2.1 PROJECT DESCRIPTION

2.1.1 STATE AND FEDERAL OWNERSHIP

Comments

I believe that “due diligence” has not been exercised for findings regarding the ownership of Treasure Island and the proposed seismic safety mitigation for associated development proposals.

1. The State of California owns the development site in perpetuity by virtue of federal law. “The Arkansas Act of 1850” gave all states stewardship of coastal wetlands below mean high tide as of September 1850. Authenticating correspondence by state officials involving Hamilton Airbase, an analogous situation, is appended. The DEIR on page IV.A.12 asserts that state legislation in 1942 and 1997 both empowered the transfer of Treasure Island to the Navy, a wartime exercise as with Hamilton Airbase, and the release of Treasure Island from the terms of the Tidelands Trust. State law does not trump federal law despite many invalid challenges by the state attempting to do so. The question of ownership underlies the legality and efficacy of the control of uses and resources needed to mitigate the impacts of the proposed development. This issue is fundamental to the integrity and accuracy of the DEIR. (Bernard Choden) [2.1]

[The question of whether due diligence has been exercised regarding title to Treasure Island, that must be cleared in accord with the federal law, the Arkansas Act of 1850 that said that lands below mean high tide, including state Louisiana, Texas -- belong to states of Louisiana, Texas, Florida -- belong to the State of California forever in perpetuity. Clearing that title is for most because the mitigations that will be required to pay for the -- for the environmental defects of the island will not be operable. Also federal laws will either put certain operational constraints that need to be cleared first, then you can do your job. (Bernard Choden) [TR.1.1]

4. Ownership of the Land. Legal ownership of the submerged lands has not been resolved. The State of California owns the development site in perpetuity by virtue of federal law (“The Arkansas Act of 1850”) which gave all states stewardship of coastal wetlands below mean high tide as of September 1850. Regarding a similar situation, the turnover of Hamilton Airbase, state officials commented on the Tidelands Trust situation as revealed in contemporary correspondence. Clearing title does not prevent the developer's proposal; it only affirms the need to go through the State Lands Commission for permission to LEASE the site instead of outright ownership. (Jennifer Clary, President, San Francisco Tomorrow) [38.24]

The DEIR on page IV.A.12 asserts that state legislation in 1942 and 1997 both empowered the transfer of Treasure Island to the Navy, a wartime exercise as with Hamilton Airbase, and the release of Treasure Island from the terms of the Tidelands Trust. But State law is trumped by Federal law despite many attempts by the State to invalidate this principle. (Jennifer Clary, President, San Francisco Tomorrow) [38.25]

There is a great deal of clear graft and corruption here in San Francisco, which must come to a halt forward. We might as well start the arrest of this specific project, which contains all the elements of a coordinated pattern of official misconduct, fraud, and collusion, which appears on face to violate the Racketeering Laws of the People of the United States of America
This project which I will refer to as “TI/YBI” forward, as presented in this Draft EIR is nothing more than a transparent attempt to steal approximately four hundred and fifty acres of California State Land, which is situated within the boundaries of the City and County of San Francisco, and commonly known as Treasure Island and Yerba Buena Island, and referred to by the City and County of San Francisco Planning Department as Case No, 2007-0903E. (Paul T. Currier, Candidate for Mayor of San Francisco 2011) [40.1]

All these City Lawyers know that according to both the Federal Law that governs the use, seizure of and return of State Wetlands (which I believe was enacted in the year 1850) by the Federal Government, and the Federal Law that governs the seizure, use and return of State Property from any State for use in National Emergency, that all of Treasure Island and Yerba Buena Islands, while these State Lands may exist within the boundaries of the City and County of San Francisco, and were confiscated by the US Navy and the Federal Government for use in World War II, that the US Government must clean all this land of environmental hazard and return the property to the People of the State of California.

As such, and spelled out in my paragraph that immediately precedes my statement now, the City and County of San Francisco can not seize State Land, without compensation.

Clearly, the work of Congresswoman Nancy Pelosi and Mayor Gavin Newsom does not address the fact that the US Navy does not have clear title to these 450 acres of California State land. (Paul T. Currier, Candidate for Mayor of San Francisco 2011) [40.2]

I’d like to ask a simple question. Are we going to charge ourselves for what we already own, or are we going to delegate that to corporations to charge us rent for the resources that are already ours? Is that what we’re going to do here? Or are we going to disrespect the fact that this property was already owned by the federal government, and there’s a claim -- a title claim that one of the other gentlemen has already spoken to today.

We’re going to disregard the people of the City and the State of California and the claims of the Coastal Commission to regulate the coastal properties and waters of the State of California. We going to do that? That’s what we’re going to do? I caution us to pay attention to what’s going on here. I want to speak about three simple concepts. One is them is called secrecy. The next one is called craft. Another one is called corruption. Maybe some of you have profited from this, maybe not. How come there’s no inspector general function in any of this?

We’re privatizing 150 acres in the City and County of San Francisco. There’s money at stake here. This is public property. Where’s the cops? Where’s the oversight? (Paul Currier) [TR.6.1]

Maybe it’s because there’s a lot of money in those high-rise developments; right?

I want to close with a concept. It appears that we have an organized theft of public property going on with a process of methodology, where incrementally we meet and we take this, we take that, we take this, we take that, and then 30 to 50 years, what’s going to be left? Treasure Island’s a gem. It belongs to the people of the Bay Area as much as it -- it has concerns for supervisor of District 6. Hopefully the next supervisor will speak up to this. I’m surprised Chris Daily hasn’t been more vocal. (Paul Currier) [TR.6.4]
Response

The comments state that the project site is owned by the State of California; some make this assertion citing the Arkansas Act of 1850. This statement is incorrect. As explained in the EIR in Chapter I, Introduction, on p. I.1, and Chapter II, Project Description, on p. II.1, Treasure Island is presently owned by the United States and is under the jurisdiction of various federal agencies. The United States acquired its interest in the property in a 1942 condemnation action from the City and County of San Francisco. The land underlying Treasure Island, which is within the City limits, was originally owned by the State of California. The State became the owner of the property at statehood. Under the “equal footing doctrine,” upon admission to the Union, California had acquired title to all lands within its borders that were below the line of mean high tide at statehood (i.e., tide and submerged lands) by virtue of its sovereignty. This included the lands comprising Treasure Island, which were historically submerged. The Arkansas Act grant referenced in the comments pertained to federally owned wetlands above the historic mean high tide line, and therefore did not include any portion of Treasure Island.

2.1.1.1 Mitigation Responsibility

Comments

While the ownership is still an open question, there is no possibility of assigning mitigations. Who would be charged under the law with any given mitigation? (Jennifer Clary, President, San Francisco Tomorrow) [38.26]

The question of ownership underlies the legality and efficacy of the control of land uses and resources needed to mitigate the impacts of the proposed development. This issue is fundamental to the integrity and accuracy of the DEIR. (Jennifer Clary, President, San Francisco Tomorrow) [38.27]

Response

The Treasure Island Development Authority (“TIDA”) has been established as the agency to redevelop the project site (see EIR Chapter I, Introduction, pp. I.3-I.4, and EIR Chapter II, Project Description, p. II.1). Because of uncertainties regarding the legal status of redevelopment agencies, a redevelopment plan is no longer proposed; however, TIDA would continue to be an agency of the City and County, as well as the Trustee for the Tidelands Trust properties. TIDA and the Planning Department or Planning Commission would have the responsibility for ensuring that mitigation measures included in the Proposed Project or imposed as conditions of approval are carried out following actions to approve the Area Plan, Special Use District, Development Agreement, Disposition and Development Agreement, and related transactional documents. For many mitigation measures, TIDA would contractually obligate Treasure Island Community Development, LLC (“TICD”), as the Master Developer, to assume responsibility for
implementation in the Disposition and Development Agreement and related transaction
documents for the Proposed Project. Mitigation measures adopted by the City would be fully
enforceable (as required in CEQA Section 21081.6). Detailed information about mitigation
implementation and reporting will be provided in the Mitigation Monitoring and Reporting Plan
that would be presented to decision-makers for their
consideration as part of the entitlement documentation. See also the response in Section 2.1.1, State and Federal Ownership, above, for a discussion of ownership of the project site.

2.1.1.2 Tidelands Trust Areas

Comment

Page II.15 shows that most of the uplands on the Navy-owned portion of YBI are proposed to be brought into the Trust. Unfortunately, the diagram fails to differentiate between what is already in the Trust and what is proposed to be brought into the Trust by virtue of the exchange. *(Jennifer Clary, President, San Francisco Tomorrow)* [38.28]

Response

The Navy is a Federal agency and, as such, lands owned by the Navy are not subject to the Tidelands Trust. Thus, no lands are currently subject to the Tidelands Trust. The Draft EIR provides the following description of lands that will become subject to the Tidelands Trust upon transfer of the project site to TIDA: “These areas include all of Treasure Island, approximately 2 acres of land on Yerba Buena Island, and all of the tidal and submerged lands within the Redevelopment Plan Project Area. The approximately 37-acre Job Corps campus would not be subject to the Tidelands Trust as long as it remains in Federal ownership.” *(EIR p. II.14; see also EIR Chapter III, Plans and Policies, pp. III.12-III.13). The project also proposes an exchange of land between TIDA and the State Lands Commission. The Trust Exchange Agreement (discussed on EIR pp. II.14 and III.14) would result in removing approximately 150 acres of land on Treasure Island from the Tidelands Trust and designating approximately 80 acres as Tidelands Trust lands on Yerba Buena Island on the north side of the Bay Bridge in the Development Plan Area, as shown on F II.3: Tidelands Trust Land Exchange, on EIR p. II.15 (see also EIR p. IV.A.26). None of this approximately 80 acres is currently subject to the Tidelands Trust.

Since publication of the Draft EIR, there has been some clarification regarding Tidelands Trust land on Yerba Buena Island. The statement that approximately 2 acres of land on Yerba Buena Island within Naval Station Treasure Island would become subject to the Trust upon transfer to TIDA is not correct. None of land above the mean high tide line on the island would be subject to the Trust. EIR text on the following pages in Chapter II, Project Description, Chapter III, Plans and Policies, and Section IV.A, Land Use, is revised.

The second sentence in the second paragraph on EIR p. II.14 is revised to delete reference to the 2 acres on Yerba Buena Island (deleted text is shown in strike out):

These areas include all of Treasure Island, approximately 2 acres of land on Yerba Buena Island, and all of the tidal and submerged lands within the Redevelopment Plan Project Area.
The last partial paragraph at the bottom of EIR p. III.12 is revised to delete references to the 2 acres on Yerba Buena Island and to correct the total acreage of Yerba Buena Island (deleted text is shown in strike out and new text is underlined):

Treasure Island is composed of landfill placed on former tidelands and submerged lands. Upon conveyance to TIDA by the Navy, all 367 acres of conveyed land on Treasure Island (excluding the Job Corps campus), along with approximately 2 acres of tidelands on Yerba Buena Island, and all of the other tidal and submerged lands within the Redevelopment Plan Project Area will be subject to the Tidelands Trust Doctrine and the statutory trust created by the Treasure Island Conversion Act of 1996 (the “Conversion Act”). The statutory trust created by the Conversion Act and Tidelands Trust Doctrine are collectively referred to as the “Tidelands Trust.” The approximately 37-acre Job Corps campus would not be subject to the Tidelands Trust so long as it remains in Federal ownership. Except for the approximately 2 acres of existing tidelands on Yerba Buena Island, none of the 150 acres of land above the mean high tide line on Yerba Buena Island is subject to the Tidelands Trust.

There is no change to Footnote 12, cited in the text above.

The second full paragraph on EIR p. IV.A.12 is revised to delete the reference to the 2 acres on Yerba Buena Island (deleted text is shown in strike out and new text is underlined):

The Conversion Act designates TIDA as the agency responsible for administering Tidelands Trust property on the Islands once the property is transferred to it by the Navy. Upon transfer, about 367 of the approximately 404 acres of land on Treasure Island would become subject to the Tidelands Trust; the 37 acres of land remaining under Federal jurisdiction on the Job Corps campus would not be subject to the Tidelands Trust. Except for approximately 2 acres of existing tidelands on Yerba Buena Island transferred from the Navy to TIDA would not be subject to the Tidelands Trust upon transfer.

There is no change to Footnotes 18 and 19, cited in the text above.

The first sentence in the second paragraph on EIR p. IV.A.26 is revised to remove the reference to the 2 acres on Yerba Buena Island (deleted text is shown in strike out and new text is underlined):

Currently, only approximately 2 acres of Yerba Buena Island would be subject to the Tidelands Trust upon transfer.

2.1.2 ZONING AND HEIGHT

2.1.2.1 Zoning Map

Comment

2. A Zoning Map is needed as part of the Proposed Project. The Zoning Map which will be sought for height allowances should be presented now so that the maximum heights can be analyzed as “the worst case” in this document. The Figure that calls for “flex” zones is insufficient and ambiguous because there is too great a range in heights (e.g. a range such as 70’
to 450’ cannot be analyzed). A Zoning Map should be provided that shows the maximum height allowed in that zone, e.g. 450’. Treasure Island is no different from any other part of the City in this respect. After examining the variants, the options and the flex zones and looking at the mitigation measures devised to address them, one wonders what the actual project being studied is; there are too many variables which are unresolved. The worst case must be what is being studied.

(Variants—Vol. II, Ch. VI, pp. VI.1-54)

 Recommendation: Provide the current and proposed zoning maps for the project so that the proposed changes can be clearly understood and studied. (Jennifer Clary, President, San Francisco Tomorrow) [38.6]

**Response**

The EIR provides an accurate description of potential building heights that would be authorized if the City approves the Proposed Project. As described in the EIR in Chapter II, Project Description, p. II.14, and Chapter III, Plans and Policies, p. III.1, the height and use designations for the site are currently controlled by Planning Code Section 105. Neither Treasure Island nor Yerba Buena Island is included in the current San Francisco zoning maps. Pursuant to Section 105, any property that is owned by the Federal, State or local government is declared to be within a P (Public) use district. Section 105(f) specifically designates Treasure Island and Yerba Buena Island to be within a 40-X Height and Bulk limit.

The proposed height limits would be incorporated into the Planning Code through an amendment adding a Special Use District (“SUD”), proposed to be adopted as part of the Proposed Project. The SUD would set forth the Island-wide maximum heights, and would refer to the proposed Design for Development, to be adopted by TIDA and the Planning Commission, for the more detailed height limits within each designated zone. The more fine-grained height zones set forth in the proposed Design for Development would govern development on the Islands, and allow for a range of heights within each zone up to a maximum.

