

DRAFT  
BRISBANE PLANNING COMMISSION  
Summary Minutes of November 16, 2015  
Special Meeting

A. CALL TO ORDER

Chairperson Do called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners Anderson, Munir, Parker, and Chairperson Do.

Absent: Vice Chairperson Reinhardt

Staff Present: Community Development Director John Swiecki, Senior Planner Ken Johnson

C. ADOPTION OF AGENDA

Commissioner Parker moved and Commissioner Munir seconded to adopt the agenda. The motion carried 4-0.

D. NEW BUSINESS

1. PUBLIC HEARING: Brisbane Baylands Final Environmental Impact Report and related Planning Applications. Baylands Concept Plans, Brisbane Baylands Specific Plan, General Plan Amendment Case GP-01-06. Community Group Presentations. Universal Paragon Corporation: Applicant. Owners: Various. APN: Various.

Presentations by the following community groups:

- a. CREBL, Committee for Renewable Energy in the Baylands.

Anja Miller introduced the CREBL team volunteers Prem Lall, Tony Attard, Joel Diaz, Barbara Ebel and herself. The CREBL members took turns giving the presentation and then presented a video. [Note: written presentation notes for the CREBL presentation are attached to these minutes as an addendum.] After the video, Mrs. Miller, Mr. Lall, Ms. Ebel, and Mr. Diaz presented a slideshow reviewing the renewable energy alternative and the kinds of conceptual land uses that CREBL proposed for various locations in the Baylands. [The slideshow may be viewed online at: <http://www.brisbaneca.org/sites/default/files/1%20CREBLPresentationSlides.pdf>.]

Commissioner Parker asked for clarification on CREBL's request.

Mr. Diaz stated that CREBL is asking the Commission to recommend approval of the renewable energy alternative as the concept plan for the Baylands. The next step would be to create a

specific plan, which would have more detail and would be the governing document for the Baylands.

Chairperson Do invited comments from the audience.

Nikki Westercamp stated she and her husband, Dan, were three year residents of Brisbane and supported the CREBL plan. They were drawn to Brisbane as it's a great place to raise a family and they are concerned about what's going to happen to the Baylands and how that's going to affect the place where their daughter grows up. She stated that they wanted to be part of a place that's progressive and moves forward for the environment, and the CREBL plan moves the community in that direction.

b. BBCAG, Brisbane Baylands Community Advisory Group

Mary Gutekanst introduced herself as the Chairperson for the Brisbane Baylands Community Advisory Group (BBCAG). She read from her written comments [attached to these minutes as an addendum].

Commissioner Parker asked if sea level rise was a factor in Mrs. Gutekanst's concerns.

Mary Gutekanst replied there wasn't sufficient information on the sea level rise issue.

Commissioner Parker asked if what's in the lagoon could affect what's on the ground.

Mary Gutekanst responded, yes, what's in the lagoon can affect the shoreline of the lagoon and anybody that goes near it, including the fish that fishermen are eating out of the lagoon. She stated that she sees sea level rise as a different kind of a problem that was likely to increase the amount of leachate from the landfill to make the lagoon even more toxic.

She concluded reading from her written comments.

Chairperson Do invited comments from the audience.

Coleen Mackin said she learned a lot from the presentation, which made it clear the developer is not proposing remediation, but rather mitigation. The proposed mitigation would be a big clay cap over the contaminated soil. In discussing trade-offs with the developer regarding housing and the developer's need for money to remediate the soil, it doesn't sound like they are doing remediation, they're mitigating.

c. San Francisco Trains, Inc.

Cris Hart introduced himself as president of San Francisco Trains Inc., a non-profit corporation registered in Brisbane. He started a slideshow to illustrate his verbal comments. [The slideshow is available to view on the City's website at:

<http://www.brisbaneca.org/sites/default/files/3%20San%20Francisco%20Trains.pdf>.]

He said the Brisbane Bayshore Roundhouse and Tank and Boiler Shop were two of the most significant buildings in Northern California railroad history. The Roundhouse was one of only

three Southern Pacific roundhouses left in the United States and was the only standing brick roundhouse in California. The Tank and Boiler Shop, while not as unique, is still an unadulterated shop building with an interior patina left the way it was when the workers retired there in the 1960's. These buildings and a lone smokestack are what's left of the complex railyard that supported the lives of many hundreds of families over several generations.

Commissioner Parker asked when the picture on slide 10 was taken, showing Engine 966. Mr. Hart replied around mid-1956. He said that tank engine was a perfect example of reuse, as it was converted from a larger engine into a smaller engine to use right there on the turntable by the workers at the Bayshore Shops. The parts for that were fabricated in the Tank and Boiler Shop.

He said to see these buildings vandalized and disrespected by graffiti, a less ambitious person would turn away and expect to see it disappear into some nameless generic corner of a mall. However, he encouraged the Commission to look at the Roundhouse as a shining start for the Baylands, not a dot on the map. He described San Francisco Trains' vision of the restored buildings as a cultural center and attraction, a place to take visitors and let visitors come from far to learn and experience and spend money here in Brisbane, taking advantage of San Francisco's billion-dollar tourist industry. He referenced well-attended museums in San Francisco which all have multiple levels of operations that the average visitor might not see.

Geographically close to the center on a transit hub, Mr. Hart said the Brisbane Bayshore Roundhouse museum could be a destination on that tourist circuit. Well-planned and economically sustainable museums make money from admissions and attractions like a miniature train ride, gift shop, and restaurant and private and corporate rentals. The museum would be symbiotic with the rest of the Baylands development and its footprint would extend as a naturally designed open space between light and industrial areas, or even as a way to experience and see open space.

Mr. Hart said eliminating the developer's proposed road around the Roundhouse would keep traffic noise to a minimum in the cultural area, provide a better view for interpretation and set it back from higher buildings, and accommodate an interchange track for exhibits or even as a destination track which he saw as a key component of a roundhouse museum.

