to provide a broader range of permitted uses for remaining single-family homes within the commercial corridor.

Summit at Rosena Specific Plan, Fontana, California. Lloyd was retained to prepare a specific plan, including comprehensive development regulations for a 900+ unit planning community in the City of Fontana. He was also responsible for entitlement processing of the Specific Plan through approval by the Fontana City Council.

Ventura Freeway Corridor Areawide Plan and EIR, Los Angeles County, CA. Lloyd served as the project manager and primary author for a joint planning effort between Los Angeles County and the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village; Las Virgenes Unified School District, Las Virgenes Municipal Water District; and the National Park Service. The purpose of this large-scale planning effort was to prepare Los Angeles County's community plan for the Santa Monica Mountains area, ensure compatible land use and consistent development standards throughout the area's incorporated and unincorporated areas, ensure coordination between planning by the five municipal entities and the Santa Monica Mountains National Recreation Area, and provide a firm basis for master planning efforts by the area's two largest special district service providers. As part of this effort, Lloyd undertook a substantial public outreach effort involving a policy committee made up of elected officials, a 30-member citizens committee, and a staff-level technical committee. Lloyd was subsequently retained by Los Angeles County to provide environmental documentation for the ridgeline protection ordinance that was prepared to implement the Areawide Plan.

West Valley Logistics Center, Fontana, California. Lloyd prepared a specific plan, including comprehensive development regulations for a 3.2 million square foot warehousing complex in the City of Fontana. The Logistics Center was proposed

adjacent to residential neighborhoods within unincorporated San Bernardino County. As a result, the Specific Plan included a truck routing plan, noise mitigation, and detailed environmental performance standards.

CEQA Documentation Selected Experience

Residential | Mixed-Use Communities |Industrial

Brisbane Baylands, Brisbane CA. Lloyd directed preparation of the Program Environmental Impact Report for the proposed development of the 733-acre site. The project was highly controversial, and would more than double the population and commercial/business park square footage of this small community south of San Francisco. Under Lloyd's direction, the Program EIR addressed a complex development proposal, including four development scenarios at an equal level of detail along with additional alternatives at a lesser level of detail, a proposed water transfer agreement between the City, Oakdale Irrigation District and two other agencies, remediation of a former rail yard and final closure of a former landfill in compliance with Title 27 requirements. In addition to the Program EIR, Lloyd assisted the City define the project's approval process and the relationship between the complex planning and environmental review processes. Lloyd also provided planning expertise to assist the City develop the General Plan amendment that was ultimately adopted and assisted the Planning Commission and City Council in their planning deliberations. Lloyd also conducted community outreach related to the EIR, including a series of four EIR presentation workshops and three presentations to various community groups. Subsequent to adoption of the Baylands General Plan amendment, Lloyd was retained to prepare needed General Plan amendments to address EIR mitigation measures and facilitate implementation of SB 743 requirements for CEQA analysis of vehicle miles travelled, rather than congestion metrics. He also prepared environmental documentation for these amendments. Subsequent to certification of the Final Program EIR, Lloyd prepared a follow-up General Plan Amendment and EIR Addendum to address roadway performance standards in compliance with SB 743. Lloyd also prepared an EIR Addendum to permit importation of bay mud soils for future use as a landfill cap.

Rancho La Habra Specific Plan EIR, La Habra CA. Lloyd served as the project manager and primary author for this EIR addressing the proposed conversion of an existing golf course to a planned residential community. In addition to the impacts of proposed site grading and development, the EIR addressed impacts and mitigation associated with the applicant's request for vacation of onsite deed restrictions originally provided as

mitigation for impacts to wetland areas caused by caused by construction of the existing golf course.

Transit Oriented Development EIRs for Downtown Inglewood, Fairview Heights, Westchester/Veterans, and Crenshaw/Imperial, Inglewood, CA. Lloyd served as the Project Manager for an EIR addressing TOD plans for high density, mixed-use transit-oriented development adjacent to two stations being constructed along the new Metro line to the Los Angeles International Airport and a second EIR addressing TOD plans adjacent to two other Los Angeles Metro light rail stations. Each of the two EIRs address impacts of increased development density within two distinct planning areas, encompassing a total of 1,238 acres.

Willowbrook Specific Plan EIR, Los Angeles, CA. Lloyd provided senior review for the EIR addressing the County's proposed transit-oriented development adjacent to the Willowbrook/Rosa Parks Station along the Metro Blue and Green lines in the unincorporated Willowbrook community. The EIR also addressed proposed expansion of the Martin Luther King, Jr. Center for Public Health and the Charles R. Drew University of Medicine and Science. Lloyd was also tasked with resolving conflicts between proposed TOD features of proposed development plans with previous mitigation measures adopted for Phase 1 of the MLK Medical Center expansion.

City of Glendora, Hillside Initiative Ordinance Analysis, Glendora, CA. Under contract to the City, Lloyd undertook an evaluation of a proposed Initiative Ordinance. The evaluation included a summary matrix that lent itself to easy public distribution. Lloyd worked closely with the City Attorney's office and Glendora's Planning and Engineering staff to ensure that the report was factually accurate and non-biased. He presented the report to the City Council in a public session attended by over 200 citizens, and the report was distributed to citizens throughout the city.

Public Policy Documents

Pleasanton Climate Action Plan and General Plan Update EIR, Pleasanton, CA. Lloyd provided senior leadership and directed preparation of an EIR to support a Climate Action Plan (CAP) and Housing Element update to reduce community-wide greenhouse gas emissions and help settle two separate lawsuits. Lloyd was responsible for ensuring consistent approaches to the CAP and CEQA documentation for the CAP and Housing Element, and was instrumental in defining the General Plan Amendment to increase housing availability as the common element that allowed the City to prepare a single EIR for both the CAP and Housing Element.

Riverside County Integrated Project, Riverside County, CA. Lloyd served as the environmental director for this large-scale planning and environmental documentation program, overseeing a $5.0 million CEQA/NEPA documentation program. He was

responsible for overall direction and coordination of four related environmental documents, including preparation of an integrated environmental and planning database for Riverside County, the EIR for Riverside County's comprehensive General Plan update (for which he also served as project manager), an EIR/EIS for a multi-species habitat conservation plan (MSHCP) covering the western portion of the County (including incorporated cities), and CEQA/NEPA documents for two intra-county transportation corridors.

Public Facilities

City of Brisbane, New Brisbane Library IS-MND, Brisbane, CA, *Project Manager*. Lloyd served as Project Manager for CEQA documentation for the City proposed new library. As part of this effort, Lloyd was responsible for coordination between the City's Public Works and Community Development Departments to ensure timely completion of the Initial Study – Mitigated Negative Declaration.

City of Delano, Wastewater Treatment Plant MND, Delano, CA, *Project Manager*. Lloyd assisted the City of Delano with the proposed expansion of its existing municipal wastewater treatment facility by preparing environmental documentation pursuant to the provisions of CEQA and NEPA. The City proposed to expand the capacity of its existing facility by approximately 8.8 million gallons per day to provide wastewater capacity for current and future residents until over a 20-year period.

Coronado Lifeguard Public Safety Service Building EIR, Coronado, CA. Subsequent to a court ruling that the City's Mitigated Negative Declaration was inadequate, Lloyd was retained to direct preparation of an EIR for the proposed construction of a Lifeguard Public Safety Service Building. The Lifeguard Services Building was the third and final component of a program of beach facilities improvements undertaken by the City of Coronado under its Beach Facilities Master Plan. The EIR was successfully prepared and certified without legal challenge.

Entertainment Venues Experience

Auto Club (formerly California) Speedway / Conversion of the Kaiser Fontana Steel Mill, Fontana, CA. Lloyd served as the consultant project manager for planning, technical studies, and entitlement efforts for the development of the Auto Club Speedway, a two-mile super-speedway adjacent to the City of Fontana. The project involved redevelopment of the abandoned Kaiser Fontana steel mill. In this effort, he was responsible for ensuring the timely completion of project architectural and engineering design; as well as water, sewer, traffic, noise, and air quality technical studies. He also prepared and processed planned development documents for the speedway. The

project was awarded as an Outstanding Project by the Inland Empire Section of the American Planning Association for attention to the early identification and resolution of project issues, which resulted in completion of the design and entitlement process, including preparation of an EIR by San Bernardino County in less than 14 months. Following project approval, Lloyd supervised preparation of the traffic management plan for the 105,000 spectator capacity facility. In addition to entitlements for the speedway, Lloyd also prepared the specific plan to convert the mill's former warehouses into a modern business park, including redesign and environmental studies for reconfiguration to increase the capacity of the Etiwanda Avenue interchange on the I-10 freeway.

Speedway Environmental and Feasibility Studies, Various Locations, *Project Manager*. In addition to the Auto Club Speedway, Lloyd has been retained on several occasions to perform feasibility analysis for proposed speedway facilities, including projects for:

- The Mississippi Band of Choctaw Indians to conduct studies as to whether a speedway could be safely located within Tribal lands without creating significant noise impacts.
- The former owner of the Detroit Pistons to prepare noise and other feasibility studies for the proposed conversion of the Michigan State Fairgrounds horse racing track to auto racing.
- Penske Motorsports to assist in feasibility studies for a two-mile superspeedway in Aurora, Colorado, and southwest of Denver International Airport.

Porsche Experience Driving Center, Carson, CA. Lloyd supervised preparation of the EIR for the 53-acre Porsche Experience Driving Center project located on a former landfill in the City of Carson. The EIR addressed development and operation of the driver training facility, which includes two tracks, an acceleration/deceleration area, an off-road course, and ice/low-friction courses, along with a museum, restaurant, retail and office spaces, and a "human performance center." In addition to analyzing the impacts of the driver training facility, Lloyd's team evaluated the impacts of site remediation, including construction of a landfill cover and gas control systems.

Airport-Related Development Experience

Hofer Ranch (UPS West Coast Air Cargo Hub and Hofer Ranch Airport Business Park Specific Plans), Ontario, CA. The Hofer Ranch is the last working ranch and vineyard in Ontario, California, located immediately south of Ontario International Airport. Development of the final portions of the ranch is encompassed in two development plans: UPS Air Cargo Hub and the Hofer Ranch Airport Business Park. The UPS Air Cargo Hub consists of 159 acres, and includes an aircraft apron for the loading and unloading of cargo aircraft, aircraft and vehicle fueling facilities, aircraft maintenance facilities,

and a 600,000 square foot package sorting facility. The Hofer Ranch Airport Business Park provides for development of 196 acres of mixed use industrial and commercial uses, including adaptive reuse of existing historic structures within the original ranch complex, which is listed in the National Register of Historic Places. A total of 1.9 million square feet of industrial/R&D use and 250,000 of commercial use are proposed. Lloyd served as the primary author of both development plan documents, and was responsible for securing required entitlements from the City of Ontario. For the UPS site, he prepared development regulations, design guidelines, and coordination of utility planning based on a site design prepared by UPS. For the Airport Business Park development, he was responsible for preparation of the land plan for the site and preparation of environmental documentation (Mitigated Negative Declaration), as well as for development regulations, design guidelines (including plans for adaptive reuse of the designated historic district), and coordination of utility planning.

Mesa Gateway Development Plan, Mesa, AZ. ***Community Outreach, Strategic Planning Advisor.*** Lloyd was responsible for designing and assisting in conducting community outreach for the Mesa Gateway Strategic Development Plan. Spurred by the realignment of Williams Air Force Base, the need for new airport facilities to supplement Sky Harbor Airport, the proposed expansion of Arizona State University, and closure of GM's Mesa Proving Grounds, the City of Mesa embarked on a program to create a regional employment center with a mix of jobs emphasizing the attraction of at least 100,000 high wage – high value jobs adjacent to the Phoenix Mesa Gateway Airport, emphasizing the integration of the airport and surrounding new urban center. In addition to designing the community outreach program and conducting several outreach sessions, Lloyd assisted in the development of strategic planning for the 32 square mile planning area.

Sierra Army Depot Reuse Plan, Herlong, CA. The reuse plan includes analysis of on-base and regional conditions, regional market conditions, and reuse opportunities for 4,338 acres of land offered to the community under the BRAC process. The plan sets forth land use, infrastructure, and community facilities plans for reuse of excessed portions of the Depot, which is located 60 miles north of Reno, Nevada. Included are plans for development and adaptive reuse of 20 acres of residential uses, 16 acres of commercial use and a 486-acre business park (4.2 million square feet of building area). The reuse plan also provides for use of Amedee Army Airfield as a civilian use facility, including development of airport-related and general industrial uses adjacent to the field. Lloyd served as the project manager and primary author of the reuse plan. In this effort, he prepared land use plans and development standards, and was also responsible for ensuring the timely completion of airport design and building reuse feasibility studies, as well as water, sewer, drainage and traffic studies.

Selected Expert Witness Experience

Planning and Environmental Issues

Ace Properties v. San Diego. Lloyd was retained by the City of San Diego to assist in a takings claim involving property within the Otay Mesa Community Plan area. He reviewed the City's existing citywide General Plan, existing and proposed community plans, and existing and proposed zoning for a site within the City along the Mexican border to determine its developability and the reasonableness of proposed regulations in relation to the site's development potential based on existing onsite environmental constraints. Lloyd provided deposition and trial testimony. The City prevailed in this case at trial.

Arizona v. California. Lloyd was retained by the Quechan Indian Nation to assist in adjudicating water rights along the Colorado River. He identified lands within the reservation that were "practicably irrigable" and, therefore, eligible for water rights under the Winters Doctrine. Following depositions and trial testimony before a Special Master of the United States Supreme Court, the Special Master determined that the tribe should be granted water rights for approximately 90 percent of the lands requested by the Quechan Nation. The full Supreme Court set aside the recommendation of the Special Master due to disputes over the legal boundaries of the reservation without ruling on the merits of the identification of practicably irrigable lands.