The proposed new height limits on Treasure Island and Yerba Buena Island are presented in the EIR in Figure II.6a: Treasure Island Maximum Height Limit Plan, on EIR p. II.25, and Figure II.6b: Yerba Buena Island Maximum Height Limit Plan, on EIR p. II.27, respectively. The heights on Treasure Island are variable within zones. In many of the height zones a limited number of towers would be allowed that exceed the basic height limit in many of the height zones. The areas where taller towers would be allowed are called “tower flex zones” and are shown as striped overlays on Figure II.6a. Within the tower flex zones, a limited number of towers would be allowed up to the height limits of each of the flex zones (see the response in Subsection 2.1.2.2., Height Limits, below, for more details). Therefore, the height controls cannot be represented as specific height limits on individual parcels, as is more typically shown on the Height District maps in the Planning Code, although every parcel would be subject to a maximum height.
As noted on EIR pp. II.20-II.21, maximum development was assumed in each district for environmental analysis purposes, including a conservative analysis that assumed a higher number of towers would be built in each district than would be reasonably likely, and analyzed those towers at the maximum allowable height and bulk. This represents a reasonable worst case scenario for analysis, and is more conservative than required by the California Environmental Quality Act (“CEQA”).¹ See further discussion in the response in Subsection 2.1.2.2, Height Limits, below.

2.1.2.2 Height Limits

**Comments**


Vol. 1, S-3, Summary: The description of proposed buildings, and their respective heights is written for promotional purposes, it doesn’t objectively describe the project. We request revising all references to low-, medium-, and high-rise buildings to what is typically used in building codes, and construction/industry lingo.

- **Low-Rise**: 40’0” or less from grade at the entry level to the roof line (either flat or average height of sloped roof)
- **Mid-Rise**: less than 75’0” from grade at the entry level to the top-most floor of occupancy
- **High-Rise**: 75’0” or more from grade at the entry level to the top most floor of occupancy

Why is this EIR consistently using misleading language to describe the project? We expect language to be corrected. *(Kathrin Moore, San Francisco Planning Commission)* [20.6]

Sometimes the options are called “flex”, as in height “flex” zones; these vary, for example, from 70’ to 350’ or from 70’ to 450’ (see Vol I, Fig. II.6a.) That is like having no height limits at all. But CEQA requires that the worst case be studied as the proposed project. Furthermore, the graphics in this figure are very difficult to read and require a magnifying glass; the overlay “flex” zones are hard to differentiate as they are rendered in hatch patterns and in colors that are hard to discriminate. Please revise Figure II.6a to make it easier to perceive the distinctions among the various height districts and flex zones. *(Jennifer Clary, President, San Francisco Tomorrow)* [38.2]

- The DEIR reveals that new construction is to be placed on sites of existing buildings. Which buildings will be demolished and replaced?
- What are the existing heights of the buildings to be demolished and what are the heights of the buildings to be built in their place? *(Vedica Puri, President, Telegraph Hill Dwellers)* [39.30]

¹ Under CEQA, an EIR is not required to provide a worst case analysis; rather, it is to analyze the impacts that are reasonably likely to occur as a result of implementing the proposed project (see Napa Citizens for Honest Government v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 324, at 373).
Response

Proposed building heights are described in the EIR in Chapter II, Project Description, on pp II.24-II.27, including Figure II.6a: Treasure Island Maximum Height Limit Plan, and Figure II.6b: Yerba Buena Island Maximum Height Limit Plan, and in Section IV.B, Aesthetics, on pp. IV.B.19-IV.B.23, including Figure IV.B.10: Proposed Representative Massing Diagram. Buildings are described as “low-rise,” “mid-rise,” and “high-rise” to provide a simple differentiation. The terms as used in the EIR are explained on p. II.24 and again on p. IV.B.19. Neither the California Building Code nor the San Francisco Building Code are cited as the source for the terms, and the use of these terms in the EIR was not intended to parallel the specific definitions found in the building codes, where a “high-rise” building is specifically defined as a building where occupied floor levels are 75 feet or more above the entrance level. Thus, a 70-foot-tall building (measured to the roof of the building as is typical for urban design purposes) would not be a high-rise under the Building Code definition. The State and local building codes do not define low-rise or mid-rise buildings.

The Special Use District and the accompanying proposed Design for Development for the Proposed Project would not include zoning and height districts typical of those adopted in the San Francisco Planning Code. The proposed Design for Development includes tiered height limits in designated areas on Treasure Island. The lower tiers would establish base height limits for a particular area, and a smaller subarea or “tower flex zone” within that area would have a higher height limit. Each flex zone would allow a limited number of taller buildings to be constructed and would provide flexibility in the locations of the taller buildings. Each flex zone would have a maximum tower height (the uppermost tier). Tower separation requirements would limit the number of towers that could be constructed in each zone. The tower separation requirements provide for views between towers, limit shadows on public open space, and provide privacy for dwelling units. The details of the tower separation requirements are provided in the proposed Design for Development (Section T4.5, Building Separation). A representative massing diagram showing the locations within which towers could be constructed is presented in Figure IV.B.10 on p. IV.B.20. The wire frames in this diagram would not be allowed to be filled with towers; instead, a narrower tower could be built within the wire frame, based on tower separation requirements and other requirements for setbacks established in the bulk and massing standards found in Section T4.6, Bulk and Massing in the proposed Design for Development. A revised and enlarged version of Figure II.6, Treasure Island Maximum Height Limit Plan, is presented on the next page to help clarify proposed height limits. See also the responses in Section 2.3, Land Use, Subsection 2.3.4, Height Limits.
The EIR identifies the buildings that would be demolished as part of the Proposed Project (see EIR p. II.21 [demolition of Building 111] and pp. II.80-II.81 [demolition as part of phasing plan]). Impacts associated with demolition of existing structures are analyzed in appropriate topics in Chapter IV, Environmental Setting and Impacts; the analysis in Section IV.D, Cultural and Paleontological Resources, in Subsection D.2, Historic Architectural Resources, focuses on the potential historic character of buildings located on the site.

2.1.3 TRANSPORTATION PLAN

2.1.3.1 Transportation Facilities

Comments

Facility Design Guidelines
The EIR discusses the creation of a Treasure Island Transit Hub on pages II.35 and following. The hub would be served by ferries, on-island buses, and off-island buses, and would be a focal point for bicycle activity. It is important that this facility be designed well to both support transit operations and to provide passenger amenities. It would be appropriate at this time to develop design guidelines for facilities such as bus loading bays, bus layover locations, bus shelters and benches, restroom facilities, wayfinding and real time passenger information.

Design guidelines are also now needed for bus-served roadways and bus stops along them. Particular attention should be paid to how buses and bicycles will interact safely and efficiently along these roads and at these stops.

AC Transit’s design manual–Designing With Transit–provides some guidance on these issue. (Cory LaVigne, Director of Service Development and Planning, AC Transit) [23.4]

The shuttle route shown on page II.40 varies considerably from the route shown on page IV.E.34. How is the reader to know which one applies? The one on page II.40 does not serve the historic buildings called the “Great Whites.” If that’s the one that applies, then what will be the environmental impacts of people having to take private cars there? How many fewer cars would be brought to the islands if people knew they would be able to take a shuttle between the transit hub and the Great Whites? (Ruth Gravanis) [31.12]

On page IV.E.33 of the DEIR, footnote 11 states that the 2006 Transportation Plan was an exhibit to the 2006 Redevelopment Plan and Term Sheet that was endorsed by the Board of Supervisors. The footnote further reveals that the current Development Plan does not include some of the improvements listed in the 2006 Transportation Plan because “full funding for these improvements has not been identified.” Given the very significant traffic impacts that are identified in the DEIR and the lack of full funding to implement the transit improvements, this raises many questions about the elements of the Redevelopment Plan that contribute to increased traffic impacts.

- According to the DEIR, the following transportation improvements and services are a included as a part of the proposed Redevelopment Plan: Construction of the Ferry Terminal and Transit Hub improvements and funds for the lease of one ferry vessel (providing service at 50 minute intervals and operating only between 5 AM and 9 PM); the continued operation of
MUNI’s existing line 108-Treasure Island to the Transbay Terminal at existing service levels (one line); and the initiation of a new bus service to downtown Oakland (one line) to be operated by AC Transit.

Please respond to the following questions/comments:

- Please describe exactly which transportation improvements and services were included in the 2006 Transportation Plan.

- Please compare each improvement recommended in the 2006 Transportation Plan to those included in the Proposed Project analyzed by this DEIR.

- Which improvements from the 2006 Transportation Plan have been eliminated from the Proposed Project because “full funding” is not available?

- Please compare the levels of ferry and bus service recommended in the 2006 Transportation Plan to those included in the Proposed Project analyzed by this DEIR.

- How many ferries were included in the 2006 Transportation Plan and what was the frequency of service? How many ferries are included in the Redevelopment Plan analyzed by this DEIR and what is the frequency of service?

- What was the level of Muni service to operate between TI and San Francisco under the 2006 Transportation Plan? How is this different from what is included in the Proposed Project analyzed by this DEIR? (Vedica Puri, President, Telegraph Hill Dwellers) [39.59]

Response

The transportation facilities included in the Proposed Project are described in Chapter II, Project Description, in Section F, Proposed Transportation Facilities, on EIR pp. II.35-II.51. The Transit Hub is described on EIR pp. II.35 and II.38-II.39. Bus routes, bus stops, and bus layover areas are shown on Figure IV.E.9: Proposed Transit Circulation Plan, on p. IV.E.34 in Section IV.E, Transportation, and the Transit Hub and bus service are described in detail in that section on pp. IV.E.33-IV.E.36. Pedestrian and bicycle facilities are described on pp. II.45-II.49, and the key bicycling and pedestrian pathways are shown on Figure II.12: Proposed Bicycle Routes, on p. II.46. Additional discussion of the proposed transportation facilities is provided on pp. IV.E.30-IV.E.45.

Details regarding design of transit facilities would be established by TIDA and TICD in consultation with the San Francisco Municipal Transportation Agency (“SFMTA”) as part of infrastructure design and construction activities. The project description in the second paragraph on EIR p. II.35 is revised as follows to indicate that consultation with SFMTA, AC Transit and the Water Emergency Transit Authority (WETA) would be included in the Proposed Project (new text is underlined):
Bus stops and facilities for East Bay and San Francisco bus service providers, shuttle service stops, bicycle parking, a pool of shared bicycles (“Bicycle Library”), a car share pool, and administration/office space for the new Treasure Island Transportation Management Agency (“TITMA”) would be located at or near the Transit Hub (see “Encouraging Use of Transit and Discouraging Automobile Use,” EIR p. II.51, for a discussion of TITMA’s responsibilities.) TIDA and TICD would prepare the designs for transit facilities in consultation with SFMTA, AC Transit, and WETA.

One comment states the on-island shuttle route shown in Figure II.9: Proposed Shuttle Routes, on p. II.40, is different from the one shown in Figure IV.E.9: Proposed Transit Circulation Plan, on p. IV.E.34). The comment is correct. Figures II.9 and IV.E9 have been revised to show both regular, weekday routes and optional routes to the Great Whites on Yerba Buena Island and the Great Park on Treasure Island. The revised figures are presented on the next two pages. As stated on p. II.39, the graphic presents the proposed on-island shuttle routes, but they are intended to be flexible and could be adjusted to meet demand. If the on-island shuttle were not to serve the Great Whites on Yerba Buena Island, the difference in vehicle trips would be small in relation to the total numbers of vehicle trips assumed to travel to and from the Islands during the peak hours studied for the EIR. There would be about 25 to 35 person trips generated by this location during the weekday AM and PM peak hours out of a total number of external person trips ranging from about 5,375 to 7,570, and about 100 person trips out of a total of about 7,580 in the Saturday peak hour. (Only a portion of this small number of person-trips was forecast to use the shuttle. Therefore, the increase in vehicle trip generation associated with not providing the shuttle would be negligible.)

The Class I mixed bicycle and pedestrian use paths proposed around the entire perimeter of Treasure Island would afford long-range views of the San Francisco mainland from the west and northwest sides of the island, and views of the East Bay from the east side of the island. As explained on EIR p. IV.E.43, the roadway at the Bay Bridge ramps includes a bridge structure that is not wide enough to provide for a separate, Class II bike lane or any viewing areas. Therefore, viewing overlooks are not proposed in these locations. However, there is level ground available adjacent to the lower, northern portion of Treasure Island Road on Yerba Buena Island approximately 500 feet south of the intersection with Macalla Road, where a scenic overlook can be provided that would provide panoramic views of the San Francisco mainland and the west span of the Bay Bridge. This new overlook and a bi-directional, 16-foot-wide Class 1 bicycle/pedestrian path on the west side of Treasure Island Road have been added to the Proposed Project’s circulation facilities. This Class 1 facility would preserve right-of-way for access to a bicycle/pedestrian facility on the Bay Bridge west span if one is constructed in the future. Figures II.12, Proposed Bicycle Routes, on EIR p. II.46, and IV.E.11, Proposed Bicycle Circulation, on EIR p. IV.E.38, are revised to show this new Class 1 facility and the proposed new scenic overlook. The revised figures and additional discussion are provided in the responses
PROPOSED SHUTTLE ROUTES

OPTIONAL EXTENDED WEEKEND ROUTE

PROPOSED SHUTTLE STOPS

* Shuttle stops locations subject to change in coordination with street design and layout.

SOURCE: Perkins+Will
N 0 0 20 1000

FERRY TERMINAL

PROPOSED SHUTTLE ROUTES
OPTIONAL EXTENDED WEEKEND ROUTE

SFMUNI / AC TRANSIT
BUS LAYOVER
BUS STOPS

Treasure Island - San Francisco Ferry

SOURCE: Perkins+Will

TREASURE ISLAND AND TERRA PUENGA ISLAND REDEVELOPMENT PROJECT EIR

(REvised) FIGURE IV.E.9: PROPOSED TRANSIT CIRCULATION PLAN

2.1.15
in Section 2.7, Transportation, Subsection 2.7.7, Bicycles. See also the discussion of Bicycle Access – View Area in this subsection.

The transportation improvements that are assumed for analysis purposes in the EIR are described in Section IV.E, pp. IV.E.30-IV.E.45. Most of the policies and programs described in the Treasure Island Transportation Plan ("2006 Transportation Plan") that is part of the 2006 Development Plan and Term Sheet for the Redevelopment of Naval Station Treasure Island have been included in the Proposed Project analyzed in the EIR. Features such as providing on-island shuttle service, providing a Transit Hub, staffing a full-time travel coordinator, limiting residential parking ratios to one space per unit, unbundling parking from sale or rental of residential units, providing a car-share program, establishing a congestion pricing program, and charging each residential unit for a transit pass (see Section 2, Proposed Transportation Measures, on pp. 12-15 of the 2006 Transportation Plan), are all included in the Proposed Project. As noted in the comments, some of the features in the 2006 Transportation Plan are not assumed in the EIR analysis to be included the Proposed Project. These include increasing ferry service from ferries every 50 minutes to ferries every 15 minutes in the peak period; increasing San Francisco bus service from buses every 15 minutes to buses every 5 to 7 minutes in the peak period; and adding a second bus line to San Francisco. This has been done to provide a conservative impact analysis in the EIR, because funding for these features has not been identified. If unfunded facilities were assumed to be part of the Proposed Project, transportation impacts could be underestimated.