Commissioner Parker asked for clarification on the location of the railroad track based on Slide 16.

Mr. Hart replied that the railroad track could come from the east or the south, following the project development lines or as a division between open space and a development project. Independent of the frequency of use, the rail spurs would be expensive and may not happen right away. He said an easement to the railroad's mainline would be needed. He added that an interchange track or a team dock would benefit light industrial uses in the area.

He reviewed successful roundhouse museums across the country [Slides 17-23]. He then reviewed his organization's proposal for the museum [Slide 24]. He concluded by asking the

Commission to support building a spur and to require a buffer around the Roundhouse, as San Francisco Trains Inc. requested at the public hearing on October 1, 2015.

Commissioner Parker asked if the California High Speed Rail Authority (CHSRA) was interested in working with San Francisco Trains Inc.

Mr. Hart said he had talked informally with HSR engineers six years ago, when their concept of railyard was 30 acres, but he didn't have any ongoing dialogue with CHSRA.

Commissioner Parker asked if Caltrain has been interested in working with the organization.

Mr. Hart replied one member of the San Francisco Trains Inc. Board of Directors was a Caltrain engineer. Mr. Hart said he had talked with Caltrain's maintenance and real estate departments regarding the spur track. Currently, Caltrain's Joint Powers Board is not interested in non-profits and museums, though their former directors were more supportive of the idea 20 years ago.

d. San Bruno Mountain Watch

Paul Bouscal introduced himself. He said he was part of the Baylands Draft EIR (DEIR) committee led by Anja Miller and Commissioner Anderson. He said the document produced by the committee was produced collaboratively, with subcommittees assigned to different chapters of the DEIR working together to better understand the various DEIR components. He highlighted the DEIR's use of the words, "when feasible," which created a loophole in the document that allows for any reason not to carry out any mitigation measures. He felt that was an injustice to the whole process.

He thanked Ms. Gutekanst for her BBCAG presentation, which addressed many of things he was going to bring up pertaining to the wetlands, the mitigation monitoring program, and the inadequacy of surveys in the DEIR. He said the biologists who contributed to the DEIR weren't aware of the circumstances in their field, or in Brisbane in particular, and their assessments in the DEIR were inadequate.

He emphasized the community's contribution to the 1994 General Plan. The DEIR referred to open space as areas that were publicly owned but not necessarily having habitat value, which threatened areas designated as open space in the Open Space Plan, including Icehouse Hill. He read comments from San Bruno Mountain Watch (SBMW) on the Draft EIR, including comment 21 [located on page 5-502 of the DEIR, available on the City's website] and 27 [located on Page 5-503, available on the City's website]. As discussed in the DEIR, sensitive upland habitat on the Baylands project site and Icehouse Hill would be preserved as open space. The DEIR doesn't identify where a new water tank would be located, but wherever it would be located would definitely impact upland habitat.

He said the City of Brisbane has purchased over 45 acres in the Brisbane Acres to dedicate as open space, aided by matching grant funds the California Coastal Conservancy grants, US Fish and Wildlife, and other agencies. Those publicly-owned properties have not been deeded into a

conservation easement, leaving them vulnerable. He said the Brisbane Water Department has identified four City-owned properties in the Brisbane Acres as Water Department properties. He asked if the water tank would be located in the Brisbane Acres, which would mean creating a roadway and other infrastructure for a water tank. He asked if the water tank would be located on the Levinson property to the west of the Baylands, which is part of San Bruno Mountain. SBMW was very concerned with the location of the new water tank and its potential impacts to habitat.

Mr. Bouscal said SBMW was concerned with the DEIR's requirement for 25% of the Baylands to be retained as open space and/or "open areas," privately owned properties without buildings such as lawns, parking lots, and picnic areas. He said it was unclear what the ratio of open space to open areas would be. SBMW was also concerned that some mitigation measures address habitat with rare and endangered host plants or host plants for rare and endangered species, such as the three types of lupine host plants for the Mission Blue butterfly on Icehouse Hill. He said these lupines have been successfully reintroduced in other areas, including the Northeast Ridge. However, Viola cannot be reintroduced, as noted in SBMW's comment 20 on Page 5-502 of the DEIR, which reflects a working knowledge of plant restoration and correctly states unlike standard rare plant mitigation efforts that include restoration in place for impacted plants, efforts to replant the Viola, the Johnny Jump Up or the Golden Violet have not been successful. In response to this and other comments, Mitigation Measure 4.C-1B was revised "consistent with current knowledge of the Viola species limitations in terms of replanting." He said public lands have been sold and traded in Brisbane as open space, and just because Icehouse Hill is in the open space plan doesn't mean that it couldn't be impacted and other areas set aside.

He said the Baylands represent San Bruno Mountain through Visitacion Creek and Guadalupe Creek, its watersheds. Some of the studies conducted for the wetlands were done during the dry season when stickleback wasn't present. He said there were many inconsistent evaluations on the property, and SBMW requests adequate surveys to be conducted. He said there is a lot of valuable riparian habitat, which once were wetlands before they were degraded. He echoed the comments of BBCAG regarding wetlands as a means to manage soil contamination.

Mr. Bouscal concluded by saying that SBMW recommended major revisions to the applicant's proposed General Plan Amendment, Concept Plans, and Specific Plan. He said the Planning Commission could ultimately base their recommendation on: 1) the selection of any one of the Concept Plan alternatives evaluated in the Final EIR or 2) suggest the creation of a hybrid plan incorporating elements from multiple concept plans and alternatives or, 3) identify a new land use plan for the Baylands not described or evaluated in the Final EIR that might arise out of the public hearings and/or Planning Commission deliberation process. As a member of SBMW and a community member, he recommended option 3. He was concerned that UPC representatives weren't at the hearing, as they needed to hear the community's comments and concerns. He said the outcome of this process will come from the community and not developers.