Kawaoka v. Arroyo Grande. The City of Arroyo Grande in a federal civil rights suit challenging the City's General Plan retained Lloyd. To assist the City, he prepared a declaration documenting Arroyo Grande's process for preparing and adopting its General Plan, focusing on the effects the process and provisions of the General Plan had on certain agricultural interests in the City. The City was awarded a summary judgment at the trial court, which was appealed. The Ninth District Court of Appeals cited Lloyd's declaration in its decision upholding the City's actions.

Madero v. El Paso. Lloyd was retained by the City of El Paso, Texas as an expert to assist the City in defense of a landowner's taking claim resulting from the City's denial of a plat map within a hillside area. Following depositions, the plaintiff and the City agreed to a settlement.

Metropolitan Water District of Southern California v. Campus Crusade for Christ. Lloyd was retained by the Metropolitan Water District of Southern California to assist in a condemnation suit involving MWD's Inland Feeder Line. Lloyd was tasked with determining the development potential of the subject property based on applicable environmental conditions, development regulations, infrastructure availability, and economic climate and a more than 13-year-old valuation date. The District and Campus Crusade reached a settlement in the case.

NJD v. Glendora, NJD v. San Dimas. Lloyd was retained by the cities of Glendora and San Dimas to assist in their defense of separate actions undertaken first against San Dimas, and later against Glendora claiming inverse condemnation following denials by each city of separate proposed hillside developments on each side of the cities' common boundary. The plaintiff also challenged each City's hillside development regulations. Depositions were taken in both cases, and both cities' ordinances and project denials were upheld at trial.

Polygon v. Glendale. Lloyd was retained by the City of Glendale in an inverse condemnation suit involving denial of a proposed hillside development and a challenge to the City's hillside development regulations. Depositions were taken. As part of settlement discussions, Lloyd prepared an environmental review of the applicant's proposed reduced density alternative.

Riverbend Ranch v. County of Madera. Lloyd was retained by Madera County in an inverse condemnation suit involving the application of flood protection standards and EIR mitigation measures to a proposed golf course project. Depositions were taken, and a settlement was eventually reached.

San Francisco Bay Area Renters Federation v. Lafayette. Lloyd was retained by the City of Lafayette to assist in its defense of a Housing Accountability Act claim. Lloyd was charged with researching and analyzing land use issues related to alleged discrimination in the review of a proposed multi-family development project.

Seaside v. Sand City. Lloyd was retained by the City of Sand City to assist in litigation regarding requirements for addressing impacts of development within Sand City upon streets within the City of Seaside. Depositions were taken, and the case was settled between the parties.

Serena v. Carpinteria. Lloyd was retained by the City of Carpinteria in an inverse condemnation suit involving adoption of General Plan and local coastal program provisions for the Carpinteria Bluffs area. Depositions were taken, and the City's actions were upheld at trial.

Adult Business

3540 East Foothill Boulevard v. Pasadena. Lloyd assisted the City of Pasadena in defending its adult business ordinance. As part of this effort, Lloyd undertook field review to confirm the availability of sites for adult business use as determined by City staff. In addition, he reviewed the public record regarding preparation of the East Pasadena Specific Plan to determine whether the Draft Specific Plan was in effect at the time application was submitted for an adult business at 3540 Foothill Boulevard, and if not, whether the Specific Plan could have been adopted in its present form at that time. The determination that the length of time taken to prepare and adopt the

plan, and that significant additional CEQA work was needed prior to plan adoption was an important part of the City successfully gaining a summary judgment, since the draft Specific Plan proposed placing the plaintiff's a zone that would permit an adult business, whereas the site's existing zoning prohibited adult business use. The City prevailed at the trial court and at the US Ninth Circuit Court of Appeals.

Alameda Books v. Los Angeles. Lloyd was retained by the City of Los Angeles in an action challenging the constitutionality of its adult use ordinance. As part of this effort, he undertook research regarding existing studies on the secondary effects of adult businesses at the time of ordinance adoption, as well as research as to how varying types of adult businesses differed from each other. His analyses were reviewed by the US Supreme Court in support of the City's successful argument that the case should be remanded back to the original trial court. He also conducted field review of over 5,000 sites meeting the locational criteria of the City's ordinance to confirm the City's mapping of sensitive uses, and to determine the inventory of sites that would meet the provisions of City ordinance and also meet the availability criteria established in *Topanga Press*. Lloyd analyzed the effect that the City's requirements for separation between adult businesses would have, and prepared a report on his findings. Lloyd also provided deposition testimony.

City of Chula Vista v. Bay & E, Inc. Lloyd was retained by the City of Chula Vista to assist in a zoning enforcement action undertaken by the City, which contended that the Eye Candy cabaret was operating in violation of the City's zoning ordinance. Issues to which Lloyd provided expert testimony included the location and number of sites available for adult business use within the City, the role of specific plans in the community's zoning scheme, definitions of what constituted a residentially zoned property, interpretation of specific development standards and distancing requirements, and the development feasibility of proposed transit-oriented development on the site of an existing parking facility at the San Diego Trolley's E Street station. The City prevailed at trial, and the cabaret was ordered to shut down.

Diamond v. Taft. Lloyd was retained by the City of Taft in an action challenging the constitutionality of its adult business ordinance. As part of this effort, Lloyd identified the sites within the City that would meet the requirements of Taft's ordinance, and also meet *Topanga Press* criteria. To do this, Lloyd undertook field review to identify the location of sensitive uses under the City's current, as well as previous ordinances, and conducted an analysis of the differences in the number of available sites pursuant to these ordinances. In addition, Lloyd undertook an analysis of the location of sensitive uses surrounding the plaintiff's proposed adult use site. Lloyd photographed each of the sites he determined to be available for adult business use, and prepared a report on his findings. The report was entered into evidence, and he provided testimony at trial. The court ruled that the City's ordinance was Constitutional. The

Ninth District Court of Appeals heard an appeal in February 2000 and upheld the trial court ruling.

Gibboney v. Colton. Lloyd was retained by the City of Colton in an action challenging the constitutionality of its adult business ordinance. Lloyd identified the sites within the City that would meet the requirements of Colton's ordinance, and also meet *Topanga Press* criteria. To do this, Lloyd undertook field review to identify the location of sensitive uses under the City's adult business ordinance. Lloyd prepared a report on his findings. A settlement between the City and Plaintiff was reached.

Isbell v. San Diego. Lloyd was retained by the City of San Diego in an action challenging the constitutionality of its adult entertainment ordinance. As part of this effort, he undertook field review of over 2,000 sites potentially meeting the locational criteria of the City's ordinance to update the identification of sensitive uses, and to determine which sites would also meet *Topanga Press* criteria. Lloyd analyzed the effect that the City's requirements for separation between adult businesses would have. A formal report was prepared, and Lloyd provided trial testimony. The trial court ruled San Diego's ordinance to be unconstitutional as applied to the plaintiff's property.

Lim v. Long Beach. Lloyd was retained by the City of Long Beach in an action challenging the constitutionality of its adult use ordinance. As part of this effort, he undertook field review of sites meeting the locational criteria of the City's ordinance and updated identification of sensitive uses to determine which sites would also meet *Topanga Press* criteria. Lloyd analyzed the effect of City requirements for separation between adult businesses. His expert report was entered into evidence at trial, and he also provided trial testimony. Trial was completed, and the court ruled in the City's favor. The Ninth District Court of Appeals heard an appeal in February 2000, and the case was remanded to the trial court in regard to the issue of "long-term" leases. A settlement was subsequently reached.

Adult Business Ordinance Preparation Experience. Lloyd has assisted the following communities update their adult business ordinance by developing locational criteria and evaluating the number of sites that would be available for different locational criteria alternatives, including evaluation of *Topanga* criteria: Cities of Chula Vista, Glendora, Hemet, Napa, Rialto, Ventura, and Westminster; San Bernardino County.

Religious Land Use and Institutionalized Persons Act (RLUIPA)

Congregation Etz Chaim v. Los Angeles. Lloyd was retained by the City of Los Angles to assist in defending a suit brought by the Congregation challenging the denial of their proposed conditional use permit. Lloyd prepared a report reviewing alternative sites with appropriate zoning that would not require discretionary approval from the City,

and that would also meet the specific religious requirements of the Congregation's membership (e.g., walking distance of Congregation members, first floor entry, ability to separate men and women).

Grace Church of North County v. San Diego. Lloyd was retained by the City of San Diego to assist in a suit brought by Grace Church, which claimed that the time limitation placed on a conditional use permit approved by the City for operation of the church constituted a "substantial burden" under RLUIPA. Lloyd prepared a report reviewing the need for protecting the City's industrial employment base and the rationale behind requiring conditional use permits for churches in industrial zones, the appropriateness of the City's zoning regulations as applied to churches and comparable assembly uses, the appropriateness of the time limitations places on the church's conditional use permit, and whether Grace Church's conditional use permit approval was substantially different than permits approved for other churches and non-industrial uses within Rancho Bernardo's industrially zoned areas in the past 10 years. Lloyd provided testimony in deposition.

International Church of the Foursquare Gospel (Faith Fellowship) v. San Leandro. Lloyd was retained by the City of San Leandro to assist in defending a suit brought by the International Church of the Foursquare Gospel challenging the denial of their proposed conditional use permit. Lloyd prepared a report reviewing recently approved revisions to City zoning requirements for places of worship within the City, including the need for protecting the City's industrial employment base, the rationale behind requiring conditional use permits for churches in industrial zones, and the appropriateness of the City's zoning regulations as applied to churches and comparable assembly uses, the availability of properly zoned locations for churches in the City**.** Lloyd provided testimony in deposition.

West Valley Christian Center v. City of Los Angeles. At the request of the Los Angeles City Attorney's office, Lloyd reviewed the staff reports and public hearing records of the proposed conditional use permit for the West Valley Christian Center in relation to the utility of studies prepared by the applicant and reasonableness of the County's findings and conclusions in relation to the proposed permit. I also undertook research to identify land, buildings and spaces within multi-tenant buildings other than the site selected by the West Valley Christian Center that would have been available at the time of their property search.

Metis Environmental Group

437 Alcatraz Avenue
Oakland, CA 94609

Patricia Berryhill

Principal

Professional Experience

EDUCATION

Bachelor of Science, Natural Resources Management

University of California, Berkeley

As an established environmental professional with more than 20 years assisting clients with project planning, environmental analysis, and regulatory permitting, Patricia delivers diverse consulting support to transportation and land development projects, including contract management and management of consultant team members. Patricia's portfolio of work includes supporting large infrastructure programs and projects in transportation, as well as supporting land use planning and development projects including PDAs and Specific Plans for Bay Area clients. Patricia applies knowledge of the environmental and regulatory process to the project delivery process in terms of establishing project schedules and anticipating costs (including mitigation costs) and developing early strategies for demonstrating that projects can in fact attain approvals and permits. She supports clients in determining and establishing working relationships with Caltrans District 4 and the Metropolitan Transportation Commission for local municipalities.

Project Experience

Redwood City Inner Harbor Specific Plan, Redwood City, CA. Patricia managed the environmental team in an innovative approach to a Specific Plan process for the Inner Harbor portion of Redwood City by integrating environmental considerations, including vulnerability to sea level rise into the planning process at the outset of the planning process. The effort involved identifying environmental constraints and opportunities so that the design of project alternatives and the selection of the preferred alternative would recognize the environmental opportunities and constraints present within the Inner Harbor. As part of this effort, Patricia managed the development of sea level rise adaptation and regulatory permitting strategies that were integrated into project area land use alternatives and the preferred land use plan. Patricia was responsible for presentation of environmental conditions and their related planning implications to the public and the project's Task Force.

Brisbane Baylands, Brisbane, CA. Patricia is currently serving as Project Manager for preparation of the Brisbane Baylands EIR, addressing the impacts of proposed development of a 733-acre brownfield site. The project would more than double the population and commercial/ business park square footage of the City of Brisbane. Under Patricia's management, the EIR addresses a complex development proposal for the Baylands, analyzing four development scenarios at an equal level of detail, along with additional alternatives at a lesser level of detail. The project analyzed in

the EIR also includes a proposed water transfer agreement between the City and three other agencies, as well as construction of an onsite recycled water facility. The site consists of a former rail yard and landfill, requiring extensive remediation and a landfill closure plan, the impacts of both of which are also addressed in the Draft EIR that was released in June 2013. Patricia is responsible for overall contract management and interface with the City of Brisbane, as well as managing the project's team of subconsultants.

Environmental On-Call Caltrans District 4. Patricia led a team of biologists and planners to support Caltrans District 4 environmental staff over a nine-year period while operating her own environmental consulting firm as sole proprietor. Project issues included developing protocols and processes for implementing the NEPA delegation process internally. Additional tasks included developing environmental documents, conducting regulatory agency consultation, oversight of subcontractors, contract management, and invoicing according to State of California standards.

Seismic Retrofit of Aerial Stations and Structures – BART System-wide Program, Oakland and San Francisco, California. In the role of deputy Project Manager (sub-contracted to Carter and Burgess), Patricia led the environmental planning effort to address approximately 22 miles of discrete stations and aerial stations proposed for seismic retrofit. Because the project was partially funded by FHWA through the Caltrans Local Assistance Program, Patricia was tasked with coordinating field visits, PES form development and managing the work of a multi-disciplinary team of sub-consultants. The project approvals were obtained and the project was constructed.