Many of the facilities in the 2006 Transportation Plan that were not assumed in the “base case” for the transportation analysis have been included as mitigation measures in the EIR. For example, the 2006 Transportation Plan includes provision of ferry service at approximately 10-minute headways (a ferry leaving every 10 minutes) during peak commute periods, using three ferry vessels. The Proposed Project would supply one ferry vessel, to be operated at 50-minute headways (see EIR p. IV.E.33). Mitigation Measure M-TR-2, Expanded Transit Service, on EIR pp. IV.E.74-IV.E.75, would provide ferry service at approximately 15-minute headways during the morning and afternoon peaks, similar to the service identified in the 2006 Transportation Plan. The provision of additional, more frequent ferry service under the Enhanced Transit Scenario is uncertain because providing the decreased headways requires expansion of the San Francisco berthing facilities, which relies on future environmental review and discretionary actions by the Port, the Board of Supervisors, and WETA. Therefore, the EIR assumes only the base level of transit services. Ferry service to San Francisco was proposed to operate from 5 AM to midnight every day in the 2006 Transportation Plan; the EIR assumes that ferries would operate between 5 AM and 9 PM. The changes in operating hours and peak headway frequency were made by the project sponsors after consultation with WETA and operating analyses showed that the 10-minute frequencies could not be reliably operated at this time and the late night service would not be supported by rider demand.
Similarly, Muni service in the “base case” for the EIR analysis is assumed to remain as it exists now, with Muni line 108-Treasure Island operating at 15-minute headways during peak periods and providing overnight “owl” service (see EIR p. IV.E.33). Mitigation Measure M-TR-2, Expanded Transportation Service, would provide peak period Muni bus service to the Transbay Terminal at approximately 7-minute headways in the AM peak and as low as 5-minute headways in the PM peak (see EIR p. IV.E.74). Mitigation Measure M-TR-2 is comparable to the approximately 5-minute headways included in the 2006 Transportation Plan, and would provide bus service to another location such as the Civic Center, as in the 2006 Transportation Plan. Level of service for buses serving the Proposed Project would ultimately be determined by the SFMTA based on demand.

**Comment**

Furthermore the entire DEIR, as well as the Treasure Island and Yerba Buena Island Redevelopment Plan itself must be extensively and dramatically revised so that they will set forward clear mandates by which the project will begin achieving quantifiable net reductions in greenhouse gas emissions by at least 2050 (and beginning to achieve such reductions by 2030 or even earlier is far more prudent and should be an aggressive goal of the project.)

Such net greenhouse gas reductions are possible, and can be achieved through;

1) Establishing a long term transportation plan which will transition virtually all transportation in the project area to mass transit and car sharing (and perhaps taxis) which are all powered by renewable electricity sources by 2030 (2050 at the latest). DEIR section IV.E. ‘Transportation’ does not reference such an aggressive plan, and so it, and the project plan itself, should be extensively revised to mandate and adopt such a plan. *(Eric Brooks, Sustainability Chair, San Francisco Green Party)* [30.7]

One of the curious features about the island, its relative isolation in terms of its connection to the bridge and the rest is actually, I think, going to turn out to be a huge plus for it, because of the way the project is approaching transportation and minimizing the influence of the CAB [car]. *(Tim Colen, San Francisco Housing Action Coalition)* [TR.2.2]

**Response**

While these comments relate to greenhouse gas (“GHG”) emissions, they also suggest that the Proposed Project be revised to mandate a transportation plan that would require that “virtually all transportation” be by public transit and car sharing, all powered by renewable electricity sources. The comment’s support for a transition to a transportation system for the Proposed Project powered by renewable source-generated electricity, by 2030 or 2050, is acknowledged.

See the response to Comment 30.6 in Subsection 2.10.3, Greenhouse Gas Analysis Data and Assumptions, in Section 2.10, Greenhouse Gases, of this Comments and Responses document for a discussion of the analysis of greenhouse gas emissions from the Proposed Project and the conclusions regarding significant impacts. In addition to the information presented there, the
suggestion to revise the Proposed Project and EIR to mandate use of only alternative-fuel vehicles is infeasible for a number of reasons.

First, the methodology applied in this EIR is consistent with State regulations, specifically the recently adopted amendments to the State CEQA Guidelines. In conformance with those regulations, the City and County of San Francisco has chosen in this EIR to refer to the CEQA guidance developed over more than a year by the Bay Area Air Quality Management District (“BAAQMD”) regarding how to assess greenhouse gas impacts. The BAAQMD’s suggested thresholds of significance for GHG emissions, and their appropriate application to the Proposed Project, are described in detail in Section IV.H, Greenhouse Gases, on EIR pp. IV.H.18-IV.H.19.

Second, stated in a different way, BAAQMD’s CEQA guidance does not indicate that if a project fails to provide a vehicle fleet that is entirely operated by electricity generated only from renewable resources, it would necessarily have a significant effect. See, for example, pp. 4-6-4-7 of the BAAQMD’s guidance (applying standards of significance to emissions estimates).

Third, in keeping with the State CEQA Guidelines and the BAAQMD guidance, the Proposed Project includes many features that encourage use of transit and discourage use of single-occupant automobiles, which would, in turn, reduce GHG emissions. Transportation facilities included in the Proposed Project and analyzed in the EIR are described in Chapter II, Project Description, on EIR pp. II.35-II.51, and in Section IV.E, Transportation, on EIR pp. IV.E.30-IV.E.45. However, limiting all transportation facilities to use of renewable electricity sources or requiring this limitation by a particular future year would be infeasible and beyond the authority of the project sponsors. Alternative fuel shuttle buses are assumed for on-island transit service, and car-share services would be part of the Proposed Project’s transportation system. Plug-in facilities for electric vehicles would be allowed in any new buildings constructed pursuant to the Proposed Project. The Proposed Project does not include any prohibition on the use of gasoline

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2 See State CEQA Guidelines, Section 15064.4 (“Determining the Significance of Impacts from Greenhouse Gases”), which provides: (a) that Lead Agencies “should” make a good faith effort to quantify GHG emissions from a project and (b) that Lead Agencies “should” consider the following factors in assessing significance: (1) extent to which project would increase or decrease emissions, (2) whether the project emissions would exceed a threshold of significance selected by the Lead Agency, and (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHGs. EIR pp. IV.H.16-IV.H.18 discuss this regulation.


4 EIR, p. IV.H.19.

or diesel-fueled vehicles, because alternative fuel vehicles are not yet in general use. Both Muni and AC-Transit have a few biodiesel buses and more are planned; however, it is not yet feasible to provide only biodiesel or other alternative fuel buses for all of the transit service to and from the Islands. All-electric ferry vessels are not available; the Water Emergency Transportation Authority is investigating alternative-fuel ferries but has not purchased any yet. As alternative fuel buses and ferries become available, they could be used in the Treasure Island transit system; if this occurs, GHG and criteria pollutant emissions may be less than estimated in the EIR, with no change in transit service.

Fourth, the State of California has undertaken a number of efforts to reduce GHG emissions from vehicles. However, none of them attempt to reach the comment’s proposed goal of a vehicle fleet running solely on renewably generated electricity. Section IV.H, Greenhouse Gas Emissions, EIR p. IV.H.11, discusses Assembly Bill 1493 and its intent to reduce GHGs from passenger vehicles and light-duty trucks. EIR p.IV.H.13 discusses Executive Order S-1-07, which establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020, and is related to the Low Carbon Fuel Standard. EIR pp. IV.H.13-IV.H.14 discuss SB 375, intended to create land use changes that would reduce miles driven. EIR pp. IV.H.15-IV.H.16 discuss the California Air Resources Board's Scoping Plan for GHG reductions. The comment’s scenario is not within the recommended GHG reduction measures proposed by the California Air Resources Board.6

Fifth, the City may lack legal authority to prohibit vehicles, other than transit vehicles and those that rely on renewable fuel, from the site. The City does have authority to ensure that the Proposed Project provides transit options, to provide incentives to encourage their use, and to exact costs on vehicle use as a means of supporting transit. The project incorporates these features.

Finally, Assembly Bill 981, which authorizes establishment of the Treasure Island Transportation Management Agency, prohibits interference with public access to Tidelands Trust lands. Prohibiting access by fossil-fueled vehicles would interfere with public access at least while fossil-fueled vehicles predominate in the vehicle fleet and, therefore, would not comply with this statutory provision.

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### 2.1.3.2 Bicycle and Pedestrian Facilities

#### Comments

Based on Transportation Policy No. 4, the bicycle and pedestrian access along Treasure Island and Yerba Buena Island should all be designated to San Francisco Bay Trail standards. In addition, the San Francisco Bay Plan Map No. 4 states that in regards to the open spaces on Yerba Buena Island (YBI), and from the Bay Bridge, the project should provide, “a linkage system of trails near the shoreline and at the upper elevations that connect vista points and open spaces.” As further discussed in this letter under Public Access and Recreation, we are concerned about the linkage of the trails for bicycles and pedestrians from the east span of the Bay Bridge through Yerba Buena Island to Treasure Island. 

(Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission) [17.5]

We are also concerned that the project lacks a view overlook on Treasure Island Road for bicycles and pedestrians to take advantage of the views toward the City from YBI. The FEIR should also address this public access opportunity. 

(Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission) [17.20]

To address these discrepancies, the FEIR must show contiguous sidewalks fully encircling the islands in addition to the trails and pathways currently proposed. 

(Maureen Gaffney, Bay Trail Planner, San Francisco Bay Trail) [25.3]

The Bay Trail Project’s comment letter regarding the Design for Development Document suggested a scenic overlook on the west side of Yerba Buena Island facing San Francisco just prior to the 80 west onramp from Treasure Island Road. We suggested that such an overlook could also function to preserve right-of-way for bike/pedestrian ramp connection to the future path on the West Span of the Bay Bridge. This public access amenity would be a brilliant addition to the project, and would afford new and unique views of the San Francisco shoreline. Please include discussion of such an overlook in the FEIR, and include complete Class I multi-use paths to this location from both sides of the Island. 

(Maureen Gaffney, Bay Trail Planner, San Francisco Bay Trail) [25.4]

Livable City and Walk San Francisco share the concern of the Bay Trail Project and San Francisco Bicycle Coalition that the Bay Trail project regarding the proposed contra-flow bike lane on Macalla Road, and the overall lack of bicycle pedestrian facilities connecting the new pathway on the San Francisco-Oakland Bay Bridge to the Islands. A fully separated, continuous Class I multi-use pathway encircling Yerba Buena Island and well connected to Treasure Island and to the future path on the West span of the Bay Bridge must be included in the project description.

The mission of the Bay Trail is to complete a Class I, multi-use pathway along the shoreline. The proposed development of Treasure and Yerba Buena Islands represents an unprecedented opportunity to connect both islands to the Bay Trail with Class I bicycle paths. Doing so will help the project meet the CEQA requirements for an "environmentally superior" alternative, and which will better accomplish the Project Objectives, as adopted by TIDA and TICD (DEIR pp. II.4 - II.6), as well as the policies and objectives of San Francisco’s General Plan.

The new eastern span of the San Francisco-Oakland Bay Bridge will feature a multi-use path connecting Oakland to Yerba Buena Island. The proposed project for Treasure Island includes a
multi-use shoreline path around its perimeter. Both of these facilities are proposed to become part of the region-wide Bay Trail system, and will improve the environmental performance of the project by providing sustainable transportation access to the island for residents and visitors, in keeping with the stated objectives of the project. Unfortunately, the current plans as depicted in the DEIR fail to deliver for bicycles and pedestrians on several important regards.

The Bay Bridge pathway and Treasure Island pathways are designed to accommodate residents, workers, visitors, and tourists of all cycling abilities. It is difficult to envision that if Macalla is the primary road for traffic from the Bay Bridge, that a bike lane running in the opposite direction of a constant flow of traffic with no discernable separation will “invite riders of all ages and capabilities”. (Tom Radulovich) [36.1]

To address these discrepancies, the FEIR must show contiguous sidewalks fully encircling the islands in addition to the trails and pathways currently proposed. (Tom Radulovich) [36.3]

Open Space and Recreation
A shoreline path for pedestrians and bicycles around the entire perimeter of Treasure Island; pedestrian and bicycle paths would continue on Yerba Buena Island to connect to the new pedestrian and bicycle path on the east span of the Bay Bridge and from there to the Bay Trail in the East Bay. The proposed alignment would also allow the Yerba Buena Island pedestrian and bicycle facilities to connect to any future pedestrian and/or bicycle path added to the west span of the Bay Bridge”

Throughout the document, reference is made to “bicycle paths” on Yerba Buena Island. The following are Caltrans definitions of bicycle facilities from Section 1001.4 of the Highway Design Manual:

“The Streets and Highway Code Section 890.4 defines a "Bikeway" as a facility that is provided primarily for bicycle travel.

(1) Class I Bikeway (Bike Path). Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with crossflow by motorists minimized.

(2) Class II Bikeway (Bike Lane). Provides a striped lane for one-way bike travel on a street or highway.

(3) Class III Bikeway (Bike Route). Provides for shared use with pedestrian or motor vehicle traffic.”