Commissioner Munir said it was in the property owner's best interest to hear what the community had to say.

Mr. Bouscal said it was more about how the comments were being said than what was being said, and the speakers at all the meetings had been very passionate.

Chairperson Do invited comment from the audience.

Mike Ferreira of Moss Beach said he was a former planning commissioner and council member in another town, but for the last six years, he has been the Conservation Committee chair and member of the executive committee for the Sierra Club's Loma Prieta Chapter. He said the Sierra Club had been very committed to formation of a San Mateo County Community Choice Aggregation program through Peninsula Clean Energy (PCE). The Sierra Club was in complete concurrence with the CREBL alternative as the superior environmental alternative. He said that PCE was looking to Brisbane as one of the best opportunities for brownfield power generation in the County. He commended the spirit of CREBL's engagement in the Baylands process. He said the Sierra Club had attended some of the Baylands meetings and would attend more. He recommended the Commission choose the environmentally superior alternative.

Mr. Bouscal said San Bruno Mountain Watch supported the alternative energy plan created by CREBL.

Clara Johnson said Cris Hart spoke of the importance of the legacy of a cultural tradition, and this meeting and all public meetings in Brisbane are a part of that tradition. Not only does it satisfy the legal requirements of a process, but it's also how we take a kind of cultural communion, a virtual one. There is also a tradition of bringing children and realizing their importance too. She provided the Commission with two articles from the LA Times about other situations in which water rights that were held by pre-1914 water right holders were curtailed. [Note: These articles are available to view online on the meeting webpage: <http://www.brisbaneca.org/planning-commission-11-16-15>.]

Ms. Johnson thanked the four groups and the Sierra Club for their comments which were part of that legacy and very important for the community to take into consideration. She said the 1994 General Plan was a repository of dreams of the shared values of a community that was sure about its desire to conserve the landscape and wildlife of the city. The Brisbane community wanted to preserve a small town atmosphere, and a separate and distinct identity of the town and the independent spirit of its people. The General Plan reflects Brisbane's ambivalence about what it might place on the Baylands. Brisbane residents wanted a singular architectural style, to increase creativity, and to conserve, protect and sustain the biological and cultural resources. They wanted to be good stewards of nature and history. They wanted to emphasize open space and not create walls of buildings or trees to block views. They wanted to make sure that the lagoon water was safe so that the lagoon might be used for passive recreation. There are four Baylands General Plan policies- 349, 351, 358 and 363- that solely address water quality in the lagoon. They were concerned for the contamination present in the Baylands and its threat to human health and the environment resulted in General Plan policy 370, which requires risk assessment analysis identifying toxic contamination, landfill limitations and other related and resultant

environmental impacts in order to address, mitigate and disclose the characteristics of its suitability for safe development.

She said the developer hasn't finished that analysis and hasn't determined the landfill's extent in all directions. They haven't adequately determined the groundwater flow in the rail yard. They haven't answered questions about the impact of sea water infiltration into the landfill's garbage and the chemical reactions that would result to create sulphur dioxide. They haven't addressed how sea level rise and its subsequent infiltration into volatile organic compound (VOC) contaminated groundwater, plus extensive grading will impact the path of that groundwater which in turns create soil vapor that could endanger people in buildings above the contaminated soil vapor. She said the community's shared values of protecting its people and the environment have not been met with this Project EIR, nor have the values of maintaining a small town character and maintaining a separate and distinct identity for the town been met by the four major alternatives. The alternatives are an affront to the goals of the General Plan, which says Brisbane will be a place where residents reciprocate for the respite given by open space and natural areas by respecting the land and the waters for future generations and where citizens are judicious in the use of water and energy.

She said these words must be applied to the developer's proposed project, which includes buildings up to 10 stories, built on contaminated fill land in an area threatened by sea level rise. The water to be used in these buildings must be pumped, using lots of energy. The water needed to supply the project would be brought from hundreds of miles away and is of an uncertain reliability. She said the developer's large project is ill-advised and unnecessary. The traffic circulation, greenhouse gas and air pollution impacts cannot be mitigated by the lowest significant level.

She continued that the City of San Francisco stated that the traffic impacts may be understated even though they already cannot be mitigated below significant levels. A goal of Chapter 10 of the General Plan is that there be peace and quiet. How will there be any peace and quiet when the traffic will be heavy on all the arterial roads and on the freeway and there will be 20 years of pile driving and construction traffic? The planning section of the 1994 General Plan listed noise levels that were very high in the Baylands from Highway 101, Bayshore Boulevard and Caltrain which all created noise of 65 dba CNEL. That is the level that the FAA requires noise mitigation from airplane noise. Highway 101 blasts 65 dba for 1,400 feet into the Baylands, more than a quarter of a mile. Caltrain creates 65 dba for 175 feet on either side of the tracks and Bayshore Boulevard creates 65 dba, 250 feet in from that side of the Baylands. She said the noise level 21 years from now, including HSR, would be even greater.

She said aesthetics create a state of mind that allow people to relax and feel pleased by their surroundings, promoting creative thinking and a sense of possibility and hope. She said it was impossible to judge the aesthetics of the project because all we have is blank boxes or generic building illustrations. The developer's plans have some standards for building appearance, but no specific proposals. She said a coherent design was required, inspired by the location and its

natural environment. The design's guiding principle should be how to use the open space, wetlands, wildlife habitats, urban relief and mud flats that comprise the current Baylands to highlight their importance to sustaining the quality of life for all living things located here. The design should envision that creation will be integrated into the existing waterways and restored wetlands. Buildings should be located within this context and with attention paid to contaminated areas, sea level rise and access and circulation efficiency, and with regard to the need to screen and soften the industrial uses in particular, but to do so with all buildings.