Presidio Parkway (Doyle Drive Project), San Francisco, California. As part of the design-build team implementing the Doyle Drive project, Patricia developed the permitting and environmental compliance component approach to this first of its kind public-private partnership project in the California. During the P3 pursuit phase, Patricia worked to support the designers and contractors to define a project that minimized environmental permitting and maintained existing commitments made by the project owner and stakeholder team during the previous project phases.

Caltrain San Bruno Station Grade Separation Project, San Bruno, California. Patricia developed the strategy and implemented the environmental planning and permitting tasks for this multi-million dollar grade separation project within the Caltrain corridor. The project included a grade separation over four local streets and a new elevated station. The project had been initiated more than 10 years prior to Patricia's involvement, and had experienced multiple project managers and engineering team leaders directing the project at different times. Patricia picked up the pieces, determined what information produce over the previous 10 years still applied that could assist moving the project forward, and created an approach for addressing new requirements and studies that needed updating within a very short timeline. As a

result of her efforts, the project's planning and environmental process was successfully completed.

San Onofre to Las Pulgas Double-Tracking Project, San Diego, CA. For this approximately 8.2 mile long double-track project, Patricia managed the environmental component of the overall project including development of the strategy and approach to environmental compliance under both NEPA and CEQA, agency coordination and permitting, development of the mitigation agreement, presentations to the client's program leadership and State and Federal agency staffs.

Alameda County Congestion Management Agency (ACWMA), I-580 HOV Lane Project, Alameda County, CA. Patricia developed and directed Endangered Species Act compliance on this CMIA-funded project. She established a methodology for integrating the engineering design with the endangered species compliance documentation that resulted in praise from both the client and USFWS. She scheduled and led agency meetings in the field and in Sacramento on behalf do the ACCMA and Caltrans, and attained approvals for project approach resulted in timely processing and approval from Caltrans staff and federal agencies.

Julia King

EDUCATION

Bachelor of Science, Botany
University of California at Davis

Professional Experience

Julia King is a senior botanist and wetland scientist with 17 years of professional experience in biological consulting, specializing in field investigations to determine the presence of wetlands and special-status plants and animals. She has expertise in the flora and fauna of California, including terrestrial, freshwater aquatic, and estuarine environments. Julia has experience in the Sacramento Valley, San Joaquin Valley, San Francisco Bay Area, and San Diego and Los Angeles areas. She has led special-status species investigations in a broad range of habitats including vernal pool, alkali sink, chaparral, valley and foothill grassland, and riparian soil associations. She is a highly trained and experienced wetland scientist, and her expertise includes delineation of wetlands, Clean Water Act Section 404 and Section 401 permitting, mitigation planning, and the creation, restoration, and monitoring of wetland and riparian habitats. She has performed wetland delineations on sites up to 15,000 acres, and has prepared Individual and Nationwide Permit applications for development and infrastructure projects.

Project Experience

Stanford University Steelhead Habitat Enhancement Program, Palo Alto, CA. Julia coordinated the production of a series of regulatory agency mitigation monitoring reports for post-construction conditions, riparian survivorship monitoring, project effectiveness, and California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (SAA) compliance. Julia analyzed field data to provide survival results for riparian mitigation sites, and prepared graphics, photography, and tables for report inclusion. Julia conducted written peer review evaluations for sub consultant report material, consolidated data from Stanford sources, and prepared text for mitigation monitoring reports to fulfill agency requirements.

CalAmerican Coastal Waters Project, Marina, CA. Julia led special-status plant surveys of 500+ acres of coastal dune habitat north of Marina State Beach using GPS to map State and Federally listed species. Julia coordinated the production of special-status species maps for both plants and animals to be used in the planning process to assist in the placement of project infrastructure. Constraints were identified within the project area and as a result the avoidance of special-status species was accomplished.

Sempervirens Fund Plot Study, Santa Cruz Mountains, CA. Julia led plot sampling for redwood forest habitat evaluation to document understory vegetation for the establishment of baseline conditions. Julia conducted botanical surveys in secondary

redwood forest documenting species present and percent cover. The project involved identification of micro habitat classifications for mapping purposes to be used in comparison to future conditions after prescriptive timber thinning to promote "old growth" conditions. Through ground evaluation of vegetation, Julia created habitat maps and corresponding text describing the vegetation in the study area, which could be referred to in future habitat studies.

Carmel River Lagoon Water Augmentation Project, Carmel, CA. Julia led habitat assessment and mapping exercises for the early planning phases, including site selection for water percolation test ponds, for the Carmel Area Wastewater District (CAWD). Julia conducted field surveys and mapped the existing habitats located to the south of the CAWD facility, linking signatures on aerial photographs to vegetation types observed on the ground. Julia prepared written recommendations and aerial maps with habitat designations to CAWD, for the placement of their proposed water percolation test pond, in order to avoid wetlands and special-status species such as red-legged frog.

San Onofre-Los Pulgas Double Tracking Project - Habitat Mapping, Wetland Delineation and Regulatory Permit Applications, Oceanside, CA. Julia directed field studies for a six-mile stretch of rail line along San Onofre State Beach to support mapping of habitats along the right-of-way, and directed the preparation of a wetland delineation report to be submitted to the Corps of Engineers. The project proposed widening the existing rail corridor to accommodate a second track. Julia worked with GIS staff to map vegetation along the rail line, identifying habitats that could support special-status plants and animals. Julia also worked with engineers early in project design to identify highly sensitive wetland resources to be avoided. Julia gathered, interpreted, and analyzed project impacts in relationship to waters and wetlands and prepared Corps 404 Individual Permit and Regional Water Quality Control Board (RWQCB) 401 Permits.

I-405 HOV Lane Project - Habitat Mapping, Wetland Delineation and Regulatory Permit Applications, West Los Angeles, CA. Julia directed field work on a 10-mile stretch of I-405 to gather data for the preparation of a Corps wetland delineation. The project consists of the widening the I-405 for the installation of a high occupancy vehicle lane over Sepulveda Pass. Julia worked with GIS staff to map wetlands and waters of the U.S. along the project alignment, prepared a wetland delineation report, and the associated Corps 404 Nationwide Permit, CDFW SAA, and RWQCB 401 Permits for submittal to regional agencies. Julia coordinated wetland verification with each of the regulatory agencies.

Guenoc Winery Expansion Project, Middletown, CA – Lead Wetland Scientist. Julia conducted wetland delineation field work with a team of scientists on a 3,000 acre site where vineyard expansion and golf course construction was proposed by the privately owned Guenoc Winery. Julia prepared a wetland delineation report, developing a sub-basin analysis to meet the newly imposed Rapanos requirements. Julia prepared permit applications for impacts associated with project development for submittal to the Corps, RWQCB and CDFW.

Santa Margarita Ranch Vineyard Expansion Project, Santa Margarita, CA. Julia conducted wetland delineation fieldwork with a team of scientists across 15,000 acres of grassland and oak woodland. Julia developed a mitigation and monitoring plan for impacts to onsite wetlands, and she subsequently monitored vegetation establishment within wetland mitigation areas over a five-year period. Julia prepared monitoring reports with management recommendations and strategies to improve wetland establishment at the mitigation site for use by the Ranch and submittal to the regulatory agencies,

Michelle Kriegman King, PhD

President/Environmental Engineer/Chemist

Dr. King has over thirty-four years of experience and a background in environmental chemistry, geological engineering, and environmental engineering.

She specializes in working with clients and regulatory agencies to facilitate risk-based remedial actions for redevelopment of contaminated properties and former military bases, transfer of environmental cleanup responsibility at military bases, overseeing and performing human health risk assessments, performance of site assessments including vapor intrusion assessments, and evaluation of the fate and mobility of organic and inorganic chemicals in soil and aqueous environments. She also directs investigations of the vadose zone and aquifers containing volatile organic compounds (VOCs) and metals, evaluations of groundwater treatment systems, and assessments of the potential for chemical transformations. Dr. King plays a key role in evaluating chemical and physical data from the field and identifying the processes that potentially control the fate of the chemicals of concern in environmental systems.

Education

- Ph.D., Environmental Engineering, Stanford University, 1993
- M.S., Environmental Engineering, Stanford University, 1987
- B.S.E., Geological Engineering, Princeton University, 1985

Registrations/Certifications

- 40 Hour HAZWOPER Training Course
- Eight-hour Health and Safety Training Course for Supervisors

Affiliations

- Center for Creative Land Recycling (CCLR), Board Member
- Women in the Environment, Mentor

Relevant Experience

- **Evaluating and Addressing Lead-Impacted Soil in Park.** *East Bay, CA*. Currently, Dr. King is assisting the client to evaluate and address lead-impacted soil at a bay-front park that was historically used for disposal of battery casings. Dr. King developed a plan to assess the adequacy of the cap that was put in place more than 30 years ago and is overseeing the evaluation of potential remedial alternatives to repair the cap, including associated cost estimates. Dr. King also oversees EKI's stormwater monitoring and management activities at the park.
- **Acquisition, Advocacy, and Remediation Planning for PCB Site.** *East Bay, CA.* Dr. King is the principal-in-charge overseeing the environmental aspects of the acquisition and remediation planning for a 24-acre property impacted with polychlorinated biphenyls (PCBs) and VOCs. The project has required extensive coordination and advocacy with U.S Environmental Protection Agency (U.S. EPA) Region 9 for Toxic Substances Control Act compliance and the California Department of Toxic Substances Control (DTSC) to develop a

remediation plan that allows for the construction of a large warehouse and distribution center. Significant project challenges include the presence of single-family homes adjacent to the property, remediation of PCBs and lead from a historic structure planned for preservation, hot-spot excavations to be performed in tents, and implementation of a robust, health-protective air monitoring program due to the site location in an underserved community.

- **Remediation, Advocacy, and Assessments of Brownfield Redevelopments.** Dr. King is currently working on several Brownfield redevelopment projects in California to direct environmental due diligence followed by oversight of the site characterization, identification of chemicals of concern, estimation of human health risks, and development of proposed remedial actions or risk management measures that are appropriate and consistent with the planned future use of the specific sites. As part of these projects, Dr. King presents the technical arguments to the responsible party and the regulatory agencies to support an approach that will address identified environmental concerns in a cost-effective manner and within the timing and phasing of planned redevelopment. Many of these projects have required the performance of vapor intrusion assessments and evaluation of mitigation options.

- **Environmental Program Management for Development of Former Airfield.** *Northern California*. Program Manager. Dr. King is currently EKI's program manager for environmental activities associated with the reuse of approximately 1,000 acres at a former federal airfield. Dr. King oversaw the preparation of the Environmental Issues Management Plan (EIMP), which provides a framework to manage environmental concerns during design and construction for the reuse of the property. Dr. King serves as a liaison to communicate environmental issues among the key stakeholders, including the client, the regulatory agencies, NASA, the design team, and the general contractor. Dr. King also oversees EKI's technical approach and deliverables on the project. Primary environmental concerns include residual petroleum hydrocarbons and VOCs in soil, soil gas, and groundwater as well as PCBs and lead on the Hangar 1 structure. As part of this project, Dr. King has overseen the vapor intrusion assessment and planning for the vapor intrusion mitigation system as part of the retrofit and restoration of a large hangar.

- **Advocacy for Property Owners at Superfund Site.** *Northern California.* At a Superfund Site in Northern California, Dr. King represents a group of property owners that own approximately 85 percent of the commercial property within the footprint of the Superfund Site. Her role is to provide technical advocacy with regard to issues such as vapor intrusion assessment, monitoring, and mitigation and evaluation of alternate groundwater remedial actions. Dr. King, in conjunction with the owners and outside counsel, were successful at having U.S. EPA Region 9 modify the vapor intrusion remedy to address the property owner's interests. Separate from the owners' group, Dr. King also represents several of the commercial property owners at the Superfund Site and she has overseen vapor intrusion assessments and mitigation.

- **Complex Remediation of Groundwater and Soil for Repurposing of Former Industrial Site.** *San Francisco Bay Area, CA.* On behalf of a Brownfields developer, Dr. King managed the preparation of the human health risk assessment, feasibility study, and remedial action plan (FS/RAP) at an 86-acre, near-bay site with more than 100 years of industrial activity that resulted in the release of pyrite cinders and associated acid and metals leaching to soil and groundwater, VOCs in soil and groundwater, PCBs in soil, and thiocarbamate pesticides in groundwater. The FS/RAP was the first in California to specifically address contingencies for potential future sea level rise as part

of the remedy. Additionally, because the future land use at this site has not yet been defined, the FS/RAP provides a "menu" of potential remedial actions depending on the planned future land use, which is particularly significant for the vapor intrusion pathway. Dr. King oversaw the preparation and implementation of an accelerated PCB removal that was performed in consultation with U.S. EPA. In addition to significant technical challenges associated with the complex geochemistry at the site, Dr. King must consider and balance the interests of multiple stakeholders, including the client, the responsible party, DTSC, an active community group, and the insurer.

- **Remediation of Contaminated Groundwater under Single-Family Homes.** At a residential site impacted with benzene, methyl tert butyl ether (MTBE), and other petroleum hydrocarbons and fuel oxygenates in shallow groundwater, Dr. King oversaw the evaluation of potential human health risks and remediation options. The project faces unique challenges because the source area is located underneath single-family homes, and the fine-grained soils limit the effectiveness of common remediation technologies. A dual-phase extraction (DPE) system was installed at the site to remediate the source area and mitigate off-site migration of the chemicals of concern. In addition, sub-slab soil gas sampling was routinely performed to assess the vapor intrusion pathway. More recently, Dr. King has overseen the technical arguments to close the site under California's Underground Storage Tank Low-Threat Closure Policy.