Despite eight years of commenting through various channels regarding the need for such paths, none are proposed. Until such time as a Class I path is proposed on Macalla, Treasure Island Road and Hillcrest, please make proper reference to the proposed facilities using the above definitions. (Tom Radulovich) [36.9]

In order to meet the requirements of CEQA, the project must, to the extend feasible, accommodate the Class I, fully separated multi-use pathway along the shoreline, consistent with the mission and intent The Bay Trail Project. When this is absolutely infeasible, the Bay Trail Steering Committee may choose to adopt Class II bike lanes and sidewalks in particular situations. Class III bike lanes or the type of facility proposed on Macalla Road do not constitute “complete” Bay Trail, and the Bay Trail Steering Committee is unlikely to adopt them into the regional system, thus precluding the City from pursuing grant funding from the Bay Trail.
Regional Development Program. With 20 traffic impacts that are significant and unavoidable with or without mitigation, the need for a safe and continuous bicycle and pedestrian infrastructure on the island is clear. *(Tom Radulovich)* [36.12]

**1. Project Description fails to include integral elements of the project:** The Project Description and numerous other areas of the DEIR present overall goals and policies regarding bicycle and pedestrian facilities that are in direct conflict with what is actually proposed for the project area, namely continuous Class I pathways encircling both islands. The DEIR must describe and analyze complete and continuous walkways fully encircling the islands, in addition to the trails and pathways currently captured in the Project Description. *(Andy Thornley, Program Director, San Francisco Bicycle Coalition)* [41.1]

**4. Right-of-way classifications are imprecise and contradictory:** Throughout the document, reference is made to “bicycle paths” on Yerba Buena Island. The following are Caltrans definitions of bicycle facilities from Section 1001.4 of the *Highway Design Manual*:

- The *Streets and Highway Code* Section 890.4 defines a “Bikeway” as a facility that is provided primarily for bicycle travel.
  1. Class I Bikeway (Bike Path). Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with crossflow by motorists minimized.
  2. Class II Bikeway (Bike Lane). Provides a striped lane for one-way bike travel on a street or highway.
  3. Class III Bikeway (Bike Route). Provides for shared use with pedestrian or motor vehicle traffic.

Similarly, California Vehicle Code section 231.5 states:

A “bicycle path” or “bike path” is a Class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code.

Despite eight years of comment by the SFBC and Bay Trail Project through various public channels regarding the need for such Class I bike paths, none are proposed. Until such time as a Class I path is proposed on Macalla, Treasure Island Road and Hillcrest, please make proper reference to the proposed facilities using the above definitions. *(Andy Thornley, Program Director, San Francisco Bicycle Coalition)* [41.8]

**Response**

Bicycle access is planned throughout Treasure Island and Yerba Buena Island. A Class I mixed bicycle-pedestrian pathway is planned for the entire perimeter of Treasure Island, as described in Chapter II, Project Description, on EIR p. II.48, and shown on Figure II.12: Proposed Bicycle Routes, on EIR p. II.46. This Class I facility would fulfill the requirements of a fully separated, multi-use pathway along the shoreline consistent with the San Francisco Bay Trail Project. As stated on EIR p. IV.J.16, this pathway is planned to be an extension of the Bay Trail but has not been designated as such. Class II bicycle lanes are planned for California Avenue and Avenue C on Treasure Island. Class II bicycle lanes are proposed on Yerba Buena Island, also shown on Figure II.12. Additional detail is provided in Section IV.E, Transportation, on EIR pp. IV.E.36-
IV.E.40 and IV.E.108-IV.E.110. These facilities are proposed as elements of the Proposed Project.

Because the specific improvements requested in the comments do not address a significant environmental impact, there is no CEQA requirement that mandates including any particular type of bicycle lanes and paths.

The sidewalk planned for Macalla Road is designated in the Proposed Project as the extension of the Bay Trail on Yerba Buena Island, connecting to the mixed-use pathway on the Bay Bridge east span (see Figure IV.E.10: Conceptual Yerba Buena Island Pedestrian Circulation Plan, EIR p. IV.E.37). In response to these and other comments on the Draft EIR and the proposed Design for Development, the project sponsors have revised the Proposed Project to add a Class I mixed-use, two-way bicycle/pedestrian path on the north side of Macalla Road, as well as a Class II bicycle lane in the downhill direction (the same direction as vehicular travel is proposed). The bicycle/pedestrian path is proposed to become part of the San Francisco Bay Trail system and would connect to the Class I mixed-use bicycle and pedestrian path on the east span of the Bay Bridge. As stated on EIR p. IV.E.110, a study is underway for a new bicycle/pedestrian mixed-use path on the west span of the Bay Bridge; because this path has not been designed or funded, it is not assumed to be in place in the EIR analysis. However, the facilities in the Proposed Project would not preclude such a path, or foreclose providing connections to it.

See also the information about bicycle access and the bicycle lanes proposed on Macalla Road in Subsection 2.7.7, Bicycles, in Section 2.7, Transportation, of this Comments and Responses document. The revisions to the Proposed Project to widen portions of Macalla Road and provide a Class I mixed-use bicycle/pedestrian path are discussed and shown in Subsection 2.7.7.1, Bicycle Access – Macalla Road.

Bicycle and pedestrian access are not proposed around the full perimeter of Yerba Buena Island; the south side of the island is under the jurisdiction of the U.S. Coast Guard and no public access is permitted.

The comments are correct in stating that the EIR occasionally uses bicycle “path” incorrectly. The following revisions to the EIR text correct the terminology (deleted text is shown in strikeout and new text is underlined).

The first full paragraph on p. II.48 is revised in Section 2.7, Transportation, Subsection 2.7.7.1, Bicycle Access – Macalla Road, on p. 2.7.77, with new text related to the revisions on Macalla Road, using bicycle path and bicycle lane correctly.

At the end of the next-to-last bullet on p. II.48, “paths” is changed to “routes”, as follows:
The walkways and bicycle routes would be designed to allow for possible future connections to other pedestrian and bicycle paths.

In the seventh line from the top on p. IV.J.16, “paths” is changed to “facilities”, as follows:

Pedestrian and bicycle paths facilities would continue on Yerba Buena Island to connect to the new pedestrian and bicycle path on the new east span of the Bay Bridge.

2.1.3.3 Parking

Comment

- As to total parking spaces proposed, we note that the number of parking places has increased significantly from the number included in the 2006 Redevelopment Plan. Comparing the 2006 Redevelopment Plan to the Plan being analyzed in the DEIR, there has been a 26% increase in the number of off-street parking places and a 40% increase in the number of on-street parking places for a net increase of 2,888 parking spaces on the island. Please explain how and why this increase occurred and how such an increase affects traffic impacts.

- How many parking places were included in the 1996 Draft Reuse Plan that was analyzed in the 2003 EIS? (Vedica Puri, President, Telegraph Hill Dwellers) [39.61]

Response

By the “2006 Redevelopment Plan” it is assumed the comment is referring to the development program contained in the Development Plan and Term Sheet for the Redevelopment of Naval Station Treasure Island (Term Sheet) endorsed by the TIDA Board and the TIDA Citizens Advisory Board in October 2006, and by the San Francisco Board of Supervisors in December 2006, and briefly described on Chapter I, Introduction, EIR p. I.6. A modified version of the Term Sheet project is analyzed in the EIR in Alternative B, Reduced Development Alternative, in Chapter VII, Alternatives, pp. VII.15-VII.48.

The differences in numbers of parking spaces between the Proposed Project and the development program in the Term Sheet relate to differences in the amounts and types of land uses. In general, parking ratios remain the same for both. The project defined in the Term Sheet included one parking space for each dwelling unit, or 6,000 residential parking spaces. The Proposed Project includes the same ratio, with 2,000 more residential parking spaces because there would be 2,000 more residential units. The Proposed Project includes approximately 100,000 sq. ft. of office space that was not included in the Term Sheet land uses; at a maximum of 1 space for each 1,000 sq. ft. of office space, this use adds 100 parking spaces to the Proposed Project compared to the non-residential parking assumed for the Term Sheet project.

The Term Sheet land use program included 420 hotel rooms, whereas the Proposed Project includes 500 rooms. The parking ratio was reduced for rooms on Treasure Island from 0.8 spaces per room to 0.4, resulting in 220 parking spaces in the Proposed Project, about 116 fewer than in the Term Sheet project. Less new retail space is included in the Proposed Project (140,000 sq. ft.) than in the Term Sheet project (235,000 sq. ft.).
Chapter IX

2. Comments and Responses

1. Project Description

For open space, the amount of parking is related mainly to the size of the athletic field area in the regional sports complex: the Term Sheet land use program assumed about 32 acres of playing fields while the Proposed Project assumes up to 40 acres. The same parking ratio was used, resulting in about 30 more parking spaces for the open space in the Proposed Project.

The uses in the flex space in the three historic buildings on Treasure Island, Buildings 1, 2, and 3, were undefined in the Term Sheet, and a relatively small amount of parking—150 spaces—was identified in the 2006 Transportation Plan. The Proposed Project analyzed in the Draft EIR established likely land uses for adaptive reuse in the three historic buildings, as shown in Table II.1: Proposed Development Plan, on EIR p. II.18. A parking ratio of 2 spaces for each 1,000 sq. ft. of occupied space was used, consistent with Planning Code parking ratios for neighborhood retail space. Adaptive reuse of these buildings, together with parking ratios set forth in the Planning Code, results in about 390 more parking spaces than estimated in the 2006 Transportation Plan. With the reduced parking ratio of 1 space for each 1,000 sq. ft., there would be about 55 more spaces than in the 2006 Transportation Plan.

The amount of on-street parking identified in the 2006 Transportation Plan, 640 spaces, did not account for all on-street parking that could be available along the proposed new streets, mainly on Treasure Island. The current counts were prepared after more detailed street designs were completed. On-street parking was recalculated for the Proposed Project using the more detailed design information and it was found that space for about 1,035 vehicles would be available.

A comparison of parking assumed in the 2006 Transportation Plan and the Proposed Project is presented in the following table:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>2006 Term Sheet and Transportation Plan Parking Spaces</th>
<th>Proposed Project Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>6,000</td>
<td>8,000</td>
</tr>
<tr>
<td>Hotel</td>
<td>336</td>
<td>220</td>
</tr>
<tr>
<td>Retail</td>
<td>470</td>
<td>414</td>
</tr>
<tr>
<td>Flex Space</td>
<td>150</td>
<td>205</td>
</tr>
<tr>
<td>Office</td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td>Open Space (fields)</td>
<td>168</td>
<td>204</td>
</tr>
<tr>
<td>Open Space (other)</td>
<td>267</td>
<td>260</td>
</tr>
<tr>
<td>Marina</td>
<td>236</td>
<td>236</td>
</tr>
<tr>
<td>On-Street</td>
<td>640</td>
<td>1,035</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>8,267</strong></td>
<td><strong>10,674</strong></td>
</tr>
</tbody>
</table>
The alternative development programs analyzed in the 2005 Final EIR, including the 1996 Reuse Plan, are no longer under consideration. The types of land uses considered and evaluated in the 2005 Final EIR were substantially different from those in the Term Sheet and the Proposed Project analyzed in the current EIR. They included major visitor attractions such as a theme park, conference center and substantially more hotel rooms, and over 5,000 fewer residential units than in the Proposed Project. The alternative development programs analyzed in the 2005 Final EIR would not avoid or substantially lessen any of the significant effects associated with the Proposed Project (see EIR pp. II.4-II.6). Therefore, a detailed comparison of numbers of parking spaces between these alternative development programs and the Proposed Project would not provide relevant information for decision-makers and the public. See Chapter VII, Alternatives, Section D.2, 2800 Housing Unit Alternative with an Amusement Park, on EIR pp. VII.74-VII.75, for additional discussion.

2.1.3.4 Transportation Funding

Comment

Moreover, the Project further attempts to raise revenue from parking. However, in the City of San Francisco, it seems parking fees go to public bus service, while commercial parking fees are split between its public bus service, the general fund and the elderly. It is unclear that the parking revenues generated here would go to TI/YBI’s own transit funds. Therefore, this identified impact and resulting mitigation measure analyzing the need and source of a transportation subsidy should be studied. *(Nick S. Rossi, Esq., representing Kenneth and Roseanna Masters)* [19.34]

Response

Commercial parking fees on the Islands would not be managed by the San Francisco Municipal Transportation Agency, as they are from parking facilities in downtown San Francisco. As authorized under State legislation (Stats. 2008, Chapter 317), the Treasure Island Transportation Management Agency (“TITMA”) would collect and manage revenues from parking facilities as part of the comprehensive transportation management program included in the Proposed Project (see EIR p. II.51); such revenues would be exclusively reserved to TITMA for use on the Islands. The base transit scenario assumed in the EIR’s analysis of transportation impacts includes the existing Muni line 108-Treasure Island service, which would not require any increase in funding, as well as provision of one ferry vessel and bus service to the East Bay, both of which would be funded by TITMA in part from commercial parking fees and congestion pricing fees. See also the response in Section 2.7, Transportation, Subsection 2.7.15.3, Funding.

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7 San Francisco Planning Department, *Transfer and Reuse of Naval Station Treasure Island Final Environmental Impact Report*, Case No. 94.448E (State Clearinghouse No. 199602073), certified May 5, 2005.
2.1.4 PROJECT LAND USE

Comments

Unfortunately, the concept as articulated in the DEIR, presumably by the developer, is not that of an additional San Francisco neighborhood as was originally envisioned, promulgated, and sold to San Francisco citizens in 1994 when the Citizen’s Reuse Committee (CRC) was formed, or as noted in early discussions of the TI Citizens Advisory Board, but a re-conceived vision of a stand-alone community - a major tourist attraction assessable by automobile. Unaccountably, there is specific reference to Regional-serving retail uses which could include specialty foods, specialty gift or crafts, and entertainment uses.”; as well as “…regional-serving retail uses.” [II.33]. These proposals demand a totally different transportation system than would a standard San Francisco residential neighborhood with a mix of Neighborhood Serving Retail (NCD) facilities which might include some entertainment and recreational opportunities. The DEIR thus has a very basic flaw – it is confused as to what is actually meant to be analyzed. One must wonder if the vision is that of San Francisco citizens, or the developer. No logic is given for so small a community, 18,500 residents, to become “regional-serving”. It is as if the intent of the developer is to emulate the former World’s Fair in modern terms. (Ron Miguel, Planning Commission) [7.3]

Vol. 1, S-2, Summary: Why is the Development Program described in vague ranges, using approximations like: up to 8,000 residential units? The Treasure Island Development Plan, its Transportation Plan, its Sustainability Plan, its Habitat Management Plan, describe the project with 5,800 dwelling units on TI and 200 units on YBI why is the DEIR deviating from this program?

Vol. 1, S-3, Summary, Vol. 1 II.33: What regional entertainment uses are being described? In II.33 Commercial: there is reference to uses that were never described in the actual plan (Kathrin Moore, San Francisco Planning Commission) [20.5]

Other, General: Why does the January 2008 Notice of Preparation of an EIR describe the project as a sustainable redevelopment project with 6000 Residential Units, to be built in four phases between 2009 and 2018?