She said the city brought prominent speakers to the community during the Baylands speaker series of 2006 and 2007, including a class of UC Berkeley landscape architecture students. Two speakers in the series offered organizing ideas that could be used to solve several issues. Dr. Charles Jencks said he saw the site as an opportunity for the rebirth of the area tied to San Bruno Mountain and that it could be a significant urban park with three or four anchors features, such as a Guggenheim museum, Pacific art museum, a corporate headquarters, or a sustainability center or an archeological museum of the Bay, its tributaries and watersheds. She suggested locating four significant open space features wetlands among them, along a north-south access following the north-south access of the San Francisco Peninsula.

She said a second Baylands speaker, Richard Register, noted the need to bring nature back to cities by day-lighting streams, passive architecture and green roofs, and using wind and solar energy sources. She suggested adding restoring and creating wetlands. The UCB landscape students proposed islands, ponds and refigured land forms.

She said the community needs to dream expansively with the knowledge that the Baylands represents many challenges. The only alternative that made sense was the renewable energy alternative, which should be integrated into an orientation like that discussed by Dr. Jencks complimented by Mr. Register's proposed day-lighted streams and green roofs. She said businesses focused on sustainability could find a space, such as Recology's project or a heavily attenuated conditioned and screened high speed rail yard. She said whatever is done must be carefully crafted with a light, deft hand that lovingly designs the details while the big ideas are tethered to the integrity of the lands and waters ecological history which must be respected and sustained.

Commissioner Parker asked Ms. Johnson if she thought the renewable energy alternative was acceptable, and whether she recommended the Commission to certify the EIR.

Ms. Johnson responded that if the Commission decided the EIR was inadequate, the Commission could recommend preferred land use suggestions knowing that the project would not go forward at the moment. She said she though the Commission could express their preferences and go either way on the EIR. She deferred to staff in regards to the technical details of crafting a recommendation to the City Council.

Chairperson Do asked staff to respond to Ms. Johnson's comments.

Director Swiecki said the Commission would review all the potential options during their deliberations.

Chairperson Do welcomed comments from the audience.

Anja Miller said she understood the Commission could comment on their land use preferences and identify what additional information may be required in the EIR for the preferred land use. She said the CREBL alternative was just a concept that designates land areas for various kinds of land uses. She said additional study would be needed to actually look at the environmental impact of the alternative in detail, including mitigation measures that may be required. She said the Commission cannot possibly recommend certification of the EIR at this point; it would be contrary to everything they have heard. She said the Commission could recommend to the Council that they pursue a certain land use alternative, and the Council could then send the issue back to the Commission to draft a more specific proposal for the Council's review.

Chairperson Do thanked the representatives from the four community organizations for their commitment and time. She asked the community organizations if they had collaborated on their various proposals.

Anja Miller said CREBL first started after Have Your Say Day, where a lot of good ideas came from the community. She said they had met with the developer's representative Jonathan Scharfman to discuss their respective proposals amicably, and it was clear that there was a conflict of goals. She said CREBL understood that private interests have their goals and citizens have theirs. She said CREBL asked the developer to help determine the potential for wind power at the Baylands, which they did with staff's assistance. An anemometer was installed in the Baylands that measured wind for a year and a half, and still exists today. As a result of this collaboration with the developer, the CREBL alternative prioritizes solar energy over wind energy. She said CREBL and the developer have different goals and it was up to the Commission as decision makers to decide who they represent.

Cris Hart, San Francisco Trains Inc., said he had been friends and community associates with everybody in this audience for a time, and all of the organizations had a lot of common ground. He said these meetings were a perfect forum for that collaboration.

Commissioner Anderson said Mr. Hart gave him a tour of the Roundhouse, and he had done that for CREBL members and many members of the community.

Paul Bouscal said San Bruno Mountain Watch supported CREBL's vision.

Chairperson Do asked the other community groups if they supported CREBL's plan as the Concept Plan.

Commissioner Parker said she was a member of BBCAG which was a community action group that looked at the contamination and remediation of the Baylands and she didn't think BBCAG could take a position on the Draft EIR alternatives.

Commissioner Anderson suggested that the better way to phrase the question was whether CREBL's proposal conflicted with any of the groups' proposals.

Chairperson Do said she wanted to make sure she understood all of the community groups concerns and to what degree that CREBL plan would address those concerns.

Paul Bouscal said San Bruno Mountain Watch supported the comments of Mary Gutekanst and BBCAG and shared many of the same concerns.

Barbara Ebel said CREBL had the support of the City and County of San Francisco and the State Land Commission, in writing, and she believed the Candlestick Preservation Association as well although she could not confirm that.

Anja Miller said she was a former member of the BBCAG, which served as an advisory committee to the State Department of Toxic Substance Control and not a local citizen group. The BBCAG was formed to complete an ad hoc task and did not exist anymore, so it could not take a position. BBCAG members concentrated on that task and feel they did their best as citizens. She referred to the recent citywide Baylands survey which showed significant community support for renewable energy and open space.

Outside Counsel Allison Krumbein reminded the Commission that only community group presentations were agendaized for the meeting, and cautioned the Commission against straying into deliberations.

Chairperson Do asked if there were any additional recommendations from any of the four groups, in terms of adding to the CREBL plan.

Cris Hart said he was in the CREBL video as a private citizen. As a representative of San Francisco Trains Inc., he spoke for the Board of Directors of the organization. The organization's goal was to promote historic preservation and reuse of the Roundhouse and has not taken a position on any other groups' proposal.

Commissioner Munir thanked the community groups.

Commission Parker moved and Commissioner Munir seconded to continue the public hearing to the December 1, 2015 meeting. The motion carried 4-0.

#### E. CONSENT CALENDAR

None.

#### F. ORAL COMMUNICATIONS

None.

#### G. WRITTEN COMMUNICATIONS

None.

#### H. ITEMS INITIATED BY STAFF

Director Swiecki said there would regular business items for the December 10<sup>th</sup> meeting and suggested the Commission start the meeting early, perhaps at 6:30 p.m. so the applicant could do their Baylands presentation at 7:30 p.m. He mentioned these items are tentative right now.