- **Advocacy for Safe Cleanup Levels in Former Asphalt Plant.** *Northern California*. Dr. King provided expert services on behalf of a property owner regarding the appropriate petroleum hydrocarbon cleanup levels to apply at a former asphalt plant site in Northern California. The facility started operations in the 1960s. The most recent tenant is responsible for the remediation; however, the cleanup implemented by the tenant is not consistent with unrestricted commercial or industrial land use. Dr. King advocated for cleanup levels that consider protection of human health and the environment.

- **Remediation in Historic Army Base – Project Management of Transfer of Cleanup Responsibilities.** *San Francisco, CA.* Project Manager. Dr. King supported the client in its negotiations with the U.S. Army for the transfer of $100 million and cleanup responsibilities to the Trust. These negotiations included extensive side-bar discussions to obtain buy-in from key stakeholders, including the National Park Service, U.S. EPA Region 9, DTSC, and California Regional Water Quality Control Board (RWQCB) staff. As Project Manager, she oversaw the preparation of an alternative remedial action document and a series of detailed engineering cost estimates that were used as the basis of negotiations.

- **Remediation in Historic Army Base – Document Preparation and Contingency Planning.** *San Francisco, CA.* Project Manager. In addition to managing site investigations and the preparation of various engineering documents (e.g., feasibility studies, remedial action plans) for submittal to the DTSC, she also managed the development of a contingency plan to address contamination that may be encountered during construction or other subgrade activities. Dr. King oversaw the development of a land use control management report for the client to implement long-term risk management measures.

- **Remediation in Historic Army Base – Mitigation of Contamination from Closed Petroleum Tanks.** *San Francisco, CA.* Project Manager. Dr. King oversaw the development (a) of a database to

compile closure documentation for more than 400 petroleum tank sites and (b) a site-wide approach to address potential residual contamination along fuel distribution system pipelines that formerly extended more than 10 miles throughout the [Presidio] army base. Dr. King worked with the DTSC and a potential tenant to address vapor intrusion issues at a historical building.

- **Reuse Planning and Environmental Advocacy at Naval Site.** *Northern California*. Dr. King assisted a Northern California city with reuse planning and environmental advocacy associated with a 5,200-acre Navy site, which is designated a National Priorities List (NPL) site. As part of this project, Dr. King oversaw the preparation of the hazardous materials chapter of the Environmental Impact Report (EIR) for the city's reuse plan. She has prepared comment letters on the Navy's proposed cleanup plans and is participating in discussions with the Navy, U.S. EPA Region 9, DTSC, and the RWQCB regarding the adequacy of investigation and cleanup at the 430-acre "bunker city" site that is impacted by arsenic as well as other sites, including munitions disposal areas and firing ranges.

- **Risk Assessment for Former Mercury Mine in Residential Neighborhood.** *Northern California.* Dr. King oversaw the performance of a risk assessment and development of risk-based action levels at a former mercury mine that was active between 1890 and 1960. The mercury mine and associated tailings piles were located at a park in a residential neighborhood in Northern California. Dr. King evaluated available information on bioavailability of mercury to support the risk assessment and to advocate for a higher action level for mercury.

- **Evaluation of Remedial Actions and Preparation of Risk Mitigation at Former Aerospace Facility for Planned Reuse.** Dr. King evaluated the proposed remedial actions at a former aerospace facility impacted with chlorinated solvents relative to the planned reuse as a commercial office space, residential, and public open space. Dr. King evaluated the incremental costs to remediate the site in a manner consistent with the planned re-use. Dr. King was deposed as part of arbitration on this project regarding cost allocation. She also oversaw preparation of a risk management plan to identify mitigation measures for protection of human health during and after construction. The risk mitigation measures included procedures to address unknown contamination encountered during construction, protocols for designing utilities, foundations, and other below-grade structures, and a sub-slab depressurization system to prevent vapor intrusion of VOCs to indoor air.

- **Environmental Evaluation for Transfer of Cleanup Responsibility at Former Navy Site.** *Alaska*. Dr. King assisted a native-owned corporation with the evaluation of environmental conditions and transfer of cleanup responsibility at a former naval air facility in Alaska, an NPL site. As part of this work, Dr. King developed and advocated a risk-based cleanup approach consistent with planned residential and commercial/industrial reuse, including discussions with U.S. EPA Region 10.

- **Remediation of Former Manufactured Gas Plant Property.** *San Francisco, CA*. At a former manufactured gas plant property undergoing redevelopment, Dr. King managed the site remediation under the City and County of San Francisco's (CCSF) Maher Ordinance. A primary aspect of the development was the excavation and off-site disposal of approximately 100,000 cubic yards of soil. Dr. King oversaw negotiations with the CCSF and landfills to allow for soil characterization prior to excavation, thereby streamlining the excavation and disposal

- **Remediation of Former Army Field to Recreational Area.** *San Francisco, CA*. Dr. King managed the evaluation and review of environmental investigations and the remedial action selection process performed by the U.S. Army for a field at the Presidio of San Francisco. As part of this project, she has negotiated with the Army, DTSC, and U.S. EPA Region 9 to implement remedial actions that were consistent with the restoration of the field to wetlands. This area is now a major attraction and recreational area used by thousands of residents and visitors annually.
- **Risk Management Plans and Site Management Plans for Redevelopments.** *San Francisco Bay Area, CA*. At several sites in the San Francisco Bay Area undergoing redevelopment, Dr. King has managed and written site-specific risk management plans (RMPs) or site management plans (SMPs) that provide a framework to manage risks to human health and the environment due to chemicals in the soil and groundwater to be implemented as a core element of redevelopment work. She has worked closely with the DTSC and the RWQCB staff and local agencies on these projects, ultimately resulting in a more streamlined review process. Implementation of these plans allows remediation to occur concurrently and cost-effectively with construction. The plans also typically include protocols for long-term management of residual chemicals on-site post-construction.
- **Site-Specific Risk Assessments for Properties with Impacted Groundwater and Soil**. Dr. King has performed and evaluated risk assessments for properties containing petroleum hydrocarbons, chlorinated solvents, PCBs and metals in soil and groundwater. She has worked closely with RWQCB and DTSC staff regarding exposure pathway analysis, exposure assumptions, and calculation of remedial goals as part of many site-specific risk assessments.
- **Remediation of Groundwater and Soil adjacent to Creek.** *Northern California*. At a manufacturing facility in Northern California, Dr. King provided project oversight for the preparation of an interim remedial action plan for a solvent release site adjacent to a creek. She managed the remedial design and construction of the groundwater extraction and treatment system, which has effectively curtailed further migration of VOCs into the creek. A dual-phase extraction system was installed to reduce VOC concentrations in soil and groundwater in the identified source area.
- **Chemical Analysis of Landfill.** Project Scientist. Dr. King investigated the geology and groundwater chemistry of an industrial landfill containing sugar processing residues. By using the chemical equilibrium model, HYDRAQL, and chemical fingerprinting techniques, she demonstrated that the landfill had not impacted groundwater.
- **Analysis of Fate and Transport of VOCs to Determine Origin.** Project Scientist. At several sites, Dr. King has analyzed the fate and transport of VOCs in the vadose zone using the computer code, VLEACH. She has also used VLEACH to determine potential impacts of VOCs to groundwater. In one case, Dr. King used VLEACH to show that the VOCs detected in the vadose zone originated from an off-site groundwater source, rather than an on-site source.
- **Doctoral Thesis on Transformation of Pyrite and Ferrous Iron Bearing Minerals to Halogenated Organic Compounds.** *Stanford, CA.* Doctoral Student. For her doctoral thesis, Dr. King evaluated the ability of pyrite and ferrous iron bearing minerals to transform halogenated organic compounds. This research involved extensive laboratory analyses using gas chromatography, ion chromatography, and liquid scintillation counting to identify the transformation products of the

VOCs. Additionally, the near-surface technique of x-ray photoelectron spectroscopy was used to evaluate the reaction products on the mineral surfaces.

- **Evaluating Arsenic Release in Hydroelectric Lake**. *New Zealand*. Fulbright Scholar. As a Fulbright Scholar in New Zealand, Dr. King assessed the seasonal fate of arsenic in a hydroelectric lake that was contaminated by runoff from a geothermal field and geothermal power station effluent. Field and laboratory testing indicated that arsenic (III), the more toxic form of arsenic, was released from the sediments to the lake when the lake was stratified in the summer months. From her laboratory testing, she published protocols for the storage of natural water samples containing metals such as iron and arsenic.

Presentations and Publications

Moes, M. J, M. K. King and T. W. Kalinowski, 2012, Engineering Evaluation of Including Sub-Slab Liners in Active Vapor Intrusion Mitigation Systems, *Air & Waste Management Association Vapor Intrusion Conference Proceedings*, 3-4 October 2012.

Moes, M. J, M. K. King, C. A. Cuadrado, and T. W. Kalinowski, 2012, Quantitative Review of EPA's Proposed Vapor Intrusion Attenuation Factor for Exterior Soil Gas, and the Potential Impact on Brownfield Development, *Air & Waste Management Association Vapor Intrusion Conference Proceedings*, 3-4 October 2012.

Kriegman-King, M. R. and Reinhard, M., 1994, Transformation of Carbon Tetrachloride by Pyrite in Aqueous Systems: *Environ. Sci. Technol.*, v. 28, p. 692–700.

Kriegman-King, M. R. and Reinhard, M. 1994, *Abiotic Transformation of Carbon Tetrachloride at Mineral Surfaces*: EPA Report 600/SR–94/018 for R.S. Kerr Environmental Research Laboratory, Ada, Oklahoma.

Kriegman-King, M. R. and Reinhard, M., 1992, Transformation of Carbon Tetrachloride in the Presence of Sulfide, Biotite and Vermiculite: *Environ. Sci. Technol*., v. 26, p. 2198–2206.

Kriegman-King, M. R. and Reinhard, M., 1991, Reduction of Hexachloroethane and Carbon Tetrachloride at Surfaces of Biotite, Vermiculite, Pyrite and Marcasite, *in* Baker, R., ed., *Organic Substances and Sediments in Water*, v. 2, Processes and Analytical: Lewis Publishers, Inc., Chelsea, MI, p. 349–364.

Aggett, J. and Kriegman, M. R., 1988, The Extent of Formation of Arsenic (III) in Sediment Interstitial Waters and its Release to Hypolimnetic Waters in Lake Ohakuri, *Water Res.*, v. 22, p. 407–411.

Aggett, J. and Kriegman, M. R., 1987, Preservation of Arsenic (III) and Arsenic (V) Samples in Natural Waters, *Analyst*, v. 112, p. 153–157.

King, M. K., October 2018, Practical Guide to the HERO Notes for Property Redevelopment, California Land Recycling Conference, Carson, CA.

King, M. K., Wuelfing, K., December 2016, Vapor Intrusion Assessment and Mitigation: A Corporate Approach to Addressing the Legacy of Silicon Valley: California Industrial Hygiene Council Seminar, San Diego, CA.

King, M. K., October 2014, Vapor Intrusion Coming to a Property Near You: 2014 Environmental Law Conference at Yosemite, Fish Camp, CA.

King, M. K., July 2014, Vapor Intrusion: Regulators and the Regulated Community, Bar Association of San Francisco Meeting, San Francisco, CA.

King, M. K., April 2011, Brownfields Development for Sensitive Uses: Key Elements to Allow for Long-Term Success: U.S. EPA's Brownfields 2011 Conference, Philadelphia, PA.

King, M. K., November 2009, Contingency Planning for Sea Level Rise in Feasibility Study/Remedial Action Plan: U.S. EPA's Brownfields 2009 Conference, New Orleans, LA.

King, M. K., January 2009, The Public Health Service Hospital at the Presidio of San Francisco: Where Landfills and Steep Slopes Meet Native Plant Restoration and Steep Slopes: National Brownfields Associations California Chapter Meeting, Sacramento, CA.

Kriegman-King, M. R. and Reinhard, M., March 28 –April 2, 1993, Reduction of Carbon Tetrachloride by Pyrite: Amer. Chem. Society Meeting, Denver, CO.

Kriegman-King, M. R. and Reinhard, M., April 5–10, 1992, Abiotic transformation of carbon tetrachloride in the presence of sulfide and mineral surfaces: Amer. Chem. Soc. Mtg., San Francisco, CA.

Kriegman, M. R., Curtis, G. P., and Reinhard, M., April 22–27, 1990, Transformations of carbon tetrachloride and hexachloroethane induced by natural sediments and minerals under anaerobic conditions: Amer. Chem. Soc. Mtg., Boston, MA.

Kriegman, M. R. and Reinhard, M., Sept. 10–15, 1989, Electron transfer reactions of haloaliphatic compounds and ferrous iron bearing minerals: Amer. Chem. Soc. Mtg., Miami, FL.

TEN OVER
STUDIO, INC

STATEMENT OF QUALIFICATIONS FOR BRISBANE FIRE STATION FEASIBILITY STUDY

ABOUT TEN OVER STUDIO

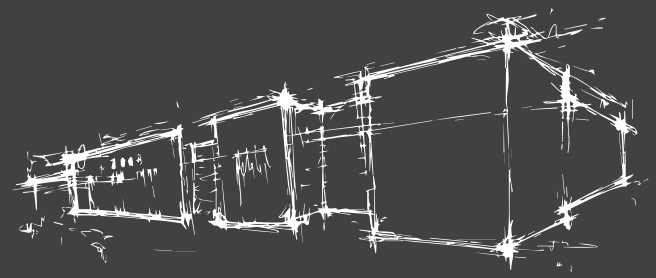
TEN OVER IS A STATE OF BEING.
TEN OVER reflects our firm's philosophy and our goal of giving 110% in everything we do. It is our continual goal to exceed the expectations of our clients, community, colleagues, and ourselves.