Why then, on July 12, 2010, has the description of the project studied in the DEIR become a DEVELOPMENT PROJECT (note the word sustainable has been dropped) ? Why has the residential number of units increased to 8000 units? Why have other program elements like regional retail and office been increased? (Kathrin Moore, San Francisco Planning Commission) [20.38]

- Given the significant traffic impacts that will result from the implementation of the Proposed Project, please explain why “regional-serving” retail and entertainment uses are being proposed? (Vedica Puri, President, Telegraph Hill Dwellers) [39.62]

Refer to: II. 17, 21: Heartily agree with recommendation for a Museum, presumably to focus on Pan Am Clippers, GGIE, the Navy, etc. Possibly also YBI history could be included. Also Covarrubias mural and Great Map of California (formerly in Ferry Building). (Neil Malloch) [44.4]
…scoping comments call for density, but did it call for this level of density? We don’t think so. We have concerns about this level of density. *(Sal Bloom, Arc Ecology) [TR.16.3]*

**Response**

The description of the Proposed Project in EIR Chapter II, Project Description, provides information about the likely maximum development that would occur if the proposed Redevelopment Plan were fully implemented. There is no requirement in the Redevelopment Plan or the proposed Design for Development that all of the residential units, retail space, and other uses be constructed. It is possible that fewer residential units would be constructed, fewer hotel rooms would be built, or less office space would be built and occupied. Therefore, the Project Description and other sections of the EIR use terms such as “up to 8,000 residential units” and “up to 500 hotel rooms.” If less development were to occur than described and analyzed in the EIR, in general the impacts identified in the EIR would be less to some degree.

The proposed redevelopment of Treasure Island and Yerba Buena Island has included region-serving uses beginning with the initial planning efforts in the 1990s. As noted in the response in Subsection 2.1.3.3, Parking, above, the alternatives described in the 2005 FEIR included major visitor attractions such as a theme park, conference center and substantially more hotel rooms, and over 5,000 fewer residential units than in the Proposed Project. While the Proposed Project includes substantially fewer region-serving uses than prior proposals that were considered and rejected, the project sponsors’ objectives for the Proposed Project, presented on EIR p. II.5, include the goal of making the project a regional attraction (emphasis added):

- Provide a comprehensive new regional waterfront system of parks and public open spaces that is programmed with a variety of uses, including recreation, passive open space, arts, cultural, and educational uses, and *that establishes the Development Plan Area as a regional destination...*
- Activate and link the area surrounding the historic structures by providing a dense, urban retail/mixed-use environment *that attracts residents and visitors to the area.*

The basis for these objectives is, in part, to fulfill TIDA’s obligations as Trustee under the Tidelands Trust, and to ensure that the uses on land subject to the Trust are open to the public. Commercial uses on public trust lands must serve a region-wide purpose. As stated in the policy on the Public Trust adopted by the State Lands Commission in 2007, uses that do not accommodate, promote, foster, or enhance the statewide public’s need for essential commercial services or their enjoyment of tidelands are not appropriate uses for public trust lands. Strictly
local or “neighborhood-serving” uses that confer no significant benefit to Californians statewide are generally not permitted.8

The land use program analyzed for the Proposed Project includes both neighborhood-serving uses and region-serving uses. Neighborhood-serving retail uses are expected to include a grocery store or market, restaurants and cafés, health and fitness clubs, and similar uses (see EIR p. II.33) although many of these uses could also serve visitors to the Islands. Neighborhood parks and childcare facilities would serve residents in the residential areas (see EIR pp. II.29 and II.33). Some of the office space could house neighborhood-serving offices such as accountants, insurance brokers, or dentists. Region-serving uses such as specialty foods and gifts or arts/crafts boutiques are expected to be in the adaptively reused spaces in historic Buildings 1 and 2, and entertainment/recreation uses such as movie theaters and/or sports facilities that would potentially serve both residents of the Islands and visitors are planned for Building 3. The hotels and the museum that could be constructed in the Cultural Park would both be region-serving uses that would be expected to attract visitors to the Islands. Uses on land subject to the Tidelands Trust are required to benefit and attract the greatest number of people to the waterfront, and cannot be limited to uses that serve only the local neighborhood.

Neighborhood-serving and region-serving uses are accounted for in the EIR analysis insofar as there is a difference in impacts. Both are generally described in Chapter II, Project Description (see, e.g., EIR p. II.33). The transportation analysis assumes that most neighborhood-serving retail space would not generate substantial numbers of external trips, and includes trips generated from the region-serving open space, retail, and entertainment uses in the analysis of traffic and transit impacts. Air quality, noise, and greenhouse gas emissions related to transportation activities account for visitor travel as appropriate, and the discussion of recreational impacts describes region-serving recreational facilities (see EIR pp. IV.J.12-IV.J.16 and IV.J.18-IV.J.19). The majority of the vehicle trips generated from the Proposed Project during the peak travel times would be from residents on the Islands, with a smaller volume of travel generated by region-serving uses.

A museum (serving both regional visitors and residents of the Islands) is one possible use that could be located in the Cultural Park north of Building 1. If a museum is constructed, the operator could consider including materials from the Golden Gate International Exhibition and the military, and/or the map of California that was in the Ferry Building prior to its renovation. Note that Building 1 currently includes historic exhibits from the military use of Naval Station

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Treasure Island and the Golden Gate International Exhibition and other features related to the Islands, operated by the Treasure Island Museum Association.\textsuperscript{9}

The Proposed Project analyzed in the EIR includes more housing than was originally proposed in the Development Plan and Term Sheet for the Redevelopment of Naval Station Treasure Island (“Term Sheet”) endorsed by the TIDA Board, the Treasure Island/Yerba Buena Island Citizens Advisory Board (“CAB”) and the Board of Supervisors in 2006. The proposal to increase residential density occurred in response to public comments during the public scoping process for this EIR and continued input from City agencies and the public. The increase in density was ultimately documented in an Update to the Term Sheet that was endorsed by the TIDA Board and the CAB in April 2010, and after hearings before the Land Use Committee of the Board of Supervisors by the full Board of Supervisors in May 2010.

The increase in residential density would provide a larger population base to support transit services and would enhance the viability of neighborhood retail uses and community services. The total amount of retail space in the Proposed Project is less than the amount in the Term Sheet development program, at 207,000 sq. ft. rather than 235,000 sq. ft.; of the 207,000 sq. ft., 140,000 sq. ft. would be new construction while the balance would be part of the adaptive reuse of the historic structures on Treasure Island. The addition of office space in the Proposed Project would provide job opportunities for some residents of the Islands, as well as providing the opportunity for neighborhood-serving office uses, as discussed above. An analysis of a reduced density alternative similar to the development program in the Term Sheet is provided in Alternative B, Reduced Development Alternative, in Chapter VII, Alternatives, on pp. VII.15-VII.48. As discussed there, traffic impacts would be slightly reduced compared to those of the Proposed Project, but would continue to be significant and unavoidable at nearly all of the same locations as the Proposed Project (see pp. VII.21-VII.26), and the same mitigation measures would be applicable.

The Notice of Preparation published in 2008 uses the word “sustainable” two times in the 23-page document; neither use is in conjunction with the description of the Development Program in the proposed Redevelopment Plan. The Sustainability Plan that is part of the 2006 Term Sheet is discussed in several locations in the Notice of Preparation, as is the intent of the project sponsors to meet sustainability goals. This has not changed since publication of the Notice of Preparation. The EIR discusses the proposed Sustainability Plan in the Summary on p. S.5; in Chapter II, Project Description, on pp. II.77-II.79; and in other sections as relevant, such as Section IV.K, Utilities, on p. IV.K.17. See also the response in Subsection 2.1.7, Sustainability Plan, below.

\textsuperscript{9} Information about the museum is available online at http://www.treasureislandmuseum.org, accessed October 30, 2010.
2. Comments and Responses

1. Project Description

April 21, 2011
Case No. 2007.0903E

2.1.4.1 Recreation and Open Space

Comment

Further, the FEIR should clarify if all neighborhood parks at the Project site would remain open to the general public or would be restricted for use in any manner. *(Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission)* [17.14]

The Bay Plan recreation policies state partly that marina development “should include public amenities, such as viewing areas, restrooms, public mooring docks or floats and moorages for transient recreational boaters, non-motorized small boat launching facilities, public parking, [and] substantial physical and visual access....” While the marina is not a part of this DEIR, the FEIR should further clarify the proposed upland marina facilities amenities along the Clipper Cove Promenade, and how the amenities would be utilized if the marina expansion project were not built. *(Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission)* [17.16]

One of the premises upon which we have based our access discussions has been the “Proposed Actions and Alternatives” as stated in the “Transfer and Reuse Naval Station Treasure Island Final EIR 2006,” which states in Chapter 2-8:

Recreation Facilities
Several recreation facilities continue to be used on Treasure Island as a venue for regional sports activities. These include the baseball field which serves as the home field for the San Francisco Little League, including regional competitions; the soccer field located in the middle of the Island, which is used by soccer and rugby teams from around the Bay Area; the Great Lawn; and various other open space recreational facilities such as parks, trails and ball-fields. **Boardsailors and users of other water oriented recreational crafts use the shoreline of Treasure Island, launching from the boat ramp at the northern corner and landing regularly along the northern shoreline of the island.**

Based upon previous experiences with EIR decision documents we believe it necessary that the public components of the Plan be clearly summarized and articulated in the Final EIR for them to carry any weight during the development process. The objective of an EIR is that it look for adequacy and completeness and a good faith effort of full disclosure. Our impression of the project scope presented in this DEIR is one of a “market driven” development, with little priority placed upon the implementation of public improvements so frequently presented during planning discussions.

While our expectation is that the draft “Design for Development for Treasure and Yerba Buena Islands” (“Design for Development”) will be formally adopted in connection with the Redevelopment Plan, it is also our understanding that the Design for Development (D4D) document will exist as a guideline for future “Island” development, more or less in place of building and zoning codes as applied in non-redevelopment. As such, the D4D is more of a guideline for Island development and should not be misconstrued as law. To be more specific, “Section 2:: T1 Public Open Space” of the D4D states in the Standards Column that “T1.6.5.9 – Two loading areas and amenities for boardsailing shall be provided in two locations near parking...”
areas.” While we applaud this description, either this type of specificity needs to be included in the final EIR, or the D4D needs to be adopted as is, and as an appendix to the EIR such that it carries the same force of law. (William Robberson, President, San Francisco Boardsailing Association) [27.1]

1) Why is there complete omission of any specific reference to interim and future boardsailing access and facilities in the DEIR? (William Robberson, President, San Francisco Boardsailing Association) [27.4a]

It is also our wish that when these, the 40-acre fields are complete, that the proposed 40-acre fields are complete, that provision be made or legislation drafted, to keep amateur and voluntary and community-based organizations, such as ourselves, be a permanent part of the proposed athletic fields. (Patrick Huniacke, GAA Athletic Association) [TR.14.4]

**Response**

All neighborhood parks would be open to use by both residents of the Islands and the public at large. Access to community garden areas might be restricted to prevent loss of produce, as is common in other parts of San Francisco.

TIDA would be responsible for operation and maintenance of the Sports Park. It is likely that TIDA would enter into a contractual arrangement with a third party to carry out day-to-day operations. TIDA plans to engage existing users as it develops the long-term parks programs. This does not affect the environmental analysis and findings in the EIR.

Sailboarding is one of the water-related recreational activities expected to occur on Treasure Island during and after development of the Proposed Project. As stated in EIR Section IV.J, Recreation, on p. IV.J.4, “Sailboarders and other water-oriented recreationalists use the north end of Treasure Island to launch watercraft into the Bay.” The Northern Shoreline Park would include sailboat and small-craft launch sites, as listed in Table IV.J.1: Proposed Parks and Open Space, EIR p. IV.J.13. There is no plan to remove the existing boat launch ramp at the north end of Treasure Island or limit its use for boardsailing. The March 5, 2010, draft Design for Development identifies three potential water access points on Treasure Island in Figure T1.a on p. 62, including the boat launch ramp at the north end of the island. In the discussion of the Northern Shoreline Park on pp. 72 and 73 of the proposed Design for Development, two water access areas are identified at the boat launch ramp and to the west along the shoreline (see Figure T1.g: Illustrative Concept for Northern Shoreline Park), and a parking area and warming hut are proposed near each access point. Standard T1.6.5.9 states “Two loading areas and amenities for boardsailing shall be provided in two locations near parking areas.” Thus, facilities for boardsailing would be provided as part of the recreational facilities of the Proposed Project.
2. Comments and Responses

1. Project Description

2.1.5 BAY FILL

Comments

In addition, Section IV.M mentions new docks at the proposed sailing center, including new pilings, a boat launch and new pier. In the FEIR, please further describe the proposed work at the sailing center, including the area and volume of fill in the Bay and how the proposed work meets the McAteer-Petris Act’s Bay Fill policies. (Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission) [17.3]

Further, the project description for the Ferry Terminal Site Plan lays out three Breakwater Variants under consideration: (1) symmetrical breakwaters with a 200-foot west-facing opening; (2) two symmetrical breakwaters plus a third, separate, detached breakwater, and a 300-foot opening facing southwest; and (3) phased construction of breakwaters, with the northern, longer breakwater constructed first, along with the ferry slips and passenger facilities. Based on a cursory review, the third proposal or preferred breakwater plan involves the least amount of fill in the Bay to achieve the project purpose; therefore, this proposal may provide the greatest consistency with the McAteer-Petris Act’s Bay Fill policies. In the FEIR, please further explain how the proposed project is the minimum fill necessary and why public access may not be provided along the southern breakwater in the preferred variance. (Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission) [17.4]

Response

The Sailing Center waterside facilities are described in EIR Chapter II, Project Description, on p. II.31. The following text is added to the second bulleted item on that page, to provide more detail on the amounts of dredge and fill material (new text is underlined):

- The existing Sailing Center near Pier 1 would be improved with new vessel launch and retrieval facilities. The improvements would include a new pier on pilings to accommodate two vessel launch and retrieval cranes, entry landings and gangways, and floating docks. The waterside facilities would require dredging about 1,500 to 3,700 cubic yards, and would result in about 0.25 to 0.4 acre of pile-supported fill and 0.4 to 0.45 acre of floating fill in the Bay. Landside facilities would include restrooms, laundry facilities, and other improvements to serve the tenants of the Sailing Center (as well as future tenants of the separate Marina Project, if approved).

The impacts of the proposed waterside facilities at the Sailing Center are identified and analyzed in various sections of EIR Chapter IV, Environmental Setting and Impacts. For example, impacts on biological resources of constructing the launch facilities are discussed in Section IV.M, Biological Resources, in several places: construction noise impacts on marine life are discussed on pp. IV.M.43-IV.M.47 (see Mitigation Measure M-BI-1e on pp. IV.M.46-IV.M.47); construction impacts on eelgrass beds are discussed on p. IV.M.48-IV.M.49 (see Mitigation Measure M-BI-2c on p. IV.M.49); and impacts on intertidal and subtidal habitats are discussed on pp. IV.M.56-IV.M.61. Water quality impacts of in-water construction at the Sailing Center are discussed in EIR Section IV.O, Hydrology and Water Quality, on p. IV.O.37, and include a list of
best management practices that would be applicable to construction activities at the proposed Ferry Terminal and Sailing Center.