#### I. ITEMS INITIATED BY THE COMMISSION

None.

#### J. ADJOURNMENT

Commissioner Anderson moved and Commissioner Munir seconded to adjourn to the special meeting of Tuesday, December 1, 2015 at 7:30 p.m. The motion carried 4-0 and the meeting adjourned at 9:38 p.m.

Attest:

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John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at [www.brisbaneca.org](http://www.brisbaneca.org).

## CREBL Presentation Nov 16, 2015 – Final

**Prem:** Our group of Brisbane citizen volunteers presents tonight the alternative of seizing our city's unique opportunity to convert the toxic brownfield otherwise known as the Brisbane Baylands into a 100-acre solar farm with an additional 1 million square feet of development. Our alternative would produce millions of dollars in revenue, utilize clean energy to generate electricity for Brisbane, reduce greenhouse gas emissions, advance the implementation of our City's recently adopted Climate Action Plan as well as the Sustainability Framework for the Baylands. All these actions will reduce our collective carbon footprint.

With such close proximity to the Martin power substation at the intersection of Bayshore Blvd. and Geneva Ave., electricity generated from the solar farm we describe in our alternative would have potentially immediate access to the power grid, unlike solar farms elsewhere which require hundreds of miles of power transmission lines which lose significant amounts of energy to resistance.

The alternative plan we propose, unlike the other plans, will help prevent the gridlock no one in Brisbane wants to see here, thereby protecting our environment from additional pollution.

Other related benefits of this alternative, such as low maintenance and lower water needs, are readily apparent.

- 1) Tony:** Our clean energy plan was born many years ago, when we participated in the community-wide Have Your Say Day. All the groups of people gathered around tables pointed out the kinds of land uses they wanted in the Baylands, and all of them said wind power should be included. So based on those preferences we formed CREBL, the Committee for Renewable Energy in the Baylands, and created a plan we thought would make sense.

In 2009 we went to the City Council and asked to have our plan included and evaluated at the same level as the UPC plan,

which at that time did not include wind power -- or housing either. The Council agreed. In 2011 a new Notice of Preparation was issued that did include the Renewable Energy Alternative, but it was the very last page of the notice.

In the meantime, UPC agreed to pay for measuring the actual wind power potential in the Baylands, and the results were average 9 miles per hour, enough for only low-wind turbines. It turned out that solar power generation would be a better way to serve us all. And with the prices of PV panels coming down more and more in the past few years, that opportunity has been getting better and more feasible.

**2) Anja:** To make our fellow Brisbane residents more aware of this alternative idea, we've had a booth at the Family Festival for 9 years. The CREBL symbol is a simple toy pinwheel whirring in the wind and reflecting the sun. We started distributing the pinwheels, and many people in town put the pinwheels in front of their houses to show their support of clean renewable energy from our plentiful sun and wind. We also put together a short video, which we'll now show you.

**3) Video**

**4) Anja:** On the slides you'll see next is the map of the Renewable Energy Alternative and the kinds of conceptual land use that we propose for various locations in the Baylands:

Around the Caltrain station, on the west, would be the kind of retail typical of most attractive, functioning train stations, serving both workers and the thousands of new residents nearby in San Francisco and Daly City. We also see offices and R&D type buildings here. All

this could happen even before the Geneva Extension with its Rapid Bus Transit is built. And no buildings would block the wind from reaching the fine Candlestick windsurfing area as before.\*

Then on the landfill \* Recology will expand to produce another kind of sustainable renewable energy, biomass from zero waste. The existing lumberyard, we understand, would move south and west of Tunnel Avenue.

South of Recology would be the 100 acres where we propose to locate the solar farm. In addition, along the Geneva extension, in the famous “Candlestick wind tunnel” there would be a dozen or so low-wind turbines using about 34 acres.\* Here is just an example of the many recent technological innovations in addition to the huge blades we usually see. These turbines are not bird-killers.

\* As said before, CREBL’s plan includes the preferred open space and wetlands restoration sites as expressed by the community long ago.

\* And the historic Roundhouse ruins we hope will be rebuilt to serve as an exhibit of Brisbane’s past, with a live steam engine huffing and puffing on its own stretch of track.

- 5) Prem:\*** The most significant scientific study of the feasibility of the utility-scale solar farm was conducted by the federal EPA/NREL a few years ago. At that time they found our alternative plan feasible both technologically and economically. Since then the prices of PV panels have come down almost 75%, which further raises the real potential benefits to our community. The City’s economic analysis of all the Baylands

plans is yet to come, so then we should have some up-to-date figures.

**6) Barbara:** The EIR many of us have been studying identified the Renewable Energy Plan as the superior alternative.

- It is the only concept plan designed to actually implement Brisbane's General Plan, the "constitution for our future development."
- It is supported by hundreds of Brisbane citizens, the City and County of San Francisco, and the State Lands Commission.
- It is compatible with the potential High-Speed railyard, which if chosen, could occupy the same acreage of land and have the PV panels on top.
- It is most competitive and energy positive in that it would provide power not only to the development proposed but for the rest of the city. \* Here is a table that shows the current energy demand of our homes and businesses, and the megawatts that could be generated on the Baylands.
- Within a year from now, when the Peninsula Clean Energy is formed as a Joint Powers Authority by San Mateo County and its cities together, including Brisbane, the renewable energy generated on the Baylands could become a major resource of what's called "distributed generation" by that non-profit agency to benefit us all.

\* Based on the EPA/NREL calculations, we have made a comparison of demand and supply of energy between the developer's massive proposal and the much less intensive CREBL plan. As you can see, we could have a big net surplus to serve us all.