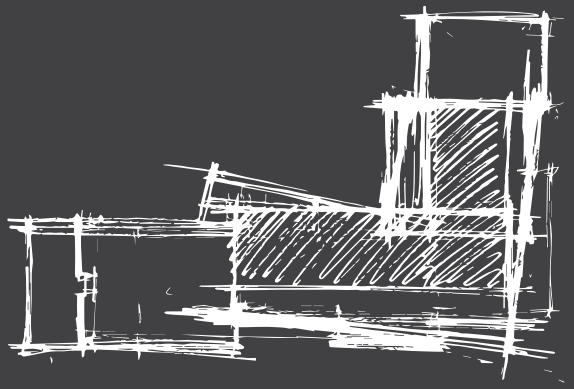
Our mission is simple: **To leave the world better than we found it.**
We've made the commitment to use our business as a force for good. In 2017, we became a Certified B Corp – uncommon in our industry.

Why, you ask? Because business as usual doesn't align with our mission. We can do better. We value wild places with clean air & clear water. We treasure the vibrant built spaces where people come together to live, work and play. And we seek out passionate communities working for the common good. Just like you.

Certified B Corporation

COMPANIES WITH B CORPORATION CERTIFICATIONS SIGN A "DECLARATION OF INTERDEPENDENCE" ACKNOWLEDGING THEIR RESPONSIBILITY TO THEIR EMPLOYEES, COMMUNITIES, THE ENVIRONMENT AND TO FUTURE GENERATIONS.





TYPE OF OWNERSHIP
B Corp & S Corp

SIZE OF FIRM
30

YEARS IN BUSINESS
Since 2014

LOCATION
75 E. Santa Clara Ste 600
San Jose, CA 95113

-

539 Marsh Street
San Luis Obispo, CA 93401

-

805.541.1010
info@tenoverstudio.com

DESCRIPTION OF THE FIRM

TEN OVER STUDIO, INC.

TEN OVER reflects our firm's philosophy and refers to our goal of putting forth 110% effort towards everything we do. It is our continual goal to exceed the expectations of our clients, contractors, consultants, community and ourselves.

From programming and master planning to design and construction, TEN OVER STUDIO has the experience and expertise that result in successful public facilities. We understand our role as stewards of public funds and provide solutions for our clients that maximize the project budget while maintaining the highest levels of quality.

TEN OVER STUDIO was formed in 2014 and currently employs 30 design professionals including seven licensed architects, one licensed landscape architect, and three LEED accredited professionals.

VALUES

TEN OVER reflects our firm's philosophy and our goal of giving 110% in everything we do. We strive to lead by example, go the extra mile, take responsibility and do the right thing, even when no one is looking.

Just like our first responder clients, we believe in "we before me." We know working as a team improves everything we do. We go out of our way to help others succeed; we understand that listening, humility and empathy are some of our greatest tools.

TEN OVER STUDIO IS DIFFERENT

We are architects, landscape architects and interior designers whose passion is to think outside the box. When we design, we offer thoughtful, honest solutions with an emphasis on sustainability; those qualities come through in our work.

LIST OF BASIC SERVICES

Project Management
Architectural Design
Interior Design
Landscape Architecture
Feasibility Studies
Architectural Programming
Project Budgeting
Master Planning
Strategic Planning
Specification Writing
Sustainable Design
LEED Documentation
3D Visualization/Media

TEN OVER TREADS LIGHTLY

By utilizing common materials in uncommon ways, our spaces surprise and inspire. As a Certified B Corp, we use our business as a force for good, reinforcing our mission to leave the world a better place than we found it.

B Corporations are for-profit companies certified every two years to meet rigorous standards of social and environmental performance, accountability, and transparency.

QUALIFICATIONS

The TEN OVER STUDIO team has over 40 years of experience working for municipalities and public agencies throughout the State of California. We have direct experience with a wide range and variety of on-call and public sector projects ranging from feasibility studies to

the design and implementation of large scale facilities. Our team has direct experience with public facilities including community spaces, municipal corporation yards, maintenance facilities, administrative offices, and public safety facilities.

CALEXICO FIRE HEADQUARTERS STATION

LOCATION: CALEXICO, CA
CLIENT: CITY OF CALEXICO
SIZE: 9,006 SF
SCOPE: ARCHITECTURE, INTERIOR DESIGN, LANDSCAPE, 3D VISUALIZATION
COMPLETION: IN CONSTRUCTION
CONSTRUCTION COST: $6.7 MILLION
ARCHITECT OF RECORD: TEN OVER STUDIO

TEN OVER STUDIO worked closely with the City Fire Design Committee through an in-depth process to replace the existing Fire Headquarters Station 1 facility, which did not meet the operational space requirements for staffing and essential equipment, nor the CA Essential Services Act.

The project includes careful demolition and seismic separation of the existing fire station from the existing police station. This includes placement and installation of a new radio tower, antennas communication and power services and infrastructure.

Our design includes three drive-through apparatus bays, living and sleeping quarters for eight personnel, and administrative offices. The station apparatus bays are designed to be used as a cooling center during periods of extreme heat, such as the summer months.

The high-efficiency systems and building envelope will help reduce utility costs. Ultimately, this durable and low-maintenance facility will house the fire department comfortably for the next 50 years.


CALEXICO FIRE STATION
1

EMERYVILLE FIRE STATION 35 AND EOC

CLIENT: CITY OF EMERYVILLE
SIZE: 8,300 SF
SCOPE: CAMPUS MASTER PLANNING, PROJECT MANAGEMENT, SCHEMATIC DESIGN THROUGH CONSTRUCTION ADMINISTRATION
COMPLETION: ONGOING
CONSTRUCTION COST: $4.2 MILLION
ARCHITECT OF RECORD: TEN OVER STUDIO

This project includes a renovation and seismic strengthening of the existing 10,872 SF Fire Station 35 includes a new exercise room, shop, turnout room, SCBA, EMS and Administrative Offices. The existing fire station was built in 1950 and seismically upgraded and renovated in 1996. The facility is owned by the City of Emeryville and operated by the County of Alameda.

A new standalone 5,000 SF Emergency Operations Center with a management policy room, space for finance and logistics, dispatch room and emergency cache storage. The EOC will have a separate electrical service, mechanical and emergency power systems. The renovation incorporates the upgrade of the electrical, mechanical, and emergency power systems for the fire station. Construction must be implemented in eight months to get the fire station and EOC to full operation.

Candice is the project manager and lead designer on the EOC upgrades and fire station renovations.

MINETA SAN JOSE INTERNATIONAL AIRPORT ARFF FACILITY

CLIENT: CITY OF SAN JOSE
SIZE: 18,180 SF
SCOPE: ARCHITECTURE, LANDSCAPE ARCHITECTURE, MEDIA, LEED
COMPLETION: IN PROGRESS
CONSTRUCTION COST: $20 MILLION
ARCHITECT OF RECORD: TEN OVER STUDIO

The Aircraft Rescue and Fire Fighting (ARFF) Facility at the Mineta San Jose International Airport is a 18,180 sf, one-company replacement station. Currently in design, the final design-build project will include administrative offices, firefighter living and sleeping quarters, fitness room and specialized spaces for aviation rescue and firefighting response at the airport. There are 4 ARFF bays and 1 fire engine bay with a turnout room, clean-up, medical, SCBA, workshop, and foam storage. Immediately adjacent to the apparatus bays and looking out onto the airfield is the watch room.

As Public Safety Designer and Architect of Record, TEN OVER STUDIO will actively manage the project through the design and construction process to ensure the landside and airside programmatic requirements are met. The ARFF station will be LEED certified at the silver level and a Zero Net Energy project.


SJ

PALO ALTO FIRE STATIONS 3 AND 4 FEASIBILITY STUDY*

LOCATION: PALO ALTO, CA
CLIENT: PALO ALTO FIRE DEPARTMENT
SCOPE: REPLACEMENT NEEDS STUDY
COMPLETION: 2005

Candice was the project manager in charge of preparing the feasibility study for the replacement of two existing and structurally unsound fire stations located in established residential areas. The study consisted of full programming/space needs, component diagrams, site plan concept, alternatives, opinions of probably cost, and presentations to the community and the Architectural Review Board.

Candice also prepared an analysis of sustainable strategies that could be incorporated into each fire station to meet the City's green goals.

Candice Wong was the project architect in charge of the needs assessment study and Jim Duffy was the project architect in charge of design on Stations No. 3 and No. 4 while they were both at RRM Design Group.

This study was completed on time and on budget.

**Experience of Jim Duffy and Candice Wong prior to forming TEN OVER STUDIO.*

SAN JOSE FIRE STATION 34*

LOCATION: SAN JOSE, CA
CLIENT: CITY OF SAN JOSE
SIZE: 12,000 SF
SCOPE: MASTER PROGRAM DEVELOPMENT, PROJECT MANAGEMENT, ARCHITECTURE, SUSTAINABLE DESIGN, INTERIOR DESIGN
COMPLETION: 2007
CONSTRUCTION COST: $5.3 MILLION

Station 34 was sited to mitigate existing response time issues in an industrial portion of the East side which is cut off by multiple freeways. This station accommodates an engine company and truck company. Due to a tight urban site, the station is a two-story building with three apparatus bays, support, administration and firefighter living quarters on the first floor and sleeping quarters and bathrooms on the second floor.

The project was completed while Jim Duffy and Candice Wong co-managed the Public Safety Studio at RRM; Jim was the Design Architect and Project Manager; Candice was the City's Advisor on architectural program compliance with the Fire Bond Program.

**Experience of Jim Duffy and Candice Wong prior to forming TEN OVER STUDIO.*


FIRE STATION 34

SAN JOSE FIRE STATION 35*

LOCATION: SAN JOSE, CA
CLIENT: CITY OF SAN JOSE
SIZE: 12,500 SF
SCOPE: MASTER PROGRAM DEVELOPMENT, PROJECT MANAGEMENT, ARCHITECTURE, SUSTAINABLE DESIGN, LEED DOCUMENTATION AND CERTIFICATION, INTERIOR DESIGN
COMPLETION: IN PROGRESS
CONSTRUCTION COST: $4.9 MILLION

Jim Duffy was the lead designer, project manager and architect for this new 12,400SF, two-company, three-apparatus bay battalion station. The two-story station design is based on the prototype battalion station from the Fire Facilities Program that Candice and Jim developed for the San Jose Fire Department. The design team worked together with the City to achieve USGBC LEED Silver certification, exceeding the City's certification requirements.

The Station was built on the corner of an existing community center which remained fully operational throughout construction.

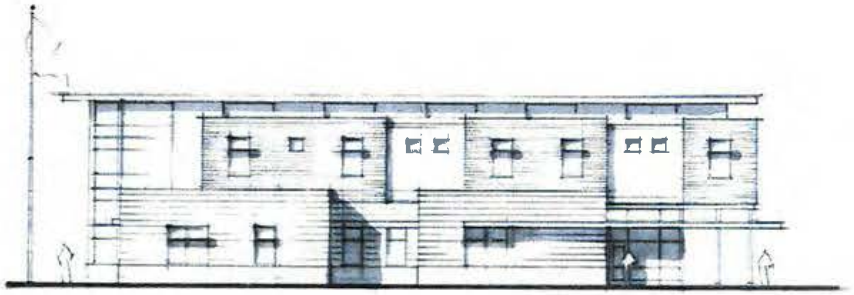
**Experience of Jim Duffy and Candice Wong prior to forming TEN OVER STUDIO.*

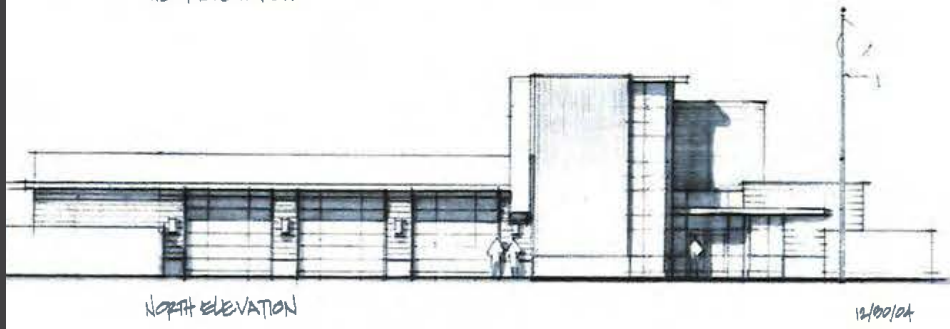
SAN JOSE FIRE DEPARTMENT FIRE FACILITIES PROGRAM

LOCATION: SAN JOSE, CA
CLIENT: SAN JOSE FIRE DEPARTMENT
SIZE: 5,000 SF
SCOPE: PROJECT MANAGEMENT, BOND PROGRAM
COMPLETION: 2006

Candice Wong was the project manager in charge of preparing the San Jose Fire Facilities Program. The City wanted a strategic plan and operational procedures for all of the new fire station built under the Fire Bond. Candice worked with the Fire Department to identify the operational criteria to guide the development of three prototype fire stations. The programming process included workshops with many City staff members, visits to existing facilities, and discussions with San Jose Fire Department leadership. The program focused on operational practices, methods for obtaining better operational efficiencies and creating flexibility in the space planning to allow for future changes in operating procedures and increases in service levels.