Breakwater Variant B3, discussed in Section VI.B, Ferry Terminal Breakwater Variants, in EIR Chapter VI, Project Variants, on pp. VI.20-VI.31, would result in the least amount of fill compared to Breakwater Variants B1 and B2 and the Proposed Project in its initial phase as noted in a comment, but would ultimately result in the same amount of fill as the Proposed Project when the southern breakwater would be constructed in phase 2. Estimates of amounts of fill for the breakwaters provided in the Treasure Island Ferry Terminal Project Coastal Engineering Assessment\textsuperscript{10} indicate that Breakwater Variants B1 and B2 would result in slightly more fill than would the Proposed Project or Breakwater Variant B3. More specific volumes of dredge materials and fill would be further refined as more detailed designs are prepared for the selected variant; these designs and dredge and fill volume estimates would need to be provided to the San Francisco Bay Conservation and Development Commission (“BCDC”) as part of the required permit application for the variant selected. As stated on EIR p. II.36, the northern breakwater would not be available for public access because the engineering analysis of the breakwaters showed that waves could occasionally overtop this breakwater\textsuperscript{11} and result in potentially hazardous conditions for pedestrians.

Both the Ferry Terminal and the Sailing Center launch facilities would require approval by BCDC. A discussion of the Proposed Project’s general consistency with BCDC policies is presented in EIR Chapter III, Plans and Policies, on pp. III.9-III.12, and concludes that no inconsistencies were found with BCDC policies. More specific information regarding BCDC’s policies will be required as part of that agency’s permit process. As stated on EIR p. III.12, BCDC will make the final determination as to consistency with relevant policies related to bay fill as part of its action on each of these facilities, after the Final EIR is certified. See also the response in Subsection 2.2.4, BCDC Regulations, in Section 2.2, Plans and Policies, of this Comments and Responses document.

2.1.6 HOURS OF CONSTRUCTION

Comments

6. There are no hours of construction reflected in the DEIR. The CAB urges the DEIR reflect that construction’s operation hours to be clearly defined – and limited – to weekday “normal” working hours (8:00a – 5:00p), and that there be will be no construction occurring on weekends. This would include elements of construction such as pile driving, etc. (Treasure Island/Yerba Buena Island Citizens’ Advisory Board) [8.6]

\textsuperscript{10} Skidmore, Owings & Merrill, LLP, and Moffatt & Nichol, Treasure Island Ferry Terminal Project Coastal Engineering Assessment, September 2009, p. 6.

\textsuperscript{11} Ibid., p. 3.
18. City regulations state that construction cannot occur between 8 p.m. and 7 a.m. seven days a week. Currently are construction activities for the Treasure Island development anticipated to occur during weekends? *_(Johannes Hoffman, AIA, Contracting Officer’s Technical Representative, U.S. Department of Labor, Employment and Training Administration)_* [15.16]

**Response**

The EIR discusses the regulatory framework for construction noise in Section IV.F, Noise, pp. IV.F.8-IV.F.12. It notes that project construction would comply with a variety of statutory restrictions on construction activity and noise, including, but not limited to, the San Francisco Noise Ordinance (in Police Code Article 29). This ordinance restricts construction activity to the hours between 7:00 a.m. and 8:00 p.m. unless a special permit has been applied for and granted by the Director of Public Works or the Director of the Department of Building Inspection.

Construction activity may occur on weekends. By nature, some elements of construction work consist of continuous activities that cannot be suspended because of the onset of the weekend.

### 2.1.7 SUSTAINABILITY PLAN

**Comments**

Vol. 1, S-5, Summary: Why are the goals of the Sustainability Plan described in such tentative language when the main objective of the Plan has been to design the first fully sustainable neighborhood for San Francisco? *that would enable installation of photovoltaic panels on most roof tops ...*  *(Kathrin Moore, San Francisco Planning Commission)* [20.7]

General comment. We are concerned that what is called a sustainability plan is in actuality an environmental impact mitigation strategy. The two are quite different approaches. Sustainability approaches a development from the ground or in this case Bay up. A mitigation plan is layered on top of a proposed land use to reduce its effects. We believe the latter is a more reasonable way to describe this plan which does have numerous important and beneficial attributes but is nevertheless largely mitigation. *(Saul Bloom, ArcEcology)* [28.8a]

**Response**

EIR Chapter II, Project Description, pp. II.77-II.79, describes the Project’s proposed *Sustainability Plan* in detail. The Proposed Project includes a stand-alone document describing the proposed *Sustainability Plan* in detail.¹² *(Appendix I of that document, pp. 107-108, lists specific obligations of TICD relative to sustainable development practices.)* The EIR analyzes

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¹² _A Sustainable Future for Treasure Island, Exhibit K: Sustainability Plan_, October 2006, Treasure Island Community Development (hereinafter “Treasure Island Sustainability Plan”). This document is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, 4th Floor, as part of case file 2007.0903E.
the whole of the Proposed Project. The proposed Sustainability Plan is part of the Proposed Project and therefore is fully addressed in the EIR, not in mitigation measures, but as part of the project that was presented to the Planning Department for environmental review. The EIR does not evaluate the effectiveness or appropriateness of the proposed Sustainability Plan.

The proposed Sustainability Plan includes a variety of specific proposals to maximize sustainability, such as green building specifications for all new buildings, high-density residential development in close proximity to transit facilities, a comprehensive Transportation Demand Management system, etc., as well as a variety of aspirational goals and strategies that would allow the Proposed Project to become increasingly sustainable over time as technological and economic feasibility allow. The proposed Sustainability Plan includes measures that TICD would commit to implementing, as well as approaches for achieving higher levels in the future. Future updates to the proposed Sustainability Plan would allow future TIDA Boards to adopt, for instance, changes to the approaches (e.g., timelines, measuring, monitoring, and reporting plans, etc.) associated with its efforts to achieve a Climate Positive Development.

Further, the proposed Design for Development for Treasure and Yerba Buena Islands (“Design for Development”) that is the basis for future review and approval of newly constructed buildings on site includes a number of standards and guidelines that are intended to enable the Proposed Project to meet its sustainability goals (see Section T5.2 of the proposed Design for Development). Two of these standards that relate to the comment are T5.2.1, which requires all new buildings to comply with the Green Building Specifications for Treasure and Yerba Buena Islands, and T5.2.4, which requires that all buildings must “provide ‘solar ready’ infrastructure such as solar panel standoffs, conduit, and roof water spigots that minimize the cost and effort of adding solar capacity at a later date.”

The comment seems to suggest that the referenced recommendation, “enable installation of photovoltaic panels on most roof tops” (emphasis added), implies that sustainability goals of the Proposed Project are unacceptably ‘tentative’. In any given large-scale development, not all rooftops will be situated such that solar panel installations are appropriate or feasible. For example, structural or sun angle issues may limit the feasibility of solar panels for certain buildings or locations. The intent of the Proposed Project, as reflected in the proposed Design for Development standards noted above, is to include rooftop solar panels whenever feasible. For this reason, the phrase “most rooftops” is correct.

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13 Treasure Island + Yerba Buena Island Design for Development, Public Review Draft, 03.05.10, Treasure Island Development Authority, see pp. 179 and 259. This document is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, 4th Floor, as part of case file 2007.0903E.
2.1.8 PHASING

Comments
Vol. 1, IV.E.48, Transportation: Does the statement that “Actual phasing of development would be market-driven” make this project de-facto unsustainable? Can stop-start construction that is market-driven over 20+ years, ever be sustainable? (Kathrin Moore, San Francisco Planning Commission) [20.32]

Other, General: Why now is the project no longer being analyzed as distinctly phased (4 Phases)? Why has the time frame for construction been increased from originally ten years to fifteen (15) to twenty (20) years? Clarify how the increase in years of project realization - construction increases cumulative impacts of noise, construction disruption, air pollution, etc.? (Kathrin Moore, San Francisco Planning Commission) [20.39]

Phases. While a 15 to 20-year period to completion is anticipated, it would be useful to have the project studied in discrete phases; for each phase, there would be a separate time-line; the impacts would be assessed and appropriate mitigation measures suggested within that time frame. These phase-specific numbers are not in the DEIR and for massive projects such as this one, the document is of little use to the public and decision-makers to actually use in their approval decisions.

Recommendation:
➢ provide a timeline that indicates when impacts would occur and mitigations be required (Jennifer Clary, President, San Francisco Tomorrow) [38.15]

Response
The EIR is a project-level EIR and analyzes the Proposed Project at full buildout, providing an analysis of all phases of the Proposed Project. The amount of time that may be necessary to reach buildout is assumed in the EIR to be about 20 years. The NOP for the Proposed Project stated that the estimated buildout time period would be about 10 years; the project sponsors have since revised that estimate following the change from 6,000 to 8,000 residential units, and in response to changing economic conditions. A comparison between a 10- and 20-year buildout would not provide useful information, since a 10-year buildout is no longer considered achievable.

A 20-year time frame is not unusual for a development program of the size of the Proposed Project. The Yerba Buena Center EIR was prepared in 1978 - 1979 and was followed by a Subsequent EIR that addressed substantial revisions to the Redevelopment Plan prepared in 1992; the last development site was under review in 2010, an approximately 30-year buildout. The Mission Bay EIR, covering the Mission Bay North and Mission Bay South Redevelopment Plans, was completed in 1998; much of Mission Bay North has been built out in the intervening 12 years, but considerable land in Mission Bay South remains to be developed.

Providing an analysis of the impacts of each interim phase would result in significant redundancy, without meaningfully aiding an understanding of the impacts of the Proposed Project. In general,
impacts of individual phases may be less than those of the Proposed Project at buildout. For example, transportation impacts and traffic-generated noise impacts would be greatest when the largest number of residents, employees, and visitors were on the Islands, which would occur at full buildout. However, the air quality impacts of construction activities would not be less for all phases of construction; therefore, Impact AQ-3, in EIR Section IV.G, Air Quality, on pp. IV.G.30-IV.G.36, discusses the air quality impacts of each phase on existing residents and on residents who may have moved to new residential buildings constructed in an earlier phase while construction was continuing for later phases. Similarly, wind impacts may differ during construction; therefore, Impact WS-3, in EIR Section IV.I, Wind and Shadow, on pp. IV.I.50-IV.I.52, discusses the potential for wind hazards during construction and proposes a mitigation measure to lessen those potentially significant impacts. Thus, the EIR addresses interim impacts (e.g., air pollutant emissions associated with construction) when such a discussion is relevant to a full understanding of the environmental impacts of the Proposed Project.

The Mitigation Monitoring and Reporting Plan for the Proposed Project, one of the documents that will be provided to decision-makers for action on the Proposed Project, will include information on the timing of mitigation measures, where appropriate. Those project features or mitigation measures that are relevant to the construction process or to interim conditions will be tied to the specific period when the measure must be implemented. Thus, for example, the EIR identifies Best Management Practices that would be implemented to avoid water quality impacts during construction of improvements at the Sailing Center (EIR Section IV.O, Hydrology and Water Quality, p. IV.O.37).

2.1.9 APPROVALS

Comments

15. As to the San Francisco Bay Conservation and Development Commission (“BCDC”) and its “Bay Plan” policies relating to “Appearance, Design, and Scenic Views”, please explain how: . . . (e) the nature, type and extent of BCDC advice, input, comments, and observations to date, on appearance and design of the project, particularly with regard to the proposed high-rise towers. (Anthony F. Gantner, Attorney-at-Law) [13.5]

The Commission’s jurisdiction under state law as it applies to the Project includes all tidal areas of the Bay up to the line of mean high tide (MHT) or to the inland edge of wetland vegetation in marshlands, and all areas formerly subject to tidal action that have been filled since September 17, 1965, and a shoreline band extending 100 feet inland from and parallel to the Bay. The Commission also has jurisdiction over priority use areas designated in the Bay Plan on Yerba Buena Island. Within the Commission’s jurisdiction, authorization is required for construction, dredging, fill placement, land subdivisions, and substantial changes in use.

The Project would be subject to the Commission’s permit application review and authority under state law. (Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission) [17.1]
**Biological Resources.** Section IV.M discusses the possible biological resource impacts related to the proposed project. While this section correctly outlines the Commission’s jurisdiction, the FEIR should include a discussion about the Commission’s regulatory requirements governing the protection of the Bay’s natural resources. In evaluating Bay projects for authorization, the Commission must find that marshes, mudflats, and subtidal habitat would be “conserved, restored and increased.” Further, pursuant to the Bay Plan policies on Fish, Other Aquatic Organisms and Wildlife, “[t]he Commission should: (a) Consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife.” Thus, this project may trigger consultation with these various resource agencies, which would be a filing requirement before the Commission can take action on this proposed project. *(Karen Weiss, Coastal Program Analyst, San Francisco Bay Conservation and Development Commission)* [17.8]

It is necessary to obtain a BCDC permit prior to undertaking most work in San Francisco Bay or within 100 feet of the shoreline, including filling, dredging, shoreline development and other work; thus the Project is subject to BCDC’s jurisdiction and such should have been thoroughly addressed in the DEIR. Although the DEIR does include BCDC within the regulatory section of the analysis, it does not include any reference to consultations or compliance with any permits or regulations. *(Nick S. Rossi, Esq., representing Kenneth and Roseanna Masters)* [19.2]

Please explain what regulatory authority City and County of San Francisco will retain over future individual projects, including projects that will alter historic buildings and landscapes? *(Vedica Puri, President, Telegraph Hill Dwellers)* [39.7]

I demand that the California Coastal Commission be included in any and all decisions regarding the transformation of TI/YBI into first a Neighborhood of a hand full of 60 story high-rises, and then into a neighborhood of hundreds of new Sky Scrapers in the 100 to 250 Story size, that will occur over time, given the money at hand now. *(Paul T. Currier, Candidate for Mayor of San Francisco 2011)* [40.3]

No. 2. We believe that the Coastal Commission, because this project involves rezoning and general plan amendments, a discussion of its requirements should have been included and it was omitted. Under Government Code Section 65860A, it requires that the land uses that are authorized by the ordinances be compatible with the policies, objectives, programs, in general, and specific uses of the general plan. And we think the omission of the Coastal Commission’s involvement is a serious violation of that *(Nick S. Rossi, representing Ken Masters)* [TR.5.3]

**Response**

The comments provided by BCDC regarding the scope of their jurisdiction and review procedures are noted. As described in the EIR in Chapter III, Plans and Policies, pp. III.9-III.12, BCDC is empowered by State law to regulate the use of the Bay and its shorelines. Generally, BCDC has jurisdiction over areas subject to tidal action and a 100-foot shoreline band surrounding the Bay from the mean high tide line. The EIR states on p. III.9 that, “BCDC has permit authority for the placement of fill, extraction of materials, or substantial changes in use of land, water, or structures within its jurisdiction, and to enforce policies aimed at protecting the Bay and its shoreline, as well as maximizing public access to the Bay.”
Action by BCDC is one of the approvals listed in EIR Chapter II, Project Description, pp. II.83-84. The tenth item on p. II.84 indicates that BCDC approval would be required for any fill or dredging within the area of their jurisdiction. The next bullet on that page lists consultations that might be required with the U.S. Fish and Wildlife Service, NOAA (of which the National Marine Fisheries Service is a part), and other agencies as part of U.S. Army Corps of Engineers permit review. In response to the comments, a similar phrase is added to the bullet describing BCDC permit review. On EIR p. II.84, the tenth bullet is revised to read as follows (new text is underlined):

- Permits for fill and dredging in San Francisco Bay and improvements within the 100-foot shoreline band (San Francisco Bay Conservation and Development Commission), which may include consultation with the California Department of Fish and Game or other agencies as directed by BCDC.