**7) Joel:** As a Brisbane resident and local businessman in real estate I endorse the Renewable Energy Alternative Plan. Based on the environmental and utility benefits to Brisbane that can be

gained by the CREBL Plan, we ask you, Madame Chair and Commissioners, to choose our plan as your preferred basis for land use in the Baylands. Because at this stage it is still a CONCEPT plan, we ask that your Commission recommend to the Council that this alternative be developed further into a SPECIFIC plan that would include the necessary and appropriate details such as building heights, streets and other infrastructure.\*

**Thank you!**

Mary Gutekanst for the  
Brisbane Baylands Community Advisory Group (BBCAG)  
Remarks to the Brisbane Planning Commission regarding Baylands Final EIR  
November 16, 2015

RECEIVED  
NOV 16 2015  
Comm. Dev. Dept. Brisbane

The BBCAG submitted lots of comments on the Draft EIR related to hazards to human health and the environment. I'm not going to repeat those comments. However, I hope that the Planning Commissioners and members of the City Council read those comments, and consider them as they decide what kind of uses they will recommend in the Baylands.

I want to organize these remarks under three topics:

1. There are many important things that we don't know about the Baylands.
2. The Mitigation Monitoring and Reporting Plan does not adequately address long-term monitoring and maintenance needs.
3. What happens when Brisbane doesn't approve the landowner's plan for development?

#### Important things we don't know about the Baylands

First, we don't know about contamination in the lagoon. The EIR argues that we don't need to have baseline information about the lagoon, because proposed development isn't going to affect the lagoon. However, just because there is no building proposed in the lagoon proper does not mean that the lagoon won't be affected by development next to it.

Whatever happens on the Baylands will increase traffic, and increase contamination from runoff from the streets. There is going to be grading, and that means dust and silt entering the lagoon. There are proposals for active and passive recreation along the lagoon, and that will affect wildlife, and it will increase exposure to contaminants in the lagoon.

The lagoon waters and lagoon sediments have to be sampled and analyzed for contaminants that are potentially harmful to people and to wildlife.

Another area of partial ignorance is the delineation of water-bearing layers under the surface. There is a plume of VOC contaminants in groundwater below the Schlage Lock

Mary Gutekanst for the  
Brisbane Baylands Community Advisory Group (BBCAG)  
Remarks to the Brisbane Planning Commission regarding Baylands Final EIR  
November 16, 2015

Page 2

site, and the plume extends into OU1 on the Brisbane side of the property. The VOC plume was treated with substances intended to eventually break down the VOCs into non-toxic substances. While this treatment was going on, the consultants who were working on the plume concluded that earlier characterizations of the geology and hydrogeology were misleading.

Those consultants reproduced some cross-sections of the water-bearing units. Copies of those cross-sections are attached to the text of my remarks. My point is that the various water-bearing units are not as uniform nor as distinct as suggested in various parts of the EIR.

There is another important point to be taken away from looking at these cross-sections. That is that the water-bearing unit, or aquifer, that is referred to as the Colma Formation, as well as the fill layer which intersects with the Colma Formation, receive recharge from the surrounding hillside. Water drains from the surrounding area into the fill and into the aquifer. That water will carry contaminants into the Bay and into the lagoon.

There's a scenario that's been put forward by the landowners' consultants that says that caps will prevent water infiltration into the fill, and therefore the buried contaminants will not come into contact with the environment. That scenario is no more than wishful thinking.

What will be the effect of sea level rise on the contaminants in the Baylands? If more of the fill material is in contact with larger volumes of water, we can expect increased contamination in the Bay and the lagoon. There is no forward-looking analysis in the EIR of mitigations for increased contamination of the Bay.

Members of the BBCAG have argued for many years that wetlands can be designed to remove toxic substances, and to contain contaminants or to change their chemical compositions to make them less harmful to the environment. A distinguished expert in the field of constructing wetlands for decontamination spoke at a BBCAG meeting a couple of years ago, and we were fortunate to be able to film his presentation. There is a link to

Mary Gutekanst for the  
Brisbane Baylands Community Advisory Group (BBCAG)  
Remarks to the Brisbane Planning Commission regarding Baylands Final EIR  
November 16, 2015

the video on the BBCAG's website at BBCAG.org. Properly designed wetlands will actually remove contaminants, not just cover them up for a time. They should be part of any plan for expanding the uses on the Baylands.

Other things that are as yet unknown include the exact composition of the waste. The site received military and hospital waste streams. Is there radioactive waste out there? It would be prudent to assume that there is.

Even where certain contaminants are documented, the exact location is not known— for example, where is the bulldozer that sank into the muck? What are the exact locations of the piles of tires that are documented in old news videos?

The EIR deals with all these unknowns by requiring geotechnical investigations before building or grading, and by saying that these unknowns are the concern of regulatory agencies like the Department of Toxic Substance Control, the Water Quality Control Board, and San Mateo County.

But there are interconnections between different areas that are as yet improperly understood. There's a big pile of toxic substance A underneath area X, but it's leaking out into the bay at area Y.

What happens when the Baylands gets divided into parcels and sold off to different entities?

#### Mitigation Monitoring & Reporting

The MMRP does not take into account the long-term monitoring that will be necessary if we want to minimize exposure to harmful contaminants.

The MMRP says, "Mitigation monitoring activities, including costs for the designated Monitoring Coordinator shall be paid for by the Baylands developer." What developer? How long are Tuntex's successors going to be around?

Mary Gutekanst for the  
Brisbane Baylands Community Advisory Group (BBCAG)  
Remarks to the Brisbane Planning Commission regarding Baylands Final EIR  
November 16, 2015

Page 4

If there's no "development" going on at some point, does that mean there's no monitoring?

If you look at the MMRP matrix, the items related to "adverse effects on riparian habitat" (starting on p. 4-28) refer, for the most part, to grading and construction design. Compliance is indicated by: "Issuance of permits for grading or other ground disturbing activities in compliance with Mitigation Measure 4.C-2a" and Measure 4.C-2b and Measure 4.c-2c "... along with approval of site-specific development projects in compliance with Mitigation Measure 4.C-2c."