**Experience of Candice Wong prior to forming TEN OVER STUDIO.*





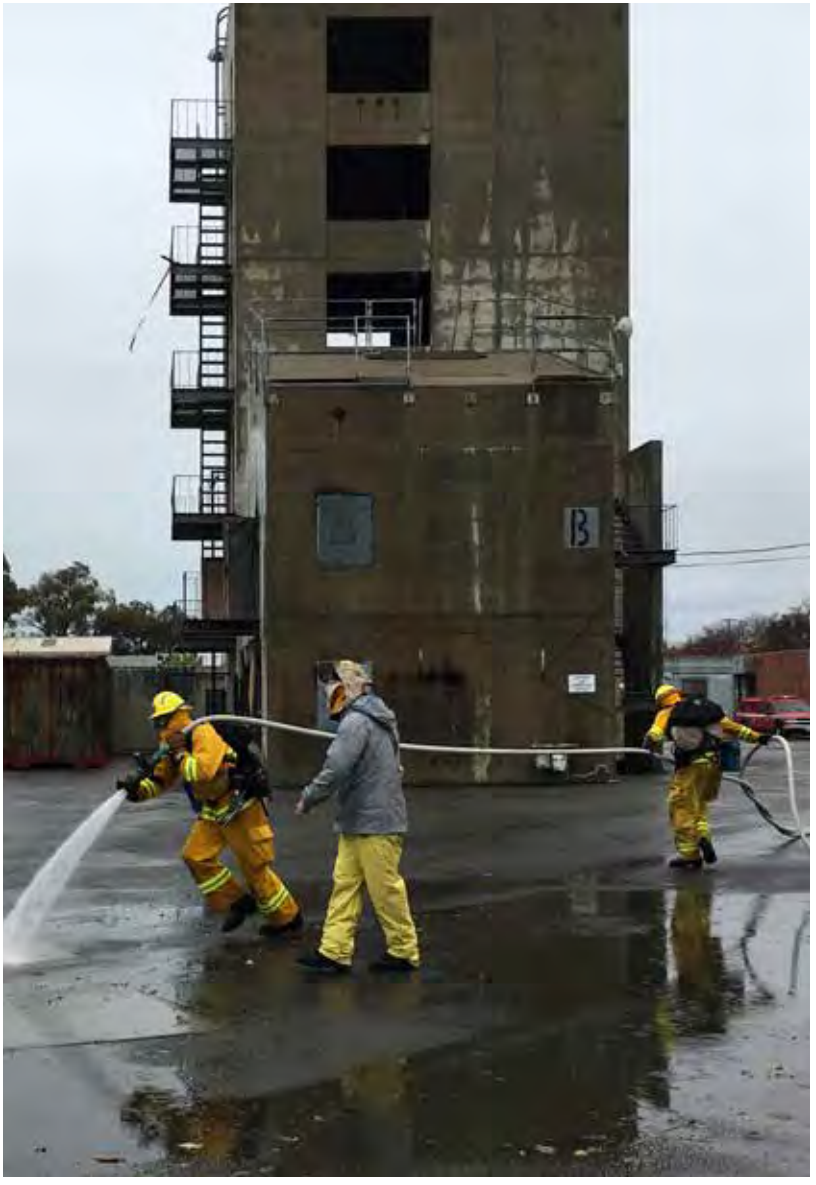
SAN JOSE FIRE TRAINING CENTER RELOCATION STUDY

LOCATION: SAN JOSE, CA
CLIENT: CITY OF SAN JOSE
SIZE: 85,208 SF; 6.5 ACRES
SCOPE: FEASIBILITY STUDY, NEEDS ASSESSMENT, PROGRAMMING, PROJECT BUDGET
COMPLETION: 2020
CONSTRUCTION COST: $31.5 MILLION
ARCHITECT OF RECORD: GROUP 4 ARCHITECTURE
ESSENTIAL SERVICE CONSULTANT: TEN OVER STUDIO

TEN OVER STUDIO worked with the City of San Jose and Group 4 to analyze strategies for the relocation of their Fire Department Training Center to the Central Services Yard. The new Fire Department Training Center will occupy approximately 6.5 acres of the 22 acres at the Central Services Yard.

TEN OVER worked with the City team to validate the preliminary program and prepare a high-level development scheme to accommodate the fire training needs. The project will include a Fire Training Building for fire training administration, the fire academy and in-service personnel training. A 6-story fire training tower and support spaces will be designed for both Class A and Class B training props and scenarios.

New on-site parking will accommodate the new Fire Training Center. Space to store EMS essential equipment, training materials, and site training props is a high priority.



SAN JOSE FIRE TRAINING CENTER & EOC

LOCATION: SAN JOSE, CA
CLIENT: CITY OF SAN JOSE
SIZE: 85,208 SF; 6.5 ACRES
SCOPE: ARCHITECTURE
COMPLETION: 2022
CONSTRUCTION COST: $50.1 MILLION
ARCHITECT OF RECORD: TEN OVER STUDIO

After completing the feasibility study, needs assessment, and program budget for the new Fire Department Training Center, the TEN OVER STUDIO team was retained to move forward with design. The project includes designing a new 2-story fire training building, 6-story fire training tower, training grounds, and Emergency Operations Center.

A new 6-story fire training building and tower will feature a number of training props, mobile units and metal storage containers.

Site improvements will include utility infrastructure, covered storage for trailers and equipment, parking, fencing, gates and landscaping.

The fire training building will be used for fire training classrooms; fire training, EMS, recruit, data systems, and office emergency management administrative offices. An existing warehouse will be renovated for apparatus and equipment storage, offices for the BOS and the fitness center.

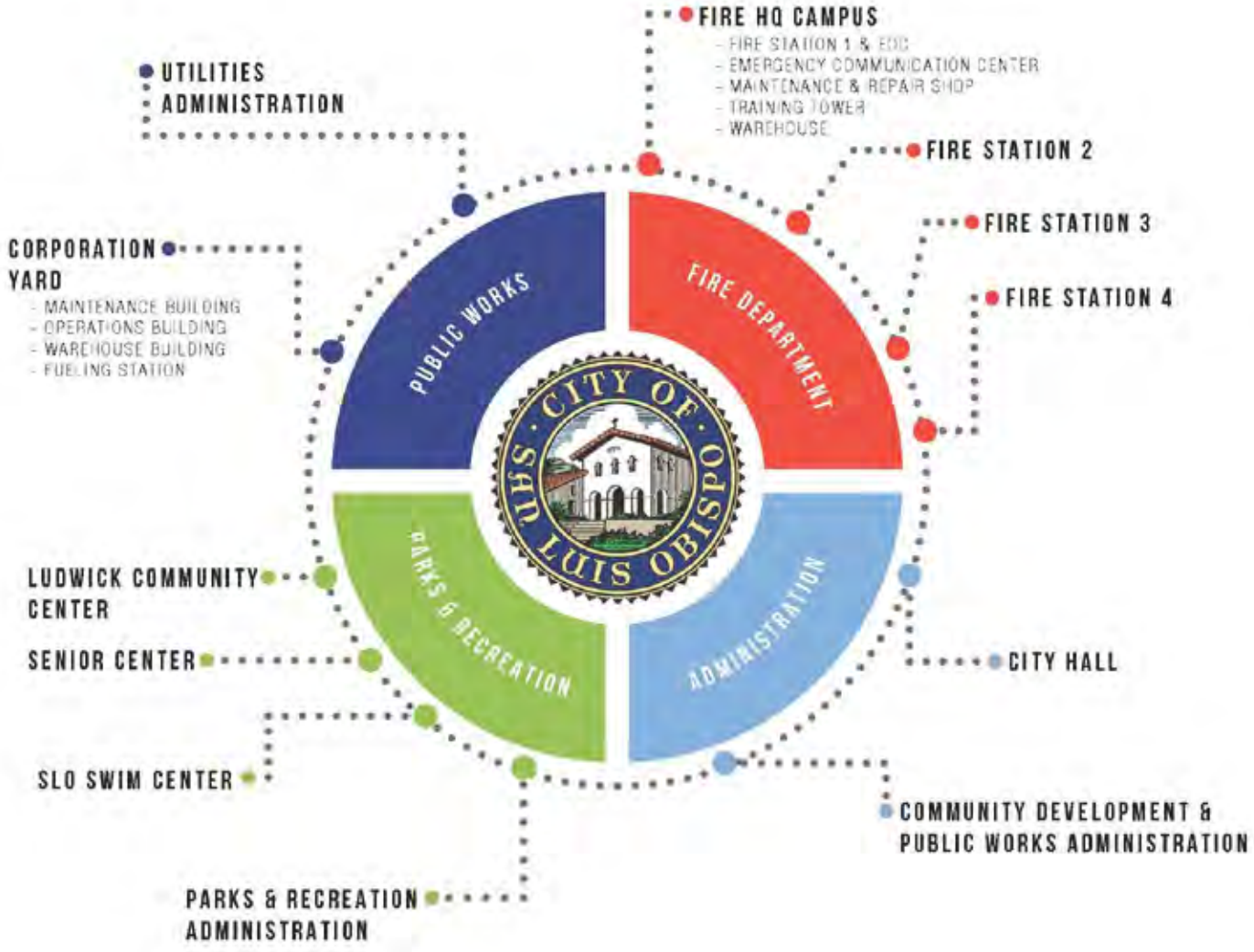
SAN LUIS OBISPO FACILITIES MASTER PLAN UPDATE

LOCATION: 12 SITES
CLIENT: CITY OF SAN LUIS OBISPO
SIZE: 250,000 SF
SCOPE: PROJECT MANAGEMENT, FACILITIES MASTER PLAN, CAPITAL IMPROVEMENT PROGRAM DEVELOPMENT
COMPLETION: 2018
CONSTRUCTION COST: $94 MILLION
ARCHITECT OF RECORD: TEN OVER STUDIO

The City of San Luis Obispo's Facilities Master Plan was issued in 1988. The City owns over 221,000 SF of building space for municipal, public safety, community and maintenance functions. The City hired Ten Over Studio to update their existing facilities master plan to better guide capital improvements, maintenance, renovations, expansions and/or replacement of these facilities.

The Master Plan update will help the City better understand if their facilities have outlived their original purpose and what each facility might require to continue to serve staff and the citizens of San Luis Obispo. The Master Plan update includes needs assessment and programming for four existing fire stations.

Candice is the Assessment and Master Planning Architect. She worked with the City to develop the project budgets, timelines and capital improvement plan for all of the facilities in the Master Plan Update.


FIRE HQ CAMPUS
- FIRE STATION 1 & EOC
- EMERGENCY COMMUNICATION CENTER
- MAINTENANCE & REPAIR SHOP
- TRAINING TOWER
- WAREHOUSE
FIRE STATION 2
FIRE STATION 3
FIRE STATION 4
UTILITIES ADMINISTRATION
CORPORATION YARD
- MAINTENANCE BUILDING
- OPERATIONS BUILDING
- WAREHOUSE BUILDING
- FUELING STATION
PUBLIC WORKS
FIRE DEPARTMENT
CITY OF SAN LUIS OBISPO
PARKS & RECREATION
ADMINISTRATION
LUDWICK COMMUNITY CENTER
SENIOR CENTER
SLO SWIM CENTER
PARKS & RECREATION ADMINISTRATION
CITY HALL
COMMUNITY DEVELOPMENT & PUBLIC WORKS ADMINISTRATION


PLAN

JIM DUFFY

PRESIDENT, AIA, NCARB, LEED AP
JIMD@TENOVERSTUDIO.COM

Jim draws on over 25 years of experience within a wide variety of projects ranging from civic and public safety to commercial and retail developments to large scale master planning and design. His extensive experience on civic and public safety projects throughout California make him a natural leader for technical public projects. Jim's educational background and experience in master planning along with his technical architectural experience and refined design sense make him a valuable resource in the early stages of public safety projects.

As a LEED accredited professional, his knowledge of and commitment to sustainable design is drawn upon at each level of planning, design and construction to ensure the most environmentally-friendly options are considered.

Jim excels in quality assurance and quality control checks both throughout conceptual design scenarios, identifying where theory conflicts with practice and practicality, as well as on project drawings and specifications throughout the project. His attention to detail is an extreme attribute, especially in large-scale public safety projects.

"I would like to enthusiastically recommend Jim Duffy as a strong choice for architectural consulting services. Jim not only has the technical qualifications, but also has demonstrated the communication, leadership and management skills necessary to succeed in all that he endeavors. The City of San Jose has had the pleasure of working with Jim through the design and construction of several fire stations over the years and we have many firefighters pleased that he responded to their needs."

DEEDEE FLAUDING
PROGRAM MANAGER, CITY OF SAN JOSE
(RETIRED)

CANDICE M. WONG

PRINCIPAL, LEED AP BD+C
CANDICEW@TENOVERSTUDIO.COM

Candice is a public safety design specialist: She has dedicated the past 23 years of her career to helping law enforcement personnel and first responders live and work in operations-driven, cohesive, comfortable facilities. Just talk to Candice for a minute, and you'll understand her passion for public safety. It's not just her job – it's her way of life. From working through a strategic plan, needs assessment or program to designing a renovation, upgrade, or new facility, through to construction administration, Candice is a leader on how to marry good design, strong technical documents and sustainable solutions.

Clients appreciate that Candice keeps their goals front and center as she integrates their program requirements with the technical drawings and specifications. She is known for her strong technical skills, having worked in all phases and various roles of architecture and project management.