The Regulatory Framework subsections in the topic sections of Chapter IV, Environmental Setting and Impacts, provide detailed explanations of State and local laws and regulations applicable to the Proposed Project. See, for example, Section IV.F, Noise, EIR pp. IV.F.8-IV.F.12, IV.G, Air Quality, EIR pp. IV.G.13-IV.G.18, and IV.M, Biological Resources, EIR pp. IV.M.31-IV.M.38.

As a Responsible Agency under CEQA, consultation with BCDC is required by law. BCDC was sent a Notice of Preparation (“NOP”), along with other Responsible Agencies, seeking their early input and comment on the environmental analysis for the project. BCDC sent a letter of comment on the NOP. BCDC has also provided comments on the Draft EIR. The project sponsors have met several times with BCDC staff to solicit feedback on the Proposed Project; public presentations to BCDC’s Design Review Board were made on two occasions, on November 9, 2009, and on February 8, 2010. Further meetings and public hearings are anticipated.

Comments from BCDC on the NOP for the Proposed Project, including comment on the project design, are reflected in the EIR in Chapter III, Plans and Policies, pp. III.9-III.12, which discusses the Project’s relation to specific policies of the Bay Plan. As described on EIR p. III.11, the Bay Plan policies concerning Design and Appearance focus on ensuring views of the Bay and shoreline. The impacts of the Proposed Project on the Bay and shoreline views are discussed in the EIR in Section IV.B, Aesthetics. EIR p. IV.B.19 notes that building height limitations established in the proposed Design for Development would ensure that development would not substantially interfere with existing views from hilltop public park areas. Height standards proposed for new towers mandate separation of towers to provide for view corridors between these structures.

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14 Comment letters from BCDC on the NOP are included in Appendix B, Public Scoping Report, in the EIR. Comments on the Draft EIR are included in an appendix to the Comments and Responses document and will be included with the Comments and Responses in the Final EIR.
As explained on EIR p. II.83, the procedures for future local design review and permitting activities for the Project Site will be governed by the Design Review and Document Approval Procedure adopted by TIDA. All City departments having jurisdiction over any permitting on the project site would approve and enter into an Interagency Cooperation Agreement setting forth procedures for permit review. These departments would include the Department of Public Works (for street improvements), the San Francisco Municipal Transportation Agency (for transportation-related improvements), the San Francisco Fire Department (for fire fighting infrastructure and facilities), the Arts Commission (for structures on property to be owned by the City), and others. As described on EIR p. II.3, another document, the proposed Design for Development would be adopted in connection with the Redevelopment Plan. These documents would be used by TIDA to implement land use controls and design standards and guidelines for the project site. On pp. 294-295 of the proposed Design for Development, it is noted that TIDA would administer review of permits affecting designated historic structures (including Buildings 1, 2, and 3) and any proposed rehabilitation and reuse of these historic resources would have to comply with the Secretary of the Interior’s Standards for Rehabilitation. Potential impacts of reuse and rehabilitation of historic resources, including landscape areas where applicable, are discussed in EIR Section IV.D, Cultural and Paleontological Resources, pp. IV.D.51-IV.D.61. See also the response in Section 2.6, Historic Resources, Subsection 2.6.3, Impact on Buildings 1, 2, and 3.

Comments suggest that the California Coastal Commission should be included in reviewing the Proposed Project. The Coastal Commission has no jurisdiction in San Francisco Bay. As noted on the California Coastal Commission’s website, “The coastal zone established by the Coastal Act does not include San Francisco Bay, where development is regulated by the Bay Conservation and Development Commission.”

2.1.10 EMERGENCY WATER SUPPLY

Comments

On September 16, 1965, EBMUD and the U.S. Navy entered into an agreement to provide an intermittent and interruptible water supply for the sole use of the Navy station at Treasure Island. EBMUD is not the primary supplier for the area and any use of water is for emergency use when full water service is not readily available from San Francisco Public Utilities Commission (SFPUC). Given the changes in land use that are envisioned in the project described in the Draft EIR, EBMUD requests that the 1965 agreement be updated. It is recommended that a new agreement be negotiated upon the termination of the San Francisco - Navy Cooperative agreement. (William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District) [6.1]

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Chapter IX
2. Comments and Responses
   1. Project Description

1. On page II.11, under EXISTING INFRASTRUCTURE, first paragraph, revise the fourth sentence to read “A water supply pipeline (used only in emergencies) extends under the east span of the Bay Bridge and is supplied by the East Bay Municipal Utilities Utility District (EBMUD).” (William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District) [6.2]

2. On page II.52, under Proposed Water Supply, second paragraph, delete the word “supplemental” in the first and third sentences. The water supply from EBMUD to TI/YBI is strictly an emergency supply, and the only permissible use of EBMUD water other than emergency is the quantity of water needed to assure water quality in the pipeline. Any and all additional references throughout the Draft EIR utilizing “supplemental” in regard to EBMUD should also be deleted and replaced with emergency. (William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District) [6.3]

3. On page II.52, under Proposed Water Supply, second paragraph, revise the second sentence to read: “Capacity of the new 12-inch water main will be equivalent to the in place 12-inch main on the existing east span of the Bay Bridge.” (William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District) [6.4]

Response

EIR Chapter II, Project Description, pp. II.11-II.12 and pp. II.52-II.53, discusses the East Bay Municipal Utility District’s (EBMUD) existing and future provision of emergency water to Treasure Island. EBMUD notes that this provision is under a 1965 agreement between EBMUD and the Navy, and recommends that a new agreement be negotiated between EBMUD and the project sponsors. The comment is noted and the project sponsors have received the information.

The fourth sentence in the last paragraph on p. II.11 is corrected to read as requested in the comment (deleted text is shown in strikeout and new text is underlined):

A water supply pipeline (used only in emergencies) extends under the east span of the Bay Bridge and is supplied by the East Bay Municipal Utilities Utility District (“EBMUD”).

The text in the last full paragraph and following paragraph on p. II.52, continuing to p. II.53, is corrected to read as follows in response to the comments and to make additional technical corrections (deleted text is shown in strikeout and new text is underlined):

The Proposed Project would continue to use the existing primary water supply. Water is provided by the SFPUC through a 10-inch-diameter steel pipe attached to the west span of the Bay Bridge. Water is pumped across the bridge by a pumping station located on Spear Street in San Francisco. The maximum output of the pumping station is 1,500 gpm. The SFPUC chloramines the water prior to transmission, and the water does not require additional treatment on Treasure Island. A standby booster chlorine station is available at the water line entry point to Treasure Island for emergencies.

The supplemental (emergency) water supply would continue to be provided by EBMUD, through a new 12-inch water main that is being constructed by Caltrans as part of the new
east span of the Bay Bridge. **Capacity of the current service in-place 12-inch main** on the existing east span of the Bay Bridge. A new 12-inch pipe would be constructed along North Gate Drive on Yerba Buena Island to connect the replacement supplemental emergency water supply line to the proposed new storage tanks (described below). The system has been designed to deliver approximately 1,800 gpm during emergency situations, with a typical average annual flow of 64 to 35 gpm, in keeping with current operations. The water would continue to be chloraminated by EBMUD prior to delivery. The system would only be used in emergencies when the water supply from San Francisco to the Islands is disrupted and for operational flows to maintain water quality.

Similar revisions related to emergency water supply are made to the text in Section IV.K, Utilities, on p. IV.K.47, shown in the response in Subsection 2.13.3.1, Emergency Water Supply, in Section 2.13, Utilities, of this Comments and Responses document.

### 2.1.11 PROJECT LOCATION

**Comment**


**Response**

Figure II.3: Tidelands Trust Land Exchange, in EIR Chapter II, Project Description, p. II.15, shows the boundaries of the TIDA property, which includes a portion of the surrounding San Francisco Bay. As described on EIR p. II.6, the former Naval Station Treasure Island included all the land on Treasure Island, 94 acres of the land of Yerba Buena Island, and approximately 540 acres of unfilled tidal and submerged lands adjacent to the Islands in San Francisco Bay. As noted on EIR p. II.7, “the proposed Redevelopment Plan Project Area includes…the adjacent unfilled tidal and submerged lands mentioned above.”

### 2.1.12 VISUAL FEATURES

**Comment**

Vol. 1, II.24, Project Description, Prominent Visual Features: Residential: Program Ranges are overstated for both TI and YBI. At Plan release, documents show TI with 5800 units and YBI had a maximum of 200 units, but never a range of 150 - 300 units

The 2006 Transfer & Reuse of Naval Station TI Final EIR clearly describes visual features Fig 3-2 attached.

Why does this EIR fail to describe prominent visual features and resources? We ask this to be added. *(Kathrin Moore, San Francisco Planning Commission)* [20.8]
Response

The text on p. II.24 in EIR Chapter II, Project Description, does not use the term “prominent visual features.” The text on that page describes proposed building height limits in the proposed residential districts on Treasure Island, including one area that would allow a tower of up to 650 feet in height in the “Main Tower” zone in the Island Center District. The Project Description does not evaluate the visual effects of the Proposed Project; that evaluation is provided in Section IV.B, Aesthetics. The visual features of the Proposed Project are described and analyzed on EIR pp. IV.B.19-IV.B.29, including eight photosimulations in Figures IV.B.2 through IV.B.8 that illustrate the change in views of Treasure Island without and with a representative massing of possible new buildings based on the proposed height limits and building massing controls included in the proposed Design for Development.

The words “prominent visual features” are not used in the Significance Criteria for aesthetic impacts on pp. IV.B.17-IV.B.18, and therefore were not specifically used in the aesthetic impact analysis. However, the discussion in Impact AE-1 on EIR p. IV.B.21 states that “Implementation of the proposed Redevelopment Plan would create a prominent new cluster of high rise buildings on Treasure Island at the center of San Francisco Bay.” Another sentence later on the same page states, “From these vantage points new construction on Treasure Island would be a prominent new visual presence within scenic vistas of San Francisco Bay…” Similar words are used elsewhere in the analysis of aesthetic impacts. The EIR identifies the substantial change in views of the Proposed Project from the eastern waterfront of San Francisco, the eastern shoreline of the East Bay, Telegraph Hill, and the Bay Bridge east span as significant adverse impacts. Thus, the EIR describes important visual features of the Proposed Project. See also the response in Section 2.4, Aesthetics, Subsection 2.4.6, Impact Analyses.

See the response in Section 2.1.4, Project Land Use, above, for a discussion of the change in numbers of residential units following endorsement of the 2006 Term Sheet.

2.1.13 OBJECTIVES

Comment

I am both concerned and confused, because the project assumptions, particularly those regarding parking, traffic, and auto use, depict a backward mindset modeled on 1950-1990 parameters and fail to properly address the second Land Use Objective, “Provide a model of 21st century sustainable urban development…” [II.4]; nor do they “Demonstrate leadership in sustainable design and provide new benchmarks for sustainable development practices…” [II.5]. (Ron Miguel, Planning Commission) [7.1]
Response

Considerable transit service is included in the Proposed Project, as described on EIR pp. II.35-II.38 and IV.E.33-IV.E.36. The proposed Transportation Demand Management Plan is described on EIR pp. IV.E.45-IV.E.46; its features include ramp metering at the entrances to the Bay Bridge and a congestion management fee proposed to be applied to Island residents. These and similar features of the Proposed Project help to meet project objectives related to sustainability and reduced automobile use listed in Section II.B, Project Sponsor’s Objectives, on EIR pp. II.4-II.6. The Expanded Transit System in Mitigation Measure M-TR-2 has been identified in the EIR as potentially infeasible because providing decreased headways for ferry service would require expansion of the San Franciscoberthing facilities and because sources for full funding have not been identified (see EIR p. IV.E.75). However, the project sponsors are working with WETA and SFMTA to implement the additional transit service, further supporting use of transit and discouraging automobile use.

The project sponsors intend to discourage vehicle use and promote alternative forms of transit, consistent with the basic Project Sponsor Objective to “Implement a land use program with high-density, compact residential and commercial development located within walking distance of an Intermodal Transit Hub to maximize walking, bicycling, and uses of public transportation and to minimize the use and impacts of private automobiles.” (See also the discussion on EIR p. II.45 regarding discouraging automobile use.) The land use plan provides for high-density, compact development, with a combination of residential and commercial uses. An Intermodal Transit Hub and Ferry Terminal are part of the Proposed Project (see EIR pp. II.35-II.38), to be located in the Island Center District, the area with the highest residential density (see EIR p. II.21). A fare-free on-island shuttle service is proposed to provide access for those who do not walk or bicycle to the Transit Hub.

As discussed in EIR Section IV.Q, Mineral and Energy Resources, the Proposed Project includes a renewable energy component, with a commitment to meeting 5 percent of peak electric demand with on-site renewable energy sources (see, e.g., EIR p. IV.Q.11). These features of the Proposed Project are identified in the Sustainability Plan summarized in EIR pp. II.77-II.79.

See also the response in Subsection 2.1.7, Sustainability Plan, above.

2.1.14 INFRASTRUCTURE - WATER

Comment

On page II.61 it states that the use of grey water is currently not allowed. Please update this section to reflect the changes in state and local law that are currently in the works. (Ruth Gravanis) [31.20]
Response

While regular use of gray water may be allowed in the future, its use is currently allowed only under certain circumstances. The discussion of gray water on EIR pp. II.61 and IV.K.19 is revised to clarify this point. The second full paragraph on p. II.61 is revised and a new footnote is added, as follows (deleted text is shown in strike through and new text is underlined):

The California Department of Housing and Community Development allows the use of gray water (water from sinks, showers, and similar sources, captured for local reuse) under certain circumstances.38 is not currently allowed. If changes are made in applicable State and local laws and regulations, individual residential buildings may be constructed with the necessary capture facilities and piping systems for grey water. Use of grey water is not part of the Proposed Project at this time; any future proposed use of grey water would conform to all applicable State and local requirements. Because it is not known where or whether these grey water sources would be used, they are not evaluated further in this EIR.