There are some conditions related to wetland creation/enhancement that refer to monitoring over the first 5 years. What happens after that? After 5 years everything takes care of itself?

On p. 4-60, the impact "increase in the amount of runoff and potential flooding" is covered. Once the city engineer approves the designs, that mitigation is done. What if something doesn't work as designed? What if proper maintenance isn't carried out? Who is checking on that?

On p. 4-34, the property owners' association is designated to enforce rules against feeding feral cats and prohibiting unleashed domestic animals. Restrictions like these are important protections for the large numbers of birds who use the wetlands and other areas. Why should we rely on a POA to decide how much energy they're going to put into enforcing these restrictions?

There is no plan to remove all the toxic contaminants in the Baylands. It will be toxic forever. The applicant plans to install covers: dirt, asphalt or concrete, some non-porous materials. Sooner or later, the caps will fail. Who monitors the caps over 600 acres?

There will be restrictions on digging and plantings. If you put trees that will develop deep root systems on top of the cap, those roots will grow through the caps and potentially transport contaminants above the surface. If you have ever had tree roots in your sewer

Mary Gutekanst for the  
Brisbane Baylands Community Advisory Group (BBCAG)  
Remarks to the Brisbane Planning Commission regarding Baylands Final EIR  
November 16, 2015

Page 5

drain, you know that roots can grow through a lot of substances. Who is going to monitor plantings across this 600 acres?

I'm just pointing out a few things that will need to be monitored forever. I don't see provisions for that monitoring in the EIR.

In an earlier presentation, former Mayor Clara Johnson discussed setting up an independent monitoring and maintenance entity that would be funded by all the landowners and/or developers. Ms. Johnson noted that a Mello-Roos district could be a way to fund such an entity. A property owners' association would not necessarily be motivated to investigate potential problems with contaminants. City of Brisbane staff are neither equipped nor motivated to deal with them. And of course we constantly hear that City staff do not have time to perform many functions that are suggested by residents.

Dr. G. Fred Lee was very clear in recommending that an independent body be responsible for monitoring and maintenance. Such a body should be part of any plan for use of the Baylands.

### The future of the Baylands

There are a number of possible scenarios for the next 20-30 years on the Baylands.

What happens if the EIR is approved, but the City of Brisbane does not approve a development plan that the property owners want to follow?

Will the property just sit there for another 20 or 30 years until the property owners think the political climate has become more favorable to them? The EIR doesn't expire. It would still be the starting point for whatever anyone wants to propose 30 years from now.

Will the owners sell off the property in pieces? How will this EIR fit a pattern of multiple owners? How will the new owners deal with interconnections between

Mary Gutekanst for the  
Brisbane Baylands Community Advisory Group (BBCAG)  
Remarks to the Brisbane Planning Commission regarding Baylands Final EIR  
November 16, 2015

Page 6

different parcels? Many of those interconnections are imperfectly understood right now, part of the many things we don't know about what's out there.

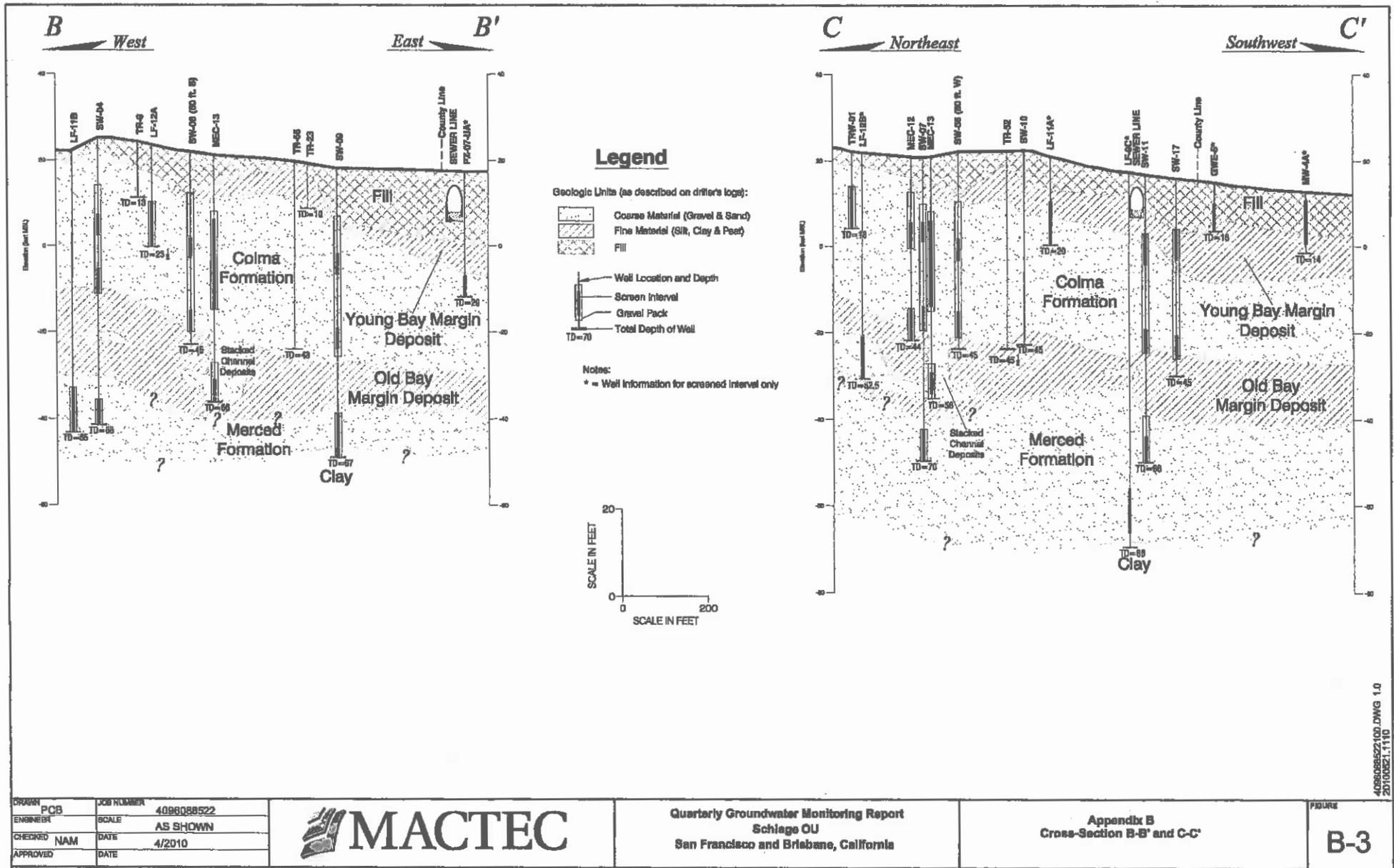
Will the owners pick and choose the elements of a plan that the city approves, going ahead with some elements and then walking off before other elements are completed? How does that affect the mitigations included in the EIR?