Part of creating a 50-75-year facility – a key component of public safety design – is using durable and low maintenance materials and solutions. Candice brings her extensive knowledge of sustainable design strategies to every component of a project. She has completed dozens of LEED®-certified public safety projects, focusing on lower operating and utility costs.

Candice shares her expertise through published articles and speaking engagements. At the Station Design Conference, Candice leads the Law Enforcement Preconference team, sharing insights on the latest in innovations in police stations and public safety facilities.

"Ten Over Studio was our public safety consultant on two feasibility studies for the City of San Jose. They prepared site feasibility studies and provided programmatic validation services for the Fire Training Center Relocation project. Additionally, Ten Over Studio assisted with public safety review on the City's Police Training Center and Academy Relocation. Ten Over Studio is currently working with the City of San Jose as the lead public safety designer and Architect of Record for the Mineta International Airport ARFF Facility. We are happy to be working with an experienced and effective architectural firm on our mission-critical projects for the City of San Jose."

DOMENIC ONORATO,
ARCHITECTURAL PROJECT MANAGER,
CITY OF SAN JOSE

KARL LUNDEEN

PUBLIC SAFETY PROJECT MANAGER
KARLL@TENOVERSTUDIO.COM

Karl graduated from Cal Poly with a degree in Architecture and a minor in Construction Management. His varied background, with experience in commercial and residential design and over ten years of woodworking and construction experience, gives him a unique understanding and approach to all aspects of the design and construction process.

Clients value Karl's easy-going demeanor and concise communication style. Karl listens carefully during conversations and integrates what he learns into his relationships and projects. A team player, Karl seeks timely, efficient and effective solutions: he enjoys finding ways to bring together seemingly unrelated components or ideas into a cohesive whole.

"We appreciate how the Ten Over Studio team has transformed our design committee's operational needs and wish list into an award-winning design. They continue to exceed our expectations, meet our timelines and stay within budget. We appreciate their in-depth understanding and experience with firehouse architecture and personalized service."

FIRE CHIEF DIEGO FAVILA
CITY OF CALEXICO

WILLIAM RUOFF

PROJECT ARCHITECT, AIA
WILLR@TENOVERSTUDIO.COM

Bringing together his passion for architecture, landscape architecture, engineering, and environmental design, William understands the importance of collaboration and teamwork to create innovative solutions for his clients. His multi-faceted background provides a unique perspective on any project

William believes architecture must combine not only aesthetic and functional goals but also the poetics of the site and the surrounding cultural influences to create a solution that not only works for the clients, but also helps the community as a whole.

With his extensive background in public sector and non-profit work, William understands how projects affect budget, community and the clients' interests. He brings his strong work ethic and background to every project, making him a valuable part of the team.

"The staff at Ten Over went to great lengths to understand our needs prior to assessing the condition of our facilities. This "getting to know your needs first" approach was spectacular. Not only did it inform the subsequent (and thorough) assessment of our facilities, but it also established a credible, trusting relationship between the Ten Over staff and all levels of the Fire Department."

FIRE CHIEF GARRETT OLSON,
CITY OF SAN LUIS OBISPO (RETIRED)

CAITLIN MILICH

PROJECT DESIGNER
CAITLINM@TENOVERSTUDIO.COM

Caitlin is a designer who understands what it means to respect the impact the designed environment has on its users. She appreciates the level of detail that is necessary in the design and development of essential service facilities and how that design impacts those people who serve their community. As a team member, Caitlin enjoys diving into the details of code research and participating in meetings with stakeholders, clients and consultants.

"Ten Over Studio is more than providing the document the City requested, Ten Over Studio is providing the services and planning tool the City needs to successfully manage public facilities into the future. This plan will guide the maintenance, improvement and replacement strategies for the City for the next 20 years."

MATT HORN
PUBLIC WORKS OPERATIONS MANAGER

REFERENCES

MATT HORN
Public Works Operations Manager
City of San Luis Obispo
(805) 781-7191
mhorn@slocity.org

Projects:
- City of San Luis Obispo On-Call Architectural Services
- City of San Luis Obispo Downtown Master Plan
- City of San Luis Obispo Mechanical Renovation Projects
- City of San Luis Obispo City Hall Tenant Improvements
- City of San Luis Obispo Facilities Master Plan Update

DOMENIC ORONATO
Architectural Project Manager
City of San Jose
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domenic.onorato@sanjoseca.gov

Projects:
- City of San Jose Essential Services On-Call Archtectural Services
- Mineta San Jose International Airport ARFF Facility
- San Jose Fire Training Center Feasibility Study
- San Jose Fire Training Center and Emergency Operations Center
- San Jose Police Training Center Feasibility Study

DIEGO FAVILA
Fire Chief, City of Calexico
(760) 768-2150
dfavila@calexico.ca.gov

Projects: `
- Calexico Fire Headquarters Station Program and Conceptual Design
- Calexico Fire Headquarters Station

JEFF WONG
Capital Planning & Project Manager
County of Marin
415.473.6277, jewong@marincounty.org

Project:
- Marin County Sheriff Emergency Operations Facility

OUR MISSION

TO LEAVE THE WORLD BETTER THAN WE FOUND IT

OUR VALUES

DESIGN LIKE YOU GIVE A DAMN

Average is unacceptable. Question the status quo, push boundaries and make a positive impact.

"WE" BEFORE "ME"

Working as a team improves everything we do. Go out of your way to help others succeed and understand that listening, humility and empathy are some of our greatest tools.

110% ... ALWAYS

Lead by example, go the extra mile, take responsibility and do the right thing, even when no one is looking.

KEEP IT REAL

Be fearlessly authentic with yourself, your work and your relationships.

SUSTAINABILITY ISN'T A CHECKBOX

It's a way of thinking and acting. It guides every decision we make in order to maximize the resources of our clients, team, community and planet.

GIVE BACK

Get involved, volunteer your time and build community connections.

ENJOY THE RIDE

Celebrate the success and learn from failures. Enjoy the journey as much as the destination.

SAN LUIS OBISPO, CA

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BEND, OR

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EXHIBIT TOS-1

EXISTING FIRE STATION 81
EMERGENCY RESPONSE CIRCULATION

EXHIBIT TOS-2

ALTERNATIVE A
STAGE 1

"During the first stage of construction, a relocated Tunnel Avenue would be built north of the existing Brisbane Fire Station with a new temporary signalized intersection at Bayshore Boulevard several hundred feet north of the existing Brisbane Fire Station access at the Bayshore Boulevard/Valley Drive intersection."

"During this initial stage of construction, the existing Brisbane Fire Station would remain in its current location and access to the street network from the station would be unchanged"

(E) TUNNEL AVE

TUNNEL AVE

BAYSHORE BLVD

(N) LAGOON RD

VALLEY DR

LEGEND

- OPEN FOR TRAFFIC DURING STAGE 1
- CONSTRUCTION DURING STAGE 1

EXHIBIT TOS-3

ALTERNATIVE A
STAGES 1 & 2

During construction of the relocated Tunnel Avenue intersection with Bayshore Boulevard, access to the existing Brisbane Fire Station would be maintained via the existing secondary access from the rear of the station.

Temporary circulation from the front of the existing Brisbane Fire Station to the secondary access would also be maintained by means of improvements to the existing driveway on the south side of the station.

ALTERNATIVE A
STAGE 2

During Stage 2, construction of the relocated Tunnel Avenue overpass and the Tunnel Avenue/Bayshore Boulevard intersection would be completed, and traffic would be routed to the relocated Tunnel Avenue overpass. At this point, construction of the Relocated Brisbane Fire Station (Alternative A) could commence, and the existing Tunnel Avenue overpass could be removed, except for the two structure bents that are over the existing Brisbane Fire Station's secondary access roadway. The secondary access would continue to be used until the Relocated Brisbane Fire Station (Alternative A) is operational, at which point the existing Brisbane Fire Station and remaining portions of the existing Tunnel Avenue overpass would be removed.

(E) TUNNEL AVE

TUNNEL AVE

BAYSHORE BLVD

(N) LAGOON RD

VALLEY DR

LEGEND

OPEN FOR TRAFFIC DURING STAGE 2

REMOVED DURING STAGE 2

EXHIBIT TOS-4

ALTERNATIVE A
STAGES 2 & 3

Once the relocated Tunnel Avenue overpass is complete with the interim connection to Bayshore Boulevard, fire station vehicles would access Tunnel Avenue via the new temporary signalized intersection several hundred feet north of the existing Brisbane Fire Station access at Bayshore Boulevard/Valley Drive.

The Relocated Brisbane Fire Station (Alternative A) would then be constructed.

During the final stage of construction, demolition of the existing Brisbane Fire Station would occur, followed by construction of the ultimate connection of the relocated Tunnel Avenue overpass to the east leg of the Bayshore Boulevard/Valley Drive intersection.

During this last stage of construction, the Relocated Brisbane Fire Station (Alternative A) would be operational and access to the local street network would be similar to the access for the existing Brisbane Fire Station, as it would occur at a signalized intersection on Bayshore Boulevard approximately 800 feet south of the existing Brisbane Fire Station access, with exclusive use of the east leg of the intersection.

(E) TUNNEL AVE

TUNNEL AVE

TUNNEL AVE

TO TEMPORARY SIGNALIZED INTERSECTION SEVERAL HUNDRED FEET TO THE NORTH

BAYSHORE BLVD

(N) LAGOON RD

VALLEY DR

LEGEND

- OPEN FOR TRAFFIC DURING STAGE 3
- REMOVED DURING STAGE 2
- REMOVED AFTER COMPLETION OF NEW FIRE STATION

EXHIBIT TOS-5

ALTERNATIVE A
STAGE 3

During the final stage of construction, demolition of the existing Brisbane Fire Station would occur, followed by construction of the ultimate connection of the relocated Tunnel Avenue overpass to the east leg of the Bayshore Boulevard/Valley Drive intersection.

During this last stage of construction, the Relocated Brisbane Fire Station (Alternative A) would be operational and access to the local street network would be similar to the access for the existing Brisbane Fire Station, as it would occur at a signalized intersection on Bayshore Boulevard approximately 800 feet south of the existing Brisbane Fire Station access, with exclusive use of the east leg of the intersection.

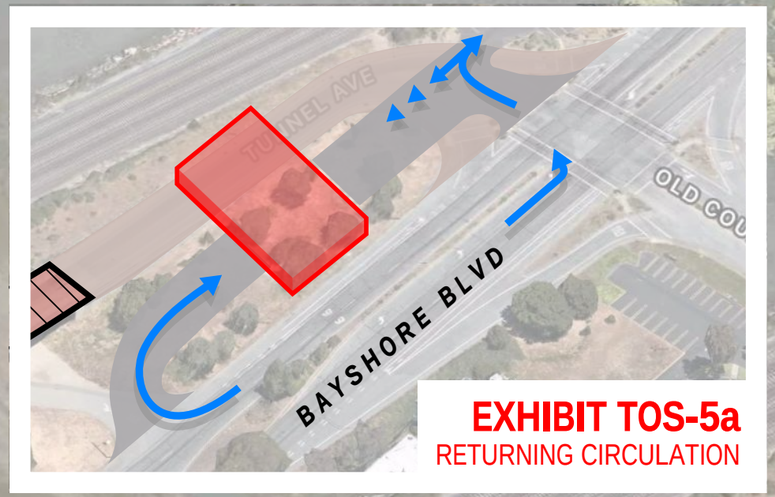


EXHIBIT TOS-5a
RETURNING CIRCULATION

FD PARKING/OUTDOOR STORAGE/TRAINING FACILITIES

NEW STATION ALTERNATIVE A

EMERGENCY RESPONSE CIRCULATION FROM NEW STATION

TUNNEL AVE

BAYSHORE BLVD

OLD COUNTY RD

(N) LAGOON RD

LEGEND

- OPEN FOR TRAFFIC DURING STAGE 2
- REMOVED DURING STAGE 2
- REMOVED AFTER COMPLETION OF NEW FIRE STATION

North County Fire Authority

Serving the Cities of Brisbane, Daly City, Pacifica

Ron D. Myers
Fire Chief

10 Wembley Drive
Daly City, California 94015-4314

Administration
Phone 650-991-8138
Fax 650-991-8090

August 8, 2022

To Whom It May Concern:

The North County Fire Authority (NCFA) provides emergency and non-emergency services to the City of Brisbane from our existing NCFA Fire Station 81 located at 3445 Bayshore Boulevard at Valley Drive within the City of Brisbane. It is our understanding that the California High-Speed Rail Authority's proposed Brisbane light maintenance facility (LMF) requires relocation of the City's existing Tunnel Avenue bridge that conflicts with the current location of Fire Station 81. NCFA previously provided comments to the Authority's plan in its Draft EIR/EIS to relocate NCFA Fire Station 81 to the south to provide for the relocated bridge that will move the connection of Tunnel Avenue to Bayshore Boulevard from Old County Road to Valley Drive. In response to NCFA and the City of Brisbane regarding the significant public safety hazards the Authority's plan would create, the Final EIR/EIS sets forth a new plan for relocation of Fire Station 81. While the new plan retains access to a bridge crossing at all stages of LMF construction, the new plan described in the Final EIR/EIS creates a new set of significant, unacceptable public safety hazards that have not been disclosed and analyzed.