The new footnote for this text change is shown below, and subsequent footnotes in the section will be renumbered accordingly:


The third paragraph on p. IV.K.19 is revised and a new footnote is added, as follows:

The California Department of Housing and Community Development allows the use of grey water (water from sinks, showers, and similar sources, captured for local reuse) in residential buildings under certain circumstances.45 is not currently allowed. If changes are made in applicable State and local laws and regulations, individual residential buildings may construct the necessary capture facilities and piping systems for grey water. Use of gray water is not part of the Proposed Project at this time; any future proposed use of grey water would conform to all applicable state and local requirements. Because it is not known where or whether these grey water sources would be used, they are not evaluated further in this EIR.

The new footnote for this text change is shown below, and subsequent footnotes in the section will be renumbered accordingly:

45 California Code of Regulations, Title 24, Part 5, Chapter 16A, available via Oasis Design (web site), “California Graywater Standard: Chapter 16A Nonpotable Water Use Systems,” (with link to PDF of official text), available at http://www.oasisdesign.net/greywater/law/california/currentcode/, accessed Nov. 7, 2010. A few highlights are: (1) A gray water system limited to reuse of clothes washer water does not require a permit. Section 1603A.1.1. (2) “Simple systems” with a discharge of 250 gallons per day or less require a construction permit, unless exempted by the local enforcing agency. Section 1603A.1.2. (3) “Complex systems” are all other systems and may have more restrictions on them than the first two types of systems. Section 1603A.1.3.
2. Comments and Responses

1. Project Description

2.1.15 PROJECT DETAILS

Comment

Section II, page II.1 - Add a sentence such as, “The areas of the Islands occupied by these entities are not included in this document” – make it clear the USCG Sector, Station, and residential facilities are not in this project.

Section II, page II.10 - Please include the USCG in the first sentence in the Yerba Buena Island section as follows: “Yerba Buena Island is a natural island that has been used by private parties and by the U.S. Army, Navy and Coast Guard since the 1840s.” (P. M. McMillin, Captain, U. S. Coast Guard) [10.7]

Response

The discussion in EIR Chapter II, Project Description, p. II.1, referenced in the comment, provides an overview of the project site and describes existing conditions. Therefore, it would not be an appropriate place to discuss the exclusion of Coast Guard property from the Proposed Project. However, this fact is noted in several places in the EIR, including Chapter I, Introduction, pp. I.1, I.3, I.7 (including footnote 8), and Chapter II, Project Description, p. II.7.

The first sentence of the last paragraph on p. II.10 is revised as follows to note that the Coast Guard has been present on Yerba Buena Island, along with other military services, since 1840 (deleted text is shown in strikeout and new text is underlined):

Yerba Buena Island is a natural island that has been used by private parties and by the U.S. Army, and Navy and Coast Guard since the 1840s.

Comment

1. Project Description is inadequate and misleading. So many options are given, with the heights expressed as “flex” zones, that it is impossible to tell what the preferred project is. Apparently, completely open-ended “mix-and-match” of component parts is what is desired by the project sponsor. However, the variants are so great and the impacts so different that the Project Description cannot be relied on to describe the so-called preferred project. While one can appreciate that project sponsor wants flexibility, the proposed project must be more or less fixed so that it can be analyzed. (Jennifer Clary, President, San Francisco Tomorrow) [38.1]

Sometimes the options are called variants and they comprise options regarding energy, water, air, greenhouse gasses, etc (Vol II, VI. 1-54);

Another example of options which are called variants are changes in the shape of the Ferry Terminal/Breakwater and size of the harbor and express a wide range in numbers of ferry boat berths and ferry service (Jennifer Clary, President, San Francisco Tomorrow) [38.3]

Recommendation: Provide a single project description that provides the most extreme example of the proposed project in order to allow for appropriately conservative review and mitigation of the project’s environmental impact; (Jennifer Clary, President, San Francisco Tomorrow) [38.4]
Response

The limited flexibility in tower heights provided in the Tower Flex Zones is described in EIR Chapter II, Project Description, and described and analyzed in Section IV.A, Land Use and Land Use Planning, and Section IV.B, Aesthetics. The flex zones are shown in Figure IV.B.10: Proposed Representative Massing Diagram, on EIR p. IV.B.20, in the wire frames that show the area within which a tower taller than the main height limit could be placed. Thus, the EIR provides a complete analysis of this feature of the Proposed Project.

Variants of some of the infrastructure features of the Proposed Project are described in Chapter II in appropriate subsections, and the variants are analyzed in Chapter VI, Project Variants. As explained in the introduction to Chapter VI, variants modify a single feature or aspect of the Proposed Project, unlike alternatives to a proposed project (p. VI.1). They are analyzed in a separate chapter in the EIR to make it easier to understand the differences in impacts that could occur if a variation to that particular part of the infrastructure were implemented. The variants provide optional means of providing transportation or infrastructure improvements necessary to serve the Proposed Project. The variants are provided in order to provide flexibility where there is uncertainty regarding which approach will be feasible or whether approval can be obtained from other agencies with permitting authority over that aspect of the Proposed Project. The impacts of the Proposed Project with variants are fully disclosed using this approach; if any of the variants were to be implemented, the EIR finds either that the impacts would be substantially similar to those of the Proposed Project, or, in the instances of Supplemental Firefighting Water Supply Variant C2 or Breakwater Variant B3, impacts on biological resources could be reduced to less-than-significant levels with implementation of mitigation measures M-BI-8 and/or M-BI-9 identified in Chapter VI, Variants.

2.1.16 INSURABILITY

Comment

One means of testing the viability of the proposed seismic security measure is for the developers and city to provide evidence of the fiscal insurability of both the survivability of the island’s occupants and its structures and to demonstrate so before the DEIR is approved. (Jennifer Clary, President, San Francisco Tomorrow) [38.31]

Response

Obtaining insurance for the development program in the Proposed Project at this stage of the process would not be timely, because entitlements have not been obtained and there is insufficient information about building foundation and structural details at this time. The availability or lack of availability of insurance does not provide any evidence of the appropriateness or “viability” of the geotechnical stabilization methods planned for the Proposed Project. The geotechnical stabilization methods proposed in the conceptual engineering reports for Treasure Island and
Yerba Buena Island were prepared by California Registered Professional Engineers, and peer reviewed on behalf of TIDA by an independent registered geotechnical engineer, who affirmed that the proposed seismic measures would provide effective ground stabilization. The methods proposed are common methods of ground strengthening. All buildings would have to be designed to comply with current seismic and structural codes, taking into account both site-specific geotechnical characteristics gathered through on-site investigations that would follow the ground strengthening mentioned above, and the specific building foundation and structural systems selected by each building’s developer. The EIR discusses seismic safety issues in Section IV.N, Geology and Soils, in Impacts GE-2 and GE-3, on pp. IV.N.24-IV.N.29.

2.1.17 PROJECT DESCRIPTION - 2005 EIR AND 2006 TERM SHEET

Comments

- While the Transfer & Reuse of Naval Station Treasure Island Final EIR in June 2006 describes a project that is primarily focused on public oriented development, open spaces, recreation and residential uses, the 2010 DEIR describes a major private real estate development that seems to maximize investment at the expense of public interest values.

- While over the course of 10 years, well-intentioned planning efforts have tried creating the first green, sustainable neighborhood in San Francisco, the project today has morphed into an irresponsible, out-of-control development proposal, with obvious irreversible and immittible impacts that this EIR fails to objectively evaluate. (Kathrin Moore, San Francisco Planning Commission) [20.2]

2) Why is there no reference to the “Proposed Actions and Alternatives” as stated in the “Transfer and Reuse Naval Station Treasure Island Final EIR 2006”, Chapter 2-8? (William Robberson, President, San Francisco Boardsailing Association) [27.4b]

- Please explain in detail the components of the 1996 Draft Reuse Plan that was analyzed in the 2003 federal Environmental Impact Statement (2003 EIS). Include at least the following:
  • Was any new development proposed for YBI?
  • If so, exactly what development was proposed for YBI?
  • Number of new buildings proposed for YBI and TI.
  • Heights of all proposed new buildings?
  • Number of residential units (rental vs. sales).
  • Square feet of commercial and retail space (resident serving vs. regional).
  • Square feet of office space.
  • Number of hotel rooms.
  • Transportation facilities.
  • Marina development – how many slips.
  • Acres of parks and open space.
  • Total number of parking spaces (on street and off street).

16 Treasure Island Infrastructure Update, Appendix C, cited in footnote 1 in EIR Section IV.N, Geology and Soils, on p. IV.N.1.
• Number of historic buildings proposed to be demolished.

• What were the transportation goals and objectives established by the 1996 Draft Reuse Plan that were considered in the 2003 EIS? Explain what “transit-oriented development” was incorporated into the 1996 Draft Reuse Plan to reduce automobile usage associated with suburban land uses? How many ferries were proposed? How many busses were proposed?

• Using the above list, please explain all changes made from the 1996 Draft Reuse Plan to the 2002 Development Plan, from the 2002 Plan to the Plan considered in the 2005 Transfer and Reuse Final EIR (2005 FEIR), to the 2006 Plan, and from the 2006 Plan to the plan now being considered in this DEIR. Include any other plans not mentioned. Include a chart comparing of all aspects of the Plans, including those items in the list above.

• Please explain how and why the project morphed from what was analyzed in the 2003 EIS to what is being considered in this DEIR. (Vedica Puri, President, Telegraph Hill Dwellers) [39.3]

The 2006 Term Sheet approved by the Board of Supervisors was accompanied by a Transportation Plan, Land Plan, Sustainability Plan and Infrastructure Plan.

• As to the 2006 Sustainability Plan, describe how the project being analyzed in this DEIR differs from the specific recommendations of the 2006 Sustainability Plan. What individual recommendations from that plan are not included or not fully included in the Redevelopment Plan being analyzed in this DEIR? Please list each such recommendation and explain why it has not been incorporated into the Proposed Project.

As to the 2006 Transportation Plan, describe how the Proposed Project being analyzed in this DEIR differs from the recommendations in the 2006 Transportation Plan. What individual recommendations from that plan are not included or not fully included in the Proposed Project / Redevelopment Plan being analyzed in this DEIR? Please list each such recommendation and explain why it has not been incorporated into the Proposed Project.

• Why [is] the Proposed Project being analyzed in this DEIR significantly different that the Proposed Project that was described in the Notice of Preparation of EIR? One example of the major differences between the project described in the Notice of Preparation and this DEIR is the increase in residential units from 6,000 to 8,000 (Vedica Puri, President, Telegraph Hill Dwellers) [39.5]

• What were the mitigation measures proposed and adopted in the 2005 FEIR? Please list each proposed mitigation measure in relation to the significant impacts it addressed – transportation, aesthetics, historic resources, etc.

• What mitigation measures recommended in the 2005 FEIR are not recommended in this DEIR and explain why each such mitigation measure was excluded/not recommended in this DEIR.

• What is the difference in the significant impacts identified in the 2005 FEIR from those identified in this DEIR? (Vedica Puri, President, Telegraph Hill Dwellers) [39.78]
Response

The comments note that prior environmental analyses or plans were prepared for previous proposals at the project site and ask for comparisons and/or inclusion of components of that review such as mitigation measures and alternatives. The TIDA website states the following:17

In 2003, the Navy prepared a Final Environmental Impact Statement ("EIS") for the Disposal and Reuse of Naval Station Treasure Island in accordance with the National Environmental Protection Act ("NEPA"), and in 2006, the City prepared a Final Environmental Impact Report for the Transfer and Reuse of Naval Station Treasure Island in accordance with the California Environmental Quality Act ("CEQA"). The 2006 EIR analyzed the conveyance of NSTI to the City at a programmatic level, and also analyzed the expansion of the Clipper Cove Marina at a project level. In certifying the 2006 EIR, the Planning Commission and TIDA, as lead agencies under that EIR, determined that subsequent project level review would not be tiered from that document, so a new project-level Draft EIR has been prepared for the Redevelopment Plan for the Treasure Island /Yerba Buena Island Redevelopment Project in accordance with CEQA [emphasis added].

The EIR discusses the 2003 EIS and 2005 EIR in Chapter I, Introduction (note that the 2006 EIR identified in the quoted paragraph is the EIR certified in 2005 and generally identified as the “2005 EIR” in this Comments and Responses document). Because the current EIR has been prepared for a specific development plan, it is different from the program-level proposals analyzed in the prior documents. The EIR provides a project-level analysis (see EIR p. I.6). The mitigation measures included in the prior EIR were reviewed and those that would be relevant to the Proposed Project were included or modified as necessary to apply to the current proposal, which is substantially different from the alternatives analyzed in the 2005 Final EIR. As stated on EIR pp. I.4-I.5, all mitigation measures proposed in the 2005 EIR applicable to the Proposed Project that are not expressly restated or restated as modified in this EIR are no longer applicable. Many of the mitigation measures and/or alternatives in the 2005 Final EIR are not appropriate or relevant to the proposal currently under review; others have been incorporated into the Proposed Project so mitigation is no longer necessary. While the current EIR incorporates elements of mitigation measures identified in the 2005 Final EIR where appropriate, the Proposed Project is assessed independently of prior proposals. The current EIR provides a new evaluation of the Project as proposed by the project sponsors, TICD and TIDA. It does not rely on the analysis or conclusions in the 2005 Final EIR, in accordance with the explicit request by the Planning Commission and TIDA. Comparisons of the analysis in the current EIR with those presented in prior environmental analyses are not necessary, required or relevant.

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Planning for the redevelopment of the former Navy base began at the local level in 1994, after the Base Closure and Realignment Commission selected Naval Station Treasure Island for closure. The Proposed Project has been developed over several years of public planning activities, beginning in 2000 when TIDA initiated a competitive process to select a master developer for the project site. The 2006 Term Sheet presented a proposed plan for development that reflected several years of discussion among multiple public bodies, including the TIDA Board of Directors, the Citizens Advisory Board, the Board of Supervisors, and interested members of the public (see EIR pp. I.5-I.6). The 2006 Term Sheet includes a *Sustainability Plan*, as well as infrastructure plans, a *Transportation Plan*, a *Land Use Plan*, and other documents outlining the proposed development program in detail. In response to comments received during the public scoping process for this EIR, and subsequent review of the development program by TIDA, TICD, and various public and City agencies, the Proposed Project was revised to provide an increased number of residential units. The project described in the 2006 Term Sheet is analyzed in the EIR as Alternative B, Reduced Development Alternative. Please refer to the response in Section 2.1.7, Sustainability Plan, above, for a discussion of sustainability.