What happens if the EIR is not approved? The City of Brisbane can request that the applicant present a plan for development that the City Council and the residents would be likely to approve. When the applicant presents such a plan, the environmental review resumes.

You can recommend that the City Council proceed in this way, and you can recommend what elements need to be included in any future plan.

I encourage you to recommend a permanent, independent entity to monitor compliance with environmental mitigations, and compliance with development agreements.

I further encourage you to recommend inclusion of wetlands that are designed to treat the contamination that was dumped into the Bay.



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CHECKED	NAM	DATE	4/2010
APPROVED		DATE	

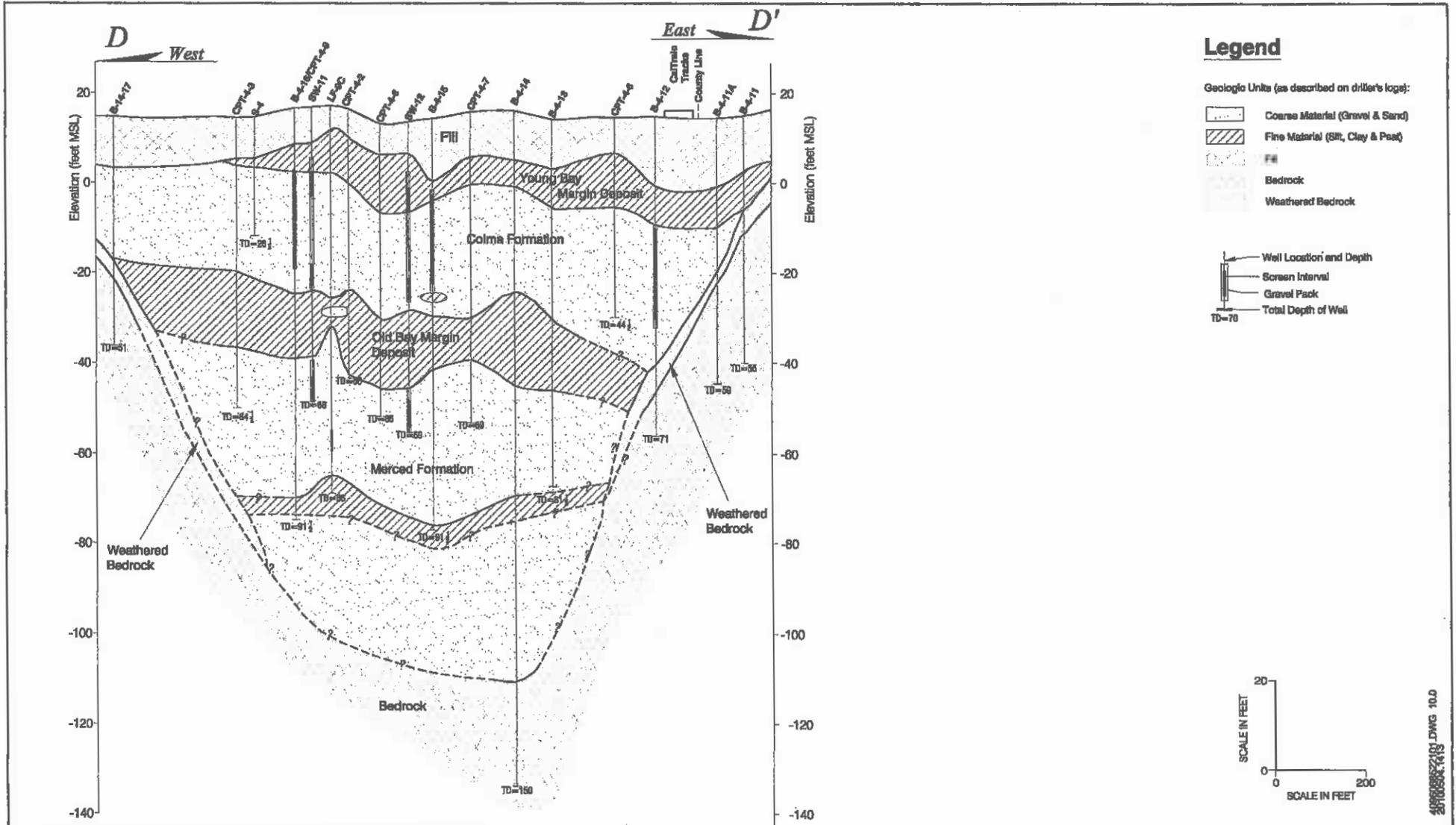


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Schlaga OU  
San Francisco and Brisbane, California

Appendix B  
Cross-Section B-B' and C-C'

FIGURE  
B-3





DRAWN	PCB	JOB NUMBER	4088098522
ENGINEER		SCALE	as shown
CHECKED		DATE	4/20/10
APPROVED		DATE	



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Cross Section D-D'

FIGURE  
B-4