Description of the Existing Station 81

NCFA Fire Station 81 is a one-story, one company fire station designed for staffing of four firefighters. The fire station has two drive through apparatus bays; firefighter living quarters including a combined dayroom, dining area and kitchen, six firefighter bunk rooms and three gender-neutral restrooms. The fire station includes two offices and an open work area for firefighters. There is an existing secured reception vestibule with an ADA restroom and a training classroom that can seat 12 people comfortably. The fire station is located on an approximately 94,000 s.f. site with ample visitor and personnel parking. The front apron of the station directly aligns the apparatus bays with the Valley Drive intersection, making response times very efficient. There is also a short-depth rear apron at the backside of the apparatus bays. Outdoor areas south of the existing station are currently used for training purposes.

Hazardous Safety Conditions During LMF and Tunnel Avenue Bridge Relocation

The Authority's new plan revealed in its Final EIR/EIS retains the existing Fire Station 81 in place during bridge construction, effectively placing the station within a construction zone for an extended prior of time. The Final EIR/EIS shows that emergency response from Fire Station 81 will be required to share an area with the Authority that it will use for construction of the new Lagoon Road approach to Bayshore Boulevard for an undisclosed period of time. The Final EIR/EIS also indicates temporary access from the existing station will be provided via an unsignalized intersection along Bayshore Boulevard south of the existing station for a portion of the Authority's

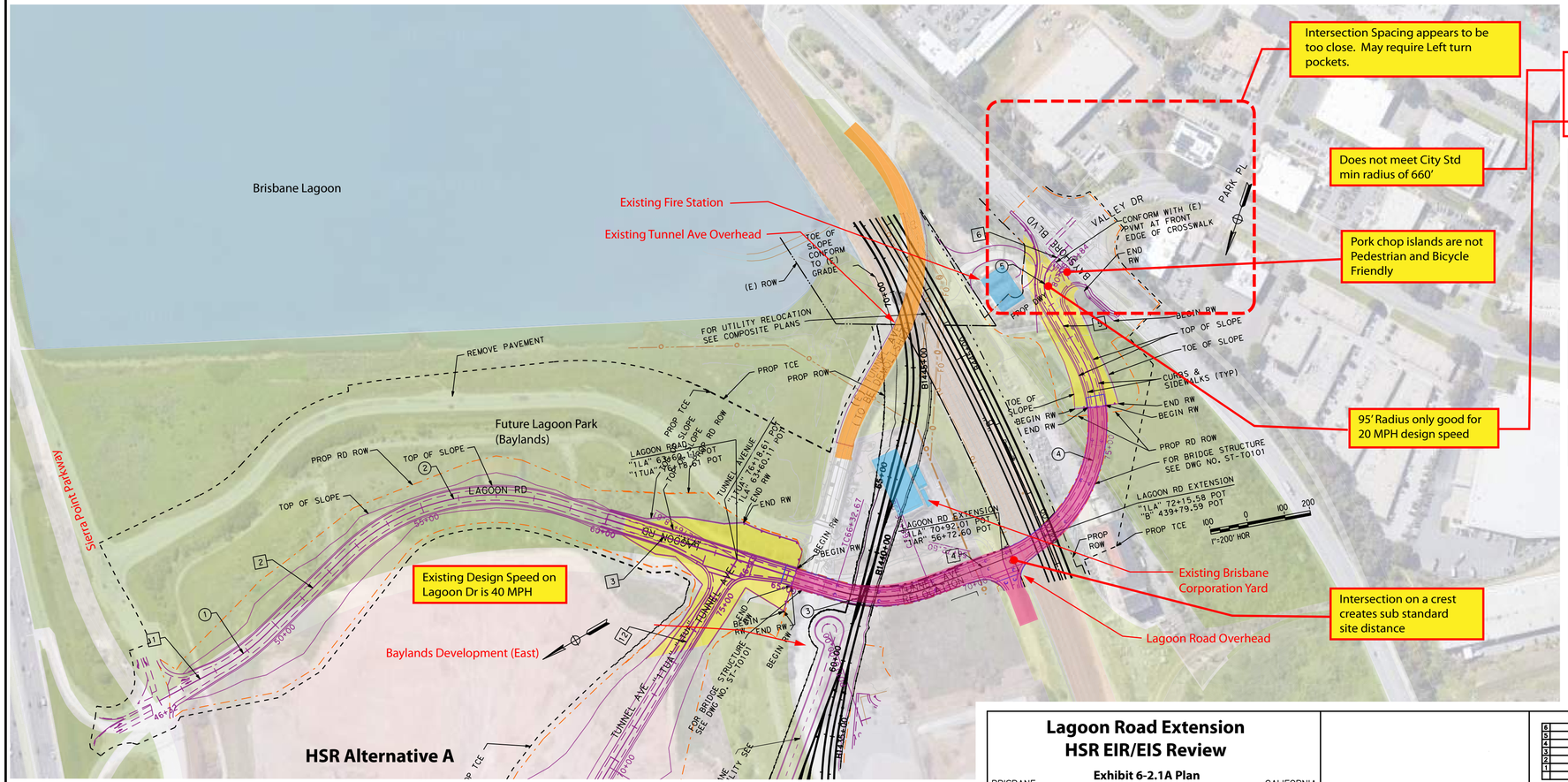
bridge and roadway construction, as well as from the station to a new temporary signalized intersection several hundred feet north of the existing station once demolition of the existing Tunnel Avenue bridge blocks this temporary access to the south. Emergency response from Fire Station 81 along either of these two routes would eliminate firefighters' ability to exit apparatus bays directly to the Bayshore Boulevard/Valley Drive intersection and require several hundred feet of additional distance and require one or more 90 degree turning movements, increasing response times to an unacceptable level while the Authority's bridge and roadway construction continues. It also appears from the Final EIR/EIS that Fire Station 81 would lose access to its existing outdoor storage and training areas during bridge and roadway construction.

The proposed relocation of Fire NCFA Station 81 as described in the Final EIR/EIS does not meet the minimum safety standards for fire station design, location, emergency response egress and roadway entry and is unacceptable to the North County Fire Authority.
Alternative A proposes relocating the station approximately 800 feet south, with two driveways connecting to Bayshore Boulevard. The southerly driveway for the relocated fire station would connect to the east leg of the signalized Bayshore Boulevard/Old County Road intersection, providing full access to Bayshore Boulevard. A second northerly driveway would connect to Bayshore Boulevard approximately 400 feet north of Old County Road, providing a mid-block location with right-in, right-out only access to northbound Bayshore Boulevard that would require fire companies heading south on Bayshore Boulevard to turn into the station at Old County Road and back into the station using the existing park and ride lot south of the relocated station. The Final EIR/EIS does not identify where parking or outdoor storage and training facilities for the relocated fire station would be located.

The poorly designed alternatives for relocating Fire Station 81 for Final EIR/EIS Alternatives A and B are infeasible and unacceptable. Both alternatives described in the Final EIR/EIS require placement of the relocated fire station with its apparatus bays facing parallel to Bayshore Boulevard instead of perpendicular, which would increase response times. Emergency vehicles leaving the fire station's apparatus bays would be forced to make a 90-degree turn before reaching Bayshore Boulevard. Elimination of the short perpendicular access to Bayshore Boulevard in favor of a driveway parallel to Bayshore Boulevard would increase emergency response times from the fire station.

Sincerely,

Ron D. Myers
Fire Chief



CURVE DATA				
NO.	RADIUS (FT)	DELTA	TANGENT (FT)	LENGTH (FT)
1	564.00	16°33'47"	82.09'	163.04'
2	564.00	61°53'11"	338.12'	609.19'
3	380.00	38°20'40"	132.12'	254.31'
4	380.00	98°57'42"	444.62'	656.34'
5	95.00	74°16'46"	225.06'	123.16'

LINE DATA		
NO.	BEARING	LENGTH, FT
1	S 62°26'30" W	173.17'
2	N 45°42'43" W	289.02'
3	S 72°14'5" E	766.36'
4	S 69°25'15" W	213.02'
5	N 29°32'27" W	150.77'
6	S 44°44'18" W	51.30'

CURVE DATA				
NO.	RADIUS (FT)	DELTA	TANGENT (FT)	LENGTH (FT)
9	1200.00	41°38'14"	456.28'	872.05'

LINE DATA		
NO.	BEARING	LENGTH, FT
11	S 09°43'19" E	103.15'
12	S 31°54'54" E	867.49'

CURVE DATA				
NO.	RADIUS (FT)	DELTA	TANGENT (FT)	LENGTH (FT)
10	5652.78	12°25'6.74"	1222.81	1225.21'

LINE DATA		
NO.	BEARING	LENGTH, FT
13	S 19°22'27.13" E	232.86

CURVE DATA				
NO.	RADIUS (FT)	DELTA	TANGENT (FT)	LENGTH (FT)
6	300.00	36°11'38"	98.04'	189.51'
7	350.00	08°53'21"	27.21'	54.30'
8	300.00	08°26'03"	22.12'	44.16'

LINE DATA		
NO.	BEARING	LENGTH, FT
6	S 03°56'25" E	79.38'
7	S 32°15'13" W	218.17'
8	S 23°21'52" W	46.16'
9	S 57°48'34" E	67.09'
10	S 49°22'31" E	184.84'

- Road Embankment or Retained Fill
- Existing Overhead Structure
- New Overhead Structure
- Existing Building Structure to be Relocated
- Relocated Building Structure

Lagoon Road Extension
HSR EIR/EIS Review

Exhibit 6-2.1A Plan

BRISBANE CALIFORNIA

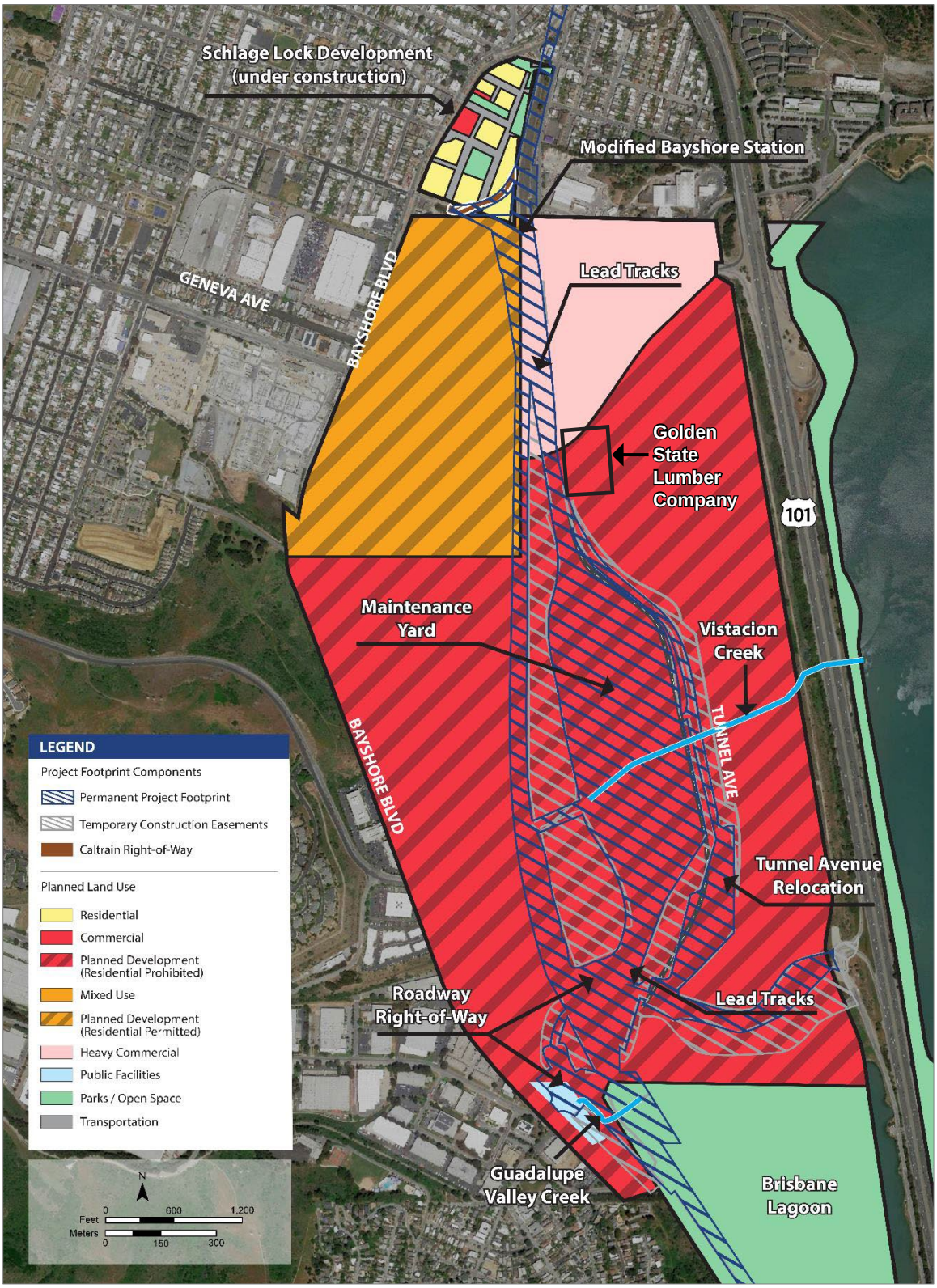
REVISIONS	DATE
6	
5	
4	
3	
2	
1	

DEPARTMENT OF PUBLIC WORKS
BRISBANE, CALIFORNIA

DRAWN BY:
CHECKED BY:
PROJ. ENGR.:
DATE:
SCALE: AS SHOWN
SHEET NO. OF SHEETS

MR. RANDY BREAULT
DIRECTOR OF PUBLIC WORKS

FILE NO.



Sources: City of Brisbane 2003, 2018

SEPTEMBER 2021

Figure 3.13-7 Planned Land Uses—East Brisbane Light Maintenance Facility Area